

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 113

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Deputy *Marcella Lopez* Witness My Hand And Seal Of Office
Rebecca Bustamante
County Clerk, Santa Fe, NM

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
March 30, 2004

- Paul Campos, Chairman
- Paul Duran
- Michael Anaya
- Jack Sullivan
- Harry Montoya

SFC CLERK RECORDED 05/13/2004

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
March 30, 2004 - 10:00 a.m.

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation — Phil Trujillo
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- VI. Approval of Minutes
 - A. February 24, 2004 — APPROVED w/corrections (typos)
 - B. March 9, 2004 — APPROVED w/corrections (typos)
 - C. March 11, 2004 — APPROVED
- VII. Matters of Public Concern – Non-Action Items
- VIII. Matters from the Commission
 - A. Resolution No. 2004-34 A Resolution Amending Resolution No. 2004 – 34 Instructing Staff to Work Towards Creation of a Santa Fe Water and Wastewater Authority (Commissioner Anaya)
 - B. Proclamation declaring March 30 as the official “Capital High School Jaguar Boys Basketball Team Day” in Recognition of Winning the State Basketball Championship (Commissioner Anaya)
 - C. Discussion Regarding the Work Space in the County Assessor’s Office (Commissioner Anaya)
 - D. Consideration of Possible Amendment to Ordinance No. 1993-1 Concerning Activities of Former County Employees (Commissioner Sullivan)
- IX. Presentations
 - A. Presentation by James Lujan for Barry Bertola’s Retirement
 - B. Presentation for the Employee of the Quarter
 - C. Presentation of Award to Paul Griffin for His Role in Helping Santa Fe County Earn Budget of the Year Award from the Department of Finance and Administration Local Government Division
 - D. Update on Legislative Action on Behalf of the County Maternal and Child Health Plan Act
 - E. Presentation of Resolutions from the Santa Fe County Health Policy and Planning Commission and the Santa Fe County Maternal and Child Health

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Planning Council in Support of Continued Funding from Santa Fe County
for the Community Infant Program

Talked
F.

Fire Department Update on Wildland Fire Status and Related Biomass
Issues

X. Committee Appointments/Reappointments

A. Reappointment of Member to the Santa Fe County DWI Planning Council
(Judge Gallegos)

XI. Consent Calendar

A. Resolution No. 2004 ³⁷A Resolution Approving Operation Budget and
Calculation of Performance Funding System Operation Subsidy (Community
Health & Development Department)

B. Approval of the CDWI Application for FY 05 (\$58,153) (Community Health
& Development Department)

C. Approval of the Memorandum Of Understanding with the Department of
Finance and Administration Regarding the LDWI Distribution Grant for FY
05 (HIPAA) (Community Health & Development Department)

D. Approval of the Memorandum Of Understanding with the Department of
Finance and Administration Regarding the LDWI Detox Grant for FY 05
(HIPAA) (Community Health & Development Department)

E. Request Approval of Amendment #4 to Professional Services Agreement #22-
0081-IH with the Life Link to Expand their Scope of Services for the
Remainder of FY 04 and Increase the Agreement by \$37,000 to Provide
Alcohol and/or Substance Abuse Treatment Services (Community Health &
Development Department)

F. Request Authorization to Accept and Award a Construction Agreement to
the Lowest Responsive Bidder for IFB #24-34 Arroyo Seco Teen Center
Phase II, \$167,330 (Project & Facilities Management Department)

G. Resolution No. 2004 ³⁷A Resolution Requesting an Increase to the Road
Projects Fund (311)/Various Projects to Budget Grants Awarded through the
New Mexico Department of Transportation for Expenditure in Fiscal Year
2004 (Public Works Department)

H. Request Authorization to Accept and Award a Professional Services
Agreement #24-0181-PW with Wilson & Company as a Sole Source
Procurement for the Redesign of the Agua Fria Phase III Water, Sanitary
Sewer, Drainage and Paving Improvements Project (Public Works
Department)

I. Request Approval of Memorandum of Agreement between Pueblo of
Pojoaque and Santa Fe County for the Expenditure of Funds (\$59,000) for
Phase III of the Pojoaque Regional Wastewater Facility Planning Study
Funded by the Gross Receipts Tax for Joint Regional Projects (Utilities
Department)

XII. Staff and Elected Officials' Items

A. Administrative Services Department

1. Request Approval of Amendment to the Santa Fe County Human
Resources Rules and Regulations for Clarification of Overtime
Compensation

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B. Finance Department

- 1. Requesting Approval of the Fiscal Year 2002 – 2003 Santa Fe County Audit Report per Section 2.2.2.10 K. (3) (d) of 2.2.2 NMAC Requirements for Contracting and Conducting Audits of Agencies

C. Fire Department

Tabled
Approved

- Resolution No. 2004 – A Resolution Supporting the Multi-Agency and Multi-Jurisdictional Santa Fe Area Wildfire Operations Plan
- 2. Resolution No. 2004^{39A} A Resolution Replacing Resolution 2001 – 116 to Commission and Authorize Certain Land Use Department Staff, the County Fire Marshal and the County Fire Protection Specialists to Issue Citations of Violations of County Ordinances

D. Land Use Department

w/ AMM
Chavez
Home with
in packet

Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article V, Section 8, Subdivision Design Standards to Require Affordable Housing in all Subdivisions Greater than 5 Lots

E. Project & Facilities Management Department

- 1. Update on the Status of Funding and Outcomes of the 2004 State of New Mexico Legislative Session

F. Public Works Department

Tabled

- Resolution No. 2004 – A Resolution Adopting Placement of Speed Humps and Traffic Calming in Critical Locations in Santa Fe County
- 2. Discussion with Regards to the Current Days and Hours of Operation at the Solid Waste Transfer Stations

Approved

G. Sheriff's Office

- 1. Consideration of Service Agreement between Santa Fe County and Western Transport Services for Transportation of County Inmates

H. Utilities Department

- 1. Resolution No. 2004 ⁴⁰ – A Resolution Requesting Approval of the Expansion of the Santa Fe County Water Utility Service Area
- 2. Consideration and Possible Action Concerning the Water Rights Purchase Agreement with Campbell Corporation

I. Matters from the County Manager

- 1. Update Concerning the Care Connection

J. Matters from the County Attorney

- 1. Approval of Release, Discharge and Settlement of Claims by Santa Fe County
- 2. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Limited Personnel Issues
 - c. Acquisition or Disposal of Real Property
 - d. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

XIII. Public Hearings

A. Community Health & Development Department

- 1. Santa Fe County Housing Authority 5 Year Annual Plan

2. Resolution No. 2004 – A Resolution Approving the PHA Certifications of Compliance with the PHA Plans and Related Regulation

XIV. 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 COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

March 30, 2004

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

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

Members Present:

Commissioner Paul Campos, Chairman
Commissioner Mike Anaya
Commissioner Jack Sullivan
Commissioner Paul Duran
Commissioner Harry Montoya

Members Absent:

[None]

IV. Invocation

An invocation was given by County Treasurer Phillip Trujillo.

V. Approval of the Agenda

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

CHAIRMAN CAMPOS: First item is approval of the agenda. Mr. Gonzalez, any changes, additions? Any reordering or special requests?

GERALD GONZALEZ (County Manager): Mr. Chair, members of the Commission, we have some additions to the agenda. Under Section XII, Staff and Elected Officials' Items, Part G, Sheriff's Office, there's the addition of consideration of a service agreement between Santa Fe County and Western Transport Services. And then under Part H,

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Utilities Department, item number 2, there's the addition of the words and possible action concerning water rights purchase agreement with Campbell Corporation. That particular item under H, number 2, may need to be postponed until after discussion in executive session. And finally, depending on where we are with respect to the agenda, under Section IX, Presentations, Part F, Fire Department update on wildland fire status and related biomass issues, the Fire Department is prepared to postpone that item until the next Commission meeting in the event that we need the time.

CHAIRMAN CAMPOS: Okay. Mr. Gonzalez, you said G had some changes?

MR. GONZALEZ: Right. It's Section XII. Staff and Elected Officials' Items, G, Sheriff's Office, is the addition of the consideration of a service agreement between Santa Fe County and Western Transport Services for transportation of County inmates.

CHAIRMAN CAMPOS: Okay. Commissioners, any comments, additions, deletions?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

VI. Approval of Minutes: February 24, 2004

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I would move for approval. I have one minor typographical amendment.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Okay, motion and second with one minor change.

COMMISSIONER MONTOYA: Mr. Chair, I have one also.

CHAIRMAN CAMPOS: Okay. Two minor changes. And you'll submit these to the recorder?

The motion to approve the February 24th minutes with two minor changes passed by unanimous [5-0] voice vote.

March 9, 2004

COMMISSIONER DURAN: Move for approval.

COMMISSIONER MONTOYA: Second.

COMMISSIONER SULLIVAN: Eleventh or the ninth?

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CHAIRMAN CAMPOS: It says 11th on my agenda.

COMMISSIONER SULLIVAN: Mine says the ninth.

CHAIRMAN CAMPOS: That's right. The meeting minutes show March 9th.

REBECCA BUSTAMANTE (County Clerk): There's two. The 9th and 11th.

CHAIRMAN CAMPOS: Okay, there's a 9th and an 11th.

COMMISSIONER DURAN: I moved to approve the 9th.

COMMISSIONER SULLIVAN: I had a couple of typographical amendments
on the 9th.

CHAIRMAN CAMPOS: Any other amendments on the 9th?

The motion to approve the minutes of March 9th as amended passed by unanimous [5-0] voice vote.

March 11, 2004

COMMISSIONER DURAN: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

The motion to approve the March 11th minutes passed by unanimous [5-0] voice vote.

VII. Matters of Public Concern – NON-ACTION ITEMS

CHAIRMAN CAMPOS: Anybody here in the public that would like to present an issue or discussion to the County Commission. Sir, please state your name and your address. Come on up. We like to limit these presentations to about five minutes if that's okay.

BRUCE RICHARDSON: Chairman Campos, members of the Commission, my name is Bruce Richardson. I am president of the Chimayo Crime Prevention Organization, a non-profit entity located in Chimayo providing services for northern Santa Fe and southern Rio Arriba counties in the way of crime prevention and addressing the adverse social conditions that have existed up there. I'm here today to inform and ask for some direction from the Commission in terms of an opportunity to acquire a piece of federally forfeited property through a federal program known as Operation Good Will that's administered by the US Marshall Service and US Attorneys Office.

We have an opportunity to acquire this piece of property through a joint proposal with Chimayo Crime Prevention Organization and Santa Fe County for the benefit of the community of Chimayo. Both entities have submitted in the past their own individual proposals, both of which were denied. I have a copy of the denial letter, but they're giving us an opportunity to revisit a joint proposal between Chimayo Crime Prevention Organization and the County to

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acquire this piece of forfeited property.

CHAIRMAN CAMPOS: So this is real estate?

MR. RICHARDSON: Yes, sir.

CHAIRMAN CAMPOS: How much is it going to cost, do you think?

MR. RICHARDSON: The asking price currently is \$60,000 for approximately seven acres.

CHAIRMAN CAMPOS: What's the use of the property going to be?

MR. RICHARDSON: The use of the property is restricted by the federal program, Operation Good Will to be used for crime prevention, drug rehab, social programs. It cannot be used for recreation or historical/cultural purposes.

CHAIRMAN CAMPOS: Have you talked to anyone on County staff?

MR. RICHARDSON: Yes, we've had discussions back and forth over a period of time, probably from the beginning of the year till the end of last month and we talked about the potential for a joint proposal but then each entity decided to submit their own, in part because of the issue of who would hold title to the property. Crime Prevention Organization felt that holding title to the property would be an asset, that we could leverage additional funds to generate more financial resources to implement the program and give the program some longevity by developing infrastructure.

CHAIRMAN CAMPOS: Okay. Any questions from the Commissioners?

COMMISSIONER DURAN: Mr. Richardson, so my understanding is that the County and your organization made an offer to purchase it or applied to acquire it?

MR. RICHARDSON: Each entity submitted their own proposal, separate and distinct from one another.

COMMISSIONER DURAN: And then they came back -

MR. RICHARDSON: Both of those individual proposals were denied and the statement was made that the US Marshals and the US Attorneys Office would entertain a joint proposal from both entities.

COMMISSIONER DURAN: So if both entities were unable to come to some kind of an agreement, what would happen to the property then?

MR. RICHARDSON: The property, I believe, would be put up at auction and sold and the proceeds would then go the law enforcement agencies that were responsible for the confiscation.

COMMISSIONER DURAN: So your organization still could be a bidder for it as well as the County.

MR. RICHARDSON: I don't think either entity would be considered individually. What they would like to see from us is a joint proposal and I think at this point in time, the Crime Prevention Organization is willing to give up some of our position to negotiate with the County on a joint proposal and structure it in a certain way and hopefully get certain assurances as far as the provision of services.

COMMISSIONER DURAN: So have you or your organization had any discussion with the Commission or the County Manager relative to this joint effort?

MR. RICHARDSON: We've had some discussions with Commissioner Montoya and some other County staff but not the County Manager.

COMMISSIONER DURAN: Okay. So what is your suggestion?

MR. RICHARDSON: I guess what I was suggesting is that we enter into some additional discussions to see if we could make a joint proposal work between Chimayo Crime Prevention Organization and the County.

[Audio difficulties - portion of the proceeding is missing.]

COMMISSIONER MONTOYA: But I think it's a - it could have been and still can be a win-win for the County and for the organizations that provide services there in Chimayo. So hopefully we can work something out by April 19th.

MR. RICHARDSON: Thank you.

MR. GONZALEZ: Mr. Chair, I'm going to ask PFMD to take the lead since they've already been involved in the process in terms of setting up the meeting.

CHAIRMAN CAMPOS: Okay. Thank you, Mr. Gonzalez. Any other Matters of Public Concern? No one coming forward, the meeting is closed. Commissioner Anaya, do you have any problem moving item B to the first?

COMMISSIONER ANAYA: No problem at all but I don't think A will take very long.

CHAIRMAN CAMPOS: There's going to be some discussion on A I guess.

COMMISSIONER ANAYA: Then I don't have a problem.

CHAIRMAN CAMPOS: Any objections? Anybody else?

VIII. Matters from the Commission

B. Proclamation declaring March 30 as the official "Capital High School Jaguar Boys Basketball Team Day" in Recognition of Winning the State Basketball Championship

CHAIRMAN CAMPOS: Commissioner Anaya, that's something you've put on the agenda.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I want to welcome the boys' basketball team, Capital High School with us here today, and their parents and the coaches and some of the students and staff. And I have a proclamation to read for them, Mr. Chair, and then I have a little slide presentation for you, and then I'd like to hand out a couple awards if I could.

CHAIRMAN CAMPOS: That would be fine.

COMMISSIONER ANAYA: I'm going to go ahead and read the proclamation

Whereas, the community of Santa Fe recognizes the efforts of the youth in our public school system and encourages them to partake in productive activities which are rewarding to the individuals as well as the community. Extracurricular activities promote character and encourage dedication and teamwork. The sum of dedication and teamwork result in success;

and

Whereas, the Capital High School Jaguars are recognized for their outstanding performance in basketball, earning an exceptional record of 25 and 1 in the 2003-2004 basketball season, winning the regional "A" championship, the District 2 Quad A championship, the District 2, Quad A regular season championship, as well as the Stu-cart Tournament championship and the Jaguar invitational championship; and

Whereas, once again, on March 13, 2004, Capital High School Jaguars proved their commitment and skill, competing at the New Mexico State Boys Quad A championship at the Pit in Albuquerque. Because of hard work and perseverance, once again the varsity basketball team of Capital High School prevailed, winning the Quad A Boys Basketball state championship 64-60. The Jaguars have again proven themselves as champions; and

Whereas, we honor the Capital High School Jaguars for representing their community, school, family, and most importantly, themselves, to the highest standard. A truly remarkable and accomplished team of young men have made our community proud; and

Whereas, the community of Santa Fe joins to congratulate you, the 2004 varsity basketball team of Capital High School for earning champions of the 2004 Quad A state basketball championship.

Now, therefore, we, the Board of Santa Fe County Commissioners, hereby proclaim the 30th day of March, today, Capital High School Jaguar Day throughout Santa Fe County. Let's give these guys a big hand.

[A video clip of the game was shown.]

COMMISSIONER ANAYA: I want to thank Rob Yardman for doing that presentation for us. You guys did all the work but they edited a little bit. And I want to hand out a couple certificates if I could. This is going to be fun. The coach, thank you for letting me take a picture of the team. It was nice. You've got a good bunch of kids there. I guess I'm going to go ahead and announce a senior guard, number 10, Eric Peña, a freshman guard, number 14, Jordan Varela, a senior guard, number 20, Benito Lopez, a junior guard, number 22, Eric Moulton, a junior guard, number 24, Abel Lucero, a freshman guard, number 30, Jose Martinez. He couldn't make it today. We'll make sure he gets that. A senior post, number 32, Estevan Lovato, a junior guard, number 34, Michael Dominguez, a senior guard, number 42, Bryan Maribal, a junior post, number 50, Kevin Urban, a junior guard, number 52, Jess Lamoral, a senior post, number 54, Jeremy Lithgow, and the head coach, Ben Gomez.

Coach Joe Moulton, Coach Don Sanchez, Coach Mark Senteney, who I played against in high school. The manager, Daniel Anaya, is he here? Let's give him a big hand. Let's hear the manager, Roberto Perea. The athletic director Matt Martinez, the athletic trainer Ralph Trujillo, and the principal, Hoyt Mutz.

Well, I want to give you all another big round of applause and I'm sure you're going to continue and move on. You seniors, you keep going. We're very proud of you. I noticed you had a couple freshman in there. We look forward, freshmen, sophomores, juniors, we look forward to seeing you back here next year. We'll do the same thing, and let's give them all a round of applause.

I want to also thank Julian Barela who helped us put this together and Jennifer Jaramillo who helped put it together.

VIII. A. Resolution No. 2004-36 A Resolution Amending Resolution No. 2004-34 Instructing Staff to Work Towards Creation of a Santa Fe Water and Wastewater Authority

COMMISSIONER ANAYA: Mr. Chair, the only reason I brought it back is to change the second page down at the bottom under "Now, therefore, be it resolved as follows, the County staff, in close coordination with County Commissioners is to actively seek out the discussion of objectives of House Bill 397 and 394." I just put in that we would work in close coordination with the County Commission, that the staff would. That's it.

CHAIRMAN CAMPOS: That's the only change? Okay. Any comments?
Commissioner Duran.

COMMISSIONER DURAN: I was wondering if it might be possible to add one other entity here and that would be the residents of Santa Fe County. I know that it says community associations, water and sanitation districts, but I think it would be good if we added, "and the residents of Santa Fe County" because I think that that would then serve as a basis for us to go out and develop some programs out in the community with the citizens of Santa Fe County. So I guess my suggestion would be anywhere in that sentence and just say "and the residents of Santa Fe County."

CHAIRMAN CAMPOS: Okay, any other discussions, comments?

COMMISSIONER DURAN: Would that be an acceptable amendment?

CHAIRMAN CAMPOS: I have no problem with that. Any other comments? Is there a motion to adopt Resolution 2004-36 as amended by the language proposed by Commissioner Anaya and Commissioner Duran?

COMMISSIONER DURAN: So moved.

COMMISSIONER MONTROYA: Second.

CHAIRMAN CAMPOS: Any discussion?

The motion to approve Resolution 2004-36 passed by unanimous [5-0] voice vote.

VIII. C. Discussion Regarding the Work Space in the County Assessor's Office

COMMISSIONER ANAYA: Mr. Chair, thank you. I recently took a tour and listened to some of the concerns that the Assessor's Office has in terms of their employees, or our employees not having an adequate work space. So I wanted to just see if - I know we're talking about building a new building for the County's employees, but I wanted to see if Tony maybe could offer some suggestions on how we can work in the meantime to better the

working space down in the Assessor's Office. So Tony, if you would like to come forward and we talked about maybe moving some of those, Benito's office and Brian's office somewhere else, possibly into the Treasurer's area. And I want to make it clear that whatever we do, that we all come together and it will be a decision by all of us in trying to find work space for these individuals.

TONY FLORES (PFMD Director): Mr. Chair, Tony Flores with PFMD. As you all know and I won't go into a long dissertation, but we've started a plan and a process actually three years ago last Tuesday to start looking at the space for the County administrative facilities. As you all know, that assessment and surveys are in progress right now and if it wasn't for the length of the agenda we would have given a brief update on that, which I'm going to provide to the Board anyway in a packet form.

Based upon the request of the Assessors, we have provided different options for them over the past two years to try to alleviate some of the pressures and constraints of their existing configuration of space. What we can do is now that we've been able to finally start the implementation of the plan that was approved by this Board in May of 2002, there was a long discussion about how we would phase them in and basically I agreed not to call them phases anymore, we would look at it just as an implementation plan, including the judicial court at the chairman's request.

What we can do now, now that we've been able to reallocate space and free up space in other locations and create a County mapping area downstairs on the first floor where the MIS Division was housed, we can look at alternate places for three to five administrative staff outside the mapping area of the Assessors within the proposed configuration layouts of both the first floor and the second floor. Those plans are currently being developed. My professional recommendation is not to start hammering into walls or tearing through walls to try to create office spaces. What I would like to see if we can, and the plans are being developed for the expansion of the Land Use Department and the mapping area downstairs, GIS, E-911, is that we look at trying to create some office space within those areas for three to five administrative functions of the Assessor's Office.

COMMISSIONER ANAYA: Mr. Chair, Tony, the main thing is if you could work together with the Assessor, Treasurer, actually, the whole County to see where we can help out the Assessor and the employees that are in there because they are in pretty tight quarters and I bet it could get uncomfortable at times. So that was my main concern and thank you.

CHAIRMAN CAMPOS: Thank you, sir. Commissioner Duran.

COMMISSIONER DURAN: This space need has been an ongoing project that the County has been involved in for a number of years. I think that the effort that you have put into this over the last three years to develop a space that allows the Land Use Department to expand and make those offices what I consider to be pleasant spaces to work in, which they are nowhere near that today, is something that we should continue to pursue. I understand the Assessor has some space problems but I'd hate for us to cut our nose off to spite our face. We've been working on the upstairs area for the Land Use Department and to try to fit the

Assessor's needs into that space, I'm not sure – I'd like to hear what you have to say but my understanding is that the space already is maximized with the Land Use Department.

The other thing I'm thinking is isn't there some way we could move some of the Assessor's needs to some of the buildings around the County. There's two buildings across the street that might have some space that could accommodate their needs until such time as we actually have decided what we are going to do relative to our long-range goals. I'm just kind of opposed to short-circuiting the whole process and minimizing the space that we have planned for so long to give to the Land Use Department.

MR. FLORES: Mr. Chair, Commissioner Duran, I share the same concern. In my professional opinion, I feel that we are bandaiding on top of a bandaid on top of a bandaid. And hopefully that when we complete this assessment, the County will have a better idea of where we need to be. As far as the short-term bandaid approach, we have looked at other County locations for certain components of the Assessor's Office on more than one occasion to the point where we've actually had space plans done and furniture layouts configured. Unfortunately, as the Assessor – and I have the same feeling. It's difficult to manage when you fragment a department or an elected official office. In other words, it's difficult to manage your staff when you have them in more than one location.

I have looked at preliminarily, in a very preliminary discussion with the Bokum Building holding company about potential for space in that building. On a very preliminary basis to get areas and a potential cost per square foot as this Board directed. We can look at that as an option. The issue that I raise with that is that we would have to ensure that that is built into a budget that's coming forward now so that we are all aware of those building blocks, as Finance calls them, for additional space. So that could be one of the options that we entertain to be able to accommodate them.

We are looking at and planning for a minimum of five spaces out of that area right now to move their mapping staff within the Assessor's to create a mapping area for the County that consolidates both PFMD IT staff as well as the Assessor's staff in a consolidated location. It's my opinion that we can consolidate services rather than fragment them. So that is our first attempt. But I will look at other short-term bandaids for this situation.

COMMISSIONER DURAN: I realize that the Assessor's space is just as bad as the Land Use Department space so I'm sure you're going to work towards trying to alleviate their space problems too. Thank you, Mr. Chair. Thank you, Tony.

CHAIRMAN CAMPOS: Any other questions or comments?

MR. GONZALEZ: Mr. Chair, members of the Commission, I just want to compliment PFMD on making a 15 egg omelet out of a dozen eggs.

MR. FLORES: Six eggs. Thank you.

**VIII. D. Consideration of Possible Amendment to Ordinance No. 1993-1
Concerning Activities of Former County Employees (Commissioner
Sullivan)**

COMMISSIONER SULLIVAN: Mr. Chair, at our last meeting we asked the County Manager to take a look at this issue and it came to light in a recent land use case where a former County employee was employed to provide information to the public and some of those to whom information was provided felt that there might be some either conflict of interest or appearance of conflict of interest in doing so. I discussed it with our County Attorney and he indicated that we have an ordinance regarding that that dates back to 1993 that mirrors almost exactly the state statute in that regard but leaves out a portion of it. Does not mirror it, it stops, as it were, at a point, which I think perhaps we should have kept on and been closer in similarity to the state statute.

I myself feel that we should have an ordinance or a provision in this ordinance that states that department heads should have to wait a year before working for or advocating on behalf of parties they have negotiated with or regulated while employed with the County. Again, we're dealing I think not necessarily with conflicts of interest but perceptions of conflicts of interest and what I feel is important is to always maintain the public confidence in the activities and actions of the Board of County Commissioners.

So I'll turn it over to Gerald or to Steve to give the Board what you've come up with in this regard.

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Sullivan, I did take a look at this. We do have an ordinance, 1993-1 that regulates conduct of not only County employees but elected officials and appointed officials. But as Commissioner Sullivan correctly stated, it does not affect the activities of County employees, elected officials and the like after they've left office or left County employment. The state statutes, in particular the governmental conduct act, does, however, restrict the activities of public officers and employees after they leave the government and there are two provisions that in particular are not present in our ordinance.

One would prohibit in this case former state public officers and employees of state agencies, it prohibits those folks from representing a person in dealings with the government on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee. So like in the case we've been discussing, if you worked on a particular matter, and then left government employment, you would be prohibited in the state system from representing any outside entity on that matter in which you participated personally and substantially as an employee.

COMMISSIONER DURAN: For how long?

MR. ROSS: That particular provision has no time restriction. There's another provision, I think it's primarily geared towards lawyers and other professionals, but it provides that for a period of one year after leaving governmental service or employment, a former public

officer or employee shall not represent for pay a person before the governmental agency at which the former public officer or employee served or worked. So it's pretty easy to see how it works with respect particularly to lawyers in the state system.

If for example I came here from the Oil Conservation Commission, this statute would prohibit me from representing an oil company before that commission for a year after I left office. There's all kinds of other examples that you can cite. But both these provisions are in the Governmental Conduct Act but they're not in our ordinance, which, as I said, doesn't restrict the activities of anyone after they leave governmental service. So those are just some ideas I responded to Commissioner Sullivan's request with those ideas. There may be some other ideas as well.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: I have a couple questions. Does that mean that -- let's take the Land Use Department, if there was a land use technician, planner or I forget what they call them, review specialist, who worked on a particular project that came before the Board of County Commissioners and was approved, or even if it was disapproved. Let's say it was disapproved. And they left six months later, and the owner of that project hired this individual, that they would be in violation of the Code?

MR. ROSS: If a similar provision were inserted in our Code that is in state statute, there could be a question raised. Say they're working on the Smith Subdivision and they get it through a couple stages of development approval, and then they leave before final plat approval and before the subdivision is built, and then go to work for that very same subdivider, under the state statute, since they worked personally and substantially on that matter while in government service, yes, they would be restricted from working for that developer on that project. That's how the state statute works.

COMMISSIONER DURAN: What are they trying to accomplish by having that?

MR. ROSS: That statute came in early in the Johnson administration as I recall and at that time there was a lot of concern about government employees kind of cycling in and out of government. They'd be in government for a while and then leave government and work for people who had interests before the governmental agency and then in another administration would cycle back in. I think that was the concern that they were seeking to address. That's when all the governmental code of conducts in state agencies were adopted early in the Johnson administration.

COMMISSIONER DURAN: If we decided to do this could be put a time limit on it?

MR. ROSS: Sure.

COMMISSIONER DURAN: Thank you.

MR. ROSS: Just a suggestion.

COMMISSIONER MONTROYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTROYA: Steven, why would there be no time provision

on the first one? Could you please restate that first one?

MR. ROSS: Here's what it says: It prohibits former public officers and employees of state agencies from representing a person in dealings with the government, and here's the important part, on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee. I think the reason for that kind of language and the fact that there is no time limit is because there was a concern when they enacted this statute that folks could influence the conduct or the course of a project while in state government to set themselves up, as it were, for later private employment. I think that was the concern they were trying to address.

COMMISSIONER MONTOYA: So there really is no time restriction on that one. That one is in perpetuity.

MR. ROSS: If you're working on a Superfund case in the state Environment Department, those cases can go on for 20 or 30 years. This statute prohibits folks from the Environment Department from going out and working for, say, one of the contractors.

COMMISSIONER MONTOYA: And what do we have that's remotely close to any of these ordinances?

MR. ROSS: We have nothing on the books that I know of that restricts the conduct of employees or elected officials or any governmental official after they leave government service. 1993 has quite a bit of language. 1993-1, which is a County ordinance has quite a bit of restrictions stated for folks who are presently elected officials, County employees or public officials but it doesn't extend beyond the time they leave government service.

COMMISSIONER MONTOYA: So we haven't looked at this in 11 years then.

MR. ROSS: Yes. I think that's fair.

COMMISSIONER MONTOYA: Mr. Chair, members of the Commission, I think this is something we should definitely consider. I think it protects the Commission as well as it protects former employees from any potential perception of a conflict of interest as may happen on occasion and I think I would be in favor of adopting something similar to what Steven has provided us here this morning. That's all I have. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I guess what we're basically talking about is that if an individual works for Santa Fe County and they decide to leave, that we're going to tell them where they can work or where they can't work. Is that what it comes down to? Or who they can work for?

