

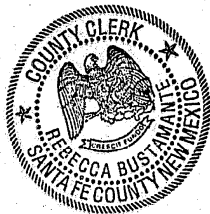
2536508

SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 29, 2003

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



1267 973
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 28 DAY OF MAY A.D.
2003 AT 2:13 O'CLOCK PM
AND WAS DULY RECORDED IN BOOK 2536
PAGE 505 - 605 OF THE RECORDS OF

WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
Rebecca Bustamante
DEPUTY

SANTA FE BOARD OF COUNTY COMMISSIONERS
COMMISSION CHAMBERS COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
April 29, 2003 - 10:00 a.m.

2536509

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
 - A. Amendments
 - B. Tables or Withdrawn Items
- V. Approval of Minutes — *March 25, 2003 - type amended agenda*
- VI. Matters of Public Concern - Non-Action Items —
- VII. Matters from the Commission
 - A. Request Update on Simpson Ranch and Highway 285 South Corridor Plan
 - B. Discussion and Action on Wheeling Agreement
 - C. Discussion on Caja del Rio Crossing on 599
 - D. Discussion and Direction on Possibility of New County Facility
- VIII. Committee Appointments/Reappointments/Resignations
 - A. Appoint and Re-appoint Members of the Health Policy and Planning Commission
 - B. Appointment of New Member to the Senior Service Advisory Board
 - C. Re-Appointment of Three of the Four Correctional Advisory Committee Members That Were Originally Appointed for a One Year Term April 2002
- IX. Presentations
 - A. Quarterly Report from Santa Fe Community Partnership Contract #23-079-CHDD, for the Period from January 1, 2003 through March 31, 2003
 - B. Presentation on Santa Fe County Five Year Capital Improvement Plan Including Potential Funding Sources
 - C. Presentation on the Process for Requesting and Obtaining Federal Funding for the Buckman Diversion Project
- X. Consent Calendar
 - A. Request Authorization to Enter into Amendment #2 for the Professional Services Agreement #22-0062-1H with University of New Mexico Health

2536510

Sciences Center for Hospital Healthcare Services (Community and Health Development Department/Indigent Services Section)

W/C
B. Request Authorization to Accept and Award a Price Agreement for IFB #23-19, Kitchen Equipment for the Santa Fe County Adult Jail Facility (County Manager's Office)

W/drawn
C. Request Authorization to Accept and Award a Price Agreement for IFB #23-44, MSA Safety Equipment (Fire Department) WITHDRAWN

W/drawn
D. Resolution No. 2003 - A Resolution Requesting an Increase to the GOB Series 2001 Fund (353) to Budget Insurance Recovery Revenue for Expenditure in Fiscal Year 2003 (Fire Department) WITHDRAWN

E. Resolution No. 2003 ~~27A~~ Resolution Requesting an Increase to the Fire Protection Fund (209)/Pojoaque and Agua Fria Fire Districts to Budget State Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2003 (Fire Department)

Tabled
F. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder in Response to IFB #23-39, Pre-Cast Concrete Restroom Facility for the Cerrillos Hills Historic Park (Project and Facilities Management Department) TABLED

G. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder in Response to IFB #23-45, High Efficiency Water Heat Pumps for County Facilities (Project and Facilities Management Department)

H. Resolution No. 2003 ~~28A~~ Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)

I. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #23-42, for the Installation/Replacement of the Water Meters for the Santa Fe County Utilities Department Water System (Utilities Department)

J. Request Authorization to Approve and Utilize the State Price Agreement #30-00125 with Hughes Supply, Inc., for the Purchase of Water Meters Needed for the Utilities Installation/Replacement Project (Utilities Department)

K. Request Authorization to Approve and Utilize the State Price Agreement #30-00014 with Bob Turner's Ford Country for a One Ton Truck to be Used to Haul the Jetter/Vacuum System (Utilities Department)

OK
L. Water Rights Purchase Agreement with Sandra Herkenhoff, Co-Trustee of the Wilma R. Kelly Revocable Trust for Purchase of Approximately 168 Acre-Feet Per Annum of Consumptive Use Water Rights, Within the MRGCD

OK
M. Water Rights Purchase Agreement With Larry Vigil, Trustee of the Vigil Family Trust for Purchase of Up to 38 Acre Feet Per Annum of Consumptive Use Water Rights, Within the MRGCD

XI. Staff and Elected Officials' Items

A. Administrative Services Department

1. Resolution No. 2003 ~~26A~~ Resolution Designating Santa Fe County As a Hybrid Entity in Compliance with the Health Insurance Portability and Accountability Act of 1996

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2. An Amendment to the Human Resources Rules and Regulations in Regards to the Maximum Hours Employees on a 7K Exemption will be Allowed to Carry Over to the Next Calendar Year

B. Community Health Development Department

*Director
4/1/04
Approved*

1. Request Authorization to Submit Application for Funding from the Traffic Safety Bureau for Community DWI Funds for FY 2004 WITHDRAWN
2. Request Authorization to Purchase Old Magistrate Court Building and Authorization to Issue RFP for Care Connection Services
- Request Authorization to Submit a "Strengthening Access and Retention" Grant Proposal to the Center for Substance Abuse Treatment in the Amount of \$200,000 for Support of the Care Connection
4. Request Authorization to Enter into Amendment #4 for the Professional Services Agreement #22-0075-IH with Womens Health Services for Healthcare Services

C. Finance Department

Approved

Approved

1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-32 for Bond Counsel Services for Santa Fe County (TENTATIVE) WITHDRAWN
2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-30 Administration, Management and Sales of the 5(h) Homeownership Program for the Santa Fe County Housing Division (Community and Health Development Department/Housing Section)
3. Resolution No. 2003 ²A Resolution Authorizing the Issuance and Sale of the County of Santa Fe New Mexico, General Obligation Refunding Bonds, Series 2003, in the Aggregate Principal Amount of \$2,293,998 for the Purpose of Defraying the Cost of Refunding, Paying, Discharging and Liquidating the Santa Fe County New Mexico General Obligation General Purpose Bonds, Series 1993; Providing for the Issuance and Sale of the Bonds; Providing for the Payment of Such Bonds from Ad Valorem Property Taxes Levied on all Taxable Property within the County, Levied without Limit as to Rate or Amount; Providing for the Form, Terms and Conditions of the Bonds, the Manner of Their Execution and the Method of, and Security for, Payment; Approving the Sale of the Bonds to the New Mexico Finance Authority and the Form, Execution and Delivery of a Bond Purchase Agreement; and Providing for Other Details Concerning the Bonds

D. Fire Department

*Commissioner
4/1/04
Approved*

1. Request Authorization to Enter into an Agreement with Espanola Hospital, a Affiliate of Presbyterian Healthcare Services, to Provide Emergency Medical Services in Northern Santa Fe County
2. Update on Status of Legislation to Lease Property from the State of New Mexico for Use as a Public Safety Training Complex
3. Discussion of an Ordinance for the Re-Imposition of an Excise Tax of One-Fourth of One Percent (0.25%) on Gross Receipts in Santa

2536512

Fe County for the Purpose of Financing the Operations, Capital Outlay, and Ambulance Expenses of the Santa Fe County Fire Department and its Fifteen Fire Districts

4. Discussion and Consideration to Enact an Ordinance Calling for an Election to Adopt a New Countywide Gross Receipts Tax to Fund Countywide Emergency Services and the Regional Communications Center

E. Land Use Department

1. Resolution No. 2003 - A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Received from the US Environmental Protection Agency for a Grant in the Amount of \$291,000 for the Development of a Water System for the Village of Cundiyo and Cuatro Villas, which Includes the Communities of La Puebla, Sombrillo, Cuartelez and El Valle de Arroyo Seco
Withdraw

F. Project and Facilities Management Department

1. Resolution No. 2003 ~~LA~~ Resolution Establishing an Urgent Projects Application Policy for Acquisition of Open Space Properties Under the County's Open Space and Trails Program
Approved
2. Resolution No. 2003 ~~LA~~ Resolution Permitting the County Open Land and Trails Planning and Advisory Committee (COLTPAC) to Form Subcommittees for the Purpose of More Effectively Carrying Out its Mission
Approved
3. Resolution No. 2003 ~~A~~ Resolution Adopting the Cerrillos Hills Park Management Plan
Approved
4. Request Approval of Land Purchase Agreement Between Santa Fe County and Melinda LLC for Approximately 407 Acres of Land and 97 Acres of Trail Easements as Part of the Vista Grande Open Space and Trails Project for Inclusion in the Santa Fe County Open Space and Trails Program WITHDRAWN
5. Request Authorization to Accept and Award a Professional Service Agreement with the Highest Rated Respondent in Response to RFP #23-24, Santa Fe River 100 Year Flood Definition WITHDRAWN
6. Request Authorization to Accept and Award a Professional Service Agreement with the Highest Rated Respondent in Response to RFP #23-38, Professional Architectural and Engineering Services for the San Ysidro River Park WITHDRAWN
7. Request Authorization to Accept and Award a Professional Service Agreement with the Highest Rated Respondent in Response to RFP #23-40, Professional Architectural and Engineering Services for the Agua Fria Community Center WITHDRAWN
8. Request Authorization and Approval of Amendment #1 to the Software License, Service and Maintenance Agreement #23-0016-PFMD with H.T.E. WITHDRAWN
9. Request Authorization and Approval of Amendment #1 to Community Development Block Grant #03-C-NR-3-G-44, for the Youth Shelters and Family Services Facility Project (Time Extension Only) WITHDRAWN
Withdraw

2536513

*Call Paul
Cerrillos
Quintero*

10. Request Authorization and Approval of Amendment #1 to the Professional Service Agreement #22-0098-PW with The Louis Berger Group for Architectural and Engineering of the New Santa Fe County Public Works Facility WITHDRAWN

11. Request Approval of the Santa Fe County 2004-2008 Infrastructure Capital Improvement Plan (ICIP) Implementation Schedule

G. Public Works Department

Approved
1. Resolution No. 2003 ²⁴ A Resolution Designating a Project Representative and a Signature Authority for the New Mexico Environmental Department Grant Agreement #SAP 06-0101-STB (Agua Fria Sanitary Sewer Line Project)

Approved
2. Resolution No. 2003 ²⁵ A Resolution Designating a Project Representative and a Signature Authority for the New Mexico Environmental Department Grant Agreement #SAP 99-077-STB (Agua Fria Sanitary Sewer Line Project)

Withdraw
3. Request Authorization to Enter into a Professional Services Agreement with Wilson and Company for Redesign of the Agua Fria Sanitary Sewer, Drainage and Road Improvements Project - Phase III WITHDRAWN

Approved
4. Request Approval to Extend the Existing Lease/Purchase Agreement for Road Construction Equipment for an Additional One Year Period with First Bank

Withdraw
5. Request Approval to Enter into an Agreement with Eldorado Community Improvement Association, Inc. to Allow ECIA to Construct and Maintain a Bike and Walk Path Within County Right-Of-Way WITHDRAWN

Withdraw
6. Acceptance of Offer Regarding IFB #23-13, Road Maintenance and Construction Materials, for all Santa Fe County Departments WITHDRAWN

N/A?
Discussion of the Road Acceptance Policy (Tabled from February's Meeting)

H. Utilities Department

*Tabled
Feb 23*
1. Request Approval of a Water Service Agreement Between Santa Fe County and Robert D. Pearson, General Partner, Vista Investments, Ltd.

*Tabled
Feb 23*
2. Request Approval of a Water Service Agreement Between Santa Fe County and John L. McCarthy and Bob Lee Trujillo

3. Request Approval of an Amendment to the Collection Agreement Between Santa Fe County and the USDA Forest Service, Santa Fe National Forest Service

*Tabled
Feb 23*
4. Request Ratification to Implement a Temporary Bulk Water Sales Rate for El Vadito De Los Cerrillos Mutual Domestic Water Association

5. Moved to Consent (L)

6. Moved to Consent (M)

I. Matters from the County Manager

*Tabled
Feb 23*
1. Request Approval of Paul Maes as the Manager at the Santa Fe County Adult Detention Facility

Withdraw

J. Matters from the County Attorney

2536514

1. Executive Session:

a. Discussion of Pending or Threatened Litigation

i. Paul, et al. vs. Santa Fe County Board of County Commissioners, et al.

ii. Mendoza vs. Santa Fe County Board of County Commissioners, et al.

b. Discussion of Limited Personnel Issues

XII. 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).

SANTA FE COUNTY

REGULAR MEETING

2536515

BOARD OF COUNTY COMMISSIONERS

April 29, 2003

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:15 a.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Jack Sullivan, Chairman
Commissioner Paul Campos [late arrival]
Commissioner Paul Duran
Commissioner Mike Anaya
Commissioner Harry Montoya

Members Absent:

[None]

An invocation was given by Major Dee Webb from the Salvation Army.

IV. Approval of the Agenda

- A. Amendments
- B. Tabled or withdrawn items

GERALD GONZALEZ (County Manager): Mr. Chair, members of the Commission, of the republished agenda, which was provided to you last week, the additional items under VII. Matters from the Commission, is item D, Discussion and direction on possibility of new County facility. And then at the very end of the agenda, under Section IX, Staff and Elected Officials' Items, J. Matters from the County Attorney, Executive session, item B, Discussion of limited personnel issues.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN SULLIVAN: There's a motion for approval as amended, I

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assume.

COMMISSIONER MONTOYA: Yes.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Gerald, there was not in our packets either items for the Consent Agenda L and M, the water rights purchase agreements and I see that they've just appeared on our desks here. When do we get to read these?

MR. GONZALEZ: Those unfortunately were not printed up until yesterday evening so if we need to put those off we can.

CHAIRMAN SULLIVAN: I know we have a time frame on these. I'd just like to be able to read them before we vote on them, that's all.

MR. GONZALEZ: I agree, and I apologize for that. Unfortunately, we didn't get the final drafts, or the signed drafts until Monday and we were unable to print them until yesterday.

CHAIRMAN SULLIVAN: Well, perhaps we could just do those two items after lunch. At least give us a chance to read these documents.

MR. GONZALEZ: That would be fine, Mr. Chair. The other thing is that those had been previously discussed by the Commission in executive session. So there were no changes from those discussions, but I agree, it might be easier to wait until after lunch to deal with those items.

CHAIRMAN SULLIVAN: Do we have the attorneys here? The legal firm? They're not here this morning.

MR. GONZALEZ: No, they are available by phone when we get to the item. They had indicated that they would make themselves available.

CHAIRMAN SULLIVAN: I just didn't want us to be running up the meter if they were sitting in the audience waiting for lunch. I'd like to suggest, it's up to the Commission, but I'd just like to suggest to the Commission that we take those two items wherever we end up after lunchtime, right after we come back from lunch just so we have time to quickly go through them. Does that meet with everyone's approval? Well, they're under the Consent Calendar, which would be X, L and M. And they're two water rights purchase agreements that we have discussed, as Mr. Gonzalez said in executive session before. These are the final agreements. So what's the thinking on that?

COMMISSIONER MONTOYA: Mr. Chair, we would need to amend the motion and pull those off of the Consent Calendar.

CHAIRMAN SULLIVAN: Just until after lunch so we have time to read them. That's all. I think we want to act on them today. I don't think we want to delay them any. Because there's some time-critical issues here.

COMMISSIONER CAMPOS: We have to amend, right?

CHAIRMAN SULLIVAN: We're in discussion now on the motion to approve the agenda. We're in discussion on that motion right now.

COMMISSIONER CAMPOS: I have no problem, Mr. Chair, if you'd like to consider items L and M under Consent Calendar for after lunch. Is that right?

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CHAIRMAN SULLIVAN: That's the only time we're going to get to read it.
COMMISSIONER CAMPOS: That's fine with me.
CHAIRMAN SULLIVAN: How about the motion -
COMMISSIONER MONTOYA: That's fine with me.
CHAIRMAN SULLIVAN: And the seconder? Okay, the seconder is okay with that. Okay, so we have a motion and a second to approve the agenda as amended. Consent Calendar items L and M we'll take up immediately after lunch.

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

V. Approval of Minutes: March 25, 2003

CHAIRMAN SULLIVAN: Does anyone on the Commission have corrections or changes they would like to propose to those minutes? I have one minor typographical one that I will give to the recorder. Other than that then, we're ready for a motion.

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: Moved by Commissioner Anaya.

COMMISSIONER CAMPOS: Second, with the amendment proposed by Chair Sullivan.

CHAIRMAN SULLIVAN: Seconded, that's a motion to approve as amended.

The motion to approve the minutes of the March 25, 2003 minutes as amended passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

VI. Matters of Public Concern -- Non-action Items

CHAIRMAN SULLIVAN: Are there any in the audience this morning, and welcome to our Commission meeting, who would like to address the Commission, non-action items, on matters of concern? Seeing none, we'll then move to item VII.

VII. Matters from the Commission

- A. Request update on Simpson Ranch and Highway 285 South Corridor Plan
- B. Discussion and Action on Wheeling Agreement
- C. Discussion on Caja del Rio Crossing on 599
- D. Discussion and Direction on Possibility of New County Facility

CHAIRMAN SULLIVAN: We have four items under Matters from

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Commission. I believe in discussing some of these with Commissioner Duran, that some of these were items that he brought forward, so I would assume he would want to be here for them. I know he asked for item A and C and D. I'm not sure, Gerald, item B comes from where, Discussion and action on the wheeling agreement?

MR. GONZALEZ: I believe that also came from Commissioner Duran, Mr. Chair.

CHAIRMAN SULLIVAN: So these all four - I know that at the last RPA meeting we did ask that, or the RPA asked the County Commission to come forward with a specific wheeling agreement proposal to look at. I don't know what to do here. Any suggestions?

COMMISSIONER CAMPOS: My suggestion is we can wait a while. These are the issues that he felt were important. Maybe we should wait a while. I have no problem with that.

CHAIRMAN SULLIVAN: Okay, is that all right with the Commission on these four items? Let's take any other matters we have from the Commission, starting this time from left, Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, I have nothing additional to add.

CHAIRMAN SULLIVAN: Okay, Commissioner Montoya.

COMMISSIONER MONTOYA: Nor do I, Mr. Chair. Actually, I guess probably the only thing of significance is probably the letter that I think went to the New Mexico Association of Counties requesting that they consider as a legislative item for next year and actually begin working - I've been working through and with Virginia on the local option on the excise tax, that we really look at getting that high on the list. So hopefully that will be something that we'll actually be presenting at that Association of Counties convention in Gallup, so we'll have time to explain to the Commissioners and also to the county managers exactly what and how this could benefit individual counties. So I just want to thank Virginia and recognize her for the work she's done on that. Thank you.

CHAIRMAN SULLIVAN: We discussed last time also, Commissioner, a resolution, Did you want to bring forward a resolution on that at some point?

COMMISSIONER MONTOYA: Yes, Mr. Chair, if that would be appropriate. I think we probably should. I think we discussed that we had previously, the one that we passed maybe something that we could actually give to the Association of Counties or we could do another one. I'm open to whatever.

CHAIRMAN SULLIVAN: Well, discuss it with Virginia. We had discussed that last time and the question was how to bring forward the County's concern that this referendum be back, be supported by the -

BECKY BUSTAMANTE (County Clerk): Mr. Chair, may I ask the Commission, since we do have a representative on the board, Benito Martinez, and I am the president-elect, if we could have a copy of that letter? This is the first time I've heard of it and I don't know if Mr. Martinez has gotten one either.

COMMISSIONER MONTOYA: The letter to Samuel Montoya?

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CLERK BUSTAMANTE: Yes.

COMMISSIONER MONTOYA: Okay. Sure.

CLERK BUSTAMANTE: Thank you.

CHAIRMAN SULLIVAN: Anything further, Commissioner Montoya?

COMMISSIONER MONTOYA: No, thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you. Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chair, down in the Treasurer's Office, a lady

by the name of Liz Baca, her daughter got in a serious accident. Her name is Michelle Vigil and we are now collecting some donations. So if anybody out there would like to donate to Michelle Vigil they can contact Phillip Trujillo, the County Treasurer at 986-6245 and we'd sure appreciate those donations. I'd like to also say, Mr. Chair, that the County Assessor and the County Treasurer last week on Thursday, we were down in Edgewood at the City Council and we opened up, we put two new computers down there so that the people in southern Santa Fe County can access, get into the Treasurer's and Assessor's computer system, so instead of them having to drive all the way down to Santa Fe they can get some information. Information purposes only.

There's also, this is for Public Works Department. There are people down in the southern part of Santa Fe County that live off of a road there and I'd like Public Works to look into this. We have been looking into it, actually. And kind of put it on the schedule. I know it's been before the Commission before. There is, I believe it's a public road. A long time ago, Representative King had said this was a County Road at one time. There's two County roads, County Road 21-A, and there's a piece of road in there that's about four miles long that was eliminated. So I'd like to see that get on the agenda.

Mr. Chair, I'd like to thank Katherine Miller for all her service. I hear she's leaving. I want to thank you personally for all your service that you did here at the County and I wish you luck.

And it's my son's birthday today. He turned 10 years old and I want to wish him Happy Birthday.

[Commissioner Duran arrives at this point.]

COMMISSIONER DURAN: Do you want to sing him Happy Birthday?

COMMISSIONER CAMPOS: Alone?

COMMISSIONER ANAYA: So Happy Birthday, Art. Art turned 10 today.

And I want to thank the DWI people for the shirts that you gave us up here. So thank you David Sims and all your staff. I appreciate it. Mr. Chair, with that, that's it for me.

CHAIRMAN SULLIVAN: Okay. Commissioner Duran, we just set aside items A, B, C and D, all of which I understand you brought forward, until you got here. So what we're doing now is, we're doing Matters from the Commission, other than matters A, B, C and D.

COMMISSIONER DURAN: Okay. Good.

CHAIRMAN SULLIVAN: Do you have anything other than A, B, C and D?

COMMISSIONER DURAN: I don't think so. I think that's quite enough.

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CHAIRMAN SULLIVAN: Okay. Then, just a couple of quick comments from the Chair, I'd like to follow up on our meeting on the 25th. Commissioner Anaya brought forward an issue about four-wheelers and I believe Commissioner Duran suggested that we look into the possibility of BLM land for some type of off-road recreational vehicle facility. Have we done anything on that, Gerald?

MR. GONZALEZ: We have not yet had time to explore it internally among staff, although there has been some additional discussion with some of the staff members, but not on a formal basis.

CHAIRMAN SULLIVAN: Okay. So that's on your to-do list.

MR. GONZALEZ: Yes.

CHAIRMAN SULLIVAN: Okay. Just wanted to be sure it's still there.

MR. GONZALEZ: Not dropped.

CHAIRMAN SULLIVAN: I did want to follow up on an announcement I made at the last meeting about our volunteer session coming up on the 23rd of May, for all the Commission. I hope that you make it. We're having a training and update and networking meeting that will go from 10:00 to 1:00. It will be out at the Santa Fe County Extension facility building, the large, metal community building out there, and we will have a light lunch and hope that you all can make it and meet the some 180 volunteers that we have working, appointed volunteers who work on the various committees and commissions that the County has to assist it.

And then finally, I understand that the press representative, Ms. Wendy Brown, who has been covering the County for the Santa Fe *New Mexican* is leaving the *New Mexican*, remaining in Santa Fe but will not be our County reporter anymore, so we want to extend our thanks and appreciation to her for dutifully covering the meetings and for thoroughly covering a number of the issues that the County has been involved in. We look forward to working with her replacement.

Okay, then. We'll go back then to item VII. A.

VII. Matters from the Commission

A. Request update on Simpson Ranch and Highway 285 South Corridor Plan

COMMISSIONER DURAN: I just asked staff to bring this forward so that we can make a decision on what date may be appropriate for an update, actually. I know that there are some issues with the Highway 285 Corridor Plan and the Simpson Ranch plan, and there are some conflicting approaches that I think the Commission should probably be aware of. And I was just wondering if the Commission might consider asking staff to come forward with this information and an update at the next meeting which would be the 13th, I think of May. And actually have a formal discussion. Did you want to say a few things, Jack, about that?

JACK KOLKMEYER (Planning Director): Mr. Chair, Commissioners, good morning. No, other than that for the last two months or so, you and a couple of the other

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Commissioners have been concerned with e-mails and communications that have been going forward and you have repeatedly asked us what's going on and to have discussions with us about what some of the issues are, and as I told you, I think it was at the end of last week, we'd be happy to come in and do an update, and that's where we left it and you said you would take this issue forward.

I know that Simpson Ranch and 285 are in three of your districts, Commissioner Campos, Commissioner Anaya and Commissioner Sullivan. And there's a lot of things being said and a lot of information going around and we repeatedly do updates for you on our community planning. I did one for you in January and this was a normal procedure, would be for us to bring forward the status of one plan, the plan for the 285 and a process that is unfolding for Simpson Ranch. So we'd be happy to do that. If that's what you'd like for us to do, we'd be happy to do it.

COMMISSIONER DURAN: So you would bring, staff would make the presentation and if there are opposing views, we could ask those people that might be - actually, I think it might be best if we had everyone that had some interest in these two plans to come forward and let us know, give us an update on their perception of what's happening with those two plans.

MR. KOLKMEYER: Mr. Chair, Commissioner Duran, we've never done that for an update before. For an update to be a public hearing. What we have done is if we bring a plan forward to you for your approval and consideration, then we do public hearings. It would be up to you to decide if you want to turn an update into a public meeting that would probably have to take some consideration about structuring it so it wouldn't be a free-for-all. The way we normally do updates is we would present the information to you, like for example with the 285 Corridor Plan we'd tell you what's in the plan as it exists right now, which is very different than some information that's being communicated in the community right now. We'd give you the facts about that plan, what they are and what has been decided upon by that group. Also we would give the information about the facilitation process that's going on on a factual basis.

If you want to open up that to public discussion, that's up to you but we've never done that that way for an update of a plan before.

COMMISSIONER DURAN: My preference is to have staff present us with an update and leave it at that. And if there are opposing views then when we have a public hearing concerning the plan -

MR. KOLKMEYER: Yes, we would bring the plan back and there's always opposing views to everything that we've ever brought before you before, but it seems like a fair way to do that is if you decide that you want to hear the 285 Corridor Plan, then to do it in a series of two public hearings as we normally do that procedure and let people have at it. But an update, to turn an update into a public hearing process, if that's what you want to do, that's fine with us but we'd want to give some consideration to how we would do that so that it wouldn't turn into an unpleasant experience for anybody. But we have not done an update for you and for two of the new Commissioners, you've never been to any of the 285 Corridor planning meetings, you have no idea what that plan is about so it would seem only fair to be able to

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update the Commissioners on what's in the plan at this point.

CHAIRMAN SULLIVAN: I think, Jack, it might be useful to consider, just a follow-up to Commissioner Duran's comments, having perhaps the chair of each of those committees, the Simpson Ranch and the 285 Corridor Plan Committee, make a brief presentation because both of those committees have spent a great deal of time on their plans and it might be useful to hear directly from them where they feel their process is. I think if we limit it to that, a chair or a representative. I think that would be useful so that the Commission could see their perception of the process.

MR. KOLKMEYER: Mr. Chair, there are not chairmen for either group. There was never a chair for the 285 Corridor group. They chose not to have a chairperson to lead that group, and there is currently not a chairperson for the Simpson Ranch group. So how you would pick somebody, again, and there's divisiveness among the Simpson Ranch group, there's two factions there right now. If you picked somebody from one faction you'd have to pick somebody from another faction and here we go. That's why I'm saying how to structure this or put this together for an update and not for an actual public hearing on a plan makes it very difficult. We could ask them, two factions from Simpson Ranch and the 285 Corridor group to each pick a representative. And in that case, for the Simpson Ranch group, it would probably be preferable to do it through their facilitator, Carl Moore. Staff would not want to take that position.

CHAIRMAN SULLIVAN: We'll let you take a look at that and see what you feel, from staff's perspective -- the question I wanted to ask too, the facilitation that's now going on that addresses some of these issues, what's our target time on that?

MR. KOLKMEYER: Mr. Chair, I believe we have eight weeks in there for Mr. Moore to try and conclude that. We've had one general meeting. He will conduct a series of groups and individual interviews and come back for a second meeting, probably look to wrap that up in June or July, the way things are going. The interviews will probably be fairly extensive. The point has been raised as why wouldn't we wait to do an update after that and there is some feeling among staff in our discussions is that still, there are members of the Commission that still don't even know what's in either process or plan at this point so that when Carl Moore comes back to do his presentation, it would be advantageous to the Commissioners to have a really clear understanding of what's in the 285 plan and the community planning process, even before Mr. Moore comes back, otherwise questions will still come up about what's in one plan or the other.

CHAIRMAN SULLIVAN: Here's a suggestion. Why don't you think about this? Why don't you bring Carl with you for that update and have him make a brief presentation on the progress of the facilitation process.

MR. KOLKMEYER: I'd be happy to do that.

COMMISSIONER DURAN: That's perfect.

MR. KOLKMEYER: Do that on the 13th?

COMMISSIONER CAMPOS: Mr. Chair,

CHAIRMAN SULLIVAN: Commissioner Campos.

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COMMISSIONER CAMPOS: I don't think we need Carl Moore at this point. I think I would like to have staff give us a basic introduction as to what's going on out there so we understand. There's a lot of conflict out there and it's boiling over and I assume a lot of the Commission has been contacted to do something to resolve this now. We're in the middle of facilitation and we should not intervene at this point. I think we should just get what's going on with staff. Carl Moore can come back after facilitation and then we can hear a little more. I think that's the more logical process.

COMMISSIONER DURAN: I agree.

CHAIRMAN SULLIVAN: Other comments?

COMMISSIONER ANAYA: I agree.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER DURAN: So, Mr. Chair, is the direction then just to have staff bring forward on the 13th an update on the Simpson Ranch.

CHAIRMAN SULLIVAN: An update on the Simpson Ranch and the 285 Corridor Plan.

MR. KOLKMEYER: That would be fine with us.

CHAIRMAN SULLIVAN: A brief update.

MR. KOLKMEYER: We will. As brief as we can.

CHAIRMAN SULLIVAN: Because that's our land use meeting.

MR. KOLKMEYER: Yes.

CHAIRMAN SULLIVAN: And we only have an hour.

MR. KOLKMEYER: Would 15 minutes be okay?

COMMISSIONER CAMPOS: Too long.

COMMISSIONER DURAN: I think you need to do it until we're satisfied.

MR. KOLKMEYER: I'll shoot for ten.

COMMISSIONER DURAN: Why don't we just play it by ear, but try to make it brief.

MR. KOLKMEYER: We'll try. Thank you, Commissioners.

COMMISSIONER CAMPOS: Thank you.

VII. B. Discussion and Action on Wheeling Agreement

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: The reason I asked this to be brought forward is that at the RPA there are certain - the RPA is faced with the task, or is dealing with the task of coming up with a proposal - let me rephrase that. At the last RPA meeting, the City requested that the County provide them with a draft proposal of how the County would like to see the wheeling agreement either redone or what the actual terms and conditions of the wheeling agreement would be. And at that meeting there seemed to be

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some discussion from some of the Commissioners that there may be the belief that the County is entitled to more than what the City thinks we're entitled to. What I would like to ask the Commission is to collectively develop a plan of action and an agreement and help staff with an agreement that is representative of the entire Commission and not just those members of the RPA.

So that's what I'm asking for, is to have some discussion about this issue, how would the Commission propose we draft an agreement that we would present to the RPA for their consideration and what are the steps that we need to take to get there.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I would ask for guidance from our County Manager, Mr. Gonzalez on how he thinks we should approach this issue. I think it's complex, it's technical and we've got to be very careful about how we present this. So I don't think it would be a good idea if we were all out there just talking about different ideas without getting some direction from staff who have been working on this for some time now.

COMMISSIONER DURAN: Well, we definitely need some consensus on the issue and that's what I'm striving for.

COMMISSIONER CAMPOS: Once we get the basic groundwork from staff then we can get our input in there too and then we could come up with a resolution. But right now we don't even have a framework for the discussion That's what I'm asking guidance for from Mr. Gonzalez.

CHAIRMAN SULLIVAN: Where do we stand, Gerald, on staff's effort on that agreement?

MR. GONZALEZ: Mr. Chair, members of the Commission, staff has been meeting internally and we've also had some discussion with City staff concerning what we believe would be proposals that might meet some of the conditions that were discussed at the RPA meeting. There could be a couple of variants of those. The way we have been proceeding and the thought that I have had is that we would create sort of a palette of options in terms of the wheeling agreement and then present those to the Commission. And we could do that by way of memorandum so that you'd have an opportunity to look at those and reflect and then provide us with some additional feedback and perhaps move forward in that way to either a study session or discussion of this item at one of our regular meetings.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Gonzalez, will this require executive session at any point? Or would we be permitted to go into executive session to discuss the terms and conditions?

MR. GONZALEZ: It's sort of a tricky question because it does straddle the issue of water rights, particularly the San Juan/Chama water rights but is not - and in

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some respects there is an acquisition issue that floats over the San Juan/Chama right question. That was raised at the RPA meeting in questioning what the mutual entitlements of the City and the County would be. But I'd have to run that past legal and determine whether that would be something that we could or should discuss in executive session.

COMMISSIONER CAMPOS: Mr. Chair, one last comment. The RPA is not making a decision. The Board of County Commissioners will make that decision. What I did months ago was try to get a discussion going at the RPA because we have City Councilors and County Commissioners there so that we could get the City off of its position that it didn't really want to talk about it. So we're talking about it and that's the RPA is doing. The RPA will not make a decision. It will get the discussion going. It will come back to the Board of County Commissioners as it was always planned to make that decision.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: We are discussing it at the RPA but it's turning into a turf battle, which is where I don't want it to go. We have Gerald Gonzalez that works for us here as the County Manager who we are fortunate enough to have here and actually, he was the one that crafted this wheeling agreement on day number one. If you recall, at that meeting he made the first introductory comments and he described this wheeling agreement as a way of the County being able to use their rights under the San Juan/Chama - and correct me if I'm wrong, Gerald. We have the opportunity at the County to use our San Juan/Chama water rights by entering into a wheeling agreement with the City where the 385 acre-feet, if that's the correct amount, was factored into the total 500 and the amount over the 500 was an amount that was thought to be an appropriate amount of water rights to put into that wheeling agreement, based on the water rights that we would acquire and transfer to a point of diversion, wherever that point of diversion is.

And that's the amount of water rights that Gerald told us, that's how that agreement was created. And now the conversation at the RPA is turning into a battle with the City because some people on the RPA feel that we are entitled to more than what was originally designated in that agreement. If there are some people on this Commission that believe that then, if there's a majority of the Commission that believes it, that's one thing, and that's what I'm trying to get to. I want to find out what the Commission as a whole, as an entire body believes we're entitled to. Based on all the information, because if we're going to go in there and do battle with the City because we think we're entitled to more water rights than they do then it's going to be an ugly battle with them, and I don't want it turn out to be that way. It's a regional planning effort; that water belongs to this community and we as elected officials should be working towards a reasonable solution to the problem.

If we're going to draft a proposal to them then that proposal should be based on a consensus of this Commission.

COMMISSIONER CAMPOS: Absolutely.

COMMISSIONER DURAN: That's what I'm trying to say.

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COMMISSIONER CAMPOS: There's no dispute on that.

COMMISSIONER DURAN: I also think that this issue should not be decided behind closed doors. It should be a public hearing and the public should be made aware of each one of our positions on this issue.

COMMISSIONER CAMPOS: I agree that the ultimate decision has to be made in public, but there's some issues that may need to be discussed privately. They're very sensitive and very complex.

COMMISSIONER DURAN: This is a public issue.

COMMISSIONER CAMPOS: And there is, I think, maybe some information that we don't all have. That's why we need to listen to staff very carefully about this.

CHAIRMAN SULLIVAN: Let me ask Gerald, we don't have anything in front of us here this morning to discuss. My recollection from the RPA meeting was that basically the City was saying show us something in writing that we can begin to think about and work on. Are we fairly close to that at the next meeting, perhaps, where you could bring something forward for us to look at. Perhaps Gary can give us a time frame here.

GARY ROYBAL (Utilities Director): Mr. Chair, members of the Board, we are working on it. We can certainly try and get something to you by the next meeting, but I can't commit to that. It's a very complicated issue, when we talk about a wheeling agreement, because what we need to look at is deliverability, storage, production, on the City's system, and get with them to see what kind of capacity they have available to wheel water for us. So from our perspective, we need to design and develop the numbers that we believe we need in a wheeling agreement, outside of water rights, just how much water can they deliver to our three points? What kind of storage requirements are we going to need? And work from that basis to develop this wheeling agreement.

It was my understanding from the RPA that they wanted a draft wheeling agreement. That may be - we are working on a draft, we have a draft of it but we need to develop the numbers that fall into that draft. We will work diligently to try and get it to you at the next meeting but I can't commit to that at this point, because it is a complex issue.

CHAIRMAN SULLIVAN: Could we shoot for the next administrative meeting? That would be a month.

MR. ROYBAL: Mr. Chair, certainly that is, I certainly want to get something to you by at least that point in time.

CHAIRMAN SULLIVAN: Okay, and then that will give us something substantive to look at ahead of time and to discuss and also to make as you indicate the distinction between the water rights issue, which is certainly one issue, and the water wheeling issue, which is another issue of using the City of Santa Fe's pipes to deliver our water for future use. I think that distinction was made also at the RPA meeting and it's useful to be sure we separate those two issues. So you think by the meeting at the end of

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May you'd be able to bring us forward something.

MR. ROYBAL: We will certainly have something to you, at least a framework of what we believe would be a reasonable wheeling agreement, Mr. Chair, yes.

CHAIRMAN SULLIVAN: Certainly if you could get it sooner, at least in a draft form to circulate, that would be helpful also.

MR. ROYBAL: We'll certainly work towards that goal, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran, does that seem to work for you.

COMMISSIONER DURAN: Yes, Mr. Chair. Thank you. It does. All I want to make sure of is that your draft proposal is based on facts and not wishes and dreams. Because the City has taken the position, and actually what the problem has been is that the City has always felt that they were giving us something. The fact of the matter is we're paying them to wheel our water rights to us through their system. And it's not - we have agreed - they're actually giving us water based on the rights that we have. And I want to make sure that we maintain that position with them. I don't want them to - because they're taking the position at the City that they have no water. There's very little water available to the community for new growth and they mistrust us. So I want to make sure that we move forward in this wheeling agreement based on the facts and not something that we can't substantiate.

MR. ROYBAL: Mr. Chair, Commissioner Duran, that's why it's going to take us a while to work that out because we do want to get the facts. We do want to get all the data we need to be able to put this in a format that both the City and the County can agree on, what the numbers are, and then we need to work with the City to see if they can achieve those deliverables under the wheeling agreement.

My approach to this would be to leave water rights out of the wheeling agreement only to the extent that we agree on where water rights would be transferred, what points of diversion are necessary and where we would move those water rights so that they can produce and wheel that water for the County's use. But we need to be able to determine how much capacity we need on storage, how much transmission capacity we need, how much production capacity we think we need and then we work with the City to see if they can meet those capacity requirements. And if not, what can they meet and what can they wheel for us.

That is why it's going to take a little bit to get the facts and the data online to come up with a reasonable wheeling agreement. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, so we'll shoot for May 27th then to bring that forward in a draft format and as indicated the RPA is basically a discussion body and the only one that we have where we can sit down with the City Council and arm wrestle over these issues. So as Commissioner Campos indicated, both the City Council and the County Commission will have to approve this document separately once it's finally negotiated. But the RPA is a good forum to hash out some of the issues that will ultimately go to the Council and the Commission. So we'll do that on May 27th.

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VII. C. Discussion on Caja del Rio Crossing on 599

COMMISSIONER DURAN: I'm sorry. All these seem to be mine. I was approached by several people, property owners and some people from the city, if the Commission would consider having - actually they asked me if the RPA would consider having some discussion relative to the Caja del Rio Crossing. And if you'll recall, at the RPA meeting, I made the motion to deny the Caja del Rio Crossing and as a maker of that motion I was asked if I would bring it, not up for reconsideration at this point but to listen to some new information that perhaps wasn't brought forward at the RPA meeting or factored into the decision that we made. And those have to deal with safety issues, the fact that there may never be any funding for the crossing that the proponents to the Caja del Rio Crossing were thinking would solve the problem out there.

