



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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

**March 17, 2005**

**Michael Anaya, Chairman**  
**Paul Campos**  
**Jack Sullivan**  
**Virginia Vigil**

**Harry Montoya, Vice Chair [excused]**

SFC CLERK RECORDED 05/09/2005

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

Special Meeting  
March 17, 2005 - 3:30 P.M.

## Amended Notice of Special Meeting

Notice is hereby given that the Board of County Commission of Santa Fe County, Santa Fe, New Mexico, will hold a Special Meeting on Thursday, March 17, 2005 at 3:30 P.M. in the Commission Chambers at the County Administration Building, 102 Grant Avenue, Santa Fe, New Mexico.

The Purpose of this meeting is to discuss the Adolescent Residential Center (ARC)/ and other Corrections Issues.

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Discussion of the Adolescent Residential Center (ARC) and Other Corrections Issues
  - A. Resolution requesting a budget increase to the Correctional GRI fund (219) and an operating funds transfer to the Jail Operations Fund (518)/ Adolescent Residence Center for expenditure in fiscal year 2005
  - B. Request Authorization to enter an Architectural services - agreement with Alejandro & Associates for remodeling and construction of the Adolescent Residential Center.
  - C. Request Authorization to enter into Amendment #1 to the Professional Services Agreement #25-0122-PFMD with Schmitt and Associates Inc. for the Demolition and Renovation of the Residential Treatment Center.
- Resolution #32* V. Consideration and Possible Action on a Declaration of Emergency for Santa Fe County
- VI. Adjournment

*Tabled*

The County of Santa Fe makes every practical effort to assure that it's meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County at 986-6200 in advance to discuss any special needs (e.g., interpreters for the hearing and sight impaired)

SFC CLERK RECORDED 05/09/2005

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

**March 17, 2005**

This special meeting of the Santa Fe Board of County Commissioners was called to order at 3:30 p.m. by Chairman Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

Commissioner Mike Anaya, Chairman  
Commissioner Paul Campos  
Commissioner Jack Sullivan  
Commissioner Virginia Vigil

**Members Absent:**

Commissioner Harry Montoya

**III. Approval of the Agenda**

ROMAN ABEYTA (Deputy County Manager): Mr. Chairman, we have one tabled item, which will be item IV. B. Request authorization to enter into an architectural services agreement with Alejandro and Associates for remodeling construction of the Adolescent Residential Center. Other than that, we have no other changes.

CHAIRMAN ANAYA: So we're going to do A, C and V, right?

MR. ABEYTA: Yes, Mr. Chairman.

CHAIRMAN ANAYA: Okay, is there a motion on the floor? Is there any other discussion about the agenda?

COMMISSIONER VIGIL: No. Move for approval, Mr. Chairman.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Motion and a second. Any more discussion?

SFC CLERK RECORDED 05/09/2005

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

**IV. Discussion of the Adolescent Residential Center (ARC) and other correction issues**

**A. Resolution No. 2005-31. A resolution requesting a budget increase to the Correctional GRI fund (219) and an operating funds transfer to the Jail Operations fund (518)/Adolescent Residence Center for expenditure in fiscal year 2005**

MR. ABEYTA: Mr. Chairman, we have a short presentation for you first and then we'll have discussion with you after that and answer questions. Thank you.

JOSEPH GUTIERREZ (Deputy Finance Director): Mr. Chairman, members of the Commission, what we have for you this afternoon is a quick overview of the Corrections Department as a whole. What we want to cover is the financial aspects of the Corrections Department and also the programmatic aspects. In addition to that, we are also going to present an update on the Adolescent Residential Center, the newest program within the Corrections Department.

When the Manager's office formulated the jail team the criteria that we looked at in the Corrections Department on the financial side is we looked at controlling costs, what we were going to be doing, is it going to be cost effective, can it be self-sustaining in the future and what effects it's going to have on the general fund, which is the key to the financial operation within the County.

The programs within the Corrections Department that we want to give you an update on are the adult facility, the juvenile program, the electronic monitoring – all programs that are currently running right now, and the newest program, which is the adolescent residential center.

The key issues at that adult facility when we were looking at the adult facility, the financial side, were the drain to the general fund. There wasn't cost containment. The population numbers were peaking at that point. Per diem rates were being negotiated but they were also on the rise. The positive aspect of all of this is the addition of the correctional GRT which was passed last summer.

