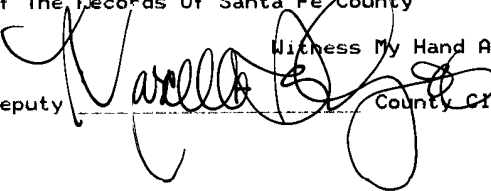


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 28

I Hereby Certify That This Instrument Was Filed for
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Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
June 24, 2008

- Paul Campos, Vice Chair
- Harry Montoya
- Virginia Vigil
- Michael Anaya
- Jack Sullivan, Chair [Telephonically]

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

June 24, 2008

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:05 a.m. by Vice Chair Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Campos, Vice Chairman
 Commissioner Harry Montoya
 Commissioner Mike Anaya
 Commissioner Virginia Vigil

Members Absent:

Commissioner Jack Sullivan
 [Commissioner Sullivan participated telephonically for the first part of the meeting]

V. INVOCATION

An invocation was given by County Chaplain Jose Villegas

VI. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or Withdrawn Items

CHAIRMAN CAMPOS: Mr. Lujan, any changes from staff?

JAMES LUJAN (Growth Management Director): Mr. Chair, Commissioners, under item XII. D and E were added. Consideration of adopting county regional transit gross receipts tax, an ordinance, and also E, a resolution terminating the participation in the intergovernment contract for North Central Regional Transit and withdrawing from the district. And both these items will be heard at 1:30. They were scheduled for 1:30.

CHAIRMAN CAMPOS: When were they noticed as far as part of the agenda?

MR. LUJAN: Mr. Chair, I believe these were put on in the afternoon around

2:30, is what I was told by the Manager's office.

CHAIRMAN CAMPOS: Okay, I understand that the rule is an amended agenda must be at least 24 hours before the actual start of the meeting. Mr. Ross.

STEVE ROSS (County Attorney): Mr. Chair, that's correct. That's why it specifies on the agenda that the items are to be heard after 1:30.

CHAIRMAN CAMPOS: So the rule is not that the notice has to be 24 hours before the meeting starts, the clock starts running, so that they must be 24 hours before the start of the meeting.

MR. ROSS: It's not that specific.

CHAIRMAN CAMPOS: It's not that specific. So you think we could consider these today?

MR. ROSS: We would have to consider them at a minimum 24 hours after the posting of the amended agenda.

CHAIRMAN CAMPOS: Okay. Any other changes? Discussion? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, on those two items we had set a special meeting for July 7th, I believe.

MR. LUJAN: That's correct.

COMMISSIONER MONTOYA: To address those issues. These ones specifically, Mr. Chair, and I know that Commissioner Sullivan had requested that we have a full Commission for that meeting so that we would have everyone participate in the discussion. I understand you may be looking at me through a black box right now, Commissioner.

COMMISSIONER SULLIVAN (telephonically): I'm here.

COMMISSIONER MONTOYA: He's there. So I would just ask that we table those as they had been tabled until the July 7th meeting.

CHAIRMAN CAMPOS: Okay. Commissioner Anaya, you're the Commissioner who asked they be placed on the agenda today.

COMMISSIONER ANAYA: Yes, Mr. Chair, members of the Commission. I was wondering how it got off of the agenda because when we tabled it we tabled it for this date and that's why I asked for it to be heard today, because we tabled it for this exact date. And I don't know why it got off the agenda.

CHAIRMAN CAMPOS: Okay, so is there a motion to table these two, Commissioner Montoya?

CHAIRMAN CAMPOS: That would be my recommendation, Mr. Chair, yes.

CHAIRMAN CAMPOS: And have the meeting as scheduled on July 7th.

COMMISSIONER MONTOYA: Correct.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER VIGIL: I'll second it.

CHAIRMAN CAMPOS: Okay, there's a second. Discussion?

COMMISSIONER ANAYA: Mr. Chair, I felt that it was important to move on

with this issue. I think we need to get over it and decide. We're running out of time, so I think it's important that we hear this today.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Commissioner Anaya, or anyone from staff, the date that we tabled this to, does that meet within all the required timelines for the referendum component of this?

MR. ROSS: Well, Mr. Chair and Commissioner Vigil, I can answer that. The 75 days actually runs – as you recall, the statute requires us to enact the ordinance within 75 days of the resolution adopted by the Regional Transit District calling for the election. The 75 days runs that Sunday, which means under applicable rules of law that the deadline expires at 5:00 pm on the 7th. So that's the very last day that we can take action on the request that we enact an ordinance.

COMMISSIONER VIGIL: It's unfortunate, because I'm caught between Commissioner Anaya's statement – I would like an update on this and perhaps I can get that directly from staff. I'll move forward with my second.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: Mr. Chair, at what meeting did we decide to table this till July 7th? At what point in time did this Commission decide to move this agenda to July 7th?

MR. ROSS: Mr. Chair, Commissioner Anaya, I'm just sort of relying on my memory but I think it was two meetings ago. Not the meeting before last but the meeting – it would have been the last administrative meeting. No, I'm sorry. I'm confused. You asked when did the Commission ask that the meeting be held on July 7th.

COMMISSIONER ANAYA: That's correct.

MR. ROSS: That was done by I believe private communication between the County Manager and the Commissioners. I think he sent out an email.

COMMISSIONER ANAYA: Mr. Chair, why wasn't I contacted?

MR. ROSS: Commissioner Anaya, I can't speak to that. The Manager isn't here either. I don't know. I think he tried to contact you.

CHAIRMAN CAMPOS: Whatever. We're here. There's a motion to table and I think one of the –

COMMISSIONER ANAYA: Wait a minute, Mr. Chair. What do you mean Whatever?

CHAIRMAN CAMPOS: Well, we're here; we have a motion to table.

COMMISSIONER ANAYA: What do you mean Whatever? If I'm asking why I was not contacted –

CHAIRMAN CAMPOS: There was no answer.

COMMISSIONER ANAYA: I have the floor. Why I was not contacted on this special meeting that was put forth with the Commissioners, and why wasn't I contacted. And I don't want to hear a Whatever.

CHAIRMAN CAMPOS: Well, Commissioner, we're going to move on. There was no answer to your question. If you want to raise it with the County Manager at some later time –

COMMISSIONER ANAYA: I'm raising it with the County Commissioners.

CHAIRMAN CAMPOS: I don't know.

COMMISSIONER MONTOYA: I was contacted.

COMMISSIONER VIGIL: I was too.

COMMISSIONER ANAYA: Why wasn't I contacted?

COMMISSIONER MONTOYA: By email.

COMMISSIONER VIGIL: By email.

COMMISSIONER ANAYA: You all know that I don't get email and was out of town for the Association of Counties conference. And usually, when I go out of town, some things kind of happen behind the back. So I want to know why I wasn't contacted.

