

2706340

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

August 26, 2003

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



1300-594
COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 12 day of Nov A.D.
20 03 at 9:34 o'clock a.m.
and was duly recorded in book 2706
page 340-446 of the records of
Santa Fe County

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Rebecca Bustamante
Deputy

SANTA FE BOARD OF COUNTY COMMISSIONERS
COMMISSION CHAMBERS COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
August 26, 2003 10:00 a.m.

Amended Agenda

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Approval of Agenda** 2706341
 - A. Amendments**
 - B. Tabled or Withdrawn Items**
- V. Approval of Minutes**
- VI. Matters of Public Concern - Non-Action Items**
- VII. Matters from the Commission**
 - A. Resolution No. 2003-1-A Resolution of Intent to Join and Actively Participate in the Formation of the North Central Regional Transit District (NCRTD) that will Work to Develop a Sustainable Long Term Regional Public Transit System for the Citizens of North Central New Mexico and Assigning Appropriate Staff to Assist in the Formation of the North Central Regional Transit District and It's Certification by the State of New Mexico that the District has Been Duly Organized According to the Provisions of the Regional Transit District Act 2003 N.M. Laws Chapter 65**
- VIII. Committee Appointments/Reappointments/Resignations**
 - A. Resignation of Members from the Santa Fe County DWI Planning Council (Nina Salazar - Santa Fe Public Schools)**
 - B. Resignation of Joanne Brown and Mark Boschelli from the Correctional Advisory Committee and Recommended Appointment of Joseph D. Joiner to Replace Joanne Brown**
- IX. Presentations**
 - A. Presentation on the Desalinization Project**
 - B. Santa Fe County Urban - Wildland Fuel Reduction Program**
- X. Consent Calendar**
 - A. Resolution No. 2003-1-A Resolution Requesting an Increase to the Property Valuation Fund (203) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Assessor's Office)**
 - B. Resolution No. 2003-1-A Resolution Requesting a Decrease to the Housing Capital Fund (301)/CIAP 2000 to Realign the Fiscal Year 2004 Budget with**

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- the Prior Fiscal Year 2003 Cash Balance Available for Expenditure in Fiscal Year 2004 (Community & Health Development Department)
- C. Resolution No. 2003^{LA} A Resolution Requesting an Operating Transfer from the Housing Capital Fund (301) and the Public Housing Development Fund (230) to the Housing Enterprise Fund (\$17), and an Operating Transfer from the GOB Series 1997 Fund (350) and the GRT Capital Outlay Fund (213) to the Water Enterprise Fund (505) to Budget Transfer of Assets' Expenditure in Fiscal Year 2003 (Finance Department)
 - D. Resolution No. 2003^{LA} A Resolution Requesting an Increase to the Lodgers Tax Advertising Fund (215) to Budget Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Finance Department)
 - E. Resolution No. 2003^{LA} A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) to Budget Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Finance Department)
 - F. Resolution No. 2003^{LA} A Resolution Requesting an Increase to the EMS Healthcare Fund (232) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Manager's Office)
 - G. Request to Establish Two Constituent Services Positions within the County Manager's Office (Manager's Office) 3-2 (Camp & Sullivan)
 - H. Resolution No. 2003^{LA} A Resolution Requesting an Increase to the General Fund (101)/Information Technology Division to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Project & Facilities Management Department)
 - I. Resolution No. 2003^{LA} A Resolution Requesting an Increase to the General Fund (101)/Information Technology Division to Budget Intergovernmental Agreement Revenue and an Increase to the Equipment Loan Proceeds Fund (340) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2003 (Project & Facilities Management Department)
 - J. Resolution No. 2003^{LA} A Resolution Requesting Increases to the US Environmental Protection Fund (260) and the State Special Appropriations' Fund (318) to Budget Prior Fiscal Year 2003 Cash Balances for Expenditure in Fiscal Year 2004 (Project & Facilities Management Department)
 - K. Request Authorization to Enter into Amendment #2 for Professional Service Agreement #23-30 with Hotspare Inc. for System and Network Administration Support (Project & Facilities Management Department)
 - L. Request Authorization to Enter into Amendment #3 for Professional Service Agreement #21-155-RD with Bohannon Huston, Inc. for Digital OrthoImagery Services (Project & Facilities Management Department)
 - M. Resolution No. 2003^{LA} A Resolution Requesting an Increase to the GOB Series 2001 Fund (353) Public Works Purposes to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Public Works Department) WITHDRAWN
 - N. Request Approval of Amendment #1 to the Cooperative Severance Tax Agreement for South Meadows Road from the New Mexico Department of Transportation (NMDOT) (Public Works Department)
 - O. Resolution No. 2003^{LA} A Resolution Requesting an Increase to the Federal Forfeiture Fund (225)/Region III Program Income to Budget Prior Fiscal Year 2003 Cash Balance and Federal Forfeiture Restitution Revenue Received for Expenditure in Fiscal Year 2004 (Sheriff's Office)

- P. Resolution No. 2003 ¹¹⁹ ~~120~~ A Resolution Requesting an Increase to the General Fund (101)/Region III Grant Program to Budget the Prior Fiscal Year 2003 Grant Award Balance for Expenditure in Fiscal Year 2004 (Sheriff's Office)
- Q. Resolution No. 2003 ¹²⁰ ~~121~~ A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Utilities Department)

XI. Staff and Elected Officials' Items

A. Community Health & Development Department

- 1. Health Policy and Planning Commission Recommendations Concerning the MOA Progress Review Committee Decisions, and Available Supplemental Sole Community Provider Funding

B. Finance Department

- 1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-48 for the Lodger's Tax Advertising and Promotions Services for Santa Fe County
- 2. Request Authorization to Enter into a Memorandum of Agreement #24-0049 with the City of Santa Fe for Production of a CD-Rom for Lodgers' Tax Advertising and Promotion Purposes for Santa Fe County
- 3. Resolution No. 2003 ¹²¹ ~~122~~ A Resolution Requesting Authorization to Surplus Obsolete or Inoperable Fixed Assets for Sale, Donation or Disposal in Accordance with State Statutes
- 4. Resolution No. 2003 ¹²² ~~123~~ A Resolution Requesting Authorization to Surplus Vehicles Forfeited to the Santa Fe County Sheriff's Office for Sale, Donation or Disposal in Accordance with State Statutes

C. Land Use Department

- 1. Resolution No. 2003 ¹²³ ~~124~~ A Resolution Replacing Resolution 2001-92 "Establishing Development Permit and Review Fees and Implementing Inspection Fees"

D. Project and Facilities Management Department

- 1. Request Approval of Easement Agreement Between Santa Fe County, Rancho Viejo Limited Partnership, and Rancho Viejo Inc. for Approximately 7.15 Acres of Trail Easement to Develop Spur Trail Between the Richards Avenue and the Rail Trail in the Community College District

E. Utilities Department

- 1. Request by Sonterra Development to Allocate 18 Acre-Foot of Water Service Availability to the Sonterra Development to Create Additional Affordable Housing
- 2. Request by Grier Enterprises to Transfer a Portion of its Water Service Availability Allocation to Gardner Development

F. Matters from the County Manager

- 1. Resolution No. 2003 ¹²⁴ ~~125~~ A Resolution of the Declaration of Disaster for Santa Fe County Ditches and Acequias

G. Matters from the County Attorney

- 1. Executive Session
 - a. Limited Personnel Issues
 - b. Pending or Threatened Litigation

c. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations

XII. ADJOURNMENT

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

2706345

August 26, 2003

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:35 a.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

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

Members Absent:
[None]

In lieu of an invocation, there was a moment of silence.

- IV. **Approval of the Agenda**
A. **Amendments**
B. **Tabled or withdrawn items**

CHAIRMAN SULLIVAN: Are there amendments to the agenda, Mr. Gonzalez?

GERALD GONZALEZ (County Manager): There are, Mr. Chair. We have, under item VII, Matters from the Commission, added item A. Resolution 2003, the number to be determined by the County Clerk. That's a resolution of intent to join and actively participate in the formation of the North Central Regional Transit District.

Then, under X, the Consent Calendar, the addition of item G. And under XI, Staff and Elected Official Items, G, under Matters from the County Attorney, under executive session, we have added item number c. Discussion of bargaining strategy preliminary to collective

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bargaining and negotiation. And then a withdrawn item is item number M under the Consent Calendar, another resolution.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Under Consent Calendar item X. G, the request to establish two constituent service positions. I'd like to take that off the Consent and put it under the Manager's for discussion. Because there is not full consent by all Commissioners on that particular issue.

CHAIRMAN SULLIVAN: Okay, there's a request to put that under Items from the County Manager. Any other requests or changes from the Board to the agenda?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Is that a motion to remove that from the Consent Calendar?

COMMISSIONER CAMPOS: I think the policy was that any of us could make a request. Isn't that the policy we adopted or discussed recently?

COMMISSIONER DURAN: I think that you have to have Board agreement, or full agreement. We have to have a consensus to move that.

COMMISSIONER CAMPOS: I don't think so. I thought any Commissioner could take any issue off the Consent for discussion purposes. I think that's what we had agreed to.

COMMISSIONER DURAN: Gerald? Could you --

MR. GONZALEZ: Mr. Chair, Commissioners, this was an item -- that issue has been discussed in the past. I don't know that the Commission has adopted a definitive policy. We have provided some drafts of proposed rules that would address that but otherwise it's basically a decision for the majority of the Commission to make in terms of how they proceed with this.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Then we have a motion. Commissioner Duran, go ahead. You had the floor then we'll take the motion.

COMMISSIONER DURAN: I asked for the floor because I was going to make a motion to approve the agenda as submitted and amended by the County Manager, without the amendment of Commissioner Campos.

CHAIRMAN SULLIVAN: Okay, now this is new stuff that we were just handed today on this item, but if you don't want to review it outside the Consent Agenda then that's the decision of the Commission. Okay, so we have a motion for the approval of the amended agenda as presented. Is there a second?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I believe that Commissioner Campos had the motion first.

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CHAIRMAN SULLIVAN: Yes, I was a little confused about that. We had discussion and then I turned over the floor to Commissioner Duran.

COMMISSIONER DURAN: I'll yield to Commissioner Campos.

CHAIRMAN SULLIVAN: Okay. In the interests of harmony, we're back to Commissioner Campos. Do you have a motion?

COMMISSIONER CAMPOS: Yes, my motion is to remove item X. G. from the Consent and place it under the items from the County Manager. This is an issue that does not have consent from all Commissioners. There has been serious discussion about the budget and how it affects the budget and how many we shouldn't be doing this. I think it requires public discussion. I think the public needs to know what the Commissioners are doing on this issue and I think it's of public importance and I don't think it would be a good idea just to try to hide it in the Consent Calendar. That's my motion.

CHAIRMAN SULLIVAN: Okay. But your motion is then to move that item under Matters from the County Manager and to approve the balance of the amended agenda.

COMMISSIONER CAMPOS: That could be. Yes, I could add that to my motion.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Okay. We have a motion and a second. Discussion?

The motion to approve the amended agenda, with Item X. G. moved to Matters from the County Manager passed by unanimous [5-0] voice vote.

VI. Matters of Public Concern - Non-Action Items

CHAIRMAN SULLIVAN: We seem to have a few people in the audience this morning who may have some items of public concern. Just so the public is aware of how we handle these non-action items at this point in the agenda, we normally give individuals three minutes to speak on any item that they like. We don't have the ability to take action on those items at this point but we're glad to hear them. Where we do have groups or organizations that would like to present a position, we generally try to accommodate them by establishing some time limit that they might collectively present that position to the Board without repeating themselves on issues. We are in the process, currently, of union negotiations and there are some individuals I believe from this morning that indicated they would like to speak on that. We are in the middle of those negotiations so we are somewhat constrained as to what we as a Board can respond to in that regard.

Nonetheless, we will provide those who want to speak about the union negotiations a total of 15 minutes to put those positions forward. If you have a spokesperson that you would like to speak for 15 minutes that would be fine or if you would like to divide that time up amongst any or all of you, that's fine as well. So we'll start at this point under Matters of Public Concern and that doesn't need to be union matters. It could be anything of that matter,

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but I see someone with a green shirt coming up and it doesn't say the Elks on it so I would assume he's going to start on that. And they've removed my clock from the back of the wall, so I don't have my clock that I normally get to look at but I'll keep an eye on my watch. Would you like to give us your name please.

CARTER BUNDY: Thank you, Mr. Chair, Commissioners. My name is Carter Bundy. I'm with AFSCME Council 18. I think the County employees who are going to speak can describe a little bit better than I can some of the problems that they face with the budget squeeze in their own homes and the health increases, which you know as well as we do have been going up every year. I'd like to address two things though. The first is something that's been a nightmare for Santa Fe County, for the state and for local governments around the country, and that's prison privatization. The fundamental problem with prison privatization is that the main goal of these out of state mega-corporations, MTC, Wackenhut, Cornell, CCA, or any of them, is that they're in it to make a profit. It's not safety, it's not cost-savings to the taxpayer, it's not hiring, training and retaining good employees. In fact the profit motive as a simple matter of human nature leads to corner-cutting on safety. It leads them to pay employees as little as they possibly can while maintaining minimal staffing levels. They provide minimal training and ultimately, as just a corporation, they try to charge taxpayers as much as they think they can get away with. That means going back and charging extra for beds and things like that and some of the things we've seen MTC do here in Santa Fe County.

To avoid future budget crises like the one that the jail has caused here, we hope you'll seriously consider bringing the public safety sector back into the public, back to County government. I think ultimately that will save the taxpayers money and it will be good for our employees because it will mean that they will be able, more easily, to get the sort of raise that they deserve.

The final thing, I want to speak briefly about the contract right now. It was just rejected overwhelmingly by the employees. A 1.5 percent raise, you're asking these employees to give back. Just cost of living increase, especially in Santa Fe, that's good for a couple percent a year, and with the health insurance increases going up well beyond that, 10, 15 percent a year, it's really a give-back by the employees. These people work hard. It's a fairly thinly staffed County. We only have about 200 employees in the bargaining unit. I respectfully ask that you listen to their stories and hear about their personal issues and work to find the additional resources to at least keep their heads above water so they're not losing ground in this next contract. Thank you very much.

CHAIRMAN SULLIVAN: Thank you, Mr. Bundy. Is there anyone else who would like to speak?

ROBERT GUTIERREZ: Good morning. My name is Robert Gutierrez and I've been nominated as president of the union here for the County, local 1782. First of all, I guess what we've put together is a group of people that hopefully we can work with your staff in coming across what's needed to complete this contract and make it workable for everybody. I think we've got some professional people that work here for the County, that work hard and they do a great job. And we need to make a positive environment for all of us to keep

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everything afloat. With that I'd like to let some of the members speak.

CHAIRMAN SULLIVAN: Thank you, Mr. Gutierrez. Who would like to speak next?

MARGIE ROMERO: Good morning, Commissioner Anaya, Chairman Sullivan, Commissioner Duran, Commissioner Montoya, Commissioner Campos. I am here today as a union member for Santa Fe County local 1782. I'm Margie Romero. I work for Santa Fe County public housing. My husband works here and other relatives that I have, probably like a total of 11 Romeros. I am here today as a union member for Santa Fe County local 1782.

CHAIRMAN SULLIVAN: Do you have enough for a football team?

MS. ROMERO: Well, see, if we go on a family picnic, you have to have a skeleton crew.

CHAIRMAN SULLIVAN: Okay. Thank you.

MS. ROMERO: I'm here from County local 1782 to represent all County workers in regard to the 1.5 increase you are offering. Due to the high cost of living here in Santa Fe and the increase of our health insurance by 10 percent, we feel that 1.5 is inadequate. The nationwide cost of living average is 2.7 and we are asking that all of you meet us at a rounding cost of 3.0.

Last January 2003 you all gave us a .60 increase and a bonus of \$400 or less, depending on our time with the County. Every Santa Fe County employee was well satisfied with these benefits that you all approved to give us. Morale was up and a lot of people were able to replenish what was spent for the holidays with that bonus. I periodically tune in to your monthly BCC meetings on television. I have discovered in your monthly BCC meetings on television that all of you make fair decisions with a majority of the issues presented according to the oath you promised to take in serving the public for Santa Fe County as Commissioners.

We understand that the jail has put Santa Fe County in a slight financial bind, but at the same time, we as employees need to be kept in track with the cost of living in Santa Fe. When I first came to work for Santa Fe County, we were given a three percent cost of living increase for three consecutive years, because of union negotiations. Then for about a year and a half, we weren't given anything except for a few employees who got a bonus of some odd amount, which was determined according to evaluation performance scores and to the discretion of department managers and directors. We need to continue to get at least the nation cost of living percent in order to receive a decent retirement supplement so that we don't have to work all our lives and have our parenthood stolen from us.

Many employees right now have to hold two jobs in order to survive with expenses and everyday needs. When it comes to retirement, we should be able to enjoy it and share our family times. We are well aware that some various managers and regular employees have received pay increases for reasons that they are professional employees. We are all professional employees and we all work hard to bring in revenues for the County to be prosperous and we should always be compensated for our services and dedicated work. I want to be able to tell all the Santa Fe citizens that I am proud to work for Santa Fe County and that the Commissioners

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that we have and that we have voted for take care of us in every aspect. We as employees who are also the public and taxpayers to be able to make retention work history and decrease employee turnover.

I plan to retire from Santa Fe County, God willing, and thank you, all of you, Commissioners, for hearing my concerns today and I hope you can offer us that three percent.

CHAIRMAN SULLIVAN: Thank you, Mrs. Romero. Could we allow the speakers to speak and hold the applause please? I think you can get your points across and utilize your time a little more effectively. And thank you, Isaac Romero for your participation. Yes, sir. Would you like to give us your name.

LOREN MARTINEZ: My name is Loren Martinez. I work for Public Works. It's kind of disappointing to see what kind of increase the Commissioners want to give us. I think our employees are worth more than what you feel that we are worth. By seeing this, some people are worth more to you than I guess blue collar workers and I don't see how these people can be worth more than us, because if it wasn't for us, none of us would be working here, including you. So I'd appreciate it if you would think about the increase that you want to give us. Really think about it, and I thank you for your time.

CHAIRMAN SULLIVAN: Thank you, Mr. Martinez. Who else would like to address the Commission?

ROBERT CHAVEZ: Commissioners, my name is Robert Chavez. I'm with AFSCME and I chair the negotiations.

CHAIRMAN SULLIVAN: Are you a County employee?

MR. CHAVEZ: No, I'm not a County employee.

CHAIRMAN SULLIVAN: Okay.

MR. CHAVEZ: But I'm with the union and negotiations seem to be going pretty good and things being worked through. We've hammered a lot of issues. We're trying to make the County's contract and their workers a contender with other locals throughout the state. Right now the County has -- they don't even have a contract. The contract they were working on was actually the worst contract in the whole state. So the idea is to make them contenders, bring them up to speed and to the times, the times that we're at now, instead of back in the 70s and 80s. We're in the 2000s now. We want to bring these people back up to times and be in contention with everybody else.

We looked at the finances. We got the books and reports that management provided for us. Took some time to get a lot of it, but still we got what we needed. We got them. And one of the editorials that we have, that there's monies, reports that we got back from our professional staff, our research department, which is very good at what they do and that's all they do and it shows ideas of monies and if there is monies and what we're asking for is not unreasonable. It's very reasonable. In fact, we could be asking for a lot more if people really wanted to and we're hoping you guys can analyze this and someday we can sit down over the finances and maybe come up with some ideas on where this money is at, where it's going and how it's being used, and so on and so forth.

Also, we would also appreciate, a lot of us here this morning. Thank you for allowing

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us this opportunity on behalf of the employees which are also voters and taking care of our people. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Chavez. We have about five minutes left. Who else would like to speak?

MR. CHAVEZ: Also, we have some people that couldn't make it here this morning because of the timing. They had to work and stuff and we have signatures here that we'd like to give you all in support of these people, the County people. And I'll go ahead and give them to I guess the Clerk.

CHAIRMAN SULLIVAN: Just give them to me, if you don't mind and I'll make sure that the Commissioners get copies. Thank you, sir. Yes, ma'am. Your name please.

ROBIN GOULD: Good morning, Commissioners. My name is Robin Gould and I'm with the Communications Workers of America. We represent thousands of workers across the state, the bulk of them here in Santa Fe County.

CHAIRMAN SULLIVAN: And are you a County employee?

MS. GOULD: No, I'm a state employee and I'm a member of the Communications Workers of America. And we're here to support our brothers and sisters that are struggling for a just contract. We'd like you to know that we're willing to step up to the plate. Whatever these folks need, we are in support of them and we'll be there for them throughout the contract negotiations. Thank you.

CHAIRMAN SULLIVAN: Thank you, Ms. Gould. Next speaker.

SHIRLEY CRUSE: My name is Shirley Cruse. I'm with 1199. I'm an employee at St. Vincent Hospital, 1199 is an affiliate with AFSCME and we are just here to lend our support and to also ask that you take their concerns, give them great consideration because we too are in full support of them having a fair contract and being able to earn a wage at which they all can live and survive here.

CHAIRMAN SULLIVAN: Thank you, Ms. Cruse. Do we have anyone else who would like to speak? You have about two minutes left. Okay, are there others who would like to speak to the Commission on items not related to this particular items.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Just a minute. Commissioner Duran.

COMMISSIONER DURAN: While everyone is here on this particular issue, I would just like to say a couple things and ask a couple questions of Gerald if I could. This is the first time in the six years that I've been here as a Commissioner that we've had this kind of turn out concerning the contract negotiations. I would like for us to consider bringing that increase up and I have a question for Gerald. Relative to the contingency fund that we have on a yearly basis, Gerald, how much is in that contingency fund and have we ever, in the immediate future, had to tap into that?

MR. GONZALEZ: Mr. Chair, Commissioner Duran, I don't know what the balance of the fund is. I don't see Susan Lucero there. I understand we have had to tap into before, however.

COMMISSIONER DURAN: Do you recall what that amount has been though,

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over the last -- historically?

MR. GONZALEZ: No, I do not.

CHAIRMAN SULLIVAN: Are you talking about the reserve fund?

COMMISSIONER DURAN: Every year we have -- DFA requires we -- Susan, maybe you can come up and answer these questions. Every year DFA requires that when we submit our budget that we hold back a certain amount for contingency. That contingency fund is the one I'm talking about.

MR. GONZALEZ: Oh, that confused me. Just to explain. We have a separate contingency fund within the Manager's office, but if we're speaking of the DFA reserve requirement, that's a separate matter and Susan can address that.

SUSAN LUCERO (Finance Director): Chairman Sullivan and Commissioner Duran, the required reserve requirement per DFA is a quarter. One quarter. So the calculation comes out that --

COMMISSIONER DURAN: A quarter of what?

MS. LUCERO: Of expenditures budgeted for the year. So for example, if general fund has budgeted expenses of \$36 million, one quarter of that, \$9 million, is required to be reserved.

COMMISSIONER DURAN: Are salaries part of that amount?

MS. LUCERO: Salaries would be part of the \$36 million budget.

COMMISSIONER DURAN: Of the budget. So when we consider what that 25 percent is, salaries are included in that calculation.

MS. LUCERO: They're part of the entire picture.

COMMISSIONER DURAN: Is there any way that we can use that contingency fund at all to supplement the pay increases that we're in negotiations?

MS. LUCERO: Mr. Chair, Commissioner Duran, what I understand is that it's based on statute. That it's reserved. It's put on reserve in the event that there is a major loss of revenue or a major expense that needs to be incurred, and it's not to be touched, because as you use it, as has happened to counties such as Taos County, San Miguel County, you're eating into the base that you've developed over time. And it's very hard on a recurring basis to bring that back up to the base it was before.

COMMISSIONER DURAN: So what is that amount that we have in reserve?

MS. LUCERO: Well, as an example, if the expenses for general fund are \$36 million budgeted for the year, the reserve amount requirement is \$9 million of that or one quarter. Three-twelfths.

COMMISSIONER DURAN: What does the 1.5 percent additional increase represent in terms of total dollars.

MS. LUCERO: I'm sorry?

COMMISSIONER DURAN: We've negotiated 1.5 percent right now.

MS. LUCERO: Right.

COMMISSIONER DURAN: And AFSCME is asking for a three percent.

MS. LUCERO: I believe that the last time I looked at the figures on an annual

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basis, for example, a 1.5 percent increase on an annual basis is approximately \$234,000.

COMMISSIONER DURAN: And if we could find that \$234,000 and give them -- that would be the additional 1.5 percent. Would that satisfy AFSCME, in terms of your negotiations? I'm just trying to get a sense as to what's the amount that we're shy.

MR. CHAVEZ: Right now like Commissioner Sullivan said, since we're in negotiations, something's going to be addressed but I think we're on the right track. I think you're in the right track. I think we're headed the right way by these numbers and figures that are being spoken here at this time, so to just come and say, We can't do that. We're going to have to go back to the table, schedule a time and talk to Hallin. We're ready to go back to the table and we certainly will entertain that in a positive way. I think we're on the right track.

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

CHAIRMAN SULLIVAN: Thanks, Susan.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Just one comment I want to make. I do appreciate, as the Chair, you all being here this morning and your good presentations and succinct presentations. I'm sure all of the Board members, I know all the Board members here understand and appreciate the work that our County employees, all of our County employees do and you're a part of that team and we are a part of that team. We are County employees too. So we want you to know that, from my perspective. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you. I'd like to personally thank the people from AFSCME, the union people for coming over here and the non-union people that are here. It was brought up, somebody said that we didn't appreciate you. We appreciate you very much. We appreciate everything you do. I've been in every one of your offices. I know you personally. I want to first tell you a little bit about when I first got on here, Commissioner Montoya and myself, we found out that the union was negotiating and we found out that we were going to give some, a percentage increase and we looked at each other and we said, Good. That's good we want to help the union out. In my hand, I have here the increase that we gave in January. And some of you got seven percent. I think the average came out to four percent. I felt real good about that. I really did. It would have been nice if you would have all come into the courtroom and thanked us. That would have been real nice. I didn't hear any of that. Maybe one or two.

We want to work hard to help you guys out. I run my own business. When there's money in the kitty to give raises, I do it. When there's no money, we came, Commissioner Montoya came into this Commission and all of a sudden we're finding out that we're having to give the money to the jail. We don't like to do that but we have a problem out there that we're trying to settle. We sat down in meetings trying to come up with monies to help the union people, to help the County. I wish we could all get three percent every year. In the past that probably happened. Where the money came from -- I know where it's going now.

You all mean very much to us at the County. We're trying our best to help you. The 1.5 percent, we sat down with Gerald and the Finance Director to come up with money. We'll

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go back and we'll try to find some more. But if we can't, the bottom line is money. If we don't have it, we can't give it. I don't want to see the County go into debt, but I want to thank you all for coming in again and telling me your comments, but the bottom line is money, and if we have it, we will give it. If we can't, it doesn't mean we don't appreciate you. We appreciate you very much. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Okay, I think that looks like all the comments we have from the Commission on that. Again, we thank you, employees and those union members who are here for your input today.

Okay, we'll move to other Matters of Public Concern and this looks like Mr. McCarthy at the podium.

JOHN MCCARTHY: Mr. Chair, members of the Commission, my comments and request today refer to item XI, E on today's agenda. I'm speaking as the State Land Office Predevelopment Lessee on the project known as San Cristobal.

CHAIRMAN SULLIVAN: If this is an item that's on the agenda, Mr. McCarthy, did you want to speak about it at that time or did you have some other commitments or something.

MR. MCCARTHY: I would like the opportunity to speak about it at that time.

CHAIRMAN SULLIVAN: Or if you want to do it now, go ahead, shoot.

MR. MCCARTHY: Thank you, Mr. Commissioner. Basically, I have some brief comments. Affordable housing is a key element of the San Cristobal, State Land Office plan and we would like the 18 acre-feet of water to be considered to be allocated to the State Land project. My request, which I will address more in detail if allowed during the hearing is that the Commission, the action the Commission takes is to establish a process by which the benefits of affordable housing, allocation of the water are then considered, to establish criteria and the process.

