

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 75

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SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

May 25, 2004

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

SFC CLERK RECORDED 07/02/2004

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
May 25, 2004 - 10:00 a.m.

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
 - C. Consent Calendar: Withdrawals
- VI. Approval of Minutes *May 4, 2004 Water Agree Comm. ok/no BCC minutes*
- VII. Matters of Public Concern – Non-Action Items *N/A*
- VIII. Matters from the Commission
 - A. *approved* Resolution No. 200456 A Resolution Supporting the Northern New Mexico Regional Water Collaborative (Commissioner Montoya)
- IX. Presentations
 - A. *ok* Presentation by Secretary of State, Rebecca Vigil – Giron Regarding Help America Vote Act Federal Mandate (HAVA)
 - B. *ok* Update on the Care Connection
- X. Committee Resignations/Appointments/Reappointments
 - A. *ok* Appointments/Resignations to the Road Advisory Committee *had appts. + resignations. refer to minutes for names*
- XI. Consent Calendar
 - A. *approved* Request Authorization to Enter into Amendment #1 for the Professional Services Agreement #23-0192-FI with Modrall, Sperling, Roehl, Harris & Sisk, P.A. for bond Counsel Services for Santa Fe County (Finance Department)
 - B. *approved* Request Authorization to Enter into Amendment #1 for Indefinite Quantity Price Agreement #23-0196-FD with Kaufman's West for the Uniforms for the Fire Department (Fire Department)
 - C. *approved* Resolution No. 2004 *57* A Resolution Requesting a Budget Increase to the Road Projects Fund (311)/Caliente Road Project for Contribution Revenue Received for Expenditure in Fiscal Year 2004 (\$64,893.32) (Public Works Department)
 - D. *approved* Request Authorization for Approval of Amendment #1 to the Severance Tax Agreement for Road Improvements to County Road 67-F (La Barbaria) and

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County Road 67-J (Double Arrow Road) from the New Mexico Department of Transportation (\$60,000) (Public Works Department)

approved
E. Resolution No. 2004⁵⁸ A Resolution Requesting an Increase to the General Fund (101)/Information Technology Division to Budget Map Sales Revenue Received for Expenditure in Fiscal Year 2004 (\$33,420) (Project & Facilities Management Department)

approved
F. Resolution No. 2004⁵⁴ A Resolution Requesting an Increase to the Corrections' Fund (201) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (\$10,000) (Sheriff's Office)

XII. Staff and Elected Officials' Items

A. Community & Health Development Department

approved
1. Request Authorization to Submit a Grant Proposal to the Center for Substance Abuse Treatment for Young Offender Re-Entry Services in an Amount Not to Exceed \$500,000

approved
2. Request Approval of Contract with the Children, Youth & Families Department for \$24,000 to Provide Media Literacy and Underage Drinking Enforcement in Santa Fe County

TABLED
3. Request Approval of the FY 2004 Amendment to the Memorandum Of Agreement between St. Vincent Hospital and Santa Fe County
TABLED

TABLED
4. Request Approval of the FY 2005 Memorandum of Agreement between St. Vincent Hospital and Santa Fe County
TABLED

B. Finance Department

approved
1. Resolution No. 2004⁶⁰ A Resolution Requesting Authorization to Surplus Obsolete or Inoperable Fixed Assets for Sale, Donation or Disposal in Accordance with State Statutes

approved
2. Resolution No. 2004⁶¹ A Resolution Requesting Approval of FY 2005 Interim Budget

approved
3. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #24-44 for the Financial & Compliance Audit Services for Santa Fe County (Bear Claw)

C. Fire Department

approved
1. Ordinance No. 2004⁰² An Emergency Ordinance Declaring Hazardous Fire Conditions and Imposing Restrictions on Fireworks, Open Fires and Smoking within Santa Fe County

D. Matters from the County Manager

1. Creation of Health and Human Services Department

E. Matters from the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

OK
b. Limited Personnel Issues

c. Acquisition or Disposal of Real Property

d. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

XIII. Public Hearings

A. Project & Facilities Management Department

No public to speak on Issue
1. Project Testimony for the 2005 - 2009 Santa Fe County Infrastructure Capital Improvement Plan (ICIP)

B. Public Works Department

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- 1. Ordinance No. 2004 – An Ordinance Amending the 2002-10 County Comprehensive Solid Waste Ordinance Section 4 (3) to Require a Residential Rate Change from \$25.00 to \$50.00 for the Santa Fe County Waste Disposal Permit Fee; Section 10 (A)I to Allow for the Purchase of a Second Annual Residential Waste Disposal Permit; and by Adding a New Section 10 (A)ii to Allow Owners of Vacant Residential Lots to Purchase Residential Waste Disposal Permits (One Public Hearing Required)**

XIV. ADJOURNMENT

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

May 25, 2004

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

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

Members Present:

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

Members Absent:

[None]

IV. Invocation

An invocation was given by Pastor Bud Goodwin of the Rodeo Road Baptist Church.

V. Approval of the Agenda

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

CHAIRMAN CAMPOS: Mr. Gonzalez, any changes?

GERALD GONZALEZ (County Manager): Mr. Chair, members of the Commission, looking at the agendas in front of you, under Section IX. Presentations, we have the addition of a presentation by Secretary of State Rebecca Vigil Giron. Then looking at Section XII, Staff and Elected Officials' Items, under Community and Health Development Department, Section A., items 3 and 4 have been tabled. Under Section D. Matters from the County Manager, we have the addition of a short discussion and presentation on creation of a

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County Health and Human Services Department and those are all the changes that I have, Mr. Chair, from this side.

CHAIRMAN CAMPOS: Okay, Commissioners, any changes to the agenda? Any withdrawals from the Consent Calendar?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER ANAYA: Second.

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

VII. Matters of Public Concern – Non-Action Items

None were presented.

VIII. Matters from the Commission

A. Resolution No. 2004-56. A Resolution Supporting the Northern New Mexico Regional Water Collaborative (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chair. In your packet is a resolution which describes an event that already took place, the beginning of a process, actually, and this meeting was held April 20th. We had officials from Rio Arriba County, Santa Fe County, City of Española as well as the tribal governments where we discussed the possibility and hopefully the probability of developing a regional water collaborative. The resolution is there and I would stand to answer any questions and would request your support on this.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: I have a question. Last year we presented to the legislature a proposal to give the counties authority to create regional water systems. Is it part of that discussion?

COMMISSIONER MONTOYA: This would be. Yes, sir.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER MONTOYA: It would be part of it.

CHAIRMAN CAMPOS: So basically, you're out there meeting with these folks, providing information so that we can in the future create a regional water system, using state law.

COMMISSIONER MONTOYA: Exactly. And in fact, Mr. Chair, one of the resulting activities that came about as this meeting concluded was that three of the entities got together and submitted an application to the New Mexico Finance Authority with the three

applicants joining together as a part of the collaborative instead of individual domestic water associations. So I think that in itself is exactly what we're trying to promote and work with these groups and supporting them.

CHAIRMAN CAMPOS: You're saying three mutual domestic associations have come together and are working together.

COMMISSIONER MONTOYA: Two mutual domestics and the City of Española.

CHAIRMAN CAMPOS: Okay. And they're asking for funding so they can coordinate their efforts.

COMMISSIONER MONTOYA: Exactly.

CHAIRMAN CAMPOS: Okay. Any further discussion. Okay, Commissioner Anaya, you have a motion to approve the Resolution 2004-56. Is there a second?

COMMISSIONER MONTOYA: Second.

The motion to approve Resolution 2004-56 passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Anything else? Commissioner Duran, do you want to go first?

COMMISSIONER DURAN: Is this for Matters from the Commission?

CHAIRMAN CAMPOS: Yes.

COMMISSIONER DURAN: I'd like to talk a little bit about the negotiations that this Commission and you, Commissioner Sullivan, have been involved in with the City. And I'm wondering - I hear that those negotiations might have - there may be a stalemate in those negotiations. And I'm wondering if the Commission would be willing to let two new Commissioners participate in those discussions just to bring some new blood and new ideas to it because my understanding from the City is that there might be a few hard lines being drawn, which is preventing this process from progressing. So I'm asking the Commission if they would be willing to approve either Commissioner Montoya and myself or Commissioner Anaya and myself. I'd like to be involved just because I have the background from the regional planning element.

CHAIRMAN CAMPOS: Any discussion from the other Commissioners?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I don't see why - I don't see a problem if we could just appoint yourself to meet with the other two. Do you have to have -

COMMISSIONER DURAN: You mean with three -

COMMISSIONER ANAYA: It would be Campos, Sullivan and yourself.

COMMISSIONER DURAN: That would be fine. That would be fine. And I think that if we just publish it - aren't they being noticed right now.

CHAIRMAN CAMPOS: They're being noticed.

COMMISSIONER DURAN: Well, I'd love to be involved if that would be

okay.

COMMISSIONER ANAYA: I don't have a problem with including you in the discussions.

COMMISSIONER DURAN: Is that okay with –

COMMISSIONER MONTOYA: That's fine with me also, Mr. Chair. I guess the only comment that I would have in terms of what I've heard in terms of the negotiation is that maybe we not bite off more than what we can chew and just take small steps. Not try to negotiate a whole water deal when there's specifically the water service agreement that I think we should just maybe focus on that and then negotiate some of the other issues later.

COMMISSIONER DURAN: Later. Right. Yes, I agree.

COMMISSIONER MONTOYA: As opposed to trying to make it all one package. And that's just based on some of the comments that I've received. That would be my only suggestion.

COMMISSIONER DURAN: So Mr. Chair, does that need to be a motion.

CHAIRMAN CAMPOS: Let me just see. Commissioner Sullivan is gone, and he is on that committee. I don't know if he wants to join in the discussion.

COMMISSIONER DURAN: Well, he heard it when I –

CHAIRMAN CAMPOS: He's on the phone. Let's give him a second. My impression is – I did go to the City Council meeting last Wednesday. The City Council was fairly positive. There was no indication of a stalemate. The three members of the negotiating team want to meet. I think at this point it's important that we do take a comprehensive as opposed to the small view because of our situation. And it involves a lot of issues that we could maybe at some point discuss in executive session but I think it's important that all Commissioners understand what we're doing. But there is no problem, I don't believe, with the City Councilors. I know Commissioner Duran called me and said there was a number of problems and they were going to abolish the committee, etc., etc. None of that happened. I'd just like to let you know.

Commissioner Sullivan, Commissioner Duran had initially suggested that, I guess you and I be replaced on the water negotiating team and that two new Commissioners be appointed. Commissioner Anaya suggested that maybe Commissioner Anaya maybe should be, and that we should have three members representing the County.

COMMISSIONER DURAN: No, that's not it at all. The last part of it – before you let him comment, let's tell him what happened. I did suggest that you two be replaced. Commissioner Anaya said Why not just have Commissioner Duran participate?

CHAIRMAN CAMPOS: That's what I said.

COMMISSIONER DURAN: That's not what you said. The three of us believe that that would be okay.

CHAIRMAN CAMPOS: We haven't voted on it. Do you have any comments?

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. Well, I serve on the committee at the pleasure of this Board and whatever the Board would like to do is, I'll certainly support that action. Where we are in our negotiations is a lot further than I thought we

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would be at this point to be quite honest with you. As you may have read in the paper, and from our discussions with you, we got a proposal back from the City last week at the meeting which was a comprehensive proposal. It didn't have everything that we wanted in it, obviously, but it's their first fully comprehensive proposal to us. It addressed a lot of the issues that we've been talking about and I think specifically, at least from the City committee's standpoint, the things that they have agreed upon, and I'm not saying that the City itself as a complete Council has agreed on, is one, they've agreed on the demand numbers. The numbers that we've generated through the Regional Planning Authority which they've participated in. They are in agreement with what the demands are in the County water system and outside the County water system in the Extraterritorial Zone. So we've come to a numbers agreement on that.

They've also agreed with the concept of a regional water authority. And I felt that that was a great step forward. Again, this is the committee speaking, the City committee members. With those two major agreements, they presented a proposal which included allowance for the demand until the San Juan/Chama was built and for a phasing out period. We discussed and in fact they first brought up the issue of some type of a drought insurance as they called it, which is the same thing that they will have to do if they run out of water or have reduced flows in the San Juan/Chama project. We call it conjunctive use, using the wells only when we can't use the system.

But I think if there's any Commissioner who is uncomfortable or who feels that he is not being represented on that committee is welcome to be on the committee. There is no exclusivity here. We need everyone's input and I hope it's not a control issue, because what we're after here is a working agreement and I do want to congratulate the City members, particularly David Coss, who's taking the lead in the City and also Councilor Wurzburger and Council Pfeiffer. All three of them are working hard. They're doing their homework. They're coming back to the meetings with specific proposals and the chair I think has done an excellent job of taking the discussions to a point and when we reach a point we then back off and give the staffs and the Councilors time to digest it. And I saw in the paper that Councilor Wurzburger is estimating two more months to conclude the agreement. That sounds like a doable goal to me. So I think in just one month that we've been at this we've made a tremendous amount of progress. The meeting are open and I think Mr. Chair, any Commissioner that – all five of us if we want to be – can be on that committee.

But I do want to add one thing and that is that there was some gossip floating around that the Mayor was unhappy and wanted the full City Council to be the bargaining body and not the committee. And at this last meeting, he made it very clear that he supported what the City's committee members were doing and that that committee would be the negotiating body with periodic updates to the Council. So that particular gossip was squashed. And we're proceeding with the Mayor's direction in that regard. Those would be my comments if that's helpful.

CHAIRMAN CAMPOS: One additional comment. The issue of parking water rights at the Buckman wells essentially has been resolved. It looks like there's full consensus on moving forward and that was one of the biggest issues that we had. They have drafted, the City did draft a document. We're going to have some issues I think from Legal and Mr. Gonzalez

that have to be addressed. After reading it I did see a couple of things that maybe were not acceptable but it looks like we're heading in a very positive direction. So I think the meeting on Wednesday with the City Council was a very positive one, not negative as it's been portrayed by some. So I would say we're doing a good job. We're moving forward quickly and making a lot of progress. If this Commission wants a third member, that's fine, but we need someone that's going to work as a team. We need someone who's going to sit and work as a team. Because if we go in there with different positions, arguing against each other, I can only see that we're going to go downhill and one of the – Commissioner Sullivan and I have worked as a team. We've worked closely with staff and we're making progress. Commissioner Duran.

COMMISSIONER DURAN: Please don't take my concern as anything other than my concern. I didn't make this up. I spoke to people who have been involved with you and Commissioner Sullivan in this process. And I appreciate the hard work and all the time you've put into that effort. I would just like to be involved with you and I'm happy to hear that they other two Commissioners would support that effort. I can't promise that I'm going to be of like mind with you on all these issues. It's very seldom that we're of like mind any many things. But I think my goal is to work with you and the City Council to reach some consensus and arrive at an agreement that's based on regional land use policies and a regional water policy. Other than that, that's all I can say. I truly would like to participate in this process and get involved with the two of you. I may have a different approach. I can't say that I'm not going to be of like mind with you on it.

CHAIRMAN CAMPOS: Okay, that's the issue. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, do we need to make a motion or just give direction or – I'd like to see all three of you on the Board, continue the work that you've been doing.

COMMISSIONER DURAN: What do we need to do, Steve?

STEVE ROSS (County Attorney): Mr. Chair, I think because there's no item on the agenda appointing new members that you'd want to arrive at your decision based on consensus and not through a formal vote.

COMMISSIONER DURAN: Okay.

CHAIRMAN CAMPOS: Well, I want to have a working team. That's my concern. You and I have had our disputes, Commissioner Duran, and sometimes we've had problems with that.

COMMISSIONER DURAN: We all want to have a working team.

CHAIRMAN CAMPOS: I agree. We do want to. I would maybe suggest that Commissioner Montoya be the third negotiating member.

COMMISSIONER ANAYA: So you want us to raise our hands? Or how are you going to solve this so we can move on. I don't want to turn this into a long discussion.

CHAIRMAN CAMPOS: Well, I would suggest that Commissioner Montoya be the third person on the team. I think he understands the issues. I think he'd be a good negotiator.

COMMISSIONER MONTOYA: Mr. Chair, thank you for that compliment. If

I were to take on anything else now I don't know what the dog would say.

CHAIRMAN CAMPOS: This is the most important thing on our plate right now.

COMMISSIONER MONTOYA: Yes, it is.

COMMISSIONER DURAN: I think the issue has been thoroughly discussed and I think I'm on the committee with you Commissioner Sullivan.

CHAIRMAN CAMPOS: Is that a consensus?

COMMISSIONER ANAYA: Yes.

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: There's a consensus. You're on the group. Okay, anything else, Commissioner Duran?

COMMISSIONER DURAN: That's it. Thank you.

CHAIRMAN CAMPOS: Let me ask you, your participation on SWMA, do you have anything you'd like to say? Solid Waste Management Authority?

COMMISSIONER DURAN: Yes. I think that SWMA is a joke.

CHAIRMAN CAMPOS: Do you want to stay on it or not? You haven't been to the last few meetings.

COMMISSIONER DURAN: And the reason for that is that nothing gets done at that committee.

CHAIRMAN CAMPOS: Do you want to resign?

COMMISSIONER DURAN: Resign? I think that there's three members on there and you side with the City Council all the time and we never get to push any County agenda because you always vote with the City.

CHAIRMAN CAMPOS: Do you want to stay on or not? That's all I'm asking. Do you want to participate on SWMA or not?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Commissioner Duran, in a way I can see what you're saying, but I think the only way we can make a difference is if you stick in there. Because I personally need you to show up so we can those issues.

COMMISSIONER DURAN: Okay, I'll stay on it.

CHAIRMAN CAMPOS: And you will attend. We have a meeting Wednesday.

COMMISSIONER DURAN: I saw that. I'll be there.

CHAIRMAN CAMPOS: Okay, that resolves that. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I just wanted to inform the Commissioners that on July 23rd, Julian is planning and intergovernmental summit. We'll be having six different Pueblos represented as well as the continuation from the April 20th meeting with the City of Española, Rio Arriba County and City of Santa Fe. So I just would ask that you put that on your calendar and I know my dad's not here and he's not going to hear this but I want to wish him a happy birthday today. Thank you, Mr. Chair.

COMMISSIONER ANAYA: What day was that?

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COMMISSIONER MONTOYA: July 23rd.

COMMISSIONER ANAYA: What time?

COMMISSIONER MONTOYA: It will be all day.

CHAIRMAN CAMPOS: Are you going to get e-mail notice out to all of us?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just two things. Number one, I wanted to – I won't dwell on it since we have a presentation here from the Secretary of State regarding voting, but I wanted to remind people that we have a primary election coming up in front of us. A very important one with a number of critical seats at issue and that is June 1st. So we want to suggest and recommend to all of you that you get out to vote on the 1st of June if not earlier. There is early voting taking place now Tuesday through Saturday. You can do that here at the County or you can do that at several places including the fairgrounds and out in Eldorado at the Agora Center. So please do get out and vote and I do want to thank the people that I've met during my re-election campaign door-to-door. Santa Fe people are just really very nice people. And meeting with them and talking with them is a joy and is one of the reasons I enjoy life in Santa Fe.

The second issue, Gerald, Mr. Gonzalez, is one regarding the CDRC. For a number of meetings, past meetings of the CDRC, they've had no legal representation from the County. And they're getting into some very difficult issues. I think one came up just recently regarding some work that had been done on a subdivision in the Eldorado area that the County staff had issued a notice of violation and apparently there wasn't really enough research done on the issue and there wasn't any legal representation there to advise them as to what the issues were. Are we that short-staffed or what could we do to do this? I think it's important. The CDRC is the first stop on these issues and these discussions and these hearings certainly are important to me. I read them and that provides an opportunity for the staff to research and hear the public responses and the applicant's responses and helps us to expedite the hearing when it comes to the Commission.

