

2623027

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

**June 24, 2003**



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

1283.624  
COUNTY OF SANTA FE } 85  
STATE OF NEW MEXICO  
I hereby certify that the instrument was filed  
for record on the 14 day of July A.D.  
20 03 at 1:04 o'clock P.M.  
and was duly recorded in book 2623  
page 027-140 of the records of  
Santa Fe County  
Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, N.M.  
[Signature]  
Deputy

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS COUNTY ADMINISTRATION BUILDING

REGULAR MEETING  
(Administrative Items)  
June 24, 2003 - 10:00 a.m.

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**Amended Agenda**

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
  - A. Amendments
  - B. Tabled or Withdrawn Items
- V. Approval of Minutes
- VI. Matters of Public Concern - Non-Action Items
- VII. Matters from the Commission
- VIII. Committee Appointments/Reappointments/Resignations
  - A. Appointment to the La Cienega Development Review Committee (LCDRC)
  - B. Appointment to the Health Policy and Planning Commission
  - C. Resignations to the Maternal & Child Health Planning Council
- IX. Presentations
  - A. Presentation and Request Approval of the Scope of Work for the Santa Fe County Long Range Facilities Needs Assessment
  - B. Presentation by Employee of the Quarter Committee for Employee of the Quarter - July 1, 2003 - September 30, 2003
  - C. Presentation on Santa Fe County Water Utility Customer Usage and a Status Update on the "Wheeling Agreement" Initiative
  - D. Resolution No. 2003 <sup>83</sup>A Resolution Requesting the New Mexico State Transportation Commission Dedicate a Highway Bridge on NM 106 in Santa Fe County by Naming it the "Freddie I. Branch Bridge" AMENDMENT
- X. Consent Calendar
  - A. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-63 for Microfilming Services for the Santa Fe County Clerk's Office (Clerk's Office)
  - B. Request Authorization to Enter into Amendment #2 to the Price Agreement #22-0045-CL with Professional Document Systems for Microfilming Services for the Santa Fe County Clerk's Office (Clerk's Office)
  - C. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-64 for Recording/Stenography Services for the Santa Fe County Clerk's Office (Clerk's Office)

*May 17, 2003  
May 27, 2003 w/ am. committee*

*all appointments*

*Rosemary Bailey*

*Amended*

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- D. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #23-0033-IN with Presbyterian Medical Services for Maternal and Child Health Adolescent Confidential Reproductive and Mental Health Services (Community & Health Development Department)
- E. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #23-0032-IN with La Familia Medical Center for Maternal and Child Health Perinatal Promotora Outreach, Health Education and Service Coordination for Child Deliveries (Community & Health Development Department)
- F. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #23-0031-IN with Edith L. Powers for Coordination of Maternal and Child Health Programs (Community & Health Development Department)
- G. Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #22-0023-IN with Las Cumbres Learning Services, Inc., to Provide Santa Fe County with Parent-Infant Therapeutic Mental Health Services (Community & Health Development Department)
- H. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #23-70 for the Noise Retention & Retaining Walls for Santa Fe County Housing (Community & Health Development Department/Housing Services Section)
- I. Request Authorization to Enter into a Memorandum of Understanding #24-0015-DW with the City of Santa Fe for DWI Compliance Monitoring Services (Community & Health Development Department/DWI Program)
- J. Request Authorization to Enter into a Memorandum of Understanding #24-0016 with the City of Santa Fe for DWI Clerical Services (Community & Health Development Department/DWI Program)
- K. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #22-0059-III with Heart Hospital of New Mexico for the Delivery Hospital Care to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$100,000 for Services (Community & Health Development Department)
- L. Request Authorization to Enter into Amendment #2 to the Professional Service Agreement #22-0060-III with Presbyterian Hospital for the Delivery of Hospital Care to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$25,000 for Services (Community & Health Development Department)
- M. Request Authorization to Enter into Amendment #1 to the Professional Service Agreement #23-0134-IN with Albuquerque Regional Medical Center Hospital for the Delivery of Hospital Care to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$25,000 for Services (Community & Health Development Department)
- N. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #22-0062-III with the University of New Mexico Health Sciences Center for the Delivery of Hospital Care to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$85,000 for Services (Community & Health Development Department)

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- G.** Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #22-0063-III with Ayudantes Incorporated for the Delivery of Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$70,000 for Services (Community & Health Development Department)
- P.** Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #22-0066-III with Recovery of Alcoholics Program Incorporated for the Delivery of Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$220,000 for Services (Community & Health Development Department)
- Q.** Request Authorization to Enter into Amendment #5 to Professional Service Agreement #22-0067-III with Rio Grande Alcoholism Program Incorporated for the Delivery of Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$93,000 for Services (Community & Health Development Department)
- R.** Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #22-0068-III with Una Ala Clinic for the Delivery of Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$22,000 for Services (Community & Health Development Department)
- S.** Request Authorization to Enter into Amendment #4 to Professional Service Agreement #22-0070-III with Health Centers of Northern New Mexico for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$20,000 for Services (Community & Health Development Department)
- T.** Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #22-0071-III with La Familia Medical Center for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$460,000 for Services (Community & Health Development Department)
- U.** Request Authorization to Enter into Amendment #5 to the Professional Service Agreement #22-0075-III with Women's Health Services for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$128,630 for Services (Community & Health Development Department)
- V.** Request Authorization to Enter into Amendment #1 to the Professional Service Agreement #23-0178-1N with First Choice Community Healthcare/Mountain and Valley Regional Health Center for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term for Another year and Allocate Compensation in the Amount of \$35,000 for Services (Community & Health Development Department)

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- W. Request Authorization to Enter into Amendment #2 to the Professional Service Agreement with the Santa Fe Boys and Girls Club (Community & Health Development Department)
  - X. Request Approval of Amendment #3 to the Professional Service Agreement with Maternal and Child Health Care Contract Between Santa Fe County and the New Mexico Department of Health in the Amount of \$177,108 (Community & Health Development Department)
  - Y. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-81 for the Indefinite Quantity Uniforms for the Santa Fe County Fire Department (Fire Department)
  - Z. Resolution No. 2003 - A Resolution Requesting an Increase to the Recreation Fund (217) to Budget Prior Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Manager's Office)
  - AA. Request Authorization to Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder IFB #23-80, for Janitorial Supplies for County Facilities (Project & Facilities Management Department)
  - AB. Request Authorization to Award a Professional Services Agreement to the Lowest Responsive Bidder IFB #23-68, for Digital Map Annotation Services for the Santa Fe County (Project & Facilities Management Department)
  - AC. Request Approval and Execution of Amendment #1 to the Professional Services Agreement with Gannett, Fleming, West, Inc. for Location Study and Preliminary Design of the South Meadows Road Project (Public Works Department)
  - AD. Request Approval of an Amendment to the Cooperative Severance Tax Agreement for Road Improvements to County Road 70-A from the New Mexico State Highway and Transportation Department (NMSHTD) (Public Works Department)
  - AE. Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #21-0009-8D with Ralph W. Lopez for the Services of Region III Coordinator, to Extend the Term and Compensation for the Last Year of the Agreement (Sheriff's Office)
  - AF. Request Authorization to Accept and Award a Multiple Price Agreement to the Lowest Responsive Bidders for IFB #23-68 Indefinite Quantity Uniforms for the Santa Fe County Sheriff's Office (Sheriff's Office)
  - AG. Request Authorization to Enter into Amendment #2 to the Professional Service Agreement #23-0006-UT with Charlie C de Baca for Project Manager Services for Santa Fe County Entrada La Cienega and Paseo C de Baca Waterline System Extension Improvements Project (Utilities Department)
- XI. Staff and Elected Officials' Items
- A. Administrative Services Department
    - 1. Request Approval and Adoption of Policies and Procedures Established by the Santa Fe County Health Insurance and Portability Act (HIPAA) Committee to Ensure Compliance with the Health Insurance and Portability and Accountability Act of 1996 Section 160, The Privacy Rule
  - B. Finance Department
    - 1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-88 for

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Emergency Medical Services Medical Director for the Santa Fe County Fire Department (Fire Department)

C. Protect and Facilities Management Department

1. Approval of the Final Working Guidelines for the Cerrillos Hills Historic Park Management Plan
2. Request Authorization to Accept and Award a Professional Service Agreement with the Highest Rated Respondent in Response to RFP #23-40, Architectural/Engineering Services for the Agua Fria Community Center
3. Request Authorization to Accept and Award a Professional Service Agreement with the Highest Rated Respondent in Response to RFP #23-49, Document Imaging Project for Santa Fe County  
WITHDRAWN

D. Matters from the County Manager

1. Moved to Presentations
2. Request Authorization to Enter into A Professional Service Agreement with Pajoque Valley Schools for the Summer Recreational Program
3. Update on the Santa Fe County Economic Development Park

E. Matters from the County Attorney

1. Executive Session

a. Personnel Issues AMENDMENT

b. Discussion of Pending or Threatened Litigation

- i. Jack R. Paule, M. June Paule, James A. Meyer, Marilyn K. Meyer, Paul Chavez, Connie Chavez, Nancy Williams and Camilla Trujillo vs. Santa Fe County Board of Commissioners, Estevan Lopez, and Skyhigh Communications, LLC
- ii. Water Rights Purchase and or Acquisition - Kelly Trust Water Rights Purchase AMENDMENT

XII. PUBLIC HEARINGS

A. Fire Department

1. Ordinance No. 2003-<sup>5</sup> An Ordinance Adopting a County Fire Protection Excise Tax TO BE HEARD @ 10:00 AM
2. Resolution No. 2003-<sup>6</sup> A Resolution Calling for Election to Approve Ordinance Adopting a County Fire Protection Excise Tax TO BE HEARD @ 10:00 AM

B. Protect and Facilities Management Department

1. First Public Hearing on the 2004-2008 Santa Fe County Infrastructure Capital Improvement Plan

XIII. ADJOURNMENT

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

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

June 24, 2003

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

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

**Members Present:**

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

**Members Absent:**

[None]

An invocation was given by Reverend Dr. Linda C. Day an Interfaith Minister from the certified Holistic Life Church

**IV. Approval of the Agenda**

- A. Amendments
- B. Tabled or withdrawn items

CHAIRMAN SULLIVAN: We have a revised agenda. Gerald, would you like to take us through that?

GERALD GONZALEZ (County Manager): Be glad to, Mr. Chair. Under item IX. Presentations, we have an addition. That's a resolution requesting the New Mexico State Transportation Commission dedicate a highway bridge on New Mexico 106 in Santa Fe County by naming it the Freddie I. Branch Bridge.

Then at the end of the agenda, on page 5 under Section XI, that particular matter was moved from Matters from the County Manager to the front because we're going to be having

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some guests to speak this morning. Under Matters from the County Attorney, we have, under executive session, the addition of personnel issues and the addition of water rights purchase and or acquisition, the Kelly Trust water rights purchase.

Then, under Public Hearings, just a note. Hearings number one and two under Fire Department have been advertised so that they would be heard approximately at 10:00 am so we've made the note on the agenda.

CHAIRMAN SULLIVAN: So, Gerald, you recommending then that items XII, A, 1 and 2 be moved up to the front of the agenda.

MR. GONZALEZ: That would be my recommendation, Mr. Chair.

CHAIRMAN SULLIVAN: It's now close to ten so probably we could do that right after we finish the approval of the agenda. Is that okay with everyone? Okay, I don't see any problems there. Are there any other additions or corrections from the Commission? If not, do we have a motion?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER DURAN: Second. Motion for approval and second.

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

**XII. Public Hearings**

**A. Fire Department**

**1. Ordinance No. 2003-5, An Ordinance Adopting a County Fire Protection Excise Tax**

STAN HOLDEN (Fire Chief): Mr. Chair, Commissioners, thank you. We've had this discussion on previous occasions. Today is simply to have a public hearing on the adoption of the Commission's adoption of an ordinance adopting a fire protection excise tax for Santa Fe County. It's actually a renewal because the existing tax sunsets December 31<sup>st</sup> of this year. It is proposed through the resolution that the Commission approve the ordinance and call for an election in conjunction with the statewide special election which will be held September 23<sup>rd</sup>. Again, we've discussed this previously and so Mr. Chair, in lieu of any questions from the Commission, I would stand for any questions and would allow for any public comment that the audience might have.

CHAIRMAN SULLIVAN: Questions from the Commission for Chief Holden? Chief, just briefly how does this money get distributed?

CHIEF HOLDEN: Mr. Chair, specifically what we do as the Fire Department is we prepare a five-year plan, which will come back again before the Commission. The Commission will adopt the five-year plan which calls for the distribution of the quarter percent fire excise tax monies to the individual fire districts, who will then utilize the money for purchasing ambulances, rescue squads, fire trucks, for operating expenses such as training and that type of thing. But it's all inclusive in the five-year plan



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which the Commission adopts.

CHAIRMAN SULLIVAN: Okay, and that comes to the Commission for approval.

CHIEF HOLDEN: That's correct.

CHAIRMAN SULLIVAN: Okay, then we have a public hearing on this ordinance. Is there anyone who would like to speak on behalf or in opposition to the ordinance adopting a County fire protection excise tax, or I guess extending it is a more accurate word?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I have a question for Stan. How much money do we receive a year on this excise tax, approximate?

CHIEF HOLDEN: Mr. Chair, Commissioner Anaya, approximately \$1.3 to \$1.4 million. It depends on again, how the economy is doing because it is a gross receipts tax.

COMMISSIONER ANAYA: And we receive that -- this has been in place for the last ten years?

CHIEF HOLDEN: It's been in place since 1993. That's correct.

COMMISSIONER ANAYA: And each year we get \$1.3, \$1.4 million.

CHIEF HOLDEN: That's correct.

CHAIRMAN SULLIVAN: And my understanding, Stan, this is in only in the county, as distinguished from the City. Is that correct?

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

CHAIRMAN SULLIVAN: So this is not a tax on the city. Although we have inter-agreements with the City.

CHIEF HOLDEN: It's not inclusive of the City of Santa Fe and in the Town of Edgewood, the Town of Edgewood has imposed a quarter percent gross receipts tax, which through a joint powers agreement, with the Department of Finance and Administration, we then collect that quarter percent gross receipts tax to provide fire and rescue and EMS services to the Town of Edgewood.

CHAIRMAN SULLIVAN: Okay, I did not see anyone or notice anyone, but let me ask one more time. Is there anyone who would like to speak on behalf of this ordinance?

COMMISSIONER ANAYA: Mr. Chair, I have another question.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: On this, Stan, is this for public safety or is it just for fire?

CHIEF HOLDEN: Mr. Chair, Commissioner Anaya, it's just for fire. The state statute requires that it be spent specifically for fire/rescue services.

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

CHAIRMAN SULLIVAN: Okay. Any other questions from the

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Commission? Okay, we'll close the public hearing. I don't see any others.

COMMISSIONER MONTOYA: Mr. Chair,

CHAIRMAN SULLIVAN: Commissioner Montoya. Questions, comments.

COMMISSIONER MONTOYA: Stan I had two ordinances in my packet. Is there any difference, one from the other? I couldn't note any.

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, without looking at them I couldn't tell you. The ordinances and the resolution came from the attorney's office directly so unless I -- would you like me to review them quickly?

COMMISSIONER MONTOYA: If you don't mind. Like I said, I didn't note any changes.

CHAIRMAN SULLIVAN: One's a resolution and one's an ordinance.

COMMISSIONER MONTOYA: I have two ordinances.

CHAIRMAN SULLIVAN: Oh, you have two ordinances?

COMMISSIONER MONTOYA: And I also have a resolution.

CHAIRMAN SULLIVAN: Oh, okay.

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, after reviewing the documents, the one document is the one that was used as the proposed ordinance, just for the Commission's purview in the last couple of meetings, the BCC meetings that we had, just to give you an example of an ordinance, a proposed ordinance. The second one is the actual ordinance that has come from the attorney's office for adoption and includes the exhibit.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN SULLIVAN: I have two also and so what we're acting on is the ordinance that has a resolution and says Exhibit A on it, I believe. Is that correct?

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

CHAIRMAN SULLIVAN: That's the operative word. Further questions for staff or Chief Holden?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Stan, could you clear that up one more time for me, now that I see the two ordinances?

CHIEF HOLDEN: Yes, sir. Mr. Chair, Commissioner Anaya, the one ordinance that was included I would only suspect by mistake was the one that we had presented previously just as an example of the previous ordinance that had been adopted by the Commission. And the one that has Exhibit A is the one we're asking the Commission to adopt today.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Let me clarify something with staff. Are we also passing this resolution? It seems that we already passed a resolution on this. Or not? We have a Resolution 2003-\_\_\_ and we have an Ordinance 2003-\_\_\_.

CHIEF HOLDEN: That's correct. Mr. Chair, specifically, the resolution

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that you're referring to is the one that calls for the election. The resolution previously called for the public hearing notice so that we could advertise to give public notice and advertise the title and general summary of the ordinance. This resolution calls for the actual election.

CHAIRMAN SULLIVAN: Okay, that's the next agenda item. So we're not acting on the resolution right now. We're acting on the ordinance. Further questions for Chief Holden? If not, what's the pleasure of the Commission with regard to Ordinance 2003-5.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

CHAIRMAN SULLIVAN: Motion for approval from Commissioner Duran.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And second from Commissioner Campos. Is there further discussion?

The motion to approve Ordinance 2003-5 passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan voting in the affirmative.

XII. A. 2. Resolution No. 2003-84, A Resolution Calling for Election to Approve Ordinance Adopting a County Fire Protection Excise Tax

CHAIRMAN SULLIVAN: This is the resolution Stan just alluded to calling for an election to approve the ordinance adopting a County Fire Protection Excise Tax. Any additional information you want to add on this resolution, Chief Holden?

CHIEF HOLDEN: No, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. This is also a public hearing. Is there anyone in the audience who would like to speak with regard to this resolution which calls for an election with regard to the County Fire Protection Excise Tax? Seeing no one, we'll call that hearing closed and are there questions from the Commission? Seeing no questions, what is the pleasure of the Commission?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya and a second from Commissioner Montoya.

The motion to approve Resolution 2003-84 passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Thank you. Keep up the good work.

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V. Approval of Minutes: May 13, 2003

CHAIRMAN SULLIVAN: Let's start with the first set. We have minutes of the Board of County Commission meeting May 13, 2003. What's the pleasure of the Commission?

COMMISSIONER MONTOYA: Move for approval, Mr. Chair.

CHAIRMAN SULLIVAN: Motion for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Second from Commissioner Duran, motion by Commissioner Montoya. Any discussion, additions, corrections?

The motion to approve the May 13<sup>th</sup> meeting minutes as submitted passed by unanimous [5-0] voice vote.

May 19, 2003

CHAIRMAN SULLIVAN: We also had a set of minutes from a study session on May 19, 2003. This had to do with the economic development park.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I was absent. I didn't attend that meeting, so I'd have to abstain.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Motion for approval from Commissioner Anaya. I'll second the motion since I was present. Is there discussion?

The motion to approve the May 19<sup>th</sup> meeting minutes as submitted passed by unanimous [4-0] voice vote. [Commissioner Campos abstained from the vote.]

May 27, 2003

CHAIRMAN SULLIVAN: Are there additions or corrections to these?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Before I second, I do have a couple of corrections. Second.

CHAIRMAN SULLIVAN: Okay, Commissioner Montoya seconds and has some administrative corrections. Would you like to give those to the recorder?

COMMISSIONER MONTOYA: Sure.

CHAIRMAN SULLIVAN: Then we have a motion with amendments recommended by Commissioner Montoya.

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The motion to approve the May 27<sup>th</sup> meeting minutes with corrections passed by unanimous [5-0] voice vote.

**VI. Matters of Public Concern - Non-Action Items**

CHAIRMAN SULLIVAN: Are there individuals in the audience who would like to address the Commission on Matters of Public Concern? Seeing none, we'll move to the next item. I believe we have some individuals here who are here with regard to the presentation item IX. D, regarding the naming of the highway bridge on New Mexico 106. Who's here for that today? It's up to the Commission. Would you like to move to do that now at this point in time?

COMMISSIONER DURAN: I'd like to make that motion, to move it forward to now.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay, there's a motion and a second. It will be next item on the agenda then. We'll move now to item IX. D.

**IX. Presentations**

**D. Resolution No. 2003-85. A Resolution Requesting the New Mexico State Transportation Commission Dedicate a Highway Bridge on NM 106 in Santa Fe County by Naming It the "Freddie I. Branch Bridge"**

CHAIRMAN SULLIVAN: Would staff like to begin on this item?

MR. GONZALEZ: Mr. Chair, this was originally listed under matters from the County Manager. There's a great distinction and honor to be able to bring forward this resolution on behalf of the family of Freddie I. Branch and I will ask Joe Maestas to begin the presentation on behalf of the family. As a Vietnam veteran myself I just consider it a distinct honor to be able to bring this forward at his request.

CHAIRMAN SULLIVAN: Councillor Maestas, nice to have you here.

JOE MAESTAS: Nice to be here. Mr. Chair, members of the Commission, Mr. Gonzalez, Becky, how are you? It's an honor to be here today to stand before you. I'm simply here in support of a community grassroots effort to recognize a fallen hero from the community of Sombrillo. His name is Freddie I. Branch. Again, he was lost in the Vietnam War. There's some key information about Freddie in the resolution itself and I'm not going to go through that but I think what I would like to say basically is the community, not the family, basically, brought this effort to light and wanted to have this very small, modest bridge named after Freddie, who was a valued member of the community, who touched the lives of many people, who was thrust into a position upon losing his father to serve as the head of household

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and went off to fight for his country and again, we want to carry on his memory by renaming this bridge. What this does today, Mr. Chair, members of the Commission, would basically begin a formal process that's a requirement from the Highway Commission policy. They basically require that the appropriate local governing body adopt a resolution of recommendation to rename or dedicate a highway or a bridge after individuals of national prominence and of course we feel that Mr. Branch meets that criteria. So upon taking action on this resolution, the next and final step would be to take this request before the transportation Commission to rename this bridge.

So again, I think at this point I would like to, if I could, Mr. Chair, yield the floor to Mr. Dennis Vigil. He is Freddie Branch's uncle. He has a few words to say about Freddie and I think it would be most appropriate that he do it. I am simply here as a facilitator for the community to carry this issue forward and I guess in closing I just want to say that I am deeply appreciative of your efforts to take this issue on and advance it to the Transportation Commission and I also especially want to recognize Mr. Gonzalez who again is a Vietnam vet and understands, I think, the gravity of this and how meaningful this is to the community. He was the first casualty of Sombrillo and so with that, Mr. Chair, if I could, yield the floor to Freddie I. Branch's uncle, Mr. Dennis Vigil.

CHAIRMAN SULLIVAN: Mr. Vigil. Thank you, Councilor.

DENNIS VIGIL: Thank you, Joe and thank you members of the Commission for giving me this opportunity to be here today to give you a little insight on my nephew Freddie Branch. I would also like to thank the friends and neighbors that are here today on behalf of this man. I am Dennis Vigil, the uncle of Freddie Branch and it's my pleasure and my honor to be able to stand before you here and tell you a little bit about my nephew.

Freddie I. Branch, the son of Annie V. Branch and the late Isidor Branch was born October 2, 1947. He lost his father when he was very young and took the responsibility of being the man of the house at a very young age. He attended Holy Cross School and later on went on to St. Michael's where he graduated in 1965. He enlisted in the Marine Corps that year at the height of the Vietnam War. He received his boot training at the Marine Recruit Depot and his advanced training at the Marine Corps Base at Camp Pendleton, California.

He was shipped out to Camp Hance in Okinawa where he joined the First Engineer Battalion, Third Marine Division. He went to Vietnam and on the night of May 17, 1966, Lance Corporal Freddie Branch was killed by enemy fire. For his unselfish service to his country, Freddie received the Purple Heart, the Military Medal, the Gallantry Cross with Palm, and three posthumous decorations from the South Vietnamese government. This is briefly a short account of Freddie and by granting a dedication of this bridge, I think it will highly honor his family and the name of Freddie Branch. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Vigil.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Just a moment, Commissioner Montoya. Did we also have some Romeros here that you wanted to introduce?

COMMISSIONER MONTOYA: Yes, I would like to, Mr. Chair.

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CHAIRMAN SULLIVAN: Okay, Commissioner Montoya. Go ahead.

COMMISSIONER MONTOYA: I would like to recognize essentially the people that helped catalyze and initiated the effort, Joe Romero and Matilda Romero, if you would please stand up. As well as Frank Romero, Ronald Romero, and is Amy Romero in? And I didn't get Daryl Romero. These are the people that helped catalyze the effort and thank you, Mr. Vigil, also. This is in my district and I definitely support your efforts. Thank you. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you all for coming this morning. We appreciate your being here to honor this veteran. Okay, we have a staff presentation, is there discussion or comments from the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'm glad to see the Councilor and Dennis Vigil, that was very nice of what you read about your nephew and the Romeros here. It's good to see that people, we don't forget. And when you do something like this it means a lot to the people in the community. So I thank you all for going forward with this.

CHAIRMAN SULLIVAN: Other comments or questions?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a similar comment to Commissioner Anaya. I think we're honoring a courageous man who died at a very young age serving the nation. And I think we need to do that. We need to remember that we have people like that serving the country. I want to thank Mr. Vigil and the Romeros for doing this, for remembering. Thank you very much.

CHAIRMAN SULLIVAN: We also have several veterans on the Board of County Commissioners who appreciate the service and the sacrifice that was made by this gentleman. Other comments, questions from the Commission? If not, what's the pleasure of the Commission with regard to Resolution 2003-85?

COMMISSIONER MONTOYA: Mr. Chair, does this have to be read for the record?

CHAIRMAN SULLIVAN: It doesn't have to be but if you'd like to, go right ahead.

COMMISSIONER MONTOYA: Okay, if I may. And the resolution reads, A resolution requesting the New Mexico State Transportation Commission name state highway bridge #8366 on New Mexico 106 in Santa Fe County the Freddie I. Branch Bridge. Whereas, Freddie I. Branch, born October 2, 1947 was the only son of Annie V. Branch and the later Jaldor Branch, and brother to Lorraine Branch Socol; and

Whereas, Freddie I. Branch assumed the responsibility of supporting his family upon the early death of his father; and

Whereas, he grew up in Sombrillo and attended Holy Cross School and graduated from St. Michael's High School in 1965; and

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Whereas, upon graduation he voluntarily enlisted with the United States Marine Corps, completed his advanced training and became a member of the First Engineer Battalion at the height of the Vietnam War as a Lance Corporal; and

Whereas, on the night of May 17, 1966, Lance Corporal Freddie I. Branch was killed by enemy mortar fire; and

Whereas, for his unselfish bravery he was awarded the Purple Heart, the Military Medal of Honor, the Gallantry Cross with Palm, and received three posthumous decorations from the government of South Vietnam; and

Whereas, the people of the communities of Sombrillo and Santa Cruz have petitioned a memorial in honor of Freddie I. Branch; and

Whereas, Freddie I. Branch was Sombrillo's first casualty of the Vietnam War, Now, therefore be it resolved by the Santa Fe Board of County Commissioners that it supports the petition of the communities of Sombrillo and Santa Cruz that it request the New Mexico Transportation Commission name the existing highway bridge #8366 on New Mexico 106, which is in Santa Fe County over the Santa Cruz River, the "Freddie I. Branch Bridge" and that it commits to install and maintain appropriate signs in accordance with the manual on uniform traffic control devices at no cost to New Mexico State Highway and Transportation Department.

And with that, Mr. Chair, I would move for approval of this resolution.

CHAIRMAN SULLIVAN: I'll second that motion. Is there discussion?

The motion to approve Resolution 2003-85 passed by unanimous (5-0) voice vote.

MR. GONZALEZ: Mr. Chair, there was also a request from the family and the proponents of the resolution to take a picture with the Commission before they left.

#### VII. Matters from the Commission

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, the only thing that I have is I've been attending a few meetings in my district and the thing that keeps coming up is traffic going through small communities. And I know we don't have an ordinance on speed bumps or speed humps but maybe we need to start talking about it. I know they said that they might be a liability for the County. But the traffic going through these small communities, they're speeding through there and I'd like to see if maybe the Public Works Director could look into it and see what we can come up with, Mr. Chair.

CHAIRMAN SULLIVAN: Mr. Lujan, any comments you'd like to add?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a question for Commissioner Anaya. What



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communities have you identified with these problems? I know I have a community that has a lot of problems with speeders.

COMMISSIONER ANAYA: The Village of La Cienega, the Village of Gallateo, the Village of Madrid. I know that's a state road, but there's concerns there. Those are the villages that -- and Agua Fria.

COMMISSIONER CAMPOS: Is there strong community consensus for this kind of traffic calming there?

COMMISSIONER ANAYA: Well, the communities that I've met with and talked about, their concerns are how to slow the traffic down. So that's why I'm bringing it up to the Commission.

COMMISSIONER CAMPOS: Okay. Great.