So I'm just - is there anyone here to discuss this issue? I didn't think so. So for clarification purposes, the reason that I'm bringing it up for discussion at the RPA and the Caja del Rio Crossing is that there have been several people who have asked me to bring that forward again.

CHAIRMAN SULLIVAN: We also discussed it at the March 25th meeting under Matters from the Commission. There were comments from Commissioner Anaya and from Commissioner Montoya about it, so I guess are there any other comments that the Commission would like to include as just general comments that we would take to the next RPA meeting on this issue? Anything anyone would like to comment further on?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I'd like to see how the intersection is drawn up, how it's planned. Where are the onramps and offramps are. I'd like to see that.

COMMISSIONER CAMPOS: Mr. Chair, there are no on and offramps. It's going to be signalized, right?

CHAIRMAN SULLIVAN: Yes.

COMMISSIONER DURAN: At grade.

CHAIRMAN SULLIVAN: But I see what you're saying. You'd like to see anyway some kind of a plan, how the left turns are. Even if it's signalized there would be a left turn lane, obviously.

COMMISSIONER ANAYA: Because what I heard, Mr. Chair, is that there was only going to be a left turn and you couldn't turn right. Now I don't know if that's true or not.

CHAIRMAN SULLIVAN: James, is there a left turn only? And can you provide Commissioner Anaya and the Commission with at least a sketch plan of the intersection prior to the RPA meeting?

JAMES LUJAN (Public Works Director): Mr. Chair, members of the Commission, I'll get you a set of plans. I do not know the movements on it. We have not

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had a set of plans in my office, but I will surely get one.

CHAIRMAN SULLIVAN: It's seems like a reasonable comment, if we're going to decide if it's a good idea it would be nice to see what the plan looks like. That makes sense.

MR. LUJAN: All they sent to us is to enter into a lighting agreement, at County Public Works.

CHAIRMAN SULLIVAN: Like the 62 Crossing. We also have to be responsible for the lighting.

MR. LUJAN: Correct.

CHAIRMAN SULLIVAN: Commissioner Anaya, I think you still have the floor.

COMMISSIONER ANAYA: And I'd also like to see if we could come up with some more money for an interchange, a signaled interchange at 62 and 599, and maybe the Highway Department could help us out with that. I don't know. They said they had \$1.3 million. Is it just for that intersection or could we use some of that for another signaled interchange on 62? Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: My understanding from the comments you made last month, James, were that the \$1.3 million was just for this intersection and that signalization of the other intersection would be \$300,000 to \$500,000, none of which is currently appropriated, is that correct?

MR. LUJAN: Mr. Chair, that's correct.

CHAIRMAN SULLIVAN: So maybe we could do a little negotiating, is that what you're suggesting, Commissioner Anaya? Because at 62 it's already there.

MR. LUJAN: The conduits are in. Everything's there. We just need the structure itself.

CHAIRMAN SULLIVAN: We need signalization and this would bring that up to speed. Commissioner Duran.

COMMISSIONER DURAN: My understanding is that 62, we don't have funding for the intersection there and maybe the solution to this problem is to put some pressure on the legislature or whoever Mr. Velasquez' superiors are to hold that money aside until we can come up with a process of getting those funds allocated to 62. What we were told at the RPA was that if it wasn't the Caja del Rio Crossing they were going to take that money to some other community. And I find that totally irresponsible on the Highway Department's part and I'd like to know who is making that decision. The fact of the matter is that at 62 we have a problem. We don't have money to fund the signalization to signal that intersection and I can't see why we can't get that money to that intersection. So that's part of the discussion that I'd like to have.

MR. LUJAN: Yes, and perhaps that could be part of the negotiations. That they do try to fund 62 for the traffic signal. That estimate is about \$250,000 for a signal. So maybe they can do both.

CHAIRMAN SULLIVAN: Okay, other comments? Commissioner

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Montoya? Commissioner Campos?

COMMISSIONER CAMPOS: It's my understanding that a lot of people who are opposed to this signalization feel that there are better solutions and perhaps we should look at this as a comprehensive solution as opposed to a piecemeal solution. So that's part of the discussion. I think we all need to keep that in mind. It's not just this little thing; it's how do we make the whole system safe? I think that issue is being ignored and that's what the opponents are bringing up. How do we make this system work as a whole, not just try to create a small solution for one intersection. So I'd just like you to keep that in mind.

COMMISSIONER DURAN: Mr. Chair. I have another comment.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I agree. Maybe the Caja del Rio Crossing is not the solution to the problem, but I think that it's important enough for us to have a comprehensive study done and develop a plan of action so that we can deal with it. I have heard that there's safety issues that aren't being addressed because the kids are using the MRC. There's just a lot of issues that I think by saying, No, you can't do it here; I don't think that's the solution to the problem.

MR. LUJAN: Mr. Chair, Commissioners, I agree. We do have an easement from BLM that is in our possession that goes from Caja del Rio to the direction of Airport Road. I've taken a couple of Commissioners out there to just show them more or less the alignment. I do have some aerials I would like to present and maybe that's an alternative. I do owe Commissioner Campos a ride out there.

CHAIRMAN SULLIVAN: At the March 25th meeting, Commissioner Duran, you had mentioned when we were talking about this before that you were going to set up a meeting with David Gold and some of the opponents. Did you get an opportunity to do that?

COMMISSIONER DURAN: No, I've been playing e-mail tag with both of them.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER DURAN: So I will still try to do that. Maybe I can get them, depending on what we end up doing, beyond just discussions, I guess will determine what level of involvement we get those people involved.

CHAIRMAN SULLIVAN: Well, certainly the maps and alternatives would help, James, and I know one of the discussions was, as you say, an alternative over to Airport Road. That's been discussed kind of vaguely. That would help if you could put together a little packet and some reduced size drawings prior to the RPA meeting, which is when, Diane? She's holding up six fingers. That's May 6th. I think that would be useful. We certainly, Commissioner Anaya, solicit your participation in that meeting too. If you would like to attend and weigh in on the issue we'd love to have you. Anything else on 599, Caja del Rio? Let's get some more information on that. That will be helpful.

VII. D. Discussion and Direction on Possibility of New County Facility

COMMISSIONER DURAN: For quite some time now we've been talking about how the County government has been bursting out at the seams here at the administration building, and even prior to all of you coming on board we had talked about how we might be able to relocate County administration. If you look downstairs, the Assessor, the Clerk, the Treasurer, they're all busting out at the seams. Our Land Use Department is running out of space and that caused us, actually to develop a space analysis report that we all have a copy of, I'm sure, and it was determined that we needed to relocate some of our departments.

So we had talked about moving Human Resources, the Assessor and I think the Clerk to another location that would free up the spaces here in the building for other uses. I met with Corky and they have been working towards trying to relocate some of the departments here to make room for us and for us to grow. But I think the bigger problem is once we do that then County government is all over the place. And Corky has told me that he's been approached by the people who own the old St. Vincent's and they - I'll just turn it over to Corky and let you tell us.

CORKY OJINAGA (Projects and Facilities Director): Mr. Chair, Commissioners, we have been approached by representatives of the old St. Vincent Hospital. Back in 1999 we did a walk-through. Some of the Commissioners on that particular facility identified some deficiencies in that building. The option that they've proposed to us or the dialogue that they would continue with the County would be because of the lot coverage or allowed lot coverage on that particular site, they're talking about building a parking structure with office space on top of that particular structure. So there's two options. One is again going back to the dialogue with the old St. Vincent Hospital, the existing building or any new facility that might be built on that particular site.

That particular building could accommodate all our County offices and maybe include the new judicial complex.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER DURAN: Just to add a little bit more to that. So I've talked to Corky and to Tony and I've asked them to meet with the owners of the property to try to develop some kind of plan that we would consider that would allow us to build a new facility on that property. We would own it. It would be fee-simple ownership. We would help pay for that by generating some revenues on this particular building, either by putting out an RFP that would make it available to the private sector. It could be used for whatever the zoning would allow. We could enter into a long-term management agreement with this and my projections on this is that we could probably generate somewhere in the neighborhood of \$750,000 a year on this particular building.

And I don't know if we would want - and the other thing is that then we have the Anacon Building. If we use that building, if we relocate everybody in that building, we could

use that building to generate some revenues also. So I guess all I'm trying to do is get a little pro-active with the situation here. We're busting out at the seams. We need to do something about it and we need to start developing a plan of action and some strategy.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I too talked to Mr. Ojinaga and Mr. Flores for over a year, maybe longer, about centralization. I do have a problem with one Commissioner directing staff to enter into a complex negotiation without the consensus. I agree we have a problem. I think we need to centralize and I think we need to do so downtown. Of course, I have a preference too. I would prefer to stay here. So that's why we do need to have consensus and not just have one Commissioner directing staff to go do something without our consensus or without going through the County Manager. I do have a problem with that. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I agree with Commissioner Duran.

When I go downstairs and see the people that are working very hard in this County, down in the Clerk's office and the Treasurer's office and the Assessor's office, they've got cubicles that are four feet wide that they're working in. To be in that all day, I would say -- to come to work and to work in that is not very pleasing, to me. Then we're fighting the parking area and you've got people that are coming down from up north and from the Edgewood area that come down here to pay their taxes and they can't find a parking spot. It gets difficult and it's frustrating. When I first came into office, that was one of the first things that I wanted to do is take this County and move it somewhere else where it would be a one-stop shop and bring everybody together.

That way the Assessors are all in one place and the Treasurers are all in one place. Land Use, Rural Addressing. And you could go in there and do everything at one stop and you wouldn't have to walk there to get to the building; there's a parking lot. And there's going to be a parking lot that's big enough to handle everybody.

Do I don't know if the old St. Vincent Hospital is the answer, but that's something to look into. But I know that there's property, we've got the business park. Maybe we want to locate out there. Give us plenty of room, bring us all together and it would be a one-stop shop.

So with that, I'd like to see us rent this building out, get some income coming in, rent all the other buildings out that we have that we're using to house staff. And I think Commissioner Duran has a good idea and we need to look at other possibilities, not just the St. Vincent's but build us a big enough building to handle all of us. The County is getting bigger. Thirty years ago it was okay. We had enough employees here to handle what the County was doing. And now it's expanding and it's going to keep getting bigger. So I'd like to see us more forward and try to look at a bigger building, build us a bigger building and rent the ones we have out and I'm sure that will pay for itself. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: And would that be in Stanley?

COMMISSIONER ANAYA: We've got a lot of land out there.

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CHAIRMAN SULLIVAN: I know. I was thinking we might do well there.
COMMISSIONER ANAYA: It would be kind of nice. You guys could drive
down there once in a while.

CHAIRMAN SULLIVAN: For a change, other than the other way, right. We
could certainly consider that. Corky, refresh my memory, on the space analysis study that we
just did, what were the conclusions on that? What was the direction that was recommended on
how to - Oh, Tony's got the update on that one.

TONY FLORES (Project Manager): Mr. Chair, if you recall last May, actually
May 10, almost a year ago already, we came forward and asked for approval of the
implementation plan for the space allocation or reallocation. The discussions that were
presented last May were simple. We would move the Administrative Services Department,
which comprises of Safety and Human Resources out to the Anacon Building, bring up space
on this floor to expand Land Use. In addition to that we would move the E-911 staff from the
second floor to the first floor and vacate the office staff that we used to occupy through July of
last year.

And then also to take the field appraisal staff from the Assessor's office and move it to
the Anacon space as well. The third component of the Anacon move centered around the
Utilities Department. Because of the issues of the District Health office, which is a County
facility that is entirely now 100 percent occupied by state agencies, they were clamoring for
space also. So we took about 1100 square feet of space, freed that up by moving the Utilities
Department into the Anacon Building. Unfortunately, that is the only move that has taken
place, is getting Utilities into the Anacon Building and preparing the facility for ASD and the
field appraisal staff. Nothing else has happened here. There have been some other issues that
have come up.

The RPA now is housed in the County government, within the administration building
and no longer at their private office in the City, so we had to find space, so the basically have
half of the facility space downstairs that PFM/Admin projects used to occupy. So as of today,
that was the plan that was approved by you and we've only implemented probably 40 percent of
that schedule.

CHAIRMAN SULLIVAN: Was any part of that plan looking at consolidating
all of the County offices into one building and what the feasibility and the fiscal impact of that
would be?

MR. FLORES: Mr. Chair, unfortunately, when the space analysis plan was
prepared three years ago, the contractor was directed just to look primarily at five facilities and
not the big picture. I say unfortunately, because I think we could have had this discussion a lot
sooner than later. So, no sir. The answer is he did not look at consolidation at that time.

CHAIRMAN SULLIVAN: So maybe one course of action would be to look at
that concept, whether it's the old St. Vincent Hospital or whether it's Route 14 business park of
whatever it might be to see if that concept of where a centralized location would be feasible just
in concept to look at. And then we'd have to either sell or rent the other buildings and how that
would go. It seems to be a fairly extensive analysis but perhaps one that we need to undertake.

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I'm not sure whether your staff would feel comfortable doing that or whether we would need to bring in an expert for that. What do you think?

MR. FLORES: Mr. Chair, it's my professional opinion that I think we need to look forward to consolidation. We've had those discussions with Mr. Gonzalez on a very cursory level. And I believe that consolidation makes the most sense for County government. Right now we're spread out. We have departments at different locations and having to commute down here, so I think consolidation makes sense. I think we do need to undertake a feasibility study and I would recommend that we undertake a professional service contract under a small purchase or otherwise with a firm to assist us in developing that, consolidation/feasibility report. Now that would not preclude or eliminate PFMD staff from being involved in it. I just feel that it would be in our best interest to have an unbiased opinion and to give us true answers from the outside looking in, rather than us looking out. And that would assist us in guiding us down that path and maybe we're off in consolidation. Maybe I'm wrong in my opinion and consolidation doesn't work, but we would have an independent firm establish those guidelines of that path for us.

CHAIRMAN SULLIVAN: And let me just ask one other question of Gerald. Gerald, are there some statutory requirements that certain functions of the County must remain within the municipal boundaries?

MR. GONZALEZ: Mr. Chair, members of the Commission, this is actually a timely discussion because the path of this discussion reflects the discussion that I previously had with PFMD and some of the other departments, including a couple of the elected officials. There are some restrictions with respect to where the seat of the County resides and my understanding is it has to be within the limits of the City of Santa Fe itself. Some of our sort of cursory discussions talked about possibilities of annexation, depending on where the sites were located. We explored what past sites had been looked at in the past, and also, as the Commission is this morning, it talked about the possibility of hiring a contractor who would undertake a study for that purpose.

One of the difficulties of the study that was done was in part it was driven by particular space needs that we were feeling at the time. After discussion with some of the elected officials, I think we actually need to do an even more comprehensive look at the space needs. During our discussions internally we have talked about one-stop/one-shop convenience to the citizens and the need to serve the citizens at a location where they don't have to shuttle from one place to another in order to receive all the services that are available, not only from the County itself but from the elected officials as well.

So I concurred that it would be an appropriate thing to do, to step back, to take a comprehensive look at those needs and see what sites might satisfy those requirements.

MR. FLORES: Mr. Chair, if I may real quickly, I think the ancillary component to that is I go back to Commissioner Campos' remarks last May and he requested that we include the judicial complex as part of the phase one implementation. Part of the big issues with the judges, if we're truly looking at a consolidated effort and a consolidated functional government, in whatever fashion, is that the judiciary body would like to remain

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downtown. And that is a real request from their office and a real need that they feel needs to be addressed. So I think we would need to hear some of that discussion with any consultant on actual needs of not only the government but these other functions of government that take place within our facilities.

CHAIRMAN SULLIVAN: So it sounds, Gerald, that we have an ongoing thing here going to try to bring something forward to the Commission to look at this issue beyond the musical chairs component to looking at a consolidation component.

MR. GONZALEZ: That's correct, Mr. Chair. And the musical chairs is part of what alerted us to the issue. Initially it was contemplated that the Assessors, for example would move a component of their function out to the Anacon Building. Since that time they've reconsidered somewhat. Right now, I understand, they're asking the Treasurer to sit down and discuss with them the possibility of reallocating some space within this building. But it's clear that even that alone will not long-term satisfy the needs that the County has. And we've also discussed efficiencies, the fact that we have so many people going back and forth to meetings, the time, the expense and so forth of doing that. I believe we really do need - and it is timely at this point to take a look at finding a location that would serve the county citizens much better.

I'm only two months into the job but it's pretty clear to me at this point that we need to do something, because we're just sort of doing a patchwork right now of trying to solve problems as they arise rather than looking at the overall picture.

CHAIRMAN SULLIVAN: Other comments on the issue? Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I'm in agreement also. I've had some preliminary discussions also with Corky and Tony and I think that what I hear from constituents that come here is that there's no place to park. It's difficult to get things done when they need to take care of business. I think part of our job is that we need to look at long term, as opposed to just short-term solutions to short-term problems. The reality is this County government is probably not going to shrink any time soon, although our Financial Director may say otherwise for this year. But we still need to look at the long term in terms of how we're going to effectively and efficiently as Gerald said work with all the people who come in for County services.

The reality is, and my dad says, There's always going to be people that make more money but there's not going to be more land. I think if we see what's happened in the past there's maybe be somewhat of a lack of foresight in terms of how do we plan for the future, not just two, three years down the road but 20, 30 years down the road. So I would encourage us that if we do need to hire an independent architect or whatever it may be to evaluate the needs of the County in terms of what makes sense, including the judicial. Just the big picture, where we're at all over the County, to consolidate it and what it would take in addition to how are we going to utilize the existing buildings? Are we going to rent them out or are we going to sell them? That type of an analysis so we can take a look at how we're going to eventually, hopefully consolidate County services. Thank you, Mr. Chair.

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CHAIRMAN SULLIVAN: Thank you, Commissioner. Commissioner Duran.

COMMISSIONER DURAN: I would just like the Commission to know that I am not going to ask Commissioner Campos for his permission to discuss this with staff. I would only ask staff, and I am going to continue to talk to you about it. I have some ideas I would like for you to factor into your process, and I would only ask that you keep all the Commissioners apprised of the progress of this effort. I don't think I need to ask anybody for permission to express an idea and a thought that I have. Thank you.

COMMISSIONER CAMPOS: Just as a rebuttal argument here. My comment was not that Commissioner Duran not talk to staff but that he not direct staff to take on a project of negotiating as to a particular project, that we do have a County Manager and he should go to the County Manager. That's all I'm saying.

COMMISSIONER DURAN: I didn't negotiate anything with anybody. And your characterization of it is totally incorrect. You sent me an e-mail saying that you and I need to start working together and I agree with you, but the first opportunity you get, you attack me for having some progressive thought about our space needs here. I'm sorry that you can't see three feet beyond where you stand but this is a problem that we need to deal with. Why don't you start dealing with it?

CHAIRMAN SULLIVAN: I think we're off the subject here. I think it appears we've concluded our discussion of the options here and I think we'll be looking to staff to begin to put together an extension of that initial study to look at other alternatives. We need to move forward. We have a long agenda.

COMMISSIONER ANAYA: Thank you guys.

CHAIRMAN SULLIVAN: There has been one request brought forward. We have some individuals in the audience who are here for item XI. B. 2, which is the CARE Connection item regarding the purchase of the old magistrate court building and issuing an RFP for the CARE Connection. It's up to the Commission whether they would like to continue on with our agenda or whether you would like to move into this item. What's the feeling on that?

COMMISSIONER ANAYA: Mr. Chair,

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I have no problem with moving into B.2.

CHAIRMAN SULLIVAN: Any other thoughts?

COMMISSIONER DURAN: Which item is it, Mr. Chair?

CHAIRMAN SULLIVAN: B. 2, under the Community Health Development Department. It's the CARE Connection item that we heard in a working session a couple weeks ago.

COMMISSIONER CAMPOS: Mr. Chair, any idea how long this is going to take?

CHAIRMAN SULLIVAN: No, I don't.

COMMISSIONER CAMPOS: Do the presenters have an estimate as to how long this is going to take?

STEVE SHEPHERD (Health Director): Mr. Chair, Commissioner Campos, I

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think, since we had a special meeting on this a week or two ago we can dispense with this fairly quickly. And we will keep our presentation very short.

COMMISSIONER CAMPOS: I have no problem then, Mr. Chair.

CHAIRMAN SULLIVAN: It's just a matter of how quickly you want to go into debt, that's all. Commissioner Montoya, are you okay?

COMMISSIONER MONTOYA: Fine.

CHAIRMAN SULLIVAN: All right. Okay, then we will make a deviation from our agenda to move to item XI. B. 2.

XI. B. 2. Request Authorization to Purchase Old Magistrate Court Building and Authorization to Issue RFP for CARE Connection Services

MR. SHEPHERD: Mr. Chair, Commissioners, today we come before you to request permission to purchase the old magistrate court and request permission to issue an RFP to begin CARE Connection services for the next year, to go ahead and start soliciting those. Basically, what I've given you is a rehash of the memo that was presented at the special meeting, I believe it was April 14th. [Exhibit 1] I'll just walk through the items. We've got a rough diagram of the building and who occupies it. We've got our budget request to DFA requesting that we use all \$300,000 for the purchase of the building, a spread sheet that shows that with our savings, our current expenditures and our actual budgeted resources for next year between rent, utilities that we are able to carry the utilities for the building through the Community Health Division until the other two units that may occupy the building get going. There's a time line concerning exercising our purchase option and a copy of the lease. And I'll let Tony quickly go over the time line when we get there.

I don't know if you want us to go over the stuff we did last time or I should just stand for questions. I leave that to the Chairman.

CHAIRMAN SULLIVAN: All right. Let's see. First we'll ask if there's any questions of Mr. Shepherd.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Shepherd, regarding the request to DFA, have we received any response?

MR. SHEPHERD: Mr. Chair, Commissioner Montoya, they have told us that they will address this issue after they're grant council meeting which takes place this week. We're almost 100 percent sure that they will approve the request. They just told us they won't deal with it until they're done with they're council meeting.

CHAIRMAN SULLIVAN: I had a question, Steve. The way this purchase is set up we have an option of purchasing it before October 31st of this year at a cost of \$1.6 million, or we could purchase the building before January 31, 2004, about 15 months later for the cost

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of \$1.65 million. Now, if we purchased it on or before January 31, 2004, we'd be credited with 25 percent of the rent. Is that correct?

MR. SHEPHERD: That's correct, Mr. Chair and that's what's happening right now. After November 2002 we were receiving a credit for 25 percent of the rent.

CHAIRMAN SULLIVAN: So I was just looking at the rent and for about a year, it looks like 25 percent of the rent would be about \$45,000 or so.

MR. SHEPHERD: That's correct, give or take.

CHAIRMAN SULLIVAN: So, like for 15 months, 25 percent of the rent would be a little over \$50,000. So it looks like either way, we're more or less back to the \$1.6 million.

MR. SHEPHERD: Correct.

CHAIRMAN SULLIVAN: So in terms of the timing issues, I just wanted to get this clear, the timing issue is one of is this the right facility and do we want to get this program started. The timing issue is really not do we have to buy this building or we lose a lot of money because with that credit it seems to be we're pretty much set at that \$1.6 million no matter when we buy it.

MR. SHEPHERD: It would probably cost us another \$50,000, the way I look at it, give or take.

CHAIRMAN SULLIVAN: Well, as I say, I see the \$1,650,000 and if we were credited on the rent, we'd be credited about \$50,000, so in terms of the purchase price. Now, on the other side of the coin, we would have been paying rent for 15 months so we wouldn't have purchased the building but we would also have more time to make a case to get the funding for the detox facility which is still up in the air.

MR. SHEPHERD: Commissioner, I'll tell you the real driving force at this time is the fact that we will probably, unless we found something different to spend it on very quickly, we'd probably lose the \$300,000 of detox money on June 30th that we were saving for the purchase of the building.

CHAIRMAN SULLIVAN: Okay, so that's the driving force. It's not that we need to necessarily need to exercise this option immediately to save a bunch of money, it's what happens to that \$300,000.

MR. SHEPHERD: That's correct.

CHAIRMAN SULLIVAN: Okay. Are there other questions of Steve?

COMMISSIONER MONTOYA: Mr. Chair, I still had a couple.

CHAIRMAN SULLIVAN: Oh, I'm sorry, Commissioner Montoya. Jump right in there.

COMMISSIONER MONTOYA: Regarding the fourth option bullet that you've given us here, Steve. That's happening already in terms of partnership with the City, seek state and federal resources. As I understand it, you have another agenda item requesting funding from SAMHSA/CSAT for services. Are there any other sorts of grants or-

MR. SHEPHERD: Mr. Chair, Commissioner Montoya, we're actively seeking grants, especially for the sobering center, and I know that our Chairman Estremera-Fitzgerald

of the Health Policy and Planning Commission who is here today is also helping us with that as well, on both the state and federal level.

COMMISSIONER MONTOYA: So that's already happening then?

MR. SHEPHERD: We're looking hard right now.

COMMISSIONER MONTOYA: And then the last question is regarding the previous discussion that just took place in terms of facilities, how does this fit into, or has any thought been given as to how this would fit into the overall scheme of Santa Fe County's facilities?

MR. SHEPHERD: I'll make a quick comment then I'll let Tony address that as well. The way I look at it is if we were all to, with the previous discussion about consolidation. If we were consolidated back into a central location with the County, I think this gives the County to expand the sobering center or CARE Connection as well, in essentially a health area, with the hospital and the doctors' offices located around it. I think it's still a good option and it does give us an asset.

COMMISSIONER MONTOYA: All right.

MR. FLORES: Mr. Chair, Commissioner Montoya, I would concur with that. I would look at consolidation, not for services such as the sobering center or even an assessment center, more of County government consolidation.

COMMISSIONER MONTOYA: Right. Okay. Great. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner Montoya. Are there other questions? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, one question. I had, Mr. Shepherd is if we commit to this program, are we committing resources that are taking away from any other programs? I know Ms. Miller has promised and guaranteed, I know she's leaving, she has guaranteed this is not general fund related. Now you're leaving. Does that still stand? You can answer. Come on up. Are there general fund implications, one? And two, if we commit here, are we taking from other programs?

KATHERINE MILLER (Finance Director): Mr. Chair, Commissioner Campos, one of the issues that we discussed during putting together a plan of purchasing this was what impact it would have in the long term on general funds. We did, to get the building ready for anybody to move into it, we had to take some cash earlier this year to do that and that impact is there. Also, maintenance on the building over the long term would be the responsibility of the County. And where those funds would come from each year would be a budget issue. But as far as the initial moving in, getting started with that limited scope of services, the proposal that was put together by staff was to not have an impact on the general fund.

COMMISSIONER CAMPOS: What about an impact on other programs? We're making a huge commitment. We're dedicating a lot of resources. Are these all dedicated resources that we could use for no other purpose or are we taking away resources from other options that we might have for other programming?

MS. MILLER: Mr. Chair, Commissioner Campos, the resources that we have

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identified currently are all resources that are used within those areas and specific revenues that have to be used for those type of uses. They could not be used, for instance the DWI money, the indigent money, the grants that we have, those are very specific to those issues and they will stay addressing those issues within that facility or any other facility. We also have to pay rent and find space for the Health Division staff. We're currently paying rent and have them scattered out over various places. Those funds would continue to support those programs and stay supporting the utilities and the recurring costs at the old magistrate court facility. So they would not have been used for anything but that anyway. And that was the way that the business plan was put together by Shaening and Associates as well as coordinated with PFMD and Finance to try to keep it all contained in that area.

It's always difficult to say what will happen with future funding. If any grant goes away, we'd have that same issue whether we were in that facility or another facility. And we have to kind of live or die by the grants. That is one area of consideration but I don't know whether that's any different whether we're in that facility or other facilities.

COMMISSIONER CAMPOS: But if we do engage in this program, if we do commit to it, then we are dependent on grants and there is a risk factor.

MS. MILLER: Mr. Chair, Commissioner Campos, that's true.

COMMISSIONER CAMPOS: They could be taken away, and then the question is, where do we get that money from? The general fund? Or where else? The question is we lose \$100,000, \$200,000 or \$300,000 of grant money, the question becomes where do we get it? Do we go to the general fund? So there is an element of risk in this program, because we could lose some of these grants. And once you're committed to it and you're down the road, you've got momentum, it's hard to say we're not going to commit. Where are we going to find this half a million dollars? Are we going to have to zap the general fund, and that means who doesn't get it? What programs don't get it? It's a priority question. There is a risk element, I think in this business plan.

MS. MILLER: Commissioner Campos, there's a risk element in all those and any time we do take on a grant we have the risk of not receiving that grant, whether we want to continue that program or cut that program or some other program to fund it and I think we face that every time we do the budget.

COMMISSIONER CAMPOS: It's different, Ms. Miller. This is a long-term -- we're looking at a program of indefinite existence, not just two or three years like a lot of these grants are temporary. Some of these are long term. We're looking at this as a huge commitment by the County for an indefinite period of time. So I want to make sure we're on sound ground and that the risks are something we're aware of and we're willing to take. Thank you. I appreciate your comments.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Do you have a question of Ms. Miller?

COMMISSIONER DURAN: I do.

CHAIRMAN SULLIVAN: Okay, Commissioner Duran.

COMMISSIONER DURAN: I recall we had this same discussion at the last

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meeting and I recall that the discussion went that if we did not get funding for this then we couldn't provide the program and if we had to quit providing this program because of the general fund not being able -- because we're relying on our general fund to fund the program, that we would stop the program and the building and the facility could be used for other needs that the County has, other space needs. That's what I recall how the conversation went.

The other thing is we've been talking about this thing for over a year. The community needs this program and I can't imagine that after we have it in place that we'll be getting our funding for this program that they're going to let it shut down. We have a lot of at-risk people out there that need our help and I can't imagine that the other elected officials that give us the money would not see that.

MS. MILLER: Mr. Chair, Commissioner Duran, to the point that you made earlier, I think that was, obviously if funding does go away for whatever reason then we'd look at alternatives for that facility. And they can be a variety of things, including leases to outside entities that provide similar services of something like that. I think there's a variety of things that would have to be looked at at that particular time, if that were to happen. And I think for the other comments, that's true. Hopefully, the funding would not go away; it would be a successful program that the state would continue to fund.

COMMISSIONER CAMPOS: Mr. Chair, one other point is that Ms. Miller will be working at the Governor's office involving policy questions. So we may be able to influence and if they go we have somebody to talk to.

CHAIRMAN SULLIVAN: I did have a question, Ms. Miller. The one thing that concerned me is we've talked about amounts that we've already approved for renovations and then there's a request in here for additional money, up from \$95,000 to \$147,000. I just had a sense that we were getting ahead of the budget process here in giving one department the jump on the others. Could you comment on that? Is this vital to the completion of this facility?

MS. MILLER: Mr. Chair, that was an issue that was discussed with staff, with Gerald and with Robert concerning -- I felt that as well, that I didn't think it was something that the Commission could make a commitment to those capital funds until they saw the entire capital request of the budget. So one of the requests was Tony's shop to go back and look at reducing this. What's the essential needs? A lot of this has to do with furnishings and the way that the Health Division would be set up. Some of this can be scaled down substantially as well as the Health Division does have some of their own furniture and equipment that they would be able to work with until such time as funds were available to improve that. They have not, the whole CHDD Department has not requested much in the way of capital and they've just asked that this be one that's looked at relative to the County as a whole, as being an important issue to address. So we are kind of balancing that throughout the whole budget process, that we're not asking for a commitment that that be made in front of everything else and I don't think it is necessary in order to acquire the building.

CHAIRMAN SULLIVAN: It doesn't seem to request it at this point in time. It says serious consideration of the additional capital request with all other County requests.

MS. MILLER: Yes.

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CHAIRMAN SULLIVAN: So the intent here is that the division would put in and compete, as it were, along with everyone else for limited budget resources.

MS. MILLER: And I think that the point of this was also just to let you know that there are additional requirements besides just buying the building. It's getting everybody set up to be as functional as possible with workstations and whatnot. And so I think that this is an information piece as well as a request to consider it.

CHAIRMAN SULLIVAN: Okay, I had one other question. I guess this would probably be better for Tony. We've kind of put the detox center on the back burner and if we move forward with this under the hope that we'll get some money other than \$30,000 which we managed to get from the legislature, another issue which hasn't been mentioned for a while is that the property isn't zoned for overnight living. And we originally thought the City was very much with us on this and their support seems to have been somewhat diminished here and limited only to the construction or the acquisition costs of getting the detox facility going. How does the City, where do we stand on that zoning issue, Tony?

MR. FLORES: Mr. Chair, I think that's an excellent point. Very early on last June, I actually sat down with the City to determine the process we'd have to undertake to have these special exceptions, which is required to be through the Board of Adjustment for the sobering/detox center. Every other component of this CARE Connection, Health Division, the office space, would be permitted under C-1 zoning. It's a special exception under that zoning that would be required to go through Board of Adjustment.

Once we determine that that's a route we have to go then we would be responsible for following that process. We would have to have the early neighborhood notification meetings. We'd have to go through the Board of Adjustment for their approval and follow the process through there. The question that was raised at that time is a policy decision by the Board, if the County is the owner of the facility, are we responsible to follow that process? My thoughts are that once we get to that point and if we do acquire the building, we address that at that point to see whether the correct route to take for that special exception request.

CHAIRMAN SULLIVAN: So if that exception were denied and we've purchased the facility, we have that extra 3,000 square feet now that was set aside for the detox center, and we have the assessment and so forth in that building, then would we move the detox center somewhere else?

MR. FLORES: Mr. Chair, I believe the County is still committed to a detox component. I think we would have to re-evaluate the situation at that time and see what is in the best interest and go through the whole exercise that we did on different locations for this type of facility. So I can't answer what we would do at that point, my thoughts are that we would have to re-evaluate it and see where we would take it that would be feasible by way of getting people to it and also fiscally feasible.

CHAIRMAN SULLIVAN: Okay. Other questions for staff?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Gerald, I have a question relative to this issue. It

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is my understanding that as a government, County government, that the zoning issues, which have just been mentioned are somewhat of a moot point. I thought that we could do it as County government without really having to go through that zoning process. Am I wrong on that?

MR. GONZALEZ: Mr. Chair, Commissioner Duran, I don't know that that issue has ever been totally resolved. I think it's been in some respects up in the air, both on the City side and the County side. I remember the issue occurring when I was the City Attorney and I discussed it with Steve Kopelman when I was in the County Attorney's office. There has not been a decision of the courts that decides that issue but the convention has been that with respect to County facilities, the County rules with respect to zoning and so forth prevail, although we attempt to cooperate with the City in order to try to meet their needs as best we can. But nevertheless, have taken the position in the same way that the City has operates the water system pursuant to the City rules even though the Buckman field is located out in the county, that we basically observe a hands-off policy but one that is cooperative, nevertheless.

COMMISSIONER DURAN: Because I recall that the City up on Canyon Road where the Sangre de Cristo system used to be, they went through a construction project there that they did not get a building permit and there was some concern that they didn't go through the process and the understanding was that they didn't need our permission. On the same hand, the state, when we try to impose our guidelines or regulations on cell towers, they took the position that they didn't need our permission, I think they even went to court and the court upheld that position. So I've talked to some of the City Councilors. I don't think there's going to be a problem with getting this particular use approved over there and I think it's fine that we go through that process but I think that ultimately we have the right to do it without their blessings and I would like for you to check on that for me and let the Commission know.

MR. GONZALEZ: I'd be glad to do that, Mr. Chair, Commissioner Duran, or alternatively, we can also have a short discussion with the City and just ensure that the policy that we have been observing would be observed in this case.

CHAIRMAN SULLIVAN: Okay, are there other questions? If not then, what's the wishes of the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I know the Health Division has worked very hard on this, the CARE Connection people have worked very, very hard. The Health Policy and Planning Commission and the DWI people all would like to see this happen and have worked very hard, and I'd like to see it happen too. With the testimony that I've heard for about a year now, I would like to make the motion to approve this, to purchase the old magistrate court building and to start the sobering center and CARE Connection services.

COMMISSIONER MONTROYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Is there further discussion?

COMMISSIONER CAMPOS: Question.

CHAIRMAN SULLIVAN: Question, Commissioner Campos.

COMMISSIONER CAMPOS: Do we need any other conditions? Anything else that you think we need to have in this motion?

MR. SHEPHERD: No. Essentially what the motion and the item will do will allow us to begin the process of purchasing the building, plus it will allow us to issue the initial RFP for services for the CARE Connection, where we're going to start first.

COMMISSIONER CAMPOS: So the motion is adequate for that?

MR. SHEPHERD: I believe.

CHAIRMAN SULLIVAN: Further discussion?

The motion to approve the purchase of the old magistrate court building and the issuance of an RFP passed by unanimous [4-0] voice vote. [Commissioner Duran abstained.]

COMMISSIONER DURAN: Mr. Chair, let the record show that I've abstained.

CHAIRMAN SULLIVAN: I don't think so.

COMMISSIONER CAMPOS: After all that discussion, you're abstaining?

COMMISSIONER DURAN: On the vote, yes.

CHAIRMAN SULLIVAN: Okay, you've abstained from voting. So one abstention. Let's show one abstention there. Before we break for lunch, since we have members from the Health Policy and Planning Commission here, I'd like to get back to item VIII. A, which is appointment of members to the Health Policy and Planning Commission.

VIII. Committee Appointments/Reappointments/Resignations

A. Appoint and Re-Appoint Members of the Health Policy and Planning Commission

JAIME ESTREMERA-FITZGERALD: Mr. Chair, members of the Commission, I guess I'm doing it. Jaime Estremera-Fitzgerald, the chair of your Health Policy and Planning Commission. I think you're getting right now the updated Health Policy and Planning Commission recommendations, but I think you have a package also pursuant to Commissioner Montoya that you have a second copy or a list of all the interested individuals by position that did apply. Also the list of all interested individuals in alphabetical order. [Exhibit 2]

The only competitive area that there was was with the youth commissioner and our final recommendation reflects the youth person which was chosen, which is Fernando Sena, Jr. who is representing, and he lives in Commission District Number 2. I won't read the names, Mr. Chair, for brevity purposes. You see our recommendations and they were unanimous by the Commission and we present these to you as our commissioners. I would maybe clarify, Mr. Chair, there is a pending letter from the Town of Edgewood and also from the City of Santa Fe. It's just an administrative issue and if there is any particular question about the City, I think

Terry's still here.

COMMISSIONER ANAYA: She just left.

MR. ESTREMERA-FITZGERALD: Maybe she just left. But they're going to chose that, it's just they haven't got it. Edgewood had a little bit of problems in terms of getting their person that they wanted to recommend in terms of the district. We do have, I believe, the person that's going to represent the community in terms of the clinic out there. I think she's not here, or am I missing her?

MR. SHEPHERD: Mr. Chair, she's not on the list.

MR. ESTREMERA-FITZGERALD: Oh, she's not on the list. Okay.

MR. SHEPHERD: Her resume is attached in the packet material.

MR. ESTREMERA-FITZGERALD: That's right. And attached, there is a resume also, Commissioner Montoya had asked for the resume of Dan Burke that I think maybe some of the Commissioners are already acquainted with. Dan has worked in health care for many years for the department as well as non-profits, and he would be representing District 2. So I'll stand for questions, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: How come there's no women on here?

MR. ESTREMERA-FITZGERALD: There's no women?

COMMISSIONER DURAN: There's one woman.

COMMISSIONER ANAYA: Valerie.

MR. ESTREMERA-FITZGERALD: It's certainly not because, Mr. Chair, Commissioner Duran, we certainly have had plenty of women, but you look at least one of our top women, has now volunteered to be on the board of directors of the hospital. We will definitely be working on that, however, because I agree with Commissioner Duran. I certainly am a strong supporter that we need women on our commission. But right now, Valerie Henderson is the one apparently on this one that we've got.

