



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 82

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**SANTA FE**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**April 27, 2004**

Paul Campos, Chairman  
Michael D. Anaya  
Jack Sullivan  
Paul D. Duran  
Harry B. Montoya

SFC CLERK RECORDED 05/14/2004

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING  
(Administrative Items)  
April 27, 2004 - 10:00 a.m.

*Amended Agenda*

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
  - A. Amendments
  - B. Tabled or Withdrawn Items
  - C. Consent Calendar: Withdrawals
- VI. Approval of Minutes
  - A. March 30, 2004 *corrections by Comm. Montoya*
- VII. Matters of Public Concern – Non-Action Items *E. Richardson*
- VIII. Matters from the Commission
  - A. *ok* Risk Manager's Update Report from the New Mexico Association of Counties Board of Directors' Meeting (Commissioner Montoya)
  - B. *ok* Report on National Association of Counties 2004 – 2005 Presidential Committee Appointments (Commissioner Montoya)
  - Withdrawn* C. Update on the Complaint for Declaratory, Injunctive, and Other Relief through Fourth Judicial District Court, County of San Miguel (Commissioner Montoya)
  - D. *ok* Consideration of Proposed Amendment to Ordinance No. 1993-1 to Restrict Certain Activities after Government Service (Commissioner Sullivan)
- IX. Presentations
  - A. *ok* Presentation by James Lujan for the Retirement of Benerito Vigil
  - Withdrawn* B. Presentation by Secretary of State, Rebecca Vigil – Giron Regarding Help America Vote Act Federal Mandate (HAVA)
  - C. *ok* Presentation on Wildfire Risk, Presentations and Response
  - D. *ok* Mr. Russ Rountree of Impressions Advertising will Make a Short Presentation on Lodgers' Tax Advertising Efforts. (Finance Department)
- X. Committee Resignations/Appointments/Reappointments
- XI. Consent Calendar
  - A. *Approved* Resolution No. 2004 <sup>45</sup> – A Resolution Imposing an Annual Liquor License Tax Upon Persons Holding State Liquor Licenses (Clerk's Office)

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*approved* B. Request Authorization to Enter into Amendment #1 (Term Extension Only) for the Price Agreement #23-0179-CM with Plastocon, Inc., for Kitchen Equipment for the Adult Jail Facility (Corrections Department)

*approved* C. Request Authorization to Enter into Amendment #1 (Term Extension Only) for the Professional Services Agreement #23-0182-CHDD with Homewise, Inc., (Previously Neighborhood Housing Services) for the Administration, Management and Sales of the 5(h) Homeownership Program (Community & Health Development Department)

*approved* D. Request Authorization to Enter into Amendment #5 for the Professional Services Agreement #22-0071-IH with La Familia Medical Center for Healthcare Services (\$115,000) (Community & Health Development Department)

*approved* E. Request Authorization to Enter into Amendment #4 for the Professional Services Agreement #22-0060-IH with Presbyterian Medical Services for Hospital Healthcare Services (\$40,000) (Community & Health Development Department)

*approved* F. Resolution No. 2004 <sup>46</sup> A Resolution Requesting an Increase to the General Fund (101)/County Commission Budget for a Joint Powers Agreement with the New Mexico State Land Office for Expenditure in Fiscal Year 2004 (\$10,000) (Manager's Office)

*approved* G. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #24-47 for a 6 Foot Non-Bearing Perimeter Block Wall at the Youth Shelters & Family Services Complex (\$54,400) (Project & Facilities Management Department)

*approved* H. Resolution No. 2004 <sup>47</sup> A Resolution Requesting Approval to Surplus and Sell (2) Champion 730A Motor Graders and (1) Crafcoc Pothole Patching Machine (Public Works Department)

*approved* I. Request Authorization to Enter into a Professional Services Agreement not to Exceed \$16,295.58 with Souder, Miller & Associates, for Design, Construction Management and Reporting Services for Monitoring Wells Relating to the Agua Fria Landfill Closure (Public Works Department)

*tabled* J. Request Ratification for Construction Management Services on the Agua Fria Phase II Water, Sanitary Sewer, Drainage and Road Improvements Project (\$20,237.50) (Public Works Department)

*approved* K. Resolution No. 2004 <sup>48</sup> A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office to Budget a Contribution from Impact DWI, Inc. for Expenditure in Fiscal Year 2004 (\$3,004.95) (Sheriff's Office)

**XII. Staff and Elected Officials' Items**

**A. Community & Health Development Department**

- vr* 1. Request Approval of the Third Quarterly Report from the Santa Fe Community Partnership, Contract #24-0064-CHDD
2. Approval of FY 2004 Memorandum of Agreement Amendment between Santa Fe County and St. Vincent Hospital **WITHDRAWN**
3. Approval of FY 2005 Memorandum of Agreement between Santa Fe County and St. Vincent Hospital **WITHDRAWN**
- eve* 4. Request Authorization to Submit a Proposal to the New Mexico Behavioral Health Services Department in an Amount not to Exceed \$250,000

- B. **Corrections Department**
  - 1. *ok* Presentation and Update on the Status of the County's Take Over of the Santa Fe County Youth Development Program
- C. **Fire Department**
  - 1. *approved* Resolution No. 2004 <sup>49</sup> A Resolution Supporting the Multi-Agency and Multi-Jurisdictional Santa Fe Area Wildfire Operations Plan
- D. **Project & Facilities Management Department**
  - 1. *ok* Request Approval of the Implementation Schedule for Santa Fe County's FY05 – FY09 Infrastructure Capital Improvement Plan
- E. **Public Works Department**
  - 1. *ok* Request Authorization to Publish the Title and General Summary to Amend Ordinance No. 2002-10, Comprehensive Solid Waste Management Ordinance
- F. **Matters from the County Manager**
  - 1. *ok* Discussion of Imposing Additional Safeguards on the Operation of the Santa Fe County Employee Benefits Committee, and Clarifying Resolution No. 1992-61 Concerning Permissible Fundraising Activities of the Committee
  - 2. *approved* Discussion Concerning a Joint Resolution <sup>\$50</sup> Creating a Series of Special Joint Meetings through the Creation of the Santa Fe City/County Water Policy Group
  - 3. *ok* Discussion and Action on Application of Joint Partnerships to Acquire Chimayo Property AMENDMENT
- G. **Matters from the County Attorney**
  - 1. *ok* Discussion and Request for Direction Concerning the County Board of Finance AMENDMENT
  - 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. 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**

**April 27, 2004**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:10 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 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 David Sims.

**V. Approval of the Agenda**

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

GERALD GONZALEZ (County Manager): Mr. Chair, members of the Commission, we have a number of amendments here. Under Section VIII, Matters from the Commission, item C, that item has been withdrawn. Under Section IX, Presentations, item B, the Secretary of State has requested that that item be moved to the calendar of the 25<sup>th</sup> next month. A typographic correction also in that same section IX, under C. Presentation on wildfire risk, presentation and response. Under Section IX, the Consent Calendar, item I, also a typographical error that's been corrected. The amount has changed from \$16,285.58 to \$16,295.58.

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Section XII, Staff and Elected Officials' Items, under item A, numbers 2 and 3 have been withdrawn. Under item F, Matters from the County Manager, item 3 has been added, Discussion and action on an application and joint partnership to acquire Chimayo property. And under item G, Matters from the County Attorney, item number 1 has been added, Discussion and request for direction concerning the County Board of Finance. That's it, Mr. Chair. Except for any other additions or corrections the Commission may have.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Gerald, just before the amendment to the figure in item I on the Consent Calendar, what was the other change?

MR. GONZALEZ: The other change was in Section IX, Presentation, item C, just a typographical correction.

COMMISSIONER DURAN: Okay. I see it. Thank you.

CHAIRMAN CAMPOS: Okay, do any of the Commissioners want to withdraw any items from the Consent Calendar?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I have two items I'd just like some brief information on and that's G and J.

COMMISSIONER DURAN: Do you want them withdrawn?

COMMISSIONER SULLIVAN: Yes, please. Withdrawn for discussion.

CHAIRMAN CAMPOS: Okay. Where shall we put these?

COMMISSIONER SULLIVAN: They'd probably come under Public Works.

CHAIRMAN CAMPOS: Okay. Public Works?

MR. GONZALEZ: Mr. Chair, members of the Commission, one is Projects and Facilities and the other is Public Works.

COMMISSIONER SULLIVAN: So one under D and one under E. G would come under XII. D and J would come under XII. E.

CHAIRMAN CAMPOS: Okay. Is there a motion to approve the agenda per the recommendations of our County Manager and the changes proposed by Commissioner Sullivan?

COMMISSIONER DURAN: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion.

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

**VI. Approval of Minutes: March 30, 2004**

CHAIRMAN CAMPOS: Any comments or changes?

COMMISSIONER MONTOYA: Mr. Chair, I have one correction. I can move for approval as amended.

COMMISSIONER SULLIVAN: Second.

**The motion to approve the March 30<sup>th</sup> minutes as amended passed by unanimous [5-0] voice vote.**

CHAIRMAN CAMPOS: We go to Matters of Public Concern but I'd like to have Commissioner Anaya introduce Bob Stearley, the Mayor of Edgewood.

COMMISSIONER ANAYA: Yes, Mr. Chair, Commissioners, we have a new mayor in the town of Edgewood in the southern part of Santa Fe County. First of all, I'm glad he's here and I'd like to introduce him and I think he's got a few words for us. Thank you.

MAYOR ROBERT STEARLEY: I can't thank you enough for your support of Edgewood. You've provided services over the past five years, Sheriffs and all kinds of other services. So I wanted to express our thanks. I am meeting with Commissioner Anaya on Friday to work on projects for this upcoming year. Of course we're working on our budget and we want to include projects with the County in our current budget. So we look forward to working with him. So now, on behalf of the town of Edgewood, I'm proud to present you with a check for \$200,000 for services rendered. Thank you very much.

COMMISSIONER ANAYA: Thank you very much.

COMMISSIONER DURAN: I'll take that check.

COMMISSIONER ANAYA: Thank you Mayor and I look forward to sitting down with you on Friday and going over those issues that you brought up. Thank you.

COMMISSIONER MONTOYA: Thank you, Mayor. Come more often.

**VII. Matters of Public Concern - NON-ACTION ITEMS**

CHAIRMAN CAMPOS: Would anyone in the public like to address the County Commission? Please step forward, sir. State your name and address for the record.

BRUCE RICHARDSON: Mr. Chair, members of the Commission, my name is Bruce Richardson and I live at P.O. Box 930 in Chimayo, New Mexico. I'm here on behalf of the Chimayo Crime Prevention Organization to talk about a joint proposal between the Counties of Santa Fe, Rio Arriba and Chimayo Crime Prevention Organization to acquire a piece of forfeited property in Chimayo, New Mexico.

We recently - I know that you have this on the agenda for later on and I'm not going to be able to wait through the agenda so I thought I'd give you a brief summation of where the community organization is at and the joint proposal. We received an extension by the US

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Attorneys, US Marshals Service as of – the final deadline is May 6<sup>th</sup> for this piece of property. The changes since the last time I was before you is that we've added Rio Arriba County as part of this joint proposal and we're calling the proposal a collaborative effort between the two counties and Chimayo Crime Prevention Organization. The letter granting the extension had two issues. One was three signatories be on the MOU between the feds and the counties, both counties and Crime Prevention Organization being the third. That's by virtue of the waiver that we received from law enforcement to forego their share of the profits and cost sharing through the forfeiture process.

The other issue in that letter was title. CCPO at this time doesn't have an issue at this time with the County holding title during that five-year restricted use period, but we do have some concerns we'd like you to consider what the possible options might be after that five-year period is up in terms of we all sign the MOU, we all work to make the collaborative work for that five year period, then there's unrestricted use of the property as possible. We would like some assurance or at least some consideration of perhaps some equitable cost share in terms of what the final disposition of what that property will be.

To date, Chimayo Crime Prevention Organization has not really had a true opportunity for some input into the draft proposal. The County, and we're very thankful for the County's efforts in putting the document together that got us to the draft proposal phase. We did not have a chance to do that or offer comments and have them incorporated into this document and that's something that I think we need to work though between now and the end of the final deadline. So we look forward to working with both counties. I think we're at a point in this where this is really, truly a historical collaborative between both counties up there. It's always been one county or the other and the community has suffered as a result. If we can bring these two counties together with a community-based organization I believe that we can do some great things with this property.

So I ask you to at least consider some of these issues as you discuss this later on and we look forward to the opportunity of working with you to make this collaborative a success. Thank you. And I'll entertain any questions if you have any.

CHAIRMAN CAMPOS: Any questions?

COMMISSIONER MONTOYA: Mr. Chair, Mr. Richardson, regarding the five-year period, what are you exactly requesting after that five-year period where potentially the title of property would be in Santa Fe County. Are you requesting that CCPO be listed as the title property owner holder after that five-year period?

MR. RICHARDSON: I don't know that's exactly what we're considering and I don't know that we've really come to a firm decision on it but it appears that there still may be a way to structure this so that it's mutually beneficial to both the County and to the community. I guess we would want some assurance one way or the other, either through a long term lease or perhaps a split of the property where perhaps a piece of that could become part of the County's open space program. The Youth Corps which will be located on the property could perhaps maintain that park and trailhead kind of a situation, or a long-term lease. I think the point is that after working on it after so many years and then successfully completing that five-

year restricted use period we would like some assurance that the program will continue. So a split of the property if possible or some other arrangement. And I think those are perhaps some things that still need to be discussed. I don't know that we have a really firm position on it. It could go either way. I think there are a number of options that could be discussed that could work.

COMMISSIONER MONTOYA: Mr. Chair, what potential is there to have that occur as a result of fulfilling the first five years and then after that possibly just leaving it to a community-based organization, granting title or partial title?

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Montoya, it's as you know fairly difficult to dispose of title to property once it comes into government hands. There are certain requirements, one of which is that any such disposition be for appraised fair-market value of the property. It's possible to structure something but we always have to keep in mind that there's some pretty difficult procedures, requirements that attach to those kinds of disposition. It's not impossible but we'd have to consider all that going in.

COMMISSIONER MONTOYA: Okay. And then Mr. Richardson, is this something that's going to need to be decided before May 6<sup>th</sup>? Because this could put another damper on what's going to be submitted and how it's going to be submitted.

MR. RICHARDSON: It's a good question. I guess we've considered and talked about other types of legal ownership, whether it would be joint tenants, tenants in common, over the five-year restricted period where we would have a reversionary type of a deed and then after the five-year period I understand there would be some warranty deed issues. I think part of the benefit that you might consider would be to keep part of that property, have part of it remain on the tax rolls. Maybe the County ends up with part of it and the organization ends up with part of it, in which case the County's part would be off the tax rolls but the organization's part would still be taxed. Is that correct?

COMMISSIONER MONTOYA: No. I don't think so. As a 501(c)(3) which you are, right?

MR. RICHARDSON: Right.

COMMISSIONER MONTOYA: You are tax-exempt.

MR. RICHARDSON: Tax-exempt. I'm not sure how that would work and I think that's something that we need to talk about but I don't think it's a deal breaker

COMMISSIONER MONTOYA: I guess we just need to resolve that before we submit this application.

MR. RICHARDSON: We appreciate all the effort and everything that you've put into this so far and we're so close we can taste it. This would be a beautiful thing in terms of having both local governments involved and the community, because that's kind of been part of the reason why Chimayo is where it's at, it's split by two jurisdictional boundaries. If we can get both counties working together with a community group, I'm sure that we could raise the funds to develop and continue programs. So it's a beautiful thing.

COMMISSIONER MONTOYA: Okay. That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Thank you, Mr. Richardson.

MR. RICHARDSON: Thank you, gentlemen.

CHAIRMAN CAMPOS: Anyone else in the public who would like to address the Commission at this time? Okay, nobody coming forward, we can move on to Matters from the Commission.

**VIII. Matters from the Commission**

- A. Risk Manager's Update Report from the New Mexico Association of Counties Board of Directors' Meeting (Commissioner Montoya)**
- B. Report on National Association of Counties 2004 - 2005 Presidential Committee Appointments (Commissioner Montoya)**

COMMISSIONER MONTOYA: Mr. Chair, that's included in your packet for information purposes. We recently had a board of directors meeting with the Association of Counties on April 2<sup>nd</sup> and I just wanted to bring that information back to share with the Commission. And Mr. Chair, actually the same is true of VIII. B. That's just information regarding the National Association of Counties and different appointments that are made as part of the new president coming on board and if any Commissioners are interested in any of these committees, it's suggested that we contact our Association of Counties director who's Samuel Montoya regarding any of those particular appointments and again, just for your information and if you're interested.

CHAIRMAN CAMPOS: Any comments?

**VIII. D. Consideration of Proposed Amendment to Ordinance No. 1993-1 to Restrict Certain Activities after Government Service (Commissioner Sullivan)**

COMMISSIONER SULLIVAN: Mr. Chair, this was an item that we discussed at some length at the last March 30<sup>th</sup> meeting and the consensus was to move forward and have staff prepare language that would essentially mirror the state language with regard to the possibility of conflicts of interest after an employee has left public service with the County. My understanding is that Mr. Ross has prepared a suggested amendment to Section 9 which is in your packet with the understanding that this doesn't prohibit an employee from being employed by anyone they wish to be employed by, simply it would restrict them for a certain time period of representing that employee if that employee had a matter before the County Commission on which that former employee had worked substantially or had served in a regulatory capacity. So I'll turn it over to Mr. Ross to explain the language.

COMMISSIONER DURAN: Mr. Chair, excuse me. I don't have anything in my packet relative to this issue.

COMMISSIONER SULLIVAN: It should be a memo dated April 21, with the

current -

MR. ROSS: The third tab.

COMMISSIONER DURAN: Okay. I'm sorry.

COMMISSIONER SULLIVAN: And the current 1993 ordinance is behind it.

Mr. Ross would you take it from there, please?

MR. ROSS: Certainly. Certainly. Mr. Chair, Commissioner Sullivan, as you recall during the last discussion of this we talked a little bit about the press that resulted in the concerns about the activities of former County employees. And we talked about how the state addresses it, which is essentially in two ways. The state statute, the Governmental Conduct Act, restricts state employees from working on matters in which they've participated personally and substantially during government service. It's an endless restriction. And then the second element that the state statute includes is a restriction on persons practicing before the governmental entity. Let's say somebody worked at the Department of Labor or something and then they sought to go out and say, represent clients before the Department of Labor. The state statute restricts state employees from doing that for a period of one year.

We discussed these two provisions extensively in a staff meeting about a week and a half ago. Senior staff was fairly concerned about the proposal but after a period of discussion came to realize that there may be some need to address the issue and this is kind of what was arrived at, which is essentially cherry-picking elements from both statutes I just mentioned and combining them into one. So the proposed amendment restricts employees as well as elected officials and appointed officials, because that's how the ordinance is structured, from representing a person once they leave government service with the County on a matter in which they participated personally and substantially for a period of six months after cessation of their government service.

We think this particular proposal would have made a difference in the incident that I referred to earlier where a former County employee showed up representing somebody in a matter in which they had participated in while they were with the County. However, this particular provision only restricts that activity for six months, the feeling being that the purpose of that provision in state statute is to prevent County employees, while working in the government from making decisions that could benefit them when they leave government. It was felt by senior staff that if you put the six-month restriction in there that they wouldn't be able to affect things that theoretically could go beyond a six-month period after they leave government service.

The feeling is also that this would be a burden on some people who want to go out and be employed doing the kinds of things they did in government service after government service, but it wouldn't be an unnecessary or unduly burdensome problem for ex-County employees. That's kind of the thinking behind this amalgam that we've put in front of you.

The ordinance that this would be inserted in is 1993-1 which is in your materials. We may want to even take a look at that ordinance at some point to update it. We might want to do it in conjunction with this process or at some other time.

CHAIRMAN CAMPOS: Mr. Ross, can we take action today, or is this strictly

for discussion?

MR. ROSS: Well, I intended it really as a discussion item. The way to amend an ordinance is to direct staff to publish title and general summary. I suppose you could do that today given the way this has been advertised.

CHAIRMAN CAMPOS: Okay. Thank you. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Steve, regarding, on Section 18, page 24, use of non-public information for private gain, would that pertain in this regard as well? Because it does say something in there, ... terminate service with the County within one year shall not use or disclose non-public information to obtain a benefit for the elected official, appointed official or County employee or former elected... blah blah blah. And I guess my question is would we need to amend that as well or is that okay as is?

MR. ROSS: Mr. Chair, Commissioner Montoya, I think that's a different concept. Essentially, there's not a whole lot of information in government that is non-public information but there is some, and it's a little bit of a different concept. It's basically you're not allowed to use that information for your own private benefit, really, at any time. While in government service or while outside of government service. And I guess the attorney example is one of the best ones. We have attorney-client relationship between the Board and my office and information that sometimes we have is non-public information and we would be restricted from using that for our own private gain whether in government service or after we leave government service. So it's a little bit of a different concept.

The proposed amendment would extend to public information that you might have in connection with a project you're working, public and non-public information. But I think it's a little bit different in a sense that the goal of this language that's before you is to prevent employees from influencing a project or process to benefit themselves when they leave. That's the objective of that kind of language.

COMMISSIONER MONTOYA: So, Mr. Chair, Steve, are you suggesting then that this, under Section 9 would be under A. 3? Would it be Section 9 and it would become number 3 under A?

MR. ROSS: Mr. Chair, Commissioner Montoya, I simply thought that probably the best place for a provision like this would be between existing Section 8 and existing Section 9 as a new Section 9, and then you'd renumber the whole rest of it.

COMMISSIONER MONTOYA: Oh, okay. Then the six-month period, we had been given a couple of other terms or limits, I guess, that were suggested by the state of New Mexico and they were one and two years, I believe.

MR. ROSS: Well, in the state statute, the restriction concerns representing people before the governmental body that you were employed by, and that is a one-year period. That's the only time given in the state statute.

COMMISSIONER MONTOYA: So then where did we get the period of six months from?

MR. ROSS: That came as a recommendation from the staff.

COMMISSIONER MONTOYA: Oh, from the staff.



MR. ROSS: I think the feeling is that there's a little bit of a difference of the speed at which projects move through state government and the speed at which projects move through County government, that really, in County government, things move much more quickly and that six months is really an eternity compared to similar projects in state government which can take four, five, six years to move through the process.

