

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

June 30, 2009

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:10 a.m. by Chair Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico. He requested that cell phones be silenced.

Following the Pledge of Allegiance and State Pledge, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner Mike Anaya, Chair
Commissioner Harry Montoya, Vice Chair
Commissioner Kathleen Holian
Commissioner Liz Stefanics
Commissioner Virginia Vigil

Members absent:

[None]

V. INVOCATION

An invocation was given by Ms. Espinoza recognizing the community's tragic loss of four young people.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I would request that we move X. B, that is the joint resolution between the City and County on affordable housing. My understanding is that this resolution did go to the Finance Committee at the City and they didn't have a quorum and we want to align this resolution so that it will mirror what the City is actually doing. Their new schedule will allow us to bring it forth at our next meeting.

I ask that we remove item X.B and table it until our next meeting. And, with that, I will move for approval as amended.

COMMISSIONER MONTTOYA: Second.

CHAIRMAN ANAYA: Okay, any further discussion on approval of the agenda?

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

Commissioner Holian requested the following items be removed from the Consent Calendar: XII. B. 3., 10, 14, 25 and 27.

B. Approval of Consent Calendar

Upon motion by Montoya and second by Commissioner Holian the Consent Calendar was approved as amended. [See pages 14 to 18 for Consent Calendar.]

VIII. APPROVAL OF MINUTES

A. May 26, 2009

Commissioner Stefanics moved approval as published. Her motion was seconded by Commissioner Vigil and passed by unanimous voice vote.

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

Chair Anaya invited the public to address the Commission on any items not listed on the agenda.

RAY NICHOLS: My name is Ray Nichols. I live in Eldorado. During a recent BCC meeting there were a number of comments about the CHRISTUS St. Vincent Regional Medical Center and there were some concerns expressed. I'm here to express my added concerns.

I'm a taxpayer and I urge the County not to provide taxpayer funds to the CHRISTUS St. Vincent Hospital while they continue to require that their doctors comply with doctrinal and moral traditions of the Roman Catholic Church rather than comply with patient requests.

I have no quarrel with the Catholic Church but when it comes to my end of life decisions, I would wish for my advance medical doctrine to be the guiding document rather than the doctrinal and moral traditions of the Catholic Church.

Thank you very much.

ANGELA ROMERO EVANS: Mr. Chair, Commissioners, my name is

Angela Romero Evans and I'm the director of utility operations for PNM I am here this morning to present a unified statement on behalf of Qwest, ComCast, New Mexico Gas and PNM. Our statement is in regard to Ordinance 2009-5 which is entitled The Street Cut Permit Fees.

Just to provide you with a little history around this issue. We became aware of the issue through our PNM engineer. We were informed that the issue would become effective within 30 days and that it had already been decided by the Commission. We began looking at the impact of the ordinance as it directly affected PNM. We also contacted other utilities who might be affected by the ordinance and we got together and we addressed our concerns. We then contacted staff at the County to further discuss the impact of the ordinance and we set up a meeting with Johnny Baca. We believe we had a very good meeting with Johnny. We expressed to us his approach in increasing the permit fees for the County and we talked to him about the impact not only to those customers of the unified utility but also to your respective constituents.

COMMISSIONER MONTOYA: Mr. Chair. Angela, this is a point of litigation that we're entered into right now and I'm not sure that this is an appropriate time to listen to these concerns. We have received them and do have them. We can't enter into any dialogue in terms of being able to respond to any of these. Mr. Chair, I would ask that we refrain at this point.

CHAIRMAN ANAYA: I had already talked to Angela and told her that there's not going to be any dialogue and she just wanted to state her concerns. It's up to the Board.

COMMISSIONER VIGIL: Mr. Chair. Angela, we really appreciate your expressing your concerns but because it is a matter of litigation and it is a matter that we have to have discussions with our attorney – I think, probably I would suggest that those discussions be had directly with our attorney at this point in time. I think that's the best way to proceed.

MS. ROMERO EVANS: Okay, Commissioner Montoya, Commissioner Vigil, Mr. Chair, other members of the Commission, thank you very much for your time.

CHAIRMAN ANAYA: Thank you.

JENNIFER FALLIS: My name is Jennifer Fallis and I live off of West Alameda so I'm here to speak about the Zone 1 annexation. The problem is that even though I know the County has done their best to try and safeguard our rural residential character with the City, the City is not going to retain the rural residential character of our area. It is not their intent to do that. It is with service only. We need your help.

Three units per acre up to five units per acre is nowhere close to one unit per acre maximum. More like one unit to 2.5 acres is what we live in. This is not sprawl: it's just a different way of life. We are being penalized by the City for this way of life. A rural way of life is not wrong and everyone in the county knows that it's not wrong .

We don't have any friends at the City. Four of you sit on the ELUA. ELUA is our best chance. You are our best chance. You have to stop this now. Please stop it before it

goes forward. I don't know what else to say about this. We don't have the resources in Santa Fe for this type of growth that is proposed. The area of Zone 1 is not tract housing. There are so many slopes and ridges. It's not feasible even with excellent planning to build at that type of density. And it's actually irresponsible. It's irresponsible to the environment and to the character of our land. We are the City Different, please, please try and retrain the character. Speak for us we don't have a voice in City Council. I need your help.

And I appreciate your taking the time to hear me out.

CHAIRMAN ANAYA: Thank you, Jennifer. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Jennifer. I really appreciate your advocacy for that and of course that was the intent of the Rural Protection Ordinance. Since we have the Regional Planning Authority meetings and all the other committee meetings on this – you are aware of all the other alternatives that had been presented which was to totally do away with Rural Protection Ordinance which the City would be open to is my understanding. I fear for that is that that would allow them to create R8 for rural protection. I think what we need to do is work toward protecting the rural character with the current ordinance and looking at amendments for that. I would hate to see them remove that. They have unanimously acted on that and I bet it was a huge thing for them to do and a sense of strong consideration for rural protection. I do not want to see them even consider removing that ordinance from their code enforcement and their land development.

I think the best way to move forward, and I have met with residents in Alameda with regard to that, and I think one of them can provide in an amendment to the ordinance is an exact clarification of the buffer zones. It was everyone's intention for those buffer zones to actually be created to protect existing neighborhoods and the way the language currently reads it doesn't exactly do that. We are working towards that. I am happy and always open in looking to alternative to try and do that but I want to be able to propose and have you have the perspective of what alternatives the City would have and of course engage them with what options they have. We can continue working towards that but without that Rural Protection Ordinance we have absolutely nothing to protect rural communities. As they propose an alternative to – that I'm very concerned about that.

Jennifer, why don't you schedule a meeting with Rita Maes and myself and we can talk this through a little bit more. I've actually done some site visits with residents there to look at where the proposed developments that are currently sort of in the pipeline in some stage or another are, and we can work toward more protection in that way and address the specific issues that you may have. The density issue is huge. It's huge for the City. It's huge for the residents. I'm not sure that we can move any further on that but we can explore options and I'm certainly willing to have advocate for that.

CHAIRMAN ANAYA: Could we draft a resolution to state how the Commission feels that that area should move toward and get it to the City? Maybe you could work on that, Roman, and then we could get something to the City. How is that Jennifer?

MS. FALLIS: That would be great. We're really in a perilous situation and any help that you can give us is so greatly appreciated. We would like to have a dialogue and

I will contact Commissioner Vigil, and thank you so much for offering that meeting. But, also, just in the interim before ELUA meets if you can do anything. If you can listen to your constituency because everyone I know is opposed to this, very opposed to this. I know what the City wants. We all know what the City wants. But we are very much opposed to it. We have no voice in the City. We only have a voice with the County Commissioners. You are our only hope. Please listen and thank you so much for taking the time.

CHAIRMAN ANAYA: No problem. We'll draft a resolution and maybe you can start putting signatures together.

I'd like to also recognize Pablo Sedillo is here with Senator Bingaman's Office, thank you for being here. Say hello to the Senator. And, Victor Montoya our County Treasurer is here. Thank you, Victor.

X. MATTERS FROM THE COMMISSION

COMMISSIONER HOLIAN: Thank you. On behalf of myself and the other County Commissioners I would like to express our deep sadness at the loss due to a tragic car accident this last Sunday of four young members of our community. Rose Simmons, Kate Klein, Alyssa Trouw, and Julian Martinez. We would like to extend our deep sympathy to the family and friends with a special mention of Steve Myer, he has been a County employee and he is the stepfather of Kate Klein. There were four very special young people. They had all started to make their mark on the world, on our community in unique and special ways. They were artists, they were musicians, they were thinkers, they were leaders, they were environmentalists. This is an incredible loss to our community. I think that we will never know how their lives would have turned out but I think that we do know that each and everyone of them would have made a special and unique and wonderful contribution to our world. This is an unfathomable loss.

We also must not forget that there was another young woman who was in the car who was grievously injured and I want extend our thoughts to her and her family and we wish her a full recovery as soon as possible.

CHAIRMAN ANAYA: Thank you, Commissioner Holian for bring that up and talking about it. It is a loss

to our community. Our condolences go out to friends and family.

I'll move on to Commissioners Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, again, just to reiterate Commissioner Holian's – all of us express our sympathy and caring for those affected by these deaths.

X. A. Summary Updates Regarding North Central Regional Transit District Board (NCRTD) (Commissioner Stefanics)

COMMISSIONER STEFANICS: On to the North Central Regional Transit District Board, referred to as the RTD, I'd just like to give an update. The minutes were not available at this time of the meeting and I will provide them as they come through, but just to let you know that the RTD did receive a commitment of about \$2.4 million for capital to construct a bus barn and an office. The site originally identified was in Alcalde but after serious discussion about this site it did not lend itself to commuter travel and parking and picking up the buses. It also would require assessment fees for infrastructure. So, the Board of the RTD in several sessions did visit properties and did identify one piece of property in Española on Riverside which used to be an AutoZone shop and some vacant property and that is what is going to be pursued for the headquarters of the Regional Transportation District.

I will keep the Board apprised if anything further happens.

CHAIRMAN ANAYA: Thank you, Commissioner. Do you have anything else to add?

COMMISSIONER STEFANICS: Yes, and I'd like to just bring up and we'll hear more about this later but former Commissioner Jack Sullivan did receive an award from the American Society of Civil Engineers – Civil Government Award. We will recognize him at our special presentations meeting in July. But I would just like to let the public know that his good work did not go unnoticed. Thank you.

CHAIRMAN ANAYA: That name sounds familiar. I'd like to recognize Karen Heldmeyer a former City Councilor, thanks for being here. Commissioner Vigil, do you have anything?

COMMISSIONER VIGIL: Yes, I do. I would like to underscore Commissioner Holian's comments on the loss of the youth in our community and, also, recognize those families that have lost other youth. The drunken driving problem has a history here and I know families of youth who have lost their children to drunken driving. I'm sure that this incident resurfaces the hurt and pain that a family goes through for that. To all those who have previously lost their children through DWI and drunken drivers my condolences continue to go for you. This is a lifetime loss and a lifetime pain.

The other issue I would like to bring up is on energy efficiency. I want to recognize Commissioner Holian for moving forward on many of those issues. One of the projects that I have worked on in conjunction with the Sierra Club and PNM is the Change a Light Bulb Campaign that our national affiliate is very strong on. I just wanted to announce that there's only one case of light bulbs left. So if any County employees have not received their light bulbs we do have a few that are available. The Change a Light campaign allows us to go to energy efficient light bulbs. We have distributed over 5,000 of them. We distributed them to County employees, close to 900 County employees. We distributed them to the Eldorado Senior Center. We distributed them to the Mary Esther Gonzales Center and we distributed

them to members of the Agua Fria community through the Agua Fria Village Association meeting. Last March when the employees picked up their paycheck they picked up four light bulbs. If any employees have not picked up light bulbs there are still a few to distribute. In fact we start changing a light bulb we have the potential of saving 308 million watts of hours of electricity and that translates to many dollars in everybody's pocketbooks. I have a personal experience with that with my young nephew and his wife who converted all of their light bulbs in their home. He is an electrician and they are saving \$25 a month by having converted their light bulbs to energy efficiency. This is in Albuquerque so I don't know what their rates are.

I hope to be able to continue this kind of initiative and partner with PNM. What motivated this partnership is a meeting with David VanWinkle some time ago and the initiative that they have undertaken in partnership with PNM. The County's partnering with them allows for the outreach and the connection on the energy efficiency light bulbs so this initiative should be pushed forward. And, again, I say there's a case left if anyone did not receive their light bulbs please contact Rita Maes, Constituency Services who has done an extraordinary job in distributing these light bulbs and getting the word out.

CHAIRMAN ANAYA: Commissioner Vigil, do you want to talk about the resolution? The resolution urging immediate passage –

X. C. Resolution 2009-111. A Resolution Urging Immediate Passage of Comprehensive Federal Health Care Reform Legislation (Commissioner Montoya and Commissioner Vigil)

COMMISSIONER MONTOYA: Mr. Chair, this is a resolution jointly sponsored by Commissioner Vigil and I. This is something that has come before us in terms of urging congress and there is a lot of talk right now about health care reform and that's what this resolution addresses. It urges Congress to do it this year, to pass some sort of comprehensive legislation regarding health care reform.

I've had the opportunity to testify before the National Association of Counties and their Health and Human Service Steering Committee providing recommendations essentially that we do look at some alternatives, Mr. Chair, regarding health care reform. That's what this resolution is requesting our approval to forward this to our congressional delegation encouraging them to enact some sort of legislation this year.

Commissioner Montoya moved to approve Resolution 2009-111. His motion was seconded by Commissioner Holian.

COMMISSIONER VIGIL: Mr. Chair, I would just add that Congressman Tom Udall and I believe Congressman Lujan – all of our congressmen and senators, are concerned about New Mexicans, and our response to the current bill that's been presented

and actually acted on in the House of Representatives – and of course, Pablo being here is a wonderful liaison for communicating with Senator Bingaman on this.

I think it is really important that New Mexico residents stay in communication with their senators and their congressmen on this. The current overriding issue as I understand it is how this current bill affects the middle class. I think that issue is one for discussion and one that I believe there are townhall meetings scheduled for those and certainly the constituents services provided through all of our congressmen and senators this is a really good way to communicate with them and I ask that any of you who have any concerns use that communication to your congressman and certainly health reform needs to occur and how it occurs is how we're specifically impacted. This resolution specifically requests and advocates for the health reform. Thank you, Mr. Chair.

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

COMMISSIONER STEFANICS: Thank you, and thank you to Commissioners Vigil and Montoya for bringing this forward. I would like to say to the public that in order to accomplish this it might mean some changes in the way that we do health care provision in our country now. So, everyone if we really want to make this occur needs to remain flexible as the plans go forward. And I know that our members of congress are looking at the dollar tag and trying to be fiscally conservative but I think that's going to be hard to do with health care. I do believe that we all need to make our opinions known but also know that there is never a perfect product that will satisfy every single individual and we all have to give a little. I hope we all remain flexible but thank you for bringing it forward.

CHAIRMAN ANAYA: Thank you, Commissioner. Any further discussion?

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

CHAIRMAN ANAYA: Commissioner Montoya, would you like to continue?

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I too would like to express my condolences to the families of the deceased teenagers. DWI unfortunately seems to be an epidemic and endemic here in New Mexico. I know that our Santa Fe County DWI program continues to work in the areas of prevention and treatment and through our CARE Connection offer those services and I would just ask people that if you know someone that needs these types of services, get them the help that they need before they cause unnecessary death, something that's totally preventable. Again, I want to comment the organizations here such as our County DWI program, hands across cultures and others that continue to fight what we would think would be common sense but like my dad says, common sense is not so common some times, and unfortunately, we have the results that we've had this past weekend and years passed, so qué dios los bendiga, qué descansen en paz, the deceased people.

Mr. Chair, we're going to have our intergovernmental summit tomorrow. It will be at Bishop's Lodge and we're hoping for a good turnout from the local governments such as the pueblos as well as the different municipalities within Santa Fe County, as well as some of the

state agencies. So that will be tomorrow from 9:00 to 3:00 and I'm hoping that the majority of you can be there. Also, this Thursday the Corrections Department is having their graduation for new Corrections Officers. I believe that's at 11:00 or 11:30, something like that. I saw Annabelle walk in. Is that correct, Annabelle? She left? It's at 11:00? Okay. Thank you.

And then, Mr. Chair, I just wanted to mention that a couple of weeks ago I was on a conference call with Vice President Joe Biden regarding the ARRA Funding, the stimulus bill and the funding that's going out there and the concern that I expressed regarding the stimulus funds not necessarily hitting the local level in terms of cities and counties, the majority of it unfortunately staying within state governments and projects that seem to be more of a priority there than they are on the local level. The unfortunate news is that it probably is not going to change in terms of the way the distribution is occurring at this current time, which is through state agencies. It will continue to occur that way. However, I know Roman's been very active in terms of communications with state agencies and we need to continue to work through and with the state agencies for any sort of stimulus funds.

And lastly, I just want to wish everyone a happy Fourth of July this coming weekend. Be safe. Be smart. And you've heard it a thousand million times: Don't drink and drive.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. I have a question that I've been meaning to ask when we're all in one place, and it really is to Steve Ross. Steve, are we not required to do a jail inspection on a biannual basis, and do we need to schedule that?

