

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING

(Administrative Items)

January 29, 2002 - 10:00 a.m.

2082543

Amended Agenda

Meeting started at 10:35 AM

I. Call to Order

II. Roll Call

III. Pledge of Allegiance

IV. Approval of Agenda

A. Amendments

B. Tabled or Withdrawn Items

V. Approval of Minutes

VI. Consent Calendar:

Approved
Nov 20, 2001 - approved
January 8, 2002 approved w/amendments

Approved
A. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB 22-09 Codification/Compilation Services for Santa Fe County (Attorney's Office)

Consent
B. Resolution No. 2002 ⁰³ A Resolution Requesting an Increase to the General Fund (101)/Underage Drinking Grant Program to Budget a Grant Received From the New Mexico Highway & Transportation Department for Expenditure in Fiscal Year 2002 (Community & Health Development Department)

Consent
C. Resolution No. 2002 ⁰⁴ A Resolution Requesting an Increase to the Indigent Fund (220) to Budget a Memorandum of Agreement with St. Vincent's Hospital for Expenditure in Fiscal Year 2002 (Community & Health Development Department)

Approved
D. Resolution No. 2002 ⁰⁸ A Resolution Requesting an Increase to the EMS Health Care Fund (232) to Budget a Grant Received From the Kellogg Foundation for Expenditure in Fiscal Year 2002 (Community & Health Development Department)

Approved
E. Resolution No. 2002 ⁰¹ A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Community & Health Development Department)

Approved
F. Resolution No. 2002 ¹⁰ A Resolution Requesting an Increase to the Correction Fees Fund (201) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (County Manager's Office)

Approved
G. Resolution No. 2002 ¹¹ A Resolution Requesting an Increase to the General Fund (101) and Federal Forfeiture Fund (225)/Region III Program to Budget Federal Forfeiture Proceedings Received for Expenditure in Fiscal Year 2002 (County Sheriff's Office)

- H. Resolution No. 2002 ¹² - A Resolution requesting a Transfer from the General Fund (101) to the Valuation Fund (203), Road Maintenance Fund (204), Water Enterprise Fund (505) and the Housing Enterprise Fund (517) for a Salary Adjustment Incentive Expenditure in Fiscal Year 2002 (Finance Department)
- I. Resolution No. 2002 ⁰⁵ - A Resolution Requesting an Increase to the General Fund (101)/Fire Administration to Budget Sale of Fixed Asset Proceeds and Grant Review Received from the St. Vincent Hospital Community Services Network Department's Sole Community Provider Implementation Team for Expenditure in Fiscal Year 2002 (Fire Department)
- J. Resolution No. 2002 ⁰⁹ - A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Fire Impact Fees for Expenditure in Fiscal Year 2002 (Fire Department)
- K. Resolution No. 2002 ¹³ - A Resolution Requesting an Increase to the Fire Tax Fund (222) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)
- L. Request Authorization to Enter into a Professional Service Agreement #22-130-FD with HRJ Architecture, LLC, for Professional Design Services of the Glorieta Fire Sub-Station (Fire Department)
- M. Resolution No. 2002 ⁰⁴ - A Resolution Requesting a Transfer from the Fire Tax Fund (222) to the Community Development Block Grants Fund (250) for Expenditure in Fiscal Year 2002 (Project and Facilities Management Department)
- VII. Presentations and Awards:
- A. Presentation on the Santa Fe Care Connection Behavioral Health Model
 - B. Presentation and Report of FY 2001 Financial Audit and Financial Statements
- VIII. Administrative Items:
- A. Committee Expirations/Resignations/Vacancies:
 1. Resignations of COLTPAC Committee Members
 2. Resignations of Santa Fe Maternal and Child Health Planning Council Members
 - B. Committee Appointments:
 1. Re-Appointments to the COLTPAC Committee
 2. Appointments of the Santa Fe Maternal and Child Health Planning Council Members *see Packet*
 3. Re-Appointment Applications for the DWI Planning Council *see Packet*
 4. Road Advisory Committee Re-Appointment
- IX. Staff and Elected Officials' Items:
- A. Clerks Office ¹⁴
 1. Resolution No. 2002 - A Resolution Amending Resolution No. 2001-58 Designating the Precincts in Santa Fe County, New Mexico
 - B. Community and Health Development Department
 1. Resolution No. 2002 ¹⁵ - A Resolution Recognizing the 10th Anniversary of the Maternal and Child Health Planning Council and the Council's Work on Behalf of Childbearing Women and Families and Supporting the New Mexico Association of County Maternal and Child Health Council's 2002 Annual Update to the New Mexico State Legislature Requesting an Expansion of Funding

- 2. Request Approval of the Santa Fe County Maternal and Child Health Plan Update *OK*
- ~~3. Request Direction for Qualifying Buyers Under the Community College District Ordinance~~ *Tabled*
- 4. Request Approval of the Santa Fe County Maternal and Child Health Proposal to the New Mexico Department of Health for Funding Under the County Maternal and Child Health Plan Act *OK*
- 5. Request Authorization to Enter into a Lease Agreement With Diamond Development, Inc. for Office Space to House the DWI Screening Program *Approved OK*
- 6. Request Approval of Distribution/Grant Application to DFA for Local DWI Funds *Approved*
- 7. Request Approval of DWI Detoxification/Treatment Grant Agreement No.01-X-I-G-27 with DFA *Approved*
- 8. Resolution No. 2002 ~~16A~~ Resolution Requesting an Increase to the General Fund (101)/DWI Detoxification Grant Program to Budget a Grant Awarded Through the New Mexico Department of Finance and Administration for Expenditure in Fiscal year 2002 *Approved*

C. Land Use Department

- 1. Request Authorization to Publish Title and General Summary of an Amendment to Ordinance #1996 - 10, Santa Fe County Land Development Code, Article III, Section 4.4.4c (Maximum Height for Commercial & Industrial Non-Residential Districts) and Article III, Section 6.3.4 (Maximum Height for Large Scale Residential Uses) *OK*

D. Utilities Department

- 1. Status of Waterline Extension Project for Entrada La Cienega (CR-50F) and Paseo C de Baca (CR-50) area of La Cienega *OK*

E. Public Works Department

- 1. Request Authorization to Install a 3-Way Stop at the Intersection of Agua Fria Road and Henry Lynch Road Near the Village of Agua Fria *Tabled*
- 2. Solid Waste Program Update *Done*
- 3. Request Approval of Change Order Number One for the County Road 64-L (Richards Avenue) Road Improvement Projects - EMCO *Tabled*

Tabled to next column

F. Matters from the County Manager, Estevan Lopez

- 1. Request Authorization to Appropriate \$250,000 of Commission Capital Outlay Funds for Expenditure in FY 2002
- 2. Request Authorization to Finalize Negotiations With the Bureau of Prisons and Cornell Corrections for an Intergovernmental Agreement for Care of Juveniles at the Santa Fe County Juvenile Detention Center
- 3. Resolution No. 2002 - A Resolution Calling for Cooperation Between the City and the County of Santa Fe for Funding of a Surface Water Diversion Project at the Rio Grande
- 4. Resolution No. 2002 ~~12A~~ Proclamation Calling for a Special Election to be Held on April 2, 2002, Concerning Whether to Impose County Capital Outlay Gross Receipts Tax *Next ready*

Next ready

G. Matters from the Commission

- 1. *Tabled* Resolution No. 2002 – A Resolution Regarding the Proposed Santa Fe County, New Mexico County Improvement District (Rancho Viejo Heights), Directing C.R. Walbridge & Associates, P.E., Engineers, to Prepare, Submit and File with the County Clerk Certain Preliminary Plans, Estimates of Costs, and Plats with Addendum, all in Connection Therewith
- 2. *approve* Resolution No. 2002 – A Resolution Supporting State Legislation Allowing All Counties in the State of New Mexico the Option to Exercise a Local Election Imposing a Local Option Liquor Excise Tax

H. Matters of Public Concern - NON-ACTION ITEMS

I. Matters from the County Attorney, Steven Kopelman

- 1. *Tabled* ~~Resolution No. 2002 – A Resolution Amending Resolution 1999-98 to Expand the Service Area of Comcast Cablevision, Inc. (Successor to Mickelson Media, Inc.) to Include the Unincorporated Area of Santa Fe County and to Increase the Franchise Fees Payable to Santa Fe County~~
- 2. *Next meeting* Resolution No. 2002 – A Resolution Determining Reasonable Notice for Public Meetings of the Santa Fe Board of County Commissioners and all Commissions, Committees, Agencies or any Other Policy-Making Bodies Appointed by or Acting Under the Authority of the Board of County Commissioners
- 3. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - i. Santa Fe Ski Company vs. Santa Fe County
 - ii. Tapia vs. Santa Fe County
 - iii. Paule vs. Santa Fe County
 - iv. Board of County Commission vs. M & R Sand & Gravel
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

Moved to 12:00 noon

X. ADJOURNMENT

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

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SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 29, 2002

Paul Duran, Chairman
Jack Sullivan, Vice Chairman
Paul Campos
Javier Gonzales [late arrival]
Marcos Trujillo

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

January 29, 2002

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:30 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

- Commissioner Paul Duran, Chairman
- Commissioner Marcos Trujillo
- Commissioner Javier Gonzales [late arrival]
- Commissioner Paul Campos
- Commissioner Jack Sullivan

Members Absent:

None

III. INVOCATION

An invocation was given by Pastor Dudley O'Dell from the Santa Fe Baptist Church.

IV. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or withdrawn items**

ca: Are there any amendments to the agenda, Estevan?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, there are a couple of additions to the agenda. You should have before you an amended agenda that's modified from what was in your packet. The first addition is under IX. F. 3, under Matters from the County Manager and it's a resolution calling for cooperation between the City and the County of Santa Fe for funding of a surface water diversion project at the Rio Grandc. What had been IX. I. 3.

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a. 4 in executive session, we've added discussion of pending or threatened litigation regarding the *Board of County Commissioners v. M & R Sand and Gravel*.

Also there is one minor typographical change made to item IX. F, and it's now number 4. That caption now reads A proclamation calling for a special election to be held on April 2, 2002 concerning whether to impose County capital outlay gross receipts tax.

There are also a couple of items that we'd like to get tabled if you're ready to go on to that.

CHAIRMAN DURAN: We're going to go into executive session at 12:00, so wherever we are on the agenda we're going to move into executive session. So how about tabled or withdrawn items?

MR. LOPEZ: Mr. Chairman, we have three items that we're going to request that be tabled today. The first is item IX. B. 3, which was the requesting direction for qualifying buyers under the Community College District Ordinance. We have a pretty lengthy agenda including a number of presentations, and the primary reason for requesting this tabling is to try to move through this agenda efficiently and be done with all of the business that needs to happen.

The next item that we'd like to have tabled is IX. E. 3. Request approval for change order number one on County Road 64-L, Road improvements project. And that, this morning we discovered an error in that document and we'd like to go back and fix it and present it at the next Board meeting. And the final item that we'd like tabled is IX. I. 1, and that's the resolution amending the Resolution 1999-98 to expand the service area of ComCast Cablevision, Inc.

Those are the items that we request be tabled today, Mr. Chairman.

CHAIRMAN DURAN: Okay. And Commissioner Campos has requested that perhaps a few things on the agenda be moved forward in case he needs to leave early.

COMMISSIONER CAMPOS: Mr. Chairman, I would like to move forward the discussion about the GRT, the quarter percent, to maybe right after lunch. Is that a problem?

MR. LOPEZ: Mr. Chairman, Commissioner Campos, not from staff's perspective.

COMMISSIONER CAMPOS: Do we have a public notice problem? Because we did issue an agenda where it is towards the end.

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Campos, first of all, it's not a public hearing item at this stage, so there's no legal impediment at all to moving it.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: So what number is that?

MR. LOPEZ: IX. F. 4, Mr. Chairman.

CHAIRMAN DURAN: So that's right after lunch? Right after we come out of executive?

COMMISSIONER CAMPOS: That's what I would suggest, Mr. Chairman.

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CHAIRMAN DURAN: Okay. Any other changes? Any other Commissioners would like to amend the agenda? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman, as amended.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

V. APPROVAL OF MINUTES: November 20, 2001

CHAIRMAN DURAN: Any changes to those minutes?

COMMISSIONER TRUJILLO: If not Mr. Chairman, move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's been a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

January 8, 2002

CHAIRMAN DURAN: Are there any changes to the minutes of January 8, 2002?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have a couple of minor housekeeping changes which I can give to the recorder.

CHAIRMAN DURAN: That's okay with me. How about the Board? Okay. What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

V. CONSENT CALENDAR

- A. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB 22-09 Codification/Compilation Services for Santa Fe County (Attorney's Office)
- B. Resolution No. 2002-03. A Resolution Requesting an Increase to the

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- General Fund (101)/Underage Drinking Grant Program to Budget a Grant Received From the New Mexico Highway & Transportation Department for Expenditure in Fiscal Year 2002 (Community & Health Development Department)**
- C. Resolution No. 2002-04. A Resolution Requesting an Increase to the Indigent Fund (220) to Budget a Memorandum of Agreement with St. Vincent's Hospital for Expenditure in Fiscal Year 2002 (Community & Health Development Department)**
 - D. Resolution No. 2002-08. A Resolution Requesting an Increase to the EMS Health Care Fund (232) to Budget a Grant Received From the Kellogg Foundation for Expenditure in Fiscal Year 2002 (Community & Health Development Department)**
 - E. Resolution No. 2002-09. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Community & Health Development Department)**
 - F. Resolution No. 2002-10. A Resolution Requesting an Increase to the Correction Fees Fund (201) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (County Manager's Office)**
 - G. Resolution No. 2002-11. A Resolution Requesting an Increase to the General Fund (101) and Federal Forfeiture Fund (225)/Region III Program to Budget Federal Forfeiture Proceedings Received for Expenditure in Fiscal Year 2002 (County Sheriff's Office)**
 - H. Resolution No. 2002-12. A Resolution requesting a Transfer from the General Fund (101) to the Valuation Fund (203), Road Maintenance Fund (204), Water Enterprise Fund (505) and the Housing Enterprise Fund (517) for a Salary Adjustment Incentive Expenditure in Fiscal Year 2002 (Finance Department)**
 - I. Resolution No. 2002-05. A Resolution Requesting an Increase to the General Fund (101)/Fire Administration to Budget Sale of Fixed Asset Proceeds and Grant Review Received from the St. Vincent Hospital Community Services Network Department's Sole Community Provider Implementation Team for Expenditure in Fiscal Year 2002 (Fire Department)**
 - J. Resolution No. 2002-06. A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Fire Impact Fees for Expenditure in Fiscal Year 2002 (Fire Department)**
 - K. Resolution No. 2002-13. A Resolution Requesting an Increase to the Fire Tax Fund (222) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)**
 - L. request Authorization to Enter into a Professional Service Agreement**

#22-130-FD with HRJ Architecture, LLC, for Professional Design Services of the Glorieta Fire Sub-Station (Fire Department)

- M. Resolution No. 2002-07. A Resolution Requesting a Transfer from the Fire Tax ¼% Fund (222) to the Community Development Block Grants Fund (250) for Expenditure in Fiscal Year 2002 (Project and Facilities Management Department)**

CHAIRMAN DURAN: Are there any items on the Consent Calendar that any of the Commissioners would like to isolate for further discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just for a little more information I would ask for item VI. A, D, F, and H. Those are just for additional information.

CHAIRMAN DURAN: Commissioner Sullivan?

COMMISSIONER SULLIVAN: Mr. Chairman, I needed some additional information on E, F, and G, and K and L. I guess that leaves B and C and I and J and M as untouched.

CHAIRMAN DURAN: So the Chair will entertain a motion to approve B, C, I, J and M.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER CAMPOS: I'll second it.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

- VI. A. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB 22-09 Codification/Compilation Services for Santa Fe County (Attorney's Office)**

MR. KOPELMAN: Mr. Chairman, I think either Katherine or I could address any questions you have.

COMMISSIONER CAMPOS: Mr. Kopelman, just generally, what is this effort designed to—a total codification of all County ordinances?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, that's correct.

COMMISSIONER CAMPOS: Is this just the beginning step, because you're paying someone \$9,000 to do what?

MR. KOPELMAN: Mr. Chairman, Commissioner, it's probably going to go over the amount that we have. We have more money encumbered. But when we put this out for bid we didn't have—we gave them less information. We said there were less ordinances than we thought we had. So we'll go over that in all likelihood. But this is going to be a full codification so that hopefully the end product, when everything is said

and done will be one volume that will have all County ordinances codified according to subject matter.

COMMISSIONER CAMPOS: What is your time line on this? Do you expect to do it this year? In a couple of years?

MR. KOPELMAN: Mr. Chairman, Commissioner, I believe that we should have the volume at least ready to be reviewed, hopefully by the end, I believe of this fiscal year, although it's going to be an ongoing process to make amendments and to update.

COMMISSIONER CAMPOS: Thank you. I have no other questions, Mr. Chairman. I'd move to approve item VI. A.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

VI. D. Resolution No. 2002-08. A Resolution Requesting an Increase to the EMS Health Care Fund (232) to Budget a Grant Received From the Kellogg Foundation for Expenditure in Fiscal Year 2002 (Community & Health Development Department)

CHAIRMAN DURAN: Commissioner Campos, you had a question on that?

COMMISSIONER CAMPOS: Just general information. If I could get a little bit of context on that.

ROBERT ANAYA (Community and Health Development Director): Mr. Chairman, Commissioner Campos, this is a grant that we received through the Kellogg Foundation that helps with our health planning process. We've utilized the grant money primarily to fund a consultant that's been helping work directly with the Health Planning Commission on the Health Plan. That Health Plan has been discussed with the Commission and we'd like to use this balance of money to help primarily to continue the services that the Shaning and Associates have been providing. I stand for any questions.

CHAIRMAN DURAN: Any questions, Commissioner?

COMMISSIONER CAMPOS: Thank you. Move for approval of VI. D, Mr. Chairman.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

VI. E. Resolution No. 2002-09. A Resolution Requesting an Increase to the

**State Special Appropriations Fund (318) to Budget Fiscal Year 2001
Cash Balance for Expenditure in Fiscal Year 2002 (Community &
Health Development Department)**

CHAIRMAN DURAN: Was this Commissioner Campos or Sullivan?

COMMISSIONER CAMPOS: Sullivan.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: My question on this, Mr. Chairman, was what is this grant about? It was an \$80,000 grant and from the number it looks like it's a CDBG grant awarded back in 1999. And I was just questioning what we were doing if that's grant still open or what was the goal of that grant and what's the status of it.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, this grant was a grant that we work with, our youth providers, specifically, the Boys and Girls Club helped us. We lobbied the legislature. It's a state appropriation. We were able to procure computers for four sites. All four sites that the Boys and Girls Club operates, both here in the City and the three public housing sites. It was for computer services, computer equipment, I should say. We had a balance of \$1000. We do a lot of presentations within the department and throughout the county, so want to utilize the balance to help us procure a proxima to help with all of the boards and commissions and staff on presentations. I stand for questions.

COMMISSIONER SULLIVAN: So the grant, Robert, the grant was to provide computer equipment and so forth to the Girls and Boys Club?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, computer equipment to the Boys and Girls Club and to help with that equipment. We also utilize that equipment within those sites and the public housing sites for other things that we have going on for youth activities, prevention type programs. So it is housed at that County sites, three County sites and the City site and we just want to get this grant closed and utilize it for the proxima, which they will be able to utilize as well. The proxima will cost approximately \$8,000. This is a small portion of the total cost of that piece of equipment.

COMMISSIONER SULLIVAN: I guess I'm still not clear. The grant was to the County for computer equipment, and then we used that for the Boys and Girls Club? I'm a little unclear. You're talking about now it's for the public housing, for use at the public housing sites?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, the grant, we lobbied jointly with the Boys and Girls Club to provide computer equipment to be placed primarily at the three public housing sites and the site in the City of Santa Fe. We had a balance of \$1000. We also staff, we also utilize that equipment at the sites when we need it. But it's utilized at the three sites. We had \$1000 balance to utilize, we want to utilize it for a proxima. We'll utilize that with the Boys and Girls Club, for the County Extension Service, Health Planning Commission, DWI Council, Indigent Fund and any other staff program that we have or use that's needed at the County.

COMMISSIONER SULLIVAN: So the only involvement of the Boys and Girls Club was that they helped you lobby for the money. This is not providing computer equipment to the Boys and Girls Club. It's providing computer equipment which they and others can use.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, the equipment is County equipment, but the Boys and Girls Club is the primary recipient of that equipment.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chairman.

CHAIRMAN DURAN: To be used at what site? At the sites out in—

MR. ANAYA: Mr. Chairman, we'd like to be able to use that proxima—like I said, the proxima will cost around \$8,000. So we'd like to use it within the public housing sites, within these chambers and any other community type meeting that we have or presentation that our department and all the rest of the departments would have, to include County Extension Service and their youth programs and any other youth programs that work with our County programs.

CHAIRMAN DURAN: So they're portable devices?

MR. ANAYA: Mr. Chairman, it's a device just like the device—

CHAIRMAN DURAN: Okay. Good. Any other questions? What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move for approval of item VI. E.

CHAIRMAN DURAN: That's Resolution No. 2002-9. Is there a second?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

VII. F. Resolution No. 2002-10. A Resolution Requesting an Increase to the Correction Fees Fund (201) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (County Manager's Office)

CHAIRMAN DURAN: Commissioner Sullivan?

COMMISSIONER CAMPOS: That's mine. That was both of ours. Ms. Miller, this deals with prisoner costs and the Sheriff and exhausting the budget. Could you tell me a little bit about the background, what's going on, and what we can expect? Apparently, they're still going to need more money down at the end of the fiscal year.

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioner Campos, this request, we received funding in the corrections fund and we have cash balance in there. We're asking to budget that \$42,000 cash balance for care of County inmates at other facilities. We currently have, I believe, three inmates that are up at San Miguel. It costs us about \$6,000 a month to have those inmates cared for. They are court-ordered not to be in our facility. It would be our preference to have them in our facility but we don't have a choice in that matter. So this is for contract services outside of the

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county. I don't know for how long we'll have to incur that expense but until they're sentenced to another facility, we'll have the daily inmate care of those three individuals and as I said, it's about \$6,000 a month.

COMMISSIONER CAMPOS: And do you make any projections until the end of the fiscal year? How much money—do we have the money in the cash budget? Are we going to need more money?

MS. MILLER: Mr. Chairman, Commissioner Campos, this will take us through the end of the year on those inmates, but it's difficult for us to tell if we will have other inmates in this situation. It all depends on the judges and whether there are other individuals. We anticipate this will help us. However, we are going to have to come back with a request for additional funding at our jail for the budget at the jail and I hope to bring that forward next month as well.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: Just one question along those lines. We have available beds at the County jail. So I'm perplexed about the court order. What does that say or what does that—

MS. MILLER: Mr. Chairman, Commissioner Trujillo, sometimes for the safety of an inmate, the judges will require them to be at a facility elsewhere because they may be testifying against another inmate. At the moment, the judges feel that those individuals need to be at another facility for their own safety. And Benjie's actually here. You could probably ask him a little more detail on that issue, but that's typically when we get costs outside of our own facilities, a court order by the judges. We could probably segregate them in our facility but at the moment, the judges have required us to put them somewhere else.

COMMISSIONER TRUJILLO: Well, that has an impact on our budget because it's an out of pocket expense for us and we built the facility ostensibly for the purpose of accommodating our inmates without having to send them to other facilities and pay other facilities. So I'm confused that the court would mandate that. And here's Benjie, maybe he can—

BENJIE MONTANO (Undersheriff): Mr. Chairman, Commissioner Trujillo, what was the question again? I was talking to Greg.

COMMISSIONER TRUJILLO: The question is if we have available beds at our facility to house County inmates, why does the court mandate that we send our, Santa Fe County's inmates to other facilities?

UNDERSHERIFF MONTANO: Mainly what happens is the District Attorney's office, or defense attorneys will petition the judge to have these inmates housed elsewhere. And there are a couple of reasons. Number one, I believe Santa Fe County and MTC are going to have to prove that they can handle and keep these people safe, and number two, a lot of times defense attorneys would not like their clients segregated from other people.

Mr. Parish and I are hopeful that in time we can build the kind of confidence where

we don't have to move them, because we do have the type of facility where the inmates can remain safe. But right now, we're fighting every time they want to send somebody, in particular Los Alamos is like \$150 a day, or it was I think. Katherine and through County staff lowered that but we were paying probably over \$200 a day there at one time.

COMMISSIONER TRUJILLO: And we have to comply with the court order?

UNDERSHERIFF MONTANO: Yes sir.

COMMISSIONER TRUJILLO: Even though we can show that our facility is as secure as any other facility?

UNDERSHERIFF MONTANO: We have, right now, as everybody knows, more than enough beds.

COMMISSIONER TRUJILLO: Right.

UNDERSHERIFF MONTANO: To accommodate, but honestly, the bottom line is I think that we have to prove that we can take care of these people. I don't think the track record is that good and it's going to take some time. Maybe talking to the judges, the Commission talk to the judges, the Manager, but I think that's been tried. In fact I know we have and they just feel sometimes for the safety of the inmate and their attorneys feel that it's better that they're housed elsewhere.

COMMISSIONER TRUJILLO: Okay.

CHAIRMAN DURAN: Any other questions? Commissioner Campos?

COMMISSIONER CAMPOS: I understand what the issue is. It would seem that we could prove to the courts that we're able to segregate and probably care for these prisoners so I would suggest a more aggressive approach to the judges. At what point do we get information from the courts that they're considering transfer of a prisoner outside of this jail?

MS. MILLER: Mr. Chairman, Commissioner Campos, as Benjie said it's usually a defendant's attorney that will petition the court to have them assigned elsewhere. There are several reasons they may do it. It might be other inmates that they feel will threaten that individual's safety. It might be the facility itself, but at the moment it's not our facility so much as that now that we have a new contractor, it's going back, establishing a relationship with that new contractor with the judges that we can provide a safe area. Greg Parish has been working on that, showing that we can segregate, but as Benjie says, sometimes they don't want them segregated. They feel that's not good for their client. So it's a case by case basis as the court order comes forward that we would have to probably address it with the judges.

COMMISSIONER CAMPOS: Question. Do you get the information before the court order or afterwards?

MS. MILLER: Mr. Chairman, Commissioner Campos, in Finance I usually receive it afterwards when I get the bill, but as far as Greg typically does get some information but I believe it's probably after the order is to move them elsewhere that we get that information.

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COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to approve Resolution No. 2002-10.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Commissioners Campos, Sullivan and Duran voted with the motion.] Opposed? [Commissioner Trujillo voted against.] Motion carries. [Commissioner Gonzales was not present for this action.]

VI. G. Resolution No. 2002-11. A Resolution Requesting an Increase to the General Fund (101) and Federal Forfeiture Fund (225)/Region III Program to Budget Federal Forfeiture Proceedings Received for Expenditure in Fiscal Year 2002 (County Sheriff's Office)

CHAIRMAN DURAN: Commissioner Sullivan?