COMMISSIONER VIGIL: We were the recipients; we weren't the senders.

COMMISSIONER ANAYA: So, Mr. Chair, are you saying that because we did an email, an email to Commissioners, that you all decided to have a meeting on the 7th of July, without coming to the public? This was done through email? And how many other times are things done through email, Mr. Chair?

CHAIRMAN CAMPOS: I'm not going to answer your question. I don't know. I think we can move on. We have a motion. I think one of the reasons that this thing was tabled was to give the City Council an opportunity to deal with this issue as to whether they wanted to withdraw or not, and I think the subcommittee has approved a resolution to withdraw from North Central, and now it will be presented to the City Council at their next regularly scheduled meeting. That was the purpose, as I understood the discussion.

The motion to table items XII. D and E passed by 4-1 voice vote with Commissioner Anaya voting nay, and Commissioner Sullivan voting by telephone.

COMMISSIONER VIGIL: I just want for the record to state that I believe Commissioner Anaya does have a point that needs to be addressed, and that is whether or not emails constitute a consensus with regards to scheduling meetings.

CHAIRMAN CAMPOS: Okay. Any other amendments?

MR. LUJAN: Mr. Chair, those are all the amendments?

CHAIRMAN CAMPOS: Okay, any other Commission amendments? Tabled or withdrawn items?

MR. LUJAN: Mr. Chair, at this time, none.

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: There's a move to approve. Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: As amended.

COMMISSIONER ANAYA: As amended, yes.

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

[Commissioner Sullivan excused himself from the remainder of the meeting.]

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIRMAN CAMPOS: Are there any items that you wish to be withdrawn?
Commissioner Anaya.

COMMISSIONER ANAYA: No.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: No.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Item XI. A.8. I hope that's on the amended.

CHAIRMAN CAMPOS: You want to consider that one? Okay, what else?

COMMISSIONER VIGIL: That's it.

CHAIRMAN CAMPOS: That's it. Okay.

The motion to approve the Consent Calendar with the exception of item A. 8 passed by unanimous [4-0] voice vote.

XI. CONSENT CALENDAR

A. Budget Adjustments

1. **Resolution No. 2008-95. A Resolution Requesting an Increase to the General Fund (101) to Budget a Memorandum of Agreement with the New Mexico Department of Transportation for Expenditure in Fiscal Year 2008/ \$6000 (Growth Management Department)**
2. **Resolution No. 2008-96. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Prior Fiscal Year 2007 Cash Balance to Assist with the Purchase of a Potable Water Truck for Public Works / \$25,000 (Growth Management Department)**
3. **Resolution No. 2008-97. A Resolution Requesting an Increase to the GOB Series 2005 Fund (330) to Budget Prior Fiscal Year 2007 Cash Balance for CR 85-A, Tano West/ \$48,000 (Growth Management)**

4. **Resolution No. 2008-98. A Resolution Requesting an Increase to the Road Maintenance Fund 204 to Budget Prior Fiscal Year 2007 Cash Balance for Increased Fuel Expenditures in Fiscal Year 2008 (Administrative Services Department)**
 5. **Resolution No 2008-99. A Resolution Requesting an Increase to the Fire Protection Fund (209)/ Hondo Fire District to Budget Forestry Reimbursement Revenue Received for the Piqueno Fire/ \$3,901 (Community Services Department)**
 6. **Resolution No. 2008-100. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Hondo Fire District to Budget Forestry Reimbursement Revenue Received for the 73 Fire / \$780 (Community Services / Fire)**
 7. **Resolution No. 2008-101. A Resolution Requesting an Operating Transfer From the Fire Tax $\frac{1}{4}$ % Fund (222) to the Fire Protection Fund (209) to Replace Funds Expended Utilizing the Fire District's State Fire Fund Allocation that Were Later Determined to Be Out of Compliance / \$9,869 (Community Services Department)**
 8. **Resolution No. 2008-__ . A Resolution for the Nambe Head Start in the Amount of \$110,000 (Community Services Department)
ISOLATED FOR FUTURE DISCUSSION**
 9. **Resolution No. 2008-102. A Resolution Requesting an Increase to the Property Valuation Fund (203) to Budget Prior Fiscal Year 2007 Cash Balance for Increased Overtime Expenditures in Fiscal Year 2008/\$49,500 (Assessor's Office)**
- B. Miscellaneous**
1. **Request Approval of Accounts Payable Disbursements Made for All Funds for the Month of May 2008 Specific to the General Fund (Administrative Services Department)**
 2. **Request Approval for Acceptance of Offer Regarding IFB#28-0141-FD/JC, MSA (Mine Safety Appliance) Safety Equipment Catalog for an Indefinite Quantity, four Year Price Agreement for the SFC Fire Department (Community Services Department)**
 3. **Request Approval to Enter Into an Agreement Regarding IFB# 28-0133-FD/RSM with Aon Risk Insurance Services West, Inc. and the Santa Fe County Fire Department for Volunteer Fire Fighter Insurance Services for a Three Year Policy Not to Exceed \$259,259.00 (Community Services Department)**
 4. **Resolution No. 2008-103. A Resolution Requesting Consideration and Approval of Budget Expenditure Procedures, that in combination with Previously BCC Approved Resolutions,**

- Encompass an Overall Santa Fe County Accounting Manual (Administrative Services Department)**
- 5. Resolution No. 2008-104. A Resolution Requesting Consideration and Approval of Accounts Payable Procedures, that in combination with Previously BCC Approved Resolutions, Encompass an Overall Santa Fe County Accounting Manual (Administrative Services Department)**
 - 6. Resolution No. 2008-105. A Resolution Requesting Consideration and Approval of Accounts Receivable Procedures that in Combination with Previously BCC Approved Resolutions, Encompass an Overall Santa Fe County Accounting Manual (Administrative Services Department)**
 - 7. Resolution No. 2008-106. A Resolution Requesting Consideration and Approval of Time Auditing Procedures, that in Combination with Previously BCC Approved Resolutions, Encompass an Overall Santa Fe County Accounting Manual (Administrative Services Department)**
 - 8. Resolution No. 2008-107. A Resolution Requesting Consideration and Approval of Journal Entry Procedures, that in Combination with Previously BCC Approved Resolution, Encompass an Overall Santa Fe County Accounting Manual (Administrative Services Department)**
 - 9. Resolution No. 2008-108. A Resolution for Implementation of Travel Advance and Reimbursement Procedures to Become Effective As of the Date of Approval (Administrative Services Department)**
 - 10. Request Authorization to Accept Amendment No. 3 to Agreement No. 26-1807-CORR/FS Between Santa Fe County and Norton J. Bicoll, DDS. The Purpose of this Amendment Is to Extend the Term of the Agreement Through June 30, 2009, and Increase Compensation By \$90,000.the Contractor Provides Dental Services to Clients At the County's Adult Detention Facility (Corrections Department)**
 - 11. Request Authorization to Accept Amendment No. 3 to Agreement No. 27-1808-CORR Between Santa Fe County and BI Incorporated. The Purpose of this Amendment Is to Extend the Term of the Agreement Through August 31, 2009, and Increase Compensation By \$401,688 (Corrections Department)**
 - 12. Request Authorization to Accept Amendment No. 6 to Agreement No. 25-143-YDP Between Santa Fe County and Correct Rx Pharmacy to Extend the Term of the Agreement Through June 30,**

