

COUNTY OF SANTA FE)
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BCC MINUTES
PAGES: 65

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SANTA FE
BOARD OF COUNTY COMMISSIONERS
MEETING
October 31, 2006

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

SFC CLERK RECORDING 12/07/2006

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

October 31, 2006

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

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

Members Present:

Commissioner Harry Montoya, Chairman
Commissioner Virginia Vigil, Vice Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan [early departure]

Members Absent:

Commissioner Mike Anaya

V. Invocation

An invocation was given by Provost Gerald González.

VI. Approval of the Agenda

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- B. Tabled or withdrawn items**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

ROMAN ABEYTA (County Manager): Thank you, Mr. Chairman. I have amendments. The first being under XII. Consent Calendar, A. 13. That request is being withdrawn at this time. Under Miscellaneous Items, B, Consent Calendar, item 3 has been withdrawn. B. 9 has been withdrawn, and we've added an item C. 14.

COMMISSIONER SULLIVAN: Mr. Chairman, I don't have a B. 3.
COMMISSIONER VIGIL: I don't either.

CHAIRMAN MONTOYA: It might be on the new agenda.

MR. ABEYTA: I'm sorry, C. 3, Miscellaneous. That's been withdrawn. And C. 9. And we added a C. 14. Mr. Chairman, we're requesting that item XIII. A, Staff and Elected Official Items, Corrections Department, A. 1, be moved to Presentations, which is X. And after Presentation, Mr. Chairman, we would request that Matters from the County Attorney 1 and 2 be heard by the Commission.

CHAIRMAN MONTOYA: So that would be XIII. F. 1 and 2?

MR. ABEYTA: Yes, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, any other withdrawals from Consent?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A. 5 is the budget for the healthcare van and that's an item on the regular agenda for approval, so I think we should hold that off until the Commission discusses the items XIII. B which have to do with that mobile van, budget items, 2.6 FTEs for that van. So I suggest we hold that off until the Commission deliberates on XIII. B.

Then the others that I request some brief discussion on are C. 1, C. 4, C. 6, C. 11, C. 13. Now, in this agenda that was handed out, Mr. Chairman, there's a C. 14 and a 15, and Mr. Abeyta mentioned adding C. 14. Is 15 also to be added? My agenda only goes up to C. 13.

MR. ABEYTA: I don't have a 15.

COMMISSIONER SULLIVAN: I've got a Consent Calendar here that goes up through - no, that's A. 15. So C. 14. So my question is are we going to discuss C. 14? Is that going to be withdrawn or is that going to be approved as part of the Consent Calendar?

MR. ABEYTA: Mr. Chairman, I put it on the Consent Calendar but if the Commission wants to discuss that we can do that also.

COMMISSIONER SULLIVAN: This is for a lease of the Bokum building. Are there any documents that you have to pass out for that?

MR. ABEYTA: Mr. Chairman, yes, we do have some documents that will be passed out.

COMMISSIONER SULLIVAN: It probably would be good to at least discuss that since we don't have any documents on C. 14, Mr. Chairman. And that's all.

CHAIRMAN MONTOYA: Are you sure? Okay, so we have all of those withdrawals. We have the amendments and moving things around on the agenda. Anything else? If not, could I have a motion?

COMMISSIONER CAMPOS: You got C. 5 from me, right?

CHAIRMAN MONTOYA: Oh, C. 5. You're serious.

COMMISSIONER SULLIVAN: He was serious. See, they make me go first, Mr. Chairman, and all the ones they want withdrawn I've already mentioned but then they add whatever else they have. That's the deal. I'd move for approval, Mr. Chairman, as amended by staff and the County Commission.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion and second. Any other discussion?

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

VI. APPROVAL OF MINUTES

A. September 26, 2006

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Campos. I'll second for discussion. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have some typographical corrections, Mr. Chairman.

COMMISSIONER CAMPOS: Okay with the maker of the motion.

CHAIRMAN MONTOYA: Same here.

The motion to approve the September 26th minutes as corrected passed by unanimous [4-0] voice vote.

B. September 29, 2006

COMMISSIONER SULLIVAN: Move to approve.

COMMISSIONER VIGIL: Second.

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

The motion to approve the September 29th minutes passed by unanimous [4-0] voice vote.

C. October 10, 2006

COMMISSIONER SULLIVAN: I need to abstain, Mr. Chairman. I was absent from that meeting.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER CAMPOS: Second.

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

The motion to approve the October 10th minutes passed by unanimous [3-0] voice vote with Commissioner Sullivan abstaining.

VIII. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN MONTOYA: This is Matters of Public Concern where individuals in the public that would like to address the Commission come forward at this point. Seeing none, we'll continue on.

IX. MATTERS FROM THE COMMISSION

- A. **Resolution No. 2006-165. A Resolution Regarding Santa Fe County Assuming the City of Santa Fe's Portion of the Operational Costs of the Regional Emergency Communications Center and Providing Full-Time Staff in County Fire Stations Located in the Agua Fria, Tesuque and Rancho Viejo Areas (Commissioner Montoya, Commissioner Vigil, Commissioner Anaya, Commissioner Campos, Commissioner Sullivan)**

CHAIRMAN MONTOYA: Commissioners Vigil, Campos and Sullivan, do you all have anything to add or discuss on this item?

COMMISSIONER CAMPOS: I have some questions, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just clarification questions. Section 3, we talk about emergencies in the urban and urbanizing areas. Are those defined? Do those have a fixed definition of any sort and who can provide that definition if we do need a definition?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, as far as the urban area, we're referring to the urban area as defined by the RPA, which would be the area inside of the Two-mile Extraterritorial Zone out to the Five on the northwest city limit boundary.

COMMISSIONER CAMPOS: From the Two to the Five?

MR. ABEYTA: From the city limits on Airport Road up to 599. That's the urban area, approximately. That's a major portion of the urban area.

COMMISSIONER CAMPOS: What about urbanizing areas?

MR. ABEYTA: I'm not sure what that definition is.

COMMISSIONER CAMPOS: Okay. What about annexation? How does that affect the urban area? It will tell you if the City goes forward with a major annexation plan. That would include most of the urban area if they go with the full extent of their plan now.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, right. And so once those properties go into the city limits we would no longer be responsible for emergency service other than a mutual aid agreement that we may have in place with the City of Santa Fe.

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

CHAIRMAN MONTOYA: Do you want to change those, Commissioner Campos?

COMMISSIONER CAMPOS: No, I just wanted some clarify. I don't know if

staff feels we need to define those. Urban and urbanizing. There is no definition apparently for urbanizing except maybe anything that has a lot of houses on it. I don't know. Urban – there's always been a different urban area definition between the City and the County and it changes depending on the discussion. So if staff feels that they need a more definite definition maybe this is the time to suggest it.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I don't believe we need a clearer definition at this time. I think that what's happening right now is we're sharing, the City is providing some service for us out in the Extraterritorial Zone.

COMMISSIONER CAMPOS: Okay. What about annexation? How does that affect the urban area? It will tell you if the City goes forward with a major annexation plan. That would include most of the urban area if they go with the full extent of their plan now.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, right. And so once those properties go into the city limits we would no longer be responsible for emergency service other than a mutual aid agreement that we may have in place with the City of Santa Fe.

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

CHAIRMAN MONTOYA: Do you want to change those, Commissioner Campos?

COMMISSIONER CAMPOS: No, I just wanted some clarify. I don't know if staff feels we need to define those. Urban and urbanizing. There is no definition apparently for urbanizing except maybe anything that has a lot of houses on it. I don't know. Urban – there's always been a different urban area definition between the City and the County and it changes depending on the discussion. So if staff feels that they need a more definite definition maybe this is the time to suggest it.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I don't believe we need a clearer definition at this time. I think that what's happening right now is we're sharing, the City is providing some service for us out in the Extraterritorial Zone, whether it's urbanizing or not. The resolution covers the general points because of that we will provide them with a cost of the RECC and also provided that they support the tax.

CHAIRMAN MONTOYA: Any other discussion? Do we have a motion?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan. I'll second for discussion. Any discussion?

The motion to approve Resolution 2006-165 passed by unanimous [4-0] voice vote.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: With regard to this, I'd like to ask our County Manager. We actually appeared before the City Council at our last meeting on the cooperative resolution for the gross receipts tax and assured them that we would amend that to include the letter that was written to them that would identify this. Is this in replacement of that letter?

MR. ABEYTA: Mr. Chairman, Commissioner Vigil, yes it is. What we did is we took the language from the letter and put it into the resolution.

COMMISSIONER VIGIL: Thank you. That's all I needed to know, Mr. Chairman.

IX. B. Consideration of Publication of Title and General Summary of an Ordinance Governing Design, Construction, Operation, Replacement and Maintenance of Swimming Pools within the Unincorporated Areas of Santa Fe County Providing for Medical Exceptions and Repealing Resolution No. 2006-86 (Commissioner Montoya)

CHAIRMAN MONTOYA: The proposed ordinance is in your packet. Essentially, what this is, coming as a result of a number of requests that have come to have a swimming pool placed for either commercial or medical purposes. The ordinance that we had placed, actually it was a resolution that was passed imposing restrictions on water use, restricted at that time that we implemented this, the construction of swimming pools. What this will do is pretty much clarify exactly what people can and cannot do in terms of building and constructing swimming pools.

So this is an ordinance that would provide Land Use, would provide our Planning Department the tool which they can move forward with when these requests come in and move forward with when these requests come in and move forward in a way that places what I think are good standards for the type of ordinance that we should be following as far as Santa Fe County and the construction of swimming pools. Steve, did you have anything to add on that?

STEVE ROSS (County Attorney): Mr. Chairman, members of the Commission, I of course drafted this for the chair. The sources I drew upon in drafting it were the Land Development Code and a set of internal policies that the Land Use Department has had for many years on the construction and permitting of swimming pools, as well as ordinances that are located in other cities, particularly the City of Denver.

The problems that have surfaced as a result of Resolution 2006-86, which essentially put a moratorium on swimming pools are legal in nature. A number of attorneys have contacted my office complaining about the due process problem that's inherent in enacting a resolution to implement what is essentially a moratorium, as well as a number of developments that had final plan approval, final plat approval, but just needed a building permit to construct a pool, and this resolution is so broadly drafted that it has essentially stopped those developments from obtaining a building permit. All the other approvals were in place.

So there are a number of legal problems with 2006-86. As you recall, it does end at the end of the year. It goes out of effect on December 31st. But in discussions with Commissioner Montoya we thought maybe a more comprehensive approach to the problem might serve us for the next five or ten years. And if you have any questions about some of the provisions in the ordinance, I can enlighten you as to where they came from. Like I say, I drew from three

principal sources.

CHAIRMAN MONTOYA: Thank you, Steve. I think the other clear message that I've received, I don't know if any of you have is that we didn't go through any public hearing process in terms of getting feedback from people in the community when the resolution was imposed. So this ordinance would allow that process to occur in terms of public input and public participation. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think this is a good idea and it's good putting this through the public process. That was an emergency that we were dealing with in the Resolution 2006-86 situation. The only thing that I would suggest that legal consider in this as a draft ordinance, and I know, we're just approving title and general summary here now, is that this be subject to any possible water use restrictions or temporary water restrictions as declared by the Board of County Commissioners so that if there is a dire drought situation this ordinance makes it clear that the Commission still has the authority to for some limited term to declare a moratorium. Beyond that, it seems to allow swimming pools essentially everywhere, but to limit the type of construction and put some design restrictions on them would seem fine, providing that they have the water for it and that the water is in their water budget, which brings us back to the problem I keep bringing up is that we have no one to check water budgets.

So there's a practical problem here that we're creating more work to check water budgets and we still don't have the staff to do that. But beyond those administrative problems I think it's a good idea to clarify this and to allow public input.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil, then Commissioner Campos.

COMMISSIONER VIGIL: Steve, it appears to me that the only exemption here is for medical purposes?

MR. ROSS: That's correct.

COMMISSIONER VIGIL: Okay. So other than that the guidelines that are provided here with regard to water restrictions will be the guidelines for which approval is made. Is that correct?

MR. ROSS: That's correct.

COMMISSIONER VIGIL: And those guidelines, were they also from Denver?

MR. ROSS: Actually, Mr. Chairman, Commissioner Vigil, a number of those guidelines came from our existing land use guidelines that have been promulgated by the Land Use Department but not embodied in any sort of ordinance or resolution or anything of this body. They're just internal guidelines that have been used for many years. Many of them came from there. The remaining – and a lot of the technical stuff came from the City of Denver's ordinance.

COMMISSIONER VIGIL: Okay. Will this go through hydrological review? Through our hydrologist or Water Resource and Land Use?

MR. ROSS: If you take a look at – there's an application process and one of the key functions of that application process is to get it in front of the Water Resources

Department to check the water budget and restrictions and the water availability statement that's in that application. So, yes.

COMMISSIONER VIGIL: Thank you. That's all, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Question for our attorney. Does this Board have the authority to prohibit swimming pools?

MR. ROSS: Mr. Chairman, Commissioner Campos, my offhand answer would be yes but I'd want to think about it and look at it some more.

COMMISSIONER CAMPOS: Okay. Now, have the public questions relating to do we have the swimming pools or not – has that been thrashed out with Land Use staff, with our strategic planning, with our water department?

MR. ROSS: Mr. Chairman, Commissioner Campos, I developed this ordinance in consultation with Penny Ellis-Green of the Land Use Department.

COMMISSIONER CAMPOS: I understand that you guys worked on it together but what about the policy issues. Did you discuss that?

MR. ROSS: Aside from what's embodied in the ordinance, we did not. We used the Land Development Code and its restrictions post-1996 as well as the policy that's embodied in that internal document that Land Use has been using for many years to develop the policy statements that are in here. Most of the technical stuff came from other jurisdictions.

COMMISSIONER CAMPOS: So there was really no assessment as to the public interest and water coming from aquifers and wells and things like that?

MR. ROSS: No.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Steve, are there any other counties who have addressed swimming pools in the state, that you know of?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I think Bernalillo County addresses them but as far as the remaining 33 counties, only five have zoning to begin with, so I didn't look there for inspiration when I was drafting this up. I doubt it, but I suspect Bernalillo County does. I haven't looked at them.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. I'd entertain a motion. This would be to publish title and general summary.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I think this issue probably needs further discussion. I am grateful that we've taken the initiative to start looking at some guidelines for swimming pools because I do agree with counsel that we may have a due process consideration here with the moratorium. I personally hope that we do some public outreach and get public input on this but I think the County is taking a step forward in trying to provide some guidelines and review for swimming pools and indeed create an exemption for medical reasons. So with that, I will

move to publish title and general summary of this ordinance governing the design, construction, operation, replacement and maintenance of swimming pools.

CHAIRMAN MONTOYA: We have a motion by Commissioner Vigil. I'll second for discussion. Any discussion?

COMMISSIONER VIGIL: This will require two hearings?

MR. ROSS: Mr. Chairman, Commissioner Vigil, it's a little fuzzy, but I think that would probably be a good idea, given the nature of the ordinance.

COMMISSIONER VIGIL: Okay, I would recommend that my motion be amended to include two public hearings. Would the seconder agree with that?

CHAIRMAN MONTOYA: That's fine. Further discussion?

COMMISSIONER CAMPOS: Discussion.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, if we're going to embark on this process, I think we need to have some analysis of the public interest in drawing water from the aquifers to use for swimming pools. The aquifers are really - they collect water over thousands of years and we're drawing a lot of water for non-consumptive purposes. We've been very clear in our policy that we want everyone to tighten their belts and reduce usage. It seems to me that this is just - we've had three or four inquiries and perhaps there's a due process problem but that can be taken care of. So I'm concerned about that. I'd like staff to address those issues and Water staff and Land Use staff and our strategic planning staff so that we could have more input at the next discussion. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. I think those are critical points that do need to be addressed. Thank you for bringing those. Any other discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I agree, Mr. Chairman. I think I'm in favor of the publication of title and general summary, but I think during the discussion, that doesn't necessarily mean I'm in favor of an ordinance that permits swimming pools throughout the county. So I think this is good to have this documented so that if we are going to permit swimming pools everywhere we need to have some control over them and this is a good ordinance to do that. But in the same discussion, I think we want to discuss from a policy standpoint, is that a good thing, a good policy for Santa Fe County to have?