MR. ROSS: In some senses, yes. If this kind of language were inserted into our ordinance, you couldn't go and work everywhere or on any particular matter. That's true.

COMMISSIONER ANAYA: Personally, I think that if somebody didn't want to work here, they should be allowed to work wherever they would want to work. And the individual that we are talking about retired from Santa Fe County. He didn't just up and leave. That was his livelihood. He knew utilities, and that's what people out there are looking for are experts. So I don't think that we can say to the individual who leaves Santa Fe County, Oh, by

the way, you can't work for any of these companies. I don't agree with that at all. And I understood Commissioner Montoya's concerns. The perception is out there, but that's just a perception. I could see if somebody came over here and worked for six months and so, oh - and lined themselves up and then left to go work. But when you talk about somebody that's retired from Santa Fe County and then you're going to tell him where he can and cannot work. I don't agree with that.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I just wanted to point out the words that are in the state statute that involves, if your work activities were substantial and individually assigned to a specific project. It doesn't mean that you couldn't work for Company XYZ, but if Company XYZ was working on that particular project, and it was being brought before the Santa Fe County for a decision, then you would not be able to be a representative of the company with regard to that specific project. So it doesn't certainly tell you where you can and can't go to work, but when you take a position with Santa Fe County, you take on a position of public trust and that is a little different than working for a private firm. You are representing the County as a whole and you have to do that and I think our employees do do that.

You have to represent everyone fairly and objectively and we have to, I think, deal with this gray area, this fine line of perception as best we can. I think the state statutes do that fairly well. I think the language which I mentioned might help that but what I'd suggest at this point is that the staff come up with some language that we can look at and wordsmith it. Because we do need to be careful with each word on this. And we need to have it say what we want it to say and what's legal to say. That might take care of your objections, Commissioner Anaya. I'm not sure. It might not. But I do think it needs to be aired.

CHAIRMAN CAMPOS: Okay. Now, which Commissioners would like to move forward with this amendment, proposed amendment at this point? Commissioner Duran, would you like to move forward?

COMMISSIONER DURAN: I'd just like to say a couple things relative to how we move forward. I think that this could have a major impact on the future of our employees at every level. That means that accountants may not be able to go work for accounting firms. That means that people in Public Works may not be able to work for gravel companies. I think that if we move forward on this ordinance change that we don't do it independently of any public input or employee's input. That we let the public and our employees participate in the discussion before we unilaterally make a decision up here.

CHAIRMAN CAMPOS: So you favor it so long as we have that input.

COMMISSIONER DURAN: Only because I see that there's some problems, there's some problems that we need to address. I just want to make sure that we're not putting together something that is unfair and doesn't allow opportunity, for people to take advantage of opportunity provided that it's fair. When it presents itself to them.

CHAIRMAN CAMPOS: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Well, it depends on the wording. I just don't want

people to get the perception out there that, Oh, you can't go work for Santa Fe County because if you decide to quit or if they fire you or whatever the reason is, or you retire, you won't be able to get another job for a year, or six months. We don't want that out there. Nobody would come and work for us.

I'd like to see us talk about it but, and that's my concern right now.

CHAIRMAN CAMPOS: You favor moving forward, with your concerns.
Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, as I stated, I think that I would favor moving forward. Being a recovering state employee, it really has not limited or done anything in terms of who I can and can't work for, and I think it does, again, provide some boundaries as to what you can and can't do for who you work for after you leave the County or after you leave state government. Just a case in point, if there was a contract that I worked on as a state employee and then I went and worked for that contractor after I left, well then certainly that would have been a violation of this ordinance if we pursue it in that manner. But if I went and worked for that contractor on another contract that had nothing to do with the state or County government, well then I could work for whoever I want to as long as it does not conflict with something that I was directly involved in as a state or County employee.

So I just think it's a good thing to have in terms of just avoiding any perceptions of conflict.

CHAIRMAN CAMPOS: Commissioner Sullivan, you're for it?

COMMISSIONER SULLIVAN: I would favor moving forward.

CHAIRMAN CAMPOS: Okay, I favor moving forward. I think it's healthy. I think it's in the right direction. I think it clears the air in a lot of cases. It leads to the perception that the public has. In the Suerte del Sur case we certainly got a lot of negative press about this and about conspiracies and that certainly doesn't help the perception of fair government. So I would urge that we move forward.

COMMISSIONER DURAN: Mr. Chair, what does move forward mean?

CHAIRMAN CAMPOS: Asking staff to come up with language to amend Ordinance 1993-1.

COMMISSIONER DURAN: And to develop a process?

CHAIRMAN CAMPOS: Everything.

COMMISSIONER DURAN: That would include public participation.

CHAIRMAN CAMPOS: Any ordinance requires public participation. And certainly if employees are concerned I'm sure they can come and talk too.

COMMISSIONER DURAN: Thank you.

CHAIRMAN CAMPOS: Okay, is that sufficient direction?

MR. ROSS: Mr. Chair, I think so. What I think I'll do is work with staff and come up with a proposed amendment and I'll circulate it amongst you all and get input from you as well and then maybe when it comes time to publish title and general summary we'll bring it back to you at a meeting if that's all right, for instructions to do that and then we'll have a draft and from that point on we can determine the process from there.

CHAIRMAN CAMPOS: Good. Thank you, Mr. Ross.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I just had a couple of items under Matters from the Commission.

CHAIRMAN CAMPOS: I'm sorry.

COMMISSIONER DURAN: I had one too please.

CHAIRMAN CAMPOS: Go ahead.

COMMISSIONER MONTOYA: Just quickly, Mr. Chair, members of the Commission, on April 20th we're going to be having a joint meeting with a number of various elected bodies and non-elected bodies discussing the potential of developing a regional water authority within northern Santa Fe, southern Rio Arriba, City of Española, the Pueblos in that area, so I'd just like to invite you to that meeting on April 20th. It will be at Northern New Mexico Community College from 8:30 to about 1:30 and lunch will be provided, so make sure at least that you show up for lunch.

On April 28th, the tentative date has been set for the meeting that I was supposed to have been at today, which was postponed, and that was the settlement hearing on the Aamodt case. So potentially and tentatively, just wanted to inform you that I may or may not be here on the 28th, depending on what happens with that legislation. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you, sir. Commissioner Duran.

COMMISSIONER DURAN: I've recently conducted a research regarding the election process in New Mexico and as a result of my research I've realized the need for election reform in this state. Julian helped me with this. Thank you, Julian. So while researching the issue I learned about the election process Oregon state has adopted, voting by mail. Oregon has obtain superior voter participation with 58 percent of voters participating in elections, nearly double the percentage of New Mexico voter participation. The reason I'm getting involved in this is that I really believe something is wrong in our community when 20, 25 percent of the electorate is responsible for putting elected officials into office.

The Oregon voting system has proven itself effective. In November of 1997, a special statewide election was held where 60 percent of voters participated. The vote by mail system is effective for many reasons. It increases voter participation. It removes barriers that can keep people from getting to the polls. It allows more time for people to study issues and candidates before marking the ballot. It has built-in safeguards that increase the integrity of the election process. It saves taxpayer dollars. And most importantly, it increases voter education and participation.

In order to improve voter turn-out in New Mexico methods must be implemented to improve voter registration, education and participation. Just last week I was privileged to meet with Madame Secretary of State Rebecca Vigil-Giron and she informed me of the benefits the vote by mail system carries and is supportive of my goal to obtain election reform for New Mexico, particularly to develop a vote by mail system. This issue was challenged by the New Mexico state legislature in the past, but because of fears associated with voter fraud, it failed to

pass.

I've recently been invited to meet with the Oregon Secretary of State, Mr. Bill Bradbury, Deputy Secretary of State, Ms. Patty McGuire, and director of elections, Mr. John Linback. Discussion would include election reform including changes to voter registration, education and participation. Additionally, they would educate us of their election process and it's benefits. I just wanted to give you a heads-up today that that's something I'm going to be working on in the next few months and as this issue unfolds, I'll keep you all posted and I may make a trip up there and would welcome anyone else that might be interested in that. Thank you.

CHAIRMAN CAMPOS: Commissioner, your goal is to eventually have the state legislature change the New Mexico election code?

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: Okay. Didn't Bernalillo County and the City of Albuquerque recently have a mail-in involving the unification of the county and city?

COMMISSIONER DURAN: That wasn't mail.

CHAIRMAN CAMPOS: Ms. Bustamante, wasn't there something?

MS. BUSTAMANTE: Mr. Chair, members of the Commission, they've had one or two, and we've had two in Santa Fe County and in my tenure in office. The problem that we had in Santa Fe County and which New Mexico faces is the addresses, where we have an intent law in New Mexico where people can register where they don't actually live. That's been already in the courts, in the New Mexico courts and that has been proven constitutional. So that's a problem with mail, the return of them. And it's been introduced in the legislature several times, almost every year, there's something in the legislature, at least in the 60-day session to do an all-mail ballot and it's failed.

CHAIRMAN CAMPOS: Okay. Well, the 60-day session is coming up.

COMMISSIONER DURAN: Well, I doubt that I'll be able to get it together by then. It's just something, election reform is something that we need. The fact that 25 percent of the electorate is responsible for voting in elected officials is wrong and something needs to be done. And the educational process needs to be developed at the legislature, in the community and with other elected officials to get behind it. I think it's obvious that something has to be done. Thank you.

CHAIRMAN CAMPOS: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you. I recently attended the New Mexico Department of Transportation conference in Las Cruces this last week along with James Lujan and Dan Rydberg and Johnny Baca. One of the issues that was talked about is a new interchange off of Interstate 25 coming into Richards Avenue. And I would just like to see if maybe the RPA could possibly bring that up in the next meeting and talk about it to see if we could get that going. I know it will take about \$10 million to complete but that is an issue.

As I was driving into town the road coming off of the interstate leading on to Old Las Vegas Highway, the cars were backed up on to the interstate and I almost witnessed a very dangerous accident. It's not going to be long before somebody gets hurt there. So I think that

we need to move forward and try to get another interchange off of 285. I think it's time and I'd like to see if maybe the RPA could bring that up and discuss that. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. Two things. One, I would just make a comment on the Richards Avenue interchange. It has been discussed several times at the RPA level and is currently not on the governor's STIP five-year program. And I'm guessing probably the reason is what an interchange would do there is simply pour more vehicles into a two-lane road that essentially has no viable outlet or alternative access to it. I think ultimately something is going to happen there at Richards Avenue and I-25 as the area grows but before that happens what we need is alternate access. And there has been alternate access discussed connecting in with St. Francis along the frontage road or along an internal road through the Community College District but I think just to jump into an interchange before that access is developed would simply make Richards Avenue into another Airport Road which is not what we want.

The other thing that I wanted to just briefly mention is to congratulate the Public Works Department on the work that they've done out on Avenida Amistad. That drainage structure was completed last month and the finished work looks very good. James, are you here? Where's James? Wave your hand. Okay. James, we want to thank you and your crew. They did an excellent job out there. We also have other projects going on. We're going to be putting a new railroad signal out there that the County's participating in and of course there's other projects in terms of the senior center, but it was good to see that one completed. It was done with all County staff with a minimal amount of funding and a very professional workmanship job. It received a lot of compliments from residents about that work. So I just want to pass that on. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you, sir. We're going to Presentations. Looks like we have about 18 minutes. Commissioners, do you think we could get to the end, at least through the Consent Calendar before lunch? Would you be willing to stay even a few minutes longer? To get to that point at least?

COMMISSIONER SULLIVAN: That depends on how long Mr. Lujan talks. He's usually pretty succinct.

IX. Presentations

A. Presentation by James Lujan for Barry Bertola's Retirement

JAMES LUJAN (Public Works Director): Mr. Chair, members of the Commission, James Lujan, County Public Works Director, and I'd like to invite Barry Bertola up, and he promises me, after that last discussion, he will not go blade roads for anybody. Barry, would you please come up. Barry Bertola was hired on March 12, 1979 as equipment operator for the Road Division. Since then, he has held positions as foreman and equipment operator 3. During Barry's tenure, the County has received numerous letters of commendation

from members of the public and County officials recognizing Barry for his positive attitude, diligence and productivity.

He is well known for his extensive knowledge in road construction and maintenance and for his meticulous care of County equipment. Barry always responds to emergency calls in a timely manner. In addition, Barry has an excellent attendance record and has had, on many occasions, full-filled responsibilities as being the leader of the crew. We are very appreciative of Barry and the work he has performed for Santa Fe County. The Public Works Department is proud of Barry's accomplishment and we congratulate him in his retirement and wish him and his wife, Emily, the very best in the future. Do you want to say a few words?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I'd like to say a few words. I met Barry Bertola about twenty years ago when I went to work for the Public Works Department when Rudy Fernandez gave me a part-time summer job. I want to thank Rudy for letting me do that because I got to meet a lot of fine individuals at the Public Works Department. There was one particular day I didn't feel like working. What I was in charge of was the landfills. And I didn't feel like going to work at the landfills. So I asked my boss if I could go ride around with Barry Bertola. And we went grading roads back of Cerrillos there. But I want to thank you, Barry, because now I know how to operate a grader a little bit. So thank you.

IX. B. Presentation for the Employee of the Quarter

MR. LUJAN: Again it's a pleasure. Another employee from Public Works, which is Blas Lopez. If you would come forward, Blas. Blas has been employed with the County for five and a half years as senior heavy equipment mechanic. Blas and two other heavy equipment mechanics are responsible for the maintenance and repair of approximately 100 pieces of heavy equipment. Blas is a hard-working individual and very dependable. He is always volunteering when situations arise that require out of the normal work day, such as snow removal, after hours and at night and when Solid Waste Division needs drivers, when somebody calls in sick, Blas has always been there to transport solid waste from the different transfer stations. These are just two examples of Blas' dedication and that's why we feel he deserves the employee of the quarter.

MR. GONZALEZ: While we're assembling, Mr. Chair, members of the Commission, I just want to say that I like to take a cruise through the County facilities every now and then, particularly Public Works and Blas is always there working hard, but with a smile on his face and just really appreciate getting to see him here as well as over there. Congratulations, Blas.

MR. LUJAN: Also, Mr. Chair, I just want to thank his fellow employees for Blas and Barry Bertola for showing up today and being a part of this. Thank you, guys.

COMMISSIONER ANAYA: Mr. Chair, I also have a little story about Blas. I

met him about, I'm going to say 15 years ago. We were hunting up in the Pecos Wilderness. I just want to say, Blas, you're a heck of a man and thank you for coming to work for Santa Fe County and it's nice knowing you.

IX. C. Presentation of Award to Paul Griffin for His Role in Helping Santa Fe County Earn Budget of the Year Award from the Department of Finance and Administration Local Government Division

MR. GONZALEZ: Mr. Chair, I'm going to have Susan make some comments of her own, but I just want to say first of all, how deeply grateful we are here at the County to have Paul working for us. For those of you who've faced him across the table during budget hearings, you know that he's a stern disciplinarian but at the same time he's fair, friendly and keeps things above board. But one of his little known and greater talents really falls in the area of working with programming. It's one of his heart delights. I don't know, I invite people to go down and visit him in his shop. It's incredible what he's got there. Not only here, but also his home. Works on his own equipment as well as County equipment in order to make sure that he provides us with the information and the presentations that have brought the County kudos and awards, not only this year but in the past. And I think it's time that we recognized him for his fine work, for his dedication to the County. He's always down there whenever I walk out of the building after hours, Paul's still sitting there in front of his computer. He's a tremendously talented individual and I personally want to thank you Paul for being here, part of the County crew. Susan.

SUSAN LUCERO (Finance Director): Thank you, Gerald. Mr. Chair, members of the Commission, we really appreciate the opportunity you've give to recognize Paul and his efforts in producing the budget document for Santa Fe County for 2004 fiscal year. Budget is Paul's expertise as well as putting out outstanding documentation. He works tirelessly at producing a very good quality product with numbers that I feel very confident in, and as well as the presentation is just outstanding. I think he's done quite a bit to share this type of information with yourselves as well as with the citizens and we appreciate this recognition because we think it's duly deserved. So with that, we thank you and we thank Paul for his outstanding performance.

- IX. D. Update on Legislative Action on Behalf of the County Maternal and Child Health Plan Act**
- E. Presentation of Resolutions from the Santa Fe County Health Policy and Planning Commission and the Santa Fe County Maternal and Child Health Planning Council in Support of Continued Funding from Santa Fe County for the Community Infant Program**

KATE REYNOLDS: Good morning, Mr. Chair, Commissioners. My name is Kate Reynolds and I'm the chair of the Maternal and Child Health Council for Santa Fe. Thanks for giving us your last few minutes here to give you the update. Mostly, we really wanted to thank the Commission for all the support. There were a lot of letters and phone calls and return e-mails from you in support during the legislative session and I just wanted to announce that we were successfully funded for \$1,850,000 recurring and \$200,000 non-recurring from House Bill 2 for fiscal year 2005 for contracts related to County Maternal and Child Health acts. And I just wanted to say again how much we appreciated that and that support was desperately needed at that time.

The purpose of the Plan Act is officially to encourage the development of comprehensive community based maternal and child health services to meet the needs of childbearing women and their families and therefore resulting in overall improvement of health for all New Mexicans. And just wanted to sort of say the Plan Act out loud again because what's happening now, where we're at is although these funds have been designated, we're still in some negotiations with the Department of Health right now and we are having a meeting slated for the end of this week with representatives with all the County Maternal and Child Health Councils as well as the Department of Health. The agenda of those negotiations at this point is really to look at some of the service contracts as well as how the organization and how that funding will be administered.

It's the council's sincere hope that the Department of Health will recognize and honor the integrity of the council, our infrastructure and our set goals. It's our hope that the negotiations will strengthen the council's ability to plan and deliver services to women and to children and families in our county as well as counties statewide. And just again, wanted to appreciate the Commission for supporting the resolution in October which supports the Maternal and Child Health Plan Act as stated.

The meeting with the Department of Health, we are also requesting a minimum of a one-year transition for all councils funded through the act in order to locate alternative funding for our service contracts, which include the teen health confidential reproductive health services, for the La Familia Promotora outreach, for temporary childcare assistance, and also for breastfeeding promotion. We also hope that the meeting at the end of the week and subsequent meetings will also allow for developing a plan to integrate County Maternal and Child Health Councils into the Department's community health improvement initiative.

Also, just a side to that, due to questions about our future funding, just wanted to let

you know that we have made application to CYFD and we hope to hear from the second week of April about the status of that. We also, currently, the Santa Fe County Maternal and Child Health has adopted the issue of home visiting as one of our primary priorities and we are holding a May 6th and 7th, we are holding a home visiting summit and we are able to offer - it's a two-day workshop for service providers in the county. It's part of our commitment to improve the access and quality of home visiting services for brand new families, mothers who have just had children. And home visiting is shown to really help improve attachment as well as to sort of head off any challenges that may come up for new families around mental health issues as well as physical health issues.

We wanted to personally invite the Commissioners as well as the rest of the community to hear a presentation by Janet Dean. She's a clinical director of the Boulder Community Infant Project. She's going to be speaking May 7th, 8:30 am to 11:45 am in the Jemez Room at the Santa Fe Community College. Janet Dean is sort of our mentor and someone who really inspired the Santa Fe Community Infant Project that was started in 1999. She's internationally known, Janet Dean is, for her expertise and leadership in infant mental health. She works with families in perpetual crisis who, very much like the families we have in our county, who struggle with child protection issues, who may struggle with severe mental illness issues, domestic violence and substance abuse and she is doing some groundbreaking work on how to help communities build a safety net for those families and she's currently experiencing a lot of success and Santa Fe Maternal and Child Health is really pleased to bring her and hope to again be inspired by her leadership to help provide better services in the county.

And finally, just on behalf of the Santa Fe Community Infant Project, and this is a follow-up from their longer presentation that they did in October, the council would like to request continued and ideally improved funding for the Community Infant Project and wanted to let you know that the Community Infant Project has a proven track record in our community for really being out there and offering immediate benefits to women and children in the county. And wanted to let you know that the Santa Fe County Health Policy and Planning Commission on March 11th, and the Santa Fe County Maternal and Child Health Planning Council on March 18th have both passed resolutions in support of continued and improved funding for the Santa Fe County Infant Project. That's all I have for you guys today. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: Excuse me, I didn't get your name.

MS. REYNOLDS: I'm Kate Reynolds.

COMMISSIONER ANAYA: Kate, okay. Kate, have you done any of your work in the southern part of Santa Fe County?

MS. REYNOLDS: Yes, sir.

COMMISSIONER ANAYA: And what have you done there?

MS. REYNOLDS: I know that you were interested in following up especially around Edgewood and coordinators were able to meet with Melissa Mann-Love at the First Choice Clinic and that they've been having some really positive discussions about hopefully

locating a therapist to work out of that clinic and then come to Santa Fe both for supervision and for training.

COMMISSIONER ANAYA: Okay, so we haven't started actual work down there yet?

MS. REYNOLDS: It's my understanding that not as of yet and that what needs to happen right now is additional funding has to be located for that in order for that to start.

COMMISSIONER ANAYA: Why would we need additional funding for that?

MS. REYNOLDS: I'll have Edy, she knows a lot of the details.

COMMISSIONER ANAYA: Because that is still in Santa Fe County.

EDY POWERS: Mr. Chair, Commissioner Anaya, it is in Santa Fe County.

The problem with providing services in that area is the transportation. It would take a full-morning to see one client. We're hopeful that we can establish a therapist in Edgewood who would be based there who could do the work and then be able to come to Santa Fe once a week, rather than go down for each client. So we're trying to maximize the amount of money that we have. We've applied for funding from numerous places, the program has and we're hopeful that in the next month or two we'll find the funding and establish a person in that area. If there were referrals we would certainly be answering them.

COMMISSIONER ANAYA: I'd like to see, like I said, it's still in Santa Fe County, and even though it costs us more money we need to use the money that we have, this \$1.8 million that you just received, to try to continue the relationship with First Choice and Melissa Mann-Love so that we can get those services down there. I think that we should use the money that we already have and somehow work it in. I'd like to see that.

You talk about the council. How many are on the council for the Maternal and Child Health?

MS. POWERS: There are 15 members currently active. We're in the process of recruiting another, we're looking at how we will recruit and we plan to have a presentation by the end of June for new members.

COMMISSIONER ANAYA: Okay, good. I'd like to see somebody from the southern part of Santa Fe County on that council if we could.

MS. POWERS: Would you be able to find that person?

COMMISSIONER ANAYA: I'm sure I would be able to help you, or Melissa Mann-Love would be able to help you, or Steve Shepherd. I know we can find people from down there.

MS. POWERS: Okay. Thank you very much.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN CAMPOS: I'd like to thank you for all the work you've done and congratulate you for the funding. It's a big step forward.

MS. POWERS: It is. Thank you. It's still in jeopardy.

CHAIRMAN CAMPOS: But moving in the right direction.

MS. POWERS: And we thank you for your help. Thank you very much.

CHAIRMAN CAMPOS: Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have a question either for Kate or Edy. A couple of weeks ago I attended a bill signing by the governor and the first lady regarding the immunization program and they were quite rightfully so very excited about the program and some progress apparently the state has made in immunization from where it was before, but it's still in the high 30s is my understanding. Is there any coordination between your program and the immunization program?

MS. POWERS: Mr. Chair, Commissioner Sullivan, La Familia is one of the service contracts that comes through the County and through the Maternal and Child Health funding. And La Familia received a national award last year for their immunization rate, which is around 90 percent of their clients. So our service contract in La Familia is producing excellent immunization rates and has received national recognition for that.

COMMISSIONER SULLIVAN: Right. They were at the bill signing but my question was, is that - I understand La Familia provides that, but they don't provide that through you, do they?

MS. POWERS: In part. The Promotora program at La Familia works in outreach to bring children in for well-child check-ups and at those check-ups they receive immunization. So our program is instrumental.

COMMISSIONER SULLIVAN: So you're providing referrals to La Familia when you go out and visit the families and the mothers.

MS. POWERS: The Promotora program does that, yes.

COMMISSIONER SULLIVAN: Tell me about the Promotora program. Is this your program?

MS. POWERS: Yes. The funding from the state, through Maternal and Child Health Council and the County, fund the Promotora outreach program at La Familia.

COMMISSIONER SULLIVAN: Which is a program for immunization?

MS. POWERS: No. The Promotora program is like lay community outreach workers that go out into the community and make sure that people keep their appointments and do perinatal outreach, making sure that women come in for prenatal care and after the baby is born. They also encourage and go out into the community and make sure that they come in for well-baby checks. And at those well-baby checks they receive their immunization.

COMMISSIONER SULLIVAN: Is there any possibility of your getting additional funding perhaps to provide some additional coverage down in the southern part of the county through this immunization legislation?

MS. POWERS: We haven't investigated that thoroughly. No, we haven't. at the moment, now knowing if we're going to be alive next year is still an issue. It's difficult to apply for a lot of different kinds of funding when you have that in mind.

COMMISSIONER SULLIVAN: Let me make a suggestion, and I know you're pursuing all the avenues as diligently as you can but let me suggest that you see if you can get an appointment with the first lady because she is very much in tune with exactly what you're doing. And she's been carrying, I think, or carried, practically ten of these immunization bills through this legislature, health bills. And I just think that that would be a good source of some

support and potentially financial for expanding your program which certainly needs support.

MS. POWERS: Thank you for the suggestion. We'll follow it up.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you very much. Appreciate your coming. Does that resolve the presentation of resolutions from the Santa Fe County Maternal and Child Health Council? Does that resolve it? Okay, so we're through E. F, we're going to do some other time?

MR. GONZALEZ: Yes, we're prepared to do that. The initial presentation will probably take five to eight minutes but the difficulty is there will probably be lots of follow-up questions, so it's really a call on the part of the Commission, and we can go either way.

CHAIRMAN CAMPOS: Okay, I'd like to go to X. A.

X. Committee Appointments/Reappointments

A. Reappointment of Member to the Santa Fe County DWI Planning Council (Judge Gallegos)

DAVID SIMS (DWI Coordinator): Mr. Chair, Commissioners, we have a reappointment recommendation of Judge Frances Gallegos from municipal court for the DWI Planning Council.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Just a question. David, is Marcelina Martinez still on the planning council?

MR. SIMS: Mr. Chair, Commissioner Montoya, yes she is.

COMMISSIONER MONTOYA: Okay. Is there any reason that she's not listed on here or hasn't been listed?

MR. SIMS: It must be my omission.

COMMISSIONER MONTOYA: Oh, okay. Because this is like the second time that I see that she's -

MR. SIMS: Okay, I'll make sure that it's on the next one. I'm sorry.

COMMISSIONER MONTOYA: No problem. Thank you.

The motion to reappoint Judge Gallegos to the DWI Planning Council passed by unanimous [5-0] voice vote.

XI. Consent Calendar

A. Resolution No. 2004-37. A Resolution Approving Operation Budget and Calculation of Performance Funding System Operation Subsidy

- (Community Health & Development Department)
- B. Approval of the CDWI Application for FY 05 (\$58,153) (Community Health & Development Department)**
 - C. Approval of the Memorandum Of Understanding with the Department of Finance and Administration Regarding the LDWI Distribution Grant for FY 05 (HIPAA) (Community Health & Development Department)**
 - D. Approval of the Memorandum Of Understanding with the Department of Finance and Administration Regarding the LDWI Detox Grant for FY 05 (HIPAA) (Community Health & Development Department)**
 - E. Request Approval of Amendment #4 to Professional Services Agreement #22-0081-IH with the Life Link to Expand their Scope of Services for the Remainder of FY 04 and Increase the Agreement by \$37,000 to Provide Alcohol and/or Substance Abuse Treatment Services (Community Health & Development Department)**
 - F. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #24-34 Arroyo Seco Teen Center Phase II, \$167,330 (Project & Facilities Management Department)**
 - G. Resolution No. 2004-38. A Resolution Requesting an Increase to the Road Projects Fund (311)/Various Projects to Budget Grants Awarded through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2004 (Public Works Department)**
 - H. Request Authorization to Accept and Award a Professional Services Agreement #24-0181-PW with Wilson & Company as a Sole Source Procurement for the Redesign of the Agua Fria Phase III Water, Sanitary Sewer, Drainage and Paving Improvements Project (Public Works Department)**
 - I. Request Approval of Memorandum of Agreement between Pueblo of Pojoaque and Santa Fe County for the Expenditure of Funds (\$59,000) for Phase III of the Pojoaque Regional Wastewater Facility Planning Study Funded by the Gross Receipts Tax for Joint Regional Projects (Utilities Department)**

CHAIRMAN CAMPOS: I think they're all in play, Mr. Gonzalez. Is that right?

MR. GONZALEZ: That's correct, Mr. Chair.

CHAIRMAN CAMPOS: Is there a motion?

COMMISSIONER MONTROYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve the Consent Calendar passed by unanimous [5-0] voice vote.

[The Commission recessed from 12:10 to 1:40.]

XII. Staff and Elected Officials' Items

A. Administrative Services Department

1. Request Approval of Amendment to the Santa Fe County Human Resources Rules and Regulations for Clarification of Overtime Compensation

HELEN QUINTANA (Personnel Director): Good afternoon Mr. Chair, members of the Commission. The County Manager as allowed for in our rules and regulations has recently designated a 28-day work period for firefighters covered under the Fair Labor Standards Act 207-K exemption. The Human Resources Division and the Legal Department determined that it's necessary to clarify the applicable rules. The rules and definitions noted in your packets have been written to provide employees with a better understanding of current processes and to have a clear interpretation of them. Staff recommends approval of the revised HR rules and regulations and I stand for any questions.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion.

The motion to approve the revised HR rules and regulations passed by unanimous [3-0] voice vote. [Commissioners Anaya and Montoya were not present for this action.]

XII. B. Finance Department

1. Requesting Approval of the Fiscal Year 2002 - 2003 Santa Fe County Audit Report per Section 2.2.2.10 K. (3) (d) of 2.2.2 NMAC Requirements for Contracting and Conducting Audits of Agencies

MS. LUCERO:: Mr. Chair, members of the Commission, we are presenting to you the fiscal year 2003 year-end audit. We're asking permission as per requirements of the Association of Counties rules and regulations that you approve the final audit. As you can see by the memo, we do have an unqualified or clean opinion expressed on the presentation of the financial statements. There are three reportable conditions that have been listed as findings. The first one being the issue repeated from previous fiscal years of decentralized accounting in

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which billing isn't being reported timely to the accounting office or to Finance.

