

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

May 26, 2009

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

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at 10:03 a.m. by Vice 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 Mike Anaya [present for 5:00 public hearing]
Commissioner Harry Montoya [present for first part of meeting]
Commissioner Kathleen Holian
Commissioner Liz Stefanics
Commissioner Virginia Vigil

Members absent:

[None]

V. INVOCATION

An invocation was given by John Salazar, after which a moment of silence was observed for Saturnino Martinez, father of County Assessor Domingo Martinez who recently passed away.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair. We have the following amendments to today's agenda. The first coming under from Matters from the Commission, X.A. Staff actually already acted on this at the administrative meeting in April, so we can withdraw item A, which is a proclamation recognizing National County

Government Week. We've already done that.

Then, Mr. Chair, continuing on with the agenda, moving to page 4 of the agenda, under XII, Staff and Elected Official Items, we would like to move item A. 1 from the County Clerk, the resolution authorizing the creation of additional voting precinct. We want to move that to Matters from the Commission, and that will be the new item A under Matters from the Commission. We would also like to move item C, Community Services Department 1, the update on open space and trails program. We would like to move that under Matters from the Commission also to become the new item X. C.

And finally, Mr. Chair, we would like to able item F. Matters from the County Attorney, 1, which is the update and discussion concerning the proposal that the County provide wholesale water service to the Las Campanas development.

Other than that, Mr. Chair, staff has no other changes to the agenda.

COMMISSIONER MONTOYA: Okay. Any other changes? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I have just a few quick questions under the Consent Calendar. Will you be taking those at this particular time?

COMMISSIONER MONTOYA: That's next.

COMMISSIONER VIGIL: Okay. Then what I would recommend, Mr. Chair, I think many of us have received emails on our public hearings both item A and B under XIII. One is the document data charging and the other is the solid waste permit fees. There have been requests from members of the community to gain further insight, to gain further clarification on these particular items. And I think the consensus of the community is they are action items for this evening. I do believe we should keep them on the agenda, that we should have a public hearing, but that no action should be taken on them and that they should have two public hearings. That would be a recommendation from me, Mr. Chair. That's how I would approve the agenda and that's the condition of approval that I move we approve this agenda.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTOYA: Okay, we have a motion by Commissioner Vigil. Second by Commissioner Holian.

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

COMMISSIONER MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair and Roman, what is our timing to enact anything – and I'm in total support of this. I would just like to know the timing for enacting an ordinance that would take place July 1?

MR. ABEYTA: It would be 30 days before, right? Mr. Chair, Commissioner Stefanics, the item or the ordinance wouldn't become effective for 30 days, so it wouldn't be effective July 1. It will be effective July 6 if you adopted it June 6th, which is our – it's 30 days after you adopt it, so it will be too late for July 1. It would have to go into effect at some other point in July.

COMMISSIONER STEFANICS: So Mr. Chair and Roman, would we just

continue – for example, would we just continue the solid waste passes for this year and make the new ones effective July 6th or whenever we decide?

MR. ABEYTA: The date would be July 9th, and we would have to work something like that out. We would give people the option, probably for that week or two to continue using their old pass or wait until they purchase a new pass. We could figure something out; we would have to.

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

COMMISSIONER MONTROYA: Okay. And I'll just add that I also support this, Commissioner Vigil. I've been getting phone calls already and emails regarding particularly the increases in the solid waste permit fees. So that gives me a little time to be able to hopefully address some of the concerns that I'm hearing from constituents in my district. So with that, we have an agenda as amended and with the addition that the items XIII. A on the database be a preliminary hearing today, as well as B. 1, preliminary hearing for solid waste permit fees.

The motion passed by unanimous [4-0] voice vote.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

COMMISSIONER VIGIL: On Consent, Mr. Chair, I would like to get some more information on item XI. A. 4, XI. B. 4, B.7, B. 9, B. 10 and B. 14. I'd like those removed for discussion.

COMMISSIONER MONTROYA: Okay. Any other removals? Okay, seeing none, could I have a motion?

COMMISSIONER VIGIL: I move to approve with amendments.

COMMISSIONER STEFANICS: I'll second.

COMMISSIONER MONTROYA: Motion by Commissioner Vigil, second by Commissioner Stefanics. Any further discussion?

The motion passed by unanimous [4-0] voice vote.

XI. CONSENT CALENDAR

A. Budget Adjustments

- 1. Resolution No. 2009-93. A Resolution Requesting an Increase to the Fire Impact Fees for the Agua Fria and Chimayo Fire Districts for Capital Expenditures in Fiscal Year 2009/\$110,000 (Community Services Department)**
- 2. Resolution No. 2009-94. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget a Grant Awarded Through the New Mexico State Fire Marshal's Office to**

Purchase a Class a Pumper Truck/\$100,000 (Community Services Department/Fire)

- 3. Resolution No. 2009-95. A Resolution Requesting an Increase to the GRT Revenue Bond Debt Service Fund to Budget Prior Year Cash Carryover for the Debt Service Payment on the Judicial Court Complex Revenue Bond for Fiscal Year 2009/\$322,798 (Administrative Services Department/Finance)**
- 4. Resolution No. 2009-___. A Resolution Requesting to Establish the General Obligation Bond Series 2009 Fund (335) to Budget Bond Proceeds Totaling \$17,251,547.50 Issued for the Following Purposes: \$500,000 for Open Space, Trails, and Parks; \$12,350,000 for County Roads; \$2,650,000 for Fire Safety Facilities; \$1,000,000 for Water Projects; and \$500,000 for Waste Transfer Stations (Administrative Services Department/Finance)**
ISOLATED FOR DISCUSSION
- 5. Resolution 2009-96. A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded through the New Mexico Department of Transportation for the "Click It or Ticket Mobilization" Program for Seatbelt and Proper Child Restraint Usage / \$6,552. (County Sheriff's Office)**

B. Miscellaneous

- 1. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of April 2009 (Administrative Services Department)**
- 2. Review and Discussion of the Accounts Receivables for All Funds for the Month of April 2009 (Administrative Services Department)**
- 3. Resolution No. 2009-97. A Resolution Authorizing the Surplus of Fixed Assets in Accordance with State Statutes (Administrative Services Department/Finance)**
- 4. Resolution No. 2009-___. A Resolution Authorizing Retroactive Sales of Personal Property to the Rodeo Property, Inc. in Accordance with State Statutes (Corrections Department)**
ISOLATED FOR DISCUSSION
- 5. Request Authorization to Accept Amendment No. 4 to Agreement # 26-1807-CORR/FS Between Santa Fe County and Norton J. Bicoll, DDS. The Purpose of This Amendment Is to Extend the Term of the Agreement Through June 30, 2010, and Increase Compensation By \$100,000 (Corrections Department)**
- 6. Request Authorization to Accept Amendment No. 4 to Agreement # 26-1826-CORR/MS Between Santa Fe County and**

- Lovelace Health System, Inc. dba S.E.D. Medical Laboratories. The Purpose of this Amendment is to Extend the Term of the Agreement Through June 30, 2010, and Increase Compensation by \$57,000 (Corrections Department)**
- 7. Request Authorization to Accept Amendment No. 4 to Agreement # 26-1827-YDP Between Santa Fe County and La Familia Medical Center, Inc. The Purpose of this Amendment is to Extend the Term of the Agreement Through June 30, 2010, and Increase Compensation By \$30,000 (Corrections Department) ISOLATED FOR DISCUSSION**
 - 8. Request Authorization to Accept Amendment No. 7 to Agreement # 26-1822-CORR/JC Between Santa Fe County and Summit Food Service LLC. The Purpose of This Amendment Is to Extend the Term of the Agreement Through June 30, 2010, and Increase Compensation By \$1,268,080 (Corrections Department)**
 - 9. Resolution No. 2009-___. A Resolution Imposing an Annual Liquor License Tax Upon Persons Holding State Liquor Licenses (Clerks Office) ISOLATED FOR DISCUSSION**
 - 10. Resolution No. 2009-___. A Resolution Amending Resolution 2009-91 which Amended Resolutions 2006-60 and 2006-114 to Increase the Signature Authority of the County Manager (Legal Department) ISOLATED FOR DISCUSSION**
 - 11. Request Approval of 2008 Grant Agreement Amendment No. 2 Re-Authorizing Fund From the Pojoaque Valley Community Center to the Nambe Headstart Program in the Amount of \$208,000 (Community Services Department)**
 - 12. Request Approval to Enter into Lease Agreement with Wagner Equipment for the Lease of 2-2008 Caterpillar Motor Graders At \$1,951.57 Per Month Each/72 Months, 1-2008 Caterpillar Wheel Loader At \$1,666.71 Per Month/72 Months (Growth Management Department)**
 - 13. Request Approval to Enter into Lease Agreement with Wagner Equipment for the Lease of 1-2007 Caterpillar CB-534D Roller At \$1,413.33 Per Month/72 Months, 1-2009 Caterpillar PS-150C Roller At \$815.99 Per Month/72 Months 1-2009 Caterpillar AP-655D Paver at \$3,436.00 Per Month/72 Months (Growth Management Department)**
 - 14. Approval of Amendment to Joint Powers Agreement Between the Board of County Commissioners of Santa Fe County, New Mexico and the Greater Chimayo Mutual Domestic Water**

Consumers Association Concerning Joint Efforts to Provide Regional Water Transmission Facilities to Serve the Community of Chimayo (Legal Department) ISOLATED FOR DISCUSSION

- 15. Approval of Memorandum of Understanding Between the County of Santa Fe and the City of Santa Fe to ensure all BCC Meetings are Broadcast Live Online as well as on Comcast (Administrative Services Department)**
- 16. Request Approval of Regional Planning Authority (RPA) Recommendation for Use of the Regional GRT Funds for Siler Road and Amendment No. 2 to the Memorandum of Agreement (MOA) for the Siler Road Project (Regional Planning Authority)**

VIII. APPROVAL OF MINUTES

A. April 15, 2009

COMMISSIONER STEFANICS: Mr. Chair, I move approval of the minutes of April 15, 2009.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTOYA: Motion, Commissioner Stefanics, second, Commissioner Holian.

The motion passed by unanimous [4-0] voice vote.

B. April 28, 2009

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the minutes of April 28, 2009.

COMMISSIONER MONTOYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

COMMISSIONER MONTOYA: Second, Commissioner Stefanics, Discussion?

The motion passed by unanimous [4-0] voice vote.

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

COMMISSIONER MONTOYA: This is the part of the agenda where if there's anyone who would like to address the Commission on an item that is not on the agenda that you could please come forward. I see Mr. Adrian Ortiz. Welcome, Adrian.

ADRIAN ORTIZ: Thank you, Commissioner Montoya. Commissioner Montoya and Commissioners, my name is Adrian Ortiz and I am an employee of the Northern Area Workforce Development Board. I am a planner and the programs manager for youth with the Northern Board. And I wanted to just bring some information to you all as our County leaders to let you know that we are in the process of disseminating information and disbursing funds in order to assist youth.

I think you'll find on your desk a folder such as this.

COMMISSIONER MONTOYA: We didn't get that.

MR. ORTIZ: I apologize for that. We brought some forward and they were supposed to have been –

COMMISSIONER VIGIL: We'll make sure we get them. Thanks, Adrian.

MR. ORTIZ: And basically, I just want to bring some information to you about how the youth stimulus funds are going to be disbursed within the County of Santa Fe and the ten counties that the Northern Board is responsible for. The Northern Area Workforce Board is responsible for the implementation of the Workforce Investment Act in ten counties, and those are Santa Fe, San Juan County, McKinley County, Taos, Rio Arriba, Mora, San Miguel, Colfax, and Los Alamos. Also Cibola County. And we have received funds from the Governor's office through the Secretary of the Department of Workforce Solutions to implement a summer work program for youth.

We received approximately \$800,000 to spread out over the ten-county area. In the packet when you get it there's a short letter that we are giving some information to our elected officials to let them know that we intend to disburse dollars and hire youth to do work within the various areas and we're asking the counties, the cities, private employers, and private non-profits to step forward and fill out a job order form and we are evaluating those in order to comply with the American Recovery and Reinvestment Act as stated. We're looking for employers to serve eligible youth by developing local work sites that reinforce the rigorous demands, rewards and sanctions associated with holding a job.

So we are in the process of doing that and we will be running the Summer Youth Employment program starting – we'll be employing the youth come June 8th and we will keep them employed through the end of July for 30 hours a week. The program, and this is something that has not been mentioned, does have some caveats to it. We are looking for income-eligible youth. That means that their parents are going to need to show us their income tax statements and so on to make the youth eligible and the act also calls that we give preference to veterans and their eligible spouses.

In this packet when you get it you'll find several color handouts in here that explain the program and there are phone numbers. So it gives a short introduction to the program.

This is not a new activity that is taking place this summer. Under the Jobs Training Partnership Act the federal government used to disburse dollars to the states and municipalities to employ a large number of youth. Well, this year, this is the first time since 1999 that the state has received any moneys to do a stand-alone program. So we're just getting to the chief elected officials, letting them know that we are implementing this program and if you need any more information we have left my card with various individuals and I'll see that my card is made available also.

Mr. Chair, I stand for questions if there's any.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much for coming today to join us. Is the County eligible to become one of your –

MR. ORTIZ: Employer sites? Yes, ma'am, it is.

COMMISSIONER STEFANICS: Okay. And Roman, are we pursuing that?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, yes, we are and I believe we've already met with them last week, our Human Resources Department.

COMMISSIONER STEFANICS: And Mr. Chair, Roman, will it be in the areas of open space or in our offices, or where do you expect some of these jobs to be?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, I'm not sure. I'll let Bernadette Salazar address that.

COMMISSIONER STEFANICS: Thank you.

BERNADETTE SALAZAR (Human Resources): Good morning.

Commissioner Stefanics, we have been working with Workforce Solutions and areas that we've identified so far are Community Services Department, our Open Space and Trails, our Community Projects Division and our Fire Department. We also identified some positions in our medical division at Corrections and in Growth Management. So we have filled out the application already and we're working with the Department of Workforce Solutions.

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

COMMISSIONER MONTOYA: Thank you. Adrian, thank you very much. I appreciate all the work you're doing on this.

MR. ORTIZ: Mr. Chair, has our card and she knows where to get in touch with us.

COMMISSIONER MONTOYA: Okay. Great. Thank you. Anyone else have anything to address the Commission?

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. County Clerk

- 1. Resolution No. 2009-98. A resolution authorizing the creation of an additional voting precinct that will encompass a majority of tribal citizens who reside within the interior boundaries of the Pueblo of Nambe Land Base in Northern Santa Fe County (County Clerk)**

COMMISSIONER MONTOYA: We have Hutch Miller, Denise Lamb and Valerie Espinoza working on this. Hutch.

HUTCH MILLER (Liaison): Good morning, Mr. Chair, Commissioners. What we have here is an item that would create a new precinct within Santa Fe County. Currently the precinct the new precinct would be made up of parts of precincts 23 and 61 within northern Santa Fe County. Currently right now the Pueblo of Nambe is split down the middle with precincts 61 being on the west side and 23 on the east side. What we're doing here is consolidating a more uniform area that would encompass the citizens of Nambe into one central precinct and a polling center yet to be determined, but also centrally located that would be easier to use for the citizens of the Pueblo.

COMMISSIONER VIGIL: Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I move to approve.

COMMISSIONER STEFANICS: I'll second.

COMMISSIONER MONTOYA: Motion by Commissioner Vigil, second by Commissioner Stefanics. Discussion?

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I think that while there might be minimal cost attached to this I think it's very important to respect the community and the Pueblo and I applaud the effort. Thank you.

COMMISSIONER MONTOYA: Yes. Thank you. Any other discussion. I just want to recognize Governor Ernest Mirabal who's here, and I believe Lt. Governor Arnold Garcia. Thank you for being here. Did you have anything to say, Governor or Lt. Governor? Okay, we have a motion and second.

The motion passed by unanimous [4-0] voice vote.

DENISE LAMB (Bureau of Elections): Thank you, Mr. Chair, and thank you Commissioners. And just for your information, the legislature at the last session passed the freeze of precinct creation so that's why we're bringing this to you know. Every ten years, as you know, we do the census and a reapportionment, and about two years before that takes place the legislature freezes all precinct boundaries. So we had to accomplish this before July

1st when the law went into effect on that freeze. So thank you very much for hearing us and thank you for helping us with this.

COMMISSIONER MONTTOYA: Thank you, Denise.

X. MATTERS FROM THE COMMISSION

B. A Proclamation in Honor Of Vicente Ojinaga, Bataan Death March Survivor (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chair. Mr. Ojinaga is here and I'm so honored to be presenting this proclamation, especially and in particular after Memorial Day when we honor those who have paid the ultimate sacrifice. Mr. Ojinaga has paid quite a bit himself as one of the few Bataan Memorial survivors. And I'm not sure but I believe there are only three, and I'll defer to Mr. Ojinaga or any member of his family to validate that, because in fact at one point in time there was quite a few here in Santa Fe and that is becoming a rarity. So it gives me great pleasure to present this proclamation.

Mr. Ojinaga and Mrs. Ojinaga, if you would please come to the podium, and Corky and Renee, if you would help escort them. As you're coming up to the podium I will let you know that we will read this proclamation and Mr. Chair, I will ask to take action on it and subsequent to that ask for any comments from any members of the family. Would all the members of the family please stand? Thank you all for being here. And two of them, Mr. Chair, Ana, who works with Legal, and Corky, who's worked in Santa Fe County and is now working with Penny, are also members of our staff so that even gives me greater pleasure to be able to connect with staff and the community. Mr. Ojinaga is also – I met him when I was campaigning – he is a constituent and has lived in Casa Solana for quite some time.

Members of the Board of County Commissioners:

Whereas, Vicente Ojinaga, the son of Mexican immigrants, was born in 1918 in the small southwestern mining town of Santa Rita, New Mexico; and

Whereas, Mr. Ojinaga served his country during World War II, alongside 1800 other New Mexicans in the 200th Coast Artillery; and

Whereas, Mr. Ojinaga's entire platoon of the 200th Coast Artillery was captured April 9, 1942, as prisoners of war, endured the Bataan Death March, suffering starvation, torture, and unspeakable conditions; and

Whereas, approximately 900 New Mexican soldiers either died during the march or at the prison camp; and

Whereas, Mr. Ojinaga's survival of the Bataan Death March and prison camp is a defining experience of his life and an important tale of bravery, sacrifice, and enduring faith; and

Whereas, today, Mr. Ojinaga is one of 47 Bataan Death March survivors still living in New Mexico and only one of three survivors in Santa Fe; and

Whereas, Mr. Ojinaga returned to New Mexico from World War II and earned a degree in business administration from the University of New Mexico; and

Whereas, Mr. Ojinaga and his wife of 61 years, Celia, have raised their five children in Santa Fe and have 13 grandchildren and five great-grandchildren; and

Whereas, Mr. Ojinaga's spirit of service will inspire his children, grandchildren, great-grandchildren and all New Mexicans for generations to come;

Therefore, be it resolved that we, the Board of Santa Fe County Commissioners, hereby proclaim May 26, 2009, as Vicente Ojinaga Day. That is in your honor, Mr. Ojinaga and in recognition of your outstanding service to our country, our families and your families, and our community. Thank you very much.

Mr. Chair, I move we adopt this proclamation.

COMMISSIONER HOLIAN: Second.

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

The motion passed by unanimous [4-0] voice vote.

VICENTE OJINAGA: I just want to thank everybody. Thanks, everybody, for being so nice to us and we just did our duty. I just did my duty to go fight for my country. One of the things that my dad told me when I left for the service, he said, Son, don't ever do anything to dishonor the country. And I never did. At first I thought I had because we had surrendered and then finally one of the generals told us that wasn't your choice; it was our choice to surrender. So I guess I did all right. I'm here anyway. And thank everybody for honoring us, for recognizing what we did and what we accomplished. Thank you very much.

COMMISSIONER VIGIL: Thank you.

COMMISSIONER MONTOYA: Thank you, Commissioner Vigil, for bringing that forward, and thank you to the Ojinaga family for being here as well. Gracias. Have a good afternoon and rest of the morning

XII. C. Community Services Department

1. Update on Open Space and Trails Program (Community Services Department/Open Space) [Exhibit 1]

COLLEEN BAKER (Open Space & Trails): Thank you, Mr. Chair and Commissioners. I really appreciate the opportunity to take today to give an update on the program. We've just completed ten years. In 2008, we turned ten years old and it seemed like a good opportunity to reflect on where we've been and look ahead to where we're going, so I appreciate the opportunity. And with me here today presenting will be Beth Mills, who's our planner, and also Paul Olafson here is our director for the Community Projects Division.

This is a division that was set up in the 2000 Plan to create a network of cultural,

historical, recreational and natural open spaces and trails. The residents of Santa Fe County have continued to show support for open space and trails through their participation in all of our planning efforts with the County, through volunteer work and through continually communicating with County officials and staff about the importance of the open space and trails to them in their lives.

This is just a breakdown of the voter support we've received over the years, starting in 1998 with the bond measure that actually created the program, for \$12 million. It was a general obligation bond with a 70 percent voter approval. And then again in 2000 there was another \$8 million general obligation bond that also had a 70 percent approval. Then in 2002 we passed a gross receipts tax. Fifteen percent of that quarter cent gross receipts tax goes to open space, and that received a 77 percent voter approval. And then just last year in 2008 we received \$3.5 million in a general obligation bond, and that passed with 67 percent voter approval. So it just shows how much we've gotten support from our voters and residents.

This is an overview of the program, very quickly. We have 24 properties encompassing 5,600 acres. Ten of those properties are currently open to the public and we have several more coming on line this year. We have approximately 45 miles of trails. We have partnerships and collaborations with over 75 local, state and national agencies, associations and non-profits, and we're currently working on over 20 major planning, design, construction and maintenance and acquisition projects.

This is an attempt to lay out what our focus or our emphasis is in the program. We work on cultural heritage preservation, recreation and alternative transportation, protecting views and open landscapes, protecting and restoring natural areas, outdoor education and landscape interpretation, and our community stewardships and partnerships.

In the next few slides what we're going to do is lay out just the highlights of a few properties, six in total, that highlight these areas of the program emphasis. This is a slide that breaks out how we're currently working on managing and maintaining these 24 properties. And with a staff of five we're really working to collaborate with partners to try to make our staffing and our resources go farther. And we do that by using stewardship groups like the Cerrillos Hills Park Coalition that help us manage and maintain properties, volunteers, that help us work on projects such as planting and picking up trash and working on trails. We've also focused our staffing by hiring a maintenance technician and a resource specialist to really try to make sure there's somebody on staff that's focusing on the management and maintenance on the groundwork.

We're working with partners such as the Youth Conservation Corps and non-profits to make sure we've got programs in place, such as the State Site Watch program to help us manage our resources and protect those resources.

Another strategy that we have used some and we are looking at using more is conservation easements where we've purchases a conservation easement but the actual management of the property stays in the hands of the private landowner. So it helps us conserve more but leave the management to the private landowners.

We're also working on management planning for all of our properties. Several are in

the works right now, and trying to set up management principles for those 24 properties. And then on funding we have been strategizing. We have a five percent fund. Every time we acquire a property a portion of the purchase price goes into this five percent fund and that five percent fund is dedicated towards management and maintenance of these properties. We're also currently working with the Trust for Public Land in our Finance Department to look at other opportunities for funding for maintenance and operations for the program, because we know that we need to get creative about looking for those sources of funding to support the work that we're doing.

This is the first of the kind of case studies that we wanted to bring up. This is the Los Potrerillos open space, and the main focus of that is on cultural heritage preservation in El Norte. And these are broken out by the growth management districts that Land Use is using for the planning process. It's 40 acres of agricultural land in Chimayo, focused on maintaining the traditional agriculture in the area. It's the view from the Santuario de Chimayo so we're working on view productions. We're also working on community stewardship with the Chimayo Youth Conservation Corps up there. And we've been working on riparian restoration along the Rio Chiquito and the Santa Cruz Rivers.