CHAIRMAN SULLIVAN: Thank you, Mr. McCarthy.

MR. MCCARTHY: Thank you.

CHAIRMAN SULLIVAN: Are there others who would like to address the Commission on non-action items this morning.

VII. Matters from the Commission

- A. **Resolution No. 2003-108. A Resolution of Intent to Join and Actively Participate in the Formation of the North Central Regional Transit District (NCRTD) that will Work to Develop a Sustainable Long Term Regional Public Transit System for the Citizens of North Central New Mexico and Assigning Appropriate Staff to Assist in the Formation of the North Central Regional Transit District and its Certification by the State of New Mexico that the District has Been Duly Organized According to the Provisions of the Regional Transit District Act 2003 N.M. Laws Chapter 65**

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CHAIRMAN SULLIVAN: I believe this is something Commissioner Montoya may want to bring forward.

COMMISSIONER MONTOYA: Yes, Mr. Chair, in discussing this and actually, I'll let Jack Kolkmeier kind of take the lead, but I think one of the things that I would request the Commission's approval on is the participation in the North Central Regional Transit District. They participated in a meeting last Thursday where representatives from City government, state government, a number of different state agencies, as well as other non-profits discussed the regional transit system. This does heavily impact my district but it also heavily impacts, I think, everyone's district, except maybe Commissioner Anaya, and I think our participation, at least to begin in terms of the planning phase may be very important.

I think the other thing is that at this point, there is no fiscal impact in terms of the County having to give money, particularly in light of what we just heard from union employees. We don't want to give something that we don't have but I think in terms of staff time that's what we'd be talking about. Jack, I'll turn it over to you at this point.

JACK KOLKMEYER (Planning Director): Thank you, Commissioner Montoya and thank you Commissioner Sullivan. Good morning, Commissioners. Jack Kolkmeier, Planning Director for the County. As you may recall, the beginning of this year, January 30th, the BCC passed Resolution 2003-16. At that point, that was a resolution in support of proposed state legislation for the creation of regional transit districts. That law, which came from Senate Bill 34, subsequently was passed and signed by the governor as the Regional Transit District Act, and that was back in March 21st of this year.

As Commissioner Montoya just pointed out, we need to take another step and that next step is to pass now a second resolution indicating Santa Fe County's willingness to join and participate in this North Central Regional Transit District. I'd invited Tom Williams from Santa Fe Trails to be here with us this morning to make a few comments. Apparently he was unable to make it so hopefully, I'll be able to answer some detailed questions if you have them. But I just want to make a couple of comments. First about the resolution. I'm sorry, the resolution that you have has some typos in it and I have a copy, we've redone it and some changes were made to it and I'll give you a copy when I'm finished. It's essentially the same thing.

What we're asking in this resolution is that the BCC support the formation of and intends to join and actively participate in the formation of this North Central Regional Transit District whose duties will be to develop, plan, promote and operate a sustainable, long-term regional public transportation system for its member jurisdictions. Secondly, we are asking that the Board of County Commissioners direct the County Manager to assign appropriate staff to assist in this. The entities involved so far are the City of Santa Fe -- of course this is statewide and anybody throughout the state could now form a regional transportation district or transit district. For our purposes, we are looking at the involvement of the City of Santa Fe, Santa Fe County, Española, Rio Arriba County and Los Alamos County. And everybody this past few weeks have been passing similar resolutions for us to move forward with this.

In terms of what this actually involves, in terms of transit, just so we're clear,

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particularly for the County, it immediately involves Park 'n' Ride. For Santa Fe County and the City of Santa Fe it will involve our continuing efforts on our commuter train project, which as some of you know from following along with the governor's recent initiative that that's even broadened itself into looking at having commuter possibilities between Albuquerque and Santa Fe, and thirdly it involves the existing transit system, the bus system. So when we get into matters further on down the road, about coming up with a dedicated funding source, which is something that we'll have to talk, that will be in the next steps, there will be a couple of things that we need to keep in mind.

One will be, as you may recall, the funding issue in this act was not what everybody wanted it to be. As the act was passed, it provides for us to be able to use bonds and tolls. Tolls and fees. Now that may help some, but the taxing portion of it was left out of this act and I know Commissioner Campos, you had some questions about that when we went forward with that legislation and it was left out. Our big initiative next will be to go back to the legislature and have some taxing capability put in.

But there's also, and the Department of Transportation has made this pretty clear to us and Commissioner Montoya, you were asked directly, are you ready to cough up 50,000 bucks right away and did a nice little dance there. But I think it was really an important question because if we are asked to put up money in the future as a dedicated funding source we have to come to grips with what does it mean to us? Is it better for us to have an expansion of Santa Fe Trails, for example, to go into the Community College? Along Route 14? Or do we need to put money into Park 'n' Ride? So you will have some tough questions a little bit further down the pike. We don't want to not remind you of that because they will come up, but for the moment, we want to get this RTD off the ground. We want to be a part of it. We think it's important for us to participate in it, so we'd like your blessing on the next step. So we're asking that you pass this resolution. I stand for questions provided I can answer them.

CHAIRMAN SULLIVAN: Questions for Mr. Kolkmeier?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: There's a motion for approval and a second.

Discussion? I wanted to share just one thing with you all. A brief letter from Senator Bingaman dealing on this topic. He writes me: "Dear Jack, Thank you for taking time recently to accompany me on the New Mexico Department of Transportation's Park 'n' Ride transit bus ride from Santa Fe to Española. I very much appreciate the opportunity to experience with you first hand the tremendous service provided to northern New Mexico residents by the Park 'n' Ride service.

"As you know, Congress will soon take up the comprehensive six-year surface transportation bill. I recognize that access to a high quality transportation system is an essential element in economic development and that New Mexico must have the transportation infrastructure it needs to attract jobs and sustain economic growth. I believe that the federal government has an important role to play in helping New Mexico build and maintain its transportation infrastructure, and to that end, I look forward to continuing to work to ensure

New Mexico receives its fair share of federal highway and transit funds. Again, thank you for taking the time to visit with me and for your support of public transportation. Jeff Bingaman."

The senator is very much involved in working, I think on behalf of our community to support these surface transportation needs. I assume that you've met with his staff, Jack, and discussed these items with him. Okay, we have a motion and a second. Is there ²⁷⁰⁶³⁵⁷ discussion?

The motion to approve Resolution 2003-108 passed by unanimous [5-0] voice vote.

MR. KOLKMEYER: Thank you, Commissioners.

CHAIRMAN SULLIVAN: Other Matters from the Commission? We'll start today from the left. Commissioner Campos?

COMMISSIONER CAMPOS: Nothing, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. A couple items, both relating, and I think, Gerald, you had had some discussion with James Lujan regarding the need for some additional equipment in terms of repairing some of the acequias that we have in the northern part of the Chimayo area specifically. And I think just a request to get that information and the assistance out there as soon as we can with help in terms of maintaining the irrigation rights that these people have and maintaining them till the end of the irrigation season as well.

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioner Montoya, James and I did discuss this before he left. He's out of town this week. And we did meet with Mr. Chavez yesterday, some of my staff, and then yesterday I personally went out there and took a look at it. And this is what we feel that we need. It will take about a week to repair the ditch. We're looking at a dozer, a loader, two operators and possibly installing a temporary crossing of the Rio Quemado so we can get our equipment to the site. That would require a permit from the Corps of Engineers because we will be installing a culvert in the Rio Quemado and adding some fill on top of the culvert.

So that, and permission from the landowner to access his property and work on the acequia. Another thing that may be needed, and I'm sure Land Use would work with us, is probably a grading permit. But we feel we could do this within a week's time.

COMMISSIONER MONTOYA: Okay. Thank you.

MR. MARTINEZ: Depending on the permit from the Corps.

COMMISSIONER MONTOYA: Right. Right. Okay. So it's been addressed then in terms of the last discussion I had with James was that he was I guess going to discuss it with Gerald.

MR. MARTINEZ: That is correct. We may have to rent a dozer because the dozer that the County currently owns is on a project, unless we delay the road construction project of La Barbara and move the dozer up north to accommodate this project. I do have some pictures of the ditch if you would like to see it.

COMMISSIONER MONTOYA: The other thing, Mr. Chair, is just regarding

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maybe all kinds of requests that come up that would require the use of an excavator. My understanding is that we don't have one, Robert. Is that correct?

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, that is correct. The County does not own an excavator.

COMMISSIONER MONTOYA: Now, would that help? It may have helped in this situation. It may not have, but maybe in others? Is that -- and I'm just bringing it up as a potential need in terms of equipment for the County. Would that be something beneficial for us to have?

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, an excavator would not benefit us on this particular project but in the future it may. We do budget money for rental of equipment during the year but basically that is for specific projects that we have planned for the year. I think if we need to rent an additional piece of equipment for some other type of project we'd need to probably request an increase to our rental budget to accommodate this request.

COMMISSIONER MONTOYA: Okay. So it would be better to rent than to purchase?

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, the amount of need for an excavator is minimal so I think it would probably be in the County's best interest to rent or lease if we see that we need it for three months at a time we could lease it. An excavator is probably around the neighborhood of \$200,000 to \$300,000.

COMMISSIONER MONTOYA: Okay. Thank you, Robert. I appreciate your help with that. The only other thing is, I see Stan is here and Stan, this is also the same request from Mr. Chavez. Not the same request by same person making another request in regards to the emergency medical services contract that we have with them for providing emergency transportation services. I think the last discussion that I had with you was that the contract was with Española Hospital at this point.

STAN HOLDEN (Fire Chief): That's correct.

COMMISSIONER MONTOYA: And what he was telling me was that he hadn't seen anything and that the board hadn't approved any contract. I was just wondering if maybe you could follow up.

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, I'll remind the Commission that you did take formal action and we sent up a contract to Española Hospital for them to sign but we have not heard anything back from them. So our Board did take action.

COMMISSIONER MONTOYA: Right.

CHIEF HOLDEN: Whether or not the hospital board has taken action, I'm not aware of that.

COMMISSIONER MONTOYA: Right. Apparently they haven't, and what he was telling me was they haven't received anything back from us. So maybe if we could just send it again. That's what he was communicating to me, so I don't know.

CHIEF HOLDEN: We can do that.

COMMISSIONER MONTOYA: But if we could do that.

CHIEF HOLDEN: I can do that again.

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COMMISSIONER MONTOYA: Okay. All right. Thank you, Stan. Appreciate it. Thank you, Mr. Chair. That's all I have.

CHAIRMAN SULLIVAN: Okay. Commissioner Duran.

COMMISSIONER DURAN: Well, I have a couple things. I was wondering, Gerald, if when we discuss this land use case about distributing the water rights to affordable housing, if you can make sure that we're provided the water policy that the Commission adopted on the allocation of the water rights that we have. We adopted a policy a few years ago and I just need to refresh my memory on that.

MR. GONZALEZ: Okay.

COMMISSIONER DURAN: You can bring it up when we talk about it but --
GARY ROYBAL (Utilities Director): Mr. Chair, Commissioner Duran, it's in your packet material.

COMMISSIONER DURAN: Oh, it is? Oh, thank you. Then the only other thing I have is I would like for the Commission to consider -- I don't know what's happening in the legal department right now. I know we're shy an individual and I don't know when you're planning to replace that person, but over the past six years I've recognized the lack of expertise in that department relative to takings issues and property rights issues and it seems to me that every time we have a case that comes before us or an issue, we have to contract out to get private sector help, and I'm not sure that that's the most prudent thing to do. We contract for attorneys to represent us and I'm not sure that we shouldn't be doing that on our own. Because you can always make an argument for taking a position on something and what I'm really more in favor of doing is finding what is right, what's the right thing to do relative to the situation. And I think that if we had private counsel within the County advising us as to whether or not there's been a violation of property rights or if there's a takings issue that that would come within rather than have someone from the private sector looking at a situation that they can litigate.

I don't want to give anyone a job here. I want to be able to have someone in-house to advise us on what is the most appropriate thing to do based on the facts. So I would just like for the Commission to consider asking staff, the County Manager and the County Attorney, that if you end up replacing someone in your department and from my understanding you might be doing that soon, that that individual has some, when you put it out for publication that you make sure that this individual has some strong background in takings issues, property rights issues. Just my own thought. Thank you. And that's all I had. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you. First of all I'd like to recognize some of our employees who lost their loved ones in the last month or so. Linda Dutcher, who works for CRAFT, lost her father. Vidella Trujillo, who works for CRAFT just lost her uncle. Priscilla Vigil, who works for Indigent, she just lost her father-in-law. All our thoughts and prayers go out to the families.

Mr. Chair, Captain Terrence Delgado from the Santa Fe County Sheriff's Department has been called to active duty. He will be stationed at Fort Bliss or a short time before being

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shipped overseas for a year to Kuwait. Our thoughts and prayers go out to Terrence and his wife Teresa, son Michael, daughter-in-law Yvonne, three grandchildren, Janice, 6, Jerrod 4, Jade 2, as we look forward to his safe return. Mr. Chair, I'd also like to talk about the lunches, hot lunches being provided from the senior program to see if we can expand these lunches to other small communities like the Village of Galisteo, Cerrillos, Agua Fria, La Cienega. So Gerald, is there somebody that we need to contact and see if we can try to get these hot lunches expanded to probably the community centers in these small communities?

MR. GONZALEZ: Mr. Chair, we are presently discussing with the City the JPA for senior services and there's costs associated with expanding those services. We do have a defined cost for this coming season based on what we've negotiated with the City so we'd have to sit down with those folks and talk about what additional amounts would be necessary in order to add meal programs for those areas, at least for seniors.

COMMISSIONER ANAYA: Thank you, Gerald. The reason I brought it up is I had some discussion with folks in those areas and they would like to see something of that sort come to their village. I know that in the town of Pojoaque, Tesuque, Chimayo, they get hot meals delivered every day to seniors, so I'd like to see if we can get something down south or in the central area.

Mr. Chair, also we did talk about an ATV track for the youth in Santa Fe County and I just wanted to know if where we are with that.

MR. GONZALEZ: Mr. Chair, Commissioner Anaya, I know that we've been working on something so I'll let Tony talk about it.

TONY FLORES (Project Manager): Thank you, Mr. Chair, Commissioner Anaya. After the Board directed staff to look into the possibility of locating a recreation facility or park for ATV or off-road use we met both with the City of Santa Fe and the Bureau of Land Management in an effort to attempt to find a location for that use. We looked at property from north to south, east to west throughout the county and BLM has taken the position that they do not have property to lease for that type of use. So without the BLM's involvement in this we do not have a location that we can secure from them for an ATV park, other than a location that's currently active in the north, I believe it's District 1, in the northern part of the county there is an ATV facility in that part, but there are no other holdings that BLM or the State Land Office would have for the County to acquire for an ATV park.

COMMISSIONER ANAYA: Is there any way we could get some monies from open space to use, to purchase a piece of property to make an ATV park?

MR. FLORES: Mr. Chair, Commissioner Anaya, I think we would be open to looking at those possibilities at finding something. Our first attempt was to try to find properties within the State Land Office or BLM which seems to be the easiest avenue, but we can definitely look at that.

COMMISSIONER ANAYA: Thank you. Two more issues, and that is, this one goes to the Public Works Department, Robert Martinez. The Galisteo Bridge, I know that we've ordered some materials. You have it scheduled for the beginning of September. I just want to make sure that that gets done. The bridge is falling apart. Where are we on that,

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Robert?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, we are in the process of notifying the public in emergency services that the bridge will be closed for a period of three weeks. We plan on starting the reconstruction of the bridge week after next.

COMMISSIONER ANAYA: Oh, good. Thank you. Mr. Chair, I'd like to recognize Vanessa Larrañaga who took the place of Mr. Money who was doing our filming and she's back here.

CHAIRMAN SULLIVAN: Does she want to wave her hand?

COMMISSIONER ANAYA: That's it.

CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner. I just have a couple brief items to add. While Robert is up here -- oops, he disappeared to the back again. Some individuals in the Eldorado area would like to know what the schedule for the Avenida Amistad culvert, low-water crossing is.

MR. MARTINEZ: Mr. Chair, that will take place starting this fall. I don't have the schedule with me but I believe it was October some time.

CHAIRMAN SULLIVAN: This fall. Okay. And then I had a question for Tony. Several of the seniors in the Eldorado area had called me and I thought were going to come in today to make a presentation. Did they talk to you about that?

MR. FLORES: Mr. Chair, no they haven't.

CHAIRMAN SULLIVAN: About the senior center?

MR. FLORES: Nobody's contacted my office regarding a presentation.

CHAIRMAN SULLIVAN: Okay.

MR. FLORES: Regarding --

CHAIRMAN SULLIVAN: Regarding the funds, additional funding --

MR. FLORES: Oh, for the senior center program.

CHAIRMAN SULLIVAN: For the ICIP plan and I believe that was second on the list or something and they wanted to show their support for it but I asked them to contact you to see whether it should be in Matters from the Public or whether it should be under Matters from the Commission or so forth.

MR. FLORES: Mr. Chair, nobody has contacted me. Just a brief update. I've committed to the Board that we'd be bringing back the ICIP phase 2 presentation which narrows down the field. It could be that they contacted, maybe possibly Rudy or someone else in my office. I haven't been contacted. That date is pending and it will either be the first meeting of September or the last meeting in September. So I will actually contact the group out there and let them know when we plan on bringing that up.

CHAIRMAN SULLIVAN: Yes, if you could do that. They'd like to come in and obviously express their support for the facility. It's already gotten some funding and I think we've settled the land issue from the County. The County has done a thorough investigation of the land alternatives.

MR. FLORES: Correct.

CHAIRMAN SULLIVAN: So we'd like to get that moving and if you could

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contact them. They were a little uncertain as to what the protocol was to come in and make a presentation.

MR. FLORES: I will contact them.

CHAIRMAN SULLIVAN: Okay. Thanks. I appreciate that. Then the last item I had, there were some brief comments, I believe at our last meeting about our Association of Counties taking some initiatives up to the legislature and supporting some resolutions, one of which had to do with term limits of County Commissioners and I think Commissioner Montoya reported on that. I just wanted to weigh in my personal opinion that I disagree with the Association of Counties on that particular issue. I feel, although other elected officials do have, in some cases, unlimited term opportunities, I think it's very appropriate that County Commissioners are term-limited. I think it brings fresh blood into the system and has worked well, I think, for Santa Fe County. So I just wanted to indicate that that's my personal opinion on that. Okay, I think that completes Matters from the Commission. Thank you all for your very good comments and suggestions and ideas.

VIII. Committee Appointments/Reappointments/Resignations

A. Resignation of Members from the Santa Fe County DWI Planning Council (Nina Salazar - Santa Fe Public Schools)

CHAIRMAN SULLIVAN: Steve, do you want to handle that?

STEVE SHEPHERD (Health Director): Thank you, Mr. Chair. Staff is recommending the acceptance of Nina Salazar's resignation from the Santa Fe County DWI Planning Council. Her job duties have changed and have prevented her from attending meetings and she has submitted her letter of resignation.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and a second from Commissioner Anaya.
Motion by Commissioner Montoya. Discussion?

The motion to accept Nina Salazar's resignation passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

VIII. B. Resignation of Joanne Brown and Mark Boschelli from the Correctional Advisory Committee and Recommended Appointment of Joseph D. Joiner to Replace Joanne Brown

GREG PARRISH (Corrections Coordinator): Mr. Chair, before you you have the resignations of Joanne Brown and Mark Boschelli. They both, because of their responsibilities at work and Mark Boschelli is going back to school, are unable to participate in

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the Correction Advisory Committee. I would recommend that their resignation be accepted and I would also recommend that Mr. Joseph Joiner be added as the legal representative for the Correction Advisory Committee replacing Joanne Brown. And we are continuing to look for a replacement for Mr. Boschelli.

CHAIRMAN SULLIVAN: I have a question, Greg, on the legal representative that we have on that committee. Does that presume that this individual doesn't practice or doesn't practice with regard to cases that may involve the jail, or what is our conflict of interest situation there?

MR. PARRISH: Well, the way the resolution is set up is there's representatives from certain areas. He would be the representative, a court type representative on the committee. He wouldn't represent the committee and if there was any conflict of interest we would expect him to excuse himself.

CHAIRMAN SULLIVAN: I guess I was thinking more of representation of inmates.

MR. PARRISH: I've never run into that but I would expect he would have to recuse himself to that because it would be inappropriate to act in that capacity. His law practice, I don't believe is involved in that area right now. But he is a general practitioner.

CHAIRMAN SULLIVAN: Okay, but it's understood that I think there would be, as with any legal representative, certainly a problem there if he were on this advisory committee and also undertaking, representing clients who were either incarcerated or had to deal with the prison --

MR. PARRISH: That would be inappropriate.

CHAIRMAN SULLIVAN: Okay. To your knowledge he doesn't have that situation. Okay. Do we have any other questions for Mr. Parrish on these resignations and the appointment? If not, can we have a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Moved by Commissioner Anaya, seconded by Commissioner Montoya. Is there discussion?

The motion to accept the resignations of Joanne Brown and Mark Boschelli and to appoint Joseph Joiner to the Correctional Advisory Committee passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

IX. Presentations

A. Presentation on the Desalinization Project

MR. ROYBAL: Good morning, Mr. Chair, members of the Board. Staff has requested the Water Resource Management Group to provide a presentation to the Board on a water desalinization project that they're pursuing in the Estancia Basin. I'd like to introduce the

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principals of this group. I'd like to start off with Mr. Andres Romero. Mr. Romero attended the College of Santa Fe. He has many years of experience in state government as deputy for the environmental/intergovernmental affairs with the Office of the State Engineer and also with the New Mexico State Department of Transportation.

Dr. John Hernandez, who is to my left over here, Dr. Hernandez is the past dean of the College of Engineering at New Mexico State University. He is also former director of the Environmental Protection Agency. He is professor emeritus at New Mexico State University. Also right behind me is Robert Skylar. He is executive vice president of Weyerhaeuser Company, dealing in international forest products. He is founder and past chair of the Santa Fe Business Incubator, past chair of the Santa Fe Economic Development, Incorporated, past co-chair of Santa Fe County Board of Economic Advisors. He is a member of the New Mexico Economic Development Commission and he has an MBA from Harvard University.

Not present is Elud Martinez, who is the former New Mexico State Engineer, former commissioner of the Bureau of Reclamation and he is also a graduate of New Mexico State University, where we were students of Dr. Hernandez. So with that, I'll turn it over to Dr. Hernandez.

ROBERT SKYLAR: This is a rather unique opportunity for north central New Mexico. It is one of three desalinization projects that are active in the state today. By way of background, there is a project active in Alamogordo that in scale is approximately what we are proposing. It will be about 10 or 11 million gallons a day. It will go to hearing in October. The Interstate Stream Commission is looking at desalinizing water in the southeast part of the state out of a similar saltwater basin and taking it to the Pecos in satisfaction of the compact with Texas. And this is the third project.

I'd like to give you a quick overview. We'll move quickly because I know you have a lot of work to do today. This is the agenda. Each of those bullets is a slide and between us, Dr. Hernandez and I will move quickly.

So the overview is this. This project as you will learn in the course of this briefing is proposed to be a regional water supply. We can bring water from around Estancia in northern Torrance County through Santa Fe and could ultimately reach out as far as Española. And we can service all the communities along the pipeline, which comes from Estancia to Santa Fe. So we don't view this as a supply for Santa Fe or Santa Fe County alone but for the region as a whole.

Because of the nature of the project and because of the amount of water involved, we envision this to be built out over a 20 to 30-year period. It has a capacity to produce 12,500 acre-feet of potable water each year. That's about 10 million gallons a day and for a point of reference, that's about the current level of consumption in the City of Santa Fe. Based on the per capita consumption of around, I think we worked out 125 here, 125 gallons per capita per day, which would reflect some conservation from current levels. This would be a future water source for 70,000 persons. This project will supply water to Torrance County and Santa Fe. The technology is well established and you'll hear more about that from us.

The plant would be near Estancia and we would have a 65-mile mainstem pipeline

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running to Santa Fe County with feeder lines out to the communities that occur along the way. With that I'll turn it over to John and he'd take you through the first part of our presentation.

JOHN HERNANDEZ: Thanks very much, Commissioners. I've been sitting here this morning looking at this fantastic mural and you see a great big water valve there with one drop going into that jar there. We hope to be able to provide some new water supply to Santa Fe County that will increase that. Certainly more than one drop. The source of that water is the Estancia Basin. All of this area down here on the east side, this is an old lake bed that goes on up and right here is the eastern shore of that lake bed. A bunch of salt deposits in this area. Salt lakes. And some of them are very large. This is about 15 miles for the size of that. So these things are quite large. This particular one, Laguna del Perro, you can see some blue water and it's still there and there's water in a number of these things. This is a recent shot. Not an old one. This is a new one.

The red dots are existing irrigation wells in the area. Where we propose to take water is out of what's called the Perro Sub-basin and that's this basin right through here. Back in geologic times, the groundwater badly fractured in that whole zone and overall, the formations that they're now at about the top of the ground, fell thousands of feet. Some place between 8,000 and 10,000 or 12,000 feet over time. That's what caused this surface depression for these lakes. What these lakes represent is the discharge. If a river was coming in here and flowing out of this system you'd have a flowing stream. But instead, the water accumulated in the lowest part of the basin, which was in these depression zones, and evaporated in these salt lakes.

I've heard all kinds of estimates on how much water evaporated over time. In the old days, the first one I read was 80,000 acre-feet. There's another estimate there right now. The New Mexico Bureau of Mines was putting out, the original one was probably somewhat less than that. Maybe 55,000, 60,000 acre-feet a year of evaporation that took off these lakes. That water came from off the Manzanos and down through this area.

This area is unique in the sense that the water that is now coming down and supplying water comes out of a number of large draws. They have names like Red Canyon and Big Draw and so on, and they come in out of this area. Our geologist, Dr. John Hawley, one of the best structural geologists in the state, has estimated that the recharge is somewhere in the neighborhood of 16,000 to 17,000 acre-feet a year, on average. On average means in the hydrologic average, sometimes here in New Mexico it takes a long time to get those peak years that average out to those terribly dry years that we're now having. But average, that's about what the recharge in the area is.

Right now, folks off over on this side are drawing down the groundwater table and so that at one time, this was all coming down in here and being evaporated. Today, some of this water that comes in out of Big Draw and so forth is actually slopping over, moving towards these wells off over here and making the quality in those wells much poorer. The reason is the recharge area for this is up on San Andres and the Glorieta and as it comes down, it's already saline, it's already salty when it reaches this area. There's a sod farm there. The water's already a little salty. We gave a paper recently, John Hawley and I at New Mexico Tech and we showed that water quality along here is substantially different in character to the water coming

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down this side. And when I say substantially different, this side has got chlorides in it and bicarbonates; this side is a sulfate water, a yeso water that comes in from the recharge up in this zone.

What we propose to do, and we have an application before the State Engineer, we propose to take and put in this township and range right here, that's a 36-mile block, we propose to put wells one in each square miles, ten wells, and the first of them would be located right there, that's Section 8, and then we'd drop down to 16, 17, 18 -- these are sections and each one of those is a square mile, 19, 20, 21. Then the numbers pick up, 28, 29, and 30. Ten wells in total. Each one with one well in it, approximately at the center, depending on getting the right to drill from the property owner. This is virtually all privately owned out there. There's one little tract of state land.

We've identified ten wells down in this area, ten sites down in this area if some of these don't make out. We think we're going to average about 1500 gallons a minute from these wells. There are some very good wells up here that give us examples where we're looking at much more than that: 2500, 3000 gallons. We've estimated, on average, because we've backed ourselves off over here to the east side of this old lake bed out here so that we would not interfere with these wells at all, and that we would have at least a mile and a half between any closest well to the ones we were going to do.

Incidentally, if you got questions, yell, because otherwise I'll go on. This process is the one where it comes down out of as far away as Clines' Corners, White Lake, and that's a recharge area. As it comes through it picks up dissolved ions, mostly out of the yeso and so on, which already has that salinity in it, already has the sulfates in it. The water evaporated and left the salts behind.

