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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

July 31, 2007

Virginia Vigil, Chair
Jack Sullivan, Vice Chair
Paul Campos
Michael Anaya
Harry Montoya

SFC CLERK RECORDED 08/29/2007

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

July 31, 2007

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:25.m. by Vice Chair Jack Sullivan pending the arrival of Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

[None]

V. INVOCATION

An invocation was given by County Clerk Valerie Espinoza.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or withdrawn items**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

ROMAN ABEYTA (County Manager): Thank you, Mr. Chairman. Under Matters from the Commission, IX. We added a J, which will be a presentation by the Santa Fe Community College on general obligation bonds for health and technical facilities; K. Discussion on strengthening Code enforcement procedures; L, which is a status report on the City/County senior contract; and M. discussion of the family transfer ordinance and statutes.

And finally, Mr. Chairman, staff is requesting that under E. Matter from the County

Attorney, which would be XIII. E. 3. A resolution authorizing publication of notice of sale of Santa Fe County, New Mexico general obligation bonds. We would ask that that be moved to XII. D. 1.

CHAIR VIGIL: Could you restate that one, Roman, please?

MR. ABEYTA: Yes, Madam Chair. Under Matters from the County Attorney on page 5, item E. 3, we would like to move that to under D. Matters from the County Manager, 1. And then the rest of the Matters from the County Manager would just follow after that. Other than that, staff has no other changes to the agenda.

CHAIR VIGIL: Are there any changes from the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Under item IX. Matters from Commission, G, Santa Fe County 4-H royalty, I was wondering if we could move that to the first item under Matters from the Commission.

CHAIR VIGIL: Okay. I actually have a similar request. I believe Santa Fe Community College - I do see one of the governing board members out there and Chris Armijo - would also like to be up on the agenda. So why don't we put the rodeo and then the Community College? Would that work okay? Was there any other request with that on those items? Then those two items will be right under Matters from the Commission. Anything else?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Consent withdrawals.

CHAIR VIGIL: Consent withdrawals. Are there any from the Commission?

COMMISSIONER SULLIVAN: Madam Chair, XII. C. 3, 10, 11, 13, and 14.

CHAIR VIGIL: Are there any others?

COMMISSIONER MONTOYA: Madam Chair, I've got XII. C. 2 and 4.

CHAIR VIGIL: XII. C. 2 and 4 are also removals. Any others? Seeing none, can I have a motion for the approval of the agenda with amendments and withdrawn items?

COMMISSIONER ANAYA: I move as amended.

COMMISSIONER SULLIVAN: Second.

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

VII. APPROVAL OF THE MINUTES: June 26, 2007

CHAIR VIGIL: Are there any changes?

COMMISSIONER ANAYA: Move to approve.

CHAIR VIGIL: There's a motion to approve. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second.

The motion to approve the June 26, 2007 meeting minutes as submitted passed by unanimous [5-0] voice vote.

VIII. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIR VIGIL: This is the item where we ask the public if there's any items that they would like to address the Commission with that are not currently on the agenda. Is there anyone out there that would like to address the Commission? Mr. Wright, our staff member, please come forward. Is there anyone else? Just to get an idea. I see one other person. Mr. Wright, please proceed.

ERLE WRIGHT (IT Department): Good morning, Madam Chair and Commissioner. Actually, this is to address an item that is on the agenda but it's not a public hearing, and I will try to be as brief as possible, with your permission.

CHAIR VIGIL: Please.

MR. WRIGHT: I am Erle Wright. I live in Española and have been employed by Santa Fe County for the past 12 years. I am here today to voice concern regarding the updated classification and compensation plan that is before you today as an action item, XIII. D. 1 on the agenda. I applaud the efforts of the County in updating our compensation plan to attempt to remain competitive in the personnel marketplace. The increase in the absolute minimum wage and the increasing starting level of many positions are positive elements of the proposed plan.

My concerns with this proposed plan are two-fold. The first concern is with process and procedure and the second is the chilling effect this plan has on long-term employees of the County. As for process and procedure it is unfortunate that staff and frontline supervisors have not been formally briefed on the details of this plan. As a result, affected employees and frontline supervisors have not had the opportunity to provide feedback and comments on the plan, or much less to even review the details of the plan.

I personally was only able to gather information and have questions answered about the plan by taking the initiative to meet with the HR director myself. I do appreciate Ms. Salazar taking the time to meet with me and to listen to my concerns. However, when I asked to get a copy of the plan I was informed that the document was indeed public record but that in order to receive a copy, I would need to submit a formal public records request. Given time constraints, I declined to pursue this route.

My greatest concern with the plan is the proposal to lock in salary ranges. While many positions are seeing a ten percent or better increase in the minimum salary, almost all positions are seeing an average seven percent decrease in maximum salary. In conjunction with this proposed decrease are two other policies that will have a severe detrimental effect on long-term employees. First, cost of living adjustments will no longer be applied to salary ranges. That is, even though actual individual salaries will be adjusted for inflation, the salary range will not

move with inflation.

Implementing this proposal will guarantee that Santa Fe County's classification and compensation plan will once again fall out of sync with competitors. It will only be a matter of time.

My absolute greatest concern, not only because it affects me personally but also because of the chilling effect it will have on the retention of quality employees, is the proposal to cap salaries. If an individual is at or above the maximum salary for their position, cost of living adjustments will not be made to the individual salary, but rather a lump sum equivalent will be paid out to such persons. Such a policy has a direct negative impact on an individual's retirement by locking in their PERA base salary.

The state of New Mexico had such a policy in place but has abandoned this policy as unworkable and unfair. If this policy did not work at the state there is no sound reason to suggest it will work in Santa Fe County. I would like to provide the Commission of a copy of an April 2000 letter - directive, actually, from the State Personnel Director that emphatically eliminates this policy of lump sum payments for salary increases at or above the maximum of the pay range. I'll provide you that copy. *[Exhibit 1]* It's on page 4 and it's highlighted for you.

Implementation of the salary cap policy will restrict the County's ability to compete with the state of New Mexico, and it will also serve to degrade the value of long-term County employees who have demonstrated superior job performance and commitment to public service for the citizens of Santa Fe County. I urge you to carefully consider this policy and hopefully you will continue the precedent set by our state legislators for the public servants of New Mexico by eliminating the proposal to prevent salary increases at or above the maximum of their pay grade. And I'd like to leave you with copies of this if I could.

CHAIR VIGIL: Thank you. Thank you, Mr. Wright. And of course this will be discussed at further length at the time that it comes up on the agenda, so you're welcome to stay around for that. Please submit your concerns to us. I will tell you this from my perspective that the cap indicates a cap in a classification status, not necessarily in salary, and that in fact it could provide an incentive to reclassify someone. But we'll get those answers taken care of when we discuss it. Thank you for coming forth and please submit that information.

MR. WRIGHT: Thank you, Madam Chair and Commissioners.

CHAIR VIGIL: Okay. I also saw somebody else. Could you please come forward and state your name. Could I also ask you how much time you will need?

CHRIS ARMIJO: Probably less than 10 minutes. Probably - I'll try and condense that somewhat if you will.

CHAIR VIGIL: Okay. Could you keep it down, please. We have a long agenda.

MR. ARMIJO: Certainly I will.

CHAIR VIGIL: I appreciate you coming. What is your name?

MR. ARMIJO: My name is Chris Armijo. I'm the representative organizer for the American Federation of State, County and Municipal Employees. I'm also here to address a couple of matters that are coming up on the agenda today. One of course, I'll be following Mr.

Wright concerning this classification that he has discussed with you already. I won't bother to elaborate on that since he already has. But we see that as a direct violation of our collective bargaining agreement that the County of Santa Fe has with County employees. None of this was discussed with labor, which much to our dismay should have been, because there again, anything that affects -

CHAIR VIGIL: Chris, do you plan on being here for that particular item?

MR. ARMIJO: I am.

CHAIR VIGIL: Wonderful. I'm wondering because we'll be specifically on that subject.

MR. ARMIJO: Okay. I can address that then.

CHAIR VIGIL: And I'm happy to ask you to speak at that time. I think it would probably be better for the Commission to focus on that particular item rather than hear your comments now and try to recall them at the time we're discussing that item.

MR. ARMIJO: That is fine. Can I address something that happened at the June 26th BCC meeting?

CHAIR VIGIL: Does it relate to this subject?

MR. ARMIJO: No, not to this subject, but there again it does relate to the County of Santa Fe and their HR Department and their County Manager once again proposing changes to the Collective Bargaining Act without knowledge or without labor being notified of these changes that are taking place. Again, we also see a direct violation. That had to do with the Taxable Compensation Act as far as taxable clothing which they looked at as a taxable fringe benefit. That again is a matter of contention. We discussed this with our legal counsel; we discussed this with our auditor. There again, we have contention with this and we also wish to discuss that.

Of course you passed a resolution on that on June 26th, and there is one other matter I wanted to discuss briefly concerning the Labor Relations Board that HR once again, the County Manager is proposing that the County instill. We have no problem with that. We understand that it is your right to do so, but already there were steps that were taken that were a little premature on behalf of HR and there was not even an application that was presented to the New Mexico Public Employees Relation Board which could be a violation of the NLRB. I want you to be aware of that as well, that those issues need to be discussed and you'll be addressing that later. If you want, I can stick around and we can discuss that at length also.

CHAIR VIGIL: I think it would greater benefit the issue to have you here for those discussions at that particular time.

MR. ARMIJO: I will do that.

CHAIR VIGIL: Thank you very much.

MR. ARMIJO: Thank you so much for your time.

CHAIR VIGIL: Let me just ask one more time, is there anyone else out there who would like to address the Commission this is your opportunity.

IX. Matters from the Commission

G. Santa Fe County 4-H Royalty to Update and Formally Invite the Board of County Commissioners, Staff and Residents to the 2007 Santa Fe County Fair (Commissioner Anaya)

CHAIR VIGIL: We will hear from Commissioner Anaya first of all, because we are going to be honoring our Fair royalty.

COMMISSIONER ANAYA: Thank you, Madam Chair and thanks to the Commission for moving this up, because the Fair is as we speak working very hard right now at our County Fairgrounds getting ready for the Fair which has already started. I would like to invite up, I believe Pat Torres or the whole group to come forward to the front benches or whoever is going to be the spokesperson. We want to thank you all for showing up and inviting us. Who's going to be our spokesperson today?

CHAIR VIGIL: Welcome. It's wonderful to have youth, 4-H and representatives from the County Fair here. Please state your name and come forward. You are the head royalty, I assume.

AVERY ROWLISON: Yes. Thank you very much for having us today. My name is Avery Rowilson. I am the 2007 Santa Fe County Fair Queen.

CHRIS IANUCCI: Hello everybody. My name is Chris Ianucci and I'm the 2007 Santa Fe County Fair Princess.

BRITTANY ROEMBACH: Hello. I'm the 2007 4-H president, Brittany Roembach.

CHRIS RUNER: I'm Chris Hunter. I'm the 2007 Santa Fe County Council Song and Rec Leader.

ELLEN BARDWELL: I'm Ellen Bardwell and I am the 2007 County Council Secretary.

JACKIE BACA: Good morning. I'm Jackie Baca and I'm the 4-H home economist and I have the pleasure of working with these youth.

CHRISTINA TURNER: Good morning. My name is Christina Turner and I'm the 4-H ag agent in Santa Fe County.

CHAIR VIGIL: Wonderful.

MS. ROWLISON: Santa Fe County 4-H would like to thank you for all of your support throughout the years. We really appreciate it and to formally invite you to the Santa Fe County Fair. We hope to see you there.

CHAIR VIGIL: Would you state just for the record what the dates are?

MS. ROWLISON: Officially, it's July 29th through August 5th. We don't really having anything going on until Thursday, just check in stuff. So that the show starts Thursday.

CHAIR VIGIL: Very good.

COMMISSIONER ANAYA: Thank you, Avery and the whole group. We appreciate your coming and inviting us, and do you have a calendar for us or a schedule?

Thank you for all your hard work over there. I know we've got some parents that are working very hard at the County Fair. I also want to thank our Public Works Department and the Fair Board. They're working very hard over there. I was over there yesterday. Things are looking great, so we hope to see you. Thank you all for coming. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Anaya. I'd also like to thank the youth for being here. Congratulations on each one of your honors and all the hard work you do. You're an excellent representation of the youth in our community and the purpose that rural and agricultural needs are here. Thank you for being here.

IX. J. Presentation by Santa Fe Community College on General Obligation Bonds for Health and Technical Facilities (Commissioner Vigil)

CHAIR VIGIL: Let me just preface your comments; I know they're not going to be very long. I think the Community College is actually doing an outreach and marketing program because they will go to a countywide election in September that will ask the voters to approve continuing general obligation bonds that will soon be retired. And I do believe that that means there's no tax increase. But I will let you move forward because I know you have other forums to attend.

BRUCE BESSER: You stole my thunder.

CHAIR VIGIL: I'm sorry.

MR. BESSER: I'd like to introduce our financial vice president Meridee Walters.

CHAIR VIGIL: Hi, Meridee, welcome.

MR. BESSER: The presidential chief of staff, Kris Swedin.

CHAIR VIGIL: Welcome Chris.

MR. BESSER: We brought a team out here. Kathy Abeles who's president of the Board of La Familia, and she has people that she wants to introduce.

CHAIR VIGIL: I'm glad to see La Familia is here. I understand you all are working cooperatively with the college on this project.

KATHY ABELES: Thank you, Madam Chair. I'm Kathy Abeles. I'm president of the board of La Familia Medical Center. We are strongly in support of this bond issue. I wanted to introduce the other people who have come here to support it as well. This is Dr. Judy Jenkins, one of our dentists, Rita Gurule - Rita is an RN with La Familia, Katrina Huffaker, who's a member of senior management team, Mark Simpson, who is on our board of directors, and Dr. Charles Smith, who's also on our board of directors. So I just wanted to introduce them.

CHAIR VIGIL: Thank you all for being here. I appreciate that. Mr. Besser.

MR. BESSER: Thank you. I'd like to thank you all for moving us up in the agenda. In response to that we have a 23-minute presentation but we'll give you a six-

minute presentation. I'm going to start off by saying that we're actually looking for your support on a bond issue that we have coming up on September 18th. That's how I'm going to start. The money that we need primarily will be in the four sectors. One is \$12.3 million of the \$25 million that we're looking for is for our health and sciences facility. And I think everyone in this room and outside of this room is aware of the fact that not only are we short-handed for nurses, we're also short-handed for EMTs, physical therapists, nurse's aides, promotoras - anything dealing with healthcare today. We're in a negative supply.

Our facility will be something that we can be training nurses and all of these various aspects of healthcare and what will be unique to this facility, we will have a component of La Familia. La Familia and the Community College both are no barriers to enter facilities. If someone wants to come and take a class at our college there's no barrier to say you can't, and there's no barrier at La Familia for healthcare.

A benefit to the college will be not only will we be able to expand our dental technician and dental hygienists, but we will also have a student health center, which we've never had before, so that if - and this will be provided by La Familia. So if we do have a student that falls down, maybe sprains something or who knows what, this will be the first time that we'll be able to provide that student with care.

We also find that we need rooms for biology classes. We don't have enough room. We're in a domino kind of situation at the college. We have a food program. We're serving three times more students than we've ever before supplied and we're doing it in a smaller space. The food area has to expand and they can only expand if the culinary arts does. Culinary arts has to expand and they can only expand if they go into where the biology classes are. So we're in a reverse domino situation that the only way we can grow is we have to have additional space. We're maxed out.

We're also going to have a component in this bond issue of \$7.3 million for occupational trades and advanced technology, which will give students and just our general population an opportunity to learn trades and be educated in workforce areas that they can have jobs here in town and survive and we can keep our young population where we want them, and that's in town, making a good living.

As Lou Schreiber, one of our workforce development people said once at a symposium, "Everybody needs a plumber." You all have a copy of this flyer that I distributed and we welcome all of you to attend our grand opening for our heating and plumbing and HVAC program.

Another area that we are concerned about is improving our technology at the college. We need new phone systems. We don't necessarily use rotary dials anymore but the ones that we do have have been with us for a long time and as we move closer and closer to further and further distance learning we have to have better equipment to service these students that we're supplying information to and as I heard from Kathy Abeles, I think in Las Cruces or some southern part of the state and she was hearing about people taking classes from Santa Fe Community College. So our distance learning is improving and we need the capacity to extend it to more and more people in our state.

We're going to allocate \$1.3 million to keep our facility greener, which means that when our construction is being done for our new facilities we will be green as far as the category of architectural development is concerned, but we also are going to have a renewable energy component in our biomass program. Our biomass program will be heating our facility and getting us off the gas grid. We'll be saving money which we can then pour into new programs. And this is also something that we hope in the long run to take into the county because the biomass and idea works and it can work for many of the small communities around in northern Santa Fe County.

So I started out by saying that we're asking for support in this bond issue on September 18th. I'm ending on the same call. I would hope that the County Commission Board would find it in their hearts to support a resolution that you could develop that would state to the residents of our county that this no-increased-tax bond issue that we're proposing is supported by you folks and that you will tell your constituents how important it is to support this bond issue.

CHAIR VIGIL: Will you be participating or speaking to the Santa Fe County Health Policy and Planning Commission?

MR. BESSER: Yes. We have Kris Swedin has a long map of places we all have to go and speak to and here we are. I don't want to read you the whole thing but we do have that on our list.

CHAIR VIGIL: Okay. Commissioner Sullivan, did you have a question?

COMMISSIONER SULLIVAN: I just had one quick question and that was, Madam Chair and Mr. Besser, the drafting technologies and construction technologies components of your trades and advanced technologies center, I know in the past and this may have changed more recently so I may not be up to date on it. There's been a lot of focus on architectural drafting and construction technologies as they relate to vertical construction. Where I've seen, being in the engineering field, the gap, has been in drafting technologies and construction technologies relating to engineering, primarily to civil engineering and the CAD technologies that pertain to that as well, as opposed to focusing just on the vertical construction. I think there's a big need out there for that in terms of training personnel, many of whom have to come out from Albuquerque Vo-tech, they're the only ones that have that program that can provide CAD and services and expertise in the areas of survey technology, in the areas of being able to understand plan and profiles and utility construction, earthwork computations, drainage computations and all of the facets that go into building, but are all generally under the ground or up to the slab. We tend to focus on from the slab above and usually a good 20 percent of the cost or more of anything is buried under the ground. It's an area where, at least in my field I see that we have a need. You may have courses that I'm not aware of and if you do I'd like to hear about it and if you don't, I'd certainly like to encourage it.

MR. BESSER: I would say, in response to that, Commissioner, that our occupational trades area is something that we're going to expand and try to get into the areas, some of the areas that you're referring to. We can't get into all of them because we

have to go where we can identify if you train enough people often enough they're going to get jobs. So that's - the search for those particular aspects of construction that you're referring to, which would fall into the category of civil engineering, those people, there will be parts of it that we'll be able to get involved with. Maybe not to the full extent that you would like to see, but what we're capable of. And I think we have to match our capabilities and the needs of the community, and the number of job opportunities that exist before we really make any firm decision.

COMMISSIONER SULLIVAN: Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Any other questions? Seeing none, Mr. Besser, representatives of La Familia, the further administration of Santa Fe Community College, thank you for informing the public about your upcoming election. We appreciate your coming here. We wish you the best of luck. I am highly concerned that the public gets enough information about this to recognize the benefit that this will create for our community and certainly for the health needs of our community members. Thank you for being here.

MR. BESSER: Thank you, and hopefully you can do a resolution for us.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: I would ask that you consider moving up item IX. D, the retirement.

CHAIR VIGIL: Thank you, all. Thank you, La Familia. Thank you for the service you do. I have no objection to moving item IX. D. up. If I see no objection we'll proceed in that manner.

IX. D. Retirement - In Recognition of Extension Home Economist Imelda Garcia and Her Service to the Santa Fe County Cooperative Extension Service (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Madam Chair, and I would ask Patrick if he'd come, as well as Imelda. I know that Imelda is not directly a Santa Fe County employee but she has definitely dedicated 22 years to the Cooperative Extension Service and we wanted to recognize Imelda and thank you for everything that you've done and Patrick, if you'd like to say a little bit.

CHAIR VIGIL: Welcome, Mr. Torres. Welcome, Ms. Garcia.

PATRICK TORRES (County Extension Officer): Thank you, Madam Chair. Thank you, members of the Board. Imelda has been working for the Cooperative Extension Service for 22 years of her career and she did work a short period for state government as well. But she has decided to retire. Imelda served her last 12 years here in Santa Fe County and she did an exceptional job of helping in educational programs in the Home Ec area, most specifically mainly related to food nutrition, diabetes education and such. Especially

in this day and age when we have such a high rate of diabetes, proper food and nutritional information is very critical to the vast majority of the population which we serve.

She was very creative in her thinking, the programs that she developed to offer that education. She was very well organized. She's going to be missed very much so, not only by the office staff but also by all the citizens she served, the agencies she collaborated with, not only county but also state agencies. So we wish Imelda the very best on her retirement and we would like to see her come by every so often, even in volunteer capacities. I think Imelda certainly deserves a big round of applause for all the service she's provided Santa Fe County.

IMELDA GARCIA: Madam Chair, Commissioner Montoya, Commissioner Campos, Commissioner Sullivan, Commissioner Anaya, my name is Imelda Garcia and I am still a Santa Fe County Extension employee until 5:00 today, but I'd like to thank you for the recognition and the opportunity to serve as your home economist. As everyone, as you know, and probably most of the people in our audience don't know but Santa Fe County provides that first dollar in our funding, and from there it gets a match from state and federal. And we always appreciate the funding and the support we receive from the County because that supplies the funding for our office. We have one home economist, one [inaudible] home economist, one agriculture agent, 4-H, and one agriculture County director, two ICAN personnel and two secretaries, so we're a well staffed office. We appreciate the support that we receive from you.

In my term in Santa Fe County I took my position in 1995 and since then I have developed and promoted a lot of programs in home ec, all for the benefit of Santa Fe County residents. That has been a pleasure to serve the residents and to provide this education. And today I'd like to introduce my brother Gerald, who's in the back - he's in the green. He and I will be spending a lot of time together. Thank you for this time.