We've also done a lot of outdoor education in the context of the stewardship work that the Youth Conservation Corps has done. This is some vegetation monitoring we did with the Youth Corps.

The Arroyo Hondo open space is in El Centro and the focus there is on preservation and recreation. It's 87 acres near Santa Fe and the focus is on recreational and interpretive trails. We've been working with the Fire Department on a forest restoration project and we now have some interpretive trails that talk about the forest restoration project that's going on there. We've done wetlands preservation and restoration also with the New Mexico Environment Department and EarthWorks. And the trails will actually be open, we're targeting June of this year. And we're also working on cultural heritage preservation with the historic dam and the acequias you see there, and it's also in close vicinity to Arroyo Hondo Pueblo and the Old Las Vegas Highway Corridor also, and the historic Santa Fe Trail there.

This is the Santa Fe Rail Trail, and it's really a regional trail connecting El Centro and Galisteo. It's along the Santa Fe Southern Railway from Santa Fe to Lamy so it's along a historic railroad and you can see in the photograph some of the amazing stone features that are along the railway and protecting and conserving those cultural resources. It's also a major recreational route. The Rails Trail Conservancy recognizes it as one of theirs so it's a tourist attraction as well. And it's also alternative transportation; it connects to the Community College via the Spur Trail, which the County built in 2003 and 2004, which makes a nice connection from the Community College area to the Rail Trail.

The Santa Fe River Greenway is one of our major projects and it is a regional trail and restoration project in collaboration with the City, all the way from downtown to New Mexico Highway 599 right now. And the County open space properties that are along the river, we have 244 acres currently, from Cerro Gordo, Siler Road, San Ysidro Park, New Mexico 599 and down in La Cieneguilla as well. This is actually 599, the restoration work that's been

done there.

This is kind of an example of what we're attempting to do. You see the degraded river where we started and then right next to it what it looks like today. And that's at San Ysidro Park. Also at San Ysidro Park, just the dramatic change. Those are paired photographs as well. That's the same place. You can see the portables from L & L at the top. It's behind the screening now, but it's the same place.

It's also El Camino Real de Tierra Adentro. It's a scenic byway and national historical trail, and we're focusing on pairing the trail here with interpretation for that historic route, for recreation and also for alternative transportation. It's one of the major bikeways planned in Santa Fe County.

We've done a lot of work with the community for community stewardship and partnership, picking up trash, planting with youth and adults, and outdoor education – teaching the kids about the importance of this river and working with the natural landscape. And it's also been a focus of a lot of cultural renewal. This is a traditional event that happened in the Village of Agua Fria for years but had stopped happening because the river had been so degraded for years. The community has since reinstated doing this. This is the blessing of the river on San Ysidro Day and we just had that on May 14th.

I'll turn it over to Beth for a little while.

BETH MILLS (Open Space Planner): Good morning, Commissioners. I want to just pick up and finish with a couple of these properties, but before I start, it was reminding me, looking at the photos of the river, that there was a nice article in today's *Santa Fe New Mexican* about the work, the collaboration between the City and the County on establishing a trail all the way from the center of the city out to 599. So it was great to see that information getting out to the public so that more people can understand the work that the County's been doing.

The next property that we're going to look at is down in La Cienega. This is the one I invited you all out to see. And we're going to be continuing visiting those properties, all these properties throughout the summer and I'll continue to send the Commission invitations in case you can break away for an of these visits. This property is adjacent to Rancho de las Golondrinas and here we're highlighting community stewardship and partnerships in working with the community at La Cienega on a historic area that's important to them. It's 93 acres, and we're also working on cultural heritage preservation here. The Camino Real runs through here. There's a lot of cultural resource here from pre-history and historic, as you would imagine because of its location. And in addition there is a spring here, a couple of springs and we're working on protecting and restoring the natural area in this property.

We're partnering here with the Soil & Water Conservation District, and those folks helped us remove invasive species at a portion of the property that is called Los Carrizales, referring to the reeds that historically grew there and with the help of a crew from Santo Domingo Pueblo, working on our wetlands restoration.

The next property we want to highlight was Thornton Ranch open space, and here we're working on cultural heritage preservation as well as landscape conservation in the

Galisteo Basin. This is our largest property. It's a little over 1,900 acres with the new acquisition, and it's in the heart of the Galisteo Basin. We're working here with community stewardships, the Site Watch Program, the community of Galisteo and hopefully many other partnerships as we begin the management planning for this area.

Well, an isolated case in Petroglyph Hill, the challenges of designing a management plan for this particular area are great because the resource is tremendous there. What you're seeing here are portions of the resource at the hill itself. This summer we're going to be taking docent-led tours to the hill itself. We're planning one for August 23rd, if anyone would like to join us, and we hope to plan at least one in July as well. This is the extension that you all approved recently for the Hernando Valley piece and 75 West Basin Ridge, which will add 468 acres to this property.

I wanted to move now just for a moment – I know this is a busy slide with a lot of information but the folks in Growth Management have been very busy lately. What I wanted to emphasize here was the importance of the connection between the work that's going in the Growth Management Department and the Open Space program. I attended a lot of the public meetings as that work went forward and it became clear as it has been from the beginning of this program, that open space is really important to the voters, important to the citizens, and how we integrate the future planning for open space and the program itself into this growth management and Land Development Code as this work goes forward I see as critical and we've been trying to participate.

Here on the slide is a breakdown of some of the specific things we see needing to happen in the various planning areas that Growth Management has taken on. We're continuing to work with them and communicate with them to make sure our planning is in sync with them because I think quite frankly that it's critical to the success of what they're doing. The slide is from the work that those folks have been doing and I wanted to emphasize that there are challenges that go along with trying to coordinate this work and be in sync. The program, as you can probably imagine at this point, I know that you appreciate already, is understaffed and we are working towards figuring out how to get adequate and sustainable funding.

Colleen mentioned, some of the techniques and mechanisms we're looking at. And we also would like to look in the near future towards another bond for funding future open space acquisition. Thank you and I'll turn this back to Colleen.

MS. BAKER: So what we've given you is a brief update over the last ten years of some of the highlights of the program and due to the time constraints we really couldn't go over all 24 properties and we certainly would love to talk to you more about those. I think just to highlight, in the last ten years, in 2006 we received a County Leadership in Conservation Award from the Association of Counties and the Trust for Public Land. This year we also received a Sustainable Santa Fe award from the Sustainable Santa Fe Commission that the City has.

In the sheets that we passed to you just before the presentation you'll see a list of all the partners that we work with and also a list of accomplishments to date. It was just too

much to put on one slide and make any sense out of, and then a list also of the current projects that we're tackling. And those are just ones that we could actually identify as projects; there are other things that come up every day. But I wanted to put that – we've kind of finished the first ten years of the program and now we're going into the next ten years. And with your help and guidance and the work we're doing with Growth Management, I'm really looking forward to what those next ten years can be and what we can put on this slide ten years from now. So thank you, and I'll stand for questions.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER MONTOYA: Okay, questions. Commissioner Stefanics, then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and thank you, Colleen and Beth for your presentations. Could you talk a little bit – I have three questions that might lead to more but let me just put them out there and then we can talk about it. How do we plan for connectors between all of our properties? What money is used for maintenance – the source of the dollars? And have we ever utilized interns from colleges and universities in this program?

MS. BAKER: Sure. Beth is actually doing a lot of work right now. We had the idea of a trails master plan or something like that to start really looking at how we can make these connections between the open space, and not only County-owned open space but also other public, government open space, or even publicly accessible open areas. Right now we're really focusing on the areas around the Community College and the Rail Trail because the Rail Trail is such a connection between the central part and Galisteo, and that's one of the main areas the County has identified for growth. So looking at other connections like the Spur Trail along the Arroyo Hondo – we actually already have easements for the Arroyo Hondo Trail.

We've recently targeted what we're calling the New Mexico Central line which would be another connection through there, but then looking to make connections from there to Eldorado and to the other parts of the Community College. So it's been a process of really looking at where the growth is happening and where the opportunities are for those connections that way. And then there's the other part of it that we need to incorporate as well, is how do we plan for trails through the development review process, which actually can move us even farther through a different process. So the Tres Arroyos Plan becomes very critical and the Community College Plan becomes very critical. And I think what we need to do, we've been going through a trails inventory that we envisioned and actually in the first phase we've done is to inventory existing publicly accessible trails. And that included some of the Eldorado trails along the streets, the Rancho Viejo trails, some of the trails in the northwest quadrant around the city, and then our Dale Ball trails and the Santa Fe Rail Trail.

So we inventoried that and then the next couple of phases is to inventory places where we have easements, either through the development review process or have purchased them or had them dedicated somehow. So we know where those are and can plot those connections in our geographic information system.

In the last phase that we're actually working on right now is all of the planned trails. But we need to be able to get that on the map so we can see where the gaps are, and we've been working in concert with the City to try to do that with the Metropolitan Planning Organization to really try to see where are the open space properties and where do we need to make those connections. So I think we're starting to get the tools in place to really go after those connections.

COMMISSIONER STEFANICS: Well, on the connectors, before we move to the other topic, when the committee recommends a piece of property for us to acquire, is a connector or the connectors already taken into account and put into the plan? Or has the committee just been looking at properties that are desirable and not looking at the connectors?

MS. BAKER: Historically, I think the second is more of what has happened, the isolated properties have come forward. There is a criterion about how – as far as the review. There are criteria about how the connection fits in or how it would join with other properties, but that's the only place it comes in right now. What we're really working on as a program right now is how to be more strategic about how we go out for acquisitions, so that we're planning, rather than just receiving applications. So I think as we go forward we'll be building that in more so into what we're doing. Because that's been something that's been lacking.

Your next question was towards the funding for maintenance. Currently, out of the general fund we have approximately – I'm going to get the number not quite right, but it's about \$65,000 out of the general fund for maintenance for all the properties. We do have the five percent fund that has been allocated through the purchase of the properties that we've currently acquired. However, we're funding three and part of a fourth of our five staff out of that fund, currently. So that fund is actually going to staffing not towards maintenance as much as we would like. So that's what we have for maintenance, which is not enough to do what we need to do, and that's why we work with the partnerships.

COMMISSIONER STEFANICS: So, Mr. Chair, I'm going to ask Colleen a loaded question. What would be the desired amount for maintenance, per year?

MS. BAKER: I'm going to rely on a figure that I haven't double-checked and it's something we'd like to update, but in the 2000 plan there was a figure put out that for operations and maintenance we should have \$100 per acre. So if we have nearly 6,000 acres we should have a budget for operations and maintenance of \$600,000.

COMMISSIONER STEFANICS: And Mr. Chair, Colleen, are there sources outside of County funds that you can apply to some of this maintenance?

MS. BAKER: That's what we're looking at right now. We're actually working with the Trust for Public Land. They have a conservation finance group that actually helped us acquire our first two bond issues in 98 and 2000. They are helping us look for option to go after funding either through our gross receipts or another bond or some mechanism that would be just for operations and maintenance, not necessarily for capital, which is what our

current gross receipts tax goes for is capital. So we're working with them to explore what the voters would support for additional voter-approved taxes, essentially.

COMMISSIONER STEFANICS: Mr. Chair and Colleen, is there any federal stimulus funds that could support immediate maintenance?

MS. BAKER: Most of what I'm aware of has been for capital as well and we have received some assistance, the particular piece is for a portion of the Rail Trail. That's for capital and that's something can be put on the ground immediately.

COMMISSIONER STEFANICS: Okay. And what about the college link, interns?

MS. BAKER: Oh, yes. It's something that we've thought about and we really would like to do. Again, it's where does the funding come from to support an intern? Unless it was an unfunded internship. But any number of the colleges – we have worked with students from the University of New Mexico, largely out of the Community and Regional Planning program doing their professional projects with us, which is unpaid. So we have done that, but actually inviting them as an intern we haven't done. It's something I would love to do. Part of it is determining if it's going to be a funded position, if so, how that's going to be funded? And also making sure that our staff has the time to actually devote to that person so that it is a training and not just: can you go cover everything we're not covering right now.

COMMISSIONER STEFANICS: Well, Mr. Chair and Colleen, it wouldn't necessarily always just have to be an internship. It could be an independent study, etc. But when you start talking about outdoor education, there are universities here that do recreation degrees and actually have a focus on outdoor recreation. So they, in my past experience, have always been looking for sites for students, and whether it might be a summer or what, it's just a possibility to investigate.

MS. BAKER: Yes. And we should talk more about how we could do that.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I just want to say thank you, Colleen and Beth and Paul and the few other people who are in your understaffed department for all you do. I think that we're really fortunate in Santa Fe County to have such a strong open space and trails program in spite of the fact that it's so underfunded, and I have to say that my horses and I appreciate it a lot too. We've used a lot of those places for riding. We just have some incredible jewels out there, especially the recent acquisition in the Galisteo Basin with Petroglyph Hill. That's just an incredible place.

The only thing I'd like to also just sort of mention at this point is that I think when you're thinking of connectivity it's important also to think about migratory animals and wildlife corridors and so on in the connectivity. Because it's sort of I think a now or never situation as far as protecting those migratory pathways in our county. And so anyway, thank you.

MS. BAKER: Mr. Chair, Commissioners, you are bringing up a very good point and a sensitive point. We're trying to work on that through the growth management planning process right now, incorporating that into our planning. So thank you.

COMMISSIONER MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Well, a comment on that. Colleen, thank you for your presentation. It's a wonderful update. And first of all, I'm wondering if I could get a copy of this. I'd like to keep it for my files for reference. And second of all, and you may already know this, but if you need assistance in gaining some information on migratory pathways, the Buckman Direct Diversion has done some research into that because that project actually has been stopped for a migratory pattern that currently exists. It may have been started up again, but there was about a 30-day period that the project stopped to allow for the migratory pattern to occur. I know they've got some information on that.

A specific question: With regard to the Santa Fe River Trail Corridor, how many more acres do we need to purchase to finish the trail? At least to where we have it to 599?

MS. BAKER: I don't have it in terms of acres. I do have it in terms of miles.

COMMISSIONER VIGIL: Miles. I'm sorry. That's what I prefer.

MS. BAKER: I believe we're looking at another – I want to say four miles in the county to get to New Mexico 599, that we haven't acquired yet. If we go beyond to the wastewater treatment plant it adds another couple of miles. The ones that we haven't acquired, I believe another five that we haven't worked on restoration. We have some pieces in there that we still would need to do the planning on the restoration and the trail. There's two miles currently that we've acquired and worked on the trail.

COMMISSIONER VIGIL: Okay. Is there a timeline?

MS. BAKER: No. We haven't set that, largely because the process to work through with landowners to acquire those lands or easements along those is lengthy and can take a while. And so that is probably the major time – and we just don't know how long that will take. We are currently working with the Trust for Public Land to begin approaching some large landowners because of the \$3.5 million bond we did receive. So hopefully that will start that process and we can –

COMMISSIONER VIGIL: Does the Trust for Public Land – excuse me, Colleen. Does the Trust for Public Lands, do they actually do the negotiations?

MS. BAKER: They're partnering with us and they will be doing some of that for us.

COMMISSIONER VIGIL: Okay. That's good to know. Just, on the stewardship component, I've been an advocate for that and I so appreciate learning all the partners that we have and how we partner with some entities for their assistance and maintenance and upkeep. I'm wondering if there's some way, either through an internship or some – a student or something, that we could look at create a model for stewardship that includes surrounding neighborhoods to the areas that we've purchased. In particular I've always created a focus for a stewardship program for Agua Fria community for the Santa Fe River Trail Corridor there. An active community, lots of community members are thoroughly

engaged in their community and I think stewardship is something that they might very much be interested in. But I don't think that we have a model to include surrounding neighbors. And I'm not sure how that could be done. But I think overall, in general, the concept behind stewardship is that it works better when those who have a vested interest because of their property lines being abutted by open space or trails. Those who have a vested interest have really more benefit to gain and allow for more sustainable stewardship. So I think it's really important to include them. And I'm not sure how that could be done, Colleen. And if I haven't spoken to you about that personally, lately, sorry. It's still in my mind. Thank you. Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Okay. Thank you. Colleen. Thank you, Beth and Paul. One question is in terms of expansion for further purchases in the north or in El Norte, is there any forecast on that?

MS. BAKER: Forecast, as far as specific areas. We have begun to identify some areas that I think are important both to the residents and also in context with the growth management planning through that growth management process. Now, we haven't talked to specific landowners yet about those but I know the Rio Grande Corridor is hugely important to the growth management planning process. The community up there has identified places that we could provide access to other public lands. The Forest Service and Bureau of Land Management lands but right now it's land-locked or by private lands, so providing those connections. There's continuing concern up there and I don't know what our role would be, but in agricultural preservation as well, with the farmlands that are up there.

So I think it's a longer discussion that we need to have with the community to identify what is important for conservation. I know Beth has done quite a bit of work through the growth management planning process to identify at least a beginning level of conservation areas that we need to start looking at. But then it will be identifying which landowners would be willing to work with us to conserve those areas.

So I think there's definitely room, and that's why we're interested in both developing a more strategic approach to how we go after properties to conserve, what's important to conserve, but also looking ahead now to 2012 for additional funding for acquisitions. But building the program to the point that we can manage that when it comes. Does that answer your question?

COMMISSIONER MONTOYA: Yes. Thank you. Again, thank you all. Appreciate the update and keep up the good work.

MS. BAKER: Thank you. We appreciate all the support we've received from the Commissioners and also I just want to say that we cannot do the work that we do without all the help from other County staff as well. So I appreciate all the support we get across the County to do what we do. Thank you.

X. OTHER MATTERS FROM THE COMMISSION

COMMISSIONER MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to just comment that I have two more townhall meetings left and if anybody read the paper Sunday and yesterday, we have a constituent who actually brought attention to those townhall meetings and also alluded to our role as County Commissioners and that. I have one this Wednesday evening in Eldorado and then next Monday, which is a make-up day for anybody who couldn't make it here in the County Commission chambers. And again I want to thank all of the staff – Roman and all of his staff who have been attending and presenting materials. And then of course Julia Valdez, my constituent liaison for assisting us with that. That's all. Thank you.

COMMISSIONER MONTOYA: Okay. Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I've had some questions from constituents recently about our satellite offices and I wanted to ask Roman if it would be possible to present a report on them as to how many people are taking advantage of them, what are they using them for, how much does it cost to keep them open, how are things going. I'm just sort of curious as to how it's all working out.

MR. ABEYTA: Mr. Chair, Commissioner Holian, we do keep statistics so we can either provide a report at the June 9th meeting or June 30th at the latest.

COMMISSIONER HOLIAN: How about June 30th?

MR. ABEYTA: We can do June 30th.

COMMISSIONER HOLIAN: Thanks.

COMMISSIONER MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I have nothing.

COMMISSIONER MONTOYA: Okay. Just a couple of dates, Roman. I just wanted to make sure that I'm on the same page as everyone. We have the BCC budget session. Is that June 1st still?

MR. ABEYTA: Mr. Chair, yes. We are going to have an interim presentation today and then if we can get a quorum for the first we would like to have a meeting on the 1st also.

COMMISSIONER MONTOYA: Okay, so that's not definite yet?

MR. ABEYTA: No.

COMMISSIONER MONTOYA: Okay. And then we were trying to set up a Regional Transit District meeting also for I believe it was Thursday at 1:00.

MR. ABEYTA: Mr. Chair, I think I saw that on my schedule for Thursday at 1:00 also. I think that's there.

COMMISSIONER MONTOYA: So we're confirmed on that one.

COMMISSIONER VIGIL: Is that for the entire Commission?

COMMISSIONER MONTOYA: Well, for us four here.

COMMISSIONER VIGIL: Okay.

COMMISSIONER HOLIAN: Mr. Chair, I don't think I will be able to attend but the staff has very kindly offered to go out to my house and make a presentation.

COMMISSIONER MONTOYA: Okay. Can we all just go to your house? And then just heads up, next week is the Association of Counties meeting in Lea County. So I think there'll be a number of staff and elected officials going to that meeting in Hobbs. And I believe that's all I have. Oh, and just a heads-up. We did, I believe, last week close on the Nambe property.

MR. ABEYTA: Mr. Chair, I'll get back to you on that. I don't know that we did.

COMMISSIONER MONTOYA: Do you have an update on that, Rudy?

RUDY GARCIA (Community Services): Good morning, Commissioners, Mr. Chair. Nancy Long actually mailed me today that she believed that the closing did happen yesterday. She hasn't received any documents from Charlotte Harrington's office, but I emailed her to verify that, and she said she would check on it by the end of the day.

COMMISSIONER MONTOYA: Okay. So it's almost there then.

MR. GARCIA: Yes.

COMMISSIONER MONTOYA: All right. Thank you, Rudy.

XI. CONSENT CALENDAR WITHDRAWALS

- A. 4. Resolution No. 2009-99. A Resolution Requesting to Establish the General Obligation Bond Series 2009 Fund (335) to Budget Bond Proceeds Totaling \$17,251,547.50 Issued for the Following Purposes: \$500,000 for Open Space, Trails, and Parks; \$12,350,000 for County Roads; \$2,650,000 for Fire Safety Facilities; \$1,000,000 for Water Projects; and \$500,000 for Waste Transfer Stations (Administrative Services Department/Finance)**

COMMISSIONER VIGIL: Thank you, Mr. Chair, and some of them I've even been able to talk to staff and decipher them so I'm ready to move really quick on these. Roman, in our handouts we really don't have a breakdown of these but I do believe we have taken action on a breakdown of these bond proceeds. Have we or have we not?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, yes. We have provided a breakdown of what projects we're going to be funded.

COMMISSIONER VIGIL: I do remember taking action on that. I didn't get it as part of my packet. Did I miss something or that was just a separate action item?

MR. ABEYTA: That was a separate action item but I will be sure to make sure that you get – all of the Commissioners get a separate handout that breaks down the funding.

COMMISSIONER VIGIL: Okay. And I'd actually like one as soon as – maybe before the end of the day just to reacquaint myself with that. So with that, I move we

approve, Mr. Chair.

COMMISSIONER MONTOYA: Okay. Motion for approval by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTOYA: Second, Commissioner Holian. Further discussion?

The motion passed by unanimous [4-0] voice vote.

XI. B. 4. Resolution No. 2009-100. A Resolution Authorizing Retroactive Sales of Personal Property to the Rodeo Property, Inc. in Accordance with State Statutes (Corrections Department)

COMMISSIONER VIGIL: Mr. Chair, I'm ready to take action on this item. I actually had a little confusion about it. I thought it was to Rodeo property that we owned and I guess it isn't. It's being resold to a company who wants to purchase it. And we're kosher on this, Teresa?

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Vigil, yes we are. This occurred and we are asking for your retroactive approval and we've worked with staff to correct this in the future but these materials that we were no longer going to use.

CHAIRMAN ANAYA: Thank you, I move we approve.

COMMISSIONER MONTOYA: Okay. Motion.

COMMISSIONER HOLIAN: Well, I'll second, but I have a question.

COMMISSIONER MONTOYA: Second by Commissioner Holian.
Commissioner Holian.

COMMISSIONER HOLIAN: So I guess my question is why were the unused materials not returned to the vendor?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, I believe it had been quite an extension of time and I think on this particular issue there was not an awareness of the process that should be followed so we've since then conducted trainings and worked with the staff and I think we're all on board now.

COMMISSIONER HOLIAN: Okay, great. Thank you, Teresa.

COMMISSIONER MONTOYA: Any further discussion?

The motion passed by unanimous [4-0] voice vote.

