

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

October 26, 2004

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 62

I Hereby Certify That This Instrument Was Filed for
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SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
October 26, 2004 - 10:00 a.m.

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
 - C. Consent Calendar: Withdrawals
- VI. Approval of Minutes
- VII. Matters of Public Concern – Non-Action Items
- VIII. Matters from the Commission
 - A. Resolution No. 2004 – A Resolution Requesting Legislative Support for Esperanza Battered Families Shelter During the 2005 Legislative Session (Commissioner Duran) TABLED
 - B. Resolution No. 2004 – A Resolution Supporting Mandatory Installation of Breath Ignition Interlock Devices on all Motor Vehicles Operated by DWI Offenders (Commissioner Duran)
- IX. Presentations
 - A. Presentation by the Office of Human Resources for the Employee of the Quarter
 - B. Mid Region Council of Governments Conducts Presentation on Belen to Santa Fe Commuter Rail Project (Commissioner Montoya)
- X. Committee Resignations/Appointments/Reappointments
 - A. Appointment of Members to the DWI Planning Council
- XI. Consent Calendar
 - A. Request Approval of Amendments to State Land Office Bid Ground Lease #BL-1505 between the New Mexico Commissioner of Public Lands and Santa Fe County (Attorney's Office)
 - B. Request Approval of Amendments to the Approved Sublease with Vista Studios (Attorney's Office)
 - C. Request Approval of Economic Development Participation Agreement with Vista Studios, Inc. for Work Force Development and Training in Santa Fe County (Attorney's Office)

- D. **Resolution No. 2004 – A Resolution Approving Entering into Ground Sublease Agreement #25-0057-PFMD between the County of Santa Fe and Vista Studios Inc., and Further Approving Amendment #1 to Bid Ground Lease #BL-1505 between the New Mexico Commissioner of Public Lands and the County of Santa Fe (Attorney’s Office)**
- E. **Request Authorization to Enter into Amendment #3 to the Food Service Agreement with Compass Group USA, Inc., for the Youth Development Program/\$51,000 (Corrections Department)**
- F. **Resolution No. 2004 – A Resolution Requesting Authorization to Surplus Three Vehicles for Donation to Another Government Agency or Non-Profit Organization in Accordance with State Statutes (Finance Department)**
- G. **Request Approval of the Professional Services Agreement #25-0058-FI with Justice Benefits for Professional Assistance in Securing Appropriate Federal Financial Participation for Santa Fe County/\$20,000 (Finance Department)**
TABLED
- H. **Resolution No. 2004 – A Resolution Requesting an Increase to the EMS – Healthcare Fund (232)/Emergency Preparedness Program to Budget a Grant Awarded through the New Mexico Department of Public Safety Office of Emergency Services & Security for Expenditure in Fiscal Year 2005/\$47,000 (Fire Department)**
- I. **Resolution No. 2004 – A Resolution Requesting a Budget Increase to the Fire Protection Fund (209)/Hondo Fire District to Budget Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2005/\$6,223.50 (Fire Department)**
- J. **Resolution No. 2004 – A Resolution Requesting an Increase to the Emergency Medical Services Fund (206)/All EMS Districts to Budget Prior Fiscal Year 2004 Cash Balances and to Realign the Fiscal Year 2005 Budget with the Final EMS Allotment Received from the New Mexico Department of Health (Fire Department)**
- K. **Resolution No. 2004 – A Resolution Requesting an Increase to the Fire Protection Fund (209)/All Fire Districts to Realign the Fiscal Year 2005 Budget with the Final Fire Protection Allotment Received from the New Mexico State Fire Marshal (Fire Department)**
- L. **Resolution No. 2004 – A Resolution Requesting a Budget Decrease to the General Fund (101)/MCH Grant Project to Realign the Fiscal Year 2005 Budget with the Available Project Balance/\$12,383.85 (Health & Human Services Department)**
- M. **Request Authorization to Accept and Award a Professional Services Agreement for RFP #25-12 Prevention Services for the Home for Good Program Based on Evaluation Rating/\$28,000 Inclusive of GRT (Health & Human Services Department)**
TABLED
- N. **Resolution No. 2004 – A Resolution Approving the Resident Participation Policy and the Memorandum of Understanding for the Resident Councils of the Santa Fe County Housing Authority (Housing & Community Services Department)**
- O. **Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #25-07 for the Modernization of Public Housing Units/\$634,800 Plus GRT (Housing & Community Services Department)**

- P. Resolution No. 2004 – A Resolution Requesting an Increase to the Corrections Fee Fund (201) to Budget Prior Fiscal Year 2004 Cash Balance for Expenditure in Fiscal Year 2005/\$55,000 (Manager’s Office)
- Q. Request Approval of the Professional Services Agreement #25-0080-CM with Southwest Planning and Marketing for the Facilitation of the Senior Staff Retreat for Santa Fe County/\$12,600 Plus GRT (Manager’s Office)
- R. Request Authorization to Enter into a Memorandum of Understanding with the Cundiyo Mutual Domestic Water Association for the Development of the Cundiyo Water Project/\$100,000 (Project & Facilities Management Department) TABLED
- S. Request Authorization and Acceptance of Department of Finance & Administration – Special Appropriation Project Grants (Construction/Non-Construction)/\$2,242,000 (Project & Facilities Management Department)
- T. Resolution No. 2004 – A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget New Project Appropriations/\$2,242,000 (Project & Facilities Management Department)
- U. Resolution No. 2004 – A Resolution Requesting an Increase to the Road Projects Fund (311)/Entrada Santiago and Double Arrow Roads to Budget Severance Tax Grant Agreements Awarded through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2005/\$100,000 (Public Works Department)
- V. Request Approval of the Memorandum of Agreement #25-0030-PW with the Eldorado Community Improvement Association for the Construction of the Multi-Use Path Along Avenida Torreon in the Eldorado Subdivision/\$35,000 (Public Works Department)
- W. Acceptance of Offer Regarding IFB #25-04, Used Public Works Equipment with Tractor Service for One 3,500 Gallon Water Truck/\$44,500 (Public Works Department) TABLED
- X. Acceptance of Offer Regarding IFB #25-04, Used Public Works Equipment with Wagner Equipment Inc. for one Caterpillar D4C3 XL Dozer and One Caterpillar 307B Excavator/\$119,500 (Public Works Department) TABLED
- Y. Request Authorization to Enter into a Memorandum of Understanding with the New Mexico Department of Transportation for Traffic Enforcement for the US84/285 Construction Project (Sheriff’s Office)
- Z. Resolution No. 2004 – A Resolution Requesting an Increase to the General Fund (101)/County Sheriff’s Office to Budget Revenue from a Memorandum of Understanding Agreement with the New Mexico Department of Transportation for Expenditure in Fiscal Year 2005/\$20,000 (Sheriff’s Office)

XII. Staff and Elected Officials’ Items

A. Corrections Department

1. Request Authorization to Enter into “Amended and Re-Stated Agreement between New Mexico Department of Corrections and Santa Fe County”
2. Request Authorization to Enter into a Memorandum of Agreement between the United States Department of Justice and Santa Fe County
3. Request Authorization to Establish a 1.00 FTE Term Position for Compliance and Reporting

- 4. **Corrections Department Update**
 - B. **Project & Facilities Management Department**
 - 1. **Request Authorization to Accept and Award a Professional Service Agreement to the Highest Rated Offeror in Response to RFP #24-54 for Professional Architectural and Engineering Services for the Vista Grande Senior Center/\$46,696.58**
 - C. **Public Works Department**
 - 1. **Resolution No. 2004 – A Resolution Requesting Approval of a Road Maintenance Exchange Program between Santa Fe County and the Town of Edgewood (Public Works)**
 - D. **Matters from the County Manager**
 - 1. **Final Approval of Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees**
 - 2. **Discussion of Future Study Sessions**
 - E. **Matters from the County Attorney**
 - 1. **Executive Session**
 - a. **Discussion of Pending or Threatened Litigation**
 - b. **Limited Personnel Issues**
 - c. **Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**
- XIII. Public Hearings**
- A. **County Manager**
 - 1. **Ordinance No. 2004 – An Ordinance Approving Vista Studios Inc., for a Work Force Economic Development Project with Santa Fe County (Deliberation and Approval)**
 - 2. **Ordinance No. 2004 – An Ordinance Requiring that all Antifreeze Sold within Santa Fe County After January 1, 2005, Containing More than 10% Ethylene Glycol, Shall Contain Denatonium Benzoate, a Bittering Agent Used in Antifreeze to Make the Substance Unpalatable (Deliberation and Approval)**

XIV. ADJOURNMENT

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

October 26, 2004

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:05 a.m. by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

[None]

IV. Invocation

An invocation was given by Deacon Enrique Rodriguez of St. Ann's Church.

V. Approval of the Agenda

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

GERALD GONZALEZ (County Manager): Section VIII. Matters from the Commission, item A, there's a request to table that. Then in Section XI, the Consent Calendar, there are requests for tabling the following. Item G, item M, on the next page item R, item W, and item X. Then under Section XII, Staff and Elected Officials Items, under subsection D, Matters from the County Manager, there's the addition of item number 2, Discussion of future study sessions. Those were the only suggested changes that I had, Mr. Chair, subject of course to the changes of the Commission itself.

CHAIRMAN CAMPOS: Okay, Commissioners?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I'd like to pull off the Consent Calendar A, B,
and C.

CHAIRMAN CAMPOS: A, B, and C?

COMMISSIONER MONTOYA: Yes, XI. A, B, and C.

CHAIRMAN CAMPOS: So we'll put that to the end of that.

COMMISSIONER MONTOYA: And D.

CHAIRMAN CAMPOS: A, B, C, and D. Okay. Any other requests?

COMMISSIONER SULLIVAN: Those are the same ones I had, Mr. Chair.

CHAIRMAN CAMPOS: Okay. Is there a motion to approve the agenda per the
suggestions of the County Manager and Commissioner Montoya?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER SULLIVAN: Second.

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

VII. Matters of Public Concern - Non-Action Items

CHAIRMAN CAMPOS: Anybody out there who would like to come forward
and discuss any item of public concern? Please come forward. I'd ask you to state your name
and your address for the record please.

CURTIS MCHALEY: My name is Curtis McHaley. I'm the project engineer
for what we're going to discuss. I'm with Molzen-Corbin and Associates in Albuquerque

ILEAN MARTINEZ: Good morning. My name is Ilean Martinez. I'm the
president of the Greater Chimayo and I thank you for listening to us. I'd like to start this by
reading a letter that is in front of the Commission. [Exhibit 1] which is dated October 18, 2004.

CHAIRMAN CAMPOS: Ms. Martinez, could you just give us a general idea of
what you're going to talk about, what your concern is.

MS. MARTINEZ: The reason we're here is to get approval to be put on next
month's County Commissioners' agenda on action items. We want to be able to place a tank of
150,000 gallons at the fire station in Chimayo, New Mexico and a 1,000 square foot building
that later on, if you have any questions, our engineer, Curtis McHaley will answer those.

CHAIRMAN CAMPOS: Now, who's going to pay for this?

MS. MARTINEZ: We have funding to place the tank there. We have the
funding for the tank. We have the funding for the building, so it's not asking Santa Fe County
for any funds. We have the funds. We just need the approval, the vote of the Commission to
place the tank at the fire station. That would benefit the fire department right now because they

don't have any water. They have to fill up their tank. They have to go to La Puebla to fill up their fire truck in case of a fire that happens in Chimayo. This would benefit not only the greater Chimayo, this would benefit also the fire department.

CHAIRMAN CAMPOS: Have you requested that this tank be placed on County property?

MS. MARTINEZ: That's what we're here for. To get approval.

CHAIRMAN CAMPOS: Have you talked to anybody so far?

MS. MARTINEZ: We have a letter actually from, an approval from BLM that says that we have approval. We have spoken to BLM. We've done that. We have to go through Santa Fe County, which that's what we're here for.

CHAIRMAN CAMPOS: The question is, have you talked to anyone at Santa Fe County?

MS. MARTINEZ: We've talked to Tony Flores. We've talked to Rudy Garcia. We've talked to County Commissioner Harry Montoya. This is where the letter of October 18th comes in, so if you wouldn't mind me reading it.

CHAIRMAN CAMPOS: If you could just summarize it instead of reading the whole thing.

MS. MARTINEZ: The letter that's in front of you, I've spoken with County Commissioner Harry Montoya, October 13th, I believe it was, regarding placing the tank at the fire station, which the design of the project had already been taken, delivered to various agencies, which was ED, which was County Commissioner Harry Montoya and other individuals. There was a time for everybody to speak up if they had any concerns or any changes. And we didn't hear from anybody. Rudy Garcia from Santa Fe County was at our meeting. He didn't have any objections to putting the tank at the fire station. So when I heard from County Commissioner Montoya that we couldn't put the tank there, I told County Commissioner Montoya that there was a time for him to respond to any objection that he had, whether to put the tank there or not and it was already past that time. Because it would not only impact the project, it impacts the funding also.

CHAIRMAN CAMPOS: Okay.

MS. MARTINEZ: If you have any other questions, our engineer, which is Curtis would answer them and also there's a map there of the design that was given to you with a packet there. I was also told that the community was concerned because the tank and the well house was going to be an eye-sore. But it's going to be designed in a way that it's going to beautify the Chimayo area, coming into Chimayo. It's going to say, well, Chimayo finally has something they can be proud of. Chimayo has water to fight a fire. We're going to hydrants, which right now, if anything like that, if a fire were to happen, we don't have the water to fight a fire.

CHAIRMAN CAMPOS: Okay. I'd like to ask Mr. Flores for his input. Just briefly.

TONY FLORES (PFMD Director): Mr. Chair, members of the Board, we've actually been working with the Chimayo Water Consumers Association for almost a year on

developing their whole project after they received funding through the Governor's relief fund as well as other funding sources. We had discussions in June of this year about the location of the tank. We had those discussions with PFMD, the Utility Department and the Fire Department about the location of the tank. We've also had discussions with the Bureau of Land Management regarding the location of that tank. I have sent off a letter in early June requesting BLM's approval of the placement of the tank within Santa Fe County's BLM patent. [Exhibit 2]

The fire station and the adjacent properties are within our patent that we currently hold with the Bureau of Land Management. One of the biggest issues that we're struggling with today is the finality of where that tank is going. We have heard through different discussions, two different locations. At this point, from my position, Santa Fe County is in support of this project. We're lending the assistance in this project. We just need to know exactly where the tank is going to go so we can finalize the report to the Bureau of Land Management.

CHAIRMAN CAMPOS: And you haven't received sufficient information from the association?

MR. FLORES: Mr. Chair, members of the Board, we've heard two different sides of the location of the tank.

CHAIRMAN CAMPOS: Okay. So you have no problem placing this on our agenda for the next meeting for discussion?

MR. FLORES: I don't, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions or comments?

COMMISSIONER MONTOYA: Mr. Chair, I think part of the confusion that has come up and has resulted in this coming forward to us has been that when we've had meetings, we haven't had maybe consistent representation. When we went to the meeting of the BLM folks, they were actually shown the site where the Headstart is now and not so much the site that you're referring to that they're requesting the placement on. I think we probably need to get back with the people that went with us on that site visit and talk to them about how this proposed change came about.

The other thing we probably need to do is go back and maybe have another community meeting because the communities, the townhall meeting that I had, there was not any support for putting that on the site where the fire station is. All of the support was to put it across where the Headstart site is. So before I think we make any decisions about where it's going to be, we probably need to have that meeting again and get the community input as to where exactly it's going to be because that was clearly a concern that I heard from the people that were there that evening at the townhall meeting that I had.

MS. MARTINEZ: Well, I understand, Mr. Montoya, but there was, like I said, there was a time for the community to respond and I know what members you're talking about. And one of the members that you're talking about was on the Greater Chimayo Board. But like I said, there was a time to speak up and nobody spoke up then. Neither the community members that you're talking about or yourself. There was no clarification or no negative response to our project. What we understood from Rudy Garcia was that Santa Fe County was

in favor of it because like I said, it's going to jeopardize our project. It's going to jeopardize our funding. Our engineer would clarify that.

MR. MCHALEY: Let me add, we had a public hearing, a formal public hearing as part of the NEPA process. We do have federal dollars. Right now, all that information has been sent to EPA and we're looking to get a FONSI but during our public hearing, the preliminary plans, the layouts of the project, everything was shown and explained to the public and we had full support. We didn't have at that meeting anyone comment that they objected to the location of the tank. Where we're at right now is we're in the final design phase of this. We're going to be submitting our final designs to the Drinking Water Bureau, NMED, this week for their input on the project. So we're planning right now to go to bid in February and construction in April.

