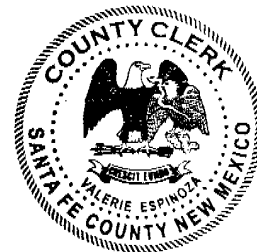


**SANTA FE**  
**BOARD OF COUNTY COMMISSIONERS**  
**MEETING**  
**August 22, 2006**

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



COUNTY OF SANTA FE            )  
STATE OF NEW MEXICO        ) ss

BCC MINUTES  
PAGES: 94

I Hereby Certify That This Instrument Was Filed for  
Record On The 16TH Day Of October, A.D., 2006 at 14:38  
And Was Duly Recorded as Instrument # **1455031**  
Of The Records Of Santa Fe County

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

**SANTA FE BOARD OF COUNTY COMMISSIONERS**

**COMMISSION CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

---

**REGULAR MEETING  
(Administrative Items)  
August 22, 2006- 10:00 a.m.**

*Please turn off cellular telephones during the meeting.*

## *Amended Agenda*

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. State Pledge**
- V. Invocation**
- VI. Approval of Agenda**
  - A. Amendments**
  - B. Tabled or Withdrawn Items**
  - C. Consent Calendar: Withdrawals**
- VII. Approval of Minutes**
  - A. July 11, 2006**
  - B. July 25, 2006**
- VIII. Matters of Public Concern – Non-Action Items**
- IX. Matters from the Commission**
  - A. Retirement of Mary Peters of the Finance Department (Board of County Commissioners)**
  - B. Resolution No. 2006- A Resolution in Support of the New Mexico Health Security Plan (Commissioner Montoya) WITHDRAWN**
  - C. Discussion and Possible Approval of Discretionary Funds in the Amount of \$1,645.13 to L & L Portables to Provide Facilities to the Villages of Cerrillos and Madrid for the Remainder of Year (Commissioner Anaya)**
  - D. Discussion and Direction Regarding the RPA (Board of County Commissioners)**
- X. Committee Appointments/Reappointments**
  - A. Appointment of Paul White as Alternate Member to Area 4 of the Road Advisory Committee**
  - B. Reappointment of DWI Planning Council Member, Sgt. Ken Johnson**
  - C. Resignation of DWI Planning Council Member, LT. Richard Anglada of the New Mexico State Police**

**XI. Consent Calendar****A. Budget Adjustments**

1. Resolution No. 2006 – A Resolution Requesting an Increase to the Fire Protection Fund (209) / Various Fire Districts to Budget Reimbursement Revenue Received for Apparatus, Equipment and Supplies Used at the Polk Tank Explosion on August 17<sup>th</sup> & 18<sup>th</sup>, 2005 / \$22,875 (Fire Department)
2. Resolution No. 2006 – A Resolution Requesting an Increase to the Fire Impact Fees Fund (216) / Various Fire Districts to Budget Prior Fiscal Year 2006 Cash Balance for Expenditure in Fiscal Year 2007/ \$2,273,232 (Fire Department)
3. Resolution No. 2006 – A Resolution Requesting an Increase to the Fire Protection Fund (209) / Various Fire Districts to Budget Movie Lot Fire Protection Revenue Received for Expenditure in Fiscal Year 2007/ \$11,300 (Fire Department)
4. Resolution No. 2006 – A Resolution Requesting an Increase to the EMS – Healthcare Fund (232) / Emergency Preparedness to Budget Grants Awarded Through the New Mexico Emergency Management Department for Equipment and Machinery Expenditures for Building Local Capability for Homeland Security / \$1,754,422.69 (Fire Department)
5. Resolution No. 2006 – A Resolution Requesting an Increase to the Equipment Loan Proceeds Fund (340) to Budget Loan Proceeds Received for the Purchase of the Paramount Building with Operating Transfers to the General Fund (101) and the Equipment Loan Debt Service Fund (403) for FY06 / \$888,889 (Finance Department)
6. Resolution No. 2006 - A Resolution Requesting an Increase to the Detox Programs Fund (242) / Access to Recovery Program to Budget Fiscal Year 2006 Carryover Assessment Fee Revenue for Expenditure in Fiscal Year 2007 / \$159,995 (Health & Human Services)
7. Resolution No. 2006 – A Resolution Requesting an Increase to the Jail Operations Fund (518) / Day Reporting Program to Budget MOA Revenue Received from St. Vincent Hospital for Expenditure in Fiscal Year 2007 / \$20,000 (Corrections Department)
8. Resolution No. 2006 – A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) / County Manager Regional Projects to Budget Prior Fiscal Year 2006 Cash Balance with an Operating Transfer to the State Special Appropriations' Fund (318) for the Eldorado Senior Center / \$350,000 (Projects & Facilities Management Department)
9. Resolution No. 2006- A Resolution Requesting an Operating Transfer From the Capital Outlay GRT Fund (213) / Public Works to the Road Projects Fund (311) / Various Road Projects for the Traffic Calming Program / \$150,000 (Public Works Department)
10. Resolution No. 2006 – A Resolution Requesting an Increase to the General Fund (101) / Region III Grant Program to Budget Prior

**Fiscal Year 2006 Grant Balance for Expenditure in Fiscal Year 2007 / \$12,737.94 (Sheriff's Office)**

- 11. Resolution No. 2006 – A Resolution Requesting an Increase to the General Fund (101) / Region III – HIDTA Grant Program to Budget Prior Fiscal Year 2006 Grant Balance for Expenditure in Fiscal Year 2007 / \$11,770.35 (Sheriff's Office)**
- 12. Resolution No. 2006 – A Resolution Requesting an Increase to the General Fund (101) / Region III Program Income to Budget Prior Fiscal Year 2006 Cash Balance for Expenditure in Fiscal Year 2007 / \$3,289 (Sheriff's Office)**
- 13. Resolution No. 2006 – A Resolution Requesting an Increase to the Federal Forfeiture Fund (225) / Region III Program Income to Budget Prior Fiscal Year 2006 Cash Balance for Expenditure in Fiscal Year 2007 / \$35,457 (Sheriff's Office)**
- 14. Resolution No. 2006 – A Resolution Requesting an Increase to the General Fund (101) / Sheriff's Office to Budget Prior Fiscal Year 2006 Grant Balance for a Selective Traffic Enforcement Grant Awarded Through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2007 / \$13,000 (Sheriff's Office)**

**B. Professional Service Agreements**

- 1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP No. 26-1829-CORR/MS with Abbey Group for a Jail Management System (JMS) Software to Provide a Comprehensive Integrated System to Manage Inmate and Facilities Functions, Healthcare, Commissary, and Accounting Functions to Assist the Corrections Department Staff in the Management of the Adult Detention Facility \$347,000 (Corrections Department)**
- 2. Request Authorization to Enter into a Professional Services Agreement No. 27-1808-YDP for Electronic Monitoring Services with BI Corporation / \$200,000 (Corrections Department)**
- 3. Requests Authorization to Enter into Amendment No. 6 to Agreement No. 25-0094-HHSD, a Professional Services Agreement with Presbyterian Medical Services for Substance Abuse and Mental Health for the CARE Connection Project, and Increase Compensation in the Amount of \$64,907.80 for July and August, 2006 (FY07) Bringing Total Compensation to \$695,467.13 (Finance Department)**
- 4. Request Authorization to Execute Amendment No. 7 to Agreement No. 25-0094-HHSD, a Professional Services Agreement with Presbyterian Medical Services for Substance Abuse and Mental Health for the CARE Connection Project. The Amendment will Extend the Term of the Agreement from September, 2006 to June 30, 2007 and Increase Compensation in the Amount of No. 337,947 for FY07 Bringing Total Compensation to \$1,033,414.13 (Finance Department)**
- 5. Request Approval of the North Central Regional Transit District (NCRTD) Intergovernmental Contract (Land Use Department)**

6. **Request Authorization to Execute Amendment No. 4 to Agreement No. 24-0030-PFMD, a Professional Services Agreement with Professional Document Systems for the Document Imaging Project for Santa Fe County. The Amendment will Provide for Maintenance of Hardware & Software that was Purchased for the Clerk's Office, Extend the Term Through June 30, 2007 and Increase the Compensation in the Amount of \$52,799.81 for FY07, Bringing the Total Compensation to \$354,468.93 (Project & Facilities Management Department)**
7. **Request Authorization to Execute Amendment No. 2 to Agreement No. 25-0416-HHSD, a Professional Services Agreement with Eduardo Garcia, to Provide Consultation Services to Provide Assessments and Issue Access to Recovery Vouchers for the CARE Connection Program. The Amendment will Increase Compensation in the Amount of \$4,500 for FY07 Bringing the Total Compensation to \$15,368 (Health & Human Services Department)**
8. **Resolution No. 2006 – A Resolution to Readopt the Intergovernmental Contract Providing for the Creation of the North Central Regional Transit District (Land Use Department)**

**C. Misc.**

1. **Request Authorization to Execute Amendment No. 3 to the Medical Staffing Network Agreement No. 26-1814-ADF/RH, Temporary Nurses for the Santa Fe County Adult Detention Facility Increasing Compensation in the Amount of \$100,000 Bringing the Total Compensation to \$300,000 (Corrections Department)**
2. **Request Authorization to Execute Amendment No. 3 to the Quality Medical Staffing Agreement No. 26-1812-ADF/RH, Temporary Nurses for the Santa Fe County Adult Detention Facility Increasing Compensation in the Amount of \$100,000 Bringing the Total Compensation to \$400,000 (Corrections Department)**
3. **Request Authorization to Execute Amendment No. 2 to the Nursefinders No. 26-1830-ADF/RH, Temporary Nurses for the Santa Fe County Adult Detention Facility Increasing Compensation in the Amount of \$100,000 Bringing the Total Compensation to \$155,000 (Corrections Department)**
4. **Request Authorization to Execute Amendment No. 3 to Transray Agreement No. 25-134-YDP, to Provide Radiological Services for the Santa Fe County Adult Detention Facility and Youth Development Program Increasing Compensation in the Amount of \$23,678 Bringing the Total Compensation to \$41,903 (Corrections Department)**
5. **Request Authorization to Execute Amendment No. 1 to Stericycle Agreement No. 26-1815-ADF/JC, Medical Waste Disposal for the Santa Fe County Adult Detention Facility and Youth Development Program Increasing Compensation in the Amount of \$4,400 Bringing the Total Compensation to \$7,400 (Corrections Department)**
6. **Request Authorization to Execute Amendment No. 3 to Correct RX Agreement No. 25-143-YDP, to Provide Pharmaceutical Supplies**

- and Services for the Santa Fe County Adult Detention Facility and the Youth Development Program Thereby Increasing Compensation in the Amount of \$400,000 Bringing the Total Compensation to \$685,015 (Corrections Department)
7. Resolution No. 2006 – A Resolution Requesting Authorization to Donate a Vehicle in Accordance with State Statutes (Sheriff's / Finance Department)
  8. Request BCC Approval to Accept Sub-Grant Agreement No. 2004-GE-T4-0005-Santa Fe in the Amount of \$864,557.69 and Sub-Grant Agreement No. 2005 –GE-T5-0012-Santa Fe in the Amount of \$889,865 for Expenditure in FY 2007 on Equipment and Machinery for Building Local Capacity for Homeland Security (Fire Department)
  9. Request Approval for the Tesuque Fire District to Expend \$168,120 of Impact Fees to Purchase a Pumper/Light Rescue Vehicle to Upgrade the Districts Ability with Responses Related to Motor Vehicle Accidents, Structure/Brush Fires and Nighttime Rescue Scenes (Fire Department)
  10. Request Approval of 1.0 FTE MCH Coordinator Position for the Health & Human Services Department (Health & Human Services Department)
  11. Request Approval of 1.0 FTE Deputy Director Position for the Health & Human Services Department (Health & Human Services Department)
  12. Request Authorization to Execute Amendment No. 4 to The Solutions Group for the Employee Assistance Program Services for Santa Fe County. This Amendment will Extend the Term from August 2006 Through August 28, 2007, and Increase Compensation in the Amount of \$16,257.63 Bringing Total Compensation to 463,844.87 (Human Resources)
  13. Request an Amendment Extending the Term of the Agreement Between the County of Santa Fe, New Mexico, and the American Federation of State, County and Municipal Employees, New Mexico Council 18, Local No. 1782, AFL-CIO (Human Resources)
  14. Request Approval of an Amendment to a Contract with Vigil Construction for Completion of the Vista Grande Senior Center / \$176,618.39 (Projects & Facilities Management Department)
  15. Request Approval of an Agreement Between Santa Fe County and the Cundiyo Mutual Domestic Water Consumers Association for Construction/Improvements of the Water System / \$100,000 (Projects & Facilities Management Department) WITHDRAWN
  16. Request Approval to Enter into Property Lease Agreement No.27-0703-PFMD/MQ with Presbyterian Medical Services for Providing Headstart Services to the Children of Santa Fe County, Chimayo. The Property is Located at State Rd. 98 # 205 Chimayo (Project & Facilities Management Department)
  17. Request Authorization to Execute Amendment No. 1 to C & C Distributors on Agreement No. 26-0703-BS/FS for an Indefinite Quantity of Janitorial Supplies Price Agreement for the Santa Fe

County Building Services Section. The Amount is Being Increased by 10% Across the Board on all Items Listed on the Contract / \$168,064.57 (Projects & Facilities Management Department)

18. Request Approval to Enter into a Lease Agreement No 701334 with La Guardia Self Storage for Providing Storage Units for the Santa Fe County Clerks Office which will be a Month-to-Month Rental Lease Agreement / \$3,730.73 (Clerks Office)
19. Request Approval of the 2006/2007 Cooperative Program Funding Agreements, for Various County Road Improvements Projects, from the New Mexico Department of Transportation (NMDOT) \$465,659.49 (Public Works Department)
20. Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with EMCO for Various Road Maintenance and Construction Materials (Public Works Department)
21. Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with Russel Sand and Gravel for a Various Road Maintenance and Construction Materials (Public Works Department)
22. Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with Desert Mountain Corp. for Various Road Maintenance and Construction Materials (Public Works Department)
23. Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with Contech Construction Products, Inc. for Various Road Maintenance and Construction Materials (Public Works Department)
24. Requests Authorization to Enter Into Agreement No. 27-1201-SD/MQ, a Lease Agreement with Cook's True Value Home Center for Administrative Office Space for the Sheriff's Office (Region III) for FY 2007 not to Exceed \$20,475 per Fiscal Year (Sheriff's Office)
25. Resolution No. 2006 – A Resolution Authorizing Approval and Execution of New Mexico Environment Department Grant Agreement for a Sewer Line Extension in the Vicinity of Paseo de Tercero and Via Don Toribio - \$50,000 (Water Resources Department)

## **XII. Staff and Elected Officials' Items**

### **A. Corrections Department**

1. Request Consideration of Agreement Between State of New Mexico Children Youth and Families Department and Santa Fe County Juvenile Detention Facility to House CYFD Juveniles
2. Presentation of Corrections Department Quarterly Report

### **B. Land Use Department**

1. Request Authorization to Publish Title and General Summary of an Ordinance Amending the Santa Fe County Land Development Code (Ordinance 1996-10, as Amended), to Add a New Section 9, Tres Arroyos Del Poniente Zoning District (TAP) to Article XIV, Traditional and Contemporary Community Zoning Districts

2. **Request Authorization to Publish Title and General Summary for an Ordinance Amending Article XIV, Ordinance 2000-8, of the Santa Fe County Land Development Code, Ordinance 1996-10, to Include the Los Cerrillos Traditional Community Zoning District**
  3. **CDRC CASE No. APP 06-5410- Dexter Springall, Applicant Requests an Appeal of the Land Use Administrator's Decision to Deny a Swimming Pool on 3.60 – Acres. The Property is Located at 37 Vista Dr. within Section 17, Township 10 north, Range 7 East, (Commission District 3) Jonathan Salazar, Case Planner**
- C. Project & Facilities Management Department**
1. **Resolution No. 2006- A Resolution Declaring the Intent of the Board of County Commissioners of Santa Fe County, New Mexico (The "County") to Consider for Adoption an Ordinance Enacting a Countywide Emergency Communications and Emergency Medical Services Tax; and Authorizing and Directing the Publication, in a Newspaper of General Circulation within the County, of a Notice of Meeting to be Held on September 12, 2006 to Consider Such Ordinance**
  2. **Special Bond Election Proclamation and General Obligation Bond Resolution Calling for a Bond Question Concerning the Issuance of up to \$25,000,000 of Santa Fe County General Obligation Bonds to Provide Funds for the Acquisition and Construction of a District Courthouse and related parking facilities in Santa Fe, Including Acquisition of Buildings and Land for Such Purposes**
  3. **Resolution No. 2006- A Resolution Reauthorizing \$1,500,000 of 2005A GO Bonds Proceeds for Road Purposes to Fire Station Construction Purposes**
  4. **Resolution No. 2006- A Resolution Authorizing Approval and Execution of New Mexico Environment Department Grant Agreement for the Santa Fe Opera Wastewater Treatment Facility - \$270,000 (Projects & Facilities Management Department)**
  5. **Request Approval of a Grant Agreement Between Santa Fe County and the New Mexico Department of Finance, Local Government Division for Grants to Fund Eight Projects Awarded by the New Mexico State Legislature / \$2,850,000**
  6. **Discussion and Adoption of Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2008-2012 (Second Public Hearing)**
- D. Public Works Department**
1. **Update and Request for Direction Regarding Traffic Calming Petitions Received from July 2005 to July 2006**
- E. Water Resources Department**
1. **Request for Approval of Contract with the US Bureau of Reclamation for the San Juan – Chama Project, Contract No. 05-WC-40-550**
  2. **Request for Direction Concerning the Water Allocation Schedule for the Six-Month Period 1 September 2006 –1 March 2007**
  3. **Resolution No. 2006 – A Resolution Authorizing Approval and Execution of New Mexico Environment Department Grant**



**Agreement for a Wastewater Treatment Plant in Santa Fe - \$2,000,000 WITHDRAWN**

- F. Matters from the County Manager**
  - 1. Discussion & Direction Regarding an Administrative Services Department WITHDRAWN**
  - 2. Resolution No. 2006- A Resolution to Implement a Strategic Plan for Managing Santa Fe County Growth**
  - 3. Discussion and Direction Regarding Post Flooding Clean Up**
  - 4. Resolution No. 2006 – A Resolution Authorizing the County Manager to Approve Public Works Assistance to Repair County Roads, Arroyos and Acequias in Santa Fe County That Have Been Affected by Severe Weather Conditions Including Heavy Rainfall and Flooding WITHDRAWN**
  - 5. Update on Various Issues**
- G. Matters from the County Attorney**
  - 1. Executive Session**
    - a. Discussion of Pending or Threatened Litigation**
    - b. Limited Personnel Issues**
    - c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**
    - d. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with a Bargaining Unit**

### **XIII. ADJOURNMENT**

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

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

**August 22, 2006**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:20.m. by Chairman Harry Montoya, 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:

- |  |                        |
|--|------------------------|
| <b>Members Present:</b>                    | <b>Members Absent:</b> |
| Commissioner Harry Montoya, Chairman       | [None]                 |
| Commissioner Virginia Vigil, Vice Chairman |                        |
| Commissioner Paul Campos                   |                        |
| Commissioner Jack Sullivan                 |                        |
| Commissioner Mike Anaya                    |                        |

**V. Invocation**

An invocation was given by Health and Human Services Department Director Steve Shepherd.

- VI. Approval of the Agenda**
- A. Amendments**
  - B. Tabled or withdrawn items**
  - C. Consent Calendar: Withdrawals**

JACK HIATT (Deputy County Manager): Mr. Chairman, Commissioners, we have several changes to the agenda. On IX. B, Resolution is withdrawn. On page 4, under the professional services agreement, number 8, the language has been changed. It should read: A resolution to readopt the Intergovernmental Contract providing for the creation of the North-

Central Regional Transit District.

On page 5, under C. Miscellaneous under the Consent Calendar, number 15 is withdrawn. On page 7, under the report from Project and Facilities Management Department, number 2 is a language change. The language now reads Special Bond Election Proclamation and General Obligation Bond Resolution Calling for a Bond Question Concerning the Issuance of up to \$25 million of Santa Fe County General Obligation Bonds to Provide for the Acquisition and Construction of a District Courthouse and Related Parking Facilities in Santa Fe Including Acquisition of Buildings and Land for Such Purposes. That's simply a language change.

Also on that agenda, number 4 is tabled at the request of staff. There is not an agreement in place yet. On that same page under the Water Resources Department, number 2 is a language change, Requesting Direction Concerning Water Allocation Schedule. Number 3 is withdrawn.

On page 8, Matters from the County Manager, numbers 1 and 4 are withdrawn. Those are all the amendments that I have, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, are there any other changes, withdrawals from the Consent Calendar? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes. Mr. Chairman, on page 3, B. 2 and B. 5. B. 5 and B. 8 go together. So as the transit district representative I think I need to brief the Board on those two items. And then also B. 6, top of page 4. And on page 5, C. 10 and 11, and on page 6, C. 24. That's all.

CHAIRMAN MONTOYA: Okay. Anyone else? Commissioner Vigil.

COMMISSIONER VIGIL: I actually, on page 6, it would be items C. 22 and 23. That's it, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. So we have nine items pulled off Consent. Hearing no other changes, can we have a motion?

COMMISSIONER SULLIVAN: Move for approval as amended.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan, second by Commissioner Campos.

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

## **VII. Approval of Minutes**

### **A. July 11, 2006**

COMMISSIONER SULLIVAN: Mr. Chairman, I move for approval. I have one typographical correction.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Further discussion?

**The motion to approve the July 11<sup>th</sup> minutes as corrected passed by unanimous [5-0] voice vote.**

**VII. B. July 25, 2006**

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second, Commissioner Anaya. Discussion?

**The motion to approve the July 25<sup>th</sup> minutes as submitted passed by unanimous [5-0] voice vote.**

**VIII. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS**

CHAIRMAN MONTOYA: This is the portion of the meeting that if there is anyone here that has an issue or concern that they'd like to bring forth to the Commission, if you'd come forward at this time. Please state your name.

COMMISSIONER VIGIL: I think this is John Henry, correct.

JOHN HENRY: Good morning, Commissioners. My name is John Henry. I'm the business agent for IATSE Local 480 and I am pleased to report I represent 302 Santa Fe County residents as of this morning, all working full time in the motion picture business, making salaries starting at \$21 an hour and substantial health and retirement benefits. And I just wanted to come by and give you that good news and perhaps give you a couple of ideas of how the County can interact more with the motion picture business that I do know is shooting all over Santa Fe County on a daily basis.

If you've driven out by Bonanza Creek Ranch I'm sure you've seen the improvements that are there. There's another set going up, a motel in the middle of the wilderness which is something that has been up for a while. We're getting away from just shooting westerns out here. And I appreciate the County promptly issuing a permit to put that up. There's going to be some issues in that I think one of the conditions of the permit is that you take it down. Frankly, movie sets are huge asset to Santa Fe County and I would ask the Commissioners to consider leaving that motel set up there because I think if you do it will be shot on a regular basis and there will be more work for the 302 Santa Fe County residents who are currently working in and around there.

The second thing I'd like you to consider is bumping up your film presence on your website. In fact on your website there's nothing on there for film. I think it's time that you look

at marketing the assets that you have. The prison, for example, 450,000 square foot in Santa Fe County which is dedicated to the movie business. It's something they're coming from all over the world to shoot. Vista Clara Ranch is something that came from Luxemburg to shoot. They've shot three movies back to back out there. As I say, Bonanza Creek, the town of Madrid is about to become really, really famous. As you know from City Slickers, the busiest tourism year in the state of New Mexico was 1994 when City Slickers came out. I think you're going to see the same effect in Santa Fe County from Madrid when Wild Hogs comes out. That's a \$65 million, 90-minute infomercial for the County of Santa Fe. It's not too early to start thinking about how you can take advantage of that and how you can receive a revenue stream which will go on for years. People still come to look at the City Slickers set, and having seen the dailies from Wild Hogs, they're going to come and see Madrid and want to come and spend some time in the county.

I think looking at signage, a map of where the movies sets are on your website. Some sort of brochure you can give people when they want to come and see where these great movies are being shot. That sort of thing is something you should be considering now.

I would also ask that the County work a little closer with the City of Santa Fe's Film Office. You have a lot of joint jurisdictions in there and I think some direction from the County, some direction from the Commissioners to the County staff, that they work a little closer with the City of Santa Fe Film Office would be useful. The City tends to hear about things before the County does. I think it will help you in your enforcement of your permits and I think it will help you get more people coming in there and more opportunity for county businesses. The City does a really good job of this and I'm sure they'd be happy to help the County.