COMMISSIONER MONTOYA: All right. Thank you.

MR. ROSS: Sure.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Although I understand the reason for bringing this amendment forward, because there probably are some dishonest people that might take advantage of not having this, I really think that if you look at the situation that has caused this amendment to come forward, that particular individual was part of a six-year process. And decisions that were made relative to that particular department and division that the county had created for that department, it didn't come over night and I don't believe that this particular individual steered the decisions that we made, steered the Commission to make decisions so that he could benefit from them. So I think I have a little issue about bringing this forward based on the perception that something wrong took place in this individual's new position and his ability to guide or advise people in the public based on what he believes this Commission has adopted as policy.

And I think that that applies to not only this particular situation but to other people in other departments like the Land Use Department, like the Fire Department. I think if our employees decided at some point, whether they were going to retire or they just decided they wanted to get out of County government because they wanted to work from themselves, that this particular ordinance penalizes people for wanting to use the information that they have spent years or a whole career developing. So I just have a real problem with limiting our County employees' ability to seek meaningful employment after they leave the County.

CHAIRMAN CAMPOS: Okay, any other comments. I guess we have the option here of just considering or making a motion to authorize publication.

MR. ROSS: Mr. Chair, I think that's correct. During the last discussion, I guess it was the February meetings, there was some discussion amongst Commissioners about what sort of process that we needed to take this through and I don't think we fully resolved that. I brought it back for discussion and certainly that's something you might want to consider is what sort of process you want to put this through. The normal procedure is two public hearings.

CHAIRMAN CAMPOS: I thought two public hearings was simply for land use.

MR. ROSS: The statute requires two public hearings for zoning cases but I understand it's been the practice.

CHAIRMAN CAMPOS: I don't believe so.

MR. ROSS: You don't have to. There's only a requirement of one public hearing.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Notwithstanding Commissioner Duran's

concerns, I think this is good solid-based, well founded legislation and I think it mirrors the state. I think County employees and we as elected officials do, when we serve the public take on an extra obligation and this only pertains to something in which the official or the employee participated personally and substantially, not in just the due course of business or passing paper or voting on an issue or discussing it perhaps in the course of regular business would be my interpretation, but guiding or regulating or participating substantially. I think we need this protection and I think we can debate whether the particular issue which brought it forward, which caused a great deal of public outcry, whether that was a fair assessment of that situation or not. But that's not what we're talking about here today.

What we're talking about here today is to plug this loophole in the ordinance and to assure the public that there won't be that revolving door and that there are issues that they're dealing with, when they're dealing with a County official or a County employee that they're representing the County and that that won't carry over into some further employment. Personally, I think a year is an appropriate period. That's what the state does. I understand the rationale that maybe the County moves faster, although on some issues like water I wouldn't say we move that fast. So I would certainly favor publishing title and general summary. We can discuss the six months or one year as a part of that process in listening to public comment. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: I'd like to just comment a little. I think this is a good piece of legislation. It enhances confidence in government. This is an issue at federal and state levels that's been considered for years. This is pretty standard operating procedure. I think we should have it. I think it increases the confidence of the people that have been raised. I don't think we're saying anything wrong happened in the Suerte case, but we think this would enhance the perception of government so I would favor that we go forward authorizing publication of the proposed ordinance. Commissioner Duran.

COMMISSIONER DURAN: I have a question for Steve. The proof of showing that somebody participating personally or substantially while an elected official or County employee, what does that mean? How are we going to prove - What does that mean, number one, and the second thing is don't we currently have a code of ethics that pretty much restrict us from doing what we're trying to further qualify in this ordinance? And the third thing is when a County employee comes in and hires on with us, are they given a copy of this? Do they sign off that they've read this? Don't we have to give them - and if they don't have a copy of it shouldn't we be giving them notice that this is something that they are restricted to?

MR. ROSS: Mr. Chair, Commissioner Duran, on the latter question, I don't know whether County employees are given copies of the ordinance. It wouldn't necessarily be a legal requirement that they actually be physically given one. Under due process principles, generally your knowledge of the law is imputed individuals whether they've actually read the law or not. But I do agree that it may be a prudent thing to give new employees a copy of this and maybe even have training on it. I know that they do both at the state level.

As far as the code of ethics, the ordinance, 1993-1 obviously came from the state. When I looked at it, it's virtually identical with the state in many respects but it doesn't address

this particular issue. It's in fact the only thing that's been left out of here. And I assumed it's a conscious choice on the part of the Commission at the time to leave that provision out of here, because it's virtually the only thing that's in the state law and the state codes of ethics that is not in our ordinance.

And as far as the first item, what the meaning of personal and substantial participation is, that's of course in the final analysis a judgement call but you do have some guidance. The employee has to have personally participated in the project. So if there's a project, say in Land Use, that the employee could participate in or maybe touch in the sense that he was at a meeting when it was discussed but wasn't in a direct decision making train, that wouldn't necessarily to me imply that the employee was personally involved in the project. And of course, the second part of it is that the employee substantially participate in it. So if he's at a meeting when it's discussed or happens to touch a piece of paper or as Commissioner Sullivan said, happen to take some small ministerial act with respect to the project he wouldn't necessarily be prohibited from working on that project on the outside.

COMMISSIONER DURAN: Okay, so personally and substantially go hand in hand.

MR. ROSS: Yes, they're connected.

COMMISSIONER DURAN: Okay. So then I just have one last question. You discussed this amendment or ordinance change in senior staff and senior staff was comprised of all of your department heads and you all had a frank and meaningful discussion about how this might impact your department heads' futures and their employees.

MR. ROSS: That's right.

COMMISSIONER DURAN: And the all agreed, or there was a consensus that six months was adequate?

MR. ROSS: There was a lot of concern about doing this at all. But they understood I think the issue I think and the necessity for doing something, but I think that there was a lot of concern that restricting people's activities for a whole year was maybe unfair and particularly with respect to senior staff who is composed of folks who are in an at-will employment situation and who could leave the County maybe not of their own choosing and then have to seek some sort of employment. So there was a lot of concern raised about this whole idea and we worked through it and agreed that if something needed to be put in place this was something that the staff felt was reasonable and that they could deal with on a practical level.

COMMISSIONER DURAN: Well, Mr. Chair, I would suggest that if this does move forward that we at least give it two meetings from consideration. Thank you.

CHAIRMAN CAMPOS: Okay, is there a motion to authorize publication of the proposed ordinance amendment?

COMMISSIONER SULLIVAN: So moved.

CHAIRMAN CAMPOS: Okay, Commissioner Sullivan, do you want to say one year?

COMMISSIONER SULLIVAN: I don't know whether we need to publish that

in the notice of publication. Do we Steve?

CHAIRMAN CAMPOS: If we notice six months -

COMMISSIONER SULLIVAN: Or either. Do we have to notice a time. My suggestion before was that we discuss the time as a part of the public input.

MR. ROSS: Mr. Chair, Commissioner Sullivan, I certainly can draft a notice that doesn't address that specific -

COMMISSIONER SULLIVAN: Or we could put in a time and then we could amend it, I guess, as a part of the ordinance process.

MR. ROSS: I think so.

COMMISSIONER SULLIVAN: Okay, let me state then in the motion that it would be for a period of one year, to publish notice of title and general summary. And then when we hear public comment and testimony we can make whatever decision we feel is appropriate.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Okay, discussion. Commissioner.

COMMISSIONER DURAN: I think that you need to bear in mind that our staff, our department heads, and everyone involved in this roundtable discussion about how this is going to impact County employees came up with a six-month limitation on this and I would suggest that as a friendly amendment that we follow through with their recommendation and publish at six months.

CHAIRMAN CAMPOS: Commissioner, that's something we can discuss during the hearings.

COMMISSIONER DURAN: I'm still making that recommendation as a friendly amendment. Either that or if the Commissioner won't approve it as a friendly amendment then I would ask the Commission to make that same motion with that provision, rather than not publish it.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to stay with the motion, Commissioner Duran. I think when we do have the hearings, we can take testimony from staff and listen to their concerns and I'm not set on this number. I'd like to hear it but I think we need to start with a number that is a workable number, so I'd like the motion to be voted on as made.

COMMISSIONER DURAN: Okay, then I'd like to make a substitute motion.

CHAIRMAN CAMPOS: We have a motion on the floor.

COMMISSIONER DURAN: I think I can make a substitute motion.

CHAIRMAN CAMPOS: Mr. Ross, we have a motion on the floor.

Commissioner Duran wants to make a substitute motion and vote on it first as I understand his statement.

MR. ROSS: Mr. Chair, we keep dealing with this issue. Under our particular rules of procedure, the only kind of amendment to a motion is a friendly amendment. So what we'd have to do here is vote on the first motion and then if that doesn't survive, vote on

Commissioner Duran's motion. It's a peculiarity in our rules.

COMMISSIONER DURAN: That's fine.

**The motion to authorize publication of title and general summary to amend an ordinance with a one-year limitation on certain types of post-County employment passed by majority [4-1] voice vote, with Commissioner Duran casting the nay vote.**

CHAIRMAN CAMPOS: Any other items from the Commission?

COMMISSIONER SULLIVAN: Oh, one other thing. I guess we should have made some clarification about how many times we want to publish. What's the consensus on that?

CHAIRMAN CAMPOS: I'd say one.

COMMISSIONER DURAN: I'd say two.

COMMISSIONER ANAYA: I'd say one.

COMMISSIONER SULLIVAN: One here. Montoya says two. One hearing.

COMMISSIONER DURAN: We could still discuss it at the --

CHAIRMAN CAMPOS: We could always change it.

COMMISSIONER SULLIVAN: We could change it at the hearing and make another motion if it's that sensitive an issue.

CHAIRMAN CAMPOS: Okay, any other matters from the Commission?

COMMISSIONER ANAYA: Mr. Chair. Commissioner Montoya last week or last month or two weeks ago brought up the fact of dividing the Community Health and the Housing Department into two entities and I just wanted to know where are we on that and are we moving forward with it and if we are, I'd like to see a consensus and maybe somebody, or the Manager get back with us, Gerald get back with us and let us know how we're moving in that direction.

MR. GONZALEZ: I apologize, I missed the request.

COMMISSIONER ANAYA: Commissioner Montoya brought up two weeks ago that we'd like to see Community Health and the Housing Department split and I just wanted to know, did the Commission give clear direction on doing that and where are we on that? Are we going to hear it soon or do you need clear direction from this Commission?

MR. GONZALEZ: Mr. Chair, Commissioner Anaya, the clearer the direction, the easier it is at the staff level to proceed. I know it's been raised several times. I've had internal staff discussions. I think we have a concept that could work but I've been waiting for an invitation from the Commission to take the next step.

COMMISSIONER ANAYA: Okay, then with that, I would ask the Commission if we could give him clear direction to look into dividing up the Community Health and the Housing and get back with us in a month.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Would that be, if we planned on doing that

this fiscal year, is that too long? The upcoming fiscal year.

CHAIRMAN CAMPOS: Next fiscal year.

MR. GONZALEZ: Mr. Chair, Commissioners, this is probably the appropriate time for consideration as we move into preparing the budget for the next fiscal year. So if that's something the Commission would want to do it would be easier to actually set it up so that it's something that could be implemented as we move into the new budget year as opposed to trying to do it this fiscal year. There were some preliminary steps that I have discussed with staff that could be taken between now and the interim or between now and the beginning of the next fiscal year, but in terms of a more formal kind of forward movement, the beginning of the next fiscal year would be the appropriate time.

COMMISSIONER ANAYA: I'd like to see that, Mr. Chair. To see if we could start talking about it and that way at the beginning of the fiscal year this would be implemented. If we could give clear direction.

CHAIRMAN CAMPOS: Commissioner Anaya, you're saying that we should give direction to do this or to think about it and come back with information so we can weigh it.

COMMISSIONER ANAYA: I'd like to give clear direction to do it because this is - I know Robert has got a lot on his plate and he'd like to see this moved over, and Commissioner Montoya has also brought it up. All we do is just bring it up but there's never really any action or direction towards the manager.

CHAIRMAN CAMPOS: Basically, the idea is then that there's too much in that department for one person?

COMMISSIONER ANAYA: I don't know if there's too much but there's a lot of - I think that Community Health should be on its own. It's such a big department in itself.

CHAIRMAN CAMPOS: Commissioner Montoya, you had some comments last time. What are they? What's the benefit to the County?

COMMISSIONER MONTOYA: Yes, I think the benefit to the County is that we would have a stand-alone health department. I think the issues that we deal with within the health arena warrant that type of attention that we put. And we say that health-related issues are important within Santa Fe County. I think whenever you elevate any department to that level, I think that's the seriousness that we put behind that type of an effort and that's the reason that I had suggested we do that because there are a number of things that we do that are health related that I think it does warrant its own department and that's why I've asked Gerald to look into it and see if that could be done. And what ramifications would there be in terms of cost and that sort of thing.

CHAIRMAN CAMPOS: So basically are you saying, like Commissioner Anaya said, to do it, or to consider doing it, asking staff to bring us information and weighing the pros and the cons.

COMMISSIONER MONTOYA: Well, I guess my mind was kind of a request for information.

CHAIRMAN CAMPOS: For information, for assessment and then evaluation.

COMMISSIONER MONTOYA: Right. Which as Commissioner Anaya noted, I haven't received anything or heard anything back, one way or the other. If it's feasible or not.

CHAIRMAN CAMPOS: Okay. Commissioner Duran.

COMMISSIONER DURAN: We've been talking about this for the last two years. Actually, even longer than that. Since Commissioner Sullivan came on board or took office. And I think that it's evident that we need our separate Housing Department. We're talking about developing an affordable housing project, a project that would allow us to create new product for the community. To have an ongoing sales program and provide this benefit, affordable housing, to the community. And I think we need to sever the housing department from the health department. We put it on the back burner about six or seven months ago, but I think it's time that we give staff direction to bring that information forward so that we can make a decision how to do it, when to do it and who's going to be in charge of those departments. So we need to make some decisions on that right away, rather than just -- I agree with Commissioner Anaya, just talk about it and never do anything about it. So I would suggest that we give staff direction to bring this information forward. Do we need to publish title and general summary for that or how would we go about doing that?

CHAIRMAN CAMPOS: It's internal.

MR. GONZALEZ: Mr. Chair, members of the Commission, there are a number of ways of doing it. We could bring forward a proposal and that could be approved in conjunction with the budget. We could bring forward a resolution that would formalize it in that sense. So either of those two processes or both could be pursued.

COMMISSIONER DURAN: And we would need to be able to fund this in the next budget cycle, correct?

MR. GONZALEZ: That's correct.

COMMISSIONER DURAN: Well, that would be my recommendation is that if you get with the departments that would be affected and come up with a plan of action. And if we decide to move it forward, how that would impact the budget for the upcoming year.

MR. GONZALEZ: Okay.

CHAIRMAN CAMPOS: Commissioner Sullivan, do you have some input on that issue?

COMMISSIONER SULLIVAN: My only input would be that I would like to see the fiscal impact of that. It sounds like we're creating another department and another department would mean another department head and I assume another department head would be indicative of more salary. And that would also be more salary in the administrative offices. And I think we want to look carefully at that balance between our administrative salaries and other employee's salaries. We're certainly committed, I think, all of us, certainly I am, to try to do better this year. Commissioner Montoya mentioned it at the last meeting in terms of raises for employees. So we have a limited amount of funds to work with. So these funds that we would be using to pay a department director might otherwise be used for salary increases. I don't know, but I'd like to get the Manager's read on that and see fiscally what our constraints would be. If we do make this two departments, maybe it wouldn't change the salary structure,

although I would think that if they were two separate departments, the department heads would want equity in terms of representation and salary. These are things I'd like to get the input from the staff on.

CHAIRMAN CAMPOS: Okay. My comment is that I think we should – if staff would like to make a presentation as to the pros and cons, we can evaluate it. We really don't know if there's a compelling argument to do so based on administration and we don't know what the fiscal implications are. I would prefer not to say Do it, but to come back and tell us what the pros and cons are. How much time would you need, Mr. Gonzalez, to do that?

MR. GONZALEZ: Mr. Chair, members of the Commission, we're probably looking not at the next Commission meeting but the following Commission meeting, just because of where we are with respect to the budgetary process and also the need to work with the Administrative Services Department, Finance and CHDD at this point.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Thank you, Mr. Chair. I think what you prefer and what we all talked about are the same thing, and that is to get staff, the County Manager, working on this issue so that we have enough information to make a decision, both fiscally, how it's going to affect the budget, but if we're going to do it, we need to do this in a timely manner so we can make these decisions before we actually approve the upcoming budget. So I know you want to give staff a little bit – say it a little bit differently but it's the same thing. Get together with the department heads and bring forward some information for us to make a decision and we need to do it in a timely manner.

CHAIRMAN CAMPOS: Okay, there's a consensus then on bringing forward information so we can assess the proposed –

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to put a time on that, because things just keep going. I'd like to say not this next coming meeting but the following.

CHAIRMAN CAMPOS: You're talking about –

COMMISSIONER DURAN: Thirty days.

COMMISSIONER ANAYA: Thirty days. A month.

CHAIRMAN CAMPOS: Does that work, Mr. Gonzalez?

COMMISSIONER ANAYA: The next administration meeting.

MR. GONZALEZ: That's the time frame that I was suggesting also. So that should work.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER ANAYA: Thank you. I'm not done.

COMMISSIONER DURAN: And I have one too.

COMMISSIONER ANAYA: I've been a Commissioner for about a year and about four months and I've been left out of the Housing Department. And I'd like to see if we could revisit maybe to see if it is illegal for me to be in those. Not illegal, but inappropriate or whatever word may be. Because I am left out of all the Housing information and what goes on



in those meetings. And I'd like to see if maybe, Gerald, you could check into that to see if even though my brother is part of the – or is the director of the Housing, I would like to be involved in those meetings. So if you could check that out for me.

MR. GONZALEZ: I'll work with Legal to do that. Just wanted to remind the Commission that about a year and some months ago, before I came on board as the County Manager, there had been some discussion actually of splitting off Housing under a separate board, so I don't know if that's something that you want us to include in the analysis when we look at that or whether to simply focus on the Commission.

COMMISSIONER ANAYA: Mr. Chair, Gerald, I would like to see that. That way, maybe that could be the thing that we're looking for. If it is a separate board then I can get more involved in the Housing meetings and start making some decisions. Thank you.

CHAIRMAN CAMPOS: Commissioner, it seems that if we split off into creating a Housing Board, that would be run by its own board, not the County Commission.

COMMISSIONER ANAYA: Right. But I'd be able to know what's going on with housing. When the board comes before us or if they had meetings that I could attend. But right now, I'm just cut out of the whole loop.

CHAIRMAN CAMPOS: Okay. Any other comments?

COMMISSIONER ANAYA: And the last thing, Mr. Chair, they had the Great America Clean-Up Day this last weekend and the State Highway Department, the BLM, the State Land Office, Santa Fe County, and the City of Santa Fe all worked hard and worked together and I want to thank all those state agencies and County agencies, and especially I would like to thank the people that were there cleaning up. We wouldn't have been able to do it without the people and the support. I want to thank the Santa Fe County Public Works Department for doing a great job, for distributing the containers, the gloves, the plastic bags that we needed. It all came together really nice. We did a lot of clean-up. I don't have the figures on how much tonnage we did deliver to Caja del Rio. That's another entity that helped out, but it turned out really well and I just wanted to thank all those agencies. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just three items. First of all I wanted to remind us that in our last meeting on March 30<sup>th</sup> we talked at some length about the sobering center and where it was going or where it wasn't going. And in rereading those minutes, I guess I could summarize where we left it as being that there had been some discussions with RAP and we were waiting for the City and RAP to take some actions. Those actions hadn't occurred. We felt the operation might cost us \$800,000. We weren't sure where we were going to get \$800,000. We weren't sure what the status of the City's \$500,000 contribution was and I got the feeling, at least from the Commission, that it was time that we get a full report on this. We don't have time today to address it but my suggestion would be that at the next administrative meeting that we have a full report on where we're going to go on that. Are we going to work with RAP at the old magistrate building? Are we going to work with RAP at its current facility? Is there some other facility? There seem to be plenty of ideas thrown around

and in the meantime we have a partially vacant building on Galisteo Street that was supposed to be initially part of the sobering center. So I just feel it's time to give the staff 30 days to put this thing together, bring it forward in writing as to our current status rather than anecdotal and have the Commission make some solid decisions as to where we're going to go. And that also could tie into the budget process, because if we are going to move forward on this it certainly does have budget implications. That was one comment.

CHAIRMAN CAMPOS: Could I ask one thing, Commissioner?

COMMISSIONER SULLIVAN: Sure.

CHAIRMAN CAMPOS: Mr. Flores, you understand the Commissioner's request, how long would it take you to come up with this information?

TONY FLORES (PFMD Director): Mr. Chair, Commissioner Sullivan, we're in the process of formulating that right now. We actually have a follow-up meeting with RAP this Thursday morning to further along their discussion so I believe that 30 days is sufficient to be able to bring that back.

CHAIRMAN CAMPOS: Okay. That works.

COMMISSIONER SULLIVAN: And I'd like it in writing.

CHAIRMAN CAMPOS: A written report.

COMMISSIONER SULLIVAN: A written report.

MR. FLORES: Mr. Chair, Commissioner Sullivan, we can accommodate that.

COMMISSIONER SULLIVAN: As to where we are and who's saying what and how much is anticipated budget-wise. It's a big commitment and we need to decide if we want to make that and if not, what the alternatives are.

The second item I had was I wanted to mention to the Commission and others, remind you that back in 2001 when Commissioner Campos and I took office we began televising the County Commission meetings and the Regional Planning Authority meetings as well. In 2002, we had a franchise agreement renewal come up and one of the issues in the franchise renewal agreement with the telecommunications firm, which is now Comcast, it was a firm before, was extending the public access television beyond the service area of the City of Santa Fe. And that discussion went to extension both south to the Eldorado/285 area as well as north to the Pojoaque and other areas. They indicated that extending it north wasn't feasible because of the separate contract agreement - there's a separate cable company that runs that jurisdiction, but that going to the south was and they committed to do that by the end of 2002.