CHAIR VIGIL: Imelda, I want to personally thank you for all the services you have provided to Santa Fe County, inclusive of those of us who actually work here at Santa Fe County and need to connect with extension services. You've always been available and incredibly competent and responsive and responsible. Congratulations on your retirement, and I think there's something waiting for you.

COMMISSIONER MONTOYA: If I could just read this Madam Chair, members of the audience. The Board of County Commissioners, County of Santa Fe, State of New Mexico, in recognition and certification of appreciation presented to Imelda Garcia for 22 years of dedicated service to the co-op extension service, by the order of the Commission, this 31st day of July, 2007, recognized and approved by the Commissioners and the County Manager. I'd like to present this to you, Imelda Garcia.

IX. A. Resolution No. 2007-109. A Resolution Supporting Amendments to NMSA 1978, 7-37-1 through 7-38-8 (1973) (As Amended) to Recognize that Affordable Liens and Appreciation Share Liens Under County and Municipal Ordinances Mandating Affordable Housing Are Not Taxable to the Owner of Properties Burdened By Such Liens, and to Authorize Funds from the Affordable Housing Fund (Fund 231) to Alleviate Potential Fiscal Impact on County Affordable Housing Residents During FY07-08 (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Madam Chair. Essentially, what this is requesting for consideration is that we look at some legislation that would be introduced the next legislative session which would hopefully clearly provide what affordable mortgages and liens are, appreciation share liens and other similar instruments that assure long-term affordability of homes in the affordable housing programs, and that those are not taxable to the owner of an affordable home. There's apparently some discrepancy right now and we're working with Speaker Ben Lujan to work on introducing this legislation for us in the next session.

The other would be to direct staff to determine whether direct support by the Board of County Commissioners for affected residents is authorized under the constitution and relevant laws of the state. So if staff determines that direct assistance is authorized under the constitution and relevant laws then we're asking staff to implement an application and reimbursement process to assist current property owners of affordable housing units that were purchased through the County's affordable housing program. What we're asking for under this, Madam Chair, members of the Commission, is that an expenditure of \$20,000 from the affordable housing fund, which is fund 231, be made available to assist affordable housing residents that may be affected by an increase in their real property tax assessments of the affordably priced units.

So that's what this resolution is requesting, Madam Chair, and I would stand for any questions. Domingo, did you want to say anything in relation to this? Because we've been working also with the Assessor, with Domingo.

CHAIR VIGIL: Thank you, Domingo, for being here on this item.

DOMINGO MARTINEZ (County Assessor): Madam Chair, Commissioners, last year even before I took office, I was in the office of the State Auditor and Mr. Ben Martinez and John Quintana came to see me and asked if I was going to allow the subsidized homebuyers to have this discount on their values. I said as long as the law allowed me, if I had enabling legislation to do that, we would do it. I contacted - after looking at the statute I couldn't find anything there so I contacted the Property Tax Division. They told me at the time that it was highly unlikely. They had no legislation to authorize that type of thing to happen. I raised the red flag right away and advised those people that they needed to get enabling legislation in this last legislative session to allow us to continue those subsidy evaluation discounts.

The 60-day session went by and nothing was done. Attorney Stephen Ross was with me at a couple of meetings with the chief of staff of the Speaker and nothing was able to be done, so the end result was the Property Tax Division sent me a letter indicating that I, by law, had to correct all those values and to bring them up to what they should have been had they not been given the discount. We corrected about 64 properties. My understanding is that there may be a couple hundred out there. We haven't moved on those even though Property Tax Division keeps asking me for some action on the rest of those properties. So I think that what we're looking for as the County Assessor, we're not allowed to make arbitrary decisions without consulting our overhead agency, and that's Property Tax Division. As a matter of fact, my evaluation of my office, a finding was put in there by Property Tax Division indicating that we were in violation of the law in allowing the subsidy.

So what I think what we may need is enabling legislation out of this legislature to allow me to do that.

CHAIR VIGIL: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one clarification on the \$20,000. As I understand the resolution, it says during FY07-08 - we're in FY07-08 now, right?

MR. MARTINEZ: Correct.

COMMISSIONER SULLIVAN: So that \$20,000 would only be during the next 11 months.

MR. MARTINEZ: Yes.

COMMISSIONER SULLIVAN: Okay. And that it would only be extended if the staff determined that we could do that, because there's some obvious anti-donation issues in being able to provide tax dollars to a private individual. That's kind of the way I'm reading the resolution. Does that sound right?

MR. MARTINEZ: Exactly. Yes.

COMMISSIONER SULLIVAN: Thank you, Madam Chair.

CHAIR VIGIL: Further questions?

COMMISSIONER MONTOYA: Madam Chair, move for approval.

CHAIR VIGIL: There's a motion. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second. For discussion. What is the affordable housing fund, 231? Can anyone explain that to me?

DUNCAN SILL (Affordable Housing Director): Madam Chair, Commissioners, fund 231 is used to capture all the program activities and proceeds generated through the affordable housing program. So right now there's an ample balance of \$1.5 million in there. So the request for \$20,000 would be administered through that fund and restricted for that purpose if we determine that we're allowed to do that by statute.

CHAIR VIGIL: Would this be - and perhaps this is for Commissioner Montoya - would this be an annual amount?

COMMISSIONER MONTOYA: No. This would be a one-time. Just for this, in hopes that enabling legislation will be passed this next session.

CHAIR VIGIL: Could we have that clarified in the resolution that it's just a one-time funding?

COMMISSIONER MONTOYA: That's fine. I'd be glad to have that in there.

CHAIR VIGIL: Could we amend the resolution to clarify that this is just a one-time funding. My concern is the Housing Authority Board has really not discussed this item and all of the other funds that are available for future programs, funds that come in from home sales or anything of that nature. One of the discussions we actually had in the Board meeting is to look at creating through the investment policy a fund where the dollars that are created from investments from that actually feed back into that particular program, instead of a quasi - I think I mentioned a quasi-enterprise fund, so that we can better track how they create a benefit for particular programs. But this sounds to me, Commissioner Montoya, that you're just trying to alleviate the problem through this fund through \$20,000 for these particular property owners.

COMMISSIONER MONTOYA: Correct.

CHAIR VIGIL: Can we do that with these funds?

COMMISSIONER MONTOYA: Well, that's what the resolution is requesting, that staff make that determination. That's part of the request on this resolution.

CHAIR VIGIL: Has legal had the chance to identify if there might potentially be any problems? I'm thinking I don't want to take action on the resolution that might come back to us and say this may not be legal.

STEVE ROSS (County Attorney): Madam Chair, that's why the resolution directs staff to study the issue. As Commissioner Sullivan pointed out correctly, there are anti-donation issues with proposals of this sort. But we do have a constitutional amendment that provides a means for us to assist in the area of affordable housing. So we need to look at - and we're in the process of doing that - whether our current ordinances are broad enough to cover a donation like this to assist people who've been caught up in this legal loophole. So we're going to continue to work through that and let you know. At this point I'm optimistic that we will be able to do it.

CHAIR VIGIL: Okay.

MR. ROSS: We may have to amend the ordinance in order to do it. That's what we're analyzing right now.

CHAIR VIGIL: Okay. Are there any further questions? A motion has been made and seconded.

The motion passed by 4-0 voice vote with Commissioner Vigil abstaining.

CHAIR VIGIL: Commissioner Montoya, I'm abstaining only because I feel the need for more information.

COMMISSIONER MONTOYA: Okay. Thank you, Domingo.
CHAIR VIGIL: Thank you, Domingo for being here.

IX. B. Resolution No. 2007-__ . A Resolution in Support of the Water Allocation for Santa Fe Public Schools within the Community College District (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Madam Chair. This particular resolution would allocate water for the Community College District, specifically for the Santa Fe Public Schools and the elementary school that they're proposing to build on that site. The water will be allocated from the water rights that we currently have that are reserved for economic development and the Santa Fe Public Schools would not be required to provide the water rights to the County but they would become a customer of Santa Fe County. So while we're doing the allocations for all the different projects that are going on it was requested and I'm asking for your consideration of approving this for the allocation of these water rights for the Santa Fe Public Schools and the elementary school that they'll be building in the Community College District.

CHAIR VIGIL: Is there anyone from Santa Fe Public Schools here?
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Montoya, how many acre-feet?

COMMISSIONER MONTOYA: I believe we're looking at three.

CHAIR VIGIL: The Community College - I work with the schools closely. I'm just wondering if this is the most ideal location for an allocation of water because their five-year plan, their 20-year plan has identified other areas in the county for schools. So my concern would be is this a priority area for them? Is this the next place where a school is going to be built? I know we've approved the development. So has Eldorado which is also going to have a charter school and I know there are issues for that. I wonder if someone from the public schools could come forth and give us further information so that we could take the appropriate action because once we allocate the water it's binding. It's a precedent.

COMMISSIONER MONTOYA: Madam Chair, in light of there being no one here from Santa Fe Public Schools, I would move to table this.

CHAIR VIGIL: Okay.

COMMISSIONER CAMPOS: I'll second that, but I'd like to ask something, Madam Chair.

CHAIR VIGIL: Please. There's a motion and second to table. I'll allow questions.

COMMISSIONER CAMPOS: I would reiterate my request that I'd like to have staff input on questions like this that affect County resources, County ordinances. An

evaluation so we just don't have a resolution. We have some discussion. I'm not in a position to discuss this without background. I think the chairwoman raised an important issue and it's likely to be an issue of equity with other folks coming forward and asking for our limited water supply. Thank you, Madam Chair.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Another comment.

COMMISSIONER SULLIVAN: This is of course in District 5, Madam Chair. I wasn't aware of this request from the school district, and I'm certainly supportive of their efforts to put a school in the Community College District. It's rapidly growing and it's needed. I think one question, one of the whereases is the schools do not have the resources to provide the water rights and I think we'd need some backup of that. I know of course when they built schools in the city they pay the meter hookup fees, which are substantial, which are in essence the upfront fees that are used to compensate the City for its water rights and its water system. So our hookup fees are nowhere near the magnitude of the City's. So I think we'd need to have some information about why they're unable or if they're unable to pay these, fees, in addition to the questions that you bring up, Madam Chair, and that Commissioner Campos brings up. I support the tabling.

The motion to table passed by unanimous [5-0] voice vote.

CHAIR VIGIL: It seems to me when we do have this on our next agenda we're going to need staff input and we're going to need Santa Fe Public Schools here. So would that be noted.

IX. C. Discussion Regarding the City of Santa Fe's Proposed Ordinance to Require the Posting of Home Energy Rating Scores for all New Residential Units (Commissioner Campos)

COMMISSIONER CAMPOS: Thank you, Madam Chair. As you have may have read in the newspaper the City of Santa Fe has asked, has proposed, Chris Calvert has proposed an ordinance that would require all new homes to post energy ratings to show how efficient they were. This does two things. It allows a consumer to evaluate House A, then B and say, well, this is an efficient home and this is not as efficient a home, and I think it would spur competition from the builders. It would only be new homes. It would have them compete to make their homes more energy efficient and thus achieve a major objective of the community, which is to save energy.

There's some issues involved and I raise this to you because I'd like to have your input and discussion. There aren't many raters right now. There may be three in Santa Fe County. There will be a cost. It will probably be \$300 to \$400 per dwelling unit to have these homes evaluated for energy efficiency. I talked to Chris Calvert yesterday at a

meeting we had and I understand that the City Council has at this point decided not to move forward with this proposal pending further study. Kim Shanahan, a local builder did raise objections and Chris Calvert did advise that he's going to reintroduce this next month. So that's the status and I'd just like to see if there's any support or any questions about this particular idea for regulation and energy conservation on a broad scale.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Campos, thanks for bringing this forward. I would like to hear from the builders and their concerns. I think this is good but I don't know what the concern out there would be.

COMMISSIONER CAMPOS: The concerns, as I understand them, Commissioner is that it would be expensive. There aren't enough raters, and that it adds some complexity. I didn't get the exact detail of what that complexity would be. But that's - there are some objections being raised.

COMMISSIONER ANAYA: Madam Chair, Commissioner Campos, would this affect our affordable housing ordinance or the contractors that are building homes for affordable housing?

COMMISSIONER CAMPOS: I think it could add \$300 to \$400 cost to each dwelling unit.

COMMISSIONER ANAYA: Thank you. I just would like to hear what the rest of the concerns are.

COMMISSIONER CAMPOS: You'd like more information from the builders?

COMMISSIONER ANAYA: Yes, sir.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER MONTOYA: Madam Chair, who would do the regulating? We would have to develop that within Land Use?

COMMISSIONER CAMPOS: Probably within Land Use. We would - we don't do building code inspections, so it puts us at a disadvantage to really check on these things, but basically, we'd pass an ordinance requiring that these be posted. Anytime you go buy an appliance you can see the postings, energy usage in a year, how much is it likely to cost you. That's basically the idea. It would add to the administrative burden. I'm not sure exactly how we would handle that, but there may be come additional cost related for staff.

COMMISSIONER MONTOYA: Madam Chair, Commissioner Campos, besides what they have in this ordinance here, have they identified how they would administratively handle it?

COMMISSIONER CAMPOS: The City?

COMMISSIONER MONTOYA: Yes, the City.

COMMISSIONER CAMPOS: I don't know. I haven't had that discussion with Chris Calvert but I do know they have building inspectors, and I'm assuming it would be through the building inspectors.

COMMISSIONER MONTOYA: Oh, the City does have building inspectors.

COMMISSIONER CAMPOS: They do have their own building inspectors. We would be relying on state building inspectors.

COMMISSIONER MONTOYA: Okay. I guess I would be open to getting some more information also, Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I know that building a house in Santa Fe County is not very easy. We have a lot of hoops that the builders have to jump through and my concern would be another hoop that we would have to jump through. But again, I'm not opposed to hearing what the costs would be. But from hearing from our construction field out there, it's not very easy to get permits in Santa Fe County and the hoops that they have to jump through is a tremendous amount. So I'd like to see how we could maybe make it easier for builders in our county, not harder. But I am willing to listen. Thank you.

CHAIR VIGIL: Thank you, Commissioner. Any further comments? Commissioner Campos, how would you like to proceed on this?

COMMISSIONER CAMPOS: It was just an idea. I just wanted some feedback and if the Commissioners want to hear more we can have additional information in the future.

CHAIR VIGIL: I think I'm hearing that there is some additional information requested, so perhaps we can put it on a future agenda. I think a fiscal impact and a representation from the building industry would also be good.

COMMISSIONER CAMPOS: I think it would be good to have an in-house assessment as to the administrative costs to our administration. The raters - will this ordinance create the incentive for more people to get their rating certificate. Certainly the ordinance would have to be drafted that it would not be effective immediately. It would be effective let's say nine months, 12 months down the year, giving everybody an opportunity to prepare for the change and giving people who are interested in becoming raters, which could produce a nice income from them so that they could be trained and certified. I think those are the big issues, and the actual cost of the rating system.

CHAIR VIGIL: Very well. Then we can place this as a future agenda item. Thank you, Commissioner Campos.

IX. E. Consideration and Possible Approval of Amendment No. 1 to the Memorandum of Understanding Between Santa Fe County and the Pueblo of Pojoaque for the Pojoaque Valley Wastewater Treatment Project (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Madam Chair. This has been

the memorandum of understanding that we've been working back and forth with Pojoaque Pueblo and we feel that we're at a point now where we're able to move forward. We've been discussing this also in relation to the allocation that we received from the state, the special allocation from the Speaker, Speaker Lujan, and again, feel that this is something that we've worked hard. Steve has been in communication with Pojoaque's legal and would stand for any questions in terms of the memorandum and where it's at right now.

CHAIR VIGIL: Questions? Commissioner Sullivan, then Commissioner Campos.

COMMISSIONER SULLIVAN: Madam Chair, we don't have a copy of the previous one. Commissioner, what are the changes, the substantive changes between the one we looked at before?

MR. ROSS: Madam Chair, Commissioner Sullivan, the changes are grouped in - you'll see on page 3 it says Scope of MOU, number 1, and then you go to page 5 where it says agreements with respect to phase 2 components A and B, that's the new material right there, beginning on the bottom of page 5, going all the way through page 6 into the top of page 7.

COMMISSIONER SULLIVAN: Okay, then that leads me to my second question, which is kind of an arithmetic one. On page 4, phase 2, we talk about components A and B, and those two components are \$3.6 million and \$1 million is part of component A and then \$1 million estimate for component B, which is the reuse line, and that totals \$5.6 million. Then we get back into page 6, at the top, paragraph C. It states that for A and B the County's going to contribute a million, the legislature has already contributed \$1,070,000 and the Pueblo is going to contribute \$4.2 million. So if that's the case, that totals up to \$6.27million. So which is the right number for the cost of A and B is my question.

MR. ROSS: Madam Chair, Mr. Martinez from the Pueblo of Pojoaque is here. I suspect that the numbers on page 4 - Madam Chair, Commissioner Sullivan, the items there on page 4 were estimates that were developed in conjunction with the first agreement and the numbers that are on page 6 are updated numbers in conjunction with the amended agreement. So you raise a good point. We probably should amend these numbers on page 4 to conform.

COMMISSIONER SULLIVAN: It does say Scope of MOU, so it seems like our scope needs to be consistent.

MR. ROSS: That's correct. We simply inserted this material on the bottom of page 4, or the bottom of page 5, 6 and 7. We inserted that material and didn't crosscheck the numbers in the earlier part of the agreement. That was an oversight.

COMMISSIONER SULLIVAN: And then the other question, last question I had was on page 5, under phase 4, component B, pertains to the Pojoaque campus of the Pojoaque School District and the eventual thinking that there will be new effluent lines there which are needed and a lift station which would connect to this new wastewater treatment plan, which I understand from this resolution is under design now. There's no

comments or parens like there are under phase 3, components B and C, where it says will seek funds in the future. It just mentions that. And I bring that up because the school district is facing a severe problem there right now.

I know the district hasn't made any particular commitment to an agreement but they have an agreement for the Jacona campus and they have a lift station in operation now which is transferring the effluent over to the lagoons that are managed by the Pueblo. I just point that out because essentially what they're doing on the Pojoaque campus now is that all the effluent is going to what used to be a sewage treatment plant and several times a week they're bringing in honey-dippers and taking the sewage out and hauling it to the effluent disposal areas that the Pueblo runs. So they don't even have a wastewater treatment system now. They just have a very large wastewater collection holding tank, in essence is what it is.

I just bring that up because I'm not privy to any negotiations or anything that the district may be interested in doing, but I think from an engineering standpoint and a practical standpoint, that component is going to come very soon. They can't meet the wastewater discharge permit requirements for that plant, which is why they're having to take it out by hand. They really can't do any major work on that campus unless they do utility line work and unless they have some place to put the sewage once they do the utility line work. So it's just kind of a heads-up on that one and I think that on the 8th of August at its board meeting the school district is going to be discussing this particular issue in an open forum. So we'll learn more then what the board's thinking is about this.

I'm not suggesting any real changes, other than to say that might be a good place to put "will seek funds in the future" also, because that's going to come to haunt them very quickly here. Thank you.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Madam Chair. Just a comment. One, I think this item should come from staff, not from a Commissioner. And I think we should have an evaluation from staff and I'd like to have one from Mr. Ross. I think you're most intimately aware of this matter. And if you could just give us an overview, explaining the meaning of the new changes in light of the overall concept.

MR. ROSS: Madam Chair, Commissioner Campos, I'd be happy to. As you recall, this is sort of an evolving project. The first agreement which we signed, I believe, in late winter of this year, provided the overall framework which you see identified by phases of the project. And as the project evolves the thinking is that we will bring amendments back to you, as money becomes available and as the project gets further scoped. So we're kind of in a project, getting towards the ultimate goal, which is completing all of these various phases of the project.

Commissioner Sullivan of course brings up a great point that at some point, something that's identified as component B of phase 4, which is the Pojoaque campus, might show up in another amendment to this agreement as the next thing we do. So what's happening with the planning on the project is everybody gets together in a room like we

did a few months ago and sort of evaluates how much money we have and how you can get the most bang for your buck with the money that's available and then we keep the project moving forward with that money, knowing that there's an ultimate goal in mind to have an operable system on the ground there and have everybody hooked up to it, potentially everyone being the other pueblos and of course all the non-pueblo residents in the area, the thinking being that eventually this will hook into the Aamodt settlement and solve some of the water rights shortage issues we have in that settlement through use of return-flow credits and the like. So there's kind of a big picture which includes the Aamodt settlement and a smaller picture which is whatever money is available we try to put to the best use that we can. And there's sort of an established group that sits down and talks about this regularly. That group includes folks like the Governor of the Pueblo and the Speaker of the House of New Mexico and Commissioners and key staff of both parties. And now, a larger group including some of the representatives of the other Pueblos that are potentially involved.

The big changed here, and the things that you should focus on are some of the important agreements that we have hammered out in the last few meetings, one of which is at the bottom of page 5, 2.B. That paragraph reflects some new thinking on the part of the group and that is that the Pueblo doesn't really want to run the wastewater treatment plant and would actually prefer that eventually, the County take over the operation and maintenance of the facility. You'll see there that at this point the thinking is that when County contributions to the waste stream exceed 50 percent we'll bring to you another amendment providing that the County will take over the system and we'll change the whole scheme of things. Right now, it's a Pueblo owned and operated system.

COMMISSIONER CAMPOS: Can I ask you a question?

MR. ROSS: Yes.

COMMISSIONER CAMPOS: It talks about anticipated capacity. Is that defined clearly anywhere?

MR. ROSS: Anticipated capacity - it's probably not defined specifically in the agreement but what that means is total inflows into the system.

COMMISSIONER CAMPOS: Total inflows into the system. At some point, if 50 percent of the total inflows are from outside the Pueblo, that is the key.

MR. ROSS: Right. That's the key.

COMMISSIONER CAMPOS: Okay.

MR. ROSS: Then we'll renegotiate, and I expect at that point that the County would take over the system and then the Pueblo would probably - we'd have to talk about this - but the Pueblo would be compensated in part for their capital contributions, it would become County property and then either the Pueblo would be compensated for their capital contributions to date, or they'd get a credit against future contributions against O&M or a rate schedule that we would discuss at that point.

COMMISSIONER CAMPOS: Do you have any concerns about that issue? About the compensation issue to the Pueblo? Right now, the whole system is focused on

benefiting the Pueblo enterprises I would think, and that's why the Pueblo is taking the lead on this particular project.

