



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 120

I Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of September, 2011 at 04:17:55 PM
And Was Duly Recorded as Instrument # 1644294
of The Records Of Santa Fe County

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

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

July 26, 2011

Virginia Vigil, Chair – District 2
Liz Stefanics, Vice Chair – District 5
Robert Anaya – District 3
Kathy Holian – District 4
Danny Mayfield – District 1

SEC CLERK RECORDED 09/01/2011

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

July 26, 2011

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:10 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

The Pledge of Allegiance was led by Daniel Fresquez and State Pledge was led by Jayla Ortiz. Roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner Virginia Vigil, Chair
Commissioner Liz Stefanics Vice Chair
Commissioner Kathy Holian
Commissioner Robert Anaya
Commissioner Danny Mayfield

Members Excused:

[None]

V. INVOCATION

An invocation was given by Teri Martinez of the Clerk's Office.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, there are no amendments or tabled or withdrawn items on this agenda.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move for approval of the agenda.

COMMISSIONER STEFANICS: I'll second.

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR VIGIL: We're going to look at our Consent Calendar. Are there any withdrawals?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: I would like to look at A. 3 and also A. 2.

CHAIR VIGIL: Okay. What's the pleasure of the Commission?

COMMISSIONER STEFANICS: Madam Chair, I'll move approval of the Consent Calendar as amended.

CHAIR VIGIL: Okay. Is there a second?

COMMISSIONER HOLIAN: Second.

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

XII. CONSENT CALENDAR

A. Budget Adjustments

1. **Resolution 2011-95, Requesting an Operating Transfer From the General Obligation Bond (GOB) 2001 Series Fund (353) to the GOB Debt Service Fund (401) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2011 / \$1,146.97. (CMO/Finance Department)**
2. Resolution 2011-___, Requesting an Operating Transfer From the 2008 GRT Revenue Bond Fund (333) to the GRT Revenue Bond Debt Service Fund (406) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2011 / \$199,649.73. (CMO/Finance Department) **ISOLATED FOR DISCUSSION**
3. Resolution 2011-___, Requesting an Operating Transfer From the General Fund (101) to the Economic Development Fund (224) for Expenditures Related to the Santa Fe Media District/\$32,242.81 (CMO/Finance Department) **ISOLATED FOR DISCUSSION**

VIII. APPROVAL OF MINUTES

A. Special Meeting of the Board of County Commissioners, June 21, 2011

CHAIR VIGIL: Are there any changes? If not what's the pleasure?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the special meeting of the Board of County Commissioners of June 21, 2011.

COMMISSIONER STEFANICS: Second.

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

VIII. B. Board of County Commissioners Meeting, June 28, 2011

CHAIR VIGIL: Are there any changes to those minutes?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I'll move for approval of the Board of County Commissioners June 28, 2011 minutes.

COMMISSIONER HOLIAN: Second.

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

IX. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIR VIGIL: We do have an issue of public concern to our community and that's where we're going to start today. I believe Josh Anderson is here, and Josh, we have been speaking about you and some spokespeople giving us an update on the negotiations that are going on. So it is yours if you would just let us know how you're going to move forward.

JOSH ANDERSON: Thank you, Madam Chair and fellow members of the Commission. My name is Josh Anderson. I'm the political coordinator for AFSCME Council 18. We represent public employees all across New Mexico as well as the nurses here at Christus St. Vincent Local 99. We want to thank you for giving us time to voice our concerns. I think everyone is well aware of what's going on at the hospital over the last few months and we're deeply concerned with the way things are going with respect to the employees and with the community members that are heavily involved with these employees.

What we would like to do today is bring up – we have five people that would like to address the Commission and express their concerns, and we have a number of people in the audience who are here in support. So what I would like to let you all know is we have five folks that would like to speak to you. We have Lily Sandoval – and if you all would like to come up here and sit up front and we can have you address the Commission in order. We have Lily Sandoval, Shirley Cruse, Carol Oppenheimer, Morty Simon and Richard Ellenberg. And the folks also here in the audience so the Commission can see you, as our folks stand up and express their concerns with what's going on if we could have everyone in the audience maybe rise while we address the Commission so they can see who all is here for this very important issue. So I thank you, Madam Chair and members of the Commission and I will go ahead and turn it over to Lily Sandoval and then we can work our way through the folks who would like to address you.

CHAIR VIGIL: Josh, I think that's a good way to start. Will everyone who is here in support of the nurses union please stand. Thank you all for being here. Appreciate it. We're going to go ahead and start with Lily Sandoval. Lily, it's yours.

LILY SANDOVAL: Good afternoon. My name is Lily Sandoval. I'm the district treasurer for District 1199 National Union of Hospital and Healthcare Employees. For the most part over the past 30 years the union and the hospital have always had a respectful relationship. We have had our differences but have always been able to sit down and work

out the differences with compromise on both parties. Since Christus has come along it feels that our relationship has evaporated. Christus is an out of state corporation that has been here for two years and they have hired an out of state attorney, a law firm dictating what is best for our employees and our patients. This creates a hostile environment for not only the employees but we feel they are attacking the culture of Santa Fe which has always had a long history of supporting workers. The living wage, for example. The culture of Santa Fe has a long history of supporting collective bargaining and we feel that they are attacking our community. Thank you.

CHAIR VIGIL: Thank you, Lily. Next speaker. Shirley, will you state your full name?

SHIRLEY CRUSE: My name is Shirley Cruse. I just wanted to say, Madam Chairperson, fellow County Commissioners and members of the community, my name is Shirley Cruse and I and I am the lead negotiator for the nurse and tech bargaining unit. And I just wanted to say that we entered into these negotiations in an effort to negotiate safe patient care and acceptable working conditions for our nurses and techs. For the past 11 years we have been able to negotiate staffing levels and working conditions that allowed us to deliver the quality patient care that we feel the members of our community deserve.

Contrary to what the hospital has said and advertised during these negotiations it has become very apparent to us that the Christus Corporation and this administration wants us removed as ambassadors for quality patient care for this community. They are trying to bust our union and force us to adhere to their way of doing business. Professionally and morally, this is something that we cannot do. We ask for your support as we fight for the rights of our community, our patients and our workers.

CHAIR VIGIL: I have the next speaker, Carol Oppenheimer. Welcome, Carol.

CAROL OPPENHEIMER: Thank you everybody and I'm happy to be here to be able to speak. My name is Carol Oppenheimer. I'm a long-time resident of Santa Fe. I am a member of the executive board of the Northern New Mexico Central Labor Council and I'm here to speak for myself but I represent the feeling of the CLC as well. I was a labor lawyer for many years in Santa Fe and represented 1199 in their negotiations with St. Vincent in the 1980s and the 1990s. That was well before Santa Fe County came on the scene.

Today I am horrified by management's current course of negotiation. Stalling, delay, withholding information, their proposal to take away basic union rights, their rejection of a hard-fought contract clause that assure safe patient staffing levels at the hospital. Last week we learned of management's lies and broken promises. In 2009, according to a report that Christus was required to file with the IRS we learned that Christus CEO and top managers received exorbitant salary increases while caregivers got nothing. And yesterday we learned more disturbing news. We learned that supervisors are interrogating individual workers about whether they intend to strike and telling them they will be fired if they do. That is a blatant violation of the National Labor Relations Act and you don't need a labor lawyer to tell you that.

All that aside, I'm here today to ask that the County step up and take some concrete action, and not next meeting, not in the future, but today. You as County Commissioners cannot change the course of these negotiations but you can insist, and I urge you to insist on strict financial accountability from Christus. Our taxes, all of our taxes are being used to try

to intimidate workers, to destroy this union, which has been a part of our community for so long, and to undermine the union-negotiated safe staffing levels. Christus is providing lavish pay to the folks at the top while giving nothing to those who do the hard work of taking care of our community.

You have the power to put an end to the secrecy. Time is of the essence. I urge you please, take a straw vote today or a vote reflecting the sense of the body, or whatever you can do within your parliamentary requirements to make it clear that the Commission will require full financial disclosure and full transparency and therefore some measure of accountability for Christus. Make Christus open their books and show the citizens of Santa Fe County how they're spending their money. Our community deserves no less than full transparency, full openness, in the money that is given to Christus. You can make that happen. Thank you.

CHAIR VIGIL: The next person I have to speak is Morty Simon. Welcome, Mr. Simon.

MORTY SIMON: Thank you, Commissioners. I'm actually here on behalf of John Hendry who is the new president of the New Mexico Federation of Labor AFL-CIO in New Mexico and I'm also a former member of IBW Electricians Local 611 in Albuquerque. The letter reads: Commissioners, I apologize I have to be out of town on pressing business because nothing is more important to me than the future of the workers of Santa Fe's largest private employer, Christus St. Vincent Hospital. Why is labor here? Because you all appropriate money for indigent care at St. Vincent's. We are asking you to be committed to tax transparency and accountability right here in Santa Fe. Our tax dollars should not go to a Texas corporation or any corporation for that matter, without full disclosure to the citizens of our county of how that money is being spent. We should not give a blank check to Christus St. Vincent.

What we ask is simple. Santa Fe County should withhold future GRT payments to Christus St. Vincent until there's a full accounting of all taxpayer monies paid the hospital in the past years. Further, we request that the County form a study group to look into whether a blank check to Christus is the best and most prudent way for us to invest our tax dollars. We should not be subsidizing salaries that range up to \$600,000 in a city like Santa Fe. We should be careful to give money to an institution that is committed to safe staffing levels. We should not condone the expenditure of over \$800,000 for California union-busting lawyers who advertise on their website that they have defeated unions in other places. Finally, we must ask ourselves whether, if they can give away \$5 million to non-profits in the city as they have done over the last few months why they can't spend more on indigent care without using tax dollars. Thank you for your consideration, John Hendry.

CHAIR VIGIL: The next person that will be speaking is Richard Eilenberg.

RICHARD ELLENBERG: Thank you, Commissioner. Commissioners, on behalf of the Democratic Party of Santa Fe County I think two quick points. One is we need to improve the public's image of the transparency of our governments, and accountability. I understand the squeeze we put you in by saying no accountability or no indigent care. That's a pretty rough spot to be put in. But I think when it comes down to it we cannot spend money, our governments cannot spend money without accountability. And I urge you to stop spending money on Christus St. Vincent without getting accountability and knowing how it's paid.

Secondly, Christus St. Vincent serves the county you represent. The quality of care our citizens get is important and you have leverage and you have responsibility to the people you represent to make sure that that care is good. Now Christus has done some good things, spending money on some new doctors, some money on equipment. Those are all profit centers. Nurses, particularly senior nurses are not profit centers. They can't charge more, make more money because a nurse has senior. Rather it costs more. But that is very important to the quality of care our citizens receive. And I urge you to pay attention on how you spend this money and leverage your money and resources and influence to make sure Christus does not abandon our senior nurses who work here and make sure that the staffing remains such to maximize the care of the citizens you represent.

Secondly, on behalf of Javier Gonzales, the chair of the Democratic Party of New Mexico I have this letter to read. To the County Commission and my fellow Santa Feans. As a former Santa Fe County Commissioner I know what it's like to sit where you are and set priorities for our community, and I know how seriously you take your responsibility to be accountable with taxpayer money and assure that those dollars are going to support fair and equitable working conditions, and that's why it's necessary for you to act today and ensure that the community knows those expectations are being met.

Recent events have shown the hospital leadership willing to break promises and mislead employees. After asking employees to give up raises, citing a tough financial environment Christus turned profits of \$18 million and \$23 million in consecutive years and gave raises to corporate executives. Our community hospital receives millions in taxpayer funds and gives no accounting for that money. You can break the no-accountability trend right now. Find out if our money goes to care for the indigent as promised, or if it's being used to pump up profits, hire and pad the pockets of executives in Houston at the expense of workers in Santa Fe.

Please don't let this opportunity go by. Worker's rights in New Mexico and in Santa Fe are a New Mexico value and in Santa Fe we have a proud history of standing behind hard-working members of our community who are seeking nothing more than a fair and honest work environment. Christus, our community hospital has been deceiving and intimidating their employees and attacking those values. These are our neighbors, friends and family. In Santa Fe we don't attack our own to help an out of state corporation make a large profit. We stand up for them and fight alongside of them. That's exactly what we intend to do and we will not back down. I hope that you will vote today to move forward with your resolution demanding a full accounting of every taxpayer dollars that disappears into the general fund at the hospital and to call on Christus to conclude contract negotiations in a fair and equitable manner that will ensure the continued delivery of quality healthcare to the citizens of Santa Fe. Sincerely, Javier Gonzales, Chairman, Democratic Party, New Mexico.

CHAIR VIGIL: Thank you, Mr. Ellenberg. Please thank Mr. Gonzales. And Mr. Simon, please thank Mr. Hendry for his testimony. Let just sort of explain some ground rules and I do want feedback from the Commission and I want you all to hear about it. With regard to any action, we cannot particularly take action today. What you proposed to us today can be considered for future action, but it has to be noticed on our agenda appropriately. Because this is a matter of public concern under that particular subject I was very concerned and so were other Commissioners with regard to what the current status was. So with your

input we'll have a better sense of direction and be able to get legal input in the future, Manager's input in the future, resolution possibility in the future and I'm hoping that doesn't have to happen, because I'm hoping that the negotiations do occur. But I want you all to understand that we cannot take action today, but we can in the future if it's notices appropriately.

So with that I'm going to give an opportunity to the other Commissioners to respond. I'm going to start with Commissioner Holian who I have to tell you is here and should be probably at home recovering from an injury.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I guess you could say that I have the advantage, if you want to call it that, of having been in the hospital recently, so these issues are very clear in my mind. And I have to say that one thing that became crystal clear to me when I was in the hospital was that we really need a well run community hospital. There's just no two ways about that. I was in an accident and I did not have the choice of what hospital I was going to go to. I went to the closest hospital. And anybody in this room could be in that situation and need to go to Christus St. Vincent. So it just has to be run well.

Now, in order to be a well run hospital first of all you must have adequate staffing levels, you need a good administration, and you need for staff and administration to be able to work well together. And if all those elements are not in place you will not have good patient care. And I know that's something that everyone of us wants in Santa Fe is we want good patient care and I know. I've been there, actually.

Now, I also want to add that what I observed when I was in the hospital is it's the nurses who are on the front line, really. And they are the ones who can best judge what is good patient care. So my understanding is is what they are asking for in these negotiations is for meaningful involvement in setting staffing levels. And I think that if you look at it that way, the concerns of the nurses are exactly in line with the concerns of our community.

So I would strongly, strongly – I cannot emphasize this enough – urge the hospital administration to one, pay attention to the nurses, two, to negotiate in good faith, and three, to respect the union. Now, I know that Christus operates in a lot of area where there are not unions, but they are here in our community. Our community supports unions; they have historically supported unions, and I think that Christus needs to respect what is the tradition in our community. I will also say that as an elected official I have been involved in what has been alluded to here in conversation today in passing funding that goes from the taxpayers to the hospital. Now, this funding comes from an indigent care gross receipts tax. Now, this is money that is paid by our taxpayers and it goes to the hospital through the County Commission, is what the case is. And I would like you to know that in the future my vote on whether that indigent care funding through the hospital, whether it goes to the hospital from our taxpayers, will depend on several things. One of those is I want to know how that funding is being used. I want to know that those funds are being used wisely, and they are being used to benefit the community, because those monies are from the community. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. I'll defer to other Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'm going to address this as two separate issues. The issue about transparency and accountability, I

mentioned at our County Commission meeting two weeks ago that the New Mexico Association of Counties actually has a task force that's working on accountability and transparency for hospitals all over the state that are utilizing sole community providers. This County Commission does have representation on that group. That group, the Association of Counties, did have a bill in last year's legislature. I think it was Senate Bill 541; Senator Stu Ingle carried that bill, and it didn't go very far.

But I believe that our Santa Fe County legislators now know that's there more reason to look at the issue of transparency and accountability. And so I think that your strife has brought it to their attention, so I thank you for that, number one.

Secondly, some people have questioned why I'm supporting the nurses union. I've never been in a union and my partner and I receive no funds from any unions to represent them or to work for them. But I will tell you that in the old days when I watched my father supporting a family of five for pitiful, pitiful wages from the federal government as a civilian mechanic I thought – a union. And I said this years ago at a Pro-Pac meeting, a union would have changed his life. A union would have bettered his life and all the other workers.

I'm actually also surprised that we don't have more County employees who have taken advantage of the unions that we have. But I am supporting the nurses union because I believe that workers in Santa Fe and New Mexico have the right to organize and participate in a union workplace, that it's in the best interests of the hospital and the nurses union to come to an agreement, a respectful agreement, something that will actually satisfy both sides. And some of you are going, that will never happen, but I sure hope it happens, because it is our only hospital here and we need good, safe care.

It's in the best interests of the community to ensure an employed base of nurses from our local community from New Mexico. And as Commissioner Holian also indicated, it's about safe staffing levels and safe care, once we're a patient there. None of us want to see our loved ones or ourselves be jeopardized by this and I hope, I hope and pray that you all will move forward in a positive manner and that the hospital will choose to do so as well. But transparency will be coming back again to this Commission because of our involvement with the Association of Counties. Thank you very much, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thanks to all the speakers that have come forward today. Just a couple thoughts on reflection before I make some additional comments. I want to say to each and every one of you in this room, to those listening on the radio and watching on TV, that this Commission, the prior Commission and several Commissions over the last decade and a half plus have been working and dealing with transparency issues for the hospital. There's one former Commissioner, Commissioner Anaya, sitting in the room. You heard a letter from former Commissioner Gonzales that was part of those early negotiations that worked to provide sole community provider dollars to the hospital.

So I don't want anybody in this room, listening on the radio or watching on TV to think that the Commission, prior Commissions, prior to me sitting here have been neglectful of the responsibility to be fiscally sound and responsible and to also pay attention to what goes on at St. Vincent Hospital. I can tell you from my own personal experience, and I know for a fact Commissioner Anaya sitting in the back can share his own very difficult personal

experience with St. Vincent Hospital. But I can also say that I myself, as a result of your work, as well as the entire team at the hospital have done some good things as well, and I appreciated very much your comments, Mr. Ellenberg, when you did say that. Because ultimately, at the end of the day we have one hospital. And Commissioner Holian just stated and Commissioner Stefanics echoed the same sentiment, it's St. Vincent Hospital.

So we are very upset and you're upset, frustrated with the negotiations and the things that have occurred. But the bottom line after this discussion, along with the emotion that goes with it is that there has to be some discussion at the table and there has to be some consensus and some agreement to move forward with our hospital, the only hospital in Santa Fe County. So with that said, Madam Chair, I know there's going to be some other discussion about resolutions. I went to the CLC during the campaign. One of the things I said throughout the process is I'm willing, not just based on the motion to make comments here before you to solicit an applause. That's not my intent. But I am committed to you in this room to join any Commissioners who would want to join me to go and have some sincere discussions.

And I already had some conversations with Mr. Anderson and others on the issue but I am willing to – I don't know the parameters and maybe, Mr. Anderson, you can maybe respond – there's parameters associated with the negotiations. What are those parameters? And I would be willing to sit down at the table with you to engage in some of the dialogue associated with hopefully moving forward to some resolution.

So I understand the emotion. I understand the passion. But I also want to clearly say that we also have to do something and do some negotiation and work through the issue. Transparency is a non-issue. I'm not saying it's a non-issue that there could be more. But Commissioner Mayfield and this Commission expanded on those things that the prior Commissions have done and we now have a Sunshine Portal and more information that we could also request of the hospital and others to do to effectively make sure that every tax dollar that we allocate, whether it's to sole community or anywhere else gets allocated and is clearly put forward to the public.

So I very much appreciate each and every one of you. I put that out there on the Board. Mr. Anderson, could you give us just a little snapshot as to the framework as to what's allowable associated with interaction from an individual or multiple Commissioners in the process and whether that's something that could help the process along?

MR. ANDERSON: Madam Chair, Commissioner Anaya, I know with regards to, for example, negotiations with County employees there are restrictions on how elected officials can get involved directly. Now, this is a private entity, so the collective bargaining agreement is between the hospital and the employees and no elected official serves as part of a governing board that could be involved in an inappropriate way. And that's the reason why we're here today. There's nothing that prohibits any elected official from chiming in and speaking to members of the hospital or executives of the hospital or board members on your concerns and how you would like to see these negotiations unfold over the next few days.

So as far as that's concerned I do not believe – I think your concern is with any sort of violation but with this being a private entity that would not come up.

COMMISSIONER ANAYA: Madam Chair, based on Mr. Anderson's comments I'm willing to do that. I'm willing to convey those concerns and communicate with the hospital management, board members and whoever else we need to to make sure

that there's clarity as to what the concerns are and that there's a fair, open process that's moving forward. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Anaya. Commissioner Mayfield

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and thank all of you for being here today. What you're doing today is showing unity and I would just ask that you stay united, stay committed, and hopefully you will have a lot of support. I believe you have public support out there from all of our residents. Again, Commissioner Holian was recently in the hospital. I was in the hospital visiting my grandmother this weekend and nurses are frontline. And I do believe there is some understanding at that hospital from my personal experience of just witnessing what happened when I was there. If we have senior nurses that are being paid, that's great. As a matter of fact we have two community colleges within our local community that offer nursing and you all serve as mentor roles for these folks. I hope that they keep this program revolving for our locals. And I really do. Our senior nurses are setting as mentors, our senior technicians are setting as mentors.

One thing this Commission has done, I want to assure you all is that in the recent approval of the indigent funding this Commission asked, point-blank asked Christus St. Vincent what are you doing with the money. And I will continue to ask as stated by Commissioner Holian. I believe there will be a request for some supplemental funding, most likely coming to this Commission between now and September. I will ask that that also be a commitment, to show us exactly how those dollars are being spent and trying to assure they are staying within the state of New Mexico and within Santa Fe County in particular.

One other thing that caused me some concern. I believe that Commissioner Holian responded in the paper and I was waiting to have a report back from our Manager's Office, because there was a statement I believe that was made by St. Vincent Hospital that indicated because of the amount of money that this Commission approved for sole community providers that there were going to be potential layoffs of nurses. That caused me come grave concern and I'm still waiting back to hear respectfully from Christus, what their side of that was. I haven't received a response to that yet. Ms. Miller, I don't know if you have received a response from them, but I still would like to have that response back.

Again, I stand, I support what you're all doing. Hopefully I don't see any of you on the picket lines. What I'm saying from that is I also come from a union family. My mother was a long-time employee of a local grocery union. She worked at Safeway on Llano Street for over 20-some years. She has great retirement benefits that support her now. But I remember the days when I would sit in her car when she was on that frontline picketing. So I don't wish that on any of you. And if you're out there I will do my best to advocate on your behalf. I want you to know that.

CHAIR VIGIL: Thank you, ladies and gentlemen. One of the benefits of being the last speaker is a lot of what one was going to say has already been said, so I'm going to try to personalize my comments. And I have some indictful statements that I've had observations that bring me a high, high level of concern here. I'm concerned that we no longer have a community hospital whose primary concern is the health of its patients. I'm concerned the priority has shifted from a local community hospital to corporate America. Corporate America, in the way it has been shown to us through Christus St. Vincent does not work in Santa Fe.

I'm concerned that they are losing touch with their community and as a result, knowing that without that community support that hospital is very likely to be doomed. I'm concerned that Christus St. Vincent has lost one of its most necessary components to be successful in the community and that is care and compassion. And I want to express a story. I'm from Santa Fe. I actually was born in downtown St. Vincent's. The nurses there were the Sisters of St. Vincent at the time. I see how our hospital has evolved and had a real sort of focused vision now that I've been an elected official. I have had to go to the hospital many a time for unexpected surgeries, for emergency situations, but I want to speak to one in particular. In 1996 my doctor diagnosed something that needed surgery and it was a surgery that I did not want to undertake but based on the diagnosis I had to have it done. But I'll tell you what. At 6:00 in the morning when I woke up and had to drive to St. Vincent's I drove there knowing that a Dolly Lujan was going to be there.

It was very touching to me because she exemplifies compassion, and as fearful as I was to undergo this surgery that was pretty radical Dolly walked in the room, rubbed me by my arm and said, "You're going to be okay." Did that make the world of difference to me? Of course it did. Once I knew that Dolly was there and that statement of compassion existed, which didn't occur in any other experience I had, even from my physician, she said to me, I'll see you after surgery and we'll make sure you're fine. I want you to know that that experience was phenomenal for me. It made the difference I think in me recognizing how critical nurses are to our community. And I realized in past experiences after that that every experience I've had at the hospital has more to do with the nurse than it has to do with an administrator or even a physician, who I rarely see. It is the nurse that I see.

I have to tell you that at St. Vincent's, Christus St. Vincent's is losing sight of this. They are actually losing sight of the fact that the nurse is the heart and the pulse of a hospital, and without that, again, I make the statement that they are doomed in this community. So I stand up and I ask St. Vincent's to step up to the plate to honor their nurses. When they go through negotiations to defer to their nurses. What you're asking, and I've been in communication with many folks who are advocates of this, what you're asking is so minimal. For them to not be able to step up to the plate, because you're asking this, from my perspective because of your care and your compassion for the quality of service that you will be giving.

So with that in mind Christus St. Vincent's I hope comes back to you and says, let's move forward; we're ready to defer to you. Thank you all for being here and we really appreciate you all for taking the time to do that. We will have to go on to other business. I would just ask that any of you who would like to give any of us feedback we're all available by email and you can speak to us, you can ask questions, you can email all of us. I will tell you that Vonda, Josh and Carter have been excellent in their advocacy for you and in keeping us informed. So thank you all for being here.

Are there other matters of public concern? Please step forward.

JOE MONTTOYA: I am Joe Montoya. I am a resident of the community of Cundiyo which is the northern part of the county. We were fortunate enough to get funding from the state and the County to build a community building which is adjoining the fire station. It used to be that we had parking on private land. But he fenced off the private land and we have a great need for a parking area, which we don't have. We have little parking

area. We approached the land grant for land and they are willing to donate land adjoining the community center for a parking area. That land is not – it's hilly. There's a lot of dirt to be removed. There's work to be done there. But I believe the County has the in-house resources to remove the dirt and start a parking lot. And the chairman of the grant and the board members have written a letter to the County Commission saying that they are willing to donate property for a parking lot and hopefully the County will have the in-house resources to build a parking lot for us.

CHAIR VIGIL: Is that it, Mr. Montoya? Question, and Commissioner Mayfield, you may have the response to this. Is this something that is going to go to the ICIP when the process goes before your community?

COMMISSIONER MAYFIELD: Madam Chair, Mr. Montoya, thank you for being here. I don't believe so unless it's a request that comes to us. Right now, as I understand what's going on in the Cundiyo center, there was some leakage and some problems that we had to go back and just rebuild the building arguably from internally. But there was an adjoining neighbor who was allowing folks to park there. This community center/volunteer fire department serves the whole community of Cundiyo. I think there's parking for two vehicles up on top of that hill. One of my other concerns in talking with Mr. Martinez I believe of Public Works – we spoke about this, Robert, is that the County doesn't even have prescriptive easement for a road to get to our own fire department and now with this adjacent landowner, in his own right – it's his property, he put a fence on his property, that I believe the land grant prior to a couple years ago offered the County adjoining land so that we could have a parking structure up there or at least a parking facility, and I don't know if the County responded to that. Mr. Montoya, is that what you're bringing forward?

MR. MONTOYA: I don't know. Back in the seventies the government gave the community the grant to clear all titles, titles in the northern part of the county that had never been quite good. But anyway, Cundiyo got a grant from the US government to quite all the titles in Cundiyo. The lands had been quieted at that time but I really don't know how well the access to any of the properties. How good it is I don't know. I haven't looked at the map. I do have a map and there might be access to that property that belongs to the grant. I don't know. That has to be looked at.

COMMISSIONER MAYFIELD: Madam Chair, if I may ask, maybe staff can meet with Mr. Montoya and just talk to him and look at some of the maps he has. Again, I think one of the problems is is that we have a community center and a fire station that has no parking. And I don't even know how – we can't seem to maintain the road to the facility from my understanding because we don't have easement.

CHAIR VIGIL: I think the direction that's being requested is to make an appointment with the County Manager's Office. Because she would know if GIS needed to be involved, Public Works, what staffed needed to be there, because I don't think we all have a clear understanding of the issue of how we can help. So I would just recommend, as Commissioner Mayfield has directed, that you make an appointment with our County Manager and explain the issue to her so that she will be better able to respond.

MR. MONTOYA: That will be fine.

CHAIR VIGIL: Okay. Thank you very much, Mr. Montoya.

MS. MILLER: Madam Chair, could I just comment? We actually are quite aware of this issue.

CHAIR VIGIL: Oh, good.

MS. MILLER: Commissioner Mayfield actually mentioned it to me about a month or two ago about the offer of a donation of land. It's not quite as simple as we can just move the dirt. It's more complex than that but we are evaluating it and what we could do to increase the size of the parking lot and whether that parking lot that's being offered would be feasible for what Mr. Montoya was mentioning. But we have been working on this.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Montoya, I just wanted you to hear this. If there's people that are willing to donate property to Santa Fe County to be able to provide parking for our community facility, our fire station and others, I just wanted to let you know that I'm supportive of working with staff and Commissioner Mayfield to try and help you accomplish that.

CHAIR VIGIL: Thank you. Thank you, Katherine for working on this thus far. I think there are other people who would like to address us under matters of public concern. Please step forward. Is there anyone else? Can I have a show of hands if anyone else would like to address us? And I hope this is not on an item that is on the agenda. State your name.

TODD BROWN: My name is Todd Brown. I live in the Village of Cerrillos. I've been there for 41 years. I am now the president of the Village Neighborhood Association and Robert asked me to come to just share with you guys an idea that we all have in our village, and that is to have a little kids playground. In 1968 you guys got some property in our village on 1st and River Street and put a park there, and in 1970, for the kids. In 1971 you tore it down – or the County did; not you guys – and put a fire station. And that's been serving our community, but we'd like to have a park again.

Ten years ago we had a village fiesta. Our neighborhood association put it on and we raised \$5,000. Since I'm the president now and we still have the money I'd like to put up a little kids playground park on the west side of the fire station. There is room there. I measured it out; it's 40 feet by 40 feet. I contacted a company called ExerPlay and they're laying out the plot, and I will show it to somebody at the County here. I don't know where to go next. For four pieces of equipment.

Our association wants to pay for it and maintain it. There'd be no weeks there. It'd just be for kids from 5 to 12 years old. We did have the okay from the County nine years ago after we raised the money to put it there but it failed when nobody ever followed through. Now, I wasn't going to talk to you guys because I'd rather just talk to Robert since it's in his district, but then I saw Jennifer Jaramillo out in the hallway and talked to her and I think I'm going to be working with her. But then I saw the County Manager over here and I thought I'd talk to everybody about it.

We'd like to pay for it, our neighborhood association and we don't have to use County money. It's just a simple little playground with a bench for somebody to sit on and four pieces of equipment. So I think I'm going to talk with Jennifer Jaramillo about this and I

just want Robert Anaya's blessing on it He's so busy; I don't want to interfere with his job. So that's it. Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Todd, thank you for coming. I did bring up the item at the last meeting. I'm glad you're here to continue to follow up on it. Staff is going to look at the parcel and visit with the fire department and stay in communications with you so we can keep this process moving forward, but I appreciate your comments.

MR. BROWN: Who should I talk to next about trying to get this done? Who on staff?

CHAIR VIGIL: If you actually had asked, I would say the constituency services person for that district is Chris Garcia [sic]. But if you've made preliminary contact with Jennifer Jaramillo and she has some feedback for you I would follow up with that. But Chris Garcia becomes the advocate and does constituency services for that.

MR. BROWN: Okay. I'll talk to Chris too. Thank you very much.

CHAIR VIGIL: Are there any other matters of public concern here that need to be addressed? Then we can move on to the next item on the agenda.

X. MATTERS FROM THE COMMISSION

A. Update on the Santa Fe County Fair (Commissioner Anaya)

COMMISSIONER ANAYA: Madam Chair, I'm going to turn the floor over to our Santa Fe County Fair royalty, and they have a presentation.

SARA CZMYRID: Thank you, Commissioners. Good afternoon. My name is Sara Czmyrid and I'm your 2011 Santa Fe County Queen.

KATEY HOUSE: And my name is Katey House and I am your 2011 Santa Fe County Princess.

CHAIR VIGIL: Welcome.

MS. HOUSE: We are so honored to come to see you here today about the Santa Fe County Fair. It's a fair that happens August 4th through 7th at the Santa Fe County Fairgrounds off Rodeo Road right next to the Rodeo de Santa Fe. When you come to our fair you get to see the very best of what Santa Fe County's youth and adults have to offer. We have everything from steers to rabbits and quilts to green beans. You never know what you'll find when you come to the fair.

MS. CZMYRID: In last year's exhibits we had some amazing things and on further inspection we found they were made by a 4-H participant. You won't believe your eyes when you see what our youth have been doing all year long. A year's worth of hard work and talent has gone into every exhibit on display. On July 31st we'll be having our Santa Fe County Fair horse show which will be exhibiting our 4-H and FFA members showing their horses as they've been showing and rodeo-ing on all year long. Then Thursday the 4th we will have our indoor exhibits open and have our 4-H and FFA members showing their animals in

the large and small animals barns. No matter when you come to the fair you are guaranteed to see some of your Santa Fe County youth showing off their project animals.