MR. GONZALEZ: Mr. Chair, Commissioner Sullivan, we have in fact been short-staffed until we just filled the vacant Assistant County Attorney position. The new person, Greg Shaffer, is on board, and is in the process of taking on additional duties that will allow us to spread out some of these functions in a way that will allow us to cover some of the gaps that have been out there. I've already had a discussion with the County Attorney about that issue but we were aware of that and we're in the process of taking care of that issue.

COMMISSIONER SULLIVAN: Do we ever, if we're not ready for an issue, which my understanding is on this particular case we as a staff weren't, do we ever ask that they be tabled? There certainly are cases, situations where there's just too much to get done by a deadline and if we're not ready as a staff should we table an issue or ask that it be tabled?

MR. GONZALEZ: I'm sure it would be appropriate to make that request. I know for a number of these meetings, there's sort of double duty that legal ends up doing. One is the pre-meeting legal review and then there's the meeting itself. As I indicated, because of

the short staffing, both of those pieces have kind of fallen through the cracks until we were fully staffed. Being fully staffed at this point, we'll be able to catch those items as we do the pre-meeting weekly review. So I think your question and concern is well taken but I think it will be addressed out of the process.

COMMISSIONER SULLIVAN: Okay, thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm going to hold off on my comments today. I know we have the Secretary of State here today, Rebecca Vigil-Giron with her staff and we have also the CARE Connection people here so I'm going to go ahead and withdraw my comments.

IX. Presentations

A. Presentation by Secretary of State, Rebecca Vigil-Giron Regarding Help America Vote Act Federal Mandate (HAVA)

REBECCA VIGIL-GIRON: Thank you very much, Commissioners, Mr. Chair. First of all, I'd like to introduce my staff that is with me today to answer some of the hard questions I hope that you ask today during my presentation. Denise Lamb, who is my Director of Elections, is present. Hoyt Clifton, who also has been with the Secretary of State's office for over 35 years and is still with us as my former director of elections during my first term as Secretary of State. Rosella Salazar, who is the project manager right now for our Voter Registration Election Management System project, VREMS. David Caldwell also is here, who is my Director of Information Systems, is also with me. Trena Watson, who is also with my Information Technology Department as well. And also with us today is Farah Marketel, who is also with our vendor, who is overseeing our voter registration election management system, ES&S, is also with me.

But I'd also like to recognize someone who I recently met yesterday, who is now employed by you from the Santa Fe County, Hutch Miller, who is representing the Tesuque tribe as one of their Native American coordinators. I'd like for Hutch to be recognized. Please, Hutch, if you don't mind standing. I'm very happy to see him on board, by the way, and we'll be working very, very closely with Hutch and any of your other Native American coordinators to satisfy any of the consent decrees that have been imposed on New Mexico, rightly so, in regards to Native American issues, voting rights issues, voter education.

I'm very, very pleased to be here with you today. I am trying to work my way around the state and make presentations to all county commissions in regards to the Help America Vote Act. First of all, I'd like to just mention to you that it was not originally called the Help America Vote Act when it was presented to the House of Representatives back during the 2001 congressional time period. After the 2000 election, we know what happened after the 2000 presidential election, and I'm sorry to say the F-word, but Florida

really ignited a lot of controversy and discussion about what elections are all about. It brought a lot of recognition to my office as Secretary of State, as Chief Elections Officer for the state of New Mexico, and all secretaries of state throughout the United States. And it was very, very exciting because finally people out there knew, or at least recognized, how important the office of the chief elections officer was within their state. Florida might have identified some major broken systems in regards to voting.

And during our discussions in the year 2000, I was a member of the task force on election reform, appointed by my president of the National Association of Secretaries of State. And we made recommendations with regards to uniformity and what kinds of things we should be addressing in regards to the next presidential election and any other in the future. And so one of those issues that we presented to Congress was the fact that voter files were being dealt with differently in states. It was not just under the Secretary of State's office of Chief Elections Officer. In Florida you had 67 jurisdictions with 67 different ways of holding their elections, buying different types of voting machines and systems that would operate within their states. And so our recommendation was that every state should have a central voter registration system in place that would be directly hooked up to the Chief Elections Officer, whether that was your Secretary of State or your election board, your election officers within your state. And we have twelve states, by the way, that actually have those types of election boards.

And so within the state of New Mexico back in 1999, even before Florida, we made our request to the legislature to change and upgrade our way of gathering voter registration and checking our voter registrations and cleaning our data. And they of course appropriated about \$600,000 to us during that first year. We want our IT people to be a part of the selection process. And they of course went through the bids and selected ES&S, Election Solutions and Software, as our vendor for the state of New Mexico.

As we began the 2000 legislative session, we also were given an additional \$1.4 million in order to begin this process. San Juan County was a pilot county in regards to making sure that this kind of a system would be possible within a county. And they stepped up to the plate, basically, and said We will be your pilot county. And then we invited all the other 32 counties voluntarily to buy into this central system, since it was not mandated back in 1999 or 2000, in regards to being a system that we had to have in place.

And so Santa Fe County additionally came on board and signed a joint powers agreement to be a part of the project to have all 33 counties hooked up to my office in communicating all of their updates, any deletions to their voter files, any of those types of activities, people moving from one county to another. We would have that ability to cleanse our data and make sure that we had the best data for the state of New Mexico for our voter files. Which, of course, you know how important voter files are, especially because we are their candidates and we are public officials and we want to make sure that we communicate properly with people that do exist at those particular addresses and are registered to vote. And then identify those people who are not registered to vote so that we can approach them and invite them to be a part of the process of voting.

So consequently in the year 2000, 2001, and then Congress of course addressed the issues and the recommendations that we made to them for a central system for voting machine systems to be uniform. Not all the same, but would have a capability of helping the disabled, handicapped community out there, that they would have an ability to vote on an actual voting machine. And so consequently the Help America Vote Act does have and has identified HAVA-compliant rules and policies that would directly relate to the voting systems. Language minority populations now that would rather have the ballot, listen to it in the language of their choice, in Spanish, in Tiwa, in Tewa, in Towa, in Keres, in the Apache languages, and of course our very large Navajo population, will have the ability to listen to the ballot in their language.

Now, I want to just tell you that we have been leaders in regards to the translation into the various Native American languages and of course Spanish language as well, being part of our constitution for many, many, many years. But what has also come up in the Help America Vote Act, and of course not only from HAVA – and I'll refer to it as the HAVA – is the fact that there are 37 states throughout the United States that have been identified by the Justice Department as having large minority populations within their states. And they have now dictated to those states that they must translate their election materials into those various languages throughout the United States. Unfortunately, some of those states have asked for extension periods to the year 2007 because they probably can't find someone to translate into the Spanish language within their states, unfortunately. Or into Chinese. Or into any other language that's spoken.

So many things have come out of the Help America Vote Act in regards to the central system. In the year 2002, after the House of Representatives dealt with what was called the Martin Luther King Voting Rights Protection Act, with all of our recommendations, not only from my National Association of Secretaries of State, but other national associations of county officials out there – municipalities also gave their recommendations to the House of Representatives in regards to the Martin Luther King Voting Rights Protection Act. It was passed unanimously in the House and then sent over the Senate. They changed the name to the Help America Vote Act, and it almost did not pass because of one particular provision in the law that required first-time voters who registered to vote by mail must provide identification at the polling place when they presented themselves on election day if they had not done that initially in sending that mail-in application to their County Clerk's office identifying them as that voter. And so consequently there was a big fight in the Senate and it almost did not pass. But it did pass finally, not unanimously. But it was a very painful experience for the disabled community that opposed that particular provision. Also, minority populations opposed that particular provision, as well as the elderly. And of course, it finally did go through.

And so today I would like to give you a status of where we're at with our voter registration election management system for the state of New Mexico. Because in 2002, when the president signed the Help America Vote Act, it mandated the fact that every state will have a central voter registration system within their state by the year 2004. And so

consequently we've been working on our system since 1999, going through the exercise of selection and then our vendor in place and then going through the process of working with the various counties that signed the joint powers agreement with us. And we bought hardware and software for every county that bought into the – and where the hardware was necessary to put in the different counties, Santa Fe County being one of those counties – initially, we have spent about \$45,000 through that process for Santa Fe County for the installation.

Now, because the Help America Vote Act was a little stricter in regards to how the counties would send their information to the central system it changed from being what we thought was going to be on a weekly basis or on a monthly basis, getting the downloads from the County, to what is now in the Help America Vote Act as a real-time online system where a person from the County Clerk's office would be entering voter registration applications into the system, new entries or deletions of entries, as soon as they enter that particular name or removal of that name, it would be immediately sent to my office in a matter of seconds. And so we would have the most current information housed within my office as being the certified list.

The counties, by the way, are not being taken away from the process. They still have access to all the voter records. They still must produce their voter rosters from their systems. But the certified list is housed within my office in regards to any updates or deletions or anything like that. And so we have all but two counties that are currently online or at least working towards the completion of their projects, and that being Bernalillo County and Santa Fe County. We're working very, very hard, and I've just recently met with your IT people, because you have a connectivity problem right now, a dedicated line that would actually transmit all of the voter data to my office, as well as the fact that we've done three data conversions already for Santa Fe County. And with 10,000 records right now that we've identified here in Santa Fe County that have not been included into your voter list, we are going to be working very, very closely in purchasing and in investing another \$10,000 for a dedicated line from the Santa Fe County Clerk's office directly to my office or to the central location where the data is being gathered. So that's going to be an additional \$10,000 in regards to that connectivity.

If those 10,000 records are entered in a timely fashion for the general election – and let me backtrack right now. Because Santa Fe County is not connected as of yet to my central system, you're still operating with your old system, your Triadic system. Your vendor right now is making sure that your elections are going to be run smoothly, just like they have been done in the past. And until Triadic is of course removed from that process and Santa Fe County is directly hooked up to my system, Santa Fe County cannot, other than manually, send records to Bernalillo County or Taos County or any other County around the state electronically for any deletions or any additions or receive any of those additions or deletions from the different agencies that we're working with right now – Vital Statistics, to remove deceased voters from our files. We remove felon records also from our files. And so consequently, Santa Fe County, we're waiting on that connectivity.

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We're waiting on the fact that those 10,000 records need to be input into Santa Fe County's voter registration records.

And so we have agreed to work with Santa Fe County after this primary election to immediately figure out exactly whether in the first part of July either to do a fourth data conversion, or if those records are handled quickly, those 10,000 records, because we have been able to get that dedicated line to our system, that there would be no need for that fourth data conversion. And we will have the most updated records from Santa Fe County. So we're going to be working very, very closely with your County Clerk to make sure that the general election in November, and prior to that, hopefully in August or the middle part of August, that Santa Fe County and Bernalillo County will be directly hooked up to the central system, and that we will have everyone communicating with each other and making sure that we have the best voter registration election management system.

In the United States, by the way, there are about 36 states that have not been able to go through this process because they did not begin when we began, back in 1999. And so when the president signed the Help America Vote Act in October of 2002 - it is going to take a little while for them to get up to speed with the rest of us, the rest of the states that will be able to produce a product that is working within the state of New Mexico. New Mexico probably is - well, we are a leader in the United States for all of our election applications, our election laws. I want to just brag a little bit about what New Mexico has to offer in regards to, in comparison to, the United States.

Another provision of the Help America Vote Act is the fact that - and this is not an unfunded mandate, by the way. I have dedicated not only \$2 million of the state's dollars, general fund dollars, but additionally, because we've had to change our direction with ES&S on a real-time online system, an additional \$4 million has been sent to us from the federal government in order for us to make sure that our system is operational by 2004, the November general election.

An additional mandate is the fact that every polling place in the state of New Mexico and throughout the United States must have at least one HAVA-compliant voting system that will have the capability of addressing the needs of disabled and minority language populations throughout the state of New Mexico. And that's going to cost the state an additional \$13 million that the federal government will be sending to us very, very soon so that we will be in compliance by the year 2006. That's the deadline in regards to that.

These touch-screen voting machine systems - and I'd like to just go ahead and mention this to you - the touch-screen voting machine systems that have been approved in the state of New Mexico are the Sequoia voting machines and the ES&S voting machine systems. There has been a lot of discussion in regards to the Diebold voting machines because they are not stand-alone systems like the ES&S and the Sequoia voting machines. They actually can transmit their returns through the Internet. And there has been controversy in regards to the fact that those types of voting machines are dangerous and could possibly be manipulated. Well, I want to let you know that the touch-screen voting

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machines that we have purchased here in the state of New Mexico cannot be tampered with.

We are, of course, in terms of our elections officials, they are responsible for programming the voting machines. They make sure that they are secured and certified and tested before they are placed out at those various polling places, and all the information that they are able to produce, mandated by the 2002 voting machine standards, they can produce ballot image retention capabilities. We have an audit trail, not only with the ballot image retention. In other words, it can produce your ballot, Commissioner Anaya, the way that you voted, although it's not going to say, "This is Commissioner Anaya's ballot." But it can produce an individual ballot, as well as at the end of the night on election night, that voting machine must have the capability of tabulating all of the results from each individual voting machine. The fact that it has ballot image retention of course will address the issue of contested races, challenges, recounts, as well as the audits of all the totals from those voting machines.

And I know that I've given you a lot of information. There are other provisions in regards to the Help America Vote Act - the provisional ballots that are required by federal law now. No one can be turned away at the polling place, even if their name does not appear on the roster for some reason. Maybe someone's application was on time, by the way, in regards to our close of voter registration date, but they were not entered into the system in a timely fashion. Even if their name does not appear on that roster, that person must be given a ballot.

And it's called provisional because it will be questioned by you, as the County canvassing board, later on to verify why this person did not appear on the roster. And if you find that in your County Clerk's office where those applications are being entered that that person's ballot just wasn't entered on time to meet that roster, the printing of the roster period, you can actually find that person's application, look at it, look at the dates that the person signed that application, and if it falls within that window of the close of voter registration, you can count that ballot. Or not count that ballot, for whatever reason - maybe that person should not have voted at that polling place. Maybe they shouldn't have voted for you as a County Commission if you're in the wrong district. Maybe that vote should not be counted.

But you have the ability, as the canvassing board, to question those provisional ballots. And the fact that 31 counties right now today are hooked up to my central system, those individuals working within those offices as those provisional ballots are being questioned by you, they can actually bring up that particular person's name, address, it'll break it down by precinct who they represent, immediately, rather than having to go manually to where maybe voter applications are being stored and going through all those applications manually. So there are some very, very positive things that are going to happen with the central system in regards to accessing information quicker for you, to make your job easier during your canvassing process and your auditing process. And with that, I hope that I have given you enough information to ask us questions, and I'll open it

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up for questions. Thank you.

CHAIRMAN CAMPOS: I have a quick question.

MS. VIGIL-GIRON: Yes, sir.

CHAIRMAN CAMPOS: You stated that we had a data connectivity issue. When did you become aware of that issue?

MS. VIGIL-GIRON: We became aware of that issue very recently, as a matter of fact. We've been communicating since 2000 with your County Clerk's office, and kind of working the same way we worked with any other county, making sure that they had the hardware and the software and any resources that were made available. Of course, we can only provide so much that would fall under federal dollars and the ability that I would have to spend those dollars. I know that early on that there was an issue in regards to people, human resources in the County Clerk's office, and it made it very, very hard for them to enter data, cleanse data. The rural routing, the box issue, the addressing issue was an issue early on. And so we worked very hard in regards to trying to help solve those issues. We came to the last County Manager and said, You know what, Santa Fe County needs another person or another two people to be able to accomplish what they've got to accomplish.

So whenever we were brought any issues, we went immediately to where we should go in supporting the County Clerk and making sure that these different issues were addressed individually. Just very recently, as early as the last few months, was when we found out about the connectivity issue. We're now prepared to handle and to purchase and to spend whatever resources we have to have for you, for Santa Fe County, in making sure that we have a dedicated line. Because I understand that it's a little overloaded right now. So I think that there was an example that was used. David, would you like to address how many entries – or Rosella, I think you have that experience, address how many items they can enter as opposed to what they possibly could enter if there was a direct connectivity?

ROSELLA SALAZAR: Mr. Chair and Commissioners, I came to visit Santa Fe County on Friday, and I found out that some of the connections versus from the previous vendor Triadic, they could enter 200 entries within three and a half hours. Then with the ES&S, they could only enter I think it was 25 within the three and a half hours. And it was all based on – the bottom line is that they have a one-fourth fraction of a T-1 line, and they really need a full T-1 line according to Gavin Lujan, one of your IT members from here. So I think once we have that full-time full dedicated line, T-1 line, I think we'll be able to take care of that connectivity slow time. And that's basically the bandwidth upgrade that you guys would need.

CHAIRMAN CAMPOS: How long would it take to get that done?

MS. SALAZAR: Well, Gavin indicated that as soon as he gets all the configuration and all the particular information that Trena wants and our IT member would have to have, he could purchase that. And Trena, how long would that take?

TRENA WATSON: Chairman Campos and Commissioners, the process would take approximately three weeks, from the time I have all the data that I need and I

get the quote and I turn it in for a purchase order and delivery time.

CHAIRMAN CAMPOS: Okay. Any comments, Mr. Flores or Mr. Lujan from the County?

DAVID CALDWELL: Mr. Chair, Commissioners, we are working on upgrading our internet connection with the Secretary of State. The Secretary of State has also been very accommodating in providing equipment for us. And we are moving forward on that.

CHAIRMAN CAMPOS: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Rebecca, did all the other 31 counties have to provide a T-1 line? And did Bernalillo – is that their problem also, that they don't have the T-1? The way I'm looking at it, Santa Fe County and Bernalillo County should have been the first ones. We're the closest. Now, that's something I don't understand. Maybe you could clarify that.

MS. VIGIL-GIRON: Mr. Chair, Commissioner Anaya, we of course have had to work with Rio Arriba County, and worked very closely in making sure that they have a T-1 line. It's the very first time Rio Arriba County has had Internet capabilities to transmit their information. Everyone, as they signed their joint powers agreement, were put on a list. And so we took first-come, first-served. As everyone was coming on board, we worked with them. So consequently, Bernalillo County and Santa Fe County were on board in regards to their joint powers agreement early, but there were some obstacles that had to be addressed. And so Bernalillo County right now has got the capability of working and being connected to us as soon as this primary election is over. And so Santa Fe County as well.

Like I said, there have been obstacles. And they've been either human resource obstacles, mandates in regards to addressing, that are very, very important for us to be able to identify voters and put them in the right precinct in regards to those lines and where they live legislatively, congressionally. And all of those different issues have to be addressed when you're talking about a clean voter list. Everything has got to make sense out there. Those are basically the obstacles that we've had to work with Santa Fe County and Bernalillo County.

COMMISSIONER ANAYA: So, from what I'm hearing today, is that in three weeks we should be connected to your central system and running?

MS. VIGIL-GIRON: If everything works the way that it should – and that would of course be after the close of this election cycle, because there are going to be issues in regards to maybe challenges and anything else that happens after this primary election the first of June. We've got approximately about 21 days after that primary election to produce three audits, three canvases. Your county canvas gets sent to my office, we canvas your results, then we turn our results and our canvas over to an independent auditing firm, making sure that during that whole challenge process, because we've got a

window in there where candidates can challenge each other, if it's a close race or whatever happens. And so I'm hoping that at least during the month of July, at the latter part of July, that we will be completely connected to Santa Fe County.