MR. ROSS: Sure, sure. But if the expensive capital improvements are transferred to the County there's obviously going to be some discussion about the value of those improvements, probably depreciated value, and the benefit that would accrue to the County as a result of the transfer of those assets. That's one discussion that could take place. Another discussion that could take place is a credit against those very large capital expenditures for the cost of treating the waste stream in the future.

COMMISSIONER CAMPOS: The language is then: Subject to appropriate agreements of the parties.

MR. ROSS: That's right.

COMMISSIONER CAMPOS: Are these agreements that could bog down or kind of result in not moving forward with the ownership change?

MR. ROSS: I suppose anything's possible but my experience with this particular group has been that once we get through an important element of the agreement, such as the right-of-way issue that we tackled in the previous agreement, that's the end of it. We finished those discussions. We're moving on and we don't tend to renegotiate those points. So I would expect that this plan here, that we were setting a point at which this facility would transfer. I expect that to persist in future agreements.

COMMISSIONER CAMPOS: In the future, as far as input from outside the Pueblo, at what point do we anticipate, or is there any projection as to when it would reach 50 percent input from non-Pueblo.

MR. ROSS: From non-Pueblo residents? Yes. I expect that once we get to the point where we're talking about the County collecting sewage and taking it to the plant that's when the residents would get to speak up.

COMMISSIONER CAMPOS: Is there any projection as to when this might happen, that 50 percent number might be reached?

MR. ROSS: There's no projections at this point. It's entirely dependent on capital, because we have to increase the plant capacity incrementally over years, plus, probably the more expensive part is to establish a distribution system that carries flows from the non-Pueblo residents to the facility.

COMMISSIONER CAMPOS: Do you expect that the non-County users of this facility are protected from high rates or rates that might increase dramatically in the future?

MR. ROSS: My thought - and I've shared this with some of the Pueblo representatives is that these would be the operation of the plant - that it would be essentially operated by whatever entity and they would provide treatment services to another entity. Not to individuals. So the County would sign up - say, part of the point where we've achieved the 50 percent ratio, the County would pay for sewage disposal treatments for a number of county residents with one bill. We would just pay a rate, which we would negotiate with the Pueblo for those services, and then we would in turn mail

individual bills to our customers.

We'd have to overcome some interesting challenges. Typically, sewage treatment is billed on a water bill. Because you know how much water goes in and you make an assumption that a percentage of that water comes back out of the household. Since we won't be delivering water, at least until the Aamodt settlement is fully implemented, it will be an interesting challenge to figure out how to bill residents. But the way I conceive it at this point is that before the 50 percent ratio is achieved the County would contract with the Pueblo for those disposal services in one bill and then split that bill up and apportion it amongst our customers. The reverse would occur after that 50 percent threshold is achieved, that the Pueblo would contract with us in the same sort of way, so that way we wouldn't have jurisdictional issues with the Pueblo billing County customers and the County billing potential Pueblo customers. You avoid all those issues if you just deal with it as one large customer.

COMMISSIONER CAMPOS: Okay. Anything else that's unusual or different that needs to be discussed?

MR. ROSS: No, Commissioner. I think the 50 percent threshold is the thing to really focus on in this agreement. Plus we have, by virtue of this agreement, the possibility that we can actually begin utilizing the facility immediately upon the completion of these improvements, if we can figure out how to do that.

COMMISSIONER CAMPOS: Do you have a date, a time-line as to when you think these improvements will be up and operating?

ALAN MARTINEZ: Alan Martinez with the Pueblo of Pojoaque. Madam Chair, Commissioners, the estimate date for the Pueblo of Pojoaque to go on line is the fall of next year. Additional work is within that time frame when the engineering can be completed and RFPs are going to be released.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Question for Mr. Martinez. Alan, while you're up there - in addition to any problems, where it indicates once the project is functioning at 50 percent of total anticipated capacity - I didn't read that to be what Mr. Ross, by the way, is saying, that 50 percent of the capacity, 50 percent of the use is non-Pueblo. I think that needs to be clarified. Then the County will own, operate, and maintain the project. Does that need to be approved by BIA or how would that take place?

MR. MARTINEZ: No, through the Pueblo the agreement will take place. It will be similar to what Steve is working on.

COMMISSIONER SULLIVAN: So will land physically be transferred to Santa Fe County?

MR. MARTINEZ: No, the facility would be transferred, not the land.

COMMISSIONER SULLIVAN: Not the land. So the facility would be owned by the County and the Pueblo would continue to own the land.

MR. MARTINEZ: It would be a long-term lease similar to what we already have in place with the landfill that's operating under the County's -

COMMISSIONER SULLIVAN: Okay, so it really isn't accurate to say that the County would - well, it says the County will own and operate and maintain the project. We have two words in here. We have facility and we have project in the same paragraph.

MR. MARTINEZ: Project is the overall regional plan. The facility is the treatment facility itself. So they're segregated under those two words.

COMMISSIONER SULLIVAN: Okay, so it's intended there that the County will own, operate and maintain the project, the project being not only the plant but the lift stations and the sewer lines and all that stuff.

MR. MARTINEZ: Anything that is on non-tribal property that needs to be tied in at the time of servicing the non-tribal.

COMMISSIONER SULLIVAN: But if it's still on Pueblo land what happens?

MR. MARTINEZ: That can be negotiated but at this time it's foreseen that the Pueblo would maintain its facilities that are on its land, other than the treatment facility at that 50 percent.

COMMISSIONER SULLIVAN: Okay. Then I'm wondering if that should say facility instead of project.

MR. MARTINEZ: I'd have to look at it. I don't have the agreement in front of me.

COMMISSIONER SULLIVAN: I understand what you're saying, but probably we wouldn't own the facility, we would lease it, is what you're saying. It would be a long-term lease.

MR. MARTINEZ: You could own the facility but lease the property.

COMMISSIONER SULLIVAN: Lease the land. I see. I guess it would be good somewhere to have a definition of facility and a definition of project because that - they seem to be used interchangeably here and I think you have in mind something more specific than that. The facility is really just the plant. Is that correct?

MR. MARTINEZ: Exactly.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

MR. MARTINEZ: A little clarification for Commissioner Campos on the project. The Pueblo of Pojoaque at this point has its funds to go ahead and take care of its own wastewater needs. The additions we're talking about in the amendment is to help the County find a solution to the regional wastewater problems. So that's what this amendment is for.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Ross, the more I read this the more I don't understand it. The more it seems that we need to have some definition of anticipated capacity of the total project. If you're talking about in 2010, total input reaches a point

where 50 percent is non-Pueblo, how does that relate to the idea of total capacity of the total project. It's not clear to me.

MR. MARTINEZ: If I may, Commissioner, in the proposal there is a section of the agreement that outlines the cost for further engineering by the firm that is contracted now, and that would give those definitive answers for future capacity and the long-term regional plan.

COMMISSIONER CAMPOS: Mr. Martinez, I think there's a difference between anticipated capacity and actual input, 50 percent of it being non-Pueblo source.

MR. MARTINEZ: The 50 percent would be the Pueblo's maximum capacity. Once the Pueblo meets its 50 percent of the total usage, which is our maximum, that's where the County would be able to take over. Those numbers will be known in the near future with further engineering.

COMMISSIONER CAMPOS: So, Mr. Martinez, what you're saying is the plant is going to be designed for X-capacity. Once the Pueblo uses 50 percent of that capacity - is that what you're saying?

MR. MARTINEZ: No, the plant is designed for 500,000 capacity.

COMMISSIONER CAMPOS: Whatever it is. X-capacity.

MR. MARTINEZ: The tribe has a capacity which isn't - it's more than half of that 500,000.

COMMISSIONER CAMPOS: Is there a need for more than 500,000?

MR. MARTINEZ: No, it's within the 500,000 per day for the tribe. Once the County provides up to that point where the tribe's at, then that's the 50 percent. 50-50. If the tribe is at, say, at 300,000 gallons per day, once the County provides 300,000 gallons a day they've met the 50-50 threshold and the agreements will be discussed on owner and operation.

COMMISSIONER CAMPOS: I think I understand what you're saying but I'm not sure that the language reflects that. It's just something to think about.

MR. ROSS: Madam Chair, Commissioner Campos, I see what you're getting at. Perhaps in view of Mr. Martinez' comments what would be more precise is to put a number in there, like, say, a number X-gallons per day. I don't know if you have that number right now but that might be a little clearer if we want to be more clear. Then of course getting back to Commissioner Sullivan's comment, the word facility is not defined in the agreement. It should be project. That's a typo there in the third line of that same paragraph. Project is defined on the first page of the agreement.

Also, I think in order to make the agreement reflect Mr. Martinez' comments we should put a proviso in that second sentence of 2.B, that accepts from the County operation, ownership and maintenance the Pueblo's distribution system. So that second sentence could read as follows: It is anticipated the County will own, operate, and maintain the project once the project is treating [blank] million gallons per day, except the Pueblo distribution system, and subject to appropriate subsequent agreements of the parties.

COMMISSIONER MONTOYA: Steve, could you read that again for us?

MR. ROSS: It is anticipated the County will own, operate, and maintain the project once the project is treating [blank] million gallons per day, except the Pueblo distribution system, and subject to appropriate subsequent agreements of the parties.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Could you explain, Mr. Ross: except Pueblo distribution system?

MR. ROSS: Well, I don't think it's anyone's intent that the County own the system that the Pueblo will use to collect the sewage from the various points on the Pueblo.

COMMISSIONER CAMPOS: Within its own boundaries.

MR. ROSS: Yes, the housing - well, this system exists within the Pueblo boundaries. So it would be the County owning a system that exists within the Pueblo, but the lines that go to the various individual customers also carry with them the customers themselves and we want to avoid putting the County in the position of having to bill Pueblo residents, over which there's questionable jurisdiction. That should be something - to avoid the jurisdictional problem - that should be an obligation that the Pueblo should always have.

COMMISSIONER CAMPOS: I understand. Thank you.

CHAIR VIGIL: Mr. Ross, I have a question. Should we take action on this without knowing what the gallons that will be used?

MR. ROSS: I was hoping Mr. Martinez could actually give us that number.

CHAIR VIGIL: Okay. Because I think it would make a difference in terms of what action we took, because we don't know what that number is. And I think I heard you testify that you didn't have it with you.

MR. MARTINEZ: Madam Chair, that is correct. I don't have that number with me as we speak.

CHAIR VIGIL: Perhaps we could take action on this later on in the day, if it's a number that you can get back to us on. Would that work for you? Would that work for you, Commissioner Montoya?

COMMISSIONER MONTOYA: If that works for Alan, if he can get us that number, sure.

CHAIR VIGIL: Okay. I think that probably would give us further information to take more appropriate action. Are you in agreement with that?

COMMISSIONER MONTOYA: Is that something you can do, Alan?

MR. MARTINEZ: Yes, I can do that today.

CHAIR VIGIL: Okay. Why don't, when you've got that number just contact Commissioner Montoya or myself, pass us a note or whatever, and we'll be able to include that in the information so that we can take action on it. Okay?

MR. MARTINEZ: Great. Thank you.

CHAIR VIGIL: We'll sort of continue that until you get that number. So we'll be here this afternoon, too.

IX. F. Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$4,400 (FY 08) to Provide Portable Toilets in the Town of Madrid and the Village of Cerrillos (Commissioner Anaya)

COMMISSIONER ANAYA: Madam Chair, I'll stand for any questions and move for approval.

COMMISSIONER MONTOYA: Second.

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

IX. H. A Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$5,000 for Second Phase of Landscape Project for the Edgewood Senior Center (Commissioner Anaya)

COMMISSIONER ANAYA: Madam Chair, I'll stand for any questions and move for approval.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Questions?

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

IX. I. Discussion on Water Haulers (Commissioner Anaya)

COMMISSIONER ANAYA: Madam Chair, Commissioners, I was approached by some water haulers that haul off of 14 where we have a fire hydrant by our County Jail, where staff is there at certain hours to put water into tanks for people that live out - that don't have much water. They were asking me to bring this up to the Commission to see if we could somehow extend the hours or possible put in, build a small facility there where somebody could use a card, so that they could haul water at any time.

Now there's only certain times where they can get water and it inconveniences some of the people. So my question would be to the Commission and to staff on if we're going to maybe improve that. I know that this issue is not going to go away. It will be around for a long time. Steve?

STEPHEN WUST (Water Resources Director): Madam Chair, Commissioner Anaya, the staffing issue has to do with the level of staff that we have. I'm currently engaged with Human Resources to actually get two more field staff and then when we get those we'll be able to evaluate their field duties. Right now they're engaged in things like meter readings and fixing leaks and all the rest of that stuff, so we're kind of

limited on the amount of time we can spend out there at a water hauler location, particularly when we see that most of the hours there's nobody there. And then there's a batch at a certain hour or something. So I'm trying to balance that. It's been tough. I've also looked at the automatic delivery system. We've been in discussion with some PFMD folks to try to figure out what kind of device we could have. We've been looking at issues like security and things like that. So we are looking at that actually right now and we're trying to figure out a way to do it. We'd like to actually have more than one location. Especially if we had automatic systems we could have multiple locations. So we are looking at that. When we get our new staff I'll have my field supervisor, Robert Gutierrez give me an evaluation of how we can balance our times and try to increase the hours for staffing time right now with those water haulers. But we are looking at those issues right now.

COMMISSIONER ANAYA: Okay. Thank you. I just was - it was brought up to me so if I can tell them that we're going to possibly or hopefully or we are going to increase the time that we're there.

DR. WUST: That's our goal.

COMMISSIONER ANAYA: Okay.

DR. WUST: Or get an automatic system.

COMMISSIONER ANAYA: I kind of like the automatic system, if we can figure out something that could work. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Anaya. Thank you, Dr. Wust.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: What do they use the water for again?

COMMISSIONER ANAYA: They use it for households, to water their animals. In the North 14 area, the wells don't produce that much water, so - I don't know how many, but I know there's a lot of them - have trailers with water containers that go to this place that has a fire hydrant where staff fills their container up. It could be 1000 gallons, 250 gallons, depending on what they bring. They're just asking to increase that. I don't know what the hours are, maybe Steve can tell us. I think they're open on Saturdays and Sundays and maybe during the week.

COMMISSIONER MONTOYA: Is it potable water?

COMMISSIONER ANAYA: Yes.

DR. WUST: Madam Chair, Commissioners, I'm not sure what the hours are now, because we've changed them a little bit because of staffing times. It's just a couple days a week, usually not for a full eight hours, and that mainly has to do with an evaluation of how many people show up during those times. Again, a lot of those hours, people don't show up. And staff is kind of critical right in terms of their duties. I would agree with Commissioner Anaya, most of that water is used for drinking water for people, either because they don't have their own onsite source or they've had trouble with it. So it is potable water from our system at the moment.

COMMISSIONER MONTROYA: Okay. Thank you.

CHAIR VIGIL: I would like to be able to help out with this too. The Cerrillos area has what's called a surface water collection well, that surface water system that they have there so the need for potable water is quite strong. Also, has the department considered communicating with these water buffalo truck owners to schedule appointments, and perhaps that would be a better coordinated effort. It would seem to me that they would know in advance when their truck needs to be full and they could schedule an appointment a couple of days in advance. That might be able to alleviate some of the problem.

DR. WUST: Madam Chair, we could look at that. Again, we've tried to schedule those hours so they don't conflict with the other required duties of our staff. They do both water and wastewater, so there are certain timings they have to go chlorinate. They have to go take care of the sludge. They have to go do meter readings for billings and things like that. So we want to avoid things where the staff feels like they're being pulled away from other required duties. That's how we've tried to work these hours out so we could fit them in to the work schedule of the staff out there. Again, as we get more people, we should be able to increase those hours and we will look at exactly that, maybe being able to schedule appointments with folks if we have the staff available to be able to do those kinds of things.

CHAIR VIGIL: Okay. Thank you.

COMMISSIONER ANAYA: Thanks, Steve. Just for any of you who are here for a future item on the agenda, it's currently 12:00. I think we can get through at least approval of the Consent Calendar for items that have not been removed and we will probably start discussion on items that have been removed with item XII. C. 2 but I would be surprised if we didn't do that until after lunch. So you can gauge your own calendars. We are no on item K. Commissioner.

COMMISSIONER CAMPOS: Madam Chair, could we just - I think the discussions of K, L, and M, might take a little bit of time. And if we could approve the Consent Calendar now, go to lunch, and then come back and do the ones that have been withdrawn and the Sullivan items on the discussion. I think it's going to take a little bit of time.

MR. ABEYTA: Madam Chair, we also - the presentation - we have a five-minute presentation on the archeological site on Agua Fria that we need to get to before we break because we only have the consultants here for this limited amount of time. But it should only take five minutes.

CHAIR VIGIL: I think I agree with Commissioner Campos. I think K, L, and M will take further discussion. Why don't we, since we are moving around, we also have continued one case again on the Pojoaque wastewater, why don't we move to item X. A.

X. Presentations

A. **Presentation and Possible Direction of Preliminary Archaeological Finding for LA II Site on Agua Fria Road**

GINO DE ANGELIS (Public Works): Madam Chair, Commissioners, the program will be presented by Cherie Scheick from Southwest Archeological Consultants. They're the firm that prepared the preliminary archeological study for the Agua Fria project, LA II site.

CHAIR VIGIL: Thank you. Please come forward, state your name.

CHERIE SCHEICK: My name is Cherie Scheick. I'm president and principal investigator for Southwest Archeological Consultants. Glenda Deyloff is here with me and is actually going to do the presentation. For the sake of brevity, I think we'll just go ahead and move into the power point presentation and dispense with the preliminary comments.

CHAIR VIGIL: Welcome, Glenda. Would you please state your full name.

GLENDAY DEYLOFF: It's Glenda Deyloff. Just to kind of put you in context, to show you where LA II is, it's along Agua Fria Road in Agua Fria. It extends south of the road at about the San Ysidro Crossing. This is our site map. The previous slide - that's Pindi Pueblo and that was - the reason we put it in there was as some background for you. Agua Fria Pueblo has only been tested a little bit and we don't know a whole lot about it, like how many rooms it has. I put this in here to show you. This is Pindi Pueblo. It's right across the Santa Fe River from Agua Fria. It was sort of a sister pueblo. It was excavated in 1930 and they found hundreds of rooms. And most archeologists feel that Agua Fria Pueblo is probably larger, just to give you some idea of just how big Agua Fria really is.

We had really high expectations for finding pre-Columbian deposits under the road partially because of this. This is an older excavation that is adjacent to the present project. It was done by Southwest. It was the first project that I was ever on. Some of what you see in here are adobe rooms, and what's interesting about this is those adobe rooms extend north to the road, so they look like they're extending under the road into our project area.

COMMISSIONER SULLIVAN: Madam Chair, and why are we discussing this? Are we building a road here or what are we doing?

MS. DEYLOFF: Yes. That was supposed to be some of the introductory stuff. They wanted us to speed up. The County is doing some improvements to their storm drain, sewer system, water system, sidewalk and curb and gutter system and some retaining walls.

JAMES LUJAN (Public Works Director): Madam Chair, Commissioner Sullivan, this is phase 3 of the Agua Fria construction. Two years ago we did phase 2 and we stopped at the church because of this site and now we have to face this, no matter what to construct phase 3. So this is part of the study that was done for phase 3 and here we are today.

COMMISSIONER SULLIVAN: Thank you.

MS. DEYLOFF: So hopefully that makes more sense now. What you see here is our portion of LA II that we tested. The lines that are going through there are road. The one east to west is Agua Fria. The one north-south is San Ysidro Crossing. Just to put you in context. What you see up there, all those little rectangles and squares, those are areas that we've tested. What we did is we hand-excavated 16 one-meter square units. Most of those are along the south right-of-way fence. We also had the backhoe excavate a series of 22 trenches under the road. And we found in those excavations are 29 cultural features. It says 31 up there because we have two modern trenches that we numbered before we realized they were modern.

We have 29 cultural features and those are just in those little units that we did. As you can see the structural features are most common. There are ten of them. They include the rooms, the pit structures and second to that are human burials. We also have an assortment of processing pits and thermal features, and some miscellaneous features.

Mostly from those 16 one-meter square units we collected almost 22,000 artifacts. That's huge. Most of those are sherds. They're pieces of broken pottery.

This is an aerial of Agua Fria, of our portion of Agua Fria, that is. Because we found all these features and all the artifacts and the intact deposits we went back to the County to have some discussions and figure out how we can least impact this site, because it was scheduled for all the utilities to go under the road in on the south side. That's where most of the features are. It's really expensive to excavate some of those structural features. So we were trying to save cost and mostly impact to the site.

The County Public Works redesigned the project so that the storm drain and the sewer system go around the site now. They don't impact it at all. But we are left with the water line, which is that blue line that you see that goes down the road. They moved it over to the north lane which is where we get the fewest features, and it's the most disturbed at least on the east. Those orange rectangles and circles that you see, that is more of a visual representation of the features that we've found. Is you look on the southwest, west of San Ysidro and along the south right-of-way along the fence, those features are mostly structural features. They're surface rooms, adobe rooms.

There's a whole series of them. What we did is what's along there is probably the edge of a room block. So you have all the surface rooms and a series of smaller features, a possible pit structure and some burials. In front of that and still on the west side you have a line of pit structures, those long, thin trenches that you see - those are pit structures. North of that you have a series of smaller features that include processing pits and miscellaneous features and a burial.

East of the intersection, we found fewer features, and we're not sure yet whether that is because we're on the edge of the room block or because of disturbance. And it might be a little bit of both. But it's still the same distribution. All those dots that you see along the road are either smaller pits and a burial. We also found in the south lane - you see those yellow-orange dots in the south lane of Agua Fria Road on the east site, those are

smaller processing pits and a couple of thermal features.

CHAIR VIGIL: What is a thermal feature?

MS. DEYLOFF: It's like a hearth. You would think of it as a hearth.

MS. SCHEICK: The very last slide we're going to do here and move this along really quickly shows you the redesign in the area of impact after Public Works tried to realign everything. We're left with impacting the north lane, and we're left with a very small strip just west of the entry into the church and senior center. That's because of a sidewalk and retaining wall that simply can't be moved out any farther; it would be into the road lanes. We went ahead with this layout that you have right here and to fulfill our obligation with the County, we wrote a data treatment plan for this portion of the project to move it forward, and that plan has already been submitted to the Historic Preservation Division for review, which is required by the state law. They have approved the excavation plan. So we're at that stage right now.