COMMISSIONER DURAN: Sir, excuse me. Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I just have one quick question. What is happening to the water right now that is draining off the Manzanos?

DR. HERNANDEZ: It's being pumped out for irrigation along here. They're pumping about 50,000 acre-feet a year out of there for irrigation. And they've gradually drawn down the groundwater table over there. It's taken 50 or 100 years to draw that down.

COMMISSIONER DURAN: But of the 16,000 or 17,000 acre-feet that you say you're going to be able to produce out of these wells, what's happening to that water currently?

DR. HERNANDEZ: Currently, some of it's evaporating out in these lakes still, and some of it is going back off on this side. How much? You don't know really. You have to look and see what this is. The water table is pretty flat now, sloping this way.

COMMISSIONER DURAN: So a considerable amount is being lost through evaporation.

DR. HERNANDEZ: Oh, yes. The guess right now is something like 12,000 acre-feet.

COMMISSIONER DURAN: Out of evaporation.

DR. HERNANDEZ: Out of evaporation. Out of those lakes. Those lakes still

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evaporate a lot of water.

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

DR. HERNANDEZ: Okay. We say it's not the same as the valley fill. The valley fill is where they're irrigating water. It's not suitable for conventional irrigation. Certainly not suitable for human consumption. What we propose to do is to take water that's more saline than 2500 milligrams per liter total dissolved solids. Which is on the brackish side. We hope that we can find places for wells between 2500 and 3500 mg/l. The reason is the cost of desalinization goes up the saltier it gets. Now we would use certainly 4000 or 5000.

Here's the description of the plant. We think it's going to cost about \$75 million. The wells are relatively shallow, 500 feet deep at most. There will be pumps in the field there. There will be piping systems. We'll have to have a couple of storage tanks, relatively large, certainly one prior to going into the RO plant and then one that will pump out of it as we sent the product up and probably one at the end of the system. We'll have, the desalinization plant will be what I call a conventional reverse osmosis plant. They are ubiquitous in America today. We have one large one here in New Mexico, over at Grants, processing mine water, mine dewatering water right now.

There's one in El Paso that's producing 10 million gallons a day right now. The residual water, which is about 25 percent, that's where the salts will go. We have about three options that we'll look at. And I'll talk about those in just one minute. The product water that we would bring to the Santa Fe area would be some place between 500 and 800 ppm total dissolved solids and that would represent -- not all the water goes through the RO process. We use some of it to blend and to come up with. A relatively small group of four technicians on the thing. These things are usually highly automated.

This thing would run 24 hours a day, seven days a year, 365 -- what's 24/7 mean? Anyway, it would produce water all the time. We're not stuck as a summer water. It's drought proof. It's endangered species -- there's none that we know of and hope not to find them. There's no Native American claims and it will certainly conserve regional groundwater around here. I don't know how you all feel about it, but I lived here for a number of years in Santa Fe and as I head down towards Eldorado and on down, looking at all of those houses that are served by wells. There's thousands of them up there and that's the future if something doesn't happen.

The disposal of this, it's going to have about 12,000 to 15,000 mg/l of total dissolved solid. The first choice we'd have would be to put it in one of these lakes where it otherwise would have evaporated. Now, there's a number of them in the area. Here's again the area where the wells will be. There's one right there. These are all on private land. These are pretty good sized. When you look at this, this is a square mile. So you look at this, that one's probably 80 acres of so. And we would put them in at the bottom of these things, or past saturation. The water is already evaporated. You put water in there, you've got water at about 300,000 mg/l. And that's the kind of concentration that you have in these blue zones right here. Very, very salty water. Past, way past saturation on those things.

The other options are evaporation ponds of our own. You have to line them and that's a

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little more expensive than this one. Then the third one is a deep well injection, the most expensive of the processes. We believe that the other one is technically sound, that it would actually have some environmental plusses in that that surface area would then allow ducks and waterfowl to land. Right now, they hit that very little bit of blue water out there and it is so mushy, sometimes ducks can't get out of it. So we hope it would do that.

We have a 36-inch pipeline to Santa Fe. We could connect to some of the existing communities along there. Galisteo is certainly a good possibility. You should know that I picked out the well site for Galisteo years ago and they drilled there and I'm going to claim it because that well has done well over time.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I see you have 65 miles of pipeline. Would you be placing that within highway right-of-way?

DR. HERNANDEZ: Basically using public right-of-way. There's a number of options out there. One of the options is to come north up the old railroad bed that's still there. It's relatively flat grade. Belongs to Torrance County. I would guess part of it belongs to you all up there. Here's the kinds of things we could do if we came up that furthest drop down at the bottom is Estancia. The next one is Moriarty, which would serve Moriarty as a supplemental supply to their current supply. Stanley, the same thing. Then we might branch off up here at Galisteo and go off to the left to serve some of those communities. It could go down to Madrid, certainly not with a 36, but basically a 36 would be the main line going on up and serving these, a possibility of serving southern Santa Fe County is very, very real.

COMMISSIONER DURAN: I see at the top you have that it could help us in the Aamodt settlement?

DR. HERNANDEZ: Yes. And the way you do that is by wheeling water. You have -- you don't pipe water all that far but you wheel water so that you replace it with water that would come out of the Buckman wellfield. The Buckman wellfield could then --

COMMISSIONER DURAN: You free up water in other places.

DR. HERNANDEZ: It's a replacement process as you go up the system.

COMMISSIONER DURAN: And you're also suggesting that it would provide water to alleviate the water concerns and issues in Eldorado?

DR. HERNANDEZ: In Eldorado it would be, absolutely, a real one out there.

COMMISSIONER DURAN: Okay.

DR. HERNANDEZ: Let's see what else we've got for slides. Andres, go back to the blue ones. Bob's going to take up on the cost.

MR. SKYLAR: Here's a quick pass on the components of cost. Electrical power, in terms of cash cost to produce, it runs around 65 percent of the cost of the finished water. So this is a very energy-intensive process, from pumping out of the ground, moving it through pipelines, forcing it through membranes and moving it to Santa Fe. There are treatment chemicals required at the front end to take out solids and some of the organics before we can

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process it and there's operation and maintenance on the RO plant itself and operation and maintenance on the pipeline.

The out of pocket costs, the O & M costs to make water and deliver wet water at the end of the pipe in Santa Fe is \$2.00. We've cross referenced those costs with those of El Paso and those of Alamogordo and they are certainly in the range of those two facilities. They're also cross referenced with data that comes from the United States Desalinization Association that talks about a range of \$2.00 to \$2.40 per thousand gallons, and we're pretty much in the middle of that. So the out of pocket costs of producing this water is \$2.00.

The project status is we have filed an amended application with the Office of the State Engineer. It is under review now by Paul Saavedra and his people in the Water Rights Division and it seeks a permit, as John has said, to harvest 16,000 acre-feet per year of brackish water for 40 years. Just to remind you, that's our estimate of the recharge. So in summary, the way to look at this project, gentlemen is that we believe that there's about 17,000 acre-feet of water coming in there, maybe all or certainly a large portion of that is lost to evaporation. We have no reason to believe, because of the nature of the recharge, the location of the reservoir and the situation of the wells that there will be any impairment of existing water rights. And as a matter of fact, if there is any impairment, then the permit will not be granted and we all understand that.

There is, we believe, no adverse impact on the environment, after all the salt is going back where Mother Nature would have taken in anyway. It is the only new source of new wet water in central and northern New Mexico. There is nothing north of here and to get to this kind of water, other than out of the Estancia, you have to go to the Tularosa, which is what? 250 miles from Santa Fe and pipeline economics, at least at present, isn't going to allow you to bring water up here competitively. It uses proven technology. There are 1950 RO plants operating in the United States. There's 100 in Texas alone. So the technology is well known. There's no technological risk here. All the evidence that we've gathered suggests that the cost of production is competitive with current costs in this region. It is a secure source of water supply to manage rational growth over time. As John said, we're drought proof, silver minnow proof and there are no Native American claims here.

We believe it is the best use of this resource and we do believe that if this resource can be developed in this fashion that it will serve the public interest. Thank you for your time. What questions do you have?

CHAIRMAN SULLIVAN: Thank you, sir. Are there questions from the Commission? Commissioner Campos, then Commissioner Duran.

COMMISSIONER CAMPOS: Question. Mr. Skylar, you mentioned 40 years as the term of the extraction?

DR. HERNANDEZ: The State Engineer will not give you a permit for more than 40 years. However, John Hawley has made an estimate. I made one back in 1986 as to how much water was in storage here. My estimate was around 700,000 acre-feet of water. John Hawley has estimated it to be around a million acre-feet of water. That's going to last a lot, longer than 40 years when you're taking out some place, we probably mine 3,000 to 4,000

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acre-feet when we get into full production at the rate we're giving you right now. There's a lot more water out there.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: From an economic point of view, do you have to extract the entire amount of water that you've determined is available?

MR. SKYLAR: No. When we spoke to staged development over 20, 30 years, we would see building out to 12,500 feet over that time frame. The nature of this process is that it's very modular in the wells, piping and desalinization process, so you can just add increments. The economic increment to add is a one million gallon per day increment. So in effect, you've staged this plan. What you would do, there are a number of ways to build a pipeline. This concept builds the pipeline to maximum capacity, puts it in storage tanks and we move the water off-peak so we save the energy by incurring off-peak energy costs. That's the most economic way to move the water up here. But I think, John, we figured that maybe the break-even was about 3,500 or 4,000 acre-feet.

COMMISSIONER DURAN: So what would be the next step you'd like to see the Commission take?

MR. SKYLAR: Well, if the County's interested in exploring this project with us, it's pretty fully developed. Alamogordo is breaking trail for all of us in terms of desalinization in the state. If you are interested, then we would certainly invite you to direct the staff or whatever step you wish to take to join with us to do due diligence on this project, to ascertain to your satisfaction that the facts are as we represent them and to define whatever role the Commission thinks benefits the citizens of Santa Fe County, which is a policy decision that belongs to you, not us. But we'd be certainly willing to share our information and work with staff to bring you a point of conclusion in that regard.

CHAIRMAN SULLIVAN: I had a question. Is the wellfield, Dr. Hernandez, is it in Santa Fe County or Torrance County?

DR. HERNANDEZ: Oh, it's in Torrance County.

CHAIRMAN SULLIVAN: It's in Torrance County. The county line is -- here's Moriarty and the county line is about right in here, and we're down here.

CHAIRMAN SULLIVAN: Okay. Other than the development's requirements, are there Torrance County requirements with regard to the permitting or the approval of the wells?

DR. HERNANDEZ: There could be some but the water right process, it belongs to the State Engineer. That's his process. And the County could say we don't want to approve anything, where these wells would have an effect on each other, they might have some rules like that. They do not right now. They have a water plan, but they don't have any specific rules and I think the State Engineer, because of his dominance in this field, would be the one who issues permits and has a guide.

CHAIRMAN SULLIVAN: In your discussions with Torrance County, what has your reception been there?

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DR. HERNANDEZ: It's been kind of mixed. I think the first time we went down there we went to see one of the ranchers very much in this area and he said, "We got the rope." We've had discussions with them. It's one of these things where I think they've come to believe that yes, they're exporting water right now. They're exporting it in the form of cows and alfalfa. And perhaps the best future for this is to export their fresh water to Albuquerque, to use that as their end play on this, because they're certainly sitting on a lot of freshwater reserves. Over here on this salty side over here, we believe that we can show that we'll not harm them. We'll not have an adverse effect or any impairment on them and we believe that the State Engineer will support that, particularly the kind of geologic work we've done to show that this Perro Sub-basin is substantially different from this other side.

CHAIRMAN SULLIVAN: Commissioner Anaya, then Commissioner Duran. Then Commissioner Montoya. You had your hand up.

COMMISSIONER DURAN: Just a real quick one. How close are you to getting the State Engineer's buy-in into this process?

DR. HERNANDEZ: A long way. But the process goes like this. It's been sitting on the desk of the head of the Water Rights Division. He's taking a look at it. He gave us some advice. The next step is for us to say, Prepare it for publication. That's only about a six or eight-week piece, and then we go and publish it. We'd like to have Santa Fe County's name joining us as the applicant at that time if you all feel that this is a good thing for you. Then they schedule -- and there will be protests. There will be protests. There will be a sincere effort on our part, on the part of the State Engineer to resolve those protests before you go to hearing. That's part of that negotiating process.

It takes about, in terms of getting a hearing officer, it takes about a year or so to do that, so within, if you published it by, say, the first of November or so, then a year after that perhaps, the start of 2005, you'd be at hearing. The hearing process is typically one of these eight to ten or twelve-day kind of things where you put on a case. Most of that technical case I would do. John Hawley, who's our geologist would do. And we would hope to come out of that with what we call a conditioned permit. That is the State Engineer will say, I'll give you a permit but here are the conditions before I finally approve it. The conditions would be that we would actually identify the well sites. That means you have to do some drilling out there. They may have some questions about the recharge and we may have to date that water using a tridium dating process to determine that there is that significant difference in this and that we do have about 16,000 to 18,000 acre-feet of water coming in here. And we'd have to produce a better groundwater level map than is available today.

We do know that this used to be where the lowest point was in the groundwater levels here. That has now moved over to here so that you have water coming out of this basin towards these wells. Overall, we feel that it will help the water quality in the freshwater zone by not having that saline water move over and we think by about 2005, we'd be at here.

COMMISSIONER DURAN: So it's pretty saturated, the water that has a high saline content is pretty saturated.

DR. HERNANDEZ: In those lakes. And as it comes in here we have a number

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of estimates, we have some estimates of wells right in this at 3,000 mg/l here.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya, then Commissioner

Montoya.

COMMISSIONER ANAYA: Mr. Chair, I think that it's important that we continue looking for other sources of water. This sounds like a good idea if it doesn't affect the other wells that are in the area. And that the State Engineer will determine, correct?

DR. HERNANDEZ: That's correct.

COMMISSIONER ANAYA: I think that if the County decides to partner up with you guys and go forward with this, this doesn't mean that it is approved that we build this thing right away. It would probably mean that we would have that in the back of our pocket that some day, 20, 30, 40, 50 years from now, that when we do not have any water in Santa Fe County, we will be able to use this option? Correct?

MR. SKYLAR: Yes. That's right. If you are a co-applicant with the Resource Solutions Group and the permit is given and we satisfy the conditions of the permit, then there is no development hurdle for the County. In other words, you can develop it in whatever time frame at whatever rate you so desire.

COMMISSIONER ANAYA: That's probably not what you wanted to hear in terms of construction, correct?

MR. SKYLAR: No, we're not in the building business, so what we want to hear is how do we make this a real-life project for the people from this area, coming from Estancia up to Santa Fe.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, along those lines, why would we want to do this?

MR. SKYLAR: Well, I really think that's a policy decision set by this Board. Maybe John's got a better answer than I do.

DR. HERNANDEZ: One of the reasons why you all should be a partner here, is first, we're going to have growth in southern Santa Fe County. There's no two ways about that. You have only a couple of options right now; one of the options is a bunch of private wells out there with houses scattered all over hell out there, and no growth planning. When this becomes a partnership with you all, you manage where it goes in Santa Fe County. We're not the land use planners for the County at all; that's you guys and that's why it makes good sense for you all to be a part of this.

COMMISSIONER MONTOYA: So it will help with growth and water management?

DR. HERNANDEZ: It would certainly be a management tool and would conserve water out there over time.

COMMISSIONER MONTOYA: Then how we would be involved again is as a partner with you all?

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DR. HERNANDEZ: I think there's lots of possibilities. That has to be done through that kind of process that we would like to go through with your staff in the next 60 days or so to see if we can't come up with some options that you all feel comfortable with.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Commissioner Campos, did you have your hand up?

COMMISSIONER CAMPOS: Not really, Mr. Chair. My comment would be that I think it's important to have public involvement in this process because this is the key element to any community that we have here. We also have to look at our aquifers. We're mining them now and bringing in imported water would allow us to keep the aquifers for times of extreme drought. So it provides a lot of flexibility to what we can do as policy makers. I'm not sure if it makes sense fiscally at this point but I certainly would like to get more information and study those options. I think staff could probably do a good job for us.

CHAIRMAN SULLIVAN: Let me just throw in a comment and then Commissioner Duran. I think in discussing it just very briefly with Doug Sayre on our Water Utility staff, he indicated that there may be some federal or state program, grant funds, that may help us study this a little more. Funds that possibly wouldn't be available to private entities but that would be available to a county or municipality. So I think that's also an option. I think we want to look at all options that are brought forward. And the fiscal feasibility as well as the State Engineer's requirements for modeling and so forth are extremely expensive. You sat through the union comments this morning so you know we have fiscal issues that we have to deal with but that doesn't mean that we can't begin to look at these things and we can't begin to explore funding pilot projects or whatever may come down the road. So that's one area I can certainly see our staff beginning to assist with and then coming back in some period of time and making a more formal recommendation as to what they think our role ought to be.
Commissioner Duran.

COMMISSIONER DURAN: I don't claim to have all the answers here but I find this very exciting. It doesn't take much to realize that our community's plan to get water through the San Juan/Chama diversion project is somewhat limited. You only have to look at the river to realize that there is a limited supply there. And if this process is not going to have a major impact on the basin, and if we're losing all this water to evaporation, I think that it behooves us to take this discussion to the next level and maybe start having some public hearings. I'd hate for us -- I think this is a process that deserves some immediate attention. I don't know how to get there but perhaps you could meet with Gary and develop some kind of plan of action that could bring this thing forward so that we can get to a point where we can make a decision as to whether we want to participate at whatever level.

MR. SKYLAR: Be happy to do that, Commissioner Duran. We have, as I think you know, kept Gary and his staff up to speed as this project has evolved and as John said, there are a number of alternatives, collaborations that can be put together here. As water, as a scarce resource becomes more recognized even than it is today, I suspect we'll see some regional planning authorities emerge. I suspect in due course we're going to be dealing with

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water planning in a regional context. This is a regional system.

COMMISSIONER DURAN: Right.

MR. SKYLAR: So we'd be more than pleased to work in whatever fashion the council would care to direct staff and on whatever time line, we're available to do that work.

COMMISSIONER DURAN: Mr. Chair, just one last comment. I really see this as a potential solution to our regional water issues and problems. And if it could help us settle the Aamodt lawsuit, if it could help us provide water to the Eldorado community, if it could assist us in our efforts to prevent the depletion of the aquifer, I think it deserves to be taken to the next step and be brought up for public comment. And the Estancia Basin needs to be part of that discussion.

MR. SKYLAR: Let me just point out, in Elud's absence, I'm in great peril in quoting him but his wife's here so I can't get too far out of line. Elud points out in her six-year term as Commissioner of the Bureau of Reclamation, he was involved in a number of these projects, particularly those up in the Great Plains, the Dakotas, and that federal funding at the congressional level has run traditionally 80 percent of the cost. And that the settlement of Indian claims on water has been funded 100 percent by the federal government. So there are at least precedents. In year's of \$500 billion national deficits, if that money is still there, I don't know. But historically, and up through 2001, the federal government was funding at the rate of 80 percent on projects like this in \$500 to \$600 million chunks in the Plains and 100 percent on Indian claim settlements. And Doug knows a good deal more than we do about this of course. There are I think, prospects for funding support for this project.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I would concur with Commissioner Duran. I think based on what I've heard and the discussion here, I think it would certainly behoove us to become pro-active in terms of taking a look at what possibilities there could be potentially for the County in this type of a partnership. At this point it certainly sounds like a win-win situation. I think determining exactly how it would go, I think Gary, in the four months that he has left with us, I certainly hope he can guide us in the right direction. And I think the other potential is we do have some potential funding as well through gross receipts tax, which now is only being spent for the 120th time, we could maybe take a look at how we can commit or obligate some of those funds. But this, again, is I think part of the big picture in terms of what we need to look at in terms of how we're going to provide water and supply water for Santa Fe County residents.

CHAIRMAN SULLIVAN: Okay, so maybe we can wrap up then. I hear, I think a consensus at least to authorize the staff to do some brainstorming here with the presenters and then come back in a period of time. I would suggest perhaps 60 days as a target. And give us their thoughts as to whether we should pursue further. What fiscal impacts there would be. What a plan of action might be. Does that sound reasonable? Everyone seems to be shaking their head on that.

COMMISSIONER CAMPOS: I concur with that, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you, gentlemen. We appreciate your

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time.

MR. SKYLAR: Commissioner, for those who want to see something other than a power point, we have some handouts here which flesh this project out more and we'd be delighted -- we'll leave them for you all and we'd be delighted to give them to anybody in the audience.

CHAIRMAN SULLIVAN: Okay, fine. Appreciate that.

MR. SKYLAR: Thank you very much for your time.

CHAIRMAN SULLIVAN: Thank you. We have one other presentation and then we're coming up on lunch time. We'll probably try to get the Consent Calendar out of the way here. How long are we for this urban wildland fuel reduction program? Is that you, Chief Holden?

CHIEF HOLDEN: Mr. Chair, I estimate about 30 minutes, but we do have members of the public that are here to speak on this issue as well.

CHAIRMAN SULLIVAN: Okay, so we better get that out of the way here.

Are we okay to hear this, gentlemen? Take a late lunch here, if we've got people who wanted to hear this? Okay. Go ahead Stan.

CHIEF HOLDEN: Thank you, Mr. Chair, members of the Commission. This presentation is simply a verbal presentation today that has been prepared by Jill and by Hank, more of an education for the Commission and to ask for specific direction from the Commission on how staff should proceed with a problem that the Commission is all too familiar with and that is our urban wildland interface problems, specifically how it has been significantly increased as a result of the bark beetle infestation. As you know, the Fire Department has a very difficult task in trying to help our residents create defensible space around their property that during catastrophic times might contribute to allowing the Fire Department and other agencies to help save their homes in that time of catastrophe.

In order to make this brief so we can go to lunch, which I can see is on the minds of the Commissioners, let me turn the time over to Hank and Jill and that way we can have their presentations quickly and we can have members of the public comment as well.

COMMISSIONER DURAN: Stan, there's no literature on this? We have to visualize?

CHIEF HOLDEN: I'm sorry, Commissioner.

CHAIRMAN SULLIVAN: It's hard to visualize bark beetles. They're only the size of a pinhead. There's nothing in the packet I think it is the question, right? Well, you need to be extremely explanative then. Visualize. That doesn't mean longer. That means more clarity.

HANK BLACKWELL (Fire Marshal): Thank you, Mr. Chair, members of the Commission. What we wanted to talk to you about today and again, we'll try to be as brief as we can is to try to explain the magnitude of the problem that we have, and I'll go through my notes quickly. That's why we want to do that and actually avoid a power point presentation at this time. We'll be recommending that we come back before you in the next two to four weeks with more specific information. At that time we'll have information in your packets.

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in Santa Fe County. And one of the reasons we did that is to prepare for some of the events and some of the problems that we're having now and hopefully to expand our capability and the probability of being successful in dealing with this program and actually looking at being successful at partnering with other agencies for other revenue streams if you will.

Definition -- just in terms of all of this has been working for years but I think it came to the forefront of public attention in the fire season of 2000, 2001, 2002 in terms of the fire risk. In the last few years, with the infestation and the blight with the piñons, which I believe is truly a landscape changing event. It's something that is just cyclical but again, it places us in a particular problem. But again, what we did was we were able to seize on that moment and use the fire season as a way to develop community outreach programs.

So anyway, we've had a number of community outreach programs and public education since then. Just to name a few, some of the communities that have partnered with us in this fuel reduction program and fire risk reduction program have been Chupadero, Rio en Medio, Glorieta Estates, Hyde Park Estates, Aztec Springs, San Pedro, Galisteo, El Rancho, La Tierra, Las Campanas, Hondo and Edgewood, to name just a few in terms of the people and communities that have done a huge amount of work in terms of fuel reduction and fire risk mitigation. They've been doing the yeoman's task and most of the work. However, because of this, and through this, we actually piloted a program for the Firewise National Communities program which received a national award that you all are aware of. We have several of the communities interested in that firewise program. We also passed our Wildland Urban Interface Ordinance and the EZA Ordinance to go along with that.

So a lot of these things, plus the drought, led up to, I think, a lot of public knowledge in terms of what's going on and the severity of this program. And through the drought with this tree stress and beetle infestation and the fire risk reduction programs, now what's happened is we've entered another phase in terms of the amount of biomass we're starting to produce. And also the amount of biomass we're producing through neighborhoods and through individuals and communities that we can't keep up with. And that's what we want to speak to you today about. Again, a little bit about the problem and then I'll let Jill speak specifically to what's already happening at our transfer stations.

Right now, we're probably producing between 500 and 1000 cubic yards of chipped material just in our community programs a year. And they're just beginning to gather up enough momentum. They're just the tip of the iceberg. The estimate of other production, I'll let Jill speak to that in terms of biomass at our transfer stations. In terms of our estimates, we think that what we're producing now is probably less than five percent, five to ten percent of that biomass. It's a huge problem, not only in terms of fire risk reduction but in terms of just generation of the biomass for beetle kill as well as just for firewise landscaping.

The environmental problem and the impact has to do with the effect that it's having currently, as we speak, on our landfills and our transfer stations, the cost to the County and to our users when we're trying to encourage them to do the work and yet the costs go up. And the costs go up incredibly to solid waste. Most of our community programs are voluntarily in terms of not only communities but it's our folks and they're trading comp time and working through

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the weekend doing the labor, in terms of these programs and Commissioner Ana'a has a feel for that as he actually, we put him to work down in San Pedro for a while on a weekend as well. So it's very labor intensive.

Solid waste, and Jill and her folks have been donating their chippers and their personnel at their cost for these community reduction programs. But we're at the point of saturation. So we've got that. We've also got the issue of fire risk. Then, as we talk about desalination, part of this program is to look at improving the ecosystems, improving our riparian environments in terms of fire risk reduction and some of the beetle kill but that has a direct correlation to water and water conservation. And we can speak to that if need be.

The fiscal impact of this problem, we'll come back to you with specifics but again, if you start doing the math after we just speak to you about the problem as it exists now I think you'll see that it's very serious. The socio-political impact again is huge. We've got a commitment we've made to the communities, the neighborhood associations, as well as to our constituents countywide that this is something they need to do. They've bought into that and now we can't meet them halfway. We don't have the labor force. We don't have the tools, the equipment or even the time to meet them halfway in terms of what they've been able to do and what they've committed to. So our partnerships are at risk. Our community assistance, life safety is at risk, environmental values, environmental safety and health, I could go on and on.

As well as we've also got to try to keep maintaining our intergovernmental relationships. We've got a good relationship with New Mexico Division of Forestry. Two of them are here to support this and give you information. To the Santa Fe National Forest and the federal contingencies as well as to our congressional coalition. So all of those are at risk if we don't look at dealing with this program, not only short term but long term.

Before I go any further I'd like to let Jill come up and talk specifically about some of the effect and affect that this program has had on the landfills, if that's all right.

JILL HOLBERT (Solid Waste Manager): Good afternoon, gentlemen. I'd just like to open your eyes to what we're seeing at the transfer stations at this time. Eldorado and Jacona are the two sites that we currently chipping yard waste at. We are dealing with the problem but we are pretty much maxed out on our abilities to deal with what's coming in the gate. Eldorado was designed pre-beetle kill. It was designed in 1999, 2000, when we built the new facility out there. The brush area is currently too small to operate a large chipping operation. We're grinding pretty much when the public is not there. Grinding on Mondays and Tuesdays while we're closed. We're grinding ten-hour days while we're closed. We're grinding as soon as we close the gate or at the very end of the day, but to grind while operating the transfer station is difficult because of the lack of space. The traffic control, the traffic coming right through the area that we need to grind, as well as just having not enough space to stockpile materials to grind and to stockpile the chip once we have ground.