We also have the reportable condition regarding cash receiving in remote locations in which cash is not being deposited within the 24-hour time rule as required by state statute. And if I can get to the last one here. And then the last issue is what came up, I believe in September, October regarding the Employee Benefits Committee fund. All proceeds from rental of County property to include vending machines, property rental do result in public funds and will have to be accounted for in that way. So this summarizes the reportable conditions. These are items we are working on presently and have for the past few months and in doing this we're now requesting approval of the final financial audit for last fiscal year.

CHAIRMAN CAMPOS: Stand for questions? Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Susan, this decentralized accounting has come up as a reportable condition since 2000. So it's been four years. It seems like we should be able to figure this thing out.

MS. LUCERO:: Mr. Chair, Commissioner Sullivan, I agree. This is a repeated issue. It's a requirement that this require additional staffing. We had dedicated, I think you might recall, last fiscal year or the year before an FTE within the accounting department for cost accounting and this has helped to some degree but a lot of it requires more detailed coordination between Finance and the programs such as road projects for example, in which the program area of expertise is required to complete some of the billing documentation as well as the Finance Department's and it seems as if we run short of time each year and aren't addressing these things more timely.

What we're beginning to work on this fiscal year is quarterly meetings with the departments and we're hoping to alleviate some of these issues where this is caught in a quicker time frame and resolved before fiscal year-end.

CHAIRMAN CAMPOS: Any other questions? Ms. Lucero, the last item, Employee Benefit Committee funds, how is that cash handled right now?

MS. LUCERO:: Mr. Chair, it's my understanding at this point that the proceeds for example from vending machines comes in a check form to the Employee Benefits Committee, and I believe the committee is depositing these funds in their own checking account outside of the County's cash and checking accounts.

CHAIRMAN CAMPOS: Okay, so now you're suggesting that this check go to the County?

MS. LUCERO:: We have no alternative, other than all proceeds must come to the County. We've had some discussions with Legal. We are trying to set up a meeting with the committee and Legal and Finance and the County Manager's office to go over this, and what the legal and appropriate structure for this committee should look like.

CHAIRMAN CAMPOS: The second item is cash receiving, 24 hours. What's the problem there?

MS. LUCERO:: Mr. Chair, the issue there is that by state statute, all deposits need to be recorded and received within 24 hours.

CHAIRMAN CAMPOS: Give me an example.

MS. LUCERO:: An example might be you have, maybe in a remote area such as, let me use electronic monitoring as an example. That program operates out of the juvenile facility. And let's say they take in deposit fees on a Monday. They take it to a coordination point and drop it off in the afternoon, and then by the time it gets to the Treasurer's office it's the following day or the day thereafter. And what's most critical is when it's not receipted timely, that's when we have the issue of potential fraud and loss. So that is one area that we need to bolster and beef up.

CHAIRMAN CAMPOS: How are you addressing it for this next fiscal year?

MS. LUCERO:: We're addressing it - one way we've addressed it is through an outside audit, outside of the financial audit. We had a special contract with an auditing firm, with Barraclough and Associates to review all cash receipting outside of the County primary offices as well as inside the Treasurer's office, and they've noted various specific areas of where we need improvement. So we're meeting with those specific departments regarding those inefficiencies and how we're going to address them prior to the end of the year so we can be in better compliance before fiscal year-end.

CHAIRMAN CAMPOS: Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER MONTOYA: I thought on that committee fund that that wasn't supposed to go through, or we were going to look at not running it through the County at all.

MS. LUCERO:: Mr. Chair, Commissioner Montoya, that's the way the present practice is. It doesn't run through the County at all.

COMMISSIONER MONTOYA: Oh, it doesn't.

MS. LUCERO:: Right. But that's where we've had issues is what we experienced this last fall. And according to the State Auditor, those proceeds do need to all run through the County.

COMMISSIONER MONTOYA: Okay. Thanks for that clarification.

CHAIRMAN CAMPOS: Any other questions? Is there a motion to approve the financial audit report for fiscal year ending June 30, 2003?

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTOYA: Second.

**The motion to approve the audit report passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]**

CHAIRMAN CAMPOS: Becky's not here. She asked for some clarification earlier about the fact that we did not consider item IX. F. The Fire Department update on wildland services. She wanted something on the record to make it clear that we didn't -

MS. LUCERO:: Mr. Chair, if I may just interrupt real briefly. I'd like to

recognize the Finance staff in the efforts that they gave very unselfishly in getting our financial audit ready this year. It was actually somewhat difficult because we were short on staff and we had certain turn-overs. So I would like to recognize them. They're all behind me here. We're 18 strong or so and they put in quite a few hours and I think a very good quality job and I'd like to recognize them.

CHAIRMAN CAMPOS: Thank you very much. Appreciate it. It's a lot of work.

COMMISSIONER ANAYA: Mr. Chair, thank you Susan and thank staff very much for all your hard work. We appreciate it. Thank you.

COMMISSIONER MONTOYA: Mr. Chair, just briefly also, I want to thank staff. I know what it's like to go through these audits. It's not an easy process and I know your patience and perseverance pays off certainly. Thank you for all the work that you do. Appreciate it.

XII. C. Fire Department

1. Resolution No. 2004-__ . A Resolution Supporting the Multi-Agency and Multi-Jurisdictional Santa Fe Area Wildfire Operations Plan

HANK BLACKWELL (Fire Marshal): Mr. Chair, members of the Commission, I think the first thing up on the agenda is approval of the Santa Fe County wildfire operations plan. This was passed by the City Council about two months ago. We've worked on this wildfire operations plan. It's been about a three and a half year process. During that three and a half years, this is actually the fruits of the labor. What this plan does is it actually saves us time in terms of any fast-moving wildfire. It gives us standardized responses so that anybody in the city or county, in the metropolitan area can call for a Level 1, 2, or 3 response and we know exactly what we're getting in terms of apparatus and how we set up a command and an operations scheme for that fast moving wildfire.

It also allows us to notify our participating agencies for assistance much earlier. The most important element of this plan probably is the delegation of authority. This is required any time there is a large moving fire that we request state and or federal resources to help us manage. By law, they actually have to have a delegation of authority to take over in our jurisdiction and this is common. This is what they've done in all the wildfires. We're talking the US Forest Service and one of their Type I or II management teams.

What we're asking through the approval of this plan, which is just more supportive than anything else, is also to be able to approve that delegation of authority so that you all are able to delegate your authority to assign that to either the County Manager or somebody in the Fire Department so you do not have to convene a special session and pass the delegation of authority while we have an event in progress. So that's really the most

critical element of this operation's plan and that's what I want to point out to you. So that's what we're asking, is that you will delegate, you will approve this in concept and actually delegate your authority to approve this in the case of a wildfire where we need state and federal assistance so that you don't have to convene that session or somebody has to sign that delegation.

CHAIRMAN CAMPOS: Do we have a plan presently, that we've approved? You talk about a plan.

MR. BLACKWELL: The wildfire operations plan, I do have, I think there are copies here. I've got one copy here. This is actually the wildfire operations plan that we worked on with the City of Santa Fe as well as the state of New Mexico and the Santa Fe National Forest.

CHAIRMAN CAMPOS: Has the County looked at that, other than your department? The County Commission?

MR. BLACKWELL: Yes. They have.

CHAIRMAN CAMPOS: The County Commission has approved that at some point?

MR. BLACKWELL: The Commission has not. That's what we're asking you to approve this plan today.

CHAIRMAN CAMPOS: But you didn't put a copy in our file. I don't see one.

MR. BLACKWELL: Okay, we had copies of that. Again, I think Chief Holden had to leave quickly, but I know he did bring copies. I can actually give you a synopsis of the plan if you would like, but it has to do with levels of response, radio communication. We're going to use common frequencies. It has to do with being able to work with the other agencies responding to make sure we're all on the same page, we all use the same language, we know what resources we want, what's going to be responding quickly as the fire breaks out, if and when it does, and how we're going to manage this fire inter-agency and how we're going to transfer that to the Forest Service if they come in with a management team because it's grown beyond our means. So that's what the operations plan is.

The County Manager has seen this. I think a number of people have seen the plan. Again, it has been approved by the City, by the state, and by the US Forest Service. Conceptually, the operations plan in and of itself doesn't need to be approved. It's a local operations plan, but the critical element is again this delegation of authority. And anytime we get a Type I or Type II management team to come into another jurisdiction to manage a fire, like the Molina or the Cerro Grande or the Borrego Mesa fire, that jurisdiction has to officially delegate their authority to that federal entity.

CHAIRMAN CAMPOS: To the feds or the state?

MR. BLACKWELL: Right. So what we're saying is, and they require that and rightly so. What we're asking is that instead of having to convene a special session or for us to be able to have to track a quorum of Commissioners down to try to sign that

delegation –

CHAIRMAN CAMPOS: I understand that.

MR. BLACKWELL: So that's the element we're really looking at.

CHAIRMAN CAMPOS: My only concern, I don't know what the other Commissioners want to do about it, we didn't get that plan in our packet to review before this meeting. At least I didn't. And are you comfortable moving forward without having an opportunity to read the plan? You're not comfortable? How urgent is this?

MR. BLACKWELL: Well, we're already in fire season right now, so there is some urgency, but again, I'm happy to bring this back in two weeks and give you all copies. We had copies made today but this is about the 20th iteration and this is the final version. That's why it's kind of hot off the presses if you will.

CHAIRMAN CAMPOS: Okay, what are the wishes of the Commission?

COMMISSIONER DURAN: I think we should table it for a couple of weeks until we've had the chance to look at the document and ask questions of staff.

CHAIRMAN CAMPOS: And could we get the document before the meeting date?

MR. BLACKWELL: I'll have these in your mailboxes before the meeting's over today. I have the original here, so yes, that would be easy to do.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I think that this is good that we're coming together and trying to solve these issues before something really happens. I know we met with General Montoya and he said he was willing to help the County in any way and we're to keep the relationship open between us and the National Guard. Have we talked to them? I know they have two Black Hawks. Are we able to use those is something does occur and if we could keep that communication open with Mr. Montoya.

MR. BLACKWELL: Mr. Chair, Commissioner Anaya, yes, sir. It's a bit complicated but we have that relationship. We actually help participated in the training of those Black Hawk helicopter pilots in terms of how to utilize those helicopters in what we call bucket drops. So that's the good news. We've got a good operational relationship in terms of that. The bad news is that if it's actually a Type I management team that comes in, a Forest Service team that comes in to manage the fire, they cannot use those Black Hawk helicopters because they don't meet the federal qualifications for air operations. However, if we're able to get through the governor's office an activation of the National Guard for the city or country during initial attack then we, as a local jurisdiction, either the City, the County or both, can utilize those Black Hawk helicopters and they have trained with us specifically. So it still can be a resource.

COMMISSIONER ANAYA: Okay. Good.

CHAIRMAN CAMPOS: Okay, there's a motion to table. Is there a second?

COMMISSIONER SULLIVAN: Second.

The motion to table approval of the wildfire plan passed by unanimous [5-0] voice vote.

XII. C. Resolution No. 2004-39. A Resolution Replacing Resolution 2001-116 to Commission and Authorize Certain Land Use Department Staff, the County Fire Marshal and the County Fire Protection Specialists to Issue Citations of Violations of County Ordinances

CHAIRMAN CAMPOS: There's nothing in the packet. It was not submitted by the deadline of March 25, 2004. C2.

COMMISSIONER DURAN: Move for table, Mr. Chair.

CHAIRMAN CAMPOS: Is there urgency on this?

MR. BLACKWELL: Mr. Chair, members of the Commission, first my apologies. That was submitted several weeks before the deadline so I'm sorry, maybe I didn't follow up on that. But that was supposed to be in your packet. Just an explanation then you can choose to do what you need. About every two years we do this as a process. This resolution gives Land Use and Fire Department an ability to issue citations. It's an identical resolution, but what we have to do, if there's attrition, and there has been, we have to take the names off.

CHAIRMAN CAMPOS: If there's attrition?

MR. BLACKWELL: If there's attrition.

CHAIRMAN CAMPOS: Oh, you appoint certain individuals specifically in the resolution and you have to change it.

MR. BLACKWELL: Correct. So we just have to change the names. And we've added a new employee who now qualifies as a Code Enforcement Officer and I think we're taking two off. And so it's a maintenance issue and that's all there is.

CHAIRMAN CAMPOS: That's the only issue.

MR. BLACKWELL: Correct. And this is about the fourth time we've presented this resolution in the last six years or so.

CHAIRMAN CAMPOS: How many people are named in that resolution with the authority to issue citations?

MR. BLACKWELL: I believe there are eight.

CHAIRMAN CAMPOS: Okay, and you're taking off -

MR. BLACKWELL: We're actually taking off two of the Permit and Code Enforcement Officers from land use who now are Development Review Specialists, so they're not Code Enforcement Officers. We're also adding one of our new employees, Tim Gilmore, who's with the Fire Department who now has met the qualifications to actually be able to issue those citations under our guidelines.

CHAIRMAN CAMPOS: Did you name the two that are taken off?

MR. BLACKWELL: No, we didn't in the cover memo that you were

supposed to have in your packets.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: If Commissioner Duran would back his motion out, I'll make a motion to approve.

COMMISSIONER DURAN: You got it.

CHAIRMAN CAMPOS: Let me just ask you more question. When does the prior resolution expire? The authority of the prior resolution?

MR. BLACKWELL: It does not. It has to be replaced by another resolution.

CHAIRMAN CAMPOS: And you want the new person to have authority as soon as possible?

MR. BLACKWELL: Yes, sir.

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Move to approve Resolution 2004-39.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: There's a second. The resolution would authorize certain individuals to issue citations for violations of County ordinances as they relate to the Fire Marshall code.

MR. BLACKWELL: The fire code and the land use code.

CHAIRMAN CAMPOS: The fire code and the land use code. Are you comfortable with that? We don't have anything in here.

MR. BLACKWELL: Mr. Chair, Commissioners, again, my apologies. That was supposed to be in your packet and I will find out why.

COMMISSIONER SULLIVAN: Do you want to just put this aside until we actually see the resolution. If it was submitted it should be around.

COMMISSIONER DURAN: Yes, why don't you just give it to us so we can look at it.

MR. BLACKWELL: I apologize. Yes. I can do that. I'm not sure why that didn't appear in your packets. That was all done.

COMMISSIONER DURAN: We can vote on it later.

CHAIRMAN CAMPOS: We'll just come back to this issue. Let's not forget this one. You get us the resolution and get some distribution on it.

MR. BLACKWELL: Will do.

CHAIRMAN CAMPOS: Okay, sir. Thank you very much. [Continued on page 47.]

XII. D. Land Use Department

1. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article V, Section 8, Subdivision Design Standards to Require Affordable Housing in all Subdivisions Greater than Five Lots

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chair. Roman Abeyta, Land Use Department. The proposed amendment would require 15 percent of the total housing approved in a subdivision of five or greater to be affordable housing. The proposed amendment will be scheduled to be heard by the CDRC in April, and in May and June by the BCC if you grant authorization today. I stand for any questions.

CHAIRMAN CAMPOS: Mr. Abeyta, has staff had an opportunity to assess this recommendation?

MR. ABEYTA: Mr. Chair, no we have not. Our assessment would come if you gave us authorization then we would assess it. But we have looked at what the current Code requirement is in the Community College and we feel that a lot of the standards for qualifying buyers and home prices, we could use those same standards in such an amendment.

CHAIRMAN CAMPOS: Okay. Is there any issue about the fiscal viability in doing it in subdivisions that are so small?

MR. ABEYTA: Mr. Chair, no we haven't looked at that yet.

CHAIRMAN CAMPOS: Now, in the Community College, we're also going to do something that could increase it from 15 to 20 or 25, based on the financial issues that you are discussing with I guess the Rancho Viejo people.

MR. ABEYTA: Mr. Chair, are you referring to the price of the home that was going to increase? Or the number of homes required?

CHAIRMAN CAMPOS: I thought we were considering going beyond the 15 percent.

MR. ABEYTA: Mr. Chair, we are in the sense that we are going to include other types, different types of housing types. Right now the Community College District Ordinance only refers to houses on fee-simple lots as qualifying, but we want to expand that to include condominium units, live-work units, other types of housing other than just homes on fee-simple lots. So we are looking at that.

CHAIRMAN CAMPOS: So that will increase the 15 percent, likely?

MR. ABEYTA: It could result in an increase, yes.

CHAIRMAN CAMPOS: When do you think we're going to have a response from staff?

MR. ABEYTA: Regarding the Community College District recommendations? We have a housing study that the Commission directed us to work on

that's underway that we think will be complete within the next 30 to 60 days, and then we'd like to bring forward an amendment based on the results of that housing study.

CHAIRMAN CAMPOS: Commissioner Sullivan, I think you brought this up for discussion.

COMMISSIONER SULLIVAN: Mr. Chair, I think Roman has summarized it just fine. We've talked, of course, among us for some time as we look at developments that come forward to the Commission that we would want to express our commitment to affordable housing. From what I understand from Robert Anaya, the affordable housing in the Community College District is on a waiting list basis. Clearly, we're not providing the amount of affordable housing that there's a market for and there doesn't seem to be any reason not to include this requirement for other subdivisions as they come forward. And the five lots is the requirement for a master plan at the County level, so that's where that number comes from. Certainly we can discuss detailed aspects of this during the ordinance but I simply felt that we had talked about it enough and it was time to start it through the process and eventually come up with an ordinance that we could all live with.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I think that this has some merit but from an economic point of view, I don't think that five lots, that anyone's going to be able to economically, that it will be economically viable for someone to provide affordable housing. I would be in support of this if we moved it up to 15 or 18 lots, and then require a percentage of that. As a matter of fact, what would be wrong with - 24 lots or more is a Type II?

MR. ABEYTA: Type II Subdivision.

COMMISSIONER DURAN: Type II. I really think that once you start requiring some affordable, attach an affordable component to five to ten lots that I think it's economically impossible to do that. I could see where there might be some number that it becomes economically viable for property owners to provide that type of housing.

CHAIRMAN CAMPOS: Okay, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think we all need more affordable housing in Santa Fe County, but could that be something that staff looks at and we don't have to pin it down to five. They could review it and then come back to us and say, give us options, five, fifteen, eighteen. Then we can make that decision later.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would certainly support that. I think that we can have that discussion. I would argue, but not at length here, that it is affordable. But I think we need to have that discussion. And open discussion with the public as well. And builders who want to come in and express their opinion about it. So I think it would be certainly appropriate to move this forward as requiring affordable housing and perhaps not specify the five lots and then we can work that out.

COMMISSIONER DURAN: Commissioner Sullivan, would you be willing to take this thing beyond the two public hearings? I really think this could be far-reaching

and I know in the past we've had two public hearings to create an ordinance, but I actually think this might be a major change to our growth management plan. And I just don't want to short-circuit, or not short-circuit, but approve this without having adequate public input.

COMMISSIONER SULLIVAN: I'd say let's see how the testimony and how the reaction is. The Commission, as I understand it, Steve Ross, you can correct me if I'm wrong, the Commission can designate as many hearings as it wants.

COMMISSIONER DURAN: Okay. That's fine.

COMMISSIONER SULLIVAN: So if we get into the first hearing, and we get into the second hearing and there's still issues that seem to be unresolved, I think correct me if I'm wrong, Mr. Ross, can't we just simply designate another public hearing?

MR. ROSS: That's correct, Mr. Chair.

COMMISSIONER SULLIVAN: So let's see how it goes.

COMMISSIONER DURAN: And I move for approval with the amendment.

CHAIRMAN CAMPOS: I'd like to suggest that we say 15 percent or more, because the Community College Ordinance may change, and I think we have to keep our options open. I'm not saying we're going to go for more, but we keep our options, as far as the notice and authorization and the hearing process. Would that be okay?

COMMISSIONER DURAN: I think I'd like to - I mean 15 percent of five lots is less than one.

CHAIRMAN CAMPOS: I know, but if we go to ten or twenty lots, we may have different standards for the different sizes of subdivisions.

COMMISSIONER SULLIVAN: How about at least 15 percent?

CHAIRMAN CAMPOS: Fifteen percent or more I think is clearer.

COMMISSIONER SULLIVAN: Either way.

CHAIRMAN CAMPOS: Would you agree to that?

COMMISSIONER SULLIVAN: Who made the motion?

COMMISSIONER DURAN: Would I agree to -

CHAIRMAN CAMPOS: Say 15 percent or more?

COMMISSIONER DURAN: We took out the five lots so that we could move this thing forward to have some discussion. So you're asking me to make a decision as to whether or not I think 15 percent is adequate or too much, before having the discussion. So my answer to your question is no.

CHAIRMAN CAMPOS: This only allows us to have the discussion. Down the road we might decide that 15 percent is appropriate, but if we go beyond 15 percent, we have to do this all over again.

COMMISSIONER DURAN: Even without your 15 percent it gives us the opportunity to have the discussion.

CHAIRMAN CAMPOS: I don't think we could adopt an ordinance of more than 15 percent because we're saying 15 percent is top. Mr. Ross, could you advise us.

MR. ROSS: Mr. Chair, members of the Commission, we're not adopting an ordinance right now. So rather than getting into wordsmithing at this point, we can see

where we come out. There's a subtle difference. Fifteen percent or more.

COMMISSIONER DURAN: Mr. Chair, I think that we're all in favor of affordable housing. I think we're also in favor of having input and public participation.

CHAIRMAN CAMPOS: I understand.

COMMISSIONER DURAN: I think my motion allows us to have that.

CHAIRMAN CAMPOS: I'm just saying 15 or more would let out discussion be broader and perhaps for subdivisions we could add the 20 percent, 25 percent. Just for the discussion. That's all I'm asking. We're still going to vote on this at some point.

COMMISSIONER DURAN: My motion is to just approve it without - the way it's worded and take out greater than five lots, and my reason for not attaching your 15 percent or more is that we still have that option and we can make that decision at a later date after hearing public comment and the fiscal impact that this is going to have. I'm in favor of this but I want to make sure that we have something that works. We adopted an affordable housing ordinance five years ago that no one has taken advantage of.

CHAIRMAN CAMPOS: Could you restate your motion?

COMMISSIONER DURAN: I'd like to move to approve the request for authorization to publish title and general summary deleting "greater than five lots" to require affordable housing in all subdivisions. And there may be some subdivisions that - hang on a second. I think in all subdivisions is fine. And in that discussion we might determine that subdivisions of five lots or less, it doesn't work. And we can make that decision at that time.

CHAIRMAN CAMPOS: Could we also make the decision that we want more than 15 percent?

COMMISSIONER DURAN: You bet. You bet.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER ANAYA: Second.

The motion to authorize publication of title and general summary of an affordable housing ordinance passed by unanimous [5-0] voice vote.

COMMISSIONER SULLIVAN: Just a clarification. So we don't have the 15 percent in and we don't have the five in. Is that the final motion?

CHAIRMAN CAMPOS: No, I thought you said the fifteen percent was in.

COMMISSIONER DURAN: No.

COMMISSIONER SULLIVAN: We didn't put any percentage in.

COMMISSIONER DURAN: We're going to start talking about it.

COMMISSIONER SULLIVAN: We could vary the percentages based on the type of subdivision or whatever we wanted to do.

CHAIRMAN CAMPOS: Okay, is that clear enough?

COMMISSIONER SULLIVAN: Another clear motion passes.

XII. E. Project and Facilities Management Department

1. Update on the Status of Funding and Outcomes of the 2004 State of New Mexico Legislative Session

MR. FLORES: Mr. Chair, I'm going to turn this over to James Rivera and Marlo Martinez.

JAMES RIVERA: Mr. Chair, Commissioners, thank you very much for having us here to give you an update on the 2004 legislative session. And before I go on, I'd just like to thank you all for trusting us to go out and get some work done for Santa Fe County this session.

You have a blue packet there with all the information. What I'd like to go over first of all is this PowerPoint presentation, which is Senate Bill 88, re-organizing County local gross receipts taxes and expanding County gross receipts tax authority. Senate bill 88 was passed by both houses and was signed by the governor on March 9, 2004. It had a companion bill, House Bill 44, which was on the calendar for final passage on the center floor, but was not heard before the session adjourned. But the Senate Bill 88 covered both houses. The intent of this briefing on Senate Bill 88 is to provide a section-by-section review of this most important gross receipts legislation. The sponsors of the bill were Senator Carlos Sisneros, which was Senate Bill 88, and Representative Robert "Bobby" Gonzalez, both from the Taos area. And his house bill was House Bill 44.

In the interim, the legislation was endorsed by both the Revenue Stabilization Tax Policy Committee and the Corrections Oversight and Justice Committee. It was also included in the Governor's Blue Ribbon Tax Commission recommendations. That was the special blue ribbon task force that met all last year and had a special session in October.

The impact, on the Senate floor of Senate Bill 88 was passed by a vote of 23 to 9. When it reached the House floor, the bill passed a vote of 33-24. However, the floor vote was not sufficient to keep the emergency clause bill in, which would have been effective March 9th if the governor signed the bill. But the House must have two-thirds of the members present to retain an emergency clause on any piece of legislation.

There were changes to the bill on the floor. The first one was senate floor amendment number two, which provides a new section, 7-20E-3, that's optional referendum selection effective date of ordinance. This section is quite important to the bill because it gives the local County Commissions an option to either utilize a negative or positive referendum with the county before increments are authorized under County local option gross receipts taxes are imposed.

Counties currently have three one-eighth increments that may be imposed for various reasons. The referenda requirements, first and third one-eighth increment, the new one-sixteenth increment, and County correctional facility gross receipts tax, which is explained a little further on in your report. The increments currently imposed – the first one-eighth increment, all 33 counties do it, with Catron, Harding and Socorro have

imposed only the first for their counties. The second one-eighth increment, fifteen counties have imposed that. On the third one-eighth increment, fifteen counties have opposed all three one-eighths, and Santa Fe County obviously is in that bracket.

This is a review of the election options for this. The impositions of the tax increments go into effect either July 1st or January 1st. One of the following referendum options must be utilized by the County Commission. An election is required in a county with a charter provision requiring an election as specified in the charter. In all other counties, a petition requesting an election may be filed with the County Clerk within six days of the enactment of the ordinance. This provision is commonly referred to as a "negative referendum." The petition must be signed by at least five percent of the number of voters registered to vote in the most recent general election. The signatures must be verified by the County Clerk. If verified, the County Commission must adopt a resolution called for an election to approve or disapprove of the ordinance within sixty days, or in conjunction with a general election if the dates fall within the sixty-day provision. The election must comply with general election provisions.

If the ordinance is disapproved by the electorate, the governing body may not reconsider the increment imposition for a period of one year from the date of the election. If the Board of County Commissioners chooses to have an election in order to seek a simple majority of the registered County voters on the question or approve or disapprove the ordinance, this election is referred to as a "positive referendum."

On Section two of the new gross receipts tax authority, all New Mexico counties are authorized a new one-sixteenth increment which can be utilized for general purposes. A tax increment must be considered by utilizing one of the election options. The estimated revenue generated by the new one-sixteenth statewide FY05, \$23,100,000; FY06 \$24,200,000, and in subsequent years \$25 million 300 thousand, if enacted by all counties.

The estimated revenue generated by new language expanding the County correctional facilities gross receipt, if enacted by all counties, FY05 \$41,300,000, FY06, the same, and subsequent years after, \$45 million. And on the next page you'll see the impact by county if enacted with the new one sixteenth and the correctional tax, that's impact by counties.

Section three, senate floor amendment number two provides that the first, third, and new one-sixteenth must be imposed subject to the optional referendum selection by the governing body pursuant to subsection A of Section 720-E, NMSA of 1978. On Section Four, County Fire Protection Excise Tax, authority to impose ordinance requirements, the legislation removes a sunset provision for a fire excise tax, which restricted the tax to an initial ten-year period and subsequent five-year impositions.

Continuing with that, County emergency communications and emergency medical service tax, authority to impose countywide or, in a county area ordinance requirements to do so, revenue election. The legislation removes the ten years sunset of the original passage of this tax and the subsequent ten years re-authorization.

Section six expands the definition of the County correctional gross receipts tax to

make the tax available to all counties; County correctional facility gross receipts tax authority to impose the rate and ordinance requirements referendum. This removes the provision on this particular tax which now allows the imposition only once for payment of revenue bonds, principal and interest for construction of County correctional facilities. The language now allows proceeds from revenues to be utilized for the operations and maintenance of a County correction facility as well as construction. This bill also provides for proceeds to be utilized for expenses related to transporting and extraditing prisoners. Imposition of the tax would be subject to the optional referendum selection discussed previously in the Section one on the senate floor two amendment.

Section eight, the County Fire Protection Excise Tax with Senate floor amendment number one, removes the sunset provision on the County Fire Protection Excise Tax, provided that the county enact the tax with an effective date of July 1, 2004 or later. The language has a direct impact on five counties that are going to have elections this spring. And Santa Fe isn't included on that, but the counties enacting or reenacting fire tax, effective by July 1, 2004 or later, are not required to have any subsequent fire excise tax elections. The effective dates of the county fire protection excise tax takes effect on May 19, 2004. All other portions of SB-88 take effect on July 1, 2004.

There were some other bills that were killed for local option, a liquor excise tax and some others. House Bill 456 and Senate Bill 377, which was to make a local option liquor excise tax available to Counties; both died in committees. Senate Joint Resolution number nine increased official terms, amending the state constitution to provide for a third four-year term for elected County officials. It died in adjournment of the Senate. House Bill 149, transportation and extradition, which would appropriate a million dollars to the Department of Finance and Administration to reimburse counties for extradition and transportation of state prisoners, was tabled in House Appropriations and died upon adjournment of the Senate. Senate Bill 162, housing state prisoners, defined a state prisoner mandate reimbursement to counties and appropriated \$63.6 million to the Corrections Department, was tabled in the Senate Finance and died upon adjournment.

There were some other bills that weren't introduced. To increase term of agreement on jail construction purchase and lease for fifteen to thirty years, narrow grounds for approval by the Attorney General and the Department of Finance and Administration, also determined likely not to be germane and not introduced.