Well, it didn't get done by the end of 2002, but I'm pleased to tell you that by the end of 2003 it did get done and we now have fiberoptic cable that just about five months ago has been installed and the some 7000+ residents in the Eldorado area, which amount to about 1500 service locations or Comcast viewers now have public access TV which they didn't have before, not only to the Commission meetings but also to the City Council meetings. So we have 1500 new constituents, all of us, who are able to help us out in our daily decision making and I want to be sure that we welcome them to the County, which they're a major part of and say that I'm sure that all the Commissioners are willing to respond to issues and hope that they'll watch the TV and they can even video it if they want and cut out the boring parts and go to the

interesting parts and listen to the interesting parts, whatever those might be.

So again, just a welcome to the folks in the Eldorado area. In the public access, that's Channel 8. Finally, also on an Eldorado area issue, I had a discussion the other day with Patty Adam who is our senior services board member in that general area. And this is a question that maybe Robert can answer for me. She has been concerned for some time about senior transportation in that area and my understanding is that some of other senior services centers we do provide transportation for the elderly to doctor's appointments or the hospital, but we either can't or we haven't been doing that in Eldorado.

Now, we don't have a full senior center there; they're meeting at the Eldorado Community Improvement Association facilities and I wonder if you'd give me a status of that.

ROBERT ANAYA (CHDD Director): Mr. Chair, Commissioner Sullivan, that is correct that some senior centers do have more services, if you will, than other areas, and that falls directly under where their budgets come from. The only thing I can say to you is that we can go sit down, Mr. Flores and myself, with Ms. Maes and ask her some of those specific issues as to how do we expand that. I can tell you that the immediate response is going to be resources and how do we get more money allocated to be able to do that? But I think that your question brings up an even bigger issue, is that I think Santa Fe County needs to get more actively involved, as you've discussed in past meetings and we need to have a more active, comprehensive understanding of how the overall senior program works and it's not just a concern that you've raised, it's a concern that Commissioner Anaya and Commissioner Montoya have raised specifically as well.

So we can go sit down with them and discuss those issues but we don't have all the information that we need for me to give you any more of a response than that, but we do have within our budget for your information as well, a building block that ties directly to senior service issues that you and the rest of the Commissioners will have to discuss along with all of the other building blocks. But we can speak with Ms. Maes and get back to you on that.

COMMISSIONER SULLIVAN: I understand, Robert, that there's some service, I can't think of the name, that they can avail themselves of but the charge is \$2 a mile each way. Are you familiar with which one that is?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, I'm not familiar with that one, but we did just enter into an agreement with the City of Santa Fe off of the Highway 14 area to help assist some of those people in the Valle Vista area in getting transportation but I'm not familiar with the specific reference you just made. No.

COMMISSIONER SULLIVAN: Okay, well maybe you could get with Patty, or Gerald seems to know a little more.

MR. GONZALEZ: Mr. Chair, Commissioner Sullivan, I know that we have had some ongoing dialogue with the City over providing some of these services in the Valle Vista and also in the Rancho Viejo area, because the way the City draws the lines, actually some of these individuals, some of these seniors fall just outside the line and we've made special arrangements in some situations but I think Robert is absolutely correct that if we go back to the table, the City is going to ask for more money. So ultimately, we do need to

understand the funding for the senior services program on the City's side and also understand that it may require more of a County commitment in order to provide these services in the long run.

COMMISSIONER SULLIVAN: Well, if Robert, you and your staff can get with Patty and the other seniors to talk about the options for this, I'm not sure of the frequency of it. I don't get the idea that it's real frequent, but nonetheless, when the need is there and there are some individuals who are just so disabled that it's very difficult for them to get to health care facilities. If you could investigate that and get back to us I'd appreciate it.

MR. ANAYA: I can do that.

COMMISSIONER SULLIVAN: Thank you. That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Okay. Just a reminder to staff, please state your name and your position when you come up to the podium. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Just real briefly. I just wanted to inform people of the site visit that we made last week to Phoenix regarding the water and wastewater treatment facilities. I think it was very informative. Certainly provided a lot to think about in terms of the potential that there is regarding this type of technology and seeing where and whether Santa Fe County wants to move in some sort of a direction. I want to also acknowledge John Arnold who went with us from the *Journal North* and the good job that he did in reporting the proceedings on that day. It was a filled day with barely enough time to breathe. So it went real well.

And just an update on the Aamodt. I have requested, Gerald, that we could get another meeting up in the Pojoaque Valley regarding this lawsuit. And I think the information that people are requesting are more along the lines of what – the geo-hydro reports do we have that would be beneficial in terms of answering some of the questions that they may have that are a little more technical in nature. Also having potentially the attorneys for the different Pueblos or someone to represent the Pueblos at that so that there can be a dialogue of what would hopefully break down some of the misperceptions and misinformation that people are giving on the Aamodt case. I know that it was helpful at the very last meeting and I think Commissioner Campos attended that. I wasn't able to, but the actual judge who presided over the case was there to answer a lot of the questions that came up as well as the State Engineer.

I was reading an article in today's newspaper, I think that there may be rulings coming down from the State Engineer's Office that are going to impact junior water rights users which of course would include the Rio Pojoaque Basin under that if the State Engineer, D'Antonio does enforce some of these water rights issues.

And then just lastly, the meeting that we had in Española at the community college regarding the different governments went very well. That one was on April 20<sup>th</sup>. There's actually going to be a meeting on May 4<sup>th</sup> in which some of the people that were there, domestic water associations, city and county governments are going to talk about the line that's going to be running up potentially up to the Chimayo area where the folks there are still in need of potable water. So it went very well and we'll have proceedings for the Commissioners at some point in the near future. That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Thank you. Commissioner Duran.

COMMISSIONER DURAN: I have a few things. I'll try and make it brief.

When we went to Arizona last week it became evident to me that the issues are so far-reaching and confusing as to how we might bring this technology into our community that I've come to the conclusion that we have no one in our community that can really advise us properly on how we can use this technology. And I would like to ask the Commission to, ask the County Manager to find someone, and perhaps somebody that we met with while we were in Arizona, that would be willing to come to our community, assess our problems as it pertains to our wastewater systems and our plan to develop a water system and how this technology might be used to assist us in that effort. We're probably going to have to hire somebody to do that but we just got a check for \$200,000 and I was hoping that we might be able to earmark a few of those dollars to that effort.

I think that it's a big enough issue that it warrants more consideration than just coming back from Arizona and saying it was interesting, which it was. It was interesting the first time that we went but we really need to do some thing about it. I don't know how to get it off of dead-center right now except to have somebody that's familiar with the technology to come to our community and advise us. So does that seem like something you all might be interested in at least pursuing?

CHAIRMAN CAMPOS: Commissioner, coming back from Arizona my thoughts were that we really have to inventory our needs and prioritize them, and then determine what our resources are. Because the options we saw in Arizona are very expensive. I think they are interesting options, but I think without an inventory and a big plan, I don't think it's time right now to bring in an expert from Arizona to tell us about aquifer recharge. Is that what -

COMMISSIONER DURAN: No, no, no. I want someone to come in and look at what our problems are, help us inventory our systems and our ability to bring this technology to the community and see if it even works. Some of the places that we visited have different types of technology that I don't think would work here just because of the geology. And I don't think there's anybody here on staff that can advise us properly and I don't even know who to ask except for somebody that is familiar with that technology from a community that is currently using it. Maybe it's just someone to come here, maybe we just ask them to come and spend a couple days and looking at it doesn't cost much money, but somehow, we need to do something about this information that we've received and I don't know how to do that other than have somebody assist us in that process.

CHAIRMAN CAMPOS: Discussion.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: I agree with Commissioner Duran but I think that right now, we're not all on the same page because I didn't get to see that. And maybe we could schedule another meeting so that those of us that haven't seen it, and I think I'm the only one that hasn't seen it, correct? Then I could get on the same page with you all to see. But I know

that it would be important for us to continue to look at new ways of recharging or whatever you all saw down there and not give up on that idea just because our reservoirs are full and it's raining now. I'd like to maybe in the future to go see what you all saw and then I could be on the same page with you and then we could move forward. But if you all want to that right now, that's fine with me too.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think we can and need to address ultimately what these technologies are and where we can use them. We know they're expensive, those plants that you looked at down there range from the \$60 to \$100 million category. And we've somehow got to afford a \$100 million San Juan/Chama diversion project also in the works. Possibly one way to do it, and I know when we took that trip before that we had some of the Arizona folks come in and give a presentation if you recall and we also had the State Engineer's Office come in and talk to us about where they were and the fact that the regulations for this aquifer storage and recovery haven't been formulated yet.

Where I'd like to see it is in this water resource plan that we talked about at the last meeting where we have a consultant who will be looking at the issues of conjunctive use water for Santa Fe. And I think, Commissioner Duran, you had asked to see that request for proposals, right? When it was formulated. I haven't seen it and I assume it hasn't gone out yet. Is that correct, Gerald?

MR. GONZALEZ: That's correct. We're still in the process of finding a model.

COMMISSIONER SULLIVAN: And I think as a part of that, we could include a component that would ask the consultant to look into these alternatives – aquifer storage and recovery, deep water injection, desalinization. Although it sounds far-fetched, desalinization, the thing that's nice about that is that it turns bad water into good as opposed to good water into bad or into marginal, in the eyes of someone, although the treatment technology, I know is very high before it's put into the groundwater, you don't really have control over upsets to the plant, things like that.

So let's perhaps make this if we can a component of that analysis and see what the experts say, where it fits into our timing. We need to start looking at it. It's there on the horizon. It's being used. Saudi Arabia uses it as well as Arizona. Saudi Arabia has more money than Santa Fe County but they also have moved the technology forward. So I think that might be a place – does that fit into your –

COMMISSIONER DURAN: That's fine. I agree. I think that the one facility that we went to visit though was a \$14 million facility. And it actually, they were able to extract, for each acre-foot they injected they were able to inject another acre-foot. So definitely it's worth pursuing further.

COMMISSIONER SULLIVAN: I can do that for free. One acre-foot – I give you one, you give me one back. I can give you that for free. I think you mean one acre-foot of treated.

COMMISSIONER DURAN: That's what I meant to say.

COMMISSIONER SULLIVAN: Treated water.

COMMISSIONER DURAN: Okay. Thank you. And then the other thing is I'm wondering if the Commission would be willing to have a special meeting to discuss the Aamodt lawsuit. I really think that the Commission probably needs to climb on board or at least make a decision as to how they want to proceed on this issue, whether they want to back the settlement or maybe offer some other solutions because my understanding is that they're kind of at a deadlock right now and there's some major issues that I think that we might want to participate in. And I think that would probably take a special session. And rather than just have one Commissioner out there I think we should all get involved because it is going to have an impact on our ability to provide wastewater treatment facilities on a regional basis and in our ability to develop our water system, the County water system. So maybe Gerald can get together on - maybe you could talk to us individually and see if there might be a date in the future that we might want to get together to discuss that issue.

MR. GONZALEZ: That would be fine. We probably would want, if we're going to consider some kinds of invitational presentations to the general public in the area, do that first then have this meeting. I know there's some pressing issues in terms of time deadlines from the congressional standpoint. I've referred also to the fact that we do have sort of a limited window in terms of even being able to access this money, which would probably be limited to this budget year in Congress. After that, the fears I know that the money would go away and not come back again in the future.

COMMISSIONER DURAN: All I know is I get asked by a number of people what my position is on the request to have them cap their wells and it's more than just capping their wells, it's are there wells pumping water in contaminated aquifers. It's wastewater treatment as it relates to their ability or their right to extract water from the aquifer. I frankly this money that they have allocated is going to go away because the issues are so far-reaching. But maybe we can participate in that discussion. We have a lot of constituents out there that are going to be affected by that and I think we should get involved in it.

CHAIRMAN CAMPOS: Could I make a comment? Didn't we discuss at the last meeting that we would consider the Aamodt agreement in May, at probably our second meeting in May.

MR. GONZALEZ: We did, and I'm taking this as some additional direction from the Commission to do that. And I'm also hearing that we may want to do something in the valley prior to that time. I see a lot of heads nodding.

CHAIRMAN CAMPOS: That would be wise.

COMMISSIONER DURAN: Okay, then my last thing -

COMMISSIONER SULLIVAN: Mr. Chair, Commissioner, just one comment on that same issue if you don't mind. There was an interesting article in the *New Mexican* today about one of the issues going beyond the capping of the wells and the so-called losing of water rights, which my understanding is are water permits, not water rights, and that is the money. I think as a part of this presentation in May it would certainly be useful to get a better reading from our congressional delegation about the money. We've got a number of \$280 million as being the federal share and we're hearing that money's tight for the Southwest and \$20 million

is what we can be anticipating for funding for projects in the Southwest. Not just this, but others. A figure which Senator Domenici called ludicrous, and he may well be right, but whatever it's called it's still only \$20 million, which is less than 10 percent of the cost. And if that were to come to this project.

So I think what the concerns of some people are is that they're going to approve this conceptually and then be left out on a limb in a lengthy budget process that will go through decades and these promises won't be kept. I think people are saying we want you to put your money where your mouth is. So aside from the technical and hydrologic issues which are extremely important, is there some way our congressional delegation could give us a better handle on the funding. Gerald, have you had any discussions that would help with that?

MR. GONZALEZ: The issue was discussed with congressional staff when I was in DC a month ago I guess it was and I know that at that point they had earmarked, although they hadn't marked up yet, money for this purpose. Senator Domenici appears to be committed to it and Senator Bingaman appears to be committed to it. Perhaps we could also get in the interim some kind of description from the congressional offices of where they are with respect to the appropriations process. I know we've been invited to actually participate in the forthcoming mark-up that would actually set aside the money.

So I can make contact with the congressional offices and see if they have something a little firmer for us. I know that Senator Domenici's staffers and he himself had been talking about coming out to actually visit with the folks in the valley to talk about this.

COMMISSIONER SULLIVAN: But was there any dollar amount discussed? Obviously, we don't need \$280 million on day-one. The project is more than a decade in length. But is there any commitment to fully fund the federal share of this project over a reasonable time frame beyond this current budget year?

MR. GONZALEZ: That was the nature of the discussions and I don't think that - I mean the commitment would have come out of, the way it was discussed, would come out of the proposed appropriations for this next year, even though they might be extended over a longer period of time. It was, and this was one of the timing issues is that it was raised by our congressional delegation and kind of a trade-off issue in terms of dealing with CALFED. And CALFED, as you know, is asking for somewhere in the nature of \$800 million. I understand that the New Mexico delegation is saying if that sort of funding went forward that then we would have to provide full funding for the Aamodt and perhaps a couple of other projects, the Gila perhaps.

So it's my understanding that the effort would be to provide full funding at this time, even though the expenditure might take place over a longer period of time.

COMMISSIONER SULLIVAN: Because I know when we deal with federal projects we get into this gray area of authorization versus appropriation and although they may authorize \$280 million, the appropriation which is handled through a separate channel and through congressional committees, oftentimes never materializes. So I think what some people are saying is Show us the money, before we make these commitments. And so far we haven't heard - we've heard anecdotal information but we haven't heard really firm commitments and



dollar figures from our congressional delegation. And that would certainly be helpful. If you can get that. Obviously, every public entity would like to get that information but I think in this case, if there is a commitment to it, it's got to be backed by solid, hard cash. And if we could get some insight into that in the May meeting that would help. Thank you, Commissioner Duran.

COMMISSIONER DURAN: Thank you, Commissioner.

COMMISSIONER MONTOYA: Mr. Chair, on that point, if we could probably get some officials from the congressional delegation at this meeting also in Pojoaque, Gerald, because I think that is one of the questions that hopefully could be cleared up as well.

MR. GONZALEZ: The discussions that I had were in the nature of appropriations, not just authorization. And I understand the distinction you're speaking of.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I just have - I'm trying to make it quick. Tony, could you give us a two-minute update on the assessment of the building space RFP process?

MR. FLORES: Commissioner Duran, I can do it in a minute. They've completed the interviews, the online questionnaires and interviews have been completed. I met with the firm on Thursday of last week. They have started the facility assessments of the downtown properties which was phase 2 of the assessment because they're running parallel together. I was also apprised that they've already identified three to four locations that were required as part of the RFP so that the Board would then be able to evaluate a potential location of a consolidated complex. This Friday we have tentatively scheduled to go with the district court judges to Albuquerque Metro Court to tour their new facility, with our district judges here.

We are still on schedule to have the preliminary to you in May and the final to you in June.

COMMISSIONER DURAN: Great. Thank you. Then my last one was I was wondering if the Commissioners who had been involved in the water talks with the City might be able to give us a brief update on how those discussions are coming along. Are you making any progress?

CHAIRMAN CAMPOS: I think they're positive. I think we're having a good discussion.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER SULLIVAN: I would just add, Commissioner, is part of what we're doing is gathering some data as well, so it's a data swap that we're working on. We haven't sold the farm yet. We're going to do that here pretty soon.

COMMISSIONER DURAN: Okay. Thank you very much. Thank you, Mr. Chair. I'm through.

CHAIRMAN CAMPOS: I distributed a memo about the Los Alamos County to have a regional meeting on May 6<sup>th</sup> between 4:00 and 6:00 p.m. I haven't gotten any volunteers yet. Do I have any today?

COMMISSIONER MONTOYA: Mr. Chair, I talked to Lisa about that and I

did mention to her that if I'm back in time after the Board of Directors meeting for the Association of Counties that I will go straight over there.

CHAIRMAN CAMPOS: They would like to have two, something less than a quorum. Would anybody else like to go on May the 6<sup>th</sup>? If we have one Commissioner, maybe we could have a County rep at least and coordinate that?

MR. GONZALEZ: We can arrange that. Be glad to that. And if my schedule is free I'll try and make it myself.

CHAIRMAN CAMPOS: Okay. La Cienega, a question for Commissioner Anaya. The clean-up costs that you raised at SWMA about a month ago. What's going on in La Cienega as far as clean-up, monies for clean-up, things like that?

COMMISSIONER ANAYA: Mr. Chair, Commissioners, right as of now, they are throwing the trash, they are throwing the trash that we're collecting -

CHAIRMAN CAMPOS: Who's they? The residents?

COMMISSIONER ANAYA: The residents and the County, are throwing the trash at Caja del Rio and they have a running tab as of now. We're going to try to find some monies to pay for that. The State Department did give us \$10,000 that we will probably be able to use for that if we don't come up with - for tipping fees, and we will also use that \$10,000 to purchase fencing material to fence out those areas that are being trashed.

CHAIRMAN CAMPOS: Okay. I'd like to contribute \$2500 from my Commissioner fund for the tipping fees aspect.

COMMISSIONER ANAYA: Towards the tipping fees?

CHAIRMAN CAMPOS: Yes.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN CAMPOS: Especially tipping fees, but if you need it for other purposes, let me know.

COMMISSIONER ANAYA: That would be great.

COMMISSIONER MONTOYA: Commissioner, I just want to thank you also for the tipping fees for the Pojoaque Valley. \$500 I understand you're contributing, so thank you.

CHAIRMAN CAMPOS: If you need more, let me know.

COMMISSIONER MONTOYA: Okay.

## **IX. Presentations**

### **A. Presentation by James Lujan for the Retirement of Benedito Vigil**

JAMES LUJAN (Public Works Director): Mr. Chair, members of the Commission, it is a pleasure to honor the retirement of Mr. Benedito Vigil who could not be here today. He had other commitments that he had to take care of, but Benedito started with the County in 1974 as a truck driver. He left the County for a short period of time and came back and he was a transfer station caretaker. He was a very dedicated worker. We are proud of his

contributions to the department and he will be missed and we want to congratulate Benedito and wish him the very best of luck in the future.

CHAIRMAN CAMPOS: Is Mr. Vigil here?

MR. LUJAN: No, he could not make it. He had other commitments.

CHAIRMAN CAMPOS: We do have a plaque for him. How would you like to handle that?

MR. LUJAN: Mr. Chair, we're going to have HR mail it to him. Or he still had two days of work; we will get it delivered to him. He couldn't even make it to his luncheon yesterday, but the crew did hold one for him. They had a barbecue out at one of the transfer stations but he couldn't make it.

CHAIRMAN CAMPOS: Thank you, sir.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Even though he's not here, I'd like to give him a round of applause anyway.

#### **IX. C. Presentation on Wildfire Risk, Presentations and Response**

MR. GONZALEZ: Mr. Chair, Jeff Saunders is going to give the presentation and just by way of background as he's moving forward, I just wanted to say that we felt it was important from a staff level to not only provide background information for the Commission on what we're doing in this area but also for the general public as well. That's one of the reasons why we chose to make this a presentation so that it would go out to all those watchers that Commissioner Sullivan mentioned earlier, as well as everyone else that watches Channel 8.

CHAIRMAN CAMPOS: Mr. Saunders, how much time do you need?

JEFF SAUNDERS (Assistant Fire Chief): About ten minutes.

CHAIRMAN CAMPOS: Okay. Let's proceed.

MR. SAUNDERS: My name is Jeff Saunders. I'm an assistant chief of operations for Santa Fe County Fire Department. And I appreciate the time to give you this presentation. I actually called it the Wildland Urban Interface Fire Readiness Advisory. The main focus is on the Santa Fe area wildfire operations plan that you find in your packets there.

The wildland urban interface area inventory assessment identified 43 areas in Santa Fe County with an elevated risk of wildfire. Ratings are extreme, very high, high, and moderate. They're located all over Santa Fe County, and I've got a map at the end of the presentation that I can show you where those areas are.

We're the first county in the state to adopt the NWCG fire fighter training and introduction to wildland fire behavior. At their minimum level of – are you having a hard time finding it in your packets? It's in there. I helped put it in myself. As I was saying, we're the first County in the state to adopt a very stringent guideline by the National Wildfire Coordinating Group. And everybody in the county has gone through that training. 65 percent of

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the department's firefighters are trained at the basic level, and thirty percent of our firefighters are trained to an advanced level. The remaining five percent have chosen not to participate in the wildland fire program. They are specific to structure and prevention items, and the like.