COMMISSIONER DURAN: Looking at the list, there are other women on here. Antoinette Rexroat. She's on interested in -

MR. ESTREMERA-FITZGERALD: Those are the youth commissioners. That's the youth area.

COMMISSIONER DURAN: Oh.

MR. ESTREMERA-FITZGERALD: And we went through the process on those but it turned out that Fernando Sena was recommended by our subcommittee and by the full commission. Now Edgewood will also have a woman, as soon as - they're going to bring her forth. I think some of you have met her; maybe Commissioner Anaya knows her. She's there as the director. She will be there representing Edgewood and will be a woman.

COMMISSIONER DURAN: I just worry that there's so many men on this.

MR. ESTREMERA-FITZGERALD: I worry with you too sir. But I will try to balance that out as best we can. And we will try to be recruiting more and frankly, if we could find some more women that were wanting to be on there I think some of the commissioners would be glad to step down, to be very honest with you.

COMMISSIONER DURAN: Okay.

CHAIRMAN SULLIVAN: I see, Jaime, that there's 13 that you're recommending here and 13 who indicated an interest. So as you said at the outset, there aren't any contested positions.

MR. ESTREMERERA-FITZGERALD: Other than in the youth area.

CHAIRMAN SULLIVAN: Other than in the youth area. So we just have made our 13 -

MR. ESTREMERERA-FITZGERALD: I think there should be 14. It should be 14.

CHAIRMAN SULLIVAN: If you add the Town of Edgewood then it would be 14, not counting the youth one. That's correct.

MR. ESTREMERERA-FITZGERALD: Right. Because the youth commissioner, by resolution you amended and that's an actual standing position.

CHAIRMAN SULLIVAN: So then the Town of Edgewood would be the 15th one.

MR. ESTREMERERA-FITZGERALD: You'd have 16 altogether. We'll have 16. And I don't mind saying this to you, I would recommend and we've talked about it as a commission and I think we may bring it forth to you, we believe that we should have, on the commission, as an actual position, by resolution amendment by the Commissioners of the County, we should have the EMS as a part of the Commission so we're going to probably bring that forth here pretty soon within the next month. So that's not an actual position. We've had it by default with Kevin Henson being on the commission but it's not actually a position and most of the commissioners on the Health Commission believe that the EMS should be a position on the commission, especially with all of the relationships with fire and homeland security and everything.

CHAIRMAN SULLIVAN: Okay, so at this point in time we're approving the 14 and then you will come back with the representative from the City and the representative from the Town of Edgewood.

MR. ESTREMERERA-FITZGERALD: Yes, sir.

CHAIRMAN SULLIVAN: Okay. Any additional questions?

COMMISSIONER MONTROYA: Mr. Chair, move for approval.

CHAIRMAN SULLIVAN: Okay, we have a motion for approval from Commissioner Montoya.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Second from Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to recognize Fernando Sena. He's sitting in the back there. Could you stand up? We want to thank you for being a part of this.

MR. ESTREMERERA-FITZGERALD: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Additional discussion?

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The motion to approve the recommended appointment to the Health Policy and Planning Commission passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Let's continue on with the appointments, then if the Commission likes, break for lunch and then we'll go into the presentations, which will probably take a little bit longer.

VIII. B. Appointment of New Member to the Senior Service Advisory Board

MR. OJINAGA: Mr. Chair, Commissioners, the Division of Senior Services Advisory Board of Directors currently has a vacancy due to the resignation of board member Marjorie Segell of Eldorado. We respectfully submit Phyllis Dickens' name for consideration as the County appointment to the advisory board. Ms. Dickens is retired, was a state employee from 1981 to 1997 when she retired. Her hobbies are volunteer with the Cancer Society and chairman of the Cancer Survivors Committee. Staff recommends approval of Ms. Dickens.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. And where does Ms. Dickens live?

MR. OJINAGA: She's a resident of Eldorado as well.

CHAIRMAN SULLIVAN: Oh, she's also in Eldorado.

CHAIRMAN SULLIVAN: Okay, there's a motion and a second. Is there discussion?

The motion to appoint Phyllis Dickens to the Senior Advisory Board passed by unanimous [5-0] voice vote.

VIII. C. Re-Appointment of Three of the Four Correctional Advisory Committee Members That Were Originally Appointed for a One-Year Term April 2002

GREG PARRISH (Corrections Coordinator): Mr. Chair, Commissioners, as you're aware, the Corrections Advisory Committee has just completed its first year of service, and the committee is made up of seven members. Four of those members were appointed to one-year terms and three of them were appointed to three-year terms. The one-year term has now expired and three of those four members have asked to remain on the committee and continue to serve. They are Steve Marvin, who's an at-large member, Mitch Buszek, who's the City representative, and Mark Boschelli, who represents the mental health sector. Joanne

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Brown, the judicial representative has asked to step as her duties as newly appointed with Child, Youth and Families is taking up more time than she anticipated.

I think you're familiar with all these individuals. You recently received a report from the committee and the staff recommendation would be that they would be reappointed.

CHAIRMAN SULLIVAN: Questions for Greg?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Motion from Commissioner Duran, second from Commissioner Montoya.

COMMISSIONER CAMPOS: Just a question.

CHAIRMAN SULLIVAN: Question from Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Parrish. these persons have asked to be reappointed. Now, does staff have any input?

MR. PARRISH: As a recommendation, I would recommend that they continue to serve. I think it's a very talented group and several of the people that were appointed actually were appointed, one was in December, Mitch Buszek, and the other one was in October, Mark Boschelli. He took another person's place. I think it's a very cohesive group and I think they've got some good ideas and I feel they have some contributions that they could still make in the next year.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: And how's the attendance of these?

MR. PARRISH: It's been very good.

COMMISSIONER DURAN: This is not going to have an impact on our general fund, is it?

MR. PARRISH: My next resolution would be to pay them a salary if we could, but no, it is not going to impact us.

COMMISSIONER DURAN: Great. I wanted to make sure of that.

COMMISSIONER CAMPOS: That's a question he should be asking more often. I'm glad he's starting to ask.

CHAIRMAN SULLIVAN: Okay. We have a motion; we have a second. Is there other discussion?

The motion to approve the reappointments to the Corrections Advisory Committee passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Okay, we're down to item IX now. Would the Commission like to break for lunch? Okay, I see a yes. We'll break for lunch and we'll reconvene at 1:15.

[The Commission recessed from 12:05 to 1:30] 4

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IX. Presentations

A. Quarterly Report from Santa Fe Community Partnership Contract #23-079-CHDD, for the Period from January 1, 2003 through March 31, 2003

LINDA DUTCHER (CRAFT Representative): Mr. Chair, Commissioners, I had asked Melanie Darling if she would be here today to present and I'm sorry, I called her just recently, within the lunch hour and she's negotiating a lease for the building and thought she could probably not be here and as I look around I don't see her. The report which you have in your hands she gave me yesterday. I apologize that it wasn't in the packets. [Exhibit 3] Basically, the Santa Fe Community Partnership is providing parenting classes and Churches Take a Corner activities.

In the last quarter, they did have one parenting class which they provided at Eldorado. That, I believe, concludes the number that we asked for them to do in the middle section of the county, and they're now working towards getting some set up in Moriarty, because as you know children from the lower part of the county, some go to school in Edgewood and some actually go to school over in Moriarty. So I'm hoping that she will be able to be here for her next quarterly report and if there are any questions that you have I'd be glad to convey them to her or answer them to the best of my ability.

CHAIRMAN SULLIVAN: Thank you, Linda. Questions for Ms. Dutcher?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Linda, what lady are you talking about? I'm sorry for coming in late.

MS. DUTCHER: Mr. Chair, Commissioner Anaya, Melanie Darling is the executive director of the Santa Fe Community Partnership, and they're the ones who have a \$50,000 contract this year from the Commissioners' discretionary money to provide parenting classes and Churches Take a Corner activities, the Churches Take a Corner are community events designed to highlight community efforts and concern about things related to drug abuse or alcohol or such stuff.

CHAIRMAN SULLIVAN: Thank you. Other questions? This is her report, however, that you've given us here.

MS. DUTCHER: That's correct. She gave that to me yesterday afternoon.

CHAIRMAN SULLIVAN: And how long does the contract run for?

MS. DUTCHER: It runs through this fiscal year. End of June, in other words.

CHAIRMAN SULLIVAN: I was just reading it, seeing if anyone else had any questions. If not, then thank you very much for your report.

COMMISSIONER ANAYA: Thank you, Linda.

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IX. B. Presentation on Santa Fe County Five Year Capital Improvement Plan Including Potential Funding Sources

MR. FLORES: Thank you, Mr. Chair. I'll try to be brief since we didn't get much accomplished this morning. We actually sat down with Gerald and developed a process for this year's infrastructure and capital improvements plan to start developing and trying to think outside the box and even taking it a step further and starting three months earlier than we did last year. Unfortunately, DFA has changed its guidelines and now has brought their deadlines for us for the same three months we were hoping to get ahead of them, we're actually right on schedule now.

The purpose of the presentation today is really two-fold. One is to start the dialogue on what we're planning for the ICIP process and later on, under the action items, we're asking for an adoption of the implementation schedule. But the second and I think the most important part is that the County bring forward ideas of projects that are realistic and that can be accomplished with the limited funding that we receive each year. The perception has always been that we put the ICIP together and we use it as a tool to go lobby. In my opinion that's not the correct process or the correct tool for that. I think what a well prepared plan does is it provides us direction from you, from the constituents, from your constituents and residents of the county like myself on where the County needs to be going and what types of capital activities or projects they are looking for on the horizon.

Those would include community centers, libraries, youth shelters, medical centers, etc. So the plan really needs to be something that is concrete and realistic and that we can tie some funding to it. I'll be honest with you. We put in an ICIP last year that had 94 projects on it; we received funding of 17 of them and it was piecemeal funding at best. We received approximately \$1.2 million in funding. None of the projects that were funded were funded at a level that we would be able to accomplish a lot with them in the initial year, which will lead us to requesting additional funds next year.

The theme that we heard over and over again, both Corky, myself and Rudy during testifying was that we would do a better service to our County if we would select and prioritize projects, maybe it's five, maybe it's six, depending on what the board decides, and focus on those projects a year at a time. In other words, let's look at funding sources, whether it be the legislative grants, loans, CDBG, other things like that, so that we can focus on a project and not have to piecemeal it. \$25,000 on a road that we need \$300,000 for only buys us so much of that road. So that project remains on the list, whereas if we were to focus and prioritize, with the Board's direction and community's involvement of what our major priorities are we can ask for funds to address those major priorities, take care of them. Get them off the list and go down.

That was a recurring theme that we heard over and over again and even discussions I had with Chairman Sandoval of the House Capital Taxation and Revenue Subcommittee that dealt on capital, two billion dollars in requests with \$25 million in funding, there's a big discrepancy on what we can actually do. So I believe we as a County have to do a better job in prioritizing

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our projects to make them realistic. I keep using that word "realistic" because I think at the direction of this body we can start looking at what projects we can get on the list and get off the list in a short period of time. And that's really what I'd like to be focussing on as we go through the ICIP process. And that could be any project, either water projects, it could be road projects, it could be our facilities, any of those items.

In addition, in my opinion, the plan also sets forth some mechanisms. I think Commissioner Campos has some very good points regarding facilities. When we start building a new facility, regardless of the type of facility, there's a recurring expense that happens after that facility comes on line. And that recurring expense could be in the form of utilities and maintenance costs for additional staff to be able to maintain those facilities, on down the line. As we look forward to maybe consolidating County government, I believe then we can start looking at reducing some recurring costs in our satellite offices and bringing them to a consolidated point.

To me, that consolidated County administration/judicial complex, whatever we call it, would be a perfect priority that we identify through this process. So the plan will identify that, not only identify what the capital projects are but also those recurring costs, those maintenance costs that go along with it that we tend sometimes to forget until we're before you asking for FTEs or additional maintenance costs or an increase in budgets because those facilities, although they're capital, we've never looked at the recurring, the maintenance costs which aren't capital costs and I think we need to start looking at that and educating each other on how, what the fiscal impact is to our budget.

We all realize with the presentation by Katherine that our funds are dwindling for capital projects. So it's incumbent upon us to be able to go out and find additional sources to leverage whatever dollars and to minimize any impact the general fund takes on capital projects. And that's the other purpose of this plan is to really develop that type of plan so that we know what's a priority, we know how we can fund it, we know what the potential recurring costs are, and we go after it. And that's kind of what I'd like to see the Board give me direction and staff direction on after we get through this process, is to really look back and see how, one, we prioritize projects, two, what direction you want to take the County in, three how we fund them.

Right now the funding sources for the County are limited. We have state appropriations, which are hit-and-miss at best. We have CDBG, the Community Development Block Grant monies. That's project-specific. One project at a time, for two years at a maximum of \$500,000. Those are federal dollars so there's some match requirements as well as some program guidelines or program requirements that go along with that, of what actually qualifies for that federal type of assistance.

We also have the newly imposed County capital outlay gross receipts tax, but again, by ordinance, we have a percentage of breakdown in three different categories, wastewater being the top priority at 75 percent, open space at 15 percent and other projects, including roads, at ten percent. And again, that money is again divided even further for regional projects versus non-regional projects.

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So all these funding sources that we truly have, without going after any grants or loans or any type of additional leveraging of funds, we're limited. At \$1.2 million a year with 94 requests of actual community and Board directed projects, in my opinion doesn't cut it for us. It's not doing anything for the County. It's leaving money sitting in a pot, hoping that we get additional funds to be able to take that project to the next level. So as we develop a process, I am recommending that we sit back down with the Board, maybe during a study session and Gerald and I have talked about this, and start hammering out each of the details of what direction you want to provide the community, the county, and what direction you want to provide to County staff to be able to come up with the dollars.

And Mr. Chair, members of the Commission, that's really the presentation in a nutshell and I'll stand for any questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So, Tony, we've got a lot of projects out there that have a little bit of money and none of them are getting completed because we're having to go back and ask for \$25,000, \$50,000. So you're saying that we need to go to the - after we go to the communities and to the water associations and to the road advisory board, that we come back with a list, you bring that list to us and we prioritize it?

MR. FLORES: Mr. Chair, Commissioner Anaya, basically, yes. Allow us to go out and start the community meetings and we'll talk about that later in an action item about the implementation schedule. Let us develop a list. That list is your suggestions as well. But the community involvement is a critical component. After that's developed then we can develop how we prioritize our projects and there's some suggestions in the packet that I've provided. We are working on an evaluation or a ranking form on some of these projects. Some of them are necessary because we have facilities that are failing and to me, that's a high priority. Code compliance upgrades, that's a high priority. And sit back down as a group, let us work on these evaluation processes and ultimately bring it back to the Board for consideration.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Go ahead.

COMMISSIONER MONTOYA: Just a comment. I think what you put together here, Tony, in terms of a plan, in terms of how to address these particular issues and these needs are definitely something that I'm totally in support of and look forward to seeing what the product is. And in fact, if staff, and I think you've recommended here at the very end that a study session be called, I think we should call, look at doing that probably within the next couple of months if you think that would be -

MR. FLORES: Mr. Chair, Commissioner Montoya, I think we need to do that sooner. Because DFA is backing their deadlines up to us, basically, we have to have a plan submitted by the end of July instead of the end of September, October.

COMMISSIONER MONTOYA: So a couple weeks.

MR. FLORES: Let us get the process started with the communities, and again, I

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don't want to get ahead of myself. We are asking for approval of an implementation schedule that we included additional dates in this year, but even at that, we're tight on time. So let us get that started and let us get some feedback from the community at these meetings and then at some point in that process, the community meetings have to continue, but I think we as a group can start doing a study session, really working on how we're going to prioritize the projects, so that once we get back to the public hearing state before you, we have an idea how to prioritize them. Projects may come, you may have suggestions that we never thought about in the initial part, it's just let us develop this process with your direction of course on how these projects will be prioritized and how we will take those priorities and leverage the dollars, how we go out and look for the dollars.

COMMISSIONER MONTOYA: And Mr. Chair, Tony, then that could include the GRT funding. Funding sources will be identified in terms of -

MR. FLORES: Mr. Chair, Commissioner Montoya, it has to.

COMMISSIONER MONTOYA: Okay. Great. Thank you, Mr. Chair. Thanks, Tony.

CHAIRMAN SULLIVAN: Tony, the suggestion that I had is that when we have a work session, we make a concerted effort to have our legislators here at that time. Often what happens in my experience has been that individual legislators have individual hot-button issues and if you have a particular project that addresses that hot-button issue then they'll be willing to commit more of their discretionary funds to that project. If you don't, they go elsewhere. And often during the session, it's such a hectic environment that it's hard for us to get around and keep them up to date on what our priorities are as the bills change and the substitutes come in and so forth. So I really think, and I have suggested this to Jim Romero too when he first came on board when we appointed him as legislator, that really, when the time to communicate is now, after the session's over. Going along exactly with what you say here, following these guidelines of homing in and doing a whole project instead of little pieces of projects, but, by the same token I think for more success in funding we need to have the legislators at the table with us and say, What do you feel are the important issues in your district? And we have a lot of priorities and we would be glad for you to fund this, or this, or this, or this, or this, or this. We think some are more important than others but you're the ones who eventually sign the bills that go into the hopper.

So would that work? Is that a possibility of getting them here?

MR. FLORES: Mr. Chair, I think that's an excellent idea. I'm not quite sure yet though if it would be at the initial one or possibly a second one, only because, in my opinion - this is just my opinion, I think you as the Board really sets policy for the County. So I think getting them involved is a great idea and sooner rather than later. We were even talking this year about starting our lobbying efforts in October, November, after the plan is submitted because it is a short session this year. So, yes, I think we need to get them involved. I think we probably need to meet as a group to find out where we're going and then see where they're at present them a plan.

The most important thing that I keep hearing from them is we're all over the place, 94

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projects. And then getting the feedback from them on what is their priorities and how can they assist us in meeting our needs.

CHAIRMAN SULLIVAN: If we cull it down to a number of projects that's maybe twice what the anticipated funding would be that we would ever get from them, whether it's a million dollars or whatever that we might get if we get to the legislature in a given year, and say here's two million or three million dollars worth of priorities instead of \$20 million worth, how do you feel about these? And work with them and prioritize with them then I think we would be more successful because they'd have some buy-in to the procedure.

MR. FLORES: The process.

CHAIRMAN SULLIVAN: To the process as opposed to just our going there with our hands out like everyone else does.

MR. FLORES: I think, Mr. Chair, I agree with you 100 percent but I think we also have to be aware of the fact that all that money can't come from there, unfortunately. It would be nice if it could, but we're not going to get all the money through the legislature. So I think at the same time that we're putting our hand out for our projects, we need to be able to tell them that we've also looked at securing funding in these other areas for our priorities, so that we can leverage the two together. And I think that would be a lot better of an approach to them then just saying I need \$14 million.

CHAIRMAN SULLIVAN: As you said before, speed of implementation is important. If we can a project off the blocks and into construction or development and then move onto the next one it carries much more weight and they're much more willing to fund it, I think. Okay, other questions of Tony? Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment. I think it's a great plan. This is the kind of planning and thinking - it's strategic. It will take us up to the next level. That's where we have not been. We need the discipline and the focus. That's really going to depend on us as a Commission. We have to be disciplined. We've got to be focused. We can't be distracted as often as we are on many occasions. I think as far as the Chairman's comments about the legislature, I think not too early. I think the County has the duty to come up with a comprehensive plan, and once we do then we can talk with the legislators about implementing it. Because they too are very fragmented. They're very district-oriented and we've got to come up with a real community plan, and then bring them in somehow to our plan. Because we do represent the county. We represent the entire county. So I don't think we should have them here at the first or even the second meeting, but later and some point we definitely need to work with them. Thank you.

CHAIRMAN SULLIVAN: Okay. Thank you, Tony.

MR. FLORES: Thank you.

IX. C. Presentation on the Process for Requesting and Obtaining Federal Funding for the Buckman Diversion Project

MR. ROYBAL: Mr. Chair, members of the Board, with me is John Rehring with Camp Dresser and McGee Consulting Engineers. He will be giving a presentation today on the federal funding process and the status and successes that have taken place over the last couple of years on the water projects, such as the Buckman diversion project. And with that, I'll turn it over to John.

JOHN REHRING: Mr. Chair, members of the Commission, I certainly appreciate the opportunity to give you an update here today. As Gary mentioned, we'll be just running through briefly what the status of some of our funding requests for water projects are and some related issues. I also wanted to let you know I'm going to be moving very quickly through these materials as I do know we have some time constraints. [Exhibits 4 and 5] I certainly welcome any opportunity to be able to answer questions during or after the presentation here.

Briefly, we're going to be looking at past federal and state funding assistance, the successes that we've had and what those have been used for, current requests in the federal fiscal year '04 for appropriations and authorization, status of changes to the Bureau of Reclamation San Juan/Chama contract and then give a brief summary of the recent trip to Washington, DC, where we went to pursue additional, again the FY04 requests.

Just to review the process though, in the past we have primarily gone after existing authorities for water projects for the City and the County. Any appropriation has to come from some kind of an authority for a federal agency and a program under that agency. So in the past, we've targeted programs like the Bureau of Reclamation's Title XVI and the others shown here. For FY04, in addition to this, we're also pursuing a new authority that would be specific to Santa Fe water projects through the Bureau of Reclamation, and I'll talk about that in a moment.

I just want to briefly touch on the fact that there are local cost-share requirements, as was mentioned in the previous presentation. These can range anywhere from zero to 75 percent of the total project cost typically. What I want to point out here though is that for most federal programs, you can use state funding in the form of grants or loans to count as part of your local cost-share, part of a non-federal cost-share, so that's a very important part of our overall funding strategy for water projects.

Briefly touching on some of the past successes of the federal funding over the past three to four years, as you can see, we've got along the top the agency and program under which we've received appropriations for the City and County water projects, the amount of those appropriations, and then the uses for those different appropriations that we've received. The one that I really want to point out here is in the middle, the Bureau of Reclamation gave a grant in the amount of \$3.5 million, actually two separate grants that added up to \$3.5 million over the course of the past year, and that was used for construction of the Buckman wells, number 10 through 13 that are now just getting going under construction.

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We also had a lot of success in the state's legislature, particularly over the past year, and some of that's been used towards construction of well 9, and also going towards 10 through 13 and then some of the other projects that you see here.

Moving ahead then to fiscal year 2004, specifically, what are we requesting from the federal government in FY04? Again, we've got this split out by the program, the federal request amount that we are requesting, a typical federal percent cost-share, and then the uses that we would program that money for if we were successful under these different requests. First of all, we have a very large expense coming up in the coming year for design of the Buckman direct diversion. We have requested up to \$8.8 million in support of that in FY04, anticipating those costs to occur primary through the course of FY04, meaning now through the end of September 2004. We have not looked at a specific program or specific agency that we are requesting that under. We're working with the congressional delegation to identify the best candidates for that as we move forward into the appropriations cycle.

The second thing we're asking for is Bureau of Reclamation, the continuation of our Title XVI appropriations in the amount of \$750,000. That's to support, at a 50-50 cost-share, \$1.5 million of long-term planning and master planning for the City and County. Lastly we have under the EPA, we're requesting \$2 million under the State and Tribal Assistance Grants program. That's at a typical 55 percent federal cost-share, 45 percent local and state, and that's going to be used primarily for upgrades to the Canyon Road water treatment plant, to bring its capacity back up. Also for a number of projects in the county, supporting two new production wells, a pilot of a aquifer storage and recovery system, an emergency water dispensing station, water interconnections out in the service area, and then also some instrumentation and control upgrades.

Now I mention in addition to the appropriations that we're seeking in FY04 we're also going after some authorizing legislation that would specifically allow the Bureau of Reclamation to participate financially in Santa Fe water projects. This is something that's gotten support from our congressional delegation in that they recognize the need for water infrastructure in the West and want to see some money specifically programmed for that. One possibility is that this authorizing legislation would move Santa Fe out as sort of a pilot of what would ultimately would be a larger program.

But we do know that there are going to be some very substantial expenditures coming in the next few years, one of them being the Buckman direct diversion, not only the design but also the construction of that, and then longer term, as we move into that master planning and implementation of what comes out of that master planning, there will be some additional infrastructure that we anticipate and we also want to make sure that we've got some financing vehicles in place to support it. So again, we're pursuing specific legislative authority for Santa Fe water projects through the Bureau, and if successful, this would be put in place in the current fiscal year, FY04, which means then that typically you cannot get an appropriation in the same year that you get the authorization, meaning that the first funds under this legislative authorization would become available in FY05 or late 2004.

In addition, we have recently made some updated requests for action on the San

Juan/Chama contract. As you may know, that contract expires in 2016. We're looking for either an extension of that contract or at least, the ideal case would be making it permanent if not a 40-year, say, extension to that contract. The second request that's pending with the Bureau is to change that from a water service contract to a repayment contract. Now, when we were in Washington, we did meet with the Deputy Secretary of the Interior who oversees a number of agencies, one of them being the Bureau of Reclamation, and so we did make our point clear to him that we were looking for some feedback on that request, because obviously, that's of critical importance to what the County and the City, in terms of water supply, now and long term.

The Deputy Secretary committed to us that he'll consult with the Commissioner of the Bureau of Reclamation, and get us some answers on the time line in which we can expect a decision on that issue on our requests.

I want to talk briefly about the Washington, DC trip that was recently made, and talk about it in the context of the federal funding cycle. The reason for our trip this time of year is to make it very clear what our funding requests are going to be for the upcoming fiscal year. The way this works is that in an early part of the year the president submits his budget request to Congress. It doesn't have a lot of details. In March and April and on into the summer, then the Congress begins to apply some details to that. So the time we really want to be in there to make our requests known is in the March-April time frame while these bills are being formulated. And that's where we work with the congressional delegation and also the staffers of the different appropriations committees to make our requests known.

Ultimately then, the process is supposed to work such that at the beginning of the fiscal year 2004, which is October 1st this year, is when those funds would become available. In the last few years, that process has been delayed somewhat, such that it's actually been towards the end of the year or the beginning of the following year before those funds actually become available.

The purpose of the meetings in Washington was really to summarize what are requests are, also to demonstrate the City and County collaboration in moving forward with funding in these water projects, such as the Buckman direct diversion. I wanted to communicate our continued need for water supply projects and the funding to support those, make our timely requests relative to that schedule that I just presented, seek the new legislative authorization, explain and answer questions as to what it is we're seeking there, and then also talk, as I mentioned about the San Juan/Chama changes to that contract.

The County was represented by Commissioner Anaya, Commissioner Montoya and also by Mr. Roybal of the Utilities Department. The City was represented by Mayor Delgado and then Mr. Buller and Mr. Carpenter from the Water Division. In addition I was in attendance as were our Washington based consultants of the Ferguson Group, consisting of Roger Gwinn and Christina Mattar. The meetings that we held were with the congressional delegation. Senator Bingaman joined us for a while, along with his staff. We met with Senator Domenici's staff and Congressman Udall's staff. Unfortunately, they were not able to make the meetings as they were in budget hearings. Deputy Secretary of the Interior, as I mentioned, he reports directly to

Secretary Norton, and then with the Bureau of Reclamation, the Director of Policy and the Director of Operations, very high level people in that organization were able to effect our request for San Juan/Chama and also appropriations and authorization.

We met with various committee staff on Authorizing and Appropriations committees on both the House and Senate side. To summarize really, that Washington visit was a very productive forum for expressing Santa Fe's water needs and financial needs, and particularly the request that we have in FY04. We were able to describe what is it we're seeking for authorizing legislation, why, what we're going to use the money for, how we envision that coming together, talk about the San Juan/Chama contract and get some action and results and answers on the time line for decisions there, and then just a reminder that if any of these requests are successful, as they have been in the past few years, then we would expect that that funding would become available some time after October 1, 2003 when fiscal year 2004 actually begins. With that, I'd be happy to answer any questions.

CHAIRMAN SULLIVAN: Questions from the Commission? I had one and that is these applications that you're indicating are forthcoming for funding. Who is the grant recipient in those applications?

MR. REHRING: We've proposed these as joint City-County requests. The actual agreement, the details of that would have to be worked out at the time that that was approved and made formal.

CHAIRMAN SULLIVAN: I assume one entity of the other would have to be the fiscal agent for the grant.

MR. REHRING: Probably so, and so we would need some resolution on that as to how we would actually go about implementing that.

CHAIRMAN SULLIVAN: Okay, but you say the bill writing is going on now, the bill preparation.

MR. REHRING: Right. And these requests, actually, as they go into the legislation and the appropriations bills, typically are not very detailed. And so it can be for a water project in Santa Fe and we can work on the specific language on how best to package that.

CHAIRMAN SULLIVAN: So at this stage they don't indicate to whom the funding would be granted.

MR. REHRING: That's correct. It's not specific City versus County. They're put forth as joint requests.

CHAIRMAN SULLIVAN: Okay. Thank you. Are there any questions for Mr. Rehring?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: No questions but just a comment I think. John, first of all, thank you for a very succinct and concise summary of what took place in Washington. It was a very busy time in trying to get our requests in and meet with all the people that we did and I think that the one thing that certainly was demonstrated, as John

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mentioned in his report and that's the collaboration between the City of Santa Fe and Santa Fe County. I'm just hopeful that - because Mayor Delgado is certainly a true ambassador in terms of describing what our needs were. Certainly Commissioner Anaya and myself also were able to get across what our needs were as well. But I certainly hope that we can not only demonstrate to our elected officials elsewhere but certainly here to our own hometown people that we are in fact able to work collaboratively in these sorts of projects. I have mentioned in the past and will mention again that that is truly the intention that I have in terms of trying to come up with some solution to what is going to be a long term project regarding this water and also the wastewater. So John, just thank you again for the summary of that. I appreciate it. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Other questions or comments? Seeing none, thank you, John. We appreciate the update.

MR. REHRING: Thank you.

X. Consent Calendar

- A. Request Authorization to Enter into Amendment #2 for the Professional Services Agreement #22-0062-III with University of New Mexico Health Sciences Center for Hospital Healthcare Services (Community and Health Development Department/Indigent Services Section)
- B. Request Authorization to Accept and Award a Price Agreement for IFB #23-19, Kitchen Equipment for the Santa Fe County Adult Jail Facility (County Manager's Office)
- C. Request Authorization to Accept and Award a Price Agreement for IFB #23-44, MSA Safety Equipment (Fire Department) WITHDRAWN
- D. Resolution No. 2003 - A Resolution Requesting an Increase to the GOB Series 2001 Fund (353) to Budget Insurance Recovery Revenue for Expenditure in Fiscal Year 2003 (Fire Department) WITHDRAWN
- E. Resolution No. 2003 - A Resolution Requesting an Increase to the Fire Protection Fund (209)/Pojoaque and Agua Fria Fire Districts to Budget State Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2003 (Fire Department)
- F. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder in Response to IFB #23-39, Pre-Cast Concrete Restroom Facility for the Cerrillos Hills Historic Park (Project and Facilities Management Department) TABLED
- G. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder in Response to IFB #23-45, High Efficiency Water Heat Pumps for County Facilities (Project and Facilities Management Department)
- H. Resolution No. 2003 - A Resolution Requesting an Increase to the

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- Water Enterprise Fund (505) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)
- I. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #23-42, for the Installation/Replacement of the Water Meters for the Santa Fe County Utilities Department Water System (Utilities Department)
 - J. Request Authorization to Approve and Utilize the State Price Agreement #00-00125 with Hughes Supply, Inc., for the Purchase of Water Meters Needed for the Utilities Installation/Replacement Project (Utilities Department)
 - K. Request Authorization to Approve and Utilize the State Price Agreement #30-00014 with Bob Turner's Ford Country for a One Ton Truck to be Used to Haul the Jetter/Vacuum System (Utilities Department)
 - L. Water Rights Purchase Agreement with Sandra Herkenhoff, Co-Trustee of the Wilma R. Kelly Revocable Trust for Purchase of Approximately 168 Acre-Feet Per Annum of Consumptive Use Water Rights, Within the MRGCD
 - M. Water Rights Purchase Agreement With Larry Vigil, Trustee of the Vigil Family Trust for Purchase of Up to 38 Acre Feet Per Annum of Consumptive Use Water Rights, Within the MRGCD

CHAIRMAN SULLIVAN: We had earlier taken off two items, L and M so the Commissioners would have an opportunity to read the agreements over lunch. I looked over the agreements and I don't know if any other Commissioners had any comments on those two water rights purchase agreements. I've read them over and I don't need to discuss them any further so if we want to do the Consent Calendar all the way through M that's okay, or if we want to isolate those two as we indicated that's okay as well. What are the wishes of the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I move to approve the Consent Calendar.

CHAIRMAN SULLIVAN: That would be items A through M as in Mike.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And a second. Any further discussion on the Consent Calendar?

The motion to approve Consent Calendar items A through M, (items C, D and F withdrawn or tabled) passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

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XI. Staff and Elected Officials' Items
A. Administrative Services Department

1. Resolution No. 2003-59. A Resolution Designating Santa Fe County As a Hybrid Entity in Compliance with the Health Insurance Portability and Accountability Act of 1996

HELEN QUINTANA (Human Resources Director): Good afternoon, Mr. Chair, members of the Commission. The Health Insurance Portability and Accountability Act, or HIPAA, was amended to include Section 160, which is the Privacy Rule. The Privacy Rule protects a patient's health information from improper use and disclosure. This is all a part of the administrative simplification portion of the HIPAA Act.

In November a committee was formed to evaluate what the impact would be on County government and Santa Fe County, and as a result, we have identified five areas within the County who will have to be in compliance with the new privacy rule in HIPAA. Therefore, because the entire County is not considered a covered entity and only portions or functions within the County are, we are requesting that we be designated as a hybrid entity. And what that means is that because we are under the umbrella legally of the County, not the entire County is covered by the act and therefore has to be in compliance only the certain functions that lie within that realm of the patient information. And I stand for any questions.

CHAIRMAN SULLIVAN: Questions? If not, are we ready for a motion? I'll move for approval of Resolution 2003-59.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Anaya. Any further discussion?

The motion to approve Resolution 2003-59 passed by unanimous [3-0] voice vote. [Commissioners Duran and Montoya were not present for this action.]

XI. A. 2. An Amendment to the Human Resources Rules and Regulations in Regards to the Maximum Hours Employees on a 7K Exemption will be Allowed to Carry Over to the Next Calendar Year

MS. QUINTANA: Mr. Chair, members of the Commission, members of our firefighters fall within the Section 7K under the Fair Labor Standards Act that allows for a partial exemption from overtime payment. Our firefighters are under a 56-hour work week as opposed to a 40-hour work week. Right now they are allowed to accrue the annual hours of leave each year. At the end of the calendar year, whatever is above 360 hours gets dropped from them individually. They lose that amount of hours.

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We are requesting that that amount be extended up to 448 hours, which equates to eight weeks of annual leave that is to be allowed to be carried over from one year to the next.

CHAIRMAN SULLIVAN: Questions for Ms. Quintana?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: How many hours is a regular employee allowed to carry over?

MS. QUINTANA: 240 hours.

COMMISSIONER CAMPOS: And how many will this be?

MS. QUINTANA: 448. The same amount of hours, but their work week is different. If they take a day of annual leave they have to use 24 hours as opposed to a day for a regular employee who only has to take eight. They have to use 24.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Can you tell me Helen, what the financial impact this is going to have on the general fund? I'm serious about it. Honestly.

MS. QUINTANA: If an employee, a firefighter, accrued the entire 448 hours and they were to leave the County, the average firefighter, because their average rate of pay is about \$13.50, it would be about a \$6,000 pay-out for that individual.

COMMISSIONER DURAN: And historically, how many have left? They seem to be here for quite some time.

MS. QUINTANA: Right. And I don't have that information as far as those details.

COMMISSIONER DURAN: Okay.

MS. QUINTANA: And not any of them - we had an average, with nine people who lost hours last year and they lost an average of 54 hours of annual leave. We had one individual who lost close to 100 hours of annual leave and others who might have lost about a dozen hours.

COMMISSIONER DURAN: Didn't we pass something in the last several months about increasing the number of hours that employees could carry over? Not just the Fire Department but employees in general?

MS. QUINTANA: No, we have not brought that up in front of the Board yet. We have had discussion on it, yes. We are still working on the financial impact of that.

COMMISSIONER DURAN: Oh, okay. Thank you. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. One question I had, Helen. Does this pertain to sick leave and what are the policies on sick leave?

MS. QUINTANA: It does not pertain to sick leave. The employees, only employees that retire from the County can buy back their sick leave and only those amount of hours that exceed 240 hours. So if someone who has 300 hours worth of sick leave at the time of retirement they could buy that back at half the rate. So they would be able to buy back 30 hours basically at that point.

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CHAIRMAN SULLIVAN: How much sick leave is a regular employee allowed to accrue and how much is a firefighter allowed to accrue?

MS. QUINTANA: There is no limit as to the amount of hours that can be accrued, but we accrue at 3. some odd hours, 3.18 hours a pay period. Everyone accrues at the same rate.

CHAIRMAN SULLIVAN: Then that can go on ad infinitum and when they leave, it disappears.

MS. QUINTANA: Not when they just quit. If they separate, other than retirement, yes.

CHAIRMAN SULLIVAN: If they retire then they can purchase it, as you said, over 240 hours.

MS. QUINTANA: Yes. At half the rate.

CHAIRMAN SULLIVAN: They can be reimbursed at half their exit rate.

MS. QUINTANA: That's right.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Helen, so if I'm understanding you right, then if a firefighter works all year, he could take off two months out of the year. You said eight weeks.

MS. QUINTANA: Well, it depends on their accrual rate. They all accrue at a different rate, based on the years of service. From one to five years of service, the firefighters will accrue at 6.72 hours. The longer they are with the County, the higher the accrual rate so they can potentially take off up to two months a year if they used up their annual leave in that year's time. If they were to accrue up to the 448 hours.

COMMISSIONER ANAYA: This is complicated. Is it a good deal?

MS. QUINTANA: It's a good deal for the firefighters to be able to accrue to that amount so that they don't lose the hours that they have accrued throughout the year. Because of the nature of their job, it's very difficult for them to take off large amounts of time, especially during the fire season. It just makes it really hard for them. And then they have to get coverage when they do take time off. So it does incur overtime for the department, for someone to take off for vacation.

COMMISSIONER ANAYA: Okay. Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: If we approve this, wouldn't this kind of set a precedent? Why would we give this to the firefighters and then not give them to other County employees? It seems to me that you should factor in this increase for the firefighters in the overall analysis of increasing the amount of hours any County employee can carry over.

MS. QUINTANA: The differential between a firefighter and a regular County employee is already in existence because I think there's already that recognition that there is a difference in their type of work and a difference in the amount of hours that they have to work

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as opposed to a regular employee. Indeed, it could set a precedent. It could lead to changes for the entire County. This was brought to our attention because it was an issue that was addressed by the firefighters when they had to lose so many hours and it was a request made by the Chief that we look into it and that we recognize the fact that they can't take a lot of that time off and they have lost a lot of hours.

COMMISSIONER DURAN: Why can't they take that time off? There's not fires everyday?

MS. QUINTANA: No, there aren't fires everyday but it is difficult for them for scheduling purposes.

COMMISSIONER DURAN: I don't know. It just seems a little unfair to the other employees at this point in time. I'm not saying it doesn't merit some consideration or approval but I think it might be a little premature. How diligently are you pursuing this analysis on the other employees?

MS. QUINTANA: We have already begun the analysis per your direction, several weeks ago regarding the exempt employees but we have not looked at it in terms of the regular employees. But if you would like to give the direction to do that we'd be happy to start looking into that as well. I know that those issues are going to be raised in terms of the union AFSCME agreement, the proposals that have been brought forward, the proposals do address that as well.

COMMISSIONER DURAN: All I'm asking, I think is whatever we do that we do it equitably and in fairness to everyone. So I don't know where that takes us.

