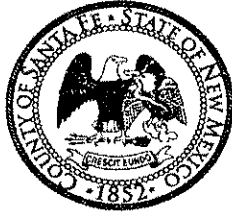


**NO PACKET MATERIAL FOR ITEMS
XII. A - C**

**NO PACKET MATERIAL FOR THIS
ITEM**

EXECUTIVE SESSION



MEMORANDUM

DATE: April 10, 2012
TO: Board of County Commissioners
VIA: Katherine Miller, County Manager
FROM: Julia Valdez, Constituent Services Liaison, County Manager's Office
RE: A Resolution To Celebrate National County Government Month

ISSUE:

On the agenda under Matters From The Commission is an item for your consideration. A Resolution Celebrating April as County Government Month.

BACKGROUND:

National County Government Month (NCGM) is celebrated each April by the nation's counties to raise public awareness and understanding about the roles and responsibilities of county government. The theme for 2012 is "Healthy Counties, Healthy Families"

More than 1,000 counties participate in NCGM each year.

Since 1991, the National Association of Counties (NACo) has encouraged counties across the country to actively promote county government programs and services. Formerly National County Government Week, the designation was expanded to a full month for 2010 to offer more counties more opportunities to plan and participate. Counties aren't expected to hold public awareness activities throughout the month, but can schedule activities any time during the month.

REQUEST ACTION:

Commissioner Stefanics respectfully requests the Board of County Commissioners support and approve this item.

SANTA FE COUNTY

RESOLUTION NO. 2012-_____

**A RESOLUTION TO CELEBRATE THE MONTH OF APRIL 2012
AS NATIONAL COUNTY GOVERNMENT MONTH
“HEALTHY COUNTIES, HEALTHY FAMILIES”**

WHEREAS, the nation’s 3,068 counties provide a variety of essential public services to communities serving more than 300 million Americans;

WHEREAS, Santa Fe County and all 33 counties take seriously their responsibility to protect and enhance the health, welfare and safety of their residents in sensible and cost-effective ways;

WHEREAS, county governments are essential to America’s healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services and substance abuse treatment, and to provide coverage for the uninsured;

WHEREAS, the Santa Fe Board of County Commissioners encourages our County to promote healthy living and lifestyle choices in all of our communities and to assist with services across the County through the National Association of Counties’ “Healthy Counties” presidential initiative; and

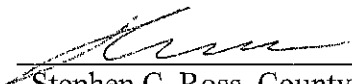
WHEREAS, the National Association of Counties has encouraged counties across the country to promote their own programs and services to the public they serve.

NOW, THEREFORE, BE IT RESOLVED THAT THE SANTA FE BOARD OF COUNTY COMMISSION does hereby proclaim April 2012 as National County Government Month and encourages all County officials, employees, schools, and residents to participate in county government activities.

PASSED, APPROVED, AND ADOPTED ON THIS 10th DAY OF APRIL, 2012

Liz Stefanics, Chair
District 5

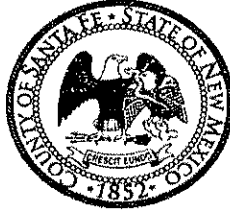
APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

ATTEST:

Valerie Espinoza, County Clerk



MEMORANDUM

DATE: April 10, 2012

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

RE: RESOLUTION 2012-__ A Resolution Articulating County Policy Regarding Funding Requests From Private, Quasi-Public, or Public Water and Wastewater Systems for Capital Improvements (Commissioner Stefanics)

ITEM:

The Santa Fe County Board of Commissioners is periodically approached by the owners and operators of small water and wastewater systems located throughout the County with requests for capital funding to make emergency repairs, upgrades, or expansions. The requests are often the result of poor or nonexistent management of these small systems, due to lack of resources or expertise. Up until now, the County has not had a consistent policy for treating these funding requests, a policy that is fair to both the County and the requester. Meanwhile, the County Water and Wastewater Utility, while ostensibly an enterprise fund, is still being subsidized by the general fund and needs 34% more customers before it is financially autonomous. It is in the County's interest, therefore, to craft a policy that protects its interest with respect to its capital investments, improves the quality of service to the customers of the small water systems, and increases the customer base of the County Utility in an orderly fashion.

A policy that requires the requestors of capital funds to become County customers accomplishes all three goals. It gives the County control of its capital investments, it leverages existing County staff and resources to improve management of the systems themselves while relieving small communities of the management burden, and it adds customers and thus revenue.

REQUESTED ACTION:

Commissioner Stefanics respectfully requests the Board of County Commissioners support and approve this item.

