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COUNTY OF SANTA FE
STATE OF NEW MEXICO } ss
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SANTA FE COUNTY

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

SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

July 30, 2002

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

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

**REGULAR MEETING
(Administrative Items)
July 30, 2002 - 10:00 a.m.**

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items *amended*
- V. Approval of Minutes *- July 3, 2002; July 6, 2002; July 9, 2002 w/connection*
- VI. Matters of Public Concern - Non-Action Items
- VII. Presentations
 - A. Honor Virginia Montoya Upon Her Retirement After 18 Years of Service in the Santa Fe County Clerk's Office
 - B. Presentation of a Certificate to Recognize Ramon Dalton for his Nomination for the 2002 Amy Beihl Youth Spirit Award
 - C. New Mexico Association of Counties 2001 Safety Award - Jeff Trujillo
 - D. Update on the Health Action Plan by the Health Policy and Planning Commission
 - E. Presentation on Behalf of the Santa Fe Regional Juvenile Justice Board on the Comprehensive Strategy for the Youth, Families and Community of Santa Fe
 - F. Presentation by St. Vincent Hospital
- VIII. Matters from the Commission *82*
 - A. Resolution No. 2002 - A Resolution Declaring an Agricultural Emergency in Santa Fe County *Amended*
 - B. Discussion and Direction on Future COLTPAC Acquisition *- duty to take to COLTPAC*
 - C. Discussion Regarding Designation of the Silverado Area as a Critical Water Management Area

IX. Consent Calendar

2226855

- A. Findings of Fact:
 - 1. CCDRC CASE #Z 01-5480 – San Cristobal Master Plan (Approved)
- B. Request Approval of Memorandum of Agreement #23-0052-DW for a Youth Prevention Program Coordinator at San Ildefonso Pueblo (Community and Health Development Department)
- C. Resolution No. 2002 ⁹² A Resolution Requesting an Increase to the General Fund (101)/Smart Moves Program to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Community and Health Development Department)
- D. Resolution No. 2002 ⁸⁴ A Resolution Requesting an Increase to the General Fund (101)/Maternal Child Healthcare Program) to Budget Fiscal Year 2002 Cash Balance and a Grant Received From the Frost Foundation for Expenditure in Fiscal Year 2003 (Community and Health Development Department)
- E. Resolution No. 2002 ⁸⁸ A Resolution Requesting a Budget Transfer from the Housing Capital Improvement Fund (301) to the Housing Enterprise Fund (517) for Expenditure in Fiscal Year 2003 (Community and Health Development Department)
- F. Request Ratification and Approval of a Professional Service Agreement #22-183-CHDD With Chimayo Crime Prevention Organization to Conduct a Summer After School Program for Youth Within the Chimayo Area (Community and Health Development Department)
- G. Resolution No. 2002 ⁸⁷ A Resolution Approving a General Depository Agreement for the Establishment of a Public Housing Family Self-Sufficiency Escrow Account (Community and Health Development Department)
- H. Resolution No. 2002 ⁸⁵ A Resolution Approving the Santa Fe County Housing Services Division's Public Housing Assessment System Management Operations Certification for the Fiscal Year Ending June 30, 2002 (Community and Health Development Department)
- I. Resolution No. 2002 ⁸⁶ A Resolution Requesting an Increase to the General Fund (101)/Commission Capital Outlay to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Finance Department)
- J. Resolution No. 2002 ⁸⁷ A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 1997 Series Fund (350) to the GOB Debt Service Fund (401) to Budget Interest Earnings Revenue for Debt Service Expenditure in Fiscal Year 2002 (Finance Department)
- K. Resolution No. 2002 ⁸⁸ 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 Interest Earnings Revenue for Debt Service Expenditure in Fiscal Year 2002 (Finance Department)
- L. Resolution No. 2002 ⁸⁹ A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 2002 Series Fund (353) to the GOB Debt Service Fund (401) to Budget Interest Earnings Revenue for Debt Service Expenditure in Fiscal Year 2002 (Finance Department)

- M. Resolution No. 2002 - ⁹⁶A Resolution Requesting an Increase to the Fire Protection Fund (209) to Realign the Fiscal Year 2003 Budget with the Final Fire Protection Allotment Received from the New Mexico State Fire Marshal for Expenditure in Fiscal Year 2003 (Fire Department)
- N. Resolution No. 2002 - ⁹⁰A Resolution Requesting an Increase to the EMS District Fund (206)/Various Fire Stations to Realign the Fiscal Year 2003 Budget With the Final EMS Allotment Received from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Fire Department)
- O. Resolution No. 2002 - ⁹⁷A Resolution Requesting an Increase to the General Fund (101)/Information Systems Division to Budget the Intergovernmental Agreement Revenue for Expenditure in Fiscal Year 2003 (Project & Facilities Management Department)
- P. Resolution No. 2002 - ⁹¹A Resolution Requesting an Increase to the NMFA Loan Proceeds Fund (340)/Information Systems Division to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Project & Facilities Management)
- Q. Request Ratification of Change Order #3 (Construction Agreement #321-163-CH) for the Construction of the Santa Fe County Public Safety Complex - Deputy Leopoldo C. Gurule Building (Project & Facilities Management Department)
- R. Request Authorization and Acceptance of Change Order #4 (Final/Closeout, Construction Agreement #21-163-CH) for the Construction of the Santa Fe County Public Safety Complex - Deputy Leopoldo C. Gurule Building (Project & Facilities Management Department)
- S. Request for Approval and Execution of the 2002 Severance Tax Agreements for Various Road Projects From the New Mexico State Highway and Transportation Department (Public Works Department)
- T. Request Approval of Amendment #1 to the Severance Tax Agreement for Road Improvements and a Low Water Crossing on CR 55-A from the New Mexico State Highway and Transportation Department (Public Works Department)
- U. Request Authorization to Accept Amendment #3 to Lease Agreement #20-0058-SD With Plaza del Sol for the Lease of Space for the Animal Control Division for an Additional Year Through August 31, 2003 (Sheriff's Office)
- V. Resolution No. 2002 - ⁹⁰A Resolution Requesting an Increase to the General Fund (101)/Region III Program Income) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Sheriff's Office)
- W. Resolution No. 2002 - ⁹²A Resolution Requesting an Increase to the General Fund (101)/Region III Drug Enforcement Grant to Budget Additional Grant Revenue Awarded by the United States Department of Justice for Expenditure in Fiscal Year 2003 (Sheriff's Office)
- X. Request Approval of the Region III Drug Task Force Grant Awarded through the New Mexico Department of Public Safety for Fiscal Year 2003 (Sheriff's Office)
- Y. Resolution No. 2002 - ⁹⁴A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)

X. Administrative Items**A. Committee Resignations**

1. Resignation from the Workers' Compensation Board of the New Mexico Association of Counties

B. Committee Appointments/Reappointments

1. Appointment to the Workers' Compensation Board of the New Mexico Association of Counties
2. Appointment to the Health Policy and Planning Commission from the Community Access Program

XI. Staff and Elected Officials' Items**A. Administrative Services Department**

1. Request Approval of the Collective Bargaining Agreement Between Santa Fe County and the New Mexico Coalition of Public Safety Officers/CWA 7911 for the Period Beginning July 1, 2002 through June 30, 2004

B. Community and Health Development Department

1. Request Approval of a Professional Services Agreement #23-0036-DW with Millennium Treatment Services, Inc. for DWI Outpatient Treatment Services
2. Request Approval of Professional Services Agreement #23-0038-DW with Life Link for DWI Outpatient Treatment Services
3. Resolution No. 2002 – A Resolution Granting Authority to the Housing Board to Act on All Housing Matters

C. Finance Department

1. Resolution No. 2002 – A Resolution to Surplus Fixed Asset Equipment
2. Resolution No. 2002 - A Resolution to Donate Surplus Fixed Assets (Four Personal Computers) to the Santa Fe Public Home School Program
3. Resolution No. 2002 – A Resolution Requesting Final Approval of the Budget for Fiscal Year 2003 as Presented to the New Mexico Department of Finance and Administration, Local Government Division

D. Project and Facilities Management

1. Request Authorization to Enter into a Lease Agreement with Purchase Option for Real Property Located at 2052 Galisteo Street, Santa Fe, New Mexico
2. Request Approval of the FY03 Infrastructure Capital Improvement Plan Implementation Schedule
3. Request Direction Regarding the Purchase of an 11-Acre Open Space Tract Known as the Madrid Greenbelt Property
4. Request Direction Regarding the Purchase of a 91-Acre Open Space Tract Known as the Lamy/Miller Tract (PUBLIC COMMENTS ALLOWED)

- w/Draw*
5. Request Approval of a Professional Services Agreement with the Lopez/Garcia Group for \$10,681.02 to Provide Archaeological Services for the Proposed Trails and Open Space Acquisition Known as Vista Grande
- E. Public Works Department
1. Request Authorization to Publish Title and General Summary of an Ordinance to Amend Ordinance No. 1994-2, An Ordinance Regulating Procedures for Disturbing and Repairing County Property and Rights of Way
- F. Utilities Department
1. Request Approval of the Santa Fe County Water Utility 40-Year Water Plan
 2. Resolution No. 2002 – A Resolution Adopting and Approving a Water Service Application Fee
- G. Matters from the County Manager, Estevan Lopez
1. Manager's Recommendation Relative to a Federal Lobbyist
- H. Matters from the County Attorney, Steven Kopelman
1. Executive Session:
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights
 - w/Draw* c. Discussion Regarding Sole Source Purchase

XII. 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).

SANTA FE COUNTY

REGULAR MEETING

2226859

BOARD OF COUNTY COMMISSIONERS

July 30, 2002

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:45 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Duran, Chairman
Commissioner Javier Gonzales
Commissioner Paul Campos
Commissioner Jack Sullivan

Members Absent:

Commissioner Marcos Trujillo

III. Invocation

An invocation was given by Ralph Jaramillo from the County Assessor's Office.

IV. APPROVAL OF THE AGENDA

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

ESTEVAN LOPEZ (County Manager): Mr. Chairman, we have no amendments to the agenda. However, we do have a couple of items that we request that you withdraw from the agenda. The first item that we're requesting withdrawal of is under XI. D. 5 Request approval for professional services agreement with Lopez/Garcia group. That item we request be amended. The second, XI. H. 1. c, under executive session, discussion regarding sole source purchase. That's not needed either, Mr. Chairman. Other than that, the agenda is as you've got in your packet.

CHAIRMAN DURAN: I'm sorry, Estevan, what was the last one?

MR. LOPEZ: It's the very last item on the agenda. It's under executive session,

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item c, discussion regarding sole source purchase.

CHAIRMAN DURAN: Okay. Does the Commission have any amendments to the agenda?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I don't have an amendment but I would like to make a suggestion that we adjourn this meeting no later than 4:00 today because we do have the EZA at 6:00. So we have a full plate after six. So if indeed the Commission does have, Mr. Manager, would you tell us what priorities there are? First of all, I'd like to get a read from the Commission if that's what they would like to do. Adjourn by four.

MR. LOPEZ: Mr. Chairman, just one item of information that may play into this decision and that is that item XI. D. 4, Requesting direction regarding the purchase of a 91-acre open space tract known as the Lamy Miller tract. This was published saying we would allow public comment and yesterday we told individuals that wanted to come and address this issue that we would try and hold this discussion at around 4:00. So I guess to the extent that you want to adjourn this, we should try and get word out to those individuals if it's possible.

CHAIRMAN DURAN: Why don't you get the word out to them? The Chair will entertain a motion to approve the agenda as amended.

COMMISSIONER GONZALES: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Any further discussion?

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

V. Approval of Minutes: July 3, 2002

CHAIRMAN DURAN: Any changes to those minutes?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I hate to bring up a controversial item the very first part of the agenda but that was the meeting where we had the presentation by the County Treasurer about the Pledge of Allegiance. The minutes, and I don't want this to be an indication of my personal feelings one way or the other, I'm just saying the way I recall that meeting went was that Councilor Carol Robertson Lopez said that she delivered a message from the Mayor that the Pledge of Allegiance would always be said at the City Council meeting. And I recall you as Chair saying later on that the Pledge of Allegiance would always be said at the County Commission meetings.

The way the minutes indicate was that the Pledge of Allegiance would always be said and that they would always include the words "under God."

CHAIRMAN DURAN: I never said that.

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COMMISSIONER SULLIVAN: I didn't remember your saying that either.

CHAIRMAN DURAN: I actually said that as long as I was the Chair that we would have the Pledge of Allegiance.

COMMISSIONER SULLIVAN: That's what I remember your saying. And I'm not making a case for one interpretation or the other. I'm just saying I believe that is what you said in the minutes. But the minutes say Chairman Paul Duran and Mayor Delgado both indicated that the Pledge of Allegiance would always be said before their meeting and would include the words "under God." And I don't recall that having been said at the meeting.

CHAIRMAN DURAN: So why don't we just amend the minutes to end there at "before their meetings"?

COMMISSIONER SULLIVAN: I think that accurately reflects what was said.

CHAIRMAN DURAN: I agree.

COMMISSIONER CAMPOS: Motion to approve the minutes of July 3rd as amended by Chairman Duran.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Any further discussion?

The motion to approve the July 3, 2002 minutes as amended passed by unanimous [3-0] voice vote. [Commissioner Gonzales abstained, having been absent from the meeting.]

Special Meeting of June 6 and June 12, 2002

CHAIRMAN DURAN: Any changes to those minutes? If not, what's the pleasure of the Board?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Mr. Chairman, I was present for the 12th and not for the 6th, so I'm not sure how I vote on this. Are they one set of minutes?

CHAIRMAN DURAN: Was it a continuation? Why don't you vote in favor of the portion you were with and abstain from the other part.

COMMISSIONER SULLIVAN: It was just an election compilation, so I just want to make that clear that I was there just for the second part.

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

July 9, 2002

CHAIRMAN DURAN: Any changes to the minutes of July 9th?

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had some typographical changes that I'll give to the recorder, if that's acceptable to the Commission.

CHAIRMAN DURAN: Sure. The Chair will entertain a motion to approve.

COMMISSIONER GONZALES: So moved.

CHAIRMAN DURAN: With your amendments?

COMMISSIONER SULLIVAN: Second.

The motion to approve the July 9, 2002 minutes as amended passed by unanimous [4-0] voice vote.

VI. Matters of Public Concern – NON-ACTION ITEMS

CHAIRMAN DURAN: Since we do have a lengthy meeting if we could kind of cut to the chase here.

CAROLYN SIGSTEDT: Well, first I'd like to mention that I think the newspaper indicated that this meeting would start at 10:00. Perhaps that was a misprint.

CHAIRMAN DURAN: No, we had another meeting prior to this that took longer to complete.

MS. SIGSTEDT: Okay.

CHAIRMAN DURAN: Life is like that.

MS. SIGSTEDT: My name is Carolyn Sigstedt. I live in the City of Santa Fe and I just want to make a few brief comments about a matter that's coming up later this afternoon. It deals with the approval of the Santa Fe County Water Utility 40-year water plan. I think it's wonderful and good work that the County did this plan and that this plan, as best it could, at that time, was tied to water. The only thing I want to caution you of is that much has happened since that plan and that in fact, we have found that finding water to tie to is harder than we ever imagined.

I want to hand to you an article that was in the July 22nd *New Mexican*. This work by Tom Turney I think is very important for the RPA, the Regional Planning Authority and also the County. This work will—incidentally for the audience and people watching television, the article that I handed out dealt with the state researching water levels and calling our area in Santa Fe County the Española Basin. That would be from southern Española to the Rio Grande to County Road 14 and the mountains. And in this area, originally, Tom Turney administratively received permission to call certain areas in New Mexico at-risk areas.

He was doing this at the time, which was now six months ago at least, to protect the Middle Rio Grande area. And he never actually at that time thought it could be used for the periphery of metropolitan areas. I am so glad that he realizes that this legislation or administrative policy can be worked for peripheries around metropolitan areas where there is a lot of pressure for growth.

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What this legislation enables him to do is to call an area at-risk, which means that that area is pumping its aquifer faster than that aquifer can recharge, and it's actually causing that area to be non-sustainable. If the work that Tom Turney is doing would allow him to do test wells south of Española, at the Buckman, and also near Route 14, where depending upon who you're talking to people have different understandings of how much water is there. This research will give our region true statistical, up to date, present information about what really what our water situation is. And I feel that any 40-year water plan should take this work that will be done in the next six months into consideration.

We have groundwater and surface water. Javier Gonzales later will speak to wanting to protect our agricultural water. We know that the Rio Grande has pressures on it in this century and our groundwater, if we are to remain sustainable can't be mined. So that doesn't leave us with much, and in fact, what it does leave us with is conservation and any 40-year growth plan needs to deal with conservation and in fact changing our building practices entirely, perhaps cutting the water use in half. Thanks.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission concerning any issue?

VII. Presentations

A. **Honor Virginia Montoya upon her retirement after 18 years of service in the Santa Fe County Clerk's Office**

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, members of the Commission, I would like to invite Virginia Montoya. Virginia has been a County employee for 18 years. Not all of it has been in the County Clerk's Office but the majority has been. She is retiring tomorrow after 18 years of service. She started in July 1984 and she wanted to complete her service in July and so tomorrow is her last day. On behalf of the Santa Fe County Clerk's Office, I just want to say she's been an exemplary employee. We're going to miss her and we want to present this plaque to you. It says, "Virginia Montoya, thanks for 18 years of service to Santa Fe County. July 1984 through July 2002. We wish you a great retirement. Santa Fe County Clerk and staff."

I would also like to say we have a huge banner downstairs so if anybody wants to come and make a special wish on her banner, I know she would appreciate that.

CHAIRMAN DURAN: I'd just like to thank you for your years of service. Santa Fe County is only as good as the people that work for us. Thank you very much.

COMMISSIONER GONZALES: Virginia, I too want to thank you for your years of service. I know that any time anyone goes down into the Clerk's Office, you're always willing to greet them with a smile no matter how long a day you've had or how difficult the question may be and I think that's not only a testament to Santa Fe County and the Clerk but just a testament to the type of individual you are. I know that we're all going to miss you and your wonderful smile and certainly I'll miss the hugs that I used to get walking down the hall,

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but hopefully we'll get to see you around here. God bless you and I'm sure you're going to have a wonderful retirement.

CHAIRMAN DURAN: Thank you, Becky.

MS. BUSTAMANTE: Thank you.

VII. B. Presentation of a certificate to recognize Ramon Dalton for his nomination for the 2002 Amy Biehl Youth Spirit Award

BETTY CARDENAS (Youth Prevention Specialist): Mr. Chairman, members of the Commission, Ramon Dalton has lived in the Camino Jacobo public housing neighborhood for about five years. About a year ago he started working with the Smart Moves and the 4-H out at the Camino Jacobo drug prevention project. He's attended all of the activities and he brought with him a love for music, which he has used to help pull the neighborhood together, not only the youth in the neighborhood but also a number of the adults and the senior citizens in that neighborhood. This has brought about a change in the way the teens relate to the neighborhood.

He and six other teens are the founders of the Jacobo Teen Club, which is continuing past the end of the prevention project that was started out there. Because of his work he was nominated for the Amy Biehl Youth Spirit Award in the housing today and hopefully with the approval of the Commissioners, I'd like to present to Ramon a certificate of appreciation recognizing his work.

RAMON DALTON: Hello, how are you guys doing?

CHAIRMAN DURAN: Good.

MR. DALTON: I brought a little speech for you guys. One year ago, I got involved in 4-H Club. Since then it has changed many things for me. In the group we work together to plan events including our own holiday dances and dinners. Fernando Sena and I both were disc jockeys and provided music for the events. The group also worked in the County Fair and Santa Fe Fiesta parade during September. We have all learned ways to work together better and I am very excited and interested in working on future events.

Being nominated for the Amy Biehl Youth Spirit Award was another great step, not only for me but for everyone in the Camino Jacobo Teen Club, including Jessica Trinidad, Darren Tongate, Sean Ong, Lynette Trinidad and Antoinette Rexro. Without all of us and without the support of the Housing Authority and the cooperative extension, none of this would be possible. On behalf of the Jacobo Teen Club and myself, I thank you very much for the certificate.

CHAIRMAN DURAN: Thank you.

COMMISSIONER GONZALES: Congratulations.

VII. C. New Mexico Association of Counties 2001 Safety Award – Jeff Trujillo

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I sit on the—I've been sitting on the Workman's Compensation Board for the Santa Fe County and through my tenure there were always new things that we had to bring before the County, new ideas, new training methods and I always went to Jeff Trujillo because as you know, he's our risk manager. He has been a very professional person and I think he implemented quite a few plans which resulted in Santa Fe County being awarded the 2001 Safety County Award. And I present this to Santa Fe County and also to Jeff Trujillo, and it will hang in our building for one year and then it will move on to the next county and hopefully it will be Santa Fe County again. So I would like to bring Jeff Trujillo up.