XI. B. 7. Request Authorization to Accept Amendment No. 4 to Agreement # 26-1827-YDP Between Santa Fe County and La Familia Medical Center, Inc. The Purpose of this Amendment is to Extend the Term of the Agreement through June 30, 2010, and Increase Compensation By \$30,000 (Corrections Department)

COMMISSIONER VIGIL: Thank you, Mr. Chair. This is for \$30,000 that goes to La Familia to increase compensation. I'm sure it's to help assist our Corrections Department with some of the medical needs that are actually out there. I just had a question with regard to that because I know some of these medical centers had received stimulus dollars. Can those stimulus dollars assist us with any of our medical needs for inmates? Do we know that? And perhaps this is something for Duncan. I'm not sure. I know that La Familia received some stimulus dollars and I'm not sure whether we could partner to help some of those dollars assist us.

MR. ABEYTA: Mr. Chair, Commissioner Vigil, that's something that we can research. I don't have the answer but we can contact La Familia and some of the other medical providers that we contract with and see if we would be eligible for some of that funding.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair. I move to approve.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTROYA: Motion by Commissioner Vigil for approval, second, Commissioner Holian. Further discussion?

The motion passed by unanimous [4-0] voice vote.

XI. B. 9. Resolution No. 2009-101. A Resolution Imposing an Annual Liquor License Tax Upon Persons Holding State Liquor Licenses (Clerks Office)

COMMISSIONER VIGIL: Mr. Chair, I have spoken to our County Clerk in regard to this and my question was whether or not – and maybe Teresa has the answer here – whether or not the taxes collected here come directly to the County or to the State GRT and I'm assuming that the Clerk is right in that it goes directly to the State GRT. Does anyone have an answer to that?

MR. ROSS: Mr. Chair, Commissioner Vigil, it goes into the general fund.

COMMISSIONER VIGIL: The County general fund?

MR. ROSS: The County general fund.

COMMISSIONER VIGIL: That's probably what the Clerk told me and I heard something else. Thank you very much. I move we approve.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTOYA: Okay, motion by Commissioner Vigil, second by Commissioner Holian. Question. How much – do we know how much we generate from this?

MS. ESPINOZA: We only have about 58 licenses so you multiply that –

COMMISSIONER MONTOYA: Fifty-eight times \$250. I don't know how many also last night that Otero County actually suspended this tax. I'm not suggesting my any means that we do that, but I guess that they thought that they were going to be actually helping out some of the small businesses by suspending it, but again, I don't suggest we do that. By no means. So anyway, any other discussion?

The motion passed by unanimous [4-0] voice vote.

XI. B. 10. Resolution No. 2009-102. A Resolution Amending Resolution 2009-91 which Amended Resolutions 2006-60 and 2006-114 to Increase the Signature Authority of the County Manager (Legal Department)

COMMISSIONER VIGIL: I just wanted to verify with our County Manager if this resolution does actually meet his current needs based on all of the construction items that will be coming forth.

MR. ABEYTA: Mr. Chair, Commissioner Vigil, yes. This is fine, and if need be, we would just have to put items on the agenda like on the land use meeting where normally we wait till the end of the month, but in the case of the courthouse construction for example, if I did run into a problem with signature authority I would just make sure to put it on a land use agenda rather than waiting till the end of the month. So I'm fine.'

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair. Move to approve.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTOYA: Motion by Commissioner Vigil. Second by Commissioner Holian. Discussion?

The motion passed by unanimous [4-0] voice vote.

XI. B. 14. Approval of Amendment to Joint Powers Agreement Between the Board of County Commissioners of Santa Fe County, New Mexico and the Greater Chimayo Mutual Domestic Water Consumers Association Concerning Joint Efforts to Provide Regional Water Transmission Facilities to Serve the Community of Chimayo (Legal Department)

COMMISSIONER VIGIL: Mr. Chair, I just wanted some more information on this. I think that the Chimayo Mutual Domestic Water Consumer Association did receive

some stimulus dollars. Does anybody know about that? And if so, how can we assist in leveraging these dollars to assist this community. And maybe they don't. I thought I saw a listing of that. I can research that, Mr. Chair, and find out.

COMMISSIONER MONTOYA: I'm not aware of – they may have, but I'm not aware of it.

COMMISSIONER VIGIL: Okay. There were mutual domestic wells that received some stimulus dollars throughout the state and I thought Chimayo was one of them. If not, maybe they would be available for the next round. I would hope so. So with that, Mr. Chair, I move we approve.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTOYA: Okay, motion by Commissioner Vigil, second Commissioner Holian. Further discussion?

The motion passed by unanimous [4-0] voice vote.

XII. STAFF & ELECTED OFFICIALS' ITEMS

B. Administrative Services Department

1. Resolution No. 2009-103. A Resolution Requesting Approval of the Fiscal Year 2010 Interim Budget (Administrative Services Department)

MS. MARTINEZ: All right. What you have before you is our preparation and proposal for the fiscal year 2010 interim budget that is due to DFA on June 1st. Now, normally, what we try to do is schedule a budget study session with Board members prior to the interim, but because of scheduling and difficulties with the calendar we are going to propose that we have one between the interim and final budget. So the main message that I need to deliver today is that you have opportunities to change this budget. We do need to meet the June 1st deadline and we hopefully will have a study session within the first three weeks of June to get to that study session.

Okay, the interim presentation, if we go to – first thing I want us to do is begin with an overview of fiscal year 2009 and what have we done this far? Well, we know we're in an economic climate that's not favorable right now, so we had a larger focus group that came together and generated cost saving measures. There were several focus groups or subcommittee groups if you will, and this is the result of some of their work. We have done recent cell phone reductions, which will result in about a \$60,000 savings. We have been very strict with regard to travel and we will probably materialize a \$500,000 saving Countywide. Supplies, we will probably see a savings of \$100,000, and with take-home vehicle reductions we will see about \$50,000.

We also did closing of prior year purchase orders, and these are P.O.s that may have been there for several years. Some may be tied to multi-years. Some were just sitting there

needing to be liquidated. Doing that results in an additional \$1.5 million over all funds falling back to cash. So that will assist us in balancing fiscal year 2010 and future fiscal years.

What are the measures that we're currently working on as part of the larger focus group? We're doing everything we can with regard to energy efficiency. We have a dedicated FTE and we're looking at all potential stimulus dollars specific to energy efficiency.

We're moving in the direction of smart buying. We're trying to coordinate as a County overall for smarter practices with regards to buying uniforms and supplies. We have a revenue generating committee that is currently proposing and researching all fees and proposing increases, and I think we'll have two this afternoon, one specifically the solid waste fee. We're currently working with all directors to evaluate our enterprise operations and then we're always seeking additional grant dollars.

Now, with regard to the fiscal year 2009 forecasts specific to closing. We are forecasting that at the end of the fiscal year we will have a positive expense variance of five percent, and that will probably generate in the general fund about \$3 million falling back to cash. So what this means is we're basically not going to spend everything we budgeted. And that will help again balance. Mid-year reductions, this was the mid-year budget hearings we conducted, overall we had reductions of \$1.3 million, which we intend to use to help balance the 2010 budget. Our recommendation is that we continue to remain conservative until this recession/depression is over.

And we just want to keep in mind that in the future fiscal years we will have a potential for general fund to cover shortfalls in other areas. Such other areas include the Corrections and Fire operations. Also maybe additional support to help in detox programs, support of the RECC, and we believe all of this will materialize in fiscal year 2010.

If you look at the next slide on page 4, this is the meat of the budget. Our total budget for next fiscal year is \$226.2 million. This is slightly under \$11 million greater than the prior year. Prior year budget was \$215 million. This year is \$226 million. Our total sources are mainly – the lion's share if you will is property taxes at \$50 million. This is a three percent increase from the prior year. We historically do a six percent increase, so we're going to remain conservative in our estimations not knowing what the economy will do in the next fiscal year.

Our gross receipts are budgeted at \$41.5, and this, we said earlier, we did at a ten percent down-turn. Last year's GRT budget was \$48 million. So this is forecasting a down-turn of ten percent for the entire fiscal year, next fiscal year. The other lion's share of revenue is basically grants and intergovernmental, MLAs and transfers in, and then all other – fees, charges for services that we have out there.

Our uses, DFA requirements this fiscal year asked us to break up the uses by function, if you will, so that's how we presented it to you today. The lion's share of the budget basically goes to public safety. Public safety is Corrections, Sheriff's office and Fire, for \$58 million. Government and administration, \$34 million. Health, welfare and housing is at \$26.2 million. Highway and streets are currently budgeted at \$19 million. The environmental, water, sanitation is at \$16 million. Culture and recreation is \$16 million. Our debt service

requirements for the next fiscal year are \$14.7 million, and the judicial center is budgeted at \$9.4 million. So a total budget of \$226 million, compared to the prior year's budget of \$215 million.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Teresa, do you want questions now or at the end?

MS. MARTINEZ: Whatever you prefer.

COMMISSIONER STEFANICS: Okay, Mr. Chair, on these uses, which of these categories have gone down, percentage-wise?

MS. MARTINEZ: On the uses, I don't know that I can tell you that right off the bat. I can tell you with regard to capital they've gone up because we have three new bonds that we're dealing with. So you'll see that the capital side went up. The judicial is probably less, but most of the money is probably tied up in encumbrances. Fund transfers actually went up, and that's because we made some structural changes to the budget this fiscal year so we're actually transferring more money out, and I'll speak to that in a later slide. So I would say that consistently, with the cuts that we made at mid-year, things have pretty much either remained flat or gone up because of capital projects. And those will be the major bond accounts that we're budgeting.

COMMISSIONER STEFANICS: Okay. I just want to make sure I understand. So, Teresa, after we made the mid-year recommendations, none of these categories are dropping further, percentage-wise.

MS. MARTINEZ: Well, after mid-year cuts, the County Manager instructed an additional decrease that was made in certain categories. So that is after that direction. So that's what we have. There were no increases outside of new capital projects. So operational and baseline expenditures, we tried to stay as closely as we could to mid-year.

COMMISSIONER STEFANICS: Okay, for example, public safety. Is that taking – okay, let me ask in a different way, Mr. Chair and Teresa. Is \$58 million more than last year's budget, for public safety?

MS. MARTINEZ: I would say yes, and the reason I would say yes is because of one, salaries, and then the healthcare benefits always goes up a standard seven to nine percent in a fiscal year. And then with Fire specifically, we got those 48 firefighters. So public safety would have gone up by basic demands of FTEs.

COMMISSIONER STEFANICS: Okay. And then health, welfare, housing?

MS. MARTINEZ: Now, the housing portion will be a subsidy, that's federally funded. Health and welfare probably stayed as close to flat as we could, since that's all tied to the St. Vincent's MOA agreement, which we are still negotiating. So I would say that's probably closer to the prior year.

COMMISSIONER STEFANICS: Okay, well, the reason I'm asking these questions is if we do not decide, Mr. Chair, to have a study session, then I'll just have individual time with Teresa, but I think it's important for us to compare what we are

tightening our belt on and what we are dropping in terms of funding for services so that we are aware before the year starts and our constituents start contacting us. So after this whole conversation I'll guess we'll decide whether we're going to do a study session or not. Thank you. I'll probably have more questions. Thank you, Mr. Chair.

COMMISSIONER MONTROYA: Good point. Commissioner Vigil.

COMMISSIONER VIGIL: Along those lines, Teresa, and just looking at your presentation it seems to me that most of how we've attacked a balanced budget is through cost savings. Is that correct?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, for the next fiscal year it is through cost savings and it is through the use of cash to balance the budget.

COMMISSIONER VIGIL: Okay. And how much of cost savings and how much cash will we be?

MS. MARTINEZ: Cash is going to be to the tune of \$2.6 million to cover the deficit. And then the remainder will come from cost savings. Let's – there's a slide a little bit later on that will kind of address for that, so I can express it there.

COMMISSIONER VIGIL: I can wait for that. Thanks.

MS. MARTINEZ: All right. So let's go ahead and go to the next slide and we'll speak to the structural changes we've made with regards to the budget. The Sheriff – we're actually proposing to move the Sheriff's activity or budget from the general fund to its own special fund. And the reason for that is he has grown tremendously with regards to the grants that he has acquired and that we are managing. So we are proposing to move that to its own fund. RECC, we're moving that out of the EMS/Health Services fund and proposing to give it its own fund, which will make it easier for tracking as a separate fund because it is a joint City-County effort, and that way we keep the integrity of their expenditures as well as their cash balance. It will be easier to manage for finance.

And Corrections, at the advice of our auditors, we're going to take it from being an enterprise fund and move it to a Corrections operations fund. And that will be a 200 series instead of a 500 series. And then we want to make the point that the budget is larger because we have included a budget for three new bonding funds, two of the GOBs and one GRT.

COMMISSIONER MONTROYA: Teresa, you mentioned that the RECC is going to require support in 2011, 2012, something like that? What do you mean?

MS. MARTINEZ: Mr. Chair, right now in the current fiscal year the budget for the RECC, \$2.4 million of that is funded from the St. Vincent's agreement that we have, and then the remainder was shared by the general fund and by the fire fund, and that was \$1.3 million. So it's about a \$3.7, \$4 million operation. So most of the share of funding for that comes from the St. Vincent's agreement, but the remainder in the past has been either borne by fire or in the prior year, or the current year that we're in we shared it with the general fund because it was too much of a burden for fire to carry on its own. So we have proposals for next fiscal year as to how we do that. That proposal is a one-time fix and then we'll be going back to general fund support for the RECC operations.

COMMISSIONER MONTROYA: Are we anticipating increased costs with the

revenue that's generated, obviously?

MS. MARTINEZ: Mr. Chair, yes we do. We do that right now. We exceed it. That's why fire and general fund have to step up and contribute.

COMMISSIONER MONTROYA: Okay. Thank you. Go ahead.

MS. MARTINEZ: Okay, so the next slide, this is a pyramid that you saw at mid-year. And we basically took that same pyramid and we put it here. This is where we were forecasting to you that if revenues experience a ten percent down-turn – GRT revenues – and baseline expenditures stayed exactly where they were at, how would we make this match? How would we make revenues tie sufficiently to expenditures? So what we did is the little yellow box to the right expresses some of the savings that we did to make that \$2 million deficit, one at mid-year in the general fund, we did reductions to the tune of \$720,000. The EMS/Healthcare fund will support the RECC. It will relieve the general fund next fiscal year of that \$700,000 commitment. And then we also reduced the Corrections at mid-year hearings to the tune of \$600,000, and that's how we have addressed the \$2 million deficit that we were looking at just at the kickoff or the onset of FY 2010.

So the left side is revenues. I've been identifying the lion's share of revenues or the major sources of revenues. And then the right side is busy, but it's identifying all of the expenditures and all of the operations within the general fund, and how if the revenues continued and expenditures stayed at baseline we were looking at a \$2 million deficit to start. That's how we covered that deficit.

If you go to the next slide, it's a similar pyramid format.

COMMISSIONER STEFANICS: Could you go back to that slide? With the reductions that are on this page, the \$2 million, are there any departments that are seriously hurting?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, no. We were able to make these reductions without them having to do any furloughs or lay people off or any drastic measures like that.

COMMISSIONER STEFANICS: Okay. So it goes back, Mr. Chair, Roman, to the slide that Teresa had about travel, cell phones, etc.

MR. ABEYTA: Yes. That's where we made the cuts.

COMMISSIONER STEFANICS: Okay. Thank you very much.

MS. MARTINEZ: Okay, the next slide, page 7. This is the pyramid as it stands today. This is the interim budget before you, and you can see that we have revenue again on the left, expenditures on the right. We have revenue forecasted at \$60 million, and we have expenditures forecasted at just under \$63 million. So we are proposing that we use \$2.6 million from cash to balance the budget. Typically, we would not recommend using cash for recurring expenditures, but in light of the economy, knowing that the GRTs are down, hoping that the GRTs will go up – I was downtown over the weekend. There was a lot of people downtown so hopefully we'll see a good report in the oncoming months, but we proposed that we use cash to balance the budget. We're confident that we have sufficient cash to do this, and we give you some cautions and some expressions later that explain why

we think we can use cash to balance the budget in the next fiscal year.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Teresa, I've heard from a lot of constituents that their property taxes are going up, actually quite considerably in some cases. This estimation for the property taxes, what did you base that on?

MS. MARTINEZ: It's based on historical and trends. It's actually very conservative. We predicted a three percent increase and we typically go six percent and have gone as high as ten to twelve. So the point here is that our estimations are very conservative, so if property tax comes in greater, GRT comes in greater, then the lesser need to use the cash. Those this is an estimation at this point.

COMMISSIONER VIGIL: Thank you.

MS. MARTINEZ: So if we go to the next slide on page 8, here is what caused the deficit in the general fund. Well, there's several contributing factors. The general fund is required to submit or transfer more general fund dollars to Corrections operations. With the continuance of the Youth Development Facility, and the shortfall that we're seeing in the adult facility's revenue, we are seeing an additional \$2 million increase with regard to general fund transfers to support Corrections. And this is in addition to the \$2.8 million that we will be using from jail fund cash. So for next fiscal year the jail operations, we're looking at a \$4.8 million deficit. We've balanced that by sending general fund dollars to the tune of \$2 million more and using jail fund cash of \$2.8 million. Jail fund cash will be exhausted at the end of next fiscal year if operations don't get better.

Other things – we had a \$400,000 increase in insurance. That was again mainly caused mostly by Fire, Sheriff and jail, with regard to law enforcement liability. Assessor staff increases are another \$100,000. Building maintenance, property control costs – we have more facilities that we have to manage. That's \$120,000. Finance purchasing staff over the FY 09 budget, an additional \$160,000. And the reason for that is we had some transition within our payroll function. We had a transfer of staff and one or two of the positions that were transferred to Finance were authorized FTEs but were not funded. So that's the shortfall there.

And then again, just reiterating that we are predicting GRT will be down in the next fiscal year resulting in about an \$800,000 impact to the general fund.

COMMISSIONER MONTOYA: Teresa, on the costs for the Assessor's staff, is that positions that have been approved just recently?

MS. MARTINEZ: Mr. Chair, it is. It's the five positions that we recently gave them.

COMMISSIONER MONTOYA: So it doesn't reflect increasing attorneys' fees that we've been hit with as a result of a lot of the protestants.

MS. MARTINEZ: Right. My understanding is this is probably just for the positions. Now, they've asked, if I'm not mistaken, they asked for \$50,000, \$60,000 for attorney fees that we're looking at, and I believe we're taking that out of their valuation fund.

And I believe they took all five positions and wanted to make them appraisers and get out there and get the valuation for the County.

COMMISSIONER MONTOYA: Okay.

MS. MARTINEZ: Okay, page 9. Why do we feel confident enough to use cash to meet the deficit in the general fund? Well, first of all, after we meet all these other requirements, we're forecasting that we'll have \$18 million of budget and reserve requirements in the next fiscal year. And this is a result of conservative budgeting, conservative fiscal practices, and this is what we've always referred to as our rainy day cash. Well, it's that rainy day and it's time to use that cash to support operations. So we're comfortable in the dollar value that we're using. Cash requirements again would be diminished if GRT materializes at a higher level. So if the property tax and the GRT collections come in greater, then less usage of cash. So we're comfortable taking that risk. And every year we experience – we see at least five percent of the budget in the general fund going unspent. Meaning that falls to cash. So we spend our budgets at a level of about 95 percent, and anything unspent then falls back to cash. So we feel that will recoup itself in the next couple of years. So we'd be fine using that \$2.6 million to balance the budget.

And then we don't feel that we should compromise any of our current services and programs because of the situation that we have with regards to our Corrections Department, and we hope that that will resolve itself in the next fiscal year as well. We're working with the Corrections Director, we're getting weekly reports as to the populations and last time I receive a report we had 16 paying beds at the youth facility. Our goal is 24 paying beds. So we're all very aware of that and trying to work to that end goal. So this is the forecast if things were to continue as they are today.

Now, what are the other uses of cash that we are predicting? If you look at the next slide this is what we have also. So we have \$2.6 million already set aside to balance the budget. We are setting aside \$4.5 million of general fund cash for the potential purchase of water rights to complete the County growth management plan, and also preparing for the possible film studio construction at the Santa Fe Business Park. These are projects that we think will materialize in the next fiscal year. The growth management plan should be maybe completed by then or completed in the next fiscal year.

Also, we use \$1.9 million – and we do this every year – for capital projects. These are general fund capital projects. This is replacement of equipment or infrastructure that may just be getting old due to wear and tear. This is a one-time expenditure so we're taking that from cash. And we also have \$800,000 budgeted for County infrastructure. So in total we're just under \$10 million in usage of cash in FY 2010. Now, typically, we have set aside for water rights and things like that. Typically, we have set aside for our capital package and infrastructure. The one thing new to us this year is that we're going to use \$2.6 million to balance the budget next fiscal year.

So the point I want to make, as I said earlier, we have \$18 million above the reserve requirement. Well, \$18 million for this County could be exhausted in two fiscal years if things continued in the manner that they did. So I really want to caution that we be

conservative with our cash and hang onto it with the rainy day concept, knowing that the next fiscal year, if the economy doesn't recover we could be looking at another bad year. And our goal is to hopefully not have to go into any layoffs, not have to do any voluntary furloughs or furloughs, and to keep people in their jobs and try to keep the programs continued. We may have to decrease the value that we give to programs but as long as we can keep everything going that's our end goal. And with that kind of a cash balance we could carry the County for two more years. And if the economy goes bad for three years, then we have to sit down and make some hard decisions.

COMMISSIONER VIGIL: Thank you, Teresa. Are there any questions?

MS. MARTINEZ: I have a couple more slides, is that okay? I have one more I want to give you. I don't want to leave you with the illusion that we're great. There are cautions that we all need to be aware of and that we need to work together as we move into the future fiscal years. This is my Paul Griffin lions and tigers and bears, oh, my. These are the things that we need to worry about:

Corrections. Again, I mentioned earlier, we're going to have a \$4.8 million budget deficit in FY 2010 that's managed by \$2 million coming from the general fund, and \$2.8 coming from their cash fund. The point is we cannot do this in the next fiscal year, or if we do do that, we need to look at the general fund and say, okay, what cuts does general fund endure to sustain corrections at the current operational level.

Fire. We've has several discussions on this with regard to the fire operations fund. That fund will not be sufficient to support operations as well as capital needs. Now, the GOB Series 2009 bond had some money in there for the fire training or fire safety facility. So that's going to help alleviate a little of the capital burden, but then we really need to be ready and start thinking and strategizing for fiscal years 2011 and 2012. And we're currently doing that with Fire. We're working on a presentation that we'll bring before you.

The St. Vincent's MOA support of the detox program is fading, basically identifying that carry-over dollars should be exhausted by fiscal year 2011. And now we may have to brainstorm on this and say, okay, how do we structure that MOA so that it meets all of our needs. We make reference to CARE Connection and detox because that's how the funding is right now. We would just have to really look at the funding support that we get from that and how we structure it within our own budget to determine any cuts that come in the future.

General fund and Fire operations fund will relinquish support of the RECC in fiscal year 2010 to the tune of \$1.3 million. So that basically alleviates the general fund and the fire fund next fiscal year from having to transfer dollars to support the RECC. We will use the Emergency Medical Services/Health cash balance to pay for RECC next fiscal year. So what that does is that helps balance the general fund budget and it also gives fire a reprieve for one year so that we can try to catch up on some of those capital and equipment needs that they are lacking and behind in.

And then cash was required this time in fiscal year 2010 for the first time to make our sole community provider payments. We kept the sole community provider support flat, but in a year when the GRT is down, the GRT is going to materialize at a lesser level than what

we're required to pay for SCP. So this will be the first time that I've been here that I recall that we have to use cash balance to maintain our sole community provider. And we also feel confident that we have sufficient cash to do that for the next fiscal year.

So what can the Board do about the budget as of today? Well, we stand before you and we ask for your approval of the interim budget that is presented to you today. The deadline is May 31st. We propose that we conduct a workshop or a special study session to get into the details and more information with regard to our cautions. And then the final budget becomes alive, if you will, in our system, the accounting system, on June 30th. So we propose that we have that study session in the early weeks of June so that we can use that budget and roll it into the system and call that our final budget. And if there's any changes after the final budget has been submitted to DFA in July, then we can take resolutions before the Board in August if we have additional changes that we'd like to see done.