- 2009, and Increase Compensation By \$2,000,000 (Corrections Department)
13. Request Authorization to Accept Amendment No. 6 to Agreement No. 26-1822-CORR/JC Between Santa Fe County and Summit Food Services LLC, to Extend the Term of the Agreement Through June 30, 2009, Increase Compensation By \$1,210,000 (Corrections Department)
 14. Request Approval to Enter Into Contract #28-0122-PW/RSM with Advantage Asphalt & Seal Coating, LLC for the Construction of the Stanley Solid Waste Transfer Station (\$624,547.22) (Growth Management)
 15. Request Approval of SFC Agreement #28-0145-PW/MS for Eldorado Base Course Improvements Project to the Lowest Bidder, AAC Construction for the Amount of \$269,528.04 (Growth Management)
 16. Request Approval of Agreement Between Santa Fe County and the Department of Finance and Administration for Legislative Appropriations Funds in the Amount of \$1,867,000 (Community Services Department)
 17. Request Approval of Agreement Between Santa Fe County and the New Mexico Aging and Long-Term Services Department for Legislative Appropriation Funds in the Amount of \$380,000 (Community Services Department)
 18. Informational Memo On the Annual Infrastructure and Capital Improvement Plan (ICIP) Public Participation Schedule (Community Services Department)
 19. Request Approval of Amendment No. 1 to Contract #27-0728-PFMD/MS, Construction Management Services for the Santa Fe County Public Works Facility Increasing Compensation by \$46,289.00, Excluding Applicable Gross Receipts Tax (Community Services Department)
 20. Approval of the Monthly Financial Report for the Month of May 2008 Specific to the General Fund
 21. Request Approval of Grant Agreement Amendment Between Santa Fe County and the Department of Finance and Administration for Legislative Appropriations in the Amount of \$5,283,000 (Community Services Department)
 22. Request Approval of Grant Agreement Amendment Between Santa Fe County and the Department of Finance and Administration for Legislative Appropriations in the Amount of \$426,400 (Community Services Department)

23. **Request Approval of Amendment No. 1 to Contract # 27-0808-FD/JC, an Indefinite Quantity Price Agreement, with Fire Service Gear, Inc. to Allow an Increase no Greater Than 5% on Certain Items Within the Contract and to Extend the Contract Through February 22, 2009 (Community Services Department)**
24. **Consideration of a Water Rights Purchase Agreement with LL Land and Cattle LLC (Legal Division)**

VIII. APPROVAL OF MINUTES

A. Page 80 of May 13th BCC

CHAIRMAN CAMPOS: Is there a motion to approve?

COMMISSIONER MONTOYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: I'll second.

CHAIRMAN CAMPOS: Discussion?

The motion passed by unanimous [4-0] voice vote.

B. May 27, 2008

CHAIRMAN CAMPOS: Is there a motion to approve?

COMMISSIONER VIGIL: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Discussion?

The motion passed by unanimous [4-0] voice vote.

C. June 6 & 13, 2008 Special Canvassing Meeting

CHAIRMAN CAMPOS: Is there a motion to approve?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Discussion?

The motion passed by unanimous [4-0] voice vote.

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN CAMPOS: Anybody in the public has the opportunity to come forward today and discuss any issues that are of public importance that are not being – that are not part of the agenda for today. Is there anyone out there that would like to address the County Commission? Okay, no one coming forward.

X. MATTERS FROM THE COMMISSION

COMMISSIONER ANAYA: Mr. Chair, thank you. I would like to just say that the Association of Counties had their conference in Las Cruces this last weekend. Over 850 people attended. We had a good turnout and I want to thank the County Manager and Valerie Espinoza's office, the County Commission, and Victor Montoya's office, Domingo Martinez, the Sheriff's office for allowing their staff to participate in the Association of Counties conference. It was a great success and thank you all for being there.

James, in your department, Harding County is looking for a roller, a smooth roller. If we have one or if you know where we can get one to help that county out I would appreciate that.

And one more item, Mr. Chair, and that is there was a code enforcement violation. Is there a code enforcement officer here? Can we get one? I think we need to get Gene Portillo, a notice of violation in the Edgewood area, and I just wanted to see what the outcome of that was, so I'll go ahead and pass till we get a code enforcement guy here. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: None at this moment.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Not at this moment.

CHAIRMAN CAMPOS: I have nothing at this moment, so we'll move forward with the understanding that we'll come back to matters from Commission when Mr. Portillo comes back. Is that it, Commissioner?

COMMISSIONER ANAYA: That's it.

CHAIRMAN CAMPOS: Is that all you want to do?

XI. 8. Resolution No. 2008-109. A Resolution for the Nambe Head Start in the Amount of \$110,000 (Community Services Department)

COMMISSIONER VIGIL: I'm not sure who's on staff that could take this on. The Nambe Head Start program, \$110,000. Where is that budgeted from and is this the only Head Start program that we help, and if so, why aren't we helping the others?

PAUL OLAFSON (Community Services Projects): Mr. Chair, Commissioner

Vigil, this is actually state appropriations to purchase the property where the Nambe Head Start is. This has nothing to do with running or operating the Head Start. It's just that's the common term

COMMISSIONER VIGIL: Okay. So in the future, could you identify the agenda item as a legislative or a state or an agency appropriation, because the way it's identified here it just has a resolution for the Nambe Head Start in the amount of \$110,000. The resolution itself would state it, but I think the heading should also include it.

MR. OLAFSON: Mr. Chair, Commissioner Vigil, we will address that for the future.

COMMISSIONER VIGIL: Thank you. No further questions, Mr. Chair.

CHAIRMAN CAMPOS: Mr. Olafson, does that mean if we get enough money, or if the state appropriates sufficient money that the County will be fiscal agent, one, in two, in charge of the construction project and of any maintenance obligations or anything else after that?

