

COUNTY OF SANTA FE ) BCC MINUTES  
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Rebecca Bustamante  
County Clerk, Santa Fe, NM

**SANTA FE**

**BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**July 27, 2004**

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

SFC CLERK RECORDED 09/14/2004

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING  
(Administrative Items)  
July 27, 2004 - 10:00 a.m.

*Amended Agenda*

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
  - A. Amendments
  - B. Tabled or Withdrawn Items
  - C. Consent Calendar: Withdrawals
- VI. Approval of Minutes
  - A. June 28, 2004 - *Approved w/ corrections*
- VII. Matters of Public Concern - Non-Action Items
- VIII. Matters from the Commission
  - A. Appointment of State Senator, District 25 (Commissioner Campos) 4:30 p.m.
  - B. Discussion Concerning the Status of the County/City Water Committee and the Future Direction of Water Issues (Commissioner Duran)
  - C. Discussion of Notice of Violation Procedures and Consequences - Land Use (Commissioner Anaya)
- IX. Committee Resignations/Appointments/Reappointments
  - A. Appointment of Members to the DWI Planning Council
  - B. Appointment to the New Mexico County Insurance Authority Workers' Compensation Board
- X. Consent Calendar
  - A. Resolution No. 2004<sup>-74</sup> - A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 1997 Series Fund (350) to the GOB Debt Service Fund (401) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2004 (\$22,043) (Finance Department)
  - B. Resolution No. 2004<sup>-75</sup> - A Resolution Requesting a Transfer from the Open Space General Obligation Bond (GOB) 1999 Series Fund (385) to the GOB Debt Service Fund (401) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2004 (\$114,746) (Finance Department)
  - C. Resolution No. 2004<sup>-76</sup> - A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 2001 Series Fund (353) to the GOB Debt Service

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Fund (401) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2004 (\$108,105) (Finance Department)

D. Resolution No. 2004 <sup>27</sup> A Resolution Requesting a Budget Transfer of Fire Impact Fees from the Fire Protection Fund (209)/All Fire Districts to Establish a New Fire Impact Fees Fund (216)/All Fire Districts (\$1,229,827) (Fire Department)

*Isolated* E. Request Authorization and Acceptance of Participating Agreement with the New Mexico Division of Forestry (\$225,000) (Fire Department)  
*Approved*

F. Resolution No. 2004 <sup>28</sup> A Resolution Requesting a Transfer from the General Fund (101)/DWI and Home for Good Grant Programs and the Indigent Fund (220) to the EMS – Healthcare Fund (232) for Utility Expenditures for Fiscal Year 2004 (\$34,322.38) (Health & Human Services Department)

*w/drawn* G. Request Authorization to Amend Professional Services Contract #24-0151-CHDD with the Life Link Training Institute to Require Additional Classes in Community Reinforcement Approach, Motivational Interviewing, and Family Training, and to Increase Contractual Compensation to \$32,900 (Health & Human Services Department) WITHDRAWN

*w/drawn* H. Request Authorization to Amend Professional Contract #24-0150-CHDD with Community and Family Services, Inc. to Include Evaluation Services for the Home for Good Program, El Norte Component, and to Increase Contractual Compensation to \$33,452 (Health & Human Services Department) WITHDRAWN

I. Request Authorization to Enter into Amendment #5 to Professional Service Agreement #23-33-IN with Presbyterian Medical Services for Maternal and Child Health Adolescent Confidential Reproductive and Mental Health Services to Increase Compensation in the Amount of \$30,207 for Fiscal Year 2005 (Health & Human Services Department)

J. Request Authorization to Enter into Amendment #5 to Professional Service Agreement #23-032-IH with La Familia Medical Center for Maternal and Child Health Perinatal Promotora Outreach, Health Education, and Service Coordination for Child Deliveries to Increase Compensation for Fiscal Year 2005 (\$45,972) (Health & Human Services Department)

K. Request Ratification of Amendment #4 to Professional/Technical Services Contract 03/665.4200.0033 with the State of New Mexico Department of Health Increasing the Amendment in Amount of \$128,523 for FY 2005, and Extending the Term of the Agreement through June 30, 2005 (Health & Human Services Department)

L. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-59, Refrigerators and Gas Ranges for Public Housing Units (\$26,550) (Housing & Community Services Department)

M. Request Authorization to Enter into a Professional Services Agreement #24-0181-CM with Pojoaque Valley Schools for Providing a Summer Recreational Program to the Youth of Santa Fe County (\$20,000) (Manager's Office)

*Isolated* N. Request Approval of Professional Service Agreement #25-0045-PFMD with Hot Spare, Inc. for System and Network Administration Support (\$19,200) (Project & Facilities Management Department)  
*Approved*

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- w/drawn*
- O. Request Approval of Amendment #1 for an Extension of the Term to the Memorandum of Agreement between Santa Fe County and the New Mexico Bureau of Geology and Mineral Resources for a Hydrogeologic Study (Utilities Department) **WITHDRAWN**

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

**A. Correction's Department**

1. Update and Possible Approval of Amended and Restated Operation, Management and Maintenance Agreement for the Santa Fe County Adult Detention Facility between Management and Training Corporation and Santa Fe County

**B. Finance Department**

- w/drawn*
1. Resolution No. 2004 - <sup>79</sup> A Resolution Requesting Final Approval of Operating Budget for Fiscal Year 2005 as presented to the New Mexico Department of Finance, Local Government Division
2. Resolution No. 2004 - A Resolution Requesting Authorization to Surplus Obsolete, Inoperable, or Duplicate Fixed Assets for Sale, Donation or Disposal in Accordance with State Statutes **WITHDRAWN**
3. Acceptance and Approval of Financial Report Conducting Agreed Upon Procedures' Analysis of Cash Control Procedures within Santa Fe County
4. Acceptance and Approval of Financial Report Conducting Agreed Upon Procedures for Collections of Lodger's Tax in Santa Fe County

**C. Project & Facilities Management Department**

1. Resolution No. 2004 - <sup>80</sup> A Resolution Amending Resolution 2000-60 to Refine the Process and Procedures for Acquisition of Open Space Properties Under the County's Open Space and Trails Program

**D. Public Works Department**

- approved w/changes*
1. Resolution No. 2004 - <sup>81</sup> A Resolution Establishing a Road Maintenance Exchange Program between Santa Fe County and San Miguel County
2. Resolution No. 2004 - <sup>84</sup> A Resolution to Allow for Placement of Speed Humps and Traffic Calming in Critical Locations in Santa Fe County

**E. Sheriff's Office**

1. Request Authorization to Enter into a Professional Services Agreement #25-0042-SD with Santa Fe Animal Shelter and Humane Services for Animal Care Services for Santa Fe County **TABLED**

**F. Matters from the County Manager**

1. Resolution No. 2004 - <sup>82</sup> A Resolution to Join the North Central Regional Transit District (NCRTD) and Appointment of a Member of the Board of County Commissioners to Serve on the NCRTD Board
2. Resolution No. 2004 - <sup>83</sup> A Joint Resolution Creating a City-County Energy Task Force to Study and Make Recommendations to the Governing Body of the City of Santa Fe and the Board of County Commissioners of Santa Fe County Regarding Alternatives to Power Distribution Line Installations



**G. Matters from the County Attorney**

**1. Executive Session**

- a. Discussion of Pending or Threatened Litigation
- b. Limited Personnel Issues
- c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights
- d. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations

**XII. Public Hearings**

**A. Attorney's Office**

- 1. Ordinance No. 2004 - <sup>04</sup> An Ordinance Adopting the County Correctional Gross Receipts Tax
- 2. Resolution No. 2004 <sup>05</sup> A Resolution Adopting the Negative Referendum Option for Adoption of the County Correctional Gross Receipts Tax

**XIII. ADJOURNMENT**

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

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

**July 27, 2004**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:00 a.m. by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

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

**Members Absent:**

[None]

**IV. Invocation**

An invocation was given by Deacon Andy Dimas of St. John's Church.

**V. Approval of the Agenda**

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar: Withdrawals**

GERALD GONZALEZ (County Manager): Thank you, Mr. Chair, members of the Commission. The items I have for changes, under Section VII, Matters of Public, Non-Action Items, we have here today members of the 4-H group who also have some information concerning the County Fair that they want to present to the Board of County Commissioners. Then under Section VIII, Matters from the Commission, we have the addition of item C, Discussion of Notice of Violation procedures and consequences. Then under Section IX,

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Committee Resignations, Appointments, Reappointments, the addition of item B, Appointment to the New Mexico County Insurance Authority Workers' Compensation Board.

Then under Section X, the Consent Calendar, the following items are being withdrawn because they weren't quite ready. We've been trying to get items done for the beginning of the fiscal year as quickly as possible so some of these we were a little over-ambitious on, but being withdrawn are items G, item H, and item O. Then Section XI, Staff and Elected Officials' Items, under the Corrections Department we have updates and possible approval, item number 1, and that item will simply be an update. We have circulated a memo to the Commissioners so we would take any questions at this point. We had hoped that MTC would be back to us at this time and we would have the agreement in final form to present to the Commission but we aren't quite there yet.

Under Subsection B, Finance Department, item number 2 has been withdrawn. Under Subsection E, Sheriff's Office, item number 1 is also tabled and withdrawn, and that's all the changes that I have to propose for the agenda, Mr. Chair, members of the Commission.

CHAIRMAN CAMPOS: Okay. Commissioners, any amendments, changes?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm wondering if I can move, under D, Public Works Department, number 2.

CHAIRMAN CAMPOS: Is that XI. D?

COMMISSIONER ANAYA: Yes. XI. D. 2.

CHAIRMAN CAMPOS: The resolution to allow placement of speed humps?

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: You'd like to move that?

COMMISSIONER ANAYA: I'd like to move that up if we could to right before Consent Calendar.

CHAIRMAN CAMPOS: Is there some urgency on that?

COMMISSIONER ANAYA: Well, we've got an individual, Danny from 3-M who's from out of town. He's liked to -

CHAIRMAN CAMPOS: Okay. You'd like to move that where, sir? Right before Consent?

COMMISSIONER ANAYA: Right before Consent. It would be IX. C. Right after Appointments to the Insurance -

CHAIRMAN CAMPOS: Oh, I see what you're saying.

COMMISSIONER ANAYA: Would that be okay?

CHAIRMAN CAMPOS: I have no objection. Any objections? Okay, no objections. Commissioner Montoya.

COMMISSIONER MONTROYA: You're too quick, Mr. Chair. Actually there were some people that I had told that this was going to be on the agenda, probably in the afternoon. So they're not going to be here until afternoon.

COMMISSIONER ANAYA: Then I'll withdraw that, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Gerald, can you tell me why item E, Sheriff's Office, the professional services agreement with the animal shelter was tabled?

MR. GONZALEZ: I don't have that information. I understand that the agreement has not been finalized, but that's second hand. I can find out.

COMMISSIONER DURAN: Are you negotiating that?

MR. GONZALEZ: No. That agreement comes through the Sheriff's Office because they have control of the animal control program.

COMMISSIONER DURAN: Okay. That's fine. I just wanted to know. Thank you. Thank you, Mr. Chair, that's it.

CHAIRMAN CAMPOS: Okay. Anything else?

COMMISSIONER ANAYA: Move for approval as amended.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Consent Calendar. Anybody want to withdraw any items from the Consent Calendar for discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: E and N.

CHAIRMAN CAMPOS: Okay, where would you like them?

COMMISSIONER SULLIVAN: Wherever you want to put them. E relates to the Fire Department and N is Admin, Project Facilities. We can do them right after the Consent Calendar, after we approve the Consent Calendar if you want.

CHAIRMAN CAMPOS: That will work. Let's do that. E and N would be right after the Consent Calendar. Okay, is there a motion to approve as amended by the recommendations of our County Manager and by the amendment made by Commissioner Sullivan?

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

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

CHAIRMAN CAMPOS: Mr. Ross, how long do you think we're going to need for executive session today?

STEVE ROSS (County Attorney): Mr. Chair, I never exactly know, but I wouldn't expect it to be all that lengthy. Maybe an hour or less.

**VI. Approval of Minutes: June 29, 2004**

CHAIRMAN CAMPOS: Is there a motion to approve?

COMMISSIONER DURAN: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Mr. Chair, I had some corrections. Second.

CHAIRMAN CAMPOS: With corrections, and they're spelling corrections and you'll provide them to Ms. Farrell? Any other changes. Okay.

**The motion to approve the June 29<sup>th</sup> minutes as corrected passed by unanimous [5-0] voice vote.**

**VII. Matters of Public Concern - Non-action Items**

CHAIRMAN CAMPOS: I understand we have some folks from the Boys Club that would like to come up and present. Would you come up now, please.

ELIZABETH HOWARD: Good morning, County Commissioners. My name is Elizabeth Howard. I'm the 2004 Santa Fe County Dairy Queen. Today we have with us Amber Frybarger, the second alternate queen, Ellie Powell, first alternate queen and Shyanne Stambaugh, the 4-H princess. I'd like to invite you to the Santa Fe County Fair August 1<sup>st</sup> through the 8<sup>th</sup>, starting with the 4-H horse show. On August 7<sup>th</sup>, I'd like to invite you to come to our livestock auction. At the livestock auction you may buy an animal if you sign up to be a buyer at 12:30, you are able to come to a luncheon which is festive and really fun and following that at 2:00 is our livestock sale.

We'd also like to invite you to see the indoor exhibits at the fair and also check out the rabbits and the chickens. Today we have a couple of gifts for you. Inside our packet is a booster club, if you'd like to join that. It talks about the junior livestock auction. It also has a schedule and a fair book, and we also have a pair of sunglasses for you and a patch. We'll pass those around and now I'd like to turn it over to Inger Oldenburg, the County Council 4-H president. Thank you for your time.

CHAIRMAN CAMPOS: Thank you.

INGER OLDENBURGH: Good morning. Today we have our County Council officers here today. My name is Inger Oldenburg. I'm the president. And today we have Gordon Runer, our vice president, Lacey Thorne, our Treasurer, Cody Gallegos, our Recorder, Ashleigh Oldenburg, our Song and Rec Leader, and Nicole Moore, our parliamentarian. We basically do all the business in the county and that's part of our job. And part of our job is to keep the county going. We also invite you to come to the fair and have a good time. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I'm wondering if before these young ladies and gentlemen leave, I'm wondering if we can take a picture with them, and I want to thank you all very much for all your dedicated work and I've seen you all ride and it's great and we will be there at the 4-H at the fair, so come on up and let's take a picture.

CHAIRMAN CAMPOS: Is there anyone out there that would like to speak to the Board about any matter of public concern? Okay, no one having come forward Matters of Public Concern is closed and we move to item VIII. VIII. A will be at 4:30.

**VIII. Matters from the Commission**

**B. Discussion Concerning the Status of the County/City Water Committee and the Future Direction of Water Issues (Commissioner Duran)**

COMMISSIONER DURAN: I'm going to withdraw that. I got an e-mail from Commissioner Sullivan that satisfied pretty much my questions.

CHAIRMAN CAMPOS: Just an update on that. I was informed yesterday that we're not going to have a meeting on Thursday. The City has cancelled again. Councilor Pfeiffer is not available and that's where we're at. This is about the fourth meeting that has been cancelled now by the City. So things are dragging a little bit.

COMMISSIONER DURAN: I guess the only thing that I am still a little unclear about is the San Juan/Chama allocation. I know in the past there was some discussion or someone in our legal department, I think it was Mr. Kopelman at the time, suggested that we might be entitled to more than the 375 acre-feet that we've been discussing.

CHAIRMAN CAMPOS: That's always been our position; that we're entitled to more than that.

COMMISSIONER DURAN: So it seems to me that the City is not going to be moving forward on a regional basis and I would just like to ask staff to further investigate that particular position and advise the Commission as to how valid that claim actually is so that we can – that will help us decide how we're going to move forward on it.

CHAIRMAN CAMPOS: Maybe that's something we can discuss in executive session. I know it's been briefed and we've done considerable research on that.

COMMISSIONER DURAN: While I'm on the spot here, can I –

CHAIRMAN CAMPOS: You're off the spot. It's C now. We can come back to it.

COMMISSIONER DURAN: Okay. That's fine.

**VIII. C. Discussion of Notice of Violation Procedures and Consequences - Land Use (Commissioner Anaya)**

COMMISSIONER ANAYA: Mr. Chair, the reason I brought this forward is that there are some individuals out there who, when Santa Fe County issues a notice of violation, they continue to operate like if Santa Fe County had not been out there. I think what I'd like to do is open it up for discussion to see what is the procedure. I know that Land Use is working very hard and when they do notify somebody they just pretty much blow off Santa Fe County and do whatever the heck they want. It doesn't look good on us and it doesn't look good on the County and it doesn't look good on the residents that live next to this individual that continues to work. So with that I'd like to open it up and see what are our possibilities. What I'd like to do is when we do issue a notice of violation that that works stops and they go

through the procedure of a variance or whatever it takes and if they do get a variance, then they can continue. But if they don't, if we issue that first violation, it needs to be a firm violation.

CHAIRMAN CAMPOS: Are you talking about the roofing company that's set up in that neighborhood somewhere?

COMMISSIONER ANAYA: I'm talking about roofing companies. I'm talking about anything that Code Enforcement goes out there and gives a violation on.

CHAIRMAN CAMPOS: Because I've gotten a number of calls and letters from folks complaining about a roofing company doing business. I assumed that's what you're talking about.

COMMISSIONER ANAYA: That's just one of the reasons I brought this forward, but there's been other instances out there where we do issue a notice of violation and nothing happens. So, Roman, or whoever wants to take the lead on it.

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chair, Commissioner Anaya. Our current process is when we receive a complaint or we happen to pass by and see some activity that's taking place without County permits, we issue a notice of violation which gives a person five days to come into our office to talk about and fix the situation. If we don't hear from them or they don't fix the violation, then we issue a final notice. That gives them three more days to come in and respond. And if we still haven't fixed the problem then we issue a citation in the magistrate court. But like you said, a lot of times people will continue with the activity because we don't really have the authority to make them stop.

Now, I don't know if that's a function of state law that doesn't allow us that or if there's an amendment we need to pursue in order to give us that type of authority. I do know the City of Santa Fe has that type of authority where they actually can red-tag people and they have to stop immediately. When the violation is severe enough we will come to the Commission and we'll ask for permission to file an injunction or a temporary restraining order. But other than that, we don't really have the authority to make people stop so that is something that I can research with the County Attorney and we can see what we need to do to give us that type of authority, if that's what the Commission wants.

COMMISSIONER ANAYA: It they're acting illegally, shouldn't the County have that authority to put a stop to whatever they're doing and not continue? Is there somebody here from the state department, from ED? Environment Department? Mr. Aragon. Maybe we can work closely with Fermin Aragon, the state department so that we don't have this trouble. Was there any other discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I think in addition to what Commissioner Anaya has described, the other issues that come up and it comes up a lot is the junk and litter and people just not keeping their yards in a manner where their neighbors feel that it's something that they're not ashamed to invite people over for dinner or something. And the thing that I'm seeing is that I'm getting updates on reports, essentially it will go to the notice of

violation and then they'll schedule a hearing before one of the magistrate judges I believe. And if they don't show up for court well then they're what? Held in contempt or something. If they ever get busted with a traffic ticket or a speeding ticket then they'll get picked up.

If they don't get busted for anything like that, well, then essentially they continue to have garbage, trash, operate illegally, whatever the situation may be. That's actually been my opinion now that this has come up is that we don't have enough teeth once we get the notice of violation and the hearing set before the judge. So I would like to see what we could do to enforce what it is that we have in our books.

COMMISSIONER SULLIVAN: I think one thing we could do, and I brought this up last month, was that we have no ability in our ordinance to fine, monetary fines for these infractions. And we're in the process, and I believe we're going to hear the next module of that in August. My suggestion last month was that we include in the Code rewrite some ability to fine and maybe Mr. Gonzales, could you give me your opinion on that or where we stand on that issue of fines or the ability to fine?

CHARLIE GONZALES (Code Enforcement): Chairman Campos, Commissioner Sullivan, right now, at this point we don't have any kind of fines. The only ordinance we have right now that mentions fines is the Water Conservation Ordinance. That is actually specific. It's a stand-alone ordinance which specifies fines for the first offense, second offense, third and fourth offenses. As far as other permits or any other kind of violations we don't have any fines. We rely on the magistrate court. I'm glad I could speak a little bit over here because it is very frustrating that we don't have these. One major issue we have is mobile homes. Someone comes and puts in a mobile home without a permit, we file in the magistrate court, by the time we get a court date it's three or four months down the line. The people have their mobile home skirted and it's really hard to get them out after the fact. It makes it really hard on us. It's just not working right.

COMMISSIONER SULLIVAN: If we had some ability to fine on the spot, so to speak, like a police officer can do that for speeding or some traffic infraction, would that help some of the issues that Commissioner Anaya and Commissioner Montoya are bringing up here?

MR. GONZALES: Chairman Campos, Commissioner Sullivan, yes indeed it would. Fines I think would be a good help, at least a start to try and get some kind of enforcement over here with these violations. Again, as I say, it's really hard because sometimes people don't take us serious. A lot of times people don't take us seriously until they get their arraignment to magistrate court. Once they've gone through arraignment to magistrate court that's when they say, Okay, the County's serious.

Any kind of fines. Another thing, double fees. I know the City uses a double fee system where they get double fees if they're caught doing something without a permit. That seems to work pretty good too. Also another issue, a way would be is once the contractor has problems is a time delay. Maybe a time delay and a different sort of fee might work. One thing to keep in mind, some of these people are repeaters. They know the system; they know how to work it. There are some instances where I've written letters to the magistrate judges to inform that this



particular person knows the pattern, knows how to work it.

For example, we'll file somebody in court. Well, by the time we get a court date, they'll clean the place up, get everything done and then the day before court they'll call us wanting to dismiss it. By that time they're pretty much right because there's no violation any more. So it is a frustrating issue.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I think at the same time that we discuss enforcement of this I'd like to review the home occupation code and the uses that are allowed under a home occupation license. Because there are some folks that have a home occupation, they use the home occupation permit to develop uses that are totally incompatible with the neighborhood. We should revisit that ordinance.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: So is there any communication – let's say for example somebody's out there building something without a permit. Is there any communication from the County to the state that we're doing now? We can't red-tag but the state can red-tag. Do we have that communication?

MR. GONZALES: Chairman Campos, Commissioner Anaya, yes, we do, for structures. If there is an actual structure that's under construction we do have coordination with the state where we'll work with them and they'll go up and they'll red-tag it. But that's another situation. That's only for structures. A lot of our violations are grading without permits, filling arroyos, mobile homes, business licenses, doing a business without a proper business license, stuff like that where the state does not get involved in.

COMMISSIONER ANAYA: So, Mr. Chair, I guess what I'm hearing is maybe we should allow staff to go back and look at this ordinance, come up with some ideas, maybe rewrite some of it, throw in the fines and let's see if people out there will really pay attention to Santa Fe County. I'm tired of people calling me and telling me that my neighbor here has a junky yard or is building, and we came and we issued them a notice but yet they continue to build. And then they don't clean their yard up. You bring up a good point, Commissioner Montoya. So I want to make sure that when we say You're building without a permit or you've got a trashy yard; we want you to clean it up, we mean business. So thank you. I want to thank Fermin Aragon from CID for being here just in case we had any questions. I appreciate your coming.