CHAIRMAN SULLIVAN: Helen, these are all non-union employees, correct?

MS. QUINTANA: That's correct.

CHAIRMAN SULLIVAN: And these are for permanent employees, not volunteers.

MS. QUINTANA: That's correct.

CHAIRMAN SULLIVAN: Volunteers do get paid after, I believe it's ten years service, correct? They don't accrue -

MS. QUINTANA: They don't get any annual leave.

CHAIRMAN SULLIVAN: As a part of that payment. What is the recommendation of the staff, given this equity issue, given the budget considerations that we're coming up on.

MS. QUINTANA: The recommendation from staff, Mr. Chair, is to amend the HR rules to allow for the carry-forward of 448 hours of annual leave from one calendar year to the next.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: How does this - we're negotiating with the unions now. If we do this for the firefighters, what are the unions going to want? Are we going to be in a position so that we're going to be under some pressure there? (f)

MS. QUINTANA: Mr. Chair, Commissioner Campos, there is that possibility.

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COMMISSIONER CAMPOS: It's a probability, isn't it?

MS. QUINTANA: Yes, and what I mentioned a minute ago is that there is a proposal out on the table by the union to look at that as well for union employees.

COMMISSIONER CAMPOS: I would like to think about this some more.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Helen, based on this information, do you want to stay with your recommendation?

MS. QUINTANA: Yes, staff does recommend the amendment for 448 hours.

COMMISSIONER DURAN: So then you don't think that the union's potential use of this and the impact that might have on our negotiations, you don't think that that issue would cause you any pause on your recommendation?

MS. QUINTANA: Mr. Chair, Commissioner Duran, aside from the firefighters, the average employee does not lose a lot of hours from annual leave and the accrual maximum. Most of those hours that are lost from exceeding a maximum are coming from exempt employees. So the regular employees, there are very few who have lost hours when you look at the big picture in totality. Therefore, there is going to be a financial impact, but the impact is not going to be as expensive as if we were to raise the maximum accrual from one year to the next, the carry-over. Where the financial impact is is when you pay-out that individual when they leave. That's where the impact would be and that's what makes it difficult. You'd have to fund that pay-out by either delaying filling that position for a period of time and there would be an impact there. But it also would depend on what we're able to negotiate with the union in terms of that maximum accrual.

COMMISSIONER DURAN: We might be able to use that to our advantage.

MS. QUINTANA: Possibly.

COMMISSIONER DURAN: Okay, well, I would go with your recommendation.

CHAIRMAN SULLIVAN: Any other questions or comments from the Commission?

COMMISSIONER CAMPOS: Mr. Chair, I would like to table this if there's any support for it. I'd like to think about it. I think it's going to put us in a bad posture. I think I need to think about this a little bit more.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'm all for helping out the firefighters. I'm a firefighter myself, volunteer. But to tell you the truth, I don't know what we're talking about and I would like to table this so I can find out exactly what we're doing and maybe you all understand what's going on but I don't and I don't feel comfortable voting for it if I don't know what I'm doing, talking about.

COMMISSIONER DURAN: That's a second. There's no discussion on a table, Mr. Chair.

CHAIRMAN SULLIVAN: Well, I don't think there's a motion. I think he said he wanted to table it if there was support for it. And I think Commissioner Anaya was saying he probably would support that. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I guess my understanding of this is this is a different class of employee as opposed to the regular employee, the regular full-time equivalent that we have where they accrue their annual and sick leave on an x-amount basis. My understanding is that being an employee, a firefighter, instead of taking eight hours off, they're going to take 24 hours off. It's significantly more. So these employees, 448 up front looks like a lot, but they would use up their leave pretty quick. I think the significant impact, and I do agree with Commissioner Campos, is if they do leave and they have those 448 hours, that's about eight weeks more or less that would put us in a situation where it may be difficult to hire someone immediately in that regard but at the same time it certainly is something an employee who has put in that time and accrued those hours, in my opinion would be fair to get compensated for that time. I'm comfortable with it but if the wishes of the Board are that we table it for further study.

MS. QUINTANA: Mr. Chair, members of the Commission, if I may, the decision would have to be made before, obviously, December so that by January when we have to make that decision of whether or not we're going to cut hours that exceed the maximal accrual rate, that's when it takes place. So if you would like to table this item for another meeting, we are able to do that. We have plenty of time to be able to make this decision and that way we can explore other ideas that you might have.

COMMISSIONER CAMPOS: I would move to table, Mr. Chair.

CHAIRMAN SULLIVAN: There's a motion to table.

COMMISSIONER CAMPOS: Do we have to do it to a meeting specific?

CHAIRMAN SULLIVAN: It would be useful if we wanted to move it to, say, the next administrative meeting.

COMMISSIONER CAMPOS: I would rather not. Could I make a motion? We can put it back on the agenda when we're ready.

CHAIRMAN SULLIVAN: I think what we're looking for is probably some more detail and some more, just some understanding of how the firefighter compensation situation works. Stan did you have something you wanted to add to that? You're probably in favor of this.

STAN HOLDEN (Fire Chief): Obviously I am, because it does negatively impact my staff. I would like to point out that we're just talking about the field firefighters. This does not affect any of the administrative staff of the Fire Department. That would include myself, all the assistant chiefs, any of the administrative level employees on staff that are not actually in the field, either doing emergency medical services or firefighting, are not included. This is a 7K exemption for 56-hour employees. They do work a significant number of hours more than a 2080-hour employee.

As a result, when it comes time to cover them it becomes extremely difficult to try to provide enough hours in coverage so that they can take their time off. It's almost a Catch-22.

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where we're fighting among ourselves, are we going to pay it out in overtime? Because they have all these hours that they need to take, and it's not fair to them because they can't take the time because we can't cover the. And it's not like you can just take them off the street and say, Well, we're sorry Pojoaque, northern Santa Fe County, today or this week we're not going to be provide any paramedic service in your community. That's where you come down to. It's difficult to try to make that type of decision.

So from our standpoint, from staff's standpoint, we're in a position where you can pay an employee 1.0 what he would typically have earned for his vacation time or annual leave accrual and pay it out and 1.0, or you can pay somebody else to cover him at 1.5. So from a budget standpoint, from my standpoint as the chief, I would rather let them have their hours at 1.0 and pay it out and then not have to incur the overtime costs to cover it. But the other way, it's just not fair, in my opinion, the way that we're approaching it now. And if you look at other departments around the state this is not the only problem that we have in Santa Fe County. There are other compensatory areas that we are not equal with other fire departments in the state. Right now, we on the retirement program, we're the only paid fire department in the state of New Mexico that does not have a municipal or country firefighter retirement plan. In other words, the law enforcement has a retirement program where they retire at a maximum of 22 years and 8 months. Any other county or municipality in the state of New Mexico, firefighters and law enforcement officers, retire at 22 years and 8 months. In Santa Fe County, we retire just like any other County employee.

With the City of Santa Fe, with the City of Farmington, with Bernalillo County, the City of Albuquerque, and I hate to get into these comparison games but when we recruit people, that's what we're playing. That's the game that we're in when we're trying to recruit people. They compare our benefit packages to what other people are giving. There are no maximum limits on what their employees can accrue. We still have this. Even if you were to approve this maximum accrual we would still be different from most other departments in the state. And Mr. Chair, I'd be happy to answer any specific questions that the Commissioners might have, but that would be my statement.

CHAIRMAN SULLIVAN: Okay. Thank you, Stan.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: After hearing from the chief, he clarified a lot of things for me, so I think it's a good thing for our firefighters. So I withdraw the second.

CHAIRMAN SULLIVAN: We didn't have a motion.

COMMISSIONER CAMPOS: I made a motion.

CHAIRMAN SULLIVAN: Did you make a motion? I thought it was you were just going to make a motion.

COMMISSIONER CAMPOS: I made a motion. I don't remember if there was a second, but my argument is to sit down with Stan and talk about it.

CHAIRMAN SULLIVAN: You made a motion, the second indicated he just withdrew his second.

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COMMISSIONER DURAN: Mr. Chair, I make a motion to approve as submitted.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: The original motion dies for lack of a second, the motion to table dies for a second second. There's a new motion to approve as recommended by staff from Commissioner Duran, seconded by Commissioner Montoya. Is there further discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: When does this take effect? Today?

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, I would defer to Helen.

MS. QUINTANA: Mr. Chair, Commissioner Montoya, we would amend the rules immediately but there would be no impact until January 2004 when we are at the point when we are cutting the amount of hours. Their accrual rate does not change. They will still accrue their hours at the same rate they always have. That will not change at all.

CHAIRMAN SULLIVAN: Other questions?

The motion to approve amending the Human Resources rules and regulations passed by unanimous [5-0] voice vote.

XI. B. Community Health Development Department

3. Request Authorization to Submit a "Strengthening Access and Retention" Grant Proposal to the Center for Substance Abuse Treatment in the Amount of \$200,000 for Support of the CARE Connection

MS. DUTCHER: Mr. Chair, Commissioners, we have an opportunity to apply for some money which would fund some of the activities of the CARE Connection that we've been wondering how we could manage to carry along. The application is due May 12th and ordinarily in your packet we would have had a budget available for you to look at. There is not one attached here and I will tell you why in just a moment. But let me tell you first that there's no match required from the County for this money, that it's up to \$200,000 a year with the possibility of an additional second and third year at that rate.

The reason there is not a budget attached for you to look at is because the specifics are being developed in connection with the CARE Connection members. This is a cooperative and collaborative effort, and it just wasn't possible to pull it all together in time to present it to you. Since there's no match required we hoped that that would allay some of your concerns if you had any and the grant proposal is being worked on as we speak by a number of CARE Connection members. I'm not sure just what else you'd like to know about this. I'd be glad to

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answer questions.

CHAIRMAN SULLIVAN: Are there questions? Who's the grant recipient?

MS. DUTCHER: The County would be the fiscal agent. It's a fairly competitive grant. They expect to award 12 to 14 nationwide, but I think because of all the work that the County and the City and others have put into the CARE Connection that we can be very competitive.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Duran and second from Commissioner Montoya for approval to submit the SAMHSA/CSAT grant application. Any further discussion?

The motion to approve submittal of the SAMHSA/CSAT grant application passed by unanimous [5-0] voice vote.

XI. B. 4. Request Authorization to Enter into Amendment #4 for the Professional Services Agreement #22-0075-IH with Women's Health Services for Healthcare Services

MR. SHEPHERD: Mr. Chair, Commissioners, this is an amendment to our Indigent Fund grant. It adds \$25,000 to Women's Health Services, the amount of money that we're giving them to serve indigent clients. Currently, they've run out of money and this is what we've asked to give them to the end of the year. We're funding this through savings within that category.

CHAIRMAN SULLIVAN: And this was discussed, I believe at the prior Indigent Fund Board meeting. Is that correct?

MR. SHEPHERD: That's correct.

CHAIRMAN SULLIVAN: And that was the recommendation of the Indigent Fund Board.

COMMISSIONER ANAYA: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: So there's a motion and a second for approval. Is there further discussion?

The motion to approve an amendment to fund Women's Health Services passed by unanimous [5-0] voice vote.

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XI. C. Finance Department

2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-30 Administration, Management and Sales of the 5(h) Homeownership Program for the Santa Fe County Housing Division (Community and Health Development Department/Housing Section)

MS. MILLER: Mr. Chair, Commissioners, the Housing Division and Purchasing went out on solicitation for the management and sales services of the Homeownership program and we received one response to that solicitation from Neighborhood Housing Services. That is the firm that has been in this program with us for the last four years and the Purchasing Division and Housing negotiated a contract that actual is a savings over our existing contract and we're recommending award of that contract to Neighborhood Housing Services. Susan is here if you have any questions concerning the actual fee structure and how the contractor receives compensation, and the Steve is here for program questions if you have any program questions.

CHAIRMAN SULLIVAN: Thank you. Are there questions from the Commission on the proposed contract. I see that you're proposing a fee of six percent and before there was a fee on nine percent. Is that correct?

MS. MILLER: Yes, that's correct.

CHAIRMAN SULLIVAN: On prior sales contracts?

MS. MILLER: Yes, when we sell a home it's the percentage that goes to Neighborhood Housing based upon the sale of the home and that percentage has dropped from nine percent to six percent.

CHAIRMAN SULLIVAN: What they proposed or as a result of your negotiation?

MS. MILLER: It was a combination. They actually did come in with a cut and through negotiations of how that would all be structured. That's how the contract is set.

CHAIRMAN SULLIVAN: Further questions?

COMMISSIONER DURAN: They probably started out at nine so they'd end up at six.

CHAIRMAN SULLIVAN: Could be. Are there further questions? What are the wishes of the Commission?

COMMISSIONER MONTOYA: Move to approve, Mr. Chair.

CHAIRMAN SULLIVAN: I'll second the motion for discussion. Is there additional discussion?

The motion to approve the agreement with NHS passed by unanimous [5-0] voice vote.

- XI. C. 3. **Resolution No. 2003-60. A Resolution Authorizing the Issuance and Sale of the County of Santa Fe New Mexico, General Obligation Refunding Bonds, Series 2003, in the Aggregate Principal Amount of \$2,293,998 for the Purpose of Defraying the Cost of Refunding, Paying, Discharging and Liquidating the Santa Fe County New Mexico General Obligation General Purpose Bonds, Series 1993; Providing for the Issuance and Sale of the Bonds; Providing for the Payment of Such Bonds from Ad Valorem Property Taxes Levied on all Taxable Property within the County, Levied without Limit as to Rate or Amount; Providing for the Form, Terms and Conditions of the Bonds, the Manner of Their Execution and the Method of, and Security for, Payment; Approving the Sale of the Bonds to the New Mexico Finance Authority and the Form, Execution and Delivery of a Bond Purchase Agreement; and Providing for Other Details Concerning the Bonds**

MS. MILLER: Mr. Chair, Commissioners, about two months ago I came forward with a proposal for refunding a 1993 general obligation bond issue while the interest rates were low and at that time the Commission gave me direction to go seek the best proposal and what we could do. At the time I had one proposal that would save the County about \$100,000 after all costs of issuance. Through looking competitively at alternative ways to do that John Archuleta came up with a proposal of going through the New Mexico Finance Authority and refunding and refinancing those bonds, the remaining bonds through the Finance Authority. That proposal is actually going to save the County an additional \$31,000 over what we had anticipated at that time and we're requesting, it's actually about a 5.4 percent savings over the remaining five years of the bond issue. So we're requesting approval of the resolution to move forward with refinancing those bonds through the New Mexico Finance Authority.

CHAIRMAN SULLIVAN: Questions for staff?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Duran, second from Commissioner Anaya. Any further discussion?

The motion to approve Resolution 2003-60 passed by unanimous [5-0] voice vote.

COMMISSIONER DURAN: Is this your last official act in front of the Board of County Commissioners?

MS. MILLER: It could very well be, unless you call me back up for. It's the last thing I'm asking for on this agenda.

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COMMISSIONER DURAN: Well, stick around. We might call you back later. Thanks for all your hard work. I know you were dedicated to the County and still are and I'm sure you'll do a good job for the state for all of us.

MS. MILLER: Thank you. I would like to say that the last 5 ½ years have been the best 5 ½ years of my career. I've really enjoyed my time at the County. I enjoyed working with the County staff, the Commission and all the things that were done in the County. I was telling people I'm having separation anxiety this week because I'm really going to miss it and the County will always be dear to my heart and it's something that I won't leave easily and I'll take it with me. Any way I can help the County I'd like to try to do that. Thank you for all your support.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN SULLIVAN: Thank you, Katherine and I wish you good luck in your new position.

COMMISSIONER DURAN: Don't forget to put in a good word for us.

XI. D. Fire Department

1. Request Authorization to Enter into an Agreement with Española Hospital, a Affiliate of Presbyterian Healthcare Services, to Provide Emergency Medical Services in Northern Santa Fe County

CHIEF HOLDEN: Mr. Chair, we have a handout. Monica is making some last minute changes to it. This is an action item for Commissioner Montoya. Because of some issues, some legal issues that came up regarding the language we had to make some last minute changes to the document. So I hope you will indulge us and certainly I'll allow Commissioner Montoya to speak for himself but he felt that he was important that we carry forward with and take action on in the month of May and the month of June for the last part of this fiscal year.

CHAIRMAN SULLIVAN: While we're waiting for that, Stan, I don't see anything for the next item either. Is there something on item 2?

CHIEF HOLDEN: That's just an update, Commissioner. I'm just going to give you a real quick update on where we stand.

CHAIRMAN SULLIVAN: And item 3, is there something?

CHIEF HOLDEN: There is. That's an ordinance that also, because of a lot of changes that happened in legal, we did have an ordinance to pass out for your review. We're not asking for any action on it today but this is something that we do need to do in the very near future and this was basically a briefing on the ordinance that needs to be enacted to reimpose the existing fire protection excise tax that is due to sunset at the end of this year, this calendar year.

CHAIRMAN SULLIVAN: And what is the difference between item 3 and 4?

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Item 3 is a discussion for the reimposition of excise tax of one quarter percent, and item 4 is enacting an ordinance for a new countywide gross receipts tax. Isn't that the same quarter percent?

CHIEF HOLDEN: No, sir, it is not. It's a different tax and the reason it's on here again is just for your consideration. It's not an action item. It's just for discussion and for your edification so that at some future time you might decide -

CHAIRMAN SULLIVAN: Let's go ahead and get them discussed but it does help when we have these items in front of us.

CHIEF HOLDEN: Which one would you like to start with, sir.

CHAIRMAN SULLIVAN: Well, I guess we'll start with 1.

CHIEF HOLDEN: That's the one we're waiting on.

CHAIRMAN SULLIVAN: That's the one you don't have.

CHIEF HOLDEN: That's the one we're waiting for Monica to bring the document.

CHAIRMAN SULLIVAN: Let's go to 2 then.

- XI. D. 2. Update on Status of Legislation to Lease Property from the State of New Mexico for Use as a Public Safety Training Complex
3. Discussion of an Ordinance for the Re-Imposition of an Excise Tax of One-Fourth of One Percent (0.25%) on Gross Receipts in Santa Fe County for the Purpose of Financing the Operational, Capital Outlay, and Ambulance Expenses of the Santa Fe County Fire Department and its Fifteen Fire Districts

CHAIRMAN SULLIVAN: This was an item we went to the legislature about. [Exhibit 6] Wait a minute. This is the wrong one. This is the excise tax one.

CHIEF HOLDEN: Mr. Chair, this is the existing county fire protection excise tax, better known to us as the quarter percent tax.

CHAIRMAN SULLIVAN: So we're on item 3 now, not item 2.

CHIEF HOLDEN: That's right. This is to allow the reimposition of an existing tax, quarter percent, only in the county. This tax is the primary tax that funds our capital program, along with general obligation bonds and revenue bonds for the Fire Department, for the replacement of apparatus and the building of fire stations. This tax was originally approved back in 1993. Changes in legislation now require that the tax, if it is to be reimposed go back out for referendum and cannot be renewed for a time period greater than five years. So if it were, if the Commission were to vote in favor of this to go back out to referendum for the voters' approval it would become effective January 1, 2004 and would then sunset December 31, 2008.

Currently this tax raises approximately \$1.3 to \$1.4 million of operating funds per year for the County Fire Department.

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CHAIRMAN SULLIVAN: And you're asking simply that we discuss this and this will come forward at a future meeting?

CHIEF HOLDEN: This will come forward at next month's meeting for action by the Commission.

CHAIRMAN SULLIVAN: Do we have to publish title and general summary?

CHIEF HOLDEN: We do. We would have to publish title and general summary at that time to take formal action. I believe what's got us thrown off here just a little bit is while I was on vacation, this item was put on the agenda and action was taken but there's a specific time table that must be followed in order to have these taxes imposed. So from what I understand, and the County Clerk can correct me if this is not right, you have so much time from the time the Commission approves to publish title and general summary from the time the Commission then enacts the ordinance calling for the election and then a specific time period between which the Commission took that action and the referendum or the vote actually has to happen, and then from that time there's a specific time table whether the voters approve it or disapprove it, then the County Clerk has to have the election canvassed and then the results reported to Tax and Rev. in order to meet their time table so that the tax can be reimposed beginning January 1, 2004. Ms. Bustamante, if I've said anything incorrect here, if you would correct that.

CHAIRMAN SULLIVAN: And why do we exempt broadcast satellite services? Does that include cell towers? If they burn down we don't provide them with fire protection?

CHIEF HOLDEN: Mr. Chair, that's a requirement of the state legislature. That's not our language. I'd be happy to have Grace answer it if you'd like more information. That's a specific exemption of all gross receipts tax, not just this one.

CHAIRMAN SULLIVAN: Somebody got their foot in the door there.

CHIEF HOLDEN: That's correct. You read that exactly correct.

CHAIRMAN SULLIVAN: All right. Are there questions from the Commission of Stan regarding item D. 3 that we're on now.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: When would this occur? The election?

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, that's an excellent question and that's part of the reason why we were delayed here because we were getting conflicting information from Tax and Rev. about the time table. Their old time table said there was a five-month difference between the time the vote happened and the time that the tax would be collected. Ms. Bustamante, realizing because of this last legislative session that there was a special election that will happen in September of this year on a separate issue, what we were trying to do was to bring them all together to put these issues on one ballot. So that the taxpayer wouldn't have to come out in July and then have to come back in September to vote on one single separate issue.

So if the Commission approved it, what we would prefer to do as staff is to put it on with the special election in September and then have it renewed in January.

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COMMISSIONER MONTOYA: Sounds good to me. Thanks.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: What is the special election in September?

CHIEF HOLDEN: Mr. Chair, Commissioner Campos, I'm not sure I understood your question.

COMMISSIONER CAMPOS: You said there was another election in September?

CHIEF HOLDEN: Oh, I understand now. I would let Ms. Bustamante answer that question.

CLERK BUSTAMANTE: September 23rd election for the Governor passed a bill that to allow the people to decide whether or not the head of the Department of Education is appointed or the Governor can make the appointment rather than the way it is now.

COMMISSIONER CAMPOS: Is that statewide?

CLERK BUSTAMANTE: It's statewide, and also we cannot consolidate.

COMMISSIONER CAMPOS: You cannot consolidate.

CLERK BUSTAMANTE: No.

COMMISSIONER CAMPOS: So you cannot have this election -

CLERK BUSTAMANTE: We could have. There's a possibility we could hold this. We're checking into that. In smaller elections where there's only - we can consolidate precincts. We cannot consolidate precincts in that particular election.

COMMISSIONER MONTOYA: Oh, we can't?

CLERK BUSTAMANTE: So we will have 92 precincts open on September 23rd. And for the cost, the bill that was passed appropriates money. It was \$900,000, but the money is only to print the ballots. All of the other money has to be borne by the County and in my budget I have brought this to the County Manager. If we have to do that and then have another special election it's going to be very costly to the County. And then I would just like to apprise the Commission also is that there was a bill passed in the legislature where the restaurants in the unincorporated area of the county can now petition the Commission to have an election allowing the people in the county to vote to see whether they can serve beer and wine. Prior to this year it had to be done by petition and there was passed this year where now all they have to do is request from the County Commission, and it's my understanding they are coming before the County Commission to request that and so that would be also another election if you should approve it. I stand for questions.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Becky, is there any reason that we wouldn't be able to tag onto this election in September? Was there any language?

CLERK BUSTAMANTE: Mr. Chair, Commissioner, we're looking at the five months, just the interpretation of the five months allowed. That's what we're trying to look at the interpretation whether or not. Because if that five months is required then we cannot hold it

in September. We'd have to hold it in July. And so that's a problem. The other problem that could occur if we hold it in July, then my machines have to be held up. They have to be in quarantine for 30 days, so there's a lot of little problems if we can't hold them together so we're working with Stan to see exactly how we're going to do this election.

COMMISSIONER MONTOYA: Okay. Thank you.

CHIEF HOLDEN: Mr. Chair, Grace just brought me up some language. This is how dynamic this has been here in the last few days and I apologize for the way it's happening but it's very difficult sometimes to get answers from the right people and the right places in the state agencies. But Grace just handed me this information. It says, "To be effective on January 1, all action necessary to adopt the ordinance imposing the tax must be completed on or before the last day of September the previous year." So this is the latest language. It looks like that. So now the remaining question is will the statute allow to combine a special election with this particular issue and we're going to try to get that resolved as well.

CHAIRMAN SULLIVAN: Okay. We need to move on now. This is not an action item and it's obviously in a state of reconfiguration. What else have we got here?

XI. D. 1. Request Authorization to Enter into an Agreement with Española Hospital, a Affiliate of Presbyterian Healthcare Services, to Provide Emergency Medical Services in Northern Santa Fe County

CHIEF HOLDEN: Mr. Chair, this is the annual service agreement.

CHAIRMAN SULLIVAN: That looks like item D. 1.

CHIEF HOLDEN: Mr. Chair, just a reminder. This is a request for action from the Commission to approve this agreement for a period of two months, for the remainder of this fiscal year, to reimburse Española Hospital for the ambulance services that are provided in northern Santa Fe County, primarily in the communities of Cuarteles, Sombrillo, in that area. Also a small area of La Puebla and Chimayo and this is similar to an agreement that we had some years back and has been pursued now by Española Hospital and in my opinion, they are valuable services that are provided. We do work through a mutual aid agreement with Española Hospital to provide them back-up emergency medical services for their areas and they do the same for us as well. So the total amount of the contract, Mr. Chair, is \$1,666, and that money is existing the County Fire Department's budget.

CHAIRMAN SULLIVAN: And this is only for two additional months?

CHIEF HOLDEN: This is just for the months of May and June of this current fiscal year.

CHAIRMAN SULLIVAN: But the \$1,666 is an annual amount. Is that correct?

CHIEF HOLDEN: No, sir. That's just for the two months. Just the remainder of this fiscal year.

CHAIRMAN SULLIVAN: Are we doing this now?

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CHIEF HOLDEN: No, sir, but we have done it in the past.

CHAIRMAN SULLIVAN: What occasioned the fact that we need to do it right now? Are we running out of ambulances or what?

CHIEF HOLDEN: Mr. Chair, no. No, sir, that's not the case at all. Española Hospital board members contacted, I believe, Commissioner Montoya, and asked for a meeting to discuss this issue with himself and the County Manager and I, and we've met and come to this agreement that these are valuable services that are being provided by the hospital and that there be reimbursement for those services.

CHAIRMAN SULLIVAN: And these don't come under our sole provider agreement with the hospital?

CHIEF HOLDEN: No, sir. This has nothing to do with the hospital. These services that we're discussing here are PRC regulated services, ambulance services.

CHAIRMAN SULLIVAN: Okay, but the agreement is between Española Hospital and Santa Fe County.

CHIEF HOLDEN: That's correct.

CHAIRMAN SULLIVAN: And we have an agreement between Española Hospital for sole community provider services, like the one we have with other hospitals includes, I think, ambulance services.

CHIEF HOLDEN: And we do also for indigent services as well. This is specific to ambulance services that they provide in northern Santa Fe County. It's not per se hospital services. It's not in-hospital services that are being provided. It's ambulance services outside the facility.

CHAIRMAN SULLIVAN: Now, is this to provide transportation to anyone in this area?

CHIEF HOLDEN: Yes.

CHAIRMAN SULLIVAN: At no cost?

CHIEF HOLDEN: No, sir. The patient will still receive a bill for those services. What we're paying for basically is the availability of having the ambulance available to respond to the call. The patient will still be billed.

CHAIRMAN SULLIVAN: Who gets the money from the patient's payment?

CHIEF HOLDEN: Española Hospital.

CHAIRMAN SULLIVAN: I'm having trouble understanding. They're already there, so they respond now, right?

CHIEF HOLDEN: They do. That's correct.

CHAIRMAN SULLIVAN: And what is the \$1,600 for?

CHIEF HOLDEN: To reimburse them for being available to respond to the calls in northern Santa Fe County, which is not necessarily their area of coverage, but because the way services work, and emergency services specifically, we don't always try to respond to calls based on geographic boundaries. I hope that make sense. When someone is having a heart attack, you don't necessarily want, in Santa Fe County, for instance, in ^{Clarteles} Clarteles, you want to send the closest ambulance, not necessarily Santa Fe County's ambulance. If Española Hospital

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can respond and get there quicker, then patient care dictates that that's the ambulance that should respond and that's the ambulance that should transport the patient to the hospital.

CHAIRMAN SULLIVAN: So do we have similar agreements like this with Edgewood and others?

CHIEF HOLDEN: Well, yes, you could say that, except Edgewood of course is a municipality and we do that through a joint powers agreement and the Town of Edgewood reimburses us for the services that we provide by imposing a quarter percent gross receipts tax on the Town of Edgewood businesses, our business that's conducted within the Town of Edgewood. Then every quarter we get a check from the Town of Edgewood for that amount.

CHAIRMAN SULLIVAN: Okay. Excuse me. Other questions from the Commission?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Stan, I know that this is the contract that we had put together, that you had put together.

CHIEF HOLDEN: That's correct.

COMMISSIONER MONTOYA: Monica, did you see the one that the Española administrator sent to us?

MONICA ONTIVEROS (Assistant County Attorney): Mr. Chair, Commissioner Montoya, this is the agreement that Stan e-mailed to me with two changes. The change would be the terms, dates, in paragraph one. That was amended, and then the second change would be in paragraph four, which would be the payment amount, and other than those two changes - I'm sorry, one more change. The last page on page 5, the date was changed to May 1. Other than those three changes I did not make any other changes. So it should have been the same agreement that they had sent to Stan and then Stan e-mailed to me.

COMMISSIONER MONTOYA: Okay.

MS. ONTIVEROS: Did I answer your question, sir?

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, the telephone call that we had after that meeting that we would take, that the County would take action and propose to the Commission that we adopt our agreement and then pay them the money, this is that agreement. This is what I was referring to in that telephone conversation.

COMMISSIONER MONTOYA: Oh, okay. I guess the only concern that I have is that she may not agree to it. But at that point -

CHIEF HOLDEN: It's her decision. And I might point out one more time for the rest of the Commission, Mr. Chair, that the information contained in this agreement details and specifies exactly what is transpiring today. This is the way the services are being handled between the two PPSATs, the primary public safety answering point in Española and Santa Fe. So that when the calls happen, the dispatchers know which ambulance they should be sending.

COMMISSIONER MONTOYA: And just for the Board's information, the administrator objected to this detail and originally had the "response area will be T-19, sector H, Range 26." That's not what it was, but something like that as opposed to the specificity

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which I believe is in the best interest of every party involved that it specified the way it is but she was objecting to that. So she may still object to this contract the way it's spelled out here.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So what we're doing here is reimbursing Española Hospital for the transportation of the patients in northern Santa Fe County?

CHIEF HOLDEN: Mr. Chair, Commissioner Anaya, I believe what we're doing is we're paying for the availability of having that ambulance ready to respond to an incident that occurs in northern Santa Fe County and the response to that incident. The best way I can explain it is not every response to a call results in a transport. And because that does not happen, if they don't transport, obviously then they cannot bill for the services. They can't bill the patient for services. So what we're basically paying for is the availability and the response to the incident.

COMMISSIONER ANAYA: And if we approve this, they might not go with it then?

COMMISSIONER MONTOYA: Yes. Correct. They may not agree to the terms under number 3 on page 1 all the way to item J on page 2. They may not agree to those terms.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Stan, another question. In absence of this agreement, what happens?

CHIEF HOLDEN: Mr. Chair, we go on just like we have been going on.

CHAIRMAN SULLIVAN: And how have we been? If there's a call, who responds?

CHIEF HOLDEN: The closest ambulance service. Whether it's Santa Fe County out of Pojoaque or Española out of Española Hospital.

CHAIRMAN SULLIVAN: And do we have a similar agreement with Santa Fe? With St. Vincent's?

CHIEF HOLDEN: No, sir. What we've agreed to with the City of Santa Fe Fire Department is when they need our assistance and we're the closest, we respond. When we need their assistance and they're the closest, they respond. It's a mutually beneficial program between two governmental entities. The difference here is that this is a private, non-profit providing the services, not a governmental entity.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a question. It would seem to me that the hospital ambulance would say every dollar's worth of service they have, no-shows, no-pays, it's all factored into that one dollar of service already. So they're asking us to give them a little bit more. Am I missing something there?

CHIEF HOLDEN: Mr. Chair, Commissioner Campos, I don't believe so. If you look at it from standard business practice that's exactly how you would typically calculate

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your expenses and that's how you would bill them for your services.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: I'm not understanding this, I'm missing something.

COMMISSIONER MONTOYA: Mr. Chair,

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Basically, this has been an agreement that

Santa Fe County has had with Española Hospital for I don't know how many years. I don't know if anybody knows how many years. But it hasn't been in effect since 1998. So since 1998, they have continued to provide the service for Santa Fe County residents, but have not had a contract and what we have tried to do, what Stan has tried to do is negotiate with them a new contract so that we would begin reimbursing them for the services that they had been reimbursed for prior to 1998. So this is not - it's a new contract, but it's not a new service, per se. It's one that's historically been in existence and I think the annual amount had been at \$10,000 and my understanding again since at least 1990 so is that rate hasn't been increased.

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, I believe that's the case. Obviously, I didn't get here until 1997 but I think it was almost seven or eight years of services that they'd been providing. For the benefit of the Commission, I might remind you that in 1998 is when we added the full-time paramedic crew in Pojoaque and that's when that service began. So we've never - before that point we never had a full time staff ambulance in northern Santa Fe County. So we were dependent upon volunteers in northern Santa Fe County to provide services. That's why prior to 1998, the services that had been provided by Española Hospital were so critical to our citizens in northern Santa Fe County. That level of service became less important after 1998 because there was an ambulance not available 24 hours a day, seven days a week, stationed out at Pojoaque.

But it does not take away the argument that from the standpoint of providing the best level of patient care that we can, we should always enter into agreements, whether they're reimbursement agreements or whether they're mutual aid agreements with other governmental agencies that regardless of geographic boundaries, lines in the sand, for the City of Española, for Santa Fe City, for Santa Fe County, that governmental entities send the closest ambulance that's available to the call at the time the call happens. And that's just a national standard and it's something I believe in wholeheartedly that people should not have to wait two or three minutes just because you're in a different jurisdiction and another agency or jurisdiction has the closest ambulance that could have gotten there quicker.

And that's what this boils down to.

COMMISSIONER CAMPOS: I don't agree with you. Because they're doing it and they'll do it anyway. They're charging for the service and they're getting paid for the service.

CHIEF HOLDEN: I can't argue with that.

CHAIRMAN SULLIVAN: They wouldn't get paid if there was not a transport.

CHIEF HOLDEN: That's correct. They would not.

CHAIRMAN SULLIVAN: So essentially, this is to provide them with the

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capability of where they're on standby and they go out and render a service and the individual is okay and they go back and they don't have to transport them anywhere. Is that pretty frequent?

CHIEF HOLDEN: It happens on a fairly routine basis. It doesn't happen on a daily basis but just to give you - we're talking about, if we were to annualize this, we're talking about \$10,000 a year. For the Commission's benefit, we spend about \$650,000 a year to staff our one ambulance in Pojoaque 24 hours a day, seven days a week. So what they're asking from us is really negligible in the overall expense of their operation.

CHAIRMAN SULLIVAN: But that one ambulance does cover Sombrillo, Cuarteles and Santa Cruz.

CHIEF HOLDEN: That's correct.

CHAIRMAN SULLIVAN: And Chimayo, La Puebla and Arroyo Seco, as indicated on this agreement. What I understand you're saying is that in some cases, this -

CHIEF HOLDEN: If our ambulance is in Santa Fe because they've transported someone in Tesuque, then Española is the closest ambulance to respond to that call.

CHAIRMAN SULLIVAN: And if that were to occur, again absent this agreement, would your dispatcher not call the Española -

CHIEF HOLDEN: No. We would still call, just like we call them today.

CHAIRMAN SULLIVAN: You would call the Española ambulance service, which is a non-profit corporation, but it's a division of the Española Hospital.

CHIEF HOLDEN: That's right.

CHAIRMAN SULLIVAN: And if they were the closest they would go out and respond to the call.

CHIEF HOLDEN: That's right.

CHAIRMAN SULLIVAN: So the only question here is they are going to continue to do what they were doing, the only question is is this a service that is appropriate for additional reimbursement, over and above the money they get from the ambulance charges, some of which comes from Santa Fe County Indigent Fund.

CHIEF HOLDEN: That's correct. You're exactly right.

CHAIRMAN SULLIVAN: And it mentions that here in the agreement, that if it's indigent care, Santa Fe County has to pay it.

CHIEF HOLDEN: That's correct.

CHAIRMAN SULLIVAN: So that, I understand it a little better. Are there other questions of Stan?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Commissioner Montoya, what part of this do you think she won't like?

COMMISSIONER MONTOYA: The part that's on the first page, where it says Española ambulance response area, starting from there till item J, intersection of State Highway 396 and 76 and all that follows there on the second page. All of that. All of that she'll object to.

COMMISSIONER ANAYA: From h to j?

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COMMISSIONER MONTOYA: Yes. No, actually from a through j.

COMMISSIONER ANAYA: A through j.

COMMISSIONER MONTOYA: Being that she did not want that much specificity. It would be like she just wanted town, range H to town, range J and that was it.

COMMISSIONER ANAYA: And we added this in?

CHIEF HOLDEN: Absolutely.

COMMISSIONER ANAYA: And why did we? Just to cover us, or what?

CHIEF HOLDEN: Mr. Chair, Commissioner Anaya, you can't dispatch an ambulance to a township and range. It is not fair to dispatchers to put them in a situation where they have to make a determination at the time the call is coming in and someone's having an emergency to decide which ambulance is closest. You have to have some level of specificity inside a contract so that they know prior to the call coming in which ambulance should be dispatched to the call. It's not something where you want each individual dispatcher making a spur of the moment call at the time the emergency comes in. It's an operational issue.

And I understand why Ms. Romero does not agree with it. She doesn't get involved at this level, but we do.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Stan, on that point, essentially, my understanding is that you and the former ambulance director -

CHIEF HOLDEN: Tom Waters.

COMMISSIONER MONTOYA: Are the ones that developed this and he's no longer there, correct?

CHIEF HOLDEN: That's correct.

COMMISSIONER MONTOYA: So it was initially developed by Stan and the then director and I don't know what happened after that.

CHAIRMAN SULLIVAN: I had a question. How did we come up with - and I assume, and I'm looking not at \$1600 but obviously this will come back next year and subsequent years and continue on at essentially about \$800 a month I guess is what we're looking at. This is \$1600 for two months. How did we arrive at the \$1666? Is it just \$10,000 a year divided by 12 multiplied by two? On what basis do we feel that \$10,000 is appropriate other than that it's what we paid before? Do we have some data on the number of non-productive runs that they've made or how do we justify that?

CHIEF HOLDEN: Mr. Chair, we did get into that. For almost three years they've been providing us data and information so that we could come up with an accurate number and about the best I can do is to say that from making a determination as to whether or not I felt that this \$10,000 a year was fair and reasonable, I do feel it's fair and reasonable, considering their overall expense of operating just one ambulance to be available 24 hours a day, seven days a week, 365 days a year. It's not a great deal of expense. Certainly if they were to come back and say next year that they think they're deserving of \$60,000, then we're going to have to be much more diligent in requiring them to provide more information to justify

their request. But right now, what they're requesting is \$10,000.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya

COMMISSIONER MONTOYA: A little bit more. At one point, apparently the previous Commissioners had requested exactly what you just asked. So they actually kept tally of the emergency responses that were made, and based on those figures and what was determined, if we were to pay, for example, per call, we'd be paying a believe it was about \$28,000 or \$30,000 is what the numbers were. So the Commissioners, I guess -- since that study there still has not been a contract.

CHIEF HOLDEN: There hasn't been a contract since that time, Mr. Chair. The reason why was I refuted some of their numbers because they included calls within the City of Española that were in Santa Fe County. And my argument to the hospital was that the City of Española is responsible for those calls, not Santa Fe County. Just like the City of Santa Fe is responsible for the calls that happen in Santa Fe.