COMMISSIONER MONTROYA: Mr. Chair, on that point.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTROYA: I also have had a number of requests, just to identify Nambe, Pojoaque, Rombrillo, parts of Chimayo as well, with this same concern, Mr. Chair, and I totally agree and I think I asked someone at some point to start looking into whether or not we should look at some sort of a traffic calming ordinance. And I would say that there's strong community support. There's certain neighborhoods right now gathering petitions requesting we look into this as an ordinance for Santa Fe County.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I agree that something needs to be done to slow the traffic down. I'm a little concerned about the speed humps, the signs that are associated with those speed humps. If you look at Garcia Street on the east side they have like four or five speed humps there and what used to be a very historic and beautiful tree lined street is now lined with speed hump signs. I'd like for the Commission to consider maybe another option and that would be, in other communities outside of New Mexico actually, they have radar cameras and those cameras take pictures of speeders and you mail them a ticket. And that ticket, I think the revenues from that ticketing process could pay for that technology and our historic communities get to maintain their beauty. I just really have a concern about having all these signs up there. Because if we're going to put speed humps up, you have to warn the drivers that there are speed humps there. And I actually have been thinking about this for a while and I was wondering if we could ask the Public Works Director to check with the Sheriff's Department, see if there might be -- see what those units cost, what kind of legislation needs to be enacted in order to allow us to do that. And I think that if the fines are substantial enough that it will definitely slow them down.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Commissioner, I agree with you. You take a nice country road and you fill it with signs it doesn't look too nice. The reason I brought this up is so that maybe we could come up with some kind of idea, and that's a good idea. I heard that last night at a community meeting. But if we could investigate and see what we could come up

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with to kind of slow the traffic down in these small villages. The concern is the children playing and hopefully nobody will get hurt in the meantime while we're looking into it. But that's an issue. And I agree with yours.

CHAIRMAN SULLIVAN: Mr. Lujan, some comments?

JAMES LUJAN (Public Works Director): Mr. Chair, members of the Commission, in 2002 we did bring an ordinance forward on traffic calming. It failed by the Commission at that time. We will continue looking into it. Other issues, the signboard that Commissioner Duran is talking about, we have a vendor that we're currently talking with on that issue. Dan Rydberg, Traffic Engineer and myself went to a traffic calming class two weeks ago in Boulder, so there's some other issues. The item is it's a costly item and we at that time figured it was probably going to be about an additional \$800,000 per year on the budget, just maintenance and the building of them.

So we'll look into that, we'll bring that forward and we'll show you exactly what can be done and the costs of it.

CHAIRMAN SULLIVAN: I think Commissioner Duran wasn't just thinking of a signboard. I think he was thinking of actually enforcement videos that I know have been tried in some of the larger cities.

MR. LUJAN: It's a traffic board and it's exactly what we're looking into, but we would coordinate with the Sheriff's Department. Dan Rydberg is currently talking to a vendor. They want to come out and demo one to us and take a look at it.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I'm not suggesting that we tap the general fund for this. I think that the revenues that we would generate. I hate to call them revenues, but the fines that we would generate could pay for the technology needed to have this in place. The other thing I would like for you to check into is whether or not we would need to have some legislation passed. Is it an ordinance, County ordinance? Is it going to take some state legislation? And if so, let's try and find a sponsor for it.

MR. GONZALEZ: Mr. Chair, Commissioner Duran, I understand the City of Albuquerque had some legal issues with their ordinance so we made need to have some legal research done on the issue as well.

CHAIRMAN SULLIVAN: Okay. Thank you, Mr. Lujan. Commissioner Anaya, anything further?

COMMISSIONER ANAYA: That's it, Mr. Chair. Thank you, James.

CHAIRMAN SULLIVAN: Okay, Commissioner Duran.

COMMISSIONER DURAN: James, while you're there --

CHAIRMAN SULLIVAN: About that pothole.

COMMISSIONER DURAN: About two years ago, maybe 18 months ago, the Village of Agua Fria asked for a stop sign at Henry Lynch and Agua Fria and this Commission, not this Commission but a previous Commission denied that request. And now in our ICIP that I see that we're asking for a stop sign. So the reason for denying it the last time was that it didn't support stop signs and I'm usually confused. If it didn't support stop signs, how can it support a

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stoplight?

MR. LUJAN: Mr. Chair, Commissioner Duran, at that time we did a traffic analysis, a TIA, and traffic counts, and it did not warrant a stop sign. Now that Rufina has opened up the movements and a lot more traffic is going through there. So the traffic warrant study is up. The numbers and the volumes are up through that intersection.

COMMISSIONER DURAN: Could you give us a fiscal analysis of what it might cost just to put the sign up? I'm not sure if we're going to get the state to approve the stoplight but if they don't, they feel is that we're going to need some kind of stop sign. Something to keep the traffic, from -- to allow traffic, to allow cars to enter onto Agua Fria.

MR. LUJAN: Mr. Chair, Commissioner Duran, the state would not be involved on that one. It's not a state road any more. It would be coordinated with the City and the County. Henry Lynch is a portion of the city and Agua Fria is the County's.

COMMISSIONER DURAN: What are the possibilities of getting a stop sign there? Stoplight?

MR. LUJAN: Why don't I look into the warrants? I'll meet with the City and see if we can probably do that, first set up the stop sign at the intersection and then move forward later with the funding for a traffic signal.

COMMISSIONER DURAN: Okay. And then my last question. The Public Works Facility, are we anywhere near starting construction on that?

MR. LUJAN: At the present, no, we're not.

COMMISSIONER DURAN: And the hold-up is --

MR. LUJAN: I'll refer to Tony on that. That's their project. I'm just the renter.

COMMISSIONER DURAN: You're just the tenant?

TONY FLORIS (Project Manager): He's the tenant, yes. To answer your question, no, we are not under construction. We are currently at construction document phase. The issue remains on the total funding for that facility. If you recall, last July I brought forward an update when we were in the schematic design phase for the new facility and that time a statement of probably cost was \$4 million over budget. I was given direction by this Board to go back, refine the scope of services, refine the schematic. We are still meeting with the Finance Department to find out where we can cover the shortfalls in the budget, the construction costs for the Public Works Facility.

We have completed the phase I environmental assessment for the existing facility in anticipation of your direction last year to see about the potential of selling the existing facility to offset the construction costs or the remaining construction cost deficit for the new facility. So that's where we are today.

COMMISSIONER DURAN: And where's the environmental assessment on that?

MR. FLORIS: We received the environmental assessment on Friday. The phase I was completed and it was the recommendation of Clerie's GeoScience that we do not have to proceed with any further assessments of the properties. They have listed some concerns or areas of potential deficiencies that we have to correct if we proceed with the disposition of

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the property.

COMMISSIONER DURAN: So then the next step would be to get an MAI appraisal on it?

MR. FLORES: Mr. Chair, Commissioner Duran, that's correct.

COMMISSIONER DURAN: So perhaps you should bring it forward for the Commission to decide what we need to do or give you direction on that. What I'm wondering, at the same time you bring that forward, could you also bring the plans to the Public Works Facility to us so that the Commission might be able to help you scale that thing down.

MR. FLORES: Mr. Chair, Commissioner Duran, I'd be happy to bring forward the plans. However, it has been scaled down to bare bones today. Any further cuts in the facility would make it non-functional, for either the Public Works Admin component or the maintenance component for the facility. But I'd be happy to bring those plans forward.

COMMISSIONER DURAN: So then the money that we have plus the money that we might be able to sell the Gallateo property for would be adequate to complete the project, based on the scaled down version that you have now?

MR. FLORES: Mr. Chair, Commissioner Duran, depending on the received appraisal, which we can proceed with now after we get the environmental assessment. That will determine the fair market value of the property. Based upon that number, we would then compare that to the latest statement of probable cost to see where the deficiencies are, if any. I can't answer that at this time.

COMMISSIONER DURAN: What's the shortfall on the scaled down version?

MR. FLORES: Four million dollars.

COMMISSIONER DURAN: Oh, you're not going to get \$4 million out of that Gallateo property. So we're just going to sit here and twiddle our thumbs until the money comes out of that -

MR. FLORES: Mr. Chair, Commissioner Duran, no, we're not sitting twiddling our thumbs. We are moving forward.

COMMISSIONER DURAN: Where's the money going to fall out of?

MR. FLORES: There are a couple of options.

COMMISSIONER DURAN: What are they?

MR. FLORES: We discussed about going back out and applying for a loan to be able to offset the costs.

COMMISSIONER DURAN: The loan would come from who?

MR. FLORES: Potentially through the New Mexico Finance Authority. We've also looked at existing facilities bonds to see if any balances remain out of the Public Safety Complex and other facilities that were constructed or repaired under that bond. Public Works sale or disposition of that. Those are three options that we have right now.

COMMISSIONER DURAN: My only concern is that we're operating right now out of a facility that is much less than \$4 million and we've been working on this thing for four or five years. When was the bond issued on that? Do you recall?

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MR. FLORES: Mr. Chair, Commissioner Duran, the bond was issued in 2001.

COMMISSIONER DURAN: But we've been working on it much longer than that, I think. So my concern is that maybe - I still would like for the Commission to look at the plans, get involved with staff on scaling that thing down and participate in that process.

CHAIRMAN SULLIVAN: Tony, would you like to provide Commissioner Duran with the latest set of plans? I remember when you brought them forward and we talked about the cost. This was a good six months or so ago.

MR. FLORES: Mr. Chair, we have been requesting actually coming back to the Board. I committed to come back to the Board at different stages to bring you updates. We have been pushing you back and back until we can get, one, the budget process finished off so that we would be able to devote the time through finance, through Public Works and through PFMD that we can come back and address that. It is our goal to bring this back quickly. I would be pleased to bring them individual plans as well as a presentation before the whole board.

COMMISSIONER DURAN: Why don't you get with me and bring me up to speed on it? That would be adequate for me and then if the other Commissioners want to know more about it they can contact you.

CHAIRMAN SULLIVAN: Well, then I think too we have an item on the agenda a little later about our facilities planning, additional facilities planning agreement.

COMMISSIONER DURAN: I think that's different from Public Works though.

CHAIRMAN SULLIVAN: An agreement for everything to be in one area. I'm assuming that that doesn't include the Public Works building.

MR. FLORES: No sir. That does not.

CHAIRMAN SULLIVAN: It's not clear according to that study. So we'll discuss that later. Anything else, Commissioner?

COMMISSIONER DURAN: No. Thank you very much. Thank you, Tony.

CHAIRMAN SULLIVAN: Okay, Commissioner Montoya. Any Matters from the Commission?

COMMISSIONER MONTOYA: Mr. Chair, just one and I would like for staff as well as this Commission to, in the future consider that when we look at budgeting, particularly in Public Works, that we take into consideration - I've had a number of requests and calls about people from the acequias and need to realize that this is a matter of sustenance for these folks in terms of their continued agricultural production. And at times we do need to provide culverts for these people, and I've talked to James about this, Gerald. So that when we do the budgeting that we look at doing this in the future because again, this is a huge issue in my district and one that I think needs to be appropriately funded and if we look at the gross receipts tax as a possibility, acequias are a water system, that we maybe look at that as a potential funding source as well. So I just wanted to bring

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that to the attention of staff and the Commission as well. That's all I had. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner Montoya. And there's also a possibility, maybe our staff could work - there's fairly good federal funding through the Corps of Engineers and others, I think for acequia restoration. Are we aware, do we participate in that, Mr. Gonzalez?

MR. GONZALEZ: We have not participated with any of the acequias that I know of in terms of the request for federal funding out of the Corps of Engineers and out of some of the alternate sources, like I think there's also a program that's run through the State Engineers Office. Commissioner Montoya is correct in that it's becoming a significant budget issue. What started out as I think giving a small assist eight or nine years ago has become sort of relied upon by the acequias on an annual basis. So it sort of produces a peak demand on Public Works which draws their folks away from other ongoing projects.

I suppose you could translate it into manpower in some respects and also some equipment kinds of issues. But I think there's also a governance issue. We may want to visit with the acequia association because to the extent that acequias tend to become dependent upon the County for their assistance, then in a sense it kind of weakens their own governance and I don't know whether that issue has been explored by the association. I know James and I would be willing to talk to Paula Garcia about that issue as well. So what appears at first blush to be just a quick, Let's jump in and help somebody who has a problem may have larger dimensions to it. And James may have some thoughts about that too.

MR. LUJAN: Mr. Chair, members of the Commission.

CHAIRMAN SULLIVAN: Mr. Lujan.

MR. LUJAN: What Gerald is talking about also, I think we need to include, Commissioner Montoya, the maintenance because it has become a big issue and not that we don't want to keep doing it but during times of rain, we do need that moisture to take care of our roads and we try to rely upon that because of water trucks but it does take away, but whatever direction we need to go into I'd like to get some clarification because it puts you in a spot, it puts us in a spot until we can resolve this.

Also I wanted to see what Finance has as far as the culverts, when we bring up the issue of giving them culverts, we the GASPE accounting and what we have to do for that portion of the accountability of those culverts.

MR. GONZALEZ: James and I have discussed the possible need for agreements with the acequias. At the very least, a hold-harmless if we are going to go in and provide culverts and some kind of assistance.

CHAIRMAN SULLIVAN: I was wondering, James, if we might start off at least with, perhaps with Commissioner Montoya's leadership, a meeting of several of the acequias and the Corps of Engineers to see exactly what assistance they can provide. I know we've worked in communities in the western part of the state where the Corps has

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done substantial acequia projects that have reduced the maintenance costs. They've done mining. They've done culverts. All but eliminated the maintenance costs on the acequias, all with federal funds. But you have to know who to ask and where to ask and when to ask. And those projects range in the hundreds of thousands of dollars each. I don't know, Mr. Lujan, if we've been investigating that.

MR. LUJAN: Mr. Chair, we will continue working on that and I would like to - and there's another involvement and component on that on is the Pueblos. Because a lot of the ditches start in the boundary waters of the Pueblos, Pojoaque and Nambe. So that's going to be another involvement that we need to involve.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I agree with Commissioner Montoya and I do have some acequia associations in my district so make sure we include them.

CHAIRMAN SULLIVAN: It's just a suggestion. Maybe we have an acequia conference as it were. And I think Gerald brings up a good point and that is these associations are fiercely independent, most of them, and they want to maintain their heritage and they want to maintain their control, their self control. So we do need to be careful how we begin to get involved in any long term commitments with them. Certainly helping with capital improvement costs would be a great way to reduce maintenance. And water losses as well.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, so I think if we can't do the work, at least we can try to help them get some money. I know there's monies out there to help the acequias. The suggestion that you made about coming together, I think that's a good one and we can sit down at least at the table and talk. Thank you.

CHAIRMAN SULLIVAN: Okay, anything further, Commissioner Montoya?

COMMISSIONER MONTOKYA: Not at this time, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos, Matters from the Commission?

COMMISSIONER CAMPOS: One item, and Mr. Lujan is here. That's good. 599 and 62. A ramp, an exchange, interchange? Maybe grade separated? That is something that I would like for this Commission to start thinking about and maybe we can get some direction from staff, from our County Manager, from Mr. Lujan, as to what we need to do to get some state funding and maybe some local funding to get this project as a priority. We're pushing a lot of our traffic in that direction. There are improvements to South Meadows. There's going to be a lot of traffic moving up in that direction. We only have stop signs up there. I think instead of going to the intermediate stage of signaling, using that money in a direct investment to an interchange. I think we need to talk about that, see if this Commission wants to make it a priority and see what guidance we get

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from staff in the next 30 days or so.

Because this is important. We've been talking in the RPA about money going to certain roads that are going to increase traffic count to this intersection. It's going to be a very dangerous place unless we do something now. That would be my suggestion. Mr. Lujan, do you have any comments?

MR. LUJAN: Mr. Chair, Commissioner Campos, I just wanted to do a follow-up with the meeting we had with a member of the Highway Commission, the request for a letter, those monies that were currently there for Caja del Rio. Did that take place?

COMMISSIONER CAMPOS: He did meet with department secretary Rhonda Fox and they had a conversation. He said that it went well. He said that he would try to present the issue to the Transportation Commission soon. They're having a meeting this week. That there are, I think, three or four new Commissioners coming on board. So I will follow up to see what Commissioner David Schutz is planning to do this week. In fact, I'll try to call him today.

MR. LUJAN: Mr. Chair, Commissioner Campos, and that goes along with the letter in the file. When they started building 599, that any improvements at 62 and 599 would be the responsibility of the Santa Fe County. So maybe that can start putting the program together so we can start using maybe possibly that funding and seeking other funds as well.

COMMISSIONER CAMPOS: What I'm suggesting is that we do need state participation. We need to change that basic decision to it will be a state-funded mostly, but I think we need local money too.

MR. LUJAN: Correct.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: What kind of bothers me is that we had \$1.3 million allocated for 599 and Caja del Rio and we didn't act on it and use that money and it got sent down to the southern part of New Mexico. And when we have opportunities like that we could jump at it so that we can improve our area around here. And now it was sent, I believe down south. Correct me if I'm wrong but that's what I heard.

MR. LUJAN: Mr. Chair, Commissioner Anaya, that is incorrect. That's the letter, Commissioner Campos, we met with David Schutz and he has held that up at the moment and asking that that money stay right here and that's what we're talking about of diverting possibly instead of for 599 and Caja del Rio that we may be able to use it at 62 and 599. So he has kicked off the letter and he's pursuing that as per the direction of the RPA and we're going forward with that and that's exactly what he's wanting to do with that.

COMMISSIONER ANAYA: Okay, that's great. I'm glad to hear that because I sure didn't want to have to lose that and the last I heard was that we had lost it.

MR. LUJAN: No.



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COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Okay. Commissioner Campos?

COMMISSIONER CAMPOS: That's it. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Just a couple of items from the Chair. We have

some of our Water Department staff here for our presentation in just a minute and I wanted to emphasize to the staff and to the public that we took some very important actions at the last Regional Planning Authority meeting in working together with the City to move forward water, open space and trails and also road projects that are that portion of the quarter percent gross receipts tax that we've allocated for regional projects. A key component of that, and I know Gerald has lots of things on his plate and here's another, is to come up, within 90 days with an operating, maintenance and management agreement with respect to, in particular the water projects that we've agreed to fund under those.

The City members of the RPA voted in favor of that. It was unanimous. And they understand, particularly Councilor Cross mentioned that he supported some type of an operational agreement with regard to the San Juan/Chama diversion project, and others in the City have expressed similar support for that. So I think the time is right to start the step here in what may ultimately be a regional water system, or at least some regional improvement of the regional water systems that we have in the city and in the extrajurisdictional zone. So we have 90 days and I want to encourage the staff to seriously work with the City on that. We'll be getting a status report on the wheeling agreement and that melds into that same issue too.

The second item that I had was that at one of our last meetings, I believe Commissioner Duran brought up the issue of the County Surveyor and Commissioner Anaya asked also, had a question as to what the County Surveyor did. I wonder, Gerald, if it might be appropriate - and the County Surveyor wasn't present and wasn't, apparently aware of that agenda item that was put on and called me about it, expressing some concern. I wondered, Gerald, if it would be appropriate if we have the County Surveyor come in perhaps the next administrative meeting and make a presentation on just what the duties of the County Surveyor are.

MR. GONZALEZ: Be glad to do that. We've also been in discussion with him about finding a space within some County facility for him as well. So I'm sure he'll be happy to address all of those issues with the Commission.

CHAIRMAN SULLIVAN: Okay. I think it will be appropriate to answer those questions that some of the Commissioners have.

The third item I had is you should have all received a copy of a letter dated June 16<sup>th</sup> from the State Highway and Transportation Department or what used to be called that. And it had to do with our concern about assuming that the costs of lighting at County Road 73 and the Camel Rock interchange. We'll get Mr. Lujan back here again. I wanted to know what direction the Commission wanted to give Mr. Lujan and Mr. Gonzalez to pursue this. I'm assuming you all are familiar with the letter. The question that came up about this lighting agreement was what's their authority to do the traffic signalization and

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lighting and then require the County to pay the costs of the utilities in perpetuity. And as I read the letter, and correct me if I'm wrong, Mr. Lujan, they indicated that basically it's department policy, and then they went on to indicate how the state statute enables them to promulgate that policy. So I guess if you want to change it you request that they change the policy. So that was my reading of the letter.

But I think we don't want to leave it lie for a month. We want to have some response. James, did you have some thoughts on that

MR. LUJAN: Mr. Chair, they didn't get the paperwork back in time to do legal review. We got it back the day of the packets. So what we're hoping to do is have it presented at the first meeting in July. They got it in, they didn't get it in with enough time for a review to see what the policy is, what the statute is. So that's what we are waiting for. And then again, we didn't sit down with them and to see if they really want to participate with the County and share the cost of the power. So none of that is taking place. We sent them the letter; this is what the response was.

CHAIRMAN SULLIVAN: I think the response was very timely. That's a good sign, and it was very complete. I think Mr. Velasquez lays out there policy, which is: It's department policy. And I guess maybe what the Commission's questions is, how do we change that policy. And is that appropriate to do. But if you are putting together your recommendations for the next meeting we can wait for that.

MR. LUJAN: Correct. We're going to start working on that. I know in the past they have participated with other entities on cost-sharing. I know for one, in the Village of Mora there's a traffic signal and it's paid by the Highway Department because the Village of Mora cannot pay it of course. But I think the direction was for us to look at possibly sharing the cost and we have not got to that point to see if they would even want to share the cost.

CHAIRMAN SULLIVAN: Commissioner Campos, you had a comment?

COMMISSIONER CAMPOS: A question for our County Manager. Is the State Highway or Transportation Department arguing that they have statutory authority to tell us to pay for these utilities? Is that the way the letter is written?

MR. GONZALEZ: That's sort of implied in the letter but we haven't uncovered the statutory provision that they seem to be relying on so that's going to require follow-up with the Highway Department.

COMMISSIONER CAMPOS: We have to do our own research too, I assume. Because that's the first question.

MR. LUJAN: Mr. Chair, Commissioner Campos, the letter is in legal and like I say, it just hadn't been reviewed the day of the information to put into the packet. But the letter is over at legal.

COMMISSIONER CAMPOS: Okay, so that's the first question. Do they have this authority to impose this? If they do one way we can handle it one way. If they don't - it is a policy issue and the Transportation Board is going to be - it's a lot of money all over the state if you think about it so it's going to be a battle between the local

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governments and the state government on who's going to pay what.

MR. GONZALEZ: One of the other issues, Mr. Chair, Commissioner Campos, with respect to the Tesuque intersection is that Commissioner Montoya rightly raised the issue of being sensitive to the Pueblo's needs and I think we do not want to insert ourselves unwittingly into an issue where Tesuque Pueblo might want to raise their own sovereignty concerns.

COMMISSIONER CAMPOS: Could you explain that to me a little bit?

MR. GONZALEZ: Yes. If the Highway Commission were to require that the County be a party without consulting Tesuque Pueblo itself and ensuring that the Pueblo felt comfortable with that, the County might somehow unwittingly become a party to an agreement or propose to become a party to an agreement to which the Pueblo might object because they may feel that they ought to have the standing to stand toe to toe with the Highway Department and enter into the agreement with them as a one-on-one agreement as opposed to a three-way agreement.

COMMISSIONER CAMPOS: Are you saying that the Pueblo might want to pay for the utilities?

MR. GONZALEZ: Well, they would have reimbursed us for the utilities in any event. The County was simply being brought into the agreement in order to be the payor to be subsequently reimbursed by the Pueblo is the way I understood the agreement.

COMMISSIONER CAMPOS: Isn't that the maintenance issue as opposed to the utility issue? I'm not sure.

MR. LUJAN: Mr. Chair, Commissioner Campos, it would be both. Paying the utility - no, I stand corrected. On that one, the Pueblo was going to pay for the power along with the Highway Department. We were going to be in charge of the maintenance of the luminaires. They would reimburse us. Just the luminaires, not the traffic signal.

COMMISSIONER CAMPOS: And the discussion at the last meeting, the last Commission meeting was that the County did not want to do that? That it was appropriate for the Tesuque Pueblo to contract for the maintenance of the luminaires?

MR. LUJAN: I wasn't at the meeting by understand that -

COMMISSIONER CAMPOS: Do you know what happened? But that doesn't implicate necessarily the bigger utility issue. Does it? Unless the Pueblo want's to say at certain intersections, they want to pay for the cost of the electricity. I think we're talking about two cases maybe we're confusing them.

CHAIRMAN SULLIVAN: There's two cases cited in the letter.

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioner Campos, at the last BCC meeting, the Commission decided not to enter into the agreement, the joint powers agreement with the State Highway Department and the Tesuque Pueblo for the maintenance of the luminaires at the US 285 and Camel Rock Casino interchange. Now the other issue that is being discussed today was the traffic signal and the luminaires at the County Road 73 and 285 interchange.

COMMISSIONER CAMPOS: Okay. That's how I remember it.

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**CHAIRMAN SULLIVAN:** Okay. So we'll do that and again, perhaps that might be better brought in the administrative meeting at the end of the month than the next meeting, unless there's some urgency that we deal with this. But I think we need to ask some questions here as to role and responsibilities of the counties are here, given the increased costs off maintenance of these intersection lighting and traffic signals. Begin a dialogue.

Okay, then the last item I had under Matters from the Commission was just to report to you on a meeting that the County Manager and I had with Carl Moore. As you recall we had a discussion in the last meeting about the 285 Corridor Plan in the Eldorado area and also the Simpson Ranch Community Plan. Gerald and I met with Carl Moore to get a little more information than was provided in his one-page letter that he presented at that meeting. And I just wanted to let the Commission know that one thing of interest came up during that meeting was, I think many of the Commissioners were concerned that six or nine subdivisions had contacted Mr. Moore to say that they wanted to be, they wanted to withdraw from participation in the Simpson Ranch process.

What Mr. Moore mentioned to us that he didn't mention at the meeting was that those members of those communities, those subdivisions had been contacted by members of the 285 Corridor Plan Committee or persons participating on it to request that they make that request to withdraw. So the issue is a little more complex than we received in the presentation. A very orchestrated presentation that we got. I think the final answer is not yet out there as to what's the best planning mechanism for that community out there and how they can work together to get to their goals. I was a little concerned that one party was being portrayed as the shining white knight and the other as the renegades and it appears there was a little bit of renegadeness on both sides there and we need to continue to monitor that. I just thought I'd bring that information forward that Mr. Moore himself offered during our meeting.

Those are the items that I have.

**REBECCA BUSTAMANTE** (County Clerk): Mr. Chair.

**CHAIRMAN SULLIVAN:** Becky.

May I make a comment? I think it's very important, on a discussion that just took place earlier.

**CHAIRMAN SULLIVAN:** Okay. Which item?

**MS. BUSTAMANTE:** Mr. Chair, Commissioners, when you were discussing the Public Safety Complex and the selling of the Galisteo project, I just think it's very important that you're aware that at the time that the design was thought of, the County Clerk's office participated because we store our machines at the Public Service building. We have a big warehouse there. It's not adequate and we need more space. We participated in the design and then all of a sudden the warehouse was taken out of the design. So we were not included. I kind of objected to it but they said that we would be able to take more space at the present location and when they moved out we would have more space at the location.

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So now that you're discussing selling the Gallisteo project, I just would like to make you aware that we will need a warehouse to store our machines and if you sell that Gallisteo property we've lost our warehouse and it's not included in the present Public Safety Complex. So I bring that to your attention and I hope that if you add anything you would add our warehouse. Thank you.

CHAIRMAN SULLIVAN: Okay, let's be sure, Becky, that that's considered in the facilities plan that we're going to be doing. We're going to be discussing that a little bit later here, that need for the storage of your machines, the secure storage is if not included necessarily in that building is included somewhere.

MS. BUSTAMANTE: Yes, that's what I just want you to be aware of.  
Thank you.

CHAIRMAN SULLIVAN: Okay, Tony, it looks like you had a comment on this.

MR. FLORES: Mr. Chair, members of the Commission, that has been taken into consideration at the new Public Works site for a new building to be located specifically and primarily for the use of the storage of the voting machines. So we have taken that into consideration.

CHAIRMAN SULLIVAN: That's still in the scaled down plan is what you're saying?

MR. FLORES: Yes, sir.

CHAIRMAN SULLIVAN: Okay, I think Commissioner Duran had a question.

COMMISSIONER DURAN: I was wondering, Gerald, if at the next administrative meeting you could ask COLTPAC to report to us on the status of projects that we've committed to, where we are in that process, how much money we have left and what has COLTPAC - just a report on the last several COLTPAC meetings, I think the Commission needs to be made aware of that.

MR. GONZALEZ: Be glad to Mr. Chair, Commissioner Duran.

COMMISSIONER DURAN: And then relative to the Simpson Ranch, Highway 285 Corridor Plan, I don't really consider the meeting that we had and the report that was given to us as portraying anybody as being a good guy or a bad guy. It was a plan that had been in the process for a number of years, was nearing completion and this Commission made a decision to allow that process to continue and be finalized. My understanding is the Simpson Ranch, people advocating the Simpson Ranch element of planning in that area were not - those ideas were not squashed, if they have some amendments or some ideas that they want to bring forward, they can be brought forward as an amendment to the 285 plan.

So I'm hopeful that this Commission doesn't have to go through another six months of trying to figure out what's going on out there. We made a decision and I really think that it's time that we let the process begin, and allow the amendments to come forward as they are brought forward.

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**CHAIRMAN SULLIVAN:** I think that's just the point, Commissioner, is based on that decision and I would encourage any and all Commissioners to attend any of the meetings out there. The last one I say out there and the last one I attended with former Commissioner Jesse Varela Lopez. But I think now it's incumbent on the corridor plan to take on a role of filling in those gaps that the Simpson Ranch plan would have otherwise filled in. And I think it can do that. I think that we can work - all along I was concerned that we had two plans but one had already started so we've continued on that one and started a second one. And I think that plan can be the prime plan as long as it includes other concerns that affect the contiguous areas. We'll see how it plays out and we'll get another status report I'm sure as it moves forward.

**COMMISSIONER MONTOYA:** Mr. Chair,

**CHAIRMAN SULLIVAN:** Commissioner Montoya.

**COMMISSIONER MONTOYA:** If I may just thank the elected officials for their faith in me and I want to thank Commissioner Anaya as well for allowing me to be elected to the New Mexico Association of Counties Board of Directors. I just want to thank everyone.