CHAIRMAN CAMPOS: I agree with Commissioner Anaya saying we do need enforcement and we do need go look at maybe even direct tagging, not just construction but see what authority we have in the statutes to do that. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Aragon, what is the procedure now? Do we notify you and then your inspectors go out or exactly what's the procedure, particularly with someone that's building without a permit?

FERMIN ARAGON: Mr. Chair, Commissioner Montoya, basically what we do is coordinate – I think we’ve always coordinated very well with the County. The County has always been available and very aggressive and we do have issues that we work together. So basically, if we have a red tag that we place out there on the project, if we have no results we call the County and the County is always available and has worked well with us. So I think our coordination is working very well.

CHAIRMAN CAMPOS: Okay, Commissioner Montoya, do you have any other matters?

COMMISSIONER MONTOYA: I guess the only other comment that I have on it and he mentioned it, is enforcement. We only have so many people for the whole county. What do we have, still three? We don’t even have one for each district and to have these people going all over the county, a huge geographic area to cover and unless people report these things a lot of the time it’s hard to sometimes pick them up as well, especially some of the issues with trash and junk vehicles. So I think whatever we can do to strengthen what we’ve got will help our staff as well. And then maybe with the fines we’ll be able to hire another person.

CHAIRMAN CAMPOS: Okay. Do you have any other issues you’d like to discuss under Matters from the Commission?

COMMISSIONER MONTOYA: Yes. Mr. Chair, as you know we had the intergovernmental summit this past Friday. It went very well. We have a commitment from the people participating there to have a follow-up which will be on August 17<sup>th</sup> at 9:30 at Tesuque Pueblo. They offered to host us on that day and I just want to thank the staff for all that they did to make it such a success, especially to Lisa Roybal and to Julian Barela. You did a great job.

The other thing that we’re going to be pursuing through the New Mexico Association of Counties again this year and we’ll be having a board retreat August 5<sup>th</sup> through the 7<sup>th</sup>, I believe it is the alcohol excise tax and as you may recall last year, we approved a resolution and I’ll be asking for this Commission to approve another resolution. But this time, probably just looking at an overall increase as opposed to a local option. I think this is probably potentially legislation that could be passed. We’re working and still getting the support from the governor and of course there’s other legislators that we would need to bring on board as well.

I know, Commissioner Campos, your brother, Representative Campos, actually introduced that for us on the House side last year so hopefully, we’ll be able to get that again this year. But it will be as opposed to a local option, just an overall statewide increase in the alcohol excise tax. I think we continue to see it in terms of the need for services for treatment, prevention and the reality is, as you see in the letter from the DWI Planning Council, we continue to get cuts as opposed to an increase for these types of services and if we’re looking at still trying to do something with the CARE Connection, it’s not going to happen unless we get additional revenues.

And then lastly, Mr. Chair, I just wanted to offer condolences to Speaker Ben Lujan, his brother, Nestor Lujan passed away this past weekend and was interred yesterday at the National Cemetery. Just condolences to his family.

CHAIRMAN CAMPOS: Question for you, Commissioner. As far as the legislation you're proposing, you're saying that instead of allowing counties to decide whether they want to move forward, you want to have a tax that would apply to all counties through strictly state legislation?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: You think that's going to be easier to get through than, let's say focusing, like McKinley County said, Okay, let's have special legislation for McKinley and San Miguel and those things seemed to pass. But everything that applies to the whole thing seems to fail. Do you think we have a better chance?

COMMISSIONER MONTOYA: I think potentially doing it that way as opposed to the local option because the local option, for the last three years now - it's been about the last three years, two years, David? - that it's gotten nowhere. So now the strategy, and in talking to our lobbyist for the association, he's thinking also that maybe just an overall increase and an earmark for that funding would probably be a better way to go as opposed to the local option, which some of the legislators and of course the liquor lobby will oppose anything. They oppose the local option. They're going to oppose the statewide but maybe we'll be able to get enough commitment from the other counties to put this, as opposed to maybe a local option.

CHAIRMAN CAMPOS: Okay. Commissioner Sullivan, any Matters from the Commission?

COMMISSIONER SULLIVAN: Just two things, Mr. Chair. Number one, I'd like to thank the Public Works Department for their prompt action in getting the four-way stop completed out at Avenida Vista Grande. That's in place now, saving lives and helping out with the sight distance problem that exists at that intersection. So we do want to offer our thanks for a job well done there.

The second issue is one concerning solid waste and recycling. This past month I've gotten three letters and correspondence and e-mails from residents who pointed out to me what appears to be a discrepancy in the way we're handling our recycling and our solid waste program. And I wasn't aware of this, but apparently, at least in the past, people have been able to bring items to the transfer station for recycling without having a permit. And although apparently that's not provide for in our ordinance. And now they're being turned away and at least one constituent indicated that on our website it's posted that recycling is free. So perhaps, James, you could explain to me what the situation is with people bringing recyclables to the transfer station.

JAMES LUJAN (Public Works Director): Mr. Chair, Commissioner Sullivan, that is correct. At some point it was only free to people that were not obtaining a permit. These were people - and this is only at the Eldorado station. Most of these people that would go in take recycling have their collection, their curbside collection by Waste Management. Waste Management no longer picks up bottles or newspapers. The other people that would take recyclables to Eldorado went in with their permit when they took their other trash so they were going in with a permit. And at some point long before I even came here and I wasn't aware of

this till just this year, they were being allowed into the transfer station, people without a permit to take recycling.

After reviewing that, we looked at that and we I a stop to it at the beginning of July 1<sup>st</sup>. And it was on the website that recycling is free and in the ordinance it says you cannot enter a transfer station without a permit. I have no idea where that started.

COMMISSIONER SULLIVAN: So Waste Management won't take bottles -

MR. LUJAN: Or glass anymore.

COMMISSIONER SULLIVAN: Even in the regular trash?

MR. LUJAN: No. Well, I don't know in their regular trash, people just put them as a recyclable item. I don't know what they take or don't take because I'm not working with that operation. But those are the people that pay Waste Management, I think it's \$13 a month for curbside collection. They pay \$13 and they just recently stopped collecting those items.

COMMISSIONER SULLIVAN: And they were separating them out.

MR. LUJAN: I believe so. We didn't even enter into that operation because it was curbside in Eldorado.

COMMISSIONER SULLIVAN: Okay, so now I think the point they're making is -

MR. LUJAN: Now they have to come in with a permit because -

COMMISSIONER SULLIVAN: They either have to get a permit or they have to just throw their recyclables into their regular trash which they feel that's not an ecologically good thing to do, since we have a recycling operation. Well, I guess my - why does this only apply to Eldorado?

MR. LUJAN: I have no knowledge of that. That's why I couldn't solve this. That's the only transfer station where the residents pay Waste Management, I believe it's \$13.50 a month. More than if they were to come get our \$25 permit. So they're paying them \$13.50 a month and Waste Management stopped that operation.

COMMISSIONER SULLIVAN: Okay so this was -

MR. LUJAN: And it was only to the people that didn't have permits.

COMMISSIONER SULLIVAN: I understand. I understand. This was brought on by Waste Management apparently stopping picking up recyclables separately.

MR. LUJAN: Correct. And it costs us for recycling. We're paying to dispose of those recyclables. We're not making any money off of it. So about \$16.50 a ton. So I believe it was fairest and I've discussed it with the Manager, the ordinance, but no policy had ever been put in place to allow them to get in there free. So I put a stop to it on July 1<sup>st</sup>.

COMMISSIONER SULLIVAN: Okay. So then I guess my question to the Commission is, do we want to do something that encourages the recycling? Either reduce the permit or free recycling? Or do we just want to say, if you want to recycle, you pay the \$25?

COMMISSIONER ANAYA: I think that most of the time people go to recycle they're also hauling trash to the landfill or to the transfer station. So to distinguish between what recycling and trash, that gets into being difficult. That's my opinion. I want to do what

you want to do and recycle, but how do you draw that line? Does the guy get out where he checks his permit to see what's in there? I'm sure there's going to be some bags of trash. But then you might have that one person that just hauls recyclables. And I think it would have to be a call from the guy that's punching the ticket. If he looks back there and sees a bunch of bottles, we want to encourage it so you let him go, but if he has a bunch of bottles and ten bags on top of that, well, he needs a ticket.

CHAIRMAN CAMPOS: What I would suggest is that we allow Mr. Lujan the opportunity to talk to staff and come up with some proposals as to how to proceed. Do we charge? Do we let it go in for free? How to handle it. I don't think we should try to make that decision today.

MR. LUJAN: Mr. Chair, we started discussing that and a few are complaining, the sales of permits have gone up from that area, so some people are buying permits just to take in their recycling. At \$25 a year, it's very cheap. Waste Management, \$13.50 a month for their curbside so we have looked at that and some people are complying, Mary says, done in the permit sales, that they have gone up and we think it's due to that.

CHAIRMAN CAMPOS: Okay. Any other comments?

COMMISSIONER SULLIVAN: That's all I had, Mr. Chair. So for now then, the ordinance is that if you're going into the transfer station, whether it's recyclables or whether it's with trash or both, you have to have a permit.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: So we've clarified that, now. So everyone is treated equally on that.

MR. LUJAN: Again, it's only the ones that have retained Waste Management, \$13.50 a month. And I stress that because they are paying for curbside. So obviously, if they can pay for that I feel that they can pay for the recyclables. But it's costing us to dispose of it.

COMMISSIONER SULLIVAN: On the other hand, if they're still paying for Waste Management, that waste is not having to be handled by our transfer station. So the only thing they're bringing in is the recyclables.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: They're not bringing in - they're paying for that convenience of curbside pick-up but that trash doesn't go to our transfer station so we don't have to handle it. So there might be a case for doing a recycle permit only and then the issue would be, as Commissioner Anaya says, how do you extinguish that and does that work. I'd like at least if you could take a look at it and give us your recommendation, but just so the public knows for now, the policy and the ordinance now is, until it's changed you will have to get a \$25 permit to bring recyclables in.

CHAIRMAN CAMPOS: The other solution, Commissioner Sullivan, is to have the folks at Eldorado negotiate with Waste Management to have recycling curbside. They could. It's all a question of money, isn't it?

MR. LUJAN: Mr. Chair, they do have recycling. Those are the items they no longer pick-up, because there's no market for them. They don't want to have to deal with them

because there's no market for glass and paper.

CHAIRMAN CAMPOS: So there is recycling, and all the good stuff is being taken by Waste Management and they're making money on it and the stuff that doesn't have any value comes to us. Is that right? Is that how you understand it?

MR. LUJAN: Correct.

CHAIRMAN CAMPOS: Okay.

MR. LUJAN: We'll have something for next month's Commission meeting.

CHAIRMAN CAMPOS: Thank you, sir. Commissioner Duran.

COMMISSIONER DURAN: Thank you, Mr. Chair. I was wondering if Gerald, you could help me with this. You or Roman. My understanding is that the judges have indicated to staff that they are willing to consider moving out of the downtown area and I spoke to Judge Vigil yesterday and he indicated to me that all the judges pretty much feel the same way. I think that that's important to know because as we move forward in our space analysis discussion and ultimately determining what we're going to do to provide new housing for the judges and perhaps a new County Administration building, that the possibility of moving both of us together to some site is a reality. Which means we would then have the district court property to decide what the fate of that building would be.

So I was just wondering if you could ask, Mr. Flores is in charge of it, but if you could ask him to make sure that that is factored into their analysis or their recommendation to us, or actually, that the architect that's working on this report for us is aware of that, aware that the judges would be willing to move.

MR. GONZALEZ: Mr. Chair, Commissioner Duran, Rudy Garcia is here and I think he can confirm that that information has been conveyed to the folks who are doing the survey.

COMMISSIONER DURAN: Okay. That's fine. Then the other thing is -

CHAIRMAN CAMPOS: Can I ask you a question? Are you advocating that we move out of the downtown area? Are you taking the position that you think it's the better choice to move out of the downtown area, as far as the administration building, the courts, etc.?

COMMISSIONER DURAN: Well, I think the jury is still out on this.

COMMISSIONER DURAN: You're not committed to moving out of downtown, or you are?

COMMISSIONER DURAN: Well, since you're putting me on the spot I don't mind saying that I don't see any opportunities downtown that would be economically viable for us compared to other potential sites. The only possibility would be to go to the St. Vincent's Hospital location -

CHAIRMAN CAMPOS: The old St. Vincent's.

COMMISSIONER DURAN: That's the only real downtown location that would provide adequate parking and meet our space needs.

CHAIRMAN CAMPOS: Could I take a quick poll here?

COMMISSIONER DURAN: I'm not sure that I want -

CHAIRMAN CAMPOS: You don't want to do that? Let's here from the other

Commissioners.

COMMISSIONER DURAN: What good is that going to do? Why don't you wait until we have that discussion to make a decision. I'm just searching right now. So the other thing is, I was wondering, Stan - I have a question for you, Stan. It's my understanding that when other government agencies are planning new buildings or improvements to their buildings and they come to the County to go through the development review process, that the fire impact fee is associated to those improvements. And I have a little concern about that, in that with all these public schools being funded by public funds, and the specific case here is the community school out on Richards Avenue came forward for some improvements or a new building, and their impact fees were like \$2000 or \$3000. And I'm wondering if it might be a way of bringing forward a resolution or at least bring forward this particular issue so that the Commission can discuss it and see if there might be a way of waiving these kind of fees for public buildings.

I understand that there is an impact on your department to provide fire protection to these buildings but if we're using the same funding source, they could use the money to improve the school's building and other services to the community.

STAN HOLDEN (Fire Chief): Mr. Chair, Commissioner Duran, I certainly sympathize with that position and we've had similar concerns regarding 501 (c)(3) non-profit organization. Unfortunately, it's the state Development Fee Act that does not allow us to grant exemptions except for low income housing projects. So the act itself would have to be amended in order for that to occur. And we would support that position.

COMMISSIONER DURAN: The amendment?

CHIEF HOLDEN: To amend the Development Fee Act.

COMMISSIONER DURAN: I think it makes a lot of sense so maybe you could work with me the next few weeks or next couple months to investigate how we might be able to change that.

CHIEF HOLDEN: Certainly, if you want to do that.

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

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I don't have anything.

CHAIRMAN CAMPOS: Okay, I have a couple of things. I received a letter dated July 12<sup>th</sup> from Sgt. Kenneth Johnson concerning the local DWI grant funds and apparently there's some cutting and there's a request for resolution. Is anyone from County staff dealing with that issue, preparing a resolution or asking that we consider a resolution? I want to give this to Mr. Gonzalez and maybe you can assign it to someone in case we want to do that.

MR. GONZALEZ: I can work with David Sims to see what we can do there. He may have some additional information but we'd be glad to do that.

CHAIRMAN CAMPOS: I guess the other thing, the issue raised by Commissioner Duran is moving from downtown, moving the administration and courts, etc. I'm just curious if any Commissioners are - just a quick yes or no.

COMMISSIONER ANAYA: Yes, I want to move out of downtown.

COMMISSIONER SULLIVAN: I want to see the report first, but I'm more of an advocate of satellite facilities than I am in putting all the facilities in one place and I like the historic background and nature of this building and I'd like somehow to retain that rather than turning it over as another art gallery.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd like to see what is possible to maintain as close to the proximity of downtown as we could.

CHAIRMAN CAMPOS: Okay. I agree. I would prefer to stay downtown.

COMMISSIONER DURAN: Did you ask me?

CHAIRMAN CAMPOS: You already said.

COMMISSIONER DURAN: I'd like to respond to your question anyway.

CHAIRMAN CAMPOS: Go ahead.

COMMISSIONER DURAN: I think there's more than just moving from downtown that we need to consider and that's what this space analysis report is supposed to provide us with. There's overcrowding that's taking place. There's no parking. There's just a lot of issues. So I think that it's highly inappropriate for you to take a vote on whether or not we're going to move downtown until we actually have all the information in front of us.

CHAIRMAN CAMPOS: Okay. Thank you, sir.

COMMISSIONER ANAYA: Mr. Chair, and it's not just me that wants to move downtown it's the constituents that I talk to. And we've brought it up time and time again and that is the parking down here is not good at all. And so that's - it's not my personal - my personal perspective about it is, yes, I want to move downtown but there's a lot of people in my district and in Santa Fe County that would like to see the Santa Fe County Building moved in a better place where it's more accessible to the public.

COMMISSIONER DURAN: Mr. Chair, the other thing is that I really think that moving, whether it's downtown or out of the downtown area is something that we need to consider. There are other opportunities available to us and I think that moving out of this building is something that I would - I think this building should stay in the hands of the public and not a gallery. Again, I think that's a little short-sighted, but there are other opportunities; I think we need to explore them all.

**IX. Committee Resignations/Appointments/Reappointments**

**A. Appointment of Members to the DWI Planning Council**

DAVID SIMS (DWI Programs Coordinator): Mr. Chair, Commissioners, the recommendation is for the appointment of Sgt. Coriz from Tesuque Tribal Police, Chief Garcia from Pojoaque Tribal Police and Lt. Anglada from the State Police, District 1.

CHAIRMAN CAMPOS: Is there a motion to so appoint?

COMMISSIONER ANAYA: So moved.



COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

COMMISSIONER MONTOYA: Mr. Chair, Mr. Sims, is Marcelina Martinez still on the council?

MR. SIMS: Mr. Chair, Commissioner Montoya, yes she is and I noticed this morning that I had omitted her name from the list of members but she is currently serving.

COMMISSIONER MONTOYA: Okay. So that's not a vacancy then?

MR. SIMS: That's correct.

COMMISSIONER MONTOYA: Okay. Thank you.

**The motion to appoint three new members to the DWI Planning Council passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]**

**IX. B. Appointment to the New Mexico County Insurance Authority Workers' Compensation Board [Letter attached as Exhibit 1]**

CHAIRMAN CAMPOS: I guess this is because Helen Quintana is no longer with us.

MR. GONZALEZ: That's correct, Mr. Chair. We do have a vacancy on that board. We have a staff recommendation if the Commission wants to take it. Of course there has been past discussion at other times of Commissioners or other elected officials sitting on that board but I'd be happy to provide you with a staff recommendation if that's the Commission desire.

CHAIRMAN CAMPOS: Is there a Commissioner who would like to be a member of this board? Because I think that should be our first preference. Anyone here? Okay, what is your recommendation?

MR. GONZALEZ: My recommendation would be Jeff Trujillo, who currently works with Workers' Compensation for the County and tracks those issues.

CHAIRMAN CAMPOS: Discussion?

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

**The motion to appoint Jeff Trujillo to the Workers' Compensation Claims Board passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]**

**X. Consent Calendar**

- A. Resolution No. 2004-74. A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 1997 Series Fund (350) to the GOB Debt Service Fund (401) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2004 (\$22,043) (Finance Department)**
- B. Resolution No. 2004-75. A Resolution Requesting a Transfer from the Open Space General Obligation Bond (GOB) 1999 Series Fund (385) to the GOB Debt Service Fund (401) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2004 (\$114,746) (Finance Department)**
- C. Resolution No. 2004-76. A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 2001 Series Fund (353) to the GOB Debt Service Fund (401) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2004 (\$108,105) (Finance Department)**
- D. Resolution No. 2004-77. A Resolution Requesting a Budget Transfer of Fire Impact Fees from the Fire Protection Fund (209)/All Fire Districts to Establish a New Fire Impact Fees Fund (216)/All Fire Districts (\$1,229,827) (Fire Department)**
- E. Request Authorization and Acceptance of Participating Agreement with the New Mexico Division of Forestry (\$225,000) (Fire Department) [ISOLATED FOR DISCUSSION]**
- F. Resolution No. 2004-78. A Resolution Requesting a Transfer from the General Fund (101)/DWI and Home for Good Grant Programs and the Indigent Fund (220) to the EMS - Healthcare Fund (232) for Utility Expenditures for Fiscal Year 2004 (\$34,322.38) (Health & Human Services Department)**
- G. Request Authorization to Amend Professional Services Contract #24-0151-CHDD with the Life Link Training Institute to Require Additional Classes in Community Reinforcement Approach, Motivational Interviewing, and Family Training, and to Increase Contractual Compensation to \$32,900 (Health & Human Services Department) WITHDRAWN**
- H. Request Authorization to Amend Professional Contract #24-0150-CHDD with Community and Family Services, Inc. to Include Evaluation Services for the Home for Good Program, El Norte Component, and to Increase Contractual Compensation to \$33,452 (Health & Human Services Department) WITHDRAWN**
- I. Request Authorization to Enter into Amendment #5 to Professional Service Agreement #23-33-IN with Presbyterian Medical Services for Maternal and Child Health Adolescent Confidential Reproductive and**

- Mental Health Services to Increase Compensation in the Amount of \$30,207 for Fiscal Year 2005 (Health & Human Services Department)**
- J. Request Authorization to Enter into Amendment #5 to Professional Service Agreement #23-032-IH with La Familia Medical Center for Maternal and Child Health Perinatal Promotora Outreach, Health Education, and Service Coordination for Child Deliveries to Increase Compensation for Fiscal Year 2005 (\$45,972) (Health & Human Services Department)**
- K. Request Ratification of Amendment #4 to Professional/Technical Services Contract 03/665.4200.0033 with the State of New Mexico Department of Health Increasing the Amendment in Amount of \$128,523 for FY 2005, and Extending the Term of the Agreement through June 30, 2005 (Health & Human Services Department)**
- L. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-59, Refrigerators and Gas Ranges for Public Housing Units (\$26,550) (Housing & Community Services Department)**
- M. Request Authorization to Enter into a Professional Services Agreement #24-0181-CM with Pojoaque Valley Schools for Providing a Summer Recreational Program to the Youth of Santa Fe County (\$20,000) (Manager's Office)**
- N. Request Approval of Professional Service Agreement #25-0045-PFMD with Hot Spare, Inc. for System and Network Administration Support (\$19,200) (Project & Facilities Management Department) [ISOLATED FOR DISCUSSION]**
- O. Request Approval of Amendment #1 for an Extension of the Term to the Memorandum of Agreement between Santa Fe County and the New Mexico Bureau of Geology and Mineral Resources for a Hydrogeologic Study (Utilities Department) WITHDRAWN**

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

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTOYA: Second.

**The motion to approve the Consent Calendar, excluding items E, G, H, N and O passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]**

**X. E. Request Authorization and Acceptance of Participating Agreement with the New Mexico Division of Forestry (\$225,000) (Fire Department)**

COMMISSIONER SULLIVAN: Mr. Chair, item E has to do with a participating agreement with the New Mexico Division of Forestry regarding clear spaces and sensible spaces, as I understand it. And the reason I am asking Hank to tell us a little bit about this very briefly is I'm not clear, because it appears that the scope is yet to be determined in the contract. So my first question is what's this for, but I don't have a problem, obviously, with it because it's money that we're getting from the Forestry Department so it's a big help to us. But I wanted to clarify, does this include the removal of dead pinons, because we get requests for that every day. And I know you have a procedure of meeting with communities to help them become fire-wise and so forth. So if you could just briefly tell me, Hank, what you anticipate you will be doing under this contract.