Anyway, I wanted to come by and bring you the good news this morning. A lot of people working in the movie business and I really appreciate everything you've done, particularly the Fire Department, with the issues we had in the early summer, went well above and beyond what you needed to do to help these movies. We burned down the entire town of Austin during a windstorm and we made sure that nothing else burned but the town of Austin near Bonanza Creek and a lot of that's got to do with the professionalism of your firefighters and we really appreciate the help. Thank you.

CHAIRMAN MONTOYA: Thank you, John. Appreciate the update. Anyone else who'd like to address the Commission?

## **IX. MATTERS FROM THE COMMISSION**

### **A. Retirement of Mary Peters of the Finance Department (Board of County Commissioners)**

TERESA MARTINEZ (Finance Department): We appreciate you taking the time today to recognize Mary for all of her dedication and service to Santa Fe County. Mary began her employment with Santa Fe County in 1981. She worked in the Indigent Department,

working in customer service, assisting and interviewing clients that were applying for indigent assistance. Also at that time she was the phone operator, assisted in data processing and assisted also in personnel.

In 1987 Mary began working in the Finance Department. She worked on accounts receivable, assisted with burial arrangements for the indigent cemetery, purchasing, payroll, mailroom and budget. In 1989 the Finance Department took over the sale of the residential and commercial permits for the solid waste program. Mary was responsible for setting up and training the clerks for the designated businesses that would sell the permits and she was also responsible for picking up the permit sales on a weekly basis.

In 2000 she actually became the sole source, if you will, in terms of selling the permits with some backup in staff. She would actually pick up the money and audit the paperwork and Mary also has done a gamut of things. She's been responsible for billings, whether it be for road cuts or Headstart program. And most importantly, she's been a major nucleus to our Finance family. She's been the matriarch and we're losing a very special person. We hope she enjoys her retirement. Hope she comes back to visit us and we wish her the very best.

CHAIRMAN MONTOYA: Thank you, Teresa, and we do have a certificate recognizing Mary Peters on behalf of the Santa Fe Board of County Commissioners for her dedicated services to the Santa Fe County. This is acknowledged the 22<sup>nd</sup> day of August, 2006. Mary.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'd just like to say that Mary has been a very good employee for the County and every time I walk in I look over in that direction and there she is, sitting there, doing her hard work and we sure appreciate - we're going to miss here and we'll probably never find someone to take her place. Thanks again, Mary.

CHAIRMAN MONTOYA: Congratulations, Mary, and come visit us.

**IX. C. Discussion and Possible Approval of Discretionary Funds in the Amount of \$1,645.13 to L & L Portables to Provide Facilities to the Villages of Cerrillos and Madrid for the Remainder of Year (Commissioner Anaya)**

COMMISSIONER ANAYA: Thank you, Mr. Chairman. This is a service that I've been providing at the request of the constituents in the Cerrillos and Madrid area for portable toilets. They get a lot of people there that visit their shops and they don't have public restrooms and facilities. So this helps them out tremendously and this is for the amount of \$1,645 for the end of the year to provide two portable toilets in Madrid and one in Cerrillos. That's all I have to report, Mr. Chairman.

CHAIRMAN MONTOYA: Discussion?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Sullivan. Any further discussion?

**The motion to approve the use of discretionary funds for portable toilets for Madrid and Cerrillos passed by unanimous [5-0] voice vote.**

**IX. D. Discussion and Direction Regarding the RPA (Board of County Commissioners)**

CHAIRMAN MONTOYA: Who's leading us on this crusade? Commissioner Campos?

COMMISSIONER CAMPOS: It wasn't on the agenda I had. I wasn't aware it was going to be on the agenda today.

STEVE ROSS (County Attorney): Mr. Chairman, Commissioner Campos, I believe this is probably intended to be under your name and I'm kind of surprised to see it on the agenda also because you and I did have a discussion that at least as far as you were concerned this was premature. We haven't received a letter back from the Mayor pursuant to your resolution. Staff is ready to give a report whenever this item is ready for discussion.

COMMISSIONER CAMPOS: I did ask Mayor Coss about the reply and he said it was forthcoming, that it would be placed on the City Council's agenda this month. So we hope to have an agenda by our first meeting, I would guess in September. So we'll have some time to look at it and then have something to discuss.

COMMISSIONER VIGIL: Then we can move to table item IX. 9, Mr. Chairman.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Vigil to table, second by Commissioner Anaya.

**The motion to table discussion of the RPA passed by unanimous [5-0] voice vote.**

**X. OTHER MATTERS FROM THE COMMISSION**

COMMISSIONER VIGIL: Mr. Chairman, are we – if I remember correctly – are we receiving an update on the ICIP plan? If I recall correctly we do have that as a part of the agenda and I also received an e-mail or some reference to it. I guess I'm posing this question to our County Manager.

MR. ROSS: Mr. Chairman, I happen to have it up here. It's on page 7 under PFMD, item 6.

COMMISSIONER VIGIL: Right. Okay. And the only issue I wanted to bring

to the forefront of the Commission and management and staff is I think it is really critical and I think the BDD board has discussed this that the County and the City present a united front to our state legislature with regard to funding for that project. I'm not sure strategically how that's going to be done. I think we can guide our lobbyists to do that, and I also think that it might be worthwhile considering a joint resolution to present to the legislature. But I think we need to strongly create an emphasis on that united front, not only for the Buckman Direct Diversion but for some of the regional projects that benefit both the City and the County. I'd like to see, Gerald, perhaps you working with – and you may even have a response to this – you working with City staff, with Asenath Kepler, with whoever's necessary or been designated over there to work toward that united front. Can you give me an update on that? And also included with that Gerald, I'd like an update on the lobbyist.

GERALD GONZÁLEZ (County Manager): Mr. Chairman, Commissioner Vigil, that was actually an express subject of discussion during the last BDD meeting and there was direction and I think consensus on the part of the attendees that we would continue to work on presenting that united front before the legislature. That's been a topic of initial discussion at the staff to staff level. That discussion will continue.

With respect to the lobbyist, we've received – the RFPs have been sent out for both federal and state. It's my understanding that we've received three applications for the state and three for the federal and we're in the process of putting together the review committees that will be going over the applications and hopefully setting that up for the end of the week so that we can move forward by the end of the month.

COMMISSIONER VIGIL: Gerald, I'd also, Mr. Chairman, like to, through your discussions with the City, through your knowledge of the operations of our government, discuss with them regional projects that we might also be able to present a united front with, such as Siler Road projects that benefit us on a regional basis. If I think our staff got together with City staff and identified a list of those regional projects, I think we'd better be able to focus and present a continued united front to our state legislators. That's it, Mr. Chairman.

MR. GONZÁLEZ: Mr. Chairman, Commissioner Vigil, in the past I think in terms of regional, a lot of that effort has taken place through the RPA process. The recommendations have been brought forward for joint projects being funded by both City and County, but in large part being supported by the regional portion of the GRT, both for roads, open space, trails and that kind of thing. If we're talking about creating a separate forum, we can certainly do that at the staff to staff level. How we present that jointly to the legislature, I think the Commission will have to give us some further guidance.

COMMISSIONER VIGIL: I think probably based on that response, Gerald, what I would say is maybe we need to relook at the inventory of the regional projects through the RPA as the Board of County Commission and become reacquainted with them and perhaps identify or prioritize those projects that we allocated GRT and identified as joint regional projects. And that should be the topic of discussion in joint meetings with City staff. That's it, Mr. Chairman.

CHAIRMAN MONTROYA: Thank you, Commissioner Vigil. Commissioner



Anaya.

COMMISSIONER ANAYA: Mr. Chairman, the only thing I have is I just received a letter from a concerned citizen on County Road 51, Robert, and I would like you to get back with her. I know we've had a lot of rains and the low-water crossing has been flooded out. If I could just get you to call her back and let her know that we're doing the best we can and here's the letter. That's all I had, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, a couple of questions for the County Manager. Number one, are you still having monthly meetings with the City Manager?

MR. GONZÁLEZ: Mr. Chairman, Commissioner Sullivan, they actually are much more often than that, principally using the City/County staff to staff meetings in the BDD process, but they also encompass other items as well. So we've been meeting almost on a weekly basis.

COMMISSIONER SULLIVAN: Okay. I know there have been a number of meetings because of BDD work, but I just wanted to be sure that we're having the regular meetings with the City Manager to go over non-emergency items. I know the high profile items get met on but sometimes the routine items like contracts, catching up on intergovernmental contracts and we had issues coming up such as the senior citizen contracts and amendments. I don't want those to become emergencies. I want both those to be dealt with ahead of time.

Another question that I had, Mr. Chairman, was about two years ago we approved an FTE for a water conservation compliance staff person who was to set up the database and begin to handle our compliance efforts with regard to our subdivisions that we have limits on for water usage, the .25 acre-foot limitation. And we approved a specific FTE for that and I asked about it, oh, six months ago and apparently that person who was doing it is no longer doing it and the task was put on to the Water Resources Department. I don't know whether the Water Resources Department actually got the FTE to do that, but I guess after six months I'm bringing back the same question. Where do we stand on that?

STEPHEN WUST (Water Resources Director): Mr. Chairman, Commissioners, that position was a general fund position. We did not get that. We had added a position, Pat Torpy, who was tasked with that particular database analysis and she left us several months ago. So we're in the process now of refilling that position and it will pick up on there. Karen Torres, our hydrologist, when she has a chance has been looking into that. The database is actually limited. It's only at the moment inclusive of those who have pulled building permits and so we still need to go back and go through everyone who was given a development permit with that particular requirement on it, so she's working on it as we go along. Her plan is to work with the new position to try to get that in terms of updating and enforcement, and it looks like the best way is to reset everybody on a single clock so they send us a yearly meter reading. Otherwise we'll be getting these things filtering in on and off throughout the year and it will be very difficult to keep track.

So that's our goal but we haven't had that position for several months, so there hasn't been anybody who really could take a lot of time on it. You're right, we did pick up that task from Land Use but we did not get that general fund position. But as soon as we fill this new position, it's now called assistant engineer, I believe. Assistant utilities engineer. So it will be hiring an engineer and they'll be working on that along with various other things in our department.

COMMISSIONER SULLIVAN: I guess Steve or Gerald, my question would be that the position was approved, the FTE was approved specifically for this purpose. What does it mean if the general fund position, if that purpose is transferred to the Water Resources Department, shouldn't the FTE be there as well?

MR. GONZÁLEZ: Mr. Chairman, Commissioner Sullivan, I understand that that was a subject of discussion some time ago between Land Use and Water Resources. Once a position is created it does have some flexibility in terms of how it's utilized. I know that one of the issues that we've had is trying to cover all of the bases, and I keep talking about the need for additional FTE resources at staff level. This was one effort to try and cover some additional requirements that have arisen in the land use area and at the same time cover what was required of Water Resources. So there was some compromising done with respect to how the duties were parsed out. Eventually, because of the logic of keeping that function under Water Resources, because of the additional position that was created within Water Resources Department itself, the function was transferred.

COMMISSIONER SULLIVAN: Well, I guess the bottom line and it seems to me, at least that's the way I understood it was presented to the Commission was to undertake this very important task, that we were not monitoring or in any way determining compliance with this very important water conservation conditions on our subdivision approvals. And the bottom line is we still aren't and we've had two years of an FTE. So I guess I'm a little surprised that when we approve an FTE, once we do that then apparently there's general direction that that FTE can move around or go where he or she wants without coming back to the Commission and saying we have another need for this person. I'm obviously very interested in this particular issue and I thought approving this FTE would get the ball rolling. I'm disappointed that it hasn't.

The other question, the last question I have is where do we stand on the Code rewrite status? I understand it's in legal review right now, but what's the prognosis of that?

MR. ROSS: The Code rewrite is in my office. I personally am working with Penny and we're going through the various revisions that the folks in my office have suggested as well as taking a pretty detailed look at certain articles, such as Article VII and Article X, Procedures. There have been so many changes made in the rewriting process that we've kind of drifted away from state statutes, and that's the principal focus of our work right now is focusing the Code rewrite back on requirements of the statutes. And also making sure that the language is very clear. In many cases the language that was rewritten in the Code rewrite was not. It was existing language which was poor. It was just reorganized and put into the Code intact. That language should be improved if we're going to do what we intended to do.

So right now, we've completed Articles I through I think V, Penny and myself and we just have to get through the rest of the document so we can produce the next draft, which we'll then bring to you. It's very time consuming. Unfortunately, I haven't had a lot of time lately because of all the problems, to devote to it. It really takes long blocks of time. Penny and I usually block out three hours. We've got another block scheduled on Wednesday. We're getting through it but it's very slow.

COMMISSIONER SULLIVAN: Would we say, target-wise, a month? Two months? Three months? What's your feeling on that?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, I was actually shooting for this month to get it done so we're a little bit behind my schedule. It's pretty much at the top of our priority list. So I would say two months.

COMMISSIONER SULLIVAN: In two months we should have a -

MR. ROSS: We should get a coherent next draft for you to look at.

CHAIRMAN MONTOYA: Okay. I have a few things. One is I know that we're making good progress with the sobering center and we're hiring staff, so people that may be interested in working for Santa Fe County in our new sobering center, those positions are available and open. You can check them out on the website.

The other is that the New Mexico Association of Counties has come up with their 2007 legislative priorities. First and foremost is to fund and define state prisoners, which would help with our costs, strengthen funding for local DWI programs. The third is to correct mid-term salary and equity for County elected officials. Fourth is to distribute remaining fire funds, protection fund monies to grant fund. Fifth, create and fund state GIS coordinator, and the last is to amend the Tort Claims Act to clarify definitions of scope of duties in law enforcement officers. Those priorities currently are being worked on by the association at a lot of the interim committees.

I just wanted to also inform the Commission that I received, and I don't know if anyone else did, a copy of a resolution from the City of Española requesting that they be considered for funding for fire protection and ambulance protection services. So this is something to consider as we deliberate later this morning or early this afternoon, when we discuss that issue.

Then the last, well, the issue I have here is regarding a letter that I received from Ayudantes and I think this is talking about some of the issues that they're facing since being taken over by Value Options, or at least those services being taken over by Value Options and I wanted to see if Steve Shepherd, who I don't see around, but someone from Health and Human Services working with them to make sure that this issue gets resolved in a favorable way. It could tend to lose services for people that need maintenance for methadone treatment, could potentially lose that for north-central New Mexico.

And then, Robert, I have a petition here from some residents. I had a townhall meeting in El Rancho last week. Had some really good participation. One of these requests is on 84, so I wanted to ask if I could give this to you in addition to some people who had some road cleanups. There's three different people there.

And I did want to recognize and thank Public Works because they've been putting in a

lot of time and a lot of hours in cleaning up all the floods that are going on. It hasn't been an easy time for the residents or for the staff in Santa Fe County. I guess we're just fortunate we're not getting hit like some of the other counties are down south. And I believe that's all that I have and we'll move on now to item X. A.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: You reminded me - Thank you - if I could add one item to my list of items. I'm having a townhall meeting this week and it will be in general focused on the Community College area. We had one a couple of months ago in the Eldorado area. And it will be Thursday, August 24<sup>th</sup> from 6:00 to 8:00 pm at the Community College in the Jemez Room. So anyone is invited to come and we'll have some staff members there. Mayor Coss will also be there to answer any questions, because in that area we have a lot of interaction between the City and the County, particularly with traffic issues and things of that sort. So it will be a general town meeting. There will be some staff presentation and there will be an opportunity for questions from the public, from 6:00 to 8:00 this Thursday, August 24<sup>th</sup>.

CHAIRMAN MONTOYA: Thank you, Commissioner.

**X. COMMITTEE APPOINTMENTS/REAPPOINTMENTS**

**A. Appointment of Paul White as Alternate Member to Area 4 of the Road Advisory Committee**

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, Area 4 encompasses the communities of Chupadero, Rio en Medio, Tesuque and Hyde Park Estates. Mr. Paul White is a resident of Chupadero and has volunteered to fill the vacant alternate member for this area. This is within Commission District 1. Public Works recommends the appointment of Paul White as the alternate member to Area 4 of the Road Advisory Committee.

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion, Commissioner Anaya, second Commissioner Campos. Discussion?

**The motion to appoint Paul White as the alternate member to Area 4 of the Road Advisory Committee passed by unanimous [5-0] voice vote.**

**X. B. Reappointment of DWI Planning Council Member, Sgt. Ken Johnson**

BECKY BEARDSLEY (DWI Coordinator): Mr. Chairman, Commissioners, the Planning Council met and would like to reappoint Sgt. Ken Johnson to our Planning

Council. They're recommending approval since he has just been elected chairman again.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion, Commissioner Vigil, second

Commissioner Campos. Discussion?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Paul Duran, ex-County Commissioner is on this DWI Council?

MS. BEARDSLEY: Mr. Chairman, Commissioner, he is and his term is due to expire now in October.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, Sgt. Johnson's response to your question brought up an issue that I wanted to ask about and we have passed this DWI vehicle seizure ordinance. I think when we last heard from the Sheriff there wasn't enough money or there was some problems of getting the impound yard set up. Could you give us a status on where we are on that?

MS. BEARDSLEY: Mr. Chairman, Commissioners, I'm going to ask Sgt. Johnson to reply to that.

COMMISSIONER SULLIVAN: Might as well go to the source.

MS. BEARDSLEY: Or Major Madrid, actually.

RON MADRID (Sheriff's Department): Chairman Montoya, Commissioner Sullivan, we are in the process right now, there were some problems on the elevation slopes and we had to get cleared through Rancho Viejo. We have an engineer right now doing a site survey for us and Public Works is going to prepare the ground for the impound lot. That's what's holding us back right now but we're hoping within the next two weeks we should have it leveled off and start putting up our fence and our gates. That's what the holdup is right now.

COMMISSIONER SULLIVAN: And where is the impound lot located?

MAJOR MADRID: It's located right behind our building. It's going to go along our back fence of our building.

COMMISSIONER SULLIVAN: Right behind the emergency center?

MAJOR MADRID: Yes, sir.

COMMISSIONER SULLIVAN: Okay. And so there are no funding problems. It's just this approval from Rancho Viejo that we're waiting for?

MAJOR MADRID: Yes. They wanted a - I'm not sure what you call it. A site level plan, because there's a slope in the back of our fence right there that we need to bring up. Public Works is going to do the work for us but we needed that done by an engineer before we could get any work done. We have the money for it. There hasn't been no problems with the money right now.

COMMISSIONER SULLIVAN: So you haven't started enforcing this ordinance yet until you get this impound lot.

MAJOR MADRID: That's correct.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion? Thank you, Major Madrid. We have a motion and second. I also want to thank Sgt. Johnson for the work that he does for the DWI Planning Council and just all over the county. We appreciate him willing to serve again.

**The motion to reappoint Sgt. Ken Johnson to the DWI Planning Council passed by unanimous [5-0] voice vote.**

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a quick question. Didn't we used to have a youth member on this committee on one time?

MS. BEARDSLEY: Mr. Chairman, Commissioners, we did have a youth member. Unfortunately, our planning council meets on a Thursday morning and it's really hard for the kids to get out of school. So therefore we have not had any youth representation but that is something that we are looking at again.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Rebecca, it might not be a bad idea to consider a Santa Fe Community College student. It doesn't necessarily have to be a high school or junior high student. Many of those attending the college are 18, 19, 20, which that perspective I think would be critical to. So as you look at filling that position, perhaps someone who's graduated recently from high school.

MS. BEARDSLEY: Mr. Chairman, Commissioner Vigil, that is actually one of the things that we're looking at, especially since we have the infusion program that we're doing with the Community College. We're working very closely with them, so that is a population that we'll probably be recruiting from.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Another thing I'd like to look at is there any members from Edgewood, Stanley, in the southern part on the board? Is there anybody that you know of or do we need to spread this out a little bit?

MS. BEARDSLEY: Mr. Chairman, Commissioner Anaya, this board is actually made up of different disciplines and mandated by DFA and other funding sources. So it's not necessarily by district as so many other boards are; it's more by discipline. We do have several positions that are open, so if you know of anybody that we be interested

we'd sure be happy to try and include them into one of the areas of expertise.

COMMISSIONER ANAYA: Okay. Great.

MS. BEARDSLEY: Community members are always welcome.

**X. C. Resignation of DWI Planning Council Member, Lt. Richard Anglada of the New Mexico State Police**

COMMISSIONER CAMPOS: Move to accept the resignation.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Vigil. Further discussion?

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

CHAIRMAN MONTOYA: Do we recognize them for – given them a token of appreciation of some sort?

MS. BEARDSLEY: Mr. Chairman, we usually send them a letter from the DWI Planning Council and I believe we have a signature spot on there for you as well. And we have some real nice clocks that we can send them. But we usually acknowledge them from within the Health and Human Services.

CHAIRMAN MONTOYA: Great. Thank you.

**XI. CONSENT CALENDAR**

**A. Budget Adjustments**

- 1 Resolution No. 2006-123. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Various Fire Districts to Budget Reimbursement Revenue Received for Apparatus, Equipment and Supplies Used at the Polk Tank Explosion on August 17<sup>th</sup> & 18<sup>th</sup>, 2005 / \$22,875 (Fire Department)**
- 2. Resolution No. 2006-124. A Resolution Requesting an Increase to the Fire Impact Fees Fund (216) / Various Fire Districts to Budget Prior Fiscal Year 2006 Cash Balance for Expenditure in Fiscal Year 2007/ \$2,273,232 (Fire Department)**
- 3. Resolution No. 2006-125. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Various Fire Districts to Budget Movie Lot Fire Protection Revenue Received for Expenditure in Fiscal Year 2007/ \$11,300 (Fire Department)**
- 4. Resolution No. 2006-126. A Resolution Requesting an Increase to**

- the EMS – Healthcare Fund (232) / Emergency Preparedness to Budget Grants Awarded Through the New Mexico Emergency Management Department for Equipment and Machinery Expenditures for Building Local Capability for Homeland Security / \$1,754,422.69 (Fire Department)
5. Resolution No. 2006-127. A Resolution Requesting an Increase to the Equipment Loan Proceeds Fund (340) to Budget Loan Proceeds Received for the Purchase of the Paramount Building with Operating Transfers to the General Fund (101) and the Equipment Loan Debt Service Fund (403) for FY06 / \$888,889 (Finance Department)
  6. Resolution No. 2006-128. A Resolution Requesting an Increase to the Detox Programs Fund (242) / Access to Recovery Program to Budget Fiscal Year 2006 Carryover Assessment Fee Revenue for Expenditure in Fiscal Year 2007 / \$159,995 (Health & Human Services)
  7. Resolution No. 2006-129. A Resolution Requesting an Increase to the Jail Operations Fund (518) / Day Reporting Program to Budget MOA Revenue Received from St. Vincent Hospital for Expenditure in Fiscal Year 2007 / \$20,000 (Corrections Department)
  8. Resolution No. 2006-130. A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) / County Manager Regional Projects to Budget Prior Fiscal Year 2006 Cash Balance with an Operating Transfer to the State Special Appropriations' Fund (318) for the Eldorado Senior Center / \$350,000 (Projects & Facilities Management Department)
  9. Resolution No. 2006-131. A Resolution Requesting an Operating Transfer From the Capital Outlay GRT Fund (213) / Public Works to the Road Projects Fund (311) / Various Road Projects for the Traffic Calming Program / \$150,000 (Public Works Department)
  10. Resolution No. 2006-132. A Resolution Requesting an Increase to the General Fund (101) / Region III Grant Program to Budget Prior Fiscal Year 2006 Grant Balance for Expenditure in Fiscal Year 2007 / \$12,737.94 (Sheriff's Office)
  11. Resolution No. 2006-133. A Resolution Requesting an Increase to the General Fund (101) / Region III – HIDTA Grant Program to Budget Prior Fiscal Year 2006 Grant Balance for Expenditure in Fiscal Year 2007 / \$11,770.35 (Sheriff's Office)
  12. Resolution No. 2006-134. A Resolution Requesting an Increase to