MR. OLAFSON: Mr. Chair, yes. What this project is, it's not actually even the Head Start property; it's another property, but through the legislative process it was named the Head Start and that's kind of a remnant of the history of this. We discovered these two grants that were to expire in June, and we've been working with the Pojoaque School District and the board has already approved the purchase and acquisition of this property. We're just bringing this budget resolution forward so we can fund the purchase, and these funds won't be lost. And once we do purchase the property then we would own it and maintain it, but it will not be maintained or operated as a Head Start. It will be operated – the vision is we would develop a park facility on the property and two adjacent properties.

CHAIRMAN CAMPOS: A park facility.

MR. OLAFSON: With a walking track and two multi-purpose courts. And the courts are currently in disrepair and we need to work with the adjoining landowners and the Pojoaque schools to put together a package so we can basically develop a nicer park facility with playground, walking path, re-renoate or redo the courts, bring them up to par, and a small picnic area on that site. And there's two buildings that come with the property, those could be a future phase used as a community facility for the Nambe area. However, this appropriation does not have the funding for that longer-term vision. And that will be a secondary phase.

CHAIRMAN CAMPOS: Simply for the purchase of the land and for some minor improvements?

MR. OLAFSON: Yes. This money will go towards the purchase of the land. There's additional appropriations that will towards the improvements of the park facility, and then phase 2 of this would be to look at the property or the facilities for community use in the longer term.

CHAIRMAN CAMPOS: What is the cost to the County?

MR. OLAFSON: The cost to the County to acquire this?

CHAIRMAN CAMPOS: You know what the costs are, not just acquiring, but

getting the job done, personnel, any other resources that are implicated.

MR. OLAFSON: At this point the cost will be funded through the state appropriations for the park improvements. Following the improvements, then it would be County staff to maintain, cut the weeds, empty the garbage, etc.

CHAIRMAN CAMPOS: So it will be a County park.

MR. OLAFSON: Yes. And we feel that that is within our current staffing capacities. The community center, phase 2 of this, we have not explored or addressed. It's just simply the property comes with these two buildings, and the community members and the legislature have expressed an interest in exploring that opportunity for the long term.

CHAIRMAN CAMPOS: Thank you, sir. Any other questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Paul, what is the status right now? I know that I received a phone call from the superintendent last week saying that they got final approval from the Finance Authority.

MR. OLAFSON: Mr. Chair, yes, we do have the purchase agreement that has been developed between the schools and the County. That was approved by both the school board and the County Commission, yourselves. That was forwarded to the Board of Finance. The Board of Finance approved it. Now we are in the process of trying to close on the property. So this is a budgetary means to bring that money to the closing.

COMMISSIONER MONTOYA: Are there any other logistical issues, in terms of the property and the deed?

MR. OLAFSON: Mr. Chair, Commissioner Montoya, we did discover through the title company there is an issue with the deed, but I'm not exactly sure on the outcome. We're working on it with both the school board and the title company and our folks, our staff. Apparently there's a discrepancy on the way the deed was conveyed back in the 1920s, and they're looking at how that can be cleared up and solidified. But we don't have a direct answer on that. We did extend the terms of the purchase agreement and we have talked to DFA about extending that term because of that unforeseen glitch coming up. We're trying to get it done. We're trying to figure out what we have to do to get it done, and we have extended the term so we have time to get that done.

COMMISSIONER MONTOYA: Could it potentially fall apart?

MR. OLAFSON: Mr. Chair, Commissioner Montoya, anything can happen. I truly don't have the specifics to give a direct response. If it can't be clean title then we would have to take a step back and re-examine how we would want to proceed with it.

COMMISSIONER MONTOYA: Okay. If you could let me know kind of the specifics on it, and also let the schools know.

MR. OLAFSON: Certainly.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, any other questions?

COMMISSIONER VIGIL: I have a question.

CHAIRMAN CAMPOS: You have a follow-up?

COMMISSIONER VIGIL: A follow-up. Does the County become a part owner in this?

MR. OLAFSON: Mr. Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: So this just pays for a portion of it and there are other allocations that need to be brought forth in order for us to – so right now, we're just partial owners.

MR. OLAFSON: No, aside from this \$110,000 we have additional appropriations for the project. This mechanism here is just budgeting the money so we can take it to the closing. But we do have sufficient funds for the closing, to purchase the property and to begin the park project. But there isn't enough funding to go to the phase 2 of developing a community facility.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, is there a motion to adopt Resolution 2008-109, a resolution for the Nambe Head Start?

COMMISSIONER VIGIL: So moved.

COMMISSIONER MONTROYA: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve passed by unanimous [4-0] voice vote.

MR. LUJAN: Mr. Chair.

CHAIRMAN CAMPOS: Mr. Lujan.

MR. LUJAN: We've got Wayne Dalton to respond to Commissioner Anaya's request on that notice of violation.

CHAIRMAN CAMPOS: Hello, Mr. Dalton.

WAYNE DALTON (Building and Development Services Supervisor): Good morning, Commissioners. Commissioner Anaya, we were out there at 18 Surrey Lane last week and issued the property owner a notice of violation for litter and debris on the property. We will also be working with Construction Industries to determine whether or not that structure is livable. There's nothing in the current code that allows us to enforce if a structure is livable or structurally sound. That's a decision that's made by the Construction Industries Division.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Wayne. The reason I brought it up is because I have seen it a couple years ago and it is absolutely filthy, and there's mice and dogs and cats. And the yard is a mess. Have you seen it?

MR. DALTON: I've just seen pictures that were taken last week.

COMMISSIONER ANAYA: So I'm kind of wondering if this is a health issue for the neighbors that are around the area. So if we could keep looking into that to see what we can do. I don't know – I heard the owner had passed away and it was left to the mother and the mother's elderly. So I don't know if she can clean it. I don't know if we'd want her to

clean it.

MR. DALTON: Mr. Chair, Commissioner Anaya, we will work with the property agencies to get this property cleaned up out there.

COMMISSIONER ANAYA: Okay.

MR. DALTON: And whether or not – the property owner, which is the mother right now, she will be required to clean it up. And she's trying to sell it right now as-is, so if she does sell it, then that property, whoever buys it, will inherit that violation and they'll be required to clean it up.

COMMISSIONER ANAYA: Okay. Thank you, Wayne.

CHAIRMAN CAMPOS: I have a question for legal counsel on that. Mr. Ross, I know the City of Albuquerque and many municipalities have the power of condemnation if there are buildings that have gotten to the point where they've deteriorated and they're no longer useful. They can actually require that they be razed. Is that something that counties have? Is that an authority that counties have?

MR. ROSS: Mr. Chair, yes. Counties have that authority but I don't believe we have enacted an ordinance ourselves.

CHAIRMAN CAMPOS: So we'd have to enact an ordinance in order to have that authority.

MR. ROSS: Correct.

CHAIRMAN CAMPOS: Thank you, Mr. Dalton for showing up. Appreciate it.

