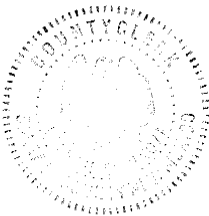


SANTA FE
BOARD OF COUNTY COMMISSIONERS
SPECIAL STUDY SESSION

November 14, 2006

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



BCC MINUTES
PAGES: 35

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE COUNTY
SPECIAL MEETING
BOARD OF COUNTY COMMISSIONERS

November 14, 2006

This special study session of the Santa Fe Board of County Commissioners was called to order at approximately 1:13 p.m. by Chairman Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Members Present:

Commissioner Harry Montoya, Chairman
Commissioner Virginia Vigil, Vice Chairman
Commissioner Paul Campos
Commissioner Mike Anaya

Members Absent:

Commissioner Jack Sullivan

Call to Order

CHAIRMAN MONTOYA: If we will, we'll kind of have a fluid agenda, very, very open. So we just want to kind of keep it that way and ask Gerald – Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I'd just like to recognize the Mayor from Edgewood is here, Bob Sterling. He's down here visiting with us and we're working on some projects down there, so welcome, Mayor.

CHAIRMAN MONTOYA: Welcome, Mayor.

BOB STERLING: Thank you for having me.

CHAIRMAN MONTOYA: You bet. Gerald.

Introduction of Legislative Team and Roles [Exhibit 1: November 7th memo; Exhibit 2: November 14th memo]

GERALD GONZÁLEZ (Provost and Policy Analyst): Thank you, Mr. Chairman, members of the Commission. This meeting is basically an informational meeting to reflect back to you and get from you your reflections with respect to the forthcoming legislative session. I've previously circulated one memo dated November 7 in which I outlined a number

of substantive legislative issues that I wanted to put in front of you so that we could have the benefit of your reflections, and then the subsequent memo that I just sent out today adding a couple of issues or items to that list.

We will today be principally focused on substantive legislation as opposed to capital and financial but those issues are obviously embedded in some of the matters we're going to be talking about today. I do want to begin by introducing the legislative team and the shape of it will appear familiar to all of you. As you know, we have on board our contract lead lobbyist who is Roman Maes and he will be addressing you as we go through this process. On the County employee side we'll be spearheading our legislative team assisted by Joseph Gutierrez, Rudy Garcia, and also by John Michael Salazar. John Michael Salazar, as you know, did the coordinating using the legislative reports last year to make sure we stayed abreast of what was coming up, what committee hearings were going on what bills were introduced.

We will follow the same process this year and make sure that we keep you posted also of developments as the session moves forward. In addition, we have of course our larger County legislative team and that will consist of all the County senior managers who participated last year in the legislative efforts as well. We will more formally introduce them down the road when we have a subsequent meeting with our legislative delegation.

Just to give you an indication of what is forthcoming we will be asking you some time during this meeting just for your thoughts about moving - in the past we met with the Santa Fe County legislative delegation in January. Our thoughts have been, those of us on the legislative team, that that meeting has probably come a little too late, so we'd like you to think about possibly moving that meeting into the first week of December, which would give us all an opportunity before the legislators are caught up in a whirlwind of legislative activities to have their ear in a little calmer environment.

With that, I'm going to go ahead and open it up so that Roman Maes can give you his reflections and his thoughts about how to move forward with the legislative session coming up. We have kind of a proposed calendar of activities looking forward to the session. I think he also has some thoughts about how to try and bring a little bit of order to the requests that you get from your constituents and possibly also the same thing to benefit the legislative delegation. Roman.

Introduction of State Lobbyist & 2007 Strategy

ROMAN MAES (Lobbyist): Thank you, Gerald. Good afternoon, Mr. Chairman and members of the Commission. First of all let me start off by thanking you for allowing me to serve you once more as your lobbyist for the County of Santa Fe. It's indeed a pleasure and quite frankly I enjoy the staff and I enjoy all of you very much in our discussions.

Let me just turn to a couple of things I put on your desk, or Rudy did, a packet. It's got I think my card in front of it. I wanted to mention a couple of things. This one sheet just gives you some important things that you should consider, the timing and information that is crucial to the legislative process. That same page has some very important dates. If you're speaking

about the legislative process, we have the dates starting from January 16th, which is the first day of the session to the 15th which is the day any legislation becomes effective. The second page is a form, and if you don't mind, I'd like to have some discussion on this. This is the legislative request form and it's not locked in; we can modify it. But it's an opportunity to really provide a service to your constituency as a Commissioner. If you have a person in your district that wants a piece of legislation and you want to assist them, we've streamlined a form for you that you can just basically ask him to fill out and get it to you or back to us and we'll start moving on the legislation for you. That way, it provides you an easy stream. It's not real difficult for the person to figure out. It doesn't cause you a trauma in trying to figure out how you're going to get it to us.