COMMISSIONER SULLIVAN: Mr. Chairman, Katherine, my question here was, I guess I didn't understand the jargon. These are revenues received from the sale of Region III vehicles and \$10,721.22 of forfeiture proceedings relating to Region III program court settlements. Totally over my head. What does all that mean?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, these are through the actions of Region III agents there are seizures and court settlements of their fines and forfeiture funds from the sale of assets that have to do with all of the Region III drug and law enforcement activity. These fines and forfeiture funds are restricted by law to what we can spend them on. It's based upon the activities of the Region III program. They might get a vehicle that's been confiscated, funds that have been awarded through court proceedings to the County and to this fund. And then, as we receive those funds we come forward to the Commission to budget them for things like, in this particular case it's for undercover agents and for insurance for the contracted employees.

COMMISSIONER SULLIVAN: Region III is what?

MS. MILLER: The Region III, in the state I believe there are seven regions through the Department of Public Safety and we receive federal funds for drug enforcement and undercover drug busts.

COMMISSIONER SULLIVAN: And we're a part of Region III, which is larger than Santa Fe County.

MS. MILLER: We are Region III. And it covers I think four or five counties, Rio Arriba, Santa Fe, Taos—I don't remember them all.

COMMISSIONER SULLIVAN: That's all my questions.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Okay. Any further discussion? Those in favor

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signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

VI. H. Resolution No. 2002-12. A Resolution requesting a Transfer from the General Fund (101) to the Valuation Fund (203), Road Maintenance Fund (204), Water Enterprise Fund (505) and the Housing Enterprise Fund (517) for a Salary Adjustment Incentive Expenditure in Fiscal Year 2002 (Finance Department)

CHAIRMAN DURAN: Commissioner Campos?

COMMISSIONER CAMPOS: Ms. Miller, could you just give me a little background information on this one?

MS. MILLER: Mr. Chairman, Commissioner Campos, a couple of months ago the Commission approved bonus performance incentive pay and when we brought that budget adjustment forward what we did is we brought—Finance requested a total sum of money to be budgeted from cash and we put it in general fund, but there was a spread sheet that actually stated which funds and which employees would be eligible across the board. This is simply moving, now that those incentives have been given, moving the correct amounts to the funds where those employees are paid out of. It's more administrative. It's actually not any additional money or anything different from what we brought forward before but whenever we move across funds, I have to bring that to the Commission. So this is just moving that budgeted cash that we brought into general fund over to the funds where it was actually expended for those employees.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Katherine, I have a question. It's my understanding that each department head had to bring their allocated amount to the County Manager for his review and approval?

MS. MILLER: Mr. Chairman, that's correct. Every performance incentive had to meet a particular criteria that was set by the Board, and then those individually all had to be approved. They went through Personnel to make sure that it met the criteria, then through Finance to make sure that the funding was there and then to the County Manager to make sure that it was appropriate distribution.

CHAIRMAN DURAN: Great. Thank you very much. Any other questions? What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to approve Resolution 2002-12.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

VI. K. Resolution No. 2002-13. A Resolution Requesting an Increase to the

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- Fire Tax Fund (222) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)**
- M. Resolution No. 2002-07. A Resolution Requesting a Transfer from the Fire Tax ¼% Fund (222) to the Community Development Block Grants Fund (250) for Expenditure in Fiscal Year 2002 (Project and Facilities Management Department)**

CHAIRMAN DURAN: Commissioner Sullivan?

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. My general question was what the nature of this is and whether it's prudent to intermix CDBG funds with fire tax funds. Obviously it is or you wouldn't request it, so I need a little further explanation of that.

STAN HOLDEN (Fire Chief): Mr. Chairman, members of the Commission, Commissioner Sullivan, there is no CDBG funds in this resolution. This is specifically fire fund related. It's fire excise tax related fund 222.

COMMISSIONER SULLIVAN: I guess I misunderstood. It says requested the transfer of budget from fire tax fund to the Community Development Block Grant fund.

CHIEF HOLDEN: That must have been a transcription error when they were doing the BAR information in Finance. It's not CDBG funds. It is strictly fire tax money that's being budgeted. You'd have to ask Ms. Miller about that.

COMMISSIONER SULLIVAN: I see it's budgeted for water tanks and hydrants at the Arroyo Seco Teen Center.

CHIEF HOLDEN: Oh, I'm sorry. I thought we were on item K.

COMMISSIONER SULLIVAN: Maybe I'm on the wrong one.

CHIEF HOLDEN: M, I believe was approved, but I'd be happy to answer that question anyway, Mr. Chairman.

CHAIRMAN DURAN: We're on item K. Did you want to continue that questioning?

COMMISSIONER SULLIVAN: I got my numbers mixed up. I think we already approved M. But I was—I did question that.

CHIEF HOLDEN: I'd be happy to answer the question, Mr. Chairman.

CHAIRMAN DURAN: Please do so.

CHIEF HOLDEN: Mr. Chairman, members of the Commission, Commissioner Sullivan, that specific increase was the result of a request from the Fire Department to the project manager at the time of construction. What we wanted to do was increase the size of the storage tank and add fire hydrants to support the surrounding community. We had no storage system in the area and we had no hydrant in the area. So what we did in conjunction with this County project, was use County fire protection funds to increase the storage size of the tank and to add a hydrant.

COMMISSIONER SULLIVAN: At the teen center?

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CHIEF HOLDEN: At the teen center.

COMMISSIONER SULLIVAN: And that is a legitimate budget procedure?

CHIEF HOLDEN: Yes sir.

COMMISSIONER SULLIVAN: Okay. Everyone's shaking their head so I'm comfortable.

COMMISSIONER TRUJILLO: I had a question along those lines. The fire hydrants in La Puebla that were funded a couple of years ago, aren't they working?

CHIEF HOLDEN: Mr. Chairman, Commissioner Trujillo, yes they are. You're talking about the dry hydrants that are in the Santa Cruz River.

COMMISSIONER TRUJILLO: The Santa Cruz River, yes.

CHIEF HOLDEN: Yes, we have a number of those hydrants, the dry hydrants to do work when there's adequate flow in the river. Of course when there is no flow in the river, we can't draw any water out of it. So this just increases our capacity and it's specifically in the area of the teen center.

COMMISSIONER TRUJILLO: In the immediate area.

CHIEF HOLDEN: In that immediate area. So all the surrounding communities that live within the community center benefit as a result of this, of the increase in those tanks.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: Well, M has been approved. Are we ready to move to K?

COMMISSIONER SULLIVAN: We're ready to move to K if I can find it.

CHIEF HOLDEN: Katherine says it's back toward the end of the packet.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, the reason the caption, the actual m that's on the caption is K in your packet and that's why—

COMMISSIONER SULLIVAN: I'm not losing it.

MS. MILLER: No, you're not. I just noticed that actually item M on the agenda is placed wrong in the packet. It's where item K should be and that's why. I don't know what that means as far as approval, but item M on the agenda is the item that Commissioner Sullivan is questioning and it's in the packet incorrectly. There's a split.

CHAIRMAN DURAN: So when we approved M, did we approve M?

COMMISSIONER SULLIVAN: I think when you approved M you approved K.

MS. MILLER: That's right.

CHAIRMAN DURAN: So which one are we going to discuss now? K?

COMMISSIONER SULLIVAN: I wanted to discuss the one that was in the K position.

CHAIRMAN DURAN: Well, let's discuss that one.

COMMISSIONER SULLIVAN: I'll read it out and then somebody can tell us what letter it is. It's three in from the back.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, they're just split.

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So item, on the agenda, item K, which is fund 222, that is the budget adjustment, the very last one in the Consent section and that's budgeted cash and special assessments of \$68,000 to go for vehicles. And then item M was in your packet the third to last item, and that was what Stan had just covered.

COMMISSIONER SULLIVAN: And that was the one that I was interested in. So we've covered that and have we approved it or not? Yes, we've approved it. So then we haven't approved K at all, which is M in my book, which I didn't have a question on.

CHAIRMAN DURAN: So is there a motion to approve K?

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: No further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

VI. L. Request Authorization to Enter into a Professional Service Agreement #22-130-FD with HRJ Architecture, LLC, for Professional Design Services of the Glorieta Fire Sub-Station (Fire Department)

CHAIRMAN DURAN: Commissioner Sullivan?

COMMISSIONER SULLIVAN: Yes, Mr. Chairman, I discussed this a little bit with Stan last night at our meeting our in Eldorado and I have two basic questions. One was who is HRJ? Who's the architect? And secondly was according to the back-up documentation, the project was put out for proposals twice and no response was received either time and when individuals were contacted, the architects, they indicated that they felt the budget was too low so they weren't responding on it.

Subsequent to that I guess they did find an architect. The third time this HRJ, for a fee of less than \$20,000 and my concern—this is for a substation in Glorieta and my concern is that we may be poor-boying this thing and we may not have enough money for architectural design and we may not have enough money for construction, and is that a good way to start a project? That's my concern.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, as far as the details concerning the proposals, I'll let Tony Flores from Project Management address those questions, but as far as the budget, we feel that the budget now is adequate to complete the project and we believe that the architect that has been contracted with is well qualified to do the project. But as far as the specific details with the proposals, I'll allow Mr. Flores to answer those questions.

TONY FLORES (Project Manager): Mr. Chairman, Commissioner Sullivan, a little background on it. The two proposals that were put out prior that received no responses, we had less of a budget at that time to be able to complete the project. The site is, it has some issues with terrain that have been addressed. The Fire Department has

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actually increased the budget as Stan has indicated to allow us to build a 2600 square foot substation. For clarification, it's a substation and not our regional headquarters which have manned people there 24/7. It is basically an apparatus bay and a small office administration area.

To address the HRJ Architects, that's Mr. Ronald James. He is an architect that has offices in Santa Fe County and also San Miguel County. We approached four different architects after the second solicitation to find out what, why we had not received any proposals, which is very rare for us for an A & E contract. They had indicated budget. They had indicated terrain. Other issues. We contacted, in addition to the people that we originally solicited, architects that we had worked with previously, knowing their background and what they could do for the County.

Mr. James was on that list as somebody that we could contact. He had not previously put in a proposal packet. He had put in a level of interest. That's what they use at the State Purchasing Office. Mr. Saunders and myself have gone through that level of interest statement. We have reviewed his previous projects. We have reviewed his qualifications and we feel that we are confident that he can deliver the goods for Santa Fe County at the contracted price.

COMMISSIONER SULLIVAN: Has Mr. James designed fire stations before?

MR. FLORES: I don't believe fire stations he has done. He has done administrative office space. He has done a renovation on a police station, but not fire stations specifically.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, if I might. He has also designed Highway Department facilities for the Road Department, the State Highway Department, which are very similar to this type of facility. They're basically large spaces designed to house apparatus.

COMMISSIONER SULLIVAN: So that means you won't be coming back for any change orders? Is that what you just testified?

MR. FLORES: What we are testifying today is we have a contract that he can live up to for a 2600 square foot facility.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: Very good.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER CAMPOS: One question, Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: What about the energy efficiency standards? Are they being applied to this structure?

MR. FLORES: Mr. Chairman, Commissioner Campos, we have included, as my commitment to the Board a while back, every contract now has language in it that requires the architect with energy efficiency options. That is a position that we have been directed as staff from the Board and they are included in every A & E contract that goes

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out.

COMMISSIONER CAMPOS: Great. Thank you.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: And that's item L. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

Okay, that concludes the Consent Calendar.

VII. PRESENTATIONS AND AWARDS

A. Presentation on the Santa Fe CARE Connection behavioral health model

MR. ANAYA: Mr. Chairman, Commissioners, in a recent presentation done by the Secretary of Health for the state of New Mexico, Mr. Valdez, he pointed out that the largest health problem in the state of New Mexico is substance and alcohol abuse. Two and a half years ago, the County was working in conjunction with the City of Santa Fe at that time on the development of a detoxification facility. Two and a half years ago, we went back out to the community providers, local governments, courts, and other related entities to come together to figure and move forward on what the problems are and how we would propose to address those problems. At this time I'd like to call Mark Boschelli forward to give a presentation and then we would like to obtain your direction as to whether or not the Commission feels this group has been moving in the right direction.

We meet monthly. This group is very diligent in their efforts to move forward to address behavioral health issues, including alcohol and substance abuse and mental illness. Mr. Boschelli.

CHAIRMAN DURAN: Robert, I have a question. Does this organization coordinate their efforts at all with the Indigent Board in the mental health care?

MR. ANAYA: Mr. Chairman, Commissioners, we have a representative on the CARE connection that's on the National Alliance for the mentally ill that has been participating on a regular basis. We're also fortunate to have Mr. Fred Sandoval from the City of Santa Fe on the group as well, who is a national board member that recently took office this year. So we do have that issue being addressed as part of this group. And we are working closely with the Community Services Network in addition to the Health Planning Commission and DWI Council.

CHAIRMAN DURAN: Thank you.

MARK BOSCHELLI: Mr. Chairman, Commissioners, I'd like to thank you for allowing us to give this presentation to you to hopefully get your approval. The CARE Network—it's called the CARE Connection, I apologize. The CARE Connection stands

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for the Coordinate, the Assessment, the Referral Engage Connection. This connection has been together for 2 ½ years. Currently, members who have been called to the table and who have approached the table and participated in its design have included St. Vincent Hospital, RAP, Recovery of Alcoholics Program, the Santa Fe Community Guidance Center, which is a program of Presbyterian Medical Services, the Lifelink, Santa Fe CRAFT Network, the United Way of Santa Fe, the Region 2 Behavioral Health Providers, the Esperanza Shelter, the Santa Fe County Sheriff's Department, the New Mexico Public Defenders Office, the Department of Health, the City of Santa Fe Development Division, the Magistrate Courts, the Municipal Courts, District Courts, the Santa Fe Vet Center, Millennium Treatment Services, Ayudantes, the National Alliance for the Mentally Ill, which has a Santa Fe branch, the Santa Fe County Indigent Fund, the Santa Fe Rape Crisis Center, Crisis Response of Santa Fe, the Physicians Network Association, which is the medical department at the Santa Fe County Detention Center as well as the Management & Training Center which operates the Santa Fe Detention Center. All of these members are advocates, providers of substance abuse issues, as well as mental issues, as well as law enforcement, as well as the courts.

The history goes back more than 2 ½ years. Many of the participants currently were part of the planning for a detoxification facility and the current Crisis Response System within the County of Santa Fe. But this all started approximately five years ago. It was decided by the participants that a coordination of the current resources is needed. The limited financial resources should be used to support and grow existing services and not to build and operate a separate detox facility. It was determined by this group that an assessment center would better serve the community to coordinate assessments, to link and to track these individuals with behavioral health as well as substance abuse concerns, to the different levels of community services, including the detention center as well as St. Vincent Hospital.

In Santa Fe County, the City of Santa Fe has approximately 70,000 individuals. The county has between 100,000 to 120,000 individuals and it incurs a direct cost of more than \$6.5 million each year addressing both mental health and substance abuse emergencies. About one in three of the 7,000 phone calls to 911 were alcohol or drug related.

COMMISSIONER SULLIVAN: Could I ask a question, Mr. Chairman. Going back to your previous slide, what does the assessment center do and how long does someone stay in that assessment center?

MR. BOSCHELLI: Mr. Chairman, Commissioner Sullivan, we're going to be coming to that in around two minutes. And hopefully I'll answer that question. Almost 3500 annual visits to St. Vincent Hospital emergency room are related to mental health problems. Another 4600 were attributed to excessive drinking and drug abuse problems. It costs approximately \$300 for the EMS to bring a patient to St. Vincent Hospital and an average of \$600 for a medical patch-up at St. Vincent's emergency room. Also, it cost more, around \$700 at the Indian Health Services.

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COMMISSIONER TRUJILLO: The number that you have there, the 70,000 population for the City and the 100,000 for the county. That's not—is it inclusive? That implies that it's 170,000 for the county but it's not, right? No, it's not. It's inclusive. The 100,000 does include the 70,000 for the city. Okay.

MR. BOSCHELLI: Weekly, we have approximately 42 protective custody holds and mental health holds going to the Santa Fe County Detention Center. Annually, that comes out to around 2100, 2184 protective custody and mental health holds. Protective custody means that a client is placed by law enforcement into the detention center. There's no law violation, but the client is intoxicated, is in need of a safe placement for up to 12 hours is really all an individual stays at the detention center.

A mental health hold is that a client is placed by law enforcement into a protective setting. Once again, it is due to a mental illness and the individual is in need of safe protection. The individual is usually brought by law enforcement to the emergency room where they are evaluated. Within 24 hours after their placement at the detention center they're brought back to the emergency room to be re-evaluated again, most likely let lose to go back into their homes, then usually what happens is they show up at the emergency room again. This is a repeat, cyclical pattern that we have throughout our whole county.

In Santa Fe, suicide is a large issue. In the United States, suicide is the third leading cause of death for 15 and 24 year olds. It's estimated that nationally 500,000 individuals between the age group of 15 and 24 attempt suicide. Suicide attempts in New Mexico are 60 percent higher than the national rates and in 1997, Santa Fe County led New Mexico with the highest youth suicide rate, 55.8 per 100,000 individuals.

In Santa Fe County, law enforcement agencies made approximately 160 drunk driving arrests in the year 2000. There's a high prevalence of alcoholism and substance abuse. There's persistent mental health emergencies. There's a shortage of accessible, affordable behavioral health treatment services. There's a high rate of emergency service repeat usage. And this domino effect causes behavioral health related crimes including assaults, rapes, domestic violence, abuse, suicide and the use of fire arms and drunk driving.

COMMISSIONER TRUJILLO: This statistic, are the youth demographics represented in there?

MR. BOSCHELLI: Mr. Chairman, Commissioner Trujillo, the youth demographics are in the 1 through 24. That is traditionally the national numbers they look at. So that's what Santa Fe County is compared to around the nation. For 1997 we led, Santa Fe County led the state of New Mexico in completed youth suicide rates. That has fluctuated and actually gone down. There's a downward trend of completed suicide rates. It has gone down since 1997. Currently it fluctuates a little bit just due to the small number of actual completed suicides. But it's compared on a national level per 100,000 individuals.

COMMISSIONER TRUJILLO: And the paradigm does include the youth demographics. Because I saw in the beginning you showed a list of resources, agencies,

entities.

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MR. BOSCHELLI: Yes.

COMMISSIONER TRUJILLO: And I know that Hands Across Cultures does address specifically youth issues with substance abuse and things like that and I didn't see them on the list.

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, that's a very valid and important point and at the end of the presentation we're going to have some of the actual people here present come up and give a brief summary on things that they're working on. Relative to the juvenile issue, the juvenile justice board, there's two representatives from this Commission on is probably the best suited entity to help deal with the substance abuse related issues relative to our youth. Mr. Sandoval, the City and the members of the juvenile justice board are working on that issue so I think we're going to be working together in coordination but in tandem with one another but making sure that we're working and coordinating together. But we do feel that the CARE Connection will focus primarily on the adult aspect and that the juvenile justice board will focus more on the youth aspect. Like I said, I think Mr. Sandoval will be able to elaborate a little on that point.

MR. BOSCHELLI: Mental illness and substance dependence are brain diseases that both are similar to physical illnesses. They have nothing to do with someone's personal strengths, their will power or their moral fortitude. Both substance dependence and mental illness have specific symptoms. They can be accurately diagnosed and can be effectively treated.

The purpose of the CARE Connection is to identify and assist people with behavioral health or mental health and substance abuse problems under this description, that means behavioral health, to develop a facility that would be a hub to assess and link identified populations to the needed community services. The CARE Connection is to assess, to refer, to link, to provide case management and follow-up on treatment for those in needs. One of its other goals is to collect data on the targeted population and to bring together funding sources for a continuum of services throughout the County of Santa Fe.

The goal of the CARE Connection is to increase accessibility and availability for all persons in need of behavioral health services, in other words, substance abuse and mental health services, to implement a coordinated behavioral health network to increase coordination and integration of services throughout the whole County of Santa Fe, to reduce the inappropriate emergency room encounters, to alternatively place, in other words to divert from jail, treatment by reducing the number of detentions, protective custody and mental health holds.

The next goal is to improve behavioral health care services for criminal justice clients and developing alternative placements, referral sources and behavioral health services for criminal justice clients. This is the virtual network, Mr. Chairman, Commissioner Sullivan asked this question. The assessment facility is thought of as a hub. We anticipate that people would come to the assessment center for a two- to four-hour

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placement. It is not an overnight placement, it is so we're able to actually screen individuals through one comprehensive screen to save all the other providers money throughout our whole county, so that we have one comprehensive assessment which can be then given to the next provider.

Right now we are incurring great costs by duplicating those assessments over and over between the courts, between providers, between the hospital, etc. The idea is to directly case-manage these individuals so that we now that they get linked to our community providers. To medically screen and service their needs for acute care right there at the assessment center, once again, it's a funnel through system. You would be able to look at this as a hub and a whole wheel system. Everything would go to our community providers. We would have EMS, the Police Department, as well as the courts, as well as other providers linking up with the assessment center.

When individuals would be pushed to other providers throughout our community we would have a whole database on these individuals so that the next provider would be able to do their assessment which would be more of an abbreviated version of their current assessments due to their funders, but we would have a whole database so that we would be set up for funding regarding this type of data.

COMMISSIONER SULLIVAN: I have a question, Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: Could you go back on your slide? Let me understand how this works. If an individual comes into the assessment center, is that a separate building, a separate place, or is it within one of the already existing providers' facilities?

MR. BOSCHELLI: Mr. Chairman, Commissioner Sullivan, it is a separate place. In fact, we are going to be asking for your endorsement of this place out on County Road 14.

COMMISSIONER SULLIVAN: Okay. If that person is under the influence of drugs or alcohol, and is picked up by the Sheriff or City Police, I would be hard pressed to see that they would be capable of responding to this screening and inquiry about their condition and their social security number and their mother's maiden name when they're literally dead drunk on the floor. How do you get someone to respond within two to four hours to these assessment inquiries.

MR. BOSCHELLI: Mr. Chairman, Commissioner Sullivan, that's an excellent question. However, research studies do show that once you start an assessment, you can start an assessment during the acute phase of an intoxication. We do not anticipate that the complete assessment would be fully utilized yet. That's why we're looking at two to four hours for the placement. But however, this individual is going to be tracked through our whole provider network. So the rest of the assessment that needs to be completed during a more sobriety type of phase can be done at the provider location.

COMMISSIONER SULLIVAN: If someone who was brought in and spent two to four hours, they're disoriented, they're obviously under the influence of something,

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can you tell within four hours what they're under the influence of? Because you need to make a decision within four hours of where you're going to send them and one area you would send them for medical problems and another area you would send them for drug problems and another provider you would send them to would be for alcohol abuse problems. You can make that assessment within four hours what their malady is? What the cause of it is?

MR. BOSCHELLI: Mr. Chairman, Commissioner Sullivan, currently in out situation here in the County of Santa Fe, we actually do have a mobile team of Crisis Response of Santa Fe that is called by law enforcement throughout the community to make such assessments on the spot to indicate whether there is current alcohol usage and/or substance abuse or dependence taking place right there. However, we do anticipate that to find out some of the underlying issues, such as other substance dependence issues, that they might take a little bit longer to get revealed.

But we rarely see someone just under the intoxicated phase of a substance, such as pills or methamphetamine, usually it's associated with alcohol. So we're able to first target that there is something going on with this individual.

COMMISSIONER SULLIVAN: There may be a combination of factors. Alcohol in combination with drugs and perhaps in combination with a mental condition.

MR. BOSCHELLI: Yes.

COMMISSIONER SULLIVAN: So within four hours then, you need to make a decision as to where to send this individual.

MR. BOSCHELLI: Yes.

COMMISSIONER SULLIVAN: And if you send them to a place that's not appropriate, you feel within four hours you can assess them and decide that that is an alcohol related problem or that is a mental problem or that is a drug problem so that they go to the right provider?

MR. BOSCHELLI: Mr. Chairman and Commissioner Sullivan, I believe that we can and we will do this. Assessments can be done quite well very quickly to place a person at one of our providers within the CARE Connection. However, one of the providers within the CARE Connection can say this is an inappropriate placement as they are rescreening them at their site. We have mobile services to then relocate this individual to the appropriate CARE Connection provider within our network. I do believe we would be able to do that and do that quite well.

We have a demonstration project going on throughout the City of Santa Fe in conjunction with law enforcement and the City of Santa Fe, where we are currently screening individuals out in our community for alcohol detox issues. We are immediately placing them at Recovery of Alcoholics Program, one of our CARE Connection providers. We are doing that successfully, bypassing the emergency room at this time, except for those individuals that we think there are acute medical needs that need to be addressed in the emergency room. So we have already piloted this type of design and we currently have a number of these design issues implemented in a successful manner.

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COMMISSIONER SULLIVAN: So at this point, is RAP the only detox center we have?

MR. BOSCHELLI: Commissioner Sullivan, yes, that's correct. In fact the City of Santa Fe is spearheading to improve and increase their detoxification facility and assessment abilities at RAP.

COMMISSIONER SULLIVAN: But if the individual who's been brought in has also committed a crime, RAP doesn't have a secure facility, does it to incarcerate someone?

MR. BOSCHELLI: Mr. Chairman, Commissioner Sullivan, they have facilities to secure individuals. If it's to bring somebody into a lock-down facility, that is not RAP. However, the individual would then be brought to the detention center. Then the CARE Connection anticipates that they will be tracking these same individuals through the process of incarceration. Currently, Crisis Response of Santa Fe has a jail diversion individual that goes and reviews these individuals at the detention center. The detention center, the current provider of detention center services and Crisis Response are working hand in hand as well as RAP, that is able to go to the detention center to work with these individuals while they are incarcerated to hopefully decrease their stay.

COMMISSIONER SULLIVAN: When Chairman Duran and I toured the jail, it seemed very obvious as soon as we walked in the front door, or the back door as it were, that the need was for a detox facility, because the jail is being used as a detox facility. And everyone in there under 24-hour hold was intoxicated. Is part of the CARE Connection program going to address that problem? We can't send those individuals to RAP and in many cases and I dare say in the majority of the cases under alcohol abuse, some crime has been committed and they end up on the floor of the jail on an old mattress for 24 hours until they wake up.

How do we—what does this do to improve that?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, and entire Commission, that's a very excellent and valid point you're making and I would say that the people that are present here today that have been involved in this process over the last 2 ½ years don't just include providers from the hospital. They include the judicial system, the courts, law enforcement and other related entities, the Public Defenders Office and a big player at the CARE Connection who is now coming on a regular basis to the meetings of the CARE Connection is the jail operator itself. And there's a lot of things that we're going to do in coordination with the jail where the jail is directly a participant in it so those people that do have to be incarcerated are dealt with appropriately in the jail setting, and that's a primary focus of this project and that's one of the main objectives.

The fact that the jail operator is working with us closely is very instrumental to the success of this. The jail operator, we've started some preliminary discussions with them through the CARE Connection on actually designating a certain pod as a substance and alcohol abuse pod where they would get a lot of the direct treatment services there. And I would just ask, there are some providers that are going to come up and give a brief

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description of how they play into the CARE Connection. I think that some of the information that they will be able to provide you will be able to answer some more of the questions that you've raised, specifically, the City of Santa Fe project, the Sobering Center project with the Recovery of Alcoholics program.