CHAIRMAN SULLIVAN: Okay, further discussion? Questions?

COMMISSIONER MONTOYA: Mr. Chair, I'd move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion for approval and a second. Is there further discussion on the issue?

The motion to approve the agreement with Española Hospital passed by [4-0] voice vote with Commissioner Sullivan abstaining.

CHIEF HOLDEN: Mr. Chair, thank you for your indulgence.

COMMISSIONER CAMPOS: I agree, there's an issue there.

CHAIRMAN SULLIVAN: I can't vote on it if I don't understand it.

XI. D. 2. Update on Status of Legislation to Lease Property from the State of New Mexico for Use as a Public Safety Training Complex

CHAIRMAN SULLIVAN: Mr. Chair, this is just an update. Just a second. This is to inform the Commission that officially, as you requested back in February I believe, the legislature did take affirmative action on the piece of legislation that was introduced by Senator Nancy Rodriguez for the long-term lease, 99-year lease for the state penitentiary for the use as a public safety training facility. That was Senate Joint Resolution #26. As a result, and that was a unanimous vote by the way as was Representative King's sister bill in the House, was also a unanimous approval but never got to the point of being approved on the Senate side. But the Senate did approve their joint resolution which thus allows us to enter into a long-term lease with the state of New Mexico if we decide that that would be appropriate. Since that time I've had meetings with Representative Udall's office and Domenici's office and

Bingaman's office to discuss the possibility of funding. So we have everybody in the loop as far as potential funding sources for this project and we will be applying for grants for the project. As I told the Commission before, this is not something that we're looking to come back to the general fund for additional monies to fund this project. That includes operational expenses. I have not forgotten, Commissioner Campos. Things right now look very encouraging. I'm not overly optimistic but I am encouraged by the possibilities and it's significant to the national legislative component that we do have statewide approval before on this project and I just wanted to make sure that the Commission was up to date on where we stand as of today on that project.

We have also requested from our architectural engineering firm to do a feasibility study regarding the existing utilities that are onsite so we can make a determination if there are enough utilities onsite today or if that would be an additional expense that we'll have to incur in the future. So I'd be happy to answer any questions you might have about that project.

CHAIRMAN SULLIVAN: Any questions for Stan? The closest such facility is now Socorro, right?

CHIEF HOLDEN: Yes.

CHAIRMAN SULLIVAN: So this would provide service to everyone in our region and a lot of weekend income for hotels and motels and restaurants.

CHIEF HOLDEN: And also it's for, really our intention is, just speaking from the fire service, and this is not from the law enforcement side or our federal sources, it's to help us bring in the local volunteers, that when we have the next Cerro Grande fire, those are the people that we count on to respond. And you can't expect them to leave their jobs and their employment for seven, eight, nine days of their own time, their own annual leave if you will, if they have annual leave. Many of these people are business owners, and travel to Socorro to spend a week. It's just not realistic. So this is not only for Santa Fe County. We envision this being for all of the smaller communities in northern New Mexico as well.

CHAIRMAN SULLIVAN: Okay. Thank you, Stan.

XI. D. 4. Discussion and Consideration to Enact an Ordinance Calling for an Election to Adopt a New Countywide Gross Receipts Tax to Fund Countywide Emergency Services and the Regional Communications Center

CHAIRMAN SULLIVAN: Is this an action item?

CHIEF HOLDEN: No, sir. It's just discussion/information. [Exhibit 7] Mr. Chair, people are going to think that I'm a tax-and-spend type individual, but this is a new tax that is available and I thought it was my responsibility to bring this to the Commission for their information. This specific approval for gross receipts tax is specific for county emergency communications and emergency medical services. And it requires that, if we're going to use it for the emergency communications center that it be a regional or county coordinated service,

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similar to the Regional Emergency Communications Center.

It allows the tax to be imposed up to a quarter percent. If the Commission were to give direction for staff to work on this and work in this direction, from what I've been told from our departing Finance Director is that if we were to impose this, with the assistance of the City, a countywide gross receipts tax as you probably remember would generate approximately \$7.6 million. A one-eighth gross receipts tax would generate approximately \$3.8 million. And currently, I believe the Regional Communications Center is costing us about \$3.2 million. And those are monies that come directly from the County and City general funds.

So I wanted to provide this information to the Commission, just for your consideration, allow you to ask any questions of staff about these taxes and if you would prefer to give direction at some future time for us to take action then we would obviously do so. But if you did want this tax to be imposed along with the fire protection excise tax, then we would probably need to go forward at the same election, in September, right? Have we agreed on that finally? That this would probably be in September?

CLERK BUSTAMANTE: Mr. Chair, members of the Commission, there are a couple of language things in the handout that I have to really get some legal opinion on.

CHIEF HOLDEN: So you still need more information, clarification.

CHAIRMAN SULLIVAN: So this, essentially, Stan is an alternative if we want to do another quarter percent gross receipts tax to funding the Regional Communications Center with City and County general fund monies.

CHIEF HOLDEN: That's correct, Mr. Chair.

CHAIRMAN SULLIVAN: Questions from the Commission?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Stan, how receptive to you think people would be to essentially two votes on gross receipts tax on the same ballot? Strategically, do you think -

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, I think I understand your question, not only your question but your concern because I share that concern that people would not look favorably upon having two separate issues regarding tax increase. The only thing I would like to point out is that emergency services are not getting any cheaper, and the demands on existing emergency services are not getting any less than they have in the past. Specifically, after 9/11, the demand on us from the federal government has also increased and their expectations of what we can and should be able to provide have increased dramatically. And as a result, if they're not going to provide us the additional funds then quite frankly it's going to be difficult for us to provide those additional services. We'll do the best we can, but we're struggling. We operate now from a personnel standpoint on a shoestring, providing the level and the number of services that we do provide as a fire department.

But certainly I understand from the taxpayer's standpoint, and I always look at it from a taxpayer's standpoint, that having two separate issues funding emergency services on the same ballot may be a conflict.

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COMMISSIONER MONTOYA: Mr. Chair, Stan, what was the second percentage you mentioned that would generate –

CHIEF HOLDEN: \$7.6 if we do a quarter percent, and I think Katherine said \$3.3 or \$3.2 if we do a one-eighth gross receipts tax increase.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment. The City of Santa Fe also has the option of increasing their GRT for purposes of water projects, and that's something that I think they're considering or they have considered at some point. So we've got to keep in mind that there's all kinds of different entities that are going to be vying for just so many dollars. I don't think the public is going to approve a GRT of close to nine or ten percent. I'm not sure, but it's fairly regressive. But sometimes you need to do it.

CHIEF HOLDEN: Mr. Chair, Commissioner Campos, certainly I understand that situation and the conflict that exists between us and the City as well because financially, they're in dire straits as well.

CHAIRMAN SULLIVAN: We don't categorize ourselves as being in dire straits. We categorize ourselves as fiscally responsible and conservative.

COMMISSIONER DURAN: We're buoyant.

CHAIRMAN SULLIVAN: Resilient. Is there any discussion on this? This is not an action item for today. If not, thank you, Stan. We appreciate the update on that. That's something for us to consider.

XI. F. Project and Facilities Management Department

1. Resolution No. 2003-61. A Resolution Establishing an Urgent Projects Application Policy for Acquisition of Open Space Properties Under the County's Open Space and Trails Program

MR. FLORES: Thank you, Mr. Chair. We'll be brief. Before I get started, I'd like to recognize Mr. Matthew McQueen who is our current COLTPAC president in the audience.

CHAIRMAN SULLIVAN: Thank you for being here. We appreciate your attendance and also your effort on the committee.

MR. FLORES: Thank you, Mr. Chair. The purpose of this resolution is to enact an urgent projects application policy that would allow us some flexibility or allow you the Board some flexibility in reviewing projects that meet certain criteria to be reviewed by COLTPAC under the criteria guidelines and then forward a recommendation to the Board for acquisition or not. So the purpose of this resolution purely is to provide some type of avenue for projects that may meet the urgent project guidelines. And I stand for any questions.

CHAIRMAN SULLIVAN: Are we going to see a show?

MR. FLORES: Not quite yet, Mr. Chair. Rudy jumped the gun just a little bit.

CHAIRMAN SULLIVAN: Are there questions for Mr. Flores?

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COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya:

COMMISSIONER MONTOYA: No questions, but I think this is something that we do need, because we do periodically get requests that I think should duly be heard by COLTPAC and if we do have this mechanism for them to work on an issue or take action on an issue I think that would definitely put it where it needs to be and that's in the hands of COLTPAC in terms of making the recommendations to the Board of County Commissioners. So I support this resolution. Thank you, Mr. Chair. Thank you, Tony.

CHAIRMAN SULLIVAN: I think we still want to exercise caution. We had an urgent application several months ago on the Parker property and now apparently - what's the group? - has come up with an alternative that involves actually that property being made available at no cost to the system. So I think the checks and balances is always a good thing. I'm going to take your word for it, Tony, that this has a check and balance in it.

MR. FLORES: Mr. Chair, it has to. I believe the alternative that we have right now is we don't have an acquisition period, so we lose potential of being able to secure some open space property. So yes, it has to have a check and balance in it. And ultimately, the authority lies within the five of you. We can recommend. We can provide our recommendations and direction that we'd like to see it in but ultimately, it has to come back to the Board and in my opinion that is the balance and the check of all the work that has been done by COLTPAC and staff.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: What is this again?

MR. FLORES: This is a resolution enacting a policy that would provide direction for an urgent project application period, outside of a normal acquisition period. In other words if a property is in a situation where it may be lost, the acquisition, or other time constraints or the monetary constraints, it allows applications to come through COLTPAC under an urgent projects basis and to expedite the review process to formulate a recommendation that would be brought to the Board for approval.

COMMISSIONER ANAYA: So do you think everybody will do the urgent thing?

MR. FLORES: Mr. Chair, Commissioner Anaya, that is a question that we've raised in our own minds. I think that the criteria that is set forth in there, it's incumbent upon COLTPAC and staff that it does meet the criteria for an urgent project.

COMMISSIONER ANAYA: Okay. Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Commissioner Anaya, I don't know, maybe you weren't here. I'm not sure. No, actually, it was last year, there was a piece of property that came before us that was kind of time sensitive and the Commission made a decision to actually acquire the property without going through the COLTPAC process and we asked COLTPAC to

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evaluate our decision and come back with their recommendations. And they got a little upset that we approved that acquisition without going through the process and I think that what this does right now is it allows us to make a call on an emergency basis based on certain criteria so that - unfortunately, this thing never came about but there could be a situation where we need to act quickly and make the decision at this level and still try to have that decision conform with basic criteria that's been set out by COLTPAC. But there may be an occasion where we need to pull the trigger quicker.

CHAIRMAN SULLIVAN: I had a question, following up on Commissioner Anaya's question, who determines if it's critical? I think in response to Commissioner Duran's issue that if the Commission feels as a majority that there is an urgent acquisition that it wants a mechanism via COLTPAC to do that, because the bonds that were issued for COLTPAC said that an independent committee would be created. So the intent was that there was this arm's length of review of properties and we didn't want an abuse of this purchase procedure. So I'm of a mind that this policy should stipulate that only the Commission determines that there is an urgent project to be reviewed. Otherwise, everyone thinks that their project is urgent, and it may well be. I don't know. But if they think it's that urgent then they should make their case to the Commission and the Commission would say, Okay, COLTPAC, convene under these criteria. What would be your reaction to that?

MR. FLORES: Mr. Chair, I believe - I think it's a good suggestion that the Board reviews that. I think part of the issue though is ultimately, it would have to come back to the Board for approval. Because COLTPAC is an advisory committee, staff would conduct the initial evaluation based on the criteria in the resolution, and all we would be doing is setting up an expedited process for review by COLTPAC, based upon whether it's an urgent process under this criteria or not. I believe that by allowing the applications to come through, they would be screened at a level that we would not need to get into the discussion here at the Board level, until or at such time that it is a favorable recommendation or non-favorable from COLTPAC to be brought before the Board.

CHAIRMAN SULLIVAN: What would be COLTPAC's take on that?

MATTHEW MCQUEEN: Mr. Chair, Commissioners, as Commissioner Duran alluded to, we had this situation come up before where a project was presented to the committee and the committee felt that it could not act on the project, in part because of the direction from the Commission to focus on management of projects, and in part out of a sense of fairness to other property owners in the county. This was a property that was brought before the committee and ultimately before the Commission by a landowner representative who is savvy. And what we hoped to do was to create a project where truly urgent projects could be reviewed by the committee in a way that was fair to all landowners in the county, and proposed or not proposed to the Commission.

We felt that in the prior situation we really didn't have that mechanism and that's part of what caused the problem with that particular project.

CHAIRMAN SULLIVAN: So you don't feel it would be necessary for the County Board of County Commissioners to be the only entity to designate if it's an emergency

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or not?

MR. MCQUEEN: No, Mr. Chair, I don't. I believe the criteria set out in the proposed resolution, following the existing COLTPAC process with an additional level of criteria on top of that would be adequate for County staff and the committee to determine whether a project was truly urgent. I would point out that the resolution as drafted, it really has two prongs. One is urgency. Another is really the quality of the project. That we don't want to have to snap into action and bring things before the Commission if the project is mediocre and if other projects, only the really exemplary projects would fall under this provision, and other projects could wait until the normal COLTPAC application process is open.

CHAIRMAN SULLIVAN: You're aware of that new proposal for the Parker property?

MR. MCQUEEN: I am.

CHAIRMAN SULLIVAN: And who's bringing it forward? The name of that?

MR. MCQUEEN: The Trust for Public Lands.

CHAIRMAN SULLIVAN: The Trust for Public Lands. Okay, that answers my question on that. Are there any other questions of staff or COLTPAC? If not, what are the wishes of the Board?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: There's a motion from Commissioner Montoya, second from Commissioner Anaya. Is there further discussion.

The motion to approve Resolution 2003-61 passed by unanimous [4-0] voice vote.
[Commissioner Anaya was not present for this action.]

XI. F. 2. Resolution No. 2003-62 A Resolution Permitting the County Open Land and Trails Planning and Advisory Committee (COLTPAC) to Form Subcommittees for the Purpose of More Effectively Carrying Out its Mission

MR. FLORES: Mr. Chair, thank you. I'll be brief on this one as well. The policy brought before you or the resolution brought before you is really to allow us another avenue to assist us in developing our properties, to assist us in developing our management plans, and to foster cooperative agreements with coalition groups, with property owners, with non-profit organizations so that we can enhance the open space program. Unfortunately, due to staffing size and due to COLTPAC and the tremendous efforts that they put in, we unfortunately can't do it all, I think without the ability to provide these subcommittees of lay people that are interested in the programs and that will assist us in developing our program to a further degree than it needs to be, and that's what we want to strive for. COLTPAC again has reviewed and they did approve this at their meeting of April 3 and I stand for questions.

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COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Tony, so COLTPAC wants to get an advisory committee for themselves?

MR. FLORES: Mr. Chair, Commissioner Anaya, it's not necessarily for themselves but it would be project-specific. If it was to do a management plan or something along those lines, let's just say for Cerrillos Hills Coalition which we'll be talking about in a second, we would have a subcommittee formed to do a management team approach on the subcommittee that would funnel back up to COLTPAC as an advisory to COLTPAC.

COMMISSIONER ANAYA: Would those people be from that area?

MR. FLORES: Mr. Chair, Commissioner Anaya, they can be from that area and I think they need to be from that area that are vested in that project or that area. They could also be former COLTPAC members and may have an interest in seeing projects develop. All this does is open up the avenue to allow COLTPAC to have subcommittees assist them to assist you.

COMMISSIONER ANAYA: So we could have ten or fifteen of those committees.

MR. FLORES: Mr. Chair, Commissioner Anaya, it's very possible.

COMMISSIONER ANAYA: And who organizes their coming together and who prints the paper and all that?

MR. FLORES: Mr. Chair, that would be borne by the County. I think staff from the County Open Space and Trails program is still the leader of this project, as an advisory to the Board. COLTPAC is there also. It's a cooperative effort. So the County staff ultimately would be responsible for the coordination, just as we are of COLTPAC.

COMMISSIONER ANAYA: So is COLTPAC overwhelmed with -

MR. FLORES: I don't believe it's an overwhelming thing, Mr. Chair, Commissioner Anaya. I think it's just that we need to be able to build the program to another level and I think by doing these subcommittees it would allow the staff.

COMMISSIONER ANAYA: And I'd like to know when they meet so that I can go to a couple of meetings.

CHAIRMAN SULLIVAN: COLTPAC meetings? I think they have a regular monthly meeting, don't they?

MR. FLORES: This Thursday night is the next one.

CHAIRMAN SULLIVAN: It's twice a month, isn't it?

MR. FLORES: Once a month. First Thursday of the month.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Flores, how are these subcommittees appointed, selected?

MR. FLORES: By COLTPAC.

COMMISSIONER CAMPOS: Thank you.

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COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya:

COMMISSIONER MONTOYA: I support this resolution, but I think as different committees grow and mature, I know COLTPAC is relatively young and is definitely growing and maturing as these things evolve, certainly it becomes, I think, necessary to have subcommittees to be able to conduct the business that the full committee sometimes can't do, just because they get overwhelmed with so many different issues. So I would support this resolution request so that COLTPAC can effectively and efficiently conduct the business that they need to conduct as well and certainly subcommittees is a great way to do it. With that, Mr. Chair, I move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion for approval from Commissioner Montoya and a second from Commissioner Anaya. Further discussion?

The only comment that I would add, Tony, is that I think we need to monitor this. Certainly whenever a subcommittee is formed, as Commissioner Anaya alluded to, staff time is going to have to be consumed monitoring that and attending that. I do see that it requires that one COLTPAC Committee member be at a subcommittee member. I assume that means if the COLTPAC member is not there, the subcommittee does not meet.

MR. FLORES: I believe that is correct.

CHAIRMAN SULLIVAN: So that there's that continuity, so the subcommittee understands what's going on. But there is the issue of time, and I don't want the subcommittees to be an excuse for not getting the management plans done that we've been harping on for some time, and one of which we'll discuss next. But I do see where there are specific cases that you could get a lot done in a subcommittee and then quickly move it up to the COLTPAC group to act on. So I support it, but I'd ask that it be used judiciously and not across the board.

MR. FLORES: Mr. Chair, what we could probably do is we've been talking about bringing back status reports of all of our programs, not only the open space, but at that time we could evaluate our own subcommittees and our requests like that and present to the board the efficiency operation of those subcommittees and at that time we can look at those at that time again.

CHAIRMAN SULLIVAN: Okay, we have a motion. We have a second. Is there further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Maybe we want to put a limit on subcommittees for now and see how it goes. I think that once we put that out we're going to have a bunch of people wanting to be on a committee, which is good, but just to look at it for a while and see how it operates. Maybe no more than five for now, then see how that works and then we can come back. If we need more, we'll do more. How many people are on the subcommittee?

MR. FLORES: Mr. Chair, Commissioner Anaya, what I was going to comment on was that not every project would have a subcommittee formed. It's got to be on a project by

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project basis. There may be smaller properties that COLTPAC may not feel - Mr. McQueen can address this - but they may not feel they need to go to a subcommittee level. But there are larger pieces of property, Cerrillos Hills may be an example, 1000+ acres that we would at COLTPAC's suggestion try to form a subcommittee. So it's not on every project and it's not an unlimited number. It's on a project by project basis.

COMMISSIONER ANAYA: Okay, for that project, you'd form a subcommittee. Once that project is through, you'd eliminate that subcommittee?

MR. FLORES: That subcommittee, in my opinion, Mr. McQueen, is that project by project?

MR. MCQUEEN: The anticipation or the hope would be that it would be that it would be really property specific. As Tony said, some properties might warrant a subcommittee, some might not. You might even have a situation where just the level and nature of the local support determines whether or not a subcommittee would be appropriate. So definitely property specific, and once the management was up and running, I would expect the subcommittee to disband.

COMMISSIONER ANAYA: Okay. And how many members on the subcommittee? Five? Seven? We leave it up to you or what?

MR. FLORES: Mr. Chair, Commissioner Anaya, I believe again it has to do with the purpose of the subcommittee. We may look at -

COMMISSIONER ANAYA: Ten people could be involved.

MR. FLORES: Sure.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: I think there's one positive aspect to this also and that is we like to involve as many people as we can in the COLTPAC process and we have the members who are on the committee. We have some others who have requested to be on it. This is an option for them to become involved as a subcommittee member, and then it's an option too for people who don't want to spend the full time on COLTPAC but have an interest in one particular project and are willing to spend time doing the research and things for one project. When that project is brought forward and either goes forward or doesn't then their interest is over. So it seems like a good way. Any way that we can get more public participation and involvement in the process is good. So if it works that way I think we'll be in good shape. Commissioner Duran.

COMMISSIONER DURAN: My only concern about the subcommittees is that I know in the past there have been some projects that received overwhelming recommendations to purchase and I'm just concerned that the subcommittee would be comprised of people or individuals that are not directly affected in terms of geographic location to the acquisition of the property, that those people that are on the subcommittees are representative of the entire community so that if we're looking at a piece of property in La Cienega that everybody on the subcommittee isn't from La Cienega, that they should be from other areas. With that as an understanding, I could support this resolution.

CHAIRMAN SULLIVAN: Is there further discussion?

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COMMISSIONER CAMPOS: I think that's a good point that Commissioner Duran makes. We get a comprehensive perspective on all projects and not just a local perspective. It skews the whole process.

CHAIRMAN SULLIVAN: Further discussion? Okay we have a motion and a second.

The motion to approve Resolution 2003-62 passed by unanimous [5-0] voice vote.

XI. F. 3. Resolution No. 2003-63. A resolution adopting the Cerrillos Hills Park Management Plan

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: We do have an EZA at 6:00. It would be nice if we could get out of here by 5:00. Is that possible?

CHAIRMAN SULLIVAN: I think we're going to make it.

MR. FLORES: This will not be long. I hope.

COMMISSIONER CAMPOS: Move for approval, Mr. Chair.

MR. FLORES: Thank you, Mr. Chair, members of the Commission. Patrick Kraich, our Open Space and Trails manager is passing out a brief overview or synopsis of the presentation he's going to go through. Basically, we are before you today for our first management plan for one of our open space properties. This has been a long time coming. Our open space staff and COLTPAC and also the Cerrillos Hills Historic Park Coalition as well as the Park Service and BLM have worked effortlessly on trying to get this developed. I would like to point out before Patrick gets started that this is the first plan.

This in my opinion is a work in progress. There will be some areas that we need to fine-tune as we develop management plans for each of our properties. But this is really going to act as our centerpiece or our basis to start developing these plans. So I want to point that out. As we start developing these and they come forward to you, we're going to be using the same template, just fine-tuning it as we start evaluating whether these management plans are really working, these tools that we're putting in place are working. So with that, I'd like to turn it over to Patrick to do the presentation.

CHAIRMAN SULLIVAN: Tony, I had one point that I wanted to add. As you go through, at some point in time the one thing I saw that was missing from this plan was a budget and any discussion of how we are going to fund these management priorities which you've listed here and there's no five-year plan. There's nothing about grant funding. As you go through the presentation here, could you tell us where, in these components that would come?

MR. FLORES: We can, Mr. Chair, and that's an excellent point. I apologize for not including that in the presentation. We have discussed that and tried to build that into

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these management plans. Unfortunately, we have a grand opening basically on May 24th for this project. We're a little behind the eight ball to get this plan approved. So we will point those out to you as we go along.

CHAIRMAN SULLIVAN: Thank you.

PATRICK KRAICH (Open Space and Trails Manager): Good afternoon, Mr. Chair, Commissioners. My name is Patrick Kraich. I am the Santa Fe County Open Space and Trails Project Manager, and I'm here just to present the highlights of the Cerrillos Hills Park management plan. And before we get too far let me point out the two handouts I gave to you, one is just the packet of my actual presentation so you can sort of follow along on paper, and then the other packet is four maps. As you can see the translation from digital to the screen is sketchy at best sometimes, so you can refer to that paper copy. It's a little bit clearer.

So first a little bit of background. The Cerrillos Hills Historic Park was purchased in 2000. It's 1116 acres and approximately half a mile north of the Village of Cerrillos. It is the yellow blotch here. You have Santa Fe in the upper right corner and Albuquerque in the lower left of Route 14. And the blue area represents some BLM land and we'll touch on that a little bit later. It's roughly a half hour from Santa Fe next to Highway 14, otherwise known as the Turquoise Trails.

So the purpose of the plan is to facilitate public use in terms of low impact recreation, educational activities and to really foster a connection to this land, while at the same time protecting the unique resources which are found here in the park. There is a nationally significant mining history here in the park as well as ecological resources which I will get into a little bit later.

So the planning process started before my time, actually. Pretty much as soon as the property was acquired. It's been very community oriented. We've engaged the interested public and adjacent landowners in this whole process and the most recent thing to get this plan done and approved by the opening on May 24th is we've put together a management planning team to look at all the issues that we need to address here, and that includes of course our program, the Cerrillos Hills Park Coalition, which is a non-profit, members of COLTPAC, the National Park Service, BLM and some local outfitters who make some bike adventures.

One of the reasons also just to engage the interest of the public we realized looking at the larger context of the Cerrillos Hills, we have a lot of other stakeholders in physical proximity to the park. If you look at Map 2 in your map packets you can see a little bit better than it comes up on the screen here. The red area is the actual park and sort of the orange to the north and northeast is BLM lands, and of course you have the Village of Cerrillos a half mile to the south. And there's also some state lands outlined in blue up to the north. And then of course the Mt. Chalchuiuitl piece, which is a pending acquisition, which is immediately north above the Cerrillos gravel pit operations, above the gravel mine property there. Kind of the weird looking property that has all the fingers going off to the northeast.

So looking at the bigger context we realized there's a lot of other stakeholders here and we took that into account in doing this management plan.

The plan outlines these management objectives. One is to design appropriate park

improvements, protect the sensitive resources that are on the park, both cultural and ecological, improve environmental quality when possible, and then safely accommodate multiple users in the park, support local business opportunities, provide educational experiences, cooperate with adjacent landowners and managers, the folks I just mentioned in the previous slide, and of course to sustain long-term stewardship.

So the plan identifies some unique resources. See the picture there on the right is a picture of one of the mines that exist on the property and there's a whole series of these out there. This area has been mined for over a thousand years by Pueblo and Spanish and also sort of a classic late 1800s mining boom. It's listed on the New Mexico Register of Cultural Properties and is eligible for the National Register. And there's also important connection to other sites in Cerrillos Hills and the Galisteo Basin. Ecologically, it's a piñon-juniper ecosystem and there's also on the property, there's a number of natural springs and sheltered arroyos which support a fair amount of diverse wildlife.

The plan also identifies visitor opportunities and one of the big ones that came up was heritage education, with this whole mining history I just alluded to. Also, of course, low-impact recreation, which will include hiking, biking and horse riding on the property. Also realize that this is a very close-to-home resource, thirty minutes to most county residents, and an opportunity to tap into Turquoise Trail tourism.

So in order to sort of get down to the nuts and bolts of management, what the plan proposes is the concept of management units, and these are park areas defined with specific management needs, projected uses and facilities, recommended actions and appropriate monitoring program. So the following five are the management units the plan proposes. Visitor units, trail units, conservation units, buffer units and the concept of a preserve, and I will touch on each of these briefly now.

First is visitor units, and this is Map 3 in your map handout I gave you. You can see the facilities we're looking at here is a trailhead/parking lot, and that's represented by the "P" right below the private property piece there. Right south of the private property piece. There will also be a series of education areas strung out along the red loop, which represents the primary trail, and I will give you a little more detail on that in the next slide. And also there will be a series of overlooks where appropriate off the primary trail. And the priority goals for these visitor units, of course are trailhead improvements, and then a monitoring and maintenance program, and mine treatments. We need to get these mines ready for - when the public comes out these mines need to be treated so the public can access them or look at them safely without endangerment. And also getting together the educational signs and activities, most of which will, like I said before, will take place strung out along the primary trail.

Which brings us to the next unit, the trail units, and we identified four different kinds: accessible, primary, back country and special use. And primarily, we're going to focus on the accessible and primary trail, at least for the short term. But the priority goals of course are to construct and maintain the accessible trail, construct, repair and maintain the primary trail, install and maintain trail signs and again, that long-term stewardship, we need to organize a trail crew and volunteer stewards.

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MR. FLORES: Mr. Chair, at this point, under these two units, both under the visitor units and the trail units, we have estimated - well, first of all, the funding that's coming from this is coming from a variety of sources. One of them is we have a New Mexico rec. and trails grant of approximately \$55,000 in cash. We also have the maintenance fund through the acquisition process to be able to assist us in the first year of this part of the implementation process. It is estimated that in FY04, this implementation of these certain areas that Patrick has touched upon will run us about \$42,050, including the preserve and conservation units, which we'll talk about in a second. The FY05, we take these trails and we start developing the ones that we weren't able to do in the first year, which would be the back country and the special use, and then in FY06, we've planned it out for three years, we would finish off any trail improvements that we would need and finish off any signage or any other preserve or conservation use at that time.

So over a three-year period we anticipate the total costs of implementation at about \$150,000. Annual maintenance costs for the entire area, including monitoring, clean-up, maintenance, those types of issues of about \$40,000 per year on the annual basis.

CHAIRMAN SULLIVAN: Tony, the thing that I was hoping to see, we have a matrix that you're kind of talking about here that's not in your slides but it's in your handout that indicates that for each type of facility, what the facility is and its projected use and its management needs, which I think is very thorough. But it doesn't say then who's going to do that. Is it going to be volunteer? Is it going to be a part-time park ranger? And we have funds for one year but how do we get funds for subsequent years? There's obviously some County staff time that's involved that has to be quantified, and that's a component I see here that because we have all these needs and then we say, Okay, we've got the plan done and we put the plan down and like visitor facilities. Trash pick-up. Okay, well, who's going to pick up the trash?

MR. FLORES: That will be part of the County staff service area.

CHAIRMAN SULLIVAN: So we're going to have to put County time in there that coordinates with the County budget, with your department's budget request.

MR. FLORES: That's correct.

CHAIRMAN SULLIVAN: And all of that needs to come out at the end, otherwise, what's going to happen is the local population is going to say, You agreed to this management plan and you agreed to do all these things, to pick up the trash and do parking lot maintenance and pick up the beer cans and what have you, and you didn't do it. This place is a slum. Because we didn't have the funds or we didn't have the commitment or the thought about who else is going to help to do this.

MR. FLORES: Mr. Chair, you're absolutely correct. I would like to say though that there is a memorandum of understanding being brought forward as soon as the issues are resolved with the Cerrillos Hills Park Coalition as well as BLM that does identify responsibilities, both fiscal and kind, individual kind, whether it be staff time or volunteer time to improve each of these areas. As I pointed out or prefaced my statements, this is a work in progress. Those are areas that we have concerns with as well as they weren't included in the

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management plan. Even at an estimated cost, we would have an idea of what implementation would run us. So I do apologize for that. We are aware of those issues. We are also aware of the fact that we need to partner with different organizations out there that identify responsibilities and responsible areas for that park.

CHAIRMAN SULLIVAN: Okay. Thank you. So we're on to conservation, buffer and preserve units, right?

MR. KRAICH: Thanks, Tony, of reminding me of the budget issues before I went barreling ahead. Your last map in the map packet that I handed out shows the blue line represents that primary trail and a number of different sections with different names. That's just to give you an idea, it's about 2.5 miles. And that's where we envision concentrating most of the user who come to the park, doing that loop, and then from there, there's also up in the upper northwest corner is the tentative back country trail, which will provide a longer loop for folks who want to use it. But primarily, we're going to focus most of our efforts and focus most of the users to the primary trail system until we start working on the other trails such as the back country trail.

We combine the conservation buffer and preserve units into one. Conservation, we have four identified spring areas, which we probably need some habitat improvements and restoration. And then, we're looking at the buffer units. The concept is either separation between units or adjacent private land where there would be no facilities. And then preserve is basically the remaining park lands and this is a resource protection emphasis with permitted use only, basically open space with no facilities. And the habitat improvements would be applied mostly to the - in terms of priority goals, be applied to the conservation units and then the planning and County boundary markers, we want a clear demarcation between County land and adjacent private land, which would apply to the buffer units. And then monitoring, research and education programs apply to all three of those.

In terms of budget, right now we're looking at relying a lot on the coalition to help us with some of this work but we don't anticipate too many costs coming out of these three units here.

Other priority goals the plan identifies that aren't necessarily tied to one unit; they're tied either to multiple management units or the whole park, is volunteer coordination, permit administration - this has come up both in commercial use and special use permits. Also to develop and distribute park information materials. We're working closely right now with the Cerrillos Hills Park Coalition to develop brochures and maps, working with them. Archeological site monitoring, we are working with the State Historic Preservation Office and also the coalition to have site steward volunteers help keep an eye on the identified archeological sites that are out on the property. Installing appropriate signs, fences and gates at access points and other appropriate places in the park. That will be a lot on the County's shoulders there to do that work and we've already started doing some of that already. And then we've started preliminary discussions about law enforcement and emergency response for the park.

So this gets into the concept of sort of how do we do all this. And we are really - one

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of the things that came out of the management planning team was also to recruit partners and like Tony alluded to, have MOUs and agreements to help effectively manage the park and these are being worked out as we speak. These are some of the groups that are handling some of the management. For instance, the Abandoned Mine and Lands Bureau is doing all the mine treatments for us. We're working, like we mentioned before with the Cerrillos Hills Park Coalition to do a lot of this work out there as well, and joint planning with the Bureau of Land Management and of course the State Historic Preservation Office for the cultural sites.

In the meantime, things are happening out at the park. There have been trailhead improvements. A kiosk is going up as we speak and also the picture on your right here is two of the members of the Cerrillos Hills Park Coalition and this sign is up and this will be where we envision a horse trailer parking so there's information there, open space rules and regulation, map, all that stuff. The mine treatment, like I mentioned is going on. It should be happening soon, coordinated by the Abandoned Mine and Lands Bureau. We're working on developing a volunteer steward program. That's an important component of this. We need to get a handle on what the issues are out there and sort of foster the eyes and ears and we're rapidly working on that so we can identify issues out in the park.

We are currently working on the permit program, specifically for open space for commercial use and special use. Also, like I mentioned before, public information brochures and maps are being worked on as well, and like Tony alluded to, the MOUs and contracts for management are being worked on. And of course, as we mentioned, the grand opening is scheduled for May 24th, so that is our target goal for this plan and working on a lot of these issues. And of course, you are all invited to attend the grand opening. With that, we'll stand for questions. Thank you very much.

CHAIRMAN SULLIVAN: Okay. Questions of the staff?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Probably not a question. Maybe just a comment. Particularly on your last slide there, regarding the volunteer stewards, as you were going through the presentation, I kept thinking, at this point, it probably is going to have to be mainly volunteers as we look at these different types of management plans, in terms of how we're going to preserve and maintain what it is that we've got. And then probably as much as possible, have people from those communities that are going to be part of that volunteer stewardship that you're talking about. I think it's critical that we get these management plans clear up front, see how we're going to work them for the other spaces so we don't run into the problem of for example not having anyone to maintain that particular open space.

I guess kind of a concern that I have is that if these becomes something that's going to require not only staff time but County budget as well in terms of the maintenance of these open spaces. Because I think, at least my understanding is that the whole concept of open space is to leave it in the state that it's in and try not to disrupt it too much. So that then, at some point in the future, and James and I were talking about it, Public Works comes in and they want their trails paved. I'm just thinking that that's not the kind of thing that in my opinion open space

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was developed for in the first place and then to try and keep costs down that we don't run into a situation where it's not fitting what the original intent is of that open space. So I think this is a good document to begin to test for this particular site and see whether or not it's something that's adaptable to some of the other open space sites. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you. Other comments? Let me just throw again my two cents in here. I think we could certainly call this a draft plan. I'd be a little nervous to approve this resolution as the management plan because I think the critical things that are missing and are obviously yet to come. I'm not saying that it's a matter of omission, are what are these things going to cost? Chain link fence around the mine areas? Three, chain link fence around mine area, Four, etc., etc., etc. And who is, for each of these, and they're well laid out. I like the matrix that you've done of isolating each area under the trails and each area under the visitor facilities and saying, Here's what we have to do in there, and I'd like to see, as I said before, another column, saying who's going to do that. Is it going to be by contract? Even if you don't know yet, if it's going to be the coalition, if it's going to be by some contract, and what's it going to cost? Plus the capital costs, what's the annual maintenance cost.

So we have a tally here of what we've committed to and that way, when you start signing this MOUs with these groups they can go back to your matrix right here and that can be exhibit A of your MOU and they say what you all are responsible for is so many items under this matrix. So I think that's very useful. It tells us exactly what a lot of thought has gone into what has to be done. And I think we need that very important extra component. Because I think when you add up all the numbers and all the man-hours you're going to find out that there's more man-hours than there are volunteers. And volunteers tend to disappear. After they come in and pack the chambers to get the property purchased then they tend to disappear into the woodwork. I know this group here, I don't want to denigrate them at all. I know that the Cerrillos Hills group has been active and they're very concerned about the property, but there's only so many of them. We have to broaden that horizon. So with those additions, I think this has the potential of becoming an excellent plan.

Other comments? Commissioner Duran.

COMMISSIONER DURAN: If there's no more discussion, I'd like to make a motion for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay we have a motion for approval. Could we call this a draft plan? Is your thought that this is the final plan and nothing else?

COMMISSIONER DURAN: Well, my thought is that we've been working on this thing for a year. We need to have some kind of flagship program that will help us develop a similar program for all the other properties. I understand the concern that there might be funding issues, but we have the quarter percent tax, where 15 percent of that is allocated towards open space and we are trying to, in fact we've adopted it. Did this have the five percent fee?

MR. KRAICH: Have the maintenance fee come out of it?

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COMMISSIONER DURAN: Right.

MR. KRAICH: I believe it did. Yes.

COMMISSIONER DURAN: It did? Okay. Good. So I think that we have adequate funds to get going. I think that we have this quarter percent open space money that will help us manage these properties and I don't know what "draft" does to the effectiveness of this.

CHAIRMAN SULLIVAN: I think it says that it's the first step but it's not the final plan. I'm concerned, and I think a lot of the money is going to come out of the quarter percent except the quarter percent is not for management, it's for physical capital facilities.

MR. KRAICH: Actually, it was a very broad question and response for that open space that did include maintenance on the quarter percent.

CHAIRMAN SULLIVAN: It did include it. Okay. So then if we were going to use maintenance on this then we could identify it as \$3,000, the source quarter percent gross receipts tax. And we would have made a commitment to that. I'm really concerned that we've made a broad commitment here to do things with no identification as to responsibility for who will do them.

MR. FLORES: Mr. Chair, I agree wholeheartedly. I believe though that the purpose of trying to get this forward at the state it's in right now is to try to have something in place by the grand opening on the 24th of May. Those are issues and we are working with the open space section to start developing budgets project by project that would give us those hard numbers, not only of the fence or the trailhead or the trail itself, but also the other side of it which is how much time is it going to take of staff and volunteers. We're trying to put those numbers together for each project, hopefully at the beginning of the budget cycle in July, we will have budget line items for each of those projects that are specific to a budget that I can bring back to you and say these are what we've estimated for these costs.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'm just concerned that we've spent the quarter percent tax about three or four times on all our fantasies. So we really have to look at some solid numbers and we have to understand that we're going to have to divide some of this money up with the City on regional issues. We can't keep spending it. Every minute we say, Well, we've got this quarter cent tax. Well, we do but it's not a lot of money, and we can't spend it three or four times.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: For those who don't know, quarter percent tax has three different elements to it. We haven't spent any money of the open space funds, which we don't need to participate with the City. This is for County acquisitions. Perhaps you didn't remember it.

COMMISSIONER CAMPOS: I did. I helped pass it.