THE BOARD OF COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION No. 2012-____

**A RESOLUTION ARTICULATING COUNTY POLICY REGARDING
FUNDING REQUESTS FROM PRIVATE, QUASI-PUBLIC, OR PUBLIC
WATER AND WASTEWATER SYSTEMS FOR CAPITAL
IMPROVEMENTS**

WHEREAS, the County is undertaking a performance-based capital budgeting system;

WHEREAS, the County Commission has always taken and will continue to take the responsibility for the management of the County's water resources as one of its highest priorities;

WHEREAS, the County is periodically approached to provide capital funding to private, quasi-public, or public water and wastewater systems located throughout the County, such as those operated by homeowner associations, mutual domestic water consumer associations, or water and wastewater special districts;

WHEREAS, it is in the County's interest to own, operate, and maintain water and wastewater systems in which it has capital investment;

WHEREAS, the County Utility has began an orderly expansion with the ultimate goal of achieving financial autonomy and of serving as many residents of Santa Fe County as possible and economically feasible; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe, as follows:

1. Santa Fe County will entertain requests from private, quasi-public, and public water and wastewater systems, such as those operated by homeowner associations, mutual domestic water consumer associations, or water and wastewater special districts, for funding for capital improvements only under the following conditions:
 - a. The County takes control of the water source(s), a master meter is installed at the point(s) of supply, and the private, quasi-public, or public water and wastewater system becomes a wholesale customer of the County; or
 - b. The County Water Service Area boundaries shall expand to fully include the boundaries of the private, quasi-public, and public water and wastewater system, the County takes control of the entire water supply and distribution system capital assets, and the customers of the private, quasi-public, or public water and wastewater system become retail customers of the County.

2. The County will not entertain capital funding requests from private, quasi-public, or public water and wastewater systems for which the foregoing conditions cannot be met.
3. The foregoing conditions will not apply in situations in which the capital funding requests has already been approved and/or executed of the date of approval.

PASSED, APPROVED, AND ADOPTED this 10th day of April, 2012.


THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Liz Stefanics, County Commission Chair

ATTEST:

APPROVED AS TO FORM:

Valerie Espinoza, Santa Fe County Clerk

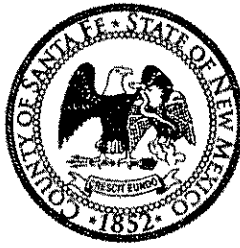


Stephen C. Ross, Santa Fe County
Attorney

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *April 10, 2012*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Department Director*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting April 10, 2012*

RESOLUTION 2012-___ A Resolution Incorporating The Canoncito of Apache Canyon Mutual Domestic Water Association's Service Area Into The Santa Fe County Water And Wastewater Utility Service Area. (Commissioner Holian)

The Canoncito of Apache Canyon Mutual Domestic Water Association is and has been in a troubled condition. The County committed to address the issue by constructing a water line from the Santa Fe County Water and Wastewater Utility service area to Canoncito, using \$5.5M from the proceeds of the 2008 general obligation bond. This effort, which includes the design and construction of a water line from Rancho Viejo to El Dorado and of water tanks and a water line from El Dorado to Canoncito, is underway and estimated to be complete in mid- to late 2014.

This County effort, however, only delivers bulk water to the edge of the Canoncito service area. The Canoncito of Apache Canyon Mutual Domestic Water Association had the responsibility to address its internal distribution infrastructure issues on its own. It planned to do so using capital outlay grants from the State ICIP process and from a grant from the State Water Trust Board (WTB). The first grant has already been denied. The second grant is still in the approval process but the WTB has already indicated that it will only meet 14% of the full request. Therefore, the ability of the Mutual Domestic Water Association to meet its obligation is in serious jeopardy, and the Santa Fe County effort will be for naught.

Meanwhile, the Santa Fe County Water and Wastewater Utility is searching for new customers to meet its goal of financial autonomy by 2015. Taking control of the Canoncito system will allow the County to provide the capital for the internal distribution upgrades, thus preserving the County's original intention to help Canoncito while simultaneously providing an increased customer base for the County Utility. The Board of the Canoncito of Apache Canyon Mutual Domestic Water Association enthusiastically supports this action.

REQUESTED ACTION:

Commissioner Holian respectfully requests the Board of County Commissioners support and approve this item.