There were some other bills that were county-friendly that were passed this session. I'd like to turn that over to Mr. Marlo Martinez to elaborate on that. Thank you.

MARLO MARTINEZ: Good afternoon Mr. Chair, members of the Commission. First of all, my name is Marlo Martinez, from Española. My business resides in Santa Fe County, in town. And I'm happy to have been able to represent the Commission and the residents of Santa Fe County along with James Rivera, yourselves, the County Manager, Rudy and Tony and your fine legislative team that you all put together. There was a list of legislative teams that are always second to nobody in this state. I'm happy to say that your team did an excellent job in bringing back capital outlay, as well as

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lobbying to pass other bills that were relevant to the interests of Santa Fe County. I'd like to thank the manager and his staff for supporting us and being there for us with the proper resources to do our job.

The session started off, as you know, with a recognition dinner with hors' d'oeuvres to recognize each and every one of our legislators, as a pat on the back. And the manager as well as the other staff, we all went and passed out the certificates and plaques that weren't passed out with the members that didn't attend over here.

I would say that the session - you have this packet here that you can read, and if you have any questions, we can certainly go over those. But there were certain issues that related to, let's say, corrections and the juvenile facilities and adult facilities. And we carried on some dialogue with Mr. Donthis from Bernalillo and other members of Albuquerque to provide support to Santa Fe. And Tony will probably more specifically talk to all of the numbers and I guess more specifically to Santa Fe County's appropriations and anything in particular. But in thirty days we were there every day and night in committees testifying to the different bills that would be promoted by the County as well as the association of Counties.

I'd like to also recognize Mrs. Bustamante, who is the president of the Association of Counties, who was there doing the job on behalf of all of the counties of the state. We were able to help your delegation to lobby them for as much funding as possible, and I hope you're happy that we got the substantial amounts of money this year. Because more money was available as time went on.

Specifically to the Corrections Department, we had some amendments that were provided in the house, about \$3 million, that wasn't finally passed through the House Bill 2. And I believe, through my analysis of this, that the Wackenhut prisons seem to be getting all of the budget funding from the state, which I think was about \$20 million. It seemed to me that the rest of the prisons weren't being budgeted, the amount for prisoners. Again, Tony probably will speak to that. That's what I analyzed seem to happen.

I don't know if you have any specific questions, Commissioners, in regards to any specific bills or anything at all. During my presentation, feel free to interrupt me and ask if there's anything specifically that we can go over. And again, Tony will give specific dollar amounts and other testimony as need be.

COMMISSIONER MONTOYA: Mr. Chair?

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Marlo, regarding the Senate Bill 88 and the enactment of the additional one-sixteenth, how does Santa Fe County approach that? How will we do that?

MR. MARTINEZ: To enact it?

COMMISSIONER MONTOYA: Yes. Because I think we've done, what --

MR. MARTINEZ: They will go into effect the new fiscal year, July 1st, without an election.

COMMISSIONER MONTOYA: Without an election? So we can just

impose it then?

MR. FLORES: Mr. Chair, Commissioner Montoya, actually there's two parts to that, there's a positive and a negative referendum. We were analyzing it, and the best-case scenario is that we would probably take it out for a vote of the electorate body.

COMMISSIONER MONTOYA: Which one? The one-sixteenth?

MR. FLORES: They both require that.

COMMISSIONER MONTOYA: They both do?

COMMISSIONER DURAN: Could you start over?

MS. LUCERO: Sure. Mr. Chair, members of the Commission, the tax calls for an optional referendum, meaning you can either ask for an election directly, or you can enact an ordinance which requires public hearings, et cetera, and if five percent of the majority of the voters petition against the enactment of the tax, that's what comes into play. So it has to be an option referendum, either directly through an election or through a negative referendum meaning the petition.

In terms of dollars, one-sixteenth is equal to \$2 million to the County. So one-eighth is twice that amount. And this referendum is required for both the correctional facility GRT as well as the additional one-sixteenth.

COMMISSIONER MONTOYA: Mr. Chair, then what would be the notice that would be required in order to put this up for referendum?

MR. ROSS: Mr. Chair, Commissioner Montoya, I think I can answer that if I can make this microphone work. Any gross receipts tax requires the Board to impose an ordinance, just like the first third for indigent and the third third for indigent and the second third for general purposes. The first step of that process is enacting an ordinance. And then once you do that, then you enact an election resolution. So in this case, if you're choosing for the positive resolution, you would pass a resolution that appoints a given day as the election on that ordinance. The ordinance doesn't go into effect until there's either been an election or a resolution of some sort that says you've adopted for the negative referendum. There's a little process, and we can sketch that out for you if you're curious about the mechanics of it.

COMMISSIONER MONTOYA: Yes, I'm curious as to the time frames.

MR. ROSS: Sure. And it's a very detailed process, and actually fairly difficult. The Department of Finance and Administration and Taxation and Revenue have about a forty-page booklet that describes the various taxes and how they're imposed and the various timelines that are required to impose them. So we can provide you that information easily.

COMMISSIONER MONTOYA: Okay.

MS. BUSTAMANTE: Mr. Chair, I would also just like to say that the New Mexico Association of Counties is holding sessions throughout the state. There'll be one on April the eighth in Española where they're going to go into detail exactly of accounting. If they want to pose a particular tax, what the procedure will be. So it's quite detailed, and I would strongly suggest that staff members from Finance and Santa Fe County attend one of

those sessions.

COMMISSIONER MONTTOYA: Okay. And then I guess that was the specific question that I had on that. Regarding the overall appropriations that we received, I was very pleasantly surprised and want to thank the staff for everything that they did. I think all of the funding that we received in District 1 we didn't even ask for on our ICIP, which is great. So that means I get double next year, right?

MR. FLORES: You just got it sooner rather than later.

COMMISSIONER MONTTOYA: But thank you Marlo and James for the work that you did for us. And I appreciate it, and I thanked staff previously for it as well.

MR. MARTINEZ: Commissioner, I have fifteen years in this process and James has eleven. And it is a very political process. I recommend that throughout the year that we work on it hard this year so that when we get there in the next sixty-day session we're not just there all of a sudden. And all of the groundwork that's taken place throughout the year, again, we really appreciate. And we'd like to sit down with each and every one of you at any time to discuss those issues that are important to you. Thank you.

CHAIRMAN CAMPOS: I do have a question, Mr. Flores. The sixteenth, that applies only in the county or countywide?

MR. FLORES: I'm sorry?

CHAIRMAN CAMPOS: The one-sixteenth GRT? Is that countywide including municipalities, or is it just outside of the municipalities.

SUSAN LUCERO: Mr. Chair, the sixteenth as well as the correctional are countywide, including municipality.

CHAIRMAN CAMPOS: Great. Thank you.

COMMISSIONER SULLIVAN: Mr. Chair?

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had one question on Senate Bill 239, the procurement code exemptions. It talks about exempting the purchase of a county hospital, or lease or operation of a county hospital on the procurement code. Who was that introduced for? What county was contemplating that? Was it Doña Ana?

MR. ROSS: It was San Juan.

COMMISSIONER SULLIVAN: San Juan?

MR. ROSS: For San Juan regional.

COMMISSIONER SULLIVAN: So is San Juan buying out their hospital?

MR. ROSS: San Juan has always owned a hospital up there. They own the ground, and the hospital. San Juan Regional Medical Center leases it from the County. It's a County hospital.

COMMISSIONER SULLIVAN: Oh, it's already a County hospital. So they're exempting from the procurement code anything relating to the operation of that hospital?

MR. ROSS: My understanding is that the purpose of this bill was to enable them to spend some bond proceeds. They had a bond election up there, and they're going

to make some pretty sizeable improvements to the facility.

COMMISSIONER SULLIVAN: Okay, thank you.

COMMISSIONER ANAYA: Mr. Chair?

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I wanted to thank Marlo and James and Jaime Estremera, Rudy Garcia, and Tony Flores for all their hard work in getting the money. And I'd like to see how we could start getting more things in the southern part of Santa Fe County without asking for things. Because I know they got it in the north. Maybe we could get it in the southern part.

MR. FLORES: Mr. Chair, Commissioners, if you indulge me just two minutes, and I'll be very brief. We provided in your packet a memo that outlines what capital outlay was received for Santa Fe County this year. I actually included in the memo part of the process that the board gave us a direction on this past April. We stood before you and asked you to take a leap of faith with us to try to minimize the number of project requests that we go in for and try to complete projects that are on the list, get them off the list and then go after new monies once those projects are funded for completion. Gerald and myself and Rudy, we stood up here and we asked you to go on this ride with us.

I was actually unsure of myself at the beginning of the session. After the results of the capital outlay – and they're included in your packet – I am very pleased to report that we will be able to complete more than 75 percent of the projects that we asked for completion of dollars to complete. In addition to those, we did get a few projects that are new to the ICIP or new to the County that we've accepted on behalf of organizations that are unable to receive the funds directly.

When I came before you at the end of the session in February, I used the words "cautiously optimistic" about the final numbers. And there were some final cuts and there were some final additions. But overall, a \$3.7 million capital outlay bill, including senior centers and additions on their general bond obligation that will go out in July and August, we can get some projects completed this year.

What does that mean in the future? Yesterday, we kicked off the DFA workshops for the ICIP process from FY05 to FY09. They have brought back the dates. Another month, we have to have that plan submitted to the Department of Finance Administration in June. What that means is those sixteen, twenty, twenty-five meetings that we held last spring and summer will be gearing up within the next few weeks. The process is at the first meeting of April, I'll bring back an implementation schedule that outlines all the community meetings and all the internal meetings so that we can get the ball rolling and get those noticed as public hearings. So that's the next step in the process. Just because we were fortunate to receive the funding this year, we can't sit on our hands and expect it next year.

The second part of that is I am pleased to report that after three very long weeks of testimony and nail-biting and pulling out what little hair we have left – this is actually a rug – we received \$300,000 for the Agua Fria Community Center as part of our

Community Development Block Grant application. Although we were not fortunate in receiving the full amount, I think the County was very fortunate in the environment and the atmosphere of the new community development guidelines this year, where the focus is water and wastewater projects. Although the guidelines allow other infrastructures like community centers and senior centers, the focus from the state level is water and wastewater projects. Out of 76 applications totaling \$38 million that we were competing against, and this truly was a competition this year, we were fortunate enough to make the next to the last cut, and one of only two facilities in the state that actually received funding. The other one is the San Miguel County Courthouse ADA renovations to this degree. So out of the forty-plus projects that were approved of \$16 million, we received one of that, one of those appropriations. And I think that's why we were unfortunate in the respect that we only had \$300,000 rather than \$500,000.

However, early on the County Manager, myself, and Rudy met and we decided that it would be in our best interests to also lobby for additional delegation money, knowing that the competition this year was going to be so fierce for CDBG dollars, and knowing that the focus was going to be water and wastewater projects. So I'm happy to report that the appropriation will be coming for this Board in April, and we anticipate breaking ground in June on that facility. Our goal is to complete that project in a very quick fashion so that we can meet the next threshold requirements so that we can be applying for the next thing, and not having to wait the two years or the fifteen or eighteen months to try to do that.

So that's in addition to the money that you see before you. So overall in the past three months, Santa Fe County has garnered almost \$4.1 million in capital outlay for roads and facilities and water projects. And that is the good news. The semi-good news is that we get to start this whole process all over again in two weeks. And I stand for any questions.

CHAIRMAN CAMPOS: Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Could you remind me how much - I know we got some funding for the county fairgrounds. Was that \$100,000?

MR. FLORES: Mr. Chair, Commissioner Sullivan, yes. That was \$100,000 in two appropriations. The capital outlay was kind of structured in a way this year where they gave quite a bit of money out of the general fund and over-obligated at one point and the rest out of severance tax bond. So that's why you'll see in that report two Senate bills or two House bills with the same number. One pot of money's coming from the STB funds, one pot of money's coming from general funds. So the total obligation or appropriation is \$100,000.

COMMISSIONER SULLIVAN: Okay, so severance tax, bond funds, obviously will come later then, because they have to sell the bonds.

MR. FLORES: And general fund we have to use sooner.

COMMISSIONER SULLIVAN: And we have to use sooner. So what are we going to use that money for?

MR. FLORES: Mr. Chair, Commissioner Sullivan, we're going to go back

to the master plan that was approved by this Board and developed through the Fair Board and prioritize the phase-one implementation, whether that be infrastructure or building. And at this time I'm not prepared to tell you which one it is. I know for the fairgrounds, the infrastructure, the well, the sewer and those types of improvements are paramount to be able to add on future buildings or future improvements. So that process to determine what the \$100,000 or any of this money other than the projects that would be completed will begin immediately, to be able to bring back to you once the appropriations come in of what we're doing with the money.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER MONTOYA: Mr. Chair?

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I'd just like to remind staff that regarding the appropriation on County Road 74, we're going to require a match on that. And I think we had discussed that. I've discussed it with James. Just a heads-up. We need that funding for the other parts.

MR. FLORES: And again, just in closing, what Marlo and James went over, those are the – I think between the Manager's office and all the County departments we've probably tracked over 300 different pieces of legislation. The highlights that were presented by Mr. Martinez and Mr. Rivera are issues that were on the Association of Counties priority list that we all assisted in testifying for. Ms. Bustamante, as president of the association, was there at every one of them. And those were initiatives that were important to the County.

But that's not to diminish the other projects or the other pieces of legislation that many people in this room from every department testified in or participated in, from DWI programs all the way down to corrections, definitions of what an "inmate day" is. So this was truly a team effort. There's not one person in this room in or department that did not assist in this. Thank you.

CHAIRMAN CAMPOS: I'd like to thank Mr. Rivera and Marlo Martinez for doing a really good job. I think your team with the County team did a great job. I was there a couple of times, and it was great to see it work and how efficiently and how aggressively you were pursuing some of this legislation. And it worked out real well for the County.

MR. RIVERA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you very much.

MR. RIVERA: I'd like to address Commissioner Anaya's request to get more money down in the south. This is the actual truth to it, that there needs to be a lot of work done in the interim. There's I believe four legislators that represent your area, and that includes two from Albuquerque. Unfortunately, one of the capital outlays that came from your district was vetoed by the governor. But I think we need to hold all of our legislators to the fact that they represent Santa Fe County and they need to bring some funding to the table for all the different projects.

And this report I got -- I talked to Sam Montoya earlier and he's actually doing different presentations statewide. And he allowed me to go ahead and use this. And he wanted me to emphasize Senate Bill 88 because it's a money-making bill for all the counties of this session. So I think they're having one in Española pretty soon, and they asked if Santa Fe County is interested in having the full presentation from Mr. Montoya. He'd be more than happy to come and do it. Thank you.

CHAIRMAN CAMPOS: Thank you.

MR. GONZALEZ: Mr. Chair, I'd just like to add my thanks to the work that was done by Mr. Rivera and Mr. Martinez during the session and the whole legislative team and especially Tony, for helping surface the idea of focusing our requests this year. And I'd also like to add my thanks to Becky Bustamante and the Association of Counties for supporting our legislative efforts. It went a long way, as you can see, to getting toward providing additional sources of revenue that are badly needed for the county. So thank you, Becky.

MS. BUSTAMANTE: Thank you.

CHAIRMAN CAMPOS: Good job. Commissioners, we have a new resolution on our table referencing item IX.F, the Fire Department's indicating the names of the persons who have the authority to issue violations. Would you like to go back at this time?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

The motion to approve Resolution 2004-39, authorizing certain individuals to issue citations passed by unanimous [5-0] voice vote. [Continued from page 33.]

XII. F. Public Works Department

1. Resolution No-2004- A Resolution Adopting Placement of Speed Humps and Traffic Calming in Critical Locations in Santa Fe County

DAN RYDBERG (Traffic Engineer): Mr. Chair, Commissioners, at the February 24, 2004 meeting, the BCC requested that Public Works prepare a policy to allow for speed humps and traffic calming to be placed on roads on Santa Fe County that were determined to have critical need. The Public Works Department has developed a policy which would allow for speed humps to be placed in accordance with industry standards and engineering criteria. Public Works request action on approval of the above-mentioned resolution to allow for placements of speed humps and traffic calming on certain County roads as designated by the Board of County Commissioners.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER ANAYA: Mr. Chair?

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: So if we act on this, this would allow us to put speed humps on County roads that we get requests for, correct?

MR. RYDBERG: I believe that is partially correct. What it would be would be a road that the Commission decided had critical need.

COMMISSIONER ANAYA: Okay.

MR. RYDBERG: And met all the criteria to have the speed humps placed.

COMMISSIONER ANAYA: Okay. Mr. Chair?

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Before we act on this, I'd like to - as I was down in Las Cruces at the New Mexico Department of Transportation conference, we talked about this with a vendor down there. And he's here, Danny, and I'd like for him, if it's okay, for him to get up and tell us a little bit about this sign that we have right here. Is that okay?

CHAIRMAN CAMPOS: Well, let me see if there are any other questions. Then we'll go to that. Commissioner Montoya?

COMMISSIONER MONTROYA: Mr. Chair, in reviewing this there were some concerns that I have in terms of the process. As I look at this - and we're talking about critical residential, but it also I think puts restrictions in probably areas that aren't critical residential local county roads. And some of them have to do with the amount of traffic, which is that one down that you have that one, Dan, that you have?

MR. RYDBERG: Probably number two on the resolution. And that has to do with the initial -

COMMISSIONER MONTROYA: More than 500 and less than 1500 vehicles per day. Roadway segment thirty miles per hour or less. Those criteria, I'm not sure that I've got any County roads, and probably need to take a look at -- the ones that I'm thinking of that we have petitions on, I'm not sure that they meet that threshold.

MR. RYDBERG: This is pretty much standard specifications and criteria that came out of Institute of Transportation Engineers. So this is general criteria that anybody who is installing traffic calming or speed humps follows. This is a minimum guideline. And it's an effort to not allow for devices to be placed in areas that may be inappropriate. These are engineering criteria that's pretty much industry standard. I'm sure it could be taken into consideration on certain roads, but you have to pretty much set a benchmark or guideline on what you'll consider doing traffic-calming on.

And this is done from years of other agencies and organizations studying this and knowing whether it'll have a positive effect or whether it's financially worth doing. Roads that have less than 500 vehicles a day, spending money to put humps on them may not be the solution. So this tries to give you some guidelines so you can determine which roads would be eligible or not.

COMMISSIONER MONTROYA: Have we done traffic studies on this

countywide, traffic counts?

MR. RYDBERG: I have a traffic count program that I run through my department. I have counts on a lot of paved roads right now. That's all I'm allowed to count with the equipment that I have.

COMMISSIONER MONTOYA: Okay.

MR. RYDBERG: I've requested and am waiting for funding to be able to buy counters to start counting on the dirt roads, which I can't do right now without having somebody sit there eight hours a day just clicking cars by. So we do have many studies, yes.

COMMISSIONER MONTOYA: Okay. Could you get me the information that we had discussed at the meeting when we first brought this up? When was it? Was it March 11th?

MR. RYDBERG: March 24th?

COMMISSIONER MONTOYA: The March 11th meeting.

MR. RYDBERG: February 24th.

COMMISSIONER MONTOYA: February 24th. There were two roads specifically, and the residents were here that lived off of those roads.

MR. RYDBERG: I met with them after the meeting and gave them my card and asked them to contact me so I could meet with them. Today I have yet to be contacted by them.

COMMISSIONER MONTOYA: Okay. But I guess what I want is the traffic count on those roads that we're talking about.

MR. RYDBERG: If you can remember those specific road numbers, I can

COMMISSIONER MONTOYA: 84 and 109 North. Because I guess the question that I have and the concern that I have is if this is going to eliminate those roads, well then this ordinance isn't going to do much in terms of meeting what I think is a critical residential need specifically with those two roads. I guess I would need that information before I could support this ordinance.

MR. RYDBERG: Okay. That's fine. I can get that information for you, Commissioner.

COMMISSIONER MONTOYA: Okay. And maybe any of the other information that you have that you think would be helpful in terms of - I don't know if we've done the next one, which is the thirty miles per hour or less. I don't know if we've done those on some of those roads as well.

MR. RYDBERG: Most of our roads in the county are closer to 25, because a lot of them are un-surfaced.

COMMISSIONER MONTOYA: Yeah. So would all of these criteria kick in when someone makes the request?

MR. LUJAN: Mr. Chair, Commissioner Montoya, not necessarily. That's when we would have to do an analysis, analyze it and see if they meet the criteria after

they petition us for traffic calming. So not all roads would meet the criteria.

COMMISSIONER MONTOYA: Right. But how does the criteria kick in? The request has to be made first?

MR. RYDBERG: That's correct. After the initial criteria is met where they submit a petition and then we do the initial request -- there's two different requests, an initial and a second one, a preliminary and then a final -- it would kick in after the initial process of the petition to verify that there's enough people in support of it and the studies have been done and we found out that it is a possible road for speed humps. We don't show them the criteria right away and say, "No, you don't meet the criteria." I would start with the process of the public meeting and the petition and all the information gathering. That would come first.

So the criteria wouldn't kick anybody out right off the bat. We would gather a lot of information and have discussion before we got to the criteria. I think that's what you're asking.

COMMISSIONER MONTOYA: And even though we have some of the data regarding some of these criteria, a new analysis would have to be performed?

MR. RYDBERG: Absolutely yes. When an application is made and a petition has been submitted and verified and they meet the initial criteria, then that would start the process of a new analysis. We wouldn't use any old data. We would start from scratch.

COMMISSIONER MONTOYA: Okay. Mr. Chair, I guess I'd still like to request some of that, whatever historical data you have that ties into some of this criteria, to take a look at it.

MR. RYDBERG: Sure.

CHAIRMAN CAMPOS: And you're saying you'd like to get that data before you vote on this?

COMMISSIONER MONTOYA: I would, yes.

CHAIRMAN CAMPOS: Okay. Commissioner Sullivan, you had some questions?

COMMISSIONER SULLIVAN: I just had one, Mr. Chair. The resolution says: "A written request for an installation of speed humps must originate from a property owner on a candidate roadway." And I recall on the City program, doesn't the City require that sixty percent of the residents along the road sign a petition or apply for the speed hump?

MR. RYDBERG: I don't know if it's sixty. I believe I have fifty in here, I think.

COMMISSIONER SULLIVAN: 75?

MR. RYDBERG: 75 percent, yeah. Different agencies may have different criteria that way. But the initial request comes from somebody who's on the road, a resident of the road. In other words, you couldn't have somebody from another neighborhood come and say, "I want speed humps on this road," when they don't even

live on that road.

COMMISSIONER SULLIVAN: Okay. But once that request is made, then how many people have to sign the petition?

MR. RYDBERG: It doesn't fall into play how many people sign the petition. It's a percentage of the property owners that are requesting that that comes into play.

COMMISSIONER SULLIVAN: Okay. So that's item three, after verification of eligibility, the property owner has to provide a petition with 75 percent of the lot owners in the petition accepting all warning signs and restricted parking associated with the placement of the speed humps.

MR. RYDBERG: Yes.

COMMISSIONER SULLIVAN: Okay, so 75 percent of the lot owners then would be required to sign this before you would do the analysis. Or do you do the analysis

MR. RYDBERG: That's correct. Before we do the traffic study, we need to verify or quantify – make sure the road meets basic criteria before we even do it, for all different kinds of reasons. And it has to be lot owners and not just people that are living there. Because there could be renters that may request it, and they could come in and go out. And the person who actually owns the property has a real stake in that road. And they have more, say, than somebody who rents.

So this is the preliminary process to find out if the road goes to the next step. Otherwise, you could have a petition sent in that's got fictitious names on it, or two or three people from the same household. So there's a little bit involved in gathering the data and then verifying that those people actually do live on the road and they are a property owner. And these criteria are all here for good reason, to make sure that everything's followed in a fair and just way and it's done where the criteria is met and that basic engineering standards are followed.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN CAMPOS: I have a couple of questions, Mr. Rydberg. These are just maybe ideas that I'd like to have some feedback on. One, it seems that – what I'm concerned about is the fiscal impact. Perhaps the Commission would agree that every year x-number of dollars out of that could be used, but only those dollars. That would limit our authority, unless maybe we had a super majority. Mr. Gonzalez.

MR. GONZALEZ: Mr. Chair, members of the Commission, the fiscal impact of course is one of the great concerns that we've got. Not the only one, obviously. There are others that have to do with public safety and the movement of fire vehicles. But I was recently apprised by one of the senior staff that there's a community in Arizona that deals with the cost issue by basically creating an improvement district for the purpose of putting out the speed bumps. So basically the residents in that area have to agree under a given process to impose upon themselves the cost of the speed hump. They have to meet other criteria as well. But if they meet those criteria and agree to do that, then the cost to

the County would be mitigated. What would have to be dealt with would be the front-end cost of the construction, but you would recover that on an ongoing basis. So if you had some sort of a starting pool to deal with that, you would be able to replenish it as you went along.

CHAIRMAN CAMPOS: Mr. Manager, we've had a discussion in the past about water districts. And we got to even road districts within the community, and we were trying to create assessment districts for small areas. And I think the staff consensus was that it was too difficult, too expensive, that the projects were too small.

MR. GONZALEZ: There is a concern about management, and it would have to be looked at to see if it could be done in a way that would be more cost-effective than the way that we have done those in the past.

CHAIRMAN CAMPOS: I think that that's an important issue. So one issue I throw out for discussion if we don't do this today is fiscal impact considerations. We have to approve a budget every year. I say we approve a budget for this type of work, x-number. Or we use the option of improvement districts. I think that's a suggestion I'd like to throw out at you too, that the Road Department do preliminary things. For example, like we did in Cañada de los Alamos, we did some striping, we did more signage, we did some of these speed signs before we took the leap. Because oftentimes the striping, the signage, and even law enforcement can really avoid the need for a lot of this. So instead of just jumping in, if we're going to consider something, we'd have a preliminary process, as we've discussed: signs, striping, these signs, law enforcement.

The third would be that maybe we could be more pro-active as a county. Maybe we should go out there and identify five, ten sites that we think are really critical. The fourth thing is that maybe we could have a period where communities could come and apply, but it would be like a sixty-day period where you'd have to apply. Then we could consider all the programs together, prioritizing the most important on down until we run out of budget.

These are just ideas I'd like to throw out, because I think this makes the plan fiscally responsible, and it gives the whole community an opportunity to pitch in with your plan. And it gives us the opportunity also to find other remedies before we go to the more expensive remedies of speed bumps, etc. So these are ideas that I'd like to throw out for discussion. That's all I have to say. Commissioner Montoya, you wanted to make a point?

COMMISSIONER MONTOYA: Regarding your suggestions, Mr. Chair, can those be worked into this, Dan or James? Because I think those are all good bits of information and then suggestions maybe as to what can be incorporated into the actual ordinance.

MR. LUJAN: Mr. Chair, Commissioner Montoya, I believe when we do an analysis of those roads, I think we could incorporate some of those. Maybe if we go out there and we see that more signing is needed, striping of some sort, different signs, I think that's a good idea. We could look at it and incorporate it there and let you know, "Yes we do have that, no we don't have that," and then make the suggestion after that, what it's going to cost. Maybe some of these people want to do an assessment district and pay for

them. I think all of that can be incorporated into the resolution, as Commissioner Campos suggested.

COMMISSIONER MONTOYA: Mr. Chair, I would move that we table this until we have that information.

CHAIRMAN CAMPOS: Okay, Commissioner Anaya, has another comment.

COMMISSIONER ANAYA: Mr. Chair, thank you. I think the discussion that we're having is good. All those are good ideas. I don't want to jump into this speed hump process, but you never know, it might work on one particular road in Santa Fe County better than any other place. I think we can't leave out the options of signage, striping. Maybe this sign right here - I don't know how long your presentation is, Dan, but if very shortly we can hear what he has to say, the experience that he has had with this sign, maybe that'll change our mind and help us in our decisions.

CHAIRMAN CAMPOS: Is there any other comment by the Commissioners? Okay, please come forward.

COMMISSIONER MONTOYA: Mr. Chair?

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I thought that was for County employees that were running around the building.

CHAIRMAN CAMPOS: We'll have to get those in the hallways.

MR. RYDBERG: Actually, I'd just like to make one comment. We were directed at the last meeting to bring the Commission forward something that would enable you to do the humps. And that was the direction that I was given, and that was what I was following. So maybe before we wrap it up you can give me more clear direction again on exactly what you'd like for me to do.

This is a demonstration of something we saw recently that is an alternative to placing humps. This is a radar sign. And it got damaged actually in shipping over here, so it won't turn on right now. But this has photo radar in it. So you'd mentioned before, Commissioner Duran -

COMMISSIONER DURAN: It has photo radar?

MR. RYDBERG: This is actually a radar unit.

CHAIRMAN CAMPOS: So photo radar.

MR. RYDBERG: Not photo radar. I'm sorry if I said photo, I was mistaken. It's a radar unit.

CHAIRMAN CAMPOS: Yes.

MR. RYDBERG: You would put this underneath - maybe if we had a speed limit that was 25, we would put this underneath it or next to it, and as a car drives by it actually shows you your speed. So we had mentioned and talked before. Commissioner Duran was interested in us looking at new technology and different ways to try and combat this situation. And we had mentioned about speed trailers. You were all familiar with that, and the Sheriff's Department also. It's a pretty big unit. We have roads

in the County that we don't have a lot of room to put one of those tow-behind units. This would be an alternative, where we could mount this on a sign post or on a pole, to be able to use this in more situations than we could a trailer.

So this is an effort by us trying to look into alternatives to doing humps. And it just happened that Commissioner Anaya and James and myself were able to meet the people who make this sign. And they can give you just a few minutes on their experience with it, and maybe that'll shed some light.

DANNY VARELA: Okay. Mr. Chair, members of the Commission, thank you very much. I appreciate the time allowing us to speak to you. My name is Danny Varela, I'm with 3M. I am with the traffic safety specialty division. And I'm going to speak to you very briefly about a product. Basically, what is, it is a radar unit. What it does is give driver feedback information. It is a traffic calming device.