HANK BLACKWELL (Fire Marshal): Chairman Campos, Commissioner Sullivan, this joint powers agreement technically doesn't have any funds attached to it. We have to enter this agreement with the State Forestry Division. Once that agreement is entered into and approved by this Commission and signed, that opens the door for the grant application and the grant actually being awarded. At that point in time we would come back to you again with that grant award for your approval. So this agreement is specific to this federal grant that they have. It says we have an agreement with the County. They're eligible for these funds. They've submitted their grant and their work plan, which we have in draft already, then we would be awarded the grant, at which time we'd come back and get that approval as well from this Board.

The grant specifically is for treatment, which is different from the forest restoration grant that we just received, which is more for sustainability. What that means is the \$225,000 that we would get from State Forestry is for actual acres treated. The good part about this is there's enough flexibility in this grant that's before you to work hand in glove with the other grant so that we get in essence more bang for the buck. Also, the other benefit of this grant is that we can not only apply these treatment strategies with this money on public lands, on County open space, but also we can assist landowners. That's the good part about this, which means now, we can actually go further into our fire-wise project and go more into communities and have more funding available to pay for our community chipper days, if you will.

So we can use this on neighborhood land, private land, if you will, as well as County open space. So it gives us a fair amount of flexibility that way. The grant is for acres treated, so it's actually for thinning and really reducing the hazard of wild fire.

CHAIRMAN CAMPOS: Does that answer your question?

COMMISSIONER SULLIVAN: That sounds good, but I know we had a problem before, the distinction of public and private land and we had to tread very lightly to be sure that we met those criteria. So it sounds like this is something where you'll be able to go out and I assume that people who are interested in this would contact you through their community associations. My understanding is it's not for an individual to say, Come out and

remove my pinons. It's a community association that may have open space or community lands that you want to train this whole association first before you actually participate in the chipper days or in the land work. Is that correct?

MR. BLACKWELL: Chairman Campos, Commissioner Sullivan, that's correct.

CHAIRMAN CAMPOS: Is there a motion?

COMMISSIONER SULLIVAN: I would move, Mr. Chair, that item E for authorization and acceptance of a participating agreement with the New Mexico Division of Forestry be approved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

**The motion to approve Consent Calendar item E passed by unanimous [5-0] voice vote.**

**X. N. Request Approval of Professional Service Agreement #25-0045-PFMD with Hot Spare, Inc. for System and Network Administration Support (\$19,200) (Project & Facilities Management Department)**

COMMISSIONER SULLIVAN: I have two questions on N and one was, this pertains to computer support and it's a little vague to me as to what kind of support it was, and then also in the agreement, there was no dollar amount in the agreement, although in our Consent Calendar item it mentions \$19,200. In the agreement we're being asked to approve there's no dollar amount that I can find. So perhaps you could help us with that.

GAVIN LUJAN (Acting IT Director): The contract is for two years and the dollar amount is \$19,000 and that works out to \$9200 a year. We can put that in the final contract if necessary.

COMMISSIONER SULLIVAN: You say this is a two-year contract and this is the second year of two years and that's why it's \$9,600?

MR. LUJAN: No, it's going to be a two-year contract, renewable.

COMMISSIONER SULLIVAN: It's going to be a two-year contract. So it's \$19,200 for two years.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: So in the contract that's in our packet, you will be adding \$19,200, somewhere in that agreement.

MR. LUJAN: It's a one-year contract with an option to renew at the end of one year.

COMMISSIONER SULLIVAN: Okay, so is the \$19,000 for one year or for two years?

MR. LUJAN: Two. It's \$9,600 a year, with option to renew.

COMMISSIONER SULLIVAN: With option to renew for one year.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: So the contract will be \$9,600, with an option to renew for \$9,600.

MR. LUJAN: Exactly.

COMMISSIONER SULLIVAN: It doesn't state that. Now, what do these people do?

MR. LUJAN: They provide back-up to some administration support to the core foundation services on the network.

COMMISSIONER SULLIVAN: For a layman, tell me what that is. It sounds expensive. What does that mean?

MR. LUJAN: They provide IT support for us, the IT Department when there are problems that we can't figure out.

COMMISSIONER SULLIVAN: With our software issues? With our servers? What?

MR. LUJAN: System administration with our server, correct.

COMMISSIONER SULLIVAN: Okay. And do we also have support from the software company that we purchased the software from?

MR. LUJAN: We usually purchase maintenance for the software. This is actual services.

COMMISSIONER SULLIVAN: So that's in addition to what this is.

MR. LUJAN: Correct. This contract is for services, for support services.

COMMISSIONER SULLIVAN: But this is - these aren't the people that supply us with the software.

MR. LUJAN: No. This is an outside company.

COMMISSIONER SULLIVAN: So my question was, the people that supply us with the software, don't they maintain the -

MR. LUJAN: They'll provide software fixes and things like that, but this is for when we have cases where we run into problems and we can't figure them out, these contractors will come in and assist us.

COMMISSIONER SULLIVAN: Okay, so it's on an hourly, on-call type of basis.

MR. LUJAN: Something like that.

COMMISSIONER SULLIVAN: With \$9,600 as a cap.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner are you concerned that the memo didn't provide adequate information?

COMMISSIONER SULLIVAN: Yes, I didn't find anything about the costs or the term in the documents that are in the packet.

CHAIRMAN CAMPOS: I think the reports have to be a little more detailed. If

they had been more detailed, if they actually explained, we would have had the need to ask any questions. I appreciate that. Is there a motion to approve N?

COMMISSIONER SULLIVAN: Well, what are we approving? The only thing in the packet is a memorandum from Erle Wright.

CHAIRMAN CAMPOS: You're saying there's no agreement.

COMMISSIONER SULLIVAN: There's no agreement in the packet. There's just a memorandum that doesn't have a price. Do we want to give the staff the direction to go forward with the contract and then put the contract on the next Consent Agenda.

CHAIRMAN CAMPOS: Do you have the contract?

MR. LUJAN: Yes, I do.

CHAIRMAN CAMPOS: Do you want to look at it, Commissioner Sullivan?

COMMISSIONER SULLIVAN: I don't want to hold things up.

CHAIRMAN CAMPOS: Does the contract have to be approved today?

PAUL OLAFSON (Open Space Director): Mr. Chair, this contract is kind of the support for the underlying network and this is -

CHAIRMAN CAMPOS: So you think we need to do it today?

MR. OLAFSON: I think we need to do it. If we're not prepared we can bring it to the next meeting.

CHAIRMAN CAMPOS: Let's make some copies and distribute it to the Commission and we'll just hold this until we have a chance to look at the contract.

COMMISSIONER SULLIVAN: Let's do it later on in the day.

CHAIRMAN CAMPOS: Mr. Gonzalez.

MR. GONZALEZ: Mr. Chair, the agreement was not in the packet because we were trying to minimize the size of the packet. However, the difficulty has to do with the cover memorandum. We just had a discussion at senior staff on Monday about the need to amplify in the memos that we include in the packet so that you will have the information that you're requesting and not have to deal with these kinds of issues. So hopefully in the future we won't face the same kind of problem. We appreciate your patience.

CHAIRMAN CAMPOS: Thank you very much. Is there any objection to moving on?

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

**A. Correction's Department**

**1. Update and Possible Approval of Amended and Restated Operation, Management and Maintenance Agreement for the Santa Fe County Adult Detention Facility between Management and Training Corporation and Santa Fe County**

GREG PARRISH (Corrections Director): Mr. Chair, Commissioners, we had hoped to have the agreement for you today. The jail team has been working very hard to get an

agreement with MTC to continue services at the adult facility. We were unable to finalize it yesterday and we hope to bring it to you on the 10<sup>th</sup> of August at that time for your review and approval. I did want to give you a quick update on some of the things that will be contained in the document. I provided you with a memo yesterday. [Exhibit 2] Once again I apologize for the lateness of it but we had hoped to get this contract before you.

Basically, the new agreement will increase the staffing at the facility by approximately 25 individuals. We are increasing in the booking and the medical area and the housing area. Medical services will also increase. We'll be doubling the services provided by the physicians from eight hours to sixteen hours per week and we hope to increase the psychiatric coverage from four hours per week to twelve hours per week. We also are attempting to maintain cost containment with a per diem cost to the County of \$42 per inmate.

The contract also we're looking at is a two-year contract with MTC to continue, or actually, it's an amendment to the current contract. We hope to finalize these within the next couple of weeks and bring it forward to you on August 10<sup>th</sup> at that meeting.

CHAIRMAN CAMPOS: Mr. Parrish, what is the significance of paragraph 2, second sentence. If we exceed 400 inmates per diem, for the extra inmates the rates will go up an average per diem collected per bed. What's the significance of that sentence.

MR. PARRISH: The importance there, Mr. Chair, is that we're trying to maintain cost containment and limit the number of County inmates and make it feasible for MTC to operate the additional beds over those 400.

CHAIRMAN CAMPOS: If we exceed 400, we're going to be paying a higher rate.

MR. PARRISH: Yes.

CHAIRMAN CAMPOS: How much higher of a rate, ballpark?

MR. PARRISH: It would be based on the average per diem of the overall facility.

CHAIRMAN CAMPOS: Could you give us some averages or an idea of what we're looking at?

MR. PARRISH: Well, we're going to be the largest populace there, so that our rate would be \$42, and then whatever they negotiate the other ones we'd average those in. So \$48, \$50. It could go up to that. We're also making several efforts to maintain our cost containment and our population containment by having a court liaison individual that will expedite County inmates through the system as quickly as possible.

CHAIRMAN CAMPOS: I understand. Now, paragraph 3, revenues. All revenues go to MTC. Is that different? How is that different from what we have now?

MR. PARRISH: At this point we pay per diem for our inmates and in addition to that for inmates other than ours, say they're Department of Corrections, they're charged a certain rate. We pay MTC so much and we make a few dollars on every inmate that they house there at this time. If this agreement goes into place, all the revenue will go to MTC from those other contracts.

CHAIRMAN CAMPOS: Department of Corrections, they have a contract with



us, they will pay MTC directly.

MR. PARRISH: Well, it has to go through our system because of issues with the bond. But all the revenue will go to them. It will just have to pass through the County.

CHAIRMAN CAMPOS: Pass through 100 percent.

MR. PARRISH: Yes. Are there any questions?

CHAIRMAN CAMPOS: Mr. Parrish, any questions?

CHAIRMAN CAMPOS: I have a quick question, unrelated, about jail visits. We have to do a jail visit every six months. I know you have an e-mail to me saying that you wanted to have that discussion. Is there something we don't know about? We've just had two or three Commissioners do the rounds every six months, do a report, go to the district court, right?

MR. PARRISH: Right. Every six months we have to have a report from the Commission to the district court.

CHAIRMAN CAMPOS: What are you suggesting that we need to do at this point?

MR. PARRISH: Well, as I understand it, inspection is conducted by the governing body, which is the Board of County Commissioners or representatives of them. If one or two of you would want to tour the facility and I'll write a report and we bring it forward to the Commission for the overall approval before we'd forward it to the district court. That way not everyone would have to participate in it but we could designate certain Commissioners, maybe to accompany with me through the facility. We'll inspect it and prepare a report for the Board's approval.

CHAIRMAN CAMPOS: When's the next report due?

MR. PARRISH: It's due in August.

CHAIRMAN CAMPOS: Are there Commissioners that would like to do this before - Commissioner Anaya, Commissioner Duran, you would like to do the tour and the inspection and -

COMMISSIONER DURAN: What I would like to do, Mr. Chair, is do it - pop in on them, rather than have it scheduled. I can do that, can't I?

MR. PARRISH: Yes, you can. And if I can just discuss your thoughts after than then I can prepare the report and I'll get together with Commissioner Anaya.

CHAIRMAN CAMPOS: So you'll schedule this, and I will go too, and just schedule us. You want to go? Commissioner Montoya will go instead. Just schedule with our Commissioners so that we get this done in a timely manner.

MR. PARRISH: Mr. Chair, I'd just like to also mention briefly about the juvenile facility. In August we'll also bring you an update on the status of that facility. We're currently in the second round of proposals with the residential treatment center with the Bureau of Prisons. They responded. They had some more questions. We responded to them. We hope to get some conversation from them in the next weeks. Also, we're looking at a day reporting center at the juvenile facility. The district judge, Barbara Vigil is an advocate of that and I think we're going to get some state money to assist us in operating that.

CHAIRMAN CAMPOS: That will be state money that assists us in perpetuity or just for the first year?

MR. PARRISH: They're talking about a three-year, where they've realigned money from their other services for approximately three years. But we'd run the day reporting center. We'd provide the facility and they'd provide the operating costs.

CHAIRMAN CAMPOS: Okay. Any other questions.

**XI. B. Finance Department**

**1. Resolution No. 2004-79. A Resolution Requesting Final Approval of Operating Budget for Fiscal Year 2005 as presented to the New Mexico Department of Finance, Local Government Division**

SUSAN LUCERO (Finance Director): Mr. Chair, members of the Board, we've included in your packet a resolution requesting approval and adoption of the final fiscal year 2004/2005 budget. It will indicate from the interim approval which you passed on May 25, 2004, it will indicate an overall net increase of \$3.994 million, which is primarily comprised of additional grants for roads, road construction, appropriations through the State Highway Transportation Department. Also the increase and impact of the last negotiated per diem cost with MTC and that is a net increase to the total budget of approximately \$1.2 million.

The creation of the Health Department and division of Health from the Public Housing Department, an impact to the EMS/Healthcare fund of \$17,000. The adjustment to the Health Department in general fund for a new federal grant of approximately \$212,000. Also included is a remaining cash balance on the Frost Foundation grant of approximately \$3700. An increase to the risk management budget within general fund due to increased premium cost for workers' compensation of \$60,000. An adjustment to the Sheriff's budget to include an instate extradition/transportation contract and net impact to the general fund increase of \$17,500. A reduction to the Finance Department budget of \$47,100 to accommodate a revenue shortfall for an agreement with State Highway which supported overtime in the Sheriff's budget for patrol services.

So these are the total variations and increases from the interim budget which you approved in May. So I stand for any questions.

CHAIRMAN CAMPOS: Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Susan, the \$1.2 million additional on the MTC contract, is that included in item 12 of your summary that you gave us here on the changes from the interim budget?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, that's included on the memo in item 2, on the second page of the summary. And yes, also in the detail on the last schedule, item 12. It's an overall increase of \$1.2, impact to the jail fund is \$400,000, impact to general fund cash out of an unbudgeted reserve requirement, which was established in May

through the prior resolution of another \$800,000.

COMMISSIONER SULLIVAN: Okay, so the \$416,366 that you're showing under net budget impact, that's only the net to the jail budget. Is that correct?

MS. LUCERO: Yes, sir.

COMMISSIONER SULLIVAN: So this new contract is going to cost us more like \$1.2 million, not \$400,000.

MS. LUCERO: Yes. By my calculations, it's a total increase from last year to accommodate our increased population growth, the additional security and medical staffing and structure requirements. It's a total net impact of \$1.5 million.

COMMISSIONER SULLIVAN: And \$750,000 of that you show as coming from the general fund, cash.

MS. LUCERO: Yes.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay, is there a motion?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

**The motion to approve Resolution 2004-79 passed by unanimous [4-0] voice vote.**  
[Commissioner Duran was not present for this action.]

**XI. B. 3. Acceptance and Approval of Financial Report Conducting  
Agreed Upon Procedures' Analysis of Cash Control Procedures  
within Santa Fe County**

MS. LUCERO: Mr. Chair, members of the Board, this report is an item that the County decided was necessary after experiences we had in the Treasurer's office regarding cash control points. You'll recall the imposter courier that, the situation we had in which they took funds from the counter, etc. So basically to try to attempt to review the cash control points across the County, we engaged in a contract with Barraclough and Associates to conduct a review of cash control points across the County to give us recommendations for improvement, to do an analysis as to what our strengths and weaknesses were.

So based on their findings, at the moment the Finance Department is working with the Treasurer's office to help them establish and implement internal controls and procedures. We will also take this report once approved and made public to the senior staff so that each department can be aware of the numerous items and we can begin rectify those issues.

CHAIRMAN CAMPOS: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Susan, I was quite interested and somewhat dismayed at the Lodgers' Tax collections. The report here indicates that it's been very sporadic. It recommends, I guess, three layers of categorization, high, medium and low, for tracking of

these lodging establishments in the county. Who is responsible for doing that? Is that a responsibility of the Lodgers' Board?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, the report you're referring to is the second or third item on our agenda regarding -

COMMISSIONER SULLIVAN: Okay, I'm one ahead of you. Okay.

MS. LUCERO: That's all right. I don't mind addressing it. It's again applying agreed upon procedures in the form of analyzing the different risks into a category. You have high and low risks in terms of receiving categories. So for example, we do an analysis and annually this is a required review by ordinance, so we're complying with ordinance by conducting this review. The reliance is upon the lodger to submit, number one, lodgers' tax with a lodgers' report, as well as a copy of their gross receipts tax form that they submit to the state. Based on this information that we do or don't receive consistently, that is how we establish high and low risk lodgers. And we also review who has been seen in the past. So in the past year or in the past two years if the audit was done, what experience we have there and that's how we determine which lodgers of the 23 total that report to Santa Fe County, which of them should be reviewed or audited for compliance with our ordinance requirements.

COMMISSIONER SULLIVAN: And is this a responsibility of the Lodgers' Board or does the Lodgers' Board only handle advertising?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, the Lodgers' Board is merely an advisory board. They handle and facilitate the coordination with the contractor for the promotion and the tourism. Within the ordinance, the actual responsibility of the audit per se is actually placed on the Treasurer's office but we have tried to facilitate that process since we actually sit - we have one staff person from Finance sitting on the Lodgers' Tax Board meetings and facilitating those meetings. So the ultimate collection, if you will, is what is in force through the ordinance itself and based upon the review, that's done outside of the County through an outside auditing firm. If we had an internal auditor, that's something we could probably do internally, but we contract it outside.

COMMISSIONER SULLIVAN: Now, this report said that one entity, one lodging establishment, refused to cooperate whatsoever. What are our plans with regard to that particular entity?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, what we can do in that case is re-review again at a higher low risk vendor, and then we proceed with legal regarding enforcement and actually placing a lien on their property if we determine that insufficient tax proceeds have been reported to the County.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. I ended up inadvertently on item 4, so if you want to get a motion on item 3.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Susan, regarding the recommendations, a lot of this is going to require policy. What are we planning on doing in terms of, is that going to be coming before the Commission when that's established or what are the plans for how this is

going to proceed? Can you give me a time line, time table? When are we going to see this policy before us? This is a pretty, in my opinion, scathing report, in terms of our operations and how we're managing our finances. And the recommendations for both the Treasurer's and the Clerk's offices I think are certainly things that we need to take very seriously.

So I'm looking at what's the time line, what's the time frame that we're looking at in terms of getting this into line? How we're going to operationalize it. Can you give me a little more detail, please?

MS. LUCERO: Okay. Certainly. Mr. Chair, Commissioner Montoya, what we have already started is work in progress meetings, for example, with the Treasurer's office, because the majority of the findings are in their area and because they are basically the main clearing house for all receiving and receiving activity for the County. So we have already begun work in progress meetings to facilitate and assist them in developing procedures, processes, controls, checkpoints, and we hope to assist them in drafting an actual policy and procedure that we do anticipate bringing back to the Board for approval, recognition and approval.

We started last week. We went over the detail of this report that's been finalized now from our contractor in the last four weeks. We went over every specific item. We discussed various points of improvement, etc. We're meeting with them this Thursday to continue that. So I anticipate probably another five meetings, work in progress type meetings, probably once a week, and then actually drafting flow charts and a policy and procedure that as a whole we're comfortable with and then we would propose that to the Board, most likely in September, October time frame.

COMMISSIONER MONTOYA: When did we get this letter?

MS. LUCERO: I received this draft in May and I received the final report because they did a follow-up.

COMMISSIONER MONTOYA: Do we have a draft or a final?

MS. LUCERO: You have the final.

COMMISSIONER MONTOYA: The final?

MS. LUCERO: Yes. They did a follow-up in the second week of May and we received the final draft I think the second week of June.

COMMISSIONER MONTOYA: So hopefully, September, October, we'll have some policies coming before us.

MS. LUCERO: Yes.

COMMISSIONER MONTOYA: And then in the meantime, who's monitoring what's going on?

MS. LUCERO: Mr. Chair, Commissioner Montoya, do you mean in terms of day to day activity, or regarding these specific findings?

COMMISSIONER MONTOYA: Yes.

MS. LUCERO: Day to day activity?

COMMISSIONER MONTOYA: Regarding these specific findings.

MS. LUCERO: Okay. I would say at this point it's a combination of the Treasurer's office in conjunction with Finance monitoring the different activities. Like I said, I

have not yet taken this report to the remaining senior staff and other elected officials which we intend to, once you've acknowledged and approved it. So they're not aware of all the detail yet, but they will be. So it is a combination of all departments participating in the monitoring function.

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

CHAIRMAN CAMPOS: Mr. Gonzalez.

MR. GONZALEZ: Mr. Chair, members of the Commission, the launching point, obviously, for addressing the issues is the Treasurer's offices and our Finance Department and as Susan indicated, they've been working together to move forward with proposed policies and procedures that will address some of this. A portion also has been addressed through the ancillary improvement of the security of some of our facilities throughout the County, including the Treasurer's office. So that was ongoing as the report was being prepared and to some extent the landscape has changed just a little bit because of the improvement of our internal security. But as Susan indicated, we will be coming forward in cooperation with the Treasurer's office with some proposed changes to their operating procedures and redefinition of how we handle some of these things.

At the same time, we're addressing internally, within the County departments, those aspects of the report that relate strictly to County department operations.

CHAIRMAN CAMPOS: Any questions or comments? Anything further, Mr. Gonzalez?

MR. GONZALEZ: That's it, Mr. Chair.

COMMISSIONER SULLIVAN: Mr. Chair, move for approval of the financial report.

CHAIRMAN CAMPOS: Okay, there's a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: There's a second. Discussion?

**The motion to approve the cash control procedures audit passed by unanimous [5-0] voice vote.**

**XI. B. 4. Acceptance and Approval of Financial Report Conducting Agreed Upon Procedures for Collections of Lodger's Tax in Santa Fe County [See above for discussion.]**

MS. LUCERO: Mr. Chair, members of the Board, this second agreed upon procedures report is annually required by ordinance 1999-10. In the realm of Lodgers' Tax receipts and proceeds, we have approximately 23 lodges within the county. Each year we assess those 23 lodges in terms of categories. Not all 23 are audited each year. We do somewhat of a rotation based on our risk assessment. And we determine who are in the high-risk category, who are in moderate, and how are in low. So, for example, a lodge that's considered a high-

risk lodge may be a lodge that number one, has not reported receipts consistently and when the receipts are reported it indicates that there may be an elimination of tax being reported. So that typically indicates a high risk as well as a lodge that produces high volume could be considered high risk if they don't report consistently as well. So we do look at those factors, not only volume, but also consistent reporting an complete reporting in the way of all things, information that is contained in their Lodgers' Tax report, which is also to include a copy of their state CRS-1 report.