**COMMISSIONER ANAYA:** Congratulations.

**CHAIRMAN SULLIVAN:** Congratulations.

**COMMISSIONER DURAN:** I voted twice for you.

**CHAIRMAN SULLIVAN:** And there were no hanging chads, Becky? We were okay?

**MR. BUSTAMANTE:** No, I didn't vote twice.

**CHAIRMAN SULLIVAN:** All right. All eleven votes. I was counting eleven. That includes two judges. Is that it? Two judges can vote? How did we get to eleven that could vote?

**MR. BUSTAMANTE:** We have our County Surveyor who is an elected official.

**CHAIRMAN SULLIVAN:** Right. That's six, seven. Probate Judge, Treasurer.

**MR. BUSTAMANTE:** Treasurer, Clerk, Sheriff.

**CHAIRMAN SULLIVAN:** Oh, the Sheriff, I forgot the Sheriff.

**MR. BUSTAMANTE:** The County Assessor and the County Surveyor.

**CHAIRMAN SULLIVAN:** Okay. So there were eleven people that could vote.

**MR. BUSTAMANTE:** And ten voted.

**CHAIRMAN SULLIVAN:** Look at that. That's pretty good. Ninety percent voted. Okay, congratulations.

**COMMISSIONER MONTOYA:** Thank you.

**CHAIRMAN SULLIVAN:** That will keep you busy and out of trouble.

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**VIII. Committee Appointments/Reappointments/Resignations**

**A. Appointment to the La Cienega Development Review Committee (LCDRC)**

MR. ABBYTA: Thank you, Mr. Chair. All terms for the La Cienega Development Review Committee have expired. The following individuals have submitted resumes for the RCC to consider for the LCDRC vacancies. Jose Varela Lopez, who is an existing member and a CDRC member, Ivan Trujillo, who is an existing member, Camille Bustamante, existing member, C. C. Muraki, existing member, Danny Marmion, existing member. And we received two new names, Stephanie LeMaster and Robert Romero.

Requested action, the RCC may appoint four members from the names listed above to serve until 12/31/04, and three members to serve until 12/31/05. Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya, then Commissioner

Duran.

COMMISSIONER MONTOYA: I'd like to at least put out the names of Ivan Trujillo, Camille Bustamante, C.C. Muraki and Robert Romero for those positions.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Let's see. We have all five to appoint. Is that correct?

MR. ABBYTA: Mr. Chair, actually it's a seven-member board and we have seven names that have been submitted.

CHAIRMAN SULLIVAN: Oh, it's a seven-member board.

MR. ABBYTA: Yes.

CHAIRMAN SULLIVAN: Okay. Because I was going to say, we didn't have resumes from some of those. I didn't see one from Mr. Trujillo.

MR. ABBYTA: There's one from Mr. Trujillo, which is the second or third page.

CHAIRMAN SULLIVAN: I missed that one. Oh, there it is. You're right. So did everyone submit a resume?

MR. ABBYTA: Mr. Chair, yes. It's my understanding that there's either a resume or a letter of transmittal included in the packet.

CHAIRMAN SULLIVAN: Okay, well we have a motion for four to be appointed. Did we want to, did you want to consider all seven, Commissioner Montoya.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Let me see. Just let me get this motion clarified or did you want to -

COMMISSIONER DURAN: I want to speak to the motion.

CHAIRMAN SULLIVAN: Okay, we're not sure of the motion yet before we can speak to it.

COMMISSIONER MONTOYA: Well, it was four for the 12/31/04. There's

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four. I'm willing to -

CHAIRMAN SULLIVAN: Oh, I see. You want to have those four serve until 12/31/04 and then there's three that will be serving until 12/31/05.

COMMISSIONER MONTOYA: Right.

CHAIRMAN SULLIVAN: So your motion was for those four to take the position to serve until 12/31/04.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Okay, is there a second to that motion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I seconded it but now that he clarified it - so

the four -

CHAIRMAN SULLIVAN: Wait a minute. Now we have a second, discussion of that motion and I think Commissioner Duran was next then Commissioner Anaya.

COMMISSIONER DURAN: There's seven members and there's seven applicants.

CHAIRMAN SULLIVAN: But different terms.

COMMISSIONER DURAN: Right. So would you agree to amend your motion to approve all of them? And the four that you - it doesn't matter to me which of the four you selected. Could either take either the longer term or the shorter term. But then the ones that didn't take the longer or shorter term would take the positions of the other term.

CHAIRMAN SULLIVAN: Would you like to clarify that.

COMMISSIONER DURAN: Did that make sense to you.

COMMISSIONER MONTOYA: Yes. I just want to hear from -

CHAIRMAN SULLIVAN: Commissioner Anaya, go ahead.

COMMISSIONER ANAYA: Mr. Chair, I think that - okay, the four people that Commissioner Montoya appointed were for the shorter term. That was 2004. And then the three remaining are for the 2005.

CHAIRMAN SULLIVAN: Was that the intent of your -

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Say the four again, please. Mr. Trujillo -

COMMISSIONER MONTOYA: Trujillo, Bustamante, C.C. . Muraki and

Robert Romero.

CHAIRMAN SULLIVAN: And Robert Romero were for terms through December 31, 2004. Mr. Jose Vaz's Lopez, Danny Marmion and Stephanie LeMaster were to be terms until 12/31/05. Was that your intent?

COMMISSIONER MONTOYA: That was my suggestion but many I'll leave it open to discussion.

CHAIRMAN SULLIVAN: Okay. To Discussion. Well, that's a motion and



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a second. We'll have discussion. Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to maybe ask Commissioner Montoya if he would change a few names and include Jose Varela Lopez in the four. Let's see, if you included Jose, that would be him, then Camille.

COMMISSIONER MONTOYA: And change Romero to '05 maybe?

COMMISSIONER ANAYA: Yes, sir.

COMMISSIONER MONTOYA: Okay. I'd be willing to amend my motion to reflect that.

CHAIRMAN SULLIVAN: Okay, so we have an amended motion. I assume the second, Commissioner Anaya. Is that correct?

COMMISSIONER ANAYA: So that would, Mr. Chair, if you could clarify who's on '04 and who's on '05.

CHAIRMAN SULLIVAN: Okay, who's on first in '04, the current motion is Lopez, Trujillo, Bustamante, and Muraki. That's the motion for '04. And it would leave Marmion, LeMaster, and Romero to serve until '05.

CHAIRMAN SULLIVAN: That's the current motion. Discussion.

COMMISSIONER ANAYA: Mr. Chair. Could you say that one more time?

CHAIRMAN SULLIVAN: Certainly. The motion is for the members to serve through December 31 of '04 -- Jose Varela Lopez, Ivan Trujillo, Camille Bustamante and C.C. Muraki. To serve until 12/31/05, Danny Marmion, Stephanie LeMaster, Robert Romero.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I would ask Commissioner Montoya if we could change Ivan Trujillo and Stephanie LeMaster, so that Ivan could serve until 2005. Would that be okay?

COMMISSIONER MONTOYA: I'd be open to that, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, we have another amended motion with Trujillo serving until '05, and Stephanie LeMaster until '04. And a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay. Any other discussion? Does everyone understand the motion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So in 2005 we have Ivan Trujillo, Robert Romero and Danny Marmion.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: The current motion.

COMMISSIONER ANAYA: I'm okay with that.

CHAIRMAN SULLIVAN: Any further discussion?

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The motion to appoint and reappoint members to the LCDRC passed by unanimous (8-0) voice vote.

**VIII. B. Appointments to the Health Policy and Planning Commission**

STEVIE SHEPHERD (Health Division Director): Mr. Chair, Commissioners, we have two people today to be appointed to the hppo. Ms. Adele T. (Terri) Rodriguez who was suggested by the City. She's currently the Human Services planner at the City. And Ms. Melissa Manlove was recommended by the Town of Edgewood for their slot. She is the Health Center manager for the Mountain and Valley Regional Health Center in Edgewood. These appointments would bring us up to the full 16 members. I'd stand for any questions.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

COMMISSIONER DURAN: Motion and a second. Is there any discussion or questions of Mr. Shepherd?

The motion to appoint Terri Rodriguez and Melissa Manlove to the HPPC passed by unanimous (8-0) voice vote.

**VIII. C. Resignations to the Maternal & Child Health Planning Council**

MR. SHEPHERD: Mr. Chair, there's one resignation that we received from the Council chairperson. It's Ms. Jane Prince-Smith has tendered her resignation to the chairperson.

COMMISSIONER CAMPOS: Move to accept the resignation.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Campos and second from Commissioner Duran. Discussion?

The motion to accept the resignation of Ms. Jane Prince-Smith passed by unanimous (8-0) voice vote.

**IX. Presentations**

**A. Presentation and Request Approval of the Scope of Work for the Santa Fe County Long Range Facilities Needs Assessment**

MR. FLORES: Thank you, Mr. Chair, members of the Board. On April 29th of this year you directed staff to come forward with a draft scope of work for

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solicitation for the potential consolidation of County administrative facilities. Based upon that direction, staff has prepared a project overview and scope of services in anticipation of a formal solicitation once approved and direction is received by the Board. The scope of services is broken into two components. The first being a needs assessment that takes a look at space needs and the potential consolidation of County administrative offices.

To clarify, Mr. Chair, your point earlier about the Public Works Facility, the consolidated facility would only encompass the administrative components of the County. We would still have a satellite Public Works Facility. We would have a satellite Public Safety Complex, which is the newest facility that has come on line. The consolidated facility, the intent as it was discussed at the Board on April 29th was to take basically functions of this building, functions of our satellite offices at the Anacon building, other County facilities and bring them into one location for better public access, better public service.

The scope of service takes a look at our elected officials' offices as well as our Administrative Services Department, Finance Department, our Land Use Department, our County Attorneys office and our MIS/ IT Division including our GIS and 9-11 programs, as County facilities or County functions. In addition, the scope of services, the draft scope of services also request that the potential contractor evaluate our state-housed, unfunded agencies, such as District Court, District Attorneys Office, District II Health offices and our juvenile justice probation and parole offices, and evaluate and assess, combining them into a consolidated facility. So we have broken the scope of services into those two areas with specific deliverables once the analysis is completed, that they would be required to bring back and brought before the Board for further direction.

The second phase of that or the second component of that is to take a look at all our facilities currently. To look at what is the benefit of having these facilities maintained as County facilities whether they could be used for disposition to be able to fund or offset costs for other facilities and to do a master plan, so to speak, and I don't like that word, but it's really to do a master plan to really identify deficiencies in our existing facilities, deficiencies in our operations, deficiencies in our functionality by having multiple locations. One component that I apologize from not including in the scope of services is under phase 1, I would like to see, after this has been reviewed by a couple of my peers, the contractor come back and put in for an analysis, provide analysis for us of the potential cost savings or deficiencies of consolidated efforts. In other words, if we go to a consolidated facility, have the contractor come back and do an analysis for us. What are the cost benefits, what is the justification to go to a consolidated facility rather than operating in the current capacity that we're under? So again, this is the first step. This is a draft scope of services. I was hoping to have some dialogue with the Commission to see how we could refine this in any ways other than that inclusion I already suggested so we could move the solicitation process. And I stand for any questions.

CHAIRMAN SULLIVAN: Tony, let me just jump in with one here. I see under the spaces needs, parking mentioned. Oh, yes it is, there's D. Parking

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requirements under - parking requirements. I got it now. Because certainly that's an issue where it generates the biggest complaints.

MR. FLORES: That's a huge issue, Mr. Chair, and we have addressed that.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya, then Commissioner Duran.

COMMISSIONER MONTOYA: Mr. Chair, Tony, I think this definitely gets us off to where we can begin this process. I think the way you've outlined it here is certainly a good path. And there's just a couple of minor technical things that I could go over with you just in terms of - will this be the actual publication piece that goes to -

MR. FLORES: Mr. Chair, Commissioner Montoya, this is only the scope of services. There will be the whole procurement issues that go along with it. But this right here really defines what we're looking for and what we expect from the contractor. So this is the area that we have to be sure what we as the County are looking for we're going to get of the product.

COMMISSIONER MONTOYA: Okay. All right. Thank you, Tony. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Tony, although I really understand the need to incorporate the judicial court, district attorney, probation and parole, County Health District II offices, I think that when you factor those needs into the needs that are incorporated in this building, you have a much bigger animal to deal with here. And I'd like for you to kind of isolate the judicial court and the district attorney and the other two as a separate - I think it needs to be part of the process or your deliberation or whoever we work with, but I think it needs to be isolated too, because my gut feeling is that we're probably going to find there are two different complexes. And we are really in need of some space in this facility. So anyway, I think that we need to look at them as two different phases or at least two different elements.

The other thing is when would you develop the RFP based on this?

MR. FLORES: Mr. Chair, Commissioner Duran, if I can receive direction that we're headed at least on the right path, we can have the solicitation through the Purchasing Division in July with proposals back in August and before you, late August or the first part of September.

COMMISSIONER DURAN: So we would still have time between now and when you bring it forward to fully absorb what you've given us today and offer some insider input?

MR. FLORES: Mr. Chair, once the solicitation is out we would have to go through an addendum process which would extend the amount of time that we need -

COMMISSIONER DURAN: My question is between now and when you put it out for the solicitation, how much time do we have?

MR. FLORES: Three weeks.

COMMISSIONER DURAN: Okay. I guess what I'm saying is I can't tell

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you today if this is entirely adequate. I think it's great, but I need some time to look at it and I'm just trying to find out how much time I actually have to read it, absorb it and offer any kind of input to it.

MR. FLORES: Mr. Chair, Commissioner Duran, I'd like to suggest we can bring it up or back to you at the last administrative meeting of July, the final scope of work, per se. And that would give us some time to review it, the Board and staff can review it to fine-tune it to meet your needs and to meet the direction that we're headed to. I don't think that is going to be an issue. We have some time. It's whether you allow me to be able to refine it to meet your needs.

COMMISSIONER DURAN: Does the Commission, is there a consensus here that perhaps, that it might be a good idea to isolate the judicial court and attorney as a separate -

CHAIRMAN SULLIVAN: I don't, correct me if I'm wrong, Tony, the fact that they're going to be looked at separately, I didn't read in here that that meant that they were all supposed to be in one building.

MR. FLORES: Mr. Chair, that's correct. What we've asked is that we evaluate all County functions, whether they be County functions or state functions and that you as the Board determine whether they're included in the consolidated facility. So the assessment right now does not say that they will be in a facility or one facility. It says they need to be evaluated and then we determine whether we have one or two facilities.

CHAIRMAN SULLIVAN: Maybe you could clarify that. By breaking them out into these two groups that you've broken out, you're not necessarily telling the consultant these functions go in building A and these functions go in building B. You're asking the consultant to give you that recommendation.

MR. FLORES: Correct.

CHAIRMAN SULLIVAN: Does that help?

COMMISSIONER DURAN: And Tony, would this analysis also include potential revenues from vacating the buildings that we're in right now?

MR. FLORES: Mr. Chair, Commissioner Duran, yes it would. We're asking the consultant to come back and tell us what the potential disposition of potential facilities or the ramifications of the disposition of the facilities would be to offset costs. So we need that financial analysis, not only in building a new facility, but how we can offset costs with our current facility. So that would be a requirement of the solicitation.

COMMISSIONER DURAN: By entering into management contracts?

MR. FLORES: I have not specified in the scope of services exactly what we want them - I've left it for them to tell us different options of how we can best utilize our existing facilities.

COMMISSIONER DURAN: But they are aware that we do not want to sell this building.

MR. FLORES: I can clarify that in the RFP.

COMMISSIONER CAMPOS: This building?

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COMMISSIONER DURAN: Yes. We don't want to sell this.

COMMISSIONER CAMPOS: I don't think there's ever been any suggestion that we should sell this building.

COMMISSIONER DURAN: Right.

COMMISSIONER CAMPOS: I think the discussion has been that we would love to stay here because of its historic nature and its location downtown.

COMMISSIONER DURAN: Well, that was your discussion.

COMMISSIONER CAMPOS: Excuse me?

COMMISSIONER CAMPOS: That was what you wanted.

COMMISSIONER DURAN: I thought that's what we had discussed as a group. I thought even you were on board on that one.

COMMISSIONER DURAN: No.

COMMISSIONER CAMPOS: You want to sell the building?

COMMISSIONER DURAN: No, no. I don't want to sell the building.

COMMISSIONER CAMPOS: That's what I'm saying. We don't want to sell it.

CHAIRMAN SULLIVAN: I think he wants, perhaps, to consider the option, Commissioner Duran does, of vacating the building and leasing it.

COMMISSIONER DURAN: As a revenue stream.

CHAIRMAN SULLIVAN: As a revenue stream to --

COMMISSIONER CAMPOS: Oh, I hadn't thought about that.

COMMISSIONER DURAN: To help pay for the bonding that we're going to need to build a new facility.

CHAIRMAN SULLIVAN: Well, let's not pre-decide.

COMMISSIONER CAMPOS: Let's not pre-decide it. This is the assessment.

CHAIRMAN SULLIVAN: These are options for the consultants. The option is a critical one of what to do with the existing County headquarters.

COMMISSIONER CAMPOS: I think it's premature to decide some of these issues, Commissioner Duran.

COMMISSIONER DURAN: I'm not making that decision, I'm just --

COMMISSIONER CAMPOS: No, no. You're trying to narrow the assessment. I say let's go with a bond assessment. Let them come back with some suggestions and some information and then we can narrow it down.

COMMISSIONER DURAN: I think that the BFP should have something in there that this consultant meets with each Commissioner and finds out what their specific individual vision is.

CHAIRMAN SULLIVAN: I think that's a good idea. I was going to add too, a component that the consultant meet with the affected user agencies. I didn't say that in here, such as the District Court and the County Clerk, County Assessor, County Surveyor, County Treasurer and so forth. Does that make sense, Terry?

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MR. FLORES: Yes.  
CHAIRMAN SULLIVAN: Excuse me, Commissioner Duran, you still have the floor.  
COMMISSIONER DURAN: And can you work something out where I can have the first round of refusal on the building if we decide to sell it?  
CHAIRMAN SULLIVAN: No, no, no.  
COMMISSIONER DURAN: I'm only kidding.  
CHAIRMAN SULLIVAN: The Chair will assume that that was a joke.  
COMMISSIONER DURAN: That was a joke.  
CHAIRMAN SULLIVAN: Okay. Other questions or comments from the Commission on the scope of requested services?  
COMMISSIONER DURAN: I did that for you, Paul.  
COMMISSIONER CAMPOS: Thank you.  
MR. FLORES: Mr. Chair, a point of clarification. Is it okay that I bring it back on the 28<sup>th</sup> of July to finalize the scope of services?  
CHAIRMAN SULLIVAN: I think it is. I think if you can move quicker, move quicker. What's the feeling on the - let's just poll the Commission here. Do we want to move forward or do we want to see this one more time.  
COMMISSIONER DURAN: As long as we have input into it.  
COMMISSIONER CAMPOS: Move forward.  
CHAIRMAN SULLIVAN: Commissioner Campos says move forward.  
Commissioner Montoya says -  
COMMISSIONER MONTOYA: Move forward.  
COMMISSIONER DURAN: Move forward as long as we have input into the final product.  
CHAIRMAN SULLIVAN: Okay. I think everyone's saying you're close enough to the final item here to move forward.  
COMMISSIONER DURAN: Good work, Tony.  
MR. FLORES: Thank you.  
CHAIRMAN SULLIVAN: It's a nice scope of services. It looks good, Oh, I was going to ask you, do you have a budget for this?  
MR. FLORES: We've received some preliminary cost estimates for this and we're working with the Manager's office and the Finance Department to find a revenue source.  
CHAIRMAN SULLIVAN: This is not cheap. This is not a \$10,000 study, Tony.  
MR. FLORES: Mr. Chair, you're correct.  
CHAIRMAN SULLIVAN: And I don't want to see - if we're going to do this, we do it right or we don't do it at all.  
COMMISSIONER DURAN: Right. Right.  
CHAIRMAN SULLIVAN: And this is, and time-wise. Do you have a time

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frame for this?

MR. FLORES: Mr. Chair, my hopes are that we could have the analysis or the phase one of it back by the end of the calendar year, by December. And I do that for purposes of we need to start establishing our long range vision as far as funding and we need to know sooner rather than later.

CHAIRMAN SULLIVAN: Okay. Thank you.

COMMISSIONER DURAN: Just one question, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Do you have any idea of what the cost of this might be? Ballpark?

MR. FLORES: Mr. Chair, Commissioner Duran, \$55,000.

CHAIRMAN SULLIVAN: Is one estimate.

MR. FLORES: One estimate, yes.

CHAIRMAN SULLIVAN: I don't think that's unreasonable, quite frankly.

COMMISSIONER DURAN: And this would be a licensed architect with -

MR. FLORES: With various subconsultants -

COMMISSIONER DURAN: With qualifications.

MR. FLORES: It's a qualifications based -

COMMISSIONER DURAN: Some experience.

MR. FLORES: Yes.

COMMISSIONER DURAN: Okay, good.

CHAIRMAN SULLIVAN: Okay, the next item we have, and we're sorry to have people waiting so long for this, but we have a presentation of the Employee of the Quarter, by the Employee of the Quarter Committee for the Employee of the Quarter. And who would like to do this? I see Mr. Anaya.

**IX. B. Presentation by Employee of Quarter Committee for Employee of the Quarter - July 1, 2003 to September 30, 2003**

MR. ANAYA: Mr. Chair, Commissioners, I'd first like to just take this opportunity to thank you, the Commission for having this Employee of the Quarter. It gives us an opportunity to truly stand back as managers within the County and really take a look at those within our departments and throughout the County that assist us on a daily basis and help us do the services that we provide for Santa Fe County. I want to thank the committee, Helen Quintana, Robert Martinez, Agnes Lopez, Antoinette Armijo, Evelyn Valencia and the administrator, Bernadette Salazar, for their hard work in going through and reviewing the submittals for Employee of the Quarter. And I want to thank the Manager, Mr. Gonzalez, for also giving me the opportunity to make this presentation.

One of the things that will evolve as part of the comments that I make is that they just awarded Employee of the Quarter yesterday morning, but being as connected as this



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particular individual is, and has probably more contacts than the CIA, there was really no way, even though we thought we did, that we could keep it a secret to my administrative assistant, Ms. Rosemary Bailey, that she was the Employee of the Quarter. But before we asked her to come forward, I'd like to say a few words and share a few words with the Commission and those present about who Ms. Bailey is and what she represents.

Some of the comments made in the letters of recommendation for Ms. Bailey are as follows: A typical administrative assistant performs tasks such as answering the phone, typing letters, filing, purchasing, and other clerical tasks. As well as performing those tasks, Rosemary has helped with annual budgeting, department-wide personnel tasks, setting up the Santa Fe County Fair, purchasing everything from construction materials to equipment, generally keeping the department personnel - and in parenthesis here, including Robert - in line.

Rosemary is extremely organized and works hard to coordinate many aspects of the Community and Health Development Division Department of the County. I would like to support the nomination of Rosemary Bailey as Employee of the Quarter. I've worked with Rosemary for all the time I've worked at the County and she has always exhibited professionalism, efficiency, and kindness in the performance of her responsibilities.

Ms. Bailey is always willing to help her fellow employees with a task at hand and is always motivated to learn new things. I have had the opportunity to work with her on several projects and when faced with something she's not really sure about, she takes the initiative, does her research, asks the right questions and takes care of business. Besides the director, she is the one individual who is most familiar with every aspect of the operation each division has within the Community and Health Development Department.

I have had the privilege of working with Ms. Bailey during the County Fair and have observed her untiring energy and willingness to perform any task placed before her. She is hard-working, courteous, friendly and always eager to help serve the County in any way that she can. Rosemary continually offers her assistance when we are faced with numerous projects and deadlines. She is helpful and courteous and does not hesitate to accept additional tasks and duties as they come about while making no complaint whatsoever.

I believe that she goes above and beyond her duties to keep every division functioning and keeping Mr. Araya up to date with all the aspects within the department.

Another employee writes, I have appreciated Rosemary's warmth and easy-going manner, particularly during my first year of employment. When asked for information, she does not hesitate to offer assistance. Again, this is important to newer employees going through a learning curve. Her friendliness and patience are surely two of her many strengths and are qualities that contribute to a good working environment.

I have worked with Rosemary for over five years, first as a supervisor. Then after Robert stole her from me as my colleague - I'm not sure about that. In both capacities, Rosemary has never failed to be helpful and considerate. She is able to juggle a wide range of responsibilities while keeping her sense of humor. From the first day I started working

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with Rosemary, Rosemary has always been courtesy, respectful, cooperative, friendly and ready to help anyone she can. Rosemary takes real pride in everything that she does and is someone you can count on when you need the job done right the first time.

These are comments that truly reflect the type of individual that Rosemary is, and I will simply read my statement when I requested that Rosemary receive this acknowledgement. This is me. Ms. Bailey, you have successfully assisted the County on several issues, including the United Way campaign, including County Appreciation Days, including the County Cell Phone Committee. During the week of the Fair, you helped me, the department and the entire County serve our constituents better and help during work hours but have put in many hours after work.

Simply put, Rosemary helps whoever needs it. Rosemary has recently completed the administrative assistant certification and is always willing and eager to learn new things. She is also a certified public housing manager and in this she assists myself and the department in the operation of the Housing Authority. Rosemary is my right hand and helps the department and the County serve people. In my opinion, there is no one more deserving of this honor. So it is with great pride, pleasure and honor that I bring forward the Employee of this Quarter, for the period of July 1, 2003 to September 30, 2003, the person that truly does keep me in line, the person that does take care of aspects, all aspects within the department, the person, who, in addition to all these other things that I've said, waters my plant and makes sure that it stays alive in my office. My friend, my administrative assistant, a good professional employee for the County, Rosemary Bailey.

CHAIRMAN SULLIVAN: Congratulations, Rosemary. Would you like to say a few words.

ROSEMARY BAILEY: Thank you. This is totally a shock. I'm like speechless. I just want to thank everybody. It's been a pleasure to work with the County and everybody's made my job easier and I thank everybody that I've been in contact with and talked to. Thank you.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER ANAYA: Rosemary, we appreciate everything that you've done for the County and keep it up. Thank you.

CHAIRMAN SULLIVAN: Rosemary, on behalf of - do you do speechwriting also? I just wondered about that. We're proud to present this plaque to you designating you as Employee of the Quarter from July 1, 2003 to September 30. And we appreciate your service to the community and to the County. And also from Human Resources, I guess that's from Helen, I have a sealed envelope. So there may be something in here of some value so I'll also put that in there and then if you like you might want to get a mug shot with these young fellow up here.

We have a couple of things, options here. We can break for lunch now. We have one item left on Presentations which is from the Utility Department on the wheeling agreement. Gary, how long will that take? We also have the Consent Calendar. There are a couple of items that need a little bit of discussion on the Consent Calendar.

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COMMISSIONER DURAN: Mr. Chair, I'd like to make a motion that we break now. It's 12:00, and come back and deal with them -

CHAIRMAN SULLIVAN: Deal with them in order?

COMMISSIONER DURAN: Yes. I have a number of questions to talk about, Gary. I think he may want to make it quick, a quick presentation -

CHAIRMAN SULLIVAN: But you don't.

COMMISSIONER DURAN: I want to spend some time talking to him.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I would suggest we do the Consent Calendar before lunch and have Mr. Roybal come back after lunch if there's going to be a lengthy discussion.

COMMISSIONER DURAN: Is there a second on my motion?

CHAIRMAN SULLIVAN: Let's see. We have a suggestion - was that a motion or suggestion?

COMMISSIONER DURAN: That was a motion.

CHAIRMAN SULLIVAN: Okay. Is there a second on the motion to break now for lunch?

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay, we have a second. Now, discussion.

Commissioner Campos would like to hear the Consent Calendar. Commissioner Montoya, what's your thoughts on it?

COMMISSIONER MONTOYA: Mr. Chair, I think the Consent Calendar is the Consent Calendar and we could probably act on that in a minute.

COMMISSIONER DURAN: I'll do that. After the Consent Calendar. I'd take that as a friendly -

CHAIRMAN SULLIVAN: Then we have a motion and friendly amendment to go through the Consent Calendar and we'll hear the water utility presentation immediately after lunch.

The motion to defer hearing the Water Utility presentation until after lunch passed by unanimous [5-0] voice vote.