COMMISSIONER SULLIVAN: I guess the last question that I had was if we had, or are developing the capability for mobile assessment, it would seem that we may not need an assessment facility. It would seem that we could avoid the middleman and determine that assessment in the field. If that can in fact be done in such a short period of time, as you say it can, and direct them directly to RAP or wherever the appropriate facility is. And then when they assess them there, they can then say this is an inappropriate assessment. The individual has some other problem and we then send them to the right place.

I'm a little curious as to why we need the middleman here.

CHAIRMAN DURAN: Excuse me, Robert, can I help you answer that? It seems to me that you're focusing just on that individual that's inebriated—

COMMISSIONER SULLIVAN: Or under drugs.

CHAIRMAN DURAN: And I think that if you look at this chart, there are going to be referrals coming from the courts, from law enforcement, tribal courts. It's not everybody that's going to this assessment center to be assessed that are inebriated and I think to assume that we're going to mobilize a unit out to deal with everyone that needs this assessment isn't an accurate analysis of what's been presented to us. I think that you're going to be spending a lot of time—correct me if I'm wrong—a lot of time with people that have a problem and are coherent at the time you assess them. Is that correct?

MR. ANAYA: Mr. Chairman, that is correct. And another important aspect of the actual facility that's very important is that there's not a clearing house of information and data that's crucial to each and every group that participates in these programs. There's not one place that we're pulling all the data and information together to be able to get that data, leverage it and get other federal resources. And what we're proposing and we'll have a specific request of you, is to develop a memorandum of understanding with these groups so that they will be an integral part in overseeing this facility.

So it ensures constant coordination and you're not relying on individual entities within themselves but rather all of those entities are coming together to coordinate their efforts and coordinate the data and information so that we're much more effective at leveraging and obtaining more resources.

CHAIRMAN DURAN: Let's move on with the presentation. Thank you

MR. ANAYA: Mr. Chairman, Commissioners, at this time, before I go into the specific requests, I would like to call forward those individuals that have come today to briefly give their perspective on this project and how they envision it moving it forward and benefiting their specific entities.

CHAIRMAN DURAN: Excuse me, Robert, how many are going to be

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coming up?

MR. ANAYA: Mr. Chairman, however many you would like us to reduce it to. I don't think everybody needs to get up but there are a few that would like to say a few words. Mr. Sandoval is one individual that I would like to have come forward.

CHAIRMAN DURAN: Okay, we need to move on with the meeting here, so if I could just ask you all to kind of be to the point. Thank you.

ELLEN KENNEY: Mr. Chairman, my name is Ellen Kenney. I am the past board president and now a member of Millennium Treatment Services. We are an outpatient drug and alcohol treatment center. We have a 90-day or a 180-day program. This is done on an outpatient basis with the drug court model. We do mandatory—we have people who are sentenced, alternative sentencing from magistrate, municipal and district court. We also take private referrals and it is structured so that there is mandatory drug testing and the information is fed back to the courts.

If the person tests dirty then they—the structure is such that it's fed back to the judges and then they make a decision as to whether they should send them back through the program or to go ahead and put them into jail. So we have been in existence for 2 ½ years and we have Santa Fe County Indigent Fund money. We are one of the members of that.

COMMISSIONER TRUJILLO: So, a question, Mr. Chairman. How do you see this model benefiting your organization:

MS. KENNEY: Well, if you go back to the model, the structure is that we are, the model will be the referral systems. There will be people that seem to continue to have problems and continue to have DWIs, continue to have brushes with the law and treatment, sending someone to jail isn't always the appropriate sentence. If you've gone through it several times, if your fifth or sixth treatment is an alternative. And again, we are using the drug court model. And instead of sentencing, they sentence to our treatment program. And again, it's on an outpatient basis. We do not have inpatient care.

CHAIRMAN DURAN: Thank you. So Robert, the presentation today is—what's the goal of this presentation?

MR. ANAYA: Mr. Chairman, we would like to get direction from the Commission as to whether or not we're moving in the right direction before we move any further. And if I could, Mr. Chairman, I think—I just spoke with the group and if we could just have Mr. Sandoval come forward and say a few words, then I'll wrap up the presentation and ask you for three specific things that I would like direction on.

CHAIRMAN DURAN: Good. Because I think we're in favor of the effort here.

[Commissioner Gonzales joins the meeting.]

FREDRICK SANDOVAL: Mr. Chairman, Commissioners, on behalf of the City of Santa Fe, our City Manager recently signed the memorandum of understanding which you saw up on the screen here. That's a good indication, especially because, one, it speaks to the fact that the City of Santa Fe wants to work very closely with the County in terms of the planning elements of this particular model, the CARE Connection. So what I

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want to just simply say is that I think the issues that we have discussed, and I'm already familiar with, in terms of what has happened over the last several years have really been fleshed out. I think I want to commend Mr. Anaya for having been able to really kind of bring lots of the various elements together to really kind of speak to what it is that benefits both City and County governments because we both have the same issues in terms of 911, law enforcement and then the issue of both about criminal as well as non-criminal cases.

I think the CARE Connection is going to be able to do one thing more than anything else and this is what's most important about this. It will expand the capacity for the treatment providers, the jail centers, to really be able to take in cases that we typically have to handle through the criminal court systems or through the jail detention systems. And so what this does it creates an alternative to detention which is really important for all of us, because one, for those people who don't have to be there to provide them with some alternatives. And the alternative is to expand the capacity and think the resources of this particular connection will expand that.

So on behalf of the City Manager, I know that he wanted to make sure that you knew that he had signed that memorandum of understanding to help move us forward.

CHAIRMAN DURAN: Great. Thank you, Mr. Sandoval. I know we've been working since I became a Commissioner we started talking about this detox center to deal with this issue and it's nice to see that there's a continued effort to deal with this.

MR. ANAYA: Mr. Chairman, Commissioners, the memorandum of understanding is in draft form still. But the City, as you know, has said they will sign on to it once it's finalized. The Manager has already endorsed the draft. We request that you allow us to move forward in finalizing that to get that memorandum pushed forward.

What funding sources do we currently have? State appropriations—we have \$100,000, \$261,000. We have \$637,000 that we've been holding through the MOA fund.

We have \$300,000 that we were successful in getting from the State Legislature on a recurring basis. We have current revenues being put into prevention and treatment for DWI of approximately \$195,000. Current resources for indigent funds budgeted at \$268,000 and there are other future government sources that all of the various entities and providers are utilizing.

What formal commitments do we have to this point? Here's the list of the formal commitments of providers and players that have formally committed to sign on to the MOU if it is your desire to move forward.

What are the next steps? The group is seeking approval for the following items: To approve the MOU and to approve the building of an assessment center, along with offices for the Community and Health Development Department. This is one piece that I would like elaborate on. Currently, most all of the Community and Health Development Department is housed in various areas around the City and County of Santa Fe. Our DWI program is housed behind K-mart off St. Michaels Drive.

Our Indigent Fund is housed in St. Vincent Hospital, and also we have our screeners, our court screeners that are housed in rental space at the magistrate and

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municipal courts. So we would also, as part of the project, request your direction to be in a position to utilize these resources to build the two components, not only the assessment center, but also facilities to house this department.

With that, Mr. Chairman, Commissioners, I stand for your direction and/or any questions.

CHAIRMAN DURAN: Robert, where—do you plan on building this facility?

MR. ANAYA: Mr. Chairman, Commissioners, yes, that's correct.

CHAIRMAN DURAN: And where on State Road 14?

MR. ANAYA: Mr. Chairman, Commissioners, adjacent to the Public Safety Complex and detention center.

CHAIRMAN DURAN: And do you think that is—I have a concern that it may not be especially with the mental health care element here, an appropriate place here simply because it seems to be so far away from everything.

MR. ANAYA: Mr. Chairman, Commissioners, that is a very valid point that's been discussed over the last 2 ½ years many, many times. Transportation will be an issue but we do have the mobile response unit that's already dealing with the transportation aspect. That's probably the single largest issue. As far as it being adjacent to the detention facility, the area is going to be developed over the next ten to twenty years around that entire area. The land is available now and we have current resources that we have to expend that will go away if we don't utilize those.

Given all those issues there are a couple of the members of the CARE Connection that still have a concern, but the bottom line is that the brunt of the services to be provided will not be direct services provided there, but that facility will be more of a linkage point for the community to be able to get the services out in the community, and most of those providers, direct services to clients will be held at those provider facilities. Very valid point. Like I said, as staff, I'm suggesting that we've been working on this project in Santa Fe County for many years and that we're in a position now where I'm suggesting to the Commission and recommending that we go ahead and bring forward some type of design and move forward with whatever the pleasure of the Commission is, I stand ready.

The consensus of this group is to go ahead and move forward with the project on that location and be careful and cautious in addressing those concerns. I stand for any questions on that particular item.

CHAIRMAN DURAN: Well, I don't have any problem approving the MOU but I really would like to have some further discussion and analysis of that location and how it's going to be a benefit to this effort because some of these—I mean, how are you going to get these people who need this care out there? I think you need to make it easy for them to come to us for this.

MR. ANAYA: Mr. Chairman, unfortunately, a lot of the clients that this group is wanting to serve are going out to the detention facility right now. Another aspect of the project itself is that we need to capture a lot of those people have been sentenced to

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serve time for crimes they have committed and having that facility in that proximity will actually be a great benefit for the detention facility to be able to have direct referral to that.

I will move forward in whatever direction the Commission would like. I will just point out that there is fiscal matters but we can bring those forward as soon as next meeting, if you would like, relative to that project.

CHAIRMAN DURAN: Why can't we do it on the property we own on Rodeo Road? Just some ideas? I really would like to explore the location of this facility before I would give my vote on going forward with it out by the jail. Any other questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman, the only additional—not direction, because I'm not an expert on these health issues, but I'd certainly like to see some more back-up as to the scope and programming of this facility. The two to four hour I think is certainly adequate for a patient who has been there before and is a repeater and who's coming in for counseling and for referral but for those others, it doesn't sound like this facility to me. I guess I'm not yet convinced that those in the severe state can be properly handled in two to four hours but I'm willing to be convinced of that. There's other health care professionals I'm sure that agree with that assessment so I'd like to see what the professional consensus is on that.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, if I could clarify maybe for you and the entire Commission, all assessments that occur will not occur in this facility. There will be direct assessments that will go to RAP, that will go to other treatment service programs. But if this facility is built, wherever it is built, the information from that assessment and the type of assessment will be in similar nature so that that information will then go to the facility. So every single assessment will not flow through the two to four hour assessment and the bottom line is that information will flow to that facility so that they can extrapolate what they need to coordinate and link that data to more funding resources. So all of the information will not flow through there. The information will, but all the individuals will not.

CHAIRMAN DURAN: If I could offer a suggestion. Could you put together a study session and ask those Commissioners that want to participate in this discussion to join you and everyone else because this is real important to me and I really want more information and maybe offer some help in some way. And I'm not sure how I can help until I know more about it.

MR. ANAYA: Mr. Chairman, we'd be happy to organize that. I would just ask if we could also, keeping the site issue in mind, can we go ahead and start with some schematic type design, not for the specific site, but for the facility itself to have for you at that study session? Not so much the location.

CHAIRMAN DURAN: As long as you don't spend any money.

MR. ANAYA: That's no—we've held the money that we have for a long time and I can continue to do that as long as we need to.

CHAIRMAN DURAN: I don't think we have a problem with the MOU, do

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we? Well, why don't you do what you can without spending any money and I'm ready to meet any time.

MR. ANAYA: Okay, thank you, Mr. Chairman.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question for Mr. Anaya. Could you give me a little history on, really a projection, your projection as to how much it's going to cost for the assessment center and when do you think it would be usable?

MR. ANAYA: Mr. Chairman, Commissioner Campos, we have done some preliminary work on the assessment side of things, but we haven't done any preliminary work on the administrative or community health side of the facility. The reason I proposed those two as one was to try and reduce costs. We're estimating that the CARE assessment facility would probably be in the neighborhood of 4,000 to 6,000 square feet in size, just for the assessment portion. And then probably an estimate of about \$110 a square foot, \$110 to \$125, would be a good conservative estimate on total construction costs for that aspect.

COMMISSIONER CAMPOS: Do we have the funding for the construction?

MR. ANAYA: Mr. Chairman, Commissioner Campos, we have the funding for construction.

COMMISSIONER CAMPOS: When do you—what do we have to do to get you to the point where you start building?

MR. ANAYA: Mr. Chairman, Commissioner Campos, if you give me direction, and I think the key piece that Commissioner Duran would like to talk more about is the site, but if I have direction on a building and a site, then I'll work closely with Mr. Ojinaga in the Project Management and Facilities Division and Mr. Flores to get an RFP for an engineer and try and get this facility built within a window of one to one and a half years if possible.

COMMISSIONER CAMPOS: As far as the County and City, at some point there was some dispute about site location. Has that been resolved?

MR. ANAYA: Mr. Chairman, Commissioner Campos, the fact that Mr. Sandoval is here and that the Manager has agreed to sign on to the MOU I think is a testament to where the City of Santa Fe stands. I had the privilege of going before the City Council and they asked me specific questions about what we were moving towards. I do believe that they're on board with us and willing to work with us on this project. And we as the CARE Connection have agreed to work with them towards assisting with their project.

COMMISSIONER CAMPOS: Have you resolved the issues raised by Councilor Heldmeyer?

MR. ANAYA: Mr. Chairman, Commissioner Campos, I believe we have.

COMMISSIONER CAMPOS: Great. Thank you.

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CHAIRMAN DURAN: I'm sorry. We're not familiar with those issues. Would you mind elaborating on that?

MR. ANAYA: Mr. Chairman, Commissioners, the basic issues that Councilor Heldmeyer had were relevant to a lot of the comments that our Commissioner Sullivan has made today. And the need for whether or not you need one facility or whether or not all the screenings should flow through there. And I think the way that the group has dealt with that issue is to say that every single assessment, early on, we were talking that every single assessment and screening that would occur would have to flow through that facility and in our deliberations and discussion, we came to the point where we felt that it would be more effective to allow those providers to do a lot of those screenings within their facilities but that the data and information and screening type and who they're screening is very important to us.

So that was the main issue, and the other Councilors brought that issue up within the public council meeting that I attended and the message I gave the council at that time, which was about two months ago was that I could not speak on behalf of the County Commission and that we would have to go back to the Commission to talk about what we've done with the CARE Connection and request their endorsement of the MOU.

CHAIRMAN DURAN: What was the consensus at the City relative to the site, location of the site?

MR. ANAYA: Mr. Chairman, Commissioners, the City of Santa Fe is more focused and I'd like to ask Mr. Sandoval to come and correct me if I'm wrong, but they're more focused on the Sobering Center aspect, and working through the CARE Connection. They're really wanting to focus on the protective custody and mental health issues through the expansion of the RAP complex, Recovery of Alcoholic Program, and if that aspect is addressed, they are very amenable to coordinating with us on the entire CARE Connection project.

CHAIRMAN DURAN: At that site? At the State Road 14 site?

MR. ANAYA: Mr. Chairman, we did not talk with the City Council about the location of the site. I don't know if Mr. Sandoval has or not.

CHAIRMAN DURAN: Mr. Sandoval, would you mind, before we have this roundtable discussion, try to find out from the City Council and the Mayor their thoughts on the location of the facility.

MR. SANDOVAL: Mr. Chairman, I would happy certainly to go back with the comments and questions that were raised today, but I do have some information I can share with you that will be very useful.

CHAIRMAN DURAN: That's great. Thank you.

MR. SANDOVAL: Clearly I think the issue about location has been an issue of contention, but I think the way that's been resolved, if I can just share this very quickly, is that one, the issue for the City had been is trying to find something that's in closer proximity to the city. The way we have developed an alternative is we've proposed the expanding capacity at RAP, which as you know is at the city limits, about a mile and a

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half from the City Police Department.

So what we've proposed is actually having something that's in closer proximity by expanding the physical site for residential detox purposes, i.e., the Sobering Center. It doesn't conflict with the function that Mr. Anaya is proposing in terms of the assessment center and housing the County offices there. That certainly serves the County's purposes. We didn't want there to be something that would kind of impede or create a barrier for our being able to get what both units of government want.

The Sobering Center really allows us to do that, to work within current existing providers, expand their capacity on their site by putting a modular unit there that would provide probably close to 20 or 30 additional beds for detox purposes. So it becomes a site that the CARE Connection can refer to in terms of sobering services in cases where there's mental health and substance abuse needs, right? Because you need to have a physical place to put people when they need to be in protective custody or mental health hold, i.e., the Sobering Center.

So that's what we're proposing in terms of the City's option to kind of ameliorate the problems we've had in the past. So the location at this point that we're proposing for Council has been the RAP facility. City Council did approve, approximately two months ago, \$500,000 for the purchasing of a modular unit to be placed on-site at the Recovery of Alcoholics Program location, which is on Lucia Lane, right off of Airport Road.

So in terms of the location issue, that's how that's kind of been resolved, just so that one, if the County can still meet its needs in terms of creating kind of a network of service providers and assessment services for people who do need those assessment services. What we were of course clearly needing was an alternative to the detention facility where people didn't have criminal charges and didn't have to be there but there was no alternative for them. So by expanding the capacity at RAP, it allows us to do that. And the benefit to both the City and the County is that both units of government can benefit from that facility, right? Because one is, the provider is neutral to those issues because they're there to provide treatment services, in this case, detox, and then access to the rehab long-term that's currently on their site.

CHAIRMAN DURAN: So you mean to say that the RAP location, if it's expanded could provide an alternate location for assessments for individuals that perhaps could not make it out to the facility that Mr. Anaya is discussing?

MR. SANDOVAL: Mr. Chairman, Commissioners, clearly the functions that RAP has include treatment services and assessment services. The treatment services are both inpatient and outpatient. So there's a number of assessment services that have to occur. A person who's intoxicated has to be assessed over a period of time. And so what that means is after 12, 24 hours, you want to do a full assessment so the RAP facility will allow us to do that right on site there. But not all the cases that are being proposed by the CARE Connection are limited to those types of clients. There's a whole menu of clients that would come to the assessment center that Mr. Anaya is referring to that include court types of cases, cases from other referral entities. So it's not just limited to the RAP cases

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that I'm referring to, which are public intoxicants, right? But they're referred to as protective custody.

So what I would say is, yes, there will be assessment services available there, because the agencies already provide the services. The agencies that you saw on that list, the vast majority of those do assessment services. The issues that are being proposed here is to consolidate that services at one site alongside County offices. So clearly that's a function that would benefit the County. What we're saying is what we're needing to do is have residential space, right? A residential place where you can actually have an appropriate treatment venue for people who need those services, in this case sobering services and the referral to other services as well.

CHAIRMAN DURAN: So then your answer is no. If what the City is desiring to do at the RAP location is to have residential care, I heard you say that, correct me if I'm wrong, the assessments that are going to be taken care of by Santa Fe CARE will not take place at the location, where RAP is located right now. That these assessments will occur at the location that the County and the City are working on out at State Road 14. I guess what I'm trying to get to is that because of transportation problems and just logistical problems there are some people that aren't going to be able to go out there and they won't go. So what good is it if we can't help them get to this facility? I'm just trying to find a more centralized location that would assist the Santa Fe CARE to provide the service and assessment to people who can't make it out to State Road 14. And I thought we were close but I didn't hear you specifically say that assessments could be made by Santa Fe CARE at this location. Was I wrong?

MR. ANAYA: Mr. Chairman, to clarify, if I may speak for Mr. Sandoval. The mobile response team that we currently have in place through Crisis Response, is doing mobile assessments that, if the facility gets constructed, won't necessarily go out to the facility. Right now what happens, they're doing mobile assessments and those people are being taken by EMS, by law enforcement, over to the Crisis Response Team to the jail facility. If the facility gets built—

CHAIRMAN DURAN: But Robert, there are some people that haven't committed a crime that need this service.

MR. ANAYA: That's right. So instead of the mobile crisis response unit making an assessment and them ending up in the jail because that's the only available resource, they will now be able to make an assessment and send them directly to RAP. So it accomplishes exactly what you're saying. But the information and the case management information from all of the facilities will go to the assessment center out on 14 or wherever it's built, so that we have coordinated information and coordinated information to get more resources.

But you will have what you need and everybody will not have to go physically to the facility.

CHAIRMAN DURAN: Okay. We need to move on. I'm still a little confused but maybe when we meet you can clear that up. Is that okay? Do you have

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direction? You think you have your direction?

MR. ANAYA: Mr. Chairman, if I could clarify: You're allowing me to not utilize any money to develop a design and some budgetary estimates, is what I'm hearing from Commissioner Campos, bring those things to a study session of the Commission and that you will endorse the MOU in draft, in the form after it's been reviewed by both legal departments to bring back here for formal approval next month. Is that a summary?

COMMISSIONER CAMPOS: I think that's a fair summary.

MR. ANAYA: Thank you, Mr. Chairman, Commissioners.

CHAIRMAN DURAN: Thank you. We're going to go into executive session but I was wondering, Katherine, are you in charge of this presentation and report?

MS. MILLER: Mr. Chairman, Commissioners, I have a two-hour presentation on the audit for you but—just kidding—I can actually do it in approximately two minutes if you like.

CHAIRMAN DURAN: I bet you can.

MS. MILLER: Depending on what questions you have. I would appreciate it if we could do this before executive session because I do have the auditor here.

VII. B. Presentation and report of FY 2001 financial audit and financial statements

MS. MILLER: Mr. Chairman, Commissioners, I've enclosed in the packet a copy of our fiscal year 2001 audit. I can give you a real quick summary of what's involved. Basically, we are required by the State Auditor to have an independent audit firm come in and audit our financial procedures and also to prepare a financial statement. And also other internal procedures throughout the County. Neff & Ricci is our auditing firm this year. This is the first year they have done our audit. We did turn it in to the State Auditor on time and we received a clean audit.

There are essentially three types of audits: clean, qualified, and a disclaimer. A clean audit is the best audit that we can get, but there are findings in our audit. Those are contained in the back of the audit. Those are procedures that the auditor has reviewed, internal procedures, and noted either breaks from our policy or areas that we can clean up. I would like to say we basically only have four findings. This is one of the best audits that the County has had in recent history and personally I'm quite proud of my staff and the rest of the County as to how the audit came out.

CHAIRMAN DURAN: I think we owe you a big congratulations.

MS. MILLER: Not just me, but my staff. Thank you.

CHAIRMAN DURAN: Any questions of Katherine?

COMMISSIONER SULLIVAN: I have a question. I was just waiting for the others. Katherine, one of the questions relates to IRBs, Industrial Revenue Bonds. Apparently, the County has several IRBs out, and the comment was that the County may

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not be collecting taxes from properties associated with IRBs that have paid obligations off early or otherwise not subject to tax. Could you clarify that for me?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, what that finding refers to is that actually the City is typically the one that issues the IRBs. We have two conduits financing projects within the County but this is actually directed more at when the City does tax-exempt financing to an entity through an IRB that they may be exempt from property taxes. And what the auditor noted is that there is not a system in place to, first of all, note when an entity receives tax-exempt financing through the City and assessing that property, that perhaps improvement, getting it on our tax roles, and whether or not it is tax-exempt, and if it is, when that financing is paid off and is no longer tax-exempt, coming on to our books.

That's what that finding is in reference to and that we need to set up a procedure to make sure that we capture those items, those properties that might fall into that category.

COMMISSIONER SULLIVAN: So this is something that our Assessor needs to take a look at?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: Okay. Because I read that we have three IRBs and one of them is a nursing home, right? Sixteen million dollars.

MS. MILLER: We have—El Castillo is one that we have and a multi-family housing project is one that we have. And those actually the Assessor is aware of but whether there are some through the City is more the issue, if there's been financing through the City and whether we are capturing those. All of ours are actually disclosed in our audit and there is that communication within the County but whether there's communication between the City and the County is more the issue, I believe.

COMMISSIONER SULLIVAN: Could you explain another comment having to do with the outside billings and tracking those and the one that I was questioning was it said the billing of road projects originates outside the Finance Department and expenditures are not being billed timely to the Highway Department. Could you elaborate on that just a little?

MS. MILLER: Commissioner Sullivan, what that is in reference to, actually that entire finding is where there are accounting activities that fall outside of the Finance Department. For instance, in the Roads Department there are highway grants and they receive, they actually have the grant. We do budget for it but as they contract out the service and start expending that money, it is our cash and general fund that covers that until we request reimbursement from the Highway. And the auditor is referring to that not being done in a timely manner.

We have actually sat with the staff out in Public Works and gone over any of the projects that we have already expended the funds and have set dates with them to when we will bill for reimbursement on those and are setting a procedure in place to do this on a monthly basis based upon how much funds have been expended. Requesting reimbursement for \$2,000 or \$3,000 if that's all we've expended in a particular month was

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rather cumbersome but we were going to set an amount or a time frame when we would always request reimbursement and we're working on that policy now.

COMMISSIONER SULLIVAN: So these are projects where the County is fronting the money and then the auditor is saying you're allowing too much time to go by before requesting the reimbursement from the granting agency.

MS. MILLER: Commissioner Sullivan, that's correct. Some of the grants we actually receive up front, but others, it's on a reimbursement basis. Therefore, we're essentially losing interest income by not getting that money back into our coffers in a timely manner.

COMMISSIONER SULLIVAN: And are these done by electronic transfer?

MS. MILLER: The State Highway I don't believe are. Federal ones are. Most of our state are not done by electronic funds but most of federal are.

COMMISSIONER SULLIVAN: Okay. And then my last question was in the summary of all results it said one reportable condition relating to the audit of financial statements are reported in the independent auditor's report on compliance and internal control. I could never find what that one reportable condition was. Could you help me understand what they're talking about. It's on page 127, item A.2. And I do want to add, by the way, my—while you're looking for that, my congratulations on your good work. These are—I don't want to say these are nit-picking items. These are important items but many times I think you see ten or twenty of them.

MS. MILLER: Commissioner Sullivan, it was in reference to the one that you just brought up.

COMMISSIONER SULLIVAN: The road—

MS. MILLER: Yes, that decentralized accounting thing.

COMMISSIONER SULLIVAN: And it pertained not only to the road, in my understanding. It also pertained to the jail facility accounts.

MS. MILLER: Correct. Any decentralized accounting. It also would apply to anything that we do out in fire or in project development. Any of those. If we do not bill in a timely manner for reimbursement, that's considered a loss of interest income for us and it's a finding of a reportable condition. Overall, it's not serious, but we can definitely improve upon it. And thank you for your comments.

COMMISSIONER SULLIVAN: You're welcome. Thank you. That's all the comments I had. Are there any other comments from the Board?

COMMISSIONER TRUJILLO: Is this an action item?

MS. MILLER: No, it's just a presentation of the audit to the Commission.

COMMISSIONER TRUJILLO: Congratulations.

MS. MILLER: Thank you.

