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SANTA FE COUNTY

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

Marcello Salazar
DEPUTY

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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 25, 2002

Paul Duran, Chairman
Jack Sullivan, Vice Chairman
Paul Campos
Marcos Trujillo
Javier Gonzales

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SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

June 25, 2002

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:45 a.m. by Chairman Paul Duran, 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 Paul Duran, Chairman
Commissioner Marcos Trujillo
Commissioner Javier Gonzales
Commissioner Paul Campos
Commissioner Jack Sullivan

Members Absent:

None

III. Invocation

An invocation was given by Archbishop Richard Gundry of the Catholic Apostolic Church of Antioch.

IV. Approval of the Agenda

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- B. Tabled or withdrawn items**

CHAIRMAN DURAN: Are there any amendments to the agenda?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, there are no amendments. I am recommending that one item be withdrawn and that item is under the Consent Calendar, item GG. It is the professional services agreement with First State Bank. The Finance Department has alerted me that there's a problem with that agreement and further that the intent of that can be done administratively. So we ask that that item be withdrawn.

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CHAIRMAN DURAN: Any other changes to the agenda?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: My GG is a resolution requesting transfer from general fund to the Indigent Fund. Is there a different agenda numbering?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, if you're looking at the agenda that was with your packet, that agenda was modified for one item being deleted.

COMMISSIONER SULLIVAN: You changed all the letters? Oh, don't do that again. We ran into that last time. Are all the letters changed on this new agenda now?

MR. LOPEZ: From item BB on, they're moved up one item. You should have an agenda on your desk that's the correct agenda that was posted.

COMMISSIONER SULLIVAN: I was working off the agenda that was in my packet.

MR. LOPEZ: I think you took it right before the agenda that was put in there and that one has some differences.

COMMISSIONER SULLIVAN: Well, we'll uncover those during the day.

MR. LOPEZ: So on the old agenda, it would have been item HH, the First State Bank agreement.

CHAIRMAN DURAN: Any other changes to the agenda? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a motion and a second to approve as amended. Any further discussion?

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

V. Approval of the Minutes: May 28, 2002

CHAIRMAN DURAN: Are there any changes to the May 28, 2002 minutes?
Commissioner Sullivan?

COMMISSIONER SULLIVAN: No.

COMMISSIONER TRUJILLO: If not, Mr. Chairman, move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

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

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V. Matters of Public Concern - Non-action Items

CHAIRMAN DURAN: Is there anyone out there that would like to address the Commission on any matter? Please step forward. State your name for the record.

RUBANA RODRIGUEZ: My name is Rubana Rodriguez. I'm a resident of Pojoaque and I'd like to address the Commission with two problems that we're having in the area in Pojoaque off of County Road 109 North. I'm a resident that lives off County Road 109 North I Pojoaque. The reason I'm here today is to address a situation we are facing in the area.

CHAIRMAN DURAN: Excuse me, ma'am. Where is 109 North?

MS. RODRIGUEZ: It's in Pojoaque. It's about a couple miles north of the Cities of Gold Casino. I believe the Indians renamed the road to North Shining Sun.

CHAIRMAN DURAN: It's past the Nambe turnoff?

MS. RODRIGUEZ: Yes. About a mile past the Nambe turnoff.

CHAIRMAN DURAN: About a mile north?

MS. RODRIGUEZ: Yes.

CHAIRMAN DURAN: On the left?

MS. RODRIGUEZ: The right side.

CHAIRMAN DURAN: On the right. Okay. I got you.

MS. RODRIGUEZ: I believe you are all aware of the new subdivision that was completed a few months ago where 20 homes were built in Pojoaque off of County Road 109 North. Since this occurred, we have had a large increase in traffic with several residents riding through there with a very high rate of speed. We have contacted the BIA but nothing has been done. But this is the least of our problems. The real reason I'm here today is the problem we're all facing off of the County road, people and residents that live off of County road 109 North.

A lot of flooding has occurred in the area and will continue to occur if something is not done soon. This new subdivision has built roads over the existing arroyos. This has created a huge problem for all of us who live off of 109 North. We have also had our homes and property flooded due to this. I don't know if Santa Fe had it but a couple weeks ago we had a huge flood there in the area. We had a downpour for about half an hour. Because they covered this culvert, all the water was diverted over to the homes that are sitting below the Indian homes in the subdivision. I have contacted several members from the tribal, and I have contacted several members from the County Commission, Mr. Ben Lujan, Mr. Marcos Trujillo. I have talked to a lot of people and what the Pueblos are telling me is that the County is responsible for this.

I called the County. The County said the Pueblo is responsible for this. We don't know who to talk to anymore. We don't know what to do. Hundreds of dollars that were spent by residents in our area for gravel, for sand, for flagstone, has all been taken away by this flood. I have several pictures here where it was all torn off. Ramon Trujillo and one of the engineers from the County went out with him and they looked at the area and they say it's the Indians' fault. The Indians say it's the County's fault. The County says we have no jurisdiction on Indian land. The Indians say they can fix it; it's their problem.

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I know who's problem it is; it's our problem because we are the ones that are being left with the problem, we the people who live off of County Road 109 North. We need help. Our concern is who's going to take care of this problem? Who is responsible for this? We've all had to do our own clean-up and not only me. There's a letter here that I have from another one of the neighbors. I'll give one to each one of you if you want one. [Exhibit 1]

[inaudible] This is something recent that just came in now. They're going to build 30 more homes there in the near future, probably within a few months. We don't know what to do. We've come to you for help. If anything can be done, and we need it done as soon as possible before we get another flood. Thank you.

COMMISSIONER CAMPOS: Mr. Chairman, I have a question. Could I have a little more information if it's okay with the Chairman. Is this subdivision in the Pueblo?

MS. RODRIGUEZ: Yes, it is. It's on Pueblo land.

COMMISSIONER CAMPOS: Do you know who approved this subdivision? Was it the County? Was it the Pueblo?

MS. RODRIGUEZ: I believe it was the—the money was brought in from Washington or from somewhere. I don't know. Maybe Mark knows.

COMMISSIONER TRUJILLO: That's the problem. There's no approval. They didn't do any terrain management. There's no Code enforcement. The Pueblo decides to build a housing unit and they build it. There's no compliance with any regulation. The drainages are disrupted. The rechannel them to other drainages that augment the flood in those drainages. This was only a half an hour flood and the community has never seen so much water in those arroyos. This community here has never experienced flooding in their houses like they did this time.

And I understand that they called the Pueblo and the Pueblo said that it's a 25-year flood or something. But a 25-year flood, every time that it rains, it's getting out of hand. I'd like to possibly direct staff to develop some sort of communication to our congressional delegation explaining to them and telling them that the community is being impacted by all the development that's occurring in and around the area. That there's no compliance to any regulations. That water's being mined. That the quality of life is being impacted and the community feels that they're under siege.

So if we can get a letter to our congressional delegation explaining to them what's happening in the community when there's no compliance to any rules, to any regulations, to any codes, so that they understand that we're, or the community is in dire straits. Beyond that, I'd like to open the lines of communication with Pojoaque Pueblo and impress on them, I don't know if James has already started along those lines, that we need to partner, that we need to work together to address the terrain management, the flooding situation in that area. Because if it happened now, it's going to continue to happen every time that it rains and we need to rectify it. We need to partner with the Pueblo to correct it. And I don't know, James, if you want to say something.

MS. RODRIGUEZ: Here are the pictures. I don't know who wants to see them or if they want to see them, the way the road was washed away. [inaudible]

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CHAIRMAN DURAN: If I could just tie into what Commissioner Trujillo said. I think that we do need to send a letter to our Washington delegation but if you recall, Pojoaque Pueblo was really the only Pueblo that didn't participate in any of our summits.

COMMISSIONER TRUJILLO: They did.

CHAIRMAN DURAN: They did? Oh, they did. Okay. But I think that if we take that route, we're going to be talking about this for a long time. I think that what we should do is just send Public Works out there to correct the problem. And then follow through with all of this other stuff and have some dialogue because I really think that Pojoaque Pueblo is going to say that we have no jurisdiction and rather than fight over that or argue the point, by the time—it will be next year before we come to any resolution with them. I think we should just go fix the problem and continue the dialogue.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I have a question for Commissioner Trujillo. Could you describe 109 North? Is that a County road within Indian country?

COMMISSIONER TRUJILLO: It is a County road within the Pojoaque reservation, Pojoaque trust. The question is, and we've gone through this before. The people, the non-Indian people in that gave up some of that land to build that road. Pojoaque Pueblo claims that that road is theirs.

COMMISSIONER CAMPOS: Belongs to the Pueblo?

COMMISSIONER TRUJILLO: Belongs to the Pueblo. And the issue in naming the road surfaced when we tried to name that road through petition something that was congruent with the desires of the community and Pojoaque Pueblo was adamant that they would dictate the process, that they would name the road because the road belonged to them.

COMMISSIONER CAMPOS: Does the County maintain the road?

COMMISSIONER TRUJILLO: On a regular basis. The County paved it. It's a paved road; the County paved it. The County maintains it on a regular basis.

COMMISSIONER CAMPOS: When the subdivision was approved, did the subdivider make any improvements to that road or change it? It was simply they added more water to the drainage that catches the road and floods this community?

MS. RODRIGUEZ: They also got rid of all the—there was an area on the road that would keep the water on that side. They leveled it. Completely just leveled it. So now it's all coming this way and there's nothing to stop it at all. They put fire hydrants along the areas. Every home is getting flooded in the area because of that. They just leveled a lot of the area. This water was coming not only from the subdivision where they did it, from the whole area. It's probably a mile this way and then a mile coming down the other way. And they just leveled the whole area that was on Indian land. And those are the ones that are having the problems, us specifically, across from the Indian land.

CHAIRMAN DURAN: James, maybe they would let us go on their property and correct the problem. Maybe we could ask them if they'd let us go in there and do the terrain management that is required to prevent the problem from continuing.

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JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, what it is is some part of the watershed has been diverted. 109 was an arroyo and we built it up and paved it. Water did go through there. What they've done is added more flow to 109. So we're going to have to go in there and take a look at our road. It's a big watershed. I think what we need to do is work with them and look—I've had some dialogue with some of the members on that subdivision. They want us to look at putting a pipe on 109, because what they did, they just came and leveled and it's flat grade with our roadway.

And then they've asked us to work a partnership in paving the subdivision that still hasn't come through. But we're working on it and looking at what we can do to that roadway and what we're going to have to build up. We may have to improve our roadway completely. The Commissioner and I were out there the night of the flood, and we've got to get the water to the Pojoaque River. So we'll work with them any way we can. I don't know if we want to take in that whole watershed because it's quite a big area, but we need to partner with them and see how we can work it.

COMMISSIONER TRUJILLO: James, this is beyond the drainage.

MR. LUJAN: Right.

COMMISSIONER TRUJILLO: Ms. Rodriguez lives further up where there's not, the arroyo's not there.

MR. LUJAN: Right.

COMMISSIONER TRUJILLO: And the flood from the drainage from the hills flooded not only her house but other houses in the community because the water, like you say, was diverted and now it's going straight towards the community.

MR. LUJAN: They filled in some of the arroyos to accommodate their subdivision and I don't know how they got permitted for that because it's still the old arroyos.

COMMISSIONER TRUJILLO: They don't get permitted. They don't do terrain management.

MR. LUJAN: They'll probably have trouble also, but we do need to work with them. We're looking into it. I just needed some direction on what we want to do to get into private lands and to get onto the Pueblo.

MR. LOPEZ: Mr. Chairman.

CHAIRMAN DURAN: Estevan.

MR. LOPEZ: If the Board agrees then, what I'd recommend is that we follow all three actions. That is to have James and Public Works continue to work with the Pueblo to see if we can address the problem immediately, communicate with the federal delegation, hopefully to avert future occurrences of this type, and also just to begin a broader dialogue with the Pueblo about how we might coordinate our discussions as they go through some of their development so we don't create additional problems if we can.

I propose that we address all of those fronts.

COMMISSIONER TRUJILLO: How soon can we address the immediate drainage situation? Because we're in the monsoon season and the next time it rains, they're going to get—

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MR. LUJAN: We'll take a look at it. As soon as possible get out there in the next few days or so and at least evaluate the watershed and see where it's coming through and take a look at it, see what we can do for an immediate type of situation until we can resolve the problem.

COMMISSIONER TRUJILLO: Before we do that, we're going to have to talk to Pojoaque Pueblo to partner in trying to rectify the situation.

MR. LUJAN: Yes. I'll talk to the Lt. Governor and schedule a meeting with him if I can in the next day or so.

CHAIRMAN DURAN: Who's the Lt. Governor? Is that George?

MR. LUJAN: George Rivera.

COMMISSIONER TRUJILLO: Can you invite me to that meeting?

MR. LUJAN: I definitely will.

CHAIRMAN DURAN: Okay. Thank you, ma'am. We'll get right on it. Anyone else out there like to address the Commission? Do you want your photographs, ma'am? Well, that ends the Matters of Public Concern.

VI. Matters from the Commission

- A. Resolution No. 2002-73. A resolution rescinding Resolutions 1999-45, 2000-35, 2001-30 and 2002-52 creating the Santa Fe County Health Policy and Planning Commission, incorporating past resolutions and actions of the BCC and increasing membership**

COMMISSIONER GONZALES: Mr. Chairman, I actually asked that this resolution come forward. There are a series of resolutions that this Commission has adopted over the past couple years addressing the Health Planning and Policy Commission. The current chairman, Jaime Estremera-Fitzgerald asked that we consolidate this into one resolution governing the Commission and adding a C that would be made available to the Community Access Project, which has obviously been very important over the past year or so to Santa Fe County.

So for purposes of discussion, I'd move for approval of Resolution 2002-73.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any discussion?

The motion to approve Resolution 2002-73 passed by unanimous [5-0] voice vote.

COMMISSIONER GONZALES: I have a couple other quick issues under Matters from the Commission. One, I would like to congratulate the County Clerk, Becky Bustamante who was elected as the President Elect of the New Mexico Association of Counties. Congratulations.

CHAIRMAN DURAN: Congratulations.

COMMISSIONER GONZALES: We will see her in front of the legislature and the Governor a lot more over the next two years advocating for counties from around the state. So I think that's good for Santa Fe County because she'll clearly be in a position to advocate for many of our issues, especially the unfunded mandates as they relate to all the issues surrounding our jail facilities and the fact that we have to care for the state's prisoners prior to them being adjudicated. So, thank you, Becky and congratulations.

And also congratulations to—I'm not sure actually if it's to all the staff, but to I think Steve Kopelman's office and the Personnel Department. Santa Fe County was recognized for being number one in safety, I guess it is. We received a safety award by the Association of Counties and Jeff Trujillo was there to accept it for us. It's a program I believe that Jeff started that now has been handed over to Personnel. Is that right? So it was a good team effort but it just basically shows that the County is doing its job in making sure that we have a safe environment. So I think that's something that we need to recognize our staff for and congratulate them it.

The other issue as it pertains to business. James, Morning Drive is a road that's right off of Agua Fria in the southern part of Agua Fria, where the Allsup's is near Cottonwood Village Park. And the residents of that area want to talk to the Commission about taking over those roads. The issue about the Morning Drive roads is they're all paved and the Commission at the time that the subdivision was approved accepted the roads or gave a variance for the width of the roads. So we need to basically understand that issue a little bit more and then I would like to ask you to bring back the issue to the County Commission for discussion and action, one way or another. And Tila can get you in touch. Mary DiLorenzo from the Association of Counties actually is a member of the homeowners association and talked to me about this issue, which I told them I'd bring up here before the Commission and talk to you about.

MR. LUJAN: Mr. Chairman, Commissioner Gonzales, is that Fairway Village?

COMMISSIONER GONZALES: It's not Fairway Village. And I might be wrong on the road but it's the road right before Fairway Village. Right where the Allsup's is, it turns back into a subdivision there. And it's all paved, but this is something they want to bring before the Commission. Something happened in the past where the Commission granted a variance and never followed through, or the County never followed through on a commitment made to them to either take them over or do something with those roads. So can you reach out to her, understand the issue a little bit better, and then bring it back to us for some consideration.

MR. LUJAN: I'll look into it.

COMMISSIONER GONZALES: I'd like to see it come back to the Commission some time in August. Thanks. And I think that's it, Mr. Chairman. Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: On the issue with the Pueblos, I got a note from Hank here who's our Deputy Fire Marshal. In our discussions with them, when we talk

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about the drainage situation, maybe we can incorporate that they continue to sell fireworks, allow open burning, build without code or life safety review, and then ask the County to respond to emergencies at our expense and exposure to our personnel. So if we can cover all of those issues with not only Pojoaque Pueblo, but maybe send some communication to the other Pueblos, the other reservations that we need to work together, we need to give impetus to a relationship that augments the quality of life for both the Native American community and the non-Native American community in the whole gamut of quality of life issues. I'd appreciate that.

CHAIRMAN DURAN: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Mr. Lopez concerning Chimayo water. We talked about it a couple of weeks ago. There's some folks out there that are asking the County to meet with them and maybe help them in providing a solution to the water contamination issues. Any updates on that?

MR. LOPEZ: Mr. Chairman, I've asked that Gary Roybal, our Utilities Director, communicate with the president of that association. I think it's Eileen Martinez and I think he can give us an update.

GARY ROYBAL (Utilities Director): Good morning, Mr. Chairman, Commissioner Campos. I did give Eileen Martinez a call regarding the situation over there. She advised me the community of Rincon is without water right now. They have what they call a water buffalo from the National Guard to provide them potable water. What she informed or advised me was there may be some concern that that water buffalo may be leaving. But I read in the paper just recently that the National Guard is committed to keep it there until they find an alternate source of water.

Also, I believe the community is getting ready to drill a well and a storage tank to meet some of the water needs in the area but they don't have sufficient capital to extend the infrastructure to Rincon to provide this water service. At the present time the County Water Utility doesn't have a tanker truck to be able to provide any type of potable water on a portable basis basically. And that's the situation right now in that area.

COMMISSIONER CAMPOS: Have you set up a meeting with the people out there so that the County staff can go out and meet with them and see what we can do, if anything for them at this point? Give them direction, technical assistance?

MR. ROYBAL: Mr. Chairman, Commissioner Campos, I haven't established a meeting but I can certainly do that and meet with the community and go forward with that initiative.

COMMISSIONER CAMPOS: I think it's important because they've been asking for a while about this issue and I think we're local government and people ask. We have resources and we have staff members who have a lot of technical knowledge. We should go in there and see what we can do. And the sooner the better, because this has been going on for months now, the transportation of water into that Rincon area.

MR. ROYBAL: Mr. Chairman, Commissioner Campos, I will set a meeting up with the president of the association.

COMMISSIONER CAMPOS: I appreciate it.

COMMISSIONER TRUJILLO: Mr. Chairman, Gary, isn't there a very active effort in the community to coordinate and address the water issues? To expand the utility? I understand that there's some politics involved where the existing mutual domestic, the people that run it, don't want to expand to serve other areas in the community, outside of the Plaza del Cerro. Is this what I understand? Is that correct?

MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, I'm not aware of that. I haven't—

COMMISSIONER TRUJILLO: I understand that there's a really—I talk to the people all the time. Leroy Medina, Bruce Richardson, that they're trying to put in place an effort to attract funding, to expand the existing utility to address not only the septic contamination but also the natural contamination since there's an extensive natural contamination that takes place in that area, in El Potrero, in and around the community of Chimayo. And I think I agree with Commissioner Campos that we need to play a more pro-active role in trying to solidify this effort so that that water situation is addressed as soon as possible.

MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, I will begin that initiative. There's also the initiative of the Española Valley, Pojoaque Valley regional issue that came before you that would also be looking at that type of issue also of which I'm a participant in. But I haven't actually gotten into the details of this specific community, but I will do that at the direction of this Commission.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Anything else, Commissioner?

COMMISSIONER CAMPOS: A question for Virginia Vigil. Ms. Vigil, maybe a month or two ago we talked about legislation relative to domestic wells. You were going to organize an effort within the county and maybe the New Mexico Association of Counties to see if we could present something at the next 60-day session. Is there any update on that?

VIRGINIA VIGIL (Policy Analyst): Not with the Association of Counties. They actually, having had their annual meeting, we're looking at the priorities being brought forth with the affiliates. But I have spoken to some of the division directors here in terms of meeting within the next several weeks hopefully, definitely within the next month for prioritization, and I've spoken with our water utilities division with regard to that also, so we are working on it.

COMMISSIONER CAMPOS: You talk about priority setting. What do you mean?