MR. ROSS: I would add, Mr. Chair, that we have put it in the code rewrite. We anticipated that problem and that kind of enabling legislation is in the code rewrite. We just don't have it in current ordinance.

CHAIRMAN CAMPOS: Thank you, Mr. Ross.

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Growth Management Department

1. Resolution No. 2008-110. A Resolution and Update On the Status of Proposed Water Delivery Agreements for the 2009 Fiscal Year, Their Requested Amounts, and Approval of a Schedule for Water Deliveries for the Upcoming Year

DOUG SAYRE (Waster/Wastewater Manager): Thank you, Mr. Chair, Commissioners. Before you, we've come with an update on the status of the water delivery agreements and also what the new water delivery situation is for the upcoming fiscal year, 2009, the requested amounts and consideration of possible approval of resolution adopting this schedule. As of Resolution 2006-57, twice each year the County shall promulgate a schedule of new water deliveries for the upcoming six months, which shall be approved by the BCC upon recommendation of the Public Works Water/Wastewater Operations Section.

So we're intending to abide by that every six months so that you understand what prospective water deliveries are scheduled by the Water Division.

Just some background about that, I gave you a table that lists all of the deliveries that we've made for the last – since the beginning of the operation of the division back in 1998, but I think what it shows is currently, we're delivering about 384 acre-feet of water to the various customers and that includes County customers as well as developments and also come commercial entities. That has not increased as much, as dramatically as it has in the past, primarily due to conversion of some developments to reuse of their effluent water to handle irrigation needs, and also I think because there's been a downturn in development amounts that are being proposed in current years as well as upcoming. That kind of gives you a background on it.

Then you also have a schedule that people have requested. This is their need for the next six months.

CHAIRMAN CAMPOS: What document are you referring to, Mr. Sayre?

MR. SAYRE: The second document. The schedule for new water deliveries.

CHAIRMAN CAMPOS: For July to December?

MR. SAYRE: Yes.

CHAIRMAN CAMPOS: Okay.

MR. SAYRE: So in front of you it has a schedule for that from July of this year to December. It lists all of the entities that have requested water. These are new deliveries of water for these respective entities. It amounts to about 20.2 acre-feet. The total amount shows that they're scheduled for about 182 acre-feet. And then I've tried to also put in the affordable housing amount is proposed to be, so that we understand that that's a County obligation. That's not a developer obligation. So it lists those 12, and it amounts to 20.2 acre-feet.

Within the resolution – well, why don't we, if there's any questions maybe I could try to answer any questions that you might have on the deliveries. That would probably be the best way to approach this.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: I don't have any.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: No.

CHAIRMAN CAMPOS: Okay.

MR. SAYRE: Within that resolution it requests that you adopt a resolution adopting this schedule. So on the next page is a resolution saying that you adopt the schedule of deliveries. Keep in mind we'll endeavor to come before you twice a year – in June and probably late November, early December of each year to give you the schedule for the water deliveries, and this is based on a request from the respective developers. We will follow up with water delivery agreements for this water to these individuals or entities.

CHAIRMAN CAMPOS: Should we have an attachment, Mr. Ross, and refer to an attachment in the resolution saying see Attachment A, and incorporate that into the

resolution?

MR. ROSS: Yes, Mr. Chair. That would be helpful.

CHAIRMAN CAMPOS: Okay, so let's do that. Let's attach your exhibit as Exhibit A, and have language added to the resolution so that we know what is attached.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: So we're authorizing at this period 20.2?

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

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

CHAIRMAN CAMPOS: As amended?

COMMISSIONER MONTOYA: Yes, as amended.

CHAIRMAN CAMPOS: With the attachments?

COMMISSIONER MONTOYA: With Exhibit A, yes.

CHAIRMAN CAMPOS: And that would be Resolution 2008-110. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Okay, discussion?

The motion to approve passed by unanimous [4-0] voice vote.

XII. A. 2. Consideration and Possible Approval of the Second Amendment to the Lease and Operating Agreement for the Lease and Operation of the Wastewater Treatment plant At the New Mexico State Penitentiary

MR. SAYRE: Mr. Chair, members of the Commission, I guess I also want to address the next item, which has to do with the existing lease with the State Penitentiary, on the State Penitentiary with Property Control Division of the State of New Mexico, General Services Department. We had a 10-year agreement to lease the pen facility, and that is due to expire on June 30th. We've been meeting with Property Control and also General Services Division as well as Correction Department to see if there's an amenable way to look at a long-term agreement on this facility, so that the County could look at a regional operation at this area.

In the last discussion that we had with Property Control, they seemed very amenable to looking at a 25-year lease for this facility, and it does look – it is more amenable at this facility to look at a regional plan than at the Valle Vista location, because of the amount of land and also it's not close to any housing area, and it has existing capacity of up to 374,000 gallons. The present use is about 160,000 gallons a day. So it has some reserve capacity. Both the state and ourselves have done some studies to show that, yes, there are improvements that are going to be needed. We all need to be cognizant that there's an upgrade of the facility

that's needed, and Corrections Department needs to buy in that they're going to have to pay their fair share of any improvements, and also of the operating costs of this facility. So that's what we're working on.

So what's before you is to ask for – I think it's a six-month extension. Mr. Ross, excuse me – It's a six-month extension of the agreement so we can look to negotiate. I think also with the agreement there's an additional six months in case we don't quite get it done. Property Control has agreed to extend the agreement, and we just want a consensus from the Commission regarding this agreement so we can look at negotiating or getting a fair agreement for extended use of that facility. I could take questions. Does that pretty well cover it?

CHAIRMAN CAMPOS: Mr. Ross, is that right? Is there a six-month – is that what we're dealing with today, a six-month extension of a contract that permits an extension?

MR. ROSS: That's my recollection.

CHAIRMAN CAMPOS: Okay.

MR. ROSS: Just to buy us time to do the permanent agreement Mr. Sayre was discussing.

CHAIRMAN CAMPOS: And the County Manager can sign that extension without our direct approval as a Board?

MR. ROSS: Probably. We should probably discuss that right now. I would interpret that agreement as a license and it doesn't really fall into any of our resolutions that provide the County Manager with specific authority. One area in which the County Manager does not have specific authority to sign is real estate. So I have taken the position in the past that a license is not really an agreement regarding real estate because it's revocable at will on the part of either party, but if you have an issue with that, with the County Manager signing such a short extension we should talk about it now.

CHAIRMAN CAMPOS: Okay, is there any objection from any Commissioner to the County Manager signing the six-month extension? Commissioner Montoya. Commissioner Vigil.