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IX. I. MATTERS FROM THE COUNTY ATTORNEY

3. Executive Session

a. Discussion of Pending or Threatened Litigation

- i. *Santa Fe Ski Company vs. Santa Fe County***
- ii. *Tapia vs. Santa Fe County***
- iii. *Paule vs. Santa Fe County***
- iv. *Board of County Commission vs. M & R Sand & Gravel***

b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

Commissioner Sullivan moved to go into executive session pursuant to NMSA Section 10-15-1 (1 & 2) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Chairman Duran and Commissioners Campos, Trujillo, Gonzales and Sullivan all voting in the affirmative.

[The Commission met in executive session from 12:20 to 2:00.]

Commissioner Trujillo moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Campos seconded. The motion passed by unanimous voice vote.

COMMISSIONER GONZALES: Mr. Chairman, just for the record, I would the record to note that I abstained from participation in discussion of *Santa Fe County v. Paule* or was not present during that discussion.

CHAIRMAN DURAN: Okay. Thank you.

MR. LOPEZ: Mr. Chairman.

CHAIRMAN DURAN: Estevan, Mr. Manager.

MR. LOPEZ: Mr. Chairman, just a housekeeping matter. We've had a request by Rancho Viejo to remove or withdraw one of the items from the agenda and I'd like to seek the Commission's direction at this point. It's item IX. G.1, the resolution regarding the County improvement district at Rancho Viejo.

CHAIRMAN DURAN: And what was the reason for asking it to be tabled?

MR. LOPEZ: Mr. Chairman, I believe they've asked that it be withdrawn.

I think that they want to come back and try to work out a development agreement before they bring such an agreement forward again.

CHAIRMAN DURAN: So it's withdrawn, not tabled.

MR. LOPEZ: That's what they've requested.

CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: One issue that's more general than that, but the fiscal impact of Rancho Viejo on the County is something that I've been concerned about and asking questions for over a year and I haven't gotten really any clear information. I'm just concerned that we understand what we're looking at and where we're heading to and what the fiscal impact to the County is going to be.

I've heard some generalities but not specifics and I'd like to get something more definitive before we get in there a little deeper or so deep that we can't withdraw after incurring substantial public debt and responsibility. So I really would like to see something on the overall impact on the County, the fiscal issues.

CHAIRMAN DURAN: On what issue?

COMMISSIONER CAMPOS: On the financial impact of Rancho Viejo on County government.

CHAIRMAN DURAN: On this particular issue that's being—

COMMISSIONER CAMPOS: No, in general. This is simply, I think this is probably going to be an affordable housing issue. It's at the forefront right now.

CHAIRMAN DURAN: So what kind of direction do you want to give staff? To ask them to give you some indication of the financial impact of Rancho Viejo is a little vague.

COMMISSIONER CAMPOS: Well, I'm talking clearly about services, what services do we have provide, about roads, wastewater, water, everything. I just want to know before we continue to move forward here.

CHAIRMAN DURAN: Wouldn't you think that these are issues that every community is faced with when they have approved an area to absorb the growth? That are community—I think it's fine that you want to know all these things but I think the fact of the matter is that this particular project represents the only area that can accommodate our community's future growth. To provide you with all that information I think is fine but I think whether it meets your approval or not we're going to have to find a way of dealing with because there's no other place for this community to grow.

COMMISSIONER CAMPOS: I understand your position on Rancho Viejo. I think there are a lot of good ideas behind the project, but I'm not comfortable with the fiscal aspect. I don't think the County has ever really looked at this carefully, and that's what I'm asking for.

CHAIRMAN DURAN: I think we have looked at it. I'm sorry that you weren't here when we did that. But I think that you need to be a little bit more specific in asking staff to provide you with information relative to the impact Rancho Viejo has on the community. I don't know what that means. So why don't you get with staff and give them a little bit more specific direction.

MR. LOPEZ: Mr. Chairman, Commissioners, I'm not sure exactly how difficult it would be to make an assessment, or a very accurate assessment of the fiscal impact of Rancho Viejo and the Community College District, but I can certainly get

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together with an appropriate team of our staff and see what sort of considerations we can make and put together some level of analysis on this that we can present as soon as we're able to work it. I'd be happy to try and coordinate such an effort.

CHAIRMAN DURAN: Okay, let the record show that item G. 1 has been withdrawn. There was another concern that Commissioner Campos had that the discussion on the GRT may be quite lengthy and he asked that we bring forward those agenda items where there are people from the community out there that are waiting to be heard, and then we'll move into the rest of the daily business. Becky, do you want us to hear yours so you can go?

REBECCA BUSTAMANTE (County Clerk): I would like to be able for you to hear IX. A. 1, please.

CHAIRMAN DURAN: With the Commission's endorsement, let's move that up next. Excuse me ladies, which item are you here for? What number is that, Estevan?

MS. BUSTAMANTE: IX. B. 2.

CHAIRMAN DURAN: So we'll hear the Clerk and then IX. A and B in that order and then move to the GRT issue. Is that okay with everybody?

CHARLIE C DE BACA: [From audience] How about item D. 1?

CHAIRMAN DURAN: That's okay with me. Anybody have—okay.

VIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Clerk's Office

1. Resolution No. 2002-14. A resolution amending Resolution No. 2001-58 designating the precincts in Santa Fe County, New Mexico

MS. BUSTAMANTE: Mr. Chairman, Commissioners, I came before you in early 2001. There was two mistakes that I would like to clear up with this resolution. We included Precinct 50-A and 50-B and it should have read Precinct 50 and Precinct 35 and we included Precinct 61-A, which is not a precinct, it's just part of 61. And then we have in this particular resolution all of the polling places which we did not have at that time. So it's just housekeeping and I would ask for your approval.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Bustamante, does this affect anything that's going on with the redistricting of the City or the Commission districts?

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MS. BUSTAMANTE: Mr. Chairman, members of the Commission, it absolutely does not affect anything. The maps that we approved last April were correct, it's just the resolution had those minor errors.

COMMISSIONER CAMPOS: That map itself, that was correct?

MS. BUSTAMANTE: Yes.

COMMISSIONER CAMPOS: The language was incorrect.

MS. BUSTAMANTE: Right.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN DURAN: Any other questions? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

MS. BUSTAMANTE: Thank you. I would just like to also say for the record for those people that are watching, these precincts are only for the primary and general election, the polling places.

CHAIRMAN DURAN: Thank you.

MS. BUSTAMANTE: Thank you.

IX. B. Community and Health Department

- 1. Resolution No. 2002-15. A resolution recognizing the 10th anniversary of the Maternal and Child Health Planning Council and the Council's work on behalf of child-bearing women and families in supporting the New Mexico Association of County Maternal and Child Health Council's 2002 annual update to the New Mexico State Legislature requesting an expansion of funding**

STEVE SHEPHERD (Health Division Director): Mr. Chairman, Commissioners, the Santa Fe County MCH Council has existed for ten years. This resolution addresses their tenth anniversary and recognizes their work. This resolution also requests support of the New Mexico Association of Maternal and Child Health Councils advocating increased funding from the New Mexico State Legislature for the formation of councils in counties without them and to ensure the financial stability of existing council. Staff recommends approval of this resolution.

CHAIRMAN DURAN: Any questions of Steve? If not, what's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: I'll second that. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

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IX. B. 2. Request approval of the Santa Fe County Maternal and Child Health Plan Update

MR. SHEPHERD: Mr. Chairman, Commissioners, the Santa Fe County MCH Council requests the Commission's approval of the Council's needs assessment plan update and resource inventory covering the years 2002 through 2006. I have Ms. Whitney Robbins, past president of the Council and also the author of the plan here as well. Your approval is required by the Department of Health. Staff recommends approval.

CHAIRMAN DURAN: Any questions of staff? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: Motion to approve.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

IX. B. 4. Request approval of the Santa Fe County Maternal and Child Health proposal to the New Mexico Department of Health for funding under the County Maternal and Child Health Plan Act

MR. SHEPHERD: Mr. Chairman, Santa Fe County Maternal and Child Health Council requests approval of its proposal for funding to the New Mexico Department of Health for the County MCH program. The amount of the request is \$285,247.

CHAIRMAN DURAN: Any questions of Steve?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Shepherd, a question. This \$285,000— is that different from the \$300,000 that we just talked about in prior—

MR. SHEPHERD: Mr. Chairman, Commissioner Campos, no, it isn't. This is County Maternal and Child Health funding directly from the Department of Health.

COMMISSIONER CAMPOS: We're requesting a grant of some sort?

MR. SHEPHERD: That's correct. This year they received \$209,465 from various sources.

CHAIRMAN DURAN: Any other questions of Steve?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Steve, could you just quickly explain the difference between the \$209,000 budgeted versus the \$285,000 that we're discussing here?

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MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, I'm going to let Ms. Edi Powers, our MCH coordinator, who wrote the grants answer your questions.

EDI POWERS: Mr. Chairman and Commissioners, the increase in funding is based on the fact that some of the programs that we've been supporting have not received any increase over the last four years. This is a four-year contract, actually. And cost of living increase of clients and that kind of thing has driven the cost of providing the services that we provide. The other piece is that the coordination, which is currently part-time plus an administrative assistant, really based on the amount of energy that's going into comprehensive planning for the County, and the number of collaborative entities ongoing at the moment, there's a need for coordination at a full-time level. So between those things it accommodates the increase of about \$79,000.

COMMISSIONER SULLIVAN: And if you don't receive from the Department of Health the \$285,000, then you'll obviously operate under whatever funding they grant you.

MS. POWERS: Absolutely. We don't have any options about that.

COMMISSIONER SULLIVAN: It's not a commitment on the part of the County to make up the difference?

MS. POWERS: No. Not at all.

CHAIRMAN DURAN: Any other questions? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion to approve with a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

IX. D. Utilities Department

1. Status of the waterline extension project for Entrada La Cienega (CR-50F) and Paseo C de Baca (CR-50) area of La Cienega

DOUG SAYRE (Utilities Director): Thank you, Mr. Chairman, Commissioners. I think we'll try to tandem this because there may be some questions regarding some things on this. Basically, the County Utility Department and the Land Use Department met with the Paseo C de Baca people and trying to make sure, one about the number of connections that we'll have down there, and we did this last Thursday. I think it was 29 residents that met with us and basically said they're ready to get water from the system if we extend it in the area.

Also included in that is probably a mobile home park, which will probably make the total number of connections, we figure probably close to about 60 to 70 users. That would make it a well worthwhile system to extend in the area. We also met with the State Engineer's

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Office, Paul Saavedra, approximately a week ago, to define how the County can transfer water rights from the 72-12 wells that people have. He indicated that this has been done in the past. I think Agua Sena up north, Los Lunas, Bosque Farms, have all done this as well as some other small community systems have transferred 72-12 rights, the domestic inside use right, to a community entity or a community water system that serves water.

Basically, there's a slight problem on that because the only use that you can transfer will be what they consider the domestic use or about 60 gallons per capita per individual in the residence. If you equate that that there's about four people to a residence in the area, that probably equates to about .26, .27 acre-feet annually of use. So that transfer is slightly less than the line extension policy requirement of .31, but certainly whatever the limitation of the State Engineer is is what we have to go by in order to do this. Just to advise you of that situation.

The other thing, we anticipate, what we'd like to do is go forward with the construction of this project on the basis that it's pretty close to being complete design-wise, and then we could go forward and probably put it out to bid in April to start construction in May of this year and it looks to me like it should be able to be completed by October. And that would be—I think there's 1300 feet of 12-inch pipe down County Road 50F all the way to the community center at 50A and then about 5,000 feet of eight-inch pipe down Paseo C de Baca, all the way to basically the end of the road at the mobile home park.

COMMISSIONER TRUJILLO: Doug, where's the water coming to fill the waterlines? Is it part of the Sangre de Cristo or are there wells out there that are going to sustain the system?

MR. SAYRE: Definitely the water would basically distributed by the City. It would come through the City system to us at probably the Richards Avenue meter, or at the Factory Stores meter. But basically, this is really considered San Juan Chama transfer or our rights that are pumped from there. It's kind of commingled in their system and then delivered to us.

COMMISSIONER TRUJILLO: There are no wells out there that are going to tap into the existing aquifer that will potentially impact La Cienega. This is coming from somewhere else.

MR. SAYRE: Presently, this water that we're talking about would come from the imported water. Yes.

COMMISSIONER TRUJILLO: Imported water.

MR. SAYRE: Just so you understand that. Now to transfer these rights, sooner or later we're going to probably look at how we'll transfer them to a point and place in the area, but they could be used at some point in time. We don't expect to use them on a regular basis but we need to be able to I guess group these rights into the system and they could be used in dire need or emergencies in the area for one of our points and places of use.

COMMISSIONER TRUJILLO: And the rights will never be traditional uses of water. There will never be acequia water rights or traditional usages of water.

MR. SAYRE: I guess, Mr. Chairman, Commissioner, as far we as we're

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concerned, most often these are just going to be 72-12 rights. I don't think we've defined that somebody couldn't come to us with other rights and transfer those to us if that was their desire. I don't think we're advocating that, but I think if somebody had a need, like if there was a spring out there that they were getting their water from, if they could transfer part of that, we would probably consider it if it was for domestic use.

COMMISSIONER TRUJILLO: Help me understand. It is this Commission's position that traditional usage of water will never be compromised. We will never use traditional water rights for domestic purposes.

MR. SAYRE: Okay. I understand, Mr. Chairman, Commissioner Trujillo, I understand that. But if we have these 72-12 wells' rights, some place or another, we're going to have to have some off-setting rights because there will be some impact and possible use. So we have the Las Lagunitas rights that could be set up to off-set that pumping use, something like that. But the State Engineer is going to consider that some of the impact will have to—will occur in the area and we have to be able to off-set that in use. So there has to be some slight consideration of at least retirement of something in the area. That was defined to us. We'll have to look at how we address that.

COMMISSIONER TRUJILLO: If we think that we could look for other ways to support the water right pool for domestic use of water while not tapping into the traditional use of water by any stretch of the imagination.

MR. SAYRE: To the maximum extent possible, Commissioner, I think we'll do that. And we know that direction and we will attempt to do that. But sometimes in some pumping, something has to be retired so that we don't affect it down in that area and that could mean that we have to look at some of the traditional rights to be retired, put away, so that that off-set use is obligated. Does that make sense?

COMMISSIONER TRUJILLO: It doesn't make sense to me.

MR. SAYRE: Okay. When you basically pump some of these rights in another place, at some point there is an effect down in that area and the State Engineer says that you have to off-set that or retire a right to do that. Similar to what happens in Buckman. If they pump Buckman, because it affects the rights of Tesuque, they have to get some rights and retire those rights from further use. Same kind of effect will occur here with pumping in the future.

COMMISSIONER TRUJILLO: You're retiring subterranean water rather than surface water. Traditional. Domestic, not traditional.

MR. SAYRE: I guess if that's the direction you so need to move that way.

MR. LOPEZ: Mr. Chairman, if I might try and take a stab at this. I think what we're going to try and do is have individual domestic well owners, as Doug explained, transfer their indoor domestic uses to us. Once we've collected that quarter acre-foot or whatever it is per dwelling from all of the various people that are going to hook up, we're going to have to transfer those to some point where on a rainy day, or rather a non-rainy day, when there isn't surface water available, if we need to, we can pool it.

Examples of such a site might be the Valle Vista wells that we have. Maybe another well down in that general area. But the State Engineer has informed us at this point that along

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with such a transfer, they generally have a policy of approving such transfers if you can get through the transfer process and the protest process and so forth, but there may be a requirement that some other surface water be allocated to that transfer to off-set the pumping impact that he's described.

I think the point that you've made, Commissioner, is certainly a valid one and one where we will use every other alternative that we have first so that we don't affect traditional acequia water rights or anything of that nature. Doug identified some water rights that we already own in the area that were transferred to us as part of the Las Lagunitas development and I think that may be the first block of such rights, first alternative to look at but we may not have many alternatives in that regard.

COMMISSIONER GONZALES: Mr. Chairman, just a couple of questions, or not questions, a couple of comments. Going back to when the voters actually approved a bond that would help us acquire additional water rights, the Commission went out and said, Look, not only will this help us buy more water rights but we're going to use some of this money to help increase and take care of community water systems. And since then, the people in La Cienega, particularly Mr. C de Baca through his leadership over the last five years have been practically begging the County to fall in line with what we asked communities to do and that's to come in and deliver a community water system and that way they can minimize whatever impacts are occurring on the La Cienega Watershed.

And I would just ask the Commission to support the direction that one, that we don't wait till these off-sets are taking place, that once that line is built that the people of La Cienega, particularly on C de Baca Lane are allowed to hook up into this water system. I want to remind the Commission that they're doing this voluntarily. We're not requiring that they do it. All of this has been done at their own will or by their own will. And then I guess I just have to disagree with you Estevan, I think it's absolutely wrong for us to take traditional water rights and use them for a non-rainy day.

What's the incentive or what's the statement that we're stating out there? Why would Mr. C de Baca and people on C de Baca Lane say we're going to go through the costs of trying to hook up to a community water system and we're going to let you transfer our water rights at your discretion for whenever you call it a rainy day, we're going to let you use these water rights or you're eligible to use these water rights when this can have a disparate impact on our aquifers. Why wouldn't they just say forget it? We're not going to go through those costs. We'll stay using these water rights and we're not going to give anything up.

So I don't know what kind of statement we're sending out or we're trying to send out when we tell the people who are participating in this community water system that not only will you be required to pay now for your water, rather than using your domestic well, but there may be a point when we transfer your water rights that we're going to use it for some need that the County might have. And I think that's the wrong message to send out to communities that are wanting to do business with the County, where they clearly don't have to hook up to a community water system.

And I appreciate your saying that it's a matter of a last resort. I don't think it should be

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on the table at all. I don't think that it provides any incentive. It doesn't do anything to assure the protection of traditional water rights in these communities. And it certainly doesn't provide an incentive for people like the people in La Cienega to cap their wells, minimize the effects on their aquifers when the County Commission on its whim can use those water rights to do whatever it wants to do. I've got a lot of concerns with us going that route and I don't want to support any policy at this point unless we talk about it more or the Commission is prepared to deal with this through some process where we're sending out that message that at one point, one day down the future, we're going to have to use your water rights for something that we might need.

That's not a message that I want to send out. I hope you're not sending that out to the people out there because I don't think that the Commission has passed the policy on water that has stated that we're going to take traditional water rights and save them for a rainy day and use them when we need to. That's a lot to be said but first and foremost, the people of La Cienega, this issue is all brought about by them. They're being stewards. They're doing what we asked them to do. They're capping their wells. They're using their own money—well, they're not capping their wells, but they're using their money—they don't have to be doing this. They're using their own money to get on to our water system. We're subsidizing some of that. But we're also saying that some of those water rights are going to be transferred out and could be used in other areas. That's the wrong message.

That's not how you protect traditional water rights, by moving them out of traditional communities and transferring them to potential locations where they could be used somewhere else. So I agree with Commissioner Trujillo. I don't want any message sent out like that until the Commission has debated that policy issue and we've actually adopted it. And if we have adopted it, I want to bring it back so we can discuss it because we've said since day-one, and I know Commissioner Trujillo has been adamant about this, traditional water rights are not going to be compromised. We are not going to develop water policy around the compromising of traditional water rights.

So that's my take on this. But finally, I'm glad we have this forward. We need to finish this project. It's been going on for too long. We need to get the construction out and moving on Paseo C de Baca and we need to work with that community to get them hook up and minimize whatever fears that that community may have that we're going to take some of these water rights and use them for development or whatever it might be out there.

CHAIRMAN DURAN: I would just like to comment a little bit on that. I know that in the last five years this Commission has taken the position that we are not going to compromise traditional water rights for domestic use or promote growth. My only concern comes out of the statement that the State Engineer made at one of our presentations and he basically said that if we're of the opinion that we will never tap into traditional water rights to sustain growth in our community, then we better start really thinking about how we're going to manage growth out there because the way things are going right now, we probably will have to use some traditional water rights.

I just think that as we move forward in discussing managing our water resource that we

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take that observation and comment that the State Engineer has made so that we don't find ourselves at a point that we have to contradict--make decisions that contradict our goals and our vision.

COMMISSIONER GONZALES: Mr. Chairman, I'm stating that we should take off the table the use of any water rights in traditional communities but in this fashion, where we're asking communities to come forward and get hooked up to County water and transfer whatever they're not using to some point of origin. There's no incentive for these communities to do this. I think the point of communities wanting to get on imported water like La Cienega is to minimize the impact on their groundwater.

That's not to say through more comprehensive water management policy, we're not out there trying to take a look at water rights that we can purchase. We talked about this on the land, that large tract of land, the 200 acres that COLTPAC was going to be buying, the Gallegos property, where there's a large amount of traditional water rights that are on that property. We talked about potentially being able to buy those water rights and using them for agricultural purposes or whatever they might be.

But I just think the wrong message to be sending out, in particular in this instance, and I have not had this conversation with Mr. C de Baca but certainly I can understand whatever concerns he might have, is that we're going to take these water rights and use them for some other capacity after you've chosen to go down this route.

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, I think I need to clarify a little bit what it is that we're trying to do here. One, basically all of the County's available water has been allocated and this then provides us a mechanism by which we can take water that's already being used for that purpose, that is, the domestic indoor water use and have that transferred to us. To the extent that there needs to be an off-set of rights is it's going to be dependent on exactly where we end up moving it to. If we can stay about the same proximity to the river as the current combined places of diversion are, there's probably not much at all that we have to try and get in the way of off-sets. But if we move it away, or move it to a substantially different location, we're going to have to get some very small amount of off-sets.

Clearly I think that we understand this Commission's interest in preserving agriculture and traditional water rights and our first alternative or our first priority would be that if we can acquire other water rights, such that we don't ever even have to use the water rights that we're taken from those wells, that will be the priority and I think that that's what we want to build into the 40-year water plan that we bring forward, but absent this, I think—I don't know that we have any other specific water right to allocate to this. This gives us a mechanism by which to off-set that community's individual homeowner's costs and still allow this project to move forward.

COMMISSIONER GONZALES: We have plenty of time to debate this. Let's get this La Cienega project done and let's fulfill that commitment several years back that we were going to do this.

MR. SAYRE: Mr. Chairman, Commissioner Gonzales, we understand the directive. We just wanted to make sure that we understand all the policy, possibilities here that

it may create. Just so everybody is knowledgeable about that and we get direction so that we can go forward with the desires of the Commission.

COMMISSIONER GONZALES: I apologize. Maybe I misunderstood Estevan earlier. What I understood Estevan say earlier was those water rights were going to be used for a non-rainy day. And I assumed to believe that whenever, in time of a drought, the Commission would be able to use that to use for other needs. If you're telling me now though, that that non-rainy day, that those water rights will only be used to support the delivery of water into La Cienega, then that makes sense and that's fine. As long as people understand that.

That what's being banked and what's being transferred to a point is only going to be used at a point to deliver it to the people of La Cienega and not to be used in the general purposes of the Count distribution system. So if that's the case, that's fine, but I think that that needs to be very clear and that we do whatever we can to make sure that we don't get to that point. We need to preserve those aquifers. There's a point to it and if we're just looping the water, what's the point of all this. And I know we're not going to be there now, but we could potentially end up there.

MR. SAYRE: Mr. Chairman, Commissioner Gonzales, I think we're going to do this and likely there'll be very little effect down there by our procedure because most of it will be imported water and won't do that. But just so you know that what we're doing is transferring that domestic use up to a point where basically it takes whatever use they require that we can produce it down there. But in those cases, and as I say the State Engineer just indicated there could be some slight off-set requirement. We need to be knowledgeable. In order to do that we have to have some place that we can have an off-set requirement. And we may already have it, but just so you understand it, that comes into being based on the State Engineer's policy of how we pump the water into the area.

I think I gave you roughly the schedule and if you're comfortable with that, that's the way we'll proceed, then we'll go ahead with the construction and then we'll go on a parallel pattern to look at trying to get this transfer effected. But it maybe some point down in time, not later on after the construction starts.

CHAIRMAN DURAN: Is that the direction of the Commission? Okay.
Thank you, Doug.

IX. ADMINISTRATIVE ITEMS

A. Committee expirations, resignations, vacancies

1. Resignations of COLTPAC Committee members

CHAIRMAN DURAN: Corky, have we hired anybody yet?

VINCENT OJINAGA (Project & Facilities Director): Mr. Chairman, Commissioners, yes we have.

CHAIRMAN DURAN: Good.

MR. OJINAGA: We've hired a lady by the name of Michelle Johnson. She'll

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begin with us on February 18th. Mr. Chairman, Commissioners, we do have two COLTPAC members who have submitted their resignations. Ms. Arlene Walsh and Mr. Edward Archuleta. They have resigned their positions due to other commitments and time constrains. That's if for the resignations on COLTPAC.

CHAIRMAN DURAN: So what Edward doesn't want to serve on it anymore?

MR. OJINAGA: We have Mr. Archuleta in the audience.

CHAIRMAN DURAN: Why not?

EDWARD ARCHULETA: [From the audience] I think it's time to move on, get some new blood in there.

CHAIRMAN DURAN: No. We don't accept it. So do we need a motion to accept it?

MR. OJINAGA: Staff's recommendation is to accept the resignations.

CHAIRMAN DURAN: Is there a motion?

COMMISSIONER SULLIVAN: Mr. Chairman, move to accept, with regret, the resignations of Arlene Walsh and Edward Archuleta.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: Any further discussion? You won't reconsider, Edward?

MR. ARCHULETA: It's been a tough decision.

CHAIRMAN DURAN: I think you've had a pretty good handle on the goals and the vision of this organization.

MR. ARCHULETA: Thank you, Mr. Chairman, Commissioners. I want to thank all of you for giving me the honor of serving on COLTPAC for the past three years. It's been an incredible opportunity. Looking back at all the properties we've purchased, it's going to be quite a legacy that all of you have left, as well as COLTPAC. Right now, 1000 Friends is undertaking similar projects in Taos County and Rio Arriba County where those two places are trying to start open space programs. And I'm going to be devoting a lot of my time up north, helping those folks get established. So I thought it's probably best that I give up COLTPAC so I could be devoting my time to our neighbors up north who need open space just as badly as Santa Fe does. So with regret, I am offering my resignation from COLTPAC.

CHAIRMAN DURAN: Thank you. Thanks for serving. Okay, there's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Commissioners Trujillo, Gonzales, Sullivan and Campos voted aye.] Opposed? [Chairman Duran voted nay.] Motion carries.

VIII. A. 2. Resignations of Santa Fe Maternal and Child Health Planning Council members

MR. SHEPHERD: Mr. Chairman, Commissioners, the Santa Fe County

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Maternal and Child Health Planning Council requests you accept the resignations of Ms. Julie Chase-Daniel and Ms. Andy Carmone. Ms. Chase-Daniel is resigning due to personal health reasons and Ms. Carmone is leaving the area to further her education.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve the resignations. Is there a second? I'll second it. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VIII. B. Committee appointments

1. Reappointments to the COLTPAC Committee

MR. OJINAGA: Mr. Chairman, members of the Commission, we have two COLTPAC Committee members that have requested reappointment. The individuals, Mr. Orlando Romero and Mr. Bruce Richardson, both individuals have extensive knowledge and involvement in trail planning and commitment to COLTPAC. It is staff's recommendation that we reappoint those two individuals. Thank you.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move to approve, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

COMMISSIONER TRUJILLO: I have one question for Corky. Corky, how many vacancies do we have left in the COLTPAC Committee?