JEFF TRUJILLO (Risk Manager): Thank you very much, Commissioners. I really appreciate this. This is a great award because it took a lot of managers, a lot of elected officials, a lot of supervisors to make this award. I think we have a great group of people that work here and this is for everybody. Thanks.

CHAIRMAN DURAN: Thank you, Jeff. I think it was because of you that we got it though.

MS. BUSTAMANTE: Thank you. Mr. Chairman, may I make a statement at this point? I would just like to say that I was the one that did the minutes for the July 3rd meeting. I believe that that demonstration was for a "under God" in the constitutional amendment. The minutes were not verbatim. They were summarized and it didn't say that it said, it said indicated and I just felt that taking out that particular statement just took away from what the whole demonstration was about. Thank you.

VII. D. Update on the Health Action Plan by the Health Policy and Planning Commission

FREDRICK SANDOVAL (City Community Services Director): Good morning. Buenos días, Mr. Chairman, County Commissioners. I'm Fredrick Sandoval. I the current co-vice chair of the Health Policy and Planning Commission for the County. The Chair of the Commission, Jaime Estremera was unable to attend today's presentation. He's attending a Medicaid Reform committee but sends his regards to all of you. I'm here to do a very short update, so I'll go through this very quickly, but I'd like to inform you of a couple of activities that are coming up in the month of September and October. The first one is in the month of September. At that time, Santa Fe County staff will be working with you as the Commissioners to help set up the dates and locations for five public hearings. And the purpose of the public hearings will be used for the Health Policy and Planning Commission to be able to present the health plan to the constituents out in these county districts. Which means that we're going to be inviting the public at large to attend these district meetings. So we'll have staff confer with each of you to help establish the dates and those locations in your particular districts. So that will

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happen in the month of September.

We're really excited about that because that will help lead us into the next event, which is in the month of October, and at that point, the Health Care Forum will be held on October 18th, which is a Friday and will be conducted at the Santa Fe Community College. So really the public hearings lead up to that forum so that what we can actually do is have a large group of public participation at those events.

What I'd like to do is acknowledge the people who have helped kind of prepare and plan for these particular events. That includes Rebecca Frenkel, John Pacheco, Cindy Stetson, Reverend Tom Anderson, myself and of course Steve Shepherd who's the staff who has really been very helpful in getting the details worked out. I do just want to share very quickly with you that we will be circulating at those public hearings the executive summary of the health plan to all the participants there. We will have full copies available in its entire text for those individuals who would like to read those documents. As you know, the health plan was approved recently by the Board of County Commissioners. That will be made available to anyone who requests that and it will be available at those meetings.

The Health Policy Planning Commission members will be actively involved with those particular public hearings so we can make sure that a power point presentation is done around the health plan. We will solicit the community input around that health plan so that we can continuously be apprised of the public's interest and concerns around health issues. Then what we basically will do is take the public comments and take record of them, so for the record, we will then give that information back to the Health Policy and Planning Commission as part of our ongoing work.

What I'd like to share very quickly now, in terms of the Health Care Forum itself, this is going to be quite a big event. We will have lots of publicity around this event. We will be sending out an invitation letter to folks to help co-sponsor this event which will include all the key stakeholders in the community and just so that you know, the Commissioners were very influential in asking that we have this key event. And it's really important because, one, not only will help tend to disseminate the health action plan for the County, but it's also an opportunity to continue to get input from the constituents who will be there, which will be not just private citizens and consumers, but also providers and other entities. We're now organizing the speakers, the agenda has been formulated so we're working on those specific details but just on behalf of the Health Policy and Planning Commission we want to just thank you for all the support that you've given to the Health Policy and Planning Commission and in light of these upcoming events and the publicity associated with them, we want to ask you to be there with us so that we can continue to represent the health needs of our community and try to respond to those as effectively as possible.

So with that, if there's any comments or questions, I'm finished with the update.

CHAIRMAN DURAN: Just let us know what dates those events are going to occur on and we'll try and make it.

MR. SANDOVAL: Okay. Thank you, Mr. Chairman. Thank you, Commissioners. Appreciate it.

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VII. E. Presentation on behalf of Santa Fe Regional Juvenile Justice Board on the comprehensive strategy for the youth, families and community of Santa Fe

GREG PARRISH (Corrections Coordinator): Mr. Chairman, Commissioners, the only reason I'm here is to introduce Fred, but he's already introduced himself so as one of his many talents he's going to make a presentation on behalf of the Santa Fe Regional Juvenile Justice Board on their comprehensive strategy that they've developed over the last two years. And I'll go right to Fred.

MR. SANDOVAL: Once again, thank you very much. Actually, I'll be co-presenting here. I'm only going to make some opening comments here. I serve as a staff liaison for the Santa Fe Regional Juvenile Justice Board which has 21 members, so you can just imagine how large a constituency this is, but it's a very broad representation and we're very fortunate to have with us today not only members of the Board but also the gentleman who helped us coordinate the plan that we just recently completed and we're only going to give you kind of excerpts of the plan. It's actually very large but we're only just going to give you the highlights and that gentleman is Jack Ortega who's only temporarily seated there because he's going to come up here to the microphone in just a moment. And if you could flash the next overhead which shows the list of the current members of the Santa Fe Regional Juvenile Justice Board.

That shows the current membership of the board. As you know, two of the previous appointments to that particular board were the Commissioners here and we now of course have additional County representation on that particular board. And I'd like for just a moment to ask the board members that are in the room to just stand so we can acknowledge that they are in attendance. If you would please stand. Thank you very much. As one of the representatives, the acting chair is the chief juvenile probation officer, Ted Lovato, he'll come up now in just a moment to make some opening remarks.

But with that I just want to say that this board has done some phenomenal work and not just in terms of the planning process, but incidentally we're now at the threshold for program implementation and we'll share some excerpts of that with you. So for now, I'd like to ask Ted if he would come up and make some opening remarks.

TED LOVATO: Thank you. Good morning, Mr. Chairman, Commissioners, I want to thank you for the opportunity this morning to briefly go over the work this board has been doing over the last year, and hopefully will continue to do over the next years to come. The idea is to bring together all the County, local, state resources to identify the best approach in dealing with young people in our community and the family and the breakdown of families to help them help themselves. We do realize that it's breakdown that a lot of times precipitates the need for intervention from other agencies. What we want to do is hopefully identify those needs and give them to those families early on so we don't have to be part of their lives unless it's absolutely necessary. So with that I'm going to go ahead and turn it over to Mr. Ortega and Fred.

JACK ORTEGA: Good morning. It's a pleasure to see you folks today, and

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we'll try and go through this as quickly as we can to support the time constraints that you all have. But basically, the board is made up of various entities, both City and County and the basic mission statement of the board is to basically support the success of Santa Fe's youth through family and community. Basically Judge Barbara Vigil was our spearhead in this effort and in her capacity she has seen many things in this community and as a result she kind of gave focus to the board.

The primary goal of the regional board is to coordinate and implement programs which reduce juvenile delinquency and increase the protective factors around children and youth. Basically, what that means is we want to coordinate what's already here. This community, both in the city and the county, has a lot of good things that it already produces. What we really want to do through this board is to try and coordinate that so we have a more comprehensive approach to our families and youth. The second plan that the board had was to develop a juvenile justice plan and with that, we received assistance from the Children, Youth and Families Department. They have basically provided guidance for us to look at a national model, which has been implemented in places like San Diego and Corpus Christi and Fort Worth. We visited all three communities and as a result of that developed a plan.

The plan in most of these communities has taken up to a year, a year and a half to develop because of different changes in the federal government. We were told to do this in 90 days. We started the plan in January 2002 and the plan was actually completed on May 6 and was ratified by the City Council at the end of May. Within the plan, the plan basically divided the community into four domains. Those domains are school, peer relationships, community and family. If you look at peer and family, those deal with individual relationships of youth. The school and community concerns itself with those institutions within the community that are there to provide support for our youth and families.

The risk factors, the first one is a school risk factor, and basically, through the national model, it identifies that children are at risk when they encompass failure in school, and that usually begins as early as the third grade, and actually begins to blossom somewhere in junior high, and often results in them dropping out of school somewhere between the tenth and eleventh grade. And as we all know, when a child drops out of school, they basically reduce their chances tremendously to make a good living and be successful.

The peer risk factor is one that is also quite important because as we all know, next to family, peers are quite important to our youth. And when the family is not strong enough, then the peer group ends up being the most dominant group of influence upon a child. And this usually results in a lot of gang activity. When you have gangs in the community it's a result that the families are not doing the job nor do they have the support.

In terms of community risk factors, those are deteriorating neighborhoods, extreme poverty, poor living conditions and high unemployment. I think those are all issues that you all deal with on an ongoing basis as Commissioners. In terms of family risk factors, families are under a lot of stress today. As we all know, there are many families working two jobs, just the whole idea of living in Santa Fe and the expenses here. Our youth group has told us that a lot of them just don't spend enough time with their families and as a result of that what happens is

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there's a lack of clear expectations for behavior, there's a lack of parental supervision and there's a lack of monitoring of the actual children.

So when all of these risks factors are in place then children are more at risk to be in delinquent acts or not doing well in school. The model basically provided us with an outline of identifying gaps in service. And the gaps in service are identified in two ways. There are those gaps in which the service is available but there's not enough of the actual service and that's the screen in front of you right now. What the plan has identified is while we have diversion programs, we don't have them in enough capacity to address the youth. There's also a lack of life skills mentoring, psychological evaluations, school-based probation and electronic monitoring.

In terms of actual gaps, those services that have been identified by the plan but don't exist, those would be in the area of interventions, that's truancy intervention, citizens hearing panels, fines and fees, alternative schools, day and evening custody, treatment and citizen hearing panels. These all have been identified by the plan and we're now attempting to address those issues through the actual plan itself. We have developed a two-year plan and we won't bore you with all the highlights of that.

COMMISSIONER SULLIVAN: Excuse me, Mr. Chairman. Can I just ask a question before you move off, back to the previous slide. I noticed in the plan that some of the issues of the gaps in our area, one was the truancy intervention program, indicating that we have a problem addressing that. I just saw in the paper, I think yesterday or the day before, that the school board was meeting and coming up with a truancy plan, I think it was an editorial on it which was somewhat critical of it as being too lenient. Are you involved with the school in helping to develop this plan?

MR. ORTEGA: Yes we are. In fact, we're meeting at 2:00 today and the whole issue of truancy I think it's had its difficulties because basically, everyone has felt that to be primarily a school issue, when in fact if we are to address truancy in its totality it's a total community issue that deals partly with schools and certainly with students and families. It certainly deals with our business community and them supporting some of the things that we have already thought of and will present through subsequent meetings. It will involve, I believe to a certain extent, our law enforcement folks. It will involve a lot of the community resources to support our families and it will also involve our local judges, as well as I think the City and the County governments. Hopefully, making some changes in policy that will allow certain programs to unify together as Fred will explain at the end here, so that we can come up with current resources and put those together to arrive at a comprehensive program. Truancy is exactly that.

COMMISSIONER SULLIVAN: So there's not a disconnect there? You're working with the schools to try to put a program in place.

MR. ORTEGA: There's no disconnect. In fact sir, I think you'll see there's going to be a quite structured collaboration between the public schools, the County government, the City and law enforcement and our local judges. When that type of approach was used in the cities that we visited they saw dramatic drops in drop-outs and a tremendous increase in school

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performance.

Moving on to the comprehensive strategy, year one, the first milestone we have is to address policy changes in the juvenile justice system to require a timely response between the offense and disposition. Basically, our juvenile probation office is hampered by a lack of alternatives. And when you have a lack of alternatives then you sort of deal with things as you see fit and a lot of times there's a big backlog. So there's as much as 90 days between an offense and when the child actually goes to the juvenile probation office. The probation office already has good decision making tools to address different ways of dealing with our youth and families. The problem is that there is a lack of resources.

In terms of the next milestone for year one, it's for us to establish collaborative partnerships within the county to include the public schools, law enforcement, juvenile justice system, the County and the City. And we hope to have that in place here within the next 60 days. These partnerships will be a combination of actual memorandums of agreement coupled with sharing of financial resources as well as existing resources within each of the disciplines.

In year two, probably the most important ones is that we will assess performance of our programs because they will be science-based programs which will have an evaluation component attached to them. The science-based programs' evaluation component are all data-driven so that when you get to the action step, we should be able to understand whether we have had any impact or not, not based upon how people feel but on actual data. And the first example of that that we had is that we had an intensive monitoring program, a very small one, for juvenile probation in which 60 kids were monitored intensively by a mentor. Of the 60, 12 were in the program for less than two weeks. All of those children reoffended. The remaining children who were in the program beyond the two weeks never reoffended. So it's that type of re-evaluation that we hope to do with all of these programs so that when we approach bodies such as yourselves with requests for a change in policy or a change in funding that it would be based on the actual data.

The last milestone in the comprehensive strategy on year two, and it may be as late as year three is that we would like to come to you folks with a comprehensive legislative package based upon our findings, based upon programs that we feel will work and based upon a budget that will address certain results within certain parts of the city. We have already made, as you well know, and I think you deal with plans all the time, plans sometimes are driven and they're published and then they'll sit on a bookshelf for months or weeks and they're never addressed. As I mentioned before, this plan was approved by the City in May. We are going to be making application to the JJAC committee from Children, Youth and Families in August and I think Fred has the details on that in terms of the actual detail of how that plan is going to work out in terms of partnering up all of the major stakeholders in the community to begin to address probably the major issue here for children and youth and that would be truancy. Fred?

MR. SANDOVAL: In closing, I'd just like to share the two current projects that we've had in place for the last couple of years. Jack mentioned the intensive community monitoring project. The other is Title V neighborhood service coordination. We picked a couple of areas. The southwest sector of Santa Fe, which is both in the city and the county. The

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other is the Hopewell Mann neighborhood. The last two is the pilot truancy prevention program and then the day reporting program. Those are really important for a couple of reasons. One, it's attending based upon what the plan has identified as critical areas that we want to address in terms of the status offenses and delinquency problems we have in our community.

The first one involves a joint powers agreement with the Santa Fe Public Schools. The second one, which is day reporting will be a project that will involve Santa Fe County through a joint powers agreement as well to help us establish a program service for kids who are suspended who would go to a day reporting program. As it stands now, kids who are suspended don't have to report anywhere and the end result is those kids are the kids who are committing some of the largest percent of juvenile delinquent offenses in our community. The end result is they go through the system and we want to be able to find those weak points in the continuum in the system to address this.

Thank you so much for our taking up quite a bit of your time, but we wanted to just hit the highlights. We'll continue to come back to you with your staff to be able to share our progress. Some of the barriers but also the successes because we've already had a number of things happen that are really important and I want to thank Richard Lyndahl who's here with Children, Youth and Families Department who has helped us from the state level to help implement this locally. So with that, I'm completely finished.

CHAIRMAN DURAN: Thank you, Fred. Thank you, staff and everyone else for coming here today.

VII. Presentation by St. Vincent Hospital

CHAIRMAN DURAN: Good morning, Dr. Lucas.

JOHN LUCAS: Good morning, Mr. Chairman, Commissioners. It's a pleasure to be here. We're here to really express our concerns about the changing face of health care delivery in Santa Fe. These are matters that every resident of Santa Fe County have a stake in. We want—I've brought Dr. Gary Buff with me, who is our vice president for strategic planning and he will explain why we're concerned. I also want to express our support for what the Juvenile Justice Board has presented today. We're certainly very concerned about how to care for high-risk youth and adopt preventive strategies for them.

Before I turn it over to Gary, I also want to introduce some of our board members. We have here today Dr. Vernig, who is chairman of our board, and Mr. Smith, who is the chairman of the finance committee. I will be available for questions after Gary's presentation, as will our board members. Thank you.

GARY BUFF: Commissioner Duran, Commissioners, we thank you for this opportunity to speak to you today and we do truly come to you as partners in improving the health and welfare of all of the citizens of Santa Fe County. What I'd like to do is present three things to you today. One is a summary of where we think we are in fulfilling our mission to the citizens of Santa Fe County, what some of our plans are for improving our services to all of the

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people of Santa Fe County, and also, finally, how this mission could be impacted with the development of a for-profit, limited service hospital here in Santa Fe.

Before I go through the whole presentation, I'd like to say in some ways I regret that our conversation will focus on money so much today. Talk of budgets and profits and market share and those sorts of things often detract us from the real story of serving our people, and it often detracts us from the real story of assuring that all of the people have quality care when they need it. For us at St. Vincent's the dollars that we'll talk about do not represent profits, nor do they represent power, but what they represent really is a means to an end to fulfilling our mission and tools that will enable us to meet unmet needs. And also a bit unfortunate is that as stewards of our health care dollars in our county, and the conversation focusing on those dollars so much, it's unfortunate that when we speak, as we are today, on behalf of the poor and vulnerable in our community, that often we may appear to be self-serving or even greedy or power-hungry. But I assure you today that we are compelled to lend our voice to support those who cannot defend themselves in this community debate.

What I'd like to do is to draw your attention to the numbers on page 5. I've given you a packet of information. Some of it is background for your review at your leisure. But number 5 is where we believe we are currently in terms of your partner in fulfilling the health mission in this country. What we've tried to do is as accurately and completely as we possibly can, outline for you the community contribution that St. Vincent Hospital makes to Santa Fe County. Now, I know that we're in an environment with Enron and WorldCom and Qwest where accounting and numbers are often called into question. I assure you there are no stock options to be considered at St. Vincent Hospital, nor is there any pressure from Wall Street to inflate our revenues. So I think that as best we can, we've tried to give you an accurate accounting of our activities in our community.

The first column of numbers, which totals \$9,900,000 are those services which are provided and the departments are listed, the emergency department, inpatient rehab, etc., etc. Where we provide a service, we calculated the cost of that service to that individual, we subtracted any compensation that we might have received from those who do not have insurance. These are uninsured folks, and what we delivered was right at \$10 million in service.

The next column is what we call underfunded. As you know, Medicaid and Salud do not pay the true cost of care. So we did the same thing. These are Medicaid folks, Salud folks that came into our services at various departments. We rendered the service, we calculated the cost of the service, and we subtracted from that any payments from Medicaid we receive. That totals \$4.4 million, resulting in a total of \$14.397 million in uncompensated care. In our memorandum of agreement with the Santa Fe County, we returned to the County \$3.8 million. We have an additional \$2 million benefit to the County which I'll go over in just a moment. We also allocated a certain amount of our recruitment costs for nurses and doctors, for which we have a very aggressive plan for next year. And that total then comes to then \$20 million.

In sole community provider funds we received \$13.4 million resulting in an added contribution to the community of \$7 million. How we arrived at the additional \$2 million that I pointed out, we have a whole list of services, some our services that we manage, like Arroyo

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Chamiso Pediatric Clinic, like Pojoaque Clinic in Pojoaque and also other programs which are not necessarily our programs, such as Su Vida which is heavily involved in the project that was just presented to you regarding children's mental health services and substance abuse services in our community. But if you take each of those items, what results is that \$2.1 million.

So combined, uncompensated care, community programs that we support, we provide about \$7 million of community benefit beyond the sole community provider funds that we receive. So that's the status of where we are as of today and how we believe that we've been a good, full partner with you in protecting the safety net health system within our county.

Now what do we have planned in the future? We know, we're acutely aware of the fact that our emergency room is a major source of criticism within the community. And it's not for our care, it's for the time that people have to spend receiving that care. So we are very much concerned about our emergency room. We have begun an aggressive planning process within the hospital to address what we believe will probably be an expansion which will occur most likely in about a year. We are doing some implementing of certain internal plans in order to try to facilitate quicker access to service, those services being rendered in a faster manner, all those things going on within our current facility. However, we believe to adequately serve the community where we give about 65,000 encounters a year—it's the second busiest emergency room in the state of New Mexico. We believe that some sort of a facility enlargement will have to take place in about a year. We estimate about a five to six million dollar cost on that.

Now, one of the things that will occur if there is a new limited service, for-profit hospital is that the state requires that they have an emergency room. People have asked about well, won't this help us with the stress in our emergency department. The emergency room that would be proposed in the new hospital is actually what you and I would recognize as an urgent care center. And so it will help with a small population of folks who, say your child is ill in the middle of the night with a fever, runny nose and you're concerned about them. You don't want to wait until your primary care physician or pediatrician opens in the morning. You might go to that alternative care center rather than coming to the emergency room.