But when you get tired of the heat come on inside to experience a different kind of heat that will tell you that you've stumbled in our on salsa contest. The best part of all this is you're going to want to be a part of it. So come find your favorite recipes for cookies or cakes, or that photo that you took and enter in the Santa Fe County Fair. We're accepting indoor exhibits August 1st and 2nd 1 to 9 pm. Come and enter it into the fair and the next time someone compliments your amazing recipe you can say it's an award winner.

MS. HOUSE: Speaking on being involved in the fair, on August 7th bring your family pet to the fair and compete in the pet show, or come and join us in tug o'war and some other silly games in an event that we call barnyard olympics. These events are open to all ages so parents, join your kids in these fun fair traditions. Oh, and before we go, we want to remind you that if you have a question at any time during your visit feel free to find a 4-H or FFA youth or even your County royalty and ask us. It's our job to know the answer. Please come and visit us at the Santa Fe County Fair the 4th through 7th for fun and free family events.

MS. CZMYRID: We have some goodies for you guys today. One of our 4-H novice members from the 5-Star Club has made cookies for you guys to taste. Faith Sutton is in her first year in the baking project and heard from one of our club members that Commissioner Vigil had mentioned she'd like to taste some of the 4-H baked goods, and so Faith hopes you enjoy these sugar cookies.

CHAIR VIGIL: Can we get them right now? Thank you all. Thank you so much.

COMMISSIONER ANAYA: Madam Chair, if I could, we've been hearing the last five meetings or so, or four meetings at least, from Santa Fe County Fair participants, our royalty and others, but I want to encourage everybody here and listening in to come out to the Santa Fe County Fair and support our exhibits, support our youth, support our community. Thank you guys very much.

CHAIR VIGIL: Thank you, girls. Thank you, young ladies, and if you present yourselves as well as you have today I think it's going to be excellently done.

We're going to move on to item X. B and C. I believe, Commissioner Holian, you will not be with us so I know you're here particularly for those, so we have moved them up.

X. B. Ordinance #2011-___, an Amendment to Solid Waste Ordinance 2010-5 to Add a New Fee of \$40.00 for 12 Waste Disposal Visits, to Be Used at Any of the County's Solid Waste Transfer Stations. All Other Provisions of Ordinance 2010-5 Shall Remain Unchanged. PUBLIC HEARING (Commission)

CHAIR VIGIL: Is there anyone here from the public to address this? Okay, I have two members. Did you want to – before they spoke? Okay, please step forward and make your statements.

EUGENIA BOCALANDRO: Hello, my name is Eugenia Bocalandro. I live in Eldorado. I think the amendments that are being proposed will take us back from the direction that Santa Fe County has determined for itself going towards zero waste and going towards reducing the amount of waste we produce in this county. I believe that it's very, very important for the citizens to know the exact cost of what it means to dispose of their waste and passing these two amendments will deter from recycling and increase the amount of waste since the citizens don't get to see the actual cost of what that is.

It has been demonstrated in many cities across the United States that the way to reduce by 50 percent the amount of waste that goes to the landfill is to pass on the cost directly to the generator of waste, and therefore a pay per time when the person pays as they pay, or having free recycling, which you already have instituted will directly affect by 50 percent the amount of landfill. I know that landfill costs are very high here because of the basalt rock formations. I know that the average of the whole country is 33 percent recycling and Santa Fe County is close to 10 or 11 percent. I feel that the way to support the citizens and the county and the community to reduce waste is to give incentives such as free recycling as well as to study this further to see the true costs of what a punch pass actually costs.

I have done some research and see it's probably more like \$250 a year for a 12-punch pass and not 24-pass. That is greatly reduced and it's costing us taxpayer money to subsidize that, and I do believe that there are enough people in our county that feel for the planet and the environment and would be willing to take on what would seem like a higher cost but if they were to participate with the recycling it would actually reduce the cost, because our solid waste management facility could make money and create revenue from those recyclables.

So I hope that in your wisdom you will choose to not pass this amendment today for a study to be issued and to know that we as your voters and people that vote for you want you to choose what is right for the whole county and not just for a few that would increase the burden to the taxpayers. Thank you very much, Madam Chair.

CHAIR VIGIL: Thank you. There was someone else who raised their hand. Let me have him and you'd also like to speak? Anyone else? Okay. All five of you please step forward. State your name.

WALTER WAIT: My name is Walter Wait. I live at 48 Bonanza Creek Road in Santa Fe County. I represent the San Marcos Association board of directors. In terms of the suggested ordinance, we strongly support the idea that we should have 12 waste disposal visits for \$40 for a very good reason. Most of the people who use the transfer stations use the transfer stations on the punch card and they use less than 12 every year. For most of the people that we've canvassed they use perhaps 8 or 9 trips a year and it was found very onerous when the new Solid Waste Ordinance demanded a 24-punch card when people were not even using the 12-punch card.

And the other thing of course is the \$75 fee is one that some people found very, very difficult to absorb. And we feel that – and when I was on the board that was discussing this ordinance back in 2010 we clearly stated that the problem would be that people, if you upped the price, at that time \$50 for a 24-punch card people would simply buy the 12-punch card. Well, the way that the committee decided to get around that was not to issue a 12-punch card, which a lot of people found very, very difficult to stomach. It's like going into a convenience store and seeing there is a dollar coke or a two dollar coke. Well, I certainly can't drink the

SFC CLERK RECORDED 09/01/2011

two dollar coke; I'll go for the one. And all of a sudden you come back two weeks later and you find that there's no one dollar coke any more; you have to buy the two dollar coke even if you're only going to throw out part of it.

So in that respect I think that this is a good start. Now, in terms of the previous speaker, I strongly disagree. Until the County goes to a process that measures the waste in terms of weight, which is what the County pays to the dump for its processing fees, it pays by the ton. We can't really judge what the cost of a specific load is. And unless you want to go back and discuss how you're going to put weight machines in each of your transfer stations and figure out how much the little old lady with two bags of garbage versus the construction engineer with two truck loads is going to cost the City to actually move we can't do that. If we're going to stick with the punch card then we have to be fair about the punch card. And I think that offering the 12-punch card would be a fair resolution for now. You can always go ahead and look at it later.

If you look at the proposal for suggestions which comes in D. which is, all right, if you're going to offer 24 punches, then offer it without the annual thing, because that's another sore point. I hate to buy \$75 worth of punch card punches, knowing I'm only going to use eight and knowing at the end of the year it's gone. That seems a little bit irritating if nothing else. I'd very much like to see this suggestion to also come to the floor and then be discussed properly. But weight is the big thing. Okay. I've said my piece. Thank you.

COMMISSIONER STEFANICS: Thank you very much, Walter. Who's next? Please come up and identify your name and where you live.

MS. WILLIAMS: My name is [inaudible] Williams. I live in the County of Santa Fe at the end of Old Santa Fe Trail, 7800, the Camp Stoney area. We're doing a lot of composting and recycling and growing food and catching water and dealing with animals because we have a concern for the overall quality of our planet and the issues we're dealing with. Because of these things it's very important when we're talking about these kinds of issues that we understand what the overall goal is. If the overall goal is to reduce waste for the landfill that costs money. And an additional goal, that is to conserve and recycle and try to shop wisely so you're not producing more and more waste, history has shown that when you charge fees to those who traditionally waste you will find a considerable drop in that waste and in doing so people will make other choices, and that's really what this is all about.

If you shift that emphasis into a daily fee or weekly fee, yearly fee, monthly considerations and get away from what the ultimate goal is you risk going off track and as you know in this ecology of ours today we can't afford one day of going off track any longer. Thank you very much.

COMMISSIONER STEFANICS: Thank you. Next speaker. Come on up, Commissioner. We'll be happy to hear from you.

TODD BROWN: Todd Brown, Village of Cerrillos. I'm on the front lines of this garbage thing down there. I drive a lot of the dirt roads and the County roads, like County Road 45, that is the new illegal dumping ground. About every three weeks I have to collect a whole other truck load of garbage to bring to the dump and I think \$75 for a 24 pass is a little much for the people out there, so I'm in agreement with a 12-pass, \$40 pass, 12 punches. It might help me out a lot; I won't have to be picking up so much illegal garbage. It is everywhere out there. Thank you.

SFC CLERK RECORDED 09/01/2011

COMMISSIONER STEFANICS: Thank you for your service to the community. Commissioner Anaya.

MIKE ANAYA: Good afternoon, Madam Vice Chair, Madam Chair, Commissioners. It's good to be back and see a lot of people. Katherine, Debbie, how are you? I'm here – first of all, Commissioner Holian, it's good to see you too. Robert told me about the accident you had and I'm glad to see you here. I hope everything is fine. Thank you, Commissioner Anaya and Commissioner Mayfield for inviting me here. I heard you on the radio this morning and you all did an excellent job representing the County.

I'm a property owner and I support the \$40 12-punch ticket that you guys are trying to get passed. I've purchased these tickets and been a supporter of this \$40 ticket for a long time, tried to get this passed. The 24-punch ticket that I've had, I've only used about 8 to 10 of those a year so the rest of them are wasted. So I'm glad to see that you've brought this back to the table. I think there's other steps that you could take toward trying to save money and that is instead of hauling our trash from Stanley all the way to Santa Fe maybe you could work out a deal with Torrance County transfer station to haul the trash that way. It's much closer. I think that might help out with some money, if you can look into that. I know we talked about it a few times but never did get it done.

You notice on the PNM bills they have those little help your neighbor. Maybe you could put that on there as help the landfill fund, and maybe those people that want to donate the extra dollars they can go ahead and do that.

I'd also like to see on the ticket itself the times that the transfer stations are open. Robert Martinez is getting tired of me calling him and saying, are the transfer stations open or not. So I could just look on the back and maybe I could find out when they're open or not. I'd also like to know, Madam Chairman, and I've talked to Robert a little bit about it, I was told when I was a Commissioner that the transfer station in San Marcos was going to be completed almost a year ago and that transfer station is still not completed. I'd sure like to see whoever's in charge of that transfer station to step up to the plate and get it done. I know we've been talking about it for over ten years now. So I'd like to see that taken care of. With that, Madam Chair, thank you very much for allowing you to say a few words and good to see you all. I'm glad I'm on this side of the podium and not that side.

CHAIR VIGIL: Thank you, Commissioner Anaya. Is there anyone else who would like to address the Commission from the public on this? Seeing none – oh, is there one more. Please step forward and state your name. Is there anyone else? Please raise your hand now. Okay, I have one other person. I will close the public hearing after that so anyone else who wants to address needs to speak now or forever hold their peace.

CAROLYN BROWNRIGG: My name is Carolyn Brownrigg. I live in the Arroyo Seco area near Espanola and I appreciate the opportunity to speak briefly in support of removing the stipulation in support of the stipulation that the permits can only be used for a designated period of time. I think that's a hardship on many members of the county and I think if you look at the purpose or one of the important purposes of the land use program and doing away with illegal dumping is the support of citizens to responsibly remove the trash that they have accumulated. And I think that this is very important so that people who are financially strapped do not have to have unused permit tickets.

CHAIR VIGIL: Thank you, Carolyn. Next. Please state your name.

LOUISE PATE: I'm Louise Pate and my husband and I own a property on Ravensridge Road which is in the county. And when we lived on Ravensridge Road I used the pass and I used it once a year and I had one trash can. So I would like to advocate taking seriously the option of going to zero waste. It is possible; I've been doing it for years and it's actually fun. So if there are things we can do to promote that I strongly suggest it. There is a movement worldwide to go to zero waste and Santa Fe needs to be progressive enough to take this on. People don't realize we won't solve the climate change problem unless we stop wasting the resources of the earth. We destroy the world to gather resources, metals and woods and paper and all of that to make stuff and then we just throw it away. So this is something that really needs to change. So I encourage you to do it.

CHAIR VIGIL: Thank you, Ms. Pate. Next speaker please. State your name. Is there anyone else? Okay, that being the case I will close this public hearing and there is a fiscal impact statement that was prepared with regard to this issue, and Ms. Miller who will be presenting that?

MS. MILLER: Madam Chair, I believe there was one previously given to the Commission and there was another one sent by email yesterday because it was updated, I believe by Finance and Utilities to reflect current permits sold. So either Teresa or Pego can speak to the updated – in fact I think it's less of impact because I believe 2,500 or 3,500 passes have already been sold this year.

CHAIR VIGIL: Okay.

COMMISSIONER MAYFIELD: Madam Chair, Katherine, you said this was prepared yesterday?

MS. MILLER: Madam Chair, I believe I was emailed out either yesterday or the day before. It wasn't in the packet but it was updated because there was an old one but that was based on permits that were – because there was one handed to you previously when this issue came up and that one is outdated because I think at that time I think only about 800 permits had been sold.

COMMISSIONER MAYFIELD: I didn't see it in my email. Could I have a paper copy of it, please?

TERESA MARTINEZ (Finance Director): Madam Chair, Commissioners, what we did is we simply updated from the previous time or the last time that we came before you. We have sold a total of 3,175 permits. Of those, 2,507 have been the regular \$75, 24-trip. We have sold senior discount 24-trip permits at the number of 593, at a rate of \$70, and we have sold 75 low-income 24-trips at the rate of \$64, coming up with a total revenue of \$234,400 based on permit sales to date. The numbers that were updated for you were identified by the fact that we have a budgeted revenue value for fiscal year 2012 of \$480,000 for permit sales. We estimate that with this proposal the revenues will go to about \$367,000, which would result in a decreased revenue projection, if you will of about \$113,000.

The assumption that we made is currently based on our existing pricing structure. We based our number of sales, which is 6,500 permits from the previous year's actual sales, and we made an assumption that 51 percent of the customer base has not purchased their permit yet, and if all 51 percent purchased it at the reduce rate that would bring in an additional amount of \$132,600.

CHAIR VIGIL: Okay. Any questions of staff?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, I know at the last meeting when we discussed this I brought up a different scenario and different assumptions. Did you all factor in any assumptions if a person purchased to 12-punch?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, I think this is just straightforward, assuming that the persons would only buy the one. So this would not consider if there were multiple permits bought by one user.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: I actually have Commissioner Holian ahead of you.

COMMISSIONER HOLIAN: I don't have any questions; I just have a comment.

CHAIR VIGIL: Do you have questions? Please.

COMMISSIONER STEFANICS: I don't know if this is for Teresa or Pego. Could somebody please reiterate all the options we currently have in the ordinance? We've had some people talking about zero waste. So if I could just go over and refresh my memory and any public's memory about what are the options besides the 24-punch.

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioner Stefanics, currently we have a one bag ticket that sells for a dollar, basically, so we sell five for \$5. We also have a one-visit ticket that is \$15. And then we have the 24-punch ticket that sells for \$75.

COMMISSIONER STEFANICS: So we have a one-bag, \$1, we have a one-visit, \$15, and we have the 24-punch for \$75.

MR. GUERRERORTIZ: That's correct.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Thank you. Any other questions for staff? Seeing none, I'll turn it over to you, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just have some comments. First of all I think it's important to realize that actually, we in the county all want the same thing for our solid waste disposal system. We want something, a program, that is low cost and we want a program that's convenient. Now, we have some things working against us in those two areas. With regard to the low cost, for one thing we have seven transfer stations. Now, I'm not totally sure but I think this county may have the most transfer stations of any county in the state and it costs money to run. They require maintenance, they require staffing, they require equipment. All that costs money.

Another thing that we have that is relatively expensive in our county is our landfill. Now, the County does not run the landfill; that's run by the other quasi-governmental agency SWMA, the Solid Waste Management Authority, so they are the ones that manage the landfill. But when the County collects trash that is landfilled they pay fees to SWMA for landfilling that trash. Now, working against convenience, in my opinion, is the fact that we do not have a County-run trash pickup service. We only have private haulers and my understanding is is at least one of those haulers charges extra for picking up recyclables. In fact I have a friend who lives out in my area and he's really committed to recycling but he doesn't want to just generally go to the transfer station. So he pays about \$500 a year to a

private hauler for his trash, and then he also separates out his recyclables and takes them to the transfer station to recycle, just because he really cares about recycling.

And I think that a lot of people are in the situation where they don't recycle, just simply because it's not very convenient. My understanding is about 60 percent of the people in Santa Fe County use private haulers.

Now we certainly can mandate lower fees, especially for the solid waste transfer stations. We can do that; we have the authority to do that. But you know what? That does not solve the problem in any way, and that is because those costs that I mentioned – the costs for the landfill, the cost of the transfer stations – those are fixed. Those are there and somebody has to pay them. So we either pay them up front, by fees, say transfer station fees, or they're paid for in a much more sneaky and underhanded ways in being transferred out of our general fund. And when they're transferred out of our general fund what does that mean? Well, that means that other services that the County provides are going to take a hit because that money is going to be going to our solid waste program instead of those other services. And I think that people don't even realize that they are making these decisions.

Now, I think that the real solution, if we really want to get a handle on this problem we are going to have to do two things. Number one, we are going to have to lower costs. We are going to have to take that head on. Number two, we're going to have to increase income where we can. Now, I'm not talking about extra taxes or extra transfer station fees or anything like that. What I'm talking about is things like perhaps selling recyclables and being able to make a little bit of extra income.

Now, so how do we lower costs? Let's look at the transfer stations. Again, we've got seven of those. My opinion is that all seven do not have to be open five days a week, eight or ten hours a day or whatever they're open. So we can really look carefully at how those are being administered. Number two, let's look at the landfill issue. First of all, let's ask the question why is it so expensive? Now, number one, one of the reasons it's expensive is because of new regulations. Twenty years ago when I first moved here my husband I lived across the street from the Jacona landfill. It was a landfill in those days; it was not a transfer station. And it was free. Now, what did they do? They dug a big hole in the ground. People came in, they dumped their trash into that hole and there was no talk about are you actually throwing in things that have toxic chemicals in it or anything like that. You could throw whatever you wanted in there and then they'd cover it over with dirt.

Well, that was cheap and people got used to that being the price point for what landfilling should cost. But in the meantime we got a little bit smarter and we figured, you know, we really don't want to ruin our groundwater. In fact if we do ruin our groundwater it's going to cost a lot more to fix it after the fact than if we take a little care to make sure that it isn't polluted in the first place. The second thing is we decided that we do not want to pollute our atmosphere so we put in new regulations for that as well. And so now when a landfill is opened up in our area, in the state as a matter of fact, we have to put in special liners in the pits so that the groundwater is not contaminated, and when we get enough solid waste where it starts producing methane we have to deal with that. We can't just let it go out into the atmosphere.

Now, those things cost money. And somehow, somebody is going to pay for that. Secondly, our particular landfill is particularly expensive and the reason for that is, for

whatever reason, it was located on land that has a lot of basalt rock. Now, what that means is that when there's a cell that is opened up where the landfill goes and is compacted into, that in order to create that cell you have to do blasting. It's a very expensive way to create holes in the ground, I might add, and just to add insult to injury, it turns out that the BLM owns the mineral rights on that land and basalt can be used for other things, like it can be used for road improvement and that sort of thing, so that whenever we blast out basalt rock we have to pay royalties to the BLM, and that's why our landfill is incredibly expensive.

So the question is is if we are serious about lowering our costs, because we really do want to make a difference here, the most important thing that we can do, in my opinion with regard to the landfill is to extend its lifetime. Now, how do we do that? We do that about really robust recycling and I will just point out here that I know that a lot more recycling can be done. For one thing my husband and I recycle everything that we can and we figure that by weight 50 percent of our trash is recycled. Compare that with what we do in the country right now. We have ten percent recycling. And the reason why we have ten percent is because it's hard and we don't have the proper signals that we want people to recycle.

Another thing that I was just blown away by is week before last I had lunch with a friend of mine who used to work for the County, Mary Helen Follingstad. She has lived in Seattle for the last two years, and I was just agog to find out that in Seattle they recycle 90 percent of their solid waste. So it can be done; it is being done in other parts of the country.

Now, it turns out that in the Washington-Oregon area that they only have one landfill between Washington and Oregon. They share the landfill. It's incredibly expensive to landfill anything so that's why they're really, really motivated. I think it's also worth pointing out that we get income from recyclables. Well, we, the County, doesn't directly, but SWMA who deals with recyclables, who does the collecting and sorting and selling and marketing and so on, they actually get some income, and that helps the bottom line for SWMA. Even with the money that they spend for sorting and so on, they still have a positive cash flow from those recyclables.

So the question is how do we encourage recycling. Number one, it has to be through fee structures. People have to get signals that it is a good thing to recycle. They have to – it's a fiscal decision and they have to get a fiscal reward for them to really recycle in a big way. Secondly, we have to make it convenient for people. Now, I really feel that we are at a cross roads and I want to thank the Commissioners for bringing this topic up because I think it's important and it's timely, and I think that we need to move forward. Now, on the positive side I think that there's some really, really great ideas out there. There are some great recycling programs in other parts of our country. There are many people in our community who have fantastic ideas. I've been talking to constituents of mine. Who have been giving – why don't we do this? Why don't we do that? And so on and so forth. And I'm just amazed at the font of knowledge that's out there. And all of these ideas, I might add, have that they both add convenience and they lower costs. And that's where we want to go to anyway. I think that's the one thing that we all do agree on.

So some of the ideas that I've gotten, for example, from people are restructure transfer stations for the County to create its own solid waste collection service, and I will add that if we were able to do that we could probably structure it so that we made a little bit of money on it and that money could help be used to help subsidize the transfer stations. And I'll say

that another word for transfer stations that's often used is convenience centers. And I think it's true; they are convenient. And I think that we want to support them and help them and not make them horribly expensive but I just think that we need to look at other ways to – that they can't just be a continuous drain on the County. Also, the all-important thing, the fundamental, most important thing that we can do if we really want to lower costs is to recycle, recycle a lot.

So what I think is that we need an overall, comprehensive plan now that benefits all Santa Fe County taxpayers, not just those people using the convenience stations. We have to recognize that all of the taxpayers are paying for the cost of how we deal with solid waste and we need to help everybody and consider everybody's interest. So I have to say that at this point I really can't vote for this ordinance. I could look at tabling it but I would like to talk about possible ways that we could move forward from here, and I'm thinking that staff could come up with recommendations. We could create a task force of citizens. There's a lot of committed people in this community. Or we could have staff and a task force working together and I would just like to get some feedback, perhaps, from Katherine, if possible, on how we could move forward in a positive way.

MS. MILLER: Madam Chair, we had talked about the Commission doing a retreat. One of the items that has come up several times is looking at this particular issue, regardless of the action taken by the Commission today. I think it's – obviously there are quite a few things to deal with on it in working with Pego and Olivar and Robert Martinez and different options of ways that we could go, that we could actually revamp the transfer stations from the perspective of being able to have free recycling, free green waste at the stations but all other waste charged for by weight, what it would take to do that.

Also looking at how we can reallocate our human resources to those facilities because we are struggling with not enough staff at them and not enough staff to be able to actually help direct people on ways to be more efficient in the disposal of waste, whether it be recycling or green waste or other things that don't need to go into the landfill. So we've been doing quite a bit of discussion about it. I think we do need to come forward with a much more comprehensive plan than just changing the permits itself. We need to take a look at the entire process that the County has on dealing with solid waste.

CHAIR VIGIL: Thank you, Katherine. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Commissioner Holian, just a couple of your comments I'm going to ask the County Manager or yourself, what's being sneaky and underhanded being done by asking for some general fund to support our transfer stations?

COMMISSIONER HOLIAN: Well, may I answer that?

COMMISSIONER MAYFIELD: I wish somebody would answer on that.

COMMISSIONER HOLIAN: Well, I think what it is is that people don't – if we're taking money out of the general fund for that then we're obviously taking money away from something else. So the question is are we really answering the question to people as to what they're giving up if that funding goes to help subsidize the transfer station.

COMMISSIONER MAYFIELD: Thank you. I appreciate that. I want to make some comments and I'm not going to get off subject much, but I think there's been a lot of expenditures that this County – that have come out of general fund that a lot more

consideration should have went in before those expenditures were made, aside from the transfer stations.

Respecting the comments from folks, I want to recycle. I believe recycling is imperative to us. One question I have though from staff, from the fiscal impact reports, what is the County paying to allow this recycling to be done? Nobody pays to recycle a these transfer stations, an I did hear that the BuRRT is recurring some revenue coming back from that. The County doesn't see any of that money, so can somebody let me know what the dollar amounts are of what it costs to recycle, actually transporting all these recycled materials to where we transport it, and what kind of revenue are we receiving back from that.

COMMISSIONER HOLIAN: Madam Chair, can I make a comment on that? Commissioner, I just wanted to make a comment with regard to that. The County does pay for landfilling material with SWMA at the Caja del Rio Landfill. So if they defray some of their costs by selling recyclables we do get the benefit from it in that sense, that it lowers their cost to us.

COMMISSIONER MAYFIELD: And again, my thoughts and my question is, right now, typically users within the county, incorporated outside the county incorporated, if they're outside they're paying the transfer permit fee, correct? With that transfer permit fee outside. That's their only means to dump trash.

MS. MILLER: Madam Chair, Commissioner Mayfield, no, I think there are communities that actually contract for solid waste curbside with private companies, or they'll pay private companies. They can also go directly if they have truckloads of trash, they can take them by truckload to BuRRT or they can take them to the City transfer station and pay by the load. If they're a county resident outside the incorporated area they're eligible to purchase the 24-punch pass.

COMMISSIONER MAYFIELD: And Katherine, you bring up a good that I'm going to address as far as commercial dumping, but going back to the residents that are paying for the transfer tickets, those folks, and again, I hope we can encourage everybody to recycle, but those folks are also paying for the cost to recycle materials. There's not a charge right now if today I wanted to go and recycle my material at a transfer station I can go in for free. I could dump that off for free. And I encourage everybody to do that. But is there not a cost associated with transporting that material into Santa Fe? Or is that just a washed cost?

MS. MILLER: Madam Chair, Commissioner Mayfield, Pego, we do pay to truck it somewhere else? We don't dump it in the landfill. It actually gets taken to recycle.

MR. GUERRERORTIZ: Madam Chair, Commissioner Mayfield, obviously, we have to pay for the transport, whether it's our trucks or anybody else's, we have to pay for the transport between transfer stations and BuRRT where the recyclables go.

COMMISSIONER MAYFIELD: Mr. Guerrerortiz, how many trips of recycled material do we take out of a transfer station?

MR. GUERRERORTIZ: I can't give you that figure right off the top of my head right now, but we have – ten percent is what recycle in Santa Fe County on the average. So that gives you a measure of what we have to pay for transporting the recyclables alone. Now, there's another portion of the recyclables that is not being sent to BuRRT, that is being received at the transfer station as part of the load of trash that comes in.

COMMISSIONER MAYFIELD: I'm sorry, Pego. Would you repeat that please?

MR. GUERRERORTIZ: There is a portion of the recycled materials that could have been extracted by users before they dumped all the – or disposed of their loads of trash. So there's a person that comes in and pays by volume. Let's say you bring in your pickup truck and you have half the load is recyclable materials, but you're dumping all of it because you haven't really separated or classified the materials. So we cannot separate at the transfer station those materials. We take them, as part of the load, to the landfill. So if there's a weight associated with that material that is the way we pay for it. Just take a look at glass, for instance. Glass is heavy. So we pay for glass to be disposed of at the landfill for \$37.50 a ton. So if you separate, the more you recycle, the less you take to the landfill, the less you pay for the trash as you dispose of it.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, I just want to let everybody know, I've had a lot of discussions with a lot of folks. Some of them are here; some of them aren't here and I just want to thank them for participating through our video streaming and also listening to our meeting live. But some of those concerns some of those folks have brought to me, and ma'am, I apologize, your name, you all are trying to reduce waste, and I think you indicated that arguably you produce maybe one or two bags of trash a year. But with that statement, I appreciate what you're doing more than you know. A 24-punch permit would serve you zero purpose. I mean it would serve you zero purpose.

And I believe the majority of our community members, and this ten percent number, I just would like to know where this number came from. I know it came from somewhere. But I think there are a lot of folks who are utilizing our transfer stations who recycle. I know I'm one. I know a good majority of my family are two, three and four. And these folks aren't producing the solid waste that they need to go to a transfer station 24 times in one year. They are taking advantage of going to our transfer stations for free to dump off their recyclable material and I think that's great. But I think that's wherein lies some of the problem here. We do want to encourage our recycle efforts and we should, but why are we mandating other folks to have to pay for all the recycling if they're trying to be cognizant and resourceful and trying to do a great job for our environment.

And that's one of the things I'm dealing with is listening to my community, saying Danny, we just do not go to the dump 24 times a year. We're not hoarding trash. We're not throwing it in arroyos. We just don't go to the transfer station 24 times. So that's why I think this makes great sense, at least to give folks an option to have the option of buying the 12-punch permit. Ms. Martinez, I asked was there any data done? Danny may underestimate. I may buy a 12-punch permit – but I do want to qualify something. I've already purchased my 24-punch permit a couple weeks ago. Just so everybody knows that.

But with that, Teresa, I may have underestimated when I bought my 12-punch permit, so I may have to go back mid-year and buy another 12-punch. And that's an extra \$5 that's going to be generated for the County. So if we're going to do these scenarios there's some other factors that should be played into it.

As far as – and Commissioner Holian, I've had this concern. I sit on the SWMA Board and history tells us a lot, but I think the public needs to know, at least from my information of asking on the SWMA, I haven't received this information. We pay a lot of

money to extract the basalt, as Commissioner Holian mentioned. I don't believe that was the initial site for the Caja del Rio station. Folks need to understand that. If it was placed on the site where it was originally supposed to be sited we would be paying a lot more money. I think in Albuquerque – I don't want to say that. I don't know how much recycling they do with solid waste management down in Albuquerque at their dump site in Rio Rancho, but I believe they're paying at least \$10 or \$11 a ton less to dump their trash out there. I think one of our great advantage is we are doing recycling efforts here at our Caja del Rio, and we should do it, but I believe if our dump history, just so everybody knows, if we were sited where we were supposed to be sited we wouldn't be paying that \$39 a ton. And that's something this Commission should look at and should take into consideration.

Also, I don't know if this is on point here, I'll look at us maybe moving out of the SWMA. I heard Commissioner Mike Anaya make a great suggestion if we could dump our trash a little cheaper, hopefully the recycling efforts are there, that's something we should take into consideration. That's something we need to take into consideration with working with Rio Rancho City to dump our trash. I will look at that. I believe the City of Espanola, other cities have asked to dump at our station, Caja del Rio, but at Caja del Rio they just can't afford to do it because of the cost that's involved.

So I just want the folks, and I'm glad this has opened up because I do, Commissioner Holian, think this needs a lot more debate, a lot more discussion. Because I do believe there's a lot of underlying factors that folks need to be aware of and there's a lot of current factors that folks need to be aware of. But I also don't think that it's fair, and I'm going to say this, that a certain class of folks, income class of folks who aren't producing the waste, are told you have to pay this fee. Oh, and by the way, we're already going to mandate that it goes up \$10 every year for the next six years. You have no choice in that matter. Because that's already ordinance on the books. If this is something that unfortunately or fortunately we have to revisit every year I'm up for it. I don't mind doing it. It's a problem with waste and with our environment. Hopefully we can solve it but I don't think we're going to solve it today with one ordinance. I think it's something that we're going to have to work on continually every year, and more than once a year.

But I wholeheartedly and I want my folks to understand this, I support our environment. I want to support all the recycling efforts that we can do. I will try to mandate anything that we can do to encourage that, but I also support that there are folks that just cannot afford to be dumping where they're not producing the trash they are being asked for in a 24-punch permit.

The other thing, and I know this has come up, anybody who illegal dumps are wrong for doing it. They shouldn't be doing it. If they're found they should be cited heavily. But we don't want to either create a problem where folks are going to find the nearest arroyo just to put their trash in. Because folks, it's going to happen. Unfortunately it's going to happen. As a matter of fact I got a complaint or concern from former County Commissioner Marcos Trujillo. He said, Danny, there's an illegal dumpsite kind of down the road from where I live. Can the County come out and look at it. I believe Mr. Rios has passed that on to some of our staff. I assured Commissioner Trujillo that we would look at that. That's another cost that this County's going to have to incur by going out and at least, one, looking through the trash to

find out who did it, to find that person and cite them, and I hope we're not just leaving it out there. We're going to have to physically pick it up and take it back.

This gentleman, I believe from the Cerrillos area, I don't know if he's still here. I think that's great that he's out there on weekends, picking up trash on the side of the road. I do it. If I'm going to the dump I'll pick up a couple of pieces of trash if I find them on the road. But even for that individual, he's providing a community service, and then when he goes to the dump he's going to punch that ticket. Maybe something else this County Commission needs to entertain is, hey, there's a free community cleanup day. If we know that you're doing it you can come and dump for free, because they're doing a service for this community.

If different organization groups, respectfully out in El Rancho community earlier this year, the community came to me and said, Danny, on a Saturday we would like to have a community cleanup day. Could you all provide a free dump bin so that we could throw the trash? I had to talk with staff, make sure it wasn't a violation of the anti-donation clause, everything else. I think staff did a great job to make sure that didn't happen. And there's cost to that. Pego, I know there's cost to it. But if we're going to work for our environment we need to do it, but also I don't think we can strap it on the taxpayer's back all the time by raising fees, raising fees.

Because when I look at this, and kind of what I heard a little earlier, how can we increase the fees? How can we increase the fees? I don't think our job, or at least not my job, is to increase the fees for every taxpayer out there. I think my job is to provide good services to them, hopefully financially responsible services to them and making sure that those services are given to them fair and not always by saying, hey, guys, belly up to the plate. You're going to have to pay some more money. You're going to have to pay some more money. Otherwise, I think this County just globally thinks to look at where else we can reduce some of our spending and prioritize where some of our money needs to be spent.