COMMISSIONER ANAYA: Okay. And the \$10,000 to create this line, are we paying for that? Is it coming out of our fund or your fund? How are we doing that?

MS. VIGIL-GIRON: I have actually, out of the goodness of my heart - I want Santa Fe County to succeed. And I don't want to have any other obstacles. And if it's going to mean paying for this dedicated line, I am willing to use, as far as I can, some of those federal dollars to get this T-1 line operational and paid for by the state.

COMMISSIONER ANAYA: I look at it - I want to get online too, and if it's going to take us paying for it or somebody paying for it, we want to get on that line. Because it sounds like a good thing.

MS. VIGIL-GIRON: Yes, Commissioner. Do you want to flip for it?

COMMISSIONER ANAYA: Do we have to?

COMMISSIONER DURAN: We give up. You can pay for it.

MS. VIGIL-GIRON: But we are. We're prepared. We're prepared to make sure that they accomplish what they have to accomplish. What you have to accomplish.

COMMISSIONER ANAYA: Gavin, did you have a question?

GAVIN LUJAN (IT Staff): Commissioner, we were trying to do this in the most cost-effect method.

COMMISSIONER ANAYA: Okay.

MR. LUJAN: And I think the Secretary of State agreed to pay for the equipment and the initial install costs, but the recurring costs are going to come back to the County. So that's what we agreed on.

COMMISSIONER ANAYA: So what was the agreement again?

MR. LUJAN: The agreement was that the Secretary of State is going to pay for the equipment and installation costs.

COMMISSIONER ANAYA: Okay.

MR. LUJAN: The recurring costs, the monthly costs for the circuit and the Internet service-provider service, would come back to the County.

COMMISSIONER ANAYA: Okay.

MR. LUJAN: So we would bear the recurring costs every month for the upgraded T-1.

COMMISSIONER ANAYA: Rebecca, thank you.

CHAIRMAN CAMPOS: Any other questions? Commissioner Duran.

COMMISSIONER DURAN: Gavin, will that T1 line allow GIS data to be transferred to the Secretary of State?

MR. LUJAN: That T-1 would serve the entire county. We would do some traffic-shaping in order to allow optimized bandwidth for the GIS or for the Secretary of State's application. We can't do that with the upgraded equipment that the Secretary of State is buying us. So, in a sense, yes.

COMMISSIONER DURAN: Okay. So I have a question, Madame Secretary. I've read that the GIS is an integral part of other communities' efforts to update records and maintain the records and provide service to the community. Are you accepting GIS information? For instance, the last six years we've really upgraded our GIS system. And the effort has been to create levels of information that we can map out. And I just read an article right now about how Los Angeles County has used GIS with the Secretary of State and Voter Information to create maps that indicate that someone could get online to see where they vote, where the district boundaries are and all that. Will you ultimately have that available in your department?

MS. VIGIL-GIRON: Mr. Chair, Commissioner Duran, the capabilities after we get everyone connected are endless, really. We will have so many abilities to communicate with individual voters. I just attended a symposium on electronic democracy in Oxford University in England just two weeks ago. And so this is part of our e-democracy initiative for the state of New Mexico, to have that ability to communicate and to educate individual voters, should they need information. Of course, our privacy issues and our security issues also are going to be dealt with very, very sensitively in regards to any information that we have that is not privy to the public.

COMMISSIONER DURAN: All right. Thank you.

MS. VIGIL-GIRON: Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Rebecca, thank you for being here this morning. I think this has been very enlightening, to say the least. Just to offer whatever I can in terms of ensuring that we need to be where we need to be, I'll be there to support whatever efforts through staff and your office as well.

I have kind of a related but unrelated question regarding a boundary that I guess was changed in the Chimayo area. And people I guess, are concerned about their polling place now, in terms of the precincts. And my question is how was that changed, and what can be done to align it to where it was previously?

MS. VIGIL-GIRON: Thank you, Mr. Chair, Commissioner Montoya. I think Denise Lamb, my Director of Elections, can answer this.

DENISE LAMB: Mr. Chair, Commissioner, you are my Commissioner. I live in the affected precinct.

COMMISSIONER MONTOYA: Oh. So you know a lot about it.

MS. LAMB: I know this very well. This is a recurring problem. The first time it happened was after the 1991 re-districting. And what happened was the precinct boundary was moved to a highway instead of the ridgeline that it had followed. And what has evolved because of this, and we're faced with the same problem again after the most recent re-districting, is that there are approximately I'd say 20 voters who live about a quarter of a mile from the Benny Chavez polling place in Chimayo who are now, because of this line shift, assigned to Sombrio Elementary, which means that many of them who

are elderly have to drive seven miles to the polls, rather than go where they've been voting their entire lives.

Some of my neighbors who were not particularly pleased about this actually came to our office the other day. I'm sure you've heard from some of your constituents because it is in your district.

COMMISSIONER MONTOYA: Yes.

MS. LAMB: I'm happy to report that we have been working with the County Attorney on this matter. We do have the court documents prepared. We were ready to go to receive some direction from the district courts to move that boundary as we did ten years ago to resolve the problem. However, it is so close to the primary election that I don't believe that doing it this week would be a very good thing to do. I think it would cause confusion. The neighbors know that it's due to be moved before the general election. And I hope that that will happen. I have every reason to believe that it will.

COMMISSIONER MONTOYA: Oh, great. Thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay. Well, thank you very much. We appreciate you coming here.

MS. VIGIL-GIRON: Thank you very much, Commissioners.

CHAIRMAN CAMPOS: Commissioner Anaya, do you want to chair the next discussion about the update on the CARE Connection?

COMMISSIONER ANAYA: Sure.

IX. B. Update on the CARE Connection

COMMISSIONER ANAYA: Who would like to present?

TONY FLORES (PFMD Director): Mr. Chair, Commissioners, I'll be joined by Robert Anaya of the Community Health and Development Department as well as members from the Community Health Division. We also have representatives from the Recovery from Addictions program, City of Santa Fe and the CARE Connection.

ROBERT ANAYA (CHDD Director): Mr. Chair, at the request of the Commission, we're coming forward with an itemized listing of where we are and how we ended up in this position. As per the direction of the Board of County Commissioners, the Commission acquired the old magistrate court building.

MR. FLORES: Mr. Chair, members of the Commission, as you recall, we brought forward a recommendation from the CARE Connection organization as a result of an evaluation of ten potential sites for the location of these facilities. The plan that you've targeted for the old magistrate court building, or the coordinated health complex was three-fold. A third of it was to be designated for the Health Services Division of the County, the second third of it was to be used by the CARE Connection for the screening, assessment, data, referral center, and then a third of it was designated as a potential site or use for the

sobering and detox component which was a joint venture with the City of Santa Fe.

MR. ANAYA: Mr. Chair, Commissioners, the order of priority given by the Board of County Commissioners was to complete phase 1, which included the Health Services Division. It was then to move to the screening, assessment and referral component, and phase 3 being the sobering and detoxification services for the facility. The priorities listed above were based on availability of operating resources. At the time of the initial approval by the Board of County Commissioners there were operating resources available for Health Services Division through the existing resources within the department as well as an additional amount allocated by the Commission for capital. And as well, there was additional resources to start the operations of the screening, assessment and referral center.

The third priority which we did not have a full business plan package for operating was the sobering and detoxification services. The City of Santa Fe committed to providing capital resources for the sobering/detoxification aspect of the project and agreed to hold those funds until July 2004. The City's resources were committed for capital improvements and purchases related to a sobering/detoxification center. The City agreed, in partnership with the Board of County Commissioners to seek additional operating resources at the state legislature or through other state and federal agencies.

The City Council requested an updated business plan reflecting both capital and operating revenues that would support a detoxification center before moving forward with the sobering/detoxification phase.

MR. FLORES: During the process of identifying the three components or phases of the facility, PFMD Department, in conjunction with the Community Health Services prioritized the installation of different components. The Health Division first, CARE Connection second and then the sobering center third. As of the date of today, we have completed the retrofitting and acquisition of capital outlay furniture and offices and the Health Division currently occupies that space in a little bit less than one third of that facility.

In addition, with the assistance and driving of the CARE Connection and Health Services, PFMD has completed the design phase for the data assessment referral center and is in the process of completing the final acquisitions of those modular spaces, and it is anticipated that those will be completed by the end of this fiscal year of June 30th of 2004. Those are - the first phase is complete. The second phase is probably 75 percent complete and it is anticipated to be complete by the end of the fiscal year.

MR. ANAYA: Mr. Chair, Commissioners, after a lot of interaction between the CARE Connection, discussions with members of the Health Policy and Planning Commission as well as the DWI Council, and close work with the Legal Department of Santa Fe County to include just about every department in Santa Fe County, the RFP for services for the screening, assessment and referral center was in fact advertised on Sunday, this past Sunday and we'll be bringing that back for approval, probably at the next administrative meeting in June so that we can begin services in the second phase of the

facility.

MR. FLORES: As an ongoing note to the process, when this project was identified almost two years ago from our involvement and we did an upfront analysis of different components for the sobering and detox center, and that's what I referred to in my opening remarks about the ten potential sites for the location of this center, we've come full circle. As for the direction we have been given, we have once again started those discussions to find out what is the most feasible location for this site, not only from a physical standpoint but also a functional relationship standpoint with potential providers.

Initially, the RAP program was looking at an alternate use for their area of their property, and that's why it was on the short list of three but not the final selection of available sites. Since that time, discussions with RAP have been brought forward again and they have identified the potential or willingness to look at developing, constructing additional sobering beds at their facility on Airport Road. With this change in direction, we've also spoken with the Health Services Division, RAP, CARE Connection, etc., and at his time that has been the primary focus of developing a sobering center at that location.

A sidebar to that is that Santa Fe County is receiving an appropriation through this year's state legislature. They'll be coming forward when the other appropriations come through in July or August in the amount of \$300,000 which the County will serve as fiscal agent and project manager on for the construction or the acquisition of a modular building for their site that could be potentially used for either administrative offices and renovate the existing building or vice versa. Those plans are being developed and walked through at this time.

In addition we have been contacting and had a meeting with the Department of Health and we are receiving an additional \$200,000 through the governor's tax relief grant for the development of sobering beds in Santa Fe County. Those are important factors because that brings additional capital outlay dollars to the table for the development of this type of facility.

COMMISSIONER ANAYA: Tony, question. So we've finished phase 1, which by the way, looks great. It's good to see that all the Health Service people are together because I remember that we were kind of scattered. Now, you're working on phase 2, which is the CARE Connection, the data center, which you want to leave that in the other third of the building, correct?

MR. FLORES: Mr. Chair, Commissioner Anaya, the data referral, the CARE Connection component is in the second third of the building.

COMMISSIONER ANAYA: Second third. Right. And what you're talking about now is the sobering center, detoxification center, which possibly won't be located at the last part of the building, phase 3. You're looking at other locations such as RAP.

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

COMMISSIONER ANAYA: Thank you.

MR. ANAYA: Mr. Chair, Commissioners, in closing, this Commission asked us, Commissioner Montoya being the individual that brought it up, he asked us to

look at the RAP as an alternative site. We have looked at the RAP location as an alternative site. RAP, and there are representatives here today to speak for themselves. They are willing to enter into discussions and dialogue as to utilizing their site for sobering services. We bring back to you that information, having it been recommended that we do pursue that site from the CARE Connection. There's also representatives from the CARE Connection seated behind me and I would ask you if you have any specific questions of them, that's what they're here for, as well as Terry Rodriguez from the City of Santa Fe.

I think the closing comment that I would have, after seeking the direction of the Commission is that whatever the scenario is that the Commission's proposes that we move in today, that scenario we would have to package, look at the business plan again, look at the capital numbers, look at the operating dollar numbers, and then take a proposal back to the City of Santa Fe to see what their desire is as to moving forward. And Ms. Rodriguez is here from the City of Santa Fe if you have any specific questions of her. Specifically, what we're seeking today, Mr. Chair, Commissioners, is direction as to whether or not you want us to proceed as recommended by the CARE Connection and staff with the RAP site as an alternate site, or whether or not you want us to continue with the existing site on Galisteo Street. Mr. Chair, Commissioners, I would stand for questions.

COMMISSIONER MONTOYA: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: So, Robert, what you're saying then is that the CARE Connection is recommending that we do look at RAP as an alternative site?

MR. ANAYA: Mr. Chair, Commissioner Montoya, yes.

COMMISSIONER MONTOYA: Okay. Because that was one of the discussions that I had with Robert regarding maybe – because the CARE Connection is comprised of all of the people that are providing services in the community anyway, maybe it would make more sense, rather than – because I know that – I don't know, Terry, if you know what it would require in terms of zoning and getting zoning approval at the existing site, the site that we had originally proposed which is the Galisteo site.

TERRY RODRIGUEZ: Good morning, Commissioners. Thank you, very much. The zoning that has been acquired at the existing site was taken to our zoning department. They came back with a memo saying that what would happen, what would be required of this County would be that the County could essentially do what they need to do for that particular building. It's a County-owned facility. The City of Santa Fe would not impose any of our restrictions on it. However, as Mr. Anaya had suggested, it would be a good idea for the County to look at engaging in the neighborhood identification, the process of having two public hearings for that kind of zoning change. It would not be a requirement of the City of Santa Fe, but it's always a good idea to let your neighbors know what you're going to be doing. That was the consensus of the zoning department to the County of Santa Fe for that particular building.

COMMISSIONER MONTOYA: Because I think potentially we could run into some opposition in terms of having that site designated for residential treatment

services. And if we've got an existing site and they're willing to expand, because it would require expanding, right? Building new buildings?

MR. ANAYA: Mr. Chair, Commissioner Montoya, yes.

COMMISSIONER MONTOYA: Okay. So as far as I'm concerned, Mr. Chair, I think particularly if the CARE Connection is in agreement that we move in this direction that I would support the CARE Connection's recommendation.

COMMISSIONER ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I just have a question, Robert. How does this, if we move this program to the RAP Center, how does this affect the fiscal issues that we dealt with when we approved the purchase of the building?

MR. ANAYA: Mr. Chair, Commissioner Duran, as far as the operating revenues, the CARE Connection has already begun the process of identifying operating dollars that could potentially operate this site. So we do have some operating dollars regardless of the location of the site of operating the facility. And that was the biggest concern that was expressed by this Board as well as the City Council. Based on what Mr. Flores has said, we've also received some more capital infusion which we'll be able to, with that capital infusion, we'll be able to offset some of those revenues that we had that we can use for capital or operating resources. We can now defer some of those over to operating instead of using the capital and use the capital money only for its intended purposes.

So we want to work closely with the CARE Connection and come back to you relative to the operating aspects specifically and tell you what dollars and how much we can operate or where we are today. We still will need to seek additional operating dollars for the overall operation of the assessment center as well as the sobering center.

I misspoke. We have the resources for the assessment center. We will need to seek additional dollars for the sobering/detoxification center.

COMMISSIONER DURAN: So in your opinion, there's really no negative impact on the CARE Connection's ability to provide their services?

MR. ANAYA: Mr. Chair, Commissioner Duran, no.

COMMISSIONER DURAN: Their programs? Okay. Thank you. Then I would support what Commissioner Montoya suggested we pursue.

COMMISSIONER ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, just one quick question of Terry. Would this affect the City's commitment of \$500,000 if we change locations?

MS. RODRIGUEZ: Mr. Chair, Commissioners, there's not going to be, I think, a problem with the location of it. The City had looked at having the sobering center happen at the RAP site many, many years ago. If it's going to be the process that we're going to have to take it before a couple of committees before it goes to City Council, I don't think there's going to be a negative impact for them looking at RAP. I've spoken to some of the City Councilors as it is now and they're not opposed to it being moved to RAP.

COMMISSIONER MONTROYA: Okay. Thank you.

COMMISSIONER ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. I brought this forward for an update and I understand that this is a presentation and an update and not an action item. But I asked – I've been trying for three years to get this sobering center congealed and moving and I see that we have a July 2004 deadline on the part of the City for its \$500,000 funds and we need to move on this and get some progress made. In your report, Robert, I had a question. It said that the City Council requested an updated business plan reflecting both capital and operating revenues before moving forward. Did we give them that plan?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, their request was directly tied to the sobering center aspect, which was phase 3 as per the direction of the Commission, so we have not finished that plan because we are still in phase 2 and now we're getting ready to move to phase 3 based on this Commission's direction.

COMMISSIONER SULLIVAN: Well, regardless of where the site goes, I think it was quite some time ago that the City said to us that their interest, as you've indicated here was in the detox center and not the other components, and that's where their \$500,000 was. So I think the business plan and operating plan can really be developed irrespective of where it's located. If we have until July, that's only about a month, and I'm sure the City might entertain extending that time if we're making some progress here. But wouldn't you think that it's a good idea to comply with their request and give them that operating plan?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, I think that we're being timely in that request and now is the time to complete that plan.

COMMISSIONER SULLIVAN: Okay. I certainly agree. I think it's more than time to complete that plan. If we move this forward to RAP, to the RAP site, what do we do with the other third of the Galisteo Street building?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, when we acquired the facility, and I'll defer for additional comments from Tony, but when we acquired the facility, our intention was always to utilize the facility for health or social services. That's the way we brought that to the Commission for approval and that's where it stands, and I would defer to Mr. Flores.

MR. FLORES: Mr. Chair, Commissioner Sullivan, as you know, the funding source of the revenue source for the acquisition was tied to health or social service programs, so we would look at what are the type of potential services, social, health programs we could put in the facility. In addition, we've received – I'll call it a feeler request from the City of Santa Fe regarding the location of one of our services that's currently located at a facility that the City owns right now, moving them back into our fold, so to speak and we would have to look at that option, which would require between 600 and 1000 square feet, but would fall in the lines of the health and social programs. So that one is at the paramount of my list of the facility directors so we can look at and

evaluate whether that is a feasible move to move that program back into our fold, which is a County program.

So that would be phase 1 of the third phase, and then we would look at other programs.

COMMISSIONER SULLIVAN: So we would fill it up with more offices?

MR. FLORES: Mr. Chair, Commissioner Sullivan, we would fill it up with other health and social programs.

COMMISSIONER SULLIVAN: Okay. I just wanted to be clear that these so-called directions and everything, and I have a problem with these characterizations of these directions, because I don't recall - it says, "At the direction of the BCC, the staff has communicated with the CARE Connection and the RAP program to determine if their site is possible." I don't recall being a part of that direction, but I don't think it's bad to do. I think we want to look at all the options. But I just want to be clear that these three phases that you refer to here, the only reason that we went in that order was that the presentation from the staff was that we didn't have money for operating the detox center. And we were looking, I guess, with the City. We went to the legislature. What was the outcome of going to the legislature? Did we get anything from them on operating?

MR. FLORES: Mr. Chair, Commissioner Sullivan, not on operating. We received additional capital resources.

COMMISSIONER SULLIVAN: Okay. So we still have that operating problem and the City is contributing to the capital. Will the City be contributing to the operating costs?

MR. ANAYA: Mr. Chair, the City, that was one of the things that the Commission was seeking from the City of Santa Fe. At the time they made the \$500,000 commitment there was no additional revenues that were approved for operating. And just clarification is that we did, within the minutes of the meetings, request the direction and the order or priority, not solely based on operating revenues for the sobering center. But those are the recommendations of staff as per the CARE Connection.