MS. VIGIL: What agenda we will bring forth before the legislature, what items will be a priority. We do a prioritization process, particularly for the capital outlay requests, but if there is specific legislation that we're looking at we would include that too.

COMMISSIONER CAMPOS: I thought there was consensus on the Board that we should do this, that this would be a priority item.

MS. VIGIL: And I believe that we're moving forward with that consensus.

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COMMISSIONER CAMPOS: Okay. There's also a lot of people in the community who are very interested in the issue and I would urge you again to connect with these folks and get their input.

CHAIRMAN DURAN: Could you be a little bit more specific. I don't really know what you're—could you be more specific about what the request is for me please.

COMMISSIONER CAMPOS: Virginia, do you want to address that?

MS. VIGIL: I believe there were two issues that—

CHAIRMAN DURAN: Just a second. I'd like to know what your thought is on this, because you're the one that basically made the request. I'd like to know what your thought is.

COMMISSIONER CAMPOS: Determining, to granting authority to the County to regulate domestic wells.

CHAIRMAN DURAN: To regulate domestic wells.

COMMISSIONER CAMPOS: To have authority to regulate domestic wells.

CHAIRMAN DURAN: So take it out of the purview of the State Engineer?

COMMISSIONER CAMPOS: Not necessarily. Well, maybe in part.

CHAIRMAN DURAN: So I guess I'm just trying to get clear on that because if we're asking staff to do something, do you know what you're being asked to do?

MS. VIGIL: I have several requests and I actually confused the one that one were referencing, Commissioner Campos. I apologize. With regard to the particular one that you're referencing on regulating domestic wells, I do have an appointment with the State Engineer. It would be really difficult to go to the legislature just as an independent county on this one issue because that statutory change, of course, would affect all counties.

And not having known specifically what the Association of Counties has prioritized, I know as Commissioner Gonzales referenced, they probably will be doing the unfunded liability issue and I actually have a meeting tomorrow with the Municipal League representative and lobbyist with regard to what the cities will be doing on the mutual domestic well issue that you were referencing.

So there's two steps that we have to go forth right now. Find out what the City is doing with regard to that and also meet with the State Engineer. And we would have to get the Association on board with this.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, I would just suggest Benito Martinez is the County's board member, as well as Becky Bustamante who is not our delegate but now in her leadership position. From what I understand, they're meeting now in August—right?—to set their legislative priorities for the year or set the five priorities. I think that if this is an issue that the Board wants to pursue, we ought to make the requests of the Clerk and the Assessor to take those issues forward on our behalf to their retreat where they will actually set the priorities for the upcoming year and the legislative issues that they'll focus on, as opposed to—we can go our route and independently try and find a county legislator who will introduce this for us but I think Virginia is right. Unless it makes it into their top level of priorities it's going to be very difficult to do it on our

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own. I think they limit their priorities to just five a year. Maybe Becky knows more.

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, members of the Commission. We do. I'm just a little concerned that we didn't have anybody at the meeting this last week in Las Vegas, because the Commissioners' affiliates, the Managers' affiliates and all the other affiliates met together to look at legislation that they would bring to us in August. And they as affiliates approved their legislation. So I'm happy to pursue it. I will talk to the chairman of the Commissioners' affiliate and also to the chairman of the Managers' affiliate to see if we can get it through but I'm just a little concerned that we didn't have it before. Thank you.

CHAIRMAN DURAN: Well, I have some concern that this request is a little too far-reaching. We're asking for the State Engineer to give up his jurisdiction over the wells when that—how are we going to monitor that? How are we going to actually control that? I think that his job is more than just having control over domestic wells. It's part of his overall program of managing that resource for the state and ensuring that we meet out contracts to Texas. It just seems a little far-reaching for this Commission to think that we can take on that task and I guess before I would support something like that I'd like to know exactly what the scope of authority is all about. What are we trying to do? What are the problems involved?

COMMISSIONER CAMPOS: Mr. Chairman, I think what we're going to do is as Ms. Vigil said, talk to the State Engineer, discuss ideas with him and get some feedback from him, from the municipalities, maybe from the New Mexico Association of Counties to see what is the biggest problem and see how we could become part of the solution. We haven't gotten to the point of making specific suggestions yet, and I'm sure that will happen this summer some time.

CHAIRMAN DURAN: What's the purpose of this?

COMMISSIONER CAMPOS: The purpose is to give the County more authority to regulate domestic wells.

CHAIRMAN DURAN: Okay. Any other items, Commissioner Campos?

COMMISSIONER CAMPOS: Not from me.

CHAIRMAN DURAN: Commissioner Sullivan?

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. I've just been trying to reorganize double letters here.

CHAIRMAN DURAN: I knew you were doing that.

COMMISSIONER SULLIVAN: Not only did they add one, they took one out too so they really made it hard. A couple of items. At our May 28th meeting, and a couple of the Commissioners weren't here but we gave the staff direction to arrange a public meeting somewhere in the general vicinity of the Community College District to discuss water issues in that area. I think Gary had suggested that the Community College might be a location and I had mentioned the Turquoise Trail Elementary and I wanted to see where we were on the status of arranging that.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I haven't scheduled that meeting yet. I was waiting to see if we were going to submit the permit to the State

Engineer regarding the Rancho Viejo well. It was my understanding that the purpose of the meeting would be to discuss the impacts of the Rancho Viejo well on the community surrounding the area of the well, and as of yet, we haven't submitted that permit to the State Engineer so without having that permit before the State Engineer and the Engineer's analysis on the impact on wells within the area, I didn't want to schedule that meeting until we either move forward on that initiative or we didn't. So we would have the information we needed to disseminate to the community in that area.

COMMISSIONER SULLIVAN: I wouldn't wait that long. I don't think from reading the minutes that that was entirely the purpose. I think there's a lot of concerns in Eldorado and in the Community College District and Route 14 and Valle Lindo and Vista Ocaso and subdivisions in the area of Arroyo Seco, about the water planning in general in the area. Certainly, if the County doesn't submit that application, Rancho Viejo is going to go ahead and submit the application because they're relying on that for the next phase of their development, that well.

So the well is going to continue to be in the limelight. I don't think, if we wait until the hydrologic investigations are completed and we present it as a done-deal that we've benefited the public either. I think we need to both inform the public and get their comments. The State Engineer may do that as well, at his discretion may have hearings. But I thought the direction was to get something going on an informational basis and just as we did on the issue of mining in the Cerrillos area, there were public meetings down there. We hadn't heard it; we hadn't made a decision on it but nonetheless we heard what the people had to say and Board members attended and we got information out and we listened to what people had to say.

So I would suggest moving forward with that. There are a number of people that would like to learn what the overall plan is, particularly in light of the drought conditions that we're experiencing.

CHAIRMAN DURAN: Gary, I think that that Rancho Viejo well project is riddled with politics and no one is going to make a decision on that. I think we need to go forward and plan for the water policies we're going to adopt for that Community College District independent of whether or not we're going to move forward with that well. I don't think it's ever going to get off dead center. It's been two or three months already.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I apologize. I thought it was related to the Rancho Viejo well to inform the public. We did hold a meeting earlier in the spring on a 40-year water plan in San Marcos to address the planning issues. We held a meeting there and did discuss a 40-year water plan. We are again hold another meeting in the Community College District to address the 40-year water plan if that's the direction of the Commission.

COMMISSIONER SULLIVAN: I think to address, you could call it the 40-year water plan if you wanted but I think, certainly you're right that the Rancho Viejo well proposal brought the issue to the forefront and that started the telephones ringing and the e-mails coming and the articles in the newspaper and so forth. I think we have a lot of questions and things to answer about that and about how we're going to provide water in the Community College

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District area and how we're going to manage the aquifer and what we're thinking.

I don't think we can have all those answers ready before we have the work session or just a public information meeting. I think the time is right to get out there and have some public interaction. And rather than trying to narrowly structure the meeting, I'd just leave it wide open. Let people say what they want to say. Take that information for what's of use to the 40-year water plan. Include it in that. Take that information and make what use of it you feel is appropriate for planning water and sewer improvements, County water and sewer improvements. I just think that there's a lot of concern out there that we're not address and we may not be getting our concepts across to the Community College District members and in turn they feel they're not getting their across to us.

So that's what I'd like to see happen. And I don't know how you structure the meeting except just call it a water meeting and people will show up. And they'll all have their ideas. But you're right. You have to have some type of an agenda so people aren't just off into space for hours and hours. But I think people know what the agenda is out in that area and in Eldorado and the Community College District and the agenda is how are we going to have a sustainable, planned future out here in terms of water resources. And I would just leave it that broad.

CHAIRMAN DURAN: And I think the less you say how Rancho Viejo might benefit the more productive the meeting might be.

MR. ROYBAL: Mr. Chairman, I appreciate your advice.

COMMISSIONER SULLIVAN: But if we can move forward with that meeting in whatever context you feel is useful I would appreciate it.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I will schedule a public hearing on that.

COMMISSIONER SULLIVAN: Thanks.

COMMISSIONER TRUJILLO: Mr. Chairman, if we can notify the surrounding communities, the people that are directly impacted by water usage from that area like La Cienega and have them participate in the meeting, I think that would be beneficial for them to understand what the mission, the vision is regarding the water in that area and the sensitivity that the 40-year plan in the County has to keeping the aquifer intact and not depleting it and having a disparate impact on surrounding communities like La Cienega.

MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, I will notify the La Cienega, San Marcos and other communities in the vicinity and we'll also post notice in the paper that we will be holding a public meeting, plus the time, date and place, so that everybody is aware of it.

CHAIRMAN DURAN: Okay. Anything else, Commissioner?

MR. LOPEZ: Mr. Chairman, if I might ask a question to clarify or perhaps to stir things up here in a fashion. I know that Gary had told me that he had hoped to bring the 40-year water plan on the next meeting, the meeting of the 9th. And we're also going before a committee of the legislature to present that plan. I believe it's on the 2nd. So just relative to how we bring forward and not waste your time, should we hold off then in terms of bringing the 40-year water plan for your approval until after such a meeting has been held, or should we move

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ahead with the 40-year water plan and then have that meeting in a separate context?

CHAIRMAN DURAN: That meeting on the 9th has everything on it. I think you need to manage that meeting for us and make a decision. There's a ton of stuff on there. Are we going to start at 8:00 in the morning?

MR. LOPEZ: It's a public hearing meeting too. So we've have to start—

CHAIRMAN DURAN: We only have from 6:00 to 10:00, especially if we are going to start at midday. I don't know. I think you need to develop some priorities for us because there's a lot of stuff on there. We're talking about amending the land use ordinances. The people from Arizona, from Phoenix are coming to town. That's an hour and a half right there, so I don't know. What time are we supposed to start that meeting?

MR. LOPEZ: Those meetings usually start at 4:00 p.m.

CHAIRMAN DURAN: I think we need to start right after lunch if we're going to take on all that. You need to let us know.

MR. LOPEZ: We'll manage that.

CHAIRMAN DURAN: Anything else, Commissioner?

COMMISSIONER SULLIVAN: Yes. So we're on the right track on that and Mr. Roybal, we're getting information on water participation meeting. I think there's not going to be a lot of people who are having detailed comments about the 40-year water plan, so however that works into your schedule for bringing the water plan around. I think the water plan can be informational more than anything else. You've had the necessary hearings for it already so we don't need to rediscuss that. I think we need to discuss these other issues of water service and wells and aquifer protection and sustainability. Those are the questions that are being asked as all of these developments come up for approval to the EZA and to the BCC.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I think I'm clear in my direction in that area. Thank you.

COMMISSIONER SULLIVAN: But you're right. The emergency was the focus for it but I think from your prior testimony that that doesn't seem that that's moving forward and from what Commissioner Duran says it doesn't seem that that's moving forward. But the concern is still there.

CHAIRMAN DURAN: Gary, could you please bring as much factual information that you can relative to the aquifer, the geology of that aquifer, its historic background.

MR. ROYBAL: Mr. Chairman, I will have our County Hydrologist available to discuss the geo-hydrological factors.

CHAIRMAN DURAN: Maybe you could ask someone from the State Engineer's Office to attend also.

MR. ROYBAL: I will do that.

COMMISSIONER SULLIVAN: The more experts the better.

CHAIRMAN DURAN: We need factual information.

COMMISSIONER SULLIVAN: I think, at least I hope the purpose of the meeting is not to try to promote any one theory but rather to get the dialogue open and get

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discussion of the issues out there.

The second item, I had, Mr. Chairman—thank you, Gary.

CHAIRMAN DURAN: Don't go too far though.

COMMISSIONER SULLIVAN: This question is for the Clerk. I've seen correspondence going back and forth regarding our status as a Class A County. One piece of correspondence saying it's going to take place next year, the beginning of 2001, another saying that we're already a Class A County. Is there some resolution we need to pass to become a Class A County? What's the status of that Rebecca?

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I was concerned because under the Class A County there are some responsibilities I have in regard to elections. I sought legal counsel prior to January 1, 2002. I was advised by legal counsel of Santa Fe County that we were not a Class A County until January 1, 2003. I again sought counsel after I was informed there was a possibility of a Class A County. I again sought counsel from our legal counsel here at Santa Fe County. I was again informed that we are not a Class A County until January 1, 2003.

Mr. Gerald Gonzalez has written to, has responded to the Secretary of State's Office. It is our belief, at least from the counsel that I have been given by legal counsel here in Santa Fe County that we do not become a legally Class A County until January 1, 2002. Prior to when I became County Clerk in 1996, I did seek an alternate site for voting. That was because I felt that it would be a convenience to voters in Santa Fe County. Throughout my tenure I have had an alternate site being at the rodeo fairgrounds. I have and I will have three other sites for the November election. We are in the process of putting a site in the northern part of the county, which will be in the Pojoaque/El Rancho, that area. We will also have another alternate early site in the Stanley/Edgewood area in addition to the site here and in addition to the site at the rodeo grounds.

It is Santa Fe's position that we are not a legal Class A County until January 1st, however we will have four alternate sites for the November election.

COMMISSIONER SULLIVAN: The letter I read from the Secretary of State said it's their opinion that we are a Class A County right now. So are we disputing that legal opinion? Maybe Mr. Kopelman can help me out.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, there's only one statute that actually gives a time frame as to when you switch over to a Class A County and that has to do with the salary increases. And that is clear the statute says January 1, 2003. There are other aspects of Class A County and there's nothing in the statute that clarifies when that happens. The Secretary of State has taken the position that for purposes of voting it occurs right away. We disputed that but for purposes of the November election, as the County Clerk indicated, we are going to have some additional polling places.

The question is for what purpose are we dealing with the status of Class A County?

COMMISSIONER SULLIVAN: My understanding was that a) it changed the elected officials' salary structure. Also b) it changes a number of other things. Our eligibility for reimbursement for state and federal funds as well and I think it changes it for the good. So I

think, because we're already there in terms of the population and the assessed valuation, and correct me if I'm wrong about that, isn't it to our best interest to formally become a Class A County as soon as possible? Is there a downside to it, I guess?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I think it's kind of a conglomeration of different burdens and benefits, and again, I don't have the legal analysis here. One of the attorneys in my office did it but it was his view and I think that was the position of our office that for purposes of being a Class A County, January 1, 2003 is the time frame, the only time that's mentioned in the statutes.

COMMISSIONER SULLIVAN: Okay. That's all I had on that I guess. Then the last item I wanted to bring forward. It's a little bit of a touchy one but I think it's useful to bring forward while we have the full Commission here, and that is a couple of weeks ago there was an editorial in the newspaper authored by Commissioners Duran and Gonzales regarding the number, or at least titled in regard to affordable housing in Rancho Viejo. And I want to mention it was in response to an editorial that I had written about the lack of affordable housing in Rancho Viejo and the issues that we had to face on that.

And I think in the end we determined that there was a lack of affordable housing. We disagreed on the numbers as to where they were and where they should be going and when they should be going there. But what I was disappointed in in that article was that it took on, it cast personal aspersions on me in several points in the article and it made personal attacks on me in order to make a point regarding development in the Community College District and affordable housing in Rancho Viejo.

I don't think that's necessary. I don't think it's productive. I think it's healthy for all of us to have active and differing opinions on the issues and I think it's healthy to publish those if we feel so inclined. When I published my editorial I made no comments about individual Commissioners or prior County Commissions or current County Commissions. I stuck to the issues as I saw them with regard to Rancho Viejo. Now some of the Commissioners who have been on the Commission longer than I certainly may have different ideas about how that affordable housing should come about and welcome those in print. But I don't think it's good to rely on personal attacks to make points, to make a point or an issue. I think a good point will stand on its own. I don't think it's necessary and I think it's counterproductive, as I said to our operating as a team, as a Commission here.

I won't participate in it, and I hope that in whatever our differences are, be those here on the Commission or in print or at seminars or meetings or wherever we may be in our other duties, that we'll try to keep the issues in front of us. We may do some arm-wrestling at times. We may get heated at times in doing the public's business but that we'll try to control and eliminate any infusion of personality issues into items like that. So to that extent I was disappointed in that article. That's the last item I had, Mr. Chairman.

CHAIRMAN DURAN: I'm sorry to have offended you. It's just, for me, Commissioner, it's appears to me that you have a personal vendetta against Rancho Viejo and the Community College District. And every time that there's any discussion relative to the Rancho Viejo project, or any development within the Community College District, you are

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adamantly opposed to everything and continue to—you strive towards defeating the growth management policies that this Commission has adopted for that area. And I'm sorry that you felt that it was a personal attack. It was just my observation of your conduct when it comes to that particular district that we've created.

COMMISSIONER SULLIVAN: Well, I'm not sure how you can say that. Number one, I am able to assure you that that's not the case. And number two, on the most recent land use case we had, which was the San Cristobal development, which is the largest single development that we've dealt with out in that whole area, I voted in favor of it.

CHAIRMAN DURAN: Shocking.

COMMISSIONER SULLIVAN: Well, if you want to continue to take that attitude I think that's what's counterproductive. You take a Commissioner for their positions and for the research and for the constituency that they represent and for the facts that they put forward. And you analyze those on that basis. And my votes and my positions on issues are going to be determined by those facts and not by personalities and I would hope that the Commission wouldn't stigmatize me as a voter in one category or another.

CHAIRMAN DURAN: Let me just say again, I apologize if you took it as a personal attack. Actually, I think it was.

COMMISSIONER SULLIVAN: Okay, well we got that clear.

CHAIRMAN DURAN: But I will tell you that I will try to work a little bit closer with you on your concerns and issues if you try to work at some of mine.

COMMISSIONER SULLIVAN: That sounds reasonable.

COMMISSIONER GONZALES: Mr. Chairman, I also apologize if Commissioner Sullivan took it that way. I think my point in signing the letter was, Commissioner, to try and advocate to the community that there are two sides to every story. And I think that as Commissioner Duran indicated, we have invested a lot of time, energy, and effort in creating what I think and thoroughly believe is a great plan. And I know that we have a difference in that. And I think that Rancho Viejo has, unfortunately been singled out when they have been the individuals we find ourselves standing here on one side or the other, but waited until the Community College District was completed and then began to submit many of their other plans and so I just think that we need to make sure that any information that we give out to the public that it's balanced and it has both sides to the issue, and if the article came out in a manner that offended you I apologized for that as well. It's never been my intent to offend any member of this Commission and it certainly won't continue to be. But it has always been my intent to try and set the record straight and to bring some balance and some level of fairness in how issues are presented.

I would hope that as we go forward in addressing difficult issues that out of it all our conduct is based on fairness and common respect, not only for each other but clearly for those individuals, whether they're for development or opposed to it that that same level of respect is given to them as well.

CHAIRMAN DURAN: Okay, well I have a couple items. Gary, I was wondering if you could do the Commission a favor. At the next meeting we're going to be

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discussing changing the land use code relative to subdivisions. And I was wondering if you and Ms. Yuhas could get with the State Engineer. I had lunch with him the other day and talked to him about water rights, the availability of water rights and I was wondering if you might be able to follow up with that conversation I had with him and come forward with information as to what kind of water rights are out there to support growth, what the cost of those water rights are, and the difference between—and how much of those water rights are acequia rights?

And then the next thing, I just wanted to clarify that at the next meeting, or confirm that at the next meeting on the 9th that you have individuals from Maricopa County coming to visit us relative to the water infiltration and water injection systems that Commissioner Sullivan and I went to visit. I had to leave early at the Regional Planning Authority meeting, so I'm not sure what came out of that discussion relative to these people coming to town, but I think what we ought to do is have them here on the 9th and then request that those members of the RPA and the City Council, Land Use Resource Center, 1000 Friends of New Mexico and anyone else that you think might be appropriate, ask them to attend and we'll start that meeting promptly at 6:00, the discussion on that promptly at 6:00. And the State Engineer.