CHAIRMAN MONTOYA: Right. Very good. Any other discussion?

The motion to authorize publication of title and general summary passed by majority [3-1] voice vote with Commissioner Campos voting against.

IX. OTHER MATTERS FROM THE COMMISSION

COMMISSIONER VIGIL: Mr. Chairman, I would just like to briefly address - we received a lot of publicity about the current gross receipts tax that's before the voters. Just to go to a specific issue in particular, we have gotten requests from the City of Española to

share the gross receipts and I think it's really critical that the City of Española know that indeed that would be something that we would be able to consider if it was possible. However, currently we do not have a joint powers agreement with Española and the only entity we have a joint powers agreement with is the City of Santa Fe and it's taken us a lot of hard work to come to the point where we've enacted a joint resolution supporting that gross receipts.

I'm not sure why the City of Española is still in a position to want to be able to share that. I think that they themselves have enacted the same gross receipts tax and that indeed is something that they would be including in their public safety budgeting. But because it isn't possible at all to be able to share this gross receipts I think it's important that the public know and that everyone have a clear understanding that when the New Mexico State Legislature enacted this statutory language that is was very specific to Santa Fe County and that Santa Fe County gross receipts were to be for and by Santa Fe County. So to open it up to an opportunity for other counties is not possible legislatively. I want that known on the record, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Thank you, Commissioner Vigil. I'll just add on that point that I did discuss this will Councilor Alfred Herrera and actually provided him some documentation that Chief Holden, who I don't see here, provided to me to give to him, and it did disclose exactly what you just described. I am grateful for Councilor Herrera's removal of that agenda item that they were going to discuss a week ago last Monday in order to further discuss what could be done with the City of Española. However, I am disappointed to see an editorial from the Mayor in today's newspaper exactly discussing what we have talked about that can't be done because legally it can't be done. So I just appreciate your bringing that forward, Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. In addition, the other item is I really want to personally thank all of the staff who participated in the townhall meeting in Agua Fria. There was a very good turnout of the residents there and also a very good representation from all the staff members. And I want to thank all of them. I want to particularly thank Rita Maes who coordinated a lot of this through our Land Use Department, and Robert Griego, Renee Villareal, who have been working very closely with this community. I thought the townhall went well. We actually developed a new structure and that was to allow all of the staff members to give presentations and inform the community and give them an update on what's going on with Public Works, what's going on with our Water Resource Department, what's going on with each one of our departments.

I must say that the residents there were very grateful because many of the questions that they had were unanswered. The format allowed for the residents to meet with each one of the staff members after all the presentations were done, and it was done in a timely manner and I thoroughly appreciate the participation of all staff who were there. I also want to thank – and I'm not going to remember their names – it was – Robert, you might be able to help me here – who donated the food – the Tree House. That's a project that this Commission approved that is right next to Agua Fria and Henry Lynch Road. They donated some lovely food for that evening, and again, thank you to staff for coordinating that and making that, I think, a very

successful townhall.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just I'd like to begin the discussion on an issue that may be important to our County government and that's the idea that CYFD is now taken the position they're going to send a number of children to our facility. Some of these kids are going to be there for the long term, so when that happens we always have to think about facilities. And when we think about facilities for people who are going to be somewhere for a longer period of time than just a few days or a month or two, we need to think about money and we need to talk to the legislature and come up with an idea of how we're going to address the issue.

If indeed we're going to engage in a long-term relationship with CYFD about kids that are coming from Springer, we need to invest a lot of money in the facilities so that we can provide the proper services. So I think that's a discussion I'd like to begin and I'd like to get some feedback from staff in the next few weeks if possible. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. I just have two items. One was I wanted to ask and since I was absent the last meeting, congratulate Mr. Abeyta for his appointment as County Manager and then immediately turn around and put him on the spot by asking him what the plan is for our water conservation coordinator.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's something that I need to discuss with the Utilities Director. Just for my own information, was that position approved as part of the rolling list? I know there was a list of seven or eight positions that got approved and I don't remember if that was on that list or not.

COMMISSIONER SULLIVAN: My understand is that it wasn't, but that it was approved two years ago as an FTE, and then absorbed into the County Manager's office for other duties. The function was then transferred to the Water Department but no FTE or funding followed that transfer. So I'm still wanting to see the water conservation coordinator that we approved the FTE for two years ago, so I don't think it needs to be in our current list of FTEs; it's already been approved by the Commission.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I'll sit down with both Gerald and the Utilities Director and I'll have a report to the Board at the next meeting as to the status of that position.

COMMISSIONER SULLIVAN: Okay. Thank you. Then Mr. Chairman, the other thing was just to give everyone notification that I'll be hosting another townhall meeting on November 8th. This is the day after election so everyone can relax. It won't be peopled by candidates who are running for election and the campaign ads will have disappeared from your television screen, mercifully. And the meeting will be located at the Santa Fe County Extension building next to the Rodeo Grounds from six to eight pm. It's basically - we've had a meeting in Eldorado for Eldorado residents. We've had another one in the Community College District for the residents in Rancho Viejo and that general area, and this will be focused on individuals who live in the Rodeo Road area, which also happens to be in District 5, which is my district.

Many people living in that area don't realize they're in County Commission District 5 so as a result we've also invited the Mayor to attend and our feedback is currently that he will attend that meeting. And we'll have staff present to give updates and answer questions, and as I said it will be from six to eight. If anyone has any questions about the meeting or where the County Extension building is, it's right next to the Rodeo grounds. Feel free to call Jennifer Jaramillo at 986-6293.

In regard to that, because of some family emergencies that Jennifer had, we weren't able to get the funding item on the agenda for the publication of the advertisement for it, so I need to tell you that as I've done with the others, I've used discretionary funds to pay for the ads for these, but I don't have it on this agenda as an agenda item. It's probably around the order of \$500 for ads and I'll be bringing it back to the Commission at a future meeting asking for retroactive approval of an amount. And if the Commission doesn't approve it I'm not quite sure what we'll do. But nonetheless, it's very important the public be aware of these meetings and I think the newspaper ads are a good way to do that.

We've also been contacting community organizations, homeowners organizations that are in the area and Jennifer has been providing them flyers which they've been distributing door-to-door. So we are making other attempts to get people advised of this meeting. There's no specific agenda. We're going to be talking about essentially anything people want to talk about and answer questions. That's all I had.

CHAIRMAN MONTOYA: Okay. Thank you. In your packet you have Wireless Metro Network Solution information and we have two gentlemen here who are available to answer questions that any of us may have including staff regarding entering into this collaboration, essentially. So Alfred and Alex, if you'd just kind of raise your hands. These are folks who have been working with staff here. I encourage you to please meet with them, talk to them if you've got questions regarding Santa Fe County entering into these agreements to provide a lot of technological advancement for the County if we were to pursue this, so I'd encourage you all to take a look at it. Its implications and ramifications are great for this County.

I did meet with John Mitchell and Joe Scarpino at the Los Alamos National Laboratory. Essentially, we are not going to be receiving any more support regarding our water resource and technical assistance office because of cutbacks that they've had at the labs. They're no longer able to provide us with that technical support. So we are currently determining how we're going to move forward through the collaboration that we have with those groups which of course include the Pueblo governments and Santa Fe and Rio Arriba counties and see how we are going to continue to staff that office. So we are working on that but I just wanted to inform the Commission that the WRTA office is no longer going to be in existence.

Just wanted to also wish Commissioner Sullivan an early birthday. I believe this Friday you're turning 33. Is that correct?

COMMISSIONER SULLIVAN: No, no, no, no, no. Benny age, which for all you youngsters out there is 39.

COMMISSIONER VIGIL: Plenty-nine.

CHAIRMAN MONTOYA: Happy early birthday.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. Appreciate it.

CHAIRMAN MONTOYA: And I again want to encourage people to vote between now and next Tuesday and hopefully be able to support our emergency medical services tax which we've been working on diligently as well as the general obligation bond for the courthouse, two very much needed taxes here in Santa Fe County.

And I also wanted to invite people – we're having a wet-down at the Hondo Fire Station. It will be the grand opening of that new fire station, this Friday, November 3rd at 4:00. It's Friday, November 3rd at 4:00, 645 Old Las Vegas Highway and it will be an unveiling of the beautiful new facility that we have there for the Hondo Fire Station.

With that we will move to Presentations and Mr. Rael, if it's okay, I would like to ask that we move up the presentation on the Corrections facility by the Corrections Advisory Committee. Some of these folks have to leave in about five minutes so if you would please come forward.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Corrections Department

1. Presentation of the 2006 Annual Report of the Corrections Advisory Committee by the Chairman Joseph Joiner

JOSEPH JOINER: Commissioner Montoya, Commissioners, I'm Joe Joiner, the chairman of the Corrections Advisory Committee established by the County about five years ago. This is perhaps a more comprehensive report than we've issued before largely because the County resumed operation of the corrections facilities from a private contractor.

So this report looks back. I don't want to minimize any of the progress that your Corrections Department has made. It's made quite a bit, but if you understood – I'll use the word – the mess left behind by the private contractor you'd understand that it's like a big oil tanker in the ocean. It's going to take quite a while to turn it around, and it's already started. I would say parenthetically that with the addition of the highly capable Annabelle Romero, this department has a very strong management team and they're ready to go to the next level.

So what I will do is highlight this report which was written by the entire committee. I have with us Mr. Mitch Buscek, Dr. Susan Kay, [inaudible] committee members contributed. Dr. Spencer couldn't be here; he's in Wyoming working on another one of his medical jail functions, prison functions. It's a very highly capable committee.

Basically, you'll note, if you've read the report – I'm sure you have – that we're looking for ways to keep less people in jail and for less time. There are two ways of addressing this, or three at least here. That is we release people as soon as we can, we add more staff to better handle the population and pay them better, and increased cooperation between the judiciary, the prosecutor and the public defender, the private and the courts.

That all has to be done of course by the district court and the magistrate court because

it's beyond the brief of the County Commission. But this Commission does have authority over how the jail is run and the authority to make strong suggestions. Basically, we're 20 percent understaffed. That's across the board: medical, corrections officers, you name it. I saw a letter to the editor a couple weeks ago decrying the fact that the department had let go some 29 or 30 officers. That wasn't really what happened. When this department took over they asked every officer to reapply. Seventeen did not. As I understand it, 12 of those who did were found to be unqualified. So they started off behind the eight ball.

Training was poor. The contractor was supposed to provide 160 hours of training for new corrections officers. In effect it was 40. It was very sporadic. Finally, we're still understaffed. So we recommend the obvious which is raise the wages. I believe it was \$10.49 presently. Across the street at the prison it's \$13.50. We just can't compete. And they're hiring people as young as 18. It's a very complex job for an 18-year old. You'd have cause to worry if you'd stood, like this committee did in booking and looked at the young 18-year old corrections officer trying to deal with three or four hard-core cases. The poor kid looked like he hadn't started to shave yet. He was like a deer in the headlights. It takes a lot of training, a lot of experience and maturity and judgment to make a good corrections officer. I think it's more complex than a good deputy sheriff or good young policeman, for example. So we're recommending strongly that the wages be increased.

In terms of cooperation, you know it's an ever-changing population which is a very complex thing to manage for the jail. There are people who are awaiting release, people who have been charged, people who have been charged but not tried or adjudicated, and people who are in there long term. There are all these going in and out for court appearances, medical appearances and you can imagine if you're down 20 percent - let's just use the number five for convenience. If you have five corrections officers who are supposed to be that you're down one already because you're down 20 percent. If one has to make the hospital run, one has to accompany another inmate to some other place, all of a sudden you're very short. It leads to all kinds of complex problems: lack of observation, lack of control, improper classification, delay in classification, the problems are absolutely, literally endless.

So the first thing we need to do, in our view, is get the staffing up. The private contractor was a disaster, as was the private medical contractor. We've seen two come and go. You cannot make a profit center out of a corrections facility. It can't be done. You have to spend the money it takes. All these people are coming back to the community. For example, [inaudible] the population is about 520. Of those about 140 are state inmates. There are no federal inmates. Of the remainder, they're all coming back into the Santa Fe County community. We're hoping to get them back with a better attitude and a better view of life than they had when they went in. Otherwise, they'll just come back. And in fact that's what's happening. We think the recidivism rate is about 60 percent.

There are people in there that are jail buddies because they come and go so often. The major set of the problems relating to why they're there, related to drug and alcohol use, you can see why they need more programs. The in and out, what I call the in and out section, people who are arrested for whatever reason, the jail has no control over that. They're placed in

custody and they have ten days to be charged. That's not happening. For some reason the district attorney is given extensions before charging them, or not bothering to get extensions. The magistrate judges won't issue a release order on their own motion because they don't want to be responsible to turning someone who later turns out to be a violent offender back out on the streets.

That raises the jail population, raises the expense. The private contractor didn't mind. They were being paid for inmate per day, as you know. This time it's the County's dollar. The problems in the medical facility are [inaudible], especially the delivery of drugs and delivery of appropriate supply of drugs to those who are released. How we solve that, I don't know. We've watched two private contractors be unable to do that and we're now watching our own unable to do that. Those issues are being addressed I'm sure, but they're of great concern to the committee. It is like a toothache; it never seems to go away. I don't know what the answer is, but that will be addressed by your team.

Continuity of care is a process we've recently been exposed to through Dr. Stephen Spencer. There's an organization called Community Oriented Correctional Health Services. They started this program in Hampton County, Massachusetts, outside of Boston. Basically the program is supposed to involved total community healthcare services being affiliated with the jail so we can make contact with inmates with problems and upon release that inmate is referred to his or her local community healthcare facility so the treatment is ongoing. It works very well. Hampton County's recidivism rate is four percent. Ours is sixty. And that's [inaudible] I don't mean to say that we're larger in terms of recidivism percentage than other county jails across the country. Sixty percent seems to be the unhealthy norm for recidivism in county jails.

When we finish looking into that we hope to have a presentation by telephone from the [inaudible] at our next meeting. But we recommend strongly that this be considered in Santa Fe because ongoing healthcare, apparently reduces recidivism considerably, thus the expense.

Educational programs are lacking. We have tried for quite a while to get some sort of televised education going in the pods. After all, the folks that are in there aren't going anywhere. I don't think they should be watching soap operas. But this takes money [inaudible] the COCHS program. We're also recommending that when the staffing level at the adult facility is too low for one reason or another for proper operation that the judiciary consider early release of non-violent offenders and electronic monitoring for the rest. The committee members can answer your questions in there specific areas. Mr. Buscek can answer questions about the programs; he heads that section. Dr. Kay can answer questions about mental health care, as can Nanette Farrelly about healthcare. Annabelle Romero will answer any of your questions. I understand there's some reorganization being considered which looked pretty strong to us but we can't comment on it. Mr. Abeyta will comment on that at the appropriate time.

CHAIRMAN MONTOYA: Okay. Thank you. Any questions for the committee? We'd like to thank you for your work. Commissioner Vigil.

COMMISSIONER VIGIL: Yes, I would too. Would you please introduce all the members of the committee?

MR. JOINER: Certainly. I'll ask them to stand up. Dr. Kay, Nanette Farrelly,

Mitch Buscek, and lastly is Dr. Spencer. By the way, we're two slots down. We're authorized for seven and the committee is recommending an increase to nine.

COMMISSIONER VIGIL: Probably the questions I have would be more staff questions. I appreciate the committee's work on this and their concerns and I know they're heartfelt and they come from dedicated individuals. I hope the increase in the committee continues on that path and I'll just reserve my questions for staff, Mr. Chairman.

MR. JOINER: I would point out I do think your management team is ready for the next level. The facility is on the verge of great improvement, I think. As I said, this is looking back but these problems are the ones we'll be seeing in the future as well as we're trying to solve them.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN MONTOYA: Okay. Any questions for the committee?

Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just some quick ones. What is MRSA?

MR. JOINER: Oh, mercy. Let me see if I can get it correct. It's Methicillin resistant staphylococcus aureus, which is an antibiotic resistant staph infection easily transmitted, very difficult to get rid of in groups of people that share the same facilities. You see it also in sports teams and the like.

COMMISSIONER SULLIVAN: I knew it didn't sound good, but it didn't say what it was.