MR. OJINAGA: Mr. Chairman, Commissioners, we have actually two openings on COLTPAC. We did advertise in the newspaper, two different newspapers for public interest to serve on COLTPAC. We have received two letters. One from Mr. David Gold, which is currently the substitute, alternate on COLTPAC. He is interested in being appointed permanently. And also from a Dr. Chris Muel. I just received these letters this morning. That was the result of the advertising in the paper.

COMMISSIONER TRUJILLO: Can we make a recommendation today out of those two?

MR. OJINAGA: If it's the wishes of the Commission to do so, yes.

COMMISSIONER CAMPOS: Mr. Chairman, could we get some clarification first, Commissioner? What positions are open? Is it a northern position and a southern position? Are there any central openings?

MR. OJINAGA: I believe that the positions that we have open are one from the city and one from the south. Mr. Gold would take the city and Dr. Muel would take the south.

COMMISSIONER CAMPOS: Did Robert Findling express any interest in serving as a permanent? He is now a substitute and he had expressed to me interest in

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becoming a permanent some time in the past. Anybody have any knowledge?

MR. OJINAGA: We haven't received anything from Mr. Findlay.

COMMISSIONER CAMPOS: I assume you would discuss this with COLTPAC generally, right? They understand you're looking and the members could have applied?

MR. OJINAGA: They understand that we did advertise for the position.

CHAIRMAN DURAN: I have a question, Corky. I thought that these appointments were—I thought that Commissioners had—I don't know if it's a right. I thought we were the ones that appointed them to COLTPAC.

MR. OJINAGA: That is correct, Mr. Chairman.

CHAIRMAN DURAN: And so of the two that resigned, who appointed them? I think that whoever appointed those people those people that resigned should have the opportunity to appoint the new ones.

COMMISSIONER CAMPOS: I don't think that's right, Mr. Chairman.

CHAIRMAN DURAN: I know I appointed Edward Archuleta.

COMMISSIONER CAMPOS: You recommended—we're talking about CDRC where every Commissioner made a primary recommendation which could be accepted by the Board or rejected. But I've never heard that for COLTPAC.

CHAIRMAN DURAN: I'm sure it was. That's how we all had the ability to appoint certain individuals to COLTPAC that—from our districts.

COMMISSIONER CAMPOS: They're not by districts. They're north, central and south.

CHAIRMAN DURAN: Actually, it wasn't by districts. We just have the right to appoint them. So you're saying that—am I wrong?

MR. OJINAGA: Mr. Chairman, that's correct. We do have the areas of central, the city, the north and the south. I don't know if it was done by any particular Commission district.

CHAIRMAN DURAN: No it was doesn't done by district. It was done by—how many members are there on COLTPAC?

MR. OJINAGA: There's 13 with the substitutes.

CHAIRMAN DURAN: And I think we all were able to appoint two and then we increased that number to allow some alternates.

MR. OJINAGA: From 11 to 13.

CHAIRMAN DURAN: Right.

COMMISSIONER CAMPOS: I would suggest we just open it up to nominations.

CHAIRMAN DURAN: But the people that you appointed didn't resign. The person I appointed resigned.

COMMISSIONER CAMPOS: Let's still open it up for nominations. From the south and from the central, right? There's two positions.

CHAIRMAN DURAN: Well, I don't have a problem appointing David Gold

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as a permanent. But I sure would like the opportunity to find someone that would like to serve on that, like the rest of you have the right to do.

MR. OJINAGA: There's not a hurry for today. We could do it at the next meeting.

COMMISSIONER GONZALES: Can we defer the decision to the February administrative meeting? So the chairman can have his chance to find who he'd like to bring forward.

MR. OJINAGA: That's fine.

CHAIRMAN DURAN: But if you want to appoint David, that's—

COMMISSIONER TRUJILLO: Yes, yes. We'll go ahead with the recommendations to appoint Orlando Romero and Bruce Richardson and David Gold. And then there's one vacancy that Commissioner Duran will search for. That's part of my motion.

COMMISSIONER SULLIVAN: Mr. Chairman, I think one of these vacancies is in the southern sector. Is that still correct?

MR. OJINAGA: Yes, that's correct.

COMMISSIONER SULLIVAN: Even after you make an appointment today.

CHAIRMAN DURAN: The person has to reside in the southern sector.

COMMISSIONER SULLIVAN: So I would certainly like to look at the resume of the individual that you just mentioned has submitted.

CHAIRMAN DURAN: I think you might be missing the point. I recommended—

COMMISSIONER SULLIVAN: I'm not missing the point.

CHAIRMAN DURAN: Oh, okay.

COMMISSIONER SULLIVAN: I remember when we made those appointments. That was my first Commission meeting. And we had a list of appointees and I remember Commissioner Trujillo came in late and he wanted to appoint Mr. Gold and we had already made the appointments. So we appointed him as an alternate. And it was done just on a general basis because I remember asking for a map to see who was coming from each area. So we knew that we had people covered. And the staff prepared a nice colored map of that. So I think certainly bring forward whoever you'd be interested in but it has to be from the southern area.

CHAIRMAN DURAN: That's no problem. I can do that.

COMMISSIONER SULLIVAN: And if this individual has indicated an interest, and I don't know him, then he could be considered as well, or whoever the Board wants to select. I don't think we set up a procedure where we each appoint one.

CHAIRMAN DURAN: I recall something different. I recall you and Commissioner Campos—

COMMISSIONER SULLIVAN: CDRC. Why don't we go back, rather than debating it now and just bring forward the best individual that we feel is the best qualified. It may well be who you suggest.

CHAIRMAN DURAN: Or it could not be.

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COMMISSIONER SULLIVAN: Or it could not. That's correct.

CHAIRMAN DURAN: You never know. Okay. That's fine. So that's your motion, to appoint those three?

COMMISSIONER TRUJILLO: Those three, yes.

CHAIRMAN DURAN: And there was a second?

COMMISSIONER CAMPOS: To appoint them right now?

CHAIRMAN DURAN: Yes.

COMMISSIONER TRUJILLO: Two of them are already in. All of them are in.

CHAIRMAN DURAN: See what you did, Edward, by resigning? Okay, any other discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VIII. B. 2. Appointments of the Santa Fe Maternal and Child Health Planning Council members

MR. SHEPHERD: Mr. Chairman, Commissioners, the Santa Fe MCH Planning Council requests the appointment of Ms. Karolyn Wilson. She's expressed her desire to sit on the Council. She seems well qualified, being a registered Doula. Staff supports their recommendation.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VIII. B. 3. Reappointment applications for the DWI Planning Council

MR. ANAYA: Mr. Chairman, Commissioners, staff recommends that Judge Dimas, Judge Gallegos, Judge Duran, Representative Patsy Trujillo-Knauer, Sergeant Ken Johnson and Mr. Alan Wheeler be reappointed to the Santa Fe County DWI Council.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: Second. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, are there any others that have

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expressed an interest, because this would reappoint, as I understand it, all of the existing members with no new members. Am I understanding that correctly or are there some vacancies?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, these terms have expired. Over the last year there have been several people that have expressed an interest and the Commission has been able to appoint those others that have expressed an interest over time. Katrina Kain is a student. Hillary Noskin from Giant Industry, are a couple of examples. Kevin Henson, of new appointments. So right now, these are the only people that have requested to remain, but we do get input and new people that request to be on the Council. But at this time, staff recommends reappointment and we don't have others to bring forward.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VIII. B. 4. Road Advisory Committee reappointment

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, Public Works is recommending the reappointments of two individuals to the Road Advisory Committee. The first individual is Steve Duran, who has represented the Pojoaque, Nambe and Cuyamungue areas of the last six years. His term expires now in February and he has volunteered to serve for an additional term.

The other area is Area 8, which includes Country Club Estates, Piñon Hills, Puesta del Sol, Lopez Lane and that area. Mr. Richard Sena has represented this area for the last three years as an alternate. He has volunteered to serve this area as the committee member instead of as the alternate. Public Works recommends the reappointment of Mr. Steve Duran to Area 2 and Mr. Richard Sena to Area 8.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, weren't you doing some proposed redistricting of the Road Advisory Committee, or what is the status of that?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we were in the process of realigning some of the boundaries of the Road Advisory areas, but we were waiting until after the Commission district redistricting was complete. So we will be moving forward with the redistricting, or moving the boundaries of some of the Road Advisory areas.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions of Robert? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: One question. Both of these members have been active in attending Road Advisory Committee meetings and they've complied with the

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dictates of being active?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, both of these individuals attend on a regular basis.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

Thank you, Robert.

IX. B. 5. Request authorization to enter into a lease agreement with Diamond Development, Inc. for office space to house the DWI screening program

MR. SHEPHERD: Mr. Chairman, Commissioners, the Santa Fe DWI program requests authorization to enter into a lease with Diamond Development for office space to house their DWI screening program, specifically, their magistrate court screening program. They have located office space within the same complex that the DWI program is located, directly across the parking lot. It is 645 square feet. Rent, to include the association fee is \$900 a month, for an annual square foot of \$16.75. We did get three quotes. There was one comparable to this but it did have a higher CPI increase on the second year lease. I stand for any questions.

CHAIRMAN DURAN: Any questions of Steve?

COMMISSIONER CAMPOS: Mr. Shepherd, how many square feet are we talking about? 645?

MR. SHEPHERD: That's correct.

COMMISSIONER CAMPOS: And how much is it per square foot?

MR. SHEPHERD: Monthly, \$1.40.

COMMISSIONER CAMPOS: And annually?

MR. SHEPHERD: \$16.75.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN DURAN: Where's it located?

MR. SHEPHERD: It's at the Aspen Drive Office Condominiums. Directly behind K-mart.

CHAIRMAN DURAN: That includes utilities?

MR. SHEPHERD: No. It does not include utilities.

CHAIRMAN DURAN: Is there a CAM in addition to that? A common area maintenance fee?

MR. SHEPHERD: Yes. That's included in the dollar amount I gave you. The rent is \$850, the association fee is \$50.

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CHAIRMAN DURAN: Okay. Any other questions of Steve?

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion to approve and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

IX. B. 6. Request approval of distribution grant application to DFA for local DWI funds

MR. ANAYA: Mr. Chairman, Commissioners, this is the annual application that is submitted by staff, Mr. Sims, based on the work of the DWI Council and is the largest funding source for the DWI Council. With that, Mr. Chairman, I stand for questions?

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Anaya, this is the two proposals, one with teen court and one without, here? Is that right?

MR. ANAYA: Mr. Chairman, Commissioner Campos, that's correct.

COMMISSIONER CAMPOS: Which one do you recommend?

MR. ANAYA: Mr. Chairman, Commissioner, what we've basically been forced to do by the Department of Finance and Administration is reduce the DWI funding that goes to teen court from this pocket of money. But at the same time, we are lobbying DFA through the legislature to allow us to determine the amount that goes into teen court and we would like to see them maintain us utilizing a higher amount. If the DFA ruling stands then we have to go with the reduced amount on the teen court and cover that gap with our other CWI money that we get from the Traffic Safety Bureau. But I believe the reason that Mr. Sims is placing it this way is if we're successful at lobbying DFA through the legislature and giving us more flexibility, we'd rather use that particular scenario.

COMMISSIONER CAMPOS: Is teen court at any jeopardy at this point? Do you think there is sufficient alternative sources?

MR. ANAYA: Mr. Chairman, Commissioner Campos, teen court has been historically being reduced in funding from DFA over the past several years, about two or three years. And we're, like I said, we're making a strong effort with DWI. But we're also, through the work of David Sims and Frank Maguourilos prevention specialist, in conjunction with Alice, applied for a juvenile justice grant, which would actually enhance the program and make it bigger and better for the community.

We feel that over the short term we're okay with maintaining the funding level at what it's been at, but if over time, DFA continues to reduce that amount, there could be an issue where we would need another source of revenue to fill the gap. But on the short term, we feel

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that we have to accommodate it with other resources.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions of Robert? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Including teen court?

COMMISSIONER SULLIVAN: Well, both are the same. Both dollar requests are the same.

COMMISSIONER CAMPOS: The totals are the same.

COMMISSIONER SULLIVAN: The totals are the same.

COMMISSIONER CAMPOS: But the numbers are a little different.

MR. ANAYA: Mr. Chairman, I would ask that you approve the dollar amount, giving us the flexibility with that revenue from teen court to be able to utilize it out of LDWI if we need to. Commissioner Sullivan is correct. The total amount is correct but it would require a shift so we'd like to get that clarification that we be allowed to—

COMMISSIONER SULLIVAN: But you do have to submit one or the other. You can't submit both, right? Your recommendation was it be submitted with or without the teen court.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, Mr. Shepherd has informed me that we are going to in fact submit both.

COMMISSIONER SULLIVAN: You are going to submit both. Double trouble. Okay.

CHAIRMAN DURAN: So we're not excluding teen court from this?

MR. ANAYA: Mr. Chairman, that's correct.

CHAIRMAN DURAN: Good.

COMMISSIONER SULLIVAN: So the motion, I guess, is to submit both applications, based on staff recommendation.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

IX. B. 7. Request approval of DWI detoxification/treatment grant agreement No. 01-I-G-27 with DFA

MR. ANAYA: Mr. Chairman, Commissioners, the reason that this item was moved to the Community Health Development Department is because it pertains to the discussion that we had this morning around the CARE Connection initiative. We received the \$300,000 recurring allocation for substance and alcohol abuse issues. We request your approval of this BAR so that we can expend these revenues through the use of an RFP between now and June 30th, so that we won't be subject to losing these resources. I stand for any

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questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Robert? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Commissioner, I've got a question. I think the direction we gave, or the Chairman gave you this morning was not to spend any money. And what we would be spending money on if we submitted an RFP?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, this particular pot of money is money that if we don't spend it by June 30th will go away. So what we're recommending is that we utilize some of the existing providers that we have in the community to help them augment their services between now and June 30th, with no guarantee that those particular entities would be able to continue to get funding after June 30th. It would expend the \$300,000 so we won't be subject to loss. It would be subject to an RFP process that we've already prepared a draft on, and we're primarily going to focus on those entities and the services that they provide under the health care money we give under the Indigent Fund and under which we provide revenue and resources from the DWI program. If we do not spend this money, or RFP to spend it, we will lose this revenue.

COMMISSIONER SULLIVAN: I guess what's confusing to me is that this morning in the meeting we had with the Indigent Board, we were \$211,000 in the hole on DWI programs and we had a variety of mechanisms to make that difference up. Is this that mechanism that we discussed this morning?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, this is the \$100,000 mechanism that Steve discussed this morning. If in fact you approve the direction and the BAR, we will initiate the RFP and it will fill \$100,000 of that gap that was discussed with Mr. Shepherd.

COMMISSIONER SULLIVAN: And that requires an RFP? It can't be utilized for the existing entities that are under the providers, the approved providers?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, my honest opinion is I wish that we could utilize the existing contracts. I will look into that again. The initial discussion that we've had with procurement has put us in a position where we need an RFP, but we would be happy to revisit that to see if that's a possibility.

COMMISSIONER SULLIVAN: And you mentioned \$100,000. The agreement says \$300,000.

MR. ANAYA: Only \$100,000 of it would be affected by the issue that Mr. Shepherd brought up in the Indigent Fund. There's other programs that we provide through the DWI program that are also suffering loss of money and not having the available resources that they need to provide the services necessary. \$100,000 to off-set the indigent aspect, but there's other programs, substance abuse and alcohol abuse, RAP has, Millennium Treatment Services has, the Crisis Response Project and others.

So we want to give them an opportunity as members of the CARE Connection to complete for some of those revenues to spend between now and June 30th.

COMMISSIONER SULLIVAN: When you issue the RFP, won't it then go to

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one entity that you select as the most qualified?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, in an effort to ensure that we're working as a coordinated effort, our intent as staff was to disperse this revenue to several providers so that they can all help augment their services, not just one particular entity.

CHAIRMAN DURAN: So the RFP would not be for the entire \$100,000, but for portions of it.

MR. ANAYA: Mr. Chairman, the RFP would be for the entire \$300,000 and multiple entities would be able to apply and multiple entities could receive a portion.

CHAIRMAN DURAN: Okay.

MR. ANAYA: The other problem that we would run into, given the time constraints, if we would try and RFP it to one individual entity, they would not be successful in expending the full amount between now and June 30th. That's the other reasoning for giving it to multiple entities. Once you give formal direction on the CARE Connection project, whatever it is, then in fact we'll have a full year of time to be able to plan more effectively how we use this money in the future. It's recurring revenue, \$300,000 annual.

CHAIRMAN DURAN: Could you e-mail us that RFP?

MR. ANAYA: Sure, Mr. Chairman.

CHAIRMAN DURAN: When do you think you'll have it ready?

MR. ANAYA: We have a draft ready right now that we could send to you immediately, and whatever comment that you have that you would like to see in there, we could incorporate those comments within the final draft.

CHAIRMAN DURAN: I'd like to see it before it goes out. How about you guys?

COMMISSIONER SULLIVAN: Yes, I'd like to. And is this the—this is a contract or a grant agreement. Each year you have to submit a grant application to DFA detailing how the funds were utilized. This is not the application, is it? This is a grant agreement with unknown persons.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, it is a grant agreement, but we do have to contact DFA and give them a detailed description annually of how we intent to utilize the resources.

COMMISSIONER SULLIVAN: And have we already done that? What have we told DFA we're going to use the money for?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, we've been in constant discussions with DFA on potential uses. We've given them general categories that we'd like to work with and worked and negotiated with them on this process.

COMMISSIONER SULLIVAN: But is this the application?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, this is the contract.

COMMISSIONER SULLIVAN: I understand that. But your letter says that each year, the County will be required to submit an application to DFA detailing how these funds will be utilized. And I'm looking for that application to see if this idea that you have here, to utilize that \$300,000 is consistent with our application to DFA.

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MR. ANAYA: We do not have the application in the packet. The future application that we will submit we'll have to come back to the Commission and give it to you. We can't provide that to you.

COMMISSIONER SULLIVAN: I mean for the current year. Obviously, we already have that \$300,000 allocated to us, and we're trying to get rid of it so we don't lose it. What does our current application to DFA say we're going to use it for?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, our current application recommends this use that I just presented to you. If you do not wish to use it for this use, then we would not be able to move forward with the RFP. But it does in fact recommend funding multiple entities in order to expend the money down through the use of the Indigent Fund and other programs that we're working with.

COMMISSIONER SULLIVAN: Okay, and that's an application that we already have on file with DFA?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: So we're all consistent with that. Although we just learned, just today, that we were short on DWI funding. But that application is in concert with what we're doing here.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, yes it is.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Okay. Any other questions of Robert? What's the pleasure of the Board? I make a motion to approve it.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: To approve the request for detoxification/treatment grant agreement, with the understanding that you are going to provide us with a copy of the RFP for review and possible input.

MR. ANAYA: Yes sir, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

MR. ANAYA: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you.

IX. B. 8. Resolution No. 2002-16. A resolution requesting an increase to the general fund (101) DWI detoxification grant program to budget a grant awarded through the New Mexico Department of Finance and Administration for expenditure in fiscal year 2002

MR. ANAYA: Mr. Chairman, Commissioners, this is the actual grant agreement for the revenue we just had.

COMMISSIONER SULLIVAN: Looks like a budget adjustment.

MR. ANAYA: I'm sorry, Mr. Chairman. This is the actual BAR for the grant agreement. This is the reason why we didn't have the BAR in the beginning in the Consent

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Calendar. So you would approve the agreement as you did, and now would approve the BAR to allow us to budget the revenue in the right categories to move forward.

CHAIRMAN DURAN: So what we just approved was we approved the grant agreement, and now we're approving the budget adjustment request?

MR. ANAYA: So that we can actually move forward.

CHAIRMAN DURAN: Which deals with the issues that we talked about in number 7.

MR. ANAYA: Mr. Chairman, yes.

CHAIRMAN DURAN: Okay. Any questions of Robert?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: I'll second it. Any further discussion?

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Anaya, \$265,000 is going to professional services? I assume that's just for salaries and contracts?

MR. ANAYA: Mr. Chairman, that is primarily the contracts with the providers that will ultimately respond to the RFP.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Will this RFP outline or clarify a little bit more how we're going to distribute these funds?

MR. ANAYA: Mr. Chairman, yes it will.

CHAIRMAN DURAN: Okay. Any other questions of Robert? There's a motion and a second. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

MR. ANAYA: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you.

IX. C. Land Use Department

- 1. Request authorization to publish title and general summary of an amendment to Ordinance No. 1996-10, Santa Fe County Land Development Code, Article III, Section 4.4.4c (Maximum Height for Commercial and Industrial Non-residential Districts) and Article III, Section 6.3.4 (Maximum Height for Large Scale Residential Uses)**

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chairman, members of the Commission. The purpose of the amendment is to delete existing conflicting language between the County Code and the EZO for measuring height, and also to add some clarification language to it and also add some diagrams and sketches for clarification. If you take a look at the existing language that's in your packet, attached as Exhibits A and B, we have

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a problem with the maximum height language that states, "Structures shall be limited to a maximum height of 36 feet from the highest point of the surface of the ground at the perimeter of the structure." That's the language we'd like to work on, because if you apply this literally the way it's written, if you're building on a slope, the way this is written we would measure from the highest point, 36 feet.

So if you go down to the bottom of the slope, you may have a 40 or a 50 foot height. And we'd like to add language that tracks the EZO requirement, which would make you step the building up as you move up the slope. And the problem we're having now is this language doesn't do this. This language tells us go to the highest point that they're building on measure from there up, and that's where you're allowed 36 feet. So we would like to make a minor amendment to that and bring it forward to the Board.

We'd go to the CDRC at the end of February and then have two public meetings before the Board. And we'll also have diagrams and sketches that show it.

CHAIRMAN DURAN: Okay. Any other questions of Roman? What's the pleasure of the Board?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

MR. ABEYTA: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you.

IX. E. Public Works Department

1. Request authorization to install a 3-way stop at the intersection of Agua Fria Road and Henry Lynch Road near the Village of Agua Fria

CHAIRMAN DURAN: I'd just like to say that I brought this thing forward because of a request from residents in the Agua Fria area to install a 3-way stop sign at Henry Lynch Road because in the morning, as you're coming into town, if you get stuck on Henry Lynch Road trying to either turn left to go west or right to go east, you're at the mercy of the traffic. If they don't want to let you through you're stuck there till 9:00. So we heard this about a month or two ago and then it was sent to the Agua Fria Development Review Committee for their review and I think that there seems to be a conflict that exists.

I think that the review committee recommended not to install it? Is that correct?

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, what they stated in their minutes is they postponed to make any formal recommendation until Agua Fria and Rufina are complete, so they didn't make a recommendation. That's what I have from their minutes.

CHAIRMAN DURAN: I'd like to ask the Commission to go ahead and

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approve the 3-way stop sign because there's a lot of traffic there and if it's determined after Rufina is complete that it's not necessary, then we could always take it down.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I was curious if Mr. Lujan had a recommendation on this.

MR. LUJAN: No, I don't have a recommendation.

COMMISSIONER CAMPOS: Being neutral today?

MR. LUJAN: Well, what had happened is we did a traffic study and it was unwarranted and then what the Board suggested to do is send it back to Commission. What we looked at now is traffic volumes have increased in that area. I don't have any formal numbers to give you to make a decision either way but the numbers have increased. More people are diverted from Rufina onto Agua Fria and now that Agua Fria is under construction, phase 2, a lot of people are starting to use, go up Henry Lynch and onto Rufina. So that has increased the volumes.

COMMISSIONER CAMPOS: But the original warrant by an engineer said we shouldn't have the third stop sign. Is that right?

MR. LUJAN: That is correct.

COMMISSIONER CAMPOS: That's an engineering, traffic safety kind of an issue.

CHAIRMAN DURAN: No, it said that the traffic counts didn't warrant. That doesn't do with safety. It had to do with the traffic counts.

MR. LUJAN: The traffic counts in May of 2002 did not warrant a 3-way stop.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: James, are there improvements that are going to be going forward on Agua Fria in this area?

MR. LUJAN: Eventually, in phase 3 when we get to phase 3 from San Isidro crossing to the city limits, yes. But we're in the planning of that right now and we don't have all the funding for that.

CHAIRMAN DURAN: There's no funding for that, is that correct?

MR. LUJAN: That is correct.

COMMISSIONER SULLIVAN: My only concern is that once—stop signs don't seem to be things that you can take away. Once they're there, they become a right it seems and removing them sometimes poses a liability issue as well as a public relations issue. I was just wondering in the design whether there were any accel lanes or anything like that that would make it easier to get out onto Agua Fria.

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, we do not have a design for phase 3 yet.

COMMISSIONER SULLIVAN: Are there any other measures, you're right next to Agua Fria School, which is a school zone there, and as you're coming out, people

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should be going pretty slow. They should be going 15 miles an hour in the school zone because the school is directly adjacent to Henry Lynch. So it should give you a chance to zip out into traffic there. Are we having an enforcement problem in the school zone or—

MR. LUJAN: We have had no problems there to date, Commissioner.

COMMISSIONER SULLIVAN: People should be going 15 miles an hour. That takes care of people turning right towards Santa Fe, but for people turning left out towards the airport they of course have to get across the traffic. I'm just concerned about stopping traffic at that point that's only going 15 miles an hour, at least legally.

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, that's only during the school—

COMMISSIONER SULLIVAN: Yes, but in the morning, that's the peak, 8 a.m., 9 a.m. is the peak time.

MR. LUJAN: Commissioner Sullivan, I think what's increased now is because we have detoured traffic off of Agua Fria for phase 2 at San Isidro, so people are turning on to Henry Lynch prior to getting down to San Isidro. They're taking that route now that Rufina is somewhat open. It's not totally open, but they're using it.

COMMISSIONER TRUJILLO: Mr. Chairman, I think that if the people that are driving the road have recommended that we wait on the sign, we should comply with that recommendation and wait.

CHAIRMAN DURAN: Okay, well, how about if I make a motion to table this and let the community that's called me over the last six months call the rest of you guys and then you'll know what they're talking about. I make a motion to table.

COMMISSIONER SULLIVAN: Do you have a date? A time certain?

COMMISSIONER CAMPOS: It's not a notice issue is it?

CHAIRMAN DURAN: No, I don't think so. I'll go with whatever you guys want to do. It's just that I've received numerous calls from the people that live there, not the five people that are on the Agua Fria Development Review Committee, but the thousands of people that live in the village that have to come to work and those that live down Airport Road.

COMMISSIONER SULLIVAN: I understand the problem, Mr. Chairman. James, do we have an analysis, a wait time there at that intersection? Like for example, if you're coming up Zia and you're trying to get on St. Francis. You have a wait time of about three to four minutes before you can get through the light in the morning and sometimes it's more like six minutes.

MR. LUJAN: No, I don't think we do have that number right now. We didn't do that. We could look into it.