MR. ROYBAL: Mr. Chairman, in regard to the individuals from Arizona, I have confirmation that they will be here on the 9th. The estimated cost to bring them over is approximately \$920. They will fly in on the 9th and fly out on the 10th.

CHAIRMAN DURAN: Okay. Anybody have any comments on that? Anyone else?

COMMISSIONER GONZALES: One other thing. This is just to provide direction to the staff to please prepare for the Commission's action, EZA appointments and RPA appointments at the next County Commission meeting.

CHAIRMAN DURAN: RPA? Who else are you going to appoint to the RPA?

COMMISSIONER GONZALES: I'm probably going to ask to step down.

CHAIRMAN DURAN: Oh. Anything else? Maybe we should take it down to three members. That's okay.

MR. LOPEZ: Mr. Chairman, it's getting very close to lunch but I know there's some people here that are waiting for the presentation so I'd ask that we get through at least A and B on the Presentations before lunch. And then we've ordered lunches for you so that we can do the executive session during lunch.

VII. Presentations

A. Recognition of the contributions of five past and present members of the Santa Fe County Health Planning and Policy Commission

STEVE SHEPHERD (Health Division Director): Mr. Chairman, Commissioners, today we'd like to recognize five past and present members of the Health Planning and Policy Commission, two who have left the Planning Commission, Mr. Glenn Wieringa, a representative of the DWI Planning Council and also from the Department of

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Health. He just had to leave to a meeting. And Dr. Arturo Gonzales. He has represented St. Vincent Hospital and now will probably represent the CARE organization on it.

We'd also like to recognize the past officers who have past on being officers and are still members of the Commission itself. Those are Mr. Richard Taaffe, who has served as chairman for the last two years, and two vice-chairs, Ms. Rebecca Frenkel and Mr. Jaime Estremera-Fitzgerald, who we'd like to wish well. He's in the hospital with a heart problem right now.

CHAIRMAN DURAN: Jaime is?

MR. SHEPHERD: Jaime is. They're going to take him to the heart hospital this morning.

CHAIRMAN DURAN: Well, Mr. Taaffe, thank you very much. We appreciate all your hard work.

RICHARD TAAFFE: I'd just like to thank the Commission for having set up the Health Planning and Policy Commission. I think it's your foresight and your direction that's helped us move some things forward and hopefully the Health Planning and Policy Commission will do some more good work for you in the future.

CHAIRMAN DURAN: Thank you. I think Commissioner Gonzales needs to be given a big hand because he's the one that actually spearheaded that whole thing. Thank you, Steve.

VIII. B. Introduction of the Correctional Advisory Committee

GREG PARRISH (Correctional Services Coordinator): Mr. Chairman, Commissioners, I want to thank you for taking time to allow us to introduce the Correctional Advisory Committee or the people at least that are here today. I know you've got a double-digit agenda so we will be brief, but we will also stand for any questions if you have some. But I would like to introduce the chairman of the committee, Joe Gallagher, he's a former New York police officer. He was the superintendent of Erie County Correctional Facility in New York, and he was also the Commissioner of Corrections for the Philadelphia Prison System. And he will introduce the rest of the members. Mr. Gallagher?

JOE GALLAGHER: Mr. Chairman, members of the Commission, thank you very much for the opportunity to appear before you and introduce a very, very hard-working group of people who are members of the County Corrections Advisory Committee. We will have our ninth meeting tomorrow. We have spent at least two meetings a month on issues of the facility. It's a very, very talented group of people and I'd like to introduce to you those members who are present this morning.

First, Annette Farrelly, who is a licensed social worker for the First Judicial District, has worked for the past seven years in the Public Defenders Office. She has been previously the director of the Santa Fe Community Corrections program of the New Mexico Corrections Department and has been a social worker for Children, Youth and Families Department for the state of New Mexico. She is also a certified social worker. Ms. Annette Farrelly.

Secondly, I'd like you to meet the honorable Joanne Brown, a retired judge who is an attorney as well, who has served previously as the director of adult institutions inmate management for the New Mexico Department of Corrections. Has been Commissioner for the Alameda County Superior Court, has been a consultant for the National Association of Family and Juvenile Court Judges and has served continuously as an auditor for the American Correctional Association. She is now in private practice in Santa Fe. The honorable Joanne Brown.

And finally Dr. Steven Spencer. Dr. Spencer is a medical doctor who has previously served as a medical director for the New Mexico Department of Corrections from 1985 until 1993. He is an independent consultant for the National Commission on Correctional Healthcare. He is also the 1998 recipient of the Bernard P. Harrison Award of Merit, presented by the National Commission on Correctional Healthcare given to one person each year in recognition of distinguished service in the field of correctional healthcare. He is consultant I have met in my travels in New York and Pennsylvania and now in New Mexico. He is an extremely prominent physician admitted to practice as well and consults both nationally and internationally. I'd like to introduce you to Dr. Steven Spencer.

DR. GALLAGHER: I'm Dr. Joe Gallagher. I currently serve as the chair of the Public and Legal Services Department at the Community College and 35 years in criminal justice experience, most recently as Commissioner of the Philadelphia prison system where we operated the fourth largest local prison system in America. We've had a great time serving on this committee. As you can see from the committee members that you have met, they are very, very prominent and well experienced in the field.

We are examining what is going on in Santa Fe County very, very closely. We're not easily hoodwinked. Those of us who have been defendants in many court cases before special masters especially are cognizant of what the Commission would like us to do. We are very, very active, as I say. We meet at least twice a month. We were constituted in April. We will have our ninth meeting on Thursday. We are open to any questions that the Commission might have.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Let me just begin by thanking you and the individuals that you introduced us to today and the rest of the committee for giving of yourselves and your time. I know full well that based on your contribution that this system of juvenile justice and adult detention that we have will be increased. Before I start I want to just recognize Greg Parrish who's done a great job. We don't see him a lot but he's out there working every day and I just know we have a better system just because of the fact that he's out there watching. So Greg, thank you for your contributions.

My question to you though, as you know, there are a lot of people in our community that are concerned really what's going on in the facility or have expressed concern. Part of the reason why the Commission hired Greg was to begin that process of monitoring the contracts and making sure that the operators were living up to the commitments of that contract, but nevertheless believe that there was still further concern in the community. Issues of

humanitarian treatment, medical issues, programming that's taking place in the facility and from my standpoint, one of the reasons why I talked to Commissioner Duran into bringing this resolution forward that actually created this committee was to begin to have people from the community that are independent from the Commission, where you may have the appointments of the Commission you still remain independent to begin to examine issues, and then also to provide some level of communication back, not only up to the Commission on things that we need to do via Greg in terms of continuing to improve the adult and juvenile systems within the county but back to the community in terms of being able to address our concerns.

Has your committee talked about doing some type of public hearing or some type of public presentation to allow people from the community to actually address your committee on some concerns that they may have so that there is access to your committee by members of the public as well?

DR. GALLAGHER: Commissioner, as you're aware, the resolution calls for public participation in the process. We publish our meetings in the various media and we invite the public to actively become involved in the process.

COMMISSIONER GONZALES: Where are your meetings, Dr. Gallagher?

DR. GALLAGHER: We hold them at various times in the County Administration Building or at the facilities. In fact, our next meeting is at the adult facility on New Mexico 14, on Thursday afternoon. We have examined six major issues. Our overall concerns of course are safety and security, and the efficient and safe operation of the facilities. But we have examined our educational services at the facility, the electronic monitoring program that is part of the Cornell Contract. Dr. Spencer has looked very, very closely at the medical operations and the conditions of confinement issues.

We're also looking at staff and training, which we think is very, very important, a part of the efficient operation of those two institutions, and we're looking at what programs are being provided for the residents, especially in the youth facility, as well as probation issues which have caused some opportunities, I guess, for improvement in moving along the forward processes.

COMMISSIONER GONZALES: Well, I understand that your meetings are open to the public and they're allowed to come in and actually address you.

DR. GALLAGHER: Oh, absolutely.

COMMISSIONER GONZALES: I think where I was going more so is that maybe possibly, whether once a year or maybe twice a year that you would actually allow for a forum that's published where the public can just come address you with their concerns as opposed to being able to, having them sit and listen to some of the business that you're talking about and possibly allowing a portion of your agenda to go to them, basically allowing for a couple of times a year where maybe you use these chambers and you allow the public to come forward with any concerns that they might have I think might be helpful in not only you being able to keep your hand on the pulse of the community but being able to give them an opportunity to either continue to raise concerns or address issues that they've heard. Because many times they won't come forward to your meeting to say it. So I would just ask that you

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consider that. And I know you're busy already, nine meetings already into the year. That's a lot. But if you can at least have one a year, or maybe two a year, where it's just dedicated to public comment.

DR. GALLAGER: Well, as you're aware, we're also going to report to the Commission at least once a year and perhaps twice a year on all of the issues. That might be the perfect time.

COMMISSIONER GONZALES: Yes. Maybe prior to your coming in you can hold that public event.

DR. GALLAGER: Hearings. Yes.

COMMISSIONER GONZALES: Thank you. Thank you again for what you're doing.

DR. GALLAGER: Thank you very much, Mr. Chairman.

CHAIRMAN DURAN: Thank you. I'd like to thank you also for all the hard work. And if we can help you at all in making sure that human rights are not violated out there you definitely have our support.

DR. GALLAGER: We can assure you they're not being violated. [inaudible]

CHAIRMAN DURAN: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to ask just one other question. Is there anything—the first question is is there anything you need from us. And the second question is in your deliberations so far, are there any red flags that we need to know about.

DR. GALLAGER: We have been pleasantly surprised by the condition and the operation of both facilities. Now we are starting to separate a fine-tooth comb view and we are finding opportunities for improvement. We have some concerns about staffing and training issues and other issues that have arisen during our examination. We can always use resources.

COMMISSIONER SULLIVAN: How could you use resources? Do you want a pay raise?

DR. GALLAGER: Well, for example—if you double my salary.

COMMISSIONER SULLIVAN: We can double your salary.

DR. GALLAGER: We would appreciate the chairman perhaps and members of the Commission to speak to the Mayor of the appointment of the City representative who has never been appointed. A coffee pot some place in land office would be great so when we have our meetings we can have a cup of coffee. But truly, we are here to serve. We haven't found any waving red flags. As I say, there are opportunities for improvement. We will report back to the Commission and we are making those suggestions through the administrators of both institutions as we work.

COMMISSIONER SULLIVAN: Okay. Thank you very much.

DR. GALLAGER: You're welcome.

CHAIRMAN DURAN: Thank you. Greg.

MR. PARRISH: Mr. Chairman, if I may, there are two members that aren't present. Carol Luna Anderson, she had a conflict, couldn't be here. She's the director of Life

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Link and La Luz and she's also on the committee, as is Steve Martin. He's the at-large member, who has a commitment, couldn't make it either.

Regarding the issue on the City representative, I've addressed a letter to the Mayor. I've made several phone calls and now addressed it with a letter, asking them to appoint someone for your consideration to be the City representative. That would round out our committee at seven.

CHAIRMAN DURAN: Why don't you copy Councilor Chavez. He was pretty instrumental in getting this thing put together.

MR. PARRISH: Okay. And if there are any other questions. I think you can see we have a pretty talented group.

CHAIRMAN DURAN: That's great. You have our support so just let us know if we can ever help you. Thank you.

VIII. C. Presentation of the Employee of the Quarter

CHAIRMAN DURAN: Okay, next on the agenda, I am pleased to present the Employee of the Quarter to Ms. Katherine Yuhas. Do you want to say a few words? We just want to thank you for all the hard work and I know that you're committed to the position and you have a real passion for what you do. We appreciate that.

KATHERINE YUHAS (County Hydrologist): Thank you very much. I know you all want to get to lunch, so that's all I'll say. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman, while you're going down to make the presentation let me just add that I'm impressed by Ms. Yuhas' dedication, her long nights here at the Commission meetings, that of course many of the staff have to endure. But also her objectivity in looking at a number of these land use issues and dealing with the complicated water evaluations. We're fortunate to have an employee like Ms. Yuhas here and we hope that she stays around for a while.

CHAIRMAN DURAN: I like the way you can stand in the fire. Gary?

MR. ROYBAL: Mr. Chairman, Commission, I'd just like to say a few words. Katherine works in the Utilities Department and I'd just like to say that she's really highly motivated and a very knowledgeable person. She's been very helpful and she does double-duty with Land Use, which I think is going to diminish somewhat after this morning so she will be earning her time in the Utilities Department. I want to thank her.

CHAIRMAN DURAN: Where is she going? What do you mean after this morning?

MR. ROYBAL: She's going to be working a lot more on these water issues and holding public meetings. Doing a lot less, I think for Land Use.

CHAIRMAN DURAN: Okay, good. We're going to adjourn for lunch. We'll be back—actually I need a motion.

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XI. G. Matters from the County Attorney, Steven Kopelman

1. Executive Session:

a. Discussion of Pending or Threatened Litigation

i. *The City of Albuquerque, City of Santa Fe, County of Santa Fe, et al. vs. New Mexico Public Regulation Commission*

ii. *Santa Fe County vs. Mike Roybal and M&R Sand & Gravel*

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

Commissioner Sullivan moved to go into executive session pursuant to NMSA Section 10-15-1 (7 and 8) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Chairman Duran and Commissioners Campos and Sullivan all voting in the affirmative. [Commissioners Gonzales and Trujillo were not present for this action.]

[The Commission met in executive session from 12:10 to 1:43.]

Commissioner Campos moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

VIII. Consent Calendar:

- A. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #22-40 Post Offer Employment Physical and Drug/Alcohol Screenings (Administrative Services)**
- B. Request Authorization to Enter into Amendment #4 to Professional Services Agreement #99-41-PR With Corporate Health Resources for the Employee Assistance Program to Extend the Term and Compensation for the Last Year of the Agreement (Administrative Services)**
- C. Request Authorization to Enter into Amendment #1 to Price Agreement # 22-45 with Professional Document Systems for Microfilming Services to Extend the Term and Compensation for the Last Year of the Agreement (Clerk's Office)**
- D. Request Authorization to Enter into Amendment #4 to Professional**

- Service Agreement #20-0006-CL with Wordswork for Recording/Stenography Services to Extend the Term and Compensation for the Last Year of the Agreement (Clerk's Office)**
- E. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0059-IH with Heart Hospital of New Mexico for the Delivery of Hospital Care to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
 - F. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0060-IH with Presbyterian Hospital for the Delivery of Hospital Care to Indigent Santa Fe County Residents to Extend the Terms and Compensation for Another Year (Community and Health Development Department)**
 - G. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0061-IH with St. Joseph's Medical Center for the Delivery of Hospital Care to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
 - H. Request Authorization to Enter into Amendment #1 to Professional Services 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 and Compensation for Another Year (Community and Health Development Department)**
 - I. Request Authorization to Enter into Amendment #3 to 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 and Compensation for Another Year (Community and Health Development Department)**
 - J. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0064-IH With HOY Recovery Program, Incorporated for the Delivery of Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
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 - L. Request Authorization to Enter into Amendment #3 to Professional**

- Services Agreement #22-0066-IH with the 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 and Compensation for Another Year (Community and Health Development Department)**
- M. Request Authorization to Enter into Amendment #4 to Professional Services 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 and Compensation for Another Year (Community and Health Development Department)**
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- Q. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0070-IH With Health Centers of Northern New Mexico for the Delivery of Primary Medical Services to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
- R. Request Authorization to Enter into Amendment #2 to 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 and Compensation for Another Year (Community and Health Development Department)**
- S. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0072-IH With Presbyterian Medical Services Hope Medical Center for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term and**

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- Compensation for Another Year (Community and Health Development Department)**
- T. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0073-IH With Presbyterian Medical Services/Ortiz Mountain Clinic for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
 - U. Request Authorization to Enter into Amendment #2 to 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 and Compensation for Another Year (Community and Health Development Department)**
 - V. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0076-IH with the City of Santa Fe for the Delivery of Emergency Medical and Ambulance Services to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
 - W. Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #20-0010-DW With St. Elizabeth's Shelter for Transitional Living Services for Santa Fe County to Extend the Term and Compensation for the Last Year of the Agreement (Community and Health Development Department)**
 - X. Request Authorization to Enter into Amendment #6 to the Professional Services Agreement #20-0015-DW With Life Link for Outpatient Treatment Services for the DWI Program to Extend the Term and Compensation for the Last Year of the Agreement (Community and Health Development Department)**
 - Y. Request Authorization to Enter into Amendment #5 to the Professional Service Agreement #21-0047-DW With Auralie M. Tortorici for the Teen Court Substance Abuse Screener to Extend the Term and Compensation for the Third Year of the Agreement (Community and Health Development Department)**
 - Z. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement 322-0018-DW With Esperansa Sandoval for the DWI Data Entry Clerk to Extend the Term and Compensation for the Second Year of the Agreement (Community and Health Development Department)**
 - AA. Request Authorization to Enter into Amendment #2 to the Professional Service Agreement #22-0019-DW with Peter Goodwin to Provide Drug and Alcohol Screenings at the Santa Fe County Municipal Court to**

- Extend the Term and Compensation for the Third Year of the Agreement (Community and Health Development Department)**
- BB. Resolution No. 2002-79. A Resolution Requesting an Increase to the General Fund (101)/Local DWI Grant Program to Budget Additional Grant Award Revenue Received From the New Mexico Department of Finance and Administration for Expenditure in Fiscal Year 2002 (Community and Health Development Department)**
- CC. Request Approval of a Professional Service Agreement #22-182-CHDD With the Santa Fe Boys and Girls Club for a Drug Elimination Grant Program (Community and Health Development Program)**
- DD. Resolution No. 2002-74. A Resolution Approving the Consolidated Annual Contributions Contract for the Public Housing Program (Community and Health Development Department)**
- EE. Resolution No. 2002-75. A Resolution Amending the Housing Services Division Homeownership Plan to Include 20 Additional Units**
- FF. Resolution No. 2002-76. A Resolution Requesting a Transfer From the General Fund (101) to the Indigent Fund (220), EMS -Healthcare Fund (232), and the Housing Enterprise Fund (517) to Budget for Expenditure in Fiscal Year 2002 (Finance Department)**
- GG. Request Authorization to Enter into a Professional Service Agreement With First State Bank for a Period of Six Months During Negotiations for a Fiscal Agent (Finance Department) WITHDRAWN**
- HH. Request Authorization to Enter into a Professional Service Agreement With the Santa Fe Animal Shelter & Humane Society for a Period of 90 Days During Negotiation (Finance Department)**
- II. Request Authorization to Enter into Amendment #6 to the Professional Service Agreement #20-0052-FI With Rick Johnson & Company, Inc., for Lodger's Tax Advertising & Promotional Services, to Extend the Term and Compensation for the Last Year of the Agreement (Finance Department)**
- JJ. Request Approval to Award a Price Agreement in Response to IFB #22-20-RB1 to Artesia Fire Equipment for a Heavy Rescue Apparatus for the Turquoise Trail Fire District (Fire Department)**
- KK. Request Authorization to Enter into Amendment #2 to the Indefinite Quantity Price Agreement 321-0038-FD with Kaufman's West LLC. for Fire Department Uniforms to Extend the Term and Compensation for the Last year of the Agreement (Fire Department)**
- LL. Resolution No. 2002-80. A Resolution Requesting an Increase to the General Fund (101) /Fire Administration and Fire Regions to Budget a Joint Powers Agreement With the Town of Edgewood for Expenditure in Fiscal Year 2002 (Fire Department)**

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- MM. Request Authorization to Enter into a Maintenance Agreement with HTE, Inc. for FY03 to Provide Financial and Land Software Application Service and Support (Project and Facilities Management Department)**
- NN. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder (IFB #22-42) for the Construction and Installation of New Elevators at the Law Enforcement and Judicial Complex (Project and Facilities Management Department)**
- OO. Resolution 2002-77. A Resolution Requesting an Increase to the Santa Fe River Restoration Fund (260)/Project and Facilities Management Department Budget for a Grant Award Received From the United States Environmental Protection Agency for Expenditure in Fiscal Year 2002 (Project and Facilities Management Department)**
- PP. Resolution No. 2002-78. A Resolution Requesting a Transfer from the General Fund (101)/Capital Package to the Fire Excise Tax Fund (222)/Cundiyo Fire Substation to Budget Cash Received From the FY 02 General Fund Capital Package for Expenditure in Fiscal Year 2002 (Project and Facilities Management Department)**
- QQ. Request Authorization to Enter into Amendment #1 to Price Agreement #322-0031-RD for Supplies for Custodial Services With C&C Distributors to Extend the Term and Compensation for the Second Year of the Agreement (Project and Facilities Management Department)**
- RR. Request Approval to Accept Offer Regarding IFB #22-54, County Road 73 Milling Project (Public Works Department)**
- SS. Request Authorization to Enter into Amendment #3 to Professional Services Agreement #21-0009-SD With Ralph W. Lopez for the Services of Region III Coordinator, to Extend the Term and Compensation for the Third Year of the Agreement (Sheriff's Office)**
- TT. Request Authorization to Enter into Amendment #1 to the Indefinite Quantity Price Agreement With Simons/Neve's Uniforms for Uniforms for the Sheriff's Office to Extend the Terms and Compensation for the Last Year of the Agreement (Sheriff's Office)**
- UU. Request Ratification of Change Order Number One and Approval of Contract Amendment #1 for the Santa Fe County Pueblo Garcia/Valle Vista Subdivisions Water System Extension Improvements Project - Construction Contract #22-0123-UT (Utilities Department)**
- VV. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #20-0017-UT with Sudeen G. Kelly and Sheehan, Sheehan & Stelzner to Provide Legal Services/Consultation to Extend the Term and Compensation for the Last Year of the Agreement (Utilities Department)**

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WW. Request Approval to Extend the Ban on the Sale and Use of Fireworks for an Additional 30-Day Period Due to Wildland Fire Conditions (Fire Department)

XX. Request Authorization to Reappropriate FY2002 Capital Projects Budget for the Code Re-Write Solicitation (\$70,000), the Development Fiscal Impact Study Solicitation (\$42,800) and the Drug Prevention Services Solicitation for \$50,000 into the FY2003 Final Budget (Finance Department)

CHAIRMAN DURAN: We have a number of items on the Consent Calendar and I guess I would ask the Commission to tell me which items on the Consent Calendar they would like to isolate for further discussion and those that we don't isolate we would move to approve or disapprove. Commissioner Sullivan, let's start with you. Do you have any items you'd like to isolate for discussion?