Right now, the association has approximately \$2.6 million through various funding agencies and there's a lot of I guess pressure to get this money spent and get the project built. And if we were to change the tank site at this point to a new location would require a new NEPA process, public hearings. We'd have to do a cultural resource survey in this area that we've heard about as well as get additional funding for the engineering component of this. So a new tank site right now will jeopardize the project.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya, do you have any comments?

COMMISSIONER MONTOYA: Other than – and Stan is here. Stan, have you heard anything from the Chimayo Fire Department regarding the location of this? Because they were a party that were objecting to the location of this at that site as well. And I don't know if they're –

STAN HOLDEN (Fire Chief): Mr. Chair, Commissioner Montoya, yes, we've had communications with the membership of the Chimayo Fire District and their preference was that it be located across the street if it was possible. Early on, we wanted to make sure that we were not an impediment to having the project completed and so that's why we were willing to allow the tank and the pump house from what I understood to be located in the corner of the property if that was the only location that could meet all the needs. But if there's a secondary site then we would prefer it be located on the secondary site. What we were told was across the street at the Headstart was the primary site. And that was the limits of our involvement.

COMMISSIONER MONTOYA: Okay. The other thing is that I just received some comments from our Utilities Department, from Doug. Doug, could you share this with Ilean also so that these are some of the comments that we have just in terms of what our feedback has been and what we probably need to get back and communicate with them about as well.

DOUG SAYRE (Deputy Utilities Director): Mr. Chair and Commissioner Montoya, I'll be glad to share those comments. I've been reviewing those plans and I'll get those comments to Ilean and whoever else, the engineer, so that they have all the things that people were concerned about as far as the Utilities Department. Glad to do that. Thank you.

COMMISSIONER MONTOYA: Thank you, Doug. But I think, Mr. Chair and

Ilean, it's unfortunate there's been a breakdown in communications somewhere that has resulted in clearly not indicating where the position of this tank is going to be. Because there's been ongoing communications that we had with other members of the association that when I guess the perception of staff and everyone here on the Santa Fe County side is that they're speaking for the association and somehow you didn't get that information. The discussion was being geared toward the Headstart site as opposed to the fire station site.

Now I think as far as I'm concerned I am still wanting to help, however we can help to get this resolved. But I think some of what I mentioned earlier is part of what needs to get down in order for us to get this resolved to a point where people in the community are satisfied, you're satisfied, everybody is essentially on the same page. Right now we have people all over the place in terms of where they're thinking that this tank is going to be placed. So that's what I would hope would get resolved by the next meeting so that we can take some sort of action on this.

CHAIRMAN CAMPOS: But if the site is changed the engineer has indicated it would take some time. Could you tell us how much time you're thinking that you would lose?

MR. MCHALEY: The biggest problem that we have right now is that if we change the tank site we don't have the budget to redesign currently.

CHAIRMAN CAMPOS: How much budget to you need to redesign and do the NEPA again?

MR. MCHALEY: I don't have that number but we're probably looking at, for another NEPA study, engineering design, \$30,000 to make changes at this point. One of the things that we've been doing is, this is the first phase of a very big project to ultimately provide water service throughout Chimayo. We are looking at tank sites in areas at the proper elevation that are on BLM property, and those are phase 2 sites, and those will eventually be tied in to this project. This first tank is really the first stage to get the system going. It will be a pressurized system. But in the long run we'll have tank sites, big tanks, 500,000 gallons, at the right elevations so it will be a gravity pressurized system.

CHAIRMAN CAMPOS: Commissioner Montoya, are you suggesting that we should put this on our next agenda in a month? Our last meeting of the month? Do you want certain things to happen before then?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: And what are those things again?

COMMISSIONER MONTOYA: That the discussion be held with everyone that's been involved in terms of where that location of the tank is going to be. Because right now, we're hearing different things from, again, representatives that were talking on behalf of the association. So I think that is number one. Then secondly, after there's some agreement on where it's going to be, we need to have - if it's going to be at the fire station, you say you've already done the community meeting and the NEPA and all that, if there's consensus on that then I don't think there's any need to move any further beyond that. But if there's some concern about it being on that site then we're probably going to have to have that community meeting that I was talking about so that there is that feedback that we might need to get.

CHAIRMAN CAMPOS: And you want that community meeting to occur before our next last meeting of the month?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Is there consensus on the Board? Commissioner Anaya says yes. Commissioner Sullivan, okay. Commissioner Duran?

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: Okay, we'll put it on the agenda subject to Commissioner Montoya's conditions. Thank you very much. Okay, anyone else that would like to address the Commission on Matters of Public Concern. No one having come forward, that matter is closed.

VIII. Matters from the Commission

B. Resolution No. 2004-126. A Resolution Supporting Mandatory Installation of Breath Ignition Interlock Devices on all Motor Vehicles Operated by DWI Offenders (Commissioner Duran) [Exhibit 3]

COMMISSIONER DURAN: Thank you, Mr. Chair. As you recall, about a month or so ago I tried to bring an ordinance forward that dealt with the interlock device and the benefits of having one installed for people convicted of DWI. And at that time our Legal Department advised us that an ordinance probably wasn't the best approach because of the ability to enforce it and whether it was actually constitutional for us to adopt an ordinance for that purpose.

So in meeting with our Legal Department and with our DWI coordinator we developed a resolution that pretty much deals with what I was trying to accomplish through that ordinance. We took it to the DWI Council a couple weeks ago and they assisted our staff in developing a resolution that pretty much mirrors the governor's suggested legislation that's coming forward in the next legislative session. The bottom line is that on first time offenders the interlock device would be mandatory for a year. Second DWI offense would be two years. Third, three years and if there's a fourth and subsequent offense it would be permanent.

So I just ask the Commission to approve this resolution. I think that it is a behavior modification device that works.

CHAIRMAN CAMPOS: Commissioner, you're saying that you want mandatory installation on these devices. Now, what is the current state of the law, both in the administrative area and the judicial area. Don't these folks have the authority to require these already?

COMMISSIONER DURAN: I'm going to ask Mr. Sims to answer that question for you.

DAVID SIMS (DWI Coordinator): Mr. Chair, the current law requires a mandatory installation of the ignition interlock device for the period of time determined by the presiding judge in cases where there are more than one DWI offense. But currently it's an

optional sentencing sanction with the first offense but it's not mandatory.

CHAIRMAN CAMPOS: So you're saying that you want to take the discretion away from the judges and make it mandatory by state law. That's the gist of this suggestion.

MR. SIMS: Mr. Chair, currently the state law, I don't know that you would want to - I wouldn't characterize it as taking that away from the judges. Currently, in magistrate court in Santa Fe the judges already do that without exception. If a person is convicted of DWI in Santa Fe magistrate court they automatically are required now to get the ignition interlock device but it's because the judges have decided that that's what they believe is an appropriate sanction. This would simply codify that.

CHAIRMAN CAMPOS: That's per their discretion. So you are telling the judges what to do by passing this. You don't give them discretion to consider case by case.

COMMISSIONER DURAN: Mr. Chair, what we're doing is supporting - I'm going to step in and help him answer this question. What we're asking is for the Commission to support legislation that is coming forward, that the governor is bringing forward.

CHAIRMAN CAMPOS: Can I finish?

COMMISSIONER DURAN: Why don't you go ahead and ask me the question. I'll go ahead and answer the questions.

CHAIRMAN CAMPOS: I asked him the question. Can I do that?

COMMISSIONER DURAN: Go ahead. You're the chair, aren't you?

CHAIRMAN CAMPOS: Go ahead.

MR. SIMS: Mr. Chair, the intent of the governor's office is to introduce legislation that would actually make this the law of New Mexico anyway. And this is simply a demonstration that a local DWI program, a local DWI Planning Council, a local County Commission, is in support of this and that our Santa Fe magistrate court already practices this and feels like this is something that is an appropriate sanction for all DWI offenders, regardless if it's their first or their -

CHAIRMAN CAMPOS: I understand. But what about the cost? How much does it cost to install and maintain over a one-year period?

MR. SIMS: It cost approximately \$60 a month for the offender to have this device installed in their car.

CHAIRMAN CAMPOS: That's for maintenance or for installation?

MR. SIMS: There's a installation charge and a removal charge.

CHAIRMAN CAMPOS: How much is that.

COMMISSIONER DURAN: \$140.

MR. SIMS: About \$40.

COMMISSIONER DURAN: \$140 for the installation.

CHAIRMAN CAMPOS: Plus \$60 every month for maintenance.

COMMISSIONER DURAN: \$68 a month.

CHAIRMAN CAMPOS: For maintenance.

MR. SIMS: And each of the companies has a scale, each of the providers that provide these existing devices. Additionally, there is a fund there is available for individuals

who are indigent, classified as indigent at the discretion of the judge. Each judge makes a determination of indigency and if that is determined then the person gets the installation, the deinstallation and I believe it's the first two months with no charge.

CHAIRMAN CAMPOS: Who pays for that?

MR. SIMS: It comes out of – in the state law, the DWI grant fund, the excise tax money collected on the sale of alcohol, \$300,000 annually is put into that fund out of what had previously been money that would have come to the County program. Prior to this we actually had in our own in-house DWI program a similar fund.

CHAIRMAN CAMPOS: Okay. Now the resolution says, the fourth whereas it says which assures a person can not drive a motor vehicle to which they have access to. So you're contemplating that any family vehicle, any personally owned vehicle would also – all vehicles would have to have this interlock device?

MR. SIMS: Mr. Chair, it would make it mandatory for the person to drive a vehicle that had the device installed. Yes, sir. It wouldn't require that every vehicle that a family owned – if you have three cars in your household you would only have to have the one installed in the vehicle that that person would drive.

CHAIRMAN CAMPOS: Here it says that they have access to. How do you define that? It could be defined broadly as saying every vehicle that the family owns, every vehicle that the person owns.

MR. SIMS: Mr. Chair, I believe that that is something that they're going to tweak in the law in the next session, having a more clear definition of that in the state law.

CHAIRMAN CAMPOS: Okay, any other comments or questions from the Commission? Commissioner Sullivan?

COMMISSIONER SULLIVAN: Mr. Chair and David or Commissioner Duran, either one, it seems that if we do this that concurrently we need to do something about license suspensions, because the current law – or tell me what the current law is. But after one or two or again, at the discretion of the judge and certainly once it's after three and it becomes a felony, their licenses are suspended for ten years. Is that not correct?

MR. SIMS: Mr. Chair, Commissioner Sullivan, currently, you are correct in that when it is a felony conviction, often it is what they term a hard revocation. But one of the other things that the legislature has enacted that accounts for this and allows for this is when a person is convicted of DWI they can apply for a special license as it was before. About a year ago, if you got a DWI your license was revoked. What was really happening was the people were continuing to drive, even on a revoked license. The new law that's in place now allows the person to go and get a drivers license that allows them to drive but only in a vehicle that has an ignition interlock device installed in that vehicle.

COMMISSIONER SULLIVAN: Does that license also only allow them to drive to work and not at night?

MR. SIMS: No, sir. It's complete access to anywhere they want to go, any time they want to go. It's just that they must drive in a vehicle that has an ignition interlock device.

COMMISSIONER SULLIVAN: Okay. So when the Department of Motor

Vehicles issues you a license suspension, which they'll do after a second DWI, I think. Is that correct?

MR. SIMS: Yes, sir. I believe that's correct.

COMMISSIONER SULLIVAN: If you don't have a device. Then you're saying that the law now allows you to put a device in and then that suspension will be revoked or done away with.

MR. SIMS: Mr. Chair, Commissioner Sullivan, yes, in effect that's what happens.

COMMISSIONER SULLIVAN: Okay, so then what happens after one year? If this - that doesn't apply - DMV can still suspend your license after one year, can they not?

MR. SIMS: Mr. Chair, a part of that is in state statute of how long -

COMMISSIONER SULLIVAN: It's aggravated?

MR. SIMS: Yes, sir. It depends on the exact case of how many DWIs it is, of is it aggravated or simple and there are many different factors that make that determination, but that's already codified in the law. This does not impact that.

COMMISSIONER SULLIVAN: Okay, so the current - I'm just trying to get clear in my mind, if this were to happen, either obviously not by this resolution but by state law, then we wouldn't have a problem with the suspension, because that is the problem now. The problem now is that we suspend the licenses for ten years and nobody can work or support their family so they do just as you say. They drive illegally. Not only do they drive without an interlock device, they drive without a license and they drive without insurance because they can't get insurance either. So we've got a triple play on our hands.

Does making it mandatory after the first offense, does that deal with all of those issues?

MR. SIMS: Mr. Chair, Commissioner, I think this is a very good proposal. It allows people to drive. It allows them access to their vehicles. It allows them to do what they need to do to go to the doctor, to take their kids to school, to go to work. All the things that families need to do. It at the same time provides for public safety for an individual who has demonstrated by their previous behavior to be a risk to our driving public by driving drunk and being convicted of that.

COMMISSIONER SULLIVAN: So then if this went into place, let's say for a fourth and subsequent, installed permanently, then would this supercede the option that the Department of Motor Vehicles would have to rescind a license?

MR. SIMS: Mr. Chair, this is a complicated issue, Commissioner Sullivan. This is something that's going to have to have some work done on it. In my conversation with Rachel O'Connor, the DWI Czar, this is one of the things that is a concern and will be dealt with in the context of the development of the specifics of the state law that we expect to be introduced at the legislature this session.

COMMISSIONER SULLIVAN: Okay, so that's not clear now.

MR. SIMS: That's correct.

COMMISSIONER SULLIVAN: If for some reason we could make this a law in Santa Fe County, which I imagine we can't do just for Santa Fe County, we would have a

problem here. We would say we're requiring you with your fourth and subsequent to install an ignition interlock and Motor Vehicles coming back and saying You've got a ten-year suspension. So obviously it wouldn't be any use to install the interlock if your license was suspended.

MR. SIMS: Mr. Chair, Commissioner Sullivan, you're right and there are some details that need to be worked out and that's realized by the people that are involved in developing the state law.

COMMISSIONER SULLIVAN: Commissioner Duran, did you have any thoughts on that?

COMMISSIONER DURAN: Well, this thing is getting a little more complicated than what I was hoping for it to be. The purpose of bringing this thing forward was that currently, the magistrate courts – on a first time offender it's not mandatory for them to require an interlock, is my understanding. They can as a general rule require them to do it for six months, maybe. Three months. Is that a correct statement?

MR. SIMS: Mr. Chair, Commissioner Duran, the law currently allows for the installation of the ignition interlock –

COMMISSIONER DURAN: But it's not mandatory.

MR. SIMS: On second or beyond.

COMMISSIONER DURAN: I'm talking about first time offenders.

MR. SIMS: On first time offenders it's a sentencing option.

COMMISSIONER DURAN: Okay. And it's my belief, having been acquainted with this device, that it has some benefit in changing the behavior of those that might be DWI offenders. And that is picking up trash, wearing a pink hat, going to DWI school is good for the program but it really does nothing to modify a person's behavior. And initially, I asked for this thing to come forward as a resolution so that first time offenders were required to have this device installed. And it just so happened that the governor was bringing something forward at the next legislative session that even expanded what I was trying to bring forward on this one-time requirement.

So I don't think that we're going to be able to answer all the questions that we have, but the bottom line is that I think if we can get first time offenders to be required to have this device installed in the car, that it's going to make a difference. And I don't think we should try to put a spin on this that we're trying to take away any legislative authority that any of the judges have because I think they would be in favor of some kind of legislation if it comes down from the state level. The DWI Czar has nothing but praise for the County Commission for even considering bringing this forward. So again, I think the spin that we're taking jurisdictional, we're crossing jurisdictional boundaries is not appropriate and I still think it's a good resolution.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Ross, did you review this resolution?

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Montoya, I have not. I think someone in my staff was working on this. Maybe Sophia.

SOPHIA COLLAROS (Assistant County Attorney): Mr. Chair, yes. I reviewed it.

COMMISSIONER MONTROYA: Oh, you did? Okay. Mr. Chair, I think this is certainly, I believe, a step in the right direction in terms of what needs to be done. I think the more clarity we put in the law the less judges are likely to interpret their own sentencing or whatever the case may be. And that's part of the problem that we've had historically since we had the major DWI reform back in '93 is that we have good laws, we just don't have the enforcement of those laws being put into place. And I think probably the more clarity that judges may have the better off people in the streets will be with these types of intervention. And with that, Mr. Chair, I move for approval of this resolution.