That way, at least you'll have an opportunity to make it flow very nicely. We're going to provide the same thing for the legislators and that way we're going to set up a nice little system where it's all feeding in to the legislative team, it goes forward, we can easily satisfy that need. We can get it prepared, drafted, and we can set up meetings, we can get witnesses, you'll notice that on the Commission District you can identify where it's at, the purpose of the legislation, you can explain the project, the program, the need and if necessary they can use the reverse side of that sheet.

The amount requested – and you can get a general idea whether it's capital outlay or general fund – anything with a one-year duration that is a hard substance, even software now qualifies. Some equipment, a road, a building – that's capital outlay. General fund is basically a one-time shot that you're getting dollars out of the general fund.

And then you might have a legislative sponsor. If you don't know it, we'll figure out who the sponsor is and we'll bring it to their attention that there's a constituent that wants something submitted to the New Mexico Legislature. We also have contact information, the name, the phone number, the person requesting the legislation.

Take a look at the third sheet, and it's identified as Santa Fe County legislative strategy. Basically our objective is to try to acquire \$11.7 million in capital outlay. Likewise, all the necessary general fund that is needed for some very important programs that you might decide we should move forward with. The schedule starts off as of today and it moves forward. We're hoping to have a complete version and presentation by the 17th of this month. We're hoping for at least three mailings to our legislators to remind them. It's a form of branding. The more they see our information and the more we bring it to their attention, the more they remember that we're around and that we need these projects. So we'll have basically three mailings. We'll start our individual communications. We already have, but more formally on December 4th. Example, Gerald, myself and members of your staff have already met with several legislators. We'll identify the sponsors between December 14th and 15th. There was a discussion about a reception or a dinner with the legislature. We'll have legislative drafts hopefully by between January 2nd and the 10th so that the legal staff and also the senior staff and yourselves can review it.

CHAIRMAN MONTROYA: Roman, excuse me. When you say legislative drafts you're talking about the actual bill already?

SEN. MAES: Yes.

CHAIRMAN MONTOYA: Okay.

SEN. MAES: That's what we're hoping to have. And remember, the session starts the 16th and Mr. Chairman, we're hoping we'll have all submitted between January 16th and the 19th. In other words, the sooner you get it in, the more possibilities you have with regards to reversions being heard or some final conclusion before the end of the session.

So there you have it. As I mentioned, these forms and these statements are pretty generalized. They're a work in order and will continue to be modified as necessary. I think Gerald mentioned the situation involving a reception maybe the first week of December. I think it's important that we don't catch them in a holiday mode or if we get them too far into the legislative process, they're gone. Typically, I can tell you from experience by January 5th you are in the legislature, really, because you're bombarded with requests, you're inundated with discussion. You have many meetings to attend to. So I think that's a good date, if you could do that the first week.

CHAIRMAN MONTOYA: First week in December?

SEN. MAES: Yes. And that was the discussion. I might add that there's been a real harmonious working relationship between myself and also the staff. It's been great. Communication's always there. We've met I think about six times already on various things that we think are important to bring to your attention. And that pretty well concludes my presentation. Again, thank you.

CHAIRMAN MONTOYA: Okay. Thank you. Any questions for Roman? Commissioner Anaya.

COMMISSIONER ANAYA: Senator, thank you for all the hard work that you do and what you did last year for us.

SEN. MAES: Thank you.

COMMISSIONER ANAYA: And we look forward to working with you again this year and I'll be giving you a list of stuff.

SEN. MAES: Okay. And we'll get you a bunch of these sheets so that you can have them ready and I can assure you your constituency will start calling up you very soon.

CHAIRMAN MONTOYA: Absolutely.

VALERIE ESPINOZA (County Clerk): Senator Maes, I have a question on the form, on the legislative request form that you've printed out here. It says the Commission District, with regards to the Commission District on the form, what is that? Does it have to be a particular Commission District in order to -

SEN. MAES: No. I don't know how the Commission wants to do that, but -

CHAIRMAN MONTOYA: I think this is meant for constituents as well, right? If a constituent comes and asks me for a room in Cundiyo, then that will be Commission District 1, purpose would be construction of a multi-purpose room in Cundiyo, amount of request, \$100,000, sponsor - so it would be constituents but also put in for a request in addition to the list that we've already got. So I think it would be a combination of both. But this one I think is mainly for the non-BCC legislative priorities, if I'm not -

SEN. MAES: Yes, I would say so.

MS. ESPINOZA: I see. Because in my case I have – how would I verbalize it. It's not a Commission District for me. It's a countywide project.

CHAIRMAN MONTOYA: Countywide. Just instead of Commission District it would be countywide.

MS. ESPINOZA: Okay. I'm just curious how it would be specified.