COMMISSIONER SULLIVAN: I have couple, Mr. Chairman. First of all, I have some general questions that have to do, some quick general questions with all of the contracts that we're doing the extensions of the Indigent Fund and the health service provider contracts. Those are items, as I see them, E through V, as in Victor. And so I could ask those questions and it would apply to all of those. Within that same group, I had some specific questions on R and T and U. And then also on B as in baker. The first B. And then that would take care of most of the health provider contracts.

Then I had a question on—and it was the same question for W and X. And then we get into the new numbering system and I think I've figured it out. So my questions then with the new numbering system would be on BB, II, JJ, LL, RR, SS, UU, WW, and XX. XX is a new one that wasn't in the packet.

CHAIRMAN DURAN: Okay, how about if we—do you think that your questions relative to items E through V are similar for each of those?

COMMISSIONER SULLIVAN: Yes. The E through V questions pertain to all of them except I had—and I could do the R and T and U questions in that same group too very quickly. See what I'm saying?

CHAIRMAN DURAN: Yes. So why don't we deal with that grouping, which would be E through V, and which other ones? That was it, right?

COMMISSIONER SULLIVAN: That was E through V, but within that grouping I just had some specific comments about R, T and U.

CHAIRMAN DURAN: R, T and U. Why don't we deal with R first, then T, then U and then your general comments relative to all of them?

COMMISSIONER SULLIVAN: Fine. Then get rid of all of them.

CHAIRMAN DURAN: The floor is yours.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

IX. R. Request Authorization to Enter into Amendment #2 to Professional

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- 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 and Compensation for Another Year (Community and Health Development Department)**
- T. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0073-IH With Presbyterian Medical Services/Ortiz Mountain Clinic for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
- U. Request Authorization to Enter into Amendment #2 to 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 and Compensation for Another Year (Community and Health Development Department)**

COMMISSIONER SULLIVAN: Mr. Chairman, my question on this one was in the staff summary, they indicated that the agreement, both with La Familia and Women's Health Service, which is the U one that we'll talk about, would include requirements for Saturday hours, which we've discussed at previous indigent meetings. In both of those contracts I don't see that requirement in the contract.

BECKY BEARDSLEY (Indigent Fund Director): Mr. Chairman, Commissioner Sullivan, that is one of the requirements. It was our understanding that that would be added into the amendment. It was inadvertently left off. So we have presented the amendment for today for approval so that we can continue on with business as usual and we will be drafting an additional amendment to both of those contracts to change the scope of work to include the Saturday hours of operation.

COMMISSIONER SULLIVAN: Okay, so you've presented some amendment language here for R. It just says, "Revision to the context of the language used within the amendment" and that's all it says. What does that mean. I'm looking at this packet that you put on our desks.

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioner Sullivan, what happened is when a lot of this stuff went into the packet I was out of town and when I came back I wanted to see ones that needed my signature. So the ones that are there I put on the desk, those changes were made after the packets were put together and they were things to do with the actual dollar amounts and the fiscal years tied to them, and I highlighted the changes. But I was not aware at that time that the scope of the hours change had not been put in there either. So I told Rebecca that we would need to go back and do another amendment to add the Saturday hours or the different hours on those.

COMMISSIONER SULLIVAN: Okay, so your amendments were just fine-tuning of the dollar amounts.

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MS. MILLER: Yes.

COMMISSIONER SULLIVAN: That you highlighted in blue here for us.

CHAIRMAN DURAN: Commissioner Sullivan, I just have a question. We have not yet made the decision to require them to open on Saturdays, have we?

COMMISSIONER SULLIVAN: Well, I was reading the Indigent Fund minutes and we made that requirement but we didn't put a specific date on it. We gave them the flexibility. They were going to conduct a survey of their clients. Is that right, Rebecca?

MS. BEARDSLEY: Mr. Chairman, Commissioners, yes. You did decide to go ahead and leave that provision in the new amendment, and then La Familia is to come back to you after they finish the survey, present the data to you and at that time you will determine whether you will require them to comply with the Saturday hours of operation, or if we will amend their requirement, or if we will amend their contract to take that requirement out.

COMMISSIONER SULLIVAN: Then we would amend the contract and take it out if we felt that it was an onerous requirement we would just take it out.

CHAIRMAN DURAN: When did we do that? That's in the minutes of the last meeting?

MS. BEARDSLEY: Yes, Mr. Chairman, it is.

COMMISSIONER SULLIVAN: Of the Indigent Fund.

MS. BEARDSLEY: La Familia Medical Center came and presented last month, talked to you about the difficulty of expanding services, and that was the decision that was made.

COMMISSIONER SULLIVAN: And Women's Health Center was already doing Saturday hours, so it's not an unusual requirement on them.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: But I think they wanted to have a fiscal review and they wanted to be able to bring that back to us and so we said We'll put it in the contract but we'll leave the door open if you can come and prove to us it wouldn't benefit the public. Then we'll do an amendment and eliminate that requirement.

CHAIRMAN DURAN: Or if they couldn't financially, if they couldn't fiscally, if they couldn't fit it into their budget.

COMMISSIONER SULLIVAN: If they couldn't afford it. They were putting in for a grant application and they were hoping to get a grant that would fund Saturday hours.

MS. BEARDSLEY: Mr. Chairman, Commissioner Sullivan, that's correct. And the survey that they're going to be doing is of their existing clientele to determine what their needs are. And that's the data that they will be bringing back to you as soon as their analysis is done.

CHAIRMAN DURAN: Have you had any further discussion with La Familia relative to this Saturday operation?

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MS. BEARDSLEY: I had some discussions with Mr. Taaffe a couple of days ago and he informed me that they have not started on the survey yet but they do have plans to do so, and they have not heard back on the grant whether they have received it or not.

CHAIRMAN DURAN: And when does this contract go into effect?

MS. BEARDSLEY: It goes into effect July 1.

CHAIRMAN DURAN: So they are immediately in violation of the contract?

MS. BEARDSLEY: Mr. Chairman, since it does not have a starting date, and we did have this discussion at the last meeting, it was determined that since there is no start date required in the amendment for the Saturday hours of operation, they will not be in violation of the contract. It was agreed by the Commissioners that you would go ahead and wait until the analysis is done and then make a decision whether to uphold that requirement or to amend the amendment again.

CHAIRMAN DURAN: Okay. I must have been asleep.

COMMISSIONER SULLIVAN: I think we wanted to give them the direction that we feel that Saturday hours are appropriate. But if they come back and say financially or service-wise they're not, then we'll—

CHAIRMAN DURAN: That's okay. I understand.

COMMISSIONER SULLIVAN: And that, Mr. Chairman, is the same question on item U. So we don't need to go any further with that. You're going to be revising the language to that contract. Is that correct, Rebecca?

MS. BEARDSLEY: Yes, Commissioner Sullivan.

COMMISSIONER SULLIVAN: That's the Women's Health Services. And then the only question I had on T was that the signature page—and T is two after U, that's with the Presbyterian Medical Services Ortiz Mountain Health Center. The signature page on that contract says La Familia Medical Center.

MS. BEARDSLEY: Mr. Chairman, Commissioner, we did note that and we are in the process of making that change.

COMMISSIONER SULLIVAN: Okay. So those were the only specific questions I had, Mr. Chairman. And then the general questions on this block of consent items was first of all, I'll ask Rebecca. I was looking at the insurance coverages, I didn't see any malpractice insurance required of any of the providers. Now some of them, I guess it wouldn't be appropriate if they were just doing counseling services of something like that, but for medical procedures, do we have a requirement that they carry, or should we have one that they carry malpractice insurance?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, you raise a very good point. The contract doesn't actually have a specific provision, but in order to be licensed in the state of New Mexico under the Medical Malpractice Act, there are minimum levels of insurance and so any health care provider, as that term is defined in the statute, is obligated to file proof with the Superintendent of Insurance of having the requisite levels of

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medical malpractice or professional liability coverage. So we just started putting these contracts together and I think that when we come back for amendments, we probably should have an express provision. But as a practical matter, any health care provider in New Mexico has to have malpractice insurance. So that should be on file in the Superintendent of Insurance Office.

COMMISSIONER SULLIVAN: Okay. So we could request for our file their insurance certificates and that should be included with that then?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that's correct. We could certainly do that and that's probably a good idea.

COMMISSIONER SULLIVAN: My suggestion in fact would be that as you execute these contracts, for our files you request copies of their insurance certificates.

MS. BEARDSLEY: Mr. Chairman, Commissioner, I will do that.

COMMISSIONER SULLIVAN: And that way we have all the information on file and if there's any gaps then we can, or you can look into it. The other overall question was, in looking at all of these amounts, I guess this is for you or Katherine, are all of these within the budget that we approved? We're running low on Indigent Fund money and we have estimates for the upcoming year.

MS. BEARDSLEY: Mr. Chairman, Commissioner Sullivan, yes, they are.

COMMISSIONER SULLIVAN: So all of these are amounts that have gone through the budget process that we approved a month or so ago.

MS. BEARDSLEY: That's correct.

COMMISSIONER SULLIVAN: Okay.

COMMISSIONER CAMPOS: Commissioner, I have a question on that issue.

COMMISSIONER SULLIVAN: Those are the end of my questions.

COMMISSIONER CAMPOS: Ms. Beardsley, how do the contract amounts compare to last—the ones for next year, 2003, how do they compare to our last budget? Are they all up a bit?

MS. BEARDSLEY: As we noted this morning, Commissioner, there were some of the providers that ended up with a balance in their contract was not expended. So what I did in looking at this year's allocation was I took the actual expenses for January and February which actually covered December, January and February. I divided the totals by three and multiplied that by 12 in order to come up with a ballpark, because they were pretty current expenses for the past three months.

Then what I did was I compared that amount to what their actual expenses were for the year to that point and then looked at their contract amount. And so most of the contracts are either down in order to compensate for that they left on the table, or they're up in order to compensate for the amendments that we had to put into place this year in order to get them through the last six months.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions? Okay, then, correct me if I'm

wrong, Commissioner, on the Consent Calendar, item A, C, D, E through V have been discussed.

COMMISSIONER SULLIVAN: Move for approval.

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- Q. Request Authorization to Enter into Amendment #1 to Professional**

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- Service Agreement #22-0070-IH With Health Centers of Northern New Mexico for the Delivery of Primary Medical Services to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
- R. Request Authorization to Enter into Amendment #2 to 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 and Compensation for Another Year (Community and Health Development Department)**
- S. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0072-IH With Presbyterian Medical Services Hope Medical Center for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
- T. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0073-IH With Presbyterian Medical Services/Ortiz Mountain Clinic for the Delivery of Primary Medical Care Services to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**
- U. Request Authorization to Enter into Amendment #2 to 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 and Compensation for Another Year (Community and Health Development Department)**
- V. Request Authorization to Enter into Amendment #1 to Professional Service Agreement #22-0076-IH with the City of Santa Fe for the Delivery of Emergency Medical and Ambulance Services to Indigent Santa Fe County Residents to Extend the Term and Compensation for Another Year (Community and Health Development Department)**

CHAIRMAN DURAN: Is there a second?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion?

The motion to approve Consent Calendar items A, C, D, and E through V passed by unanimous [4-0] voice vote. [Commissioner Gonzales was not present for this action.]

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B. Request Authorization to Enter into Amendment #4 to Professional Services Agreement #99-41-PR With Corporate Health Resources for the Employee Assistance Program to Extend the Term and Compensation for the Last Year of the Agreement (Administrative Services)

CHAIRMAN DURAN: I was wondering, Estevan, in the future when we start, when we put these packages together, can you tag these individual things? Is it hard to do that?

MR. LOPEZ: Put tabs on them?

CHAIRMAN DURAN: Because it's hard just separating them with the brown paper. Maybe I'm lazy.

MR. LOPEZ: Mr. Chairman, we'll try and do that and see just how burdensome it is, at least perhaps for the Commissioners we can do something like that.

CHAIRMAN DURAN: Okay. Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, my question on this contract was I didn't understand what it is and what this person does for so much an employee. \$2.24 per employee. Could you explain that?

HELEN QUINTANT (Personnel Director): Mr. Chairman, Commissioner Sullivan, this the company that we use for our employee assistance program, and this company provides services, counseling services, and they provide training services, supervisory training for our employees. We charge \$2.24—they charge us \$2.24 per employee to provide this service to the County.

COMMISSIONER SULLIVAN: And what kind of counseling is this?

MS. QUINTANA: These are any kind of counseling services that might affect an employee's job. It may be marital issues or work-related issues or mediation services.

COMMISSIONER SULLIVAN: So this individual or Corporate Health Resources, what's their qualifications for this? Are they psychologists?

MS. QUINTANA: They utilize a number of different counselors throughout Santa Fe and northern New Mexico, and through Albuquerque. So if an employee has a problem at work and they want to utilize these counseling services, we provide those services for them and they get in touch with the counselor in order to go through eight sessions of counseling.

COMMISSIONER SULLIVAN: So it doesn't have anything to do with health insurance? This isn't about what health insurance you should select or anything like that.

MS. QUINTANA: No, Commissioner Sullivan, this is purely a benefit that we offer our employees to help them perform better at their jobs, to help them with any other issues that they might be dealing with. We have several non-employees, family members, who also take advantage of this program.

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COMMISSIONER SULLIVAN: It is available to family members.

MS. QUINTANA: Family members as well, yes, Commissioner.

CHAIRMAN DURAN: Can the Commission take advantage of it?

MS. QUINTANA: Absolutely.

CHAIRMAN DURAN: All right. Anybody need anything? Any help?

Besides me.

COMMISSIONER SULLIVAN: That was all the questions I had, Mr.

Chairman.

CHAIRMAN DURAN: So the Chair will entertain a motion to approve item

B.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

The motion to approve item B passed by unanimous [5-0] voice vote.

CHAIRMAN DURAN: Then it's items W and X.

COMMISSIONER SULLIVAN: And now I have to find them, Mr. Chairman.

CHAIRMAN DURAN: How about if I do this instead, while you're doing it.

My understanding is that we can then approve items Y, Z, AA, not BB—how about if we approve the rest of that stuff? Do you want to stick with it there for a second? So the Chair will entertain a motion to approve items Y, Z, AA, CC, DD, EE, FF, HH, KK, MM, NN, OO, PP, QQ, TT, VV.

- Y. Request Authorization to Enter into Amendment #5 to the Professional Service Agreement #21-0047-DW With Auralie M. Tortorici for the Teen Court Substance Abuse Screener to Extend the Term and Compensation for the Third Year of the Agreement (Community and Health Development Department)**
- Z. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement 322-0018-DW With Esperansa Sandoval for the DWI Data Entry Clerk to Extend the Term and Compensation for the Second Year of the Agreement (Community and Health Development Department)**
- AA. Request Authorization to Enter into Amendment #2 to the Professional Service Agreement #22-0019-DW with Peter Goodwin to Provide Drug and Alcohol Screenings at the Santa Fe County Municipal Court to Extend the Term and Compensation for the Third Year of the Agreement (Community and Health Development Department)**
- CC. Request Approval of a Professional Service Agreement #22-182-CHDD**

- With the Santa Fe Boys and Girls Club for a Drug Elimination Grant Program (Community and Health Development Program)
- DD.** Resolution No. 2002-74. A Resolution Approving the Consolidated Annual Contributions Contract for the Public Housing Program (Community and Health Development Department)
- EE.** Resolution No. 2002-75. A Resolution Amending the Housing Services Division Homeownership Plan to Include 20 Additional Units
- FF.** Resolution No. 2002-76. A Resolution Requesting a Transfer From the General Fund (101) to the Indigent Fund (220), EMS –Healthcare Fund (232), and the Housing Enterprise Fund (517) to Budget for Expenditure in Fiscal Year 2002 (Finance Department)
- HH.** Request Authorization to Enter into a Professional Service Agreement With the Santa Fe Animal Shelter & Humane Society for a Period of 90 Days During Negotiation (Finance Department)
- KK.** Request Authorization to Enter into Amendment #2 to the Indefinite Quantity Price Agreement 321-0038-FD with Kaufman’s West LLC. for Fire Department Uniforms to Extend the Term and Compensation for the Last year of the Agreement (Fire Department)
- MM.** Request Authorization to Enter into a Maintenance Agreement with HTE, Inc. for FY03 to Provide Financial and Land Software Application Service and Support (Project and Facilities Management Department)
- NN.** Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder (IFB #22-42) for the Construction and Installation of New Elevators at the Law Enforcement and Judicial Complex (Project and Facilities Management Department)
- OO.** Resolution 2002-77. A Resolution Requesting an Increase to the Santa Fe River Restoration Fund (260)/Project and Facilities Management Department Budget for a Grant Award Received From the United States Environmental Protection Agency for Expenditure in Fiscal Year 2002 (Project and Facilities Management Department)
- PP.** Resolution No. 2002-78. A Resolution Requesting a Transfer from the General Fund (101)/Capital Package to the Fire Excise Tax Fund (222)/Cundiyo Fire Substation to Budget Cash Received From the FY 02 General Fund Capital Package for Expenditure in Fiscal Year 2002 (Project and Facilities Management Department)
- QQ.** Request Authorization to Enter into Amendment #1 to Price Agreement #322-0031-RD for Supplies for Custodial Services With C&C Distributors to Extend the Term and Compensation for the Second Year of the Agreement (Project and Facilities Management Department)
- TT.** Request Authorization to Enter into Amendment #1 to the Indefinite

Quantity Price Agreement With Simons/Neve's Uniforms for Uniforms for the Sheriff's Office to Extend the Terms and Compensation for the Last Year of the Agreement (Sheriff's Office)

- VV. Request Authorization to Enter into Amendment #3 to the Professional Service Agreement #20-0017-UT with Sudeen G. Kelly and Sheehan, Sheehan & Stelzner to Provide Legal Services/Consultation to Extend the Term and Compensation for the Last Year of the Agreement (Utilities Department)**

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

The motion to approve the above items on the Consent Calendar passed by unanimous [5-0] voice vote.

- W. Request Authorization to Enter into Amendment #4 to the Professional Service Agreement #20-0010-DW With St. Elizabeth's Shelter for Transitional Living Services for Santa Fe County to Extend the Term and Compensation for the Last Year of the Agreement (Community and Health Development Department)**
- X. Request Authorization to Enter into Amendment #6 to the Professional Services Agreement #20-0015-DW With Life Link for Outpatient Treatment Services for the DWI Program to Extend the Term and Compensation for the Last Year of the Agreement (Community and Health Development Department)**

FRANK MAGOURILOS (Prevention Specialist): My name is Frank Magourilos and I'm the prevention specialist for the DWI program.