- the General Fund (101) / Region III Program Income to Budget Prior Fiscal Year 2006 Cash Balance for Expenditure in Fiscal Year 2007 / \$3,289 (Sheriff's Office)
13. Resolution No. 2006-135. A Resolution Requesting an Increase to the Federal Forfeiture Fund (225) / Region III Program Income to Budget Prior Fiscal Year 2006 Cash Balance for Expenditure in Fiscal Year 2007 / \$35,457 (Sheriff's Office)
  14. Resolution No. 2006-136. A Resolution Requesting an Increase to the General Fund (101) / Sheriff's Office to Budget Prior Fiscal Year 2006 Grant Balance for a Selective Traffic Enforcement Grant Awarded Through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2007 / \$13,000 (Sheriff's Office)
- B. Professional Service Agreements
1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP No. 26-1829-CORR/MS with Abbey Group for a Jail Management System (JMS) Software to Provide a Comprehensive Integrated System to Manage Inmate and Facilities Functions, Healthcare, Commissary, and Accounting Functions to Assist the Corrections Department Staff in the Management of the Adult Detention Facility \$347,000 (Corrections Department)
  2. Request Authorization to Enter into a Professional Services Agreement No. 27-1808-YDP for Electronic Monitoring Services with BI Corporation / \$200,000 (Corrections Department)  
ISOLATED FOR DISCUSSION
  3. Requests Authorization to Enter into Amendment No. 6 to Agreement No. 25-0094-HHSD, a Professional Services Agreement with Presbyterian Medical Services for Substance Abuse and Mental Health for the CARE Connection Project, and Increase Compensation in the Amount of \$64,907.80 for July and August, 2006 (FY07) Bringing Total Compensation to \$695,467.13 (Finance Department)
  4. Request Authorization to Execute Amendment No. 7 to Agreement No. 25-0094-HHSD, a Professional Services Agreement with Presbyterian Medical Services for Substance Abuse and Mental Health for the CARE Connection Project. The Amendment will Extend the Term of the Agreement from September, 2006 to June 30, 2007 and Increase Compensation in the Amount of No. 337,947 for FY07 Bringing Total

- Compensation to \$1,033,414.13 (Finance Department)
5. Request Approval of the North Central Regional Transit District (NCRTD) Intergovernmental Contract (Land Use Department) ISOLATED FOR DISCUSSION
  6. Request Authorization to Execute Amendment No. 4 to Agreement No. 24-0030-PFMD, a Professional Services Agreement with Professional Document Systems for the Document Imaging Project for Santa Fe County. The Amendment will Provide for Maintenance of Hardware & Software that was Purchased for the Clerk's Office, Extend the Term Through June 30, 2007 and Increase the Compensation in the Amount of \$52,799.81 for FY07, Bringing the Total Compensation to \$354,468.93 (Project & Facilities Management Department) ISOLATED FOR DISCUSSION
  7. Request Authorization to Execute Amendment No. 2 to Agreement 7.No. 25-0416-HHSD, a Professional Services Agreement with Eduardo Garcia, to Provide Consultation Services to Provide Assessments and Issue Access to Recovery Vouchers for the CARE Connection Program. The Amendment will Increase Compensation in the Amount of \$4,500 for FY07 Bringing the Total Compensation to \$15,368 (Health & Human Services Department)
  8. Resolution No. 2006-\_\_\_. A Resolution to Readopt the Intergovernmental Contract Providing for the Creation of the North Central Regional Transit District (Land Use Department) ISOLATED FOR DISCUSSION
- C. Miscellaneous
1. Request Authorization to Execute Amendment No. 3 to the Medical Staffing Network Agreement No. 26-1814-ADF/RH, Temporary Nurses for the Santa Fe County Adult Detention Facility Increasing Compensation in the Amount of \$100,000 Bringing the Total Compensation to \$300,000 (Corrections Department)
  2. Request Authorization to Execute Amendment No. 3 to the Quality Medical Staffing Agreement No. 26-1812-ADF/RH, Temporary Nurses for the Santa Fe County Adult Detention Facility Increasing Compensation in the Amount of \$100,000 Bringing the Total Compensation to \$400,000 (Corrections Department)
  3. Request Authorization to Execute Amendment No. 2 to the Nursefinders No. 26-1830-ADF/RH, Temporary Nurses for the

- Santa Fe County Adult Detention Facility Increasing Compensation in the Amount of \$100,000 Bringing the Total Compensation to \$155,000 (Corrections Department)**
- 4. Request Authorization to Execute Amendment No. 3 to Transray Agreement No. 25-134-YDP, to Provide Radiological Services for the Santa Fe County Adult Detention Facility and Youth Development Program Increasing Compensation in the Amount of \$23,678 Bringing the Total Compensation to \$41,903 (Corrections Department)**
  - 5. Request Authorization to Execute Amendment No. 1 to Stericycle Agreement No. 26-1815-ADF/JC, Medical Waste Disposal for the Santa Fe County Adult Detention Facility and Youth Development Program Increasing Compensation in the Amount of \$4,400 Bringing the Total Compensation to \$7,400 (Corrections Department)**
  - 6. Request Authorization to Execute Amendment No. 3 to Correct RX Agreement No. 25-143-YDP, to Provide Pharmaceutical Supplies and Services for the Santa Fe County Adult Detention Facility and the Youth Development Program Thereby Increasing Compensation in the Amount of \$400,000 Bringing the Total Compensation to \$685,015 (Corrections Department)**
  - 7. Resolution No. 2006-137. A Resolution Requesting Authorization to Donate a Vehicle in Accordance with State Statutes (Sheriff's / Finance Department)**
  - 8. Request BCC Approval to Accept Sub-Grant Agreement No. 2004-GE-T4-0005-Santa Fe in the Amount of \$864,557.69 and Sub-Grant Agreement No. 2005 -GE-T5-0012-Santa Fe in the Amount of \$889,865 for Expenditure in FY 2007 on Equipment and Machinery for Building Local Capacity for Homeland Security (Fire Department)**
  - 9. Request Approval for the Tesuque Fire District to Expend \$168,120 of Impact Fees to Purchase a Pumper/Light Rescue Vehicle to Upgrade the Districts Ability with Responses Related to Motor Vehicle Accidents, Structure/Brush Fires and Nighttime Rescue Scenes (Fire Department)**
  - 10. Request Approval of 1.0 FTE MCH Coordinator Position for the Health & Human Services Department (Health & Human Services Department) ISOLATED FOR DISCUSSION**
  - 11. Request Approval of 1.0 FTE Deputy Director Position for the Health & Human Services Department (Health & Human Services Department) ISOLATED FOR DISCUSSION**

12. **Request Authorization to Execute Amendment No. 4 to The Solutions Group for the Employee Assistance Program Services for Santa Fe County. This Amendment will Extend the Term from August 2006 Through August 28, 2007, and Increase Compensation in the Amount of \$16,257.63 Bringing Total Compensation to 463,844.87 (Human Resources)**
13. **Request an Amendment Extending the Term of the Agreement Between the County of Santa Fe, New Mexico, and the American Federation of State, County and Municipal Employees, New Mexico Council 18, Local No. 1782, AFL-CIO (Human Resources)**
14. **Request Approval of an Amendment to a Contract with Vigil Construction for Completion of the Vista Grande Senior Center / \$176,618.39 (Projects & Facilities Management Department)**
15. **Request Approval of an Agreement Between Santa Fe County and the Cundiyo Mutual Domestic Water Consumers Association for Construction/Improvements of the Water System / \$100,000 (Projects & Facilities Management Department) WITHDRAWN**
16. **Request Approval to Enter into Property Lease Agreement No.27-0703-PFMD/MQ with Presbyterian Medical Services for Providing Headstart Services to the Children of Santa Fe County, Chimayo. The Property is Located at State Rd. 98 # 205 Chimayo (Project & Facilities Management Department)**
17. **Request Authorization to Execute Amendment No. 1 to C & C Distributors on Agreement No. 26-0703-BS/FS for an Indefinite Quantity of Janitorial Supplies Price Agreement for the Santa Fe County Building Services Section. The Amount is Being Increased by 10% Across the Board on all Items Listed on the Contract / \$168,064.57 (Projects & Facilities Management Department)**
18. **Request Approval to Enter into a Lease Agreement No 701334 with La Guardia Self Storage for Providing Storage Units for the Santa Fe County Clerks Office which will be a Month-to-Month Rental Lease Agreement / \$3,730.73 (Clerks Office)**
19. **Request Approval of the 2006/2007 Cooperative Program Funding Agreements, for Various County Road Improvements Projects, from the New Mexico Department of Transportation (NMDOT) \$465,659.49 (Public Works Department) [See page 36]**
20. **Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with EMCO for Various Road Maintenance and Construction Materials (Public**

- Works Department)
21. **Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with Russel Sand and Gravel for a Various Road Maintenance and Construction Materials (Public Works Department)**
  22. **Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with Desert Mountain Corp. for Various Road Maintenance and Construction Materials (Public Works Department) ISOLATED FOR DISCUSSION**
  23. **Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with Contech Construction Products, Inc. for Various Road Maintenance and Construction Materials (Public Works Department) ISOLATED FOR DISCUSSION**
  24. **Requests Authorization to Enter Into Agreement No. 27-1201-SD/MQ, a Lease Agreement with Cook's True Value Home Center for Administrative Office Space for the Sheriff's Office (Region III) for FY 2007 not to Exceed \$20,475 per Fiscal Year (Sheriff's Office) ISOLATED FOR DISCUSSION**
  25. **Resolution No. 2006-138. A Resolution Authorizing Approval and Execution of New Mexico Environment Department Grant Agreement for a Sewer Line Extension in the Vicinity of Paseo de Tercero and Via Don Toribio - \$50,000 (Water Resources Department)**

CHAIRMAN MONTOYA: Could I have a motion, please.

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second  
Commissioner Campos.

**The motion to approve the Consent Calendar, with the exception of items B. 2, 5, 6, and 8, and C. 10, 11, 22, 23, and 24 (isolated for further discussion) and item C. 15 (withdrawn) passed by unanimous [5-0] voice vote. [See page 36]**

**XI. B. 2. Request Authorization to Enter into a Professional Services Agreement No. 27-1808-YDP for Electronic Monitoring Services with BI Corporation / \$200,000 (Corrections Department)**

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to get a little bit better briefing on this item. It involved what I think is a real important function that we're doing and it's becoming more important, which is the electronic monitoring services. I guess we had some problems with one provider and brought another one on board, and now we're having problems with the second provider and we're going back to the first one. Could perhaps Greg or somebody, or Teresa or somebody, or Maria give us some background.

MARIA SANCHEZ (Procurement Manager): Good morning, Mr. Chairman, Commissioner Sullivan. It is true. In the memo to the BCC the decision had been made by the Corrections Department Electronic Monitoring program manager, Mr. Fidel Archuleta who is here with us today. Because the costs were getting so exuberant with BI, I think part of those costs that were reflected in the \$254,000 was accumulative of two things. One was that the cost of the actual equipment, which is the sobriety testing and then there's also a monitoring system. The cost of the project started to get out of hand in the event that there were all types of equipment that were signed out and it wasn't until the inventory was done that we showed that there was lost equipment and everything affiliated with that.

G4S was identified to the Purchasing Division and we moved forward using a WSCA contract to get their contract into place. The vendor did switch out the equipment. The cost was a savings from the \$254,000 and once the equipment was being utilized we were finding that there was a lot of equipment error, and Mr. Archuleta is here to answer those questions if you have any involving the actual equipment.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: So is G4S a new provider?

FIDEL ARCHULETA (Electronic Monitoring Director): Currently we're using G4S as a provider.

COMMISSIONER SULLIVAN: That's the firm that you're requesting approval for in this --

MR. ARCHULETA: The firm that we're requesting approval for is to go back with BI.

COMMISSIONER SULLIVAN: Is to go back with the original firm, which is BI Corporation.

MR. ARCHULETA: Correct.

COMMISSIONER SULLIVAN: And what assurances do you have from BI that they have corrected the problems that prompted you to terminate their contract in the first place?

MR. ARCHULETA: Well, obviously, it wasn't an equipment problem that we had with BI. It was a cost issue. As Maria explained there were equipment issues as far as inventory and being charged for that extra equipment. The equipment itself functioned almost

100 percent, 99.9 percent. Very little deficiencies did we encounter when we were with BI.

COMMISSIONER SULLIVAN: Okay, so your initial problems with BI were cost. I remember seeing some memos indicating that there were other problems in terms of performance or inability to deal with the people who were getting the monitoring services. Were there not some other issues that caused you concern?

MR. ARCHULETA: There were some minor issues which were resolved almost towards the end, but because of the amount that the other provider provided it seemed more interesting for the County as well for myself to better the program and to reduce the cost. So that's the reason why I went ahead and went with this other company.

COMMISSIONER SULLIVAN: Okay, so their savings were estimated to be \$80,000. Apparently they may have generated those savings by having some equipment discrepancies or deficiencies. So now you feel comfortable going back to BI. As I recall your memorandum, you were able to negotiate a better price, were you not?

MR. ARCHULETA: Correct.

COMMISSIONER SULLIVAN: Than you had with them previously.

MR. ARCHULETA: Correct. Actually, we were at \$160,000 with G4S and we managed to bring it down to almost \$138,000 right now, if we go back to BI. Plus it's going to provide better service for us as far as equipment liability and that does function that we've actually worked with.

COMMISSIONER SULLIVAN: And so are you terminating the services with G4S as of some particular date?

MS. SANCHEZ: Commissioner Sullivan, the intent is to end the contract at the end of the month, because there's a transitional period of about three or four days. The clients come in to the electronic monitoring office. They take off the equipment that is assigned to them, they change out equipment. So there's about a week's transition from one contractor to the other. So the intent is to have the contract with BI begin the 28<sup>th</sup>, which is next Monday, and also end the contract with G4S as of the end of the week, which will be September 1<sup>st</sup>.

COMMISSIONER SULLIVAN: Okay. We don't have copies of those contracts but I assume that both contracts have the ability to terminate them on some fairly short period of notice like 30 days or something.

MS. SANCHEZ: Yes, sir. The standard contract that the County utilizes gives a 30-day notification in the contract. The reason that we have is that they're not being able to provide the full services on the contract and that alone should be able for us to be able to end the contract pretty cleanly. Legal has reviewed all our contracts, so they met the requirements as the notification of the 30 days.

COMMISSIONER SULLIVAN: G4S has been notified?

MS. SANCHEZ: Yes, they have. Just so you know, the memo that I supplied in the packet, we did meet with them and at that time, to be fair to the contractor, I wanted to make sure that they were understanding of the severity of the equipment failure that the electronic monitoring equipment was experiencing. It got to the point where some of the clients had to come in to the electronic monitoring to take their sobriety test because the equipment was

failing at their end. There's a regular time frame and they notified the clients and they have to do a breathalyzer test. The equipment was totally failing and the reporting was proof in showing that the equipment never took off the ground and was able to provide services that we needed in the agreement.

COMMISSIONER SULLIVAN: Okay, and I recall asking at the time about G4S that both of these are not local firms. They're actually out of state. Is that correct?

MS. SANCHEZ: Yes, Mr. Chairman, Commissioner. They are actually on the national level. There's no one within the local area, the regional southwest who can provide electronic monitoring.

COMMISSIONER SULLIVAN: So all of these issues and all of the electronic communication that goes back and forth goes to some out of state office, or somewhere. Is that correct?

MS. SANCHEZ: It's a call center.

COMMISSIONER SULLIVAN: A call center. Okay. I know those are hard to deal with sometimes. That's the questions I had, Mr. Chairman.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Motion, Commissioner Anaya, second, Commissioner Sullivan.

**The motion to approve item XI. B. 2 passed by unanimous [5-0] voice vote.**

- XI. B. 5. Request Approval of the North Central Regional Transit District (NCRTD) Intergovernmental Contract (Land Use Department)**  
**8. Resolution No. 2006-139. A Resolution to Readopt the Intergovernmental Contract Providing for the Creation of the North Central Regional Transit District (Land Use Department)**

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to discuss this also with B. 8, which was a resolution that goes with this agreement. I don't believe the resolution is in your packet but it was provided to you in your mailboxes, or with a letter from Carol Glick, our assistant County Attorney.

Basically what I want to point out to you, because it does have a fiscal impact on us, although this particular agreement doesn't, the next thing that's going to come up a few weeks from now will. The North Central Regional Transit District made some changes to its boilerplate contract and quite frankly, I'm not clear on what those changes are, but nonetheless they made some administrative changes, which the staff has looked at and feels comfortable with.

In doing that they've also asked all of the entities to re-sign the contract. Not all of them



have done it yet; there are still some Pueblos who have not yet re-signed the contract. But this is a request that we re-sign the contract and the resolution that goes with it was, as I said in your mailboxes. The only thing I want to point out at this time is subsequent to this we will be getting a request for about \$20,000 for our participation in this regional transit district. That, I've checked – when I learned of that I checked to see if it was budgeted and the answer I've gotten is that it is not in our current budget. So if any Commissioners who would like to take up a collection here or contribute their discretionary fund monies we'd be glad to do that. But I just pointed out that although signing the contract doesn't have a – this particular action doesn't have a dollar amount associated with it, by signing it you will be committing the County to pay a portion of the staff costs of this transit district, the director and her assistants and that next bill for that will be \$20,000 and it currently isn't budgeted.

I don't know where that will come from. I assume at the time the staff will have some recommendations for us as to where it will come from, but I do want to point those items out to you. So that's all the comments I have on items B. 5 and B. 8.

CHAIRMAN MONTOYA: Okay, any other discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Commissioner Sullivan.

First of all, last week or a couple of weeks ago we had a little bit of a discussion on some of the issues and you said there was difficulty communicating both with I think the chair and maybe the executive director on matters there were of concern to you about the contract.

COMMISSIONER SULLIVAN: Well, there have been, and I've scheduled meetings with both of them and had them cancelled by them to get some of these questions answered such as helping me understand the difference between the agreements. I don't want to hold up our participation in the transit program so I'll continue to try to get them to meet and bring me up to speed.

COMMISSIONER CAMPOS: At some point I would like to have your opinion as to maybe with staff – as to what they're actually doing with our taxpayer money.

COMMISSIONER SULLIVAN: Well, that's one of the things I wanted to meet with them about. I've attended three of the meeting so far. They meet monthly and so far I think basically what the district is doing – there are ongoing programs such as park 'n' ride, which benefits Los Alamos and other, and programs in Española and in the Pueblos that are ongoing, separately funded. The district is discussing these programs and has included them in a plan that they've developed, but they're not separate programs. They're ongoing programs that were all in there when the district was created.

The only new program that I'm aware of is the one that we are going to be starting, a pilot program in Eldorado, to do a commuter bus pilot six-month program. And the local funds from that did not come from the district, they came from Santa Fe County from my discretionary funds. So that's, to my knowledge, the only program or the first program that is district-sponsored. There is of course a large program that the City of Santa Fe undertakes and this body is to the best of my understanding, it's so far been a coordination body, a place to

meet about transit issues. So I'll continue to try to get some more answers to your questions as I attend these meetings.

COMMISSIONER CAMPOS: I'm concerned by the fact that they're not communicating with you when you've asked for meetings, so I'd like to be kept in the loop as to their responsiveness. If they're not responding that's serious.

COMMISSIONER SULLIVAN: Well, we'll try to encourage that communication and I'll get back to you.

COMMISSIONER CAMPOS: Appreciate it.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion, Commissioner Anaya, second, Commissioner Vigil. I'm just going to add that I was a participant during the whole formation of this RTD, the Regional Transit District, and I found the communications to be pretty forthcoming and open in terms of information that's being requested from the current executive director. I don't think that's changed, has it?

COMMISSIONER SULLIVAN: Josette Lucero.

CHAIRMAN MONTOYA: Yes. Josette. And I think the other thing that probably fell through the cracks somehow during the budget planning process is this has been and will continue to be an item that will require funding from the entities that are all involved, which we are one of the entities that back in 2004 when we signed the initial resolution committed us to being a part of this Regional Transit District so I would suggest that in the future we line item that in so it's not a question of coming out a discretionary fund or somebody else's fund.

I guess the other thing I should emphasize is it is a new organization that has begun to do some long-term planning around regional transit. This isn't something that's going to happen overnight and it's probably even going to be beyond mine and other people's terms here on this Commission that we'll see the fruition of the work of what is beginning. So I think again with any new organization with any new service, sometime it takes a while to get to the point where we're able to say this is something that's benefiting everyone and I think that's kind of where this is at at this point. So that's all I had. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just wanted to get clarification on the motion. Was that a motion for B. 5 and B. 8, Commissioner Anaya?

COMMISSIONER ANAYA: Yes. Both of them.

COMMISSIONER SULLIVAN: And the seconder's okay with that? Commissioner Vigil says she's okay. I would just add that I'll try to improve that communication. A concern and a complaint that I had during the process was that the one document that's been developed is an important one called a service plan for the whole district. And during the course of developing that service plan – and our alternate representative who also attends the meeting is Jack Kolkmeier. If I'm not there he acts in my stead and in many cases we're both there at the meeting. And one of the complaints we had was that during the development of this entire service plan the County of Santa Fe wasn't even consulted by the

consultant. So we had zero input into the service plan and we felt as a major supporter of the district that we should be a little bit more active in the planning than that. So I've made those concerns known to the chair and I hope we'll get that unscrambled. I recommend that we approve this motion.

**The motion to approve XI. B. 5 and 8 passed by unanimous [4-0] voice vote with Commissioner Campos abstaining.**

- XI. B. 6. Request Authorization to Execute Amendment No. 4 to Agreement No. 24-0030-PFMD, a Professional Services Agreement with Professional Document Systems for the Document Imaging Project for Santa Fe County. The Amendment will Provide for Maintenance of Hardware & Software that was Purchased for the Clerk's Office, Extend the Term Through June 30, 2007 and Increase the Compensation in the Amount of \$52,799.81 for FY07, Bringing the Total Compensation to \$354,468.93 (Project & Facilities Management Department)**

COMMISSIONER SULLIVAN: Mr. Chairman, this is an item which I had a problem understanding. We're doing a service agreement as best I can tell, maintenance and hardware and software agreement, for document imaging and for our hardware. There's a list in along with the memo. And I wasn't sure if this list is what it costs to maintain equipment or if this list is what the equipment costs. Could you help me with that, Maria?

MS. SANCHEZ: Mr. Chairman, Commissioner Sullivan, this particular agreement was executed back in 2003 and the intent, from I can tell based on looking at the RFP and the actual contract itself, the intent was for software, maintenance and hardware to support the Countywide track network flow, probate integration and a lot of the record keeping that the software users and PDS is our supplier for that. What had happened over the years is the Clerk's office required additional equipment to support that software and so from what I understand, they had purchased various equipment in that listing. There were Canon printers, there's Zebra label printers and that was to better support the residents who come into the Clerk's office who do searches on plats and various records that the County Clerk has logged into the system.

Because they had never added this equipment in the maintenance agreement I chose to include not only what the County Clerk pays to PDS but also include the software maintenance portion of it and to make sure we are meeting procurement code, this particular amendment included both hardware and software and it is allowed under the main contract.

COMMISSIONER SULLIVAN: What I was unclear about was like on the canon printers, it lists them and then it says \$1100, expires 12/27/2006. Does that mean that the

Canon printer costs \$1100 or that we pay \$1100 a year for a service agreement?

MS. SANCHEZ: It's the maintenance.

COMMISSIONER SULLIVAN: I would just buy a new one each year.

MS. SANCHEZ: I did it because of the actual cost of the equipment. They are of higher value. They're not \$1100. But I did do a market value going into DFA to see what other vendors were pulling and there's agreement for this type of equipment. The prices that you're seeing on the listing are very comparable to what other people are getting on a much larger contract.

COMMISSIONER SULLIVAN: This must be a different kind of printer. Maybe it doesn't cost \$1100.

MS. SANCHEZ: The replacement cost would be much higher, and I'm sorry I don't have that with me today.

COMMISSIONER SULLIVAN: It just seemed like a printer - \$1100 a year to maintain a printer. I change the toner in mine pretty frequently. Other than that I don't have to do too much to it and maybe it's a different kind of printer and I'm not understanding what they are.

ALEX SALAZAR (Clerk's Accountant): Mr. Chairman, Commissioners, I have a detailed list of the cost of maintenance per equipment. The others we have are 14 label printers and the annual rate is \$85 per label printer. We have 15 scanners which the most expensive item to maintain, at a cost of \$685 to maintain per year; 14 Epsom receipt printers at a rate of \$58 per year, and that comes out to \$872 in total per year for that item. Plus an HP-5100 printer at a cost of \$380 per year. And the Canon MS-400 printer at \$850 per year. If you add up all of these items, and I'd say there's about 15 pieces of equipment, the total cost per year is \$14,000.

COMMISSIONER SULLIVAN: And the three Canon printers that are listed at \$1100 each. You didn't mention those.

MR. SALAZAR: Well, I don't have those on my list. I haven't seen the list the Commissioners have.

COMMISSIONER SULLIVAN: It's Exhibit A to the contract. Are these just normal Canon printer like you get at Home Depot. Or is this like the Army. They turn olive drab and they become three times as expensive.