MR. JOINER: It's certainly not good.

COMMISSIONER SULLIVAN: You've recommended increasing hourly compensation of the employees from \$10.49 an hour to \$13.50 an hour. Have you made an analysis, a budget analysis on what the budget impact of that would be on the County budget?

MR. JOINER: No, we have not. In fact a lot of these numbers are difficult or impossible to get from a fiscal analysis standpoint. The software the jail has simply cannot do it. For example our healthcare costs. Some appear to be 20 percent of the budget but if you look at it closely in actuality there are so many things lumped in there that we couldn't tell you what the cost per day per inmate is.

COMMISSIONER SULLIVAN: Okay. Do you know - and this may be a question for staff if you don't have it on the tip of your tongue, what the average length of stay is?

MR. JOINER: No, we don't. As a matter of fact at one point, before the County took over, the contractor couldn't tell us how many were there on any given day.

COMMISSIONER SULLIVAN: Greg, can you guesstimate?

GREG PARRISH (Corrections Department): Mr. Chairman, Commissioner Sullivan, the County inmates spend an average about 14 to 21 days in jail. Some are there 12 hours, so taking that into consideration, the average is 14 to 21 days.

COMMISSIONER SULLIVAN: Fourteen to 21 days. I know that one of the things early on when I looked at the jail, I was concerned that there was no substance abuse program in the facility. You say in your report of course there is still no substance abuse

program in the facility, and again, it's just money. Give us the money and we'll give you all the programs you want. One of the concerns I had and I know I think some of the staff had was that for the short duration of inmates at a facility like this that the substance abuse program was minimally effective and that's not necessarily my opinion but that's the response that I got because for the first seven days they were detoxing anyway and then after that it was hard to get any kind of a sustainable program going. Could you respond to that?

MR. JOINER: I think anything is better than nothing. I also think that if there's a substance abuse problem that is identified and if there's this Community Oriented Healthcare Program set up, at least they can be referred to a program in the community where they live. It's just amazing that the sources of the problem don't seem to be addressed. There seems to be a philosophical view that as Dr. Joe Gallagher used to say on the committee, it's jail not Yale. I can't count the times he said that. The problem is there's tension between punishment and rehabilitation. Everyone wants to see the bad guys punished and off the streets, and everyone wants good guys to come out the other end. It's kind of a conflict and balance. But it's quite clear that healthcare is essential to reducing recidivism, which means they may be home for good.

COMMISSIONER SULLIVAN: I understand certainly on healthcare, and I'm assuming you're talking about mental health as well, but are you aware of - we've tried the Home for Good program and I think that's still in place but its funding I think is tenuous at best. And has the Home for Good program not been successful?

MR. JOINER: Let me ask Ms. Farrelly to respond to that.

NANETTE FARRELLY: Thank you, Commissioners. The Home for Good has been very successful. I work directly doing client services through the public defenders department. So that is one of the programs that has been very effective. What our concern is that there are a lot of people who are incarcerated for longer than 21 days who have mandatory sentences for DWI offenders. You have people who have been sentenced for a year there. You have people who are awaiting hearings and sometimes trials, sometimes past six months. Our concern is that there aren't any services as far as substance abuse education, programming, educational, any kind of programming and they're sitting their in the pods, basically in idle time.

There are some volunteer programs that come in and there is an NA that comes into the facility. Also a lot of religious volunteer programs are there. We just like to see more input into programming by the committee.

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

CHAIRMAN MONTOYA: Okay. Other questions? Again, I'll just say that I'd like to thank the committee for all the work that you've done in terms of giving us some recommendations of increasing staff, taking a look at educational programs, substance use and abuse programs, and I do see one of the recommendations is to have a data collection specialist grant writer in the department. I guess the problem that I see there is that as a result of the private contractor previously - I guess nobody knows what kind of data system they had because they didn't keep any data, so it's going to make it difficult to pursue those. But I don't

also want us to rely on grants funding opportunities, and that's exactly what they are, opportunities. But the reality is it's an opportunity for two, three, four years, and then they're gone and how do we continue to fund those types of programs that are going to become institutional, if you will, in terms of the expectation that that's what's going to be required of the facility when we continue to operate it. So that would just be my one caution that we look at these things in a way that they're either self-sustaining because we put in over a million dollars the last three years to the operations of the jail. I don't see it going away in terms of the costs continuing to rise. So that is what I'm glad that we're able to have you help us in terms of determining how do we do these things with what we've got, basically.

MR. JOINER: Mr. Buscek could comment, Commissioner. Perhaps he could respond briefly to it.

MITCH BUSCEK: Chairman Montoya, members of the Commission, we've been done this road. It's a challenging road. I do think that we're switching the corrections systems, we're software at the facility, which will give us the basic data that we need. The number of people that are in there because of a given substance abuse issue or other charges, domestic violence and I think that will help us plan, help us determine what the needs are. We've got budgetary constraints. Of course the theory, the optimistic theory here is that if we get some of these people on the right track it will reduce the recidivism rate. You've got major history with that, in terms of your career.

CHAIRMAN MONTOYA: Yes. Thank you, Mitch. Appreciate it.
Commissioner Vigil.

COMMISSIONER VIGIL: And this could go to staff. Are we, in terms of their recidivism issue, are we referring those inmates that are released to the CARE Connection? Is there any possibility that what the CARE Connection actually provides in terms of their database and tracking and their referral service that these inmates - we have to have an inmate qualify for those kinds of services, but has there been a link or communication with the CARE Connection on this?

MS. FARRELLY: Thank you, Chairman and Commissioners. Yes, I am also on the executive committee for the CARE Connection as well as Greg Parrish is on the committee. They are doing tracking on people receiving services in the community through the CARE Connection. And there are people that are being referred through various agencies to the CARE Connection. Public defenders refer clients prior to sentencing. There's also probation/parole officers that are referring them, and I'm not sure if they're coming directly in the facility. I think one hopes that there would be someone who could come in and do assessments in the facility for the CARE Connection. But it is a viable program that is basically doing assessments, the addiction index on clients, and then referring them to the various community agencies. And it is working very well in this community.

COMMISSIONER VIGIL: Okay. So that would be in my mind, Nanette, something that would address the recidivism issue and I'm sure the capacity is probably something that needs to be built. I guess the other concern I have from my observations with the County jail, the state inmates do get programmed and the County inmates don't. And I'm

hearing from everybody and everyone I think is in agreement that probably, and it's always been my philosophy that we need to program, program, program. I guess my concern is how, at this point have we been able to address that other than what we currently have in place and that's an interfaith community perhaps participating at some level and in looking at perspective educational components to this through video, that kind of thing. Are we in communication with the Santa Fe Community College to see if there's something that they could assist us with with regard to that?

They do have a specific curriculum development component for communities that we might be able to work with them on. I'm just wondering – I know that this would probably would require an entire FTE to try to connect those services but I think there are some things out there that we're not really tapping into at this point in time. And again, I agree with Commissioner Sullivan, it's always the dollars. But I think there are some components that we need to be able to address at this point in time with the current resources that we have that I think might address some of the issues that are overriding in the jail, in particular, programs.

So I guess really I know the answer to that, because I've actually viewed it. I would just ask that staff look at how this resolution can occur with regard to providing services for the inmates that currently exist in our community and bringing those programs in in any way, shape or fashion. I think we need to create an emphasis on that and it's almost my philosophy or belief that once we do start programming more we'll be going in the right direction. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you, Commissioner Vigil. Okay.

MR. JOINER: I would just like to say in closing, Commissioner Montoya, I know the County budget's tight. I know there's an old saying that you can't throw money at problems. But the committee thinks you can, as long as you throw strikes.

CHAIRMAN MONTOYA: Thank you. Thank you so much.

X. PRESENTATIONS

A. Presentation by Lawrence Rael from MRCOG (Middle Region Council of Governments) Re: The Proposed Two Rail Runner Routes through Santa Fe County (Commissioner Montoya)

LAWRENCE RAEL: Good morning, Mr. Chairman, members of the Commission. First let me thank you for giving us an opportunity to take a few minutes of your meeting to give you an update on the New Mexico Rail Runner Express and particularly the portion of this project, the phase 2 piece, that is looking at an alignment between La Bajada on the southern part of Santa Fe County into the downtown area of Santa Fe. Along with me is Chris Blewett who will be giving you a little bit more of a technical review of the corridor and where we are in the process.

Mr. Chairman, members of the Commission, we are on a very aggressive time line as you all have read and I'm sure have had discussions in terms of trying to get the New Mexico

Rail Runner Express into downtown Santa Fe and obviously to provide service to the residents of Santa Fe County. This is a New Mexico Department of Transportation project. The Mid-region Council of Governments is the agent on behalf of the New Mexico DOT that is working on the project and obviously we've had consultation with your staff, with the staff from the City of Santa Fe, and with the New Mexico DOT.

Mr. Chairman, the map here on my left is a map that gives you a brief description or at least visual of the corridors that we have been looking at as it relates to bringing the New Mexico Rail Runner into downtown Santa Fe. This piece is a piece that is predominantly in the county of Santa Fe, however. We have looked at several alignments to bring the Rail Runner into Santa Fe and I'm going to ask Mr. Blewett to describe those to you very briefly and then to give you a perspective in terms of our time line. We will have a public hearing on the 16th of November here in Santa Fe at the community center here that will begin to really refine the alignment and really begin to get to a place where we have one or two alignments that we would then move forward for further analysis and discussion. But let me have Mr. Blewett, if you don't mind, Mr. Chairman, give you a brief information of the corridor and what we have at this point been able to assess as it relates to the growth in Santa Fe County in particular and where we might look at potential rail stations, et cetera.

CHRIS BLEWETT: Thank you, Mr. Chairman. We'll leave these with you if you'd like. I think most of you know, particularly the Commissioners that sit on the MPO, about where we're at with the review of these alignments. We've been working on them since about April of last year. We had a public meeting. What we heard at that meeting was if you're going to put alignments in this area please don't miss opportunities to serve existing and planned development in this corridor. And so when we came up with these alignments, and of course one of these alignments is an alignment that was supported by this body through resolution in January. We did quite a bit of technical analysis and looked at a number of performance characteristics.

I've provided a pamphlet to all of you that kind of has a summary of that technical analysis and also a pretty extensive public comment process that we've gone through. I think the lessons that we have learned from this process are there's a lot of interest in serving this portion of the county but there are serious concerns about absolute proximity of these alignments to any existing development. And what that really is translated to particularly in terms of the public comment is a great deal of support for the alignment that ducks into I-25 median and stays in the median until it connects with the Santa Fe Southern. And another alignment, which is yellow on this board, which we call the alternative 3, that went pretty far south of the existing developed area and even south of planned development.

What this has led us to really is kind of an indication that our focus in terms of moving forward probably ought to be in this direction and this board really just shows you a couple of different alternatives. The first one is the I-25 alternative and we've heard a lot about looking at potential stations with that alternative in the area of Cerrillos or 599 and at Richards Avenue, and pursuing further evaluation of kind of a culmination of those alternatives. Actually, this alternative that's on the southern part really is very similar to the one this body approved in

January with some minor changes to pull the alignment a little bit further away from some existing development with potential stations in the vicinity of New Mexico 14 and also a very wide corridor starting kind of south of Rancho Viejo going all the way to the connection to Santa Fe Southern.

As Lawrence mentioned we haven't made any kinds of decisions about this. I just want to let you know this is where we're headed. At this meeting on November 16th we will have a great deal of information on noise and visual impacts. We'll have information on market analysis which is really looking at this issue of if you connect this right what's its potential to serve this area of the county, both in terms of today and in future years, as well as some preliminary findings of some more detailed cultural resources, biological surveying that we have been working on over the last couple of months.

With that, Mr. Chairman, we would stand for questions.

CHAIRMAN MONTOYA: Okay, questions? Commissioner Vigil.

COMMISSIONER VIGIL: Is there a deadline as to where this alignment will be identified? What's the time frame?

MR. RAEL: Mr. Chairman and Commissioner Vigil, we'd like to have at least the two corridors refined if you will by the latter part of November, early December, with the goal of trying to reach a consensus on alignments in the early part of next year. As you know, the governor has an aggressive time line of bringing the Rail Runner into Santa Fe by the end of 2008, so working the clock back from late 2008, we'd like to see some consensus if you will be the early part of next year.

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

CHAIRMAN MONTOYA: Okay. Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a question but also a comment. I want to be sure that we're clear on the actions that the County Commission took in regard to this. The Planning Department early on in the project when this was a corridor study presented an alternative corridor for consideration by DOT that eliminated the impact on the movie ranch, the Eaves Ranch. That, it seems subsequently by the COG and by the DOT become an approval of an alignment by the County Commission and that was repeated again here today. That resolution was not an alignment. That was a corridor which the County had asked by resolution be evaluated, and in fact it was a wide, magic-marker thing. So I want to really be sure that you understand. If you disagree with that I'd like to know that right now.

MR. RAEL: Mr. Chairman and Commissioner Sullivan, we've all been involved in public projects. You all have done tremendous projects in this area. I have in the southern part of the state or the central part of the state. When we had the resolution come forward we certainly viewed that as your genuine interest in looking at an area, not a fine line on the map or a line in the sand if you will. So we certainly understand what your interests were and we have tried to incorporate those interests in that particular, if you will, line as it were, or area that you all presented. So we certainly do understand what you're describing and we'll certainly make sure that we describe it in that fashion.

COMMISSIONER SULLIVAN: I think you're in agreement that what we were asking to do was to look at an additional alignment corridor, not an alignment. Let me correct that. You've now gone beyond that of course into a stage of evaluating various alignments. I want to be very careful in how you characterize that resolution that Santa Fe County passed some six months ago as being an alignment. You didn't even have any alignments identified at that time. So that was a request that was made through our Land Use Department to look at an alternative corridor.

Secondly, on your handouts, just getting down to the brass tacks, the third to last sheet on those handouts, is that basically where you are at this point in time with the x-ed out alignments being the ones that you're no longer considering?

MR. RAEL: Mr. Chairman, Commissioner Sullivan, I think what that is is the representation of if you look at the technical data that we put together and the public comment, that's where it's leading us. Yes.

COMMISSIONER SULLIVAN: Okay. Because in your statement you had said that the one you were looking at other than the I-25 one was the yellow route. And I think if you look at this you'll find that at least on the eastern side, that's the green route.

MR. RAEL: Mr. Chairman, Commissioner Sullivan, when I was talking about the yellow route I was talking about that route being one that was under consideration. The one that you see on this map and the one that if you follow all the x-outs, what's left is really something very similar to what used to be the blue and green routes.

COMMISSIONER SULLIVAN: Okay, so for what the Commission is considering now or what you're considering and what you're presenting to the Commission, if the alternatives that are those on this third to last sheet are not x-ed out.

MR. RAEL: That's correct.

COMMISSIONER SULLIVAN: Okay. Then there's a sheet following that that seems to be a repeat of an old sheet, and then there's a last sheet. It has no legend on it but I'm guessing, and can you confirm this? The areas that are in blue are areas where you're thinking about a station?

MR. RAEL: Mr. Chairman and Commissioner Sullivan, those are the areas that have been identified really through, again, our technical analysis and the public process that seem to be the best locations for stations. So those are areas we'll be looking at in terms of station location.

COMMISSIONER SULLIVAN: The answer's yes.

MR. RAEL: Yes. Sorry.

COMMISSIONER SULLIVAN: And then there's a curved pink piece on that map. What is that?

MR. RAEL: Mr. Chairman and Commissioner Sullivan, that curved pink area is a station location area as well. My understanding in working through your staff and others that there has been a fair amount of planning in this area but finding the best location if you were to put one in this area probably covers - we should probably look at a larger area rather than a smaller area, so that designation really is: let's look in this pink area at the potential for a

station location there.

COMMISSIONER SULLIVAN: Okay, so the three blue areas and the one pink area are areas you're currently considering for stations.

MR. RAEL: That's correct. The only reason the color is different is the pink area is pretty much completely vacant today and I think there is some more work we're going to have to do in terms of identifying if you were to put a station here would you do it now or would you wait until development kind of came out into that area.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Lawrence, could you just maybe describe - I don't know if people can see that are watching this on television, but describe the corridor that Commissioner Sullivan is referring to that Santa Fe County recommended that that corridor be looked at.