CHAIRMAN MONTOYA: Yes. So countywide would be the way we would list that there.

SEN. MAES: We're hoping to have a central source. It would be Roman, or our County Commissioner and then Gerald González. If they could be our central points and then they feed it to us and we'll move forward with it.

CHAIRMAN MONTOYA: Okay.

SEN. MAES: Thank you.

CHAIRMAN MONTOYA: Thank you. Any other questions?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Senator, one thing that has happened to us in the past is that we go to the legislature and people tell us, well, you've come too late. It's too big. You haven't given us sufficient information. To me it's important that we keep our focus and really understand what our priorities are because if we start going after hundreds of little things then we sometimes lose our effectiveness on the bigger things. Is there anything that we should be concerned about at this point that isn't ready, that we need more work to do to be able to present it effectively to the legislature. Mr. González has presented a list of really big things and it seems to me – I'm just tired of being told – last time it was the courthouse.

SEN. MAES: Well, it's really important, Mr. Chairman, Commissioners, the fact that we be timely. Being a former elected official, you do have the responsibility to your constituents and I think the legislature feels the same way. A lot of people use you as the person that they want to have a sounding before the legislature. Commissioner Campos, will you do me a favor? Would you pave our road in front of our house? Many of our neighbors want it. This is an opportunity at least to get it done.

COMMISSIONER CAMPOS: I understand that, but are there any big issues out there that we need to be more prepared?

SEN. MAES: Absolutely. We have – we're going to give you a list of five. I think Gerald González is going to –

COMMISSIONER CAMPOS: Our top five priorities. I understand that.

SEN. MAES: And then there's other things that I understand the Association of County is going to bring to your attention that they want us to work with them on. So those are the big projects. These smaller projects, we'll just move forward on them, but there are definitely large, expensive projects. As you see, we're asking for well over \$11 million, close to \$12 million from the legislature.

COMMISSIONER CAMPOS: Another issue that I think is going to become

more important is how local government generates resources, through what type of taxation, how does it get money from the State of New Mexico. As our GRT keeps escalating I think the voter is going to be less and less likely to want to approve GRTs as we approximate nine, ten percent. I was curious. Is that discussion being had at the New Mexico Association of Counties or at the legislature or anywhere as to how best allow local governments to fund projects that need to be funded?

SEN. MAES: I think there's a lot of discussion, Commissioner, not only at the City level, the County level, but also at the State level. I think the Los Alamos situation on their gross receipts is still very much in the air. I've heard discussions just constantly on modifying the formula and making it all general fund and nothing goes to the counties. I've heard other ones where they want a certain formula to be able to participate in Los Alamos, Española, Rio Arriba and Santa Fe County. Yes, I can tell you Bernalillo's coming in with a major package with regards to corrections. They're trying to fine-tune their ability to be able to tax the public and actually it's a question of whether it's going to be open or shut on a vote.

There's a lot of discussion with regard to fulfilling a lot of these water projects. We're in a very good situation though presently, Commissioner, is the fact that they threw out a figure of \$1.3 billion in capital outlay last week. General fund, they figure about \$950 million new dollars to be able to spend. So if anything, I think that will relieve some of the tax pressure that we're under and hopefully we'll get a good portion of that dollar amount. We'll make the maximum effort to get that dollar amount.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Senator Maes for all the work you do and I appreciate your knowledge of the legislature and your ability to navigate through it. One of the things that we haven't created a focus for and I don't know if it's too late. The Governor has stated that this is the year of the water, and I know Santa Fe County will be moving forward jointly with the City of Santa Fe for the Buckman Direct Diversion funding. However, and I'm not sure if this is something I'll respond to through the forms you've given us. Each one of us represents districts that have water associations, and these water associations are sort of the stepchild of assistance. They've been created - the mutual domestic wells, the water and sanitation districts, those kinds of things - entities, rather. Many of them need severe help and through our ICIP process I think we have created the opportunity to get into at least the Mortgage Finance Authority Bill, and the Water Trust Bill, that we generically stated as Santa Fe County project. I'm wondering, and perhaps Roman Abeyta, this is something that we might be able to work with our Water Resource Division. They're probably more fire-tuned into these domestic well associations and what their needs are.

But I think if the Governor, creating that kind of emphasis, will be looking at where the needs are the most severe, and indeed, Santa Fe County's water associations have been neglected. So I'd like to see us create a focus for them, particularly because most of the funding is decidedly going to go to water this year and I think we can create a larger benefit for our districts and our water associations if we create a focus for that. I don't believe, at least I

haven't - I don't know if any of the other Commissioners have in their districts, but I'd like to see us proceed with that and perhaps give you some more information about those water associations and make them a part of our requests.