COMMISSIONER DURAN: So the quarter percent, that portion of the quarter

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percent that goes to open space I think should be spent on trying to open up these properties that we've acquired over the last few years for the use of the public. Are there any that we've acquired that are available for the community to use?

MR. KRAICH: The Santa Fe Railtrail is officially open to the public.

COMMISSIONER DURAN: So that's really the only one. We have 640 acres, actually more than 640 acres out in Galisteo that we're not letting people use because we haven't established a program. I think that -- so my motion is not to have this a draft document but rather to have it approved as it's submitted. I'd be more than willing to entertain the amendments you wanted to make to it if you could tell me what those are but I don't want it to be a draft because I think if staff comes back at a later date with a report on this we can always amend it. I think we need to put something in place right now that works and that staff can move forward on.

MR. GONZALEZ: Mr. Chair, if rather than calling it a draft we call it a preliminary plan it leaves the implication that we come back at a later period of time with some improvements to it but nevertheless we have something that can operate for the meantime.

COMMISSIONER DURAN: How about phase one, or a phasing plan. Even preliminary doesn't give it any finality.

MR. GONZALEZ: I think you can have a preliminary plan that applies. It just leaves the implication that you come back at some later time and revise it.

COMMISSIONER DURAN: If you think that works, I'll go with that. Will you accept that?

CHAIRMAN SULLIVAN: I think that helps the issue. And by the way, on those other items, the open space, we do share with the City.

COMMISSIONER DURAN: We do? The quarter percent?

CHAIRMAN SULLIVAN: Yes.

MR. FLORES: We split it up with the regional part of that and then we get the other part for the County.

COMMISSIONER MONTOYA: The open space too?

COMMISSIONER DURAN: But some of that is allocated for us.

MR. FLORES: There is a percentage. Absolutely.

CHAIRMAN SULLIVAN: That was one of the commitments we made in the ordinance. So now we have a motion and a second. Let me just be clear on that to approve the preliminary Cerrillos Hills Park Management Plan. Is that appropriate. Discussion on that motion?

COMMISSIONER CAMPOS: Mr. Chair,

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: You seem to be concerned, as I am, about the fiscal implications, and you want more information. And I would assume the sooner the better. And perhaps if we don't tag it with a time line we may not get it for a long time. It may be a good idea to insert that within so many month that staff will come back with a fiscal plan on how to finance and fund this thing. In the near future, in the next three months, six months, I

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don't know what's appropriate but I think we need to put a hook to this so that we have a good idea of how we're going to pay for this.

CHAIRMAN SULLIVAN: What would be your estimate, Tony, for the next -
MR. FLORES: Mr. Chair, we could actually bring that at the last administrative

meeting of May. So if you give me until May 27th.

CHAIRMAN SULLIVAN: The next Commission meeting, you think you'll have it?

MR. FLORES: The administrative meeting, yes.

CHAIRMAN SULLIVAN: That would be wonderful.

COMMISSIONER DURAN: I'll accept that into my motion.

COMMISSIONER MONTOYA: So will I, Mr. Chair.

CHAIRMAN SULLIVAN: All right. So we have a revised motion for the acceptance of the preliminary Cerrillos Hills Park Management Plan with a requirement that the identification of budget components be brought back by staff at the May 27th Commission meeting. Further discussion?

The motion to approve the preliminary Cerrillos Hills Park Management Plan with a requirement that the identification of budget components be brought back by staff at the May 27th Commission meeting passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Thank you. Good job.

MR. FLORES: Thank you.

CHAIRMAN SULLIVAN: And I repeat that. This is a good job. This is a lot of good work.

MR. FLORES: Our open space staff and COLTPAC and the coalition put a lot of work into this, so the kudos go to them.

XI. F. 11. Request approval of the Santa Fe County 2004-2008 Infrastructure Capital Improvements Plan (ICIP) implementation schedule

CHAIRMAN SULLIVAN: This is not the plan, this is the schedule as I understand it

MR. FLORES: That's correct, Mr. Chair. Basically, I alluded to this in my earlier presentation. Because it's an important aspect to have community involvement, the County capital outlay team meetings, Commission meetings, whether we do it, as you can see there's no study session in here either, the Road Advisory Committee meetings, Water Board Association meetings, I need a starting point to be able to begin the process, basically starting from today and working back from July 31, which is the due date for DFA. We basically have a schedule in front of us. July 31st is the day it has been submitted but it still has to come before the Board for a resolution adoption. We propose bringing that up on July 8th. So basically, we

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have two months to get this plan done, just like we did last year.

I was hoping we had a longer term. DFA has changed their guidelines and we found out two weeks ago that they're going to change them even further where we'll be starting the ICIP process in November. So we'll just have submitted this year's, getting ready for the legislative session when we'll be starting the next year's. The ICIP process is turning into a year-round ordeal. So this is purely an implementation schedule where we can begin the process. We can start advertising meetings. The community meetings will be held in the meetings. We've added additional meetings this year, and I stand for any questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I can't find it in my packet.

CHAIRMAN SULLIVAN: There's a little bit of a problem here. If you look in front of XI, H and I you might find it. Go to tab XI, H through I and move forward.
Commissioner Duran.

COMMISSIONER DURAN: Tony, this is just a schedule of how you're going to proceed with this process, correct?

MR. FLORES: Mr. Chair, Commissioner Duran, that's correct.

COMMISSIONER DURAN: A list of dates and where you're going to be and all that.

MR. FLORES: Exactly.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I don't see Galisteo on here. Or Stanley.

COMMISSIONER DURAN: Or District 4.

CHAIRMAN SULLIVAN: You have to go to Turquoise Trail or Edgewood.

MR. FLORES: Mr. Chair, Commissioner Anaya, we can put in Galisteo.

CHAIRMAN SULLIVAN: I think Galisteo can go to Eldorado but they might not like to do that. That might cause internal revolution.

MR. FLORES: We can fit those dates in there.

COMMISSIONER ANAYA: What about Golden and Cerrillos?

MR. GONZALEZ: Mr. Chair, Commissioner Anaya, I think one of the things that staff is juggling is the amount of staff time that's available to staff the meetings and get the job done. So we can probably make some accommodations but we need to keep in mind that each time we increase the amount of staff time that's required it takes away from other projects that we have at that end of the fiscal year.

MR. FLORES: Mr. Chair, Commissioner Anaya, I would propose that, I had recommended earlier that we do a study session with the Commission and we have included some dates in there, June 19th through the 23rd. I could bring back a second schedule if you'll allow me to get started on the initial meetings. The first administrative meeting of May that would have additional sites or any other ones that the Commission comes up with be included in that. It's not really an issue. It is a timing issue and trying to facilitate all the meetings but

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we'd be happy to include additional meetings if necessary.

COMMISSIONER ANAYA: Yes, I just don't want you don't even have Madrid in here. Maybe we could do Cerrillos and notify Madrid people. I know sometimes it's hard for those people to come out of their village to somebody else's village and I know we're going to a lot of these other small villages but I hate to leave those people out. Thank you.

CHAIRMAN SULLIVAN: Maybe, Tony, we actually could if anything consolidate here. I'm thinking that Cerrillos and Madrid could be notified for the Turquoise Trail fire station.

MR. FLORES: That's what we did last year, Mr. Chair, was consolidate it.

CHAIRMAN SULLIVAN: But we seem to have quite a few in the north, Chimayo, Arroyo Seco, Pojoaque, Tesuque. It would seem to me that one or two consolidated meetings, perhaps meeting at the Pojoaque fire station or something of that sort. There's certainly a lot of meetings here and a lot of staff time.

MR. FLORES: Unfortunately, it's a massive undertaking for us, but they are necessary. It is important to be out there.

CHAIRMAN SULLIVAN: It's your call I think. So you think you'll be able to accommodate Commissioner Anaya's request to get something in Galisteo. We've already got Edgewood here.

MR. FLORES: yes.

CHAIRMAN SULLIVAN: Okay, Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Tony, how set are these dates? Only because I look at the ones in my area and there's actually some meetings scheduled that are at different dates but same locations, except for Chimayo, Arroyo Seco, Pojoaque and Tesuque all have scheduled meeting that it might be able to kill two rocks with one bird.

MR. FLORES: I understand what you're saying. Mr. Chair, Commissioner Montoya, I'd be happy to take a look at combining those dates. The dates somewhat need to be set so that I can start the advertisements for the public notices. That's the important thing is getting notice out to the public.

COMMISSIONER MONTOYA: I'll give you a call.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Tony, what does the Commission meetings mean? What happens on my meeting June 19th? Where am I meeting?

MR. FLORES: You're meeting with us, to go over the list of priorities that have been identified from constituents and residents of your district.

COMMISSIONER DURAN: Got you. Thank you.

MR. FLORES: That's why I'm saying within that area there, I think we have some time frame in there that we could adjust some other meeting dates if I'm permitted to bring forward a study session to look at the big picture.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN SULLIVAN: Do you have any comments? Commissioner

Campos.

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COMMISSIONER CAMPOS: Just a comment. District 1 has the first four items, it looks like. District 4 I don't think has any items, but I need to get back to Mr. Garcia on that. Let's keep in mind that we have to balance out a little bit. We can't get every village in every district either. We've got to kind of come up to a compromise.

CHAIRMAN SULLIVAN: Okay, you're just looking for approval or guidance or direction?

MR. FLORES: Give me a go. I'm looking for a go. I need a go.

COMMISSIONER DURAN: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay, motion for approval, and I assume that's with some modifications.

MR. FLORES: What I'll do, Mr. Chair, is bring back on the 13th just an updated schedule. This is purely for an update purpose and no discussion or action at that time.

CHAIRMAN SULLIVAN: Okay. Further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: I think that every community is very important and we shouldn't leave any of them out. I know that last year there were a few communities that were left out and they spoke up. We never heard of any meetings. So every little community is very important. Especially in my district.

COMMISSIONER DURAN: I agree. Mine too.

CHAIRMAN SULLIVAN: Mine too. All the communities are important and what we have to hope the staff can do is get some reasonable program within the tight time schedule to where we can get participant. I've been to these meetings and you only get one participant and that's not a good use of staff time and expense. All right. We have a motion and we have a second.

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

CHAIRMAN SULLIVAN: So start your advertising.

MR. FLORES: Thank you.

XI. G. Public Works Department

1. Resolution No. 2003-64. A Resolution Designating a Project Representative and a Signature Authority for the New Mexico Environmental Department Grant Agreement #SAP 00-0101-STB (Agua Fria Sanitary Sewer Line Project)

MR. LUJAN: Mr. Chair, members of the Commission, if you like we could kill one bird with two stones. One and two, signatory authority, we've got to close out the grant for the sewer line on Agua Fria. It was two-past County Manager Sam Montoya. It's just designating Gerald Gonzales as signatory authority to close out this project. We've just got all

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the quantities and we're closing it out and that's just putting his signature and I apologize for that, Mr. Manager. One grant is for \$50,000 and one's for \$100,000.

CHAIRMAN SULLIVAN: We have two different resolution numbers here so we're going to have to work with that. Resolution number one is 2003-64. What's the wishes of the Commission with regard to that item?

COMMISSIONER MONTOYA: Move for approval

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion for approval from Commissioner Montoya and second from Commissioner Anaya. Is there discussion or questions of Mr. Lujan?

The motion to approve Resolution 2003-64 passed by unanimous [5-0] voice vote.

- XI. G. 2. Resolution No. 2003-65. A Resolution Designating a Project Representative and a Signature Authority for the New Mexico Environmental Department Grant Agreement #SAP 99-077-STB (Agua Fria Sanitary Sewer Line Project)

CHAIRMAN SULLIVAN: The second item is 2003-65. What's the wishes of the Commission?

COMMISSIONER DURAN: Move to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion to approve from Commissioner Duran, second from Commissioner Campos. Is there further discussion?

The motion to approve Resolution 2003-65 passed by unanimous [5-0] voice vote.

- XI. G. 4. Request Approval to Extend the Existing Lease/Purchase Agreement for Road Construction Equipment for an Additional One Year Period with First Bank

MR. LUJAN: Mr. Chair, members of the Commission, this was for lease equipment and it was for May 27, 1998 to the present and we have not been able to come up with a new lease agreement for equipment. We have brought it forward for the last couple years. Legal had some issues on it. The equipment is up, is due this year and what we did is we dealt with the bank and the leasing people and we were able to extend it for one more year at the same rate.

CHAIRMAN SULLIVAN: Questions from the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

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COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya for approval and second from Commissioner Montoya. Is there other discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Kind of related but aside. Are there enough - where do we stand in terms of equipment needs throughout the county, as far as road construction equipment or graders?

MR. LUJAN: Mr. Chair, Commissioner Montoya, right now what we're doing is we're doing an equipment assessment. We have enough equipment in some areas for what we're doing but like for instance in some areas we have more graders that we need. I need water trucks and rollers for those areas. So we're doing a complete assessment of hours and time the equipment has and we should have that prepared in about another month. Lonnie Montoya, my road maintenance division director has been assessing that throughout the three road maintenance districts and he's about got that complete. We were hoping to have that ready for budget and we do have some preliminary issues. At the time that the lease will be up is when we'll probably present it. We want to, say, instead of a road grader we want to get a water truck and/or a roller so we can have them in those districts. But for now we're pretty much holding our own with the equipment we have. We could use, we got programmed some dump trucks, I believe this year, in this current budget that we're getting ready to purchase. So, I don't have enough manpower but I do have a lot of equipment.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: All right. Other comments or questions?

The motion to approve extension of the lease agreement passed by unanimous [5-0] voice vote.

XI. G. 7. Discussion of the Road Acceptance Policy (Tabled from February's Meeting)

ROBERT MARTINEZ (Deputy Public Works Director); Mr. Chair, Commissioners, as you know, there are always numerous requests for the acceptance of roads for County maintenance and the Board in the past has expressed concerns about the lack of resources. And we were asked or directed by the Board to bring this up before you all for further discussion. Some of the recommendations of the existing policy, which is Resolution 1998-119, are in the memo, addressed. We are requesting or recommending that line 6 on the existing policy be amended to include that the requesting party shall have the dedication plat recorded at the County Clerk's office, and after the Board has accepted the road for maintenance, provide a copy to the Public Works Department.

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We're also recommending that item 7 from the current policy to be removed. This is the consideration of creating an assessment district to upgrade the private road. We ran into this problem with the Mutt Nelson Road acceptance when they were trying to create an assessment district. We were advised by the Legal Department that it was against anti-donation to use County funds to create this assessment district and build this project. So that's why we're asking to remove that.

On number 8, we're asking to remove maintenance on a one-time basis by the County be provided. We are also recommending that a cap to the number of miles of roads in the County inventory be addressed. I put there in parentheses 600 miles. That is just an example. It may be more, it may be less. It's up to the Commission. Also, adding that the Board will consider the acceptance of roads one time per year, and that is prior to the road certification by the New Mexico State Highway and Transportation Department. The reason for that is we certify the roads for the Highway Department April 1st. And that is to get funding from the gas tax and motor vehicle tax fund. So basically, anything that is accepted after April 1st, we do not qualify for any funding until the following April. So what we're recommending is asking the Board to accept roads, maybe at the December meeting with maintenance commencing April 1st of the following year.

Also we are requesting adding that the road being considered for acceptance be a school bus route. And finally, the road being considered for acceptance must have a minimum of 20 residences. That's just a number we threw in there. It's up to the Board to discuss that and throw at us any other recommendations or suggestions they might have to kind of clean up this policy.

CHAIRMAN SULLIVAN: Questions? Commissioner Duran and then Commissioner Montoya.

COMMISSIONER DURAN: Robert, wouldn't it be a good idea to know how much we would have available? How much does our budget grow? Let me back up. What percentage of our general budget is allocated towards accepting new roads? A lot of people may want to make an application for us to consider accepting it as a County road. They may have the funds available to bring it up to a certain level so that we can accept it, but I would think that before we could make a decision whether we wanted to accept the road or not, we would need to know how many roads our budget would allow us to accept on an annual basis or for the previous year. How else could we really make the determination as to how many miles we could accept in one fiscal year?

MR. MARTINEZ: Mr. Chair, Commissioner Duran, let me give you a little bit of history on the funding. Basically, the vehicle excise tax and the gasoline tax will generate, I think we figured about \$1100 per mile per year. And we have figured that maintenance on a dirt road is about \$1900 per mile per year and maintenance on an asphalt paved road is approximately about \$2100 per mile per year. So basically we're anywhere from \$800 to \$1000 short or in the hole from completely being funded from outside sources. So basically, the general fund would have to come up with anywhere from \$800 to \$1000 per year to cover the remaining maintenance costs for that particular road.

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COMMISSIONER DURAN: Per mile?

MR. MARTINEZ: Per mile, per year. And in the past few years, basically, we have been given direction to stay flat in our budget. So basically, whatever mileage that the Commission has accepted the last few years, we have fallen behind \$800 to \$1000 per mile per year for each road. Because basically our general fund hasn't increased.

COMMISSIONER DURAN: So then your recommendation would be that we - I mean the fiscally responsible thing would be to not accept any roads if you took that approach.

MR. MARTINEZ: Mr. Chair, Commissioner Duran, when the Commission has asked us to put roads on the agenda for acceptance, we basically do not make a recommendation either to accept it or not accept it. We've tried to stay impartial.

COMMISSIONER DURAN: Okay. I'll have to think about that more.

CHAIRMAN SULLIVAN: A diplomatic answer.

COMMISSIONER MONTOYA: Mr. Chair, Robert, on moving number 7, you kind of answered why. That was the question that I had. Can you elaborate a little bit more in terms of - because I know that Hyde Park Estates had this same situation. I don't know that it worked that well. I don't know that I have a position one way or the other quite frankly.

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, the difference with Hyde Park Estates, as opposed to Mutt Nelson, Hyde Park Estates was a County-maintained road prior to the assessment district. It was not a private road; it was a County road.

COMMISSIONER MONTOYA: So it was something that they decided, Well, I want it paved and we're going to pay for it.

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, that is correct.

COMMISSIONER MONTOYA: So with removing this, that takes that option out.

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, that takes out the option for private roads. Even though we can't do it legally, it removes it from the policy. Correct. It's still an option for existing County roads.

COMMISSIONER MONTOYA: Okay. The last two, school bus route and a minimum of 20 residences, I think those are both good. I'm not sure, particularly the last one, you said it was kind of an arbitrary number. What would maybe be a realistic number? Because I know that 20 sometimes is quite a bit in my part of the county.

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, the reason for setting a minimum number of residences on a particular road being considered would eliminate the request of half of a tenth of mile of road or a tenth of a mile road, a cul-de-sac with three or four homes. That basically, in our perception is a driveway. So basically, what this addresses is basically providing a service to more than a handful of residents.

COMMISSIONER MONTOYA: And then, I'd kind of put a pitch out there again that the gross receipts tax that's been spent three times already.

COMMISSIONER CAMPOS: Three or four times. At least.

COMMISSIONER MONTOYA: We've got ten percent, to spend at least that

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many times on roads. It's minimal but I'd like for us to remember that ideally we'd like to hold back ten percent for road maintenance. In my district it's huge.

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, actually, when the ordinance was being created, Public Works was pushing for more like 90 percent.

COMMISSIONER MONTOYA: I'd have been right there with you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: If Commissioner Montoya is done.

COMMISSIONER MONTOYA: I'm done. Thank you.

COMMISSIONER ANAYA: A lot of these amendments and removals make it harder for me in my district to help people out, and that's why I was elected is to help people out. And if we remove number 8, then, for example, if somebody needs their road on a one-time basis, that doesn't help me. The cap on the 600 miles, I don't think - we just accepted I don't know how many miles of road in Eldorado and the reason I'm saying this is there's going to be some roads that I want to accept because there's good reasons to accept them. And this makes it harder, if we start putting these restrictions in.

I don't agree with the one time a year. I think that any time somebody has a problem they should be able to come to the Commission. And I understand your concerns, Robert, but I think we should adopt a road whenever we'd like to. I don't agree with - I would like to leave creating an assessment district just in case there's some people out there that want to pay for it. The roads being considered for acceptance must be a school bus route. Well, there's people out in my district that are elderly and they don't ride the school bus, and they need their road taken care of. The minimum of 20 houses, I live in a rural area. Not every road is going to have more than 20 houses on it. There's going to be five, two, one.

So I am against a lot of these recommendations, because it's going to make it difficult for me to accept roads in my area. As to amending number 6, I agree with number 6, but I don't agree with the rest of them. Thank you, Mr. Chair.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, these were just suggestions. First of all, let me start off with number 7, the creation of an assessment district to upgrade the private road. The Mutt Nelson Road situation, an assessment district was created and basically, we were advised that it could not be done because it's violating anti-donation. So it's not an issue of us not wanting a certain item in the policy. It's something that's not legally possible.

COMMISSIONER ANAYA: Okay, but we could accept it and then we could create an assessment.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, that is correct. Number 8, removing the maintenance on a one-time basis, in the policy that I've provided to you, it says that the homeowners will enter into an agreement with the County and reimburse the County for the services. So basically, they are paying for the service which they would pay a private contractor. And the situation that we would arise in is Who would be liable if we cut a telephone line, a gas line or some other type of utility? So that is a reason why that item was

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being suggested to be removed, because basically, we're not giving them any free service. They would be paying the County.

For example, it says here that in the event that the resident needed snow removal. Well, by the time that we enter into an agreement, draft an agreement, get the agreement executed by the Board and do the work, the snow will be melted anyway. So basically it's a service that if they're going to pay for it anyway, they could hire a private contractor a lot sooner than what the County could do the services. But these are just suggestions and we're asking for direction from the board to come forward with the changes at a later date and we will amend the current policy according to what the Commission wants us to do.

COMMISSIONER ANAYA: But, we wouldn't wait to draft this agreement, we would have already cleared the snow for that individual. If it was an emergency.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, only if a state of emergency was declared by the governor. We don't need an agreement. We don't need to backcharge the residents. The state of emergency gives us the go-ahead to go on private property. If it's declared a state of emergency by the governor.

COMMISSIONER ANAYA: Mr. Chair, excuse me. Explain that again, removal of 8.

MR. MARTINEZ: On number 8 it says, on a one-time basis, the Commission may direct staff to provide grading or snow removal services at an hourly rate charged to the requesting party. And basically, what it's saying is the requesting party will have to reimburse the County for equipment, labor and any type of materials.

COMMISSIONER ANAYA: Okay.

MR. MARTINEZ: So basically, what it's saying is they will pay for our

services.

COMMISSIONER ANAYA: Okay.

MR. LUJAN: Mr. Chair, Commissioner Anaya, also, if somebody's going to request snow removal, you're going to have to call a meeting to approve us to go ahead and go remove the snow. So it really doesn't work.

COMMISSIONER ANAYA: I understand that. But let's say somebody does want us to maintain or do a one-time. Let's say they've gone out to bid and it's ridiculous and we've given them a price that maybe we're under. And we could do it for \$10,000 instead of doing it for \$20,000. Would it be good to leave that in there?

MR. LUJAN: By the time you convene a meeting on a snowfall -

COMMISSIONER ANAYA: I'm not talking about snowfall. I'm talking about if somebody wanted us to just maintain their road on a contract, for a one-time basis per year, right? Have we ever done that?

MR. MARTINEZ: No. It's never been requested. Once we tell the residents that they will have to enter into an agreement with the County and provide a release of liability and pay for the services prior to the work being performed, basically the comment is, Well, I can get a contractor to do it.

COMMISSIONER ANAYA: Okay. I was just trying to make sure we cover -

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MR. MARTINEZ: Mr. Chair, maybe what would be beneficial is since each individual Commissioner has different ideas, if they could e-mail me with their suggestions. That way we could look at them all, put them all together and possibly bring this up for discussion one more time prior to amending the policy.

COMMISSIONER CAMPOS: Mr. Chair, just an idea. Maybe Arterials has a criteria, giving them a higher priority because they service more people. I think that always has to be - I think what we're up against, Commissioner Anaya, is that we just have so much money and we could spend it all just doing roads. We don't want to do driveways. So we have to set priorities. How do we service the greater number of people in the most efficient way. We can't make everybody happy. We can't respond to everybody necessarily. We've got to see how, with our limited resources we can serve the maximum number of people in the public, without doing driveways, without expending too much of the general fund.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I agree. But we can respond to everybody. We might not be able to help everybody. And that's where I'm coming from. When somebody comes to me on a road issue, I look at it. I try to do the best I can. Contact Robert, Mr. Martinez and Lujan to see what we can do to help these people. And I don't want, and I'm tired of, we're thinking in the box and we're not thinking out of the box so that we could help these people if we can and not just say, No, we can't blade that road, or No we can't accept it. Let's look at everything. So that's where I'm coming from and I've got a lot of roads out there like that. And they've been ignored for years.

MR. MARTINEZ: Mr. Chair, I would like to add that the 600 miles that we kind of put in there for a cap, that still leaves like a 15-mile cushion. I think our current inventory is around 585 miles of road. And as the Town of Edgewood or the City of Española, or the City of Santa Fe annexes and reduces roads from our inventory, that provides more roads, mileage that we can accept to replace those.

CHAIRMAN SULLIVAN: Just to throw in a few quick comments then we'll close here I think because this is not an action item but you're looking I think for some direction, some comments. I'm a little concerned about the 600 miles because I don't think we have a real reason for that. I understand that every road we maintain is more cost but I do feel that roads are a part of what County taxes are for. I think perhaps to talk about the 20 lot issue, maybe we could say that it would be a minimum of one - it has to service more than one home and then thereafter service at least so many homes per mile. Let's say five or ten or whatever the number would be that you would think, so that if you had a two-mile road then it would have to serve 20 homes or ten homes or whatever. You could maybe give some thought to that in looking at some of your roads. Because just a minimum of 20, I think that's a lot of homes on some of the roads that we have in the rural areas.

And also, I think we need to look at school bus routes. Does that mean federally designated school bus routes, because the Highway Department designates certain school bus routes and there are other roads that school buses drive on that aren't designated school bus

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routes. So which do you mean?

MR. MARTINEZ: Mr. Chair, these are school bus routes that the local schools use. It's not anything that we get from the feds or from the Highway. We call the schools individually and see what roads their schools travel on in Santa Fe County.

CHAIRMAN SULLIVAN: And then the issue of course is what about those who don't have schools? Retired individuals who don't have school age children and should they be denied County maintenance? I think that needs a little thought as well. I think it's a good idea for all the Commissioners to e-mail Robert their thoughts on this and then you're going to come back one more time with another discussion item on this.

MR. MARTINEZ: That is correct. And the 600 miles came up back in 96. I think our inventory was at about 602 miles. And it's come down due to the Town of Edgewood, due to the City of Española and other entities' annexations.

CHAIRMAN SULLIVAN: Okay. Thank you very much.

COMMISSIONER ANAYA: Thank you, Robert. Thanks, James.

CHAIRMAN SULLIVAN: A good first try at that. Let me check in here with our County Manager. We're at 5:00 here and the EZA meets at 6:00 and we also have an executive session to do.

COMMISSIONER CAMPOS: Let's plod on, Mr. Chair.

CHAIRMAN SULLIVAN: Well, I want to see how long the executive session is. We can press on. Gerald, how long do we need for the executive session?

MR. GONZALEZ: Mr. Chair, members of the Commission, I think the two litigation items and a couple of other matters may take something like 15, 20 minutes and then the limited personnel issues of course is in the discretion of the Commission itself.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran,

COMMISSIONER DURAN: I think we should - I'd like to make a motion that we adjourn or table to a date that we all can agree to, to continue to finish the meeting.

COMMISSIONER CAMPOS: I would prefer to finish it. I want this hour break but I would prefer to finish it than schedule another date.

COMMISSIONER DURAN: It's going to take us more than an hour.

CHAIRMAN SULLIVAN: I tend to agree. We do have the collection agreement with the USDA which is a bit of a problem. Do you want to move it to the 13th?

COMMISSIONER DURAN: Whatever works for the rest of the Commission.

CHAIRMAN SULLIVAN: Well, the 13th is our regular meeting.

COMMISSIONER DURAN: I don't know. Gerald, are there some time-sensitive issues on the agenda?

MR. GONZALEZ: Do you mean with respect to the executive session?

COMMISSIONER DURAN: No, the balance of the agenda.

MR. GONZALEZ: Under the Utilities Department, item number 3 is time-sensitive. That's the Forest Service agreement.

COMMISSIONER DURAN: Can we all meet maybe here at 11:00 or 12:00

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sometime in the next few days?

COMMISSIONER CAMPOS: I can't.

COMMISSIONER DURAN: We can do it without you.

COMMISSIONER CAMPOS: You can do it without me.

CHAIRMAN SULLIVAN: Could we do item H. 3 and put the others to the 13th? How long would H. 3 take. Three minutes he says. I know it's a bit increase in the cost of the environmental assessment. However, Santa Fe County doesn't pay for the cost of the environmental assessment. So that's kind of the issue on that one. But rather than go into a special meeting. That's so hard to arrange.

COMMISSIONER ANAYA: I'd like to do 3. I'd second - And then go into executive session?

CHAIRMAN SULLIVAN: Yes. Save the other. Commissioner Duran, is that acceptable?

COMMISSIONER DURAN: Wait, wait. Tell me again, which is 3?

CHAIRMAN SULLIVAN: Three is the Utilities Department. USDA.

COMMISSIONER DURAN: Okay. That's fine. I'm okay with that.

CHAIRMAN SULLIVAN: Okay there's a second by Commissioner Anaya.

Then go into executive session.

The motion to table the remainder of the agenda with the exception of XI. H. 3 and executive session passed by unanimous [5-0] voice vote.

XI. H. Utilities Department

3. Request approval of an amendment to the collection agreement between Santa Fe County and the USDA Forest Service, Santa Fe National Forest Service

MR. ROYBAL: Mr. Chair, members of the Board, before you is a request for approval of a modification to the collection agreement between Santa Fe County and USDA Forest, Santa Fe National Forest Service. The modification is to the original collection agreement between the County and the Forest Service for the recovery of costs associated with the Forest Service performing the environmental impact statement on the Buckman diversion project. In the course of performing their study, additional work was required to address certain issues that came up in their study. The additional cost to the contract is going to be in the amount of - to the County, the County's portion will be approximately \$213,876.

As the Chairman mentioned, this has no fiscal impact to the County because there is an agreement between the County of Santa Fe and Las Campanas for them to cover the costs to the County in the NEPA process. This is time-sensitive because the NEPA process needs to be kept on schedule and reimbursement of these costs is necessary to the Forest Service. I stand for questions.

2536615

CHAIRMAN SULLIVAN: Questions for Gary Roybal?

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Gary, this doesn't change any relationship, does it, between ourselves and Las Campanas? They've agreed to pick up this additional cost?

MR. ROYBAL: Mr. Chair, it doesn't. This agreement was entered into, I believe in 2000 or 2001. There's been no change in the relationship.

CHAIRMAN SULLIVAN: So they're in agreement with this additional -

MR. ROYBAL: I did check with the Forest Service and the Forest Service said they were in agreement with this amendment also.

CHAIRMAN SULLIVAN: Okay. So there's a motion and a second. Any further discussion?

The motion to approve the amendment to the collection agreement with the USDA passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: We'll have a motion to go into executive session.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Before we make that motion, could we, since we're going to table items 2 and 3 until the 13th, could we ask the County Manager to make sure that those two items are put first on the agenda, because I know the applicants have waited all day to hear this.

CHAIRMAN SULLIVAN: Okay. It's actually 1 and 2 and 4. Five and 6 were already approved on the Consent Calendar.

MR. GONZALEZ: And with respect to I. 1, I found out after we commenced the meeting this morning that that individual had withdrawn his name from consideration, so that item goes away, basically.

CHAIRMAN SULLIVAN: That's under Matters from the County Manager.

2536616

- XI. J. Matters from the County Attorney**
- 1. Executive session**
 - a. Discussion of pending or threatened litigation**
 - i. Paul, et al, v. Santa Fe County Board of County Commissioners, et al.**
 - ii. Mendoza v. Santa Fe County Board of County Commissioners, et al.**
 - b. Discussion limited personnel matters**

Commissioner Duran moved to go into executive session pursuant to NMSA Section 10-15-1 (2 and 7) to discuss the matters delineated above. Commissioner Sullivan seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.

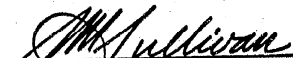
[The Commission met in executive session from 5:05 to 6:05.]

Commissioner Montoya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Anaya seconded. The motion passed by unanimous [3-0] roll call vote. [Commissioners Duran and Sullivan were not present for this action.

ADJOURNMENT

Vice Chairman Campos declared this meeting adjourned at approximately 6:05 p.m.

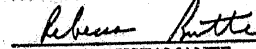
Approved by:

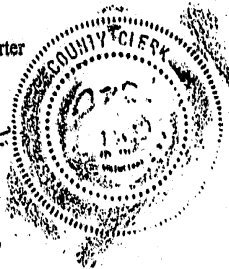

Board of County Commissioners
Jack Sullivan, Chairman

Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



April 22, 2003

MEMORANDUM

To: Board of County Commissioners

2536617

Fr: Robert A. Anaya

Re: Purchase of Old Magistrate Court and recommendations for the Care Connection

Pursuant to the discussion at the special BCC meeting of April 14, 2003 the staff submits the following summary and recommendations for your approval.

The Commission approved the following costs for the Health Services Division (HSD) of the building roughly 1/3 of the building:

\$10,500 renovations
\$15,655 phone installation, wiring and non-capital phone equipment
\$69,645 for network equipment, training and installation

Total \$95,800

Estimated balance requested in the upcoming budget cycle to finish HSD section \$147,282. (If this amount is not approved HSD is prepared to move in with the above \$95,800 only)

The utilities to cover the HSD are projected at \$ 26,400 annually this figure will be covered through existing resources currently being paid out by our existing programs in HSD. The phone and telecommunications cost is projected at \$ 10,000 to be paid for by HSD program budgets.

Purchase Options:

- 1) On or before 10/31/02 \$1,600,000
- 2) On or before 01/31/04 \$1,650,000
- 3) After 1/31/04 \$1,750,000

*Credit of 25% of monthly rent after 11/02

Term of Lease: 09/01/02 one year lease with option for two additional years

Available Resources:

Accumulated MOA:	\$622,000
DWI :	\$300,000
Legislative	\$448,500

Total	\$1,371,000

New Sources 2003-2004

DWI	\$300,000 (July 1, 2003)
MOA	\$350,000 (October 2004)
Legislative	\$ 30,000

Total	\$680,000

2536618

Options and Background:

Purchase Price Subtracting Lease Payment	\$1,630,000
Current Available (Today)	-- \$1,371,000

Balance	(\$259,000)

1. Borrowing the \$259,000 difference from un-expended balance in the MOA (for purchase) and repaying that amount to the MOA in the next fiscal year.
2. Limited remodel and utilizing the remaining balance of funds in the upcoming fiscal year to begin the operations of the screening and assessment piece of the project. (as provided in the attached \$400,017 operating and \$30,000 capital budget)
3. Keep the Sobering Center space available through the period that the City stated they would hold the \$500,000 (eighteen months from the date of the City resolution in support of the project January 29, 2003) until July 29, 2004
4. In partnership with the City seek the state and federal resources necessary to start the operation of the sobering center during the above listed time frame.
5. At their meeting of April 9, 2003 the Care Connection made a formal recommendation to start with the assessment and screening center as phase I to get the project started making limited renovations to the facility.
6. At a sub-committee meeting of the Health Planning Commission (a quorum of the full commission was not present) the above recommendation was approved.

Action Requested:

- 1) Approval to purchase the building subject to the terms and conditions of the purchase agreement;
- 2) Approval to prepare and submit an Request for Proposals for the first year of screening assessment and referral services;
- 3) Serious consideration of the additional capital request with all other County requests for the renovations of the Health Services Division. (\$147,282)

2536619

Marco P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3



Paul Campos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Samuel O. Montoya
County Manager

DWI PROGRAM

April 21, 2003

Ruby Rael
DWI Grant and Distribution Program
New Mexico Dept. of Finance and Administration
Bataan Memorial Building, Suite 201
Santa Fe, NM 87503

2536621

Re: DETOX Grant FY 2003, #01-X-I-G-27

Dear Ms. Rael,

As per our conversation today, this letter is to request that all \$300,000 of Santa Fe County's DETOX Grant (#01-X-I-G-27) be placed in the Treatment category for Capital Outlay.

When I first submitted the application for these funds in February of 2001, I indicated the following:

The CARE Connection continues to formulate exactly how these monies will be utilized, so there will probably be changes made to this submittal by the time July 1, 2003 arrives. Plans are underway to establish an assessment facility that will help to coordinate comprehensive efforts in behavioral health in the Santa Fe area. All of these efforts are being conducted with input from the Santa Fe DWI Planning Council, the Santa Fe Health Planning Commission, the Santa Fe Board of County Commissioners, the Santa Fe City Council, the CARE Connection, and other groups with expertise and a stake in making this program the best it can be.

The anticipated center for this operation is currently being secured under the direction of the Santa Fe County Commission. All of the funding for FY03 from this grant will be needed to finalize the purchase.

Thank you for your assistance in effort to provide services that will prevent and reduce DWI, alcohol abuse and alcoholism in Santa Fe County.

Sincerely,

David R. Sims, Santa Fe County DWI Program Director

CC: Robert A. Anaya, CHDD Director
Steve Shepherd, Health Division Director

Program Director: (505) 424-9764
Prevention Specialist: (505) 424-9759

Accountant: (505) 424-9771
Fax: (505) 424-9739

1925 Aspen Drive, Suite 502-A
Santa Fe, New Mexico 87505

Santa Fe County Community Health Division													
Fiscal Year 2004													
Utility Expenses for the Old Magistrate Court Building													
Estimated Operational Expenses	Rent	Phones	Electricity	Gas	W/S/T	Totals	Estimated Operational Expenses	Rent	Phones	Electricity	Gas	W/S/T	Totals
Community Health Division	0	10,500	7,526	2,515	2,525	23,066	Community Health Division	0	10,500	7,526	2,515	2,525	23,066
Budgeted Resources							Budgeted Resources						
Community Health Division	0	0	0	0	0	0	Community Health Division	0	0	0	0	0	0
GRAFT Program	10,200	9,900	480	720	780	22,080	GRAFT Program	10,200	9,900	480	720	780	22,080
DWI Program	10,800	8,600	1,900	1,000	200	22,500	DWI Program	10,800	8,600	1,900	1,000	200	22,500
DWI Screening Program	11,400	0	0	0	0	11,400	DWI Screening Program	11,400	0	0	0	0	11,400
Indigent Fund	9,250	5,260	0	0	0	14,510	Indigent Fund	9,250	5,260	0	0	0	14,510
Total Resources	41,650	23,760	2,380	1,720	980	70,490	Total Resources	41,650	23,760	2,380	1,720	980	70,490
Surplus/(Deficit)	41,650	13,260	(5,146)	(795)	(1,545)	47,424	Surplus/(Deficit)	41,650	13,260	(5,146)	(795)	(1,545)	47,424

*-The NM Environment Department rents approximately 1,000 square feet of the building. The Department pays \$ 1,000 per month for rent. This should be sufficient to offset expenses for maintenance and Pest Control for the building.

2536622

**OLD MAGISTRATE COURT
TIMELINES**

- Notice to Exercise Purchase Option
- Execute Purchase/Sales Agreement (w/in 15 days of Notice to Exercise Purchase Option)
- Start Appraisal (w/in 30 days of Execution of Purchase/Sales Agreement)
- Complete Appraisal (w/in 90 days of Execution of Purchase/Sales Agreement)
- Deposit of Earnest Money (1% w/in 5 days of receipt of Appraisal)
- Title Commitment (w/in 10 days after agreement of purchase price)
- Survey (w/in 10 days after agreement on purchase price)

2536623

2536624

LEASE

between

A. J. MOELLENBECK AND CHARLOTTE A. MOELLENBECK, AS CO-
TRUSTEES OF THE A. J. MOELLENBECK PROFESSIONAL
ASSOCIATION RETIREMENT TRUST U/A/D JUNE 1, 1985

and

THE COUNTY OF SANTA FE, NEW MEXICO



2536625

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EXHIBIT A	-	DIAGRAM OF PREMISES AND COMMON AREAS
EXHIBIT B	-	LEGAL DESCRIPTION OF REAL PROPERTY
EXHIBIT C	-	PURCHASE AND SALE AGREEMENT

2536026

(j) "Premises" shall mean the approximately 10,200 square feet portion of the Building more particularly identified on Exhibit A attached hereto and incorporated herein by this reference.