THE BOARD OF COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION No. 2012-

**A RESOLUTION INCORPORATING THE CAÑONCITO OF APACHE CANYON
MUTUAL DOMESTIC WATER ASSOCIATION'S SERVICE AREA INTO THE SANTA FE
COUNTY WATER AND WASTEWATER UTILITY SERVICE AREA**

WHEREAS, the service area of the Cañoncito at Apache Canyon Mutual Domestic Water Association ("Cañoncito Water Association") is currently outside the boundaries of the Santa Fe County Water and Wastewater Utility's ("County Utility") Water Service Area as adopted by the County Board of Commissioners; and

WHEREAS, the County Commission has always taken and will continue to take the responsibility for the management of the County's water resources as one of its highest priorities; and

WHEREAS, the Cañoncito Water Association infrastructure is in need of significant improvement for the provision of safe water to its current and future customers; and

WHEREAS, the County owns, operates, and it is implementing plans for infrastructure capable of supplying safe and reliable water for human consumption, agricultural, industrial, construction, and other uses to its Utility customers; and

WHEREAS, the Board of the Cañoncito Water Association has approved including the Association's Water Service Area into the County Utility's Water Service Area, subject to all privileges and conditions of service as any other Mutual Domestic Class of customer; and

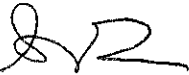
WHEREAS, the County Utility has began an orderly expansion with the ultimate goal of achieving financial autonomy and of serving as many residents of Santa Fe County as possible and economically feasible; and

Attest:


Valerie Espinoza, Santa Fe County Clerk

Date: _____

Approved as to Form:



Stephen Ross, County Attorney

Date:  3-30-12

**NO PACKET MATERIAL
FOR THIS ITEM**


**NO PACKET MATERIAL
FOR THIS ITEM**

NO PACKET MATERIAL FOR ITEMS

XV. B. Commissioner Issues and Comments

**SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM**

To: The Board of County Commissioners
Katherine Miller, County Manager

From: Stephen C. Ross, County Attorney 

Date: April 2, 2012

Re: First Public Hearing:

(A) Ordinance No. 2012-___; An Ordinance Repealing Ordinance No. 2010-8; Reenacting Portions Of Ordinance No. 2010-8 And Making Appropriate Amendments; Reforming The County's Procurement Practices With Respect To Road And Building Construction Projects To Ensure That The Public Trust Is Maintained, That Projects Are Properly Designed And Constructed And Completed Within Budget, That Projects Are Contracted Only After A Fair And Transparent Procurement Process; Providing For Training, Auditing And Confidential Reporting.

* *(B) Ordinance No. 2012-___; An Ordinance Establishing A Five Percent Santa Fe County Procurement Preference; Requiring A Santa Fe County Preference Certificate To Establish Eligibility For The Preference; Establishing Application Requirements; Providing For Protest Of Denial Of Certificates; Establishing Penalties.*

(C) A Resolution Rescinding Resolutions 2006-114 And 2009-102 And Amending Resolution 2009-91 To Clarify Matters Concerning County's Procurement Practices.

These proposed ordinances were authorized for publication, an initial public hearing has been conducted, and all are ready for their final public hearing and adoption. Changes are shown from the last version presented during the recent public hearing. Finally, a resolution is provided to make amendments to the County's purchasing regulations; these amendments were presented at the time publication was authorized. All changes recommended during the previous meetings have been made.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2012-_____

AN ORDINANCE ESTABLISHING A FIVE PERCENT SANTA FE COUNTY
PROCUREMENT PREFERENCE; REQUIRING A SANTA FE COUNTY
PREFERENCE CERTIFICATE TO ESTABLISH ELIGIBILITY FOR THE
PREFERENCE; ESTABLISHING APPLICATION REQUIREMENTS; PROVIDING
FOR PROTEST OF DENIAL OF CERTIFICATES; ESTABLISHING PENALTIES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY THAT:

Section One. Short Title. This Ordinance may be cited as the "Santa Fe County Procurement Preference Ordinance," or the "Prourement Preference."

Section Two. Applicability. This Ordinance shall apply to procurement by Santa Fe County under State law and the County's Procurement Regulations. This Ordinance shall not apply to a procurement by Santa Fe County that is governed, pursuant to a grant agreement, by the federal acquisition regulations, 48 CFR Part I *et seq.*

Section Three. Definitions.

A. The phrase "Santa Fe County Business" shall mean a business that holds a current Santa Fe County Business Certificate at the time of application for a preference certificate pursuant to this Ordinance (or the appropriate municipal business license, if located within a municipality) that has its primary and permanent office or business location within the exterior boundaries of Santa Fe County, which has had its primary and permanent office or business location within the exterior boundaries of Santa Fe County for at least one three (~~13~~) ~~consecutive~~ years preceding the submission of an application for a Santa Fe County procurement preference, and which, if a foreign corporation, has filed a unitary return pursuant to the Corporate Income and Franchise Tax Act and NMSA 1978, § 7-2A-8.3.