**X. Consent Calendar**

- A. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-63 for Microfilming Services for the Santa Fe County Clerk's Office (Clerk's Office)
- B. Request Authorization to Enter into Amendment #2 to the Price Agreement #22-0045-CL with Professional Document Systems for Microfilming Services for the Santa Fe County Clerk's Office (Clerk's Office)

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- C. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-64 for Recording/Stenography Services for the Santa Fe County Clerk's Office (Clerk's Office)
- D. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #23-0033-IN with Presbyterian Medical Services for Maternal and Child Health Adolescent Confidential Reproductive and Mental Health Services (Community & Health Development Department)
- E. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #23-0032-IN with La Familia Medical Center for Maternal and Child Health Perinatal Promotora Outreach, Health Education and Service Coordination for Child Deliveries (Community & Health Development Department)
- F. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #23-0031-IN with Edith L. Powers for Coordination of Maternal and Child Health Programs (Community & Health Development Department)
- G. Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #22-0023-IN with Las Cumbres Learning Services, Inc., to Provide Santa Fe County with Parent-Infant Therapeutic Mental Health Services (Community & Health Development Department)
- H. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #23-70 for the Noise Retention & Retaining Walls for Santa Fe County Housing (Community & Health Development Department/Housing Services Section)
- I. Request Authorization to Enter into a Memorandum of Understanding #24-0015-DW with the City of Santa Fe for DWI Compliance Monitoring Services (Community & Health Development Department/DWI Program)
- J. Request Authorization to Enter into a Memorandum of Understanding #24-0016 with the City of Santa Fe for DWI Clerical Services (Community & Health Development Department/DWI Program)
- K. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #22-0059-IH with Heart Hospital of New Mexico for the Delivery Hospital Care to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$100,000 for Services (Community & Health Development Department)
- L. Request Authorization to Enter into Amendment #2 to the Professional Service Agreement #22-0060-IH with Presbyterian Hospital for the

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- Delivery of Hospital Care to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$25,000 for Services (Community & Health Development Department)**
- M. Request Authorization to Enter into Amendment #1 to the Professional Service Agreement #23-0134-IN with Albuquerque Regional Medical Center Hospital for the Delivery of Hospital Care to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$25,000 for Services (Community & Health Development Department)**
  - N. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #22-0062-IH with the University of New Mexico Health Sciences Center for the Delivery of Hospital Care to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$85,000 for Services (Community & Health Development Department)**
  - O. Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #22-0063-IH with Ayudantes Incorporated for the Delivery of Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$70,000 for Services (Community & Health Development Department)**
  - P. Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #22-0066-IH with Recovery of Alcoholics Program Incorporated for the Delivery of Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$250,000 for Services (Community & Health Development Department)**
  - Q. Request Authorization to Enter into Amendment #5 to Professional Service Agreement #22-0067-IH with Rio Grande Alcoholism Program Incorporated for the Delivery of Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$93,000 for Services (Community & Health Development Department)**
  - R. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #22-0068-IH with Una Ala Clinic for the Delivery of Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$22,000 for Services (Community & Health Development Department)**
  - S. Request Authorization to Enter into Amendment #4 to Professional**

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- Service Agreement #22-0070-IH with Health Centers of Northern New Mexico for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$20,000 for Services (Community & Health Development Department)
- T. Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #22-0071-IH with La Familia Medical Center for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$460,000 for Services (Community & Health Development Department)
- U. Request Authorization to Enter into Amendment #5 to the Professional Service Agreement #22-0075-IH with Women's Health Services for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term for Another Year and Allocate Compensation in the Amount of \$125,000 for Services (Community & Health Development Department)
- V. Request Authorization to Enter into Amendment #1 to the Professional Service Agreement #23-0178-IN with First Choice Community Healthcare/Mountain and Valley Regional Health Center for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term for Another year and Allocate Compensation in the Amount of \$35,000 for Services (Community & Health Development Department)
- W. Request Authorization to Enter into Amendment #2 to the Professional Service Agreement with the Santa Fe Boys and Girls Club (Community & Health Development Department)
- X. Request Approval of Amendment #3 to the Professional Service Agreement with Maternal and Child Health Care Contract Between Santa Fe County and the New Mexico Department of Health in the Amount of \$177,108 (Community & Health Development Department)
- Y. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-31 for the Indefinite Quantity Uniforms for the Santa Fe County Fire Department (Fire Department)
- Z. Resolution No. 2003-36. A Resolution Requesting an Increase to the Recreation Fund (217) to Budget Prior Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Manager's Office)

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- AA. Request Authorization to Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder IFB #23-50, for Janitorial Supplies for County Facilities (Project & Facilities Management Department)
- AB. Request Authorization to Award a Professional Services Agreement to the Lowest Responsive Bidder IFB #23-65, for Digital Map Annotation Services for the Santa Fe County (Project & Facilities Management Department)
- AC. Request Approval and Execution of Amendment #1 to the Professional Services Agreement with Gannett, Flemming, West, Inc. for Location Study and Preliminary Design of the South Meadows Road Project (Public Works Department)
- AD. Request Approval of an Amendment to the Cooperative Severance Tax Agreement for Road Improvements to County Road 70-A from the New Mexico State Highway and Transportation Department (NMSHTD) (Public Works Department)
- AE. Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #21-0009-SD with Ralph W. Lopez for the Services of Region III Coordinator, to Extend the Term and Compensation for the Last Year of the Agreement (Sheriff's Office)
- AF. Request Authorization to Accept and Award a Multiple Price Agreement to the Lowest Responsive Bidders for IFB #23-68 Indefinite Quantity Uniforms for the Santa Fe County Sheriff's Office (Sheriff's Office)
- AG. Request Authorization to Enter into Amendment #2 to the Professional Service Agreement #23-0086-UT with Charlie C de Baca for Project Manager Services for Santa Fe County Entrada La Cienega and Paseo C de Baca Waterline System Extension Improvements Project (Utilities Department)

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Okay, discussion? A couple of items that I wanted to ask about, Gerald. Number one, letter V is not in the packet. It has to do with a professional services agreement with Community Health Care. Are we supposed to be approving that without seeing it or just what's going on here? Is there some reason this wasn't in the packet, Gerald? I really like to look at these things ahead of time.

MR. GONZALEZ: I agree.

COMMISSIONER DURAN: Why don't we table this. Remove it from the Consent Calendar.

CHAIRMAN SULLIVAN: Okay, let's take this one off the Consent Calendar then if that's okay with the maker of the motion.

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COMMISSIONER DURAN: Is there some reason why we couldn't?  
SUSAN LUCERO (Acting Finance Director): Mr. Chair, Commissioner Duran, I believe the reason that one didn't get on was because we had already within the packet included the contract, the original contract, the first award, and then realized that we needed to amend it for date or something to that effect so it was an afterthought.

CHAIRMAN SULLIVAN: There wasn't anything in the packet. It was just a sheet that said it wasn't in the packet.

BECKY BEARDSLEY (Indigent Director): Mr. Chair, Commissioners, actually what happened was on the original contract, to First Choice was for \$5,000. That one is still in process and we hadn't gotten an original signature on it and that's why it wasn't included in the packet was because it couldn't be presented to Finance and signed off before we had an original signature before we had a signature on the original.

CHAIRMAN SULLIVAN: We understand these things happen and we'll pick it up next time.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Just one quick question. Is there any down side for us not approving it today?

MS. BEARDSLEY: Mr. Chair, Commissioners, the down side is that we may have a lapse in services. The original contract runs through June 30, 2004 and it allocates another \$35,000 to First Choice.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: We could table it to this afternoon.

CHAIRMAN SULLIVAN: We could do it this afternoon.

COMMISSIONER CAMPOS: We will have it to look at the packet.

COMMISSIONER DURAN: Yes, let's do that.

CHAIRMAN SULLIVAN: I really have to emphasize to the staff, I feel it's not appropriate to be bringing items, slapping them down in front of us. And I know there are emergencies and I would say, Is this an emergency and I would say, No, it's not emergency. It's a routine administrative item. But let's just take that off the table and we'll handle that this afternoon after we've had a chance to look at it.

The other question I had was on items A and C, these were recording things, Rebecca, for you. A price agreement for microfilming and also for recording and stenography. They seem to have unit prices in them but the contracts had no total price.

MS. LUCERO: Mr. Chair, Commissioners, the reason there is no total price is that within price agreements it's based on volume of transactions. So we don't limit within the contract itself a total dollar amount.

CHAIRMAN SULLIVAN: So there's no not-to-exceed price? It can just be for however much?

MS. LUCERO: It's based on number of meetings, for example, for the



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stenography services and so on, but we don't have a total not-to-exceed price because we're not sure of the total. We don't want to restrict ourselves, I guess, in terms of the total volume of what could happen within a year's time. We do indicate what the prices are per minute or whatever the unit measure is.

CHAIRMAN SULLIVAN: And that's okay, Gerald or legal, that we don't put a not-to-exceed on these contracts?

MR. GONZALEZ: That's been done before, Mr. Chair, and I believe it complies with the Procurement Code.

CHAIRMAN SULLIVAN: Okay, as long as we're legal on that guy.

COMMISSIONER DURAN: Mr. Chair, my motion is to approve the Consent Calendar with the exception of item V, and we would discuss that item later on in the meeting.

COMMISSIONER MONTOYA: And I'll amend my second.

CHAIRMAN SULLIVAN: Okay, so we have an amended motion and an amended second. We're now in discussion.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: My understanding, I don't know, correct me, someone, that with Consent Calendar there is no discussion.

CHAIRMAN SULLIVAN: No. It's a motion like any other motion, subject to discussion. The only one that isn't subject to discussion is a tabling motion. Okay, item Z is a resolution regarding budgeting funds for an Edgewood recreational program. And my question on that one, is that one coming out of the Commission discretionary funds? It seems to be coming out of the County Manager's budget.

MS. LUCERO: Mr. Chair, Commissioners, the request before you on that budget item is based on a request from Commissioner Anaya, from conversations he had with an individual that represented the Edgewood summer program. We've done a little bit of research as far as what type of money the Village of Edgewood or Town of Edgewood has available to it for recreation program such as this. The village of Edgewood earns approximately \$82,000 a year from cigarette tax, which is eligible for recreation programs of this nature. What we're doing here is budgeting a portion of what Santa Fe County has earned in the past through the recreation fund from cigarette tax. So it's a portion of a cash balance that's remaining there.

CHAIRMAN SULLIVAN: So we could do this in other communities as well, such as Tesuque or Eldorado or Cuyamungue.

MS. LUCERO: Mr. Chair, this is correct. The issue with cigarette tax and the recreation fund is that our earnings on cigarette tax have plummeted since the incorporation of Edgewood, largely due to I believe one retail center that had the majority of County cigarette tax receipts. And now that they're incorporated within Edgewood, those monies are going to Edgewood.

CHAIRMAN SULLIVAN: Doesn't Edgewood get their own monies

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directly?

MS. LUCERO: Mr. Chair, that is correct.

CHAIRMAN SULLIVAN: So why wouldn't they fund this recreation program from the money they get directly.

MS. LUCERO: Mr. Chair, I do not know that.

CHAIRMAN SULLIVAN: A couple of years ago when Edgewood was in District 5, as a part of my Commission allocation I allocated some matching money for recreational equipment down there and we never even got a report back as to what they did with the money or whether they matched it or any kind of acknowledgement that the money was even utilized. But I think ultimately it was somehow. I'm concerned that we're doing, particularly under Consent Calendar an item for a particular district that would seem to be a Commission-initiated type of funding. I don't know. Was this in the original budget packet that we approved?

MS. LUCERO: Mr. Chair, this was not part of the original budget packet. As I was explaining, this is a prior year cash balance that's remaining in our recreation fund from prior years' revenues. We were directed and requested to find a possible, potential budget source for this program.

CHAIRMAN SULLIVAN: Maybe Commissioner Anaya, you brought this forward. You might want to comment on it.

COMMISSIONER ANAYA: Mr. Chair, I was contacted by the Town of Edgewood. They had received funds in the previous year and I was asked if I could get some funds to this youth program and I then contacted the Manager and asked him if he could some money for this youth program and this is where we're at today.

CHAIRMAN SULLIVAN: I think the funds they got in the previous year was the \$5,000 that came from the discretionary funds that I had. Part of that arrangement was that they were to match it for recreational equipment. I just personally don't feel that this is an item that should be brought in under a regular general fund funding. We open the gates here to all of the districts in all of the county for similar funding. I think it could come from the amounts we have in our individual Commissioner budgets. That's my personal feeling on that.

COMMISSIONER ANAYA: Mr. Chair, in the past, I believe that they had told me here at the County that it came from cigarette tax and so that's why I proceeded in this manner.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question. How much money is Edgewood generating from the cigarette tax presently?

MS. LUCERO: Mr. Chair, Commissioner Campos, based on information we received from DFA, it is our understanding and interpretation that the Town of Edgewood shows a revenue source of \$82,000 per annum, per fiscal year for specifically their recreation fund as it comes from cigarette tax. That doesn't include, to my

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understanding, what they also may receive within their general fund from the two-cent cigarette tax.

**COMMISSIONER CAMPOS:** Mr. Chair, I agree with what you're saying. If there's extra money it shouldn't be just kind of swept in through the Consent Agenda. I would ask that it be withdrawn from this agenda and considered maybe this afternoon or next meeting, unless there's an urgency, a time urgency. Is it time-sensitive?

**MS. LUCERO:** Mr. Chair, Commissioner Campos, I'm not aware of the time sensitivity. Perhaps Commissioner Anaya does. I did not have a personal conversation with the individuals.

**COMMISSIONER ANAYA:** Mr. Chair, this program is going on. They need the money. I would like to see if it would stay on so that we could get Edgewood this money. Thank you.

**COMMISSIONER CAMPOS:** The point, Mr. Chair, as you suggested, is that each Commissioner has a Commission budget and they could use it for this purpose immediately without bringing it to the entire Commission through the Consent Calendar.

**CHAIRMAN SULLIVAN:** Commissioner Duran.

**COMMISSIONER DURAN:** I think Commissioner Anaya followed proper procedure. He checked with the County Manager. The County Manager was able to isolate some money that was available through the cigarette tax. I think that every Commissioner should have the right to go to the County Manager to try and find funding for these kind of community-based programs. If the Agua Fria people came to me and asked me for a funding source, I would do the same thing. All of you have districts or communities that may be asking you for that and I commend Commissioner Anaya for finding this money. I think we should keep it on the agenda, give them the money and move forward.

**COMMISSIONER ANAYA:** Mr. Chair.

**CHAIRMAN SULLIVAN:** Commissioner Anaya, then Commissioner

Campos.

**COMMISSIONER ANAYA:** I'm not trying to sweep anything through this Commission. I am trying to follow the procedures. The request came to me and I went to the Manager and this is where we're at today and Commissioner Duran, I appreciate those comments.

**CHAIRMAN SULLIVAN:** Commissioner Campos.

**COMMISSIONER CAMPOS:** If it's appropriate, Mr. Chair, I'd like to make a motion.

**CHAIRMAN SULLIVAN:** I think we have a motion on the table right now so it would have to be an amended motion.

**COMMISSIONER CAMPOS:** This is a motion to approve this item with the entire Consent. I would make a motion to withdraw that item from the main motion.

**CHAIRMAN SULLIVAN:** So this is a motion, your motion is to withdraw this item Z from the main motion that's currently under consideration.

**COMMISSIONER CAMPOS:** Yes, Mr. Chair.

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CHAIRMAN SULLIVAN: Is there a second? I'll second that item.  
Discussion on that motion?

The motion to withdraw item Z from the Consent Calendar failed by 2-3 voice vote with Commissioners Sullivan and Campos voting for the motion.

CHAIRMAN SULLIVAN: Okay, that motion dies.

COMMISSIONER DURAN: Call for the question, Mr. Chair.

CHAIRMAN SULLIVAN: We're back to the main motion. The last question I had was on item AG --

COMMISSIONER MONTOYA: Mr. Chair, before we move from that, I had a comment on that also. If we're going to look at this cigarette tax that we're collecting on one particular area now, there's other retail vendors that are in my district that we probably need to take a look at. Al's General Store, Orly's General Store, Rodrigo's. There's a number that probably fall outside of any municipality and I guess the question I have is are we collecting that and if so, as Commissioner Anaya is doing, I'd like to see if I could use that in lieu of personal allocations or whatever the case may be, but use that fund for recreation programs in the future and I think just in general, take a look at how we can possibly fund these programs in the future as well.

CHAIRMAN SULLIVAN: I'd like to do the same thing. The Agora Center collects cigarette taxes and if we want to allocate, if we want to divide up cigarette taxes by the district I'd like to be able to -- I have a number of programs in the Eldorado area and in the Community College, Route 14 area that I'd like to use some money for that to fund, particularly from the Allsup's cigarette taxes on Route 14. They do a land office business out there. I think that's a policy issue that we need to, if that's how we're going to handle this, I think Gerald, you might want to give us any guidance that you might have on that.

COMMISSIONER DURAN: So it turned out to be a good idea.

CHAIRMAN SULLIVAN: I don't think it's a good idea. I think it's getting off budget and when we do off budget items like this we're weakening the budget process.

COMMISSIONER DURAN: I think it's a good idea.

MR. GONZALEZ: Mr. Chair, members of the Commission, the only reason we brought it forward is because we had looked at the source of funding in the past for some of these. The Edgewood program, the Edgewood program initially asked for \$12,000. They had previously been funded as I understood it in the prior two years for \$4,000 so we just maintained it where it was and brought it forward in that format. But if the Commission wants to look at how we allocate the special funds that we received, we'd be happy to do that. That's a policy decision for the Commission to make. If you want recommendations, I'd be happy to do that as well.

CHAIRMAN SULLIVAN: I think at a minimum, in light of what Commissioner Montoya has asked, that we at least get a recommendation from you and the

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Finance Director to see whether that's feasible and whether you as staff would recommend that.

MS. LUCERO: Mr. Chair, members of the Commission, if I could just say a real brief word, what comes to Santa Fe County through cigarette tax is significantly smaller than what we experienced in prior years. For example, and this is something we also brought to the State Tax and Rev's attention last year. I have numerous e-mails to a tax analyst over there regarding this problem. In the past what we typically earned was something on the order of approximately \$40,000 that went to the special revenue fund known as the recreation fund and in addition to that we earned I think another \$20,000 that went to general fund. And that was what we were used to. The last two fiscal years, not to include what we've budgeted for FY04, we are realizing on the order of \$300 to \$700 per year.

CHAIRMAN SULLIVAN: And Edgewood gets \$82,000 and we get \$700?

MS. LUCERO: Mr. Chair, that is correct.

CHAIRMAN SULLIVAN: I think Edgewood has plenty of money to fund their recreation program.

MS. LUCERO: So historically, that is what's happened. There has been a significant change in the revenue stream. In an attempt to identify particular stores or retail places that contribute to cigarette tax, that is something we would have to work with the State Tax and Rev on because we just get a final lump sum distribution and we don't have the detail as to who contributed what and so on, but I'm sure Tax and Rev has that kind of information because they have to keep on top of that.

CHAIRMAN SULLIVAN: Okay, one last question on the last item about entering into a professional services agreement with Charlie C de Baca for project management on the Entrada La Cienega and Paseo de Baca water line. My only question, Mr. Sayre on that was as a water line project, haven't you and the water department staff been managing these projects in-house?

DOUG SAYRE (Water Division Director): Mr. Chair, members of the Commission, to some degree we are, but on that one it was more like project site observation and management, so that we would get direct contact with what the contractor was doing and have somebody onsite at the time that he does all his construction. And that was the reason that we hired Mr. C de Baca to do that.

CHAIRMAN SULLIVAN: And you don't have the in-house staff to oversee these construction projects?

MR. SAYRE: Mr. Chair, no, we don't have that at the present time.

CHAIRMAN SULLIVAN: So any other discussion from staff? We have a motion, an amended motion for the Consent Calendar, removing item V for further discussion and action this afternoon, and approving, as I understand the motion, all the other items on the Consent Calendar. Is there any further discussion?

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The motion to approve the Consent Calendar with the exception of Item V passed by majority [4-1] voice vote.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Gerald, I was wondering if you could get with legal, get an opinion for me for the next meeting. I would like to make sure that if there's a motion on the Consent Calendar to approve the Consent Calendar that there is no discussion. Several months ago we made a policy decision that the Consent Calendar would be either approved or disapproved. Items could be removed for discussion at a later date, at a different meeting and Commissioner Sullivan found a way of bringing, going back to the old procedure which was to discuss the items. So I'd like for you to get staff to find out what this Commission would have to do to pass whatever policy we would need to adopt to make sure that if we approve, if the motion is to approve the Consent Calendar is made and then seconded that no discussion takes place. However you think we need to do that I'd appreciate that.

CHAIRMAN SULLIVAN: Just a point of clarification, Commissioner Duran. No policy was made. A motion was made at that meeting and that particular motion was passed. I think it's irresponsible to have 30 items on the Consent Calendar, particularly items which are budget items that haven't been budgeted in the open Commission meeting and to not allow individual Commissioners to comment on those items who have read and digested those items and find that they have questions. I think that's irresponsible government. If you want to pursue that you can pursue any motion or any resolution that you prefer but I would not support it.

COMMISSIONER DURAN: Mr. Chair, it's not that I'm trying to suggest anything that isn't proper, the decision we made when we had this discussion before was that you have ample time to review the packet and to get with staff to discuss and get familiar with the issue and work out any concerns that you might have. That's what we agreed to several months ago. I am suggesting that we follow through with that decision and that if there are items that you do not feel comfortable with after having reviewed it, that we remove them from the agenda so that you may have more time to work through your issues and your concerns. I'm not suggesting that we do something inappropriate here.

CHAIRMAN SULLIVAN: Let me understand what you're suggesting. How would we remove them from the agenda if you don't want to consider a motion to remove items from the agenda? You have a book this size, if you've seen the size of the book, which we receive on Friday. How would you suggest that any Commissioner say on Monday or Tuesday that has an item with a problem would then bring it to the County Manager and then he would include it on the amended agenda as being removed? Is that your idea?

COMMISSIONER DURAN: No.

CHAIRMAN SULLIVAN: How do we discuss an item then?

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COMMISSIONER DURAN: I make a motion to approve the Consent Calendar. It gets seconded. You say, I would like to isolate item F from your motion so that I can have additional time to review the issue. It gets removed from the Consent Calendar and you take as much time as you want to work through the issues. At the next meeting, it comes up, after you've worked through all the concerns. But to spend 20 minutes discussing it, which is what we were trying to avoid when we brought it up several months ago, it kind of defeats the decision that we made several months ago.

CHAIRMAN SULLIVAN: Okay, so let me understand. What you'd like to see as a policy is that rather than what we did before, which is if any Commissioner had an item on the Consent Calendar that he wanted to discuss, that instead of discussing it at that point in time, we remove it and then that Commissioner discusses it with the staff or the County Manager.

COMMISSIONER DURAN: Correct.

CHAIRMAN SULLIVAN: Okay. So, now, could that request to remove it then be overruled by a vote of the Commission, or would that just be a discretionary, that each Commissioner could remove something.

COMMISSIONER DURAN: No, I think that if you need more time you can have more time. I don't care about that. I'm trying to move the meeting along.

CHAIRMAN SULLIVAN: Okay, I'd like to do that too.

COMMISSIONER DURAN: I don't need as much time to go through all these things that you do.

CHAIRMAN SULLIVAN: I'm glad that you don't. So then the policy or the procedure that you're suggesting is that we remove -- any Commissioner can say I need more time to look at item X, and then we would just remove that from the Consent Calendar for that day and bring it up at the next meeting. Is that what you're thinking?

COMMISSIONER DURAN: That's what I'm thinking. I guess if there's a Commissioner that wants to hear it that night --

CHAIRMAN SULLIVAN: Or they could hear it at that meeting, at the Commission's discretion. Either way.

COMMISSIONER DURAN: And not that we're trying to take away your, any Commissioner's right to get more familiar with the issue. I'm not suggesting that at all.

CHAIRMAN SULLIVAN: Okay, so let's try that out. If that seems to work for the Commission, is there comments on that? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, just regarding any other boards or commissions that I've sat on a Consent Calendar is a non-discussion item. That's why I wanted clarification from legal or the Attorney General or wherever we have to get that opinion from. The discussion that you're having is, essentially that if anyone has an item, that staff is contacted. Item V, for example, can be removed and placed under the appropriate agenda item wherever it may be, under Administrative Services Department and amend it at the time that we approve the agenda at the very beginning of the meeting.

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That's when we would remove items that there may be discussion or require discussion to be had on that particular item.

CHAIRMAN SULLIVAN: You're suggesting that whatever Commissioner has an item that they want to discuss or they have a concern with that they contact staff and it be removed and put in the regular agenda for discussion. No?

COMMISSIONER MONTOYA: That is the way that that particular item can be discussed so it's not held off for another meeting.

CHAIRMAN SULLIVAN: That way it could be discussed that day or it could be tabled at the meeting. Commissioner Campos.

COMMISSIONER CAMPOS: I think Commissioner Montoya makes a good suggestion. That way we don't lose a month. I think that's what Commissioner Duran is saying. That anybody can just take it off regardless of the issue or what other people think and not consider it for another 30 days. This way we can get down to business that same day and take care of it. I think it's important that we have this discussion, just what we had now, a lot of issues came up that merited discussion. And I read my packet over the weekend but on Monday I've got to go to work all day. I've got a lot of work because I know on Tuesday I've got a long meeting. Sometimes I don't have the opportunity to talk to staff on issues that I think are important. But this way, Commissioner Montoya is suggesting, I think that's the way to go. I think that would be an appropriate policy.

CHAIRMAN SULLIVAN: If it's complicated, when we got to that issue we could say, Well, let's table it until the next meeting, but if there's a relatively simple answer, which is most cases there is, then we can pass it and we don't delay it for a month.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: How does it get onto the Consent Calendar? Is it discussed in senior staff and then you all decide whether it gets on Consent Calendar?

MR. GONZALEZ: That's ordinarily the case, Mr. Chair, Commissioner Anaya, is that it is discussed at senior staff. We discuss whether the items are appropriate for the Consent Calendar or whether we ought to pull them out and leave them for discussion under the individual departments. One method of doing it of course would be at the time of approval of the agenda, you could pull off items at that point and decide whether they ought to be dealt with later in the same meeting or at a later date. One of the issues that we do have from staff time is that some of these items are time sensitive. Just like the issue that we're looking at with respect to item V. So the process does need to accommodate some time-sensitive matters in whatever way we do it.

COMMISSIONER ANAYA: Mr. Chair, what I don't want is all of a sudden we don't have a Consent Calendar and one Commissioner decides that he doesn't have time to look at the Consent Calendar and all of a sudden he makes one phone call and it all gets pulled off. That's what I don't want. So if that Commissioner, whoever decides to make the phone call and says, look, items A through G, I need off, maybe you could, or



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somebody could get with that Commissioner and talk to him over the phone or whatever they could do to discuss those issues so that things won't be pulled off the Consent Calendar. Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I have a quick maybe solution to this. Maybe what you could do is, senior staff is on Monday, right? That's when you decide what goes on the Consent Calendar. Maybe you could e-mail us the Consent Calendar. That gives us a couple more days to look at it. Tag the ones that are time-sensitive as being such, and that gives us a little bit more time to deal with the issue prior to the meeting.

CHAIRMAN SULLIVAN: I think that's a possibility, Commissioner Duran. The only problem is if we just have the title, for example on this item Z, A resolution requesting an increase to the recreation fund to budget prior fiscal year 2002 cash balance, that's not something that would jump up and catch your attention until you read the documents. And I don't think, Commissioner Anaya, that there's been any abuse of this. I think we're all cognizant that we all businesses and lives and try to keep the meetings moving as quickly as we can. But if we can come to some agreement here and try it out and see how it works. If you feel that there's an abuse of it then we'll try something else where we can take an item off at the beginning of the meeting and say, I've read this and I'd like to put it under open discussion. And we'll move it back there under open discussion. If it's going to be a long, involved discussion we may have to table it for the next meeting, but if there's a quick answer, we're done. And the Consent Calendar can go through. I wouldn't think you'd have more than a couple of items being pulled off. We can certainly try that.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Mr. Chair.

COMMISSIONER DURAN: Just one last comment. I think that some of the Consent Calendar, some of the items on the Consent Calendar are somewhat no-brainers. To award a price agreement to the lowest responsive bidder, obviously there's a process that's taken place. I agree that there might be some things that each Commissioner or a Commissioner that has some concern might require back-up documentation but that could also even be provided. He could then pursue that. If you could get this to us a few days before and obviously it's not going to be a perfect process but I think every little bit would help. I still would like for you to e-mail the Consent Calendar to us.

CHAIRMAN SULLIVAN: Okay. Is there any other discussion on this? I think we've come up with some ideas here to move it forward We'll try it at the next meeting and see how it works and it looks like 12:30 so what time would you all like to be back from lunch? Let's be back at 1:45 please.

[The Commission recessed from 12:35 to 1:50.]

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**CHAIRMAN SULLIVAN:** I will entertain a motion while we're waiting for the other two Commissioners to come for the presentation from the Utility Department to consider item V which was tabled in the Consent Calendar regarding an amendment number one to the professional services agreement with First Choice Community Health Care Mountain and Valley Regional Health Center. Becky, would you like to just come back and tell us what that is.

- X. V. Request Authorization to Enter into Amendment #1 to the Professional Service Agreement #23-0178-1N with First Choice Community Healthcare/Mountain and Valley Regional Health Center for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term for Another year and Allocate Compensation in the Amount of \$35,000 for Services (Community & Health Development Department)**

**MS. BEARDSLEY:** Mr. Chair, Commissioners, this is an amendment to the professional service agreement for First Choice Mountain Valley Regional Medical Center. We recently entered into a professional service agreement with them in Edgewood to provide health care services. The amendment was executed a couple weeks ago to finish out the rest of this fiscal year and what this amendment does is it extends the term of the contract through June 30, 2004 and it allocates \$35,000 for the fiscal year so they can provide health care services to their residents.

**CHAIRMAN SULLIVAN:** And this comes, Becky, from the MOU, the memorandum of understanding or what?

**MS. BEARDSLEY:** No, Mr. Chair. This is actually indigent funds that we are allocating for this.

**CHAIRMAN SULLIVAN:** Questions from the Commission? Commissioner Duran.

**COMMISSIONER DURAN:** So this is the same kind of professional service agreement we had with them last year?

**MS. BEARDSLEY:** Mr. Chair, Commissioner Duran, they've just recently opened within the last couple of months, so we just executed the agreement and now this is just an amendment to continue them through the next fiscal year.

**COMMISSIONER DURAN:** So this is the same professional service agreement that we have with all our other — I mean it's similar in content.