But with that, Commissioners, thank you for hearing me and I will defer to any others.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would like to respond to a few things. First of all, it's not mandated that people who want to use the transfer stations have to buy the \$65 or the \$75 permit. They can do bag tags plus free recycling. And I know this from personal experience. My husband and I spend \$25 a year at the transfer station, not because we don't want to help the County out but just to prove that it actually could be done.

Secondly, about illegal dumping. That's often brought up for a reason for not imposing so many fees, but let me just tell you a story about my husband and me, who used to live in the Jacona area, which is right on the Pojoaque River there. And in those days, like I said, it was not a transfer station, it was a landfill, and it was free. It was absolutely free to go across there and dump whatever you wanted. And let me tell you, there was a lot of illegal dumping that occurred along that river in those days. A lot of it. And I think it was just people's bad habits. And I have to say over time that the amount of illegal dumping has gone down in that area. I think there probably was community pressure not to do it anymore and I think that the County also has done some work on enforcement and those sorts of things and so it is not a one-to-one correspondence between raising fees and having more illegal

dumping. There are other factors there too that have to be considered and we have to take that problem head on, directly, and not just say we have to have lower fees.

Also, I think that I've heard other ideas. I am sympathetic. I know that it's relatively expensive and I think that – and that's in fact why my whole point is is that we have to lower costs. We can't just mandate lower fees. We have to lower costs if we want to lower the fees at the transfer station to people. That's the real way that we have to do it. We can't expect other taxpayers to subsidize the transfer station.

I guess that's enough of a rant for now. Thank you.

CHAIR VIGIL: I think Commissioner Anaya was next. I just wanted to say it's wonderful to be in a situation where we have five separate districts with different levels of advocacy. I represent a district that's at a whole different level there. A large portion my district is going to be annexed. Before they get annexed they want the City to be able to provide solid waste management services, even before that phased annexation occurs. It's really about what Commissioner Holian says, reducing costs and costs get reduced when the services are appropriately provided. And I'm not sure we're addressing that by just cutting back on fees. I received I think ten emails within the last couple days with high levels of concern about us taking action on this particular ordinance, particularly because these folks are concerned with, so you're going to reduce fees? How are you going to encourage recycling? It really is a broad, comprehensive issue that has not been addressed by just reducing fees or creating a separate permit. Again, I turn it over to you, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, first and foremost I want to thank all of the people who have commented whether you're for or against the proposed ordinance I appreciate all the comments that are made and the perspective that has been brought forth. Commissioners, I very much – although at times given sometimes the tension it may appear not to be the case, but I want to tell the four of you that I have appreciated the opportunity I have had over the last almost seven months to serve on this Commission.

On January 1, 2011 I stood just to the left of where I am sitting right now in front of a podium and I said at the swearing in and I said throughout the process of obtaining input from the community and from the public that I would listen, that I would learn, and that I would act in the interest of the people. And those were not just words that I wrote down. Those weren't just words spoken. I mean those words completely and wholeheartedly. Over the course of the last several months and even prior to becoming an elected official I have had the opportunity and the privilege of speaking to community leaders in the Village of Galisteo, Cerrillos, Madrid, Stanley, Edgewood, Cedar Grove, San Pedro, La Cieneguilla, La Cienega, Apache Ridge – these were community members I want to clarify on Apache Ridge – Eldorado, the City of Santa Fe, La Puebla, Agua Fria, Highway 14, Golden and others. During the course of those discussions with those leadership individuals and Mr. Wait is here that can attest to those, none in the community leadership meetings expressed negative feedback towards this particular proposal. A couple did reflect, in all fairness, the need on recycling and the bag tags. There was a lot of emphasis that there are some people that don't generate much trash. They're very, very small households that do recycling a lot and utilize the bag tags system. So I think for that small group that's an effective mechanism for them to pay for their trash.

But I want to clarify because I don't want there to be any doubt as I put my feedback on the record that I have several points that I'm going to go through relatively quickly that I think articulate my position and my position is based on that community input that I received and the listening process that I went through in obtaining that input.

I'm advocating clearly and unequivocally for lower costs to our taxpaying citizens in Santa Fe County not higher costs. I want to clarify that solid waste is one amongst many services that Santa Fe County provides and I believe that there are taxes already in place that citizens expect and have expectation of services. And I just want to read the list of taxes that our citizens are faced with everyday and in expectation of some core service. Property taxes, general purposes $\frac{1}{8}$ and $\frac{1}{16}$ gross receipts tax, $\frac{1}{8}$ percent indigent gross receipts tax, emergency medical services $\frac{1}{8}$ of a cent, correctional GRT $\frac{1}{8}$ of a cent, state supported Medicaid $\frac{1}{16}$ of a cent, capital outlay $\frac{1}{4}$, emergency communications and emergency medical services $\frac{1}{4}$, unincorporated GRTs, infrastructure GRT $\frac{1}{8}$ of a cent, environmental $\frac{1}{8}$ of one cent, regional transit district $\frac{1}{8}$, state shared taxes, motor vehicle tax, and gasoline tax.

These are amongst the many taxes that compile our entire County budget from which we as Commissioners are faced with the task of evaluating what are the core services in the community, what are the citizens' expectation for those taxes that they pay. I'm speaking as it was commented earlier about voters, I am absolutely speaking to all citizens and all voters. I'm speaking directly to the people that are listening to the radio or on TV or may read this in the paper that wouldn't be able to come here to testify today because they're on a fixed income or because they're working and they can't come here today. I'm here to speak on their behalf. I'm here speaking on behalf of those senior citizens that would benefit greatly from a 12-punch permit. I'm speaking on behalf of the small household who would never ever utilize 24 permits in a year. I'm speaking on behalf of the poor. I'm speaking for the lower cost of trash fees so that our transfer stations and our landfill will hold the trash not our arroyos and ditches will hold the draft.

This proposal is not about anti-recycling whatsoever. I echo the sentiment of Commissioner Mayfield and the passion that Commissioner Holian has to encourage people to do more recycling. This proposal is not about tearing into that whatsoever. We want to encourage that. I want to encourage recycling and stand ready to work with any of my fellow Commissioners and the community to encourage more recycling.

I also very much support the next initiative Commissioner Mayfield is going to bring up about allowing people to use permit that they have bought that they can use throughout the course of the year. I very much appreciate staff's financial representation today which demonstrates as we're going that it's not \$200,000+ impact to the budget but rather \$113,000 impact. All of those points that are now on the record are things that I am not going to stop with. Those are things that are going to recurring things that I will continue to represent as a Commission for District 3. And also as a Commission who doesn't just represent the interest of District 3 but represents the interest of Santa Fe County and what I believe based on that input and feedback of the public is in the best interest of the citizens for taxes that they already pay. And I really want to get back to that. The taxes that people already pay are a core service like solid waste and transfer station that I believe is necessary to place their trash.

So with that, Madam Chair, I would move for approval.

COMMISSIONER MAYFIELD: I'll second that.

CHAIR VIGIL: I have a motion and a second. Is there further discussion?

COMMISSIONER STEFANICS: Yes.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair. I think it's obvious that we have different perspectives on this. I think that – first of all I'd like to say that I believe we have a variety of options for people. We have a one-bag tag. We have a one visit fee. We have a 24-visit fee and we provide a senior discount and a low-income discount. I think part of our role is to be fiscal stewards for the County and it's never pleasant to determine that the taxpayers need to pay more money. But we did actually study all of the surrounding areas and the fees related to solid waste in the surrounding areas. We did study what SWMA needs to charge us and what we needed to charge and even when the fees were raised by \$10 it did not help us break even. So this is an enterprise fund until a group or a majority decides it is not. And if it's an enterprise then it needs to pull its weight.

I have a professional that I use on Richards Avenue who is in the County but in the annexation area and when she was telling how lucky she felt paying what she did every week for Santa Fe trash, I said that's close to \$400 a year and you for \$75 could take it to the transfer station. So what she is doing, and she's very pleased with what she has but she's paying for convenience. She's paying for the convenience of having it picked up. People in the County are paying for the time and energy that they have to take it to the transfer station. But I believe right now it's a fiscal steward issue and while I care very much what every person pays including myself I don't believe I can support rolling back the fees. Thank you very much, Madam Chair.

CHAIR VIGIL: Okay. I have a motion and a second.

The motion failed by a majority by [2-3] voice vote with Commissioners Anaya and Mayfield voting for and Commissioners Vigil, Stefanics and Holian voting against.

CHAIR VIGIL: Motion fails

COMMISSIONER ANAYA: Madam Chair, if I could?

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, I'm going to be on this Commission for several years and this will not be the last time it comes forward. I will continue to advocate for utilizing the tax base to have citizens get services for what they already pay for excluding additional costs to them and I'll continue to advocate it and I'll continue to bring it forward and continue to seek additional support from Commissioners to do that now or in the future.

CHAIR VIGIL: And I think one of the things that would be beneficial is for the retreat since it is an item of discussion we can gain more insight with regard to that.

X. C. Consideration of Publication of Title and General Summary of Ordinance No. 2011-__, an Ordinance Amending Ordinance No. 2010-5 to Permit Holders of Residential Solid Waste Permits to Use the Permit Until Exhausted and Providing That Such Permits Shall Not Expire at the Conclusion of the Fiscal Year; Repealing Prior Inconsistent Statements in Ordinance No. 2010-5 (Commissioner Mayfield)

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and thank you for indulging by asking that we bring this forward for a publication of title and general summary. Again, my view, and I won't rehash all my comments from earlier but I do believe that we are putting a serious burden on the taxpayer. I also believe by mandating that a taxpayer pay a certain dollar amount and that a taxpayer is under that thought or impression that they will receive such services such as if we're selling a 24-punch permit the individual has the right and the belief to expect that they can utilize that 24-punch permit. I know that they're being mandated to do it within a certain year but I do believe that one remedy to this situation that once a purchase is made that that permit can be used until the punches are exhausted. I believe that a good majority of the testimony that was given to us and again private comments that were given to me is that the folks are not utilizing the 24-punch permit so with that and I know that there might be more debate on this, but if this Commission is gracious enough to pass this to go forward with that I would ask this Commission to consider publishing title and general summary to allow the exhaustion of a 24-punch permit until it is used and also knowing that we will hopefully have further discussion on this matter.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Is that a motion?

COMMISSIONER MAYFIELD: Madam Chair, that is a motion.

COMMISSIONER ANAYA: I'd second it, Madam Chair.

CHAIR VIGIL: Discussion. What I would like to say is that sometimes when I'm hearing all the discussion and as chair you do, I'm wondering if that 24 amount is a red herring. What if had decided to make it 10 for \$75. That 24 amount and level of expectation that is there might be want needs to be specifically discussed. I think that's part of the reason why we need to have this discussed even further. I'm perfectly willing to look at a fair and equitable resolution to this and I would just say, Commissioner Mayfield, for me the reason I can't support title and general summary at this point in time is that I foresee this as an administrative nightmare unless we have something specific in line with regard to dates of implementation because these permits have already been purchases. Some were purchased last year who may be waiting to see whether or not this ordinance moves forward. I'm not sure where we are administratively with it and those are just my statements and maybe there is a way to resolve it but I don't think we can do it right now.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and on your point if I may. I am under the understanding that we are through with fiscal year 11. So my consideration to allow the 24-punch card permit exhaustion was knowing it was with the fiscal year 2012 permit that folks have just purchased. And also if this moves forward to title and general summary I am asking Steve a little question a little earlier how we can notice title

and general summary if it has to be specific for exactly as it was stated I would entertain somebody coming down and saying, look Danny, we would allow that to go forward until the next following fiscal year and then it stops. I would, if you would be so inclined to approve that.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Madam Chair,

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate the motion that has been brought forward and also appreciate and respect that there may be differing philosophical viewpoints on what taxpayers pay and what they get but I very much appreciate your courage to bring forward the proposal in the interest of the taxpaying citizens that believe that they have already pay enough taxes and should get benefits as such and the full value of a 24-punch permit that they're paying for.

So, thank you very much I appreciate your efforts.

CHAIR VIGIL: Unless there's any more comments, I know that Commissioner Holian has to leave and I'd like a vote to be taken before that. Is there any further comments on the motion to publish title and general summary?

COMMISSIONER MAYFIELD: Madam Chair, I move for approval to publish title and general summary for a 24-punch permit.

CHAIR VIGIL: I think we already have a motion and it has been seconded.

COMMISSIONER MAYFIELD: Was it?

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: Thank you.

The motion failed by a majority by [2-3] voice vote with Commissioners Anaya and Mayfield voting for and Commissioners Vigil, Stefanics and Holian voting against.

CHAIR VIGIL: Commissioner Stefanics, where do you stand on this?

COMMISSIONER STEFANICS: I said no.

CHAIR VIGIL: I'm sorry.

COMMISSIONER STEFANICS: I have an idea that I can bring up at the Board retreat where we'll discuss this.

Commissioner Holian, we really want to thank you for being here.

COMMISSIONER HOLIAN: I'm sorry to leave now but I would like to call in later when the topic of redistricting comes up.

CHAIR VIGIL: Thank you very much and take care. Heal well.

X D. Update and Information From Rio Grande Educational Collaborative (RGEC) on the Summer Youth Program in Edgewood (Commissioner Anaya) [Exhibit 1]

COMMISSIONER ANAYA: Madam Chair, I believe staff is going to give us an update of this educational program in the Edgewood/Moriarty School District.

CHAIR VIGIL: Could you let me know how much time you'll need?

COMMISSIONER MAYFIELD: Madam Chair, I just want to thank you all for being patient and waiting for us to get through the last few hours. So, thank you.

CHAIR VIGIL: Please state your name and thank you for being here.

CAROLYN ORTEGA: Thank you, Madam Chair and Commissioners. My name is Carolyn Ortega and I'm the Chief Financial and Operations Officers for the Atrico Company's Rio Grande Educational Collaborative is one of the four companies that fall under that umbrella.

Today we're here to just give you an update on the Edgewood summer program, the Rio Grande Educational Collaborative Summer of Silly Science and Fantastic Fun. The name kind of throws it off a little bit. It is an educational based program and it was our first chance to extend outside of the Albuquerque area into Edgewood and we were actually out there to meet a need and we found that the Edgewood Board was really actively pursuing getting a program in the Edgewood area to replace a program that was no longer there so when they approached us in April we collaborated with a lot of different groups to be able to kick it off in time for the summer so that the Edgewood children and the parents would have a place for their children to go during the summer months. So some of the organizations that we collaborated with were of course the Moriarty/Edgewood School District working directly with Dr. Karen Couch who is the superintendent and also the Edgewood/Moriarty Board. The mayor actually go involved in the conversation and of course the Santa Fe County Commission and I have to say that I've never seen a government entity work so quickly to provide a service for the community. We've worked with a lot of government agencies through our programs which have been around for 11 years. It's our second year of running summer programs but we run before and after school programs and we will actually be extending our before and after school program into the fall in Edgewood.

I do have one letter of support to read to all of you and then I will let Emma Enriquez who is our site supervisor actually give you an in-depth what the program looks like on a day to day so you can get a better understanding of the services that we're providing to our kids.

This is addressed to Santa Fe County: As a parent of children, community member, vice chair or the Town of Edgewood Things for Kids and Teens to Do Committee and vice president of the Moriarty Edgewood School Board I wish to thank you for your support for the Rio Grande Educational Collaborative. As recently reported at a BCC meeting the rural areas of the County are growing quickly. Community members here in Edgewood often feel that the County does not always support our area as needed. This however is an excellent example of the County providing monetary support to fulfill a critical need for low income and working families in an underserved area. The town is addressing the lack of children's recreational programs. Simultaneously the school district strives to decrease the children's test score performance drop from spring to fall. The RGC has very timely been able to partner with the various stakeholders and contribute to both initiatives. In my families experience the RGC has an exciting, fun, and high quality learning program that my children look forward to attending with no complaint. We appreciate that the program is open every weekday and long enough hours for working commuting parents. Again, please understand how important this is to our growing community and that your support is sincerely appreciated. Gratefully, Audrey J. Jaramillo.

CHAIR VIGIL: Thank you, Ms. Ortega.

MS. ORTEGA: You're welcome. And now Emma Enriquez.

CHAIR VIGIL: Emma, how much time do you need?

EMMA ENRIQUEZ: Probably just like two minutes.

COMMISSIONER ANAYA: Madam Chair, if I could. They have been sitting here patiently waiting so I very much look forward to hearing what you have – take your time.

CHAIR VIGIL: And we're here for that. Please proceed.

MS. ENRIQUEZ: Thank you, Madam Chair and Commissioners. My name is Emma Enrique and I am a program coordinator at our office at the Atrico Company with Rio Grande Educational Cooperative but I've had the privilege of working as a site supervisor at the Edgewood Summer Program all summer and I can tell you that it has been a lot of fun. We started out with about eight kids registered but word got out about how much fun all of the kids were having and our numbers have increased tremendously. We do a lot of academic based learning so we do a lot of reading and a lot math but half the times the students don't even notice that that's what they're doing because they're having so much fun. We have students who come in on the days that their parents off from work because they want to be there with us and we have students who don't want to go home when their parents pick them up. We recently took a trip to the Rio Grande Zoo and a little boy had never been to the zoo and it was really funny because we were on the bus on the way to the zoo and as we got closer he was sniffing the air and saying we're here, I know we're here and he just wanted to get off that bus and go into the zoo and see all the animals so that is something that makes us very proud as the keepers and supervisors at the school to see that we keep the students entertained and encourage their learning and just get the privilege to be there with them. So that's what I wanted to tell you a little bit about. Thank you so much.

CHAIR VIGIL: Thank you. Are there any questions?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just really want to thank you, both of you for your work and I'm going to be going to the School Board meeting and will convey the appreciation to the Moriarty School Board District for their work as well as the Town of Edgewood so keep up the good work with the kids and the youth and the educational program. I appreciate it very much.

COMMISSIONER STEFANICS: Madam Chair.

COMMISSIONER MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I do know that programs of this type create a major impression on children and I'm really happy that this was successful and I do think that we have also offered some further support this year. I believe, Katherine, through the Edgewood Library so maybe there could be some coordination with them as well. Thank you very much, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

CHAIR VIGIL: Madam Chair, thank you both for your presentation. It was

great. One thing I do with my son there is this great little website called coolmathing.com and he doesn't even know that he's doing math. But he thoroughly enjoys those games out there just so you all know.

MS. ENRIQUEZ: Okay, thank you.

MS. ORTEGA: One think I wanted to add is that we will actually be expanding into three schools in the Edgewood/Moriarty District in the fall. We will also be in two schools in Santa Fe for before and after school programs so we are definitely expanding into Santa Fe County.

CHAIR VIGIL: Do you know which schools you'll be at?

MS. ORTEGA: I know one of the schools in Santa Fe County is Acequia Madre is one of the elementary schools in Santa Fe and we will expanding in Moriarty/Edgewood into Route 66 and South Mountain.

CHAIR VIGIL: Thank you, ladies for your patience and being with us today. Please continue the good work.

XI. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Accept Resignation of Ms. Deborah Armstrong, a District V Representative, From the Santa Fe County Health Policy and Planning Commission (Community Services Department/Health & Human Services)

COMMISSIONER MAYFIELD: Madam Chair, are we going to still have general matters from the Commission?

CHAIR VIGIL: Yes, let me just get these taken care of. Mr. Shepherd.

STEVE SHEPHERD (Health Division Director): Madam Chair, Ms. Armstrong moved out of the County for family reasons. We're going to miss her. She brought a lot of knowledge and we're hoping she comes back and visits the Commission again.

COMMISSIONER STEFANICS: Madam Chair, I would move that we accept the resignation of Deborah Armstrong from the Santa Fe County Health Policy and Planning Commission and that her for her service.

COMMISSIONER MAYFIELD: I'll second that, Madam Chairman.

CHAIR VIGIL: Motion and a second and I would just include that you make and submit a letter of appreciation for our signature and we can get it to her.

MR. SHEPHERD: Madam Chair, we'll do that.

CHAIR VIGIL: You can coordinate that with constituency services Rita Maes.

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

X. B. Appoint Mr. David Harwell As the District 5 Representative to Santa Fe County HPPC

MR. SHEPHERD: Madam Chair, Mr. Harwell applied when we reconstituted the Health Planning Commission. We saved his application. It was a really good application and he came back. We feel he will bring some diversity and some different skills to the Commission.

COMMISSIONER STEFANICS: Madam Chair, I would move to appoint David Harwell as District 5 representative to the Santa Fe County Health Policy and Planning Commission.

COMMISSIONER MAYFIELD: Madam Chair, I would second and just would like to state that it's a very great resume and I saw he did some great with our current County manager former DFA secretary and he did a lot of work over there and that's great to see.

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

CHAIR VIGIL: And may I note that from this point forward a unanimous vote is four with Commissioner Holian excused. Thank you very much, Mr. Shepherd.

X. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: Are there any matters or announcements?

COMMISSIONER STEFANICS: Madam Chair, I will very briefly you – I will just provide you with a handout that came from the National Association of Counties and I have some extra here for staff on requirements for non-profit hospitals to receive tax exemptions and there is a national task force that has to do with the fact that PPACA, Patient Protection and Affordable Care Act, requires that certain conditions be met for hospitals now to receive non-profit tax status. [Exhibit 2] So there is a federal group work while the state has a local work group on sole community provider. And I just wanted to provide this to everyone. Thank you.

CHAIR VIGIL: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I would just like to thank Joseph Gutierrez, Steve Shepherd, and Mr. Ron Pacheco. I know that they are doing a great job with our senior transition and also with some other community centers. And just for staff, hopefully, you can be bringing us an update pretty soon of how that is going. I know that Santa Fe County has taken over all of our senior centers now as of July 1st there is still some work that we're going to be doing up in the Rio En Medio area just at that senior center so that it can become our hub. So hopefully you guys can bring that presentation.

And, then, Madam Chair, a quick question for Manager Miller. I know that we have a retreat that's coming up sometime in August, have you all set a location?

MS. MILLER: Madam Chair, Commissioner Mayfield, we haven't picked a location yet. We are scouting out a couple of locations in the County but outside the County offices but out in different parts of the County to see if we could accommodate the

Commission and the public that would come as well as staff and we have it slated for two days but as we develop the agenda we're trying to get it to less than two days.

COMMISSIONER MAYFIELD: Great, thank you. Madam Chair, Ms. Miller, I don't know if it would be possible or feasible without incurring any expense but I want us to discuss Canyon Ranch and I have a lot of questions regarding Canyon Ranch and even the acquisition of Canyon Ranch. But would it possible to hold our retreat out at Canyon Ranch and give the public an opportunity to see what the County purchased?

MS. MILLER: Madam Chair, Commissioner Mayfield, I think at one point we didn't have power out there so I'm not really sure if at the moment it was cut, it was actually shut off for a while. But I think it has been brought back on line. I'll have to check. But I think they are looking at it as a possibility but because no one is actually staying out there at the moment in the house and there's not really any other facility other than the house, so whether it would accommodate it – we'll look at it. I think that we did get that request from you.

COMMISSIONER MAYFIELD: Madam Chair and Katherine, I think I could ask this as far as maybe a retreat question but where are we with the status of the reorg or the proposal of the reorg I haven't heard a lot more on it and I'd sort of like to know what the update is on that.

MS. MILLER: Madam Chair and Commissioner Mayfield, currently we've got the public works director advertised and we're in the process of dealing with public works and then public safety next. We're phasing it.

CHAIR VIGIL: Are you done?

COMMISSIONER MAYFIELD: Yes, ma'am.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have several items. First thing, I'll postpone the one we're going to talk about in a little bit associated with La Bajada and I see we have a couple of the La Bajada residents present.

I would like to for the end of the month meeting next month work together with the rest of the Commission to adequately honor Army Sergeant First Class Leroy Petry for being the thirteenth in the State of New Mexico Medal of Honor recipient. And I would like us collectively with staff, with the whole Commission, with our veterans in the County, our VFW post, our American Legion all of our veterans organizations to work together collectively between now and the next meeting to adequately reflect our sincerest appreciation and respect for the award that he received.

I would like to thank Todd Brown for coming and ask you to continue working with him and the Village of Cerrillos.

An item that Commissioner Stefanics brought up several months ago with looking at future options possibly for a senior center along Highway 14. I know that the Fire Department is something this is not an option because it is being utilized for fire purposes but there are several tracts of land immediately adjacent to that site that I would ask that we start to look at ownership and just kind of future options as to what might be available and what kind of cost maybe associated with that.

I really want to thank the staff for all their work at the County Fairgrounds. We're on the last push, we're almost there and I would appreciate continuing through to the end to

make it the best possible fair that we can.

I would like to put on the next, maybe not the next agenda but the end of the month agenda, discussion and possible action in relation to the ¼ percent gross receipts tax for transit as well as the ¼ percent gross receipts tax, two different items, for capital outlay.

Several months back I brought up and I know we started it and it's a continued process but I brought up working with our inmate work crews and maybe at our next meeting you can provide us with an update on that. I would like to schedule a meeting with you, Ms. Miller, present and any of the Commissioners that are able with some of the judges to talk about how we might work closer with some of the judges on electronic monitoring. And as part of sentencing maybe use some of those individuals that are electronic monitoring as part of that cleanup crew.

I very much appreciate the Code discussion. Are we going to have an update later on on the Code issues?

MS. MILLER: Madam Chair, Commissioner Anaya, we don't have it on the agenda today, but Jack can probably get a quick one under items from the manager. But that was also one of the items that was brought up as a request of something to discuss at the retreat.

COMMISSIONER MAYFIELD: Okay. Madam Chair, I did have a conversation with Mr. Gold and I know we were pushing to get the appointments for the focus groups and I think the main one from what I heard from Mr. Gold was the home occupation one and so I'll work with him on that. But on the others I still need some more time on selecting those individuals and just would want to clarify to those in the community that the focus group is going to help us discuss some of the finer technical aspects but that the public is still going to be very much invited to those discussions and there's going to be a place on those meetings, each meeting as I understand it, for the public who is not part of the focus group to participate. So for those of you that can't see them, I'm seeing Jack Kolkmeier and David Gold nodding yes, that they will. So I very much appreciate that.

I don't see Chief Sperling but I would like, Ms. Miller, if you would get the list of the people in the other counties that assisted Santa Fe County in the fires that we had in the County. I want to publicly acknowledge and I want to get their name, I don't have her name right off hand but one of the Torrance County volunteer firefighters was actually hurt in the line of duty fighting one of those fires in Santa Fe County and I want to thank her for her efforts and the assistance that was provided by Torrance County and other counties that may have assisted in those efforts.

So, Madam Chair, I thank you for the time.

CHAIR VIGIL: Okay. I don't have any matters from the Commission.

XII. CONSENT CALENDAR

- A. 2. **Resolution No. 2011-96: Resolution Requesting an Operating Transfer from the 2008 GRT Revenue Bond 333 to the GRT Revenue Bond Debt Service 406 to budget investment income revenue for debt service expenditures in FY2011 of \$199,649.73**

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And, thank you, Teresa and this question may be more for Mr. Gutierrez and I don't know if he's here but you probably can answer it. I understand that we're doing this transfer but aren't we supposed to be receiving some federal grant money for the lining and what's the status of that money coming in and is this \$199,000 going to be a wash?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, I can address the \$199,000. Strictly relative to the bonds it wouldn't have anything to do with the funding that you're requesting. The way the bond documents are sometimes written it requires any investment earnings to be transferred to the debt service component to pay into principle and interest so this would be totally different from your beginning question if you will.

COMMISSIONER MAYFIELD: And, Madam Chair, Ms. Martinez, it's great we're earning interest on this money but should we have been rightfully so been earning interest on this money? Should this money have been timely expended at that time?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, we are earning interest on the money and depending on how the bond covenant is structured, if it is not required to be transferred to debt service for the payment of debt then we will use it for the project and its intended purpose.

COMMISSIONER MAYFIELD: Thank you. And, Madam Chair, Teresa, how were we earning interest on this money? Was it debt already put into service awaiting construction?

MS. MARTINEZ: It was in coordination with the Treasurer's Office and the cash flow analysis that we've been giving him in terms when we would need the funding to actually pay invoices and then he invests it to the best he can with the time that he has available.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Ms. Martinez.

CHAIR VIGIL: What's the pleasure unless there are other questions? We do need a motion on this.

COMMISSIONER MAYFIELD: Madam Chair, I'll move for approval.

CHAIR VIGIL: Have a motion to approve. Is there a second?

COMMISSIONER STEFANICS: Second.

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

XII. A. 3. Resolution No. 2011-97: Requesting an operating transfer from the General Fund 101 to Economic Development Fund 224 for expenditures related to the Santa Fe Media District \$32,242.81

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and thank you for the update and I was just reading some of the background saying that construction has been delayed. I was under the impression that construction hasn't been delayed on this project.

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, I don't know if I'm the best one to answer this. This is just trying to cover some of the expenditures that

we've incurred through June 30th that are covered by the General Fund and relative to this particular project. If we portrayed that we have deadlines I apologize for that.

COMMISSIONER MAYFIELD: No, I'm just saying that it says although the construction has been delayed and expenditures related to the studio and business park were needed.

MS. MARTINEZ: Okay, that's a misstatement and I apologize for that.

COMMISSIONER MAYFIELD: So that's not right. Okay, so then the \$32,000 is that something that the County agreed to and I guess whatever agreement that we have with the film studio that we would provide this. Is this something that the developer should be doing?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, it is something that is within our responsibility according to the agreements that have been established.

COMMISSIONER MAYFIELD: And this was the dollar amount that was already obligated to come out of the general fund? Was there a special revenue fund, bonding fund, is this money that being paid straight out of the general fund?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, initially its being covered from the general fund with hopes that as the project progresses proceed from the sale or other items would materialize. So right now it is a small expenditure that has been covered from the general fund.

COMMISSIONER MAYFIELD: How much money has been budgeted from our general fund to cover these kind of expenditures? And has this been priorly approved by this Commission or is this subsidy going out of our general fund that we're not aware of or I'm not aware of?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, this action that you have before you will take care of the expenditures that need to be covered for fiscal year 2011 and moving forward with fiscal year 2012 I'd have to get you more details.

COMMISSIONER MAYFIELD: And, Madam Chair, Ms. Martinez, were these approved in fiscal year's 11 budget to come out of the general fund or was there a separate funding mechanism for this?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, I believe at least from the financial budgeting perspective that they were intended to be short-term costs covered by the general fund in fiscal year 2011. What we typically do is just wait until the end of the year and just see what that amount is going to be and it is typically minimal like this.

COMMISSIONER MAYFIELD: Can you give me a total of what we have expended out of the general fund for this?

MS. MARTINEZ: I can but not off the top of my head. But I can get that for you.

MS. MILLER: Madam Chair. Commissioner Mayfield, just so that you understand the way that this project was also set up was that last year the \$10 million grant from the state was budgeted and we were paying County obligations out of that grant to draw down that grant knowing that we would need to replace that. So, for instance, the road construction, widening of the road, that's part of the Project Participation Agreement that the county would pay for that but since those were some of the first expenditures those were

drawn down from the grant but we still are obligated under the Project Participation Agreement to fund the total of \$10 million from the state to the project itself plus the items that we had agreed to in the Project Participation Agreement which is the infrastructure improvements to water and wastewater onsite, the road widening improvements on Highway 14, broadband which we still have the final numbers on that – we’re doing that as we go – and it think those three things that were in the Project Participation Agreement that we agreed to fund and as they’ve been out in the previous year they are being taken down from a previous grant. So this year that contract for the road widening has been added to the budget to cover that plus an estimate and I can’t remember the exact dollar figure but for the other two of three water, wastewater infrastructure improvements and the broadband.

I can state that it is significantly less than what was originally estimated.

COMMISSIONER MAYFIELD: Thank you and Madam Chair, Ms. Miller, will we again receive some money back from that grant fund to cover these with a journal entry or –

MS. MILLER: Madam Chair, Commissioner Mayfield, we will now make the grant whole to the studio project so in total they’ll be the \$10 million from the state plus our infrastructure contributions to the projects. I would guess in total of those it would be less than \$12 million for all of that. And then the land acquisition the developer acquires the land back and that’s \$2.6 million over the life of the mortgage.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, my request is that the project people come to this meeting and give us an update. Why aren’t they here number one and number two can you give us an update?

MS. MILLER: Madam Chair, Commissioner Anaya, I did make that request to them that they come at the next meeting, meaning this one, if they were available and they said that they were not available to come to this meeting but they did say that they were able to give tours and that they would come to a meeting and would be happy to give you an update. Also, we also asked if we could have our retreat there and would they have it open by the end of August. They don’t think that they’ll have it open by the end of August but they have now most of the outside construction has been complete interior construction. They’re now working on road paving and internal finishing out of the facility. I think that they’re estimated date of getting their Certificate of Occupancy is around mid-September or the beginning of September – is that right, Paul? Mid-September.

COMMISSIONER ANAYA: Madam Chair, I hope I see them at the next meeting.

CHAIR VIGIL: And I’m just wondering what the pleasure of the Commission is on this item?

COMMISSIONER MAYFIELD: Madam Chair, I’m not going to support it so I guess one of you all will have to move for approval, if you want.

CHAIR VIGIL: I have a motion for approval; is there a second?

COMMISSIONER MAYFIELD: No, no, I am not going to support it.

CHAIR VIGIL: Oh.