B. The phrase "Santa Fe County Business Certificate" or "Business Certificate" shall mean the certificate issued to a business engaged in business within the unincorporated limits of Santa Fe County.

C. The phrase "Santa Fe County Preference Certificate" or "Preference Certificate" shall refer to the certificate authorized pursuant to Section ~~Five~~ of this Ordinance.

D. The phrase "Santa Fe County Procurement Manager" or "Procurement Manager" shall mean the person appointed to serve as the County's Procurement Manager pursuant to the Santa Fe County Procurement Regulations, Resolution No. 2006-60, as amended.

Section Four. Santa Fe County Procurement Preference Established.

A. A Santa Fe County procurement preference is hereby established, as described in this Ordinance.

B. When Santa Fe County procures services using competitive sealed proposals pursuant to NMSA 1978, Sec. 13-1-111 (1975), an offer submitted by a Santa Fe County Business shall be deemed to receive five percent (5%) of the overall total points awarded in connection with the evaluation of the proposals.

C. In applying the preference provided in this Ordinance, the Santa Fe County Procurement Preference shall be applied in addition to any other preference required by Law.

Section Five. Eligibility for the Santa Fe County Procurement Preference. A Santa Fe County Business shall be eligible to claim the preference established in this Ordinance only when presenting, prior to or at the time established in the solicitation for receipt of proposals, a Santa Fe County Preference Certificate issued by the Procurement Manager.

Section Six. Obtaining a Preference Certificate; Application Required.

A. A Santa Fe County Business may obtain a Preference Certificate by filing an application with the Procurement Manager.

B. The application shall be completed on a form provided by the Procurement Manager that contains a sworn affidavit from the president or owner of the business setting forth each of the following:

1. The name, address, telephone number and name of the business and its registered agent (if applicable);
2. If a corporation, information that the corporation is registered to do business in the State of New Mexico and is in good standing;
3. If the business is a foreign corporation, information that the business is registered to do business in the State of New Mexico and is in good standing;
4. A copy of a valid business registration to do business in Santa Fe County (or a copy of the appropriate municipal business license, if located within a municipality within Santa Fe County);
- ~~5. A sworn statement that the business has its primary and permanent office or business location within the exterior boundaries of Santa Fe County;~~
- ~~5~~6. A sworn statement that the business has maintained its primary and permanent office or business location within the exterior boundaries of Santa Fe County for at least one (1) year preceding the submission of the application; and

7. If a foreign corporation, cCopies of the most recent State and federal tax returns applicable to the business.

C. The Procurement Manager shall issue a Preference Certificate if the application demonstrates, to the satisfaction of the Procurement Manager, that the business holds a current Business Certificate at the time of application for a preference certificate pursuant to this Ordinance (or the appropriate municipal business license, if located within a municipality), that the business has its primary and permanent office or business location within the exterior boundaries of Santa Fe County and has maintained its primary and permanent office or business location within the exterior boundaries of Santa Fe County for at least one three (13) consecutive years preceding the submission of the application and if - a foreign corporation, has filed a unitary return pursuant to the Corporate Income and Franchise Tax Act and NMSA 1978, § 7-2A-8.3

Section Seven. Denial of Certificate; Protest; Revocation.

A. If the Purchasing Manager determines that an applicant is not eligible for certification, the Purchasing Manager shall deny the application and shall issue a notice of denial.

B. A business whose application for a Preference Certificate is denied may protest the denial to the Procurement Manager in conformity with the protest procedures in Paragraph 62 of the Purchasing Regulations.

C. If facts are developed by the Procurement Manager that information provided by an applicant seeking a Preference Certificate has provided inaccurate or misleading information that resulted in the issuance of a certificate, the Procurement Manager shall revoke the certificate and notify the applicant.

Section Eight. Expiration of Certificate. A Preference Certificate shall be valid for two (2) years from the date of its issuance.

Section Nine. Penalties. Knowingly providing false or misleading information on an application for a Procurement Preference shall constitute a violation of this Ordinance and shall be punished as set forth in NMSA 1978, Sec. 4-37-3 (1975); knowingly providing false or misleading information on an application for a Procurement Preference, and may also expose the person providing such information to additional criminal penalties as provided iby State law.