**MS. BEARDSLEY:** Mr. Chair, Commissioner, that's correct.

**COMMISSIONER DURAN:** Okay. Thank you.

**CHAIRMAN SULLIVAN:** Okay, Commissioner Anaya and Commissioner Montoya, we're taking up that Consent item V that we tabled right now for that professional services agreement. So if you have any questions of Rebecca there she is.

**COMMISSIONER DURAN:** If there's none, I'd move for approval, Mr.

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Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: There's a motion and a second. Further discussion?

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

CHAIRMAN SULLIVAN: Thank you, Becky.

IX. C. Presentation on Santa Fe County Water Utility Customer Usage and a Status Update on the "Wheeling Agreement" Initiative

GARY ROYBAL (Utilities Director): Thank you, Mr. Chair, members of the Board. At the last Board meeting the Board asked about customer usage on the water system and the effect of the surcharges on that usage. I felt that the best way to approach this is just to develop some graphs of our usage and present those to the Commission for your review, so if you'll bear with me a minute, I'll get over here.

What I did is I broke up our water usage into kind of our subdivision service areas. The first graph that you have here is for the northwest sector which is located by the La Tierra area. That's up by the Buckman area. As you see over here, I've plotted the years 2001, 2002 and the current information we have up to 2003. This line right here is the 2001 data. As you see, right around July usage peaked on an average per customer up to about 24,800 in the month of July. In the year 2002 when the surcharges were implemented you'll see that usage came down to roughly about 7,000 for that same month period. So there was some effect of those surcharges for the northwest sector.

Rancho Viejo, which is located in the Community College District had more or less the same pattern. In the year 2001, they peaked at about 8,000 gallons on the average per customer. In the year 2002, the peak was roughly about 5,300 gallons per customer.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Gary, what do you attribute that to?

MR. ROYBAL: The surcharges.

COMMISSIONER DURAN: Oh, the surcharges.

MR. ROYBAL: Yes, the surcharges came into effect on our system roughly around June, so you can see that there was a decrease in here. If you go — and this is probably the most significant one that you'll see is that in the northwest sector, they were using about 24,800 gallons at the peak time. Once those surcharges came into effect right around June, they dropped down to about, oh, maybe about 7,000 gallons.

COMMISSIONER DURAN: Did those surcharges kick in about the same

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time the City went into phase 3? Could it have been a combination —

MR. ROYBAL: We actually lagged behind about a month because we had to give our customers notice that we were going to do this. I had to bring it before the Board. The Board approved the surcharges and the emergency water use restrictions. So we lagged about a month behind them. I think they started in May; we started in June.

COMMISSIONER DURAN: So the surcharges started in June?

MR. ROYBAL: In June of 2002.

COMMISSIONER DURAN: Does that coincide with phase 3?

MR. ROYBAL: Yes. What happened was as I came to the Board, got approval to go to Stage 2 and implement the surcharges. At that time that I was coming, the City was already considering Stage 3. The Board gave direction that we should just follow suit and we would just ratify that whenever the City implemented theirs, so we hit Stage 3 almost concurrently with the City. But the surcharges remained the same whether they were in Stage 2 or Stage 3.

COMMISSIONER DURAN: I'm just kind of surprised that the surcharges would be the only reason why the usage went down.

MR. ROYBAL: And the other one is the irrigation days. When you're in Stage 2 you have three irrigation days per week. Stage 3 you only have one irrigation day per week. So it's a combination of surcharges and irrigation days also.

COMMISSIONER DURAN: Okay. Thank you.

MR. ROYBAL: We also have Las Lagunitas which is located off I-25 by La Cienega. Again, you can see that the usage increases during the summer, and in 2001 when there was no water use restrictions they peaked roughly at about 9200 gallons per customer. For 2002, you can see that there was a drop again. It leveled right around 4,000 and went up in September, October, up to about 5,200 gallons per customer, on the average.

The Valle Vista Subdivision, we actually didn't take over this system until September 2001, so we only had four months of data there. 2002, you can see that the pattern did drop down here again in July. I think that's attributed not only to the surcharges also. I think the irrigation days also had a significant impact on that.

Our commercial customers are somewhat different, and you can see that in 2001 there's somewhat of a uniform pattern, but 2002 seems very erratic. The data we use here, keep in mind, is not totally filtered. But I think what we see here is we had a couple of commercial customers that had some significant leaks on their system. So our billing system would pick up that leak and it would show it. It would show it in whatever month it occurred. I know we had an Allsup's that had a significant leak for a month and they leaked several hundred thousand gallons of water one month and one of our other commercial customers had the same problem. But there seems to be some erratic usage and I can't explain why that happened but 2001 seems fairly consistent.

Our government customers kind of have the same pattern and their usage kind of remains the same. They peaked at different months on both years. In 2002 they peaked probably in June and in 2001 they peaked in July. Those patterns seem to be somewhat

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consistent. Going to this issue of filtered data. You can see that there's two flat lines over here. When we were going through our data we noticed that there were some inconsistencies in our billing and what happens is we may have picked up April usage in May and billed them for two months at one month so we average that out just to kind of give a kind of sample of what the usage pattern is.

Then our institutional customers, which are IAIA and the corrections facility for the County, 2001 had a really high — it's more of a constant level but it's higher up. 2002 kind of follows the same pattern but it's lower. And here again I think that has to do with those two factors of irrigation and the surcharge. What I did is I graphed 2001, I got Rancho Viejo, Las Lagunitas, the northwest sector and Valle Vista to demonstrate what all of these subdivisions look like relative to each other and you can see that our northwest sector, clearly for 2001 was a high consumptive user at that point. And the rest of them were fairly within the same range over here.

Again, 2002, the northwest sector shows a high usage relative to the other three subdivisions that we plotted along with these.

COMMISSIONER DURAN: Why do you think that is? Excuse me, Mr. Chair. Why do you think that is?

MR. ROYBAL: Well, for one thing I believe that they have some very high type landscape covenants over there that require a lot of landscaping and initially, when someone moves in and they have to put all this landscaping in, requires a lot of water to get it to fit in and set. The other thing is I think it's a higher level subdivision. It's right across the street from Las Campanas so they use more water. For sure I know that it is because of some of the covenants they have for landscaping.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: What are you talking about? What's right across from Las Campanas?

MR. ROYBAL: The northwest —

COMMISSIONER ANAYA: The northwest sector?

MR. ROYBAL: Our northwest sector, which is our service area up on the north end of town. It kind of abuts and or is adjacent to the Las Campanas Subdivision is fed off of the Buckman line.

COMMISSIONER DURAN: La Serena. Hurlocker did a couple subdivisions up there.

MR. ROYBAL: And I'll have a map later on when I talk about the wheeling agreement that will show this northwest sector.

COMMISSIONER DURAN: It seems to me, just looking at your charts here that we might want to impose some water restrictive covenants so that these subdivisions are pretty much in line with one another. I realize that there might be a little bit higher end properties out there but that's the problem with Las Campanas is that they're not being socially responsible using this water. That's the claim. And it seems to me that

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the northwest quadrant should be as — does this have anything to do with density? Is it a denser area? Do you have it broken down that way or by population? Or just by quadrant?

MR. ROYBAL: We have it broken up by subdivision. We haven't filtered it into density, size of units, population or any — for instance, Rancho Viejo, we didn't break it down into the type of units that are served. It's all of the residential customers in Rancho Viejo. These are all of the residential customers in our northwest sector at the Hurlocker's subdivision. I'm not sure but maybe Roman could maybe at some point talk to what the land use covenants are for the northwest sector.

COMMISSIONER DURAN: Thank you, Gary.

CHAIRMAN SULLIVAN: Gary, just a clarification. These are total gallons of usage. This isn't per capita, correct?

MR. ROYBAL: These are per customer, average per customer. For instance, the average per customer for —

CHAIRMAN SULLIVAN: So they are per capita.

MR. ROYBAL: Well, yes. It's about 12,400 gallons per customer that peaked out on that area right there.

CHAIRMAN SULLIVAN: Versus Las Lagunitas, which is 6,000 gallons per customer.

MR. ROYBAL: Right in here, which is roughly about 5,500 gallons.

CHAIRMAN SULLIVAN: I'll give you the 500.

MR. ROYBAL: That pretty much gives you a really general idea of what our water consumption patterns are on our system for the years 2001 and 2002. And I stand for any questions on those.

COMMISSIONER DURAN: That's it?

CHAIRMAN SULLIVAN: No, now we're going to talk about the wheeling agreement.

MR. ROYBAL: I guess in answer to the question that the Board asked the last time, do these water use restrictions have an impact on usage. I think they do. And I think it's demonstrated by these usage patterns. When there weren't any restrictions in 2001 usage was relatively high. When these restrictions were put in, not only the surcharges but the time of irrigation, or the amount of irrigation, there was a significant impact on average customer usage for this last year.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: After looking at the charts, I'd like to see, maybe the northwest sector come down and kind of be with the rest of the development that's going on with the consumption use. I saw that peak way up there and if we could work together to see if we could have some kind of covenants in there where they're not using that much water.

MR. ROYBAL: Mr. Chair, Commissioner Anaya, that is a concern of ours from the Utility in that when we have allocated .25 acre-feet to each customer on our

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system, when they start to exceed that, it exceeds their budgeted amount and so that puts a strain on our inventoried water rights. So we are looking at ways right now on how we can get customers to comply with that budget. And it may be through a rate structure change or something of that nature.

**CHAIRMAN SULLIVAN:** Well, Gary, we have an ordinance in place that deals with that, don't we? If they exceed their budgeted amount?

**MR. ROYBAL:** I'm not aware of any ordinance that applies to the water utility that would go to that extent but it may be on some other ordinance or land use.

**CHAIRMAN SULLIVAN:** But the subdivision, I thought, correct me if I'm wrong, the ordinance that Katherine Yuhas worked on that there's penalties, there's a notice period and so forth and there's penalties for exceeding the allocated amount that a subdivision gets for water. Did this subdivision have an allocated amount of a quarter acre-foot per unit?

**MR. ROYBAL:** Mr. Chair, I'm not familiar with the master plan approval conditions on the northwest sector. What I do know is that we have water service agreements with the customers for .25 acre-feet. And whether that was by master plan condition or what the penalties are if they exceed that, I'm not familiar with that but I'll certainly look into that.

**CHAIRMAN SULLIVAN:** But what you're seeing here is more than .25 acre-feet.

**MR. ROYBAL:** In 2001, we had customers that did exceed the .25 acre-feet.

**CHAIRMAN SULLIVAN:** And we don't have any means of policing that or enforcing that .25 acre-feet?

**MR. ROYBAL:** Mr. Chair, on the water utilities rules, we don't have anything right now specifically that we could say we could cut you off if you exceed .25 acre-feet or any other type of restriction of that nature. That is what we're looking into, is how can we get people to come in within their .25 acre-feet, and if they exceed that, how do we penalize them to be able to bring them back into the .25 acre-feet? Or how do we get them to come in? Maybe it's not a penalty, maybe it's an incentive. Maybe we should give them incentive to stay within their .25 acre-feet.

**CHAIRMAN SULLIVAN:** I thought we had passed, maybe I'm mistaken but I thought we had passed an ordinance to do that, and then of course we approved money for another staff member that's going to be monitoring these things and creating a database. Is that person on board yet?

**MR. ROYBAL:** Mr. Chair, I'm not sure if we're talking about two separate — I know that there's domestic wells that are subject, where you approve subdivisions with domestic wells and restrict them to .25 acre-feet. Those people are ones that call in their meter readings or submit their meter readings and there are restrictions on there. I'm not sure whether that ordinance applies to the County water utility in that we don't serve off of domestic wells.

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**CHAIRMAN SULLIVAN:** So maybe we need some modification to that ordinance to make it applicable to the County utility, because if you have an agreement of .25 acre-feet, like you say, it's very difficult to shut off the tap. What do you do other than have an inverted rate structure that makes it monstrously expensive to use more water but that doesn't help if people are willing to pay the price and we're trying to save water.

**MR. ROYBAL:** And Mr. Chair, that is a concern of ours and we are looking into how we can give an incentive for people to stay within their .25 acre-feet. Because we do have for instance, there are some customers that are below .25 acre-feet, so on the average I think we're okay but what we're looking at is those customers that are going over their .25 acre-feet that they've been allocated or budgeted for that residence. And how do we incent them to stay within their .25 acre-feet.

I know in the northwest sector, there are landscape covenant s that require them to have certain type of landscape, certain amount of trees and stuff of this nature that require them to be out there watering while they plant these. And that may be one of the reasons why these water uses in this area are relatively high.

**CHAIRMAN SULLIVAN:** Commissioner Duran.

**COMMISSIONER DURAN:** Before we get into the wheeling agreement, I just need some clarification. The northwest quadrant system extends into the Hurlocker subdivision La Serena, I forget the name of the other subdivisions. But my understanding is the water that they receive is from the City's agreement to extend — their City Water Company customers, is my understanding. Is that correct?

**MR. ROYBAL:** Mr. Chair, Commissioner Duran, we have a service area in the northwest sector that are our customers that are served by water that is from the City of Santa Fe. The City of Santa Fe has a subdivision that they serve that's contiguous to our service area and they literally move water through our system and take it out of a master meter to serve La Mirada. So they serve that subdivision but the water actually physically travels through our system before it gets to our system.

**COMMISSIONER DURAN:** Aldea gets water from the City. They're in the County but they get water from the City. Are they part of your northwest quadrant calculation?

**MR. ROYBAL:** Mr. Chair, Commissioner Duran, I'm not familiar with the name of the subdivision?

**COMMISSIONER DURAN:** It's Frijoles Village. And Frijoles Village, the City agreed to extend — I guess what I'm trying to find out is in this wheeling agreement, do the northwest quadrant subdivisions or customers, do they use part of the 500 acre-feet that we are wheeling, that the City is wheeling to us? That's it.

**MR. SAYRE:** Mr. Chair, Commissioner Duran, you're correct that we furnish water to four of what they call Hurlocker subdivisions, which are Los Suenos, La Serena, El Prado, I believe, La Vida.

**COMMISSIONER DURAN:** Right.

**MR. SAYRE:** And those are part of the 500 acre-foot allocation that was



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made at the time so they're part of the wheeling agreement, I would say. In addition, there was something that came subsequently to that that La Mirada came out of our system but it's part of the City's allocation to serve them, but it's through our system. Aldea dba Prijoles, comes off of a pipeline near there but it's not off of our master meter. It goes outside of our master meter and they're served independently off of a City system.

COMMISSIONER DURAN: So those subdivisions that you mentioned, the Hurlocker series of subdivisions, those are all County customers?

MR. SAYRE: All those ones I mentioned, yes, they are County customers. And I wanted to make one other comment. It's part of what they call the west side agreement. And there was no provision in that west side agreement as it was originally contracted for a limitation on acre-foot usage.

COMMISSIONER DURAN: So each residence wasn't limited to a quarter acre-foot?

MR. SAYRE: Not in the water utility agreement.

COMMISSIONER DURAN: And that water utility agreement is with the who? The property owner or the original subdivider?

MR. SAYRE: Mr. Chair, Commissioner Duran, it's with the original subdivider.

COMMISSIONER DURAN: Which passed on to the property owner.

MR. SAYRE: Correct.

COMMISSIONER DURAN: And that's why we can't limit them?

MR. SAYRE: Well, I guess we need to confer on that. I think it's possible, I think with the approval of the subdivision by Land Use, I think there was a limitation applied to them. That's my recollection and maybe Roman can answer that. That was why I was saying I think there's some covenants that do limit how much they can use. That's my recollection, maybe Roman can answer that, but that was why I was saying that I think there's some covenants that do limit how much they can use.

COMMISSIONER DURAN: Thank you, Mr. Chair. It's all clear as mud now.

CHAIRMAN SULLIVAN: Also I would think too, there's a total allocation of water rights to that subdivision so regardless of whether your agreement allocates it per unit, each of those four subdivisions is only allocated a certain amount of water rights. If they start exceeding that then it's time to do something. But I think we should check with Land Use and maybe you might want to get with Roman and do that. We don't have time to discuss it today but you might get with Roman and see what mechanisms we have if that subdivision has been approved with .3 or .25 acre-feet then we need to send Charlie Gonzales out there and start some enforcement.

MR. ROYBAL: Mr. Chair, just as a note, there's about 55 customers that we serve in that sector and for the year 2002 they were right on the average at .25 acre-foot.

CHAIRMAN SULLIVAN: As an average.

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MR. ROYBAL: On the average.

CHAIRMAN SULLIVAN: But we approve, at least now, we want each unit.

MR. ROYBAL: Some are less, some are more.

CHAIRMAN SULLIVAN: But we want each unit to be less.

MR. ROYBAL: I understand. Well, now we'll get into the fun stuff, which is the wheeling agreement. We met with City staff on four different occasions to talk about the wheeling agreement and some of the issues that have come up and I guess the first one really isn't an issue but it's something I think that we all agree on is that on July 12, 2005 the existing wheeling agreement will terminate. The issues that we've been talking about with the City staff on a new wheeling agreement if you will, is delivery of quantities or the transmission of quantities that the County will require, production quantities, storage quantities, the terms of the new agreement and water rights.

I'll discuss a little bit or explain a little bit about what I mean by delivery, production and storage. And the best way to do that is to go to this map that reflects basically what we're talking about. These two points right here are delivery points that we have and these two points are where we receive water from the City to serve the south sector or the Community College District, La Cienega and Las Lagunitas. Our service area expands all the way down in here. So these two meters provide that service. These two meters are hooked up to a line that hook up to a six million gallon storage tank over here and provide water to these two meters that we have here.

The northwest sector, when we were talking about the northwest sector, that's this meter point right here. So when we talk about the northwest sector and our service area, that's right in here. And that feeds off the Buckman line over there. So when I talk about production capabilities, what we have to look at is where does the City get its water from. The City gets its water from three sources and I categorize them into three categories. The first one is the Buckman wellfield up here. This is where the Buckman wellfield is. These wells pump into the Buckman transmission line and come up to a ten million gallon storage tank right over here located off of 599.

The other source of water for the City is the City wellfield wells right here. These are the City wellfields here and this is the northwest well. This northwest well is — I included it into this City wellfields because the water rights used to pump this well are associated with the water rights that come from the City wellfield.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Is that storage tank on Camino de los Montoyas?

MR. ROYBAL: Yes.

COMMISSIONER DURAN: So the other wells are south of that?

MR. ROYBAL: Yes. These are wells located pretty close to the river.

COMMISSIONER DURAN: No, I mean the other ones.

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MR. ROYBAL: These ones? These are located by the Santa Fe River. These are wells that are in town. This one \_\_\_\_ is that the one you're talking about?

COMMISSIONER DURAN: No, I was wondering where the storage tank was.

MR. ROYBAL: That's right off of Los Montoyas. And this is just a little bit west on a little dirt road. That's where that northwest well is located. The other source of water for the City comes from the Santa Fe Canyon which is located up in here. So when we look at what's the City's water supply, their sources, they actually have three sources of water. So when we're talking about a wheeling agreement, we have to look at these three sources here and figure out how much production capabilities do these sources have? How much does the City need and how much excess capacity is available to be able to move water into our two points here and this point right up here.

When we talk about transmission or delivery of water, what we're talking about is capacity along the Buckman storage line here and about the transmission and storage facilities located in here within the City service area. As you see over here, there's a six million gallon storage tank and there's a major transmission line that comes in here. Now, how water is fed into this storage tank and how water comes into these points is what the City is looking at right now to determine whether they have any transmission constraints. Are the lines big enough to be able to meet our requirements at these two locations and at the same time meet their service obligations on their system.

COMMISSIONER DURAN: Gary, it would be helpful if you'd tell us, rather than these locations, can you tell us where? Is that big round one, is that the Wilderness Gate area? Where is it geographically?

MR. ROYBAL: This storage tank?

COMMISSIONER DURAN: It's just nice to know where we are.

MR. SAYRE: Mr. Chair, Commissioner Duran, that six million gallon reservoir, as you come off the St. Francis interchange on the I-25, and you look off to the right, you'll see that big reservoir and that's the six million gallon reservoir, right near Camino Carlos Rey, end of Camino Carlos Rey in the City of Santa Fe, next to the I-25. It's about 1000 feet off of I-25. So that's where that reservoir is. Then the two metering points, there's one at Richards Avenue and I-25.

COMMISSIONER DURAN: Okay, good.

MR. SAYRE: And at factory stores and Cerrillos Road.

COMMISSIONER DURAN: Okay, Thank you.

MR. SAYRE: Then the other one that we described up to you, probably right below Estates II in Las Campanas, I'd say at the southwest corner of Estates II off the City system.

COMMISSIONER DURAN: Thank you.

CHAIRMAN SULLIVAN: And Gary, just to add, the City's consideration of their capacity on this wheeling agreement. I know you're discussing that with them. I just remind you and the City that at our last RPA meeting we agreed to \$500,000 as a part

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of that quarter percent gross receipts tax fund, regional funds, that would go for line upgrading, specifically. That was a category. So if they are concerned about where the money is going to come, if there's any constraints or constrictions in the line, we've got half a million dollars allocated.

MR. ROYBAL: Mr. Chair, that's why those projects were included in there so that we could upgrade and enhance the system so that there would be deliverable --- so that any capacity constraints could be alleviated as a regional project because it benefits both the City by increasing and enhancing their system, and at the same time if it gives them additional capacity it benefits the County by allowing more water to be wheeled or transferred into the points that we need them.

CHAIRMAN SULLIVAN: Have we identified any specific constraint points yet?

MR. ROYBAL: Mr. Chair, that's what we're waiting on right now. They contracted with Boyle Engineering to do a system analysis. What we're talking about, and I think this is where we are right now is that the City is performing a system analysis right now to determine whether there's any infrastructure constraints and what the infrastructure constraints are. And since we're on this slide right here, I'll just get into it. The status is that we've already presented a draft wheeling agreement to the City for their review and their consideration. And so they're looking at this right now. We're supposed to meet with them again later this week to go over their concerns on just the terms and conditions of that proposal.

We're also awaiting the Boyle engineering study to see what the system constraints are so that we can start looking at how our proposed requirements will fit into their system planning. That engineering report is very critical to this because that will really tell us what the City needs to upgrade their infrastructure and what kind of deliverability and production they can give us. If we go back here, this production is very much limited to the wells that they have out there right now and they're drilling four additional wells or supplemental wells. There's been a lot of discussion as to how those wells will be used. Is it going to bring additional production capacity into the system. I'm not clear on whether it will or not. There's no new drilling of wells in this area over here but we did put into the regional plan, the RPA plan, that we upgrade and rehabilitate these wells in here to help increase the capacity of those wells. And that again will give benefit to both the County and the City by upgrading their production in these areas.

The variable is the Canyon City reservoir. That's subject to climate type conditions. If we have a wet year, we get a lot of water into the reservoir. If we have a dry year we depend solely on the groundwater production of the wells that they have on their system. So from that perspective, we have been moving forward on that wheeling agreement. We've been working with the City staff to try and outline what the existing agreement means and what it gives us and what a future agreement would look like with the Buckman diversion project on-line and these new facilities on-line. Because I think you can pretty much tell that when the Buckman diversion project comes on-line, it's going to branch off

here and feed into the City system and into the County system down here.

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But we still will require some water to be moved along their system to hit our points up here so we can serve our area up here. So we're hopeful that we can identify those constraints on their system right now and with this GRT funding, be able to alleviate those constraints and move forward on developing the deliverables of a wheeling agreement. So, with that, I stand for questions.

CHAIRMAN SULLIVAN: Questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Gary, what's your gut feeling right now in terms of getting this wheeling agreement negotiated?

MR. ROYBAL: Well, my gut feeling is indigestion right now.

COMMISSIONER MONTOYA: From the wheeling agreement?

MR. ROYBAL: No, from the chili I had for lunch. Actually, I'm very encouraged. I think the City staff we're working with are very cooperative, very helpful and they understand our concerns and our requirements and I feel that we can move forward. We'll be able to move forward on a wheeling agreement that would address both their concerns and our concerns.

COMMISSIONER MONTOYA: So you think we'll have something in place and ready to enter into by that 2005 deadline?

MR. ROYBAL: Yes. Yes. And I think maybe even sooner because I think Chairman Sullivan brought up this issue of the joint agreement for the operation and maintenance and oversight of the regional facility which is the Buckman diversion. All of these things kind of mesh in together. It's like a puzzle and we're just working the pieces together to make sure we get them to fit right.

COMMISSIONER MONTOYA: And I think you've seen at the RPA meetings kind of what the tenor has been like there. I really have all the confidence that staff will be able to negotiate that and bring us a quality product. So thank you for your work there, Gary.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I guess my biggest concern as we move forward with this wheeling agreement is what I perceive to be a conflict in the understanding that both entities are operating under, and that is that the City believes that they are wheeling their water to us and my understanding is that under the permit they have from the State Engineers Office that that permit allows them on a temporary basis to pump the Buckman area a certain amount of water which directly tied into the allocation of San Juan/Chama water rights that we have that we own collectively with the City. My feeling is that they're wheeling our water to us and there are some Councilors that believe that that is not the case, that they're wheeling their water and in fact that's why they're resisting increasing the allocation, the 500 acre-feet to whatever you are negotiating. Is that an accurate accounting of some of the problems you're facing relative to negotiating this wheeling agreement with staff?

MR. ROYBAL: Mr. Chair, Commissioner Duran, yes, that is the position

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I've heard come from the RPA or some of the City Councillors and City staff has also expressed that to us and we're of a different opinion. I think that's one of the issues that we've come up against in interpreting and administering this wheeling agreement is what did it mean? It was negotiated when PNM owned the system. There was a metropolitan water board. It was a whole different environment. What we're trying to do is understand what was meant but then move forward and look at this more prospectively than trying to go back and try and understand and dissect what was done before is go on a perspective basis and move forward, understanding what happened in the past. And we can agree to disagree but we have to get beyond that and go forward on a more productive path.

COMMISSIONER DURAN: Well, Gerald, as one of the architects of that wheeling agreement, have you been involved in the discussions?

MR. GONZALEZ: Yes, I have, Mr. Chair, Commissioner Duran. I was at the last meeting with the City folks this last Friday.

COMMISSIONER DURAN: And are you confident that you'll be able work through that philosophical approach?

MR. GONZALEZ: I think there are a number of alternatives to addressing it. I've always said that artful draftsmanship can get around many problems that otherwise people slam their heads into. And I think there are ways of crafting the agreement that would avert having to confront that issue in a way that would prevent us from going forward with it.

COMMISSIONER DURAN: You might be able to work yourself around that particular issue.

MR. GONZALEZ: Right. And I think we've pitched a proposal to the City that provides one option. Another option that we've discussed potentially is treating the San Juan/Chama water as a "regional pot" to some extent. And there are other ways I think we can approach the issue and try to get around their concerns about who owns what.

COMMISSIONER DURAN: Do you think it would be unreasonable to ask for a copy of what you submitted to them? I haven't seen a copy. Have any of the Commissioners seen a copy of the —

MR. GONZALEZ: Of the draft we provided.

MR. ROYBAL: Mr. Chair, Commissioner Duran, I haven't distributed a draft. These have been just with senior staff that we've been exchanging these. But I'd be happy to provide you with a copy.

COMMISSIONER DURAN: Of what you submitted to the for their review.

MR. ROYBAL: Yes.

COMMISSIONER DURAN: Yes. I'd like to see copy. Thank you, Mr. Chair. Thank you, Gary.

COMMISSIONER CAMPOS: Mr. Chair, I think we should be involved at least in the concept of it. I think I don't understand what you're doing in your discussions with the City. It would be nice if the policy makers had at least an opportunity to say something. And that way if you circulate it we'd could respond to it.

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MR. ROYBAL: Mr. Chair, Commissioner Campos, I'd be more than happy to share that with you and sit down and spend time with you individually and explain to you the direction and approach we're taking. Certainly.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya, then Mr. Gonzalez.

COMMISSIONER ANAYA: Well, I feel perfectly comfortable. I know that the County Utility Department, they know the system. I know that the City knows the system too and when you both sit down and discuss it I think that they should come up with an idea or a plan and then bring it to us. I think that if we start putting our input in we get things kind of confusing and we don't know the system like they do. So I just wanted to through that out.

CHAIRMAN SULLIVAN: Mr. Gonzalez.

MR. GONZALEZ: I just wanted to comment that if we are going to explore it, probably one on one is important just because what we have pitched was a starting point in terms of framework but I know the discussions have regressed from that point on, so it would require updating in terms of showing you where we've gone to in the discussions since we pitched that because that was like five weeks ago, I think that we provided them the draft and since then we've had additional discussions including the one last Friday.

CHAIRMAN SULLIVAN: I think one way to maybe handle that is, I agree with Commissioner Anaya that we want to give the staff some flexibility to have these informal discussions without the politicians jumping in and waving their hands. But at some point we need then to come back and be consulted about those conditions and maybe one way to feel that out is when the City feels that the need to start going to the City Councilors you need to start coming to the County Commissioners, whether we do it in a work session or individually. I like that flexibility of throwing ideas out and kind of getting feedback on a staff level so we don't get into political arguments and philosophical arguments at the policy level, until that time comes. We're going to have to address that when the time comes.

How far are you from that, would you say at this point? Another couple of weeks or so and you'd have something together that the Commission could take a look at?

MR. ROYBAL: Mr. Chair, I'd probably say we're about a month away. These meetings take a little bit of time to schedule everybody in, to get everybody on board and doing the review and the analysis. As I said we're still waiting for that engineering study. That's probably been the major hold-up right now is to identify what the constraints are but in our last discussion with the City they were going to start nudging, or they have been nudging their consultant to produce the study that we need to do this.