COMMISSIONER DURAN: Second.

The motion to approve Resolution 2004-126 passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Okay, other matters from the Commission. Commissioner Montoya, you can start.

COMMISSIONER MONTROYA: Mr. Chair, just one announcement and that's the last townhall meeting I will be having will be tomorrow evening at Tesuque Elementary School and I invite people to go out for that. And all the other ones have been very well attended. A lot of good issues coming out.

CHAIRMAN CAMPOS: A lot of good input?

COMMISSIONER MONTROYA: A lot of good input.

CHAIRMAN CAMPOS: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, two items. One, although I can't imagine that anyone who's been subjected to the amount of political advertising that we've all been subjected to in the last month or so could not remember to vote, I would nonetheless remind people that November 2nd is election and to encourage you to vote. You can vote early, to the 30th of October and you can vote on Election Day, which is the 2nd. So please do that and do not let your decisions about who you want to represent you be made by someone else, and further, let me emphasize that the County has three very important bond issues on the election, one of which deals with water. One deals with roads. One deals with fire protection initiatives. And I personally want to encourage you to vote for those bond issues. The County Commission has approved those unanimously and we feel they're extremely important to the direction that the County will be taking over the next four years. I would encourage your favorable consideration of those bonding initiatives.

The second item is I had an opportunity, which I appreciate, to meet last week with the fire chiefs at their monthly meeting. They are undertaking a review of their volunteer recruitment and retention issues. They do have a problem retaining their volunteer force as our fire department and EMTs expand. To provide better service we need more people. We need to retain those that we have. There's a rigorous training schedule that they must go through and there are monthly and other meetings that they have to attend at no compensation. They drive to

these meetings and provide services also at no compensation.

So the chiefs have formed a committee and early next year they're going to be bringing back to us for us to take a look at some ideas to increase volunteer recruitment and retention. I'm not asking for any action at this point in time. I've discussed the matter with Stan, but we've been focusing the last couple of months on some issues that we have in our Sheriff's Department. I think we've resolved that. They've just hired five new deputies as a result of our new pay schedule being in effect. We're now on parity, I think, for the most part, with other Sheriff's organizations and law enforcement organizations. And I want to be sure that we're the same way with our volunteer firefighters and EMTs.

So just to bring that to your attention. No action at this point but we're going to be looking, Stan, for that report, early next year and to take hopefully some positive action on what your chiefs recommendations are. That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran, you're next.

COMMISSIONER DURAN: Some of my constituents out there in the Pinon Hills area have had some concern about one of our ordinances and how it applies to the La Suerte Subdivision that was tabled at the last CDRC meeting. And I thought that we were going to bring, have some discussion about that ordinance. It's that ordinance that requires developments in excess of 24 lots to bring water rights to the table. And I'm wondering if staff can tell me when that discussion is going to take place.

ROMAN ABEYTA (Deputy County Manager): Mr. Chair, I guess I would defer to the Board. How would you like to have that discussion? Because there definitely is an issue as to what the intent and the interpretation of that ordinance should be. There are different options that the Board has. We could have a discussion about that or we could actually bring the ordinance forward for an amendment or from some clarification because I've reviewed that ordinance and it's not clear as to - it's clear that you need to have water rights but what's not clear is whether or not those rights need to be transferred before a master plan can be approved. So I don't know how the Board would like to handle that.

COMMISSIONER DURAN: When is the next CDRC meeting?

MR. ABEYTA: Mr. Chair, the next CDRC meeting is in November, and I think it's the third Thursday.

COMMISSIONER DURAN: So it would be after the next County Commission meeting. Well, I would like to have the Commission to give staff direction to bring that up as an item for discussion because some of my constituents are concerned that because it's not clear that, they don't know what to do about the issues surrounding bringing water rights to the table. So I think if there's some gray area there then the Commission needs to discuss it in open forum and advise the community and establish a policy for the future.

COMMISSIONER SULLIVAN: Mr. Chair, just a brief comment on it. I think probably what you're talking about is there are two ordinances that apply to that. And correct me, Roman, if I'm wrong, but the ordinance to bring water rights to a project of other than Type III subdivisions, over 24 units has long been County Code. That's gone back many, many years. That's nothing new. So that's been in the Code for a long time, before my time on the

Commission. So that's something that's been well known for quite a while. And if we want to discuss whether that's a good idea, I think personally that it should be done for subdivisions that are smaller so that we balance the aquifer and we don't mine the aquifer.

Then the other issue that has come up on this particular project from what I understand is the additional ordinance that we passed that required proof of availability of water at master plan stage. And the question is what does it mean to have water available.

COMMISSIONER DURAN: But what is proof?

COMMISSIONER SULLIVAN: Well, and that is proof that it is available and that it's ready to be used? That is to say, you can withdraw it at that point. And I think the important part of the whole discussion was, and one of the reasons that ordinance was passed was that the applicants could not provide any proof that there was no impairment from a proposed well. So we wanted to get enough information from the State Engineer in terms of their modeling and their other reviews that they do as a part of the permit application that there wouldn't be significant impairment when there was a well.

So I think that's what we need to look at and as I understand it, the State Engineer, in order to do that study has to actually permit the water rights for movement to another location. They have to go through that process. If there's some way that the State Engineer could do the study ahead of that to determine this impairment issue then we would have that information. But one way or another, that's the information that we always run into the problem with at the master plan stage is where we have hundreds of people in the audience saying This well is going to dry up or impair my well, and we don't have any information to say that's true or that's not true.

So that's really the second of the two issues is, how do we show that there is water availability, and by availability, I'm sure we can all agree it means availability to the extent it doesn't impair others.

COMMISSIONER DURAN: Master plan approval does not give the applicant any entitlement. Master plan approval is a process that allows an applicant to come forward with a proposal and work through all the issues that the Code requires. To require someone to spend hundreds of thousands of dollars in this particular case to buy water rights, and I'm not here to defend the applicant. What I'm here to do is to clarify the policy. Because even on a smaller scale, on a 25-lot subdivision, acquiring 6.25 acre-feet and then transferring them to that particular well prior to even being able to submit for master plan approval is costly and I think unfair.

So I don't really want to debate the issue here at Matters from the Commission. I'd like to have it published and have some debate and discussions, have some public input and make a decision as to what's the best process to follow here.

COMMISSIONER SULLIVAN: I think that ordinance can certainly be brought back for amendment like any ordinance.

COMMISSIONER DURAN: I'm not asking - I want clarification of it, because your interpretation of it is different than mine and I don't want staff to be caught in the crossfire here. And the applicant, I think, needs to be well advised and the community needs to

know what grounds they have to –

COMMISSIONER SULLIVAN: The current ordinance says that the applicant must demonstrate water availability as a part of the master plan approval for the first sustainable phase. Water availability, not water rights. And water availability can be demonstrated a number of ways and if you're going to drill a well and it's going to be over 24 units then you have to demonstrate it with water and the necessary water rights sign-off by the State Engineer. If it's 24 or under, you don't have to move water rights, according to our current ordinance.

So water availability I think is a fairly clear word. And we discussed how it confuses the public when they have a project that comes forward in the master plan stage when the public involvement is so significant, and the water question can't be answered. So that was the debate we had more than two years ago when Commissioner Varela Lopez was on the Commission.

COMMISSIONER DURAN: It might be clear to you, Commissioner Sullivan. I talked to staff. They just said five minutes ago that it's not clear. So again, Mr. Chair, I really don't want to debate the issue in Matters from the Commission, what I'd like to do is give staff direction to bring it up or I could bring it up as Matters from the Commission at the next meeting. But I'd like to have some public input, or at least have some discussion amongst the Commission, because in my opinion I think staff needs direction on how to advise this particular applicant and applicants in the future.

CHAIRMAN CAMPOS: Would it be fine to do it in 30 days, or the last meeting in November?

COMMISSIONER DURAN: Well, they're going to the CDRC in November. I'd like to do it at the next meeting so that when they go to CDRC at least CDRC has some executive decision made at the Commission level.

CHAIRMAN CAMPOS: If that's possible, yes. Okay, Mr. Ross, do you feel that you could have this evaluated and Commissioners and staffed briefed by the next Commission meeting?

MR. ROSS: Mr. Chair, I think we can. I think we've done quite an in-depth analysis of the problem already. The problem is the solution and we can propose some different scenarios and give them to you. But in my opinion, the statute does need to be clarified.

CHAIRMAN CAMPOS: The ordinance?

MR. ROSS: The ordinance. I'm sorry. And just for the reasons we've been discussing. If you're to give us your opinion, that certainly helps but the ordinance has got some pretty vague references and there's a particularly troublesome reference to another part of the Code that has some strange language in it as well. So all that stuff needs to be straightened out at some point. I guess it's never arisen before.

CHAIRMAN CAMPOS: How much time do you need?

MR. ROSS: I think we could have it ready for the next meeting if you want to.

CHAIRMAN CAMPOS: Okay. How does our agenda look, Mr. Gonzalez? Do you know?

MR. GONZALEZ: At present, it looks like we would have time for a discussion and we'll work to make sure that we keep the time clear for the next agenda, Mr.

Chair.

CHAIRMAN CAMPOS: Is there any detriment to placing this on our next agenda?

COMMISSIONER SULLIVAN: I think it's too short a time period, Mr. Chair. I would like to review what the staff has come up with ahead of the meeting. I think it's an important issue. I think in this case we have an issue where you need to meet the intent of the ordinance and it's quite easy to do that. The State Engineer, according to the documents, issued a negative opinion on this project and it just seems that we're now doing something to override that negative opinion of the State Engineer. I don't see the urgency of it. That's my objection.

CHAIRMAN CAMPOS: Any other objections?

COMMISSIONER ANAYA: What was your question?

CHAIRMAN CAMPOS: Commissioner Duran would like to have placed on our next agenda the issue involving, I guess most pertinent to Suerte. He feels that there's a conflict perhaps in the applicable ordinances and would like to have a discussion as soon as possible so that the CDRC can have this information, if we can provide it to them sooner than later. I think that's what he's asking.

COMMISSIONER ANAYA: I don't have a problem with it.

CHAIRMAN CAMPOS: Okay, I have the same objection as Commissioner Sullivan. I don't think this is urgent. This is a major public policy. We don't have to accommodate every developer. We have to accommodate the public. And that's what's most urgent. Sir.

COMMISSIONER DURAN: Mr. Chair, if you recall when I first brought this issue up, it was as a result of having a phone call from David Gold who is one of my constituents and is a member of the public. He's concerned about the vagueness in the Code and to I think paint a picture here that this is a developer-driven discussion is just another Jack Sullivan approach to this problem. It's an issue that needs to be discussed and we need some clarification and if you want to wait until I'm out of office to have the discussion, that's okay too, but the problem is that they're moving forward in the process. It goes before the CDRC in November and it seems appropriate to me to give staff direction and the community some idea of what our position is on this policy. So I don't know how we need to make some motion because there's not a motion here, but I do believe that you have a majority of the Commission that would like for you to bring this thing forward at the next County Commission meeting for some meaningful and thoughtful discussion.

CHAIRMAN CAMPOS: Commissioner Montoya has a comment.

COMMISSIONER MONTOYA: Mr. Chair, and I'm coming from it from the perspective not that this is something I'm being driven by developers or anybody to do that. I just think that it is critical that we do begin the discussion, whether we can come to some resolution at the next meeting or not, we do need to begin the discussion. That's where I'm coming from in this whole thing.

CHAIRMAN CAMPOS: So you have three Commissioners who would like to have it at the next meeting, Mr. Gonzalez.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: I would like to be briefed before that, thoroughly briefed, so we understand exactly what the issue is. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Commissioners. Last week I recently attended a town council meeting in the Town of Edgewood along with Gerald Gonzalez, Tony Flores, Stan Holder, Robert Martinez, Dolores Vigil and Robert Anaya. I want to thank you all for going down there with me at the meeting. It's a late meeting. I appreciate that. We just went down there and introduced ourselves again and told them if they needed anything that we are here to help and we're always here to help.

So the meeting turned out great, and then that takes me to the next question, and I did discuss this with Gerald and Roman Abet. I want to bring it up with the Commissioners. I would like to see some representation at all the City meetings. The City of Santa Fe, the City of Española and the town council in Edgewood. I'd like Gerald to work on it if it's okay with the Board, to have a rotating schedule with two or three or four people, whatever it might be, to have somebody there at the meetings so that they can stand up and say, I am John Doe for Santa Fe County and I'm here to just listen and take back any concerns that you might have. I think it would be very important to have somebody like that, if it's not going to be ourselves. So I just thought I'd bring that up and see how the Commission would respond to that. With that, Mr. Chair, that's all I have.

CHAIRMAN CAMPOS: I have a comment, Commissioner Anaya, to the last comment made about having someone at the County at all these meetings. My concern would be fiscal and whether it's an undue burden on people having to sit through all these meetings. We need to have that staff evaluation. I think to have somebody there, sitting at the City Council for six, eight hours, going down to Edgewood once or twice a month, or the City of Española, it's going to require a lot of people time.

COMMISSIONER DURAN: Why don't we make it punishment?

CHAIRMAN CAMPOS: It sounds like punishment.

COMMISSIONER ANAYA: I realize your concern. But I think that the Manager could come up with some kind of a rotating cycle. I know it's sitting through long meetings but if you're there, you least likely to get bad press from the City Council. I just think that it's important to have people there to see what the issues are.

CHAIRMAN CAMPOS: Okay. I have a couple of comments. Actually the first is a question for our County Manager. Bingaman was here, Senator Bingaman was here this last week. How did that meeting go?

MR. GONZALEZ: The meeting with Senator Bingaman here at the Commission chambers actually went very well. We briefed him on the status of the negotiations with the City over water, gave him the outline of the proposed principles of agreement. Also emphasized that we still have five actually substantive agreements to complete under that process. Thanked him for his support for the process, then also briefed him on the initiative going on in the northern part of the county to coordinate with the tribes, with Rio Arriba County and with the City of Española on water and wastewater issues. He was very interested

in that.

We had a discussion of the Aamodt negotiations and what potential impact the Aamodt project could have on the Buckman diversion project, what the connections could possibly be between both those systems and his concern was for making sure that we use those systems efficiently for the benefit of the county as a whole. We had an abbreviated discussion about the possibility of keying off of his Galisteo Basin bill that memorialized certain cultural properties in that area as a beginning of a possible countywide economic development initiative, possibly having him support a declaration of additional cultural sites and components of our open space program. As an example, the County's working with the Trust for Public Lands on how to bring the San Cristobal pre-Pueblo Revolt mission site into the chain of County facilities and cultural sites. And how to use those in order to improve the economy in the outlying areas of the county and he was very interested in that as well.

That's sort of a brief summary of the 50 minutes we spent with him and I understand that he also visited the County health center later on in the afternoon and also took a look at the facilities that we're developing for the CARE Connection.

CHAIRMAN CAMPOS: Let me ask you about water and water projects and federal funding. Did you talk about that with Senator Bingaman what did he have to say?

MR. GONZALEZ: We did touch on it and he indicated the same thing that we had heard from Senator Domenici, that they continued to look for a cooperative and coordinated effort between the City and the County in order to provide continued funding for those projects.

CHAIRMAN CAMPOS: The next issue would be the bonds that the County is asking the voters to approve on November 2nd. One of them relates to water and is for \$51 million. What have you been doing to get the word out to the voters so that they understand how important this is to our community's viability to get water systems that really serve the community?

MR. GONZALEZ: We've been meeting with some of the community advocacy groups. We met with the League of Women Voters. We have a series of meetings set up for this week. Sierra Club, some of the other similar kinds of outreach groups to let them know what's going on. We've provide press releases. As you know we've been circulating pamphlets outlining the bond issue, the townhall meetings that Commissioner Montoya has been holding, we've used those as a forum for distribution. We've provided copies of the same information to the pueblos so that they have that available at their voting places, but not within the limits that the statute sets. We've also been distributing copies of the pamphlets to community groups and we'll be running a series of ads this weekend also informing the public of the bond issues and what the issues are.

CHAIRMAN CAMPOS: Now, if a member of the public wanted to find out right now, get information right now, what would they have to do?