So we just want to make sure that you understand you have plenty of avenues to change the budget still. We'll coordinate that budget study session, and we can cover in greater detail some of the questions that have been asked today, and then also speak to the cautions that we gave you earlier. And I'll stand for any questions.

COMMISSIONER MONTOYA: Okay. Any questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Teresa, where does the jail fund that you mentioned, the jail cash fund, where did that come from or where does it come from?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, it basically comes from unspent dollars every year. So they'll have their care of prisoner revenue. They may have grants that they get. They'll have general fund transfers. And probably, the reason they have cash balances is because of the transfers that are made by the general fund. We've never gone back at the end of the fiscal year and said, okay, you've not spent this. We've left it there. And in years past that cash balance was meant to fund capital needs and try to keep the jail facilities up and equipment needs up. So that's why they have a cash balance.

COMMISSIONER HOLIAN: Okay. Thank you.

COMMISSIONER MONTOYA: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I really would appreciate the opportunity to have a study session. I have some real quick questions though that I don't want to forget. On your interim budget, in terms of what lions and tigers and bears, what may or may not happen, the St. Vincent's MOA support of the detox center, I know the history of that. There was some dollars that were carried over so much so that they really were able – we carried over so much we were really able to fund that up front. But is this item not negotiable through our MOA process?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, it very much is, and that was the point I was trying to make about strategizing as to how we use that St. Vincent's funding. And the point I want to make is that we speak to CARE Connection and detox because in our mind that's what's threatened right now since the carryover dollars are tied to

that. But what we'll have to do is sit down as a group and coordinate, okay, how do we – this is what we're getting from the agreement – how do we fund all our needs? And it may not be detox. It may not be CARE Connection that is shortened. It may be something else.

So that's something – the MOA does not dictate to us how we spend that dollar. We do define that within the agreements but we can have that as a proposal as we begin negotiations.

COMMISSIONER VIGIL: Okay. Thank you. The other thing for a study session I'd like is as much information that we could possibly have with regard to projected GRTs. I think that would give us a better sense of whether or not we're budgeting appropriately.

MS. MARTINEZ: You bet.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, Teresa, when you and I met a few months ago for the purposes of educating me about gross receipts tax and the different bond issues, there was a chart that we went over that needed to be updated. Could we get a copy of that?

MS. MARTINEZ: You bet. We can do that.

COMMISSIONER STEFANICS: Great. Thank you.

COMMISSIONER MONTOYA: And just to add, Teresa, actually the first question I have is how much cash did we have to put in for the sole community provider fund this year?

MS. MARTINEZ: It's going to be somewhere in the neighborhood of \$600,000. We typically bring in about \$9.5 million and we committed the \$9.5 million. We're forecasting that we'll bring in \$9 million. Now, that's a conservative forecast, ten percent down. Now, if the GRTs materialize then it will be less than that.

COMMISSIONER MONTOYA: Okay. And then if maybe some of the other issues that the Commissioners have brought up, what plans do we have in place to offset some of these reductions, like Corrections? Arrest more people?

MS. MARTINEZ: Mr. Chair and members of the Board, we did do some cuts across the board and as you asked earlier, Commissioner Stefanics, most of the cuts were done to gas and oil and to supplies and things the departments could burden, and the departments were really good at working with us and they came to the table with those cuts already made, so we gave them the opportunity to look at their individual budgets, see where they could sustain the cuts and how they could still manage their function. So we can bring you the detail of those cuts and our plans with regard to if the GRTs don't materialize.

COMMISSIONER MONTOYA: And then as far as a date, it doesn't sound like June 1st is going to work, Roman.

MR. ABEYTA: It would depend on the Commissioners, if we could get a quorum on the first. So it's up to you guys.

COMMISSIONER VIGIL: I won't be here June 1st.

COMMISSIONER MONTOYA: And I think we wanted everyone to be here for that study session.

MR. ABEYTA: We'll poll the Commission and come up with a date that everybody can make it.

COMMISSIONER MONTOYA: Okay. Any other discussion? Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I just wanted to ask you or Roman, could I participate by phone, and it would be considered towards the quorum? Okay. Thanks.

COMMISSIONER STEFANICS: Mr. Chair, I would just ask that that date – I know it's hard with all of our schedules, but it would be good to land on a day so we could get it on the calendar and protect it from other things. Thank you.

COMMISSIONER MONTOYA: Isn't our first meeting in June a 3:00 start?

MR. ABEYTA: Yes, Mr. Chair. That would be June 9th at 3:00.

COMMISSIONER MONTOYA: Maybe we could look at that date.

MR. ABEYTA: Maybe we could meet at 1:00 and do budget from 1:00 to 3:00, and then start the rest of the business at 3:00.

COMMISSIONER MONTOYA: If that works for everybody.

COMMISSIONER VIGIL: It does for me.

COMMISSIONER STEFANICS: It does for me.

MR. ABEYTA: Okay, then we'll just schedule the June 9th meeting to begin at 1:00 and the first item on the agenda will be the budget.

COMMISSIONER MONTOYA: Okay. We'll just need to check and make sure Chairman Anaya is available also. But we can at least pencil it in. Okay, what are the wishes of the Board.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER STEFANICS: Second.

COMMISSIONER MONTOYA: I have a motion by Commissioner Vigil, second by Commissioner Stefanics. Further discussion?

The motion passed by unanimous [4-0] voice vote.

COMMISSIONER MONTOYA: Thank you, Teresa.

MS. MARTINEZ: Thank you, and thanks to Paul and staff for preparing the presentation.

XII. E. Matters from the County Manager

3. Consideration of the Proposed Amended Joint Powers Agreement for E-911 Communications (Community Services Department/Fire) [Exhibit 2]

COMMISSIONER MONTOYA: If it's okay with the Commission I'd like to

move item XII. B. 3 up. We have the staff from the 911 Communications in Rio Arriba County here and maybe before we break for lunch we could act on this item. If there's no objection.

MR. ABEYTA: Mr. Chair, this is the proposed amendment to the 1999 joint powers agreement for the E-911 communications between the City of Española, the Village of Chama, Ohkay Owingeh, the Jicarilla Apache Nation, the County of Rio Arriba and the County of Santa Fe. In July 2008, an amendment was proposed to the 1999 joint powers agreement that established an E-911 emergency dispatch center that serves northern Santa Fe County. The amendment was proposed as the result of the adoption of a countywide emergency communications and emergency medical services tax in Rio Arriba County.

Under the 1999 agreement Santa Fe County was liable for up to 12 percent of the total costs of the center's annual operations budget until such time that the calls in Santa Fe County could be dispatched to the County RECC. Thereafter, Santa Fe County's cost would be reduced to three percent. In 2003 our contribution dropped from \$68,000 to \$35,000, which represents the 12 percent to the three percent. In this last fiscal year we paid \$27,968. Under the proposed amended JPA Santa Fe County is only required to contribute to the funding of the center in the event that the Rio Arriba County tax does not generate revenues necessary to fund the approved annual budget.

In the event that there is a budget shortfall, Santa Fe County will be responsible for three percent of the shortfall. Another amendment to the 1999 JPA includes the replacement or removal of Paragraph 4.C, which Paragraph 4.C of the original agreement read that the board shall formulate and adopt an annual budget necessary to implement and carry out the goals of this agreement. The adopted budget shall then be forwarded to each party's governing body for their approval no later than 90 days before the end of the fiscal year.

The new Paragraph 4.C does not include language that allows the Santa Fe County Board of County Commissioners or any other member entity's governing bodies to approve the Espanola-Rio Arriba 911 Center's annual operating budget. This is problematic. As a member who is responsible for a percentage of the annual operating costs of the center, the BCC needs to have the authority to approve, deny, or amend the Center's annual operating budget. Failure to ensure the right to approve the annual budget would result in a violation of the Bateman Act.

Now, Mr. Chair, Steve Ross just passed out a JPA that the County Attorney's office, along with myself have worked on over the past couple of weeks and we would recommend approval of that JPA, rather than the JPA that is in your packet as Exhibit A, which is the JPA which so far has been approved by all of the other member entities. So if you'd like, Mr. Chair, the JPA as we're proposing it, we passed out, has the strike-through and added language in red. And the changes begin on page 5 of the JPA, beginning with Paragraph C, the staff-replaced JPA reads, "The Board shall formulate and adopt an annual budget necessary to implement and carry out the goals of this agreement, and shall provide 61 percent of the annual funding from" – and we struck "to be funded consistent with the historical funding and in accordance with it" and just put "61 percent of the annual funding

from Rio Arriba County, Ordinance 2005-01”, which is a countywide emergency communications and emergency medical services tax. And we struck all of the references to the historical funding of that budget. And then we added to the end of C that “The annual budget of the authority shall be submitted to all parties contributing to the annual budget and shall not be effective until approved by those parties.”

Then Paragraph D, we kept all the percentages, again in the event that the Rio Arriba tax, the 61 percent, isn’t enough to cover the annual operating budget then Santa Fe County will contribute three percent. And then we struck Paragraph 2 on that page 5, because again, that was the language from the original JPA 1999 that said we would contribute 12 percent until the calls in northern Santa Fe County go to our dispatch. Well, again, that’s been taken care of. We know that the calls do go to our dispatch and so we don’t need that language anymore. So that language was appropriate in 1999; it’s no longer appropriate.

And, Mr. Chair, those are the changes that staff is recommending.

COMMISSIONER MONTOYA: Okay. Discussion. Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. So, Roman, I guess I need further clarification. If we have transferred all the E-911 calls to our Regional Communications Center, what does the three percent pay for? Let me make that a two-part question. I think I heard you say that the three percent is a component only if they’re operational dollars are insufficient on an annual basis. Then the three percent kicks in?

MR. ABEYTA: Yes, Mr. Chair, Commissioner Vigil. It’s only in the event that the 61 percent that Rio Arriba County is contributing is not enough. Then we would be responsible for three percent. And three percent is more in line with the percentage of calls that are still answered by the Espanola E-911. So not all the calls in Santa Fe County are answered by our RECC. There is still some calls that is answered by the Espanola 911.

COMMISSIONER VIGIL: Can Española document those and give us verification of that?

MR. ABEYTA: Commissioner Vigil, we’ve been working with them lately to get a more accurate number, but we’re still working that out. We don’t have that yet. The ability to do that yet.

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

COMMISSIONER MONTOYA: Other discussion? Ms. Griego, did you have anything that you wanted to address? Please come forward.

MARTY GRIEGO: Thank you, Chairman Montoya. It’s an honor and a pleasure to speak here before you. I think there seems to be a little bit of a misconception. I’m really glad that I can be here today. Basically, for the last two years we presented a joint power agreement to all the entities that make up the making up of the 911 Center Board. Santa Fe County was present at that time and their representative had the option to take back the joint power agreement to you all so you could look at it. This has been going on for two years, like I say.

Your representative, who was appointed, voted to approve this joint power agreement, so we were under the impression that everything was fine. So then the only person that didn’t

want to sign, that was at our board meeting that represented a commission, said the Rio Arriba County did not want to sign the joint power agreement. Therefore, the 911 Board appointed our attorney to go before the court and Rio Arriba was forced to sign this joint power agreement that had been approved by all the members of the 911 Board.

So now, come to hear that this is still an issue and that Santa Fe County is reluctant to sign is a little confusing, because we took our joint power agreement that's before you to DFA and they approved it and told us to make the most minimal changes on here. So that's what we did. As far as statistics, we provided the statistics that we have that are included in the City of Espanola, which encompasses Santa Fe County, that was in the City. So this is the best that we can come up with.

Now, I guess my point is if you read further on this joint power agreement it certainly states that your representative has to approve the budget that's proposed before anybody will approve the budget. So clearly there's a misconception. We would never approve a budget without everybody being completely on task with that budget. Our budget hasn't changed much. This year we're asking for two full-time employees because our calls for service are increasing so much. So this joint power agreement that has been already signed by all the other entities, has been taken before the 911 Board, before the other entities, has already been signed, was already approved by DFA, and so therefore I would specially request that you all would reconsider and sign our joint power agreement and we could move on. Because as far as people are stating that Santa Fe County's representative doesn't have a voice, they most certainly do, and they've set in fact, your representative at our last board meeting seconded our proposed budget for the next fiscal year.

So I think that it's the responsibility of the board member to bring it back to their governing body and see how they vote, then take it back to the Board and let us know what you all think, if you think it's too much, if you think we shouldn't, of course you're going to listen to that and nothing is going to be approved without your approval. So that's what I wanted to add.

COMMISSIONER MONTROYA: Thank you. Any questions for Ms. Griego?

COMMISSIONER VIGIL: I just wanted Ms. Griego not to get the wrong impression. Any kind of questions we pose is really because it's our fiscal responsibility to do that. It has absolutely nothing to do with the fact that there's a misconception. We know and trust in our staff and they've been working through this issue quite a bit and I didn't hear any statements about our representative not bringing forth this information to us. So and I'm the one that's posed questions. If I pose questions it's only to gain further clarification. It's not intended to show a statement of lack of support of this at all. So I wanted you to clearly understand that, because I know that we need to work cooperatively with all of our neighbors. I just want to make sure that what we're working towards is within our fiscal oversight and our fiscal responsibility and our fiscal prudence. Thank you, Mr. Chair.

COMMISSIONER MONTROYA: Okay. Thank you, Commissioner Vigil.
Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, this is a question I ask of almost

everything that we do. If we do not approve your requested version, and we approve our amended one, how much will that set you back, since you already feel set back?

MS. GRIEGO: Years. And there's a DFA representative here who can also speak on our behalf. We thought that this was clearly already settled. So that's where our confusion comes in. It's been two years. We've worked on it. We took Rio Arriba County to court, which of course we didn't want to do, but we wanted to clarify the rules. Another something I'd like to straighten out is we have an emergency communications tax that was put in place by the voters of Rio Arriba County to pay for the funding of our 911 Center. We've had meetings with the Commission chair and we're supposed to go before Rio Arriba County. But as far as he told the 911 Board, they are willing to pay 80 percent of our budget. But then, the way this is included, because we still handle calls for Santa Fe County above the 80 percent is three percent from Santa Fe County. So the charge that the County Manager is speaking of in the joint power agreement that we have states that if the tax in Rio Arriba County doesn't generate money, then the other entities – City of Española, Ohkay Owingeh, Chama – would have to pay. Santa Fe County's percentage would remain the same. It would always be three percent. Whether the tax generates the money or whether it doesn't. Their contribution is three percent because we still answer calls for Santa Fe County within the City of Espanola.

COMMISSIONER STEFANICS: Mr. Chair and Steve or Roman, could you identify for me again – I'm sorry about the lapse – why we need the proposed changes?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, our concern with the existing or the proposed JPA that the other governing bodies have signed is that it violates the Bateman Act. And we have a disagreement with the City of Espanola on the Bateman Act and what it means, but basically, once the budget is established by this Board, that budget has to be taken to every single member of the board, the members' governing body. Our representative that we appointed to this E-911 doesn't have the authority to set the budget for the Board of County Commissioners. So he or she can say, yes, as a member of the RECC Board we agree that this amount is reasonable, but ultimately, since it's requiring a contribution from the County, only the Board of County Commissioners can say that we're willing to give three percent or four percent or whatever it is.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. And Roman, who is our representative to this?

MR. ABEYTA: An individual from the Sheriff's Department. I believe it's Captain Riggs.

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

COMMISSIONER VIGIL: Mr. Chair, I would like to ask Roman, it's seeming to me that this JPA is intended to be final, but I'm wondering, based on some of the issues that there may be some differences, particularly with the Bateman Act, if we could set a termination date on this and maybe perhaps a review. And I'm not sure – I would defer to you if that would be a one-year, two-year, or how much. Steve, you've reviewed this contract.

You may have a better recommendation on this.

MR. ROSS: Mr. Chair, Commissioner Vigil, the currently agreement, we're currently operating under a joint powers agreement. This is an amendment to that agreement. So are you proposing that a new agreement be entered into and expire at a particular time?

COMMISSIONER VIGIL: No, I'm proposing some kind of review where these amendment might have the opportunity to be implement and we can actually meet Rio Arriba and all other parties at some particular time in the future to make sure that all the issues, inclusive of the Bateman Act issue and the three percent is the way it should continue. And of course I suppose we can do that anyhow. But my concern would be that this current JPA does not have a term limit.

MR. ROSS: Mr. Chair, Commissioner Vigil, for 911 centers they typically don't, because it's a basic public safety function and you wouldn't want issues that arise from year to year to imperil the operation of the 911 center. You want to make sure it continues. So typically, these JPAs don't have termination provisions in them. Or they have provisions that guarantee that even if a single party terminates that the center continues to function. That's how they're typically set up.

COMMISSIONER VIGIL: Okay. And our termination terms on this, are we allowed to terminate this and what kind of notice is required?

MR. ROSS: Mr. Chair, Commissioner Vigil, there's a 30-day out. We can withdraw on 30 days notice. From what I just said you can tell I don't think that's a good idea.

COMMISSIONER VIGIL: Right. Mr. Chair, I move we approve.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTTOYA: Approve the amended JPA or the original JPA?

COMMISSIONER VIGIL: Staff's recommendation.

COMMISSIONER MONTTOYA: Okay. Motion by Commissioner Vigil, second by Commissioner Holian. Discussion.

MR. ROSS: Mr. Chair, there are some words left out of this version. I just proofread it here. There are a few words, and if you don't mind, let me add some words to this. In C on page 5, where it says the board shall formulate and adopt an annual budget as necessary to implement and carry out the goals of this agreement – and Rio Arriba County shall provide – those words were just left out of this version. And in D – D and C need to work together. So I would suggest we add a few words to D so we ensure that Paragraph C and D work together. And that would read like this. So that paragraph right now starts "In the event". I would propose to say, "In the event that the amount contributed by Rio Arriba County from its countywide emergency communications and emergency medical services tax specified in the previous paragraph does not generate revenues..." Then the rest of it would be the same. So we ensure that the reader understands that C and D work together.

COMMISSIONER VIGIL: My motion would include that language, Mr. Chair.

COMMISSIONER MONTOYA: Okay, those amendments on that. Okay.

COMMISSIONER HOLIAN: Second, and I actually found a typo on page 3, under A. 1, it says, establish and operate, and it should be an enhanced 911 communications

COMMISSIONER MONTOYA: Okay.

COMMISSIONER HOLIAN: So I second it with corrections.

COMMISSIONER MONTOYA: Okay. Further discussion? And Ms. Griego, just so that you realize, as an elected official I rely on staff to give me direction. In no way do I want to compromise the County and put us in a position in violation, especially like the Bateman Act where that is something that is statutorily required of the Commission. So I think this helps to clarify that and at least puts us in a position where we're not liable for something that otherwise we would be.

MS. GRIEGO: Thank you, Commissioner. Is that only one page that we could take back before the board? Is it just a change on one page? Is that all it is?

COMMISSIONER MONTOYA: Yes.

MS. GRIEGO: So then we could just take that one page back and see if we can get the rest of the 911 board to approve that. And if that one page was agreed to by them, then you would sign that that has been approved.

COMMISSIONER MONTOYA: Well, we're going to sign this. Well, once we take a vote, I think. Anyway, other discussion?

The motion passed by unanimous [4-0] voice vote.

COMMISSIONER MONTOYA: So we will sign this one. Thank you. Okay, what are the wishes of the Commission?

COMMISSIONER VIGIL: How many more items do we have?

COMMISSIONER MONTOYA: We have item XII. C. 2, which is a review and discussion of architectural design. How long is that going to take?

DAVE SPERLING (Deputy Fire Chief): It would probably take about five minutes.

COMMISSIONER MONTOYA: Five minutes? Okay. Is it okay if we shoot to 12:30 and see how far down we get? Okay. Three minutes.

XII. C. 2. Presentation, Review and Discussion of Preliminary Architectural Design of Santa Fe County Fire Department Fire Stations for the Southern Region Headquarters, Edgewood Fire District and Western Region Headquarters, La Cienega Fire District (Community Services Department/Fire)

DEPUTY CHIEF SPERLING: Thank you, Mr. Chair, members of the Commission, I'll talk real quickly. Try to get through this. I'm here today to present to you

our preliminary architectural design for Santa Fe County Fire Department stations for the southern region, Edgewood Fire District, and the western region headquarters, La Cienega Fire District. With me here today is our contract architect, Ms. Marcy Riskin. She's a LEED certified architect who has several fire stations to her credit in the Santa Fe region. And in particular she's very adept at sustainable design in energy efficiency.

In addition, Ron Sandoval from the Community Services Department, he's our project manager on these two stations, and Assistant Chief Moya who will be the Department's liaison on these projects. So with that I'll let Ms. Riskin get to work and then we'll stand for any questions you may have. Thank you.

MARCY RISKIN: Hi. Thank you for having us. So these are two fire stations. One is the western regional headquarters in Rancho Viejo. The other is the southern regional headquarters in Edgewood. And the stations are basically fraternal twins. The floor plans are about 95 percent similar, but the stations themselves in elevation, which you'll see in 30 seconds – because I've got three minutes, right? And obviously the site plans are very different. But otherwise the stations are basically twins. They serve the same function. I know these are kind of light, but Ron will point things out while I talk. Thanks. We're going to keep the site plan up there for a sec.

So that's the site plan that he's standing in front of right now for Rancho Viejo. What we've done is orient the station south. This is for energy efficiency. We're using solar gain for some heating. We're also daylighting the facilities entirely. The only spaces that aren't daylight – and this is for both facilities – are things like laundry rooms and custodial closets. That's it. Every occupied space is daylight. That also helps save energy, especially in a public building.

And what we've done on the site plan – actually, if we can orient that one vertically, and then they'll both be oriented south. Thank you. We've got separated access for the staff and apparatus from the public access. Ron can point out the public parking lots. There's the public one for Edgewood and the public parking lot for Rancho Viejo. We tried to keep the parking on the sides and in the back where we could. And we've also done a lot of water harvesting onsite. I don't have the landscape plans, but water harvesting – we've got detention ponds. We've also got cisterns. We're also direct-watering. So we're capturing 100 percent of the water onsite and utilizing it directly where we can rather than putting it into a cistern and pumping it back.

Do you want to go to the elevations? Or actually we should go to the floor plans first. So the facilities themselves serve a similar function. We've got obviously the space for apparatus, and then the facilities are sort of unique in that they serve both staff, they have a staff area, and then also the volunteer area. Do you want to point out the – staff is on the east side and the volunteer area is on the west, but again, for energy efficiency and daylighting, most of the windows are oriented south. We have two patios or courtyards so we can get even more southern lighting. So each side, the staff side and the volunteer side each has a patio as well.

So we can take these off. Now we can see the elevations, which is what everybody

likes to see anyway, right? This is the pretty picture portion. This is Edgewood. Edgewood was designed to kind of go with the look and feel of Edgewood. They have a lot more snow down there than we get up here in Santa Fe. We've got all pitched roofs on that facility, plus they've kind of got the mountain setting, so we've gone with pitched roofs. We've got a concrete block base, which is basically just a stem wall taken up. Pro-panel roof – it's pretty basic finished, but hopefully utilized in a way which makes the facility more appealing and at Rancho Viejo, we've got – it's all stucco. It's a flat roof, so you can see they look very different despite the fact that the floor plans are almost entirely the same.

Both facilities have a large apparatus bay which you need in a fire station. We've kept that to the back of the site and kept the front spaces low so that it has more of a residential or human scale on the streetscape. Any questions?

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Stefanics and then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, and thank you for the presentation. Two things. First, I want to thank Rancho Viejo publicly for the donation of the land for this. Secondly, it's a common question, with all flat roofs we worry about water retention, so what have we done about this?

MS. RISKIN: What I've done with every flat roof that I've done is – the normal slope on a flat roof is a quarter inch per foot. I do a half inch, so double the slope. Quarter inch per foot is basically flat, the way that they're installed, but a quarter inch per foot gets a lot better drainage. We use a lot of canales so that we don't just have one outlet.