COMMISSIONER SULLIVAN: Well, to get back to my question, my question was where does the City stand on operating? If we had a problem before on operating expenses, which has caused us this two-year delay, what do you see in the future now that looks better?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, the CARE Connection and staff is in a position to where we believe that we could probably provide some start-up operating services with sources that we have for the sobering center. To fully implement the sobering center we will need additional operating revenue. I'm hopeful that the City Council will look in their budgets and work closely with the Police Department to help us accommodate that need. But I can't speak on behalf of the City Council.

COMMISSIONER SULLIVAN: Let me ask Terry if you might address that question, because that seems to have been the issue before with the City and certainly with the County Commission, and it's apparently still an issue.

MS. RODRIGUEZ: Yes, Mr. Chair, it is still an issue. The City of Santa Fe had identified some resources when we looked at the operating budget. We had identified \$50,000 from the Police Department's budget, which is essentially is kind of a shifting of costs, because the City pays a certain amount for jail time. We were looking at this as a jail diversion kind of thing, but then those funds would not have to be spent for jail time but could be spent for detox type of services. So there was a \$50,000 identification from the Police Department two years ago. My particular department, the Community Services Department had looked at the funds that we provide now for these types of services. There's a \$30,000 award, a contract award, that we give to RAP now. RAP has very generously said that they would be willing to dedicate that \$30,000 that the City gives for the sobering center piece.

In addition, we had looked at some of the other funds in our Community Services Department fund. We were hoping to try to bring the amount that we could contribute to operating to \$100,000. We're still looking at that process. It is not at \$100,000 right now, for continuing operating funds. The City had received a grant from the Robert Wood Johnson Foundation. There was \$60,000 left from that grant that we wanted to dedicate a \$20,000 a year increment to the detox center. That was one of the funds that we had identified.

And I have also been working with the County to identify other funds and other sources for grants for this. We're particularly looking at a Department of Health grant at this time. So there is still the issue of operating funds, because the updated budget, updated business plan that we received as of March still did not show that we had the operating funds to run this particular center in the future.

COMMISSIONER SULLIVAN: You're telling the City is making an effort, particularly in operating.

MS. RODRIGUEZ: Yes, sir, and the budget is very tight.

COMMISSIONER SULLIVAN: Let me ask you one other question while we're there. How will we, in your view, work this screening process? If we've set up a screening center on Galisteo Street and we're screening substance abusers there who may in fact be taken off the street and brought there. And if the screening indicates detox is necessary and the detox center is on Airport Road, how does that work?

MS. RODRIGUEZ: Mr. Chair, Commissioner Sullivan, I believe there will have to be a transportation issue built into this whole process. I've spoken to the folks in Albuquerque. They have two vans that they run 24 hours a day. They have six drivers that they run 24 hours a day, and they do this also because they pick up from the street as well. If a City officer calls the sobering center in Albuquerque the sobering center van goes and picks up this person. This relieves the police officer of having to go to the emergency room or go to the jail with this person and spend several hours doing that process. So there's going to have to be a transportation piece built into this that's going to be an essential part of the whole thing.

COMMISSIONER SULLIVAN: Okay. That makes sense. So then if we do that does the sobering center van go out and bring the person back to the sobering center on Galisteo

street?

MS. RODRIGUEZ: That's certainly a possibility. All these details are still in the works but I'm sure the CARE Connection has been looking at all these details, especially with transportation being a big issue if we move the site out to -

COMMISSIONER SULLIVAN: I'm thinking of after hours, if there's no one there from eight to five, if it's after hours then it would seem that the van would take them to the detox center and by virtue of doing so, the detox center then becomes the screening center. And then we have some screening center. Has some thought been given to that?

MS. RODRIGUEZ: I think what's going to have to happen sir, is you're going to have to have people who are cross trained in doing the different types of assessments we're looking at. Persons who do not present as - are too intoxicated to have this screening process done are going to have to be at the sobering center first, then go back to the screening and assessment piece. So there's going to have to be some play in there between what the person's capability is at that time to be able to be assessed.

COMMISSIONER SULLIVAN: Okay. That makes sense. Well, finally, Mr. Chair, let me just ask Mr. Rydell if he would give us the view from the RAP Center standpoint. Is he here today? Is there anyone from RAP here?

MR. FLORES: Mr. Chair, they were here. They probably had to take off a little early so they are not here at this time.

COMMISSIONER SULLIVAN: Okay. Because I'd like to hear, obviously, if we're all jumping on the bandwagon to locate this facility at RAP it might be appropriate to hear from RAP about that. Do we have anyone that would represent RAP?

MICHAEL COOP: I'm Michael Coop and I work with the CARE Connection project through Shaening and Associates. Commissioner Sullivan, I don't represent RAP but they did speak with me just before they had to leave and return to something urgent at their location and they did ask me to relay if it came up that they were sorry that they had to leave but they were supportive of the project and were very anxious to see it go forward. Clearly, they have to move this through their board of directors and get approval there, but they are engaged in the conversation with us and anxious to see where it leads.

COMMISSIONER SULLIVAN: When it said in the staff report, which you may not have seen, that recently RAP changed its direction in their planning. What did they change?

MR. FLORES: Mr. Chair, Commissioner Sullivan, the original plan with the assessment was that they would develop the transitional living center at their location which was basically apartment homes that would transition members -

COMMISSIONER SULLIVAN: Some longer care.

MR. FLORES: Longer care. That did not come to fruition.

COMMISSIONER SULLIVAN: They had like a groundbreaking for that, I think.

MR. FLORES: They did and that did not come to fruition for some reason. So with the discussions that I have had, my staff has had as well as Mr. Anaya and Mr. Shepherd,

RAP has come to the table and there's a willingness on their part for this use on their site, and that is tied to the capital appropriations. It's directly, \$300,000 from the state that is for that site that we are the project managers and fiscal agents for. So they have come to the table with us on this proposal.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER ANAYA: Any other comments? Commissioner Campos? Okay, I do feel that we should move forward with this to see if we could take the sobering center and the detoxification center to RAP. So we've got – is that what you needed? Some direction?

MR. ANAYA: Mr. Chair, yes. I don't think we were coming for a formal vote today but the direction when we went to RAP did in fact come back before this Board and the direction we got was to continue dialogue and if you give us direction to continue working with them based on our proposal we will definitely move in that way.

COMMISSIONER ANAYA: I'd like to see – sounds like we'd like to give you clear direction to move forward and continue the negotiations and open dialogue. And I'd also like to thank Terry from the City for being here. Mary Ann Cilini, Michael Coop, the Presbyterian Medical Services, Santa Fe County DWI and the representatives from the Public Defenders Office. Thank you all for being here and working together so we can take care of this and keep moving forward.

COMMISSIONER MONTOYA: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Just one brief comment. I think with the resources that are there now and the resources that could potentially be garnered – I know that we have a grant coming up for approval here shortly in addition to that. And then the other ones through the Department of Health that are already being pursued. And then I think the important part, again, going back to the legislature and seeing what we can do in terms of – I'm going to start pushing the local option on the liquor excise tax again that will bring revenues that will be used for operational costs for this facility. So we continue to do what we need to do. I know, I have the fortune of working with a lot of the folks that are on the CARE Connection and it's a very talented group of people. So I think it's going to be successful

COMMISSIONER ANAYA: Any other comments? Commissioner Campos, you want to continue?

CHAIRMAN CAMPOS: Sure. Thank you.

X. Committee Resignations/Appointments/Reappointments

A. Appointments/Resignations to the Road Advisory Committee

MR. GONZALEZ: Mr. Chair, while he's coming forward, I just wanted to let the Commission know, we've sort of been playing it by ear but Finance does have a timing issue in terms of needing to be out of here in about 45 minutes or so.

CHAIRMAN CAMPOS: Finance has to get out of here by 12:45?

MR. GONZALEZ: That's correct.

CHAIRMAN CAMPOS: How much of a presentation do you expect?

MR. GONZALEZ: About 20 minutes.

COMMISSIONER DURAN: When do we eat?

CHAIRMAN CAMPOS: These things should be brought up sooner. Mr.

Martinez.

ROBERT MARTINEZ (Deputy Public Works Director): Area 11 of the Road Advisory Committee encompasses the Eldorado Subdivision. Mr. Allen Larson Has represented this area for the last 6-1/2 years. Mr. Larsen is moving from the Santa Fe area and has submitted a letter or resignation. ECIA is requesting for Mr. Ed Benrock to be designated as the Road Advisory member for this area. This area is within Commission District 5.

Area 3 encompasses the Tano Road and La Tierra areas. Ms. Katy Glenn has volunteered to fill the vacant alternate member for this area. This area is within Commission District 2.

Area 9 encompasses the La Cienega and La Cieneguilla areas. Mr. Larry DesJarlais III has volunteered to fill the vacant alternate member for this area, and this area is within Commission District 3.

Area 12, which encompasses the Cañoncito, Glorieta and Ojo de la Vaca areas has been vacant for the last two years. Mr. Larry DesJarlais, Jr. has volunteered to represent this area of the Road Advisory Committee. Mr. DesJarlais, Jr. has served on this committee before, representing Area 9 for six years. This area is within Commission Districts 3, 4, and 5.

And finally, Area 14 encompasses the Edgewood, Cedar Grove and Golden communities and has been vacant for the last six months due to the death of Rita Horton. Mr. Stephen Caruso has been the alternate member for this area for the last two years and has volunteered to serve as the member. This area is within Commission District 3.

Public Works is recommending the acceptance of Mr. Allen Larson's letter of recommendation, and the appointment of Mr. Ed Benrock as a member to Area 11, Ms. Katy Glenn as the alternate member to Area 3, Mr. Larry DesJarlais III as the alternate member to Area 9, Mr. Larry DesJarlais, Jr. as the member to Area 12, and Mr. Stephen Caruso as the member to Area 14 of the Road Advisory Committee. I stand for questions.

CHAIRMAN CAMPOS: Is there a motion to approve the recommendations by staff?

COMMISSIONER DURAN: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Any discussion?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a quick comment that in the course of campaigning out in Eldorado I had the fortune to run into Mr. Ed Benrock, who is the recommended replacement and he's quite interested and active and seems like he really will be

a good addition to that committee. So that's a good appointment, Robert. Appreciate your research on that. That's all I had.

The motion to follow staff's recommendations on the Road Advisory Committee passed by unanimous [5-0] voice vote.

XI. Consent Calendar

- A. Request Authorization to Enter into Amendment #1 for the Professional Services Agreement #23-0192-FI with Modrall, Sperling, Roehl, Harris & Sisk, P.A. for bond Counsel Services for Santa Fe County (Finance Department)**
- B. Request Authorization to Enter into Amendment #1 for Indefinite Quantity Price Agreement #23-0196-FD with Kaufman's West for the Uniforms for the Fire Department (Fire Department)**
- C. Resolution No. 2004-57. A Resolution Requesting a Budget Increase to the Road Projects Fund (311)/Caliente Road Project for Contribution Revenue Received for Expenditure in Fiscal Year 2004 (\$64,893.32) (Public Works Department)**
- D. Request Authorization for Approval of Amendment #1 to the Severance Tax Agreement for Road Improvements to County Road 67-F (La Barbara) and County Road 67-J (Double Arrow Road) from the New Mexico Department of Transportation (\$60,000) (Public Works Department)**
- E. Resolution No. 2004-58. A Resolution Requesting an Increase to the General Fund (101)/Information Technology Division to Budget Map Sales Revenue Received for Expenditure in Fiscal Year 2004 (\$33,420) (Project & Facilities Management Department)**
- F. Resolution No. 2004-59. A Resolution Requesting an Increase to the Corrections' Fund (201) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (\$10,000) (Sheriff's Office)**

CHAIRMAN CAMPOS: The Consent Calendar. Is there a motion to approve?

COMMISSIONER DURAN: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Discussion?

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

CHAIRMAN CAMPOS: Mr. Gonzalez, you're saying that we have to

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rearrange our schedule or we should?

MR. GONZALEZ: My understanding was that they've got a window of time where they need to be out of the County offices and that would be my request. The other possibility would be to have them come back late in the day but we may be through most of the agenda by then.

CHAIRMAN CAMPOS: What's the urgency?

SUSAN LUCERO (Finance Director): Mr. Chair, I'm sorry. This was something I had asked at senior staff. My daughter is making her sixth grade promotion today and I'd really like to be there and it starts at 1:00 and it is in Eldorado. So I have approximately a 30 minute presentation. It's more summarized than what we discussed with you on Wednesday, and it's basically to seek approval for the interim budget so that we can meet our deadline with DFA on May 31st.

CHAIRMAN CAMPOS: Is it possible for you to come back later?

MS. LUCERO: Yes, it is.

CHAIRMAN CAMPOS: What time do you expect to be back?

MS. LUCERO: I expect to be back at 3:00 this afternoon.

CHAIRMAN CAMPOS: Okay. Could we just do it at 3:00?

COMMISSIONER DURAN: Yes. I think we need more time to discuss it.

CHAIRMAN CAMPOS: I think so. Okay, let's go to lunch break till 1:30. Is that okay?

COMMISSIONER SULLIVAN: Fine with me.

[The Commission recessed from 12:00 to 1:40.]

XII. Staff and Elected Officials' Items

A. Community & Health Development Department

1. Request Authorization to Submit a Grant Proposal to the Center for Substance Abuse Treatment for Young Offender Re-Entry Services in an Amount Not to Exceed \$500,000

LINDA DUTCHER (CHDD): Thank you, Commissioners. We have an opportunity to apply for a grant with the Center for Substance Abuse Treatment. You remember the CRAFT project, that was under the Center for Substance Abuse Treatment and this is a new issuance for a slightly different opportunity. We would be able to fill in some of the gaps in our Home For Good project if we could receive this funding.

Since we wrote this memorandum, there is a new piece of information. We had also applied to the state of New Mexico Department of Health, Behavioral Health Services Division for one year of funding. And they did grant us an award. We're in negotiations with them now. So we hope to integrate all the sources of funding in a way that gives us a complete program. The other thing that I would like to add is that should we move ahead

with this grant proposal I would hope that you could also grant permission for the County Manager to be an alternative signator because at the end of putting in a grant proposal, there has to be the signatures and the attestation by the County Clerk and it can just get terribly harried. I think it would be helpful if we had even the County Manager or some other access to a second person. I know Commissioner Anaya has helped us out in the past on that.

CHAIRMAN CAMPOS: Okay. Any questions?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Okay. Approve submission of the proposal to the Center for Substance abuse not to exceed \$500,000.

COMMISSIONER ANAYA: That would be with authorizing the County Manager or the chairman.

CHAIRMAN CAMPOS: Well, the chairman's always a signator. Additionally the County Manager. Sir, comment.

COMMISSIONER MONTOYA: The County Manager or their designee, or does it matter?

CHAIRMAN CAMPOS: I think County Manager is sufficient.

COMMISSIONER MONTOYA: That will work? Okay.

The motion to authorize submission of a grant proposal to the Center for Substance Abuse passed by unanimous [5-0] voice vote.

XII. A. Request Approval of Contract with the Children, Youth & Families Department for \$24,000 to Provide Media Literacy and Underage Drinking Enforcement in Santa Fe County

DAVID SIMS (DWI Coordinator): Thank you, Commissioners. This is simply a confirmation of a contract with CYFD through the RFP process. The Community Health Division applied for funding through the super RFP from CYFD and we were awarded this \$24,000. I'll be glad to answer any specific questions you might have.

CHAIRMAN CAMPOS: Okay, any questions?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Discussion?

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

XII. C. Fire Department

1. Ordinance No. 2004-2 An Emergency Ordinance Declaring Hazardous Fire Conditions and Imposing Restrictions on Fireworks, Open Fires and Smoking within Santa Fe County

HANK BLACKWELL (Fire Marshal): Mr. Chair, members of the Commission, this is our annual emergency ordinance that we request approval of for fireworks and open burning restrictions. The good news is this year the ordinance is coming in almost two months later because of some of our moisture but our conditions are already extreme. Our partners are also – on the 27th, the Forest Service is actually going to be implementing their restrictions so as of last year and this year we're going to be consistent with the Forest Service and those restrictions. I'll stand for any questions.

CHAIRMAN CAMPOS: Any questions?

COMMISSIONER DURAN: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion? Commissioner Sullivan?

The motion to approve Ordinance 2004-2 passed by unanimous [5-0] voice vote.

XII. D. Matters from the County Manager

1. Creation of Health and Human Services Department

CHAIRMAN CAMPOS: Is there any information on that other than this one-pager?

MR. GONZALEZ: We have just oral information to supplement the one-pager that was passed out. In response to the request from some of the Commissioners I sat down with the senior staff in the CHDD Department and also visited with the folks over in Finance to take a look at the options that might be available with respect to creating a County Health and Human Services Department. This was an issue that sort of occurred to me some time ago, actually, independent of any direction from the Commission to take a look at this, just from an organizational standpoint, looking at what might be nascent departmental kinds of developments. It seemed to me that the functions being provided and fulfilled by the health aspects of the CHDD Department can be seen as relatively distinct from those being provided through the housing portion of that particular house.

Taking a look at it, it seemed to me that there are a number of advantages from the standpoint of supporting the creation of a separate County Health and Human Services Department. Part of that has to do with programmatic separation. The housing services currently are essentially operated as an enterprise fund. As we know, Health and Human Services is certainly far from that and there are also the issues of clear lines of authority with

respect to different sides of the house.

Then, after discussing sort of the programmatic side and the operational side, we had the Finance Department take a look at the projected costs of creating a separate department and in my view those costs would be outweighed by the benefits of having a separate Department operating those programs in terms of efficiency, in terms of programmatic separation and in terms of separating out basically an enterprise function from another function, which is non-enterprise and that's the Health and Human Services which are heavily dependent on appropriations as well as transfers or appropriations from the general fund for purposes of their operation.

And with that I go ahead and stand for questions. Steve may have some additional thoughts to add to that, or Robert.

CHAIRMAN CAMPOS: Mr. Gonzalez, did the County Commission authorize this as a group, or individuals, or what's the deal?

MR. GONZALEZ: My understanding was that that request was made before the full County Commission.

COMMISSIONER MONTOYA: Mr. Chair, I did make that request at one of our Board meetings, probably about eight, ten months ago.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER MONTOYA: It's been a while.

CHAIRMAN CAMPOS: And you asked the staff to look at the desirability of doing this?

COMMISSIONER MONTOYA: Yes. Yes, but I did do it at a Commission meeting.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: And I believe I also brought it up, I think it was the last Commission meeting or two Commission meetings ago, to see where we were with it and to bring it forward.

CHAIRMAN CAMPOS: Okay. Any other comments or questions?

ROBERT ANAYA (CHDD Director): Mr. Chair, Commissioners, I'll keep my comments brief and just say that given all the opportunities and things that we've done over recent years relative to the Health Department over the last four-plus years and the magnitude of the MOA agreement and the new health programs and human service programs that Steve Shepherd and the entire staff on the Health Division side have done, and give the work of the Housing Authority and the fact that we're going to be chartering some new territory to try and create additional affordable housing opportunities throughout Santa Fe County, I think this is a good thing. I think it keeps us moving forward and I think it elevates those two areas of affordable housing and health where they should be applied in a responsible way. I think fiscally it has a minimal impact on the budget and operationally, I think it just makes sense. And I would stand for any specific questions.

CHAIRMAN CAMPOS: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Gerald, your comments on the one page in the packet indicates that this is going to cost us \$11,545 a year starting next fiscal year and \$1330 this year.

MR. GONZALEZ: That's correct.