SEN. MAES: I think Gerald González, Commissioner, is going to be discussing a few major legislative items that we'd had long discussions on already with regard to sewer and water, sanitation districts. This is an important subject matter. The important thing is to make sure that the County is well and adequately represented before, if we create a piece of legislation. And Gerald will be talking about that matter in detail.

COMMISSIONER VIGIL: Thank you. Thank you, Senator.

SEN. MAES: Thank you.

CHAIRMAN MONTOYA: Any other questions for Senator Maes?

MS. ESPINOZA: Commissioner Montoya.

CHAIRMAN MONTOYA: Valerie.

MS. ESPINOZA: I believe now is the venue to put my wish list out as well and I don't see, and I think I've made enough noise publicly and privately to everybody that I can think of, the issues of the recording and scanning job that I'd like to get done during this administration. I don't see it any where in the substantive legislation. And to me it's a priority to go out for this money as well. So I'd like to do that here and now. Can we get that added to the list?

CHAIRMAN MONTOYA: Yes, I'll add that to the list. We'll add that to the list. Now, Gerald, if we could put that on so we make sure that we try and get a special appropriation.

MS. ESPINOZA: And the approximate dollar value on that is going to be \$300,000, and I'd like it even if we can get a portion of that.

CHAIRMAN MONTOYA: Okay. And if you could just fill out that form also and then just give it to Gerald. That would be helpful.

MS. ESPINOZA: I will. And the contact information is the same as "submitted by", right? It's redundant here on this form? Submitted by and then the contact info? What do you recommend I put there as well? Page 1? There's two questions and they mean the same thing, contact information and submitted by. Okay, I will fill this form out and hand it over to Gerald, but I guess what I'm trying to say is that it asks for contact information and then it asks again, submitted by. So should it be submitted by Gerald, or by me?

COMMISSIONER VIGIL: Santa Fe County. Question, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya, then Commissioner Vigil.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I'm sorry, Valerie, but I didn't understand a word you said. What do you need \$300,000 for?

MS. ESPINOZA: Scanning and recording of all our deeds and documents that are in the office. What I have been trying to do is get all our documents that are within the County Clerk's office from the 1900s. I guess I've been making enough noise to deem this significant enough to put on this legislative wish-list. What I have been trying to do is seek funding, whether it be from the legislature or from the County, and I think everybody is well

aware that I've been trying to do this for at least a year now. So what I'm just trying to say right now is that I'd like it added to the wish-list, and the amount, the dollar amount to request in addition to all these other projects would be approximately \$300,000 to get that done.

COMMISSIONER ANAYA: And what is that? That gets us into archives? That gets us to micro-fiche or what?

MS. ESPINOZA: All of the above. We index, we file, we scan, we put the information on CD, make it user-friendly for our customers, but also we archive all these documents that need to be out of the Clerk's office because there's a safety issue with fire protection, etc.

COMMISSIONER ANAYA: Okay. Thank you, Mr. Chairman. I didn't understand. I couldn't hear. I'm all in favor of that because I've been downstairs and I've seen what's down there and I think we need to really protect what we have.

MS. ESPINOZA: Now, four of the five Commissioners have been downstairs and they do recognize the importance to the County, to me, to our constituents to get those documents out of the office and into safe keeping. Some of those books are very heavy for the customers who have to pull them out, so I would just like to be efficient and paperless, like I've stated many times, how important this project is to me.

CHAIRMAN MONTROYA: Thank you for bringing that forward and it's on the list.

MS. ESPINOZA: I thought that the legislators, the members of the House or Senate would be here and I've prepared a package for them. So what I will do with this package is give it to each of the Commissioners and to Senator Roman and hope that it's enough information in addition to the sheet you've asked me to complete. We should be ready.

MR. GONZÁLEZ: Mr. Chairman, you can also hang on to the packets if you want because if we have that meeting in early December we'll have a number of the legislators here that you can hand them personally to them. One caveat that I just want to point out - when issues like this come up, because I've already spoken to folks over at State Archives and Records, this is a statewide issue not just a Santa Fe County issue. So we've got 32 other counties that could potentially come to the table asking for similar funding. So I just want to point out that there are potential competitors for funding for this kind of project out there. But obviously, we'll do our best to try to get funding for this kind of initiative.

MS. ESPINOZA: Counties like Los Alamos are already paperless and on - there's a lot of counties and I don't think we'll be competing for this sort of money from the 1900s. That's how old our documents are. Many of the other County Clerks have already done that. So I don't think we'll be competing for too much of that chunk of change. And I'm not sure if there's an initiative on their agendas at this time.

CHAIRMAN MONTROYA: Commissioner Anaya, did you have anything?
Commissioner Vigil.