(k) "Real Property" shall mean that certain real property described in Exhibit B attached hereto and incorporated herein by this reference.

(l) "Renewal Term" and "Renewal Terms" shall mean one or more of two (2) additional, successive periods of twelve (12) full calendar months each, with the first Renewal Term, if exercised by Tenant as set forth below, commencing upon the expiration of the Initial Term and the second Renewal Term, if exercised by Tenant as set forth below, continuing successively thereafter. Provided an event of default on the part of Tenant is not existing under this Lease at the time of the attempted exercise of Tenant's right to extend the Term, Tenant shall have the separate right to extend the Term for each of the Renewal Terms by providing Landlord with written notice of the exercise of such right at any time prior to the later of either (i) the date which is three (3) months prior to the expiration of the then existing Term (the "exercise date"), or (ii) if Tenant shall fail to provide written notice of the exercise or non-exercise of such right at any time prior to the exercise date, then the date which is fifteen (15) days after Landlord's written notice to Tenant of Tenant's failure to exercise such right by the exercise date.

(m) "Rent" shall mean the sum of One Hundred Seventy Thousand Three Hundred Forty and No/100's Dollars (\$170,340.00) per annum, which shall be payable in monthly installments, in the amount of Fourteen Thousand One Hundred Ninety-Five and No/100's Dollars (\$14,195.00) per month, as provided in Paragraph 3(a) of this Lease.

(n) "Tenant" shall mean The County of Santa Fe, New Mexico.

(o) "Tenant's Address" shall mean, for mailing purposes, Post Office Box 276, Santa Fe, New Mexico, 87504, and for hand delivery purposes, 102 Grant Avenue, Santa Fe, New Mexico, 87501, or such other address(es) as Tenant shall specify by written notice to Landlord.

(p) "Term" shall mean the Initial Term and, if applicable, the Renewal Term.

2. LEASE GRANT. Upon the terms and conditions of this Lease, Landlord leases to Tenant, and Tenant leases from Landlord, the Premises, together with the right, in favor of Tenant, and Tenant's clients, invitees and employees, to the non-exclusive use, in common with Landlord and other tenants of the Building and Real Property, and their clients, invitees and employees, of the Common Areas, all for the Permitted Use, for the Term; excepting and reserving to Landlord the following: (i) the right to install, maintain, use, operate, repair, and replace utility lines, telephone facilities, equipment, machinery, connectors, pipes, ducts, conduits, wires, etc. in, through, under or above the Premises and Common Areas, in a manner and in locations which will not unreasonably interfere with Tenant's access to or use of the Premises; (ii) the right, from time to time, to determine and alter the nature and extent of the Common Areas, including the location and relocation of driveways, entrances, exits, automobile parking areas and spaces, the direction and flow

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withheld, Tenant shall not install any equipment or fixtures in the Premises which shall require for its use utility capacity in excess of that provided. Whenever equipment or fixtures used in the Premises by Tenant shall overload any utility, Landlord shall have the right, at Tenant's expense, to install supplemental equipment or fixtures (e.g. additional electrical panel(s) and circuit breakers) in the Building, reasonably acceptable to Landlord and Tenant.

5. IMPROVEMENTS, ALTERATIONS AND ADDITIONS. Any improvements, alterations, or additions to the Premises that Tenant may desire shall be installed only by a duly licensed contractor reasonably acceptable to Landlord, and in accordance with sufficiently detailed plans and specifications which have been previously submitted to and approved in writing by Landlord, which approval shall not be unreasonably withheld. Any plans and specifications for improvements, alterations or additions submitted to Landlord shall be deemed to be approved if Landlord shall fail, within thirty (30) days after receipt of the plans and specifications, to notify Tenant of Landlord's approval or disapproval of the same. Any approval by Landlord or Landlord's architects and/or engineers of any of Tenant's plans and specifications shall not in any way constitute, or be construed to constitute, a representation or warranty of Landlord as to the adequacy or sufficiency of such drawings, plans and specifications, or the improvements, alterations or additions to which they relate, for any use, purpose or condition, but such approval shall merely be the consent of Landlord as may be required hereunder in connection with Tenant's construction of improvements, alterations or additions in the Premises. Any and all contractors, subcontractors and other persons engaged by or on behalf of Tenant shall procure and maintain worker's compensation insurance, and insurance coverage against such risks, in such amounts and with such companies as may be reasonably required by Landlord, and shall deliver certificates of such required insurance to Landlord prior to the commencement of any such work. Prior to the commencement of any such work, Tenant shall obtain and provide Landlord with (i) waivers of lien by all parties supplying material or performing any such work or, in the alternative, provide Landlord with one or more bonds in amount, form and issued by companies satisfactory to Landlord, to protect, hold harmless and indemnify Landlord against the filing of any liens for materials and work, and (ii) all permits, approvals and certificates required by all governmental authorities for such work (Landlord shall join in any application therefor, without expense to Landlord, if required). All materials and equipment to be incorporated into the Premises as a result of such Work shall be new and first quality and no such material or equipment shall be subject to any lien, encumbrance, chattel mortgage or title retention or security agreement. All alterations, additions, improvements and fixtures (whether temporary or permanent in character) made or installed in or upon the Premises, shall be at the sole cost and expense of Tenant, and shall immediately merge with and become Landlord's property on the installation or construction of the same, without compensation to Tenant. Notwithstanding, the foregoing to the contrary, as a condition to Landlord's consent to the installation and construction of a proposed alteration, addition or improvement to the Premises, Landlord, at the time of the giving of consent to the proposed alteration, addition or improvement, may reasonably require, or reserve the right to reasonably require, that the alteration, addition, or improvement be removed, and the Premises restored to the condition prior to the installation or construction thereof, by Tenant, at Tenant's sole cost and expense upon the expiration or earlier termination of the Term. If Landlord, as a condition to, and at the time of the giving of, Landlord's consent to the installation and construction of a proposed alteration, addition or improvement to the Premises, shall not so require,

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grant written permission for Tenant, at Tenant's sole expense, to install, in other parts of the Building or on other parts of the Real Property, equipment required or necessary to service the Premises, Tenant shall maintain and keep in a safe operating condition all such equipment and shall be solely responsible for any liability to and claim by or on behalf of any person, firm, governmental authority, corporation or entity for personal injury, death or property damage arising from the installation, use or maintenance of such equipment.

(f) Tenant acknowledges that the Building is a "NO SMOKING" building, and Tenant shall not smoke or permit any smoking in the Premises.

(g) Tenant shall keep the Premises free of vermin, pests, trash, refuse and debris, and free from unreasonable accumulations of hazardous or biowaste materials. All non hazardous and non biowaste trash, refuse, debris and the like, shall be kept in covered trash receptacles, which trash receptacles shall be kept within either the designated trash area for the Real Property, or within the Premises. Tenant shall, at Tenant's expense, comply with all applicable governmental statutes, ordinances, rules, regulations, etc., concerning the use, storage and disposal of hazardous or biowaste materials, and shall contract with a licensed and insured hazardous or biowaste disposal contractor for the regular removal from the Premises of all hazardous waste and biowaste materials. Tenant shall require that all such contractors provide Landlord a certificate of insurance and such evidence reasonably satisfactory to Landlord insuring Landlord and Landlord's managing agent (as an additional named insured) prior to the commencement of any service to Tenant by Tenant's contractor.

(h) Tenant shall not solicit or conduct business, store any items, etc. in the Common Areas of the Real Property.

(i) Tenant shall not (i) obstruct the Common Areas or use them for business or display purposes; (ii) without the prior written consent of Landlord, which consent shall not be unreasonably withheld, place or permit any radio, satellite, or television antenna, loud speaker or amplifier, or any phonograph or other similar device outside of the Premises or at any place where it may be seen or heard outside of the Premises (iii) permit the operation of coin-operated amusement devices in the Premises or Common Areas; or, (iv) keep or permit any pets in the Premises or Common Areas, other than guide dogs for the visually impaired.

(j) Tenant shall not, without the prior written consent of Landlord, which shall not be unreasonably withheld, install any signs, lettering, flags, material of a political nature or other advertising matter of any kind on any doors or windows or window frames of the Premises, the exterior of the Building, or anywhere on the Real Property. Any signs or advertising matter consented to by Landlord shall be professionally prepared, installed in compliance with all applicable governmental laws, codes, rules, regulations, etc. governing the same, and shall be maintained in good order and condition by Tenant.

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without the prior written consent of Landlord, which shall not be unreasonably withheld. Landlord acknowledges that Tenant intends to sublet a portion of the Premises to the City of Santa Fe and "Care Connection" and that Landlord, upon satisfaction of the requirements of Paragraph 8(b), shall not unreasonably withhold Landlord's consent to such sub-letting. Upon the occurrence of an "event of default" as hereinafter defined, if the Premises or any part thereof are then assigned or sublet by Tenant, Landlord, in addition to any other remedies herein provided or provided by law, may at its option collect directly from such assignee or subtenant all rents becoming due to Tenant under such assignment or sublease and apply such rent against any sums due to Landlord from Tenant hereunder.

(b) Landlord will not unreasonably withhold Landlord's consent to Tenant's assigning or subletting all or a part of the Premises; provided, however, that: (i) Tenant shall not be in default under any of the terms, covenants, conditions, provisions and agreements of this Lease at the time of either any notice or request for consent, or at the effective date of such subletting or assigning; (ii) no such subleasing or assigning shall be made with a tenant who shall use the Premises in a manner other than permitted under this Lease; and (iii) the proposed new tenant is reputable and credit worthy. If Tenant requests Landlord's consent to an assignment of this Lease or a subletting of all or any part of the Premises, Tenant shall submit to Landlord: (1) the name of the proposed assignee or subtenant; (2) the terms of the proposed assignment or subletting; (3) the nature of the proposed assignee or sub-tenant's business; and (4) such information as to the proposed assignee's or subtenant's financial responsibility and general reputation as Landlord may reasonably require.

(c) Unless otherwise specifically agreed in writing by Landlord, in no event shall any assignment or subletting relieve Tenant of Tenant's liabilities and obligations under this Lease.

9. LIABILITY.

(a) Subject to the provisions of Paragraph 9(c) of this Lease, Tenant shall be solely responsible for any liability to and claim by or on behalf of any person, firm, governmental authority, corporation or entity for personal injury, death or property damage arising from: (i) the use or occupancy by Tenant of the Premises or from any work or things whatsoever done or omitted to be done thereat by Tenant, its agents, servants, employees, contractors, invitees or licensees; (ii) any breach or default by Tenant of or under any of the terms, covenants and conditions of this Lease; (iii) any act, negligence or fault of Tenant, or any of its agents, employees, contractors, invitees or licensees; (iv) any accident, injury or damage whatsoever caused to any person, firm, or corporation or to any property occurring during the term hereof, in or about the Premises; and (v) all reasonable costs, counsel fees, expenses and penalties incurred by Landlord in connection with any such liability or claim.

(b) Tenant shall be solely responsible for any loss, damage, cost, expense or liability directly or indirectly arising out of or attributable to the use, generation, storage, release, discharge, disposal or presence of any hazardous wastes, toxic substances or blowaste (including but not limited to any substances defined as or included in the definition of "hazardous substances,"

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sale of the Premises pursuant to any such deeds of trust, mortgages, indentures, or other instruments of security, to attorn to such purchaser upon any such sale and to recognize such purchaser as Landlord under the Lease. The agreement of Tenant to attorn upon demand of Landlord's mortgagee contained in the immediately preceding sentence shall survive any such foreclosure action. In no event shall Landlord's mortgagee or such other purchaser be: (a) liable for any act or omission of any previous landlord; (b) subject to any offset or counter-claim which the Tenant might be entitled to assert against any previous landlord; or (c) bound by any amendment or material modification of the Lease hereafter made without the consent of such mortgagee. If Landlord's mortgagee or such other purchaser shall acquire the Real Property or otherwise assume the obligations of Landlord under this Lease, then the foregoing sentence, however, shall not relieve Landlord's mortgagee or such other purchaser from the obligation to timely perform and comply with the terms and provisions of this Lease to be performed and complied with on the part of Landlord from and after the date of such acquisition or assumption. Tenant shall upon demand at any time or times, before or after any such foreclosure sale, execute, acknowledge and deliver to Landlord's mortgagee any and all instruments and certificates that in the judgement of Landlord's mortgagee may be necessary or proper to confirm or evidence such attornment. Nothing in this paragraph shall be construed to reduce the rights of Tenant in the provisions of this Lease upon a transfer by Landlord of the Premises whether directly or indirectly made, including but not limited to a reduction in the term of this Lease.

11. INSPECTION AND RIGHT OF ENTRY.

(a) Landlord and Landlord's employees, agents and representatives shall have the right to enter into or upon the Premises, or any part thereof, at all reasonable hours, upon reasonable advance notice, for the following purposes: (i) examining the Premises; (ii) making such repairs or alterations therein as may be necessary in Landlord's sole judgement for the safety and preservation thereof or the Building or Real Property; (iii) erecting, maintaining, repairing or replacing wires, cables, conduits, vents, plumbing lines, equipment, etc., running in, to, through, above, or around the Premises; (iv) showing the Premises to prospective new tenants during the last six (6) month of the Term; or (v) showing the Premises during the Term to prospective purchasers or lenders, or their representatives, of the Real Property. Landlord may enter upon the Premises at any time in case of emergency without prior notice to Tenant. Landlord shall give Tenant at least two (2) business days prior notice before commencing any non-emergency repair or alteration. All work performed by or on behalf of Landlord in or on the Premises pursuant to this paragraph shall, to the extent reasonably possible, be performed with as little inconvenience to Tenant's business as reasonably possible, and in such manner as not to unreasonably interfere therewith.

(b) Landlord, in exercising any of its rights under this paragraph, shall not, in any event, be deemed guilty of an eviction, partial eviction, constructive eviction or disturbance of Tenant's use or possession of the Premises and shall not be liable to Tenant for same.

(c) Tenant shall not change any locks on doors entering into the Premises without the consent of Landlord, which shall not be unreasonably withheld, and, if any change is made, a copy of the key to such changed lock shall be given to Landlord. If in an emergency Landlord is unable to gain entry to the Premises by unlocking the entry door thereto, Landlord may force or

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Landlord shall not be responsible for delay which may result from any cause beyond the reasonable control of Landlord. Should the net amount of insurance proceeds available to Landlord be insufficient to cover the cost of restoring the Premises, in the reasonable estimate of Landlord, Landlord may, but shall have no obligation to, supply the amount of such insufficiency and restore the Premises with all reasonable diligence, or Landlord may terminate this Lease by giving written notice to the Tenant not later than a reasonable time after Landlord has determined the estimated net amount of insurance proceeds available to Landlord and the estimated costs of such restoration. In case of substantial damage or destruction, as a result of a risk which is not covered by Landlord's insurance, Landlord shall likewise be obligated to rebuild the Premises, all as aforesaid, unless the Landlord, within forty-five (45) days after the occurrence of such event, gives written notice to Tenant of Landlord's election to terminate this Lease. If Landlord shall elect to terminate this Lease, as aforesaid, this Lease and the Term shall cease and come to an end as of the date of said damage or destruction.

(e) Notwithstanding the foregoing, if the Premises shall be substantially damaged or destroyed by fire, windstorm, or otherwise within the last twelve months of the Term, either party shall have the right to terminate this Lease, provided that notice thereof is given to the other party not later than sixty (60) days after such damage or destruction. If said right of termination is exercised, this Lease and the Term shall cease and come to an end as of the date of said damage or destruction.

Unless this Lease is terminated as provided in Paragraphs 13(d), (e) or (h), if the Premises shall be damaged or destroyed by fire or other casualty, then the Tenant shall: (i) repair and restore all portions of the Premises not required to be restored by Landlord to substantially the condition which such portions of the Premises were in at the time of such casualty; (ii) equip the Premises with trade fixtures and all personal property necessary or proper for the operation of the Tenant's business; and (iii) open for business in the Premises as soon thereafter as possible.

(g) If the provisions of Paragraphs 13(c) or (d) shall become applicable, the Rent shall be abated or reduced proportionately during any period in which, by reason of such damage or destruction, there is substantial interference with the operation of the business of Tenant in the Premises, having regard to the extent to which Tenant may be required to discontinue its business in the Premises, and such abatement or reduction shall continue for the period commencing with such destruction or damage and ending with the completion by Landlord of such work of repair and/or reconstruction as Landlord is obligated to do. Nothing in this paragraph shall be construed to abate or reduce Tenant's obligations to pay utilities pursuant to Paragraph 3(c).

(h) If, however, the Building shall be substantially damaged or destroyed by fire or casualty, irrespective of whether or not the Premises are damaged or destroyed, Landlord shall promptly restore (consistent, however, with zoning laws and building codes then in existence), the Building to substantially the condition thereof at the time of such damage, unless Landlord, within forty-five (45) days after such loss, gives notice to Tenant of Landlord's election to terminate this Lease. If Landlord shall give such notice, then anything in this Paragraph 13 to the contrary notwithstanding, this Lease shall terminate as of the date of such notice with the same force and

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diligence be cured within thirty (30) days, Tenant shall fail to proceed promptly (except for unavoidable delays) after the giving of such notice and with all due diligence to cure such failure and thereafter to prosecute the curing thereof with all due diligence (it being intended that as to a failure not susceptible of being cured with due diligence within thirty (30) days, the time within which such failure may be cured shall be extended for such period as may be reasonably necessary to permit the same to be cured with all due diligence); or,

(iii) Either Tenant, or any guarantor of this Lease shall file a voluntary petition in bankruptcy or shall be adjudicated a bankrupt or insolvent, or shall file any petition or answer seeking any reorganization, composition, readjustment or similar relief under any present or future bankruptcy or other applicable law, or shall seek or consent to or acquiesce in the appointment of any trustee, receiver, or liquidator of either Tenant, or any guarantor of this Lease or of all or any substantial part of either of their properties or of all or any part of the Premises; or

(iv) If within sixty (60) days after the filing of an involuntary petition in bankruptcy against either Tenant, or any guarantor of this Lease or the commencement of any proceeding against Tenant or any guarantor of this Lease seeking any reorganization, composition, readjustment or similar relief under any law, such proceeding shall not have been dismissed, or if, within sixty (60) days after the appointment, without the consent or acquiescence of Tenant or any guarantor of this Lease, of any trustee, receiver or liquidator of Tenant or of any guarantor of this Lease, or of all or any substantial part of the properties of Tenant or any guarantor of this Lease or of all or any part of the Premises, such appointment shall not have been vacated or stayed on appeal or otherwise, or if, within sixty (60) days after the expiration of any such stay, such appointment shall not have been vacated, or if within sixty (60) days after the taking of possession, without the consent or acquiescence of Tenant or any guarantor of this Lease, of the property of Tenant or any guarantor of this Lease by any governmental office or agency pursuant to statutory authority for the dissolution or liquidation of Tenant or any guarantor of this Lease, such taking shall not have been vacated or stayed on appeal or otherwise; or

(v) If the Premises shall be vacated or abandoned by Tenant for a period of ten (10) days or more.

17. REMEDIES. Upon the occurrence of any event of default pursuant to Paragraph 16, Landlord shall have the option to pursue the following remedies:

(a) Landlord may, at its option, notwithstanding the fact that Landlord may have any other remedies hereunder or at law or in equity, by notice to Tenant, designate a date on which this Lease shall terminate; and thereupon, on such date, the Term of this Lease shall terminate, and all rights of Tenant hereunder shall expire and terminate, but Tenant shall remain liable as hereinafter provided. If this Lease is so terminated, Tenant shall peaceably quit and surrender the Premises to Landlord, and Landlord may enter upon, re-enter, possess and repossess the same by summary proceedings, ejectment or other legal proceeding, and remove all persons, goods, fixtures and chattels from the Premises, without liability or damages to Tenant, and in any such event neither Tenant nor any person claiming through or under Tenant shall be entitled to possession or to remain

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may at any time thereafter elect to terminate this Lease for a previous default. Pursuit of any of the foregoing remedies shall not preclude pursuit of any of the other remedies herein provided or any other remedies provided by law, nor shall pursuit of any remedy herein provided constitute a forfeiture or waiver of any rent due to Landlord hereunder or of any damages occurring to Landlord by reason of the violation of any of the terms, provisions and covenants contained herein. Landlord's acceptance of rent following an event of default hereunder shall not be construed as Landlord's waiver of such event of default. No waiver by Landlord of any violation or breach of any of the terms, provisions, and covenants herein contained shall be deemed or construed to constitute a waiver of any other violation or default.

(f) Nothing contained in this Paragraph 17 is intended, or shall be construed, to limit or reduce Landlord's obligation to take reasonable attempts to mitigate Landlord's damages.

18. SURRENDER OF PREMISES. Upon the expiration or earlier termination of the Term, Tenant shall peaceably and quietly quit and surrender to Landlord the Premises, broom clean, in as good condition as they were on the Commencement Date, ordinary wear and tear, repairs and replacements by Landlord, loss by fire and casualty, and alterations, additions and improvements permitted hereunder to remain, excepted. Tenant's obligation to observe or perform this covenant shall survive the expiration or earlier termination of the Term. No act or thing done by Landlord or its agents during the Term shall be deemed an acceptance of a surrender of the Premises, and no agreement to accept a surrender of the Premises shall be valid unless the same be made in writing and signed by Landlord.

19. ATTORNEY'S FEES. In case it should be necessary or proper for a party to bring any action under this Lease with an attorney, concerning, or for the enforcement of any rights hereunder, the prevailing party in each and any such case shall be entitled to recover a reasonable attorney's fee and all costs of suit.

20. MECHANICS' LIENS. Tenant will prevent the filing of any mechanic's lien or liens upon the Premises or the Building or improvements thereon during the Term caused by or resulting from any work performed, material furnished or obligation incurred by or at the request of Tenant. Upon the filing of any such lien, Tenant shall have the right to contest such lien, provided Tenant furnishes Landlord either with reasonably satisfactory evidence of the invalidity of such lien, or reasonably satisfactory security (which need not be a bond) protecting Landlord and the Building against any loss, cost, liability and expense (including reasonable attorney's fees). Landlord shall have the right, at Tenant's expense, to remove any such lien pursuant to the provisions of §48-2-9 NMSA, 1978 Comp.

21. LIABILITY INSURANCE.

(a) Tenant shall procure and maintain throughout the Term a policy or policies of comprehensive general liability insurance, with a combined single limit of not less than \$2,000,000, insuring Tenant, Landlord, and Landlord's managing agent (as additional named insureds) against any and all liability to the extent obtainable for injury to or death of a person or

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and representations contained in such certificate, and does appoint Landlord as Tenant's attorney-in-fact for purposes of executing any estoppel certificate which includes the information set forth in this paragraph.

24. WAIVER.

(a) No waiver by Landlord of any breach by Tenant of any of the terms, covenants, agreements or conditions of this Lease shall be deemed to constitute a waiver of any succeeding breach thereof, or a waiver of any breach of any of the terms, covenants, agreements and conditions herein contained.

(b) No employee of Landlord or of Landlord's agents shall have any authority to accept the keys of the Premises prior to the Termination Date and the delivery of keys to any employee of Landlord or Landlord's agents shall not operate as an acceptance of a termination of this Lease or an acceptance of a surrender of the Premises.

(c) The receipt and acceptance by Landlord of the Rent with knowledge of the breach of any covenant of this Lease shall not be deemed a waiver of such breach, unless such breach is the nonpayment of the Rent so received and accepted. No payment by Tenant or receipt by Landlord of a lesser amount than the Rent, late charges, and other sums then due shall be deemed to be other than on account of the earliest stipulated amount then due, nor shall any endorsement or statement on a check or payment by Tenant be deemed an accord and satisfaction and Landlord may accept such check or payment without prejudice to Landlord's right to recover the balance of such Rent, late charges or other sums, or pursue any other remedy provided in this Lease.

25. NOTICES. Each provision of this Lease, or of any applicable governmental laws, ordinances, regulations, and other requirements with reference to the sending, mailing or delivery of any notice, or with reference to the making of any payment by Tenant to Landlord, shall be deemed to be complied with when and if the following steps are taken:

(a) All rent and other payments required to be made by Tenant to Landlord hereunder shall be payable to Landlord at Landlord's Address or at such other address as Landlord may specify from time to time by written notice delivered in accordance herewith.

(b) All notices required or permitted to be given hereunder shall be in writing and shall be deemed given if and as of the date when (i) delivered in person, (ii) placed in the hands of a courier service (e.g., DHL or Federal Express) prepaid, (iii) sent by facsimile transmission, or (iv) placed in the United States mail, postage prepaid, return receipt requested, all addressed or sent by facsimile transmission, as applicable, to the following addresses or facsimile numbers, or to such other respective addresses and/or facsimile numbers as may be designated by a party by notice given in accordance with the provisions of this Section

And:

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Mack E. With, Esq.
Jurgens, Thayer & With, P.A.
100 La Salle Circle, Suite A
Santa Fe, New Mexico 87505
Facsimile Number: 505-982-6417

26. **FORCE MAJEURE.** Whenever a period of time is herein prescribed for action to be taken by either party, such party shall not be liable or responsible for, and there shall be excluded from the computation for any such period of time, any delays caused by governmental action, or lack thereof, shortages or unavailability of materials and/or supplies, labor disputes, strikes, slow downs, job actions, picketing, secondary boycotts, fire or other casualty, delays in transportation, acts of God, requests of any governmental agencies or authorities, acts of declared or undeclared war, public disorder, riot or civil commotion, or due to any cause beyond the reasonable control of the party in question.

27. **SEPARABILITY.** If any clause or provision of this Lease is illegal, invalid or unenforceable under present or future laws effective during the Term, then and in that event, it is the intention of the parties here to that the remainder of this Lease shall not be effected thereby, and it is also the intention of the parties to this Lease that in lieu of each clause or provision of this Lease that is illegal, invalid or unenforceable, there be added as a part of this Lease a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and legal, valid and enforceable.

28. **OPTION TO PURCHASE.**

(a) Landlord grants to Tenant the right and option (the "Option"), during the Term, to purchase the Real Property, together with all improvements thereon and appurtenances thereto, upon the terms and conditions contained in this Paragraph 28.

(b) If Tenant desires to exercise the Option to purchase the Real Property, Tenant shall notify Landlord in writing, in the manner described in this Lease, of Tenant's exercise of the Option to purchase the Real Property, which notice, to be effective, shall be given prior to the expiration of the Term.

(c) If Tenant shall so exercise the Option to purchase the Real Property, Landlord and Tenant, within fifteen (15) days after the date that notice of the exercise of the Option is given by Tenant, shall duly execute the Purchase and Sale Agreement attached hereto and incorporated herein by this reference as Exhibit C (the "Purchase and Sale Agreement").

(d) Notwithstanding either the exercise of the Option by Tenant, or the resulting execution of the Purchase and Sale Agreement, this Lease shall continue in full force and effect until the earlier of either the expiration of the Term, or the date of closing under the Purchase and Sale

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with the laws of the State of New Mexico.

35. **DISPUTE RESOLUTION; JURY TRIAL WAIVER.** If any dispute or controversy shall arise between Landlord and Tenant with respect to any aspect of this Lease or either parties' performance hereunder, such dispute or controversy shall be submitted to mediation, before a single mediator chosen by the parties. If the parties are unable to resolve the issue by mediation within thirty (30) days after a party notifies the other party of the existence of the dispute or controversy, then the matter shall be resolved by binding arbitration in accordance with the rules of the New Mexico Arbitration Act. In all events, Landlord and Tenant do hereby waive trial by jury in any action, proceeding or counterclaim brought by either of the parties hereto against the other on any matter whatsoever arising out of or in any connection with this Lease, the relationship of Landlord and Tenant, Tenant's use or occupancy of the Premises, and/or any claim, injury or damage, or statutory remedy.


36. **COUNTERPARTS AND FACSIMILES.** This Lease may be executed in one or more counterparts, which when taken together, shall constitute one and the same original. Facsimile transmittals of this Lease with the parties signature(s) shall be binding instruments, the same as originals.

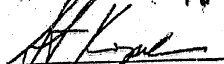
37. **DUE AUTHORIZATION.**

(a) Tenant represents and warrants to Landlord that the execution and delivery by Tenant of this Lease, and the consummation of the transactions contemplated hereby, have been duly authorized and approved by the Board of County Commissioners of Tenant, that no other proceedings on the part of Tenant or any other governmental agency are required to authorize the execution and delivery of this Lease or the consummation of the transactions contemplated hereby, that the person or persons executing this Lease on behalf of Tenant has or have been duly authorized, and have the authority, to execute this Lease on behalf of Tenant, and that the execution, delivery and performance of this Lease will not result in the breach or termination of any provision of, or constitute a default under any instrument to which Tenant is a party or otherwise bound.

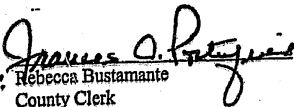
(b) Landlord represents and warrants to Tenant that the execution and delivery by Landlord of this Lease, and the consummation of the transactions contemplated hereby, have been duly authorized and approved by the trustees of Landlord, that no other proceedings on the part of Landlord are required to authorize the execution and delivery of this Lease or the consummation of the transactions contemplated hereby, that the person or persons executing this Lease on behalf of Landlord has or have been duly authorized, and have the authority, to execute this Lease on behalf of Landlord, and that the execution, delivery and performance of this Lease will not result in the breach or termination of any provision of, or constitute a default under any instrument to which Landlord is a party or otherwise bound.

38. **LEASE APPROVAL.** Tenant acknowledges that approximately 1,000 square feet of the Building is occupied by the New Mexico Environmental Improvement Division under a lease with Landlord, which lease has a term which, unless sooner terminated, is scheduled to expire on

Approved as to form: 


Steven Kopelman
County Attorney

Attest:


for: Rebecca Bustamante
County Clerk

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Katherine Miller
Finance Director

EXHIBIT 'A'
Premises

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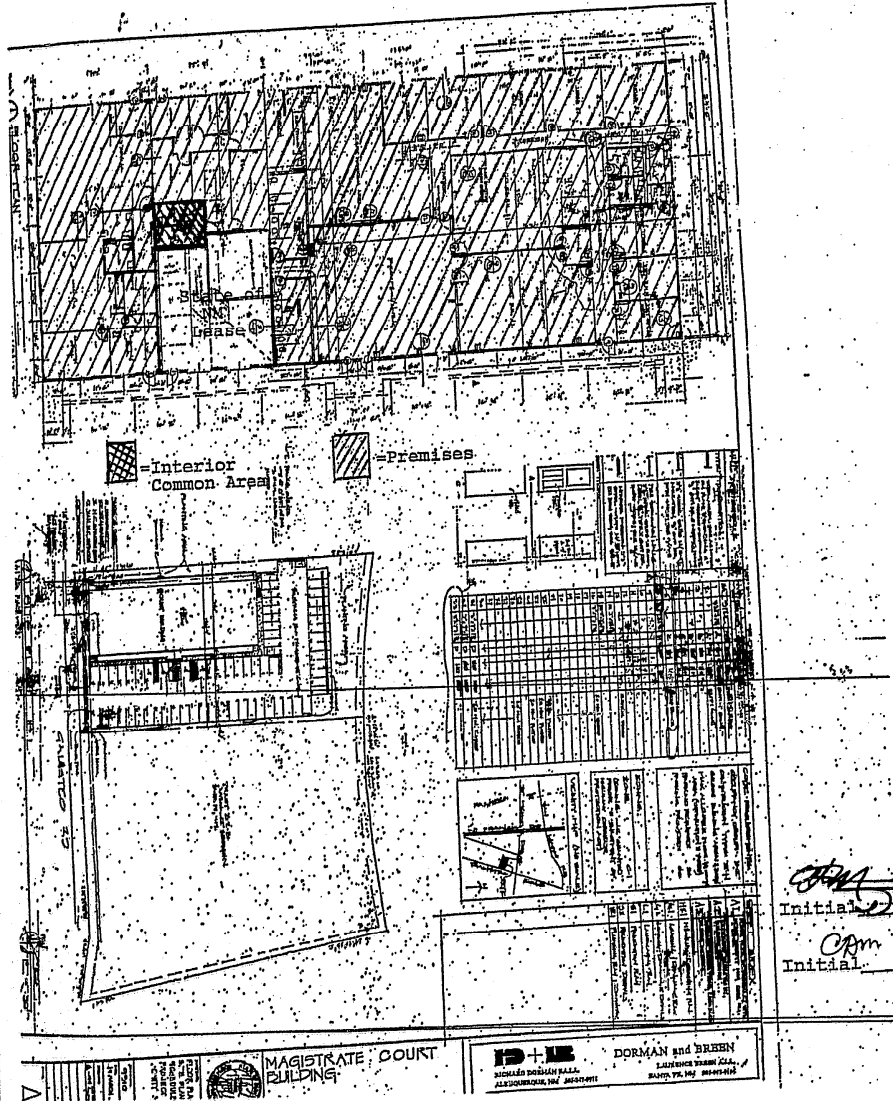


EXHIBIT C

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PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement ("Agreement"), dated effective as of the date of the complete execution hereof, as indicated below ("Effective Date"), is made by and between A. J. Moellenbeck and Charlotte A. Moellenbeck, as Co-Trustees of the A. J. Moellenbeck Professional Association Retirement Trust U/A/D June 1, 1985 ("Seller"), and The County of Santa Fe, New Mexico ("Purchaser").

The parties agree as follows:

1. **Property.** Subject to the terms and conditions set forth in this Agreement, upon Closing, as defined in Section 6.1, Seller shall sell and transfer to Purchaser, and Purchaser shall purchase and accept, the following:

- (i) That certain tract or parcel of land, more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the "Land"), which has the street address of 2052 Galisteo Road, Santa Fe, New Mexico, 87505;
- (ii) All buildings, structures, and other improvements and fixtures, if any, situated on the Land (the "Improvements");
- (iii) Any and all rights and appurtenances pertaining to the Land and the Improvements, including any alleys, strips or gores of land adjoining the Land, easements and rights-of-way (the "Appurtenances");
- (iv) All furniture, furnishings, and equipment located on the Land and owned by Seller, if any, together with any and all assignable third-party warranties or guaranties relating to the same (the "Personal Property"); and,
- (v) Subject to the terms and provisions of this Agreement, all of Seller's right title and interest in and to all leases ("Leases") now or hereafter affecting the Land and/or Improvements, together with all refundable security deposits ("Security Deposits") of Tenants under the Leases and in the possession of Seller, if any.

(Seller's respective interests in the Land, Improvements, Appurtenances, Personal Property, Leases and Security Deposits, being collectively referred to as the "Property").

2. **Purchase Price and Payment.**

2.1 **Purchase Price.** The aggregate purchase price for the Property shall be determined as follows (the "Purchase Price"):

2.1.1 **On or Before 10/31/02.** If funding of Closing, as hereinafter defined,

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3. **Appraisal.** Purchaser shall have until on or before the date which is thirty (30) days after the Effective Date (the "Appraisal Period") in which to have the Property appraised by a duly qualified commercial real estate appraiser regularly engaged in the commercial appraisal business in the County of Santa Fe, of Purchaser's choice, at Purchaser's expense, and to obtain a written report of such appraisal ("Purchaser's Appraisal"), dated as of a date within ninety (90) days of the Effective Date. If Purchaser's Appraisal shall indicate a fair market value for the Property which is equal to or more than the Purchase Price, then the parties shall proceed with the purchase and sale of the Property, subject to and upon the remaining terms and conditions of this Agreement. If Purchaser's Appraisal shall indicate a fair market value for the Property which is less than the Purchase Price, then, on or before the end of the Appraisal Period, Purchaser shall have the right to provide Seller with written notice of such fact, which notice shall be accompanied by a copy of the copy of the Appraisal, in which to elect, at Seller's sole option and discretion, by written notice to Purchaser, either to (i) reduce the Purchase Price for the Property to the fair market value for the Property as indicated in Purchaser's Appraisal (in which event the Purchase Price for the Property shall be the fair market value for the Property as indicated in Purchaser's Appraisal), or (ii) to have the Property appraised by a duly qualified commercial real estate appraiser regularly engaged in the commercial appraisal business in the County of Santa Fe, of Seller's choice, at Seller's expense. If Seller shall elect the latter, then Seller shall so obtain such an appraisal and shall obtain a written report of such appraisal ("Seller's Appraisal") within sixty (60) days after the Effective Date, and deliver a copy of the same to Purchaser. If the fair market value for the Property, as indicated in Seller's Appraisal, is within Seventy-Five Thousand Dollars (\$75,000.00) of the fair market value for the Property indicated in Purchaser's Appraisal, then, subject to the remaining provisions of this Section 3, the Purchase Price for the Property shall be the mean average of the fair market values for the Property as indicated in Purchaser's Appraisal and Seller's Appraisal. If the fair market value for the Property, as indicated in Seller's Appraisal, is not within Seventy-Five Thousand Dollars (\$75,000.00) of the fair market value for the Property, as indicated in Purchaser's Appraisal, then the appraiser chosen by Purchaser and the appraiser chosen by Seller shall promptly select a third, duly qualified commercial real estate appraiser regularly engaged in the commercial appraisal business in the County of Santa Fe, at Purchaser's and Seller's equal expense, and the three appraisers, within ninety (90) days after the Effective Date, shall render a single appraisal of the fair market value of the Property, on the basis of a majority vote of such appraisers. Subject to the remaining provisions of this Section 3, the jointly determined fair market value for the Property shall be the Purchase Price for the Property. Notwithstanding any provision of this Section 3 to the contrary, if the fair market value for the Property, as finally determined by appraisal(s), or average thereof, pursuant to this Section 3, shall be equal to or greater than Seventy-Five Thousand Dollars (\$75,000.00) less than the Purchase Price set forth in Section 2, then Seller shall have the right to elect, by written notice to Purchaser, to terminate this Agreement. If Seller so elects to terminate this Agreement pursuant to this Section, the Deposit shall be refunded in full to Purchaser, and Purchaser and Seller shall be released from any and all obligations or liabilities under this Agreement.

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such uncured Title Objection if Purchaser proceeds to close the purchase of the Property. If Purchaser elects to terminate this Agreement pursuant to this Section 4.3, the Deposit promptly shall be refunded, in full, to Purchaser by Title Company, and Purchaser and Seller shall be released from any and all obligations or liabilities under this Agreement. As used in this Agreement, the term "Permitted Exceptions" shall mean all matters (i) listed in the Title Commitment to which Purchaser does not raise a Title Objection within the Title Objection Period or, having objected, Purchaser waives or is deemed to have waived such Title Objection in accordance with the provisions of this Section 4.3, (ii) pertaining to the Leases, (iii) all other matters existing with the written consent of Purchaser.

4.4 Indefeasible Title. At Closing, Seller shall duly execute, acknowledge and deliver a general warranty deed (the "General Warranty Deed"), conveying good, indefeasible and insurable title to the Land, Improvements and Appurtenances, to Purchaser, free and clear of all liens and encumbrances, and tenancies other than the Leases, and specifically subject only to property taxes and assessments which are not yet due and payable and the Permitted Exceptions.

4.5 Title Insurance. Immediately following Closing, Seller, at Seller's expense, shall cause the Title Company to issue an owner's policy of title insurance, insuring title to the Land (which shall be described based upon and according to the Survey), Improvements and Appurtenances, written on the latest promulgated form used in the State of New Mexico, in the amount of the Purchase Price (the "Title Policy"). The Title Policy shall set forth exceptions only for the Permitted Exceptions and the standard preprinted exceptions, except that standard preprinted exceptions 1, 2, 3, 4 and 6 shall be deleted, and standard preprinted exception 7 shall be amended to except only water rights and claims or title to water, at Seller's expense.