MR. SALAZAR: Mr. Chairman, Commissioner Sullivan, the printers and equipment that we have are not your standard printers. What we have in place is a scanning system. The scanner documents are loaded within our document system from the recording bureau of the Clerk's office and what this does is basically update our databases related to marriage licenses and other documents that we process on a daily basis. The purpose of this is to really - one is like a micro-filmer and digitizing of this data as we process documents.

COMMISSIONER SULLIVAN: So these printers cost a lot more than \$1100.

MR. SALAZAR: Yes, sir.

COMMISSIONER SULLIVAN: Do you know how much they cost?

MR. SALAZAR: Unfortunately, Commissioner Sullivan, I do not know what

the purchase price is.

COMMISSIONER SULLIVAN: It just thought if they were \$1100 we should just buy a new one every year and be done with it, but maybe it costs more than that. And those were my major questions. We obviously, Mr. Chairman, need to maintain our equipment and I'm glad the procurement people are getting contracts updated because we have been riding on them. That particular price jumped out at me as looking a little excessive to me. But you don't feel it is.

MR. SALAZAR: No, sir, the equipment that we have ties into the our document scanning system so all the equipment that we have is specialized and in the long-run really saves money in that it's microfilming and digitizing documents as we process.

COMMISSIONER SULLIVAN: That's all the questions I had, Mr. Chairman. Thank you.

CHAIRMAN MONTOYA: Okay, any other questions, discussion? Commissioner Sullivan, would you like to make a motion.

COMMISSIONER SULLIVAN: I'll move for approval, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Sullivan.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Campos. Any other discussion?

●  
The motion to approve Consent Calendar item B. 6 passed by unanimous [5-0] voice vote.

**XI. C. 10. Request Approval of 1.0 FTE MCH Coordinator Position for the Health & Human Services Department (Health & Human Services Department)**

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. I was asking about this particular issue because, number one, I think each FTE that comes to the Commission should be on the regular agenda because they're extremely important and they're a long-term commitment to our budget. This particular one has to do with a coordinator position that's funded in the amount of \$132,523 from the Department of Health. That's always good that we don't have to pay for these. My concern is that we're creating a full-time FTE to fill this position and so if we don't get continued funding from the Department of Health, and this is I believe for a Maternal Child Health position, then we're left holding the bag.

So I wondered why we hadn't considered doing this by contract instead of as an FTE. That was my question.

GREG SMITH (Healthcare Assistance Director): Mr. Chairman, Commissioner Sullivan, the grant is for an additional four years as well. So it is on a year-

to-year basis but the grant is for a total of five years. The dollar amount that you're looking at is reflecting - it is just for fiscal year 07.

COMMISSIONER SULLIVAN: Okay, well, that's also some concern because then it divides everything by four. But in the breakdown, again what I'm not understanding is that there's \$31,000 for salaries, and this is only for a one-year period, and there's \$75,000 for contractual services. So it appears that we are hiring a consultant but are we also hiring an FTE as well and is that FTE only going to cost \$31,000? It seems like with benefits and everything, we're typically budgeting a lot more than that.

MR. SMITH: The benefits, Mr. Chairman, Commissioner Sullivan -

COMMISSIONER SULLIVAN: Oh, that's separate. That's a separate line item for benefits. I see that. Okay. \$16,000.

MR. SMITH: Correct.

COMMISSIONER SULLIVAN: So the intent is that \$75,000 and all of this adds up to \$132,000. But this only says it's for one year, for fiscal year July 01, 2006 to June 30, 2007. Is the Department of Health providing us \$132,000 each year for four years?

MR. SMITH: Mr. Chairman, Commissioner Sullivan, the actual contract, and I don't have the actual contract in front of me, but it does state the total dollar amounts of the five-year plan, which I do believe comes to a minimum of the \$132,500, the total contract comes to over \$500,000 total.

COMMISSIONER SULLIVAN: Okay. So the Department of Health is going to fund this for four years. It's going to cost about \$132,000 each year. Is that my understanding?

MR. SMITH: Yes, sir. That's correct.

COMMISSIONER SULLIVAN: Okay. So what happens after four years if they don't continue to do this? We now have an FTE. Do we have to pay or what happens?

MR. SMITH: That, Mr. Chairman, Commissioner Sullivan, that position is a term position and it's contingent based on funding available. So after that term of four years, if there's additional funding that's available to keep that FTE in we will retain that individual. If there is no funding available, it being a term position, there would not be a position available.

COMMISSIONER SULLIVAN: Well, what are the contractual services?

MR. SMITH: The contractual services, Commissioner Sullivan, the previous years they vary through the high school to the Community College, different providers that are out there. This position also oversees, would help oversee the Las Cumbres contract, which is a significant contract as well. We're also looking at using this position, as far as availability to help in other areas such as the Health Policy and Planning Commission.

COMMISSIONER SULLIVAN: So at present we don't have any specific contract outlined for this \$75,000.

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

cannot contract until we actually get all this on board with the Department of Health. Once that's done we will contract with the specific providers that have been doing it in the past to continue providing the services, but right now we're about a month behind schedule in providing these services.

COMMISSIONER SULLIVAN: Now, when Edy was doing this, wasn't she under contract with the County?

MR. SMITH: Mr. Chairman, Commissioner Sullivan, that's correct. She was under contract.

COMMISSIONER SULLIVAN: So why don't we just continue to do that under contract instead of obligating us to a term employee, because term employees seem to – they may be term, but they never seem to go away.

MR. SMITH: Yes, sir. Mr. Chairman, Commissioner Sullivan, again, we as staff know that we have better control and availability of an individual if a position is brought in house. That this position was previously contract with Ms. Edy Powers as well as a job that was done through her position back in the Maternal Child and Health Council, there were other areas that we would have liked to have seen this position be able to take on other services that weren't as part of her contract. The only way that we saw that this was feasible to do was to bring that position in house and have that position helping us in other areas.

COMMISSIONER SULLIVAN: I think Edy did a pretty good job.

MR. SMITH: Yes, sir. An excellent job.

COMMISSIONER SULLIVAN: So I don't know that we could get another Edy but – okay, that's all the questions I had. I think I understand. I'm not, Mr. Chairman, convinced that this isn't a good candidate for a contract position where the majority of the contract is – where all of the contract is funded from grants and the actual personnel part of it is about \$47,000 out of \$132,000 each year. It seems like we're doing apples and oranges here, that it would be best to be all a contract position. That's the way it looks to me.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: This many times is kind of a hot issue. I just don't have any feedback from Maternal Child and Health on this at this point in time. Do you?

MR. SMITH: Mr. Chairman, Commissioner Vigil, actually we do. We have presented – we've gone through the budget with them as well and the salary range, everything else has gone through with the budget has been done. Kristi Readyhough is the chair of the Maternal Child Health Council, as well as the members and they are well aware of the budget is, what budget is available, and what we are here presenting.

COMMISSIONER VIGIL: What is their position on whether or not they want an FTE or contract position? Or maybe it's not fair to ask you. Maybe, Mr. Chairman, what we need to do is have them be here, and I'm not sure if board members, now that Edy has resigned and think Nancy Smith-Leslie, who is the logical replacement

for Edy has taken on another position. So I'm not sure. Those are the only two staff positions that I was familiar with. But I know the board probably has discussed this. I'm just wondering if they're in a position to represent their position to us. Maybe we should table this until we hear from them.

STEVE SHEPHERD (HHS Director): Mr. Chairman, Commissioner Vigil, they actually wrote the job description. They've been real involved in this the whole time. We felt that we could not only give the employee better support – access to our copy machines, access to the stuff we've got in the office, but also have that person there and available and to have them also perform things that I've had other staff members doing, such as the financial tracking, some of the contract maintenance, which is usually done by a staff person. That's the reason we proposed this. They have been fully involved in this whole process. We've met with them two or three times about it, developed a budget and a job description.

COMMISSIONER VIGIL: Okay. And by "they", who are "they"?

MR. SHEPHERD: It was a group of the Maternal and Child Health members. It would have been Ron Hale, Kristi Readyhough, Lynn Hathaway, and maybe one or two others. I'm forgetting their names right now.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions? This is pretty consistent with what other counties are doing as well, isn't it?

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

CHAIRMAN MONTOYA: I think we're probably one of the only ones that actually had a contract.

MR. SHEPHERD: It got to be fewer and fewer contract employees over the years in counties.

CHAIRMAN MONTOYA: Okay, so we have the staff recommendation.

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Campos, second by Commissioner Anaya. Further discussion?

**The motion to approve Consent Calendar item C. 11 passed by unanimous [5-0] voice vote.**

**XI. C. 11. Request Approval of 1.0 FTE Deputy Director Position for the Health & Human Services Department (Health & Human Services Department)**

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. This is also another request for approval of a FTE and we have a one-page memorandum in the packet



about it. The only – the difference I see between this and the previous item is that this is not being paid by the Department of Health. This one is coming out of our limited general fund resources. The basic justification I see is for hiring a deputy director, it says that the department has now obtained the program volume and employee numbers to need more high level administrative help. They have “stretched staff to the point where we must have additional staffing” and the recommendation says that this was included within the budget, which appears to be the only justification of the position.

So I guess my first question, Mr. Shepherd is what is this person supposed to do? Obviously, this is supposed to be a high level of administrative help. I guess we didn't have now. All our administrative of course is high level. We only hire high-level people. But I'm a little concerned that this doesn't tell me anything about what this person is supposed to do.

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, the Health Department was put together – basically it was a number of programs that was cobbled together without a department structure other than a director and an administrative assistant. The department has grown from a kind of core of about seven people. We've now got 23 people. We're about to add the CARE Connection to it. The volume of paperwork, meetings, informational requests, research requests from the state has just grown immensely. I work with the hospital. We're not doing justice to some of the stuff we're trying to do, working with the hospital, working with the Health Planning Commission, the projects that had no administrative help funded to it. And that was our basic premise behind doing this and requesting it in the budget. ' I would be happy, if it would serve you better to come back with a job description at another meeting, if you'd like.

COMMISSIONER SULLIVAN: I'd like to see a couple of things. I'd like to see a job description. I'd like to see a budget, what it's going to cost, which is not included here, and I'd like to see how it fits into the Manager's proposed reorganization program. We talked at great length at our last BCC meeting about department organization and what some of the Commissioners' suggestions were and what the Manager's suggestion was and I'd like to see where that fits. A deputy director position is a fairly significant position. It's not a clerical position. I'd like to see what he or she is going to do. Those are questions I've had and if it doesn't impact you too much and you could do that, Mr. Chairman, I'd move to table this until the next administrative meeting.

CHAIRMAN MONTROYA: Motion to table.

COMMISSIONER ANAYA: Second.

**The motion to table item XI. C. 11 passed by unanimous [5-0] voice vote.**

- XI. C. 22. Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with Desert Mountain Corp. for Various Road Maintenance and Construction Materials (Public Works Department)**
- 23. Acceptance of Offers Regarding, IFB 27-0601-PW/JC, and Authorization to Enter into a Price Agreement with Contech Construction Products, Inc. for Various Road Maintenance and Construction Materials (Public Works Department)**

COMMISSIONER VIGIL: Mr. Chairman, I have posed a couple of questions to Public Works with regard to the items that I wanted removed, and actually my questions are very basic and they've been answered to my satisfaction. So I move to approve items 22 and 23.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: Second.

**The motion to approve items XI. C. 22 and 23 passed by unanimous [5-0] voice vote.**

- XI. C. 24. Requests Authorization to Enter Into Agreement No. 27-1201-SD/MQ, a Lease Agreement with Cook's True Value Home Center for Administrative Office Space for the Sheriff's Office (Region III) for FY 2007 not to Exceed \$20,475 per Fiscal Year (Sheriff's Office)**

COMMISSIONER SULLIVAN: Mr. Chairman, the last item that I asked we take a look at was a lease agreement that the Sheriff's office has with Cook's True Value Home Center, which has apparently expired. I wondered if someone could explain to me what effort was made to look in the area of first of all, what the administrative office does, which I am not familiar with, and secondly, what effort was made to look at other alternatives to do that, and then thirdly, there's no cost indicated in this memo what this costs.

RALPH LOPEZ (Region III Program Manager): Mr. Chairman, Commissioners, first of all, we've occupied this office for going on four years now. It's a satellite office in northern New Mexico. Our main office is here in Santa Fe. The satellite office is used from an operational standpoint in running operations in the northern part of New Mexico. The cost is - we occupy approximately 1600 square feet. It comes out to \$13 a square foot and the total amount is \$1706.25. We do it on a quarterly basis. The reason we do that with Cook's, with the understanding we can discontinue the office when it becomes jeopardized.

COMMISSIONER SULLIVAN: Once the contract is expired, I guess my question is do we just have the option – after four years, I thought the procurement code limited our ability to contract for longer than four years. And maybe Legal can help me out with that. Did we put this out for a request to see what other office space was available?

MR. LOPEZ: Not to my knowledge, we didn't. The reason we've maintained this office is we put approximately \$25,000 into it even though we do lease it. We have a secure network that hooks up to District 7 State Police and we have to go to a wireless system, so it was quite expensive. We had to have HEI out of Albuquerque come in and do the wiring for us.

COMMISSIONER SULLIVAN: Let me just clear this with Mr. Ross. Are we okay, Mr. Ross, that we don't have to put this out for competitive procurement?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, the procurement code doesn't apply to real property, but there are some other restrictions. If a lease, for example, goes over five years it has to be approved by the State Board of Finance. I don't know how many years this has been in place but that's certainly something to take a look at in connection with the proposed approval today.

COMMISSIONER SULLIVAN: How many years has this – it says here the department is requesting to enter into a month-to-month lease. Apparently, it's already gone for four years, so in 12 more months we'll be up to the five-year level.

MR. LOPEZ: Yes, sir. That's correct. It was initially signed September 25, 2001.

COMMISSIONER SULLIVAN: September 25, 2001. So we're now coming up on five years, not four. So as of September 24, 2006 it will be five years.

MR. LOPEZ: Correct.

COMMISSIONER SULLIVAN: So what, Mr. Ross, do we do with this?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, I suggest a new lease.

MS. SANCHEZ: Mr. Chairman, Commissioner Sullivan, a new lease was initiated because the term of this original lease had ended. So the term of the new lease, the lease number is 27-1201. The intent is for four years. I was unaware that there was a five-year maximum on the lease term. Mr. Ross, I don't know if we need to go – I know it doesn't meet procurement when it comes to real property for the prices of leases, so I knew we weren't going to go out and bid on other space. I was told Region III was wanting to stay in that area because of the cost that it would take to move their current infrastructure to another leased space. So if we need to go into looking into other spaces and looking into other lease terms to meet state code –

COMMISSIONER SULLIVAN: I don't think that's what he said. Correct me if I'm wrong. I think what you said is if it goes over five years the lease has to be approved by DFA. Is that correct?

MR. ROSS: And the State Board of Finance. If we're extending the existing lease. Now I'm not clear what we're doing, if we're entering into a new lease as Ms. Sanchez I think just said, then there wouldn't be an issue.

COMMISSIONER SULLIVAN: So Maria, is agreement 27-1201 a new lease or is it an extension of the existing one?

MS. SANCHEZ: It's a brand new lease. What had occurred was the leases that were initiated back in 2001, 2002, a lot of the leases that I'm finding in the procurement office is they're for two, three-year leases. Because I knew this was at the term of the original lease, what we had done is we had prepared a lease and worked closely with one of the attorneys in Mr. Ross' office to ensure that it had all the content that the County wanted in its lease. So the lease format has to meet somewhat what the County needs are. So it's a value lease for the term of four more years.

COMMISSIONER SULLIVAN: Okay, it says here it's a month-to-month, but it's a month-to-month meaning - but you're saying it's a four-year lease. I assume you're meaning that we could terminate it with 30 days notice if we wanted to.

MS. SANCHEZ: Mr. Chairman, Commissioner Sullivan, I apologize. This was handled by Maricela Quintana in my office and she's pretty much worked with Region III on this. From what I understand, it's because Region III gets federal funding, it falls on the September time frame. A lot of the procurements and a lot of the leases and obligations that the County has are in the fiscal year of the County, so I think the intent of the memo is unclear. We do have a month-to-month to take us to the contract year of the federal fiscal, which is September 30<sup>th</sup>. At that time I understand that Region III would get their notification, if they haven't received it already on additional years' funding to support this lease. I think that's what's on a lot of the other items that we procure on behalf of Region III's intent. So the month-to-month may be descriptive of taking us from July to the September time frame.

COMMISSIONER SULLIVAN: Okay. Because usually what we have in the packets is a cover memo and the lease and then we have a signature block for the County Attorney's office, so we know that the County Attorney's office has reviewed this and we don't want to spend a lot of time on it. But we only have the cover memo here; we don't have the lease or that sign-off - signature block.

MS. SANCHEZ: And I apologize. The packet that we have has been signed by a representative on behalf of Stephen Ross in the Attorney's office. Again, it was worked closely with one of the assigned attorney's. I can't read the signature block so I couldn't tell you which attorney we worked with. I believe it may be one of the new attorneys.

COMMISSIONER SULLIVAN: Okay, so the idea is that we're going to continue on a month-to-month basis until the end of September, which is only one month, and then we're going to enter into a four-year contract at the same rate? What's the rate?

MS. SANCHEZ: The rate is the \$1,706.25, so there was not an increase based on the previous leased space. The term of the lease that I'm reading, and this is the first time I'm seeing it. I apologize. It says the lessor agrees to lease the premises to the lessee for period of two years, commencing July 1 through June 30, with an option to extend the lease an additional two years on a month-to-month basis. So I take it that the

intent of the memo was trying to comprehend and grasp some knowledge that's been given to us, which is the term of the lease.

COMMISSIONER SULLIVAN: Okay. And the funds for this come from federal funds that go to the Sheriff's Department?

MR. LOPEZ: Yes, sir. That's correct. It comes from one source of our federal funds, which is HIDTA and that grant agreement has already been approved and in place effective July 1<sup>st</sup>.

COMMISSIONER SULLIVAN: Okay. Well, as long as the Legal Department has approved this. I didn't see that in our packet, but that's all the questions I would have, Mr. Chairman. Thank you.

CHAIRMAN MONTOYA: Okay, anything else? Anybody like to make a motion out there?

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second Commissioner Campos. Discussion?

**The motion to approve XI. C. 24 passed by unanimous [5-0] voice vote.**

- XI. C. 19. Request Approval of the 2006/2007 Cooperative Program Funding Agreements, for Various County Road Improvements Projects, from the New Mexico Department of Transportation (NMDOT) \$465,659.49 (Public Works Department) [See page 19.]**

MR. ROSS: Mr. Chairman, if I might just interrupt. We have one housekeeping matter that just came up. XI. C. 19, just a little bit above the item we were just considering is captioned wrong. The Department of Transportation is requiring that the co-op funding agreements be supported by a resolution so the proposal is to remove that from the Consent Calendar at this point and table it until the next meeting and we'll get a resolution together and put it on that meeting.

COMMISSIONER CAMPOS: Move to table.

CHAIRMAN MONTOYA: Motion by Commissioner Campos to table.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil.

**The motion to table item XI. C. 19 passed by unanimous [5-0] voice vote.**

COMMISSIONER SULLIVAN: Do we need to reconsider? Motion to reconsider?

MR. ROSS: Technically, I would think a motion to reconsider that item – a motion to reconsider the Consent Agenda, repass the Consent Agenda with the removed items and also remove 19 at that point and then table 19.

COMMISSIONER VIGIL: So moved.

CHAIRMAN MONTOYA: Okay, motion.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan.

**The motion to reconsider the Consent Agenda minus item XI. C. 19 passed by unanimous [5-0] voice vote.**

CHAIRMAN MONTOYA: Okay, now motion to table.

COMMISSIONER VIGIL: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Motion and second.

**The motion to table XI. C. 19 passed by unanimous [5-0] voice vote.**

CHAIRMAN MONTOYA: So this will be tabled to our next administrative meeting or next meeting?

MR. ROSS: We'll bring it back to the next meeting. It's a substantial contract.

CHAIRMAN MONTOYA: I would just ask staff that when they bring forward the information such as this I think it's gotten I think to where we're kind of clear on what we are requesting, that that information be included in the packet. Otherwise it stretches out this meeting and I would also like the Commissioners, if you have information that is not included in that packet that you ask staff so that we can expedite this Consent Calendar process. Otherwise it just doesn't – we might as well put everything on the regular calendar instead of on Consent. So I just ask that this be done in the future from staff, that that information be included.

Staff and Elected Officials Items. We are two minutes away from noon. What are the wishes of the Commission? We'll break to 1:30. So we'll be back at 1:30 and we'll start with the Corrections Department, XII. A. 1.

[The Commission recessed from 11:58 to 1:40.]

## **XII. STAFF AND ELECTED OFFICIALS' ITEMS**

### **A. Corrections Department**

- 1. Request Consideration of Agreement Between State of New Mexico Children Youth and Families Department and Santa Fe County Juvenile Detention Facility to House CYFD Juveniles**

**CHAIRMAN MONTTOYA:** I'd like to reconvene this meeting.

**GREG PARRISH (Corrections Director):** Mr. Chairman, Commissioners, I'd like to take this opportunity to recognize Annabelle Romero, the oversight manager, as being here. Bob Ortiz, the deputy director and currently the acting jail administrator. He's doing double duty, and Billy Merrifield from the juvenile services, administrator.

The first item before you is a request to consider an agreement to enter into a contract with CYFD to house juveniles at the facility. Currently we house Bureau of Prisons adjudicated juveniles and initially we had considered mixing those populations, but in review of the situation it became apparent that that would cause a great deal of confusion and put an unnecessary burden on the staff to address two different populations, statement of work, different attitudes and two different management teams. So we did a side-by-side comparison of the current contract with the Bureau of Prisons and initially negotiated the contract with the Bureau of Prisons. They had projected 36 juveniles would be housed at the facility.

Since that time at least in this current calendar year we've averaged 22.5 juveniles and we've been as low as 16 as you can see from the memo. This adversely impacted our fiscal responsibility to provide services to these juveniles and to serve the County. Subsequently, during last fiscal year we were at over a half million dollar shortfall based on the shortfall in the population by the Bureau of Prisons. We have since been talking to the CYFD to see about housing juveniles at the facility, and we have discussed with them the possibility of housing 30 juveniles. They have also indicated that they would be willing to guarantee a minimum of 30 juvenile to be housed at the facility, a situation which we've never been able to accomplish with the Bureau of Prisons is a guaranteed population.

As I indicated before, the population has varied from as low as 16 to as high as the mid-30s, and that's been a real problem on staffing and other issues. At one time we had 16 Bureau of Prison juveniles and we had five therapists. Also during last March when the population plummeted with the BOP we actually stopped hiring people because we weren't sure where the population was going. We're hoping with a guaranteed population of 30 from Children Youth and Families that we would be able to at least stabilize our staffing and have some idea where the population is and what services we have to provide and staff it accordingly.

As you can see from the comparison, the Bureau of Prisons does pay a per diem that is higher than the proposed per diem by the CYFD, but with that guaranteed population it would offset the increased per diem. Also it would give us an opportunity to serve twice as many New Mexican juveniles as we currently do. All the CYFD juveniles would be from the state of New Mexico. As of a week ago when we checked the population of the BOP, 16 of the 26 were New Mexican residents. We could immediately double the number of New Mexican juveniles being served at our facility. I think if you look at the fiscal impact and the possibility of serving the state that we have a very positive outcome from this if we were to agree to enter into an agreement with CYFD to house juveniles.

There are some considerations that we have to think about. Currently, CYFD is in the agreement with the ACLU. We've looked at that agreement and we're addressing those issues and anytime we were to change contractors and start dealing with a new management team there's going to be bumps in the roads we'd have to deal with. So with the BOP we have a pretty good idea of what we're dealing with now and where we're going. CYFD would be a new challenge, but the guaranteed population obviously would help us plan accordingly so we could make sure we have appropriate staffing and the number of therapists, case managers and other people that are necessary.

I think also one of the advantages – you can see some of the financial advantages, by serving New Mexico juveniles it would also highlight with the legislature that this facility is serving the state and it may assist us in obtaining capital monies for improvements to the facility. That facility is 30 years+ old and it's going to need some – we put a new roof on last year, a portion of new roof. There's other services we have to do. So the Corrections Department would recommend that we enter into the agreement with CYFD and provide notice to the Bureau of Prisons.

In addition, I'll stand for any questions of course, and I would also like to take a moment to recognize that Roger Gillespie from the Director of Juvenile Justice Services from CYFD is here as is Ted Lovato, a Deputy Director of Juvenile Services. And they would like to make some comments if it pleases the chairman and the Commission.