In Farmington, New Mexico, they have put up 24 of these units already. And I'll try to get some information from them and let you see what their reaction has been. Also, I have a small brochure and a very small article from Salt Lake City, where they just installed these as a traffic calming device. And you can see third-party what their thoughts are as opposed to me telling you how great my little product is.

However, today what I did is I brought a person who's an expert and specialist in this particular product. Todd Johnson comes in from California, and he will give you answers to any specific questions that you might have regarding this particular product. Let me turn it over to Todd.

TODD JOHNSON: Good afternoon Mr. Chair, members of the Commission. My name is Todd Johnson, with 3M Company. My area is southern California. I'm Danny's counterpart. I call on local agencies, cities and counties, from Los Angeles down to San Diego. And I can briefly tell you this product has been introduced about three years ago. It's designed as a traffic calming device, and it's designed to be used in conjunction with a speed limit sign. The next edition of the NUTCB will have a reference to traffic calming devices, and they do mention in the NUTCB to be used with a speed limit sign.

I probably have my own experience - almost a dozen agencies in our areas that were faced with the same type of situation you were, what traffic calming device should we look for? And this was one of the devices that was shown to be effective at reducing speeds.

CHAIRMAN CAMPOS: How much does it cost?

MR. JOHNSON: Well, depending on the configuration, the basic sign is \$4,700. Depending on how you want to power it, there's an option for solar, there's an option for battery-powered, there's an option for hardwiring into a light standard. Again, depending on where you've got power from. They're designed from semi-permanent to permanent location.

The idea is to put the sign up, let the motorists get used to seeing it. Because human factor studies have shown that people don't get tired of the sign. What people need is a

reminder of the speed. And that's why it's used in conjunction with a speed limit sign. The speed limit sign sits on top. Imagine a light standard, if you will, the speed limit sign's on top, the sign's right below it. As the driver approaches the zone, this sign can pick it up upwards of a quarter-mile away. So as the driver moves into the zone, he's getting constant feedback of his speed.

Now, you set what we call the trigger speed. As long as the motorist is not exceeding the speed that you have put in there, it just simply tells him his speed - 25, 26, 27. Whatever their speed is. Once they exceed thirty, as an example, it starts to blink their speed. And it grabs their attention because it uses LED's and some special retro-reflective sheen that we put on the sign.

Another option for the sign is once they exceed the trigger speed, rather than flashing the speed, you can actually have it say "Slow now. Slow now." It actually scrolls the message across the board. So it gives positive reinforcement, positive command to the motorist on what to do.

CHAIRMAN CAMPOS: Do you have studies showing how effective these are?

MR. JOHNSON: There have been - worldwide studies have been done. In fact, 3M's going to be publishing a study that was done O.U.S., outside of the United States. I believe it was Denmark. But I've got my own agencies that have shown anywhere from a four to eight mile per hour reduction in speed in these zones.

CHAIRMAN CAMPOS: Is there any system like this that would work in conjunction with a camera that would photograph a license plate for a letter to be issued saying: "On such and such a date, your vehicle was through here speeding"? I don't think we have authority to issue citations, but getting a letter saying that you were a speeder might have a double impact.

MR. JOHNSON: There certainly are those systems available. I'm not sure - I can't speak for New Mexico, since I'm just a visitor to your state. But in California they are used, I'm not going to say extensively, but they are in use right now. Photo radar - a car goes through an intersection, it snaps a picture of them, and if a citation is warranted, a citation is issued. There was a large court case that just came to conclusion in San Diego that did say that these photo radars are effective and they are allowed to be used. This cannot be used for traffic citations. It's not a regulatory sign.

CHAIRMAN CAMPOS: No, I understand. I was just curious about other systems.

MR. JOHNSON: Okay.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Todd, Danny, would you guys be willing to do a demonstration project here in Santa Fe County? Maybe - the road that I'm getting calls on is Jemez Road in Santa Fe. Maybe we could do one up in the District One area for Commissioner Montoya. Then you could come back to us and show us how effective your sign is.

MR. VARELA: Yes, I could go to whatever district you would like for me to go. What I would like is set up the unit. Of course, I would have to have permission from the police department and actually have a policeman there. And we would set up the unit and actually test it. And what we would do is actually put a video camera, so that we don't have all the Commissioners out there watching me demonstrate this product. But what we could do is actually set up a camera, and we could set up the unit and we could see as people come down, and you could see the response of how many people put on their brakes when they see this unit, and how immediately they react to it.

Another benefit to this particular product that the County Manager mentioned also is that the reason that people are often not for the bumps is because of emergency response time, also. The bumps will affect your emergency response time, as to where this particular product will not. It will simply remind you and let you know that you are going too fast.

COMMISSIONER ANAYA: Sheriff, would you be willing to help out if the Commission does decide to do this, you would help out Danny and Todd for a demonstration project?

SHERIFF SOLANO: Mr. Chair, Commissioners, I'm more than willing.
[inaudible]

COMMISSIONER ANAYA: Thank you.

CHAIRMAN CAMPOS: Thank you very much.

MR. VARELA: Thank you.

MR. JOHNSON: Thank you.

CHAIRMAN CAMPOS: Okay, there's a motion to table - okay, Mr. Rydberg, Mr. Lujan, you have additional comments. Or Mr. Rydberg, you requested more direction?

MR. RYDBERG: Yes, I guess I would ask if possible for some clarification on my direction. I know Commissioner Montoya asked me to look into two specific roads in his area, and I understand you want to table this resolution at this time. Where do I go from here or what would you like me to do from here?

CHAIRMAN CAMPOS: I'd throw out four things. Fiscal impact, the idea of discussing this with our Finance people, our Manager, about how to finance it or setting a limit to the amount of dollars that we could use each year for the project. Two, do the preliminaries, which would mean signs, striping, speed readers, law enforcement. Three, that we be pro-active as a County, we go out and select sites. Four, that we have a period where we allow communities to come forward and say, "This is what we want to do. This is our problem." And then we'd evaluate all of them together. Those are the four suggestions I threw out. Any others?

COMMISSIONER ANAYA: That's it. And possibly the signing?

CHAIRMAN CAMPOS: That includes the signage.

MR. RYDBERG: Do you have a timeframe on when you would like to try and set something up?

CHAIRMAN CAMPOS: What's your time? When do you think you could get it comfortably back to us?

MR. RYDBERG: You mean a test and an evaluation?

CHAIRMAN CAMPOS: Yeah, I guess. Do you want a test and an evaluation?

COMMISSIONER ANAYA: A month?

MR. RYDBERG: I think it would take us several months, probably.

CHAIRMAN CAMPOS: Several?

COMMISSIONER ANAYA: Two months?

MR. RYDBERG: Two months.

COMMISSIONER ANAYA: Okay, sixty days to do what we talked about? And that way he can do his tests.

MR. LUJAN: It depends on how many roads that we select. He needs thirty days. So I would say we'll look at it probably the last meeting of May.

CHAIRMAN CAMPOS: Sounds good.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think, and correct me if I'm wrong, Mr. Chair, but what Commissioner Campos is asking for is that the resolution also be amended.

MR. LUJAN: Correct. To include these items.

COMMISSIONER SULLIVAN: To include these items of alternative actions before you get into the speed bumps and the evaluation and all of that criteria that would include optional traffic calming measures and enforcement. Perhaps in the resolution itself, the Commission would designate an annual meeting where these issues could be brought. Because we just seem to respond to these things at will. Someone decides that they need speed humps, and we go through this same debate every time somebody wants a speed bump. And it becomes counter-productive. It seems we should do it one time a year, and decide where we're going and move forward.

CHAIRMAN CAMPOS: Let's put it out in Cañada de los Alamos.

MR. RYDBERG: Thank you very much.

XII.F. 2. Discussion with Regards to the Current Days and Hours of Operation at the Solid Waste Transfer Stations

ROBERT MARTINEZ: Mr. Chair, Robert Martinez, Deputy Public Works Director. At the February 10, 2004 BCC meeting, the Board directed staff to explore the possibility of opening a transfer station down south seven days a week, and possibly extending the hours of operation. Public Works evaluated the transfer stations and recommended that if the transfer station in the southern part of the county is going to be opened, it should be Eldorado, because that is the highest volume transfer station other

than Jacona, which is up north.

What we have done is we've provided two options. Option one is opening the Eldorado transfer station seven days a week, ten hours per day, opening the Jacona transfer station ten hours a day – it is currently open seven days a week – and opening the La Cienega transfer station ten hours per day, five days per week. This option would require two additional caretakers, which would cost approximately a little over \$46,000. Now, this is budgeting the caretaker salaries at minimum range.

The Public Works Department does not currently have the resources to implement any increase in days or hours of operation at this time. What we have done is we have submitted option two, which is worst-case scenario. That is opening all transfer stations seven days a week, ten hours per day, which would be a cost to the county of \$429,599. During our budget process, what we have done is prepared a building block for the worst-case scenario, which is option two.

At this time we stand for questions and await further direction.

CHAIRMAN CAMPOS: Mr. Martinez, how much more would you have to charge, let's say for a pass to get into the transfer stations, to get \$429,000? Now they're paying about \$25 a year?

MR. MARTINEZ: Mr. Chair, that is correct. That is the cost of the punch-card. But that is not the actual cost to the County.

CHAIRMAN CAMPOS: I understand that. But what would it cost to actually cover our expenses, including the \$429,000?

MR. MARTINEZ: Mr. Chair, I'd probably have to defer that to the Finance Director. One thing that we honestly don't think is that it'll increase the volume. It'll just spread the volume out over seven days, as opposed to five.

MS. LUCERO:: I'm sorry Mr. Chair, what was the question?

CHAIRMAN CAMPOS: I was just curious about how much we would have to charge if we decided to spend \$430,000 to expand the hours of operation. In addition to our expenses now, how much would we have to charge for each punch-card?

MS. LUCERO:: Currently we sell I'd say 6500 punch cards at \$25 apiece. So that's approximately \$130,000 a year, somewhere there. So that's what a \$25 increment means. So approximately three to four times that amount. So we're looking at \$75 to \$100 per card.

CHAIRMAN CAMPOS: Okay. To give us enough money to operate so they'd pay for themselves.

MS. LUCERO:: Right.

CHAIRMAN CAMPOS: Including this additional service.

MS. LUCERO:: Yes.

CHAIRMAN CAMPOS: Okay. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Robert, right now are they open ten hours a

day, or is it eight hours a day?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, all transfer stations are open eight hours a day.

COMMISSIONER ANAYA: Eight hours a day.

MR. MARTINEZ: Correct.

COMMISSIONER ANAYA: So what if we – and I guess we asked you to throw in the ten?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, you asked if we could see about extending the hours of operation to five o'clock, as opposed to four.

COMMISSIONER ANAYA: And that would mean that we would open at seven.

MR. MARTINEZ: Correct. That would give us nine hour days as opposed to eight.

COMMISSIONER ANAYA: And are you open for lunch?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, no we are not.

COMMISSIONER ANAYA: Ok. So it looks like we just added an hour. How are we getting ten?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, if we were to utilize and employ four nine-hour days, that means that individual would have to come in four hours on Friday to fulfill his forty hours. So we are basing this on a normal work week, whether it be four ten-hour days or four eight-hour days.

COMMISSIONER ANAYA: Do we get a lot of customers at the Eldorado station, or at any transfer station, early in the morning?

MR. LUJAN: Mr. Chair, Commissioner Anaya, probably last year sometime we changed the hours at the Jacona transfer station to open up at seven o'clock. And it might be two years now. Because Pojoaque Pueblo comes in at seven, and we had to be there to accommodate them. So we started opening at seven o'clock.

CHAIRMAN CAMPOS: But you changed everybody to seven then.

MR. LUJAN: Correct. Because the whole operation needed to run at seven o'clock. Our truck would have to start at that hour emptying the bins if they didn't empty it the night before. So yes, we did change everybody to seven o'clock am.

COMMISSIONER ANAYA: But that doesn't mean that the residents are up throwing their trash at seven o'clock. They're probably up at four o'clock – after work they're probably throwing it. So I would like to see – well, I don't know how the Commission feels, but go from eight to five. And I understand your concern about the Jacona, you're up early for the big loads, but do you get that many residents throwing trash that early in the morning?

MR. LUJAN: Mr. Chair, Commissioner Anaya, I would have to look at the log sheets. But my understanding is that we do. We get people traveling to work, and they want to stop at that hour and put their bag going in. Sometimes in the evenings. It works both ways. We do have them at both times. And the reason we started at seven at Jacona is

because they were going in there on their own with nobody there, and we were concerned about the liability at the time, because we had somebody fall into one of the bins when nobody was present. So it was a concern back at that time for the Commission to have us present there. And we need to be present there because of liability issues at seven. That's why we changed it to seven o'clock.

COMMISSIONER ANAYA: That might be the concern over there, but is this a concern in the other transfer stations?

MR. LUJAN: Commissioner Anaya, yes it is. I need to have somebody there whenever anybody is present.

COMMISSIONER ANAYA: No, I understand that. But do we have to open it at seven, or can we open it at eight?

MR. LUJAN: It just makes it difficult for my staff. I need foremen to come in, somebody to come in making sure that their staff is there at seven o'clock. If somebody doesn't come in until eight, they may not – it would run a lot smoother if we had everybody operating at the same time.

COMMISSIONER ANAYA: I understand that. But I see people going over there at ten after four with a load of trash waiting for the gate, and operating hours should be until five, I think.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, if we were to open the Eldorado transfer station seven days a week, eight hours per day, change it from eight 'till noon and one till five, we would still need one and a half FTEs. So you still have, just in funding position, one half more, you're getting ten hour days at Eldorado and La Cienega and Jacona, just for that additional half FTE. So the bottom line is, just to accommodate eight-hour days, seven days a week, you still need one and a half persons. So for that extra half person, you're getting that much more service.

COMMISSIONER ANAYA: Okay. This looks good. What about the other transfer stations? Are we leaving those the same, or can we move those? If there's nobody coming at seven o'clock in the morning until eight, why are we open? But I don't know that. But if we could look at the Stanley and the other ones, I can't name them off the top of my head, but –

MR. LUJAN: You've got Stanley, San Marcos, Nambe, Tesuque, Jacona, and Eldorado. And Cienega. What we'd have to do, Commissioner Anaya, is go back and get it announced. Because we have the times they come in, and we'd see what percentages are coming in at what hour.

COMMISSIONER ANAYA: If they're coming in at seven, we'll leave it open. But if they're not, let's extend it till five, I think.

CHAIRMAN CAMPOS: What about six? I mean, people get home from work at five. I think that's a good question. How much traffic are we getting between seven and eight and nine? I mean, if Pojoaque wants to bring – that's institutional. You could tell them, "Okay, you bring it in at nine. That's when we're open for business." When you say Pojoaque Pueblo, what are you talking about? About the government?

MR. LUJAN: The government of Pojoaque Pueblo. Under our agreement, they have a key to our gate, and they get in there whenever they want to. So we thought at seven o'clock to accommodate them – at that time, Commissioner Trujillo wanted to extend those hours. And that's why we changed the hours. Every place is different. We have people not there from ten 'till noon sometimes, but yes, we're still open for hours of operation. So there would have to be an analysis, and we'll leave it up to the Commission to decide which hours at which transfer station.

And again, some of the transfer stations don't have any – Nambe is one that is very, very sporadic there. Again, it's hours when people do come in. There's a lot of retired people in the Chimayo area that use it. So I guess we could accommodate it and look at it, when exactly the hours are that people are using it. It would take another analysis so that we can see the times that people are coming in. But if you want to go with Eldorado right now–

COMMISSIONER ANAYA: I'd like to – you need to put this in the budget, right? \$46,000 in order for us to move forward. So this gives us time to discuss other possibilities before we can move forward, correct?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, we did submit a building block for the worst-case scenario, which was option two.

COMMISSIONER ANAYA: Right.

MR. MARTINEZ: But we can always amend that to go with whatever option that the Commission decides.

CHAIRMAN CAMPOS: I think what's important too, if we're going to increase our costs by \$50,000, we have to increase our fees to cover \$50,000. Otherwise, it comes out of somebody's program.

COMMISSIONER ANAYA: And maybe we can have an estimate on what – if we increase the fees ten dollars, I don't know if I'd want to increase it to fifty, that could be an option, but I'd increase it a little bit to help us pay for that, and give them more service. It would help the customer in dumping their trash, more access to the transfer station. So I guess what we're trying to say is go back to the drawing board and come up with other options, including checking to see how many people come to the transfer station between seven and eight, and maybe between four and five?

MR. LUJAN: Mr. Chair, Commissioner Anaya, we could put this together and get it for you at the first meeting in April. And the reason being is we need to start printing for next year's punch cards. So that increase would have to be reflected there. And we need to do this soon, because we have to publish that here quick. So if you want us to do it the first meeting in April, we will do it.

COMMISSIONER ANAYA: I think that would be good. And another thing that would be helpful is on the punch card, if we don't keep changing things, on the back of the punch card, put the days and the time of it being open or closed. Because I always get that question, and I don't even remember. And if I had it on the back of my card, then we'd know when it's open and closed. That's just a suggestion.

MR. LUJAN: We'll look at that. But we do issue a little menu, per se, to them. But we'll look at that also.

Also, the other thing is we would like to look at to get direction, we're having so many requests of people losing cards. If we could look at what we want to do with residential, just residential, not commercial, because they want that card replaced. The Manager's office is getting calls. They come to us, and we don't have the authority to issue them a new card if they've lost per se card. But they want to purchase a new one. And something we want to propose to you and - Mary, I've talked with her in Finance, it's a big problem down there. There are people yelling at her, and I don't think it's fair. So I'd like to see what we want to do in that, if a person loses their card, if we want to replace that at a cost, the same cost of buying a new one.

CHAIRMAN CAMPOS: At the same cost or a higher cost.

MR. LUJAN: Whatever cost.

CHAIRMAN CAMPOS: Last time I think we discussed a higher cost for replacement cards. And there are a lot of factors that you have to consider.

MR. LUJAN: Correct.

CHAIRMAN CAMPOS: Now, as far as the Solid Waste Department revenue producing - what's the proper term?

MR. LUJAN: An enterprise.

CHAIRMAN CAMPOS: An enterprise fund. Where are you in those plans?

MR. LUJAN: Mr. Chair, what happened, and I'll take the blame for it, we just didn't have the time to put it together this year. We have discussed it with Susan. We had a turnover at Finance - we started it with Kathryn, Jill has since left, and we just didn't pick up from there. And I apologize for that. But we want to work on it and get it definitely done. We need to work on that.

CHAIRMAN CAMPOS: I think you were talking about maybe hiring a consultant or something, six months, nine months ago. That never happened?

MR. LUJAN: That never happened.

CHAIRMAN CAMPOS: Okay. One more comment.

COMMISSIONER ANAYA: The reason that I like the fact that the transfer stations will be open longer is the fact that we have a lot of people littering our community, our highways, our open space land, BLM, state. And I think this will help us kind of prevent that if we have the transfer station more acceptable to the public.

CHAIRMAN CAMPOS: Thank you.

COMMISSIONER ANAYA: Thank you.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, we agree. As a matter of fact, in a performance benefit for the building block, we put here: "This would give the residents of Santa Fe County better access to the transfer stations, and would possibly reduce the amount of illegal dumping." So we are in agreement with that. Thank you.

CHAIRMAN CAMPOS: Thank you, sir.

XII. G. Sheriff's Office

1. Consideration of Service Agreement between Santa Fe County and Western Transport Services for Transportation of County Inmates

SHERIFF SOLANO: Mr. Chair, fellow Commissioners, I'll try to be brief and then answer any questions. But in December of 2003, the Sheriff's Department began a study on the cost of our prisoner transports within the state. And the reason I began this study is that we were having a lot of not only overtime, but part-time employees who were working full time in order to accomplish these transports. And these are inmates that need to be brought in, say from Los Vegas to Santa Fe for court. Or they're arrested here and they go to court and we get through with them here, but they still have a warrant out in Bernalillo or something, so we have to take them to Bernalillo and drop them off there. Or we have to pick up our prisoners from, say, Bernalillo and bring them here. So we do a lot of these type of transports. And we decided to do a study to see what it was costing us to do these, and to see if we could find a more cost-effective way to deal with them.

What we found out, in a one-month study that was between December 17th and January 20th, is that we facilitated 134 in-state transports. And in order to facilitate those transports, we utilized 660 hours of standard deputy hours and 109 hours of overtime which, without benefits, comes out to \$16,500 for the standard time and \$2,043.75 for the overtime. And that's because it takes two deputies for every transport, to go out and do them.

CHAIRMAN CAMPOS: Is that required by law, or just by your policies of your department?

SHERIFF SOLANO: It's safety and policy. It's not a law that we send two. But when one's driving, we have to make sure that we have somebody else available to deal with prisoners. We used County vehicles for a total mileage of 25,823 miles. The estimated fuel usage was 1,614 gallons, which left us a fuel cost alone of about \$2,400. So for this one-month period, not including employee benefits or wear and tear on our vehicles, we spent about \$21,000 for this one month to transport prisoners.

CHAIRMAN CAMPOS: What month was that?

SHERIFF SOLANO: From December 17th to January 20th. So December 17th of 2003.

CHAIRMAN CAMPOS: Is that an average month, you would say?

SHERIFF SOLANO: That is pretty much an average month, although I think we had an extra eight or ten transports that month that aren't average. That's what I was told.

So we next look at the cost of utilizing a private company to provide these transports. There's only one company that provides in-state transports, and that is this Western Transport Services. There are two national companies that provide transports, but

they only do state-to-state, not within the state. And that company provided us a quote which was set at 79 cents a mile per inmate. The mileage charges through a private company, though, are only assessed one way. Therefore, if we have a transport from Bernalillo to Santa Fe, they only charge us from Bernalillo to Santa Fe, not going there and back, which was an additional savings there.

Using the same figures from that time period of December 17th to January 20th, the base cost of utilizing the private company would be about \$14,000. So we found that that would leave us with about \$6,000 per month possible savings. Besides the savings in dollars alone, we still have the wear and tear on our vehicles and mileage on our vehicles and those things, as well as the fact that this would free up these deputies to perform other services such as traffic enforcement and other needs throughout the County.

So based on that study that we did, I'm recommending that we enter into this contract to begin utilizing the services of the sole service provider, Western Transport Services. If we do enter into this contract, we are going to use existing funds within my budget that were already budgeted within our budget for the remainder of the 2004 fiscal year. Then I've put a building block into our 2005 fiscal year budget request to add this for next year's budget. So at this time, there would be no additional costs that I'm asking for for the remainder of this fiscal year. And we can cancel this contract at any time. And there actually is a clause in the contract that says if we are not budgeted for this, that it would be canceled.

CHAIRMAN CAMPOS: Now let me ask you a question. Do these folks have two persons transporting each prisoner?

SHERIFF SOLANO: Yes. Yes. And actually, on larger transports where they may have a bus or something, they may have additional personnel. But they do do a minimal of two persons per transport.

CHAIRMAN CAMPOS: And you look at their vehicles and are satisfied that they are vehicles that would be appropriate for this use?

SHERIFF SOLANO: Yes, they use the same exact vehicles that we use, the Crown Victorias for the majority of their smaller transports, and then they have buses that are capable of transporting up to 14 individuals.

CHAIRMAN CAMPOS: Who do they serve right now in this area? Other municipalities? Counties?

SHERIFF SOLANO: I have that here. Let me find it.

COMMISSIONER ANAYA: Do you have another copy Greg? I don't have it.

SHERIFF SOLANO: Sure. Here's a copy of my memo, a packet from them that has information and the actual contract.

COMMISSIONER ANAYA: Thanks.

SHERIFF SOLANO: I should have marked that section because I knew it would probably be a good question. Their current client list, Mr. Chair, Commissioners, is Cibola County Sheriff's Department, which is in Grants, New Mexico, Colfax County,

New Mexico, in Raton, New Mexico, Curry County Sheriff's Department in Clovis, New Mexico, San Miguel County Sheriff's Department in Las Vegas, New Mexico, Los Alamos Police, the Valencia County Sheriff's Department, Rio Arriba County Sheriff's Department, the City of Española, Catron County and Roosevelt County as well as they do some Department of Justice and US Marshall Service contracts in Albuquerque. And I know that Taos County right now is in discussions with them at this time.

I did talk to the San Miguel County and Los Alamos Police and they are very happy with their services.

CHAIRMAN CAMPOS: Are you asking that we approve the contract today or do you propose to present us with a contract?

SHERIFF SOLANO: No, I have the contract there. It has gone through Legal, Finance -

CHAIRMAN CAMPOS: I don't have a copy of that.

SHERIFF SOLANO: I'm sorry. I know I personally placed one in your box. I don't have another copy. I just gave my copy to Commissioner Anaya. But I am asking for approval of the contract now. As I said, it's been through Legal, Finance, myself and now to the Commissioners.

CHAIRMAN CAMPOS: Do you think you could get some more people out on the road now? A couple more deputies?

SHERIFF SOLANO: Absolutely. There are several ways that I think it would save costs. One is that I'm paying part-time people to work full time right now to handle this, and overtime, 109 hours in that month. But what it will allow me to do is to take these people that are now doing a lot of these transports and use them in other areas.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of questions. One, I was concerned about not putting this out for proposals. You've indicated that these are the sole service provider and I find a lot of times when we put things out for proposals we find that there's others out there that we didn't know about. What kind of investigation did you do? How do we know that these are the only ones?

SHERIFF SOLANO: Mr. Chair, Commissioner Sullivan, any provider has to be licensed through the Public Regulation Commission and at this time this is the only company licensed through the Public Regulation Commission to provide these transports. So that is how I knew.

COMMISSIONER SULLIVAN: That's how you checked? Okay. What if an escape occurs? What's the liability situation? Someone escapes from one of these vans during their transport, commits a crime, damages property, kills somebody, whatever. What would - what is their liability and what would be our liability?

SHERIFF SOLANO: Mr. Chair, Commissioner Sullivan, I don't have my copy of the contract but maybe County Attorney, Mr. Ross can help me. But I do know that they are required to indemnify the County in the case of a lawsuit, and that they are

required to provide us with full insurance, naming us as additional insured. I believe it's \$1 million. Is that correct?

MR. ROSS: There's quite a broad indemnity clause in the contract as well as a requirement that they provide all types of insurance and name the County as an additional insured on that insurance policy.

CHAIRMAN CAMPOS: I have a question on Exhibit A, 12.3, \$18.50 per hour for down time calculated. What does that mean?

SHERIFF SOLANO: If for some reason they had to take a prisoner to the hospital because something happened on the way or they became sick and they had to wait at the hospital with the prisoner, we would be given those costs. It could also happen that if they go to a jail to pick up somebody and the person's not ready and they're left waiting we could get assessed those costs and I actually had a talk with Susan from Finance earlier and what we would do is run all of these – all these transports would still run through my transport division. Jeremy Garcia is in charge of that, and he would ensure to the best possible that we can that the prisoners are ready to go when the transport people get there so that we don't incur additional fees. And if we start incurring excessive additional fees then I would definitely have a talk with the contractor about whether or not we'd continue to use their services if they're not justified.

CHAIRMAN CAMPOS: It seems that there's going to be a little down time at every call. It's going to take 10, 15, 20 minutes to get in and out. You come up and you get them out. Are they going to be charging immediately, or what?

SHERIFF SOLANO: No. They've told us, Mr. Chair and Commissioners – Mr. Gallegos – this company is run by Lou Gallegos a local resident here, and we had several discussions about this and one thing he's told me is that would only kick in if there was inordinate amount of downtime at any one of the places.

CHAIRMAN CAMPOS: What does in ordinate mean?

SHERIFF SOLANO: I think what he does is, and actually he's called me on an instance when he's gone to our jail to pick up prisoners for Española or Rio Arriba and they've kept him waiting there for hours, but not only did he probably charge Rio Arriba but he called me personally to let us know that we were causing not only him grief but the City of Española. That's actually how I ran into this company was in calling me with complaints about staying too long at our jail.

COMMISSIONER SULLIVAN: I had another question, Mr. Chair. What is the experience – obviously the experience of you personnel are trained in the use of firearms and personnel restraint and other protection that any Sheriff deputy receives. What training, what certifications do these people have? The people transporting?

SHERIFF SOLANO: Mr. Chair, Commissioner Sullivan, the contract provides that they must have, any of their staff not only has to be trained but a minimal of two years experience in transport of inmates and transport of all classification of inmates. So we put that into the contract. The majority of his employees, and I'm not sure if it's all, but I know the majority of his employees are retired and ex-officers who've done this in

the past. My understanding is that the majority of them have the same experience, actually that I do because that's who I hire for my transports, are retired officers.

COMMISSIONER SULLIVAN: Do they carry firearms?

SHERIFF SOLANO: Yes, yes, they do.

COMMISSIONER SULLIVAN: They do. So they're trained by whom in firearms usage?

SHERIFF SOLANO: I don't know who does their training.

COMMISSIONER SULLIVAN: And what about screening for employment? How are they screened?

SHERIFF SOLANO: Mr. Chair, Commissioner Sullivan, I was informed that all of their employees go through a background check similar to what we do when we hire deputies. I was informed about that.

COMMISSIONER SULLIVAN: Are those issues in the contract or these are just procedures that they passed on to you?

SHERIFF SOLANO: Commissioner Sullivan, I know that the minimum two years experience and the professional trained staff is in the contract. I don't remember if we had anything as to who trains or the amount of training. Let me take a quick look. Mr. Chair, Commissioner Sullivan, no. They're not in the contract. The training requirements.

COMMISSIONER SULLIVAN: Would that be useful, do you feel?

SHERIFF SOLANO: My feeling in dealing with the company is that they seem to run a very professional operation. I've gone and seen their vehicles. I've seen some of their employees. I've talked to other agencies that are using them, other government agencies. So I'm pretty confident in their ability to do the contract and to do it correctly. During this initial period when we try them out I think that I will definitely keep a good eye on it and take a look at anything in regards to that.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, are we ready to act on this?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Sheriff, regarding the cost, we're looking at \$85,000 from now to the end of the year, or is this from April 1 to March 30 of 05?