MR. ROSS: Mr. Chair, Commissioner Vigil, yes. Every six months, the Board or a majority of the Board needs to visit the jail and ensure that things are – that the inmates are healthy and safe and well fed, I think is how the statute puts it, and then we need to submit a report concerning their visit to the chief judge of the First Judicial District Court. The best way to do it is to arrange for a visit. When all of you have visited either collectively or individually then we could put an item on the agenda. We have a form report that we've used for many years that could be on the Consent Agenda for you to approve.

COMMISSIONER VIGIL: Thank you. Mr. Chair, I think that we've all visited the jail on and off. Old Commissioners, new Commissioners, those of us who have been here a while have visited it on and off but I don't think we've created a concerted effort to draft that report and submit it. So I would just direct Steve to work with Corrections to create the opportunity for us to comply with that statutory requirement. Mr. Ross, if you would coordinate that.

MR. ROSS: Mr. Chair, Commissioner Vigil, we'll do our best to take care of that.

X. D. Proclamation Recognizing Paul Griffin for his years of Service with Santa Fe County (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Do you want to go ahead and do the introductions, Teresa?

TERESA MARTINEZ (Finance Director): Today we thank you for recognizing Paul Griffin. He joined the County in October of 2001 and he has served as the budget administrator for Santa Fe County that entire time. Now, I think everyone here for the most part knows Paul, knows his humor, knows his frankness, and will especially remember him for his presentations. He has been the anchor to what he refers to as the Titanic, and we'd like to recognize him today for all his hard work, all his initiatives, all the budget awards that he's won for us, and we have here today the 2008 Budget Presentation Award that we'd like to send Paul off with as a gift. And thank you for doing this.

CHAIRMAN ANAYA: Thank you, Teresa.

COMMISSIONER MONTOYA: Mr. Chair, should I go ahead and read the proclamation?

Whereas, Paul Griffin was born in Glendale, California, September 3, 1941; and

Whereas, Paul was raised in Washington, DC and La Cañada, California, spending most of his youth in California; and

Whereas, Paul received his bachelor's degree in physics in 1966 from Brigham Young University and continued his education, and earned a masters of business administration degree in 1968 from Brigham Young University, and attended law school for one year at Willamette University in Salem, Oregon; and

Whereas, Paul took a leave of absence from law school and accepted a position in Portland, Oregon, with the Western Institute of Higher Education, where he was assigned a special staff to one member of the Board of Commissioners and was charged with developing performance monitors for various areas of the commission, and eventually became the head of the budget division for six years and prepared the budget with no computers at that time; and

Whereas, Paul also worked for the Washington Public Power Supply System as a budget analyst and monitored the administrative budget; and

Whereas, Paul also worked for Rockwell Hanford as a budget analyst for the Public Works Department. One year later micro-computers came on site; and

Whereas, in 1982, Paul bought his first Apple II computer for \$5,000, and then moved into computer aspects of finance and designed a budget module. Paul spent nine months testing software, joint project scheduling to the budget programs; and

Whereas, in 1989, Paul began working as the head of information technology department for United Nuclear Corporation, a contractor with the Department of Energy in Albuquerque, New Mexico; and

Whereas, on October 30, 2001, Paul began his career as a budget administrator for Santa Fe County; and

Whereas, Paul's awards and accomplishments include the Department of Finance Administration's budget awards for the years 2003 to present – that's an unprecedented six years already – as well as the Government Finance Officers Association distinguished budget presentation award in 2004, 2007, 2008, as well as overseeing a \$250 million budget; and

Whereas, Paul's colleagues and Santa Fe County family will miss Paul's sense of humor, and have all come to respectfully know him as "Dr. No" for his fiscally conservative principles; and

Whereas, during his tenure at Santa Fe County Paul has provided vision, direction and focus to manage complex financial and administrative initiatives for Santa Fe County.

Now, therefore, we the Board of Santa Fe County Commissioners hereby proclaim June 30th Paul Griffin Day throughout Santa Fe County.

PAUL GRIFFIN (Budget Director): They did get even with me, didn't they. Ah, rats. The Boy Scouts are gone. That's one thing that never was mentioned. My scouting career spans probably 30 years. I haven't been in scouting all that much since I've been with Santa Fe County; it's been too busy here, but certainly from my young days on up I was very involved with the scouts. Hey, I was going to give them some advice, but what they heck. They were here for citizenship and the community merit badge.

I do appreciate. For you who have seen the movie, it's a new adventure coming up, and we're looking forward to it and hoping for some interesting days in retirement. And I appreciate your cooperation and your help in establishing budgets because I don't do this all by myself. I do it with the Board of Commissioners and with department heads and everybody else who works here in Santa Fe County to establish what we have. So we've put the County on pretty good ground in regard to this recession that we're in, that my negative side says I'm afraid it's going to last a little while longer. But we can weather that storm for a while, so don't spend it all in one place. That's all I ask you. Thank you very much.

CHAIRMAN ANAYA: Thank you. Paul. Paul, I want to personally thank you on behalf of the Commission for helping us out and giving us your advice and those times I went into see you, which wasn't enough, for your advice to me as a Commissioner. So thank you very much and good luck in your retirement. You didn't tell us what you were going to do.

MR. GRIFFIN: We have sons and grandchildren and my wife has sisters, all of her sisters living in the Salt Lake City area, and I am under a great deal of pressure to retire and move in that direction. I said to my wife, you know what you're getting yourself into. All you're going to do is be a babysitting service. They can't take the babies to Albuquerque when they go to the movies. But she doesn't understand that. This summer, we've already started packing things up in the house and we're going to continue doing that and we're going to be up and back between here and Utah. I have a son who's living in the grandparents' house in Salt Lake City who works for the county out at the jail and we have to kind of keep close to him and make sure that things are going all right for him. So we'll be doing that. We've got a busy schedule this summer. I have a 50 year high school reunion in September, and then more fun and games after that arranged. So the schedule is really packed full. And I

have probably five to ten years of – people ask me, what are you going to do when you're retired? And I said I could sit down at my computer at home and work on family history and genealogy for the next ten years, eight hours a day, five days a week. So I'm going to be doing a lot of that also. I've got a lot of things that I've got to put together so I can have these available for my family.

CHAIRMAN ANAYA: Thanks again, Paul. Commissioner Vigil.

COMMISSIONER VIGIL: Paul, I just wanted to say a couple of things. If I were to describe your tenure here at the County I would describe you as a silent giant. Your ability to work with our finance and present the conservative budgeting I think was one of the most significant contributions to the County, particularly when we had to look at our budget during this economic down-turn. I had a strong sense of confidence in moving forward with decisions that we needed make because you provided for the conservatism that you did in your tenure here. Thank you for that focus for Santa Fe County. It is more valued now that it ever has been, and I think that is why you and our Finance Department and everyone who works in concert on these issues have created the opportunity for Santa Fe County to be recognized consistently and repeatedly for our financing. I so appreciate that Mr. Silent Giant.

MR. GRIFFIN: If you go over to Finance they don't think I'm very silent there.

CHAIRMAN ANAYA: Okay, Paul.

COMMISSIONER MONTOYA: Thank you, Paul.

CHAIRMAN ANAYA: I know that the summer interns were here and they wanted to get a glimpse of how the Commission operated, so thank you, Commissioner Stefanics, for giving me this tag. And then I thought that one of the Commissioners had invited the Boy Scouts and I was kind of waiting. I didn't see anything on the agenda and I was waiting for one of the Commissioners to say something, but then they left. I wished we could have had at least the troop leader to come up and say something but we missed that opportunity. So sorry about that.

X. E. Resolution No. 2009-112. A Resolution Authorizing the County to Renegotiate with the New Mexico Board of Finance for the Forgiveness of Debt Previously Incurred by the County with Respect to a Lease-Purchase Agreement for Certain AVC Advantage Voting Machines and Ancillary Equipment, Entered into by the County and the New Mexico Board of Finance in 1996, 1998, and 2002 (Commissioner Montoya)

CHAIRMAN ANAYA: Who wants to take that one? Commissioner Montoya.

COMMISSIONER MONTOYA: Yes. Thank you. Mr. Chair, the issue before the Commission today is a resolution that is being requested by the Board of Finance. In 2006 the New Mexico Legislature decided that all elections conducted in the state should be by

optical scanner voting machines using a paper ballot. As a result, all the existing voting equipment in the state became obsolete and counties with outstanding lease-purchase agreements with the State Board of Finance were held harmless in the enabling legislation. In 2009, legislation was finally enacted that would permit the terms for these lease-purchase agreements to be renegotiated between the counties and the state.

Santa Fe County had entered into a lease-purchase agreement with the Board of Finance in 1996, '98 and 2002 to purchase 51 AVC advantage voting machines. The County currently has a balance of \$121,483 and forgiveness of this debt requires the Commission's action. So Mr. Chair, Denise, do you have anything else to add?

DENISE MANN (Elections Director): No, I'm really sorry that Paul's not still here because it's not often I get to come and give you back money but that's pretty much what we're doing today. This debt, it's been kind of a long road since the initial legislation was enacted and there have been about three moratoriums since then. It looks like – last week I was at a Board of Finance and they finally took action.

The 17 counties that still have outstanding debt adds up to about \$3.2 million, of which our portion is what you stated. So we need your action on this resolution so that we can renegotiate this debt. The enabling legislation, as you said, holds the counties harmless and so this debt is to be forgiven. What it means is that we will be turning the custody of the 51 voting machines in question over to the State of New Mexico. They're currently in storage in Los Lunas at one of the prisons, which I think is rather humorous.

COMMISSIONER MONTOYA: They're being held hostage. Mr. Chair, move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion by Commissioner Montoya, second by Commissioner Vigil. Any further discussion?

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

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I know this will be publicly noticed, but I just wanted to let the public know that the Health Policy and Planning Commission is holding a special meeting on July 22nd at 1:30 here in the chambers regarding any concerns about the hospital, and inviting representatives from the hospital to also attend. And I know that that will be legally noticed but I just wanted to put that out to the public because I know some people have been interested. Thank you.

CHAIRMAN ANAYA: Thank you.

COMMISSIONER VIGIL: Mr. Chair, on that point.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: And I'm sorry Mr. Nichols isn't here, who had a concern he expressed. I would also state for the public that health issues, with regard to St.

Vincent's are discussed more in depth at our Health Board meetings, which are held at 9:00 before our Board of County Commission meetings, and that is a particular forum for those health issues. I think if the public knows about it and has issues with regard to health the Board of County Commissioners serve as the Health Board and we certainly have public comment in those meetings and we also have representatives from the health community to be able to address issues that come up. So I would just recommend to citizens in the county that are interested in health issues that the Health Board is probably a more particular forum for bringing issues forth. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you.

XI. APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

- A. Appoint Louis Carlos to the DWI Planning Council**
- B. Re-Appoint Donna Morris and Yvonne Ortiz to the DWI Planning Council**
- C. Appoint Louis Carlos as DWI Planning Council Member, and Elizabeth Reynolds as CARE Connection Advisory Board Member, to the Health Policy and Planning Commission**

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Unless there are any issues I move we approve items XI. A, B, and C.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: Motion by Commissioner Vigil to approve A, B, and C under item XI, and second by Commissioner Stefanics. Any further discussion?

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

XII. CONSENT CALENDAR

A. Budget Adjustments

- 1. Resolution 2009-105. A Resolution requesting an operating transfer from the General Fund (101) to the Economic Development Fund (224) for cost associated with the Santa Fe Media Park / \$40,426. (Administrative Services Department)**
- 2. Resolution 2009-106. A Resolution requesting an operating transfer from the General Fund (101) to the Water Enterprise Fund (505) for the Pareo Water Rights Purchase agreement (\$638,092.50) and for the Hagerman Well Water Rights**

Purchase agreement (\$1,000,765.76) (Growth Management Department / Water Resources)

- 3. Resolution 2009-107. A Resolution requesting to reduce the budget for the EMS/Healthcare Fund (232) and increase the newly created Emergency Communications Operations Fund (245) to establish a separate fund for the RECC program / \$4,125,234 (Community Services)**
- 4. Resolution #2009-108. A Resolution Requesting a Budget Increase in the amount of \$ 27,100 to the Care Connection Budget (232-0483-465) for administration of the access to Recovery (ATR) Grant (Community Services Department/Health)**

B. Miscellaneous

- 1. Request approval of the accounts Payable Disbursements Made for all Funds for the Month of May 2009 (administrative Services Department)**
- 3. Review and Discussion of the accounts Receivables for all Funds for the Month of May 2009 (administrative Services Department)**
- 4. Review and Discussion of the Monthly Financial Report for the Month of May 2009 Specific to the General Fund (administrative Services Department) ISOLATED FOR DISCUSSION**
- 5. Request authorization to Enter Into the Third Year of the agreement for RFP 27-1917 FI/MS for the Financial and Compliance audit Services for Santa Fe County Fiscal Year 2008, \$91,050.00 Plus Gross Receipts Tax (administrative Services Department)**
- 6. Request authorization to Enter Into amendment No. 4 to agreement # 27-0304-FI/MS for the Professional Services agreement with Impressions advertising, Inc., for Lodger's Tax advertising & Promotional Services, \$285,000 Inclusive of Gross Receipts Tax (administrative Services Department/Finance)**
- 7. Request authorization to Enter Into agreement # 29-0136-FD/JC, an Indefinite Quantity Price agreement With Fire Service Equipment Inc. to Provide Protective Bunker Gear for the Santa Fe County Fire Department; This will be a four (4) year agreement With an Escalation Clause for Price Fluctuation (Community Services Department/Fire)**
- 8. Approval of Amendment to Water Rights Purchase agreement between Santa Fe County and Jordan and Beverly Pareo (Legal Department)**

- 9. Resolution No. 2009-109, Declaring the Intent of the County to Reimburse Itself From Proceeds of Tax-Exempt Bonds for amounts Expended to Purchase Water Rights for the County (Legal Department)**
- 10. Approval of Memorandum of Agreement Between the U.S. Army Corps of Engineers and Santa Fe County for the Storage of San Juan-Chama Project Water in Abiquiu Reservoir (Growth Management Department)**
11. Annual Infrastructure and Capital Improvement Plan (ICIP) Public Participation Schedule (Community Services Department)
ISOLATED FOR DISCUSSION
- 12. Request Approval of 2005 Grant Agreement Amendment No. 1 which inserts Additional funding for the Women's Health Services, Eldorado Soccer Fields and Senior Housing Project for total grant agreement in the Amount of \$3,250,000 (Community Services Department)**
- 13. Request Approval of Property Lease Agreement Amendment No. 2 Between Santa Fe County and the Town of Edgewood for the Southern County Satellite Office (Community Services Department)**
- 14. Request Approval of Property Lease Agreement Amendment No. 3 Between Santa Fe County and Arsenio Trujillo for the Northern Pojoaque Satellite Office (Community Services Department)**
15. Consideration, Discussion and Action on Staff Recommendation for Future Financing of Fire Department Five-Year Plan 2010-2014 (Community Services Department/Fire) ISOLATED FOR DISCUSSION
- 16. Request Approval of Amendment to the Value Options Letter of agreement Providing an Additional \$27,100 to the CARE Connection for Administration of the Access to Recovery (ATR) (Community Services Department)**
- 17. Request Approval of a \$300,000 NM Department of Finance and administration Detoxification Grant for Operation of the CARE Connection Sobering Center in Fiscal Year 2010 (Community Services Department)**
- 18. Request approval of Joint Powers Agreement and Lease agreement Between the New Mexico Energy, Minerals and Natural Resources Department and the County of Santa Fe to Operate, Maintain and Improve the Facility Known as Cerrillos Hills Historic Park as Cerrillos Hills State Park (Community**

- Services Department)**
- 19. Request Approval of Grant Agreement No. G09SN0011 in the Amount of \$256,294 in Support of National Drug Control Policy and Region III Multi-jurisdictional Drug Task Force for the Counties of Santa Fe, Los Alamos, Rio Arriba and Taos (Sheriff's Office)**
 - 20. Approval of Maternal and Child Health Council Professional Services Agreement with Las Cumbres Community Services, Inc. for \$712,000 for Fiscal Year 2010-2013 (Community Service Department)**
 - 21. Request Approval of SFC Agreement #29-0120-CORR/MS for Pharmaceutical Supplies and Services to the Highest Rated Offeror, Diamond Pharmacy Services, for the Amount of \$300,000.00 (Corrections Department)**
 - 22. Request Approval of SFC agreement #29-0082-SD/MS with Santa Fe Animal Shelter and Humane Society for Office Space/Lease (Sheriff's Office)**
 - 23. Resolution No. 2009-110. A Resolution Authorizing the County Manager to Execute All Documents Necessary to Purchase Right-of-Way for the South Meadows Road Extension Project (Growth Management Department)**
 - 24. Approval of a Quit Claim Deed to the La Cienega Valley association to Correct a Mistakenly Recorded Deed (Legal Department)**
 - 25. Request Approval of Amendment No. 4 to Memorandum of Agreement between Santa Fe County and the City of Santa Fe for the Trails and Open Space Projects Increasing the Funding for the Santa Fe Rail Yard Park by \$200,000 (Community Services Department)**
 - 26. Consideration of a Resolution Adopting a Schedule of New Water Deliveries from the Santa Fe County Water Utility for July-December 2009 (Growth Management Department) ISOLATED FOR DISCUSSION**
 - 27. Request approval of Contract #28-0076-CSD/RH amendment No. 3 between Santa Fe County and Presbyterian Medical Services for the Expenditure of 2008 Grant appropriation in the amount of \$50,000 for Head Start Programs (Community Services Department)**
 - 28. Request Approval to Enter Into Signalization Agreement with the New Mexico Department of Transportation (Growth Management Department) ISOLATED FOR DISCUSSION**

29. Request Approval of Amendment to agreement Between Santa Fe County Behavioral Health Services Division (“Provider”) and Value Options New Mexico (“Value Options”) (Community Services Department)

30. Request Approval of Professional Services agreement #29-0099-SD/MS Between Santa Fe County and Santa Fe Animal Shelter and Humane Society, Inc. for Pound Master Fees (Sheriff’s Office)

[Action on Consent Calendar an page 2.]