COMMISSIONER VIGIL: I just wanted to restate the importance of the project because I also worry about the damage that could be done through a fire or anything like that to these documents that are so critical to the history. I think that one of the things through our

analysis that we need to do is, because there's \$950 million in general fund one-time funding and over a billion in severance tax funding, I think when we look at the projects we need to clearly identify, such as this one, if it is a one-time funding project or if some of the projects we'll be looking at, for example the extension of a road, if it's a phased project. And I think we should be able to communicate that to our legislative delegation. If it is a one-time project, perhaps when they're searching for the dollars, they can search through the general fund one-time funding.

I think if we are able to assist them in strategizing where those dollars will come from for these particular projects it will help them move forward in their decisions. That's it, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Just in response to Commissioner Vigil, your inquiry about the year of the water. I guess I'll need to Gerald in terms of where we are in terms of the Cuatro Villas, Agua Sana, City of Española and the Greater Chimayo Mutual Domestic, as a follow-up to a meeting we had with Senator Domenici where he pretty much said that he would assist also in obtaining funding for that corridor, of which everyone, all those mutual domestics want some sort of funding this year, and if we can do it collaboratively and send it as a joint project to DFA, that would certainly be something that would benefit that whole community in addition to a wastewater project.

And the second one is a wastewater project with the Pueblo of Pojoaque, Pueblo of Tesuque in the Pojoaque Valley, that are putting together again another package to submit as a part of a collaborative effort, I guess. Not just Santa Fe County but an overall package that would be hopefully considered by DFA. So hopefully those two things should be done probably by mid-December. Gerald, do you have an update on either?

MR. GONZÁLEZ: I do. Actually both items were raised in the meeting that Joseph Gutierrez, myself, and Paul Olafson had with Robert Apodaca from Local Government. With respect to the Pojoaque wastewater system, I think we carved out an approach. We have some follow-up meetings to do with the Pueblo folks and also internally in order to move forward with that, but I think we isolated a process that he identified for us to follow in order to make sure that we keep that project moving.

I think that that's on a realistic track and we'll have something for them shortly. We had talked about having sort of a two-letter outline of where we were headed for with that project by the beginning of next week and they'll use that as the basis for going to the Governor and making a recommendation.

With respect to the Chimayo, Cuatro Villas, Cundiyo project, that one's in a little different category because of the number of pieces that are there. From the Local Government standpoint, they're saying we want you to bring us a complete package that's ready to go and we'll recommend it to the Governor. The problem we have there is that Molsen-Corbin has simply outlined or sketched - not really even outlined, sketched how a line would run. Now, I have had separate conversations with Lorenzo Valdez from Rio Arriba County. He's got concerns about whether it makes sense to be pumping water uphill as opposed to trying to identify sites further up and bringing water down. But I did talk to him about bringing all the

parties together and having a meeting, and he's amenable to doing that.

I think though, realistically, in terms of being able to catch the train this year in the year of the water, it's going to be tough because of the splintered groups that we're working with to try and bring them all together. I'm going to set up that meeting with Lorenzo anyway and hopefully with representatives from the City because we have already talked to them and plowed some of that ground. But I'm not sure that we'll be able to bring to the table the same kind of document that Robert Apodaca wants to see in order to make the recommendation for the Governor. We'll do our best to try and pull that together, but that's an uphill struggle at this point, just because of the number of entities that are involved.

CHAIRMAN MONTOYA: And maybe with that one, when that meeting is convened, maybe a point of direction would be to - because they're going to need to submit. I'm not going to discourage any of those domestic associations to not submit something. But maybe somehow we can coordinate so that within each of their submissions it's noted somewhere that we're working, we're communicating with Chimayo and all of these entities so at least they're not left out of the loop because they're not part of a bigger collaborative.

MR. GONZÁLEZ: Right.

CHAIRMAN MONTOYA: But what I've heard is that's what the Governor wants to fund is the big collaboratives.

MR. GONZÁLEZ: Right.

CHAIRMAN MONTOYA: And maybe we can somehow at least let him know.

MR. GONZÁLEZ: That there's some movement going on.

CHAIRMAN MONTOYA: And communication. Yes. Exactly. Now, let's get into the discussion now in terms of the Commissioners' legislative requests and any suggestions that you all may have.

Discussion of Commissioners' Legislative Requests and Suggestions

COMMISSIONER CAMPOS: Mr. Chairman, I just want to go back to one issue very briefly on the Pojoaque water and wastewater system. I know it was proposed last year and I had a lot of real serious problem with the way it proposed. So I'm going to ask Mr. González to let me know very early on what the outline is of the ideas that are going to be presented. Because I thought last time it was the people in the valley in second place and it was designed to serve other interests and I'm very concerned about that happening again. It was not - I don't think it was being done in a very regional way to help the people in the valley and that's where most of the people live. So I'm concerned about that. I didn't like the way the legislation came out last year and I would be very opposed to it if it comes out the same way. So I'd like to be in the loop on that on.