MR. RAEL: Mr. Chairman, just for reference, this is I-25 going north from Albuquerque. This is the existing Burlington Northern line that goes to Lamy. What we are looking at is a connection about a mile to a mile and a half in a southeasterly route down I-25 to come around through Waldo Canyon. This other area here that's x-ed out was another corridor that we had looked at early on but because of the topography and the difficulties with keeping the grades that we need to have to get a train up the hill we eventually have taken it off the map as a consideration. The line that we had talked about for the Santa Fe County alignment was this one that went through here, Chris? And the comes to here by the area here by the penitentiary which is really the green line, and then came around this way all the way to this part of the Santa Fe County area and then eventually tied in with the Santa Fe Southern coming back in into downtown Santa Fe.

What we have looked at in this other alignment on the next map is a combination of the blue and the green and a little diversion here from this piece of the green because of the concerns over this whole area and the National Guard and some of the concerns they had with homeland security, etc., and moving this line further to the southeast if you will, and maybe coming into here. So it's a hybrid of a the blue and the green. Then it comes in and does pretty much but what your folks wanted in terms of the County staff, comes out here in the unincorporated area of Santa Fe, but in the growth development area. And it actually pushes a little bit in this direction to avoid additional concerns from some residents in that area.

So when you look at this second map, and I know it's a little difficult because we tried to give you an aerial here and it might have been better if you had a white background, but if you look at the line that we're looking at now. It comes in, the same route, it comes in right to here and then it comes away from the penitentiary and the National Guard area, further to the southeast. New Mexico 14 is right here. We're looking at a station right here in this blue area, potentially, and then it continues to go - it moves a little bit further to the south-southeast, and then this whole area right in here is the one that Commissioner Sullivan was describing as a potential area when future growth occurs that there might be an opportunity for a station there, and then it eventually connects back into the Santa Fe Southern in this area.

So that's that area. This is the other option, which is the I-25 option that does again,

looks at stations at Richards Avenue and here at Cerrillos and I-25 and at the bypass and I-25, so it's a big area to look at. All of these will be presented to the citizens of Santa Fe and the Santa Fe County area at the 16th hearing to get further refinement.

CHAIRMAN MONTOYA: Great. Thank you, Lawrence. Thank you, Chris. And the public hearing is going to be where again?

MR. RAEL: It's at the Genoveva Chavez Community Center here in Santa Fe. And we will be putting out a public notice that will be in the paper to get citizens in this area who want to talk more about this, elected officials, etc.

CHAIRMAN MONTOYA: Okay. Great.

MR. RAEL: Thank you, Mr. Chairman, and Happy Halloween to all of you.

CHAIRMAN MONTOYA: You too. We came in costume today.

MR. RAEL: Oh, and I did leave a brief little book. I left a couple of goodies for you so you can go around and help promote the Rail Runner. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Great. Thank you.

XIII. F. Matters from the County Attorney

- 1. Review of the Packet Submission Guidelines Contained in Resolution No. 2004-62 (A Resolution Establishing Rules of Order for Santa Fe County Boards and Commissions; Repealing Resolution No. 2000-164) [Exhibit 1: Resolution 2001-14]**

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: If you like I could provide a little background on this.

CHAIRMAN MONTOYA: Sure.

COMMISSIONER SULLIVAN: At our September 26th meeting we had an issue, a land use request coming forward with no materials in the packet and I referred the Commission to a resolution that we had on this, that outlined our policies for packet preparation and public notification. And Mr. Ross indicated that that resolution had been incorporated into our rules of order that we had passed subsequent to that resolution which was passed in 2001. He's just passed out a copy of that resolution for you to take a look at. [Exhibit 1]

I wasn't at the October 10th meeting but I see there was some brief discussion on this and the rules of order, but the rules of order don't address this. They didn't repeal this resolution. This resolution is still in effect. And earlier this week I discussed this with Mr. Ross and he located this resolution and I remembered it very distinctly because I worked on it very early on in my career as a County Commissioner, during my first month, as a matter of fact. It was passed on the 30th of January, 2001.

And I don't want to go into a great deal of detail about this now except to just point out to you paragraphs 1 and 2 which indicate we need to have packet material two days in advance,

two working days. So that means that if we have a Commission meeting on Tuesday the packet material has to be done by the close of business on Thursday. I know I pick my packet up at the close of business on Thursday. That's just not for Commissioners. It's also for the public, for the press, whoever wants to find out what we're going to be discussing on Tuesday.

Another key item that was a sore point for many people was tabling, just random tablings of land use issues at the very last minute as people were already in the audience waiting to testify about these land use issues and consistent tabling until people finally wore out and didn't show up anymore. So paragraph 2 refers to the fact that if you're going to table something, notice of that must be made to the Commission two days in advance, two working days. If not, if there's some last minute thing that comes up, that either the staff or the applicant shall be present to describe why he or she wants a tabling and the Commission shall act on it as to whether it shall or shall not table it, and it may not table it; it may move forward with the matter.

So these are two, I think, very important keys into how we provide public information, not only to us to the public. At this point in time, it's Mr. Ross' suggestion to me at least, that we take this material and incorporate it from a resolution into a revised rules of order so that we have it as a consistent document for everything. And I think that's where we are, but Mr. Ross, I'll turn it back over to you and see if you can add anything to that.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that's exactly correct. During the last meeting I talked a little bit about the need in the process of improving these rules of order year after year after year, to separate out the admin portion of the meeting from the administrative/adjudicatory portion of the meeting and have different rules for each. The rules that govern the packet material and submissions of exhibits and all that stuff really are more appropriate for the administrative/adjudicatory context, and this resolution, which I was actually unaware of when we did the last redraft, because the title didn't come up in our search, probably should be incorporated in the material that discusses how we're going to handle administrative hearings.

So if you like, what I will do is work on this concept and start circulating drafts and see what everybody thinks about it and maybe with the goal of revising the rules of order around the first of the year along with our annual Open Meetings Resolution.

COMMISSIONER SULLIVAN: Why wouldn't this apply to land use items as well? I think that's where it's really critical, where we have the public wanting to come in and testify and we have this random tablings.

MR. ROSS: It does, it does. There's a different procedure in the administrative/adjudicatory context because you have to preserve the right of applicants to submit exhibits and to cross examination, all those kinds of things. It's a really different set of rules that apply to the normal administrative items. These rules apply to both.

COMMISSIONER SULLIVAN: Could apply to both. Okay. So what you're suggesting, and the first thing, Mr. Chairman, I would agree, is that we set up and refine two rules or order, one applying to administrative/adjudicatory situations which are like land use cases, and one applying to administrative matters that come before the Commission, which are

housekeeping and routine financial and other normal procedures that the Commission deals with. Does that work?

MR. ROSS: I think that works great. It wouldn't necessarily have to be two documents because there are a number of procedures and items that are common to both procedures, but we could have two tracks essentially in the same document that govern the two types of proceedings that we engage in. And I think that would help us all a lot to understand. It would be good to have a discussion in general about particularly administrative/adjudicatory context.

COMMISSIONER SULLIVAN: So following my own theory, Mr. Chairman, I don't want the Commission to have to take action on things that it hasn't seen prior to the meeting I won't ask you to comment in detail on Resolution 2001-14, which came into effect prior to your term and prior to Commissioner Vigil's term, but I think it's a document that we really hammered on to come out with and my suggestion is that we allow the legal staff to take the information in that document, put it into these revised rules of order and bring that back and then discuss it when we have a little more time to do so.

CHAIRMAN MONTOYA: Okay. Any discussion? Okay. Sounds good. Thank you, Commissioner Sullivan.

XIII. F. 2. Resolution 2006-166. A Resolution Providing for Notice of the Formation of the Turquoise Trail Public Improvement District, and Establishing the Date and Time when the Petition Seeking to Create the District will be Heard by the Board of County Commissioners [Exhibit 2: Revised Resolution Text]

MR. ROSS: Mr. Chairman, members of the Commission, as you recall, last spring we adopted a policy by resolution for formation of public improvement districts. Part of that policy required applicants to deposit funds with the County so that applications could be reviewed by our own bond counsel, who happens to be probably one of the experts on this subject in the state. He's here, Peter Franklin and he has helped us a lot with the application of the Turquoise Trail folks to form a public improvement district. He can review the application and discuss why we're here today and what this item is. I'm also going to hand out a revised resolution. There were some pretty serious typos in the one that went into the packet.

CHAIRMAN MONTOYA: Mr. Franklin.

PETER FRANKLIN (Bond Counsel): Mr. Chairman, members of the Commission, Happy Halloween. I thought what I would do is just explain briefly what the purpose of this resolution is and put it in the context of the application process that the Turquoise Trail applicant has participated in with members of the County staff and myself. This resolution is before you at the request of the applicant. The purpose of the resolution is to schedule a hearing on the application and the proposed formation of the Turquoise Trail public improvement district. All this resolution does is direct that a notice of a public hearing be

published and that the notice be published once a week for two consecutive weeks in the Santa Fe *New Mexican*. That notice is required by the Public Improvement District Act itself. It's actually waivable, but in this case I think the application was anxious to have its application heard by the County Commission if possible.

I should say that the application was originally filed late last year and we have been in the process of working with the applicants pretty hard to make sure that the application complies with the policies set forth in the County's Public Improvement Policy Resolution. We are nearing the end of that process. That process is not fully completed yet. We've asked a number of times for additional information and clarification of various points in their application. The applicant has been very responsive in trying to provide that additional information. It's been, I think, everyone who has participated would agree, it's been sort of an arduous process. Although the process is not fully complete yet, we have a draft staff report, which has a series of recommendations in it that the applicant is still in the process of wanting to address before the report is presented to the Board of County Commissioners with a recommendation about whether to form the district.

So again, what this proposed form or resolution does, if you approve it is to direct a notice be published of a hearing. The hearing would take place November 14th by the Board of County Commissioners, and at that hearing, the Board would consider the application, the recommendations of the County staff, and would determine whether the district should be formed at that time.

CHAIRMAN MONTOYA: Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Is a resolution going to be required for every PID that comes before us for notice? Every request for a PID?

MR. FRANKLIN: Mr. Chairman, Commissioner Vigil, not necessarily. The requirement of publication of the notice of hearing can be waived by the applicant. In this case the applicant felt that it was appropriate to give notice to the public. I think that part of that was that they want their application to come before the Commission and they want a reaction from the Commission about whether they are ready to consider this application by scheduling a hearing for it.

COMMISSIONER VIGIL: Okay. And I appreciate that on behalf of the applicant's part because this is going to be sort of our test run, so to speak. This is the first request that we're going to be processing. And that's what concerned me, if a resolution was required for future public improvement districts, in fact if we'd have to do a generic resolution for those purposes or if it would have to be specific to each public improvement district, only because what alerted me was that we would have to publish this in a newspaper of general publication and in this case we have the *New Mexican* but it could be that a public improvement district is requested further south and the publication is something in Edgewood.

So I'm just concerned if this is not a generic resolution. If it is or isn't, whether or not we've appropriately addressed that issue.

MR. FRANKLIN: Mr. Chairman, Commissioner Vigil, this is not intended to be a generic resolution. I think legally, if not as a practical matter, the *New Mexican* is probably

considered a newspaper of general circulation throughout the county, but if this were a district in the far southern part of the county it would make sense to publish in the *Mountain Mail* or whatever the newspaper is.

COMMISSIONER VIGIL: Right. What you can summarize, at least I'm hearing that this resolution is specific to the request of this particular applicant.

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

COMMISSIONER VIGIL: Thank you.

CHAIRMAN MONTOYA: Other questions? Commissioner Sullivan, then Commissioner Campos.

COMMISSIONER SULLIVAN: Peter, this then ultimately, once publication is made and staff recommendations are put together, comes to the Commission on the 14th for the Commission to determine if there's a public benefit. Is that correct?

MR. FRANKLIN: That is correct.

COMMISSIONER SULLIVAN: Or what if any public benefit there is.

MR. FRANKLIN: Mr. Chairman, Commissioner Sullivan, correct.

COMMISSIONER SULLIVAN: Because you're – just to refresh all of our memories, we're having a land developer I would like you to use, to tax the residents of this area to pay for the roads and sewer and water and other improvements rather than me paying for it. So we have to be convinced that there's some public benefit to doing that. Is that a fair summary?

MR. FRANKLIN: Mr. Chairman, Commissioner Sullivan, I would probably put it like this. The developer would either pay for the improvements up front and pass the cost on to the purchasers of the lots in the land price, or would have a portion of that cost deferred, paid for with bonds, which are then in turn paid by the taxes you're talking about on the individual lots.

COMMISSIONER SULLIVAN: Yes. And if you put it that way, which is the way the developers always put it to us, by the way, then there's two things that are very important to me that I want to be sure come back to us. And one is that how do we know that the price of the house is cheaper? How do we know that the developer did in fact exactly what you said, made the price of the home cheaper because of this public improvement district?

Now, a number of months ago when the applicant was in here, they said to us we're going to show you and guarantee you that. And in fact because the City line extension policy limits the price of our homes we in fact can show you that. I'm looking forward, and I don't want to debate that today, obviously, because we don't have the information – so I'm looking forward, and I want to be sure that we have good documentation, ample documentation prior to the meeting – not at the meeting, please – that shows us how there is a public benefit here that guarantees us that if the developer is saving \$10,000 a lot in water and sewer improvements, then in fact the cost of that home is \$10,000 less to the purchases. So that's the first very important point that I'll be looking at as one of the five looking at this.

And another is an issue I brought up six months ago when we were first looking at these rules, and that is has anyone checked as to whether the purchasers out there, whether this public

improvement district is being disclosed to them?

MR. FRANKLIN: Mr. Chairman, Commissioner Sullivan, part of the staff analysis has been in the form of notice that the applicant is providing to prospective purchasers, is it consistent with what the applicant is asking for in the application? And that's been part of the analysis. There have been some questions about that. And by the time this comes back to you, to the Board of County Commissioners, we'll be able to tell you one way or another whether the form of notice - I don't have the answer to that as I stand here, Mr. Chairman.

COMMISSIONER SULLIVAN: Because this has been an issue that has haunted the Commission for six years now, that I can recall, as a result of the Rancho Viejo improvement district. And the issue is that not only were some purchasers not notified, claimed not to be notified, but in purchase documents the notification changed and varied up to three or four times with different levels of specificity causing tremendous confusion. Now, what's occurring with this applicant is that they are currently out there selling lots and homes as we speak. Homes are up. They're up for sale. People are buying them. So my concern is are those people who have bought homes out there now or who have entered into contracts of purchase been notified about this potential improvement district. Do we know that?

MR. FRANKLIN: Mr. Chairman, Commissioner Sullivan, the applicant is here. I'd ask them to respond to that because that's not part of what we've been -

COMMISSIONER SULLIVAN: That's not a bond issue.

MR. FRANKLIN: It's related and we would have the same concern that you're raising. As the County's bond counsel we would be very concerned about purchasers not being adequately informed of a prospective public improvement district. All I'm saying is what we've been looking at is here in front of me.

COMMISSIONER SULLIVAN: This is a relatively straightforward thing. But I'm looking forward to a couple weeks from now is what I'm doing. And Mr. Chairman, I know we're short on time. If it's not a problem, I would just like the applicant to just respond to that specific issue because it's a concern of mine.

CHAIRMAN MONTOYA: If the applicant would come forward please to respond to that.

COMMISSIONER SULLIVAN: This doesn't look like an applicant. This looks like an attorney.

COMMISSIONER VIGIL: Attorneys can be applicants.

MR. FRANKLIN: Mr. Chairman, Karl and I both dress as attorneys.

KARL SOMMER: And Roman's a ghost today. The question is, has it being adequately disclosed about the formation or the potential formation of this public improvement district, as I understand the question.

COMMISSIONER SULLIVAN: Correct.

MR. SOMMER: And the answer is yes. Our contract has a specific disclosure that the developer has, that there could be a PID formed here. The other thing is we've followed the statutory requirement. There is a form, I am told, in the statute that we are following and then we have a separate disclosure regarding the PID. So there are three different

ways we are disclosing this to people who have signed contracts with us.

COMMISSIONER SULLIVAN: Could you make those available to us?

MR. SOMMER: I certainly could.