XII. B. 3. Review and Discussion of the Monthly Financial Report for the Month of May 2009 Specific to the General Fund (administrative Services Department)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Teresa, for putting out this information. It was really helpful. I was interested to note on page 2, in the comparison between fiscal year 2009 projected budget versus the actual that in a lot of areas we’re saving money, it seems. So I’d like to congratulate the County for that. I have one question on the capital outlay. That was significantly less than what was budgeted. Is that because of the County Courthouse?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, it is. It’s going to be dependent upon the projects at hand. The courthouse is one of the largest projects that we’re working on right now. So that’s why you’ll see that’s coming up too, as an under-projection.

COMMISSIONER HOLIAN: Okay. Thank you. That’s my only question. I move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

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

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

XII. B. 10. Annual Infrastructure and Capital Improvement Plan (ICIP) Public Participation Schedule (Community Services Department)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I’m sort of new in the County Commission so this will be the first time that I go through this process of creating an ICIP. I just wondered if you’d sort of explain the process, how it works, and then most specifically, how do we set our priorities?

PAUL OLAFSON (Community Projects): Mr. Chair, Commissioners, Commissioner Holian, we are administering the ICIP process. Basically what happens for the ICIP process is the Department of Finance has a set program of how we enter into or deliver the list of projects. And what we've done in this memo outlining the types of projects that are available or can be considered for funding, and then the second page is a list of all the meeting times. Then we will bring the results of those public meetings to you all on August 25th and September 8th. And on September 8th we'll need a resolution to accompany the final list of projects that will then be submitted to DFA by September 30th. So that's kind of just programmatically how this goes.

Typically, what we do internally is we meet with the various County departments, groups and agencies and have infrastructure needs or infrastructure requests. We'll sit down with them and look at what was on last year's list, look at what is new on this year's list and kind of revamp that list. This year we're also trying to incorporate what we can with the growth management planning process as well to make sure that as we're moving that process forward that this ICIP plan, which is different from the ICIP plan but related, but to the extent possible at this point in the growth management/sustainable planning process, that we're mirroring each other and moving forward together.

Then as we meet with the different communities we look at what was asked for last year and it's basically an informal kind of roundtable discussion. And we advertise in the newspaper, we get notice out to the different groups that we're aware of, through email lists, etc., saying here's this meeting. And we compile this list then we bring the list to you all, and that's the first meeting with you in August. So here's where we are, here's what we've received this year, here's what staff is recommending for this year's list. We also will then provide options for ranking projects. We have – I can't tell you off the top of my head, but we had probably 100, 150 projects last year. So in the past we have not ranked every project from one to 100. The DFA requires that we have a top five ranking. So we present to the Commission a list of top five priorities or potential projects to consider for the top five. It's more than five, usually, and generally the Commission in the past has asked us to focus on countywide-type projects or projects to help a broad sector of the county versus a single road or a smaller project.

COMMISSIONER HOLIAN: So you don't sort of have a priority for each district or something like that. You sort of have an overall, countywide list and you prioritize it in that sense.

MR. OLAFSON: Yes. And typically, the way it's worked also is that those countywide projects will generally serve one or more Commission districts as well. Because some projects, like an Aamodt water project, or that nature is big, global, but it's mainly in the north. Another project might cross two or three Commission districts if it's maybe a long road project or a water line of some sort.

COMMISSIONER HOLIAN: Okay. Thank you, Paul.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So for example,

Paul, the roads committee. These are a group of volunteers who are meeting every month and they discuss and identify different items. How does that get worked into ICIP?

MR. OLAFSON: We meet with Public Works and Robert Martinez and his shop and say, Okay, what's on your list this year? Here's what we had last year, here's what the roads committee – what got accomplished or what got changed in the last year. How do we need to update this list. We generally insert that list, the roads committee's current list into the ICIP.

COMMISSIONER STEFANICS: Thank you. Mr. Chair, I bring that up because we have volunteers serving on that committee and I understand that sometimes they have a quorum and sometimes they don't, but I just wanted to reiterate how important it is once we set a committee that would actually help prioritize some of the projects that the committee come through with those. I commend them for all of their work. Thank you.

CHAIRMAN ANAYA: Thank you. Is there a motion?

COMMISSIONER HOLIAN: Move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

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

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

XII. B. 14. Consideration, Discussion and Action on Staff Recommendation for Future Financing of Fire Department Five-Year Plan 2010-2014 (Community Services Department/Fire) [Exhibit 1: Presentation Material]

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all I want to thank you, Chief Holden, for laying out a very logical five-year plan, and as I was reading through this second page on funding options, my question to myself was if we were to have a renewed county fire protection excise tax, what the timing on that would be and then I was pleased to see that later on you actually address that issue. So I guess my question though is if this is on the 2010 ballot as opposed to the 2009 ballot, what does that mean for you? What does that mean for the Fire Department?

STAN HOLDEN (Fire Chief): Mr. Chair, Commissioner Holian, that's a very excellent question, because it does impact our ability to implement the plan in its fullness over the five years. We would have to make adjustments depending upon the timeline that the Commission chooses to move forward with the renewal of the County fire excise tax. As a result we have sort of built in to the schedule a way of shifting the purchases based on that timeline. It's very difficult. It was very hard for us to prepare this presentation and get it into 15 slides, quite frankly, and show you everything that we intend to do as part of the five-year

plan if the Commission approves that plan, and how we would finance it. It also shows how critically important the renewal of the County fire protection excise tax is to the success of that plan, and also the approval of the 2012 general obligation bond.

The problem really is for the department is that we can no longer use general obligation bond monies to purchase apparatus. And currently we are already behind on the five-year plan on the renewal or the replacement of aged apparatus. So the previous five-year plan we were unable to get finance, and now we're moving into this next five-year plan with this proposal to you about how we fund that plan. I hope that answers your question, Commissioner.

COMMISSIONER HOLIAN: Yes, it does. Thank you, Chief. And I have a question for Roman. Are you asking for direction at this time on this issue?

MR. ABEYTA: We're asking for approval of the five-year plan.

COMMISSIONER HOLIAN: Okay. But not for direction on which funding source for capital expenses.

MR. ABEYTA: The plan includes the funding source so we also want your direction regarding specifically the tax and when we can bring that forward to you, because it's critical to this plan being funded.

CHIEF HOLDEN: If I could, Mr. Chair, Commissioner Holian, on the updated plan, this was the power point presentation that we prepared to present to you today. The second to last page on this plan, Commissioner Holian, the one that we just passed out. Second to last page, which very much falls into line with what I presented in your packet is our staff recommendations of what we were asking for as far as direction today. The staff recommendations, if I could just quickly, were, number one, to adopt the department five-year plan including this financial plan by resolution, in July of 2009. So at our next administrative meeting in July of 2009. But you also give direction to initiate a pre-election analysis or polling to determine potential election success of fall 2009 versus a spring 2010 election date. And then number three, that you give direction to implement the financial plan based on BCC direction regarding the tax renewal schedule, and plan 2012 general obligation bond, and that would be in November 2011, and that we subsequently report to you annually on the progress of how we're fulfilling your direction regarding this five-year plan. And that was the synopsis of our recommendations to the Commission.

COMMISSIONER HOLIAN: Chief Holden, do you have a preference for 2009 versus 2010? Would you rather see it sooner rather than later?

CHIEF HOLDEN: Yes. As I said earlier, we're already behind, but taking the counsel that we've received from other department heads, staff, obviously this plan was not put together just by myself. We asked for assistance from our County Attorney, from the County Manager, from the County Finance Director. I might also add that this has the blessing of our recently retired Paul Griffin, who has reviewed it as well. The counsel that we received is that perhaps it might be money well spent for us to engage a professional in doing a survey throughout the county to make that determination of when the electorate might best take the renewal of this tax.

COMMISSIONER HOLIAN: Well, I'd just like to add a comment that from my point of view I think it would be a very good idea to do that survey now to see whether, as far as the electorate is concerned, that this would fly.

CHIEF HOLDEN: Right.

COMMISSIONER HOLIAN: So that's my opinion.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, thank you. I hope that the public understands how important this will be to move ahead. And the public is very concerned about public safety. Certainly our fire services are part of that. I would like to throw out my comment that by the time we get to 2010, the spring of 2010 we have other elections occurring. And I really would like to keep this clean and have the public focus on this versus the public not show up and vote on something as important. So that's just my comment. I understand you might want to use an outside source to poll, but I would not want to drag it out if in fact the County Clerk and others determine that fall is better than spring. Thank you.

CHAIRMAN ANAYA: Thank you. What's the pleasure of the Board?

COMMISSIONER HOLIAN: I move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

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

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

XII. B. 25. Resolution No. 2009-113. A Resolution Adopting a Schedule of New Water Deliveries from the Santa Fe County Water Utility for July-December 2009 (Growth Management Department)

KAREN TORRES (County Hydrologist): Hello. Good afternoon. I guess I will stand for questions.

COMMISSIONER HOLIAN: Okay. Thank you, Karen. On page 2 of you memo, it said that currently the water use for 2009 is projected to be less than 2008 due to lower bulk water sales. What are bulk water sales?

MS. TORRES: Well, through our utility we sell water for construction and for other projects. And so what they do is they rent a meter from us and they hook it up to a fire hydrant and they gather water and they usually haul it away in some type of water truck. Last year we delivered we delivered a lot of water to support the Rail Runner project. That was about 50 acre-feet, and we're not anticipating to have that large of a project on our books, so actual water use is projected to be less than 2009 and in 2008.

COMMISSIONER HOLIAN: Okay. Now I get it. And the other thing I just

wanted to comment on is on your resolution, on the table you include it actually says July to December 2008 scheduled delivery.

MS. TORRES: I'll make sure that gets corrected. Thank you.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER MONTOYA: Second.

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

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

CHAIRMAN ANAYA: Speaking of water, the water haulers that haul into 14, Madrid, Cerrillos, we talked about a water distribution – I'm looking for the word. You know how they hook up to the hydrant and the guy fills the tank up? Weren't we going to put something there so that we don't have to have the person there? They can pay or use coins or something. Where are we with that?

MS. TORRES: I believe that was in the works. I'm not sure of the status, but it looks like James has a status.

CHAIRMAN ANAYA: Okay. James.

JAMES LUJAN (Growth Management Director): Good morning. Yes, that was supposed to have been bid this week. We extended it one more week for contractors to come to get on it.

CHAIRMAN ANAYA: What's the name of it?

MR. LUJAN: Bulk water dispensing dispenser.

CHAIRMAN ANAYA: Okay. Good. So they'll be able to drive in there –

MR. LUJAN: They'll be able to come in and fill up, put in their coins or get a card and be able to – and we'll keep track of it that way. It will hopefully be built by the end of fall.

CHAIRMAN ANAYA: Okay.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Where's that going to be built?

MR. LUJAN: That is going to be built at the safety complex out by the Corrections.

COMMISSIONER MONTOYA: Oh, on 14?

MR. LUJAN: Yes.

COMMISSIONER MONTOYA: Oh, okay. Out 14.

XII. B. 27. Request Approval to Enter Into Signalization Agreement with the New Mexico Department of Transportation (Growth Management Department)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I noted in here that the lighting traffic signals and roadway lighting are going to be installed by the New Mexico Department of Transportation, but we are going to be paying the energy bills. So I was just wondering if there was any way that we could request the new LED lighting fixtures that were energy efficient?

ROBERT MARTINEZ (Public Works Director): Mr. Chair, Commissioner Holian, that is part of the language changed in this agreement. Previously this agreement had been executed last month, but there was some technical language that was requested by the NMDOT, and part of that was to use the LEDs as opposed to the incandescent lights.

COMMISSIONER HOLIAN: Oh. Great. I'm thrilled to hear that. Move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER MONTOYA: Second.

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

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

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: We're going to be breaking for lunch real soon but I know the League of Women Voters are here to update us on their transparency report and because we're about 35 minutes away from lunch I request that we move them up for their presentation if that works for everyone.

CHAIRMAN ANAYA: I think that will be fine. They've been waiting patiently. Let's go ahead and hear from the League of Women Voters.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

C. Matters from the County Manager

2. Report from the League of Women Voters on Santa Fe County Transparency Project

JODY LARSON: Mr. Chair, members of the Board, thank you so much for this opportunity to come before you and present our report. And thank you very much for moving us up on the agenda. Our tummies are starting to growl. I bring greetings and regrets from the president of the League of Women Voters of Santa Fe County, Dr. Meredith Makin, who is not able to be here today. Normally she'd be here doing this presentation. I am Jody

Larson, former president of the League, and with me are members of our committee, Rebecca Frenkel, Bonnie Fry, Karen Heldmeyer and Neva Von Peski, from the League of Women Voters, and from the northern chapter of the ACLU of New Mexico, Frank Sussman. We have a couple of other members who weren't able to be here today, including Bill Winter from the New Mexico Foundation for Open Government.

A little over a year ago the County invited us to conduct this study and make recommendations. It's taken us a little longer than we thought. We expanded the scope of the study a little beyond just the formal audits, which we were requested to do. You can read all about it in the report as you see, but we did manage to come up with 17 findings and 26 recommendations which we tried to keep reasonably inexpensive and actionable for the staff and the Commission to enact. They are grouped into four categories: compliance with the Open Meetings Act and the Inspection of Public Records Act, which is sort of the bedrock of transparency for local governments in the state, but we also gathered information from the general public, from your own County staff, and from members of the local media.

In conclusion, what we'd really like to emphasize is that our committee considers that transparency is an essential element of government, not just a nice to have. It can strengthen democracy by enhancing the quality and frequency of public participation, increasing a sense of civic responsibility, and improving accountability of representatives. Transparency tends to prevent or reveal unethical practices. Corruption grows in the dark. We would like to emphasize that although our study to date did not encompass such additional kinds of action on the part of local governments such as codes of ethics, conflict of interest laws and ethical campaign practices, including finance disclosure, we believe that these also are essential and we recommend these approaches including the use of ongoing oversight committees to ensure open and ethical government. We want to take the opportunity to thank everyone who made this study possible, including all of the County staff we interviewed, our auditors and everyone who responded to our survey. And now we will stand for questions.

CHAIRMAN ANAYA: Thank you very much, Jody. Questions.

Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Jody, for this and thank the League of Women Voters for undertaking this. Sometimes we are so much in the works getting things done that it really helps to have an outside source participate in such a critical project. I have a question with regard to this and I've reviewed some of the recommendations. Some of them I think are excellent. I'm just wondering if there has been a follow-up to this. I don't want this report to just remain, and I think maybe I would ask Roman with regard to that. I know that staff has been wonderfully cooperative, but I think based on some of the recommendations there should be some interaction with staff with regard to those recommendations. I think there should be a particular session, and I'm not sure if the League is willing to participate in the follow-up on this report. I think it would be quite beneficial to staff and to the Commission to have a particular session, give the staff an opportunity to respond to some of these recommendations, how they could be implemented, those kinds of things.

I think that would be a very useful next step. I also want to ask Steve if after having reviewed some of the recommendations if in fact Legal can address any of these recommendations with regard to when any of them will be implemented in our new codification.

MR. ROSS: Mr. Chair, Commissioner Vigil, you trailed off at the end. I didn't quite hear the last of your question.

COMMISSIONER VIGIL: Particularly in areas where it involves the Open Meetings Act and things of that nature, have we addressed some of these recommendations through our codification? Perhaps that's a discussion that needs to be had in the follow-up session that I'm recommending. But if you have a quick answer to that I'd appreciate it.

MR. ROSS: Well, Mr. Chair, Commissioner Vigil, they have provided us with nothing but concrete, sensible suggestions all along, all of which are easily – not easily, but can be implemented. The most difficult problem that we've had recently is with advertising and noticing of meetings. I think you've experienced some of the issues and we have to continue to hit that problem as hard as we can because it's resulted in a lot of meetings being cancelled now. And in fact as they pointed out, a number of meetings of the County Development Review Committee had to be repeated, essentially, because months were not properly noticed on the website. So all that stuff needs to be institutionalized in some way so that we can prevent these kinds of breakdowns and make sure the public has access to the agendas and all the various methods that you, the Board, have instructed in the Open Meetings Resolution.

They have some really concrete and helpful suggestions for the website which I think we should consider. They have some really concrete and useful suggestions for clarifications to our annual Open Meetings Resolution which we'll in the Legal Department take care of, and numerous other very practical suggestions that can be implemented.

COMMISSIONER VIGIL: And I agree, a lot of the recommendations are administrative and in particular, one of the recommendations is to identify a variety of venues for advertising and noticing, and I know that is a financial issue. We've sort of tacked with that one before in the last 4 ½ years that I've been here. I'm thinking probably these discussions would be quite effective and would more easily be implemented if we did have a follow-up session on how they could be done. So I think that's, as I said earlier, our next step. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Jody, regarding the study or studies, have you done other studies?

MS. LARSON: Mr. Chair, Commissioner Montoya, not exactly like this.

COMMISSIONER MONTOYA: Okay. So I can't ask you to compare us to the City of Santa Fe or Bernalillo County or any other government entity.