SHERIFF SOLANO: Mr. Chair, Commissioner Montoya, on these contracts I understand that it's standard to put a set amount that it doesn't go over so that there's some control through Finance. That amount was set based on a what a calendar year would be. Based on the study that we did, what our transports would be for a calendar year. Elsewhere in the contract it does state that if we're not budgeted for any portion of the contract that it would be null and void, that we would cancel the contract. So signing this contract, my intention is to use existing funds to carry us through the end of this fiscal year that I have in my budget already and then provided that funds are made available in next year's budget it would continue with the contract being renegotiated or back up again in a year.

COMMISSIONER MONTOYA: Mr. Chair, as I figured this out – so you have \$85,000 currently that you have in your budget to put towards this contract then.

SHERIFF SOLANO: Mr. Chair, Commissioner Montoya, no. To carry us through the end of this fiscal year we're estimating \$21,000, and I do have that within my current budget.

CHAIRMAN CAMPOS: Is that per month?

SHERIFF SOLANO: No, that's for the entire, for the total. April, May and June.

CHAIRMAN CAMPOS: Didn't you just say that \$21,000 was the cost for that average month, December?

SHERIFF SOLANO: That's the cost that I am spending now –

CHAIRMAN CAMPOS: That you are spending now.

SHERIFF SOLANO: Yes, that I'm spending now. The cost for December alone would be \$14,000, but we're looking at probably not actually getting started until mid-April and I may be wrong on the \$21,000. But it was in the 20's, not over \$30,000, that I had available in my budget right now that we felt would carry us through the end of this fiscal year.

COMMISSIONER MONTOYA: Mr. Chair, on this you have that the base cost of utilizing the private company would be \$14,000, and based on my calculations, that would be about \$168,000 a year that we would have to enter into this contract, subsequent to the – that's why I was asking where do we get that \$85,000 from, because that's about half of what's needed in order to –

SHERIFF SOLANO: Mr. Chair and Commissioner Montoya, what we did when we came up with a total amount was, number one, that was the calendar year and then number two, not all our transports will go through the company. What we looked at is when we have, say van-loads or bus-loads, and those are ones that our vans carry 16 passengers, our bus I believe carries somewhere around 25 or 30. And in those cases where we have that many, we felt that it would be more cost-effective to just have two deputies go for those. So we're not sending them all our transport business but rather – so we tried to figure out what it would cost on the transport business that we would give them.

What we found was that it would be more cost-effective to use them for the one and two people around the state. If we're picking up ten or twelve, which we do often in Bernalillo and some of the other – and Los Lunas, for the corrections department, we often go and pick up ten or twelve at a time there. So like on transports like that we're going to continue to use our deputies for those. We kind of separated which ones we'll use this transport service for, based on where it would be more cost-effective.

COMMISSIONER MONTOYA: Mr. Chair, Sheriff, this is going to be a recurring cost to the budget then of about \$85,000, an additional \$64,000 a year?

SHERIFF SOLANO: Mr. Chair, Commissioner Montoya, what I believe will happen, and what we budgeted for was that the savings in having our part-time people

working full time and our overtime and our mileage and wear and tear on vehicles should cover the majority of that cost and in fact, even though we put it in as a building block, we didn't even budget in the full amount because we felt that through the savings elsewhere we would absorb the majority of into our current budget without asking for a lot of additional increase.

COMMISSIONER MONTOYA: That's the way I'm kind of looking at it is that these are the costs that it hit us for, but those are costs that we already are incurring. This cost of potentially, if we were to go with the full-fledged amount of \$14,000 would be on top of that \$20,000.

SHERIFF SOLANO: Mr. Chair, Commissioner Montoya, no. Because like I said, even though we used like, say, 660 hours of standard pay, those were part-time people. I hire these people on a part-time basis and they're working full-time hours. I've actually had complaints from some of them that they're retired officers and they really didn't want a full-time job and they're working full time. So when we go to this, my feeling is that we should reduce those hours not only standard but overtime, substantially. That's money that I'm already budgeted and spending right now every year that I will be able to cover this contract as well as using those part-time hours that I'm using for transports to do other functions.

COMMISSIONER MONTOYA: Okay, so then what would the additional recurring cost be that we're looking at?

SHERIFF SOLANO: Mr. Chair, Commissioner Montoya, I don't have the amount that we put in as a building block on me right now, but like I said, it was not the entire amount and was pretty minimal, actually. I know that.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN CAMPOS: Any other questions? I'd like to have Susan Lucero come up for a minute. Ms. Lucero, have you had an opportunity to review this contract that the Sheriff is presenting and the numbers as far as how it will impact us now and next year?

MS. LUCERO:: Mr. Chair, members of the Commission, we met with the Sheriff a week ago and talked about this very prospect. I didn't review the contract until this morning. In terms of just dollars, it is beneficial for cost savings. I can't speak to the liability issue regarding having an outside contractor transporting inmates, but in terms of dollars this is something we had asked the previous Sheriff's administration to look at and they were averse to it and I'm not sure why. We never got a reason why. But just in terms of dollars, it's a significant cost savings. Almost three to one. And just with that in mind, it would give us a little more flexibility to put existing officers who are right now doing the transports to doing other things such as patrol and actual enforcement. And I think that would be overall, just a benefit right there to the program, let alone the cost savings.

CHAIRMAN CAMPOS: Are you saying basically we save money and we get more people out on the street?

MS. LUCERO:: Yes, sir.

CHAIRMAN CAMPOS: Without any additional expenses.

MS. LUCERO:: Yes, sir.

CHAIRMAN CAMPOS: That's a pretty compelling argument. What do you think?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I guess I'm lost on where we're saving the money. If our officers are not going to do transport, they're going to do more work in the field, so we're still paying them. And then we have to pay a transport service. How are we saving?

MS. LUCERO:: Mr. Chair, Commissioner Anaya, where we're saving is in terms of the overtime cost. For example, right now, you have officers doing their beat, and then having to work overtime in order to transport inmates and prisoners. So that would be the savings right there.

COMMISSIONER ANAYA: So it's overtime pay.

MS. LUCERO:: That overtime instead is being used, or being substituted by a contractor that you're not paying the overtime for. Instead you have the officers on the beat and not doing patrol and then going on transports and extraditions. Not to mention the wear and tear on the vehicles, the cost of vehicles, the amount of the mileage that they put on their vehicles is enormous.

COMMISSIONER ANAYA: Okay.

COMMISSIONER MONTOYA: Mr. Chair, on that point.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: So then we're paying overtime to the part-time people is where the additional cost is being incurred?

SHERIFF SOLANO: Mr. Chair, Commissioner Montoya, it's both. I'm paying part-time people to work full time, as well as they work some overtime and in some cases where we don't have anybody else, I'm paying overtime to full-time deputies to do some of these transports.

COMMISSIONER MONTOYA: So it's all overtime then.

SHERIFF SOLANO: No, it's not all overtime, but we have a combination of a lot of overtime and standard pay that I'm paying to part-time deputies to work full time. So it's a combination of both of those that should be reduced greatly and that money could go to this contract as well as there should be some savings even afterwards.

COMMISSIONER MONTOYA: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Sheriff, so this Western Service or Western Transport, do they go out of state?

SHERIFF SOLANO: Yes. They also do out of state transports. We haven't done an analysis on that and before I looked at whether we'd want to use them or if we started to use them out of state, I believe at that point we should do an RFP because there are other providers for out of state. But we thought as a starting point that we'd start with in-state, see how this works out and then maybe look at out of state next. Because we do have air fare,

overtime, meals, per diem, they're all involved in out of state also. And Finance had mentioned to me as much as last year whether or not we only want to go with a provider for out of state, but my feeling was we'd start out with this and build from there and see how that works.

COMMISSIONER ANAYA: If we approve this, when does this take effect?

SHERIFF SOLANO: Mr. Chair, Commissioner Anaya, the contract states April 1st but we probably wouldn't actually begin utilizing their services and put a schedule into place until mid-April.

COMMISSIONER ANAYA: So then that means we can get more officers on Jemez Road, slow that traffic down?

SHERIFF SOLANO: Absolutely.

COMMISSIONER ANAYA: I move for approval.

CHAIRMAN CAMPOS: Okay, is there a second? I'll second that. Any discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Just in regards to the dollar amount, is there any way, maybe on a trial basis, we should take a look at how this is going rather than enter into it for a year or for that amount? Just kind of around the concerns that Commissioner Sullivan had in terms of a sole source, even though he did the research for a sole source. But we're limited to what? \$25,000? Or is it \$20,000?

SHERIFF SOLANO: Mr. Chair, Commissioner Montoya, it was under \$30,000 was the total that we had found that we could use this year. I'm not sure the exact amount. I think it was about \$28,000. I fully intend to evaluate the effectiveness of this going into our 2005 budget within the next few months and just see how effective it is, see how safe it is, all of those factors, before I continue. It would behoove me especially to not have to answer questions in the future about whether or not this costs us more money or whether or not it made it unsafe for the community.

COMMISSIONER ANAYA: I'd be willing to amend the motion for them to come back in three months to let us know how it's going.

CHAIRMAN CAMPOS: May I ask something? Sheriff, you said you could terminate this if you're not happy, with how much notice?

SHERIFF SOLANO: Mr. Chair, yes. I understand that we can terminate this. There are several ways that we can terminate it. One of them is for non-budget, that we don't budget for it and the other one is just a -

MR. ROSS: I think I can help, Mr. Chair. The contract contains a 10-day termination clause without cause.

CHAIRMAN CAMPOS: Without cause.

COMMISSIONER SULLIVAN: No, no. With cause.

MR. ROSS: Without was my understanding.

COMMISSIONER SULLIVAN: My reading is with cause. Page 5.

CHAIRMAN CAMPOS: It does say with cause.

COMMISSIONER SULLIVAN: If not, then it's just 90 days in advance of the County's fiscal year funding. So it's essentially a fiscal year to fiscal year contract.

SHERIFF SOLANO: Mr. Chair and Commissioner Sullivan, I think with cause and you can answer that if you think I'm wrong, but with cause could be that this is not effective or safe. Either effective financially or safe for the community. Either one would probably be with cause.

MR. ROSS: Right. Mr. Chair, I thought it said without cause in the copy I reviewed the other day, but he's right. If it says with cause, and that remains in the contract, you'd have to have some reason to terminate it.

CHAIRMAN CAMPOS: Do you think the contractor would agree to a without cause, at least for this first year?

SHERIFF SOLANO: I can definitely go back to him and if you approved it contingent on that then we'll just let him know that contingent on that it would be approved.

CHAIRMAN CAMPOS: Would that be satisfactory?

COMMISSIONER MONTROYA: I don't know how the other Commissioners feel about the term. If we want to go with a full year, want to go with three months.

CHAIRMAN CAMPOS: There's a motion, a second, you're proposing a friendly amendment. What is it?

COMMISSIONER MONTROYA: Well, that we go with the three-month contract.

CHAIRMAN CAMPOS: Okay, three-month contract.

COMMISSIONER MONTROYA: And then see how that's working out budget-wise, etc.

CHAIRMAN CAMPOS: Sheriff, does that work for you?

COMMISSIONER MONTROYA: Is that a reasonable amount of time?

SHERIFF SOLANO: Mr. Chair, Commissioner Montoya, Commissioners, one thing that was just suggested to me also was perhaps we may want to go with a fiscal year contract so that we do this each year as part of the budget and fiscal year. I think that would be fine also.

COMMISSIONER MONTROYA: Okay.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: So maybe you just want to amend this contract, put the without cause in there because I think that's useful where we're dealing with a new contractor. But just make this contract through July 1, 2004. Isn't that the end of our fiscal year?

CHAIRMAN CAMPOS: June 30th.

COMMISSIONER SULLIVAN: Okay. Give or take a day. Through June 30th. That give you essentially have of April, May, June - it give you 2 1/2 months to 3 months of evaluation and terminate it there. Then in terms of the dollar amount, if you think you're going to be spending \$10,000 to \$14,000 a year, then maybe your dollar amount, not to exceed might

be around \$40,000. If it were \$14,000, that would be \$42,000. I'm just rounding it off to \$40,000, roughly half of \$85,00. But I think we need to change the maximum dollar amount in the contract as well if we're going to do it at that point. Then it's subject to re-evaluation and if it turns out that it's working well, then it seems like it would be useful to restart it on a fiscal year basis.

COMMISSIONER MONTOYA: Mr. Chair, Commissioner Sullivan, I think the chair was suggesting maybe utilizing what they have right now in the budget.

COMMISSIONER SULLIVAN: Yes, but the contract would still have to have a number on it. The contract says \$85,000 now. So if you had \$28,000 or whatever the number is you have, if that's the right number, or maybe we should say \$30,000 and if you find that you don't have \$30,000 you can amend that contract downward to \$28,000 or \$21,000 or whatever the number is that you have. I think what the Commissioners is getting at is within your budget, this year's budget allocation, then we evaluate it as a part of the budget process for the upcoming fiscal year.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay, so there's a friendly amendment then, to say the contract ends on June 30th, without cause termination and limiting the dollar amount to whatever is available to the Sheriff this fiscal year. Is that right?

COMMISSIONER ANAYA: Say it again.

CHAIRMAN CAMPOS: Okay. This contract ends on June 30th. The contract will be amended to say that it can be terminated without cause and three, the dollar amount will shift so that it will come down to all monies available to the Sheriff in this fiscal year, which you mentioned about \$21,000, \$25,000, \$30,000.

SHERIFF SOLANO: Within, so under \$30,000.

CHAIRMAN CAMPOS: Let's say \$30,000. Is that acceptable?

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: It's acceptable to me. There's a motion a second.

The motion to approve the service agreement, as amended, passed by unanimous [5-0] voice vote.

[The Commission recessed for ten minutes.]

XII. H. Utilities Department

1. Resolution No. 2004-40. A Resolution Requesting Approval of the Expansion of the Santa Fe County Water Utility Service Area

CHAIRMAN CAMPOS: One thing, Mr. Sayre, this doesn't identify the place where you're thinking about expanding the service. Does that create any kind of a notice issue?

DOUG SAYRE (Acting Utilities Director): Well, Mr. Chair,

Commissioners, my name is Doug Sayre. I'm the acting Director of the County Utility Department. That specifically, it talked about expanding the area, but in what is provided with back-up, it does identify exactly where the area is. So I'd have to take the up with the Legal Department. But the caption, this is a caption I think we normally have used this kind of caption just in general reference that the County's considering expanding the service area in some general area.

CHAIRMAN CAMPOS: My concern was the last time we did this with the Gerald Peters property, a lot of people complained that they just didn't have any notice. And if we did it then, obviously they didn't have notice, they just read the paper. Because it would just say utility expansion.

COMMISSIONER DURAN: Mr. Chair, could you ask the Legal Department whether that's applicable?

CHAIRMAN CAMPOS: Sure. Once Mr. Ross gets back. Go ahead and proceed.

MR. SAYRE: Thank you, Mr. Chair, Commissioners. In order to accommodate a possible water service to the proposed Las Soleras development which adjoins the south sector service area on the north between Richards Avenue on the east, Cerrillos Road on the west, the south sector water system would have to be expanded to serve a possible development there. The Las Soleras property consists of 347 acres, comprised of two parts. The western part, which I think is the Trickey Eakin part, is 225.5 acres, and the eastern part, which is the Burttram portion, is a 121.63 acres. There's a map that indicates this behind the resolution, by the way.

CHAIRMAN CAMPOS: Is this the entire - I thought Las Soleras was like 600, 700 acres.

MR. SAYRE: There is an additional part, Mr. Chair, I believe on the Trickey Eakin part, north of this that they're not asking to be considered at the present time in their development.

CHAIRMAN CAMPOS: North of this, north of Cerrillos Road?

MR. SAYRE: North of the - if you look at the map that's been provided.

COMMISSIONER DURAN: This is the rest of the Las Soleras property right here.

CHAIRMAN CAMPOS: Okay.

MR. SAYRE: The additional part I think on the Eakin Trickey would go north up towards Jaguar Drive on that portion. Jim Siebert here probably has more information exactly on that part. This is what was provided to us about what they wanted to consider for the service area boundary extension in that part of the property.

Certainly, this piece of property, as I say adjoins us on the north part of our service area between the two, Cerrillos Road and Richards Avenue. Of course before any kind of service can be considered, we need to say that they would be in the service area. So that's why the service area boundary has to be extended. It would require the following things to take place. The master meter, which is presently located south of I-25 and Richards

Avenue would have to be moved to the north side of I-25 to accommodate it. So then we could connect to the line after the master meter had extended westward over towards Cerrillos Road. If that can't be accommodated we can always come off of Dinosaur Trail and go underneath the interstate northward into this development and back along their primary service road and then back down at probably the west end of Dinosaur Trail to accommodate that service.

We've looked at this. Certainly it's within the realm of possibilities that could be served. We thought we should bring it to the Commission for consideration based on if they do desire to try to get service they're willing to, they've made a couple proposals to the County about some land and some other things that could be done with that portion of the land so we thought we should bring it to the Commission for consideration. I guess at this time I'd like to enter into discussion with you about questions regarding this development.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Doug, I think one of the important things you forgot to mention was that we have had discussion, I've had discussion with you, I don't know what other Commissioners you've talked to, but we have talked over the last month or so about developing a County water system and that water system would be comprised of four or five or six different wells that would be drilled throughout the county that would serve as points of diversion and production wells so that we could transfer water rights that we are acquiring or water rights that development might have to those points of diversion, to those production wells, so that we're independent and no longer being held hostage by the City relative to transferring water rights to the Buckman wells or to the Rio Grande diversion project.

So this, if it becomes one of our service areas, and if a test well is drilled there and is proven to be adequate to become a production well and the State Engineer approves the transfer or rights there, it would be ideal because the master meter is right there. Correct?

MR. SAYRE: This is a possibility, Mr. Chair, Commissioner Duran. This is a possibility. But what we were considering is just trying to get the service area expanded. The next step would be the other phases of development which would be one requirement would be the water service agreement, which we would then address this part of the possibility of how could they be served, what would be the requirement.

COMMISSIONER DURAN: But as I just outlined, the system that we are hopeful of developing, this could be one of the points of diversion that we could use within that system.

MR. SAYRE: Mr. Chair, Commissioner Duran, certainly this is certainly a good possibility for that.

COMMISSIONER DURAN: Thank you.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think the second part of that, however,

that Commissioner Duran brings up is what we discussed at length in the County Commission is that we want to undertake an engineering and hydrologic study to determine where we as a County feel is the most appropriate point for these diversions, and/or these conjunctive use wells. My concern is we get into the same situation with this development as we are with the other one, the La Suerte one, where we approve a boundary extension and then immediately of course the developer says, Well, fine, now I'm ready to drill a well. So here's the service agreement to drill a well and we have no idea whether that well location on the Peters property or a well location on this property is in fact one of those two or three or four or five or six ultimately wells that we might need. I really feel that we're putting the cart before the horse here.

I think that we need to do our own study and say if that's going to be a location, this is the location then we enter into those negotiations, but as soon as we make commitments to expand service boundaries, then the next step here will be a repeat of what we're dealing with before and that's just reacting to specific parcels that want to drill wells as opposed to taking an overall look at where wells could be drilled that had the least impact on neighboring wells.

COMMISSIONER DURAN: Well, Commissioner, you know every time we talk about a production well, the area that we talk about having one drilled, the neighbors always come up in arms. When we talk about the Rancho Viejo well, you and the people in the State Road 14 people and La Cienega came forward with impairment issues and concerns. When we talked about acquiring the Hagerman well, the La Cienega people came out totally opposed to us doing anything with that Hagerman well.

We have to, I think, take the position that in order to manage growth and this resource that there's going to have to be production wells in every quadrant of the county that can support that. I'm not saying that we drill wells without any consideration to any impairment issues but my feeling is that if you have four or five different wells at different locations in quadrants in the county that the impairment issues become less. That's what I'm hoping that in the next month to come that we can have this discussion with the community, with the Commission, with the State Engineer's Office so that we can develop a comprehensive water management and water system planned.

COMMISSIONER SULLIVAN: Let me just respond, Mr. Chair, that the problem with all of those incidences you have described is that in none of those cases did we have the data that we needed. None of those instances were we able to say to the Route 14 people or the La Cienega people or the southwest sector people, no, our studies don't show there to be significant impairment and that's why we decided to take on this plan. I think if we continue to expand service areas, we don't have any water to serve this. We don't have any water in the 500 acre-feet that we have from the City, so by expanding this I think we're telling the public that we're making a pre-commitment to an area, that this is not an independent study. That this is not a study that is one that is going to look at all the options but it's rather a study that's going to justify some water service area expansions and that's my concern.

COMMISSIONER DURAN: That was your concern when we talked about the Rancho Viejo well.

COMMISSIONER SULLIVAN: That's why I said to go for the study.

COMMISSIONER DURAN: And nothing happened. So we talked about the Rancho Viejo well. Impairment issues came up and the whole thing was dropped. So every time we talk about developing a system, you get opposed to the very basics of developing a system or a plan. You're going to have - I'm not suggesting that this particular area be the place that a well is drilled, but we have to think ahead a little bit. This I think is a reasonable area. Rancho Viejo well is another one. One where the Public Works area is going to be built, that's one and the Jerry Peters well should be one that could be considered.

COMMISSIONER SULLIVAN: Mr. Chair, that's fine. But that's an opinion that's not based on any hydrological facts. Even the Las Soleras persons indicate that they don't know what the hydrology is until they drill the well. So I really think that we're getting the cart before the horse. I think we need to do the studies first.

CHAIRMAN CAMPOS: We're going back and forth on the same thing. I think the question raised by Commissioner Sullivan is, don't we need a comprehensive plan first to determine where our system is going to be, where our wells. Do you want to address that issue, Commissioner?

COMMISSIONER DURAN: I just did. I think that this is a comprehensive - I think this is a step in that direction.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, where are we in terms of the hydrological study, and how soon will we be getting that report?

MR. SAYRE: Mr. Chair, Commissioner Anaya, we are formulating an RFP to go out and look at this. There were two thoughts on this, one is we could look at formulating an RFP to update the 40-year water plan which would include this sort of as a master plan part of it, because that was mandated under the 40-year water plan to consider updates of that. The other one would be just to go for a specific five-year water plan or long-range water plan which would consider the options that the Commissioners have discussed here. So we were formulating that about which way we should go. I was really looking at developing an RFP for a master plan that would look at how we need to address this with a hydrologic study that indicated where possible wells could possibly develop.

COMMISSIONER ANAYA: How soon can we get that RFP out and get back to us to let us know where's the water and if this is going to be a good place to drill or is the Peters property going to be a good place to drill. That's one question. The other one is if we adopt this, we don't have to drill anything there, correct?

MR. SAYRE: Correct.

COMMISSIONER ANAYA: And we don't - if we adopt this for a service area, and we don't have water, then we can't serve it. We'd have to wait till we get that study in order for us to say, Yes, this is the right place to drill a well, or no, it isn't the

right place to drill a well. Correct?

MR. SAYRE: Correct. Mr. Chair, Commissioner Anaya, one of the things, expanding the service area doesn't mandate that you have to serve it. That's in the extension of the service area. Doesn't mandate we have to serve it. So we could do that, be looking at - I think they're somewhat independent but I know that they're interrelated as Commissioner Sullivan has talked about. The other thing is in answer to the question about the master plan, by the time we do an RFP and actually get data back, I expect that it would be probably towards the end of this year, before we could actually get that back to you for definitive answers.

COMMISSIONER DURAN: Commissioner Anaya, do you know how long they've been formulating the RFP? Do you remember Commissioner Jose Varela Lopez? He was a Commissioner when we gave instructions to the Utility Department to put an RFP out there to hire a hydrologist to do these studies.

COMMISSIONER ANAYA: Do we have money?

COMMISSIONER DURAN: Yes, there's money.

MR. SAYRE: Commissioner, Mr. Chair, yes, and Commissioner Anaya, we have set aside money for this, but because it was a reconsideration of what we were going to do, there were some legal problems with the RFP that we put out and the selection so we backed off. We were going to redo it, but then these other points came up that we probably should reconsider what we're really addressing in this hydrologic study that it should be more of a master plan, and that's why the Utility Department stepped back to say can we incorporate all of this at the present time rather than do kind of a piecemeal type RFP.

COMMISSIONER ANAYA: Well, I think it's important, and it's always been important that we know where the water is and where it isn't and I think we should jump on that and get that RFP out and get some answers back so that when these people come forward we can say yea or nay. I don't know -

MR. SAYRE: Mr. Chair, Commissioner Anaya, I somewhat agree. This came forward as a request to the Utility Department to go forward. We discussed it. We thought we should go ahead and bring it before the Commission for discussion so that we've got good direction on this from the Commission so we totally understood. The Utility Department I feel fully understood that this was going to be a question from the Commission regarding how we should proceed. But when people request to go forward, we try to abide by that if there is that request. To bring it forward to you so that we can get into public discussion about this and we get, I guess correct direction on which way we should go.

COMMISSIONER ANAYA: If we decide to approve this, then they would be - we don't have the water to serve it, so they'd be waiting anyway.

MR. SAYRE: Mr. Chair, Commissioner Anaya, yes.,

COMMISSIONER ANAYA: But what would be the advantage of them getting the agreement done today, whether then for us to get on this RFP and find out, do

a hydro study and go from there?

MR. SAYRE: Mr. Chair, Commissioner Anaya, I think the only thing is it goes ahead and gets the service area expanded to where they could be considered for service when we got these other things – we were able to address these other things. Otherwise, if we went the other way, we could get that study out and you could get it before you, then they would have to come back for the service area boundary extension at that time, the same process they're going through now. It would seem to me.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN CAMPOS: I would like to have Commissioner Anaya's question answered by Jim Siebert. Why now?

JIM SIEBERT: Mr. Chair, Commissioners, part of when you provide for a service area boundary extension, it doesn't mean the County has committed itself to water service. I think what the developer is looking for in this case is some direction that the kind of money that they're going to have to spend, it's on the order of \$150,000 to do the kind of well that needs to be drilled out there and do the testing associated with it. Before they do that, they need some direction from the County that if they go through that procedure that there is some hope in the future that they can become part of the County water system.

It seemed logical to provide, to ask for this extension from the standpoint that there's a road called Beckner Road and the boundary to some degree follows Beckner Road and it's a connection between the County water line and Richards Avenue and the County water line on Cerrillos Road. One side you have a meter. The other side you'd have to relocate it just slightly to the north. It seemed like a logical way to deal with the extension of the County water system so you had an additional loop in the system. I think the advantage of allowing for the service area boundary extension, allowing the developer to go forward to construct the well, to do the testing, is that you have that done at the private sector's cost. It's \$150,000 minimum to do this, and if you have to go around the county and do several test wells you're talking about a considerable expense.

As I recall, Commissioner Duran is right. I think it's been well over a year since that study was originally requested and I still don't see much progress on it. It seems to me that you can take a series of these private wells and begin to use that as the basis for doing your study at no cost to the County. Thank you.

CHAIRMAN CAMPOS: Thank you, sir. A question for Mr. Gonzalez. You've heard opposition. You know the history with Suerte del Sur? You've heard that we want a comprehensive plan, how do you take this application in that context and advise us on that?

MR. GONZALEZ: One of the difficulties, Mr. Chair and members of the Commission, is that we're looking at a time gap issue and we're being squeezed by a number of different factors. One is the lack of a wheeling agreement. Hopefully that will be solved some time in the next 90 days but there are no guarantees that that will occur. The other time factor that we're being squeezed by is with respect to doing the kind of study that the Commission has asked for and which we will move forward with is that

we're looking at a time frame that is probably at least a year out in terms of getting the response back.

Whether you update the 40-year water plan or whether you do a "water master plan" the requirements for doing the engineering and they hydrology, not only in the immediate Santa Fe area but across the county to determine what potential water sources are across the next four years is not a short-term project. That's a long-term project. In the meantime, the question is are we at risk for losing opportunities that may disappear across the next year or year and a half that it takes to get to the end of the study that we're talking about. And are there specific kinds of wells or projects that we can look at logically as fitting into what would probably be the outcome of the study in the long term, at least reasonably so so that we don't lose those opportunities while the study is going on.

With respect to Suerte del Sur, there were some other factors operating there and still operating. The developer there could go ahead and simply drill their well and wouldn't have to come through the County in order to do that. There are some advantages, obviously, and that's why they've come to the County. In this instance, I don't think the same factors are at play with respect to the developer. I don't think they have quite the same option, given the location and the way that the planning has occurred for that area.

Those are some of the thoughts that I have about it and the real concern that I have is trying to manage the long term and the medium term and the short term and doing it in a way that we don't lose opportunities that we may not be able to go back and capture in the future.

CHAIRMAN CAMPOS: You're saying that this could be a lot opportunity that you're really concerned about.

MR. GONZALEZ: In my view it would be.

CHAIRMAN CAMPOS: Okay, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Well, I disagree. I think that we just recently received an annexation map from the County Manager that indicated that this area is under active consideration for annexation from the City of Santa Fe. I think that the applicant here is burning both ends of the candle. They're applying to the City of Santa Fe. They're applying to the County of Santa Fe and they're seeing where they can get the best deal. Now, there's nothing wrong with that. That's not illegal, immoral or fattening, but the problem with that is that it gives us a problem in dealing with the City. We have 90 days of concentrated negotiations going on. We are asking for more water, at least on a short-term basis, than the 500 acre-feet that's currently in the wheeling agreement.

If we approve this service area as Mr. Siebert has said, that indicates that we are giving de facto approval for a well on this property so that he can invest \$150,000 on drilling a well. The City of Santa Fe will simply say, Ah ha! What you're doing now is you're asking for additional water in the wheeling agreement to serve this development that we have under consideration and that we have concerns with regard to because of water service. I think this service area boundary first step, this piecemeal step, puts us in a very bad position with the City. And I'm certainly one who's advocated regional water systems

and a regional look at this and I think this is yet another piecemeal approach and apparently we didn't learn from the last and most recent one, but I really do think that we have to take a look at the City side of this and say exactly how does the City perceive this and the County's dealings with us by including this in a service area boundary.

I think that it's going to be extremely detrimental to our water negotiations.

CHAIRMAN CAMPOS: What I've heard is that the City would annex but they don't have the 600 acre-feet to provide this developer. Now, Mr. Gonzalez, as to Commissioner Sullivan's point that this might affect our ability to negotiate a water service agreement with the City. What comment do you have?