COMMISSIONER SULLIVAN: And does that disclosure, unlike the Rancho Viejo one, which was in fine print and written in legal jargon that had no dollars associated with it, does that disclosure show what the potential tax impact is on the purchaser? What I'm getting at is if you just say ten mills that generally goes over most people's head.

MR. SOMMER: To be honest with you, Commissioner, I don't know that it has a specific dollar or percentage amount associated with it.

COMMISSIONER SULLIVAN: Just saying there might be a special PID I don't think gets people's interest aroused. Rather, if you say to people there may be a potential PID which will increase your property taxes by 60 percent, that might ask them to ask a few more questions.

MR. SOMMER: Yes. If I may, Mr. Robinson who is corporate counsel for the applicant - he's an attorney as well -

COMMISSIONER SULLIVAN: Glad to hear that.

MR. SOMMER: Does each individual house has, each individual contract has the potential assessment for that house on it.

COMMISSIONER SULLIVAN: The potential dollar assessment of tax or additional tax.

MR. SOMMER: Yes. The answer is yes. The assessment levy associated with the PID.

COMMISSIONER SULLIVAN: If the PID passes. So if we could see copies of that I'd like to review that as part of the packet before the 14th. I'd appreciate that information. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Franklin. I want to talk about Board discretion. What discretion does the Board have in evaluating whether a PID should be approved or not?

MR. FRANKLIN: Mr. Chairman, Commissioner Campos, the Board has broad discretion under both the statute and the Board policy. I wouldn't say the Board has unlimited discretion to act in any way it sees fit, but the Board should be looking at the types of things that Commissioner Sullivan has raised for example. I would like to respond to one thing he said, the provision of benefits through the PID could come in the form of a lower home price. It could also come in the form of benefits that the developer persuades the County Commissioners would not be provided without the PID. So I think it is probably a little bit narrow to say you have to show us that the home prices are lower. I don't think it's too narrow to say you have to show us a tangible benefit that you'll be able to provide - you will provide to the property owners that would not otherwise be provided if we're not given this PID approval.

COMMISSIONER CAMPOS: Okay. What about the recommendation by staff?

Staff, according to what you just said, staff in the process makes a recommendation. Is that an up/down recommendation? Yes or no? Or an evaluation of the pros and the cons, positives and negatives, so that the Commission actually makes the final decision?

MR. FRANKLIN: Mr. Chairman, Commissioner Campos, I guess I don't want to speak too specifically about what we've got so far.

COMMISSIONER CAMPOS: I'm not asking you to say that. I'm just talking about process generally.

MR. FRANKLIN: Right. The way we've approached it is we've tried to evaluate the application according to the criteria set forth in the statute and in the County's resolution. So basically the form of report, what the sort of working draft that we've got so far does is it evaluates the application according to those various parameters. And I think in the end we would say the application either complies or does not comply with the County's policy resolution and would identify the areas where the Commission ought to use its discretion in determining whether to approve or disapprove the application.

One thing we're trying to do is not have the staff act as sort of a pretend County Commission, saying gee, if we were the Commissioners here's what we would do. What we're trying to do is give an objective analysis to the extent possible of what the application request, what the benefits and what the possible risks are.

COMMISSIONER CAMPOS: I would like to have an evaluation as opposed to a recommendation of an up or down kind of a thing.

MR. FRANKLIN: That was the direction we're headed in at this point, Mr. Chairman, Commissioner.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions? Could we have a motion please?

COMMISSIONER VIGIL: Move to approve a resolution providing notice for the formation of a Turquoise Trail public improvement district, to establish the date and time.

CHAIRMAN MONTOYA: Okay. We have a motion by Commissioner Vigil. I'll second for discussion/debate. I do have one question for staff. This is going to be an application that's going to be in our packets for the November 14th meeting. Is that correct?

MR. ROSS: Mr. Chairman, we are working up a fairly lengthy staff report with the assistance of the applicant and bond counsel. So you'll have quite a large report with all kinds of details in it to review in connection with it.

CHAIRMAN MONTOYA: Okay. And it will be in the packet?

MR. ROSS: It will be in the packet.

CHAIRMAN MONTOYA: This is pursuant to the previous discussion about making sure that we have information in the packet and nothing delivered at -

MR. ROSS: It's not ready yet, but it will be in the packet.

CHAIRMAN MONTOYA: Okay. Any other discussion?

The motion to approve Resolution 2006-166 passed by unanimous [4-0] voice vote.

XI. COMMITTEE APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointment/Reappointment to the Maternal & Child Health Planning Council – Shelly Moeller and Sangeeta Prasad (Appointments), Ron Hale, Lynn Hathaway, Marcia Panagakos and Carol Herrera (Reappointments) (Health & Human Services Department)

CHAIRMAN MONTOYA: Are there any questions on this? Shelly Moeller and Sangeeta Prasad are being suggested as appointments.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just had one question. There's a resume in here for Lynn Hathaway and she's already a current member of the MCH Planning Council. Is her term up or why is that in there?

STEVE SHEPHERD (Health & Human Services Director): Mr. Chairman, Commissioner, that's correct. Her term is up.

COMMISSIONER SULLIVAN: So we're not only approving Shelly Moeller and Sangeeta Prasad but we're also supposed to be approving Ms. Hathaway?

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, yes. The remaining people listed there are reappointments.

COMMISSIONER SULLIVAN: Oh, all of the current members?

MR. SHEPHERD: Well, no. Ron Hale, Lynn Hathaway. There's two memos that were submitted. One for appointments and one for reappointments.

COMMISSIONER SULLIVAN: Ah. Mr. Chairman, I would move for the appointment of Shelly Moeller and Sangeeta Prasad to the Maternal Child Health Planning Council and the reappointment of Ron Hale, Lynn Hathaway, Marcia Panagakos Carol Herrera Victoria Parilla.

CHAIRMAN MONTOYA: Okay, so we're taking A and B.

COMMISSIONER SULLIVAN: Are we?

COMMISSIONER VIGIL: No, we're all on A.

COMMISSIONER SULLIVAN: All on A.

COMMISSIONER VIGIL: Where's Victoria?

MR. SHEPHERD: Mr. Chairman, Commissioners, she was left off the caption, so we'll have to bring her back next month.

COMMISSIONER VIGIL: You'll have to bring her back? Okay.

COMMISSIONER SULLIVAN: Oh, she can't be – do we necessarily have to have the names in the caption?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, no, we don't necessarily have to have the names on the caption. We just try to provide them to you.

COMMISSIONER SULLIVAN: I don't think we should hold her back just

because her name wasn't - Victoria Parilla.

COMMISSIONER VIGIL: I'll second that.

CHAIRMAN MONTOYA: Okay. We have a motion and second. Further discussion?

The motion to appoint Shelly Moeller and Sangeeta Prasad to the Maternal Child Health Planning Council and to reappoint Ron Hale, Lynn Hathaway, Marcia Panagakos Carol Herrera and Victoria Parilla passed by unanimous [4-0] voice vote.

XI. B. Appointment/Reappointment to DWI Planning Council - Ruth Luthi, Anthony Rivera, Lara Yoder, Valerie Espinoza and Kacy Ramos (Appointments), Judge Marti Rodriguez and Capt. Raymond Coriz (Reappointments) (Health & Human Services Department)

CHAIRMAN MONTOYA: Any questions for staff?

COMMISSIONER VIGIL: I have a question. Are these positions all identified as to whether or not they're community representatives, or the agency that they represent? Or is this just general appointments?

BECKY BEARDSLEY (DWI Coordinator): Mr. Chairman, Commissioner Vigil, they are specific. For example, Anthony Rivera is taking the place of Roger Romero, who was with the City of Santa Fe who resigned. He retired. So his position was available. So what we've tried to do is we've tried to put somebody from the same exact either organization or discipline with the positions when they become available. Kacy Ramos is a new one. He is our youth representative that you've been asking for.

COMMISSIONER VIGIL: Okay. And the others?

MS. BEARDSLEY: Laura Yoder will be representing the domestic violence component. Ruth Luthi is forensic science, Anthony Rivera, again is law enforcement, Valerie Espinoza is our elected official, and Kacy Ramos is our Youth Representative. And Judge Marti Rodriguez is a reappointment.

COMMISSIONER VIGIL: Okay. And Capt. Raymond Coriz is with the City Police?

MS. BEARDSLEY: No, he's actually with Tesuque Tribal.

COMMISSIONER VIGIL: Okay. Move to approve, Mr. Chairman.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Further discussion.

The motion to appoint Ruth Luthi, Anthony Rivera, Lara Yoder, Valerie Espinoza and Kacy Ramos to the DWI Planning Council, and to reappoint Judge

Marti Rodriguez and Capt. Raymond Coriz passed by unanimous [4-0] voice vote.

XI. C. Reappointment of Robert Horning as the Member to Area 4 of the Road Advisory Committee (Public Works Department)

CHAIRMAN MONTOYA: Any questions for Mr. Martinez, for Robert?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Sullivan. I'll just say that Robert has been a very faithful and really good member to have for this particular area which I represent and I'm glad to see that he's willing to continue on.

The motion to reappoint Robert Horning to the Road Advisory Committee passed by unanimous [4-0] voice vote.

CHAIRMAN MONTOYA: Thank you, Robert.

XI. D. Resignation from Health Policy and Planning Commission - Beverly Russell (Health & Human Services Department)

COMMISSIONER VIGIL: Mr. Chairman, Beverly Russell represents what entity or what district?

MR. SHEPHERD: Mr. Chairman, Commissioner, Beverly Russell represented a local clinic and she was on the La Familia board. She resigned from the board and then she's no longer connected to a local clinic. And so what we did is we told her she needed to resign but she's also interested when another position comes up at being reappointed and we think that's a really good idea.

COMMISSIONER VIGIL: In another discipline.

MR. SHEPHERD: Yes. Another discipline or a district.

COMMISSIONER VIGIL: Okay. Move to approve, Mr. Chairman, the resignation of Beverly Russell.

CHAIRMAN MONTOYA: All right. Commissioner Vigil, motion.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Further discussion?

The motion to accept Beverly Russell's resignation from the HPPC passed by unanimous [4-0] voice vote.

XI. E. Resignations from the Maternal and Child Health Planning Council - Laurie Holmes and Kathryn Rice (Health & Human Services Department)

CHAIRMAN MONTOYA: Questions for staff? Is there a motion?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Discussion?

The motion to accept the resignations of Laurie Holmes and Kathryn Rice from the MCH Planning Council passed by unanimous [-0] voice vote.

CHAIRMAN MONTOYA: Steve and Becky, all of you, thanks for the work you put in getting these commissions and councils together. And thank them for us too because they do a great job.

XII. CONSENT CALENDAR

A. Budget Adjustments

1. **Resolution No. 2006-167. A Resolution Requesting an Increase to the Regional Planning Authority Fund (501) to Budget Prior Fiscal Year 2006 Cash Balance for Expenditure in Fiscal Year 2007 / \$179,280 (County Manager's Office)**
2. **Resolution No. 2006-168. A Resolution Requesting an Increase to the Fire Impact Fees Fund (216) to Budget Prior Fiscal Year 2006 Cash Balance for a Memorandum of Understanding with the City of Santa Fe for EMS and Fire Services for the Extraterritorial Zone for Fiscal Year 2007 / \$496,415.38 (County Manager's Office)**
3. **Resolution No. 2006-169. A Resolution Requesting an Increase to the General Fund (101) / Home for Good Program to Budget Prior Fiscal Year 2006 Grant Balance for Expenditure in Fiscal Year 2007 / \$19,148 (Health & Human Services Department)**
4. **Resolution No. 2006-170. A Resolution Requesting an Increase to the Detox Programs Funds (242) / Access to Recovery Grant for MOA Carryover Revenue With St. Vincent Hospital for Expenditure in Fiscal Year 2007 / \$35,000 (Health & Human Services Department)**

5. **Resolution No. 2006-___. A Resolution Requesting an Increase to the EMS Healthcare Fund (232) to Budget a Memorandum of Agreement with St. Vincent Hospital for the Mobile Health Van for Fiscal Year 2007 / \$256,618 (Health & Human Services Department) ISOLATED FOR DISCUSSION**
6. **Resolution No. 2006-171. A Resolution Requesting an Increase to the General Fund (101) / Solid Waste Community Programs to Budget a Grant Award Through the New Mexico Department of Tourism for Expenditure in Fiscal Year 2007 / \$8,400 (Public Works Department)**
7. **Resolution No. 2006-172. A Resolution Requesting an Operating Transfer from the GOB Series 2005 Fund (330) to the Fire Tax ¼% Fund (222) for Expenditure in Fiscal Year 2007 / \$61,000 (Public Works Department)**
8. **Resolution No. 2006-173. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Various Fire Districts to Budget Movie Production Revenue Received for Expenditure in Fiscal Year 2007 / \$26,665 (Fire Department)**
9. **Resolution No. 2006-174. A Resolution Requesting a Budget Decrease to the EMS - Healthcare Fund (232) / Emergency Preparedness to Realign the Fiscal Year 2007 Budget with the Actual Grant Award Allotment Distribution for EMPG Grant # 2006-EM-E6-0015-SANT / \$59,037 (Fire Department)**
10. **Resolution No. 2006-175. A Resolution Requesting an Increase to the Fire Protection Fund (209) All Fire Districts to Budget Actual Allotments of the FY 2007 Fire Fund Distribution and Available FY 2006 Cash Balance for Expenditure in Fiscal Year 2007 (Fire Department)**
11. **Resolution No. 2006-176. A Resolution Requesting an Increase to the Emergency Medical Services Fund (206) / All EMS Districts to Budget Actual Allotments of the FY 2007 EMS Fund Act Distribution and Available FY 2006 Cash Balance for Expenditure in Fiscal Year 2007 (Fire Department)**
12. **Resolution No. 2006-177. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Hondo and El Dorado Fire Districts to Budget State Forestry Reimbursement Revenue Received to Compensate for Equipment Utilized at the Casa Fire / \$4,840 (Fire Department)**
13. **Resolution No. 2006 - A Resolution Requesting an Increase to the General Fund (101) County Sheriff's Office to Budget a Grant Awarded Through the New Mexico Department of**

- Transportation for Expenditure in Fiscal Year 2007 / \$8,400
(County Sheriff's Office) WITHDRAWN**
14. **Resolution No. 2006-178. A Resolution Requesting an Increase to the Jail Operations Fund (518) / Day Reporting Program to Budget a Grant Awarded Through the New Mexico Children, Youth and Families Department for Expenditure in Fiscal Year 2007 / \$115,000 (Corrections Department)**
 15. **Resolution No. 2006-179. A Resolution Requesting an Increase to the Housing Enterprise Fund (517) / Resident Participation Program to Budget Prior Fiscal Year Cash Balances for Expenditure in Fiscal Year 2007 (Housing Department)**
- B. Professional Service Agreements**
1. **Request Authorization to Enter Amendment No. 5 for Agreement No. 24-0067-LG with Sheehan & Stelzner, P.A. to Extend the Term of the Agreement for an Additional Year and Increase Compensation by \$200,000 in Order to Ensure On-Going Legal Services in Support of Settlement of the Aamodt Case for Santa Fe County Water Resources Department (Water Resources Department)**
- C. Miscellaneous**
1. **Approval of Memorandum of Understanding Between the City of Santa Fe and Santa Fe County Regarding EMS and Fire Services and Related Fees (Manager's Office) ISOLATED FOR DISCUSSION**
 2. **Request Authorization to Enter into an Agreement with Children, Youth and Families Department to Accept a \$115,000 Grant to Provide Funding for Continuation of the Juvenile Day Reporting Program - October 2006 to June 30, 2007 (Corrections Department - YDP)**
 3. **Request Approval to Enter into an Agreement with the City of Santa Fe for Inmate Confinement (Corrections Department - ADF) WITHDRAWN**
 4. **Request Approval of Property Lease Agreement #27-1817-ADF/RH with the Billeting Support Advisory Council (BSAC) to Provide Lodging for the Santa Fe County Corrections Personnel in the Amount of \$4000 (Corrections Department - ADF) ISOLATED FOR DISCUSSION**
 5. **Request Authorization to Enter into a Lighting Agreement with the New Mexico Department of Transportation (NMDOT) for Signalization and Lighting on US 84/285 at County Road 109N in Pojoaque (Public Works Department) ISOLATED FOR**