MS. LARSON: Okay. So let me just, reading this real briefly for the first time, your general and kind of overall impression?

MS. LARSON: Mr. Chair, Commissioner Montoya, our overall impression

was that with respect to the Inspection of Public Records Act and the Open Meetings Act that there is a lot of good will and commitment to compliance with these statutes. And there is good compliance in some areas and spottier in others. I would agree with the County Attorney that it's a question now of becoming more systematic in compliance with statutes.

COMMISSIONER MONTROYA: Okay. Thank you. I appreciate you and the League of Women Voters and all involved who do this study, because I think something that this Commission and Commissions prior to have been committed to making sure that we are transparent in terms of how we do business and we don't come out here with a perception of there's a movida going on, and that's the unfortunate perception sometimes even when we do try and be as open and transparent as we can and are allowed to, there's still that perception.

But I think overall I feel that this Commission is committed to making sure, and I really appreciate the recommendations and look forward to implementing those as well. Thank you.

MS. LARSON: Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, thank you, Jody and thank you to the whole committee for all the work you did. This is an incredible amount of work, actually, and I want to especially thank you for making specific recommendations to us that are achievable. I really didn't read a single one that I disagreed with actually. They seemed like they were all implementable and achievable.

I do have a question though, I guess for our County staff. One of the recommendations I particularly liked, which was to put documents, for example, documents that are relative to our new growth management plan that are really big, fat documents, in places like the public library. Have you looked into whether we can do that and how we can do that?

MR. ABEYTA: Mr. Chair, Commissioner Holian, yes we have, and I believe the growth management documents are at the public library.

COMMISSIONER HOLIAN: Oh. They already are then. That's great.

MR. ABEYTA: But we'll continue to do that and identify other locations.

COMMISSIONER HOLIAN: And people can also come here and look at them just in-house and sit down and read them and that sort of thing. Because it is so expensive to copy those things or even to pull them off the Internet and try to print them out. So it seems to me that having a physical copy in a public place is really a useful thing. Thank you.

CHAIRMAN ANAYA: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Some of my comments go along with what has already been said by everyone, but I do understand that sometimes our intergovernmental meetings and materials aren't easily accessible for individuals. So I would like to see that accomplished. And I think we always have to remember that there's a segment of our population that is not into computers. They either don't have access to computers or they don't have education with computers or class issues,

but I do think that all of our public libraries might want to – and maybe we could work with them – might want to have a section on County documents, so that we send it automatically to them, either electronically, where they print it out and make it accessible, or that we provide them a hard copy so that people know that they can go to the public libraries to just look at what's going on with the County. And obviously certain things could be archived after a period of time, etc.

The other thing I'm wondering, and I'll leave this to Roman to pursue, but many of these recommendations could end up being part of a strategic plan. So we could have a work plan around some of these recommendations that would be phased in over time, because all staff have several duties every day of their lives. But if something is made manageable to accomplish over a period of time it's a little more feasible. So thank you. Thank you very much to the League for all of their work on this and to ACLU and to any other community members that were involved. I look forward to this report and I'm very happy with it. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner. Any other comments?

MS. LARSON: Mr. Chair, to just say that the League certainly stands ready to follow up with the County in any way that will be helpful.

CHAIRMAN ANAYA: Again, Jody, thank you very much and thank the League of Women Voters for all the time and effort that they put into this. This is a lot of meetings it looks like, after looking through this. A lot of discussion. So again, thank you very much for your presentation.

MS. ESPINOZA: Mr. Chair, may I say something?

CHAIRMAN ANAYA: Yes.

MS. ESPINOZA: I'd be happy at the recommendation of Commissioner Vigil to be the focal point, the point of contact for the League of Women Voters to get the information you need and have it ready. And thank you too. This is a lot of effort, a lot of work, and I know you don't get paid for doing this. But I also wanted to let you know that we too have created on our website in the Clerk's office a code of ethics and that is used for training at the IACRT conference, which is the International Association of Clerks, Records and Treasurers. So feel free to access that, but know that I can be a focal point for you for the information you need to receive from the County.

CHAIRMAN ANAYA: Okay. Thank you, Valerie. Thank you, League of Women Voters. Okay, I'd like to change up the schedule a little bit. I see Frank Sussman there in the audience. If we could get to him before we go back to some other stuff. Is that okay?

COMMISSIONER STEFANICS: Are we going to Corrections?

CHAIRMAN ANAYA: Yes, Corrections.

COMMISSIONER STEFANICS: Yes, because Dr. Spencer is here as well.

XIII. B. Corrections Department

1. Correction Advisory Committee Presentation (Corrections Department)

FRANK SUSSMAN: Mr. Chair, members of the Commission, on behalf of the entire Corrections Advisory Committee I thank you for the opportunity to appear this morning. My name is Frank Sussman and I'm the newly elected chair of the committee. In advance of our meeting earlier this month of June 10th, which was my first meeting as chair, I provided the committee in advance with over 30 pages of prepared materials for its consideration. Included were three documents which you have also been provided. The first is the annual report for 2008, which has been overwhelmingly approved by the committee. I apologize for the delay in delivering the same but as only one member of the committee it was beyond my ability to do otherwise until our recent committee election.

The second document is a new, proposed resolution, revising the current committee by the addition of three new positions, including representatives of the County Sheriff's office, the County Department of Corrections and the Santa Fe City Police Department; the renaming of the committee to the Criminal Justice Advisory Committee; and other less significant changes. This resolution has been overwhelmingly endorsed and is favored by the current committee members.

It is the belief of the current committee that the widely varied expertise of the committee members already currently meeting monthly could be better utilized to address areas of concern which are clearly interrelated and cross boundaries beyond the Department of Corrections along. In the even the Board does not approve of this revised and expanded role, we have provided a revised Corrections Committee Resolution, which also have been overwhelmingly endorsed by the current committee.

COMMISSIONER STEFANICS: Excuse me one second. Mr. Chair, we don't have all of the materials that you're referring to, Frank.

MR. ABEYTA: No, Mr. Chair, Commissioner Stefanics. What you have in your packet is the annual report, because that's what's required today. We're doing the committee project that the Commission has chartered us to do, and so we're analyzing those two, and we're not ready to make a presentation to the Board at that time. That is going to be taken care of with all of our committee work that we're doing. So what you have in your packet is the annual report because that's what's required by resolution to be done today.

COMMISSIONER STEFANICS: Thank you, Roman. So, Frank, when you –

MR. SUSSMAN: They had been electronically provided.

COMMISSIONER STEFANICS: Okay. But as you're talking about this you might just want to be clearer about what you're referring to because we don't have anything in print about it. Okay? Thank you.

MR. SUSSMAN: Well, also one of the things provided which you do not have is a chart that I prepared to show the differences between the current authorizing resolution, the "criminal justice" resolution, the proposed revised Corrections resolution. So I'm not sure

you want me to take the time to go through all the differences because there is a chart that shows you all the differences that are being recommended. If you want me to I can do that.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Sussman, it sounds like you're talking about recommendations for future advisory committee functions.

MR. SUSSMAN: Well, it's two things.

COMMISSIONER MONTOYA: And what we're talking about here today is the report that is required.

MR. SUSSMAN: That's correct. I was not aware – I'm not blaming anybody – that we would only be talking about the annual report, because we did provide all these things and I understand why they were not provided to you, but clearly available.

COMMISSIONER MONTOYA: So, Mr. Chair, if I could maybe just ask Mr. Sussman if you could maybe just focus on the report that's required now, then I think we will talk about the committee, its functions, structure, etc. at a future date.

MR. SUSSMAN: Whenever the Commission –

CHAIRMAN ANAYA: Let's stick with the report.

MR. SUSSMAN: Right. I think the report basically speaks for itself. I'm certainly happy to take any questions. I can tell you how it was compiled. Really, there was no other way to compile the report other than to obtain all the minutes for 2008, some of which were for meetings which I was not personally present because I had not yet been appointed, having been only appointed to this committee in March of 08. But if there are questions concerning the report I'm sure it would not be of any benefit to try to summarize it or to go through it, because you have it in front of you. But I'd be more than happy to take any questions.

CHAIRMAN ANAYA: Thank you, Frank. Commissioner Stefanics, then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Frank, and I really appreciate this because there's quite a bit right here for us to focus on before we go into future recommendations. Something that came up at the RPA meeting the other evening was the issue of transportation for individuals who are released from the detention center and the County jail. So could you just comment on that very briefly?

MR. SUSSMAN: Yes. There is a 24-hour rule concerning certain offenses and certain reasons that people are locked up. The Department of Corrections position and I believe it to be correct is, well, if you're booked in in the middle of the night, you're released in the middle of the night because that's what the court order says. All right? That becomes a problem mainly for the homeless, people who generally may not have anyone to pick them up, generally do not even have lawyers or any other way to get out. Now, obviously there's the option of they'll wait around till the morning and we will transport you into town or to a bus station, some place where you can make connections. To my mind, that's somewhat of a Hobbsian choice. You tell somebody, hey, you can stick around here or you can leave right

now and walk in the middle of the night. Most people are going to leave.

They've served whatever; they don't want to stay. The committee has addressed this I think two meetings ago. It was brought to our attention mainly by the member of the committee, Deborah Tang, who is the homeless representative – that's the category. We believe that some progress has been made. I believe this is also on the agenda for the meeting in July to see where we stand on this issue, but yes, it is being addressed both by the committee and by the Department of Corrections. It is a problem for the reasons I just stated. It's a practical problem.

COMMISSIONER STEFANICS: And Mr. Chair, the point we brought up is that as we plan city and county transportation, we don't really have a 24-hour service available in our city, let alone the county. I think many years ago some charitable non-profits had tried to organize some transportation systems for the individuals you talked to. And perhaps this might be a topic that as we go forward from Community Services – Joseph, do you need more work? Maybe some entity within the County could start looking at relationships that could address some of this. Thank you.

MR. SUSSMAN: Practically speaking, cabs are just economically out of the question.

CHAIRMAN ANAYA: Any other questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Frank, thank you for the report, and I just wondered if you might be willing to summarize a few of what you think are the most important points. And then I do have a specific question. I know that there is a jail subcommittee. I forget the actual name of it, that's part of the Health, Planning and Policy Commission. And I just wondered if there's any overlap. Is there any communication between the two committees?

MR. SUSSMAN: During this past month I have met with members of that committee. Stephen Spencer was one and Larry Martinez was another, who are involved and I was informed that that committee rarely meets and is basically ineffective. I think that answers your second question first. To go back to your first question, yes. Part of this, if I were to pick one item that I'd like to address that's in the report that's an issue it's the inspections of the facilities. The authorizing resolution of this Commission is that there be two per year inspections of the adult facility, and there be two inspections per year of the juvenile facility, and that certain quarters are set up, but that's not important.

During my tenure on this committee, again, which began in March of 2008, a little more than a year, we quarrel about what's an inspection and what's a tour. But in the opinion of the committee there has been no inspection, although mandated, two of them a year, of the juvenile facility since March of 08. I can't speak as to what occurred before then because they have not been permitted by the Department of Corrections. And the last inspection of the adult facility was in October of 2008, and there have been none since that time, although mandated by the authorizing resolution that's currently in existence, because those also were not permitted by the Department of Corrections.

COMMISSIONER HOLIAN: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'll let other Commissioners speak first. I was just going to go back to a topic –

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER STEFANICS: Okay. I think that the issue of mental health services has been – it is being addressed and there are some recommendations that are coming forward from the other committee that you talked about or the other subcommittee. So I think that this is something that the Board of County Commissioners is going to want to look at in terms of all of the needs of our inmates, both adult and youth, as we move forward. So that when we look at the purposes and objectives of this committee and the other committee that we could look at them together. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you.

MR. SUSSMAN: I was going to address that, but that's not part of the report. So we'll leave that aside.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. This question is for Steve and then I'd like Annabelle to respond to any comments that have been made if you so desire. But Steve, does this meet the statutory requirement on the direction that I gave you earlier to work with the Department of Corrections to have the Board of County Commissioners do an inspection?

MR. ROSS: Mr. Chair, Commissioner Vigil, no. This is a separate – the resolution that created the Correctional Advisory Committee provided for inspections. That other thing that we were talking about is a state statute that requires you all to make an inspection.

COMMISSIONER VIGIL: Okay. And so you will continue to work on creating that opportunity and move forward on the report that's required.

MR. ROSS: The County Manager and I have already discussed it a little bit.

COMMISSIONER VIGIL: Wonderful. Thank you. Mr. Chair, I just – there's a couple of statements that were made, one in particular about a Jail Advisory Committee through the Health Policy and Planning Commission, which I've heard a different message from through our Health Policy and Planning Commission, that they've been incredibly useful with regard to some of the issues that we've had to deal with most recently, so I don't agree with your statement they are of no use. And that may be represented as hearsay, as somebody else telling you that.

MR. SUSSMAN: That's what was told to me.

COMMISSIONER VIGIL: But with that, Mr. Chair, I think I'd like Annabelle to respond to any – particularly the statement that the Department of Corrections was not cooperative in allowing inspections. Annabelle, would you please –

ANNABELLE ROMERO (Corrections Director): Good morning, Commissioners. I wanted to start if I can by discussing how we are dealing with individuals leaving the facility. It's probably not the best solution, but I do want you to know what we are doing. What we're doing right now and have been doing since the winter months was that if

an individual was eligible to be released and it was during hours without daylight or dark hours, we simply asked them to stay or required that they stay. In the morning they're then taken to the bus station and we are providing them with a bus pass and giving that to them, rather than letting – now, if the individual has a ride they're released at that time. But if they don't have a ride and it would mean for them to walk those 14 miles, we're retaining them at the facility until the morning. So I just want – that is not the best solution but it is how we are handling it currently. So I did want to let you know.

And then I also want to let you know, regarding inspections of the adult and the juvenile facility, there is a difference of opinion between myself – between the Department and some members of the committee regarding what an inspection and what a tour is. What some members of the committee were asking to do was to divide into subgroups, a total of five subgroups, that would then go into the facility and conduct separate inspections. The problem with that was with the five groups entering both facilities twice a year I would be looking at 20 separate inspections of the facility. And with the entire group going on two tours or inspections of the facility, of each facility twice a year, we're now looking at 24 inspections of the facility.

And we are also inspected by the Department of Justice, by agencies that oversee food services, by CYFD, by State Corrections, and the numbers continue, continue. And one of the statements that they have not been allowed to inspect the juvenile facility, the committee actually meets at the juvenile facility, usually monthly. And a few months ago, visited the facility and had lunch with the children and after the lunch were allowed to visit the entire facility pretty much at their discretion. In fact most of the members left before the tour was completely – we were willing to continue the tour. They were allowed to ask questions of staff, ask questions of the children, but a problem did arise during that particular tour and I informed the committee that I wanted more direction from the Commission. And the problem was that one member in the lunch room at a lunch table started to ask one of the children there who was at the facility as a result of a death at one of the pueblos and had a murder charge, was asking him questions about his case and asked the child – the child said he was going to be entering a plea and his attorney would be coming into the facility I think later that day or the next day, and asked the child how he was intending to plea. The difficulty I had with that is that the co-defendant on the same charges was also in the same facility and it had been a very difficult situation, a small facility to manage. The child didn't know what to do and he didn't know in what capacity this person was asking him the question.

It created a problem. And I asked the member not to go any further with that line of questioning and stopped that interaction at that moment. That was part of the reason that I wanted to get more direction from the Commission in terms of what are they supposed to be doing? How many tours? I can usually find myself simply responding to tours and reports and committees. Most of these committees did not file written reports. Some of the committees never did get out to the facility. I was totally losing track of how many people were going, when they were going and what they were seeing.

It also requires that I provide staff to be available to tour and so forth. So I do need

more direction and I also was planning to do training with them in terms of what is appropriate or not in terms of interactions, particularly with the children but also with the adults.

CHAIRMAN ANAYA: Okay. Thank you, Annabelle. Roman, that's something that we're going to be putting into this study, correct?

MR. ABEYTA: Yes.

CHAIRMAN ANAYA: Those are things – we don't have to go through them.

MR. ABEYTA: Right. As I say, we have a large committee project that we're undertaking. This is one of many committees. We have the two recommendations that Mr. Sussman has referred to that we're looking at, and we will bring back a report to the Commission, not only on this committee but all the County committee as we go forward.

CHAIRMAN ANAYA: Good. All right. Any other questions of Annabelle? Thank you, Annabelle for being here, and thank you, Frank for your committee report and we look forward to hearing from that committee. Roman, thank you.

MS. ROMERO: Thank you.

MR. SUSSMAN: We look forward to have another meeting as you suggested where more issues can be explored more fully.

CHAIRMAN ANAYA: Frank, thank you. Roman, looking at the agenda, do you have something that we could cover in two minutes before we break for lunch?

MR. ABEYTA: Mr. Chair, the satellite office presentation could be really quick. This is something that Commissioner Holian has requested. And I think it's just numbers and statistics that you'd like us to present and I think we can do that in the next two or three minutes. And then it's my understanding that the Santa Fe Mountain Center is coming after lunch at 1:00 so we should probably put that off.

CHAIRMAN ANAYA: Okay. If we get through this we'll break to 1:30.

MR. ABEYTA: Mr. Chair, I'm sorry. They're here. So we probably want to hear from the Mountain Center before you break.

CHAIRMAN ANAYA: Oh, they're here? Raise your hand. Okay. So we'll do both.

MR. ABEYTA: We can do this real quick.