COMMISSIONER STEFANICS: I’m sorry, I’m confused. I heard

Commissioner Anaya ask for something and so we're not talking about what Commissioner Anaya brought up?

CHAIR VIGIL: Did you want to address something that Commissioner Anaya brought up?

COMMISSIONER STEFANICS: Madam Chair, I would like to have an update but I am willing to wait until the – are we talking about our staff? Our project managers, Katherine, or are we talking about there's? I'm a little confused.

MS. MILLER: Madam Chair, Commissioner Stefanics, Commissioner Anaya requested that the developer come and speak to the Commission. We –

COMMISSIONER STEFANICS: Well, my question is a little different, Madam Chair. Do we have a staff person who is assigned to this project?

MS. MILLER: Madam Chair, Commissioner Stefanics, yes, we do. Paul Olafson goes to all of the construction meetings and we also have an architect that reviews all of the draws on the state grant as well as any off of the loan that we have a loan guarantee on and all of the construction activity.

COMMISSIONER STEFANICS: Well, I would be interested in having our staff do a presentation when you deem appropriate as to what is happening, the percent completed, the proposed completion date, any cost overruns, et cetera. So my request is a little bit different than Commissioner Anaya, so I think you're going to have to just resolve it between us.

MS. MILLER: Madam Chair, Commissioner Stefanics, I think I can definitely deal with what you've requested. How to drag the developer in is another story but I think as I said they said they are willing to come. I just don't know what their schedule in and quite often they're out in California trying to get movies into the studio. So I can't state whether their availability is the same time as our Commission meeting but they did indicate that they would come.

CHAIR VIGIL: And I would just state, Commissioner Anaya, for your benefit I don't know if you've had an opportunity to tour it but it's really going to be difficult to understand the conceptual completion statements without that tour because that tour really creates the visual for what's been done out there and I did have an opportunity to tour it with the Economic Development Secretary about a month ago or so who wanted to tour the site. So maybe one of the ways that you might be able to benefit from what's going on with this project is to schedule a tour and I know that's available upon request.

COMMISSIONER STEFANICS: So, Madam Chair, I would move approval of Resolution 2011-97 requesting an operating transfer from the general fund to the economic development fund.

CHAIR VIGIL: I'll second that.

The motion failed by a 2-2 tie vote with Commissioners Stefanics and Vigil voting for and Commissioners Mayfield and Anaya voting against. [See page 82 for final vote.]

CHAIR VIGIL: Okay, we'll have to reconsider this at our next meeting where we have a full Commission.

COMMISSIONER ANAYA: Madam Chair, I would move that the Board of County Commissioners temporarily adjourn and reconvene as the Santa Fe County Board of Finance.

COMMISSIONER STEFANICS: I'll second.

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

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Treasurer's Office

1. THE BOARD OF COUNTY COMMISSIONERS WILL TEMPORARILY ADJOURN AND RECONVENE AS THE SANTA FE COUNTY BOARD OF FINANCE: In Accordance with Santa Fe County's Investment Policy, 2007-102, the County Treasurer Will Present the County's Investment Portfolio to the County Board of Finance for the Four Months Ending June 30, 2011 and the Treasurer's Investment Plan for the Fiscal Year Ending June 30, 2012

This meeting was called to order at 4:00 and a quorum was established as follows:

Members Present:

Commissioner Vigil
Commissioner Anaya
Commissioner Mayfield
Commissioner Stefanics

Members Excused:

Commissioner Holian

c. Presentation of the County's Investment Portfolio

d. Investment Plan Update [Exhibit 3]

VICTOR MONTOYA (County Treasurer): Good afternoon, Commissioners, I am here to present the County's portfolio and investment plan, in compliance with the Santa Fe County Investment Policy Resolution Number 2007-102.

To start with at our last Investment Committee meeting I was asked to see if I could modify our investment portfolio, I guess, what's the word for it, possibly give you a better bird's eye view. I was presented too much detail so I tried to reevaluate that then and the results are here. I would like to do a little bit of a narrative on the investment portfolio. First of all we show our investments in CDs, government agencies and US Treasuries including our Charles Schwab accounts and demand deposits that we currently have June 30, 2011. The County's portfolio total as of June 30th was \$213,159,801 and some cents. This doesn't take into account any outstanding expenditures or encumbrances. The portfolio is just a snapshot in time and it's been updated to include all investments made through July 13th. The County's securities at Charles Schwab consist of government agencies bonds and treasury bills and our holdings there currently stand at \$129,214,754.76. Going forward we expect to increase this category even more due to federal regulators concerns with banks that

are over capitalized and these types of investments are laddered to meet the County's cash flow use as estimated by me in anticipation of when where various projects might draw down funds as they near completion.

I continue to stress the need for my office to receive a cash flow analysis on a timely basis from the parties involved in order to make better informed investment decisions. The County Treasurer's Investment Committee continues to meet on a monthly basis. We present an agenda to the Committee each month that includes any types of investments made, the investments that have matured and minutes from the prior months meeting. We monitor the bank ratings through the use of bankrate.com and other websites which provide a rating an analysis on financial conditions of our County banks. I want to thank the Investment Committee for their commitment to attend these monthly meetings. I know that they have many meetings and obligations they have to attend to on behalf the County.

So, with that if you look at page 3 that's kind of a recap of what the investments are and how much and how they're split up. Asset classification is under, you know, on the left hand column and then on the second column it says items and that shows you the number of items or the number of investment made in that particular federal program. Then to the right of that I have the yields and then how much is involved in each one of those investments. So as you can see we have quite a bit – and then if you'll also in conjunction with that I have some graphs on page 4 and 5 that itemize each one of those subcategories. For example, on page 4, the first item is the operations account which is the 2601 account at Charles Schwab, and that's just a pie chart to show you how that investment is. And then the next one down is the pool cash account which is also another general fund account. And then the third one is a general obligation bond 2007/8 account and that shows how much we have in there and then on page 5 I show your GRT 2008 revenue bond account. As you can see on this page the majority investments are in treasury bills with very little cash, very poor yields on this type of investment. And then, finally, the Los Alamos National Bank with the investments that we have there, we have 15 accounts that yield .01 percent. There's \$26 million there and one of those accounts is the last bond issue that we generated which is the refunding issue and that's 16 million of the 26 million that's in there. I still don't have a good cash flow analysis to go out and invest money for that particular source of funding. Then we have certificates of deposit. I have one that is generating 3.85 and that will be maturing next month I believe on the 6th of \$108,000. And then we have the Santa Fe Studios and –

CHAIR VIGIL: Victor, there's a quick question.

COMMISSIONER ANAYA: Madam Chair, if we could just back up to that last item. Just a comment, I actually like the detail and prefer seeing the detail behind this. I think the information is summarized good but I actually like the detail on each account.

But can you clarify what you just said about on that .01 yield of 26,822,577; did I hear you right that you need an analysis from who, finance, before you're able to reinvest it or find a higher yield somewhere else? Clarify that and help me understand what you're asking for.

MR. MONTOYA: Well, we've had about \$16 million sitting in that account that I haven't been able to invest because I don't know what the needs are and what the timing for those needs are. So I need some sort of a cash flow analysis from whoever the managers are that are handling that money. What the uses are and when they expect to have a need for it that way I can go out and try and get a higher yield on that money.

COMMISSIONER ANAYA: Madam Chair, and I'm going to ask Mr. Barela to go back and pull those minutes for me but, I'm thinking back probably at the beginning of the last quarter or the last time you came forward, the last two times actually, this issue came up, this very specific issue that – and you know, the reason I'm bringing it up because I was one of the one asking the primary questions. So I appreciate that you brought that up but I want to hear from the manager and staff as to, you know, in fact I think that the manager and I were engaged in part of the discussion associated with wanting to see what we can do about a higher yield so can you help us understand and so we can get on track to get a higher yield.

MS. MARTINEZ: Madam Chair, Commissioner Anaya, to be clear, he is getting cash flow analysis. It was just the most recent bond sale that we have not completed. He did bring it our attention and we're working on it. He'll get a regular cash flow analysis from our employees within finance as the normal schedule proceeds. This is just a recent bond sale and we're trying to determine the needs. We are aware of it and we are working on it.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Okay, continue, Victor.

MR. MONTOYA: I guess the main reason I brought this up was that because this was an issue for us also at our last Investment Committee meeting and I wanted to make sure that you understand that I just – I mean I can go out and invest it but it's just going to be the swag system, you know, and I rather have it a little bit you know have some input from staff so I can make a better informed decision.

Madam Chair, going back to where I left off: the next item is the Santa Fe Studios we are generating 2.5 percent on 6.5 million and finally the GOB 2009 Series which was an item of concern last time also, I wanted to make sure that that's one investment and that's currently generating one-half a percent on that particular bond issue. I can try and get a higher yield but it's very difficult at this time because unless I can go out for at least a year or two, you know, the half a percent that it is generating is probably higher than what I can get on T-bills. T-bills are very, very poor on the rates and as you can hear with the raising of the debt ceiling for the US government it's creating a lot of concern for a lot of people. I don't think that the government is ever going to default on Treasury Bills but, you know, it makes for a lot of press. You know, so, anyway, I just wanted to mention that to you.

And, then, the rest of our operating accounts at LANB there's nine of them all together and those are generating a half of percent also and that's 41,283,000. So the grand total is \$213,159,801 and change, okay?

So with that, if there's no other questions on this portion of it, Madam Chair, I'd like just like to discuss my investment plan for the future.

CHAIR VIGIL: Please.

MR. MONTOYA: I'd just like to say and I'll read this portion of it, but, my primary objective is to raise – is to insure that the County's investment portfolio contains safe, liquid and diversified investments while earning a market rate of interest in all money that is not immediately required to meet the County's cash flow needs.

My investment plan remains the same for the upcoming fiscal year ending June 30, 2012. The strategy continues to be to diversity the portfolio and invest in alternative investments authorized in the County's investment policy and statutes with an allocation of

safe, liquid and diversified investments while earning a market rate of return on all money not immediately needed to meet the County's cash flow needs. For the near future we plan to continue to look for investments that benefit our local economy here in Santa Fe County that will assist banks and credit unions with the ability to provide mortgage loans, private loans and short-term construction financing to our County constituents. At present this task proves to be difficult with federal regulators monitoring banks that have too much capital on their books. And then again just for clarification our custody bank informed us on December 1, 2010 that the highest yield they could pay the County on our funds would be .01 percent on CDs and savings accounts and they wanted us to move our CDs and savings to a Charles Schwab account to lower their capital balances to comply with federal regulator mandates.

With that Madam Chair and Commissioners, that concludes my portion of the presentation. Thank you for your kind attention and I make myself available to answer any questions you may have.

CHAIR VIGIL: Thank you, Victor. Any questions?

COMMISSIONER ANAYA: Ma'am.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Treasurer, what other tools or mechanisms do you feel that the County needs to look at to improve our yields? What other things do you suggest?

MR. MONTOYA: Well, in this economic environment it's very hard to – you know we have a laundry list of authorized investments that I am permitted to invest in and without going beyond that it would be very – we would have to look at major changes to the investment policy and make sure that they don't violate state statutes. So those are the constraints that I am faced with and, you know, as it is now, you know, I'm getting some very good rates on step-ups but those are callable bonds and they may or may not be called so I have to be very careful for how long I can go out. You know, if I could go out 10 years I could probably get some pretty decent yields on the money but without a really good cash flow analysis as to when we would need that I'm very concerned about when I make the investments I try to get the highest yield with the longest call protection possible with a guarantee that it's going to be recalled within you know say shortly after the call protection period. So if an investment is made for say 2 percent yield and it's a callable bond and it matures say in five years but it has six months of call protection, chances are it's going to get called after six months and that's you know a slight risk in taking that – in making that type of investment. But so far most of my associates and I work with one of the trust officers from Los Alamos National Bank, he helps me with my bonds and I tell him what my concerns are and he gives me his input and his best recommendation but you know when you invest in the market – but the only thing I can say though with all our investments we're a buy and hold. We do not have to sell our investments so I never have to worry about taking a loss on them. I would also – I am very concerned about that. And I never pay more than par which means I don't buy anything at a premium even though it yields more and that would be one area we could look at. We can sometimes get a better investment if we were willing to pay a little bit more than par. And that's something I'll bring up to the committee and if they're inclined to look at that we could certainly try and improve our yields by buying our investment at a

premium but the thing is, you know, we have to pay a little bit more for it, so that's always a major concern of mine.

COMMISSIONER ANAYA: Thank you, Mr. Treasurer, and I'm hopeful that you'll get those cash flow statements in a timely manner. I would just also add that maybe we need to take a look at some of the other counties, Class A counties, and their investment portfolios and strategies and share ours and maybe we can find some things that they're utilizing that might augment our investment strategy. The other thing is, is this document on our website?

MR. MONTOYA: No.

COMMISSIONER ANAYA: Madam Chair, unless there's some legal reason not to put it out there, I don't think it would hurt to put it on as a public document. Mr. Ross, would you see any problem with that?

MR. ROSS: Madam Chair, Commissioner Anaya, I'll need to take a look at it – no, I don't see anything protected in here.

MR. MONTOYA: Madam Chair, Commissioner Anaya, I will be putting out our annual, our monthly distribution. I'm going to be putting out like a little newsletter every month starting now in July that shows what the collection efforts are, and how much we distribute to all the beneficiaries and how much we collect and how much goes to the assessor, the 1 percent. I plan to put all of that on our County website also. But I'm going to have a handout there by my office for the constituents to take if they want that type of information and I'll be happy to put this on our website as well.

COMMISSIONER ANAYA: Thank you, Mr. Treasurer, and express staff to your staff as well.

MR. MONTOYA: Thank you very much.

CHAIR VIGIL: Anything further?

COMMISSIONER STEFANICS: Thank you, Madam Chair. Thank you very much for coming with your report today. I do think that adding this to the website will be good.

I think that we all received notice of a Local Government investment workshop that the State Treasurer is putting on and that's next week.

MR. MONTOYA: I believe it's on the 3rd or 4th.

COMMISSIONER STEFANICS: I think it is on one of the days that I'm at the Association of Counties Board meeting but I just wanted to let people know that it is a half-day workshop and it's free. So if anybody has any interest in going. Thank you very much.

MR. MONTOYA: Madam Chair, I would just like to remind the Commissioners or the County Board of Finance, sorry, that, you know, one of the reasons that we pulled our money from the Local Government Investment Pool is because they do not collateralize and we've already experienced a big problem with that. We've been able to get most of our money back. I mean, their yield runs somewhere usually between 17 to 24/25 basis points which is per month, and then on top of that they charge a fee for utilizing the pool as a source of income. But, I mean, it's up to your –

COMMISSIONER STEFANICS: Madam Chair, I do remember that. But this workshop isn't just about the pool it's about statutes that govern local governments in investing. I would be going if I wasn't tied up somewhere else, thank you.

CHAIR VIGIL: I have signed up for it. There is an application and I hope to be there. It does conflict with LANL and a couple of other things but because it's just a half-day item and I thought it would be beneficial from someone on our Board of Finance to be there. I did submit an application for that.

Any other questions?

e. Approval of the Treasurer's Investment Plan

COMMISSIONER ANAYA: Madam Chair, I think you did your investment plan, right?

MR. MONTOYA: Yes.

COMMISSIONER ANAYA: Madam Chair, I would move that we adjourn the –

CHAIR VIGIL: We need a motion to approve the Investment Plan.

COMMISSIONER ANAYA: So moved, Madam Chair.

CHAIR VIGIL: I have a motion. Do I have a second?

COMMISSIONER STEFANICS: I will second.

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

f. Adjourn

CHAIR VIGIL: Commissioner Anaya, I'll take your motion to adjourn now.

COMMISSIONER ANAYA: I'd move we adjourn the Board of Finance meeting and reconvene as the Board of County Commissioners.

COMMISSIONER MAYFIELD: I would second that and I think a five minute break would be great.

CHAIR VIGIL: You've got it.

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

CHAIR VIGIL: We'll take a five minute break. Thank you, Victor.

[The Commission recessed from 4:20 to 4:37.]

The Board of County Commissioners reconvened at 4:37 with Commissioners Vigil, Stefanics, Mayfield and Anaya in attendance. Commissioner Holian participated telephonically.

CHAIR VIGIL: We are now back on the record –

COMMISSIONER ANAYA: Would it be okay if I went back to [inaudible] just that we received some information on just to put on the record and request some information?

CHAIR VIGIL: Sure.

COMMISSIONER ANAYA: Madam Chair, is Ms. Miller available? While she is coming in, there was two letters that were remitted one of them was remitted by our Santa Fe County Assessor on July 13, 2011 that has specific reference to myself in particular and comments that were made relative to what the Santa Fe County or not what Santa Fe County assessor what any assessor has the latitude to do relative to raising property taxes annually.

CHAIR VIGIL: What date is that, Commissioner Anaya?

COMMISSIONER ANAYA: That date on the letter was sent July 13th from Domingo Martinez to Secretary Demesia Padilla of Taxation and Revenue. And in the letter he articulates a concern that I raised in a public BCC meeting and the intent of Speaker Lujan who carried the legislation associated with increases. And basically lays the groundwork in the letter and I guess what I would like to do first of all, Madam Chair, Ms. Miller, I think this has enough impact to the public that I would just like to put these two letters on the webpage so that people can have a sense to review the two letters. But without getting into too much detail because I know we have other things to get to after people have had a chance to review the letter I think we can maybe ask the assessor to come back and raise questions. But the assessor interprets that he is mandated by the law to mandate the 3 percent increases and the reply back on July 15, 2011 does not reflect the direction that our assessor has taken. The July 15th letter supports what the Speaker's intent was of the legislation providing for latitude of zero to 3 percent increases to property taxes. So a very relevant couple bits of information.

I would ask that we put these on our website and have the assessor come forward at our next meeting so that we can have – give him the opportunity to provide feedback. I specifically have questions because I along with the Speaker specifically referenced as well as the entire Board of County Commissioners. So, thank you, Madam Chair, for allowing me to make those statements.

CHAIR VIGIL: Okay. I would just ask that we get the permission of the drafter of the letter to place that on the website because it's actually drafted from him and I do recall – I was anxiously awaiting a response from Property Tax on that.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: yes.

COMMISSIONER MAYFIELD: It's a public document that was cc'd also to myself. So we can have it placed can we.

CHAIR VIGIL: Well, I think as a courtesy if you have a letter that became a public document and it was placed on the website without your knowledge you'd probably want the courtesy extended.

COMMISSIONER MAYFIELD: Madam Chair, I had a brief conversation with [inaudible] but I don't think he's been in receipt of the letter from Secretary Padilla so I said I would get him a copy so Katherine if you have that letter or if not maybe we could just get a copy of that letter to the Assessor's and to Gary.

MS. MILLER: Madam Chair, Commissioner Mayfield, I haven't seen the response either. I have the Assessor's letter but I don't know where my copy went but I didn't ever receive one. I'll make sure that all of you get a copy and I will talk to the Assessor about posting it on the web.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: I have some confusion about that also.

XIII. B. Community Services

1. Resolution #2011-97, Creating and Defining the Duties of the Santa Fe County Maternal and Child Health Planning Council (Community Services /Health & Human Services)

LISA GARCIA (Health & Human Services): Madam Chair, Commissioners, we prepared a resolution acknowledging the purpose, functions, membership and structure of the Material and Child Health Council. We were tasked with a job a couple of years ago through Julie Berman to find our original resolution for creating the Maternal and Child Health Council and in doing that the council was established almost 20 years ago and we could not find the resolution actually establishing the council and its functions. We found a resolution establishing the line item for the budget for the Maternal and Child Health Council so at this point we are presenting a resolution so that we have something on the books. I have been doing research through the County Clerk's Office and I just couldn't find any resolution at all.

CHAIR VIGIL: Thank you, Lisa. Questions?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR VIGIL: All those in favor signify by saying "aye."

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

CHAIR VIGIL: Thank you, Lisa, and good luck in your new position.

XIII. B. 2. Approval of Change Order No. 7 to the Contract Between Santa Fe County and Bradbury Stamm Construction, Inc., for Construction of the First Judicial Courthouse Project in the Amount of \$174,636.85, Exclusive of Gross Receipts Tax. (Community Services/Projects)

CHAIR VIGIL: I wonder how much those taxes would have been.

JOSEPH GUTIERREZ (Director of Community Services Department):
Madam Chair, those taxes total \$14,298.39 for a total change order of \$180,935.24.

I'm going to go ahead and read the items on the change order. It's cost for installation of a intrusion alarm system; cost for additional lighting at the plaza area for increased safety; cost for the mat slab modification to eliminate penetration to the liner system – this was the 4 foot bay system for the parking structure; credit to the County for value engineering by replacing light fixtures at a lower cost and again when we look at value engineering we're looking at quality and functionality and this does not take away from either one. We're getting a credit for a cornice system on the parapet of the courthouse which is about 50 feet high in the air. Cost for installation of vent risers from the upper basement to the rooftop for passive venting to the garage under the building and this has to do with remediation efforts. Cost for installation of sewer manholes at Sandoval and Montezuma. This is where the construction team has been working with the City of Santa Fe on that. And then the last one is installation of security hardware for access to control of two elevators.

And I've actually brought the courthouse team so if you had any specific detail question they can definitely answer that for you. I just want to introduce them rather quickly. I have John Lehman who is with MCA the architect of the building. Dan Lyons with Bradbury Stamm who is the builder of the building. I have Robert Martinez and Sherry Keefe is somewhere and they're the owner representative and they're with Gerald Martin.

CHAIR VIGIL: Are there any questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, as far as the cost of the installation of sewer manholes isn't that something – are we paying the City for that or are we paying the contractor for that? Isn't that something the City won't give us a break on?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, I can have the contractor specifically speak to that. I believe we're paying the contractor and they're complying with the City regulations.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Gutierrez, weren't there existing manholes or sewer system right there on the street?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, there were. There were some adjustments to that as we went through the building process. If you'd like I could have Mr. Lyons speak to that.

COMMISSIONER MAYFIELD: That's fine, Madam Chair, Mr. Gutierrez. And second, maybe my question I asked a little earlier on that consent issue for Ms. Martinez was probably for this. We're going to be receiving some of that money back for that liner so this would be an offset?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, where we stand financially on these change orders, \$10 million was set aside for the change orders. We also have a grant for \$382,000 and so far what's been approved against those two amounts is a change order for the PNM and that was \$250 some thousand so with this \$178,000 this will leave a little bit more than \$1.9 million. And of this change order of \$175,000 roughly, approximately \$157,000 is still attributed to the remediation of environmental issues. I don't see those types of issues surfacing much as we move forward with the project.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Mine is more of a comment than anything on this particular item. Recently, the County Manager and I had the opportunity to visit with the District Attorney. So we would like for you to make sure that you include her or one of her staff in ongoing discussions about the courthouse.

MR. GUTIERREZ: Madam Chair, Commissioner Stefanics, I will do that.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Other questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: I'm going to have to ask the question.

Respectfully, gentlemen, we are not paying for all your time to be here for this matter are we? [Project people nodded "no."]

CHAIR VIGIL: I'm sorry what was your question?

COMMISSIONER MAYFIELD: They basically gave me the nod, Madam Chair. I had to make sure the County is not incurring a lot of dollars expenses for sitting out there in the bench.

CHAIR VIGIL: I see.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Just a comment associated with Commissioner Mayfield's comment on the City's involvement. You know, I've consistently said I wasn't part of the initial process associated with this and I started my responsibility in January so I've had several questions but – one thing I have said is that the remediation and efforts that the County has done is a direct environmental benefit to the City, the State, and the community. And, you know, I think your question is a good one and I think that I'd like you, maybe Ms. Miller and yourself, to ask the manager about providing some assistance especially as it relates to remediation. The other thing is that it's not just the City but it's a direct benefit to the State facility. I know Environment Department has through the funding mechanisms. But I think I would like to keep that discussion alive because we're remediating an issue that affects the whole downtown area. So I appreciate those comments, Commissioner Mayfield.

COMMISSIONER STEFANICS: So, Madam Chair, I would move approval of Change Order No. 7.

[Telephone ringing]

CHAIR VIGIL: Oh, I think we have somebody calling in. Okay, there's a motion and I'll second it.

COMMISSIONER HOLIAN: Madam Chair, this is Kathy, I mean Commissioner Holian on the phone.

CHAIR VIGIL: Okay, Kathy, we are currently taking action. We are not at the redistricting yet but we are taking action on item B.2. this is a change order for the Bradbury Stamm Construction for a total of \$180,935.24 and that includes gross receipts tax. The motion was moved and I believe I seconded it. I know you've had an opportunity to read the packet and so if you want to weigh in on this and if you're on the phone you're welcome

to.

COMMISSIONER HOLIAN: Yes, thank you. I want to assure you that I have read all the cases in the packet.

CHAIR VIGIL: So is there any other discussion on this item?

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

XIII. B. 3. Request Approval of DWI Grant Agreement no. 12-X-I-G-27 with the New Mexico Department of Finance and Administration, Local Government Division, in the Amount of \$300,000 to Provide Detoxification Services in Santa Fe County (Community Services/Health & Human Services)

CHAIR VIGIL: Rebecca Beardsley, welcome.

REBECCA BEARDSLEY (DWI Program Manager): This is a grant agreement between Santa Fe County and the Department of Finance and Administration. There is a State Statute which allots \$300,000 to Santa Fe County for detoxification services in Santa Fe County. So we did submit the application in February. This grant agreement would bring the money into the County and then our next step would be to contract with the provider which we would probably be bringing forth in August.

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: All those in favor.

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

CHAIR VIGIL: Yes, a follow up question, Commissioner Mayfield.

COMMISSIONER MAYFIELD: I do have a question, please. Who is the contract provider, Christus St. Vincent?

MS. BEARDSLEY: Madam Chair, Commissioner Mayfield, Christus St. Vincent was the contractor in fiscal year 2011 and we will be extending the contract to have them be the provider in 2012. It was a sole source determination in order to allot them as the contractor.

COMMISSIONER MAYFIELD: How was that sole source determination made?

MS. BEARDSLEY: That would be a purchasing question but I can tell you the basic. There are certain requirements in the scope of work with the Department of Finance and Administration that specifically calls for a provider that has 10 beds available for men and a minimum of five beds for women, can provide the oversight 365 days a year, 24 hours a day, all the prescriptions that are required along with the process. So I can tell you that those are the basics and there is not another provider in Santa Fe County that has the capacity to fulfill that.

CHAIR VIGIL: Okay, we had a motion and a second and we've actually taken action on that. Was your vote in favor?

COMMISSIONER MAYFIELD: I'll support it, Madam Chair, yes.

CHAIR VIGIL: Okay. Then it's unanimous. Thank you, Ms. Beardsley. Did you want to add something to that?

COMMISSIONER STEFANICS: Madam Chair, I will add something. I think that next year we need to bid this out. Thank you very much. Even if there's no applications, we need to bid this out.

MS. MILLER: Madam Chair, we have not awarded that extension. That will come back to the Commission. And we can do things to see if there are any other potential entities right now that would fit the criteria of the DFA grant. If we don't have anyone else then that would be the action whether to return the grant or go with St. Vincent on it.

COMMISSIONER STEFANICS: Well, Madam Chair, Katherine, I believe we might not have the community capacity at this time. But if the community knew that we were going to bid out this chunk of money next year there might be some interested entities that might come to the plate. Thank you.

XIII. C. Finance Department

1. Request Authorization to Accept and Award Agreement #2011-0269-FI/MS to Impressions Advertising for the Lodger's Tax Advertising and Promotional Services for Santa Fe County in Response to RFP #2011-0269-FI/MS \$300,000 (CMO/Finance Department)

COMMISSIONER STEFANICS: Madam Chair, on a different point.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: We had a tie vote on something. Do we want to reconsider something while we have Commissioner Holian.

CHAIR VIGIL: I think we'd have to defer to legal on that. If we were to reconsider that how would that be done?

MR. ROSS: Madam Chair, it's not a reconsideration but when there's a member visit and the member returns either at the same meeting or in some subsequent meeting you bring the matter back if you want to for a vote only.

CHAIR VIGIL: Okay. Then we'll move forward in that way. Teresa, we're on your item.

MS. MARTINEZ: Madam Chair, the first item under finance was the actual award agreement for advertising services for Lodger's Tax. Do you want us to start with that one since the contractor is here?

CHAIR VIGIL: Sure.

MS. MARTINEZ: We submitted a request to accept an award agreement for Impressions Advertising for Lodgers' Tax advertising and promotional services for a total of \$300,000. We went through the official procurement process. We solicited seven vendors and received six proposals. We stand before with a recommendation of awarding \$300,000

to Impressions Advertising. I'll stand for questions.

CHAIR VIGIL: Questions.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Martinez, how much involvement did the Lodgers' Tax have in the proposal?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, the chairman of the Board sat on the evaluation committee.

COMMISSIONER ANAYA: No, Madam Chair, Ms. Martinez, I'm sorry. Not the evaluation but the actual development of the RFP, the criteria. Did the Lodgers' Tax Board pretty much develop that for us as a unit and help us in working with staff?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, yes, they did. They were very involved in the process and they have been for the last couple of go a rounds.

COMMISSIONER ANAYA: Madam Chair and Ms. Martinez, is this customary of Santa Fe County as far as the amount of money for this type of service. Is this something that the County has done on an annual basis and is it typically this type of dollar amount?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, yes, it is. It fluctuates depending on the Lodgers' Tax collection anywhere between \$285,000 to \$315,000. So this is a typical amount for an annual budget.

COMMISSIONER ANAYA: And, Madam Chair, Ms. Martinez, how many actual lodges, if you will, are there in Santa Fe County that are impacted by the Lodgers' Tax Board? It's just the areas outside the municipal area; right?

MS. MARTINEZ: That is correct. I don't know the exact number off the top of my head. Oh, it's 23.

COMMISSIONER ANAYA: Twenty-three. My comment would be as part of our Code process and this goes to the Chair of the Lodgers' Tax Board and others, we have an opportunity in my opinion as part of the in some parts of the County which have expressed interest in bed and breakfast for example to expand the number of businesses that we have in the outline areas of the County outside of the municipal areas. And, as a Commissioner, I support that. For those communities, I think Seton Village – and I don't know if Commissioner Holian is still on the phone – but I think Seton Village has a kind of unique community plan that would kind of look toward some of those things if I'm not mistaken but I think that those are things that outside of those municipal areas that as a County we need to look at to invite people to the County outside of our municipal areas and to actually encourage it, encourage those types of businesses where it makes sense in those areas. So I'd like to at some point here in the near future participate in an upcoming Lodgers' Tax meeting and maybe we can talk to them and get some help on how we might craft that together and work towards that objection. Thank you.

CHAIR VIGIL: Anything further? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, whoever can answer this question. We have an appointee that sits on the Lodgers' Tax Board; do any of our Commissioners sit on this or senior staff sit on this Board?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, none of the

Commissioners. It's an advisory board developed basically by County ordinance that mirrors State Statute and it has very clear representation as to who should be represented. We do have a finance liaison that is assigned to oversight, if you will, for the LTAB and we also have the PIO in attendance at our meeting.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And, when does this Commission receive updates from that board? Does that board every come in front of this Commission and provide us updates about what's going on and what their thoughts are?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, yes they do. They typically do it around April, May or June as we have more results from some of the ads that we've run and have more firm numbers. But they do make an annual update to this board.

COMMISSIONER MAYFIELD: Have I missed the annual update for this year?

MS. MARTINEZ: No, we're going to be working on one because it's already July/August. Okay, I made a liar.

COMMISSIONER MAYFIELD: No, you're not. And I'd like to see that update from them. And then my question – it may be [inaudible] if they've already presented here.

MS. MARTINEZ: They haven't. We need to coordinate it. He just indicated that they haven't. So we'll get that done.

COMMISSIONER MAYFIELD: And then recommendations under the memorandum and I appreciate everything that our County manager does but I would like if there's ever going to be granted an extension for two years that it comes back in front of this full Commission.

MS. MARTINEZ: And, Madam Chair, Commissioner Mayfield, we can do that.

CHAIR VIGIL: We are before the Commission.

MS. MILLER: Madam Chair, our ordinance actually requires that it would come back to you – for a waiver to extent it beyond a two year contract.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, I read all the memorandums that are given to me. This memorandum specifically says "\$300,000 for the first two year agreement with an option to extend for an additional two years with the approval of the County Manager." That's just why I'm asking that it come back to this Commission.

MS. MILLER: Madam Chair, Commissioner Mayfield, that might be this language from a previous memo but the ordinance that was passed last summer requires any contract over two years if they do go beyond two years to come back to the Commission.

COMMISSIONER MAYFIELD: Thanks. And, then my last question. And, again, I think it was very worthwhile that we did it. We recently had the Santa Fe 400th that we were celebrating and the County gave money for it and I wasn't surprised by it but Mr. Bonal mentioned that to me and he thanked us for it. Who makes that decision of how that money is being expended? Is it under a certain threshold? Is it the Lodgers' Tax Board? Is it the County Manager? Is it the County and where are we giving this money?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, we set aside a line item in our budget, if you will, for such funding efforts and there is a whole process where

they have to make a proposal before the LTAB for such funding and then it's voting upon by the Lodgers' Tax Advisory Board. And depending upon the threshold it could or could not come before this Board. Typically the amounts are under the threshold but there is a process.

COMMISSIONER MAYFIELD: Thank you and Madam Chair, Ms. Martinez, I fully support tourism and what we can do to get that educational out there but if we're going to make those expenditures I would like a report back on what those dollars are being spent on. Thank you.