COMMISSIONER STEFANICS: What materials, Mr. Chair, will be used on the roof there?

MS. RISKIN: We use a built up roof. I know that there's been all kinds of discussions about things like all the membrane roofs. The ones that seem to fail the least are the easiest to repair and work the best are the built-up roofing systems. I've had the least problems on them. I look young but I've been doing this for 20 years.

COMMISSIONER STEFANICS: Mr. Chair, what kind of warranty is there on this flat roof?

MS. RISKIN: You get the same warranty on the flat roof that you do on any roof. The built-up roof is a better warranty though, I think, than the membrane roof.

COMMISSIONER STEFANICS: I think pro-panels are like –

MS. RISKIN: Pro-panel is the best. Obviously, yes. Pro-panel is the best, but these are the standard, I believe there's a 30-year warranty on the built-up.

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

COMMISSIONER MONTOYA: Commissioners, I've heard there's two kinds of roofs. One that leaks and one that's going to leak.

MS. RISKIN: Actually, even on a pro-panel roof, the way the penetrations are, so when you have penetrations through things like exhaust, that's where we have to do the detailing to prevent them from leaking.

COMMISSIONER MONTTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. So on the water that you're collecting, is that just for landscaping or do you actually – does it go into cisterns and actually get used for some firefighting?

MS. RISKIN: You can speak to that, but I think that we're not allowed to do that. What I was told was we can use the water for landscaping. We can't really have a graywater system. We can let Chief Sperling speak to that.

DEPUTY CHIEF SPERLING: Marcy's correct, Commissioner. The water that's collected from the buildings is used for landscaping purposes. Any water that we put in the fire truck we'll take from fire hydrants.

COMMISSIONER HOLIAN: I see. And the other question I have is, I know that at the Eldorado station, well, it's actually the Hondo Fire Station, there's like a community room there and that's just really a nice thing for the people to be able to get together for informal meetings. Do you have something like that designed into these two stations?

DEPUTY CHIEF SPERLING: Commissioner, we do. Each station has a training/community room. And the primary purpose will be for regional training purposes but also open to the public for use as needed.

COMMISSIONER HOLIAN: Oh, great. Anyway, I also want to make the comment I think it looks beautiful. Very nice design.

MS. RISKIN: Thank you very much.

COMMISSIONER MONTTOYA: Are there three?

MS. RISKIN: It's two stations.

COMMISSIONER MONTTOYA: So it's the southern region and the western region on these. Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair, and I – perhaps this is something that needs to be factored into our sustainable growth management plan, but with the Rancho Viejo station and the service area that will be provided for that station, once Las Soleras gets involved, and that's all City-annexed property, will Rancho Viejo be servicing that area? Do you know? Have you had conversations about this through our growth management plan?

DEPUTY CHIEF SPERLING: Mr. Chair, Commissioner, we have had some discussions with the City. We have a joint powers agreement with the City where right now in those areas we're providing primary response; they provide us backup. Once the annexation comes into play in Las Soleras it will flip-flop but we'll still be assisting the City as needed in those areas by providing service. The station also will provide service to the large western region, which includes the La Cienega Fire District, Agua Fria Fire District, and into the Community College District and parts of the western Hondo District. So there will be plenty of business, I think for this western regional station.

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

COMMISSIONER MONTTOYA: Any other discussion? Okay. Thank you. We

appreciate the update on this.

DEPUTY CHIEF SPERLING: Thank you, Commissioners.

COMMISSIONER MONTOYA: And what's the timeframe, more or less?

DEPUTY CHIEF SPERLING: Mr. Chair, we're hoping to start construction some time later this fall, perhaps early winter, and I anticipate a one-year build-out. So from this point forward you're looking about 18 months.

COMMISSIONER MONTOYA: Thank you.

XII. D. Growth Management Department

1. Resolution authorizing submission of application for Energy Efficiency Conservation Block Grant per American Recovery and Reinvestment Act (Economic Development)

DUNCAN SILL (Economic Development): Mr. Chair, Commissioners, here today in your packet that there is a funding opportunity announcement from the federal government. The American Recovery and Reinvestment Act of 2009, more commonly known as the federal economic stimulus plan authorizes \$3.2 billion in the form of energy efficiency and conservation block grants. The state of New Mexico has received allocations in the amount of a little bit over \$20 million in these funds, and Santa Fe County has been authorized to receive \$264,000. We need to – Santa Fe County, that is – needs to submit a formal application that is due on June 25th to the Department of Energy to receive these funds. With that said I'll stand for questions.

COMMISSIONER MONTOYA: Okay, questions?

COMMISSIONER VIGIL: Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Vigil, then Commissioner Stefanics.

COMMISSIONER VIGIL: Duncan, thanks for working on this. The \$264,000 is obligated for what? Conservation Development Block Grant – is that to incorporate energy efficiency components in our CDBG project or what? What is it specifically?

MR. SILL: There's a whole array of possibilities that we could utilize this money for. Pursuant to the grant application, within 120 days of the award the County would identify the specific areas that the funds would be used for. They could be utilize for achieving energy audits, including energy efficiency in public facilities, development of an energy efficiency and conservation strategic program within the County. There's also possibilities of utilizing it to promote transportation efficiency. There's a whole gamut of approved usage. So at this point what I will do after the submission of this application I will prepare a proposal to bring back to the Board of County Commissioners for your consideration of all the actual usages of these funds.

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

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Duncan, are you saying we can apply for this without having a specific project in mind?

MR. SILL: Mr. Chair, Commissioner Stefanics, that's correct. So long as we have the energy efficiency and conservation strategy approved within 120 days of the actual award. Keep in mind that this particular block grant right now is a formula-based set-aside money directly from the stimulus. So the rate of the eligibility is established that the energy block grant goes to the top ten most populated municipalities and counties within the state of New Mexico, so each one of these municipalities and local governments in turn will have to submit the same application and procedure for that strategy. So we'll have to determine at that point what the appropriate usages will be. Right now, it's just getting the ball rolling and the application in.

COMMISSIONER STEFANICS: Mr. Chair, when you're ready, I'll move.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTOYA: Motion, Commissioner Stefanics, second, Commissioner Holian. Any other discussion?

The motion passed by unanimous [4-0] voice vote.

XII. E. Matters from the County Manager

1. Update on Various Issues

a. New Judicial Courthouse Complex

MR. ABEYTA: Thank you, Mr. Chair. A brief update on the judicial courthouse complex –

COMMISSIONER STEFANICS: Mr. Chair, I'm going to have questions on this. I think we should wait.

COMMISSIONER MONTOYA: Okay. All right.

COMMISSIONER STEFANICS: We might need a little break.

COMMISSIONER MONTOYA: And then we'll come back, what? Two o'clock?

COMMISSIONER VIGIL: Mr. Chair, can we discuss this a little more, because if we come back for 2:00, it will only be for two items, and then we'd have to probably recess and come back at 5:00. I'm wondering if we should just go through this until maybe another half hour. Do you think your questions –

COMMISSIONER STEFANICS: I'm fine with that. We do have an executive session, don't we?

COMMISSIONER VIGIL: That's what I'm thinking, inclusive of –

COMMISSIONER STEFANICS: Okay. I'm fine, as long as we take the time to not rush through this. Okay. Thank you.

COMMISSIONER MONTTOYA: Okay.

MR. ABEYTA: Mr. Chair, I have some information and also Steve Ross has. On Friday, this past Friday the 22nd, myself, Paul Olafson, Intera, met with Secretary Curry and a number of his staff members from his different agencies, and we toured the site. And not just the site but also we started at the southern end of the block and walked from there all the way down. So it was about an hour and a half, maybe two-hour visit with the Secretary, where we went and showed him step by step everything that happened. He saw the location of our wells. We talked about the different wells and where we have found product, and then again we talked about the possibilities with the contamination and then the other properties that are adjoining ours and where it may be coming from. So, as I said, that was about an hour and a half, two-hour visit with the Secretary.

Steve has heard back from them today and had some more information regarding that, so with that, I'll turn it over to Steve.

MR. ROSS: Mr. Chair, I did call the consultants this morning before this meeting to kind of get an update myself since I was out last week. The activities last week consisted of gaining the approval of the Environment Department to direct removal of the gasoline that's been plaguing the process. So those activities are going to start fairly soon by Intera, our contractor on this. As you recall, the problem that stopped the construction project was the fact that there is actual petroleum floating on the water table, not just contaminated groundwater. And all that petroleum has to be removed before that project can go forward. You can't put a building in an area that's contaminated with gasoline.

So ED has given us the green-light to start that project, at least on our site, to start getting gasoline out of the ground and disposing of it. The second thing I learned this morning talking to our consultants is that the Environment Department has also indicated that it's going to go forward with a geophysical survey of other possible tank sites in the area and that could include the Journal site, possibly the Design Center, maybe some other sites. What this will involve I'm told is ground-penetrating radar will be brought in to search for old tanks that may not have ever been removed. If those are found, that's obviously an issue they'll have to deal with, and if they're not found, then that will be an important fact to factor into their investigation.

Our consultants continue to work with the Environment Department on attempting to characterize the site, not just our site, but the areas outside of our site that are subject to the contamination and they're working directly with the Environment Department that will give us the information to understand how much raw gasoline is still present. So those three things occurred last week and are ongoing today.

COMMISSIONER MONTTOYA: Okay. Questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Well, Mr. Chair, and Steve and Roman, based upon what you have learned, the next steps are?

MR. ROSS: Mr. Chair, Commissioner Stefanics, obviously the gasoline has to be removed from the ground, so we're starting that process, but we also have to understand how much gasoline is there. Characterizing the site, with the help of the Environment

Department is something that needs to be done and will give us next steps. We need to understand how much gasoline is there to understand whether it's feasible to get out, how much it will cost, how it can be gotten out of the ground. All those kinds of details.

COMMISSIONER STEFANICS: So, Mr. Chair and Steve, until – I guess what I'm asking here is what's the process length of time that we're talking about to determine or to assess the quantity and the method?

MR. ROSS: None of those details are clear yet. The first thing that needs to happen is we need to get agreement with the Environment Department on how to step through that site characterization process. That hasn't happened yet. We're not there yet. Once we get to the point where we all are in agreement as to who's going to do what and how it's going to happen then the process can start. It will take months once the process starts, to drill the appropriate wells, get permission to drill the appropriate wells, drill the wells, sample them, analyze the data, and create a model from which the solution will become evident.

COMMISSIONER STEFANICS: So, Mr. Chair, Steve, in your comments are you suggesting that it might be June, July, August, September before we'd have an assessment and a method identified for that removal of the gasoline? Or longer?

MR. ROSS: Mr. Chair, Commissioner Stefanics, I would hope that we would be able to at least get agreement of the Environment Department on a methodology far sooner than that. Maybe in a few weeks. It is a slow process dealing with that regulatory process. Right now we're still providing information to them. Once they stop asking for information it may be time for them to start making some decisions and talk to us about what comes next in terms of off-site characterization. We think we've got a good handle on the characterization of the site itself but we all know that because the site is impacted by all these offsite sources that that's the real problem and that's what needs to be attacked. So we're going to push as quickly as possible to get some agreement from the Environment Department on a process. And if they can't move quickly enough maybe we could propose – we've talked about this, that we take on that responsibility, with their blessing of course, and do a broader site assessment of the whole area.

COMMISSIONER STEFANICS: Well, Mr. Chair, the reason I'm asking the question is that some members of the public are interested on a day-by-day, week-by-week, month-by-month basis. So, Roman, are we going to do some postings on our website to keep the public abreast?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, yes, we will put another posting now that I've given you this update. And then I'm hoping to have the consultants on the agenda for the 9th and have another presentation. I'm told that by then they should have a lot more information for us.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Roman, have you been in negotiations with the contractor for the County courthouse to talk about what we might do

for a stop-work agreement?

MR. ABEYTA: Mr. Chair, Commissioner Holian, yes. We have started having preliminary discussions with them, but as Steve said, without having an idea as to how long or how big of a problem this is it's kind of hard to put a timeframe to that yet. But as soon as we do have something more concrete, then we will take the negotiations to the next level which will be a stop-workage for a certain amount of time, either three months, six months. But even before we do that we want to make sure that the Commission knows what we're looking at. So maybe by the 9th we'll have a better idea as to not only the problem but also the effect on the construction of the courthouse.

COMMISSIONER HOLIAN: Thank you, Mr. Chair.

COMMISSIONER MONTROYA: Commissioner Vigil, any questions?

COMMISSIONER VIGIL: It just did sound to me that there was real clarity as to who was responsible for the cleanup here. Did I hear that correctly. I guess, let me just also throw this question in regard to that. For example, if there are five plumes out there that have actually been identified, and I think we probably already may know that at least that exists, just based on some previous testing. I don't know. We'll get the final information when we do. Do we have a sense of how, to what extent we are responsible for cleanup? Would we be responsible for the plume that we have impacted through the construction, which is my assessment of what we've done thus far, but that may be changed when we hear from our consultants. Do we have a sense that we would be responsible just for the plumes that we've impacted? And are we responsible, or if we work with the Department of the Environment is there a clear delineation or will there be a clear delineation of who is responsible for what?

MR. ROSS: Well, Mr. Chair, Commissioner Vigil, we are, as near as we can tell at this point, we didn't contribute any of the contamination, we, being our properties. Prior occupancy of our property didn't impact our site in any way, that the impacts are from offsite sources. The primary one, apparently is the old gasoline that's directly across the street, directly across Montezuma from our building, but there may be other contributing plumes, if you will, from the former 66 station there where the Saveur Restaurant is now. Potentially, the other gasoline or the third gasoline on that site, which is on the same side of the street from us and now houses the *Journal* property, there's an identified site called the Garfield site west of the Design Center, and then the Design Center itself which had a number of tanks identified and there's not been a lot of study on how that site may have contributed, if it contributed at all.

So all those pieces equal a trespass contamination and trespass in that release has occurred on property that we don't own and they impacted our property. Now, the second part of your question is do we have an obligation to clean it up? We do if we're going to do this construction project. We need to clean our site. So that means removing the contaminated soil, addressing the soil vapors, addressing the free product, addressing the groundwater contamination. All those things are our responsibility if we're going to deal with the site, but that doesn't mean we wouldn't later be looking to somebody for reimbursement because it's trespass contamination; somebody else contaminated our property and it's now

appearing that other properties aside from ours are also impacted by these problems.

So we may be looking to someone else for reimbursement in the future, if it can be established which gasoline station leaked we may be looking at those parties for reimbursement for any expenses that we encountered constructing our building. And the Environment Department of course has the authority to conduct the cleanup but they also have sources of funds to assist owners of impacted property, in fact as well as of property whose owners whose property has contributed to the contamination with the cost of cleanup. There's federal and state money that's available for that.

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

COMMISSIONER MONTOYA: Steve, in terms of this radar –

MR. ROSS: I think it's called ground-penetrating radar.

COMMISSIONER MONTOYA: Ground-penetrating radar. They'll be able to detect whether then there's other tanks in the surrounding lots?

MR. ROSS: Yes, Mr. Chair. What they would do, I understand is take this unit to where they think tanks used to be and use it to look beneath the ground to determine if the tanks are still there, and if they're still there they're a potential ongoing source of contamination and need to be removed. And if they're not there they'll tell us that there isn't any more gasoline going into the ground that we don't already know about.

COMMISSIONER MONTOYA: So are we paying for that analysis?

MR. ROSS: No.

COMMISSIONER MONTOYA: Or is it the Environment Department?

MR. ROSS: The Environment Department is paying.

COMMISSIONER MONTOYA: Oh, okay. All right. Any other questions. If not, Roman –

MR. ABEYTA: Mr. Chair, the other thing, the update I have is I received a final legislative report from Rudy Garcia and I'll be sure to put it in all of your in-boxes. And this is for the 09 State Legislative session. And other than that, those are the updates that I have at this time, Mr. Chair.

XII. E. 2. Request Direction Regarding County Liability Insurance

COMMISSIONER MONTOYA: Okay. Do you have one there requesting direction regarding County liability insurance?

MR. ABEYTA: Yes, Mr. Chair. This is the item that we have talked about regarding the Association of Counties as our current – as you know, we're part of their pool. And it's come up over probably the last year now. Maybe longer, regarding whether or not we want to continue to participate in the pool or if we want to see what options are out there for us. At one point we, in the Legal Department, had drafted a request for proposals to put out and see what kind of proposals we get, including from the Association of Counties, and really, at this point, without doing that it's hard to say what the benefits to staying in the

Association are, compared to going outside. There's pros and cons to both. I now a member of the Association wanted to be here. I thought Steve Kopelman would be at 12:30 to talk about that. We just need to know from the Commission what you want us to do in regards to this.

COMMISSIONER MONTOYA: Okay. Any thoughts? Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, Roman, have we discussed here contracting with a large insurance firm that has an actuary, the presentation of possibilities for the County?

MR. ABEYTA: Commissioner Stefanics, no. Not that I know of.

COMMISSIONER STEFANICS: Well, Mr. Chair, I hate to suggest spending money, but for about \$20,000 or less, we probably could contract with a large, national firm to actually compare and give us some estimated options. They wouldn't be concrete fees, bases upon – they would need to look at our experience and our property, but they would be able to look at what we are paying and compare it with other like entities. For example, earlier this year I did draw down from a public website, the state fees for all of the Corrections – for the entire Corrections Departments for the entire state, so that we could compare what we were paying the Association of Counties just for our Corrections services and what the entire state is paying. And I think that, without looking at the comparison, we are paying almost as much as the entire state is paying for their entire corrections system.

And I didn't lay the numbers side by side, I just reacted to staff's comments back to me. So that is a self-insured pool, but there are other self-insured pools that we might be able to access. So if we have not undertaken the use of some outside counsel on this it might be a step. Or if you all have dealt with this several times in the past perhaps you have a feeling how you want to go. To just determine, and I know that Commissioner Montoya and I had a conversation before I was elected about some of these issues, to set up a self-insured pool for ourselves actually necessitates setting up a reserve pool that we don't necessarily want to do in times of cash crunch.

But there are lots of opportunities to pick up second riders and so on. So I'm open for discussion on this.

COMMISSIONER MONTOYA: And is it part of the reason that we would do this would be to get that information from that type of insurance company or someone who does something like that?

COMMISSIONER STEFANICS: A consultant, yes.

COMMISSIONER MONTOYA: A consultant. It would be actually my understanding to actually go out to RFP to get that analysis and comparison.

COMMISSIONER STEFANICS: A study and analysis that would not award any benefit to the company that's doing it. The company would just be doing the study.

COMMISSIONER MONTOYA: Exactly.

COMMISSIONER STEFANICS: And there are several companies that do this kind of thing. For example, the Albuquerque Public Schools and the New Mexico Public

School Insurance Pool, NMPSIA, had about a \$20,000 contract to look at what alternatives they had but that was strictly for group health, vision, dental insurance. What we would be doing is looking for somebody to provide us some alternatives that were more reasonable in terms of our fees for all of our lines.

COMMISSIONER MONTOYA: Exactly. So I guess it would be a question of do we feel like this? Personally, again, I've talked to I believe all of you individually regarding the potential cost savings we could have if we did do something like this. Otherwise I don't think it would be something worth discussing but I really believe that – and I wasn't clear that you had had that analysis done just on corrections costs, but my gosh. If we're paying as much as the whole State of New Mexico with one facility.

COMMISSIONER STEFANICS: Well, I think that Steve or Roman would have to determine that really is how it played out. I just pulled down from the website, the DFA website, what all the lines of insurance coverage was just for the State Department of Corrections and had them compare.

The other issue that we haven't – has Mr. Kopelman given us any specific information that we could look at regarding our fees and why they're moving upwards?

MR. ROSS: Mr. Chair, Commissioner Stefanics, no. They get actuarial reports, the Association does, and they use that when they appear in front of the Board to recommend premiums for the upcoming fiscal year and actually the actuary does a lot of that for the Board. But we haven't seen that specific data.

COMMISSIONER STEFANICS: One more question. Do we know other counties that are not using the Association of Counties?

MR. ROSS: Mr. Chair, Commissioner Stefanics, Rio Arriba County and San Juan County have always obtained outside property and casualty insurance. When I – I actually worked for San Juan County for many years and they went through the same procedure you're describing each time it was time to renew the policy. They hired an independent expert to basically develop the RFP, which was then used to get a broker to do the actual acquisition.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Vigil and Commissioner Holian.

COMMISSIONER VIGIL: Okay. It's seeming to me that there are two avenues that we're discussing. One is to go ahead and do an RFP and gain information from those respondents who are interested in actually participating in this process. At that particular time we could probably get some feedback from the Association of Counties and do a comparison. The other path that we're looking at is to get an overall assessment, have somebody do a cross-impact analysis or whatever is required. Fiscal impact analysis with regard to what we are currently doing and what's available out there.

Either way, unless we have an RFP, and I consider an RFP sort of an obligatory step towards contracting. Once we have an RFP we can do that comparison with the information received. It seems to me, Roman, that I think you're looking for direction. I'm hearing one

suggestion that we do an overall assessment. I think \$20,000, Commissioner Stefanics, is a lot. I would reiterate your statement about that. But maybe perhaps you could look at what an assessment would provide for a County government, because I think those kinds of assessments have to be cross-referenced in terms of what's available in the private sector, if anything's available for government. And those kinds of things. It can get a little confusing as far as I can tell.

So perhaps, Roman, for a sense of direction, you might be able to come back to us with regard to what an assessment would provide for us specifically, and we could compare that to what an RFP would provide. I'm more in favor of RFP-ing because no matter what the assessment provides, unless we receive specific requests for proposal we're not going to know what figures we'll get. They can tell us, well, this is what a company is charging and this is what they're doing for similarly situated circumstances, but an RFP will actually give us accurate figures in terms of what the cost is.

And I'm okay with gaining that information and coming back with us.

COMMISSIONER MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just want to add that I'm also concerned about certain gaps in our insurance that we have right now, particularly with regard to the Corrections Department. So I would like to see anything that we do address how we can plug those gaps, whether it's the supplementary insurance policies or from the primary insurer.

COMMISSIONER MONTOYA: Okay. And I guess I would be in favor, as Commissioner Vigil has stated, in terms of going with the RFP that – I know that it's been drafted. I think it's probably ready to go, if we give the go-ahead on that in terms of the direction. And I think it will pick up the information. I think, Commissioner Stefanics, that you're referring to. If I'm not mistaken. Is that correct, Steve?

MR. ROSS: Well, Mr. Chair, I think what Commissioner Stefanics is saying is that we hire a company, sort of like we did with the Buckman Direct Diversion project, to give us advice on how to write the RFP, how to focus on the needs of the County and get the best deal. Remember that company, those of you who are on the Buckman Direct Diversion, remember there's a company in Oregon that's been consulting with us since the beginning of the Buckman Direct Diversion project on project insurance. And that company has been very valuable helping us to draft documents and get the information before the insurance community that they need to make a really good, thorough evaluation and set a premium. You can get a lot of information in a way that the insurance business can respond to.

COMMISSIONER MONTOYA: So, correct me if I'm wrong, but I don't here any dissention in terms of moving forward one way or the other in terms of looking at some sort of cost savings. So maybe if you could come back to us with a recommendation as to how we're going to proceed. Does that make sense?

COMMISSIONER STEFANICS: Mr. Chair, I think we should probably – I should rephrase that. I would suggest, Mr. Chair, that we authorize the staff to spend some money on getting us the information that we need to make some decisions. Because if we

wait two more weeks for them to come back with another recommendation, it's going to be another couple weeks before something gets out. Now, again, I have to ask about deadlines. What kind of – when do we renew? Re-enroll?

MR. ABEYTA: July 1st.

COMMISSIONER STEFANICS: So we're not going to get it done in time anyway. Somebody's not going to do a study for us by July 1st.

COMMISSIONER MONTOYA: So we missed out this year, looks like.