PASSED AND ENACTED THIS ____ DAY OF _____, 2012.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By: _____
Liz Stefanics, Chair

ATTEST:


Valerie Espinoza
Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross
Santa Fe County Attorney

**SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM**

To: The Board of County Commissioners
Katherine Miller, County Manager

From: Stephen C. Ross, County Attorney 

Date: April 2, 2012

Re: First Public Hearing:

* *(A) Ordinance No. 2012-___; An Ordinance Repealing Ordinance No. 2010-8; Reenacting Portions Of Ordinance No. 2010-8 And Making Appropriate Amendments; Reforming The County's Procurement Practices With Respect To Road And Building Construction Projects To Ensure That The Public Trust Is Maintained, That Projects Are Properly Designed And Constructed And Completed Within Budget, That Projects Are Contracted Only After A Fair And Transparent Procurement Process; Providing For Training, Auditing And Confidential Reporting.*

(B) Ordinance No. 2012-___; An Ordinance Establishing A Five Percent Santa Fe County Procurement Preference; Requiring A Santa Fe County Preference Certificate To Establish Eligibility For The Preference; Establishing Application Requirements; Providing For Protest Of Denial Of Certificates; Establishing Penalties.

(C) A Resolution Rescinding Resolutions 2006-114 And 2009-102 And Amending Resolution 2009-91 To Clarify Matters Concerning County's Procurement Practices.

These proposed ordinances were authorized for publication, an initial public hearing has been conducted, and all are ready for their final public hearing and adoption. Changes are shown from the last version presented during the recent public hearing. Finally, a resolution is provided to make amendments to the County's purchasing regulations; these amendments were presented at the time publication was authorized. All changes recommended during the previous meetings have been made.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2012-__

AN ORDINANCE REPEALING ORDINANCE NO. 2010-8; REENACTING PORTIONS OF ORDINANCE NO. 2010-8 AND MAKING APPROPRIATE AMENDMENTS; REFORMING THE COUNTY'S PROCUREMENT PRACTICES WITH RESPECT TO ROAD AND BUILDING CONSTRUCTION PROJECTS TO ENSURE THAT THE PUBLIC TRUST IS MAINTAINED, THAT PROJECTS ARE PROPERLY DESIGNED AND CONSTRUCTED AND COMPLETED WITHIN BUDGET, THAT PROJECTS ARE CONTRACTED ONLY AFTER A FAIR AND TRANSPARENT PROCUREMENT PROCESS; PROVIDING FOR TRAINING, AUDITING AND CONFIDENTIAL REPORTING.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO:

Section One. Outside Contracts. Procurement pursuant to ~~The practice of purchasing projects utilizing contracts with another government agency pursuant to NMSA 1978, Section 13-1-129 (1984, 1991),~~ should not be used unless the Procurement Manager makes a specific finding that competitive bidding for the particular product would not be advantageous to the County. In no event shall a contract in total value exceeding \$250,000 be awarded without competitive bidding unless the Board of County Commissioners specifically approves.

Section Two. Periodic Rebidding. Each multi-year contract awarded henceforth following a competitive procurement process shall be written for a one-year term with an annual renewal at the County's option for no more than three additional one-year terms unless a modified term is specifically approved by the Board of County Commissioners.

Section Three. Board of County Commissioners to Approve Capital Projects. Each ~~capital-construction project undertaken by the County that utilizes a County established capital budget (and excluding those projects that are funded by a grant from the New Mexico Legislature or the federal government)~~ whose construction budget exceeds the sum of \$20,000 must, before being constructed, be included in the Capital Improvements Plan (CIP). This section shall not apply to a construction project that is necessary to address an emergency declared by the County Manager or the Board of County Commissioners that endangers the public health, safety, welfare or property.

Section Four. Road Maintenance List. Road maintenance shall not be performed on a private road and shall only be performed on a County-maintained road that has been placed on the list submitted to the State of New Mexico pursuant to NMSA 1978, Section 67-3-28.3

~~(1987). All road maintenance work shall be placed on a list developed by staff and recommended by the Road Advisory Committee and approved by the Board of County Commissioners. The list must be updated through the same process at least annually. Road maintenance work, including routine and priority maintenance, must be identified equitably in each Commission District, unless there is no need for a project in a particular district.~~

Section Five. Bidding and Engineering of Construction Projects. Plans and specifications drawn by a licensed professional engineer in the State of New Mexico or an architect licensed in the State of New Mexico, as appropriate, shall be prepared for eEach construction project that will be conducted using the County's own forces and whose construction budget exceeds the sum of \$250,000, ~~must have plans and specifications drawn by a licensed professional engineer in the State of New Mexico or an architect licensed in the State of New Mexico, as appropriate.~~

Section Six. Constituent Requests. All requests by constituents for maintenance, repair, construction or reconstruction should be made through the County's internet web site or to a Constituent Services Liaison. Each request shall be subsequently referred to the appropriate Constituent Services Liaison. The Constituent Service Liaison must work with appropriate County staff and the legal department to ensure that the request meets constitutional scrutiny and is placed on the CIP or the road maintenance list, as appropriate. If the request pertains to a road, the Constituent Service Liaison must work with appropriate County staff and the legal department to ensure that the road in question is a County-maintained road.