COMMISSIONER SULLIVAN: It might help to put this in context with other rush hour traffic situations. Every morning when I'm at that intersection I want to call my City Councilor and tell her to change that light, or him. I have one of each in my district. But it's irksome sitting at that light for five minutes, but the traffic on St. Francis is just monstrous.

CHAIRMAN DURAN: Make sure you give Olivia Tsosie Commissioner Trujillo's home number and cell number.

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COMMISSIONER SULLIVAN: She has my e-mail. I hear from her all the time.

COMMISSIONER TRUJILLO: I have another recommendation. What if Paul Duran stands on the corner in the morning and stops traffic for the next couple of weeks.

CHAIRMAN DURAN: I would do that. What's the pleasure of the Board?

COMMISSIONER CAMPOS: Second for the table.

CHAIRMAN DURAN: Okay. So the direction is to table it until what?

COMMISSIONER CAMPOS: We have more information justifying the stop sign. Do you think that's necessary, Commissioner Sullivan?

COMMISSIONER SULLIVAN: I don't think the stop sign is necessary.

CHAIRMAN DURAN: How about tabling it for one more meeting. Let me make one more pitch at it next time. Let me put some stuff together and make one more pitch at you guys.

MR. LUJAN: In the meantime we'll get some wait times there and also do another traffic count. We'll do that one in-house and provide you those numbers.

CHAIRMAN DURAN: At the next administrative meeting? Okay, that's fair. Those in favor of the motion to table signify by saying "aye." [Unanimous] Opposed? Motion carries.

IX. E. 2. Solid Waste program update

JILL HOLBERT (Solid Waste Director): Good afternoon. I'll go through this briefly. I'm sure you've had a chance to look at it. I don't want to spend too much time on it but please, if you have any questions, go ahead and ask me. The tonnages in the solid waste program for the County are only up three percent this year, which is very good news. We've been at a much higher rate recently so three percent kind of feels like a vacation.

Recycling tonnage is up 43 percent, which is excellent. We certainly want to encourage more recycling in the county. I attribute a lot of that to a very energetic recycling coordinator, Justin Stockdale, as well as a fourth truck driver, which we just were approved this year to have our fourth truck driver to move a lot of that material faster. We've also received two grants for this year, totally \$40,600. That's for the Adopt-a-road and beautification efforts as well as a facility grant to buy a compactor, which we are hoping to put at the Stanley transfer station. I'll bring that grant agreement for your approval next—in February.

The residential permits, basically it's the same as they have been. They're charged \$3 per 24 trips for the year. Those trips can be made any time during the year. We haven't had too much difficulty in this program this year. There was a change from last year where now they can be made any time. However, the certified mailings are costing us \$3.94, which is over the \$3 that we're charging for these permits. That may be something that you want to look at.

As far as staffing goes, this is probably our greatest obstacle in the solid waste program.

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We've had a number of turnovers really over the past five years that I've been here. So we're constantly retraining and rehiring, or hiring and retraining people. In addition, the inmate program has been delayed and so we are not able to use the inmates as we had been using for litter pick-up in a lot of the areas that need it.

The good news on equipment is we have ordered two Freightliner trucks. The tractor has come in and the roll-off is anticipated in February. This is actually a major turning point in our program. It's the first time probably ever in the solid waste program that we'll have reliable back-up trucks. When we put the new trucks on the road, the trucks that we currently have that are still operational will go to back up trucks. And again, that's going to be a major improvement in the program. When a truck goes off-line for maintenance and service, we will have a reliable truck to take its place.

We'll been hauling on Sundays since September and at this point, that means we're hauling seven ten-hour days a week. That's been quite a stress on the program. I think in the interim we can handle it just fine. Over the long term I think it will mean that those trucks need to be replaced a little more often. There's not much down-time for those trucks.

CHAIRMAN DURAN: Excuse me, Jill, just one question. What kind of usage are you experiencing on Sundays?

MS. HOLBERT: Tremendous usage. That's our highest volume day as far as incoming waste. So we have two truck drivers scheduled on Sunday, ten-hour days, and two truck drivers scheduled on Saturday, ten-hour days.

CHAIRMAN DURAN: So it was a good idea to open up on Sunday.

MS. HOLBERT: Yes, it works quite well. Commissioner Sullivan had recommended in the past that we look at trying to have a down day in the middle of the week when we are slower than the weekends. We have tried to do that but it has not been successful based on the fact that many of the transfer stations are open during the week and there's just too much coming in on any given day to completely shut down our trucking operations.

Based on this fact, what I would like to recommend is that we revise the operating schedule and actually have one day during the week where all seven transfer stations are closed. At this point that doesn't happen. Seven days a week, some transfer station somewhere is open. And if we were able to close one day completely during the week, and perhaps two on most of the transfer stations, I think that would increase our staff productivity. For example, if we have three truck drivers scheduled on a Friday, Friday afternoon, things might get a little bit slow, whereas running those drivers over seven days a week, we've got slow times and fast times. And I think that if we can consolidate the waste coming in to five days or six days of the week rather than seven, we could more efficiently use those truck drivers' time.

COMMISSIONER SULLIVAN: Jill, Mr. Chairman left so I'll jump in.

MS. HOLBERT: Go ahead, Commissioner.

COMMISSIONER SULLIVAN: It seems like you're doing just what I recommended. I'm not quite sure, maybe there was some miscommunication as to what I recommended, but if I look at your chart, you're recommending that all the transfer stations shut down on Tuesday.

MS. HOLBERT: Correct. That's my recommendation.

COMMISSIONER SULLIVAN: And that was what I was saying. I say why not take a day off during the week. But you said you tried that and it didn't work.

MS. HOLBERT: Commissioner, what we did try is to not truck on Tuesday, even though the transfer stations are open. It was a little less of an impact to do that but we weren't able to do that successfully. So now I'm coming back and asking if we can close on Tuesday so again, we can follow your recommendation and not truck on Tuesday.

COMMISSIONER SULLIVAN: Okay. I'm not sure what my recommendation was but I just felt whether it was trucking or transfer stations, obviously, if you leave the transfer stations open you don't truck and then you've got to end up doing what we've run into problems with before which is having to close the transfer stations earlier. That creates more bad will than having them closed in the first place on a regular basis when people know it.

Of course, in the Eldorado, they've been closed Mondays and Tuesdays anyway.

MS. HOLBERT: Correct. Correct. The same with San Marcos, Commissioner. Those two stations have been closed Mondays and Tuesdays for a period of years, a number of years.

COMMISSIONER SULLIVAN: Right. And the same with Tesuque. So it seems like we're getting to a point where everybody knows that all transfer stations will be closed on Tuesday.

MS. HOLBERT: That's my question.

COMMISSIONER SULLIVAN: All right. Now, I think we're on the right track.

MS. HOLBERT: And additionally, I guess I'm asking if there are any changes that any of you would like to see as far as the permits, as far as the scheduling, based on the fact that these current permits run out, expire at the end of June. And what I'd like to do is be able to have time to really carefully implement and fully implement any changes prior to the new permits coming out at the end of June.

CHAIRMAN DURAN: And tell me again, why do you want to close on Tuesday?

MS. HOLBERT: Based on the fact that we have four transfer stations currently open on Tuesday, we're not able to shut down our operations as far as trucking. Because stations are open, as long as stations are open, we need to truck waste. Sunday was an extreme example when we used to be not trucking on Sunday because we have so much volume coming in on Sunday, but the same applies to mid-weekdays as well. If a transfer station is open, we basically need a truck standing by to remove that trash from that station. And what I'm recommending is closing all of the stations on Tuesday, most of the stations, all except one on Monday as well, moving those days off to Monday and Tuesday, or days closed Monday and Tuesday so we can consolidate our operations. Instead of kind of being an around-the-clock operation, we'll be a six-day-a-week operation.

CHAIRMAN DURAN: What's wrong with being an around-the-clock

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operation?

MS. HOLBERT: It has a lot of wear and tear on the trucks. As far as down time goes, those trucks are in operation ten hours a day, seven days a week. And I think that if we're able to have down-time on those trucks we'd have a better maintenance schedule, we'd be better able to keep those trucks in working condition and therefore keep the trucks on the road over a longer life period.

The second thing is, I think it's more efficient for our staff if the waste is coming in in a slightly more organized, smaller period of time, we will be able to better use the staff we have.

CHAIRMAN DURAN: What's more convenient for the community?

MS. HOLBERT: The community, I'm sure it's more convenient the way we're operating right now. And that's a decision that I'm bringing to your attention. If you'd like to—it's obviously a balancing act.

CHAIRMAN DURAN: How many trucks can we fix at one time?

MS. HOLBERT: It really depends on what is wrong with the truck? Some of our trucks go to Albuquerque for different problems and some of them are fixed in-house at fleet maintenance. So technically, all of them, if we sent them to Albuquerque.

CHAIRMAN DURAN: And if we actually are able to coordinate a distribution with the City on our solid waste excess, the money that we have that's excess, we could use that money to buy more trucks, rather than cut down the program, which would affect, would have more of an effect on the community than it would on anyone. But if we could get that money and kind of use that as another reason for wanting to distribute these excess funds, we then have more money available to provide the service to the community.

MS. HOLBERT: That is correct. I'm bringing forward a measure that might save money at this point.

CHAIRMAN DURAN: But what's more important? Is saving money more important or is it providing the community with the service is more important?

MS. HOLBERT: I don't think that's my decision.

CHAIRMAN DURAN: I think the important thing is to provide the service. That's my opinion.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think this isn't really too drastic a difference. If you look at the little bar chart on page 3, if you count the transfer station down days that are currently in place, and the current ones are the dark black ones, you have 12 transfer station down days amongst our seven transfer stations.

MS. HOLBERT: That's correct.

COMMISSIONER SULLIVAN: Each box is a day and each transfer station is identified. The proposed ones are in light gray and those only total 14. So the difference is we have 12 down days now over the seven transfer stations and what the staff is recommending is 14 down days over the seven transfer stations, i.e., two each, but in a different sequence that they feel is going to be a little bit more cost-effective. So I don't think we're making a radical

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change in the amount of down days.

Now we don't truck on Monday, do we, if we did this?

MS. HOLBERT: If we did this, we actually wouldn't truck on Tuesday and Monday we would. We would catch up if there was any backlog.

COMMISSIONER SULLIVAN: You'd have to catch up. So actually, you're operating, you're still trucking on Monday, you're catching up from the Sunday overload. You're trucking on Monday but the transfer stations, all but one of them are closed.

MS. HOLBERT: Correct. There would be no new trash coming in on Monday.

CHAIRMAN DURAN: So what happens, under this scenario, if I go, for instance in the last couple of weeks I've been to the transfer station in Eldorado twice. So I worked all day getting that stuff in the truck and got it all out ready to take to the dump and got there at the last minute, like I do, and what if I went out there and I found out it was closed? Where would I go? Would I have to go to Jacona?

MS. HOLBERT: Commissioner, in this situation, on a Monday, correct. You'd have to go to Jacona, the City transfer station, which you'd have to pay their fees, of the Caja del Rio landfill, which again, you'd have to pay their fees. They're not part of the County system. Maybe, if I may suggest something, if you feel this is too drastic, the most important points in this, if it's easier to make less of a change, the most important points in configuring this schedule change was shutting Jacona down one day a week, whereas currently it's not closing at all. Seven days a week, we're operating in Jacona, which also makes it very difficult to maintain the transfer station itself when there's no down-time. For example, if we're grading the road or something like that, we're really in people's way who are trying to use the transfer station.

So what I would suggest as an alternate is to close Jacona down one day a week on Tuesdays and close Nambe down for the proposed three days rather than two days that it's currently open. What that will do for us is allow us to share some caretaking staff between those two sites, which at this point is quite critical. Jacona open seven days a week requires more than one staff person since it's open more than 40 hours a week.

CHAIRMAN DURAN: But in any case, they would all be open both Saturday and Sunday.

MS. HOLBERT: Correct.

COMMISSIONER TRUJILLO: Mr. Chairman, that would mean, on your proposal that on Tuesday, both Nambe and Jacona would closed, so there wouldn't be any place to get rid of solid waste on Tuesday. I think that in the Pojoaque Valley, in that area, there should be at least one place to get rid of solid waste every day of the week. If you want to close Jacona on Tuesday, let's open Nambe on Tuesday.

MS. HOLBERT: Commissioner, certainly that would be fine to do, and again, I just recommend that we could change the Nambe schedule to close three days, having Tuesday be one of the open days.

COMMISSIONER TRUJILLO: Okay.

COMMISSIONER SULLIVAN: Well, Mr. Chairman, using the same theory

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then in the Eldorado area, we should have at least one transfer station open on Tuesday in Eldorado.

CHAIRMAN DURAN: I agree. If I'd gotten there and you'd told me, there was a sign that said you had to go to Jacona—

MS. HOLBERT: La Cienega. At this point, Commissioner Sullivan, Mr. Chairman, the closest to Eldorado on a Monday or Tuesday would be La Cienega.

CHAIRMAN DURAN: That's fine.

COMMISSIONER SULLIVAN: That's in Arizona.

COMMISSIONER TRUJILLO: It's a good drive.

COMMISSIONER SULLIVAN: So I think we either all share the e-mails, as it were, or the discontent about having one station, having the station closed one day, or all areas have a station open all the time. I think we—I don't know that there's more—is there more or less trash in Pojoaque than in Eldorado? I don't know.

MS. HOLBERT: The Jacona transfer station, Commissioner, is our largest volume transfer station in the county, but the combination of La Cienega and Eldorado outstrip that volume. There's more in Eldorado and La Cienega combined than Jacona.

COMMISSIONER TRUJILLO: I think the issue, if we're talking about discontent, I think that it's worse to see trash in arroyos and in river beds and on top of hills than it is to see it in transfer stations, which is the infrastructure which is to be utilized to get rid of trash. And that's what happens. If we close one day a week and people are used to utilizing the facility every day of the week, they're going to go there on Tuesday when it's closed; they are not going to take the solid waste back home. They're going to leave it off at the nearest arroyo or the nearest convenient place, whether it's a riverbed or on top of a hill. That's the issue. And then somebody's going to have to clean it up.

MS. HOLBERT: Commissioner, I share your concern and my suggestion for that would be to approve a change in the schedule and not implement it until July 1st. And that will give us plenty of opportunity to do a fairly large education campaign for the current customers of that station.

COMMISSIONER SULLIVAN: And in addition, Mr. Chairman and Commissioner Trujillo, in Eldorado and San Marcos, they've been closed Monday and Tuesday, both days. Not just one but two. And after a period of time people get used to that schedule. What they get frustrated about is when the schedule keeps changing. Or it closes early on a day it's supposed to be open. So I think we need to be equitable to all of the residents and if we're going to provide seven-day a week, 24-hour service then let's do the budget and the equipment and the trucks and the bond issues and whatever we need to do to do it. If we're going to shut stations down on Tuesday, what's good for the goose is good for the gander. Let's do it for everybody.

CHAIRMAN DURAN: I think we stay open all the time. The risks that we run by shutting down and getting people upset because they go there and it's not open, I think it's too much for me. I think we should just be open. Find the budget. Find a way of providing the service. Otherwise there are going to be people that aren't as patient as I might

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be and find the arroyo and just dump it there and be done with it.

COMMISSIONER SULLIVAN: Well, currently, Mr. Chairman, all of the stations, except Jacona, are closed two days a week. All of them.

CHAIRMAN DURAN: Let's keep it that way. They're used to it, right?

COMMISSIONER SULLIVAN: And the only one is Jacona and the only problem is the ones in Stanley, and Stanley people are good folks and I'm sure they can adjust, the ones in Stanley and La Cienega are closed on different days than the others so it's a bit confusing. And it's a bit uneconomical in terms of truck maintenance. But every single station is closed for two days a week. It's just a different two days. With the exception of Jacona, which is open seven days a week. And the staff is only proposing to close Jacona on one day, on Tuesday.

COMMISSIONER TRUJILLO: And if you go to Jacona on any given day, you'll see a line of trucks there every day of the week. So it's not a bogus opening, if you will. It's being utilized. If you closed it, like you said, Jill, it's the biggest generator of trash in Santa Fe County. So that one day a week, they're going to wait for the next day. The same volume of trash is going to run through those bins and the County will have to bring that solid waste to the regional facility, regardless.

What I don't want to see is the trash being spread all over the countryside. That's the main issue. It's the biggest generator of trash in the county and that trash is going to be gotten rid of, one way or another, whether in the transfer station or somewhere else. And that's my main concern.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Just a question for Commissioner Trujillo. It can be done seven days a week. The issue is we don't have the budget. We may have to budget a lot more money to do that. When we're talking about services that we really don't have the budget for we've got to look elsewhere, which means that we're going to be cutting something else. We've done this before and some people are accommodating. But this is a big responsibility that we have to do efficiently within budget, and unless you're talking about increasing the budget and letting us know where you're going to get that money. Do you want to increase the fees? You've been opposed to that.

COMMISSIONER TRUJILLO: It's not a matter of increasing anything. This is status quo. We're already doing it in Jacona. We're not increasing anything. Jacona is open seven days a week with the existing budget. They're providing the existing service. It's status quo. There's no increase in budget nor request for increase in anything. It's status quo.

COMMISSIONER CAMPOS: I would say that if you want to continue this seven-day, you're going to have to be looking at a bigger budget next fiscal year. The folks are stressed as far as equipment, as far as personnel. That costs money. A lot of overtime. New equipment is going to be needed. I just don't see that we should impose something if staff does not feel we've budgeted adequately to do the job. I think that's really the issue.

CHAIRMAN DURAN: We haven't budgeted adequately to do the job. This is

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an example of not budgeting adequately to provide the service.

COMMISSIONER CAMPOS: To provide the seven-day, that's what I'm saying.

CHAIRMAN DURAN: Well, maybe next year we don't have \$250,000 to divvy out. Maybe we put that into this project.

COMMISSIONER CAMPOS: We could do it right now, today.

CHAIRMAN DURAN: Oh, I've made commitments.

COMMISSIONER CAMPOS: I'm just saying I would like to go along with what staff is recommending because they live on the front line day to day. They know who's there and who's not and what they can afford and what they cannot. I would defer to their judgement at this point. That's my—I would make that motion.

COMMISSIONER TRUJILLO: I'm elected by my community and I'm in here to advocate in the best interest of that community. The infrastructure is to be utilized by everybody and that's what it's for. We should not put obstacles in place that repel usage of the infrastructure. We should be creative. We should make every effort to open the gates so that that infrastructure is utilized and not make excuses or put obstacles that prevent the community from using the infrastructure.

COMMISSIONER CAMPOS: I'm in accord with you; I think we should use it as much as we can, as open as we can. But there may be times when we have to close it, and I would defer to staff, because they're up there. They know what's going on much better than we do. And let's go beyond north and south and east and west. Let's just make a decision for the entire county that makes sense for staff.

COMMISSIONER TRUJILLO: It seems like we're regressing here. We're going from seven days a week to closing one day a week and we barely have enough equipment and manpower to support the facility, especially in Jacona, seven days a week and now we're going to close it one day a week so that people get rid of trash where?

COMMISSIONER CAMPOS: Well, the arroyo problem is going to be there regardless. It's happening, it's always going to happen. We really haven't been able to quantify it, truly. Everybody says, well, if you don't do x then you're going to have the trash everywhere. That may not be true. Some people are going to throw the trash out anyway, wherever it's convenient.

COMMISSIONER TRUJILLO: That's a cop-out. If we educate the community, if we are pro-active in setting up a program that serves the community, we will get rid of the trash in the arroyos and in riverbeds.

COMMISSIONER CAMPOS: I don't think so. I have a motion.

CHAIRMAN DURAN: This is a non-action item. This is an informational update. Thank you very much.

COMMISSIONER CAMPOS: Then I would like to give direction then, that we go along with the recommendation made by staff on closing.

CHAIRMAN DURAN: And I don't agree with that. I think we need to open every day.

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COMMISSIONER CAMPOS: Then let's get some money on the table. Do you want to get it out of your Commissioner—

CHAIRMAN DURAN: Katherine, why don't you find us some money. I think we're through playing with this. Thanks for the update. If you really want us to make a decision on this, why don't you bring it up as an action item at the next meeting and we'll take a vote on it.

MS. HOLBERT: Commissioners, I have one more question. Is there any other issues I should be researching for the next meeting so we can proceed if there are any other changes that need to be made coming from the Commission?

CHAIRMAN DURAN: I'd like to find more money to open up every day and get you what you need. For me, why don't you tell me what you need to open up every day. It would be nice to know what you need, how it would increase your budget to open every day. I don't think we need to open up every day. I think the forum that we're in right now is adequate. Everybody's used to it. Why do we want to change it?

COMMISSIONER SULLIVAN: Mr. Chairman, I think we want to change it because we're running through vehicles like flies.

CHAIRMAN DURAN: Well, let's find some more money.

COMMISSIONER SULLIVAN: I think with a little more efficient use we can prolong the life of those vehicles.

CHAIRMAN DURAN: But not cutting services. Excuse me, I don't mean to interrupt you.

COMMISSIONER SULLIVAN: If staff wants to take a look I think we need to take a look at the bond monies that are allocated. We need to take a look at the fees. I received a letter from a judge saying, Why are you sending out a \$3.95 certified letter to give me a \$3 fee application? So we need to look at the fees and it may be that people will be willing to pay more for opening provided we've used all the bond money that was allocated for this, and whatever other recommendations that you might have, but I think we need to be uniform across the county.

There is one other item that was brought up last night. We had a community meeting in Eldorado and the question was raised that there were three earthmovers out at the transfer station and Robert said, Well, two of them can't be ours because we only own one. So are the contractors still working on that transfer station and are they storing earthmoving equipment out there? Because the earthmoving was over months ago.

MS. HOLBERT: Mr. Chairman, Commissioner Sullivan, at this point no. The contractor has a fuel tank, I believe that he needs to remove from the site but there are no other earthmovers, ours or otherwise on that site. We have equipment out there. We have an earthmover and several other pieces of equipment while we're renovating, working on that ramp issue. That's currently under construction at this time.

COMMISSIONER SULLIVAN: But he said there were three, so you only know of one, which would be ours.

MS. HOLBERT: That's correct.

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COMMISSIONER SULLIVAN: And the other question that was raised is recycling bins—will those be inside the transfer station or outside?

MS. HOLBERT: Mr. Chairman, Commissioner Sullivan, they will remain outside. My understanding is that there was some confusion in the public that they would be housed inside. It was never my intention or anybody I know connected with this project's intention to house them inside. They're collected by a roll-off truck and the height of that boom is quite significant. So we did not anticipated that that would be housed inside a building.

COMMISSIONER SULLIVAN: That's what Robert said. I just wanted to clarify that.

MS. HOLBERT: Commissioner, the other issue is that we have decided to add some coyote fencing as a little bit of a screening on the east side of the recycling bins. At this point we haven't been able to tackle that project but that is definitely something we would like to pursue, to help screen those bins from the public.

COMMISSIONER SULLIVAN: Okay.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to table this until the next meeting so we can get an update from staff and more specific recommendations including fees. What to do with the staffing issues, for example, are you being able to keep your drivers or do you need increased pay? Do you have a number of people who are injured and on light duty? How do we solve that? How much money do you really need to run this thing seven days? If the Commissioners are being bold about that, you tell us how much money you need and then we'll let the Commission figure out where the money's coming from.

MS. HOLBERT: Okay.

CHAIRMAN DURAN: This is a non-action item so we don't need to table it. Just come forward next month with answers to all our questions.

MS. HOLBERT: I will try, Commissioner.

CHAIRMAN DURAN: Thank you. We have an hour before we need to stop—you don't want me to have dinner? I need to end at 5:00 because I have a meeting at 6:00, the EZA. So do you want to get into the GRT? Okay, let's do it.

IX. F. Matters from the County Manager

4. Resolution No. 2002-17. A proclamation calling for a special election to be held on April 2, 2002, concerning whether to impose County capital outlay gross receipts tax

MR. LOPEZ: Mr. Chairman, Commissioners, we bring before you today a proclamation calling for a special election. The proclamation that we've drafted calls for a special election on April 2 for a one-quarter of one percent capital outlay gross receipts tax, but there's a couple of things you might want to consider in this regard. First of all, with respect to the date, I've spoken to our County Clerk and she has said that we could accommodate an

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election on April 9th and that that would simplify her workload considerably. So that's one thing to consider.

Secondly, the statutory authorization for this tax doesn't require that the entire quarter be imposed, but rather it could be imposed in increments of one-sixteenth. The question that we drafted was based on the results of a polling survey that was conducted in early January of 400 registered voters. We basically took that information, took the three top, the three most supported areas and drafted a question that would include those. Those were wastewater, water and roads. And for the benefit of the public in general, I'll read the question that we drafted and then open it up to questions.

This is the question that we came up with: *Shall the County of Santa Fe, New Mexico enact an ordinance imposing on all persons engaging in business in the County of Santa Fe, a one-quarter of one percent County capital outlay gross receipts tax for the purpose of enhancing and preserving the region's water resources and watersheds through acquisition, construction, and improvement of water supply and wastewater treatment systems, improving transportation and public safety through construction and improvement of roads, streets, bridges and other transportation infrastructure, and thereafter for other public improvements as allowed by State law.*

That's really the meat of the proclamation. I think that we've provided you with, or we should have provided you with an updated or a revised proclamation from what was in your packet that included information on precincts and polling places, but with that brief overview, I'd be happy to take any questions and also, just for your information, we have prepared a project listing of projects in the categories that we have identified in the question that we drafted, that is water projects, wastewater projects, and road projects that you may want to take a look at as you're considering this question.

COMMISSIONER TRUJILLO: Estevan, Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Based on the sample, how were the projects prioritized? Based on the sample survey that you did. What were the initiatives, how were they prioritized?

MR. LOPEZ: The survey results are included in your packet materials. And you can take a look at probably page 8 of those survey results indicates how the various project types were rated by the survey respondents.

COMMISSIONER TRUJILLO: Can you articulate that for the record? For the public?

MR. LOPEZ: Sure. I should note also that this survey was of a cross-section of county voters who identified themselves as likely to vote in a special election for this purpose. It included both city residents and residents outside of the incorporated area. The community project description that received the highest level of support was for the development of wastewater treatment systems to prevent groundwater contamination. On a scale of one to ten, that got a 7.1, ten being the highest level of support.

Next came construction of water diversion structure on the Rio Grande to enhance the

area's water supply. That got an overall mean rating of 6.7. The next highest ranked was improvement and maintenance of roads. That got a rating of 6.6.

After that, there was somewhat of a distinct break and the next set of issues. The next one was acquisition and beautification of open space to preserve rivers, arroyos, historical areas, wild life, habitat and recreation. Followed by river restoration, flood control and habitat improvement. Development of park 'n' ride services to eliminate traffic congestion, improvement of solid waste services, creation of a protected recreation and wildlife corridor along the Santa Fe River.

Here again there was somewhat of a break and then the last five categories, I guess I would have to say that the public was less than enthusiastic about their support for them. Those included acquisition of public safety equipment and construction of public safety structures, creation of additional parking structures in the city and county, creation of a bypass road at Caja del Rio interchange at 599 near the landfill and the city golf course to avoid potential confrontation mishaps.