The next few slides that I have for you— and if you can see it on your monitor— are part of the wildland urban interface area inventory assessment. And what I've done is I re-sorted this from Chief Blackwell's original inventory. And you can see that I've brought the ratings from extreme down to moderate, La Barberia being the only extreme area that we have in the state. This was a co-sponsored report done by the Division of Forestry, the County Fire Department, and also by the Santa Fe National Forest. And I've got a few slides. You can just see and pick up different areas that are represented. The most important ones I've highlighted in one slide coming up here.

And due to the unmitigated piñon, several of the areas have been re-classified by the Fire Department. La Barberia went from extreme to most extreme, and it's really our focus area. We've been doing all of our pre-planning in that area. Apache Ridge went to extreme. San Pedro down south went to extreme. Old Santa Fe Trail, Cañada de los Alamos, and Pacheco Canyon all went to very high. Mainly, this is due to the dead piñon situation and the fact that we haven't really mitigated that. Homeowners aren't necessarily cutting down their wastes that they have on their properties, and we see that as being a fire hindrance.

There are some lessons learned from previous fires, both in this state and around the country. We need to determine the jurisdiction and who is responsible for the suppression, and we need to do that before we get involved in the fire. One of the things that the wildfire ops plan is doing is to help us determine that. We need to pre-establish the unified command structure for multi-jurisdictional fires. In the event that we do have a catastrophic fire in our area, it's not the time to start forming up a team and figure out who's doing what. We need to have that pre-planned out, and we have to have all those players identified before we ever get on the ground and we go out and figure out how we're going to fight the fire.

The other things are we need to be able to talk to each other. So we need to have pre-identified communications. We need to inform the public about the evacuation process. One of the things that we did is that two weekends ago we had a community outreach program. And we actually touched everything that touched the mountain, and went from Chimayo wrapping around to Glorieta and passed out information from the state and also prepared by us on evacuation planning.

We need to also create a pre-operational plan that fits the expected wildfire events. One of the two slides that I have at the end is going to give you a little bit of an idea of predicted fire behavior and fire forecasting for this season.

We're looking at the unified command and the inter-operabilities between us, the City, the National Forest, and State Forestry. Wildland fire occurring in and around the Santa Fe area will definitely be multi-jurisdictional. There's really no way to avoid it. Anything that starts on our property in the County is definitely heading from the southwest to the northeast, and the watershed's in the way. So that makes it a City of Santa Fe fire and also the National Forest. Multi-jurisdictional fires require an incident command system that unifies the agencies.

And what we want to do is we want to make sure that in the command process that all of those agencies have an equal amount of the ability to dictate how things are going to happen on the fire ground. The agency officials collaborate, and they set those incident objectives by having a consensus on what's the most important on any given incident.

The advantages of unified command is it does set a single objective for the fire. Basically, the unified commanders give an operational section chief a job to do, and he's the guy that sets out and performs all of that. So it's by consensus. We have a better information flow to the agency representatives, and a lot of cases, Mr. Chair and Commissioners, you're going to need to have as much information as you possibly can about what's happening on the fire ground. And a unified command allows us to be able to do that.

All agencies understand the joint priorities and the restrictions that are put upon, depending on archeological sites, values of high risks – the watershed is definitely one of those– and any types of structures or residences that we have. The combined efforts of all the agencies are optimized as they perform their assignments. And it's very important, one of the things that we got out of the Reno convention for Wildfire 2004 was that everybody's going to come in play at a large fire in our area. And not all of them are going to be from around here. So the more prepared that we are locally to help organize it in the beginning, the more organized it's going to be, and the outcome is going to be the best-case scenario for all of us. Because people are going to travel from all over the United States to come to a large fire in this area.

Specifically on the Santa Fe area wildfire operations plan, it was started in 2001 by the Santa Fe Wildfire Cooperators. And that organization has been in existence since 1999. The planning cooperators include Santa Fe County, the City of Santa Fe, State Forestry Division, the Bernalillo district specifically, and Forest Service National Santa Fe Forest.

One of the biggest things that we have to deal with is inter-operability on a big incident like this. And we've solved the process by two different avenues. The first is that through Department of Justice funds, we got a black box. And that black box is called an HE-1000. It allows us to attach six different radios to that of varying configurations, and it ties all those channels together. The easier solution is to everybody buy all the same radios. And in a consortium, we decided that what we would be using for these events to start off with is the portable VHF units that the county already has. The city fire department has always used VHF radios, and we got a commitment from the City Police Department also to buy forty portable hand-helds that they can outfit their personnel with that are going to help with the evacuation. So everybody on the fire from the first standpoint is going to be using the same types of tools for communications.

The operation plan itself provides a pre-planned coordinating mechanism to establish a safe, efficient and organized inter-agency response and unified incident command system in the event of a large wildfire in the Santa Fe area. It can be activated by any of the agencies that are participating in the plan itself. And there's three different response levels: a brush level, a wildland level one, and a wildland level two response. You can see that the brush level is what we generally deal with on a daily basis in the general fire department world. And they're small

fires and they can be handled by a single fire district or a single agency. Wildland level one is potentially a large fire or potentially has more implications for multi-agency response. And then the wildland level two is definitely a large fire, and there's a lot of values at risk and it's definitely going to be a multi-agency operation.

So this is our response level for a brush-level fire in a fire district. We send a type six engine, which is a pick-up truck that's configured as a brush unit. We send a type one engine, which is a structural fire-fighting engine, we call them pumpers. And we send a water tender, which most people in the fire service for structural call them tankers. But in the wildland business, tankers fly and tenders roll on wheels. So we'll send these three pieces of apparatus along with the fire district to put that fire out.

The wildland level one response, these are all in-house resources that we have, and this is part of the training that we've gone through. We'll send a division supervisor, strike team leader, task force leader. Then you have the same types of apparatus going, but we send more of them. We also send a medical unit, a law enforcement contingent, and a fire information officer or a public information officer.

One of the questions that's come up lately, and I know that some of the Commissioners are concerned about it, is air operations. We're definitely not going to be able to stop a fire of this magnitude on the ground with conventional firefighting means. You can stick a fire truck in front of it, squirt water on it, and have the fire go out. Everybody that's been around this area for a while knows that any fires in the mountains basically turn into an air-show. So we have specific arrangements with the state of New Mexico that, using the proper channels, we can order air resources to protect life and property, and also to keep it from going into an extended attack. So if we can catch it – and that's really what the air resources in New Mexico are designed for, is initial attack. So if the fire goes on for an extended period of time, we lose air resources. We can't hang onto those air resources. So we're really trying to catch these fires in their incipient stages and not let them go very far.

Wildland level two is what we've been doing all of our planning for. And this process has taken a long time, and it's been one of the primary functions of my job for the better part of a year and a half now. Wildland level two is a significant threat to life and property. There's definitely going to be an evacuation, or the evacuation is in progress. We have potential significant impact to the watershed, and that's mainly because anything that starts in the county, like I said, is going to be going to the northeast. So if it starts even in parts of the city, off of Old Las Vegas Highway or Old Pecos Trail, it's heading in that direction. And it exceeds our ability to fight the fire.

Wildland level two initiates the following responses. It orders a type three incident command team. That incident command team is in your packets. It's labeled by personnel, and you can see that most of those positions are either three or four deep. That gives us a good cadre and a bunch of ability to be able to wrangle this thing in the early stages of the fire. One of the annexes that is not in your packet is the contact sheets. And that was because contact sheets also included personnel and personal phone numbers for home locations, and I didn't want to have that in the document. So if you need that, I can provide that for you.

It will request activation of the New Mexico Resource Mobilization Plan, which Santa Fe County, we actually were the first people to sign into the RFP for that mobilization plan. It's going to implement the dialogic warning system from the regional communications center. It's going to alert Santa Fe County Fire Department and Wildland Strike Team, which we have about 120 members of our Fire Department who are members of the Wildland Strike Team as well. And then it's going to transfer our dispatching services to Santa Fe zone, which is going to ramp it up to the next level. And that is really going to be where all of the big resources, the air resources and stuff, are ordered up. And we want that to happen as soon as possible.

There's a list of annexes. You'll find those in your operations plan. This is the last one, which is delegation of authority. The delegation of authority has happened quite some time ago, but it's something that you might be asked to do as a Commission chairman or as a County Commission. The delegation of authority gives the ability for the US Forest Service or the state of New Mexico to manage the fire. The Santa Fe County Fire Department already works for you, and you've already given us the authority. And what we need to do is if the fire is large enough in magnitude and it's crossing jurisdictional boundaries, you may be asked at some point to sign the delegation of authority to give somebody else the authority to manage this fire and to spend money. And that's the final part of your operations plan there.

The last few slides I have just basically are a readiness report for you to where we stand this year. And then I've got a couple of mapping slides that give some predictions. The fire district personnel, which there's fourteen, fifteen counting the state pen, have five to ten wildfires per year, and they're handled very quickly and very well by the fire districts, because we do concentrate on quick initial attack. The training for the fire districts mirrors the county strike team, mainly because those members are serving a dual role. They go out of county as a strike team to help with the RMP resources, and they get a lot of training there, but they also manage all the fires in their own fire districts. And they have a better knowledge of their local conditions, and they have many years of experience. Some of these folks have twenty, twenty-five years of experience fighting wildland fires in their area.

The Santa Fe County Fire Department Wildland Strike Team has five strike team task force leaders, twelve engine bosses, six engine boss trainees, 35 firefighter one squad bosses. And in this particular case, a firefighter one is higher than a firefighter two. Firefighter two is an entry-level person. This is the most resources of any group in the state that's participating the state resource mobilization plan. We've been doing training for a long time. We're keeping our training up and we're doing more and more.

These are all of the fires that we've participated in since we signed the RMP. And you can see some monumental – well, there's a monument fire on there, but you can see some monumental fires on there. Cerro Grande, Borrego, Rio Grande complex, down south Dalton, which hit close to my cabin on the Pecos side, Malino, Encebado, Nine Mile, Montoya, and Roybal. These are all pretty large-scale fires, many of them handled by type one national incident teams that came into our area.

So what we're really trying to do right now is we're making sure that all of our apparatus is ready to go for the fire season, and our personnel are trained. We're exercising the

operations plan. We've done it a couple times already. The most recent was a sand table exercise at the Fire Use Training Academy in Albuquerque. We had almost fifty people there from the agencies participating on two sand tables where we basically had little trucks, airplanes, and the like. And we had to make command decisions in a timely fashion and try and exercise the plan. And it went very well. And I think the plan is a good plan for what we need. We're going to continue our pre-planning and our monitoring of the conditions. And we'll stay abreast.

We have some future goals. Those are to mitigate more of the piñon fuel-loading. We want more additional advanced training for our personnel. Most of the personnel that are involved in wildland firefighting are our volunteer cadre. And they have the ability to go out and take these classes much better than our paid staff because of our overtime budget. We'd like to also include some of our paid staff to be able to take this advanced training. We want to participate in the east mountain inter-agency wildfire operating planning. We don't really have a lot of communication with the east mountain inter-agency group, and we want to make sure that that's rectified. They want to use our plan as a model, and we want to be participating in that.

We have a need for a few specialized pieces of apparatus, and we're trying to strategize. And our five-year operating plan that we're going to be putting out in the next month or so is going to identify those. And they'll be identified in our capital improvements plan. We'd also like to continue to exercise the Santa Fe area plan that you have in front of you.

I'd like to thank you for your continued support of the Fire Department, and I stand for questions.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: I just have a quick question. We're entering or we're already in the fire season. And I'm wondering, what kind of program do you have in place right now to monitor the forest? Do you fly around and look for fires that could possibly have been started? I guess what I'm leading up to is do we have a program that is something other than reacting to the situation?

MR. SAUNDERS: Mr. Chair, Commissioner Duran, we have a few of us that monitor the frequencies for the national forest. And once we get into really what fire season is - right now, everybody knows that the rain that we got in the last few weeks has certainly lessened the fire danger. Everything's pretty moist out there. We do still anticipate a normal fire season for this year. They have a re-con plane that flies up the east side of the Santa Fe Range, and then it comes down to the Jemez. And we monitor those frequencies all day long. And anything that they see, we hear about right away.

COMMISSIONER DURAN: How often does that occur?

MR. SAUNDERS: During fire season it happens all day long. Until that plane is re-detailed to a fire and becomes fire command or air command, it happens all day long. They do two trips, one in the morning and one in the afternoon.

COMMISSIONER DURAN: Thank you.

MR. SAUNDERS: They've pretty much done away with their tower program, because it's much easier to put an aircraft in the air. The other resource that we have is a helitac



crew that's stationed at TA-49 in Los Alamos. They do the same thing.

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

CHAIRMAN CAMPOS: Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chair, Commissioners. Jeff, I want to commend you on a job well-done on working with all of the agencies. Because it is going to be a group effort in order to work together to eliminate a fire if it does happen. And I want to thank all the paid staff that worked hard on this and the volunteer firemen who are risking their lives in going out and fighting fires in the wildland. So I just wanted to thank you all for all of your hard work.

MR. SAUNDERS: Thank you, Commissioner Anaya.

CHAIRMAN CAMPOS: Any other questions or comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jeff, just a quick question on your incident support locations and facilities on page nine of your report. You have a number of locations, like the Santa Fe Downs Racetrack and places like that, the Santa Fe Ski Area and so forth, that can assist you I guess in mobilizing and organizing for a fire. The one place I don't see on there is the Santa Fe airport.

MR. SAUNDERS: As far as using it as a staging area or -

COMMISSIONER SULLIVAN: A staging area, as a fueling area, as a communication area. It would seem like that would be a primary location.

MR. SAUNDERS: Mr. Chair, Commissioner Sullivan, we try and move everything away from the airport because of all the activities that are going to be happening there. It will be used as a heliport. And a heliport is a place where helicopters can re-fuel and re-supply. And it's just a common practice to keep everything as far away from the airport as you can, just so that it doesn't restrict the flights going in and coming out. We try and keep flight times to a minimum. And when they go to the heliport and to the airport, it makes for a very long turnaround time. So what we've tried to do is we've tried to move everything as close to the fire and identify those areas as close to the fire so that we can keep those turnaround times to a minimum.

COMMISSIONER SULLIVAN: All right. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: One more question. Jeff, you mentioned the east mountain inter-agency wildfire operation.

MR. SAUNDERS: Yes, sir.

COMMISSIONER ANAYA: They would go off of our model. And Santa Fe County would like to get more involved in their procedure. Are they not letting us or are they not wanting us? How can I help you in that aspect?

MR. SAUNDERS: Mr. Chair, Commissioner Anaya, no, that's not the case. Everybody's willing to work together. We're just trying to get the dates set down so that we can all meet together. Three or four years ago, we participated at a much higher level.

Workloads being what they were, we started concentrating on other projects. So we're trying to tie it all back up together. Everybody across the state is probably going to use this wildfire ops plan as a model. And we just want to make sure that it goes the way that we want, the participation from all the agencies to be the same across the board, especially the ones that we touch. So we want to have a good participation from Santa Fe County on that. And that'll happen.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. Saunders. Okay, what's the consensus? Do we proceed to the last item D, the Lodger's Tax Advertising Efforts and Consent Calendar, or do we break for lunch?

COMMISSIONER DURAN: I would do this - I think this gentleman's been waiting, Mr. Chair. So how about we hear it and then go to lunch?

CHAIRMAN CAMPOS: Okay.

**IX. D. Russ Rountree of Impressions Advertising will Make a Short Presentation on Lodgers' Tax Advertising Efforts. (Finance Department)**

MS. LUCERO: Mr. Chair, members of the Commission, we'd like to introduce to you Mr. Russ Rountree, who is the owner of Impressions Advertising. They are the contractor responsible for tourism promotion and advertising efforts within Santa Fe County. This contract started last fall, I believe in September, and he'd like to introduce the company to you, give you an idea of who they are, and then a flavor for the media plan that he has created in conjunction with the County Lodgers' Tax Advisory Board.

RUSS ROUNTREE: Thank you, Susan. Mr. Chair, members of the Commission, I have noted the effort of "short" on your agenda here. We've compiled a packet that contains two sets of documents, if you will, financials as well as a media plan and samples of some of the creative and promotional efforts that we've undertaken on behalf of the County.

Our company is a locally based full-service advertising and marketing firm. We've been in existence since 1984. We're located over on Paseo. We have previously worked with the County in the early 1990's, and are pleased to be back working with the County once again.

The first set of documents, as mentioned, contain a budget for the amended fiscal year that we have been working with the County, from September through June. We handle all of the facilitation of tourism efforts on behalf of the County. That means that we not only place the ads, plan where they go, design them, but we also answer the inquiries that are generated by those ads, either directly through phone calls, to the website, which is seesantafe.org, as well as any inquiries that come in to us via the mail. Most inquiries these days are coming via e-mail, both from people looking at the website and requesting more county information, as well as people that have seen ads and have been directed to go to the website as a function of that ad.

The second set of documents, a three-page document, is the media plan that we have devised and placed on behalf of the County. The first two pages are what we call the main plan.

It's the national leisure travel media plan. It has many regional publications and publications that reach target markets that have been determined to be feeders, if you will, to visitors for Santa Fe County and the region. Obviously, a lot of people from Texas, southern California, and Colorado are interested in our area. So that's why we advertise there.

The third page of the media document is a recent promotion that we did jointly with the City of Santa Fe. It is for a cultural CD that the City and County and the state jointly produced. The City was responsible for placing ads in major national publications to create an interest in receiving this CD. And the County's contribution to the program was to run newspaper placements in local or regional publications. We've selected three: the *Daily Oklahoman*, *Dallas Morning News*, and *Denver Post*. The two April insertions that we have selected ran a week ago Sunday. Dallas and Denver ran this past Sunday. Then all three papers will get the ads again running Mother's Day, May 9<sup>th</sup>. They run in the Sunday travel sections of those applicable papers.

We have a sample of the creative that we have developed for County. It's called "Discover Greater Santa Fe." You may be familiar with the previous advertising campaign that was done. It was sloganed, "There's more to Santa Fe than Santa Fe." We have continued to look at a regional area that we promote, but have slightly tweaked that wording just a little bit so that it's more general in the scope that it promotes. We direct people to the website; we also have an 800 number that they can call to receive more information. And at the bottom of the ad, you see that we say that "There's more to Santa Fe than green chile."

The second sample in your packet is the referenced cultural CD program that we have partnered with the City, "Culture as close as your CD drive." This has art galleries, performing arts, fine arts, visual arts, and all sorts of activities that people can find out more about by getting this CD. It's actually fulfilled by the Convention and Visitors Bureau. That's why we are indicating to people that are interested in getting the CD to go to the City's website. We also have the County website in here. And at the urging of the Lodgers' Tax Advisory Board, we put a brief mention in for the summer activity "Russian Summer in Santa Fe," which begins at the end of May and runs through the beginning of September.

The final sample is our monthly event ad that we produce. We select three items that are going on throughout the County. We generally try to come up with quite a divergent listing of events. This runs usually the first Sunday of the month in the *Albuquerque Journal*, in their travel section. As you may know, the *Albuquerque Journal* is our statewide paper, and reaches readers throughout the state. It gives them an opportunity to find out about not only these three items, but also directs them to the website to hopefully find out more information about other events going on, not only through that month but in subsequent months. We've listed all of these items, as well as an expanded calendar, on the website. Again, it's visible at [seesantafe.org](http://seesantafe.org).

The last item of samples is the monthly event press release. We distribute this to seventeen regional newspapers, including markets of Dallas, Fort Worth, San Antonio, Lubbock, Las Cruces, El Paso, Denver, Colorado Springs, Phoenix, and it also gets distributed to the local television broadcast affiliates. We quite often get weekend mentions on the Channel

seven and Channel four weekend morning newscast.

Finally in the packet is a recent article about Santa Fe tourism from the *Albuquerque Journal North*. It was published on March 29<sup>th</sup>. A brief mention of some results here to date: the Lodgers' Tax receipts are up over four percent over the previous year to date, in contrast to the City Lodgers' Tax, which over the same period is reported to be down approximately nine and a half percent. We've also year to date had an inquiry total for people requesting additional information about Santa Fe County of almost 13,500 inquiries. With that, I hopefully have wrapped up a short presentation and stand for any questions.

COMMISSIONER DURAN: Mr. Chair. Where are these 13,000 people contact you? From where? How do they contact you?

MR. ROUNTREE: How do they contact us? They either have seen the ad in a publication, and most of the publications that we run in have a reader response card. They check off, say "I want to find out more information about Santa Fe," it gets processed back to the publication, we in turn receive labels that we take to the fulfillment house. They receive either a Santa Fe County brochure or a Santa Fe visitor's guide. The majority of them, however, Commission, come through the e-mail. They will go to the website, because all of our external marketing has the website on it. It's the way that most people get quick information these days. They can find out about the lodging opportunities here in the County, a calendar of events, and then we direct to a "If you'd like more information" page, which they click, give us their e-mail address. Then we process the information back to them, either via e-mail, or most of the time they are requesting hard copy that we mail to them.

COMMISSIONER DURAN: Is that information distributed available to the businesses in the County? I mean, the people that are contacting, what happens to that information? It just stays with your organization?

MR. ROUNTREE: It's warehoused through us, and the database lives with us. But it's certainly available to any lodging business, facility, attraction, retail establishment, if they would like to follow up and send additional information, certainly.

COMMISSIONER DURAN: So any business or any individual in the County if they were interested - and the City- if they were interested in what kind of response you're getting and who is contacting you and what kind of inquiries these people are making can contact you and get that information?

MR. ROUNTREE: That's correct. Yes, sir.

COMMISSIONER DURAN: Okay, good. Thanks.

COMMISSIONER ANAYA: Russ, do you make one of these every month?

MR. ROUNTREE: Yes, sir, Commissioner Anaya. We started with this monthly event in February, I believe was the first month. So we do them each month subsequently. The beginning part of the contract was largely dealing with collecting the information from all the various attractions throughout the county, getting their calendar of events and being able to determine the items that might have the most tourism appeal to people outside the area.

COMMISSIONER ANAYA: Do you include the Galisteo studio tour?

MR. ROUNTREE: Yes, that currently is on and we have a listing of all the studio tours throughout the county. We're waiting to hear back from two of them for kind of more expanded information but we have the dates locked in at this point. And that's all on the master calendar found on the website.

COMMISSIONER ANAYA: Any other questions of Russ? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just had a quick one. I noticed on the news the other night that the mayor of Albuquerque was promoting a campaign that they were doing. This was with another agency, that involved the use of billboards for close-in travelers. Do you feel that's a useful way to go with this county or what's your thoughts on that?