CHAIRMAN CAMPOS: Any questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Susan, regarding the previous discussion, regarding the repeated attempt to contact the Inn at Santa Cruz, what was done or what has been done? Is there anything that the County can do subsequent to what these independent auditors did?

MS. LUCERO: Mr. Chair, Commissioner Montoya, the avenue we probably have at this point for us is to consider the lien enforcement procedure that is contained within the ordinance.

COMMISSIONER MONTOYA: Which is?

MS. LUCERO: Which is actually placing a lien on the property if the vendor is not reporting tax and in this case is not complying with the requirements of the ordinance. At this point that's all I could see as our second remedy.

COMMISSIONER MONTOYA: And how long, is it for that time period that they have not reported anything? July 1, 1999 through June 30, 2003?

MS. LUCERO: Mr. Chair, Commissioner Montoya, this particular report is for this time period. I believe this particular lodge has come up in prior audits with similar issues as far as non-compliance.

COMMISSIONER MONTOYA: Okay. So are we going to do that?

MS. LUCERO: Mr. Chair, Commissioner Montoya, once you approve this report and it's made public information, I can work in conjunction with the Legal Department regarding what our avenues are on the ordinance for enforcement.

COMMISSIONER MONTOYA: Okay. And then on page 3, item G, we noted that the County did not have procedures in place to monitor that all applicable late fees and penalties were being charged during the period. Why was that? Could you explain? And then what procedures need to be in place or are they in place now?

MS. LUCERO: Mr. Chair, Commissioner Montoya, what that requires is making it part of a job description of one accountant in the Finance Department to monitor when someone does go into an applicable late fee situation and scenario that we do send letters and correspondence. I think that has happened but not on a consistent basis. So we just need to make sure that we have someone dedicated to just that purpose or to include that as part of their duties, which we can do.

COMMISSIONER MONTOYA: So that will be in the job description then?

MS. LUCERO: In other words, we would make Lodgers' Tax receipts, a review and audit of Lodgers' Tax receipts as part of their monthly duties.

COMMISSIONER MONTOYA: Okay.

MS. LUCERO: Part of the problem is we – the receipts come in to the Clerk's office and it's possible that someone did report their receipt in time, but without access to the envelopes indicating the postmark date, it's hard for Finance to make that determination. So we would need to work with the Clerk's office to try to coordinate that piece. So we're not indicating to a lodge that has reported timely that they haven't when in fact they really have.

COMMISSIONER MONTOYA: Okay, so the procedure would require more than just a job description line. It would require coordination with the Clerk's office.

MS. LUCERO: Yes, sir.

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

CHAIRMAN CAMPOS: Is there a motion to accept and approve the financial report conducting agreed-upon procedures for collecting of Lodgers' Tax in Santa Fe County.

COMMISSIONER ANAYA: So moved

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Discussion?

**The motion to approve Lodgers' Tax procedures passed by unanimous [5-0] voice vote.**

**XI. C. Project & Facilities Management Department**

**1. Resolution No. 2004-80. A Resolution Amending Resolution 2000-60 to Refine the Process and Procedures for Acquisition of Open Space Properties Under the County's Open Space and Trails Program**

MR. OLAFSON: Thank you, Mr. Chair, Commissioners. Today I'm presenting a resolution requesting amendment to the acquisition process for purchase of open space property. In 2002, spring, approximately, the Board had requested that the program hold off on new acquisitions and get a handle on management and we have gotten going on that and we're now sitting on a fund of approximately \$1.4 million. In the memo it says \$1.25; it's actually \$1.4 million. COLTPAC has requested that we bring this forward to see if we can open up a new acquisition phase and also refine the manner in which we've done it.

In the past, acquisitions were basically, it was an advertisement put out saying Apply for the County to purchase open space land and we got a bunch of applications. We reviewed them all and then we made recommendations to the Board, to either purchase, or purchase with conditions, or not purchase. And then the Board would select through those. We're proposing refinement of that process to make it a little more streamlined. In the past the process has taken even up to six months to do just a review process and it was very time consuming for staff and



COLTPAC. So what we're proposing for refinement is to take the process and separate it into two pieces. One is a pre-application and one is a final application.

In the pre-application phase there would be a time set for applications to be turned in. They would be turned in and reviewed and staff would then determine if a project was even passable or appropriate. For example, if they're asking for \$5 million and we only have \$1 million, the project can't fly. So instead of spending time and resources reviewing it, knowing that it can't fly, we can create a short list of appropriate projects and then do the review process and then bring it to the Board for review.

And then if the project got through the short-listing process we'd ask for additional information to do a final review on it. And that's outlined in the resolution as attached and then there's exhibits also to the memo that outline the process and the application procedures. So we're asking I guess to bifurcate the process and hopefully streamline it as well as allow for an annual review of projects. And partly to spend down the money so that we're not getting into potential financing charges and secondly that we can continue the momentum of the open space program and the acquisitions.

One of the other underlying issues is that we are continually receiving requests and we have to keep shelving them. So we're trying to see if we can open this to make it a little more efficient and streamlined.

CHAIRMAN CAMPOS: Questions? Commissioner Duran.

COMMISSIONER DURAN: Mr. Olafson, how much money do we have left that's available that's not committed?

MR. OLAFSON: Well, I handed out in your mailboxes an internal memo. On the second to last page of that, there's a listing. But it's approximately \$1.4 million for land acquisition.

COMMISSIONER DURAN: Okay. I see that.

MR. OLAFSON: \$600,000 for gateways, \$2 million for trails, and \$100,000 for trail planning.

COMMISSIONER DURAN: And these funds are available to us through the issuance of the bond, correct?

MR. OLAFSON: Correct. These are the \$20 million - the \$12 million in 1998 and the \$8 million in 2000.

COMMISSIONER DURAN: Okay. Do you have any idea what kind of funds are available to us for future open space acquisition using the quarter percent tax increase?

MR. OLAFSON: Well, at the moment, and when we did the budget last year through the RPA and the five-year budget, we also budgeted out internally for the County half of that. And what we're focusing on again is improvements and also trying to upgrade existing properties. But that revenue stream will be consistent over the advice of that tax and so we anticipate a half million or more per year. I think next year it goes up to even \$600,000 or approximately that. And so as we get more capital improvements then and the property is running, more of that capital money can then go towards acquisition.

COMMISSIONER DURAN: So is the plan then at this point to use that funding

source for just maintenance and improvements to the existing open space acquisitions?

MR. OLAFSON: Yes. With the caveat that both the bonds and the GRT can only be used for improvements to capital. So it can't be ongoing maintenance but it can be development of the trail head or parking lot and signage.

COMMISSIONER DURAN: Say that again.

MR. OLAFSON: The GRT funds and the bond funds are for capital improvements. So they can go into building the parking lot but it can't pay for staff. It can't pay for ongoing kind of maintenance things. But it can improve it up to that level.

COMMISSIONER DURAN: Right. But it could pay for - never mind. I understand. Thank you very much.

MR. OLAFSON: And acquisition as well.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I'm sorry. I missed part of that conversation and may ask a question that you already did, but for existing spaces that the County has, for example, recreation area in Pojoaque, for an improved tennis court. Can these be used for those types of improvements?

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

COMMISSIONER MONTOYA: Okay. I'd like to put that request in.

COMMISSIONER DURAN: Tennis? I second.

MR. OLAFSON: I'm writing a note.

CHAIRMAN CAMPOS: Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Paul, on page 2 of the resolution, paragraph 5 indicates that COLTPAC will make a recommendation to the Board for either approval of the property acquisition or approval with conditions or no funding for the acquisition. And the BCC has final decision making authority regarding projects for acquisition. Then in paragraph 7 it say, If funding for the project is recommended by COLTPAC and approved by the BCC. So I'd ask perhaps Mr. Ross to look at that sentence. That reads to me as if, and I'm on page 2, paragraph 7, that reads to me that a project has to have been approved by COLTPAC and by the BCC. And then it goes on to say the staff is then authorized to proceed with negotiations. But I don't know - I haven't seen it since I've been a Commissioner where there might be a situation where the Commission would disagree with COLTPAC and would approve a project that they didn't recommend. So I'm a little concerned about having a condition in there that requires that the project be recommended by COLTPAC. Have you got any suggestions on that?

MR. OLAFSON: Mr. Chair, Commissioner Sullivan, I understand your track there. I guess we could modify that language if the issue is the final authority and we could modify it to say that when funding for a project is recommended by COLTPAC and approved by the Board - off the top of my head I'm trying to swim fast.

COMMISSIONER SULLIVAN: Or you could just say if funding for the project is approved by the BCC, staff is then authorized to proceed.

MR. OLAFSON: Okay. So remove "is recommended by COLTPAC and... "

COMMISSIONER DURAN: I just wanted to ask you a question. If there is someone who wants their property to be considered, for COLTPAC to consider, and the committee doesn't feel that it's appropriate, does it stop there?

COMMISSIONER SULLIVAN: No. Paragraph 2, Commissioner, has an appeal process.

COMMISSIONER DURAN: Okay, good. Thank you.

COMMISSIONER SULLIVAN: They can go further. This goes after that's all concluded, then COLTPAC makes a recommendation to the Commission, and my question is it seems like the Commission should have the ultimate discretion to decide however it feels.

MR. OLAFSON: And Mr. Chair, Commissioner Sullivan, that's exactly the case. I think that's the intention.

COMMISSIONER SULLIVAN: That's what you should say when you said the BCC has final decision-making authority in paragraph 5.

MR. OLAFSON: Yes. And I think in 7, we were just trying to say that we can't start negotiating with someone until it's been reviewed, evaluated and the BCC - and there's a chance too that COLTPAC would bring a project forward and say Don't fund it and the Board would say, Wait. Do fund it.

COMMISSIONER SULLIVAN: Well, that's what I'm getting at.

MR. OLAFSON: Yes. Exactly.

COMMISSIONER SULLIVAN: So, if there's not any other comments, Mr. Chair, I would move for approval with that change.

MR. OLAFSON: Mr. Chair, I would like that approval movement, but one other quick correction. On page 1 of the resolution, the third line of paragraph A, second and third line, in parentheses it says this can be done by searching County Assessor's records. I would request that we scratch Assessor's and just say County records, because some of the records might not be only in the Assessor's. It's just a minor correction.

COMMISSIONER SULLIVAN: Is there a motion?

COMMISSIONER SULLIVAN: Mr. Chair, I move for approval of Resolution 2004-80 with one amendment to paragraph one as recently identified and with amendment to paragraph 7 to change the first part of paragraph 7 to read, "If funding for the project is recommended by the BCC," and then the remainder of the paragraph as written.

CHAIRMAN CAMPOS: Is recommended and approved, or recommended and approved by?

COMMISSIONER SULLIVAN: I would say approved. If funding for the project is approved by the BCC, staff is then authorized to proceed, etc.

CHAIRMAN CAMPOS: Okay, what about the change Mr. Olafson recommended on page 1?

COMMISSIONER SULLIVAN: I just mentioned that one. It's included.

CHAIRMAN CAMPOS: Okay. Those are the two amendments. Any other? Is there a second?

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COMMISSIONER MONTOYA: Second.

**The motion to approve Resolution 2004-80 passed by unanimous [5-0] voice vote.**

**XI. D. Public Works Department**

**1. Resolution No. 2004-81. A Resolution Establishing a Road Maintenance Exchange Program between Santa Fe County and San Miguel County**

ROBERT MARTINEZ (Deputy Public Works Director): San Miguel County is requesting assistance from Santa Fe County to maintain certain roads within their jurisdiction. San Miguel County is having difficulty maintaining roads that extend into the far reaches of their county that are in the general vicinity of Santa Fe County maintained roads. San Miguel County is proposing a road maintenance exchange program which would allow them to maintain certain Santa Fe County roads that are in the general area of their roads, and the County provide maintenance on San Miguel County roads that are in the general vicinity of Santa Fe County maintained roads.

An agreement would be drafted that would identify the roads that would be exchanged and would include specific information on these roads. Public Works Department is requesting approval of this resolution that establishes a road maintenance exchange program between San Miguel County and Santa Fe County. I stand for questions.

CHAIRMAN CAMPOS: Questions. Commissioner Montoya.

COMMISSIONER MONTOYA: Robert, approximately how many miles are we talking about in terms of exchanged maintenance?

MR. LUJAN: Mr. Chair, Commissioner Montoya, it may be about six miles.

COMMISSIONER MONTOYA: Six miles?

MR. LUJAN: We still haven't finalized to determine exactly which roads. Well, we've looked at the roads but we don't have a final number. But it was, the last time, about six miles.

COMMISSIONER MONTOYA: So they would take care of about six miles of ours and we would take care of about six miles of theirs?

MR. LUJAN: Correct. It's just an exchange of roads maybe in the Pecos area. We have a couple of roads, I can't think of the numbers. We've come up with them. We have the numbers. For instance, we maintain it and then it turns into a San Miguel County road. So it's just something like that. And then vice versa in another area. It's a Santa Fe County road that turns into a San Miguel Road. We've looked at that with them.

COMMISSIONER MONTOYA: Okay.

MR. LUJAN: But it was approximately six miles.

CHAIRMAN CAMPOS: Is that it? Any other questions? Motion to approve Resolution 2004-81?

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COMMISSIONER ANAYA: So moved.  
CHAIRMAN CAMPOS: Second?  
COMMISSIONER MONTOYA: Second.

**The motion to approve Resolution 2004-81 passed by unanimous [-0] voice vote.**  
[Commissioner Duran was not present for this action.]

**XI. D. 2. Resolution No. 2004-\_\_ . A Resolution to Allow for Placement of Speed Humps and Traffic Calming in Critical Locations in Santa Fe County**

CHAIRMAN CAMPOS: What I'm proposing is that we go until 12:30, see how much we can finish and we take a break, maybe till 2:30 or 3:00 in the afternoon, and come back and finish executive session, the appointment. Commissioner Montoya says there's some folks coming in this afternoon that would like to participate in discussion on this item. Is there any objection to putting this off until this afternoon.

COMMISSIONER ANAYA: Mr. Chair, I don't have an objection. Right after lunch?

CHAIRMAN CAMPOS: Let's do it when we come back from our lunch break.

**XI. F. Matters from the County Manager**

**1. Resolution No. 2004-82. A Resolution to Join the North Central Regional Transit District (NCRTD) and Appointment of a Member of the Board of County Commissioners to Serve on the NCRTD Board**

MR. ABEYTA: Thank you, Mr. Chair. I'll handle that for Manager Gonzalez. At the July 13<sup>th</sup> BCC meeting, the Board of County Commissioners was presented with information by Lilian Montoya Rael from the Regional Development Corporation and Dianza Valencia from the New Mexico Surface Transportation Policy. After hearing the presentation, the Board of County Commissioners directed staff to bring forward a resolution to join the North Central Region Transit District and appointment of a member of the Board of County Commissioners to serve on the North Central Region Transit District. A copy of that resolution is in your packet and we would ask that you approve that. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Mr. Abeyta, what about funding? Have we talked about funding? I know recently the legislature said that we could impose a tax. Could you elaborate on what authority we have?

MR. ABEYTA: Mr. Chair, I cannot, but Jack Kolkmeier is with us and he could probably elaborate on that. I know one of the purposes of joining this district is so that we

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can apply for federal and state funding for transportation projects.

CHAIRMAN CAMPOS: This is the first step of doing this? For getting federal and state?

MR. ABEYTA: Yes, we join this district and then we go as a district and seek federal and state funding.

CHAIRMAN CAMPOS: And the district would be Santa Fe County, the City of Santa Fe, Española, Rio Arriba County, Los Alamos County. What else?

COMMISSIONER MONTOYA: The tribes.

CHAIRMAN CAMPOS: The tribes, Pojoaque's in, San Juan's in. I think San Ildefonso and Santa Clara.

CHAIRMAN CAMPOS: What is the GRT authority of this district?

JACK KOLKMEYER (Planning Director): Mr. Chair, I'd like to introduce Tom Williams from Santa Fe Trails and also Jon Bulthuis from the City transit services. Tom is sort of our community expert and I'd like for him to answer your questions if you don't mind.

CHAIRMAN CAMPOS: There was some legislation that authorized the districts to enact GRT to raise money to fund some of this. Is that right?

TOM WILLIAMS: Mr. Chair, as you know, the governor signed the bill that established RTDs, or allowed us to establish RTDs a year ago.

CHAIRMAN CAMPOS: RTDs being -

MR. WILLIAMS: In the current year, there was a bill passed that allowed for a local option GRT tax specifically for public transportation up to 1/2 percent. That was put in only at the local level. In other words, if the community is interested in doing it. After there was a referendum vote on that issue. The way the transit district is hopefully going to be set up initially, the state has committed \$250,000 towards the administration of the district for the first year. Given the fact that it's not going to be a complete year, we think that should be sufficient to carry us through this current fiscal year.

At the present time, hopefully you'll vote positively on this issue. Los Alamos County will vote this evening and the City of Santa Fe is scheduled to vote tomorrow. I believe there's one additional Pueblo that is supposed to vote on the first of August, which would bring us up, I believe to eight or nine members in the district. We need to submit documentation to the transportation Commission by the fifth of August, tentatively scheduled on their agenda for the August 18<sup>th</sup> meeting.

CHAIRMAN CAMPOS: Any questions of Mr. Williams?

COMMISSIONER MONTOYA: Mr. Chair, also my understanding, Mr. Williams is that with this collaborative that it would allow for a lot of flexibility I guess between towns and the municipalities to actually go for bonding for providing the services. Is that correct?

MR. WILLIAMS: The RTD Act allows for regional transit districts to bond. The make-up of the board is such that the appointment of an elected official to the board, there are also alternates that can vote in the absence of the director. However, they cannot vote on bonding or the purchase of land.

COMMISSIONER MONTOYA: It has to be the elected officials.

MR. WILLIAMS: It has to be the elected official from that community that votes.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN CAMPOS: Questions for Mr. Williams? Okay. Thank you, Mr. Williams. I have a question for Mr. Gonzalez. This provides for a hefty GRT increase and that's how we fund a lot of our County projects and there's GRT authority that we have that we may want to consider at some future date. Now if we pass this, plus that, it gets more difficult politically to pass all these GRT amendments and maybe puts us into conflict with ourselves. What's your thinking on that?

MR. GONZALEZ: Mr. Chair, members of the Commission, I think that your calculus is probably appropriate. At some point we need to worry about whether we're imposing more than the voters are prepared to accept. As you know, we also have another GRT proposition that's coming before the Commission here shortly this afternoon. So I don't know exactly how to balance those. That's something probably that we need to think about in the larger sense and perhaps even do some more studying. We do have a second phase of our GRT discussion coming forward in the wake of the last discussion that we had, started talking about that and if the Commission wants to enlarge that discussion just to include sort of the scope of all GRTs that's something that we can do and might be appropriate.

CHAIRMAN CAMPOS: I think that would be necessary because I think we're competing with limited resources. The voters aren't going to approve every GRT we pass. Any discussion or comments?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I agree with you on that and I think we need to look at again, how this is going to fit into our overall picture in terms of the provision of services. Are we going to get into that – are we going to be a partner or are we going to be a managing partner, so to speak, in terms of our role. And I think that probably still needs to be identified, doesn't it, in terms of what active participatory role we're going to have, other than saying at this point we're participating. We're going to be a part of the team. And then afterwards, we're either going to sit on the bench or be on the playing field, right?

MR. KOLKMEYER: Mr. Chair, Commissioner Montoya, there will be a board of directors. The designee from Santa Fe County will be a member of a board of directors. So there will be equal participation. There's also an intergovernmental agreement that you're being asked to sign today too. That also indicated how the group will work together. The really important first work item of the group will be a service plan. Because everybody will be getting different levels of services. So it really won't become entirely clear to the whole board and to all of us at Santa Fe County exactly what we're going to be getting and what we'll be involved in. But that's what the work of the service plan will lead us into.

There's a lot of work yet to go and again, the first element of this will really be the park 'n' ride. That's what this entity will take over. Then we have the commuter train coming

forward. The governor's initiative on that as well as the Eldorado piece of that too. But it's going to be dependent on the service plan.

COMMISSIONER MONTOYA: Okay. Those are my thoughts.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jack, I don't see that agreement you mentioned in here. All I see is a resolution. Is there some agreement we're supposed to be looking at too.

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, the agreement hasn't been fully reviewed by the legal department or the County Manager. All you're doing today is you're passing a resolution saying that you want to join and you will consider approval of the contract and other relevant documents. But you're not actually acting on the contract yet. The review hasn't been completed.

COMMISSIONER SULLIVAN: Okay. And then in response to the concern that Commissioner Campos mentioned, this district, my understanding is, correct me if I'm wrong, but they can impose a tax for these regional projects and that would be - they would have the authority to do that separate from Santa Fe County. Is that correct?

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: So they could do this whether Santa Fe County were on the board of directors or not.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: So it's obviously better to be on the board of directors before they start taxing Santa Fe County residents.

MR. ABEYTA: Let me let Jack talk about this.

MR. KOLKMEYER: Mr. Chair, the RTD, the individual entities, that is the counties and the municipalities are the ones that have the authority to tax, not the RTD. Let me make sure that's correct. Is that correct? Yes, sir.

COMMISSIONER SULLIVAN: Okay. If we get a park 'n' ride project that went into the city, who would issue that tax? Would it be the City or the County?

MR. KOLKMEYER: I'm going to let Mr. Williams answer that question.

MR. WILLIAMS: Mr. Chair, Commissioner Sullivan, Jack referred to the service plan. If the County wanted some sort of service, let's say from Eldorado into the City, there would be negotiations between the City and the County on the level of service and again some kind of discussion with the City of Santa Fe about how to pay for the project. The taxing authority that you've been discussing is not the only method that you could choose to fund services in Santa Fe County. You could do it out of any of the taxes that you have available to you or out of your general fund. It's not required that you pass an additional GRT. It just allows you to do that if you want to to fund public transit services. And that money would go specifically to services in Santa Fe County.

COMMISSIONER SULLIVAN: So as we move forward with this initiative from a commuter rail from Eldorado that comes into Santa Fe, to the railyard. Who puts out the bonds for that, the City or the County?



MR. WILLIAMS: I think that the goal is to transfer the right-of-way from the City to the RTD that the bonds would come out of the RTD.

COMMISSIONER SULLIVAN: But I thought Jack just said the RTD couldn't bond; it had to be the County -

MR. WILLIAMS: It can't tax but it can bond.

COMMISSIONER SULLIVAN: It's can't tax. Okay, well, then let me rephrase the question. Where do we get the taxes or -

MR. WILLIAMS: The taxes come to the RTD through the City or the County. If the City wanted a level of service, it could tax itself up to one half percent to fund those services. We also clearly anticipate additional federal funds coming into the RTD and our committee is working on, with the state DOT folks to establish legislation that would provide for dedicated funds at the state level for public transit services. It's similar to the Highway Trust Fund or the Airport Trust Fund.

COMMISSIONER SULLIVAN: Okay. So then it would seem that the County would have to be the taxing entity because the City can't tax in the county but the County can tax in the city.

MR. WILLIAMS: Correct.

COMMISSIONER SULLIVAN: So we end up being the bad guy, as it were, but again, as you mentioned earlier, this is subject to a referendum, correct?

MR. WILLIAMS: That's correct, sir.

COMMISSIONER SULLIVAN: So that would level the playing field pretty quickly. Thank you.