Section Seven. Pre-Auditing. All construction contracts for a sum exceeding \$250,000 shall have signatory authorization forms included in the official contract file prior to issuance of the notice to proceed. The forms shall designate individual authority levels for contract change directives, change orders^[scr1], amendments and other construction documents that obligate the County^[scr2]. The forms shall have original signatures for specific authorizations and copies shall be given to the contractor, the using department, and the accounts payable division of the Finance Department. Accounts payable personnel shall verify signatures when processing invoices to ensure appropriate individuals verified work received and authorized payments.

Section Eight. Auditing. The Finance Division must periodically randomly review and audit procurement files the total value of which exceeds the sum of \$250,000 to ensure compliance with the Procurement Code and the County's Purchasing Regulations; variances shall be reported to the Department Head and the County Manager. Any violation of a criminal statute discovered in connection with the audits required by this section shall be promptly reported to the appropriate law enforcement agency, and reported to the State Auditor pursuant NMSA 1978, Sec. 12-6-6 (1969, as amended).

Section Nine. Training. A comprehensive and mandatory procurement training program shall be given to all County employees and elected officials on the constitutional limitations of county government and on the legal limitations of procurement pursuant to the Procurement Code and other relevant statutes.

Section Ten. Appointment of Persons With Purchasing and Financial Responsibilities. Persons responsible for procurement, persons with authority to sign requisitions, and persons otherwise authorized to accomplish County expenditures, must be the most responsible, experienced and capable employees. Persons possessing these responsibilities must be specifically designated in writing by the Department Head or Deputy Department Head and approved by the County Manager. The designation may be revoked at any time. Each person responsible for procurement, signing requisitions or otherwise authorizing County expenditures, and the Department Head and Deputy Department Head, shall receive additional training in procurement and financial controls on an annual basis. Those individuals shall be strictly responsible for any such actions, and may be disciplined, up to and including termination, for failure to exercise those responsibilities in a proper and lawful manner.

Section ~~Eleven~~Twelve. Confidential Reporting. Employees and members of the public are encouraged to report confidentially, but not anonymously, any potential wrongdoing or other concern relating to a construction project or any fraud, abuse, illegal or unlawful activity within County government. The County Attorney shall be the recipient of such reports, which, if a report concerns criminal conduct, shall be reported to the appropriate law enforcement agency, and if not, reported to the Board of County Commissioners and the County Manager. The County Attorney shall provide forms and other means of confidential reporting so that persons concerned about potential wrongdoing can report either in person, through a confidential reporting system, or confidentially on the County's internet web site.

Section ~~Twelve~~Thirteen. Definitions,

A. The term "construction" shall have the meaning assigned by NMSA 1978, Section 13-1-40 (1984).

B. The term "engineering" shall have the meaning provided in NMSA 1978, Sec. 61-23-3(E) (1987, as amended).

C. The term "architecture" shall have the meaning provided in NMSA 1978, Sec. 61-15-2(B)(1979, as amended).

Section ~~Thirteen~~Fifteen. Severability. If any section, subsection, sentence, clause, item, change or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

PASSED AND ENACTED THIS ___th **Day of** _____, **2012.** ~~June, 2010.~~

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By: _____
Liz Stefanics, Chair

ATTEST:


Valerie Espinoza, County Clerk

APPROVED AS TO FORM

By: _____
Stephen C. Ross, County Attorney

**SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM**

To: The Board of County Commissioners
Katherine Miller, County Manager

From: Stephen C. Ross, County Attorney 

Date: April 2, 2012

Re: First Public Hearing:

(A) Ordinance No. 2012-___; An Ordinance Repealing Ordinance No. 2010-8; Reenacting Portions Of Ordinance No. 2010-8 And Making Appropriate Amendments; Reforming The County's Procurement Practices With Respect To Road And Building Construction Projects To Ensure That The Public Trust Is Maintained, That Projects Are Properly Designed And Constructed And Completed Within Budget, That Projects Are Contracted Only After A Fair And Transparent Procurement Process; Providing For Training, Auditing And Confidential Reporting.

(B) Ordinance No. 2012-___; An Ordinance Establishing A Five Percent Santa Fe County Procurement Preference; Requiring A Santa Fe County Preference Certificate To Establish Eligibility For The Preference; Establishing Application Requirements; Providing For Protest Of Denial Of Certificates; Establishing Penalties.