COMMISSIONER STEFANICS: Well, I still think we should probably move ahead with this study, Mr. Chair, because we always could withdraw mid-year and receive a refund.

COMMISSIONER MONTOYA: We can?

COMMISSIONER STEFANICS: Yes. Anybody can quit any time.

COMMISSIONER HOLIAN: Mr. Chair, I'm in agreement Commissioner Stefanics' proposal as far as authorizing funds to study the situation.

MR. ABEYTA: Mr. Chair, I was just asking the County Attorney what he thought it might cost to do the initial assessment, and it would probably be between \$20,000 and \$30,000 and so if the Commission feels comfortable with that then we can move forward with doing that assessment and then bringing the assessment to the Commission in 60 days or however long it takes. And that way maybe the Commission will feel more comfortable making a decision to put out an RFP or not. Because I think if the Association was here today, which they were planning on being here, they would try convincing us not to and why not to. And so it might be helpful to have the study because, like I said, that's the feedback I get from the Association is that this would be a huge mistake if we did it and we shouldn't put out an RFP. So maybe the assessment would be good because it would communicate with this Association and we would have this third kind of neutral party kind of coming in and giving a recommendation to the Board.

COMMISSIONER MONTOYA: I'm comfortable with that. Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a question. Do we have staff capable of doing such a study?

MR. ABEYTA: Off the top of my head, Commissioner Stefanics, I would think not. I don't think we do.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: So, are you okay to proceed, Commissioner Vigil?

COMMISSIONER VIGIL: I'm not in agreement with spending \$20,000 to \$30,000 for these purposes. I think we just approved an interim budget that requires County employees to cut back, implements a lot of cost savings, and then for us to include a \$20,000 or \$30,000 budget item for an assessment that I think we could glean light on by just going out for RFP, I just – I'm sorry, Commissioner Stefanics. It just seems like a lot of money for something that we could gain information from, as I argued before, ultimately through RFPs.

COMMISSIONER STEFANICS: Okay. Mr. Chair, I think I'm a little confused from Commissioner Vigil's comments. Are you suggesting that we just go to RFP for coverage for the County? Versus RFP for an assessment?

COMMISSIONER VIGIL: Definitely. The RFPs would first and foremost go out there. Respondents would – and I think the RFP was carefully drafted to include all of the coverage that we currently have and what other available coverage might be available to us through the RFP. So, yes, I see a real clear distinction there. The RFP I think will give us the information we need to make a decision and I am making that distinction. I think spending \$20,000 or \$30,000 for a consultant to tell us what's out there versus us going out there and doing an RFP to let us know what is. Those are final figures. Those we can act on, and as I said before, a consultant will tell us what similarly situated counties may or may not be paying in premiums or may or may not be receiving in services, whereas an RFP would definitely tell us that.

COMMISSIONER STEFANICS: So, Mr. Chair and Commissioner Vigil, I'm not opposed to your concept about the RFP, a straight RFP for services, but doesn't that mean, Steve and Roman, that we have to accept best and final? And best and final being the lowest?

MR. ROSS: Mr. Chair, Commissioner Stefanics, how these work, if you do an RFP the way my department put it together is you do a qualifications-based proposal for a broker. The broker actually places the coverage. So you do what you were describing earlier and also potentially procure the coverage. So you can do a best and final process to hone the numbers down. What's good about having an intermediary is that that person can help you evaluate the performance of the broker, who has a vested interest in the outcome.

COMMISSIONER STEFANICS: Okay, so this is becoming a little clearer to me, Mr. Chair. So Steve, you're saying that the RFP is really for a broker.

MR. ROSS: Yes.

COMMISSIONER STEFANICS: The RFP cost is not the only fee that the broker can accrue. They can take a percentage from all the lines of coverage that we pick up from the different insurance companies.

MR. ROSS: Exactly.

COMMISSIONER STEFANICS: And is that clarified in the RFP or not?

MR. ROSS: Yes.

COMMISSIONER STEFANICS: So the RFP, technically, is much more than \$20,000 or \$30,000 for the broker.

MR. ROSS: No, the RFP in terms of cash outlay to the County is free. The broker would provide traditional insurance brokerage services for the County free of charge that we see. What we don't see is the negotiated fees with the various carriers that brokers typically obtain. That's why you have to do a formal procurement because they're not doing this for free. So we don't write them a check, but they do – their costs are something we do pay for.

COMMISSIONER STEFANICS: So, Mr. Chair, Steve, our RFP for a broker

would include transparency language that we would want to know what fees they would receive from our lines of coverage, because technically, it comes out of our money.

MR. ROSS: Yes. We are entitled to that information. I don't recall whether this has – this looks like December 2007. I'll have to make sure that that kind of language is in here. But we are entitled to that information.

COMMISSIONER STEFANICS: Okay. Well, Mr. Chair, the reason I'm bringing this up is in a past experience I had utilized a broker. They had a set fee and it wasn't until a couple years later that it came to light that they were making hundreds of thousands of dollars more than what we thought was our fee. Because it was the fees from every line of coverage. So if we're paying three million for transportation property – all of our cars – they were getting a percentage of that \$3 million. If we were paying x-amount for liability for employees, they were getting a percentage off of that. If we're paying x-amount for workers' comp, they were getting a percentage off of that, and that was not clear in our contract with the brokers. We thought we were just contracting with them for the initial fee. And so all I'm saying here is that the county, regardless of who we would go with, we would want to know what fees we're really talking about, because are we really saving money or not? That's where I'm going. Thank you.

So I could support Commissioner Vigil's proposition to just do the RFP for the broker, but just make clear we would want to know what all their fees would be, whether it's percentage-based or dollar-based.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER VIGIL: The other thing that would be a benefit is that there may not be brokers who are interested at this point in time. I don't know. I think this would answer a lot of questions. And I'll defer to you with your experience in risk management, but I think this would lay this issue to rest and I know Commissioner Montoya has advocated for us looking into it. I don't have the figures so I'm looking forward to something that would give us those figures. Although I think the Association should be a part of the presentation here also, with regard to that, because that's actually what we'll be comparing. They are our benchmark. Where do we go from there? So I'm good to give that direction if the other Commissioners are okay with it.

COMMISSIONER MONTOYA: So that's your recommendation?

COMMISSIONER VIGIL: Yes, submit an RFP. I think I remember reading it. I thought it was pretty comprehensive. I don't know if any other Commissioners want the opportunity to review it. It seems like it would give some insight.

COMMISSIONER STEFANICS: I would like to. Could you send it to me electronically or something? Great.

COMMISSIONER MONTOYA: Steve Kopelman, we just had a discussion about the issuance of an RFP for insurance purposes, and I believe that the direction is to go ahead and issue that RFP. So I don't know if there's anything that you wanted to add. I know you missed a lot of the discussion but that's pretty much the direction that –

COMMISSIONER VIGIL: Mr. Chair, I would just point out to Steve that

whatever responses we got from the RFP I think the direction is that the Association be a part of the presentation, since they are our current provider and they do create the benchmark for us.

COMMISSIONER MONTROYA: Right.

COMMISSIONER VIGIL: I think you might have that opportunity, Mr.

Kopelman.

STEVE KOPELMAN: Thank you. I'm not sure who the chair is. Mr. Chair, and members of the Commission. I apologize; I got here a few minutes late but I heard most of the discussion. I'm the risk manager and the general counsel for the New Mexico Association of Counties, and frankly, we're fine responding to an RFP. I think we have far and away the most comprehensive services that you'll get. I think we're very competitive price-wise and I think we can demonstrate that. One of the questions that I have though is what lines are we talking about? And RFPs can be put together in a lot of different ways. And so one of the things that I caution you is it's very easy to undercut, or try to undercut for example, on automobile liability. First party, property, that type of thing. But the thing to remember is the big area of exposure that you have far and away is your detention center and your Sheriff's office.

I would ask you to seriously consider not breaking it out, not unbundling this, but doing one package, for example, law enforcement and multi-line together. Workers' comp, obviously, can be a separate line. But for example, I don't think from the Association's standpoint we would be comfortable providing the law enforcement coverage if we didn't have the multi-line. And I think you'll find a lot of brokers or companies out there that will tell you, we can undercut them. We can save you ten percent on this. But then they don't provide the law enforcement coverage and that's really the big exposure area.

We've been a collaborative partner with Santa Fe County now on workers' comp since the inception of the pool in 1987. The multi-line was 1989. You are an original member. And then law enforcement, we started in 1995. And we just want to make sure it's a level playing field and that again, we're happy to compete. We don't have a problem doing that and I think that whichever direction you go obviously we'll respond. But I think it's real important that it's not unbundled to the point where you have companies that are cherry picking, basically. And I think that's something to be concerned about. I'm sure Commissioner Stefanics when she was over at the State is aware of that type of thing.

COMMISSIONER MONTROYA: All right. Thank you, Steve. So Roman, any other matters?

MR. ABEYTA: That's all that I had, Mr. Chair.

COMMISSIONER MONTROYA: Okay. I just have a question, Roman, in terms of I heard that we got flooded in the Public Works facility last week.

MR. ABEYTA: Mr. Chair, yes. We had a float that was faulty in an air conditioning unit. When an air conditioning unit that uses water, it will fill to a certain level and then the float goes up and shuts it off. Well, the float didn't work properly and so it overflowed and went from the roof into the building and so there was damage to it. My

understanding, it is covered under our warranty and that it was a part that apparently has been discontinued because they found that it obviously has this problem and unfortunately we were using this defective part on our building. So we're going after who we have to to recoup our costs and to fix any structural damage that may have been caused.

COMMISSIONER MONTOYA: Do we have any estimate as to how much that is?

MR. ABEYTA: No, not yet, Mr. Chair. We're analyzing that now, because it just happened on Friday.

COMMISSIONER MONTOYA: And is there any reason that we put swamp coolers instead of refrigerated air?

MR. ABEYTA: Mr. Chair, I don't know. This was designed a few years ago and so we'll have to look into that. They may have been more energy efficient, actually, to do this, rather than refrigerated air. Because that was the whole key behind the building was to be as energy efficient as possible. So the decision may have been that again, this was more energy friendly or environmentally friendly than refrigerated air. But we'll look at that.

COMMISSIONER MONTOYA: Yes, okay. Because we do have some offsetting – the solar, and then the propeller? What's it called?

MR. ABEYTA: The wind generator.

COMMISSIONER MONTOYA: Wind generator. Yes. I always call it the propeller.

MR. ABEYTA: We're gathering all that information and I'll provide the Board with an email and update as to the extent of the damage and what we're doing to recoup our costs.

XII. E. Matters from the County Attorney

2. Executive Session

a. Pending and Threatening Litigation

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

MR. ROSS: Mr. Chair, we need to go into closed executive session to discuss pending and threatened litigation and discussion of the purchase, acquisition or disposal of real property or water rights. It doesn't need to be a long session.

COMMISSIONER STEFANICS: Mr. Chair, I move that we go into executive session for the purpose of pending and threatening litigation and discussion of the purchase, acquisition or disposal real property or water rights.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTOYA: I have a motion by Commissioner Stefanics, second Commissioner Holian.

The motion passed by unanimous [4-0] roll call vote with Commissioners Holian, Stefanics, Vigil and Montoya all voting in the affirmative.

COMMISSIONER MONTOYA: So will we come back here and then adjourn?

MR. ROSS: Mr. Chair, you have a choice. We could not come back and then just when we take up the three matters this evening, just close the session at that point.

COMMISSIONER MONTOYA: Okay. So we'll just recess until 5:00 then, this evening.

[The Commission recessed from 1:17 to 5:20 pm. The meeting reconvened with Chairman Anaya presiding and Commissioner Montoya absent from the remainder of the proceedings]

XIII. PUBLIC HEARINGS

CHAIRMAN ANAYA: I call this meeting back to order. Do I have a motion to come out of executive session?

COMMISSIONER VIGIL: So moved.

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

COMMISSIONER STEFANICS: I'll second.

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

The motion passed by unanimous [4-0] voice vote.

XIII. A. County Attorney Department

- 1. Approval Of Ordinance No. 2009-__ . Defining Terms; Establishing Reasonable Fees For Copies Of Certain Electronic Data Contained In County Databases; Establishing Reasonable Fees For Copies Of Data, Documents Or Products Generated By A Geographic Information System; Disclaiming Warranties Of Information Provided; Providing For Fee Waivers; Providing For Severability (Legal Department) First Public Hearing**

RACHEL BROWN (Deputy County Attorney): Good evening, Commissioners. Last meeting we approved publication of title and general summary of this ordinance. It's an ordinance that's motivated by a change in the Public Records Act, which requires that counties make accessible to the public public information that's contained in our databases. And so this ordinance that I'm proposing this evening provides the fee structure

that's required by statute to charge consistent fees to the public for access to our databases and our GIS data.

The only change in the ordinance from the last time we discussed it is that I included the discretionary waiver by the County Manager for members of the public who he deems to be indigent so that they can access databases and documents produced by the databases without fee.

If you'd like just a brief summary again of the ordinance it sets forth the rule that data that's contained in our databases and in our GIS system are public record generally, although there are elements of the databases that may not be public record, and that that data must be made accessible to the public through requests by the public to our custodian of public records, which is Robin Gurule. Those requests would come in and she would process them as any other inspection of public records request, and make the data available for the fees that are set forth in Exhibit A to the ordinance.

The fees that are set forth in Exhibit A are standardizing fees that are charged. Currently, we do charge fees without having the benefit of an ordinance that uniformly establishes what the fees should be. The fees set forth in this ordinance are substantially lower, as I understand it, than the fees that are charged at this time by the different departments.

CHAIRMAN ANAYA: Okay. Are you finished?

MS. BROWN: I'm finished, unless you have questions.

CHAIRMAN ANAYA: Any questions of Rachel? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Rachel is there data that is public and can be accessed, as opposed to data that's private, like personnel data, which I assume is private and cannot be accessed. Correct?

MS. BROWN: Personnel files are not databases, so this ordinance doesn't address our personnel files.

COMMISSIONER HOLIAN: So what kinds of things do we have in our databases, that people would be asking for?

MS. BROWN: We have information such as the Assessor's data on taxable properties, and this ordinance addresses making available documents which are recorded by the County Clerk. Those are some examples of the type of information that would be available through this ordinance.

COMMISSIONER HOLIAN: Would that be like ordinances that are recorded?

MS. BROWN: Property records, anything that's recorded at the Clerk's office. They scan those and make them electronic and enter them into a searchable database.

COMMISSIONER HOLIAN: And that's all publicly available?

MS. BROWN: Yes. That would actually be available through the Internet, where we would provide a password, and for a monthly fee a person could get on line and see what has been recorded by the Clerk.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN ANAYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and Rachel. We have – the question I have is we have a great deal of information on our County website that is free to the public. Correct?

MS. BROWN: Correct.

COMMISSIONER STEFANICS: So resolutions, ordinances, agendas, minutes, press releases –

MS. BROWN: Those are all documents that are available on the website. That is not a database per se. The most frequently accessed database is the AS-400 which has the Assessor records on it. But the Internet access to our website would not change. There would be no fee for accessing those documents.

COMMISSIONER STEFANICS: Well, Mr. Chair, the reason I ask the question is I have been receiving some emails from people who are thinking that it relates to getting any information from the County. So I really want you to emphasize again what these fees are for and how it's different from just accessing information on your own.

MS. BROWN: The documentation, or the databases that are accessible online are the recorded documents from the Clerk's office, and certain fields of our AS-400 database, which is primarily the Assessor's documentation and recorded property information. Our website is not affected in any way by this ordinance. Documents that we may maintain in files are not affected by this ordinance. This just pertains to databases.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. And Rachel, one more question. Do we have a feel for what is the most commonly requested document that this might affect? For example, are maps more frequently requested than databases relating to the Assessor's office?

MS. BROWN: I think the GIS Department is the department that will be the most heavily impacted by this ordinance. It does make available to the public documents that are created from our GIS database – maps of property and that seems to be the primary request that comes in from the public. Although the GR master database, there are maybe a handful of people who request that on a monthly basis.

COMMISSIONER STEFANICS: Well, Mr. Chair and Rachel, as a property owner, if I was needing a map of my property to come and talk to the Assessor or to Growth Management or Land Use, then I would have to decide what size map I would want and pay that particular fee.

MS. BROWN: Correct.

COMMISSIONER STEFANICS: And so most of the fees that I'm looking at range from \$2 to \$26.50. Is that correct?

MS. BROWN: I think the distinction is that if they GIS data has to be manipulated in order to create the mapping image – and Amanda may be able to address that process better than I can. The time spent creating the image that's then printed out is also charged for.

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

CHAIRMAN ANAYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Rachel, for this. For further clarification, if a resident wanted an ordinance and wanted to get a copy of that ordinance, I would assume that their first contact would be Robin in the Legal Department. I guess the question is is she the public's request designated person for the entire County?

MS. BROWN: She is the custodian of records. Requests do come in to Robin and they're formally processed through her. However, there are a lot of ordinances that are available on our website, and many of the ordinances are available online.

COMMISSIONER VIGIL: Okay. And let me continue along those lines. This particular ordinance does not address requests for other documentation other than mapping and input database records. Correct?

MS. BROWN: Correct.

COMMISSIONER VIGIL: Those are the only two areas.

MS. BROWN: We have a posted fee schedule for copies of documents, generally, through the County. This ordinance just deals with databases and GIS data.

COMMISSIONER VIGIL: Okay. Thank you. I needed that clarification. And I think that's it, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner. This is a public hearing. Is there anybody in the audience that would like to come forward and talk? If you could come forward and state your name, address.

ROBERT JOHNSON: My name's Robert Johnson. It happens that I was working for the legislature – I'm a lawyer – when this particular legislation was drafted, and I listed to a lot of the concerns and complaints about what was going on. As I said, I'm a lawyer in Texas but not here. I haven't been licensed in this state. One of the things that I was very concerned about was are we going to be able to access all appraisal data? And the other thing that I would like an answer to is there was other legislation that was passed this year, at least it passed the legislature. I don't know if the Governor has yet signed it, where anything that was submitted in electronic format, you could respond electronically. So if someone sends you an email you can respond electronically to that and my understanding was that that information was to be free, as long as you didn't have to manipulate that data.

So if someone sent in and asked for all the appraisals in a certain area, if that response could be made electronically without manipulating data that there would be no charge for that. I'm very interested in the appraisal process because as late as today, your appraisal department is refusing to provide any of its appraisal information until you've gone through certain processes. And my understanding is that all that information is supposed to be publicly available. Anything that's in your files where you have data or a database belongs to the public and we're supposed to have access to it. So maybe the attorney could respond to my questions.

CHAIRMAN ANAYA: Thank you, Mr. Johnson. Next. We'll get back to those questions.

WALTER WAIT: My name is Walter Wait, 48 Bonanza Creek Road in Santa

Fe. I have several concerns over the proposed ordinance, however, many of the concerns are expressed in correspondence that we've passed to you. I did want to bring out one thing. When the subject came up about what was a database and whether the personnel files were in fact a database, the comment to you was, no, personnel files are not a database. And I think that reinforces very, very well one of the problems we have with the ordinance. Precisely what a database is is not clearly defined. One of our concerns – one of my concerns – is that the ordinance is written to be interpreted by various parties to say, oh, well, no, that in fact is a database. Or that is not a database. And it really depends on who's looking at the ordinance and not defined well by the ordinance at all.

And I think we have to be very explicit as to what is meant by this is not a database and it's perfectly fine and that means that Assessor's data – well, that's a database, but the stuff on the Internet, well, that's not a database. Well, in fact, in technical terms, they're all databases. They're all information that is collected by the County, which is available for public perusal somewhere along the line. So I think we have to be very, very careful, and I think this ordinance is not careful enough. Thank you.

CHAIRMAN ANAYA: Thank you, Walter.

WILLIAM MEE: I'm William Mee, president of the Agua Fria Village Association, but mostly a member of the United Communities of Santa Fe County that sent you a letter on this topic. We had an 11-page section by section analysis of it. And basically, as we talked to some of the Commissioners, some of the County staff, they were saying, well, this is really only an ordinance to address some of the GIS things and some of the Assessor's things. But when you look at the ordinance it's really not just limited to that. And clearly, a couple of sentences saying that it was it indeed limited to that maybe would clarify the situation.

If you look at the definition of database in the ordinance it says, Database means a collection of electronic data organized for search, retrieval and manipulation. Well, of course anything posted by the County on the Internet fits that definition. Public record means all books, papers, maps photographs, other documentary materials regardless of physical form and characteristics, made or received by Santa Fe County in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by Santa Fe County as evidence of the organization, functions, policies, decision, procedures, operations or other activities of the County, or because of the informational value of the data contained therein.

And basically, that just covers everything from a Commissioner's blackberry to the County Clerk's records that are already set in other fee schedules. Right now, the County Clerk offers out the deeds and mortgages for \$285 every two weeks. But under this ordinance, it says that it could be paid \$25 a month. So clearly it conflicts with existing procedures of the County now. The ordinance could be rewritten to say that it does not cover any of the County Clerk's records on that particular database that they have. The other thing is there's a lot of mention about the AS-400 computer system, and that's probably a mainframe that the County has, but what if you go to an AS-600? Is all of a sudden the

ordinance obsolete?

And it just seems like it just sort of needs to be rewritten. And our organization, the United Communities, would like the Commission to direct the drafter of the ordinance to sit down with us and just go over some of these ifs, ands, and buts. And I think we could have a better ordinance for the next public hearing, if we did something like that.

I think there's a number of other issues in here. Like I talked with Denise Lamb of the Bureau of Elections, and they have a voter file, which is a database. So that could fall under this ordinance. And I think by maybe not specifying that it is just the GIS records and just the County Assessor's records really muddied up the waters on this. So I would ask that the Commission at tonight's hearing direct that County staff go back and redraft this so it's much more specific. Thank you very much.

CHAIRMAN ANAYA: Okay. Thank you, William, or Mr. President.

DAVID DOGRUEL: My name is David Dogruel, resident of Nambe, New Mexico, and also a member of United Communities of Santa Fe County. Chairman Anaya, Commissioners, my comments are like some of those previously presented. The ordinance in its current draft form is incredibly vague. As Mr. Mee presented, reference to the AS-400 is a piece of hardware, chips and circuits made by IBM. It's an antiquated piece of hardware and likely in the future the County will be looking to upgrade that piece of hardware as it moves its IT systems into the modern age and into the future.

The reference to, for example, specific pieces of hardware, will like Mr. Mee suggested set the ordinance, the Legal Department and the County up for future failure and for future challenges to the ordinance. Also, as worded and as expressed by staff, this ordinance appears to, although the text reading the ordinance does not specifically address it, it appears to only apply to GIS records and records of the County Assessor. However, the language in the ordinance is incredibly vague, as Mr. Mee presented and could be interpreted by County staff, by County Legal, by County employees, and by the public, who are making these requests for public information in a variety of ways.

So due to the vague nature of the language in this ordinance and some of the issues previously presented, I also think it would be premature for the Board at this time to act on this ordinance until it has been redrafted and has also been vetted with some stakeholders who have frequent access to County records, and what they feel would be the appropriate fees. Certain information of course is to be restricted, like PII, personally identifiable information. It's not reasonable for County personnel records to be made available to the public.

So until this ordinance – its glossary, its language and its fee structure, is properly vetted to the citizens of Santa Fe County I think it would be really inappropriate for the Commission at this time to act on this ordinance, and I would support further requests or additional requests for redrafting and for the analysis.

CHAIRMAN ANAYA: Thank you very much. Is there any other comments from the public?

MR. MEE: I just want to add to that. I was thinking about the Assessor's issue

and I think that if you're in a tax protest on your property, and you're asking for comparable data, lots that are around you, how much do they cost or have been assessed at. I think it's really unfair to be charged for each individual lot on that. The whole process of protesting your lots pretty much in favor of the County and they've always said during a protest that they would help work with you to find comparable values and why you feel your property has been misassessed. So now this gives a reason for the Assessor to really hide behind these things and charge quite a bit of money for any tax protest. So I don't think it's a fair thing for citizens. Thank you.