CHAIRMAN CAMPOS: Any further discussion? Is there a motion to adopt Resolution 2004-82?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER ANAYA: Second.

**The motion to approve Resolution 2004-82 passed by unanimous [5-0] voice vote.**

**XI. F. 2. Resolution No. 2004-83. A Joint Resolution Creating a City-County Energy Task Force to Study and Make Recommendations to the Governing Body of the City of Santa Fe and the Board of County Commissioners of Santa Fe County Regarding Alternatives to Power Distribution Line Installations**

MR. ABEYTA: Thank you, Mr. Chair. On July 13<sup>th</sup> the BCC discussed the proposed resolution and directed staff to research the following: one, additional language that specifies the Board of County Commissioners as a review body as applicable, two, inclusion of other electric companies and co-ops within Santa Fe County, three, associate a cost to Santa Fe County, and four, a comparison of their original resolution and the resolution that was passed.

Staff has researched these issues and offers the following: with regards to item number one, language has been added to Section 2(b) that includes the Board of County Commissioners review if applicable. Two Jemez Electric, Central New Mexico Electric and Mora-San Miguel Electric have all been added as ex-officio members. Three, a member of the County Land Use staff will serve as the County's ex officio member. Cost sharing between the City and County as a result of the new task force can be addressed in the current City/County joint services agreement. Four the differences between the original resolution and the resolution adopted by the City Council is the following additional language: a, Whereas, reliable electrical service to the City of Santa Fe and the County of Santa Fe is critical for the public health, safety and welfare, including continuity of service to residences, businesses, governmental entities and others; and b, whereas electrical consumption has dramatically increased in recent years; c, Section 2(b) Purposes and Responsibilities. If PNM concludes that the time lines put forth in this section may create a threat to health, safety or welfare of the citizens of Santa Fe they may apply to the City Public Utilities Committee for the ability to proceed on a project or projects irrespective of the time lines in this section. d, Section 4, Membership, calls for thirteen members, the original was nine members and representatives of effected electrical customers, e.g., electrical engineers or consultants, representatives of higher learning. In addition, one representative from PNM shall serve as an ex officio member.

Again, Mr. Chair, those were the differences between the original resolution and the resolution that was adopted by the City Council. Staff is recommending approval of an amended resolution and Mr. Chair, in your packet, after Exhibit C there is a resolution that is labeled 7/21/04 Draft. Staff would recommend that the Commission adopt that draft of the resolution. Again, this resolution includes additional language that specifies the Board of County Commissioners as a review body when applicable. It includes all other electric companies operating within the boundaries of Santa Fe County. And it also limits the number of membership from thirteen back to nine members. The Mayor, with advice from the City Council will appoint four members and the Board of County Commissioners will appoint four members and these eight members will appoint a ninth. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: One reason for the changes in the new draft was to write a resolution that was truly County/City. The first resolution passed by the City was really a City resolution and the afterthought was that the County should participate. The other item is that it states in the third whereas, the members of the BCC believe that public review of these plans – referring to the PNM plans – require independent public input and evaluation. I believe that's essential. Everything else remains pretty much the same. It's the one you're looking at right there.

MR. ABEYTA: No, Mr. Chair, it's behind Exhibit C and it's labeled 7/21/04 Draft. The very end of the packet.

CHAIRMAN CAMPOS: Commissioner Duran I think is up.

COMMISSIONER DURAN: Roman, has the City been – have you discussed the changes with the City at all?

MR. ABEYTA: Mr. Chair, Commissioner Duran, I haven't but we did get a

copy of what was provided to the Board to Councilor Bushee, who was one of the original –  
CHAIRMAN CAMPOS: I did talk to Councilor Bushee and Jeannie Price reviewed it and they said they have no problem with it.

COMMISSIONER DURAN: Great. Thank you.

CHAIRMAN CAMPOS: No problem Of course, Councilor Bushee has to go back to the Council and have it amended.

COMMISSIONER DURAN: Right.

COMMISSIONER SULLIVAN: Mr. Chair, I don't see in here the language regarding the PNM considering it an emergency and coming to the Commission or the City.

CHAIRMAN CAMPOS: That would be under Section 2 Purposes and Responsibilities, subparagraph c. No project subject to the purview of the task force shall be held up if it is determined by the respective governing bodies that a project per application of PNM is necessary for the health, safety and welfare of the community.

COMMISSIONER SULLIVAN: Okay, so that replaces the a, b, c, d, that was put in by the City? Is that your idea?

CHAIRMAN CAMPOS: I just reorganized it, cleaned it up a little bit and refocused it, just to simplify it and to customize it so that it truly a County and City resolution.

COMMISSIONER SULLIVAN: Okay. I guess the only words that I'm having a problem with are the words held up. I would guess that people on the committee might – this is a one-year task force. I would guess the people on the task force would think one year is not a problem and they wouldn't consider that was holding up the project. In the language that the City has put in they allowed PNM to make that determination and to say that they felt it was critical and therefore they could go ahead and apply to the City or the County as the case might be. So is your idea here that PNM would then come to the Council or to the BCC and ask that a project be taken out of consideration? How does that work?

CHAIRMAN CAMPOS: They could ask it be moved forward. If PNM or one of the other energy companies feels that there's a project that is essential to the health, safety and welfare they can come to either the City if it's within their jurisdiction or the County or if it's within our jurisdiction and say this is essential and then the County or the City would make that decision to go ahead. It's not going to be tied up by the task force.

COMMISSIONER SULLIVAN: Okay, so that would be an application that PNM would make apart from their normal application that they would make for a permit.

CHAIRMAN CAMPOS: Or if they make an application for a permit, that would be an addition finding or consideration that would have to be reviewed by the governing bodies, the appropriate governing body. I think the language does exactly what the City's language does.

COMMISSIONER SULLIVAN: Let me just ask Mr. Ross. Do you see any problems with this? I'm looking more at the mechanism. If it's determined by the respective governing bodies, does that mean that both bodies have to pass on this?

MR. ROSS: Mr. Chair, Commissioner Sullivan, it appears so.

CHAIRMAN CAMPOS: It depends on jurisdiction, doesn't it, Attorney Ross?

If it's aligning the powerline within the city, certainly they wouldn't be asking for County approval.

COMMISSIONER SULLIVAN: Maybe respective should be applicable.

MR. ROSS: Or the EZA, I suppose, also. It says respective governing bodies.

CHAIRMAN CAMPOS: It only talks about the BCC and the City.

MR. ROSS: Right. But the EZA has jurisdiction in relevant areas as well.

CHAIRMAN CAMPOS: Maybe not.

MR. ROSS: You could say the appropriate governing bodies instead of respective governing bodies.

CHAIRMAN CAMPOS: Okay.

MR. ROSS: Or the body having jurisdiction.

COMMISSIONER SULLIVAN: How about the governing body having jurisdiction.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: Could we use something other than held up? It seems to me that if we have a process that holding something up isn't part of the process. Why would anything be held up? If it doesn't meet the criteria, it needs to meet the criteria in order to proceed. Holding it up seems like - I don't know. What does that mean?

CHAIRMAN CAMPOS: It means that the task force will have adequate time to review the PNM ten-year plan. And they'll have one year to do so unless something comes up that really requires PNM or another energy company to do something. That was the discussion at the City and I think it's an appropriate discussion. If an emergency does come up then the County or the City or the appropriate governing body would have the authority to say yes, this is very important to public safety and move forward with it.

COMMISSIONER DURAN: So you like the words held up?

CHAIRMAN CAMPOS: That's the language that the City used. It's fine with me.

COMMISSIONER DURAN: So held up means what again?

CHAIRMAN CAMPOS: That they cannot move forward with a particular project within this one-year period unless they come and apply and say there's a serious need for it. And they convince us of that.

COMMISSIONER DURAN: Then why would they hold it up? Why would anybody hold it up?

CHAIRMAN CAMPOS: If you have a project that's so big that nullifies the whole purpose of the task force. The task force therefore becomes a nullity and public input, we do not have public input.

COMMISSIONER DURAN: Well, I object to the words held up, but thank you very much.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: How about putting it in the positive instead of the negative? How about saying A project subject to the purview of the task force may move forward if it is determined by the governing body having jurisdiction that a project - I don't know what this per application is - a project application to PNM is necessary for the health, safety, and welfare of the community.

CHAIRMAN CAMPOS: That's fine.

COMMISSIONER DURAN: I like that.

COMMISSIONER SULLIVAN: Does that sound better?

COMMISSIONER DURAN: Yes. Thank you. I knew you would do it.

COMMISSIONER SULLIVAN: Well, I'm not quite sure I understand what project per application means.

CHAIRMAN CAMPOS: It means that PNM would have the option to apply for a project like a powerline project.

COMMISSIONER SULLIVAN: But don't you see where I'm reading? The governing body having jurisdiction that a project per application?

CHAIRMAN CAMPOS: That there would have to be an application, an affirmative action taken by PNM to invoke this particular clause.

COMMISSIONER SULLIVAN: Is that what that means? Project per application?

CHAIRMAN CAMPOS: That's how I interpret it. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, this resolution that we're looking at now, is it just for the City of Santa Fe and our jurisdiction in the county? What happens with the other public service companies out there, for example Jemez and Central? Explain that.

CHAIRMAN CAMPOS: This is a joint resolution, County/City.

COMMISSIONER SULLIVAN: But it only pertains to PNM's plan.

CHAIRMAN CAMPOS: It's focusing on the ten-year plan of PNM, which is what's on the table right now, that PNM is proposing.

COMMISSIONER SULLIVAN: So the other co-ops don't have to come, Commissioner Anaya, is my understanding, they don't have to come to have their projects. This was started as a City initiative to review PNM's plan and so we're saying the co-ops can be on the committee, ex officio members as I understand it, to participate in that review process. But their plans aren't being reviewed. It's only PNM's. Am I correct?

CHAIRMAN CAMPOS: That's the focus; the ten-year plan.

COMMISSIONER ANAYA: So are you saying that if PNM wants to do a line extension in the city, this task force would look at it, but if it was in the county, this task force doesn't have to look at it.

COMMISSIONER SULLIVAN: No, they would.

CHAIRMAN CAMPOS: The task force is joint and they would have the entire task force look at any of these projects, together.

COMMISSIONER ANAYA: Only where PNM is serving.

CHAIRMAN CAMPOS: Well, at this point, the plan, we're only looking at the PNM plan, the ten-year plan. And that would mean that it would be within their service area.

COMMISSIONER ANAYA: So PNM expands out to the Village of Galisteo. If they wanted to expand something out there this task force would look at it?

CHAIRMAN CAMPOS: If it's part of their ten-year plan, yes.

COMMISSIONER ANAYA: So that the people that are appointed from the City of Santa Fe would have a say-so about what goes on in the Village of Galisteo?

CHAIRMAN CAMPOS: This task force is only advisory. They only advise. Only the County Commission would make those decisions. This is simply to provide us with information about what the plan is, does it serve the public interest? It is not a decision-making body. It would not make a decision.

COMMISSIONER DURAN: Mr. Chair, this is only applicable to the existing ten-year plan.

CHAIRMAN CAMPOS: To the proposed ten-year plan.

COMMISSIONER DURAN: And the proposed ten-year plan as it exists today does not project any plans to do anything in the outlying areas.

CHAIRMAN CAMPOS: I don't believe there's a proposal to extend the services.

COMMISSIONER DURAN: Maybe Rhonda could enlighten us a little. Because I can understand what you're getting to, but if the proposed plan doesn't extend out in that area there's no need to have a concern but if they can amend that plan at any time without consulting the community or the Commission then I think there's a problem.

RHONDA MITCHELL: I will try to address the question as I understand it. The ten-year plan that was presented to the City and I believe to the County, that's a living document for us so it's revised on an annual basis. But the one that was submitted to the City and the County does not include any extensions into Galisteo to my knowledge. That would be something that we would update the City and the County on on an ongoing basis because we have to revise that plan based on load growth and need and demand. But the ten-year plan that was presented and has been considered for evaluation, to my knowledge doesn't have any projects in the Galisteo area.

COMMISSIONER ANAYA: Or in Cerrillos, Madrid -

MS. MITCHELL: No, sir.

COMMISSIONER ANAYA: Okay.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I'd like to change the wording of the per application to say instead, being proposed by.

CHAIRMAN CAMPOS: That's fine.

COMMISSIONER SULLIVAN: So let me read -

CHAIRMAN CAMPOS: Do you want to make a motion?

COMMISSIONER SULLIVAN: I want to read this revised sentence and see -

CHAIRMAN CAMPOS: Section 2, subparagraph c?

COMMISSIONER SULLIVAN: Correct. 2.c, and see if PNM has anything that they want to say about it. A project subject to the purview of the task force may move forward if it is determined by the governing body having jurisdiction that a project being proposed by PNM is necessary for the health, safety and welfare of the community.

CHAIRMAN CAMPOS: Do you have a comment?

COMMISSIONER SULLIVAN: I wanted to see if that's understandable and workable.

MS. MITCHELL: Well, to me it's not exactly clear what the intent is. The way I would envision this working is there's an interim period that's going to occur while the task force is being set up by the City and the County. And during that period there might be a project that PNM considers to be critical that we would bring forward either to the City and/or County, depending on who had the jurisdiction for the project, and we would go through our normal permitting process with those two governments, and it could be either approved or denied in the interim period.

The other period would be the one-year duration of the task force. If during that period, we felt there was a critical project, what we would do is go to the City and/or County to go through the permitting process. The local government would still maintain the jurisdiction and could either approve or deny the project as they saw fit.

COMMISSIONER SULLIVAN: I don't see anything about an interim period in here but obviously, until both the City and the County agree to this revised resolution it's business as usual. And any project that's moving forward can move forward until we have mutual agreement on this, correct? And then once it's signed by both entities, I assume the one-year period starts. Or is there some period beyond that before the one-year period starts that I'm not seeing here?

MS. MITCHELL: Well, I think in reality for us, and we're looking very closely at the projects, but there's projects that we might be bringing forward for permitting as early as next month. And those are part of the ten-year plan.

COMMISSIONER SULLIVAN: Then I would say if the City agreed to our revised resolution, then that would come under this resolution. If they didn't, and wanted to wordsmith it, which they frequently do, we wouldn't have a resolution until it's mutually agreed upon. Is that correct? This is a joint resolution. It's not our intent to do this independently of the City. So this resolution takes effect when it's a joint resolution.

CHAIRMAN CAMPOS: That's the intent. We could do our own resolution independently of the City and do our own task force, the hope here is that we can work together on it.

COMMISSIONER SULLIVAN: It calls for a special task force to serve in an advisory capacity and it says that the task force shall serve for 12 months.

CHAIRMAN CAMPOS: The period can be extended by both the Commission and the City.

COMMISSIONER SULLIVAN: So I guess you're right that just by omission

there that it may take a while to set the task force up so once the task force is in process then they have 12 months to complete their work. It doesn't really tell – let's say that were to take two months. It doesn't really say what would happen during that two-month period. So my guess is, to be safe, PNM could simply then make a request to the appropriate governing body and say this is a critical project.

MS. MITCHELL: Yes, and actually the project that I'm referring – actually the City and the County have jurisdiction on that particular project. So if we brought that forward before the task force was set up, we would apply as we do now to the City and the County for permits.

CHAIRMAN CAMPOS: Is that the project, the lines out towards Las Vegas?

MS. MITCHELL: No, it's not.

CHAIRMAN CAMPOS: It's not that one.

MS. MITCHELL: No, sir.

CHAIRMAN CAMPOS: Which one is it?

MS. MITCHELL: It's the one that's identified as the NG-Cap, Miguel Lujan

Sub.

CHAIRMAN CAMPOS: Okay.

MS. MITCHELL: That's a project that we've had – we've had public meetings on it. We actually had the public meetings in January and we're just trying to complete the permitting packet to bring to the City and the County and we visited with the staff at the City and the County on that project.

COMMISSIONER SULLIVAN: Well, Commissioner Campos, do we want to try to address this interim period? Or do we just simply say that you can submit to the governing body irrespective of whether the task force has been established or not.

CHAIRMAN CAMPOS: I think we can pass this resolution, and then if indeed we feel like this project needs to be scrutinized further we can pass another resolution saying that it would be subject to this one and that they could not move forward until the task force did its stuff – unless there's a special exception based on public health and safety.

COMMISSIONER SULLIVAN: I don't have a problem with the language but then it's my language.

CHAIRMAN CAMPOS: I think your language is appropriate, Section 2.c. I have no problem with it.

COMMISSIONER SULLIVAN: Okay. These are my suggested revisions: A project subject to the purview of the task force may move forward if it is determined by the respective governing body – that could be bod(ies), that probably would be a better way to do that because it might be one, it might be two. In this case it would be both bodies. If it is determined by the governing bodies having jurisdiction that a project being proposed by PNM is necessary for the health, safety and welfare of the community.

COMMISSIONER DURAN: Second.

COMMISSIONER SULLIVAN: Does that seem workable?

MS. MITCHELL: Yes, it does.



COMMISSIONER SULLIVAN: Well, I could move for adoption of Resolution 2004-83 with that amendment to Section 2(c).

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: So basically, we're setting up a task force for people from the City, which will be appointed by the Mayor.

CHAIRMAN CAMPOS: City Council.

COMMISSIONER ANAYA: City Council. Four people from the County, which will be appointed by the Commission, and the ninth person will be elected by the committee. This committee will oversee any projects that PNM brings forward. They will advise us on whether this project that PNM brings forward is either a good one or a bad one. They will go then, this committee will go to either the Council or the Commission to advise us of what they thought of it, and then we will make the final decision either way.

CHAIRMAN CAMPOS: We're not giving up jurisdiction.

COMMISSIONER ANAYA: Okay, just to clarify it.

CHAIRMAN CAMPOS: Okay. Input from staff. Mr. Abeyta.

MR. ABEYTA: No, Mr. Chair, we got the changes to that paragraph and we'll make those.

**The motion to approve Resolution 2004-83 with the suggested changes passed by unanimous [5-0] voice vote.**

CHAIRMAN CAMPOS: One other thing. We need to get four members appointed as soon as possible. I think we need to advertise. I think we've already started collecting names. We need to coordinate with the City. This thing will have to go back to the City and they're going to have to consider this revised, amended resolution. So whoever wants to take charge please do so. And let's get something on the Internet, something in the paper. Let's go get lunch until about 2:00.

COMMISSIONER SULLIVAN: Wait a minute? Why 2:00?

CHAIRMAN CAMPOS: Why not 2:00? We have to be here at 4:30. We have an hour for executive session.

COMMISSIONER SULLIVAN: There's nothing left. Why not 3:00. We don't have anything until 4:30. There's nothing left on the agenda.

CHAIRMAN CAMPOS: One hour of executive session and then we have two public hearings.

COMMISSIONER SULLIVAN: That's going to take -

COMMISSIONER MONTOYA: We also have the Public Works.

CHAIRMAN CAMPOS: Speed bumps. The Consent N and the speed bumps.

COMMISSIONER SULLIVAN: The Consent's done.

CHAIRMAN CAMPOS: No, we postponed N.

COMMISSIONER SULLIVAN: No, that's right. We did postpone it.

CHAIRMAN CAMPOS: Because we need a contract to review.

COMMISSIONER SULLIVAN: How about 2:30?

CHAIRMAN CAMPOS: Okay. 2:30.

MR. GONZALEZ: I do have three quick announcements, Mr. Chair, under County Manager. First of all, there is an open house in the Commission offices and the County Manager's office on Friday, the 30<sup>th</sup>, this coming Friday, from 1:00 to 5:00 p.m. It's an internal open house for County employees.

Second of all, August 4<sup>th</sup>, we'd just like your input about whether that works as a date for a study session on the space analysis, and this would be the portion focusing on the findings in terms of what the future needs of the County are going to be, preparatory to moving on to discuss sites, which will be done afterwards.

And then the third item, the BCC for the tenth of August, we'll start at 2:30 instead of 3:00 so we have a little bit of time in order to accommodate a presentation that some folks out in the community have requested to make regarding cloud seeding.

CHAIRMAN CAMPOS: Okay, Commissioner Montoya, you had a comment? You're saying you have folks coming in at 1:30.

COMMISSIONER MONTOYA: I told them to come in after lunch.

CHAIRMAN CAMPOS: I would say 2:30 gives us enough time. We can do everything. Is that okay? Okay, we're recessed until 2:30.

COMMISSIONER MONTOYA: Could we get those notices inviting please?

MR. GONZALEZ: I'll send out an e-mail so that you get them.

[The Commission recessed from 12:40 to 2:35.]

**X. N. Request Approval of Professional Service Agreement #25-0045-PFMD with Hot Spare, Inc. for System and Network Administration Support (\$19,200) (Project & Facilities Management Department)**

COMMISSIONER SULLIVAN: I believe the staff, Mr. Chair, passed out during lunch copies of the agreement. [Exhibit 3] Mr. Olafson, if you want to address that. If you want to summarize the agreement.

MR. OLAFSON: Again, the agreement is with Hot Spare. It's a contract that provides UNIX programming, system support, training, network administration, troubleshooting as needed. The contract is for \$9,600 per year with an option for the County to chose to extend it an additional year and the billing is as per hour. With a max of \$9,600.

COMMISSIONER SULLIVAN: I don't have any additional questions, Mr. Chair.

CHAIRMAN CAMPOS: Okay, is there a motion?

COMMISSIONER ANAYA: So moved.  
CHAIRMAN CAMPOS: Is there a second?  
COMMISSIONER MONTOYA: Second.

**The motion to approve Consent Calendar item N passed by unanimous [5-0] voice vote.**

**XI. D. 2. Resolution No. 2004-84. A Resolution to Allow for Placement of Speed Humps and Traffic Calming in Critical Locations in Santa Fe County**

DAN RYDBERG (Traffic Engineer): Mr. Chair, Commissioners, at the February 24, 2004 BCC meeting Public Works Department was directed to prepare a policy to allow for speed humps and traffic calming to be placed on County-maintained roads that have been determined to have critical needs. And after working through it, we've come up with the resolution that you have in your packet.

At the last meeting we had also had a demonstration on some possible alternatives to traffic calming and we had a study - not a study, but pretty much a demonstration conducted by a vendor for a possible alternative and he has prepared a real short, I think it's maybe five minutes, video, where he put this product out on a couple roads in the county and videotaped it to see if it has any effect on it. County Road 109 North, and then County Road 54. And if it's okay, I'd like to just let him talk for a minute.

CHAIRMAN CAMPOS: Before you go there could you just summarize the resolution. Has there been any change since we last discussed it? Any major changes? There's nothing specific but it says, In accordance with defined transportation engineering criteria - is that referring to a particular document?

MR. RYDBERG: Well, pretty much what we did, and this was direction from legal department was instead of having a resolution referring to a policy, I kind of combined the policy into the resolution. So the criteria would pretty much be stuff that we would use at Public Works to determine whether a road - of course it has to be paved and a certain length and width and all that stuff that we would use to make it where a hump would be able to be placed. So we took some elements from the policy which was about a ten or twelve page document and incorporated the important points of it in how somebody can come and apply and go through the process and get it to the point where they can bring the road in front of the Commission to decide on whether to place humps or not.