MR. GONZALEZ: All they'd have to do is call the County Manager's office or walk into the office. We have copies here and we can also provide information. Julian Barela is also a contact for that purpose and he can be reached through the County Manager's office,

986-6200.

CHAIRMAN CAMPOS: How about Internet, website?

MR. GONZALEZ: We are posting information on the website.

CHAIRMAN CAMPOS: Now, I think the big question for me is if this bond fails, this water bond, how serious of a problem would that be for the community here that we're serving?

MR. GONZALEZ: Well, it would certainly make us go back and rethink how we were going to provide the funding for the Buckman project. There are some contingencies that we could consider but obviously, this would be the best way and the easiest way to provide for that funding without straining the current County finances.

CHAIRMAN CAMPOS: Hasn't Senator Domenici made it clear also that he wants local funding, as much local funding as possible, before they even start thinking about federal dollars.

MR. GONZALEZ: Both Senator Domenici and Senator Bingaman have stressed that. There has to be community buy-in, County participation and City participation in the funding for them to move forward.

CHAIRMAN CAMPOS: Okay. Thank you, sir. I think we're beyond that. You have an additional comment?

COMMISSIONER DURAN: I just have one question. Gerald, have you heard anything from the City concerning the City/County joint memorial agreement? On water?

MR. GONZALEZ: In terms of follow-up on the principles of agreement, staff at both City and County level have been meeting several times a week to do the drafting for the five supplemental agreements that are required under the principles of agreement. We've exchanged drafts with the City for some of those and we'll continue to work on them and then bring them forward when we have drafts that we think can be presented to both the City Council and the County Commission.

COMMISSIONER DURAN: Okay. My only concern is that the additional, the increase in the wheeling agreement, there are a lot of developers, a lot of projects out there that are vying for that additional increase that we received and I'm wondering when this Commission is going to sit down and establish a policy on how we want to deal with that water.

MR. GONZALEZ: Mr. Chair, Commissioner Duran, we have instituted a series of informal discussions at the staff level with those developers and other individuals who are interested because of their relationship to the growth priority areas identified in the RPA plan on how they might assist the County by bringing resources to the table in order to allow the County to develop a coherent system. We've had three rounds of discussion so far. There has been deep interest on their part in making resources available to the County, both by way of water rights, potential wells, some support for what it would cost in order to do a transmission and distribution system that could address that, and at the same time, make sure that the County stayed in charge of the development of that water system.

So those discussions are ongoing. There has been discussion about creating a working draft that would be presented to the Commission probably in another two or three meetings for

the Commission's consideration, input, and then continued discussion with those folks who are at the table.

COMMISSIONER DURAN: So you think that would happen in the next 30 days? 60 days?

MR. GONZALEZ: I would say 30 to 60 is probably a good time frame.

COMMISSIONER DURAN: Okay.

MR. GONZALEZ: We're shooting for a shorter time frame rather than a longer one. And discussions have involved how to look in a logical way at the allocation of the additional water that would potentially come through the principles of agreement and the subsequent agreements with the City. We're inventorying what the demands would be, what's been approved in terms of master plan approvals, so we're creating a complete matrix at the staff level of how we might best allocate the water that would come in through the supplemental agreements and of course that would be presented to the Commission for your consideration and approval. But we want to make sure that it's not haphazard, that it's done in a way that also meets the approvals that have been received so far and what may be approved in the future.

COMMISSIONER DURAN: And you are using the Regional Planning Authority's land use plan as a basis for this discussion?

MR. GONZALEZ: That's the underpinning?

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

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: Let me just add one comment to Commissioner Duran's comment and that is that one of the reasons for working with the City to get some supplemental water, the additional 375 acre-feet until the Buckman diversion comes on line was to provide some alternatives to the development pressures, some water alternatives so that we could complete our geo-hydrologic study, our independent study that we're undertaking and that we're just starting. Now, we know that that study is going to take perhaps nine months, perhaps a year. So I would not want to see agreements that involve our taking over wells or any of these offers that we've had in the past until we complete that study.

We ran into the problem of there being this year lag-time as to when the study would be available and we'd be able to take action on it, and how to handle interim growth pressures in the priority areas, in the regional planning areas. And I think this additional 375 acre-feet until the BDD comes on line, which gives the applicants time to transfer water rights over to the Buckman Direct Diversion is a good way to handle that. I do agree that there has to be some prioritization and to a certain extent we have some of that already in the agreement with the City as regards affordable housing. I don't think prioritization should take place where developers are not providing some portion of their development to affordable housing. But we can discuss that.

The point I'm making is what I don't want to see, personally, involved in these discussions, is these pressures to buy into Well A and Well B and Well C that everybody always says is a gusher. Whatever well it is, it's a gusher, and it never impairs anybody else,

until we have in fact this study completed. And I think we've allowed ourselves the flexibility to do that and that, I think is the way we need to approach it.

CHAIRMAN CAMPOS: Okay. Let's end it there and move on.

COMMISSIONER DURAN: I want to say one last thing. We want to get it all done before the end of the year.

CHAIRMAN CAMPOS: Probably not. I'd like to recognize Valerie Espinoza, our next County Clerk. Thank you for coming and being here today. Appreciate it.

IX. Presentations

A. Presentation by Administrative Services Division for the Employee of the Quarter

HANK BLACKWELL (Fire Marshal): Mr. Chair, members of the Commission, without really reading the letters and trying to be brief, I just wanted to let you know that this nomination, the person who has been accepted as Employee of the Quarter is Captain Buster Patty, from our prevention division. However, the nomination that was written from our department involved all three of the prevention division members. And they were recommended for nomination as Employee of the Quarter as a team. Because we don't have a vehicle in place to actually nominate or accept three people as Employee of the Quarter it went to Captain Patty who leads this austere group. But I wanted to let you know that they have exhibited the kind of team work, the kind of attitude, the kind of professionalism that I think is an example not only for the County but for any organization.

And although it's in Captain Patty's name, I'd like to recognize all three of these people because of the way they've worked together, their honesty, their sense of integrity, and what they've done for the citizens of Santa Fe County. And again, I'd like to present, it's my honor to present Captain Buster Patty, Inspector Renee Nix and Inspector Tim Gilmore as Employees of the Quarter. Thank you.

IX. B. Mid Region Council of Governments Conducts Presentation on Belen to Santa Fe Commuter Rail Project (Commissioner Montoya)

CHAIRMAN CAMPOS: Mr. Gonzalez, we have IX. B, a presentation. How long will that take?

COMMISSIONER MONTOYA: Twenty minutes, Mr. Chair.

CHAIRMAN CAMPOS: Twenty? Okay, I'm going to suggest to the Commission that we try to get through at least Consent Calendar before lunch. Does that work?

COMMISSIONER MONTOYA: Sure.

CHAIRMAN CAMPOS: Let's try to keep this presentation as short as possible.

COMMISSIONER MONTOYA: Mr. Chair, I'd like to ask the people from the Mid-Region Council of Governments to come forward. We have with us this morning Mr. Lawrence Rael, who is the executive director, and with him, Mr. Chris Blewett, who is the director of transportation and planning services. Mr. Chair, members of the Commission, they're going to talk to us a little bit about the Belen to Santa Fe commuter rail that is being discussed and potentially how Santa Fe County may in the future get involved in this project as well. Mr. Rael, do you want to take it over please. And welcome. Thank you for coming this morning.

LAWRENCE RAE: Thank you, Mr. Chair and thank you, Commissioner Montoya. I'm going to make my comments very brief. Actually Mr. Bullet will give you the presentation. We are the, on behalf of the Mid-Region Council of Governments, we'd like to thank you for giving us an opportunity to be here today. We are the lead agency on behalf of the Department of Transportation in implementing this project between Belen and ultimately Santa Fe for commuter rail service along the existing Burlington Northern-Santa Fe rail line that is in place today. We wanted to give you all an opportunity to get an update of where we are with the project and the public hearings in the Santa Fe area. We're going to continue to have some hearings in this region and particularly with the County and with the City of Santa Fe to continue to keep you all involved in the project, etc.

Our goal, Mr. Chair and members of the Commission, is to have the Belen to Bernalillo, which is phase 1 of this project, operating by November of next year, of 2005. We have ordered commuter rail equipment already for the cars, much like you see up on the screen behind you and we are then going to be in the process of ordering the actual locomotives that will operate or pull these trains up and down the track, if you will. Phase 2 is the Bernalillo north to Santa Fe. That phase, as you will see from this presentation, is about 2 1/2 years away or so, because of the many issues that we need to deal with, in particular a new track to get into Santa Fe. So we're very actively pursuing federal funds for this process and for this particular phase and that's why it's important that we get an early start with you-all and with this part of the region so that we can then move forward to meet all the requirements that the Federal Transit Administration has so that we are eligible for federal funds in the future.

So with that, Mr. Chair, I'm going to turn it over to Chris to give you a quick briefing on the project and then we'll be available to answer any questions.

CHRIS BLEWETT: Thank you, Mr. Chair, members of the Commission. I'll just very quickly go through some of the Phase 1 elements. I know you're more interested in Phase 2 so I won't dwell on it but basically Phase 1 is Belen to Bernalillo. The starting point for Phase 2 is really the Bernalillo North station and of course into Santa Fe. As Lawrence said we have already signed a contract for the purchase of cars for the first phase. They're made by Bombardier. The cars on the screen are very similar to the cars we ordered. They're called bi-level cars. They have two different levels. They're very nice. Very comfortable. Very different than a City bus.

We are pursuing locomotives. There's a couple of different options that we're pursuing but the point being that we've really moved very quickly on these items because they take a

long time to get built and in order for us to meet our schedule of fall next year we have to have them all built and here and ready to run. Phase 1 is fully funded. The budget for Phase 1 is about \$75 million. That covers stations. It covers the engines and cars. It covers the track and signal improvements that we need to make and a maintenance facility. It's funded through Governor Richardson's investment partnership program that was passed by the legislature last fall. It's the only non-roadway project in that \$1.2 billion package.

Just vital statistics, a lot of the state's population and employment is in this corridor and this is Belen to Santa Fe. About 41 percent of the state's population and 53 percent of the state's jobs. There are some real issues in this corridor and it's true, from Belen to Albuquerque, Bernalillo to Albuquerque, Albuquerque to Santa Fe, in a lot of locations, I-25 is the only game in town. All through this corridor there are Native communities, obtaining new rights-of-way through these communities would be exceedingly difficult. There's a lot of environmental issues. We know when the roadway system works perfectly it's less than ideal in a lot of cases, but other things like traffic crashes and congestion make travel time and reliability a real question.

We've got real issues with congestion in Albuquerque and just to give you a sense of what we're looking at over time, it takes about 45 minutes to go from Albuquerque to Belen today. We're projecting that 20 years from now that same trip will about double in time. It takes about an hour and a half, and this is exclusively on the roadway systems, average speed of about 25 miles an hour.

That other side was just crashes. Of course, the other thing that affects the roadway system is construction. This is a cartoon but it's actually true throughout the state. Roads have to be rebuilt, reconstructed, expanded, etc. We've done a lot of analysis on markets and you have copies of this presentation so I won't dwell on it but I want you to know we're going to do this same level of analysis for the second phase because it's really important. It's not just can we get people from downtown Albuquerque to Santa Fe or Santa Fe to the airport, it's how do they get to the stations and how can they get from the stations to where they really need to go. So a really key element of all of this is making sure that you have good walk connections, good bike connections, good transit connections, to major destinations.

Just to give you a sense of what we're talking about in terms of stations, we've gone through a lot of station development for Phase 1. This is the site in Los Lunas. A lot of our stations in the outlying area are going to depend very heavily, at least initially, on Park 'n' Ride. It's a fairly large parking lot. There's a huge space here for actually, a pretty large building that Los Lunas is going to build that will house retail and other kinds of uses. And here's a rendering of what that might look like. The platform itself that's required for the commuter rail is pretty simple. It's a structure for shelter. You can see some landscaping for the building behind it. This is just another example of another station in Phase 1.

Let me move ahead to Phase 2. Because we are pursuing federal funds for Phase 2, the starting point for that is what's called an alternatives analysis. It means everything is on the table. We're going to look at rail alternatives. We're going to look at expanding bus service between Albuquerque and Santa Fe. We're going to look at adding another lane to I-25. All

that's got to get thrown into the mix initially, and then you sort through all that and you really look at what makes sense as a preferred alternative.

The way we've scoped this and members of you planning staff have helped us do this is, it's not simply the link between Cerrillos Road and the Bernalillo North exit on I-25. The real issue here is how do people get into the core part of Santa Fe? How do people get to key destinations in Albuquerque? So the middle piece is part of it, but the end pieces are really important too. And in providing a transportation option or choice or a mode in that corridor that really serves those connections as opposed to just Cerrillos Road exit on I-25 to Bernalillo.

I've done a lot of looking at some general data for Santa Fe. The area that's outlined in this slide in blue, which is really the core area of Santa Fe and the south Capitol complex, according to the 2000 census has about 18,000 jobs. That's a huge job market. Downtown Albuquerque is about at 18,000 jobs. I think one of the real key issues that the alternatives analysis is going to need to address is how do you keep this area viable, not just today but 20 years from now? What do we have on the books? What can we do to get people to move in and out of this area? Of course hotel rooms, the biggest concentration in this area is in this very small circle and that's another big issue in this study. And there are many others.

We are just starting the alternatives analysis. We are going to have an initial public meeting, and keep in mind, this is really to get people's ideas on what kinds of options should be look at? We have put together some, I guess, draft alternatives, both in terms of corridors and modes and things like that, but we want to get initial comments from people before we proceed.

Finally, the first phase of this is \$75 million. That's the deal of the century when it comes to commuter rail. The new commuter rail lines in Denver are averaging about \$7 to \$10 million a mile. If you apply those costs to the first phase you get a cost of between \$350 and \$400 million for that corridor. We're at \$75 million. We're below \$2 million a mile. We think the same opportunities may exist for Phase 2 but having to lay new track, because using the existing Burlington Northern to the Santa Fe Southern is problematic. You could run a train today but it would take about two hours and twenty minutes. People might ride that once if we served alcohol, I should also point out. But it wouldn't be a very reliable service for people taking it to work and back or to the airport. So we've either got to look at fixing up that line, which is one of the alternatives. The initial alternative is finding another alignment.

Our roadway projects are extremely expensive. We have one interchange in Albuquerque, Coors and I-40 that's supposed to go under construction next spring. The cost of that one interchange alone is \$90 million. That's \$15 million more than the whole first phase of this project. And with that, Commissioners, I'd be happy to answer any questions.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: In terms of the time line, Chris, we're looking at potentially how long down the road for Phase 2?

MR. BLEWETT: Mr. Chair, Commissioner Montoya, we've estimated that this alternatives analysis, which is a qualifying step for federal funds, will probably take about nine

months. Once you identify a preferred alternative, then you have to do the full NEPA process. That can take anywhere – if it's a clean corridor it might take a year. If there's lots of complications, two years. And then of course in the case of commuter rail we're talking about building new track. A lot of that can happen fairly quickly if you've done a good job in your environmental process, another six months, eight months to a year. So I guess I'd give you a window, late 2007 to late 2008.

COMMISSIONER MONTOYA: Okay. Then right now, the Phase 1 piece, is there any rail that you're going to be putting down new that is going through tribal lands?

MR. BLEWETT: Mr. Chair, Commissioner Montoya, no. The existing line does go through both the Isleta Pueblo and Sandia Pueblo on Phase 1. We've had a lot of conversations with both those Pueblos. Actually both Sandia and Isleta are interested in station sites. So we've had a pretty favorable response. We're not building any new track in Phase 1 with the exception of extending one siding, but that's on existing Burlington Northern right-of-way.

COMMISSIONER MONTOYA: And potentially, with Phase 2 are we looking at existing track or would there be new track that may need to go through tribal lands?

MR. BLEWETT: Mr. Chair, Commissioner Montoya, I think that most of the alternatives that we've come up with so far would use the existing line through Santa Ana, San Felipe, Santo Domingo. The area where we're really looking at alternatives is all off.

COMMISSIONER MONTOYA: Off tribal?

MR. BLEWETT: Yes. It's that triangle created by I-25 and the Burlington Northern line that runs south and then east back up to Lamy and then of course the Santa Fe Southern line. That's the primary area where we're looking at rail alternatives. Although that doesn't necessarily mean if somebody said, Hey, I really think – particularly if the Pueblos said, We'd really like to look at a different idea. But we tried not to come into this saying, Yes, we really are looking at trying to capture new rights-of-way or easements through Pueblo lands.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions or comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I would like to thank Lawrence and Chris for coming and presenting this to us and keeping us up to date. I know you've sent us some invitations to your meetings. And I want to thank Lisa Roybal who's attended those meetings and brought back to the Commission the information that you all have given us today. How fast does that train go? How fast is it going to travel from – I think you said, what? 25 miles an hour? Is that it?