So Eldorado is nearing a point where we're not going to be very effective in dealing with what's coming in the gate. Jacona, we have much more space but the grinder is held up in Eldorado trying to clear out enough space for the next day, let alone stockpiling longer than a day or two, and at this point at Jacona, we're just simply stockpiling. So you can kind of see

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that while we are handling it, it's not going to last much longer without some additional help as far as the amount of material that we're seeing coming in. At this point, it's about four times greater than material we've seen in the past, or the amount of brush that we've seen come in in the past.

The new grinder, the horizontal Vermeer grinder is wonderful. We're definitely using it to its fullest when we have the opportunity to grind. It only takes one operator to operate that piece of equipment, so I think we're very good as far as the operation we have. We're just having to deal with so much more material than we've ever thought possible.

I've also talked to the City. The City is currently -- I'm sorry, to back up. We're seeing about 50 percent of our customers bringing in only brush. So if you can kind of picture that. If you look at all the cars that come into our transfer stations at Jacona and Eldorado, about 50 percent of them are just carrying large amounts of brush. In the City they're seeing about 40 percent of their customers coming in with brush. They're not grinding at all. They're sending it all to the landfill, mixed in with their trash. They don't feel like they have the staff to deal with it separately. However, they are paying the tip fees for that.

The Caja del Rio landfill, I spoke with this morning. Again, up to 300 transactions a day, 50 percent, are brush. So again, this is just an amazing problem and I do applaud Hank for having the foresight to not just sit there but to actually try to move on this and to try to urge you to move on this before we get behind, before we get too far behind on this. Caja del Rio is grinding five days a week, ten hours a day, two operators with overtime. And they're not able to keep up. They're currently stockpiling materials that they're -- they're grinding but when they get behind they're stockpiling. Any type of minor maintenance they do on the machine puts them two to three days behind in grinding.

All of these entities, including the County, we anticipate a glut of mulch. What we do with what we have around. The landfill will consider asking the state to approve chip as alternative daily cover on the landfill, but that might entail some operational issues as well as methane production inside the landfill over time. So there are some issues that need to be addressed. Again, I want to assure you and assure the public that we are open for business. We are taking mulch. But at the same time, we do need to carefully plan our future as the brush continues to arrive in large quantities.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran, question?

COMMISSIONER DURAN: Jill, I have a couple questions. You know this problem is going to do nothing but get worse, and I'm wondering, would it be possible to locate a site in addition to what we have right now that could be a central location for the community to bring in these trees? That's one question. The other one I have, the City isn't grinding; what are they doing with the material that's being brought to them?

MS. HOLBERT: Mr. Chair, Commissioner Duran, they are pushing it into their transfer trailers and taking it and burying it in the landfill. So it's going in mixed with their trash. They have a short haul though, by the way. That's something that we could consider as well, beside the fact of there being some drawbacks in burying it, we have a lot

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longer haul distances than the City does. So that's not the same option we'd like to pursue.

COMMISSIONER DURAN: What does that do to the life span of the -- are they able to compact it enough to --

MS. HOLBERT: Mr. Chair, Commissioner, no. Brush is very difficult in a landfill situation because it's high volume, low weight. It doesn't compact very well. It takes up a lot of space that you could be using for more highly compactable materials. It takes up more than its fair share of space. It also contributes to methane production, which is an explosive gas, in the future.

COMMISSIONER DURAN: So by not grinding it they are lessening the life of the landfill?

CHIEF HOLDEN: That's correct. But even when it's ground, it's still, when transported and used in our landfill, it decreases the amount of future space that we have in our landfill and we really shouldn't, in my opinion, I'm a fire chief, but in my opinion it's pretty poor management on our part to be putting clean material into our landfill when it's already space that we know we're going to need in the future.

COMMISSIONER DURAN: So do you know, do you have other ideas of where to put it?

CHIEF HOLDEN: Certainly.

COMMISSIONER DURAN: Okay. So then my last question is, you mentioned to me a couple weeks ago that you bought a burner or you got a burner from someone. What is that and how does that help us?

CHIEF HOLDEN: Chairman Sullivan, Commissioner Duran, I have a couple people here from State Forestry that I'd like to have address that specific issue. We have given an application to them. There has been a favorable response to them and if they don't mind coming up, somebody -- Nancy Neskauskas is the State Fire Management Officer for the state of New Mexico. We also have Dave Berman, who is our district manager, fire manager from Bernalillo.

COMMISSIONER DURAN: Stan, could you just tell us what the burner is?

CHIEF HOLDEN: Sure, and air curtain burner -- for some of you, you made a trip with me to Los Alamos, almost two years ago now, and saw a curtain burner in place there in Los Alamos to take care of the material as a result of the Cerro Grande fire. An air curtain burner is a diesel-powered or a propane-powered and in some cases an electric powered unit that will burn the material so efficiently that it becomes ash. And it's an EPA approved system that reduces a very tremendous amount of material into a very small amount of material that can then be more effectively managed. That's it in a nutshell.

COMMISSIONER DURAN: Can't we use these rather than chippers?

CHIEF HOLDEN: Well, we could, but then we're not doing a very good job of recycling the material and there are potential uses of the material, not only as mulch but in Durango, for instance, they're using it in their driveways.

COMMISSIONER DURAN: Eighty-five percent of our piñons though? That's a lot.

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CHIEF HOLDEN: Well, I don't want to mislead the Commission into thinking that we're going to be able to take care of all the piñon kill in the county. A lot of that piñon kill is in areas that are state lands, BLM lands, that we have no control over. Specifically what the Fire Department is concerned about is creating defensible space in our neighborhoods, specifically, those neighborhoods that are in the urban wildland interfaces that we've already identified. And that is to reduce the risk of catastrophic fire that would impact our homeowners and residents in the county. So we're not proposing to you, and we don't want you to go away from this presentation thinking that the Fire Department nor our interagency groups that will be working with us are proposing that we're going to take care of all the beetle kill. That, in our opinion is not feasible. It's not financially feasible to do that.

COMMISSIONER DURAN: But if there are neighborhood associations, like in the northwest quadrant there's a lot of private land and 70 percent of the trees are gone already. And they're very concerned about --

CHIEF HOLDEN: And they're doing an excellent job now with Hank's involvement over the last year and a half with this Firewise Communities project. Those people are now educated. They know what they're supposed to do. They're very cooperative and they're -- basically, what we're presenting to you today is that they have been so responsive to the education that's been put forward by the Fire Department's prevention division that we're becoming overwhelmed. Our transfer stations are overwhelmed. We don't have enough transfer stations up to receive this type of material and we don't want the material winding up in our regional landfill because it's clean material. We need to find other uses for it, but at the same time, we need some direction from you about how we should proceed and what specifically you would like us to do.

We are the Fire Department. Obviously, fire prevention is a major component of our operation but what we see is that this has become even a larger issue than what we originally had it was going to be.

COMMISSIONER DURAN: And it's going to get worse. And there's going to be a lot of pressure on us as elected officials to find solutions.

CHIEF HOLDEN: It's going to get worse. That's it.

CHAIRMAN SULLIVAN: Good. Our stomachs are growling up here. Did the lady from the --

CHIEF HOLDEN: Nancy Neskauskas, she's the State Fire Management Officer. If you wouldn't mind, Mr. Chair, I'd like her to address the grant issue just for a second.

CHAIRMAN SULLIVAN: Commissioner Montoya, did you have a question for Stan?

COMMISSIONER MONTOYA: I'll wait.

CHAIRMAN SULLIVAN: Would you like to speak?

NANCY NESKAUSAS: Good afternoon. I'll try to make this really brief. Through some federal funding to the state, we've been working with several counties, Sandoval, Otero and now Santa Fe. We have grant money available to purchase air curtain

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Sandoval, Otero and now Santa Fe. We have grant money available to purchase air curtain destructors for public entities and we're working with the Fire Department and the solid waste folks trying to get those on-line. We know it's not going to be the total answer to reducing some of this wood waste. Originally our intent was for wildland urban interface thinning projects to bring in that wood debris and extend landfill space but now it's the bug kill. It's like a second avenue to help dispose of that. If at some time at one of your future meetings we can bring in a representative from LLC if you like and they can do a presentation. Essentially, we have up to about \$45,000 available for Santa Fe County for the purchase of one of these.

The T-400 model, which is in the color brochure, runs about \$35,000. There's other options. There are ones that have boxes that you can transfer from place to place. Those run in the \$60,000 range and they're more money than we have available. The County would have to pitch in on the grant. But the T-400 model, we're going to install one of those up in Sandoval County. We're kind of thinking that those are a pretty good option because they can be moved from place to place and then the trenches just have to be dug by the solid waste folks. They can burn about 14 tons per hour, I think, on some of those. They have a very good through-put and you've got about a 99 percent reduction in volume on that. And there's very little pollution that's involved with them. We're working with EID to streamline a permitting process for the counties to operate those that will meet EPA guidelines.

The technology is not new. What happens is that air curtain keeps the smoke from coming up so you'll pass the requirements from EPA. And only when there's material being thrown into the pit is there any break in that air current so there's a smoke emission problem. And EID has been working very closely with our organization to make sure they can get that rule change into the state improvement rules so that the counties can use those in the very near future. So I guess part of the question is, we'll present a grant package. The Fire Department has a template for the grant award agreement and if there's some decision from solid waste and the Fire Marshal's office on the type that they would like to purchase we would be willing to make that grant to the County.

CHAIRMAN SULLIVAN: Thank you very much.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: I think Commissioner Montoya had a question first and then Commissioner Anaya.

COMMISSIONER MONTROYA: Mr. Chair, Stan, were you here a couple weeks ago when Reuben Montes was here from the Department of -- what was it?

CHIEF HOLDEN: The reforestation project?

COMMISSIONER MONTROYA: Right.

CHIEF HOLDEN: I was not here, Commissioner, but we've been involved with him before on projects with the Fire Department specifically, reforestation.

COMMISSIONER MONTROYA: Okay. Because they also have some funding available that we could probably apply for that would help in terms of the direction that it sounds like you're headed in. So maybe it would be good to contact him.

CHIEF HOLDEN: We'll definitely follow-up.

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think it's a perfect time to pursue them in terms of that sort of a partnership with that organization as well.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, anything that we can do to find monies to purchase more curtain burners. Are we going to purchase that curtain burner?

CHIEF HOLDEN: Mr. Chair, Commissioner Anaya, basically, what we're asking for today is some direction from the Commission, because it goes beyond just the scope of the Fire Department as you can see. The problem really involves more departments than just ours and we want to make sure, the Fire Department has been out there pushing or prodding other departments in the County to go some place that the Commission; and/or the other departments are not desirous to have accomplished. So what we're asking for is some direction. We think that the air curtain burner is one potential solution but it's only a part of the potential solution.

The grant as Nancy alluded to was about \$45,000. The air curtain burner that she has identified that she thinks will work for us and is working for a couple other counties is \$35,000. So there is no matching requirement for that particular piece of machinery, but there will be other costs and there will be future costs that will need to be borne and really, what we're recommending is that you take action or you give us direction on that particular piece of machinery and then Hank has some follow-up that he would like to discuss with you about giving us direction as far as forming a task force and coming up with some future solutions as well.

COMMISSIONER ANAYA: Mr. Chair, I'd like to see us purchase that air curtain burner. And I'd like -- what do we have in terms of in the northern part? Do we have a chipper down there too? Nothing? We have nothing.

CHIEF HOLDEN: We have one chipper and we have one tub grinder, the horizontal. The tub grinder is down. It's about ten years old and requires a lot of maintenance. And it's been under a lot of use. Obviously, for the community programs, Commissioner, the one that you were involved in in San Pedro is a very good example. Those are the type of projects where we need numerous chippers, not just one. We need two or three chippers purchased so that we can go to different communities. We have a lot of requests for those types of programs. The problem is that in the Fire Department, because it's been a pilot project thus far, most of the time has been dedicated volunteer time from your administrative staff, because we have no funding to support any participation from any of our paid staff in the department. So there is a lack of funding available to have numerous projects like that throughout the community. But that's what we're being asked to do, because there are no funds available.

COMMISSIONER ANAYA: Are we charging people as they go in and dump this material?

CHIEF HOLDEN: Yes, and that's one of the reasons we thought we'd better push forward quickly with this presentation. There was some consideration early on about increasing the dumping fee for this material. We know of instances where, because some of our transfer stations do not take this type of material that people are being turned away from

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transfer stations because we don't accept this type of material at those stations. And as a result, those people are getting frustrated. They do all this work at the encouragement of the Fire Department to create this defensible space and they wind up taking the truckload back home. Or, in very rare cases, but it does happen, it gets dumped some place else before they get back home. And to some extent we feel like we're complicit in that type of behavior because we have not come up with a long-term solution for the citizens to mitigate this problem.

If you don't mind, Mr. Chair, very quickly I'd like Hank to cover perhaps a quick plan that we would like to have the Commission act on and give us direction on and we can come back in two weeks or four weeks, at a future meeting to give you another briefing.

CHAIRMAN SULLIVAN: Okay, Mr. Blackwell. Go ahead.

MR. BLACKWELL: Thank you, Mr. Chair, Commissioners. Again, to be brief. I think it's the chief's job to be supportive and actually to be eloquent in terms of problem definition. Fortunately, I'm not the chief, as you know and I can bring the bad news. I'm doing that now. I think the magnitude of this problem is huge. I think it's going to cost a great amount of money. One way, either we do it up front or at the end, I think the detrimental effect on the county could be monumental. And so I'm kind of the bearer of bad tidings, but at the same time, I think there's a way to do this, but we have to move quickly.

There are several short term solutions, short, mid and long-range solutions. I want to mention just a few without explanation so that we can actually get your direction maybe to put a coalition or a task force together with your involvement as well as community and staff to start dealing with these issues, thinking out of the box, looking at revenue streams, looking at possible partnerships in terms of this program over the next six months to five years and move ahead and try to stay -- we're behind the curve already but try not to get, no pun intended, get buried by the problem because that's what's happening.

But in terms of short-term solutions, we're looking at some portable chippers, some small chippers that we can get into the communities. The new chipper that we have, it has to be transported by tractor trailer, so consequently, we can't get into some of these small communities. Right now when the communities are involved they have to meet certain criteria. One of the criteria is once the material is chipped it has to stay in the community and they have to recycle it in their neighborhood. And we work with them on innovative solutions to do that. Well, community by community, that's okay. We start getting into the beetle kill, we've got to do something else about it. Portable chippers.

A labor force, looking at volunteers as well as contract or temporary seasonal employees. We're going to need to look at that soon because that's a very labor-intensive operation short-term. Maybe reconditioning the tub grinder and Jill can speak to that. I think we might be able to get it back up and running but I guarantee it will go back down. It's really beyond its prime right now. But that might be short term. Utilizing the new chipper whenever possible and we're going to do that in a big community chipper day in Hyde Park in a few weeks.

Looking at biomass disposal use. Where can we put it? What can we do to recycle it? How can we reuse it now without any kind of industry behind it? Can we use it more for

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roadways? Can we use it more for mulch? Can we use it more for pathways? Can we use it in our open space for erosion control? Those are immediate that we may be able to do at very little cost.

And then public education scheduling. Getting more people like I have behind me involved in helping us with this program.

Mid-term things. Getting more air curtain burners. We're going to need more than one. Tractor-trailer grapplers. There's ways we can actually look at a trash pick-up where we might even be able to, for a monthly fee, these neighborhoods can choose once or twice a year for us to pick up their waste and we don't have to pick it up manually. So those are issues. Those tractor-trailer grapplers are actually, some of them are being surplused now in Houston, Texas for some of their amnesty days. So again, those are some of the ideas we're looking at there.

And then also looking at grant applications. Part of the problem now is staff does not have the time. We're over our heads in this program now but to maybe contract with a grant administrator. The grant monies are out there but it's a very labor-intensive process to find the grants, the ones that are worth getting and then administering the grants. So that may be another mid-term solution, is to even contract with somebody that might be able to go out there and research grants that are available.

Long-term, commercial possibilities. Can we interest industry to come in here for landscaping? For mulch? A lot of communities across the country are doing that. They're mixing this with milorganite. Maybe looking at wood pellets and using some of this for that or co-gen plants, long-term partnerships. And part of this is changing behaviors. So those are kind of the issues that we see are critical in terms of dealing with the problem, but it's something we need to do immediately in my opinion because it's much bigger than we are. So I'll stand for questions. I do have a few members of the community that are here that I know they're limited to about 30 seconds but I think they wanted to talk about the value of what they've been doing and where they're willing to meet us. Because they're doing 90 percent of the work. We just finish up and then try to take all the credit for it. But they're the ones that are doing the work.

CHAIRMAN SULLIVAN: Commissioner Duran, you had a question?

COMMISSIONER DURAN: I'll wait. I just have a couple closing comments basically.

MICHAEL MOORE: Commissioners, my name is Michael Moore and I'm the president of the La Tierra Homeowners Association and I will try to keep this to be as brief as I possibly can. I only have two points to make, really. One is that the issue of fire, particularly as it attends to the piñon problem, in my community and in the adjacent communities around us, is impossible for me to overstate. I took a drive the other day going into town and 100 yards this side of the fire station there is a circle in the earth, scorched earth, caused by apparently somebody throwing a cigarette out the window, that Hank and his people apparently got to quite quickly.

Had there been a piñon tree on the side of the road, that cigarette could have ignited a tower of fuel, the sparks from which could have gone God knows where. But you only have to drive through our areas to see the potential for disaster that is now with us and on our minds,

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virtually perpetually. There obviously is no solution to all this, given the drought, given the copious spread of the piñon trees all over the place out in these communities. But the reason I came down here this morning is I wanted to tell you that I've never seen anyone in public life who has been as diligent and as attentive to the problems that we've had in La Tierra concerning fire as Hank and his people have been. We would support anything that he would consider doing, and obviously, we don't know enough about the tactics to be able to recommend this particular product or this particular solution over any of the others, but I would only point out, kind of in conclusion here that this problem is really a momentous one for us. We will, by the end of next year, we probably will have spent close to \$30,000 of our own association money simply clearing away the piñon trees from the sides of the road. Our homeowners, from one lot to another, are sitting on potential devastation that is just hard to imagine what could happen out there.

The bottom line is that everybody I've talked to in La Tierra, everybody I've talked to in Las Dos, Las Campanas, is extremely supportive of the work that Hank and his people are doing and we wanted to come here today and say that. We're very grateful for his efforts and anything you can do to support them will be very welcome from our point of view. Thank you.

CHAIRMAN SULLIVAN: Thank you, sir. Someone else wants to speak.

MARLYS WHITE: Good afternoon. My name is Marlys White and I'm a resident in La Tierra. And I would just like to second what Michael had to say about the support that the County has given us. We really appreciate all that you have done because it has been a pretty emotionally distraught time for all of us to see all of our trees dying and we appreciate the support that you have given in helping us so far.

Just to give you an example of the magnitude of the problem, I live on ten acres of land. Last year I had 40 trees removed and this year it's going to be probably twice that, about 80 and they continue to die. And it's as I said, it's very emotionally upsetting to see this, so we would appreciate any support that we can get to try to remedy the problem and reduce the threat of fire because that is a major concern for all of us. So thank you again, and we look forward to working closely with you. And we appreciate all that Michael Moore has done as president of our association because he's really tried to stay on top of it.

CHAIRMAN SULLIVAN: Thank you, ma'am. Stan, did you have a plan here, or are we moving towards something? Is there a conclusion to your presentation? Let me put it that way, Stan, and are we there?

CHIEF HOLDEN: There is, Mr. Chair and we are there.

CHAIRMAN SULLIVAN: Let's have it.

CHIEF HOLDEN: Is that noise I hear from your stomach, Mr. Chair? What we're hoping that the Commission will do is take, through a motion today to give staff, not just the Fire Department but staff of the County, direction to move forward on preparing a plan to mitigate this problem that we have in Santa Fe County with not only the bark beetle kill but also the problems associated with creating defensible space in our urban wildland areas. And on top of that, I think I already heard from Commissioner Anaya, but it would be helpful if we had a motion also with direction to tell the Fire Department to move forward with the grant

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application to State Forestry for the curtain air burner. And any future grant applications that you all feel that we would need to apply for.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya, then Commissioner Duran.

COMMISSIONER ANAYA: With that I want to make a motion. I move that we give direction to the County staff to develop a task force to work on these various issues, the portable chippers, purchase portable chippers, a labor task force, reconditioning of the tub grinder, biomass disposal use, some more public education, purchase of an air curtain burner, apply for some grant applications, and possibly bring in commercial industries for possibly woodchips or other various things that these chips could be used for.

MR. GONZALEZ: Mr. Chair.

CHAIRMAN SULLIVAN: Yes, I know what you're going to say.

MR. GONZALEZ: But we would be pleased to take that as direction if there's no dissent from the Commission.

COMMISSIONER DURAN: I'd like to second the direction. I know it's not a motion. Mr. Chair, just one quick thing.

CHAIRMAN SULLIVAN: You understand, Commissioner Anaya, this is a presentation item so we can't do the motion but I think your direction was very clear and well stated. Commissioner Duran.

COMMISSIONER DURAN: In addition to your direction, could I ask that we - I would like to be involved in that process. I think it might be good to have one or two Commissioners involved. I know my district, I represent the La Tierra district and I think in my mind it's reached emergency proportions and we need to do something. And I think that it's also a regional issue. It's not just a county issue. I think that we need to talk to the City. We live in northern New Mexico and I think that they may have some resources. They might have something to contribute to the problem. And I'd like to see some elected officials on there and the discussions get to a point where we include the City.

CHIEF HOLDEN: Okay.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: The big issue of course is resources and I think our County Manager has to look at that very carefully along with our Fire Chief. The demands are incredible and the resources are limited. So we have to coordinate with our financial people before we draw some huge plans that we can't realistically do.

COMMISSIONER DURAN: We can get the state involved too.

CHAIRMAN SULLIVAN: I think we've identified a number of the cooperatives that the department has been working with and I think, Stan, are you comfortable with the direction and -

CHIEF HOLDEN: Certainly I feel, Mr. Chair, that there's a consensus among with the directive that's been given and we have enough, I think to proceed.

CHAIRMAN SULLIVAN: We can't commit money in a presentation. We have

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a budget cycle.

CHIEF HOLDEN: We know that it's a non-action item. We're not looking for any appropriate of funds at this time. What we were interested in knowing is whether or not you were interested in us coming back to you at some future point very quickly as a result of this task force and make a recommendation to you on how to proceed. Because I do believe it will, at some point, force a very difficult decision from this body regarding finances. And that's just the nature of the game. As Hank said, he did get to be the bearer of bad news but as the chief of the department I have to make you aware that just like everything else, the crisis that we have in government today, those crises don't go away without having some source of funding to mitigate the problem.

CHAIRMAN SULLIVAN: And I'm sure your inter-departmental issues there and Jill will be back next year for an operator and a backhoe to cover over the debris that this air curtain blower generates. So all of that has to be factored into your plan, your work plan. But yes, there's no free lunch. Nothing comes cheap here and obviously we're going to have to look at costs, some of which we can probably get from grants, but that typically has not been our big area of funding.

CHIEF HOLDEN: Grants don't help us much when it comes to actually operating programs. They help us with equipment but when it comes to actually implementing the program --

CHAIRMAN SULLIVAN: FTEs, everybody shies away from that.

CHIEF HOLDEN: Absolutely. That's one of the problems that we've had. And we think it's important that the Commission understand that because at some point that message needs to be passed on to our legislative bodies, not only at the state, but also at the federal level that all too often, the monies that flow from the top down come with restrictions, and those restrictions, more often than not have restrictions on FTE costs, operating costs and that's where, truly, we have the biggest impact when we're trying to mitigate these type of problems.

CHAIRMAN SULLIVAN: Something to consider when you start looking at that in more detail, is there a potential for using inmates to do some of this?

CHIEF HOLDEN: Certainly if you would like to have Greg Parrish involved in this project --

CHAIRMAN SULLIVAN: Well, of course they do road clean-up work and I don't know if this is --

CHIEF HOLDEN: That is true. Nancy does point out correctly they can't work on private lands. That would be a problem. But we'll certainly look into how we can use that source.

CHAIRMAN SULLIVAN: How can we work on private lands if they can't work on private lands?

CHIEF HOLDEN: We don't work on private lands. The work that's actually done on private lands is being done by the homeowner or the property owner. But as a result of the material that's being delivered it has an impact on the County. The County workforce.

CHAIRMAN SULLIVAN: You still need someone at the collection point who's

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working on --

CHIEF HOLDEN: That's right. Somebody to operate the tub grinder, somebody to operate the air curtain burner. That's where you get into the cost. Mr. Chair, I appreciate you all's time today and I appreciate the direction.

CHAIRMAN SULLIVAN: Thank you, Stan.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Okay, before we go to lunch, let's get the Consent Calendar out of the way, please.

X. Consent Calendar

- A. Resolution No. 2003-109. A Resolution Requesting an Increase to the Property Valuation Fund (203) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Assessor's Office)
- B. Resolution No. 2003-110. A Resolution Requesting a Decrease to the Housing Capital Fund (301)/CIAP 2000 to Realign the Fiscal Year 2004 Budget with the Prior Fiscal Year 2003 Cash Balance Available for Expenditure in Fiscal Year 2004 (Community & Health Development Department)
- C. Resolution No. 2003-111. A Resolution Requesting an Operating Transfer from the Housing Capital Fund (301) and the Public Housing Development Fund (230) to the Housing Enterprise Fund (517), and an Operating Transfer from the GOB Series 1997 Fund (350) and the GRT Capital Outlay Fund (213) to the Water Enterprise Fund (505) to Budget Transfer of Assets' Expenditure in Fiscal Year 2003 (Finance Department)
- D. Resolution No. 2003-112. A Resolution Requesting an Increase to the Lodgers Tax Advertising Fund (215) to Budget Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Finance Department)
- E. Resolution No. 2003-113. A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) to Budget Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Finance Department)
- F. Resolution No. 2003-114. A Resolution Requesting an Increase to the EMS Healthcare Fund (232) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Manager's Office)
- G. Request to Establish Two Constituent Services Positions within the County Manager's Office (Manager's Office) [Moved to Matters from the County Manager]
- H. Resolution No. 2003-115. A Resolution Requesting an Increase to the General Fund (101)/Information Technology Division to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004

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- (Project & Facilities Management Department)
- I. Resolution No. 2003-116. A Resolution Requesting an Increase to the General Fund (101)/Information Technology Division to Budget Intergovernmental Agreement Revenue and an Increase to the Equipment Loan Proceeds Fund (340) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2003 (Project & Facilities Management Department)
 - J. Resolution No. 2003-117. A Resolution Requesting Increases to the US Environmental Protection Fund (260) and the State Special Appropriations Fund (318) to Budget Prior Fiscal Year 2003 Cash Balances for Expenditure in Fiscal Year 2004 (Project & Facilities Management Department)
 - K. Request Authorization to Enter into Amendment #2 for Professional Service Agreement #23-30 with Hotspare, Inc. for System and Network Administration Support (Project & Facilities Management Department)
 - L. Request Authorization to Enter into Amendment #3 for Professional Service Agreement #21-155-RD with Bohannon Huston, Inc. for Digital Ortholmagery Services (Project & Facilities Management Department)
 - M. Resolution No. 2003 - A Resolution Requesting an Increase to the GOB Series 2001 Fund (353)/Public Works Purposes to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Public Works Department) WITHDRAWN
 - N. Request Approval of Amendment #1 to the Cooperative Severance Tax Agreement for South Meadows Road from the New Mexico Department of Transportation (NMDOT) (Public Works Department)
 - O. Resolution No. 2003-118. A Resolution Requesting an Increase to the Federal Forfeiture Fund (225)/Region III Program Income to Budget Prior Fiscal Year 2003 Cash Balance and Federal Forfeiture Restitution Revenue Received for Expenditure in Fiscal Year 2004 (Sheriff's Office)
 - P. Resolution No. 2003-119. A Resolution Requesting an Increase to the General Fund (101)/Region III Grant Program to Budget the Prior Fiscal Year 2003 Grant Award Balance for Expenditure in Fiscal Year 2004 (Sheriff's Office)
 - Q. Resolution No. 2003-120. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Utilities Department)

CHAIRMAN SULLIVAN: Could we have a motion for the Consent Calendar? That would be items A through Q, excluding M, which is withdrawn, and excluding G, which has been moved to Matters from the County Manager.