CHAIR VIGIL: Teresa, aren't there minutes that are taken of the Lodgers' Tax Advisory Board and available for review?

MS. MARTINEZ: There are, Madam Chair.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a follow up. I respect the work of the Lodgers' Tax Advisory Board and look forward to maybe even more than just one a year updates to get them acclimated with what other Code issues are happening in the County that will in evidently affect their business and the bottom line.

We have someone here today from our Board and –

MS. MARTINEZ: -- Commissioner Anaya, Madam Chair, he's actually Russ Rountree from Impressions Advertising so he would be the contractor that you are voting upon. But we can have a board member here when we do the update.

COMMISSIONER ANAYA: Well, Madam Chair, Mr. Rountree, do you have any thoughts you'd like to offer the Commission relative to the work at hand and the work of the Lodgers' Tax Advisory Board?

RUSS ROUNTREE: Madam Chair, Commissioner Anaya, I'm Russ Rountree president of Impressions Advertising. I'm not quite sure I totally follow your question although I think your earlier comments had to do with some type of economic development that were happening in outlying areas and trying to support that. I'd just like you to know that any businesses that are in the County that have a visitor impact be that a restaurant, a retail outlet, something along those lines, we list those on the tourism site, the website that we maintain for County tourism and anytime that you've got someone that you feel could benefit by being involved in that, we would certainly like to include them on that. We generally have outreach into these communities to make sure that we have the most recent businesses and up to date businesses listed on that site.

COMMISSIONER ANAYA: Madam Chair, Mr. Rountree, if you could just give me a quick snapshot of the corpus of that \$300,000 investment we're going to make in your company. What are you going to do for the community and the County associated with your work just so that the public out there can get an idea of what you're going to do.

MR. ROUNTREE: Madam Chair, Commissioner Anaya, we spend about \$200,000 of that contract, actually a bit better, on direct marketing. Those are print placements, ads in magazines, online web banners, and ads on travel websites that may be viewed by people having interest in coming to visit Santa Fe. We have a PR campaign that we put out to try and attract travel writers to write about not only events in the County but also specific businesses that might be unusual and note worthy. We handle all of the

inquiries that people have based upon going to the website and wanting to find out more information on where they can actually stay, what our lodging opportunities are. We primarily just indicate to people who we feel have an interest in visiting Santa Fe County or would be interested in the things that Santa Fe County can offer a visitor and try and attract those people to come and visit the County and stay specifically in our lodging properties but more importantly to do commerce in the County.

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

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and thank you, Mr. Rountree. And, Ms. Martinez, as far as this contract being awarded to the individual; is this a local business or an out-of-state business?

MS. MARTINEZ: In terms of the contractor himself?

COMMISSIONER MAYFIELD: Yes.

MS. MARTINEZ: Local.

COMMISSIONER MAYFIELD: And is there any subcontracting done – is it all staying in our state and our County? [Mr. Rountree nods in the affirmative.] Great, thank you.

CHAIR VIGIL: What's the pleasure of the Commission?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER STEFANICS: I'll second.

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

XIII. C. 2. Review and Discussion of the 4th Quarter Financial Report for Fiscal Year 2011 Ending June 30, 2011

MS. MARTINEZ: Madam Chair, what you have before you is the quarterly report for all activity that was posted through June 30th. With the fiscal year end, I just want to qualify that there's accounting entries and other entries by resolution – for example some of the resolutions that you just approved today for the transfer of the [inaudible] earnings that are not reflected in here. So we will come back to you with an audited quarterly report when we have finalized the numbers.

To begin for fiscal year 2011 we collected a total of \$153.6 million for all funds with relative to revenue sources. We had expenditures totaling \$169.4 million across all funds. So if we just compare core revenue collected to expenditures incurred we relied on the use of cash to the tune of \$15.8 million. Our expenditures were broken up as such: capital expenditures total \$48.3; our debt service payment total \$32.4; and total operational expenses were \$88.7 million. We had a final budgeted cash countywide of \$89 million. We started the year with 67. We increased it over the course of the year mainly for our capital projects and our debt service payment. Included for you the revenue charts for property tax as well as gross receipts tax since those are two of our major revenue sources. Property tax collection

exceeded budget by \$4.8 million and GRTs exceeded budget countywide exceeded budget and basically carried the shortfall of the unincorporated area. Unincorporated area fell under budget by \$165,000.

I then broke down the –

COMMISSIONER STEFANICS: Madam Chair, on that point.

CHAIR VIGIL: Yes, please.

COMMISSIONER STEFANICS: Is that primarily because we don't have enough businesses out in the County?

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, I think it's probably a little bit of that. There is definitely less business within the County construction, when we look at the analysis we can see that the retail and the construction industries are kind of taking a hit so it might be a couple of factors.

COMMISSIONER STEFANICS: Okay, thank you.

MS. MARTINEZ: I gave you the pie charts for the General Fund, the Fire Funds and the Corrections Funds. I am trying to outline for each one what we interpret to be recurring revenues and recurring or operational expenditures if you will. As we look at the General Fund we had total revenues of 60.2 million of that we deemed 58.6 million to be recurring revenue. Recurring revenue includes property taxes, gross receipt taxes, date issued taxes, fees collected from construction permits, the Clerk's fees, land fill fees and some of the grants and other revenue. Typically what is not included in here is investment income.

Our General Fund expenditures total 43.9 million and we're actually under budget. The budgeted amount was 63.7 million. Of that recurring expenditures totaled 42.9 million. I do want to qualify that there will be additional expenditures added here in terms of the final payroll processing, final operating transfer and we'll bring you undated numbers when we bring you the audited report.

With regard to the Fire Fund, we had total recurring revenues of \$9 million which basically consists of the Gross Receipts Tax collection, ambulance charges, and some of the grants. Our expenditure for Fire totaled 13.8 million and of that operational expenses totaled 10.5 million.

Our Correction Fund had a recurring revenue solely of care of prison revenue and GRTs of 7.97 million. If you count the transfers in, recurring revenue was 22.5 million. They have total expenditures of 24.4 million of that operational is totaled at 22 million.

We provided for you the update of the budget cuts. We have a minor change in that some of the positions have not yet been filled so in the end relative to our actions taken by the County Manager we had initially begun the budget with a reduction of 3 million. We have revised estimated saving of 2.6 and we actually fell under that by 389,000.

I just want to again remind you that we will be bringing you an audited submission with the final numbers upon completion and I'll stand for questions.

CHAIR VIGIL: Questions.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Martinez or Ms. Miller, a couple of questions and a request. A request I have is relative question and then a request. Relative to the Regional Communication Center that is governed by the City and the County

including the City of Santa Fe and the Town of Edgewood, those are the three entities that work with us; correct?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, that's correct and they also serve on the board in that capacity.

COMMISSIONER ANAYA: And the budget that we have in front of us reflects money received from the Town of Edgewood; is that correct?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, yes. What's provided to you today is summary but it does provide any collections that we receive from the Town of Edgewood.

COMMISSIONER ANAYA: And the Santa Fe County and still we have no revenue that we receive from the City of Santa Fe directly associated with this agreement.

MS. MARTINEZ: Madam Chair, Commissioner Anaya, relative to operational expenditures there have been some capital expenditures in which they share a portion of the cost and we have received some funding in the past for that.

COMMISSIONER ANAYA: Relative to the operational expenditures I would request report and a summary from yourself and Ms. Miller on historical perspective and input related to that fact that we are funding, we and the Town of Edgewood, are funding the operations. I would also like to see and I would like to hear from Commissioner Mayfield but I've heard him in several meetings previously some discussion and reflection of our relationship or maybe lack thereof with the City of Espanola. But I'd like to see that on a future agenda item for update, review, discussion and possible action.

Revenue associated with annexation. I don't know where we were. I don't know if it was a meeting or if it was just an individual meeting, but did I hear correctly that although we have not agreed the transition associated with that annexation we are already losing revenue connected to the annexation? Can you or Ms. Miller help me clarify that? Are businesses or individuals that are in that presumptive area, are we already losing revenue even though we haven't transitioned the annexation yet?

MS. MILLER: Madam Chair, Commissioner Anaya, we should not lose anything until annexation is complete. And the only revenues we would lose would be a couple of our small - coming to our environmental GRT is the only one that is imposed at the moment that is only outside of the incorporated area; right? Or is there another one?

MS. MARTINEZ: We may lose a little bit of lodgers' tax because I think the Santa Fe Inn is within that area. The analysis is a few years old but when we initially did the analysis we had anticipated obviously no loss on property tax and we had forecasted back then what the loss would be for possible GRT and possible business licenses and things of that nature. But it was minimal in comparison of the service delivery and the cost related to them.

COMMISSIONER ANAYA: And, Madam Chair, I guess that's where maybe we can get an update and more detailed information on that to better have a reflection. I think the business license, not the business license, small businesses was something I brought up a few months back reflected in the GRT and whether or not those were already hitting us. I have a concern with that. I know that they're still been discussions and we're still working through an agreement but until we have the stipulated agreement in place, I don't think there should be any transfer other than what is agreed upon. Ms. Miller.

MS. MILLER: Madam Chair, Commissioner Anaya, Steve and I were just actually talking. In phase one they did the really just some donut holes and clean up in phase one and there could have been some small home based business or something that would have shifted into the incorporated area but as I said we have very few taxes, gross receipt taxes that go just in the unincorporated area. I think the Environmental GRT is the only one. The Fire Excise and that's the one that failed, that would be another one that is just outside of the incorporated area. The one issue though because the annexation – this is one of the items where we're losing revenues and this might be in relation to that and that is utilities. We had anticipated by July 1 having the utility switched over for water and wastewater in the Aldea area and the settlement agreement didn't have a date specific other than when the County was ready. So that's an area that I guess you could say that we didn't have the revenue but we were counting on that based upon the phasing.

COMMISSIONER ANAYA: So, Madam Chair, on that point, I think a comprehensive update at the next meeting would probably be helpful for the Commission and then recommendations along with that that would complement input from the Commission would be I think appreciated. Thank you, Ms. Martinez, Ms. Miller.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Ms. Martinez – excuse me, Ms. Martinez, thank you for this. I'm on page one of your report, what is our 2011 fiscal year outstanding payables? Do you have that number?

MS. MARTINEZ: I don't have that off the top of my head but I can get that for you.

COMMISSIONER MAYFIELD: Does that have any impact in what you provided for us. All of those dollars will be paid out of 2011 and nothing will be paid out of 2012.

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, yes, that's typically how we do it. If it's an expenditure relative to a revenue in 2011 and it has an associated expenditure, we should keep the integrity of the budgets. We do however pay down our payables for the first two weeks of any fiscal year relative to the previous fiscal year so I'll have to get you an updated number. So in other words we were still paying invoices for last fiscal year through July 15.

COMMISSIONER MAYFIELD: I don't know if you can give me a rough figure but excluding capital, excluding debt service, general obligation or just operational expense, excuse me, what a million dollars, \$500,000 what are we looking at for payable?

MS. MARTINEZ: Payable, I don't know. I honestly don't know and I don't want to state a number and be incorrect. But I can get that for you.

COMMISSIONER MAYFIELD: Thank you. And I know we've had this discussion. I believe I've had it with Manager Miller and also yourself, I as one individual would like us to get away from allowing prior year payables in our current fiscal year. I think that with our vendors we can establish rapport and with our staff, we have a great staff here, that we can limit prior year payables with maybe an exception of a two week or month flow. I know that happens but that is going to be something that I am strongly advocating for. I think it keeps a lot cleaner.

MS. MARTINEZ: And that's a goal. So we're going to work on that for you.

COMMISSIONER MAYFIELD: Thank you. Madam Chair and Ms. Martinez, not to beat a dead horse, but on this pie graph that you gave us on the second page. Under landfill fees you have a revenue collection of \$590,000 plus, can you explain to me what that revenue collection is?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, that will be for all permit sales that were done throughout the course of the year. So you'll have a mix. At the latter part of any fiscal year, April, May and June, we're selling permits for the next fiscal year so you'll have a mix of what could be existing, current year sales as well as sales relative to the next fiscal year. We can break that down for you.

COMMISSIONER MAYFIELD: But you're keeping those dollars separate from one fiscal year to another. You're just showing it as a whole in this pie graph?

MS. MARTINEZ: I'm just showing it as a whole in this pie graph.

COMMISSIONER MAYFIELD: And the reason why I'm asking it is because you gave us a document a little earlier that basically said FY12 projected revenue for permits at \$480,000. So I'm wondering where the \$110,000 discrepancy is?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, this is actual collections lumped together for fiscal year 2011. The \$480,000 is our budget estimate for FY 2012.

COMMISSIONER MAYFIELD: So you are anticipating \$110,000 drop off. The Commission took action not to support a decrease in fees.

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, no, our estimates were based on the number of sales in the previous year and was a conservative estimate based on the cost at that time.

COMMISSIONER MAYFIELD: But again, Madam Chair, Ms. Martinez, this pie graph is saying \$510,000 – excuse me, \$590,821 is collected. This estimate is saying \$480.

MS. MILLER: Madam Chair, Commissioner Mayfield, I might be able to clarify. We started selling fiscal year 12 permits early in May but if you break it down for the actual permit even if it's used and if the permit is sold this is actual cash collected versus what year the permit is physically used. But because we started early, there is a bump in what shows as actual cash in the bank in this pie chart but that figure is based on the number of permits sold in a year for a given year because they're used fiscal year to fiscal year.

COMMISSIONER MAYFIELD: Okay. And I know you'll provide it. I'm just going to ask for continuous updates on what we are collecting as far as permit fees throughout the fiscal year.

MS. MARTINEZ: Okay.

COMMISSIONER MAYFIELD: Thank you. And, also, Ms. Martinez, let me work with you and even get a snapshot of past history of what was actually collected for the year that the permit was issued and if I could get a true breakdown of dollar for dollar for that fiscal year and nothing that goes from one year to another I would really appreciate that information. Thank you.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Very briefly. Thank you for the report but I noticed in one of the last pages that the comment was made that quite a few grants come in to

Santa Fe County. And if we thought about grants and other types of revenue generation I'm wondering if our County Manager could think about some kind of award that could go to or contest that could go to the departments that brings in outside money. Our budget is limited. I'm sure our taxpayers appreciate every time funds come into this County to support programs for them. Thank you very much, Madam Chair.

CHAIR VIGIL: Okay. Are there any other discussions about item C.2? If not, we don't need to take action on it.

XIII. C. 3. Resolution 2011-98, a Resolution Requesting Approval of the Department of Finance and Administration (DFA) 4th Quarter Financial Report for Fiscal Year 2011 Ending June 30, 2011

CAROLE JARAMILLO (Finance Division): Madam Chair, Commissioners, good afternoon. The Finance Division is requesting your formal approval of the fiscal year 2011 fourth quarter financial report to the Department of Finance and Administration. This is the period that ends June 30, 2011 for the year. You just received a report from the Finance Director giving you quarterly report information. This report, because it is the Department of Finance and Administration request and it is in their prescribed format it is going to look a bit different from what you've seen from Ms. Martinez. It's different in format and in scope.

The report that you have for this agenda item is a listing basically, fund by fund, of budget and revenue and expenses for the general fund, all our special revenue funds, our debt service funds, enterprise funds and trust funds. And there is one consolidated report of all our capital improvement funds. They lump all that together into one sheet. In our general fund you'll see that it's broken down differently than how we report it to you. This has it broken down by function the way DFA likes to see it. The DFA takes all of the information that they receive on these quarterly reports and compiles it together from all the entities around the state into one large annual report. So there is very little – no – leeway in how it's reported. So it's a bit like putting a square peg into a round hole. We have to make what we have fit into what they want to see.

There is a summary or what DFA calls a recap which shows cash balances, beginning of the year and increases for revenue and decreases for expenses and produces a new cash balance for the end of the year. I will note that all of the information that you see in this report is unaudited. Your formal approval of this report is a new requirement from DFA. They've never required it before that I know of and it is just going to be moving forward for this particular report and not quarterly. We don't need to get your formal approval quarterly. This formally approved quarterly report needs to be submitted to DFA with our budget submission by August 1st, with our final budget.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move for approval of Resolution 2011-98.

COMMISSIONER HOLIAN: I'll second that.

CHAIR VIGIL: I have a motion and a second. Is there any further discussion?

COMMISSIONER MAYFIELD: Question.

CHAIR VIGIL: Question, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and thank you for bringing this. Under background, and until now, the first paragraph I'm just reading, DFA LGD, what's the acronym for LGD?

MS. JARAMILLO: The Local Government Division, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. It is not required that this report be certified. Why are they now asking that it be formally certified by the Board?

MS. JARAMILLO: I do not know the answer to that. We receive information annually from the Local Government Division to tell us how they want to see their budget submissions prepared, and they give us specific instructions. Our FY 2012 budget submission has a few additional requirements that we did not see in the past. It could be any number of reasons. That's a question for DFA.

COMMISSIONER MAYFIELD: Okay. Madam Chair, what we're approving those is basically just a recap of what we've done for the year or that we're going to do for a year?

MS. JARAMILLO: Madam Chair, Commissioner Mayfield, this is a recap of what took place during FY 11.

COMMISSIONER MAYFIELD: Okay. So Madam Chair and Ms. Miller, I'm going to ask this of you. We have an ordinance on the books that gives you a threshold dollar amount of what can be expended, that does not have to come back to the Commission.

MS. MILLER: Madam Chair, the budget, to increase the budget, to actually have it in the budget has to come to you, the Commission. So if there's an increase to the budget, additional funds come in, additional revenue, a grant, whatever, in order to abide by state – it may be DFA rules or state law – any increase to a fund, to budget the fund comes to the Commission. Then within that, once you've budgeted it, then there's thresholds of what comes to the Commission to approve a contract. The contract limit is up to \$250,000. But you have typically either through the initial budget or through a budget adjustment that comes on the Consent Calendar usually, you have approved the expenditure of the funds.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Miller, on that point, even on today's agenda there's smaller amounts that were coming up. I think it was a \$3,000 or \$1,000 amount that came to us from the general fund. So will those dollars always come to this Board?

MS. MILLER: Madam Chair, Commissioner Mayfield, if it's increasing the fund, so interest income that gets earned, if it's \$1,000 or if it's funding that we get from a movie that our firefighters, that's new revenue that was not anticipated and in order for that to come in to the budget that would come to you. So an increase to any fund would come to the Commission.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Miller. What about an expenditure from a fund? Let's say something was not budgeted and we took it out of the general fund?

MS. MILLER: Madam Chair, Commissioner Mayfield, you approve line items within, say, the general fund, within each department, so you do approve departmental

budgets within there. That's broken down by line items – personnel, salaries, benefits, all of that, and once that's budgeted then within that, contractual services, miscellaneous office supplies, what not, once that's budgeted initially then those expenditures, either through a purchase order or a contract would go through the regular procurement process to be expended and then there's certain thresholds that would either come to the Manager or to the Commission.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Miller, again, if it's a \$250,000 threshold, you have that authority to approve that without it having to come in front of this Commission. Right?

MS. MILLER: Madam Chair, Commissioner Mayfield, yes, but for instance, the change order on earlier today for the courthouse, that would – I could have signed that but I think that's one that – number one, it's large and it was better to come to you because then if a smaller one came over the next month that was urgent, if that cap of \$250,000 was close to being hit, and to reset it to zero before I did approve something like that. So there's different nuances for each one and some of them we bring to you just based on the type of contract it is, or the type of project it is, whether it's a change order, whether I have the authority to sign it or not.

COMMISSIONER MAYFIELD: And I appreciate it though, because I understand this Board doesn't meet all the time and we have to get things done. But that might be something I'd like to discuss at our retreat also. And also, Katherine, I appreciate that you bring this to us regularly, but do we get maybe a follow-up recap of what has been approved, say, under that \$250,000 threshold, if there has been expenditures that have not been brought to this body. Could we get just maybe a quarterly or a –

MS. MILLER: Madam Chair, everything – we don't do a report on – we do a report on all disbursements. We don't do a report on all purchase orders. But we do reports on all contracts. All those are always visible now. Every contract, whether it's approved by me or you, is immediately available. We can do a recap, like quarterly of here's contracts, here's general purchases. But we already do that with all the disbursements. A purchase order might be \$500, for pens and staplers and things like that. And we do thousands of those.

COMMISSIONER MAYFIELD: I appreciate that, only now there's a rule by DFA that says we're the responsible party to certify this. So I just want to make sure I know what I'm certifying and I've seen what I'm certifying.

MS. MILLER: Commissioner Mayfield, what this is, DFA requires certain budget reports. It's statutory there to oversee local government budgets and budget approval. They have difficulty quite often getting some counties and municipalities to turn those reports in, just like the State Auditor has difficulty getting audits from smaller communities. Part of the reason that they ask that it come to the Commission is they know that by that requirement it helps get it moving along. So that's part of the reason that they'll – and those types of things are done by rule. It's not by state law. The oversight Local Government Division has by law over local governments' budgets, basically they go through that review and approval between May and July.

Once the budget's in we've always had to submit quarterly reports of actual budget activities. Budget adjustments always go, whenever the County makes a budget adjustment to increase it, those go to DFA as well. So those are just reporting requirements that they've

always had. This one to do a quarterly one, I would venture to say they just did to try to encourage local governments to try to get them in sooner and have them officially submitted through their Boards.

COMMISSIONER MAYFIELD: Thank you. And I know I've spoken with Ms. Martinez and Ms. Miller but I don't think I've spoken to the Board about this. The state does have a designation for a CFO that's required by law. I brought this forward and Katherine I want to work with you maybe of at least trying to bring a resolution forward that the County can have a specific designated individual, if it's you or if you designate somebody else, such as the state does have a CFO who is responsible or who is taking the responsibility for making sure that all those transactions are done within every accordance.

MS. MILLER: Madam Chair, Commissioner Mayfield, actually by state law the County Manager is the chief financial officer, the key personnel office, chief asset custodian, and then parts of that can be delegated by position but in reality the reason I'm the only one that can sign those contractual documents or terminations is that that is what state law says County Managers are designated as the chief personnel office and chief financial officer.

COMMISSIONER MAYFIELD: Okay great. Thank you.

CHAIR VIGIL: What's the pleasure of the Commission on this?

COMMISSIONER STEFANICS: I already moved.

CHAIR VIGIL: Do we have a second?

COMMISSIONER STEFANICS: Commissioner Holian seconded.

CHAIR VIGIL: Oh, that's right.

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

XIII. D. Public Works/Utilities Department

1. Resolution No. 2011-99, Requesting Approval of a Resolution Accepting Additional Easement for Richards Avenue for County Maintenance (Public Works)

ROBERT MARTINEZ (Public Works Department): Madam Chair, Commissioners, the Public Works and Growth Management Departments have been working cooperatively with the Santa Fe Community College and the area homeowners associations to help mitigate the traffic issues on Richards Avenue in the Santa Fe Community area. The Santa Fe Community College is currently constructing a new entrance into the campus, which includes a roundabout. The new entrance was reviewed by County staff and some of the requirements by staff require additional easement for the Richards Avenue roundabout. Public Works currently maintains Richards Avenue which will include the new roundabout also.

Public Works requests approval of a resolution accepting additional easement for Richards Avenue for County maintenance. I stand for questions.

CHAIR VIGIL: Questions?

COMMISSIONER STEFANICS: Madam Chair, I actually have driven the roundabout. It looks nice. It's wider than the others and I think some of the people down that way will be happy. The entrances to the college of course are not finished but I think this is a necessity. So I would move for approval.

COMMISSIONER HOLIAN: I'll second that.

CHAIR VIGIL: We have a motion and a second.

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

XIII. D. 2. Resolution No. 2011-100, Requesting Approval of a Resolution Accepting College Drive for County Maintenance (Public Works)

MR. MARTINEZ: Madam Chair, as I stated earlier, the County and the Community College have been working together to try to mitigate the traffic issues on Richards Avenue. The County has required Santa Fe Community College to construct a secondary access into the campus off of College Drive. This secondary access will not only divert traffic from the main entrance but will also provide additional access into the campus in the event of an emergency. The planned southeast connector will eventually connect College Drive to Rabbit Road which will remove traffic from Richards Avenue all together.

College Drive was conditionally dedicated to the County on December 12, 1996 in anticipation of an additional entrance into the college campus. College Drive was constructed to County standards and meets current standards. The road is approximately .3 mile in length beginning at Richards Avenue and extends east to Burnt Water Road. Public Works requests approval of a resolution accepting College Drive for County maintenance. I stand for

questions.

CHAIR VIGIL: Questions?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER MAYFIELD: Second.

CHAIR VIGIL: I have a motion and a second.

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

XIII. E. Matters from the County Manager

1. 2011 County Commission Redistricting Update [Exhibit 4]

MS. MILLER: Madam Chair, as we have stated previously, we would on every regularly scheduled meeting bring forth information for you relative to redistricting process. In addition, at any point that you feel that we need to have any additional study sessions, public meetings, we're open to that. But Erle, at the last Commission meeting here requested some specific information relative to the precincts relative to the population, what was incorporated, unincorporated precincts and in the packet he's provided some of that.

Additionally, a memo of kind of where we are and what we took away from the last meeting that the Commission would see as some priorities, for instance, the least change type of option for different districts, so that each district changes the least, was one of the primary requests. Another one was that –

COMMISSIONER STEFANICS: Excuse me one second. Madam Chair, I received an email and it wasn't numerous, but somebody who is a little distressed about how we are doing our redistricting process. So I want to make sure that the information that we're putting out really becomes available to the public. So for example, whatever you're presenting to us today by way of comments or handouts, is that going to be on our website?

MS. MILLER: Madam Chair, yes. Everything that we have presented to you to date we have put on the website.

COMMISSIONER STEFANICS: Okay. Have you, Madam Chair, Katherine, received any complaints from the public about this process that we're following?

MS. MILLER: Madam Chair, I have not received any in the County Manager's Office. I don't know if Erle, if you or the Manager or anybody has.

COMMISSIONER STEFANICS: Well, Madam Chair, I'm forwarding it to you so that we can determine if it's one person or several people. But I think we want to be cognizant of the public. So that's why I'm bringing this up before we keep going so that we make sure that we're presenting not just for the Commission but for the public as we do this.

CHAIR VIGIL: On that subject, I think we have stated and will continue to state that we will be having redistricting as an item on the agenda from this point forward until decisions are finally made, and that public hearings will be a part of this. So I think we maybe need to restate this and maybe there will be something on our website that says that so that people know that. If they do have input they are welcome to come here.

MS. MILLER: Madam Chair, Commissioner Stefanics, the Commission hasn't taken any action. All we've done to date is continue to provide information so that the

Commission and the public can see populations, the differences in each district, where we're off, which ones need to gain, by how much, which ones need to lose and by how much, and which precincts fall within those, which ones are incorporated, which ones are unincorporated. We haven't made any decisions on anything yet.

COMMISSIONER STEFANICS: That's fine, but Madam Chair, the email that I'm going to forward to you, and I don't know if this person is my constituent or somebody else's and they might get emails like this, was very concerned that meetings were being held with the League of Women Voters in private or with other people in private. So that is the – when you read the email you're going to see the comment. But that's what I think we are working against is perception about any backroom deals, any behind the scenes conversations, and that's what this person was expressing.

MS. MILLER: Okay. Madam Chair, and to that point we have not had any meetings or any requests of any specific redistricting plans or anything that have been communicated and as a matter of fact in the memo in your packet one of the things that we are requesting as we move forward, we have not put any proposed plans out to you or to the public because we want to make sure that there is a process for doing that, because it would be quite difficult for staff to handle individual requests coming in, whether it be from the public or from interested groups like the League of Women Voters. So we believe that those requests for changes or any plans that would come forward would come at the public meetings, and that the staff would bring those plans back the next time.

So part of the proposal is to have you then make requests to Erle at these meetings, either from public coming in and requesting potential plans of which we would state – if it's not contiguous it's not a feasible plan. But those requests would come to you and you would give staff direction as to which plans you would like to see back at subsequent meetings.

CHAIR VIGIL: So basically, we're conducting these public processes that the Commission has or any interested party be done openly and transparently through these processes. Is that the understanding of your memo, Erle?

MR. WRIGHT: Madam Chair, yes, that's correct. To kind of reiterate, that's kind of the purpose of today is to get the information that was requested that was a little – we were missing actually precinct summaries of the actual population by precinct. We're actually going to bring that, and really, to make the process transparent we were going to recommend that any suggestions for how we come up with a plan, and again, any idea can lead to generation of several plans in itself, as we adjust the precincts, but actually that transparency can save the staff from producing really what could be hundreds of options. But then we actually focus on what gets recommended directly in a public meeting, from the Commission or from members of the public.

CHAIR VIGIL: Very good. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. I support a public process. I want a public process done but I also want to be a little realistic. You're sitting in that room downstairs, I'm assuming you're going to try to put some scenarios together. Are you saying that you're not even going to do any draft maps/draft plans? The only way that a plan is going to come forward is if, again, through public participation? But what I'm hearing is that you and your staff aren't going to be doing proposals downstairs.

MR. WRIGHT: Madam Chair, Commissioner Mayfield, that's not precisely –

it's really at the direction of the Board in the public meeting. Staff will definitely will be drafting the plans, but for instance, say there's a concept that for instance that we absolutely equalize the urban versus rural population, there are several ways to go about that. So we would bring a set of plans, essentially two or three options, for the Commission and the public's review, so we could take comment. If one of those two or three plans was acceptable, that might be fine. If we get sent back to the drawing board – but staff would be supporting doing essentially the legwork on the plans and bringing them forward to the Commission. That's our intention.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER ANAYA: Madam Chair, Erle, you and I have already had a conversation so I'll express that conversation here publicly if that's what you'd like to see. If we look at the map associated – and this is just something that I'd like to have you look at based on the rules associated with engagement of redistricting that we heard here at the Commission meeting and Commissioner Stefanics and I had the benefit of also hearing a presentation that she mentioned last meeting that Brian Sanderoff did for compactness and contiguous development. I would like you to take a look at this particular scenario. If you look at precincts 80, 64, Precinct 67 and Precinct 66 and 75, as I understand part of the rules of engagement, if you will, for lack of a better term is to try and avoid fingers I think was the term you utilized. I don't know what the compactness term is. You can clarify it for me, but Precinct 80 is currently in District 2, and then 64 and 67 are in District 3, and then 75 is in District 5. And 66 is in District 2.

So you kind of have a pretty highly populated area that is shared by three different Commissioners that I think would make sense to analyze for the development of a potential option moving forward. Do you want to comment? You and I had a conversation, so do you want to comment on that particular aspect that I'm bringing up or the comments that you made to me relative to contiguous and compact and those issues. But to me, that's a scenario that could warrant some analysis and minimize the number of Commissioners that represent such a highly populated area. Do you have any thoughts?

MR. WRIGHT: Madam Chair, Commissioner Anaya, those are certainly –

COMMISSIONER ANAYA: If I could, Mr. Wright, the other thing that I, being cognizant as we look at these is the maintenance of community, if you will and some semblance of continuity is in mind. And I made that comment at the last couple meetings and I'll make it here today. Sorry for interrupting. Do you have a comment?

MR. WRIGHT: The only comment would be again, what we have to do is attempt to balance the population between each of the five districts within this five percent threshold. And those particular precincts, they were actually a challenge ten years ago and I think they'll be a challenge this time around just by the sheer size of them in terms of population. The precincts you mentioned are all well over 3,000 and that – so when we move one or the other, our deviation numbers that we currently have now the biggest deviation is actually your district, District 3, which is only about 4,000. We shift that and then all of a sudden all the other districts.

But we can certainly develop a scenario that looks at kind of shifting those around, bringing them for some input to see what worked and what didn't. I'd be absolutely willing to do that.

COMMISSIONER ANAYA: And if I could just quantify it when I'm thinking, and I'm going to put it in terms of when I'm going out into a community to engage the community, those precincts that I mentioned you have Tierra Contenta as a primary large precinct on the southern part of Airport Road, and then immediately next to it you have a different Commissioner, you have District 3 represented, and then immediately adjacent to it you have a District 5 Commissioner, and then you hop over the street of Airport Road and then it's District 3 again and then District 2. So I think in order to be compact and contiguous I think it would probably help in representing those areas as a Commissioner it would help to have consideration of where communities are in proximity and balance within those.

And I also think that based on the population you brought up that it affords you an opportunity to provide some balance, if you will, given that I have an area that's 4,000 over. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Erle.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Did you want to address anything, Erle, before you get inundated with questions? Did you want to make any summaries?

MR. WRIGHT: Maybe just real quick, in case there were questions with the packet material. There were two sets of tables really essentially, so more or less the same thing. The first one was really just a list of all the precincts, on the left hand side being in ascending order by precinct number, and then to kind of help out on the right hand side they're actually sorted by population. And again, you see our chart, our total population there in the center of the page.

The second set of tables which is color-coded was an attempt to really – essentially these are categorized the same way but this time by district. So each of our districts or precincts are grouped together, again, sorted by precinct number on the left and by ascending population on the right-hand side. What I've also done on this table, because of the question of the urban versus rural representation is made an attempt to categorize these. So the yellow-coded precincts on the page area actually 100 percent incorporated areas. This does include the City of Espanola precincts in District 1 and the orange-colored precincts are essentially split between municipal boundaries. And that also includes the four precincts – actually there's five, but there's not much population in the fifth precinct for the Town of Edgewood area.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR VIGIL: Are the whites just all county?