(C) A Resolution Rescinding Resolutions 2006-114 And 2009-102 And Amending Resolution 2009-91 To Clarify Matters Concerning County's Procurement Practices.

These proposed ordinances were authorized for publication, an initial public hearing has been conducted, and all are ready for their final public hearing and adoption. Changes are shown from the last version presented during the recent public hearing. Finally, a resolution is provided to make amendments to the County's purchasing regulations; these amendments were presented at the time publication was authorized. All changes recommended during the previous meetings have been made.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

RESOLUTION NO. 2012-_____

**A RESOLUTION RESCINDING RESOLUTIONS 2006-114 AND 2009-102 AND
AMENDING RESOLUTION 2009-91 TO CLARIFY MATTERS CONCERNING
COUNTY'S PROCUREMENT PRACTICES.**

WHEREAS, Resolution 2006-60 adopted the Santa Fe County Purchasing Regulations and Procurement Manual;

WHEREAS, the Purchasing Regulations and Procurement Manual is attached to Resolution 2006-60 as Attachment A (the Purchasing Regulations);

WHEREAS, Resolution 2006-114 specified the required signatory for the Board of County Commissioners and the County Manager respectively based on the type of agreement, the amount of revenue for the County, and the amount of funds to be expended by the County (contract sum);

WHEREAS, Resolution 2006-114 also specified that the County Manager is authorized to approve a contract amendment that extends the term of the contract consistent with limitations imposed by the Procurement Code;

WHEREAS, Resolution 2009-91 amended Paragraphs 74.A, B and C (Procedure for Review and Approval of Contracts) of the Purchasing Regulations to increase the contract sum established for signature of the Board of County Commissioners and the County Manager;

WHEREAS, Resolution 2009-91 also amended Paragraph 74.A (Approval by the Board of County Commissioners) of the Purchasing Regulations to specify that an amendment to a contract which was initially or previously approved by the Board of County Commissioners that increases the contract sum by ten percent or more or that increases the contract sum by more than five hundred thousand dollars shall be approved by the Board of County Commissioners prior to becoming effective;

WHEREAS, Resolution 2009-91 also amended Paragraph 74.B (Approval by the County Manager) of the Purchasing Regulations to specify that an amendment or series of amendments to a contract which was initially or previously approved by the County Manager, that does not increase the contract sum more than two hundred and fifty thousand dollars (\$250,000) shall be approved by the County Manager;

WHEREAS, Resolution 2009-91 also amended Paragraph 74.B to specify that an amendment or series of amendments to a contract which was initially or previously approved by

the Board of County Commissioners that does not increase the contract sum more than five hundred thousand dollars (\$500,000) shall be approved by the County Manager;

WHEREAS, Resolution 2009-102 amended Resolution 2009-91 by amending Paragraph 74.B of the Purchasing Regulations to specify that an amendment to a contract which was initially or previously approved by the Board of County Commissioners, that increases the contract sum by ten percent or more, or that increases the total amount of the contract by more than five hundred thousand dollars shall be approved by the Board of County Commissioners prior to becoming effective;

WHEREAS, Resolution 2009-102 also amended Resolution 2009-19 by amending Paragraph 74.B of the Purchasing Regulations to specify that an amendment to a contract which was initially or previously approved by the Board of County Commissioners, that "increases the total contract value by less than ten percent and that increases the total contract value by Five Hundred Thousand Dollars (\$500,000) or less" shall be approved by the County Manager prior to becoming effective;

WHEREAS, Resolution 2009-102 also amended Resolution 2009-114 by increasing contract sums established for the signatory for the Board of County Commissioners and the County Manager respectively;

WHEREAS, in 2011 provisions relating to preference in procurement of goods and services in the New Mexico Procurement Code, § 13-1-21 NMSA 1978, were amended and the Purchasing Regulations should be amended to be consistent with such amendments; and

WHEREAS, since its adoption in 2006, the Purchasing Regulations are in need of correction, update and revision;

IT IS THEREFORE RESOLVED, AS FOLLOWS:

1. Resolutions 2006-114 and 2009-102 are hereby rescinded.
2. The Purchasing Regulations (Attachment A to Resolution 2006-60) are hereby amended, as follows:

Paragraph 7 (INVITATIONS FOR BIDS) is amended to include a subparagraph 7 that reads:

"7. a notice of the requirements for any in-state or other applicable preference provisions."