COMMISSIONER DURAN: Move for approval.

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COMMISSIONER MONTOYA: Second.
CHAIRMAN SULLIVAN: Okay, moved by Commissioner Duran, seconded
by Commissioner Montoya.

The motion to approve the Consent Calendar with the exception of G (moved to
Matters from the County Manager] and M (withdrawn) passed by unanimous [5-0] voice
vote.

[The Commission recessed at 1:10 and did not reconvene that day due to a power outage.]

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SANTA FE

BOARD OF COUNTY COMMISSIONERS

CONTINUATION OF THE

AUGUST 26TH MEETING

September 2, 2003

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

SANTA FE COUNTY
CONTINUATION OF THE
REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS

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September 2, 2003

This continuation of the August 26, 2003 meeting of the Santa Fe Board of County Commissioners reconvened at approximately 1:20 p.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Jack Sullivan, Chairman
Commissioner Paul Campos
Commissioner Paul Duran [late arrival]
Commissioner Mike Anaya
Commissioner Harry Montoya

Members Absent:

[None]

CHAIRMAN SULLIVAN: This is a reconvened meeting of the Santa Fe Board of County Commissioners from August 26th and we had to reconvene because of a power outage in the afternoon. At that point in the meeting we were about to start item XI. A in the Community Health and Development Department. Gerald, is there anything you want to alert us to before we get started?

GERALD GONZALEZ (County Manager): That's it in terms of the scheduling, Mr. Chair. With respect to this particular item we have kicked it around internally among staff trying to sort of shape some options for the Commission to take a look at and we'd be glad to fill those out. I know Susan has some thoughts and also Robert Anaya has some thoughts. There probably does need to be additional discussion and maybe an examination of whether there are any underlying legal issues with respect to what we have kicked around. But apart from that I'll go ahead and turn it over at your discretion to Susan and then to Robert to talk a little bit more about it. But in our discussions internally, we have been looking at how to

potentially displace monies that might be otherwise required for general fund operations through the use of the MOA.

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XI. Staff and Elected Officials' Items

A. Community Health & Development Department

**1. Health Policy and Planning Commission Recommendations
Concerning the MOA Progress Review Committee Decisions,
and Available Supplemental Sole Community Provider Funding**

SUSAN LUCERO (Finance Director): Mr. Chair, Commissioners, each year the County is contacted by the New Mexico Human Services Department if they have supplemental funding, and when that does occur, it requires a match on the part of the contributor, in this case, being the County, as well as other counties, but in this particular case, Santa Fe County has been earmarked with a potential supplemental funding in the amount of \$1.64 million that would be available for sole community provider and that being St. Vincent Hospital. And our share, the County's share would be \$417,389. I've reviewed the Indigent Fund and have analyzed its cash balance at the end of June 30, which is a little over \$640,000. So in terms of available cash balance, the County could entertain the idea of supplemental funding with a match that is available in cash balance and anything in addition to that would be then addressed by Robert and by Steve regarding the very technical aspects of the agreement we have right now with St. Vincent's.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Susan, let me ask a question, then Commissioner Campos. This \$640,000 cash balance, this is money that we have accumulated over several years as a reserve in the Indigent Fund. Is that correct? Or is this just current year's money?

MS. LUCERO: Mr. Chair, that is the current, just past prior fiscal year cash balance. I believe we had over \$200,000 in fiscal year 02 that was available and this has been building over some time, at least two years time. Last year we also received supplemental funding and our match was \$258,000, which we required through the MOA with St. Vincent for that to come back directly to the County in the way of indigent services. And that has also contributed to the cash balance to some degree.

CHAIRMAN SULLIVAN: Okay now, these services, we essentially are asked to put forward cash for which in return we receive services. We don't get the cash back. Is that correct?

MS. LUCERO: Mr. Chair, that is correct.

CHAIRMAN SULLIVAN: What's the status of this cash balance, or what's the trend? Where are we? Do we see the cash balance continually increasing? Do we see it decreasing? What do you see?

MS. LUCERO: Mr. Chair, what we do see in the Indigent Fund is a growth in the cash balance, a very slow, slow growth. Very responsive to what the County does in fact do

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through the memorandum of agreement with St. Vincent. It responds to that activity there. But we do see a slow growth there, a slow base forming in the Indigent Fund.

CHAIRMAN SULLIVAN: Now, the Indigent Fund comes from an eighth percent gross receipts, right?

MS. LUCERO: Mr. Chair, that is correct. It comes -- this past year we budgeted I believe it was \$3.85 million in fiscal year 03 and we actually realized \$3.895, so we brought in a little bit more than what we had budgeted, so we had some savings there, which has contributed to the cash balance.

CHAIRMAN SULLIVAN: Okay. And then if the supplemental fund, let's say next year or the year after, would continue to grow as seems to be the case -- it doubled from last year, would we continue to be taking from this cash balance? Is that what you're suggesting?

MS. LUCERO: Mr. Chair, what I would suggest is that we entertain of this fund a certain amount to be set aside as reserve and then anything over and above that to be allocated for these types of programs. That always gives us then a leeway and a buffer in case our gross receipts tax is down and less than what we budgeted.

CHAIRMAN SULLIVAN: Isn't there also a likelihood that our indigent claims could be more than we had projected?

MS. LUCERO: Mr. Chair, that's always possible and I think Steve could probably speak better to that than I can as far as the volume.

CHAIRMAN SULLIVAN: Let's get first to Commissioner Campos had a question.

COMMISSIONER CAMPOS: Just a couple of questions. How much did you say was in our cash balance?

MS. LUCERO: Mr. Chair, Commissioner Campos, right now at the end of June 30, uncommitted cash in the Indigent Fund is \$642,655.

COMMISSIONER CAMPOS: Is there any requirement that we maintain a cash balance in any amount, by state law or ordinances or anything like that?

MS. LUCERO: Mr. Chair, Commissioner Campos, there is no state requirement such as there is with general fund as to a required reserve requirement for the Indigent Fund.

COMMISSIONER CAMPOS: As far as this money, the \$642,000, what other options do we have as far as it expenditure?

MS. LUCERO: Mr. Chair, Commissioner Campos, other options would be increases in contracts with providers that we currently have contracts with, but our understanding and our basis has been to try to keep those contracts steady and after mid-year to see where we stand. In some cases we have amended and we have come back to you for amendments, in which case one provider needs more services and another provider needs less and we've tried to kind of mitigate any increase with an off-setting decrease.

COMMISSIONER CAMPOS: And these providers are not MOA providers, or are they part of the MOA?

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MS. LUCERO: Mr. Chair, Commissioner Campos, I believe some may be participants in the MOA.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Other questions for Susan? Okay, Steve or Robert, whoever's up next.

STEVE SHEPHERD (Health Division Director): Mr. Chair, Commissioners, I'm going to talk a little bit about the Health Policy and Planning Commission recommendations for supplemental sole community provider. [Exhibit 1] A little background. At the regular meeting on July 10th, the Health Policy and Planning Commission reviewed recommendations of the Progress Review Committee for next year's MOA that is already on the books. Essentially, what recommendations they reviewed were decisions on how to specifically spend the funding within the general line items within the existing MOA.

Basically, the Health Policy and Planning Commission and the Progress Review Committee disagreed on one point, one point being that the Health Policy and Planning Commission recommended an RFP process; the PRC did not and recommended specific work items for specific projects and programs to fund within it. Once the supplemental was announced, the Health Policy and Planning Commission recommended that the PRC or the Progress Review Committee's recommendations be accepted contingent upon Health Policy and Planning Commission recommendations that were just handed out to you. And I'll just slowly go through them and take any questions.

The total available is \$1,640,680. The recommendation was for, under hospital programs, to fully fund clinic hospital healthcare support items that were cut back in the existing MOA. That amounts to \$54,708. Support the Arroyo Chamiso Clinic expansion of hours at \$163,000. Support essentially the Pojoaque Clinic at \$110,000. Support the Hospital Residency program at \$100,000. That total, \$427,708. They also recommended under community programs fully funding the Clinic hospital healthcare support items that were reduced in the existing MOA. That was a matter of \$23,000 and change. And then have a non-hospital request for proposal in the amount of \$253,000. In the amount of \$273,292.

Under existing County expenditures, contractual items between the hospital and the County, indigent medical expenditures was suggested at \$420,000. This left a balance of undesignated funds, \$519,680. I'd stand for any questions.

CHAIRMAN SULLIVAN: Questions for Steve?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya then Commissioner Montoya.

COMMISSIONER ANAYA: Steve, so this money, this \$1,600,000, that was the monies that we gave to the hospital?

MR. SHEPHERD: These are the potentially available supplemental sole community funds. These are monies that are available through September 19th I believe is our deadline.

COMMISSIONER ANAYA: So right now, the monies that they get, they can use it for whatever they want? And now we're going to itemize it for them?

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MR. SHEPHERD: No. Every year when we do the sole community provider, we agree to a certain amount of funding between County programs and community programs and hospital programs that a portion of the sole community provider will be spent on. Every year this additional amount is put forth by Health and Human Services. Sometimes, last year, a lot less, this year a lot more. But what we're trying to do is come to an agreement on this \$1.64 million to go ahead and obtain the sole community funding for the hospital.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Steve, regarding the recommendations that the PRC, specifically the one to RFP, was it to RFP for the services that you guys outlined for us here?

MR. SHEPHERD: No, the initial Health Policy and Planning Commission recommendation was to include a community RFP for both hospital programs and other community programs, such as La Familia Medical Center, for example, hold an RFP. When it got to the Progress Review Committee, which has financial authority over the MOA, their suggestion was to pinpoint specific programs and fund those as opposed to doing an RFP.

COMMISSIONER MONTOYA: The PRC.

MR. SHEPHERD: The PRC did.

COMMISSIONER MONTOYA: Okay. So the Health Policy and Planning Commission wanted to put out the RFP. Why did the PRC feel that that wouldn't be a good process?

MR. SHEPHERD: Mr. Chair, Commissioner, there's a -- I don't know if I'd say disagreement but a difference in philosophy on the PRC and I tend to go along one way or another. But that possibly assigning the projects and programs is more effective and efficient than doing an RFP in cutting up small amounts of money, as opposed to targeting larger projects.

COMMISSIONER MONTOYA: So what's going to happen with the undesignated funds, the \$519,000?

MR. SHEPHERD: Mr. Chair, in the Health Policy and Planning Commission recommendations, that was not addressed but Mr. Anaya will give -- the staff recommendation does deal with that.

COMMISSIONER MONTOYA: Okay. Then the last question, I know we were supposed to have heard this last week, in terms of whatever direction we give today, is it still going to be feasible to have the final agreement for the September 11th meeting, or are we looking at now the agreement being delayed further.

MR. SHEPHERD: I would probably ask the County Manager about that?

MR. GONZALEZ: I'm sorry, I missed the question.

COMMISSIONER MONTOYA: We originally had a September 11th deadline in terms of having the agreement back with whatever is negotiated between staff and St. Vincent's to come before us for a final agreement with the amendment. Is that time line still feasible or are we looking at the second meeting in September?

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MR. GONZALEZ: Mr. Chair, Commissioner Montoya, it still is potentially feasible but it depends I think on sort of the tenor of the PRC discussions. And Robert, I think, may have some additional thoughts about that.

ROBERT ANAYA (CHDD Director): Mr. Chair, Commissioner Montoya, in order to be eligible for this \$1.6 million we have to remit payment to the state of New Mexico by September 19th. We are going to put forward some staff recommendations and then seek the direction of the Commission. Depending on what your direction is, we may or may not be able to meet that time frame and the Commission will have to make that decision. Do we go for the supplemental in the pattern, or in the direction that staff is recommending, or potentially as the Chairman has brought up in the past, do we not do the supplemental at all. Those are a couple of the essential options that you need to consider.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN SULLIVAN: A question I had, either Steve or Robert, along those similar lines, before we get to the staff recommendation here. My concern is that we're taking cash from the general fund, whether it's designated indigent or where. If we -- let me step forward to next year -- if we have an indigent fund balance, and I think what we all understand is that if we take out \$417,000, that's \$417,000 less that's available for the indigent fund. If we then get it back in medical services, we make ourselves whole or we come out even, but we've reduced that potential that could have been used for other providers or emergencies or whatever. So if we jump forward a year and we have a \$642,000 balance now, we pay out \$417,000. That leaves us \$225,000.

When the supplementals come next year, let's say that they're even at the same amount, although the indication as they've been doing is that they might be slightly higher. With only \$225,000 next year, and let's say we needed \$417,000 to fund the supplemental next year, or four-fifths or whatever it might be, where will we get that money?

MR. ANAYA: Mr. Chair, Commissioners, I think that's an excellent point. Staff and the Commission have always made recommendations of decisions based on the whole sole community provider fund and any supplementals based on what potential services and resources that we can match to go back into the community. But there could, as you're alluding to, there could come a day where we are unable to come up with a potential match to leverage those federal resources and this Commission would have to forego the supplement. That's definitely a time that could come. And the hospital is aware of it as well as staff. But that could happen.

CHAIRMAN SULLIVAN: So that, we can do like Scarlett O'Hara and think about that tomorrow, as opposed to today. The other question I had was, the recommendations here from the Health Policy and Planning Commission seem to be different, unless, I'm not understanding what's in the attachment, from what was in our packet last week. Has there been a recent meeting of the committee and have they changed it? What was in our packet?

MR. ANAYA: Mr. Chair, Commissioners, all Steve did is we did not change the Health Policy and Planning Commission recommendations, but in the text of the packet material, we talk about the overall program as well as the supplemental. This handout that I

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passed out to you just clarifies specifically what those Health Policy and Planning Commission recommendations are. They didn't change. It just provides clarity.

CHAIRMAN SULLIVAN: So attachment one in our packet, that's the current MOA breakdown. Is that right? That's the current MOA that we already have executed.

MR. SHEPHERD: Mr. Chair, yes. These are the current MOA dollars. There were two Health Policy and Planning Commission recommendations. Attachment one gives the history. It gives the initial Health Policy and Planning Commission recommendation. The PRC result after the recommendations were made to the PRC, and then the Health Policy and Planning Commission and I detailed this on the second page of the memo, came back and gave revised recommendations taking the supplemental into account.

CHAIRMAN SULLIVAN: Okay, so what is attachment one? Does that include the supplemental?

MR. SHEPHERD: Attachment one does not include the supplemental.

CHAIRMAN SULLIVAN: So that's the current MOA that we already have signed and in place.

MR. SHEPHERD: Correct.

CHAIRMAN SULLIVAN: So that's just for our background.

MR. SHEPHERD: It's just for background, just to let you know what the process was.

CHAIRMAN SULLIVAN: So the only document that we had before in the packet was this two-page staff memo about the supplemental.

MR. SHEPHERD: You've got that. Most of it's background. I did provide attachment 2-A that detail the supplemental available statewide.

CHAIRMAN SULLIVAN: Okay, but 2-A was a breakdown of what hospitals got all over the state.

MR. SHEPHERD: Correct. Correct.

CHAIRMAN SULLIVAN: So this is new. What you just handed out is a breakdown of the \$1.6 million. Okay, thanks. Robert, what are you suggesting that we -- oh, Commissioner Montoya.

COMMISSIONER MONTOYA: Regarding, is this something that historically comes up every year? This supplemental request?

MR. ANAYA: Mr. Chair, Commissioner Montoya, yes. It's been coming up annually. The actual amounts, we never know exactly how much resources are going to be available from sole community provider. But essentially, annually, we get a letter from the state of New Mexico showing all of the available resources for sole community provider and putting us in a position, giving us essentially a narrow time frame to either respond or not respond to provide these services.

COMMISSIONER MONTOYA: Robert, what have we done in the past regarding our response?

MR. ANAYA: Mr. Chair, Commissioner Montoya, over the past several years we've gone to the table with the hospital. We've negotiated with them to maximize the services

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that come to the community while involving the Health Policy and Planning Commission at the same time, and essentially, we've been able to put more money into the community when we're able to have the matching revenue. They obviously have a tremendous benefit as well in having additional dollars that go directly to the hospital programs, but through the MOA agreement, which is the only one of its kind in the state -- there are other communities that are trying to do this but we're the only community that actually has a document in place that expands services in addition to just the hospital itself and work in partnership with the hospital and those other providers.

COMMISSIONER MONTOYA: So maybe going back to a question that Commissioner Sullivan may have asked, what has it had in terms of the impact on our general fund balance over the years?

MR. ANAYA: Mr. Chair, Commissioner Montoya, based on the negotiations that have taken place, we have been able to not only sustain the programs that we're administering and those that we've expanded to the community, but we've also been able to sustain and balance the cash balance if you will and the resources that we have, coming and leaving the County. As the Chairman alluded to, there could come a time when we are unable to do that. But we have been able to, over the last few years, been able to balance the two to maximize the service but yet not deplete our revenues in that fund.

COMMISSIONER MONTOYA: Then, Commissioner, do I have to watch the Scarlett O'Hara movie to understand that comment?

CHAIRMAN SULLIVAN: You have to watch *Gone with the Wind*.

COMMISSIONER MONTOYA: *Gone with the Wind*. Okay.

CHAIRMAN SULLIVAN: In *Gone with the Wind* Scarlett had so many problems on her plate right now that she just decided that the way to deal with them was to wait until tomorrow and address them all tomorrow. So that was my reference there. I'll try to be a little more topical.

COMMISSIONER MONTOYA: I noticed Gerald got it.

CHAIRMAN SULLIVAN: An old Clark Gable fan there. It's just our age here. You young folk wouldn't get that too well. We'll deal with that later.

COMMISSIONER ANAYA: Tomorrow.

CHAIRMAN SULLIVAN: Tomorrow. And basically, my understanding and correct me if I'm wrong, Robert, just to follow up Commissioner Montoya's question, we've been in essence borrowing from our own Indigent Fund to fund these supplementals and in so doing, the only question I have Robert is when we do that, is that money earmarked for indigent? Because some of the services provided in these programs are broad-based. They're not all indigent. How do we justify taking \$417,000 from Indigent Fund monies and applying them to this broad base of community services, all of which are important and necessary but they're not necessarily for indigent.

MR. ANAYA: Mr. Chair, if you'll look at the Health Policy and Planning Commission recommendations and our recommendations [Exhibit 2] we do identify \$420,000 - let's not talk about our recommendations yet, because I don't want to confuse the matter, but

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if you just look at the St. Vincent's summary that we passed out, the Health Policy and Planning Commission recommendations at the bottom, Existing County expenditures, we recognize and understand your point and target the \$420,000 specifically to those indigent services. As far as the other expanded services, for the most part they do fund those people that are indigent but with the sole community provider money we have been able to branch out our services to encompass a wider spectrum of people. The mobile healthcare van is getting ready to come to fruition shortly. The CARE Connection. Those don't necessarily focus on the most indigent but they do focus on specific need that runs throughout the county. But we did target those resources to stay within indigent services.

CHAIRMAN SULLIVAN: Okay, why don't you go ahead and give us your staff recommendations and run those down for us.

MR. ANAYA: Mr. Chair, Commissioners, in discussions with the County Manager, the Finance Director, myself and legally, we do recognize that we have other needs in the County that are very pressing at this time. You all know that the medical issues at the jail are a very huge issue that you all are trying to resolve, not just the medical issues but all of the jail medical issues. So if you look at our recommendation, given this pressing need, we're requesting that we be given some direction to negotiate with the hospital to try and maximize our medical expenditures and help to hopefully offset some of those jail medical expenditures, which in turn could help the general fund revenue picture.

So if you look at the page Steve just passed out, we're recommending that the total hospital programs be \$502,708, which is a little bit of an increase over what the Health Policy and Planning Commission had recommended, but also keeping in mind that the Health Policy and Planning Commission didn't comment on the undesignated balance, and we're recommending \$23,292 for fully funding the Clinic Hospital support items. And instead of \$250,000, doing an RFP for other community services, or other healthcare programs of \$175,000.

If you go down to Existing County expenditures, we're requesting that \$420,000 come back for indigent medical expenditures and that we work to bring down the jail medical costs by utilizing \$519,680 to help offset some of those costs. A point I would make on the \$519,680 we're requesting is that revenue in staff's mind doesn't necessarily have to come back in a cash payment back to the County. If we could negotiate with the hospital and the hospital could play a larger role potentially in the jail medical operations, it wouldn't necessarily mean that the money had to flow back through us. But that's something that we seek your direction on and we request to be allowed to negotiate with the hospital on that recommendation. And I would stand for any specific questions.

CHAIRMAN SULLIVAN: Robert, one question I had was the only difference I see between the hospital program is an addition of \$75,000 of "Other." Is that something that the hospital asked for? What is the "Other"?

MR. ANAYA: Mr. Chair, the hospital is essentially wanting to utilize the full \$519,000 undesignated resources. They haven't provided a specific proposal to us on that \$519,000 but they essentially want to utilize whatever additional monies they can get to help

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offset the cost of their emergency room.

CHAIRMAN SULLIVAN: No, I understand that. I'm with you on the \$519,000. I think that's a good idea. I'm hopping under Hospital programs. And the only difference, before it was \$427,000 and now it's \$502,000 on the staff recommendation. And the only difference is staff recommendation, it just says "Other." Does the staff have something in mind there? Does the hospital have something in mind that would come under that "Other"?

MR. ANAYA: The hospital has told us that they would spend any additional revenues that they could get under supplemental towards augmenting their ER. So based on the information we have to this point it would probably go into the emergency room. But they haven't provided us a specific proposal yet as to where they would make those expenditures.

CHAIRMAN SULLIVAN: Okay, so it's possible that that \$75,000 could also go down under jail medical.

MR. ANAYA: Mr. Chair, it's possible if that's the direction you want to take.

CHAIRMAN SULLIVAN: I'm always a little nervous about things that say "Other" to that extent. Other questions on the staff recommendations?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: That other \$75,000 could potentially go back into the non-hospital request for proposal? What was the thinking behind reducing it by \$75,000? We're talking about what? Primary care? Dental care? Nursing services? And reducing it by \$75,000. I'm just curious as to why that was done.

MR. ANAYA: Mr. Chair, Commissioner Montoya, given the entire scope of the agreement, of the MOA agreement, one of the things that the PRC, which is the hospital and the County have been trying to do is trying to not have so many multiple contracts for small amounts, but rather have larger areas of focus, more similar to what's in A Call to Action Health Plan that the Health Policy and Planning Commission developed. We balanced, if you will, closely the amount of money to the hospital and to the County jail component. Other than that you could make a recommendation to beef it back up. But that was some of the discussion that we had around limiting that \$75,000.

COMMISSIONER MONTOYA: Mr. Chair, I guess probably, more specifically, is that enough to cover those additional services? Because originally we were talking about \$250,000, now it's down to \$175,000. Is that \$175,000 sufficient to cover the other costs that were being covered under that particular item?

MR. ANAYA: Mr. Chair, Commissioner Montoya, all of the money that we're requesting direction on is additional revenue that would go into the community. So today, it essentially doesn't exist and wouldn't exist unless the Commission and the hospital board could come to an agreement. So that amount of money, we could spend a lot more than the \$175,000 and even \$250,000 in the community. The thought is that what we've done in the past is kind of helped other providers and augment their services. This body has helped Women's Health Services and La Familia, Hoy and other treatment providers to get out of some difficult situations throughout the years, but that \$175,000 or \$250,000 for that matter, wasn't intended

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to fully fund or maintain an existing program but rather to maybe help along a program that exists. But you could recommend to step it back up.

COMMISSIONER MONTOYA: I guess that's the reason I'm asking. I realize these are new monies but if there's some study that's identified the need for these additional services in the amount of \$2 million and we're putting in either \$250,000 or \$175,000, that still doesn't get us where we need to be. That's why I'm just curious. Does something exist that gives us an indicator as to whether this is going to help with these services? What's the best educated information that we have in terms of how we're utilizing these funds? That's kind of what I'm --

MR. ANAYA: Mr. Chair, Commissioner Montoya, that's an excellent point. We're working in that direction, and more and more, the Health Policy and Planning Commission and the various community providers that work in partnership with us are getting to the point where we only want to bring forward to this body programs that are outcome based and that have very specific areas of care that they're going to cover with specific outcomes. We're headed in that direction, but we're not all the way there yet. But those questions fit very much in line with what the PRC is doing and the Health Policy and Planning Commission and I think Mr. Fitzgerald could comment even more on that. But do we have all the specific answers for you for every piece of money? I would have to say No, but we are working in that direction so that we do fund only those things that have key components and target specific health needs.

COMMISSIONER MONTOYA: All right. Thank you.

CHAIRMAN SULLIVAN: Other questions from the Commission? Robert, I had a question. Several months ago the Commission made a recommendation for two community members on the St. Vincent board of directors to help provide a little community liaison and keep some better coordination and open lines of communication. What has happened with those recommendations?

MR. ANAYA: Mr. Chair, Commissioners, it's our understanding that the Governance Committee for the St. Vincent's Hospital board has made two recommendations for two positions. One recommendation came off of a list from the City of Santa Fe. County staff was not privy to that particular list. They got that list from the City Council. It's our understanding that an individual by the name of Gene Valdez is recommended to fill that particular seat. From our list of eligible applicants if you will, the Governance Committee did not recommend to the board either of the two top recommendations of the County Commission. They went to a third person, or they went to another person on our list and that individual was Mr. Frank DiLuzio and it's our understanding that the Governance Committee is recommending him to fill the County position.

CHAIRMAN SULLIVAN: Was he a former City staff person?

MR. ANAYA: Mr. Chair, he was the City Manager as well as the Fire Chief for the City of Santa Fe for several years.

CHAIRMAN SULLIVAN: So the City has two that have been recommended. Does the City provide St. Vincent's any money the way the County does?

MR. ANAYA: Mr. Chair, I'm not aware that they spend any resources.

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CHAIRMAN SULLIVAN: Would they like to help contribute to this \$417,000 do you know?

MR. ANAYA: Mr. Chair, we haven't asked them.

CHAIRMAN SULLIVAN: You might want to do that because I'm disappointed, very disappointed that we haven't been able to work out a partnering arrangement in that regard. Other questions of Robert with regard to the staff recommendations?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm also disappointed in the hospital because we do give them \$417,000 and we ask them to put these highly qualified people who were recommended to us by the Health Policy and Planning Commission. I just think that we give them money. It wasn't our decision. It was the Health Policy and Planning Commission decision to put those people on and we stood by that and I think they should have put them on. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Quick question. Mr. Anaya, the money that we have in cash balance, could we use that directly to pay for some of our jail medical needs?

MR. ANAYA: Mr. Chair, Commissioner Campos, we could potentially use resources to cover inmates if they fit the criteria that the Indigent Board has set forth for indigent payments.

COMMISSIONER CAMPOS: Is that something that staff has looked at at all?

MR. ANAYA: Mr. Chair, Commissioner Campos, staff has looked at it and does pay indigent costs for some jail inmates. The sole community provider fund is an example.

COMMISSIONER CAMPOS: I'm looking at the bigger question. Has staff looked at the question of using the cash balance to directly pay for some of the costs related to the medical services rendered at the jail?

MR. ANAYA: Mr. Chair, Commissioner Campos, not specifically the cash balance, no. Just regular indigent payments.

COMMISSIONER CAMPOS: As far as what's going on over there, would you think that most of these applicants would be deemed indigent?

MR. ANAYA: Mr. Chair, Commissioner Campos, most of them probably are, but the difficulty that we've found in reviewing the past claims and non-payment of medical bills is just the acquisition of information and actually building a file. It's very cumbersome and very difficult to get that information as you might expect. But we do for the most part make that general assumption that most of them are indigent.

COMMISSIONER CAMPOS: Would it be possible to spend some of this money to hire the nurses that we need out there and maybe the doctors and psychiatrists and dentists. Could we use this directly to employ someone to provide services for this population?