XIII. A. 1. Satellite Office Presentation (Community Services Department)
[Exhibit 2: Presentation Material]

AGNES LOPEZ (Community Projects Division): Mr. Chair, Commissioners, I'm here to give a presentation on the satellite offices. The offices opened in the spring and fall of 2007. We offer three regional locations, in Pojoaque, Eldorado and Edgewood, and we've responded to over 781 requests quarterly. So I have them reporting back to us quarterly. The program annual operating budget is \$69,578 for the three regional offices. At these offices, staff answers general constituent questions including they register people to

vote and provide other County Clerk information, they provide assessment information and forms, they provide healthcare assistance and referral information, they distribute job descriptions and applications, they provide packet material for land use permits and they process landfill permits at these locations.

The Pojoaque satellite office opened in April of 2007. The operating budget for this site is \$27,074, and it's located off of Highway 285 in Pojoaque. It's staffed by Edward Medina and Mary Peters, currently, and it's open Tuesday, Wednesday and Thursday from 12:00 to 5:00. We have a total of 192 requests from January 1st through March 31st for that quarter, and 79 of those were health related service requests.

The Eldorado satellite office opened in October 2007. They have an annual operating budget of \$14,607. They're located at 60 Avenida Torreon, Eldorado, and it's staffed by Vicky Sullivan. And the hours are Tuesday, Wednesday and Thursday from 12:00 to 5:00. And they have a total of 481 requests from January 1st through March 31st. And 313 were health related requests for service.

Our Edgewood satellite office opened in October 2007, has an annual operating budget of \$27,897. It's located at 1916 Old US 66 in Edgewood, and that is staffed by Elva Holden and Pauline McClendon. The hours are Tuesday, Wednesday and Thursday from 11:00 am to 4:00 pm, and they have a total of 108 requests from January 1st through March 31st.

This pie chart shows the level of activity from January 1st to March 31st, and it shows that 8 percent were Clerk's requests, 29 were information or requests from growth management, 16 percent from the Assessor's office, 19 percent from the Treasurer's office, 12 percent from CSD and 16 percent from the Sheriff's Department.

And I stand for questions.

CHAIRMAN ANAYA: Any questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Thank you, Mr. Chair. Well, thank you very much for your presentation. That was very informative. That's exactly what I wanted to hear about, and I just wondered if you had any anecdotal evidence, comments from people saying that they appreciated this service, things like that.

MS. LOPEZ: We have. We meet with our staff and they're great staff, and we meet with them once a month and they bring back these comments from the people that they are very appreciative, up north and down south especially where they'd have to come all the way into town. And we also asked for recommendations of what other services they'd like to see. And they – there's been a variety of things, maybe dog tags, so we're looking at that with the Sheriff's Department, investigating other options. But yes, they're very appreciative of those services.

CHAIRMAN ANAYA: Thank you. Any other questions, Commissioner Montoya.

COMMISSIONER MONTROYA: Mr. Chair, Agnes, in terms of the move from the current satellite office to the new location in Pojoaque, how's that proceeding?

MS. LOPEZ: Mr. Chair, Commissioner Montoya, we are looking at moving in

on August 31st. The public has been very helpful in helping us to renovate that facility to meet our needs. I do have a plan working with the Health Department and from my staff to do a layout that would work for them. And they're doing those renovations for us currently. So we are looking at moving in the end of August.

COMMISSIONER MONTROYA: Okay. We are going to be relocating that office, primarily because a lot of the residents couldn't find the current location, so it's going to be much easier. It's going to be in the central of the Pojoaque Plaza where there's a lot of activity that is going on there. You've got mailboxes. You've got the convenience store. You've got the grocery store. You've got the True Value. So it's going to be much more convenient for residents, plus the Pojoaque Pueblo is allowing us to have actually more square footage for the same place of what we were paying for a smaller facility. Parking is more accessible. It's just a much better location. So I'm glad to hear that it's moving along. And I do hear – I've had one complaint the whole time that we've had that satellite office open and that's an individual that would complain about anything anyway, so I think for the most part it is serving the public there and they're very appreciative of us being there and being present. So, thank you.

CHAIRMAN ANAYA: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, do I understand that we do not accept financial transactions though, at the satellite office.

MS. LOPEZ: Mr. Chair, Commissioner Stefanics, that is correct. We don't.

COMMISSIONER STEFANICS: And is that primarily because of the handling of money and rules and regulations of the Treasurer's office or why?

MS. LOPEZ: Yes, and let me correct myself. We do take transfer permits.

COMMISSIONER STEFANICS: Oh, you do. Are you set up to take credit cards?

MS. LOPEZ: Mr. Chair, Commissioner Stefanics, not at this time, no.

COMMISSIONER STEFANICS: So right now, all satellite offices can accept checks for transfer permits. Anything else?

MS. LOPEZ: Mr. Chair, Commissioner Stefanics, no. That is the only thing that they are doing currently.

COMMISSIONER STEFANICS: Okay. Well, I think that's a very important thing for the public to know, especially this time of year. So thank you very much.

CHAIRMAN ANAYA: Thank you. Okay. Thanks a lot for the presentation. And thank the staff that staffs those satellite offices for us.

MS. LOPEZ: I will. Thank you.

XIII. A. 2. Resolution No. 2009-114. A Resolution authorizing the County Manager to Execute Purchase and Sale agreement for Property in Santa Fe County for the Santa Fe Mountain Center (Community Services Department) [Exhibit 3: Project Summary]

MS. LOPEZ: Thank you, Mr. Chair. The Santa Fe Mountain Center is an organization that provides therapeutic services to at-risk and high-risk youth in Santa Fe County. The program includes overnight therapeutic camps and/or wilderness experience programs. The Mountain Center has received legislative funds in the amount of \$693,619 to acquire land for plan, design and construct County-owned facilities for the Santa Fe Mountain Center program.

The Mountain Center has identified a 22-acre property off of La Cueva Road near the Village of Glorieta in Santa Fe County that would serve the needs of the program. The Community Projects staff in working with Land Use has determined that the property will need to be rezoned from residential to commercial requiring master plan approval. And in the handout you just received we've given you a list of the basic requirements for master plan, and including life safety issues, which includes a 30,000 gallon tank for fire protection.

There's structures on the property that would require ADA improvements. The water supply is being looked at for quality and quantity to make sure it would serve the needs of the program. Access, including floodplain issues and existing new structures and road improvements will be looked at. Liquid waste will be looked at including the upgrade of the current septic system. The summary in your handout was prepared by Land Use and explains the analysis required by Land Use for the master plan process.

The next steps will be, based on the review and consultation with County staff we've determined that a preliminary site feasibility study will help determine whether the resources on the property can support the program and support master planning requirements. If the results of the study support continuation of the master planning process staff will proceed to complete the master plan process, incorporating the data gathered in the feasibility phase. So this resolution will allow us to move forward quickly after we finish that phase and allow the County Manager to sign all the documents closing on the property. I stand for questions.

COMMISSIONER MONTOYA: Mr. Chair, what happens if it doesn't meet master planning requirements?

MS. LOPEZ: Mr. Chair, Commissioner Montoya, I believe that we can start looking at other properties to purchase for the Mountain Center if it doesn't.

COMMISSIONER MONTOYA: Other than the Glorieta site?

MS. LOPEZ: Right.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Any other questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Do you have any plans to meet with the community in the La Cueva area to sort of let them know what this might look like?

MS. LOPEZ: Mr. Chair, Commissioner Holian, through the master plan process we do have to notice it and in that noticing if we think we need to meet with the community we will do so.

COMMISSIONER HOLIAN: But it wouldn't be until you actually made the determination that this is actually the site that you wanted to settle on, correct?

MS. LOPEZ: Right. And Mr. Chair, Commissioner Holian, after we've gone through the feasibility study and determined that it's a good site for the program, then we'd go through the master plan process and in that process we would meet with the community.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN ANAYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. Agnes, thank you for bringing this forward and thank you, Roman, also. It's a much needed program in our community, but I do recognize that this feasibility study needs to be done. What is the timeline? Because I know one of the concerns of the Mountain Center is spending those legislative dollars, as they've currently lost some. And will this feasibility study also include any costs for remediation that will be required?

MS. LOPEZ: Mr. Chair, Commissioner Vigil, yes. We intend the feasibility study to identify some of the issues that we need to take care of and the costs associated with that. And so then staff will reconvene and look at the study and determine whether we move forward and at that time then we will start the master plan process.

COMMISSIONER VIGIL: And when will the feasibility study be done? Do you have a timeline?

MS. LOPEZ: Mr. Chair, Commissioner Vigil, staff is currently developing a scope of work. We know of the urgency of this project so we are moving as quickly as possible. We're hoping four to six weeks for the feasibility study to be done, and then we will also draft a whole timeline for the whole project.

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

CHAIRMAN ANAYA: Okay. Any questions? Is there a motion?

COMMISSIONER MONTROYA: Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Motion by Commissioner Montoya, second by Commissioner Holian. Any further discussion?

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

XIII. E. Matters from the County Attorney

1. Executive Session

- a. Performance Evaluation for the County Manager**
- b. Performance Evaluation for the County attorney**
- c. Pending and Threatening Litigation**
- d. Limited Personnel Issues**
- e. Discussion of the Purchase, acquisition or Disposal of Real Property or Water Rights**
- f. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with a Bargaining Unit**

CHAIRMAN ANAYA: I was just talking to Steve Ross. What we could do is we could make a motion to go into executive session to discuss items a through f. We can vote on that, then we can leave, go to lunch, and come back here at 3:30. Go through executive session until 5:00, and then come out of executive session and then discuss the new judicial court complex and then go into our public hearing. Is there a motion?

COMMISSIONER STEFANICS: I'll so move.

CHAIRMAN ANAYA: There's a motion to go into executive session to discuss a, b, c, d, e and f. I'll second.

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

[The Commission recessed at 12:10, returning to open session at 5:25.]

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

COMMISSIONER STEFANICS: Mr. Chair, I move that we come out of executive session where we discussed performance evaluations for the County Manager, the County Attorney, pending and threatening litigation, and discussion of purchase, acquisition or disposal of real property or water rights, discussion of bargaining strategy preliminary to collective bargaining, and made no such decisions.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion by Commissioner Stefanics, second by Commissioner Montoya. Any further discussion?

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

XIII. C. County Manager

1. Update on Various Issues

a. New Judicial Courthouse Complex

CHAIRMAN ANAYA: Are you going to give us an update, Steve?

MR. ROSS: Mr. Chair, I was going to give the courthouse update.

CHAIRMAN ANAYA: Okay. The new judicial courthouse complex update.

MR. ROSS: We can move into that and then when the County Manager gets back we can discuss whatever items he had. What I was going to update you on is that recently, last week some time, the County's consultants filed this assessment report with the Environment Department. I was just going to go over some of the details of the report, because they will influence some of our decision making in the future.

The report documents the studies that the contractors, which is Intera, Incorporated, in Albuquerque did on the courthouse site itself. The purpose of the assessment was to determine definitively what types of problems exist on the site itself, not offsite. And the findings are not too surprising given the preliminary indications that we had during the construction process and as a result of earlier environmental studies. Obviously one – the obvious problem and the problem that stopped the construction is that there's gasoline present underground at the site. There's evidence in some places of just a sheen of oil. In other places there's oil, petroleum products that are 2 ½ feet thick. It varies depending on what part of the site you're on.

The pollution appears to take the shape of an elliptical plane that's oriented roughly north and south, which is a little odd because the groundwater flow in the area is more to the west. But the assessment report seems to indicate that the gas or petroleum is following geologic features rather than traveling with the ground flow. In other words it's preferentially seeking out areas where the ground is naturally permeable, areas where they say there's more rocks than sand and clay. The plume is approximately 450 feet in length and about 100+ feet in width, although the consultants have established the western boundary of the plume on our property. They know where it stops in other words, and they've established the northern boundary of the plume. In other words they know how far the gas has progressed from its source. But because the plume extends off the property to the east and to the south it's unclear the extent of the plume in those two directions. And that will be important when we get into cleanup options in a couple months.

The groundwater of course is heavily impacted where there's petroleum and of course the groundwater is going to need to be cleaned up in connection with a global cleanup of this site. Another source of problems is of course of the soil, because the soil above the groundwater has been impacted by the floating petroleum. It varies from a minimal thickness to about 20 feet thick in the worst parts of our site. That translates to about 8500 cubic feet of contaminated soil that must be removed. A great deal of soil was going to be removed anyway in connection with the excavation for the second level of underground parking.

Most of the contaminated soil of course is on the eastern side of the site where the

parking garage was going to be located. There is quite a bit of contaminated soil under the office of the district attorney. Once again, remember that the source of this contamination appears to be three gasoline stations at the corner of Montezuma and what's now Cerrillos.

What we're doing now with this information, in the next few weeks you're going to see a lot of activity. There's going to be a preliminary work plan to support the County's application into the voluntary remediation program files probably around July 7th. Once that's filed the Environment Department folks and the Groundwater Bureau will take a number of weeks to review the proposal and give us feedback. Once they've completed their review the next step would be for the County to enter into what's called a voluntary remediation agreement with the Environment Department. This is where the Environment Department agrees on the work plan and contractually binds themselves to approve the work plan and cooperate with it.

Before that agreement can become final there's a public comment period and the possibility of public hearings concerning the work plan itself. In the next few days the County's going to start removing this gasoline from all the wells on the County property. We've been working with the Environment Department to clear up some of the last details so that this project can be started. Among those details, last Friday a survey of all the wells in the area including the wells the Environment Department maintains at the – what we believe the sources of the contamination are, the various gas stations.

A survey was taken. The product in those wells was sampled and set off to a lab for fingerprinting so that the signature of the product can be tracked to its source. We expect to find two or three different sources and the product on our property should translate to product that's seen at some of the source properties.

And then finally a survey was completed in conjunction with that activity so that a definitive idea of the groundwater flow in the area can be reached. Those have all been done and we expect to start removing the petroleum from our wells, the wells on our property on Thursday. So the first remediation on the site will start commencing on Thursday. And this project will take a long time. They will skim petroleum from all the wells, take it to a disposal facility and wait for petroleum to accumulate in the wells again and then skim it again. This will go on for some time.

On the offsite investigation, the Environment Department has concluded the geophysical survey of I believe seven of the leaking underground storage tank sites in the vicinity. Remember there were about ten sites within a half a mile of our facility where tanks leaked in the past. There are three sites at the corner of Cerrillos and Montezuma that are presumed to be the cause of our problem but the Environment Department wanted to ensure that there were no leaky tanks or tanks physically present in various locations in the area. And they used ground penetrating radar and other techniques to complete that survey. The results aren't in yet but that's been done.

Another project that's going to start up pretty soon is to convert the monitor well that's currently at the office building right across from our site, across Montezuma into an extraction well, a soil vapor extraction well which is a remediation technique. They're going

to begin to extract petroleum from that well beginning some time this summer. That well has been one of the most heavily impacted wells in the entire area. Sometimes as much as three feet of petroleum is seen at that well.

They're going to install three wells at the current site of the Albuquerque *Journal*, and take a look at what's there in hopes of determining the eastern boundary of the petroleum plume, and possibly a fourth well will be placed farther north on Cerrillos Road, possibly near the hotel that's there. All this work is critical to determining the volume of raw petroleum that's currently sitting on top of the water table. And that will translate into the costs and techniques for removing it, once they figure out how much is there, they'll know how to remove it and how much it's going to cost, and of course that will bear on our decision making with respect to the courthouse.

We won't have any answers to those questions until the Environment Department completes its work. What we expect to have done next, after the product recovery project starts and the regulatory process concerning our application gets underway is in August our consultants plan to put together a detailed work plan. Hopefully, at this point we will have some information from the Environment Department on the offsite levels of contamination, in particular what that eastern boundary of the floating petroleum is. Once we know that then a detailed work plan can be presented, so a decision matrix can be prepared for you to make decisions about the site. We expect to be able to have that information to you sometime during one of the August meetings.

That should include information about what the total extent of the contamination is, how much the various remedial efforts will cost, both on our site and offsite, what the time frame is and specifically how this will affect our project so that we know when we will move forward and how we will move forward. They expect that really to have that information by August but the farther out we go making these predictions and timelines the less accurate they're likely to be.

And then finally we're still on track. The consultant team is confident that we can begin generalized remediation of our site and the gasoline plume still by starting September 1st. So that's kind of a snapshot of what's going on right now. I'm certainly willing to entertain any questions.

CHAIRMAN ANAYA: What did you say about September 1st?

MR. ROSS: That's the date the consulting team is hoping to begin remediation of our site and that the offsite contamination will begin to be remediated. September 1. That's our goal.

COMMISSIONER MONTOYA: Both?

MR. ROSS: Yes.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: What was the July 7th date again, Steve?

MR. ROSS: That's the date when the preliminary work plan that our consultants are developing will be turned into the Voluntary Remediation program.

COMMISSIONER MONTOYA: Through NMED?

MR. ROSS: Yes.

COMMISSIONER MONTOYA: So will that application include a request for funding for remediation from NMED and their remediation fund?

MR. ROSS: Not per se, but in connection with all these activities, hopefully the fund can be brought to bear to clean up two and possibly three of the sites there at Montezuma and Cerrillos.

COMMISSIONER MONTOYA: Okay. Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: You indicated, besides this July 7th and September 1st, you indicated that at one of our meetings in July we would be presented this work plan. Do you believe it would be the 14th or the 28th?