COMMISSIONER SULLIVAN: Are we getting – we're doing these services now. I'm trying to understand what, by elevating someone to a department director what we would be – what extra benefits we would be receiving, and again, I'm still looking at our budget presentation which is yet to come and I'm still looking for ways to find salary increases for all our employees, not just a selected group of employees. Could you be a little more specific on what we would do better at this level than we're doing now?

MR. GONZALEZ: For one thing, I think that we would bring a sharper focus to dealing with the health care issues, particularly the MOA, but our relationships, our growing relationships with some other potential partners having to do with jail operations. I think the focus is important because having a director who's having to jump back and forth between housing and health really divides the attention and prevents the kind of focus that would allow us to do some of the things that I know the Commission has wanted to do with respect to improving the flow of information from St. Vincent Hospital, reviewing specifically the outcomes coming from the MOA and also strengthening the relationship with the Health Policy and Planning Commission and rather than having Robert, who is responsible for both sides of the house having to jump from one issue to another, which just from a spatial standpoint also creates inefficiencies, the fact that he's housed over at housing in order to exercise his supervisory duties there, while at the same time we have a separate location for the Health Department, creates wasted time and inefficiencies.

So I think those are some of the potential gains that we would get from doing the separation if we were all located in one central place, I suppose I might take a little different view with respect to the time and travel and all of that but right now I know it's sort of taxing to cover both sides of the waterfront, both housing and health at the same time.

COMMISSIONER SULLIVAN: The Health Division is being handled by Steve Shepherd, right?

MR. GONZALEZ: That's correct.

COMMISSIONER SULLIVAN: So he'll stay where he is and continue to do what he's doing –

MR. GONZALEZ: Well, hopefully more than just what he's doing presently. We've discussed taking on some additional projects long term and I'm hoping that we would be able to start some new initiatives rather than just continuing to do business as usual. There are I think some legislative contacts that need to be developed that we need to look for additional sources of funding for our programmatic needs. I know we've undertaken some of that, one of which Linda presented here this afternoon, but I think that kind of focused attention will allow us to offset some of the revenue deficiencies that we've had on the general fund side.

COMMISSIONER SULLIVAN: I certainly think that Steve is doing a good job

and I think he works full time and I'm wondering how we're going to squeeze any more work out of him. Does paying him more make him work better?

MR. GONZALEZ: I hope so.

COMMISSIONER SULLIVAN: I think he's working fine now.

MR. GONZALEZ: If you put more juice in the lemon I guess you can squeeze more juice out of it.

COMMISSIONER SULLIVAN: I think that answers my question, Mr. Chair.

Thank you.

CHAIRMAN CAMPOS: Any other questions, statements, comments?

COMMISSIONER MONTOYA: Mr. Chair, just a comment. And you know I think one of the things that I had talked early on when I first came into office was the development of a separate health office, because I think when you have the number of programs that we have in the County that are health related and it's lumped into another department, and I think you see counties our size, the majority of them have a Health and Human Service - obviously, it's going to be Health and Human Services hopefully in the next ten minutes or so, but it I think sends a clear message that we're serious about what we're doing in this County about taking care of our people in terms of health related issues.

It's not only what we're talking about with St. Vincent and with the MOA but also I think being pro-active in terms of looking at health promotion programs that we can get into. I think if the focus is there and we know that that's the focus of this department then we can become more pro-active in terms of the health related programs that we have sponsored through the County. And I'd like to see the County take a much more active role in terms of these types of efforts.

MR. GONZALEZ: Just one other thought, Mr. Chair, members of the Commission, on the other side of the house, Robert Anaya had done some extensive visiting over the last couple of months with respect to an issue that came up this morning in the Housing Authority Board meeting. We've discussed a number of initiatives that I really want Robert to be able to focus on full time in order to make sure that we enlarge the affordable housing program at the County level. As you know, we're going to have some challenges in terms of interfacing that program with the ordinance change that mandates affordable housing for additional subdivisions coming before the County.

I know Robert has had some preliminary discussions with Roman Abeyta about how to do that, but that's another reason, from my standpoint, for taking a look at this. Not just from the Health and Social Services standpoint, but also from the housing standpoint, it seems to me that we need to focus our efforts better and enlarge the programs that we have available through the County.

CHAIRMAN CAMPOS: Mr. Gonzalez, how many department heads do you have?

MR. GONZALEZ: This would make ten, I believe.

CHAIRMAN CAMPOS: This would be the tenth one?

MR. GONZALEZ: And I'm not promising that there wouldn't be some

reorganization or consolidation down the road but it's taken me a year to observe the functions of this department and come to the conclusion that we need to do some separation. There may be some points where we actually need to do some consolidation.

CHAIRMAN CAMPOS: It seems obvious to me that we should do some consolidations. And we're looking at this backwards. We're doing everything piecemeal. CHDD has been broken up – this is the third breakdown. It used to be a bigger department. Now it got smaller. Now it's getting smaller. It seems that a lot of these things have been inspired by politics so I'm suspicious immediately. I'm not sure how rational it is. What are we really trying to achieve? Ten department heads in a County this size? It seems like it's a lot. I think we've got to look at it from a different perspective.

We asked you when you were doing the budget, look at some savings and it was a very feeble attempt by staff, and it seems to me, I've come to the conclusion our staff cannot look at itself rationally as far as structure and as far as saving money. I think we probably need to bring somebody from the outside to really evaluate how our structure is and if it's really working well, and how we can cut money, cut some of the expenditures and really run a tight ship. That's my feeling. And when these come up piecemeal it just disturbs me. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I don't think we're piecemealing anything. I think the County Manager has done an excellent job. The County is growing every day and we can't keep it the same as it was 20 years ago. We've got to move with the times. And I don't know where your comment was coming from, when did this come up? Commissioner Montoya brought this up ten months ago. And I brought it up two months ago, or a month ago. And what was the comment you made about a political move? I don't appreciate that either.

CHAIRMAN CAMPOS: Do you want me to respond?

COMMISSIONER DURAN: No.

CHAIRMAN CAMPOS: Okay, any other comments?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I agree with Commissioner Anaya. I think that you're totally out of line. The County Manager has been hired to guide us and to manage and to oversee that the daily events here, and to actually give us advice. He's here working on a daily basis. You're here a couple hours a day, a couple hours a month. Who knows? But we hired the County Manager to guide us and to give us advice and I support you entirely, Gerald. I think it's a great idea. I remember the discussion about severing the health element from the housing element and I even think you voted on it, Commissioner Campos. So anyway, I appreciate the effort that you and your staff have put into this and I think we should move forward with creating a Health and Human Services Department.

CHAIRMAN CAMPOS: Any other comments? Is there a motion?

COMMISSIONER DURAN: So moved.

CHAIRMAN CAMPOS: To create a Health and Human Services Department?

Second?

COMMISSIONER MONTOYA: Second.

The motion to create a Health and Human Services Department passed by majority 3-2 voice vote with Commissioner Campos and Commissioner Sullivan voting against.

COMMISSIONER SULLIVAN: Mr. Chair, let me explain my vote please.

CHAIRMAN CAMPOS: Sure.

COMMISSIONER DURAN: I'd like to explain mine too.

COMMISSIONER SULLIVAN: Then you can do it after me.

COMMISSIONER DURAN: Go ahead.

COMMISSIONER SULLIVAN: I think you just explained your vote and made the motion, Commissioner Duran, but I do feel that it's a good idea to separate these functions. They really don't have anything to do with each other. Housing is housing and health is health. And they are totally separate functions and I've always wondered why it was under one department and I've felt that under Mr. Shepherd the health is moving forward just fine. It will grow and the staffs will have to grow obviously. But I do feel that we have a problem this year again with budget and we're trying to get employee raises factored into that, as well as cost of living.

But I also feel that we need an overview of this situation and whether it's a reorganization suggestion that you might have, Gerald, or just what, based on your observations. I want to support those observations. So what I'm saying is I support this concept of separating them out and my vote is by no means a vote of no confidence in your recommendation because I agree with that recommendation. I do not agree with the budgeting component of that recommendation. That's my feeling. Thank you, Mr. Chair.

XII. E. Matters from the County Attorney

1. Executive session

a. Discussion of pending or threatened litigation

b. Discussion of possible purchase, acquisition or disposal of real property or water rights

CHAIRMAN CAMPOS: How much time do you think we're going to need?

MR. ROSS: I don't expect this to be a lengthy session.

CHAIRMAN CAMPOS: Thirty minutes? 45 minutes?

MR. ROSS: Thirty minutes.

CHAIRMAN CAMPOS: Thirty minutes. Okay. Is there a motion?

Commissioner Anaya moved to go into executive session pursuant to NMSA

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Section 10-15-1 (7 and 8) to discuss the matters delineated above. Commissioner Montoya 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 2:05 to 3:35.]

Commissioner Duran 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 voice vote. [Commissioner Sullivan and Commissioner Montoya were not present for this action.]

XII. B. Finance Department

1. Resolution No. 2004-60. A Resolution Requesting Authorization to Surplus Obsolete or Inoperable Fixed Assets for Sale, Donation or Disposal in Accordance with State Statutes

COMMISSIONER DURAN: Mr. Chair, can I have one quick question. Susan, we're approving this interim budget so that you can meet the deadline to submit this to DFA. I'm wondering if between now and when we actually approve the budget, do we still have the ability to tweak it a little bit, and if so, does that have any impact on DFA's, on the budget we submitted to DFA? Or adverse impact on that?

MS. LUCERO: Mr. Chair, Commissioner Duran, there is no adverse impact. The only adverse impact there could be is if we didn't get an interim in by the 31st. So the idea is to get at least the preliminary in or what is referred to as the interim, and then you can make modifications and adjustments to it between now and the final, which is due July 30th.

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

MS. LUCERO: Mr. Chair, members of the Board, this is a resolution that the Finance Department typically brings to the Board of County Commissioners twice a year. The process, what we do is each department submits requests to the Finance Department to surplus fixed assets that are no longer usable or inoperable or obsolete. And by your authorizing us to do this it allows us to either sell or donate to municipalities, non-profit agencies or dispose of it in accordance with state statutes. And we are requesting your authorization to do this.

CHAIRMAN CAMPOS: Is there a motion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Susan, so this authorizes us to surplus this equipment, but we can still pass this equipment around in the department itself, if this is

approved?

MS. LUCERO: Mr. Chair, Commissioner Anaya, that is correct. This list that you see attached to the resolution itself will be – it has in part been passed to departments, especially for vehicles. But the entire list, intact, will be passed on to all the departments during senior staff and they can request transfers on their own.

COMMISSIONER ANAYA: Thank you. Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve Resolution 2004-60 passed by unanimous [5-0] voice vote.

XII. B. 2. Resolution No. 2004-61. A Resolution Requesting Approval of FY 2005 Interim Budget

MS. LUCERO: Mr. Chair, members of the Board, the Finance Department has collectively met with all departments across the County. We have met with you last week regarding a detailed study session with respect to the budget process and the budget information as it pertains to fiscal year 2005. What we are attempting to acquire today is your approval of this interim budget as proposed to return it to DFA by its required deadline of May 31st. You will still have an opportunity to make final changes before the final deadline, which is July 30th.

We would request approval from you for this budget, this interim budget, and also to designate an unbudgeted cash reserve requirement in addition to the legal reserve requirement, and we will go into that in detail a little bit later. Also, for planning purposes, we are seeking direction with respect to the Board's thoughts, guidance, regarding gross receipts tax increments, specifically the correctional facility gross receipts tax, the general purpose gross receipts tax, as well as bonding issues and any guidance, direction you would like the County to pursue before the general election in November with respect to specific bonding projects.

So to begin we'd like to introduce the interim budget.

COMMISSIONER MONTOYA: Mr. Chair, Susan, what's changed from what we looked at last week to what we have right here right now?

MS. LUCERO: Mr. Chair, Commissioner Montoya, we've made some minor changes with respect to identifying recurring sources to recurring uses, non-recurring sources to non-recurring uses. So specifically looking at and identifying the continuous revenue stream, matching it to those types of expenses and then identifying just cash, not recurring and matching that with respective expenses. So specifically, the capital equipment and the capital package. That's where we've made some tweaking. I believe in the budget we showed you last week the difference between that and now is like \$2,000, and that's what came about in tweaking these numbers and making sure that

everything tied, and it finally tied as of a couple days ago. I believe Tuesday afternoon. I'm sorry. Monday afternoon.

COMMISSIONER MONTOYA: \$2,000 more or less?

MS. LUCERO: \$2,000 more I believe. We also identified a joint powers agreement with the City for the EZA and we are working on negotiations with them so we have incorporated that source into this budget. And you may recall that the budget we brought to you for general fund, we were short \$88,000 between sources and uses. Once we identified that additional joint powers agreement with the City and did some of the tweaking as I was just explaining, that's what brought us a balanced budget without having to go back to base and making reductions to base.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: If those were the only significant changes to this budget and what we heard last week, is there any reason why we couldn't approve the interim budget without having –

CHAIRMAN CAMPOS: Without the whole presentation?

COMMISSIONER DURAN: Right.

CHAIRMAN CAMPOS: Yes, I think we could. It seems fairly small. I think this is our opportunity to ask some questions. Yes, I agree. I don't want the whole presentation. Do you think it's essential, Ms. Lucero to get the presentation again if your changes are so minor?

MS. LUCERO: Mr. Chair, no I do not. This was simply a kind of a re-educating process so you could identify with the entire budget. We focused very specifically on general fund since that is discretionary. All the other funds are restricted in use and nature. Your enterprise funds are restricted to the purpose of the enterprise. So I don't feel it necessary but I will go with your recommendation.

COMMISSIONER DURAN: Susan, earlier this evening, we approved the creation of a new department. Is that considered in this analysis or in this interim budget?

MS. LUCERO: Mr. Chair, Commissioner Duran, that increase is not considered in this interim budget so we would need to address that for the final.

COMMISSIONER DURAN: So you'll bring that forward with – you'll point out what changes have been made to the budget based on that direction.

MS. LUCERO: Yes, sir.

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

CHAIRMAN CAMPOS: Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, also in the final budget, I wonder if Susan you could address if we have room somewhere for operating funds for the Vista Grande Library. We've done an addition there. It's become a regional facility and they're getting to the point where, although they do a very good job fundraising, excellent job fundraising, they are getting to the point where they need operational funds to help them in addition to the fundraising.

MS. LUCERO: Mr. Chair, Commissioner Sullivan, at this point, all operational revenue in terms of recurring has been matched with an expense. However, we have been conservative with our property tax growth. We anticipate a 5-1/2 percent increase. This number could come up and most likely under normal circumstances would go up. In August we'd have a better determination of that. That would be purely operational or recurring money as you've just described. We also have some non-operational or cash available, probably to the maximum of about \$100,000 that could be used for one-time type of start up until you have an opportunity to build such an expense as that into your base. So those would be two options.

COMMISSIONER SULLIVAN: Okay. Well, I'd just like the Commission to think about that. I think the library is projecting that it really needs about \$50,000 to break even on operational. This is in addition to - they raise, I believe, themselves through their ice cream socials and various, they just had a book fair, something on the order of about \$80,000 that they raised themselves to operate the library. So it's become a real regional resource and facility and I think we need to support it. We want to see if we can do that within the context of the budget and I hope when we get down to the final tweaking we may be able to find some money even if it's from that temporary capital funds until we see what those actual tax collections turn out to be. Thank you.

COMMISSIONER MONTOYA: Mr. Chair, Commissioner Sullivan, where's that again?

COMMISSIONER SULLIVAN: It's not. It's not in the current budget.

COMMISSIONER MONTOYA: No, no, no. But the library?

COMMISSIONER SULLIVAN: Oh, it's in Eldorado.

COMMISSIONER MONTOYA: Oh, in Eldorado.

COMMISSIONER SULLIVAN: It's right next to the elementary school. It was funded with state funds? It's on County property. And the County did all of the construction management and all of the fiscal management of it. And then in addition they've just finished a new addition to it, expanded it, which has increased it by about 50 percent in size. And they're already bursting at the seams for that. So it's turned out to be a real dynamic facility. They have after-school programs, summer programs, as well as traditional library services, very focused on youth services and activities for the area and it's just exceeded all expectations and they are beginning to have to find some other ways to fund the operation expenses, which to date, they have totally funded with donations.

COMMISSIONER MONTOYA: Donations, wow.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I make a motion to approve the Santa Fe County fiscal year 2005 interim budget.

CHAIRMAN CAMPOS: I still have a question, a couple of questions. Is that okay?

COMMISSIONER MONTOYA: Second for discussion.

CHAIRMAN CAMPOS: Before we go to motions we should go to questions. The Manager wants a policy analyst. I'd like to know what that's about. Usually you would run this information before the Commissioners.

MR. GONZALEZ: Mr. Chair, members of the Commission, it really is not a new request. What occurred was when Greg Parrish was transferred over to take charge of the Corrections Department I made the request that although the money followed him, that the position remain in the Manager's office. So I'm not sure why it's carried as an additional FTE, but that was my understanding at the time of how the transaction was going to be handled. I think Finance has seen it a little differently, but from the Manager's standpoint, that position always stayed here and the hope was that somewhere down the line, and we had had some suggestions that there might be someone who could, on a part-time basis, do planning related to economic development using that position. So I'm not sure why it's carried there but the request that I made at the time that the Corrections Department was created was that the position itself remain here.

CHAIRMAN CAMPOS: So you intend to use this money to hire somebody?

MR. GONZALEZ: That would be down the road, yes. I wanted to make sure we didn't lose the option of having the FTE available to fund that kind of an operation.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: A comment on that, and although the FTE is still there, but we had to create another one when Mr. Parrish was moved, right?

MR. GONZALEZ: Within the Corrections Department - well, I don't know if it was created or whether it was assumed it was part of the overall 60-some positions that were approved with respect to Corrections, because I know we did some reshuffling of those positions.

COMMISSIONER SULLIVAN: Well, either way, it's essentially a new position and one thought that I've heard from one of the City representatives of the Regional Planning Authority is we're going to have to be looking fairly soon for a new executive director for the Regional Planning Authority, because as we all know, Ms. Quarles is on board as our new water company director, water department director. One of the thoughts, I think my recollection is that it came from Councilor Wurzburger was that that individual be not only conversant with planning issues but once the RPA finished its planning function, that that person have an economic development background so that the RPA could continue in its mission, joint City/County and have some economic development focus.

I think that's been an issue. We've seen the City come forward with this Angelou plan and it's totally city-oriented and somewhat critical of the City's efforts in economic development. We participated but not formally in that plan and it seems like the artificial boundaries are not a good way to approach economic development which is so far the way

we've been doing it. And if we get a position and the City gets a position it seems like we're probably both wasting our monies.

So this is a possibility under the RPA that might be a good place for economic development functions and efforts. That obviously would mean we'd need to put some more money into the RPA to do that, but I think doing it separately, that doesn't make sense. So I'd be a little cautious about more policy analysts in the Manager's office, particularly if they're going to be in economic development before we have some kind of understanding and agreement with the City as to how we can do this cooperatively. Maybe that's where my operational money can come from for the library. Now, we've found out where it can come from. Okay. We'll just change that line item.

CHAIRMAN CAMPOS: Any other questions? I don't know - the Manager's office has grown incredibly the last year. It's bigger than I think even the Javier Gonzales period which was the biggest that it's ever been. That was one of the issues we raised. You don't think so?

MR. GONZALEZ: No.

CHAIRMAN CAMPOS: Well, it's pretty close. You're getting there. I'd like to strike that from the budget.

MS. LUCERO: Mr. Chair, could I offer some clarification in terms of the position because I want to make sure we all understand. The position that Mr. Parrish vacated was for the title Correctional Facilities Manager, Adult Facility liaison. That position has been refilled by another individual. So in terms of budget, it resides in the County Manager's office, has always reported in the past to the County Manager, and right now as we speak, it has been filled with another individual who reports to Corrections, however, that position is still funded in the County Manager's office.