Beyond what we would call minor emergency though, the pressure will not be relieve from our hospital, from St. Vincent Hospital, so therefore our planning, regardless of what happens in the future with the alternative hospital, we are planning to expand our emergency room. The other thing that I would like to point out that we have on our agenda is increasing critical care beds. Because critical care beds is really what's needed in the community. Emergency service, critical care beds, medicine. We actually have a large capacity for surgical services. We have a number of outpatient surgical services that are being rendered, usually by specialists, like Eye Associates, the ENT docs, and we have our own surgery center, same-day surgery center.

So surgery, ambulatory surgery is not what's needed in the community. What's needed are critical care beds, emergency services and medical beds. So critical care beds are on our agenda also for this year. In the fall of this year we hope to increase our number of beds, therefore increasing our ability to care for critically ill patients.

And the final thing that I would say, we have many other things on our plate in terms of

implementation, but the final thing that I would say is this is the year of aggressive, aggressive recruitment. St. Vincent Hospital enjoys a better than average turnover rate. For instance, the turnover rate in nursing nationwide is about 17 percent. St. Vincent Hospital's turnover rate is 10.9 percent. However, the nationwide vacancy rate is about 11 percent and ours is about 14. So the problem doesn't lie in our turnover of nurses; it's the difficulty in attracting nurses here. The cost of living is high. Salaries are not as competitive as some of our sister states around us and there is a shortage. So competing states and competing hospitals are paying higher wages.

We have come up to, we are very comparable to Albuquerque hospitals. Recently, we gave our nurses a raise and the techs a raise to make sure that we're competitive with Albuquerque hospitals. But this year we're embarking on an extremely aggressive recruiting campaign for nurses. And finally, the recruitment will also focus on physicians. We have lost proceduralists, surgeons in Santa Fe. We are now well below what we need in terms of surgeons. We're recruiting surgeons, orthopedic surgeons and specialists to Santa Fe and we're investing a total of about \$1.6 million in this total effort to recruit personnel here.

So these are our plans for this year and the next couple of years to better fulfill our mission in the county. The final thing that I would like to point out is what's the impact of a possible for-profit, limited service hospital? And let me say from the beginning that I can only speculate. We can only give you our best thinking, the collaborative experience of many years of health care in New Mexico and in other states as well. So the scenario I'd like to draw your attention to in your packet has a lot of "what ifs" in it. It is speculative. But it really does represent our best thinking.

I draw your attention to page 4, where we've presented two possible scenarios. Both of these scenarios assume that the limited service hospital is successful. So this would mean being built, staffed, physicians referring, and that it is going concern. And if it's a going concern the question is, one of the ifs is how much of the market share will a new hospital draw from the current services being provided by St. Vincent Hospital, if 50 percent of their market share comes from us, 50 percent from Albuquerque. Then what we would be faced with is about a \$17.5 million loss of revenue to the hospital.

Now, let me explain, because people have asked how can 20 beds possibly challenge St. Vincent Hospital in rendering services that they render? The reason is because the for-profit hospital focuses profitable service, not on services that are not profitable. So these 20 beds and these procedures and these dollars represent for St. Vincent's the place where we have surplus. This surplus is those dollars we talked about in the introduction. Those are the dollars we use to support other services within the hospital and within the community. The \$7 million that we talked about earlier, if we don't have those \$7 million that come from profitable procedural surgical services, those \$7 million are not available for us then to invest in other services in the community and in the hospital.

So even though this sounds like such a small hospital, 20 beds, it's because the focus is on those things that are profitable, those things that provide a surplus for the hospital, that's why the introduction of a for-profit, limited service surgical hospital, even though it's only 20 beds, would have such an impact on St. Vincent.

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If that \$17.5 million were lost, the profits from those or the surplus from those funds would not be available to us, we would also have to scale back our infrastructure. Again, we're projecting that somewhat over 100 employees would probably have to be let go because, again, those services support in a disproportionate way the infrastructure of the hospital. I've given you a scenario too, which is if 70 percent of the market share were to come from St. Vincent and only 30 percent from Albuquerque and of course it would be a larger impact.

So in conclusion, we believe that we continue to be a committed partner in the health care and the health and welfare of all of the citizens of the county. We believe that we are committed to our mission in the future. We have concrete plans to further that mission and that a for-profit, limited service hospital will challenge the already fragile safety net health system within Santa Fe County. And the final thing is that this is a community issue. This is not about St. Vincent's solely; this is a community issue. And if the planned hospital is successful, if the planned hospital is successful, community leaders along with hospital leaders, the board, the administration and staff, will have to face some very difficult issues and some very difficult questions, and they will be: Do we cut services? And if not, where do we find the funds to support services that will not support themselves? So does that mean we tax the citizens of Santa Fe County and the city? Or do we cut services? So we believe that this is really a community issue worthy of community debate and a community decision, because it's really much more than just an issue for Santa Fe County. Commissioner Duran, Commissioners, thank you very much.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Just a couple of questions, for maybe Dr. Lucas. What's the current economic health of St. Vincent's Hospital? And how is that different today than what we saw three or four years ago when there was layoffs of nurses or hospital staff?

DR. BUFF: Our budget this year, Commissioner Gonzales, is a break-even budget. Last year we actually lost money when the final accounting is done and our year-end accounting is completed. We're probably facing close to a \$2 million loss. Over the last several years, our profits from operations is very, very marginal. When we have a profit it is very marginal and it's really only through our ability to manage some funds that we have in reserve that we have been able to show a profit. But from operations, we lost probably \$2 million last year.

COMMISSIONER GONZALES: You've been involved in managing non-profits for a long time. Tell me what grade you would give St. Vincent right now in terms of its economic health.

DR. BUFF: A C. From operations we lose money. We do have some reserves that helps us make up those losses and we are probably in the category of a very large segment of small hospitals barely making it financially.

COMMISSIONER GONZALES: So even without removing the challenges that you've talked about with the private hospital or for-profit, is this climate going to continue? Are we going to see—you're talking about ramping up the nurses but yet the economic health of the

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hospital is marginal and so if we see this continued state take place, what's to say that you'll be able to survive anyway, given the current conditions that exist?

DR. BUFF: Commissioner Gonzales, I think that's an excellent question and I can answer—there were kind of about three questions in there. One is about nurses. The more nurses we recruit actually the better we are financially. In order to staff the beds that we have open currently, we have to have what are called travelers and these are basically agency nurses that actually work for an agency. We pay the agency. They cost us about 30 percent more than a nurse that receives salary, benefits and overtime. If you take their full salary, benefits and overtime over a year, we pay about a 30 percent premium to have an agency nurse. If we didn't have those agency nurses today, there are more beds that we wouldn't have open. So recruiting will help us financially.

The other thing it will do for us is that it will give us more beds. So we're not just trying to replace what we have but we're trying to aggressively open more beds so that we will have more services available, therefore more revenue and we believe that the offset of those two things, they will offset each other.

COMMISSIONER GONZALES: It seems with the scenario you've provided to us, the sole community provider funding versus the uncompensated patient care, that total uninsured for uncompensated costs seems to be growing every year. So even if you grow the beds, what's to say that the individuals that are filling those beds are going to go into that category, therefore your costs are going to go up but your revenues aren't necessarily going to be able to meet the demand on those costs.

DR. BUFF: It is a tenuous balance every day and your point is very well taken. I foresee in the future that it will continue to be that at best, as revenue compensation for services continues to decline, as uninsured, the number of uninsured folks that we serve increases, then it will make this balance even more and more tenuous in the future.

COMMISSIONER GONZALES: Who's responsible for, what would you say are the contributing factors for the market that attracts physicians to our community, or causes them to leave? I mean the physicians are obviously a very important component for the delivery of health care. We talk about nurses a lot because they are the individuals who continuously provide the care but without a quality physician work force, the general quality of care in this community is going to go down. So what's the environment that contributes to that?

DR. BUFF: I think I'll let our resident physician answer that.

DR. LUCAS: In my past life I was a practicing physician and a hospital is a workshop for physicians. We don't practice medicine. We serve as a workbench for doctors. They bring the patients; they take care of them. So having a good place to work is number one. Right access to technology, tools, good nursing care and good colleagues. Those are the things that really doctors value. They also value having a good economic life, and what drives our doctors out of New Mexico is low reimbursement from Medicare in particular and Medicaid. And a lot of calls, for example our doctors take very heavy call. We've lost a number of orthopedists recently and the primary problem they had was being up all night taking call and again, typically, in our emergency department, it's uncompensated care. The people that are at

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high risk for health problems in accidents typically don't have the means to finance their own care. So that's absorbed not only by the hospital but by those doctors.

So to improve the attractiveness, and I would say that losing doctors is our number one economic problem. Orthopedists put something like \$2 million a year each on the hospital's revenue every year. We've lost, in the past two years, eight surgeons. So we've lost really the production capability of \$16 million of hospital revenue. And again, we wanted to stay away from too much economics today because we don't want to appear to be overly focused on the business issues but a shortage of physicians is probably our greatest strategic problem right now, to address.

COMMISSIONER GONZALES: So that's an environment that's governed mostly by state laws or federal laws on how much New Mexico gets reimbursed?

DR. LUCAS: It's really set by CMS. Our congressional delegation is small and when they try to take on California or New York they always lose. So we're at a disadvantage as a state in terms of upping those reimbursement levels. We just don't have the political clout to get it down.

COMMISSIONER GONZALES: So, Dr. Lucas, just a final question. I'd really like to hear from you. Actually this is going to be a series of questions but I'll try and close it here. I know recently the National Association of Counties really focused on supporting a couple of bills that Senator Bingaman and Senator McCain are sponsoring that would allow for reimbursement of uncompensated care, mostly in the areas of illegal immigration, or caring for undocumented workers, basically. I know that in Santa Fe County that there's quite a number of undocumented workers that are in our community who probably contribute to these costs that we see and I guess my first question is, how are you managing that, one, in terms of do you see that continuing to increase? Secondly, is it New Mexico law that requires you as a hospital to be the providers of last resort, or is that just the mission of St. Vincent's, so that anyone who walks through your emergency doors, you will have to provide care for regardless of their status as being a US citizen or not? And given that climate where the uncompensated care is moving up and you're challenged with finding additional revenues, let me ask you this question. How do you as the CEO of St. Vincent's plan to manage the economic stability of this hospital through some of these difficult times even without competition in place?

My last question is, what I've been hearing in the community is that specifically to the new hospital, that competition is healthy, particularly in areas that can cause the quality of service that's being provided to go up. Do you agree or disagree with the fact that by having additional hospitals in this region that you would be forced as a CEO to provide ways to compete, meaning you create things within St. Vincent's that would be more attractive. And I ask you that because it seems to me that that conflicts with your state and federal requirements being the providers of last care so that you can't necessarily put the money in being as attractive to people as possible?

DR. LUCAS: Those are four great topics and I'm hoping that we'll get a chance to dialogue with the Commission frequently about this. The first one, which wasn't your first question, but AMTELLA. The federal government imposes that hospitals have to treat

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everyone that comes to the door. No one can be turned away. So yes, we are under strict federal laws to see everybody that comes in. We can't say no to anyone. In fact we can't divert people to other sources of care. If somebody comes into our ED and there's an urgent care open across the street, we're not allowed to divert.

COMMISSIONER GONZALES: I had heard of an instance on that specific issue where UNM Hospital had actually taken an attorney general's opinion out of Texas and said we don't have to care for this undocumented worked so we're not going to care for them any longer. Are you familiar with that?

DR. LUCAS: I've heard of that and I think that would be playing with fire. I think the wrath of the feds could come down on any hospital that attempts to do that. The second thing is we've not solved in this country the whole problem of uncompensated care. It keeps growing. And now that we're in the full throes of an economic recession, we will see the numbers of uncompensated people go up as businesses struggle. The first thing they want to cut is paying the health insurance bills. So yes, we will see more and more and it's not just undocumented aliens, it's also our citizens, our residents are going to be without health insurance. So absolutely, we need to predict that this is going to go up in future years.

How do you manage it? Well, I don't want to portray us as being reactive. We need, we have a solid partnership with the County for planning activities. We really do. Our focus has been primarily on public health and primary care issues. We have the PRC committee, which is meeting every two months now and we're doing great work in planning. What I would ask, I actually wanted to ask the Commission for something today which is to enlarge our planning activities. The people that plan, the hospitals that plan well tend to survive better. But we can't plan in a vacuum. We need the County Commission and the County Management to weigh in in terms of guiding our long-term strategic planning activities.

We probably need to be more publicly accountable and share that information. I was delighted to hear Mr. Sandoval's report. I think that's a very good development. But we need to increase the focus of planning activities to look at the delivery of hospital services in the community. I would proffer to you today that we have an oversupply of surgical services and an undersupply of emergency beds and undersupply of critical care beds. That's a health planning issue. We would like to see you weigh in on that, to enlarge the scope of the PRC to deal with these issues.

The second thing I would urge and recommend to you is that we have better liaison between the board members at St. Vincent and the County Commissioners. We need to create a forum for dialogue so that you're not seeing us working in isolation. I would recommend that you have a stake and I would encourage you to participate in guiding us so that we have a good outcome over the next five years. We have intense capital needs to invest in our ED. We need \$5 million to build another emergency department, one that's larger, that meets our needs. We need money to increase our critical care capabilities.

When you hear Gary Buff talk about how we're not making much margin, we can't fuel the debt service on the capital, that's a County problem as much as it is a St. Vincent problem. Our financial health is something that's of vital interest to you, I believe.

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In terms of the competitive model, your last question, we have to decide whether St. Vincent is a safety net anchor, and you heard what the Justice Board is doing. We've actually funneled a lot of our support and energy into those activities. That's not normally the scope of a pure hospital. We're very much an anchor to the safety net. I would argue that you can't be both market based and an anchor to the safety net, and we're asking for your direction to clarify what you want us to be. We can compete, but the only way we could do that is to cut back on our safety net activities. But again, the ultimate choice is what the public wants us to do and certainly public policy is guided by the Commission.

COMMISSIONER GONZALES: Dr. Lucas, but basically, by federal and state law, you've indicated that you cannot cut back on the safety net. I mean, to me, a safety net is assuring that every individual in this community will have access to your hospital or to the community hospital.

DR. LUCAS: We could cut back. The federal government does not demand that we furnish primary care services. They only demand that we not turn anybody away from our emergency department. It's the absolute worst place to be delivering any type of coordinated primary care. And what will unravel is the primary care, coordinated care, public health safety net and ultimately, where this has been allowed to happen in other communities, cost goes up. Cost goes up and the taxpayers end up paying more. And there's case after case to prove that.

COMMISSIONER GONZALES: Thank you for clarifying that because I didn't understand the difference but that makes sense. Thank you.

DR. LUCAS: Wonderful questions.

CHAIRMAN DURAN: Dr. Lucas, I have a question. Are you not involved in ongoing discussions and say, negotiations, but aren't you discussing the issues that you have with the other hospital? Aren't you meeting with the other hospital? Members of the other hospital?

DR. LUCAS: We are meeting with them. We don't know what the outcome again—I believe that we need to take guidance from the community, guidance from the PRC, the County Commission as to how you would like the outcome of those discussions to occur. But I think we need a far better understanding of the economic performance of St. Vincent. What I have said to the principals in the other hospital group is we would look at doing anything with you that didn't impair our own ability to access capital in the future. And we have not seen a business pro forma as yet. That will come to us on Wednesday. And we're certainly open-minded. These are good people. I think they're well-intended. But the thing needs to stand the test of business scrutiny and we need to look at the overall performance of the hospital if we engage in any kind of partnership activities. That as yet is unknown.

So we can't as yet commit to a positive outcome until the business outcome is well known to us and to you as well in the Commission.

CHAIRMAN DURAN: I'm sure you'll keep us posted.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

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COMMISSIONER SULLIVAN: Dr. Lucas, a couple of quick questions that I had. When you mentioned that you have a \$2 million loss, is that an operating loss or a total—

DR. LUCAS: That's an operating loss.

COMMISSIONER SULLIVAN: What's your total?

DR. LUCAS: Commissioner Sullivan, for the past five years about, more than half of our margins have come from our fund, so we, over the past five years we've been basically at a break-even. So with the stock market down, we have less non-operating income.

COMMISSIONER SULLIVAN: When you say the fund, do you mean St. Vincent's Foundation?

DR. LUCAS: St. Vincent has a fund, and again, this is part of the basic understanding we need to communicate to the community is to get a credit rating, a hospital needs at least, to get a AA, which I believe the County is AA credit rated, for us to match that kind of performance, we'd need 180 days cash on hand. So for 125, 130, we're at 130 net next year, net revenue, we should have \$65 million in our fund, in our reserve fund. We have about total funds of \$48 million. So we have about 100 days cash on hand. What that means, if we go out to the credit market we're going to pay a percent, a percent and a half more than our competitors. So we're okay, but we're certainly not anywhere near where we need to be to be good borrowers of money. We'd have to pay too much interest.

COMMISSIONER SULLIVAN: My question was, on your balance sheet, when you indicate that you have a \$2 million loss, is that operating loss?

DR. LUCAS: That's operating loss.

COMMISSIONER SULLIVAN: You have investments. You have other income. So my follow-up question was do you also have a total loss? I don't know what you categorize that as.

DR. LUCAS: We are at break-even with our non-operating income for fiscal year 02, which ended at the end of June.

COMMISSIONER SULLIVAN: Okay. So you're saying with investments and other income other than operating income, you now have a balanced sheet.

DR. LUCAS: Right.

COMMISSIONER SULLIVAN: And what's the fiscal status of the St. Vincent's Foundation? How much money does it have?

DR. LUCAS: The purpose of the foundation is to support the hospital. They have about \$5 million. But if we were to partner with you to look at a long term strategy, we would have to determine what the foundation's role would be in capital campaigns. Certainly 20 to 25 percent of long-term capital should come from pledges and individuals in the community. So that's a very—the foundation really hasn't got that much that it's sitting on terms of funds. Their role is really to interest private individuals in the community in terms of making pledges and contributions to us, but it should be about 20 to 25 percent of our future needs.

COMMISSIONER SULLIVAN: And then following up on sort of the question that Commissioner Gonzales asked, which I don't recall you answered, which was isn't

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competition healthy? And let me just add something to that, a codicil to that, that I've heard or read in the papers that if this particular group of local doctors doesn't start a hospital, then the trend in other areas, given the size of Santa Fe is that some out of town management entity that will have less interest in Santa Feans will come in and do the same thing. I guess maybe start with the first one—isn't competition healthy?

DR. LUCAS: Yes. I would proffer to you that it is. We're not anti-competitive. We just want to work with you to define the future and to help us plan for competition. And I don't think anybody's done that in the community. Nobody has really looked at the business outcomes that competition brings, and nobody has really built a case for the County Commission as to what that would mean in terms of further tax supports from you or debt guarantees from you as we enter into a competitive model. Right now we're a safety net. We're funding a lot of things a normal hospital wouldn't decide to do, but we're very committed to improving the health status in the community. So we're tithing ourselves heavily to support the development of public health and primary care infrastructure. We're putting millions into it. So what I would ask the Commission to do is to help us plan how we're going to continue to do that.

The pure competitive model, which is shareholder-driven, the shareholders in for-profits typically are—this is not the case of the current proposal, but very often they're accountable to shareholders outside of the community. Our shareholders are the community. That's how owns us.

COMMISSIONER SULLIVAN: But if this hospital doesn't move forward for whatever reason, do you think another one, another for-profit entity, perhaps out of town, out of state might come forward and do so?

DR. LUCAS: I would predict that we'd be at high risk of having three hospitals in the community in five years. If you look at the consolidation that's going on in Albuquerque, it's just a matter of time before Ardent or Presbyterian will build a full service hospital here. We're likely to have the same scenario that Las Cruces is currently going through. But the current hospital proposal that's been locally supported doesn't foreclose the possibility of another hospital coming in.

Now in a way, my concern is again, it's a planning discussion. If the other hospital provides critical care, more emergency beds, that can be of benefit to the community, but I would proffer to you today that we actually have some oversupply in surgical services in the community. So that doesn't add value. It just is going to increase cost to our community. But at some point, it could be four years, it could be six years, we're going to get another general hospital in town, sponsored by one of these systems probably in Albuquerque. That will happen.

COMMISSIONER SULLIVAN: So if I hear what you're saying, we better address the issue now rather than later.

DR. LUCAS: That's right.

COMMISSIONER SULLIVAN: We can't sweep it off into the corner.

DR. LUCAS: That's right. We need to be better planners, and I applaud the

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planning resources you've given us. We have wonderful people that we're partnered with working for the county and we'd like to build on that and enlarge the focus on hospital services as well.