MR. ROSS: Well, the work plan will be submitted to the Environment Department on the 7th and we'll discuss it at the meeting that's closest to the 7th. That will be related only to our site. The work that needs to be done to clean up our site. We kind of know what's going to be involved anyway. We'll have to dig up the contaminants, so certainly we're going to start the product removal on Thursday and that will go on a long time. And then there's going to be soil vapor issues that will need to be addressed and then the long-term, on the long term, the groundwater needs to be cleaned up.

COMMISSIONER STEFANICS: Well, Mr. Chair, the reason I'm asking is I know some of the public might be interested in hearing what the work plan is so I want to clarify that it would be heard on the July 14th here?

MR. ROSS: We can make a point of it and we can bring the consultants in to make a more technical presentation if you think that would be useful.

COMMISSIONER STEFANICS: If we have time, but I think that the public just wants to be kept apprised of what is happening. Thank you.

CHAIRMAN ANAYA: Any other questions? Commissioner Holian

COMMISSIONER HOLIAN: Thank you, Mr. Chair. This is a question for Roman. Have you been in negotiations with the contractor at all about a work stoppage plan yet? Or is it too early to be doing that?

MR. ABEYTA: Mr. Chair, Commissioner Holian, right now we are still on the month to month basis but at some point, as we get closer to September we will probably enter into a longer term stoppage. But right now it's too early, so we're still on the month to month.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, thank you. Steve, if I'm correct in what I heard there is remediation that is beginning within the next working days that will be removing gas and shortly the monitoring well will be converted into an extraction well. So remediation is actually starting to occur immediately. Is that not –

MR. ROSS: Yes. The County is going to start on Thursday to use a number of the wells on our site to remove petroleum from the ground, and then the Environment Department later this summer is planning to do the same thing at Montezuma.

COMMISSIONER VIGIL: So is the option still on the table for the County to consider the remediation going on in concert with the building of the judicial complex?

MR. ROSS: Mr. Chair, Commissioner Vigil, that's certainly an option and it's one that will be developed and presented as a part of the decision matrix that you'll see, hopefully in August. That would be the preferable option, obviously.

COMMISSIONER VIGIL: Did the consultants identify the possibility of any existing tanks in the ground, or was it just the spillage of the tanks? Or do the tanks remain there?

MR. ROSS: Mr. Chair, Commissioner Vigil, there's no evidence of any tanks on the County property. There obviously were tanks, a number of them, located in the ground where the three gas stations were located. It appears there were no tanks in any of those locations. The removal at the tanks at the Journal site predated some of the regulatory programs but it appears that the tanks at Montezuma and where the Savor Restaurant is currently located were all removed under Environment Department supervision. What the geophysical project was doing was trying to determine whether there were still tanks in the ground at the Journal site and some of the other sites that are very near to the courthouse site.

COMMISSIONER VIGIL: This elliptical design, is that what is identified as one plume in that area? Because my understanding was there was more than one plume. When they say it's an elliptical design, first and foremost, I guess my question would be they've been able to identify at least the north and the west boundaries of that and now they'll be looking for the east boundaries. Did the study identify whether any of the other plumes or whatever design they are would impact this project, that are underground?

MR. ROSS: Mr. Chair, Commissioner Vigil, no. They are seeing this or conceptualizing this as a single plume if you want, or area of contamination.

COMMISSIONER VIGIL: But I guess the question would be would any of the other plumes in the area affect the construction here at all?

MR. ROSS: It does not appear that there has been any sign of any contamination in any area of the site except the eastern most edge of the site, so it doesn't appear that our site is being affected by any other spills or leaky tanks.

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

CHAIRMAN ANAYA: Okay. Steve, thanks for the update.

COMMISSIONER STEFANICS: Mr. Chair, I have one more question on this. You indicated that there were some vapors underneath the district attorneys office. Are we working with them to relocate them or are they safe? What's the status of that?

MR. ROSS: Mr. Chair, Commissioner Stefanics, thanks for that question. There have been some concerns about the safety of employees in the area generally and the contractors and County employees have been monitoring the air quality in several buildings there, including the district attorney since this problem first surfaced. I understand that if they

haven't already they're about to install permanent air monitors in the DA's building. There have not been any air quality issues found in the DA's building. The only air quality issues, we understand, that have occurred were historical issues that occurred at the Montezuma building right after it was constructed, in their basement. But they changed their air handling materials and that building appears to be safe. We've been checking that building as well.

COMMISSIONER STEFANICS: So Mr. Chair and Roman or Steve, is it status quo then for the district attorney's office?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, for now it is, but we have talked with the DA and Joseph Gutierrez about potentially relocating them on a temporary basis, just depending on what the report says and how long it's going to take, and the extent of the cleanup. So we have raised that as a potential or a possibility with the DA.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, Roman, if you would keep us posted about any changes in that I'd appreciate it. Thank you.

- XIII. D. 2. Consideration and approval of amendment No. 2 to the
Employment agreement between the County Manager and the
Board of County Commissioners (Legal Department)**
- 3. Consideration and approval of amendment No. 2 to the
Employment agreement between the County Attorney and the
Board of County Commissioners (Legal Department)**

COMMISSIONER STEFANICS: Mr. Chair, I'd like to combine XIII. D. 2 and 3 with my motion.

CHAIRMAN ANAYA: Okay.

COMMISSIONER STEFANICS: I move that we approve amendment number 2 to the employment agreement between the County Manager and the County Attorney and the Board of County Commissioners with the same salary and County benefits for an additional two years.

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

COMMISSIONER HOLIAN: It gives me great pleasure to second it.

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

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

XIV. PUBLIC HEARINGS (Start at 5 pm)

A. Growth Management Department

1. Ordinance No. 2009 __, an Ordinance Amending Ordinance No. 2005-5 to Increase Solid Waste Permit Fees, Extending Coverage and Making Clarifying Changes; Repealing Certain Provisions of Ordinance No. 2005-5

Cs: Who's going to present this?

HELEN PERRAGLIO (Finance Division): Mr. Chair, what we have today to bring you is a presentation. This is similar to the presentation that we heard last month with a few additional changes to reflect more current numbers and also to reflect the proposed increase in tipping fees that will happen starting tomorrow, July 1.

What we have in front of us is a situation we are faced with. Starting tomorrow, our tipping fees currently are charged at \$25 a ton. They will be increased to \$32.50 a ton, so that's a 30 percent increase. So what we was look at the impact that would happen to Santa Fe County. If you look at the chart where we show the increase of tipping fees, in fiscal year 08 it was about \$337,000. Fiscal year 09 we paid about \$364,000 thus far. What we project with the 30 percent increase is an increase of about \$485,000. I mean a 30 percent increase to reach about \$485,000 in tipping fees. So that's something that we need to consider and bring to your attention is what Solid Waste will be faced with in the next fiscal year.

The next slide – this slide should look familiar. We projected, we showed the situation of the Solid Waste operations and show that each year there's a significant deficit that Solid Waste –

CHAIRMAN ANAYA: Helen, I have a question.

MS. PERRAGLIO: Yes, sir.

CHAIRMAN ANAYA: When you're talking about tipping fees, that's when we take ours from the transfer station to Caja del Rio.

MS. PERRAGLIO: Mr. Chair, yes, that's where we – that's the fees that we pay to dispose of the trash that we collect at Caja.

CHAIRMAN ANAYA: So you're saying it's going to go up to \$485,000?

MS. PERRAGLIO: That's the projected cost in total for the fiscal year. Yes, Mr. Chair. Okay, so on this slide, what we're looking at here, if you follow along for the projected fiscal year 2010, this is what we project it will look like, the Solid Waste operations will look like at the end of fiscal year 2010 if we take no action now and we leave things the way they are, and we keep charging the existing fees. We have forecasted revenues, estimated. These are based on estimated figures, based on estimates throughout the years, and what our actual operating budget is this year is \$1.859 million. And it was – I want to clarify, because when I brought you my first presentation the operating budget for fiscal year 09 was \$2.2 million, but that included capital purchases. It will actually be less. In fiscal year 10 we're looking at an operating budget of \$1.8 million. And we predict revenues on average to be around \$279,000, and with the increase of tipping fees of around \$120,000, we predict a

deficit of \$1.7 million for fiscal year 2010.

Moving on to the next slide we'd like to show you what the target would be in our revenues if we wanted to reach the target of covering only our disposal costs, which include tipping fees and the cost to dispose of trash, which is gas and oil and maintenance of our vehicles. So this excludes personnel, utilities, buildings, what not. All the other operating costs. This is just the costs that are included in our disposal costs. And what we predict that to be in total would be \$708,000 in fiscal year 2010. So if we were to meet that target we would have to raise revenues by 153 percent, on average to reach that target, to basically break even with what it costs us to dispose of trash. So that would look like a permit about \$90 a permit, where right now we charge \$35 to reach that target.

So what I did was also show you on the next couple of slides what it would look like, the structure would have to look like to meet that target. So if we look at this, this would be the solid waste rate structure to actually meet the total disposal cost target. And what we would look at is we'd compare our current structure to the proposed, with the addition of a one-trip residential permit for all residents, but specifically we would ask that we limit that if we open it up to residents in the incorporated areas of the county, we'd limit their options of purchasing a permit to a one-trip residential, and that would be \$12.50.

So this would be something of how it would look to meet that target. Our 24-punch residential would increase from \$35 to \$90. The ten-punch residential would increase from \$20 to \$45. Our five 30-gallon bag tags would remain the same, and we would again offer recycling for free. The 24-punch small commercial would increase from \$50 to \$140. And the commercial accounts would remain the same, because we charge more than what the landfill charges at this point for those.

So that's how we would look at meeting that target. This next slide shows some assumptions of how we came to those numbers on the forecast. So what we look at is the percentage increase to reach the 153 percentage increase, based on what these permits would cost and estimating the sale. So if you look at the column of estimated sales, we're predicting that sales would actually go down, decrease, because of the increase in rates, and so we do that all the way down, but we also think that there would be an increase in the one-trip residential. So we factored all that in to reach a target revenue of \$708,000 to cover our costs of disposal.

On this slide we'll show you currently what the other counties and areas charge. Torrance at \$148, Rio Arriba, \$128, Taos, \$100. We currently charge \$35. But if we looked at this target we'd be in the \$90 range so we'd still be below the other counties.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. When you're comparing it with other counties, like for example, Torrance County, do they drop off their trash at transfer stations as well? Or do they have pickup? How does that compare with the other counties?

MS. PERRAGLIO: I think Olivar can answer this question. Let me hand it

over to him.

OLIVAR BARELA (Solid Waste Manager): Commissioner Holian, Mr. Chair, the Torrance County operates transfer stations only and not curbside pickup.

CHAIRMAN ANAYA: What about Rio Arriba?

MR. BARELA: Rio Arriba County is both curbside and transfer station. Taos County is transfer station. I did a survey of San Miguel County and that's also transfer station pickup only, and no curbside.

CHAIRMAN ANAYA: Thank you, Olivar.

COMMISSIONER VIGIL: Mr. Chair, Olivar.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: How much does San Juan County charge? It's not in our chart.

MR. BARELA: San Juan County, I don't have that information.

COMMISSIONER VIGIL: Okay. Thank you.

MS. PERRAGLIO: Okay, so one thing that we would like to remind you of is that \$1.7 million deficit that we're faced with this current fiscal year, and just to put it in perspective, a reminder of what that \$1.7 million could pay for potentially, is 37 sheriff deputy cadets, close to 37 firefighter cadets – and that's including all benefits, salaries, overtime. Total budget for the recurring annual road maintenance, which is approximately \$1.5 million, the entire senior services' \$937,000 budget, and of course cash surplus for contingency.

CHAIRMAN ANAYA: Are you recommending we get rid of one of those?

MS. PERRAGLIO: No, I am not recommending that, Mr. Chair. I'm just trying to show you what's out there. One thing we would like – what we did do after listening to the public concern and doing some more research on how we look at this whole solid waste structure, and looking at other counties is to look at the option of charging a solid waste fee to all constituents or taxpayers, and that way you spread the cost of the fees around the entire county. There are several counties that do that that we're looking into and researching to see how they implement and to see the feasibility.

In this situation fees could be significantly reduced to somewhere between \$35 to \$75 per resident and slightly more per business, if each property owner would be assessed. This annual fee could cover all operating costs of the Solid Waste Division and this would move it more towards being a self-sustaining fund. What we commit to you is we could work to link the property tax database and our business license permits, which we already have access to those databases to actually assess the annual billing. We have access to those databases so we could actually feasibly assess those. And with your direction we can move forward to research implementation of this option and bring it to the Commission as an option to take solid waste within the next year.

CHAIRMAN ANAYA: Would that mean the cities in the incorporated areas too?

MS. PERRAGLIO: We would have to make that decision, Mr. Chair. We

would bring it to you to decide on if you'd want to assess the city. But I think what staff is also recommending is to leave it assessed only to the unincorporated areas, but have the one-trip permit option for city residents, so that city residents could have a one-trip permit availability at that \$12.50 a permit. They could go more than once but they would have the option to use the transfer stations once or twice a year, but only the unincorporated taxpayers would pay for that, which would be the majority of the users.

CHAIRMAN ANAYA: Now would that be if there's a residence on there? Or would it be vacant land?

MS. PERRAGLIO: That is something we would definitely look into because we have seen that there can be issues with that and how you actually assess that. So that's part of the piece of us looking into this option is what should be assessed? Should vacant land be assessed or should it just be residential? So these are the options that we're going to look into to see what's the most feasible, what's the most fair and what's the most collectible so we can collect the actual revenues involved.

CHAIRMAN ANAYA: So we need to make a decision – we can make a decision to either raise, or leave the same until you come back with us with those other recommendations.

MS. PERRAGLIO: Mr. Chair, that's correct. We could propose to you what we believe would be a good option to increase the rates as we stand right now for fiscal year 10 with our commitment to look into this option so that we can assess solid waste to all property taxpayers and bring that back to you. So we could amend the ordinance one more time to implement this.

CHAIRMAN ANAYA: Okay. Well, let's see what the Commission says. Are you done?

MS. PERRAGLIO: I have two more slides if you wanted to just see. What staff actually recommends is if we could increase the fee structure the way it is right now and lock it in for three years so we could have four times to implement this process that we're looking into. And that would mean increasing it to \$100, \$50 for a ten-punch. Leaving it at \$5 for a 30-gallon bag, \$150 for small commercial, and then the one-trip residential at \$15. And then increasing it by \$25, and for the rest by 25 percent for the next three years to try to offset the deficit that we see every year. So that's one thing that we would recommend to the Board.

On the final slide we just kind of look at if we were to try to spread the increase to over five years to reach our target, this is how it would have to look. We would start with an initial increase in fiscal year 10 to the \$100, and then 25 percent each year thereafter, with respect to all the other fees. That's what we're recommending.

CHAIRMAN ANAYA: Okay, staff, thank you for your recommendations to the Board. This is a public hearing. Is there anybody in the audience that would like to come forward, and Victor, I'll start with you, to talk about the solid waste. Actually, let's just say to talk about trash.

VICTOR MONTROYA (County Treasurer): Talking trash. Mr. Chair,

Commissioners, I guess recently, I've come under quite a bit of criticism by a constituent here in the county and I thought I'd like to discuss some problems that I have in selling refuse permits. First of all, I'd like to address the inconsistency between the permit application and the resolution, I guess, that's current in effect. They don't seem to be coordinated and they don't both say the same thing. And then I got an opinion from Legal that I was supposed to do this but the permit or the application says the total opposite. When I'm faced with this my office has the unpleasant task of policing the ordinance, and then I get criticized for doing it.

So it really bothered me and I wanted to come here and let you know that whatever process or whatever fees we're going to charge they should be discussed with my office since I do the collecting and I do the selling, just so that I know that the application, for example, and the ordinance are in agreement. Because for example, another issue that I have here, the only mention in fee is \$15 for a lost permit, for a replacement. And people are sending me \$15 and requesting a 24-trip permit. Well, they send a check. What we're doing is we're sending it back. So we already have over 100 refunds or returns to the taxpayer or the constituents because they didn't send in the right amount. So that's what's not clear here, see.

So all it is is that costs me postage budget out of my budget. Maybe 100, I have no idea how many more I'm going to get like that. But right now, I've just been selling the permit for a couple of weeks and I have these kinds of issues. It just doesn't seem correct to me to put out an application. The other thing, they mailed out 4500 of these and they gave me 2500 permits, the 24-trip ones. So for example today, we heard from Eldorado. They're already out of permits over there. I just found out, I don't know, today or yesterday that the permits had been ordered. I don't know when they're coming in. Last year my deputy had a confrontation because we didn't have a permit to sell to a constituent. We had to threaten him to call the police if he didn't leave.

When it all comes down to it my office is faced with the complaints, the abuse and the irateness of the constituents. And this kind of stuff only adds fuel to the fire. So I would ask the Commission to be sure, respectfully, to ask them to coordinate, let us know what they're doing in advance before they're doing it so if we have any input to streamline the process we can do that. I have a concern right now that I heard Helen talking about possibly charging an assessment for the refuse, with my tax assessment. Well, first of all, I want to make sure it doesn't get commingled with my tax bill because the tax bill has specific statutes that can only be addressed on the tax bill; not any other assessment. Much like we're talking about solar installation and then including them on the ten-installment payment. Well, that option in my opinion is not available.