MR. RAEL: Mr. Chair and Commissioner, the track, the Burlington Northern track that's in place today is rated up to 79 miles an hour. So that's why it's extremely competitive for us to lay new track into Santa Fe because then we can compete with the auto in terms of travel time. So it's very good track.

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

MR. RAEL: Mr. Chair, I guess one last comment for you all, in particular you all and us and the project and the City of Santa Fe. The governor was very instrumental in getting an earmark, of if you will, a mark in the Transportation Reauthorization Bill that unfortunately didn't get out of the Congress and now we're in a continuing resolution. But some time next year, hopefully after the election, we will get a reauthorization of the Surface Transportation Act. It's important that you all know this, that in that act, the commuter rail project has been listed as one of the priority projects for public transportation for the state of New Mexico. And as a result of that prioritization, we are eligible for federal funds. A big part of what we're doing in this alternative analysis is structuring the process so that we are eligible to receive potentially up to \$75 to \$100 million of federal funds to help build the infrastructure to get the commuter into Santa Fe. So we will visit with the County Manager and with you all at the appropriate time, but at some point we will need all the support from all the member governments in this region to make sure that we're able to support our congressional delegation and the governor in getting that funding, because that helps tremendously with the cost of getting the commuter rail into Santa Fe for all of us and obviously makes the project work a lot better. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you, sir. Thank you very much for coming.

X. Committee Resignations/Appointments/Reappointments

A. Appointment of Members to the DWI Planning Council

CHAIRMAN CAMPOS: I think we've all read this report. Does anyone have a motion to make?

COMMISSIONER MONTROYA: Move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Okay, any discussion?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: Just on the listing of the DWI Planning Council members, I believe Commissioner Duran is a member also, isn't he? Are you a member of the DWI Planning Council? They just didn't have your name listed there so I just wanted to confirm that you were still active in that. It did show that you've attended a meeting.

MR. SIMS: Mr. Chair, Commissioner Sullivan, that's my mistake. I apologize.

COMMISSIONER SULLIVAN: Okay. I just wanted to clarify that you were still active in that. Thank you.

The motion to appoint Paul V. Romero, Kathleen Milan, Judge Marti Rodriguez, and Ronald Garcia to the DWI Planning Council passed by unanimous [5-0] voice vote.

XI. Consent Calendar

- A. Request Approval of Amendments to State Land Office Bid Ground Lease #BL-1505 between the New Mexico Commissioner of Public Lands and Santa Fe County (Attorney's Office) ISOLATED FOR DISCUSSION**
- B. Request Approval of Amendments to the Approved Sublease with Vista Studios (Attorney's Office) ISOLATED FOR DISCUSSION**
- C. Request Approval of Economic Development Participation Agreement with Vista Studios, Inc. for Work Force Development and Training in Santa Fe County (Attorney's Office) ISOLATED FOR DISCUSSION**
- D. Resolution No. 2004-___. A Resolution Approving Entering into Ground Sublease Agreement #25-0057-PFMD between the County of Santa Fe and Vista Studios Inc., and Further Approving Amendment #1 to Bid Ground Lease #BL-1505 between the New Mexico Commissioner of Public Lands and the County of Santa Fe (Attorney's Office) ISOLATED FOR DISCUSSION**
- E. Request Authorization to Enter into Amendment #3 to the Food Service Agreement with Compass Group USA, Inc., for the Youth Development Program/\$51,000 (Corrections Department)**
- F. Resolution No. 2004-127. A Resolution Requesting Authorization to Surplus Three Vehicles for Donation to Another Government Agency or Non-Profit Organization in Accordance with State Statutes (Finance Department)**
- G. Request Approval of the Professional Services Agreement #25-0058-FI with Justice Benefits for Professional Assistance in Securing Appropriate Federal Financial Participation for Santa Fe County/\$20,000 (Finance Department) TABLED**
- H. Resolution No. 2004-128. A Resolution Requesting an Increase to the EMS - Healthcare Fund (232)/Emergency Preparedness Program to Budget a Grant Awarded through the New Mexico Department of Public Safety Office of Emergency Services & Security for Expenditure in Fiscal Year 2005/\$47,000 (Fire Department)**
- I. Resolution No. 2004-129. A Resolution Requesting a Budget Increase to the Fire Protection Fund (209)/Hondo Fire District to Budget Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2005/\$6,223.50 (Fire Department)**
- J. Resolution No. 2004-130. A Resolution Requesting an Increase to the Emergency Medical Services Fund (206)/All EMS Districts to Budget Prior Fiscal Year 2004 Cash Balances and to Realign the Fiscal Year 2005 Budget with the Final EMS Allotment Received from the New Mexico Department of Health (Fire Department)**

- K. Resolution No. 2004-131.A Resolution Requesting an Increase to the Fire Protection Fund (209)/All Fire Districts to Realign the Fiscal Year 2005 Budget with the Final Fire Protection Allotment Received from the New Mexico State Fire Marshal (Fire Department)**
- L. Resolution No. 2004-132. A Resolution Requesting a Budget Decrease to the General Fund (101)/MCH Grant Project to Realign the Fiscal Year 2005 Budget with the Available Project Balance/\$12,383.85 (Health & Human Services Department)**
- M. Request Authorization to Accept and Award a Professional Services Agreement for RFP #25-12 Prevention Services for the Home for Good Program Based on Evaluation Rating/\$28,000 Inclusive of GRT (Health & Human Services Department) TABLED**
- N. Resolution No. 2004-133. A Resolution Approving the Resident Participation Policy and the Memorandum of Understanding for the Resident Councils of the Santa Fe County Housing Authority (Housing & Community Services Department)**
- O. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #25-07 for the Modernization of Public Housing Units/\$634,800 Plus GRT (Housing & Community Services Department)**
- P. Resolution No. 2004-134. A Resolution Requesting an Increase to the Corrections Fee Fund (201) to Budget Prior Fiscal Year 2004 Cash Balance for Expenditure in Fiscal Year 2005/\$55,000 (Manager's Office)**
- Q. Request Approval of the Professional Services Agreement #25-0080-CM with Southwest Planning and Marketing for the Facilitation of the Senior Staff Retreat for Santa Fe County/\$12,600 Plus GRT (Manager's Office)**
- R. Request Authorization to Enter into a Memorandum of Understanding with the Cundiyo Mutual Domestic Water Association for the Development of the Cundiyo Water Project/\$100,000 (Project & Facilities Management Department) TABLED**
- S. Request Authorization and Acceptance of Department of Finance & Administration - Special Appropriation Project Grants (Construction/Non-Construction)/\$2,242,000 (Project & Facilities Management Department)**
- T. Resolution No. 2004-135. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget New Project Appropriations/\$2,242,000 (Project & Facilities Management Department)**
- U. Resolution No. 2004-136. A Resolution Requesting an Increase to the Road Projects Fund (311)/Entrada Santiago and Double Arrow Roads**

- to Budget Severance Tax Grant Agreements Awarded through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2005/\$100,000 (Public Works Department)
- V. Request Approval of the Memorandum of Agreement #25-0030-PW with the Eldorado Community Improvement Association for the Construction of the Multi-Use Path Along Avenida Torreon in the Eldorado Subdivision/\$35,000 (Public Works Department)
 - W. Acceptance of Offer Regarding IFB #25-04, Used Public Works Equipment with Tractor Service for One 3,500 Gallon Water Truck/\$44,500 (Public Works Department) TABLED
 - X. Acceptance of Offer Regarding IFB #25-04, Used Public Works Equipment with Wagner Equipment Inc. for one Caterpillar D4C3 XL Dozer and One Caterpillar 307B Excavator/\$119,500 (Public Works Department) TABLED
 - Y. Request Authorization to Enter into a Memorandum of Understanding with the New Mexico Department of Transportation for Traffic Enforcement for the US84/285 Construction Project (Sheriff's Office)
 - Z. Resolution No. 2004-137. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office to Budget Revenue from a Memorandum of Understanding Agreement with the New Mexico Department of Transportation for Expenditure in Fiscal Year 2005/\$20,000 (Sheriff's Office)

CHAIRMAN CAMPOS: Consent Calendar, is there a motion to approve all items, except A through D, which were taken off for discussion?

COMMISSIONER MONTROYA: So moved.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve the Consent Calendar, with items A, B, C, and D isolated for discussion, and items G, M, R, W, and X tabled, passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Do you want to do items A, B, C, and D now or after lunch?

COMMISSIONER ANAYA: Right now.

CHAIRMAN CAMPOS: Any other comments? It's going to take a while, I would guess.

COMMISSIONER SULLIVAN: You think so?

CHAIRMAN CAMPOS: I would guess.

COMMISSIONER ANAYA: I thought it would take about five minutes.

COMMISSIONER SULLIVAN: Let's get started. Let's at least get started.

- XI. A. Request Approval of Amendments to State Land Office Bid Ground Lease #BL-1505 between the New Mexico Commissioner of Public Lands and Santa Fe County (Attorney's Office)**
- B. Request Approval of Amendments to the Approved Sublease with Vista Studios (Attorney's Office)**
- C. Request Approval of Economic Development Participation Agreement with Vista Studios, Inc. for Work Force Development and Training**
- D. Resolution No. 2004-138. A Resolution Approving Entering into Ground Sublease Agreement #25-0057-PFMD between the County of Santa Fe and Vista Studios Inc., and Further Approving Amendment #1 to Bid Ground Lease #BL-1505 between the New Mexico Commissioner of Public Lands and the County of Santa Fe (Attorney's Office)**

CHAIRMAN CAMPOS: This was taken off by Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I'll start the questioning on this piece. I would like a summary from our attorney in terms of any, I guess, difficulties that we've had in terms of - it's been put off for a number of reasons and kind of a status where we are in regards to really taking action on this.

MR. ROSS: Mr. Chair, Commissioner Montoya, I'd be happy to do that. You know the basic problem we've experienced is not with the contractor, not with the Land Commissioner, but with a question about what review processes the sublease itself should go through. As you know, when the County leases land for a substantial period of time we have to get approval of the lease under our statutes from the Board of Finance. But there's a specific exemption in that very same statute for land belonging to the State Land Office. Now, the County owns a leasehold interest of substantial duration, I guess 96 or so some years left on the leasehold. So in a sense, the land now belongs to the County, but in another sense the fee reversion for sure belongs to the State Land Commissioner.

And it's in that conflict that we've had a bit of a problem as all of you are aware. Sometime last summer the State Attorney General's office and the Board of Finance weighed into the discussion and indicated that they thought, in their opinion the County needed to go through the normal approval process for the sublease, which we started to do. During those discussions, the State Attorney General, who advises the Board of Finance, identified a number of issues that they had with not only the sublease, which was before them for approval, but with the underlying lease which we had in force for some five or six years with the Land Office.

We've attempted, Ms. Collaros in my office, and Mr. Ferguson from the Land Office and the assistant Attorney General involved have attempted to work through those problems for the last, I don't know, 2 1/2 months. And what we have before you is a

result of all that work. It's not completely clear at this point whether these documents will be acceptable to the State Attorney General or to the Board of Finance. They're certainly acceptable to the Land Commissioner, they're acceptable to the County with one minor change which I'll discuss in just a second.

But where we go from here is extremely murky. The Board of Finance has had one meeting on this and they deferred the item. The Land Commissioner has indicated that they don't want us to go back to the Board of Finance and affirmatively seek a vote from them on this. We're kind of caught in the middle on that particular problem. But at the present time what we have is some documents we think address probably 75 percent of the Attorney General's concerns and all of our concerns and all of the concerns of the Land Commissioner. So at this point, maybe tactically what we can do is, if the documents are acceptable to you, just approve them and punt it over a few blocks and see what happens.

Unfortunately, the person really caught in the middle of this controversy is not ourselves, really, but the sublessee. They have to make some pretty tough decisions if the approval that the State Attorney General thinks are required in fact are required and they're not obtained. But we're trying to finesse all those issues and hope that the sublessee is comfortable with what's done.

The one change I wanted to point out that is not reflected in the documents is a change to paragraph 47 of the ground sublease. The first sentence of that paragraph, the sublessee has agreed to remove that basically at my assistance. And you'll see when we look at that sentence why we need to have that sentence deleted. Page 24 of the ground sublease.

COMMISSIONER ANAYA: Mine aren't numbered. Oh, there they are.

MR. ROSS: Page 24, paragraph 47, the first sentence. In that sentence the County pledges to obtain all governmental approvals necessary to the initial validity of the sublease agreement. Given the present controversy I don't think we can warrant, if we don't go to the Board of Finance that we've obtained the necessary approvals and they agree with that. So with that one change, all the documents are our best effort to get this as far as we can without stepping over the various jurisdictional lines that have been drawn and for that, I stand for any questions.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER MONTROYA: Mr. Chair, so page 47 has been removed completely then?

MR. ROSS: Just the first sentence of that, Commissioner Montoya.

COMMISSIONER SULLIVAN: My copy doesn't have a 47 at all.

COMMISSIONER MONTROYA: Actually, mine doesn't either so that's why I was asking if it was removed completely.

COMMISSIONER SULLIVAN: It stops at 46.

MR. ROSS: Apparently there's two 46s in your version. The automatic numbering got lazy at that point. So it would be the second of two paragraphs labeled 46. The title of the paragraph is Execution of Sublease.

COMMISSIONER SULLIVAN: I only have one number 46.

COMMISSIONER MONTTOYA: Same here.

COMMISSIONER SULLIVAN: And it is titled Execution of Sublease.

MR. ROSS: It is. Okay. The first sentence provides the sublessor shall obtain all governmental approvals necessary.

COMMISSIONER SULLIVAN: Yes.

MR. ROSS: That's the sentence we're going to delete. What ever that paragraph is numbered, that's the sentence that everyone's agreed to delete. Other than that all the documents have been agreed to. Once again, I want to emphasize the Attorney General is not completely satisfied with the underlying lease.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'm a little bit confused as to which document is which. On item D, it indicates it's a resolution approving amendment 1 to the ground lease. And I see amendment 1 to the ground lease. I don't see a resolution.

MR. ROSS: I apologize for the confusion, members of the Commission. There should be a resolution in your packet that's entitled a resolution approving entering into the ground sublease agreement. It has two points. The first point is the Board approves entering into the amendment to the ground lease and the second point is that the Board approves entering into the ground sublease. Resolutions like this are fairly common in the corporate world. We don't use it very much in the governmental arena but it was another concern of the Attorney General that we had no resolution reflecting that the particular documents that would bear your signatures were approved by you. So that seemed a simple concern to address. That's what the resolution provides for.

COMMISSIONER SULLIVAN: Has anybody found it?

COMMISSIONER MONTTOYA: Yes.

COMMISSIONER SULLIVAN: What page?

COMMISSIONER MONTTOYA: It's under XI. D.

COMMISSIONER SULLIVAN: In the packet? Okay, but it refers to an Exhibit A. It refers to amendment number 1, rather. So that resolution, there's an amendment number one under paragraph A. It says delayed packet material for A, Vista Studios. Is that the amendment that goes with D?

MR. ROSS: That's what the resolution refers to. It refers to amendment number 1 to the ground lease.

COMMISSIONER SULLIVAN: It says delayed material for item A. It has a lease. It has an amendment 1. Is this the amendment that goes with D? Amendment number 1 to the ground lease? One of two pages? Because that wasn't in the packet. I'm trying to understand what we're approving under agenda item XI. D.

MR. ROSS: My understanding is XI. D is the resolution. And the resolution refers to two additional documents. The first of those is the amendment number 1 to the ground lease, which I understand was not in your packet. And it also refers to the ground

sublease. I believe that wasn't in your packet either. So those two, you should have either received them at your office or seen them appear in your box.

COMMISSIONER MONTROYA: So those are items A and B on the agenda.

COMMISSIONER SULLIVAN: It's A and B in the packet but that's what I'm getting at. I think it's D on the agenda.

COMMISSIONER MONTROYA: D is the resolution referring to A, right?

MR. ROSS: Yes, D is the resolution that authorizes execution of A and B.