On the financial outlook for the adult facility, on the care of prisoners side, which is the biggest variable in the adult facility, we have two areas there. We have our FY05 actual, which we're actually eight months into the operation of that for FY05, and what we project for FY06. Our per diem rate based on a contract is \$42 a day, and that will hold all the way through FY06. Everything revolves around a population of 400 inmates on a daily basis. That cost computes to a little over \$6.1 million in FY06 and FY07. Our general fund transfer for FY05 was actually \$7.6 million. As we move into the budget process in FY06 we're projecting that general fund transfer at this point to be about \$5.5 million. For the first eight months of operation at the adult facility, we're constantly looking at the number of inmates on a daily

basis and we're averaging 375. Our target was to hold at 400 but we've actually averaged 25 less a day. If we continue that to the end of this current fiscal year in FY05 there will be an annual savings to the County of approximately \$283,500. So everything revolves around that 400 number.

GREG PARRISH (Corrections Director): Mr. Chairman, Commissioners, some of the programs that we're currently doing at the adult facility is the monitors on site continuing to audit the billing. We've seen a large improvement in the billing process where we've been able to do 100 percent audits and our contractor has become more compliant with the billing so it's more accurate. We've also developed a monitoring tool for the Department of Justice and we're expanding that tool into a contract compliance tool so that we can also monitor our contractors' compliance with our contract. We also have in place the court liaison who is in position to expedite cases through the system so that they don't linger in jail and therefore cause additional expense to the County.

The new contract also has been capable of containing some of the costs of inmate housing by limiting the per diem cost. We've also established a Home for Good program, which is a program which links current inmates with their families so that when their released there's less of a chance for recidivism. We're hoping to receive some positive results from that program.

MR. GUTIERREZ: On the financial side for the juvenile facility, again, it's broken out into FY05 actual, based on the first eight months of operation and what we project for FY06. You can see on the revenue side, based on the first eight months of operation, we expect to bring in close to \$4.1 million for FY05. There was a per diem adjustment on the BOP side which went into effect in March, just a couple of weeks ago. Based on that new per diem rate, our projected revenue for FY06 is about \$4.5 million. Our expenses projected for FY05, based on again the first eight months of operation are about \$3.7 million. For FY06 we're projecting about a ten percent increase on the expenditures which would be about \$4 million. You can see that we have a positive net balance on FY05 and FY06. FY05, \$375,000, and FY06, \$540,000.

In FY05, when we started the year, there was a general fund transfer to start the juvenile program of \$340,000. In FY06 we project no general fund transfer that juvenile will be receiving. And based on this slide, you can see that juvenile has reached a point where they are becoming self-sustaining in terms of their financial outlook.

MR. PARRISH: As pointed out in the previous slide, the new contract with the BOP has a 36 percent increase effective March 1<sup>st</sup>. In addition to that 36 percent increase, they've also increased the population that we're going to serve from 32 to 36. We also continue to provide juvenile services to Los Alamos and Rio Arriba Counties. We are really a regional juvenile center. Currently we also have a juvenile from San Miguel that we are assisting that county with.

It's also important to point out that early intervention can deter future crime and if we have an opportunity to intervene with the juveniles at this point we can possibly save the County money where they don't end up at the adult facility. The cost of the adult facility, just

for housing would be over \$15,000 annually, and that doesn't include the investigative process, transportation, medical, or other expenses that may be incurred if they're incarcerated there. It also has an impact on the community. The positive impact of being able to intervene with the juvenile and prevent them from entering the cycle of the criminal justice system will serve the community and also be a saving in taxpayer dollars.

Our BOP contract also allows us to provide additional services that we would not otherwise be able to provide to the regional juveniles that are served by our facility. They provide the base services for our juveniles in this region who then benefit from those services. That includes the medical that's on-site, psychiatric and counseling service that we provide to all the juveniles.

MR. GUTIERREZ: The next program we have is electronic monitoring, and this outlines the financial picture for that program. Again, we have FY05 actual and FY06 projected. We expect expenditures to be, for this current year, about \$546,000. If we look at FY06 and we project about a 10 percent increase, we're about \$600,000. This is a general funded program, but we transfer enough dollars to equal the expenditure level, so again, the transfer is equal to the expenditure level. This program actual brings in some revenues. We're projecting \$75,000 for FY05 and a conservative estimate of \$80,000 for FY06.

The current program based on the first eight months of operation, if we take that and add the additional four months for the fiscal year, we're looking at about 55,000 man-days for FY05 and about 60,400 man-days in FY06. This computes, if you take the general fund transfer minus the revenues of \$75,000, divided by the total man-days, that means the average cost to the County for FY05 averages about \$8.58 a day and we're projecting that to be about \$8.61 a day in FY06. This program became County operated in February of 2004. Before that a contractor was running this program and the price at that point was \$14.99 a day. As you can see, taking over this program, the County has saved for FY05 approximately - or will save about \$350,000 and we're projecting that to be about \$385,000 in FY06.