So all of these need to be looked at before we make a decision as to how it's going to get billed or how it's going to be assessed. I just think that there's a lot of studying that needs to be done before we do something. I guess the other thing – well, I think I covered – just to read what the application says here, which is in conflict with the ordinance, okay? You may purchase one permit per household or business at a time. Okay? And the ordinance says you can buy two permits per household per year, I guess. It says you can buy two permits. So when I try to sell one permit people get mad at me. There's also – I'm a little confused on the

presentation that was made because it said something about commercial trash haulers, and I understand that there's also a small commercial hauler.

That's pretty much my spiel, Commissioners. Thank you for listening to me.

CHAIRMAN ANAYA: Thank you, Victor. You bring up some good concerns. I know you're kind of in the middle of it. We'll try to iron those out. So one question and that is Helen talked about possible \$35 for each homeowner in the county, and if we could tack it on to the tax bill. We can't do that?

MR. MONTOYA: Well, I don't know. That's kind of the impression that I got.

CHAIRMAN ANAYA: Okay, let her clarify it.

MS. PERRAGLIO: If I may clarify, Mr. Chair. We did look into the option of assessing it on the property tax bill and have consensually said that that's not a good option. We looked into the other counties that have done that and it's been a big mess. All we would do is we'd use the property tax database to see what taxpayers are out there, to generate our own billing through a different system. It wouldn't be tied to property taxes because of the fact that, yes, there's so many different orders in which taxes have to be paid and there's a good chance that solid waste portion wouldn't get paid and that could create a delinquent account, and we would just want to stay away from that. So I wanted to clarify that.

And as far as the small commercial billing, what that is we do offer the permits for small business permits, which are right now they're more expensive than the residential permits. And therefore a small business, a daycare or a business out of the home. But we also do billing out of some of our sites that's handled through our Finance Department and that's not handled through your office, Mr. Montoya.

MR. MONTOYA: I guess, I had an example and this is what's causing me the concern. On the ordinance it says you can buy two permits at a time, but I had a person who does small commercial hauling and they wanted to buy three permits because they have three crews, that go around a pick up trash as a business. When I'm faced with something like that it comes to me to be policing the ordinance.

So I think that the ordinance should really be clear as to how many permits they can buy, when they can buy them and for sure, how much they cost. We've been inundated today and yesterday with people coming in and buying the permits for \$35 because they've heard the permits are going to increase. So business is booming at the Treasurer's office. So anyway, any other questions, Commissioners?

CHAIRMAN ANAYA: Any questions of Victor? Thank you, Victor. Let's move on. Sir, come on up.

WALTER WAIT: Mr. Chair, members of the Commission, my name is Walter Wait. I'm representing the San Marcos Association this evening. I had a prepared statement, however, the presentation gave me some cause for concern. First of all, I think the \$1.7 million that was suggested here as a deficit is not so much a deficit. It's part of the budget. If we are to look at trash collection as part and parcel of our services, much like police and fire, it's not a deficit; it's a four percent portion of the County's budget. And to

call it a deficit I think is a little bit of twisting the facts.

Now, the Solid Waste Division, I wonder if they factored in the probability that many, if not most of the 6,000 permits that they put up on the screen that would increase from \$35 to \$90 the first year and then further would probably opt for a ten-punch card. I know myself, I go and have always gotten a 35-punch card and I've never gone over ten trips to the dump in a single year. The odds are that I would select, rather than 6,000 people you better drop that down and add it to the ten-punch figure.

The other thing that bothered me a little bit about the presentation was the cost percentage of the commercial tipping. What is the percentage of the commercial tipping of that \$279,000 in revenues? It was odd to me that the \$50 per ton commercial fee seemed to have been dropped out of the last several slides. And we don't know what percentage then the commercial factor in fact is and why the \$50 fee seems to stay constant over the next three years, whereas the fees for private individuals go up considerably.

I was very, very disappointed. The San Marcos Association has put on record several different communiqués, both before the last BCC meeting and since then, to express some of our concerns over the possibility that an increase in fees is going to lead to a great deal more of trash along roadsides and illegal dumping. And as we all know, illegal dumping, yes, we can catch the culprit, but that doesn't mean that the stuff that they've dumped goes away when you catch them. It's still out there. And the point is, somebody's going to have to increase the cost to the County of actually picking up that material.

So it's a very complex issue, and it's not just the fee structure that needs to be looked into. And that brings me to what I wanted to say at the first part. Basically, what I have to say here is we had a late meeting as we were requested to do after the last BCC meeting. We met kind of Commissioner Holian about this and as a result of that meeting it was made clear that yes, the current rate schedule is inadequate to cover all the rising costs of solid waste administration, but it was equally clear that the issues are far more complex than what meets the eye. And it was suggested by Commissioner Holian that the County set up a committee to explore the entire process, including the costs, the services, and the strategies to increase the public's recycling efforts. It was suggested that the committee also look into strategies involving recycling incentives that might go along with increased tipping fees, and form a careful study of how the County might make use of recycled materials, both as an offset to fees and as an in-house industry.

I think it's very important for us to think about some kind of different approaches, one of which might be if you bring in your recyclables maybe we can give you a discount on the cost of dumping your trash. The more recyclable you bring in, the less it's going to cost you to dump your garbage. That's something that needs to be looked at. I think if we do create, or if the pleasure of the Commission is that you would create a committee, that they report back to you within eight months, before the next go-around in fee structures, and thoroughly explore all the options, all the possibilities, all of the costs like how come the other counties, when they send their materials to a dump they bypass Santa Fe because our fees, even with the transportation costs involved, are more expensive than the fees in Albuquerque. They

absorb the cost of their transportation to Albuquerque to dump their materials because it's too expensive to dump the materials here. Now, if they dumped it here, that would give us an increase in revenue, even if it's only a little bit; it's still revenue.

I think we thorough have to look at what the revenue stream is and fully understand what the \$275,000 or \$279,000 in revenue really means. We haven't done that yet and I haven't seen it presented, and I think that we should not put a new fee structure in place this year until we all fully understand what we're getting into, what it's really costing us and how we can generate the revenues we need in order to operate.

So anyway, we trust that the suggestion for the formation of a Solid Waste Disposal Committee will be put forward and we put on hold this whole idea of a very, very large increase to the public over the next three years. I think the public will object to it. I think they'll object to it by dumping their trash on the sides of the road. We don't want that. We don't want to see that. We understand as a community that the costs are going up. A reasonable fee increase is probably a good thing, but let's be reasonable. Thank you very much.

CHAIRMAN ANAYA: Thank you, Walter. Next, sir.

PETER SMITH: My name is Peter Smith. I would first of all like to echo all of what Walter has said here. I agree totally with it. I watched the presentation that was put forward a month ago, and this presentation differed in that there was a pie chart on the last one that showed the percentage of the budget that was allocated to waste disposal. I didn't see that pie chart here now, and it was referred to a \$1.7 million shortfall if these increases went through. That's a budgeted item for waste disposal that's included in our taxes already.

It was then suggested that we be assessed on our property taxes for waste disposal. Now, something doesn't make sense here. If we've got it in the budget already, and we're paying the \$1.7 million out of the budget for waste disposal, why would we be assessed again for this? Something is not right. I'm just a taxpayer out there. I don't get much services for my taxes. I get no water. I got no streetlights. I got no cablevision. I got nothing. All I've got is basically a dirt road. So increasing or separating out from my taxes the waste disposal and making it more of a user pay, that doesn't sit very right with me.

What do I get for my taxes? I know I get police protection and fire service and all that stuff, but nothing tangible that I've got on my street. Nothing I can say, okay, so here's the water from the County, or my sewage goes to the County. I don't have any of that. So for somebody to say that, okay, we've got in the budget right now \$1.7 million for waste disposal and well, we've got to assess them for waste disposal. Something is not right there and I would like you guys to really consider it before you start raising rates and going off really without the public being able to understand it. Okay. Thank you.

CHAIRMAN ANAYA: Thank you. Anybody else? Come on up.

DAVE DOGRUEL: For the record, Dave Dogruel, lifelong resident in Nambe in Commission District 1. Mr. Chair, Commissioners, I'd also like to reiterate the comments of the previous speakers. In light of the conclusion of Ms. Perraglio's presentation where some additional options to be considered or suggested, I think it is again, very preliminary

and reactionary to consider a dramatic increase in the solid waste fees. As the previous speakers have mentioned, we do pay taxes and there are certain services that we expect or are entitled to by payment of those taxes. We don't expect the Santa Fe County Fire Department with their ambulances to be economically self-sufficient by ambulance revenues. That's a service the government is expected to provide to its citizens. We don't expect the detention center to be economically self-sufficient by charging rent to each of the inmates that are incarcerated there. That's a service that the government provides through our tax dollars.

I did not find it clear from Ms. Perraglio's presentation that the reason, if one exists, that solid waste operations need to be economically self-sufficient via user fees. Again, as the previous speakers have mentioned, that's a service in dealing with trash, which is a reality of modern society that local government has to take care of. Also, something doesn't make sense with Ms. Perraglio's presentation. We certainly understand that they want to make up the entire deficit and become self-sufficient with user fees, yet our tipping fees are increasing 30 percent. So to me, it's only reasonable that if an increase this year is absolutely necessary and no other means can be found, to either delay or table this issue until some of these other things are considered, that our disposal fees and our permit fees increase only by 30 percent also. So some of the numbers just don't make sense.

So also like the previous speakers at the last hearing on this issue I presented you with some photographs of illegal dumping in Commission District 1. I revisited those sites prior to this public hearing. At two of the three sites there is additional waste that's been illegal dumped in the month since the last hearing. So as the previous speaker said, it's only reasonable to believe that such a dramatic, 150% increase as proposed in the 24-punch permit card is going to result in dramatically increased rates of illegal dumping. In a bar chart comparing our fees with those of other counties I think is interesting but also misleading. If you've spent time wandering the back roads, for example of Torrance County. Even though we pay less in dumping fees they pay much more and I think the rate of illegal dumping in Torrance County is a prime result of the fees they have to pay. Rio Arriba County with a combination of both pickup and transfer station use also suffers from incredible rates of illegal dumping. There's some sites in Rio Arriba County that I would venture, although I'm not expert, would come close to qualifying as superfund sites due to illegal dumping – 55-gallon drums of petroleum waste, household waste, insecticides, chemicals – those are routine events in areas of our county and other counties.

And so as we're dealing with the issue of trying to mitigate contamination of the courthouse site now we have to consider are we going to have to deal with this out in the county due to illegal dumping also. I can't imagine that the County has a source of funding to deal with the heavy hydrocarbon illegal dumps that are in the county. And I would like to suggest as previous speakers did that we consider some of these other options and form a committee, a group of folks that could deal with Solid Waste and work with the Commission and our constituents to come up with something that's fair and reasonable and also has a long-term vision. I understand one of the reasons for the request for an increase is that dump permit fees have not increase to kind of keep up with the times over the years and now we're

having to make this huge proposed leap. So I suggest we look at graduated increases that everyone can live with. Thank you very much.

CHAIRMAN ANAYA: Thank you. Anybody else. Okay, the public comment is closed. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I want to agree with Walter Wait that the more I look into the solid waste issue the more complex that I really realize that it is. And what we're really considering here is just one very narrow part of the issue, which is how do we balance the budget for the transfer stations. But to me there are more important issues out there in a way, as far as our county is concerned. I would just like to point out that we have been putting a lot of work into our growth management plan and we call it our sustainable growth management plan.

So it seems to me like solid waste disposal should be treated with the same consideration that we are – as the other areas of our county and we should think about how we can move towards sustainability in that area as well. And I think that we have three other issues that are even more important, which is number one, how do we reduce solid waste that goes into our Caja del Rio landfill? Not only is that the right thing to do environmentally but it also extends the life of Caja del Rio, which is a good thing. How do we increase recycling? That is sort of tied into that issue. And that as well reduces our costs because we know that the tipping fees for recyclables is much, much less than the tipping fees for putting things into the landfill. And then a really, really huge issue in our county is illegal dumping. And I will say that I had an experience a couple of weeks ago that really sort of clarified my thinking on illegal dumping. I happened to be driving down I-25, and this car passed me, and this guy just chucked his can out the window. I was just so shocked. I couldn't even think for a couple of minutes and by the time I actually started thinking clearly he was like way far ahead, so I didn't get his driver's license and I'm really sorry that I didn't.

But it occurred to me that illegal dumping is not because of the fees, it's because of the culture here. It's because of convenience I think, as much as anything else. And so I really think that we need to really look at all these issues and as David said, come up with a vision for our county. And so I would like to suggest – I don't know if I have to make a motion to do this, but I would like to make a motion that we put off voting on this and that we direct our County staff to draft a resolution to create an task force to look at this solid waste management issue in its entirety.

CHAIRMAN ANAYA: There's been a motion, and I'll second that for discussion. Any discussion? Commissioner Vigil.

COMMISSIONER VIGIL: I actually agree with that we need citizens' input with regard to what direction to take on solid waste management. But having a little bit more history with solid waste management I think the County erred in not increasing fees that would have graduated to some of the requests we're making quite some time ago. I think at least once Solid Waste Management has come to us with this issue. Having been on the Solid Waste Management Authority, having chaired that board, knowing the increase in the tipping fees and knowing the benefits and the alternatives that this County can move forward with in

alternative energy for our Solid Waste Division, we do need to look at some kind of an increase here.

I think we can do all of these things. I think we can take action on an increase that's reasonable and I'm happy to be open to what that reasonableness is. But I do believe that solid waste has to be managed in a way that it is a fee for service. The problem that we have with it is the one that's been echoed today. People do come to us and say, But I've paid property taxes. And I think if people actually knew what the property tax breakdown was, that many of those dollars go to our public school system, and that much of those dollars are distributed to many public services that currently exist. I think that educational curve needs to be learned. And I think if we do get citizens involved most of that can occur.

I recognize that this is a complex issue but I think we've erred and if we don't increase the fees, at least at a reasonable rate at this point in time we're going to be caught in the same situation that we are caught in today and that is looking at an increase that is exorbitant and receives the responses that we're hearing today. So I would recommend that we include an increase in the fees and I'm open to suggestion with regard to what that increase would be. And I would even ask the citizens out there what they think would be a reasonable graduated fee increase. I think once this committee gets together and addresses all of the issues, inclusive of illegal dumping – and I will also say that increases in solid waste fees do assist us in taking care of illegal dumping. So that is part of that equation there. When we have illegal dumping and we call our Solid Waste Division with regard to those, they're quite responsive. At least they have been to me and I hope all of the Commissioners have experienced that. And I go through areas where I see couches in the river, and I contact our County Manager or our Solid Waste Division or James' division and they're there picking up the couch.

That's part of the cost burden that we've incurred that needs to be in this equation also. So I'm just going to throw a figure out there and I'm happy to hear anybody's response to it, but I do believe we need to create an increase. And I think a \$70 increase is appropriate. I do agree with residents that this will probably bring in more of the ten-punch residential purchase and perhaps that's all that would be needed from them. We don't have enough information to know what kinds of needs are out there. And I'm hoping that this committee that will be created will be able to address that. I would just ask the maker of the motion and the seconder if they would consider an increase in the motion up to \$70.

COMMISSIONER HOLIAN: And how about the ten-permit pass?

COMMISSIONER VIGIL: The recommendation of staff was not to increase that. Is that correct? To keep it at \$45? From \$25 to \$45? Would that be – what is the recommendation? It's currently \$20 and you want it at \$45?

MR. BARELA: The current recommendation is \$35 to \$90, actually on the 24-punch.

COMMISSIONER VIGIL: I'm talking about the ten-punch.

MR. BARELA: On the ten-punch was \$20 to \$45.

COMMISSIONER VIGIL: Okay. I would think for the ten-punch we could

probably go up to \$35.

COMMISSIONER HOLIAN: So you're recommending \$35 for the ten-punch and \$70 total, not a \$70 increase but an increase to \$70 for the 24-punch?

COMMISSIONER VIGIL: Correct.

COMMISSIONER HOLIAN: I'd like to hear what the other Commissioners have to say.

CHAIRMAN ANAYA: I don't agree.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: I'm going to ask one question of Commissioner Vigil. Do you purchase a transfer station permit?

COMMISSIONER VIGIL: No, I don't, Mr. Chair, but I pay over \$240 a year for my pickup service and delivery.

CHAIRMAN ANAYA: So you don't purchase a ticket?

COMMISSIONER VIGIL: No, I don't. If I was able to, because I'm not a county resident, I would be more willing to pay \$70 than I am \$240.

CHAIRMAN ANAYA: Okay. Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I think the issues are complex, just like Mr. Wait has said and Commissioner Holian, and I think it runs the entire gamut. Because I do think we're talking about – when we were talking about for example, free recycling, we were talking about educating our children and bringing up a different generation that would do this all the time. I will tell you that I think this is going to take quite a bit of outreach and education and that fees are not going to change any mindsets. We already have many responsible citizens here in our county and we have others who might not think this is important, because they don't consider the environment as important. But I think it's going to be a gradual change and the only way we're going to get there is by providing some incentives. So I do feel that the free recycling is still very important.

I received many, many calls, emails regarding this and I think that the highest – I had a very few individuals who said they would go to \$70. The majority of individuals who contacted me said that they would go to \$50 and still continue purchasing what they needed to. I had one person call and say she went to the transfer station every single solitary week. Well, I thought she had a great deal of time on her hands to be able to do that. But I do use the transfer station and I don't have the option for a pickup where I live, and I'm not sure I would use it if I did anyway, because part of living in a rural area is about also taking care of your land, taking care of what's on your land and taking it to a responsible place. It's also a place to meet neighbors.