MR. GONZALEZ: From that standpoint, I think what the developer is offering to do is rather than imposing a burden on the City's system, bringing water to the table on the County's behalf. With respect to negotiations with the City, I don't know that proceeding with this would make things any more complicated than they currently are, given the number of factors that are in the mix. What I have observed and I don't know how to put this quite - I need to be a little delicate about it, but my observations are that the City's concerns, regardless of what's on the table or not on the table, the City's concerns focus strictly on the City and not on looking at a regional approach to dealing with water. And my concerns as County Manager are making sure that we reach out as far as we can to obtain reasonable resources for a broader County system.

It may be that the City doesn't like that. I think they probably won't. But I don't think that they've liked anything that we have done with respect to trying to bolster and enlarge the County water system. We've encountered resistance from them with respect to San Ildefonso and the water system there. We've encountered resistance from them with respect to the water and wastewater sanitation authority. And I think from that standpoint, no matter what we do, we're going to encounter resistance. The City, for its own reasons, not having anything to do with County concerns, raised their own concerns with respect to Suerte del Sur. That's my assessment. It doesn't matter what we do, the City's focus is the City system and supporting that City system as opposed to taking a regional approach to water.

That doesn't mean you can't cooperate. And the way that we've been operating to date is that there are certain areas in which we have cooperated. That still has not produced a regional view with respect to water and has a buy-in from the City with respect to a regional system. I think I reported privately to many of you that during my trip to Washington the City attempted to place themselves in the primary position with respect to the Aamodt settlement, notwithstanding the fact that its County resources principally that need to come to the table in order to satisfy that settlement.

CHAIRMAN CAMPOS: One last question. How many acre-feet is the applicant proposing to bring or to draw from that particular well if indeed we can?

MR. SIEBERT: Mr. Chair, they are looking at purchasing 110 acre-feet of water at this time. Now, that's subject to - and they're Middle Rio Grande water rights. It's subject to review by the State Engineer, so I can't guarantee that you end up with 110

acre-feet once you do that transfer.

CHAIRMAN CAMPOS: How good are the water rights?

MR. SIEBERT: They're valid water rights. They're currently being used.

CHAIRMAN CAMPOS: Are they pre-1907?

MR. SIEBERT: I do not know if they're pre-1907. They're pre-1947 as I recall.

CHAIRMAN CAMPOS: Okay. And how do you propose that we get the water to this well? Do you have to draw it at the Buckman and ship it in or how do you propose to do that?

MR. SIEBERT: Well, I think in this case, because of the issues associated with Buckman, it's my understanding that the water would have to be transferred directly to this well.

CHAIRMAN CAMPOS: To this well.

MR. SIEBERT: Correct. And then it could be used at some point on a conjunctive use basis so that you get water from Buckman, and then the well service is not only this development but part of the County water system, if you have times when Buckman is not producing.

CHAIRMAN CAMPOS: Okay. Commissioner Duran.

COMMISSIONER DURAN: Doug, don't take this as any criticism, because I think that - and I understand what we've been trying to do. We gave direction for your department to go out there and do these test wells. When we talked about the Rancho Viejo well we received a lot of neighborhood opposition. And when we talked about the Hagerman well we received opposition on that well too. If you recall at that time, we gave you direction and it was Estevan, actually, and Gary, to go out there and develop an RFP to get an engineer to do some studies for us that would help us make a decision as to whether or not these points of diversion would be adequate and if the impairment issues would be minimal. Or at least give us information on how we could deal with the impairment issues.

So you, Commissioner Campos, Commissioner Sullivan and myself are as guilty as anyone for not pushing this thing forward, but the reason that we didn't push it forward was that we were hopeful that the City would allow us to transfer or park water rights under this wheeling agreement and we've been working with them for over a year. I understand what Commissioner Sullivan said about perhaps getting the City upset with us but the fact of the matter is that the City has, on a number of occasions indicated that they are overcommitted in their capacity. So they may have this property on an annexation map but there's no way they can annex it until they get water so they can provide the service to them.

I don't think this is a commitment. I think it is something that helps us develop a plan independent of the City and this is also the area that we've talked about developing our new County complex. We would need water for that.

MR. SAYRE: Mr. Chair.

CHAIRMAN CAMPOS: Go ahead.

MR. SAYRE: I'd like to comment about movement of water from the Middle Rio Grande to a well in the Santa Fe Basin. I don't believe that we can get approved to move that many water rights to a well without having a consideration of impairment. I think there's a consideration that you could move a portion of them to a well that you could pump for partial supply, but the rest of them would have to go to Buckman. The impact has to be - the impact and depletion has to be on the Rio Grande River. Otherwise, you have to get off-setting rights within this Basin to see what your depletion is on the La Cienega and on the Santa Fe Basin or any of the other well rights that we have. And I think it's a mistake to think you can take Middle Rio Grande rights and move them block-wise up into the Santa Fe Basin. I think you can consider a portion of them to be moved to where you wouldn't have long-term effects. But I think we need to consider this.

That wasn't presented that we were going to be talking about moving all of these rights into this well. What was presented was a partial supply, but the rest of them, my understanding was we would consider moving to the Buckman diversion. Because that effect is totally on the river. It just depletes it at different points. And so it's off-set. And I think we can have a discussion about this. Just to kind of get things up on the table to where I understood where they were. I wanted to make that point.

COMMISSIONER DURAN: Another element to this is that we also are talking about some aquifer injection that would deal with the impairment issues. We're going to Arizona to talk about storage, aquifer injection, wastewater recycling, all of that, so that it all ties in to this overall plan that will deal with the impairment issues. But we can't just - we have to think of these impairment issues and how do we solve the impairment issues and that technology that I just mentioned is a solution that we need to factor in.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, this is getting to be a complicated issue but I would like to see more of the County in charge of drilling their own wells and not have the developer drilling their well and then telling the County this is the well and these are your water rights and you need to serve us. I think that we need to take more of an approach to, okay, after we do this RFP, we find out where these service areas are and the County steps up to the plate and drills these wells in these certain areas and then if the developer wants to come in and develop a certain piece of property, then we can say, okay, you need to transfer so many water rights to our well, and not necessarily, this is a developer well. They're going to transfer rights to it and then develop what they want to. I'd like to see - I guess what I'm trying to say is the County should take a better approach on the wells or have more say-so on where the wells are going to go and how much water rights we can bring out of those wells.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I agree 100 percent with that comment. I had another question for Mr. Siebert if I could. This proposal you're

presenting as is a good deal for the County, was a similar proposal made to the City? If the City's short of water, it seems like this project is right at the urban zone, at the urban boundary. In fact it's within the urban boundary, it's rather a logical annexation point but apparently the City's been reluctant to commit the necessary water to it. Did you make a similar proposal to the City, simply to drill a well and put that well on the City's system?

MR. SIEBERT: Well, right now the City doesn't have the procedures. The County has procedure to drill wells and transfer water rights. The City does not have a procedure even for the private sector to transfer water rights to the Buckman water system and then get delivery of water through the City system. So that's simply not an option. And we're not precluding, we're not telling you we're precluding the northern end being served by the City, because we think there's still options in compliance with the retrofit program to do that.

COMMISSIONER SULLIVAN: I guess I don't understand that the City doesn't have the procedures. Did you make any proposals? Any specific proposals to the City?

MR. SIEBERT: We've had several discussions.

COMMISSIONER SULLIVAN: That you would drill a well for them?

MR. SIEBERT: No. We've never had any discussion - well, I take that back. We did have a discussion one time about wells and at that point we were told by the legal staff that that would not be an option and it would have to be transferred to the Buckman well system and when we explored that some more we discovered that, no, there would not be the opportunity at least at this time to transfer water rights to Buckman well system.

Let me just say that Doug's right. I only gave you a portion of the story. We do have 110 acre-feet and the idea was that we would do that incrementally at least, with the first increment probably being around 30 acre-feet that would be transferred to the well, with the remainder of that when and if the Buckman well issue is clarified, the intent would be to transfer those water rights to the Buckman well system or other diversion that the County may have developed in the interim.

COMMISSIONER SULLIVAN: The City and the County, at least Doug seemed to agree that you can only transfer a very small portion of Rio Grande water rights to this well because this well is considerably inland of the Rio Grande and its impact or its effect on the Rio Grande is fairly minimal. So just as the City told you, most of the water rights that you're going to have to transfer will be to the Buckman area. So you're in the same situation. So I'm wondering if this is a good deal for the County, why isn't it a good deal for the City? Are the City's land use restrictions - I know they have a HOP program and the County has no affordable housing program. So I know that that's a benefit to the developer. Are there other benefits to the developer in this tract being County property as opposed to being under the requirements of the City zoning?

MR. SIEBERT: Well, the primary benefit is actually water, that the County has a program for actually drilling wells and incorporating it into the County water system

and transferring water rights. The City simply doesn't have a similar program. It could not be done at this time.

COMMISSIONER SULLIVAN: I'm not familiar with the County's program. What is the County's program on that?

MR. SIEBERT: Well, it would be almost identical to what Suerte del Sur is proposing, that you would drill a well, transfer water rights and then that well becomes part of the County water system. We're proposing to do something identical to that.

COMMISSIONER SULLIVAN: I think that we obviously opened Pandora's box on La Suerte and I would say this one nails the lid on the coffin in terms of how we're going to approach regional water policy. And it's going to be to react to developer and applicant proposals, not to locate wells where we believe they need to be located based on good hydrologic data, and if that's our policy I don't think it's to the public benefit.

CHAIRMAN CAMPOS: Mr. Abeyta, could you stick around just for a sec.

COMMISSIONER SULLIVAN: That's not in the interest of water conservation or good land use planning. I think we're premature in this. I'm not saying at the end of this process -- and I don't think a year is too long to make 40-year decisions about our county's water supply. I don't think it's too long at all. It's not unreasonable. At the end of this process, if this appears to be one of the viable alternatives then that's where we should move. We have some back-up not only in dealing with the City but in dealing with the public. Tell the public, here's why and how we're making our decisions, not just on personal feelings. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Question for Mr. Siebert. You're proposing 300+ acres on this right now on the service area or for your development at this point. I understood that you were initially planning a 600, 800, 900-acre master plan.

MR. SIEBERT: Well, the entire Las Soleras property is 715 acres and as I stated previously, one of the reasons for defining the boundary where we have is that it's the extension of Beckner Road which presently serves the factory outlets malls, and it would be extended and it's part of an approved regional road plan. It would be extended over to Richards Avenue. We always felt that that was a logical geographic boundary.

CHAIRMAN CAMPOS: Does this have anything to do with the City's plan to annex, not including all this, the entire project within the service area?

MR. SIEBERT: No, Mr. Chair, let me tell you. I was involved with City annexation when I was the City Planning and Development Director about 20 years ago. The City has yet to initiate a City-initiated annexation. So I guess I take that with a grain of salt.

CHAIRMAN CAMPOS: How many domestic wells do you think there are in an area of let's say a mile and a half from this area? Do you have any idea?

MR. SIEBERT: I'm guessing that -- part of it is that Las Soleras is such a big area that it covers a lot of that mile. But I'm guessing you have at least 100 wells within a mile of this property.

CHAIRMAN CAMPOS: Domestics?

MR. SIEBERT: Correct.

CHAIRMAN CAMPOS: Question for Mr. Abeyta. It seems that this is a fairly large project. Eventually it could include 600, 700, 900 acres. Do you think we'd need to do a fiscal impact statement in this case like we did in the Community College District?

ROMAN ABEYTA (Land Use Administrator): Mr. Chair, I don't know if we would need to do one or not. I couldn't say. What I can tell you is that this property is slated or has been — this property is located within an area that's considered a growth area for the city. The County's growth management plan recognizes that and the County's growth management plan recommends that this property be developed under a joint annexation agreement between the City and the County.

CHAIRMAN CAMPOS: What does that mean, joint annexation agreement?

MR. ABEYTA: There would be a plan done for this property and the City would annex it. It would become a property within the city limits. It was adopted as part of the County's growth management plan.

CHAIRMAN CAMPOS: This is part of the growth management plan

MR. ABEYTA: Yes.

CHAIRMAN CAMPOS: So this is slated for annexation.

MR. ABEYTA: It's planned for annexation. The County doesn't recognize it as a County growth area. We recognize it as eventually a city growth area. The growth management plan states that this area would be reserved for future growth for the City of Santa Fe. And our growth area is the Community College District, which is on the other side of Richards.

CHAIRMAN CAMPOS: Do you have any recommendations that you could make to us about whether this is something we should do or not?

MR. ABEYTA: Mr. Chair, I don't have any recommendations. I would go back to the growth management plan because that is what was adopted by the Board of County Commissioners and the growth management plan designates this as a future annexation area. That's all I can go by is what was adopted as part of our growth management plan.

CHAIRMAN CAMPOS: Thank you. Commissioner Duran.

COMMISSIONER DURAN: For the last — since the legislature was in session, we have been trying to get approval at the legislature at the Commission level to develop our own water system. And I don't understand, Commissioner Sullivan, how you can be so -- I don't understand how this Commission can be in favor of developing a water system, and then when we talk about actually pinpointing -- and it's obvious that we need to develop points of diversion. It's obvious that we're going to have to get the State Engineer to approve those points of diversion, and it's obvious that we're going to have to have public input.

What is wrong with making some decisions as to where these points of diversion and where these production wells might occur, provided that they meet the acid test.

They're going to have to go through public hearings, they're going to have to go through the State Engineer's review and approval. I'll yield the floor to Commissioner Anaya.

COMMISSIONER ANAYA: I didn't mean to cut you short. I just wanted to be next.

COMMISSIONER DURAN: You're next.

COMMISSIONER ANAYA: Are you saying, Commissioner Duran, that we could approve this and in order for them to move forward, the RFP needs to go out and there needs to be a study in order for us to drill a well in that area. And if we do approve this and they don't get the RFP out, or they do and the water doesn't come up favorable in that area, and we do work out a wheeling agreement with the City then we could possibly run water to this area. Correct? So if we approve it now, we don't necessarily mean we're saying we're going to drill a well there. All we're saying is we're going to have it in our service boundary and if everything plans out right, then we can accept them.

COMMISSIONER DURAN: Right.

COMMISSIONER ANAYA: Then we can serve them. But if everything doesn't, then we won't serve them.

COMMISSIONER DURAN: The master meter is right there. It should be in the service area. In order to complete our loop, it should be part of the service area.

COMMISSIONER ANAYA: That makes sense that everything's right there, but we don't have the wheeling agreement with the City to wheel water through there to serve that piece and we don't have, we don't know what kind of water is underneath there.

COMMISSIONER DURAN: Right.

COMMISSIONER ANAYA: So if we say, okay, approve it but we're going to wait for these things to happen in order for us to say, Yes, drill a well, or no, drill a well. Or maybe the City will come on board and say, Okay, we're going to serve you with x-amount of water and then maybe we could have them transfer water rights to the Buckman and we can still wheel them through there without drilling a well there. Are you following me or --

COMMISSIONER DURAN: Right. All that is true in my opinion.

MR. SAYRE: Mr. Chair, I agree that that's a possibility.

COMMISSIONER MONTOYA: Mr. Chair, I think in listening to this discussion my feeling is that we need to proceed with some sort of a coordinated study that takes a look at how we're going to proceed in developing our water utility system. I think, as part of that study, it can address some of the issues that have been brought up in terms of a regional water system, water source, having control over the wells, where they're drilled and looking at how we do those. It can still be in collaboration with private entities. But I think in terms of us taking a look also at the gross receipts tax that we've got, we need to maybe use some of those dollars to drill some of those test wells, as opposed to what we're doing with them now, which -- it's all kind of piecemeal. Everything's kind of piecemeal and I think without this study we're going to continue to do everything piecemeal. So if we do that we're able to be the utility system that I think we're setting

ourselves, or wanting to set ourselves up to be.

And then just one last comment. I'm glad to hear that the City is really taking an active role in the Aamodt settlement case. That means they're going to be helping to offset the majority of the costs that are going to be incurred in that and also, are actually going to become a part of a regional water system, which they seem to be reluctant to do. Whether they realize it or not, the active role they're taking is going to lead them into that, which is good. Maybe that's what it's going to take to get them to be a part of a regional water system. Being that they're so active, maybe they'll start showing up to these meetings that people are going to also in terms of the criticisms that they have no idea every other comment has to do about the City of Santa Fe and their role in this whole thing. So I'm looking forward to seeing them on Thursday night. That's all I have, Mr. Chair.

CHAIRMAN CAMPOS: Question for Mr. Gonzalez. Assuming we go forward with master plan, wells, everything happens and then in ten years the City annexes, do we lose the water system there, the well, everything? Does that become part of the City water system?

MR. GONZALEZ: Mr. Chair, members of the Commission, I don't know that I have an answer to that. I do know that currently we have a mix in which City customers are being served out in the county and we're moving water back and forth between those. I don't know if legal has done any research with respect to that issue but it seems to me that we currently have County facilities within the city limits and the fact that they are in the city limits doesn't seem to have caused them to disappear to the city somehow.

COMMISSIONER DURAN: Mr. Chair, the wheeling agreement that we presented to them said they would pay us back for anything that we expended that they annex.

CHAIRMAN CAMPOS: That they annex?

COMMISSIONER DURAN: If they annex, they have to pay us back.

CHAIRMAN CAMPOS: They have to buy the system. So they would buy the well. They would have the option to buy this well and this system.

COMMISSIONER DURAN: That's what the agreement said. They didn't sign it, but that's what it said.

CHAIRMAN CAMPOS: Okay. I think we're ready for a motion, don't you think?

COMMISSIONER DURAN: I'm for approval, Mr. Chair.

COMMISSIONER SULLIVAN: Mr. Chair, I make a motion that we deny this application.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: At this point in time. It can be reconsidered when we complete the study.

CHAIRMAN CAMPOS: Is there a second? Okay, no second.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

CHAIRMAN CAMPOS: Move for approval of Resolution 2004-40. This is the resolution, right?

MR. SAYRE: The copy I presented to you, Mr. Chair, I presented a packet with a revised resolution. It was supposed to be in front of you. There was some slight language change.

CHAIRMAN CAMPOS: What were the changes?

MR. SAYRE: Let me just give it to you. Mr. Chair, the changes had to do in the fourth whereas. In the bottom line it was "areas" instead of "area." In the fifth whereas, the seventh whereas, and the Now therefore, we just took out "as described in Exhibit B." It was just made "As shown in Exhibit A and Exhibit B." Those are the only changes. But that should have been presented to you in a packet that you got put in front of you. Those changes were made.

CHAIRMAN CAMPOS: Okay, there's a motion. Is that the motion you're making as far as the corrected version?

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: Okay, is there a second? I'll second that.

COMMISSIONER DURAN: For discussion, Mr. Chair

CHAIRMAN CAMPOS: Briefly.

COMMISSIONER DURAN: I really don't believe that approving this is a commitment at all to provide water. I think it's a necessary step for us to take in developing our own water system. It allows us to study this area, or at least study information that might be provided to us by the property owner in our analysis of whether or not it would be an appropriate point of diversion.

CHAIRMAN CAMPOS: Okay, Commissioner Sullivan, briefly.

COMMISSIONER SULLIVAN: I think what we're going to be involved with here is next month, we're going to have a water service agreement in front of us and that water service agreement is going to say that they want the County to commit to partnering with a well, to taking that to the State Engineer's office for an application, and to following all the other procedures that we've talked about. So we are just short-circuiting our process of trying to develop an independent databased water system. So I think this whole discussion will occur in 30 more days when we see the water service agreement and I think, again, that it's premature to do that.

CHAIRMAN CAMPOS: Any other brief comments?

COMMISSIONER ANAYA: I just want to comment, is that the way you perceived it, Commissioner Duran? Or are we waiting for other information? For example, the hydro study. Nothing is really set in stone right now.

COMMISSIONER DURAN: I think we all learned our lesson on the Suerte del Sur Subdivision. I don't think that we're going to proceed with any more agreements - it's my feeling - with any more service agreements until we have done a thorough analysis or presented the public a thorough analysis of our plan and that plan is - it would be very concise and it would be one that was developed based on several points of

diversion and production wells. I know what happened to us on that Suerte del Sur and I don't think we're going to end up on that same boat again.

COMMISSIONER ANAYA: So are you saying that if we do approve this that they will have to wait until we find out what's underground and -

COMMISSIONER DURAN: Yes.

COMMISSIONER ANAYA: And if we can move forward or not?

COMMISSIONER DURAN: It would be part of our overall study.

COMMISSIONER ANAYA: And this is not sending the message that we are approving this and in a month they're going to come forward with an agreement to serve them. This is just letting them know that we will possibly serve them. If we know what's underground and we get the wheeling agreement.

COMMISSIONER DURAN: I think it's just part of the planning process. I don't claim to know everything. But it seems to me that this is an appropriate step to take in the planning of our system. And it's independent - to be quite honest with you, the City is going to annex this piece of property, if not after this meeting, soon after we've done all this planning. But at least we have a point of diversion. We still have to find the water to service it. So if the study proves that it's adequate for us to develop a point of diversion there, at least we have that there. Whether it's in the city or in the county.

COMMISSIONER SULLIVAN: Mr. Chair, why don't we amend the motion to indicate that in the motion, that it wouldn't be applicable - that we wouldn't enter into a water service agreement until we've completed our independent study?

CHAIRMAN CAMPOS: Doug, you had a comment?

MR. SAYRE: Mr. Chair, Commissioners, that exactly was what I was going to say. My understanding of the direction, yes, the service area extension boundary would be approved. But before anything else comes before you, we have to do a master plan study that indicates where we see it's necessary to drill some production wells that would be advantageous for the County.

CHAIRMAN CAMPOS: Mr. Siebert, is that your understanding?

MR. SIEBERT: Commissioner, I think I can read the writing on the wall here, and frankly, I don't think there's any other alternative.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER DURAN: I'll accept that as an amendment to the motion.

CHAIRMAN CAMPOS: Could you state it again.

COMMISSIONER SULLIVAN: My suggestion for a friendly amendment was that the water service boundary be approved, however, no water service agreement would be entered into until the County completes its independent engineering and hydrologic study. The comprehensive study, not of this property. The comprehensive study. Which we've heard may take a year.

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: Okay, Mr. Gonzalez, comments on the friendly

amendment?

MR. GONZALEZ: It's a policy issue from the standpoint of the Commission in terms of how tight they want to clamp down on this and obviously, there is a logic to connecting whatever we do with respect to future wells to a broader plan. Again, the only concern that I have is just making sure that we don't lose opportunities in the meantime. I understand the issues about opening the door and having the train come through. From my standpoint, it's really an issue of trying at this point to make sure that we have sufficient development of a County water system that allows us to stand toe-to-toe with anyone else who has issues with respect to water in the county area, because of my concerns over the regional system.

If the Commission wants to condition their approval that way then that's fine. It limits some of the options that we have, but that's a choice, that a policy choice.

CHAIRMAN CAMPOS: Okay, I won't go along with the friendly amendment. I'd like to have this come straight up. If you want to make a motion later after this one, that's fine. I'm not going to agree to the friendly amendment.

COMMISSIONER DURAN: That's fine.

COMMISSIONER SULLIVAN: You were the seconder, right?

COMMISSIONER DURAN: Oh, you seconded it.

COMMISSIONER SULLIVAN: I'll second the motion as amended.

COMMISSIONER ANAYA: Why don't you agree with it?

CHAIRMAN CAMPOS: I think we have to move forward quickly towards the creation of a regional system. If we delay here, we just play into the hands of what the City is doing. I think there is a good reason to move forward, one, right now. Two, it's close to our system, so it makes sense. The connections are very close. And still, we have the State Engineer who's going to look at this and determine impairment. I think it's close enough, the risk is there, we need some action.

COMMISSIONER DURAN: Okay, then I'm going to withdraw my motion that was seconded by Commissioner Sullivan and make another motion.

CHAIRMAN CAMPOS: Well, we have a motion already on the table which is your original motion, and all you have to do is say I don't agree with the friendly amendment and nobody can second it.

COMMISSIONER DURAN: Okay, well, I don't agree with the friendly amendment.'

CHAIRMAN CAMPOS: Okay, so we have a motion.

COMMISSIONER ANAYA: I'm not clear on it.

COMMISSIONER DURAN: Let me just say - give me one second here. Commissioner Sullivan, your friendly amendment, based on what Gerald indicated, might tie our hands in some particular issues. Do we not have the right, Gerald, to change our mind. If you came up and said, the conditions that we've imposed on this approval has prevented us from moving forward in this plan because of this, and staff is recommending that you remove that condition as one of the terms of approval? You could do that, correct?

I mean, we don't want to back ourselves into a corner, but I think we do want the public that we're taking a position that we're not going to approve water extensions without having completed this study.

MR. GONZALEZ: I guess my response is as a matter of procedure you always have the opportunity to go back, unless you've adopted an ordinance or something like that by subsequent motion to change what you've done.

CHAIRMAN CAMPOS: The other thing, if this motion fails, there could be another motion.

COMMISSIONER DURAN: I'm going to stay with my motion then, seconded by Commissioner Sullivan, with the friendly amendment.

CHAIRMAN CAMPOS: Okay, you're going with your motion, subject to the friendly amendment?

COMMISSIONER DURAN: Right.

CHAIRMAN CAMPOS: Okay.

The motion to approve expansion of the water service area, with the proviso that a water service agreement would not be approved pending completion of the independent study failed by [2-3] voice vote, with Commissioners Duran and Sullivan voting in favor and Commissioner Campos, Montoya and Anaya voting against.

CHAIRMAN CAMPOS: Okay, is there a motion to take this straight up without that friendly amendment?

COMMISSIONER MONTOYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

The motion to approve Resolution 2004-40 passed by majority [4-1] voice vote with Commissioner Sullivan casting the dissenting vote.

CHAIRMAN CAMPOS: Okay, it's approved.

MR. SAYRE: Mr. Chair, Commissioners, I think we have our direction.

CHAIRMAN CAMPOS: Thank you, sir.

XII. H. 2. Consideration and Possible Action Concerning the Water Rights Purchase Agreement with Campbell Corporation

CHAIRMAN CAMPOS: Mr. Gonzalez, are we going to wait for that until after executive?

MR. GONZALEZ: Yes, Mr. Chair. We need to have some discussion in executive on that particular issue.

CHAIRMAN CAMPOS: Okay, then we'll do that if there's no objection.

XII. I. Matters from the County Manager
1. Update Concerning the CARE Connection

CHAIRMAN CAMPOS: Do we have someone to speak on that?

MR. GONZALEZ: I, and we also have Projects and Facilities, and we did have CHDD, I'm not sure. I'm going to begin by recapping as far as I can my understanding of how we got to where we're at and what the process has been and then fill in some blanks here. CHDD was created in 2000 before I started working for the County. The CARE Connection shortly thereafter was approved as a concept by the Commission. Then two years later, in 2002, again, that was I believe before I started or just after I started working for the County, the Commission adopted or approved a lease-purchase option for the old magistrate court. Because I wasn't here and involved in that process, I don't know exactly what the understanding was at the time, except that generally, there was some thought of locating some of the health functions in that facility and perhaps some other County functions as well. Tony probably has a better recollection of that than I do.

And then it's my understanding that there was a window that developed with respect to being able to provide monies in order to complete that purchase rather than continuing to pay on the lease basis, because the cost of doing so, or by completing the purchase we could have applied some of the lease payments toward the purchase price and gain some leverage with respect to doing that. That window, as I understand it, as I recall, by that time I was on board, was to close at the end of June, somewhere towards the end of June of 2003. So that triggered the discussion before the Commission about the acquisition of the property.

During the discussion about the acquisition, it's my recollection that there was some discussion that using the facility 1/3, 1/3 and 1/3. One third would be used for the housing of Health Services Division, one third would be used for setting up the screening assessment and referral program that we are currently in the process of putting into place and for which the Commission at the last meeting approved the hiring or the creation of the FTE for that program manager position. With respect to the remaining third, my recollection is that there was considerable discussion about the possibility of using it for the sobering center or if that did not develop, because of the finances associated with the purchase, the other option would have been to rent out that space in order to cover or to bring back to the County some of the costs of purchasing the facility and operating it.

And the purchase actually was completed within the time period that was allotted for it, which was June 30, 2003 I think. In the meantime there had been some discussion between the CARE Connection, the City and the County with respect to operation and placement of the sobering facility there. It's my understanding that the City had conditioned the \$500,000 that they had placed on the table upon being able to develop a means of providing operating monies for the sobering center. Since that, and I guess in conjunction with that, and Robert can correct

my recollection, but in conjunction with that the City also indicated that they would make some of that \$500,000 available in order to go to RFP, in order to provide for the infrastructure for the sobering center.

In addition, since that time, it's my understanding that we – and I have had direct contact and Tony has, I believe, with the Department of Health. They have come forth with approximately \$200,000 that would be available for bricks and mortar for siting a sobering center. I don't know that that is tied to a particular site and I do know that there has been some discussion, and this is probably what's triggered the request for an update, some discussion about where the sobering center would be placed.

In part because I think at the same time, or not overlapping, these events that I've just described, we also acquired the juvenile facility and the jail team was looking at all the options that might be available for the use of that facility in order to maximize the uses of it and offset the expenses of operating it. So at one point there was some discussion and may still be in the air, some consideration of the possibility of siting sobering facilities over at the juvenile facility. However, that issue first came up early on in the process, the jail team process of looking at all of those options.

So I would say that it was probably a not fully developed thought, but nevertheless one that was taken up by a number of our health care system components out in the community and some of them have endorsed that possibility. There are other options that have opened up with respect to placement of the sobering center and I understand that it's been suggested from the state side that there even be some contacts made with RAP as a possibility. So I guess that's kind of my summary of where we are. There are a number of options on the table. We do have some bricks and mortar money that's been committed or will be shortly fully committed from the state to the tune of \$200,000 and there is also the inchoate, not totally concretized offer from the City to provide some funding. We're still in discussion about where to find operating monies and also about finalizing the siting of the sobering center.

Robert, Steve, wherever you feel I need to be corrected or guided or whatever, that's sort of my take on where we're at.