MR. DE ANGELIS: Madam Chair, Commissioners, this archeological study is required by the state. They require that all major excavations have an archeological evaluation and it's required that all the facilities be investigated and all the artifacts be stored and sent to the state museum. So this is a requirement of the state for this project. To do the final excavation and analysis and final report would require \$340,000 of funds. We have already approved engineering revisions to move the utilities to minimize the impact, because if we did not change the utilities the impact could be an additional \$200,000 in archeological studies. So we've moved the sanitary sewer, we've revised the storm sewer and we've relocated the water line to minimize the impacts to the area.

CHAIR VIGIL: Thank you Mr. De Angelis. James, where is the money coming from?

COMMISSIONER SULLIVAN: That was his question to you.

CHAIR VIGIL: I think we actually have some funding in place.

MR. LUJAN: Currently, Madam Chair and Commissioners, we have currently got a legislative appropriation for \$100,000 that we could use towards this. Also on the GRIP II, but it's not till the second phase of funding. We won't get that money. There's some money coming from GRIP II for that phasing. We will not having money towards construction yet, but we'll have to keep looking for that phase. But I believe we can fund it out of this current legislation and GRIP II.

CHAIR VIGIL: Okay.

MR. LUJAN: The total cost of construction is \$3.2 million. We were going to do that out of bond money but that has since gone away, due to the delay of the project.

CHAIR VIGIL: Was this bond money actually identified for this particular project?

MR. LUJAN: In certain phases there was, yes.

CHAIR VIGIL: Okay. And the bond money went away because?

MR. LUJAN: We used it for our facility, the \$15 million for the Public Works facility and other projects that have come prior to this one that were project-ready

to build. This has been delayed so long that we've got to spend that bond money before -

CHAIR VIGIL: Is there an arbitrage problem?

MR. LUJAN: Yes. Yes.

CHAIR VIGIL: So when there is an arbitrage problem what do we do to make up - my understanding was the Commission took action on going forth with this project. I think the Regional Planning Authority did. This was even well before me. So what happens, Mr. Abeyta, when we've committed to fund the project and that dollar, because of arbitrage, went somewhere else? How do we make that up?

MR. ABEYTA: Madam Chair, we need to look at the different funding sources, like legislative GRIP II, and we possibly need to come back to the Board and reprioritize the roads, when we have this situation. We're going to try to come up with a complete funding source and if we can't, then we need to report to the Board, look at the road priorities again and see if we're willing to put something else off to complete this project. And I think that was the point of today's presentation was to show you the costs that we're going to run into as a result of the archeological findings and get direction as to whether or not you want us to come back with the road priorities and see where this - see if this project is still a priority.

CHAIR VIGIL: I think it has been identified as a priority. It certainly has through the state process, through our legislative process, through our ICIP or community process. I don't know that we have to reprioritize it. My concern is that - did I hear testimony that over \$300,000 is required as a result of the archeological study in addition to the \$3 million or is the -

MR. LUJAN: Madam Chair, we need \$340,000 to complete the archeological, and then we'll go into the phase of construction, which I take it we're still probably eight to ten months away from construction.

CHAIR VIGIL: And is the archeological study itself complete and we're in the remediation stage, or where are we with that?

MS. SCHEICK: Madam Chair, we're at the end of the testing phase and right up in data treatment. The excavation has yet to be done. And when the excavation is finished, we have to go into analysis and final report preparation. That's the process through the state system. And we have one year to complete that from the time that our treatment plan was approved, which was in June of this year.

CHAIR VIGIL: Okay. Was this information brought forth to the Agua Fria community at the ICIP meeting? Can anyone respond to that? Because I know that community has been asking questions about the completion of this project and the only response we've had is that an archeological study needs to be complete. We'll have a report later on on ICIP. Maybe we'll wait until Joseph Gutierrez or whoever will be giving that. If that subject matter comes up, or Rudy. But it's sounding to me like where you're at is you're asking the Commission, or you're actually telling us that there are currently no easily accessible, available funds to complete the archeological study. Is that correct?

MR. LUJAN: Approximately \$100,000 from the legislative appropriation

this last year is what we have. So we're approximately \$240,000 short.

CHAIR VIGIL: And is it possible to continue the study until the legislative session occurs and we can get a commitment from them.

MR. LUJAN: We can work with the consultant on it and look at it. Like I say, let me study when the GRIP II will be funded. They did the first phase of the GRIP and I guess they sold the bonds now in July, and I understand they were going to do another portion in January but I have not got any documentation on that.

CHAIR VIGIL: Okay.

MR. LUJAN: For the second phase of the GRIP, which did get funded.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Do you have bike lanes? Will there be bike lanes on this road?

MR. DE ANGELIS: No.

MR. LUJAN: No bike lanes. Two 11-foot lanes and sidewalks.

COMMISSIONER CAMPOS: How come no bike lanes?

MR. LUJAN: We don't have the right-of-way in there to add that much surface.

COMMISSIONER CAMPOS: That's pretty dangerous for bikes.

MR. LUJAN: That's the maximum path we have, right-of-way.

COMMISSIONER CAMPOS: Okay. Also, could you call me about bio-diesel, in our discussion we've had over the last couple -

MR. LUJAN: Sure.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I realize it's important, but I don't want this to affect any of the funding that's going on with any of our prior roads. Thank you.

CHAIR VIGIL: This is a priority, correct? On the GRIP II and it's also priority -

COMMISSIONER ANAYA: I guess what I'm saying is that I don't want to pull monies from projects that we already have ready to go.

CHAIR VIGIL: Well, the problem with this particular project is that monies were pulled from this project for other projects. So I think that's unique to this.

MR. LUJAN: Madam Chair, Commissioners, this was all done through priority lists presented to the Commission. The delay of this - the design has been done. This part of the project has taken this long, and we're still not through with it. The priorities have always been moved by the Commission.

CHAIR VIGIL: Thank you, James. We don't need to take action on this. This is an item for discussion only, an update and possible direction. Is there any particular direction, Roman, that you are seeking, based on the discussion?

MR. ABEYTA: Madam Chair, based on the discussion we'll come up with some different options to consider in order to come up with the \$340,000 we're going to

need.

CHAIR VIGIL: I also think we need to get Senator Rodriguez and representative Jim Trujillo involved in these discussions. They have considered this a high priority also. So perhaps you can come forth with a plan from completion on this.

MR. ABEYTA: We will.

CHAIR VIGIL: Okay. Thank you, ladies and gentlemen for your presentation. Thank you for all your work. I actually am overwhelmed at the amount of information that you received from this area. It seems to me it was even more than the City received when they did their excavation at the Sweeney Convention Center. [Ms. Scheick's remarks were made away from the microphone.] It truly is a testament to how significant this community has been historically. It truly was a pivotal point at the Camino Real, a delivery system.

MS. SCHEICK: I would like to comment on the community. The community was around a lot when we were doing the testing and as part of the new state rules and regulations, as archeologists we are required to do a public component and a number of members of the community asked that the public component be some kind of permanent exhibit off of this project in their new center. So I took that as a fairly positive sign and I would also like to have on record that tribal consultation has been done. Public Works has done that, and we have an agreement in place that we're following for reburial of human remains under the state law too. And I think that's an important thing to note.

CHAIR VIGIL: Thank you very much. Thank you.

XI. Appointments / Re-Appointments / Resignation

A. Resignation of Bryan Lappe from the Road Advisory Committee

CHAIR VIGIL: Mr. Martinez, do we just need to take action to accept his resignation or is there anything you'd like to add to that?

ROBERT MARTINEZ (Deputy Public Works Director): Madam Chair, Commissioners, basically all you need to do is accept his letter of resignation but I would like to say that he did contribute eight years to this committee and we really want to thank Mr. Lappe for his services.

COMMISSIONER MONTOYA: Move for approval.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Any discussion? I would just like to ask you to draft a letter on behalf of the Commission so that we can sign it. The eight years is a long-time service and he deserves to be recognized for his voluntary services. We could draft a letter or perhaps even a certificate of appreciation. That's the minimum we can do for Mr. Lappe.

The motion to accept the resignation passed by unanimous [5-0] voice vote.

XII. Consent Calendar

A. Budget Adjustments

1. Resolution No. 2007-110. A Resolution Requesting an Operating Transfer from the General Obligation Bond (GOB) 1997 Series Fund (350) to the GOB Debt Service Fund (401) To Budget Investment Income Revenue for Debt Service (Administrative Services Department)
2. Resolution No. 2007-111. A Resolution Requesting an Operating Transfer from the General Obligation Bond (GOB) 2001 Series Fund (353) to the GOB Debt Service Fund (401) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2007 (Administrative Services Department)
3. Resolution No. 2007-112. A Resolution Requesting an Increase to the US Environmental Protection Fund (260) / Santa Fe River Restoration to Budget Prior Fiscal Year 2006 Grant Balance for Expenditure in Fiscal Year 2007 / \$8,567 (Community Services Department)

B. Professional Service Agreements

1. Request Authorization to Enter into Agreement with BI Incorporated for Electronic Monitoring Services (Corrections Department)

C. Miscellaneous

1. Resolution No. 2007-113. Request Authorization and Approval to Amend Resolution No. 2006-60, Santa Fe County Purchasing Regulations and Policy Manual, to Increase Thresholds Recently Passed by the New Mexico State Legislature During the 2007 Legislature Session for the Procurement of Professional Services (Administrative Services Department)
2. Request Authorization to Accept and Award Agreement No. 27-0304-FI/MS to Impressions Advertising for the Lodger's Tax Advertising and Promotional Services for Santa Fe County in Response to RFP No. 27-0304-FI/MS \$285,000 (Administrative Services Department) ISOLATED FOR DISCUSSION
3. Request Approval of the Joint Powers Agreement Between Santa Fe County and the City of Santa Fe for Senior Services in Fiscal Year 2008 (Administrative Services Department) ISOLATED FOR DISCUSSION
4. Request Acknowledgement and Acceptance of the Independent Auditors' Report for Santa Fe County's Agreed-Upon Procedures

- for Lodger's Tax Facilities and the Reporting of Lodger's Tax (Administrative Services Department) ISOLATED FOR DISCUSSION
5. Consideration of Amendment No. 3 to Contract No. 26-0901-CL/MV with Wordwork for Recording and Stenography Services with the Clerks Office and Land Use Department (Clerks Office)
 6. Request Authorization to Hire Fourteen (14) New Firefighter/EMT-B Cadets for a Fire Department Training Academy Beginning August 27th, 2007 (Community Services Department)
 7. Resolution No. 2007-114. A Resolution Granting the County Manager Signatory Authority for an Agreement Between the County and the Public Service Company of New Mexico (PNM) to Provide Utility Service to the County's New Public Works Facility (Community Services Department)
 8. Resolution No. 2007-115. A Resolution Granting the County Manager Signatory Authority for an Agreement Between the County and Qwest to Provide Phone Service to the County's New Public Works Facility (Community Services Department)
 9. Request Approval of an MOU between Santa Fe County and the Santa Fe Civic Housing Authority for the Installation of Walk In Showers in Senior Housing Units (Community Services Department)
 10. Request Approval of One FTE Term Case Manager Position for the CARE Connection Assessment Center as Part of the Access to Recovery Voucher Program Requirement (Community Services Department) ISOLATED FOR DISCUSSION
 11. Resolution No. 2007-___. A Resolution Amending Policies and Procedures for County Owned or Leased Community and Senior Centers (Community Services Department) ISOLATED FOR DISCUSSION
 12. Request Authorization to Enter into an Agreement with Valencia County for the Incarceration, Care and Custody for Juveniles at YDP (Corrections Department)
 13. Resolution No. 2007-___. A Resolution Authorizing the County to Submit a Grant to New Mexico Economic Development Department for a Preliminary A & E and Planning Assessment for a Community Commercial Kitchen (Growth Management) ISOLATED FOR DISCUSSION
 14. Approval of MOU Between Santa Fe County and the City of

**Santa Fe Formalizing the Understanding Regarding Services to
be Provided by the City to the County in Exchange for the Grant
of Easement Across County Property for the Installation of a
Fiber Optic Line to City Hall (County Manager's Office)
ISOLATED FOR DISCUSSION**

COMMISSIONER MONTOYA: Move for approval.
COMMISSIONER CAMPOS: Second.
CHAIR VIGIL: Motion and second.

**The motion to approve the Consent Calendar with the exception of items C. 2,
3, 4, 10, 11, 13 and 14 passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: We will come back and discuss items K, L and M and the
Pojoaque wastewater treatment and move on to the specific items on Consent Calendar. We
will continue this. It is currently 12:30. Will 2:00 work? Two o'clock.

[The Commission recessed from 12:30 to 2:00.]

CHAIR VIGIL: We're going to work a little bit with this agenda. Before we
go into the Consent Calendar items, I'd like to call on Matters from the Commission.
Commissioner Anaya, do you have any matters?

COMMISSIONER ANAYA: Madam Chair, I would just like to thank staff
for going around to the various communities and talking about the ICIP projects. That's all
I have. Thank you.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes, I have three items on the Commission
items. Do you want me to start those?

CHAIR VIGIL: No, these are separate matters.

COMMISSIONER SULLIVAN: I would like some time to discuss those.

CHAIR VIGIL: I think what we're trying to do is to get to those. I'm trying
to get all the matters that the Commissioners have independent of what's on the agenda.

COMMISSIONER SULLIVAN: Well, I think my items are independent of
what's on the agenda. I disagree with that. I think I've been pretty patient here and I think
it's time to finish matters from the Commission.

CHAIR VIGIL: I think you had agreed to hold off on those.

COMMISSIONER SULLIVAN: No, I didn't. I thought you said you were
going to go through Matters from the Commission. That's K, L and M. I've got some
important things here. The senior center we need to discuss.

CHAIR VIGIL: Okay. We do have to fit in quite a bit of work within two
hours. Otherwise we will lose one Commissioner. We will still have a quorum.

COMMISSIONER SULLIVAN: Well, the agenda's been approved. If you want to have a motion to amend the agenda then you can ask for a motion to amend the agenda and decide how you want to amend it.

CHAIR VIGIL: Hold on on that. I'll get back to you on Matters from the Commission. Commissioner Montoya, do you have any matters?

COMMISSIONER MONTOYA: No.

CHAIR VIGIL: Okay, Commissioner Campos?

COMMISSIONER CAMPOS: No.

CHAIR VIGIL: Okay. I do have a couple of matters that are under Matters from the Commission. One of them involves the CCI program from the New Mexico Economic Development Department. In 2005 we were awarded a plaque and a certificate. I think we actually had to apply for this process. Are you familiar with that, Roman?

MR. ABEYTA: I recall it vaguely, Madam Chair.

CHAIR VIGIL: Okay. Is Robert Griego here? Robert, is this something the Commission should be considering applying for again?

ROBERT GRIEGO (Senior Planner): Madam Chair, Commissioners, the expiration for the Certified Community Initiative Program, it was a program which was two years. We are now up for recertification. If the Board gives us direction we can go through the process to be recertified through the state.

CHAIR VIGIL: Could you explain for the Commission what the benefits are of this certification?

MR. GRIEGO: Madam Chair, the County came up with a business plan in 2005 which we've been using for several projects. There's an opportunity for the County to apply for New Mexico Economic Development grants and if the County were to be recertified, the County through this program would be eligible for \$5,000 worth of grants for two consecutive years. But part of the pros of submitting a grant application is that the County has an economic development plan which we would then be able to implement.

CHAIR VIGIL: Okay. Are there any questions from the Commissioners? It makes sense to me that we should probably pursue that. Mr. Abeyta, do you have any objections to that and do you see where the benefit to the County might be?

MR. ABEYTA: Madam Chair, we'll pursue that funding. We had a presentation from staff from Economic Development yesterday at senior staff. I think it's timely. We'll pursue that.

CHAIR VIGIL: Okay. Thank you. Thank you, Mr. Griego. I have one other item and that's I wanted to congratulate Santa Fe County Clerk Valerie Espinoza. She was elected the International Association of Clerks, Recorders, Election Officials and Treasurers, IACREOT, I guess. Is that how you say it? She is now the New Mexico Director and this occurred while she attended their international conference in July. Congratulations. I'm sure that the benefit of your elected position there will be brought back to the County. I appreciate you taking that initiative.

Now, I do have one item, Commissioner Sullivan, and then we'll get back to

matters. We do have someone who needs to be gone who's currently had surgery. So I'd like to move item X, Consent Calendar up. This is item XII. C. 10. It is the Request approval of one FTE term case manager position for the CARE Connection assessment center as part of the Access to Recovery voucher program required. This is the Community Services Department. Was that your request, Commissioner Sullivan? Please come forward.

XII. 10. Request Approval of One FTE Term Case Manager Position for the CARE Connection Assessment Center as Part of the Access to Recovery Voucher Program Requirement (Community Services Department)

MARY JUSTICE (CARE Connection Coordinator): Thank you, Madam Chair, I'm Mary Justice with the CARE Connection part of Health and Human Services Division.

CHAIR VIGIL: Thank you for being here, Mary, and I'll turn it over to Commissioner Sullivan for his questions.

COMMISSIONER SULLIVAN: Mary, the basic tenor of my questions, the question is I wasn't clear if this FTE that is being required is being required as a result of having the Pojoaque office open or the just general expansion of the office. And then the second part of the question was how are we going to fund that?

MS. JUSTICE: Okay. Thank you, Commissioner Sullivan, Madam Chair. ValueOptions has an agreement with the County to administer the Access to Recovery voucher program for Santa Fe County. In their last amendment to the agreement in February they did want to expand into the northern part of the county to do mobile assessments, and they gave us the funding to do that. So this position would be funded by ATR funds from ValueOptions. There are actually three positions, two case managers and a therapist. There's one case manager in Pojoaque and one therapist. But it was a requirement really of ValueOptions wanting to expand the ATR program up north and that's what this position is about. They are funding it.

COMMISSIONER SULLIVAN: Now, the current position is being filled by a temporary employee. Is this position going to be five days a week?

MS. JUSTICE: This particular position is four days a week. The CARE Connection part of the Pojoaque office if open Mondays through Thursdays.

COMMISSIONER SULLIVAN: Okay. And the 175 per month that you're seeing now, is that in the Santa Fe office or is that the total of the Pojoaque and the Santa Fe?

MS. JUSTICE: That's the total of both. In Pojoaque we're being asked to see at least 40 a month.

COMMISSIONER SULLIVAN: Okay. So this is funded by -

MS. JUSTICE: By ValueOptions.

COMMISSIONER SULLIVAN: By ValueOptions.

MS. JUSTICE: Using ATR funds, federal funds.

COMMISSIONER SULLIVAN: Using the vouchers. But it's going to be a full-time term position. What guarantee do we have that that funding is going to continue?

MS. JUSTICE: Well, we don't have any, which is why it's a term position. The reason I went ahead and hired as temps was the money came in February. We were unclear in February whether the feds would continue the voucher program for this current fiscal year, which now we know they are going to do that, with carryover funds. ValueOptions has also submitted a proposal to the federal government in response to an RFP for three more years of the voucher program and they expect to hear about that in August. So we know for sure it's funded through June of next year.

COMMISSIONER SULLIVAN: Okay. And your prognosis of this three-year extension, how does that look?

MS. JUSTICE: Well, I'm hopeful. The proposal I hear was excellent. Two very talented women wrote the proposal and I think it was a really good proposal and I think we have a good shot because even though the feds were unhappy with New Mexico at the beginning of ATR, not really our side but the other two. That has really changed completely and now they consider New Mexico to be in the top two or three best ATR states out of the 15 states.

COMMISSIONER SULLIVAN: And just for the record, ATR is Access to Recovery?

MS. JUSTICE: Yes, sir. Access to Recovery.

COMMISSIONER SULLIVAN: That's all the questions I had, Madam Chair.

CHAIR VIGIL: Are there any further questions? What's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Move for approval.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Any further discussion?

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

MS. JUSTICE: Thank you very much for moving that, Madam Chair.

CHAIR VIGIL: Thank you. You go home and get some rest, Mary. Commissioners, I'm going to pose this question to you. I have two requests. One request - and this is to accommodate schedules, because we'll be losing one Commissioner in a couple of hours, and I'm not sure how long this Commissioner can be here either. I'm sort of gauging my own ability to gear through pain. One of the requests was that we go into executive session. The other request is that we continue under Matters from the Commission under K to discuss strengthening Code enforcement, senior contracts and

family transfers. Those are items K, L, M under Matters from the Commission. And the other option is to go directly into the Consent Calendar and get through those items that we actually need to take action on. What is the pleasure of the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I think that we should continue with J, K, L,

M.

CHAIR VIGIL: Full knowing that you may not have a quorum after this discussion.

COMMISSIONER SULLIVAN: I don't think it's going to be quite that long, Madam Chair.

COMMISSIONER CAMPOS: I would say we go into executive session. I have two hours. There's some issues I really would like to address that are very important to me. I know Commissioner Sullivan has issues but we can deal with them later in the agenda or at the next agenda. So that's my inclination.

CHAIR VIGIL: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: I would be amenable to completing Consent Agenda items and then moving into executive session. I think I'm in agreement with you, Commissioner Montoya. And I understand, Commissioner Sullivan you would like to start with a discussion. I guess I have a concern because a discussion could take - and these are critical items that we need to discuss and I'd like some significant input from all of the Commission and staff. But I think two of us are in agreement. We have two of you in agreement to go on with Matters from the Commission, then Commissioner Campos is saying go into executive session. So do you want to break a tie here?

COMMISSIONER SULLIVAN: We have three here agreeing to go on with Matters from the Commission, Commissioner Anaya, Commissioner Montoya and myself.

COMMISSIONER MONTOYA: No, I said Consent Calendar.

COMMISSIONER SULLIVAN: Well, Madam Chair, I have people that are here for the senior thing. They've been here all morning. We've gone through presentations. We've moved the agenda around. We've done non-critical Commission business, and quite frankly, among other things, the senior citizen contract, which has been stalled and dragging and unproductively moving nowhere -

CHAIR VIGIL: Let me propose this.

COMMISSIONER SULLIVAN: It needs to be discussed. I have three items to discuss.

CHAIR VIGIL: Is that the only item you have people here for? Because I'm trying to accommodate people's schedules, Commissioner Sullivan. Is that the only item you have people here for?