DISCUSSION

6. **Request Approval of Change Order No. 1 to Contract No. 27-0602-PW/RH in the Amount of \$25,446.96 (Public Works Department) ISOLATED FOR DISCUSSION**
7. **Request Authorization to Execute Amendment No. 1 to the Western Transport Services Agreement #26-1203-SD/MV, Inmate Transport Services for the Santa Fe County Sheriff's Department Increasing Period of Two Fiscal Years (Sheriff's Department)**
8. **Resolution 2006-180. A Resolution Requesting Authorization to Donate Three Commercial Washers and Dryers in Accordance with State Statutes (Corrections Department / Finance Department)**
9. **Request Approval of a Grant Agreement Between Santa Fe County and the New Mexico Department of Transportation for Operation Buckle Down in the Amount of \$8,400 (Sheriff's Department)**
10. **Request Approval for an Amendment to an Existing Contract for an Additional Annual Fee of \$2,902.20 to be Granted for Tesuque Radio Company Inc. This Annual Fee is to Support an Additional Repeater that is to be Installed at the Electric Site at Tesuque Peak (Sheriff's Department)**
11. **Resolution 2006-181. Request Approval of PHA Board Resolution Approving the Calculation of the Performance Funding System for the Public Housing Operating Subsidy for CY 2007 (Housing Department) ISOLATED FOR DISCUSSION**
12. **Request Approval of a Lease Agreement Between Santa Fe County and the State Land Office for a Three Acre Parcel Located off of State Road 344 within Section 16, Township 10 North, Range 7 East, Southern Regional Fire Station (Projects and Facility Management Department)**
13. **Resolution No. 2006-___. A Joint Resolution with the Town of Edgewood Amending the Current Town / County Joint Powers Agreement for Emergency Services in Support of the County's Proposed Emergency Communication and Emergency Medical Services Gross Receipts Tax (Fire Department) ISOLATED FOR DISCUSSION**
14. **Approval of a Lease Agreement Between Santa Fe County and Bokum Building, LLC for the Lease 1,924 Square Feet of Office Space on the First Floor of the Bokum Building. The Lease will be for a Period of Two Years with an Option to Renew for Another Two Years. The Lease Cost will be \$44,252 Annually**

**(Projects and Facility Management Department) ISOLATED
FOR DISCUSSION**

COMMISSIONER VIGIL: Mr. Chairman, I move to approve all the Consent Calendar items that have not been removed from the agenda for discussion or withdrawn.

COMMISSIONER SULLIVAN: Second.

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

The motion to approve the Consent Calendar with the exception of items XII. A. 13 and C. 3 (withdrawn) and items XII. A. 5, C. 1, 4, 5, 6, 11, 13, and 14 passed by unanimous [4-0] voice vote.

- XII. A. 5. Resolution No. 2006-182. A Resolution Requesting an Increase to the EMS Healthcare Fund (232) to Budget a Memorandum of Agreement with St. Vincent Hospital for the Mobile Health Van for Fiscal Year 2007 / \$256,618 (Health & Human Services Department)**

COMMISSIONER SULLIVAN: Mr. Chairman, I would request that we keep this tabled until we get to item XIII. B, which is the item on the agenda where we will discuss the mobile health van.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER SULLIVAN: This is the budget that funds those FTEs, so we probably want to decide if we're going to approve those FTEs before we approve the budget.

CHAIRMAN MONTOYA: Okay. Let me ask procedurally. If we approve those, do we need to come back to this item on the agenda?

MR. ROSS: Mr. Chairman, yes, you would need to come back. If you approve the additional FTEs you'll need to go back and then pick up the budget adjustment, either now or at some subsequent meeting.

COMMISSIONER SULLIVAN: Or maybe, Mr. Chairman, an alternative would be to approve this subject to Commission action on item XIII. B. Would that be workable?

CHAIRMAN MONTOYA: Would that work, Steve?

COMMISSIONER SULLIVAN: Okay, I would move for approval, Mr. Chairman, then of Consent Calendar item XII. A. 5, subject to the Commission's favorable action on agenda item XIII. B. 1, 2 and 3.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Okay. Any discussion?

The motion to approve Consent Calendar item XII. A. 5, subject to the Commission's favorable action on agenda item XIII. B. 1, 2 and 3 passed by unanimous [4-0] voice vote. [See page 51.]

XII. C. 1. Approval of Memorandum of Understanding Between the City of Santa Fe and Santa Fe County Regarding EMS and Fire Services and Related Fees (Manager's Office)

COMMISSIONER SULLIVAN: I had two questions, Mr. Chairman. There was apparently an earlier agreement which the Commission approved at the October 10th meeting and could someone describe to me, is this the same agreement with an amendment regarding the fees that we paid to the City up to January 1, 2005? Is that what this is?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, yes. What the Commission approved on the 10th addressed fees collected up to January which was the approximately half million dollar check we delivered to the City. Plus that MOU also addressed fees after January 1, 2005. When the MOU went over to the City and they looked at it, they agreed to – they split it into two. They said, well, we'll agree to the monies that were collected before January 05 but we want to continue to work with the County on the fees that are collected after January 05. So basically it took the resolution that the Board approved on the 10th and divided it into two separate issues that they want to address separately. So this will replace the MOU that was approved on the 10th, and would only address the monies that were already delivered to the City.

COMMISSIONER SULLIVAN: So the City is willing to take our \$496,415.38, but they're not in agreement yet over how to divide up the pot in the future.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: The second question I had on this agenda item, XII. C. 1, this is just to catch me up. This resolution has a – the last page of it there's a calculation table and we have percentages on the Agua Fria, 65 percent goes to the City, 14 percent for Tesuque and 12 percent for La Cienega of the fire impact fees that the County collects. So my question is how were those percentages derived?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, those percentages were based on the calls that were received in those areas. So according to the RECC records, what it showed is that in Agua Fria, 65 percent of those calls were responded to by the City of Santa Fe and in the other districts, 14 percent, then 12. What we agreed to is just reimburse them just based on the percentage of calls that they responded to.

COMMISSIONER SULLIVAN: Okay. Is the impact fee both a fire and an EMS impact fee? Or is it just a fire impact fee?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I'm not sure if it's both. I've always heard it referred to as a fire impact fee.

COMMISSIONER SULLIVAN: So have I. I just wondered if, because Stan always tells us that eighty percent of the calls, plus or minus, are EMS calls. Could we check on that since you're negotiating this now. The question I had is should this percentage be a percentage of the fire calls or should it be a percentage of the fire and EMS calls? It's probably a different percentage.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we'll check into that.

CHAIRMAN MONTOYA: Commissioner Campos, on that point.

COMMISSIONER CAMPOS: I have a follow-up. Doesn't the City get compensated for EMS services if they go out to someone and take them to the hospital? Don't they bill this individual and get compensated for that service?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, my understanding is that yes, they do bill for those calls that they respond to.

COMMISSIONER CAMPOS: So they're billing the customer and billing the County? Is that a double billing problem?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, it may be the same thing we're doing, because we also bill for those calls when we go out there.

COMMISSIONER CAMPOS: Have you – is the City arguing that they're not collecting the bills or that they are collecting the bills but they still want a piece of this?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, we haven't discussed with the City whether or not they're collecting those ambulance bills or not.

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

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just to conclude, Mr. Chairman, my understanding on the fire impact fees was that those funds could only be used to purchase equipment and provide capital improvements of fire stations. So they can't be used for personnel and training and those types of things. So I'm wondering why we think we can even share these. The fire stations, the equipment, and so forth, are being built in the County of Santa Fe. I understand that the City's responding with trucks and trained personnel and I appreciate that, but I'm wondering how we can legally allocate this fire impact fee or fire impact and EMS impact fee, whichever it is, to non-capital and equipment related costs.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, when we adopted the impact fees for the Extraterritorial Zone we discussed this with the City and they agreed and the County agreed and they consented to the collection of the impact fees provided that it goes to facilities in the city and the county and the City uses it just for equipment and buildings of that nature. They don't use it for personnel. They are subject to following the Impact Fees Act that we are.

COMMISSIONER SULLIVAN: Okay.

MR. ABEYTA: That was discussed back when we adopted it for the EZ. So they know they can only use it for –

COMMISSIONER SULLIVAN: Okay. So the City is restricted as are we, to use this money, this \$496,000 only for capital improvements and equipment.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: Okay. That answers my question, Mr.

Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Sullivan. I guess these numbers, that \$496,000, that's over a four or five-year period, right? A five-year period?

MR. ABEYTA: Yes, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. All righty.

The motion to approve the MOU with the City regarding EMS and fire services passed by unanimous [4-0] voice vote.

XII. C. 4. Request Approval of Property Lease Agreement #27-1817-ADF/RH with the Billeting Support Advisory Council (BSAC) to Provide Lodging for the Santa Fe County Corrections Personnel in the Amount of \$4000 (Corrections Department - ADF)

COMMISSIONER SULLIVAN: Mr. Chairman, I had a question regarding this. What is BSAC Billeting? Who are they? Where are they? What's this all about? We have a memo here that says they provide reasonable rates, \$20 a night. That certainly sounds reasonable. Motel 6 doesn't even charge that.

MR. PARRISH: Mr. Chairman, Commissioner Sullivan, I actually don't know what the initials stand for but it's the National Guard facility and they've agreed to, should we have inclement weather, that they could house individuals from the Corrections Department because we have so many people that travel to Moriarty or to Las Vegas or Albuquerque. And if we had bad weather, they're willing to billet people there on a short-term basis where we could hold them over for the next shift. My understanding is we're not committing any money to this yet; it's just a matter of putting money aside should we need to use it.

COMMISSIONER SULLIVAN: Okay. So this is at the National Guard facility and it's only for Corrections staff personnel? It's not pertaining to inmates?

MR. PARRISH: No, it's not pertaining to inmates, Commissioner Sullivan. It's just for staff in case we have bad weather and have to hold them over.

COMMISSIONER SULLIVAN: That answers my question.

CHAIRMAN MONTOYA: Okay. Can we have a motion?

COMMISSIONER SULLIVAN: I'd move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTTOYA: Motion for approval. Second, Commissioner Vigil.

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

XII. C. 5. Request Authorization to Enter into a Lighting Agreement with the New Mexico Department of Transportation (NMDOT) for Signalization and Lighting on US 84/285 at County Road 109N in Pojoaque (Public Works Department)

COMMISSIONER CAMPOS: I have some questions for Mr. Lujan. We're required to pay for lighting that's built on state highways within the county.

JAMES LUJAN (Public Works Director): Correct.

COMMISSIONER CAMPOS: So my question to you is about energy efficiency. There's a lot of change in technology as far as the actual hardware and the bulbs themselves which can result in a huge reduction of energy consumption. Are we requiring or are we conditioning our acceptance on the State DOT actually using the more efficient appliances and bulbs?

MR. LUJAN: Mr. Chairman, Commissioner Campos, they are starting to use that technology now. They are starting to use that. On this particular one I can't answer. I'll check into it and make sure that they are.

COMMISSIONER CAMPOS: I think we should condition all our approvals on the DOT using energy efficient appliances and bulbs because they're going to save 40, 50 percent of energy costs, which are being consumed presently with current or old technology. So I don't know how to handle this. If we just hold off to see if the DOT is actually going to use some up to date technology and bulbs. What do you recommend, Mr. Lujan?

MR. LUJAN: I'd recommend approving it with that caveat that they do use that, and I know they're using it around the state on the intersections so we can make sure of that.

COMMISSIONER CAMPOS: So we condition it on them using the new appliances and new bulbs. And you'll make sure it's done?

MR. LUJAN: Yes. He'll go check them.

COMMISSIONER CAMPOS: He's smiling in a funny way, kind of like, yeah, right. I'll move to approve with that condition.

CHAIRMAN MONTTOYA: Okay. I'll second for discussion. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Lujan, update me on this kind of transaction. Does the state pay for the lights themselves and we pay for the maintenance

and utility, or what kind of agreement are we still operating under with the state?

MR. LUJAN: Mr. Chairman, Commissioner Vigil, that is correct. They pay for all the construction and all the installation and the apparatus. We take over the power after it is built. We pay the power. We enter into an agreement with them for maintenance. They do most of the maintenance. Some of the larger items afterward we do, like a cut line or something, we would repair it. But the majority of the work is done upfront by the DOT.

COMMISSIONER VIGIL: Okay. And this intersection is state highway, or

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MR. LUJAN: It's at the intersection of County Road 109 and State Highway - just north of Al's Liquor there in Pojoaque, the intersection there.

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

The motion to authorize the lighting agreement passed by unanimous [4-0] voice vote.

XII. C. 6. Request Approval of Change Order No. 1 to Contract No. 27-0602-PW/RH in the Amount of \$25,446.96 (Public Works Department)

COMMISSIONER SULLIVAN: Mr. Chairman, this one has a one-page memo and it refers to see specific change-order documents for more detailed information and there weren't any other documents. So that's the reason I had to bring it forward here to find out what was going on. It says Public Works Department currently budgets ten percent as a guideline for change-orders. This one is 24.4 percent change-order for the final construction of this emergency low-water crossing project. So my question was what were the problems that created this 24 percent change in construction costs?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, one of the items, we had to use additional concrete. It was taking so long to form it and get it done so I changed it to do it monolithic instead of bringing in fill and with the current flooding that kept happening I just couldn't get that filled, so what I did is I changed it to use more concrete. A total of 800 additional cubic yards of concrete, which came out to \$21,000. And then during the first concrete pour, we lost eight yards of concrete. They were ready to pour and it was formed and we were getting ready to pour it and that's when the rain started right around 1:00 that afternoon. So what I did is I negotiated with the contractor. We lost the whole truck because it was on the opposite side, the other side of the river on the crossing so we couldn't even get it back to the plant. So we paid for four yards and he paid for four yards, the contractor.

Then during construction I had him install some steel sleeves in the concrete so we could put our delineators on the edge of the concrete. Which came out to a total of \$23,000

and with the gross receipts it came out to \$25,000.

COMMISSIONER SULLIVAN: So, Mr. Lujan, with the additional concrete, we got a stronger, better project than we would have with the dirt.

MR. LUJAN: Correct. And then I lost – during the flooding it undermined one of the sides. It did not collapse so I had to bore some holes and we formed it and poured concrete, probably another six yards because it left a hollow space underneath and we filled that up.

COMMISSIONER SULLIVAN: Is there any possibility for insurance reimbursement on a –

MR. LUJAN: I couldn't answer that. I wouldn't –

COMMISSIONER SULLIVAN: Some of this was actually naturally caused.

MR. LUJAN: Naturally caused.

COMMISSIONER SULLIVAN: Mr. Ross, do we have insurance coverage for natural damage like this as a result of construction?

MR. ROSS: Mr. Chairman, that would be builder's risk coverage and I don't believe we have that.

COMMISSIONER SULLIVAN: Which the builder should. Some cities and counties have builder's risk.

MR. ROSS: Well, we don't have a commercial general liability policy and builder's risk comes along with those. We have this special policy that the Association provides. We have to generally get the builder's risk separately. But I can certainly check with Mr. Kopelman and see –

COMMISSIONER SULLIVAN: See if something like this would be covered, damage. See whether we have builder's risk. And the contractor didn't make a builder's risk claim?

MR. LUJAN: No, he didn't.

COMMISSIONER SULLIVAN: All right.

MR. LUJAN: That would have just been for the yardage of concrete that we lost.

COMMISSIONER SULLIVAN: That you lost. Yes.

MR. LUJAN: And we only had regular cost for that, the price of the concrete itself.

COMMISSIONER SULLIVAN: And was this designed in-house or designed by a consultant?

MR. LUJAN: We designed it in-house. We used it off of other areas where we've built these structures.

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

CHAIRMAN MONTOYA: Okay. We need a motion.

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan.

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

CHAIRMAN MONTOYA: We still have two items that have been pulled off of Consent. It's 12:30. Commissioner Sullivan, you have to leave at 1:00. We need to go into executive session for at least a half hour.

COMMISSIONER SULLIVAN: These might go quick, Mr. Chairman.

CHAIRMAN MONTOYA: They might.