CHAIRMAN MONTTOYA: Please, Roger, Ted, go ahead. We'll take questions when you're done.

ROGER GILLESPIE: Mr. Chairman, Commissioners, thanks for the opportunity on behalf of Secretary Dobson who wanted to be here today but has another conflict. She wants to thank you for consideration of this action. We see it as a real win-win for both the County and for Children Youth and Families Department. We have a need for the type beds that your County facility has and we hope that through this contract this will stabilize your budget as well, so it works out well for both us.

I would like to at the same time say to all of you and thank you and your staff who has done some really hard work putting this together with us. It's been a real negotiation to get to a point – a place that we could afford and a place that would also help stabilize your budget. They've worked really hard. And I also want so say that one of the reasons we're considering your facility is because it's one of the best programs I've seen serving long-term kids in this type of facility in the state. We've looked at a lot of them and there's no question in our mind that you folks can do what we need to do and meet the needs of the kids from Children Youth and Families Department.

Again, I want to thank you for your consideration and let Ted say a few words and we'll stand for any questions that you might have.

CHAIRMAN MONTTOYA: Thank you, Roger.

TED LOVATO: Good afternoon, Mr. Chairman, Commissioners. I'd also like to take this opportunity to thank you in meeting with you this afternoon. One thing I just want to relay, I know many of you on the Board feel strongly about youth and the kids



in our community, and we're glad to have this opportunity to work in partnership with local government and to take a look at our kids. Not state kids, not county kids, not city kids, but our kids. This is one way to address these partnerships and working together as an intergovernmental processes. It's really important that we take a long, hard look at how we work with our young people and this is just one example of a partnership that we want to move forward with. Thank you.

CHAIRMAN MONTROYA: Thank you, Ted. Commissioner Vigil.

COMMISSIONER VIGIL: I do have a question, and I recognize that there were a lot of negotiations that went into that, so I appreciate all those who participated in it. This will probably house those youth who are being transferred from the Springer Boys and Girls – is that correct?

MR. GILLESPIE: Mr. Chairman, Commissioner Vigil, actually it will be kids that are appropriate to your facility from across the state. We're looking at our whole system. We have about 280 kids in the CYFD system at this point, and yes, we had to close the Springer Boys School, but we are opening all our facilities and letting your staff come and actually assess the kids before they're selected for Santa Fe. So they could come from YDC in Albuquerque, from John Paul Taylor in Las Cruces, or from the Boys School. Primarily those three sites.

COMMISSIONER VIGIL: And through your process of reassigning locations for these juveniles, will you be considering that, say, a Santa Fe County resident, would that be a priority or is that part of the criteria?

MR. GILLESPIE: Mr. Chairman, Commissioner Vigil, yes, that is a consideration. Our first considerations are the security needs of that child and the medical or behavioral health needs and we want to make sure we place them in a facility that is going to meet those needs the best. But the third need would be looking at Santa Fe County and northern New Mexico because you would become kind of the most northern site for our kids to be placed in the state, other than a few we'll keep up at Springer. So yes, that will be a consideration.

COMMISSIONER VIGIL: Okay. And this is a question for Greg Parrish. I know through your negotiations just by conversations I had with you, that you tried to work out a conciliatory arrangement with BOP for the federal juveniles. Is that still possible, or is this going to be an either we have the federals or we have the state?

MR. PARRISH: Mr. Chairman, Commissioner Vigil, we had two phone calls to the Bureau of Prisons last week. There was a meeting this morning with Judge Vazquez and with the Bureau of Prisons we suggested that we would try and address a population from New Mexico, a limited population of BOP, considering the numbers that the CYFD is willing to guarantee, and also we've proposed to limit the population and address New Mexico kids, not only Judge Vazquez' but others as necessary within that limited population. The meeting this morning, Judge Vazquez has indicated that she's not willing to mix the two populations. It's either/or, basically.

COMMISSIONER VIGIL: Okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second  
Commissioner Vigil. Further discussion?

COMMISSIONER CAMPOS: This is a request for consideration? So you're  
moving to approve the agreement?

CHAIRMAN MONTOYA: Yes.

COMMISSIONER VIGIL: That's my second.

CHAIRMAN MONTOYA: Any other discussion? I'll just say that I think -  
I want to thank staff for the due diligence that you gave to this issue. I know this has  
certainly been an issue that we have, at least for the three years that I've been on the  
Commission, come to - the reality is we're not trying to make money. We're just trying  
to keep our budget flush, so that we're not losing money the way we have been in the past.  
I think this provides Santa Fe County with that opportunity to at least maintain a balanced  
budget in providing these services that we have to provide by law. So I think the other  
thing that I like is that not only does it guarantee us a number, it also provides more of an  
opportunity to have New Mexico kids stay close here in proximity of where they may live  
as well. So I think this is a good move overall for the County and for the youth and  
families that are going to be served as part of our facility because as Mr. Gillespie noted  
this is a really good program and I appreciate the work that the staff has done to ensure we  
continue with a quality program for these kids coming in.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: A point of clarification, Greg. You don't have  
the agreement before us, itself. You're just asking us to consider that you pursue the  
agreement. Is that correct?

MR. PARRISH: No, actually we'd like you to act on the agreement. My  
understanding is the agreements are no longer put in the packet, that they're held by the  
Clerk's office and if you approve it, no, the consideration is to go forward with the  
agreement if possible. Maybe I misunderstood it but there is an agreement in place ready to  
be approved.

COMMISSIONER CAMPOS: I haven't seen it.

COMMISSIONER VIGIL: Does the agreement, does your memo - the  
information we have in your memo, is it all reflected in the agreement?

MR. PARRISH: Yes.

COMMISSIONER VIGIL: So the agreement will not include any additional  
facts or information for us than what is in your memo? The agreement just actually  
formalizes this memo?

MR. PARRISH: It formalizes the memo but it also specifies what services  
we have to provide, which our staff has reviewed and gone through. And understand that

we can't – we wanted to make sure we could provide the services that CYFD requires and that agreement highlights those items that we have to provide to them.

COMMISSIONER VIGIL: Okay. I'm happy to move forward with the representation of the consideration of the agreement. I see it before us. It's really too long to read at this point in time. But if it actually just represents what your memorandum does, I think that's what my second to the motion and I think the maker of the motion probably in line with that. Mr. Chairman, just for clarification.

COMMISSIONER CAMPOS: It looks like legal counsel has signed off on this, on 8/15.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: That was my question, whether legal counsel had reviewed it.

MR. PARRISH: Mr. Chairman, Commissioner Sullivan, legal counsel and Finance have both reviewed that. Yes. I apologize we didn't include it in the packet. I will make a point to do that.

CHAIRMAN MONTOYA: Any other discussion.

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

## **XII. A. 2. Presentation of Corrections Department Quarterly Report**

MR. PARRISH: Mr. Chairman, Commissioners, I want to highlight the fact that this is a bonus report. It's a quarterly report that includes four months rather than three. And at that, we'd like to move to maybe going to six months reporting if it's the pleasure of the Commission. I've been doing it quarterly. This report does have the four months, April, May, June and July, and it's basically a synopsis of the operation of the Corrections Department, starting with the Santa Fe County adult detention facility.

As you can see, Bob Ortiz has been the acting administrator and he has really done an excellent job in energizing the staff and providing leadership. There's been a significant improvement in staff morale in particular in the last 60 days. Project Facilities and Management is completely remodeling the facility. We now have electronic monitoring at the adult facility upstairs in the visitation area. We're hoping that will make available release of inmates quicker to electronic monitoring rather than waiting for the delay to get transportation and other things over to the juvenile facility.

All of the divisions in the Corrections Department currently have a vacancy rate of almost 20 percent. This is something that the CYFD agreement and the entire department that we're addressing through overtime to our staff, and we're also with Human Resources Department, Manager's office and the Finance Department looking at innovative ways to increase our recruiting. We've got to newspaper ads, billboards, banners, I hope you've seen

the lawn signs, and we're also looking at an incentive program to attract staff. Human Resources and the Manager's office is also looking at an overall classification process to address some of the salary issues.

As you can see a large portion of the report has to do with medical and how many inmates or juveniles we're serving, and our medical costs in particular. Pharmacy costs are included in here. As you can see, from April through June there was a slight decrease in pharmaceutical costs and we hope to continue that trend, although in June, the psyche meds actually went up. We're visiting a formulary type system with the mental health director and the medical director to identify generic type drugs that can be substituted for some of the higher cost drugs.

Due to a technical error we were unable to include a chart on the population of the adult facility. Our current population is 520 inmates, 143 state inmates and we have 60 female inmates as of today.

I might also note that there are several significant capital improvements. The laundry process was identified as an issue and we're addressing that through an RFP process that is being prepared as we speak. We've also had several issues with the control panels. As you may recall, there are bubbles that watch the pods. Each bubble has a control panel that controls the doors, opening and closing them. We've had a lot of problems with the control panels in the bubbles recently in that they've been shutting down and we've had to go issuing keys. Recently, the last two weeks, master control actually went down on two different occasions. We're also looking at addressing that matter. It's a safety issue that we have to get under control, that we can control those doors and make sure we have the appropriate visibility so that the officers know which doors are opening and can see who's there. So we're looking into an RFP to also address the control panels.

The camera system that we installed since the County took over has been a real plus. It's helped us as the managers and it's also helped regarding some incidents that have occurred. So the Sheriff's Department can look at them. It's also highlighted the fact that we need to expand the cameras and we're going out for a proposal on that as well.

The parking lot addition - if anyone's been out there on a Wednesday, the highest day of visitation, we have a real problem with the parking lot. It's full. People are parking on the street, over at the Sheriff's Department. So we're proposing opening a parking area east of the facility just for employees, where they would park their vehicles and at least limit that amount of parking.

The Youth Development Program, I'm proud to say that the staff did an exceptional job on the ACA, scoring in the 99<sup>th</sup> percentile, putting us as one of the top ten percent of the facilities in the nation. In January we'll be going forward to the ACA conference to argue some of our four or five deficiencies, let them know what corrective action we've taken to address those at least.

Once again our staffing is at 19 percent and you can see exactly there what we're lacking. Once again, the pharmaceutical records and the physician, dentist, mid-level and psychiatrists are platted out there so you can see how many juveniles are being seen by the

staff and some of the costs. As you can see, as at the adult facility, a large portion of the costs of medical is the pharmaceuticals, and we have about 15 percent of juveniles that are on some type of psych medication while they're at the facility.

The Youth Development Program has also applied for reimbursement through the federal lunch program and we will be starting that with the new school year, and we're projecting a five to six thousand dollar a month reimbursement in that. And that number may even increase with the population of CYFD as it's based on the number of school aged juveniles going to school. So we're hoping to increase that reimbursement amount.

The Youth Development Program and the day reporting, that's a \$200,000 grant. On this agenda there was \$20,000 moved to that. That has been continued through October 1<sup>st</sup> and we're applying for an RFP that's available for alternatives to incarceration and we're optimistic that we will receive funding to continue that program. That's a program that serves about 12 juveniles and as you can see, if even six of those juveniles were to be incarcerated it would cost, at the current rate of \$140 per day that we charge for detention, the cost to the County would be in excess of \$300,000. So that's a very worthwhile program and we need to identify ways of sustaining that in the future.

The Adolescent Residential Treatment Center, when I wrote this, as I can see I indicated that it was at 14 but actually then we lost two juveniles. The male portion of that population is at capacity now and we have individuals waiting to be placed. We're also identifying with New Mexico Children, Youth and Families. We met - Annabelle Romero was able to arrange a meeting last week with the licensing board at the state and they're looking at the license of that to make it Medicaid approved so we can get Medicaid reimbursement, make it more available to New Mexico agencies. The ARC also currently has a staffing vacancy of about 22 percent. So as you can see from those three divisions, we're at about a 20 percent vacancy rate.

The electronic monitoring program, I'm pleased to say is fully staffed. We have seven employees there. Four of them are assigned to the adult facility and three are assigned to the juvenile facility to handle juveniles. The electronic monitoring program continues to be a real plus for the County. As you can see we average about \$12,000 per month that we collect in fees for the service and it's also a wonderful alternative to incarceration and the judges are very enthusiastically supporting it. As you can see in the memo here, if we were to - if 1/3 of the individuals on electronic monitoring were actually incarcerated it would cost the County almost \$96,000 per month more, or \$1.1 million annually.

The electronic monitoring program is also negotiating with contracts to provide services for Espanola and Pojoaque. Then you can see the population. I would at this time stand for any questions on the report.

**CHAIRMAN MONTOYA:** Questions? Commissioner Sullivan.

**COMMISSIONER SULLIVAN:** Greg, last time I asked how the progress was with the FTE that we approved to look into excessively long detentions and other cases where inmates seemed to be simply overlooked and not brought in for adjudication on a

timely basis and as a result cost the County a great deal more money. At the time I believe she had been on board for a couple of months so things were still preliminary. Where do we stand on that now?

MR. PARRISH: Mr. Chairman, Commissioner Sullivan, that individual has been made the booking supervisor and is responsible for all the bookings of people coming and going. One thing we can tell you and Bob Ortiz pointed this out to me just prior to this meeting is that since the County has taken over the facility the population has dropped almost 100 individuals. We used to average over 600+ individuals, but the administrator is constantly scrutinizing and having the staff scrutinize people, why they're being held, not only through the booking area but through case management. So the best indicator of that is what our population is. When our contractor was running it, they were charging us for almost 100 more inmates than currently we're serving. So we've been able to significantly reduce the population. A good portion of that is through our liaison work with the judges and our staff being much more conscientious, why someone's in jail there. And if they should be in jail. I think that's probably the best indicator of our success in that area.

COMMISSIONER SULLIVAN: Do we still have someone monitoring that as their primary task or has this individual moved into the booking supervisor and that position is vacant now?

MR. PARRISH: We've moved that position to the booking supervisor but her duties include scrutinizing people and why they're being held, why they're coming into the facility, and to move them through that. She actually works with the case managers to identify that, and she continues to be our liaison with the courts on these very issues. We thought it was important to put her in that position because she sees why people are coming in and why they're still here through the booking and records department.

COMMISSIONER SULLIVAN: When we were approving the position you had some stats and some horror stories on people that have been there for long times without any adjudication. Do we have any updated stats?

MR. PARRISH: I don't have any stats to support that, Commissioner Sullivan. Like I said, the population has been decreased substantially. I'm sure there's someone in that facility that probably has fallen through our cracks, the district attorney's cracks, and we'll discover that person. But I think we're being much more conscientious in identifying individuals and moving them out of the facility.

COMMISSIONER SULLIVAN: If that population is reduced, are those inmates that we're responsible for or are those contract inmates with other entities?

MR. PARRISH: The decline in the population is the Santa Fe County's population.

COMMISSIONER SULLIVAN: And who else do we have there?

MR. PARRISH: We house Rio Arriba, we house some Taos, we have the Department of Corrections, 143 Department of Corrections inmates.

COMMISSIONER SULLIVAN: And that's stayed about the same?

MR. PARRISH: Yes. Those have been pretty much consistent. The

population drop has been significantly in the area of Santa Fe County. That's obviously the largest segment of population that's there and we have had a significant reduction through some of the – I attribute it to the good work that the staff's done with the courts and the police and moving them through.

COMMISSIONER SULLIVAN: I'd be interested in your next report, in a section that addressed what prior incarceration periods were before adjudication and what was accomplished in that regard.

MR. PARRISH: I'll try to work with the jail administrator to identify what our population is and reflect where it's going and what it is.

COMMISSIONER SULLIVAN: And what our strategy is, what our program – in other words, what's her marching orders? How often does she meet and what's the reaction? I guess what I like is a consistent program of not just occasionally doing it but regular meetings with the judges and a constant emphasis on that in your staff meetings. Whatever it takes to keep that at the forefront of your issues. I think that's what gets the job done. So it would be good to see that next time.

MR. PARRISH: Yes, Commissioner Sullivan.

CHAIRMAN MONTOYA: Any other questions?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioners Campos and Vigil

COMMISSIONER CAMPOS: Mr. Parrish, what about the warden position? What is being done right now to hire a new warden?

MR. PARRISH: Mr. Chairman, Commissioner Campos, actually this Thursday we have about seven candidates and they will be interviewed by a panel this Thursday with recommendations. So I think we're close to addressing that issue.

COMMISSIONER CAMPOS: A recommendation by next month is likely?

MR. PARRISH: I would hope a recommendation by the end of this week, after we do the interviews.

COMMISSIONER CAMPOS: Great. Thank you, sir.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: What is the percentage of staffing that we lack at the adult facility?

MR. PARRISH: I believe it's 21 percent. Thirty officers, four corporals, one sergeant, one lieutenant, one case manager, two registered nurses, two licensed practical nurses, one paramedic and one secretary. And that's 21 percent of basically a staff of about 200.

COMMISSIONER VIGIL: Did I hear you say that ARC staffing was lacking at 22 percent?

MR. PARRISH: I believe it's 22 percent for the ARC and it's 19 percent for the juvenile.

COMMISSIONER VIGIL: I guess I'd like to be able to work with you with regard to the staff who is looking at the inmates and their time of stay there, because there

are many critical documents that are necessary to clarify that and link with the public defenders office and the district attorney's office. And the judgment and sentences are critical. And those aren't always a part of the booking. Those are the kinds of documents we have to make sure we're getting so that we can get an accurate understanding of the sentencing. Of course for the probation violators it's really critical that once they do get incarcerated that we have records of their sentencing and until we are really able to gather that, and I don't know if that involves a database but I do know that if this particular FTE is assigned to do that the best way we can look at expediting inmates or avoiding the problem of inmates staying incarcerated longer than they've been sentenced or are required to, for whatever reason, is to have that documentation, and that's part of the problem, not only we're having but I think the private institutions have. I'm not sure how that can be done, but I think that's an area where we need to work with this FTE. It's going to take some critical communication between the district attorney and the public defenders office.

For example, if in fact there is discovered that an inmate has been there longer than they should have the public defenders office needs to be contacted or the defense attorney, whoever it is, to expedite all the motions that are required to bring that inmate before court. And the process involves the cooperation of so many agencies, but that cooperation cannot come to fruition, so to speak, unless we have the appropriate documentation and I don't know if she or he is actually focused on that.

MR. PARRISH: Mr. Chairman, Commissioner Vigil, I think there's been a new emphasis since the County - it's not profit-driven. We're there to serve the County in that. There's been a new emphasis not only the booking, the case managers, from the administrator all the way down, to be very conscientious about why people are there, or should they be there, and developing a liaison. I think we've made some strides. We have a long ways to go yet. I think with the Commission's approval this morning of the new inmate management system it will help us get the statistical data that we can take forward to the district attorney, the judges, and express, this is the trend we see; how do we address those and change this? That's what we're looking forward to.

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

CHAIRMAN MONTROYA: Okay. Other questions? Thank you, Greg. Oh, Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Parrish suggested that maybe meetings should be arranged every six months as opposed to quarterly. Is that right?

MR. PARRISH: What I was proposing with the Commission's approval, rather than do a quarterly we would do a semi-annual one, six months. Or we can continue the quarterly. Whatever is the wish of the Commission.

COMMISSIONER CAMPOS: Your preference is semi-annually, right?

MR. PARRISH: It's time consuming and distracting sometimes from other things we're doing.

COMMISSIONER CAMPOS: Absolutely. I would be in favor of the semi-annual reporting. I don't know how other folks feel on the Commission.



COMMISSIONER ANAYA: That's fine with me.  
COMMISSIONER CAMPOS: Do we have three at least?  
MR. PARRISH: Thank you.  
CHAIRMAN MONTOYA: Thank you, Greg.

**XII. B. Land Use Department**

**1. Request Authorization to Publish Title and General Summary of an Ordinance Amending the Santa Fe County Land Development Code (Ordinance 1996-10, as Amended), to Add a New Section 9, Tres Arroyos del Poniente Zoning District (TAP) to Article XIV, Traditional and Contemporary Community Zoning Districts**

JUDY MCGOWAN (Senior Planner): Mr. Chairman, Commissioners, this should be really quick, I hope. As you probably recall, both the Board of County Commissioners and the EZA approved the Tres Arroyos del Poniente Community Plan in March and since then staff's been working on developing what I'm calling the first draft. It's the first draft that's gone public. It's actually about draft number ten, of an ordinance to implement that plan. We're now requesting authorization to publish title and general summary so that we could move forward with public hearings and adoption of the ordinance.

A couple of things to note is that this is a first draft. I anticipate that there will be changes to this draft before it comes back for public hearing. We're having a community meeting on the 28<sup>th</sup>, next Monday evening and I imagine we will get comments and perhaps some changes from that meeting. I've already received some proposed changes from staff members and there's still a couple of remaining legal issues, kind of finer point legal issues that we need resolved.

Also just to note that because this area is partly within the two-mile Extraterritorial Zoning District and partly out, there will be two ordinances coming forward, so at least three of you will see it twice, and we're doing our best to keep the ordinances identical where we can. The zoning subdistricts will be different in the County ordinance than in the EZ ordinance because the Village of Aldea is in the EZ and that has a couple of overlay subdistricts that won't exist just in the County ordinance.

CHAIRMAN MONTOYA: Questions? Commissioner Vigil.

COMMISSIONER VIGIL: When is that meeting? What time and where?

MS. MCGOWAN: It is Monday, the 28<sup>th</sup>, from 7:00 to 9:00 pm and it's at the business incubator on Airport Road. We sent - there was an ad in the paper. There will be another ad in the paper and I sent notice to all the property owners. You should have gotten an e-mail. I know I sent it.

COMMISSIONER VIGIL: I did. I didn't document it in my calendar.

MS. MCGOWAN: We're hoping to bring it to CDRC in September, if all

goes as planned.

COMMISSIONER VIGIL: Thank you, Judy, for all your work on that. With that, Mr. Chairman, I'd like to move for approval for title and general publication.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Discussion?  
Commissioner Sullivan

COMMISSIONER SULLIVAN: Mr. Chairman, there's two things that I'd like to be considered on this and the first is that we're only requiring 30 percent open space for new subdivisions and this area is directly adjacent to 599, just like the Community College District is directly adjacent to I-25. In fact they're both west of it. And it's an area that's going to – and already is of course seeing the brunt of development and where we're going to be extending the County utilities and where we should be encouraging, I think, concentrated growth and I live right near a subdivision that's going out for 50 percent open space and I can tell you it's very dense. There's a lot of houses in there, so it doesn't limit a developer from making a profit, by any means.

So I think this is a logical growth area that we've identified in our plans and that 30 percent is not reasonable, that 50 percent is a better target value for subdivisions. Particularly if you look at the open space criteria, just about everything is allowed to be open space – arroyos, trails, trailheads, archeological easements, highway corridor setbacks – just about anything that doesn't walk or talk can be open space. So I think we're pretty flexible there in terms of considering everything and even private open space can be counted if it's physically contiguous or separated only by a road or trail feature, and is not enclosed by fences, walls or structures.

So we can even count as open space platted land. So I think we're pretty generous in that regard and the 30 percent seems to be too low to me. So that's one comment.

And the other is that – and it was a comment on I had on the San Marcos plan also, I don't see discussion of guesthouses in here. We always have a very fine line dealing with what is or what isn't a guesthouse? Can you live in it? Can you rent it? Can it have a kitchen in it? I know the current Code, at least in the Community College District is in some areas you can have a guesthouse but it can't be a permanent residence, so it can't have a kitchen in it, but it can have a bathroom in it. It can be an artist's shop or woodshop or something like that.

But I think that needs to be discussed and defined, because that's an area where we get into all the time, particularly when we look at the water usages. I see the water usages are limited to .25 acre-feet, but I'm not sure how we would deal with that with guesthouse subdivisions. So those are two things I would like the staff to look at as we go through the various drafts of this.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, Ms. McGowan, are there any concerns of staff – I know when we talked about San Marcos, there was a presentation

that staff didn't seem to raise any concerns itself. I certainly would like to hear if staff is concerned about any part of this proposed plan or ordinance. I'd like to have a staff analysis if there are any concerns, at the next round.

MS. MCGOWAN: Staff has drafted the ordinance. The community hasn't seen it yet, so we're not sure what discrepancies there may be between what the community thought they were getting and what staff thought we were getting.

COMMISSIONER CAMPOS: I assumed that in the San Marcos discussion staff had a lot to do with it but when it came right down to it I think there were some staff concerns that were not being expressed and I hope this didn't happen at any time that we consider a community plan.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Ms. McGowan, and I participated in a few of these planning meetings with this community. Were the two issues that Commissioner Sullivan brings up, the 30 percent open space and guesthouses discussed through your planning process?