MR. PARRISH: The electronic monitoring program has significantly reduced the cost to the County by operation by the County. It also provides the judges with an alternative to incarceration. The new court liaison is working with magistrate judges now to place more individuals on electronic monitoring while they are waiting for trial. Currently, many of these individuals sit in jail while they await their trial in magistrate court, sometimes sitting there longer than they are actually sentenced for. This also gives them an opportunity, if they're on electronic monitoring to continue working and supporting their families.

The electronic monitoring program also serves the juveniles in Rio Arriba County and Los Alamos County, as well as the adults in those counties, so it is also a regional program.

MR. GUTIERREZ: As we tile the existing correctional programs back to one of the first few slides when we talked about the issues that jail team were facing, we can see that the adult facility that we've taken steps toward cost containment. Capping per diem rates, trying to control the population. In the juvenile operation we've demonstrated that it can be self-sustaining, and your decision to take over the electronic monitoring program has been a cost-effective decision for the County, especially in the general fund area.

Now we go into the new program, the Adolescent Residential Center and the financial outlook for that. The projected revenues for FY06 are a little over \$1.2 million. That's based on a per diem rate of about \$202 and 17 individuals participating in the program. They project our expenses to be a little over \$1.1 million. It will be indirect costs absorbed by the existing juvenile program of about \$123,000 but you can see that the revenues in this program will exceed the expenses that we're projecting at this point.

This leads us to the infrastructure cost of getting the juvenile facility renovated to handle the 17 youths that are coming. The cost we're projecting to be about \$950,000. Those costs are being funded by – we received a state special appropriation of \$362,000. Approximately 30 days ago we came to you for a budget of our correctional gross receipt tax of \$138,000. In front of you today is another request to budget the correctional GRT of \$450,000, totaling the \$950,000.

GERALD GONZALEZ (County Manager): Before we move on I just will be passing out to all of you the current amounts that are listed on the house side with respect to appropriations. We don't have the senate side yet. The governor has not set aside any money for this facility, but currently on the house side it looks like if the numbers that we currently have hold, we would also receive \$145,000 for construction at the juvenile facility.

MR. PARRISH: The Adolescent Residential Center will provide federal and state judges with alternative sanctions to incarceration for juveniles. This program will serve not only sentenced juveniles but also juveniles that are on probation. It is also an opportunity for the County to partner with other community resources for sharing some of the limited resources that we have in the County. We share volunteers, educational services and other programs that we provide for the juveniles. It is also an opportunity for us to intervene at this point and hopefully break the cycle of incarceration that some of these individuals may be headed towards. It has a cost savings to all of us that would be a result of avoiding any adult incarceration.

Even with the additional construction costs and other costs of this program, this would appear to be a program well worth the while and it would give us an opportunity to break some of these cycles that the community will continue to pay for into the future.

CHAIRMAN ANAYA: Thank you for the presentation. That was good. Is there any comments or questions?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Just a couple of questions. The electronic monitoring program involves both adults and juveniles. How many participants do we have in that at this point in time?

MR. PARRISH: Mr. Chairman, Commissioner Vigil, approximately about 150 individuals are served monthly right now.

COMMISSIONER VIGIL: So there's a proposal to increase that. Do we have a projection of that or is it just going to depend on the cooperation of the courts?

MR. PARRISH: It depends on the cooperation of the courts. We're trying now

through the court liaison to involve the magistrate courts in pretrial services where they would set a bond, put them on electronic monitoring.

COMMISSIONER VIGIL: Okay. Mr. Chairman, just one more question. I don't think it will lead to any more. The televised arraignments, has that been a cost savings?

MR. PARRISH: Mr. Chairman, Commissioner Vigil, I believe it has been. It eliminates some of the security issues of having to transport those inmates from the adult facility to the courts and therefore the Sheriff's Department has had a savings in transportation costs. Contraband issues that are involved any time someone is transported are eliminated so I believe it has been a cost savings but I don't have a dollar figure.

COMMISSIONER VIGIL: And I know that that was the purpose of it. I just wondered if that was factored into the corrections outlook. It should be, because it's significantly a part of what the County has been working towards to have a fiscal impact. I just have a comment, Mr. Chairman, and recognize the need for this program and how the County should support and consider that it is an intervention but I think the truer picture is more a prevention. What we actually need to do is start working with youth before they come into the system. So I believe very strongly, and I think on a national level, most of the programs that are succeeding are programs that are mentoring type programs, that are one-on-one programs. Programs such as Big Brothers/Big Sisters, Mentoring New Mexico, those kinds of programs are having a significant impact.

So as policymakers I always think, well we need to address the framework and the window that we're responsible for but I think overall we need to recognize that we're just attacking it from an intervention perspective and those of us who work out there as policymakers need to know that this problem exists within family systems and within youth way before they come to the system. That's all I had to say, Mr. Chairman.