MR. ROUNTREE: Mr. Chair, Commissioner Sullivan, it is certainly a form of promotion that we have looked at for various clients. We have done them when we worked for the Santa Fe Convention and Visitors Bureau. Generally the downside of it is that you're locked into a long-term contract, usually a minimum of 12 months. Seeing that we worked this year on somewhat of an abridged fiscal year it didn't really lend itself to something that we could plan for. But it is - I didn't see the coverage that you reference but there was a story in I believe yesterday's or over the weekend, one of the Albuquerque *Journal* papers that talked about the State Department of Tourism that's certainly doing the same thing in Colorado Springs, Tucson, San Antonio and Dallas. It is something that we could take a look at and again, we have looked at it for other clients as well.

COMMISSIONER SULLIVAN: I just wondered, because I was looking at your national media plan and you've had placements in the *New Yorker*, *New York Times*, *Southern Living*, *Better Homes and Gardens*, things like that, and I wondered are we getting our visitors from places as far away as that or are they more because of the gas crunch coming from closer locations?

MR. ROUNTREE: Mr. Chair, Commissioner Sullivan, you're correct in assuming that not only just with the gas situation recently but more importantly, since 9/11, there has been more of a regional focus. We have kind of loaded the media plan to include those publications but we've also included a few as you've pointed out, *New York Times*, *Southern Living*, to also capture potential visitors in some very large markets. The *New York Times*, perhaps, should not be construed as a strictly tri-state publication. It's a national publication. Almost 50 percent of their readers are west of the Mississippi. So where we do try to grab those people within our regional drive market, but we also look for other pockets to bring additional visitation in as well.

COMMISSIONER SULLIVAN: Do you have a way of tracking, let's just take the *New York Times* for example, how many people responded to the *New York Times* article or advertisement?

MR. ROUNTREE: Mr. Chair, Commissioner Sullivan, yes, that's exactly what we do with the phone calls, the e-mail and the mail that we receive. Most of them are trackable to a particular publication. Certainly, when we run in, say, the *Daily Oklahoman*, this past Sunday, and all of sudden on Monday when we come in and we've got 50 inquiries from the

state of Oklahoma, we can pretty well tag it to that. We ask each of the people, Where did you see our ad? Human nature being what it is, sometimes they do, sometimes they don't, so we have to sometimes extrapolate that information. That also is another reason that billboards are a little bit less advantageous, because it doesn't really have that kind of trackable feature to it, since you've got people just driving by it. You could get people within that market but you could also get people that are from other states that happen to go by that board.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER MONTOYA: Mr. Chair, Gerald, how is this going to fit in with some of the discussions that we've had regarding marketing different parts of the county, like historic places?

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, we've got several things going on simultaneously. Planning and Land Use is working at an overall plan dealing with the Galisteo Basin. Just in terms of looking at use of facilities there, the archeological, recreational and so forth. Open Space is also working on long-term kinds of projections in terms of what we can also do to capitalize on not only the resources, cultural, archeological, recreational, in the Galisteo Basin, but other parts of the county as well. We had discussed the possibility of having somebody work on a part time basis on sort of an overall economic development plan and this would be ultimately a component of that.

Right now it's operating somewhat independently because the contract itself went through the Lodgers' Tax Board without any prior coordination because it came out before we had begun the internal staff discussions about how to develop the larger County economy. We also have been doing some additional discussions concerning the relationships with the Pueblos and how to work those into that whole piece of it. I have talked to Finance and indicated that I'd be appearing before the Lodgers' Tax Board some time in the near future to talk about how to enlarge their reach in terms of capitalizing on what we have available here in the County in order to increase the draw that we're currently getting through the efforts that Mr. Rountree's organization is bringing to the table.

So there's still a lot of work to do. We still have some independent or fragmented pieces that we still need to integrate in the overall thing, but at some point, probably as we get into the next fiscal year, I'll be bringing forward to the Commission some thoughts about an overall plan in order to integrate all of those efforts and make sure that we're not doing independent pieces everywhere.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Rountree, do you perceive there are going to be any problems with providing some input and maybe a little bit of direction from our end of the County?

MR. ROUNTREE: Mr. Chair, Commissioner Montoya, I don't anticipate anything along those lines. We're certainly open for any type of input that either the Commissioners or County staff or other directed personnel would be willing to bring forward to our organization and the Board. I can't really speak on behalf of the Board but we are a company that is always willing to take direction and input from wherever it should be coming from.

COMMISSIONER MONTOYA: Okay. Are you on that board also, Mr. Rountree?

MR. ROUNTREE: Mr. Chair, Commissioner Montoya, no, I am not on the board. It's a five-member board and it's somewhat set up by state statute and I'm just merely a contractor and vendor on behalf of the board.

COMMISSIONER MONTOYA: Okay. Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: I'd just like to make a couple comments. I know that the Commission in the past has been involved very little in how the advertising company portrays Santa Fe County to the rest of the world and I'm glad to hear that Gerald is going to get more involved in that process with you because for me, the last organization that was representing Lodgers' Tax and their advertising effort, I don't think really hit on what I think needs to be done. I look at the pictures you have in your advertising and none of them really have any specific places in Santa Fe County, like something in Galisteo or in Lamy, or really identify what Santa Fe County is all about. These are all pretty generic photographs that really, in my opinion don't portray what Santa Fe County is all about.

I'm wondering if in the months to come if there's any way that we could offer some suggestions and try and have you incorporate those ideas into your marketing or your advertising program. I don't claim to be an expert but since we are in charge of appointing the members to the Lodgers' Tax I think we all have somewhat of a vision of what Santa Fe County is all about. I personally would like to be involved in that process. Do you find any problem with us being able to participate in that? I know that at one point I tried to get a Commissioner appointed to the Lodgers' Tax Board and I met some resistance and it actually never happened. I'm just wondering if there might be a way of doing that.

MR. ROUNTREE: Mr. Chair, Commissioner Duran, again, as in my response to Commissioner Montoya, we don't have any problem with additional direction or input. It's my understanding that there's a somewhat standing invite to the Lodgers' Tax Advisory Board meetings each month for any Commissioners to attend and we certainly realize your very busy schedules. I'd just like to also add that before we initially selected, or the board suggested these images, we presented to them quite a wide range of landscape shots, particular attractions and whatnot, so we do have a pretty wide range of possible images that could be placed in here, but to more pointedly address your question, again, we don't have any problems with Commissioner or staff input and clearly we serve at the pleasure of the Board and the Commission and attempt best uphold their wishes as we can.

COMMISSIONER DURAN: Okay. Well, thank you. I think it's about red chile anyway.

MR. ROUNTREE: We'll get that for next year.

CHAIRMAN CAMPOS: Any more questions? Thank you, sir.

MR. ROUNTRESS: Mr. Chair and members of the Commission, thank you again for the time. I put my contact points on here and phone number and e-mail so certainly, if

there are any other questions or comments that arise down the road please feel free to contact me at any time. Thank you.

CHAIRMAN CAMPOS: Thank you very much.

**XI. Consent Calendar**

- A. Resolution No. 2004-45. A Resolution Imposing an Annual Liquor License Tax Upon Persons Holding State Liquor Licenses (Clerk's Office)**
- B. Request Authorization to Enter into Amendment #1 (Term Extension Only) for the Price Agreement #23-0179-CM with Plastocon, Inc., for Kitchen Equipment for the Adult Jail Facility (Corrections Department)**
- C. Request Authorization to Enter into Amendment #1 (Term Extension Only) for the Professional Services Agreement #23-0182-CHDD with Homewise, Inc., (Previously Neighborhood Housing Services) for the Administration, Management and Sales of the 5(h) Homeownership Program (Community & Health Development Department)**
- D. Request Authorization to Enter into Amendment #5 for the Professional Services Agreement #22-0071-IH with La Familia Medical Center for Healthcare Services (\$115,000) (Community & Health Development Department)**
- E. Request Authorization to Enter into Amendment #4 for the Professional Services Agreement #22-0060-IH with Presbyterian Medical Services for Hospital Healthcare Services (\$40,000) (Community & Health Development Department)**
- F. Resolution No. 2004-46. A Resolution Requesting an Increase to the General Fund (101)/County Commission Budget for a Joint Powers Agreement with the New Mexico State Land Office for Expenditure in Fiscal Year 2004 (\$10,000) (Manager's Office)**
- G. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #24-47 for a 6-Foot Non-Bearing Perimeter Block Wall at the Youth Shelters & Family Services Complex (\$54,400) (Project & Facilities Management Department) [Moved to XII. D. 2, under PFMD. See page 56.]**
- H. Resolution No. 2004-47. A Resolution Requesting Approval to Surplus and Sell (2) Champion 730A Motor Graders and (1) Crafcro Pothole Patching Machine (Public Works Department)**
- I. Request Authorization to Enter into a Professional Services Agreement not to Exceed \$16,295.58 with Souder, Miller & Associates, for Design, Construction Management and Reporting Services for Monitoring Wells Relating to the Agua Fria Landfill Closure (Public Works Department)**

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- J. Request Ratification for Construction Management Services on the Agua Fria Phase II Water, Sanitary Sewer, Drainage and Road Improvements Project (\$20,237.50) (Public Works Department) [Moved to XII.E. 2, under Public Works. See page 61.]**
- K. Resolution No. 2004-48. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office to Budget a Contribution from Impact DWI, Inc. for Expenditure in Fiscal Year 2004 (\$3,004.95) (Sheriff's Office)**

CHAIRMAN CAMPOS: Consent Calendar. Is there a motion to approve?  
COMMISSIONER ANAYA: So moved.  
CHAIRMAN CAMPOS: Second?  
COMMISSIONER SULLIVAN: Second.  
CHAIRMAN CAMPOS: Discussion?

**The motion to approve the Consent Calendar without items G and J passed by unanimous [5-0] voice vote.**

MR. GONZALEZ: Mr. Chair, we do have somebody here from the Community Partnership who I think has a scheduling issue and was wondering whether she would be able to make a presentation quickly and get out of your hair before we break for lunch. But that's up to the Commission of course.

COMMISSIONER ANAYA: I don't have a problem.

CHAIRMAN CAMPOS: Well, I think we're having a problem with our scheduling. It's almost 1:00. And we've gotten presentations that lasted a little longer than expected.

COMMISSIONER DURAN: Why don't you table this presentation until the next meeting.

MR. GONZALEZ: We can do that, Mr. Chair, Commissioner Duran.

[The Commission recessed from 12:40 to 2:00.]

## **XII. Staff and Elected Officials' Items**

### **A. Community & Health Development Department**

#### **1. Request Approval of the Third Quarterly Report from the Santa Fe Community Partnership, Contract #24-0064-CHDD**

SHARON GUERRERO: Good afternoon, Mr. Chair and Commissioners. I am Sharon Guerrero from the Santa Fe Community Partnership, and I'm representing Melanie Darling, the director. I'm pleased to be here to present to you the quarterly report for your review and approval. And as you can review the report, I just have a couple of comments to

make about it. We're pleased that we're going to be able to serve the southern portion of the county with the Guiding Good Choices curriculum for parenting classes coming up.

We've also been able to have a workshop for trainers, and that was on April 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> of this month. We trained three people from northern Santa Fe County, one from mid-Santa Fe County and one from Moriarty in southern Santa Fe County. So I think that's about it. Would anyone like to ask any questions?

CHAIRMAN CAMPOS: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just had a question about the Guiding Good Choices parenting classes. Apparently, the one you had in Edgewood didn't have anybody show up.

MS. GUERRERO: Mr. Chair, Commissioner Sullivan, in Edgewood, no. We weren't able to recruit families from that area. We've been working with the church and with different community organizations. It's been difficult to get parents to sign up in those areas, I'm sorry to say.

COMMISSIONER SULLIVAN: Any strategies for working with that?

MS. GUERRERO: Yes, we're looking to train trainers in those areas so that they can have a connection with the community and have roots in those communities. We did train someone from Moriarty, which is out where we're trying to expand to. So with that, hopefully we'll be able to reach more people who are wanting to do this training.

COMMISSIONER SULLIVAN: Thank you.

MS. GUERRERO: Thank you.

CHAIRMAN CAMPOS: Any other questions?

MS. GUERRERO: Thank you very much for your support.

CHAIRMAN CAMPOS: Ms. Guerrero, thank you very much.

**XII. A. 4. Request Authorization to Submit a Proposal to the New Mexico Behavioral Health Services Department in an Amount not to Exceed \$250,000**

LINDA DUTCHER: Good afternoon. My name is Linda Dutcher with the Community Health Division. As you saw in your packet, there's an opportunity for us to request funds from the Behavioral Health Services Department. And if we are successful in this we will be providing substance abuse treatment services and parenting classes and related activities to folks in the northern part of Santa Fe County, and in probably primarily the southern part of Rio Arriba County. Our target population is people who have been imprisoned in our County adult detention facility. Now, what this proposal would do if it's entirely funded is enable us to fill in the gaps in our current Home for Good project.

You'll recall that the Department of Education approved that project, and we have funding for it but they very much limited what we had originally proposed. So our hope is that we can at least get some of those services back in. The services that were eliminated that I

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particularly miss from a clinical point of view and the things that we could do with families and with people after they have left the detention facility. So with that, if there are any questions, I'd be glad to try to answer them. The proposal is due May 10 and it isn't totally written yet. That's why you don't have it.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Regarding the components, there were four different components that are being requested by BHSD for this. Which four is Santa Fe County applying for?

MS. DUTCHER: Mr. Chair, Commissioner Montoya, they only allow you to apply for two components out of the four. Or you could apply for one. And their names are a little unusual. I'm not sure I can remember the exact ones, but one is personal problem solving, that would be the treatment. And the other, I believe they call community problem solving, but that would be the prevention.

COMMISSIONER MONTOYA: So those two are the ones that you are applying for.

MS. DUTCHER: Betty Cardenas - I've been out of town for a couple days, but she had been attempting to contact you. I don't know if she was successful yet, to see if there was some way that we could coordinate with Hands Across Cultures.

COMMISSIONER MONTOYA: Well, not only with Hands Across Cultures but with - there's four other organizations that we're discussing a joint application with as well. So I would just encourage the County to do that so that -

MS. DUTCHER: That would be great. Who in particular should we be talking to, do you think?

COMMISSIONER MONTOYA: Michael Chavez, or Jose Villa, with the Interfaith League Group. And I can get you those numbers.

MS. DUTCHER: Okay. Thank you. I'd appreciate that. My guess at the moment would be that what we're proposing is so specific and so limited that it would not really be in competition with what they're proposing, but that we'd be able to cooperate in some way.

COMMISSIONER MONTOYA: Exactly. And I don't think it is. I'm just suggesting it as a matter of a collaboration. Which would be, I think what they're looking for also.

MS. DUTCHER: That would be great. Would that come by e-mail? Could you just e-mail me those numbers? That would be workable for us. Thank you.

COMMISSIONER MONTOYA: Sure. That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Dr. Dutcher, I was just disappointed to see that this home for good program was cut back by the Education Department. Home for Good, seems like the best component for that is the interaction out with the families outside the jail. Did they give a rationale for that?

MS. DUTCHER: Mr. Chair, Commissioner Sullivan, they did. They were

almost apologetic, actually, because they recognized that the things they had to say we couldn't do were sort of the guts of the program, if you will. The rationale is that the federal enabling legislation that made that money available, for some reason was specifically written to say that you could not work with them once they were out of the jail and you couldn't be working with their families. You could only work with the prisoners while their little selves were in the jail, except for a teeny bit of follow-up. So the place to change that is at the federal level, talking to our representatives. I doubt very much that if when the legislation was written they understood the implications it would have for actually carrying out what they were trying to accomplish.

COMMISSIONER SULLIVAN: And that is a federal program.

MS. DUTCHER: Yes. They couldn't help themselves.

COMMISSIONER SULLIVAN: And this is a state program.

MS. DUTCHER: Yes. This is the State Department of Health.

COMMISSIONER SULLIVAN: So we might have more flexibility to coordinate those two if this application is successful.

MS. DUTCHER: Well, yes. This would basically fill in gaps. The only really limiting factor making the happy assumption that they would fund us for everything we're planning to ask for would be that the people who can be served must be residents from Tesuque north. So it will be a rather complicated administrative thing. We'll have to keep track of who's living where. That kind of thing.

COMMISSIONER SULLIVAN: That's interesting. Why is that?

MS. DUTCHER: Well, this funding is sort of a sequel to what used to be called Black Tar Heroin money that was appropriated for the very northern part of the state.

COMMISSIONER SULLIVAN: The black tar problem stops at Tesuque?

MS. DUTCHER: Isn't that fortunate?

COMMISSIONER SULLIVAN: I don't think so. That's rather territorial.

MS. DUTCHER: I think that the governor is particularly concerned about the extreme northern part of the state and that's I presume the reasoning. I suspect that Commissioner Montoya is probably even more aware of how that works than I.

COMMISSIONER SULLIVAN: But then for the residents of Tesuque north we would have this follow-up in the Home for Good program.

MS. DUTCHER: And next we'll put in for a grant to help people move.

COMMISSIONER SULLIVAN: Move from Tesuque. All right. Well, thank you very much.

CHAIRMAN CAMPOS: Okay, is there a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Discussion?

**The motion to authorize a proposal to the State Behavioral Health Department passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]**

**XII. B. Corrections Department**

**1. Presentation and Update on the Status of the County's Take Over of the Santa Fe County Youth Development Program**

GREG PARRISH (Corrections Director): Mr. Chair, Commissioners, a few months ago when you authorized the take-over of the operations of Santa Fe County Youth Development Program you ask that we come back in a few months to give you an update, and that's the purpose of our report today. Basically, I'm going to give you an overview of the status and Joseph will give you an overview of the financial status.

I'm pleased to report that the transition went very smoothly. All of the upper management at Cornell accepted employment with the County and only three employees of approximately 60 were not offered employment. Since then, approximately five employees have left the employment of the County and we currently have hired three more and we're in the process of recruiting four to five new employees.

The number of staff is critical to the operation because it is part of our contractual obligations with the Bureau of Prisons. In addition to this we have recently applied for accreditation by the National Commission for Correctional Healthcare. Previously, Cornell had been accredited. They have agreed to, with an application fee to maintain our accreditation because Cornell had previously done it, been reaccredited as of last summer and they agreed with some documentation that they would continue accreditation in that program.

We've also applied for accreditation by the American Correctional Association for training schools and for detention centers. The training school accreditation is a necessary requirement for our BOP contract. We have increased the number of hours for programming provided to the juveniles by increasing the number of hours that the Santa Fe Schools provides services and we have also revamped our counseling and therapy delivery system by instituting a more efficient schedule. Our contractual requirement with the Bureau of Prisons requires that we provide at least 50 hours of programming per week per juvenile. So we use the educational and the therapy and the other counseling as part of that component to meet that 50 hour requirement.

In addition to that, we continue to use and look for volunteers who can help the juveniles with additional programming. Recently, through the assistance of Grace Phillips, the facility director Chris Sanchez has been coordinating efforts with the National Dance Institute to make a presentation to the juveniles and also to develop dance classes for the juveniles at the facility. In addition to this, the Santa Fe County Youth Development Program has contracted with the Community College to provide a computer class to some of the residents at this time. We've also met with Lou Schriber of the Santa Fe Community College to develop a curriculum to address some of the youth that have already graduated from high school and to fulfil those 50 hours of program, it's necessary that they get other educational sources other than from the high school that is provided by Santa Fe Public Schools.

The Santa Fe Youth Development Program continues to work with the jail team to

identify and develop partners in the community to help locate resources that can be provided to the youth at the facility. We're currently working with the Department of Health to review and evaluate immunizations and provide health education. And we're continuing to explore and work to implement a Medicaid program to address some of our medical costs. The County Finance Department is also preparing an RFP for the food services.

One of the requirements for the federal school lunch program is that that be a competitive bid. When we took over the facility, we piggy-backed on a state contract for our food service. So probably on July 1, or prior to July 1 we'll be going out to RFP so that we can qualify for a school lunch program through the federal government. And that will reimburse approximately 40 percent of our food costs.

The efforts to locate other contracts to place juveniles at the facility is also moving forward. We currently have two contracts that have been reviewed by the Legal Department for the McDowell Yavapai Apache tribe and the Pima Maricopa tribe to place juveniles at our facility. We hope that these contracts will be approved within the next 30 days so that I can bring them to you for your review and approval, hopefully. With these two contracts we would add an additional five to ten juveniles at the facility, where our current population is approximately 58 to 60. We also are talking to Nebraska and Nevada about possible contracts and house some of their juveniles at the facility.

We have also responded to a request for proposals by the Bureau of Prisons for a non-secure residential treatment center. This could be an opportunity to service some of the youth of the community and also to provide needed services for a non-secure facility that can provide counseling and other needed treatment. This would also be a logical continuation of our programming, because many of the youth that are actually discharged from the Bureau of Prisons from our facility are discharged to a non-secure facility where they are housed until they can be integrated into the community. This would be a natural bridge and some of the people they'd be working with in the treatment modality would be the same.

I hope you can see that in the past 90 days the County has successfully transitioned the operation of the facility and also moved forward on some fronts to locate some other opportunities for the County to expand their services. I think also it's important to recognize many of the people that have contributed to the smooth transition and many of those are the senior staff here. The other departments have worked very closely with the Corrections Department, particularly PFMD and Finance Department and the Community Health Department to help us make this transition as seamless as possible.

At this time I'll stand for any questions or turn it over to Joseph for his presentation on the financial.

CHAIRMAN CAMPOS: I have a couple questions. Items to note: Santa Fe County youth care expenses and projected start up funds needed for the youth program. Can you tell me what that is about?

MR. PARRISH : I think Joseph could probably answer that better. That's part of the two-page presentations he was doing on the finances?

CHAIRMAN CAMPOS: Yes.

JOSEPH GUTIERREZ (Deputy Financial Director): Mr. Chair, members of the Commission, in your packets are basically two pages of financial information to give you an update on one, electronic monitoring, and the other one is the youth development program. The first page is the electronic monitoring program and this is a progress report for the first 60 days. As you can see on the report, the expenses for electronic monitoring have been about \$68,000 for the first two months. The total man-days for that was 6,782. If you divide the man-days by the total cost of the program, the average cost per day per person is \$10.06. Before we took over the program, the contractor price was \$14.99. So you can see in the first two months of the County taking over this program, the County has saved \$33,000.