One document kind of references the other and it was a little confusing so we made it real concise and really shortened it up so the information is all on one document exactly how the procedure works.

CHAIRMAN CAMPOS: It seems like last time you presented you presented more detail, forms, staff.

MR. RYDBERG: It's pretty much in here now.

CHAIRMAN CAMPOS: It's all in here? One page?

MR. RYDBERG: It says that the written request must originate from a property owner –

COMMISSIONER DURAN: Two pages.

MR. RYDBERG: Yes, it's pretty much very condensed. But the steps for somebody to be able to come forward with their request and to have it processed and to have it come back to you guys is all right – it explains it right here instead of having to go through that large document with forms and guidelines and all that. That's still going to be considered but that's part of our analysis. It doesn't necessarily need to be – too much information, I felt, was in that first one. A resolution adopting a policy, we just made it all into one.

It talks about verification of the property owner, how many percentage of lot owners are in favor, then it goes to a preliminary evaluation, detailed evaluation and gets qualified and then comes back to the Board of County Commissioners for a decision on which roads are to be done.

COMMISSIONER DURAN: Mr. Ross, are you satisfied that this is specific enough? For example, the language, In accordance with defined transportation engineering criteria? Last time – are you satisfied that the language, In accordance with defined transportation engineering criteria gives us sufficient guidelines?

MR. ROSS: I think, Mr. Chair, what will occur is when these applications are finally presented to you, the Public Works Department will provide all that information to you using their own engineering criteria and I guess established engineering criteria and they'll make recommendations to you with that kind of detailed information, and then you'll be able to look at the ranking that they've provided for each of the applications and be able to make an independent judgement yourself and ask a lot of questions. Some of the thinking that went into this was to simplify it to the point where property owners could look at it and figure out how to get through the process without a whole lot of assistance.

CHAIRMAN CAMPOS: The resolution should be simple but you could have attachments so that we have some criteria. This is pretty wide open to me. I don't know. I'm uncomfortable with it. Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Before we see the video I had two questions. One, the criteria that you're using apply to any speed limit road? I think, doesn't the City's criteria only apply to 25 mile per hour roads?

MR. RYDBERG: As far as I know, no, it doesn't only apply to 25 mile an hour roads. There's certain speeds after you don't want to place humps, but the criteria that we're using is all out of the ITE, and they're the organization, Institute of Transportation Engineers, who are pioneers and who have been the ones all through this process of traffic calming who have set all the regulations. Anything that's in the MCDCE comes from guidelines from ITE. So all of this would be from the ITE publications and guides. That's the engineering, and that's internationally. So that's worldwide criteria that they use and different roads take different treatments for different speeds but the criteria that we're going to use is following the ITE

guidelines who pretty much is the organization that sets up traffic calming and the guidelines that should be followed.

COMMISSIONER SULLIVAN: And particularly what speeds, or what's the maximum speed that you would try to put some traffic calming in?

MR. RYDBERG: Probably like 35 miles an hour. When you say traffic calming, there's different device. There's roundabouts, there's humps, there's chicanes. There's so many different devices. Different ones work at different speed applications but when you start having speeds higher than 35, 40 miles an hour, you're usually talking about a different classification of roads that you might not want to put it on because it's used by transit or different types of services.

COMMISSIONER SULLIVAN: And the other question was, the petition requiring 75 percent of the lot owners, that's 75 percent in what part of the road?

MR. RYDBERG: That's what you have to do in the initial investigation is decide the beginning and end of the project. From County Road such-and-such, from this point to that point. You could have a County road that's five miles long but only one section of that road wants speed humps, so you have to set your limits and that's what you do in your petition process. If someone submits a petition for speed humps on a certain section of road, that's something that I would do is determine which part of the road they're talking about.

COMMISSIONER SULLIVAN: Okay, so the applicant has to decide that they want it between A and B, and then go around and get the petition signed.

MR. RYDBERG: Correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Dan, regarding the written request for the installation of these - or getting the whole process started, we've got some already in place of people that have requested it, so if this were to pass today, would that mean something that we could take right now and begin that process?

MR. RYDBERG: Yes, to answer your question, yes, but as far as actually putting some humps down, you'll see the Point 5 here on the resolution states that there's no budget for this right now.

COMMISSIONER MONTOYA: Right.

MR. RYDBERG: If they write the request, we can start the process, yes.

COMMISSIONER MONTOYA: So the requests that we have in hand right now, we could start the process?

MR. RYDBERG: We could start the process but I would recommend that they submit to Public Works in writing asking for it because then you get into -

COMMISSIONER MONTOYA: Again?

MR. RYDBERG: Well, I don't have the requests here. They be in the Manager's office but they're not in Public Works. You have to be very careful when you set this up. Submittal dates, and if two roads both qualify, which one goes first and you go by the date that the application was filed. That's my experience. So you'd want to have the residents,

the requester, submit a letter to Public Works asking for the process to start. It all needs to be time-stamped and logged and kept because you can get into My road was first and yours wasn't. You can get into that situation. That's why it comes down to Public Works and gets stamped when it was received and assigned and that paper starts the process or the file and that stays with it all the way through. That's my recommendation on how it should go. If we take some letters from here and they're not dated or they're not from the right person. That's just my conjecture.

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, to summarize that, we could start the application process, as you have numerous roads that probably are going to request speed humps. The problem is we don't have budget for this. So the way it will work is when we set up our next budget for next year, we will come to you with the roads that you have approved for speed humps. And in that budget request we will put in there a request for funding for those particular roads for speed humps. So it all depends, if the Commission approves that budget for those speed humps if the speed humps actually get installed or not. Because right now we do not have a budget to accommodate this program.

COMMISSIONER MONTOYA: And I understand that. And that kind of leads into my next suggestion is that somewhere in here I think it would probably be appropriate, maybe in Section 5, I understand that Pojoaque Pueblo is doing a study right now in terms of the speeding and everything that's going on within their roadways. Are you aware of that, James, or what's going on there?

MR. LUJAN: Mr. Chair, Commissioner Montoya, yes, I was approached this week by a realty office and they're doing some kind of study. They didn't get into the depth of it and they wanted to see what was going to happen there. In fact their request being speed humps on County-maintained roads but Pojoaque Pueblo ownership.

COMMISSIONER MONTOYA: That's my understanding exactly. Which would mean that that would offset any sort of budgetary needs that we would probably be required had they not been -

MR. LUJAN: Offset in what kind of -

COMMISSIONER MONTOYA: In that we wouldn't have to pay for it.

MR. LUJAN: Oh, no. When I spoke to them they wanted to know if they'll give us permission to go ahead and install them because that's what was brought to my attention. They want us to install them and pay for the material. They'll give us permission to go ahead and do it.

COMMISSIONER MONTOYA: Okay. And then my understanding is that through BIA there should be some mechanism to help offset some of those costs.

MR. LUJAN: What they told me is that BIA installed the ones, gosh, 101- I'm sorry, 84 East. They installed them at that time, but I understood they didn't have any funding to do it now.

COMMISSIONER MONTOYA: Okay. I'll need to double-check because I was told that -

MR. LUJAN: I talked to Annette Lujan from Pojoaque Pueblo. She said they

were going to give us permission but they thought we would be paying for materials and installing them.

COMMISSIONER MONTOYA: Okay. That's not my understanding. Mine was we would be able to access some BIA funds and we would then be responsible for installing them. But the materials would come from, hopefully, from BIA.

MR. LUJAN: Maybe asphalt, correct.

COMMISSIONER MONTOYA: Right.

MR. LUJAN: But then painting and signage, because that was one of my questions. Signage and the markings and stuff, where would that come from?

COMMISSIONER MONTOYA: Okay. So maybe we need to look into that and I don't know if we need to include it here as well, so that we make sure that we do pursue that because the same situation can come up with San Ildefonso. That's the same type of deal there where they may expect for us to pay for everything, but if there's some sort of cost-sharing, we need to include that so that number one, it offsets our costs.

MR. LUJAN: Mr. Chair, Commissioner Montoya, that brings up another thought. Would that also be allowed if residents in a subdivision, a homeowners association wanted to contribute to the cost of it?

COMMISSIONER MONTOYA: Exactly.

MR. LUJAN: So then some language would need to be placed, not just BIA or how we could include language that somebody wanting to participate in funding them would fund it.

COMMISSIONER MONTOYA: That's the special assessment district that that could be -

MR. LUJAN: I'm speaking more so not an assessment because then the County would have to collect or have to have the money up front, but I'm concerned that if a homeowners association or a subdivision wants them placed and maybe they have some funding and can pay for them outright, is what I'm looking at. More so than - because assessment, we would have to have the money in place to be able to do it. So that's still a budget issue.

COMMISSIONER MONTOYA: I'll yield.

COMMISSIONER ANAYA: Mr. Chair, are you talking about maybe, let's say for example, the community of Eldorado, their association would come and say, okay, we want to put speed humps on some of our County roads, and we would say, Yes, that's okay. You can go ahead and get your own contractor, but you have to put them in the way we want to put them in. You have to go through County specs, and you go ahead and pay for them and we'll inspect them. And then that way, we don't have to spend our County time and our money to go and do that. Is that what you're suggesting?

MR. LUJAN: I'm going along with the idea that Commission says, that BIA may be able to contribute some monies to it, is putting the language not just to say BIA or however the language and I'll defer to the attorneys to see how we can put that. Somebody wanting to participate in the funding of them, however that may be in general, not just one group. Yes. I would not like to have a contractor. I'd rather they buy us the materials if that's

going to be the case. I'd rather us do them ourselves, because we're going to do them to a certain criteria and get them done. I'm looking more so. But then the maintenance issue comes up. Maintenance on them is going to be forever. Signage is going to be forever. There's a number of things that go along with them. The initial cost is somewhat the installation of the asphalt but the rest of the maintenance, I'd rather have us do it.

COMMISSIONER ANAYA: But if you put a policy in place that they had to follow this criteria and then you had to inspect it and if you let this - it would have to be warrantied for a year and then after a year then the County would take over.

MR. LUJAN: We could look at that. I don't know if that needs to be included in the resolution but I just guess, the participation of funding but that's still up to the Commission and how we want to go along with that, which would be fine with us.

COMMISSIONER MONTOYA: So, Steve, do you think we should amend it to include other sources of funding, other streams of revenues? Because potentially that could happen.

MR. ROSS: Mr. Chair, Commissioner Montoya, we certainly could include language like that. I don't think it absolutely has to be in there.

COMMISSIONER MONTOYA: No it doesn't.

MR. ROSS: What we were trying to do is set up kind of the general procedure. If a special case or circumstances arise we can certainly address it through agreements, side agreements. If we were to do a special assessment district, that would actually come through the County's budget process and be covered by 5 anyway. So what we're really talking about are agreements with say homeowners associations or what have you.

COMMISSIONER MONTOYA: Or BIA.

MR. ROSS: Or BIA or the Pueblos, to do special projects. We could handle that through an agreement or we could add language in here that discusses that explicitly. That would be fairly easy to do.

COMMISSIONER MONTOYA: I would suggest that we do that, I think just so that we don't forget that we should explore that alternative as well, because anything we can to offset whatever costs are going to be incurred I think we should do that. And then the other question, in terms of calming devices, and James, I had talked to you about the irrigation ditches which are a lot cheaper than humps, would that be included under this resolution as a considered calming device?

MR. LUJAN: Mr. Chair, Commissioner Montoya, what you're referring to is somewhat of a rumble strip in front of the Guadalupe Church in Pojoaque.

COMMISSIONER MONTOYA: Exactly.

MR. LUJAN: The reason they did that is because they put curb and gutter and they didn't have any way to drain it. What worries me about those is in shady areas that don't get sun in the winter time, of snow staying in there, and also in the summer time, water doesn't get out of there real quick and I'm concerned about the icing of those items in there. It could be looked at. As I explained to a lady in the Pojoaque area about that, in cases where we need to run drainage across the roadway, we can't put bar ditches or something, we can look at that.



But that's more of a drainage issue than a traffic calming.

COMMISSIONER MONTOYA: Although it helps tremendously with traffic calming.

MR. LUJAN: That helps people that know the road. People that don't know the road -

COMMISSIONER MONTOYA: Have to replace their shocks.

MR. LUJAN: But I have a concern about that from the snow and the icing. That's my only concern on those. But it could be looked at, I don't know if so much as a traffic calming device. More of a drainage. But we did take a look at that.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Mr. Lujan, I have a question for you. Let's say you build a traffic calming device like a speed hump and it has a life of ten years. What percent of the total expense would be to construct and what percent would be to maintain over that ten-year period?

MR. LUJAN: I'll defer to Dan. I think - do we have a breakdown of the initial costs? The initial costs of asphalt, and I take this from the City of Albuquerque is approximately \$1500 for the asphalt to - what width or road, Dan? It would probably be a 20-foot roadway. Just for the asphalt. And that does not include signing and painting. \$1500 is what I heard, just for the asphalt.

MR. RYDBERG: What I've heard, from the City of Santa Fe and other areas that are doing it, between \$3500 and \$4000 each, including the signing and marking. Ten years, it's hard to say, depends on the materials we put down first. Maybe we'd have to replace the striping like every two years at a cost of \$1000. It's hard to say where the location is. How much use the road has. Some markings are going to wear out faster than others. Some signs are going to degrade faster than others, depending on the type of material we put up. But probably, if you're going to make a general assumption that it's going to need to be replaced in ten years I'd probably say you'd probably do signing and striping maintenance maybe three or four times within that ten years.

CHAIRMAN CAMPOS: So the maintenance is much more expensive than the actual construction.

MR. RYDBERG: Oh, absolutely. Yes.

CHAIRMAN CAMPOS: And then the reconstruction in ten years is another expense. Commissioner Montoya, how would you deal with those issues in your recommendation to the staff?

COMMISSIONER MONTOYA: Again, I think this gets back down to our looking at how we're going to appropriate this gross receipts tax, which is still totally up in the air.

CHAIRMAN CAMPOS: Which one?

COMMISSIONER MONTOYA: Well, the ten percent roads and other.

CHAIRMAN CAMPOS: We've spent that.

COMMISSIONER MONTOYA: Exactly. So how are we going to plan for it

five, ten years from now? Are we going to use it for this? Are we going to use it for new roads? Those are the questions that I have.

CHAIRMAN CAMPOS: If we spend \$2000 for the speed hump and then we spend six or eight thousand to maintain it over a ten year period, then there's a replacement cost, if you say the Pueblo or the BIA or the homeowners -

COMMISSIONER MONTOYA: \$6,000 or \$8,000 over a ten year period?

CHAIRMAN CAMPOS: To maintain it.

COMMISSIONER MONTOYA: What does that include? Just the paint?

MR. RYDBERG: No, usually you don't do paint. Paint would be even more maintenance. You put a thermopile tape or a thermoplastic material on there and it lasts probably about two years.

COMMISSIONER MONTOYA: Is that's what's on 84-E right now?

MR. RYDBERG: 84-E doesn't have the proper markings. There's nothing about that meets the criteria. There's nothing that I'm aware of that says that we maintain those. I've actually asked the BIA to do something about it because I'm concerned about the condition and they said they would take care of it. They'd send somebody to do it and it's not where it should be.

MR. LUJAN: Mr. Chair, Commissioner Montoya, there is an issue there. We maintain the road but we never had an agreement on the speed hump. Right now, they're marked with signs but the proper paint - they're wearing out daily. You can see through it when you go through there. There's never been an agreement. We've had concern about that also.

CHAIRMAN CAMPOS: My question is then, sure, you let the subdivision pay for the installation but it's a huge hit to the general fund thereafter and that's what we have to weight. Any time you do one thing you've got to look ten years down the road and we're looking at three times the cost of installation in maintenance expenses. That's what I want to make sure we know. Because it seems like easy for you to install it and we're in business but we're still thinking ahead. That's my concern.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Do you think we could see the video maybe.

CHAIRMAN CAMPOS: Yes, let's do that.

MR. RYDBERG: I'd also like to point out that the Sheriff's Department has purchased the two speed trailers and they're getting ready to do some -

COMMISSIONER MONTOYA: When are they going up north?

CHAIRMAN CAMPOS: North? Canada de los Alamos.

COMMISSIONER MONTOYA: Where's that?

CHAIRMAN CAMPOS: In my district. Canada's been complaining for four years about this. We get the first shot.

GREG SOLANO (County Sheriff): Mr. Chair, Commissioner Montoya, the signage on the trailers is being put on right now, the Sheriff's badge and the Sheriff's lettering

and we hope that either late this week, Thursday or Friday or on Monday, to do a press release and actually go out and put them in use for the first time. The first road that we're going to put the first trailer on as part of the press release is in Eldorado where the lady was struck with a bicycle. The second and third roads, Jemez Road, County Road 84, we have a list.

CHAIRMAN CAMPOS: Canada de los Alamos.

SHERIFF SOLANO: Canada de los Alamos, no problem.

CHAIRMAN CAMPOS: They've been having problems for four, five, six years.

SHERIFF SOLANO: We have two trailers. We'll be moving them daily. We'll get them out into every district real soon. We're amassing a list of places they're going to. And actually, County Road 84 was the first road that we were looking at putting them on, but we thought for access to the media and everything that Eldorado would actually be a little bit closer and easier for the first trailer when we debut them. But the second trailer is going to go to County Road 84 and then from thereon. But we will get it to Canada de los Alamos within the first seven to ten days. I promise.

CHAIRMAN CAMPOS: Good.

SHERIFF SOLANO: Some days it will be just the trailer and some days it will be an officer there giving tickets. And you'll never know which or when. But we expect them to be very effective, and I thank the Traffic Safety Bureau and the state for providing the funding for those trailers. I think it costs about \$13,000 to \$16,000 each, but the two are at my office right now just waiting the details.

CHAIRMAN CAMPOS: Are you going to get the press involved?

SHERIFF SOLANO: Definitely. That's something we talked about. We'll be doing a press release. It will either be Thursday or Friday or Monday and I'd like to invite the Commissioners out and we're going to set it up for the first time and we've also talked with our people about doing surveys of traffic before and after the trailers are put on so we can judge what kind of response we get. I'm really hoping that through those surveys and through some of the data that we'll find out that things like this may work better than speed humps. Commissioner Montoya and myself agree on 99.9 percent of things but I'm very much in disagreement on speed humps, and that if we do do any kind of speed humps, that we give some of these roads things like this to try first and then if they don't work, have speed humps as the absolutely last measure, because there is a lot of data about damage to cars and slowing down access for emergency vehicles and things like that that do cause problems for those of us, fire and sheriff and police.

CHAIRMAN CAMPOS: Thank you, Sheriff. Okay, let's look at the film.

DANNY BARELA: It's five minutes.

CHAIRMAN CAMPOS: Good.

MR. BARELA: First of all, Mr. Chair, Commissioners, thank you very much and I appreciate the time for you to allow me to speak to you about a traffic calming product that we do have. Basically, I'm just here to educate you. I'm basically just here to offer you an option to speed humps and really just educate you about a product that is available to you out

there right now. Mr. Solano here touched on some very important points that I think the County Attorney will agree with and a lot of cities and states and counties have used speed humps as a last resort simply because of the fact that it does slow down emergency response time. And in a lot of cases it damages even equipment.

But if you look at the video, you'll see that it is an immediate response. Here, we're looking at 54, and you see the speed limit is 30 and people are going 45 miles per hour. By the way, this particular unit that we're looking at here has data collecting abilities on it. What it will do is it will collect every 126 hours of data. It has a data port on it that you would hook up with your lap top and what will happen is every 126 hours you can download it onto an Excel worksheet, which will allow you to evaluate your time, and it will tell you exactly what periods of the day you're having more speeding problems in. So that you can couple it with a police officer and you don't have to guess when you should put the police officer there because the data will tell you exactly when you're having the largest concentration of speeders.

So if you have a unit like this, compiled with a police officer giving tickets, and you do it sporadically, no one will ever know when a police officer will or will not be there. As you can see, it's not a cure-all. Just like these humps are not either. You will have some people that are talking on the phone, won't slow down at all. This guy just zoomed right by.

MR. LUJAN: This is County Road 54, behind the racetrack. Right behind the racetrack.

MR. BARELA: And as you can see, it flashed to tell you that you're speeding, to catch your attention. This particular model that we have here also flashes and it says, Slow now. And what we did is we program this. For example, the way I had it programmed here I did it only for the study, because I wanted you to see how fast the cars are going. However, what we would do in the real world is we would program this to go only to 40. What it would do is after you're going 30 it will flash. Once you hit 35 it will do Slow now and flash. Once it hits 40, it will do only Slow now. It flashes the speed limit and it flashes Slow now.

These guys were all out there looking for a police officer. I drove out about a mile after that and every one of them had slowed down. What you have here is two things. You have a visual product that lets you know that you're going too fast. According to the Federal Highway Administration, they made a statement that visible traffic driver feedback signs are an effective method of calming traffic, and it enhances driver compliance with speed limits.

As you can see, they react. They're still going over the speed limit. But they do slow down. This guy doesn't stop at all. And like I said, I didn't edit it or anything, just to show you that most people react; not everybody will. This particular unit has a radar detector. This is on 109 North. You've got people going ten, fifteen miles over the speed limit also.

COMMISSIONER MONTOYA: That's a 90 degree curve there too.

MR. BARELA: Actually, I moved the sign up a little bit from there. I put it there because of the visibility of it to get them to slow down. Actually, Dan mentioned that to me. But as you'll see, you'll see people taking that curve at like 35, 38 miles an hour. That was the mailman.

COMMISSIONER DURAN: I like the way it looks like it's part of the sign.

MR. BARELA: You would have a speed limit sign on top of it, and you would have the other one under it. As you can see, this is in the middle of the day and the sun is hitting it. And it's still extremely visible. It has diamond grade fluorescent VIP green sheeting on the numbers. The numbers are 12 inches tall and it also has LED lights as you can see on this. It can go to any number that you want it to go to. And as you can see as you dim the lights in the room the LED on the system got brighter. It has an electric eye on the bottom of it that tells how dark or how bright it is. It will go up to 150 miles per hour. This particular unit is set at 25 miles per hour.

This particular day I had a sheriff's car come up to me, I had two dogs chase me. I had some constituents come and ask me what I was doing. They took care of themselves there very well. That's basically the video. We have video from LA, St. Louis, lots of other areas but I wanted to show you how your constituents would react to this particular product.

I don't know if you have any questions or have any other information you would like to know. As I was saying, I think something that is very important about this particular product also is the data collection information capability that it has. It comes with the program. It comes with the cable to hook up and it's very simple to a lap top. And what it will do is it will maximize the time that your police officers are out policing these areas simply because we can download it on to an Excel spreadsheet. You can actually put it into a powerpoint presentation also. But it will evaluate traffic for 126 hours, so basically it's five days. It takes the fastest car every ten minutes. So once you receive this information you have this data that tells you this is how fast they're going. This is when we're having the highest concentration of speeding, so that when you put a police officer there you won't hit or miss, you won't get to the period where there's the least speeding, you'll get there when there's most speeding.

People will associate this particular time of the day with a policeman being there and it will have an effect. The only thing that I can say, as opposed to the trailer, the trailers are very effective and the trailers will work, and it's the exact same principle as this particular product is the out of sight, out of mind. The trailers will work if before you put the trailers and after you put the trailers you will notice the traffic will slow down. However, studies have shown that within 30 days of the removal of the trailer, traffic goes back up. These are permanently mounted units. They can be removed. It's a simple 110 plug that works with this particular unit.