CHAIRMAN CAMPOS: Are you saying that this request for policy analyst is related to that? Is there clarity?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I'm not going to provide any clarity, but what I would suggest is that maybe, and I would support removing the allocation if there's one there. But keeping the position in case by some stroke of luck we were to find some additional funding for whatever, but that they position would still be there rather than lose the position completely.

CHAIRMAN CAMPOS: Not funded right now?

COMMISSIONER MONTOYA: Right. And I think - are you suggesting to strike the whole thing? The position -

CHAIRMAN CAMPOS: I just don't want another policy analyst funded out of the Manager's office at this time.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to keep my motion the same, that's

approving the budget as it is.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER MONTOYA: Is that including those positions too?

MR. GONZALEZ: That would include the addition of – I'm assuming it would keep the placeholder for that position in the County Manager's office. Is that right, Susan?

MS. LUCERO: Mr. Chair, Commissioners and Gerald, that position exists in the County Manager's office. We could transfer the position with its funds as dedicated to the person that currently is holding the position of Correctional Facility Manager. I guess we could put an FTE in there. I'm just not sure how to have an FTE unless there's at least a dollar attached to it in terms of budget.

COMMISSIONER ANAYA: And right now, there's an FTE in there with a dollar in it?

MS. LUCERO: Yes.

COMMISSIONER ANAYA: There is? Okay.

COMMISSIONER MONTOYA: We could always adjust it afterwards, right?

MS. LUCERO: It's currently funded. It's not a new position in terms of funding. It's part of the existing budget.

COMMISSIONER MONTOYA: Oh, it's a filled position.

MS. LUCERO: It's a filled and existing position. Because it's currently held by another individual who took the place of Greg Parrish as Greg was promoted to the division director for Corrections.

CHAIRMAN CAMPOS: So the money you show here under Manager policy analyst is being used in the Corrections Department right now. Is that what you're saying?

MS. LUCERO: Mr. Chair, can you refer me to what page you're looking at so I can be sure –

CHAIRMAN CAMPOS: This is a document you gave us last time, the first item.

MS. LUCERO: That is a building block request.

CHAIRMAN CAMPOS: For a new position?

MS. LUCERO: For a new position, which our platform this year was we don't have money at this time for a new position. And we want to revisit this at a later point in time. If we're shifting positions without dollars attached to it, that would be something else, but right now, as it's in that document I believe it doesn't have dollars attached to it.

CHAIRMAN CAMPOS: It says it has dollars attached to it, \$17,606.

MS. LUCERO: Oh, okay.

MR. GONZALEZ: My only comment is I was not under the understanding that the creation of or the filling of the jail monitor position involved the position

currently in the Manager's office but I'm hearing that Finance structured it differently than my intention had been.

COMMISSIONER ANAYA: Mr. Chair, I think you're looking at the building block page. That would not include the actual budget, correct? In my motion.

MS. LUCERO: Mr. Chair, Commissioners, let me clarify. The building blocks page are items that, with regard to FTEs, are not in this budget that you're approving, because we did not have available dollars to attribute to those building blocks.

COMMISSIONER ANAYA: Right.

COMMISSIONER SULLIVAN: That's \$1.205577 million.

MS. LUCERO: Yes. That's correct. That is not in this budget that we have given you this information for that we are asking for your approval on. This is something we've discussed probably too briefly in last week's meeting but we did not have enough available dollars to commit to building blocks.

COMMISSIONER SULLIVAN: So Mr. Gonzalez, you're turned down. You don't get your FTE, in the current budget anyway.

CHAIRMAN CAMPOS: Okay. So that's not included as a position in the current budget. Okay. There's a motion and a second.

The motion to approve Resolution 2004-61, the interim FY05 budget passed by unanimous [5-0] voice vote.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I don't know. This might be a good time to bring up some concerns that Susan had mentioned, and that is, this is the way I feel and I hopefully can get some support on this, and that is for staff to come back to us with a resolution to adopt the 1/8 percent correctional facility GRT, for staff to come back to us with a resolution for the 1/16 percent general purpose GRT, and that staff could come forward with a resolution for the intent to sell a GO bond for the purpose of roads, public buildings, consolidating an administration building with a judicial complex that would include fire equipment and water projects. And I'd like to see if this Board could give staff clear direction to bring those resolutions forward.

CHAIRMAN CAMPOS: Is that something we can do at this time, Mr. Gonzalez? Mr. Ross?

MR. ROSS: Mr. Chair, it's actually not on the agenda, constructed that way, but I think you could give us direction in the context of a budget discussion. I think it would be wise to avoid a vote on that issue at this point.

CHAIRMAN CAMPOS: Okay, let's have some discussion on it. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think we have talked about this before and utilizing the correctional facilities GRT, I think we have no choice, quite frankly, but

to do that, because we've taken over the youth detention facility. That's cost us a million dollars a year more and the jail is still a million dollar lead weight around us and I think that GRT would provide about a million dollars. Is that right, Susan?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, on an annual basis, the general purpose GRT will provide \$2 million.

COMMISSIONER SULLIVAN: No, the correctional.

MS. LUCERO: And the correctional, \$4 million. On an annual basis.

COMMISSIONER SULLIVAN: And I think the road is something we've looked at for a long time. We had a road master plan. We have no way to fund it. I think we certainly need to do work on that, and the only thing that I'm a little bit nervous about in Commissioner Anaya's listing was at this point in time making a commitment to a consolidated facility before we have the results of our study back on our space facilities and options there. I think satellite facilities are still a good way to go. We do have parking problems downtown. We need to address that, but I think it's a little too early to say that we're going to consolidate everything into a judicial complex and an administrative complex until we have that. And I don't know that we need to be that specific on a bond issue, quite frankly. Mr. Ross, do we have to be that specific?

MR. ROSS: No. You can word them very generally.

COMMISSIONER SULLIVAN: I know Commissioner Anaya has been an advocate for that consolidated facility. I respect that and that may be the way we end up going but so far I'm still not quite in that camp yet until I see that report. But I think we've got to take advantage of these bonding options. We've got to put them out to the public for their analysis and to provide these services we may want to strategically think about staging them rather than all at once. But if at least the resolutions are prepared we can discuss that at the next meeting. So I guess Commissioner, and Mr. Chair, I would, other than those caveats I would say I would favor the direction that Commissioner Anaya is going.

CHAIRMAN CAMPOS: I have a couple of questions of Commissioner Anaya. Just so I'm sure. Is 1/8 GRT detention? Is that what you're recommending?

COMMISSIONER ANAYA: The correctional facility.

CHAIRMAN CAMPOS: The correctional facility, that's the 1/8.

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: And the 1/16 GRT for general purposes, and a GO bond. Any numbers? Are you looking at any numbers in the GO bond?

MS. LUCERO: Mr. Chair, Commissioners, I believe we're still tallying that. We're actually meeting, senior staff is meeting different individuals from various departments are all included and we are working on polling the citizens to determine what they feel the needs are and then we will begin attaching dollar values. The only thing that is very clear in terms of dollar values is the road improvements, based on a study done last year.

CHAIRMAN CAMPOS: One eighth will produce how much per year? This is countywide or only outside of the municipality?

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MS. LUCERO: The 1/8, Mr. Chair, is county and city.

CHAIRMAN CAMPOS: County and city. And the 1/16?

MS. LUCERO: The 1/16 is as well. County and city.

CHAIRMAN CAMPOS: How much do you expect that the 1/8 would generate?

MS. LUCERO: On an annual basis, \$4 million. And \$2 million on an annual basis for the 1/16.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: That sheet of paper that you were talking about earlier, that building blocks? I think if some of these were implemented then we could possibly get into the building block page and fulfil some of those needs.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I think I had, at the last budget meeting, already expressed my viewpoint and it's very similar to what Commissioner Anaya had mentioned. And I mentioned specifically through a negative referendum I believe we need to implement both GRTs and then through a positive referendum or through a vote go out for the GO bond for roads, specifically at this point. I think I would concur with Commissioner Sullivan in that until we get the study on the facilities plan that Tony's working on, I think it would probably be a bit premature but I think we should be planning it also so that it is maybe something that is stepped in.

The other thing that I would like to see as part of this whole process is what are the real numbers. Because I had asked, as Commissioner Anaya alluded to, we need to see the big picture in terms of everything. In terms of potential income revenue, expenditures, so that we can really do some financial planning in terms of the employees. What are we going to be able to give them in terms of an increase this year. So I think unless we put everything together in a package, we're going to be talking separately in a little while about solid waste fees. To me, that's part of the equation here too. So I would just support what's been referred to by the Commissioners in terms of the GRTs, but mine through negative referendum. I would add that.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: No comment.

CHAIRMAN CAMPOS: Let me ask you a question. Right now, if I have a business in the city, how much GRT am I paying right now? 6.8375?

MS. LUCERO: If you are, Mr. Chair, if you are in the city, you are right now paying 6.66875.

CHAIRMAN CAMPOS: It's higher than that. It's 6.8 something.

MS. LUCERO: Oh. Maybe it's 6.84375. Yes, I think so that's it.

CHAIRMAN CAMPOS: So if we add these two we're going to be paying

way over seven percent.

MS. LUCERO: No. No.

CHAIRMAN CAMPOS: City-wide? This is county and city you said.

MS. LUCERO: No. It won't be that high. It will be less than seven percent. I calculated it. Because, for example, one quarter, which these are not that high. When we implemented the capital outlay GRT, the city's rate went from 6.4375 to 6.66875. But that's an entire quarter. This is less than that.

CHAIRMAN CAMPOS: Three sixteenths, right? Less than one quarter.

MS. LUCERO: Right. So it's a little less than a quarter in total. So it will be, I believe it will be .00125 for the sixteenth. Oh, gosh. I had this calculated the other day. Well, I can guarantee you it's less than seven percent in total. And in terms of dollars, for example, to buy \$100 worth of goods, the citizen will pay 18.75 cents, 18-3/4 cents on that \$100.

CHAIRMAN CAMPOS: Additional.

MS. LUCERO: Right.

CHAIRMAN CAMPOS: To the 6.8375.

MS. LUCERO: Right. That's what it would – that's the impact it would be to a citizen.

CHAIRMAN CAMPOS: And what about the property taxes, as far as the GO? Depending on the figures, let's say you want \$50, \$60, let's say \$60 million.

MS. LUCERO: The calculations we've done there, right now, where we stand, a \$20 million issue would cost a little less than 50 cents per taxable thousand. So let's just say a home valued at \$300,000, the taxpayer would be paying about \$50 more a year.

CHAIRMAN CAMPOS: Per year.

MS. LUCERO: For the year. So you could almost gauge it in that way in \$20 million increments as it stands right now.

CHAIRMAN CAMPOS: How much of this is going to water? Have you thought about that? Water projects?

MS. LUCERO: We have listed water projects. We haven't actually tallied dollars towards water projects. We know in total, and not that we're benchmarking this, but in total our capacity for the County is \$107 million. But we're not benchmarking that in these issues.

CHAIRMAN CAMPOS: Okay. My impressions are that this thing probably will not go through. I don't think the voters are going to be in that mood in November, unless we have a really good plan on how we're going to sell this. And if you're not selling water you're not going to get it done. District court, how many times have we wanted to do district court and always is polled at the end, coming at the last. I think we can talk about taxes but if we don't have a good game plan we're not going to get it done. If we're not talking about water, we're not going to get it done. That's my impression.

COMMISSIONER DURAN: I disagree.

MS. LUCERO: Mr. Chair, I think kind of as we gel this and come up with a scenario to go forward, there are other options we can look at if GO is not an option, for such things as a building, etc. We do have other options on the revenue side, to issue a revenue bond. So we can pursue that as well. These are all questions we're attempting to integrate in our polling of the citizens also, in a way that makes it understood.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Susan, do you have clear direction?

COMMISSIONER ANAYA: Yes, sir, I do. Thank you.

COMMISSIONER ANAYA: Thank you.

XII. B. 3. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #24-44 for the Financial & Compliance Audit Services for Santa Fe County

MS. LUCERO: Mr. Chair, members of the Commission, this year, we have solicited for a three-year contract for professional service agreement to conduct the County's annual financial and compliance audit services. We received four different proposals and the evaluation team rated the four. These were four returned out of 12 solicitations that were sent out. In our review process, the evaluation team designated the firm Barraclough and Associates as the top rated firm based on the scores, and we are requesting approval to engage in a three-year contract and to award this first year to the highest rated offeror, which is Barraclough and Associates.

CHAIRMAN CAMPOS: Is there a dollar amount? I didn't see one in the memo.

MS. LUCERO: Mr. Chair, I believe this first year, their cost - we didn't evaluate the proposals solely on costs. That was one of the criteria. But for Barraclough, the first year of the contract, I believe the cost was around \$70,000 without GRT. And that included the financial audit, it includes the lodgers' tax audit and it includes the required RCCAA submission for the housing program.

CHAIRMAN CAMPOS: How does it compare with the contracts we've had in the past as far as amounts?

MS. LUCERO: It's very comparable to what we've had in the past, given the fact that we're asking for those additional services.

CHAIRMAN CAMPOS: The two additional services. Okay. Any questions? Is there a motion?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Where would it be listed here in terms of compensation? Oh, compensation. But there's no dollar amount.

MS. LUCERO: Mr. Chair, Commissioner Montoya, there is no dollar amount. This is a sample contract, because at the time we had to prepare this packet the evaluation team was still meeting to determine the highest rated offeror. But from my recollection I believe the amount was about \$70,000 for year one.

COMMISSIONER MONTOYA: Okay. So that's what we're approving now is \$70,000.

MS. LUCERO: Yes, sir.

CHAIRMAN CAMPOS: Are you pretty sure about that number?

MS. LUCERO: I'm pretty certain, because I believe there was, between that and the second year, the difference was \$2,000 to \$4,000 and the second year seems to stick in my mind. I can go reverify that information if you'd like.

CHAIRMAN CAMPOS: Okay. If there's a major difference please bring it back to us.

MS. LUCERO: I will.

CHAIRMAN CAMPOS: Okay, do we have a motion and a second out there?

The motion to approve the contract with Barraclough and Associates passed by unanimous [5-0] voice vote.

XIII. Public Hearings

A. Project & Facilities Management Department

1. Project Testimony for the 2005 - 2009 Santa Fe County Infrastructure Capital Improvement Plan (ICIP)

MR. FLORES: Thank you, Mr. Chair. As you know, we're in the middle of the ICIP community meetings for this year's submission for DFA. We have conducted as of tonight ten of the sixteen community meetings. This is the first opportunity if there are any members of the community that would like to come and address the Board regarding any projects. There will be a second testimony period on the first meeting of June, and then the final priorities will be brought to the Board on June 15th. So at this time, I would like to ask the chairman and the Commission if there's anybody in the audience that would like to bring a project forward that could be included in the list.

CHAIRMAN CAMPOS: Do we have anything in writing, Mr. Flores?

MR. FLORES: Mr. Chair, no.

CHAIRMAN CAMPOS: Okay. This is a public hearing. Anyone here to

comment on the Santa Fe County infrastructure capital improvement plan, ICIP, for 2005-2009. Anybody here to comment on that? Okay, no one having come forward, the hearing closes, and that's it.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Tony, I know that – I'm hearing that not very many people are showing up to the ICIP meetings. I'm thinking we might need to take a different approach next year and maybe plan your ICIP meetings around community association meetings. That way you can get on their agenda and present it. You might get a little more input. Just a thought.

MR. FLORES: Mr. Chair, Commissioner Anaya, thank you. As you know, part of the problem has been that we're driven by DFA for the time frame. I would say thought that two years ago, when we started the community meetings we had the same type of turnout that we're having this year. Last year we had a tremendous turnout. This year we're back to minimal turnout. So I will look at those options for next year.

COMMISSIONER MONTOYA: Mr. Chair, Tony, do you think part of it may be scheduling? Was it scheduled in advance to get word out with sufficient notice?

MR. FLORES: Mr. Chair, Commissioner Montoya, yes. And it's actually been noticed in the paper and I know Rudy from my office has been calling community members. Again, it's kind of the third year of the cycle where we're down again and we will make a better effort next year to have more contact. We are hoping just for your purposes of information to start the planning process in January of next year because my gut feeling tells me DFA is going to being back the deadlines even further. Each year it's come back two months at a time. So I anticipate that DFA will be letting the rule move basically March or April of next year and due in May. So we will continually back up the dates. I can see the ICIP planning process almost a year-round event.

COMMISSIONER MONTOYA: Mr. Chair, Tony, just from the one – you said you've had about ten already?

MR. FLORES: The tenth is tonight.

COMMISSIONER MONTOYA: What amount are we looking at so far, do you think, in terms of requests?

MR. FLORES: Mr. Chair, Commissioner Montoya, I have not put a dollar amount to the request. These are purely projects identified. And then it's up to us, once we get them completed and start looking at not only the capital costs but the annual maintenance costs for improvement. Operating and maintenance costs that are associated with it.

COMMISSIONER MONTOYA: So more or less then, how many are existing projects and then how many are new?

MR. FLORES: I can tell you Mr. Chair, we probably have 80 percent existing projects that have been given to us over the past three years.

COMMISSIONER MONTOYA: Eighty percent? So only about 20 percent

are new?

MR. FLORES: That are new.

COMMISSIONER MONTOYA: Well, that's good. Thank you.

COMMISSIONER ANAYA: Mr. Chair, one more thing.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: I just want to thank you guys. Tony, your staff and your crew and Public Works Department. I know the days are getting nice and warm and you guys are out there conducting these meetings and there's not very many people attending but we appreciate what you do to get out there and see what the concerns are for the public. Thank you.

COMMISSIONER MONTOYA: Is this live? Does this go to Tesuque?

CHAIRMAN CAMPOS: This meeting is live. I don't know.

COMMISSIONER MONTOYA: We'll be in Tesuque this evening at 6:00, right, Tony?

MR. FLORES: Yes. The great ICIP tour will be in Tesuque tonight.

CHAIRMAN CAMPOS: Thank you, sir.

XIII. B. Public Works Department

1. **Ordinance No. 2004-__ . An Ordinance Amending the 2002-10 County Comprehensive Solid Waste Ordinance Section 4 (3) to Require a Residential Rate Change from \$25.00 to \$50.00 for the Santa Fe County Waste Disposal Permit Fee; Section 10 (A)I to Allow for the Purchase of a Second Annual Residential Waste Disposal Permit; and by Adding a New Section 10 (A)ii to Allow Owners of Vacant Residential Lots to Purchase Residential Waste Disposal Permits (One Public Hearing Required)**

JAMES LUJAN (Public Works Director): Mr. Chair, members of the Commission, the first portion, by ordinance has to be brought up by the County Manager. It doesn't have to be, but that's what the ordinance says, so I'll let him take the first part of it.

CHAIRMAN CAMPOS: What does the ordinance state?

MR. LUJAN: That the fee increase shall be brought up by the County Manager.

CHAIRMAN CAMPOS: Proposed by the County Manager?

MR. LUJAN: Yes, that's what the ordinance says.

MR. GONZALEZ: Mr. Chair, members of the Commission, as a starting point, first of all, I have circulated to the members of the Commission copies of the countywide ordinances that have in the past been adopted by Taos and by Rio Arriba County. I don't think we're at the point of suggesting an ordinance revision at this point, although the Commission may want to consider it. So given the nature of the ordinance that we currently have that requires that the County Manager bring forward a proposal for a rate increase, as a starting

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point I'm suggesting a doubling of the fees to the \$50 per year point and James and I would be happy to respond to questions about that as the Commission discusses it.