COMMISSIONER SULLIVAN: I don't think there's anyone here for the other two items. No.

CHAIR VIGIL: Okay. Let's do a little compromise here. Let's do the senior

family transfers. Those are items K, L, M under Matters from the Commission. And the other option is to go directly into the Consent Calendar and get through those items that we actually need to take action on. What is the pleasure of the Commission?

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COMMISSIONER SULLIVAN: I don't think there's anyone here for the other two items. No.

CHAIR VIGIL: Okay. Let's do a little compromise here. Let's do the senior

center contracts, we'll go into Consent items for action, then we'll go into executive session, then we'll continue with the agenda as is.

IX. L. Status Report on City/County Senior Contracts (Commissioner Sullivan)

COMMISSIONER SULLIVAN: I brought this forward, Madam Chair, because we also have an item on the Consent Calendar that was pulled off, for an MOU in the amount of \$16,000 with the City of Santa Fe to provide services of just two meals a week, or two more meals, for a total of three at the Eldorado Center. Councilor Heldmeyer has pulled that off the agenda at the City Council meeting so we're getting nowhere on it and it probably doesn't serve any value for us to act on it here either today. The problem is that we have a contract that's been in negotiations for more than six months with the City of Santa Fe for all of the senior services. This is not just Eldorado. The best read that we have back from the City is they're not going to make a decision until the end of the year.

The end of the year is six months from now. That's half-way into the fiscal year. The approximate value of the contract is about \$350,000 between ourselves and the City. I feel, and I've conveyed this to the County Manager, that we need to move forward with the Eldorado facility providing meals and that we could take that \$16,000 that we were going to add to the City contract and do that, providing two more meals a week. The City-provided meals are singularly unappetizing and the service that we're getting is twice warmed over food and really minimal and marginal at best. Plus I think that one of the sticking points in getting the senior citizen contract is most likely the Eldorado facility. So if we remove that from the negotiation table perhaps we can complete the rest of the contract.

Another problem has been personnel. The staff that we had working on it is now on vacation so this thing is just being bounced around. Mr. Sill is here and he can update us on this, but what I wanted to bring forward and again, I've discussed this with the County Manager and the County Manager is in agreement with it, is that we proceed forward to solicit persons who can provide meal services at the Eldorado facility. There are at least three local entities that do catering and that are experienced. We have a \$1.4 million facility standing almost idle out there. It has two commercial grade kitchens in it and we're hauling warmed over means from Santa Fe out there that are barely edible, to be quite honest with you.

So I think we could use the same money much more efficiently by starting the meal program this way and we wouldn't have that thorn, apparently in the side of at least one of the City Councilors and maybe we could get the rest of the agreement solved. I would just defer to Roman and Mr. Sill for any other thoughts on that. Roman, did you want to -

MR. ABEYTA: Madam Chair, Commissioner Sullivan, we have discussed

this at the staff level and we would like to proceed as Commissioner Sullivan suggests with providing – first of all, getting proposals to provide meals at Eldorado, remove that from the negotiations for now, unless the City wants to move. What we would do is temporarily, for at least six months, proceed this way so that we can start serving meals in Eldorado. We're working with Eldorado and the other leaders out in the community from the other senior centers regarding a comprehensive plan for County senior centers from north to south. So we'd like to proceed on those two tracks, do something in the interim for Eldorado, work on a bigger plan that incorporates all the senior centers and hopefully get these negotiations wrapped up with the City.

In the meantime, staff doesn't feel like we should have to wait until we make some kind of agreement with the City before we start serving meals out in Eldorado. Plus, we budgeted for this in this budget we just approved for this fiscal year. We pretty much doubled the amount of money that we're going to put towards senior services, so the money is there. So we would like to proceed in starting to make plans for it.

CHAIR VIGIL: Any other comments? This is not an action item, so if it is to be an action item it would probably have to be actually noticed appropriately.

MR. ABEYTA: I think, Madam Chair, it's just direction so if enough of you agree with the direction I'm moving in then I can proceed in that.

CHAIR VIGIL: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: I'd say let's proceed.

CHAIR VIGIL: I have some concerns. Senior programs – the strongest support system for senior programs are the state, the Agency for Aging. They are the ones who actually are the largest contributor and support system for senior services. My concern is that if we go out and make these amounts of meals available for the seniors there, and then this particular area does not qualify for the funding that we usually try to get from the state, or if we allocate some funding and the state sees that we're allocating, they're going to consider that Santa Fe County can do this – we're not going to allocate Santa Fe County. The other problem that the community has is they may not qualify for senior services, for senior services meals because you do have to be a low-income qualifying community for those. So I'm not sure I have enough information to commit to this. I'd actually like to get some more information on this.

This is really my intent to help this community because if we move forward and there's an expectation that they get three meals a week versus the one that they get now, that expectation is going to be real. And if we do a six-month trial and have to back out after six months, I'm worried what that means and what kind of message that sends. So I think we need to get information from the Agency on Aging and I also think you could get information from Rita Maes, who has actually worked on this, and Duncan Sill who has worked on this. I prefer having more information on this. I'm concerned about it.

MR. ABEYTA: And Madam Chair, I'll provide you that information. Rita Maes has been involved in these discussions and we will talk with the stage agency. Before I actually award – what I would like to do is at least go out and find out, gather more

information, maybe get some quotes, see what the costs are, and I have been working with Rita on this. I wouldn't do it without her expertise. But before we actually award an actual bid I'll make sure to check with each of you individually and make sure that you feel comfortable with us proceeding with that. But we are putting a lot of effort into this right now and I want to continue with that momentum. But I won't get us into any large contracts without all of the Commission feeling comfortable. But I would at least like to see approval to move forward and start looking at these options.

CHAIR VIGIL: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just to elaborate on a couple of your points. Santa Fe County hasn't gotten any money from the Agency on Aging, so we don't stand to lose anything.

CHAIR VIGIL: No, that's not true.

COMMISSIONER SULLIVAN: But it is true. Last year, \$37,000 was appropriated to the City of Santa Fe for the purposes of Santa Fe County. The amount of money that was used of that for Santa Fe County was zero. That money disappeared in the ledgers of the senior citizen city program, and we thought, and Rita thought it would be available for the start-up for the Eldorado Center. When we checked with the City we learned that it was not, that it had been absorbed somehow into the City's funding for the other senior centers. So we not only haven't gotten any money, we've lost \$37,000. So I'm not too concerned about that.

I think in terms of eligibility, I don't think the meals program - you may be thinking of Meals on Wheels, but it's under the senior center programs. I don't think there's a low-income eligibility requirement for those. You just have to be a senior to attend the senior citizen programs and get those benefits. I think we're just asking to move this thing forward. We're not stopping negotiations by any means and we're not stopping our discussions with the City and our evaluation of what's in the best interests of the community but I certainly don't think leaving the facility idle for six months is in the best interests of anybody. I just wanted to bring that status forward so you know that we need to do something active here to get this thing off the dime.

CHAIR VIGIL: They actually would be receiving the current one meal a week that they're receiving. Is that not correct?

COMMISSIONER SULLIVAN: They're getting one now, that's right. One marginal meal.

CHAIR VIGIL: Okay. I think your recommendation is good, with getting some more information before we can move forward, and so we'll move with that direction.

The next item on the agenda is Consent Calendar item XII. C. 2.

XII. C. 2. Request Authorization to Accept and Award Agreement No. 27-0304-FI/MS to Impressions Advertising for the Lodger's Tax Advertising and Promotional Services for Santa Fe County in Response to RFP No. 27-0304-FI/MS \$285,000 (Administrative Services Department)

COMMISSIONER MONTOYA: Madam Chair, the question that I have is what input do we have on any of this in terms of advertising? I haven't really seen anything that this company has done in relation to anything for Santa Fe County. At one time we had discussed the possibility of having kind of advertising, pointing out some of the major historic landmarks, like the Santuario, like the pueblos, places in Galisteo, but that never came about because I don't know if anyone has followed through in terms of talking to these people who would probably be the appropriate ones to market that sort of attraction for Santa Fe County. So two-fold question: What do we have? And what input do we have in terms of getting anything done that we think may be important?

TERESA MARTINEZ (Finance Director): Okay, Madam Chair, Commissioner Montoya, you have total input. The Lodgers' Tax Advisory Board is an advisory board. So what we do is we typically submit the budget for you and then that is approved by the Board and then in years past we've done a presentation by the advertising agency, which we intend to bring to you in August. We'll give you stats and results of our advertising efforts.

Now, with regard to everything you mentioned, they are currently part of our advertising plan and all of that is reviewed and approved by the Lodgers' Tax Advisory Board. If the Board members would like to attend the LTAB board or if you would like us to come before you with presentations or recommendations that the advisory board is making, we can do that. But we do consider everyone that you've mentioned.

COMMISSIONER MONTOYA: If you could have them do that I'd like to have that in the future so that there is some input that is congruent, I think with some of the thoughts that we've had up here in the past.

MS. MARTINEZ: Okay. Sure.

COMMISSIONER MONTOYA: Thank you. Move for approval.

CHAIR VIGIL: Second? Is there one?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: And a second. Any further discussion?

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

XII. C. 3. Request Approval of the Joint Powers Agreement Between Santa Fe County and the City of Santa Fe for Senior Services in Fiscal Year 2008 (Administrative Services Department)

COMMISSIONER SULLIVAN: Madam Chair, this is the item I referred to earlier that our staff has negotiated in the amount of \$16,000 to provide two extra meals at the Eldorado Center and which has been pulled off the City.

CHAIR VIGIL: Do you wish to table that?

COMMISSIONER SULLIVAN: I think at this point in time it's premature to move on this and I'd move to table.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Motion to table.

The motion to table passed by unanimous [5-0] voice vote.

XII. C. 4. Request Acknowledgement and Acceptance of the Independent Auditors' Report for Santa Fe County's Agreed-Upon Procedures for Lodger's Tax Facilities and the Reporting of Lodger's Tax (Administrative Services Department)

COMMISSIONER MONTOYA: [inaudible]

MS. MARTINEZ: No. This is actually - we were delinquent, probably about four or five years ago. We didn't realize it was state statute and our ordinance is mirrored after the state statute. So it gives you the liberty of going out with an independent auditor or even conducting the audit yourself. So once we learned we were required to do that we've been doing that on an annual basis. The first two years we did it we did a complete audit of every facility. This last go-round we assessed out of 23 facilities we identified three that we would actually go out at the records having done a full audit the two years prior to that. Next year we'll probably go out and see a small sample again, and then the following year and audit every facility that we have.

COMMISSIONER MONTOYA: Okay. So what are these facilities receiving that we are going to be auditing?

MS. MARTINEZ: Well, they don't receive. They actually collect the Lodgers' Tax, the four percent on our behalf, and then they remit that to the County Clerk's office. So this procedure, if you will, the agreed upon procedure went to audit the adequacy of their reporting and to ensure they hadn't over or under paid any of the amounts due the County.

COMMISSIONER MONTOYA: Move for approval.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Any discussion?

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

XII. C. 11. Resolution No. 2007-__ . A Resolution Amending Policies and Procedures for County Owned or Leased Community and Senior Centers (Community Services Department)

COMMISSIONER SULLIVAN: Madam Chair, a couple of things regarding this. On page 2 – they're not numbered so you just have to flip through – paragraph IV. We indicated here – it says as agreed to in the joint services agreement between the City and the County, the City's senior services division will provide, the staff will be responsible for the senior center's program. And of course that's still up in the air. We haven't agreed to this fiscal year's agreement at all yet and we're into the fiscal year a month already. So I would just change the word "as" to "if". If agreed to in the joint powers agreement. That would clarify that.

Then on the third page, down near the bottom, there's two references to the \$50 activity fee. One's in regular print and one's in bold. I didn't know if one was supposed to replace the other or exactly what the intent was there. Do you see where I am?

CHAIR VIGIL: I do. Can that question be answered? Is Joseph Gutierrez or Laura Epler here? Do you have an understanding of that question or enough understanding of these procedures that you could answer that? It seems to me –

JOSEPH GUTIERREZ (Community Services Director): Madam Chair, I'm going to let Duncan – Duncan drafted these with Laura so I'll let Duncan address the question.

CHAIR VIGIL: Duncan, do you understand the question?

DUNCAN SILL (Affordable Housing Coordinator): Madam Chair, Commissioner, actually I reviewed some of these drafts by Laura Epler and Sue Herrmann. I didn't draft this myself. But the intent was to really separate the categories of fees we should be charging the folks that are using the facilities, and the biggest question that this was trying to address was whether or not, for example, for a non-profit that comes to utilize this space for a particular function, if it offers the benefits of the greater community. At that point the staff felt we wouldn't necessarily charge that non-profit group, but in the first bold reference there for the \$50 rental fee, we would actually like to go ahead and charge that fee if it's for a function that benefited the greater community. I think that was the intent of it.

COMMISSIONER SULLIVAN: The first paragraph says the private events there would be a \$50 fee. The second paragraph says for public events there will be a \$50 fee if those events do not benefit the entire community. I'm a little concerned that that is fairly vague. If I'm going to have a public event, say to oppose oil and gas drilling in the

southern part of Santa Fe County, does that benefit the entire community and who determines that and what's the process for appealing that? I think it would be clearer to just say we are going to charge or we aren't going to charge for public events – events that are open to the public, as opposed to – consist with events that we permit there. We don't permit every type of event. You've outlined that there and that's fine.

I'm a little concerned that we have some vague language that that we should either say, hey, we're going to charge you 50 bucks or we're not and quite frankly my inclination is not. I think for public event, whether it's the community organizing for a rail trail meeting or anything like that it's awful difficult and kind of nit-picky to hit them up for \$50. That's just my feeling on that part.

Then on the fourth page we have a comment that says do we want to charge non-profits not benefiting the entire community and small community groups. So you obviously have a question there. What's your decision on that or what's our guidance on that particular issue?

MR. SILL: Madam Chair, Commissioner Sullivan, I am unclear about that particular item. I thought that issue was resolved amongst the staff. I think our Community Services Director might have had that conversation in more detail than I have so I'm going to defer to Joseph on that.

MR. GUTIERREZ: Madam Chair, Commissioner Sullivan, I haven't really looked at these policies that closely and I think it would be my recommendation that we just table these or whatever is appropriate and we'll bring you more detailed and concise policies and procedures for the next administrative meeting if that would be okay?

CHAIR VIGIL: Is there a motion to table?

COMMISSIONER SULLIVAN: So moved.

CHAIR VIGIL: Is there a second?

COMMISSIONER MONTOYA: Second.

The motion to table passed by unanimous [5-0] voice vote.

COMMISSIONER SULLIVAN: And I think one think you want to clarify too, Joseph, is do these policies apply to the fair board, because the fair board provides the same function. They have a County-owned facility and they provide a service. They have a committee that handles the funds. So I think it should, unless we have some other document.

MR. GUTIERREZ: Madam Chair, Commissioner Sullivan, these policies actually don't address it and the fair board has separate policies that don't differ a lot from this. But we can look at that and bring you that information, because it is a public building owned by the County and there's distinctions. We need to visit with them to see why there would be distinctions versus community centers or senior centers.

COMMISSIONER SULLIVAN: Well, I think in terms of – we've been dinged in the past on accounting for some of these extra outside the administration

facilities. So if you could look into that too and see what differences there are there or there should be, that would be good. Thanks.

MR. GUTIERREZ: We will do that.

CHAIR VIGIL: Thank you very much.

COMMISSIONER MONTOYA: Madam Chair, just to look at, quinceañera is misspelled.

MR. GUTIERREZ: I think there's a few misspellings in there.

XII. C. 13. Resolution No. 2007-116. A Resolution Authorizing the County to Submit a Grant to New Mexico Economic Development Department for a Preliminary A & E and Planning Assessment for a Community Commercial Kitchen (Growth Management)

COMMISSIONER SULLIVAN: Okay. We don't need to go into the background of this thing. I recall from the previous presentation to the Commission that you were going to apply for an economic development grant and this is that grant, is that right?

FRANK DILUZIO: Madam Chair, Commissioner Sullivan, for the record, Frank DiLuzio with United Way of Santa Fe County. Actually the grant we had previously spoken about was a US Department of Commerce Economic Development Administration grant, which is a very large, bricks and mortar grant. This is a state of New Mexico Economic Development Department capital grant for planning. It's a much smaller amount, \$75,000 specifically for architectural and engineering work on the same project.

COMMISSIONER SULLIVAN: And is there a County match in this?

MR. DILUZIO: Madam Chair, I think I'll let County staff speak to that. There is a match requirement and United Way is providing part of that required match.

COMMISSIONER SULLIVAN: I didn't see it in the staff report but in the resolution I see a \$25,000 match that I hadn't remembered talking about before.

MR. GRIEGO: Madam Chair, it is in your resolution, item number 2. The County is currently going through an A & E for the County Extension Office facility and part of this would be looking at potentials to co-locate both facilities on this site. The County has already secured the funding for the A & E for the County Agriculture Extension Agent Office. So the match would come from that.

COMMISSIONER SULLIVAN: I guess my concern was didn't we secure that A & E funds before this proposal came forward? If so, are we somehow shortchanging the architectural engineer in order to provide \$50,000 for this grant.

MR. GRIEGO: Madam Chair, Commissioner Sullivan, the state application requirement states there needs to be a one-to-one match for the state New Mexico economic development grant application. So they identified sources of funding which can be used for a match and this source of funding was identified as it would be a fit for the

match for the state grant.

COMMISSIONER SULLIVAN: Yes, but my question was if we're going to take \$50,000 out of the A & E for the facility, do we now have enough money for the A & E?

MR. GRIEGO: Madam Chair, Commissioner Sullivan, I'm not sure I'm following your question. All we're using is the match from the existing funding which has already been allocated to Santa Fe County.

COMMISSIONER SULLIVAN: So this isn't an extra \$50,000 that is going into this planning grant. This is just an in-kind match. Is that what this is?

MR. GRIEGO: Madam Chair, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: Okay. Because I was going to ask you if the original - You're just putting this forward as an in-kind part of the A & E program that's ongoing.

MR. GRIEGO: That's correct.

COMMISSIONER SULLIVAN: Will the A & E firm be required to do additional services?

MR. GRIEGO: We've worked with the Community Services Department on trying to structure that. Basically, they're moving forward with the A & E for the County Extension Office now I believe, and this would follow that. If the funding is awarded for this grant application, then it would follow that and they would match. The A & E for both would match.

COMMISSIONER SULLIVAN: They won't be coming back for additional funds as a result of the change of scope as a result of this application?

MR. GRIEGO: No.

COMMISSIONER SULLIVAN: Okay. Then the last question I had, or comment, was I noticed that Duncan Sill is listed as the contact person on the application and my concern there is that - and we appreciate of course him working on this, but personally, I really believe that Mr. Sill was hired full time to manage our affordable housing program which is getting bigger and bigger every day. This was never anticipated, and knowing what these grants sometimes entail in terms of paperwork and running around. I'm concerned that he's the contact person. I'm concerned with diluting efforts in the affordable housing program. Can we, Roman, can we rectify that somehow?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, yes. I'll work with James Lujan and Jack Kolkmeier regarding that.

COMMISSIONER SULLIVAN: See if we can get someone else as a contact.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: Okay. That's all the questions I had, Madam Chair. Move for approval.

CHAIR VIGIL: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second. Discussion?

The motion to approve Resolution 2007-116 passed by unanimous [5-0] voice vote.

XII. C. 14. Approval of MOU Between Santa Fe County and the City of Santa Fe Formalizing the Understanding Regarding Services to be Provided by the City to the County in Exchange for the Grant of Easement Across County Property for the Installation of a Fiber Optic Line to City Hall (County Manager's Office)

MR. ABEYTA: Thank you, Madam Chair. This is the MOU that follows the easement that the Board approved at their last administrative meeting, and what the MOU specifies is that in exchange for the easement that we granted our two BCC meetings would be broadcast on the government channel, and also the County Clerk's 30-minute television show, which is twice a month, would be broadcast on the government channel.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: There's a motion. Can I have a second, then we'll go to discussion.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, the reason I brought this forward was what about, Roman, the RPA and the EZA meetings? Are we televising those over any channel?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, no, we are not. But when I discussed that with the City, because those are joint City/County bodies we wouldn't have to worry about that. They would broadcast them. In other words we wouldn't have to specify in our MOU that, because that's not a County-only function. That's a County and City. So they're planning on broadcasting those on this channel.

COMMISSIONER SULLIVAN: Okay. So they're already planning that, using our facility.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: Okay. And there's times agreed to for rebroadcast and so forth?

MR. ABEYTA: Yes. That's something that will be worked out.

COMMISSIONER SULLIVAN: Okay. I was just concerned because that was, as you say a joint undertaking as well and it seems like the City residents ought to know what's going on. How far out does Channel 28 go, in terms of coverage?

MR. ABEYTA: It's a Comcast channel and we're talking with Comcast to

see what their service area is, because we don't have that right now, and see what their future expansion plans are. But we are looking at that. But as far as what it is now, I don't know how far out it goes.

COMMISSIONER SULLIVAN: It doesn't cover the northern part of the country or Eldorado or the southern part of the county.

MR. ABEYTA: It may go up to Tesuque but I don't know how far south it goes. But I don't believe it goes to Eldorado. I'm not sure if it does. I don't think it does. But we're talking to them about their service area now.

COMMISSIONER SULLIVAN: All right. Thank you, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Roman, what about special BCC meetings and our documentaries that we have?

MR. ABEYTA: Our documentaries, we're talking to them about filling some of their commercial time with our documentaries. We'll also be able to fill in during executive session. We'll be able to play our documentaries. As far as special BCC meetings, that's something that we'll work out with their staff, but they're open to that also.

COMMISSIONER ANAYA: Thanks.

CHAIR VIGIL: Any further questions? Roman, does this discussion that we've just had need to be a part of this agreement? Do we need to identify language that says the joint authorities between the City and the County will be the responsibility of the City?

MR. ABEYTA: No, and that's why we didn't, because all we had to do was the County-specific meetings. That's why we left out RPA, EZA, because that's also a City. They're at the joint board so they didn't feel that it needed to be addressed in the MOU, because this is just for County-only meetings.

CHAIR VIGIL: Right. I guess I'm concerned about the City - if they've verbally agreed to do that, what guarantee do we have? If we need a guarantee, should it be a part of this documentation?