On your first point, it was my direction and understanding from the RPA that I would bring forward a wheeling agreement to the Board for their approval before it was presented to the RPA so that step will be taken before anything gets presented to the RPA as a body.

CHAIRMAN SULLIVAN: And it's no problem, whatever you have now,

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Commissioner Duran would like to go over that with you, you could certainly, or any other Commissioner, obviously, you can sit down with them and talk about the philosophy of where you're headed on that.

MR. ROYBAL: Mr. Chair, certainly. I'd be more than happy to sit down with any of the Commissioners.

CHAIRMAN SULLIVAN: I just want to be careful of the Commission going out in five different directions here and I'm sure Commissioner Duran is sensitive to that too.

COMMISSIONER DURAN: That's my main concern is that we're discussing this at the RPA, or we have and maybe we're through discussing it at the RPA until you come forward with a draft for us to consider. I just wanted to make sure that we're all on board because this is kind of a policy, these are policy decisions that are being made and I think that were fooling ourselves if we think our City counterparts are not in the middle of working with their staff. If I could just see a copy of it and you could just get me up to speed with it, I have total confidence in your ability to do it, just as a policy maker I would like to be apprised of what direction you have decided to take based on your interpretation of what this Commission is trying to do.

MR. ROYBAL: Mr. Chair, Commissioner Duran, certainly. I'll get you those documents we've provided and update you on the direction and approach we're taking to this.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I just — this is an important policy decision. I think Commissioner Duran is right on. We are the policy makers. We should be consulted at some point and we're being marginalized I think in this process and that's why I'm raising the issue. Give us some information. We want to know what you're doing. If we have feedback we'll give it to you.

MR. ROYBAL: Mr. Chair, Commissioner Campos, at this point I think what I've given you here is where we are. Right now, we're developing the substance of the agreement and we'll get to that point —

COMMISSIONER CAMPOS: But you're talking numbers as far as acre-feet and that's kind of a major policy decision. I think you're throwing out some numbers.

MR. ROYBAL: Mr. Chair, Commissioner Campos, the numbers we've thrown out to them are the numbers that we think from our engineering perspective and service perspective we need and it goes up to 1700 acre-feet I think, up to the year 2010, which is what our 40-year water plan calls for. So the information is coming out of our 40-year water plan that we're providing. But I can bring that into perspective when I update and provide you with this information.

COMMISSIONER CAMPOS: I think it's important that the Commissioners do meet. I've met with Mr. Roybal a number of times for remedial water sessions and it's good information. We're going to need that perspective when we start making these decisions and understanding the issues which are really complex. So I think that would be a



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good process for us all to do, to sit down with him and talk about these issues.

CHAIRMAN SULLIVAN: Okay, let's move on then if there are no other questions. Thank you, Mr. Roybal for that presentation.

COMMISSIONER DURAN: I hope your tummy settles down.

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

**A. Administrative Services Department**

1. Request Approval and Adoption of Policies and Procedures Established by the Santa Fe County Health Insurance and Portability Act (HIPAA) Committee to Ensure Compliance with the Health Insurance and Portability and Accountability Act of 1996 Section 160, The Privacy Rule

HELEN QUINTANA (Human Resources Director): Mr. Chair, members of the Commission, the Health Insurance and Portability Act, or HIPAA as it's known was signed into effect by President Clinton in August of 1996. The legislation was intended to improve the efficiency and portability of insurance policies. The act was amended to include Section 160, the Privacy Rule, to protect the privacy of and the access to patient health information.

On April 29, the Board of County Commissioners passed a resolution recognizing Santa Fe County as a hybrid entity, meaning that the County is a single legal entity with some functions that are covered by HIPAA. HIPAA imposes substantial requirements to those covered functions and each affected function must follow all of HIPAA's privacy requirements. The Board has also authorized the establishment of a HIPAA committee to develop and implement policies and procedures relevant to HIPAA's privacy requirements. The committee has since developed the policies and procedures necessary to meet the requirements and a copy has been provided for you.

Once the policies are approved, the final step towards compliance involves the development and administration of a County-wide employee training program to give general education and specific instruction on how to handle protected health information. At this time staff recommends the approval and adoption of the policies and procedures in order to meet the compliance requirements of HIPAA. And I stand for any questions.

CHAIRMAN SULLIVAN: Helen, the only question I had was on the complaints section if someone feels that their privacy has been violated and makes a complaint with Santa Fe County or to the Secretary of Health and Human Services, the policy stops there. What happens then? Do you rule on that complaint as head of Human Services, or does the County Manager rule on it? Is there an appeal process? What goes on after that?

MS. QUINTANA: Initially, Mr. Chair, the initial complaint would come to me as the designated privacy officer for Santa Fe County, and after an investigation and a

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result is made there can be an appeal up to the County Manager, but beyond that it would go to the Health and Human Services Division.

CHAIRMAN SULLIVAN: And is that stated anywhere in this policy, that people would know that procedure?

MS. QUINTANA: It is stated in the Notice of Privacy Practices, but also an amendment to your packet. It looks like this item here. It should be right there at the table. There is a complaint procedure.

CHAIRMAN SULLIVAN: Oh, okay. So there are forms in here that they would fill out and what you just described, just handed out would be followed. That was my only question. So when we're adopting this are we also adopting this set of forms and compliance procedures?

MS. QUINTANA: Mr. Chair, that's correct.

CHAIRMAN SULLIVAN: Okay, everyone, you have 30 seconds to read this.

COMMISSIONER DURAN: Did legal review it?

MS. QUINTANA: Yes. Assistant County Attorney Sophia Collaros is part of our HIPAA committee and she's part of the development of these policies.

COMMISSIONER DURAN: What did she think?

MS. QUINTANA: I'll defer that question to her.

SOPHIA COLLAROS (Assistant County Attorney): Mr. Chair, Commissioner Duran, I reviewed these policies and to the best of our ability they do comply with federal law.

COMMISSIONER DURAN: Okay, good. Thank you.

COMMISSIONER ANAYA: Mr. Chair,

CHAIRMAN SULLIVAN: Have you now, or have you ever been -- Commissioner Anaya.

COMMISSIONER ANAYA: Could you give me an example of how this would be used? If somebody complains because of their -- Give me an example.

MS. COLLAROS: Mr. Chair, Commissioner Anaya, you have a situation -- this is designed to cover what is called protected health information. So for example, as a hybrid entity, we have certain parts of the County that deal with protected health information. One could be say, our EMS individuals where they're going to be transporting someone to the hospital or they've been called because of an emergency. They fill out a form and it's got information with respect to that individual. Say that information needs now to be transmitted to the hospital. It's transmitted and you have the patient saying I would like to know please where you have disclosed this information. We then would disclose that the information, that particular sheet was then passed on to the hospital, would be an example. If it's not handled accordingly, then there are those penalties.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Other questions for counsel or for Helen? Any other red flags in this thing that was just passed out that we should know about?

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MS. COLLAROS: No. It's pretty standard.

CHAIRMAN SULLIVAN: There's obviously been a consultant involved with this called Digital Care, Inc. Who's Digital Care, Inc.?

MS. QUINTANA: Digital Care, Incorporated is a company that we utilized through the help of the CRAFT program in a federal grant to help with the technical assistance in not only understanding HIPAA or trying to understand the complications of HIPAA, but also to help in the development of all of these policies.

CHAIRMAN SULLIVAN: Other questions of staff? If not --

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

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Montoya and a second from someone to the right. Commissioner Duran.

The motion to approve the HIPAA policies and procedures passed by unanimous (5-0) voice vote.

XI. R. Finance Department

1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-58 for Emergency Medical Services Medical Director for the Santa Fe County Fire Department (Fire Department)

MS. LUCERO: Mr. Chair, members of the Commission, we are presenting to you and asking for your approval of a professional service agreement in response to RFP #23-58 for emergency medical services director for the Santa Fe County Fire Department. I'd like to give to you the most recent agreement. We have made some changes based on requests from the contractor and reworking this information with legal so if I could I'd like to give you those changes.

CHAIRMAN SULLIVAN: Okay. Is this the same person that did it last year?

MS. LUCERO: Yes, it is.

CHAIRMAN SULLIVAN: It doesn't give the name of a person but it's Emergency Medical Providers, Inc. Is that one person or several people?

MS. LUCERO: It's a corporation but there's one individual, I guess, designated to provide the service. But it's a corporation.

CHAIRMAN SULLIVAN: This person has to be an MD as I understand.

MS. LUCERO: If I could direct you real quickly to the changes, that way I can inform you what was different. On the contract itself, Section 5, Termination, we added section C, termination for convenience of the contractor. It's the same language as termination for convenience of the County, but on behalf of the contractor. And then

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Section 10, Indemnity, with the support and expertise from our legal department we made it very clear as to what the indemnity, where the indemnity fits so to speak on behalf of the County as well as the contractor. And then I believe the second section is under Insurance, 12.E, and we simply specified a professional liability in terms of medical malpractice liability, because of the nature of this contract. And those are the basic changes.

CHAIRMAN SULLIVAN: Questions? If not, what's the desire of the Commission?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya.

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

The motion to approve a professional services agreement for EMS medical director passed by unanimous (5-0) voice vote.

XI. C. Project and Facilities Management Department

1. Approval of the Final Working Guidelines for the Cerrillos Hills Historic Park Management Plan

PAUL OLAFSON (Open Space Manager): Good afternoon. Thank you, Mr. Chair. Before you is a memo, I believe, regarding the draft budget for the Cerrillos Hills Historic Park. And when you adopted the preliminary working guidelines for the park on April 29<sup>th</sup>, you requested staff bring back a summary on the budget. We had this on the last meeting but we didn't get to it and it's before you today. Basically, we've outlined on Table 1 at the bottom, there's several income sources that we're looking for to put in improvements, as well as a listing on the right hand side of potential recurring costs. Those costs are better demonstrated on Attachment A and B. They're a little more broken down.

If I can just briefly touch on some of the costs. I'm going to mostly touch on recurring costs because I believe the initial costs we do have available funding for and those sources are listed out. The recurring costs I think what may be of interest to the Board in that how we are going to operate and maintain this park over time. We say leveraged partner funds, approximately \$10,000. That's primarily through grants and in-kind services. Then we have some GRT funds which will probably over time not be used for recurring costs. But those are things for interpretive sign development, trail monitoring supplies, maintenance -- oh, wait. Excuse me. Signed fence, gate installation repair, etc. And then finally, there's the left column, miscellaneous sources that we've identified to date, would be user fees, grants, general fund, possibly donations as well, and that's for the basic day to day monitoring of the park, picking up the trash, opening and closing the gate at night, making sure that the facility is functioning. We're estimating approximately \$10,000 a year and then trail repairs over time. We're estimating approximately \$14,000 a year and that \$14,000 number could be lower and it also could be higher but we anticipate

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it will probably be \$14,000 or lower. We chose the maximum to be more conservative in our estimates and present you with a real line.

As far as these recurring costs, we don't anticipate that they'll really start coming on for the first two or three years of operation because we're still in the process of developing the park. We're still getting into user fees, commercial uses as well as developing some of the outlying back country trails, but this is a general summary of where we're standing and where we anticipate this to be in probably three years time.

CHAIRMAN SULLIVAN: Questions for Mr. Olafson?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Olafson, is this something that our GRT over time can pick up some of the maintenance costs?

MR. OLAFSON: Mr. Chair, Commissioner Montoya, that unfortunately is no. The answer directly is no. The gross receipts funds and the open space bonding monies can be used for capital improvements, property acquisition, capital improvements, planning and developing the facility. However, the long-term operations and maintenance we do not have funding from those sources. Identified sources again, would be maybe user fees, other grants, additional partnerships, donations. Trying to develop other mechanisms to grant these, as well as potentially the general fund. But again, we're also focusing on not trying to count on the general fund for that and looking at other sources.

COMMISSIONER MONTOYA: Okay. All right, thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: My concern always is, Mr. Olafson, how are you going to pay for this year after year after year. You're talking general fund. That really concerns me especially in the light of our situation. So how are you going to do it?

MR. OLAFSON: Again, Mr. Chair, Commissioner Campos, that's what I said at the end of that last question is we don't want to look at general funds because we understand the constraints, the budget issues. And I think we're going to have to largely rely on fees as well as on grants for specific projects which is not a secure source, as well as trying to develop other mechanisms. I know you and I have talked in the past about developing other maybe auxiliary partnering options with different non-profits and different organizations within the community and we're actively pursuing that right now. A direct answer to your question, I can't tell you today where that money is, but we're not aiming at the general fund and we understand that's not a good place to look.

COMMISSIONER CAMPOS: Is that an issue that COLTPAC is looking at?

MR. OLAFSON: Correct, as well as staff.

COMMISSIONER CAMPOS: Because we really need to expedite. As more trails come on, the pressure is going to be intense. These things are more expensive than we think. We better move on it. Priorities.

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MR. OLAFSON: Mr. Chair, Commissioner, I understand that very, very well.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Mr. Olafson, I had a similar concern because in the miscellaneous sources down at the bottom, \$24,000 of the \$39,000 in recurring costs is allocated from this general category of user fees which we don't currently have and grants which we don't currently have, general fund and donations. I guess the only thing so that we're not committing general funds on a recurring basis, would be perhaps if that could say user fees, grants, donations and general fund in extraordinary circumstances, or special circumstances, whatever the proper word would be. I guess what I'm seriously trying to convey is that I don't want members of the Cerrillos Hills Coalition or any of these open space park groups to assume that once we have a category that includes the word general fund that we have an automatic annual commitment from the general fund for \$24,000 of the \$39,000 and so if that wouldn't confuse the issue too much I'd like the general fund to have some condition on it like that.

MR. OLAFSON: Mr. Chair, we can definitely make that clarification in the language and just to re-emphasize, this is not a budget that we're asking you to approve. This is an informational piece that we're bringing to you to give you an idea of where we're headed. So in no way are we asking you to vote on this or commit any kind of funds or resources. We're just trying to say this is what we're looking at and this is where we're going with it. But I'll definitely make that clarification.

CHAIRMAN SULLIVAN: And we asked for some money numbers. That's good. This is exactly what we need. I just want to be sure we're not making an implied commitment that the Cerrillos people feel we may have reneged on when times were tight.

MR. OLAFSON: Understood.

CHAIRMAN SULLIVAN: Okay. So as long as we can make that clarification. Commissioner Duran.

COMMISSIONER DURAN: Gerald, I was wondering if you might be able to offer Mr. Olafson a little guidance and some help in that issue. My thought is through our GRT increase, the County has money allocated for open space and I don't believe that the money that's allocated to open space is specific for acquisition. I think that we probably could use some of that money under a maintenance program for open space that we have. Do you think you could check into that and make sure that the language isn't prohibitive. And the other thing is before we start committing — we own this property. We're going to have to manage it. We're going to have to make it safe for the community, whether it comes out of the general fund or drops from the sky. There's no sense in buying that property if we're not going to be able to have it safe for the community to use. And I think before we start allocating this GRT money to open space, I think we should figure out how much of that GRT money we're going to need to supplement the management, ongoing management of what we own right now. Does that make any sense?

MR. GONZALEZ: It makes sense, Mr. Chair, Commissioner Duran. I

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know that we have already kicked around that issue to some extent. There are limitations, statutorily with respect to how that can be used. Sometimes it's a fine line between improvements and maintenance but there are, we've already discussed to what extent we can devote monies from the GRT to dealing with some of those issues.

The other thing long term that we've discussed and that we really need to do is to develop a robust volunteer program. That's really essential, I think, going to be essential from the standpoint of managing these properties because even if we had GRT monies available to do the kinds of things we'd like to do we probably wouldn't have the manpower, the trained manpower that we would need to be able to do. So we have discussed how in sort of an exploratory way how best to use volunteer services in order to maximize the dollars that we have available and also to cover more turf in terms of what we have out there by way of open space. But we certainly will explore the issue.

COMMISSIONER DURAN: Doesn't any of this money that you're asking for come out of the five percent reserve fund that we have?

MR. OLAFSON: Mr. Chair, Commissioner Duran, there is the five percent maintenance fund but again, that's kind of a finite pie because it gets paid into and even on a relatively large purchase it can be a small number, but there's no recurring input. It gets put in once and you spend it out once and it's gone. So what we're trying to do is look at leveraging those funds and using those funds but using them to leverage other monies, maybe working with grants or other things to extend them and make them more, I guess robust. I think there are options to do that and we're definitely looking into that. But my guess, from my perspective as program manager I don't want to spend all those monies then they're gone and they're just gone. So we're trying to find a way to make just the best bang for the buck.

COMMISSIONER DURAN: How much do we have in that fund?

MR. OLAFSON: Approximately, off the top of my head, I'm just going to say around \$200,000 remaining.

COMMISSIONER DURAN: Oh, it's nothing.

MR. OLAFSON: But again, that doesn't go forever. So we want to use that maybe as a foundation, a leveraging foundation to continue on.

CHAIRMAN SULLIVAN: Let me offer a suggestion too for the maintenance. I'm fairly certain from our quarter percent tax resolution that went to the public that it was for the construction and not for maintenance. But maintenance, as Commissioner Duran says is the component that keeps these facilities alive and safe. Could we consider a maintenance trust fund where we would take the maintenance dollars that we get from each of the sale sides. And I'm thinking of putting some way this volunteer effort to some people who can't physically volunteer, who may be unable to because of age or disabilities or something or lack of time. They're looking for a place to donate to the open space concept and a trust fund that might be an entity that could accept donations and assist in parceling out that money, whether we did it through the County Manager's office or whether we did it through COLTPAC. I'm not sure. Is that something that might be

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workable?

MR. OLAFSON: Mr. Chair, that is kind of the idea I was alluding to earlier and actually Commissioner Campos had proposed some kind of similar idea.

CHAIRMAN SULLIVAN: Oh, he beat me to that?

MR. OLAFSON: I'm sorry. I want to give credit where it's due, but we have been working on that and actually pretty actively and that's one of my key interests and it has to happen sooner than later. I think Gerald was also referring to that, developing some kind of, I don't know, Friends of Open Space Fund or something. So we're looking at the legal options and possibilities as well as the ways — another one of my concerns is to really make sure that we're partnering and not competing with the other groups and agencies in the community, so where there are options to partner with conservation groups, with youth corps and other groups to really maximize that opportunity and build it as a community body to really support these projects. And I think there's a strong option there and we're definitely pursuing it.

CHAIRMAN SULLIVAN: Gerald.

MR. GONZALEZ: Mr. Chair, members of the Commission, one other thought that we have very tentatively explored, and it's a delicate issue, but it's the possibility of in some instances we may be able to acquire additional property that could perhaps, more property than is absolutely essential for achieving the County goals in terms of open space. And in those instances, there may be some possibility of marketing, sensitively marketing some portion of that property and using the funds derived from that in order to fund operations.

CHAIRMAN SULLIVAN: Oh, for sand and gravel. Is that what you're thinking?

COMMISSIONER DURAN: We're going to flip some of the COLTPAC properties?

MR. GONZALEZ: Those aren't very delicate examples, but I know this has been done in Boulder and some other areas where they have massive open space programs. They have done sensitive developments on the fringes of open space and marketed that property in a way that has produced additional returns in order to support the open space operations, as opposed to just acquisitions.

CHAIRMAN SULLIVAN: Kind of a golf course concept of developing around the golf course and develop around the open space. I guess that sounds like a potential. At least it would be controlled development and have some County input to it. Commissioner Duran.

COMMISSIONER DURAN: Just one last thing. Have you asked Jim Crain to give you some ideas, because they've had that program up in Boulder and they sold, they purchased some open space and allowed the owner to stay on there and they kind of maintained it. Of course it had some agricultural uses. A lot of ours is just scrub.

MR. OLAFSON: Mr. Chair, Commissioner Duran, I would say all of our scrub is very important scrub and that's why we've focused on it.



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CHAIRMAN SULLIVAN: It's nice scrub.

MR. OLAFSON: Yes, Mr. Crain is involved in these discussions. And we particularly asked him for his experience and insights and he's been helpful, very helpful.

CHAIRMAN SULLIVAN: Okay, any other questions? What's the pleasure of the Commission with regard to this final working guideline for Cerrillos Hills Historic Park?

COMMISSIONER DURAN: Move for approval.

COMMISSIONER ANAYA: Second.

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

The motion to approve the guidelines for Cerrillos Hills Park passed by unanimous [5-0] voice vote.

MR. OLAFSON: Mr. Chair, if I might just indulge one more second.

CHAIRMAN SULLIVAN: When you make the sale you leave.

MR. OLAFSON: Just to reiterate, thank you so much to the Cerrillos Hills Park Coalition because they have done a tremendous amount of work. Talking about stewardship and volunteerism, they are a flagship example of how we can do that throughout the county and I just wanted, for the record that they do deserve that recognition and they will continue, I think to be a very strong partner with us. Also the Park Service and Abandoned Mine Land Bureau as well as Patrick Kraich, project manager. They've put in a huge amount of time and energy into getting us this far and I anticipate will continue to keep that up. So I just want to say congratulations to them and thank you to them for all their energy.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd also like to thank the Cerrillos Hills Park people and Cerrillos. They've worked very hard and I know that Pat worked hard and Mr. Olafson. So thank you all.

COMMISSIONER DURAN: Thank you.

CHAIRMAN SULLIVAN: Would anyone else like to say thank you. Would the audience like to say thank you. Everyone say thank you. Excellent. Wake up out there. Moving right along. We do appreciate the efforts of everyone who's worked so hard out there.

- XI. 2. Request Authorization to Accept and Award a Professional Service Agreement with the Highest Rated Respondent in Response to RFP #23-40, Architectural/Engineering Services for the Agua Fria Community

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Center

MR. FLORES: Thank you, Mr. Chair. Santa Fe County has received through the previous two legislative sessions severance tax money or bond money to be able to plan, design, construct and develop the Agua Fria Community Center located within the Agua Fria Community Park. We have approached the community groups out there, both of them. They have been actively involved in sitting down with us, developing a phase 1 scope of work for the center. We solicited for a professional A & B team. One responsive proposal was received. An evaluation team met to ensure that within the guidelines of the Procurement Code we could review the proposal. It was determined that the proposal was responsive and the evaluation team did review it, which two members of that evaluation team were members of the community of Agua Fria. We are before you today requesting approval of the professional services agreement with Design Collaborative Southwest for the design of the community center. And I stand for any questions.

CHAIRMAN SULLIVAN: Questions from the Commission?

COMMISSIONER MONTROYA: Mr. Chair, move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Montoya, second from Commissioner Anaya. Discussion. Tony, I have a concern that this is a fairly sizeable design project. What is it? About \$400,000?

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

CHAIRMAN SULLIVAN: And we only got one firm? Why did we only get one architectural firm? They're starving out there. Responding to this.

MR. FLORES: Mr. Chair, we sent out through the Purchasing Division 26 proposals. We had 11 teams or potential offerors come into the pre-conference. I can't answer to you sir why only one proposal was received. There was a response, not only in the number that was sent out but also the number that attended the preproposal conference. Unfortunately, I was a little disappointed myself. However, I have worked with this firm and I'm confident they can perform the services for us.

CHAIRMAN SULLIVAN: Well, I just am disappointed that when we have these, this has happened before, we've gotten very few proposals. What, after the pre-proposal conference, what appears to be the problem that suddenly the other ten firms lose interest?

MR. FLORES: Mr. Chair, I think one of the indications that we've received is it's not as big a project as you would think it is. It is \$360,000 for construction but in the eyes of some of the firms I have dealt with over the past 15 years, \$300,000, \$400,000 projects are something they don't invest a lot of time into because the dollars aren't there to pay them the 8 or 9 percent that they would normally get in the private sector. And I think that is one of the issues. It looks like it is a large contract on the surface, but when you look at it some of the larger firms won't put in proposals based upon that number.

CHAIRMAN SULLIVAN: But they are getting an 8.5 percent here as I

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recall.

MR. FLORES: They're getting a 7.5 percent fee. They requested 8.5 percent. The guidelines had an 8.5 percent. We negotiated it down and even included a master plan for the park as part of the overall fees.

CHAIRMAN SULLIVAN: That's why you scared them off, I guess.

COMMISSIONER DURAN: This is chump change.

CHAIRMAN SULLIVAN: Okay, I read 8.5 but you say that it is 7.5.

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

CHAIRMAN SULLIVAN: Thank you. Are there other questions for Mr. Flores? Commissioner Duran.

COMMISSIONER DURAN: I had one. Darn. I guess I don't.

CHAIRMAN SULLIVAN: Okay. Other questions? If not, we have a motion and a second.

The motion to award a professional services agreement for A & E services for the Agua Fria Community Center passed by unanimous [5-0] voice vote.

**XI. 2. Request Authorization to Enter into A Professional Service Agreement with Pojoaque Valley Schools for the Summer Recreational Program**

CHAIRMAN SULLIVAN: Who's presenting this from the staff?

MR. GONZALEZ: Mr. Chair, I'll go ahead and introduce it. Maybe we should have consolidated this with Edgewood, although the funding source is a little different for this.

CHAIRMAN SULLIVAN: This is a little different.

MR. GONZALEZ: Yes. This is a continuation, if you will, of the monies that have been previously provided to Pojoaque schools in order that they can do their summer program. In the past, \$20,000 has come out of the Commission's discretionary funds and this time the funding source is also discretionary funding, in part, I believe from Commissioner Montoya's discretionary monies and then also another \$5,000 segment from one of the other Commissioners.

CHAIRMAN SULLIVAN: Okay. Are there questions of the County Manager? This money as you said out of the dedicated funds, Commissioners' discretionary funds for the Pojoaque Valley Schools summer program.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I would just again reiterate what I asked this morning and that's to see what other sources we have in terms of being able to fund these programs. This is certainly not the first time that this program has been funded. Historically, for at least 12 years this program has been funded by Santa Fe County. And

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we need to continue these services. I mentioned at one of our previous meetings, this essentially is the only service these youth have in the Pojoaque for the summer and people, parents, and now grandparents have become dependent on this program. And again, I think it's a small amount of money for a huge investment in taking care of a large number of youth. I think they have about 130 kids that are participating this year. So I would just again encourage us to look at funding sources so that we can sustain these types of programs that essentially this and probably Edgewood are the few, only two programs that the County does fund in terms of recreation programs. I may be wrong; I'm still learning a lot but certainly whatever we can do, Mr. Chair, Gerald, to continue this program and looking at other funding sources, I think this would be greatly appreciated by the people in the Pojoaque Valley. Thank you, Mr. Chair, and with that I'd make a motion to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Okay, a motion from Commissioner Montoya and a second from Commissioner Campos. Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I also agree with Commissioner Montoya.

That is something that we need to look at. And I know that in the past, Santa Fe County has given \$20,000 to the northern part and \$20,000 to the southern part and now it's been taken out completely. So next time, next year when we do the budget I'd like to see that maybe included in there for these youth organizations. Thank you.

CHAIRMAN SULLIVAN: I think just a clarification, Commissioner Anaya. It was funded before with the Commission discretionary funds and which, as you indicate, were larger in the past than they are this year. So we are all having to tighten our belts. We also do fund, through my discretionary funds, a summer reading program out in the Eldorado Library and there is of course some mentoring and other programs and I know Commissioner Duran and I have funded. Summer programs are an issue. We fund the Boys and Girls Club heavily and they have a strong summer program. I just wanted to point that out to you. I think Commissioner Montoya and Commissioner Campos.

COMMISSIONER MONTOYA: Mr. Chair, just to clarify also, at one point this was funded by that tobacco funding 100 percent prior to it being cut to I guess the \$4,000 that is being received now.

CHAIRMAN SULLIVAN: Seven hundred.

COMMISSIONER MONTOYA: Oh, seven hundred.

CHAIRMAN SULLIVAN: We're now getting 700 from the tobacco fund.

COMMISSIONER CAMPOS: We used to get about 20-some thousand.

CHAIRMAN SULLIVAN: We used to get over twenty.

COMMISSIONER MONTOYA: And that's what at that point in time was funding at least the one from Pojoaque from what I understand in talking to — I haven't talked to Susan about it but our previous Financial Director, Katherine Miller informed me that that's how it had been funded in the past.

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**CHAIRMAN SULLIVAN:** That's right. That's where the funds came from. It was allocated — that's where the money, the hard cash came from but it was still allocated as a part of the budgeting process under the Commissioners discretionary —

**COMMISSIONER MONTOYA:** Oh, it was?

**CHAIRMAN SULLIVAN:** But the hard money, as opposed to coming from general fund, which most of it does, in that case you're exactly right. It did come from that cigarette tax because that was an eligible use of that money so she parceled it out that way. Excuse me, Commissioner Campos.

**COMMISSIONER CAMPOS:** Mr. Chair, my concern about this is that we have a lot of unincorporated areas that really need the money like Pojoaque. We have a municipality that is getting the bulk of the cigarette money, so they're in a position to do their own funding. And we should use this money in areas that are unincorporated like Pojoaque that really don't have a real source. I hope next year we can keep an eye on this and we don't forget that. Of course, next year we'll have less than an thousand bucks on that fund. Edgewood is in a position to fund itself. Pojoaque needs the help. That's all I'm saying.

**COMMISSIONER ANAYA:** Mr. Chair.

**CHAIRMAN SULLIVAN:** Commissioner Anaya.

**COMMISSIONER ANAYA:** There's a lot of kids — I could see if it were just Edgewood children that went to this youth organization but it's not. It's Santa Fe County. They're surrounded by Edgewood. I just want to throw that out.