XII. C. 11. Resolution 2006-181. Request Approval of PHA Board Resolution Approving the Calculation of the Performance Funding System for the Public Housing Operating Subsidy for CY 2007 (Housing Department)

COMMISSIONER SULLIVAN: And Mr. Chairman, when I read through my book, there wasn't any other documentation here. I had no idea what the performance funding system operational subsidy was, and I want to check. Is that what we discussed at our Housing Authority Board meeting this morning?

DUNCAN SILL (Housing Department): Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. Then if that's the case we approved that this morning at the Board and I would move for approval of item C. 11.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Sullivan, second by Commissioner Vigil.

The motion to approve Resolution 2006-181 passed by unanimous [4-0] voice vote.

XII. C. 13. Resolution No. 2006-___. A Joint Resolution with the Town of Edgewood Amending the Current Town/County Joint Powers Agreement for Emergency Services in Support of the County's Proposed Emergency Communication and Emergency Medical Services Gross Receipts Tax (Fire Department)

COMMISSIONER SULLIVAN: Mr. Chairman, I requested this because I was confused as to what was happening on page 2. This was a resolution where Santa Fe County

agreed to dedicate a portion of the revenue from the emergency communications/emergency medical services tax to fund the RECC and a portion to improve medical services in the Town of Edgewood. Now, I, number one, don't remember voting on this, but other than that, I'm sure that we did. What were we deleting on page 2, paragraph 1? Is this just a typographical change or are we deleting something?

It says if the question currently before the voters concerning the countywide emergency communications and emergency medical services gross receipts tax is approved, the County and the Town agree to amend the agreement as follows. And then it says delete Article I. F, and there's a little subscript that says Deleted d.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that is referring to a deletion of the Article in the JPA between Santa Fe County and the Town of Edgewood and the deletion is currently the Town of Edgewood pays Santa Fe County \$125,000 a year for fire protection service that we provide and what's being proposed by the Fire Chief is that we would no longer – of the Town of Edgewood would no longer be responsible for that \$120,000. That would be covered by the tax.

COMMISSIONER SULLIVAN: And was this approved on October 10th by something? I don't remember this \$120,000. I remember us recently approving an agreement with Edgewood for emergency services, a new agreement, but this one's deleting the \$120,000.

MR. ABEYTA: Mr. Chairman, I don't believe that was on October 10th. I don't recall it either.

COMMISSIONER SULLIVAN: Refresh my memory. Is this an old resolution?

STEVE MOYA (Assistant Fire Chief): Mr. Chairman, Commissioner Sullivan, I apologize. Chief Holden had a death in his family so he was unable to attend today. He sent me an e-mail about it but didn't indicate anything about a resolution on the 10th.

COMMISSIONER SULLIVAN: So is this a resolution – this is a new resolution we're being asked – this is not a change of an existing resolution.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, no. This is a new resolution as a result of negotiations that have been going on between Santa Fe County and the Town of Edgewood over support of the tax. And it's my understanding they are going to adopt this resolution at their hearing tomorrow evening.

COMMISSIONER SULLIVAN: Well, it wasn't certainly presented that way that this is \$120,000 rebate, as it were, to the Town of Edgewood. I'm not sure that fits too well with me to be quite honest with you. I think we've been very equitable in our dealings with the Town of Edgewood on everything we've done, on personnel and on our agreements and – I obviously don't have the numbers here but I'm – we certainly want to get everyone's support for this bond issue but I wasn't aware that this was a \$120,000 deal to do it.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Should we motion to continue this item until the results of the November 7th election? It might be a little premature.

MR. ABEYTA: Mr. Chairman, Commissioner Vigil, yes, the Commission could postpone this or table it until maybe the meeting on the 14th or the administrative meeting in November.

COMMISSIONER VIGIL: Okay. I move that we table this until our administrative meeting in November.

COMMISSIONER SULLIVAN: Second.

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

The motion to the resolution concerning the Town of Edgewood passed by unanimous [4-0] voice vote.

XII. C. 14. Approval of a Lease Agreement Between Santa Fe County and Bokum Building, LLC for the Lease 1,924 Square Feet of Office Space on the First Floor of the Bokum Building. The Lease will be for a Period of Two Years with an Option to Renew for Another Two Years. The Lease Cost will be \$44,252 Annually (Projects and Facility Management Department)

COMMISSIONER SULLIVAN: Mr. Chairman, I don't know anything about this. This just was put on by staff and I asked that we discuss it because there were no documents in the packet. So Mr. Gutierrez, I'm sure can explain it to us.

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, Commissioners, Projects and Facilities has been working for additional space at the request of the previous County Manager and we had gone to look at the Bokum building to move possibly some personnel over there. We had put that on hold for several months. Just recently the new County Manager, Roman Abeyta has asked me to move forward in securing some additional office space based on some moves and the addition of RPA staff. So we went over to the Bokum building and talked to Richard Montoya, Jr. in terms of space availability and this was what was available. He has 1924 square feet on the first floor of the Bokum building available for space. Our estimate is that we can move anywhere from six to probably nine individuals over there.

The lease in front of you is a two-year lease with an option to renew for two years. What makes this space ideal is the proximity of the existing County buildings. We also did look at leased space at Alpine Sports, where that building is located and we got a comparable quote on that. There's also space across the space from the Enacon building which is going for about \$26 a square foot. So this was put together this week. The requirements that Richard Montoya needs to make is to make it ADA accessible and he has agreed to do that and the terms and conditions of this lease. And I apologize for the timeliness of this but this was just put together in basically the last 24 hours.

MR. ABEYTA: And Mr. Chairman, if I may add, the urgency or the reason for it is because the RPA director, I need to find an office for her immediately. She's been waiting for a couple of weeks now and she's also going to have a staff member and she's going to need conference room space, plus also now, the County Provost position and plus new positions that were added that we're starting to fill within this building is requiring us to find a space. But again, primarily my concern is I need to get the RPA director into an office so that she can get to work, and she's been waiting patiently for that.

COMMISSIONER SULLIVAN: So if there are no other questions, Mr. Chairman, I'd move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan, second by Commissioner Vigil. Any other discussion?

MR. ROSS: Mr. Chairman, there are a few typos in this agreement that I located today.

CHAIRMAN MONTOYA: There are no numbers.

MR. ROSS: No numbers. There are some typos in here because this was put together so quickly, I'd like to correct before we go to press with it. Do you want me to talk about them?

CHAIRMAN MONTOYA: Would you please?

MR. ROSS: Okay. The biggest issue - there are a number of extra commas and stuff like that which I'll ask for your blessing in fixing, but under 4 there, term of lease, it says for a period of approximately 24 months but then it talks about November 1, 2008. It's not really approximately two years. It really is two years. So I would propose deleting the word approximately.

CHAIRMAN MONTOYA: Okay.

MR. ROSS: Then this is somewhat mundane but can be important in 10, choice of law. I would suggest that any litigation arising out of this agreement shall occur in the first judicial district court of New Mexico, located in Santa Fe County. I would eliminate the reference to federal court. And that's it, Mr. Chairman, aside from a number of commas and things.

COMMISSIONER SULLIVAN: I would move for approval with those changes and minor clean-up.

CHAIRMAN MONTOYA: Okay. Seconder?

COMMISSIONER VIGIL: Yes.

CHAIRMAN MONTOYA: Any other discussion?

The motion to approve the lease agreement for the Bokum building passed by unanimous [4-0] voice vote.

- XIII. F. Matters from the County Attorney**
- 3. Executive session**
 - a. Discussion of pending or threatened litigation**
 - b. Limited personnel issues**

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

[The Commission met in executive session from 12:45 to 2:43 and reconvened with Commissioners Campos, Vigil and Montoya.]

Commissioner Vigil moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Campos seconded. The motion passed by unanimous [3-0] voice vote. [Commissioner Sullivan was not present for this action.]

- XIII. B. Health & Human Services Department**
- 1. Request Authorization for 1.0 FTE Registered Nurse II for the Mobile Health Van**
 - 2. Request Authorization for 1.0 FTE Health Van Driver/Van Assistant for the Mobile Health Van**
 - 3. Request Authorization for 0.6 FTE Promotora/Outreach Specialist for Mobile Health Van**

MR. SHEPHERD: Mr. Chairman, Commissioners, Health and Human Services Department is requesting – we're actually requesting with all three items, we're requesting 2.6 FTEs. One is an FTE for a registered nurse which we're calling a community health nurse. One is for a promotora, and one is for a health van driver, van assistant. This will allow the operation of the mobile health care van. We feel it's necessary for a variety of reasons. The first being insurance on the driver's end. The second reason is we feel that it would be easier to operate this program and direct it with County staff and not try to run the program through an independent contractor. I would stand for any questions or anything you'd like to discuss about it.

CHAIRMAN MONTOYA: Okay. Any questions for staff?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: During our Indigent Board hearing there was an implication of I believe that brought the question forth on whether or not liability would be an

issue with regard to this. Have those – who is responsible for the liability with regard to this and is it Santa Fe County and is malpractice insurance required here?

MR. SHEPHERD: Mr. Chairman, I'm going to attempt to answer that and then I'm going to let Mr. Ross chime in as well. I believe for the van itself we're probably liable for any damage it does to other vehicles or objects, which has been an issue. If we were to hire the nurse we would have to pay for liability insurance for the nurse.

COMMISSIONER VIGIL: Does that include malpractice?

MR. SHEPHERD: I believe it would.

MR. ROSS: Mr. Chairman, our automobile policy is provided by the Association of Counties. They do not provide malpractice insurance. We've had to get that from other sources. Right now, we're getting it from the risk management division of the state on all the corrections' medical folks and the Health Department medical folks.

COMMISSIONER VIGIL: Would the malpractice be required both for the promotora and the registered nurse. I don't think it would be necessary for the driver, but do promotoras fall within the malpractice liability guidelines or do we even know?

MR. SHEPHERD: Mr. Chairman, Commissioner, I would not think so. The promotora is going to be charged mostly with recruiting, following up with people, making sure they got to their appointments, not with any direct healthcare related items.

COMMISSIONER VIGIL: So does the budget – are we approving a budget for the malpractice insurance or does that need to come back to us?

MR. SHEPHERD: Mr. Chairman, Commissioner, you approved the budget request contingent on approval of these position requests. So if you don't approve these, the budget doesn't go through. But if you do, the budget's already approved. [See page 40.]

COMMISSIONER VIGIL: And does that budget item include funding for that malpractice insurance?

MR. SHEPHERD: We do have some money in it for that.

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

CHAIRMAN MONTOYA: Okay. Other questions? A motion? Commissioner Campos.

COMMISSIONER CAMPOS: I'd move to approve item XIII. B. 1, 2, and 3.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Got a motion and a second. Any other questions on 2 or 3?

The motion to approve the 2.6 FTEs for the health van passed by unanimous [3-0] voice vote. [Commissioner Sullivan was not present for this action.]

XIII. C. Public Works Department

1. Request Authorization to Change 1.0 Operator II Term Position to 1.0 Operator II FTE Position for the Road Maintenance Division

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, this term Operator II position was granted enough funding this year with the intent to make it an FTE. This position is currently assigned to road maintenance district 1, which is up north.

CHAIRMAN MONTOYA: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Any questions?

COMMISSIONER VIGIL: So we currently have a 1.0 operator term position.

Os all you're wanting to put him in a full-time equivalency?

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

COMMISSIONER VIGIL: And does that include an increase in salary?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, the amount that's budgeted is for the salary and benefits and uniforms and anything that's associated with that position.

COMMISSIONER VIGIL: Okay. So there is an increase to accommodate health insurance.

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

COMMISSIONER VIGIL: Okay. No further questions, Mr. Chairman.

The motion to authorize changing a term position to an FTE passed by unanimous [3-0] voice vote. [Commissioner Sullivan was not present for this action.]

XIII. C. Land Use Department

1. Request Authorization to Publish Title and General Summary for an Ordinance to Amend Ordinance 2004-1, the Village of Agua Fria Traditional Historic Community Boundary

ROBERT GRIEGO (Senior Planner): Good afternoon, Mr. Chairman, Commissioners. In your packet material we have the background material for this request for authorization. The property owners, the Village of Agua Fria Community Plan included the request to include other properties and to amend the Traditional Historic Community boundary. This is in accordance with the existing Traditional Historic Community Ordinance 2004-1. So what we're bringing forward to you at this time are the requests from the property owners who have submitted letters of intent to the County to amend the Traditional Historic Community

Ordinance in accordance with the existing ordinance.

CHAIRMAN MONTOYA: Okay. Are there any questions? This will go through the regular public hearing process, right?

MR. GRIEGO: Mr. Chairman, that's correct. We also, before we go on, there was a change to the map that we made that we want to include in your packet material as we go forward that we're all clear about the map. We're trying to be consistent with our maps and so we want to have this. This is the proposed Traditional Historic Community Ordinance amendment.

COMMISSIONER VIGIL: Mr. Chairman, Robert, will this have to go back to the planning committee? I know, because I was involved in it, that this process that was created was done through the planning process, but will this have to go back to the planning committee or are you just moving it forward through the BCC? And has the planning committee learned about this most recent thing?

MR. GRIEGO: Mr. Chairman, Commissioner Vigil, what the process is, what we're requesting is authorization to go forward with the process to amend the ordinance, which will include a public meeting or through the planning committee or to inform the property owners and in the planning committee. So we will hold a public meeting, but these are the requests that came out of the community plan through that planning process.

COMMISSIONER VIGIL: That was my understanding. So how many hearings do we have to have on this? Does this amendment require two hearings also?

MR. GRIEGO: I'll defer that to Legal. I'm not certain that we have to have two public hearings on that.

COMMISSIONER VIGIL: It's an amendment to the general plan in Agua Fria and the request is for title and general summary.

MR. ROSS: Mr. Chairman, Commissioner Vigil, is this the boundary adjustment?

MR. GRIEGO: Yes.

MR. ROSS: It only takes one public hearing to do a boundary adjustment.

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

CHAIRMAN MONTOYA: Any other questions? Robert, just regarding the map that you gave us and the one that's in our packet, they're pretty much the same, right? In terms of what's being proposed?

MR. GRIEGO: Mr. Chairman, that is correct. The property is the same. It's just a different format for the map.

CHAIRMAN MONTOYA: Oh, okay.

COMMISSIONER VIGIL: Move to approve, Mr. Chairman.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: To authorize publishing title and general summary?

COMMISSIONER VIGIL: That's correct.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Campos. Further discussion?

The motion to authorize publication of title and general summary of an amendment to the Agua Fria Traditional Historic Community boundary passed by unanimous [3-0] voice vote.

XIII. E. Matters from the County Manager

1. Resolution No. 2006-183. A Resolution Requesting an Increase to the General Fund (101) to Budget Additional Property Tax Revenue to Create a Provost and Policy Advisor Position for FY 2007/ \$98,389

MR. ABEYTA: Mr. Chairman, I've handed out a memorandum to the Commission that I put together after meeting with the Provost and talking about the duties and we've put together a list of duties and an organizational chart. The Provost office duties and projects will include strategic planning, water and wastewater, such as Buckman Direct Diversion, the Española Water Basin Planning, intergovernmental relations - tribal, state, counties, municipalities - legislation in both state and federal, and public relations.

The Provost office staff will include Gerald González, the Provost and Policy Advisor, Beth Mills, who is our strategic planner, John Salazar, who is our special projects coordinator, and Hutch Miller, who is our intergovernmental liaison. And attached to the memo is the org chart that establishes the Provost office and the three positions.

CHAIRMAN MONTOYA: Any questions on this? Regarding intergovernmental relations, Hutch is kind of split between us and the Clerk, right?

MR. ABEYTA: Yes, Mr. Chairman.

CHAIRMAN MONTOYA: Is that like 80/20?

MR. ABEYTA: It depends. Like this time of year, he's spending a lot more time with the Clerk's office. It just depends. It's generally 50/50 but sometimes he's more busy with us working on the tribal summit or those types of meetings but for now around election he's working with the Clerk.

CHAIRMAN MONTOYA: Okay. And that's okay, I guess with the Clerk, in terms of - okay.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: This, in my mind represents a decrease in salary. Is that accurate, Roman?