MR. GONZÁLEZ: Sure. Be glad to do that. We have had through the Española Basin Regional Planning and Information Forum a number of conversations among the Pueblos and the three counties involved about this project specifically. And in our conversations with Robert Apodaca what we did was isolate the portion of the project that relates just to the

Pojoaque area. That would be the Pueblo environs and those immediately adjacent to it as being a portion that could be done in conjunction with the overall master concept but also at the same time recognizing that there's a piece of that project that still needs to be done and that's the Tesuque outreach.

The Tesuque Pueblo's been involved in those discussions. They may be asking for some support in terms of looking for dollars in order to complete what turned out to be sort of a piecemeal coming together for this project. It grew out of a larger project that then splintered and then the Speaker provided funding, but the funding itself wasn't as well identified as perhaps it could have been in terms of how we set up the tail-end portions of the studies and that the studies themselves were incomplete with respect to Tesuque. So what we have indicated to Tesuque at the staff level is that we'll continue to work with them and bring them on board and make sure that their concerns are accounted for.

At the same time, we've had some conversations with the Speaker's office about making sure that the non-Pueblo property owners are going to be served out of this project as well as the Pueblo owners. And that's been the original – the engineering study has been reworked to begin to build in more of that at the front end as opposed to at the back end. So we'll continue and we'll keep you on board as we move forward with that project.

COMMISSIONER CAMPOS: Thank you, Gerald.

CHAIRMAN MONTROYA: Okay. So what we have proposed as substantive legislation this year is the Aamodt settlement, water and wastewater proposed legislation, water and sanitation district legislation, corrections legislation, DWI, mid-term salary increases, and actually the New Mexico Association of Counties, I saw Tasia talking to us about the prisoner cost, the DWI, the mid-term salary increases, the Tort Claims Act and the information technology. Those are all New Mexico Association of County initiatives.

And then talking about tribal issues, Open Meetings Act and Public Records Act, tribal issues/casino revenue sharing, indigent and sole community provider funding, annexation, affordable housing, and the real estate transfer tax. And then the ones that we were given this morning or this afternoon – water sustainability, domestic well water legislation, of which we talked a little bit on both of those, and a family transfer study. Any discussion, suggestion, comments on any of those?

MR. GONZÁLEZ: And by the way, Mr. Chairman, we do, as you've indicated, have representatives from the Association of Counties so they'd be happy to give you background on those items which you mentioned that are also Association priorities. There are some budding issues with respect to the corrections legislation and a number of these others. I know they'll have some comments about those as well.

CHAIRMAN MONTROYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. González, under possible substantive legislation, the second item, water and wastewater – proposed legislation. You talk about the Utton Trans-boundary Resources Center that has a contract with the Office of the State Engineer. We had a meeting maybe a month ago and I asked that the County move forward with its own regional water legislation and you said you would follow up on that and I was

wondering what's been done.

MR. GONZÁLEZ: What we've done is obtained a copy of the initial draft that was prepared by the Utton Trans-boundary Institute at the request of the State Engineer and legal counsel is in the process of comparing it to the bill that we ended up with when we last introduced this two years ago. There are some significant differences so what we'll have to do is come back to you and reflect to you what the differences are and see what your feeling is. One of the difficulties is that this draft that was prepared by the Utton Institute is a first draft, and they're taking comments, which we've provided some comments to them about. There will be a second draft put out, as I understand it, on the 17th - at least they've proposed to put it out on the 17th of this month. So we'll have a chance to look at the secondary draft and see how closely it matches what we did when we introduced our bill two years ago. And then at that point come back to you and see what your feelings are with respect to introducing a separate bill or kind of riding on what might be introduced through the State Engineer.

My rumor mill information indicates to me that the State Engineer's request for this draft was actually generated out of the Governor's office. I think the Governor's office has an interest as doing this, I guess as part of the year of water. And also there are concerns about the proliferating little water systems across the state and the need to try and bring a little bit of order to that chaos.

So if that is the case and I can confirm that, it means that we'll at least have the Governor behind one version of water and wastewater authority legislation. And depending on what the views of the Commission are and what you want to run with, if we succeed in getting another bill through that's different then at least we have an option for convincing the Governor it's something worth signing.

COMMISSIONER CAMPOS: Now is this - the Utton Center - are they talking about going beyond the county. Because my legislation is just talking about the county as a regional water system, to take care of our little communities and the water systems within the county. Are they going multi-county? How are they looking at the problem?

MR. GONZÁLEZ: My initial look at the bill, and I don't know if Steve Ross has any additional comments about it, but it indicated that they're basically providing three different paths for creating a water and wastewater authority. One is a strictly intra-county one, which is similar to what we had proposed last time in that respect. The second version would allow a group of counties to come together in order to create a regional wastewater authority, so that Santa Fe County could for example, joint with Torrance and Bernalillo County or Sandoval County to create kind of a regional water and wastewater authority. And the third path, really as I understand it, is similar to the way some water districts are created, would allow citizens to petition in order to have a court declare regional water and wastewater authority.