CHAIRMAN DURAN: Okay, Frank. Commissioner Sullivan, you had questions?

COMMISSIONER SULLIVAN: Yes. As I understand, Frank, these are for partial extensions. When I say these, I mean this one for St. Elizabeth's as well as the one or Life Link, the next one. They both have the same conditions or explanation in the staff report which says this agreement is substantially less than the amounts for the past fiscal year due to the request for proposal for treatment providers which is currently out for solicitation. Can you give us an update on those?

MR. MAGOURILOS: Mr. Chairman, Commissioner Sullivan, that is my understanding. I do not know a lot of specifics on this. However, I believe we're going to be doing multiple solicitations for different providers because competition and choices, it's

always welcome, and that is the basic reason for that. We want to provide the best service for our clients out there.

COMMISSIONER SULLIVAN: Now, does St. Elizabeth's Shelter provide DWI services?

MR. MAGOURILOS: I am not 100 percent certain on that.

MR. SHEPHERD: Mr. Chairman, Commissioner, the St. Elizabeth Shelter provides housing for individuals who are in treatment and who are generally homeless that have been charged with DWI.

COMMISSIONER SULLIVAN: So these solicitations are due in when?

MR. SHEPHERD: I don't know the answer to that.

COMMISSIONER SULLIVAN: They're asking for \$8,000 kind of to tide them over I guess for St. Elizabeth Shelter and \$20,000 for Life Link, pending, I guess these RFPs coming in and I was just trying to get a handle on when those are coming in.

MR. SHEPHERD: I want to say, and I'm kind of speaking out of my hat here, that the solicitation for the multiple treatment providers is due within the next month.

COMMISSIONER SULLIVAN: What is multiple treatment providers?

MR. SHEPHERD: This would be, it goes with the Life Link contract. The idea there is to keep \$20,000 in the Life Link contract so we can have continuation of services. But then to issue a request for proposal for the balance of the funds available within the DWI program for treatment to try to get a number of different providers participating in the program so that there are choices and to be honest with you, some treatment providers specialize in different areas than others do. It will give our screeners a choice as to where to send people.

COMMISSIONER SULLIVAN: So the \$8,000 and the \$20,000 will carry St. Elizabeth and Life Link through when? The end of the year or—

MR. SHEPHERD: That should be their portion for FY03.

COMMISSIONER SULLIVAN: Oh, that's for the entire year.

MR. SHEPHERD: That's correct. For those providers.

COMMISSIONER SULLIVAN: Because it says that the amendment is substantially less than for past fiscal years.

MR. SHEPHERD: That's exactly right. That would apply to the Life Link amendment. There's approximately \$100,000 set aside for treatment. The other \$80,000 we're going to try to work with the multiple treatment providers and essentially try out a voucher system.

COMMISSIONER SULLIVAN: Okay. That takes care of Like Link, but that same sentence is in the one for St. Elizabeth's Shelter.

MR. SHEPHERD: That probably shouldn't be there.

COMMISSIONER SULLIVAN: So that has nothing to do with—

MR. SHEPHERD: That sounds like a typo to me.

COMMISSIONER SULLIVAN: Okay. So the \$8,000 is the amount for St. Elizabeth's Shelter for the entire year.

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MR. SHEPHERD: That's correct.

COMMISSIONER SULLIVAN: Because it says here that this is the fourth year of their four-year contract.

MR. SHEPHERD: That's correct.

COMMISSIONER SULLIVAN: So there's not an RFP going out for St. Elizabeth's Shelter.

MR. SHEPHERD: Not for St. Elizabeth, but for the outpatient providers. Yes.

COMMISSIONER SULLIVAN: Right. With those clarifications, Mr. Chairman, I move for approval of W and X.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Any further discussion?

The motion to approve items W and X passed by unanimous [4-0] voice vote.
[Commissioner Gonzales was not present for this action.]

BB. Resolution No. 2002-79. A Resolution Requesting an Increase to the General Fund (101)/Local DWI Grant Program to Budget Additional Grant Award Revenue Received From the New Mexico Department of Finance and Administration for Expenditure in Fiscal Year 2002 (Community and Health Development Department)

MS. MILLER: Mr. Chairman, Commissioners, there's actually not a budget adjustment in the packet because we're waiting for information from DFA as to what our final number would be for this fiscal year to expend the DWI funds. They always give us at the last, typically by about the 10th of June they give us our budget for the year and then we either cut back or spend whatever they allocate over and above what we originally budgeted. We've been calling every 15 minutes over there to find out that number and they're not giving it to us this year in a timely fashion. Last year we ended up with about, I think \$30,000 more than what we had budgeted and we were able to spend it in the last few days of the fiscal year.

At this time I would request that if they authorize additional funds for us, if we can allow Estevan to sign a budget adjustment for that so that we could expend those in the next few days, or if it comes in less that we reduce the budget by that amount since we have not been given the information from DFA as to what that will be.

COMMISSIONER SULLIVAN: Mr. Chairman, I guess I just have a problem here with approving this one page that doesn't have any numbers or anything in it. Is there a requirement that this be done before June 30 or what's our timing here?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, what it is is it is this year's fiscal year 2002, so we have till Friday. Whatever the dollars that they give us for this

year, if it's above what we estimated the budget to be, we have basically between now and Friday to spend it. If it is less, then we've actually held back purchases so that we don't buy them and we lose that money. Our budget actually ties with our expenditures, what they give us. Typically, it doesn't take this long; they let us know about the second week in June so we know what our final distribution for those funds will be. We're at a loss as to why they have not given us that number. That's why I put a memo in there. But we were sure that they would give us a number by now and they still haven't.

COMMISSIONER SULLIVAN: So you're asking us to give you a resolution that would request an increase to the general fund, or a decrease.

MS. MILLER: Depending on what the final number is. DFA just gives us an estimation of what the tax distribution will be and we have requested that they actually let us carry it into the next fiscal year, but they don't. They say, Here's your number and it typically means the last week or two of the fiscal year we're either spending or dropping funds off of particular contracts. So when we put that memo in, we were hoping to have that final number and give you an actual budget resolution. So at this point, what we're requesting is if they do come back with a number for us, today or tomorrow, that we be able to just—if it is additional funds, that we be able to spend those between now and Friday so we don't lose them.

COMMISSIONER SULLIVAN: Okay. And if it's less funds, you would have to do a decrease amendment.

MS. MILLER: Yes.

COMMISSIONER SULLIVAN: So I guess the resolution should just state, Requesting an increase or decrease to the general fund. Is that correct?

MS. MILLER: Typically, it's been an increase. So I think we probably didn't say a decrease in wishful thinking. But yes. Either or, that Estevan be authorized to make that change. Because any increases in revenues we bring to the Board, typically.

COMMISSIONER SULLIVAN: That was the question that I had, Mr. Chairman, was that I didn't know what we were voting on.

CHAIRMAN DURAN: So do you want to make a motion?

COMMISSIONER SULLIVAN: I would move for approval of Resolution 2002-79 with the only amendment being that the resolution state that it be an increase or decrease to the general fund as determined by the County Manager. And then the rest to read as shown in the agenda.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

The motion to approve Resolution 2002-79 passed by unanimous [5-0] voice vote.

II. Request Authorization to Enter into Amendment #6 to the Professional Service Agreement #20-0052-FI With Rick Johnson & Company, Inc., for Lodgers' Tax Advertising & Promotional Services, to Extend the Term and Compensation for the Last Year of the Agreement (Finance Department)

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The reason I isolated this is that this is a large amount, \$276,359, a quarter of a million. We had a presentation last year by, I believe it was this firm, regarding their program for using the Lodgers' Tax money for advertising and promotional services and I was—I guess I have to say less than excited about the direction and the product. And I think we need to go out for RFPs at this point. They may be the right firm but I think the time has come for the new Commission and for the Lodgers' Tax Advisory Board to at least take a look at some other advertising strategies. And I don't have a particular one in mind, I just feel that's a lot of money and we need to have some more oversight of it.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, it was three years ago put out in solicitation. This would be the fourth and final year of that agreement if the Board chooses. If we don't approve this amendment, then that contract will terminate June 30. The only thing I would ask is if there were any ads being placed that the Lodgers' Tax Advisory Board had already recommended, we finish those out, but then we could go back out for solicitation if that's the Board's direction.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, I don't see any problems with that. I guess I would just ask, and I'm waiting for Mr. Serber, who I believe is still chair of the Commission and we might want to hold this off until he shows up. He was coming by at 2:30 this evening. I'm assuming the Lodgers' Tax Board had concurred for another year.

MS. MILLER: Mr. Chairman, Commissioner Gonzales, the Lodgers' Tax Board did recommend extension of this. They are pleased with the advertising. They meet monthly with the advertising firm.

COMMISSIONER GONZALES: Are they an active board, basically? Are they involved or is it more of a passive board that—

MS. MILLER: No, they're very active. They have rejected things and asked them to go back to the drawing board on them. This is a long-term advertising plan. Most of the advertising firms come up with a concept and idea and then build on that over time. So we could go back out on solicitation if we want to revamp that completely. We could finish up with this type of advertising that they've been doing for this final year. Or we could even direct within that contract changes if there are changes.

As it's been, the Lodgers' Tax Advisory Board works pretty closely with Rick Johnson and has been happy with them. So it's entirely up to the Commission. If you'd like to change that advertising strategy we can do that. We can have the firm, if it's Rick Johnson or another one through a solicitation, give more presentations to the Commission as to what that would be.

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COMMISSIONER SULLIVAN: I think, Mr. Chairman, the presentation as I recall, two things. One, the presentation was that we were basically told this is the strategy and take it or leave it. That's the way the presentation came off to me. They weren't soliciting our input and in fact they could have cared less about what our input was. Secondly, things have changed. The perception in terms of tourism and so forth is that we're out of water. We're in a drought. That fires are consuming our area and it's keeping tourism away.

So I think because of what's transpired during this past year, the advertising strategy needs to be radically changed. I don't think we can work off a three-year old plan. I think we're now facing some things that we couldn't have envisioned three years ago or even last year in those regards, and we need to revamp that policy and tell people what's happening in Santa Fe. Just because you have to ask to get a glass of water at a hotel doesn't mean you shouldn't come here to stay at the hotels. A number of articles on national news and so forth about the activities of the City of Santa Fe and Stage 3 and Stage 4 restrictions and what have you, I think needs to be addressed in our county advertising and that information gotten out to the public. So personally, I think the time is here to revise our strategy, based on those circumstances.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, I would concur with you but I would argue against disrupting a movement that the Lodgers' Tax Board has been integrally involved in. The members of this Lodgers' Tax Board are members who benefit from a healthy tourist economy. So I think that it would be incumbent on us to have these discussions with them and solicit their input and advice because they're involved basically on the front lines of tourism and would encourage the Commission on the conclusion of this contract to begin that process again of going out for an RFP for if you would like a new firm, but I don't think that there's anything that prevents us from asking Rick Johnson to come forward and work on a strategy that the Commission feels most important during this time and they would be able to work on it. But I think the third year of a four-year plan, to stop it all of a sudden and to do so without discussion with the Lodgers' Tax Board or without consultation with the board that is responsible for overseeing this contract I think is an unfair process to go by when we have not consulted with them.

COMMISSIONER SULLIVAN: I'm open to consultation. However you want to do it.

COMMISSIONER GONZALES: I think we should figure out we can do that but I don't know if we want to change our advertising strategy, if that means you have to change the public relations firm, or if we just sit down with the Lodgers' Tax and ask for a meeting with them and Rick Johnson to work on a new strategy.

CHAIRMAN DURAN: I think what I hear is that the Commission wants to have more input into the process. What if we tabled this—let's do it on the 9th, since we're doing everything else.

MS. MILLER: Mr. Chairman, their contract expires the 30th but as a suggestion, I could request that we approve the amendment but not expend any funds under that amendment and send them a letter stating that they're not authorized to actually place any ads or

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anything until we've had some presentation and discussion with the Board.

CHAIRMAN DURAN: Why don't you tell them not to do anything until we sign the contract again?

MS. MILLER: Well, the contract will expire.

CHAIRMAN DURAN: So?

MS. MILLER: Then I have to start all over with a solicitation. So I'd like to at least extend the term of the contract so the contract doesn't expire and is still good and then we can change the dollar amount—

CHAIRMAN DURAN: Let's extend it for a month.

MS. MILLER: Okay. We can do that. Or however.

COMMISSIONER GONZALES: What's the objective though? Is the objective to decide whether we want to stay with this firm and then go off for an RFP? Or develop a new strategy?

COMMISSIONER SULLIVAN: Both.

COMMISSIONER GONZALES: I don't have any opposition. I would encourage the Commission then, if we're going to go that route that there is time set aside to sit down with the Lodgers' Tax Board to seek their input as to what value this firm has and what value they don't and if there are problems then we can address it. But I would just keep in mind, these people are appointed for a reason and that's to be able to increase the amount of dollars coming in from tourism into this county and I would assume that if that was not being accomplished they would ask for a change in advertising agencies.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Another issue is should we be advertising today in light of the water shortage? The City water production capacity is in jeopardy right now and if we go to Stage 4, if we lose the reservoirs, we may not be able to produce more than may the 10 million gallons per day. They're predicting 20 million gallons for the Indian Market and the question is where are we going to get that water if the reservoir is closed in August? So should we be advertising to bring people in here in light of the City water system having a production capacity issue, a serious one?

COMMISSIONER GONZALES: Commissioner Campos, the County's advertising efforts have not been so much on bringing people to the city, as evident by the county slogan there's more to Santa Fe than Santa Fe. It's about supporting county businesses and tourism businesses that extend from the Estancia Basin all the way upwards to the Pojoaque Valley and Chimayo, where those businesses should not be penalized because the City of Santa Fe has not been able to deal with the water situation properly. So I think it's unfair to discontinue an advertising budget that would bring more tourists into county businesses that rightfully contribute into this budget.

Keep in mind, the money generated for this advertising comes from county businesses that assess a tax, not from any other entity.

CHAIRMAN DURAN: I think we have an obligation to the county businesses

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to promote—

COMMISSIONER CAMPOS: Well, the thing is most of these folks will stay in the City of Santa Fe and we have a water capacity production problem that could be in a critical state by August if the reservoir closes.

COMMISSIONER GONZALES: I disagree. I don't think most of them do. I think there's a lot of bed and breakfasts, there's Rancho Encantado and Bishop's Lodge and plenty of others where they benefit from this type of effort.

CHAIRMAN DURAN: Well, I'd like to make a motion that we extend the contract for 60 days. I think 30 days is going to be too little. But 60 days, and ask them to come forward to have some meaningful discussion and dialogue with the Commission.

COMMISSIONER SULLIVAN: Second.

MS. MILLER: Mr. Chairman, would that be a no-cost extension, just a 60-day extension to the term of the agreement with no money, or could we authorize funds at least to cover ads that they've already set for placement?

CHAIRMAN DURAN: I think we have to pay for whatever they've committed to. But not to commit to anything else until we've worked out a new contract with them, or not worked it out.

MS. MILLER: Okay.

The motion to approve an amendment extending the Rick Johnson contract 60 days passed by majority [4-1] voice vote, with Commissioner Campos voting no.

JJ. Request Approval to Award a Price Agreement in Response to IFB #22-20-RB1 to Artesia Fire Equipment for a Heavy Rescue Apparatus for the Turquoise Trail Fire District (Fire Department)

JEFF SAUNDERS (Assistant Fire Chief): Good afternoon.

COMMISSIONER SULLIVAN: Mr. Chairman, good afternoon. Last Commission meeting we let the Fire Department off with absolutely nothing and we just couldn't do that this time.

MR. SAUNDERS: Okay. That's why the Chief's taken this week off, I guess.

COMMISSIONER SULLIVAN: Right. My question on this one was simply the staff memo indicated that there was three bids but only one was deemed to be qualified. And without going into how many tail-lights that each piece of equipment had to have and that type of thing, I wondered why only one qualified.

MR. SAUNDERS: I'll try and think back on this particular truck. I had nine bids go out all at the same time. This is a heavy rescue apparatus.

COMMISSIONER SULLIVAN: A heavy rescue apparatus for the Turquoise Trail Fire District and it was recommended to be awarded to Artesia Fire Equipment.

MR. SAUNDERS: And Triple A Fire Pro was another vendor and who is the

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third vendor? Do you have that?

COMMISSIONER SULLIVAN: I've got to go through another three inches of stuff here. Just a minute, I'll find it.

MR. SAUNDERS: They all met it on this one.

COMMISSIONER SULLIVAN: It didn't list the other vendors.

MR. SAUNDERS: I believe there are only two vendors on that, Triple A Fire Pro and Artesia and—

COMMISSIONER SULLIVAN: It says 15 solicitation packages were sent to potential bidders. A bid opening was conducted on Monday April 15, 2002. three responsible bidders responded. After reviewing the bids for responsiveness, the Purchasing Division and Santa Fe County Fire Department determined that only one bid complied with the bid specifications and I wondered whether this was a legal issue or a technical issue or whether this was an equipment issue.

MS. MILLER: Actually, Commissioner Sullivan, that memo was done when I was gone and I checked on this particular purchase, we had nine of them. That memo is incorrect. There were two bids, both were responsive and we went with the low bidder. They were \$190,000 and \$210,000 and I apologize for an incorrect memo in this.

COMMISSIONER SULLIVAN: Ah.

MR. SAUNDERS: Commissioner Sullivan, it was actually a rebid. The first bid was outside of our budget and the rebid came in \$20,000 less than the original.

COMMISSIONER SULLIVAN: Okay, then I would make a motion for approval of award of the price agreement in response to IFB #22-20 RB1.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

The motion to approve item JJ passed by unanimous [4-0] voice vote.
[Commissioner Gonzales was not present for this action.]

LL. Resolution No. 2002-80. A Resolution Requesting an Increase to the General Fund (101) /Fire Administration and Fire Regions to Budget a Joint Powers Agreement With the Town of Edgewood for Expenditure in Fiscal Year 2002 (Fire Department)

CHAIRMAN DURAN: Commissioner Sullivan, you had questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman, my question for staff is, as I read this one, we were budgeting an additional \$101,000 in overtime for fire administration personnel in dealing with the town of Edgewood. My question is is that going to be paid by Edgewood? Is this included in our joint powers agreement, or where do we stand with that?

MR. SAUNDERS: The joint powers agreement is money to the Fire Department for services rendered for the Edgewood community and this money is being

allocated and put back into the budget to pay for overtime for all four of the fire regions, not just the Edgewood, not just the southern region.

COMMISSIONER SULLIVAN: Okay. I wasn't clear, because it said to budget a joint powers agreement with the town of Edgewood.

MR. SAUNDERS: We're using the money that we're getting from the joint powers agreement with Edgewood to pay what we have gone over the budget in allocations for overtime for all four of the fire districts.

COMMISSIONER SULLIVAN: Oh, I see. That money doesn't stay in the Edgewood district?

MR. SAUNDERS: No, sir.

COMMISSIONER SULLIVAN: But that money you get from fire impact fees does stay in the district.

MR. SAUNDERS: The money we get from fire impact fees, as well as the state excise tax that's on the insurance, stays in the Edgewood community.

COMMISSIONER SULLIVAN: Okay, so this is—how are we coming out on our money in terms of how much it's costing us to service Edgewood and how much we're getting back from the joint powers agreement?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, the agreement with Edgewood is basically to cover what we lost in the way of quarter percent tax by that area becoming incorporated. So essentially, we're whole, as if they had not incorporated with that gross receipts tax. However, I believe that the services we're providing actually cost more than what we receive from my discussions with Stan in that area, as well as the issues that are outstanding with the impact fees. But we had not budgeted the money from that JPA knowing that we did not budget enough for overtime and we had just kind of held that revenue to the end of the year to then allocate it across the board where we had overtime overruns.

COMMISSIONER SULLIVAN: That answers my question. If there aren't any other questions, Mr. Chairman, I would move to approve item LL, which is Resolution 2002-80.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

**The motion to approve Resolution 2002-80 passed by unanimous [4-0] voice vote.
[Commissioner Gonzales was not present for this action.]**

**RR. Request Approval to Accept Offer Regarding IFB #22-54, County Road
73 Milling Project (Public Works Department)**

COMMISSIONER SULLIVAN: Mr. Chairman, my question for James, is on roads that are already paved as this one is, how do we evaluate them or what's the process here

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for—and I know we're doing an overall planning study here, but how did we decide, for example, that this road needed remilling, as opposed to another road needing resurfacing or something? How is that prioritization handled?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, this is a CAP and CO-OP project and we had chose this road last year through the process, through our exhibit to redo, reconstruct some drainage and the surface on this roadway. What we had done, we had gone out, we looked at it, we saw some of the lateral cracking. We saw the condition of the pavement. We've done some tests on it and we determined that the best for the money we had would be a milling and we'll recycle those millings and reuse them somewhere else and then do an inch and a half overlay.