MS. MCGOWAN: Mr. Chairman, Commissioner Vigil, I believe the 30 percent open space issue came up at the very end of the plan, after a draft had been prepared when we reached, basically, a no-consensus mode and the committee fell apart. It was a group of committee members who proposed that there should be a 30 percent open space and that was to conform with a requirement that's already in effect in the EZO. The densities in this area are quite a bit lower than the Community College District. The way property is developing out there, there's likely to be very little large parcels of vacant land available by a year or two years from now in this area. It's developing fairly rapidly into subdivisions of 2.5-acre lots, 14 lots here, 16 lots here. Smaller developments.

COMMISSIONER VIGIL: And the guesthouse issue?

MS. MCGOWAN: The guesthouse issue, I think the way that planning committee approached this was that they had their specific issues and they said these are the ones we're worried about that we want on our plan and that we want taken care of that may be a little different from the County, and whatever the County's policy on guesthouses is, they're willing to live with. But I can see from Commissioner Sullivan's discussion, there is a clarification. I can consult with legal and with Land Use staff on about whether that .25 acre-feet per lot would limit guesthouses. I'm assuming that, but we should be clear about that before we -

COMMISSIONER VIGIL: Okay. Thank you, Judy. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: I have a motion and a second.

**The motion to authorize publication of title and general summary of the TAP ordinance passed by unanimous [5-0] voice vote.**

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'd like to recognize Judge Hall who's here visiting us. Thank you for joining us. I assume you're here for ICIP. I'd also like to recognize Shirley Hooper, our past deputy County Clerk and Shirley, thank you for joining us today and we're waiting for you to rejoin us. We hope you come back.

**XII. B. 2. Request Authorization to Publish Title and General Summary for an Ordinance Amending Article XIV, Ordinance 2000-8, of the Santa Fe County Land Development Code, Ordinance 1996-10, to Include the Los Cerrillos Traditional Community Zoning District**

JACK KOLKMEYER(Planning Director): Thank you, Mr. Chairman. Good afternoon, and good afternoon to the all the Board members. Chairman Montoya just read a request for authorization to publish title and general summary for an ordinance amending Article XIV, Ordinance 2000-8 of the Santa Fe County Land Code regarding Los Cerrillos Traditional Community Zoning District.

We noticed particularly with the first three community plans that we did for San Pedro, Madrid, and Cerrillos, that as we had gotten some development projects that have come in, there have been little loopholes. There have been some problems with the ordinances as they were originally drafted, especially some of the mapping that was done on those original plans because they were pre-GIS capabilities when we did those plans and ordinances. In Los Cerrillos two issues have come up that we want to go back and fix in the ordinance.

First of all, Section 2 of the original Los Cerrillos ordinance refers to zoning districts that I described but not identified in a natural zoning map. The problem is that the Los Cerrillos Community zoning district map identified in the plan was for whatever reason, not included in the ordinance when it was adopted. It was a hand-drawn map originally. A zoning district map needs to be included in the ordinance to identify the actual zoning districts for that community, and we'd like to redraft that zoning map and include it in this ordinance update.

Secondly, the definition for legal lots of record was not also clear in the original ordinance and has resulted in some confusion with regard to densities that are allowed within that community. Section 2.2 defines legal lots of record by reference to the original townsite of Cerrillos map which was developed in the 1800s. It was not intended that a lot shown on that map be a legal lot of record unless it appears on a recorded plat or a deed and that's not clear in the language of that ordinance. Again, these are just things that we didn't catch when we passed those ordinances originally, but as projects come through we know that we need to update and correct those. So that's what we would like to do. We'd also, because of those changes, need to reformat the ordinance as it is right now.

We would hold two community meetings. We have a draft of the ordinance that is also in your packet. We would like to have two community meetings in Cerrillos in September and go back to the CDRC in October and then bring this ordinance back to you in November. So that's what this request is for.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: Motion by Commissioner Vigil, second Commissioner Anaya. Discussion?

**The motion to authorize publication of title and general summary to amend the Cerrillos ordinance passed by unanimous [5-0] voice vote.**

- XII. B. 3. CDRC CASE # APP 06-5410- Dexter Springall, Applicant Requests an Appeal of the Land Use Administrator's Decision to Deny a Swimming Pool on 3.60 Acres. The Property is Located at 37 Vista Dr. within Section 17, Township 10 north, Range 7 East, (Commission District 3 [See page 80.]**

MR. GONZÁLEZ: Mr. Chairman, members of the Commission, it's my understanding that this had been published at 5:00 as opposed to this point in time but I haven't been able to confirm that yet.

CHAIRMAN MONTOYA: Okay, while we wait, let's move on to item

C.1.

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

- 1. Resolution No. 2006-140. A Resolution Declaring the Intent of the Board of County Commissioners of Santa Fe County, New Mexico (The "County") to Consider for Adoption an Ordinance Enacting a Countywide Emergency Communications and Emergency Medical Services Tax; and Authorizing and Directing the Publication, in a Newspaper of General Circulation within the County, of a Notice of Meeting to be Held on September 12, 2006 to Consider Such Ordinance**

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, Commissioners, in front of you today is a resolution on the intent to enact the motion to put on the ballot the quarter percent emergency GRT. This is the first of three items that are in front of you in terms of we tried to consolidate some long-term financial planning that regards operations and also infrastructure. If you have any questions regarding this, Stan Holden is

here and he can provide justification for it and we also have with us Peter Franklin who is the County's bond counsel. We stand for any questions, Mr. Chairman.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Campos. Discussion? Commissioner Vigil.

COMMISSIONER VIGIL: And whoever wants to take this question. This is a GRT, correct? That we're trying to enact? Or that would generate how much revenue?

STAN HOLDEN (Fire Chief): Mr. Chairman, Commissioner Vigil, this is a gross receipts tax. It is estimated to generate \$9 million per year.

COMMISSIONER VIGIL: And you're asking us to conduct a meeting on September 12<sup>th</sup> to consider it? A public hearing?

CHIEF HOLDEN: Yes, ma'am. Today's action is just requesting permission from the Commission to advertise title and general summary, so that we can have the public hearing on September 12<sup>th</sup>, at which time you can take public comment.

COMMISSIONER VIGIL: Mr. Chairman, Mr. Holden, I'd like to urge you to continue communications with the City of Santa Fe with regard to how we can get their support on this. I know there's been several proposals on the board and I'd like you to continue communicating with them regarding that, because it is my belief that this is a way to cooperate with our sister city and I think move forward in a direction that could benefit all of Santa Fe County residents. I think unless we keep the lines of communication and conciliation and concession open we may doom these to failure. So if you would continue those I would appreciate it.

CHIEF HOLDEN: Yes, ma'am.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I think those discussions are premature at this point. I wouldn't ask Mr. Holden to do anything. We have to move forward and we can have a discussion later if that's appropriate, that's fine.

CHAIRMAN MONTOYA: Any other discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I had a number of questions when this came up last month and asked for some additional specificity on what we would and wouldn't do with the money and subsequent to that meeting I did meet with Mr. Holden, with Chief Holden and with the County Manager. I'm satisfied that we have a vigorous program here. In fact we know what we're doing and what's being requested is needed. So I would encourage the Commission to move forward in accordance with the plan that we have on board, our EMT and fire plan and vigorously support and advocate for this bond issue, this GRT.

CHAIRMAN MONTOYA: Thank you, Commissioner. Any other comments. We have a motion and second.

**The motion to approve Resolution 2006-140 passed by unanimous [5-0] voice**

vote.

**XII. C. 2. Resolution 2006-141. Special Bond Election Proclamation and General Obligation Bond Resolution Calling for a Bond Question Concerning the Issuance of up to \$25,000,000 of Santa Fe County General Obligation Bonds to Provide Funds for the Acquisition and Construction of a District Courthouse and related parking facilities in Santa Fe, Including Acquisition of Buildings and Land for Such Purposes**

MR. GUTIERREZ: Mr. Chairman, members of the Commission, what you have in front of you today is the next step in the process for your approval to place this on the November general election ballot to ask the voters for approval of a GO bond of \$25 million. I'd like to make sure that you're aware - if you look on page 2, right under Section 1, it says "Shall Santa Fe County issue up to \$25 million in general obligation bonds payable from the general (ad valorem) taxes to acquire real property for and construct, design, equip, recondition, improve and furnish a district courthouse and related parking facilities in Santa Fe." That is the actual question that we're going to be asking the voters. Again, these funds will be used to construct a new First Judicial District Courthouse in the Santa Fe area. I stand for any questions, Mr. Chairman.

CHAIRMAN MONTOYA: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Joseph, does this or could this include facilities for the district attorney or is that specifically excluded?

MR. GUTIERREZ: Mr. Chairman, the way I understand this is that it could include the district attorney. When we did the feasibility study, we included the district attorney in one of the site plans. That will yet be determined until we pick the architect and we know the exact financial picture, whether we can allow that square footage or not.

COMMISSIONER SULLIVAN: I know there's lots of thinking and ideas floating around, which is good, but I just wonder if this language, the term district courthouse, does that exclude us, Mr. Ross, from any proceeds of this bond being used for the DA's facilities?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, I think that refers to a building, but Mr. Franklin is here and I'm sure he's thought about that also.

PETER FRANKLIN (Bond counsel): Mr. Chairman, Commissioner Sullivan, if the district attorney's office is housed in the courthouse, it would not exclude it.

COMMISSIONER SULLIVAN: But -

MR. FRANKLIN: If it's not housed at the courthouse, that's not what's being authorized by this question.

COMMISSIONER SULLIVAN: Well, there's a lot of - I'm just

wondering, which comes first, the chicken and the egg here. We've been looking at land transfers -

COMMISSIONER CAMPOS: The chicken.

COMMISSIONER SULLIVAN: The chicken comes first. Okay.

Commissioner Campos has settled that for us.

COMMISSIONER CAMPOS: Totally settled for all time.

COMMISSIONER SULLIVAN: Having that guidance, I'll move forward.

What I'm thinking is we have a lot of interesting and I think productive land discussions going on along the periphery of this facility and some of those discussions may aid the district attorney's office ultimately. And we may need money to buy land. If we needed this \$25 million to do that, if something came forward in the very near future that helped to package that whole site for us, then we'd be precluded, I'm reading, from utilizing any proceeds for that. So unless Peter, you've got a different idea on that.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, we also have the flexibility, if you look at this, this would only provide probably half of the funding for a new building. Also we have the 1/16 GRT that also is in the financial plan used to allocate for the courthouse and theoretically that could be used if we were to have a separate building. We haven't thought about a separate building but all the plans and feasibility, if the DA were included in this they would be in the same building as the courthouse. Now that isn't a final decision at this point. We also have the 1/16 GRT which we estimated would bring in another \$25 million.

COMMISSIONER SULLIVAN: And what does the 1/16 GRT say? Does it say district courthouse?

MR. GUTIERREZ: The 1/16 GRT, Mr. Chairman, Commissioner Sullivan, doesn't have any restrictions on it. It's open to use as the Commission directs staff to move forward on.

COMMISSIONER SULLIVAN: For any public works project.

MR. GUTIERREZ: Right. It's not dedicated.

COMMISSIONER SULLIVAN: So if we had to purchase land or buildings, we could do it with that.

MR. GUTIERREZ: We could do it with that, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Whatever staff thinks. It just seems like we want to be as flexible as we can. We're not sure what's going to happen in the next year to two years. I just didn't want to be limited to a district courthouse. District courthouse and parking facilities. That's it. Okay. Don't come back and say, oh, we forgot we had to have traffic lights, or whatever. You had to have facilities, you had to have equipment, you had to have computers, you had to have furniture. We're assuming this is all in there.

MR. FRANKLIN: Mr. Chairman, Commissioner Sullivan, I think part of the thinking that went into framing the question this way is that on advice from one of the consultants to the County, the less specific the question and the more flexible the question, the more difficulty in getting voter approval. So as a matter of trying to frame the question



in such a way that it has the best chance of success, I think the feeling was to make it specific, knowing that we may be looking to other funding sources for some of these related but separate areas.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. My question was just to clarify what Commissioner Sullivan was saying, if you wanted to add in land acquisition in this?

COMMISSIONER SULLIVAN: No, I wasn't - Mr. Chairman, I think it does say acquire real property. So I think we're okay for that. I was just thinking, there have been some discussions about other opportunities immediately adjacent to the site which includes buildings and land. So that might be in this building, moving, shuffling options that we've been looking at, I just want to be sure that if an opportunity came up, like the Paramount or a state building or a federal building and we felt it was appropriate we could jump on it if we had the money to do it. And Mr. Franklin is telling me we have and Mr. Olafson is saying we do.

COMMISSIONER ANAYA: Okay.

COMMISSIONER SULLIVAN: And I'm saying don't come back here again.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Joseph, is there a marketing strategy that we're going to undertake, or anyone?

MR. GUTIERREZ: Mr. Chairman, Commissioner Vigil, we actually had a meeting last week in the Manager's office with a consultant in terms of marketing and I had a meeting last week also with Judge Hall in terms of those marketing efforts and Judge Hall can probably speak to that but I think the marketing effort is going to take place outside of the County in terms of the judges and their groups and Judge Hall can speak to that.

JUDGE JIM HALL: Mr. Chairman and members of the Commission, I'm Jim Hall, the chief judge and with me is Angela Pinato, our deputy court administrator. I'm actually over here to address that very question, because I wanted to let the Commission know what we have in mind in terms of getting information out to the voters in connection with this. I do plan on making use of the County and some of you folks along those lines, but if I could outline what we've decided to do as a court, so you'll have an idea of what we intend and hopefully we can work together on this.

First of all, we're in the process of putting together kind of an information sheet and information packet that outlines what's involved not only in the bond but also why it's needed, the security and space issues that you've heard so much about. So we hope to create a one-page handout that's going to be available to you for people that have questions about the bond issue. Also then we're going to have a lot of background information about security problems that we've had in the courthouse, other incidents, newspaper articles and

things like that. And finally, you'll recall we do have that video that was prepared last year which I think provides some information as well.

We're going to package all that up, use it ourselves and get it to you folks as well, so that you will be able to use that information as you get out and let the public know how important this is.

The second thing we plan to do is draw together people who know about this issue and know about its importance. Lawyers, other judges, law enforcement – we intend to get those groups together and hopefully they will be willing to speak out as to the importance of this. So the judges as a group are going to be involved in reaching out to those groups that understand how critical this is and have them get the word out.

And the third area, and this is the one where I would particularly ask your help is the judges planned it to reach out through community organizations and even neighborhood organizations and go out and try to speak to these groups to make sure that they understand the issues involved as it relates to the new courthouse. So our hope is to reach out and try to get judges individually and we're all going to spread out that work, go out and actually talk to groups. And this is one area where I particularly request the assistance of the Commissioners because I know you are often called upon to go before groups in your individual districts and I'm here to offer to any one of you, if you're going to be in front of a group, or think there is a group that should hear about this, I can guarantee I'll have at least one judge that will be able to go along and provide some of this information that we have.

So that's sort of the plan that we have in place to try to get the word out. Hopefully we have other things we're thinking about here in Santa Fe. We have other judges besides the district judges, such as the court of appeals and the New Mexico Supreme Court. We'd like, because they understand this issue quite well, we'd like to get them involved as far as getting the word out to the public. So that's the approach that the judges are going to take and I hope that you all will join us, particularly in that last area, because I know you have a lot of groups that you speak to and all you have to do is contract the court and I'll have a judge there to be there with you all the way up until the date of the election because it's our strong belief that if the public understands this issue and what's involved that they'll be as supportive of this GO bond.

So that's what we have in mind, at least from the court standpoint. I'll be happy to answer any questions you might have.

CHAIRMAN MONTROYA: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just to get the ball rolling, Judge Hall, we have a meeting this Thursday.

JUDGE HALL: Where and when? I'll have somebody there.

COMMISSIONER SULLIVAN: It's a community meeting at the Community College. What we call our townhall meetings that we hold periodically as Commissioners have, just to bring people together and let them air their gripes and try to respond to the issues. Their traffic and water and what have you. It's from 6:00 to 8:00 in

the Jemez Room, the 24<sup>th</sup>.

JUDGE HALL: Mr. Chairman, Commissioner Sullivan, be happy to be there. Do you think it's appropriate? I don't know how often you have these townhall meetings.

COMMISSIONER SULLIVAN: Infrequently.

JUDGE HALL: Okay, so -

COMMISSIONER SULLIVAN: Like once a year or even less sometimes. We have more, but in any one area. We had one about two months ago in Eldorado. Commissioner Montoya has had some in his district and so has Commissioner Vigil. But this one's coming up. There won't be another one in that Community College area this year. And the Mayor will be there. Mayor Coss will be there and it would be no problem to allocate five minutes of the agenda to whatever judge is available and have them say that this is coming forward and we want you to know what it's all about and learn more about it.

JUDGE HALL: Mr. Chairman, Commissioner, that's what we want to do. So either myself or some other judge will be out there. Should we contact you and let you know who's going to be there?

COMMISSIONER SULLIVAN: Jennifer Jaramillo, who's organizing it.

JUDGE HALL: Okay. We'll let her know and one of the judges will be there.

COMMISSIONER SULLIVAN: That will be fine and we'll try to give you some time to make a presentation some time during the first half hour to 45 minutes of the program. We generally allocate the last hour to questions.

JUDGE HALL: Thank you.

COMMISSIONER SULLIVAN: This is a resolution? It should be a resolution, Steve?

COMMISSIONER CAMPOS: Move to adopt.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Any other discussion?

**The motion to approve Resolution 2006-141 passed by unanimous [5-0] roll call vote.**

**XII. C. 3. Resolution No. 2006-142. A Resolution Reauthorizing \$1,500,000 of 2005A GO Bonds Proceeds for Road Purposes to Fire Station Construction Purposes**

MR. GUTIERREZ: Mr. Chairman, members of the Commission, we are

requesting the Commission give approval for reauthorizing \$1.5 million of 2005 GO bond proceeds from the roads to fire station reconstruction purposes. These funds will be used for the remodeling of four fire stations. They are the Chimayo, La Puebla, Tesuque and Glorieta. This is a temporary movement of funds from the road to fire. If you recall, when you gave authority to issue, to go to the voters for a bond issue, at that point they approved \$72.5 million worth of bond authority for the County. \$51 million was for water, \$20 million was for roads and \$1.5 million was for fire.

We've actually sold \$20 million worth of bonds of that \$72.5 million. That was \$10 million for roads and \$10 million for water. Fire is ready to move forward on the renovations and it wouldn't be cost-effective at this time to go out for a bond sale for \$1.5 million. So more than likely, some time early to mid-2007 we will be selling probably another \$20 million worth of bonds for roads and water and those funds will be replaced at this point. Of the \$20 million that have been authorized and sold, water has spent approximately \$6.4 million. Roads has spent \$840,000 and has about \$2.7 million encumbered. So there's still approximately ten or eleven million dollars of unused funds at this point. Again, this is just a temporary adjustment. I stand for questions, Mr. Chairman.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Sullivan. This is Resolution 142?

**The motion to approve Resolution 2006-142 passed by unanimous [5-0] roll call vote.**

**XII. C. 5. Request Approval of a Grant Agreement Between Santa Fe County and the New Mexico Department of Finance, Local Government Division for Grants to Fund Eight Projects Awarded by the New Mexico State Legislature / \$2,850,000**

PAUL OLAFSON (PFMD): Mr. Chairman, Commissioners, before you we have a grant agreement for funds that were appropriated by the legislature 2006 for fiscal year 2007. There's eight projects totally \$2,850,000 and the projects are listed on the memo sheet there. They include renovation to the emergency room at St. Vincent's Esperanza Shelter administrative complex, the Santa Fe County Fairgrounds, Women's Health Services Center, La Cienega Community Park, Cerrillos Multi-purpose Center, Agua Fria Children's Zone and Parker/Atalaya Mountain project. I would stand for any questions.

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER ANAYA: Second.

**CHAIRMAN MONTROYA:** Second, Commissioner Anaya. Discussion?  
Commissioner Sullivan.

**COMMISSIONER SULLIVAN:** Mr. Chairman, I'd like to see if we could perhaps recoup some of our construction management administration costs wherever possible on any of these projects. Things like Women's Health Services or places like that, or the fairgrounds. These are County functions, but like in the Women's Health Services and like St. Vincent's Hospital, perhaps we could consider in the MOA that we're currently negotiating with St. Vincent some reimbursement because when we undertake \$2.8 million worth of projects and particularly projects as complex as renovating the emergency department of St. Vincent's, we're not just a pass-through. We have other functions in administering these funds that go beyond just writing checks. We have to spend time on these things. We have a fiduciary responsibility to account for these funds and the expenditure of the funds and the disbursement of the funds in accordance with the procurement code.

I'm not sure that St. Vincent is used to that and I'm not sure that Women's Health Services, for example, is used to that. And so it takes staff time to do this. There's never any monies for the County staff to do that and it takes away from their other duties. So I just want to throw that out as a possibility to consider that it's certainly not unreasonable to have some percentage of these monies allocated towards construction management down there. Unless they're in the legislation, I understand that you can't use the money for anything unless it's so stated in the legislation. So we can't roll over the legislative intent but there's other ways to skin the cat here. I'd suggest we take a look at it. Do you think we could do that, Mr. Olafson?

**MR. OLAFSON:** Mr. Chairman, Commissioner Sullivan, we certainly will get with them. I know you'd mentioned this at another meeting, looking at maybe approaching the legislature to enable that in a different mechanism. I agree that many of these projects have some complexity and they require a good deal of time to make them work. And we can definitely get with the Manager and Legal and see where we are currently within our statutory abilities and then also look at a longer-term strategy as well.

**COMMISSIONER SULLIVAN:** And perhaps also you might want to discuss it with Steve Shepherd insofar as negotiations with the MOA which are starting now. I think that it's going to take a big hit on staff time to do this and we need to be reimbursed for it somehow. Just a suggestion.

**CHAIRMAN MONTROYA:** Commissioner Campos.

**COMMISSIONER CAMPOS:** Thank you, Mr. Chairman. Just a follow up for Legal. Is there any way under the grants that we could actually deduct some money for construction management? It's so connected to the projects and the need. Or do we need special language?

**MR. ROSS:** Mr. Chairman, Commissioner Campos, I don't know but I can certainly check with DFA and find out. I'm sure this has come up before.

**COMMISSIONER CAMPOS:** I think we should look at it right now if it's

possible because it's so connected to the construction project you would think that we could get some money for construction management. Because it's a big expense and a lot of time. If it's possible to do that, if we approve these today, can we still add that requirement later, Mr. Ross?

MR. ROSS: Mr. Chairman, Commissioner Campos, I guess what I would check is whether under the existing appropriation and this grant agreement which I just went through quickly and I didn't say anything prohibiting a charge off. Whether it's possible for us just to do it. I'll report back to you and let you know.

COMMISSIONER CAMPOS: So obviously on this contract -

MR. ROSS: You could either hold the contract up pending my investigation or you could pass the contract and not expend the money until I find out. There are a number of ways to do it.

CHAIRMAN MONTOYA: Will severance tax bonds allow that?

COMMISSIONER VIGIL: You know, Peter Franklin - you're not going to get away without getting engaged in this conversation about DFA. Are you understanding the question, whether severance tax bonds can be used for construction or costs, rather than for infrastructure, if a portion of those funds can be used for administrative costs?

MR. FRANKLIN: Mr. Chairman, Commissioner, could you restate the question for me? There are projects that the County will be RFPing for or combining with other agencies to work towards. Those dollars all come from severance tax bonds. Can any of those dollars be used to offset administration costs for the County?

MR. FRANKLIN: Mr. Chairman, Commissioner Vigil, typically if the severance tax bonds are sold as tax-exempt bonds the answer would be no. I don't know off the top of my head whether all severance tax bonds are sold tax-exempt or not. So I'm a little bit at a disadvantage in terms of being able to answer the question. The categorical no answer actually is there are certain circumstances in which you can issue what are called working capital bonds, but you have to make special findings that there are no other monies available in that budget cycle and it's complicated. My guess is the answer is no, but without looking at the authorizations for the bonds themselves I'm really not positive on that.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Franklin. I guess that's what we're asking our legal counsel to do. Robert.

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, on the road projects, what we have done in the past, typically, we'll build these projects in-house. And if there is still money available that we haven't applied for reimbursement that's over and beyond the material costs we will bill and request reimbursement for our County labor and equipment. So in the past we have done that.

Administrative services, office people, I'm not exactly sure but I would think construction management would be part of the project itself. So we have done it in the past.

COMMISSIONER VIGIL: Okay.

CHAIRMAN MONTOYA: So it's possible then. Okay. Any other discussion?

COMMISSIONER CAMPOS: Is the motion to allow for a construction management charge if we're legally able to do that?