MR. ANAYA: Mr. Chair, Commissioner Campos, I think I'm going to ask you, Steve, based on Steve's knowledge of the Indigent Fund statutes.

MR. SHEPHERD: Mr. Chair, Commissioner Campos, a few years ago we did

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get an opinion from the legal department that essentially prisoners in our jail are technically indigent in that they are unable to support themselves and therefore unable to pay their medical bills. That's kind of an overall assumption. We have paid directly for services provided by providers but we have not looked at the issue of directly paying for staff. That's something that we'd have to look into.

COMMISSIONER CAMPOS: Because that's something we could do as a County to provide services to a population that needs services. And we know they need services at the same time they're in our custody. We would be the direct beneficiary of expenditures for hiring the necessary medical services or buying the equipment that we need to provide the services. To me that's an issue that should be explored a little bit.

MR. SHEPHERD: I'd be happy to do that.

COMMISSIONER CAMPOS: But it has to be explored quickly. We're on a deadline here, right?

MR. SHEPHERD: Yes.

COMMISSIONER CAMPOS: We have to approve this by the 19th?

MR. SHEPHERD: On the 19th we have to deliver a check to the State Human Services Department. So it's actually got to be paid on the 19th.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I would like to make a motion that we direct staff to negotiate an amendment with the current MOA with St. Vincent Hospital to come to an agreement using the sheet that was given to us that have the figures -- actually, I would just go with what staff gave us that has the "Other" in it, but I would recommend that we delete the "Other" and put that back into the non-hospital request proposals. So that goes back to \$250,000. So the total hospital programs would then be \$427,708, and total community programs would be \$273,292 and go with the indigent medical expenditures for \$420,000 and jail medical for \$519,680.

CHAIRMAN SULLIVAN: We have a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And a second. Any discussion?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Montoya, you're saying that we approve staff recommendation, put up the cash balance to fund this supplemental. What about the issue of the jail medical? The \$520,000 essentially? Giving us enough time, maybe a week or so to think about this to see if it would be better if we expend some of these monies directly to finance the requirements of the medical services at the jail.

COMMISSIONER MONTOYA: I would consider putting that \$75,000 "Other" into the jail medical as well. I could go either way. The only reason that I suggested we go back to the original recommendation or suggestion that we were given that had non-hospital request for proposal at \$250,000.

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COMMISSIONER CAMPOS: I understand that.

COMMISSIONER MONTOYA: But I could go with that additional amount or are you suggesting maybe another --

COMMISSIONER CAMPOS: I'm suggesting maybe that we should table this for at least another week to next Tuesday. We have a regular meeting on Tuesday? We have a regular meeting on the 9th?

MR. ANAYA: Mr. Chair, we have a land use meeting next --

COMMISSIONER CAMPOS: But if this is urgent we could put it on the agenda. We've already heard most of the information. I think we could decide this quickly to see if we should directly spend some of these monies on our jails on medical services. Just a thought.

MR. ANAYA: Mr. Chair, if I could, could I make a comment?

CHAIRMAN SULLIVAN: Sure. We're in discussion. Go ahead.

MR. ANAYA: Mr. Chair, Commissioner Campos, one of the reasons that we made the recommendation with the \$519,000 is so that we would potentially be able to spend it either directly or in partnership with the hospital.

COMMISSIONER CAMPOS: Yes, I understand that. But you also understand that the hospital may be taking a different position on what the MOA is and whether it's valid or not.

MR. ANAYA: Mr. Chair, the only other comment I would make, understanding that, Commissioner Campos, is that whatever direction that the Commission provides us, Commissioner Campos brings up another point that's important, is you're going to recommend a direction, then we actually have to sit down with the hospital and then have some negotiations and then bring back -- negotiate as you want us to and then hear their negotiations out and then bring back for final approval anyway whatever both parties decide. I'm only bringing that out, Mr. Chair, Commissioner Campos, to say that we could probably start a negotiation as well as provide you with the back-up information that you would need simultaneous and then bring back those options to you for final approval at the Commission.

COMMISSIONER CAMPOS: Mr. Anaya, what we're doing here is just authorizing staff to proceed with negotiations based on this outline, but it's not a full commitment at this point. We can always change it. Okay, I'm fine with that.

CHAIRMAN SULLIVAN: I think too that the thing we have to -- and I think \$519,000, by the way, Robert, at least from my standpoint is a minimum, quite frankly. I think that if you would want some direction from me or others on the Commission that that's not negotiable. We need that money and if we're going to come up with \$417,000 out of our wallet, that's a critical need that's been identified time and time again. Inmates are human beings too and it's been pretty clear that they haven't been served as adequately as they should have been in some medical circumstances. So I would certainly say that. And I think, Commissioner Campos, the other problem is that if we're taking money out and doing it directly, which we certainly can do, then we would have to, for every dollar that we took out to do, we'd have to eliminate \$3 from the MOA.

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COMMISSIONER CAMPOS: I understand that.

CHAIRMAN SULLIVAN: So if we decided to take \$200,000 out and only put \$217,000 in supplemental, then the total available would be reduced by \$600,000.

COMMISSIONER CAMPOS: I understand that Commissioner, Mr. Chair, but the hospital is taking the position that perhaps the MOA is not legal.

CHAIRMAN SULLIVAN: Yes, well that's fine. If they want to take that position we won't put any money in then we'll find out, I guess. But you can certainly address that issue with them, Robert, during your negotiations. I'd certainly like to add an item again, since we're just talking about negotiations and that is that the members that we've recommended be voted on to the St. Vincent board of directors. I understand that's not due to come to the end of September, a final decision on that and I think, I guess what I'm saying, I don't think that issue should be dead. I think from the instructions that were given to me as the Chairman of the Indigent Fund Committee meeting, I've been asked to write a letter to St. Vincent's indicating the Indigent Board's, which is also the County Commission, disappointment in that action by St. Vincent's. I don't know what the rest of the Commission's feelings are, or the maker of the motion, whether you want to include that direction in there, or how you'd like to handle that. What's your feeling, Commissioner Montoya?

COMMISSIONER MONTOYA: Mr. Chair, I agree with you and Commissioner Anaya in terms of the disappointment that St. Vincent's has not really come forward with in my opinion, a good faith effort to go with the recommendations that this body has given to them. However, I don't know that at this point that this is a real bargaining chip that we should put in there. I don't know. That's just my gut feeling, Commissioner, and I don't know. Gerald, do you think that would muddy the waters in this negotiation process?

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, I think that if you were to leave the intention of the motion open so that we could explore from both directions it would provide us with an ability to have the kind of give and take over the issues that we need to discuss with the hospital officials and bring back hopefully a recommendation that satisfies the County's needs at the same time that we deal with some of the issues that have been discussed here this afternoon.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Let me just clarify as to whether you'd like to leave it open as Gerald was suggesting. I was just trying to clarify if that's the intent of your motion.

COMMISSIONER MONTOYA: Yes.

COMMISSIONER CAMPOS: My comment would go to that. I agree with Commissioner Montoya. I don't think the motion should include that. The issue is there already. We've already directed staff as to what they should do. Let's keep it simple. Keep it separate. The issue will come up in due course and staff has been so instructed.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I think if anybody muddied the water it was St. Vincent's Hospital, but I don't have a problem with leaving that out right now.

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COMMISSIONER MONTOYA: But we could leave it open.

COMMISSIONER ANAYA: And leave it open for negotiation.

COMMISSIONER MONTOYA: That's part of the negotiation process.

CHAIRMAN SULLIVAN: I guess my feeling sometimes is that it's always better to speak softly and carry a big stick. And money is always a big stick. Negotiations tend to disappear until you have another chunk of money. I guess what I'm getting at is we really don't have any other negotiating time until we go back to the MOA for next year. We do next year's MOA, and that's a really complicated negotiation. That involves all of the providers. That's quite a complicated staff effort. I don't know how else to bring the issue out. I think my writing a letter to St. Vincent's is not going to get anything done. And I don't know how -- I think staff has certainly done what we've asked them to do. I don't know that the staff has any more cards that it can play on the issue. I think that staff has done everything within their power to promote the issue. I think we can say we can leave it open to negotiation but I don't think anything will happen.

COMMISSIONER CAMPOS: Mr. Chair, I think linking, as you're recommending, I think it would be a big error. I think it would be a big mistake in our relationship with St. Vincent and from a perspective of negotiating this particular money I think it would be a serious error.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: The people who recommended the two people on the board, or the ones we recommended were professional people in the Health Policy and Planning Commission, made up of about 13 people, correct?

MR. ANAYA: Sixteen members.

COMMISSIONER ANAYA: A 16-member board. And these are highly qualified people in Santa Fe County. They're the ones that recommended to us those two names. So are you saying, Mr. Chair, that we should tell them on this MOA that they need to appoint these two people and fill out the rest of the MOA?

CHAIRMAN SULLIVAN: I'd like to see that but I wasn't going quite that hard, taking quite that hard a line in this negotiation. I was just saying that the staff be given the direction to negotiate that as a negotiating item and then when they come back that they report to us as to what progress they made. I wasn't suggesting that it be a deal killer but that it be a negotiating item. I think Commissioner Campos is saying, he's feeling that it shouldn't be a negotiating item and that we should discuss that separately at some later time.

MR. ANAYA: Mr. Chair, if I might offer a suggestion that the motion for the actual recommendation be left as is and that a separate motion be made for the Commission to request specific reconsideration of the appointment, seeing as how the appointment hasn't been made officially yet. It might be a way to essentially make the point clear but not tie the two items together specifically.

CHAIRMAN SULLIVAN: Okay. Other discussion on the current motion?

COMMISSIONER CAMPOS: Let's vote.

CHAIRMAN SULLIVAN: Let's vote?

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COMMISSIONER CAMPOS: We've already had a lot of discussion.

CHAIRMAN SULLIVAN: You're finished.

COMMISSIONER CAMPOS: I'm ready to go.

MR. ANAYA: Mr. Chair, is it in or out?

CHAIRMAN SULLIVAN: Right now, the motion does not include that. You make a good point. I'll bring it up as a separate motion.

The motion to approve the staff recommendations for distribution of the supplemental funding, with the change that the \$75,000 therein marked "Other" be put under "Non-hospital Request for Proposal" passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

CHAIRMAN SULLIVAN: I would move then that staff also be authorized to pursue discussions with St. Vincent as directed earlier, last week at the Indigent Fund Board meeting with regard to Health Policy and Planning Commission's recommendations for the appointment of two persons to the St. Vincent's board of directors.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion and a second. Discussion?

The motion to authorize discussions with St. Vincent's regarding the board of directors passed by unanimous [5-0] voice vote.

MR. GONZALEZ: Mr. Chair.

CHAIRMAN SULLIVAN: Gerald.

MR. GONZALEZ: In accordance with that previous direction I have, although I have not been able to provide it to the members of the Commission, I had drafted a letter to go to the hospital expressing the concern of the Board of County Commissioners and if you wish, I could circulate a copy of that this afternoon so you can take a look at it as well, to underscore the staff position with respect to discussing that issue.

CHAIRMAN SULLIVAN: And let me just clarify, Commissioner Montoya, on the motion, you're okay on putting the \$75,000 either into non-hospital request for proposal or into the jail medical, but I think your motion was it that it go into the non-hospital request for proposals. Is that right?

COMMISSIONER MONTOYA: Correct.

CHAIRMAN SULLIVAN: That's up for discussion but that was the direction given.

COMMISSIONER MONTOYA: Yes. And just so that staff knows, if it does go into jail medical, rather than non-hospital, that's fine.

CHAIRMAN SULLIVAN: That's okay too. Okay. So we're clear on that. Steve? Robert? Everybody? Everybody clear?

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XI. B. Finance Department

1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-48 for the Lodgers' Tax Advertising and Promotional Services for Santa Fe County

MS. LUCERO: Mr. Chair, members of the Commission, the Santa Fe County Finance Department is requesting your authorization to award a professional services agreement and response to RFP #23-48 for the Lodgers' Tax promotional services for Santa Fe County. The County solicited a request for proposals. We received 14 responses. Of those 14, two were considered the highest rating. To receive the highest rating, we reviewed all the proposed fees by both and the scores for one proponent, Impressions Advertising, was rated the highest.

We entered negotiations with that offeror and found that our request for contract amount was reasonable, based on previous contracts and fees for similar services. So we're therefore asking to enter into a professional service agreement with Impressions Advertising for Lodgers' Tax advertising for Santa Fe County in the amount of \$220,000.

CHAIRMAN SULLIVAN: Questions for Ms. Lucero?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Where are they from?

MS. LUCERO: Mr. Chair, Commissioner Anaya, Impressions Advertising is a local company, resides here in Santa Fe and actually has done contract work for the County in years past.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Lucero, why do you think you only got two bids if you had 14 packets.

MS. LUCERO: Mr. Chair, Commissioner Campos, I'm not sure why we only received two but it seems indicative for the County for some of our larger maybe technically inclined contracts. We don't receive many responses back. However, both of the offerors that did respond, they met criteria, the criteria we established, they were responsive to it. Impressions was the highest rated.

COMMISSIONER CAMPOS: So what does technically inclined mean?

MS. LUCERO: Mr. Chair, Commissioner Campos, what I mean is something that requires a lot of detail, like in this case, advertising services where we have to actually ask them to come up with a proposed marketing plan to promote Santa Fe County travel and tourist.

COMMISSIONER CAMPOS: So this is more than just printing. It's marketing.

MS. LUCERO: Yes, sir, it is.

COMMISSIONER CAMPOS: I thought we had another firm that was doing our marketing and advertising. I thought this was printing.

MS. LUCERO: Mr. Chair, Commissioner Campos, the previous contract was with Rick Johnson and Company from Albuquerque.

COMMISSIONER CAMPOS: They're no longer?

MS. LUCERO: Their contract expired at the end of June. We did, I believe, two or three amendments to extend time as well as compensation. They did not respond in time to this RFP. Their proposal was received after the deadline. So therefore they're non-responsive.

COMMISSIONER CAMPOS: So Rick Johnson would have been doing what these folks propose to do?

MS. LUCERO: Mr. Chair, Commissioner Campos, Rick Johnson did the same work as what this contract calls for.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Does this RFP go out at the same time every year? Or did it go out late this year?

MS. LUCERO: Mr. Chair, Commissioner Montoya, this one is an RFP that went out four years ago. We actually fulfilled four years on this previous RFP so it was a multi-year contract that we had with the previous contractor, up to four years. But it expired after four years.

COMMISSIONER MONTOYA: So that four years expired. This is a new four years?

MS. LUCERO: This is a new multi-year contract and what we're asking for is approval for the first year. We give ourselves language in the contract that it's renewable up to a maximum of four years. But we give ourselves that leeway in case there is any problem with services.

COMMISSIONER MONTOYA: Then what about the compensation? Is there leeway in there also in terms of will it be \$220,000 this year? Because this is the Lodgers' Tax that it's coming out of. When do we typically find out how much we've got in the Lodgers' Tax?

MS. LUCERO: Commissioner Montoya, we review that. There's a history. We have a history that goes back to the early 90s as far as what we've received in Lodgers' Tax. We look at it each year. We review any lodges that may have closed due to financial failure, any of them that are closing due to remodeling needs, things like that and we come up with a basis for our estimate as to what we anticipate receiving for the year. So we do have quite a history and an analysis that goes with that.

COMMISSIONER MONTOYA: So this is a set contract for \$220,000 for up to four years.

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MS. LUCERO: Commissioner Montoya, this is a contract for one year for compensation up to \$220,000, renewable three years above and beyond this first year. Renewable up to an additional three years. The compensation amount would need to be renegotiated again the following year. This is just an annual number.

CHAIRMAN SULLIVAN: Other questions?

COMMISSIONER MONTOYA: No, that's all.

CHAIRMAN SULLIVAN: Okay, then do we have a motion?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Motion for approval.

COMMISSIONER CAMPOS: And a second.

CHAIRMAN SULLIVAN: And a second. Further discussion?

The motion to award a professional services contract to Impressions Advertising passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XI. B. 2. Request Authorization to Enter into a Memorandum of Agreement #24-0049 with the City of Santa Fe for Production of a CD-Rom for Lodgers' Tax Advertising and Promotion Purposes for Santa Fe County

MS. LUCERO: Mr. Chair, Commissioners, the second item, we are asking your acceptance and approval of a memorandum of agreement #24-0049-FI with the City of Santa Fe for the production of a CD-Rom. The purpose of the CD-Rom is to promote travel and tourism with the city and country of Santa Fe. The CD will actually be used to fulfill travel inquiries generated from specific advertisements which the City of Santa Fe Convention and Visitors Bureau will be placing. So it's a cooperative effort between the City and the County in terms of travel and promotion services through this CD-Rom.

The memorandum of agreement would pay the City of Santa Fe Convention and Visitors Bureau \$15,000 for the production of this CD-Rom and for the advertising and promotional efforts linked with it.

CHAIRMAN SULLIVAN: Is this Lodgers' Tax money, Susan?

MS. LUCERO: Mr. Chair, this would also be paid with Lodgers' Tax as well.

CHAIRMAN SULLIVAN: But not out of the contract we just approved.

MS. LUCERO: No, sir. In addition to.

CHAIRMAN SULLIVAN: So there's actually \$235,000 available in the Lodgers' Tax money.

MS. LUCERO: Mr. Chair, that is correct.

CHAIRMAN SULLIVAN: Okay, questions?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Motion for approval.

COMMISSIONER MONTOYA: Second.

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CHAIRMAN SULLIVAN: And a second. Discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Just regarding the coordination that we're having with this project, does it happen with the other one as well in terms of the Impressions contract that we're going to have? Has there been any coordination going on historically between what the City's doing and what we're doing, I guess is my question. And I should have asked it before.

MS. LUCERO: Commissioner Montoya, that's a good question. It's always been a point of debate somewhat in the past. Typically the City and County both conduct their own promotional and advertising efforts, have their own contractor. In terms of cooperation between the two entities, what I know of is the County purchases so many City of Santa Fe visitors' guides, which is one summer publication that the City produces. It's quite large. It draws a very huge volume so we always typically do purchase into that in terms of maybe not direct number of guides back but in terms of some costs shared with them up to a certain level, because it is a very high volume, high circulated guide and does bring in a lot of tourism into the city and county area. But to my knowledge, that's the extent of cooperative efforts.

The state of New Mexico also puts out a cooperative advertising program each year but that's just with the state and then other municipalities and counties as well.

COMMISSIONER MONTOYA: Mr. Chair, I would just like to see that we coordinate more with the City in terms of what they do and also at least communicate and see so that we're not duplicating efforts and maximizing, trying to stretch the dollar a little bit further.

MS. LUCERO: Commissioner Montoya, what I could suggest is the advisory board, the Lodgers' Tax Advisory Board to the BCC meets the fourth Thursday of each month and I'm sure it would be very good for them to hear that directly and they're right now in the beginning of their campaign as far as this new media program through this new contractor. So it would be pretty timely for them to hear what your suggestion is in terms of your direction. And we can also pass it on to them as well.

CHAIRMAN SULLIVAN: Other questions?

The motion to approve \$15,000 for a CD-Rom passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

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XI. B. 3. Resolution No. 2003-121. A Resolution Requesting Authorization to Surplus Obsolete or Inoperable Fixed Assets for Sale, Donation or Disposal in Accordance with State Statutes

MS. LUCERO: Mr. Chair, the next item, we're requesting a resolution to surplus disposed fixed asset equipment. This equipment has been deemed obsolete, inoperable or cost-prohibitive for the County to repair. We have listed the items before you with a dollar value and total of less than \$10,000 and we're asking approval to surplus the equipment as denoted by the attached list.

COMMISSIONER MONTOYA: So moved.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion by Commissioner Montoya, second by Commissioner Anaya. Discussion?

The motion to approve Resolution 2003-121 passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XI. B. 4. Resolution No. 2003-122. A Resolution Requesting Authorization to Surplus Vehicles Forfeited to the Santa Fe County Sheriff's Office for Sale, Donation or Disposal in Accordance with State Statutes

MS. LUCERO: Mr. Chair, this resolution is to surplus vehicles forfeited to the Santa Fe County Sheriff's office. These vehicles have been deemed inoperable or cost-prohibitive to repair for the County. We are requesting approval to surplus the vehicles as exemplified by the attached list with a value of less than \$10,000.

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Montoya. Discussion.

COMMISSIONER CAMPOS: Question. Why aren't these on the Consent Calendar? The last one and this one are Consent Calendar material.

MS. LUCERO: Mr. Chair, Commissioner Campos, I don't think I have an answer for that. We have typically always asked for equipment surplus as a department agenda item rather than on Consent but we could pass it to Consent if that's appropriate.

COMMISSIONER CAMPOS: You might want to discuss it with staff.

CHAIRMAN SULLIVAN: Are there comments or questions?

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

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XI. C. Land Use Department

I. Resolution No. 2003-123. A Resolution Replacing Resolution 2001-92 "Establishing Development Permit and Review Fees and Implementing Inspection Fees"

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chair. Land Use Department is proposing the implementation of inspection fees that will be effective immediately and will fund an additional Code Enforcement inspector FTE position within the department. Currently, the Land Use Department does not have any type of fee for the amount of inspections that are done for all development permits within the county. Our current inspectors are overloaded with the amount of inspections being done annually on all development permits, MSRD inspections, courtesy inspections, terrain management inspections and we expect a water harvesting inspection to be required once our new proposed ordinance is adopted.

We also conduct inspections for home occupation, mobile home permits, and also again, we envision a future need for inspections having to do with the NPDES requirement. Often our inspectors are required to return to a site several times before the actual permit is issued. In the staff report there's a breakdown of permits issued for the past five years and a cost analysis of what monies would be generated by charging an inspection fee. The FTE position that would be funded by this inspection fee would be a Code Enforcement Inspector II, which is a Range 16 and would pay \$40,633 annually including benefits.

Action requested: We're requesting approval of the attached resolution to implement inspection fees to fund the Code Enforcement Inspector III FTE position and Mr. Chair, after discussing this with the Finance Department, and going over all of the costs of not only an FTE but also the equipment that would be necessary such as a vehicle and a computer and furniture, we're requesting that a fee of \$45 per permit be improved. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Roman, is that \$45 in addition to the current fee of \$30 a lot?

MR. ABEYTA: Mr. Chair, right now the current fee, we don't have a current fee of \$30. What we put in the resolution ranged from \$30 to \$50 and after our discussion with the Finance Department we determined that \$45 would be the minimum to cover our costs.

CHAIRMAN SULLIVAN: I was just looking at the this chart that you gave us that says under division of land, land division. It said current fee, \$30 a lot.

MR. ABEYTA: Right. Mr. Chair, that has to do with a plat application, when you bring in a plat, we look at the number of lots you're proposing and we charge \$30. This fee would actually be charged at the time that you apply for a development permit for a mobile home or a building permit. So it's a building permit fee.

CHAIRMAN SULLIVAN: Okay. This is a permit fee that currently no fee exists for.

MR. ABEYTA: That's correct. So when an individual comes in for a development permit, they come to the front desk, that's where that permit is issued.

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MR. ABEYTA: Yes. They pay a \$15 fee if it's for construction of less than \$100,000 valuation, or \$25 application fee if the valuation is higher than \$100,000. And then they have a fire impact fee that they pay. So we're asking for a new fee which would be a fee to cover the inspection.

CHAIRMAN SULLIVAN: Which would be \$45, not per lot or it would have nothing to do with the valuation.

MR. ABEYTA: No, just a straight fee for all permits.

CHAIRMAN SULLIVAN: Wouldn't there be more inspection required for say a subdivision than an individual, one individual homeowner?

MR. ABEYTA: Mr. Chair, yes, there would be, but we think we've covered that when we came before the Board last time and upped our fee to \$375 for master plan, and then \$150 for development plan. So we currently are able to fund those inspections that are taking place for that type of development.

CHAIRMAN SULLIVAN: Any other questions for Roman?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, why are you asking for this today?

MR. ABEYTA: Mr. Chair, Commissioner Campos, we are asking for this because we have a water harvesting ordinance that's in front of you that we expect to be adopted within the next two months. That's going to require final inspection. So we've done research over the past couple of months and now's the time to bring it forward. It's something that we've been thinking about over the past several months and have done the research.

COMMISSIONER CAMPOS: Have you ever proposed to the Commission that this should be funded as part of the regular budget cycle?

MR. ABEYTA: Mr. Chair, Commissioner Campos, we have. We consistently make requests for FTEs

COMMISSIONER CAMPOS: For this position?

MR. ABEYTA: Yes. Every budget year, but they don't make it to the Commission. They usually get cut off at the County Manager's level when they're trying to put a final budget together to bring before the BCC.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Roman, what is a courtesy inspection?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, we oftentimes get calls from individuals that are wanting to develop their property, but for example it may be in mountainous, steep terrain, and so they'd ask us to go ahead of time where they can show us where they're proposing a building site, and we could give them general information as to whether or not it looks like it's something that's possible.

COMMISSIONER ANAYA: Right now, let's say somebody wanted to build a 2,000 square foot home. What are the fees right now for that?

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MR. ABEYTA: Mr. Chair, Commissioner Anaya, there's a \$25 application fee and then there's a fire impact fee that gets paid that's charged per square foot.

COMMISSIONER ANAYA: So approximately, what would the fire impact fee be?

MR. ABEYTA: The fire impact fee is 27.5 cents a square foot. And those monies go directly to the fire district. They don't even come to the County. It's nothing that we can access.

COMMISSIONER ANAYA: So it would be a -- if this were to be approved, it would be a \$25 fee for application, and it would be a \$45 fee for inspection fees?

MR. ABEYTA: Yes.

COMMISSIONER ANAYA: And what would we inspect when this home is under construction?

MR. ABEYTA: We would inspect whether or not a retention fund was installed and if the water harvesting ordinance gets approved, whether or not a cistern has been involved and installed properly. That's in the average case, but there may be cases where a fire suppression sprinkler system is required. We may be able to coordinate that with the Fire Department to make sure that gets inspected on a regular basis. Because we're having trouble in those areas now also.

COMMISSIONER ANAYA: So right now, if we require them to put in a sprinkler system, nobody inspects that?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, I believe the Fire Department is doing the best they can with that and we're trying to assist them, but we don't go out there after the fact. I think they're having to work with the State Construction Industries as best as the state will work with us. But this way it will put another inspector out there to assist the Fire Department also.

COMMISSIONER ANAYA: But the state department doesn't inspect for retention ponds?

MR. ABEYTA: No, they won't inspect for retention ponds or building heights or setbacks or those things. Those are all zoning functions and they fall within our responsibilities.

COMMISSIONER ANAYA: And right now, let's say that same permit for this house goes to the state, do you know what the fees are that the state charges?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, I don't. I believe it's per square footage but I'm not sure what the charge is. We don't see it after it.

COMMISSIONER ANAYA: I know they probably, it's a lot more than what we charge.

MR. ABEYTA: Mr. Chair, Commissioner Anaya, I believe it is also, because they do inspections themselves. They inspect for electrical and plumbing. The Uniform Building Code is what they inspect for.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair.

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CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Roman, regarding the revenue that's going to be generated. If you kind of project and see what there is in terms of future development, will we be able to sustain this position with future growth, future development?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we haven't been able to look, we haven't looked at future growth but we've gone back over the past five years and we've consistently issued at least 1700 permits. We assume that, we could assume that this number may go down but this fee is not only going to fund the position, which is a recurring cost, but it will also, there will be some room because we won't have to purchase a vehicle every year, for example. We won't have to purchase a computer, so there will be some room if we do get less permits in the future, if you fund this position.

COMMISSIONER MONTOYA: So you feel pretty comfortable with the past revenues?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, I do, and again, because what we build in, we built in some up front costs that won't be there every year.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: Any questions? Gerald, the only -- I think we definitely need someone. I wasn't even aware that we didn't have inspectors going out and being assured the conditions of our approvals are being met. My only concern is a procedural one. Are we opening the door here to every department coming in and when they don't get an FTE that they want, asking for some type of a fee? I don't know what that might be. An open space fee or a planning fee or is that a concern that could apply to the County Clerk's office, to any of the offices.