CHAIRMAN ANAYA: Okay. Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I agree that this is a good program, but I wonder how we got up to \$950,000. We just a couple of meetings ago passed a \$138,000 budget adjustment and we were being advised that we were looking at a budget somewhere in the neighborhood of \$450,000 to \$500,000 and now it's \$950,000. Could someone explain what's going on?

AGNES LOPEZ (MIS Director): Mr. Chairman, Commissioner Sullivan, at that time we were - PFMD was under the impression that the renovations to the residential portion of that facility, that there was very little changes that needed to happen. This was - it came from the architect and he put it in writing what needed to be done to the residential portion was between \$400,000 and \$500,000 for the whole facility. So that's the impression that we were under. When we started working within the residential portion of it, we came to realize that there was a lot more work that needed to be done and lot more restrictions on permitting that needed to be accomplished to house these kids.

So we underwent working with CID to find out what those restrictions were and requirements were. And those requirements really exceeded any of our expectations and that's where the cost came from, as well as the nature of the facility. It's built as a jail, so renovating



it was a lot more costly than we had anticipated.

COMMISSIONER SULLIVAN: At the last BCC meeting Gerald mentioned an estimate of \$325,000 I think to \$375,000.

MR. GONZALEZ: It was \$375,000 to \$425,000 was the numbers that I had at that point.

COMMISSIONER SULLIVAN: Is that the current estimate for the additional cost?

MS. LOPEZ: No, the current estimate, we got the final numbers from the contractor this morning and the final number is \$450,000 -- \$335,000 of that is for the construction portion of it and the remainder is for the portion that PFMD will be doing ourselves.

COMMISSIONER SULLIVAN: So we're up to \$450,000 now. When we first talked it was in the \$200,000 to \$300,000 range. That was two weeks ago.

MR. GONZALEZ: Probably the number from two weeks ago was from a week or two before that. And unfortunately, we lost Tony's expertise as we were going through the process. Part of the difficulty has been realizing that rather than making what we had hoped were going to be basically cosmetic changes to a secure facility, that we actually had to get in and do more than just cosmetics in order to satisfy some of the Code requirements. For example, we're now dealing -- we realized along the way that routing wiring through 12-foot concrete walls that were designed not to be broken through was significantly more expensive than the costs you would incur in running the line through a normal wall. That's just an example of it.

The other piece of it was that as we got into the programmatic side of the facility, because during that interim period we brought on board the program director, that person that is going to be in charge of the program. The program needs sort of morphed on us. For example, with respect to kitchen. We realized that we now needed to program a kitchen into the facility, whereas previously we had sort of naively assumed that we'd be able to prepare meals and use the existing kitchen for some of that. What we found out was that the commitment to teach the folks that are going to be staying at the facility the kinds of life skills that we need to teach them in order to satisfy our commitment to the Bureau of Prisons required us to have a separate kitchen facility, in part because of security needs. We couldn't transfer any of the silverware that's used for that program over to the normal kitchen because of security problems we used different silverware on both of those, but also, we realized that we had to set up the kind of kitchen facility that would allow them to learn to prepare their own meals for themselves, rather than using the commercial style kitchen facility that we have in the other portion of the facility.

COMMISSIONER SULLIVAN: I'm sure that all of these additions wouldn't be recommended if they weren't required. I'm concerned now we have a million dollar project. We've taken off the agenda the issue of the architectural services so the question I would have is how are we going to monitor the quality and cost control? Are we going to use the same firm that provided this earlier estimate to us? Are we going to do it in-house? Are we going to bring it someone who's got more knowledge of these facilities? Or what's the plan?

MR. GONZALEZ: The reason that that's off the agenda is we have a number for that and it's for the firm but the difficulty has been trying to finalize the contract because of the time pressures that we've been dealing with. The proposed contract is over in Legal. We're trying to - we tried to get it finalized so we could present it to you today but we didn't quite get there. The answer is yes, because of the time constraints we will be using the same firm. Had we the opportunity to back up and do it over again then we'd probably do it a different way but we're sort of caught in a time squeeze of trying to satisfy the deadline set by the Bureau of Prisons.

COMMISSIONER SULLIVAN: Well, we've had this deadline for a long time. It just seems to me that this architectural firm has had its opportunity to perform or not to perform and it appears that they haven't performed. I don't think it's good to throw good money after bad. It may not be good to change horses in the middle of the stream but if the horse is dead maybe you want to get off it and get another one. I'm just totally unimpressed with a budget projection that's 100 percent more than we thought just a month ago. I think there's ways, whether it's emergency procurements or whatever. Is this contract going to be in excess of \$25,000?

MR. GONZALEZ: Yes. The current hard number that we have and that's the number that's been passed on to Legal for finalizing the agreement is \$36,000.

COMMISSIONER SULLIVAN: Well, that requires that you go out for proposals unless we declare it an emergency. Is that not right?