COMMISSIONER VIGIL: On that issue I do have an objection, because I think this particular project raises a lot of policy questions. As you may recall, Doug, we worked through this through the legislative session. I would really like some specificity in terms of what the pros and the cons are of doing this. We have tried to work with Corrections and the General Services Department offering them the opportunity to purchase this particular spot and have not received any positive response with that. I know that they benefit from us maintaining and servicing, and we're actually putting dollars into that infrastructure and it does not belong to us. So my concern at this point in time before we make a decision is is this time-sensitive. Do we have enough time to identify the pros and the cons?

MR. SAYRE: Mr. Chair, Commissioner Vigil, I think what we expect from this six-month time scheme was develop between ourselves and Property Control, and with Corrections Department that we would look at this intently to try to address those matters and look at pros and cons and make sure that both sides are protected but there's a fair share of

operations and maintenance that goes to all entities that use that facility. And I think that's what we're trying to do. Because the existing agreement is pretty much one-sided to Property Control or Corrections Department as far as cost. And that's why we want to take this agreement and modify it to look at this.

Property Control, as far as I'm concerned, has addressed that they want to deal with this and work fairly with the County. Where I'm having some concern, I guess, is from Corrections Department. They're the ones that are sort of laying back and saying – they've had a very good deal because they haven't had to pay for anything for the last ten years, and that's why they're taking a little longer to look at the agreement and come into the process that they will have to pay for operation and maintenance in the future.

COMMISSIONER VIGIL: Mr. Chair, the question is is this time-sensitive with regard – does the agreement terminate and do we have to enter into an agreement by a particular date?

CHAIRMAN CAMPOS: Yes. It ends on June 30th.

MR. SAYRE: Correct, Mr. Chair and Commissioner Vigil. It ends on June 30, 2008. That's why we're asking for this six-month extension with the possibility of six months more in case we can't get all parties together and bring back an agreement to the Commission that you can thoroughly review and consider, with background.

COMMISSIONER VIGIL: So, the request is for a six-month extension with a possible extension. Counsel, if we do not enter into this agreement or authorize the County Manager to enter into it does it automatically lapse? Or can we go by contract law, and contract law states that if you actually continue to perform the services then the lease is on a term-to-term lease?

MR. ROSS: Well, Mr. Chair, Commissioner Vigil, we would lose our right to possession if we continue to possess the property and operate and maintain it as we had before. The law would say that it's been converted from a lease-hold interest to a month-to-month tenancy, which could be revoked with 30 days notice.

COMMISSIONER VIGIL: Okay.

CHAIRMAN CAMPOS: Any further discussion? Okay. The question again is is there any objection to the County Manager approving a six-month objection? I've heard none. Okay. Then the direction of the Board is to have the Manager approve a six-month extension and bring back an proposed contract sometime during that period. Mr. Ross, are you okay on that?

MR. ROSS: We're okay if you're okay.

CHAIRMAN CAMPOS: We're okay. There's no objection. Is that fine with you? Does that satisfy you?

MR. ROSS: Yes.

XII. A. 3. Resolution No. 2008-111. A Resolution Creating an Arts, Culture and Entertainment Task Force and Charging that Task Force with Development of an Arts, Culture and Entertainment Policy

JACK KOLKMEYER (Land Use Administrator): Thank you, Mr. Chair. Good morning, members of the Commission. During the past year we've had a number of conversations with various Commission members and members of the communities throughout Santa Fe County about the need for the County to better understand its role in the advancement of artistic, cultural and entertainment events that are occurring throughout the county. As you know, we've seen a rise in these special events and special use permits that we offer through the Land Use Department in such communities as La Cienega, Madrid, Pojoaque, and Chimayo, and in recent conversations with Commissioner Montoya and members of various communities, particularly La Cienega, Madrid and Pojoaque over the past year and came again to our attention in a lot of conversations that we've had with Mr. Sean Parrish who did the Musicfest at the Downs last year, that the County should consider creating a task force to assess the potential role of the County in better understanding these events and what role we might play in them if we view them as economic development or community development activities.

In response to that, staff has worked on this idea for the past six months and is recommending the creation of a task force for a one-year period to determine what role the County could play in this. Specifically in the resolution, we would look at surveying and assessing all of the existing arts, cultural, and entertainment activities that happen in the county in any given year. We would look at these activities in relation to community development and infrastructure needs of our local communities. You may recall a couple of sessions ago we had a lot of people in here from Madrid and we were giving permission to them to do various events in the community but we only have – what? Commissioner Anaya – four porta-potties in that community? So we think this task force could be well served to start taking a look at some of the community development needs that these communities have if we're going to encourage events to occur there.

We would also identify existing legislation, policies and programs which currently affect these activities in the county. We would investigate funding sources that would be available for us to get involved in activities. We'd also work with the City of Santa Fe, the cities of Santa Fe, Española and Edgewood, and also the Pueblos to see if there's ways we can better coordinate activities occurring in those places, and develop specific policy options, action items and specific project proposals that would come back to you at the end of this work, that we would do for one year.

We're suggesting that this group be nine members, five from each of the districts, four at-large members, a chairperson, and this work would be staffed by members of my planning section within the Growth Management Department. I think that's it. We also attached a fiscal impact study for you. We think it's a really good thing to be doing right now. After one year of this task force we'd come back and recommend whether we should have a committee that would be full time, for example, and help us coordinate these activities. What we're clearly

seeing with the movie studio coming forward, perhaps changes in what's going to happen at the Santa Fe Downs and all the activities that are going on that really is a form of economic development and as we evolve our own economic development program for the County we think this is an important part and would ask you to pass this resolution to do this work so that we could come back to you a year later with a very specific program. With that, Mr. Chair, I stand for questions.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Over here you have item E on the third page. It says Research ACE activities in the cities of Santa Fe, Española, Edgewood, and in the Pueblos of Tesuque, Pojoaque, Nambe, Santa Clara, San Ildefonso, and discuss ways to coordinate activities. Do you think we ought to – because we left out a lot of communities. The ones you just mentioned. So instead of saying, naming all those, do you want to just say Santa Fe County? Or do we need to name each and everyone? And if we do, maybe we need to include all those small communities. Chimayo, Madrid, Cerrillos, Galisteo.

MR. KOLKMEYER: Mr. Chair, Commissioner Anaya, the communities mentioned here are actual municipalities. The traditional communities don't have municipality status and we mentioned, I think in the beginning, that we would focus on the communities within Santa Fe County, but we wanted to distinguish between the communities that aren't technically municipalities and those that are. We can do it any way you prefer, but the traditional communities don't have the same municipal status as Santa Fe, Española and Edgewood, and they're not government entities as are the Pueblos as well. We singled those out just so they would have distinction from the others.

COMMISSIONER ANAYA: And where does it say traditional communities?

CHAIRMAN CAMPOS: I think page 2, 6.A. It says in the local communities.