COMMISSIONER SULLIVAN: The last question I had, I've read in the paper as this issue continues that the new proposed hospital will offer, if the County wants, to provide indigent services. So I guess originally the idea was that they were creaming the crop. Does that affect your evaluation any?

DR. LUCAS: I'm not sure that the sponsors have fully planned what they're going to be doing as yet and my guess is part of our discussions might be to really define what the community needs. But currently, from what I've learned from the doctors involved with that is there's no plan to include critical beds. Their emergency department is described as primarily urgent care. Everything that's serious will be referred to St. Vincent Hospital. So even if the hospital comes on stream, we're still short of emergency department capabilities and critical care beds, which is a problem we have today. It will probably get worse over time. We've got to figure out in these discussions how we're going to create a bigger set of ER services and address the whole issue of critical care.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you, Dr. Lucas. Don't forget to stay in touch.

DR. LUCAS: Thank you.

COMMISSIONER GONZALES: Well, just in following, Mr. Chairman, I know we have to move on, but Dr. Lucas has extended the invitation for us to develop this partnership. Is there any direction or are we already in process of within the venues to begin the discussions of what this partnership is going to look like? I would move if that extension has been by Dr. Lucas that we would direct the County Manager to begin to draft, to work with Dr. Lucas to begin to draft the principles of what this partnership would look like and maybe a Commissioner can sit on that drafting and bring it back so we actually move this forward. Because this is a sole community hospital, regardless of what happens with the private physicians or with someone else we have a vested interest in making sure that the economic health of this hospital remains strong and vibrant and we need to—if the invitation has been extended I think we need to take advantage of it and get involved and see how we can work to solidify and strengthen the economic health of the hospital.

CHAIRMAN DURAN: I'm in agreement with that.

COMMISSIONER GONZALES: And I'm saying Let's begin that discussion. Let's see what a partnership would look like. See if we're interested in pursuing it after something comes back. The invitation has been extended, which it never has prior to this, which I appreciate to actually have some type of relationship with the board. I couldn't even tell you who's on your board, unfortunately, Dr. Lucas and I think that we need to figure out how to create a stronger dialogue so we understand where they're coming from and what's going on as well.

COMMISSIONER CAMPOS: Mr. Chairman, I agree with what Commissioner Gonzales is saying. I would suggest that Mr. Lopez, our County Manager talk to the CEO of

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St. Vincent and come up with some concrete proposals and we consider them at our next meeting. Thus we have staff input and assessment and we'd be in a better position to take some concrete action at that point.

CHAIRMAN DURAN: Sounds good. Commissioner Sullivan?

COMMISSIONER SULLIVAN: I think that sounds fine. I think at our last meeting, Estevan indicated to us that he's been working more closely with the staff on reviewing the issues of the County and St. Vincent's, particularly Indigent Fund issues and that came up at our last meeting when the agenda item was the make-up of the progress review committee. And I want to, while the Board is here, express my concern and my interest that the Progress Review Committee was always meant to be, at least in my judgement, the way the MOUs are written to be, a check and balance system. And I hope it doesn't become an inward focusing, made up of individuals who are all in the business so to speak. We have one public member on that. As I understand, the make-up now there will be three from the County, three from St. Vincent's and a seventh. And that's the PRC committee you were referring to in your comments as the committee that would be moving this dialogue forward.

I would encourage that that seventh person, which the Commission will ratify, not be someone directly involved in the hospital business or in the County business, but be an outside person who can learn and can bring up questions that the person on the street would have and that we would have that could provide that kind of input. I think that's where you indicated the problem, Dr. Lucas of getting the word out to the community and getting the message, so to speak. And I think that's where that piece starts. So maybe this dialogue starts with the PRC and if there's something else that the staff feels is necessary for Board participation then bring it forward and we'll consider it.

COMMISSIONER GONZALES: I would just, in addition to that, and I appreciate and I agree wholeheartedly with what Commissioner Sullivan has indicated. I don't know if the staff can come back at the next meeting with what a conceptual partnership would look like. I think that the idea is how do we assure three, five and ten years from now this relationship, this partnership assures the economic survivability of the hospital? And maybe we begin to create some type of framework, but this is going to take longer than just a couple of weeks. I think that it's going to take a lot of discussion as to what does that partnership mean? What are the financial obligations? What will be the end results? So maybe we can have some type of conceptual framework as to how we'll go about determining what this partnership would look like, but I don't know if we'd have anything really in concrete to look at.

So the direction that I'm asking for is that what partnership would exist to assure that three, five, ten years from now we're not having to deal with this recurring issue of worrying about the economic strength of that hospital. So I think that would be—

CHAIRMAN DURAN: Are you clear with the direction, Estevan?

MR. LOPEZ: Mr. Chairman, Commissioners, I think that I am. I would ask for at least, to the administrative meeting in August for us to bring something forward so we have at least a little time to work on that. So that would be a month to bring a conceptual framework.

COMMISSIONER SULLIVAN: I have another suggestion too. First of all we

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could put Commissioner Gonzales on the St. Vincent's board, and then secondly, we could have one of the St. Vincent's board members run for County Commission. And I think we would have a good interaction and understanding of what both entities do, because we move in totally different circles, yet at some point we have to come together in the middle and interact.

COMMISSIONER GONZALES: Thanks but no thanks.

COMMISSIONER SULLIVAN: Oh, I thought you would enjoy that opportunity.

COMMISSIONER GONZALES: I'll root for you guys from the sides, be cheering for you.

COMMISSIONER SULLIVAN: I know what a—at least I have a feeling for what a task that must be so I thought you might take that on, but no? Okay.

CHAIRMAN DURAN: Thank you. Okay, Estevan, let us know.

MR. LOPEZ: Mr. Chairman, I had hoped that we could go into executive session over lunch, but I do want to mention one thing, that the next item on the agenda, the resolution declaring an agricultural emergency in Santa Fe County. There's a couple of individuals here that are present right now to perhaps address that issue if the Commission would like, and they're here from Clovis, so I would ask the Commission to perhaps consider that one items before we go into the lunch executive session.

CHAIRMAN DURAN: Okay.

VIII. Matters from the Commission

A. Resolution No. 2002-82. A resolution declaring an agricultural emergency in Santa Fe County

CHAIRMAN DURAN: Commissioner Gonzales, do you want to take this?

COMMISSIONER GONZALES: Mr. Chairman, very briefly, and I know that we have a long session ahead of us and I'll just ask the gentlemen who have driven up to make some very brief remarks. This is an issue that is important to many rural economies across the country. The National Association of Counties has adopted policies adopting what this resolution is calling for. I know all of you have already read it but this goes to the heart of assuring that the family farmers and ranchers not only in this county, the state and this country, have an opportunity to continue to survive. And with that I'll just—because I know we've got to keep our comments brief, would just ask that the individuals who are here to speak to this issue could come forward and very briefly address the Commission as to why they're supporting this so that we can move on.

CHAIRMAN DURAN: Please state your name for the record, sir.

RUSSELL GRIDER: Yes, my name is Russell Grider, and first of all, I appreciate the opportunity to come before you all and I'll try to be very brief and really would prefer that I field questions that you might have on these issues. I think that first of all, in the attempt that we're trying to make here to make county commissions aware and to solicit their

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endorsement and approval of this declaration, we're attempting to try to develop some mechanisms to establish under a political process the investigation and understanding of what's happening to our rural areas, not only in this state but in other states and how that affects the more urban areas such as Santa Fe.

I think one of the key areas that would affect Santa Fe is an example of the recent *e. coli* outbreak we had in Denver and the recall of 19 million pounds of beef by ConAgra. As you may or may not know, ConAgra is one of the three largest agrobusinesses in the world, not only just the United States but in the world. And between them, ADM and Cargill, they control over 80 percent of all the beef processing, slaughtering and so on and so forth. Not only here, again, but in the entire globe. And to understand how that's happening, since 1996 in the United States, we've had a 25 percent reduction in the cow/calf herd in this country, yet we've had an increase of 30 percent in the amount of beef that's imported into this country.

Now, those countries for the most part, especially coming out of South America, they're not subject to any of the rules and regulations that we have in this country as far as preparation, slaughtering, so on and so forth, of red meat. And that's happened principally because the laws regarding currencies in this country have not been followed. Currency stabilization worldwide. The executive branch of government is vested with the power, delegated from Congress to maintain stable currencies worldwide in relation to the dollar. But when we have Mexico devaluing against us by 300 percent, Australia by 41 percent, Canada by 41 percent, all of a sudden the ability of those countries to dump beef into this country becomes enormously more profitable.

Now, I cannot say 100 percent guarantee that the deal that happened in Denver with the *e. coli* outbreak was a result of some of these issues, but we do know that they bring beef out of Mexico and it's raw. It's real lean beef. It's not fattened, it's real lean beef, and it's blended with the fat from the beef that's slaughtered in the United States and a huge amount of the hamburger that's marketed in this country is marketed from that particular process. The United States, at the end of 1996, we removed all of our people who inspect on a daily basis those processing facilities all over the world. It was part of NAFTA, it was part of GATT, now the WTO, but those things have to be addressed under the public health and safety.

So I think the fact that these laws at the federal level are not being followed and it's not—and this is just one particular instance of things that address the consumer that now lives in the metropolitan areas, that they have to depend on somebody else to provide them with good, clean wholesome food. In the United States, food that's grown here, that's processed here, those kind of problems are amenable but when food that's imported from other countries and we now import over 61 percent of all the food consumed in this country from other countries. Those are issues that are of key importance to our more urban areas, not only this state but across the country.

Now then, this began, this issue we're talking about now began in 1933 during the height of the great depression when Congress passed the Agricultural Adjustment Act. Agriculture, those transactions in agriculture, which would include the buying and selling of imported goods in and out of this country [audio lost]

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COMMISSIONER GONZALES: If you could go specifically to the point of the counties in New Mexico that are already adopting this and I'll ask them to close further debate on it.

MR. GRIDER: To date, 20 counties in the state of New Mexico have approved this declaration. In the neighboring state of Colorado, all the counties have approved. In Texas, over 80 counties have approved this declaration. Of course, Commissioner Gonzales can attest to the National Association of Counties confirming and endorsing as well. We think that we need all the counties in this state to endorse and approve this to have the support from, say, the county level, the people speaking through the County Commissioners to our state legislature and our Governor and our Attorney General to go through these issues that we've got in the declaration to investigate and to hold hearings, for the Secretary of Agriculture to hold hearings and take testimony from producers across the state and see if the fact that devalued currencies and these trade agreements have greatly impacted their ability to maintain the economic viability in their operation.

And for the state legislature to form an interim committee and talk to county and local governments across the state to see whether or not their tax base and their ability to provide the required functions that these local and county governments have to perform on a daily basis are becoming harder and harder and the money becoming scarcer and scarcer. And if that be the case, then is the fact then that income from agriculture in our rural areas, the diminishing income, the diminishing return for that, is affecting that. So these are primarily the issues that we come before you today and I would entertain questions. I think probably that would be more beneficial than for me to set up here and just ramble on.

CHAIRMAN DURAN: Thank you very much. Any questions?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I guess, let me see if I can understand and summarize this. You feel, or obviously from your experience, and I'm not a farmer or rancher so I defer to that experience of course, that there's a problem of foreign goods, and that those foreign goods and foreign corporations don't have the controls on them that they should have or the controls that exist for similar corporations that have to function in the United States. This is creating an unfair playing field, as it were. Is that—as the first part, have I got that summarized right?

MR. GRIDER: I think so. If we have stable currencies worldwide, and if we have trade agreements that fulfill the intent of the Trade Agreements Act of 1934, under which this authority arose, then the domestic producer can compete with anybody in the world. On the other hand, agriculture was placed in the national public interest and that was a taking, a regulatory taking of private property. And they cannot take our property and convey that into these international channels of commerce without maintaining those market conditions under which the premises of the entire Agricultural Adjustment Act was founded under.

COMMISSIONER SULLIVAN: Then in your action items, you request that the legislative interim committee hold hearings in rural areas statewide to document the social and

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economic consequences of federal inaction. And in one of the other conditions you say, The Attorney General should investigate the apparent abdication by the executive branch of the federal government. So is it your feeling that this federal inaction lies in the executive branch?

MR. GRIDER: Yes, it lies within the Department of Treasury—

COMMISSIONER SULLIVAN: That's the regulatory. When you say executive branch, I'm thinking of the president. But you're saying—

MR. GRIDER: The executive branch of government, which the Treasury, Department of Agriculture, and so on and so forth.

COMMISSIONER SULLIVAN: Because if all those Texas counties have approved this thing, in case they've forgotten, that's where the president comes from.

MR. GRIDER: It's not just this current sitting presidents. Democrats and Republicans. And I would say more than anything is the ongoing infrastructure that you have in that executive branch. It's not one person that's making a determination that these things are wrong or whatever.

COMMISSIONER SULLIVAN: Then the last—I'm unfamiliar with the Agricultural Adjustment Act or these various USC Sections, so I'm always a little uncomfortable going through a resolution that in fact is something I'm not personally familiar with. But what I am more familiar with is do we here, as this resolution states, feel that we have an emergency in Santa Fe County? When the Santa Fe County Board of County Commissioners declares an emergency, that sets in motion certain things. We can bypass the state procurement code to a certain extent. We can do things that we wouldn't—we can have meetings on a shorter basis of notice and I question—I don't question that we have a problem. I question do we have an emergency in Santa Fe County and maybe Commissioner Gonzales could respond to that.

COMMISSIONER GONZALES: I think, Mr. Chairman, Commissioner Sullivan, I think to many of the Santa Fe County ranchers and farmers, understanding the environment that they're dealing with in terms of competition, in terms of what they have to deal with federal policy, to them this has been an emergency for some time. We have, I have asked that this title be in place because it's reflective on, I believe, many of the feelings and the attitudes of local ranchers and farmers. The reality is, in today's global economy, it's very difficult for a rural farm and a rural ranch to succeed. When you throw in trade agreements that make it even more unfair in how they have to prepare their agricultural products to get to market as opposed to someone in Canada or someone in Mexico, it further creates a more difficult environment for them to succeed.

One of the reasons why I support this is that more than half the counties in New Mexico are classified as consistently poor counties. Many of these counties are dependent upon agricultural commerce as a way to survive and to thrive. So why I support this and why NACo supports it is because we need to get more federal attention and more state attention paid to some of these laws and regulations that are not being followed so that we can start at some level to change the federal environment that exists that is not allowing for the success of many farmers and ranchers in our communities.

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So emergency? Yes. I think to many of the people who are dealing with this, yes, it is an emergency. Does this resolution require Santa Fe County to go down a certain route that we otherwise wouldn't? No. I think it's a declaration of how we feel the current state of environment exists for our rural ranchers and farmers and we're sending that message up to not only the president but to the Governor of this state.

MR. GRIDER: I might further add that a couple of things in comparison. In 1948, a bushel of wheat sold for \$2.48 a bushel. Today, in fact this last year, Wesley Meyers back here, sold his wheat for \$2.40 a bushel. From 1948 to the year 2002 the price of wheat has dropped eight cents a bushel. Now, in 1933, what farmers received for the products that they produced versus the cost of the goods and services that they had to pay for in order to produce that crop and to make a living for their family, that ratio, what they sold their products for was 45 percent of what the cost was. And at that time, Congress felt like it was a significant enough issue that they declared and created this huge national emergency called the Agricultural Adjustment Act. That's when they placed agriculture in the national public interest.

Today, the price that farmers receive for what they produce versus what it costs to produce that product is at 45 percent. Now if it was important enough in 1933 under those ratios that they declared a national emergency in this, that it certainly could possibly be reasonable that we could declare a local emergency, because the effects are the same. You just can't continue to produce a product at less than cost of production. In much the same way that St. Vincent Hospital was talking about earlier about they can't continue to operate on a negative cash flow.

COMMISSIONER SULLIVAN: Let me ask counsel. My concern, Steve, about the use of the word emergency, maybe I'm overly conservative here, that we can use the word emergency however we want. Does that present a problem in this resolution. The last emergency we declared was when they had three feet of snow in Edgewood and that was in order to be eligible for federal funds. The use of this word emergency is what's bothering me.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I don't think that there is any legal strings with using that word in this case. Like you said before, the emergency on the snow was to get funding from the state, and we've used the term also for procurement purposes. I think in this it's just used in its vernacular and I don't think from a legal standpoint there should be any problems.

COMMISSIONER GONZALES: Mr. Chairman, if there are no questions, I'd like to move for approval of Resolution 2002-82.

CHAIRMAN DURAN: I'll second that.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to move for a tabling of the motion. It's a very complex issue, requires a lot of information and I don't think we really have that information before us today. So I would move for tabling until we have more information and a deeper discussion on these issues. Clearly there are problems. There are huge political, national and global issues that we're not going to decide here today. The discussion has been going on for years as to farm subsidies and as to how these small farmer survives. The decision has been made by several presidential administrations to move forward with

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globalization and that seems to be the national consensus. There are ranchers and farmers who oppose this and they have some good reasons but there's just not enough information here for me to vote yes on this thing.

CHAIRMAN DURAN: Okay. Any further discussion?

COMMISSIONER CAMPOS: Did I get a second?

CHAIRMAN DURAN: There's already a motion on the table. Let me ask.
Hang on a second, Commissioner Sullivan. There's a motion on the table with a second.

COMMISSIONER GONZALES: Was there a second to this tabling?

CHAIRMAN DURAN: I seconded your motion. Can there be another motion?
Can a table override the motion that is in place?

MR. KOPELMAN: Mr. Chairman, I don't believe our rules provide for that. I think that a motion on the table would have to be voted on first.

CHAIRMAN DURAN: Okay, is there any other discussion relative to the motion?

COMMISSIONER SULLIVAN: Well, Mr. Chairman, I'm conflicted because there's obviously issues here that I feel are important. But how would we go about getting more information that would be county-specific. I don't see anyone here from the agricultural community of Santa Fe County. And I'd certainly like to know what their read on this is. I understand there was a NACo resolution. This mirrors the exact NACo resolution?

COMMISSIONER GONZALES: Commissioner Sullivan, yes, this is NACo policy that's reflective again of what many counties across the country believe to be an issue. What I would say is that this is more of a statement of where the Commission, where this governing board stands in relation to federal policy towards local ranchers and farmers. It doesn't oblige us. I think it's—I understand Commissioner Campos' concern about wanting to get more information but it is very complex and I assure you it would take a huge series of hearings to try to get to the point where we fully understand all the complexities that are facing Santa Fe County's and our region's ranchers and farmers that I'm not sure if we're ready to put on our plate right now. And I think that right now, there is a movement across the country in rural communities to start making these statements to the federal government to start paying more attention to the fact that rural economies are suffering as a result of these federal policies and globalization that's taking place, and these issues need to be addressed today.

MR. GRIDER: I would maybe kind of round that out a little bit saying what this declaration does is an attempt to establish a forum, an official forum, so that the issues that Commissioner Campos has touched on can at least be discussed and bring experts into that area to where we can make some determinations. But those things really need to be determined basically at a state level. Because the state is a shareholder in this union. The sign above you says protection of property, religion and language. And what we're telling you is they're taking our property for public use and without compensation on property that has been placed in the national public interest.

COMMISSIONER SULLIVAN: I understand, and without getting into that, the private takings discussion, I would be more comfortable, Commissioners, if we—and I would

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defer to NACo as having reviewed the actions that are required here, that they feel are the prudent actions to take, because we're a member of NACo and that's why we work with the Association of Counties is to get that information. But I'm still having a problem with the title. Let me offer an alternative title. I would rather it state something like a resolution stating concern regarding local agricultural conditions in Santa Fe County.

COMMISSIONER GONZALES: I'll accept that as an amendment.

CHAIRMAN DURAN: The second will accept that.

COMMISSIONER SULLIVAN: Then I would feel more comfortable with the resolution.

The motion to approve Resolution 2002-82 passed by unanimous [3-0] voice vote with Commissioner Campos abstaining due to lack of information.

COMMISSIONER SULLIVAN: Thanks very much for coming up from Clovis we appreciate our neighbors coming and visiting.

XI. H. 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

Commissioner Gonzales moved to go into executive session pursuant to NMSA Section 10-15-1 (7 & 8) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Chairman Duran and Commissioners Campos, Gonzales and Sullivan all voting in the affirmative.

[The Commission met in executive session from 12:50 to 2:20.]

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

MR. LOPEZ: Mr. Chairman, for the record there was also discussion of acquisition or real property.

CHAIRMAN DURAN: And Estevan, you said you wanted—can you lead us on this Housing Authority.