COMMISSIONER CAMPOS: As far as the petition method, I assume the petitioners could say we define this area and we petition that this area be a district, as opposed to the entire county or something like that.

MR. GONZÁLEZ: That - I didn't look at the details of that. I don't know whether Steve had an opportunity to or not, but it's my understanding as with the creation of a

number of other districts, the court would have an opportunity to take a look and see if it made sense, the boundaries that were being proposed.

COMMISSIONER CAMPOS: The court? It's an interesting concept.

MR. GONZÁLEZ: Obviously, we'll keep you apprised as this moves forward. It's got a lot of legs on it right now, so trying to figure out which direction they're all moving in is a little tricky.

COMMISSIONER CAMPOS: Could you get us maybe an update with a month as to what the Utton folks are doing?

MR. GONZÁLEZ: We'll do that shortly after we get the second draft.

COMMISSIONER CAMPOS: When do you expect that?

MR. GONZÁLEZ: They had proposed to put it out November 17th, so it will be some time around that time, I would guess.

COMMISSIONER VIGIL: Clarify that for me, Gerald. Is the Utton Institute going to propose all three alternatives or are they going to propose one of the three?

MR. GONZÁLEZ: The current draft allows for all three. It says these are the three different ways that a regional water and wastewater authority could be created.

COMMISSIONER VIGIL: Okay, so it would be up to the regional identification of it. It sounds to me like that current draft is really going to instigate a lot of debate. One of the concerns I have with us going to the legislature for a regional water authority, and I think the greater benefit we have is to have the Utton Institute present the concept and the bill, especially on a statewide basis. I'm glad to hear the Governor is supporting this because I think its chances for survival and actual success will probably be stronger.

As you know, the history that we have had with the regional water authority has been one that has created a lot of adversity at the legislature. I want to make sure that as we're going forth with supporting something like this that we do it perhaps in supporting the Utton Institute's - what will be perceived as an objective bill versus a bill from Santa Fe County, because the last thing that I want to see happen at this session is hear our legislators tell us, you know, I don't want the City and the County divided on these issues. And that particular bill has divided us every time we've gone to the legislature. My personal belief is because there hasn't been a real clear education of the benefits of that bill, both to city and county residents. However, without that education occurring and without the City really having a sense of buy-in in it, this bill, if we go independent of the Utton recommendation, is sure to trigger the same dynamics that have occurred the last two years.

And Gerald, you probably have a strong sensitivity, our lobbyist probably does too. If we go in there with polarized views on bills, it's going to die. So my sense is if we can strategize to support the Utton bill and that would create the regional concept, at least to a certain extent that we're looking for in addressing all our domestic wells, then I think we're creating a better chance for success.

CHAIRMAN MONTOYA: Okay. Any other discussion on these substantive legislative items? Seeing none, I'll ask Tasia Young from the Association of Counties who is

our lobbyist working the session to talk about the Association's priorities. Welcome, Tasia.

NMAC Presentation Regarding Proposed Legislation

A. Fund and define state prisoners (felony offenders held in county facilities)
[Exhibit 3: NMAC 2007 Priorities]

TASIA YOUNG: Thank you very much. Mr. Chairman and members of the Commission, let me start by apologizing for Steve Kopelman who's trying to do many, many jobs at once, our acting executive director, and he had hoped to come and I just talked to him; he's not going to be able to join us.

We did have a meeting at lunch, Gerald González, Steve and I. So Gerald, I'm hoping on the anti-trust part of this, you're going to help me with that. How much time do we have? I know you have another meeting at 3:00.

CHAIRMAN MONTOYA: Three o'clock.

MS. YOUNG: Okay. So depending on how much you want to discuss these. We are making copies for you of our six legislative proposals, because I didn't realize I was going to be the primary speaker and I didn't get those transferred at lunch. But let me begin my saying our number one issue is as it has been for somewhere between eight to ten years, getting into statute a definition of what we're now calling felony offenders, which is somewhat more precise than state prisoners, and reimbursing counties for housing those prisoners. And I want to start out by thanking Senator Roman Maes because we had a meeting of lobbyists last year early in the session and he suggested we needed to do something more with this legislation last year and it was his idea to have all the counties ask their local senators and representatives to introduce their own bill and as a result we had one large bill and we had one in the House and one in the Senate and then we had 16 other pieces of legislation. And what they had was the cost to that particular county introduced by their Senator or Representative of housing felony offenders.