Right now, the current fee brings in roughly \$189,000 annually, out of approximately 7,500 permits and doubling the fee would bring in again an additional \$189,000 approximately, assuming that we sell the same number of permits as we currently do. It's my understanding also that the amount of fee that we bring in currently provides roughly 15 percent of the total operating revenue for the solid waste program, so if we doubled the fee and doubled the amount we brought it we would still be covering 30 percent of solid waste program operations.

CHAIRMAN CAMPOS: Mr. Lujan, what's the rationale for asking for the addition?

MR. LUJAN: My rationale?

CHAIRMAN CAMPOS: Yes, sir.

MR. LUJAN: What we're looking at is trying to eventually trying to come to a complete enterprise fund at some point and run it as an enterprise fund. We have - actually the increase was requested by you, the Commission to bring it forward to look at an increase. We've added some additional services, some additional times of keeping the transfer station open so it's basically driven by the Commission.

CHAIRMAN CAMPOS: But you've lobbied for this. You feel that we need more resources in this department, that area.

MR. LUJAN: Well, we definitely need to see how we can help the general fund with this as an enterprise fund and bring more revenues at least to augment it in some way.

CHAIRMAN CAMPOS: We have had discussions in the past and I think there's been a consensus that this should be an enterprise fund, which means what? An enterprise fund generates enough money to pay for its expenses?

MR. LUJAN: To pay for itself.

CHAIRMAN CAMPOS: So it's off the general fund, right?

MR. LUJAN: Correct.

CHAIRMAN CAMPOS: Is that still a consensus amongst the County Commission? Yes? To have this become a revenue, an enterprise fund which means that through fees will generate enough income to pay for its own expenses.

COMMISSIONER DURAN: I don't think that will ever happen though.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'll comment on that a little. I was always concerned in what we were paying, and we are paying less than other counties, other municipalities, but after looking at it and after hearing from several members from the community on whether to raise this or to raise the fee, it was all negative. They don't want to see the \$25 - they don't want to see it raised to \$50 for sure. As of the county residents that are out there, let's say particularly in my area, the rural area, we pay property taxes and what exactly do we get for property - for what we pay? Well, we get the dump, we get the transfer station and we get our roads graded. And that's pretty much it.

For example, in Santa Fe or Jemez Road, they get the police protection. We don't get

police protection out there. They go to where they need it. So I guess what I'm trying to say is I pay property taxes in the rural area and I should expect something back from the County and I would expect that we should offer them the low rate of disposing of our waste, our trash. Because other than that, I get my road graded once a month, once every two months. That's all I get. So I am opposed to raising it at this point and I would like to see where our resolutions go that I just brought up on the eighth percent and the sixteenth percent, because if those do get approved, then that money - then we can use some of the general fund money towards the solid waste issue. And keep the \$25 per year the same. That's my comment.

CHAIRMAN CAMPOS: Okay. Basically, you're against the enterprise fund. You're against increasing the rates by \$25.

COMMISSIONER ANAYA: Yes. I'm not against the enterprise fund but this doesn't seem like it's going to work.

CHAIRMAN CAMPOS: Well, the enterprise fund would be even higher than this.

COMMISSIONER ANAYA: Right. I know that.

CHAIRMAN CAMPOS: So you're still considering an enterprise fund at some point.

COMMISSIONER ANAYA: I think I need - then I would be against the enterprise fund.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: James, your 30 percent number that you mentioned, if this increase were approved we would be paying, or residents would be paying about 30 percent of the cost of the solid waste management? Or did Gerald mention that number?

MR. GONZALEZ: That's the approximate percentage that I got from Finance, assuming that we currently cover roughly 15 percent with the current fee.

COMMISSIONER SULLIVAN: Okay. So if we funded the entire solid waste management effort that would be, since we're talking about \$50 here per month, that would mean over \$150. Not per month. Excuse me, per year. And that's a pretty stiff shift to take. I was just looking at some of the others that you have on your list. For example, Las Cruces is \$127 a year. Bernalillo County is \$126. Los Ranchos de Albuquerque is \$132 a year. So clearly, most of these are well above what we're charging at \$25 a year. Now some of them, such as Santa Fe, include curbside pick-up. So we don't have that. Am I correct in these comparisons that it includes the curbside pick-up?

MR. LUJAN: Mr. Chair, Commissioner Sullivan, you're correct.

COMMISSIONER SULLIVAN: I notice also Dona Ana County and San Juan County are zero. So apparently they feel that that's a service that should be provided but of course they have a lot of oil and gas in San Juan County. And in Dona Ana they have a lot of retired people. Maybe they don't generate as much trash. I'm not sure. But in looking at the general New Mexico rates, they seem to be in the low to mid \$100s, \$120, \$130 a year, roughly in that category. And then you have a listing of out of state rates. Mesa, Arizona and

El Paso, Texas and so forth, that are almost all up in the \$200 per year range. Again, I don't know whether those include curbside pick-up or whatever.

I think that it is going to be difficult to ever get to a full enterprise fund point here until and unless we go to curbside pick-up and we do what the private sectors are doing now in providing curbside pick-up in these areas. Just to provide for a transfer station is not ever going to be a service that people are ever going to agree to pay \$150 a year for. So we're going to reach that point where we have to make that decision but we're probably not there yet. So those would be my feelings, Mr. Chair. I think a reasonable rate increase is certainly justifiable but I'm not certain unless we provide curbside pick-up we're ever going to get close to an enterprise fund situation.

CHAIRMAN CAMPOS: Okay, Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I think that one of the discussions that we had early on probably last year was that we needed to take a look at how this could become a self-sustaining business, if you will, in terms of it not impacting so much in the general fund as it currently is. And certainly one of the discussions was to have an enterprise fund, which I think is still a good idea at some point in time. Subsequent to something being published in one of the newspapers I received a number of phone calls as well. People opposing any sort of increase whatsoever in terms of the solid waste fees, the permits again.

I think just for me this proves the need to really look at how are we going to begin budgetarily working through all of the different issues that we deal with with the jail and now with the solid waste transfer stations. And look at the big picture, continuously say we need to look at the big picture and how are we going to address these needs? Is there an alternative to an enterprise fund? Those are just questions that I now have in terms of looking at alternatives to sustain what we currently have, because - I guess I have a question for either you, James, or Commissioner Sullivan. But how through curbside pick-up would it sustain itself more easily? I guess I'm not real clear. Because it would seem like there's more cost with curbside pick-up.

MR. LUJAN: Mr. Chair, members of the Commission, I think what Commissioner Sullivan was getting at is you're just offering them more of a service. People are not having to travel to transfer stations, you're picking it up at their site, at their residence.

COMMISSIONER MONTOYA: Is that cheaper?

MR. LUJAN: I ran it in Rio Arriba and it was a lot more costly, especially in rural areas. You're traveling ten, fifteen miles into a place just to pick one home, so it is cost-effective, versus them bringing it to you? I found that in Rio Arriba County it was very much more costly.

COMMISSIONER MONTOYA: Aren't they abandoning that pick-up now? I understand they are.

MR. LUJAN: I'm not certain.

COMMISSIONER MONTOYA: I spoke with Commissioner Corriz yesterday and they're abandoning home pick-up.

MR. LUJAN: It works very good in urban areas and where you have low cost

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curbside, but in rural areas it's really difficult to handle, to manage.

COMMISSIONER MONTTOYA: Some of the comments that I received from the people that called were saying, if you think you have a trash problem now, it's going to get worse in terms of the arroyos and the rivers. They seem to attribute a higher cost to more illegal dumping, basically, is what I'm hearing. If that's going to be the cost to our environment and our nature then I would probably have to at this point, until we look at some comprehensive budget planning, hold off in terms of an increase right now. That's just not what the constituents that I've spoken with have said would be something that would be beneficial to them.

Then part of this whole education process on the taxes, the reality is we all pay a lot of taxes and it all goes to educational institutions for the most part. If we're - and this goes to the GO bond that we were talking about earlier for the roads, and I already mentioned to Gerald and few other people, as far as I know, Pojoaque schools is planning on floating a bond issue for an additional educational facility come August or September. Are we going to be looking at floating a bond for roads or water around August or September, October? It doesn't matter from that point to whenever we - all they're going to think about is Oh, another bond. They're going to tax me more.

We really have to think about how we're going to do this thing and do it strategically so it makes sense to everyone and that it's going to benefit them. That's the bottom line. People are asking, What's in it for me, and we've got to let them know what's in it for them, how it's going to benefit them.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Well, I think the last time we had an increase, we had a public hearing and we published it more and got input from the community. And I think we increased it a little bit but we didn't double it.

MR. LUJAN: Mr. Chair, Commissioner Duran, it went from \$3 to \$25.

COMMISSIONER DURAN: That's what I said, we didn't double it.

MR. LUJAN: You're right.

CHAIRMAN CAMPOS: Just eight times.

COMMISSIONER SULLIVAN: We quintupled it.

CHAIRMAN CAMPOS: Are you suggesting a higher number?

COMMISSIONER DURAN: No, actually, I don't think we should increase it either.

CHAIRMAN CAMPOS: There's a way of not doing that. If we wanted to fund it all out of the general fund with the argument that if charge a fee we're going to charge trash all over the county, why don't we just pay it out of the general fund and decide we're going to cut \$500,000. And we can get it done out of general fund, and maybe some of the improvements that we need too, but we've got to make some hard decisions. We can't just - we talked about this and there was consensus at one time that we should increase it to \$50. I know there was some activity. We did get a lot of e-mails and phone calls and letters to the editor, but this Commission has also wanted to expand services in the sense of expanding hours

and that requires money and FTEs and how can we do both? Expand services but not provide the resources to do that?

It's like we're opting for the easier solution. We're talking about the future, the eighth and the one sixteenth. Hell, that's speculation. We need resources now. If we're going to expand hours, if we're going to do the capital improvements that need to be done to provide adequate services. We can't have it both ways. Let's give more services but let's not pay for them. That's kind of the way government always gets into trouble. We either have to bite the bullet or maybe reduce services if that's what you want to do. We can reduce services, we can take it out of general fund or we can work towards an enterprise fund. You have a choice, but let's make the right decision, not just the easy decision.

COMMISSIONER DURAN: Do we have a recycling program?

CHAIRMAN CAMPOS: At the County?

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: I think we do.

MR. LUJAN: Yes, we do.

COMMISSIONER DURAN: Does that generate any revenue?

MR. LUJAN: Not much. It's not generating hardly anything.

COMMISSIONER DURAN: Why not?

MR. LUJAN: Because of the demand of it. There's not much, where it's costing us basically more to get rid of it. Right now, I think in SWMA they're looking at turning the City's old transfer station and being able to turn it into a revenue generating item. But right now it's not.

COMMISSIONER DURAN: What happened to the idea, Mr. Chair, about providing curb service. Right now, curb service out there in the county is being handled by a private entity?

CHAIRMAN CAMPOS: A contract isn't it? Are you talking about that? A contract with Waste Management?

COMMISSIONER DURAN: Yes, they pick it up.

MR. LUJAN: Mr. Chair, Commissioner Duran, what it is is the individual residents have the option to pick up – to have a private contractor pick it up.

COMMISSIONER DURAN: What if we were to provide that service?

MR. LUJAN: That was a discussion earlier and Commissioner Montoya, that's what he was getting to. It would probably cost us more. It works fine in a locale that there's lots of homes, but in areas, southern, Edgewood, down in Stanley there where you have homes that are scattered, it costs quite a bit more. You're going to dedicate a truck just to go picking up just that one house.

COMMISSIONER DURAN: Well, does the private company that's doing this go out there?

MR. LUJAN: Definitely. They probably do. I'm sure they charge –

COMMISSIONER DURAN: And they're making money, right?

MR. LUJAN: Yes. They're charging about \$15, I think it's somewhere in

there, that they charge \$15 a month per resident when they contract out. That's \$15 a month.

CHAIRMAN CAMPOS: But they don't do the whole county. They look at subdivisions where there's groups of homes, I would think.

MR. LUJAN: I understand that you as a resident in the county can call up Waste Management, several of them, and I'm sure there's locales. They probably wouldn't want to go all the way up – I don't know where they're located at but depending on where –

COMMISSIONER DURAN: It's like \$65 or \$85 a month.

CHAIRMAN CAMPOS: Okay. We have choices. We can increase the fees or go to general fund or we can provide less services. What do you guys want to do?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: James, I know the last month or two we approved the operation hours for the Eldorado area, or the Eldorado transfer station so that we can be more in synch. We've got one open seven days a week in the northern part, we've got one open seven days a week. If we were to increase the fees to \$30 – and let me back up a second. Are we being able to pay for those FTEs now? Or do we need to figure something out to pay for them now and in the future?

MR. LUJAN: Mr. Chair, Commissioner Anaya, currently, we're paying for that position out of salary savings that I had from the two vacancies of the Manager and the Assistant Manager, I had a vacancy for six months. That will carry me to the end of the FY. After the FY, I've explained that when we increased the hours I will not be able to fund it. That was one of my building blocks in the budget for funding that FTE.

COMMISSIONER ANAYA: Oh, so you've got it in the building block right now.

MR. LUJAN: Correct.

COMMISSIONER ANAYA: So if we were to approve the one sixteenth general purpose GRT we could possible use some of that money to fund the Eldorado transfer station. Yes?

MR. LUJAN: I guess you could.

COMMISSIONER ANAYA: But if that doesn't go through, we want to be sure that that service stays open. So if we were to increase the fees by \$5, would that take care of that particular service to the community in Eldorado?

MR. LUJAN: Mr. Chair, Commissioner Anaya, at a \$5 increase, we would increase, at the current rate of number of permits sold, about \$37,000, \$38,000 a year. I think the FTEs that we were asking was somewhere in the neighborhood of \$28,000, \$29,000 with benefits. \$25,000, somewhere in there. \$25,000, I guess with benefits. So yes, to answer your question. A \$5 increase would generate another \$37,000, \$38,000, somewhere in there.

COMMISSIONER ANAYA: Okay.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One of the things I noticed in the proposed

ordinance was with the fee increase was that we're also asking for more services. We're asking in the proposed ordinance that we now provide permits to vacant lots. Which we don't do now. Is that correct, Mr. Lujan?

MR. LUJAN: Mr. Chair, Commissioner Sullivan, that is correct. What we're looking at is with this issue on the bark beetle and people clearing their properties on a vacant piece of land, they can buy a permit, so we're proposing that they would be allowed to purchase a permit, a residential lot. And the same with a second permit. We have a lot of requests through that year that some residents use up their first permit and would like to purchase a second one.

COMMISSIONER SULLIVAN: So what we're looking at here is kind of a double whammy, because first of all, we're losing 70 percent with every load of trash that we collect and so now we're allowing applicants to have two permits, so we're going to lose double the amount for those that use up those two permits, and then we have this real problem with the pinon die-off that people want to get rid of that trash and I think that's a very good justification for an increase and I'm sure there will be pressure to allow better services to provide that waste disposal and we'll say, yes, let's go ahead and do it, but where's the money to do that? That's going to be a tremendous additional burden on the existing waste management staff.

So I don't see how we can leave the rate where it is, provide twice as many permits ultimately, and in addition provide permits on vacant lots which is probably going to triple the total waste into the transfer stations, or maybe double it anyway, and say, gee, we can do this for \$25. I think the public would understand that we are providing more services and we are providing some health and safety needs in terms of that clean-up on the vacant lots. I think it's well justified.

COMMISSIONER DURAN: Mr. Chair. If you're through, Commissioner.

COMMISSIONER SULLIVAN: I'm finished. Thank you.

COMMISSIONER DURAN: What if we bumped it \$5, and then for the vacant lot permits, increased it to \$40 or \$50?

COMMISSIONER SULLIVAN: I'd say to \$250.

COMMISSIONER DURAN: For the vacant lots?

COMMISSIONER SULLIVAN: Have you ever seen how much trash one of those generate?

COMMISSIONER DURAN: I know. I know.

COMMISSIONER SULLIVAN: It's tremendous.

CHAIRMAN CAMPOS: Are you talking about pinons?

COMMISSIONER SULLIVAN: Yes. The volume, yes. Do you trip it? You trip it when it comes in, don't you?

MR. LUJAN: Mr. Chair, Commissioner Sullivan, yes. The thing about the waste coming in from vacant lots, if it's the brush, we're not sending it to the landfill, so we're not paying a tipping fee on it. But it is costing us to process it and chip it at our transfer stations.

COMMISSIONER DURAN: And where are you taking it from there?

MR. LUJAN: We're giving it away.

COMMISSIONER DURAN: And people are buying it?

MR. LUJAN: We give it away. They come for it and we load them up and they take it.

COMMISSIONER DURAN: But you're not stockpiling it?

MR. LUJAN: Well, we do have some stockpile. Currently, we're working with the DOT. The problem they had down in Milan with all that dust area, they're looking at ways of purchasing - well, not purchasing. They needed it. And they came and saw our stuff and they want to use it for the 84/285 Corridor for revegetation. So they're going to probably take most of it off our hands.

COMMISSIONER DURAN: So you're chipping -

MR. LUJAN: We want to look at a process eventually, maybe getting into it. We've been working with the Fire Department, this biomass way of processing it and eventually bagging it, trying to do something with it to sell if we can ever get that far.

COMMISSIONER DURAN: What happened to that guy that was going to turn it into biomass? Maybe that could be an enterprise fund for you.

CHAIRMAN CAMPOS: They're talking still about it. Local energy?

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: It's still in the planning stages. The engineers are in town and they're doing a lot of work on that.

COMMISSIONER DURAN: Just to get it clear in my mind, are you chipping the big pieces or the small pieces?

MR. LUJAN: Mr. Chair, Commissioner Duran, we're chipping it all.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: And you're keeping up with it, correct? I was by there the other day and I didn't see any brush. You pretty much had the machine shut down and you had the stockpile. So you guys are really keeping up with it and doing a good job. Every time I go dispose of my trash I do pick up a load of that stuff. It's good to keep the dust down. It's good to put around your tree wells so the water doesn't evaporate that fast. It's a good think and I'm glad we're giving it away to the public. And people are loading it up and taking it, which is good. But Mr. Chair, I want to make a motion and that would be that we raise the fees to \$30, that we do grant the residents another option, or grant them another option to purchase a second permit, and that we allow people who have a vacant piece of land to acquire another, to acquire a permit as well.

CHAIRMAN CAMPOS: Okay. The second permit would be at what price?

COMMISSIONER ANAYA: It would be the same price.

CHAIRMAN CAMPOS: Every single one of these would be at \$30.

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: So somebody could buy three permits.

COMMISSIONER ANAYA: No. Two. You couldn't buy more than two.
Right now you can't buy more than one.

CHAIRMAN CAMPOS: Okay, you buy one. You let them buy two.

COMMISSIONER ANAYA: If you buy one that has 24 punches, if they finish that, they can go back to the County and purchase another one for an additional \$30 to purchase another ticket with \$24 punches.

CHAIRMAN CAMPOS: What if they have a vacant lot?

COMMISSIONER ANAYA: If they have a vacant lot they can purchase a ticket for 24 punches, and they can go purchase a second one.

COMMISSIONER DURAN: What if they have ten lots?

COMMISSIONER ANAYA: If they have ten lots then they can purchase 20 tickets, two for each lot. If they have material that they need to get rid of and it's coming from that lot - we don't know what lot it's coming from, but they have the right to come pick up their -

MR. LUJAN: Mr. Chair, members of the Commission, what it would do is they have to have it addressed through our E-911 addressing, so a person could have ten lots but as long as it's an addressed lots. The residential, I want to clarify that it be a residential lot, not commercial.