CHAIRMAN ANAYA: Thank you, William. One more.

MR. JOHNSON: I agree completely. Robert Johnson. I agree with that completely. The County Tax Assessor here will demand that you provide all of your documents before he'll provide any of his. And we're not charging them for our documents. So to have a situation where he can come back and charge you for the documents that he's using, that strikes me as just completely outrageous. It is really amazing to me here that people that we are paying with our tax dollars act like our documents, which they possess are something that we can't have or can't get access to. That is amazing to me. But we really have a County here where they are acting like all the information that we've got is something that you can't see, you can't look at it, you can't touch, or anything else. And it's ours. It's just not right. And we ought to have access to all this stuff. If they're providing it electronically to us it ought to be free. If we sent them an email, they've got our email address and all they've got to do is pick up five documents and email them back, they ought to be required to do that. Thank you.

CHAIRMAN ANAYA: Thank you, Robert. Sir.

PETER SMITH: My name is Peter Smith. I live out in Rancho Alegre. Just listening to what's been asked here, I was of the understanding that the Assessor assessed values on properties was available online, and there is no charge for that. Unfortunately, this year it does not appear to be online. Is that intentional? This year's taxes, are you intending on charging the public for access to that?

MR. ABEYTA: Mr. Chair, I believe there was an upgrade or a proposed upgrade to the system and that's why it's not available. But it's my understanding that whatever was available before will at some point in the near future become available again and we won't charge for it.

MR. SMITH: Okay. That's my question. Will that be available prior to the protest timing in the fall?

MR. ABEYTA: We hope it is. It will be available before the fall. Hopefully it's something we can get back up and running in the next 60 to 90 days.

MR. SMITH: Okay. Thank you.

CHAIRMAN ANAYA: Anybody else would like to comment? Okay, this public hearing is closed. Rachel, do you want to come up and – did you write down some of the questions that they asked?

MS. BROWN: I did. I wanted to point out that the language of the ordinance

that's proposed tracks very carefully the state statute that requires that we make available databases. And so in order to comply with the state statute, which has been in place since 2005 and requires that we adopt an ordinance of this nature, the language was carefully crafted to track that state statute. There is a catchall in the language of the ordinance that says that any databases that are not specifically identified in the ordinance will be charged based on the cost of the personnel's time in creating the copy of the database, and the cost of the hardware involved in providing the copy. And so should the AS-400 become obsolete and we move on to another type of computer system, that would be covered under the existing ordinance as it's written. And of course any ordinance can be amended from time to time if our data systems change sufficiently to merit an amendment to clarify that they're covered by the ordinance.

CHAIRMAN ANAYA: Rachel, what brought all this on? Legislation?

MS. BROWN: What brought this on was legislation in 2005 –

CHAIRMAN ANAYA: Saying that we could do this. We don't have to do it, but we can do it.

MS. BROWN: It actually requires that we make our databases available and that we adopt an ordinance that establishes a clear fee system for that process. The ordinance is based on the statute which specifically requires that counties and other local public bodies adopt ordinances that establish a clear fee system for making available to the public databases and GIS data.

CHAIRMAN ANAYA: And where did the figures come from?

MS. BROWN: The figures were calculated by the Finance Department, and Teresa can talk to the details of that calculation process, but they are based on the elements that are allowed for in the state statute. That is, materials, the personnel time to retrieve and create the copy of the database, and the making of the electronic copy. Those are the only component of the fees that we are allowed to charge. And so the fees that are attached on that Exhibit A are very carefully tracking what the statute allows us to do. The current fees that are charged, which are much higher than what are in this proposed ordinance, are not in compliance with state statute.

CHAIRMAN ANAYA: When this legislation got passed, there must have been a reason for it. It was pushed by the Assessors?

MS. BROWN: I don't know what actually motivated it but I do believe that part of the motivation was to make GIS data available to the public.

CHAIRMAN ANAYA: It was available; now we're charging for it. Right?

MS. BROWN: The state statute requires that we make it available.

CHAIRMAN ANAYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Rachel, I'm really interested in the question of what is and is not a database. And that was brought up several times, that essentially any data that we have here in the County on any electronic device is a database. You're saying that in this ordinance that it is in fact clear what is a database. So I just wondered if you would address that question.

MS. BROWN: The ordinance that I've proposed contains a definition of "database" and that is a definition that was taken from other ordinances that deal with access to GIS and data, and that is a commonly used definition. And it is electronic data organized for search, retrieval and manipulation, different from our documents which we may happen to scan, data such as the GIS files.

COMMISSIONER HOLIAN: But what about personnel data? Presumably that would be in a database that you could search or manipulate. Correct?

MS. BROWN: Our personnel files are paper files at this point.

COMMISSIONER HOLIAN: Oh, okay. I didn't realize that. Thanks.

CHAIRMAN ANAYA: Any other questions, comments?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. In reading the United Communities document, the comments on page 11 of 11, Roman, really have to do with our County website, and I think there are some recommendations there that might assist the public. And rather than my sitting here sending you an email about it, I'll just bring it to the attention of the public. But when we have things on our website that are in a zip file, that is very hard for a person at home that has a little computer, or the person that's not highly sophisticated. We talked about all our resolutions and ordinances being on the website, and I know they are, but maybe some of these recommendations that on page 11 of 11 we could just look at for our website, and that might start again giving the public some basic ease to information. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Okay. So what is the pleasure of this committee? We are going to hear this next month, I believe.

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

CHAIRMAN ANAYA: Okay.

COMMISSIONER VIGIL: We did by action earlier on the agenda request a second hearing on this. We thought it very valuable to have public input and perhaps another public input meeting. But I do recommend, Rachel, that perhaps some of the questions that are proposed have follow-up questions that you might be able to answer, so one of the requests I heard is that staff meet with some of those interested parties to get some of those questions addressed and perhaps maybe have some input in the ordinance at some level. And Roman, I would just hope that that direction could be given to the appropriate staff. You may need to have some GIS people with you to explain the mapping situation.

I'm very grateful that we're coming forth with this ordinance. We've been very haphazard about how we've charged, who we've charged. Government entities contact us and say, you're not supposed to charge us. Private parties come and say, I work for a non-profit; you're not supposed to charge me. And really this need is so essential for really standardizing our operations and I thoroughly appreciate it. I just want to make sure that we go through a process that respects the input of the public and that in fact at our next meeting we might be able to address most of those concerns, Mr. Chair. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner. Roman.

MR. ABEYTA: Mr. Chair, we will schedule the next hearing for June 30th. I just spoke with Legal and we will need that time to not only have the meeting but to also publish again the adoption of this ordinance. So we'll be back on June 30th and between now and then we'll address the Commission's concerns and meet with the public.

CHAIRMAN ANAYA: Okay. Thank you. And thank you for coming here and stating your concerns on this ordinance. We really appreciate that.

XIII. B. Growth Management Department

1. Ordinance No. 2009-___. An Ordinance Amending Ordinance No. 2005-5 to Increase Solid Waste Permit Fees, Extending Coverage and Making Clarifying Changes; Repealing Certain Provisions of Ordinance No. 2005-5. First public hearing

CHAIRMAN ANAYA: Who's going to present this?

OLIVAR BARELA (Solid Waste Manager): Good afternoon, Mr. Chair. Mr. Chair, members of the Board, ladies and gentlemen. If I could at this time, for the benefit of those in the audience today that are not familiar with the Santa Fe County solid waste operation, I would like to briefly go over our operation.

CHAIRMAN ANAYA: Are you going to do a slide show?

MR. BARELA: No, sir. This is going to be about a one-minute go-over and then I'm going to have the – then we'll do the slides.

CHAIRMAN ANAYA: Okay.

MR. BARELA: Our job, obviously, is to manage the solid waste for Santa Fe County, and we operate seven transfer stations located in Nambe, Jacona, Tesuque, La Cienega, Eldorado, San Marcos and Stanley. We have one recycling center in Rancho Viejo and I'd like everybody to know that we do have recycling capabilities at all of our transfer stations and we do operate seven days a week. Last year we collected about 13,000 tons of municipal solid waste of which 1300 of that was recycle.

Other programs in the solid waste section include the adopt-a-road program. We have educational outreach programs. We have e-waste day. We also have household hazardous waste day and we're involved with the recycling coalition, the Santa Fe Beautiful operation, we're always on litter control, and we're always working on illegal dumping. We operate the solid waste section with a staff of 24.

Mr. Chair, at this time I'd like to turn over the podium to Helen Perraglio with the Finance Department of the County to go over the finance and the solid waste section together with the proposed fees and changes to the Solid Waste Ordinance.

CHAIRMAN ANAYA: Thank you.

MR. BARELA: Thank you, sir.

HELEN PERRAGLIO (Finance Department): Mr. Chair, Commissioners, I'm

the accounting oversight manager. I'd like to give you a little bit of background on this proposed ordinance and my involvement in it. What I was – I'm also the chairman of the Revenue-Generating Subcommittee of our SAVE initiative, and we've been charged with ideas of how to find ways to sustain our sources within the County and any possibilities of new revenues that we can generate to offset our recession.

So I worked together with the Solid Waste Division to look at our historical costs, look at our operations, and then to look at what maybe needs to happen to bring the proposal. So what I'll do is I'll give a brief slide show to show you what we came up with.

We're looking at historical data. What we have here is the past five years. We looked at our revenues, our total solid waste revenues versus our total solid waste operating cost. So this is the true picture of any type of revenue we bring in for solid waste versus all operating costs on the picture that we show. So in pink here we have total solid waste revenue so you can see that in fiscal year 05 the total was \$225,000. In blue we have the total solid waste operating costs. So that's all inclusive of that division, including personnel, administrative costs, the cost of tipping fees – everything that is charged to that cost center to that division. What happens in the red here is the deficit that we realized.

So in fiscal year 2005 we've only brought in \$225,000 revenues opposed to the expenditures that we have upwards of \$1.5 million, and we realized a deficit of \$1.3 million. Now, this is a similar picture each fiscal year as you go forward. Looking at fiscal year 08 as having the largest deficit, and in fiscal year 09 these numbers are up until April, so this is not inclusive of the entire year as of yet. But as you can see, we're already in the situation that is very much the case where we have \$196,000 revenues realized and a very, very large amount of expenditures. Over \$1.5 million.

So this is what the history of the Solid Waste Division looks like. So on the next slide that I'm going to present I want to show you – if we take out the operating – all of the personnel and administrative costs and we look at only what it costs us to dispose of the trash that we collect, then we'll see that if we look at the picture – if we look at the turquoise here, this is the same again, total solid waste revenues by fiscal year. If we look at the orange box here, this is what it costs us to dispose of that trash that we collect. So as you can see, we don't even come close to breaking even on the amount of trash that we dispose. So included in these costs are just tipping fees, costs to vendors that have to clean up oil, what we go pay to dump the trash that we pick up.

So as you can see, each fiscal year there is a huge discrepancy. If we were going to break even in any area we would at least hope to be able to break even on what it costs us to dispose of that trash. So if we look at the past fiscal years and all the revenues and what the expenditures were, on average, if you average it out, revenues would at least need to be increased by over 100 percent just to cover our costs to dispose of the solid waste. So that's not including – I just want to make it very clear that this is not including costs of personnel or administrative costs, utilities, the building and structure. This is primarily the cost of our tipping fees and the cost of maintaining our vehicles that we use to go dispose of this trash. That should be considered because that's part of the cost of throwing the trash. So the

maintenance on the vehicles. But not the personnel. Not even the personnel.

On my next slide here I just want to show that this is what other counties in the area are charging for their solid waste fees. As you can see, Torrance County right there is the highest, \$148.40. Rio Arriba charges \$128 a year. Taos County charges \$100, and Santa Fe County charged \$35. Now, this is just for residential permits. So this is comparing our 24-punch residential permit, which currently costs \$35 to surrounding counties. And as you can see, Santa Fe County is very, very, very low in what we charge.

On this slide I wanted to make it as clear as possible to the public and to everyone involved what is currently being charged and what Santa Fe County is proposing. So what we have right now, the population served are county residents in the exterior county. What we're proposing is county residents in the entire county. So that means opening it up to the entire county. That's the first of the proposal. The 24-punch residential fee that is currently \$35 for 24 punches, we're proposing an unlimited punch for \$230. That averages about \$19 a month for those that use the transfer station more than twice a month, it averages out to about \$19 a month. We currently have a ten-punch residential permit. We charge \$20 for that. We are proposing to keep the 10-punch residential but increase it by \$40 to \$60.

An unlimited recycling card right now, we charge \$15 for. We're proposing that we make that free. Now, we're asking to encourage recycling by proposing it to be free. We also have a 24-punch small commercial permit that we currently charge \$50 for. We're proposing that that 24-punch small commercial be raised by \$350.

We have a few commercial billable accounts where we charge \$50 a ton or 25 cents a pound. We're proposing to keep that the same. We currently do not have a one-trip residential permit. We are proposing to let the public see that one-trip resident permit for ten dollars for those that don't use it very often but this could suit their needs if they have a once a year – they want to go for one trip or they want to go for two, it doesn't single out anybody. It opens it up to the entire county and if they only want to use their transfer stations once or twice a year, it's only \$10 a trip. I think I left out the five 30-gallon bag tags. Those are also going to remain the same, for those that just periodically use it. Just occasionally.

So that's what we have for current and that's what we are bringing to you as a proposal today, obviously to discuss and hear comments on and come to a reasonable decision. One thing that was addressed in the prior meeting, although I wasn't here, was a question on our property tax. I think it's come up on public comment on the newspaper today too is a question on how Santa Fe County's property taxes are utilized. So what I did is put together a slide just to make it very clear to show – this is a very busy slide but I'll explain it. What we have here is the total Santa Fe County property tax billed for the tax year 2008. So this is the entire Santa Fe County. So it's hard to read some of these so I can go into some more detail if anybody has specific requests.

But what I'm trying to show here is this is the whole tax base that's out there, so any special district, any of the levies, all that's possibly taxed in Santa Fe County is included in this graph. This portion right here, which is 29 percent of that entire tax base billed to the County. This is for County operational. This nine percent belongs to the County debt service.

So that's what's been brought to the voters. That's what we use to service our bonds that we've issued.

So when we look at the entire pie, Santa Fe County gets 29 percent of the property tax base for operation. Of that \$39 million – I'll show the next slide is how it is spent. So of that \$39.9 million of the entire piece of that entire pie, what we have is – this is also a very busy slide – but this tells you the proportion of all of our operations that get some type of funding from property taxes. So as you can see there's small pieces of the pie – our Legal Department, Human Resources Department, two percent. All of the ASD, two percent. Our contingency fund, 2.9 percent. County Manager, three percent, and so on and so forth, all the way down to where I wanted to show you what Solid Waste gets out of that property tax base. Solid Waste gets a large chunk of 4.63 percent.

So when you look at it compared to other pieces of the pie, 4.63 percent of the \$39 million that we are entitled to out of property taxes goes to fund the operations of Solid Waste. That's what helps make up that deficit that I showed you in our first slide. So you can see what proportion taxpayers pay. This is the proportion. This is the breakdown.

And you can obviously see our large ones are the Sheriff and our fund transfers out. And I thought I would show you just for the sake of your own curiosity what those fund transfers represent on my next slide. There's 18.91 percent of that \$39 million of fund transfers goes as follows. The jail enterprise fund gets 44 percent of it. The road fund gets 21 percent of it. EMS/healthcare gets 7 percent. Our alcohol program is one percent, our Regional Planning Authority, one percent. Some equipment loan debt service, one percent, and then the other big one is the jail revenue bond debt service. So that's how those transfers are spent.

So that's what I – I just want to present to everybody here so everybody can see where we're coming from and leave it up to you as Commissioners to decide how we are going to go forward with this. The one thing I just really would like to stress is that coming from staff and the work that we've worked on in the Solid Waste Division is we really would like to see a reasonable increase. We understand that the public has a lot of concern, but we really, really would like to see at least a reasonable increase to where we break even with what it costs to dispose of the trash and be more in line with surrounding counties. So that's all I have for you until you have other questions, Mr. Chair.

CHAIRMAN ANAYA: Any questions from the Commissioners?

Commissioner Holian.

COMMISSIONER HOLIAN: I just thought it was also worth pointing out about the recycling that it costs \$15 a ton to bring things to the BuRRT, versus it's going to cost what? \$32.50 a ton to go to Caja del Rio. Then anything that we can do to increase recycling actually will have an effect on the bottom line. I just wanted to make that comment.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. Helen, just a question. Lots of foreseeable fact patterns come to mind on this issue, and I discussed some of them with Penny and with our County Manager. But one that's come to mind tonight is, what if somebody – and this

would be typical, at least for me, if I were to transfer my solid waste to the station. I wouldn't want to make two trips. I would transfer the solid waste and my recyclables. Would that be considered a solid waste visit?

MS. PERRAGLIO: I think Mr. Barela could answer that question for more on the operations side.

MR. BARELA: Thank you, Helen. Commissioner, yes, you can go recycle with your solid waste permit.

COMMISSIONER VIGIL: Okay. So I could take my recyclables and get a freebie, is basically.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Actually, I had a question for Mr. Barela. On the transfer stations, how difficult would it be to move the recycle bins so they're easy to get to? So people don't have to – say if there's long lines at the transfer stations that they could maybe sort of short-circuit it and be served a little more easily.

MR. BARELA: Mr. Chair, Commissioner, we're always open for suggestions, and if they're safe and they're operable we've got to look at anything that's realistic.

COMMISSIONER HOLIAN: And also, have you had much of a problem with people dumping regular trash into the recycle bins?

MR. BARELA: Yes, that happens on occasions and when that does happen that pretty much contaminates our load and we don't realize that until it gets dumped on the floor at BuRRT where the recycling station is and we've got to clean it up or pick it up or do something. So it does create a problem. That's why we try to monitor that closely. And that's one of the reasons why we have those recycling bins close to where they can be monitored.

COMMISSIONER HOLIAN: Okay. Thanks.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. This is really related to the public hearing that we're going to be having. I recognize that we've received a lot of correspondence and comments against the proposed rate, but I am interested in hearing from the public what rates they would accept that are increases. Thank you.

CHAIRMAN ANAYA: Okay. Thank you, Olivar. Thank you, Helen. This is a public hearing. Is there anybody that would like to speak on this case? Let's see hands. Okay, we'll give you about two minutes, two and a half, you could state what your concern is and maybe what you'd like to pay or what you would not, or any ideas you can give the Commission. Sir.

DANIEL C DE BACA: I'm Daniel C de Baca, Mr. Chair, Commissioners. I'd just like to know how come the version that version for 101 percent, 111 percent? Don't people know that we're in a recession right now? Obama gives everybody \$250 and here the County wants to take it away from us. I think that's greed. Also, you're going to have to hire more people, the County's going to have to hire more people because more people are going to be dumping in the arroyos, trash all over the place. They're doing it now. And why don't you guys give up the raise? The Commissioners or all the County officials got a raise, 15

percent raise, and now they're raising the trash. So why didn't they give up the raise to accept the thing, like some of the things from PNM did?

There's a lot of people that are Social Security. They can't afford that 111 percent increase. That's a big increase on that transfer, I think. There's a lot of people that can't afford that much. Can't even afford that \$30 or \$40 right now.

CHAIRMAN ANAYA: Do you have any suggestions?

MR. C DE BACA: Right now you shouldn't raise it that much.

CHAIRMAN ANAYA: Right now we haven't acted on anything. That's just what the staff would like to see us do, but the Commission, we're here to listen. We appreciate your comments.

MR. C DE BACA: Right here, the County officials, some of the people that run for public office, they run it for their own benefit. That's what I think. I could name a few but I don't want to name a few. But I know. It's not only in Santa Fe County, it's all over the nation. You see corruption all the time. They run for office for their own benefit. That's all I have to say.

COMMISSIONER VIGIL: Mr. Chair, could you order the meeting to not be so demeaning of us.

CHAIRMAN ANAYA: I'll take care of that. Sir.

PAUL BECK: My name is Paul Beck. I live on Tano Road. I get a permit every year. I use the system. I'm very happy to have it available to me. I think you need to consider, as this gentleman pointed out, if you start raising the fees fewer people are going to participate in it. If you've got – I was speaking to some of the folks from the staff earlier, they say there are approximately 10,000 permits issued every year. My guess is if you went to the maximum of \$230 you'd probably lose more than 50 percent of those. And those people are going to be dumping in the arroyos and the ravines and the gullies. They're going to be dumping in the national forests and so forth. And you're not accomplishing anything.

The objective here I think is to maximize access to the service. You're trying to serve your community here. Making it available to everybody at a reasonable fee, or perhaps incorporating it perhaps in a fee through property tax, then everybody has access without having to go through a special permit.

I'm also concerned about the way that the costs are represented, because some of these so-called cost of disposal – you're taking it to an institution that was started by the City and the County in the first place, so you're going from a cost-center to a revenue center, but that's kind of internal accounting – dare I say flim-flam. If you take it to the place that you set up and you charge your own sub-units of government to dump, and that money then becomes revenue for the government itself, you've got to balance that off. If you charge \$50 a ton to dump it at a site and some of that comes back to the community as a revenue source because you're paying to run an institution you would be running anyways, I don't think that's quite an appropriate way to consider what the actual fees are.

I don't think it would be unreasonable to increase the fees for people who are not like this gentleman who are fixed income. I personally can probably afford \$230 per year. I

wouldn't like it but I could probably afford it. But it might also make me consider going to Waste Management or something like that, in which case you're getting less of it as a revenue stream to the County. You're going to get their dumping fees, which may not ultimately end up getting you as much as if you charged me \$100 a year.

I also understand the idea that recycling still costs. You still have to pay to have this stuff sorted and shipped; it doesn't cost as much. Again, along the same lines, if you want to encourage participation you have to make it easy and accessible. Whoever suggested charging \$15 to have a permit just to recycle, I think that's sort of counterproductive. The one part of this proposal I would endorse wholeheartedly without any reserve is giving free access to recycling. I recycle. I use the dump for solid waste. I do it conscientiously. And I think there's one other fact that you need to look at. Those of us who participate contribute our time and energy to keep this garbage out of the community. I don't get paid for taking and sorting my recycling from my trash. I don't get paid for driving my vehicle back and forth to the dump station. I contribute that expense of my time and costs because I think it's important that this stuff ends up in a proper facility as opposed to – not that I would do it – taking out and dumping it.

So if there's some way we can encourage as many people to participate in this the way it's meant to be done by keeping the fees reasonable or spreading the costs across the entire county instead of just the people who want to participate now and are willing to pay the fee. There's some way you could charge \$40 a year on everybody's property tax and let everybody come, I think that might be a better solution. You want more people to participate, not fewer. If you can raise enough revenue from some 100,000-some people in the county, if you can add \$50, \$30, or whatever, somebody can put that on a calculator and do the arithmetic, but if it's 100,000 and you charge \$30 a year. Obviously, not everybody is going to pay \$30 a year, but that would be \$3 million. I don't know how many residences there are, how many properties are on the tax rolls, but if you need \$3 million to do this, divide it out, and then let everybody have access to it, without having to go through the extra step of having a card, punching a card. This is all time and energy and resources that are being used.

In essence, it's a barrier between people who may want to participate and who can't. Either they can't afford it by paying directly. They don't want to take the time to get it. They don't like going down and having their license plates written down and stuff like that.

CHAIRMAN ANAYA: Okay, Paul. Thank you.

MR. JOHNSON: My name's Robert Johnson. I must tell you – well, let me start out by saying this is something that we as a county have that really works. This is really a good thing. Because the last speaker was absolutely right when he indicated to you that this is really a clean place to live. People take their trash to these transfer stations. And we don't have trash all over the roads. When I went up to Taos last time, it's nasty. There's trash all along the roadside. And it's not too surprising when I see how much higher their cost to access their transfer station is.