MR. WRIGHT: The white precincts, yes, are 100 percent unincorporated and the map I handed out for you is tied to that today, which actually shows you where those precincts are. One other key thing to understand is with the annexation agreements that we had, and the map is actually up on the screen there and on the screens in front of you. But the annexation area, if a precinct was going to, under the annexation agreements fall 100 percent within the City of Santa Fe it was coded that way, just to be clear.

So the population numbers, I ended up with about 85,000 population in incorporated districts. That's about 10,000 higher than the actual census number but I think that accounts for the annexation areas coming out of unincorporated areas and into the City of Santa Fe.

And then the two maps at the back, again, previously we didn't have actual

population counts by precinct for you to look at and so these have been updated. And again, they should be on the website. If they're not already there they should be first thing in the morning.

CHAIR VIGIL: I have Commissioner Stefanics, then Commissioner Anaya.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I just wanted to clarify something in terms of your recommended process. So if we said – and this is a total hypothetical – if we said, and I know some Commissioners have been concerned that we all have a little piece of the city, take that foundation, give us all a little piece of the city with the new annexation that includes a great deal of new territory, and perhaps give us three different scenarios, that wouldn't be difficult for you?

MR. WRIGHT: No. We can handle it, Madam Chair, Commissioner Stefanics.

COMMISSIONER STEFANICS: I know that people might have specific ideas, and I'm interested in what my colleagues have to say here, but when we get right down to it I would like to see a variety. I don't want to see 25; that's too much. But I would like to see a couple options and I don't know how my colleagues feel about that. I also am not personally as wedded to the city issue, but I don't mind it. So, that's all I had, Madam Chair.

CHAIR VIGIL: On that point, Commissioner, I'd like to just say that when you look at the distribution you can look at District 2 and see that there's only one precinct – is that correct, Erle? Or are there two precincts that are all in the county. The remainder are in the city or divided between the city and the county.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Kathy, are you there?

COMMISSIONER HOLIAN: Yes, I am. I would also like to say that I noted from these charts and so on that District 4 by far has the largest urban population at 72 percent. So I would like to see some options where we do move towards equalizing the population in the unincorporated areas. Or at least not necessarily exactly equalize it but move in that direction.

CHAIR VIGIL: Okay. And I think that's probably, Commissioner Holian, the point I was going to make. Your district and my district are mostly urbanized. So anyway, with that I'm going to turn it over to Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think in response to Commissioner Stefanics, your comment and even the comment that was just made I want to clarify that what I talked about was based on the feedback that I received in hearing information from you and listening to the baseline information that Sanderoff provided to provide an option associated with that recommendation. Are we on the same page? Are you clear with what I'm recommending for an option to look at for the whole Commission?

MR. WRIGHT: Madam Chair, Commissioner Anaya, yes, I believe so.

COMMISSIONER ANAYA: Okay. So with that said I'm going to make another comment that I made at the last two meetings. In my opinion, based on the fact that I was elected to a constituency that have requests. La Bajada, for example, La Cienega, for example, Galisteo, for example. Those constituencies I've been working very closely with to work through their issues and concerns. So I want to be candid as I was at the last meeting, I do not want to completely unravel the districts, because I want to represent those areas in the

communities that essentially are in the district that voted.

And so I don't think it would be healthy to completely uproot the districts and start from scratch. And so I want to go on record as saying I want to see options and alternatives but I feel strongly that there's an area that I've established a relationship with as a Commissioner to represent that part of the district that I would like to continue to represent. And I don't think it would be a healthy thing to uproot completely the districts. I said that last time and I just want to say it again to make sure that my perspective is put forth on the record.

CHAIR VIGIL: And again, I'd like to, Commissioner Anaya, if you don't mind, temper that, because I have worked with the community of La Cienega. I was at the La Bajada meeting when we were dealing with that issue last time. I think we all try to create a support system to support the communities throughout Santa Fe County. When you say uproot I don't think that's an intent for us when we're trying to redefine districts. But with regard to how this Commission supports other communities I think we're all on the record knowing we do that.

COMMISSIONER ANAYA: Madam Chair, if I could just respond and say the relationship that we're establishing in La Bajada for example, as a Commissioner that's trying to represent that community, I don't want to downplay that in any way. It's a solid relationship that's been established that's based on communication and outreach and ongoing structured participation. So we very well could uproot that type of coordination if they've established a relationship with Commissioner Anaya, Mr. Barela and the other people associated and a few months from now they have another Commissioner they have to establish a relationship with.

So I think that's the reason why Sanderoff and others have said maintenance of compactness and continuity and I would even say community overall. But I do respect your comments.

CHAIR VIGIL: So your request is that La Bajada remain within your district in the maps that come forth? That's the request I'm hearing right now.

COMMISSIONER ANAYA: Well, Madam Chair, you could replace La Bajada with any other of the tradition communities in District 3 and replace it with the Village of Galisteo, San Pedro, Cedar Grove, and let me quantify that. Let me quantify that and just be perfectly clear. The relationship I'm establishing is a relationship throughout the entire district. I'm not sitting back and looking at the districts in any way and saying which districts or which precincts voted for Robert Anaya or in favor of Robert Anaya. I'm establishing a relationship with all of the communities in that district to put that relationship and that rapport and I, as one Commissioner on a Board of five, I'm not going to in no way speak for any of my colleagues, believe that we should keep the changes within the structure that's been provided by staff and others reasonably similar.

CHAIR VIGIL: And my response is La Bajada doesn't seem to be a threat to being lost from that district because it isn't really contiguous in particular to any other district, and that's really one of the critical criterias. But if this is going to be a give and take situation then we have to look at the alternatives with regard to that. So I think that's what we're here for.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics. I think I'm done.

COMMISSIONER STEFANICS: Okay. I do think that, when I started looking at the first precincts that Commissioner Anaya brought up, it did strike me that major roads might be some boundaries. So for example, if you look at examples of what he gave, the 64, the 67 and the 75, those are intersected by major roads from the other parts of the district. And I don't know if that occurs up north or some other places that you all might want to comment on. But perhaps the first thing that – if you were to bring back a couple series of maps next time, maybe my request would be can you bring us some maps that have as little change as possible to the boundaries and see that that set looks like. And then somebody else could have another request and somebody else could have another request. But that way we might end up with three to five different requests. That's just an idea.

CHAIR VIGIL: I think Erle is wanting to say yes or no to that question. Can you bring us back a map that has very little change to the boundaries?

MR. WRIGHT: Madam Chair, Commissioner Stefanics, yes. That's certainly something –

COMMISSIONER STEFANICS: Taking into account population of course.

MR. WRIGHT: This kind of goes back to Commissioner Mayfield's question earlier on is if you give us a concept then we can attack that and again, see what works. It wouldn't be my intention to bring you a plan that – say for instance we did line up nice clean boundaries on rivers, roads, whatever, but clear sort of dividing lines in Santa Fe County. If that doesn't meet the population thresholds there's really no point in bringing it forward to you. We might discuss it and show you one that, well, really, this is what we tried but it doesn't really work, but bring you a slightly tweaked version that would meet the five percent population criteria because I do think it's important that you be looking at ones that actually are not going to be essentially defensible in court. That's one of the key things we need to watch out for.

CHAIR VIGIL: Ms. Miller, did you have something?

MS. MILLER: Madam Chair, I was just going to actually comment on Commissioner Stefanics' comment. That's exactly what – the reason Erle didn't bring any maps this time is we didn't have enough direction from the Commission or requests from the public or any entities that have come in and said here's some options we'd like to see. So we wanted to make sure we didn't just bring one map, like, here it is, versus getting some requests from the Commission of things they'd like to see. So what I get from today's meeting that I have heard is that we'd like to see some options with least change, including ones that specifically, if you have specific precincts you'd like us to try to move around. So for instance the suggestion that Commissioner Anaya made. Also ones looking at major roads as boundaries, and then also some options equalizing populations between urban and rural.

I think with that we could probably come back with several maps at the next meeting.

CHAIR VIGIL: So those are concepts you think you can identify in a map?

MR. WRIGHT: Madam Chair, absolutely. Certainly we can do that. And again, I want to reiterate that even if we bring a map to you it's certainly your decision and open to discussion and the public's input as to whether, well, that really works. It doesn't. We'll be more than happy to go back to the drawing board and refine them for you once you've had a chance to see what kind of – how the different scenarios would play out. And I think that will be very helpful for your deliberation and discussion on this.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I think Commissioner Anaya is ahead of me.

CHAIR VIGIL: I'm sorry. Did you want to speak?

COMMISSIONER ANAYA: Madam Chair, I was reading – I did my homework. So I was reading the memo that said provide recommendations. So you and I had a conversation but I appreciate what you're getting at. You wanted there to be – make sure there's transparency, which I wasn't trying to avoid. So in the interests of transparency and clarity I made those comments. I think your summary captured where we're headed and I look forward to seeing the proposals.

Also, just a comment on the email that Commissioner Stefanics received. I value – and one of the thoughts that came across my mind when we were having discussions and we brought forward the League of Women Voters to make comments, I would say that we extend to any non-profit entity or any advocacy group in the community, whether it be in the southernmost tip of the county or the northernmost point and everywhere in between, that we're publicly here and now encouraging all of those entities and individuals to bring forward their input and come forward. The League of Women Voters' comments were on the line of transparency and an open process and notice and input. So we're putting them on at every Commission meeting. We're extending it to everybody we can and everybody that would like to provide input.

So I feel good that we've gone through a process that's open, transparent, and provides opportunity for input. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Whoo. I'm exhausted.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes, Kathy.

COMMISSIONER HOLIAN: I just have a question about how members of the community may provide input. Would it be by emailing us? Or would it be by emailing our GIS Department? Or is there a place on the web where they can email comments?

MS. MILLER: Madam Chair, we have had some people just call specifically into staff and say I live in such and such a precinct and I'd like to live in that one. And if it's clearly impossible because of the continuity and being contiguous we say, well, that's not an option, but we do encourage you to come and make requests that, could there be an option that would put a certain precinct within a district. So that's one thing that we've directed staff if they receive calls and ask for specific options, we would like them to come to the public meeting or provide their request in writing so that we can bring it up to you either by email or letter or whatever, or they could contact their Commissioner to bring it up at the meeting.

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Does that answer your question, Madam Chair?

COMMISSIONER HOLIAN: Yes, it does, Madam Chair.

CHAIR VIGIL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point, I think as the process evolves, which it will, I think Commissioner Stefanics, the point you made is something I would emphasize that as we go through that process we've also got to recognize that we are going to have to provide some direction and some framework, otherwise we'd

end up with 500 proposals which we've got to be cognizant not to do in the interests of peace and harmony. So I think as we go through the process and it evolves, and it will, we can feel our way through those issues.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Erle, thank you for the memo you provided. My thoughts if we are asking or receive some direction for some maps I would like to see a map based on the five little principles you pointed out – equal population, avoid dissolution of minority voting strength, compactness, contiguity and maintenance of communities of interest. That is one proposal I would like to see come to this Commission. What I'm looking at right here is pretty much what we've got, to me. That's one of my thoughts. I know Commissioner Anaya has a huge area of ground to cover and also I do, but to me that just kind of seems you summed it up. It's in compliance with the Voters Rights Act, correct? Those are their principles they're asking for. And I respect that we're looking at – I think the question or the statement was an equal representation of rural versus urban. How are we going to accomplish that by maintaining communities of interest? Is there a maintenance of community interest with that?

MR. WRIGHT: Madam Chair, Commissioner Mayfield, the main thing to realize is there's no perfect plan. There's going to be some flaws to every plan. Obviously, we can't get the perfect population number just by the very nature of the precincts not adding up to that perfect number. And certainly somewhere or another we're going to end up, depending on how you define a community of interest, we can't keep them all together, just because of the nature of having to break the county into five. And it depends on how you define community of interest.

But that also works both ways. In terms of the case law with regard to redistricting too, because often it's advantageous to have several Commissioners representing a community rather than just being solely within one district, and the courts have seen it that way as well. It's a concept that you don't want to pack the districts to well, it's great they're represented but they're always outvoted at the Commission. So it can work either way. So I think the best thing is to take the direction that you've given us here. There are several options and I think that helps me as well, because I'm hearing that as well. Keep the integrity of the districts as they are now. That's kind of what I'm hearing from you, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Again, I'd like to hear what the public has to say. They may come out and say totally different than what I'm asking for. But I think this Commission went through this process not too long ago. I know I saw the maps of the old – what was it, 98? The 98 maps of redistricting. I know there were some significant changes but I think the former Commission put serious thought into what they were trying to do as far as comply with the Voter Rights Act.

Let me ask this. Was the 98 redistricting plan ever challenged by anybody?

MR. WRIGHT: Madam Chair, Commissioner Mayfield, no, it was not.

COMMISSIONER MAYFIELD: Okay. Thank you. That's all I had, Madam Chair.

CHAIR VIGIL: Okay. I would just like to state, if my fellow Commissioners would look at District 2 and the distribution of urban and rural you will discover that the

orange that are split municipal and county, the yellow are 100 percent incorporated. I submit to you that most of those oranges will probably be 100 percent incorporated when in fact we do annexation. Or does this include annexation?

MR. WRIGHT: Madam Chair, that was actually considered, so for instance, like what's up there right now, 66 and 67 are actually split right now, but they were assumed to be 100 percent. That's why they end up being – actually, I take that back. 66 is actually – is probably going to remain split, because that's the traditional historic village of Agua Fria, and it's actually split between 11 and 66 there. But certainly that 599 boundary is one of the annexation boundaries, so precinct 80 is certainly going to get more urban. Precinct 11 will get more incorporated area; that's for certain. But so will Precinct 62 for that matter. Because that's the 599-I-25 little quadrant there on the eastern side of the precinct.

CHAIR VIGIL: I think when you have an equitable distribution of urban and rural representation Commissioners in our representative capacity have a sensitivity to those issues. A lot of the issues that the Commissioners bring forth to us that are mostly rural because they're from a representation that has mostly rural is understandable why their advocacy comes. But then I who represent mostly urban really saw this when we were dealing with the judicial complex and where to place it. My advocacy was to keep our downtown area vital. I have the urbanized perspective. The discussions that we had with regard to that came from a rural representation. There were Commissioners who wanted to place that judicial complex down further in the county area.

So when you get a balance of urban and rural perspective I think the representation that we bring is far more balanced. So that's part of the reason why I'm looking for advocacy in that. As I look at this I probably should run for City Council, since this is probably mostly municipal. I say that teasingly; I never would. So anyway, that's my take on it.

COMMISSIONER MAYFIELD: Madam Chair, and I appreciate everything you're saying. I'm just looking historically back at a statewide race, specifically the statewide Corporation Commission. Historically when there was three elected members the majority of those members always came out either from the center of metropolitan cities, Santa Fe or Albuquerque. I think a lot of deliberation went when they elected to merge the PRC and the SCC into district representation was that it would afford opportunities from different areas to be able to succeed in that seat. I'm looking at it a little smaller with our county.

My worry – voters can vote me in; voters can vote me out, but I would hope that when we go through this redistricting process and respecting one voice/one vote I believe is the premise, that we don't put this county in position where arguably there's just five metropolitan city residents who are representing all of Santa Fe County, and that voice from these rural areas will never be heard. That's just a statement I want to make. That's a philosophy I believe in. I want to disclose that I do live up north but I have my mother, my grandmother, everybody else lives in the City of Santa Fe and I grew up in the City of Santa Fe. But I would just worry that we would ever dilute enough that there would truly be able to be a rural representative sitting on this Commission. And that's all I have to add. Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thinking back on the last redistricting process I think one thing to also keep in mind, especially I think given Commissioner Vigil's situation where there's going to be one brand new Commissioner to

the Commission and there's two other races associated. There's three seats that are up for election now. One of the things I remember that happened in the last cycle was the Commission had so many proposals if you'll remember that they went back and forth on, they didn't make a final decision until January, because I remember people that were considering running for office to represent a district didn't even know which district they were going to be in. And I think that as we go through the process, whatever it turns out being that we should be cognizant that there are people that may express an interest in running for office for Commissioner Vigil's seat that have no way of making that determination finally until the Commission makes a decision on redistricting.

So I think we should be cognizant of that and not push it back as long as it was the last time, because I remember people were filing for office, Commissioner Anaya for example, they were filing for office in February, which is just a couple months before the actual election. So that goes to I think Commissioner Vigil's district is one where there will be a new Commissioner and others that affects those voters and potential candidates. So that's just something I wanted to point out.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I was just looking at my district and the numbers that were there and I realized that I'm over and there will be some adjustment. But I actually was rather surprised to see that I'm almost 50-50. Because it is possible that a lot of people in the city, even when I campaigned said, well, I can't vote for you; I live in the city. And I'd go you have a County Commissioner as well. So maybe what we hear from are the people who live in the unincorporated areas and we don't hear as often from people who live in the incorporated areas.

So when you take that into account for all of our districts, if we were going to truly represent then we all need some unincorporated. Otherwise you never hear from the people in your district because they feel like they're taken care of by the City Council. Just a comment.

CHAIR VIGIL: Okay. I think we've exhausted ourselves.

COMMISSIONER STEFANICS: Well, I think we need to ask for something though.

CHAIR VIGIL: I think it was summarized in terms of maps. Did you want to add anything?

COMMISSIONER STEFANICS: No. But how many sets? I would like to have more than one set brought forward so we can start a dialogue.

MS. MILLER: Madam Chair, Commissioner Stefanics, as I said, there were like three different directives you gave us and I would think that we could probably come up with three scenarios in each one of those.

COMMISSIONER STEFANICS: Great.

CHAIR VIGIL: Thank you very much, Erle.

MR. WRIGHT: Thank you very much, Madam Chair. Just one quick thing. In the interests of the public comment, the League and others have asked that this could be scheduled at the same point on the agenda once we get into options, like at public hearing times. And that's just for consideration of the Board.

And then also one of the things I wonder about is the materials get in your packet but

did you want, now that we have at least four options to come up with, did you want those published on the web prior to the meeting? That gives the public a chance to see them beforehand. I'm not real comfortable putting them out there if the Commission hasn't seen it itself.

CHAIR VIGIL: I think when it becomes part of our packet it gets published, because that makes it a public record, so I think when it's ready to be placed in the packet it should be published on the web.

MR. WRIGHT: Very good.

COMMISSIONER ANAYA: Madam Chair, on that point, just maybe a subtle tweak to that. As you get those maps available, prior to them being posted, if you could distribute them to us so that we could look at them as soon as we can. That would be helpful.

MR. WRIGHT: Well, they could certainly be sent, the .pdf's that are out there and the way the portable document format is now you can actually turn layers on and off and it's actually – that's kind of the last question I had for you and I'm sorry I'm kind of stretching it here. I know you've had a long day. But it's also if you wanted to deal with these only in hard copy format, or we would have the ability to actually pull up the software which is up in front of you now and work on them. And we can do it both ways. But it could be a little time consuming to actually work through the software so I've tried to avoid that so far in just these informational sessions. But I think when we get to moving the plans forward it might help to really see – to be able to zoom into the map and see the details of a given precinct and exactly where the boundaries are, which streets. Which arroyo the boundaries are on.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: On that point, I think that next time, at the next meeting you're going to have quite a bit that you're presenting to us and for the public to take in. So we wouldn't – my opinion is that we might not want to be interactive at that meeting because it might be a lot to absorb and we want to receive the input from the public. But I certainly would be interested in seeing that some time, how we can manipulate the districts.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I don't know if it's possible, but you could a small – or not a small, a watermark that says "draft" on each one of those maps, across it?

MR. WRIGHT: Absolutely. Yes. They can be big, bright red letters.

COMMISSIONER MAYFIELD: No, just so it's clear to look at, that these are just drafts, discussion drafts.

MR. WRIGHT: Yes. They'll be clearly labeled as options and not the plan. Everything that we will bring to you will be an option for consideration and discussion.

CHAIR VIGIL: Thank you very much, Erle. We look forward to our next meeting on this.

XIII. E. 2. Resolution No. 2011-101, a Resolution Establishing Drought Mitigation Measures to the Santa Fe River [Exhibit 5: Text of Resolution; Exhibit 6: Community Comments]

MS. MILLER: Madam Chair, that is actually from the Manager's Office. Penny's handing out the actual resolution for passage. Just so you know, this has been a pretty big discussion over the last couple weeks. Commissioner Anaya had brought it forward at our previous Commission meeting. We've been working with the City of Santa Fe, community of La Bajada, BLM, Game and Fish and the Cochiti Pueblo. The Commissioner, his liaison, and several people involved in dealing with the cat the river down into La Bajada for their crops and irrigation. Additionally, the impacts or potential impacts of beaver dams on the upper public lands owned by City, County and BLM on the flow of the river.

So we were working last week with the community, with the City and these other entities trying to assist the community in getting water for their critical needs in addition to finding a way to make a permanent resolution to what's happening with the beavers on the river.

So as I stated with Commissioner Anaya, we were working on that but obviously the issue of what to do specifically with the beaver population on the river is a quite complex one, so we were trying to find some solutions without actually tackling the issue of what do we do relative to the river residents of the beavers there and how do we deal with that issue in the long term, but what can we do currently to assist the community of La Bajada in getting water?

So this resolution talks about what some of the issues are in the recitals, and then in the final part of the resolution what we are actually doing, the steps we're currently taking to deal with it and then what we need to do as we move forward.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate the summary that Ms. Miller provided. I do want to state publicly that this is an item that has come to my attention from the Village of La Bajada as well as members of La Cieneguilla that raised concerns associated with water flow, damming and flooding issues associated with the areas in and along the river. It's a very serious issue and very serious considerations as to preserving the area but maintaining historical uses of water flow in the Village of La Bajada and La Cieneguilla. That is very, very important to me as a representative of the district and I believe to the Commission representing all of the districts.

What I would add to that, and I would seek the support of the Commission to adopt, but what I'd like to add a request associated with the resolution, Ms. Miller, is we – I've been reading a lot and learning a lot from predominantly the residents of La Bajada as well as La Cieneguilla, but we're also learning a lot from Game and Fish and BLM and other individuals directly involved with the situation. But one thing that came about last week that I want to have staff do some further evaluation on is that when water sits water evaporates and water seeps at a rather large rate. And I would like some evaluation by staff on that. We already know we have several dams but we have a lot of standing water in those dams and I would like the staff to undergo some evaluation of what in gallons are we potentially losing

in those corridors with that sitting water in addition to the coordination work that's going to happen in the resolution.

What I've been hearing and learning in our lakes across New Mexico and other standing reservoirs is there's a tremendous amount of water loss that occurs through evaporation, millions of gallons, feet, in lakes was an example given to me today, up to six feet per year in a given lake could be lost to evaporation. So it's a very, very serious and critical aspect but I think in some of the discussions that were held last week some of that was downplayed I think a little bit. Not by County staff, but I think there is a tremendous amount of water that is being lost through evaporation. So I would like the support of the Commission on the resolution. I appreciate the staff working through the resolution and I appreciate the efforts on getting the water flow going.

We do have some members of the community here, Madam Chair, I would like to give them a chance to respond, but Katherine, can you talk about some of the efforts specifically that we're going to do to increase that flow.

MS. MILLER: Yes. Madam Chair, also I think David Harrington, he – and I passed it out to you, a copy of the community comments and concerns regarding the restoration of the Santa Fe River. I put that up there. He's been here all day patiently waiting as well as some of the other members from the community. But I did want to let you know that he brought that and I handed that out, made copies and provided it to you.

Additionally, in the resolution as I stated we have been working with the different governmental entities to try to come up with some resolution that we can do immediately. First of all, the community was struggling greatly with having any water at all. They had completely dry ditches, riverbed, everything, and so we did take some water down last week immediately while we were working to restore some of the flow to the river. The City provided water and also helped truck down water, I think to the tune of about 40,000 gallons or something like that, after hours, to try to save their trees and some of their longer-term critical crops.

And then we also – so we were doing that. It is my understanding the river, based on the rains, probably last night, plus some work on BLM. There is flow in the river and it has finally made it down today to La Bajada. So that's some good news, but they could probably speak to that much better than I could.

Also, we had Game and Fish out and they were out yesterday. They're doing a full assessment of the entire area, because it doesn't really work to just assess ours. It's estimated that we have four dams or so on County property that could be obstructing the flow but it seems like it's a flat area and it's incredibly hard to access all of the areas. It's about a 2 ½ mile stretch of the river that's being impacted by the beaver population and the beaver dams, and it's estimated that there's about 20 to 30 beaver dams along there and the gentleman from Game and Fish, he was at our meetings last week. He heard all the different entities' concerns and he was out there the better part of a day with our staff yesterday and is requesting from his supervisor time to be there in addition to that to finish an entire survey of the area. He said that there's quite a few issues dealing with it. If you try to remove the beavers on one area they will just migrate to another. If you break down the dams they'll rebuild them.

So they're trying to help us really assess and survey the impact of it. BLM has put in some water metering. They're going to put water metering on their property which is the

most southern part of the property of public lands and up at the effluent station so that they can determine how much flow is being lost through that area and they're going to provide that information. We were hoping to work with them on that issue.

In the meanwhile we're also assessing what can be done. They're called beaver deceivers or flow-through or flow-over devices and they are 12" pipes that are about 20 feet long and they're doubled wall and they go underwater at one end and underwater at the other end so that the beavers can't hear the water flowing through. And they're doing an assessment for us as to whether those would work. Just an estimate, a rough, rough estimate is each pipe costs approximately \$400, two pipes per dam, 25 dams at \$400 each is about \$20,000 and this is all entities involved. And then about three hours of installation per dam or 150 hours for two people to do the work.

So that's real thumbnail but it's kind of what their initial survey yesterday produced, and as I said it needs to have a lot more extensive surveying of what else can be done. Some of these beavers are very big, very territorial. Sixty pounds, and they can be incredibly aggressive and territorial. So they're also cautioning people from just going in there and trying to do something on their own.

So that's what we are doing. We are also – and the City has been working with us. They have an FAA study that's being done. The Mayor and City Manager are estimating about six months before that would come out, as to whether the Federal Aviation would require some type of removal or change to that area based on it being a wildlife habitat that can be dangerous to planes flying in and out. But they want to wait for that. But meanwhile, they have been – they said they are releasing two million gallons of effluent into the river a day, anywhere from 1.6 to 2 million but they been actually releasing 2 million per day into that area from their waste treatment plant.

So that's where we are to date, as well as additional coordination with all of those entities.

CHAIR VIGIL: Thank you, Katherine. I just want to underscore, thank you for putting all the work into this. I actually was at the meeting with the community and discovered truly not only a beaver problem but short-term and long-term problems and I actually think it was a good meeting with the stakeholders that were necessary to address some of the issues and questions that everybody had with regard to this. So I'm really in favor of moving forward with this resolution, if you're ready to make a motion.

COMMISSIONER ANAYA: Madam Chair, they've been sitting all day and I really would appreciate it if the members of the community could make some comments.

CHAIR VIGIL: Do you have a spokesman? Are you all to here to speak, or could we divide things up?

COMMISSIONER ANAYA: There's only three of them, Madam Chair.

CHAIR VIGIL: Actually, I see one, two, three, four. Is there anybody behind? Oh, that's Annabelle. Please step forward.

DAVID HARRINGTON: Thank you, Madam Chairman and Commissioners. Maybe a month or two ago back with all the things going on, this is an ongoing problem that's been for several years, actually. At least a couple. And we weren't getting anywhere, it seemed like, and so we did communicate with Tom Udall, and that's where we wrote this Community Comments and Concerns regarding the restoration of Santa Fe River.

CHAIR VIGIL: It does ask for a working group. This working group would include representatives from the County, the City of Santa Fe, BLM, Game and Fish, La Bajada community, La Cienega, La Cieneguilla, Cochiti Pueblo, Office of the State Engineer and Army Corps of Engineers. And a lot of those issues that you're bringing forth, this is the working group that would be able to discuss and create resolutions with.

MR. HARRINGTON: Right. I don't mean to take up too much time. I just – I did want you all to get this so at least you have a concept of all of the issues that are really – I guess somebody back a few years ago had this idea, gee, maybe we'll just plant a few trees down there and have a little wetland, and what they did in the process – dividing the river makes the river spread out, which it has, and all this stuff has really created potential catastrophe down there. I myself was not fully aware of it until this spring when we started running out of water and I started coming up and realizing what's become of that area. It's a big concern on a lot of levels. Everything from flying planes to bacteria in the water.

CHAIR VIGIL: And part of the problem with that is as we discussed in our group is this is a multi-jurisdictional kind of issue and the wetlands issues really goes to the City of Santa Fe because that was a project that they addressed. So when you get the working group together and you get the right people at the table we'll be able to better create resolutions.

MR. HARRINGTON: One of the things I would note – we sent this all to the Udall Office. Ana Rael Delay at Udall's office contacted the Forest Service, BLM, Army Corps of Engineers, so one of the responses she got from the BLM was that they just couldn't wait to show Senator Udall their wonderful wetland. And I just – nobody ever said anything about a wetland when they started planting trees. Obviously, somebody had it in their mind. But nobody made plans on where they were going to get the water from the wetland, the whole evaporative problem and all those things. This whole thing has been done without taking all these various considerations into consideration, all these factors. I'll be glad to work with you and all.

CHAIR VIGIL: I'm not sure how the community wants to appoint representatives but I know just having worked with you you have a good background. Is there anybody else wanting to talk?

COMMISSIONER ANAYA: Madam Chair, I'd like to make a comment. We made some adjustments. This was an item that was duly noticed to the public and we made some adjustments at the beginning of this meeting to accommodate the hospital issue and the nurses. We gave them the opportunity to comment, provide feedback, and this is the second time that La Bajada has been here and there's kind of a pattern here that I want to just say that I want to hear these concerns. Everybody might feel a little tired but these people have been sitting back here waiting.

CHAIR VIGIL: I don't think there's an issue. Have you expressed your concerns or do you need more time?

MR. HARRINGTON: I think as long as you read our concerns and –

CHAIR VIGIL: And we do have it as part of our record.

MR. HARRINGTON: By the way, I'm a retired operating room nurse. I worked 30 years at St. Vincent so I felt a lot of affinity to the people that were here first.

CHAIR VIGIL: It does ask for a working group. This working group would include representatives from the County, the City of Santa Fe, BLM, Game and Fish, La Bajada community, La Cienega, La Cieneguilla, Cochiti Pueblo, Office of the State Engineer and Army Corps of Engineers. And a lot of those issues that you're bringing forth, this is the working group that would be able to discuss and create resolutions with.

MR. HARRINGTON: Right. I don't mean to take up too much time. I just – I did want you all to get this so at least you have a concept of all of the issues that are really – I guess somebody back a few years ago had this idea, gee, maybe we'll just plant a few trees down there and have a little wetland, and what they did in the process – dividing the river makes the river spread out, which it has, and all this stuff has really created potential catastrophe down there. I myself was not fully aware of it until this spring when we started running out of water and I started coming up and realizing what's become of that area. It's a big concern on a lot of levels. Everything from flying planes to bacteria in the water.

CHAIR VIGIL: And part of the problem with that is as we discussed in our group is this is a multi-jurisdictional kind of issue and the wetlands issues really goes to the City of Santa Fe because that was a project that they addressed. So when you get the working group together and you get the right people at the table we'll be able to better create resolutions.

MR. HARRINGTON: One of the things I would note – we sent this all to the Udall Office. Ana Rael Delay at Udall's office contacted the Forest Service, BLM, Army Corps of Engineers, so one of the responses she got from the BLM was that they just couldn't wait to show Senator Udall their wonderful wetland. And I just – nobody ever said anything about a wetland when they started planting trees. Obviously, somebody had it in their mind. But nobody made plans on where they were going to get the water from the wetland, the whole evaporative problem and all those things. This whole thing has been done without taking all these various considerations into consideration, all these factors. I'll be glad to work with you and all.

CHAIR VIGIL: I'm not sure how the community wants to appoint representatives but I know just having worked with you you have a good background. Is there anybody else wanting to talk?

COMMISSIONER ANAYA: Madam Chair, I'd like to make a comment. We made some adjustments. This was an item that was duly noticed to the public and we made some adjustments at the beginning of this meeting to accommodate the hospital issue and the nurses. We gave them the opportunity to comment, provide feedback, and this is the second time that La Bajada has been here and there's kind of a pattern here that I want to just say that I want to hear these concerns. Everybody might feel a little tired but these people have been sitting back here waiting.

CHAIR VIGIL: I don't think there's an issue. Have you expressed your concerns or do you need more time?

MR. HARRINGTON: I think as long as you read our concerns and –

CHAIR VIGIL: And we do have it as part of our record.

MR. HARRINGTON: By the way, I'm a retired operating room nurse. I worked 30 years at St. Vincent so I felt a lot of affinity to the people that were here first.

CHAIR VIGIL: Thank you very much. Sir, would you please come forth and state your name for the record.

DARREN NUSBERG: Darren Nusberg from the Village of La Bajada. Thank you very much, Madam Chair and Commissioners. Glad to see you again. I was very glad to see you at last week's kind of emergency meeting. Manager Miller, thanks so much for your support. I just publicly wanted to thank Commissioner Anaya and Commissioner Mayfield back since February and Commissioner Vigil for jumping in and really getting some motion on this especially when it was crisis time for us. As you mentioned already, it's a long-term issue involved with the short-term issue and multiple jurisdictions.