COMMISSIONER ANAYA: That's my motion.

CHAIRMAN CAMPOS: Your comments?

MR. LUJAN: Mr. Chair, members of the Commission, this is a public hearing, so I believe you have to open it up for public comment.

CHAIRMAN CAMPOS: Your comments to the motion.

MR. LUJAN: My comments? I'm fine with it.

CHAIRMAN CAMPOS: You're fine with that.

COMMISSIONER DURAN: Have a seat.

CHAIRMAN CAMPOS: That's the easy way out.

COMMISSIONER DURAN: I move to table this, Mr. Chair. I think we need more time to discuss our options. I think there's a lot of possibilities out there, and I think we need to wait.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Hold on. There's an issue of timing though. There's a printing job that needs to be done soon, right?

MR. LUJAN: Mr. Chair, Commissioners, we need to start selling permits come the beginning of June, I believe.

CHAIRMAN CAMPOS: So that's why this should be done, so we could address the issue in a timely fashion.

COMMISSIONER DURAN: So let's do something that's irresponsible so we don't have a printing problem.

CHAIRMAN CAMPOS: We could do it responsibly by increasing fees, going

to the general fund or reducing our services. These are the choices. We can't increase our services and keep the prices down. You can't do that.

COMMISSIONER DURAN: I'm not sure that the \$30 for the vacant land is adequate. I'm not sure that \$250 is either but I think we need to know what kind of fee adequately covers a vacant lot. And for people with more than one lot. If they can buy one permit, can they use that for the vacant lot? Do they use it to bring trash in from another lot? I don't -

CHAIRMAN CAMPOS: It's difficult. I think we need to act -

COMMISSIONER DURAN: Well, there's a motion and a second.

CHAIRMAN CAMPOS: There is a motion and a second to table which means that we're not going to discuss anything.

COMMISSIONER DURAN: There's no discussion, I'm sorry, on a table.

CHAIRMAN CAMPOS: I know but you did all the discussion.

COMMISSIONER SULLIVAN: He'll strike all his discussion, right.

COMMISSIONER ANAYA: Mr. Chair, so did my motion die from lack of a second?

CHAIRMAN CAMPOS: Motion to table can precede any motion.

COMMISSIONER SULLIVAN: Wait a minute. To a time certain. To when?

CHAIRMAN CAMPOS: It doesn't matter. We're not going to be able to print.

COMMISSIONER DURAN: The next meeting.

COMMISSIONER ANAYA: We can't do it. When do they need to know? Today?

MR. LUJAN: Mr. Chair, yes, today is the drop-dead date if we want to make any increases to the program.

COMMISSIONER DURAN: Why?

MR. LUJAN: Because we need to print the punch cards to have them ready for July 1 sales.

COMMISSIONER DURAN: That's like 60 days away.

MR. LUJAN: Sixty days, I think we're May 30th right now, the 25th. The 31st is Monday.

COMMISSIONER DURAN: Well, why don't you go to another printer?

Who's printing?

MR. LUJAN: I don't have the vendor here, but it's a process. We've got to send out our flyers.

COMMISSIONER ANAYA: So if we table it, then we leave the fee the same, \$25. We leave everything the same.

CHAIRMAN CAMPOS: That's the effect. We've done nothing but increase services.

MR. LUJAN: Mr. Chair, Commissioners, you're saying increase services, the only thing that we have increased to date is the hours at Eldorado transfer station.

CHAIRMAN CAMPOS: That's right.

MR. LUJAN: When we say selling of a permit to a vacant lot, that waste, it's mostly brush. We're not sending trash and we're not processing it and sending it and paying a tipping fee at the end, at Caja del Rio. So the only thing we have into it is manpower and equipment and we already have the chippers. That's what we're doing with greenwaste. So that is not such a big increase to the impact. The tipping fee is the bottom line, what we're paying, the more trash that is generated. The brush is not generating - costing us to process. Or paying a tipping fee, shall I say. We're not disposing of it. We're processing it and giving it away. As you recall, the Commission purchased two chippers this last year. We have an investment of approximately \$500,000.

COMMISSIONER DURAN: James, what's the cost of printing this project?

MR. LUJAN: Mr. Chair, Commissioner Duran, I don't have the price on the cost. We're printing about 8,000 permits so it does take some time. I don't have the number here.

COMMISSIONER DURAN: Is it \$500? \$5,000?

MR. LUJAN: I imagine it's probably closer to \$1200, somewhere in there. Because we're printing, we also send out a flyer starting June 1st, letting them know that the new year is coming up and they need to come and purchase their permits. We start that tomorrow, which shows in there the increase in fee, if there's going to be.

COMMISSIONER DURAN: Why do you have to notify them?

MR. LUJAN: So they know to come in. They see the process has been going on.

COMMISSIONER DURAN: If they don't have another punch left on their thing they're not going to know.

MR. LUJAN: It makes it more difficult. They drive to the Stanley transfer station, they get there and they say We didn't know about it. But I still have two punches left on my old pass. Can we use them? By ordinance they can't.

COMMISSIONER DURAN: Why not?

MR. LUJAN: The ordinance was created that way. This has been in the process long before I got here.

COMMISSIONER DURAN: It sure isn't a very solution-oriented discussion here.

CHAIRMAN CAMPOS: It ain't going that way either.

COMMISSIONER MONTOYA: I withdraw my second.

MR. LUJAN: Mr. Chair, Commissioner Duran, trash is not a friendly conversation any time.

COMMISSIONER DURAN: I withdraw my table.

COMMISSIONER SULLIVAN: On the issue of vacant lots, the problem is still unresolved that those vacant lot permits are not distinguishable from the normal permits, correct? They're permits. Okay. So that your big single cost is tipping fees. Those vacant lot permits can be used as trash permits. They don't have to necessarily be brush. You can get a vacant lot permit next door to your neighbor and let him use your permit or whatever you want,

so I don't think we can assume that the vacant lot permits are all going to be brush. They can be chipped on site with manpower and equipment. Some of those are going to be trash that requires tipping fee and that manpower and equipment needs money and breaks down and needs gasoline so this is not a free service. I don't see how we can go into all these extra services and not consider some modification to the rate.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I would like to make a motion that we allow for the purchase of a second annual residential waste disposal permit and add a new section to allow owners of vacant residential lots to purchase residential waste disposal permits, and that we also maintain the hours that we currently have. And maybe I shouldn't say "maintain." We're probably going to have to go back to previous hours that we have that were not impacting the budget the way they are. At this point, I can't support a rate increase. So I think the only solution from Mr. Chair's menu is to cut back hours, right?

CHAIRMAN CAMPOS: Reduce services?

COMMISSIONER MONTOYA: Reduce services.

CHAIRMAN CAMPOS: Okay. We can do that.

COMMISSIONER MONTOYA: So that's the choice that I would propose.

CHAIRMAN CAMPOS: We either pay for it or reduce it. We've got to pay for it somehow. Okay, that's a motion.

COMMISSIONER MONTOYA: That's my motion, that we reduce services to where we were before we got in the situation where we're now looking at -

CHAIRMAN CAMPOS: There's a motion that says reduce service hours, keep it at \$25, and you're talking about Eldorado essentially.

COMMISSIONER MONTOYA: Well, I think we were talking about Eldorado and Jacona, right?

MR. LUJAN: Mr. Chair, Commissioner Montoya, Jacona has always been open seven days a week, eight hour days. That's the only one that was. We used to close Eldorado, all the others would close two days a week.

COMMISSIONER MONTOYA: That's my suggestion then in terms of the motion, along with the second - to allow for the purchase of a second permit, and to allow for vacant residential lots to purchase a permit.

CHAIRMAN CAMPOS: At the same rate?

COMMISSIONER MONTOYA: Well, there's no recommendation on this, as far as a residential lot permit. What would your recommendation be on that, James?

MR. LUJAN: Mr. Chair, Commissioner Montoya, we've had a lot of requests for vacant residential lots to get permits and it has posed a problem, both in Finance - she's been abused that Why can't we get a permit, so I would recommend that we do that. Those are the ones that a lot of it's going into arroyos. They're taking it to another location.

COMMISSIONER MONTOYA: At what rate?

MR. LUJAN: I'm fine with whatever the Commission goes with. I don't have a process number there.

COMMISSIONER MONTOYA: Ten bucks.

CHAIRMAN CAMPOS: Five. Just give it away. Come on. Do the extra.

MR. LUJAN: Well, I would recommend keeping it at \$25. We will work with the Commission to keep providing those services. I've got to continue solid waste and that is not going to go away.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Is there a second? Okay there's no second.

Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would have seconded that motion but I didn't want to lose the services that we already had in the Eldorado transfer station. But unless you're willing to give up your seven-day operation in Jacona, then it would be fair for us. But I think we worked hard to try to get that seven days open down there and up here and that's why I wanted to increase it by \$5 so we could continue having those services in the Eldorado transfer station. You didn't second mine because I raised it five dollars, but give and take. I'll support you if you support me.

COMMISSIONER SULLIVAN: Mr. Chair, let me make a motion. And I think we do need a public hearing. But we have a proposed ordinance in the packet. This ordinance includes the residential permits that are mentioned. It includes the two permits per year allowed, and it does include the \$50 fee. And I would support that proposed ordinance that's in the packet, or the changes to the existing ordinance if it's appropriate for a motion at this time I would move for approval of those changes to the solid waste ordinance.

CHAIRMAN CAMPOS: You're saying two permits, \$50 each.

COMMISSIONER SULLIVAN: Yes, as per the recommended changes that are in your packet, which includes the vacant residential lots, the two permits and it does include the fee increase of \$50.

CHAIRMAN CAMPOS: Okay, I'll second that, but we do have a public hearing. Is there anyone out there who would like to address this issue. Okay, no one having come forward, the public hearing is closed. There's a motion. There's a second. There's discussion.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: What is the typical tonnage that an individual brings in on the permit that they are - for \$25 they get a permit right? That's 25 times?

MR. LUJAN: Twenty-four times.

COMMISSIONER DURAN: Twenty-four times. Do you weigh the stuff when it comes in?

MR. LUJAN: Mr. Chair, Commissioner Duran, no. The only station we have a scale at is Eldorado. The other stations do not.

COMMISSIONER DURAN: Okay, so there's no way of determining how much -

MR. LUJAN: It's all weighed once we load it in -

COMMISSIONER DURAN: But not individually.

MR. LUJAN: No, not on site.

CHAIRMAN CAMPOS: Okay. Any other discussion?

MR. ROSS: Mr. Chair.

CHAIRMAN CAMPOS: Sir. County Attorney Ross.

MR. ROSS: Mr. Chair, members of the Commission, I've been looking through the ordinance while we've been having this discussion and I think there's a technical defect in it. Nowhere in here is the price set for the residential refuse permit. So I think if we're going to have a motion that passes at some point we're going to have to address that. My suggestion would be that we, under Section 10.A we add a third section that provides that refuse permit fees may be – refuse permits may be purchased for _____. Insert whatever number you arrive at, per permit. Something along those lines. It's not in here anyway. I don't find it.

CHAIRMAN CAMPOS: I think the motion was clear that that would have to be added because the motion says \$50.

MR. ROSS: I think the fees in the present ordinance may be unenforceable because they're just not in here anywhere.

COMMISSIONER DURAN: Any further discussion?

COMMISSIONER ANAYA: I'm definitely against the \$50 increase.

The motion to approve the ordinance as presented, allowing for two permits per residential lot, vacant lot permits, and the fee set at \$50 per permit failed by a 2-3 voice vote with Commissioners Sullivan and Campos voting in favor.

CHAIRMAN CAMPOS: Okay, any other motions? Okay, I guess we're not going to do anything about our situation.

COMMISSIONER DURAN: I'll make a motion.

CHAIRMAN CAMPOS: Go ahead.

COMMISSIONER DURAN: I make a motion that we increase the fees to \$30 and the vacant lot permit to \$50. Going once.

COMMISSIONER ANAYA: Mr. Chair, I'll second that if you include the second permit for the person – for a second permit for a residential –

COMMISSIONER DURAN: At \$30.

COMMISSIONER ANAYA: At \$30. So they can buy two permits if they wanted to at \$30, and for the vacant lot, \$50.

COMMISSIONER DURAN: It would be \$30 and \$50. So they could get two.

COMMISSIONER ANAYA: They could get two.

COMMISSIONER DURAN: One of them would be two residentials and one would be a residential and a vacant lot.

COMMISSIONER ANAYA: They could do that. Yes.

CHAIRMAN CAMPOS: That's reckless.

COMMISSIONER ANAYA: Do you understand, James?

MR. LUJAN: Yes, I do.

COMMISSIONER SULLIVAN: Mr. Chair, I'm not clear on the vacant lot permit. Is the first one, Commissioner, \$50 and then there's a second one, if they want to buy a second one is \$30? Is that your -

COMMISSIONER DURAN: No. Right now they buy a permit for \$25.

COMMISSIONER SULLIVAN: Right now the vacant lots can't buy permits.

COMMISSIONER DURAN: No, no. We're talking about increasing -

COMMISSIONER SULLIVAN: Residential.

COMMISSIONER DURAN: To \$30.

COMMISSIONER SULLIVAN: To \$30, and the second permit is \$50?

COMMISSIONER DURAN: If it's a vacant lot.

COMMISSIONER SULLIVAN: So any vacant lot permit is \$50.

COMMISSIONER DURAN: Right.

COMMISSIONER SULLIVAN: And any residential permit would be \$30.

COMMISSIONER DURAN: But in any case they can't have more than two.

COMMISSIONER SULLIVAN: Any one address can't have more or any one person can't have more than two? It's done by addresses. Isn't that correct, James?

MR. LUJAN: Mr. Chair, you have to show proof of ownership and an E-911 address has to be assigned to that lot.

COMMISSIONER SULLIVAN: So one address gets one permit now, or two permits under the proposed, so that address is either vacant or it has a structure on it. Either way.

MR. LUJAN: That's correct.

COMMISSIONER SULLIVAN: So what you're saying is if it's a vacant lot it's \$50. But they can still have two permits if they want. Or no?

COMMISSIONER DURAN: Yes, because they have a house and a vacant lot.

COMMISSIONER SULLIVAN: No, there is no such thing. If you have a house you have an improved lot.

COMMISSIONER ANAYA: No, there's such thing.

COMMISSIONER DURAN: No, no. If I have a house in Eldorado -

COMMISSIONER SULLIVAN: Oh, you own a vacant lot. Sure. Okay. But you're saying, say, I own a house and so I buy a \$30 permit. I have a vacant lot over here. I can buy another permit and that one would be \$50.

COMMISSIONER DURAN: Right.

COMMISSIONER SULLIVAN: But I can only buy two permits.

COMMISSIONER DURAN: Right.

COMMISSIONER SULLIVAN: What if I have three lots?

COMMISSIONER DURAN: I don't know. Is there a problem with giving them another permit?

COMMISSIONER SULLIVAN: You said there's only two.

COMMISSIONER DURAN: I'm trying to limit it to keep the cost of –

COMMISSIONER ANAYA: It's a permit for warranty deed.

COMMISSIONER SULLIVAN: But he's saying to limit it to two per individual.

COMMISSIONER DURAN: Right. And maybe we should do that for now, but maybe there's a commercial permit that we could give to somebody. Someone that has like multiple lots. And then maybe those lots are – because it's no longer residential and investment, it's like a commercial use. And maybe those would be \$250. But I'm not making that as part of my motion right now. That could be an amendment. So right now, my motion is \$30 for residential use and \$50 for vacant land.

COMMISSIONER SULLIVAN: And you can get a maximum of two permits.

COMMISSIONER DURAN: Right.

COMMISSIONER SULLIVAN: Whether it's a combination of two improved lots or two vacant lots or one improved and one vacant, no matter how you want to mix and match.

COMMISSIONER DURAN: Let me ask one question. How many, right now, what could I go get?

MR. LUJAN: Mr. Chair, members of the Commission, Commissioner Duran, right now the ordinance allows you to purchase one permit per year.

COMMISSIONER DURAN: Okay, then I think what I'd like to talk about, Commissioner Anaya, what's wrong with just having one residential lot, one residential permit and one vacant lot? What kind of scenario do you imagine getting two residential lots?

COMMISSIONER ANAYA: Because there's people that go to the dump more than – they want an additional 24 – they want an additional ticket because they run out earlier than most other people.

COMMISSIONER DURAN: Okay. I'm okay with that.

COMMISSIONER ANAYA: So if you were to say, \$30 per each ticket, they can only purchase up to two, so that's 48 punches per year if they had to, \$30 a ticket.

COMMISSIONER DURAN: For residential?

COMMISSIONER ANAYA: For residential.

COMMISSIONER DURAN: If they have a vacant piece of property, my question to you is they're probably not going to generate as much trash as the residents, so why not keep it the same, or a vacant property would be less than \$30.

COMMISSIONER DURAN: Okay, I'm okay with that. Keeping it at \$30.

COMMISSIONER ANAYA: So \$30, \$30.

COMMISSIONER DURAN: \$30, \$30, \$30.

COMMISSIONER ANAYA: Okay.

COMMISSIONER DURAN: I understand it now. Plus if they're chipping it and they're hauling it out, then there is no impact.

COMMISSIONER ANAYA: I'll second that.

CHAIRMAN CAMPOS: Okay, there's a motion and a second. Any discussion?

The motion to set the fee for a refuse permit at \$30, with one additional ticket allowed plus a vacant lot failed by 2-3 voice vote with Commissioners Duran and Anaya voting for.

COMMISSIONER DURAN: Move for adjournment.

CHAIRMAN CAMPOS: Well, it looks like the most pathetic discussion we've ever had here.

COMMISSIONER DURAN: No, no, no. There's been others.

CHAIRMAN CAMPOS: Worse than this? I think this is the worst I've experienced in the last couple years.

COMMISSIONER SULLIVAN: I can think of a few.

COMMISSIONER ANAYA: Mr. Chair, are we going to solve this or are we just going to leave it at \$25?

CHAIRMAN CAMPOS: Does that mean that it stays at \$25 if we do nothing?

COMMISSIONER MONTOYA: Yes.

MR. LUJAN: Mr. Chair, members of the Commission, it stays the same.

COMMISSIONER DURAN: All the services stay the same.

COMMISSIONER ANAYA: And all the services stay the same.

CHAIRMAN CAMPOS: Well, it's up to the budget. We've got to pay for this budget.

COMMISSIONER SULLIVAN: You can one permit and no vacant lot.

CHAIRMAN CAMPOS: You've got to pay with fees, general, gross receipts or reduce your services. You can't have a free lunch. That's what it comes down to.


COMMISSIONER ANAYA: I tried to raise it \$5.

CHAIRMAN CAMPOS: Five dollars is nothing. That's it. No action. This meeting's adjourned. Thank you.

ADJOURNMENT

Chairman Campos declared this meeting adjourned at approximately 5:10 p.m.


Approved by:

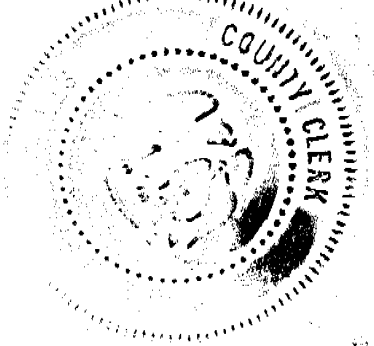

Board of County Commissioners
Paul Campos, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 07/02/2004