COMMISSIONER SULLIVAN: And then I guess, how did we decide, or how did you decide, as the Public Works Department that this was the most critical road or that this road needed—

MR. LUJAN: The Road Advisory, as Robert just advised me, this was selected by the Road Advisory Committee.

COMMISSIONER SULLIVAN: Is this the only one we did last year?

MR. LUJAN: This is the only one we're going to do with this money, CAP and CO-OP, yes.

COMMISSIONER SULLIVAN: That we're doing this year?

MR. LUJAN: Yes.

COMMISSIONER SULLIVAN: And that was a recommendation of the Road Advisory Committee?

MR. LUJAN: Correct. It had been in the makings for I think, in prior years, there wasn't enough funding to do it and we want to tie it in with the new project with the State Highway Department 84/285 project.

COMMISSIONER SULLIVAN: That was all the questions I had, Mr. Chairman. Move for approval of RR, accepting IFB #22-54.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Any further discussion?

The motion to approve item RR passed by unanimous [4-0] voice vote.
[Commissioner Gonzales was not present for this action.]

SS. Request Authorization to Enter into Amendment #3 to Professional Services Agreement #21-0009-SD With Ralph W. Lopez for the Services of Region III Coordinator, to Extend the Term and Compensation for the Third Year of the Agreement (Sheriff's Office)

COMMISSIONER SULLIVAN: Mr. Chairman, my question of Sheriff

Miller is that number one, what does a Region III coordinator do? It wasn't clear to me about that. And number two, and I know we're in essence in the middle of an election because the Sheriff has a Republican opponent but I would be interested in hearing and learning what the opinions from either one were regarding the performance of this individual.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, actually, I should get Tony up here because he used to work for DPS and the grant that we get for Region III. I believe there's seven regions throughout the state and this covers, Region III is about five counties I believe. We receive Department of Justice funds through DPS for drug trafficking and whatnot within this region. The contract, there's actually a board and I believe Benjie sits on that board and they make the recommendation as to whether Ralph, as far as the contract coordinating the Region III activities are in line with what they're requesting in the performance that they require. And then they also make recommendations as to whether we should continue with the contract.

It's not specifically—it falls under the Sheriff because it is law enforcement type activity but is not a specific Sheriff duty. We just receive that grant and we're the coordinator for the area. Tony might have something to add to that because he did work on that program.

COMMISSIONER SULLIVAN: What does this person do, Tony?

TONY FLORES (Project Development Division Director): Mr. Chairman, Commissioner Sullivan, as Katherine indicated, the state is broken up in seven regions, seven drug task forces. This coordinator oversees the Region III drug enforcement task force, which is funded, in part by the Bureau of Justice Drug Control Improvement grant that flows through the Department of Public Safety. The coordinator sets up all the activities of the Region III drug task force, whether it be operations, stings, everything down to trainings. He is basically the manager of the Region III task force. He reports directly to the Region III task force board that's made up of Santa Fe County, City of Santa Fe, Los Alamos County, Rio Arriba County and portions of Taos County.

COMMISSIONER SULLIVAN: Is he a law enforcement officer?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, Mr. Lopez is a retired officer with the City of Santa Fe Police Department.

COMMISSIONER SULLIVAN: The position doesn't require a law enforcement officer?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, the position that they recommend through this body are that they have law enforcement background. 99 percent of the drug enforcement coordinators are retired law enforcement personnel.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman, of item SS, authorization to enter into amendment three, professional services agreement #21-0009-SD with Ralph W. Lopez.

CHAIRMAN DURAN: Is there a second?
COMMISSIONER CAMPOS: Second.
CHAIRMAN DURAN: Any discussion?

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The motion to approve item SS passed by unanimous [4-0] voice vote.
[Commissioner Gonzales was not present for this action.]

UU. Request Ratification of Change Order Number One and Approval of Contract Amendment #1 for the Santa Fe County Pueblo Garcia/Valle Vista Subdivisions Water System Extension Improvements Project – Construction Contract #22-0123-UT (Utilities Department)

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman, Gary, my question on this was that it seemed like this was a fairly long extension. I think it was until the end of the year. Is this a construction project for the waterline extension, or is it hooking up residents as they come on call? Exactly what is this contract doing?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, we're in the process of upgrading the system right now. We're replacing meters and we're looping the system. Part of the process is we're installing valves so that we only have to shut off certain portions of the system and we're not shutting off the entire system. And the reason why we're trying to extend it is because this is a very time consuming process. First we need to put in the valves and then we need to go in and start replacing these meters. So we're trying to do this kind of in order so that we don't disrupt service to all the customers of Valle Vista at one time.

COMMISSIONER SULLIVAN: Is this like an ongoing contract or this is a contract that had a time limit and liquidated damages?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, the contract terminated June 30th but as we've been going along, it's taken us—this contractor's becoming more familiar with the system and he's working a lot more efficiently on the system. And disruption of service is less. So it did terminate on June 30th, but we felt that we needed more time to give the contractor to be able to do the appropriate upgrades with the minimal disruption of service to the customers in the Valle Vista Subdivision.

COMMISSIONER SULLIVAN: How much of the contract has he completed? Percentage-wise? Half?

MR. ROYBAL: As the amendment?

COMMISSIONER SULLIVAN: No, how much of the contract, the existing contract that we're extending with Padilla Industries has been completed?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I'm not quite sure. The change order we're looking at if for a little over \$19,000. I'm not sure what the entire

contract was for.

COMMISSIONER SULLIVAN: This is not a change order for any money. It's only to extend the term to December 31st.

MR. ROYBAL: There is also a ratification that should have been attached to that for a change order.

COMMISSIONER SULLIVAN: Not in mine. Does anybody have a change order in theirs? Mine just says, in the recitals it's a resolution, or it's an amendment that "The County Utilities Department has determined that it is beneficial to extend the term of the original construction agreement until December 31, 2002.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, you're correct. The change order is not in there, and part of this package should have included a ratification to a change order for a little over \$19,000 that would have taken us into the next fiscal year.

COMMISSIONER SULLIVAN: So do you want to do that later or what? We don't have it here.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, we'll bring you back the change order at the next meeting. I think if we can get the extension of the contract today we'll bring the change order with the total contract cost with it.

COMMISSIONER SULLIVAN: So these are conditions that are beyond the contractor's control, that they couldn't complete the contract by the date of June 30th?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, that's correct. These are added duties or tasks that we as the Utility Department didn't anticipate at the time.

COMMISSIONER SULLIVAN: I see. So you negotiated additional work.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman, of the extension of Padilla Industries contract to upgrade the existing water system in Valle Vista and Pueblo Garcia Subdivisions to December 31, 2002.

CHAIRMAN DURAN: I'll second that. Any discussion?

The motion to approve item UU (time extension only) passed by unanimous [4-0] voice vote. [Commissioner Gonzales was not present for this action.]

CHAIRMAN DURAN: Commissioner Sullivan, if I could ask you, when it comes time to make the amendment if you could just say Consent Calendar item number whatever.

COMMISSIONER SULLIVAN: All right.

CHAIRMAN DURAN: That way we save a little bit of time.

COMMISSIONER SULLIVAN: Well, this one was a little different though because they were asking for a ratification of a change order, and there wasn't any change order in the packet.

MR. LOPEZ: Mr. Chairman, Commissioner, that's correct. The ratification didn't get into the packet so as I understand the action taken, there was no ratification. It was

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just the extension of the contract.

COMMISSIONER SULLIVAN: Extension of the contract and Gary said he would bring that back.

WW. Request Approval to Extend the Ban on the Sale and Use of Fireworks for an Additional 30-Day Period Due to Wildland Fire Conditions (Fire Department)

CHAIRMAN DURAN: Commissioner Sullivan, you had some questions?

COMMISSIONER SULLIVAN: Mr. Chairman, I didn't have anything in the packet about this one. Did anyone see anything in the packet on this? Is there something you want us to look at?

HANK BLACKWELL (Fire Marshal): Mr. Chairman, Commissioner Sullivan, when we brought this forward in March as the emergency ordinance, the Commission actually approved that this would be an automatic on the Consent Calendar every 30 days because state law requires it to be reapproved every 30 days. So that was at the direction of the Commission.

COMMISSIONER SULLIVAN: So there wasn't anything in the packet?

MR. BLACKWELL: No sir.

COMMISSIONER SULLIVAN: Okay. So your request it so extend it for 30 days and that would go until when?

MR. BLACKWELL: That would go until—if it's effective today again that would go until the 24th of July. At which time, if conditions don't change, we'll be back in for another extension.

COMMISSIONER SULLIVAN: Okay, so this is kind of a rolling extension.

MR. BLACKWELL: Yes sir. State law requires us to do that every 30 days.

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman, of item

WW.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion?

The motion to approve to approve item WW passed by unanimous [4-0] voice vote. [Commissioner Gonzales was not present for this action.]

XX. Request Authorization to Reappropriate FY2002 Capital Projects Budget for the Code Re-Write Solicitation (\$70,000), the Development Fiscal Impact Study Solicitation (\$42,800) and the Drug Prevention Services Solicitation for \$50,000 into the FY2003 Final Budget (Finance Department)

CHAIRMAN DURAN: Commissioner Sullivan, you had questions of staff?

COMMISSIONER SULLIVAN: I just again, this item wasn't in the packet and I didn't have any documents on it. Is there anything that's been passed out on this, Katherine?

MS. MILLER: Mr. Chairman and Commissioner Sullivan, the caption is basically it. I didn't think there would be a need for another memo because there were three solicitations that we had out. It did not get completed due to not getting a response on the Code rewrite. We didn't have any responses on that. We had, on the fiscal impact, we revised that RFP so it did not go out in time to get it awarded for this meeting, and the other one for the drug prevention, the \$50,000, that one needs to be resolicited as well.

So I'm just requesting that when we come back with the fiscal year 2003 final budget, we had approve the interim budget, that I can just build in these three capital projects as they were appropriated this year, that I can bring those back in that final document so that we can move forward with the resoliciting on all three of those items.

COMMISSIONER SULLIVAN: So is this the Code rewrite that Commissioner Campos committed \$50,000 to?

MS. MILLER: Yes it is.

COMMISSIONER SULLIVAN: He's really getting a good deal for his money, isn't he? Wow. I like that. \$70,000. Well, it's worth it. I'm surprised it's that low, quite frankly. You don't have the actual proposals in yet, do you? This is just an estimate?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, that's the one that we did not get any responses on. \$70,000 is all we have. We actually anticipate it will be more than that, but we're hoping for some proposals that will be somewhere around that or at least that we can negotiate to get something within that budget.

CHAIRMAN DURAN: I don't mind helping you rewrite the Code.

MS. MILLER: Okay. You could contribute your \$35,000 next year to it when we're short.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, just a matter or clarification. That \$70,000 included a portion, I think it's \$20,000 that came out of the Land Use Department's PSA budget.

MS. MILLER: Yes, it was \$50,000 of Commissioner Campos and \$20,000 that we had in the Land Use budget.

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman, of item XX.

CHAIRMAN DURAN: Is there a second?

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COMMISSIONER CAMPOS: Second.
CHAIRMAN DURAN: Any further discussion?

The motion to approve item XX passed by unanimous [4-0] voice vote.
[Commissioner Gonzales was not present for this action.]

CHAIRMAN DURAN: Okay, we're through with the Consent Calendar.

COMMISSIONER SULLIVAN: Mr. Chairman, just one technical question. The staff passed out some revisions to Consent Calendar items which we approved without further discussion. Do we want to—specifically items C and M and—do we want to just make it clear that we're okay with these additional amendments?

CHAIRMAN DURAN: That the Consent Calendar has been approved with these additional amendments

COMMISSIONER SULLIVAN: With these additional amendments that the staff requested. We didn't discuss these particular items.

CHAIRMAN DURAN: So why don't we just let the record reflect that?

COMMISSIONER SULLIVAN: Is that adequate?

CHAIRMAN DURAN: Is that fine? Okay.

X. Administrative Items

A. Committee resignations

1. Resignation from the Extraterritorial Zoning Commission

CHAIRMAN DURAN: Roman.

MR. ABEYTA: Thank you, Mr. Chairman. We received a letter from member Joe Mier of the Extraterritorial Zoning Commission resigning. He's been on the committee for several years and says his schedule is now one that can no longer fulfill that commitment. So he's asking that the Board accept his resignation. The EZC is a seven-member board. Three members are picked by the Mayor. Three members are picked by the Commission and the seventh member is picked by the committee itself. Mr. Mier happened to be a County Commission pick and therefore what we'll do is we'll advertise and then we'll bring back names to the Board to consider to appoint to the EZC.

CHAIRMAN DURAN: Who are the other two County appointees?

MR. ABEYTA: I'm not sure who the other two were. I'm not sure if they're John Alejandro, or if he's a City pick.

CHAIRMAN DURAN: No, he's a Commission pick.

MR. ABEYTA: Okay. John Alejandro and then, is Nancy Long the Commission pick, or City?

CHAIRMAN DURAN: Commission.

MR. ABEYTA: Then those are the three.

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CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Abeyta, what are the qualifications to be on the BCC for the County?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, there are no qualifications, just that they're a resident of either the city or the county.

COMMISSIONER CAMPOS: Anywhere in the county?

MR. ABEYTA: Anywhere in the county.

COMMISSIONER CAMPOS: Okay. I thought maybe it was limited to the Two or the Five.

MR. ABEYTA: No, the only qualification is the seventh member, I believe, needs to reside outside the district, the EZ District.

COMMISSIONER CAMPOS: Outside the EZ District.

MR. ABEYTA: Outside the EZ District.

COMMISSIONER CAMPOS: The seventh member appointed by the—

MR. ABEYTA: By the six.

CHAIRMAN DURAN: The only qualification is a passion to serve.

COMMISSIONER TRUJILLO: And to learn. Mr. Chairman, move for approval of the resignation of Joe Mier from the EZC.

COMMISSIONER CAMPOS: Second to accept.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? When will Joe—he's gone? They're operating with one less member right now?

MR. ABEYTA: That's correct; he's gone.

CHAIRMAN DURAN: So we're going to try to do it at the next administrative meeting?

MR. ABEYTA: Well, we don't have any names right now. If you have names, what we were planning on doing is putting out an advertisement like we've done for other vacancies but if the Board has names—

CHAIRMAN DURAN: Okay. So we can ask them to contact you, right?

MR. ABEYTA: Yes.

The motion to approve the resignation of Joe Mier from the EZC passed by unanimous [4-0] voice vote. [Commissioner Gonzales was not present for this action.]

X. A. 2. Resignation from the Maternal and Child Health Planning Council

MR. SHEPHERD: Mr. Chairman, Commissioners, the MCH Planning Council requests that the BCC accept the resignation of Dr. Janis Gonzales. She was unable to devote the time that she feels is necessary for the council's activities and requests that you accept her

resignation.

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CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to accept.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second to accept the resignation. Any further discussion?

The motion to approve Dr. Janis Gonzales' resignation from the Maternal Child Health Planning Council passed by unanimous [4-0] voice vote. [Commissioner Gonzales was not present for this action.]

X. B. Committee appointments and reappointments

1. Appointment to the El Rancho Community Center

CORKY OJINAGA (Project and Facilities Director): Mr. Chairman, Commissioners, there are currently three vacancies at the El Rancho Community Center. We've been given a name of Shirley Roybal as candidate. Her resume is attached. Ms. Roybal is a public relations specialist at Los Alamos National Laboratory. She's lived in the community all her life and would like to serve on this committee.

COMMISSIONER TRUJILLO: Move to approve, Mr. Chairman.

COMMISSIONER SULLIVAN: I second.

CHAIRMAN DURAN: There's a motion and a second to appoint. Any further discussion?

The motion to appoint Shirley Roybal to the El Rancho Community Center board passed by unanimous [4-0] voice vote. [Commissioner Gonzales was not present for this action.]

X. B. 2. Appointment to the Road Advisory Committee

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, this is actually a reappointment. Mr. Ed Baca currently represents Area 6, which encompasses the Seton Village and Arroyo Hondo subdivisions. Mr. Ed Baca has represented this area for the last six years and has volunteered to serve another three-year term. This area of representation is in Commission District 4. Public Works is recommending the reappointment of Mr. Ed Baca to the Road Advisory Committee, Area 6.

COMMISSIONER CAMPOS: Move to reappoint.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a motion to reappoint and a second. Any

further discussion?

The motion to reappoint Ed Baca to the Road Advisory Committee passed by unanimous [4-0] voice vote. [Commissioner Gonzales was not present for this action.]

X. B. 3. Appointments and reappointment to the Maternal and Child Health Planning Council

MR. SHEPHERD: Mr. Chairman, Commissioners, the MCH Council requests that the BCC appoint Ms. Lynn Hathaway, Ms. Tekla Johnson, Ms. Marcia Panagakos. Ms. Hathaway is currently an honorary member on the council and would like to become a regular voting member. In addition, the council has requested that the BCC reappoint Ms. Earlene Groseclose.

CHAIRMAN DURAN: Any questions of staff? What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to appoint and reappoint as recommended by staff.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER SULLIVAN: Second. Mr. Chairman, I just want to comment that the quality of the applicants is outstanding. One of them is a graduate magna cum laude, Phi Beta Kappa, and so we're pleased to see this kind of interest in providing a volunteer service to the County.

MR. SHEPHERD: They're a good council.

CHAIRMAN DURAN: Good. Excellent. Any further discussion?

The motion to appoint Ms. Hathaway, Ms. Johnson and Ms. Panagakos, and reappoint Ms. Groseclose passed by unanimous [5-0] voice vote.

X. B. 4. Appointment to the Santa Fe County DWI Planning Council

MR. SHEPHERD: Mr. Chairman, Commissioners, the Santa Fe DWI Planning Council recommends the appointment of Judge H. Paul Tsosie of the San Ildefonso Tribal Court. Staff concurs with this appointment as well.

COMMISSIONER CAMPOS: Move to appoint.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: There's a motion and a second.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just for clarification. He's replacing Roman

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Duran, who is going to become ex officio? Is that—

MR. SHEPHERD: That's correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

The motion to appoint Judge H. Paul Tsosie passed by unanimous [5-0] voice vote.

X. B. 5. Reappointments to the Santa Cruz/Abedon Lopez Community Center

DODI SALAZAR (Housing Administrator): Mr. Chairman, County Commissioners, there are three appointments that have expired for the Abedon Lopez Community Center. These are two-year terms and staff is recommending that the following members be reappointed. Those individuals are Rosina Martinez, Celso Ortiz, and Juanita Archuleta.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

The motion to appoint Rosina Martinez, Celso Ortiz, and Juanita Archuleta to the Abedon Lopez Community Center passed by unanimous [5-0] voice vote.

XI. Staff and Elected Officials' Items

A. Community and Health Development Department

- 1. Request approval to accept a New Mexico Department of Health Maternal and Child Health grant award in the amount of \$187,614**

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any discussion? Staff?

The motion to accept the grant from the Department of Health passed by unanimous [5-0] voice vote.

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X. B. Fire Department

1. Resolution No. 2002-81. A resolution providing for the transfer of fiscal responsibility for the Office of Emergency Preparedness from the City of Santa Fe to Santa Fe County

MR. SAUNDERS: Mr. Chairman, Commissioners, Santa Fe County and Santa Fe City have shared the financial operation for the Office of Emergency Preparedness since 1993. At this time, we've come to an understanding with the City to try and move the Office into our new facility at the Public Safety Complex. We feel as though it's a better place for the Office at this time. In the past, the County has not been assured of getting exactly what they've paid for in their contribution for the Office and we feel as though we can give it the direction that it needs so that the County receives back what it is intended to get. Our recommendation is for the Commission to approve the resolution as drafted. This is a joint resolution with the City.

COMMISSIONER SULLIVAN: Any questions of the Fire Department?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

COMMISSIONER SULLIVAN: Approval and a second. The only question I had is has the City signed off on this yet?

MR. SAUNDERS: No, sir. They have not.

COMMISSIONER SULLIVAN: We've already determined out mutual sharing in the cost by the previous contract, isn't that correct?

MR. SAUNDERS: That's correct. It's 25 percent of the cost is from the City, 25 percent of the cost is from the County, and 50 percent is paid by FEMA.