Also to factor into this, I didn't factor it in there, but there's also revenues collected. And the revenues have been averaging about \$6,000 a month for the last two months, February and March. So when you factor those two months of revenue in there there's even more cost savings and the average daily cost would come down to about the \$8 range. So there's significant savings in terms of the County taking over the electronic monitoring program.

The second financial report is on the youth development program. And what's compiled here is just the actual revenue and expenditures for the first 60 days, and then projecting it out through the remainder of the current fiscal year. As you can see, it's divided into two columns, actual and budgeted. The revenue for the first two months for the development program is approximately \$493,000. Right under that I've projected the population at the youth development program, and as of 4/1, the population was 61 youth at the facility. And you can see the man-days and the rates that the County is being reimbursed at, gives you a total revenue projection, again, only through June 30<sup>th</sup>.

As you can see, the total revenue projected is higher than the total budget projected, and the budget was based on a youth population of about 53. We're at 61. And as Greg has mentioned to you, we're trying to increase that number. What was presented to the Board was about 75 to 80 youth at the program and we're working towards that.

Underneath the revenue is the expenditure projections, and as you can see, the expenditure projections through the end of June are \$1.7 million as opposed to \$1.8 million that was projected. The actual numbers project that at the end of the fiscal year we'll have basically a net loss of about \$466,000. That's expenditures over revenues that were collected. But based on the number that was presented to the Commission when we were taking over the program, we estimated until the facility was fully operational that the total cost might be about \$1.4 million of funds needed to operate the program until they became self-sustaining. Right now, up to the end of the fiscal year, we're estimating that cost to be about \$466,000, far below the \$1.4 million. But as we approach the new fiscal year we'll probably be even at that \$1.4 million. I don't foresee that we'll use the \$1.4 million, and that's kind of our target at this point.

Above that \$1.4 million figure you can see what it would cost the County to reimburse the contractor for the Santa Fe County youth at the facility, and the cost for the five-month period, February through June would have been \$168,000. So one way to look at it is you can factor in that \$168,000 against that \$466,000 negative number, in effect, giving you a net of

about \$300,000 loss, far lower than the \$1.4 million that we were estimating in the beginning. I stand for any questions.

CHAIRMAN CAMPOS: Questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, regarding, Joseph, the cost savings on the first one, those are actual dollars saved?

MR. GUTIERREZ: Those are actual dollars saved because again, we would have been paying, the County would have been paying the contractor \$14.99 a day and we've lowered that cost to \$10.06. Now, that cost is going to fluctuate. As the population goes up and we don't add expense, that cost will come down. This is for the first two months, the average population of electronic monitoring was about 115. So the staff in place could actually work with higher numbers. But that's the number today. So that number probably will go down as we go more in depth into the program.

COMMISSIONER MONTOYA: Okay. And then, regarding the RTC, when are we going to hear back on that proposal, Greg?

MR. PARRISH: The Bureau of Prisons is out there today doing a feasibility study and PFMD has provided them with plans and suggestions on how to proceed. They anticipate that some time, depending on the feasibility, there will be a response to that some time in May, we should get a checklist of things that we would have to do and then there'll be some type of decision probably made in July or August.

COMMISSIONER MONTOYA: As to whether or not we'll get funded?

MR. PARRISH: If we would get that contract to provide those services.

COMMISSIONER MONTOYA: Okay. So is it a solicited bid or non-solicited bid?

MR. PARRISH: Yes. It's a bid that they put out and we solicited it. We applied, sent a proposal to them on what it would cost us to provide the services they require.

COMMISSIONER MONTOYA: Okay. All right. Thank you.

COMMISSIONER ANAYA: Have you guys got a hold of San Miguel County? I know every time I see Commissioner Garcia he wants to bring some of his juveniles to the facility. And I know Robert went down there to visit with him, and he supposedly, their Manager sent a message to our Manager. Have we found that letter and where are we at with that?

MR. ANAYA: Mr. Chair, we did locate the letter and we will be developing a response and we will keep the Commission in the loop as to what that response looks like. But we did locate the letter today. Mr. Gonzalez did receive it so we're going to go through it and then get a response back and we'll make sure that the Commission is in the loop on that.

COMMISSIONER ANAYA: Yes, because every time I see Commissioner Garcia he brings it up and I'd like to get this taken care of. Either we can accept them or we can't. I need an answer. Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. I just had a question about population, Greg. The Youth Development Facility holds, what? About 110? 120?

MR. PARRISH: The entire facility could house 128.



COMMISSIONER SULLIVAN: 128. And I know some of the very passionate comments about our taking it over were that we wanted – and not shutting it down as an option, where we wanted out youth to be cared for and treated here, not in Arizona or somewhere else. But Santa Fe County inmates, I only see 11 of 61. Does that also include City?

MR. PARRISH: Yes, it does.

COMMISSIONER SULLIVAN: So City and County is 11. Bureau of Prisons is 27, US Marshal is 15 and I assume this is other counties are 4. The INS is 2 and the Pueblos are 2. So in terms of the local population, we're only dealing with 11. Is that correct?

MR. PARRISH: Commissioner Sullivan, that is correct. The population primarily from the City of Santa Fe and the County of Santa Fe. We do provide services to some of the Pueblos which fall under the Bureau of Prisons contract, from northern New Mexico.

COMMISSIONER SULLIVAN: Okay, we have two for the Pueblos. So are some of the Bureau of Prisons also Pueblo inmates?

MR. PARRISH: COMMISSIONER SULLIVAN, yes. Some of the Bureau of Prison inmates are from this area, and then some of the local Pueblos.

COMMISSIONER SULLIVAN: Okay. Because they're federal prisoners as a result of being on Indian lands. Is that correct?

MR. PARRISH: Having been convicted of a crime on Indian lands, yes.

COMMISSIONER SULLIVAN: And I wouldn't imagine the County and the City inmates are going to change too much. I imagine that's probably a pretty steady figure.

MR. PARRISH: Yes, that's pretty steady, and we're actually trying to look for alternatives to even lower that number.

COMMISSIONER SULLIVAN: Right. Because we don't of course charge ourselves for that. There's no income from that. I just thought that that was important that even if we threw in all of the Bureau of Prisons inmates, we'd only be at 38 of a 128-bed facility. So you've got a ways to go. 61 is where you are now and you're trying to get additional contracts that would get that up closer towards the capacity of the facility, I assume.

MR. PARRISH: Yes. We're trying to get the additional contracts to get the capacity up to – I think we projected a capacity of 80 is what we would ideally like to operate at, and that's why I think the residential treatment center, which will also serve the proposal, was addressing the County's and Bernalillo County and Santa Fe County, so that would also be serving the counties, but that would be a separate component of it.

COMMISSIONER SULLIVAN: For this fiscal year you're projecting a \$466,000, right? What do we anticipate for next fiscal year?

MR. GUTIERREZ: Mr. Chair, Commissioner Sullivan, approximately between \$4 and \$4.2 million.

COMMISSIONER SULLIVAN: But in terms of net gain or net loss.

MR. GUTIERREZ: As quickly as we can bring the population up to between 78 and 80, that's about where we get a break-even point.

COMMISSIONER SULLIVAN: Right. But in terms of the budget that's coming forward to us now, what are your estimates?

MR. GUTIERREZ: The budget that was submitted was at \$4.2 million.

COMMISSIONER SULLIVAN: I know, but subtract off the expenses from that. What's the net revenue or loss that you're anticipating for the next fiscal year?

MR. GUTIERREZ: If we stayed at 61 beds -

COMMISSIONER SULLIVAN: I understand that, but you had to make some assumptions as to where you were going to be in the next fiscal year and I wondered what that was, what we're looking at in this current year's budget.

MR. GUTIERREZ: Right now we haven't finalized the budget and we're working on it. But again, it's bringing up population to between 75 and 80 and the break-even point is about \$4 million to \$4.2 million. Now, we haven't authorized the budget yet because we're actually in the budget reduction mode of the budgets that were submitted. And based again on the time frame to bring that population up, which possibly could happen before the end of June because we still have 60 days, it's doubtful it would come up to 75 but I think Greg has some youth that he's working with that he would bring up that number from 61 to a higher number.

COMMISSIONER SULLIVAN: But is it our staff estimate that next fiscal year we're going to break even? We're going to reach that 80 inmates?

MR. GUTIERREZ: Hopefully within, I would imagine within the first six months of the new fiscal year, yes. But the time frame to get it to that break-even point, there would still be some net loss at that point. That net loss coupled with the current year end of the year net loss, those two sums we predict will be smaller than the \$1.4 million.

COMMISSIONER SULLIVAN: I hope so, since it's only \$466,000 now. I don't think I'm getting my question across. What are we - let me ask Greg. Greg, what are we assuming, how many inmates to you think on the average that we'll be at next fiscal year?

MR. PARRISH: I conservatively indicated that the two contracts I'm working on are five to ten. They're probably five to fifteen, but I would rather be conservative, but even with that, I'm estimating that possibly by, within the next 90 days to six months we could be at a population of 75. And that's what I would project for next year which would give us almost a break-even.

COMMISSIONER SULLIVAN: Almost a break-even. So probably we're looking - and I'm just trying to get a feel for this. At either break even or maybe a couple hundred thousand dollars in the hole. In the next fiscal year.

MR. PARRISH: I think we're going to try and minimize that with the use of electronic monitoring program and if RTC could help us set us up.

COMMISSIONER SULLIVAN: I understand. But RTC is not something we'll learn about until December, right? And we haven't even submitted the application yet.

MR. PARRISH: Right.

COMMISSIONER SULLIVAN: So that's kind of betting on the come there, but aside from that, if everything really goes well, we'll break even. If it goes conservatively, as you say, we might be, it sounds like a couple hundred thousand in the hole. Okay.

MR. PARRISH: That's what I'm hoping for. But this is the type of operation where a hundred attaboys can be cancelled out very quickly.

COMMISSIONER SULLIVAN: I understand. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Thank you. Any other questions? None? Okay, thank you for the presentation.

**XII. C. Fire Department**

**1. Resolution No. 2004-49. A Resolution Supporting the Multi-Agency and Multi-Jurisdictional Santa Fe Area Wildfire Operations Plan**

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER DURAN: Second.

COMMISSIONER ANAYA: Motion, second. Any discussion?

**The motion to approve Resolution 2004-49 passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]**

**XII. D. Project & Facilities Management Department**

**1. Request Approval of the Implementation Schedule for Santa Fe County's FY05 - FY09 Infrastructure Capital Improvement Plan**

MR. FLORES: Thank you, Mr. Chair. As I indicated when we did the legislative update, we would be coming back very soon, in actually two weeks from that update to be able to start the next round of ICIP hearings. As we indicated last year, we are still striving with the Board's direction, the County Manager's assistance in preparing a plan that is comprehensive but also realistic and is not perceived as a wish list or a Christmas list, so to speak.

The Department of Finance and Administration has backed up the date of submittal. Two years ago it was September 30<sup>th</sup>. Last year it was July 30<sup>th</sup>. This year it's June 30<sup>th</sup>, which requires us approximately 2 1/2 months to be able to complete all the community hearings, complete the pre- and post meetings with the Commission to get your direction and also to have internal capital outlay team meetings to develop that plan. When it's all said and done, we have until June 30<sup>th</sup> to submit the electronic copy to DFA, which will

require me coming back in May or the first meeting of June and asking for a brief, special Board of County Commission hearing to look at the plan, to prioritize the plan and to give staff direction to submit the plan.

Basically, the schedule on the back is a little bit more comprehensive than last year's. Like I indicated, we have included pre-Commission meetings so that we can outlay your direction as well as getting the community input. And we will come back for a second round of meetings with the Commissioners to discuss what your constituents in each of your districts have proposed, then to refine the priorities, have the public hearing on that, have internal final development meetings, have our Finance and County Manager's final review and then come back to the Board on or before June 23<sup>rd</sup>, giving staff seven calendar days to be able to submit the plan to DFA. I'm asking today for approval of the implementation plan to include any comments or additional meetings that you would like us to prepare or have presented for the constituents. And I stand for any questions.

COMMISSIONER ANAYA: Any questions, Commissioners? I've got one. Tony, you don't have the Village of Galisteo here, but you don't have all of the villages. How do we -

MR. FLORES: Mr. Chair, that question came up last year as well and what we've tried to do is include certain villages, with the time frame it would be difficult, not impossible, but difficult to be able to hit every village. So what we try to do is try to overlap some of the major villages and some of the meeting points to have these types of meetings. This schedule, Mr. Chair, is not set in stone. We can adjust schedules and if you would direct us to put one in Galisteo I'd be more than happy to accommodate that.

COMMISSIONER ANAYA: I'd like to see one. And maybe when we do one in Galisteo, maybe we could somehow get in touch with the president of the Lamy Association and see if we could get them involved, and maybe - you don't have Madrid or Cerrillos. I know you could combine both of those.

MR. FLORES: We combine those into the Turquoise Trail meeting that we've held every year.

COMMISSIONER ANAYA: Okay. That's good. So you'll notify those presidents and let them know?

MR. FLORES: Yes. Actually, excuse me, Mr. Chair, there will also be published, the meetings will be published in the paper and in the community papers in Edgewood and northern Santa Fe County as well.

COMMISSIONER ANAYA: Any other questions of Tony? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Tony, I was reading in some of the governor's vetoes that he was trying to implement a \$50,000 minimum on severance tax bond projects and this year he said, Well, he didn't strictly adhere to that, that he went, I guess to the legislature and he agreed on \$25,000 as a minimum. Does this mean that when we go out to the communities and talk about these that these projects have to be a minimum of \$50,000?

MR. FLORES: Mr. Chair, Commissioner Sullivan, if we look at the ICIP as truly a legislative request I think we'd be remiss. What I submitted last year and I continue to stand by this position now is that the plan is that it sets forth the community direction and the Board's direction for immediate improvements, regardless of what the type is. It does not necessarily mean though that this list is the entire list that's given to the legislature. It would be incumbent upon us as we're doing currently to go out and look for other funding sources to accomplish these projects, separate from the legislature. The blue ribbon facts committee that looked at capital outlay, there was a series of eleven recommendations that I presented to the Board, I think it was in December, right before we did the legislative kick-off meeting and that was one of the recommendations. It is my opinion as PFMD Director that we take all issues and develop this plan because we as the County need to be able to find the avenues to be able to afford these. So if the project is \$5,000 or \$50,000, it's important to somebody in the community. It could be important to us. So it would be included in the plan.

The other part of that is discussing this with the County Manager and our Finance Department, I would also encourage if this plan is used for the County to develop its budgeting process when it comes to capital outlay. If I come to you each year and ask you for ten vehicles, that's a capital cost that's outlayed to the County that would be requested every year. I think we, including myself as a department director, need to do a better job of planning for the needs over the next five years at the County level. Not facilities, not libraries, not roads, not water. Although those are important. We are being hit with \$4 million in capital outlay that includes such things as new computers, new vehicles, telephone systems, those types of things. And I think those types of capital outlay need to be included in a plan that would allow you as the Board and departments to be able to sit down and realistically look at a budget from year to year. So that would also - it's my goal to have that included in this year's budget.

COMMISSIONER SULLIVAN: But if they are requests that are going to the legislature as a part of that whole ICIP list, then will they have to be at least \$50,000?

MR. FLORES: Mr. Chair, Commissioner Sullivan, I have not received word, nor has DFA that that is actually going to be the case. I think the governor's office and that committee had some very good suggestions and some very bad suggestions. As PFMD Director, I feel that he had some good ones and he had some bad ones. I don't believe until we've been told whether that's going to be the case. I'm not sure I can answer that question. My suggestion would be that if that is the case, then what we would do is we would package our requests, similar to what we did this year. We went into a concerted effort, identified the projects that we agreed upon that had existing funding and went after those projects for completion. That's a success story out of trying this last year or this last go-round. I would suggest we do the same thing next year in the way it's packaged as a whole, I think we would still be able to accomplish the same outcome.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER ANAYA: Any other questions?

COMMISSIONER MONTOYA: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Tony, regarding the schedule that you have outlined, these, the majority of these, we don't have times on there. Are the majority of those in the evening? For example, you have the Commission meetings, with each one of the Commissioners on those different dates. And then different community meetings – okay, I'm sorry. 6:00. But the Commission meetings, could you just give me a time on those?

MR. FLORES: Mr. Chair, Commissioner Montoya, as we did last year, we would go to you when your schedule allows.

COMMISSIONER MONTOYA: Oh, okay.

MR. FLORES: So I hate to box the Commission into a time. Even a date for that matter, but I just basically went down to try to fit the schedule together. But just as we did last year, we did it from 11:00 to 12:00, I think at your office. We met with Commissioner Sullivan on an afternoon. So it would be purely up to the Board as to what time they have to allow us to be able to go and sit with – the pre-meeting. I believe the second rounds of meetings after the public, I think they're going to be a little bit longer in discussion because at that time I want to outline for you exactly what the residents requests were, comparing it with what your visions are, and then we can start back and fine-tune those lists. So that's why with the Commission meetings, there's not a time on there, there's more of a date so that we can work with your schedule.

COMMISSIONER MONTOYA: Okay. Six a.m. will work.

MR. FLORES: We can do that.

COMMISSIONER SULLIVAN: Is that why you have me for a Saturday?

MR. FLORES: Mr. Chair, Commissioner Sullivan, yes. You seem to take the longest and have the most discussion so I figured all day would be good for us.

COMMISSIONER SULLIVAN: He's got me for May 29<sup>th</sup>, a Saturday.

COMMISSIONER ANAYA: Any other questions?

CHAIRMAN CAMPOS: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Campos.

CHAIRMAN CAMPOS: Water projects: Are you looking at water projects? Infrastructure of water projects?

MR. FLORES: Mr. Chair, Commissioner Campos, yes. And I think after the efforts of this year's legislation that Commissioner Sullivan sponsored, I think we need to be looking not only at the local level but also the regional level. And I think after the meetings that were chaired by Commissioner Montoya and Commissioner Coriz last week, it's more important that those are priorities and they're to be looked at in that realm. So they were included in last year's ICIP and the year before. I just think that as the County's perspective we need to look at those a little more in depth but realizing that again, the ICIP is not purely to be looked at at the state level for funding. This would be for our federal delegation for instance and having their involvement in those types of plans. So, yes.

CHAIRMAN CAMPOS: What projects did we apply for last year related to water infrastructure?

MR. FLORES: As part of the ICIP last year we had the Cañoncito mutual domestic project. We had the Chimayo mutual domestic project. We had quite a few acquisitions to expand the County's regional water system. We had the Cerrillos community water system as part of the ICIP. I think there was a total of eight. I'm sorry I don't remember them all but those are some of the top ones.

CHAIRMAN CAMPOS: What about the Buckman diversion and larger projects?

MR. FLORES: That was included. That was priority number one, I believe, on last year's list.

CHAIRMAN CAMPOS: How much money did we get?

MR. FLORES: Mr. Chair, we didn't receive any money from the state for the Buckman diversion. What was received from the state were projects that were - I would call them joint City/County projects that were funded out of a separate pot of funds and not the STB funds. And that was to the tune of about \$2 million.

CHAIRMAN CAMPOS: Did the City receive funds for Buckman?

MR. FLORES: Mr. Chair, the specific legislation that I'm talking to went directly to the City of Santa Fe with the contingency that all agreements between the City and the County have been worked out with the water agreement.

CHAIRMAN CAMPOS: That's the \$2 million?

MR. FLORES: Mr. Chair, yes.

CHAIRMAN CAMPOS: Now, I noticed on your meeting schedule, it seems to me that you don't have any District 4 meetings. Is that about right?

MR. FLORES: Yes. That's about right, Mr. Chair.

CHAIRMAN CAMPOS: Do you think we should have some?

MR. FLORES: Absolutely. Where would you like to hold it?

CHAIRMAN CAMPOS: I don't know. Glorieta, maybe. Cañada de los Alamos? There are issues out there that probably need addressing.

MR. FLORES: We can add some.

CHAIRMAN CAMPOS: Okay. Thank you, Mr. Flores.

COMMISSIONER ANAYA: Any other questions? Hearing none, is there a motion?

COMMISSIONER DURAN: So moved.

COMMISSIONER ANAYA: Second?

COMMISSIONER MONTOYA: Second.

COMMISSIONER ANAYA: Any discussion?

The motion to approve the ICIP implementation schedule passed by unanimous [5-0] voice vote.

**XI. D. 2. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #24-47 for a 6-Foot Non-Bearing Perimeter Block Wall at the Youth Shelters & Family Services Complex (\$54,400) (Project & Facilities Management Department) [Was Consent Calendar G.]**

MR. FLORES: Very quickly, Mr. Chair. The County as part of the development of the Youth Shelters, as a condition of approval, were required to place a 6-foot solid wall or fence along the eastern property line of our complex out there. We basically completed the facility and until we received a special appropriation from the governor's office were not able to afford to complete that wall. We have had discussions with the property owners and looked at a myriad of options from picket fences to pro-panel fences to having staff internally do it and it was cost-prohibitive at that point.

Based upon our cost take-off of the base bid of this wall, which I'm asking for approval today, it would run the County between \$68,000 and \$72,000 for staff to purchase the block and then have it installed. One of the issues internally is I currently do not have any brick masons on staff so I made the decision as the director that it would be best to bid the project out in three phases – a base bid, alternate one and alternate two. The base bid includes approximately 875 linear feet from Agua Fria to the back of the property line, which we're currently asking for today and is under my project budget of \$60,000.

Alternate one and alternate two were placed in with the optimistic expectation that we be able to afford it all and of course we can't. However, as we develop phase 2 which is currently being solicited for the A & E services, I would like to reserve at that time some contingency budget so that we could complete the perimeter fencing of the property, the perimeter walling of the property. I stand for any questions.

COMMISSIONER ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: My question on this was, first of all, we only got – did we only get one bid on this?

MR. FLORES: Mr. Chair, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: It's just a block wall, right?

MR. FLORES: That's correct. A non-bearing.

COMMISSIONER SULLIVAN: And fourteen bid packets were mailed out. What – do we call bidders routinely when these go out?