MR. GONZALEZ: Mr. Chair, members of the Commission, actually we had several discussions before even bringing this forward, so my presumption is that any such discussion in the future would have to run through the County Manager and I'd have to take a close look at it, in conjunction with Finance to make sure that it was justified, and also justified in terms of the policies that the Commission has adopted. That was the reason for bringing it forward at this point. But no. The answer is that every department can't sit down and decide they're going to create these fees and bring them forward in order to fund positions. It's got to be, there has to be a sound basis for it, an underlying policy reason as well as a financial reason for doing it. From my standpoint.

CHAIRMAN SULLIVAN: And you support this particular --

MR. GONZALEZ: Yes, I would, because it's the only way that I can see, after discussions with Finance and the department that we would be able to fund the position.

CHAIRMAN SULLIVAN: Other questions for Roman or Gerald? If not, we need a motion or not.

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN SULLIVAN: Motion for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And a second from Commissioner Campos. Is that

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at the \$45 level as recommended by staff, Commissioner Montoya?

COMMISSIONER MONTOYA: Yes. At the \$45 level.

CHAIRMAN SULLIVAN: Okay. Commissioner Campos, is that acceptable?

Okay.

The motion to approve Resolution 2003-123 passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

MR. ABEYTA: Thank you, Mr. Chair, Commissioners.

COMMISSIONER ANAYA: Thanks, Roman.

XI. D. Project and Facilities Management Department

1. Request Approval of Easement Agreement Between Santa Fe County, Rancho Viejo Limited Partnership, and Rancho Viejo Inc. for Approximately 7.15 Acres of Trail Easement to Develop Spur Trail Between the Richards Avenue and the Rail Trail in the Community College District

TONY FLORES (Project Manager): Thank you, Mr. Chair. I'm pinch-hitting for Paul today so I'm smiling a lot like he does. I passed out before the meeting a language clarification to one of the articles of the proposed easement document [Exhibit 3] and I also passed out to you a district trail map for reference for the Community College District. [Exhibit 4] I apologize for not having those in the packet last week.

What we're essentially asking for today is approval of an easement agreement with Rancho Viejo, approximately 2.9 miles in length and approximately seven acres to develop our spur trail which connects the east side of Richards Avenue all the way to our spur trail, which is an 11-mile trail headed to Lamy. This is an integral part of the connectivity or interaction between our trail networks. The contract of the easement has been negotiated with Rancho Viejo. We have spoken to the Land Use Department to make sure there is compliance with the district ordinances regarding trail development and also to assure that there is no perception that we would be relieving any developer of any potential requirements for development in that area. And I stand for any questions.

CHAIRMAN SULLIVAN: Questions? From the Commission.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Tony, you have a nice tie on.

MR. FLORES: Thank you.

COMMISSIONER ANAYA: I move for approval.

CHAIRMAN SULLIVAN: Motion for approval.

COMMISSIONER MONTOYA: Second.

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CHAIRMAN SULLIVAN: Second. And the discussion. Tony, the clarifications I think may have been as a result of a question I had last week for Paul that in the agreement, by granting this easement, it also relieves Rancho Viejo from the responsibility of constructing a trail along Avenida del Sur and constructing a trail along Cañada del Rancho. So my question to Paul was, where are these trails and do we need these trails. So I think that what he explained to me was that this easement is a relocation as a result of the Community College not wanting the trail where it was shown on the Community College map, although I thought they had participated in that Community College plan, and also an overlapping, insofar as it applied to trails east of Richards. But it's true, it wasn't applicable west of Richards. So I think the language that you've added in here indicates that this relieves Rancho Viejo of those obligations with respect to those two trails east of Richards Avenue, I think is my --

MR. FLORES: That's correct, Mr. Chair, and I appreciate your comments because that made us take a step back and take a look at that issue a little bit further.

CHAIRMAN SULLIVAN: So we're confident now that we've got the trails where they need to be and that we're not giving away the store, as it were.

MR. FLORES: Yes, Mr. Chair, we are.

CHAIRMAN SULLIVAN: Okay. Other questions for Tony? If not, we have a motion, and did we have a second?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: You seconded. Okay, we have a motion and a second.

The motion to approve the easement agreement with Rancho Viejo passed by unanimous [3-0] voice vote. [Commissioners Duran and Campos were not present for this action.] [Following executive session, the motion was clarified to include the language in Exhibit 3.]

XI. E. Utilities Department

i. Request by Sonterra Development to Allocate 18 Acre-Foot of Water Service Availability to the Sonterra Development to Create Additional Affordable Housing

DOUG SAYRE (Water Utility Director): Mr. Chair, Commissioners, before you you have a request by Sonterra to request an allocation of 18 acre-feet of water service availability for use by that development to increase the percentage of affordable housing from about 15 percent to 25 percent. In your packet is also included the request by Sonterra regarding this particular allocation. Just for discussion, previously, this water service availability allocation had been provided to the Senas for the Sena Heights development which is out south of the Channel 11 TV station.

That development decided to terminate this agreement and turn those 18 acre-feet back

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to the Utility Department, putting them back in our supply of availability of those rights. So they're still available to the County, specifically the County Commission to consider the allocation. As you know, we have a resolution that gives you, the Board of County Commissioners the discretion to allocate water rights for specific County projects and also that allocation policy is included for your reference in that packet. Also, we'd like to advise that the State Land Office, via John McCarthy has also requested utilization of this 18 acre-feet for affordable housing in the State Land Office development, out off of State Road 14, across from the state penitentiary.

We've provided this to you for discussion of what the 18 acre-feet might be used for and also for direction as to how we might consider this request for this 18 acre-feet. There seem to be a number of people looking at the possibility of using this for affordable housing.

CHAIRMAN SULLIVAN: Questions and comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Has the County as a whole sat down and talked about this 18 acre-feet of water? What we might be able to use it for? Or is it just Sonterra and John McCarthy are coming forward and asking for it. Have we as the County sat down and said What can we use these water rights for before we hand them out to somebody else?

MR. SAYRE: Mr. Chair, Commissioner Anaya, no we have not had a, I guess, lengthy discussion about how they might be utilized other than the previous time when they were allocated to the Sena Heights Subdivision for affordable housing.

COMMISSIONER ANAYA: Mr. Chair, I think that it would be important for the County to look into seeing what we could use these water rights for before we start giving them out. It could be that these water rights would be good to give out to Sonterra or to John, but we don't know that yet. And I think that the County needs to sit down and figure out, is there any projects out there that we could use them for. That's my comment.

COMMISSIONER CAMPOS: I'll second the motion.

CHAIRMAN SULLIVAN: That was a comment, not a motion. Well, one thing that comes to mind, Commissioner Anaya, is the Public Works Complex. I don't think we have any water rights allocated for that, do we?

MR. SAYRE: Mr. Chair, no, we do not specifically, but there is some available, if you look at your allocation amounts that we provided to you. There is probably some rights available to be allocated to the Public Works Building when it gets --

CHAIRMAN SULLIVAN: But there's none specific allocated now.

MR. SAYRE: No, sir.

CHAIRMAN SULLIVAN: So, Commissioner Anaya, what you're suggesting is that we perhaps look to staff for a more comprehensive direction and study of where these might best go and under what conditions if they need to go anywhere at all. Looking at our own needs as well.

COMMISSIONER ANAYA: Mr. Chair, you know water rights are scarce out there and I sure don't want to give water rights away that we could use down the line. For

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example, the Public Works Department, we might need more water rights at the project down by the County detention center. There could be a number of things and I think if we get the departments together they can come up with other reasons why the County needs this water. And I just want to put that out there first before we give this water away to anybody. Or sell this water.

CHAIRMAN SULLIVAN: Is that a motion, or would you like to form that into a motion?

COMMISSIONER ANAYA: Mr. Chair, I'll put that in the form of a motion.

CHAIRMAN SULLIVAN: And Commissioner Campos, is that --

COMMISSIONER CAMPOS: I think Commissioner Montoya wanted --

CHAIRMAN SULLIVAN: Well, we've got a motion. We'll go to discussion if you'd like to second it.

COMMISSIONER CAMPOS: Yes, I'll second it.

CHAIRMAN SULLIVAN: Okay, motion to second. The motion is seconded by Commissioner Campos. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I was going to suggest that based on the comments and based on what we maybe should be exploring, I was actually going to recommend that we table this request until we have a comprehensive plan for the County. We may work with some of the people that are requesting these water rights in terms of -- I would like to see these water rights utilized for affordable housing. That's where I would like to see these. I'm going to give my opinion and that's where I'd like to see these utilized. And I know that the applicant has recommended that they would like to see the allocation of some of those or I think all of those 18 acre-feet go toward affordable housing. But that would be my personal opinion in terms of where I would like to see these water rights planned for in terms of any development in the county. That's what I was going to recommend, Mr. Chair.

CHAIRMAN SULLIVAN: I think as a part of the discussion that you can have, I think, a general staff investigation on this and maybe come back with some recommendations, but I think we need to clarify a lot more so than was done here by this particular applicant on what affordable housing means. They've indicated in here that it could provide 140 to 150 homes but they don't say in what phase that the water rights would be used and in what phase the homes would be built. As I recall the first phase of that project wasn't that large. So they might use the water rights in the first phase and we'd be hoping that they would build the affordable housing in the second phase. And also, there's no clarification as to what category of affordable housing, whether it's in the zero to sixty percent of median income, the sixty to eight or the eighty to one hundred. Some of these projects out on Route 14, that eighty to one hundred category of affordable housing is the market category they're going to be hitting anyway. That's not affordable housing in the federal terms, it's affordable housing in Santa Fe County terms. That could be something you might want to explore as well in looking at the overall thing.

And another possibility to explore, if in fact we have extra water rights, and I believe these originally came from the County, the allocation it had allocated to itself, the County had

allocated to itself, if for some reason we have excess water rights and we think it would be good to use them for affordable housing we may have some legal requirements that they be put out to bid if we are in fact selling these water rights to the higher bidder, who would comply with whatever our affordable housing conditions might be. So I think I agree with Commissioner Anaya that this is a bit premature at this time that we want to meet those affordable housing goals that we have but we also need to work with the limited resources we have.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I agree with Commissioner Montoya about the affordable housing part of it. I know we need affordable housing out there and I know that Santa Fe County is working on that. So I do agree with Commissioner Montoya on the affordable housing. But I think we don't want to jump the gun here. We want to see what we can do with these water rights before we let them go. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, further discussion?

COMMISSIONER MONTOYA: Mr. Chair, would you please clarify the motion?

CHAIRMAN SULLIVAN: I'll ask the maker.

COMMISSIONER ANAYA: The motion was to hold on to the water rights right now and let the Santa Fe County staff talk about it and see what are the options out there, what we might need those water rights for before we let them go. If it is in the best interests of Santa Fe County to either give them to Sonterra or to John McCarthy. But right now they haven't looked at any of that yet.

CHAIRMAN SULLIVAN: You wouldn't mean give.

COMMISSIONER ANAYA: Sell.

CHAIRMAN SULLIVAN: Or to someone who'd met some criteria that we had established.

COMMISSIONER MONTOYA: Mr. Chair, would that include then involving these two entities right now that have shown, expressed an interest in this then with the planning with the County staff? Or does County staff exclude any external --

CHAIRMAN SULLIVAN: I think it would be -- just in my own personal experience, Commissioner Montoya, I'd want the staff to open it to anyone who's expressed an interest and let them lay their proposals on the table and help to develop some general guidelines. I think the staff has always met really with the developers and got developer input. That would be my personal -- would that be your intent, Doug?

MR. SAYRE: Mr. Chair, I think it would be a good idea to probably establish a scope of consideration for utilization with some criteria from the various County departments. And I guess take requests for utilization and evaluate which are in the best interests of the County to go ahead and utilize them.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Okay, Commissioner Anaya.

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COMMISSIONER ANAYA: I would first like to see the County look at this before they open it up to other entities. I'd like for them to talk about it and see what they come up with and then when the time is right, they could pull the other entities in to see what they're plans are. That was with my motion.

CHAIRMAN SULLIVAN: Okay, your concept is the County should first look to be sure that it has its needs addressed prior to assuming ipso facto that these 18 feet are in fact excess.

COMMISSIONER CAMPOS: I would agree with that.

CHAIRMAN SULLIVAN: Am I paraphrasing that correctly, Commissioner

Anaya?

COMMISSIONER ANAYA: Yes.

CHAIRMAN SULLIVAN: Okay, that's a little different that what I'd -- Okay, we've got the motion. Let the record show that Commissioner Duran is with us.

COMMISSIONER DURAN: Thank you. Sorry I'm late.

The motion to defer granting 18 acre-feet of water rights pending County discussion passed by majority [3-1] voice vote with Commissioner Montoya voting against and Commissioner Duran abstaining.

XI. E. 2. Request by Greer Enterprises to Transfer a Portion of its Water Service Availability Allocation to Gardner Development

GARY ROYBAL (Utilities Director): Good afternoon, Mr. Chair, members of the Commission. Before you is a request by Greer Enterprises to allocate a portion of the water rights availability that they have with the County under a water service agreement to the Gardner Properties development. Greer Enterprises currently has a contract for water service availability of 51.9 acre-feet with the County. The Gardner property development had a master plan approved in January 2003 and they had the master plan approved with the water budget of 11.5 acre-feet. The request before you is a dual request if you will. First, it's a request to transfer the place of use of a portion of the 51.9 acre-feet to the Gardner properties.

And then a satellite request I guess if you will would be the amount of water rights that would need to be allocated to satisfy the development at the Gardner property. And as I mentioned, the Gardner property was approved with a master plan, a water budget in the master plan process of 11.5 acre-feet, which is inconsistent with the resolution that the Board of

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County Commissioners approved on how we would allocate water rights that are coming into the Utilities Division, the water utility. The resolution requires that .31 acre-feet be transferred to the water utility for all residential lots and the commercial properties would then be determined by a water budget, probably by the County Hydrologist.

This appears to be a two-pronged request, although the request letter itself didn't specify that after reviewing it and bringing the request forward. I bring those two issues before you that are generated from this request. With that I will take any questions.

CHAIRMAN SULLIVAN: Questions? Commissioner Duran.

COMMISSIONER DURAN: Cary, why are we requiring .31 acre-feet for residential use when everywhere else it's .25 acre-feet?

MR. ROYBAL: Mr. Chair, Commissioner Campos --

COMMISSIONER CAMPOS: You've got the wrong Paul.

COMMISSIONER DURAN: I'll take that as a compliment.

MR. ROYBAL: I don't have the answer to that. I can only give you what my perception and my understanding is of this. I believe the Community College District required a .25 acre-foot per household in that area for consumption. The County passed a resolution I believe when the Utility Department was formed for its purposes of acquiring and having water rights transferred and contributed into the Water Utility of .31. The best I could make out of this and I don't know who drafted this ordinance, but the best I could make out of this is there's a .25 consumption embedded in the .31 and the .06 additional acre-feet are for lost and unaccounted for.

In other words, when water runs through the pipes, there's a certain lost and unaccounted for leakage, and other areas. You have to make that amount up so you may be consuming .25 acre-feet, but the actual amount that needs to be produced to deliver that .25 is .31 acre-feet. So the developer would have to make up that difference. Otherwise the County would have to go out and acquire those additional water rights for that purpose. Because the State Engineer looks at what you produce out of the well, and not what's delivered at the meter to the residential customer as the amount of water rights needed.

COMMISSIONER DURAN: Our system is relatively new though. Do you think we're losing -- what percentage of that -- what does that .06 represent percentage wise? Are we losing like five percent, ten percent.

MR. ROYBAL: Mr. Chair, Commissioner Campos -- Commissioner Duran, excuse me.

COMMISSIONER DURAN: Now I'm getting mad.

MR. ROYBAL: You know, for instance we have to flush out our lines because we have dead-end lines. There's meter testing programs that go on. We have to flush new lines when they come in. There's also some leakage in there. We don't know what it is. So we add a certain percentage up and if you would look into the 40-year water plan there's a 20 percent reserve capacity in there or 20 percent, above what we believe would be consumption for the population we anticipate serving.

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

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COMMISSIONER CAMPOS: Mr. Chair.
CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Sayre --

MR. ROYBAL: I take that as a compliment too.

COMMISSIONER CAMPOS: When we approved the Gardner development in January 2003 with a water budget of 11.5 acres, did we expressly waive the .31 acre-feet requirement that was in our Resolution 1998-13? Did we expressly do that? Was there an issue raised and discussion had on that issue?

MR. ROYBAL: Mr. Chair, Commissioner Campos, I don't see Roman here who I asked to be present to answer some of these, but Mr. Joe Catanach is here and I think he'd be able to answer your questions on how the master plan was approved.

CHAIRMAN SULLIVAN: Mr. Catanach, would you like to respond to Commissioner Campos' question?

JOE CATANACH (Review Division Director): Mr. Chair, Commissioner Campos, the question was whether the Board had taken specific action waiving the resolution for the County water utility when they approved the water budget. As I was thinking about how this discussion was going to take off, I don't know that there was any specific action. Obviously, by accepting the master plan and everything that went with it, that somewhat implies that that was done. I think it's important to understand though that at a master plan level, the water budget that was accepted of I think 11.58 was at a master plan level. All that is a projection of water use. It's a number and a projection of water use.

Certainly as you come in with more detailed development plans for each phase, the staff and the Board and that application, that submittal is going to be subject to any requirements that are in effect. Again, this is the way I looked at this and Gary and I have discussed this somewhat. The letter of intent or the letter of understanding that was issued by the County Utility regarding the water service to Gardner property and the projected water budget, the letter stated, the letter did state that the approval is subject to conditions. One of those conditions was the resolution. So again, in trying to address this issue, I think what was accepted by the Board was a water budget at a master plan level. I don't think that relieves the applicant of having to comply with any other details or resolution or conditions that come up in the phase 1 development plan, meaning that in fact the letter that was issued by the County Utility was specific that it was subject to conditions and one of those conditions was the resolution.

What Gary and I talked about was that in fact, okay, a projected water budget was accepted at master plan. I don't think that ties the Commission down to saying that's exactly what's going to be approved or that's exactly how much water this development is going to use. It's a number, a projected water use at a master plan level. The point being is that the utilities letter was specific that water service is subject to conditions, the resolution being one of those conditions. Gary and I talked about that in fact it would seem then that the developer would have to provide the water allocation that would be required by the County including the resolution, meaning that -- let's say the first phase at .30 or .31 comes out to -- I can't

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remember what the phase 1 development was but let's say it comes out to somewhere in the area of 10 to 15 acre-feet of water under the resolution, .31. That means that in trying to apply the intent and the objective of the Community College District plan and ordinance and trying to conserve water and reused water and recycled, because that water budget was accepted on the basis of a strict water conservation. Flushing water with treated wastewater, number one. Collecting roof drainage in cisterns and using that for irrigation.

So what Gary and I talked about is that any development that is requesting to reduce their allocation per unit below .25 or below .31 under the resolution, any development requesting to reduce that allocation would have to have a track record, would have to have a history, meaning that the developer would have to provide the full amount of water rights at .31, and then after a period of time, say, five years, at which case they are able to prove a history, a track record, that they are using less water than .31, then at that point those excess water rights, the County could either retain those or purchase, however the agreements are worked out, or they could be given back to the developer or however that agreement is worked out.

But again, that is my point right there, that the water budget that came out of Utilities was specific that water service is granted subject to conditions and one of those conditions was the resolution.

COMMISSIONER CAMPOS: Mr. Catanach, before you leave, have you communicated your position to the Gardner people? Do they understand?

MR. CATANACH: We spoke about this probably sometime last week or the week before. I know that I did mention to Rosanna that what was important about reducing allocation, about requesting to reduce allocation per unit below .25 or below .31, whichever, was to have a history. So I did communicate that to Rosanna.

COMMISSIONER CAMPOS: You had a conversation, but do you need to take formal action or does the BCC have to take any additional action to clarify that?

MR. CATANACH: Well, I think that there's a couple of important things that have been mentioned here. First of all, that in fact the water budget that was accepted was at a master plan level and that does not tie the Board down as we go through the development plan phases.

COMMISSIONER CAMPOS: I understand that point, but to me it seems important that we communicate this information formally or if action needs to be taken to clarify that, because it seems somewhat ambiguous.

MR. CATANACH: I think that was part of our discussion and to get some direction from the Board on that matter, Commissioner Campos.

COMMISSIONER CAMPOS: Today?

MR. CATANACH: Yes, sir.

CHAIRMAN SULLIVAN: And I think just to throw in a comment, Commissioner Campos, that sometimes where the confusion may exist is the line extension policy is pretty clear. It says a minimum of .31 acre-feet shall be required for each detached residential dwelling structure that is proposed. For apartments, condominiums, multi-family

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structures, commercial, industrial and other non-residential water uses, the proposed water budget shall be submitted with a conceptual master plan and shall be subject to review and approval by the Utility. So we have a hybrid process there but where we, I think, settle in on the .25 acre-feet frequently, in individual developments of which we see a lot that are based on wells and not tied into the County system.

COMMISSIONER CAMPOS: Yes, but .31 for the County water system.

CHAIRMAN SULLIVAN: Is for the County water system, which this project is on.

COMMISSIONER CAMPOS: Exactly, which is why it's relevant.

CHAIRMAN SULLIVAN: So if this is relevant there, I think in other projects where we're dealing with developments that are served by either community wells or individual wells, four units on a well, that type of thing, there we've typically said a quarter acre-foot and that's an internal system for those units.

COMMISSIONER CAMPOS: Mr. Chair, but that's different. We have a community system. We have a County water system. We have an obligation to deliver the water. We know that we need a little additional water because there's going to be system loss, plus over-use. We know that. That's why we factor it in.

CHAIRMAN SULLIVAN: I'm not disagreeing with you.

COMMISSIONER CAMPOS: That's all I'm saying.

CHAIRMAN SULLIVAN: I think the same thing happens with even a developer that perhaps proves they're using .19 acre-foot on the average instead of .25 that their water budget was based on. Twenty percent would still have to be added to that to provide that cushion that you're talking about there. Hydrant testing and flushing and line breaks and just your normal routine maintenance type of thing. So I agree. Personally, I think it's clear for this project it's .31 acre-feet for the residential units. The commercial, any commercial or multi-family that was proposed would be based on the water budget and the Utility Department's review of that water budget.

So you're looking for two areas of direction here. One, authorization to transfer the water rights, as I understand it, and two, direction on how much they need to transfer. Is that, am I correct, Mr. Roybal?

MR. ROYBAL: Mr. Chair, that's correct. If I may just right now, just to supplement Joe's response to Commissioner Campos, I did advise Ms. Vazquez of the conflict and the requirement that the Utilities Department follow the resolution. That's our policy, and we would require the .31 acre-feet unless directed otherwise by the Commission. So, Mr. Chair, that does go to your comment also, that we are here for your direction, to receive your direction on these issues.

CHAIRMAN SULLIVAN: Well, if we wanted to change that we certainly could but we'd need to go through the ordinance proposal of resolution changes and do that. I don't think we can change it on this project at this point. So are you looking for a motion with regard to both of those items or are we agreement and does everyone understand the .31 issue? What are you looking for, Mr. Roybal?

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MR. ROYBAL: Mr. Chair, I broke it up into two different issues. One is first of all, a request for the changes of the place of use of the water service availability. That would be the first one. And the next one would be just how much water service availability would be required for the Gardner property. I believe that you could respond and just say that you could hold off until they come in for preliminary and final plat approval to advise the applicant how much water right they need for their development, or you could make that determination today and go with the resolution. And that would give the applicants direction on how they need to structure their agreements also.

CHAIRMAN SULLIVAN: Unless it was changed at a later date, we could just do a motion saying approving the transfer in accordance with Resolution 1998-13.

MR. ROYBAL: Mr. Chair, that's correct. You're right. Subject to any changes.

CHAIRMAN SULLIVAN: And that might --

COMMISSIONER MONTOYA: So moved.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: So there's a motion and a second. Further discussion?

The motion to approve the transfer of water rights to the Gardner property subject to Resolution 1998-13 passed by unanimous [5-0] voice vote.

XI. F. Matters from the County Manager

1. Resolution No. 2003-124. A Resolution of the Declaration of Disaster for Santa Fe County Ditches and Acequias

MR. GONZALEZ: The first item is a resolution that we have periodically adopted in response to flooding occurring in the country. Under the proposed resolution, if our contingency funds were exhausted then we would be able to apply to the state for additional funding for repairs and that sort of thing. Otherwise of course whatever we did would come out of the ordinary County budget. And James Leach is here also to answer any questions that you may have.

CHAIRMAN SULLIVAN: Mr. Leach, would you like to come up and give us a brief run-down of what this means and what the impact is?

JAMES LEACH: Mr. Chair and Commissioners, occasionally we get enough rain in Santa Fe County that some of the ditches and acequias get over-run or get filled up and the state of New Mexico has a program with funding through FEMA Disaster Assistance Program that allows private individuals and entities, ditch and acequia associations to apply for help in cleaning out and restoring the ditches or acequias. There's no financial cost to the County in this. As Mr. Gonzalez, this is something that happens occasionally. I think the last time was 2001. The resolution is general so that any ditches or acequias that have damage after

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the declaration are also covered.

Since the time of the drafting of the resolution, five more associations have applied to the state for that funding.

CHAIRMAN SULLIVAN: How much is available?

MR. LEACH: I think acequia or ditch association is entitled to \$1500 in reimbursement for repairs or clean-up or so forth.

CHAIRMAN SULLIVAN: It's like for materials or labor or contract work?

MR. LEACH: Mr. Chair, that is correct.

CHAIRMAN SULLIVAN: Okay, other questions for Mr. Leach?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Does that go directly to the acequia association? Or does it flow through County government?

MR. LEACH: Mr. Chair, Commissioner Montoya, it is actually a reimbursement directly to the associations or the private individuals.

CHAIRMAN SULLIVAN: You mentioned two ditches in the resolution but you also say and others. So it looks like we're covered with the additional ones that might apply.

MR. LEACH: Mr. Chair, that is correct. And this will cover any ditches or acequias for the rest of this calendar year.

CHAIRMAN SULLIVAN: Other questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I guess I'm not real clear, but I know recently, or about a month ago, the people in charge of the acequias in La Cienega, one of their culverts, which is about 20 feet long, it was full of mud. Now, are you saying that they could use this money to go and get a machine to come clean this out? Is that what we're talking about?

MR. LEACH: Mr. Chair, Commissioner Anaya, that is correct. They would have to pay for it up front but with this resolution declaring the disaster, it makes them eligible for the disaster assistance program.

COMMISSIONER ANAYA: Okay, so how are we going to notify each one of these acequia associations? Are we going to call them or let them know this is available, that this is the path?

MR. LEACH: Mr. Chair, Commissioner Anaya, I could check with that individual acequia association, but generally, they just contact the State Mitigation Office and most of these associations are already familiar with that. They've all done it in the past, but I will check with La Cienega just to make sure that they are aware of it.

COMMISSIONER ANAYA: Mr. Chair, I think this is a good deal. I know that La Cienega, they had that culvert fill up and they were trying to get a hold of the State Highway Department to borrow their vacuum to clean that out. I don't know if they ever did. I think that they had to dig it out and clean it out themselves. But I think any assistance that we

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could help them with would be great. Thank you.

CHAIRMAN SULLIVAN: Other comments, questions?

COMMISSIONER MONTROYA: Mr. Chair, I too would just hope that we would vote in favor of this. Acequias have been probably one of the largest concerns that has come before my attention, at least now that thank God we do have some water that's been available for the associations throughout the summer. I think any help that we can get that will alleviate some of the costs that the County incurs is certainly going to help us as well and I would make the motion that we approve this resolution.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Is there further discussion?

The motion to approve Resolution 2003-124 passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

CHAIRMAN SULLIVAN: You're unanimous, Mr. Leach. Thank you for your help and for your patience in coming out here today to explain this to us.