Some people like to put them in one area for six months to twelve months and then they completely pick them up, move them to another location and install them there. However, the same applies to trailers as applies to my particular product, after a while, people will start to speed up again. So I don't know if you have any questions or any concerns.

COMMISSIONER MONTOYA: How much are those compared to the trailers?

MR. BARELA: These units are \$5,000 apiece and they come with the data collecting information, comes with the software, and it comes with the data port connection.

COMMISSIONER MONTOYA: What's the maintenance on those?

MR. BARELA: The guarantee on this is two years for anything that goes wrong it. Ten years. Anything that could go wrong with it. It is a radar unit, okay? Lots of things

could happen. It does not cover vandalism. Something we need to address, especially in some of the areas where we're putting these.

COMMISSIONER MONTOYA: That was my next question.

MR. BARELA: It is a polycarbonate cover. It will not stop a bullet. It would probably stop a shotgun, but the face itself, if it is defaced it is a simple, diamond grade VIP sheeting that is a product that you use on your signs now and that can be replaced. The parts inside of it are warranted for two years, completely, 100 percent. After that, every time they would break you would have to come out and do some service. How often do they break? I really can't tell you that they break once a month, once a year. However, we do have technical support that does come out and work on them. It's a very simple unit. It's not that complicated a unit and usually what it is if it does break it's a motherboard or a circuit board or something that is simply replaced on this particular unit.

COMMISSIONER MONTOYA: So if someone put a bullet through that, that's a \$5,000 replacement.

MR. BARELA: That is not covered. Yes, sir. That is the case. And I haven't heard of it happening yet, but I'm sure that there's always a time and a place for everything and it can happen. Yes.

CHAIRMAN CAMPOS: Anything else? Thank you, sir.

MR. BARELA: Thank you very much.

CHAIRMAN CAMPOS: Okay, we have Resolution 2004-84. Is there a motion to adopt the resolution?

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second? Second. Discussion.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I think this still needs some tinkering and to the extent - well, first of all, we don't define candidate roadway. We don't have a definition for that. I'm looking at paragraph 1, it says that a written request has to originate from a property owner on the candidate roadway. I think we need to define that so that we're telling people that these have to be on public roads. We'll get into the tribal roads and I think we need to define if we're going to participate on tribal roads and if we are, fine. We need to define if these roads are on the County maintenance system. Because there are public roads that are defined as public that are not on the County maintenance system.

There are roads that have been turned over as a result of subdivisions and platted as public roads but the County hasn't assumed maintenance of them because they don't meet County standards. So we need to define where this would apply. My inclination would be that they only apply to roads that are on the County maintenance system or tribal roads if we feel that's important. I think that needs to be worked on.

And we need to have something - is there something in here that says we're going to look at other things as well. It says it will only be considered, traffic calming devices, after all other alternative procedures to calm the traffic have been exhausted. So that's Dan, what you

would look at, right?

MR. RYDBERG: Yes, the three E's, education, enforcement and engineering. So public meetings, What's your problem? How can we address it? Do we use law enforcement? Does it need improved signing, markings, all the typical procedures that you would do before you get to the last resort which is actually physically changing the road by putting a speed hump on it.

COMMISSIONER MONTOYA: That's what you're talking about here, right?

MR. RYDBERG: Yes.

COMMISSIONER MONTOYA: All those three E's are part of traffic calming, aren't they? Or am I missing something.

COMMISSIONER SULLIVAN: No, I think the intent here is good. And I'd like to see it tried. Is there a way - first of all, as I say, I'd like to have candidate roadway defined, definition or something like that. But then is there a way to encourage entities to pay this cost themselves? In other words, can we say that if an applicant wants to get a traffic calming procedure in this area and not wait until it's budgeted, they have the option of paying for it themselves. So that leap-frogs them over the budgeting process. If they come to us in February every year the way it says here, and say we have \$50,000 for traffic calming, and we prioritize 20 roads or 15 roads, then if some have the funds already in hand -

CHAIRMAN CAMPOS: What about maintenance, Commissioner?

COMMISSIONER SULLIVAN: Then we're accepting - we have to look at the staff recommendations as to whether this will result in a safety improvement. If it results in a safety improvement then I think the maintenance costs are worth it. And we have to look at the emergency access. If it's going to be detrimental to emergency access, out on Governor Miles, they did a traffic calming with a chicane in the street. And the fire trucks couldn't get through, so they had to yank it out. So that one was obviously detrimental to the emergency in the city. They had to yank it out after it was already poured in concrete. So there are situations. If you can demonstrate a real safety improvement then it seems to me that that's worth the maintenance costs.

CHAIRMAN CAMPOS: Are you suggesting we should table this? Are you making a motion to table?

COMMISSIONER SULLIVAN: I haven't made any motions. I'm just kind of discussing?

CHAIRMAN CAMPOS: Are you suggesting we should table at this time?

COMMISSIONER SULLIVAN: I'm not suggesting that we kill it though. I think it still needs some more thought and refining and also, I'd like to see it tried on a pilot basis. In other words, we passed the resolution. That stays in effect until we rescind the resolution. If we put in the resolution that it's a pilot program for 12 months, let's say. And people know that it's going to go away, it has like a sunset clause. See what I'm saying? And that way Public Works isn't saddled with it forever. We've got to come back a year from now or six months from now and re-initiate it. Those are my thoughts.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya, what do you think?

Do you think we can fine-tune this thing?

COMMISSIONER MONTOYA: Well, I liked it when I read it. I think maybe the only thing I would change differently, I agree with Commissioner Sullivan is that this would have been a pilot program that would have been something limited to certain areas and I thought it kind of carried a little bit of that language somewhere. Maybe not. But I think the whole three E's that Dan keeps talking about, that's what I read in this policy. Education, enforcement, engineering. It's giving us those three options. I don't know how much education is going on. I think in terms of enforcement, I've asked for it and Sheriff Solano and I have talked about that. I still haven't seen a whole lot of that going on up there. So now it gets to the point where you get into the engineering piece. If the first two haven't worked then the third one is the alternative and for the constituents that I have and what they're asking for, that's the only alternative that people have up there.

And when it comes to cost, what's the cost of a life over the cost putting striping or putting another piece of asphalt back in the road. And that's what we're talking about here, is people's lives that are at stake. Otherwise people wouldn't be asking me. I wouldn't have three different roads in my part of the county that are asking me for this type of device to be – for them to be able to install if they weren't concerned about people's lives. Bottom line. I wouldn't even be bringing this. But that's what we're talking about here. That's where I stand and that's where the people that have asked me to bring this forward stand as well.

CHAIRMAN CAMPOS: Commissioners, any comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: Commissioners, I agree with Commissioner Montoya. I've got some people in my district that want speed humps. I've got people in my district that don't want speed humps that live on the same road. So this is a very difficult issue and I don't want to jump the gun and us get into something that the City of Santa Fe is in and that is spending millions of dollars. And I guess that I would support this if we would take it very, very slow. And really evaluate the roads that people would want speed humps on. For example, the road that Commissioner Montoya is talking about, and possibly Jemez Road.

But I guess I'd have to rely on staff to really give us their honest input on should we put a speed hump on that road or not. And I know that once this resolution passes and people in the community find out about this resolution, you are going to have them lining up with applications and there goes a lot of the County money on speed humps, signage, striping. I think that maybe we need to look at – and Commissioner Montoya, I hear you. It really touches me when you talk about lives because that's what it is. We're trying to save lives out there. The Sheriff just purchased two traffic calming speed trailers. Maybe we need to look into that and see how that's going to help out in these certain areas where we do have these problems and we keep continually getting the calls and put them out there and see what it does. And if it does work, then we go this route and purchase the permanent ones.

This is an issue that I think could really get out of hand like the City of Santa Fe has. And after speaking with the Mayor, he told me that he wishes he would have never done it



because there is people, just everybody in the community is asking for speed humps. This is a tough situation but that's my comment. Thank you.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I'm opposed to the speed humps and I'm opposed to this sign. For as long as I can remember I've asked staff to check into how we change – all this stuff isn't going to stop people from speeding. I have a car that goes over those speed bumps over what the designated speed is and I think there's a lot of cars out there that have suspensions and there's a lot of people who do that. If you're going to speed, you're going to speed. And I don't think this is going to slow them down and make a big difference and I don't think the speed humps are either. What we need to do is start ticketing these people and we need to find what kind of legislation we need to pass to get, to mail these people tickets when they're caught speeding by this device. I don't know what it is but they use it in Arizona. They get caught speeding. You send them a ticket. They spend 80 bucks, they're going to think differently about speeding. When you start getting to their pocket book is when they're going to start slowing down. So I'm opposed to this ordinance and any other ordinance that is just a band-aid approach to the problem.

CHAIRMAN CAMPOS: Okay, we have a motion and a second. We've had some discussion. Commissioner Montoya, do you want to go forward with the motion? Or do you want to table it and have it fine-tuned again? Looks like there may be three votes or at least that would not support it at this time.

COMMISSIONER DURAN: Don't count my vote. I haven't been asked to vote yet.

CHAIRMAN CAMPOS: You said you were against it.

COMMISSIONER DURAN: I didn't vote on yet.

CHAIRMAN CAMPOS: I'm sorry. I just thought you said you were against it.

COMMISSIONER DURAN: Well, I'm against it. It doesn't mean I'm not going to vote for it.

CHAIRMAN CAMPOS: Interesting.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: We've got to move on, guys. It's 3:30.

COMMISSIONER SULLIVAN: I wanted to make a suggestion to see if that might get enough votes to keep this alive for at least consideration. If we change the term candidate roadways to roadways maintained by Santa Fe County, and if we added in a paragraph 7 that says this resolution shall expire on July 26, 2005, unless renewed by Santa Fe County Commission. Then this would be a one-year trial period. And these requests would come in. We would see how many came in. We would see if they would get the 75 percent of the people that would do and we would see what the magnitude of this was. And we still don't have any budgets unless we come in at mid-year budget review and add money to fund some of these or unless Commissioners use discretionary funds to fund some of them.

We'd at least give people an avenue to start the dialogue locally. That's just a thought. If people thought that might be worthwhile I think that would be a limited program since it

clearly says in paragraph 5 that we have no budget for this.

CHAIRMAN CAMPOS: When does the 12-month period begin to run?

COMMISSIONER SULLIVAN: Well, if we adopt this resolution today then it would begin to run today.

CHAIRMAN CAMPOS: It says here, the Board of County Commissioners shall at public hearing prior to February rank the candidate roadways.

COMMISSIONER SULLIVAN: We could still rank them. We would have between now and February to rank them, the ones that came in, and then we would decide whether we had the funds to do anything with them. And in any case we'd have a sunset in July of next year so that if this thing ended up being a monster in the closet we could just lock the door and let it go away.

CHAIRMAN CAMPOS: There's no such thing as a monster in the closet, Jack.

COMMISSIONER DURAN: I won't be here next year.

MR. MARTINEZ: Mr. Chair, just to give you an idea, a roadway about a quarter mile long would take an average of about four speed humps. So you're looking at about \$4,000 per speed hump so for a quarter mile, you're looking at about \$16,000.

CHAIRMAN CAMPOS: Just for installation.

MR. MARTINEZ: That is correct.

COMMISSIONER SULLIVAN: The advantage that I see, and I certainly agree that speed humps is the last resort, but what I can see here is that maybe 90 percent of the case, the staff would interact with the local residents and we would come up with either more signing. We would come up with some neighborhood patrols. We would come up with perhaps the mobile signs or this sign. We'd come up with some solutions that were less intrusive on the roadway itself. If we just got into - had some cases where people wouldn't abide by any of those procedures, then we would go and put in speed humps.

CHAIRMAN CAMPOS: What do you think, Commissioner Montoya? I'm amenable to those two. At least it gets it moving and I think they're good ideas.

COMMISSIONER MONTOYA: I think they are too and I also liked Commissioner Duran's idea of seeing what can be done in terms of how - I don't know how they're doing it or where they're doing it but I think we should look at that as an alternative as well. Because that certainly I think is something that -

CHAIRMAN CAMPOS: That would require I think legislation.

COMMISSIONER MONTOYA: Would it?

CHAIRMAN CAMPOS: I think so. And we're coming up on a 60-day session.

COMMISSIONER SULLIVAN: I think the Sheriff is going to say that we can't do that in New Mexico.

SHERIFF SOLANO: It would require state legislation and I think that if it's something that you want to pursue that we could have the County lobbyists start pursuing it and see if one of our legislators will introduce the bill. But it would require state legislation.

COMMISSIONER DURAN: Maybe we can get Grubestic to do it for us as a condition of appointing him.

CHAIRMAN CAMPOS: I'm sure you can speak to him about it. It's all negotiable, I guess. There's a motion and a second.

COMMISSIONER MONTOYA: I'll withdraw my motion.

CHAIRMAN CAMPOS: You don't have to withdraw it. Do you want a friendly amendment?

COMMISSIONER MONTOYA: Oh, if we're going to do a friendly amendment.

COMMISSIONER SULLIVAN: There's two amendments.

CHAIRMAN CAMPOS: Okay. Those are two friendly amendments. Any discussion?

**The motion to approve Resolution 2004-84 passed by majority [4-1] voice vote, with Commissioner Duran voting nay.**

MR. RYDBERG: Can I get some clarification and direction.

COMMISSIONER SULLIVAN: What do you want? You weren't listening.

MR. RYDBERG: I have define candidate roadways.

COMMISSIONER SULLIVAN: I already defined it. I already defined it in the motion. Paragraph 1, the word candidate roadways is deleted and the word will be County maintained roadways.

CHAIRMAN CAMPOS: It has to be on the map.

MR. RYDBERG: I have that.

COMMISSIONER SULLIVAN: Okay, he got that.

MR. LUJAN: Maintained, doesn't matter ownership.

COMMISSIONER SULLIVAN: Well, it should be public roads.

MR. LUJAN: But there's a difference. A lot of County roads we maintain. That doesn't mean we have ownership to them.

CHAIRMAN CAMPOS: If there's a right-of-way or an easement, we don't own it but we have an easement.

MR. LUJAN: So it's any County road.

CHAIRMAN CAMPOS: We have to have an easement.

COMMISSIONER SULLIVAN: That's County maintained. That would include the tribal roadways. Because we don't own them but we maintain them. And then the other was to add a paragraph 7 that says that this resolution expires on July 26, 2005 unless –

CHAIRMAN CAMPOS: The 30<sup>th</sup>. Why don't you make it the 30<sup>th</sup>?

COMMISSIONER SULLIVAN: No, we're doing one year, unless extended by the County Commission.

CHAIRMAN CAMPOS: Is that enough?

MR. RYDBERG: Yes sir. Thank you.

CHAIRMAN CAMPOS: Okay, we have clarification.

COMMISSIONER MONTOYA: Thank you, Commissioners.

CHAIRMAN CAMPOS: We have an option now of going to public hearings and consider the ordinance or going into executive session. What do you want to do? You want to do public hearings?

COMMISSIONER SULLIVAN: Yes. Let's do the ordinance.

CHAIRMAN CAMPOS: Okay, let's do the public hearings, Commissioner Anaya, would you chair the public hearings?

## **XII. Public Hearings**

### **A. Attorney's Office**

- 1. Ordinance No. 2004-4. An Ordinance Adopting the County Correctional Gross Receipts Tax**
- 2. Resolution No. 2004-85. A Resolution Adopting the Negative Referendum Option for Adoption of the County Correctional Gross Receipts Tax**

MR. ROSS: Mr. Chair, before you in your packet is a draft ordinance adopting the County correctional gross receipts tax. We've been talking about this for several months now. As you know, the County correction gross receipts tax has been on the books for a number of years but it only applies to new capital expenditures and did not permit use of the revenue from that tax for things like operation and maintenance of a jail and other similar expenditures.

In this last legislative session the legislature approved and the governor signed into law the legislation that changed that and permitted the County to dedicate revenue from a County correctional gross receipts tax for a number of purposes, including operating, maintaining, constructing, purchasing, furnishing, equipping County, judicial, correctional institutions. So before you is an ordinance adopting that gross receipts tax. One of the elements of the new law is a provision that permits the County to adopt a positive or a negative referendum when adopting the gross receipts tax and resolution that accompanies the draft ordinance indicates that when you adopt this ordinance you are adopting the negative referendum, which means that no referendum is required to make the tax effective January 1 unless a number of electors sign a petition and file it with the County within 60 days.

So those are the two documents in front of you. The form of the ordinance is prescribed by the Taxation and Revenue Department. The only thing that's left up to County discretion is the dedication, and I included in the dedication all the various purposes for which the statute, the new law that the legislature just past permits you to use these funds for. So it's very broad. Gives you a lot of discretion and flexibility in the future funding the various correctional institutions that the County runs.

We have advertised this ordinance in accordance with law and all is needed is that we have a public hearing, conduct a public hearing today and entertain any motions. I'll stand for questions.

COMMISSIONER ANAYA: Any questions for Steve?

COMMISSIONER MONTOYA: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: So Steve, this will go into effect, we have after today, how long? Sixty, ninety days?

MR. ROSS: Well, it goes into effect immediately. Upon recordation and upon the usual 30 days it goes into effect. But then there's this 60-day window after today in which some voters may request that an election be held on the question of whether the tax be imposed. If that happens then an election has to be held before the tax can become effective.

COMMISSIONER MONTOYA: Okay, so then, if we were to be fortunate and not have to go out to a vote on this, we could incorporate as of January 1. If we have to go to the election it won't be until July 1.

MR. ROSS: Right. That's my assessment of the time frame.

COMMISSIONER MONTOYA: Then, Becky, what would an election like this cost us to do?

REBECCA BUSTAMANTE (County Clerk): Mr. Chair, Commissioner, it would probably cost – we would consolidate some precincts. It would probably cost about \$70,000 with the new law that went into effect, that we are now using. Ordinarily, it would have probably cost about \$30,000 but it's doubled now with the new procedures.

COMMISSIONER MONTOYA: Wow. Okay. Mr. Chair, just to reiterate my thoughts from meetings past, I think this is really something that we have no choice. I think as people in our position. I think this is the right thing to do in terms of helping offset some of the costs. I've mentioned that this is the second year that I've been through the budget process, a second year that we've put over a million dollars into the budget to supplement the jail, thus impacting any sort of new programs, new raises or increased employee wages. It's just impacting our budget negatively. And I think if we do have to go out – and I think we still should. I think we should still let the voters know that this is something that is going to be required if we're going to continue to operate the jail, which we have no choice. We have to operate it.

I think the other thing, secondly, is if we look at taking this over as the Sheriff has discussed with me in the past, we're going to probably need every penny of the \$4 million that's generated, once we assume control of operating the jail ourselves. So I think over the long term we're going to be still cutting our corners in terms of making sure that we make ends meet, even with this gross receipts tax being implemented. But I think this is certainly something that we need.

COMMISSIONER ANAYA: Any other comments?

COMMISSIONER DURAN: Move for approval.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER ANAYA: There's a motion and a second.

MR. ROSS: Excuse me, Mr. Chair. We still need to conduct a public hearing.

COMMISSIONER ANAYA: Was there anyone in the public that would like to

Speak for or against this? Sheriff.

SHERIFF SOLANO: Mr. Chair and Commissioners, I know we're pressed for time but I'd like to say a few words. Santa Fe County has been working very hard to give our citizens the best corrections facilities for their dollar, facilities that ensure people are treated with dignity, respect and that the people within the facility receive the security and medical attention that they require. The jail costs are skyrocketing throughout the country and our state legislature has recognized this problem and given the counties a funding mechanism which allows these costs to be spread in a much better way. Rather than through property taxes, which put undue pressure on local, hard-working families, the GRT allows us to spread the burden to all sales within the county. Tourists, people traveling through the county, even some catalogue and mail order sales will all go to help fund our corrections through this path.

As the jail costs increase year by year, and many counties just as ours have reached critical mass in paying for the jail this has forced us to do something like this tax. The days of the jail making a profit or even paying for itself are over. If this tax were to not pass eventually a property tax increase or further cuts in services would take its place. I call on all the Commissioners and all citizens to support this tax. I call on editors and the local newspapers to back the County in supporting this tax, and myself as a fellow elected official, I support this tax. It would be great if it was not needed. It would be great if we could do without it. But the fact is that we need this tax right now. It's very important. The citizens and the media have been calling, and justly so, calling for better jails and better correctional facilities here in Santa Fe County and we're working very hard to do that, as I mentioned earlier.

But for every staff member that we have to add, for every prescription that we have to fill, for every inmate that we have to take to the hospital in order to ensure that their safety and security and medical well-being is done, those cost dollars and those dollars have been taken away from the road fund. They've been taken away from raises from our AFSCME employees, for our CWA employees. They've been taken away from things like speed humps and signs that we could purchase. At every one of these Commission meetings we talk about how we pay for these services, yet every year we're forced to add another million or \$1.2 million as this year to our correction facilities.

The state legislature recognized that all the counties were having this problem and put this tax forward as a mechanism for us to do it and I thank you for taking the courage to bring this up and to get it passed, and now I ask for the citizens to have that same courage and to step forward and let's do what needs to be done and pass this tax and get our correctional facilities straight. Thank you.

COMMISSIONER ANAYA: Thank you, Sheriff Solano. Is there anybody else out there that would like to speak for or against this? Hearing none -

CHAIRMAN CAMPOS: Mr. Chair, can I make a comment?

COMMISSIONER ANAYA: You bet.

CHAIRMAN CAMPOS: My feeling is that this is bottom line tax, \$4 million. If we don't get the money, we're going to have to cut services. Passing a tax is not really going to allow us to do much more except to pay for the jail. So it's a choice that the citizens have.

Do we want the services that we have now or not. Department of Justice has defined the standards. We need to improve medical services. They're apparently not adequate. So we don't have a choice. I think we really have to move forward and I hope the community supports this. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Would there be any other comments? Okay, this is an Ordinance Number 2004-4, an ordinance to adopt the County's correctional gross receipts tax. Do I have a motion?

COMMISSIONER DURAN: So moved. Move for approval.

COMMISSIONER ANAYA: There's been a motion. A second?

COMMISSIONER SULLIVAN: Second.

COMMISSIONER ANAYA: A motion and second. Roll call.

**The motion to approve Ordinance 2004-4 passed by unanimous [5-0] roll call vote, with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.**

**XII. A. 2. Resolution No. 2004-85. A Resolution Adopting the Negative Referendum Option for Adoption of the County Correctional Gross Receipts Tax**

MR. ROSS: Mr. Chair, this is what I described a minute ago. This is the document I've drawn up to memorialize your decision to adopt the negative referendum option on the County correctional gross receipts tax. It doesn't necessarily need a public hearing but it does need a voice vote.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: There's a motion. Is there a second?

CHAIRMAN CAMPOS: Second.

**The motion to approve Resolution 2004-85 passed by unanimous [5-0] voice vote.**

**XII. G. Matters from the County Attorney**

**1. Executive session**

**a. Discussion of pending or threatened litigation**

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

**c. Discussion of bargaining strategy preliminary to collective bargaining negotiations**

**Commissioner Campos moved to go into executive session pursuant to NMSA**

**Section 10-15-1-H (5, 7 and 8) to discuss the matters delineated above. Commissioner Duran seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.**

[The Commission met in executive session from 3:45 to 5:10.]