COMMISSIONER SULLIVAN: So what we're transferring here, are we just assuming that fiscal responsibility that the funds now go through Katherine—

MR. SAUNDERS: We're assuming that fiscal responsibility and with that comes what we hope to be more input into the project.

COMMISSIONER SULLIVAN: Okay. And the project is physically located at the new complex?

MR. SAUNDERS: The project will physically be located at the new complex.

COMMISSIONER SULLIVAN: And who heads that up?

MR. SAUNDERS: James Leach is our emergency coordinator at this time. Right now he's working for City Fire. He'll be working for County Fire at this point. And he'll come under the direction of Chief Holden.

COMMISSIONER SULLIVAN: Okay, so it's still—he'll be a County employee. He won't be an employee of the joint board?

MR. SAUNDERS: That is correct. He does not fall under the RECC, no.

COMMISSIONER SULLIVAN: The RECC is what?

MR. SAUNDERS: The joint board for the communications.

COMMISSIONER SULLIVAN: Thank you. Are there any other questions.

There's a motion and a second.

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The motion to approve Resolution 2002-81 passed by unanimous [4-0] voice vote.
[Chairman Duran was not present for this action.]

XI. C. Project and Facilities Management

1. Request Authorization to Award a Professional Service Agreement in Response to RFP #22-44 to the Highest Rated Offeror for the Santa Fe County Fair Grounds Master Plan Works Facility

MR. FLORES: Mr. Chairman, members of the Commission, upon your direction and authorization for the FY02 capital Commission appropriation, monies or funds are set aside for the development of a master plan for the Santa Fe County fair grounds facility. The Project and Facilities Management staff has worked in conjunction with the Purchasing Division to solicit those services which by definition fall under architectural services because of the planning component. The solicitation was prepared in accordance with the statutes. We had two responsive proposals received by the Purchasing Division.

A seven-member committee, which is a larger committee that is normally used for the evaluation of these, but we wanted to ensure that the Fair Board have adequate representation and a cross mix representation to conduct the evaluations. Based upon the written evaluations, it was determined that a highest rated offeror definitely rose to the top of the two that submitted and negotiations immediately began with the firm of Ellis/Browning Architects, Ltd. The issues that revolved around money were the fact, as you all know, you were generous in the appropriation. However, when it comes to those types of plan they can be cumbersome and costly. We negotiated what we feel is a very fair and reasonable contract using the \$20,000 that the Commission appropriated.

However, after we negotiated it we still needed to make up some areas in addition to the \$20,000. Mr. Robert Anaya of the Community Health Department and I spoke about that matter and he is committed to using \$2037.50 from his current FY02 budget to cover any shortfalls that we have in the contract. The negotiated contract is less than the original amount proposed by the firm of Ellis/Browning and we are requesting authorization to enter into this and to issue a notice to proceed.

COMMISSIONER SULLIVAN: Questions from the Commission?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: Motion from Commissioner Gonzales, second from Commissioner Trujillo. Any further discussion?

The motion to award a professional services agreement to Ellis/Browning passed by unanimous [4-0] voice vote. [Chairman Duran was not present for this action.]

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XI. C. 2. Request approval of a professional services agreement with the Santa Fe Watershed Association in the amount of \$20,000 for professional services associated with the river restoration project at San Ysidro crossing

SHELLI JOHNSON(Open Space and Trails Manager): My name is Shelli Johnson. I'm the Open Space and Trails Program Manager. This PSA is for consulting services that are tied to a \$300,000 EPA grant for river restoration work at San Ysidro, the open space property that we've acquired at the San Ysidro Crossing. We, the County is actually acting as fiscal agent for the grant so the local procurement procedures are followed, hence the agreement.

COMMISSIONER SULLIVAN: Are there any questions of Shelli? Shelli, is this, all the \$20,000 coming from the EPA grant?

MS. JOHNSON: Well, it's actually a \$300,000 grant. This is just one part of that entire grant.

COMMISSIONER SULLIVAN: It's a \$300,000 grant?

MS. JOHNSON: Yes.

COMMISSIONER SULLIVAN: Wow.

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: Motion from Commissioner Gonzales. Second from Commissioner Trujillo for approval? Is there further discussion?

The motion to approve the professional services agreement for river restoration passed by unanimous [4-0] voice vote. [Chairman Duran was not present for this action.]

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Just a quick point to the Open Space Department. Shelli, I was wondering, I know that there's an enormous workload facing COLTPAC right now, a number of properties that you're considering and one of the things that I've been disappointed in over the past year from COLTPAC specifically was that a year ago—about a year and maybe possibly two years ago before we had agreed to go to the second bond referendum, the Commission had continuously asked for some type of management and maintenance program to come from COLTPAC. And basically, with lots of promises that they would do that we have yet to see that.

And so what I'd like, if the Commission is so willing to concur, it may mean that we have to come back for some kind of action item, would be to minimize or stop any movement of COLTPAC properties or future properties until we actually see a management and maintenance plan come forward. I'm getting a lot of requests from the Cerrillos people and many others who want to begin to use these properties that we've purchased and it just doesn't

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seem that COLTPAC has really spent the time to focus—how do we manage and maintain as opposed to how do we just go out and spend this money and buy new properties. So I'd like to provide direction that the priority for COLTPAC from here forward, at least until we start seeing some things would be that they create a management and maintenance program, and hold off on all this acquisition of new space until we know how to manage and maintain this existing space.

Obviously, there are exceptions, because there are critical properties and I would defer that to your judgement as to what should come forward if it's being threatened for development or whatever issue might cause it to have the attention of COLTPAC. But other than that, they need to honor their commitment that they made to us that they would begin to develop some type of management and maintenance schedule. With the adoption of the new gross receipts tax that will allow for a portion of that money to go into maintenance. Now they actually have an opportunity to set a plan up that could be funded. So—

MS. JOHNSON: Well, I think your timing is really perfect because it's sort of like being on a freight train right now. And there really is need to sort of slow down and get a handle on what we've acquired so far and how are we going to take care of it. Because there is a lot of public pressure that people want to start enjoying these places that we've acquired and we're just not ready to let them be used by the public. So—and I think it will also give us the opportunity to sort of look now and what we've acquired and how does it fall into the original open space plan of trail quarters and where do we want to take the program at this point. So the timing is really good.

COMMISSIONER GONZALES: Well, the direction I'd like to provide, Mr. Chairman, if there is concurrence, is that the COLTPAC Committee would actually work on some type of management and maintenance recommendations up to the Commission. It's going to take some time for them to do it, but I think that it needs to be done and that the critical properties that come up, obviously would be to the staff's discretion on bringing it forward, but right now, I'd really like to see these properties being turned over to the public to use.

COMMISSIONER SULLIVAN: Do you want to set a deadline on it?

COMMISSIONER GONZALES: It would be great if we could set a reasonable deadline. Maybe the first of the year? I don't know. How long would it take to put together a well thought out management plan?

MS. JOHNSON: Well, I think either the first of the year or early spring. There's a couple of management plans that we've started working on that by that time we should have a good handle on it. And those are really the most urgent.

COMMISSIONER GONZALES: So maybe by next summer, a year from now, we'd actually have these properties open?

MS. JOHNSON: Yes. There's one in particular that we're shooting for next spring.

COMMISSIONER GONZALES: Great. So maybe by the first of the year they could present a management and maintenance plan to us.

COMMISSIONER SULLIVAN: Maybe, in terms of getting properties open

that seems reasonable but in terms of doing a plan or at least getting an initial draft started, that seems to be kind of lengthy. I would like to see something come back in 90 days that at least—

COMMISSIONER GONZALES: Maybe an outline?

COMMISSIONER SULLIVAN: An outline. Exactly.

MS. JOHNSON: I could do that.

COMMISSIONER SULLIVAN: Of what you're thinking, or what COLTPAC's thinking is on how you're going to do this.

COMMISSIONER GONZALES: We just need to focus our efforts, Mr. Chairman, on the management and maintenance side. I know it's exciting to be on the purchasing side and it's a great place to be. That's all they've done but I remember specifically having this conversation with David Gold and some of the others saying we need to manage and maintain this and the commitment coming back that yes, we are going to do that.

MS. JOHNSON: Okay. Yes, 90 days, I can do that.

COMMISSIONER GONZALES: Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: All right. The next item should be an interesting one. Any time we're \$2 million over budget people's ears perk up.

XI. C. 3. Update and request direction on the new Santa Fe County Public Works Facility

MR. FLORES: Mr. Chairman, my ears have been perked up for a while now.

COMMISSIONER SULLIVAN: Mine were too when I read the documents.

MR. FLORES: Basically, Mr. Chairman, members of the Board, as we had committed to you we would bring every project forward through each of the phases so that we can give you an update and presentation. And at the same time, try to address any issues that staff has run into when it's dealing with a particular project or project budget.

I'd first like to, if I may, briefly touch upon the positives before we getting into the ear-perking issue. Staff, from the Project and Facilities Management Department and Public Works have worked tirelessly with out contractors, both Mr. Romero from Louis Berger and also Mr. Freeman from Bauer-Freeman-McDermott.

[The Commission recessed from 3:15 to 3:35.]

MR. FLORES: Mr. Chairman, Commissioners, as we began to talk before the break, we made a commitment to this Commission that we would bring every phase of each and every project that we're responsible to oversee to you at each of the design phases to make sure that we have everything forward, that the Board understands where we are in the progress, what the situations are if any and what issues need to be addressed. What I would like to do on this project, I'd like to talk about the positives briefly and then we'll go into the issues dealing with the actual statement of probably cost at the schematic design phase.

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At the Board's direction, we have been including components in all our request for proposals that the architectural engineering firms include elements for energy efficiency and/or alternative energy sources for each of our projects. The energy efficiency component of this facility I am extremely pleased with. The architectural group and their subcontractors have gone through and designed a building that uses passive energy components and they've taken it even a step further that we are trying to implement in each of our projects, is actually provide us potential paybacks for implementing these types of energy efficiency components.

I have included in your packet, I am jumping ahead a little bit just to talk about this thing briefly before we get into the other item, they have provided us Exhibit I in the back of the packet, the potential cost savings as compared to conventional methods and as compared to the existing design for the facility. So that is one component of this that I feel is a very positive issue is that we are finally moving forward in somewhat ensuring that our buildings are energy efficient, the new facilities when they come on line.

One of the second positives that I'd like to touch upon is that we, the County, the project management team, Public Works and PFMD, are making, are ensuring that the architect complies with current land use regulations that are on the books today, and also ordinances and regulations that are being proposed or are in the planning process. And I'm dealing specifically with the Airport Development Committee. We have attended various meetings with that group, with the assistance of the Land Use Department, to make sure that the surrounding property owners adjacencies, contiguouses, are involved in the process and aware of our program as we come through the both the Board and through the development plan process.

So that is another positive that I feel that we are trying to accomplish is that we hold our own projects to the fire as we do any other private firm coming through. And that is an important aspect that we've undertaken to ensure that we set the example for others.

Now I'd like to talk about the not-so-positive issues. The contractor is required at each design phase to bring forward a statement of probable cost for the facility. What we have before you today are the current design—it's included in your packet also—of two facilities. One is the administration building and one is our maintenance building. Very early on during the programming phase it was determined that for functional purposes, the buildings would be separated, to have the maintenance separated from the admin. building.

We have gone through, reviewed the program documents, ensured that there is no fluff or excess in the buildings in an attempt to make sure that we curtail any overages in the size of offices of overall program. I can submit to you today that the programs, while a little bit over the original program document, I believe it's less than one percent of the original program document of 166 square feet, the buildings themselves are within a reasonable project cost. The issues that are revolving around this program is the massive site work that has to be undertaken to be able to locate this facility on this property that we lease from the state.

As you all are aware, this is the old borrow site. We have to do some improvements in there to be able to get the property up to a level that we could actually have buildings placed on it. In addition, due to the land use requirements and the height of the building, we want to

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ensure that we use some of the existing materials that are on site that we are required to use anyway. We can't dispose of without paying the state for it, to use it for natural berms that would further enhance the landscaping areas, and also would minimize the visual impact somebody would have, the public would have from driving on 599.

What I'd like to do at this point in time is have Mr. Romero who is with the firm of Louis Berger, who is our engineer for the project, come up and talk about the site work engineering costs.

CHAIRMAN DURAN: Tony, I have a question before that happens. What do we pay per year to the state for this property?

MR. FLORES: Mr. Chairman, we are currently under a two-year program with the state that our lease payments currently are at \$500 for the first few years until we occupy it, to construct. They give us some time period to construct. After that, it's a graduated lease payment. I believe the first year, Robert can correct me—

MR. MARTINEZ: It's \$10,000 per year until we get the CO then it goes up to \$19,000.

MR. FLORES: I believe it's \$19,000 after the CO is issued. So it's a graduated—they call it a base rent. It's a graduated scale. They give us some time to get the buildings or construction started, then they give us some time to actually get the CO and then after that, we get hit for I believe it's \$19,000 a year.

CHAIRMAN DURAN: Could anybody though use that property right now without doing the site work?

MR. FLORES: Mr. Chairman, in my opinion, the only potential usage for that site are mining purposes, a borrow pit again. I don't know of any business that could come in there and locate without any improvements. And I'm talking not only site work improvements, but also utility infrastructure improvements as well, which is included in those numbers. To date, the only real thing that could come in there would be possibly a mining or gravel operation.

CHAIRMAN DURAN: We don't want that. So I guess I was trying to get to—do you think the state would give us a credit for some of the site work that we need to do to get it to a point where we can use it?

MR. FLORES: Mr. Chairman, all our leases with the state, I wouldn't phrase it giving us a credit for it, but we have an improved value on that. Again, these are leases for 25 years with the option for the second 25 years unless we request that the property be put out for a bid for a longer term, up to 99 years, similar to the business park. There is some improved value on that over a period of time.

MR. MARTINEZ: Mr. Chairman, the negotiated lease was derived from a lot of the reclamation that would have to be done on that particular property. So that was taken into consideration by the State Land Office.

CHAIRMAN DURAN: Already. Okay, thanks.

JOHN PAUL ROMERO: Mr. Chairman, Commissioners, my name is John Paul Romero. I'm with the firm Louis Berger Group. I'm here to discuss any questions that you

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might have in regards to the site work. As Tony mentioned, the site is approximately 40 acres and needs extensive work to get it into shape so a contractor can come in and actually build the facilities of the administration and the maintenance building. In an effort to try to minimize cost to the entire project, we have a professional estimator on board that came up with some costs to do the site work as if the County were to put it out for bid. In an effort to try to reduce those costs, we sat down on our design team and we brainstormed and came up with some innovative solutions to try to reduce those costs.

As you know, this facility is going to house the Public Works Department. The Public Works is in the business of building roads, maintaining roads, drainages and whatnot. A lot of the work associated with improvements for the site work can be done by the Public Works Department. We've had discussions with Mr. Lujan to discuss the possibilities of his crews and staff doing the actual site improvements themselves. There are still costs that are going to be associated with the site improvements as far as materials that need to be purchased to do these improvements.

After doing some extensive number crunching, we felt that with the County Public Works Department doing the site improvements there is going to be a significant savings. I don't have the exact dollar amount in front of me but I believe it was about \$600,000.

CHAIRMAN DURAN: Saving?

MR. ROMERO: \$660,000 savings, if the County Public Works Department would do these site improvements.

CHAIRMAN DURAN: And what was the projected cost, \$1.6?

MR. ROMERO: \$1.9 million.

COMMISSIONER TRUJILLO: So, Mr. Romero, is your company doing the terrain management plan?

MR. ROMERO: Yes.

COMMISSIONER TRUJILLO: I conjecture that there's a lot of drainage in that area and arroyos that need to be leveled. So you're putting the terrain management plan in place so that the Public Works Department can go in and do the excavation and make the site buildable if you will.

MR. ROMERO: That is correct. Chairman Duran, Commissioner Trujillo, our company, Louis Berger, is the prime for the contract, so we're administering the contract and supervising the sub-consultants that we have. But our background is a civil engineering firm. We're going to do all the siting of utility improvements, the water and sewer improvements. The terrain management, the grading plan, any roadway improvements, the traffic impact analysis that is needed. But during the course of the schematic design phase, we've come up with some preliminary numbers as what the costs are to do improvements to the site and we will be making the recommendations for the terrain management and the grading of the site.

COMMISSIONER TRUJILLO: So off the top, by the Public Works doing the excavation, the County will be saving approximately \$1.3 million.

MR. ROMERO: Actually, the number is \$.6 million, so \$660,000. So it reduces the overall site improvements down to about \$1.3 million.

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COMMISSIONER TRUJILLO: So that's what the County will save?

MR. ROMERO: Yes.

COMMISSIONER TRUJILLO: Very good.

MR. FLORES: Mr. Chairman, Commissioner Trujillo, just a point of clarification, though. The Public Works Department would be, one of the options presented to try to bring us back closer to the MACC or to the project budget funds is that the Public Works undertakes some of those services. However, it's important to note that James' crew, while doing some things here would have to pay—material costs are still going to be associated with this. So even though we say that the savings would potentially be \$.66 million, there are other issues that we have to undertake in what is it actually going to cost us in materials, what is it actually going to cost us in labor and time for Public Works and how does that have an impact on other projects.

CHAIRMAN DURAN: So there could be no savings.

MR. FLORES: Mr. Chairman, I'm not prepared to say there'd be no savings, I just can't quantify what those savings in actuality would be, if we elected that option.

CHAIRMAN DURAN: How do you answer that question? Is there an analysis that you have to go through?

MR. FLORES: Mr. Chairman, we have undertaken some preliminary studies with the existing construction materials agreements that we have to see what materials would cost us. Some of the information that was derived by Mr. Romero's firm include some of those options. The unknown is the labor time. How much time is it actually going to take for Mr. Lujan's crews to be out there to do the site work. Everything up to the building pad within five feet. And that is something that I don't think any of us is prepared to guesstimate how many hours of labor time that would include.

What I'd like to say in the long run, we've provided, or in a short phase, we've provided different options that we've been wrestling with. The estimate that's been provided by Mr. Romero's firm, we've also had historical data provided by the original contractor four years ago when this was presented back in 1998 to bring this forward for the facility at that time. Both estimates, in my opinion reflect the same answer, that we do not have the current budget to be able to build the facility to the minimum requirements that have been established by the program. Both estimates have ranged anywhere from \$6.6 to \$8 million. We have a current bond of \$4 million.

So in reality, two different opinions, two separate firms are telling us the same thing that we are coming to that conclusion now that the funds that were appropriated or bonded were not sufficient to cover this facility and this undertaking. I believe it goes beyond just the scope of the site work. There's a massive undertaking to be able to move all services of the Public Works Department to this facility.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just as a wild suggestion, is there another site? If we're going to spend \$2 million of our \$4 million bond on improving the site, is there

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somewhere else? The first place that comes to mind, I know we looked at sites before but not in the light of what it would really cost us to develop them, would be the County business park on Route 14. We've got utilities in there. We've got roads in. We've got access next to the emergency management. We've got water.

COMMISSIONER TRUJILLO: How will that complement the industrial park? The industrial park is for one purpose and if we incorporate the Public Works Facility there what would the relationship be? If we designate the industrial park for that purpose I think we've been looking for a piece of land for the Public Works Facility and have identified this as a good area, a good place for the Public Works Facility. That has never been part of the discussion to include it in the industrial park and I don't know what that will do to the future of the industrial park.

COMMISSIONER SULLIVAN: I don't know either. This site certainly is located nicely because it has access to 599 but of course so does Route 14. It would increase the traffic on Route 14, which would be a problem, but I'm just thinking in terms of that's State Land Office property also and we've got utilities in. We haven't had a lot of people banging down the doors to move into the business park or the industrial park. This might be the lead tenant as it were, the anchor tenant. But I don't even know—do you need all 40 acres? Do you have to have 40 acres for this?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, if I may just back up a little bit. Staff has preliminarily looked at other potential sites. One of them was the property that we have through the BLM on County Road 62. Of course, with the restrictions through BLM this would be not a permitted use within that area. We have looked at specifically and designed around this existing site. The issues revolve around, for the business park area, we have not only the administrative components and a garage, but it's all the other ancillary uses that go along with that, such as salt and scoria storage, the large salt and scoria mounds. We have the gas tanks or the fueling islands. Off the top of my head, I'm not sure that the business park would be conducive under the current land use regulations or intent of that park to house this.

To answer the question about the property, we designed around to minimize the impact of any facility that we use to consolidate all our services into one location for the central core of Santa Fe County for District 2, basically, to minimize that visual impact from the public and set it as far back as we can off of 599. And that is in direct relation to the current land use regulations and the proposed Airport Redevelopment Corridor regulations, which have a 300-foot setback right off the front property line to start with.