MR. GONZALEZ: I defer to Legal and Finance. I guess my concern is making sure that we make the deadlines because that's the clock that's ticking on us at this point. And I appreciate your concerns. I understand if we were to do this over again and I think we've probably done more than one post mortem at the staff level we'd proceed differently. We're probably utilize our jail team a little more than we did in going through the process.

MS. LOPEZ: A little bit of a background, Mr. Chairman, Commissioner Sullivan, we did look for other architects to finish out the project. PFMD contacted five other architects, actually walked through the facility with these architects on a Saturday trying to acquire a commitment to get these plans within the week that we needed them to be able to finish the project. Most of the architects said that they just did not want to do it because of conflicts with the current architect. They didn't want to create any conflicts. And the others wanted something in writing to say that our current architect was happy and paid off, which we could not guarantee. So because of time frames and because of the response that we got from these five architects we decided to push forward with the architect that we had. We did that and we pushed on him and we stayed on him and he delivered, minus the snowstorm, he delivered in the time frame we set for him.

Frank stayed on him. I have to say that Frank went through snow and through closed roads just to stay on this architect so that we did get it in the time frame.

COMMISSIONER SULLIVAN: Mr. Ross, what was your opinion on Gerald's question regarding the need for going out for RFPs on this size of a contract, without an emergency declaration or with an emergency declaration.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, I think there's really only a couple of ways to do. One would be the obvious emergency declaration. We've already done that once on this project the last time we met on this subject. The other would be to consider it a sole source. I guess that way you could do that, the architect did phase one of the project and at the time that was the only phase that was anticipated to be required. Now that it's apparent that there's yet another phase he's already done the basic groundwork on the remainder of the facility and he's the logical choice for continuing forward. Those are the two ways that I think you could justify it.

COMMISSIONER SULLIVAN: So are either of these options going to be brought to the Commission at the next meeting? Or what's the -

MR. ROSS: You'll have to make a declaration with respect to the -

COMMISSIONER SULLIVAN: But these architects has already been hired and already have been working.

MR. ROSS: My understanding is that he's actually already completed the work and the purpose of the contract would be to get him paid.

COMMISSIONER SULLIVAN: Well, that notwithstanding, who is going to supervise this during construction?

MS. LOPEZ: The construction will be supervised by Frank Jaramillo. He's the licensed contractor.

COMMISSIONER SULLIVAN: Okay, so there's no architectural services during construction?

MS. LOPEZ: No, the architect will also be supervising the construction portion.

COMMISSIONER SULLIVAN: So part of the \$36,000 will include that.

MS. LOPEZ: Yes, it will.

COMMISSIONER SULLIVAN: I've already made my point I think. Now, we've already signed the contract with the Bureau of Prisons on this, right?

MS. LOPEZ: Correct.

COMMISSIONER SULLIVAN: So can we ask them for \$450,000 more?

MR. PARRISH: No, we have a contract with them to provide services at a set fee of \$202 and some change per juvenile. And that's included in that budget that you saw.

COMMISSIONER SULLIVAN: So we signed that before we knew - or we signed that when we thought the project was going to cost \$500,000.

MR. PARRISH: The project was approved by the Board of County Commissioners in October of last year.

COMMISSIONER SULLIVAN: Okay. So I guess the next obvious question is where are we going to get the \$450,000? Other than the \$138,000 we might get from the legislature. My understanding was that that \$138,000 was for another program that Judge Vigil had proposed to the legislature. It was not for this, and she's willing to forego that program to put that money into these capital improvements. So it's not free money. We're actually delaying another program that she feels is important which is of course the assessment center.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, the \$450,000 that

is in front of you in terms of the budget adjustment, the revenue source for that is the correctional gross receipts tax.

COMMISSIONER SULLIVAN: And tell me a little bit about that. We've already spent, on your slide -

MR. GUTIERREZ: \$138,000.

COMMISSIONER SULLIVAN: \$138,000. And how much do we get a year?

MR. GUTIERREZ: We're projecting for this fiscal year, which didn't go into effect until January first of this year, about a million.

COMMISSIONER SULLIVAN: And what other things do we use that GRT for?

MR. GUTIERREZ: This would be the first use of it.

COMMISSIONER SULLIVAN: But what do we typically - what did we budget or what did we plan to use that million dollars for in our budget?

MR. GUTIERREZ: In FY06 we'll be using that for the adult facility, to subsidize the general fund appropriation.

COMMISSIONER SULLIVAN: Right. We had a long discussion on that.

MR. GUTIERREZ: Right. Based on the revenues that will come on in FY06, not FY05.

COMMISSIONER SULLIVAN: So I remember we had a discussion we were going to go into the red, even with the GRT in some period of about three to four years as I recall.