MR. LOPEZ: Yes, Mr. Chairman. It's pretty apparent that if we're going to recess this meeting at 4:00 we're not going to finish this meeting. Also earlier today we

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were unable to begin the Housing Authority meeting for lack of a quorum. Therefore I recommend that we convene the Housing Authority meeting right now so that we can move it to a date certain, and I would recommend August 15th. On August 15th we've already got a water presentation at 6:00 in the evening. I'd recommend that we reconvene the Housing Authority meeting in the early afternoon, perhaps 1:00 or 1:30 and then continue with the unfinished business of this meeting. And if we are able to finish before then, there'd be a break between that and the 6:00 presentations on the water issues.

CHAIRMAN DURAN: Okay, that sounds good to me. Does anybody have an objection to that?

COMMISSIONER CAMPOS: Do we have to have a roll call or anything like that for the Housing Board.

MR. LOPEZ: Mr. Chairman, I think we probably do.

CHAIRMAN DURAN: So the Chair will entertain a motion to convene the Housing Authority.

COMMISSIONER SULLIVAN: So moved.

CHAIRMAN DURAN: And move it to August 15th, right?

MR. LOPEZ: Mr. Chairman, that's correct. August 15th at 1:00 for the Housing Authority meeting to reconvene.

CHAIRMAN DURAN: And what time does the other meeting start?

MR. LOPEZ: I would say we've probably got about a half hour worth of business for the Housing Authority, so then maybe 1:30 for reconvening the Commission meeting, or 2:00.

CHAIRMAN DURAN: Two o'clock what?

MR. LOPEZ: Of August 15th.

CHAIRMAN DURAN: I know, but what starts at 2:00?

MR. LOPEZ: The BCC, the continuation of this current meeting. We're not going to be able—

CHAIRMAN DURAN: Oh, you think we need about an hour for the other stuff?

MR. LOPEZ: Right.

CHAIRMAN DURAN: Okay. So 1:00 on the 15th?

COMMISSIONER CAMPOS: There is a motion to convene. I'll second the motion.

CHAIRMAN DURAN: Okay. Any further discussion?

The motion to convene the Housing Authority meeting passed by unanimous [4-0] voice vote.

COMMISSIONER SULLIVAN: Mr. Chairman, move to recess the Housing Authority Board to August 15 at 1300 hours.

COMMISSIONER CAMPOS: I'll second that.

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COMMISSIONER GONZALES: Discussion on the topics of the Housing. Later on, are we going to be talking about the Housing Authority, or are we just going to talk about everything at that meeting?

MR. LOPEZ: Mr. Chairman, you will, if we get to it, have one resolution that would be granting authority to the Housing Board to act on all housing matters. So if you deal with that one you won't have to be dealing with those same matters in both the Housing Authority meeting and the Commission meeting.

COMMISSIONER GONZALES: Because one of the things I wanted to have brought up at the Housing Authority meeting and I wanted to bring up during this discussion is a discussion of actually creating an independent board for the Housing Authority. To have that brought up for discussion for the Commissioners to review where we've been and whether that's the best decision to make in moving forward. Get that underway. Thanks.

CHAIRMAN DURAN: Okay, then I guess, on this topic, so there's a motion and a second.

The motion to recess and reconvene the Housing Authority meeting on August 15th passed by unanimous [4-0] voice vote.

CHAIRMAN DURAN: Then I guess we need to talk about having a special BCC meeting on Wednesday, August 28th. It seems that the agenda we already for land use issues for August 13th is pretty lengthy here. And we have Rancho Viejo, the Thornburg master plan, Sonterra. Roman, what time does this one start? This meeting starts at 6:00?

ROMAN ABETYA (Land Use Administrator): Mr. Chairman, the public hearing starts at 6:00, and also on that agenda is the Village at Eldorado case, plus there's three water related ordinances. So staff brought it to the County Manager's attention that perhaps there should be two land use meetings in August so that we can get through all of these cases. The cases you had mentioned, Thornburg, Rancho Viejo, those have already been put off the last couple of months because we haven't had time, and I was instructed to put those first on the meeting for the 13th, so I'd like to get through that and then have another meeting for the other land use cases.

CHAIRMAN DURAN: Is that acceptable to the Commission?

COMMISSIONER SULLIVAN: I'm out on the 28th. You can decide whether—

CHAIRMAN DURAN: But the big issues are the ones on the 13th.

COMMISSIONER SULLIVAN: I'll be here the 13th.

COMMISSIONER CAMPOS: I'm available, I think.

CHAIRMAN DURAN: Okay, then if it's acceptable—I know you'd like to be here but rather than push it to the next meeting, the 28th is okay? When would you be back?

COMMISSIONER SULLIVAN: It's just that one day.

CHAIRMAN DURAN: Oh, you're just gone that one day. Well, what about the 25th?

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MR. ABEYTA: The 27th we have EZA, so we were thinking either the 26th, which is a Monday, because then we have EZA the 27th.

CHAIRMAN DURAN: Just wouldn't be the same without you.

COMMISSIONER SULLIVAN: You're right. Likewise.

CHAIRMAN DURAN: Can you do the 26th?

COMMISSIONER SULLIVAN: That's the Monday before the BCC? Yes.

CHAIRMAN DURAN: Okay. We'll do the 26th.

COMMISSIONER SULLIVAN: What time?

MR. ABEYTA: We'll start the public hearings at 6:00. If there's other items that aren't public hearings we can start it at 4:00 or 5:00, but normally we start the public hearings at 6:00.

CHAIRMAN DURAN: Okay. Well, let us know. We're all yours.

MR. ABEYTA: Thank you.

VIII. B. Discussion and direction on future COLTPAC acquisition

CHAIRMAN DURAN: I asked staff to put this on the agenda because I've been approached by several individuals who would like for the Commission and COLTPAC to consider their properties as potential acquisitions and if you recall, direction was given to staff a month or so ago to not consider acquisitions until we were able to put a program together to manage and maintain what we have. So I've asked Dale Ball to come today because he has a project that might have some time sensitivity attached to it that could require us to change our direction if we felt that it was appropriate to do so, so that COLTPAC could consider this acquisition. So, Mr. Ball, do you want to come forward and make your presentation? And I guess there's another issue. There's—what organization is Ann Lacy involved in? She's not here. I'll bring that up later.

DALE BALL: Thank you, Mr. Chairman. This handsome map, and by the way it's made here in the County and I would like to just, before I forget later, say that I work with map-making facilities in the City, in the Forest Service, in the Bureau of Indian Affairs and the Bureau of Land Management, and the greatest skill in map-making right now in this greater metropolitan area is in the County, in your own people who are directly supervised by Erle Wright. I just simply wanted to compliment the County and them. I don't want to overlook Erle's supervisor's Corky and Estevan, but it's a marvelous facility and it helps the County in many ways.

This map shows the trail systems that exist now on the northeast corner of Santa Fe. If my arm is long enough, here's the northernmost part, which is above Hyde Park Road and extends down to Cerro Gordo and Upper Canyon, and then ends here as you see. There are 20 miles of trails, all of which have been built in the last year and a half and they're all built with your blessings. Almost exactly two years ago now, I appeared before you and got permission to go ahead with this project. The color-coding on this—blue is City-owned land, this beige color

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for lack of a better description is County-owned land, this lavender is owned by the Nature Conservancy, and then linking all of these pieces together are quite a few pieces on private land, and in each case, we've secured an easement to run the trail across that property so that we have a cohesive system that people can walk throughout unimpeded.

From the beginning, there's been one major problem that I didn't know how to solve in this project, and that is that here in red is the Atalaya trail, and until these trails were built, this was the most heavily used trail system in the county. Now many more people use these than the Atalaya trail. But it's important long term and it has very great historic importance. But in between this trail system, which ends here, and the Atalaya trail, which is just south, was this one piece of property. It's almost like a wall separating it. And the owner of that property and I have been talking for nine years. I have been trying to get that property into public ownership. And I've tried land trades. I've tried purchases by the Forest Service, anything anybody could even suggest to me, I tried to get this property into public ownership.

And recently the owner, Dr. Parker, was exposed to the trails up here and he was so excited about them and what they meant to Santa Fe that he said to me, I would like to have that property in public ownership, and I'm willing to sell it to the County, to COLTPAC, for its appraised value if that will bring that about. That was one of those minor unexpected miracles that you always hope for and then it happened. So I immediately called COLTPAC and asked to appear before them. They were very gracious. I met with them in their June meeting and I explained that we had a complete trail system here and we had a complete trail system here, but if we owned the land in between, we could draw all those trails together and we would end up with the most comprehensive trail system in the United States. I say that knowing the Boulder system, which has always held that crown, but would hold it no longer if we do this.

I think it's fair to quote COLTPAC as saying that they were interested in the project but didn't think they could designate it as a trails acquisition and asked me to come back in September and present it as an open space acquisition. Now this land is so important that it dominates the view of Santa Fe. This is the peak of Atalaya right here. It's less than 600 feet from the peak and the slope as we look east, a lot of the slope that you see is the Parker property. I thought that was a reasonable answer and agreed to come back in September. Later, I received a phone call saying that because of other business, COLTPAC could not consider this until the spring of 2003. And I felt that there was no possibility that I could keep that property poised for purchase until the spring of 2003. I discussed it with the owner. He felt he could not make promises of that kind. I felt if we'd only gotten to this point of sale once in nine years, the chances of holding it for nine months were very remote.

Not knowing what else to do, I appealed to the Chairman and asked if I might come and present it to the Commission because I think that if you instructed COLTPAC to buy this property at its appraised value, not a price to exceed that, we would accomplish two things and it may be our only chance to ever accomplish them. One, this property justifies purchase as an open space, protecting the view to the east and it justifies it as a trail. Either way, it's justified and it's almost never that we have a chance to buy property that would give us both

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opportunities.

So I urge you to make an exception to the normal pattern. I think COLTPAC was perfectly sincere in the way that they dealt with me. I'm not critical of that. I just don't know how else to deal with the timeliness of this possible acquisition. Thank you very much, Mr. Chairman.

CHAIRMAN DURAN: Thank you, Mr. Ball, Any questions of Dale?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I was actually the individual, I think from the Commission that was upset at the fact that we hadn't really seen anything come out in terms of the management and maintenance of the trails, but in that discussion, if you recall, I had indicated that I recognized that there were some properties that because of time constraints and because of their value would need to be considered by COLTPAC. So I'm not sure how that message got changed around to where it was communicated to Mr. Ball that in fact there should be no properties being considered because clearly there are some circumstances, as the case that Dale has indicated here today where you have to move expeditiously and very quickly.

So I certainly did not want to prevent that from taking place. So I'm very much in favor of this. I think that this is a great opportunity to continue this great trails network that's in place and would so support any direction that would be provided to COLTPAC to begin to consider this property for acquisition.

CHAIRMAN DURAN: Any other questions? Commissioner Sullivan?

COMMISSIONER SULLIVAN: Mr. Chairman, not actually a question of Mr. Ball, but of the staff, since last month, what if any progress is COLTPAC making on the management program? I want to thank Mr. Ball for his presentation and also for coming over to my office and making the same presentation so that we could ask questions. I know I'm going to have lots of questions but that's why I don't, because we already met and he's responded.

SHELLIE JOHNSON (Open Space Director): Mr. Chairman, Commissioner Sullivan, at the COLTPAC meeting that was held early this month in July, I explained to COLTPAC what the recommendation from the Commission was in June in terms of management plans. And so what we've been working on is developing a priority list of the properties in terms of what needs a management plan first versus last. And COLTPAC has another meeting this Thursday evening and we were going to discuss that priority list and begin really some assignments if you want to call them that of various COLTPAC members that could assist staff in beginning the—providing some direction with the management plans.

In addition to that, staff has gone ahead, we're moving forward on a major plan, in particular for Cerrillos Hills, because we have a grant that has a time frame that we're working under. And the plan is to start trail construction there in the fall with hopefully of an opening of that open space area in the spring, which means that we need to have a management plan in place prior to that opening. So that's probably the most urgent project on the list right now and we are moving forward in developing an RFP for assistance by a consultant.

I think the hesitation that COLTPAC had when Mr. Ball made his presentation was

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they're very interested in the property and they understand the value of what he's proposing, but historically, I guess, the application process for acquisition has been a sort of an open-door process where multiple applications come in and they're evaluated, not only within the property itself but against other properties that are competing for the money for acquisition. So what was presented was that we're not in that phase yet, so it was COLTPAC, I think, my understanding was that they did not think it was appropriate to single out this particular property and look at it for acquisition outside of that normal, open-door policy for application.

COMMISSIONER SULLIVAN: So if we go forward with this would we be starting up another cycle of open applications?

MS. JOHNSON: Well, the plan was to open the door again for applications in September for one month, and then based on the conversations that we had in June, staff suggested waiting until the spring to do that, to give us a chance to get a handle on the management plans and get moving forward on trying to open some of the properties that we already have acquired. And so in between all that is when Dale and I have been talking and he came to realize that this schedule was not going to work for his project.

COMMISSIONER SULLIVAN: This is money from the second bond issue that we're talking about?

MS. JOHNSON: Yes, that's correct.

CHAIRMAN DURAN: So if we open the doors for Mr. Ball, or Dr. Parker to submit this as a possibility, would we have to open it up for everyone to make application and let COLTPAC make a decision which one would rise to the top?

MS. JOHNSON: Well, Mr. Chairman, that's the way it's been done in the past is my understanding. I haven't actually gone through any of the acquisition processes. But the way they've been held in the past is they've been called phases and they essentially do some heavy advertising that the door is open for application. And usually there's a window of about 30 days where COLTPAC will receive applications and then they go and visit all the sites at once and review all the applications together. I don't know if there's any adopted resolution that says it has to be done that way.

CHAIRMAN DURAN: Because it would seem to me that if the Commission recognizes the importance of this piece of property and we gave staff direction to take it to COLTPAC for their consideration that we would have the right, we would have authority to do so.

MR. KOPELMAN: Mr. Chairman, there's no legal requirement that COLTPAC has to pass on it. That was your resolution that they would make recommendations to this body, but just as other subsidiary committees, the Commission could just say bring it directly to us if that's what you wanted to do. There's no legal requirement that you have to open up a process or anything like that.

CHAIRMAN DURAN: Well, wouldn't it be safe to give staff direction to allow them to make the presentation to COLTPAC and then have COLTPAC come forward with their recommendation?

COMMISSIONER SULLIVAN: Well, I think the problem is they're not

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comparing it against anything. They have a pot of money and it seems reasonable, you have x-dollars in that second bond issue and how much is left in that?

MS. JOHNSON: There's \$2.1 million.

COMMISSIONER SULLIVAN: \$2.1 million. And I had one idea on a gateway property that I'd like to get to COLTPAC sometime but I'm not sure if the owner is ready to submit it or not, but it just seems that you need to have a process where you're allocating that \$2.1 million over several properties and this may well be one of them, and obviously should be one to be considered. It's got great potential. But I like the process of going through, so I think we really should. If we're going to open it up, open it up.

CHAIRMAN DURAN: Well, Shellie, the \$2 million that you said is available, are there gateway funds in addition to the \$2 million?

MS. JOHNSON: No, that includes the gateway funds.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I've spoken with Mr. Ball about this. I think you have also. I think this property is very unique and very critical to the whole trail system. I think it requires consideration soon and I don't think we need to compare it to others. I think it's pretty clear that this is what we're really—one of our major goals is to connect these trails and this is, I think the most critical piece in this map. And I think the Board should move forward on it, maybe with direction to COLTPAC to assess this and come back to us in the near future.

CHAIRMAN DURAN: I would support that.

COMMISSIONER GONZALES: Yes. I concur.

CHAIRMAN DURAN: Okay, it looks like there's a consensus to have COLTPAC review this and bring it forward as a recommendation.

MS. JOHNSON: Okay.

CHAIRMAN DURAN: To hear their recommendation.

COMMISSIONER CAMPOS: Mr. Chairman. Question for Ms. Johnson. How long do you think it would take COLTPAC to take this recommendation and come back to us with some ideas?

MS. JOHNSON: It's actually probably not too late to put it on the agenda for Thursday night. I'll have to check and make sure I meet the advertising, the posting requirements, but if that's the case, then they would probably have a discussion Thursday night. Obviously, we probably would want Mr. Ball there, so I guess it would depend on whether he's available as well. He has made a pretty in-depth presentation to COLTPAC already so it may just be a matter of a discussion at this point.

CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: That would be our direction.

CHAIRMAN DURAN: Good. Thank you.

MR. BALL: Thank you very much.

CHAIRMAN DURAN: Thank you, Mr. Ball. Thanks for making all these trails for us. I should start using them.

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COMMISSIONER SULLIVAN: You need a mountain bike if you're going to use them because I've hiked them and for every hiker you pass you pass two mountain bikes. It gets to be quite a traffic situation out there but it's a lot of fun.

VIII. C. Discussion regarding designation of the Silverado area as a critical water management area

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I brought this forward for a couple of reasons. Going back a couple of months ago we had an extensive public hearing on a property that was brought forward for subdivision in this area and we received a lot of testimony from neighbors as well as from two members of the State Engineer's Office who indicated that based on their experience there was a water problem out in the Silverado area.

Now, that's kind of a generic term. We don't specifically have a boundary out there. There are some wells that are apparently doing okay and there are others that are going dry. Here not too long ago, the newspapers reported that the State Engineer is undertaking a \$450,000 study in cooperation with the New Mexico Bureau of Geology and Mineral Resources, which Carolyn Sigstedt alluded to earlier in our meeting, to measure the water levels in about 250 wells, as well as drill two deep monitoring wells near Santa Fe's well fields to learn a lot more about the aquifer that extends all the way from Española to the Route 14 area. And what he was quoted as saying was that they had a similar groundwater study done in Albuquerque and it lead to a dramatic revision of estimates of the amount of water available there. This is what the State Engineer Tom Turney said. He was quoted as saying, "Albuquerque has been considered for about 30 years to have Lake Erie under it." I don't know if that's a good or bad thing, having seen Lake Erie. And we found out that that wasn't so.

So I think what he's saying is that this study turned around a lot of concepts that were perhaps old wives tales into some reality. This also adds to a comment I think brought up at our last meeting by Commissioner Trujillo who said, you know, we just don't have the geo-hydrological information that we need in this area to make some decisions. The State Engineer is also, and it may be a part of this, I'm not sure, convening a water conservation advisory committee. They're going to be making recommendations about well use and I'm not sure the extent. I think that may be statewide. But what I—with this action taking place, I thought it would be appropriate to make a request of the State Engineer that he advise us, based on the information that he has, whether it would be appropriate, at this point in time, to designate the Silverado area as a critical water management area, and if so, what that area would be. Again, I'm not sure if it would be a specific subdivision or some other geo-hydrological boundary, or if he felt that he would want to complete this study before he did that.

But one way or another, the feeling I get is that the State Engineer would be looking to the County to make a request, a formal request, to which he would respond. Of course, it's

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only the State Engineer that designates these critical areas and those areas then—and I'm not sure of what all the parameters that apply to it. It doesn't stop well-drilling, is my understanding, but it does require the State Engineer's oversight of well-drilling in that area. So I just thought at this point in time, as many problems as we've heard and read about and seen brought forward to us, if we could start the ball rolling by making, by having the County Manager make that request to the State Engineer and seeing how he would respond.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Commissioner Sullivan, I would commend you on bringing this issue forward, designating this area. I guess the question I would ask is clearly, it seems the State Engineer would be the appropriate agency, but do they have the time and the staff to designate to doing the study that you're asking for to lay out the boundaries that would be classified as a critical area, and do they have a process in place that you feel comfortable enough that would be thorough enough to offer some advice to the Commission on how to actually set up that critical area. Because there'll be, obviously, huge ramifications based on whatever the advice he provides onto us.

COMMISSIONER SULLIVAN: I think, from my discussions with the State Engineer and the staff, yes, they have the staff. They have the desire to look at this. In so far as what they might recommend or come up with or what the process would be, that I'm not familiar with. So I think we would want to—we could look at—I think he learned a great deal when he went through the Estancia Basin. This designation now applies to the Estancia Basin. And a great deal was learned about how to deal with the public and allay concerns about stock wells and all those issues when they went through the Estancia Basin consideration.

So I think that he could probably give us a process, give us some guidance as to how that would all work. I think yes, he's got some time and I think they have the interest. But no, I don't know what the procedure exactly is.

COMMISSIONER GONZALES: I guess my thoughts on this is Santa Fe County being 2000 square miles with different terrain throughout the county may have critical management areas that would require different solutions for bringing them out of their critical state. And I'm not sure if it's good to just—I shouldn't say not good. I'm not sure if we shouldn't do this for regions within Santa Fe County where we would designate them as being certain, having certain issues that they're being confronted with concerning water and then come up with a set of solutions and policies based on information that's provided through some independent process. And I guess where I'm leading to is is there something that Santa Fe County should do on our own where we would independently fund some type of program that would give us the scientific and tangible and quantifiable data that will help us make some of these decisions, where we control that process much more than possibly handing it over to the State Engineer where it's competing with many of his other priorities.