COMMISSIONER SULLIVAN: Okay. I see what you're saying. So those are attachments to that resolution but D doesn't include those. All right. So B is what's called the ground sublease, that's the 29-page document?

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: That's B. And then I have one last question, Mr. Chair. On this Economic Development Ordinance, can you explain what this is and why it's an ordinance and what are we committing the County to here?

MR. ROSS: Sure, Mr. Chair, Commissioner Sullivan, in order to do an economic development project in this state you must meet the provisions of the Economic Development Act. Now you recall that I think it was in '96 or so an amendment to the anti-donation clause of the constitution was passed that permitted you to violate that principle that one not donate to private individuals or corporations, what have you, if you were doing economic development. The amendment provided the legislature would provide the details of how you were to embark on such a program. And they did. They passed the Economic Development Act. And it requires two ordinances. The first, which is in force here in the county. We passed it soon after the constitutional amendment was approved setting forth the kind of scheme for the economic development program in general, countywide that you were going to embark upon. But the act also requires a second ordinance that approves each project that you enter into and that's what the ordinance that's on today's agenda is intended to accomplish, to approve this particular project.

COMMISSIONER SULLIVAN: And what types of fiscal commitments does this make on the County's part?

MR. ROSS: The ordinance, I don't think, makes any fiscal commitment. The underlying lease with the Land Office, obviously, is a fiscal commitment.

COMMISSIONER SULLIVAN: Well, the ordinance talks about the rent and the credits against the rent and that type of thing. So we're putting that lease provision into an ordinance. Is that the plan?

MR. ROSS: That's right. There is a feeling. I'm not sure it's entirely justified in this case, but there is a perception at least that the sublessee is going to pay may be below fair market value rent. So that has to be approved if in fact that's true. We're not sure that that's true but if it is below fair market then it is an economic development project that would have to be approved by ordinance. So that's why it has to be approved here.

COMMISSIONER SULLIVAN: So any changes then in those lease terms

would require more than just a change in the lease. It would require an ordinance change.

MR. ROSS: You'd be looking at amendments to all these documents that you have here today.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN CAMPOS: Is there a motion on A or on A, B, C, and D together?

COMMISSIONER MONTOYA: Mr. Chair, I'll move for approval on A, B, C, and D.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER MONTOYA: With the amendment that Steve pointed out.

CHAIRMAN CAMPOS: That was deleting a sentence.

MR. ROSS: Page 24, paragraph 47

CHAIRMAN CAMPOS: There's a motion and a second with the amendment.

The motion to approve Consent Calendar items A, B, C, and D passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

[The Commission recessed from 12:10 to 1:50.]

XI. Staff and Elected Officials' Items

A. Corrections Department

1. Request Authorization to Enter into "Amended and Re-Stated Agreement between New Mexico Department of Corrections and Santa Fe County"

GREG PARRISH (Corrections Director): Mr. Chair, Commissioners, before you you have the request for authorization to enter into an amended and restated agreement between the New Mexico Department of Corrections and Santa Fe County. In October 2002 the County entered into an agreement with the Department of Corrections to provide housing for approximately 140 inmates at the adult facility. Part of that agreement was that we would provide all the necessary services and we also had a clause in there where there was a minimum number of beds where if they fell below 135 beds they would continue to pay for that.

During the past spring the Department of Corrections has requested the elimination of the guaranteed minimum because of a change in their population. We started negotiations with them and with our contractor and our contractor agreed to provide services but instead of having the 140 beds it would be reduced to 96 beds with a

guaranteed minimum of 92. And also some reduction in services, particularly programming and that sort of thing and the type of inmate that we're going to receive is slightly different. They're going to be sanctioned parole violators. They will require less programming and services.

The contractor has agreed to provide those necessary services required of this population. We would recommend approval of this and I'd stand for any questions.

CHAIRMAN CAMPOS: Questions or comments? Commissioner Montoya.

COMMISSIONER MONTOYA: Greg, what impact is that going to have fiscally, in terms of the operations? By cutting down by about 15? From the guarantee.

MR. PARRISH: The guarantee is basically going to drop the population approximately 45 or 50 inmates that are guaranteed by the Department of Corrections. It doesn't have a fiscal impact on the County because our contract now calls for all of its contracts that are negotiated by the contractor that they're responsible for and they also get the impact from that. So it doesn't impact the County but it will impact our contractor.

COMMISSIONER MONTOYA: MTC.

MR. PARRISH: Right.

COMMISSIONER MONTOYA: And that's just the – that's just a cap that they're setting now?

MR. PARRISH: Yes.

COMMISSIONER MONTOYA: So we can't take any more prisoners than what that number is.

MR. PARRISH: Well, we could renegotiate for more but right now, because of their population, they're trying to reduce it, they've asked that we reduce that number to 96. That would be our cap with a minimum of 92. But those are guaranteed.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Any other questions?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

The motion to approve the amended agreement with the Department of Corrections passed by unanimous [5-0] voice vote.

XII. A. 2. Request Authorization to Enter into a Memorandum of Agreement between the United States Department of Justice and Santa Fe County

MR. PARRISH: Mr. Chair, this item has to do with our agreement with the Department of Justice. As you're aware, in March of 2002 the Department of Justice initiated an investigation of the adult facility. A year later they provided us with findings on their investigation and they highlighted some deficiencies that we've had to address.

Since that time we've been in negotiations with them in addressing the issues that they highlighted and we've been able to negotiate an agreement in place of a lawsuit at this time. So rather than having a lawsuit brought against the County, the Legal Department and Grace were able to negotiate a memorandum of agreement which will provide for us addressing some of the issues that they have raised, primarily medical.

Many of the issues have been handled already and they've been left out of the agreement because of the progress the County has made in addressing them. At this time this agreement will be addressing primarily medical issues. It has a three-year term and it has a great deal of reporting requirements that we have to adhere to and provide them with information on policy procedure handbooks and other items that they've requested. And they've also requested that we provide them with a report every 120 days on our progress on complying with this agreement.

A lot of the issues that were addressed have been addressed in our contract with our contractor which we signed October 1st, or approved October 1st, took effect. So a lot of the issues regarding staffing have been addressed. We've replaced the medical contractor with a new contractor and they are aware of the requirements of this agreement. And at this time I would recommend approval of this agreement and stand for any questions.

CHAIRMAN CAMPOS: Okay. Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I don't have anything in my packet on this.

COMMISSIONER MONTOYA: I don't either.

MR. PARRISH: I apologize. This should have been hand-delivered and we were discussing this and felt that an oral presentation would be more appropriate regarding this matter, Commissioner Sullivan. So there was no packet material but you should have been provided with a copy of the contract on Friday, or the agreement.

COMMISSIONER SULLIVAN: I was out on Friday doing pay work.

COMMISSIONER MONTOYA: Is this memorandum of agreement between the United States and Santa Fe County? Is that the contract?

MR. PARRISH: Yes, that's the agreement. That's it. This is a matter we'd previously discussed at some length.

CHAIRMAN CAMPOS: That's true. Is there a motion to authorize the entering into -

COMMISSIONER MONTOYA: So moved.

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

The motion to approve the MOA between the DOJ and Santa Fe County passed by unanimous [3-0] voice vote. [Commissioner Sullivan abstained and Commissioner Duran was not present for this vote.]

XII. A. 3. Request Authorization to Establish a 1.00 FTE Term Position for Compliance and Reporting

MR. PARRISH: Before you is a request for an authorization for one FTE for compliance and monitoring. The purpose of this employee would be to address some of the – all of the issues in the DOJ. It is required that we provide a 120-day report to the Department of Justice, and that's every 120 days we have to submit them a report indicating what we have implemented to address their concerns indicating proof of practice, which will have to be demonstrated in audits that will be conducted by this employee. In addition to this we have to provide that report and any supporting documentation that will demonstrate that we are in compliance with the requirements of the agreement.

I think it's very important that in the first year to year and a half that we establish a proper reporting procedure and address these issues and get the reports in a timely fashion to the Department of Justice so that we don't develop any breach of this agreement.

CHAIRMAN CAMPOS: What's the fiscal impact on this position?

MR. PARRISH: This position, I've discussed with the Finance Department and they believe we could possibly address the term employee though some funding through the medical service funding from the St. Vincent's memorandum of agreement where we could get some funding from that agreement to address this one employee.

CHAIRMAN CAMPOS: You're calling this a term position but my understanding is that this eventually will become a permanent position. Is that right?

MR. PARRISH: I think it will go year to year, Mr. Chair.

CHAIRMAN CAMPOS: For at least three years, the term of the agreement with DOJ.

MR. PARRISH: The term of the agreement is for three years but we could even get out of it earlier if we can show compliance with all the items. After we show proof of practice for a nine-month period that particular item drops out of the agreement and we don't have to demonstrate it any longer after we've done that.

CHAIRMAN CAMPOS: That doesn't – what this person will be doing, won't that provide us with significant data, important data that we need to evaluate operations of the private contractor?

MR. PARRISH: Well, I think this is just the beginning of this – not only this person but the other people out at the facility will provide us with information and we can better develop how we want to proceed as a county with detention at the adult facility.

CHAIRMAN CAMPOS: You said possibly that the MOA might be a source. Is that pretty iffy or –

MR. PARRISH: Well, that's what I was told by Finance, that we could maybe tap into that memorandum of agreement.

CHAIRMAN CAMPOS: It is a source of money to pay for this position?

MR. PARRISH: My understanding is that it's a possible source.

CHAIRMAN CAMPOS: Possible source.

SUSAN LUCERO (Finance Director): Mr. Chair, members of the Board, we have a couple of sources to pay for this position. This position, since it's responsible for compliance on security as well as medical issues regarding our settlement agreement, my suggestion would be to tap the St. Vincent MOA for part of the funding, as attributable to the medical end of it, and also to use the Correctional Facility gross receipts tax for the other portion. Do it would be dually funded between those two sources.

CHAIRMAN CAMPOS: So there are funds available.

MS. LUCERO: There are funds available.

CHAIRMAN CAMPOS: Is there a motion to approve this FTE, term position for compliance monitoring?

COMMISSIONER DURAN: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTROYA: Second.

CHAIRMAN CAMPOS: Discussion? Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Greg, we just recently approved another term position. What's the difference between that one and this one?

MR. PARRISH: Mr. Chair, Commissioner Sullivan, the other term position was a court liaison position and that person's responsibility is going to be to make sure that our County inmates are being properly moved through the judicial system. They'll be tracking the inmates as they come into the facility and make sure that they're being presented to court in a timely fashion and other time lines or dead lines by the courts are going to be adhered to so that we don't get an additional burden of paying for these individuals longer than they have to be in the jail.

COMMISSIONER SULLIVAN: And this person, is this required as a part of our agreement with DOJ?

MR. PARRISH: No, this is not required as part of the agreement.

COMMISSIONER SULLIVAN: But you feel it's necessary? Something that you can't take on?

MR. PARRISH: No, it's not something I can take on, Commissioner Sullivan. It's going to be very time consuming. It's going to be very audit intensive because we have to demonstrate on every paragraph and every aspect of that paragraph of the agreement that we are in compliance. Not only to say we are in compliance but actually to provide proof of performance in each area and documentation. It will take one person full time to do that type of thing.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN CAMPOS: Any other questions? There's a motion and a second.

The motion to approve the compliance monitor FTE passed by unanimous [5-0]

voice vote.

XII. A. 4. Corrections Department Update

MR. PARRISH: Mr. Chair, Commissioners, this update was requested by the Commissioners and then I just wanted to give a quick overview of the Corrections Department. I won't go into a lot of detail because I tried to provide you with the information so you could look at it at your leisure. But as you know, the Corrections Department was created in January of 2004. It currently consists of four departments, the Youth Development Program, which is juvenile detention and the training school, electronic monitoring for juveniles and adults, residential treatment center which we have just this week been advised, last week, actually, that we received that award for that service and we'll be getting that in March of 2005. And also the adult facility which contains the contract monitor and the court liaison.

As you can see from the report, the Youth Development Program has just recently expanded some of our services. Initially when we took over the only contract we had was with the Bureau of Prisons. Since then we've established contracts with the Pima-Maricopa Tribe for 13 juveniles, the Yavapai Tribe for three juveniles and the Southern Ute Tribe for two juveniles. This has increased their population from approximately 27 to 30 to 48 that are contractual. This is a revenue stream for the County as these are contracts that we have to provide services for training school.

The Youth Development Program has also maintained its national accreditation in the National Commission of Correctional Healthcare. As I indicated above, with the placement of some of the contracts we've been able to improve our financial situation at least to some degree and I would like Joseph to come up and give a brief synopsis of the budget aspects of the Youth Development Program for the first nine months.

JOSEPH GUTIERREZ (Deputy Finance Director): Mr. Chair, members of the Commission, I've included two worksheets in your packets. The first worksheet basically covers the finances from the day the youth facility opened up through June 30th which is the end of the fiscal year. It just gives a brief recap of the financial structure. And if you look, we have actual and budget, we have revenue and expenditures. The revenue was actually higher than we projected. The revenue came in at a little over \$1.3 million. The expenses came in under what we projected. They came in at a little over \$1.7 million, resulting in a net loss of about \$400,000.

If you look at the dollars that were transferred in to the youth facility, contingency bond and GRT, we ended up with a cash balance of about \$426,000.

On the EM side, electronic monitoring, you can see the revenues that we brought in and the expenses, which the net cost to the County was \$166,000. Had we continued with the contractor through the end of the fiscal year the net cost to the County would have been \$271,000. So you can see on electronic monitoring we actually had a savings of \$105,000.

The picture improves for the first quarter of the current fiscal year. If you look at

the second page of that financial statement you can see that the youth facility revenues for the first quarter of the year are almost \$900,000, \$890,000. Their expenditures are \$703,000. So they actually had a net income for the first quarter of \$186,000. We look at prior year bills that were paid under the three-month period which were \$45,000, resulting still in an net income of \$141,000. So that was pretty much a quick turn-around for the youth facility.

On the EM side, I didn't include that because I just got the information recently, but electronic monitoring for the first quarter has spent \$84,000. They have a little over 12,000 man-days. At that cost, if we'd continued with the contractor, would have been \$181,000. So actually for the first quarter of electronic monitoring, the net savings to the Commission is about \$100,000 on that program.

CHAIRMAN CAMPOS: Any questions or comments?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: On the grant that was just received for the residential treatment center, how much is that going to produce per year? And for how many years?

MR. PARRISH: The first two years is over \$2 million, and I think over the first two years would be approximately \$2.5 million. It's a two-year contract. Then we have year options after that for about a million and a half per year. A little less than a million and a half. There are built-in clauses to increase the per diem. I believe the whole contract over four years, five years, is \$6.75 million.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Greg, I had two questions. You indicate in the report that you checked on the use of the inmate welfare fund for transportation and that staff was unable to locate any statutory or regulatory guidance. So that doesn't help us too much. And I think you also mentioned the possibilities of utilizing County staff and County vehicles, I guess on an on-call basis or something like that. Where are we now? We've talked about bus service. We've talked about taxi service. We've talked about County vehicles. What's our next step here?

MR. PARRISH: Well, Mr. Chair and Commissioner Sullivan, I propose three options here. The bus, which you can see is long-term, some direction the County might want to consider because of the growth in the area. But right now for 15 to 20 inmates that are released today, it may not be cost efficient. The Capital cab, as you can see is the same way. It's really hard to predict what the cost would be. It would approximately be about \$45,000. I also propose that we can hire two employees to do this. We have vans in place and that cost would be approximately \$52,000. I'm looking for guidance from the Commission on which direction they want me to pursue and develop further for a presentation to you and one you think would be the most appropriate and how we want to proceed.

Any of these options are going to be costly to the County to provide this service.

COMMISSIONER SULLIVAN: How do we get a decision, or do we just make a decision if there's no contravening prohibitions against it, that we can use some of the inmate welfare fund for this?

MR. PARRISH: I think the guidance on the inmate welfare fund is basically the American Correctional Association that recommends that those funds are used for the benefit of all inmates, or at least they have the opportunity to use that. And I think that transportation could be addressed in that area, at least a portion of that.

COMMISSIONER SULLIVAN: It would certainly qualify. If we use inmate welfare funds for a basketball hoop, not all 600 inmates use the basketball hoop, but it's available to them to use. So I think that's one thing we would have to look at is the funding. I think we can certainly start in the minimest way and if that's getting one existing vehicle and paying a part-time person who might also do other chores or something at the jail, maybe we could do that. I think where we're weak on the whole planning of this is to know what the demand is. We have lots of ideas as to how to do it and they vary in cost from \$52,000 to \$100,000-some. But we really, until we can provide this service, we may find it's only five people a week. And if that's the case, we can probably handle those in a pretty cost-effective way. So I would start with the least long-term, capital intensive alternative.