CHAIRMAN MONTOYA: I believe so.

COMMISSIONER SULLIVAN: So far the motion is just to approve it.

COMMISSIONER CAMPOS: Do you want to make a friendly amendment?

CHAIRMAN MONTOYA: To explore -

COMMISSIONER SULLIVAN: I brought this up during the discussion part of the motion.

COMMISSIONER CAMPOS: Would you like to make a friendly amendment to allow for construction management?

CHAIRMAN MONTOYA: Commissioner Vigil, you made the motion.

COMMISSIONER VIGIL: If allowable and if pursuable, I would allow that to be a friendly motion.

CHAIRMAN MONTOYA: Secunder?

COMMISSIONER CAMPOS: I second that.

CHAIRMAN MONTOYA: Okay.

**The motion to approve the grant agreement with the friendly amendment as mentioned above passed by unanimous [5-0] voice vote.**

**XII. C. 6. Discussion and Adoption of Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2008-2012 (Second Public Hearing)**

MR. OLAFSON: Mr. Chairman, Commissioners, we have before you today the second hearing for the County's 2008-2012 Infrastructure Capital Improvement Plan, our ICIP plan. We had a first hearing on August 1<sup>st</sup> and this is a follow-up hearing. At the August 1<sup>st</sup> hearing we discussed projects as they were from last year and then we had three top five priorities from last year remaining. Those were the Santa Fe County Fairgrounds, Pojoaque Valley Community Center and the First Judicial Courthouse.

At that meeting the Board directed staff to propose other potential projects that could be considered for the top five ranking. The Board directed staff to focus on countywide impact projects and water projects and/or water and countywide projects. In discussing some of the options with different staff members we've come up with that short list that includes Stanley Fairgrounds, Pojoaque Valley wastewater, Agua Fria Community Park, Santa Fe County well program, Eldorado/Cañoncito wastewater, and the South Meadows Bridge. And I wanted to add to the discussion that along with the short list for discussion of top five priorities we're asking the Board to select today, we also would

recommend that the Board adopt the attached list in your memo, a longer list that includes all of the projects that have been proposed or requested, both this year and in previously years.

And finally there are four additional projects that have come to us since the memos and the packet materials were produced. One is Edgewood wastewater plant for \$250,000, to add that to the general ICIP plan. One is the Agua Fria roundabout, for approximately \$150,000 to add to the list. The third one is County Road 42, \$2.5 million, to add to the list for repaving, and finally Glorieta Estates water improvements to the Glorieta Estates water system. Initially in the plan we had listed \$75,000. Their water co-op gave us a letter yesterday requesting additional funds for a total of \$140,000 for that system. So that's just amending the \$75,000 to \$140,000.

Again, the entire list is submitted to DFA. It becomes then the tool that the legislature and Governor can look at when they're allocating capital funds. Having a project on this list does not necessarily mean the project will be funded or funded in full, and also being on the top five does not mean the project will be funded or funded in full. However, it does - all of those projects on the list then become eligible for discussion and occasional funding. I would remind you that last year we got about \$1.3 or \$1.4 million on our top list and we got about \$10 million total. So the entire ICIP list does have some use. If a project is not on the top five that does not mean it is not eligible for discussion or consideration.

With that, I would stand for questions.

CHAIRMAN MONTOYA: Okay, any questions for Mr. Olafson?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

CHAIRMAN MONTOYA: One of the projects that I have been working diligently on that I think is a necessary and a priority project in the northwest quadrant is the Siler Road crossing. Now, is that something we need to put on our ICIP? I think it's on our five-year ICIP plan, but is that something we need to prioritize here? I know the City will be prioritizing it because it's in city land. Can we prioritize a project that isn't in the county? There are several questions there.

MR. OLAFSON: I did discuss that project with Robert and I'll let him address it more directly.

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, I believe it's on our ICIP plan but it's just not in the top five priorities. But the City of Santa Fe is going to be requesting for this to be placed on their ICIP plan also.

COMMISSIONER VIGIL: Do you know if they will prioritizing it?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, I do not know. I don't believe they're this far along in their process.

COMMISSIONER VIGIL: Okay, and can we include a project on our ICIP plan that isn't within the county boundaries?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, yes, we can



because this is in the county boundary even though it's a city facility and will be a City facility, it's still in the county.

COMMISSIONER VIGIL: That's what I mean. It's within the municipality.

MR. MARTINEZ: That's correct.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil, if I'm not mistaken, it's also in the RPA's priorities as well.

COMMISSIONER VIGIL: You're correct, Mr. Chairman. Thank you.

CHAIRMAN MONTOYA: Any other questions for Mr. Olafson?

Commissioner Anaya.

COMMISSIONER ANAYA: Where did you read County Road 42?

MR. OLAFSON: Mr. Chairman, Commissioner, that was not – County Road 42 is not currently on the project. I was yesterday to insert it into the list.

COMMISSIONER ANAYA: Oh, okay. Thank you. Thank you, Mr.

Chairman.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Olafson, you want us to select five programs, plus the minor programs? Is that – I didn't quite get the minor –

MR. OLAFSON: Yes, Mr. Chairman, Commissioner Campos. What we need to do is a top five priorities for the County and then all of the rest of the projects as well. So by identifying the top five we're lending some additional weight for the legislature when they're reviewing these projects. It's part of the DFA process for this. However, as I said, I want to re-emphasize that if a project is not on the top five that doesn't mean it isn't eligible for funding and the example was last year we had out of our top five we got about \$1.4 million on those five projects and we got about \$10 million total.

COMMISSIONER CAMPOS: On all the lower priority projects.

MR. OLAFSON: Well, I think all the projects are – well, I wouldn't say all, but many of the projects are probably very important and they all serve a constituency but the process that DFA is adopting is to create a top five list.

COMMISSIONER CAMPOS: I agree. I think it makes sense. I'm just wondering. The projects with less priority got more money. Mr. Chairman, I would suggest the Governor is saying that next year is going to be the year of water, so I think the Santa Fe County well program should be up there. That's one. The judicial courthouse should be up there, and the Pojoaque Valley wastewater. I think those are three key projects that I see have big ramifications for the entire county, the entire community. So that's where I would put my 1, 2, 3 on.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. If we're going to talk about wastewater then why don't we include the Edgewater wastewater system as

another priority?

CHAIRMAN MONTOYA: It didn't make the list?

MR. OLAFSON: Mr. Chairman, Commissioner, I was just informed this morning they requested to add that project on to the list of projects so I didn't have it in my mind or my list initially to even think of putting it on, but it is eligible.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, as far as Edgewood, my concern has always been that it's an incorporated town. The purpose of incorporating a town is to raise funds for yourself and certainly they can go to the legislature themselves and get money for this. So I think we need to - at least the top three priorities should be something that really have wide impact, especially for people who don't live in a municipality and they do need the assistance of the legislature and the County. So I would - that would be my comment on Edgewood.

CHAIRMAN MONTOYA: What were your three again, Commissioner Campos?

COMMISSIONER CAMPOS: I would say the well program, the courthouse, and the Pojoaque Valley wastewater as the big three.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Paul, on page 5, one of the projects that we submitted to the Water Trust Board last year was the water line to Eldorado which would also help out in Cañoncito. And on page 5 I see a project listed as Eldorado/Cerrillos water line. That would be an awful long water line. Not that Cerrillos doesn't need water, but I'm just wondering if that was supposed to be Cañoncito? It looks like the price is - I know it was a little over \$2 million.

MR. OLAFSON: Mr. Chairman, Commissioner, that could be a typo. I can look it up in the packet right here. But just to immediately address it, I did talk with the Water Resources Department, Steve Wust, and in that discussion he had identified the Eldorado/Cañoncito wastewater as a priority and that was also listed at a lower price and on the front page you'll see it's listed at a much higher price. He thought it would be, I believe in the range of \$60 million.

COMMISSIONER SULLIVAN: Well, the problems they're having in Cañoncito right now -

MR. OLAFSON: I think he was looking at water and wastewater as a unified -

COMMISSIONER SULLIVAN: Yes, for \$60 million for wastewater, and I think their problems right now in Cañoncito are water problems with supply and water quality, and it's a lot cheaper to address those than to put in a wastewater system. So in terms of countywide projects that's certainly one. I was just asking - I didn't know if that was related to that one. The \$2.7 million sounds about right. If it is, that's one, Mr. Chairman, that I suggest we also consider on our list of regional projects. I don't know if it's our top five. I'm not advocating it to be a top five one at this point, but I think we've

got the new subdivision coming in south of Eldorado. They're planning that subdivision on wells and I'm hoping that we can ultimately have a water system that we can insist that they connect to a County water system through Eldorado, rather than poking a bunch of wells into the aquifer for that subdivision. So it's a fairly, I think good project from that standpoint. That's the one that pops up for me, anyway.

COMMISSIONER VIGIL: Commissioner Sullivan, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: On that point, would this funding go to the Eldorado Water and Sanitation Department? Would it go to Santa Fe County utilities?

COMMISSIONER SULLIVAN: Santa Fe County would build the water line up to Eldorado and then we would negotiate a wheeling agreement with Eldorado to move the water through Eldorado to the other side where we could supply it to other entities on the other side and as a part of our wheeling agreement we could also agree to provide them drought assistance when we connect into Buckman, so that if they have problems as they did last summer with one of their tanks going dry, which was a mechanical problem, not a drought problem, we could provide emergency water. Long term we could also provide additional supply to Eldorado if they provide water rights and we could move those to Buckman. But in the shorter term, I'm just concerned about the development that is ultimately going to occur out there and getting those developments onto a public water supply system.

COMMISSIONER VIGIL: Mr. Chairman, if I could, I'd like to ask Robert Martinez to give me an update on the South Meadows Bridge. I notice it's considered a countywide project in this memo. So what is the current status of South Meadows. And then I guess we know what's going to happen between – we know there's a South Meadows between Agua Fria and Rufina and a development is responsible for Rufina to Cerrillos or Airport Road. We're looking at the Agua Fria to 599.

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, that is correct. That is currently being designed. We are not too far off from going to final design. We had to do a realignment due to some private property that needed to amend our request to, I believe it was the State Land Office or BLM, one of those two entities that had some property there. That is being completed now. I believe it's the environmental assessment that's being amended. But it's currently under design. You'll see on the ICIP we are requesting – I'm not sure if it's a million dollars for the bridge for South Meadows, and then we have allocated some of the bond funding for this project also.

COMMISSIONER VIGIL: How much? Do you know, Robert?

MR. MARTINEZ: I believe from the bond it was \$1.5 million, and we're requesting I believe a million on our ICIP.

COMMISSIONER VIGIL: And what is the total projected cost of the project?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, since the final design is not complete we do not have an engineer's estimate.

COMMISSIONER VIGIL: Okay. Do you recall how long that strip of road is going to be?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, I believe it's a little under a mile, probably around .7. Somewhere around there.

COMMISSIONER VIGIL: Okay. Thank you. Thank you, Mr. Chairman. I guess I would say we really do need to align our thinking with the year of the water, so I'd like to see the Pojoaque Valley wastewater, definitely the Santa Fe County well program. I'm not real clear on the Eldorado/Cañoncito wastewater project, Commissioner Sullivan. It looks like we would maybe be getting some preliminary dollars for design and build. I'm not sure. I'm not that familiar with it.

COMMISSIONER SULLIVAN: Commissioner Vigil, Mr. Chairman, I think the water connection is a more important one at this time than the wastewater one. The wastewater one, as you see, the price there is \$60 million, is definitely a long-term operation. And the water is more specific to Cañoncito's specific needs, which are water quality.

COMMISSIONER CAMPOS: They have the radium or radon or something in the water?

COMMISSIONER SULLIVAN: Radionuclides in the water.

COMMISSIONER CAMPOS: They can't drink the water.

COMMISSIONER SULLIVAN: Well, some people are still drinking it but it does have contaminants that exceed the maximum recommended parameters. So this connection would facilitate that and it could put them on the County system relatively easily and have future benefit to further developments in that area onto public water systems rather than wells. I'm sorry for butting in, Commissioner, but I was just saying what my recommendation would be that we focus on the water rather than the wastewater in terms of our five priorities.

MR. OLAFSON: Mr. Chairman, Commissioners, if I might. Judge Hall has asked if he might speak a little bit, and also, as we're discussing these, I wanted just to remind you all that we had three remaining projects from last year's top five along with this discussion and we're going to have to choose five and then also rank them. I don't know how the Board would want to choose that but I want to put that out there.

COMMISSIONER VIGIL: Mr. Chairman, this is not to - I know we need to present a united front for the judicial courthouse so that would be part of the top five.

CHAIRMAN MONTOYA: For you? So you've given us three. Commissioner Campos, you've given us three. I concur with those three.

COMMISSIONER CAMPOS: Which three?

CHAIRMAN MONTOYA: The judicial courthouse, the Pojoaque Valley wastewater and the Santa Fe County well program. So there's three apiece on those so far.

COMMISSIONER ANAYA: Mr. Chairman, what about the fairgrounds?

CHAIRMAN MONTOYA: There hasn't been any discussion on that yet.

COMMISSIONER ANAYA: I'd like to include that. We -

CHAIRMAN MONTTOYA: So that will be one of yours?

COMMISSIONER ANAYA: Are we talking about the first top five? Okay. Being at the County Fair this year it was real crowded and it turned out real nice but I think we still need to continue funding it. We already have our design. I think we need to continue our construction on there and get that taken care of, Mr. Chairman.

CHAIRMAN MONTTOYA: Hold on. Let me just get Commissioner Anaya's. So that's the Santa Fe County Fairgrounds, the Stanley Fairgrounds, and you've got three votes left.

COMMISSIONER ANAYA: Three votes?

CHAIRMAN MONTTOYA: Three selections.

COMMISSIONER ANAYA: We're doing the top five, right?

CHAIRMAN MONTTOYA: The top five.

COMMISSIONER ANAYA: So, the Santa Fe County Fairgrounds, First Judicial Court. Pojoaque Valley Community Center - are we talking about countywide. I don't see that being as countywide. And I want to go back to the comment that Commissioner Campos brought up and that is maybe for my understanding is what is the difference between Pojoaque Valley and the Edgewood Town? Isn't that - I know that Edgewood is a town, but isn't Pojoaque Valley a tribe?

CHAIRMAN MONTTOYA: No, we're talking about unincorporated -

COMMISSIONER CAMPOS: They aren't incorporated. There is no municipality. There is no town.

COMMISSIONER ANAYA: They get their funding purely from the County, legislature - okay. The Santa Fe County well program.

CHAIRMAN MONTTOYA: You would list that?

COMMISSIONER ANAYA: Yes.

CHAIRMAN MONTTOYA: Okay, so you've listed three so far, Commissioner, or how many?

COMMISSIONER ANAYA: Fairgrounds.

CHAIRMAN MONTTOYA: Fairgrounds of Santa Fe and Stanley.

COMMISSIONER ANAYA: Pojoaque Valley, First Judicial, the well program. And Eldorado/Cañoncito water.

CHAIRMAN MONTTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: It's going to be very difficult I think, between all of us to come to a consensus with regard to buildings, and I think Santa Fe County Fairgrounds is important. I also believe the Agua Fria Community Park has been largely ignored. When we're asked to choose between those two, I find it very, very difficult, because they're part of our ICIP process and because these are projects that are supported by our legislators, I think they probably will move forward with some level of funding and I don't think it will make that much of a difference if they're in the top five priorities. So I'm going to propose that rather than trying to weigh and measure whether the Santa Fe County Fairgrounds or the Agua Fria Community Park or the South Meadows Bridge

become a priority in the top five that we look again at focusing on water projects in the top five. Now we don't have five proposed water projects.

But where are we in this time line? Is there a possibility, or do you, if I asked you to bring us forth other water projects could you do that now or would you need more time, Paul?

MR. OLAFSON: Mr. Chairman, Commissioner Vigil, this is due to DFA by August 31<sup>st</sup> and we need a Board action to adopt it. So either today or if there was another meeting called between now and the 31<sup>st</sup>.

COMMISSIONER VIGIL: Okay.

CHAIRMAN MONTOYA: Commissioner Vigil, if you give me two more, we've got here five, and then I need two more from Commissioner Campos and five from Commissioner Sullivan and I'll have completed a tally, according to my count.

COMMISSIONER VIGIL: Okay. If we need to make a decision today, then I think I've mentioned Pojoaque Valley wastewater, the Santa Fe County well program, and I think, Commissioner Sullivan, you're advocating for Eldorado/Cerrillos, right? Not Eldorado/Cañoncito.

COMMISSIONER SULLIVAN: Eldorado/Cañoncito.

COMMISSIONER VIGIL: It is Eldorado/Cañoncito?

COMMISSIONER SULLIVAN: That's a typo.

COMMISSIONER VIGIL: Okay, then Eldorado/Cañoncito.

COMMISSIONER CAMPOS: What about the courthouse?

COMMISSIONER VIGIL: The courthouse, of course, and that would be four.

CHAIRMAN MONTOYA: I've already got your five. Commissioner Campos, you have another two.

COMMISSIONER CAMPOS: My fourth one would be the Eldorado/Cañoncito water line. I think that's really important to the whole water system and what's going on in Eldorado. I don't have a third choice, to tell you the truth.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan..

COMMISSIONER SULLIVAN: My first four choices would be the Eldorado water line.

CHAIRMAN MONTOYA: But you can only get one -

COMMISSIONER SULLIVAN: Oh, I can only get one. I thought it was like putting the red dots on the board. We're not doing that anymore. I think our number one, quite frankly should be the courthouse. I think we need to send that message to the legislators. And this doesn't always, as we all understand, come out this way. Number two last year was the senior center in Eldorado. That was our number two priority and it got vetoed by the Governor. So just because we make these priorities, the legislators appropriate the money and then it gets vetoed, so not everybody listens to what we say. But that would be -

CHAIRMAN MONTOYA: Eldorado?

COMMISSIONER SULLIVAN: Eldorado and the First Judicial Courthouse would be two. The County well program I think is a water issue that I think will ring well with the legislature, so that would be three. Then I do think we need to complete the fairgrounds work. We have a master plan on the fairgrounds that's -

COMMISSIONER CAMPOS: Santa Fe Fairgrounds?

COMMISSIONER SULLIVAN: Santa Fe Fairgrounds. That's something that we've been working on. We got a little money. Just enough to get us started last year. Not much. And then the fifth one, I will just leave the fifth one open to whatever -

COMMISSIONER CAMPOS: How about the Pojoaque Valley wastewater. That's a big deal.

CHAIRMAN MONTOYA: Actually we've got them now, regardless of -

COMMISSIONER SULLIVAN: Regardless of what my fifth is.

CHAIRMAN MONTOYA: Unless you vote for Stanley.

COMMISSIONER SULLIVAN: Unless I vote for Stanley? Wait a minute. There are a few things I wanted to talk to Commissioner Anaya about.

CHAIRMAN MONTOYA: Because I know the top five would be the First Judicial District Courthouse, Santa Fe County well program, Eldorado, Pojoaque and Santa Fe County Fairgrounds.

COMMISSIONER ANAYA: So moved.

MR. OLAFSON: So Mr. Chairman, can we clarify that for me first? I got a little confused. In Pojoaque, are we talking about the water or the community center?

CHAIRMAN MONTOYA: No, the wastewater.

MR. OLAFSON: Okay. So the order is First Judicial - so we need to order this as well. So we're going 1, 2, 3, 4, 5. Number 1 is First Judicial.

CHAIRMAN MONTOYA: Well, there's three with five: First Judicial, Santa Fe County well program and the Eldorado/Cañoncito wastewater. Those all have five. Four for Pojoaque Valley.

COMMISSIONER CAMPOS: They're all number one.

CHAIRMAN MONTOYA: And then Santa Fe County Fairgrounds.

MR. OLAFSON: Okay, I need a little bit of mathematical help here because I need to have 1, 2, 3, 4, 5.

COMMISSIONER VIGIL: I don't think they do want just the top five priorities, but I don't think they - my understanding is it didn't matter which was ranked first, second, third, fourth or fifth. That's how I understood DFA had requested it before.

CHAIRMAN MONTOYA: Yes. That's my understanding. So, Commissioner Anaya.

COMMISSIONER ANAYA: If he needs to draw them out of a hat, do it.

CHAIRMAN MONTOYA: Yes.

COMMISSIONER VIGIL: But draw First Judicial District first.

COMMISSIONER CAMPOS: There's consensus to that.

COMMISSIONER VIGIL: There's a consensus for that.

MR. OLAFSON: So I have First Judicial, county wells, Eldorado water, fairgrounds and Pojoaque wastewater.

COMMISSIONER VIGIL: That's fine.

CHAIRMAN MONTOYA: No. We want to do wastewater and then fairgrounds.

MR. OLAFSON: Okay.

CHAIRMAN MONTOYA: If you're going to list them one through five.

MR. OLAFSON: Yes. Okay. Got it. Thank you.

CHAIRMAN MONTOYA: We have a motion by Commissioner Anaya for adoption of that plan.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Further discussion?

**The motion to approve the ICIP plan as presented above passed by unanimous [5-0] voice vote.**

MR. OLAFSON: And just to clarify that motion did include the four new projects we added on at the beginning of the presentation.

COMMISSIONER VIGIL: Yes, it did.

COMMISSIONER CAMPOS: Yes.

MR. OLAFSON: Thank you.

CHAIRMAN MONTOYA: Wait, wait, wait.

COMMISSIONER SULLIVAN: Mr. Chairman, I would move that the four additional projects described by Mr. Olafson be added to the general ICIP list.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion, second.

**The motion to approve the addition of four items to the general ICIP list passed by unanimous [5-0] voice vote.**

## **XII. D. Public Works Department**

### **1. Update and Request for Direction Regarding Traffic Calming Petitions Received from July 2005 to July 2006**

MR. MARTINEZ: Mr. Chairman, Commissioners, Public Works Department has reviewed the petitions requesting speed humps from several neighborhoods and the ones received from July 2005 to 2006, and we've verified the percentage of property owners that are requesting them as per the Resolution 2005-107. It's required that 75 percent of the lot owners



must be in favor of these traffic control devices. If you look on list, there's approximately 15 roads that are shown on there. The top eight meet the criteria as far as the 75 percent. Public Works has done the evaluation on those eight roads and basically we're recommending your direction to proceed on speed humps on those top eight roads.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Martinez, have you and the staff ranked these programs, as far as those that are the most dangerous and in greatest need of traffic calming?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, yes, we do take that into consideration. We do a traffic study that includes speed. Those have all been done.

COMMISSIONER CAMPOS: Which ones are worse? If you have to compare all the ones that have more than 75 percent of the folks signing on.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, let me make this real simple. We have enough funding to do all of the roads that meet the criteria. So the top eight that meet the 75 percent, we have enough funding to do those top eight. So it's not an issue of prioritizing the top eight that are -

COMMISSIONER CAMPOS: It may be, Mr. Martinez, because there are some that really, in staff's opinion, not need traffic calming and we shouldn't spend the money if it really doesn't, and we should focus on those that really do.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, all of these eight that we have verified that have the 75 percent, we have evaluated, done the traffic study. Indeed they are traveling in excess of the posted speed limit. So all of these top eight are warranted of speed humps.

COMMISSIONER CAMPOS: But driving in excess of the speed limit is a problem on every single street in this world. What distinguishes these projects? What gives them priority?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, it's the petitions. First in, first out.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Robert, you have the memo in front of you. Unless, and it could be true, I'm counting wrong, there are nine roads because they go - the 75 percent is County Road 84 - Old Pueblito Road, they have 86 percent, correct?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, that is correct. There are nine roads including Old Pueblito.

COMMISSIONER VIGIL: Could you quick like, and if this is too much to ask, maybe later, could you tell me what district each one of these roads are in? Like what district is County 84-J?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, I can go through them all. 84-J, 113-A, 119 North, 115, 113 and 84-J are in Commission District 1. Leaping Powder Road, Arroyo Hondo Road, they're in Commission District 4. Camino Carlos Rael is in Commission District 2.

COMMISSIONER VIGIL: County Road 113?

MR. MARTINEZ: That's in District 1. Now, the ones that have not fulfilled the application requirements, such as Jemez Road, is in Commission District 3, Valle Vista Boulevard is in Commission District 5, Calle Debra and Montoya and Lisa is Commission District 3, Calle Sinsonte is in Commission District 2, the same as Camino Peralta, that's in Commission District 2, and Apache Plume is in Commission District 4.

COMMISSIONER VIGIL: And Robert, all these roads, are they currently paved so the traffic calming they're looking for is speed humps or speed bumps of some kind?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, yes, they're all paved. We would not consider installing speed humps on an unpaved surface.