MR. KOLKMEYER: And also Mr. Chair, Commissioner Anaya, on the third whereas, it says Whereas, the unincorporated traditional communities and contemporary communities of Santa Fe County are specific places where many of these events take place.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Not specifically stated, but I'm sure hopefully developmentally this task force will provide advisory capacity to the Commission with regard to leveraging dollars to promote arts and culture. It seems that there was some language that promoted that task, but I can't seem to find it now.

COMMISSIONER MONTOYA: It's on D, page 2, D.

COMMISSIONER VIGIL: So, great. The "all funding sources" captures my intent. Thank you.

MR. KOLKMEYER: Yes, Mr. Chair, Commissioner Vigil. We look at everything. Lodgers' tax is already doing some work in this area in terms of advertising but again, we've never really pulled it all together. We'd look at the bonding capacity we might

have for events or activities in the future, and all the funding sources – grants and all those kinds of things that would be available to us.

COMMISSIONER VIGIL: Currently, Mr. Chair, and Jack, you may not have the answer to this but I'm happy to get follow-up information if you can. The City has consulted with the County to get staff together for some informal discussions for an arts project for the Rail Runner and the station stop at 599. Actually, knowing how important that piece is to that stop I've been lobbying my fellow Commissioners for some of the community funds that we receive. Do you have a status on what's gone on with that? I know the last question I had was will this qualify for the one percent?

MR. KOLKMEYER: Mr. Chair, Commissioner Vigil, we have a staff member, Robert Griego attends those meetings, so we're up on what's going on there. But again, I think the task force really helps us out not only with that project but others like it in the future, that we would have an entity in the County that would parallel the City Arts Commission, so then we'd be able to work together on these kinds of activities. Specifically, I'm not sure what decision they've made yet for the 599 site, but it's a great example of how we need to be thinking about art in public places in the county that we haven't spent much time on at this point.

COMMISSIONER VIGIL: It seemed to me like there was an expedited need for the County to make a financial committed dollar amount to this, and I just hadn't heard anything since then, but I'll follow up with staff on it. Thank you.

MR. KOLKMEYER: Thank you, Commissioner.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER MONTOYA: Jack, I just want to thank you for putting in the time and Robert also, for making sure – this is going to be probably the first county that does something like this? In terms of at least looking at arts, cultural, economic development tie-in?

MR. KOLKMEYER: Mr. Chair, Commissioner Montoya, I don't believe we'll be the first county to have an arts committee or task force. I found a couple down south that do, but it would really be the first one that looks at putting the economic development potential with community development, and that's kind of what would separate us from the others. That makes it really important.

COMMISSIONER MONTOYA: Exactly. So with that, Mr. Chair, I'd move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Resolution 2008-111, a resolution creating an arts, culture and entertainment tax force. There was a second. Discussion?

The motion passed by unanimous [4-0] voice vote.

MR. KOLKMEYER: Thank you, Mr. Chair, Commissioners.

XII. B. Matters From the County Manager

1. Request Direction Regarding County Liability Insurance

MR. LUJAN: Yes, Mr. Chair. Staff would like direction regarding the County liability insurance, and at this time I'll turn it over to Attorney Ross.

MR. ROSS: Mr. Chair, members of the Commission, we've discussed from time to time with this body whether the County should consider some source for its insurance coverage besides that provided through the County Insurance Authority in the Association of Counties. We're not sure. We believe there could be some savings achieved by seeking outside sources, but of course, with the savings of potential dollars could come some loss of control in our claims. There's pluses and minuses to considering something like that. The way you would go about doing something like that is you'd have to issue an RFP, and we could certainly provide one, but we've been talking about this for six or eight months I think with the Board off and on, generally under Matters from the Commission. I believe what the County Manager was intending to do with this item was to get some specific direction whether we should proceed further with this idea or not.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: This is an issue that I had brought up initially, and the whole reason being that with the increased costs we continue to have on our insurance premiums, increased costs on claims and everything else, that we at least look at what else might be out there. Putting out the RFP does not exclude the Association of Counties, who's here this morning. Thank you, Bruce and Becky for being here, but merely opens up the avenue of seeking alternative proposals that may or may not come in cheaper than what we're paying right now. But I believe that possibly with the economy in the state that it's in the possibility of getting a cheaper or at least more competitive bids might be beneficial, at least to explore.

So this is merely to put out the RFP, the request for proposals, and see what we get back, and if it's nothing significant we don't make the move or do anything different than what we're doing now, but if it is, and what I've been told is that the savings could be as much as over one million dollars, that's pretty significant, when you look at the increases that we continue to have and that we may be able to save. So that's the reason I brought this forward at least to consider. There's no dissatisfaction with the Association, okay? Just merely as a Commissioner looking at a way to make sure that I'm doing what I feel is in the best interest of the county, the County government and our constituents that we serve. So that's what I'm doing.

CHAIRMAN CAMPOS: Mr. Lujan, how much are we paying in insurance right now, roughly?

MR. ROSS: Mr. Chair, I think Teresa might have that number off the top of her head.

TERESA MARTINEZ (Finance Director): in 08 we paid \$722,000 for workers' compensation, property liability was \$803,000, and law enforcement was \$1.1 million, as compared to FY 2007, for workers' comp we paid about \$114,000 less. Property liability, about \$27,000 less, and law enforcement, we paid about \$182,000 less, in FY 07.

CHAIRMAN CAMPOS: And these are all policies with the New Mexico Association of Counties?

MS. MARTINEZ: That is correct.

CHAIRMAN CAMPOS: Any questions from the Commissioners?
Commissioner Vigil.

COMMISSIONER VIGIL: I have a procurement question. I always feel better informed when we have the pros and the cons. However, if we go for a request for proposal on this, are we required to select a candidate for a request for proposal? And let me tell you where I'm going with this. I think the procurement code also allows us to go for requests for information, and I'm not sure if I have the actual terms correct, but I wouldn't mind looking to see what is out there and doing a comparative analysis, but I don't want to lock us in to a request for proposal which will require us to make a selection.

MR. ROSS: Mr. Chair, Commissioner Vigil, you don't ever have to make a selection.

COMMISSIONER VIGIL: Okay.

MR. ROSS: You can always in the best interest of the County, even after going all the way through the process determine not to make the award. The reason it would be a request for proposals is because what you're really doing is you're going and finding a broker, who will then go into the market and procure the insurance coverage for you. An RFI is going to give you fairly limited information if what we're looking at is the potential cost of coverage, because they're not going to let us know with any degree of certainty in an RFI process where everyone is seeing what everybody else is bidding.

So it probably wouldn't be all that practical. It might give us some information about the market, but an RFP would get you someone with knowledge of the market that could then go and procure coverage for you. The alternative is to do an RFP and hire a consultant to review the County's needs and give us information about the market and how we might approach the market if we decided to go that route.