COMMISSIONER SULLIVAN: Mr. Chairman, I think he does have this funding in place, and I think what we're asking him is to kind of put this at the front end of his studies, and we're only specific to this one area, which we've had knowledge of as being a

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problem area, and in fact many of the homeowners in that area are hauling water, and I want to bring that issue up in a minute too, and they're having to go to the County, up to the jail to get it. So we're just asking, I think he's got the funding to do it, and the staff, and we're asking him what would this entail? We see it as a problem. How would he address the problem? How would the County be involved in the process. I don't think that we have the staff or the money to do it ourselves, or the expertise. And the database that he has, the hydrologic modeling database that the State Engineer has, and I think the independent outlook toward it as well. We're looking at a water problem here. We're not looking at a development problem; we're looking at a water problem. So I think it belongs in his office. That's my thought.

COMMISSIONER GONZALES: I think this is a good—if we go this route it seems like it's a good start, but I think we need to be prepared to offer this type of approach to many different regions within the county that over a period of time may be faced. We see this happening in Cañada de los Alamos. We know that there are issues in northern Santa Fe County with the drainage of the aquifers up near the Pueblos. So I think the idea of creating a process where we designate areas as critical water management areas are important. The question is then what's the outcome? Do we state it just so that we can accomplish one objective or do we state it so that we can begin the process of identifying solutions and bringing them out of that critical state to a state that might be less severe? But I'm in favor of this, Mr. Chairman, I think it's something that we should get started. I'd like to see if we could do it countywide and see how we would go about doing it.

CHAIRMAN DURAN: Well let me share something with the Commission. I was asked by Mr. Turney to participate in some discussion, a series of meetings with his department and other professionals in the community to actually address the water concerns and try to develop a water management plan relative to the wells and the aquifer. I think they're having a meeting tomorrow. I'm going to be out of town but if one of you want to attend, I could give him a call and let him know that you would be going there. Want me to find out more about it?

COMMISSIONER SULLIVAN: Yes, I wish you would.

CHAIRMAN DURAN: Or maybe we could send Katherine Yuhas.

COMMISSIONER SULLIVAN: I think maybe Katherine could attend. I think that may be—

CHAIRMAN DURAN: You're already going? Well, good.

COMMISSIONER SULLIVAN: I think that may be the Conservation Advisory Committee that he's forming. Is that correct, Katherine? That's the Conservation Advisory Committee, to look at well issues, as you say, statewide, and I think that's a great step to take a comprehensive look at what all those issues are. I think complementary to that would be this request, that as a part of the study that he's doing, which is a separate thing, in what he calls the Española Basin, that he prioritize this, and others may fall out of it. Cañada de los Alamos may fall out as a critical management area and others may as well. I just see this as a start because it's one that's come to us more than once and it seems to be a critical area. Perhaps Katherine might have some suggestions.

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CHAIRMAN DURAN: So what would you like for the Commission to do?

COMMISSIONER SULLIVAN: What I'd like is just for the Commission to give the staff some direction to initiate discussions with the State Engineer by letter, exploring the steps and what assistance he might be able to provide in evaluating the Silverado area as a critical management area. And get back to us as to what that entails. I believe they're looking for some kind of formal enquiry from us and then the dialogue can begin.

CHAIRMAN DURAN: That's fine with me. Is that okay with everyone?
Anything else, Commissioner?

COMMISSIONER SULLIVAN: That's all on that item. I've got other Matters from the Commission.

MR. LOPEZ: Mr. Chairman, if I may, we've got approximately an hour right now and there are a few items that I think are very sensitive that should be dealt with today if at all possible, and I also notice that there is a number of people that I think are here probably to address the issue of that Lamy open space. I'm not sure if you want to deal with that or not. But we do have some very time-sensitive issues that I'd like to point out to you.

CHAIRMAN DURAN: I'm not sure, for those of you that are here for the Lamy acquisition property if you were notified but it's not going to be discussed today. The meeting's going to be over at 4:00. Commissioner Sullivan, you had other concerns?

COMMISSIONER SULLIVAN: Just a couple of quick items. One, I wanted to remind people that on August 6th the water forum that we talked about is going to be held. Gary, do you have additional information you want to make available to the public about that?

GARY ROYBAL (Utilities Director): Good afternoon, Mr. Chairman, Commissioners. I am working with the Neighborhood Network Association to develop an agenda for this water forum. It will be August 6th at the Community College, Room 216 from 6:00 to 8:00.

COMMISSIONER SULLIVAN: Okay. Thank you. The other item I had was while the Utility Director is still there, how often are we open for residents to purchase water out at the jail? Is it two days a week?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, yes. Tuesday and Saturdays are the days. I believe it's from 8:30 to 10:00, to 10:30, in that area. We're open on both those days for water hauling.

COMMISSIONER SULLIVAN: Is there any possibility of expanding those hours just a little bit? Just two hours each time seems a little bit restrictive.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, we're open to that. In fact, this started off as a temporary service and it looks like it's going to be a permanent service. We're going to be looking at doing something more permanent and probably expanding our times for this also. Because we getting a lot more customers.

COMMISSIONER SULLIVAN: We're getting people that are just running out of water. And the City won't provide water and the County's having to do it. So I'd appreciate your consideration on that. Another quick item is to remind everyone that the Santa Fe County Fair is coming up August 5th to the 11th. That's out at the County Fairgrounds on Rodeo Road,

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or as they call it on the message at Target, Rodéo Road. So I want everyone to be aware of that and to participate in that. It's a wonderful event. You can participate in the livestock auction where the best animals that are brought forward by the kids, award winning animals are auctioned off and you can participate and see the exhibits and enjoy some of our local efforts of our local people and our 4-H-ers.

There was an issue that I brought up at the last meeting about services to our senior women in our health program. And we don't have time to discuss that know but perhaps I could ask, Virginia, if you would follow that up with the Health Planning Commission. The question I brought forward before, and this came up as a result of these post-menopausal studies that have recently come out, are we providing the resources that we need to help women who have those issues and if not, what should we be doing? So, just a reminder on that.

And then the last item I had. I had just a brief discussion with Roman about this and so he would have some time to respond but in two, I've been asked about, in two instances in recent land use cases we've included a condition on the land use cases that the development participate in a future, yet to be undetermined, districtwide assessment district. And I've been asked, does that create a lien on the properties, does it create some obligation the future landowners have to participate in some type of an assessment district or what does that mean? What's being anticipated there? So perhaps, Roman, you could help out with that.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I went back and talked to staff and that term is wrong, "assessment district." We shouldn't have used that term. We need to come up with a new term. Our intent is that the developers participate with one another in the construction of improvements for their development. So we're talking about upfront improvements that's required for their development. So for example, if one developer is ready to go and he has to build four or five miles of road that may benefit another developer in the future, we want to make it clear that that other developer will be willing to participate in that cost-sharing. So this is totally different from an assessment district. We're talking about upfront costs. We used the wrong term. We'll make that correction in our cases that we have that condition applied to.

COMMISSIONER SULLIVAN: So that would be similar to like if one developer needed a water line and it goes through the first developer's property, the second developer would help pay the cost of that water line that serves both properties.

MR. ABEYTA: Exactly. Because that other developer is going to at some point benefit from that extension.

COMMISSIONER SULLIVAN: Okay. I see. So the intent wasn't to create some type of assessment districts that created a tax burden on the property owners, future property owners.

MR. ABEYTA: No, not at all. We were using the wrong term. We'll correct that.

COMMISSIONER SULLIVAN: Okay. That clarifies that. Thank you very much. That's all the questions I had, Mr. Chairman.

CHAIRMAN DURAN: Okay, I have a quick, three-minute thing. Ann, if you

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want to come up. Ann was going to address another issue that was part of that COLTPAC discussion. And just so you know, we opened up, we gave staff direction to allow COLTPAC to consider the acquisition of some property that would complete our trail system in the northeast side, or on the eastside. And if you could just give us a three-minute breakdown on what your organization has and what you would like for us to consider.

ANN LACY: Thank you, Commissioner Duran. Thank you, Commissioners. I represent El Camino Real River Connection, and I think you did get a letter prior to this from Nicole Lichen explaining that we have received in the last New Mexico legislature \$100,000 to be used as matching funds for trail easements. And so one of the first things we've been able to do is work closely with the State Land Office and acquire, through COLTPAC, matching funds. A mile of river trail easement. And this trail will be for pedestrians, bicycles and horses. And what we're hoping to do, because we have a lot of money left over from this \$100,000, is to continue over the year acquiring property, using that as matching funds with COLTPAC and their program with trail easement acquisition so that we can use those funds within the year we have to do that or else we have to give the funds back.

And we really do have I think, a lot of support from our legislators that using that \$100,000 will enable us also to go back and hopefully acquire more money for acquisition and even perhaps some trail maintenance and improvement in the future for trail easements only along the Santa Fe Trail. We've stared around Cottonwood Crossing. It's a mile stretch that the State Land Office owns between 599 and a little north or east of Cottonwood. It's a beautiful area. It's being restored now and we hope to acquire other property, both south and north of this.

CHAIRMAN DURAN: So I guess the request is to be able to go to COLTPAC and ask them to consider this as a viable project?

MS. LACY: Yes, over this year, only for trail easements. For acquiring the easements that then would allow us to actually double our money by using the funds from the New Mexico legislature's matching.

CHAIRMAN DURAN: What would you think, what would the Commission think about—and I realize since you didn't make this statement, but perhaps clarifying the position that I thought we had made that it's critical for this program to put this management program together, but that that doesn't preclude the public from being able to come forward with projects that might be time-sensitive like this one is, and ones that would complete, like the system that we feel Dale Ball's is going to do. Do you think that's a reasonable direction?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I think it's reasonable but we have to be cognizant of the fact that we have limited staff. We have public taxpayers that have spent millions of dollars acquiring property with the promise that this property would be turned over to them for recreational use. We're three years or four years into the program and we haven't turned over one bit of property, or that we're not allowing them. So I would just hope that as we manage this process that we don't forget that other half of the commitment. What I'm

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fearful of is that the public will begin to view this as the Commission just wanting to buy lands to keep it from development and not really being used for education or recreational purposes. And that's where my sense of urgency exists to make sure that we develop a management program that will allow the public to start enjoying these lands that they've used their dollars to purchase. This is public money. They should use it. They should take advantage of it.

So however we figure this out, I think that's fine, but we do have extremely limited staff and to tell them to do both might be unrealistic. And it may be that we have to contract out to somebody else to actually develop a management program if we want to continue down the acquisition path and keep COLTPAC working this way. However we do it, I just think it's unfair to the public. They're already paying it through their tax dollars to not be able to have access to these lands that we promised we were going to make available for them. And that's the only concern I have as we go forward with this.

MS. LACY: Could I say something about this particular project? We're very aware that we want the public to enjoy the trail easements, and of course that means maintenance and it means improvements. So we have been writing grants for just that need, because unlike, perhaps other properties that would have different maintenance plans, the trail in itself designates that there will be people using it, and we did start out in the southwest sector because we feel that's the greatest need for open space and active use of land. So along with our acquisition we actually have some grants out there that have to do with improvement and maintenance and hope in the future to be able to write more.

CHAIRMAN DURAN: Well, isn't it true that with your particular issue you might lose the grant if you don't—

MS. LACY: We will lose this particular money for acquisition and improvement by the next session if we don't use the \$100,000 as matching funds.

COMMISSIONER GONZALES: This is a classic example of time-sensitive. I'm just indicating that most people are going to come forward when they come forward and say this is a time-sensitive issue because they usually are. It's just figuring out how we deal with these challenges.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: I think we gave the direction to the staff to essentially evaluate one project. Now if we now want to give the direction to staff to evaluate two projects, we I feel need to resolve this issue of gateway funds that apparently have been allocated by district, but we don't have a separate finance code for them. So there's some question. My only concern time-sensitive would be that when I get my gateway project put together there's no more money left. So that has some time sensitivity. So, I don't know. I think we could be subjecting ourselves to some a) some lost opportunities if we don't here these proposals, and b) some criticism if we only deal with one, seeming to indicate that we already made a prior decision. And if that's the case, then as Mr. Kopelman suggested, let's just make a decision. Let's say forget about COLTPAC. Let's just say Dale Ball Trail, a million bucks. Or whatever the number is. I just throw that out as a number. And subject to the appraisal and go for it. Or we open it up and let everyone who has these time-sensitive issues make their case

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through the COLTPAC process.

COMMISSIONER GONZALES: Let me just ask a quick question. Can we use the open space money or money that's put into that—I'm not sure what's been put into this maintenance fund. But could we use that money to actually contract out for the development of some type of maintenance or management plan that would actually get us ramped up to where we would be able to develop some strategic plan on how to get the properties ready for public use?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, my understanding is that five percent fund is pretty open-ended. And I don't believe that it's expressly allocated for narrow purpose. It's generally maintenance. So I think there is some flexibility.

COMMISSIONER GONZALES: We need to allow for the continuation of properties to come forward in their normal course of business without putting a halt to that.

COMMISSIONER SULLIVAN: I believe that's what she said they're going to be doing, at least with regard to Cerrillos and some others. Was that correct, that you are going to be contracting out with that money to help the management?

COMMISSIONER GONZALES: But that's funded through a grant, I believe.

COMMISSIONER SULLIVAN: But there were others, unless I misread, Shellie.

MS. JOHNSON: No, you're correct. The grant is for the actual construction and the pieces and parts that go with that. The money for the hiring of a consultant to develop the management plan is coming from the maintenance fund.

COMMISSIONER GONZALES: Okay. So that's already moving then?

MS. JOHNSON: Yes.

COMMISSIONER GONZALES: So then my issue is going to be addressed. We don't necessarily have to have COLTPAC stop considering properties on behalf of the Commission.

MS. JOHNSON: No. I think it's really just a timing issue of us making that first, getting through that first pass of developing an RFP then can then easily be amended from one project to another. It's the upfront work initially that's so time consuming. So the postponement of the application process until spring really buys us the time that at least I think is needed for us to get our feet on the ground for initializing the management plan process, and then being able to manage both at the same time.

COMMISSIONER GONZALES: I see. You're just asking for a breather.

MS. JOHNSON: Right. The trail acquisition, this grant I've only recently become aware of and we actually have somebody coming to the meeting on Thursday night to talk to COLTPAC about that. I don't think that it's that time consuming or intense that we can't manage that in the next six months and begin working on it. And that's a really good example of how some of the COLTPAC members could really help staff in terms of coming on board and working with whoever is managing that money to look at properties and see where it could be appropriately used.

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think that the issue is still, and we have others, for example the one that we're not able to have time to hear today, the Lamy property. I'm certain that the residents of Lamy would like to have their property submitted and reviewed and feel for a number of reasons that it's critical. So I haven't gotten the sense or the direction here, are we still just considering the Parker one or are we going to let the September application process go through or what's our direction here?

CHAIRMAN DURAN: Why don't we open it up and let those projects that rise to the top come before us for consideration?

COMMISSIONER SULLIVAN: That was my suggestion before but I was out-consensused.

CHAIRMAN DURAN: Well, maybe we've had a change of heart.

COMMISSIONER SULLIVAN: Not a chance.

COMMISSIONER GONZALES: So this would just be though—wouldn't it be a determination where there's time sensitivities in place? We've seen two issues before us right now, or there's three that are clearly time-sensitive, with the Parker and Lamy and this issue that's here. Can we still manage this breather that you're looking for, knowing what's out there and what may pop up and still be able to handle some of these time-sensitive purchases?

MS. JOHNSON: I think we can. There's not that many of them. The Lamy project has been on the books for a long time, so that's really—

COMMISSIONER GONZALES: Great. So consensus from the Commissioners—

CHAIRMAN DURAN: If the door's open.

COMMISSIONER SULLIVAN: If I am able to put this gateway proposal together, which I haven't yet put together, then we could bring it forward in September for COLTPAC to take a look at. Okay.

CHAIRMAN DURAN: Okay, good. Thank you, Ann. Some more work. Okay, Estevan, direction from you. Where do you want us to go?

COMMISSIONER SULLIVAN: Mr. Chairman, are there any other matters from any other Commissioners?

CHAIRMAN DURAN: Commissioner Campos?

COMMISSIONER CAMPOS: It's 3:20. Let's go to the meeting agenda.

MR. LOPEZ: Mr. Chairman, there are four items on the regular agenda that we need action on today if at all possible and then Katherine is doing a review of all of the Consent Calendar to let me know which ones are time-critical for closing out the year. But the items that we need to do today, on page 4 of the agenda, XI.A.1, the collective bargaining agreement, XI.C. 3, the final budget, XI. D. 1 and XI. D. 2. Those are critical that we get those done today. And then I'll let you know in a few minutes which of the items of consent also need to be done.

COMMISSIONER SULLIVAN: Excuse me, Mr. Chairman. Did you want me, if it helps to move things along to just indicate to you that the items that I had marked on the

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Consent Calendar and if know one else has any other items we can get through at least the balance of those on the Consent?

CHAIRMAN DURAN: Okay, why don't you—

COMMISSIONER CAMPOS: I would prefer to do what we're doing, going to the critical and then come back to the Consent.

COMMISSIONER SULLIVAN: Either way. I can just tell you which ones I checked. It's not all that many but it's several.

MR. LOPEZ: However you'd like.

CHAIRMAN DURAN: Why don't you write them down and then hand them to him while we're—why don't you just go ahead and tell him what you want to do.

COMMISSIONER SULLIVAN: While you're working over there, we'll go ahead with this other part of the agenda. The items that I had questions on were C, E, G, M, O, R, S, T, U.

CHAIRMAN DURAN: Okay, good.

XI. Staff and Elected Officials' Items

A. Administrative Services Department

- 1. Request approval of the collective bargaining agreement between Santa Fe County and the New Mexico Coalition of Public Safety Officers/CWA 7911 for the period beginning July 1, 2002 through June 30, 2003**

CHAIRMAN DURAN: I got a letter from somebody from the Sheriff's Department that commended us for working with them. They felt that they had come to a reasonable agreement with you.

HELEN QUINTANA (Human Resources Director): Yes, Mr. Chairman, Commissioners. We completed our negotiations on July 1st and the agreement has been ratified by the Santa Fe County Deputy Sheriff's Association. It was ratified on July 8th, so we're just awaiting approval by the Board and then we can act on the changes. And I stand for any questions that you might have.

CHAIRMAN DURAN: Any questions of Helen?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Helen, this is a massive document and I can't understand it all but what are the main—two things. What are the main differences in this versus the current agreement that you have, that you'd like to point out to us and are there any substantive differences here between what the union employees get and what non-union employees get?

MS. QUINTANA: Mr. Chairman, Commissioner Sullivan, I summarized a few of the major changes from the prior agreement to the current agreement. One major change is

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that it is a two-year agreement as opposed to a three-year. The salary adjustments that are included include a three percent cost of living adjustment for Deputy 1s through sergeants, and in addition to that there were some salary adjustments ranging anywhere from five percent to 12 percent, based on years of service. There was an increased contribution to medical insurance premiums, a 63/37 split. That's the same as the rest of the County employees. There is an increase to the SWAT incentive pay and there's also incentive pay for fatal team officers and we added a recruiting incentive to help attract well qualified officers.

We actually negotiated 39 items and not of those 39 items actually changed. There were probably about 20 or so that we did see some changes. Significant changes between union and non-union? The salary adjustments are the significant changes. Typically, they will still get the incentive pay that's based on the agreement for the union.

COMMISSIONER SULLIVAN: And these, when we first got together we gave you a budget to work with and we eliminated some requests for additional positions to fund that. Are we in that budgeted window?

MS. QUINTANA: We stayed within the budgeted amount that was given to the negotiating team. Yes.

COMMISSIONER SULLIVAN: Okay.

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

COMMISSIONER SULLIVAN: Mr. Chairman, move for approval of collective bargaining agreement between Santa Fe County and Communication Workers of America Local 7911.

CHAIRMAN DURAN: There's a motion to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Second. Any further discussion?

The motion to approve the collective bargaining agreement passed by unanimous [3-0] voice vote. [Commissioner Gonzales was not present for this action.]

XI. C. 3. Resolution No. 2002-83. A resolution requesting final approval of the budget for fiscal year 2003 as presented to the New Mexico Department of Finance and Administration, Local Government Division

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, we're requesting approval of the final budget in your packets. You jumped to it so fast I don't have mine in front of me. But in the packet there's a letter from DFA requesting changes for the interim budget that we submitted and there's standard requests that they ask for from us that we get letters on our Law Enforcement Protection fund and our EMS fund that we can carry those cash balances forward. So we've done all that and I've put a memo in your packet saying

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how we addressed each one of their issues.