Now, I do think – I have had calls. I have one constituent who calls incessantly about the amount of litter along the road and I bless his heart for being concerned about this and he would like to have every person who drops anything on the ground fined, and would like for us to police that. Now, I think that's rather hard to do.

But many people out in the county, and I'm putting this out because if we do move ahead with the task force, I think this is real. People out in the county on dirt roads don't

really understand what they are receiving for their property taxes. If you remind them that they're traveling on a highway once they get off the dirt road, they go, oh, yes. If you remind them that there's fire services, they go, oh, yes. If you remind them that there's a sheriff, they'll complain that it takes a long time and we don't have enough sheriffs. But besides the schools, many people in the rural areas go, what services am I receiving for my property taxes. So I think that that is a very common attitude out in the county. I think that even people who have lived in the county for years and can afford to pay whatever we decide are still having those conversations. Tell me what I get for my property tax dollars.

So I would encourage us to go forward with the task force. I would encourage us to go with an increase in fees, but I probably wouldn't go as high as the \$70.

COMMISSIONER VIGIL: What would you go?

COMMISSIONER STEFANICS: And I think that part of this philosophy is figuring out from this task force whether or not we can add something, an assessment to every person's property taxes and finding out the legality of that, where we do establish some kind of base here at the County for that service and then we would be able to keep the fees low in the future. So I do think the solid waste task force would be good to have because the more citizens we have working out this solution the more it's going to be accepted. And I'm sorry that – some people have said, oh, you're starting way too late on this topic. We have brought this up for several months, and I remember when it was on the agenda to first start talking about, and I said to our County Manager, when do we need a date to set this going? And we are way behind the date. But we started talking about this a long time ago. So if we want to bring it to some resolution let's hear some recommendations from a citizen committee, but maybe let's move ahead with a small increase in fees.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Commissioner Stefanics, what would you consider – and I'm open, as I said, to be a reasonable, graduated increase. And I agree that this increase should be locked into a particular period as staff recommends until the study can be done and perhaps the committee can come forth with recommendations. What would be your amount?

COMMISSIONER STEFANICS: Well, Mr. Chair and Commissioner Vigil, originally I had thought that perhaps double the \$35, but that is not what I heard from constituents. What I heard from constituents is that they would go up to \$50 for a 24-punch. They also felt that the commercial or the small business hauler needed to pay more and needed to carry the burden of the fees.

COMMISSIONER VIGIL: So what increase would be recommended for the commercial hauler?

COMMISSIONER STEFANICS: Well, the original fee that we were proposing for residential is what they felt to be levied against the commercial hauler.

CHAIRMAN ANAYA: What was that?

COMMISSIONER STEFANICS: I believe that was \$240.

MR. BARELA: I believe our initial presentation, Mr. Chair, for the small commercial was \$350.

COMMISSIONER STEFANICS: Oh, \$350.

MR. BARELA: Yes. From \$50.

CHAIRMAN ANAYA: \$350?

MR. BARELA: Yes, sir.

CHAIRMAN ANAYA: But you have \$140 here.

MR. BARELA: Our initial one was \$350.

CHAIRMAN ANAYA: Okay, so there's a motion.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I just wanted to add that a couple of weeks ago we had a townhall meeting and had residents from the Pojoaque Valley, from La Puebla, Chimayo, the surrounding area there. A lot of what was discussed and a lot of what was brought up by they gentleman that spoke were also issues that were brought up at that townhall meeting. I think the one thing that we do need to do probably a better job is, and it's been brought forward here as well is why are we in the situation that we're in now? That question was asked. And quite frankly, the response I had to give was, well, the Commission in the past hasn't been willing to increase the fees. Because this is an enterprise fund and someone brought up the point also before the question was asked, well, if you're in this situation and you're running a business, why do you continue to run at a deficit. You'd probably have closed your doors by now if you were a business, which is the reality.

We don't have the tax base to be able to support all of the services that are being required for us to provide in the county for even the transfer stations right now. We're facing an increase from the Solid Waste Management Board. That's a given. It's going to be about – I believe it's \$121,000. So we are automatically having to pay that much more off the top of anything that we have already that we have budgeted. So the reality is the Commission has been hesitant in the past to create these increases because we've been accustomed to – I remember going to the dump, just throwing everything out there, any and everything for free. And people still have that mentality that they should be able to throw their trash however and wherever they want it, for free.

So it has been kind of a shift and an educational thing that we probably could do a better job of in terms of certainly with the environment, certainly with the disposal of the waste, the recycling, to make sure that we do a better job and get people to use their tickets and use the transfer stations. However, I do feel that we do need to have some sort of an increase, a modest increase, and I agree with the \$50. I think that would be something that wouldn't be outstanding or outrageous for a lot of the residents in my districts that would create whole lot of illegal dumping. We're going to have illegal dumping whether we like it or not, unfortunately, but this I don't think would cause an outbreak or an epidemic of illegal dumping as it may if we went any higher than probably about \$50. And I do agree that we do need to have the committee formed so that we can have a graduated level of increase so that

we're not hitting the individual with a 300 percent increase or more at one time. So that would be my comments on this, Mr. Chair.

CHAIRMAN ANAYA: Roman, what is our budget for the County? About \$200 million?

MR. ABEYTA: A little over \$200 million, all funds, yes.

CHAIRMAN ANAYA: \$200 million. And to make this solid waste work, what is the total amount that you need? \$1.7? Or is it over \$1.7 million?

MR. ABEYTA: It's over \$1.7 million. It would be close – what would it be, Helen? I think we have that number.

MS. PERRAGLIO: Mr. Chair, to make up for that deficit, yes. It's budgeted, property taxes and there is an environmental gross receipts tax that helps to supplement the solid waste budget. So we're looking at – what is currently budgeted for fiscal year 10 is \$1,859,000. If you look at your slide where it shows the \$1.7 million deficit. We tried the budget that we have in our fiscal year 10 budget that we have submitted for approval is \$1.8 million to run all of our operations.

CHAIRMAN ANAYA: \$100 million in budget and in order to make this work we'd need \$1.8 million.

MS. PERRAGLIO: \$1.8 is the budget in order to make it work with including the revenues it will bring in it nets out to about \$1.7. So yes, to make it work we're looking for \$1.7 million. So property taxes and gross receipts are helping to supplement that as we speak.

CHAIRMAN ANAYA: So I guess what I'm getting at is basic services for our constituents. And I said it last time, our basic services are fire, police, and I think a basic service should be solid waste. And I don't think that we should keep going back to the public and increasing it over and over and over. I think it should be a basic service. I think we should try to re-evaluate it and maybe this committee that I second the motion on, not raising any of the fees. My second was to establish a committee and to keep the fees the same. I think we could look at maybe how we can take \$1.8 million out of the \$100 million that the County operates off on and give a basic service back to our constituents. Commissioner Holian, did you have a comment?

COMMISSIONER HOLIAN: Well, I guess my suggestion is that we just have an up or down vote on the motion I made and then allow another motion to go forward.

COMMISSIONER STEFANICS: Mr. Chair, could I ask a clarifying question? In your motion for a task force, did you have a date to put forward any kind of report?

COMMISSIONER HOLIAN: No, I didn't. But I guess what I think is reasonable is to have a report by them within six months.

COMMISSIONER STEFANICS: So does the motion now need to be amended?

COMMISSIONER HOLIAN: Well, actually my motion was to direct staff to write a resolution. So I think in the resolution that would probably be covered, wouldn't it?

MR. ABEYTA: Mr. Chair, yes. We can put that in the resolution.

CHAIRMAN ANAYA: Okay. There is a motion and a second to establish a committee and leave the fees the same.

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

COMMISSIONER VIGIL: Was that the original? I need some clarification, because the way you stated – was that the way you intended your motion?

COMMISSIONER HOLIAN: Right. To leave the fees the same and to direct staff to create a resolution creating a task force.

COMMISSIONER VIGIL: Okay.

COMMISSIONER STEFANICS: So, Mr. Chair, to clarify. That means recycling will not be free and that all the existing fees remain in place until we receive back any kind of report and make any other further changes by vote. Is that correct?

CHAIRMAN ANAYA: That's the way I heard it.

COMMISSIONER VIGIL: So, Mr. Chair, one of the critical ingredients I think of the information we received is looking for alternatives and I feel like we're going to two steps forward and five steps back, because this is the same action the Commission took two years ago. So I think probably one of the alternatives we definitely need to move fast with is looking at the countywide assessment for this, and I know there are particular issues for that. But if we don't start looking at this we're going to get caught in continued deficits with this, and it does affect the services that are very basic services, so I think we should move forward in that direction. I would ask Roman to direct staff to do that. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Hold on one sec. Are you directing or is the Commission directing?

COMMISSIONER VIGIL: I would ask that staff continue to study that. I think that should be part of the information that the committee looks at.

CHAIRMAN ANAYA: Look at what?

COMMISSIONER VIGIL: Look at a countywide assessment for solid waste management that was part of the presentation we had today.

CHAIRMAN ANAYA: Okay. Roman, do you have a comment?

MR. ABEYTA: Mr. Chair, we'll bring forward a resolution in 30 days that will clarify all of this. And if we need to we'll get more clarification when the resolution is in front of you.

CHAIRMAN ANAYA: You still have issues, don't you?

MR. MONTOYA: Well, just one major issue that I have with this. I don't have a problem – well, there's two things. Are we going to sell permits at the same price for the rest of the year? That's question one. Since you're not going to take action for six months. Is that what I heard?

CHAIRMAN ANAYA: As of right now, yes.

MR. MONTROYA: Okay. So then to me, if we change how much we're going to charge we should wait to next fiscal year because probably 60, 70 percent of the people would have already bought their permits. So it wouldn't be, in my opinion fair to charge more mid-stream, so to speak. And the second point, which is even more important. We get inundated with questions by city residents that want to buy a permit. And they say, I'm a taxpayer. How come I can't buy a permit? And so I would like for you to consider including the residents, because all it would do is sell more permits. And if they want to buy a 24 trip or a 10 trip, they're taxpayers also. Why can't they buy a permit?

CHAIRMAN ANAYA: Okay, I think, James, do you have – I know we've discussed this.

MR. LUJAN: Mr. Chair, Commissioners, the reason we can't do it to municipalities is because the current ordinance says residents that live outside the municipalities. Not in those exact words but it's for the residents outside city limits. That's why we can't sell it to them. That's where the whole discussion of this as per Chairman Anaya wanting to change it for everybody but nothing got changed so it's status quo, the ordinance as is and we'll operate with the ordinance that we currently have. Is that correct? Thank you.

CHAIRMAN ANAYA: So how can we fix those problems?

MR. LUJAN: By amending the ordinance, and that was one of the items we had in the ordinance, but nothing has changed.

CHAIRMAN ANAYA: But that wasn't brought up today.

MR. LUJAN: Well, it's in the ordinance. There's language in the ordinance that was changing.

CHAIRMAN ANAYA: So that's something that we can fix. I know there's another issue with the ordinance not making sense with the card. And I don't want to leave here not – things aren't working out. Because we've got issues with Victor and we've got issues with the city.

MR. LUJAN: We're just addressing what's currently in the ordinance that we are operating our department under. That is your decision to change whatever you would like in the ordinance.

MR. ABEYTA: Mr. Chair, what we'll do is in 30 days we'll bring back a resolution, and in that resolution we can prioritize certain things. Like we can prioritize opening up the transfer stations to city residents. Maybe that gets handled in three months or six months. Then we could also prioritize the assessment, moving that forward maybe in six months rather than a year. We can figure this out, and we'll get there between – if we don't have it all figured out within 30 days we'll have another discussion in 30 days and we'll add to it. There's plenty of opportunity –

CHAIRMAN ANAYA: Because we want to clear those issues up.

MR. ABEYTA: Yes.

CHAIRMAN ANAYA: So that Victor's not having to –

MR. ABEYTA: And what we'll do is we'll meet with the Treasurer and we'll

see what quick fixes we could make to the existing application and the information that's going out to the public.

CHAIRMAN ANAYA: Thank you, James.

MR. MONTOYA: I just thought about something that my deputy mentioned, I think to Commissioner Montoya at the other meeting the other night, and that is possibly, if we're not maxed out on the mills that we charge for property taxes maybe we could consider increasing the mills to offset this shortage in the waste disposal.

CHAIRMAN ANAYA: Okay. Thank you.

MR. ABEYTA: We'll come up with all kinds of options for the Commission.

XIV. A. 2. Ordinance No. 2009-06, an Ordinance amending Ordinance Nos. 2003-1 and 1994-2 to Increase Fees for Road Cut Permits, Extending Warranties and Making Clarifying Changes; Repealing Certain Provisions of Ordinance No. 2003-1 and 1994-2

RACHEL BROWN (Deputy County Attorney): Good evening, Commissioners. I'm back again to discuss the ordinance we discussed in April and May, which is an electronic data fee ordinance, establishing a schedule of fees for the public to gain access to our databases in compliance with state statute. One of the recommendations of the League of Women Voters was that we further comply with the Inspection of Public Records Act and this ordinance will certainly take us a step in that direction.

In 2005 the state adopted a statute which requires that the County make its databases accessible to the public under certain parameters and this ordinance establishes how the public can gain access to our databases and what the fees charged for that access would be.

Since our last meeting I did have an opportunity to meet with staff and William Mee, who is a representative of the United Communities of Santa Fe to discuss concerns about how the ordinance was originally drafted. We've made some changes to clarify that inspection is not actually looking at the data on a computer, but looking at printouts of the data that exists on our databases, at least the fields of databases that are inspectable under the Inspection of Public Records Act. We also clarified some language to make it clear that we attempt to have clean data in our databases, but that we can't give guarantees that our data is completely accurate and clean.

We added some definitions to clarify the inspection process and hope that those clarifications have met with the satisfaction of the community. And I will stand for questions.

CHAIRMAN ANAYA: Any questions? Okay, this is a public hearing. Is there anybody in the audience who would like to speak on this? Come up, Walter.

WALTER WAIT: Mr. Chair, members of the Commission. My name is Walter Wait. This time I'm representing the United Communities of Santa Fe County and the San Marcos Association. I have not had a chance to look at the most recent version of the changes in the bill or in the prospective ordinance. However, I have looked at the changes

that were here a week ago. William suggested that there are several additional definitions that would clarify what is meant in fact by this ordinance. I think one of the biggest problems we've had with the ordinance is simply trying to get a grip of what it really, really means. And one of the definitions that we suggested was that a database means a collection of electronic data organized for search, retrieval and manipulation, and for purposes of this ordinance the databases identified are the Santa Fe County maintain geographic information system, the tax assessor's database and other data fields contained on the County's AS-400 computer system. That would clarify what a database is in terms of this ordinance.

The second suggestion was the custodian of public records, and being very clear as to who or to what the office actually is. And then there's a few other suggested comments that might clarify what it meant. For example, draft documents prepared by the County where the County desires public comment or evaluation are exempt from fees described in this ordinance. How often have we wanted or the Planning Department has desired to pass out copies of specific plans or documents and the concern is that somewhere down the line this particular ordinance might prohibit the Planning Department from actually doing so at their discretion, saying no. According to rules as interpreted by whoever might interpret them we can't do that. You're going to have to pay. Now, the problem with paying, is as I've said before in our comments, is at 50 cents a page, which is the accepted fee that the state allows for documents, is an inordinate amount of money to pay for someone off the street. If they have a 100-page planning document they are being asked to pay \$50 for a draft of a planning document which is in the benefit of the County for them to take a look at.

So there are some problems there. Public records such as word processing files, .pdf files or just scanned image files are not considered as databases for the purposes of this ordinance and are exempt from the fees as well. This would clarify the fact that you present a great many documents and sets of information on your websites. And I know very well, in fact I've had this happen, if I went down to the offices here on this floor and asked for a copy of them I'm going to wind up paying \$50 for a 100-page document, whereas if I downloaded those to Kinko's I'd pay eight cents a page for the same document. So I can do a lot better than the County can just go to a commercial enterprise who is making money on the transaction, rather than going through your folks here.

So there are other suggestions that can be made to really kind of help out the public in terms of what they need to get. A public copying machine at ten cents a page. You can go down to any grocery store and get them at ten cents a page. So there are some questions here that I think that the language of the ordinance should be very, very clear as to what happens. I don't think we have any problems with the actual wording of the document when it says that we need to be able to cover our costs, especially for the expenses of color documents at all. It's the language that we have to be a little bit careful that we don't cross the line and make it difficult for people to get documents that are useful to everyone. Thank you.

CHAIRMAN ANAYA: Thank you. Anybody else? Public hearing is closed.

Rachel.

MS. BROWN: I can just add a few comments for the Commission. First of all,

the state statute requires that all databases maintained by County be accessible to the public unless there's some restriction in state law on a particular field in a database. So we can't put a restriction within our ordinance saying which databases we'll make available, because any databases that exist now or are created in the future have to be made accessible to the public. So that addresses the first comment. We do post the name of our custodian of public records on our website, and as that person changes that website would be updated. It is currently Robin Gurule and has been for some time but in the event there is a change that would be posted on the website; as well as a form which can be used to request data so that the public has an easy mechanism for making a request for data. This ordinance does only deal with data; it is not pertinent to document requests.

CCHAIRMAN ANAYA: Thanks. Any questions of Rachel? Hearing none, what's the pleasure?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Montoya, second by Chairman Anaya. Any further discussion?

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

XV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at 7:10 p.m.

Approved by:

Board of County Commissioners
Mike Anaya, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:

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