I use ours down at Eldorado all the time and you see all kinds of people in there. Most of them are homeowners, but you see all kinds of people from all over the county and they're

picking stuff up and they're bringing it in there and dumping it and the reason they're doing it is because it's cheap. And the thing that struck me about this presentation is the cost to do this – I expected we were going to see some kind of astronomical increase and what the cost of this was, it was pretty flat. She's saying that in 2005 it cost us about \$1.5 million, and it's about \$1.5 million today. There is no compelling reason to change a system that seems to be working pretty good, unless you just want to get that four percent back that she wants to take from the property tax base.

And to tell you the truth, as a citizen here I'm pretty doggone happy that that four percent is being spent the way it is, because I really think that this system works extremely well. I use it twice a month. I like it. We thrown trash up there. If I could make any criticism of the thing I would say they're not recycling any of the wood products or brush or doing any of that, and when I have to go buy topsoil or mulch or something like that it costs me a lot of money to do that and it kind of makes me wonder why aren't we doing some of that? Why aren't we recycling some of these products that are being hauled in there and apparently we're just hauling that stuff off. That doesn't make any sense to me. But there may be some compelling reason why we're not.

I'd just like to emphasize this thing really works well. I'd hate to see you change it where less people use it. We're talking about a 300 percent increase, from \$2 a trip to \$6 a trip. That's outrageous. That's way too high. I think that if you did something like a 50 percent increase, which would be a \$2 trip would become a \$3 trip and then you'd be charging \$30 for 10 visits, I think that would be reasonable. We all understand that things have gotten tighter. Three bucks, that's something I think most people could live with. But when you start talking about we're going to charge you \$60 for ten visits – people aren't going to pay that. We need to keep this where people are using it. Thank you very much.

CHAIRMAN ANAYA: Thank you. And on the recycle part, I think that you can go in there and pick some up. We don't even sell it to you; we give it back to you.

MR. JOHNSON: But it's not been mulched. That's what would make it valuable, if they could mulch it.

CHAIRMAN ANAYA: Well, we mulch it.

MR. JOHNSON: I haven't seen it. They told me they were hauling it off.

CHAIRMAN ANAYA: Okay. We'll get back to that in a minute. I go in there all the time and get loads.

MR. JOHNSON: I'd like to in Eldorado.

CHAIRMAN ANAYA: Robert, do we still – can you come forward and answer that question? Or Olivar, can you answer that?

MR. BARELA: Mr. Chair, we do mulch. They bring waste and it is available for anyone that wants to pick it up, we usually have a loader to load people up.

CHAIRMAN ANAYA: And you don't charge them for it?

MR. BARELA: We don't charge them for it. At Eldorado.

COMMISSIONER STEFANICS: Mr. Chair, only at Eldorado?

MR. BARELA: And we have some available in Jacona also. There are only

two locations.

COMMISSIONER STEFANICS: It's not at all the sites.

MR. BARELA: No. No, ma'am.

COMMISSIONER STEFANICS: Then let's be clear about it. If we were going to have it at all the sites would we need machinery at every site? Or personnel and machinery?

MR. BARELA: We only have enough personnel and machinery for those two sites right now.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN ANAYA: Sir.

LOUIS HOFFMAN: Thank you, Mr. Chair. I'm Louis Hoffman. I second most of the comments that were made so far. I would like to express especially my objection to the fact that the disposal fee for large corporate entities is not being increased whereas the fees for individual households are being tripled or more. This bill seems to be designed to please Waste Management Company. I would also remind some of you Commissioners who ran on a platform supporting the environment that this proposal is definitely hostile to the environment.

Thirdly there are thousands of retired people in this county who live on retirement income, some of them variable annuities that have been hit very hard by the stock market crash. We are looking to cut our living expenses, not to increase them. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Hoffman. Sir.

WALTER WAIT: My name is Walter Wait and I'm representing the San Marcos Association this evening. Mr. Chair, Board of County Commissioners, we do have a prepared statement that I can give to you, and I'll read some of it to you tonight. *[Exhibit 3]*

While we understand that the current rates don't cover the costs of maintaining the waste management system there are many in the county that believe that waste management is a governmental function, not unlike police and fire protection. The argument is that non-commercial waste management should be subsidized and paid for from general property revenues. The argument continues that since the County has taken away the ability for residents to dispose of their trash onsite via burning or private dumping, then the County must provide an alternative solution at the County's expense, taxpayer expense.

While this argument may or may not be true, the sentiment of many Santa Fe residents is there. Making a dump fee to reflect the true costs of the waste management system may create the following. First, actually reduce the revenue stream as citizens choose least-cost options. A resident that previous purchased a 24-visit card would opt for a 10-visit card. Residents would begin sharing a single dump permit. Very, very difficult to control. Increasing the roadside and illegal dumping. The County has worked very, very hard to maintain a clean and non-polluting environment. We all recognize that. Making dump permits too expensive for even a small percentage of the population will lead to increase in the rate of illegal dumping.

Increased law enforcement will not work in this instance, as no matter how many

scofflaws are arrested, the law can only prosecute violations after they've occurred. The legal costs of prosecution of increased ordinance violation must be tallied alongside any possible added revenue that higher fees might bring in. The cost of increased roadside garbage collection must also be factored into any cost equation. The cost to the County in terms of the potential visual impacts to tourists and residents should an increase in roadside trash occur is also extremely important to us.

If there's a concern that increased dump fees cannot be borne well by lower income residents then the fees should be governed by links to the value of property taxes divided by the property's number of households, or some such formula. A sliding scale based on state income tax might also work if access to such records is available to the County. A completely different formula where the weight of garbage discarded dictates the cost might be considered. The County could also provide incentives to the public to dump recyclables by reducing dumping fees based on recyclable weights.

The San Marcos Association believes that the hidden costs associated with the dramatic increase in dump fees would far outweigh the financial benefits to the County. We believe that gradual increases, up to a point, will be far more palatable to the public, and that the majority of the costs of domestic waste disposal should be paid for as a line item in the County's annual budget.

One other comment that I'd like to make to reinforce one of the gentlemen before was that the County and the City did pay for the County dump. Now, if we're paying a \$600,000 annual fee for tipping fees for the dump that we already paid for to open, it begins to raise some interesting questions. Why is that? Are we charging the taxpayers double? Did we buy the landfill and now we're buying it again? I'm not quite sure how that works, but I think it's something that we really ought to understand as we go forward. Thank you very much.

CHAIRMAN ANAYA: Thank you, Walter. Any other comments? Sir.

MR. DOGRUEL: Mr. Chair, Commissioners, if you please, Mr. Chair, I have some handouts that would help in my presentation that I'd like to show you, and a copy for staff. [Exhibit 4] Mr. Chair, Commissioners, my name is David Dogruel, resident of 20 Short Road, Nambe. I frequent areas of northern Santa Fe County for recreation – trail running, mountain biking and occasional horseback riding. As some of the previous speakers have mentioned, illegal dumping is a likely outcome if the proposed fee structure is adopted by the Board. This afternoon I took a little survey of some of my favorite illegal dump sites that I run and mountain-bike through in northern Santa Fe County. These are all in Commission District 1.

The first is a site that's been long used along New Mexico Highway 503, approximately mile marker 8, past the Chimayo turnoff. This site is 1.6 miles from the Nambe transfer station. So less than two miles away you still have an illegal dumpsite that's been used for years. Also as a volunteer firefighter with the Pojoaque District, my district and the Chimayo Fire District have responded to this illegal dumpsite numerous times for trash fires. As you see, in some of the pictures there is a lot of shooting that happens, particularly with couches and other large objects. I noticed a computer monitor and a television, both

containing CRT tubes which have lead. They've been basically shattered by gunfire and they now leach out lead and other toxins into the arroyos in this area.

The next illegal dumpsite is one I run through approximately three times a week. This is an arroyo off of County Road 113 in Nambe. And this is a dumpsite that has been used historically for many, many years. There's a large number of old junked cars all along the banks because of the old belief that junked cars and brush stabilized banks from erosion. We all know that that is really no longer considered an environmentally responsible process. Also, occasionally dead animals are dumped in that arroyo, and I have a picture of that.

One of the pictures along that arroyo is actually illegal dumping that occurs off of the back of a private property right directly into the arroyo of automotive and construction debris. site is an area that exists off Nambe River on County Road 106 again in Nambe. Beginning two summers ago the Nambe Pueblo and the Nambe Pueblo Department of Environmental Resources spent a considerable amount of grant money and effort at mitigating brush that had been dumped along that river as well as invasive species, for riparian restoration and for reduction of the fire hazard. However, illegal dumping is occurring again in that area and there are several pictures of that.

The first dumpsite and the last dumpsite are both posted. One by Santa Fe County, one by Pueblo of Nambe for no illegal dumping and spells out penalties and encourages people to do the right thing. So while many areas of Santa Fe County do remain clean and the current system works very well, I would agree with some of the previous speakers in that respect, there are areas that are problematic and it's only reasonable to believe that those areas that are going to become much greater problems and these problems are going to occur much more frequently throughout areas of the county that are clean now.

Right behind you on the mural is the first charge of the Board of County Commissioners in this county, is the protection of property. By adopting this proposed fee structure, which will be unaffordable to many residents of Santa Fe County, the County and the Commissioners will not be able to uphold that primary charge.

What would I consider reasonable? I believe a 24-punch pass in the \$50 to \$60 range could probably be stomached by most residents of the county. Increasing the commercial fees I think is very fair, and also, as some of the previous speakers have mentioned, solid waste is in no sense intended, just like the fire department, is a government service, and those divisions need to take one for the team. It's not likely or reasonable to expect in an unincorporated county of communities that solid waste be financially self-sufficient, nor is it reasonable to believe that the County Fire Department be economically self-sufficient through the use of ambulance transport revenues. It's just not going to happen. A local government needs to provide certain services regardless of the cost to maintain our quality of life.

Lastly, I have a short prepared statement from a relative, my mother, who was not able to attend. She asked me to read this. *[Exhibit 5]*

Santa Fe County Commissioners. I understand that you are considering raising the rates for landfill permits for homeowners in the Pojoaque Valley. As a resident in the valley

for over 40 years I've see the illegal dumping that occurs when people use the arroyos and river rather than the landfill. In the last several years we have seen significant improvements, and the raised rates would be a step backward. I strongly encourage you to keep the rates as they are and help maintain the quality of the Pojoaque Valley landscape. Sincerely, Sherry Dogruel. Thank you, Commissioners.

CHAIRMAN ANAYA: Thank you very much. Anybody else like to speak on this case? Sir.

TOM ROMERO: Thank you, Mr. Chair, Commissioners. My name is Tom Romero. I live in the Tesuque area so I use the Tesuque transfer station. And I just wanted to – I think a lot has already been said about all the problems with this, but I've been using this for 13 years now and I've noticed increases. One of the things that happens with the cards. I usually buy the 24-punch card. I never use it all. And often it gets lost and so I have to buy a 10-punch to replace it because I can't use it.

But generally, what I see happening is when I go to get a replacement card, the County does seem to know exactly how many punches were on my prior card, because they write it down every time you go. And I think that it would be useful to take a look at what the actual usage of the transfer stations is by the different people. I don't imagine that the usage is really that heavy that, for instance, taking the \$35 card up to \$230, that's not 300 percent; that's 650 percent. That usury, almost like the credit card companies are doing, where they quadruple your rates or whatever, just because they can.

I have asked some individuals who use the private services like Waste Management, and that \$230 a year fee is approximately what one would pay for waste management. The difference is, as was already mentioned, on Waste Management, they come to your property and they take your trash from you. You don't have to take it to their place and then they charge you. In this case we do have to – I save my trash and save my recycling and I put it in my trailer and I take it in. And I do that maybe once a month. So it's not as if I'm really overusing the services. Mostly it's just household trash and that's it.

But I am contributing my time. I am contributing my vehicle. I am contributing the fuel that it takes to get there. All of these things. And to on top of that then have to pay the same price that I would have to pay if I were to go to a private service where they actually come out and take care of my property, in the sense of just picking it up right where I live. It would seem to me to be much more logical to use the better service. And I don't think that just raising rates and not providing any kind of service really is equitable in that regard.

There was a question that I had and I don't know if it's appropriate to ask this, but when it was said you are going to open this to the whole county, does that mean then that you would be opening it to, say, Santa Fe City residents to use that? Is that what we are talking about?

I just wonder, when that is done, since the City of Santa Fe residents actually get trash picked up at their homes, what it might mean to the usage out in the county sites where they are now needing to overburden that with trash that otherwise should be taken somewhere else. And I don't imagine that would be just the daily trash. It would probably be large,

dump-type of trash, which maybe would be best taken directly to the landfill.

So I just wanted to encourage you to consider not consider a 650 percent increase. I don't think that is a fair increase, and I think that you could actually look at who is using it, how much they use it. I know in my case, for the \$35 and I use it 12 times or whatever, that's \$3 maybe each time. I could stand to pay a little bit more and I think that would be fine, but I think \$230 without increasing service is not reasonable. Thank you.

CHAIRMAN ANAYA: Thank you, Tom. Anybody else? Okay, this public hearing is closed. Commissioners, do you have any comments, suggestions?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I see that Randall Kippenbrock is here and I'm wondering if he could say a few words about why the fees are going up at the Caja del Rio.

CHAIRMAN ANAYA: Randall.

RANDALL KIPPENBROCK (SWMA Director): Good evening, Mr. Chair, Commissioners. When you refer to why fees are going up at the Caja del Rio landfill, that's in reference to the actual cost of running the Caja del Rio landfill and the Buckman Road Recycling Transfer station.

COMMISSIONER STEFANICS: So, Randall, what percentage, just as you've heard other people talking about the percentage of the proposed fee increases here, what percentage increase are you proposing to the City for our payment?

MR. KIPPENBROCK: Currently, we're at \$25 per ton and it's going to go up to \$32.50 per ton, starting July 1st.

COMMISSIONER STEFANICS: Thank you. That's all.

CHAIRMAN ANAYA: Randall, the question is, the City and County put the Solid Waste Management together. Why are we – I think Mr. Johnson mentioned it. Are we paying double? Are we paying to put the solid waste management together and then are we paying again for tipping?

MR. KIPPENBROCK: Mr. Chair and Commissioners, no. The Caja del Rio landfill was opened back in 1997 and prior to that there were startup costs that were equally shared by the City, County and the agency. And they set a tipping fee at that time, \$25 per ton to keep it moving on, to pay for debt service, to pay for operations, etc. So it appears we are paying double but we're not. We're only paying actual costs to run the facility on a day-to-day.

CHAIRMAN ANAYA: Okay.

MR. KIPPENBROCK: I do want to point out something interesting, that the Santa Fe County for the residential waste that they bring in from the seven transfer stations, more or less, your tipping fees, what I have here from April 2008 to the beginning of May 1 is approximately \$325,000. But with the new rate structure, starting July 1st it's going to go up to \$422,000 and increase about \$97,000. So regardless, you still have approximately \$97,000 more to be concerned with starting July 1st.

CHAIRMAN ANAYA: Thank you, Randall. Okay, I know that personally – we talked about illegal dumping. Here in Santa Fe County, the Santa Fe County put together an Illegal Dumping Task Force in La Cienega to try to address the illegal dumping issue, and I feel that we've come a long way. We're now going statewide in Partners for a Clean New Mexico. This next week in Hobbs we're going to do a national campaign where BLM and the Association of Counties is going to do a national kickoff on illegal dumping in the nation. So this is a big concern that we have here in our county.

And I feel that it's difficult for residents to even come up with the \$35. And I personally would like to look at other options. Roman, maybe we can try to come up with other options of raising that other money that we need. It's difficult right now in this time to say we're going to raise. Now, I completely disagree with the \$230. That is way off, I feel. I know staff put this together because they wanted to give the Commission something to look at. So now we can see what staff is dealing with. But to put it all and raise it to that amount is just way out of line.

I appreciate the fact, and we appreciate the fact that the public has come out and talked, and I have received messages, emails, phone calls from the public talking about the increase. We want to hear from you. We heard from you. Maybe we can go back to the drawing board. I know Helen took a lot of notes and Olivar is listening. Maybe we can come up with some other ways to do this. That's the way I feel. I don't know how the rest of the Commissioners feel, but I think – I know that we need to somehow generate funding. We just approved, I believe, five positions for the Assessor's office, so the assessors can go out and assess properties that have never been assessed before. Maybe we'll be generating some more GRT money. Maybe that can help us with the money that we're short for the solid waste.

Those are some ideas. I don't know. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Roman, when was the last time the solid waste fees were increased?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, do you know that Helen?

MS. PERRAGLIO: 2005.

COMMISSIONER STEFANICS: 2005, thank you. I believe that if we were going to look at additional funds that property taxes don't work, because we have many people not paying property taxes who are utilizing the transfer stations. So that while it might be an automatic type payment, and we are going to the ten payments over the year, for anybody who's paying it directly, that recommendation doesn't quite make it totally.

I do believe that the whole issue of recycling for free sends a great message to our children. All of our children in schools are learning that they're supposed to be recycling. That we have to look at the waste in the world. And if they get to go home and say, Mom and Dad, there's no reason that we shouldn't recycle, because it's free, I think that we're going to bring up a different generation. So I would like for us to continue to think about free recycling.

I totally understand about the recession, fixed income. Mine became much more fixed this year. But we also, as one speaker talked, he indicated that services do go up. Now, they

don't go up necessarily 650 percent, unless it's healthcare, but we probably do need to look at what can be stretched in the pocketbook. Now, I truly appreciate the situation, that we want to keep illegal dumping from happening. We want to take care of all people on fixed incomes or very, very little income, but I also think that if we start taking money from the County from other lines we're going to cut other services. And we gave some messages to the County this year saying we don't want to cut some of those social services that were on the line.

So the County went out, and for those of you who weren't here for the budget presentation we had, we cut travel, we cut the vehicles, we cut the cell phones, we froze vacancies, etc., etc. There was an extensive presentation this morning about the cuts that were made this year that will carry to next year. We don't want to cut more services to the public. So if we in fact take more money from another line within our County budget we're going to end up having to decide something to cut. So even if it's very, very modest, I believe that we should be considering some modest increase, and for all my constituents and for the public listening or writing to me or calling – and I've gotten many – I don't expect that we're going to raise it 650 percent, but I do think we should look at what can we put out there.

And that's why I asked for the public to come forward when they came today to give us some ideas of what could work. Now Randall's tipping fees were raised 30 percent. We heard one person talk about 50 percent. And that would equate to a dollar or two on some of the low-end possibilities. So I think that we should look at some of these ideas that have been put forward, Mr. Chair. Thank you.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I think that we have to realize that dumping is not free anymore. I think that in the early days, probably 30, 40 years ago, it practically was free, because people just dug a hole in the ground and they just dumped the trash in there. Well, we can't really do that anymore and we're realizing what the downside of doing that is. I think that the County courthouse actually gives us a really good example of what happens when you don't think about what you're putting in the ground.

Now we have a terrible pollution problem on that site and it's going to cost us a lot of money to clean it up. If it doesn't cost us money it will cost us in other ways. It will cost us with people's lives. It will cost us with people's health, because they will get sick from being exposed to toxic waste.

So that's why Caja del Rio costs a lot more money nowadays than disposal did in the old days, because they have to be very careful about lining pits, making sure that none of that waste is going to make its way into the groundwater and make people sick, or make their animals sick if they drink that. So we really do have to realize that you either pay now to be safer or you'll pay later, and if you pay later you'll pay more to try to clean things up. So I think that we are getting into a new era where we have to realize our responsibilities more. So I think it is fair to raise the rates to reflect the responsibility that we have to our environment.

Now, I don't want to cause more illegal dumping, and I certainly beseech all of you in the community to help us with that problem if you do see illegal dumping and to report it to us so that we can do something to stop it. But as I said, I think we have a responsibility, and

it's important for people to realize what the costs of their actions are. And that's I think part of what we're trying to do. I think in a perfect world, the best way would be for us to charge – to make recycling free, to really encourage people to recycle because that's the way that we want to go in the long run, but to charge by weight.

Unfortunately, right now we just don't have the infrastructure to be able to weigh everything at transfer stations. So, again, we'll try to be reasonable, but I think we have to realize that we all have a responsibility here, and it's not just a matter of money.

CHAIRMAN ANAYA: Thank you, Commissioner. I think that there's been a lot of good comments said here. I think we need to go back to what can the County do to provide basic services to our constituents? Basic. We have fire. We have police, and we have trash. If we can give those basic services to the public without having to charge a lot of money then I think the constituents will say, yes, I'm getting something for the money that I'm paying for property tax. And right now I think that we're getting larger tax bills and people are getting frustrated, and they're saying, now the County is going to come after us for trash now. And it just keeps building and building and building, and we keep going, what is the County doing? What are those guys doing up there?

So I wish, or I hope that someday we can provide basic services for free. And then that way, when you pay your property taxes you don't feel so bad. I think that we've heard a lot today. Commissioners had good comments. We're going to hear this when again, Roman?

MR. ABEYTA: Mr. Chair, on June 30th.

CHAIRMAN ANAYA: On June 30th?

MR. ABEYTA: Yes.

CHAIRMAN ANAYA: Then we'll have our second public hearing and we'll make a decision at that time?

MR. ABEYTA: Yes.

CHAIRMAN ANAYA: Okay. This public hearing is closed and we will see you June 30th. Thank you.

XIII. B. 2. Ordinance No. 2009-5. An Ordinance Amending Ordinance Nos. 2003-1 and 1994-2 to Increase Fees for Road Cut Permits, Extending Warranties and Making Clarifying Changes; Repealing Certain Provisions of Ordinance No. 2003-1 and 1994-2

JOHNNY BACA (Traffic Manager): Mr. Chair, Board of County Commissioners, members of the general public, good evening. Currently, the fees that are regulated in excavation restoration, Ordinance 2003, are for every 600 feet of lineal excavation you'll pay, or the contractor or facility owner will pay \$75. A permittee may place an unlimited amount of an aerial facility – meaning overhead power lines – for \$75. A new pavement penalty for excavating or cutting into new pavement, which is less than two years, can be assessed in the amount of \$200 to offset the impact of cutting new pavement, which

often leads to road failure.

These fee increases that I will propose and that Public Works is proposing will be in line with other surrounding entities. Public Works is also recommending an extension of the warranty period.

Currently, the fee structure that we have for this ordinance is well below other entities in the surrounding areas. For example, Doña Ana County charges \$200 for a permit. The City of Rio Rancho, the same. The City of Farmington is at \$185. The City of Santa Fe, currently at \$100 is proposing and looking to raising their road cut fees as well. Again, Santa Fe County is currently at \$75.

The fees that we are looking to increase would be, first of all, an application fee of \$200. For any below-ground facilities we would charge for up to 36 inches in width, 48 inches in depth would be ten cents per lineal foot.

CHAIRMAN ANAYA: Johnny, hold on. Is there anybody in the audience that was going to comment on this? I don't hear anybody. Can you get to the meat and potatoes?

MR. BACA: Okay. As I was stating, the fees would be as follows: 10 cents per lineal foot up to 36 inches in width, 48 in depth, below-ground facilities, we would charge \$150 for the first 90 lineal feet at \$1.50 per lineal foot thereafter. And then we want to extend the road cut warranty from two years to five years. And in order to hopefully prevent people from cutting our new pavement we also look to raise the new pavement penalty fee to \$10 per square foot. And as far as that goes, that's basically it.

CHAIRMAN ANAYA: Good job, Johnny. Any questions of Johnny? This is a public hearing. Is there anybody in the audience wants to speak on behalf? Hearing none, the public hearing is closed. What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER STEFANICS: I second.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian, second by Commissioner Stefanics. Any further discussion?

The motion passed by unanimous [4-0] roll call vote, with Commissioners Holian, Stefanics, Vigil and Anaya all voting in favor.

XIV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at 7:00 p.m.


Approved by:

Board of County Commissioners
Mike Anaya, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


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