And then we're required to bring the budget back to you with those changes and ask you to approve it, DFA's changes, and then we need to submit it back to them tomorrow. So everything dollarwise is exactly as we presented it in the interim budget except for the issue where I have requested that the capital monies for a few of the agreements that we did not have either negotiated or solicitations that we did not have sufficient responses from that that money be rebudgeted in fiscal year 2003. Those are the only changes that we made to the budget and that is one of the BARS that we brought forward.

CHAIRMAN DURAN: Any questions of staff? If there's no questions of staff, what's the pleasure of the Board? I'll move to approve.

COMMISSIONER SULLIVAN: Second.

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

The motion to approve the fiscal year 2003 budget passed by unanimous [3-0] voice vote. [Commissioner Gonzales was not present for this action.]

XI. D. Project and Facilities Management

1. Request authorization to enter into a lease agreement with purchase option for real property located at 2052 Galisteo Street, Santa Fe, New Mexico

TONY FLORES (Project Manager): Mr. Chairman, members of the Board, I presented to you a memo that describes in somewhat detail our process to negotiate this lease-purchase agreement for the CARE Connection facility that you gave us approval or direction on on the 10th of May. We have negotiated an agreement with the assistance of the Community Health Department and Finance and the Attorney's office. And I stand for any questions.

COMMISSIONER SULLIVAN: Are there any questions?

COMMISSIONER GONZALES: Move for approval for discussion.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: There's a motion and a second for discussion.

I have a question. There is still one tenant in this building, right?

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

COMMISSIONER SULLIVAN: And that's the Environment Department and their lease goes until I believe 2005.

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

COMMISSIONER SULLIVAN: Now, we've gotten over the issue, which was an important deal issue and that is that this would be, it's our intent that this be used as a shelter facility.

MR. FLORES: That's correct.

COMMISSIONER SULLIVAN: So that the owner is aware of that and we're

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going to have to get City approval, obviously to do that. I would assume, I think it says that they would support us in that effort.

MR. FLORES: They'd be the applicant. They'd be applicant and we'd be agent on that.

COMMISSIONER SULLIVAN: Okay. Did you look into the issue of the lease with the Environment Department? Would they have a problem with the use of the remainder of that facility as a shelter?

MR. KOPELMAN: Mr. Chairman, the lease agreement as it's set up now gives us the absolute right to go forward for that purpose. The Environment Department really has no voice in that. We have to honor their lease. If we exercised our purchase option, we'd have to honor that lease and that lease is in effect for several years. But they have no say, really, over the rest of the building's uses.

COMMISSIONER SULLIVAN: Okay. So let me just paraphrase. Their lease doesn't contain a condition that limits it to certain uses, like professional offices?

MR. KOPELMAN: Mr. Chairman, they may be limited in what they can do with their little part of it, but we have absolutely no limitation in that regard for sheltered living. We can do that.

COMMISSIONER SULLIVAN: Okay, so we're not seeing a problem here where they lease the building with an expectation that it would be a certain type of facility and now we're asking for—is it a zoning change or it's a use—

MR. FLORES: Special exception.

COMMISSIONER SULLIVAN: Special exception and that they would say that that conflicts with the terms of their lease.

MR. KOPELMAN: Mr. Chairman, that's right. There shouldn't be any issue with the Environment Department. That's been taken care of in our lease.

COMMISSIONER SULLIVAN: Okay. So we're clean on that. That's all the questions I had. Commissioner Campos? Commissioner Gonzales? No? There's a motion and a second.

The motion to approve the lease/purchase agreement passed by unanimous [3-0] voice vote. [Chairman Duran was not present for this action.]

XI. D. 2. Request approval of FY03 Infrastructure Capital Improvement Plan implementation schedule

MR. FLORES: Thank you, Mr. Chairman, members of the Commission. On July 10th the County staff attended a guideline and rule discussion with the Department of Finance and Administration regarding this year's ICIP plan. Based upon those discussions, PFMD staff had compiled an implementation schedule that is to be complied with prior to submission of the plan to DFA by September 30th. That deadline has actually been moved up

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approximately a month from last year's deadline. The implementation schedule this year actually has us going out and conducting the various community meetings, then bringing back a draft plan to the board in August with testimony taken at that time, have some final development meetings internally with staff, with the elected officials and then bringing back the final resolution for your consideration on September 24th with the final plan submitted by September 30th.

So we are asking for the approval or the direction to proceed with the implementation plan as presented, or if there are changes, we can work through those dates and times as long as we meet our internal deadlines to get the plan submitted.

COMMISSIONER SULLIVAN: Questions? I have a question. What, under your implementation schedule under Commission meetings, you have Districts 1 and 2, August 14th, Districts 3 and 4, August 15th, District 5, August 16th. Are those work sessions? Are they complete Commission meetings? What are those?

MR. FLORES: Mr. Chairman, for clarification, those are meetings with each of you individually to discuss the responses and projects that have been presented by department staff internally and also from the community doing our community meetings to discuss those plans with you, to help you have you assist us in prioritizing our plans so that we can prepare the draft plan. Those meetings are intended to be a session with each Commissioner and the Commissioners elect, since they will be taking over the projects in their district once they come into office.

COMMISSIONER SULLIVAN: Okay, and the community meetings are of course public meetings. Are those in the evening?

MR. FLORES: Mr. Chairman, members of the Commission, those will be in the evenings at 6:00 p.m. and we are working on the advertisement now pending approval of this implementation schedule.

COMMISSIONER SULLIVAN: Okay, so then looking at, one of them is in Cerrillos on August 8. One's in Eldorado on August 13th. The others you have listed in Rancho de Chimayo, Arroyo Seco, La Cienega, Agua Fria and Edgewood/St Stanley area. The Cerrillos meeting would cover everything, Route 14 and out to Rodeo Road and Airport Road, and so forth? Is that the idea?

MR. FLORES: Mr. Chairman, that was our idea, yes.

COMMISSIONER SULLIVAN: Because they have totally different concerns than people in the Eldorado/285 area obviously.

MR. FLORES: Mr. Chairman, we can add a second meeting in there for that area if the Commission so directs.

COMMISSIONER SULLIVAN: Well, this looks okay, just as long as—I'm not quite sure that the people in the Airport Road area and Rodeo Road areas, some of which are in District 5 and some of which are in Commissioner Campos' district now, would necessarily know that they would go to Cerrillos or Eldorado for their projects. I don't know if perhaps one other one, maybe at the County Fair building or something might—

MR. FLORES: I think that's a great idea.

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COMMISSIONER SULLIVAN: Might be appropriate.

MR. FLORES: Okay. We'll just adjust that schedule to reflect that meeting time.

COMMISSIONER SULLIVAN: Okay. Any other questions? I think we had a motion and a second. I didn't have a motion.

COMMISSIONER GONZALES: So moved.

COMMISSIONER CAMPOS: Second.

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

The motion to approve the ICIP implementation schedule passed by unanimous [3-0] voice vote. [Chairman Duran was not present for this action.]

IX. Consent Calendar

A. Findings of Fact:

**1. CCDRC CASE #Z 01-5480 - San Cristobal Master Plan
(Approved)**

- B. Request Approval of Memorandum of Agreement #23-0052-DW for a Youth Prevention Program Coordinator at San Ildefonso Pueblo (Community and Health Development Department)**
- C. Resolution No. 2002-95. A Resolution Requesting an Increase to the General Fund (101)/Smart Moves Program to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Community and Health Development Department)**
- D. Resolution No. 2002-84. A Resolution Requesting an Increase to the General Fund (101)/Maternal Child Healthcare Program to Budget Fiscal Year 2002 Cash Balance and a Grant Received From the Frost Foundation for Expenditure in Fiscal Year 2003 (Community and Health Development Department)**
- E. Resolution No. 2002-98. A Resolution Requesting a Budget Transfer from the Housing Capital Improvement Fund (301) to the Housing Enterprise Fund (517) for Expenditure in Fiscal Year 2003 (Community and Health Development Department)**
- F. Request Ratification and Approval of a Professional Service Agreement #22-183-CHDD With Chimayo Crime Prevention Organization to Conduct a Summer After School Program for Youth Within the Chimayo Area (Community and Health Development Department)**
- G. Resolution No. 2002-99. A Resolution Approving a General Depository Agreement for the Establishment of a Public Housing Family Self-Sufficiency Escrow Account (Community and Health Development Department)**

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- H. **Resolution No. 2002-85. A Resolution Approving the Santa Fe County Housing Services Division's Public Housing Assessment System Management Operations Certification for the Fiscal Year Ending June 30, 2002 (Community and Health Development Department)**
- I. **Resolution No. 2002-86. A Resolution Requesting an Increase to the General Fund (101)/Commission Capital Outlay to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Finance Department)**
- J. **Resolution No. 2002-87. A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 1997 Series Fund (350) to the GOB Debt Service Fund (401) to Budget Interest Earnings Revenue for Debt Service Expenditure in Fiscal Year 2002 (Finance Department)**
- K. **Resolution No. 2002-88. 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 Interest Earnings Revenue for Debt Service Expenditure in Fiscal Year 2002 (Finance Department)**
- L. **Resolution No. 2002-89. A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 2002 Series Fund (353) to the GOB Debt Service Fund (401) to Budget Interest Earnings Revenue for Debt Service Expenditure in Fiscal Year 2002 (Finance Department)**
- M. **Resolution No. 2002-96. A Resolution Requesting an Increase to the Fire Protection Fund (209) to Realign the Fiscal Year 2003 Budget with the Final Fire Protection Allotment Received from the New Mexico State Fire Marshal for Expenditure in Fiscal Year 2003 (Fire Department)**
- N. **Resolution No. 2002-90. A Resolution Requesting an Increase to the EMS District Fund (206)/Various Fire Stations to Realign the Fiscal Year 2003 Budget With the Final EMS Allotment Received from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Fire Department)**
- O. **Resolution No. 2002-97. A Resolution Requesting an Increase to the General Fund (101)/Information Systems Division to Budget the Intergovernmental Agreement Revenue for Expenditure in Fiscal Year 2003 (Project & Facilities Management Department)**
- P. **Resolution No. 2002-91. A Resolution Requesting an Increase to the NMFA Loan Proceeds Fund (340)/Information Systems Division to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Project & Facilities Management)**
- Q. **Request Ratification of Change Order #3 (Construction Agreement #321-163-CH) for the Construction of the Santa Fe County Public Safety Complex - Deputy Leopoldo C. Gurule Building (Project & Facilities Management Department)**

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- R. **Request Authorization and Acceptance of Change Order #4 (Final/Closeout, Construction Agreement #21-163-CH) for the Construction of the Santa Fe County Public Safety Complex - Deputy Leopoldo C. Gurule Building (Project & Facilities Management Department)**
- S. **Request for Approval and Execution of the 2002 Severance Tax Agreements for Various Road Projects From the New Mexico State Highway and Transportation Department (Public Works Department)**
- T. **Request Approval of Amendment #1 to the Severance Tax Agreement for Road Improvements and a Low Water Crossing on CR 55-A from the New Mexico State Highway and Transportation Department (Public Works Department)**
- U. **Request Authorization to Accept Amendment #3 to Lease Agreement #20-0058-SD With Plaza del Sol for the Lease of Space for the Animal Control Division for an Additional Year Through August 31, 2003 (Sheriff's Office)**
- V. **Resolution No. 2002-92. A Resolution Requesting an Increase to the General Fund (101/Region III Program Income) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Sheriff's Office)**
- W. **Resolution No. 2002-93. A Resolution Requesting an Increase to the General Fund (101)/Region III Drug Enforcement Grant to Budget Additional Grant Revenue Awarded by the United States Department of Justice for Expenditure in Fiscal Year 2003 (Sheriff's Office)**
- X. **Request Approval of the Region III Drug Task Force Grant Awarded through the New Mexico Department of Public Safety for Fiscal Year 2003 (Sheriff's Office)**
- Y. **Resolution No. 2002-94. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)**

COMMISSIONER SULLIVAN: We've lost our Chair so you have 20 minutes to discuss anything we want. Aside from that, those items that I have to the staff, how do they jibe with what else needs to come forward here.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I would just like to add for discussion item

IX. A. Just for clarification.

MR. LOPEZ: The findings of fact?

COMMISSIONER CAMPOS: Yes sir.

MR. LOPEZ: Mr. Chairman, Commissioners, of the items that you've pulled

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from the Consent Calendar the following are what we believe to be time-sensitive. Items C, M and O. So if we could deal with, at a minimum, those, that would be great. If we can deal with the entire Consent Calendar that would be even better.

COMMISSIONER SULLIVAN: I'm sure we can. Okay, we'll entertain then a motion to approve the following items on the Consent Calendar. That would be B, D, F, H, I, J, K, L, N, as in November, P, Q, V, W, X and Y.

COMMISSIONER GONZALES: So moved.

COMMISSIONER SULLIVAN: We have a motion.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: And a second. Commissioner Gonzales, did you have anything on the Consent Calendar you wanted to—

COMMISSIONER GONZALES: No.

COMMISSIONER SULLIVAN: We have a motion and a second for approval of those items on the Consent Calendar. All those in favor, say "aye."

The motion to approve Consent Calendar items B, D, F, H, I, J, K, L, N, P, Q, V, W, X and Y. passed by unanimous [3-0] voice vote. [Chairman Duran was not present for this action.]

IX. C. Resolution No. 2002-95 A Resolution Requesting an Increase to the General Fund (101)/Smart Moves Program to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Community and Health Development Department)

CHAIRMAN DURAN: I can tell you, Robert, what my question was on that, quickly, and that was that in reading that resolution, indicating there was funding for a one-year term position. Could you elaborate on that? Who that would be and why it's one year and why it's term?

ROBERT ANAYA (CHDD Director): Sure, Mr. Chairman, Commissioners. At the last meeting, at the end of the meeting, we brought forward an item that the Department of Health had allowed us to expend some money from our Smart Moves grant that historically would have been turned back to the state. They gave us money back to be able to continue Ms. Betty Cardenas' position in the Youth Prevention Program. You say Ramon Dalton come forward. He's one of the individuals that Betty worked with in the Smart Moves program. So that sustains her funding to keep her position and program going forward, working with the youth at the Housing Authority as well as with the Cooperative Extension Service.

COMMISSIONER SULLIVAN: Okay, so she's the current coordinator?

MR. ANAYA: Yes sir, Mr. Chairman. Other questions of Robert? Do we have a motion on item IX. C?

COMMISSIONER GONZALES: So moved.

COMMISSIONER CAMPOS: Second.
CHAIRMAN DURAN: Moved and seconded.

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The motion to approve Resolution 2002-95 passed by unanimous [3-0] voice vote.
[Chairman Duran was not present for this action.]

IX. M. Resolution No. 2002-96. A Resolution Requesting an Increase to the Fire Protection Fund (209) to Realign the Fiscal Year 2003 Budget with the Final Fire Protection Allotment Received from the New Mexico State Fire Marshal for Expenditure in Fiscal Year 2003 (Fire Department)

COMMISSIONER SULLIVAN: Any fire guys here? Okay. My question could be answered later on this. I think we can go ahead and approve this, Estevan, once we have someone from the Fire Department here. And I'll tell you what it was and we can just ask them later. That was a number of the areas, it indicated an allocation of impact fees by area. But it didn't indicate where those areas were. So I was curious as to where those areas are, because that helps tells us where the growth is occurring. Because the impact fees go, it's my understanding, directly to the areas where growth is occurring.

MR. LOPEZ: So, Mr. Chairman, Commissioner Sullivan, the question is what areas are those specifically? You want the areas identified.

COMMISSIONER SULLIVAN: Identified. Yes. They're identified by subdistrict, by fire subdistrict, I believe, but on the resolution they're just identified by account number. Some of them are pretty sizable and I'm guessing that one of them is Edgewood and I'd just like, for the Commission's information, to show us—it kind of gives us a little pattern of growth is what it does.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, we'll get that information.

COMMISSIONER SULLIVAN: Okay. But that shouldn't hold up the approval, so we'll entertain a motion for approval of item M on the Consent Agenda.

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN DURAN: Second.

COMMISSIONER SULLIVAN: Moved and seconded.

The motion to approve Resolution 2002-96 passed by unanimous [3-0] voice vote.
[Commissioner Gonzales was not present for this action.]

CHAIRMAN DURAN: Mr. Chairman, I actually have a question. About the impact fees. Did you mention, was it you I spoke to at the RPA or was it Commissioner Campos about trying to put together an impact fee program here?

COMMISSIONER SULLIVAN: We've discussed it off and on for some time.

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There's a committee ongoing as you know with the City. I know Ms. Van Peski is on it.

CHAIRMAN DURAN: Why don't you go ahead.

COMMISSIONER SULLIVAN: We'll see how far we can get here. I think we can get through the Consent Calendar.

IX. O. Resolution No. 2002-97. A Resolution Requesting an Increase to the General Fund (101)/Information Systems Division to Budget the Intergovernmental Agreement Revenue for Expenditure in Fiscal Year 2003 (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: Item O is another time-sensitive one. Erle. Could you explain what this is you're talking about in the description of monies budgeting for private cooperators. Could you explain what that means?

ERLE WRIGHT (GIS Director): What we're doing with this budget adjustment request is actually establishing budget authority for cooperators who have come forward on the orthophotography project. We have a private contributor who is actually going to participate in the project. We also are budgeting the City's contribution into the project and we also have a commitment from the Bureau of Reclamation to contribute money to the project. The City's amount is about \$82,000. The Bureau of Rec is contributing about \$15,000, and this private cooperator at this point is about \$1,000.

COMMISSIONER SULLIVAN: So is this going to reduce our total cost for this contract?

MR. WRIGHT: Well, actually some of the—about two months ago, we did an amendment to the contract which actually raised the contract ceiling slightly and part of the Bureau of Rec money is covering production that the County hadn't originally anticipated. Data was acquired in that area but we didn't actually budget for production and this is related to the Buckman water diversion project and also to the Aamodt settlement. So they're actually contributing 100 percent of the cost for production outside of those areas. So in one part, yes, it is reducing the County's contribution, because we still have debt service. We only budgeted, I believe, it was about \$200,000 that was actually general fund monies. The rest came from the New Mexico Finance Authority grant and also from a property tax division grant through the Assessor's office. So we still have the debt service on that.

These contributions will help us, will contribute to that debt service and hopefully lower our general fund contribution. But there is, anything that's happening out of our original production area, we're looking for 100 percent cooperator costs on that.

COMMISSIONER SULLIVAN: Okay, any other questions of Erle? Is there a motion on item O?

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN DURAN: Second.

**The motion to approve Resolution 2002-97 passed by unanimous [3-0] voice vote.
[Commissioner Gonzales was not present for this action.]**

IX. A. Findings of Fact:

1. CCDRC CASE #Z 01-5480 – San Cristobal Master Plan (Approved)

COMMISSIONER CAMPOS: Mr. Chairman, last page, paragraph 24 talks about the fiscal impact statement requirement prior to preliminary development approval. If I remember correctly the thrust of this condition was to allow the County Commission some discretion should the fiscal impact statement come back in a negative way and show that perhaps the project or the Community College District is not viable, that we would have an option at that point to, I assume cancel or annul the master plan. And I just need to ask Mr. Kopelman if he feels that we need to add additional language to clarify that, or if paragraph 24, last page is adequate.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I guess what I'd ask is the chance to sit down with Roman to review the minutes. Because I really can't tell you off the top of my head and I'd like to just see what transpired, the exact language at the meeting, to see. And then I guess what we can do if it's okay with the Commission is maybe we can table this and bring this back at the next meeting with recommended language if there's a change. And we can talk to you about it and let you know, but I really am not sure without reviewing the minutes pretty carefully on that one point.

CHAIRMAN DURAN: Move to table.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER SULLIVAN: Motion to table and a second.

The motion to table the findings of fact on the San Cristobal master plan passed by unanimous [3-0] voice vote.

COMMISSIONER SULLIVAN: Tabled until the next meeting which would be August 28th?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we could probably have it prepared and put it with the other findings of fact on August 13th.

COMMISSIONER SULLIVAN: Okay. Tabled till August 13th. Estevan.

MR. LOPEZ: Mr. Chairman, I apologize. It was just brought to my attention that item R, which was taken off the Consent is also time-sensitive.

COMMISSIONER SULLIVAN: We're almost there.

MR. LOPEZ: Okay.

CHAIRMAN DURAN: I have a quick question. Does this tabling affect the process that the state has to go through in terms of putting this thing out for bid?

MR. ABEYTA: Mr. Chairman, it may. I know they were interested in getting

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this done today. That's what a staff member had indicated to me, but I don't know.