In my opinion, Commissioners, that particular question was very, very poorly worded and had we done a better job of describing that I think it might have gotten considerably more support. And finally, build a new district court judicial complex and build a new County administration building.

CHAIRMAN DURAN: Estevan, if we approve this election, do we plan on having a lot of public awareness meetings? I don't know what kind of methodology this polling company, what they used, but I think that it's pretty common knowledge that this community needs a diversion project and we need to find a way of funding that, because I don't think we're going to get federal funds to pay for the whole thing and this could be a way of paying for that. It could also be a way of providing services such as solid waste where we need some money and it's also a way, I see it as a way of distributing the cost for having to provide these services. The tourism industry helps us pay for it. I think it's the best way of doing it. It's not an increase in property taxes.

And especially if the legislature is successful in doing away with the gross receipts on food, it's another way of doing it, helping us pay for this. So I would think that if we approve this and we move forward on it that we would need to develop some kind of, some programs out there, public awareness programs to make sure that the community is aware of what we're going to use this money for and how important it is for us to get this quarter percent increase.

MR. LOPEZ: Mr. Chairman, Commissioners, I guess I should note also, regarding the polling results that one of the first questions asked by the survey, the company that conducted the survey was whether people had heard that the County might be planning to go to a special election on GRT, and very, very few people had heard of it. Initially, before describing any projects, they asked for their feeling about a GRT. Between that initial response and the response after all of the projects, the types of projects that this GRT might go to fund, there was a considerable improvement in the perception of the respondents in terms of how their level of support for it.

So I think your point is a good one, Commissioner, depending on what specific question

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you approve today, if in fact you do approve this going forward, we would have to mobilize an intensive information campaign, provide factual information about this tax and the sorts of projects it would be used to fund and stress the fact that tourists would help fund some of these projects and things of that nature.

CHAIRMAN DURAN: Just one last question. If it was approved, and we had a list of priorities, wouldn't we be pretty much obligated to fulfill those needs based on the priorities before we jump to something else? For instance if an admin building would be the last thing that the community would want us to do, after we had done everything else, let's say it's number ten, if we did all nine, we could then consider ten? Would that be a reasonable assumption to make?

MR. LOPEZ: Mr. Chairman, I think that ultimately the answer to that question depends on how you frame the question that is ultimately approved. If you frame something along the lines, or if you approve something along the lines of the question that we've drafted, I think that clearly sets out some areas of priority. I think then we would have to identify for the public specific projects that we would be doing and then it would be up to this Commission to prioritize within those bounds.

CHAIRMAN DURAN: Thank you. Commissioner Campos.

COMMISSIONER CAMPOS: I think the Chairman has a point. I don't think the public is ready for a blank check approach and I think that's the approach I see in your proposal. They're going to want some guarantees. What ties us down to spend a certain percentage for x, y, or z? Or are we simply asking for a blank check? How can we commit ourselves to the public that we are going to deal with the diversion project, with water rights, with water pollution? I think that's the key question. If we're going to get this thing passed, that's not going to be the way it's framed.

CHAIRMAN DURAN: Well, I don't see anything wrong with the way you've prepared the resolution, I just think that as we move forward in trying to inform the public that we develop a priority list so that when they go to vote, and something that we would commit to, this Commission and subsequent Commissions would commit to, the service that we're going to provide, just something that would commit us to a certain set of programs that we would implement.

COMMISSIONER CAMPOS: Mr. Chairman, I agree that we need to commit to something on the resolution. I want to know how we can make a commitment today that would assure the people that we're really serious about the Buckman diversion project, about water rights and water pollution, and tell them this is the key issue of our time and region and we're going to deal with it effectively. We're going to deal with it regionally. We're going to work with the City on this thing. That's how we have to do it.

CHAIRMAN DURAN: Why don't you make a few changes to that resolution?

COMMISSIONER CAMPOS: I'm asking for some input from staff.

MR. LOPEZ: Mr. Chairman, Commissioner Campos, I think, if I understand your question, you're asking how can we commit to a specific area. One way that you can do that is to make the question as specific as you'd like to make it, or two, I think that although

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you just expressed a preference against this, you could go with a somewhat more general question on this and follow it up with a resolution that sets out your specific priorities that you would address first and foremost. Either of those two are options that we could pursue.

COMMISSIONER CAMPOS: Could we say a certain percentage is committed to x-project?

CHAIRMAN DURAN: Let me try and help you with that. If you say x-amount goes to certain projects, this is an ongoing tax. We're not going to be building a diversion project all the time.

COMMISSIONER CAMPOS: I understand.

CHAIRMAN DURAN: There's going to be other needs.

COMMISSIONER CAMPOS: I understand that. We could come up with specific figures, percentages, something to make a commitment by the Commission.

CHAIRMAN DURAN: Why don't we just say that the diversion project is number one? What's wrong with that? We're going to use that money to do that and then we're going to be through with it.

COMMISSIONER CAMPOS: I understand.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Just first of all, I agree with what Commissioner Campos is indicating. I think that the voters are not going to give a blank check to the Commission. These poll results are weak. The question the way it was asked was very broad and I think the results that we got back from the public are that they're not ready to support such a broad measure by the Commission. I don't think at this time the Commission necessarily wants to propose that we're going to solve all the problems in this county with one quarter cent tax. And clearly the issue today may be the diversion project, but when the diversion project is completed, it's not going to solve anywhere near the County's water problems. It's one aspect to a comprehensive solution.

We've still got issues in many of our traditional communities, the wastewater system in the Pojoaque Valley is going to be quite expensive. The needs to support a comprehensive water management plan to assure that we have a long-term source of water isn't dependent on just a strong diversion project. So it's not just going to be about paying for a diversion project, it's going to be about the voters supporting funds to go into supporting the comprehensive water needs of both the City and the County and the Native American communities in this county.

So I would advocate that the Commission has an opportunity through this tool to continue to show leadership in solving the water needs of this county. I would be extremely concerned right now to ask the voters broadly to support a number of issues and risk not getting any of them. And so I would rather have a little of something than a lot of nothing in the end. And I think that that potentially can happen. I think that if it's a broad question, that voters are going to go and they're going to say no. We don't want that much activity right now. We don't want to spend this much money at this point on all these issues. And therefore losing the opportunity to secure some much needed money for this diversion and for other issues that are

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facing this County when it comes to water.

So I would really advocate that the Commission really focus what we're going to ask the voters to support or focus in on what we're going to ask the voters to support. That it would be limited to water and wastewater issues, possibly roads, although I'd be very concerned that many people in the city would not support paying a gross receipt for the improvement of roads in the county and I don't know if that would have an impact.

But I guess my question to Steve would be can you ask multiple questions on election day, that would say percentages. It would go, one question would be Do you support this percentage of a gross receipt going to pay for water and wastewater? And then the second question being do you support this percentage of going to County roads?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, it's my reading of the statute that in fact you can do that. You can do up to one quarter of one percent, or you can do increments of one-sixteenth or one eighth?

COMMISSIONER GONZALES: Through multiple questions?

MR. KOPELMAN: I believe that you can.

COMMISSIONER GONZALES: I guess my next question would be, because we have now the Town of Edgewood and the City of Española, can we limit where the gross receipts is—where the gross receipts were going to be generated to fund certain projects? So if we wanted to fund improvements to County roads in the south, could we set up a district that would—there'd be a separate gross receipts rate that would be generated out of the Town of Edgewood and portions of the county in the south?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, under this particular statute I don't think you could do that. I think it needs to be countywide.

COMMISSIONER GONZALES: Last time we went to the voters, they overwhelmingly approved the support for water projects and roads. They were separate questions. The County came up with a list of roads that were actually going to get approved, or that we were going to work on, to take to the voters so that they could decide whether they really wanted to support those. And I would suggest that if we go down this route, that we're going to ask for a number of considerations by the voters, that we do it under separate questions and that we, on the issue of the roads, really try and—we have a Road Advisory Committee, that I'm assuming, Robert would know, has already come up with a list of priorities and needs.

So it wouldn't be difficult for us to get that list and move it on to the ballot question as to what County roads would be needed for improvement. Right James? Robert Anaya is saying yes? You're on the committee, right, Robert? Not anymore. So I think going along with what Commissioner Campos is indicating we need to explicitly tell the voters what we're asking them to support, and we ought to do it on separate questions rather than just one question so that they have that choice to tell us through their vote what they want to pursue and what they don't want to pursue.

COMMISSIONER CAMPOS: I think that's certainly an idea we have to consider. One idea I'd like to through out is a percentage idea, because I do recognize that there are certain needs that we do need generally, maybe 20, 25 percent could go to the general

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fund for needs of the County that we have and maybe 80 or 75 percent as to the water needs and some of the principle needs that we have to address. That's just an idea.

COMMISSIONER GONZALES: I would just caution, and again, we can't rely and make our decisions just on polls but clearly the poll at least that we put money into indicated that there's no willingness at least minimal willingness by the voters to support general County needs. They don't want a new courthouse. They don't want a new administration building. They probably don't necessarily want to solve the solid waste issues because they've already been taxed through their property tax to support that.

So I would actually caution from us going and really trying to create general categories. I think we can still accomplish what you're talking about through percentage by the question itself in saying, Do you support this percentage of the gross receipts of the one quarter to go into funding water and wastewater projects for the County, the City and the Native American communities, and that might accomplish the goal that you're talking about. And we can throw on some other questions.

So I think we can move toward what you're saying but I'd be really concerned about creating a very broad question that would give a lot of people a reason to say we're just too concerned about where this is going to go, let's just vote no and wait till more details come back our way.

COMMISSIONER CAMPOS: That's where the commitment comes in up front and if we can fashion it that way maybe we can accomplish both goals. I'm not sure.

COMMISSIONER TRUJILLO: Does this mean, Commissioner Gonzales, that then one initiative could be funded or approved while others wouldn't. Like water would be a separate specific initiative program? It could be funded, and if roads was on the ballot and the voters decided not to fund roads, they would not fund roads. So 100 percent of the GRT generation would go to water?

COMMISSIONER GONZALES: No. It would be that of the quarter percent that's allowed to us, there would be some fraction of that quarter percent that would go towards water, there would be a fraction of that quarter percent that would go toward roads. If they said no to roads it would still only be—it would be separate questions, but the only amount, if they approved water and they said no to roads, the only amount that would go to water what would be what was specifically asked of them in that question. It wouldn't mean that the rest of the amount would to towards roads.

So if we asked for an eighth to go towards water and an eighth to go towards roads, they said no to roads, it would just be—

COMMISSIONER TRUJILLO: So we wouldn't go for the whole quarter percent GRT? We would go for an eighth to go to water?

COMMISSIONER GONZALES: Or whatever amount.

COMMISSIONER TRUJILLO: We're asking for a quarter percent GRT right now.

COMMISSIONER GONZALES: Or whatever amount comes out. Whatever amount the Commission determines is the amount that they want to ask for. Again, my only

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concern is that we lose the opportunity to lock in some very important key funding for this water priority. And I think roads will always be an issue before the County and I don't think, even if the voters approved this that it would solve all the issues that we'd have.

COMMISSIONER SULLIVAN: Anything else? Katherine?

MS. MILLER: I was just going to say that if the question is asked, say in sixteenths and you say a sixteenth for water and wastewater issues, a sixteenth for road issues, a sixteenth for open space issues, if you go to the voters with maybe just a sixteenth and a sixteenth, we are still able to ask—and let's say both of those pass, we don't have to wait a year to request an additional sixteenth or another sixteenth. If a portion of it fails, we have to wait a year to bring a question back to the voters but we still have a window until 2005 to bring it back for those issues. So just so you are aware there is some flexibility if say a sixteenth didn't pass for roads, or an eighth or however we wanted to word those questions, we could come back in a year or two years and ask that again.

COMMISSIONER GONZALES: Mr. Chairman, have you developed a chart, or is it in here that states what a sixteenth generates and what we'd be able to bond for? Or an eighth?

MS. MILLER: Commissioner Gonzales, actually it somewhat depends on what the legislature does with the gross receipts on food. That could have a tremendous impact on the actual revenue that would be generated by this quarter cent and I couldn't tell you what that is because we're not privy to that data as to how much of our GRT is generated by the GRT on food.

But as it stands right now, the entire fourth would generate approximately \$7.6 million to \$7.8 million a year. So a sixteenth would generate around \$1.8 million.

COMMISSIONER SULLIVAN: Commissioner Gonzales, I think another thing we want to consider too is that whatever we feel is the appropriate level now, the City will probably be considering this question too this summer. So if, let's just say hypothetically let's do an eighth, then the City will probably be coming up, and were we to come back as it's suggested kind of peripherally in this study, the water, sewer and roads was kind of a back to basics thing, and they said after September 11th, people were looking at back to the basics and weren't too interested in frills. It was kind of an off-hand analysis that they made about it.

So if we were to wait to say, the general election or the summer or late summer primary, in that vicinity come back again, we'd probably run into conflict with the City doing the same type of thing and some severe confusion over what tax was going. And my first reaction, and I'm not totally convinced it's not the right one, was the same as yours, that we perhaps allocate an eighth for water and put it on the top of the ballot, a sixteenth for wastewater and water pollution control and those issues, and a sixteenth for roads and drainage and those components that go with roads, and transportation. I think it says broadly in there because that could include rail trails and transportation issues that we are working on with the City and those kinds of initiatives.

So that was my first cut at it. That might allow the voters some level of detail. The other way, which I think the school district has found very successful, and when they didn't do

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it, their bond issues failed, was that they came up with a very detailed list and everybody saw their elementary school or their high school on that list and then they said, Okay, if there's something in it for me, then I'm willing to vote for it. So if you have a general question, and even if you cut it just into three pots those are still pretty general questions. Either way, I think as Commissioner Campos suggests, we've got to make a pretty strong commitment through our flyers and lists such as these as to what we're going to do with the money and there has to be something in it for everyone, which of course water is.

So there's something to be said for that and then when we discussed it a little bit with Estevan he seemed to feel that there was a lot of flexibility in having one question and the one issue in the one question that bothered me was the use of the term, "or others." If you allocate it into three separate questions—let's just use my example—and in each of those questions you say, "or others" "or other uses" then that gives us the flexibility we need to plan for the future as the needs come up.

But it also runs up a red flag for the voters that we're asking for a blank check in each of the issues. So where do you put the "or others"? Do you put that in the roads one? Do you put that in the water one? Do you put that in the wastewater one? Or do you put it in none of them and you say we're not going to commit on any others. We're going to specifically say water, wastewater, roads. Kerplunk. Period. We're not deviating. Or do you want to give that flexibility? Staff's research I think, the one that just recently passed in McKinley County was that they did have one general issue in it did include the "or others." It did pass as one issue and they put out a list of specifics and photographs of the buildings they were going to build and made it a palatable thing.

So it can go either way. But the "or others" I think we need to think hard about. Are we going to ask for that caveat or not and if so, where do we put it?

COMMISSIONER TRUJILLO: Along those lines, Mr. Chairman, there's a pretty significant block of voters out there that support open space, and we've partnered with that block to get some open space monies, significant open space monies for Santa Fe County. I'm concerned that at this point, because they're not going to be in any of the initiatives, that we're going to alienate that voting block that is very aggressive and has gotten some open space monies for us. I'm wondering, as part of the educational process or system, how are we going to bring those people into the fold so that we can work as a whole to get some initiatives that address other needs in Santa Fe County.

CHAIRMAN DURAN: Part of the problem, I think, with saying an eighth goes to this and an eighth goes to that is that if we say an eighth goes to a water diversion project and we're shy \$200,000 to complete the project, what are we going to do? Are we going to go to general fund money to find it? I feel comfortable with saying that these are the projects that we're going to expend this money on and in the following priority: water diversion, wastewater treatment, extending water to Eldorado. That's a high priority. We've had that for a long time. We have a huge community out there that represents another high growth area but because they don't have water it's all going to Rancho Viejo or other areas.

But I think we can educate the community to a certain point where they would support

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our expending the funds on certain projects, provided that it was noticed and that we completed those projects. The other thing is there are a lot of services out there that don't have enough money to even provide the service anywhere near where it should be provided, like the solid waste, and there are some things that we haven't even thought about. I think if we have an idea of where this money should be spent that we can always have public hearings to discuss where it should be spent, why it should be spent there. I think this is a good way of generating revenues to provide the community with services that they need and that we've been unable to provide the past because we don't have the money to do it.

COMMISSIONER GONZALES: Mr. Chairman, just looking at this, and I thought about this actually as I spoke with Greg Parish because we've had this conversation earlier is one of the issues that are going to need to be funded that's not here, we're going to have to figure out how to fund the funding is for homeland security. That's going to require enormous financial resource to be able to purchase the equipment and to coordinate the activities and to protect our water supplies. So I don't know if that has room in here, but I think it remains an issue at the forefront of Americans' minds and certainly the people here in Santa Fe County.

I think that if we're moving the route that the Chair would like us to move in issuing priorities that homeland security is a priority. We ought to generate revenues to assure that that area is adequately funded. Commissioner Campos disagrees. Do you have a place to find money to protect Santa Fe County from any type of threat?

COMMISSIONER CAMPOS: Well, I have an opinion about homeland security but that would take a little bit of time to develop.

COMMISSIONER GONZALES: It's not going to happen here, right? We'll never get attacked.

CHAIRMAN DURAN: You said we need to be very focused. How much more focused do you want to be than what is being presented in this resolution?

COMMISSIONER CAMPOS: Mr. Chairman, one other idea I'd like to throw out for consideration is maybe putting a limit of time for the tax of either ten, fifteen or twenty years. That may make it more palatable. Just for discussion. We are going to take public comment also?

CHAIRMAN DURAN: And then what happens? How do you fund these programs if we're dependent on this money to provide the services and in ten or fifteen years we don't have that revenue stream, then what happens?

COMMISSIONER CAMPOS: Well, we'd hope there's be a statutory provision allowing us to go back to the voters and see what they want to do at that time.

CHAIRMAN DURAN: I think that puts the community at great risk on services that would be provided them through this tax. If it doesn't pass then those services are yanked out from underneath them.

COMMISSIONER CAMPOS: Do you want to take public comment?

CHAIRMAN DURAN: I don't know if this is—Steve? Is this resolution a public meeting? Is there public comment?

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MR. KOPELMAN: Mr. Chairman, it's your discretion.

CHAIRMAN DURAN: Is there anyone out there that would like to offer their opinion? Mr. Gold and Mr. Archuleta, please come forward. And congratulations on being appointed to the COLTPAC.

DAVID GOLD: Yes, I wanted to thank you all for that. I really appreciate that. And I asked Edward to not resign also.

CHAIRMAN DURAN: Our loss.

MR. GOLD: Anyway, I do have a couple of comments on this. One thing is that I agree that specificity is critical as a county voter. I believe that if a very nebulous question is put forth that it will sink. Because the issue is not so much the current Commission but it's the idea that who knows what the Commission will be like years from now and how the money will be spent. In a sense you're obligating people indefinitely to something that's just totally vague and nebulous.

I would prefer to see very specific items and also I believe that Commissioner Campos' idea of having a limit, a time limit is a very important thing as well, even if it doesn't complete the funding. If you get some money, you're better off than if you get no money. And I have a feeling that unless things are very clear, you'll have no money. So I would agree with that. Once again, it comes down to not just this Commission but what's going to follow this. Since there's a lot of uncertainty, I don't know if the trust in local government is real high these days. I'm not saying that in a backhanded way, but just across the country and I think that the idea of what's going to come down in the future is going to be a problem.

As an open space advocate and a member of COLTPAC, obviously I think that open space should be included. In COLTPAC we did request that it was a separate issue. I believe that if it's not included in some way or other then open space advocates will probably work against this bond, or the gross receipts tax, because they're going to view this as the only opportunity that they have to get money ever and if that opportunity is cut out then that's it. As Commissioner Trujillo pointed out there are some pretty fearsome open space advocates and I believe they'd work against this.

Also I'm puzzled by the survey because open space has passed more resoundingly than pretty much anything else that's ever been in front of the county, and in a more widespread fashion as well. It's been distributed throughout all precincts as well. I believe there were four that voted against it, out of 70 or something like that. So I think that it would pass and pass high.

Finally, the issue of Caja del Rio interchange came up. As somebody that's worked extensively dealing with the relief route, it's a truly terrible thing. I could get into it in greater detail but it would take a lot of time. Just briefly, it would make a lot more sense to build an interchange at Airport Road than it would make sense to build one at Caja del Rio.

The final thing is that I think that unless you have something that you think can pass, you shouldn't do it and you should wait until you're pretty sure that whatever you have is going to pass. Because once you poison the well, it's gone. If you came back a year later and it failed, unless you came back in a really strong way or something really unique and different it

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would be a lot harder to ever get it back again. Thank you very much.

CHAIRMAN DURAN: Thank you. Katherine, I have a question. This money would go into the general fund, is that correct?

MS. MILLER: Mr. Chairman, no. It would probably go into a special revenue fund because it's restricted, revenues that can only be used for capital. And especially if it were worded—

CHAIRMAN DURAN: Good. So that would be one way of controlling how the money gets spent. It just doesn't get thrown in to some pot.

MS. MILLER: Most definitely. And it would be restricted by law as to what it could be spent on, based upon the actual law that exists currently and then how the question is worded. It can also be set up within a special revenue fund by cost center, by the type of projects that you state. We can set up the revenues to go for specific projects as well.

CHAIRMAN DURAN: Thank you. Mr. Archuleta.

MR. ARCHULETA: Mr. Chairman, Commissioners, for the record, my name is Edward Archuleta and I represent 1000 Friends of New Mexico. I also spoke to Deb Love this morning from the Trust for Public Land and she's out of town and wasn't able to be here today but she also asked me to say a few words on behalf of TPL.

As you know, in the past TPL and 1000 Friends took the lead in getting the open space bond passed the last two times and both organizations are concerned about having some measure on this GRT ballot for open space. It's something both organizations would like to see and we would be very supportive in helping get the ballot, the measure passed if there was some open space initiative on here. I differ a little bit with what Dave Gold said about if there is no open space measure on here, I don't know if we're actually going to go out and oppose this measure. We may just be silent on it.

Thousand Friends in particular though would like to see some smart growth initiative on here, such as mass transit. We probably would support the water diversion, because we all know that that's very important, so we probably would support that. Measures to prevent groundwater contamination, we probably would support that also. As far as improvement and maintenance of roads, I don't know about that. This is something we're going to have to look at more closely to see where 1000 Friends is going to stand on this, but I would like to say we would like to see some open space on here.

A few months ago when this was first proposed to you folks I did offer 1000 Friends' support in helping to run this campaign. It's my understanding that according to I think it's state law, if I understand it correctly, where the County really cannot go out there and campaign for this ballot initiative themselves. I think it has to be a separate entity. At least that was my understanding the last two times with the open space initiative. So I do want to work with the County on getting some good things through that will benefit the citizens of Santa Fe County. We just need to be very clear on what is actually going to be on the ballot. Like some of you mentioned before, I think you need to be very specific on what's going to be on here. And then, I think we could work with you guys on this. Thank you.

CHAIRMAN DURAN: You know, Edward, when we first talked about this, I

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thought it was clear that this was not an open space—a way of getting more money to buy open space, that it was specifically for other things and if there was money left over or if there was some way of buying open space with it that was fine. And I thought that we had Trust for Public Land's understanding and support on that. We have always supported their efforts in trying to get bonds to buy open space and I thought we had an understanding that they would be in support of this. And just because it doesn't have an open space element, they wouldn't be agreeable?

MR. ARCHULETA: It is my understanding, Commissioner Duran, it's my understanding that if there's not any mention of open space on here, the Trust for Public Land is just going to step out of the picture completely. That's the way I understand it. I may be wrong, but I think that's what's going to happen, that they will not be involved in this. Because their only concern is open space. They're not concerned about roads or water or—

CHAIRMAN DURAN: They're not concerned about the community?

MR. ARCHULETA: Well, they're mission is to provide and protect open space. But I don't think they will get involved with—I don't think they will oppose it. I really shouldn't be speaking for them but I don't think they'll oppose it. As opposed to 1000 Friends, where our mission is much broader than what YPL is doing. As far as getting back to open space, I think we need money for maintenance of open space, not so much acquisition. I think the County has its hands full right now, personally with open space. It would be great to buy some more open space but right now, my opinion is that the County needs to find money to maintain these properties, not so much to go out and acquire more. That's going to be the big issue, I believe.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission? What's the pleasure of the Board?

MR. LOPEZ: Mr. Chairman, having heard this debate and so forth, I'd offer a suggestion, and that is perhaps the Commission could consider three separate questions. The first, broadly, to address water and wastewater questions at one eighth. The second to address road and other transportation infrastructure at one sixteenth, and the third to address open space and other public purposes at one sixteenth.

CHAIRMAN DURAN: Why wouldn't we just want to go for all of it and have a priority list?

COMMISSIONER GONZALES: COMMISSIONER GONZALES: Mr. Chairman, I think that we need to let the voter determine individually which individual projects they want to see the County endure. And I worry that an all or nothing may lead to nothing is my only concern. But my hope is that they would support all the questions. They have in the past. The last time that we went out for a GO bond election they supported four questions.

CHAIRMAN DURAN: Well, why do you want to restrict it to a certain amount? What happens if we fall short on one or the other?

COMMISSIONER GONZALES: I think it requires us to do what we always do, what we always have to do is to properly manage our budget and to make sure that what we know we have coming in we'll be able to spend. I disagree with David. Gosh, David, I

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haven't seen you for along time. Last time you were here you criticized the Commission for doing political movidas and working deals on open space and I had hoped that over the last couple of years that you actually watched the Commission that it wouldn't lead you to believe that there wasn't a lot of faith in local government. I think that there is faith in local government. I think we've demonstrated it.

CHAIRMAN DURAN: It's astounding we would appoint you after—maybe we should have let you talk before we talked about appointing you.

COMMISSIONER GONZALES: But that faith though, in local government can be demonstrated at the ballot box and if they choose not to, as Mr. Gold indicated, support local government, we ought to do it in a matter that allows them to determine which is their highest priority and vote based on that. So I agree with what Estevan is saying. The issue of open space, I think, I was the individual who introduced it to the Commission and been really proud that it's taken on a wonderful life of its own. But there are issues like river restoration that are very important to our community and I'm not sure if this gross receipts tax will pay for the maintenance of the open space, or is it just for capital costs?

MS. MILLER: Mr. Chairman, Commissioner Gonzales, the way that the statute actually reads it can be used for acquisition of open space but it also can be used for bonding, and under the bonding statutes, we're allowed to bond for beautification and improvement of open space, which would probably include fencing and trail building and things like that. As far as paying staff to actually maintain those trails and fences—

COMMISSIONER GONZALES: This is not a source. Right. So I think that we've got to be careful in how much we overburden, as Mr. Archuleta indicated, their hands are full. I think that one thing that I've been asking for the last year that we haven't necessarily gotten from the open space group is how we're going to begin to maintain. It's been an issue of let's go buy and no recommendation of how we're going to maintain and until we get that I'm not sure we can—or if it's prudent to continue to make the commitments to open space. So I'd be concerned about offering a sixteenth for it at this point if we're having a difficult time managing what we have on the books today. I'd rather see it go into river restoration, which is something that is critical for our communities all along, up and down the Santa Fe River. Or holding on not even asking for that sixteenth.