MR. ABEYTA: Mr. Chairman, Commissioner Vigil, no. This is in accordance with what the Commission agreed to as far as the Provost salary and then the salaries of the staff will not be affected that are being moved into this office. They will remain the same.

COMMISSIONER VIGIL: Oh. I thought we were paying your more, Gerald. Okay. Thanks. Move to approve.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Further discussion?

The motion to approve Resolution 2006-183 passed by unanimous [3-0] voice vote. [Commissioner Sullivan was not present for this action.]

XIII. E. 2. Update on Various Issues

MR. ABEYTA: Briefly, Mr. Chairman, the first item I have is we need to have two canvassing meetings to canvass the general election results. The first is November 9th at 4:00 pm and the second is November 17th at 4:00 pm. We've been calling you individually and so far we only have a commitment from one of you for the 9th and one on the 17th and we'll need at least three. We can even do a call-in if need be, but we have to have a quorum for those two dates, the 9th and 17th, and again, at 4:00 pm.

CHAIRMAN MONTOYA: Go ahead, Commissioner Vigil.

COMMISSIONER VIGIL: No, I'm available November 9th and unavailable the 17th.

COMMISSIONER CAMPOS: I can be there both days.

CHAIRMAN MONTOYA: Both days?

COMMISSIONER CAMPOS: Yes.

CHAIRMAN MONTOYA: Four o'clock?

COMMISSIONER CAMPOS: Four o'clock.

CHAIRMAN MONTOYA: So two on the 9th so far are good.

MR. ABEYTA: Right. We have Vigil and Campos on the 9th so far, and I haven't heard from Commissioner Sullivan yet so we can check with him.

CHAIRMAN MONTOYA: Okay. Because I can't be available on either one. Originally I had the 10th and then I understand that the 10th is our holiday for Veterans Day.

MR. ABEYTA: Right. And the 17th we have Commissioner Anaya and Commissioner Campos, have confirmed that they can make the 17th so we need one more on the 17th.

CHAIRMAN MONTOYA: So Sullivan is the third for either date.

MR. ABEYTA: He could be the third for either one. We will contact him.

CHAIRMAN MONTOYA: Just tell him he has to be here for both of them.

COMMISSIONER VIGIL: And these meetings are at 4:00 on both dates.

Correct, Roman?

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: Actually, they could be at 5:00. It just takes about five minutes to do this, right?

MR. ABEYTA: Right. It could be at 5:00. It only takes five, ten minutes to do this.

COMMISSIONER CAMPOS: I prefer it later the better if there's still flexibility in scheduling. We come in at 5:00. It takes ten minutes. We'll be out of here.

VALERIE ESPINOZA (County Clerk): Five o'clock's fine, Commissioner Campos, Mr. Chairman.

COMMISSIONER CAMPOS: Would that work for both dates?

COMMISSIONER VIGIL: It does for me on the 9th. And I'm the only one I guess, available on the 9th thus far.

COMMISSIONER CAMPOS: No, I'm there.

COMMISSIONER VIGIL: And Commissioner Campos.

CHAIRMAN MONTOYA: We don't know about Commissioner Anaya for the 9th.

MR. ABEYTA: Commissioner Anaya is not available the 9th, but he is the 17th. Commissioner Sullivan, like I said, we haven't been able to confirm, but he could be the third on both dates.

CHAIRMAN MONTOYA: Okay.

MR. ABEYTA: And the only other thing I have, Mr. Chairman, is I would like to announce that Victor Romero, who has been with the County for 14 years, retired this week from property control, PFMD, and so I want to wish him luck. We'll have a formal send-off now in November. But we just got notified that he did retire this week so I wanted to tell him thank you and wish him luck in his retirement. That's all I have, Mr. Chairman.

CHAIRMAN MONTOYA: Any questions for the County Manager?

COMMISSIONER CAMPOS: Something controversial? It's so early.

CHAIRMAN MONTOYA: Finance Director? Naomi? Anybody have anything?

COMMISSIONER CAMPOS: We've got plenty of time to get into a fight. We don't know what to do with ourselves if we leave this soon.

CHAIRMAN MONTOYA: Let's see. I have a list of questions.

MR. ABEYTA: Mr. Chairman, we did put in the Commissioners' inboxes a report from PFMD on projects and we plan on making a formal presentation to the Commission in November regarding the number of projects and we'll provide you each with a status report and what the plans for going for with projects are going to be at that point because we should have -- well, we will have a better idea as far as the judicial complex and what direction we're going to head in there. So we plan on making a formal presentation to the Commission in a couple of weeks.

CHAIRMAN MONTOYA: Very good. Commissioner Campos.

COMMISSIONER CAMPOS: Since there's nothing else, I'll ask you a question. About the legislative hearing that we're having I think in November, are we going to

get some information, let's say a week or so before so we can think about it before we come to that meeting?

MR. ABEYTA: I'll let Gerald address it.

COMMISSIONER CAMPOS: Because often we come in and they come and bring their ideas and we don't have a lot of good information in the packet or discussions before coming in.

MR. GONZÁLEZ: Mr. Chairman, Commissioner Campos, we will be polling the staff at the prior senior staff meeting to get their ideas and we'll make a list of those and then we'll circulate them to you the Commissioners so that you have those along with any other ideas that we've generated internally, including myself, the County Manager and the County Attorney. So we will give you something to reflect on before we get to that meeting.

COMMISSIONER CAMPOS: Are you going to come forward with a regional water authority bill?

MR. GONZÁLEZ: Mr. Chairman, Commissioner Campos, we may not have to but we're taking a look at that. The reason I say we may not have to is it's my understanding that the Utton Institute is also proposing or will be proposing some sort of general, regional water and wastewater authority legislation. I've requested a copy of their draft. I haven't received it yet but once I get it, we're going to take a look at it and see how closely it conforms to the ideas that we have proposed in our prior bill and then reflect that back to you.

COMMISSIONER CAMPOS: I think the County should take a lead in that discussion also. Maybe you can engage these folks in a discussion because we've been done that road before. We've come up with a bill, actually. And I think the County really has small communities facing a crisis in water.

MR. GONZÁLEZ: Mr. Chairman, Commissioner Campos, I believe that's why the Utton folks have come forward with that proposal and so I've invited their contact, haven't received it yet but as soon as we make contact we'll be working with them. Obviously, since we've plowed the ground before, I'm sure we'll be part of taking the lead.

COMMISSIONER CAMPOS: When is too late to present something this large to the legislature?

MR. GONZÁLEZ: At this point there's still an opportunity and I think that's why the Utton Institute is bringing it forward at this point. There's been discussion across the summer and right now we still have the opportunity to put it in front of the legislature.

COMMISSIONER CAMPOS: Because in the past the criticism has been that we're going to the legislature too late. I hope this year with our major projects we're out there early.

MR. GONZÁLEZ: I just wanted to note, Mr. Chairman, Commissioner Campos, we still have not received a response from the City. As you know, they committed to do a review and let us know what their thoughts were. At least on a formal basis – there have been some staff discussions. It's my understanding that most of the issues that were raised early on were resolved in that last draft that we'd worked with but still no formal communication from the City in that regard.

COMMISSIONER CAMPOS: Any contact with the Mayor's office on that so that he can put it on the agenda?

MR. GONZÁLEZ: No, but I'll be glad to do that.

COMMISSIONER CAMPOS: We need to move that forward I think. Regardless of what the Utton folks - we may agree or disagree. I don't know.

MR. GONZÁLEZ: Right.

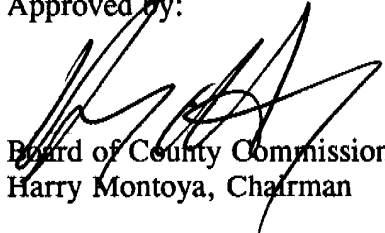
COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Anything else? Bill, anything from LANL? Thanks for being here again. Appreciate it.

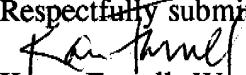
XIV. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at approximately 3:05 p.m.


Approved by:

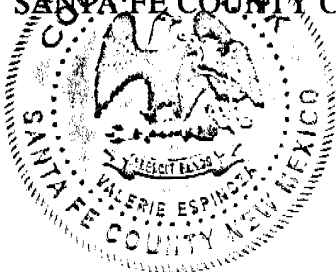

Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:


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

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK



SFC CLERK RECORDING 12/07/2006

SANTA FE COUNTY

Resolution No. 2001-14

1853162

ESTABLISHING BOARD OF COUNTY COMMISSION POLICIES FOR INCLUSION OF AGENDA MATERIAL IN COMMISSIONER PACKETS AND FOR TABELING OR POSTPONING AGENDA ITEMS FOR BOARD MEETINGS

WHEREAS, it is acknowledged that the democratic ideal is best served by a well-informed public; and

WHEREAS, the New Mexico Open Meetings Act provides that "it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them;" and

WHEREAS, the Santa Fe County Board of County Commissioners strongly supports open government and the dissemination of information to the public relative to matters coming before the Commission for action; and

WHEREAS, the Board of County Commissioners strives to maximize public input and participation in the decision-making process.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

1. In order to ensure that the public has access to the same documentation that is made available to the Commissioners prior to a Commission meeting, all agenda material shall be provided to Commissioners no later than two full business days prior to the meeting. Such material shall also be made available for inspection by the public. Any additional documentation that was not provided to Commissioners in the packet by such deadline shall be disseminated at the meeting. This requirement shall not apply to documentation relative to executive session.
2. All agenda items that are to be postponed or tabled by the applicant or staff shall so be designated no later than two full business days prior to the meeting, if possible. If there are any agenda items that an applicant or


1853163

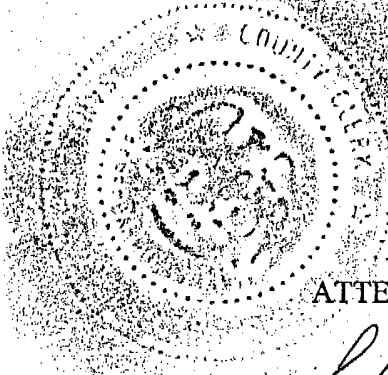
SFC CLERK RECORDING 12/07/2006

staff wishes to postpone or table after such deadline, the applicant or staff shall be required to attend the meeting and demonstrate to the Commission that good cause exists for such postponement or tabling. At the meeting, the Commission shall have the discretion to hear the matter or to table or postpone it.

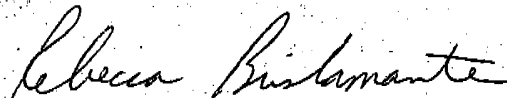
APPROVED, ADOPTED AND PASSED this 30th day of January 2001.

BOARD OF COUNTY COMMISSIONERS

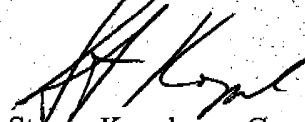

Paul D. Duran, Chairman



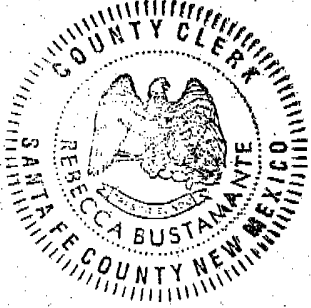
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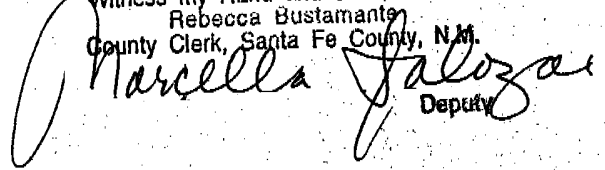

Rebecca Bustamante, County Clerk

Approved as to Form:


Steven Kopelman, County Attorney

1143 729
COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 31 day of Jan A.D.
20 01 at 12:09 o'clock Pm
and was duly recorded in book 1853
page 162-163 of the records of



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

Deputy

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO

RESOLUTION NO. 2006-__

A RESOLUTION PROVIDING FOR NOTICE OF A HEARING CONCERNING THE
PROPOSED FORMATION OF THE TURQUOISE TRAIL PUBLIC IMPROVEMENT
DISTRICT, AND ESTABLISHING THE DATE AND TIME WHEN THE PETITION
SEEKING TO CREATE THE DISTRICT WILL BE HEARD BY THE BOARD OF
COUNTY COMMISSIONERS

WHEREAS, the Board of County Commissioners of Santa Fe County, New Mexico (the "Board") desires to consider a resolution under which Santa Fe County, New Mexico (the "County") would approve a petition for the formation of the Turquoise Trail Public Improvement District (the "District") pursuant to Sections 5-11-1 through 5-11-27 NMSA 1978, as amended (the "Act"); and

WHEREAS, in order to consider the resolution at a public hearing as required by the Act, notice of the hearing is to be published in a newspaper of general circulation within the proposed District at least once per week for two successive weeks prior to the date on which the hearing at which the resolution will be considered.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SANTA FE COUNTY:

Section 1. A proposed form of resolution approving the formation of the District (the "Formation Resolution") to be considered by the Board shall be filed with the County Clerk, and shall be considered by the Board at a regular meeting of the Board on Tuesday, November 14, 2006 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Commission Chambers, County Administration Building, 102 Grant, Santa Fe, New Mexico.

Section 2. The following notice shall be published at least once per week for two successive weeks prior to the date on which the hearing at which the resolution in The Santa Fe

Deleted: one time

S0027038

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SFC
CLERK RECORDING 12/07/2006

New Mexican, a newspaper of general circulation in the County, as soon as is practicable following

the adoption of this resolution:

(Form of Notice)

SANTA FE COUNTY
NEW MEXICO

NOTICE OF HEARING REGARDING THE PROPOSED FORMATION OF THE
TURQUOISE TRAIL PUBLIC IMPROVEMENT DISTRICT

The Board of County Commissioners (the "Board") of Santa Fe County, New Mexico (the "County") will consider for adoption a resolution (the "Resolution") approving a petition for the formation of the Turquoise Trail Public Improvement District (the "District") on Tuesday, November 14, 2006 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Commission Chambers, County Administration Building, 102 Grant, Santa Fe, New Mexico, in the County, being the regular meeting place of the Board. The title and subject matter of the Resolution are as follows:

APPROVING THE PETITION OF TURQUOISE TRAIL, LLC FOR FORMATION OF TURQUOISE TRAIL PUBLIC IMPROVEMENT DISTRICT PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT ACT, SECTIONS 5-11-1 THROUGH 5-11-27, NMSA 1978 (THE "ACT"), SANTA FE COUNTY RESOLUTION NO. 2006-40 AND THE SANTA FE COUNTY, NEW MEXICO PUBLIC IMPROVEMENT DISTRICT POLICY AND APPLICATION PROCEDURES; MAKING FINDINGS IN CONNECTION WITH THE PETITION AND SUPPORTING DOCUMENTATION REQUESTING APPROVAL OF THE FORMATION OF THE DISTRICT; DETERMINING THE REAL PROPERTY TO BE INCLUDED WITHIN THE DISTRICT AND THE PURPOSES FOR WHICH THE DISTRICT IS BEING FORMED; APPROVING THE GENERAL PLAN AND THE RATE AND METHOD OF APPORTIONMENT AND THE MANNER OF COLLECTION OF A SPECIAL LEVY TO BE IMPOSED UPON REAL PROPERTY WITHIN THE DISTRICT; APPROVING A DEVELOPMENT AGREEMENT FOR IMPLEMENTATION OF THE DISTRICT; APPROVING PARAMETERS FOR THE ISSUANCE OF DISTRICT BONDS; PROVIDING FOR GOVERNANCE OF THE DISTRICT; PROVIDING THAT BONDS AND OTHER OBLIGATIONS OF THE DISTRICT SHALL NOT BE OBLIGATIONS OF SANTA FE COUNTY; REPEALING ALL ACTIONS INCONSISTENT WITH THIS RESOLUTION OTHER THAN SANTA FE COUNTY RESOLUTION NO. 2006-40.

Complete copies of the Resolution are on file and available for inspection during normal business hours in the Office of the County Clerk, Santa Fe County, 102 Grant, Santa Fe, New Mexico.

DATED: October 31, 2006.

Chairman of the Board of County
Commissioners of Santa Fe County, New Mexico

(End of Form of Notice)

APPROVED AND ADOPTED this 31ST day of October, 2006.

**THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY**

Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, County Attorney