**Commissioner Anaya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Duran seconded. The motion passed by unanimous voice vote.**

## **XII. Appointment of State Senator for District 25**

CHAIRMAN CAMPOS: I understand that Mr. Grubestic is here and Mr. Mallin. Okay, Commissioners, what would you like to do?

COMMISSIONER DURAN: To appoint Mr. Grubestic.

COMMISSIONER ANAYA: Did we have anything to read?

CHAIRMAN CAMPOS: No. This is to fill the term of Roman Maes who resigned.

COMMISSIONER DURAN: I'd like to make a motion that we appoint Mr. John Grubestic as the replacement for Roman Maes.

CHAIRMAN CAMPOS: Okay, are there any other nominations? Is there a second?

COMMISSIONER ANAYA: I'll second.

CHAIRMAN CAMPOS: Mr. Mallin, you said you wanted to talk a little bit? Would you come forward and talk? I understand you're the Republican candidate for the State Senate.

BOB MALLIN: Yes, I am. I'm Dr. Bob Mallin, Republican candidate for the State Senate. I want to thank you for letting me speak and thank Mr. Grubestic and his family and friends for coming for my remarks. I appreciate that. And may I give you copies of my curriculum vitae?

CHAIRMAN CAMPOS: Sure.

DR. MALLIN: Thank you. Since you may not have time to read that in the next seconds, let me give you some of the highlights of my experience and what I think are qualifications. I graduated medical school in 1965 and I've been associated with medical and health issues ever since. Currently, I volunteer for the American Cancer society. I'm on the state advisory panel. I'm on the state outreach committee for people living through cancer. I facilitate a prostate cancer support group at St. Vincent's. And I am several state medical panels for cancer prevention including colorectal cancer.

My army experience was in Vietnam. I have a purple heart, a bronze star, combat medic badge and an air medal. I volunteer at Pecos National Park, so I have some knowledge



of environmental and preservation issues. I also lived for a long time in the state of Alaska and have knowledge of environmental issues that way, including the trans-Alaska pipeline development, which is in my opinion a way to show that development and ecology can actually get along if properly done. In Alaska and here, I've also had mostly healthwise experience with Native Americans. I've had legal experience for decades consulting with lawyers on various issues. I've educated two children through graduate school outside of the state and one in the state who barely made it through his GED exam. So I think I have at least grassroots sensitivity to educational issues.

Finally, I have been on the board of Open Hands, which as you know, is for the disadvantaged and aged population, which is all of us, given time. And I've been president of that board for the past two years. In conclusion, is what I would like to request is open hearings between Mr. Grubestic and myself on the issues so that you can actually make a decision based on that and so that this wouldn't look like, at least to me, a partisan decision. Thank you.

CHAIRMAN CAMPOS: Thank you, Doctor. Any discussion on the motion to appoint Mr. Grubestic to fill the unexpired term of Roman Maes for District 25. Discussion? Comments?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I'll just say what I had mentioned when we made a previous appointment. I think it's important regardless of party affiliation that we have representation on the committees during this interim period. And I think at this point it appears as though we have some consensus as to who that individual should be. So that's my opinion.

CHAIRMAN CAMPOS: Okay. Any other comments?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I would just like to say, Mr. Grubestic that I've known your family for quite some time now and I think that - I have a lot of faith in your ability to represent our community and I wish you a lot of luck.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'll just say I think it's good to see new faces in the legislature, both of whom, any of whom made a commitment to that time. I'm impressed by the fact that Mr. Grubestic was endorsed by the Sierra Club. I think that speaks highly of the environmental background and issues that he wants to bring to the legislature and that's an important concern, interest of mine.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I would just like to thank past Senator Roman Maes for all of his hard work that he did for Santa Fe County and the state of New Mexico and we welcome aboard John Grubestic.

CHAIRMAN CAMPOS: My comment is, Mr. Grubestic, I saw you on the campaign trail. I was impressed by your hard work, your campaign efforts, your orientation towards the issues. You ran a focused campaign, a good campaign. You went out and talked to

a lot of people and that impressed me.

**The motion to appoint John Grubestic to the District 25 State Senate seat passed by unanimous [5-0] voice vote.**

[The oath of office was administered by Judge Michael Vigil.]

JOHN GRUBESIC: First off, first things first, yesterday, as you all know, I had to resign my position at the Attorney General's office. I can't be a sitting senator and an assistant attorney general, so I resigned yesterday. So there are resumes on the back table. Please take as many as you want. Pass them out to your friends. I do yard work, ironing. I'm great at diapers, so please, let's get the word out there and make sure that's accomplished.

But seriously, I'm so incredibly honored to be the new senator in District 25. It was a heck of a ride and I'm really excited. I look forward to doing some good work for the constituency of this district and doing a lot of good for the state of New Mexico. There are so many people I need to thank, Mr. Chair, Commissioner Campos, members of the Commission, thank you so much for your faith and your confidence and your trust in me. I want to assure you that I will work very hard in this position. I will make you proud of me. I will make sure that I improve this district and our state. So thank you so much for that.

My mother and father, Al and Betty Grubestic, thank you so much for your patience, your love and your support. I wouldn't be here without you so thank you so much for the 39 years you've put up with me. Next, my beautiful wife Dana and my three kids, Jessica, Jack and Mason. Dana, you've been fantastic. Your patience is incredible. It's just wonderful how supportive you've been. Your beauty outweighs your patience but you have so much patience. It's incredible. Thank you for your support, your love and your understanding.

The three kids, Jessica, Jack and Mason, thank you for keeping me grounded. There's nothing like getting up the next day and having to change a diaper to bring you back to earth really quickly, and Mason you do a great job of that. You don't have to do it any more but I'll still be there.

Next, my sisters. My sisters Trisha Getty and Christina Barnett. They've been fantastic. Thank you for calling me on all my bad behavior when I was a small child. Most especially, Trisha, thank you for not killing me when I used to put lizards in your bed and I put that dent in your first car and I used to spy on you and your boyfriends. I'm sorry. Thank you for letting me make it to this point.

All my friends, thank you so much for your support. If you'll notice, the best thing about all this is nobody's talked to the press yet. Thank you so much for that and all my friends will notice on the checks, they're posted November 3<sup>rd</sup> so let's keep a lid on things until the general election is over. Finally, my campaign staff. You did a fantastic job. Ted McElroy, Al Lama, Robert Vasquez, Teresa Casados, everybody that worked so very hard on this campaign. You gave an incredible amount of work with a very limited budget and I'm just eternally grateful for all the hard work and all the long nights that we spent together.

I want to remind you that in 20 minutes we're going to be back at the campaign office. I need to you stuff envelopes and lick letter tonight. But thank you. I really appreciate all your hard work. And finally I want to take this time to thank the 35,000 people that said they voted for me in the last couple months. I want to also thank the 8,000 that promised that they would vote for me and then finally, I want to thank the 7,558 that actually showed up at the polls and the 2,928 that actually voted for me. Thank you so much.

So we have a lot ahead of us. This is the first night of the campaign for the general election. We aren't having a party tonight but I personally want to the celebration in November for the victory part. I look forward to working with you. I will make you proud and thank you so much for this great honor. And I also want to take this opportunity to thank Senator Maes. I think it was a very honorable thing for him to allow me to serve out the remainder of his term. He's served the district well for five terms and I will be a very able replacement and I will try to continue to make improvements in our district. So thank you so much. Thank you all for coming tonight.

CHAIRMAN CAMPOS: Commissioner Anaya has a letter that he would like to read. From whom is that, Commissioner?

COMMISSIONER ANAYA: Mr. Chair, I've got a letter from Senator Phil Griego who asked me to read this. *Dear Senator Grubestic, The Santa Fe County Commission's actions today is a welcome move for those of us who are fortunate to serve the people of Santa Fe County. You personal energy and your ability to connect with the people of District 25 that brought you such a significant victory in the democratic primary will serve you well at the legislature that values such traits and appreciates the success you bring to the legislative table. The earlier than normal start you're getting means you have a task of continuing your campaign while also accepting the responsibility to get involved immediately in the work of the Senate and meeting the needs of your constituents and the time commitment that comes with that. Everything we've seen shows you are more than capable and ready to do just that. The New Mexico Legislature will benefit from your energy and thoughtfulness and your fellow legislators from Santa Fe County will benefit from your ideas and partnership you bring to our shared efforts on behalf of their neighbors and the people of New Mexico. My congratulations and best wishes, Senator Phil Griego, District 39.*

CHAIRMAN CAMPOS: If there's nothing further, I think this meeting is adjourned.

MR. GONZALEZ: Mr. Chair, one thing. I did speak to the Senate Chief Clerk, Margaret Larragoite, during the interim and I think it would be appropriate for the Commission to authorize you as chair to write any letters of notification that would be appropriate, just to let the authorities now that the Commission has made this appointment. I think it's a wonderful appointment. I had the privilege of working side by side with John at the Attorney General's Office and I think you've done a wonderful job in selecting him this afternoon.

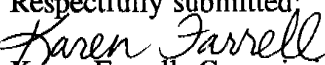
CHAIRMAN CAMPOS: If there's no objection, can I write that letter on behalf of the Commission? Okay, Thank you very much.

**ADJOURNMENT**


Chairman Campos declared this meeting adjourned at approximately 5:25 p.m.

Approved by:

  
\_\_\_\_\_  
Board of County Commissioners  
Paul Campos, Chairman

Respectfully submitted:  
  
Karen Farrell, Commission Reporter

ATTEST TO:

  
\_\_\_\_\_  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK

SFC CLERK RECORDED 09/14/2004





WORKER'S CO  
ADMINISTERED  
ASSOCIATION OF COUNTIES

July 22, 2004

Gerald Gonzalez, County Manager  
Santa Fe County  
200 Grant Avenue  
Santa Fe, NM 87504

*Via Facsimile: 995-2740*

Re: *New Mexico County Insurance Authority Workers' Compensation Board Position*

Dear Gerald:

As you know, Helen Quintana currently holds the Santa Fe County position on the New Mexico County Insurance Authority Workers' Compensation Board of Directors. I have been informed that Helen will no longer be working for Santa Fe County. Accordingly, the Board of County Commissioners will need to appoint another individual to fill the position.

A Board of Directors meeting is scheduled on August 12, 2004, at 8:30 a.m. at the New Mexico Association of Counties' conference room. If the Commission appointment is made prior to August 12, that individual can attend and participate in the meeting.

Please let me know when the Commission will be addressing this issue, and whether you need any additional information from me. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Kopelman', written over a horizontal line.

Steven Kopelman  
Risk Manager

SFC CLERK RECORDED 09/14/2004

# Memo

**To:** Santa Fe County Commissioners  
✓ Gerald T.E. Gonzalez, County Manager  
Roman Abeyta, Deputy County Manager  
Greg Solano, Sheriff

**From:** Greg L. Parrish *glp*

**Date:** 7/26/2004

**Re:** Jail Update

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As you are aware, contract discussion has been ongoing with MTC regarding operation of the Adult Facility. The agreement is not yet finalized for your review but I wanted to update you on the major components.

The current agreement is to be amended and revised. The staffing in the facility will be increased by an additional 25 individuals. These increases in staffing will be in booking, housing, and medical. The current medical provider will be replaced with a new medical provider. Physicians' hours will be increased from eight hours to approximately 16 hours per week, and psychiatric coverage will increase from four hours per week to approximately 12 hours per week. A registered nurse will be on duty 24 hours a day, seven days per week. The current per diem will increase from \$41.00 to \$42.00 for the next year; for up to 400 beds for County use.

Should the County use more than 400 beds, we will be charged a higher "market rate" for the extra beds that is equal to the average rate collected for all facility beds. MTC will receive all per diem revenue.

We hope to have a finalized amended and revised agreement for your review and approval at the August 10<sup>th</sup> meeting.

SFC CLERK RECORDED 09/14/2004

Marcos P. Trujillo  
Commissioner, District 1

Paul Duran  
Commissioner, District 2

Javier M. Gonzales  
Commissioner, District 3



Samuel O. Montoya  
County Manager

## Memorandum

**Date:** July 27, 2004

**To:** Board of County Commissioners

**From:** Gavin Lujan, <sup>CW</sup> Acting Director, Information Technology Division, PFMD

**CC:** Tony Flores, Director, PFMD

**Subject: Supplemental Information Regarding Professional Service Agreement with HotSpare, Inc. for System and Network Administration Support**

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### Background:

Attached with this memo is copy of the Professional Service Agreement No. 25-0045-PFMD with HotSpare, Inc.

- HotSpare, Inc. provides mission critical support for County IT systems in maintaining and operating the County's complex computer systems and servers. Services include systems support, UNIX programming, training, network administration and troubleshooting, as needed.
- The Professional Services Agreement is a one year agreement with services rendered on an as needed basis. Total services are not to exceed \$9,600.00 per year. The contract may be extended an additional year.
- This agreement is considered essential for County computer systems operations.

### Action:

The Project and Facilities Management Department recommends that the Board of County Commissioners approve Professional Services Agreement No. 25-0045-PFMD with HotSpare, Inc. totaling \$9,600.00 for Fiscal Year 2005 with an option to extend the contract for an additional year at the same rate.

SFC CLERK RECORDED 09/14/2004

**COPY**

**PROFESSIONAL SERVICES AGREEMENT  
WITH HOTSPARE, INC. FOR  
SYSTEM AND NETWORK ADMINISTRATION SUPPORT**

THIS AGREEMENT is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2004 by and between the **County of Santa Fe**, hereinafter referred to as "the County," and **HotSpare, Inc.**, hereinafter referred to as "the Contractor."

**WHEREAS**, the Santa Fe County Project and Facility Management Department utilizes the services of the Contractor for computer software support and training; and

**WHEREAS**, the Santa Fe County Project and Facility Management Department desires to also contract with the Contractor for system and network administration support during FY05.

**IT IS NOW THEREFORE MUTUALLY AGREED BETWEEN THE PARTIES:**

**1. SCOPE OF WORK**

The Contractor shall render the following professional services:

- A. Support operation and use of the Sun Microsystems UNIX Workstations and related operating systems, devices and unbundled software through on-site and remote services.
- B. While the services are being provided, the Contractor shall assist with training of County staff through questions, observation, and practical hands-on exercises.
- C. The range of services shall include, but is not limited to;
  - 1. Systems administration
  - 2. OS installations, upgrades and patches
  - 3. Network administration
  - 4. Troubleshooting and debugging systems infrastructure
  - 5. Server/application tuning and optimization
  - 6. Volume management
  - 7. End user environment support
  - 8. Application integration (Arc/Info, ArcView, ArcIMS, etc.)
  - 9. Installation of software
  - 10. Training; and
  - 11. Shell script programming.
- D. The Contractor shall maintain a digital log file on the County's server(s) of all services provided. This log file will list and briefly describe actions taken on the County's computer systems and infrastructure.
- E. The County will not schedule on-site services for less than four (4) hours on any given day and the Contractor shall not provide on-site services for less than four (4) hours on any given day.

Upon receipt of a fully executed Agreement and a signed purchase order, the Contractor shall commence work.

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**2. ADDITIONAL SERVICES**

- A. The parties agree that all tasks set forth in Paragraph 1, SCOPE OF WORK of this Agreement, shall be completed in full, to the satisfaction of the County, for the amount set forth in Paragraph 3, COMPENSATION AND INVOICING of this Agreement, and for no other cost, amount, fee, or expense.
- B. The County may from time to time request changes in the scope of work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Contractor's compensation, which are mutually agreed upon by and between the County and the Contractor, shall be incorporated in written amendments to this Agreement.

**3. COMPENSATION AND INVOICING**

The total compensation to be paid under this Agreement shall not exceed a total of \$19,200.00 inclusive of gross receipts tax if applicable; not to exceed \$9,600.00 for FY 2005 and not to exceed \$9,600.00 for FY 2006 if option to renew is exercised. Contractor shall be paid as follows:

- A. The County shall pay to the Contractor in full payment for services rendered the sum of \$150.00 per hour for on-site services and \$125.00 per hour for remote services exclusive of gross receipts taxes. The minimum on-site charge for services rendered shall be four (4) hours as specified under SCOPE OF WORK paragraph E and shall be billed in one (1) hour increments after the initial four (4) hours in any given day. Charges for phone support shall have a thirty (30) minute and \$62.50 minimum charge and shall be billed in thirty (30) minute increments. Charges for e-mail/Internet access support shall have a fifteen (15) minute and \$31.25 minimum charge and shall be billed in fifteen (15) minute increments.
- B. No travel or per diem shall be paid by the County under this Agreement except as provided herein. All costs of travel, per diem, or living expenses for the Contractor's staff shall be the sole responsibility of the Contractor.
- C. Payment shall be made upon receipt of a detailed, certified invoice and acceptance of the work by the County. Thirty days shall be allowed for payment after receipt of the invoice.
- D. Payment under this Agreement shall not foreclose the right of the County to recover excessive or illegal payment.

**4. EFFECTIVE DATE AND TERM**

This Agreement shall become effective on the date of last signatory and shall terminate on June 30, 2005, unless terminated pursuant to Paragraph 5, TERMINATION, of this Agreement. This Agreement may be extended in accordance with Paragraph 19, AMENDMENT, of this Agreement.

SFC CLERK RECORDED 09/14/2004

**5. TERMINATION**

- A. Termination of Agreement for Cause - Either party may terminate the Agreement for cause based upon any material breach of this Agreement by the other party, provided the non-breaching party shall give the breaching party written notice specifying the breach and shall afford the breaching party a reasonable opportunity to correct the breach. If within seven (7) days after receipt of a written notice the breaching party has not corrected the breach or in the case of a breach which cannot be corrected in seven (7) days the breaching party has not begun and proceeded in good faith to correct the breach, the non-breaching party may declare the breaching party in default and terminate the Agreement effective immediately. The non-breaching party shall retain any and all other remedies available to it under law.

Notwithstanding the above, the Contractor shall not be relieved of liability to the County for damages sustained by the County by virtue of any breach of the Agreement by the Contractor, and the County may withhold any payments to the Contractor for the purpose of set-off until such time as the exact amount of damages due the County from the Contractor is determined.

- B. Termination for Convenience of the County: The County may terminate this Agreement at any time by giving at least ten (10) days notice in writing to the Contractor. Upon receipt of the notice of cancellation, Contractor shall suspend any further work. By such termination, neither party may nullify obligations already incurred for the performance or failure to perform work rendered prior to the date of termination of this Agreement. However, neither party shall have any obligation to perform services or make payment for services rendered after such date of termination.

**6. INDEPENDENT CONTRACTOR**

The Contractor, its agents and employees are independent contractors performing professional services for the County, and are not employees or agents of the County. Notwithstanding that the Contractor enters into and performs under this Agreement, the Contractor and its agents and employees shall not accrue leave, participate in retirement plans, insurance plans, or liability bonding, use County vehicles, or participate in any other benefits afforded to employees of the County.

**7. PERSONNEL**

- A. The Contractor represents that it has, or will secure at its own expense, all personnel required in performing all of the services required under this Agreement. Such personnel shall not be employees of or have any contractual relationships with the County.

SFC CLERK RECORDED 09/14/2004

- B. All services required hereunder will be performed by the Contractor or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform such services.

**8. ASSIGNMENT**

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the County.

**9. SUBCONTRACTING**

The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the County.

**10. INDEMNITY**

The Contractor agrees to defend, indemnify, and hold harmless the County and its officials, agents, and employees from and against any and all claims, actions, suits, or proceedings of any kind brought against said parties for or on account of any matter arising from the services performed by the Contractor under this Agreement. The indemnity required herein shall not be limited because of the specifications of any particular insurance coverage in this Agreement.

**11. RECORDS AND INSPECTIONS**

The Contractor shall maintain detailed books, documents, accounting records and other evidence pertaining to services and costs incurred on providing all services identified in Paragraph 1, SCOPE OF WORK of this Agreement. Contractor shall make such materials available at their respective offices for inspection by the County at all reasonable times during the Agreement period, including before and after payment, and for three (3) years from the date of final payment under this Agreement.

**13. APPROPRIATIONS AND AUTHORIZATIONS**

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Santa Fe County Commission or the Legislature of the State of New Mexico, if state funds are involved, for performance of this Agreement. If sufficient appropriations and authorizations are not made by the Santa Fe County Commission or the Legislature of the State of New Mexico, if state funds are involved, this Agreement shall terminate upon written notice being given by the County to the Contractor. The County is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered and approved for expenditure by the County. The County's decision as to whether its funds are sufficient for fulfillment of this Agreement shall be final.

SFC CLERK RECORDED 09/14/2004

**15. RELEASE**

The Contractor, upon final payment of the amount due under this Agreement, releases the County, its officers, agents and employees from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the County to any obligation not agreed to herein unless the Contractor has express written authority from the County to do so, and then only within the strict limitations of that authority.

**16. CONFIDENTIALITY**

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without prior written approval of the County.

**17. CONFLICT OF INTEREST**

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement.

**19. AMENDMENT**

This Agreement shall not be altered, changed or amended except by an instrument in writing executed by the parties hereto.

**20. INTEGRATION**

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this written Agreement. No prior agreement, covenant or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

**21. SEVERABILITY**

If any term or condition of this Agreement shall be held invalid or non-enforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable to the fullest extent of the law.

**22. EQUAL OPPORTUNITY COMPLIANCE**

The Contractor agrees to abide by all Federal and State laws, rules and regulations, and local government laws and ordinances. In accordance with such laws, rules and regulations, and local government laws and ordinances, Contractor agrees to assure that no person in the United States shall, on the grounds of race, color, religion, national origin, sex, sexual preference, age, disability or handicap, be excluded from employment with or participation in, be denied the

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benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If the Contractor is found not to be in compliance with these requirements during the term of this Agreement, the Contractor shall promptly take appropriate steps to correct these deficiencies.

**23. APPLICABLE LAW**

In providing the SCOPE OF WORK outlined herein, the Contractor shall comply with all applicable Federal, State of New Mexico and local governments laws and ordinances.

**24. NOTICE OF PENALTIES**

The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.

**25. NO THIRD-PARTY BENEFICIARIES**

This Agreement was not intended to and does not create any rights in any persons not a party hereto.

**26. FACSIMILE SIGNATURES**

The parties hereto agree that a facsimile signature has the same force and effect as an original for all purposes.

**THIS SPACE INTENTIONALLY LEFT BLANK**

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IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

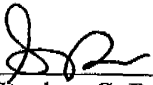
SANTA FE COUNTY:

ATTEST:

\_\_\_\_\_  
Paul Campos, Chairman  
Santa Fe County Board of Commissioners



\_\_\_\_\_  
Rebecca Bustamante  
Santa Fe County Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen C. Ross  
Santa Fe County Attorney

7-19-04  
Date

FINANCE DEPARTMENT APPROVAL:

   
\_\_\_\_\_  
Susan Lucero  
Santa Fe County Finance Director

7/19/04  
Date

CONTRACTOR:

\_\_\_\_\_  
HotSpare, Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FEDERAL TAX IDENTIFICATION NO. (TIN)

SFC CLERK RECORDED 09/14/2004