XI. F. 2. Request to Establish Two Constituent Services Positions within the County Manager's Office (Manager's Office) [Originally item X. G.]

MR. GONZALEZ: We had moved item G from the Consent Agenda to Matters from the County Manager and that item reads: Request to establish two constituent services positions within the County Manager's office. I believe the Commissioners are familiar with the request.

CHAIRMAN SULLIVAN: Commissioner Campos, I believe you asked to have this moved. Do you want to discuss this?

COMMISSIONER CAMPOS: Mr. Chair, yes. I think this is an important issue for the County, the Board of County Commissioners. I think it raises a lot of credibility issues for the Commission as to whether we're able to make sound management decisions in a strategic manner. As far as fiscal issues, we know that there are a lot of working positions that we have and we need in the County that we're not funding because we don't have the money, yet we're funding two positions in the County Manager's office as constituent representatives. This has caused us problems, I think, with our union negotiations. One of the reasons that was cited by the unions was that, Hey, you guys are funding positions. Maybe we don't want to take 1.5 percent. Maybe we can get more, because there's more money than you're telling us there is.

This raises a lot of questions. Our judgement. Are we making the right decision? In context of our fiscal crisis. The City certainly doesn't have constituent service representatives and if you talk to any of the City Councilors it seems that they have a pretty

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heavy caseload. The question is do we need them? Can we afford them? What implications does it have in our relationships with the unions? Are we able to establish priorities and stick with them, strategic and otherwise? Can we commit to them and stick to them? I think this says that maybe this Commission isn't. So that is my comment and I don't think we should at this time hire two constituent representatives.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Just a comment on a couple of the comments that Commissioner Campos brought up. Credibility, prior to Commissioner Campos and Commissioner Sullivan taking office, we had several people in the Manager's office that were basically given the task of constituency services. I think there was about three people in there. We are now down to zero and the County Manager, Laura and the rest of the County Manager's staff have been given the responsibility of coordinating the constituency services, coordinating our communication with our constituents. And I don't think that that's fair to them and I don't think it's fair to our constituents.

Relative to the funding positions, we had Virginia Vigil who was working here in the County Manager's office and prior to offering these two individuals the position here, I forget the figure but we had x-amount available with Virginia Vigil leaving the County. That freed up more money to fund this constituency services program, and in fact we still have \$25,000 left out of the vacancy savings from Virginia Vigil leaving. So we have looked at the finances here. To characterize those that are in favor of the constituency services program as not being fiscally responsible I think is unfair. We found the money; we still have excess money.

To say that this issue has come up in union negotiations, to be quite honest with you, and I speak for myself only, I believe that we have money in the general fund and in the increases that we are receiving from property taxes to pay the additional 1.5 to our employees. And I think that the way that our Finance Department looks at this new money as not being recurring revenue might be a little short sighted. That's another issue we could talk about. But I don't think that this -- the unions are going to use anything they possibly can to leverage their position.

The County Commission in Bernalillo County, they are a Class-A County. We are now a Class-A County. Each one of those County Commissioners has their own private constituency services individual. I don't think that by asking for these two positions is number one, economically -- I think that we are being prudent. We need the help. I don't know how many phone calls you get and how many phone calls you return but I know that I can't return them all and my understanding from the two new Commissioners is that they also have problems returning those calls, and we need these people to help us. So I'm in favor of these two positions. I think that we have the means to do it. We have the need for it and I'm in favor of it. Thank you.

CHAIRMAN SULLIVAN: Gerald, I have a question. Will either of these individuals that's been identified be doing lobbying work?

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MR. GONZALEZ: Mr. Chair, members of the Commission, not in terms of the kind of lobbying work that we've done before. They may provide lobbying support, based on putting together information for the legislative sessions. Actual lobbying in my own experience requires a direct relationship with the legislators and we do have some members of staff who have developed those relationships. I have as well. I just need the understanding that if I'm going to take on some of that burden during that legislative session it may mean that certain other matters may have to be set aside until the legislative session is over with.

CHAIRMAN SULLIVAN: I'm a little concerned about your taking on that burden. I think the lobbying is a very time-consuming undertaking and sometimes you're just sitting on benches for hours on end and I know you have your cell phone with you but that doesn't always take the place of being able to deal with the staff on matters as they come up. So you're not planning to bring anyone on board to do the lobbying other than doing it yourself?

MR. GONZALEZ: Mr. Chair, members of the Commission, we'll have to take a look at the money still available after these positions are filled, assuming that they're filled, and at that point, make a determination of what's available, either by way of contract lobbying or perhaps some part-time lobbying. But again, the difficulty is finding someone who has the established relationships with the legislators.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I was one of the ones that had requested that we look into the feasibility of whether or not we could get some assistance for the County Commissioners and in reviewing historically what's gone on and where we were at and where we're currently at right now, I know that the level of constituency requests that I get far outnumber my ability to have, number one, another professional life, number two, any sort of a personal life, and then importantly, respond to the needs of the constituents. When you compare having five to zero and everybody else within the County Manager's office overloaded and doing other things, it became a challenge almost in terms of who do I do see about this.

I do not see my role as a County Commissioner, having to talk to other than the County Manager, because the County Manager is the person that I am responsible for as one of five for hiring that individual. I think that's where my communication should go to. That was happening for a while and then it wasn't happening for quite a while in terms of that communication. I think we've all gone through a period of transition and I think I'm still going through a period of transition in terms of how to juggle everything. But I just see these people in terms of being able to help in terms of the needs that we all have as Commissioners, because again, it's just a matter of when you have a request, these people want to hear back from anybody within the County in terms of what's happening with my road? What's happening with my ditch? What's happening with speed humps? What's happening with speed signs? I mean from A to Z.

Granted, our staff are busy too. They have other priorities that they have to address, so they're not always able to get back, as I'm finding out, sometimes months later, to the constituents that have submitted that request. And I think one of the things that we need to be cognizant of is that these people, as I see it, customers of the County. They all give me the line, and I totally agree, they all pay taxes. They expect something. They should be getting something. If nothing else a response, Yes, we can do it, or No, we can't do it. And a response like that as soon as possible.

So I was grateful, and I hope that we don't go away from the direction that we had been headed in in terms of getting that type of assistance and utilizing these people in a way that's going to benefit the whole county. Because as I see it, everybody benefits by what we're trying to do here.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I completely agree with Commissioner Montoya and all what he has said on behalf of the constituent services, and I completely agree with Commissioner Duran. And with that, I'd like to make a motion to approve.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Okay, that would be -- it's not a resolution. It's Consent Agenda item G. So there's a motion and a second. Discussion? I guess the only thing I wanted to add from my standpoint was I guess I was somewhat in the middle of the two ends. My feeling was that we should try just with one person and see how one individual could handle those services before jumping into two fairly substantially funded positions. I do understand that these are exempt positions. Is that correct, Gerald, that they can be terminated at the will of the County?

MR. GONZALEZ: That's correct, Mr. Chair. So they're not long-term positions. Well, they may be long-term positions but they're not -- what's the term for non-exempt? Non-exempt. Classified. That's what I was looking for. They're not classified positions. So the Commission and Manager's office do have that flexibility. But that's where I stood. I felt that we could start with one and see if that handles the load.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Gerald, just in terms of your time and the legislative session, bear in mind that when we did our calculations there was \$25,000 available for that effort and I think that you'll find that there are some lobbyists out there on a contract basis that can help us out. I think that \$25,000 -- is it a 90-day session that we're coming up with?

MR. GONZALEZ: It's a 30-day and a special.

COMMISSIONER DURAN: So I think the \$25,000 is adequate to pay somebody that has the skills to lobby for us. The other thing is you might want to coordinate this lobbying effort with the five Commissioners that are up here. I think that we can assist in that process and I think that we have some lobbying abilities that you can

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tap into.

MR. GONZALEZ: I'd love to tap into those, Mr. Chair. Thank you, Commissioner Duran.

COMMISSIONER MONTOYA: I'll volunteer for that too, Gerald.

CHAIRMAN SULLIVAN: Further discussion?

The motion to approve a request for two constituent service representatives passed by majority [3-2] voice vote, with Commissioners Sullivan and Campos voting against.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Since we approved that, I'd like to introduce Jennifer Jaramillo, a constituent service person, and Lisa Roybal, who's in the audience. They started right now.

COMMISSIONER DURAN: Welcome aboard.

COMMISSIONER ANAYA: Welcome aboard. Mr. Chair, I'd also like to bring up a matter if we could. I've received a few phone calls concerning the West Nile Virus, and with us today we have Patrick Torres with the County Extension office. I asked him to look into a few things on the West Nile Virus, and with that, Pat, if you want to come up and --

CHAIRMAN SULLIVAN: Mr. Torres, would you like to give us an update on what you've found out with regard to the West Nile Virus?

PATRICK TORRES (County Extension Agent): Mr. Chair, members of the Commission, in looking into what's been going on around us regarding West Nile Virus and all of what we've heard on the media, I've looked into what some of the counties are doing in regard to mosquito control programs. Of course, we know that mosquitoes are the ones that are the carriers of the virus and so we need to nip the problem where it's starting and that's with mosquitoes.

So in calling around some of the surrounding counties I have found that most counties are not doing a whole lot in terms of mosquito control, but there are a couple of counties, Sandoval County in particular that has been very active in terms of mosquito control programs. They started their program back in the 70s. Of course it wasn't in anticipation of the West Nile Virus but they have been running a mosquito control program since then. At the present time, they have been contracting all this work with a pest control company there in Sandoval County and basically it's been running them somewhere around \$30,000 per year. Granted, when I spoke to the public relations individual for Sandoval County, he indicated that in addition it seems to be running anywhere between \$1,000 and \$3,000 more recently because of the increased efforts against the West Nile Virus.

And so they have also established a mosquito hot-line, which is essentially operated out of their Public Works Division in Sandoval County and basically, the individual who staffs the phone there gets in contact with the contractor and informs the contractor as to where some of those hot spots may potentially be. Now, some of the things that the contractor is doing is one,

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he is serving as an educator, basically, making recommendations to the private landowners as to what they need to be doing to keep the problem down to a minimum or eliminate the problem all together. Secondly, the individual does do some fogging, in particular public property. In other words, roadways, schools, parks, so forth. So that service is performed as well. And aside from that, he does a lot of one-on-one consultations, not only over the phone but he makes site visits when he can't explain something thoroughly over the phone, so he does make house calls if you will.

I've also visited with the State Health Department, the Office of Epidemiology in particular, with both Pam Reynolds and Nelson Powers and they have informed me that there is some federal funding that may be coming down to the states. Now, any political subdivision may be eligible, provided that there's something already in existence. One, either monitoring for mosquito-borne diseases, or two, an actual mosquito abatement program. So there is that possibility that individual political subdivisions can receive up to \$100,000 to supplement existing programs.

I have copies of the legislation here for you all. This is something if you all even want to consider. Aside from that, the State Office also makes recommendations to the general public as well in terms of what they might do to control mosquitoes. They are also willing to work with somebody within a political subdivision in terms of doing some trapping to test some of these mosquitoes for encephalitis, West Nile Virus. One of the things that Sandoval County is doing at the present time as well, they're distributing mosquito dunks, basically, a brickette that's impregnated with bacillus thuringiensis which is a biological insecticide. They are distributing two per household is what I've been told and basically, those are to be used in areas where individuals have standing water for the most part. You're looking at ponds, stock tanks, in some cases I guess they could be used in rain barrels if people are doing water harvesting.

Other than that, the other surrounding county that has a mosquito control program that has a mosquito control program in place at the present time but I was not able to reach anyone within Bernalillo County, but nevertheless they have something going at the present time. So at this point, I guess I would also add that I too have received several calls, maybe a couple a day in terms of what Santa Fe County is doing in terms of mosquito control. It's hard to tell folks that we're not doing anything yet I try to make recommendations as to what they might be able to do to eliminate the problem or suppress it. However, it's something we're going to have to learn with this problem because it's here. I don't know how we can eliminate it all together but at this point I'll entertain any questions.

CHAIRMAN SULLIVAN: Questions for Mr. Torres.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya, then Commissioner

Montoya.

COMMISSIONER ANAYA: I think that we need to start doing something in terms of fogging or I don't know how much it costs but I know that this probably won't go away and we've got next year. We need to start thinking seriously about what we can do to educate the public and get some things out there that they could use to kill these mosquitoes. So

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I just wanted to bring it forward and see what the Commission thought. Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Patrick, I'll ask you, what would you recommend we start doing?

MR. TORRES: Mr. Chair and Commissioner Montoya, at this point it's kind of difficult to really tell you what would be the best first step. To a certain extent, I'm thinking fogging in hot spots.

COMMISSIONER MONTOYA: Like around --

MR. TORRES: Where there is standing water and/or slow moving water. Nevertheless, we also want to determine how severe is the mosquito problem in those areas. The other thing that would be probably a little simpler to get going is the mosquito dunk or brickette programs. If you're not familiar I've got some samples that you can look at as to what those things really look at. They're nothing more than a couple inches in diameter.

COMMISSIONER MONTOYA: So those would be two things that we could start doing immediately then.

MR. TORRES: That is correct.

COMMISSIONER MONTOYA: In terms of resources, what would be required in order to mobilize this program? We'd need to buy the fog and the donuts?

MR. TORRES: Mr. Chair, Commissioner Montoya, the resources that I would foresee certainly would take a little bit of money to purchase the mosquito dunks or the brickettes and then the designation of a particular department to handle the distribution and to perhaps keep track of who they're being distributed to because at some point I foresee that the situation could get a little abused.

COMMISSIONER MONTOYA: Okay. Because I too have received a couple of calls in the Cuyamungue and Pojoaque area that mosquitoes are out of control over there and what are we going to do about that? It's another one of those, Gosh, what do I do about this situation? So if we could really do something and mobilize, I would be all for whatever needs to be done.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Is there any monies out there that we could apply for now in an emergency? Does the state have some money we could try to go after to at least get these dunks and maybe start doing some fogging as quickly as we can?

MR. TORRES: Mr. Chair, Commissioner Anaya, in my visits with the state epidemiologist, it didn't sound like there was anything available at this point. I did inquire from Sandoval County's contractor where he purchased these particular brickettes and what he paid for them; and basically he expressed that if you purchase them in bulk, if you purchase a case of 75 per case, they're running approximately 76 cents each.

COMMISSIONER ANAYA: I think this is an emergency. People are dying from West Nile Virus as we speak and maybe if we could draft a letter and send it to the governor's office and tell him that we're willing to pass out these donuts or do some fogging if

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we could get some money to start this program and then next year, we'd be in a better position to go after some federal money. That's just my thinking.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Gerald, would it be prudent to also have a resolution from this Commission?

MR. GONZALEZ: Mr. Chair, members of the Commission, that probably would be helpful if we're going to request state aid. I did contact Debbie Hays, the County Manager for Sandoval County as well. She indicated to me that their fogging program runs six months a year. They start in May and they run all the way through October unless a frost kills the mosquitoes earlier. The cost of their basic contract is \$30,000 for the six months and she said over the past summer, given the conditions, as Pat indicated, they've had to add another one, two or three thousand per month to the base amount that they're paying. Their contractor is providing the brickettes. She indicated that they have also looked for additional support and it's hard at this point to find the additional monies but as Pat Torres indicated, it helps if you've got a program already up and running as opposed to trying to just get one started.

I agree with him that brickettes may be an appropriate place to start. Debbie Hays also indicated that there are issues of public education. There have been areas in Sandoval County, for example that the residents do not want fogged and have threatened to sue the County if it comes through and fogs. She indicated that given the current situation they're going to go ahead and fog anyway and basically have said, despite agreements that they've had in the past about not fogging in certain areas, if you want us to not fog, then you have to sue us. Of course, that's got a cost embedded in it itself, but I do agree that probably the brickettes are a good way to at least begin a program and looking ahead, we're coming into the freeze season, given that we're a little higher up than Sandoval County is but looking ahead, we probably need to start thinking about next year and what we're going to do by way of a program for next year in terms of fogging. It may be a little late for that at this point but certainly, I'd be happy to explore that.

CHAIRMAN SULLIVAN: Mr. Torres, is there any money available through the Cooperative Extension Service?

MR. TORRES: Mr. Chair, I wish there was something, otherwise we would have tried to implement something a little earlier. But at the present time, I'm not aware of any money that's either state or federally appropriated through the Extension Service to implement the mosquito abatement program.

CHAIRMAN SULLIVAN: So what are you suggesting, Gerald? Are there any actions to be taken at this point?

MR. GONZALEZ: At this point, simply the direction of the Commission to explore what options we might be able to exercise in the remaining mosquito season. I'd certainly be glad to sit down with Finance and see if there isn't something that we can do by way of a short-term contract and look at next year in terms of a larger program, given that this issue seems to be growing and is not going away.

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CHAIRMAN SULLIVAN: Could we put these two pages of information that Mr. Torres has given us, can we put that on our website?

MR. GONZALEZ: Certainly we can do that and I think that's a great suggestion. I'd be glad to make sure that we get that on the website.

CHAIRMAN SULLIVAN: It's a start, anyway. There are some good suggestions here that are just common sense things. Commissioner Anaya, anything more?

COMMISSIONER ANAYA: Yes, Mr. Chair. And maybe we could take this another step forward. We have the president of the New Mexico Association of Counties. Rebecca, maybe we need to bring that up with the Association of Counties and if we could get all the counties to work together on this we could hopefully wipe this out.

REBECCA BUSTAMANTE (County Clerk): Mr. Chair, Commissioner Anaya, I certainly will do that. One other suggestion, if I may, if I have the floor right now is I know a lot of people have asked me about it also and I wasn't aware of these bricks. Is there anyway that the people who are listening can buy these bricks at 76 cents each?

MR. TORRES: Mr. Chair, Ms. Bustamante, I'm not aware of them being able to purchase them unless it's run perhaps through Santa Fe County. But again, I don't know if Santa Fe County is in a position to be a vendor of a pesticide. Therefore it might entail a little bit more. Basically, these types of brickettes are available at nurseries, hardware stores, feed stores and they can go out and purchase them directly themselves. It's just that they're probably going to pay much more for them.

MS. BUSTAMANTE: Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Torres is there anything that you recommend that we do immediately?

MR. TORRES: Mr. Chair, Commissioner Campos, if there's anything that I would say needs to be done immediately I would say the distribution of brickettes would probably be the ideal thing to do. It's probably going to involve the least amount of effort and probably have the most amount of impact.

COMMISSIONER CAMPOS: These are already available to the public and they can go buy them any time they want.

MR. TORRES: That is correct.

COMMISSIONER CAMPOS: You're not recommending any fogging be done immediately, at this point, September 2nd. We have about six weeks to maybe freeze.

MR. TORRES: Mr. Chair, Commissioner Campos, that's really a hard call to make. If fogging is done, like I say, you have to really target those real hot spots. I wouldn't say that you need to go do a whole community or a whole section of Santa Fe County. And even if a full-blown program was implemented I would say, I'd like to preach IPM, integrated pest management, where you target your pest and just your pest. In doing so, I would say if any fogging is done, just some real specific hot spots. And really, it would take the contractor or the pesticide applicator to make that determination whether it really, if it really warrants that

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application.

COMMISSIONER CAMPOS: How would they define what a hot spot was that would require immediate treatment?

MR. TORRES: Based on mosquito population and its habitat.

COMMISSIONER CAMPOS: Is that a complex determination or fairly simple?

MR. TORRES: It would be fairly simple. It would basically take a visit to the location and within a matter of minutes they can really make that determination.

COMMISSIONER CAMPOS: Do you think this might be something important you could still do at this late date?

MR. TORRES: Mr. Chair, Commissioner Campos, yes, I believe it could be done.

COMMISSIONER CAMPOS: But should it be done is the question? I know it could be done, but should it be done? Is it a priority? Is it of great importance? Would it be effective in helping us with this West Nile Virus?

MR. TORRES: Given the time period we're in right now, a few weeks away from first frost, is what I'm anticipating, I would say that you could probably hold off on doing the fogging and perhaps approaching it through the impregnated brickettes.

CHAIRMAN SULLIVAN: If we've got some money to do that could your group distribute them?

MR. TORRES: Mr. Chair, if those are the wishes of the Commission, certainly.

CHAIRMAN SULLIVAN: I'm just thinking you might want to look at what some bulk costs are, I know I've got some money, discretionary funds that have been unexpended in my budget and I'd be glad to put that toward the purchase of some of these brickettes on a wholesale basis where people would just come into your office and be issued two of them per family and you'd go obviously on an honesty basis, until they're gone. I don't know what it would cost, a couple thousand dollars to buy some of these in bulk.

MR. TORRES: Mr. Chair, that was an approximate figure. I had somewhere between \$1500 and \$2000 to at least get through the end of this season.

CHAIRMAN SULLIVAN: Well, if you can do it and arrange it --Susan's already left. Whenever I start spending my budget she leaves.

MR. GONZALEZ: I took notes, Mr. Chair.

CHAIRMAN SULLIVAN: But if you can host a program like that with your existing staff I can certainly commit those funds on my part to help to do that. We can just try it and see how it works and that may be, as Commissioner Anaya says, the start of a program which we can then piggy-back on with more funds next year with a contract or staff or you would suggest that we do. If we get something little started at least it's something and that's better than nothing. If that would work perhaps you and Gerald could get together with purchasing staff and get something started. At least we're doing something.

MR. GONZALEZ: I'd love to work with Mr. Torres.

COMMISSIONER ANAYA: Mr. Chair.

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CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I also have some funds in there that I'd like to contribute to that.

CHAIRMAN SULLIVAN: Okay, there's another two. See, now we've got three gross.

COMMISSIONER MONTOYA: Mr. Chair, if I had some funds I would commit them.

CHAIRMAN SULLIVAN: He's already spent all his money. I think that will certainly get it started. We want to see logistically how this thing would work. We don't want to overburden the staff. We can get the notices out. We can get something put on the website and a notice put in the paper, perhaps. Whatever it takes. So already we have a little budget here of \$4,000. Is that what you had in mind?

COMMISSIONER ANAYA: Mr. Chair, yes. And it's good that we're going forward with this because now when people call us we'll be able to direct them to Pat Torres with a number where they can pick up something.

CHAIRMAN SULLIVAN: At least a start. It may be a while till he gets them. How long do you think it would take to get them?

MR. TORRES: Mr. Chair, I will get on this immediately in terms of getting some prices directly from the vendor. As I mentioned earlier, the prices I gave you were what the contractor himself told me it was costing him. So he gave me the name of the company that he has been purchasing them from out of Albuquerque and so I'll see about what it's going to take to get on their vendor list and then get with Mr. Gonzalez.

CHAIRMAN SULLIVAN: And give yourself a budget of \$4,000 and see how far we can go with that. Okay, any other questions for Mr. Torres. I believe we have an executive session to do here. Mr. Gonzalez, anything else under Matters from the County Manager?

MR. GONZALEZ: Just one quick note, Mr. Chair, at the next BCC meeting of next week we will have a presentation on the purchase of San Juan/Chama water by the BOR in conjunction with the silvery minnow. So I just wanted to let you know that was coming up.

CHAIRMAN SULLIVAN: Is that a long presentation?

MR. GONZALEZ: It shouldn't be very long.

CHAIRMAN SULLIVAN: It's a land use meeting.

MR. GONZALEZ: Just an explanation of background and where we're headed for.

CHAIRMAN SULLIVAN: Okay, this is the purchase -- by the way, I think the public should know, there's been a lot in the paper about the City selling water, San Juan/Chama water that it's not using for the maintenance of the silvery minnow, but that sale also requires that the County agree to see, because the County is co-owner of those water rights.

MR. GONZALEZ: That is correct.

CHAIRMAN SULLIVAN: Some people occasionally forget. So that's what

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you're bringing forward at the next meeting. Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Do you know what they're going to be discussing?

MR. GONZALEZ: Yes, basically explaining the background of how much water there is available, both Heron Dam and El Vedo, how much the Bureau of Reclamation is indicating that they're needing. They will be paying, as I understand, \$47 per acre-foot and then answering any questions that the Commission may have.

COMMISSIONER CAMPOS: Will we have something in our packet briefing us before the meeting?

MR. GONZALEZ: There should be sort of a background memo.

COMMISSIONER CAMPOS: Thank you.

XI. G. Matters from the County Attorney

1. Executive session

- a. Discussion of pending or threatened litigation
- b. Discussion of possible purchase, acquisition or disposal of real property or water rights
- c. Discussion of bargaining strategy preliminary to collective bargaining negotiations

Commissioner Montoya moved to go into executive session pursuant to NMSA Section 10-15-1 (5, 7 and 8) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Montoya and Sullivan all voting in the affirmative. [Commissioner Duran was not present for this action.]

[The Commission met in executive session from 4:05 to 5:20 p.m.]

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 [4-0] voice vote. [Commissioner Duran was not present for this action.]

CHAIRMAN SULLIVAN: We have one other matter of clean up and that was with regard to agenda item XI. D. 1, which was the easement agreement between Santa Fe County and Ranch Viejo Limited Partnership with regard to a trail easement between Richards Avenue and the rail trail in the Community College District. xxx That was passed and we want to be sure that there was a clarification that motion included the staff recommended changes to the agreement. [Exhibit 3] So probably we could have another motion in that regard.

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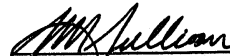
COMMISSIONER MONTOYA: So moved.
COMMISSIONER ANAYA: Second.
CHAIRMAN SULLIVAN: Moved by Commissioner Montoya, second by
Commissioner Anaya. Any discussion?

The motion to include the amended language in the Rancho Viejo easement
agreement passed by unanimous [4-0] voice vote. [Commissioner Luran was not present for
this action.]

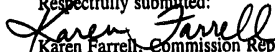
ADJOURNMENT

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

Approved by:


Board of County Commissioners
Jack Sullivan, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



**Santa Fe County HPPC Recommendations
Supplemental Sole Community Provider
St. Vincent Hospital**

2706443

Total Supplemental SCP Available 1,640,680

Hospital Programs

Fully fund Clinic Hospital Healthcare Support Items	54,708
Support Arroyo Chamiso Clinic Expansion of Hours	163,000
Support Pojoaque Clinic	110,000
Support Hospital Residency Program	100,000

Total Hospital Programs 427,708

Community Programs

Fully fund Clinic Hospital Healthcare Support Items	23,292
Non-Hospital Request for Proposal	250,000

Total Community Programs 273,292

Existing County Expenditures

Indigent Medical Expenditures	420,000
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Total Existing County Expenditures 420,000

Undesignated Funds 519,680

**Santa Fe County Staff Recommendations
Supplemental Sole Community Provider
St. Vincent Hospital**

2706444

<u>Total Supplemental SCP Available</u>	1,640,680
<u>Hospital Programs</u>	
Fully fund Clinic Hospital Healthcare Support Items	54,708
Support Arroyo Charniso Clinic Expansion of Hours	163,000
Support Pojoaque Clinic	110,000
Support Hospital Residency Program	100,000
Other	75,000
<u>Total Hospital Programs</u>	502,708
<u>Community Programs</u>	
Fully fund Clinic Hospital Healthcare Support Items	23,292
Non-Hospital Request for Proposal	175,000
<u>Total Community Programs</u>	198,292
<u>Existing County Expenditures</u>	
Indigent Medical Expenditures	420,000
Jail Medical	519,680
<u>Total Existing County Expenditures</u>	939,680

Proposed Amendment to Grant of Easement between Santa Fe County, Rancho Viejo Limited Partnership and Rancho Viejo Inc. for the Spur Trail

Page 3, Paragraph 15:

15. Santa Fe County agrees that this Easement relieves Grantor of any future obligation to construct a trail along Avenida del Sur, from Richards Avenue to the east, so long as the Trail is a District Trail as defined in the Santa Fe Community College District Ordinance (Ordinance No. 2001-14). This Trail will also fulfill any future obligation by Grantor to construct a District Trail along the Avenida del Sur extension, east of Richards Avenue, or Canada del Rancho, east of Richards Avenue. This Trail Easement shall constitute a District Trail within the meaning of Santa Fe Community College District Ordinance No. 2001-14.

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