MR. FLORES: Mr. Chair, Commissioner Sullivan, yes. We do an active – the purchasing department and my department do an active recruitment, I should say, of trying to get people to get out there and provide the County bids. Unfortunately on this one, I don't have the reasons as to why we received one bid. It is considerably under what the in-house cost estimate would have been for construction. Therefore I have recommended that we award it to the one bidder based upon responsiveness of the bid.



COMMISSIONER SULLIVAN: Okay, then in the request that you made, you're requesting \$57,838.13 plus applicable gross receipts tax.

MR. FLORES: Mr. Chair, I apologize. I reviewed that memo this morning.

COMMISSIONER SULLIVAN: You probably mean, doesn't that include gross receipts?

MR. FLORES: Mr. Chair, it does. That is inclusive of GRT.

COMMISSIONER SULLIVAN: Okay. So the motion that we would make or the authorization here is a total of \$57,838.13.

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

COMMISSIONER SULLIVAN: Okay. That's all the questions I had, Mr. Chair.

COMMISSIONER ANAYA: Any other questions? Is there a motion?

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second?

COMMISSIONER DURAN: Second.

COMMISSIONER ANAYA: Any discussion?

The motion to award the bid for wall construction passed by unanimous [5-0] voice vote.

**XII. E. Public Works Department**

**1. Request Authorization to Publish the Title and General Summary to Amend Ordinance No. 2002-10, Comprehensive Solid Waste Management Ordinance**

MR. LUJAN: Mr. Chair, members of the Commission, as of last meeting, there was a request to possibly see about amending this ordinance. What we are proposing is to amend the fee structure at this time. Also since we've had so many requests of selling up to two residential permits per year and also selling to vacant properties with a proper address, because currently, vacant properties cannot purchase a residential permit for solid waste and we've had requests recently for the bark beetle so they can dispose of it. So that would be the amendments and we'll come back at next months meeting for the discussion of this.

CHAIRMAN CAMPOS: So all we're talking about is fees today.

MR. LUJAN: That is correct, Mr. Chair.

CHAIRMAN CAMPOS: The discussion about the enterprise fund will be next month?

MR. LUJAN: That will be next year. In next year's budget. We just don't have the time for the enterprise fund this year for next year's fiscal year. What we want to do on that, we want to hold public hearings and stuff so it's going to take most of next year

to do that. A good portion of it.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: James, so in this ordinance, you're proposing to change the fees?

MR. LUJAN: The fees, to double the fee from \$25 to \$50. That's what we would publish. Also, to sell up to two permits residential permits, per year, of two because we're getting requests from a lot of people, expire their permits, now with the bark beetle issue, so we'll also print that. And then that vacant properties with the proper address can also purchase a permit. Because currently, they cannot.

COMMISSIONER ANAYA: Good. I'm glad you're doing that because I was just approached last week on somebody trying to get a permit for their vacant piece of property to clear it out and they couldn't do that. Thank you.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, James, where is the reflection of the increase? Is it in here or no?

MR. LUJAN: In your packets today? No, it's not. This is just to publish title and general summary. It will be brought up next month and when you'll vote on the changes.

COMMISSIONER MONTOYA: Okay. There was nothing in here either, not directly anyway, that addressed the situation that's come up repeatedly around the Santa Cruz, McCurdy, Cuarteles, not so much Cuarteles, but that area regarding people requesting permits and being denied their permits, that they would prefer to use our solid waste transfer stations as opposed to having to go deal with the City of Española and their transfer station.

MR. LUJAN: You're referring to residents that live within the City limits?

COMMISSIONER MONTOYA: Right.

MR. LUJAN: We didn't look at that. That is currently under their ordinances from the municipalities. I understand the City of Española residents, if they live in the city limits, they have to use theirs so I don't know how we would change that. I might get a legal opinion if that's possible, but I'm not - because it's in their ordinance that if they're in the city - because it's already billed within their water, sewer and garbage bill. It's one billing. So I don't know how that would work with us. That's just been part of the ordinance.

COMMISSIONER MONTOYA: When was that - was that just recently being enforced then?

MR. LUJAN: At the City of Española? Or here?

COMMISSIONER MONTOYA: Us.

MR. LUJAN: We've always had that in the ordinance, that if they live within the municipality of Santa Fe County that they will not use our solid waste. That's been -

COMMISSIONER MONTOYA: I'm curious then. Was Commissioner

Trujillo bombarded with the same phone calls that I've been?

MR. LUJAN: I believe there was some questions, Commissioner Montoya, at the time, when I came on, that there were some issues of residents wanting to be allowed to use our solid waste process.

COMMISSIONER MONTOYA: Could we at least explore that? And I asked Lisa maybe that at some point, I'd really like to set up a meeting in that area to discuss. Because I've gotten at least seven different phone calls regarding the solid waste permits and why they can't obtain them. If it was only one or two -

MR. LUJAN: I believe, and I would have to get a legal opinion, but the process currently in the City of Española is that the residents of the City, by their ordinance, have to use their solid waste, because it's all billed under one process, water, sewer, and garbage. So I don't know what the legalities of us allowing them to use ours, if there's any.

COMMISSIONER MONTOYA: Other than, I know that they can buy, what? One trip or two trip tickets.

MR. LUJAN: Anybody can buy the one or two-trip permits. But what the residents of the municipality are requesting, that they be allowed to buy ours and use our process.

MR. ROSS: Mr. Chair, Commissioner Montoya, I believe these kinds of things can be worked out in a joint powers agreement with the other entity. I think that's an issue that's solvable.

COMMISSIONER MONTOYA: So maybe we can take a look at that.

MR. LUJAN: Is that something you want amended in this?

COMMISSIONER MONTOYA: If we could, yes. I think probably the first step would be maybe having this community meeting and seeing what interest there is. Because we have a year to work on this, James, or how long?

MR. LUJAN: No, no. Not on these ones. These are to be amended at next month's meeting.

COMMISSIONER MONTOYA: Oh, at next month's meeting.

MR. LUJAN: This is for FY05. I believe why the cities do that is because they base their revenues on the residents that are there so they can base their revenue, how much they're going to generate so they can do their operations, is what I would think.

MR. GONZALEZ: The one thing we would have to look at, Mr. Chair, Commissioner Montoya, would be whether there would be any SWMA impact and I don't know what limitations there might be embedded in the SWMA agreement but presumably those could ultimately be worked out too. It's just that it might not happen over night.

COMMISSIONER MONTOYA: What type of impact on SWMA?

MR. GONZALEZ: If there were some limitation in the joint powers agreement between the City and the County that created SWMA that limited their intake to just the County of Santa Fe and the City, and we ended up taking input from outside those boundaries, then they could object, I suppose.

COMMISSIONER MONTOYA: Okay. Because I guess it won't impact one way or the other because we're taking North Central, right? Which includes Rio Arriba and -

MR. LUJAN: Mr. Chair and members of the Commission, in last week's *Rio Grande Sun*, it said that North Central Solid Waste are contracting with Rio Rancho.

COMMISSIONER MONTOYA: Beginning when?

MR. LUJAN: I believe at the new FY. I understand the City of Santa Fe never came to an agreement. The County of Santa Fe did but the City of Santa Fe never came to an agreement of accepting solid waste from outside the boundaries it had already set forth. It was in last week's *Rio Grande Sun* that they had contracted. They will still have their collections but whoever runs Rio Rancho will transport the solid waste to Rio Rancho.

CHAIRMAN CAMPOS: I didn't know that. Did that every get on any agenda at the City?

MR. LUJAN: I understand it went twice to the City and it was still on hold.

CHAIRMAN CAMPOS: Did it go to subcommittee, or did it go to the Council?

MR. LUJAN: Mr. Chair, Commissioner, I'm not certain what limit it was at. But it did come out in last week's *Rio Grande Sun* that they had contracted with Rio Rancho, North Central Solid Waste to start the hauling of the trash to Rio Rancho.

COMMISSIONER MONTOYA: You can't always believe what you read in the *Sun* though. I guess I'm kind of confused now because I thought that we had - when I was on the SWMA board we had approved - the SWMA board did anyway. Does the SWMA board not supercede the City Council?

MR. GONZALEZ: I assume that since the brought it to the County for approval there was a mirror process to take it to the City as well, even though the SWMA board itself may have approved it.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN CAMPOS: If it's out of the county, the BCC and the Council must agree.

COMMISSIONER MONTOYA: Okay. But if we could maybe still pursue that, regarding the -

MR. LUJAN: Mr. Chair, Commissioner Montoya, do you want it for this year's amendments or next year's amendments?

COMMISSIONER MONTOYA: We're probably not going to have the time to do it for this year.

MR. LUJAN: To enter into JPAs with the different municipalities, I don't see that we could probably do that by the end of May. Because we need this fee structure in before June.

COMMISSIONER MONTOYA: Okay. So let's work for it for next year then, I guess, would probably be the best thing to do. And in the meantime still have that

meeting with the folks there in Santa Cruz and that area.

MR. LUJAN: Mr. Chair, Commissioner Montoya, will Lisa be arranging that meeting?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay. Any other questions? Is there a motion?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Discussion?

**The motion to authorize publication of title and general summary for solid waste fee structure amendments passed by unanimous [5-0] voice vote.**

**XII. E. 2. Request Ratification for Construction Management Services on the Agua Fria Phase II Water, Sanitary Sewer, Drainage and Road Improvements Project (\$20,237.50) (Public Works Department) [Was Consent Calendar J.]**

COMMISSIONER SULLIVAN: James, could you explain what the circumstances are with this?

MR. LUJAN: Mr. Chair, Commissioner Sullivan, during the construction of this phase 2 of Agua Fria, and the contract had already started prior to me being there, Wilson and Company had designed the project and at that time, the people entered into contract with Wilson and Company to do the construction management. They just never had it ratified and didn't follow the process of procurement. And it was under \$20,000 at the time. It did increase to \$20,237. But this had taken place prior to them following procurement and getting three bids and they just went ahead and used the consultant that was on board that had designed the project. Instead of amending his contract.

COMMISSIONER SULLIVAN: It mentions in the report a procurement violation. And I assume the violation is because the contract had already expired. Is that it?

MR. LUJAN: What I understood it to be is that it wasn't a part of the original contract. They were contracted to design it and not for construction management. And they went ahead, Public Works went ahead and hired them for the management of the project since they had designed it. So they didn't get three quotes and the like.

COMMISSIONER SULLIVAN: It says the total compensation amount under the professional services agreement was \$73,530.21 which expired on December 31. During the construction, the County was forced to extend the construction time. As a result, the County extended funding agreements with the New Mexico Department of Transportation as well as the construction contract with Condor Construction. The Public Works Department failed to extend the term of the agreement with Wilson and Company

for the additional construction management services. Therefore, not being able to amend the agreement due to the agreement being expired. That sound right?

MR. LUJAN: They were already in the contract with Wilson and Company. If they had expired, they still hadn't - it was still not for construction management.

COMMISSIONER SULLIVAN: The Public Works Department has not been able to figure out the best way to resolve this issue but has finally determined that ratification of this procurement violation is needed. Maybe Steve can help us out a little on this.

MR. ROSS: Mr. Chair, Commissioner Sullivan, I'm not sure I can. If I could suggest maybe another solution. This is under \$20,000. Perhaps the way to go about this is -

COMMISSIONER SULLIVAN: Actually, it's over \$20,000.

MR. ROSS: Is it over \$20,000?

MR. LUJAN: \$20,200.

MR. ROSS: \$20,200. I think ratifying the prior mistake only gets you part way. You can't pay the contractor for the services without having a written contract. That's fairly clear. So we somehow need to get to the point where we have a written contract with these folks for these services, even if it's by declaring this to be a sole source of those services or something along those lines. I think ratifying these previous actions is only going to lead to the next question which is what do we do now without - how do we pay it without a written contract for these services?

COMMISSIONER SULLIVAN: A March agreement, James, or letter from you, said the delay was due to the weather, and then the April memo in our packet says it was due to PNM delay in relocating gas relocations. Either way, I guess if there was some delay, and Condor and the project wasn't able to go, which is a normal thing when that happens. Nothing unusual about that. My question is what additional services did Wilson have to provide during that period of delay?

MR. LUJAN: Mr. Chair, Commissioner Sullivan, I was just advised that there were two separate contracts. One for construction management, and it had expired is what I'm finding out. So they were doing the construction management and there was, now that I remember, there was a delay for some of the utilities being moved so we did have to continue a month to finish the project, is what it was. Because of the delay in the relocation of some of the utilities.

COMMISSIONER SULLIVAN: But obviously, they weren't working during the delay so it kind of just sounds like the first part was underestimated to keep it within the \$20,000 and now we're coming back and adding a second part to it. I take that back. The first part was \$73,000 so it was well over the \$20,000. And then there was an additional amount. I'm just a little confused about this, Mr. Chair. I don't know what the urgency is but if we need some type of a contract amendment, it sounds like it might be best to table this particular item until we get it cleared up and brought back to us. Is there an urgency that we act on this today?

MR. LUJAN: It's only been two years. I'm sure we can wait another month to pay them.

COMMISSIONER SULLIVAN: I'm just a little unclear on the chronology here and exactly why the additional services were needed if it was a delay. So, Mr. Chair, I'd move to table until the next administrative meeting.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

**The motion to table XII. E. 2 (XI. J) passed by unanimous [5-0] voice vote.**

CHAIRMAN CAMPOS: Mr. Gonzalez, this case raises some issues and it's on the Consent. Maybe it should have been not on the Consent. It raised some issues that needed a little bit more discussion.

MR. GONZALEZ: I would agree. Sometimes it's not always clear when these matters come forward what the complications are and whether they need to go on Consent. So it's something we might have to watch more carefully in the future.

**XII. F. Matters from the County Manager**

**1. Discussion of Imposing Additional Safeguards on the Operation of the Santa Fe County Employee Benefits Committee, and Clarifying Resolution No. 1992-61 Concerning Permissible Fundraising Activities of the Committee**

MR. GONZALEZ: Mr. Chair, this issue has surfaced a number of times and you have in your packets a memorandum indicating or reflecting discussions that I've had with the County Attorney about ways of dealing with some of the issues that occurred in the wake of the alleged embezzlement that was uncovered this past year. And we have a number of suggestions that we are putting forward that we think ought to move forward with direction from the Commission to solidify the way in which the Employee Benefits Committee operates. We have discussed a number of these items with representatives of the Employee Benefits Committee.

We're trying to address the issues that were raised in a way that doesn't kill a committee that has the potential for contributing a significant, or making a significant contribution to employee morale at the same time that we operate in a fiscally appropriate way. So if there's specific questions and perhaps you can outline in general the direction in which we're going with the suggestions that we've provided you.

CHAIRMAN CAMPOS: I have a question. How many dollars are we looking at? How much are in these bank accounts, approximately?

MR. ROSS: Mr. Chair, Ish is here, if you have any specific questions. My understanding is that the embezzlement was about \$12,000 and that represents about the

annual revenue to the Employee Benefits Committee through their various fundraising efforts.

CHAIRMAN CAMPOS: So in an average year that account holds about \$12,000?

MR. ROSS: On average. Ish I think can –

ISH LOVATO (Building Services Director): On the average we make about \$12,000 a year.

CHAIRMAN CAMPOS: Thank you. Questions? Okay, I guess, Mr. Ross, you're going to get into the detail of it.

MR. ROSS: Yes, Mr. Chair, I can. In the memorandum in front of you, I set out kind of the history of the Employee Benefits Committee. It was created in the kind of mid-eighties, by this body, by the Board of County Commissioners to serve the goal of advancing employee morale through what has ended up to be some parties, in particular the Christmas party and a summer party and other kinds of morale-boosting efforts. In the early 90s, apparently the committee asked the Board to permit the committee to set vending machines in the various County buildings and we have a few downstairs in this building and I understand there's some in other buildings. The Board amended the early resolution and permitted the committee to place vending machines so long as the County were reimbursed for the utility costs.

Essentially, the committee is structured sort of like an unincorporated association. They are required to have bylaws. One person from each department is nominated by the department head or elected official to serve on the committee. They have regular meetings and they have elected officers that manage the committee. And unfortunately, one of those officers, the treasurer succumbed, apparently, to temptation last fall and embezzled the entire contents of the fund, virtually.

After this occurred, our office in conjunction with the County Manager's office and Finance, brainstormed some ways to keep this temptation from being placed in front of employees in the future. And a lot of those efforts you'll see reflected in the bullet points on the second and third page of the memo. Since then, we've had a negative audit finding, as you're aware, concerning activities of the committee. So it's fairly timely that we make some decisions about how the committee should operate in the future. I've shared this memo with Mr. Lovato and he's shared it with some of the other folks on the Employee Benefits Committee.

There's a number of suggestions here, any number of which, if you give us direction, we can put in the form of resolution and amend the prior-to resolutions, if you think some of these things are appropriate. I've talked with Mr. Lovato about many of these suggestions and he doesn't disagree with them. Some of the most common sense kinds of recommendations are things like the first one. We could require that two committee members be required to execute any checks. We think this would go a long way to preventing what happened before, because any committee member with check-writing authority, as I understand, could execute a check on behalf of the committee and this is



largely the vehicle that was used to embezzle the funds.

The second suggestion was that checks be countersigned by some upper level management person who's not a member of the committee. The third suggestion is that we require more formal books of income and expenditures. One of the things we discovered in the wake of the embezzlement was the books, depending on who was the treasurer, was kept better or worse depending on the individual. So in this case, the person who had embezzled the funds or allegedly embezzled the funds hadn't kept very good books and we couldn't pin down the number of the embezzlement very carefully.

The fourth suggestion was to require that the books conform to governmental accounting standards and be subject to periodic audit. And the fifth one requires that, restricts the checking account so that the bank wouldn't permit members of the committee to issue, to walk into the bank and withdraw cash over a countercheck. And then another suggestion is that the person who acts as treasurer be rotated periodically. This is in keeping with the idea that everyone who provided input to this that we try and keep the temptation to a minimum.

And then the next suggestion is to more formalize the appointment process and require that elected officials and department heads who appoint members to the committee to it annually so that they know who the representative is and are familiar with the activities that are going on. The last suggestion on that page is that we require that the terms of that earlier resolution basically be adhered to. It's been some time since the electrical utilities have actually been reimbursed pursuant to that 1992 resolution.

And the final recommendation was that we try and figure out a way to address the use of the portal during Indian Market. This has raised a lot of concerns. I've actually gotten letters on this point. Some of the ideas that are in this paragraph reflect a concern that letting the employees use the portal, essentially renting it out during Indian Market might implicate Article IX, Section 14 of the constitution. And so I've suggested several different ways in here that we might be able to avoid constitutional level problems and still keep the activities during Indian Market intact. Some of those are to recognize that the activities of the committee during Indian Market increase the value of that property beyond what it was in that the committee could be reimbursed for their efforts increasing that value. Another idea I talked to Mr. Lovato about the other day is possibly just simply entering into a lease with the committee for the portal area during Indian Market and collecting from the committee a rent for that area.

There may be other ideas that we haven't explored but that may be the most difficult issue we have to confront in connection with all of this. It's kind of an offshoot of the embezzlement and the aftermath. So those were kind of the ideas we were thinking about. Mr. Lovato is here. I talked about all this with him.

CHAIRMAN CAMPOS: I have a question, Mr. Ross.

MR. ROSS: Sure.

CHAIRMAN CAMPOS: Is this a County banking account?

MR. ROSS: It is not a County bank account. It's a private bank account in a

private bank.

CHAIRMAN CAMPOS: So shouldn't the group have responsibility? Why do we have to get involved? If the committee wants to set up their own organization -

MR. ROSS: Well, we could wash our hands of it. It would require rescinding the two resolutions. Remember, this Board created the committee. And if you wanted to have a less formalized arrangement and have the committee operate on its own, we'd still have to sanction their activities to some extent because what they do occurs during normal business hours. It's an on-the-job activity. And so we'd have to work through some of those details. But that's certainly one possibility.

I think the reason the Commission did set it up is because it obviously has benefits to the County through increased morale and camaraderie and cooperation amongst all the various employees.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I believe Phil Trujillo is in the audience and he would like to say a few words.

PHILLIP TRUJILLO (County Treasurer): Thank you, Commissioner Anaya. Chairman Campos, members of the County Commission, actually, I'm here to speak on another item that's coming up on the agenda a little bit later on but I couldn't help but feel compelled to come forward and make a few comments about the Employee Benefits Committee. One of the concerns I have, and I know that you as Commissioners are aware of it but for the sake of the record as well as for some of our friends from the media, is when we speak about the Treasurer of the Employee Benefit Committee, there's been a misconception in the community that this is in fact the County Treasurer. Consequently, if you'll pardon the expression, somewhat of a "black eye" for my office.

There's a number of employees who sit on this committee. There are employees from Public Works, from Health, just all the different departments. Everyone has an individual. Unfortunately, when this happened, the treasurer, not the County Treasurer, but the treasurer of the committee, happened to be one of my employees who was my deputy treasurer. And hence the misconception came up about the fact that perhaps the County Treasurer was not adequately monitoring this account. And it is to this point that I wanted to speak up and point out that in the many years that the committee has been in existence, it never has been an official account of the County. This is not the account that my office and the office of Finance Director monitor so closely, daily and monthly. This is an account totally, completely separate from any of the County monies.

I am of course very pleased that the County Manager and our Legal staff and you Commissioners now are taking a better look at this committee and how it should be monitored and how the funds should be watched. I have in passing visited with Domingo Martinez, who is our State Auditor, and we have talked about this even before the embezzlement of the money. And he has been concerned not only for Santa Fe County but for these committees that exist state-wide. All of the big municipalities. I know

Albuquerque has a large, huge committee. I know the City of Santa Fe has a very large Employee Benefit Committee. And it has always been a concern of the State Auditor as how this should be done. He didn't have any quick remedy or suggestions at the time, only to mention to you that this is something that has been a concern of the State Auditor.

And of course recently, to our County Manager, Mr. Gonzalez and our attorney, Mr. Ross and I have discussed this as to what could possibly be done. And I certainly welcome it. I will tell you that it is a good thing as far as the activities of the committee, to see all the employees getting together for summer picnics, for Christmas parties, awards from time to time. It is good for morale. And there's also an interaction that happens with the committee members themselves just being part of this and having a call, so to speak, as to what happens to this money. But I just had to come up here and make that distinction as to how the County Treasurer interacts with this. And there is no interaction, quite honestly. To this day I'm quite disturbed and regretful that this embezzlement happened and thank you for the opportunity to say a few words.