But I think we ought to ask individual questions and let the ballot box or let the voter determine what's a priority to them through their vote and assure that that which they want to support is supported and we move forward and that which they don't, then we wait for another time to handle it.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: On that third issue, you could, as Estevan just read out, you could broaden it a little to say river restoration, open space, flood control and others. There's a few items in the central category here that we could touch on. If I understand what Estevan said he said water and wastewater would be like one-eighth, roads would be a sixteenth, roads and transportation and so forth, and then the third one would be the

catch-all category which would be open space, river restoration, anything you wanted. Protection of wildlife corridors, anything that you wanted to include or others. That's where your "or others" would come in, and allow those heretofore very popular items to carry the "or others" factor.

MS. MILLER: Mr. Chairman, I was going to also just that that "and others" can be stated in the eighth on the water and wastewater, because as revenues are generated off of water systems and wastewater systems, you can start to supplement debt service or any of the GRT revenues with those revenues off of the water system, and then ten, twenty years down the road be able to use that GRT for broader issues.

CHAIRMAN DURAN: Mr. Kopelman, you had a word?

MR. KOPELMAN: Mr. Chairman, members of the Commission, on the issue going back again, talking about open space, the language in the statute allows not just for acquisition of land for open space, public parks, or public recreational facilities. It also talks about the design, acquisition, construction and improvement or equipping of parks and recreational facilities. I read that statutory provision as allowing us to use the GRT to actually improve and equip the parks and the land we already have. So it's not exclusively for acquisition. I think it can also be used, as Katherine had said, for improvement and equipping also. And I think that's real important.

COMMISSIONER GONZALES: And what I understood Katherine's point being if we were to use it just as a simple annual allotment, and we budgeted annually from what we were getting, then we would be able to use that. If we go to bond for a one-time thing for acquisition, then it seems like the bond statute kicks in at that point and then we're really limited to just acquisition. Right? Or in some—

MS. MILLER: No, actually, it would be increased. It's more broad because the bonding statute is actually even in addition to what's stated there. In other words, under bonding for that it states you can bond for beautification and improvement.

COMMISSIONER GONZALES: So whether we just collected on an annual basis and spend it or we bond for it, the uses are exactly the same then?

MS. MILLER: Relatively. They might be slightly more broad under the bonding as well. But then it would be only what is bonded, not the other revenue.

COMMISSIONER GONZALES: Okay. Mr. Chairman, I like Commissioner Sullivan's approach to the questions and how they're developed. I think it gives the voters a great menu of areas they want to support and gives us a chance to educate them and go forward.

COMMISSIONER CAMPOS: Mr. Chairman, before you make a motion, I'd just like to throw out a couple things for discussion. One question at 75/25, 25 being all other needs of the County. Lumping everything in the 75 percent, followed by public hearings, let's say in the next month or two before the election, having people coming in and telling us what they want and us making a firm commitment to that and to the future.

I think we need the commitment. I think we need specificity. I think we need a little bit of flexibility for other County needs. I want some discussion—

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CHAIRMAN DURAN: Is that a motion?

COMMISSIONER CAMPOS: No, just a discussion from you, and also the question, do we want to limit this to ten, fifteen or twenty years. I'd like comment from staff and from the Commission.

MS. MILLER: I was just going to say, Mr. Chairman, the only issue with the limit as far as the statute reads currently, we would not be able to go back at the end of that term after 2005. The window that the statute gives us right now is I believe to the end of 2005 to impose this GRT. July of 2005.

COMMISSIONER GONZALES: Mr. Chairman, Katherine, doesn't it limit our ability to bond also? To pull in a thirty year bond and get a lump sum up front and to be able to pay for it over a period of time?

MS. MILLER: Mr. Chairman, Commissioner Gonzales, yes that's true. You could only have debt service for the length of the time that the revenue is authorized.

COMMISSIONER CAMPOS: Would it be possible to do a bond on a ten, fifteen or twenty year revenue source?

MS. MILLER: Mr. Chairman, Commissioner Campos, yes it would, but when we're talking \$70 million projects it might be difficult. We'd have to go back and look at exactly an estimated revenue stream for those ten years and see how much we could bond in a ten-year period. And it might then also only be a single issue based upon how large of a bond we would need in order to do a water system or wastewater system.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just wanted to add, we could get public input. I think that could be part of the process in developing priorities as a part of the education process and would make a good platform to do that. I think that could take place regardless of how we structured the question, we could structure the question as one, we could structure it in the three components the way we've discussed, or we could—I don't think we can structure it legally by percentages because the statute says in one sixteenth increments and so I don't think we can say 75 percent will go here and 25 percent go there, because the statute is pretty clear that says it's got to be in sixteenth increments. And if you do it in percentages, a sixteenth increment comes out a decimal percentage. So it's kind of hard to get along with until you get of course up to a quarter percent and then it's just .25.

But I think we could do that either way. So I think we can get our public input and that would be a good process. I'm comfortable with either way the Commission, the other Commissioners want to go to put this forward. I think now is the time for us to do it, to do something along this area. We need to make a commitment to our water program. We need to back up the design and other planning and environmental agreements that we're moving through with the City and Las Campanas. We need to back up the needs out in Eldorado. If the voters come back and say this is not the time, then there's nothing stronger than that to tell us we've got to consolidate and live within our means. But we need to at least ask the question.

CHAIRMAN DURAN: I think that—I disagree with some people out in the

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audience that the community has some distrust in this Commission. I think that the community looks very favorably at this Commission. I think that we have done some good things and I think that there is a lot of people that I've talked to that have faith in this Commission's ability to provide the service the communities needs and I think that what we've done since I've been a Commissioner have been—I think we've proven that. And I think that if we went out to the community and asked them for this increase in the tax and gave them a list of our priorities, that they would support us in that. And if they don't, that's a reflection of this Commission. I'm willing to stand in the middle of the fire and take that chance. I think they would approve it, provided that we have the public outreach programs and the educational programs that are needed to show them why we want to impose this tax, where it's going to go. I have a lot of faith in our ability up here.

COMMISSIONER GONZALES: Discussion, I'm going to move for a motion that would—just to get it on the table, to see if we accomplish what everyone's trying to accomplish and this will be in the form of one question that we'd offer to the voters, but that the breakout would be one eighth—the voters would be asked to support a one eighth of one percent for water and wastewater, one sixteenth for roads, and one sixteenth for open space and river restoration and other areas. I do that in the form of a motion for discussion.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER GONZALES: For discussion, Mr. Chairman, I would point out that what's important in this awareness is this money can and should be used to support many issues that are of concern to the City. Diversion project is obviously a concern to the City. River restoration is a huge concern to city residents. The issue of roads and the network of roads. We have the Roads Arterial network that has come up with a series of roads that are important to the flow of roads from the county into the city. We should also make sure that that's communicated that those are the areas that we can support.

But I think what's important, the message that we need to send out from the time that this is adopted tonight is that this really is about supporting not only County needs, but important needs in the City as well, because it will be generated from there. So I would throw that out in terms of percentage allocation, but Commissioner Campos, if you want to modify it, I would consider it.

COMMISSIONER CAMPOS: I would just like to make a suggestion, Commissioner. That one sixteenth be exclusively for other purposes.

COMMISSIONER GONZALES: So you would want to drop the open space and just allow that—

COMMISSIONER CAMPOS: Move it up to the other three sixteenths.

COMMISSIONER GONZALES: I'm sorry. I don't understand.

COMMISSIONER CAMPOS: We have four sixteenths. Three sixteenths would be—it's just one question you're suggesting, right?

COMMISSIONER GONZALES: Oh, you're saying three sixteenths would be water and wastewater?

COMMISSIONER CAMPOS: Everything else. You suggested one or three

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questions?

COMMISSIONER GONZALES: I suggested one question.

COMMISSIONER CAMPOS: That's what I thought.

COMMISSIONER GONZALES: With three initiatives in there.

COMMISSIONER CAMPOS: All the initiatives I would move to the three sixteenths and allow one sixteenth for other purposes.

COMMISSIONER GONZALES: So you would create an umbrella where you can use that for roads or—

COMMISSIONER CAMPOS: For essential County needs, yes.

CHAIRMAN DURAN: I think that's a good idea.

COMMISSIONER TRUJILLO: I don't think so.

COMMISSIONER GONZALES: Well, the problem is we know that there are huge transportation needs in the county and I think that you're severely clipping the wings if you limit how much you're going to have to share those transportation needs with other areas.

COMMISSIONER CAMPOS: I don't understand.

COMMISSIONER GONZALES: Well, if you say that transportation needs to get rolled in with other concerns, with open space and river restoration, then I think what you do is you create a lot of difficulty in trying to manage some of the priorities confronting transportation.

CHAIRMAN DURAN: What's wrong with keeping the roads in the three sixteenth and just have the one sixteenth say "other things."

COMMISSIONER GONZALES: What's the difference? Well, then we're just wordsmithing. An eighth for water, a sixteenth for roads.

CHAIRMAN DURAN: But that deals with your concern that there might not be enough money there.

COMMISSIONER GONZALES: I think a sixteenth is plenty of money if they would approve that.

COMMISSIONER CAMPOS: I think we need the flexibility. That's my argument. I don't mind other pressing needs and I think this is the best way to fashion a solution to the discussion.

COMMISSIONER GONZALES: One sixteenth generates \$1.8 million a year. I don't mind leaving that for general purposes but I don't want that to compete for roads—I don't want to use that money to compete for roads and open space.

CHAIRMAN DURAN: It's supplements it.

COMMISSIONER CAMPOS: If it's for general purposes we could use it for those purposes if we wish. It gives us the discretion and flexibility.

COMMISSIONER GONZALES: My concern is I think we're too broad on that.

COMMISSIONER TRUJILLO: And I'd like to see, the second would like to see open space and the other, specifically open space and the other.

COMMISSIONER GONZALES: River restoration.

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COMMISSIONER TRUJILLO: And river restoration.

COMMISSIONER CAMPOS: We could specify that it's for open space, river restoration on the three sixteenths. It would be expressly stated and we would make that commitment that one sixteenth would be for general purposes.

CHAIRMAN DURAN: That's for even some of the projects that are—I see what you're saying.

COMMISSIONER GONZALES: So the three sixteenths would have the question, if they would support three sixteenths to support water, wastewater, river restoration and open space.

COMMISSIONER CAMPOS: Yes. Even roads if you want to throw it in.

COMMISSIONER GONZALES: And roads.

CHAIRMAN DURAN: And roads. And then the other sixteenth could be used to supplement any of those.

COMMISSIONER CAMPOS: Or for other reasons. It gives us the flexibility so in time we can make that decision. We have to make a commitment but I think it's important to have a little flexibility.

COMMISSIONER GONZALES: It would be great but you get to inherit. The thing about this is the three of you get to inherit this decision and so I'm willing to support the will of the three of you who get to live with it so I'll yield to one of you guys to do it. I think you're going to accomplish the same thing that me and Commissioner Trujillo want to accomplish in this, because if you address the issues of river restoration and open space and road and water, however you do it, I'm willing to support it but you make the call. I'm willing to support the three of yours request on how you want to go with this.

COMMISSIONER CAMPOS: That would be my suggestion, that you amend your motion also to call for the public hearings so that we will have several public hearings in the next month or two before the election, and that we would adopt a resolution binding us and making a commitment to the voters as to how we're going to do this.

COMMISSIONER GONZALES: I'll go ahead and accept the amendment on the issue of the public hearings and the binding clause but I'm waiting to hear from—

CHAIRMAN DURAN: I like his idea, the three sixteenth/one sixteenth.

COMMISSIONER SULLIVAN: Mr. Chairman, I'm a little unclear, if this is going to be one issue, then if we put it out and just say well, we're going to use one eighth and one sixteenth, one sixteenth and there's three sixteenth and one sixteenth, then does that commit us to that percentage. Because then the "or others" is a part of that one statement. I don't think that commits us to—that's a statement of intent, but unless we actually go out and have separate issues, I don't think that necessarily commits us to that, but what's the staff's reading on that? Are you with me?

MR. LOPEZ: Mr. Chairman, I think that if we framed the question carefully, we could get to where I think you're going. What strikes me, I think is basically a question where you're asking the voters to approve a one quarter of one percent tax, of which three sixteenth will be used for water, wastewater, roads, open space and river restoration, and one

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sixteenth will be—

COMMISSIONER SULLIVAN: Other purposes as allowed by law.

MR. LOPEZ: Yes. And I think that gets you to the point where you want to go.

COMMISSIONER TRUJILLO: I think the discussion has been to be for specificity, but with this recommendation, we're going from specificity to more general. We're putting all of it in one—I think we need to break it out, be more specific in what we're asking the voters to work for. Rather than lumping it one water, wastewater, open space, roads and that sort of thing. Go for water in one statement, one initiative. We go for roads in another initiative. We go for open space, river restoration and other in another initiative. That's specificity and we're going one eighth, one sixteenth and one sixteenth, and the voters know what they're voting for.

CHAIRMAN DURAN: But what's wrong with having a priority list. If you say number one is—

COMMISSIONER TRUJILLO: Priorities change. We need to make a commitment.

CHAIRMAN DURAN: But that is a commitment. Those are priorities. We need the wastewater facility. The problem with limiting it by percentages is that if it costs more money to do the wastewater or to do the diversion or the wastewater, we have to come out of general fund or float or bond. This way it gives us some flexibility and I don't think—I think the community would be fine with that. They definitely know we need a diversion project.

MS. MILLER: Mr. Chairman, I was just going to state that I believe Commissioner Campos' suggestion is actually a commitment to spend, at a minimum, three quarters of that revenue on those issues and that if needed, there's flexibility within that three quarters, as you're requesting, that if water is the one that takes the entire revenue first, then it could, based upon it being worded that way, because that other quarter for other purposes as directed could be those purposes, as well as other purposes outside of the commitment to three fourths of it. So I think that suggestion is actually trying to encompass both concerns. Making a commitment for at least three quarters of that revenue to go for those specific items, but within that three quarters it can be distributed as needed based upon how the Commission, which project costs more. Since we don't know which projects will be where.

CHAIRMAN DURAN: Steve.

MR. KOPELMAN: Mr. Chairman, members of the Commission, just for clarification, it sounds like there's several different ideas on the table and I think Commissioner Trujillo is proposing to have three separate questions.

COMMISSIONER GONZALES: Commissioner Gonzales said one question.

MR. KOPELMAN: Okay, so you're thinking of one question and then the only issue at that point then is whether you lump some of the uses into the three sixteenths or not. Okay? And then of course you all understand that one question means up or down.

COMMISSIONER GONZALES: That's why I'm willing to leave it to the three of you because that's a big decision.

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COMMISSIONER CAMPOS: I think the up or down is good thing.

CHAIRMAN DURAN: I do too.

COMMISSIONER CAMPOS: Let the people decide whether they now want to participate in solving the problem of water. They've been complaining that the politicians have not dealt with this effectively for years, now it's up to them to make that commitment and I think that's a healthy answer. If they don't want to fund water then they can't complain about no water.

COMMISSIONER GONZALES: They definitely get to answer that question, the issue is how you want it posed.

COMMISSIONER CAMPOS: I think this is a good way of posing.

COMMISSIONER GONZALES: I'm saying the issue of solving the water along with roads and open space under one funding amount.

COMMISSIONER TRUJILLO: Then we're not asking the community to fund water specifically. You're asking the community to fund all of these other things, water, roads—

CHAIRMAN DURAN: They're prioritized.

COMMISSIONER TRUJILLO: They're prioritized at that discretion of the Commission.

CHAIRMAN DURAN: So state it so it's not at the discretion of the Commission. That it's a requirement of the fund.

COMMISSIONER TRUJILLO: But that can change. Katherine was saying that if we generate one sixteenth or one eighth and we need all of it to go to water, then all of it goes to water.

CHAIRMAN DURAN: So what if we make two sixteenths for the water?

COMMISSIONER SULLIVAN: That can go there too.

COMMISSIONER TRUJILLO: That's okay. Two sixteenths. But what I'm saying is that if all of it needs to go to water. Roads doesn't get anything, open space doesn't get any, restoration doesn't get anything. What I'm trying to say is do one question with three initiatives. One for water/wastewater, one for roads, one sixteenth, and one for open space, river restoration and other, another sixteenth. That gives the community specificity.

CHAIRMAN DURAN: So if all of it goes to water, or all of it—

COMMISSIONER TRUJILLO: We're saying that one eighth would go to water/wastewater, one sixteenth would go to roads, and one sixteenth would go to open space, river restoration and other. That's specific.

CHAIRMAN DURAN: But what if we're undercutting our ability to provide a diversion project because instead of completing the diversion project, we've got to go buy a piece of land out there in Cuyamungue or somewhere.

COMMISSIONER TRUJILLO: That's why we're going to have to be pro-active and creative and—

CHAIRMAN DURAN: But that doesn't make any sense. Why would you want to do that? Why would you want to underfund a project and then possibly even underfund

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as different project?

COMMISSIONER TRUJILLO: What we're recommending to the community is that we're going to work within the confines of what is generated on the gross receipts tax. We're committing to the community that we're going to dedicate one eighth to water and wastewater, and we're going to utilize that one eighth, however much it generates for that purpose. And we're going to look for other ways if we need to fund that initiative. And we're going to commit to the community that one sixteenth will go to roads and we're going to utilize that one sixteenth, however much it is for roads.

We can have all the money in the world and we still don't have enough to address road issues.

COMMISSIONER CAMPOS: We never will.

COMMISSIONER TRUJILLO: We never will. So what we're saying specifically to the community that we're going to utilize on this formula, these monies that we generate for these purposes. And that's what the community needs to know. They need to know that.

COMMISSIONER CAMPOS: I understand your argument but I would go the other way. I think it's a good way of going.

COMMISSIONER TRUJILLO: That's fine. As Commissioner Gonzales says you guys are going to be here for the long term and I'll support whatever you guys want to do.

CHAIRMAN DURAN: Well, will you accept his amendment?

COMMISSIONER CAMPOS: I'm waiting to hear from Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me understand what we're currently talking about. We're talking about now an issue that's one question on the ballot and within that one question, the voters would be asked to approve a quarter percent gross receipts tax increase, which would be, which would consist of three sixteenths allocated to water, wastewater, roads, drainage—I added the drainage in—transportation, river restoration and open space. One sixteenth would be dedicated to other provisions as allowed by law. And that would all be one question, up or down, to the voters. Is that where we're thinking?

COMMISSIONER GONZALES: Yes.

COMMISSIONER SULLIVAN: I think that will work. I think it's a big commitment to ask and as I said earlier, I initially felt it would be easier to let the voters pick between the water and the roads and if they want both and if they want it all, but if the others are willing to commit to that educational initiative to go—and I understand from what our staff is saying, that limits us just the same—does not limit us the same. Even though we say, and that's the thing I want to clarify here, even though we say in the resolution that three sixteenths has to go to all these issues, we can grab some of that other one sixteenth and move it up in there if we need it.

Conversely, we can't take any of the three sixteenths and move it down into the one sixteenth catch-all category. Is that the staff's opinion? So within that three sixteenths, which is a bunch of money, guys, \$6 million a year, we're committing to those six or seven specific

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issues. Everything else has to come in under the one sixteenth.

CHAIRMAN DURAN: And I think that's a mistake.

COMMISSIONER SULLIVAN: You just advocated for that.

CHAIRMAN DURAN: I know, but I just rethought it. So we have that \$6 million, what if we don't have—what if we complete the water diversion? Oh, never mind. I'm okay with it. I just rethought it. I guess I think too much here. Or maybe not enough.

COMMISSIONER CAMPOS: Mr. Chairman, I'd just like to hear some comments from staff on the motion as phrased by Commissioner Sullivan. Can we do that? Can we live with that?

MR. KOPELMAN: Mr. Chairman, members of the Commission, the only thing that I think we're going to need to be careful about is how broad we frame the question in light of the statute. I think you all have in your packets Section 7-20e-21, and for example, if you look at subsection 4, it talks about construction, reconstruction, or improvement of roads, streets or bridges including acquisition of rights-of-way. So I think it's probably a lot more conservative and prudent to limit the question then to roads, streets or bridges rather than all transportation.

COMMISSIONER CAMPOS: I agree.

MR. KOPELMAN: But I don't see any prohibition in the statute from allowing you to designate three sixteenths for one or more purposes allowed under the statute, and then another one sixteenth for another purpose. I think you can do that. I think that's probably a much better way to do it than percentages.

COMMISSIONER CAMPOS: Mr. Lopez? Any comments, ideas?

MR. LOPEZ: Mr. Chairman, Commissioner Campos, I think what you've described is workable and gives you a measure of flexibility to work with. Not quite the flexibility that we had built in, but I think probably sufficient flexibility. We are faced with very large water and wastewater projects that we're going to be asked to participate heavily in. There's road issues all over the county. We've acquired and continue to acquire open space that we need to work with. I think you've really targeted the right set of issues and the way you've structured it really gives you a considerable amount of flexibility.

COMMISSIONER CAMPOS: Ms. Miller?

MS. MILLER: Mr. Chairman, Commissioner Campos, I concur with Estevan's comments on that. It does actually limit three fourths of that revenue to those specific projects and that is the area and especially the water and wastewater that are the most costly. And it also allows in the future, as those issues are addressed, to shift the percentage within that three quarters of the revenue to the next highest priority. So I think that will allow future Commissions that flexibility but also restrict it so that there's a commitment to the public as to how that would be spent.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: And there's no "or others" in the three sixteenths, as I understand it. The "or others" is down in the one sixteenth.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: I wanted to clarify that.

CHAIRMAN DURAN: Okay. Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

MR. LOPEZ: Mr. Chairman, I'd like to just kind of recap to make sure that we've got this correct if I may. So then basically we would be asking the voters to approve a one quarter of one percent GRT capital outlay tax, of which three sixteenths could be used for water and/or wastewater, roads, open space, river restoration and the remaining one sixteenth could be used for other purposes as allowed by law.

COMMISSIONER CAMPOS: Yes.

MR. LOPEZ: And I would allow or request the flexibility to basically make those specific requests mesh with the allowable language under the statute.

COMMISSIONER CAMPOS: Good idea.

MR. KOPELMAN: Mr. Chairman, members of the Commission, the term "river restoration" does not appear. Okay? I think it's really broad enough, the open space, public parks, recreational facilities I think encompasses that. So we would ask that we use the statutory language in the question as opposed to the term river restoration, if that's consistent with what you're asking for. Okay?

MR. LOPEZ: Mr. Chairman, another point of clarification or perhaps a decision on your part. The resolution that we had drafted called for a special election on April 2nd. Per a discussion with the County Clerk, she has suggested that perhaps a better date would be April 9th.

CHAIRMAN DURAN: Yes. I think we agreed on that, didn't we?

COMMISSIONER SULLIVAN: I don't think we did, because around April 9th, everyone is doing their taxes. I'm not sure—

MR. LOPEZ: I would ask for direction on that.

COMMISSIONER SULLIVAN: I'm not sure, what makes it easier? Is it just more convenient or do you think you'd get a better turnout?

MS. BUSTAMANTE: Mr. Chairman, in accordance with the statute, it would give them enough time to get the publication because we're running against a time table on publication. It's also that early voting would start on February 21st.

COMMISSIONER SULLIVAN: It just gives us another week, is what you're saying.

MS. BUSTAMANTE: It would give me another week and it would be very helpful to our office. And the educational, if you really want to get out there and do it, because early voting would start on February 21st if we stuck with the April 2nd.

COMMISSIONER SULLIVAN: That's fine. Just don't make it on April 16th.

COMMISSIONER CAMPOS: Do you need a vote?

MR. KOPELMAN: Mr. Chairman, if you could make that in the form of a motion so we have that on the record.

CHAIRMAN DURAN: So moved.

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COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

Okay, we're going to have to recess this meeting. What's left on the agenda are items IX. F. 1, 2 and 3, items IX. G. 2, and any other issues that the Commission might want to bring up at that time, item H. and item I. 2. Can you poll the Commission and find out when in the next couple weeks that we might be able to meet and deal with these issues?

MR. KOPELMAN: Mr. Chairman, you could recess it to the next—you could table all these matters to the next meeting date too. That's only, I believe it's only two weeks.

CHAIRMAN DURAN: Why don't we do that? I'll make that motion.

MR. LOPEZ: Mr. Chairman, could we start earlier if we're going to add all of this to the other meeting?

CHAIRMAN DURAN: Sure. What time do we usually start?

MR. LOPEZ: We ordinarily start at 4:00.

CHAIRMAN DURAN: Shall we start at 2:00?

COMMISSIONER SULLIVAN: The only thing that's on the agenda that is time sensitive is a resolution having to do with the liquor tax. Not the liquor tax, but—

CHAIRMAN DURAN: Why don't we just move that forward right now?

COMMISSIONER SULLIVAN: That's fine. It's an authorization to allow the—or to support state legislation which would enable Santa Fe County to impose a liquor tax if it wanted to but it doesn't commit us to doing that, and if it's to have any effect, obviously it needs to come forward during the session.

IX. G. Matters from the Commission

2. Resolution No. 2002-18. A resolution supporting state legislation allowing all counties in the state of New Mexico the option to exercise a local election imposing a local option liquor excise tax

COMMISSIONER SULLIVAN: I would move, Mr. Chairman, for approval of Resolution 2002-18, a resolution supporting state legislation allowing all counties in the state of New Mexico the option to exercise a local election imposing a local option liquor excise tax.

CHAIRMAN DURAN: Okay, is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioners Trujillo and Gonzales were not

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present for this action.]

Can you notify the other two Commissioners of our action?

MR. LOPEZ: We will, Mr. Chairman.

CHAIRMAN DURAN: So then the rest of the agenda has been—

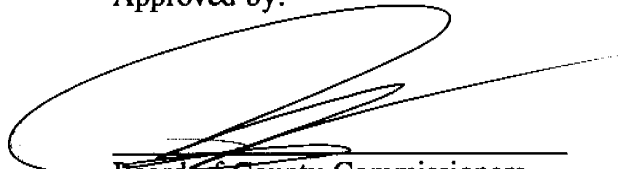
COMMISSIONER SULLIVAN: Move to table the balance of the agenda,
Mr. Chairman, to the next regular meeting of the Santa Fe County Board of County
Commissioners.

CHAIRMAN DURAN: Second. Those in favor signify by saying "aye."
[Unanimous] Opposed? Motion carries. [Commissioners Trujillo and Gonzales were not
present for this action.]

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 5:30 p.m.

Approved by:



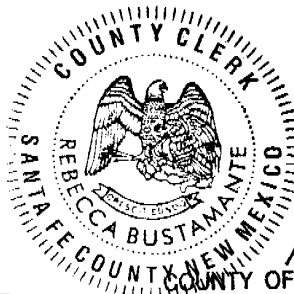
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:

Karen Farrell
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1195 975

COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO }
I hereby certify that this instrument was filed
for record on the 7 day of Mar A.D.
20 02 at 8:05 o'clock a.m.
and was duly recorded in book 2082
page 543-645 of the records of

Santa Fe County
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Marcella Palacios
Deputy