CHAIRMAN DURAN: Well, does finding of fact have anything to do with the approval that we granted?

MR. KOPELMAN: Mr. Chairman, it memorializes. It puts it in writing. It's the final decision.

CHAIRMAN DURAN: Okay, so what does that mean?

MR. KOPELMAN: I'm not sure. I don't know what they're planning on doing. I think there's a representative here from the State Land Office.

CHAIRMAN DURAN: Is there? Would you like to address that concern or that question?

COMMISSIONER SULLIVAN: It's Linda MacIntyre.

LINDA MACINTYRE: Mr. Chairman, members of the Commission, you had asked a question regarding the process the State Land Office is going to go through and how our master plan conditions and the Board's approval of those conditions could impact our process. We are preparing to go out for a public auction to bring a developer into the San Cristobal project. We were hoping to be out to bid before August 13th and I certainly don't want to rush through your deliberations tonight. I know from my recollection from the meeting on June 5th, I'm not exactly sure. I'd like to go back myself and take a look at the minutes and see what was said because I'm not entirely sure I understand what Commissioner Campos is referring to, so it might be helpful if we could clarify that. But our process is time-sensitive and we were very much hoping to be our very early in August. So I would make a request if I could of the Commission that if delay it to August 13th that we might be allowed to go early on the agenda for that evening and clear this up quickly.

CHAIRMAN DURAN: Sure. Right after the Lamy issue.

MS. MACINTYRE: No, please. Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: Okay, then moving on. We'll get to R. before we leave.

IX. E. Resolution No. 2002-98. A Resolution Requesting a Budget Transfer from the Housing Capital Improvement Fund (301) to the Housing Enterprise Fund (517) for Expenditure in Fiscal Year 2003 (Community and Health Development Department)

COMMISSIONER SULLIVAN: Who's up for item E? Here's Robert. Here's my question. This is about a \$500,000 adjustment as I recall reading the item, and it's for asbestos abatement work in our housing developments. Is that correct?

MR. ANAYA: That's correct.

COMMISSIONER SULLIVAN: And it's for having this work done by in-house staff. And I was extremely concerned about the experience and capabilities of our own staff to handle asbestos abatement projects. Could you discuss that?

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MR. ANAYA: Mr. Chairman, Commissioners, for about three and a half years, our staff, our maintenance staff at the Housing Authority has been certified in asbestos abatement removal. They go through ongoing physicals and training on a yearly basis. They do follow the federal and state standards relative to abatement and we've saved quite a bit of money in doing the abatement internal when we're going to do an intensive remodel on a public housing unit, as opposed to what it costs to get the private sector to do the same type of abatement.

COMMISSIONER SULLIVAN: And who certifies them?

MR. ANAYA: An entity out of Albuquerque, Acme Environmental is a certified training entity that provides our maintenance abatement training as well as our contractor supervisor training.

COMMISSIONER SULLIVAN: So this comes within their job descriptions as well as within their health coverage?

MR. ANAYA: Mr. Chairman, Commissioners, we do, like I said, follow the procedures necessary to ensure that they have the appropriate training and physicals. They all have to go through fairly intense physicals to make them available to do the abatement.

COMMISSIONER SULLIVAN: And this large a program, \$500,000, it doesn't detract from they're doing other maintenance work that these units need?

MR. ANAYA: Mr. Chairman, Commissioners, the actual abatement portion that we're requesting is \$20,000 out of the \$520,000 program. The reason we do a force account is so they can do it as overtime work and that way it doesn't detract from their daily responsibilities for turning around units and ongoing maintenance. So the budget covers overtime pay and they do the abatement work during overtime hours.

COMMISSIONER SULLIVAN: So the rest of the \$500,000 adjustment, is that for the construction then?

MR. ANAYA: Mr. Chairman, Commissioners, yes. The remaining balance gets spent on various things having to do with the roofing repairs and cabinetry and refrigerators, ranges, other normal rehabilitation. The asbestos portion, I believe it's \$20,000.

COMMISSIONER SULLIVAN: And is that remainder of the work done by contract or is that done in-house also?

MR. ANAYA: Mr. Chairman, Commissioners, we normally contract out the balance. The only portion that the staff does on that type of remodel is the abatement portion of the job.

COMMISSIONER SULLIVAN: Okay. Are there any other questions of Robert? Commissioner Campos?

COMMISSIONER CAMPOS: No questions.

COMMISSIONER SULLIVAN: Hearing none then, can we have a motion on item E.

COMMISSIONER CAMPOS: Move to approve item E.

COMMISSIONER SULLIVAN: I'll second. Did you have any questions on asbestos abatement? We have a motion and a second to approve item E.

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**The motion to approve Resolution 2002-98 passed by unanimous [3-0] voice vote.
[Commissioner Gonzales was not present for this action.]**

IX. G. Resolution No. 2002-99. A Resolution Approving a General Depository Agreement for the Establishment of a Public Housing Family Self-Sufficiency Escrow Account (Community and Health Development Department)

COMMISSIONER SULLIVAN: Robert again. My question on this was, Robert, that this was from First State Bank.

MR. ANAYA: That's correct, Mr. Chairman.

COMMISSIONER SULLIVAN: First State Bank of Taos. And I wondered why we needed to do banking with a bank from Taos.

MR. ANAYA: First State Bank, the main headquarters for First State Bank statewide is in Taos. And I believe that's why it's probably listed as that. But that's their home office if you will.

CHAIRMAN DURAN: That's their official name. They're really downtown and on San Mateo and all over the place.

COMMISSIONER SULLIVAN: I'd rather do business with a bank whose name is the something Bank of Santa Fe. They have a local, First State Bank has a local office here, obviously.

MR. ANAYA: Several, Mr. Chairman.

COMMISSIONER SULLIVAN: And this is a bank you've dealt with before? Does this go out for proposals? Do you look at how the banks, what kind of services they're willing to provide and what they're fees are and things like that?

MR. ANAYA: Mr. Chairman, I believe Katherine would answer that, but they are the fiscal bank for the County and I think that's the reason we utilize them, but if the County changes that then we would probably change to whatever bank that is.

COMMISSIONER SULLIVAN: So you're using them because they are the bank that the County uses. Does that sound right, Estevan? First State Bank is the County bank? Is that right, Katherine?

MR. LOPEZ: Mr. Chairman, I believe that's correct.

COMMISSIONER SULLIVAN: The question is is the First State Bank of Taos Santa Fe County's bank?

MS. MILLER: For the next six months, yes. We're actually resoliciting for that, but we have a short-term agreement with them. They have been our fiscal agent and then we're going back out on solicitation. We had done one solicitation and had security issues come up so we cancelled that solicitation of going back out. Meanwhile, we have a short-term agreement with them to continue the services that they were previously providing. It could

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potentially change if we have a different outcome on that solicitation. But right now, through December they are.

COMMISSIONER SULLIVAN: So should this resolution with the Housing Authority, who's also using the same bank, be through December? Because I assume it's for a year, is it?

MS. MILLER: Mr. Chairman, Commissioners, we can actually use a different fiscal agent for that particular agreement if necessary, or is we change fiscal agents we can change this agreement over. I don't think there's any problem with stopping the agreement and redoing it. It's a fairly basic escrow agreement.

COMMISSIONER SULLIVAN: What term is it for, Robert?

MR. ANAYA: Mr. Chairman, I don't know the term but I know that we can do exactly what Katherine said. If you change banks we can change the account to another entity.

COMMISSIONER SULLIVAN: Okay, maybe we just make that clarification of does the Board feel that's necessary? If we have two different banks, is it a problem?

CHAIRMAN DURAN: Whatever you want to do, Commissioner. You're the Chair.

COMMISSIONER CAMPOS: As to the recommendation made by staff on G.

COMMISSIONER SULLIVAN: Is that a motion?

COMMISSIONER CAMPOS: That's a motion.

COMMISSIONER SULLIVAN: We've got a motion from Commissioner Campos to approve the Resolution 2002-99 as stated.

CHAIRMAN DURAN: Do you want to add your—

COMMISSIONER SULLIVAN: He was fine with it the way it was. It's for a fiscal year, I assume. I'd have to go back and dig through it.

CHAIRMAN DURAN: I think if staff says we can change it at any time I don't think we're required to keep it there. This is just authorization to use them at this point in time, right?

MR. ANAYA: Mr. Chairman, the Department of Housing and Urban Development requires that we have a separate account. They don't stipulate where you go or who you do business with.

CHAIRMAN DURAN: I'll second the motion.

COMMISSIONER SULLIVAN: There's no time frame in the resolution. It just says approving the general depository agreement with First State Bank for a public housing fee escrow account and it doesn't give any time period. So I assume, perhaps when Katherine comes back with her re-evaluation, if she feels the Housing Authority account should be switched over you all can work that out. There's a motion and a second.

**The motion to approve Resolution 2002-99 passed by unanimous [3-0] voice vote.
[Commissioner Gonzales was not present for this action.]**

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**IX. R. Request Authorization and Acceptance of Change Order #4
(Final/Closeout, Construction Agreement #21-163-CH) for the
Construction of the Santa Fe County Public Safety Complex – Deputy
Leopoldo C. Gurule Building (Project & Facilities Management
Department)**

COMMISSIONER SULLIVAN: Okay, since I isolated this item, the issue that concerned me about this change order, if you look at it, there's 20 or 30 items that seemed that had to be rectified at the end here and in the previous change order we had some discussion with Stan who indicated that he had to pretty much fill in and act as the construction manager during this project. That's a concern to me. We have another, we have a Public Works project now coming forward. Do we have some construction management plan in place where we can preclude these numbers of—there were obviously communication issues as well as some design issues. What are we doing to work on it?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, that is my division's responsibility solely right now is for the construction and project management of all projects. While I can't stand here and answer what Stan had addressed at the last meeting about prior projects I can tell you that we do have processes in place that hopefully will eliminate or avoid this type of issue with change orders. Change orders being brought in a timely fashion or even the documents being reviewed so that we don't have these things that are missed in the construction documents when they're out for bid.

As far as the change order processes, I think Katherine has indicated that we are working on policy on how to address those. We've had some ongoing discussions with Finance, the Attorney's office and other project personnel from other departments. So to answer your question, yes, we do have policies in place and those policies are being enhanced and further tightened as we go along through these committees.

COMMISSIONER SULLIVAN: I guess I was more concerned that just the policies on the change order amounts than I was that the number of these change orders the type of them. Most of them were fairly minor but they just were numerous. It indicated to me at least a lack of day to day communication with the contractor, between the contractor and the architect and the County.

MR. FLORES: Mr. Chairman, Commissioner Sullivan, on this project, since November 5 we have had daily contact with the contractor on these issues. When this was taken over, we identified many problems with the construction documents at that time. In the last change over there are items that were brought to fruition after the construction was nearing completion. Such things as changing our carpet or additional amperage requirements, new gate sensors that weren't included in the bid documents. So when they're closing out the project these are identified. But as far as communication with the contractor, I can assure you that that was on a daily basis and continues to this day.

COMMISSIONER SULLIVAN: Okay. And do we have one individual who's designated from the County to do that? Is that you or is that someone in your office?

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MR. FLORES: It depends on a project by project basis. I have project managers that are construction personnel that are both licensed and certified, but ultimately it flows up to me. So it's my responsibility to approve. They do not have the levels of authority at their level to be able to direct a contractor to do anything. So that has to come up through me.

COMMISSIONER SULLIVAN: Okay. I don't know that it's, the size of the project, whether you may want to consider some kind of outside construction management service, whether that's within the budget. I know we did a budget discussion on this before and we were already over the budget. So that may not be a possibility. But I just hope that we can implement these procedures that you're talking about. I know we're going to have change orders. That's not my concern. My concern is that the nature of these change orders indicates we need better participation in the design process and we need better participation in the day to day construction process, which you're promising us.

MR. FLORES: Absolutely.

COMMISSIONER SULLIVAN: Okay. Thank you. Is there a motion then on item R?

CHAIRMAN DURAN: So moved.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Unless there are any further questions. No?

The motion to authorize change order #4 to the Public Safety Complex passed by unanimous [3-0] voice vote. [Commissioner Gonzales was not present for this action.]

IX. S. Request for Approval and Execution of the 2002 Severance Tax Agreements for Various Road Projects From the New Mexico State Highway and Transportation Department (Public Works Department)

COMMISSIONER SULLIVAN: James, the only question that I had, I don't know if any of the other Commissioners had questions, is it would be useful if we had a location map of where these are. The projects are listed by road number. I don't need it now and we don't need to hold up the approval of that but if you could at least for me just give me a—

CHAIRMAN DURAN: Me too.

COMMISSIONER SULLIVAN: And for Commissioner Duran. Just put them in all the Commissioners boxes if you would, a map indicating where these projects are. That would help.

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner, these were prior approval through the ICIP plan but yes, we will get you them. I will get you them.

COMMISSIONER SULLIVAN: I understand that these are all done deals, but I just wanted some indication of where they were.

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MR. LUJAN: Is that for both S and T? Same question on T?
COMMISSIONER SULLIVAN: No, T is a different question. Are there any further questions of Mr. Lujan? How about a motion?
CHAIRMAN DURAN: So moved.
COMMISSIONER CAMPOS: Second.
COMMISSIONER SULLIVAN: Moved and seconded. No further discussion.

The motion to approve the 2002 severance tax agreements passed by unanimous [3-0] voice vote. [Commissioner Gonzales was not present for this action.]

IX. T. Request Approval of Amendment #1 to the Severance Tax Agreement for Road Improvements and a Low Water Crossing on CR 55-A from the New Mexico State Highway and Transportation Department (Public Works Department)

COMMISSIONER SULLIVAN: As I looked at that agreement, it said that, my question was who will pay for overages?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, this project has been in the works since the year 2000. We still do not have enough money. We would require the County to pay it but we're going to ask for another appropriation on this year's ICIP plan.

COMMISSIONER SULLIVAN: So, is the project completed?

MR. LUJAN: No, sir. We haven't even started it. Because we don't have the funding.

COMMISSIONER SULLIVAN: Because I noticed the agreement said, with the Highway Department—I think it's with the Highway Department.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: Said any overages are the responsibility of the County. My question was going to be to you, do you have the overages budgeted in this year's fiscal budget?

MR. LUJAN: No we don't. We're going to put it on the ICIP plan and ask for another appropriation.

COMMISSIONER SULLIVAN: Ah. So the project won't move forward until you've got the estimated funding in place.

MR. LUJAN: That is correct.

COMMISSIONER SULLIVAN: This is just to confirm the agreement with the Highway Department?

MR. LUJAN: Definitely.

COMMISSIONER SULLIVAN: Okay. A motion then on item T, if there

are no further questions.

COMMISSIONER CAMPOS: So moved.

CHAIRMAN DURAN: Second.

2226926

COMMISSIONER SULLIVAN: It's been moved and seconded.

The motion to approve amendment #1 to the severance tax agreement on CR- 55 passed by unanimous [3-0] voice vote. [Commissioner Gonzales was not present for this action.]

IX. U. Request Authorization to Accept Amendment #3 to Lease Agreement #20-0058-SD With Plaza del Sol for the Lease of Space for the Animal Control Division for an Additional Year Through August 31, 2003 (Sheriff's Office)

COMMISSIONER SULLIVAN: No one from the Sheriff's Office is here. My only question, I'm sure Katherine can answer it on this was we just approved a lease on the Galisteo building, and can we put these folks in the Galisteo building?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, I think at the moment one of the issues with the Galisteo building and our agreement with St. Vincent's is that it be used for health purposes. Probably, and I also believe that one of the things we're looking at with the animal shelter as they're building their new facility is co-locating our animal control there. So this is a relatively inexpensive facility for this lease for animal control at the moment, and because all of the other issues are still pending and the fact that Galisteo needs to be used for health purposes, otherwise the funding that we have for that we would have to use this money. It would be just a temporary basis that they could be over at the Galisteo property.

COMMISSIONER SULLIVAN: Animal control is building a new facility, did you say?

MS. MILLER: It's one of the issues at the animal shelter, they're building their new facility.

COMMISSIONER SULLIVAN: The shelter is, yes. Not animal control.

MS. MILLER: Right. And this is for animal control. This lease.

COMMISSIONER SULLIVAN: Right. This is different from the shelter, isn't it? The animal shelter?

MS. MILLER: Correct.

COMMISSIONER SULLIVAN: That we contract with.

MS. MILLER: Correct. Let me back up. The animal shelter, we do contract with them and they're building a new facility. They would like at some point, as we used to have, animal control co-located with them. And we would probably work that into that agreement as well. Until that time, we're asking that they be able to keep the facility, the lease, that we currently have, to renew it, to keep them where they are over on St. Michaels.

2226927

COMMISSIONER SULLIVAN: Okay. Any further questions of Katherine?
What's the pleasure?

CHAIRMAN DURAN: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Motion and a second for item U.

The motion to authorize an amendment to the lease agreement for the animal control division passed by unanimous [3-0] voice vote. [Commissioner Gonzales was not present for this action.]

COMMISSIONER SULLIVAN: That's the end of the Consent Calendar, Mr. Chairman.

CHAIRMAN DURAN: Okay, thank you, Commissioner. I guess we are going to recess until what date, Estevan?

MR. LOPEZ: Mr. Chairman, we had talked about August 15th at 2:00 p.m. We would be doing the housing portion of the meeting at 1:00 and begin the BCC at 2:00 p.m. August 15th. And I'd like one other clarification, Mr. Chairman. With regard to the Lamy open space consideration, you mentioned a while ago that that might be done on the 13th. Would that still be done on this agenda on the 15th or—

CHAIRMAN DURAN: Well, I actually went out there and the only way I was able to leave that room with my life was to commit that we would hear them at the first meeting, the next meeting, first on the agenda.

MR. LOPEZ: So you would like to do that on the 13th then?

CHAIRMAN DURAN: If that's okay with the rest of you.

COMMISSIONER CAMPOS: How big is the agenda on the 13th? I guess that's the question.

CHAIRMAN DURAN: Wait. They wanted to be heard around 6:00. What time does our meeting start on the 13th?

MR. LOPEZ: The meeting of the 13th starts at 4:00, but that's the one that we have the very big land use agenda that we're asking to split up as well.

CHAIRMAN DURAN: I don't know. They were pretty upset.

MR. LOPEZ: So if you like, we can put them on the—

CHAIRMAN DURAN: The 15th?

COMMISSIONER CAMPOS: The 15th would be better.

CHAIRMAN DURAN: Okay, we'll tell them the 15th. But they want to be here in the evening.

COMMISSIONER SULLIVAN: At 6:00 on the 15th is the Turney presentation. Tom Turney, the one you set up. So we can't do it at 6:00.

CHAIRMAN DURAN: Well, I guess anytime reasonably after that. They just don't want to come during the day because they all work. So how about if we put them after the Turney?

2226928

MR. LOPEZ: That might be somewhat late, Mr. Chairman. That might conceivably be 8:00. How about if we do it on the 13th and make that the very first public hearing item.

CHAIRMAN DURAN: It's really pretty clear cut what their issues are. COLTPAC has already approved the acquisition of that piece of property. They've already allocated \$500,000 to it. They had an appraisal done of \$850,000 and Joe Miller is willing to take \$100,000 off of that. So Joe's asking us to consider buying it for \$750,000, of which we've already allocated \$500,000 from—it doesn't affect the \$2 million that we have left. So I think we can get through it pretty quick, actually. In fact, do you want to vote on it right now?

COMMISSIONER SULLIVAN: No, it does affect it, because the \$200,000 that makes up the difference is gateway funds which is a part of that \$2 million.

CHAIRMAN DURAN: Exactly. That's where it would affect us. It would affect us to the tune of \$250,000. Unless you wanted to—no, that's a bad idea.

COMMISSIONER SULLIVAN: I think the people who came want to be heard one way or another.

CHAIRMAN DURAN: Right. Well, they're your constituents, so you make the decision and I'll support you.

COMMISSIONER SULLIVAN: I have no problem with hearing them at the Tuesday meeting at 6:00.

CHAIRMAN DURAN: Okay.

MR. LOPEZ: Tuesday the 13th of August at 6:00.

COMMISSIONER SULLIVAN: Just like the Chairman promised them under threat of bodily harm.

CHAIRMAN DURAN: They really didn't.

MR. LOPEZ: Mr. Chairman, I think I understand what we're doing.

CHAIRMAN DURAN: Okay, so are we clear on the adjournment, or the recess?

2226929

RECESS

Chairman Duran declared this meeting recessed at approximately 4:15 p.m.

Approved by:

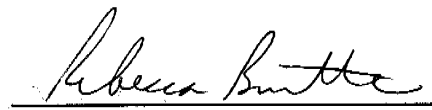


Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