CHAIRMAN CAMPOS: Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Susan, correct me if I'm wrong, but the audit exception stated, did it not, that this had to be a County fund?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, What the audit required was that because the funds are a result of rental of County property, whether it's physical space or vending machine income, it is to be considered County revenue. Period.

COMMISSIONER SULLIVAN: So I think that settles the issue. I think that whether we like it or not, I think that - I agree, certainly that it's good to have the Employee Benefits Committee and I think these recommendations are good ones in terms of good financial checks and balances, but in point of fact, this fund should be administered by the County Finance Department. Period. And that's where it belongs. These are County monies, revenues raised from the use of County facilities. And they need to be accounted for in an account with the Finance Department just like all the other \$35 million that come into the County and the general fund. That's my reading of the audit report.

MR. GONZALEZ: Mr. Chair, Commissioner Sullivan, I guess I would distinguish the revenues from the committee itself. And as long as that stream of revenues is considered County revenues that's one thing. But there are - and one could draw a line between the revenues that flow in and what might legitimately be sort of a quid pro quo in terms of the agreement between the County and the Employee Benefits Committee. Because if we cross that line too far, then we're saying also that the funds that come in from the Frito pie sales and everything else also belong to the County and I'm not sure how far we walk down that road.

COMMISSIONER SULLIVAN: Well, on behalf of the committee of course. If the committee holds a bake sale off-site, those are separate revenues. And I'm not making a judgement on this, I'm just saying that that's my understanding of the audit report. And this was further confirmed to me because in the course of my campaigning for

re-election, I just happened to run into the Deputy State Auditor, who lives in my district, it turns out, and he bent my ear on this particular audit exception and it was quite clear to me, and it seemed to make good sense that funds that are generated from the use of County facilities, whether we charge for parking for youth fairs or whatever, have to be run through the County's accounting system and then disbursed to whoever we agree by resolution they should be disbursed to, in this case, the Employee Benefits Committee. Susan, correct me if I'm wrong on this. You read the audit report more times than I did, I'm sure.

MS. LUCERO: Mr. Chair, Commissioner Sullivan, that is correct. State Audit rules and generally accepted principles as far as what the state is concerned with, basically just state that the revenue stream is distinct. It is property of the County. It shall remain designated as funds generated by the County and therefore has to be reported that way and the service side, or however it's dispersed is then a separate issue. But as far as the revenue stream it is County revenue.

COMMISSIONER SULLIVAN: Okay. So I understand the need for some type of an agreement for how we would work out this portal issue to be in compliance with the state constitution, but in terms of any funds generated, I think we need to have the same controls on those as we do on all of our County funds. And it's a small account, but we've got smaller accounts that \$12,000 in the County, don't we?

MS. LUCERO: Yes, we do.

COMMISSIONER SULLIVAN: We have petty cash accounts. We have lots of little accounts. So I think quite clearly the County has got to account for an apply its auditing and oversight to funds generated on County property and we have to make an agreement with the benefits committee by resolution that these certain funds are allocated for their use and there obviously needs to be some oversight of that by the County Manager's office and the Finance Department. That would be my opinion, Mr. Chair.

COMMISSIONER DURAN: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Gerald, why don't you just compile a report and get back to us on it at the next meeting, on how you want to handle this. Don't you think? Thank you.

COMMISSIONER ANAYA: Any other comments?

CHAIRMAN CAMPOS: Mr. Chair, wouldn't it just be possible just to have, as Commissioner Sullivan suggested, this done in the Finance Department. The committee decides to spend money. We take the minutes, whatever, the resolution and a check is issued and keep it that simple?

MR. ROSS: Mr. Chair, I think if we're to label these funds as County funds, I'm sure we'll be able to account for the revenue stream, but the expenditures then are going to get us an audit finding next year. Because the County, I don't think it's a legitimate expense to put on parties and things like that. Things that private organizations can do routinely, the County can't do. We have restrictions on those kinds of activities. So

I think that's why it was set up this way to begin with as a kind of a quasi-independent entity. So, sure, we can account for the revenue if we start bringing it through the County funds, but then the expenditures are going to be subject to things like procurement code, constitutional restrictions on donations and all kinds of other things. And so you're kind of walking a difficult line with these kinds of organizations from the get-go. That's why it was set up this way to begin with. So that's why our recommendations didn't go as far as the auditors' recommendations.

They subject them to the equivalent of governmental accounting standards without running them through budget machinery.

CHAIRMAN CAMPOS: Are we bound by the auditors' recommendations?

MR. ROSS: I doubt it. It's a recommendation and I'm not sure it's based on a completely accurate assessment of the facts. It's based on a judgement call about what these funds represent. And if you look at them and analogize to what I think the original resolutions were analogizing to, it's a private organization that's basically reimbursing the County for the County's expenses. But it's not a County organization. It hasn't been at least. So if we're to bring it into the County that will solve some problems but create others is all I'm saving.

CHAIRMAN CAMPOS: That would effectively destroy the function of this committee.

MR. ROSS: Well, I think the committee's determined to continue operating. I talked to Mr. Lovato about this but it would completely change the way they operate if we're to bring them in as a County-sponsored organization.

MR. GONZALEZ: And again, Mr. Chair, that was the reason why, with the suggestions here attempted to straddle along. Now, maybe we can get clarification by talking to the State Auditor's Office and see whether there is some middle ground. But that was my concern. I did not want to eviscerate what I saw as an important ability to provide for the morale and the support of employees in ways that we could not otherwise support.

CHAIRMAN CAMPOS: Ms. Lucero.

MS. LUCERO: Mr. Chair, what I wanted to specify is with respect to the State Auditor's recommendation, if we don't adhere to first of all the statute that requires the money to be recorded as County revenue then we continue violating that and we're subject to finding every time we repeat that process. One thing that had been suggested in years past by a different auditing group, not the State Auditor but our financial auditors, was to consider this Benefits Committee, for the Benefits Committee to form itself as a non-profit entity. There might be some legal issues there that I'm not aware of but this was one avenue.

It still wouldn't in any way change the revenue issue. But it may have some impact as far as function of the committee.

CHAIRMAN CAMPOS: As far as expenditures?

MS. LUCERO: Yes. But I'm not sure. But I don't have that legal expertise.

CHAIRMAN CAMPOS: Why don't we just delegate this to the County

Manager. Let me figure it out.

COMMISSIONER DURAN: That's what I said ten minutes ago.

CHAIRMAN CAMPOS: You can figure it out and do whatever you want to do.

MR. GONZALEZ: We'll figure it out and come back, Mr. Chair.

CHAIRMAN CAMPOS: You don't have to come back, just figure it out.

COMMISSIONER SULLIVAN: That's what you say to the first sergeant: Just get it done. Just get it done, First Sergeant.

MR. GONZALEZ: The buck stops here.

**XII. F. 2. Discussion Concerning a Joint Resolution Creating a Series of Special Joint Meetings through the Creation of the Santa Fe City/County Water Policy Group**

MR. GONZALEZ: Mr. Chair, members of the Commission, this is the joint resolution which I think is being proposed simultaneously on the City side by some of the City Councilors. Basically, what the resolution would do would be create a joint meeting of the full City governing body and the County Commission that on a quarterly basis would come together to deal with water policy issues. It was an effort, I think, to continue the dialogue that has sort of begun with discussions around the wheeling agreement but expanded to looking in much larger fashion at the joint City/County issues having to do with water.

The request was received from the sponsoring City Councilors that this be presented to the Commission for their consideration.

CHAIRMAN CAMPOS: Assessment from you. What do you think, the way it's written, the language?

MR. GONZALEZ: I think looking at the language, I didn't have any specific issues with what they're proposing to do. The only concerns I had was their ability on that side to get it through, but I think it would certainly be another step forward in terms of fostering a discussion of regional water issues.

CHAIRMAN CAMPOS: Well, Section 2, Purposes and Responsibilities has a, b, c, d, e. Is there anything missing? Is it comprehensive enough?

MR. GONZALEZ: At this point I think it is. If it needed to be amended down the line, that's something that we could also do.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Is this something we're looking at doing, Gerald, with all of the other entities as well? The City of Española, Rio Arriba County, City of Edgewood?

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, it's certainly a

concept that can be adapted to moving forward with all of them. Now, with some of them we have different issues that probably need to be addressed in a different way, but I think if we're going to deal comprehensively, we ought to take this model and also apply it to some of those other bodies and I'm glad you raised the point, because I think we need to think about if we're going to do this with the City, do we also want to step forward with the other sister and brother entities, the County of Rio Arriba, the City of Española, perhaps even the City of Edgewood, with respect to doing a similar kind of thing.

My point of view is that some of the stuck places that we've had over the years have had to do with the lack of dialogue and everything that fosters dialogue is to the good. At least if it's a dialogue that's structured in a way that makes sense.

COMMISSIONER MONTOYA: I guess that was my only concern, Mr. Chair, was that maybe we look at doing this with other groups as well.

CHAIRMAN CAMPOS: Other municipalities?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: City of Española, Town of Edgewood?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: The duration, it says they want to have at least four meetings a year, every calendar. Is that about right or too many?

MR. GONZALEZ: I think that's for a start anyway, about right. We may know a little better after we've completed the course of negotiations with respect to the wheeling agreement. I certainly have to laud the City Councilors who brought this forward because I think they want to earnestly foster a continuing dialogue rather than something that would be as discontinuous as once a year or twice a year.

CHAIRMAN CAMPOS: Okay. Is there a motion?

COMMISSIONER SULLIVAN: Mr. Chair, I move for approval

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Okay, this is Resolution 2004-50.

**The motion to approve Resolution 2004-50 passed by unanimous [5-0] voice vote.**

COMMISSIONER SULLIVAN: Those Councilors, Mr. Chair, who did introduce this are Councilor Ortiz, Councilor Wurzburger, Councilor Pfeffer and Councilor Bushee. [Discussion continues on page 73.]

**XII. F. 3. Discussion and Action on Application of Joint Partnership to Acquire Chimayo Property [See page 78.]**

MR. GONZALEZ: Mr. Chair, this is a potential action item and my suggestion is if the Commission wants to take this up for action that it do so after

considering it in executive session.

**XII. G. Matters from the County Attorney**

**1. Discussion and Request for Direction Concerning the County Board of Finance**

CHAIRMAN CAMPOS: Do you want to skip that?

MR. ROSS: Mr. Chair, we can skip it. You asked me to give a brief update on the activities. Mr. Chair, members of the Board, we have a Board of Finance in the County and it's this body. It's the Board of County Commissioners. It's a body similar to the Indigent Board in that it's comprised of all of you. The only reason that this is up for some discussion today is that I've been working with the Treasurer's Office and we've been taking a look at the existing Investment Resolution, which was enacted by the Board of Finance in the late 90s.

Since that resolution was enacted there have been two substantive changes to the County's investment statutes, the statutes under which the County operates. They're state statutes, and it needs to be cleaned up. In addition, the Treasurer's Office has been looking at the finances, the investments that the Treasurer's Office engages in has been discussing with me some other possible avenues to make the County additional funds on its funds on deposit. And that would also require some changes to our existing resolution.

And finally, we have been talking with the Treasurer's Office about maybe adopting some simple criteria for our depository banks to simplify our assessment of those banks and basically choosing where our money can go and when it can go and how it can go. The specific vehicle we've been talking about are certificates of deposits. Right now, through the bank, our primary depository bank, we can make a lot more interest on CDs than just in our overnight accounts, except that our current policy requires 100 percent collateralization of those accounts. State statute permits us to drop collateralization in those accounts to 50 percent. That would be another issue that we'd have to address in a resolution of the Board of Finance.

In connection with all this, I mentioned to the chairman that we were talking about these things and we were talking in practical terms about how to have a meeting of the Board of Finance, and I think that's why we're talking about this today. Of course Phil Trujillo is here to address any of those issues. We haven't completed our work on the investment policy at this point. But at some point we're going to have to have a meeting of the Board of Finance and at might make sense to have regular meetings anyway so you can have some interaction with the Treasurer about how our funds are currently invested and what he's doing to make money.

Different counties have these meetings in different ways. Some counties have the meetings in conjunction with a regular meeting like this, just as an agenda item. Other counties do it sort of like we do the Housing Board and the Indigent Board and have the

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meeting separately. We might want to think about how we've done it. I'm not sure how we've done it historically.

CHAIRMAN CAMPOS: I think we have to do it and we have to do it soon, and maybe we can start by doing it as part of our regular agenda, see if that works. If not, having to do a special session. That's what I would think. Any comments, questions?

COMMISSIONER DURAN: Ditto.

COMMISSIONER MONTROYA: I think that would be fine, Mr. Chair. I think it is important that we assume that role. I know that we haven't had one since I've been on the County Commission.

CHAIRMAN CAMPOS: I haven't either.

COMMISSIONER MONTROYA: Oh, you haven't either?

COMMISSIONER DURAN: We haven't had one. We've never had one.

COMMISSIONER SULLIVAN: Since you've been on.

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: Okay. Is that enough direction?

MR. ROSS: Well, I know you had one in 1999 because you passed a resolution in 1999.

CHAIRMAN CAMPOS: Somebody had a meeting.

MR. ROSS: Somebody had a meeting in 1999.

COMMISSIONER SULLIVAN: Was that enough? Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

[Continued from page 71.]

COMMISSIONER SULLIVAN: I need to go back for one minute for a clarification on item F. 2, where we talked about this joint resolution for the quarterly meetings with the City. I don't think it was clear in my motion. I was looking at the resolution that was in the packet and I just realized, I'm not familiar with this form - it's from the City, that apparently there were changes to that agreement. You were asking about conditions a, b, c, and d, and were they inclusive enough. But there's another item in our packet which is an action sheet from the Public Works Committee deleting some of the items in there, such as "Any City/County agreement concerning the extension of City water delivery service into the county and any agreement as a result of the Regional Planning Authority..." and the part that says, "The group is charged with arriving at policy decisions and solutions regarding those mutual issues..."

So all of those things have been deleted. I guess we need to be clear whether the resolution that we passed included those deletions or was the resolution that's in the packet. I guess this hasn't gone to the City yet. I guess this has only gone through the Public Works Committee. Is that correct, Gerald?

MR. GONZALEZ: Yes. As far as I know, it's still in front of the Public Works Committee.

COMMISSIONER SULLIVAN: So things could change at the City but I guess we need to decide ourselves.

MR. GONZALEZ: Correction. Doug Sayre just informed me that it was passed, I believe by Public Works last week.

DOUG SAYRE: (Acting Utilities Director): By the City Council.

COMMISSIONER SULLIVAN: It was passed by the City Council. With those amendments?

MR. SAYRE: Yes.

COMMISSIONER SULLIVAN: With those amendments, Doug says. Okay, so I think we need to clarify, Mr. Chair, as a Commission, whether we're comfortable with those amendments.

COMMISSIONER MONTOYA: Mr. Chair, as I see it, I voted on what they presented. Not any amendments.

COMMISSIONER DURAN: Right.

COMMISSIONER SULLIVAN: Well, that's what I voted on. That's why I'm saying, if we voted on something different then we don't have a mutual resolution. It either goes back to the City and the City has to reconsider it, or we have to agree to the changes that the City made. But I apologize for not bringing that up in my motion but it just now struck me.

CHAIRMAN CAMPOS: I think we leave it as is. We send it back to the City Council as we approved it. And we don't like those deletions, I guess. I don't. Is that okay?

COMMISSIONER SULLIVAN: I thought they kind of gutted it myself but I just wanted the Commission and the staff to be clear which resolution we were approving.

CHAIRMAN CAMPOS: It seems that the one staff presented to us was the one with all the conditions that we looked at. Isn't that what we approved?

COMMISSIONER SULLIVAN: I agree with that. But then there was this other sheet in here that said that there were these deletions made at the Public Works Committee. So I wanted to point that out to you.

CHAIRMAN CAMPOS: Appreciate it.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: And those that gutted the agreement were Councilor Chavez, Councilor Bushee and Councilor Coss. Is that correct?

CHAIRMAN CAMPOS: I don't know. Where do you see it?

COMMISSIONER SULLIVAN: I think Councilor Bushee was a sponsor of the agreement.

CHAIRMAN CAMPOS: I guess they all voted for it with the amendments. Chavez, Bushee and Coss. Ortiz absent. Heldmeyer did not vote.

COMMISSIONER DURAN: This particular form said this came from the Public Works Committee. The resolution was brought forward by Ortiz, Wurzbarger and Pfeffer. It went to the Public Works Committee and the action that they took was to gut the

agreement. What I'm pointing to is the Councilors responsible for that were Councilors Chavez, Bushee and Coss, as it's indicated on this form.

CHAIRMAN CAMPOS: And Mr. Sayre, this was already approved by the Council?

MR. SAYRE: Mr. Chair, last Wednesday night I attended a meeting in which they considered this. My understanding is it went forward with the amendments as shown in that other sheet, and that's what they passed.

COMMISSIONER SULLIVAN: But the four Councilors, Ortiz, Wurzburger, Pfeffer and Bushee, brought the initial resolution forward complete.

MR. SAYRE: I believe so.

COMMISSIONER SULLIVAN: Then in the committee it was amended.

MR. SAYRE: Well, in the committee prior to this it was amended and then it was brought forward to the City Council last Wednesday night in the amended form and that's what was passed.

COMMISSIONER SULLIVAN: Okay, the City Council passed it. Not only the -

MR. SAYRE: Right.

COMMISSIONER SULLIVAN: Okay, so the Public Works Committee passed it the way we've seen it here. Or no? They amended it with those three amendments.

COMMISSIONER DURAN: They amended it.

MR. SAYRE: They suggested the amendments and sent it forward in the amended -

COMMISSIONER SULLIVAN: In the amended condition. And that amended form passed the City Council.

MR. SAYRE: Yes.

COMMISSIONER SULLIVAN: Unanimously?

MR. SAYRE: My recollection it was.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: And that unanimous vote was based on being presented a document that they thought was the one that was coming before us, correct? They didn't show - and this is what the County - did they show the changes on it or did they just bring it forward? You can be honest.

MR. SAYRE: Mr. Chair, Commissioner Duran, what happened was as I went to the meeting, this was passed and I didn't see this till afterward and that's when Councilor Ortiz gave me this and said We'd like you to take this forward and present it to the County Commission. And I then brought it forward to Gerald. But it's my understanding, it was passed in the condition with the amendments, with those, I think it's c, d, and e taken out. I don't have that in front of me and I apologize.

COMMISSIONER DURAN: It just seems to me that they took the regional

aspect of the agreement out of the agreement. Okay. Thank you.

COMMISSIONER MONTOYA: Are we done with the Board of Finance?

CHAIRMAN CAMPOS: I hope so.

MR. GONZALEZ: Mr. Chair, on the Board of Finance issue, I don't know whether the County Treasurer had anything he wanted to add to the discussion.

CHAIRMAN CAMPOS: I think we made our decision. The law is clear, right? We have to do it, we have to do it soon.

MR. ROSS: We definitely have to do it if we want to amend the investment policy.

CHAIRMAN CAMPOS: Well, let's do it.

MR. ROSS: That's a requirement.

COMMISSIONER MONTOYA: So, Mr. Chair, it would be helpful for me, since I haven't seen that part, if I could get whatever regulations and ordinances there may be regarding the Board of Finance and our responsibility in that regard.

MR. ROSS: Mr. Chair, Commissioner Montoya, I'll put a packet together for you.

CHAIRMAN CAMPOS: For everybody.

MR. ROSS: Okay. For everybody.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN CAMPOS: Okay is there a motion to go into executive session where we will only discuss items a, b, c, and d as set out in the agenda.

## **XII. G. Matters from the County Attorney**

### **1. Executive session**

**a. Discussion of pending or threatened litigation**

**b. Limited personnel issues**

**c. Acquisition or disposal of real property**

**d. Discussion of purchase, acquisition or disposal of real property or water rights**

**Commissioner Montoya 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, Montoya and Sullivan all voting in the affirmative.**

[The Commission met in executive session from 3:50 to 6:10.]

**Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Sullivan seconded. The**

**motion passed by unanimous voice vote.**

**XII. F. 3. Discussion and Action on Application of Joint Partnership to Acquire Chimayo Property**

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: As another matter that we discussed in executive session we discussed XII. F. 3 and we have decided as a Board -

CHAIRMAN CAMPOS: We've got to decide now. We can't decide anything in executive. We've got to decide it right now.

COMMISSIONER DURAN: Well, I would like to make a motion then. Is that appropriate?

CHAIRMAN CAMPOS: Yes.

COMMISSIONER DURAN: I would like to make a motion that we pass on this application to partner up and purchase the Chimayo property because of the issues surrounding the cost of the infrastructure, the cost to fund the program and just the difficulty in creating this partnership within the amount of time that we have. I would like to make a motion that we pass on this and maybe in the near future, if it's still available we can discuss it further but for now I move to pass on this.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

**The motion to forego the partnership with the Chimayo Crime Prevention Organization passed by majority [4-1] voice vote with Commissioner Montoya voting no.**

**ADJOURNMENT**

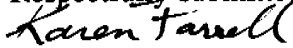
Chairman Campos declared this meeting adjourned at approximately 6:15 p.m.

Approved by:



Board of County Commissioners  
Paul Campos, Chairman

Respectfully submitted:

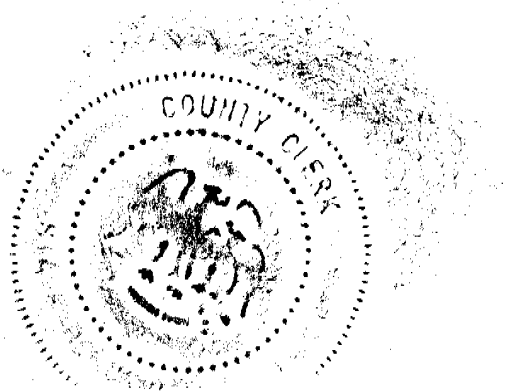


Karen Farrell, Commission Reporter

ATTEST TO:



REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 05/14/2004