ROBERT ANAYA (CHDD Director): Mr. Chair, Commissioners, I think that the Manager has succinctly put that essentially we are to the point in the road where we've gone ahead and placed the Health Services Division. The CARE Connection RFP is going to be advertised next month as far as the screening and assessment for the referral piece as per the direction of the Commission. And that now we're to the point of moving forward to the phase of sobering.

Relative to the City of Santa Fe and the \$500,000 commitment, the one thing the City stated in their commitment was that we would jointly pursue additional resources for the operating aspects of the sobering center. Currently we have resources that will allow us to begin the operation of the assessment and referral piece, but we don't have the operating dollars necessary to completely operate a sobering piece. The reason I say completely, is we'll probably have partial money, but the City made it very clear to us when they made the commitment of the half million dollars of bricks and mortar money that expires on July 29th of

this year that before they would actually release those monies for any rehabilitation or construction, that they would want to see how it is that we intend or plan to fund the operation aspects of the sobering center.

But as such, at this time, what we're requesting of the Commission is to continue the discussions with the City of Santa Fe to decide as to a joint process of zoning that would need to take place if we pursued working at the current health services facility, and/or taking into consideration any other options the Commission may want to bring forward at this time. At this time staff is seeking you input, questions and direction as to how you want us to proceed from this point forward.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Robert, what happened to the possibility of using the Youth Development Facility for the sobering site? What happened to that?

MR. ANAYA: Mr. Chair, Commissioner Anaya, early on in the process as Mr. Gonzalez stated we determined that there was vacant space within the Youth Development Facility that was not being utilized. Given the proximity of the kitchen and those services, we felt that that was definitely something that we should put on the table for consideration. In the last two weeks, literally, the Bureau of Prisons has approached Santa Fe County with an offer to put in a proposal to do some residential treatment for youth within that facility. That particular option, and I'll let Mr. Parrish and the Sheriff and any others on the jail team elaborate on it, seems to be a more appropriate fit at this time for that facility. Given that recent item that came forward, we are now suggesting that that's probably not the location that we should look at. But in the last two weeks, that's essentially what's happened relative to that particular site.

It's also important to note that leading up to that, that the CARE Connection actually physically went and looked at the Youth Development Facility and felt that that was a good opportunity to look at and pursue. But we have notified the CARE Connection that the youth aspect is probably the direction that the County's going to be moving on with that particular portion that's not being used right now.

COMMISSIONER ANAYA: Thank you, Robert. That's all I have.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: I think regarding the update and what I heard, maybe there's two avenues that can be pursued. That being our existing location, at the old magistrate building, in terms of what we would need to do in terms of permitting and retrofitting for the use of a sobering center. And then the other thing I think Gerald mentioned, regarding possibly - I know that RAP, Recovery of Alcoholics Program, had a application in before the EZA last week and it was withdrawn for whatever reason, expanding their facility to provide residential treatment services, long term, I think is what they were looking at. But maybe they may be potentially interested in expanding their existing facility for services that could be provided that would probably minimize some of the cost in terms of staff. They may

be able to get in there with the \$200,000 that we got from Governor Richardson as part of that appropriation. I'm just kind of thinking outside the box. Would the \$200,000 get us more over there or is it going to get us more at the magistrate building? And what will it do in terms of the triage service that we're going to provide out of there, the screening, assessment, referral. So those are just some thoughts that I have in terms of - I don't know if that's muddying the waters or helping out in terms of direction.

MR. ANAYA: Mr. Chair, Commissioner Montoya, Recovery of Alcoholics Program had expressed an interest in competing to operate the sobering center. I'm not very familiar with the actual project that they were pursuing. It was not a sobering center that they were pursuing. But it is my understanding that they have in fact pulled back on that particular project of expansion for that long term care. And at this point, I think that's the type of direction that we want from the entire Commission, is do you want us to raise that and review that to greater detail? Or do you want us to remain focused on the old magistrate court building? That's exactly the type of direction that we're seeking today.

COMMISSIONER ANAYA: Mr. Chair, Robert, so are you saying that we could use this \$500,000 from the City? Let's say we decide to do this facility at RAP. Would this money go into building a building over there? And what other monies do we have other than the \$500,000 to do that?

MR. ANAYA: Mr. Chair, Commissioner Anaya, relative to the half million dollars that the City has set aside, they have said they want to invest that money in a sobering center. And they've been very emphatic and clear about that. As for the actual location of the sobering center, the more important question that's being asked by us, as well as the City, is how are we going to operate the facility once it's built, wherever it is. So it's a two-fold answer. Once we determine a location, that's only half of the equation. The other half of the equation is how do we allocate or find money to operate the facility?

In addition to this money of capital, which is the half million dollars from the City, if we can find the operating dollars, the \$200,000 that Mr. Gonzalez and Commissioner Montoya just mentioned. We also have other resources that are going to be available that we have in excess of what we will need to run the screening, assessment and referral center. So there are some operating dollars, but we need more operating dollars from different resources. The Department of Health, via the governor's office has expressed that if we get to the point where we're actually going to build the facility, we may actually get more attention and maybe some possible revenues.

The problem with that is that there is no firm commitments nor are there any specific dollar amounts that I can bring back to this body to say that they've committed.

COMMISSIONER ANAYA: And in order for us to use the \$500,000 that the City, we have to have some kind of commitment, correct? On operating -

MR. ANAYA: Mr. Chair, Commissioner Anaya, the City would like to know how it's going to be operated, but more importantly, as staff for Santa Fe County Commission, staff would not want to pursue expending large amounts of rehab dollars and would not recommend to the Commission that we proceed with that unless we knew and felt comfortable

that there was some operating revenue to actually put the beds to use.

COMMISSIONER ANAYA: So if we give direction, for example, to go to RAP, then what do you do when we give you direction? Then where do you go from there?

MR. ANAYA: Mr. Chair, Commissioner Anaya, if we are given direction to look at another alternate site, then Mr. Flores and myself and the rest of staff will analyze what the costs are for the rehabilitation and provide some estimates as to cost at the old magistrate site, at the possibility of another site if it's RAP or somewhere else, and then come back to you and give you that analysis so that you can make a determination. That's one piece. The other piece is still, where do we get the money and how do we get the money to go ahead and operate it?

COMMISSIONER ANAYA: Okay, so we're just going to give you a - we can either say no, we want it here at the Galisteo office or we're going to open it up and say, Okay, you guys go out and come back to us with some options. Is that what you're asking us? For you to go out and give us options?

MR. ANAYA: Mr. Chair, Commissioner Anaya, we have a facility in the old magistrate court facility that was designated for a sobering center.

COMMISSIONER ANAYA: Right.

MR. ANAYA: We're prepared to move forward with the analysis on that property. What Mr. Gonzalez and Commissioner Montoya have brought up is maybe we should look at not only that but an alternate site as well. We need that type of direction specifically to know whether or not it's only old magistrate court, and that's it, or the two of them combined. But right now, what we have, based on the direction you've already given us in the past meetings is that we have that one-third designated in the old magistrate court building and that we move forward in discussions with the City as to how we would deal with the zoning process. Because we all know, and Mr. Flores has worked within the city, that it is going to be a process, a lengthy process by which we work together with the City to figure out how it is we get the approvals we need, to get appropriate community input around the old magistrate court building if that's where it ends up being.

COMMISSIONER ANAYA: Personally, I'd like to see at us look at other options. I don't want to say, just because we approved this in June that it necessarily has to be the sobering center. I think that if RAP is going to possibly run this facility, it might be better off - I agree with Commissioner Montoya, it might be better off in the RAP area, in their complex. That's where I'm looking at it.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: My problem is that we haven't done anything on this in the last year. Now, July 29th is only a couple of months away. I think that staff is right. The problem is with the Galisteo building that we need to pursue the zoning issues and the physical issues, the neighbors issues, which is a few, although it's mostly commercial there, and come to a conclusion. If it's not feasible, then I think that that satisfies the City and we move to another site. But we've had over a year to deal with this and it seems to me that all we've done is moved staff in there and moved partitions around and we haven't bitten the

bullet. And the bullet is, where is the sobering center going to go.

We could be patting our tummy and rubbing our head at the same time here. We need to look at the operational funds and we can look at other options but it seems to me we've done neither. Maybe I've missed something here that's been going on and I haven't seen it. Correct me if I'm missing that, Robert.

MR. ANAYA: Mr. Chair, I think you are missing something and I would offer to you that the direction that this body gave us was to proceed first with this staff from the Health Services Division, which we successfully did. The second stage was screening, assessment and referral, which we're ready to RFP, which we've hired a coordinator, or we're getting ready to hire a coordinator for that. And the third phase was and has always been the sobering center. So I believe that the staff, I don't believe, I know, that the staff has invested a lot of time and effort in getting us to the point where we're actually going to get screening, assessment and referral services between now and the end of the fiscal year is what we've targeted.

COMMISSIONER SULLIVAN: My question is though, Robert, that I understand that that was the sequence of things but I don't recall anything being exclusive sequence. While you were doing this could you not have been working with the City, with the City zoning people and going through the process to determine if we have the appropriate zoning, which I don't think we do, or if, because of our position as a governmental entity, we in fact need the zoning, legal issues, the zoning issues. It seems to me that we could be doing that at the same time, couldn't we?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, I would say that it's a process issue and that was not the direction that I had received from the Commission. Or maybe there was a misunderstanding as to what that direction was. But our direction was to implement Health Services, implement screening and referral, and do what we said we would do with the City of Santa Fe, which is exactly what we've done. It's not exactly correct that we haven't had any dialogue with them. I had several communications with Mr. Salazar, who is the current acting director of the area that's going to deal with the actual zoning issues. We've worked with Terry Rodriguez. We've worked cooperatively at the state legislature to work towards getting additional operating dollars and seeking those operating dollars to get us to the point where we actually can get somewhere.

I guess maybe there's a difference of opinion as to the process. If I misunderstood that direction I guess that's what I'm hearing from you right now. But I have to tell you that Mr. Flores and the entire staff of the Health Services Division has done an exceptional job getting us to where we are, keeping in mind that sobering and these types of coordinated services have been talked about in Santa Fe County for about 15 to 20 years and we will take, if that's the direction, to pursue just one side or two sides. We are prepared to aggressively do that. If there was that gap in time that you're concerned about then we will definitely, we are definitely going to step up our efforts as far as getting further, faster with the sobering center.

COMMISSIONER SULLIVAN: But in your discussions that you have had with the City, what do they say about the zoning?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, one of the early statements that we got back from the City was that the County of Santa Fe doesn't really need to go through a zoning procedure because we're a governmental entity. We could actually bypass those requirements. And our response back to the staff at the City was, well, we really wouldn't feel comfortable taking a recommendation back to the Commission to bypass all of those communities and individuals that live in that surrounding area. So we want to work on some hybrid, if you will, zoning process, that affords those communities in those areas an opportunity to make comment on this process. But the initial reaction we got from the City was you can go ahead and do it and you really don't need to come through our system.

COMMISSIONER SULLIVAN: Mr. Ross, does that sound right?

MR. ROSS: Mr. Chair, Commissioner Sullivan, we have a memo in our file from the City indicating that they're not – as Mr. Anaya just stated, that said that they weren't interested in zoning or land use processes with respect to this property but between that and a full-scale procedure, I suppose anything we want to agree to do with the City is defensible.

COMMISSIONER SULLIVAN: So it sounds like what's being suggested here, and I recall this discussion a year ago, was that we would have some community meetings. We would have some community input, some neighborhood input, some working session discussions, something less confrontational than your typical zoning hearings that would talk to the neighborhood with the City present and with our staff present and discuss this issue. Has that taken place?

MR. FLORES: Mr. Chair, Commissioner Sullivan, it has not.

COMMISSIONER SULLIVAN: Should we be doing that? The staff is asking for direction here and I'm feeling déjà vu all over again, that we started this a year ago and I thought that that's what we were going to be doing. Aside from the fact that we haven't, is that a good way to go now. It seems to me that it is. I yield to Commissioner Duran.

COMMISSIONER DURAN: Thank you, Commissioner. I recall the conversation, and the conversation was that we'd get the CARE Connection in there. We'd get your department operating out of there. We heard when we were trying to get the RAP program in there, Mr. Salazar had been given direction by City staff to not propose any change to their programs that would cause them to – to increase their budgets. So we were waiting, I thought, for the City to take a different position or to make a decision whether or not they were going to move RAP there. And until they made that decision there was no need to go through the process of trying to get the zoning changed.

I think that we did talk about going ahead and doing it because it's our property; we didn't need the City's input, but we didn't want to take that approach. But I think that you've done everything that we have asked you to do in the last year and I think we need to tell them what we want them to do now. And I think what we want them to do now is forget talking to the City about their RAP program. They're not going to communicate with us on what they want to do and let's move some other program in there that's complementary to what you have established in the building. I think we need to grab hold of our own destiny here. Thank you.

CHAIRMAN CAMPOS: What's your bottom line suggestion?

COMMISSIONER DURAN: Is to tell the City we're moving forward – they were before us at the EZA to do something with their RAP program.

CHAIRMAN CAMPOS: It's not the City program. You said their RAP program?

COMMISSIONER DURAN: The Recovery for Alcoholics Program. Isn't that the same program we were talking about putting in our facility?

CHAIRMAN CAMPOS: I thought we did discuss that.

COMMISSIONER DURAN: And they came before the EZA for an expansion of their existing facility, which was what they were debating at the time that we were talking to them about moving into our facility. So I guess the bottom line for me is let's just take hold of our own destiny. Let's find some other programs that fit within the CARE Connection program and what we've established in that building. Wasn't it a funding issue that we have? The reason we wanted them to be involved is because they were going to give us money plus there was an ongoing funding that was going to assist us to pay for the building and maintain it.

MR. ANAYA: Mr. Chair, Commissioner Duran, I think the point that needs to be clear is that we don't have any money to operate the sobering center. We have a little bit of money, and had we – I think if I could just take Commissioner Sullivan's concerns and say that had we went ahead and had some of those initial hearings, yes, we theoretically may have been in a place further ahead than we are now. But we wouldn't have any resources as far as the operational costs. So I understand the concern that Commissioner Sullivan brings, but until we plug the hole of the operational costs we have no sobering center to operate.

As far as what Commissioner Montoya is suggesting, Commissioner Montoya is suggesting that RAP was one of the entities that we felt was going to compete to operate the sobering center wherever it is. But if RAP is going to be the entity that competes to operate it, it may be a good idea to talk to them about working within their facility. I think that's what he's suggesting.

CHAIRMAN CAMPOS: As far as operation.

MR. ANAYA: As far as operating it and location.

CHAIRMAN CAMPOS: Would they require supplementation as far as operating expenses? The RAP?

MR. ANAYA: Yes, they would.

CHAIRMAN CAMPOS: We still don't have money for them.

MR. ANAYA: That's correct. We still need more money.

CHAIRMAN CAMPOS: We have no way to move forward because we have no money.

MR. ANAYA: The difference potentially is that if you had beds located adjacent to an existing provider that technically that provides an opportunity of access to other services. But RAP probably was going to compete to operate the sobering center wherever it's constructed. So just to clarify, Commissioner Duran, if it's built at old magistrate court, RAP will probably respond to the RFP to try and operate it.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER MONTROYA: And also on that point is that supplemental funding will be required. But I think it's going to be a lot less than if we're looking at operating it, say, out of the Galisteo office building there, just because they already have a lot of ancillary services that you get five, ten additional patients. Some of that can be handled by existing staff. Some of it will require new staff. But I think overall, in terms of looking at the overhead costs, the administrative costs, direct service costs, is that it will probably be cheaper to garner and access supplemental funding than to start with new funding, which is what we're looking at doing. And that's the only reason that I suggested we take a look at that also as a potential mechanism in terms of - it helps them out, it helps us out. It helps the community out basically.

CHAIRMAN CAMPOS: Does that help with the \$500,000 the City would be willing to contribute if we could figure out how to pay for services on an ongoing basis?

COMMISSIONER MONTROYA: Yes.

MR. ANAYA: Mr. Chair, if I could make a couple comments and then suggest something to the Commission that accommodates Commissioner Sullivan's concern and accommodates the concern of the entire Commission. We still don't have the operating dollar issue. We're going to continue to try and look for resources to not only operate the sobering center but enhance the screening, assessment, referral piece. That's going to happen. The CARE Connection, at its most recent meeting a month ago, when we were talking to them about whether or not they would like to see us relocate to the Youth Development Facility, the City Police Chief was present at that meeting and the City Planner, Terry Rodriguez was present.

There wasn't a lot of resistance as to the location of the sobering center. The bottom line comment that came from that meeting and those individuals was we need a sobering center somewhere, and the sooner that we can get it the better off we are. We go back to the CARE Connection and we ask the CARE Connection to help us move forward on the path with the old magistrate court facility, the hybrid zoning process that we have to do with the City of Santa Fe, to talk to the City of Santa Fe about what we would have to do in that facility, and enter into some preliminary discussions with RAP as to whether or not they would even want to construct the sobering center at their site or not. They may say, Well, we really don't want to do that. But if we have that direction from the Commission, then we can go ahead and move on parallel tracks and then come back to the Commission and provide you with some recommendations as we get further down the line as to which one seems to be the more appropriate place, and for reasons that we can justify and show in writing.

CHAIRMAN CAMPOS: Mr. Anaya, we're not going to be looking at the Youth Development Center. Is that right? As a site?

MR. ANAYA: Mr. Chair, right now we're saying that no. We're probably not.

CHAIRMAN CAMPOS: Okay. What are the operational expenses that you're foreseeing for the sobering center?

MR. ANAYA: Mr. Chair, I don't have those in front of me but we had estimated those could be anywhere from \$500,000 to \$800,000 annually,

CHAIRMAN CAMPOS: For operating.

MR. ANAYA: Just depending on the number of beds that you actually tried to service.

CHAIRMAN CAMPOS: We've been talking about 19 beds, haven't we.

MR. ANAYA: We've been talking about 15 to 20, I think.

MR. FLORES: Mr. Chair, it actually was between 15 and - probably 15 beds, actually. And that was the number that we used for the annual projection, was \$800,000. And that was driven by not only the sizes of the space that we were going to use at the magistrate court building, but also licensure requirements. The way the City - because I had preliminary discussions with the City as well and at that time, when I presented this to you last summer, we were going through a process, and they had two different routes to take and it depended on the number of residents that would be in the facility by their land use classification.

CHAIRMAN CAMPOS: And today, it's fair to say that we don't have any likely source for an operating budget.

MR. ANAYA: Mr. Chair, we don't have any real commitments other than the money we have left over from operating screening, assessment. What we do have is some hope with some of the resources that the governor's office and the Department of Health have potentially identified. But nothing concrete.

CHAIRMAN CAMPOS: It has to be a large sum of money and it has to be committed year after year after year. Doesn't it?

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

CHAIRMAN CAMPOS: Now as far as - it seems like that's the big problem. As far as hybrid zoning, I don't understand that but I would suggest that we don't go - if the City is saying, You're a government entity. You don't have to go to zoning, but we could have some community meetings outside of that. Those are my thoughts. I don't think we should be looking at the Youth Development Facility. Any other thoughts as far as direction? We've got to get moving guys. It's 6:15. Any other thoughts?

COMMISSIONER ANAYA: I think that we should look at the Galisteo site and look at the RAP site and any other sites that you guys might think that would be appropriate for this sobering center. Do we need to make a motion?

CHAIRMAN CAMPOS: Just direction, I think. Isn't it?

COMMISSIONER ANAYA: That's how I feel.

CHAIRMAN CAMPOS: This is simply an update concerning the CARE Connection. Just information purposes.

COMMISSIONER ANAYA: So do we need to give direction?

CHAIRMAN CAMPOS: Do you want direction?

MR. ANAYA: Mr. Chair, I think the direction that I have is to look at the alternatives that we have on the table right now and then come back with some more information for you to consider before you can go any further. Is that --

COMMISSIONER ANAYA: That's fine.

MR. ANAYA: Is that accurate?

CHAIRMAN CAMPOS: The problem is that we're doing a lot of stuff and we don't have any money to operate it anyway. So the critical thing is - we've had a long time to think about how we're going to get money for operations and we haven't come up with any good ideas of possibilities. So we're spinning our wheels, doing stuff where we don't have the resources.

COMMISSIONER ANAYA: But I think if we build it, the resources will come.

CHAIRMAN CAMPOS: You think they'll come. You're an optimist.

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: Okay. Sounds good?

COMMISSIONER DURAN: Sounds good.

CHAIRMAN CAMPOS: Okay. Thank you, sir. Can we move to Public Hearings and let Dodi Salazar go home?

MR. GONZALEZ: I think those could go fairly quickly, Mr. Chair.

COMMISSIONER DURAN: She likes it here. I thought she was going to cook us dinner.

XIII. Public Hearings

A. Community Health & Development Department

1. Santa Fe County Housing Authority 5-Year Annual Plan

DODI SALAZAR (Housing Division Director): Mr. Chair, County Commissioners, as I stated earlier in the Housing Authority Board meeting, the Housing Authority is required to submit an annual plan and this year we're also required to submit our five-year plan. The plan is required to have a public hearing, which is why we're here today, and to also be approved by the Board. The plan describes the Housing Authority's program, the clients that we serve, potential changes to policies and existing programs, and also lays out the foundation for the capital fund program for the next five years and the funding that we're asking for to support that. I stand for any questions.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

CHAIRMAN CAMPOS: This is a public hearing, right?

MS. SALAZAR: Yes.

CHAIRMAN CAMPOS: Is there anybody in the public who would like to comment on this particular matter, item XIII. A. Okay, no one's coming forward. Let's have a vote.

COMMISSIONER DURAN: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

The motion to approve the Santa Fe County Housing Authority five-year plan passed by unanimous [5-0] voice vote.

XIII. A. 2. Resolution No. 2004-41. A Resolution Approving the PHA Certifications of Compliance with the PHA Plans and Related Regulation

COMMISSIONER DURAN: Move for approval, Mr. Chair.

CHAIRMAN CAMPOS: Okay, there's a motion.

COMMISSIONER MONTOYA: Second.

The motion to approve Resolution 2004-41 passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Thank you very much for your patients.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I had an item in my packet and it looks like it's not on the agenda regarding Edgewood.

COMMISSIONER SULLIVAN: It's under Matters from the County Attorney.

COMMISSIONER MONTOYA: Oh, so that's from the Attorney. So we still may act on it.

CHAIRMAN CAMPOS: We're going to do it next. It's the next item.

XII. J. Matters from the County Attorney

1. Approval of Release, Discharge and Settlement of Claims by Santa Fe County

MR. ROSS: Thank you, Mr. Chair, members of the Commission. As you know, we've been discussing a number of issues that we have with the Town of Edgewood with probably over a year at this point. One was of course the annexation of the Campbell Ranch area and two, certain services that the County has provided to the Town of Edgewood for many years and three, the issues about how these services are going to be handled in the future. We've been grappling with all those for a long time.

On the second of those three issues, during some of the discussions mandated by the Court of Appeals last year with respect to the annexation issue, the preliminary discussion ensued, that you were a part of, concerning the claim for reimbursement by the County from the Town for governmental services that the County has provided to the town over time. And those include things like law enforcement, road maintenance, detention services, solid waste, snow removal and fire and EMS services. As you're aware, recently, those discussions firmed up and the County has tentatively agreed to settle those matters, the matters related to the past

services for \$200,000. And that's the document that's in your packets. It's a release prepared by myself and the attorney for the Town of Edgewood that the town, through the mayor has actually signed off on. So it's before you for essentially final approval.

Going forward from this point, the next matter that we've all agreed to tackle is the agreement concerning these very same services and how they're going to be handled on a go-forward basis. As some of you may be aware, I sent them a draft joint powers agreement that I prepared, I think it was in December or November of this year and they're waiting to act on that until we finalize this matter.

So that's what's before you. I stand for any questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I'm glad to see that this matter is coming to a close and that we finally resolve this and that they've signed off on the \$200,000. I believe we just have to make a motion to accept this. Correct?

MR. ROSS: That's correct.

COMMISSIONER ANAYA: So I move that – what would be the proper motion?

CHAIRMAN CAMPOS: Can I ask a question?

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: This is exactly the form you sent them?

MR. ROSS: This is exactly the form I sent them. That's correct.

CHAIRMAN CAMPOS: And this requires that we begin negotiating on a long-term resolution on this problem within 60 days or what?

MR. ROSS: That's not in this agreement. That, remember we had a discussion about that a couple of months ago. That tying one matter to another has always been a problem for the town. When we initially started talking about the annexation issue last spring, these other matters came up. That was an issue for the town. They want to handle these matters, for whatever reason, sequentially. So there's only an informal agreement to take up the next issue which is the going forth agreement that I sent to them.

CHAIRMAN CAMPOS: So what is the informal agreement?

MR. ROSS: The informal agreement is that – and that I discussed with Council for the town, is that the next thing that we're going to try and deal with is the joint powers agreement, a draft of which I sent them in December.

CHAIRMAN CAMPOS: And the Council has signed off on it?

MR. ROSS: No, they have not. They're waiting to even address that matter until this matter is settled.

CHAIRMAN CAMPOS: So we don't have an informal agreement. We don't have any agreement.

MR. ROSS: We have no written agreement. We have just what I –

CHAIRMAN CAMPOS: But the Council hasn't acted on it.

MR. ROSS: No, they haven't. In fact, it hasn't even been presented to them.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Yes, sir.

COMMISSIONER ANAYA: I move that we agree to accept the \$200,000 for the past services from Edgewood.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Can I add something pursuant to the agreement signed on March 3, 2004, by the Town of Edgewood. Is that adequate, Mr. Ross?

MR. ROSS: I think that's fine. Any kind of a motion that approves the agreement that's in your packet will work.

CHAIRMAN CAMPOS: Okay. Is there a second?

COMMISSIONER DURAN: Second to all the above.

The motion to approve the settlement agreement with Edgewood passed by unanimous [5-0] voice vote.

MR. ROSS: Mr. Chair, the County Manager just reminded me that we have saved item H. 2 to consider until after the executive session.

- XII. J. 2. Executive session**
- a. Discussion of pending or threatened litigation**
 - b. Limited Personnel Issues**
 - c. Acquisition or disposal of real property or water rights**
 - d. Discussion of the purchase, acquisition or disposal of real property or water rights**

Commissioner Anaya moved to go into executive session pursuant to NMSA Section 10-15-1 (2, 7 and 8) to discuss the matters delineated above. Commissioner Duran seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Duran, and Montoya all voting in the affirmative.

[The Commission met in executive session from 6:30 to 8:15.]

Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Montoya seconded. The motion passed by unanimous [4-0] voice vote. [Commissioner Sullivan was not present for this action.]

XII. H. 2. Consideration and Possible Action Concerning the Water Rights Purchase Agreement with Campbell Corporation

MR. SAYRE: In order to provide service on the current and future water supply customers we want to consider a water right acquisition of 580 acre-feet with Campbell Corporation, subject to all the terms and conditions of this agreement, which basically means that we would not, until it was approved for transfer by the State Engineer, the County would not be obligated to pay for it, as well as some other conditions. They are about 1967 priority date on these rights. We expect that they can be transferred. We're not sure about how much would be transferred but we think it's a reasonable way to look at acquiring water rights for current and future County consideration as far as supply.

CHAIRMAN CAMPOS: Mr. Sayre, what will it cost us to bring those water rights up as far as the legal process, the evaluation and all that? Any gross estimates?

MR. SAYRE: I would say that my estimate is probably somewhere between \$40,000 to \$60,000. You think that's reasonable, John?

JOHN UTTON: I think the answer really will depend on whether they're protested or not. The last one that the County bought and moved up was unprotested and probably cost \$2,000 or \$3,000. If they're protested, then it can be contested litigation, hearing in front of the State Engineer and potentially another hearing in front of a district court, and probably that estimate, if it were fully opposed by others, Mr. Sayre's estimate would be in the ballpark.

CHAIRMAN CAMPOS: Okay, any other questions from the Commission?

COMMISSIONER DURAN: So we discussed this in executive session, Mr. Chair, and did we not agree to approve this with some amendments?

CHAIRMAN CAMPOS: Yes. You're asking us to approve a contract with a couple of changes.

MR. SAYRE: With the changes as indicated to us.

CHAIRMAN CAMPOS: Would you state them for the record.

MR. SAYRE: In item 4, we need to change the second line, 8-C to 9-C, and that's on page 2. On page 3, we need to change the top line, "Someone may designate up to one half," it is currently stated. We will change that to one third of the acre-feet per annum of water rights. In that whole paragraph we need to change the word "buyer" to "seller" and then in the last line of that paragraph, "Any and all dedications..." That starting sentence shall be changed to read, "Any and all dedications shall be subject to the terms and conditions of a County water service commitment agreement, as determined by the Board of County Commissioners and all other applicable County ordinances and regulations.

CHAIRMAN CAMPOS: Okay. Is there a motion?

COMMISSIONER DURAN: Move for approval as amended.

CHAIRMAN CAMPOS: The contract proposal as stated by Mr. Sayre. Is there a second?

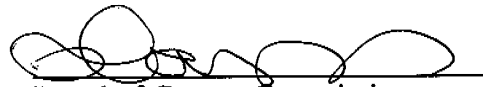
COMMISSIONER ANAYA: Second.
CHAIRMAN CAMPOS: Discussion?

The motion to approve the agreement with Campbell Ranch for water rights passed by unanimous [4-0] voice vote.

ADJOURNMENT

Chairman Campos declared this meeting adjourned at approximately 8:20 p.m.

Approved by:

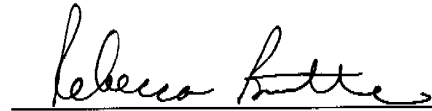


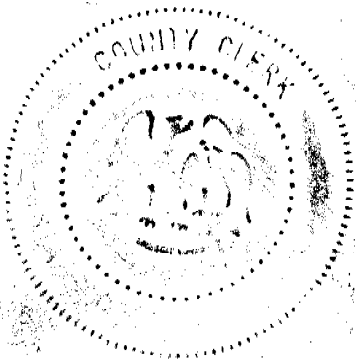
Board of County Commissioners
Paul Campos, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 05/13/2004