**CHAIRMAN SULLIVAN:** Further discussion? Okay, we have before us a request —

**COMMISSIONER MONTOYA:** Mr. Chair.

**CHAIRMAN SULLIVAN:** Commissioner Montoya.

**COMMISSIONER MONTOYA:** I just want to thank Commissioner Campos for his contribution.

**COMMISSIONER CAMPOS:** You're more than welcome, Commissioner. It's a great project and it serves a lot of really good people and they need the money. It's unincorporated, like I said. They need these funds; they've been depending on it for 12 years.

**CHAIRMAN SULLIVAN:** It's an excellent project. And I'm sure the Edgewood project is an excellent project too. The issue is not whether they're good projects. The issue is how they're funded. How they're sustained. That's correct. Okay, we had a motion and we had a second.

**The motion to approve the agreement for the Pojoaque Valley Schools summer program passed by unanimous [5-0] voice vote.**

**COMMISSIONER DURAN:** I'd like to thank both of you.

**COMMISSIONER CAMPOS:** You're welcome, Commissioner Duran.

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CHAIRMAN SULLIVAN: We have, as I see before executive session, two items left. One is an update on the Santa Fe County economic development park. Another is a public hearing which we haven't gotten to yet on the Santa Fe capital infrastructure capital improvements plan. I assume, Gerald that we would like to have that public hearing before we go into executive session. Does that sound reasonable?

MR. GONZALEZ: That would work, I think, much easier from the standpoint of everyone, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Well, now the next item will be the update on the Santa Fe County economic development park which is item XI. D. 3. Then before we go into executive session we'll hear the final item which is the ICIP hearing. Thank you.

**XI. D. 3. Update on the Santa Fe County Economic Development Park**

MR. ABBYTA: Thank you, Mr. Chair, members of the Commission. On May 19, 2003 the BCC had a special meeting regarding the development of the economic development park. At that meeting, the BCC directed staff to hire an economic development specialist to create a park development plan for the BCC to consider. The BCC subsequently approved monies in the FY04 budget for the County Manager to contract for this work. An RFP is currently being developed to solicit proposals for this work. The RFP will be advertised by Friday, June 27<sup>th</sup>, and Mr. Chair, Penny just passed out a draft of the RFP and the scope of work. [Exhibit 1] There was a request by some of the Commissioners to review this and for staff to give an opportunity for any of the Commissioners to comment on that. So what we did at this time is pass out the draft RFP. And currently, the RFP as proposed gives general project information which includes some history regarding Santa Fe County and economic development, history regarding the economic development park, it talks about, it goes on to discuss the different development park goals that have been stated by members of the BCC at different times. Then we provide information regarding key design and land use considerations for the economic development park.

Another section of the RFP includes basic contractor qualifications, then we have a scope of work that will require the submittal of a development plan within 60 days or less of the award of an agreement, and the development plan for the park must be submitted under two or three different scenarios and also include a time line for developing the first phase of the park. The scope of work also includes the submittal of a budget for the BCC to consider and the budget should outline the cost to the County for extending existing infrastructure for the first phase of development and then other revenues and expenditures that the BCC can expect.

We also request in the RFP that an offeror submit within 30 days or less a list of potential funding sources that are available to the County via federal and state grants and

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programs. Then we will bring the list forward to the Board of County Commissioners and seek direction from the Board as to which agencies the contractor should request or submit applications to. We also request that the successful offeror submit to the Board of County Commissioners for consideration a fiscal impact study that will address the different revenues and service components that would be required for the Board to consider in order to budget and to develop the park.

Mr. Chair, we are proposing that the RFP again, be finalized by this week or next week at the latest. Then we would release the RFP, have pre-proposal conference, hopefully by July 11<sup>th</sup>. We right now currently have a deadline for submission of proposals of September 19<sup>th</sup>. If the Board would like us to move that date up we can do that because again, this is just draft. And then we have evaluation of proposals, would take place after the deadline, the week after the deadline, which right now again is September 2003 and hopefully we would have a contract awarded late October, early November. But again, if the Board wants us to move up these dates, we can do that. Part of our reasoning in setting these deadlines was we got a lot of feedback the first time we had put out a proposal for a managing partner and a lot of the feedback was we didn't get a lot of responses because we did not allow enough time for proposals to go in. But again, this is just a draft that I've handed out to you. We can move up those dates.

Mr. Chair, the other item that we took care of was the Land Use Department developed an amendment to the existing master plan and we submitted that to the State Land Office on Friday, June 20<sup>th</sup> as required by the bid ground lease. The revised master plan incorporates the general mixed use principals of the Community College District and it meets the requirements of the bid ground lease. In addition, the revised master plan was sufficiently conceptual so as to allow the contractor that we selected the ability to design the park. And Mr. Chair, that was handed out to you with a cover letter dated June 20, 2003. [Exhibit 2] The cover letter is from the County Manager to Commissioner Patrick Lyons. It states that we are — the County is submitting the proposed master plan as required by the lease. Enclosed is a copy of the master plan report we prepared. The report talks about the master plan revision request, the land use zoning allowances at the park, the phasing that the County is proposing for the park. There is a section regarding access and circulation, proposed open space, parking, water supply and liquid waste.

We included a vicinity map showing the location of the economic development park as it relates to the San Cristobal master plan. We submitted the revised master plan itself and again, Mr. Chair, the master plan is conceptual at this time so that we would allow the contractor the ability to design the park. What it does do is it incorporates the mixed use principles of the Community College District which includes a plaza area, a mixed use area of five acres, three phases of employment center, 21 acres, 14 acres, 16 acres and a phase 1-B of eight acres for institutional, that allows for institutional uses. And more importantly it includes trail connections and proposed road connections, which is a requirement of the State Land Office, because again, it's within the San Cristobal master plan.

They both, the Community College District Ordinance and the ground lease require

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that we plan for connections to that proposed development. So, Mr. Chair, to conclude, the actions that we've taken or that are pending as of your May 19, 2003 special BCC meeting are as follows: The Board budgeted \$50,000 to contract with an economic development specialist. Again, you have a draft of the RFP. The RFP will be prepared and advertised, we hope but this Friday, June 27, but we may hold off on that to allow you time to comment if that's what you direct us to do. And also a revised master plan was prepared and submitted to the State Land Office in accordance with our bid ground lease deadline, which was June 23, 2003. Thank you, Mr. Chair. I stand for any questions.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Roman, this RFP is not for someone to come in and manage the process, but rather to come in and advise us as to what would be the best approach that we should take, whether we enter into an agreement with a third party to manage it or we do it in-house. Is that part of the RFP?

MR. ABEYTA: Mr. Chair, Commissioner Duran, yes. That's part of the development plan that they're going to submit to us. They're going to give us different scenarios that we should consider for developing the park and also provide us with a fiscal impact of each of the scenarios.

COMMISSIONER DURAN: So this RFP isn't really being offered for someone to come in and do a joint venture with the County but rather to advise us.

MR. ABEYTA: Mr. Chair, Commissioner Duran, yes. That's our intent.

COMMISSIONER DURAN: For that \$50,000 that we allocated.

MR. ABEYTA: Exactly.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Roman, has legal reviewed this RFP already and provided you back any comments?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, yes. Sophia is on our development park team and she's had her input and she's still reviewing it; we all are.

COMMISSIONER MONTOYA: Mr. Chair, Sophia, from what you've reviewed, everything copacetic?

MS. COLLAROS: Mr. Chair, Commissioner Montoya, yes. It's just the fine little typos and just everything the way that it needs to appear. But other than that, scope of work and time lines, etc., everything is fine.

COMMISSIONER MONTOYA: In taking a real quick view it appears that what was discussed at that meeting is certainly incorporated in here as well. I didn't see an amount. You typically don't advertise the amount? Or is it in here, Roman?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, it's my understanding that we typically don't advertise the amount.

COMMISSIONER MONTOYA: Okay.

MR. ABEYTA: And therefore it was not included.

COMMISSIONER MONTOYA: But we're talking about \$50,000, right?



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MR. ABEYTA: Yes. That's what the Board approved in the budget.

CHAIRMAN SULLIVAN: Roman, I think, and then we'll get to Commissioner Duran again. I think that we talked a lot about somebody coming on board not as a firm, where this would be another one of the projects but as a contract employee, so to speak for a certain period of time. This is mentioned on page 8, an individual or a firm. I'm wondering if we're just going to get, I wonder if we going to not get what we anticipated.

MS. COLLAROS: Mr. Chair, Commissioners, the thinking behind this is is that you could have an individual or you could have an individual who is affiliated with a firm. You don't want to exclude. You need to keep it open to whoever would go ahead and respond and then accordingly, when the evaluators go through, it would be able to determine whether it would be an individual or someone who is associated with a firm because this is a professional service agreement.

CHAIRMAN SULLIVAN: I think it would be good to put the dollar amount in it. I think that's a useful thing for any consultant to know what the budget scope is so they don't spend a lot of time if they're a big, fancy New York firm and they want a \$300,000, they don't spend a lot of staff time bothering you about it. And secondly I think a time frame. We had talked, we wanted someone to be available for a period of a year. And I think that you want to say is there at this individual or firm will be available to provide this information and provide advice and attend meetings for a period of a year. You can phase that out or you can pace that through the course of the study. But I think what we are seeking here is more someone who's involved in an interactive process more than just doing a plan or doing a feasibility study and saying here's what to do, because if you complete the feasibility study and it says that we should hire someone and we like that person we should hire a firm to manage it, let's say, and we go forward with that. If it's still within the year we'd like them to participate in the selection of that firm and be involved in that.

So we had an economic development meeting yesterday with the City and some of these issues were raised and the City's economic consultant wasn't even aware that we had a business park that we're working on, so we passed that on to her. And we're hoping, and we brought up, and Mr. Koltmeyer was at the meeting as well, and he brought up, and I did that really, economic development is a regional issue and the consultant agreed, that it's very difficult for the City to just say here's our economic development plan and the County could say, here's our economic development plan. So as a part of the scope, I would indicate some working with the City, in particular with their consultant who's about half way through their economic plan. It may already be done by the time this person is on board if it's September. But even if it is, I think there could be some connection there because they've spent a lot of time.

I think the timing is good because by the time the City's study comes out we'll have the data and that study material will already be done. So we won't have to reinvent the wheel in terms of markets and those types of things. We did I think, hopefully redirect the

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City's thinking and their study consultant to a more regional concept and approach to economic development. We told them about what was available in the Airport Road area and what was available here on our 60-acre site. So I would suggest putting that in as a component as well. Commissioner Duran.

COMMISSIONER DURAN: I'm not sure that I agree with you on that, Commissioner. When we had that meeting with yourself, Commissioner Anaya and myself were there, we talked about trying to get the City involved in this process and I recall that in fact you one of the people that supported Commissioner Anaya's concern that we do this independent of them. Then we had a meeting with Lou Bachrach. And we asked Lou to take this thought to the City because they were getting ready to redo their economic development plan. And I got a call from Steve — whoever's in charge of the economic development department at the City and he said that this was really a rewrite of their plan, but that they were going to move forward knowing that we had this park planned.

For \$50,000 I don't think we're going to get much. We're probably barely going to get what we need. We originally talked about \$100,000 in a year program. We cut it down to \$50,000 and a six-month program. So I'm just afraid that if we put too much in this RFP that we're not going to get what we really need and that was somebody telling us whether we should do this on our own, if we should get someone from the private sector to do it under a management contract and what would that RFP look like. Isn't that what we agreed to do at that meeting?

CHAIRMAN SULLIVAN: I think, yes. My recollection was that it was going to be our own effort and I was only suggesting here that we make use of the City's data and the ultimately, a regional economic development initiative is what we're going to do. Those are just my personal comments. That's not what I see here in the RFP. We're not asking them to do a regional economic development thing. We're just asking them to consult with us on the business park and how to get this thing going and that's what I recall, Commissioner Duran. Now the thing I don't see in here also, which we discussed, is a recommendation to abandon it. We're at the point, I understand we've put money in it but we would have ways to recoup that money if we sold it or if we returned and sold the lease. There would be some losses but I think we need in that feasibility study an honest evaluation of the do-nothing alternative. There's a lot of economic development around that park that's been approved as a part of those developments. We're competing or will be competing with our own subdivision developments that we've approved during this last year. And so it's not necessarily cast in stone that this is going to go forward. We'd like to see what the consultant has to say about that. Do we cut our losses and run? I think everyone's hopeful that it will work but I want to leave that option open for them to pursue. Commissioner Duran.

COMMISSIONER DURAN: I tend to agree with you. There might be a way of accomplishing our goals and the vision that we had for this park by just turning it over to the private sector with conditions that mirror what we had hoped to do there. But I guess my question is is there some kind of a provision in our 99-year lease with the state

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that would prohibit us from subletting it?

MS. LUCERO: Mr. Chair, Commissioner Duran, no, not at all. Subleasing is anticipated within the bid ground lease. And it's provided for in there.

COMMISSIONER DURAN: That might be a real possibility.

MS. LUCERO: But if I could ask for just a little bit of clarification. Would it be palatable to the Commission if we included within the scope of work just some general language that would address some of Commissioner Sullivan's and maybe perhaps the other Commissioners' concerns with respect to this particular director of economic development evaluating the project with respect to whether one should proceed based on whatever determination is made because there's going to be investigation with respect to grants and funding monies that are available, and whether the project should be abandoned or the lease should be terminated.

COMMISSIONER DURAN: Or assigned.

MS. LUCERO: Something to — so we would have that kind of evaluation in addition to which we'll include the \$50,000 amount within the RFP and then language that describes that the evaluation would be for six months up to a year so that there's flexibility there. Is that something that is what the —

CHAIRMAN SULLIVAN: Well, I do remember as Commissioner Duran brings it up that when we cut the budget we did cut the time, so I was thinking back when we were talking about this individual being available for a year and for \$50,000, when we were in the budget process, we were throwing out six months as a possibility. What's the staff's estimate? Would this take six months to do this activity?

MR. ABEYTA: Mr. Chair, the deadlines that we put in the scope of work, I don't think we went further than six months. For example, the development plan is two months, then three months for a budget and then another month for submitting applications for funding sources.

CHAIRMAN SULLIVAN: How about this? How about this? Here's a way maybe to solve that. Could we put in the RFP maybe a statement that the County reserves the right to continue to retain the consultant for a period up to an additional 12 months at an hourly rate to be agreed upon. That way you don't have to go back out for an RFP again as long as it's in the initial scope. So after we finish the six-month evaluation, depending on what he comes up with, he's done, and if we like this individual and their work but we don't need another full-blown study but we need some occasional consultation perhaps on the selection committee, or whatnot, we reserve that right to retain them on an hourly basis to be negotiated. And you could even request that hourly fee in the RFP if you want it. I don't think that goes against the procurement code. I think that would get us out of that dilemma that after six months they go away and we say Here we are out to sea again.

So does that, Commissioner Duran, seem like a way to — he's shaking his head.

COMMISSIONER DURAN: I agree with you.

CHAIRMAN SULLIVAN: Okay. Other questions of staff? What's the

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wishes of the Commission with regard to this. I think you're looking for direction or approval or what are we looking for here?

MR. ABEYTA: Mr. Chair, we just wanted this direction, the direction that you've provided us now on the RFP because that is the next step is we need to then advertise it. And I will contact each of you to see if you have any other comments before we go ahead and advertise it.

CHAIRMAN SULLIVAN: Who on your staff, Roman, administers this? Or will administer it?

MR. ABEYTA: Mr. Chair, right now it's the County Manager's office that's in charge of it and coordinating all the meetings. There's different members from different departments like myself from Land Use, Sophia, but Laura's taking the —

CHAIRMAN SULLIVAN: Gerald, since we don't have an economic development person, who's going to be assigned to this?

MR. GONZALEZ: Mr. Chair, Laura Epler has been spearheading, coordinating the efforts with respect to the economic development park and has been setting up the meetings, bringing the staff together. We've staffed it as a project out of the Manager's office because it didn't seem to have a home. So I've made its home in the Manager's office until we find a place to place it.

CHAIRMAN SULLIVAN: Okay. That sounds good.

COMMISSIONER DURAN: What about Jack Kolkmeier?

CHAIRMAN SULLIVAN: Last time we heard from him he said he was very busy.

COMMISSIONER MONTOYA: With Campbell Ranch.

CHAIRMAN SULLIVAN: We're assigning him to Campbell Ranch. Okay. Other questions or direction for the staff on this? This is just a presentation so it's not an action item but I think you've gotten what you need.

MR. ABEYTA: Yes. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thanks for putting it together.

**XII. B. Project and Facilities Management Department**  
**1. First Public Hearing on the 2004-2008 Santa Fe County Infrastructure Capital Improvement Plan**

MR. FLORES: Mr. Chair, thank you. We came before the Board in April to discuss the implementation schedule for this year's CIP process. At that time I received direction from the Board not only how we would re-evaluate or re-prioritize projects this year but also how we would look at and use the plan as its intended purpose is to guide the direction of the County. Based upon the direction that we received from the Board, we've completed 12 of 14 scheduled community meetings with two anticipated to be conducted in District 4 next week, time and location to be determined. So we'll have a total of 16 community meetings over

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about a four and a half week period.

Currently, we are also having internal County capital outlay team meetings with elected officials, their invited guests, elected officials, department directors, division directors, division staff that are involved in planning capital projects in one facet or another and those are ongoing. Our third meeting is tomorrow morning to sit down and start evaluating the projects that we have received from the community.

These community meetings or these input meetings that we've been conducting or the team meetings are not required by DPA for submission of the plan which is due on July 31<sup>st</sup> this year. However, the public meetings, this meeting and one other one are required or are required to be undertaken before the plan is submitted. Based upon the meeting schedules and the broadness now of the additional, ten additional meetings that we've conducted this year versus last year, we have anticipated that we will bring back on July 8<sup>th</sup> our second public hearing and also for the drafting of the adoption of the resolution at that time.

However, I'm going to recommend that we bring back on the administrative meeting, the last meeting of the month, the actual resolution for adoption of the plan. Based upon the input that we receive from the community and based upon the timing of the meetings, we need an extra two weeks to be able to prioritize that and bring that back to the Board.

This meeting today is the first public hearing. It's open to the public to bring any projects aboard that they might want to add to the list or any concerns. I would like to say that staff at PFMD have done an excellent job, Rudy Garcia, of going out and conducting these meetings and filling in when I can't be there and we have a lot of new projects that have come on the list. We have some old projects that are remaining on the list and the response from the community has been very good. And I'd like to turn it over to anybody here that would like to talk at this time.

CHAIRMAN SULLIVAN: Okay, first, are there any questions of staff, and then we'll go to the public hearing. What's your schedule, Tony? I remember seeing an initial schedule for meeting with the Commissioners. No one's met with me yet but I don't if I'm —

MR. FLORES: That draft schedule that we brought forward in April has been I think adjusted. I think we're in revision number six right now. It is still our goal, after we finish the community meetings and the internal meetings to set up the meetings with the Commissioners so those meetings that were originally indicated to be met with on June 19<sup>th</sup> and June 20<sup>th</sup> will be pushed until after we finish the meetings in District 4. So I would anticipate that happening the week after next, the first full week of July.

CHAIRMAN SULLIVAN: Flexible schedule. Okay. Are there questions of staff?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: The meetings that I've attended for the ICIP,

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the people that show up to the meetings are very excited and happy that Santa Fe County is out there asking them what they want. Now, they might not get it but at least we're asking and you guys are doing an excellent job, both Rudy and Tony and everybody in your department and I want to thank you very much.

COMMISSIONER MONTOYA: Mr. Chair, I just want to echo those comments. I know the one that I was able to attend in Arroyo Seco went very well. With Rudy that went real good and I see some of those items on here and then the other ones I heard in Chimayo and Pojoaque also were fairly well attended and got some good input from those folks. And they were very appreciative as well. So I also want to commend you on the work that you're doing in getting the input from the public because that's a critical. And I'd like to ask for a loader also if I could.

CHAIRMAN SULLIVAN: A District 1 loader?

COMMISSIONER CAMPOS: Maybe five loaders.

CHAIRMAN SULLIVAN: Well, I think that brings up something that Mr. Flores mentioned to us that we may have forgotten a month or so ago, and correct me if I'm wrong, Tony, is the plan this year is not to submit a gaggle of twenty to thirty projects, but to bite the bullet and arm-wrestle as necessary to come up with what? One, two, three fundable, serious health, safety issue type projects that are, that Virginia and our staff can lobby for and that make sense to our legislators.

MR. FLORES: Mr. Chair, as I indicated in April, during our lobbying efforts, both Rudy and myself and Virginia, we heard over and over again, you're bringing us this list. It's a wish list. It's not attainable. At least not through the legislative process. So when I prefaced my comments by saying that we need to use this plan as what its intended purpose for is really to provide direction. The legislature is not going to give us everything we need. They'll give us probably ten percent. We need to use this plan to be able to identify the needs of the community, identify the needs of the County and prioritize those in a way that we then can look at different funding sources to be able to complete those, without looking at the general fund, talking legislative appropriations, grants, bonds, GRT as a potential, private funding agreements using agencies that will use our facilities. So that is really the focus for going on that you provided us direction to. However, the list I still believe has to be encompassing of what the intended purpose it is. I think we would be remiss if we only put five projects on there. I think we need to list the projects on there under our priority listing and take the ones that come up whether it be a road project in each Commission district or a health and safety or facility priority in each district. And we're still trying to wrangle with how we prioritize those internally so we can a recommendation forward and then bite the bullet on each of those priorities and those are the ones that we focus on for the first year.

The other projects that are on there they would essentially, in the best scenario move up in priority the following year because they wouldn't be excluded from the list, it's just that we take the top priorities, however they're going to be finalized or come to some finite number to it and bite the bullet on those priorities. I still think though that we have to

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include projects on there that we understand, the community understands may not or will not be a priority one this year or next year, but at least gives us a direction and gives us a tool to be able to say there's a community center in Arroyo Seco that we need that may be back in 2007. That's on the plan today because that's something we don't need to forget about from 2005 to 2006.

CHAIRMAN SULLIVAN: I think that's right and I was just talking about it in terms of our next year legislative priorities that we need to be more specific on our requests so that we're all asking for the same very important thing as opposed to just going out there with our hand out. But I think it would be useful too when you eventually put the plan together if the staff could recommend funding sources and where a particular road project might work better as a GRT project. Another one might work better as a legislative request because we happen to know that a particular legislator has gotten a lot of public request for that road. So that one might fit better there. And the staff has been involved in that. So I'd like to see, when you bring this forward that you've got the funding sources allocated, and that you have some initial prioritization, year one, year two, year three, however far you're going. And we can work with it then. We can hack it up after that. But that would start to give us the feeling of where we're going to fund these.

MR. FLORES: And that's the intent of the plan. When we bring it forward in its final fashion at the end of July, it will have those funding sources listed. But I need you, you need to direct us basically on how we prioritize and how we finish those off and how we go ask the legislature for a quarter of this money. So it is our intent to bring the funding sources to you with those priorities.

CHAIRMAN SULLIVAN: Questions? If not, then this is a public hearing. I'm told, for the ICIP plan and if there's anyone in the audience who would like to offer any suggestions, comments, recommendations, you're welcome to come forward at this time. Okay, I don't see any at this time, Mr. Flores, so you've obviously done your work well, and the meetings are — and Mr. Lujan, you've done your work well too. Oh, you want roads. Mr. Lujan wants roads. You can testify if you like, Mr. Lujan. We'll enter that into the record. Mr. Lujan would like some roads. This would conclude then the first public hearing on the ICIP plan and I think now we're ready to go into executive session.

**XI. E. Matters from the County Attorney**

**1. Executive Session:**

**a. Personnel Issues**

**b. Discussion of Pending or Threatened Litigation**

**1. Jack R. Paule, M. June Paule, James A. Meyer, Marilyn K. Meyer, Paul Chavez, Connie Chavez, Nancy Williams and Camilla Trujillo v. Santa Fe County Board of Commissioners, Estevan Lopez, and Skyhigh Communications, LLC**

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**c. Water Rights Purchase and or Acquisition - Kelly Trust  
Water Rights Purchase**

Commissioner Duran moved to go into executive session pursuant to NMSA Section 10-15-1 (2,7 and 8) to discuss the matters delineated above. Commissioner Anaya 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 4:55 to 5:50.]

Commissioner Montoya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Anaya seconded. The motion passed by unanimous [3-0] voice vote. [Commissioner Sullivan and Commissioner Duran were not present for this action.]

**ADJOURNMENT**

Vice Chairman Campos declared this meeting adjourned at approximately 5:50 p.m.

Approved by:

  
Board of County Commissioners  
Jack Sullivan, Chairman

Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:

  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK





**Santa Fe County  
Santa Fe, New Mexico**



2623123

**DRAFT**

**Economic Development Director  
For the Santa Fe County  
Economic Development Park**

**RFP #23-XX**

## II. CONTRACT OBJECTIVES

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### A. GENERAL PROJECT INFORMATION

#### Santa Fe County and Economic Development

On June 24, 1996, the Santa Fe County Board of County Commissioners adopted the "Economic Development Ordinance" (1996-7). The primary purpose of the ordinance was to improve the per capita income of County residents by developing a higher level of knowledge-based job skills, and to diversify Santa Fe County's economic base by developing good, well-paying local jobs which have a minimal impact on our natural resources. The ordinance allows the Santa Fe County "County" to play a proactive role as a major player in the economic development cycle. The Ordinance states that the County may:

- Provide to a qualifying entity direct or indirect assistance which could include the purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance of land, buildings or other infrastructure; public works improvements essential to the location or expansion of a qualifying business; and payments for professional services contracts necessary for the County or regional governments to implement any plan or project.

The Ordinance also provides that the County will give priority to those qualified entities which:

- Encourage private companies to expand, build or relocate facilities which support new or expanding businesses;
- Assist with business start-ups;
- Create new job opportunities;
- Assist with the development of economic clusters as identified in the economic development plan; and/or
- Add value to the knowledge base of the labor force.

#### Santa Fe County Economic Development Park

On July 1, 1997, the Santa Fe County Board of Commissioners entered into a 25-year lease agreement with the Commissioner of Public Lands of the State of New Mexico to lease state trust lands for the development of a business and industrial park. In April 1998, the County of Santa Fe retained Schuta and Company, Inc., a local planning and development consulting firm, to prepare a Master Plan, Master Plat and development plan standard for the economic development park.

Upon approval of the Master Plan, Master Plat and development plan standards, several businesses contacted the County about locating in the park. One business in particular (Clean Air Systems) could

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not obtain financing for less than 25 years. This prompted the County to seek a long term lease of this land with the New Mexico State Land Office.

On August 28, 2002, Ray Powell, New Mexico Commissioner of Public Lands and Santa Fe County entered into a 99-year long-term lease for the 75 acres of land described as the certain Trust Land within Section 36, Township 16 North, Range 8 East, NMPM located adjacent to State Road 14 (the "Land") (the "Park"). The attached Bid Ground Lease No. BL-1505 (the "Ground Lease"), Appendix A, was entered into between the State Land Office and the County on September 24, 2002.

The Land is located within the Santa Fe Community College District where:

1. County water and sewer service is in place or planned; currently 25 acre-feet per year of water is available for the Park;
2. Roads and transit facilities are in place or planned. An access road is in place. However, an acceleration/deceleration lane off State Highway 14 may be required by the State Highway Department.
3. Major regional community and institutional facilities are in place or planned (e.g., Community College, Santa Maria de La Paz, IALA);
4. Public services, such as schools and recreation opportunities are included in the Community College District Land Use Plan and can be developed in cooperation with other entities.

The Land is an integral piece of the recently approved San Cristobal Master Plan. A mixed-use development on 1,818 acres owned by the State Land Office, San Cristobal at full build-out may include up to 2,782 residential units, 1,323,918 sq. ft. of commercial uses, and 1,031 acres of open space and parks.

#### **Santa Fe County Economic Development Park Goals**

Santa Fe County has identified a series of goals to guide the development of the Park. These Goals include:

- Strengthen and diversify Santa Fe County's economy;
- Promote creation of well-paying, knowledge-based jobs, emphasizing jobs for the local work force;
- Minimize adverse impacts to natural resources (e.g., low water use, intensity, non-polluting);
- Provide a revenue stream sufficient to cover costs and promote future economic development.
- Provide for balance between private and public uses in a highly integrated setting, maximizing the economic potential of the site;
- Protect the character of the Community College District Land Use Plan while being sensitive to the natural environment;
- Provide strong pedestrian and bicycle linkages to surrounding areas with organization of vehicular movement that preserves

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the continuity and attractiveness of the pedestrian environment;

- Incorporate and integrate the access and parking needs of the planned Park;
- Create a strong community architectural statement;
- Create an Economic Development Division within Santa Fe County Government.

#### **Key Design and Land Use Considerations**

The Santa Fe County Economic Park is still in its conceptual phase. However, in addition to its goals for the Park, the County has identified some key design and land use considerations.

**Land Use** - The Santa Fe County vision for the Park combines community and functional commercial uses. Emphasis is on development and establishment of a major architectural and environmental theme for the area. The Park will be part of the existing San Cristobal Master Plan, and subsequent development shall fit into this overall master plan and comply with the Santa Fe Community College District Ordinance in a form acceptable to the State Land Office and the County.

**Accesses and Circulation** - Access and circulation includes both vehicular and pedestrian/bicycle systems. Vehicular access to the area should be addressed primarily from State Highway 14, the major road serving the area. Santa Fe County has received an appropriation from the New Mexico State Legislature to assist in addressing access from State Highway 14. The County will work with the successful proponent to incorporate these funds into the overall plan for access from Highway 14.

The general location and extent and use of facilities will be determined by the needs of commercial users. Reconfiguration of internal streets could allow for additional developable land as well as a more contiguous pedestrian system. The County envisions the Park as a pedestrian/bicycle oriented development. Where appropriate, strong pedestrian/bicycle linkages should be made to other areas adjacent to the Park.