COMMISSIONER VIGIL: I would be concerned in the RFP that it had broad enough scope to identify for us, not only what the fees would be up front, but where increases would occur. For example, if our claims increase in our jail, if in fact in two years – or if there's a cap. The insurance industry is highly reliant on claims and their decisions are made based on claims. So I would want to make sure that we don't have a pretty picture up front from a respondent, and then later on, based on so many claims from our Sheriff's Department or our jail that all of a sudden our fees are increased. In a sense, that's what I think one of the benefits is of belonging to a larger pool. It's sort of a cross-section rate and no matter what county sort of supercedes claims in a particular area, that rate kind of remains a negotiated rate.

So when we do the RFP I would like it to be very much in depth so that we're not caught by surprise.

MR. ROSS: Mr. Chair, Commissioner Vigil, I hear you. I think we can get as much information along those lines as possible. I think that with respect to the Corrections Department and the law enforcement coverage is that we have not a very good record at this point, given the claims in the first year after we assumed operation of the facility, and it's only gotten better since then, but unfortunately, we still have the bad claims in that first year on our history and that will remain on our history for a number of years. So we'll probably have a fairly realistic idea if we approach the market what the worst case would be at the correctional facility.

But claims elsewhere in the County are largely within our control. Our safety and risk management activities should keep claims at the level that they are, if we continue to support those efforts. The only uncertainty in that is whether the softness that's inherent in the insurance market in any particular year, which is a function of the larger economy, and it's going to be hard to predict those kinds of influences on the cost of coverage or whether we can even obtain coverage in some future year.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you. There was one word that kind of stuck out when Steve Ross spoke up and that's continuity. And I think that it's important that if we are to step out or not use the Association of Counties then we'd lose continuity and I think that was the most important word. As president of the Association of Counties, we have encouraged counties to participate in the pool board, not discouraged. We have included this year Hidalgo County and San Juan County. And I asked staff from the Association, Becky Tafoya and Bruce Swindle, to be here to answer any questions that might come up, or maybe give us a briefing on exactly what they do for the Association of Counties. If that would be okay, if they could come up and just tell us a little bit about the claims that Santa Fe County has, or just brief us on a few issues.

CHAIRMAN CAMPOS: I'd like to discuss this a little bit more. This may be premature at this point, but has staff done a preliminary assessment at all on this issue? Or does staff have any recommendation at this point on this issue?

MR. ROSS: Mr. Chair, we've been looking at this for a couple years, off and on, at the encouragement of Commissioner Montoya and other Commissioners, and we understand that this is a favorable time to look at the outside insurance markets, in the sense that there's a lot of competition in those markets right now and it's possible to achieve a good rate. At the same time, staff has been talking to particularly Mr. Koppelman over at the Association and he has some interesting ideas for reducing our coverage, reducing our premiums along the lines that has recently been implemented in Bernalillo County with higher retainages, higher deductibles in essence, on coverages, that could yield large reductions in premiums. So we've been discussing this issue and working on it from a number of angles for a long time. We don't have a specific recommendation. It's really a

matter of cost and as Commissioner Anaya says, you've got to be careful not to decision that would yield a short-term cost benefit to the County and might in the long term be detrimental to the County. That's where a consultant would really help us.

CHAIRMAN CAMPOS: Well, if I may, Commissioner, my preference, I think, is to stay with the Association. It's like a co-op insurance coverage as opposed to going into the private market. That's just my bias, but certainly, I think Commissioner Montoya makes a good point. If we can save a million dollars that's really significant. I'm not sure that we can. And you said there are a number of negatives, including loss of control. I just throw this out to the Commission: Do we want staff maybe to spend a little bit of time in evaluating this issue and coming forward with a recommendation, whether we should get a consultant to go out into the private market, find out more or less what it's going to cost, and investigate the idea that we may get – we may be able to achieve large savings by going to the private market? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just one more comment and that is, I believe, and correct me if I'm wrong. Was it Grant County that did what we are planning or talking about doing, and that is getting a private insurance company to cover us. They did that for two years then they came right back to the Association. So I don't mind staff looking at it and giving us a recommendation, but to go full-blown RFP, I don't think that that's necessary at this point. I think we have other things, better things that we need to do at the County. Thank you.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, my position is I think we have sufficient information through staff, through the Association, perhaps through consultation with prospective bidders, whatever, that we could get the pros and the cons of this, and that's what I was sort of advocating for. I know, for the most part, all of the pros of being a participant with the Association. One of them is an equitable distribution between counties, and that wouldn't happen in a private sector. So I don't think we need to spend the additional energy, nor the dollars for a private consultant on this. I think we can gather the data in a sufficient manner to do pros and costs and cost/benefit preliminary analysis.

CHAIRMAN CAMPOS: Would you then agree that we should ask staff, the next couple of months to come forward with an assessment and a recommendation?

COMMISSIONER VIGIL: Yes.

CHAIRMAN CAMPOS: Commissioner Anaya, are you with that? Okay, I am too. So I think that's sufficient direction at this point in time. Thank you very much.

XII. B. 2. Update On Various Issues

MR. LUJAN: Nothing at this time.

XII. C. Matters From the County Attorney
1. Executive Session
a. Pending and Threatening Litigation

MR. ROSS: Well, Mr. Chair, it's time to go into executive session. We don't have anything that requires decisions at this point. It would be mainly briefings on current litigation. I leave it up to you whether you want to go into executive session and discuss some of those items or whether you just would like to wait for a couple weeks and deal with it in early July.

CHAIRMAN CAMPOS: Well, I would think we could probably do this by noon. Basically, is that it? We're done?

MR. ROSS: Yes.

CHAIRMAN CAMPOS: So why don't just do it?

COMMISSIONER MONTOYA: I need to leave by 11:45.

CHAIRMAN CAMPOS: Okay, well, let's see what we can do. Is there a motion to go into executive session where we're going to discuss pending and threatened litigation?

COMMISSIONER VIGIL: Mr. Ross, is that all we're required to discuss?

MR. ROSS: That's it.

COMMISSIONER VIGIL: Okay. So moved.

COMMISSIONER MONTOYA: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7) passed by unanimous [3-0] voice vote, with Commissioners Montoya, Vigil and Campos all voting in the affirmative. [Commissioner Anaya was not present for this action.]

[The Commission met in executive session from 11:15 to 11:45.]

COMMISSIONER MONTOYA: Mr. Chair, I move that we come out of executive session where we discussed pending and threatened litigation.

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to come out of executive session passed by unanimous [4-0] voice vote.

XIII. ADJOURNMENT

Chairman Campos declared this meeting adjourned at 11:45.



ATTEST TO:

Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:


Board of County Commissioners
Paul Campos, Vice Chair

Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501