3. Paragraph 9, "Pre-Bid Conferences" is deleted in its entirety and replaced with the following paragraph:

"9. PRE-BID CONFERENCE:

An IFB may include a pre-bid meeting to explain the project and provide information about the procurement process. Notice of a pre-bid meeting will be provided to each prospective bidder who received the IFB. The County will attempt to respond to all questions and provide necessary information at the meeting, however, the County may require questions or comments to be submitted in writing before the County responds in the form of addenda or if a response requires the County to conduct additional inquiry or research. Non-attendance at a mandatory pre-proposal meeting may be cause for a bid to be deemed non-responsive. An attendee at a mandatory pre-proposal meeting may not represent more than one potential bidder."

4. Paragraph 16, "STATUTORY PREFERENCES," shall be rescinded and replaced with the following paragraph:

"16. STATUTORY PREFERENCES:

The Procurement Code provides a preference for resident businesses and resident contractors pursuant to Section 13-1-21 et seq. NMSA 1978, as amended."

5. Paragraph 17, "IDENTICAL LOW BIDS," subparagraphs 2 and 3, are hereby amended by deleting all references to "or a New York state business enterprise" and references to "resident manufacturer" are deleted and replaced with "resident contractor."

6. Paragraph 21, "INITIATION OF RFP'S," subparagraph B is amended to include a subparagraph 11 that provides as follows:

"11. a notice of the requirements for complying with any in-state or other applicable preference provisions."

7. Paragraph 23, "Pre-Proposal Conference," shall be deleted in its entirety and replaced with the following paragraph:

"23. PRE-PROPOSAL CONFERENCE:

An RFP may include a pre-proposal meeting to explain the project and provide information about the procurement process. Notice of a pre-proposal meeting will be provided to each prospective offeror who received the RFP. The County will attempt to respond to all questions and provide necessary information at the meeting, however, the County may require questions or comments to be submitted in writing before the County responds in the form of addenda or if a

response requires the County to conduct additional inquiry or research. Non-attendance at a mandatory pre-proposal meeting may be cause for a bid to be deemed non-responsive. An attendee at a mandatory pre-proposal meeting may not represent more than one potential offeror."

8. Paragraph 30, "Disclosure," shall be rescinded in its entirety and replaced with the following paragraph:

"30. DISCLOSURE:

The contents of any proposal shall not be disclosed so as to be available to competing offerors during the negotiation process."

9. Paragraph 34.I, "Mandatory Pre-Proposal Meeting," is rescinded in its entirety and replaced with the following paragraph:

"I. Pre-Proposal Meeting. A Request for Proposals may include a mandatory pre-proposal meeting to explain the project and provide information about the procurement process. The County will attempt to respond to all questions and provide necessary information at the meeting, however, the County may require questions or comments to be submitted in writing before the County responds in the form of addenda or if a response requires the County to conduct additional inquiry or research. Non-attendance at a mandatory pre-proposal meeting may be cause for an offeror's proposal to be deemed non-responsive. An attendee at a mandatory pre-proposal meeting may not represent more than one potential offeror."

10. Paragraph 74.B, "Approval by the Board of County Commissioners," shall be rescinded in its entirety and replaced with the following paragraph:

"B. Approval by the Board of County Commissioners. Any contract or agreement for the purchase of tangible personal property, construction, or professional services that exceeds the sum of two hundred fifty thousand (\$250,000) dollars shall be approved by the Board of County Commissioners before becoming effective. Any amendment to a contract that was initially approved by the Board of County Commissioners that increases the initial contract sum by ten percent (10%) or more or that increases the total contract sum by more than five hundred thousand (\$500,000) dollars (whichever is less) shall be approved by the Board of County Commissioners unless otherwise provided by the Board of County Commissioners by specific resolution. Any grant or acceptance of easement/right-of-way and any other agreements pertaining to real estate transactions shall be approved by the Board of County Commissioners."

11. Paragraph 74.B, "Approval by the County Manager," shall be rescinded in its entirety and replaced with the following paragraph:

"C. Approval by the County Manager. Any contract or agreement for the purchase of tangible personal property, construction, or professional services with a contract sum of two hundred fifty thousand (\$250,000) dollars or less may be approved by the County Manager before becoming effective. Any amendment to a contract that was initially approved by the County Manager that does not increase the initial contract sum more than two hundred fifty thousand (\$250,000) dollars may be approved by the County Manager before becoming effective. Any amendment to a contract that was initially approved by the Board of County Commissioners that increases the initial contract sum by ten percent (10%) or more or that increases the total contract sum by more than five hundred thousand (\$500,000) dollars (whichever is less), may be approved by the County Manager before becoming effective. Any license or license agreements pertaining to real estate where the total consideration is two hundred and fifty thousand (\$250,000) dollars or less may be approved by the County Manager before becoming effective."

PASSED AND ENACTED THIS ____ DAY OF _____, 2012.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By: _____
Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, County Attorney