So this site, in answer to your question do we need the whole site, the answer is yes and no. For this use we are maximizing our use that is a minimum of our needs, but also allowing us flexibility to expand.

COMMISSIONER SULLIVAN: We don't have a 300-foot setback on Route 14.

MR. FLORES: Mr. Chairman, Commissioner Sullivan, you're absolutely correct, but my concern is the type of businesses that would be potentially attracted to a

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business park, they would be housed next door to residential on the periphery of the 60 acres and also the potential businesses that we would have next door.

COMMISSIONER TRUJILLO: You say we have \$4 million that's available for this project? \$4 million in bond money?

MR. FLORES: Mr. Chairman, Commissioner Trujillo, the original bond was \$4 million. You subtract that off the architectural services, the utility budget that we set aside of half a million dollars because the property needed some major utility improvements, and the MACC at \$3.079. So we've only contracted for \$3.079 million buildings or facilities, plus the \$500,000 utility set-aside budget. So essentially we have \$3.5 million to build a \$6 million facility.

COMMISSIONER TRUJILLO: And if we sell the existing facility, what's the market value of the existing facility?

MR. FLORES: Mr. Chairman, Commissioner Trujillo, we've kicked around a myriad of ideas to try to find out how we could potentially fund this through other avenues and that's part of the direction that we're requesting today. We have gotten some preliminary numbers through an independent firm on what potentially the Public Works could bring into the County. And that number at a high end was estimated at close to \$2 million. We would be required to have a more in-depth analysis of the existing conditions of the site, the surrounding properties, the comps or the comparables in the area to determine what the actual value is. It was an idea that was thrown around that we could offset potential costs through an addition to the budget for this with the sale of that. We just have to work through some other issues with that existing facility. And I'm not prepared to give you fine numbers today.

CHAIRMAN DURAN: We would want to sell that facility, right? The Galisteo facility?

COMMISSIONER GONZALES: Mr. Chairman, I am in favor of selling it. I think we've talked about this for some time. I know that there's an issue of contamination but there is recent legislation that one, to whoever we sell the property to, it limits their liability, and two, provides for funding to actually clean up whatever's there. So I think that the sooner we make the decision to sell the property the sooner we can put in the request for the money and start finding the applicable private partner.

The other thing is, this site where we're located is a strategic site. It's located in an area that gives us straight access to the northern part of the county and straight access into the southern part of the county without having to go through a lot of city streets or neighborhoods. So I think we should stay focused on this site. I think that we need to stay committed to the size of the Public Works. I think we've been promising the Clerk ever since we've been here and before that we were going to provide an ample site for the storage of her machines. That needs to remain a priority. My suggestion would be that the direction provided to move to put together some type of plan that sells the existing Public Works property, identifies some type of credible number as to what we can gain out of that and see how we can make the numbers work and try and finance this project.

COMMISSIONER TRUJILLO: Very good. I agree.

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CHAIRMAN DURAN: So what do we need to do?

MR. FLORES: Mr. Chairman, what we're basically looking for is some type of direction to be able to proceed. We've been waiting, I've had the contractor at bay right now for six weeks because of these issues so that we made sure that we bring it forward to the Board so that we can have direction. And that's what I'm looking for today, some type of direction so that I don't stall the project but at the same time, legally and contractually, I do not let loose the contractor and have an issue blow out of proportion and I just want to make sure that the Board is aware that we need to move this forward.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: In that direction I think that's fine, if we could parlay that into the mix. I would recommend against the Public Works involvement in the construction of the facility Number one, that takes away from their duties, which is a handful, and number two, it injects a two-contractor component into the construction, so that whatever goes wrong with the building, ends up getting blamed on the County because they didn't do the earthwork right, or they didn't do the compaction correctly, or they didn't put the sewer line in correctly, or they didn't pave the parking lot correctly, or they didn't prepare the soil correctly for the foundation walls.

I see it all the time. Whenever you have multiple contractors on the site, particularly if it's force account work which this is, you lose that control of liability and the accountability of the general contractor, which is what you want. You want that general contractor to be solely responsible for this project from A to Z, completely turn-key, turns that key over you want the mechanical systems running, you want the soil compacted, you want everything to work. So I think we're robbing Peter to pay Paul if we say let's take County resources to do that and quite frankly, I think it's a big undertaking. It may not be within the capability of the Public Works Department to really do that in terms of the equipment that they have and the expertise. And it's not something that they're set out to do. At least they're not in the building construction business.

So you've got bond issues, insurance issues, liability issues and so forth. So I would certainly not encourage that you use that as—

MR. FLORES: Mr. Chairman, Commissioner Sullivan, I greatly appreciate those comments.

COMMISSIONER SULLIVAN: I know you don't favor it either.

MR. FLORES: That has been a struggle that we've all been working with. We've been struggling with that issue and those concerns have been addressed at more than one development team meeting and I can appreciate those comments 100 percent. My concern was we do this and the contractor basically, as you have stated, we have an issue with the concrete slab, doesn't hold or something because of some of the work we have done, the liability is back on us and they will move themselves. I personally do not know any contractor that will allow us to overtake a project on where we have done some of that preparation.

CHAIRMAN DURAN: Okay. The point's been made.

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COMMISSIONER GONZALES: Mr. Chairman, then with that, I would move to provide the direction that we proceed forward with the site, that adopting Commissioner Sullivan's recommendation that all work on the site be done by a private contractor, that we move forward to begin the process of preparing and getting the existing site ready for sale and that Katherine go to work and figure out how to come up with the difference in money. Not like she needs anything else to do, but I was trying to think of who else to push it on to.

CHAIRMAN DURAN: You have so many opportunities to be the hero here.

COMMISSIONER GONZALES: She's been the hero so many times in the past that she has to stay going. But I think this needs to take place. We need a new site. It's the right place. We need a space for the Clerk. It's going to be expensive and duly notified, let's go forward and figure out how we do it.

COMMISSIONER SULLIVAN: One other question, Mr. Chairman. Tony, does the fact that this building may cost a million eight or nine more, whatever the final figure is, is that also, are you going to have to factor in increased architectural fees, or are the architects set in terms of an engineer is set in terms of their fees to design this particular facility based on its square footage?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, that is another area of concern that we will have to address. As you're aware, if we increase the MACC, the negotiated MACC, the contractor is going to come in and ask us for an increase in his costs for the services related in designing a larger building. So that number has not been factored into the estimate that's here. This is purely a probably statement of cost for construction. So that will have to be considered when we get to that level.

COMMISSIONER SULLIVAN: I guess it depends on how the MACC was determined. If it was based on a square footage of facility and certain components of the facility, as long as those didn't change, the fact that the utilities caused a major change in it, you still have to run a line from A to B and so forth. I'm not fully convinced that there's a direct relationship between increasing the MACC and increasing the fee, depending on how that MACC was negotiated.

MR. FLORES: The maximum allowable construction costs or the fees were based upon a maximum allowable construction cost with an estimated program to use as a basis for.

COMMISSIONER SULLIVAN: Right. And has that program changed?

MR. FLORES: The program has changed in relation to the site improvements and within less than one percent for the building.

COMMISSIONER SULLIVAN: So really, if there's any increase in fees it's going to be more on the engineering side than it is on the architectural side.

MR. FLORES: Mr. Chairman, Commissioner Sullivan, I think there will be some on both but definitely more on the engineering than on the architect.

COMMISSIONER SULLIVAN: The building's only changed one percent.

MR. FLORES: Correct.

COMMISSIONER SULLIVAN: So the problem is we've got to fly this

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building around find a place to light it down somewhere and we're finding that the landing pad is a little more expensive than we thought. I just want to point that out to the Commission too that it's not only construction costs. I think we may be looking at additional professional services fees as well.

CHAIRMAN DURAN: Okay. Thank you very much, Tony, Mr. Lujan.

XI. D. Public Works Department

1. Request authorization to publish title and general summary of an ordinance replacing Ordinance No. 2001-6, Comprehensive Solid Waste Management Ordinance, to clarify the definition of a covered load

JILL HOLBERT (Solid Waste Manager): Mr. Chairman, back in April, Commissioner Trujillo had requested that we revisit the Comprehensive Solid Waste Management Ordinance, specifically regarding how we described a covered load, which means when the customers come in, what our requirements are for that load to be secured or covered. We went back and looked at the ordinance and we're proposing to broaden that definition. We'll actually include a definition itself in the definition section to include language such as "secured load" and requiring the load or covering to be securely fastened, instead of just relying on "covered load," which is how the ordinance currently reads.

COMMISSIONER TRUJILLO: Thank you, Jill, and I think that gives Code enforcement a little bit more discretion and is more flexible on when to cite people. If they don't have a tarp over the pick-up they don't cite someone. If it's contained, they can let them go. If it's contained, that way it gives the Code enforcement officer a little bit of discretion.

CHAIRMAN DURAN: So is it saying contained and secured?

MS. HOLBERT: Mr. Chairman, at this point is just says covered. We do need to have a public hearing in order to change the ordinance. So I'm hear today to request authorization to publish title and general summary.

CHAIRMAN DURAN: Okay. I follow you. What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: Seconded by Commissioner Gonzales. Any further discussion?

The motion to authorize publication of title and general summary of a new Solid Waste ordinance passed by unanimous [5-0] voice vote.

2179199

XI. D. 2. Request authorization to enter into a lighting agreement with the New Mexico State Highway and Transportation Department for the Pojoaque Corridor

MR. LUJAN: The New Mexico Highway and Transportation Department has plans to improve Highway 84/285 in a project currently from here at Tano Road to the Santa Fe Tesuque north entrance and also from Gabriel's to Pojoaque. This part of the project that we're asking to enter into is a lighting agreement with the Highway Department to enter into a lighting agreement at the two intersections, one right here at Gabriel's Restaurant. It will be an overpass, I believe that's what it is—an interchange. And also here at, it's close to the golf course entrance. It involves 29 luminaires and it's a standard agreement that we enter into with the Highway Department.

CHAIRMAN DURAN: Twenty-nine luminarias?

MR. LUJAN: Luminaires. We wish they were luminarias. Candles are cheap. And we're asking for approval of this lighting agreement.

CHAIRMAN DURAN: So moved.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Discussion?
Commissioner Campos.

COMMISSIONER CAMPOS: Is this located within the Pueblo boundaries?

MR. LUJAN: Yes, Commissioner Campos, it is.

COMMISSIONER CAMPOS: All of it? Just about all of it?

MR. LUJAN: A portion of the one on north side.

COMMISSIONER CAMPOS: Did you mention that you wanted the Pueblo of Pojoaque to contribute to this?

MR. LUJAN: Mr. Chairman, Commissioner Campos, I have had a meeting with the Lt. Governor and we are going to work up a separate agreement. They are willing to cost-share on all the lighting, including these two intersections. I take it back. The one at the golf course and the remaining lighting agreements that we have throughout their corridor all the way to Nambe. They will agree and we're going to enter into a separate agreement with them on doing a cost-share. That will come at another date, but this one's with the Highway Department, that one, we're going to work separately in a cost-share, 50/50.

COMMISSIONER CAMPOS: For the energy and the maintenance, right?

MR. LUJAN: Yes. The maintenance right now, we're in charge of it, we do pay some of it, but the Highway Department comes out and works on them themselves.

COMMISSIONER CAMPOS: They maintain the light posts.

MR. LUJAN: They maintain them, they program them, they work on the control boxes, but we will enter into a 50/50 agreement on anything the County of Santa Fe is paying right now.

CHAIRMAN DURAN: Who pays for electricity?

MR. LUJAN: The County of Santa Fe.

2179200

CHAIRMAN DURAN: What's that projected cost?

MR. LUJAN: On an intersection like this, approximately about \$400 a month.

CHAIRMAN DURAN: To light that whole section there?

MR. LUJAN: These two intersections, roughly—the \$400 is the one with the traffic signal. These are not traffic signals. These would just be the luminaires. These are approximately about \$250 a month I believe is what we calculated. But they are willing to cost-share with us.

CHAIRMAN DURAN: That seems cheap.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This is a state highway that serves traffic that goes to Colorado and north and south. Why does Santa Fe County have to pay for the lighting?

MR. LUJAN: The State Highway Department enters into those agreements. For the safety of the motoring public at intersections, people going in and out to residences and stuff, what I've been told, it's for the safety of the public in that entity. They do it all over the state. They do not pay the light bill. I have no good answer for that.

COMMISSIONER SULLIVAN: It's obviously Highway Department policy but maybe one that we could question that policy.

MR. ROMERO: Mr. Chairman, Commissioner Sullivan, typically the way that the State Highway Department laws have been set up passed by the legislature is the State Highway Department will fund all the improvements within the county for all state roads and all federal roads like interstate roads, and it is up to each county to continue for the cost of the lighting and the maintenance of those improvements. The state doesn't have any mechanism for them to actually take care of an electrical bill that would come from an electric company. So the counties take the burden, just like the municipalities. The City of Santa Fe pays for all the signals within the City of Santa Fe even though it's a state route, like along St. Francis Drive or Cerrillos Road.

On the southern portion of the project, that is from 599 to the Opera, a lighting agreement has already been entered into with the Highway Department under another Public Works Director. So we're coming forward with this project so we can have this lighting at these interchanges in order to provide the traveling public with a safer means of getting in and out, on and off the highway system along US 84/285. The Highway Department has stated if we don't have an agreement that they'll just pull their lighting and we won't have lighting there in the future.

COMMISSIONER SULLIVAN: Thank you.

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

2179201

XI. F. Matters from the County Manager

CHAIRMAN DURAN: Item E has been tabled. Item F, matters from the County Manager, Estevan. Actually, I don't know if it's been tabled. It's been removed.

MR. LOPEZ: Mr. Chairman, item E. 1, we got a fax transmittal from David Thornburg requesting that that sewer service agreement be pulled from tonight's agenda.

CHAIRMAN DURAN: So if he wants to come forward he has to resubmit and the whole publishing thing has to—

MR. LOPEZ: Well, this isn't a land use—we would have to notice it at another meeting if they request to go forward with it at some point in the future. So I guess it's up to the Board as to whether they just want to table thing. The other party in the agreement has requested out of it.

CHAIRMAN DURAN: We'll just let them come back another time. Is that okay?

COMMISSIONER CAMPOS: Mr. Chairman, just a quick question for Mr. Lopez. Why did the other party or parties withdraw from this agreement?

MR. LOPEZ: Mr. Chairman, Commissioner Campos, I didn't speak to him directly, but I understand that there were some issues to be worked out between themselves and the City relative to their water service and potentially, how that might tie to a sewer service. But I didn't speak to them directly.

COMMISSIONER CAMPOS: Are you saying that they're suggesting that they may not only get water service, because they have an agreement, right, with the City to get water? Are they going to negotiate with the City to get sewer? Is that what you're saying?

MR. LOPEZ: Mr. Chairman, my understanding is that the City, up until recently hadn't raised the issue at all but now the City has said something to the effect of if we're going to give you water, we want to provide the sewer service. We want to collect the wastewater. So I'm not sure exactly how that's going to wind up.

CHAIRMAN DURAN: You'll let us know if you hear something?

COMMISSIONER SULLIVAN: That, Mr. Chairman, I think was one of the beneficial things to the County in the agreement was getting the effluent.

CHAIRMAN DURAN: Okay, Estevan, if you don't have anything we're going home.

MR. LOPEZ: Mr. Chairman, I do have one thing that I wanted to bring up to the Commission under Matters from the County Manager. Under our water utility line extension policy, we've got a provision in there that says that people requesting water service contracts, if we've got water rights to allocate, they can request water service contracts in which we would tie up some of our own water rights. To the extent that we don't have water rights to allocate, there's an option for individuals to transfer water rights to the County and once the transfer is effectuated, for them to get a water service contract for a like amount or a similar amount anyway. I just want to alert all the Commissioners that we have had a number of requests from agents for developers. I think Gary told me there's something like six different

developers that have requested via their agents that they want to initiate such transfers and they are requesting contingent water service contracts so that they understand that if they are successful with the transfer that they would get some water service at the tail end of this.

We are working on a number of those things. We're seeing if we can generate some sort of a prototype agreement that we would then apply toward any such requests. So I just want to alert all of the Commissioners that we are working on such requests. That's the only item that I had, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman, Estevan, would they also participate in some of the capital costs of the waterlines, other than just transferring water rights?

MR. LOPEZ: Mr. Chairman, that would be our intent, yes.

COMMISSIONER SULLIVAN: Right.

CHAIRMAN DURAN: That's how we would be able to manage that resource, part of the cost of it.

COMMISSIONER TRUJILLO: Just a question for Estevan. Do we have any word from San Ildefonso Pueblo on where we're going to meet with them regarding the road agreement?

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, I've got a meeting scheduled with the Governor tomorrow to begin that dialogue. Specifically, what I had requested was a meeting to begin the dialogue concerning our roads and he requested that I meet with him first and our meeting is tomorrow.

COMMISSIONER TRUJILLO: And then we'll schedule something thereafter.

MR. LOPEZ: Yes. I hope to have that be the initial meeting of something that ultimately we work towards some concrete agreements.

CHAIRMAN DURAN: You know what would be good, Estevan, is once you have that meeting, and then after they get back to us relative to the Raney collector and what their plan is, we should probably schedule another summit so that we can kind of incorporate all these partnerships that we've talked about in the past. Because I think they're going to be critical to our negotiations with them on the collector.

MR. LOPEZ: Mr. Chairman, I'm glad you bring that up. That brings up another issue that I probably should talk to you briefly about. Previously, you had talked to me about the possibility of us transferring some grant money to the Association of Counties. I've had one discussion with Mr. Montoya regarding that whole issue and he was to have sent me a letter about what exactly that would do. Since then, that's been a while back and I haven't gotten a letter yet. But since then I've gotten a proposal by Mr. Regis Pecos that helped previously and he's offering his services in perhaps helping us re-engage that whole effort and I'd like to consider that.

CHAIRMAN DURAN: Yes. That would be great.

MR. LOPEZ: If we're going to do that, however, that may mean that we wouldn't transfer the money to the Association of Counties, but it might focus our efforts more again locally.

2179203

CHAIRMAN DURAN: I'm in favor of that. Regis was really quite involved in all the summits that we've had to date.

MR. LOPEZ: So, Mr. Chairman, I'll pursue that effort.

CHAIRMAN DURAN: Does that sound okay?

COMMISSIONER CAMPOS: What is the Governor recommending? Is he asking for our participation about a consultant contract?

MR. LOPEZ: Mr. Chairman, Governor Pecos is offering his services in terms of a consultant contract, and he's actually put in, given us a proposal as to a proposed scope of work. I just received it this morning and I really haven't had a chance to have any give and take with him, however.

CHAIRMAN DURAN: Can you e-mail it to us?

MR. LOPEZ: I've got it in fax. I can make copies for you, Mr. Chairman.

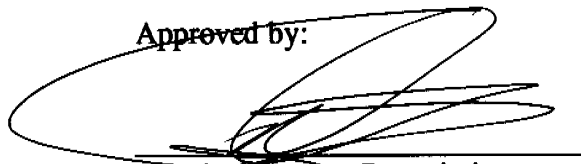
CHAIRMAN DURAN: Why don't you digitize it and then e-mail it? I'll take a fax.

MR. LOPEZ: Mr. Chairman, congratulations. You finished a seven-page agenda before time.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 4:20 p.m.

Approved by:




Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:



Karen Farrell, Commission Reporter

ATTEST TO:



REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



2179204

June 24, 2002

To Santa Fe County Commission,

This concerns the flooding problems I have been having in the last three years due to the floodwaters coming in from the Pojoaque Indian Reservation (PIR) located north of County Road 109. Due to a lack of proper engineering plans, flood control, and road maintenance, the flooding has caused major damage to my property and landscaping. Other residents living in this area are having similar problems and to no avail both the county commissioners and pueblo representative don't want to take any action to resolve this flooding problem.


A couple of issues have been brought to my attention when I contact the Santa Fe County and the PIR representative;

The first problem I encountered with the PIR is that they are always claiming sovereign status and don't want to deal with issues concerning non-Indian. The problem with the flooding is due to the new roads and the lack of proper landscaping and drainage in this area.

The second problem is that the county doesn't want to fix or repair the roads because they claim that the PIR doesn't want Santa Fe County on their roads. What I like to know is, who has primary responsibility for County Road 109 and who's going to fix this problem immediately.

I pay my taxes and I would like this flooding problem resolved before the next flood.

Sincerely,

Frank L. Garcia 
County Road 109 N. #34
Pojoaque, New Mexico 87506