MR. ABEYTA: If you would like to incorporate it in the document we can. The reason we left it out was because, what if half of the RPA members don't want it televised and that's the City half? That's something that maybe the RPA needs to discuss and determine whether or not it gets televised. But if you want to add it to the MOU, we can send them an amended MOU that says that.

CHAIR VIGIL: Yes. My concern is everyone I've ever heard speak about this wants more transparent government. At least in public that's what they say and I believe in that. So my concern is - and we all do get phone calls and requests for why doesn't that get televised? Why doesn't this get televised? So my thinking is if the City is willing to televise the joint authorities the idea behind all of that is to get as much televised as is possible, and because this government channel is totally dedicated to government

access there's absolutely no reason why those couldn't be.

MR. ABEYTA: And I don't think we're going to have a problem. They're going to need 12 hours of programming every day, so I think they're planning on doing it. We could either amend the MOU to put it in here now, or I could send them something in writing. It's not going to be a problem. They need to fill 12 hours of programming. And it's restricted to government programming only. But if the Commission feels more comfortable we could put in EZA and RPA. Those would be the only other two meetings that we have that would normally get televised. So I'm okay with that.

COMMISSIONER SULLIVAN: Madam Chair, maybe one suggestion to move this forward since the City's already signed it would be to go ahead and approve it and have the County Manager send a cover letter with it that says it's our understanding from our discussions that the City is already prepared to televise the EZA and the RPA meetings. If that's not the case please advise us and it will be necessary to amend the resolution. That way we maybe wouldn't get accused of knocking things back and forth with the City, they way they do to us. That's just a suggestion.

CHAIR VIGIL: Okay. I'm in agreement with that. Let them know that there might be the potential for an amendment if we need to.

COMMISSIONER MONTOYA: Madam Chair, can I do my own docudrama?

COMMISSIONER SULLIVAN: Sounds from the North. How about that?

CHAIR VIGIL: Okay, we need a motion on this?

COMMISSIONER SULLIVAN: I think we had a motion.

CHAIR VIGIL: And this was discussion? Any further discussion?

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

CHAIR VIGIL: I do believe there was a request to go into executive session or to continue items K and M. We are now at approximately five to three.

MR. ABEYTA: Madam Chair, if I may, I've been discussing with staff, there are some items that we can table and hold off on until -

CHAIR VIGIL: Why don't we -

MR. ABEYTA: If we do that now then people can leave and won't have to wait. We're having a water session study now in August, so we can deal with the four requests under Growth Management at that study session.

CHAIR VIGIL: That would be items XIII. B. 1, 2, 3 and 4.

MR. ABEYTA: Right.

CHAIR VIGIL: Do you want us to consider a motion to table on those, and what else?

MR. ABEYTA: The Treasurer's office, we could hold off on that. You may lose a quorum so we may not get to that anyway, but we talked to the Treasurer. He would like to be heard. It's not time sensitive though. It's not something that couldn't be put off.

And then under Matters from the County Attorney, items E. 1 and 3 could also be tabled. I would actually prefer the entire Commission on E. 1.

CHAIR VIGIL: Per the recommendations of the County Manager, is there a motion on tabling?

COMMISSIONER MONTOYA: Madam Chair, this will be to the next meeting?

MR. ABEYTA: Yes, the administrative meeting in August.

CHAIR VIGIL: Actually, the Growth Management will be for the special study session, right?

MR. ABEYTA: Right. So it won't be as long a wait.

COMMISSIONER SULLIVAN: The next meeting or the next administrative meeting?

MR. ABEYTA: The Growth Management would be done at the special meeting in August, and the other ones would be in the administrative meeting in August.

COMMISSIONER SULLIVAN: Move to table XIII. B, XIII. C, XIII. E. 1 and E. 3.

COMMISSIONER MONTOYA: So we're going to table the bonds?

MR. ABEYTA: Yes. We talked to our bond counsel and we can do that for 30 more days.

COMMISSIONER MONTOYA: Oh, we can?

MR. ABEYTA: Actually, that one we'll do at the meeting on the 14th of August. So that one would be the 14th. We can do that.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Okay, so there's a motion and a second. For items C. 1 and 2, items B. 1 through 4, and items E. 1 and 3. Victor, would you like to address the Commission? Just come forth. Are your items time-sensitive?

VICTOR MONTOYA (County Treasurer): In a way, because on the 14th, I have a PERA Board meeting so I won't be able to be here on the 14th. Right now, we have ten years of back taxes due on mobile homes. It's [inaudible] 6749 and I'm trying to get this ordinance passed because there's a lot of movement of mobile homes that's occurring in the county. I can't keep track of them because at the last meeting when we first proposed the ordinance or the resolution, I believe I informed the Commission that we have already taken off over 100 of them because we don't know where they're at. They were moved out of the county and they were moved illegally.

And then the tax season is quickly coming up upon us and then we're also hosting the Treasurers' affiliate retreat here in Santa Fe County on September 24th, 25th and 26th, so I was hoping to get some -

COMMISSIONER SULLIVAN: We can take this out. I can take this out of the motion and we can put them after the executive session, a little later, because it's not a matter for the public and if Commissioner Campos isn't here for that I think we can still handle those two items.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: So I can amend my motion if that's okay with the seconder.

COMMISSIONER MONTOYA: That's fine.

CHAIR VIGIL: Okay, then the motion does remove items C. 1 and 2.

The motion to table items B. 1 through 4, and E. 1 and 3 passed by unanimous [5-0] voice vote.

MR. MONTOYA: Thank you, Madam Chair.

COMMISSIONER MONTOYA: Madam Chair, we're going to act on IX. E? That was the one we were waiting for the amount of gallons on the wastewater project?

CHAIR VIGIL: Do we have that information, Mr. Ross? IX. E? It's the Pojoaque wastewater. We continued that case.

MR. ROSS: Yes, Madam Chair. We have the information. So we can move to that anytime.

CHAIR VIGIL: I think we should move to it.

IX. E. Consideration and Possible Approval of Amendment No. 1 to the Memorandum of Understanding Between Santa Fe County and the Pueblo of Pojoaque for the Pojoaque Valley Wastewater Treatment Project (Commissioner Montoya)

MR. ROSS: Right now? Okay. See if I can quickly turn to that. Madam Chair, in conversations with the Governor's office at Pojoaque, the governor has indicated he's comfortable at this point agreeing to the County taking over that facility, or I guess we're calling it the project for purposes of the agreement, really, at any time. But the number that could be inserted into 2.B that would reflect approximately half the capacity of the system is 400,000 gallons per day.

So if that's - that was always our intent to approximate half of the capacity of the system in that paragraph. So the sentence could read, it is anticipated the County will own, operate and maintain the project once the facility is treating 400,000 gallons per day, except for the Pueblo distribution system, and subject to appropriate subsequent agreements of the parties.

CHAIR VIGIL: Any further questions?

COMMISSIONER MONTOYA: Madam Chair, move for approval as amended.

CHAIR VIGIL: There's a motion. Let me get a second.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I wanted to add in component 4. B, "will

seek funds in the future”.

COMMISSIONER MONTOYA: That’s happening. They’re doing that already. Or you mean us?

COMMISSIONER SULLIVAN: Well, both. I think this is a commitment that we would be doing it together.

COMMISSIONER MONTOYA: That’s fine.

COMMISSIONER SULLIVAN: Is what I thought.

COMMISSIONER MONTOYA: Sure.

CHAIR VIGIL: Motion and second.

COMMISSIONER ANAYA: The second’s okay with that.

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

CHAIR VIGIL: Now, again, Commissioners, we have two options. One to go into executive session, and the other to listen to the discussion on the Code enforcement or the family transfer ordinance. Let me take a quick poll.

COMMISSIONER SULLIVAN: Executive session is fine with me.

XIII. E. Matters from the County Attorney

4. Executive Session

- a. **Discussion of Pending or Threatened Litigation**
 - i. **Consideration and Possible Approval of a Settlement Agreement By and Between Cerrillos Gravel Products Inc., Brad Aitken and the Board of County Commissioners of Santa Fe County**
- b. **Limited Personnel Issues**
- c. **Discussion of the Purchase, Acquisition or Disposal of Water Rights**

CHAIR VIGIL: Okay, we need a motion to go into executive session.

MR. ROSS: Madam Chair, we need a motion to go into executive session to discuss pending or threatened litigation, limited personnel issues, discussion of the purchase, acquisition or disposal of water rights.

COMMISSIONER MONTOYA: So moved.

CHAIR VIGIL: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2 and 8) passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, Vigil and Anaya all voting in the affirmative.

CHAIR VIGIL: Mr. Ross, how long will be taking so we can inform the public?

MR. ROSS: We'll trim it to an hour.

CHAIR VIGIL: It will be an hour. So we'll be back here at 4:05.

[The Commission met in executive session from 3:05 to 5:25.]

CHAIR VIGIL: I need a motion to come out of executive session.

COMMISSIONER SULLIVAN: So moved, Madam Chair, where we only discussed pending and threatened litigation, acquisition of water rights and -

MR. ROSS: Limited personnel issues.

CHAIR VIGIL: Okay. Is there a second?

COMMISSIONER ANAYA: Second.

The motion to come out of executive session passed by 3-0 voice vote.

[Commissioner Campos and Commissioner Montoya were not present for this action.]

XIII. E. 5. Consideration and Possible Approval of a Settlement Agreement By and Between Cerrillos Gravel Products Inc., Brad Aitken and the Board of County Commissioners of Santa Fe County

CHAIR VIGIL: In executive session we did discuss, and we're going to be jumping around a little bit on the agenda because we've lost one Commissioner and we'll probably be losing another one shortly, so we want to be able to take action on those items that require action be taken. Under XIII. E. 5 in executive session we did discuss consideration and possible approval of a settlement agreement by and between Cerrillos Gravel Products, Incorporated, Brad Aitken, and the Board of County Commissioners of Santa Fe County. Do you want to just give us a couple of statements highlighting that for us?

MR. ROSS: Madam Chair, as you recall, we have about two cases pending that were brought both by Cerrillos Gravel Products concerning some enforcement action that the County took against that gravel operation a number of years ago. The proposed settlement agreement resolves that litigation through a County purchase of the entire property except for 40 acres for \$480,000 which will then be placed into the County's open space program as a part of the Cerrillos Hills Historic Park. Then the pending litigation will all be dismissed.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second. Any discussion?

The motion to approve the settlement agreement passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

XIII. Staff and Elected Officials' Items

A. Community Services Department

1. **First Public Hearing to Discuss Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2009-2013 (Two Public Hearings Required) (Community Services Department) [Exhibit 2: Staff Material]**

CHAIR VIGIL: Two public hearings are required. This is the Community Services Department. When will the next public hearing be, Mr. Gutierrez?

MR. GUTIERREZ: I believe the next public hearing will be the next BCC hearing.

CHAIR VIGIL: So we can actually ask further questions then. Please proceed.

MR. GUTIERREZ: Madam Chair, Commissioners, I'm filling in for Paul Olafson. We've started the ICIP process. We've had seven community meetings and taken input from the public at those meetings. I will pass out something when I've finished that will give you an update of the requests that we had at these seven meetings. Again, this is preliminary. This meeting is to solicit any other public comment that they may have. I stand for questions.

CHAIR VIGIL: Is there anyone else out there that wants to address the Board of County Commission on this ICIP plan? Please raise your hand. And we might be able to inform the communities that we visited with that we will have the final hearing.

MR. GUTIERREZ: We have several meetings. We'll have one more Wednesday night at the Community College for the Rancho Viejo area. And that will be the last of the community public meetings.

CHAIR VIGIL: Okay. Thank you, Joseph. What time is the Rancho Viejo meeting.

MR. GUTIERREZ: The Rancho Viejo meeting is at 6:30 at the Community College.

CHAIR VIGIL: And is it the Jemez Room?

MR. GUTIERREZ: I don't know what room it is. I can get back to you.

CHAIR VIGIL: They'll be able to identify the location of the room once they get to the college.

MR. GUTIERREZ: Right. The room has been identified. I personally don't know, but it has been identified.

CHAIR VIGIL: Thank you, Mr. Gutierrez. You may hand out that

information. [Exhibit 2] And there's about six areas that have already had hearings throughout Santa Fe County, about six or seven. Eight. Okay. Thank you. And please thank staff for conducting these hearings. These allow us an opportunity to assess what these communities want and prioritize our legislative priorities.

XIII. C. Treasurer's Office

1. Ordinance 2007-07. Consideration and Possible Approval of a Proposed Ordinance Relating to the Movement of Manufactured Homes; Providing for a Permit from the County Treasurer; Providing Penalties for Failure to Comply

CHAIR VIGIL: Brian, thank you for your patience. This is an item that has been requested to place on the agenda at a previous meeting, correct?

BRIAN BACA (Deputy Treasurer): That is correct, Madam Chair.

CHAIR VIGIL: Would you please go ahead and give us a summary of it?

MR. BACA: The main reason for this ordinance is to help either stop or curb the illegal movement of mobile homes in Santa Fe County. This has been a problem that we've been experiencing in the Treasurer's office and also in the Assessor's office. This has been going on for many years and we'd like to implement this ordinance and provide for anybody moving a manufactured home through the County of Santa Fe to actually acquire a certificate from the Treasurer's office. That certificate would be placed on the mobile home during movement.

CHAIR VIGIL: Okay. Now, would this be considered the first public hearing on this ordinance? Because it doesn't say public hearing. Can I request that the public be heard?

MR. ROSS: Madam Chair, it is a public hearing but you only need one because this is a simple ordinance; it's unrelated to zoning.

CHAIR VIGIL: I didn't notice, at least on my amended copy, that it was noticed as a public hearing. Do we have a problem with that at all?

MR. ROSS: Madam Chair, it doesn't appear to require a public hearing on the agenda but it's been noticed in the newspaper.

CHAIR VIGIL: Is that sufficient notice?

MR. ROSS: I think we're probably okay on that.

CHAIR VIGIL: And if we're not, we can always bring it back. So do you have anything to add to that?

MR. BACA: Only that we have had a very serious problem. Right now we're looking at about \$1.1 million in delinquent tax on mobile homes and that amounts to about 2600 mobile homes. We will be starting our red-tagging process here in the next probably two to three weeks. Once we get into that process we're notifying these owners of these mobile homes that they are delinquent, and we physically inspect these properties.

We're probably going to run into the situation where many of these homes don't even exist in Santa Fe County any more. So this is uncollected revenue that we will never see.

CHAIR VIGIL: Just because you didn't have the tracking capability.

MR. BACA: Well, we haven't had the tracking capability and there were actually moved years ago without any mobile home release or without any documentation whatsoever.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I noticed that there was a cost to this. Would you be amenable to taking the cost out?

MR. BACA: Madam Chair, Commissioner Anaya, yes. I looked at some other counties that have implemented this same ordinance. Some do charge; some don't. These fees run anywhere from about \$10 to \$25. This is a fee. It's not intended to be some kind of revenue producing fee. It's strictly for the printing and publishing of the certificates and the work that's going to be involved to be able to track these homes.

COMMISSIONER ANAYA: So if I have a mobile home and I want to move it to another property, or if I sold it, they would have to come into the County, pay their \$25 or whatever amount we agreed to, you'd issue them a tag. They'd put it on their mobile home and then they would be allowed to move it. Who would enforce this if we decide to put this in place?

MR. BACA: Madam Chair, Commissioner Anaya, it would probably be the Department of Transportation, Motor Trans. They pretty much govern those types of vehicles that are moving loads like that.

COMMISSIONER ANAYA: And what is the penalty if somebody doesn't get it and they got caught?

MR. BACA: The penalty in the ordinance right now - I believe it's \$300 fine or 30 days in jail, or both.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thanks, Brian.

CHAIR VIGIL: Any further questions?

COMMISSIONER MONTOYA: Madam Chair, move for approval.

CHAIR VIGIL: Motion. Is there a second? I'll second. Is there any further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I just don't agree with the total amount that they'd have to pay. I think that if we could come up with another amount, maybe \$5, then it seems like we're just constantly going after the public for money. I know what you're trying to do, Brian. I know that, but the amount of money that is being paid, I don't agree with. Thank you.

CHAIR VIGIL: Do you have a proposed recommendation, Commissioner Anaya?

COMMISSIONER ANAYA: Well, you said between \$5 and \$25, and I

don't want us to have to go into our general fund to start printing this. Do you think - do you have a figure, Brian, that you could put to it, other than \$25?

MR. BACA: Madam Chair, Commissioner Anaya, right off the top of my head, no I don't. I do know that just recently, in about the last month, Taos County did implement basically the same ordinance. I don't know if there's any fees associated with that but I would like to look into it a little bit further.

COMMISSIONER ANAYA: How about \$10.

CHAIR VIGIL: \$15. \$20.

COMMISSIONER ANAYA: I just don't want to always have to go - here's another - and I understand. Like I said, I understand what you're trying to do, but we've got to go to the County. We've got to find parking. Got to go try to get a permit. This is costs day to day, everybody's doing this. It's like - you don't know how many times I hear people saying, Oh, the County. We've got to go down there. It's a pain. And I won't go to the second word.

MR. BACA: Madam Chair, Commissioner Anaya, I hear the same thing at the Treasurer's office. I understand fully where you're coming from. I just don't know what amount -

CHAIR VIGIL: Would be reasonable.

MR. BACA: Would be reasonable. Exactly.

CHAIR VIGIL: Perhaps we could table this. Or is it time-sensitive? For you to gather some more information.

MR. BACA: It is somewhat time-sensitive but I can gather the information within a matter of days.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think one thing is when you can gather information on what other counties do, but I doubt that other counties really have any information about what it really costs them. They may have just made up numbers and put them in there, and if the Treasurer's office is seeing \$10 to \$25 as being the range, if we try \$10 and if that appears to cover the cost, then we're okay, publishing this document that they have to put on their mobile homes. And if not the Treasurer can come back and say, we're taking a beating on this and I need \$50 or \$25 or whatever it might be. I could support \$10 and get this thing going, get it started. Give them that enforcement capability that they need and see how it works.

CHAIR VIGIL: Okay. Any response to that, Brian?

MR. BACA: Madam Chair, Commissioner Sullivan, it's not the cost of the permit that we're really concerned with. It's making sure that these drivers and these people that move these mobile homes actually come in and get the permit and place this permit on that home. So we know it's legally being moved through our County roads and our highways.

COMMISSIONER SULLIVAN: I understand that. My suggestion is -

MR. BACA: If we can try \$10 for the cost of that permit, at least for the time being, and then maybe revisit it if the costs are higher than that, because it is a fairly large document. It will be weather proof. At least be able to withstand the weather because it will be posted on the exterior of the home. And I really don't know what the actual cost of that document will be.

COMMISSIONER SULLIVAN: You've got a motion, Madam Chair.

CHAIR VIGIL: There is a motion and there is a second. The motion, actually, I think was inclusive of the \$25 fee, and that's how the seconder seconded it. So let's act on this motion.

The motion tied by 2-2 voice vote.

CHAIR VIGIL: We have a deadlock. Does that mean, Mr. Ross, that we bring this item back for a vote? What does that mean?

MR. ROSS: Madam Chair, under our procedural rules, when there's a member missing we bring the matter back when the missing member is present. However, this is an ordinance. So my suggestion would be that we bring it back at the next administrative meeting so we have time to re-advertise. Because you have to advertise before you adopt an ordinance. So let's bring it back in a month, give us time to advertise and then we can -

COMMISSIONER SULLIVAN: We can do an alternate motion, too, right?

MR. ROSS: We can do an alternate motion right now.

COMMISSIONER SULLIVAN: Madam Chair, move to approve the ordinance with one change in Section 12 to read \$10 administrative fee in lieu of \$25 administrative fee.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: There's a motion and a second to move forward with this on a \$10 fee. Would the maker of the motion be willing to consider we also include in that motion that the Treasurer's office come back to the County Commission within a reasonable amount of time - I would say about six months - to let us know how it's actually working, and if in fact it is working or if in fact we need to amend it. Would the maker of the motion be willing -

COMMISSIONER SULLIVAN: I think that's fine as general guidance, Madam Chair. I don't think we want to add that into the actual language of the ordinance, do we?

CHAIR VIGIL: No, I think -

COMMISSIONER SULLIVAN: Use it as some direction as a part of the motion.

CHAIR VIGIL: Brian.

MR. BACA: Madam Chair, I'd be more than happy to keep in contact with the Commission on this over the next few months.

CHAIR VIGIL: Okay. We have a motion and a second.

MR. ROSS: And Madam Chair, we will need a roll call.

CHAIR VIGIL: We will need a roll call. This is an ordinance. Is there any further discussion.

The motion to approve Ordinance 2007-07 passed by unanimous [4-0] roll call vote with Commissioners Anaya, Montoya, Sullivan and Vigil all voting in the affirmative. [Commissioner Campos was not present for this action.]

XIII. C. 2. Consideration and Possible Approval of a Proposed Ordinance Providing for the Payment of Property Taxes in a Single Payment if Taxes Due are Less than Ten Dollars

MR. BACA: Madam Chair, we're just requesting that anything below \$10 be paid in one installment, one time, due in November, rather than breaking it up into two different installments. We find that people may not pay it, taxpayers may not pay it and then they end up accumulating penalty and interest above and beyond what the actual tax amount was. It just make it a lot easier.

CHAIR VIGIL: How will the taxpayer be informed of this? Will those who have a less than \$10 balance, will they be advised about this?

MR. BACA: It would be on their bill.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Move for approval.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER SULLIVAN: Do we need a public hearing?

MR. ROSS: Madam Chair, we will need a public hearing.

CHAIR VIGIL: We also needed one for the previous one.

MR. ROSS: Did we not do one for the previous one?

COMMISSIONER SULLIVAN: You asked and nobody said anything.

MR. ROSS: I thought we had.

CHAIR VIGIL: Then let's disregard the motion and ask anyone in the audience if they'd like to address the Commission on this. This is a public hearing. Is there anyone out there that would like to address the Commission? Seeing, hearing none, Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second. Further discussion?

The motion to approve Ordinance 2007-08 passed by unanimous 4-0 roll call vote with Commissioners Anaya, Montoya, Sullivan and Vigil all voting in the

affirmative.

MR. BACA: Madam Chair, Commissioners, thank you.
CHAIR VIGIL: Thank you.