5. Disclaimer. EXCEPT AS SPECIFICALLY STATED IN THIS AGREEMENT OR ANY DOCUMENT DELIVERED IN CONNECTION WITH CLOSING, SELLER HEREBY SPECIFICALLY DISCLAIMS ANY AND ALL WARRANTY, REPRESENTATION, GUARANTY, OR COVENANT, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS, TO, OR CONCERNING, IN ANY MANNER, THE FOLLOWING: (i) THE NATURE AND CONDITION OF THE PROPERTY, INCLUDING BUT NOT BY WAY OF LIMITATION, THE WATER, SOIL, GEOLOGY AND THE SUITABILITY THEREOF, THE ENVIRONMENTAL CONDITION OF THE PROPERTY, AND OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH PURCHASER MAY ELECT TO CONDUCT THEREON, INCOME TO BE DERIVED THEREFROM, OR EXPENSES TO BE INCURRED WITH RESPECT THERETO, OR ANY OBLIGATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE SAME; (ii) THE MANNER OF CONSTRUCTION AND CONDITION AND STATE OF REPAIR OR LACK OF REPAIR OR ANY IMPROVEMENTS LOCATED THEREON; (iii) EXCEPT FOR ANY WARRANTIES CONTAINED IN THE GENERAL WARRANTY DEED TO BE DELIVERED BY SELLER AT CLOSING, THE NATURE AND EXTENT OF ANY RIGHTS OF WAY, LEASE, POSSESSION, LIEN, ENCUMBRANCE, LICENSE, RESERVATION, CONDITION, OR OTHERWISE; (iv) THE

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to Purchaser;

(iii) An Assignment and Assumption of Lease ("Assignment") duly executed by Seller, assigning and delegating Seller's rights, duties, and obligations to Purchaser under and regarding the Leases from and after the Closing Date, except as otherwise provided in this Agreement;

(v) A certification as required by the Foreign Investors Property Tax Act, as amended, duly executed by Seller;

(vi) Except as otherwise noted under this Agreement, a written notice addressed to each tenant under the Leases ("Tenant Notification"), duly executed by Seller, notifying such tenant of the acquisition of the Property by Purchaser, acknowledging that Purchaser has received and is responsible for any Security Deposits under the Leases, and containing appropriate instructions relating to the payment of future rentals, the giving of future notices and the naming of Purchaser as additional insured and/or loss payee, as applicable, on insurance coverages, if any, maintained by the tenant under the Leases; and,

(vii) Such other documents as may be reasonably required by Purchaser, Title Company or Escrow Agent, including, but not limited to, a closing statement.

6.2.2 Purchaser's Deliveries. Prior to or as of the Closing Date, Purchaser shall deliver to Escrow Agent the following:

(i) The funds required to be paid and delivered pursuant to Section 2, and such other funds required to pay any and all costs and expenses of Closing to be paid by Purchaser (All monies Purchaser are required to deliver shall be wired to the account designated by Title Company and available for disbursement no later than 1:00 p.m., local time, on the Closing Date.);

(ii) A counterpart of the Assignment, duly executed by Purchaser;

(iii) A counterpart of the Tenant Notification, duly executed by Purchaser;

(iv) Such other funds and documents as may be reasonably required by Seller, Title Company, or Escrow Agent, including a closing statement.

6.2.3 Prorations. In connection with Closing, the following items shall be prorated as of the Closing Date by increasing or decreasing, as the case may be, the funds to be delivered by Seller and/or Purchaser on the Closing Date, with all items of income and expense for the Property being borne by Purchaser for the Closing Date and thereafter; prepaid rents under the

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Seller shall deliver the Property to Purchaser in the same condition as existing on the Effective Date, reasonable wear and tear excepted. Purchaser shall have the right to reinspect the Property within two (2) days prior to Closing for the purpose of verifying that the Property is in the same condition as existing on the Effective Date.

6.5 NMEID Lease. Purchaser acknowledges that approximately 1,000 square feet of the Improvements is occupied by the New Mexico Environmental Improvement Division under a lease with Seller, which lease has a term which, unless sooner terminated, is scheduled to expire on July 31, 2005 (the "NMEID Lease"). Purchaser further acknowledges that the NMEID Lease pertains not only to such portion of the Improvements, but also to improvements located on adjacent parcels of real property which are currently owned by Seller. Due to the fact that the NMEID Lease pertains to multiple real properties, Seller shall partially assign the NMEID Lease to Purchaser, with the portion of the NMEID Lease assigned to Purchaser being equal to the percentage of square footage of the Improvements subject to the NMEID Lease as compared to the total square footage of all improvements subject to the NMEID Lease. As a result of such partial assignment, Seller shall pay over and deliver to Purchaser, promptly upon receipt, a like percentage of the total rentals received by Seller under the NMEID Lease. Purchaser acknowledges having received a copy of the NMEID Lease prior to the Effective Date.

7. Default and Remedies. TIME IS OF THE ESSENCE IN THIS AGREEMENT. IF SELLER SHALL BREACH ANY OF ITS OBLIGATIONS HEREUNDER, AND SUCH BREACH IS NOT CURED WITHIN TEN (10) DAYS AFTER RECEIPT OF WRITTEN NOTICE FROM PURCHASER, OR SHALL FAIL TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THIS AGREEMENT FOR ANY REASON OTHER THAN PURCHASER'S DEFAULT OR A TERMINATION OF THIS AGREEMENT BY PURCHASER OR SELLER PURSUANT TO A RIGHT TO DO SO UNDER THE PROVISIONS HEREOF, AND IF PURCHASER IS NOT THEN IN DEFAULT HEREUNDER AND IS READY, WILLING AND ABLE TO CONSUMMATE THIS TRANSACTION, THEN PURCHASER SHALL HAVE, AS ITS SOLE AND EXCLUSIVE REMEDY, THE RIGHT TO SUE FOR SPECIFIC PERFORMANCE AND OFFSET THE PURCHASE PRICE BY THE REASONABLE COST TO PURCHASER, IF ANY, DIRECTLY RESULTING FROM SELLER'S UNCURED BREACH UNDER THIS AGREEMENT, PROVIDED, HOWEVER, THAT SUCH OFFSET SHALL IN NO EVENT BE GREATER THAN FIFTY THOUSAND DOLLARS (\$50,000.00). UNLESS OTHERWISE AGREED IN WRITING BY PURCHASER AND SELLER, PURCHASER MUST FILE ANY SUCH SUIT FOR SPECIFIC PERFORMANCE WITHIN SIXTY (60) DAYS AFTER PURCHASER BECOMES AWARE OF THE BREACH BY SELLER OF ITS OBLIGATIONS HEREUNDER, AND IF PURCHASER DOES NOT FILE ANY SUCH SUIT WITHIN SUCH TIME, AS THE SAME MAY BE EXTENDED IN WRITING BY PURCHASER AND SELLER, PURCHASER SHALL BE DEEMED TO HAVE ELECTED TO TERMINATE THIS AGREEMENT AND RECEIVE A RETURN OF THE DEPOSIT. IF PURCHASER SHALL FAIL TO CONSUMMATE THIS AGREEMENT FOR ANY REASON, EXCEPT SELLER'S DEFAULT OR THE TERMINATION OF THIS AGREEMENT BY PURCHASER OR SELLER PURSUANT

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Santa Fe, New Mexico, 87504
Facsimile Number: 1-505-995-2791

And:

Finance Director
Santa Fe County Finance Department
Post Office Box 276
Santa Fe, New Mexico, 87504
Facsimile Number: 1-505-_____

If to Seller:

4 Chippewa Circle
Santa Fe, New Mexico 87507
Facsimile Number: 1-505-_____

With a copy to:

Ernest A. Romero/W. James Metheny
Phase One Realty, Inc.
P.O. Box 2832
(333 Montezuma Avenue - Second Floor)
Santa Fe, New Mexico 87504-2832
Facsimile Number: 505-988-5134

And:

Mack E. With, Esq.
Jurgens, Thayer & With, P.A.
100 La Salle Circle, Suite A
Santa Fe, New Mexico 87505
Facsimile Number: 505-982-6417

9. Miscellaneous.

9.1 Entire Agreement. This Agreement constitutes the entire agreement between Seller and Purchaser respecting the sale and purchase of the Property, and will supersede and replace any and all prior and contemporaneous written and oral agreements, promises, representations, or conditions with respect thereto. The rights and obligations contained in this Agreement shall not merge at Closing; rather, they shall survive the Closing and bind the parties hereto.

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execution and delivery of this Agreement or the consummation of the transactions contemplated hereby, that the person or persons executing this Agreement on behalf of Seller has or have been duly authorized, and have the authority, to execute this Agreement on behalf of Seller, and that the execution, delivery and performance of this Agreement will not result in the breach or termination of any provision of, or constitute a default under any instrument to which Seller is a party or otherwise bound.

IN WITNESS WHEREOF, the parties have executed this Purchase Agreement as of the day and year first above written.

Seller:

**The A. J. Moellenbeck Professional Association
Retirement Trust U/A/D June 1, 1985**

By:

**Charlotte A. Moellenbeck
Its: Co-Trustee**

By:

**A. J. Moellenbeck
Its: Co-Trustee**

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EXHIBIT A

LEGAL DESCRIPTION

Tract B2-B2, as shown and described on that certain plat of survey entitled *Lot Split - Tract B2-B Larson-West Tract Subdivision Santa Fe, New Mexico*, by James J. Medrano, N.M.P.S. 5217, recorded in Plat Book 246, page 047, of the real property records of Santa Fe County, New Mexico.

HPPC RECOMMENDATIONS

Santa Fe County Health Policy & Planning Commission Recommendations for Appointment or Re-Appointment by Position									
Name	Address	City	Telephone	Lives in Commission District	Position Requested	Information Complete	Meets Qualification		
New Appointment (NA)									
Re-appointment (RA)									
Martinez, Larry A. (RA)	2085 Ave. de las Alluras 1617 Camino Porvenir	Santa Fe	983-8968 x212 747-5913	4	District I	Yes	Yes		
Burke, Dan (NA)	78 Camino Carritos	Edgewood	982-3079	3	District II	Yes	Yes		
Henson, J. Kevin (RA)	54 Cresta Pequeno	Santa Fe	680-3836	4	District III	Yes	Yes		
Estremera-Fitzgerald, Jaime (RA)	3 Jornada Loop	Santa Fe	501-1311	5	District IV	Yes	Yes		
Jorgensen, Jerry (NA)	520 Jose Street #1	Santa Fe	982-4599	1	Community Health Center	Yes	Yes		
Taaffe, Richard (RA)	15 Balsa Drive	Santa Fe	466-1382	5	DWJ Planning Council Edgewood Community	Yes	Yes		
Wieringa, Glenn (RA)									
Pending Letter from Town									
White, Jack (RA)	# 9 Salas Drive	Santa Fe	983-7135	4	Healthcare Union	No	Yes		
Pacheco, Dr. Mario F (RA)	972 Osage Ave.	Santa Fe	985-3985	2	Local Hospital	Yes	Yes		
Hale, Ron (RA)	73-A La Barbara Rd	Santa Fe	988-3953	4	MCH Council	Yes	Yes		
Pardue, Dr. Cleveland H. (RA)	212-A Calle Pelaca	Santa Fe	984-0303	4	Medical Doctor	Yes	Yes		
Henderson, Vallery (RA)	130 Rio Seco	Santa Fe	827-3703 x547	2	NM DOH	Yes	Yes		
Gonzales, PhD, Arturo N. (RA)	1524 Cortez Street	Santa Fe	982-7808	2	SDC CAP	Yes	Yes		
Pending Letter from City									
Sena Jr., Fernando (NA)	1934 Kiva Road	Santa Fe	820-7640	2	City of Santa Fe -- Youth Commissioner	Yes	Yes		

2536647

LIST OF ALL INTERESTED INDIVIDUALS BY POSITION

Santa Fe County Health Policy and Planning Commission List of all Persons Interested in Appointment or Re-Appointment by Position						
Name	Address	City	Telephone	Lives in Commission District	Position Requested	Meets Qualification
New Appointment (NA)						
Martinez, Larry A. (RA)	2085 Ave. de las Alturas	Santa Fe	983-8568 x212	4	District I	Yes
Burke, Dan (NA)	1617 Camino Porvenir	Santa Fe	747-5913	2	District II	Yes
Henson, J. Kevin (RA)	78 Camino Cerritos	Edgewood	992-3079	3	District III	Yes
Estremera-Fitzgerald, Jaime (RA)	54 Cresta Pequeno	Santa Fe	690-3836	4	District IV	Yes
Jorgensen, Jerry (NA)	3 Jornada Loop	Santa Fe	501-1311	5	District V	Yes
Teaffe, Richard (RA)	520 Jose Street #1	Santa Fe	982-4599	1	Community Health Center	Yes
Wieringa, Glenn (RA)	15 Balsa Drive	Santa Fe	466-1392	5	DWI Planning Council	Yes
Pending Letter from Town						
White, Jack (RA)	# 9 Salas Drive	Santa Fe	983-7135	4	Edgewood Community Healthcare Union	Yes
Pacheco, Dr. Mario F. (RA)	972 Osage Ave.	Santa Fe	995-3985	2	Local Hospital	Yes
Hale, Ron (RA)	73-A La Barbara Rd	Santa Fe	983-3953	4	MCH Council	Yes
Pardue, Dr. Cleveland H. (RA)	212-A Calle Pelaca	Santa Fe	984-0303	4	Medical Doctor	Yes
Henderson, Valery (RA)	130 Rio Seco	Santa Fe	827-3703 x547	2	NM DOH	Yes
Gonzales, PhD., Arturo N. (RA)	524 Cortez Street	Santa Fe	982-7808	2	SDC CAP	Yes
Pending Letter from City						
Mulcahy, Cristina (NA)	75 B. Doublearrow Road	Santa Fe	989-1454	4	City of Santa Fe Youth Commissioner	Yes
Rexroat, Antonette (NA)	14 Camino de Jacobo	Santa Fe	470-9800	2	Youth Commissioner	Yes
Sena Jr., Fernando (NA)	1934 Kiva Road	Santa Fe	820-7640	2	Youth Commissioner	Yes

2536648

LIST OF ALL INTERESTED INDIVIDUALS IN ALPHABETICAL ORDER

Santa Fe County Health Policy and Planning Commission
List of all Persons Interested in Appointment or Re-Appointment in Alphabetical Order

Name	Address	City	Telephone	Lives in Commission District	Position Requested	Information Complete	Meets Qualification
New Appointment (NA)							
Re-appointment (RA)							
Burke, Dan (NA)	1617 Camino Porvenir	Santa Fe	747-5913	2	District II	Yes	Yes
Estremera-Fitzgerald, Jaime (RA)	84 Cresta Pequeno	Santa Fe	690-3836	4	District IV	Yes	Yes
Gonzales, Ph.D., Arturo N. (RA)	824 Cortez Street	Santa Fe	982-7808	2	SDC CAP	Yes	Yes
Hale, Ron (RA)	73-A La Barbara Rd	Santa Fe	988-3953	4	MCH Council	Yes	Yes
Henderson, Valery (RA)	130 Rio Seco	Santa Fe	827-3703 x547	2	NM DOH	Yes	Yes
Henson, J. Kevin (RA)	78 Camino Cerritos	Edgewood	982-3079	3	District III	Yes	Yes
Jorgensen, Jerry (NA)	3 Jormada Loop	Santa Fe	501-1311	5	District V	Yes	Yes
Martinez, Larry A. (RA)	2085 Ave. de las Alluras	Santa Fe	983-8988 x212	4	District I	Yes	Yes
Mulcahy, Cristina (NA)	75 B. Doublearrow Road	Santa Fe	983-1454	4	Youth Commissioner	Yes	Yes
Pacheco, Dr. Mario F. (RA)	972 Osage Ave.	Santa Fe	985-3985	2	Local Hospital	Yes	Yes
Padue, Dr. Cleveland H. (RA)	212-A Calle Petaca	Santa Fe	984-0303	4	Medical Doctor	Yes	Yes
Rexroat, Antonette (NA)	14 Camino de Jacobo	Santa Fe	470-9800	2	Youth Commissioner	Yes	Yes
Sena Jr., Fernando (NA)	1924 Kiwa Road	Santa Fe	820-7640	2	Youth Commissioner	Yes	Yes
Taaffe, Richard (RA)	520 Jose Street #1	Santa Fe	982-4599	1	Community Health Center	Yes	Yes
Wieringa, Glenn (RA)	15 Balsa Drive	Santa Fe	466-1382	5	DWI Planning Council	Yes	Yes
White, Jack (RA)	# 9 Salas Drive	Santa Fe	983-7135	4	Healthcare Union	NO	Yes
Pending Letter from Town					Edgewood Community		
Pending Letter from City					City of Santa Fe		

2536649

**Santa Fe County
Health Policy and Planning Commission
Membership Interest Form**

Request for Re-Appointment : _____

Request for Appointment : X

2536650

Date : April 23, 2003

Name : Daniel T. Burke

Address: 1617 Camino Porvenir

City : Santa Fe Zip Code: 87505

Telephone# : (505)- 747-5913 (w)

Fax# : (505)- 753-5815

E-mail : dan.burke@hcnm.org

Occupation : Health Center Planning and Development Director

Are you applying for specific appointment to the Health Policy and
Planning Commission (Medical Doctor, MCH Representative, etc.)?: Yes \ No
(Circle)

If so, which specific appointment: _____

Please attach a resume to this form and return to:

Santa Fe County Community Health Division

Attn: Ms. Marie Garcia

PO Box 276

Santa Fe, NM 87504-0276

Telephone # : (505)-992-3057

Fax # : (505)-992-3050

E-mail : mgarcia@co.santa-fe.nm.us

**Please return this form with a resume attached no later than
March 14, 2003.**

Resume

Daniel T. Burke
1617 1/2 Camino Porvenir
Santa Fe, NM 87505
505-986-8030 (h); 747-5913 (w)

Work History

November 2000 – present

2536651

Chief Planning Officer

Health Centers of Northern New Mexico, Española, NM

Takes a lead role with the Leadership Team, Board of Directors and community in strategic planning, program and facility development and resource development to meet these objectives. Job duties include public relations and publicity, grant writing and fund-raising, and community and inter-agency relations.

July 1994 – October 2000

Health Promotion Program Manager

New Mexico Dept. of Health, Santa Fe, NM

Provide leadership and supervision for 9 member Health Promotion Team, participate in District 2 Management Team meetings and duties, oversee grants management of Healthier Communities funding for small community projects, and work with communities to plan and implement health education and community health initiatives.

January 1989 – December 1993

Family Planning Health Educator

New Mexico Department of Health, Santa Fe, NM

As first incumbent of newly created Male Involvement Coordinator, research and encourage development of programs fostering male involvement in family planning, teen pregnancy prevention, STD prevention and prevention of dating and domestic violence. Obtain and disseminate resources for teen fathers programs. Write and distribute male involvement curriculum and train school and other personnel on teaching the contents.

Education

Masters in Public Health, focus on Health Policy and Administration,
University of California, Berkeley, June 1988.

Bachelors of Arts in History,
University of California, Berkeley, June 1982.
Phi Beta Kappa

Updated August, 2002

Santa Fe Community Partnership

Third Quarter Report

**Contract #23-079-CHDD
March 2003**

2536652

Guiding Good Choices (formerly Preparing for the Drug Free Years)

The publisher of Preparing for the Drug Free Years has changed the name of the parenting class curricula to be a bit more universal in their approach – which should assist with recruitment of parents. The content has stayed the same; however, the materials have been updated and include a PowerPoint presentation disk with all the slides on the disk. The accompanying video has also been updated.

Santa Fe Community Partnership funded a training of six new Trainers of Workshop Leaders in January 2003 from various agencies throughout New Mexico. Two of the Trainers are here in Santa Fe (Melanie Darling and Sharon Guerrero). Our strategy is not just provide parenting classes, but to give outlying areas of Santa Fe County such as Moriarty the opportunity to have a Workshop Leader in there area. This will ensure the continuation of the parenting classes even after this grant period.

Due to the winter weather we have had only one parenting class this quarter. This class took place in Eldorado and 8 parents attended. Again, we have doubled our goal in attendance. This has been due to incentives that the Partnership is giving to the Workshop Leaders for recruitment, and has worked very well.

We have made contact with the school nurse at Moriarty elementary and she is interested in attending a training and conducting the parenting classes for us.

Churches Take A Corner

Again due to cold weather we have not had a vigil since the one in December. Please see "Future Plans" for more information.

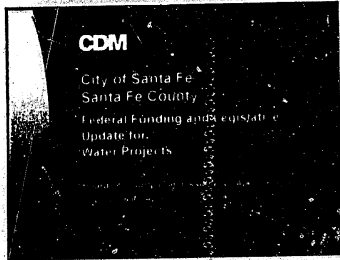
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Future Plans

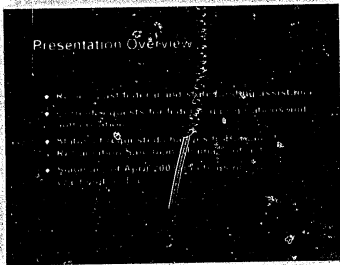
We are working with churches in Pojoaque to assist with recruitment for our parenting classes. And as previously mentioned, we are working in Moriarty.

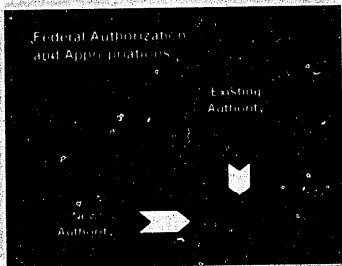
Our next Churches Take A Corner vigil will take place May 2, at 8pm in Valle Vista County Housing neighborhood. This vigil will bring the residents together to focus on recent gang violence to assist them in their efforts to create a safer neighborhood for their families. The plans for the vigil in Chimayo, also led by Dr. Rev. Tom Anderson are still in the planning stages and we will update you at our next reporting.

We are pleased with our accomplishments so far and it has been our experience that this Spring will show an increase in the number of classes we are able to conduct.

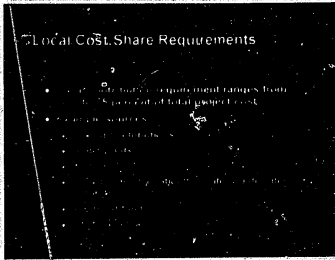


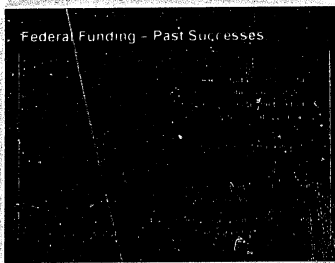
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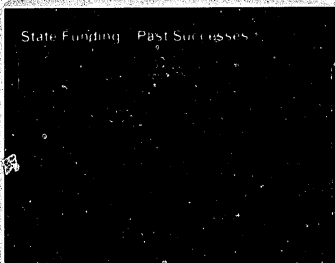




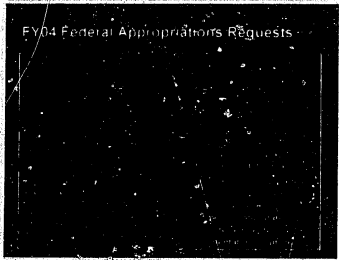
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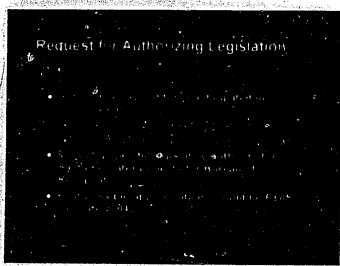


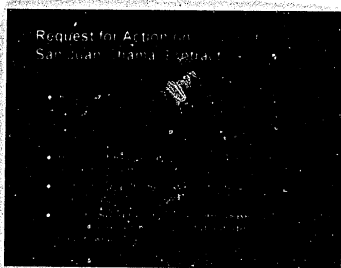




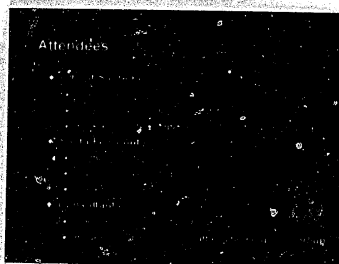
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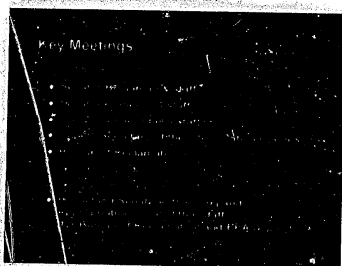


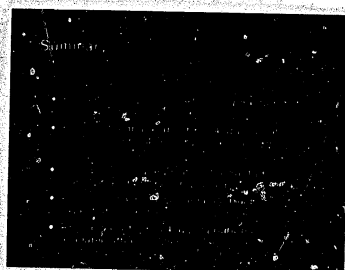




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WATER SUPPLY PROJECTS UPDATE - MAY 2003

2536659

Santa Fe Takes Action to Reduce Drought Susceptibility

Drought conditions over the past several years in northern New Mexico - with record-breaking severe conditions in 2002 and continued low snowpack in early 2003 - have drastically affected Santa Fe's water supplies.

Reservoir levels dropped to unprecedented levels in 2002, to as low as 22 percent of their capacity in July 2002. Santa Fe has been under its "Stage 3" emergency water restrictions since spring 2002. Stage 3 requirements include, among other components, mandatory once-per-week outdoor watering limits and significant high-use surcharges. Stage 4, if necessary, would ban virtually all outdoor water use and could trigger a building moratorium.

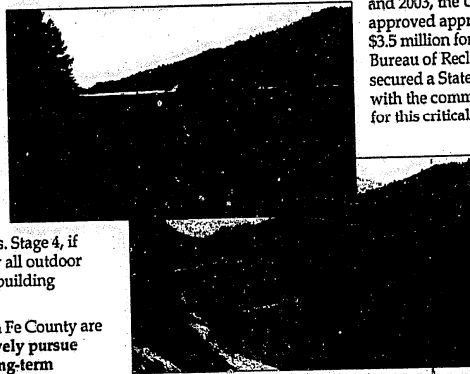
The City of Santa Fe and Santa Fe County are working together to aggressively pursue immediate, near-term, and long-term solutions to provide protection from future drought conditions and meet the community's future needs, including:

- **Emergency action:** drilling five new wells
- **Near-term:** construction of a new Rio Grande diversion system, and capacity upgrades to the existing Canyon Road Water Treatment Plant
- **Long-term:** evaluating supply options for meeting long-term demands

Emergency Drought Relief: Supplemental Wells

In April 2003, Santa Fe brought the first of five new supplemental wells in its Buckman Well Field online. Design and environmental analyses of the remaining four have been completed, with construction now underway. Anticipated completion is summer 2003. These five wells are expected to add nearly 4 million gallons per day (mgd) of supply capacity, helping meet existing demands and reducing the need to rely on surface supplies in drought years.

These wells will allow full use of the existing Buckman transmission pipeline capacity, and will reduce the likelihood that Stage 4 restrictions will be needed in



Santa Fe River reservoirs - normally the source of 40 percent of Santa Fe's supply - continue to be at record low levels.

coming years. Once the Buckman Direct Diversion is online, the Buckman well field will continue to be used, providing critical system redundancy and drought protection capacity.

The cost to implement these wells, including necessary upgrades to the Buckman pipeline system (pumping stations and storage) is over \$12 million. In Fiscal Years (FY) 2002 and 2003, the United States Congress approved appropriations totaling \$3.5 million for drilling these wells via the Bureau of Reclamation. Santa Fe has also secured a State of New Mexico loan to assist with the community's financial commitment for this critical infrastructure.

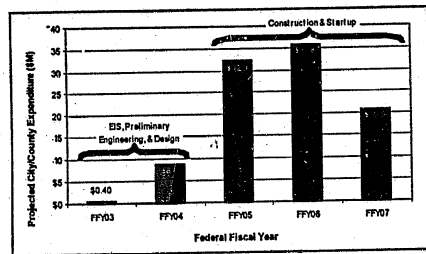
Near-Term Actions

Santa Fe is also implementing several projects to meet near-term water needs.

The Buckman Direct Diversion project was identified in the City and County's September 2002 Feasibility Study report as the proposed option for diverting the City and County's full allocation of San Juan-Chama Project (SJC) water. The Buckman

Direct Diversion will provide up to 15 mgd for peak City/County demands, and is intended to address immediate drought protection needs and also meet annual and peak demands through approximately 2010 - the earliest the "long-term" project facilities described below could be online. The project consists of a new diversion from the Rio Grande, an 11-mile 36-inch diameter transmission line, a new 15-mgd water treatment plant, and nearly 20 miles of new treated water distribution piping.

The USDA Forest Service (USFS) and Bureau of Land Management (BLM) are now preparing an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) for the Buckman Direct Diversion. The EIS is scheduled for completion by late 2003, and design and construction will be complete by mid-2007. Total City and County costs for the Buckman Direct Diversion, including design and construction of the intake, conveyance, treatment, and distribution facilities, are estimated at nearly \$100 million, with expenditures timed as indicated on the following chart.



Buckman Direct Diversion costs peak during construction.

Santa Fe is seeking federal and state appropriations in support of \$8.8 million in FY 2004 design and related implementation expenditures for the Buckman Direct Diversion Project.

The second major near-term project is upgrading the capacity of the existing Canyon Road Water Treatment Plant. Originally intended to treat up to nearly 10 mgd from the Santa Fe River reservoirs, aging equipment and tighter drinking water standards have decreased the effective plant capacity to about 4 mgd, according to a 2002 plant evaluation. Major process upgrades, totaling nearly \$10 million are planned in the coming 4 years, beginning with a \$2.2 million first phase to be constructed in FY 2004, with the ultimate goal of returning the plant to full capacity. In addition, several infrastructure projects are planned to meet imminent water needs in FY 2004, including studying and pilot testing of an artificial groundwater recharge system; two new production wells in the County's service area; water system instrumentation and controls; an emergency water dispensing facility; and interconnection of certain County water facilities.

Long-Term Water Supply

New water supply and management components – in addition to the 5 new wells, Buckman diversion, and Canyon Road water treatment plant capacity upgrades – will be needed to meet water demands beyond 2010. The City and County have begun to analyze long-term supply enhancement options, including:

- Enhanced use of treated wastewater effluent resources
- Intensive conservation and demand management
- Increased management and use of groundwater and surface water supplies, including conjunctive use
- Surface storage and aquifer storage
- Other water management strategies

Preferred option(s) identified from these analyses will be evaluated under NEPA in 2004. Water supply system components may be evaluated and/or implemented in the future to serve regional needs, such as those of the pueblos located in northern Santa Fe County and nearby



Santa Fe is aggressively pursuing emergency, near, and long-term water supply components on parallel paths.

253660

communities. A system to serve regional needs, such as those of the pueblos located in northern Santa Fe County and nearby communities, may ultimately include or connect to the City and County's water infrastructure. Possible regional system components are currently being evaluated under studies in relation to the Aamodt settlement. The City and County are actively participating with the pueblos and other regional partners in those studies.

FY 2004 Appropriations Requests

Santa Fe is requesting the following federal appropriations for FY 2004 in support of its critical water supply needs:

- Buckman Direct Diversion Design and Related Expenditures Up to \$8,800,000
- Canyon Road WTP Upgrades and Other Water Infrastructure Projects \$2,000,000
 - EPA State and Tribal Assistance Grants (STAG)
- Long-Term Water Supply Planning \$750,000
 - USBR Title XVI

The City and County have taken significant measures to locally fund these projects to the extent possible, including increased rates, drought surcharges, and a new sales tax designated specifically for water projects over the next 10 years. Santa Fe's FY 2004 request for appropriations in support of the design of the Buckman Direct Diversion facilities will be used in conjunction with local and state matching funds. The EPA STAG FY 2004 appropriation will be used to complete the first \$2.2 million phase of the Canyon Road Water Treatment Plant upgrades, as well as the other \$1.5 million of near-term projects described above, under an anticipated 55% federal cost share agreement. The FY 2004 USBR Title XVI funds will be used in support of long-term water supply planning in FY 2004 under a continued 50% federal cost share agreement.

Proposed USBR Authorizing Legislation

The City and County are also seeking authorizing legislation for a new USBR authority, enabling USBR partnership with the City of Santa Fe, Santa Fe County, and other regional partners to achieve water supply, treatment, and environmental objectives. If approved, the legislation will authorize USBR to make a combination of loans and grants available through a cost-share agreement for the planning, environmental evaluation, design and

construction of infrastructure and other improvements in the greater Santa Fe area – including water supply, water quality, water reclamation and reuse, groundwater recharge and protection, surface water augmentation, environmental and recreational enhancements, and other improvements.

Contacts

- ◆ Rick Carpenter
City of Santa Fe
Sangre de Cristo Water Division
(505) 955-4206
rcarpenter@ci.santa-fe.nm.us
- ◆ Gary Roybal
Santa Fe County
Utilities Department
(505) 995-2712
groybal@co.santa-fe.nm.us

Santa Fe County

2536661

Ordinance No. 2003-

AN ORDINANCE ADOPTING A COUNTY FIRE PROTECTION EXCISE TAX

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

Section 1. Imposition of Tax. There is imposed on any person engaging in this County area for the privilege of engaging in business in this county area an excise tax equal to one fourth of one percent (0.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this Ordinance is pursuant to the County Fire Protection Excise Tax Act (§ 7-20E-15 NMSA 1978) as it now exists or as amended and shall be known as the "County Fire Protection Excise Tax."

Section 2. General Provisions. This Ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act [Chapter 7, Article 9 NMSA 1978] as it now exists or as it may be amended.

Section 3. Specific Exemptions. No County Fire Protection Excise Tax shall be imposed on the gross receipts arising from:

1 A. Transporting persons or property for hire by railroad, motor vehicle, air
2 transportation or any other means from one point within the County to
3 another point outside the County; or

4
5 B. Direct broadcast satellite services.

2536662

6
7 Section 4. Dedication. The revenue derived from the County Fire
8 Protection Excise Tax shall be used for the purpose of financing the operational, capital
9 outlay and ambulance expenses of the Santa Fe County Fire Department and its fifteen
10 fire districts.

11
12 Section 5. Effective Date. The effective date of the County Fire
13 Protection Excise Tax shall be January 1, 2004.

14
15 Section 6. Delayed Repeal, (Mandatory) Ordinance Number 2003-_____
16 (if it becomes law) is repealed effective December 31, 2008.

17
18 Adopted by the Board of County Commissioners of Santa Fe County This 13th Day
19 Of May 2003.

20
21 Attest: Santa Fe Board of County Commissioners

22
23
24
25 _____
26 Rebecca Bustamante, County Clerk

Jack Sullivan, Chairman

27
28
29
30
31

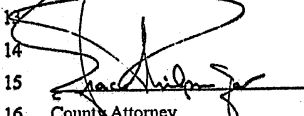
1 I hereby certify that the Santa Fe County Fire Protection Excise Tax Ordinance was duly
2 enacted by a vote of the electorate on July 8th, 2003, and the results of the election have
3 been certified by me on July 10th, 2003. **2536663**

4
5 Attest: **Santa Fe Board of County Commissioners**

6
7
8 _____
9 Rebecca Bustamante, County Clerk

Jack Sullivan, Chairman

10
11
12 Approved as to form and legal sufficiency:

13 
14
15 _____
16 County Attorney

2536664

7-20E-22. County emergency communications and emergency medical services tax; authority to impose; ordinance requirements; use of revenue; election.

A. The majority of the members of the governing body of an eligible county may enact an ordinance imposing an excise tax at a rate not to exceed one-fourth of one percent of the gross receipts of any person engaging in business in the county for the privilege of engaging in business. The tax may be imposed in one or more increments of one-sixteenth of one percent not to exceed an aggregate rate of one-fourth of one percent. The tax shall be imposed for a period of not more than ten years from the effective date of the ordinance imposing the tax. Having once enacted an ordinance under this section, the governing body may enact subsequent ordinances for succeeding periods of not more than ten years, provided each such ordinance meets the requirements of the County Local Option Gross Receipts Taxes Act [Chapter 7, Article 20E NMSA 1978] with respect to the tax imposed by this section.

B. The tax imposed by this section may be referred to as the "county emergency communications and emergency medical services tax".

C. The governing body, at the time of enacting an ordinance imposing a rate of tax authorized in Subsection A of this section, shall dedicate the revenue to one or both of the following purposes:

- (1) operation of an emergency communications center that has been determined by the local government division of the department of finance and administration to be a consolidated public safety answering point; or
- (2) operation of emergency medical services provided by the county.

D. An ordinance imposing any increment of the county emergency communications and emergency medical services tax shall not go into effect until after an election is held and a majority of the voters in the county voting in the election vote in favor of imposing the tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax. The question may be submitted to the voters as a separate question at a general election or at a special election called for that purpose by the governing body. A special election shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections. In any election held, the ballot shall clearly state the purpose to which the revenue will be dedicated pursuant to Subsection C of this section. If a majority of the voters voting on the question approve the imposition of the county emergency communications and emergency medical services tax, then the ordinance shall become effective in accordance with the provisions of the County Local Option Gross Receipts Taxes Act [Chapter 7, Article 20E NMSA 1978]. If the question of imposing the county emergency communications and emergency medical services tax fails, the governing body shall not again propose the imposition of any increment of the tax for a period of one year from the date of the election.

E. For the purposes of this section, "eligible county" means a county that operates or, pursuant to a joint powers agreement, is served by an emergency communications center that has been determined by the local government division of the department of finance and administration to be a consolidated public safety answering point.

History: Laws 2002, ch. 14, § 1.

7-20E-15. County fire protection excise tax; authority to impose; ordinance requirements.

A. The majority of the members of the governing body may enact an ordinance imposing an excise tax on any person engaging in business in the county area for the privilege of engaging in business. The rate of the tax shall be one-fourth of one percent or one-eighth of one percent of the gross receipts of the person engaging in business. The tax provided in this section shall be imposed for a period of not more than ten years from the effective date of the ordinance imposing the tax. Having once enacted an ordinance under this section, the governing body may enact subsequent ordinances for succeeding periods of not more than five years, provided each such ordinance meets the requirements of the County Local Option Gross Receipts Taxes Act [Chapter 7, Article 20E NMSA 1978] with respect to the tax imposed by this section.

B. This tax is to be referred to as the "county fire protection excise tax".

C. The governing body of a county shall, at the time of enacting an ordinance imposing the rate of the tax authorized in Subsection A of this section, dedicate the revenue for the purpose of financing the operational expenses, ambulance services or capital outlay costs of independent fire districts or ambulance services provided by the county. In any election held, the ballot shall clearly state the purpose to which the revenue will be dedicated and shall be used by the county for that purpose.

D. Any ordinance enacted under the provisions of Subsection A of this section shall include an effective date of either July 1 or January 1 in accordance with the provisions of the County Local Option Gross Receipts Taxes Act [Chapter 7, Article 20E NMSA 1978].

E. The ordinance shall not go into effect until after an election is held and a simple majority of the qualified electors of the county area voting in the election votes in favor of imposing the county fire protection excise tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax. Such question may be submitted to the qualified electors and voted upon as a separate question at any special election called for that purpose by the governing body. The election upon the question shall be called, held, conducted and canvassed in substantially the same manner as provided by law for general elections. If the question of imposing a county fire protection excise tax fails, the governing body shall not again propose a county fire protection excise tax for a period of one year after the election.

History: Laws 1979, ch. 398, § 3; 1983, ch. 222, § 2; 1993, ch. 302, § 1; 1978 Comp., § 7-20A-3, amended and recompiled as 1978 Comp., § 7-20E-15 by Laws 1993, ch. 354, § 15; 1994, ch. 101, § 9.