MR. PARRISH: Mr. Chair, Commissioner Sullivan, that has been part of the problem, because we know we release 15 to 20 inmates a day, but how many of those really would need transportation is the issue. When we did it before it came out to approximately - we did a quick survey a couple years ago and it came out to maybe five a day would say that they would use the transportation, five to ten. And it's really hard to get a hard number until we try and do this on a trial basis and maybe evaluate it after six months.

COMMISSIONER SULLIVAN: I think the bus may be overkill. I don't think it would come anywhere near close to recouping bus costs, although I still feel we need to look at bus service out to IAIA and Rancho Viejo and that area. I think there's a demand out there. That could perhaps move around ultimately to the jail. I guess we'd look for your recommendation but I would just like to at least get something started to see whether this is a problem that occurs frequently or infrequently.

MR. PARRISH: Commissioner Sullivan, I think my recommendation would be to go to something we should control and that would be using County employees to address the issue, and then if it doesn't work out through attrition we could eliminate that.

COMMISSIONER SULLIVAN: Okay. The other question I had was on - and I think this may have been in response to a concern Commissioner Campos had. There was an October 12th MTC phone survey summary and in that summary - and I think that was in response to when people call at the jail, how are they treated? What information can they receive and how knowledgeable are the people answering the phone? I think they very modestly said there is much more room for improvement. In looking at the chart, the

logged calls and the answers that they got and the attitude of the people who answered, and the information they got, I would say there is much, much room for improvement.

MR. PARRISH: Mr. Chair, Commissioner Sullivan, I would have to agree and that's something we're going to continue to monitor. I discussed this report with the warden and the Sheriff and we've talked about continuing monitoring and having them develop their customer service skills more. It's an area - as of October 1st they increased the personnel in that department from three to five. We're hoping that will address some of this issue. But it still comes down to a matter of training the employees properly and providing cordial or adequate service.

COMMISSIONER SULLIVAN: Yes, I think here would be a suggestion that I'd throw out. I would ask MTC for a training plan of how they're going to and when they're going to and for how long they're going to train these individuals who deal with the public, either answering the phones or at the intake part of the facility. It's pretty clear from these responses that people don't know the answers to the questions. And so they shift it to someone else and someone gets a recorded message and just utter frustration ensues. So rather than just monitoring, I would, as I say, ask for something specific on a training program and sit down with them and instruct these people as to what the policies are, when release times are, what the policy is, the new policy regarding personal belongings, who handles bonding and just all these normal questions that people have, particularly if they're dealing with the jail the first time, if it's a family or something. I think we need to get something specific. Does that work for you?

MR. PARRISH: Mr. Chair, Commissioner Sullivan, yes. I'll look into that. Recently we did attend some of their training for their booking staff. We felt the training was very appropriate and the warden actually conducted the training. But it's a matter of following through and making sure that that training then is reinforced by knowing that they're going to be checked on. I will get a training plan for you and a time plan on what exactly they plan on addressing this.

COMMISSIONER SULLIVAN: Was this training before or after September 3rd?

MR. PARRISH: It was after September 3rd.

COMMISSIONER SULLIVAN: Because these phone monitoring occurred from September 3rd through October 12th. So something must not have sunk in.

MR. PARRISH: This training took place approximately two weeks ago. And it was more than just telephone training. It was training on a range of booking area issues.

COMMISSIONER SULLIVAN: Thank you.

MR. PARRISH: Mr. Chair and Commissioner Sullivan, just to continue here, there are some other items that I hope would address some of the concerns that Commissioner Montoya has expressed in the past regarding the smoking cessation and the services provided by RAP. And also I think you may note in the report that was recently a snapshot of the County inmates and I think this is a very important snapshot because as it

demonstrates when you look at the graph, some of the things that we need to address and look at kind of jump out at us and some of the delays and how long people are staying in custody. The Manager is going to host a meeting with the district attorney, the district judges and other interested parties and use this as a basis to start discussion on seeing how we can streamline and improve the overall judicial operation so we don't have inmates that spend too much time in jail.

I think also that when we look at the overall report, I think we have certain opportunities for providing additional services through maybe a collaboration with the County Health Department and the Corrections Department to address some of the mental health and some of the substance abuse issues and maybe the County needs to take a leading role in establishing our own programs where we administer them and supervise them at the facility in the next six months to a year. And with that I'll stand for any additional questions.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Greg, are we required to provide transportation when inmates are being released?

MR. PARRISH: Mr. Chair, Commissioner Montoya, no we're not required to, but it's come up on numerous occasions. The danger of someone walking on Highway 14 at all hours of the night and that's one of the reasons we're trying to address this issue, a safety issue more than anything else.

COMMISSIONER MONTOYA: Okay.

MR. PARRISH: It's not required.

COMMISSIONER MONTOYA: Okay. Thank you.

COMMISSIONER SULLIVAN: Commissioner Montoya, the issue is of course the jail's in District 5 so I get the constituent calls. Sometimes Commissioner Anaya gets them, but there is a several mile walk that in the past the inmates would have to - not having a phone available - would have to walk all the way down to Allsup's at 599 at midnight. That creates issues at Allsup's that they would go there to thumb rides or somehow get a free phone call so they could call somebody. There are signs along Route 14 that say Do not pick up prisoners. Or Do not pick up hitchhikers, excuse me. So it's difficult for them to even hitchhike on Route 14 because of all these signs that say Don't pick up hitchhikers.

So they have to walk to the nearest place where they can find a phone and there's no sidewalk and the speeds out on Route 14 are in excess of 60 miles an hour. And there's very little shoulder on portions of that road. So it just seems like there's some way - and it doesn't occur with every inmate because many of them have families that come to pick them up. But there are some that are indigent and have no families, that just wander out on Route 14 at midnight and I just know someone's going to get hit out there.

COMMISSIONER MONTOYA: Are they given the opportunity to make a phone call before they are released?

COMMISSIONER SULLIVAN: No, before, they weren't. There was no access to a phone and they had no money to even make a phone call or even a phone card or anything. Now, I think we've made some corrections to that, haven't we Greg?

MR. PARRISH: Commissioner Sullivan, yes we have. There's a phone available now and there's a sign when they get out the door they can ask to make a local phone call.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER SULLIVAN: And if they keep their key and don't lose it, they do have their money now. So technically, they can call a cab now if they have the money. So that's why I'm saying we've made some internal changes that will help this out so we may not have a big a problem as we had before. That's why I don't know that we need to spend \$140,000 on a bus system until we see exactly how many need this service. It may only be a few, but I don't want to even kill one. Or I think you mentioned in the report also, doing away with the midnight release.

MR. PARRISH: The midnight release. But that does cause some problems. People want to be released as quickly as possible and that's how we intersperse the four release times.

COMMISSIONER SULLIVAN: Okay, well, I think we should make something available and see what the demand is and if there's no demand and calls fall off in terms of people wandering out on Route 14 at night, then maybe we've solved the problem. Which would be good.

CHAIRMAN CAMPOS: Are you going to continue or is that it?

MR. PARRISH: That's all I had.

CHAIRMAN CAMPOS: Okay. Any other questions or comments on the report. Thank you, Greg.

COMMISSIONER SULLIVAN: That was a good report, by the way, Greg. I appreciate that summary. It was well written and nicely illustrated and documented. That was exactly at least what I wanted.

MR. GONZALEZ: Mr. Chair, Commissioners, just a post script. One difficulty that we've had in dealing with the jail issues has been keeping the judiciary engaged. And we have discussed internally the possibility of perhaps having either a resolution introduced that would require a study of the situation that would also call the judges to the table in order to report back to the legislature next year, or alternatively, creating an interim legislative committee that would look at some of the jail issues. I just wanted to give you a heads-up that that was something that we had talked about internally as a way of keeping the judiciary engaged in the process, because one of the toughest things has been getting the judges to come to the meetings that we've had for the jail forum.

XII. B. Project & Facilities Management Department

1. Request Authorization to Accept and Award a Professional Service Agreement to the Highest Rated Offeror in Response to RFP #24-54 for Professional Architectural and Engineering Services for the Vista Grande Senior Center/\$46,696.58

MS. LUCERO: Mr. Chair, members of the Board, we are asking for authorization and acceptance of RFP #42-54 for professional architectural and engineering services for the Vista Grande Senior Services Center. You may recall, last month we brought the proposal for you with recommendation of granting the award to the highest rated offeror and under your direction and guidance we proceeded further to secure interviews, reference checks, in order to continue the evaluation process.

Based on the information of the interview and the evaluation scores, the highest rated offeror remains with NCA Architects as leading the three responses as the highest ranking firm, having met the six required criteria based on the state procurement code. For the evaluation process, as far as the interviews were concerned, 80 percent of the criteria as required by the procurement code was how the questions were structured for the interview process. Once the totals were completed, the score between the highest rated and the second highest rated, the gap began to close, but ultimately, the final ranking still remains with NCA Architects based upon the evaluation team's criteria and their scores. Therefore we're requesting approval and acceptance of the professional service agreement, #25-0064-PFMD, with NCA Architects for architectural engineering services of the Vista Grande Senior Service Center in the amount of \$46,696.58. And we stand for any questions.

CHAIRMAN CAMPOS: Questions? Comments? Motion?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: In your reference checks, Susan or Tony, was anyone - this firm recently completed a large project in Pojoaque for the school district. Did anyone contact the Pojoaque school superintendent?

MS. LUCERO: Let me - Mr. Chair, Commissioner Sullivan, I'd like Dennis Segura, our procurement specialist to answer that. He did in fact make those calls.

DENNIS SEGURA (Procurement Specialist): Mr. Chair, Commissioners, Pojoaque School District was not contacted. They were not on the reference list that was in the offeror's packet. We did go ahead and conduct interviews with four different members of that reference check I was able to contact. The largest being Luna County, which has dealt with NCA for a number of years. NCA currently does work 16 different counties, based on the evaluations. And the reference checks, they do come out ranked number one.

COMMISSIONER SULLIVAN: So, as you indicated Pojoaque was not checked. So you checked the references of those that they listed, which obviously, I would assume they would be favorable, but not others that weren't listed. That was one that we

made known to the staff a month ago. I think the staff was aware of that. So they weren't contacted?

MR. SEGURA: No.

CHAIRMAN CAMPOS: Is there a motion or further discussion?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve the professional services agreement passed by majority 4-1 voice vote with Commissioner Sullivan voting nay.

XII. C. Public Works Department

1. Resolution No. 2004-139. A Resolution Requesting Approval of a Road Maintenance Exchange Program between Santa Fe County and the Town of Edgewood (Public Works)

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioners, the Town of Edgewood is requesting assistance from the County to maintain certain roads within its jurisdiction. The Town of Edgewood is having difficulty maintaining roads that extend into the far reaches of their incorporated area. They're requesting that the Town of Edgewood maintain Santa Fe County roads that are more centrally located within the Town of Edgewood and Santa Fe County maintain the Town of Edgewood roads that are in the far reaches of their area. An agreement would be drafted identifying the roads that would be exchanged for maintenance and would include the specific information such as road name and miles.

This would probably be done through a JPA. So Public Works at this time is requesting approval of a resolution establishing a road maintenance exchange agreement with the Town of Edgewood.

CHAIRMAN CAMPOS: Will this benefit the County of Santa Fe?

MR. MARTINEZ: Mr. Chair, it would to some extent because we are having to go into the Town of Edgewood and maintain Santa Fe County roads that are in the general vicinity of the town that they could maintain.

CHAIRMAN CAMPOS: Does someone get a better deal than the other?

MR. MARTINEZ: Mr. Chair, I don't believe so. I think it would probably be an equal exchange.

CHAIRMAN CAMPOS: Because you know how the annexation of Edgewood had done. It's but themselves into that problem. They've created their own problem, and now they can't maintain the roads because they have all these annexations that just don't make sense. Any other questions or comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: The question I had Robert was how will we be sure that we've got parity? If there's no money exchanging hands or maybe there will be a cost per mile or something like that that will do, because I don't think Edgewood's road maintenance equipment is up to what Santa Fe County's is, is it?

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, I know they do have some road maintenance equipment. I don't know how much they've got and what resources that they would have as far as personnel. But in the JPA that we would draft, it would state what road, what distance, what type of maintenance we would provide for them and they would provide for us, and how frequent, for example, the blading would be, the striping would be, mowing, and any other type of maintenance that we provide.

COMMISSIONER SULLIVAN: Okay. That will come back to us to take a look at, I guess, once you've finalized it. I just am wondering if we're having Edgewood maintain County roads, which is what they're doing here. Are they accepting the liability for that maintenance when they do it, and conversely, are we accepting the liability for Edgewood's roads when we do it?

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, we currently have a road maintenance exchange agreement with the City of Santa Fe. And it basically involves all aspects of maintenance including liability.

COMMISSIONER SULLIVAN: So when we're maintaining Edgewood's roads then we're liable if somebody has an accident and blames it on lack of maintenance. We would be liable for that. Is that correct?

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, that would be correct.

COMMISSIONER SULLIVAN: And conversely, if it was a piece that Edgewood was maintaining for us, the agreement would be that they would be liable.

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, that is correct. And we can make sure that in the JPA that that's stated clearly.

COMMISSIONER SULLIVAN: Okay. And then the other question I had, how do we handle -- of the constituent calls, one of the most frequent calls that I get and I believe Commissioners Montoya and Anaya also get numerous calls about road maintenance. How do we do this? Do we say, That's road A, B, or C, that's maintained by Edgewood, or that's road X, Y, Z, that's maintained by the County of Santa Fe. How is that going to be worked out so that people know what's maintained by the County and what's maintained by Edgewood?

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, currently what we have now is where the road has been split up due to the annexations of the Town of Edgewood, what we provide on the roadway is a sign that says, Santa Fe County maintenance begins, and then at the end of that portion of roadway that we maintain, where it ends, we put Santa Fe County maintenance ends. We can always put some signage that says, Santa Fe County road, maintained by the Town of Edgewood or anything that would alert the residents who was maintaining that section of roadway. But in the event

that a resident does call us, we can always fill out a customer service request and forward it to the Town of Edgewood, and vice versa.

COMMISSIONER SULLIVAN: And is there any discussion that's taking place, as a part of this agreement to consolidating some of these annexations and making it a little more maintenance sensible?

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, when I spoke with the mayor last, and Terry Mahalik, who runs their Public Works section, their goal is to continue with annexations that will fill the voids that have been created through annexations that are leaving all of these pockets. So their goal is to fix that.

COMMISSIONER SULLIVAN: And do you think there's as many roads that they would be maintaining for the County as they want the County to maintain?

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, we would do it on a one-to-one basis. There's numerous roads that they maintain and vice versa.

COMMISSIONER SULLIVAN: That are County roads.

MR. MARTINEZ: That is correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER MONTOYA: Mr. Chair, Robert, so then I hear you say we're going to do it mile for mile?

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, that would be the most equitable way.

COMMISSIONER MONTOYA: Okay. So it will just be ten miles that they'll take care of roads for us and vice versa.

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, that is correct. And like I said earlier, the JPA will be drafted and it will come before the Board for your approval.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, currently on many roads out there, there's straight roads and then the grader operator has to pick the blade up for a quarter of a mile, drive that distance, and then set the blade back down. And that it the road that we're talking about that's at Edgewood no. So right now, that blader operator could just continue on through without picking up that blade up. And then it saves the Town of Edgewood grader operator going out there and blading that strip of road. There's a lot of roads like that. If we make this agreement, then there's some roads in the Town of Edgewood that we wouldn't have to go into. So just to kind of clarify things up. Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER ANAYA: Second.

The motion to approve Resolution 2004-139 passed by unanimous [5-0] voice vote.

XII. D. Matters from the County Manager

1. Final Approval of Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees

MR. GONZALEZ: Mr. Chair, members of the Commission, this is the final disposition of the agreement that was negotiated with AFSCME. And this would take us two years into the future.

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Discussion?

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

XII. E. 2. Discussion of Future Study Sessions

MR. GONZALEZ: Mr. Chair, members of the Commission, there are a number of study sessions that we have discussed in the past wanting to set and it might also be useful to set in order to make sure that the Commissioners stay on top of the issues that we're facing at the County level and at the same time provide you with the detailed information that would help you with your decision making. On the list that I have, and I think we already addressed one of these earlier today, beginning with Housing, and I think we've tentatively identified a potential date for holding a housing study session.