XIII. D. 2. Consideration of the Collective Bargaining Agreement Specific to Economic Factors which will later be Adopted as the Economic Component to the Final Agreement with the Santa Fe County Deputy Sheriff's Association, A Subsidiary of the New Mexico Coalition of Public Safety Officers/ Communication Workers of America/Local 7911 due to an Emergency Situation Arising from the Loss of Staff to Competing Agencies (Human Resources)

BERNADETTE SALAZAR (Human Resources Director): Madam Chair, members of the Commission, the Santa Fe County management team and the CWA Sheriffs Union have been successfully negotiating the current contract that will expire on September 30, 2007. In the last couple of weeks we've had several deputies resign to be employed at the City of Santa Fe Police Department. In comparing the salaries of Santa Fe County, actual salaries of Santa Fe County and the City of Santa Fe, the County's salary scale is considerably lower than the City of Santa Fe. It was decided that in order to be competitive with surrounding agencies, particularly the City of Santa Fe we negotiated the economic portion of the contract. That's in your packets.

I just wanted to give you some more detail. Right now we have 12 vacancies in our Sheriff's office and six employees in the last month and a half have gone to work for the City of Santa Fe.

CHAIR VIGIL: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: What does this represent? I see in the fiscal impact report that it's \$685,000 lump sum in year one; another \$691,850 in year two; another \$698,768 in year three; another \$705,756 in year four; plus an additional \$6,850 in recurring costs. What does that represent in terms of percentage of what the contract currently is?

MS. SALAZAR: Madam Chair, Commissioner Sullivan, on attachment B, the spreadsheet - I don't know if this will help address that, but it shows the percentage increase of where we're at now, compared to what the proposed rate is for each employee that will be affected.

COMMISSIONER SULLIVAN: I'm thinking more on the line of overall impact to the budget. Most of these seem to be like between 17 to 21 percent. In one case, Sheriff-corporal 34 percent. So we can roughly average it. Are we talking here of a 20 to 21 percent increase in the Sheriff's budget for salary?

MS. SALAZAR: Madam Chair, Commissioner Sullivan, when I do the

breakdown of the average salary it does come out to about 22 percent average. So I would say that it's about an additional 22 percent.

COMMISSIONER SULLIVAN: And where is that money coming from? I don't recall discussing this during the budget hearings.

MS. SALAZAR: Madam Chair, Commissioner Sullivan, I'll defer that question to our Finance Director, Teresa Martinez.

MS. MARTINEZ: Madam Chair, Commissioner Sullivan, actually, as part of the budget study session we did include \$120,000 to come from cash balance and then from the building blocks, a recurring expense, we took \$130,000 right off of that \$750,000 before we made the allocation to the additional project. So it was earmarked from cash and then from the building blocks.

COMMISSIONER SULLIVAN: How much was earmarked? \$150,000?

MS. MARTINEZ: Between the two it would be \$250,000.

COMMISSIONER SULLIVAN: \$250,000?

MS. MARTINEZ: Yes.

COMMISSIONER SULLIVAN: And what's being requested here is \$685,000.

MS. MARTINEZ: I'm sorry, Commissioner Sullivan, I'm confusing this with the compensation plan. I'm sorry.

COMMISSIONER SULLIVAN: This is not FTEs. This is salary increases.

MS. MARTINEZ: Sorry. Right. We are taking it from cash reserves, excess cash balance. And what we're doing is we're also looking at the building blocks and several of the programs will be on hold, if you will, either by the nature of the procurement process that's involved until mid-year when we can see how property taxes materialize to support this additional increase.

COMMISSIONER SULLIVAN: Now, we have to maintain a certain cash reserve, right?

MS. MARTINEZ: And we are well within that, yes, sir. We'll make our requirement.

COMMISSIONER SULLIVAN: And if we allocate this recurring \$685,000 and more per year, do we stay within that cash reserve?

MS. MARTINEZ: We do.

COMMISSIONER SULLIVAN: That's all the questions I had, Madam Chair.

CHAIR VIGIL: Any other questions? Sheriff Solano, would you like to address the Commission on this? Thank you for being here.

GREG SOLANO (County Sheriff): I think that Bernadette probably summed things up pretty well. The biggest factor we have is the City of Santa Fe incorporated two raises with their police department within the last six or seven months. Those two raises brought them significantly above us in pay parity. That allowed them to actually start recruiting our officers. If you remember last year for quite some time we were actually at

zero vacancies in the Sheriff's office but these pay increases allowed them to start recruiting and they did start actively recruiting our deputies. We've lost four that have already gone and there are two now that are leaving since they started actively recruiting.

I also know that there would have been a few others that would have left if we hadn't told them to hang on because we were working on this pay package. The union has looked at this and agreed with it and overwhelmingly voted for this. This is something that's absolutely needed. We have got to be competitive with the City or we will find ourselves in the same boat that our nearby other agencies are in. Without naming names there are several agencies surrounding us that have significant vacancies and are losing people to the City and to the State Police and APD and Las Cruces and other agencies that the pay is just not comparable. So I would call this an emergency situation right now because if we continue to lose people at the rate that we've lost people just in the last week it would significantly affect our ability to provide public safety for the citizens of Santa Fe County.

CHAIR VIGIL: Thank you, Sheriff. Are there any questions? What's the pleasure of the Commission? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have a question for staff. I guess this would be for Bernadette. In the classification and compensation study that we haven't yet talked about today, some positions within the Sheriff's Department were included. I assume those are the non-union positions and the non-classified positions. Is that correct?

MS. SALAZAR: Madam Chair, Commissioner Sullivan, some of them are non-union, but the ones that are union do not belong to the CWA Sheriff's office bargaining unit. The reason why deputies were not identified in the class and comp plan was because when we look at the class and comp plan we're comparing midpoints to midpoints, ranges. But when we look at police officers in any agency they usually go on a step scale. So in this case we need to look at actuals. So if we look at our range for our deputies we're competitive but if we look at what we're actually paying them compared to the other agencies that are recruiting our officers, we're not competitive. So that's the reason why they weren't identified in our class and comp plan.

COMMISSIONER SULLIVAN: In looking at the other Sheriff's employees, such as clerk-typists and so forth, I don't see - I'm looking at page 1 of 3 in the salary adjustments of the study. I don't see anything that looks close to a 21, 22 percent recommended increase.

MS. SALAZAR: Madam Chair, Commissioner Sullivan, again, when we did the class and comp study, it's based on market value, comparing midpoint to midpoint, and we were under that point. They were not at market value so we're proposing that they be brought up to at least the minimum. But when we looked at the officers we compared actuals because we were losing so many deputies at a time. So we compared actuals when we looked at the deputies.

COMMISSIONER SULLIVAN: Well, I wonder - I'm trying to do some of these in my head but I'm seeing numbers that are around 10 percent for clerk-typist and

things like that in the study. Does this then create a difficult environment where Sheriff Deputy 1, 2, 3 and 3s in corporal are getting a 22 percent and other employees in the Sheriff's Department are getting half or less than that?

MS. SALAZAR: Madam Chair, Commissioner Sullivan, again, when you look at the market value for those jobs they will be brought up to the minimum but I don't believe it will cause problems because the nature of duties re so different.

COMMISSIONER SULLIVAN: And then the last question I had, Madam Chair, was I know the Fire Department has had similar problems, particularly in light of the gross receipts tax that passed and our commitment to provide a great deal more full-time firefighters. They couldn't hire the individuals that they needed so they're going to create a 20-person training program to train them and bring them on board. Were there any other solutions like that that we were looking at? I'm concerned that we're just getting into an arms race here or a salary race. We raise the rates 22 percent and then the City goes and raises them 20 percent and then we come back and raise them another 20 percent. At some point in time I'm wondering if that's the effective way to resolve that problem.

MS. SALAZAR: Madam Chair, Commissioner Sullivan, in doing research, it's basically a national trend where there are police agencies that are offering more money, so it's not just the City of Santa Fe but if we compare the City of Albuquerque, Bernalillo County and agencies outside of the state of New Mexico, they are at a higher level.

COMMISSIONER SULLIVAN: Are there any changes there - a great deal of the compensation, I understand, is in overtime in the Sheriff's Department. These pertain to base rates. Do these increases also pertain to the overtime?

MS. SALAZAR: Madam Chair, Commissioner Sullivan, they do, because it's added to their hourly rate. That would result in the effect of the overtime rate of pay.

COMMISSIONER SULLIVAN: And is there any proposal to cut back on that overtime to be able to have the deputies be more effective in the time they're out there. If they're doing overtime they're obviously tired. My concern is not only for the public but for the deputies themselves.

MS. SALAZAR: Madam Chair, Commissioner Sullivan, I agree with you and I think by filling our vacancies and not having such a high vacancy rate would help address that, and I'll let the Sheriff speak on any plans he has in reducing the amount of overtime.

SHERIFF SOLANO: Madam Chair and Commissioner Sullivan, as these vacancies grow our overtime will grow as well, so there's a commensurate amount that will go along with that. On the other hand, we are looking at reducing overtime in the Sheriff's office by other ways. One of the ways, which I hadn't announced publicly yet but it would have come out soon anyway so I'll go ahead and let you know where is we have cut back on the amount of overtime that we have offered to the City of Santa Fe for the Fiesta celebrations this year. That's based on, number one, the vacancies that we have and number two in just trying to reduce our overall overtime. So there was almost a 20 percent cut in our overtime that we're planning on providing for the Fiesta Celebration is one

example. That's just off the top of my head, what we're doing right in the upcoming months. Twenty percent on the Fiesta is actually quite a bit of money in overtime that we're going to be reducing.

CHAIR VIGIL: Sheriff, can I just ask, how many other events do we share when the City sponsors something and they need additional law enforcement protection. And I know you weren't prepared to answer this, but can you think of the other events that we do share?

SHERIFF SOLANO: Madam Chair, the only other events are things that may happen on a case-by-case basis. The Fiesta is really the only major event that we share with the City. There are things like recently we had the bishops that came to Santa Fe and we assisted with our SWAT teams. If we have presidential candidates that come into Santa Fe we assist with usually our SWAT teams or investigations units. So it's pretty much on a cases-by-case basis other than that. That is the major even that we supply.

The Santuario walk is a big one but that's pretty much our event that they assist us with or that the State Police and tribal agencies all assist us with.

CHAIR VIGIL: Okay. Thank you very much. Most of those events, are they overtime?

SHERIFF SOLANO: Not 100 percent, but there's a large percentage of it that is done with overtime.

CHAIR VIGIL: Okay. Thank you. Any further questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I heard that the reason that the deputies left is that they couldn't handle the pressure that the major from the department was giving them.

CHAIR VIGIL: That's what we heard.

COMMISSIONER ANAYA: So, if they can't handle it, well, we don't need them.

CHAIR VIGIL: If you can't take the heat, leave.

COMMISSIONER SULLIVAN: Get out of the kitchen.

CHAIR VIGIL: Get out of the kitchen. Anything else?

COMMISSIONER MONTOYA: Madam Chair, move for approval.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Any further discussion?

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

CHAIR VIGIL: I think our law enforcement agents are far too underpaid, so I'm very glad that we're able to do this and I hope it creates an incentive and improves the work environment for them and their willingness to go out and do what they do best for our community and that's protect us. Thank you very much.

SHERIFF SOLANO: If I could, I just wanted to – we have members of the union here and some of the deputies.

CHAIR VIGIL: Please introduce them.

SHERIFF SOLANO: Our president, Ben Encinias, who has been very instrumental in working with me to solve these problems. One of the negotiating team members is Sergeant Ken Johnson, and agent Gabe Gonzales, and then one of our Sergeants is Vanessa Pacheco. Thank you.

CHAIR VIGIL: Gosh, Vanessa is probably ready to retire sometime soon. I remember her.

SHERIFF SOLANO: We're not going to let her.

CHAIR VIGIL: I remember her from the early 90s.

COMMISSIONER ANAYA: I thought that she just started, as young as she looks.

CHAIR VIGIL: Thank you all for being here and good luck. Thank you for all that you do for our community.

XIII. D. 1. Resolution No. 2007-117. A Resolution Requesting Adoption of the Updated Classification and Compensation Plan, Adoption of Recommendations from Public Sector Personnel Consultants, and Approval of One FTE Human Resources Position (Human Resources)

CHAIR VIGIL: Berna, can I just ask this question before you do your presentation, and Roman, you might be able to clarify this for me? Isn't this item on the agenda something that is being brought forward because the Commission requested it?

MR. ABEYTA: Yes, Madam Chair. The Commission requested the study about nine months ago and then we actually had a detailed presentation with the consultant at the last meeting. The Commission tabled it and said talk to the different department directors and major players and then bring it back to us for adoption.

CHAIR VIGIL: That's correct. Okay.

MR. ABEYTA: So we've already had the presentation and maybe now what we need is to just update you on what we've done between last month's hearing and this one.

CHAIR VIGIL: Okay. Thank you for clarifying that for me. Bernadette, please proceed.

MS. SALAZAR: Okay. Madam Chair, members of the Commission, I'd like to just clarify a couple of things before I begin. The first thing that I want to clarify is to let you know that with this class and comp study no employee is going to lose money. They're not going to get a reduction in pay. The other thing that I want to clarify is that I did discuss the plan with each of our bargaining units and informed them that should this

plan be approved by the Commission that we would sit down and discuss how it would affect their employees specifically and come to agreement on that. So I did speak to each of the bargaining units.

In doing the research and in looking at all the numbers it became apparent that our lower paid employees are the employees that are going to be most affected by this salary survey. What I mean by that is 76 percent of jobs affected, which means that the recommendation to give these people salary adjustments make less than \$40,000 annually. Out of 800 employees, 133 or 16 percent are between the midpoint and the maximum on the ranges. So we don't have a lot of people who are above the midpoint of the ranges. Eighty-three percent of our employees are below the mid-point of the range and less than one percent of our employees, or nine employees, are at the maximum of the range. Out of these numbers 53 employees that have would be affected salary-wise should this study be approved, 53 of the employees are AFSCME employees, approximately four are from the fire union, 15 are from CWA, and the rest are non-union employees.

So in looking at this again I think that one of the things that this study did is brought all the minimums up to \$9.60 per hour, which is going to be competitive with the living wage ordinance. And I'm thankful and appreciative that Mr. Wright was able to provide me with the letter from the state personnel director that he provided the Commission with earlier [*Exhibit 1*] and I noticed where he highlighted that people are not going to be tapped and it won't be a lump sum payment if they go above the range. But one thing I'm really proud of with this class and comp study again that this accomplished is that we are bringing our minimums up to \$9.60, whereas the state in this letter is bringing their minimum up to \$7.50. So I think that gives us a really competitive edge as far as our employees are concerned.

Those are things I wanted to clarify. I stand for any questions.

CHAIR VIGIL: Thank you. Is there anything you'd like to add, Roman?

MR. ABEYTA: Madam Chair, only that this is something that the Board had directed us to do quite some time ago and we did accomplish that and that I think it's something that is good for the County because we are going to - we compared our salaries now to other surrounding agencies and we're going to be competitive. We're requesting an FTE so that we continue to remain competitive with the surrounding agencies. We had a discussion last time regarding those employees that are at the max or above the max and the discussion that we had regarding that was that, well, instead of just upping the salary range to accommodate that, the incentive is to move within the organization. There was a statement that we could lose employees as a result of that but what it shows that if you're at the max or over it, you're making more than the other agencies that we're competing with. So I don't necessarily agree that we're going to lose those employees to another agency because they're over the max. Like I said, what the salary study showed us was that if you're over the max, you're making more than the other agencies.

No class and comp plan is perfect. You are always going to have a percentage of employees that isn't going to be addressed in it and in our case, nine is a pretty good

number when you consider the 800 – when you compare that to 800 employees. As far as the unions, we'll discuss this with them about the individual employees, but there again, we're not taking money away from employees, we're actually recognizing and helping the employees. We're acknowledging and recognizing that we should be paying them more. And we set aside the budget to do this also.

CHAIR VIGIL: Thank you, Roman. Questions for Berna? Commissioner Sullivan, Commissioner Anaya, do you have any questions?

COMMISSIONER ANAYA: Not me.

CHAIR VIGIL: We'll go to Commissioner Sullivan, then we'll go to Commissioner Montoya.

COMMISSIONER SULLIVAN: Just one, Bernadette or Roman, I'm a little skeptical about why we would need a full-time employee, interestingly to be in the Human Resources Department, to administer this. We retained a consulting firm to do the study and apparently that worked out to the satisfaction of the staff. Now why do we need to add to the bureaucracy here? Once we've done it, those are the new classifications, those are the new rates. What has changed from the way we did things before except the salary rates?

MS. SALAZAR: Madam Chair, Commissioner Sullivan, what I'd like to do, if this should be approved is to not let this be a plan that is done and kind of put on the shelf. I'd like to visit it on an annual basis and survey jobs annually to make sure that we remain competitive with other agencies and to maintain this plan, and to provide the County with statistical data that can help us determine where money should be allocated for salary adjustments, cost of living adjustments and look at statewide trends, national trends and try to remain competitive with other agencies, like I say. So it would be a continual work in progress to make sure that we do that.

MR. ABEYTA: And Madam Chair, if I may add, when we started putting the budget together originally, we had contemplated an FTE for Human Resources to deal with the growth that we just experienced. With taking over the RECC, we added 38 more employees to the County. And then today, you just recently approved 14 more FTEs for firefighter positions. And so I had eliminated, when I made my first round of cuts, before it even came to the Commission, I had taken away that FTE request from HR knowing that with the class and comp study FTE we may be able to accomplish both through the money that was set aside with the class and comp study. So this FTE isn't going to be limited to just class and comp. They're going to have to help with all of the other HR duties that are going to be required as a result of the 62 more employees we've just added in the last couple of months.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I guess my only comment is that I feel a lot more comfortable having an independent outside consultant on a periodic basis look at these rates and comparabilities than I do a full-time employee of the County. It just seems like the fox guarding the henhouse. I think we do need to keep this study updated once a

year and that an outside firm that does this for a living on a full-time basis and has a database of all the comparable municipalities and counties, I would feel more comfortable with than just having an employee of the HR Department say this is what we should be doing salary-wise. I'm not totally convinced that we need another full-time position to do that. Was there any recommendation in the classification and compensation study for this person? Was that a part of the study? Or this is just a staff recommendation, separate from the study?

MS. SALAZAR: Madam Chair, Commissioner Sullivan, in working with the consultant, many agencies have a person designated to work on classification and compensation work. One of the things that was provided with this contract, with this consultant is a template on how to maintain this, for somebody to do it on an ongoing basis. So if we did have another person we would use the same template and we'd be able to show employees the way we're gathering information and how we come up with data to make recommendations for any kind of changes.

So my opinion is that it's a good template to work with and I think it's pretty straightforward and I don't believe that there'd be any problems. We'd be able to discuss with employees what the numbers are and what the recommendations would be.

COMMISSIONER SULLIVAN: Thank you, Madam Chair.

CHAIR VIGIL: Anything further? Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Madam Chair. So Berna, if I heard you correctly, and let's say I'm the teen court coordinator making the top end is \$50,307, and I'm at \$51,000. I'm not going to lose money?

MS. SALAZAR: Madam Chair, Commissioner Montoya, the way the resolution is written is you would still, if you were eligible for a cost of living or a merit increase, you would still receive that but it would be in a lump sum payment. So it wouldn't affect your hourly rate. So you'd still receive something but it would be in a lump sum payment.

COMMISSIONER MONTOYA: Equivalent to the 3, 4, 5 percent.

MS. SALAZAR: Exactly. In looking at the nine employees who are basically maxed out, there's flexibility. A lot of them are employees that have been here more than ten years, so they have the qualifications to move up, based on their experience just here at the County, into another range. We can look at those individuals and determine if it's warranted to move them up to the next range.

COMMISSIONER MONTOYA: In this memo that we did get from the state, it does say that it will not be a lump sum payment. Why did they do that?

MS. SALAZAR: Madam Chair, Commissioner Montoya, I'm not too sure. Based on what Mr. Wright has expressed, apparently it had been tried at the state and it didn't work. He said basically that they were losing employees. I don't believe this is such a problem here at the County because the large percentage of our employees are not even at the mid-point. So I don't think it's the same effect here at the County as it is at the state. But I'm not sure. I can do my research on that and work with the class and comp person at

the state to determine why they did that, but I'm not sure.

COMMISSIONER MONTOYA: And then what's the City's minimum wage?

MS. SALAZAR: The City's minimum wage right now is \$9.50.

COMMISSIONER MONTOYA: \$9.50?

MS. SALAZAR: Yes.

COMMISSIONER MONTOYA: So our minimum went above their minimum.

MS. SALAZAR: That's correct.

COMMISSIONER MONTOYA: That's always good. Thank you, Madam Chair.

CHAIR VIGIL: That minimum for the City will be going up soon, also, won't it?

MS. SALAZAR: I believe, Madam Chair, they vote again in January.

CHAIR VIGIL: One of the things that concerns me about the lump sum, and that might be why it didn't work for the state is I think there's an issue with the fact that there might be some problem with lump sums being used - if they can or they cannot be used for salary, as a salary for calculation for retirement purposes, or for calculations for health benefits or for calculation for any kind of employee or FICA or anything, and that becomes really complicated because the retirement systems actually say you cannot use lump sums for salary. That becomes a disincentive for employees because they want a higher salary to calculate their final average salary. So that may be part of the complication with lump sums. So I'm not sure if that is something that you were aware of or we needed to further discuss. But I am concerned about that because while I think a lump sum does provide a benefit in terms of the employee, in effect are there rippling effects that could be adverse to that? Do you know anything about that, Berna?

MS. SALAZAR: Madam Chair, I do, and it does directly impact retirement. I know that for sure because it doesn't go to the base salary. So that's not included for your retirement benefits. But again, when I look at the nine employees and the experience that they have, I think we can look at that and see, just based on the number of years that they've served with the County, going up into the next already created job description. That is the next level. For example, if you have an appraiser, do they qualify for an appraiser senior? And with the number of years here at the County they would, just based on that alone. So I think we can look at that. And again, if you look at the number of employees who are not even at the midpoint, I think that's a good indication that the County is not there yet and we don't have a lot of employees there. So I think with the employees that are affected I think we would need to look at them on a case-by-case basis and determine if it's warranted to move them up to the next level.

CHAIR VIGIL: Okay. So Berna, correct me if I'm wrong. 76 percent of jobs that are affected by this job classification make less than \$40,000. Correct?