MR. GUTIERREZ: The financial outlook for the adult facility, in terms of the impact to the general fund is that we as the jail team are looking at reducing that general fund contribution on an annual basis. I think it peaked in FY05 of approximately a little over \$8 million. The slide shows that we're projecting in FY06 to bring that down to about \$5.5 million. So the outlook is to bring the general fund contribution to the adult facility, to bring that number down as close as possible. The variables that we have there are that we lock the per diem rate, whatever scenario that is, and that we control the population. Obviously, the juvenile program, electronic monitoring program have a lot to contribute to that scenario.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Any other questions, comments? Okay, so do we want to act on the resolution? All I'd like to say is I support staff in what they're trying to do. I know they run across some issues but we added in a kitchen and those things are expensive. I know that turning a prison into a residential treatment facility could get costly too. So I support what you guys are doing and keep up the good work with what you're doing. We did pass that correctional GRT tax and this is a good use for it. So I'm glad to see we're tapping into it and using it and I'm glad to hear that we're reducing the amount of money coming out of general fund for the Correctional Department. I know that's going to come out of the GRT tax.

A resolution requesting a budget increase to the Correctional GRI fund (219) and an operating funds transfer to the Jail Operations fund (518)/Adolescent Residence Center for expenditure in fiscal year 2005. Is there a motion on the floor?

COMMISSIONER CAMPOS: Motion to approve.  
CHAIRMAN ANAYA: Is there a second?  
COMMISSIONER VIGIL: Second.  
CHAIRMAN ANAYA: Any discussion?

**The motion to approve Resolution 2005-31 passed by unanimous [4-0] voice vote.**

**IV. C. Request authorization to enter into amendment #1 to the professional services agreement #25-0122-PFMD with Schmitt and Associates, Inc. for demolition and renovation of the residential treatment center**

CHAIRMAN ANAYA: Do we have a motion?  
COMMISSIONER CAMPOS: Move to approve.  
CHAIRMAN ANAYA: Is there a second?  
COMMISSIONER VIGIL: Second.  
CHAIRMAN ANAYA: Any discussion?

COMMISSIONER SULLIVAN: Could someone explain to me, Mr. Chairman, what this is about? It's the first time I've seen it.

MS. LOPEZ: This, the amendment to the contract? Is that what you're asking, Commissioner?

COMMISSIONER SULLIVAN: I'm asking what the Schmitt Agreement #25-0122-PFMD is.

MS. LOPEZ: Schmitt and Associates did the first portion of the demolition and the residential treatment portion of the facility. When we realized the amount of work in the residential portion, we contracted with Schmitt and Associates to do the remainder portion of the facility. And this is the amendment to the first contract.

COMMISSIONER SULLIVAN: Now, they did phase 1 for \$183,000 and this is phase 2 at \$315,000, roughly. Where's the \$950,000? These are construction contracts. It says professional services agreement, but these are construction contracts. This is a construction contract.

MS. LOPEZ: That's correct.

COMMISSIONER SULLIVAN: So is this a professional services agreement or a construction contract.

MS. LOPEZ: It's a construction contract. Professional services agreement for construction.

COMMISSIONER SULLIVAN: The thing I was just handed says construction agreement. So it's not a professional services.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, the original agreement was written for some reason on a form professional services agreement. I have attempted in this amendment to straighten that out but it still bears that name because the original agreement was

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entitled professional services agreement. It's not; it's a construction agreement.

COMMISSIONER SULLIVAN: Okay, so these two items which total about \$500,000, do they include the kitchen?

MS. LOPEZ: The second portion, the amendment to the first contract, is about \$314,000 and it does include the kitchen item.

COMMISSIONER SULLIVAN: Okay. So getting back to my original question then. These two phases total about \$500,000. Where's the \$950,000 come from?

MS. LOPEZ: In the first portion of this project, which was roughly about \$500,000, \$190,000, approximately \$180,000 was for Schmitt and Associates to do the admin portion of it. The remainder of that \$500,000 went for furniture. It went for office cubicles, for the beds for the kids, for everything else – tiles, carpets, that was anticipated for the program.

COMMISSIONER SULLIVAN: So this is a new contract? This \$183,000 for phase 1, has that already been accomplished or is that still to be done?

MS. LOPEZ: That has already been accomplished.

COMMISSIONER SULLIVAN: That's been accomplished.

MS. LOPEZ: Right.

COMMISSIONER SULLIVAN: And \$315,000 is left to do.

MS. LOPEZ: That's correct.

COMMISSIONER SULLIVAN: Which totals \$500,000. So where's the \$950,000?

MS. LOPEZ: In the first phase again, the \$200,000 was for Schmitt for the initial admin, and then the \$315,000 was for furniture and cubicles. Now we go into another phase of it where we are expending \$314,000 for additional work with the construction and the remainder of the \$500,000, roughly about \$175,000 is for materials needed by PFMD to complete their portion of the work. So Schmitt and Associates will be completing \$314,000 of what needs to be done and PFMD will be doing \$175,000 of what needs to be accomplished.