The other three that I have on my list are a possible study session on water and wastewater, possible study session on legislation. This would be before we move into the legislative session to ensure that we're all on the same page as we enter the session, particularly, not just with respect to capital outlay, but also with respect to any substantive legislation that we're going to be dealing with during the session. I know it would help the legislative team coordinate their efforts during the session if we can do that. My suggestion would be that probably just on the eve of the session, maybe once we've got the new Commissioner on board that that might be an appropriate time, but immediately after the first of the year. So that would be a narrow time line for that.

And then the other two areas that we've talked about. One is ICIP and capital outlay, and then the larger issue, and I guess this would turn on the election process, how to deal with the results of the vote on the bonding issues.

And the last one on the list is dealing with the space analysis that we have moving forward currently. I know that everybody isn't jumping on their calendars right now but if I could have some feedback on whether you feel that those would be helpful and useful, we could move forward with trying to schedule those.

COMMISSIONER MONTOYA: How many of those again?

MR. GONZALEZ: A total of five.

CHAIRMAN CAMPOS: Ten? Fifteen?

MR. GONZALEZ: I think the last time I brought this up I probably should have jumped on your suggestion, Commissioner Montoya, of packing them all into one day. We might have been able to get through them. But the five again would be housing, water, legislation, ICIP/capital outlay and bonding, and space analysis.

CHAIRMAN CAMPOS: I think we do need study sessions, and I think they need to be separated because they're intense and there's a lot of information.

COMMISSIONER DURAN: I agree. I think you should wait until after the first of the year to start having them. The holidays are coming up.

CHAIRMAN CAMPOS: I don't know about that. Any other comments?

COMMISSIONER SULLIVAN: I agree.

COMMISSIONER DURAN: He doesn't want me here when we have those meetings.

CHAIRMAN CAMPOS: We could invite Virginia Vigil.

COMMISSIONER MONTOYA: We actually tentatively scheduled one for housing already.

CHAIRMAN CAMPOS: That's correct. November 23rd.

COMMISSIONER SULLIVAN: Sometimes, the reason we did that one before the RPA meeting, Mr. Chair, is that's sometimes a good time to – we have RPA meetings at 4:30. We can get together for a study session at 2:00 and we have four people here, so we can get a couple hours in that way. That's why we put that housing meeting then, the 23rd. I don't know when our next RPA meeting is after that.

MR. GONZALEZ: I'm not sure.

CHAIRMAN CAMPOS: It could be 1:00 to about 4:00. We go to RPA about 4:30. But we have to invite Virginia so she has that option.

MR. GONZALEZ: We certainly agree at the staff level. It's important to have her engaged at this point. Tony, did you have anything to add?

MR. FLORES: Mr. Chair, real briefly. I think there's three of them that are very critical prior to the session. The GRT capital outlay funding strategy, as well as the bond issues, are important to set up what we're going to be doing for the session. So I believe that one we were looking at holding right after the election so that we could finalize the strategy would be going into the session with. Right now, I have two tracks, one with the bond, one without a bond. A question came up this morning regarding water projects if the bond doesn't go through – what are we going to do? That falls right into that study session. So that one I feel is very paramount within the next thirty days.

CHAIRMAN CAMPOS: The other discussion is the City wants to talk to the County about having a joint strategy about the Buckman diversion, to get money from the legislature, the governor, wherever it's available. If we actually reach an agreement.

MR. FLORES: The second one, Mr. Chair, is of the space analysis. I think all of you received a copy from Judge Hall and I'm getting numerous phone calls to see

when we'll be conducting that meeting, which would allow the Board the full presentation of space analysis and then provide direction back to staff on whether we're going to proceed and in what fashion. That one he'd indicated he'd have some time available in November, so in my opinion, those issues, the GRT capital outlay funding strategy, water/wastewater issues, is really paramount right after the election to find out which direction we're heading. And the second one is space. So those two I see as key happening within the next 30 days if possible so we can finalize the strategy before December.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Tony, where does the GRT fall then, under the legislature or ICIP?

MR. FLORES: Mr. Chair, the way we looked at it is the second part of the GRT which was the discussion. The first part was held in July. The second part would be coming up right now, as soon as November 2nd happens that's going to give us a clear indication of whether the water bond moves forward or not. If it moves forward then we can look at the GRT and those other projects we talked about in the onset of the GRT/ICIP discussion. If the bond fails then we need to step back and take a look at how we're going to utilize the GRT to accomplish the projects that we said we're going to accomplish. So to me the capital outlay funding strategy as an umbrella includes GRT, bonding, and the ICIP plan. So it would be part of the same study session.

COMMISSIONER MONTOYA: How long do we need for that one?

MR. FLORES: Mr. Chair, Commissioner Montoya, when we did the initial phase 1 if we'll call it that, we were here for almost three hours, so I'm thinking we consolidate that, probably four hours for the entire presentation, direction and approval of a strategy that we can move forward with. So there would be some options presented to the Board. So I'm thinking of a morning or an afternoon entirely.

Mr. Chair, Commissioner Montoya, I would assume that the space analysis could be accomplished around the same time frame, so it would be three to four hours on space, three to four hours on capital outlay funding, which would include ICIP/GRT bonds, legislative strategies.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: I know I'll be out of town on the 11th through the 15th and the 19th through the 24th of November.

COMMISSIONER SULLIVAN: The 25th and 26th is Thanksgiving. The 30th is a County Commission meeting. There goes November.

COMMISSIONER MONTOYA: What about the 9th, before the BCC meeting?

COMMISSIONER SULLIVAN: It depends on how much is on the land use agenda. If it's a light land use agenda, we might be able to fit one of those in.

CHAIRMAN CAMPOS: BCC at three, right?

COMMISSIONER SULLIVAN: It sure is hard to go until 10:00 at night at

a land use meeting.

COMMISSIONER MONTOYA: I mean to come in at 1:00.

COMMISSIONER SULLIVAN: But still, from 1:00 to 10:00 p.m. If it's a long land use agenda it really gets intense. But if the land use agenda is light that would work for me.

MR. GONZALEZ: We could start just before lunch and do a working lunch on that day. Start at 11:00 say, and work through.

COMMISSIONER SULLIVAN: Then that blows the whole day. Some of us have jobs here.

COMMISSIONER ANAYA: I won't be able to make that.

COMMISSIONER MONTOYA: On the 9th?

COMMISSIONER ANAYA: But other than that, I'm free.

COMMISSIONER SULLIVAN: Other than all of November.

COMMISSIONER ANAYA: The 8th I'm busy, the 9th in the morning I'm busy, but then I leave on the 11th and I come back the 15th and then I leave on the 19th and come back the 24th.

CHAIRMAN CAMPOS: It seems that the 23rd is about the only day that works for most of us. Because that would tie into the RPA. Do you have any objections to that, Commissioner Anaya?

COMMISSIONER ANAYA: Is it in terms of housing? I know I can't get involved in that, but I'd really like staff and the Manager to look into that because housing is important to me and I'd like to get involved in these meetings. I'll miss the 23rd one but after that I hope we could do something.

COMMISSIONER DURAN: I thought we got rid of that problem.

COMMISSIONER ANAYA: No.

COMMISSIONER DURAN: I'm here at your pleasure.

CHAIRMAN CAMPOS: That's great. Thank you. We do need some dates.

COMMISSIONER MONTOYA: So the 9th is not a good date then? For anything?

CHAIRMAN CAMPOS: Commissioner Anaya is out all morning.

COMMISSIONER ANAYA: If you do the housing on the day, that's fine.

COMMISSIONER MONTOYA: But like the afternoon? You can't do anything until 3:00.

CHAIRMAN CAMPOS: I can.

MR. GONZALEZ: Commissioners, if you want to, what we can do is poll from the front desk and see what dates would work.

COMMISSIONER ANAYA: That would be fine.

COMMISSIONER SULLIVAN: If we need to we can look in early December.

CHAIRMAN CAMPOS: Mr. Flores, Judge Hall has asked for a special meeting to talk about the courthouse. Are you thinking that should be a separate meeting?

Or do you think that should be a meeting with space assessment?

MR. FLORES: It's all under space assessment because that was part of the analysis. And he has requested presence at those meetings.

COMMISSIONER DURAN: When are we going to have that?

COMMISSIONER MONTOYA: He suggested November, right?

MR. FLORES: He suggested November 5th, 15th, or 18th.

CHAIRMAN CAMPOS: Before the legislature, so we have a plan in case we need additional money.

COMMISSIONER DURAN: I think it's a good idea.

COMMISSIONER MONTOYA: I can do it on the 18th. Wait. He cannot do it on the 18th. Let me double check. I think those are the three dates that he could not.

MR. GONZALEZ: And the 4th and the 5th are the staff retreats for strategic planning.

MR. FLORES: Yes, those are the days he can't do it. That he's unable to attend.

CHAIRMAN CAMPOS: Five, 15 and 18 he cannot. I guess let's poll on that one too.

COMMISSIONER SULLIVAN: The 16th might work for the space analysis with Judge Hall because that was going to be RPA but we moved RPA from the 16th to the 23rd. I'm trying to think why we did that. Was it because the Commissioners couldn't make it or the Councilors. Maybe it was because the Councilors couldn't make it that we moved it. So the 16th, which would normally be an RPA meeting is an open day.

CHAIRMAN CAMPOS: You're looking at Tuesday afternoon?

COMMISSIONER DURAN: Why don't we just do it now? Let's just plan it.

COMMISSIONER SULLIVAN: Oh. I thought you meant make a decision on the space analysis.

COMMISSIONER DURAN: I'm ready to do that.

COMMISSIONER SULLIVAN: The 16th is okay.

COMMISSIONER MONTOYA: I can't.

COMMISSIONER SULLIVAN: You can't do it on the 16th.

COMMISSIONER MONTOYA: But I'm only one.

COMMISSIONER SULLIVAN: You're the most important one, Commissioner. You need to be here.

COMMISSIONER DURAN: Me being the least important.

CHAIRMAN CAMPOS: Commissioner Anaya, are you going to be here on the 16th?

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: I could be here.

COMMISSIONER DURAN: We should do that space analysis when all of us are here.

CHAIRMAN CAMPOS: We should, but it's hard to schedule everybody in November.

COMMISSIONER SULLIVAN: What about the 15th? Oh, no. He couldn't do it on the 15th.

COMMISSIONER MONTOYA: I'm going to be gone from the 14th through the 18th.

COMMISSIONER DURAN: What about Friday?

MR. FLORES: Let us provide some dates and we'll work with the Manager's office.

COMMISSIONER MONTOYA: You know what, if you can do it on the 16th.

CHAIRMAN CAMPOS: If four of us can do it on the 16th, let's at least look at that seriously. Let's tentatively schedule for about 1:30.

COMMISSIONER MONTOYA: Because we need to get these things rolling.

COMMISSIONER ANAYA: 1:30 Tuesday?

COMMISSIONER DURAN: If there's a difference you can come in and break the tie.

COMMISSIONER SULLIVAN: You could get on the speaker phone. This is a work session.

CHAIRMAN CAMPOS: It's going to be space assessment, right? Let's just schedule it for that day unless you come up with a better idea.

COMMISSIONER MONTOYA: And then Gerald and Tony, I'd like to maybe just meet with you before to kind of see what you're going to go over and maybe give you some feedback.

COMMISSIONER ANAYA: Do I get your proxy?

CHAIRMAN CAMPOS: No, I get the proxy.

MR. GONZALEZ: Glad to do that, Commissioner.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER DURAN: We're going to buy the old St. Vincent's Hospital.

CHAIRMAN CAMPOS: That's what you've been angling for for a while.

COMMISSIONER DURAN: What time was it on the 16th?

CHAIRMAN CAMPOS: 1:30, until probably about 4:00, 4:30. Probably two hours. Maybe until 5:00, let's say.

COMMISSIONER MONTOYA: So what about the water? We didn't schedule the water one.

MR. FLORES: Mr. Chair, Commissioner Montoya, let us get some dates and times for the remaining study sessions, which will be water/wastewater and then capital outlay. And we'll just call capital outlay as a general ones and we'll get some dates, hopefully by the end of this week.

COMMISSIONER MONTOYA: So just two more.

MR. FLORES: Two more, and then we'll leave the legislative one to right after the beginning of the year. We'll already have developed a strategy with this Board's direction prior to that.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER SULLIVAN: And I think, Mr. Chair, one thing, in the water/wastewater combined with the legislative is we want to rethink this year, how to approach the regional water and wastewater authority legislation. There's some changes that I think will make it move more smoothly, a) with the City and b) with our legislators. And we may have a much better chance having hammered out that water agreement with the City working with us and not against us on this.

COMMISSIONER DURAN: Don't count on it.

CHAIRMAN CAMPOS: I wouldn't count on them to do it.

COMMISSIONER SULLIVAN: Well, maybe I'm the eternal optimist.

You're right.

COMMISSIONER MONTOYA: The internal optimist?

COMMISSIONER SULLIVAN: The internal optimist.

CHAIRMAN CAMPOS: Okay, let's move on. Do we have executive session today, Mr. Ross?

MR. ROSS: We need a short one, Mr. Chair. I'm been proven wrong before so maybe I shouldn't estimate. My guess would be half an hour.

COMMISSIONER SULLIVAN: Let's do the public hearings.

CHAIRMAN CAMPOS: Okay. We can do public hearings. Technically we wait until 5:00 or 6:00.

COMMISSIONER SULLIVAN: You're not going to have a quorum if you wait until 5:00 or 6:00.

CHAIRMAN CAMPOS: Any objection to doing them now? So let's skip over to Public Hearings.

XIII. Public Hearings

A. County Manager

1. Ordinance No. 2004-5. An Ordinance Approving Vista Studios Inc., for a Work Force Economic Development Project with Santa Fe County (Deliberation and Approval)

MR. GONZALEZ: Mr. Chair and members of the Commission, this is the ordinance that we had discussed previously in conjunction with items A, B, C, and D that had been pulled from the Consent Agenda.

CHAIRMAN CAMPOS: This is a public hearing. Anybody out there who would like to testify for or against? No one having come forward, the public hearing is

closed. Is there a motion to adopt Ordinance No. 2004-5? Is there a motion?

COMMISSIONER DURAN: So moved.

COMMISSIONER ANAYA: Second.

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

XIII. A. 2. Ordinance No. 2004-6. An Ordinance Requiring that all Antifreeze Sold within Santa Fe County After January 1, 2005, Containing More than 10% Ethylene Glycol, Shall Contain Denatonium Benzoate, a Bittering Agent Used in Antifreeze to Make the Substance Unpalatable (Deliberation and Approval)

MR. GONZALEZ: To dogs and children.

CHAIRMAN CAMPOS: And children too?

MR. GONZALEZ: That's correct. This ordinance is modeled, as some of you may know after an ordinance that has been adopted in other municipalities here in the state, including Albuquerque. And it's also being addressed at the national level. Greg Shaffer and Julian Barela are here. They both worked on the ordinance so I'll pass them on for questions or I'll stand for questions as well.

CHAIRMAN CAMPOS: Questions or comments? No questions, no comments? Public hearing? All those who wish to testify please come forward. Okay. Public hearing is closed, no one having come forward. Is there a motion to adopt Ordinance 2004-6?

COMMISSIONER DURAN: So moved.

COMMISSIONER MONTOYA: Second.

COMMISSIONER ANAYA: Is it still going to be green?

The motion to approve Ordinance 2004-6 passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.

XII. E. Matters from the County Attorney

1. **Executive session**
 - a. **Discussion of pending or threatened litigation**
 - b. **Limited personnel issues**
 - c. **Discussion of possible purchase, acquisition or disposal of real property or water rights**

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

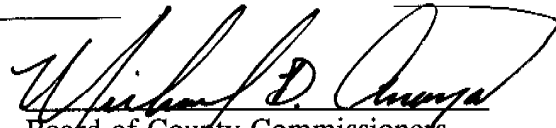
[The Commission met in executive session from 3:00 to 3:30.]

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

ADJOURNMENT

Chairman Campos declared this meeting adjourned at approximately 3:30 p.m.


Approved by:


Board of County Commissioners
~~Paul Campos, Chairman~~
Michael D. Anaya

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


Valerie Espinoza
SANTA FE COUNTY CLERK