MS. SALAZAR: As far as the salary adjustments are concerned, yes.

CHAIR VIGIL: And how many employees do we have? 800 and –

MS. SALAZAR: Approximately 800.

CHAIR VIGIL: And 133 of these are midpoint to maximum.

MS. SALAZAR: That's correct.

CHAIR VIGIL: Okay. And 83 percent are below midpoint.

MS. SALAZAR: Yes.

CHAIR VIGIL: And less than one percent are at maximum? Is that one percent?

MS. SALAZAR: Yes.

CHAIR VIGIL: I just wanted to make sure if my figures were there. We have 53 AFSCME employees, four fire union, and 15 CWAs. Is that correct?

MS. SALAZAR: That's correct.

[Commissioner Sullivan left the meeting.]

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I completely agree with what staff is proposing, and I guess what I'm hearing from Roman and from Bernadette is we basically need a full-time employee in your office anyway that could probably handle some of this and some other stuff because of the added employees in our whole department. Is that what I'm hearing?

MR. ABEYTA: Yes, Madam Chair, Commissioner Anaya. We added 38 employees with the takeover of the RECC, and we added 14 more with the Fire Department.

COMMISSIONER ANAYA: Tell me again, the number of employees that this will affect. The total number out of the 800 and some.

MS. SALAZAR: Madam Chair, Commissioner Anaya, the total number is approximately 125 employees as far as salaries are concerned.

COMMISSIONER ANAYA: Okay. And we have this in the budget to give them the raise?

MS. SALAZAR: Yes, we do.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

CHAIR VIGIL: And if I remember correctly, Berna, the basis for this was the high level of concern that those entry levels for County employees were very low and in some degree we should look at some kind of an incentive or a raise for those to be competitive and to provide this for our entry level employees, and those entry level employees also stayed at that level for quite some time.

MS. SALAZAR: Madam Chair, that's correct. Yes.

CHAIR VIGIL: I also agree with a full FTE. Frankly, I think this is a very dynamic classification status. I actually think I disagree with Commissioner Sullivan. I don't think it's the fox looking after the henhouse. I think it's the rooster looking after the hens, because frankly, I think I agree with him in the fact that you probably need some objectivity to study, but you also need a tracker and you need someone to have an

incredible amount of oversight to make sure that this is being implemented appropriately and accurately. So I'm assuming that's the incentive behind your request.

MS. SALAZAR: Madam Chair, yes.

CHAIR VIGIL: I think there were some members of the audience who wanted to address the Commission on this and I'm willing to let them. I will ask them how much time they need because we do need to watch our time here. Erle, I know you addressed us. Is there anyone else who wanted to address? Please come forward. Thank you for your patience.

MR. ARMIJO: Thank you for your perseverance. You guys have been going at it all day. Madam Chair, Commissioners, my name is Chris Armijo. Once again I'm the representative organizer for the American Federation of Municipal, State and County Employees, Council 18 out of Albuquerque. First of all, I do applaud the County of Santa Fe for trying to help the employees at the lowest level try and obtain a living wage. That's great. That's something that we strive for as a union is for better wages. Our objection is the way that it came about. First of all, I know that Ms. Salazar stated that she did consult with the union concerning this. In my discussions with the president of Local 1782, which represents the Santa Fe County workers, he stated in fact that he was called into Ms. Salazar's office briefly and was handed a letter concerning the Labor Relations Board that Santa Fe County wants to install, and that she mentioned in passing that there was 150 employees that were going to be given a raise, but that was the extent of it.

That kind of concerns me because there's a Labor Management Committee that has been installed so we can discuss these issues beforehand, so if there's any concerns before these proposals are implemented, we have an opportunity to speak. My understanding is that wasn't addressed at the Labor Management Committee.

Also, in my notes here I was noticing that it would be best for labor and management to work together because I think when labor and management work together better decisions are made. In reviews of what has been done here, I can see three or possibly four violations of the collective bargaining agreement that have occurred with just this alone. I mentioned briefly this morning about a resolution that was passed at your June 26th meeting concerning the taxable benefits on clothing, which we have filed a grievance on, and that's still unresolved at this point. But there again, we feel that HR through the County Manager's office are arbitrarily making decisions that are affecting our union employees, without considering talking to you beforehand. So there again, those concern us.

So basically, I would like for the Commission to consider when these proposals are brought before them that they are concerned about labor being notified. I did notice, and I was just handed this today. It's a memorandum dated July 23rd, where you did in fact state the study be discussed with County staff and that it also be discussed with the union presidents. And there again, I commend you on that for thinking about us, but there again, it wasn't done as far as we're concerned. With that, I'll leave you with that at this point. Thank you once again for your time.

CHAIR VIGIL: Thank you for being here. Commissioner Anaya.

COMMISSIONER ANAYA: Questions, yes. I'm kind of surprised that you're here and speaking against this, because we're giving people raises. We're not taking money away from them. And maybe it's the procedure, but this is something that the Commission wanted to do a study on and the study came out that we needed to give our employees more money and that's exactly what we're doing. So I'm kind of confused on why you're up here not in full support of what we're trying to do to our employees at the County.

MR. ARMIJO: Well, Commissioner Anaya, Chair Vigil, because of a concern that was brought to my attention through my local president and through a couple of staff that I've spoken with so far, they felt that this proposal was unfair for those that were on the upper range or near the top of their classifications. And once again, like I said in the very beginning, I do applaud the County for doing what you're doing, truly. As I stated, I'm glad that you guys are making toward giving the employees a living wage, but there again, our concern is it's not being discussed with labor. It's very important to us that we're involved in this process. I'm not opposed to giving them more money. More power to them, more power to you. But our objection, our argument is the way it was done. And I think that if we could have a more open line of communication with HR and with the County Manager – which we have attempted to do – we wouldn't be here now.

It's true, I'd rather be here just applauding you and telling the papers what a great job you all are doing, and –

COMMISSIONER ANAYA: You can say that.

MR. ARMIJO: I will say that. You guys are doing a good job. But there's some situations here that we do need to address and sometimes management would prefer to think it's a lack of communication. We like to look at it as just a lack of compliance. There is a collective bargaining agreement that has been signed, of course at the time by Commissioner Harry Montoya who was chair at the time, signed off by Valerie Espinosa and my your attorney, that needs to be followed. And we'd like to see it followed. We'd like to know how is it going to affect each and every individual employee before it's enacted. I want to make sure – yes, I can understand it. I want to make sure that everyone is covered and taken care of before the fact and not after the fact. I want to know exactly where things are going. Any other questions?

COMMISSIONER MONTROYA: Madam Chair, so, Chris, rather than – are you talking about the collective bargaining agreement or the way this study was done? Because this study was commissioned separately from any collective bargaining. And I think the collective bargaining that you're referencing is of course the involvement of AFSCME, of AFSCME members, but the study was commissioned separately and whether or not AFSCME members were involved – who's the AFSCME president, anyway?

MR. ARMIJO: That would be David Lucero.

COMMISSIONER MONTROYA: David Lucero. I don't know if David was involved with it or not, but the whole intent, really, at least on our end of it was to see

exactly where we were at in terms of our overall compensation structure. I don't know that there was anything in that collective bargaining agreement that said that if we had a study that we needed to involve AFSCME in the facilitation of that study. But I know where you're coming from also and I think this Commission has tried to respect as much as possible the unions and have negotiated in good faith with the unions and I think have had a good relationship with the unions over the years at least that I've been on the Commission. So I hope that the issue of addressing the ones on the upper echelon in terms of not cutting them off is something that has been addressed. Do you think that's satisfactorily been addressed or will be addressed?

MR. ARMIJO: Well, I hope it's going to be addressed, but in answer to your questions, there again, Madam Chair and Commissioner Montoya, we're not objecting to you performing your study. We understand there are management rights and you can choose to operate as you will. We weren't questioning the fact that the study was done or was ordered up and how it was done, it was just the way that it was executed or they're attempting to execute without at least notifying labor, so we can at least - when you get to the point where you're going to propose these pay increases, which there again, I applaud you for doing such a thing, but yet we like to know exactly how it's going to affect each and every employee, how the classification is going to run. That's all we were asking.

COMMISSIONER MONTOYA: Oh, okay. Thank you.

MR. ARMIJO: Any other questions?

CHAIR VIGIL: No. Thank you, Chris. Thank you for your statements. Berna, is there anything you'd like to address, based on Chris' testimony? Please proceed.

MS. SALAZAR: Madam Chair, members of the Commission, I appreciate Chris' comments and we will do a better job with communication, but as a reminder we will communicate with the unions now specifically on how this study will affect their employees. So the communication line isn't down and this isn't just going to happen. Now we've got to go back to them and discuss all the items with them. So we will be providing that.

Another thing is I'm really excited to be able to do this for our employees who make less than a certain amount of money and I think it will help with morale and retention for our employees who are well deserving of it.

CHAIR VIGIL: Thank you, Berna.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Regarding this, and I want to make sure that we're clear on this, that when we do go back and take a look at those nine employees that have exceeded the salary cap, you're going to work with them in terms of making sure that they're not left just relying on a lump sum every year, so that they can go in terms of their benefits when they get ready to retire?

MS. SALAZAR: Madam Chair, Commissioner Montoya, yes, we will do

that.

COMMISSIONER MONTTOYA: Okay. And there's nine, you said?

MS. SALAZAR: There's nine.

COMMISSIONER MONTTOYA: Madam Chair, with that, I would move for approval of this compensation schedule that has been completed, the compensation plan, classification and the adoption of the recommendations from the consultant along with the FTE for HR.

CHAIR VIGIL: There's a motion. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second. Discussion. Berna, it was brought to our attention and there's a concern from employees who are at the maximum level and the lump sum. One of the responses I made was that in fact the classification status will allow this employee – say you have a Supervisor II who is at maximum, to actually go into a different classification and start at a minimum level and still receive an increase in salary. I guess the concern was expressed was that when you are at maximum – and maybe perhaps it's in real specialized areas, how do we plan to resolve and ease the concerns of employees who are in specialized areas and maximum, receive lump sums, where can we create an incentive for them to know that they have a place to go in this classification status that would create a promotion and an increase in salary?

MS. SALAZAR: Madam Chair, we can look at what their duties are and we can have them complete a questionnaire under job duties and then do some research with other agencies to determine if there's another position that we can create to put them in, basically, and do a reclass. Or we can just allow the increases to occur and just know that this one is red-lined and we know that they are above the max.

CHAIR VIGIL: Okay, that shouldn't present – this sort of maximum capping doesn't prevent increase in salaries. It just really provides guidelines for minimum, median and maximum, right?

MS. SALAZAR: Yes.

CHAIR VIGIL: Okay. That makes sense to me.

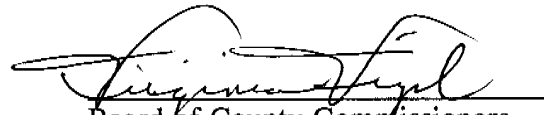
The motion to approve passed by 3-0 voice vote. [Commissioner Campos and Commissioner Sullivan were not present for this action.]

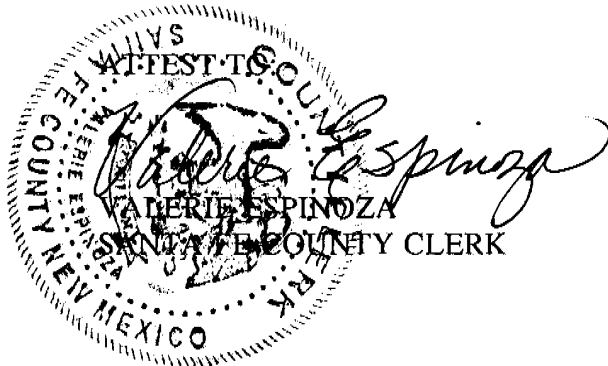
CHAIR VIGIL: Thank you, Berna, for working on this. Thank you, Roman, for working on this. I'm sorry, ladies and gentlemen if there's another item on the agenda that we need to hear, unless there's something really time-sensitive we are going to have to continue the remainder of the agenda to the next administrative meeting so that these items can be taken care of and my apologies. I've lost a quorum now that I've got to go see my physical trainer for my injury. Sorry.

XIV. ADJOURNMENT


Chair Vigil declared this meeting adjourned at 6:35.

Approved by:


Board of County Commissioners
Virginia Vigil, Chair



Respectfully submitted:


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



BILL RICHARDSON
GOVERNOR

PHIL EWING
CHAIR

New Mexico State Personnel Board

State Personnel Office

Post Office Box 26127
2600 Cerrillos Road
Santa Fe, New Mexico 87505-0127
(505) 476-7759

SANDRA K. PEREZ
DIRECTOR

TERRI HOLLAND
DEPUTY DIRECTOR

SEAN FITTING
DEPUTY DIRECTOR

SFC CLERK RECORDED 08/29/2007

Memorandum

To: Cabinet Secretaries and Agency Directors
From: Sandra K. Perez, State Personnel Director
Date: April 20, 2007
Subject: FY2008 Compensation Package

The laws of 2007, Chapter 28, Section 8 authorize the Department of Finance and Administration to distribute funding (\$24,363,200 General Fund) for the purpose of providing salary increases in FY2008. Subsequent funding (\$5,297,900 General Fund) was appropriated to provide additional salary increases to employees in specific job classifications. Salary increases are subject to satisfactory job performance and are to be effective July 14, 2007. Eligible employees will see this salary increase on their paycheck August 3, 2007.

On April 20, 2007, the State Personnel Board approved the following plan. The key provisions of the Classified Service Compensation Plan are as follows:

- Effective July 14, 2007, classified non-temporary employees earning less than \$7.50 per hour shall be brought to \$7.50 per hour prior to the implementation of the FY2008 Classified Pay Package. *Note: The following two bullets describe the increases referenced as the "FY2008 Classified Pay Package".*
- Effective July 14, 2007, adjust eligible employee salaries by 2% of the employees pay band midpoint.



- Effective July 14, 2007, immediately following the 2% of midpoint salary increase, provide an additional salary increase as a percentage of the new revised salary dependent upon the employee's compa-ratio as follows:

Compa-ratio	% Increase
Less than 85.00%	4.5%
85.00% - 93.99%	3.5%
94.00% to 104.99%	2.5%
105.00% and Over	1.5%

Note: Compa-ratio is an employee's pay stated as a percentage of the pay band midpoint.

- Classified Commissioned Officers in the Special Investigations Division and Motor Transportation Division at the Department of Public Safety will receive an average 5% salary increase in lieu of the FY2008 Classified Pay Package effective July 14, 2007.
- Adult Correctional Officers, to include captains and majors, and attorneys of the Public Defender's office will receive an additional 5% salary increase effective July 14, 2007, immediately following the implementation of the FY2008 Classified Pay Package.
- The law provides for an additional 4% salary increase effective July 14, 2007, immediately following the implementation of the FY2008 Classified Pay Package for employees in the classifications listed below:
 - Probation and Parole Officer
 - Librarian
 - Librarian Assistant
 - Librarian Technician
 - Livestock (Meat) Inspector
 - Livestock Inspector
 - Dispatcher
 - Security Guard
 - Forensic Science Technician (Operational and Advanced Roles)
 - Highway Maintainer
 - Civil Engineering Technician – NL
 - Child Support Enforcement Officer (Including Supervisor)
 - Family Assistance Analyst (Including Supervisor)
 - The following classifications at the Department of Health:
 - Chemist
 - Microbiologist
 - Life, Physical and Social Science Technician
 - Medical Scientist, Except Epidemiologist

Eligibility Parameters for the FY08 Salary Increase are as Follows:

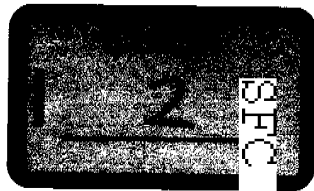
- Salary increases are subject to satisfactory performance. A completed Employee Development and Appraisal (EDA) form is the only acceptable document to be used. A final rating must be entered into the PeopleSoft system by June 30, 2007, with an evaluation date between July 1, 2006 and June 30, 2007.
- Probationary employees will receive a salary increase effective the first day of the next full pay period after completing their probationary period and obtaining career status. For employees who complete their probationary period during FY08, a completed Employee Development and Appraisal (EDA) form, or the new Manager Evaluation (ME) or Employee Evaluation (EE) forms are the only acceptable documents to be used. A final rating must be entered into the PeopleSoft system by the end of the pay period that the employee's anniversary date occurs. Valid dates are between July 1, 2007 and June 30, 2008.
- Employees should have had their EDA closed out prior to a transfer or promotion to a new position. If they were not closed out, you may assume they had satisfactory performance at the prior agency or your agency would not have hired them. As such you will need to enter the appropriate EDA information into the PeopleSoft system.
- The legislative language referring to "satisfactory or better job performance" is interpreted to mean a final evaluation rating of Exceptional/Exemplary (E), or Successful/Solid Sustained (S) or Achieves Performance Standards (A) depending on the performance evaluation rating form used. Employees receiving a Requires Attention (R), Not Acceptable (N) or Does Not Achieve Performance Standards (N) final rating will not be eligible for a legislatively authorized salary increase.
- If the employee is represented by AFSCME, CWA or FOP, there is a unique process that must be followed if a union represented employee is being disciplined for unsatisfactory performance. If the employee is under a performance development plan, and *if* they obtain satisfactory or better job performance, their salary increase will be effective retro-active back to the effective date of the salary increase. If the employee is in the situation of being rated and disciplined for unsatisfactory performance and the employee will not complete their performance development plan prior to July 14, 2007 management may not close out the EDA. Management must complete the 180 day cycle (AFSCME & CWA) or 120 day cycle (FOP) before closing out the EDA on that particular employee. The intent of the Collective Bargaining Agreement language was to give an employee an adequate amount of time to address and correct performance issues. This preserves the time period in the CBAs.

- Eligibility includes those employees in "budgeted" positions. This is interpreted to mean "non-temporary employees who have completed their probationary period". Temporary employees will not be eligible for this increase.
- Employees on extended leave must have worked a minimum of 3 months in Fiscal Year 2007 in order to provide a sufficient period for evaluation of performance.
- Employees on Military Leave as of July 14, 2007, will be eligible for this salary increase as defined under USERRA federal guidelines.
- The increase will be based on the pay band of the classification the employee holds, not on the position's pay band.
- Time served in another state organization (i.e. AOC, AODA, GOVX, etc.) or "temporary" status does not count toward completion of an employee's probationary status.
- Employees whose salary is at or over the maximum of the pay band will receive the legislatively authorized salary increase even if it takes their pay rate over the maximum. This will not be a lump-sum payment.

For those state employees whose salaries are referenced in, or received as a result of non-general fund appropriations in the General Appropriations Act of 2007, the Department of Finance and Administration shall transfer from the appropriate fund to the appropriate agency the amount required for the salary increase equivalent to those provided for in this section, and such amounts are appropriated for expenditure in FY08. Any unexpected or unencumbered balance remaining at the end of FY08 shall revert to the general fund.

If you have any questions, please contact your SPO Human Resource Manager. Additionally, any member of the Compensation and Classification team will be glad to assist you.

xc: James Jimenez, Chief of Staff
 Brian Condit, Deputy Chief of Staff
 Daniella Glick, Director of Cabinet Affairs
 Katherine Miller, Cabinet Secretary, DFA
 Robin Gould, President, SEA-CWA
 Bruce Jett, Executive Director, AFSCME New Mexico Council 18
 David Heshley, Executive Director, FOP
 Justin Najaka, State Compensation Manager
 Dominic Garcia, SPO Chief of Staff
 SPO Human Resource Managers
 Agency Human Resource Managers



SFC CLERK RECORDED 08/29/2007

ICIP

PRELIMINARY REQUESTS FOR FY 2008

LA CIENEGA AREA:

1. Fund extension of the County water line to serve east side frontage road of I-25 to Los Pinos Road (approx 2.5 miles).
2. Drainage (installation of culverts) to help eliminate flooding problems and resurfacing for Camino Capilla Viejo.
3. Waste water feasibility study
4. Community Center Land Purchase
5. Park and Trail Master Plan
6. Funding for La Cienequilla Park (located on County land) for site improvements for parking, walking paths and acquisition of playground equipment.
7. Drainage (installation of culverts) for County Road 56 to help eliminate flooding problems.
8. Drainage (installation of culverts) for Paseo del Angel to help eliminate flooding problems.
9. Funding to fence areas of community to control illegal dumping.

GALISTEO/CERRILLOS AREA:

1. Galisteo Plaza – design and plan communal plaza area
2. Improvements to the Galisteo water system – hook ups to community water system.
3. Resurfacing of County Road 41 with improved road design.
4. Resurfacing of County Road 42 with improved road design.
5. Design and planning for Madrid Community Center adjacent to ball park.

POJOAQUE AREA:

1. Expansion of the Marcos Trujillo Teen Center (La Puebla)
2. Additional funding for Pojoaque/Jacona Community Center
3. Community water system
4. Acequia improvements
5. Waste water system
6. Industrial wood chipper

NORTH COUNTY AREA:

1. Chimayo Museum renovations and improvements
2. Community Library
3. Nambe Community Center

CENTRAL/METRAO AREA:

1. Agua Fria Road sewer lines Phase III
 - a. Planning & Engineering to ascertain location of lateral expansion.
 - b. Leveling of existing laterals to road surface, lift station might be needed.
 - c. Survey of residents for sewer line hook-ups
2. Agua Fria Road (west of the San Ysidro Church) higher than wall, needs to be lowered to prevent accumulation of dirt and debris which is creating safety hazard for drivers.
3. Man hole covers from Lopez Lane to San Ysidro need to be raised to street level.
4. Sidewalk crossing at the Nancy Rodriguez Community Center, including speed bumps and clearly defined crossing markings.
5. Fencing of the Agua Fria Park Maintenance yard.

NORTHEAST/EL DORADO AREA:

1. Vista Grande Library Expansion
2. Roads: Approximately 40 miles of roadway in need of base course.
3. Speed bumps installed on Apace Plume Road.
4. Water tank replacement for the Glorieta Estates MDWCA.
5. Re-design of entrance to the Vista Grande Library and Senior Center to control traffic flow and safety of children.

RANCHO VIEJO AREA:

1. Community Senior Center
2. Bike trail on Richards Avenue.
3. Recycling Center