COMMISSIONER VIGIL: Okay. So on Camino Carlos Rael, you'll be installing those to the paved portion of it and not the river crossing.

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, that is correct.

COMMISSIONER VIGIL: Thank you. Nothing further, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Robert, the 84 percent is the people that signed?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, there may have been more people that signed the petition but we verified that they're actually property owners. So the percentages you see are verified through the County Assessor's database. They are property owners.

COMMISSIONER ANAYA: Okay. Thank you.

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER VIGIL: You're requesting approval for these, aren't you, Robert?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, that is correct.

COMMISSIONER CAMPOS: For the top nine?

COMMISSIONER VIGIL: For the top nine, correct. Move to approve the top nine petitioned requests for traffic calming.

CHAIRMAN MONTOYA: I'll second that for discussion. Discussion? Commissioner Anaya, then Commissioner Campos.

COMMISSIONER ANAYA: Maybe if we get some roads paved in District 3 we could start putting some speed humps on them.

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, I'll meet with Paul and I'll help him reprioritize that ICIP.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I know staff has not been very excited about this program and as I remember the discussion and presentation was not very supportive of this program because of its expenses and maintenance, signage, etc. I assume staff is still of that persuasion, but what I get here is we're going to approve nine roads. So we're

starting on a major program and it's going to be nine roads almost every year. On top of that there's going to be maintenance every year additional to the cost of the installation. Every five or ten years there's going to cost of redoing the bumps and redoing everything. So we're getting involved in a very good-sized project here. My argument has always been that we should limit it to roads that really have a dangerous condition. We have to be really tough about it because otherwise it's just going to get out of hand and we're not going to be able to afford it. I think if we go with the nine, we're basically saying we've accepted this as a major program; we're going to do it every year. And that's going to eat up a lot of our budget.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, this is the second budget cycle for this program. Last year we received \$100,000 from capital and we installed speed humps on approximately six other roads.

COMMISSIONER CAMPOS: So this would bring it up to about 15?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: I think that's an issue that we really need to think about.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. The thing that concerns me, who's going to be doing the speed humps. My concern is if we, if our employees are going to be out there doing speed humps, then it takes away from the maintenance of all the other County roads. If this is what the citizens in the area want, I'm all in favor of it. But how are we going to construct these. I would prefer that we contract out so it doesn't take away from our regular maintenance. I know that in my district we've got miles of roads that need repair. We have miles of roads that need basecourse and we constantly take away from our areas when we have to do special projects like this. So I would be in favor of this program if we were to contract out.

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, based on last year's program, the amount that was budgeted for this is based on contract prices.

COMMISSIONER ANAYA: Okay.

MR. MARTINEZ: The only work that County forces did was the signage and the pavement markings. But actual construction of the speed humps was done by contract labor.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN MONTOYA: And all I'll say is because there are a disproportionate number of roads in District 1 that are requesting this, residents, my constituents in District 1 that are requesting this, that if the two E's of education and enforcement were not an issue then the engineering of these humps would not be required but the unfortunate reality is that no matter how much you educate and how little enforcement - quite frankly, I do not see a big presence of Sheriff's officers in my district, so people are asking for whatever alternative there is to slow the traffic down. For the places that they have been placed, people are overjoyed. Seeing that traffic is slowing down and they're feeling safer in terms of being able to walk along the side of the road, it's been a positive impact for the constituents overall. I would say probably 95 percent of the constituents are satisfied with this

program. At the townhall meeting this past week, a huge issue. Speeding, when are we going to get speed humps between here and here? Almost had a death just six months ago. So unless we put – what are those things called on the bus? They don't even do them anymore.

MR. MARTINEZ: Are you thinking of governors?

CHAIRMAN MONTOYA: Governors. Thank you. Until we put governors or put everyone on a bike or something, the reality is that people are going to continue to speed. Again, for this District 1 it's been a good program for the constituents there. So we have a motion and a second.

**The motion to approve nine requests for speed humps passed by unanimous [5-0] voice vote.**

COMMISSIONER VIGIL: Robert, I have a question. When you allocate your resources for this particular project, do all your resources go directly to traffic calming or will you be able to balance some of the projects that were backlogged on?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, this particular funding came from the quarter percent GRT, the County's side. So that GRT, according to the ordinance, can be used for roads and other. We have used some of the funding for buildings, some for paving of roads, and now we're starting to use it for traffic calming measures.

COMMISSIONER VIGIL: I guess when I say resources I mean the manpower and your project power too. So now that we've approved this, is all your manpower, project power going to go to the traffic calming?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, like I said earlier, the actual construction of the speed humps will be done by contract labor. The only manpower that I will need out there on these particular projects will be for signage and pavement markings.

COMMISSIONER VIGIL: Thank you.

MR. MARTINEZ: You're welcome.

[The Commission recessed from 3:45 to 3:55.]

**XII. E. Water Resources Department**

**1. Request for Approval of Contract with the US Bureau of Reclamation for the San Juan/Chama Project, Contract No. 05-WC-40-550**

DR. WUST: Thank you, Mr. Chairman. The County has had as part of a joint City/County contract, one of the contracts for San Juan/Chama water for several years now with the Bureau of Reclamation. The City and the County were a single contractor, although there were other contractors, including Los Alamos, Taos, Taos Ski Valley, Los Lunas, Belen, and probably a couple of others I can't remember. All the contractors have

been engaged in negotiations with the Bureau of Reclamation for the past year, year and a half to try to change the contracts to a permanent status or a perpetual status.

The current contracts run out in 2016. All the contractors including the County were involved in the negotiations with the Bureau of Reclamation. One of the proposals by the County was, in addition to changing the contract status, that the County desired to have separate contracts for the City and the County so we will no longer be a single contractor but our own contractor. This is for the 375 acre-feet of San Juan/Chama water that will be applied to the Buckman Diversion project or elsewhere on the river, but it's scheduled for the Buckman Diversion project.

So that's what this contract is that's in your packet. This is the Bureau of Reclamation's contract. This is the same contract that went out to every contractor and the City has already adopted this or approved it and what we are here at this meeting is to request the Commission approval to accept this contract on behalf of the County, and it can be signed off on by the chair of the Commission. And with that I stand for questions.

CHAIRMAN MONTOYA: Questions? Motion?

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Further discussion?

**The motion to approve the contract with BOR passed by unanimous [5-0] voice vote.**

**XII. E. 2. Request for Direction Concerning the Water Allocation Schedule for the Six-Month Period 1 September 2006 –1 March 2007**

DR. WUST: Mr. Chairman, this is going to be a little more complicated. The Commission passed recently a new water allocation policy to try to get us on a better management track. Instead of having a bunch of water service agreements out there with large quantities of committed water that we don't have a need to deliver at the moment, so the policy set out that for every six-month period the water service agreement holders or other new water delivery agreement requesters would submit to the Water Resources Department their estimations of new water deliveries they would expect in the next six-month period.

The first six-month period was initiated to be for September 1, 2006 through March 1, 2007. Because part of the allocation policy after being set was the Commission wanted to see it implemented so we could get moving on this management program. This being the first one it brought up to us some implementation issues, the primary one being that the holders of the water services agreements are not necessarily the folks who own the lots anymore. It put us in a bit of a bind that as part of the allocation policy said that if someone had not put in for six-

And with that, I stand for questions.

CHAIRMAN MONTOYA: Questions? Commissioner Sullivan.

month scheduling that they wouldn't get any water. But the situation arose, to use an example, if Commissioner Campos held a water service agreement but he sold five of his lots to Commissioner Vigil to build and two lots to Commissioner Montoya to own, and therefore Commissioner Campos didn't send in an allocation schedule because he doesn't know what it is, then Commissioner Montoya comes in to get a building permit and water and was told no because we never got anybody on a schedule, that puts us in a real bind, because there's a property owner now that supposedly had County water service that thought they were going to get it and they can't because of someone else not being able to fill out this agreement.

We've had discussions with a couple of the larger water service agreement holders and they've actually submitted those. The biggest being Rancho Viejo. They have full control over their lot sales and building and things like that, so they can do this fairly well. Some of the smaller folks, they lose track of where the lots have gone. There are ways to take care of that in the water policy. I've had discussions with Liz in the Attorney's office and with County Attorney Ross. He had mentioned there were a couple of other tweaks he could look at. So what we would like to do is during this first six-month period, be able to look at that and revisit that water policy to correct some of these uncertainties.

In the meantime, we're asking just for direction today because part of the policy says that the accepting of the schedule must be done through resolution. Because of the uncertainties, we weren't sure how to write a resolution for it without knowing the direction you would like us to take. One of the suggestions I put in the packet was to allow an administrative approval through the Water Resources Department to add new customers beyond the schedule if it was someone who had bought a lot prior to this particular policy going into place, or the particular agreements needing to be signed, if it appeared the situation existed someone had bought a lot and were out of the knowledge and control of the water service agreement holders, that we could administratively allow them to become customers anyway so we don't get them stuck. I don't think it will be very many.

In fact one of those folks on the schedule isn't even planned for the next six months because you can see the comment says they submitted something from March 07 to September 07, they just changed the dates on their agreement. That makes it not valid, by the way, but I wanted to give you a complete picture of what people had submitted. So even of what's been submitted, included the largest holder, which is Rancho Viejo, we're still only looking at 14 acre-feet. So we have plenty of water in our delivery abilities to be able to accommodate that and be able to administratively approve individual customers in this kind of gray area.

But that depends on the direction of the Commission and whatever direction you give us I'm going to work with the County Attorney and we will tailor a resolution to by the policy accept the water schedule with whatever direction you give us and put up a resolution for you at next month's meeting to be able to officially approve the schedule for the six-month period, and in the meantime we will work as staff. Land Use is going to be involved, the Manager's office, to look at that policy and to be able to tweak it so the implementation issues do not arise again. And with that, I stand for questions.

CHAIRMAN MONTOYA: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Dr. Wust, a concern that I have is that we also have a procedure in place that developers are debited for their water resources, for their water rights. My concern is that if they conveniently forget that someone has bought their lot and they're still holding 20 acre-feet of water that they then move to somewhere else and hold 20 acre-feet of water for another lot and we end up selling the Brooklyn Bridge three times kind of thing. Do we have something or do you anticipate something in place to account for that? In other words, when we approve a subdivision, like La Pradera, and they're on the list here, then there's 100, say, lots that they claim that they have the water rights for. They should be continuing to be involved in the requests that come to the Commission as the houses are built because then we know if four houses are built, now they only have 99 acre-feet of water left.

There has to be some accounting system. What are you planning on doing for that?

DR. WUST: Mr. Chairman, Commissioner Sullivan, that would be part of our review and it's going to be no matter what, whether there's an administrative approval for a customer or through this scheduling that when a request comes, as part of the scheduling we're going to see the accounting of what water rights those things are applied to and whether they've been transferred. Now, the folks who submitted these agreements, they were required to attach to them documentation that there's been water rights transferred and/or depending on the agreement or a fee-in-lieu of, which is allowable under the policy.

So we have to track that. If an individual customer comes, what we will do is look at that request, see what subdivision there in, crosscheck it against the water service agreement and ensure that the water rights or fee have actually been paid or transferred. And if not, they don't have a valid water service agreement anyway, so this delivery agreement wouldn't be applicable.

COMMISSIONER SULLIVAN: So this is a procedure you have in place now, or this is what you're anticipating?

DR. WUST: Well, this is the first time we're doing this, so that's what I'm anticipating that we're doing as part of this process.

COMMISSIONER SULLIVAN: That's my only concern is the double-counting. I think we need to enunciate in the policy if we're going to revise it, that until the last lot is sold it remains the developer's responsibility to track and account for and apply for the water that's needed. Because they're selling - like in La Pradera, they're selling six lots at a time to developer X or builder X or builder Y. It's a fairly simple process to go in at the same time and make that request. You do get lots that people buy for investment and they're not going to build right away, so they may not come in for a permit for five years. So I think you're right, that for that kind of a situation we need to have a remainder that's accounting.

So once the developer has sold all the lots, then we have a final accounting. So many of them have passed through as a result of building going on and others are unbuilt. So the developer and the County agree that this is the situation. Then they're out of their obligations. I'm just concerned that we miscount and we end up selling the same water rights several times over.

DR. WUST: Mr. Chairman, Commissioner Sullivan, that's exactly one of the

points that was brought up in our discussions on looking at the implementation issues, is that one of the suggestions we can look at – we haven't finalized anything – that instead of having the water service agreement holders predict what's going to happen the next six months, every six months they give us an accounting of how many lots they've sold, and we know that a customer may come in at any time and at that point they have to demonstrate that there's been water rights transferred to make those legitimate agreements for water delivery and that would go into our accounting. So we know that at any time, any number of those may come in for a building permit and that way we could really track because we'll be tracking what's been sold, and somebody may show up for a building permit, instead of trying to predict.

In the same way, we can say you sold this many lots. Where are the water rights that went along with it? Otherwise, you can't sell them to individual customers.

COMMISSIONER SULLIVAN: I think that will work. The other thing, we have a limit on 35 acre-feet per applicant and what we need to be careful of is that the developer doesn't use the individual lot holders to get around that limit. If the developer sends in 50 individual applicants, each one with a quarter acre-foot, or 100 or 200 or whatever the number is, does that negate the 35 acre-feet per year? So that's why I'm saying that in some way, the developer has to still have control of that 35 acre-feet, because otherwise what happens if for a particular subdivision, you have individual applications that exceed 35 acre-feet. Who gets it? I guess it's first come-first served. I don't know. But we need to be sure that someone is accountable, i.e., the original developer who brought forward the water rights, that they're still complying with that resolution until they no longer have any interest in any of the property, the homeowners association – they're no longer the controlling interest. Whatever the criteria is. But you bring up some good points. I'm glad to see that we're working out some of the kinks.

CHAIRMAN MONTOYA: Other discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, I think as to direction, what Mr. Wust has recommended is workable, that we work on this resolution for another month. I'd like to see us get a little more set in our ways here before we go to staff and administrative procedures. I'd like to see it stay with the Commission until we get this thing worked out, and then I think there are instances when that would be appropriate. That's my feeling anyway.

COMMISSIONER CAMPOS: I agree.

CHAIRMAN MONTOYA: Commissioner Campos agrees.

COMMISSIONER SULLIVAN: That's because it's late.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Steve, your memo says that you are recommending we approve the first water allocation schedule. Is that your recommendation for today?

DR. WUST: Mr. Chairman, Commissioner Vigil, that's an option, and if I'm hearing Commissioner Sullivan correctly, another option would be just to say – there's no necessity to set September 1 to March 1 as the first six-month period. If your direction is work the kinks out of the original policy and then come back and we'll do it from there, we could do that also. Or what we will do is if you say, no, we'd like to go ahead and approve this schedule



with these other uncertainties being addressed, we will put those into the resolution. Accepting the water schedule officially has to be done through resolution. But we could put into that resolution some of these temporary tweaks while we work on the policy.

COMMISSIONER VIGIL: Okay. I'm in agreement with you coming back to us with a resolution.

DR. WUST: Which option?

COMMISSIONER VIGIL: Well, you say we cannot accept the water allocation without resolution and of course we're not noticed for taking any action on this, so you will need to come back to us with regard to that. And I'm in agreement with Commissioner Sullivan's direction.

DR. WUST: Mr. Chairman, if I may, you're suggesting that we do not come back with a resolution.

COMMISSIONER VIGIL: No, I'm suggesting that you come back with a resolution.

DR. WUST: With a resolution accepting this with the temporary tweaks while we work on the policy.

COMMISSIONER VIGIL: Exactly. That's how I understood the direction thus far.

CHAIRMAN MONTOYA: Okay. Go.

COMMISSIONER SULLIVAN: Go and make money.

DR. WUST: Thank you, Mr. Chairman.

- XII. B. 3. CDRC CASE # APP 06-5410- Dexter Springall, Applicant Requests an Appeal of the Land Use Administrator's Decision to Deny a Swimming Pool on 3.60 Acres. The Property is Located at 37 Vista Dr. within Section 17, Township 10 north, Range 7 East, (Commission District 3 [See page 52]**

MR. GONZÁLEZ: Mr. Chairman, just want to back up briefly. As you recall, there was an item we skipped over earlier that had been advertised for a 5:00 hearing and we've since received a request to table that because the applicant could not be here at the stated time.

COMMISSIONER VIGIL: Move to table that item.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Okay, motion to table.

**The motion to table CDRC Case #APP 06-5410 passed by unanimous [5-0] voice vote.**

**XII. F. Matters from the County Manager**  
**2. Resolution No. 2006-143. A Resolution to Implement a Strategic Plan for Managing Santa Fe County Growth**

MR. GONZÁLEZ: Thank you, Mr. Chairman. The next item is the resolution to implement the strategic plan. As you know we had a discussion concerning this at the presentation session that we had last year. Jack Hiatt is here also to answer any questions, but basically what it does is structure things so that we can move forward with the strategic planning process, start a process for managing county growth, using a unified county growth management plan and tying our growth management to the budget for the future.

COMMISSIONER VIGIL: Gerald, was the one we signed any different from this one that's in our packet? Didn't we just sign one?

COMMISSIONER CAMPOS: No.

COMMISSIONER VIGIL: Yes, we did.

COMMISSIONER CAMPOS: Mr. Chairman, I have a question on page 2, the last paragraph, number 2, first sentence. It says that the BCC shall provide staff with policy direction to support the strategic plan by categorizing public and internal support services. What does by categorizing public and internal support services mean?

MR. GONZALEZ: If you recall we tried to create – and I'll ask Jack Kolkmeier to step up too in case he has anything to add to that – but we tried to categorize the public services that we provide in the three categories and the categories were based on what are basic County services, and then the other two were categories that were, I think essential was one of them and I can't remember what the other one was. But basically it's a process to make sure that those identified services were the ones that receive support internally as well as externally in terms of budgeting. Jack, did I get that right?

MR. KOLKMEYER: Mr. Chairman, Mr. Manager, I believe we ended up with four categories. We had essential services, core services and service enhancements, and then internal support services, were the four. So that's how they were categorized so that we had some way to understand that once we began to focus on specific geographic areas through this idea of a unified growth management plan, how they would ultimately be prioritized.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Further discussion?

COMMISSIONER VIGIL: Move to approve Resolution 2006-143.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTROYA: Any other discussion?

**The motion to approve Resolution 2006-143 passed by unanimous [5-0] voice vote.**

**XII. F. 3. Discussion and Direction Regarding Post-Flooding Clean Up**

MR. GONZÁLEZ: Mr. Chairman, the next item is informational for the Commission and I'm going to ask Robert to step up to give me some assistance, but as you know, we've been receiving unprecedented precipitation in the last month, month and a half. It's really taxed our Public Works Department and it's raised also some safety concerns I know on the part of county residents. One thing that I was made aware of is that we've had at least one crossing incident in the Santa Fe County area where somebody got stuck or trapped by flooding water and then our EMS Department also responded to a call from the Dixon area and that particular incident involved unfortunately a death.

But the caution to residents is if you have flooding in your area don't try to cross the arroyo or the flooded area. I know that we may have a particular road that's experiencing a problem right now and I'll let Robert talk about that but in general also we'll fill the Commission in on what we're doing with respect to trying to deal with the flooding issues. And it says post-flooding but Robert reminded me that we're still experiencing flood flows in a number of parts of the county

MR. MARTINEZ: Mr. Chairman, Commissioners, I passed around some pictures. Gerald is correct. It's not post-flooding as you can see from those pictures. We're still getting substantial runoff. I think the first six pictures that you saw there were County Road 51. James Lujan, the Public Works Director came before you a couple months ago and the Commission awarded an emergency contract for the construction of a low-water crossing. That first few pictures show that crossing. It's under construction. I believe it's the southbound lane that's currently constructed. The northbound lane has yet to be constructed. The contractor is having to wait until the runoff subsides. We've been getting numerous complaints because the crossing is impassable during the high flows. We have numerous low-water crossings in the county and that's typical of all these low-water crossings. What they provide is a stable crossing but when the flows are high, they still need to wait it out.

Another one is County Road 55-A there in Cerrillos. That's another crossing to the Galisteo Creek. It has a stabilized low-water crossing like the one you saw in those pictures with the grates. There again we still have some pretty high flows and we're having to remove the silt from the structure on a daily basis. But once the flows subside the residents are able to pass. There is no erosion on the riverbed that would prevent them from crossing.

Another road we're having problems with, the last probably ten pictures that you see there is Canada de los Alamos, County Road 67-A. Yesterday, the pictures you see there with my car, yesterday where I was parked the water was flowing about 10 inches deep in that roadway. So that is an ongoing problem that we have to address here as soon as the flows subside. Another road that's not as bad but it does have some drainage issues

is La Barbaria Road. We are out there till late hours in the evening. We get dispatched from the emergency dispatch center on a regular basis in the evenings. We respond. We make sure that if we can't deal with that on an immediate basis that we at least close the road or put up some caution signs.

When we put up caution signs people still take it upon themselves to pass through the crossing even if we do close the structure down. So we are very aware of the need to close these roads, but a lot of times people don't adhere to what we're advising. Another thing that I want to bring up is I was informed by the City of Santa Fe today that the Camino Alire Bridge is going to be closed starting September 6<sup>th</sup> for reconstruction. That bridge will be closed for sixty days, which will probably add volume to Camino Carlos Rael. I know we've gotten numerous complaints about the volume of traffic on Carlos Rael. My understanding is that's not going to be the designated detour for the Alire Bridge construction, but people will choose to use that on their own accord.

I stand for questions.

CHAIRMAN MONTOYA: Any questions? Thank you, Robert. Gerald.

## **XII. F. 5. Update on Various Issues**

MR. GONZÁLEZ: The only other item I had, Mr. Chairman, Commissioners, was just to kind of highlight for the Commission that it's my understanding there has been sort of a tentative move on the part of the City, once the current MOU regarding senior services expires to potentially sever the senior services relationship that we currently have. How serious that move is still a little difficult to assess but I understand there's been at least one conversation with the Speaker's office concerning the possibility that this could occur.

What it may mean is that we need to look at how do we create a program on the County side that would continue to provide the services that we're currently providing. I know that Rita Maes, the constituent services representative who has been aware of this issue has been working with both Commissioner Sullivan and Commissioner Vigil on the issue. There is a plan I think, or at least a developing plan to potentially split those services if need be during the legislative session through making sure that we make the appropriate legislative requests. Again, it's a little difficult or maybe even premature to assess exactly where we are but we're trying to prepare as best we can in case this does occur. That's all I had, Mr. Chairman.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. González, what's the City's rationale for the split? Is it a budgetary argument or analysis?

MR. GONZÁLEZ: There has been some budgetary argument around that issue but I understand that it may go a little deeper into philosophical issues about the differences between – or keeping City and County operations separate. That's second-hand but that's what I have heard.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Did you see that the Speaker had been advised about this? If so, if you said that, what was his response?

MR. GONZÁLEZ: My understanding - and I have this second hand from just a conversation that I had with Rita Maes, but my understanding is that while he wasn't happy about it, he seemed to understand that the City seemed to have some determination behind this push on their part. And if that were the case then he certainly wanted to make sure that the senior centers in his area would be able to continue to provide the services.

COMMISSIONER VIGIL: It's my understanding, Gerald, that the budget for the County actually providing those services will be submitted this legislative cycle. Is that correct?

MR. GONZÁLEZ: I believe that's where Rita's headed for with respect to that. I know she's contacted the area Agency on Aging to make sure that they're aware, and they are aware at this point that that's a possibility. So we've covered at least two bases, one on the executive side and one on the legislative side to prepare for the possibility.

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

CHAIRMAN MONTOYA: Any other questions? Okay do we have a motion to go into executive session?

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

- 1. Executive session**
  - a. Discussion of pending or threatened litigation**
  - b. Limited personnel issues**
  - c. Discussion of possible purchase, acquisition or disposal of real property or water rights**
  - d. Discussion of bargaining strategy preliminary to collective bargaining negotiations**

Commissioner Anaya moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, 8 and 5) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, Vigil and Anaya all voting in the affirmative.

[The Commission met in executive session from 4:32 to 5:35.]

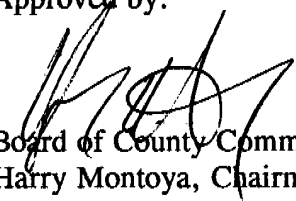
Commissioner Anaya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Campos seconded. The

**motion passed by unanimous voice vote.**


**XIII. ADJOURNMENT**

Chairman Montoya declared this meeting adjourned at approximately 5:35 p.m.


Approved by:

  
Board of County Commissioners  
Harry Montoya, Chairman

Respectfully submitted:

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

ATTEST TO:

  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