**Design Features and Landscape** - The architectural design features should be consistent with the County's overall goals and requirements of the Santa Fe Community College District Ordinance. Elements such as building height, massing, and orientation must be addressed in the context of achieving the development goals of the Park. Well-planned and located spaces should be designed to organize the site and orient the user. Landscape and landscape design within the area should address the dual objective of providing human comfort in a desert climate and reinforcing a sense of place. Landscape and landscape features will be a critical element in promoting an active pedestrian environment and lively spaces.

#### **Santa Fe County Participation**

Santa Fe County is committed to being an active participant in the development of the Park consistent with the development goals outlined above. The County can contribute to the successful creation of the Park in many ways. Potential resources of the County include the Land; potential issuance of bonds; ability to expedite the developmental approval process, and waive certain development fees and

access for future uses and prospective tenants. The degree of County participation will depend upon the successful proponent's proposal and the County's available resources.

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#### B. BASIC CONTRACTOR QUALIFICATIONS

It is essential that Offerors clearly demonstrate they possess the necessary expertise in, but not limited to coordinating and gathering of data on economic and fiscal trends, land, buildings, infrastructure, tourism issues, workforce and labor. Developing programs coupling the immediately available resources of the area with potential business and economic development. Promoting the advantages of Santa Fe County as a location for immediate or future development or expansion. Assisting interested businesses and industries in locating sites, securing County approvals, securing financing, or working out any other problems involved with relocation or expansion. Evaluating types of businesses for which a Santa Fe County location could be attractive, and their potential for employing residents of the area and/or enhancing the local tax base. Developing and coordinating information regarding the existing businesses within the community; Developing and coordinating programs, research, and activities which could assist with the redevelopment or revitalization of targeted areas of the community. Devising ways of adapting local conditions to the needs of industry and coordinating economic and fiscal impact studies. Responsibility for a variety of key projects dealing with citizens and employees. Communicating and explaining County policy to staff and the public. Preparing and monitoring annual budget and monthly reports. Conducting original research and preparing and presenting findings and recommendations; providing technical information and expert advice to staff members, other divisions, the general public, and elected and appointed officials in a concise, clear manner. Represents the County at meetings with outside organizations and citizen groups. Establishing and maintaining effective working relationships with County officials, other professionals, developers, other governmental jurisdictions, citizens, and co-workers. Coordinating, preparing, writing and monitoring grant applications.

1. A Bachelor's degree in Economics, Geography, Marketing, Planning, Business Administration, or closely related field; and a minimum of five (5) years of recent and progressively responsible economic development experience. Experience with creative financing options for public projects, and experience conducting financial feasibility analysis, and grant funding.
2. Knowledge of principles, practices, and methodologies used in economic development and aligned areas (redevelopment, tourism, retention and expansion). Techniques used in research and statistical analysis.
3. Knowledge of County, State or Federal planning processes; of bidding procedures and budget process; of community elements and dynamics; of applicable statistics and analytical planning tools and ability to apply them appropriately; of computer spreadsheets and word processing (EXCEL, MS Word, preferred); skills to communicate effectively; skills in developing and presenting information about the project(s) to other professionals and to the general public; skills in budget preparation; skills in preparing proposals for funding in compliance with Federal, State, and County requirements for specific projects.

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4. Knowledge of contracts/project manager qualifications, purposes, scope and techniques of various phases of land use planning, statistical and research methods and sources of data relating to County and Extrajurisdictional growth, subdivision land use zoning and legal descriptions, federal, state and local laws as they relate to County planning, of County codes, of principals and practices of County planning, pertinent research methods, and of principles and practices of civil or architectural engineering.
5. Ability to plan, organize and review the work of consultants and steering committees; to design, analyze, write and edit research studies, survey final reports and plans; to speak and write effectively; to deal tactfully and effectively with the press, general public, governmental officials, professional and technical employees; to coordinate the activities with other departments and governmental agencies; and to use drafting instruments and photographic equipment.

#### C. SCOPE OF WORK

Santa Fe County is seeking an individual or firm to create a development plan for the Santa Fe County Economic Development Park. The scope of work includes: the submittal of a development plan for the park under two or three scenarios; the development of a budget for the start up of the park; applying and obtaining funding from Federal and State sources such as Business & Industrial Loan Guarantees, Public Works Grants; the submittal of a fiscal impact study identifying the costs and benefits to the Santa Fe County General Fund of developing the Economic Development Park ("the Park") under each proposed scenario.

##### Development Plan

The successful offeror (the "Contractor") will, within 60 days or less of award of an agreement, submit a development plan for the Park under two or three scenarios. The development plan for each scenario must include: a phasing plan for the development of the entire Park in accordance with the existing master plan; a proposed site plan identifying building, road, and infrastructure layout for the first phase; a report which includes a written description of impacts to traffic, terrain management, water, liquid waste, and fire protection; a water budget; and a list of proposed businesses desiring to locate in the park, including name, type of business and number of employees; a timeline for developing the first phase of the park.

##### Economic Development Park Budget

The successful offeror (the "Contractor") will, within 90 days or less of award of an agreement, submit a proposed budget outlining the cost of initiating the development of the Park, which includes, but is not limited to: cost to County for extending existing infrastructure for the first phase of development; revenues and expenditures.

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#### Funding Sources

The successful offeror (the "Contractor") will, within 30 days or less of award of an agreement, identify and submit a list of potential funding sources available to Santa Fe County via Federal and State grants and programs. Applications for such funding shall be submitted to appropriate agencies on behalf of Santa Fe County within 90 days or less of award of an agreement.

#### Fiscal Impact Study

The successful offeror (the "Contractor") will, within 120 days or less of award of an agreement, submit a fiscal impact study to guide the present and future development of the Park and determine policy implications that development of the Park will have for the Board of County Commissioners.

The fiscal impact study will address the following components:

##### Revenue Components

1. Potential Property Tax Values and Revenues
2. Potential Gross Receipt Revenues (including sale of homes)
3. Potential Building Construction Permit Fees (non-recurring)
4. First Impact Fees (non-recurring)
5. County Business Park (fees from lease/sales)
6. Other funding sources such as state and federal grants, CDBG monies, etc.

##### Service Components

7. Potential Water Consumption
8. Potential Road Construction and Maintenance
9. Utilities (electrical, gas, telecommunication, etc.)
10. Water Service
11. Sewer Service
12. County staff / equipment
13. State Land Office Lease Requirements (Rent payments, etc.)

The fiscal impact study will focus on establishing the amounts of projected revenue needed to develop the Park. The Study will factor all the components listed above, supported through statistical analysis of documented data from credible sources (Bureau of Economic Research and industry indicators, County and State tax statistics, County operations budget, etc.).

The Study will also identify short and long term planning objectives and factor infrastructure needs, developer/business owner contributions towards construction and maintenance of facilities, and required rent payments as outlined in Bid Ground Lease between State Land Office and Santa Fe County.

#### 2. Mission Statement for Fiscal Impact Study

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The purpose is to create a standard working study/approach to short/long-range land-use planning and development approvals for the Park. The study shall use a fifty year time horizon to be computed in five year increments.

At a minimum the fiscal impact study for the Park shall include the following:

- a. Findings / recommendations to the County such as developer contributions, capital improvements programming, etc.
- b. A budget / phasing guidelines for the Board of County Commissioners (BCC) to consider when reviewing project (Park) development.
- c. County appropriations provided based on Revenues Accumulated.  
(cost per acre for roads/ water/ sewer/ etc.)
- d. Recommended improvements County should take on and which the County should pass to tenants of Park.
- e. Private/cooperative opportunities and identify what benefits these would provide to the County.
- f. A market analysis of how fast the first phase of the Park will be built out, and what the County will have to do to provide all the services listed in the components section, and what the impacts to revenues will be.
- g. The effect of the Park build out both on component costs and revenues, for each phase.
- h. Current capacity in the component services (staff, equipment, service level or performance, budget) and then forecast capacity requirements in light of Park development induced needs, be they service or capital.
- i. Time frame the BCC should consider, if any, to develop Park based on findings.

### 3. Overall Objectives

- Utilize quantitative methods to create comparable data regarding the implications of the development of the Park.
- Fully consider the existing infrastructure and improvements to the Park.
- Make recommendations for possible development scenarios for the Park.
- Utilize the participation of and take policy direction through the input and actions of the County staff / departments.
- Recommend new implementation measures to be utilized by the County to realize the development of the Park.



IX. TIMETABLE FOR PROCUREMENT

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<u>Action</u>	<u>Responsibility</u>	<u>Date</u>
1. Release of RFP	County	June 27, 2003
2. Pre-Proposal Conference	County/Offerors	July 11, 2003
3. Deadline for Submission of Proposals	Offerors	Sept. 19, 2003
4. Evaluation of Proposals Commences	Evaluation Committee	Sept. 22, 2003
5. Oral Presentations (if necessary)	Evaluation Committee	To be set
6. On-site due Diligence County (if necessary)	To be set	
7. Contract Award	County	Nov. 3, 2003

Harry B. Montoya  
Commissioner, District 1

Paul Dizon  
Commissioner, District 2

Michael D. Anaya  
Commissioner, District 3



Commissioner, District 5

Gerald T. E. Gonzales  
County Manager

June 20, 2003

2623132

Patrick H. Lyons  
Commissioner of Public Lands  
New Mexico State Land Office  
310 Old Santa Fe Trail  
Santa Fe, NM 87501

RE: Santa Fe County Economic Development Park

Honorable Commissioner Patrick Lyons:

Santa Fe County is very pleased to present the Master Plan Proposal for the Santa Fe County Economic Development Park for your review and approval. This Master Plan is submitted in accordance with Lease No. BL-1505.

Santa Fe County has committed funding to hire an Economic Development Director to coordinate the development of this Park.

If you should have any questions or require further information, please do not hesitate to contact Mr. Roman Abeyta, Land Use Director, by telephone at (505) 986-6218 or by fax at (505) 986-6389.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald T. E. Gonzales".

Gerald T. E. Gonzales  
Santa Fe County Manager

## REVISED MASTER PLAN REPORT

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### REVISED MASTER PLAN REQUEST

Santa Fe County is submitting the Santa Fe County Economic Development Park Revised Master Plan in conformance with the 99-year lease (Exhibit B). This master plan revised the existing master plan that is attached in Exhibit C. The proposed master plan is conceptual to allow the County to design the park to accommodate both large and smaller users. The County proposes to create a more detailed development plan for each phase prior to users developing at the Park. The development plan will identify blocks and will show how the roads and utility systems will connect within the Park and to the San Cristobal development.

Attached in Exhibits D and E are sample block layouts and possible building layouts for blocks, allowing the County to lease partial blocks, entire blocks or several blocks to the same user while still conforming to the Community College District Ordinance (CCDO). An individual project will not proceed until a development plan has been created for a phase, to ensure any project does not negatively affect the Business Park or surrounding users.

The Bid Ground Lease is attached as Exhibit F. The County has committed funding to hire an Economic Development Director to co-ordinate the development of the Economic Development Park; the draft RFP for this position is attached as Exhibit G.

### LAND USE/ZONING ALLOWANCES

The Santa Fe County Economic Development Park will be a major employment center for residents of the Community College District and the wider Santa Fe Metro area. Several districts with distinctive characters and pattern of uses will be accommodated on the site. All uses proposed are in compliance with the CCDO. Light manufacturing, institutional, warehousing, production enterprises, corporate offices, research facilities, technical services, offices and other commercial enterprises are anticipated. Mixed use/supporting commercial around the plaza is anticipated to include daycare, small-scale retail and restaurants use, office, business incubators, residential and live/work units. Live/work units and medium density residential may also be possible on the north half of the site where there is easy access to surrounding open space and trail and road connections to the new community center in the San Cristobal development.

If a Campus type user locates within the Development Park, it is anticipated that they would locate to the eastern side of the tract, the use of alleys, pedestrian access and lanes would be required to comply with the block standard requirement in the CCDO.

The business park will conform to the CCDO affordable housing requirement of 15% of total housing (or as amended).

Users located on the western edge of the Development Park will be required to architecturally front State Road 14. These areas would better accommodate a user requiring a larger building; parking would be required to be to the eastern side of the building, to be screened from SR 14. It is anticipated that feature buildings would locate at the entrance to the Development Park.

#### PHASING

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Phase 1A will occur near the west entrance and will include employment center uses. Phase 1B will include the employment center uses south of the plaza. Phase 2 will include the plaza, supporting commercial uses and possibly live/work and residential uses around the plaza and employment center uses northeast of the plaza. Phase 3 will complete the plaza, and include employment center uses south of the plaza.

The phasing schedule could be amended to accommodate a specific use if deemed appropriate by the County and State Land Office.

#### ACCESS AND CIRCULATION

##### *Central Boulevard*

A divided tree lined boulevard will be the primary east-west circulation route through the site. It will directly connect Highway 14 with the plaza at the center of the site. It will then run parallel to one side of the plaza and continue through the site to connect with a major avenue leading into the San Cristobal Village.

Feature buildings of both institutional and major commercial uses will front the central boulevard at the west entrance of the site. As the boulevard continues east it will be fronted by a variety of building types ranging from institutional and major commercial to retail and live/work units.

##### *Secondary Streets*

Rather than establish major north-south access throughout the site, a consistent pattern of gridded secondary streets will traverse the central boulevard creating blocks in conformance with the CCDO. This will accommodate a series of transitions in intensity and character across the site and provide convenient auto and pedestrian connections. Additionally, several secondary streets will provide connections with the surrounding CCD developments. Most importantly there will be a street that directly connects the plaza area with the San Cristobal development to the north. Secondary streets will be consistent with building fabric and intended uses that front them. Some will be wide industrial work streets while others will be narrow and quiet. All will provide a comfortable pedestrian environment.

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OPEN SPACE

A public plaza will provide a clearly defined open space at the center of the site. It will lend a strong and identifiable center to the area as a whole and promote a pedestrian friendly environment for employees and shoppers. On a daily basis, it will function as a gathering place and occasionally as a venue for public activities such as fairs, markets, concerts and exhibits. Commercial/mixed-use, primarily retail, will front the plaza and provide a sense of ownership, enclosure and comfort. Trails will provide connection to the proposed trails in the San Cristobal master plan.

PARKING

The hope is that public transit and pedestrian connections between residential, commercial and retail use, both in and outside the site, will reduce parking requirements. Parking in areas that mix retail, office and residential uses must be clearly coordinated as they have different requirements. In general the majority of parking for all uses will follow Community College District Guidelines and be placed behind or to the side of buildings. Major parking lots will locate in the center of the block rather than the perimeter. On street parking will be encouraged on all secondary streets and sections of the central boulevard. Parking entries for major commercial and institutional uses must be visible from the central boulevard. Retail parking should be connected to permit continuous searching for shoppers. Residential parking entries must have secure private entries off of quiet less traveled streets.

WATER SUPPLY PLAN

The Santa Fe County Economic Development Park will be served by the County Water Company. Twenty-Five (25) acre-feet of water are currently available for this development.

LIQUID WASTE PLAN

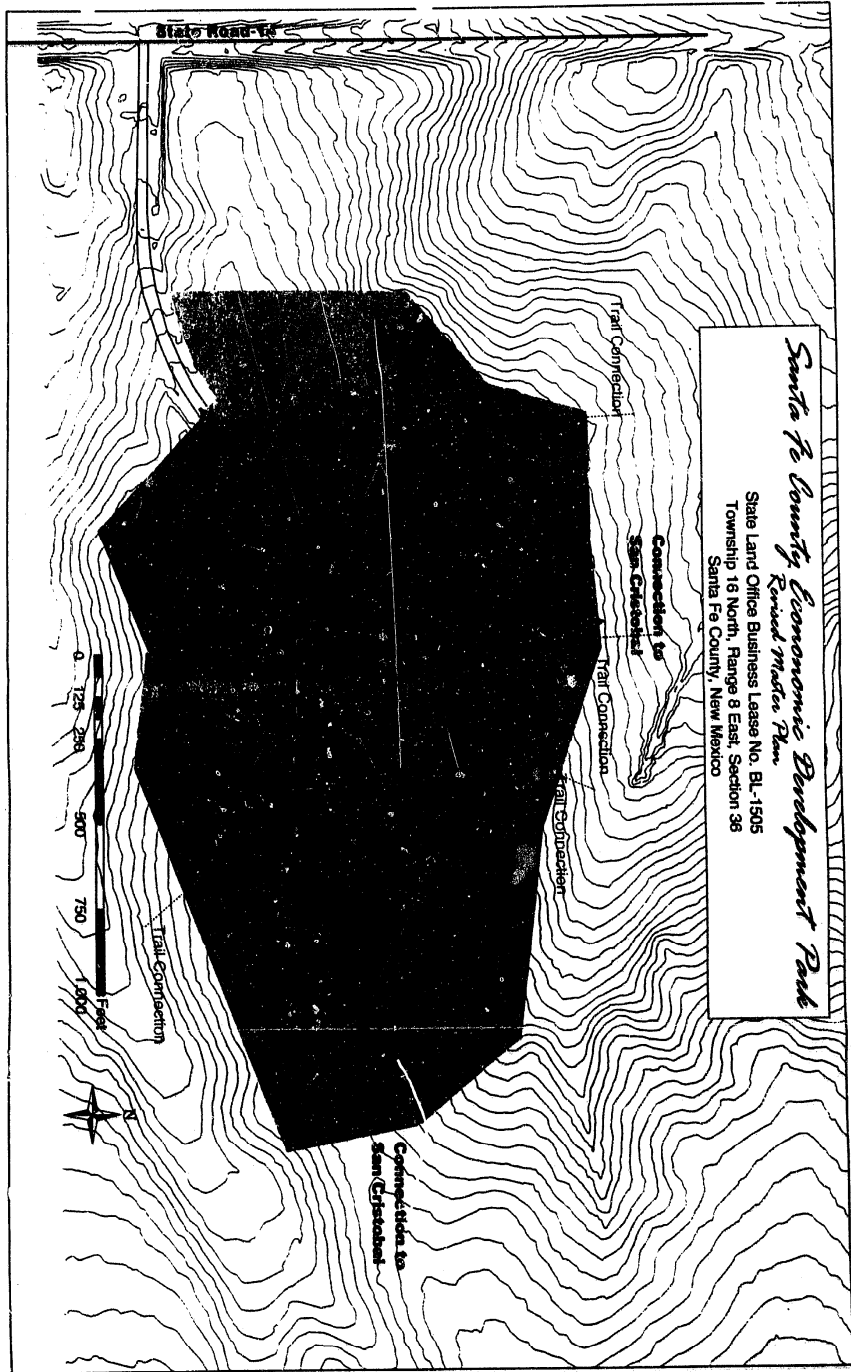
The Santa Fe County Economic Business Park will utilize the County operated Waste Water treatment facility located at the State Penitentiary.

EXHIBITS

- A - Vicinity Map
- B - Revised Master Plan
- C - Existing Master Plan
- D - Conceptual Road/Block layout, Phase 1
- E - Conceptual Lot layout
- F - Bid Ground Lease No. BL-1505
- G - Draft RFP For Economic Development Director

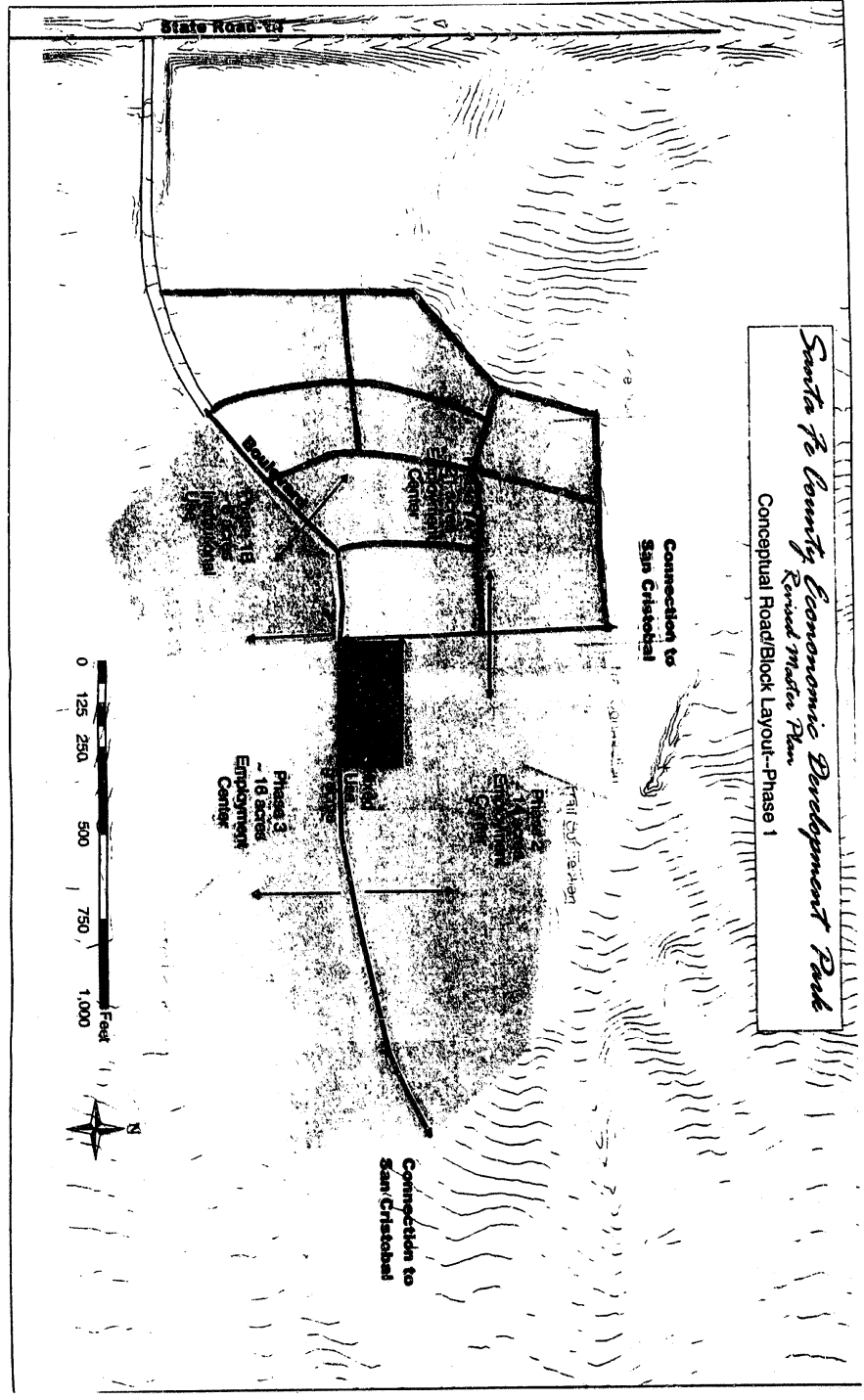


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*Santa Fe County Economic Development Park*  
*Revised March 1990*  
State Land Office Business Lease No. BL-1505  
Township 16 North, Range 8 East, Section 36  
Santa Fe County, New Mexico

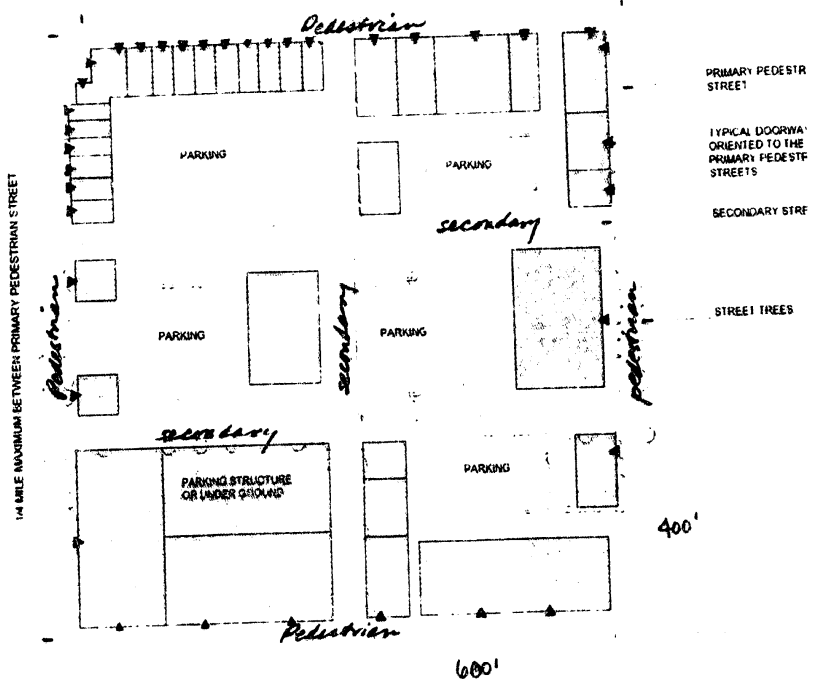
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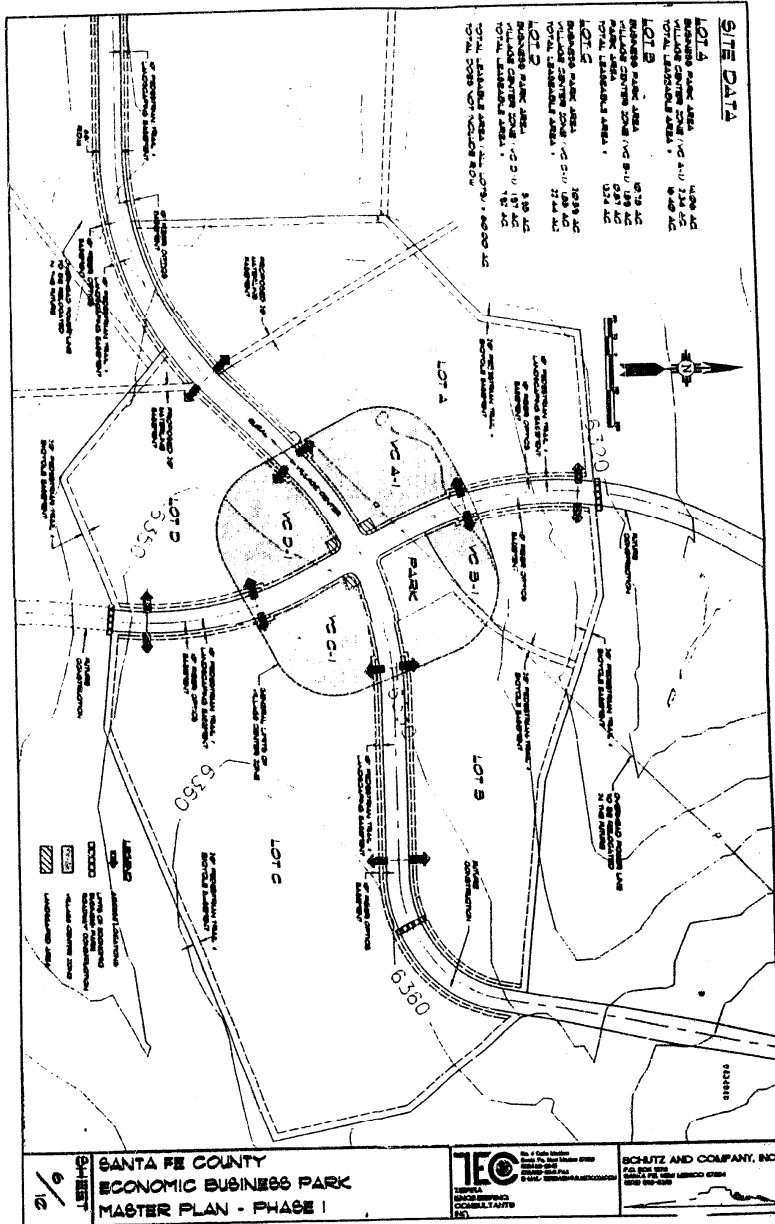


# Economic Development Park Conceptual Illustrations of block layouts 2623139

1/4 MILE MAXIMUM BETWEEN PRIMARY PEDESTRIAN STREET



2623140



**SITE DATA**

**LOT A**  
 BUSINESS PARK AREA: 1420 AC  
 TOTAL AVAILABLE AREA: 1420 AC  
 TOTAL DEVELOPABLE AREA: 1420 AC

**LOT B**  
 BUSINESS PARK AREA: 875 AC  
 TOTAL AVAILABLE AREA: 875 AC  
 TOTAL DEVELOPABLE AREA: 875 AC

**LOT C**  
 BUSINESS PARK AREA: 1825 AC  
 TOTAL AVAILABLE AREA: 1825 AC  
 TOTAL DEVELOPABLE AREA: 1825 AC

**LOT D**  
 BUSINESS PARK AREA: 1810 AC  
 TOTAL AVAILABLE AREA: 1810 AC  
 TOTAL DEVELOPABLE AREA: 1810 AC

**TOTAL AVAILABLE AREA (ALL LOTS): 4000 AC**  
**TOTAL DEVELOPABLE AREA: 4000 AC**

 0' 1" 2" 3" 4" 5" 6" 7" 8" 9" 10"	<b>SANTA FE COUNTY</b> <b>ECONOMIC BUSINESS PARK</b> <b>MASTER PLAN - PHASE I</b>	 <b>TEC</b> ENGINEERING ARCHITECTURE SURVEYING LANDSCAPE ARCHITECTURE	<b>SCHLITZ AND COMPANY, INC.</b> 17400 N. 10TH ST. SUITE 100 DENVER, CO 80231
	LEGEND [Symbol] Parking Lot [Symbol] Parking Area [Symbol] Building Footprint [Symbol] Access Road [Symbol] Easement [Symbol] Utility Line		