COMMISSIONER SULLIVAN: Was this contract competitively bid?

MS. LOPEZ: It was. Initially it was, and this is an amendment to that contract.

COMMISSIONER SULLIVAN: So this is an amendment that doubles the size of the contract.

MS. LOPEZ: That's correct.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Any other discussion?

**The motion to approve the amendment to the Schmitt and Associates contract passed by unanimous [3-0] voice vote with Commissioner Sullivan abstaining.**

[Commissioner Sullivan left the proceedings.]

V. **Consideration and possible action on a declaration of emergency for Santa Fe County** [*Exhibit 1: Resolution 2005-32*]

CHAIRMAN ANAYA: Who wants to take the lead on this? Gerald?

MR. GONZALEZ: Thank you, Mr. Chairman, members of the Commission. As you know, the governor recently issued a disaster declaration for seven counties in northern New Mexico based on the snowstorm that we recently experienced. This is a step toward at least making us eligible for applying for funding in order to address some of the costs that we may incur as a consequence of that storm. So it basically opens the door, it's the Commission's declaration of a disaster that runs in parallel to the governors. We don't know at this point whether or how much money we may be able to receive. The total amount that's allocated in the governor's declaration is \$750,000 but that would be divided across seven different counties.

Nevertheless, any money that we're able to collect certainly goes to the benefit of the County and offsets the costs that we're currently incurring in opening and keeping roads open and probably dealing with flooding later on as the snow melt occurs. As you know, the weather reports indicate that we're going to have warming up later on through this weekend and the following week and I think we're anticipating that we could have some flooding. The governor's disaster declaration did cover potential for dealing with mud and flooding as well as road clearance.

CHAIRMAN ANAYA: So Gerald, you said that the governor declared it an emergency and he set aside \$750,000 for all counties that are in need?

MR. GONZALEZ: The way it works, the legislature appropriates money to a special fund for disasters and emergency. What triggers the release of that money is the governor's declaration. So the governor has made that declaration but we also at the County have to make our own declaration so that we're eligible to apply for some portion of that \$750,000. What portion we'll get is not clear at this point because that's to be divided between the seven counties. What we have to do is keep track of our costs, keep track of manpower that's being exercised for doing that, then we make application to the state and they have criteria for deciding how much of that will get reimbursed.

CHAIRMAN ANAYA: Okay. Yesterday we attended an emergency operation call center. Do you want to tell us a little bit about what Santa Fe County is setting up in terms of helping out our constituents in Santa Fe County?

MR. GONZALEZ: Be glad to, Mr. Chairman. I know some of the Commissioners have been receiving calls from constituents who are concerned about their road closures, probably will be receiving calls in the near future having to do with flooding or mudding that creates problems for County roads and possibly some for ditches as well. What we decided to do at the staff level in order to make for a process that made sense was open the emergency operation center over at the Public Safety Complex and have them screen the calls that come in for road closures. This way we currently have a plan for opening and we're prioritizing those roads that are school bus routes. As you know, that's our first priority. So in

order to avoid running County crews all across the county and interfering with our ability to do that on a scheduled basis or a coherent basis, what we're having the emergency operation center do is screen the calls that come in for people who are saying they have a potential emergency or they're having a difficult situation.

The emergency operations center is set up to prioritize those calls, to decide who has priority based on medical needs or other needs, and then feed those to Public Works, so that Public Works can address emergency situations as they come up, but at the same time continue to open the other roads that are the school bus routes on a continuing basis. There is a number for doing that. People can call 995-1845 and that will get them to the emergency operations center. They'll take the information. They'll assess the call. They'll assess it a priority, and then they'll feed that information to Public Works. If there is an immediate emergency situation then they'll direct Public Works to go out and address that right away. We've had a few of those that have come up.

CHAIRMAN ANAYA: So, Gerald, because the governor declared it an emergency, that means that the County can go off of its County roads and on to private driveways or private roads to clear them, correct?

MR. GONZALEZ: It depends on the situation, but this is a public safety concern, particularly where we have medical emergencies, those kinds of things, we need to make sure that we get those addressed. That's been done in the past where we have an immediate threat to safety, health or welfare.

CHAIRMAN ANAYA: Were there any questions of Gerald? Hearing none, this would be Resolution 2005-32, a resolution declaring Santa Fe County as a disaster area for Santa Fe County due to severe weather conditions of heavy snowfall and high winds.

COMMISSIONER CAMPOS: Move to adopt the resolution.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: There's a motion and a second. Is there any discussion?

COMMISSIONER VIGIL: Mr. Chairman, there's a couple of changes that I just recommended to the drafter and I think they will be included. They're just clerical.