So I'm encouraged to hear that we can take back to our neighbors that we have BLM involved and actively working, Game and Fish involved and actively working. Those were going to be my questions is as much as this resolution is coming up before the Commission today, kind of what were the other stakeholders doing? What were the other entities, particularly the City and BLM doing within their spheres of influence, to keep on sort of with the short-term problem. So I think we got the answers to those questions. I just wanted to thank you very much for all your help and for forming the working group and that. I look forward to continuing to participate in that and again, thanks again for all your support and making our community's issue a County issue.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you for your comments. I know I just received a copy of the amended resolution. Have the community members been provided with a copy?

CHAIR VIGIL: You didn't receive the original one that talked about beaver deceivers? Well, we have a funny version and we have a real version. Which one would you like? The one we're going to take action on. On the funny version I think there's a section there that says Whereas, staff has researched the possibility of beaver retrievers, but found a better alternative is to use a beaver deceiver. I'd like to amend that to say, and if that doesn't work we'll use beaver cleavers.

I think it's otterly obvious that we need to make those amendments. Any other questions? Anybody else want to address the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, I would like to make a comment and then move for approval. My comment would be that we don't speak on behalf of BLM. We don't speak on behalf of the City of Santa Fe or any other of those multi-jurisdictional issues but we do have property in the corridor. We do have things that we can do within our realm to address those items in our corridor and that's the action and the immediate need that I've asked staff and the Manager to work through. So with that, Madam Chair, I'd move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR VIGIL: I have a motion and a second. Kathy, are you still there?

COMMISSIONER HOLIAN: Yes, I am.

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

XII. A. 3. Resolution 2011-102, Requesting an Operating Transfer From the General Fund (101) to the Economic Development Fund (224) for Expenditures Related to the Santa Fe Media District/\$32,242.81 (CMO/Finance Department) [See page 42.]

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I would to bring up, or I would like to move item XII. A. 3, Resolution 2011-102, requesting an operating transfer from the general fund to the economic development fund for expenditures related to the Santa Fe Media District.

CHAIR VIGIL: Okay. I'll second that.

The motion passed by majority 3-2 voice vote, with Commissioners Holian, Stefanics and Vigil voting in favor and Commissioners Anaya and Mayfield voting against.

CHAIR VIGIL: I have three in favor and two against. We will reconsider it. Does it need to be reconsidered by discussion or just for a vote? Because that's the way the rules read, right?

MR. ROSS: Madam Chair, vote only.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: So the motion is 3-2 and that action item has passed.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, I think Mr. Kolkmeier is here and I brought up the issue earlier on the code update which is a huge undertaking.

CHAIR VIGIL: Yes. Ms. Miller just requested that we allow a couple of minutes for this.

MS. MILLER: Madam Chair, if Jack could just give you a quick update. He'll give you the status of things in less than a couple minutes and we'll give you a formal presentation at a future meeting but it was a request earlier so I asked Jack to be here to give you that info and he said he could give you a very quick version.

CHAIR VIGIL: Thank you. Thank you for being here, Jack.

JACK KOLKMEYER (Land Use Administrator): Madam Chair, Commissioners, thank you. Good evening. I'll give you the quick, two-minute version right now and as the County Manager stated we'd like to come back after we do this next big rounds of public meetings and do a really in-depth update for you with a power point and lots of other things. But just to go over a couple things, because you're right; this is really important and we're now moving into our second phase. We're about a third of the way through.

As you recall we started back on the 18th of May and as a result of those meetings we chose the first concept decision point which was home-based businesses. We held meetings

on those on June 9th and 13th on this topic and then afterward we prepared a detailed review and alternatives that we presented to you in a study session on June 21st. You gave us direction to move forward with that concept and we've actually now prepared what we're calling a concept code draft. So we actually have that whole first portion not put into a draft format, which is what we want to take next to the final focus group. That's why the discussion early on to make sure we had members on the focus group was clear and completed at that point. We're going to do that next week.

We're also next week going to do a focus group on the agriculture group provided we get that all together as well. Then we're going to move into our next round of CDP public meetings. That's the big meetings, and we're going to do four of them next week. Monday night we'll be in Edgewood. Next Tuesday we'll be in Pojoaque. Next Wednesday we'll be in Eldorado and next Thursday we'll be in Agua Fria. So we have a lot of meetings coming u here in the next couple of weeks.

Then we're going to move into the second – those meetings will be on green building standards and open space and trails, by the way. So these will also be really important to a lot of your constituents.

And then we'll do the same thing; we'll have focus groups that will get very specific about those two topics and we'll prepare actual code drafts that will go back to the public and they can look at that via the focus groups as well as some more public meetings, as many meetings as we need to have. Then we're going to move probably towards the end of August, early September where we hope will be the final group of CDPs which will be water, family transfers, affordable housing, densities and zoning districts. And then we think that we'll be able to have enough information at that time to move forward with really getting the code draft all together.

We're working right now actually on Chapter 6 which is the sustainable design and improvement standards with Legal and with our technical review staff. So it seems like it's a lot of work and maybe it seems like it's a little slow and cumbersome but we're getting really tremendous support from people. We put out the newspaper ads asking for people to be involved in these focus groups. That was part of the issue, I think. We got 60 applicants, and that was really great. So we want to involve as many people as we can and we feel like we're really on a good track here, and as we said when we started this on May 18th, our goal is to try to get to a full-blown draft version of the code by the end of December.

So that's an update. We'll give you more detail in August.

CHAIR VIGIL: Questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: One comment and a request. Based on the feedback I'm receiving on the focus groups, some of the community members are feeling like are we going to have another opportunity after the focus group, not at the focus group meetings, to have another roll-up meeting before those items come to the Commission? So I want to make sure that we have – to use home occupations as the example – we had home occupation discussions throughout the county, then we had discussions with the Commission on some direction, and then we're going to have focus groups on home occupation. I want to go back to those different areas in the county with what the focus groups came up with and

recommendations back to those communities again before it comes back to the Commission. That way we started with the community on an issue, we worked through some of the technical issues and some of the detail where people have more time to work on the details, but then we went back to those communities before it comes to the Commission.

MR. KOLKMEYER: Commissioner Anaya, we have just a slightly different take on that. I think we're on the same track but what we wanted to do with the ordinance, because we're not ordinance writers, but we have it in the best format that we can. What we'd like to do after the focus group is send it to Legal, let them put it in what they consider to be a code format, then take it back out to the community. Because otherwise, we'll play ping pong back and forth forever. But that way, if we go to Legal we'll get back a document from them that they say, okay, this is what we want to put into the code and have a discussion with the community. It's fairer to the community that way we think.

COMMISSIONER ANAYA: Madam Chair, Mr. Kolkmeier, that sounds reasonable. I just want to make sure we started on an issue and followed it through, and then after legal go back to them again to say, and here it is coming back to you, what other feedback do you have before this goes to Commission? So I appreciate the effort, I appreciate the time. I haven't made all my recommendations on my focus groups yet; it's a tough thing to do when you have a lot of people that are wanting to be at that table. But I appreciate your efforts.

MR. KOLKMEYER: Commissioner, I would be happy to sit down with you and help you if you need help on that with us too.

CHAIR VIGIL: Okay. Jack, is there anything else you need to add to that at all?

MR. KOLKMEYER: Thank you very much, Commissioners.

CHAIR VIGIL: Thank you for that update. I think that's it, Ms. Miller. Is there anything else that you need to report?

XIII. F. Matters From the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

CHAIR VIGIL: Then we can move on to Matters from the County Attorney and I'm assured from the County Attorney that it will be a brief executive session but we do need a motion to go into it. For what purposes, Mr. Ross?

MR. ROSS: Just some updates on pending or threatened litigation.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, I know in the past I've asked for a little more, I guess insight to what we're going so the public can be informed. Can you say what cases we're potentially going to be going into closed session for or is this just general?

MR. ROSS: Madam Chair, Commissioner Mayfield, more general.

CHAIR VIGIL: Okay, so do I have a motion in that order?

COMMISSIONER STEFANICS: Madam Chair, I would move and I'm sorry, I wasn't paying attention.

CHAIR VIGIL: It's – we just need to go in for your discussion of pending or threatened litigation.

COMMISSIONER STEFANICS: Okay. I move that we go into executive session for the pending or threatened litigation.

CHAIR VIGIL: Okay. I'll second that. We need a roll call vote. Commissioner Holian, are you still there? We're taking a vote, a roll call vote on going into executive session for pending and threatened litigation. The roll call thus far as been from Commissioner Anaya saying no, Commissioner Mayfield saying no.

COMMISSIONER HOLIAN: I say yes.

The motion passed by majority 3-2 roll call vote with Commissioners Holian, Stefanics and Vigil voting in favor of the motion and Commissioners Anaya and Mayfield voting against.

CHAIR VIGIL: So we're going to go into executive session. Commissioner Holian, we can call you, or can we transfer the call into executive session.

COMMISSIONER HOLIAN: I imagine you'll have a short break so maybe you could call me again.

CHAIR VIGIL: Okay. We'll call you back then. Thanks. Let's take a five-minute break.

[The Commission met in closed session from 7:00 to 7:25.]

CHAIR VIGIL: Okay. We need a motion to come out of executive.

COMMISSIONER STEFANICS: Madam Chair, I move that we come out of executive session after having discussed pending or threatened litigation. Present in the meeting were four Commissioners: Commissioner Holian, Commissioner Vigil, Commissioner Mayfield, Commissioner Stefanics, our County Attorney, our Deputy County Attorney, our County Manager, and our Deputy County Manager.

CHAIR VIGIL: Okay. Is there a second?

COMMISSIONER MAYFIELD: Second.

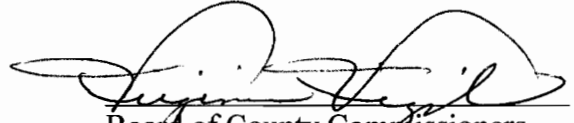
The motion passed by unanimous [3-0] voice vote. [Commissioner Holian and Commissioner Anaya were not present for this action.]

CHAIR VIGIL: Thank you all for your patience and your diligent work today. We got a lot done.

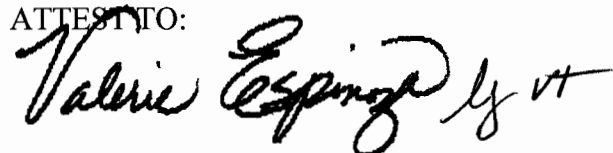
XIV. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 7:25 p.m.


Approved by:


Board of County Commissioners
Virginia Vigil, Chairwoman

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


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





6260 Riverside Plaza Lane NW, Suite A
Albuquerque, NM 87120
Office [505] 873-6035 Fax [505] 873-0145
e-mail info@rgec.org website www.rgec.org

EXHIBIT

tabbles



RGEC Enrichment Model

The Rio Grande Educational Collaborative (RGEC) Before and After School program is quite special. We provide a variety of classes, such as sports and fitness, drama, music, computer literacy, strategic games, dance (traditional and modern), nutrition and cooking, arts and crafts, science and life skills. We also integrated math and reading as important elements of each class. However, our programs are structured and delivered as a complement to the school day. We provide relevant enrichment activities with embedded academic exercises. So, this is not more school after school but instead a creative and stimulating component of the school day that furthers the education of the child, promotes consistency in school academic standards yet within a delivery that is fun for the child. Our educational based Before and After School program is special but it is special by design.

As part of our academic model we directly correlate our curriculum to the New Mexico Academic Standards, to the specific school needs and to the nationally recognized EPSS Model (Educational Plan for Student Success). Moreover, we further integrate our programs into the school and community by having staff participate in the School Leadership Councils, made up of parents, teachers and principals. This allows us to further align our goals with the respective school's goals and become a true partner in educating our students. We also incorporate the local self-assessment model adopted in New Mexico, which provides a structured process to measure the effectiveness of our programs on student behavior, school preparation, and academic performance. We have adopted this model to insure the Quality of our programs so that by instituting an accountability mechanism for data measurement of our educational service delivery we ensure that we are in line with both what the community and school want, while providing the standards that the state requires.

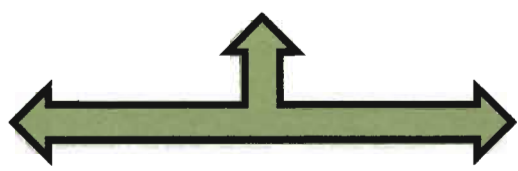
As a final measure of our success we recognize the absolute importance of the service provider in our educational programs. We do this by hiring Certified school staff such as Teachers, Educational Assistants, and Community Liaison's to operate our Before and After School programs. By using certified instructors we can provide high quality programming that allows for systematic imagination and autonomy yet also incorporate a hands-on approach to teaching the same academic standards delivered during the school day. Greater autonomy in teaching leads to creative and exciting ways to teach such as teaching science through a gardening project or teaching math through a dance exercise. The creativity and power of the teacher can be fully utilized within our Before and After School programs thus making the programs enjoyable and exciting for the children and also provide a high quality learning environment like no other.

The Rio Grande Educational Collaborative Educational Enrichment Model is quite unique, and extensive in design. We are aligned with school academic standards thus assuring quality programming and accountability, delivered by high qualified instructors who can teach with greater creativity and autonomy during the Before and Afterschool portion of a school day. We are honored to partner with schools, communities and parents; our enrichment model is a complement to a child's total education.

RGEC Enrichment Model

	Monday	Tuesday	Wednesday	Thursday	Friday
8 AM	R e g u l a r S c h o o l D a y				
12 PM	Early Release				
3 PM	Homework/Tutoring and Snack	Homework/Tutoring and Snack	Homework/Tutoring and Snack	Homework/Tutoring and Snack	Homework/Tutoring and Snack
6 PM	Academic Enrichment Classes: Drama and Literacy Arts and Crafts Physical Wellness and Nutrition	Math and Science Exploration	Academic Enrichment Classes: Drama and Literacy Arts and Crafts Physical Wellness and Nutrition	Math and Science Exploration	Academic Enrichment Classes: Drama and Literacy Arts and Crafts Physical Wellness and Nutrition

EPPSPLAN



SCHOOL LEADERSHIP COUNCIL

Federal, State, and Local Tax-Exemptions for Nonprofit Hospitals

A Broad Overview of the Various Requirements for Nonprofit Hospitals to Receive Tax Exemptions

David Anderson
Fiscalian Journal



Introduction

- Nonprofit hospitals have traditionally operated to benefit indigent populations.
- For this reason, these hospitals have been given federal, state, and local tax-exemptions. These exemptions have also given hospitals access to easy financing.
- Recently, however, some have questioned whether nonprofit hospitals are doing enough charitable work--or enough work to benefit their communities--to justify their tax exemptions.

Overview

- This presentation aims to do four things:
 - 1) Discuss the value of tax-exempt financing for non-profit hospitals;
 - 2) Outline the federal legislative history of tax-exempt hospitals and discuss the current standard;
 - 3) Outline state laws and regulations detailing the requirements to receive tax exemptions; and
 - 4) Discuss what still needs to be looked into.

Value of Tax-Exemptions

- Tax-exemptions offer two types of financial benefits for nonprofit hospitals.
 1. Hospitals do not have to pay taxes on their net income or sales taxes.
 2. They have access to tax-exempt financing, which gives them a bountiful supply of cheap credit.

Federal Legislative History

- The old standard, adopted by the IRS in 1956, was the **Charity Care standard**.
- It stated that, among other requirements, to receive a federal tax exemption a nonprofit hospital must help those “[patients] not able to pay for the services rendered” to “the extent of [the hospital’s] financial ability.”
- This standard proved difficult to enforce and it was changed in 1969.

Federal Legislative History (cont.)

- The more recent standard is the **Community Benefit Standard**. The Community Benefit Standard is much broader than the old Charity Care standard. This makes it much easier for many hospitals to qualify for a federal tax exemption.
- The Community Benefit Standard lists several factors which help to determine whether a hospital qualifies for the tax exemption. The hospital need not satisfy all factors to receive the tax exemption.

Attempts to Change the Standard

- The minority staff of the Senate Finance Committee drafted a document which recommended changes to the Community Benefit Standard.
- A few of their suggested changes include the following:
 - Nonprofit hospitals must develop a charity care policy and publicize it.
 - Nonprofit hospitals must provide quantitative amounts of charity care.
 - There should be sanctions for failure to meet requirements.

State Standards

- Some states wanted more stringent standards before granting tax exemptions to nonprofit hospitals.
- According to the GAO, 15 states have community benefits requirements in statutes or regulations.
- Ten of those states have detailed standards, while another five do not.

Requirements from a Sample State

State	Description of Requirements	Activities Included in the Definition of Community Service	Penalties
Maryland	<ol style="list-style-type: none"> 1. Identify community health care needs. 2. Annual community benefits report, which includes the hospital's mission statement, a list and costs of each community benefit initiative, a description of gaps in availability of specialist providers to serve the uninsured. (Md. Code Ann., Health-Gen. § 19-303) 	<ul style="list-style-type: none"> • Health services provided to vulnerable or underserved populations, such as Medicaid, Medicare, or Maryland Children's Health Program enrollees. • Financial or in-kind support of public health programs. • Donations that contribute to a community priority. • Health care cost containment activities. • Health education, screening, and prevention services. (Md. Code Ann., Health-Gen. § 19-303) 	For failure to file the community benefits report: civil penalty of \$100 per day unless an extension is granted. The Health Services Cost Review Commission may refuse to grant a rate increase to any hospital that does not file a required report. Any substantially incomplete or inaccurate report may not be considered timely filed. Institutions may request reasonable extensions of time to file required reports. (Md. Regs. Cod tit. 10, § 37.01.03)

What's next?

- Prior federal legislative attempts at changing the community benefits standards and the various approaches by different states offer many different approaches to dealing with nonprofit hospital tax exemptions for county governments.
- We need to look at how counties are currently approaching dealing with nonprofit hospital tax exemptions.
- We need to look at creating guidelines on what appropriate standards for counties might be.



July 26,

tabbles

Santa Fe County's Portfolio & Investment Plan

July 26, 2011

Good Afternoon Commissioners:

In compliance with Santa Fe County's Investment Policy (Resolution No. 2007-102), this presentation is submitted to give the County Board of Finance an update on the County Treasurer's investment plan for the foreseeable future and a status report of the County's investment portfolio.

Treasurer's Investment Portfolio

Attached is a copy of Santa Fe County Treasurer's Portfolio which shows the County's investments in CD's; Government Agencies (Bonds) and U.S. Treasuries including our Charles Schwab accounts; and demand deposits we currently have through June 30, 2011. The County's total portfolio as of June 30, 2011 was approximately \$213,159,801.34 and doesn't take into account any outstanding expenditures or encumbrances. The portfolio is a snapshot in time and has been updated to include all investments made through July 13, 2011.

The County's securities at Charles Schwab consist of Government Agencies (Bonds) and Treasury Bills: our holdings currently stand at \$129,214,754.76 million. Going forward, we expect to increase this category even more due to federal regulators concerns with banks that are over capitalized. These types of investments are laddered to meet the County's cash flow needs as estimated by the Treasurer in anticipation of when various projects might draw down funds as they near completion.

I continue to stress the need for my office to receive a cash flow analysis received in a timely basis from the parties involved in order to make better informed investment decisions.

The County Treasurer's Investment Committee continues to meet on a monthly basis. We present an agenda to the Committee each month that includes types of investments made, investments that matured; and minutes from the prior month meeting. We monitor the bank's

July 26, 2011

rating through the use of bankrate.com and other web sites which provide a rating and analysis on financial condition of our county banks.

I want to thank the Investment Committee for their commitment to attend these monthly meetings. I know they have many meetings and obligations they have to attend to on behalf of the County.

Investment Plan

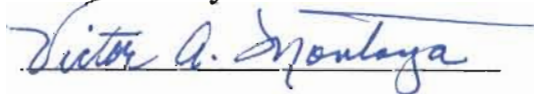
The County Treasurer's primary objective is to insure the County's portfolio contains safe, liquid and diversified investments while earning a market rate of interest on all money that is not immediately required to meet the County's cash flow needs.

The County Treasurer's investment plan remains the same for the upcoming fiscal year ending June 30, 2012. The strategy continues to be to diversify the portfolio and invest in all permitted investments authorized in the County's Investment Policy and statutes with an allocation of safe, liquid and diversified investments while earning a market rate of return on all money (funds) not immediately needed to meet the County's cash flow needs.

For the near future we plan to continue to look for investments that benefit our local economy here in Santa Fe County that will assist banks and credit unions with the ability to provide mortgage loans, auto loans and short term construction financing to our county constituents. At present this task proves to be difficult with federal regulators monitoring banks that have too much capital on their books. LANB informed us on December 1, 2010 the highest yield they could pay the County on our funds would be .01% on CD's and Savings Accounts and they wanted us to move our CD's and Savings to a Charles Schwab Account to lower their capital balances to comply with federal regulator mandates.

Madam Chair and Commissioners that concludes my portion of the presentation, thank you for your kind attention and I make myself available to answer any questions you might have.

Submitted By:

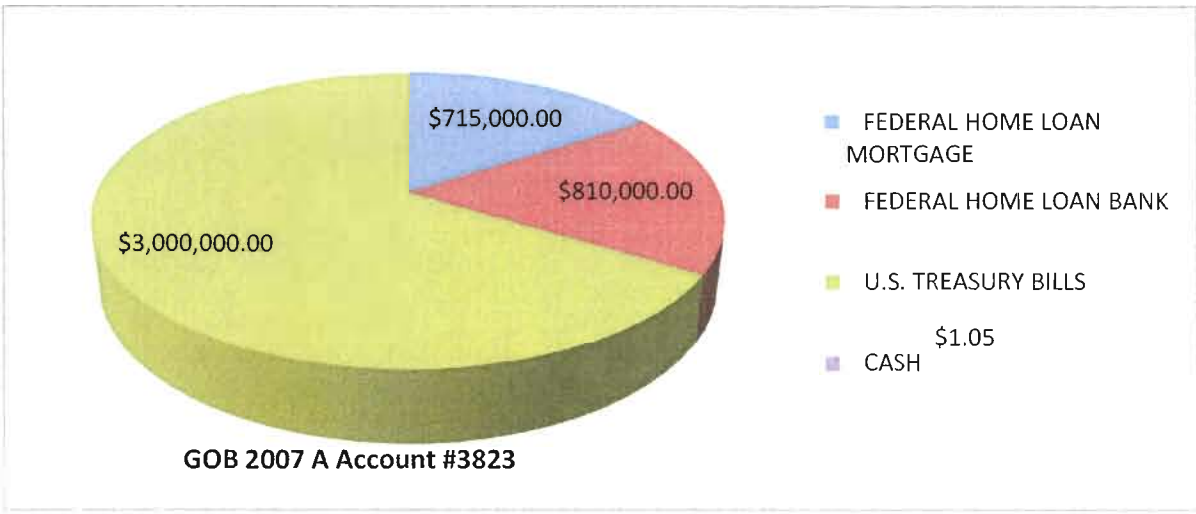
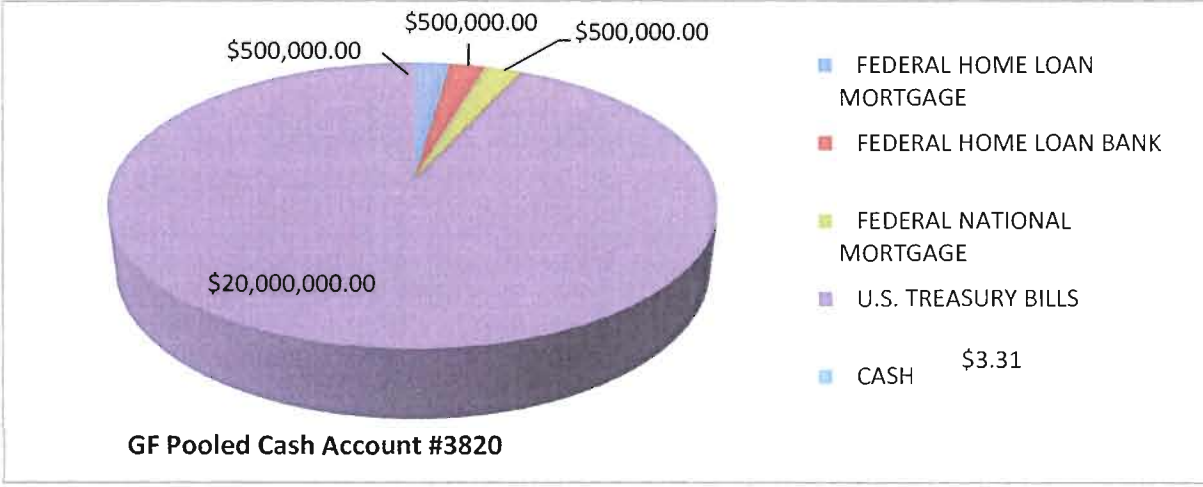
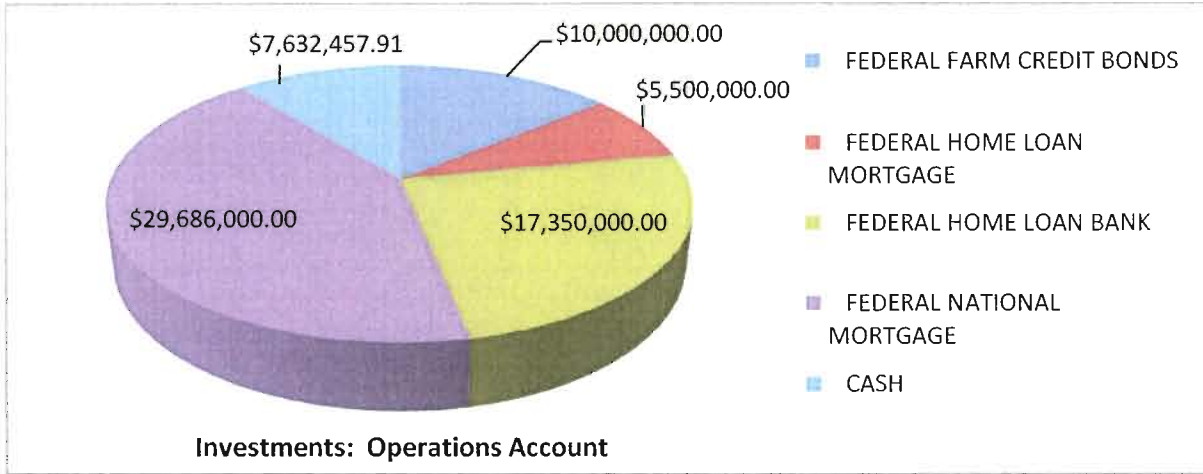


Santa Fe County Treasurer

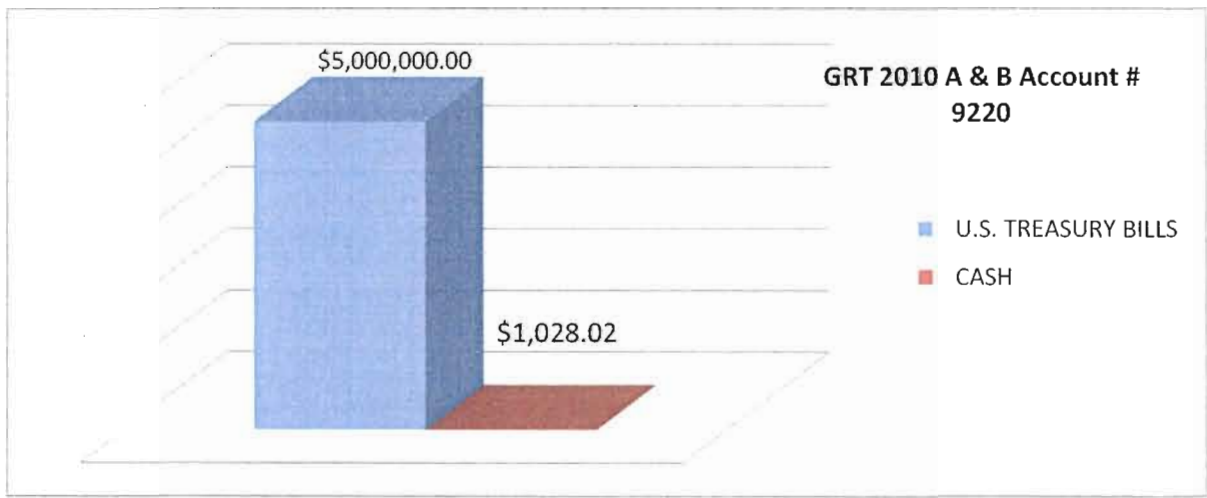
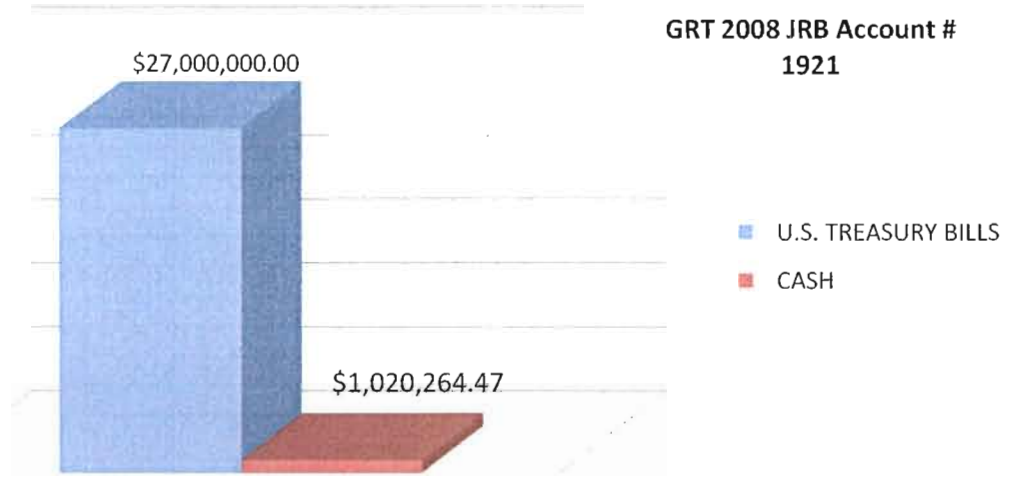
SCOTLARK RECORDED 09/01/2011

**SANTA FE COUNTY
TREASURER'S INVESTMENT PORTFOLIO**

ASSET CLASSIFICATION	ITEMS	YIELD	PRINCIPAL
<u>OPERATIONS ACCOUNT #2601</u>			
FEDERAL FARM CREDIT BONDS	5	1.2%-2.5%	\$10,000,000.00
FEDERAL HOME LOAN MORTGAGE	6	.75%-1.75%	\$5,500,000.00
FEDERAL HOME LOAN BANK	13	1.00%-2.25%	\$17,350,000.00
FEDERAL NATIONAL MORTGAGE	23	1.00%-2.375%	\$29,686,000.00
CASH			\$7,632,457.91
SUB-TOTAL FOR OPERATIONS			<u>\$70,168,457.91</u>
<u>GF POOLED CASH ACCOUNT #3820</u>			
FEDERAL HOME LOAN MORTGAGE	1	1.00%	\$500,000.00
FEDERAL HOME LOAN BANK	1	1.00%	\$500,000.00
FEDERAL NATIONAL MORTGAGE	1	1.00%	\$500,000.00
U.S. TREASURY BILLS	3	VARIOUS	\$20,000,000.00
CASH			\$3.31
SUB-TOTAL FOR POOLED CASH			<u>\$21,500,003.31</u>
<u>GOB 2007 A ACCOUNT #3823</u>			
FEDERAL HOME LOAN MORTGAGE	1	1.00%	\$715,000.00
FEDERAL HOME LOAN BANK	1	1.25%	\$810,000.00
U.S. TREASURY BILLS	3	VARIOUS	\$3,000,000.00
CASH			\$1.05
SUB-TOTAL FOR GOB 2007 A			<u>\$4,525,001.05</u>
<u>GRT 2008 JRB ACCOUNT #1921</u>			
U.S. TREASURY BILLS	8	VARIOUS	\$27,000,000.00
CASH			\$1,020,264.47
SUB-TOTAL FOR GRT 2008 JRB			<u>\$28,020,264.47</u>
<u>GRT 2010 A&B ACCOUNT #9220</u>			
U.S. TREASURY BILLS	3	VARIOUS	\$5,000,000.00
CASH			\$1,028.02
SUB-TOTAL FOR GRT 2010 A&B			<u>\$5,001,028.02</u>
GRAND TOTAL CHARLES SCHWAB			<u><u>\$129,214,754.76</u></u>
LANB ACCOUNTS WITH A YIELD OF .01%	15	0.01%	\$26,822,577.38
LANB CERTIFICATE OF DEPOSIT	1	3.85	\$108,686.85
LANB-SANTA FE STUDIOS	1	2.50%	\$6,500,000.00
LANB-GOB 2009 SERIES	1	0.50%	\$9,229,999.66
TOTAL CD'S & SAVINGS ACCOUNTS			<u>\$42,661,263.89</u>
LANB VARIOUS OPERATIONS ACCOUNTS	9	0.50%	<u>\$41,283,782.69</u>
GRAND TOTAL ALL ACCOUNTS			<u><u>\$213,159,801.34</u></u>



SFC CLERK RECORDED 09/01/2011



SFC CLERK RECORDED 09/01/2011

Santa Fe County 2011 Redistricting

Urbanized Precincts
Full County





Legend

2011 Precincts

Urbanized Precincts

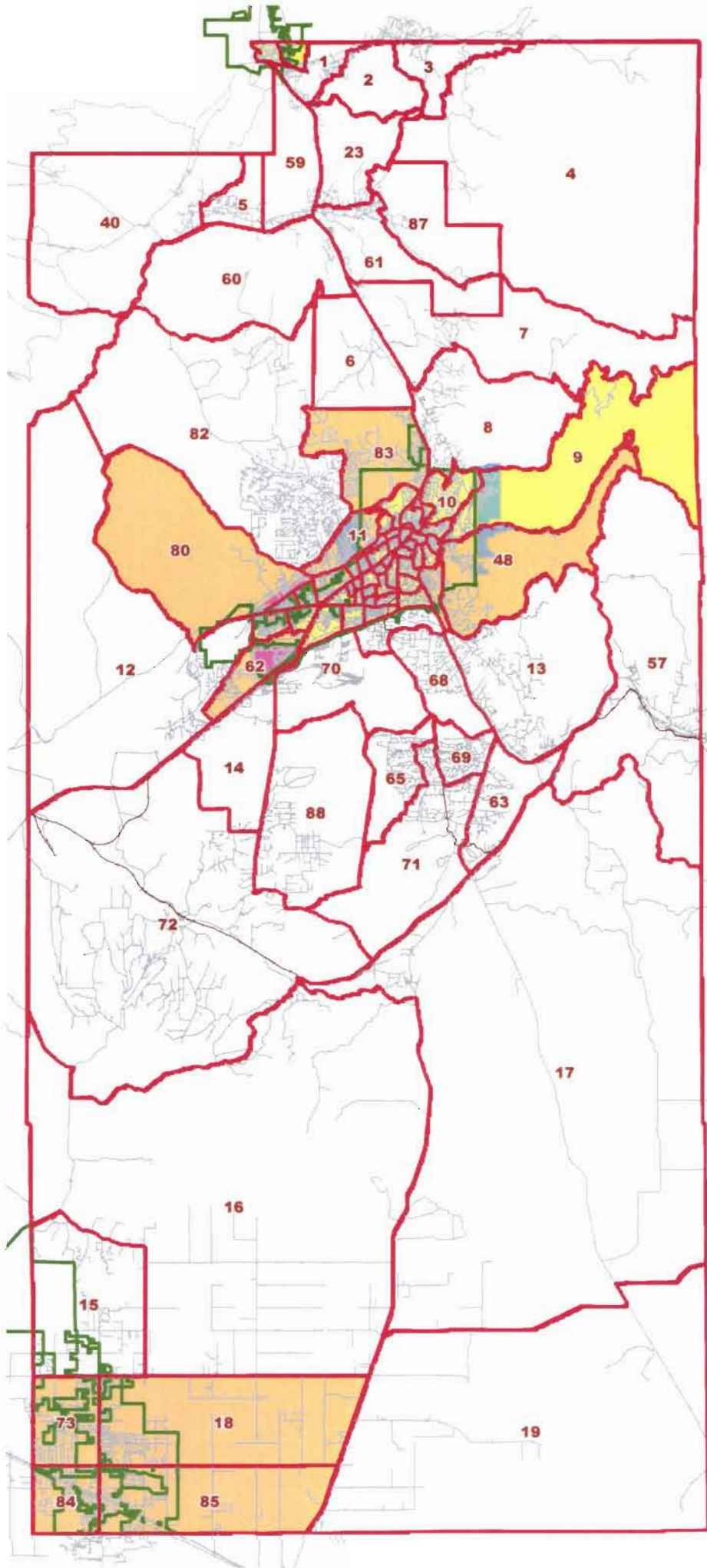
-  Fully Incorporated Precincts
-  Partially Incorporated Precincts
-  Unincorporated Precincts
-  Incorporated Areas

City Annexation Phases

-  Phase 2 - 2011 ?
-  Phase 3 - 2012 ?

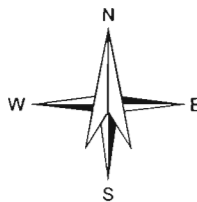
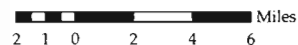
 Roads

 Railroads



1:260,000

1 inch approximately 4 miles

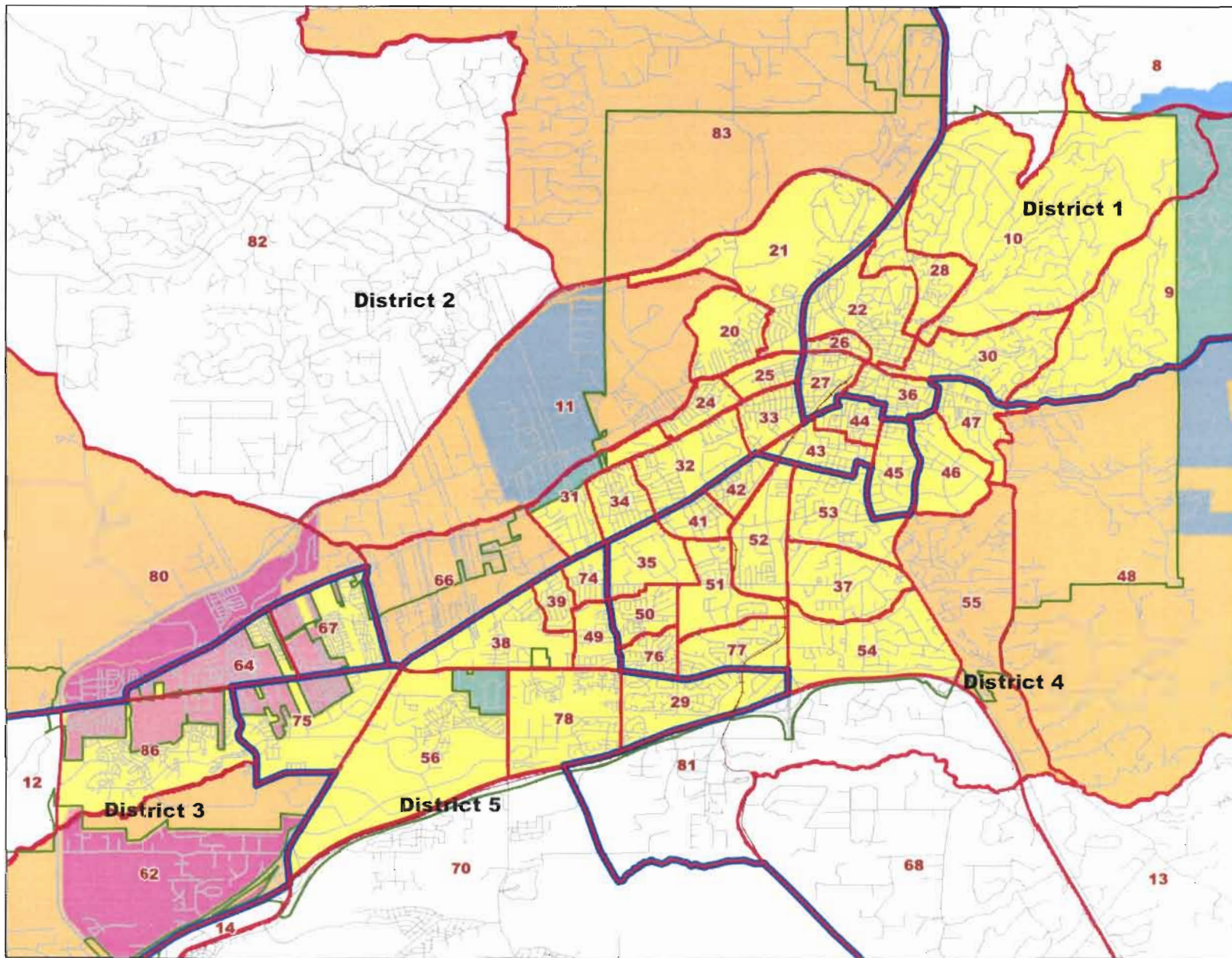


North American Vertical Datum 1988

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
Users are solely responsible for
confirming data accuracy.



July 26, 2011



Population Breakdown of Santa Fe County Commission Districts - 2000 to 2010

10 YEARS AGO

2000 Total County Population by Race				Non-Hispanic Origin									
Total Population	Ideal Population per Commission District	Hispanic		White		Native American		Black		Asian & Other		2 or More Races	
129,292	25,858	63,405	49.0%	58,790	45.5%	3,218	2.5%	667	0.5%	1,358	1.1%	1,851	1.4%

Totals for Adopted 2001 Redistricting Plan (Option 8D)					Non-Hispanic Origin											
Comm. Dist.	Pct. Cnt.	Population per District	Deviation (max +/- 5%)		Hispanic		White		Native American		Black		Asian & Other		2 or More Races	
1	23	25,939	81	0.31%	13,545	52.2%	10,014	38.6%	1,731	6.7%	102	0.4%	161	0.6%	386	1.5%
2	16	25,213	-645	-2.50%	13,657	54.2%	10,446	41.4%	357	1.4%	111	0.4%	275	1.1%	367	1.5%
3	14	25,095	-763	-2.95%	12,717	50.7%	11,450	45.6%	282	1.1%	120	0.5%	191	0.8%	335	1.3%
4	19	26,545	687	2.66%	10,567	39.8%	14,576	54.9%	439	1.7%	121	0.5%	413	1.6%	429	1.6%
5	14	26,500	642	2.48%	12,919	48.8%	12,304	46.4%	409	1.5%	213	0.8%	318	1.2%	334	1.3%

CURRENT CONDITIONS

2010 Total County Population by Race				Non-Hispanic Origin									
Total Population	Ideal Population per Commission District	Hispanic		White		Native American		Black		Asian & Other		2 or More Races	
144,170	28,834	73,015	50.6%	63,291	43.9%	3,271	2.3%	947	0.7%	1,963	1.4%	1,683	1.2%

2010 Totals for Existing Commission Districts					Non-Hispanic Origin											
Comm. Dist.	Pct. Cnt.	Population per District	Deviation (max +/- 5%)		Hispanic		White		Native American		Black		Asian & Other		2 or More Races	
1	24	26,023	-2,811	-9.75%	14,089	54.1%	9,654	37.1%	1,635	6.3%	118	0.5%	279	1.1%	248	1.0%
2	16	28,164	-670	-2.32%	14,564	51.7%	12,430	44.1%	338	1.2%	165	0.6%	355	1.3%	312	1.1%
3	14	32,842	4,008	13.90%	18,682	56.9%	12,711	38.7%	461	1.4%	203	0.6%	429	1.3%	356	1.1%
4	19	26,045	-2,789	-9.67%	10,486	40.3%	14,230	54.6%	320	1.2%	185	0.7%	445	1.7%	379	1.5%
5	15	31,096	2,262	7.84%	15,194	48.9%	14,266	45.9%	517	1.7%	276	0.9%	455	1.5%	388	1.2%

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO

RESOLUTION NO. 2011-_____

A RESOLUTION ESTABLISHING DROUGHT MITIGATION MEASURES IN THE
SANTA FE RIVER

WHEREAS, Santa Fe County has been experiencing drought conditions, including above normal temperatures and little or no precipitation;

WHEREAS, numerous streams including the Santa Fe River have decreased water levels;

WHEREAS, the Santa Fe County, City of Santa Fe and BLM own property at upper La Cienega encompassing a segment of the Santa Fe River which conveys water that is released from the City of Santa Fe waste water treatment plant;

WHEREAS, colonies of beavers are now inhabiting the upper portions of the Santa Fe River, including properties owned by the City of Santa Fe, Santa Fe County, and the Bureau of Land Management, and are creating dams that may be obstructing the flow of water to downstream users;

WHEREAS, the Community of La Bajada has received no water from the Santa Fe River for over a month, resulting in a hardship and impact on agricultural land use and the community water system; and

WHEREAS, Santa Fe County is coordinating efforts with the City of Santa Fe and BLM to implement drought mitigation measures to enhance water flow in the Santa Fe River and to provide water to the residents of La Bajada;

NOW THEREFORE,, THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY RESOLVES , AS FOLLOWS:

1. The County shall coordinate efforts with the City of Santa Fe to provide immediate drought relief assistance to the La Bajada community.
2. The County shall coordinate with the New Mexico Game and Fish Department, so that the Department can conduct an immediate assessment of the number of beaver dams in the area and begin a beaver deceiver (flow device) program to improve river flow across county property. This effort will involve collaboration between the Santa Fe County Open Space Program, the City of Santa Fe and BLM.

3. The County will coordinate efforts with the City of Santa Fe, BLM and New Mexico Game and Fish to improve flow across all properties upstream
4. The County shall collaborate with the City of Santa Fe and BLM to evaluate water conveyance system options for piping water back into the river at some point in the area by passing the beaver dams.
5. The County will create a working group to continue resolving the issues created by the Beaver dams. The working group may include representatives from Santa Fe County, the City of Santa Fe, BLM, NM Game and Fish, La Bajada community members, La Cienega community members, La Cieneguilla community members, Cochiti Pueblo, Office of the State Engineer, Army Corps of Engineers.

PASSED, APPROVED AND ADOPTED this ____ day of July, 2011.

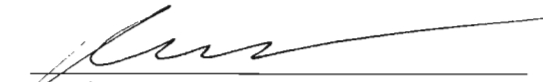
**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

Virginia Vigil, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, Santa Fe County Attorney

SFC CLERK RECORDED 03/01/2011



COMMUNITY COMMENTS AND CONCERNS REGARDING THE RESTORATION OF THE SANTA FE RIVER

BACKGROUND INFORMATION:

The Santa Fe River runs directly through our Historical Hispanic Communities of La Cienega, La Cieneguilla, and La Bajada. These Historic Hispanic Villages, are within the area which has been designated an Area of Critical Environmental Concern by the BLM. Further, the BLM, the State of New Mexico, and local community residents are presently working to nominate additional land within our communities for listing as National Historic sites and World Heritage sites. We are also in the Northern Rio Grande Cultural Area. Federal projects within our area require careful planning consideration and attention.

The residents of our communities recognize the importance of our riparian areas and water resources. Through our ongoing efforts, we are deeply committed to improving the riparian areas, the water quality and quantity in the river. The present degraded condition of our river has occurred over a period of several hundred years. This was primarily a result of the uncontrolled urbanization of the City of Santa Fe. There was, and continues to be, inadequate consideration of our Historic Hispanic Communities. The presently proposed project is another example of poor planning, lack of adequate consideration, inequitable treatment, and a forced application of disproportionate adverse effects on our minority communities. We believe that all projects conducted by BLM or the U.S. Forest Service within our Historic Hispanic Communities must be carefully designed, conducted, controlled and monitored. These projects must consider equally the goals of improving the river and riparian habit and protecting our Historic Cultural Communities and related resources. The clearly visible adverse effects on our community's resources indicate that this was not the case in the past BLM project, nor is anticipated to be the case with the proposed project.

The most recent Santa Fe River project conducted by BLM exceeded the scope of its initial plan and consisted of a "bait and switch" scam. It was not conducted consistent with the project plan or EA presented to our community for review. There is a significant difference between "improving the riparian habitat" (as proposed), and the establishment of a "wetlands" and associated numerous stagnant, polluted ponds, significant debris build up, and their associated health and flooding impacts which our communities are presently facing. By exceeding it's scope, the most recent BLM project deprived the State, the public, and the members of our community of the opportunity for meaningful comment and participation. As a direct result, our communities are faced with numerous Adverse Effects and Cumulative Adverse Effects. Due to the failure to obtain meaningful public comments, failure to cooperate with community members, and failure to *monitor and mitigate* the adverse effects that have resulted, we believe BLM is currently not in compliance with the requirements of NEPA, FLPMA, APA, nor the NHPA.

Rushing ahead to implement further improperly designed environmental projects, without

SFC CLERK RECORDED 09/01/2011

careful consideration of all potential and foreseeable environmental impacts, can reasonably be expected to result in further additional damage to our river, our water supplies, our environmental resources, and the many valuable historical and cultural aspects of our Hispanic communities.

ISSUES AND ADVERSE EFFECTS WHICH CONCERN OUR COMMUNITIES:

1. ENVIRONMENTAL JUSTICE:

Located down-river of the City of Santa Fe, the historically poor Hispanic residents of our farming communities have, for many years, been subjected to pollution and environmental hazards, as a direct result of the growth of the City. Most notable are the harmful effects of a degraded river condition on those living down river. The City of Santa Fe's waste water and its associated chemical, pharmacological, and biological toxins have flowed through our communities for many years. Further, our residents have been subjected to the noise and related hazards of the operation of the City Airport, which was located within one of our original Spanish Land Grants. Our residents are subjected to periodic, higher than normal floods. Concrete batching plants, gravel pits, and car wrecking lots have all been located adjacent to our Historic Hispanic Community. These are all examples of an inequitable and disproportionate distribution of environmental pollutants affecting our communities. U.S. Census Reports, often utilized in Federal projects, neither adequately reflect the Hispanic make-up, nor the Historic Hispanic Culture of our communities of La Cieneguilla, La Cienega and La Bajada. We do not believe that Environmental Justice issues have been adequately considered or reviewed by the Bureau of Land Management in the conduct or implementation of recent past Santa Fe River Projects, nor in the proposed project. These BLM projects are not in compliance with Executive Order 12898.

Improvements to the river environment at the direct expense of the historic culture and characteristics of our Hispanic communities and the health of our citizens, is a clear and blatant injustice and is not in the best interest of the public.

The Environmental Assessments conducted by the Bureau of Land Management on Santa Fe River reclamation projects are, by design and mandate, extremely long and detailed analyses. It is commonly recognized that there are numerous Federal laws which describe exactly how an assessment must be conducted. As such, it is reasonable to say that only highly trained and experienced individuals are capable of directing, writing, and analyzing a properly conducted Environmental Assessment. This most likely would include Government or Contract personnel with advanced university studies in both Environmental Sciences and training in preparation and evaluation of EA's and EIS's. It may also include a team of Government lawyers who can review the legal aspects of Environmental Assessments or and EIS. An important legally required part of all assessments is meaningful community participation and input. *Here lies the inherent injustice in the Environmental Assessment procedures* of the proposed BLM restoration project. In our minority communities, there is a lack of education and training in not only Environmental Sciences, but also in the laws governing the conduct, review, and

implementation of the Environmental Assessment. The members of our community are quite

concerned with preserving our traditions, culture, and environment. However, in regards to the present Environmental Assessment, there does not appear to be a level playing field. Prior to continuing with the proposed project, and in order to provide the required basic “meaningful comments”, we believe that our community must be provided with technical, scientific, and legal representation.

2. AIRPORT OPERATIONS: The most recent BLM River Restoration project has exceeded the scope of the Environmental Assessment that was conducted. The establishment of a “Wetlands” was neither included in the proposed project, nor did the establishment of wetlands receive required community or environmental reviews. The Federal Aviation Agency recognizes there are many hazards associated with the development of wetlands within the Area of Operation of an airport. The Santa Fe River and the lower Santa Fe Canyon area are “natural highways” for wildlife entering the Area of Operation of the airport. Neither the FAA, nor the Santa Fe Airport Manager, were included for comments on past or currently proposed river restoration projects. As a result of FAA requirements, past damage to aircraft, and the “reasonable to assume” increased wildlife/aircraft hazards, the City of Santa Fe is presently initiating a formal Wildlife Hazard Assessment. Considering the fact that our communities are located within the airport Area of Operation, these hazards present a dangerous situation to aircraft, aircraft passengers, and to those living within our communities. It is reasonable to assume that this could result in catastrophic hazards and deaths within our community. The formal Wildlife Hazard Assessment, which is scheduled to begin soon, will take approximately one year to be completed. Therefore, we oppose any further work on riparian projects by BLM within the Santa Fe river corridor until the results and recommendations of Wildlife Hazard Assessment can be reviewed and considered by the members of our Historic Communities, the FAA, the Santa Fe Airport Manager, and the City of Santa Fe.

3. WATER QUALITY DEGRADATION: We recognize the many important values of wetlands and riparian areas. However, it is commonly known that many contaminants(chemical, pharmacological, and pathological) can become highly concentrated in the water, the soil, and the plants of wetlands. These can have significant and cumulative adverse effects on both surface and ground water quality. As a result, the Environmental Protection Agency now recommends “lined” wetlands to prevent ground water contamination. The wetlands, and associated ponding of water, created and supported by BLM in our community, are not “lined”. There is inadequate water quality monitoring. Thus, BLM is not meeting it’s “Best Practice” requirements. This is particularly important in our communities where the surface and ground waters are directly connected and the river is being fed with effluent water from the City. Plumes of toxic materials have already been leached into and identified in our water supplies. We believe serious adverse effects in the form of concentrated chemicals and pathogens are appearing in our water as a direct result of past river “improvement” projects by BLM. Further, we believe this issue should be studied in detail prior to the initiation of any further river projects. Incorrectly planned and designed wetland projects have the potential of resulting in many long-lasting harmful effects on the water quality(EPA). Studies have shown that ponding

of water can increase chemical concentrations by 1,000 times. Our community is already

experiencing high nitrogen concentrations in our ground water and our drinking water.

While we recognize that the local staff of BLM may have a sincere interest in improving our river environment, we believe that the present, “off- the- cuff, rush back to nature” approach of BLM presents many potentially serious, long-range, adverse effects.

4. WATER QUANTITY:

There has been a serious error in judgement in the approach to river restoration by the Bureau of Land Management and others involved in the current and past river restoration projects. These projects are required to consider river water quantity and quality, environmental restoration, historic preservation, historic culture, and environmental justice. Recent river restoration projects have simply failed to adequately consider or meet these requirements.

Development within City of Santa Fe is commonly recognized as the major cause of the river degradation. Therefore, the remedies to the degraded conditions, including increased flood hazards, lack of water, and associated degradation must begin by focusing first on the river conditions within the City. This is a standard recommended engineering practice.

To require the down-river minority residents of the Historic Hispanic Villages to utilize their little remaining water resources for the benefit of the river environment is clearly an error of judgement when considered in light of equitable distribution of environmental effects. This cannot be considered in the best interests of the public.

The typically utilized phrase “river restoration” has proven to be an insufficient characterization of BLM activities. The specific type and full extent of restoration activities must to reviewed in regards water quantity. Past river projects have greatly exceeded proposed activities. Significantly greater quantities of vegetation than initially proposed have been planted and have directly resulted in lower quantities of river water. Many adverse direct and adverse indirect cumulative effects are presently apparent and were not anticipated in previous river restoration activities. Nor are they adequately considered in the proposed project. Further review by both the BLM and the community is required prior to the initiation of any new projects.

5. DESTRUCTION OF BOSQUE: .

The river bosque within the community of La Cieneguilla is currently being destroyed by selective harvesting of both previously existing and newly planted native trees by an uncontrolled, over population of beavers. The Bureau of Land Management lacks authority to manage wildlife in New Mexico. Management of wildlife is vested in the State. In regards to the Santa Fe River projects, BLM has exceeded it’s authority in preventing and discouraging the management of the excessive beaver population by the NM Dept. of Game and Fish. As a result, the riparian areas of our communities are now experiencing numerous serious adverse effect. The historic “Josephine Rael Ditch” within the bosque has been damaged and flooded by BLM river reclamation activities. Further, the flooding itself has killed many trees. No efforts have been made by BLM

to mitigate the flood damage.

It is commonly known that the activities of beavers in a limited area can increase the number of undesirable, invasive species such as Russian Olive and Salt Cedar trees. These adverse effects can presently be observed in the area of the past BLM Santa Fe River project. This is a result of a failure to consider comments from the community, poor decision making, and lack of effective management by BLM. There is a need for a complete review of the BLM river plan. The plan should include clear objectives, clear responsibilities, participation of all parties involved, consideration to community input, and specific plans for monitoring and mitigation of any adverse effects.

6. COMMUNITY HEALTH PROBLEMS. A member of our community living adjacent to the most recent BLM river restoration project was recently hospitalized for three days with life threatening gastrointestinal problems. The individual was treated for Giardiasis, a disease commonly associated with beavers. Other community members have reported symptoms of the disease. BLM was notified of the adverse health issue. To date, we are not aware that BLM has monitored or initiated any studies related to pathogenic bacteria or pharmacological residues in the river water being retained within our Hispanic communities. A Health Hazard Assessment needs to be initiated on the Santa Fe River to adequately evaluate potential health hazards of BLM restoration activities prior to the initiation of any further restoration activities.

As previously mentioned, management of the State wildlife is beyond the authority of the Bureau of Land Management. However, BLM staff has supported, encouraged, and maintained an excessive population of beavers on their property and has been negligent by discouraging the State from adequately managing the wildlife. The result has been serious health issues within the community.

7. HISTORIC CULTURAL PROPERTIES. The three Historic Villages within our community were occupied by Native Americans prior to the European conquest of the territory. Following the conquest of the territory, these villages were occupied by both Spanish and Native Americans. Further, these Villages and the surrounding area were among the earliest Spanish land grants.

The historical significance of these communities, continually occupied since prior to the Spanish Conquest, is unquestioned. There are many remains of pre and post-Spanish occupation. These historic properties are presently being damaged as a result of prior BLM river restoration work. It is reasonable to expect further damage unless there is a major change in the planning, implementation, and management. BLM must not only recognize the significance of these historic resources, but also recognize the historic culture, traditions within our communities. Protection of these resources can only be done through joint cooperation of State and Federal agencies with input from our communities. This is presently not the case, nor has it been the case with the past, most recent BLM project. NHPA requires that historic sites and cultural activities be given *equal consideration* to environmental issues. BLM has failed to do this in spite of the fact that the Bureau of Land Management, itself, has requested that these properties be listed on the National Register of Historic Places. There is clearly a lack of oversight in the activities

conducted by the Taos Office of the Bureau of Land Management in regards to our Historic Hispanic Villages and related historic resources.

The community is entitled to a clear understanding of the policies of both BLM and U.S. Forest Service in regards to the value the many important, historic aspects of our community and to what extent they intend to protect these resources, while conducting their river restoration activities. Prior to additional BLM work on the river within our communities, further communication and discussions with community members are essential to resolving these issues.

8. HISTORIC TRAILS AND ROADS: The roads and trails through our historic communities have existed prior to the conquest and occupation by the Spanish. Following the reconquest in 1693, several of these became established, historic routes of travel.

Among these are:

- a. The Camino Real de Tierra Adentro
- b. The original Trail and Wagon road from Santa Fe to the Village of La Cieneguilla, which continued over the mesa to the Village of La Bajada and points south.
- c. The Las Bocas Trail, the original trail from La Cieneguilla through the Santa Fe River Canyon to the Village of La Bajada.
- d. The Long Walk Trail used during the relocation of the Navajo Indians to Bosque Redondo at Ft. Sumner.
- e. The original road through the State of New Mexico, Rt. 66, and connecting both the Village of La Cieneguilla and the Village of La Bajada.
- f. The original Hotel and Rt. 66 bridge located in the Village of La Bajada

All of these historic roads and trails are within the area of potential effects of river restoration activities. Members of our community have provided information to BLM regarding hazards and related damage to these and other historic resources. Community comments were not adequately considered in the planning process conducted by BLM and, as a result, our communities are presently observing the loss and damage of historic resources.

9. FLOODING OF HISTORICAL HISPANIC COMMUNITIES:

For many years, our historic communities have been exposed to the hazards of abnormally high flood events. As far back as 1935, the U.S. Soil Conservation Service noted that the flooding was due to the rapid development within the City of Santa Fe and general degradation of the river channel.

It is commonly recognized that riparian area restoration can help to reduce flooding. It is also clearly recognized that debris build up within a river channel is a *major cause* of increased property damage during flood events. The failure of past river restoration projects to consider the issue of debris build up within the river channel has resulted in the present flooding and hazardous situation within our communities. A substantial amount of debris was left piled in the river channel during past BLM restoration activities. As this is a violation of the CWA, BLM is neither in compliance with the CWA nor has BLM made efforts to remove the debris. Over the

past year, there has been a cumulative increase in debris build up within the river channel. As a direct result, private property and historic resources within our communities are presently being flooded and damaged. Further, catastrophic flood damage is predictable. Under the present conditions, it is reasonable to assume that two bridges and a number of road sections within our community will be either damaged or completely destroyed with a high water event. Additional private property, historic cultural property, and homes can be expected to be damaged with any future, normally expected, high water event combined with the accumulated debris.

Prior to their river restoration activities, BLM was notified about flooding and potential flooding hazards within the community of La Cieneguilla. BLM ignored these warnings. More recently, BLM has been notified of present flooding and further potential flood hazards. However, no active mitigation of these adverse effects - directly related to BLM activities - has been implemented. BLM is not in compliance with its "best practice" mandate. Further, considering the present flooding and obvious potential for future flood damage within our historic communities, BLM has not only been negligent, but has also been out of compliance with requirements of FEMA, CWA, FLPMA, or NHPA.

10. CONTAMINATION OF WATER WITH RADIOACTIVE MATERIALS.

Between 1950 and 1966, a uranium mine was operated immediately up-river of the Historic Hispanic Village of La Bajada near the proposed river restoration site.

The contamination of both surface and groundwater with radioactive materials and heavy metals is a serious issue within the community. The water in the community is used for both human consumption and agricultural irrigation. Residents of the community believe there is a lack of specific information regarding the potential of catastrophic pollution of their land and water supplies.

It is generally accepted that both the effects of flooding and pooling of water can be anticipated to alter the concentrations of harmful radioactive materials within the river water and the connected ground water. A study conducted on the potential environmental hazards of the uranium mine waste reported: "If flood waters along the Santa Fe River were to wash large amounts of mine waste downstream into Cochiti Lake, it is likely that water quality in Cochiti Lake would be adversely impacted". Considering the fact that the Village of La Bajada is directly below and much closer to the radioactive mine wastes than Cochiti Lake, it is reasonable to expect that the radioactive materials and heavy metals will be more concentrated near the Village. In other words, the harmful effects of flooding can be predicted to have greater adverse impacts related to radioactive materials in the water of La Bajada than to the water of in Cochiti Lake, located further downstream. Of particular importance, and not adequately reviewed in previous studies, the village water supply is used for human consumption.

River restoration activities in and above the village of La Cieneguilla have directly resulted in the pooling of water, local flooding, and the potential for catastrophic floods. Similar restoration

activities in the lower canyon can be expected to have similar effects. Studies have not been conducted in regards to damming and pooling of water within the contaminated areas or within the old uranium mine. Without further studies, the extent of potential radioactive contamination of the village water supplies remains unknown. Further, the extent of proposed river restoration activities have not been clearly outlined . This is particularly important and further review in light of the potential catastrophic effects of radioactive materials and heavy metal contamination of the La Bajada Village water supply is necessary. Additional studies are warranted prior to any restoration activities by BLM or the U.S. Forest Service.

11. TIERED ENVIRONMENTAL ASSESSMENTS:

The EA presently being conducted within our Historic Communities is based on tiering over past Assessments. However, the past Assessments were not made “readily available” to the community,(APA, NEPA, FLMPA), prior to or during the scoping process. As a result of this lack of information, it has been impossible for the community to fully review the project or to provide meaningful comments. Further, time periods for community comments in regards to the EA were incorrectly provided to community members. This further prevented community participation and input.

12. SPANISH LANGUAGE:

La mayoría de las personas que viven en los pueblitos de nosotros son hispanohablantes. A pesar del hecho de que las leyes(*El Pueblo Para el Aire Y Agua Limpio v. County of Kings, CA*) obligan que los proyectos sean escrito en español, hay otras razones mas sencillas y mas obvios. Esto tiene que ver con mostrar interes y respecto hacia las comunidades y hacia la cultura de nosotros y tambien hacia la gente que vive aqui. En el futuro les recomendamos a ustedes que todos de los propuestos sean escrito en español.

(The majority of the people who live in our villages are spanish speaking. In spite of the fact that the laws(*El Pueblo Para el Aire Y Agua Limpio v. County of Kings, CA*) require that the projects be written in Spanish, there are other more simple and obvious reasons. This has to do with showing interest and respect toward the communities, our culture, and also to the people that live here. In the future we recommend that all the proposals be written in Spanish.)

In summary, by the contents of this letter, and through the requirements of APA, NEPA, NHPA, FFA, FLPMA, and Executive Order 12898, we request a full and careful review of past Santa Fe River Restoration projects, mitigation of all existing hazards and adverse effects, and a full EIS prior to the implementation of any further BLM/U.S. Forest Service river restoration projects within our Historic Hispanic Communities.

SANTA FE RIVER FLOODING AND HAZARDOUS CONDITIONS

1. Bureau of Land Management

Linda Rundell, State Director
Bureau of Land Management
301 Dinosaur Trail
Santa Fe, NM 87508
(505) 954-2222

Requested actions:

- A. Delay all proposed Santa Fe River Restoration activities.
- B. Communicate with all affected communities.
- C. Investigate and review all existing and potential future adverse affects.
- D. Immediately initiate mitigation of existing hazardous conditions within Communities.

2. U.S. Forest Service

Erin Connelly, Acting Forest Supervisor
Santa Fe National Forest
U.S. Forest Service
11 Forest Lane
Santa Fe, NM 87508
(505) 438-5300

Requested actions:

- A. Pending comprehensive reviews and mitigation of existing hazardous conditions, delay all proposed Santa Fe River Restoration activities.

3. U. S. Army Corps of Engineers

Lt. Col. Jason D. Williams, District Commander
Albuquerque District Office
U.S. Army Corps of Engineers
4101 Jefferson Plaza NE.
Albuquerque, NM 87106
(505) 342-3262

Requested actions:

- A. Review Santa Fe River restoration activities.
- B. Investigate existing flood hazards, cumulative debris build up within river channel, altered river flows, and potential of catastrophic flooding.

- C. Coordinate flood hazard mitigation.
- D. Communicate with City of Santa Fe, County of Santa Fe, Bureau of Land Management, U.S. Forest Service, and affected Communities.