CHAIRMAN ANAYA: Do you want to read those?

COMMISSIONER VIGIL: No, because she has them.

CHAIRMAN ANAYA: Any more discussion?

**The motion to approve Resolution 2005-32 passed by unanimous [3-0] voice vote.**  
[Commissioner Sullivan was not present for this action.]

CHAIRMAN ANAYA: Thank you very much and I'm glad to see that the County came together with this emergency operations center and started it in effect as of this morning. The number again is 995-1845 and we can – if you call that, if you have an emergency, we'll prioritize that. If it's a severe emergency we'll get to it right away. Correct?

MR. GONZALEZ: That's correct. Thank you. Is there anything else we want



to discuss?

COMMISSIONER VIGIL: I just want to know, I was here at 3:00 thinking there was a 3:00 meeting and I didn't know about it being at 3:30.

MR. GONZALEZ: The difficult we had, Mr. Chairman, Commissioner Vigil, was in giving the notice for the resolution, because we weren't able to publish that until 3:30 we had to slip the meeting. And I apologize for that.

COMMISSIONER VIGIL: There's no apology necessary. I'm just requesting that I be informed if it's moved up a half an hour, so I can better utilize my time. That way I don't have to come any earlier and get harassed by Commissioner Campos.

CHAIRMAN ANAYA: I missed why it was changed.

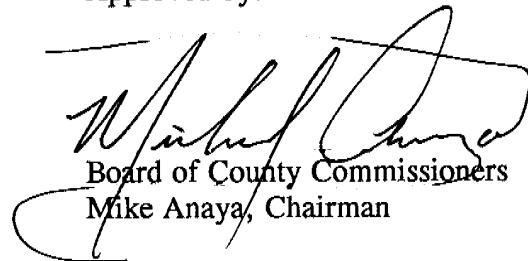
MR. GONZALEZ: The problem was because this resolution came up so late -

CHAIRMAN ANAYA: Oh, we just finished. I got it. Thank you.

## VI. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at approximately 4:20 p.m.

Approved by:




Board of County Commissioners  
Mike Anaya, Chairman

Respectfully submitted:



Karen Farrell, Commission Reporter

ATTEST TO:



VALERIE ESPINOZA  
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 05/09/2005

# SANTA FE COUNTY

## Resolution No. 2005-

### A RESOLUTION DECLARING SANTA FE COUNTY AS A DISASTER AREA FOR SANTA FE COUNTY DUE TO SEVERE WEATHER CONDITIONS OF HEAVY SNOW FALL AND HIGH WINDS

**WHEREAS**, Santa Fe County encompasses a geographical area of approximately 2,000 square miles;

**WHEREAS**, there are an estimated 1,500 total miles of roads within the County;

**WHEREAS**, of the total miles, approximately 581 miles are recognized as County Roads and maintained by the County;

**WHEREAS**, the county's goals is to provide the best services possible to its residents within the available resources;

**WHEREAS**, this past year has been an unusual winter with extreme weather conditions;

**WHEREAS**, Santa Fe County has suffered severe damage caused by extreme weather conditions related to the record winter precipitation and a winter blizzard on March 13<sup>th</sup>, 2005 and that damage is continuing;

**WHEREAS**, heavy snowfall, precipitation, and severe weather have impacted the communities throughout Santa Fe County causing extensive damage to public property, streets, roads and bridges and public facilities and further damage including flooding and road blockages and impacts to related infrastructure are anticipated;

**WHEREAS**, the damage has resulted in undue human suffering and hardship and threatens the safety, health, welfare, and well-being of citizens and the economic activity of Santa Fe County;

**WHEREAS**, all locally available public and private resources now available to mitigate and alleviate the damages hardship and suffering are insufficient to cope with the resulting situation, initiate repairs, and meet restoration requirements;

**NOW, THEREFORE**, the Board of County Commissioners of Santa Fe County, by virtue of the authority provided by the Civil Emergency Preparedness Act (NMSA 1978, 12-10-1 to 12-10-11) does hereby declare Santa Fe County to be a disaster area for the purpose of exercising necessary emergency powers and expenditure of available

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**A Resolution Declaring Santa Fe County as a Disaster Area for Santa Fe County Due to Severe Weather Conditions of Heavy Snow Fall and High Winds**

resources permitted by the Civil Emergency Preparedness Act, and for the purpose of requesting aid, assistance, relief and funds from the State of New Mexico and any other available sources.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of March , 2005.

**BOARD OF COUNTY COMMISSIONERS**

Michael D. Anaya, Chairman

**ATTEST:**

Valerie Espinoza, Santa Fe County County Clerk

**APPROVED AS TO FORM:**



Stephen C. Ross, Santa Fe County Attorney

SFC CLERK RECORDED 05/09/2005