And I've told the Senator this, I'm told that it was because of all of those bills that the Legislative Finance Committee decided they had to do something about this issue this year, so in May we had a two-hour hearing before the Legislative Finance Committee in Carlsbad. Seventeen counties sent people to that hearing and the discussion was very positive and very much bipartisan. The LFC asked the State Sentencing Commission to get involved with drafting legislation for this year. The Sentencing Commission is funded by the state and its members are representatives of the Department of Corrections, the Department of Public Safety, the DA's, the district courts, the administrative office of the courts - I probably couldn't name all of them. Some appointed by the Speaker and some by the President Pro Tem, and one representative of the Association of Counties, Curry County Sheriff Roger Hatcher.

Tony Ortiz is the Deputy Director of the Sentencing Commission. He spent I think 12 years drafting bills for the Council Service, and he got involved in the drafting. And what we have come up with is a discussion draft. We now have two different versions. I did e-mail them to all the County Managers, all the Commissioners, to the detention administrators and our

board of directors about a month ago.

And if you didn't get it I'd be glad to send it to you again, but the concept essentially is first of all that we define a felony offender. We have six subcategories of offenders, three of them I believe – either two and four or three and three – have to do with parole violators. We started with that in the .4 version because that's where there is the clearest connection. The clearest connection to the state and the Department of Corrections. Those are clearly state prisoners. But then we had a meeting with our detention administrators, and Steve Kopelman felt strongly about this also, to broaden that definition to include additional prisoners who are essentially probation violators.

And so in the .5, the newer version, we have I think six subcategories of prisoners. And the way that the legislation would work is that each county would report once a year the number of prisoners that they have housed in those categories, directly to the Sentencing Commission. And the Sentencing Commission would certify those numbers. Right now we have the appropriation in the State Treasury. There's some discussion about putting into DFA, but Corrections would say Santa Fe County has x parole and probation violators. They would verify that number and – let's say the Treasurer, because that's where it is now – the Treasurer's office would cut a check, one check, to Santa Fe County.

What's happening now is that there's a million dollar appropriation in the Department of Corrections solely for parole violators and the County's have to bill the Corrections Department every month, and there have been major problems in communication and in procedure between the Department of Corrections and the counties. So we entirely take that step out. You bill once a year, you get a check once a year. An eligible county for the purposes of this legislation is a county that submits its numbers to the Sentencing Commission. If you did not submit your numbers then the money would be divided among all the counties that do. But if you provide your numbers for the Sentencing Commission then you're in the formula. And the formula is simply that you get whatever percentage of the total number of prisoners you reported, you get that percentage of whatever the appropriation is.

The Sentencing Commission has been doing research for us for three years and they have estimated conservatively over those three years that the cost to all the counties of housing these prisoners is \$25, \$26 – they're newest number is \$28 million. The increase reflects the increased number of prisoners. That's really why the number has gone up somewhat. That \$28 million number is not quite official yet and I'm not distributing the spreadsheet but we should have that very soon.

What we have done with this legislation – and we have not yet filled in an appropriation. There's no doubt in my mind that we will not get \$28 million, just because we didn't get \$26 and we didn't get \$25. We have looked at, for purposes of discussion, a number somewhere between four and five million dollars. That would include the one million currently allocated for parole violators. That would be rolled over into that. You can look at that in one of two ways. That is nowhere near what the counties are paying to house these prisoners. On the other hand, it is about a four-fold increase over what we have been getting.

In the conversations that we have had with the Department of Finance and

Administration and with the Legislative Finance Committee staff, we're told that that may in fact be a possible number. We stand some chance of getting that. People, particularly the Sentencing Commission, people feel we have a window of opportunity this year and the indicators of that are the Legislative Finance Committee asking us to come in May for a two-hour hearing and continuing to work and to talk with us.

We have taken this legislation, as I said, to the Legislative Finance Committee. In October we went back to the Courts, Corrections and Justice Oversight Committee. That's where all the lawyers are. And the Sentencing Commission reported to them on the draft legislation and told them that the counties have not yet taken a final position on what our legislation is going to look like. We're looking at discussion drafts. And the interim committee said to us, when you've got a consensus of opinion, come back and tell us. Well, their last meeting is this week and I don't think that we're going to get the final form of our legislation resolved this week. So it's helpful to come and talk to you about that and listening to you.

This morning Steve Kopelman and I were in a meeting in the Speaker's office with Bernalillo County and we did visit with Gerald González about that at lunch. But Bernalillo County has an ambitious set of proposals related to prisoner costs. They are stating that their biggest issue, even bigger than cost, is population and overcrowding. And they will be considering their package tonight at their commission meeting at 5:00, and I understand again on the 28th. You may want to read the *Journal* in the morning to see exactly what they come up with, but they're asking for a number of things related to – we can actually go through that. *[Exhibit 4]* Do you think we need to do that? Let me tell you their proposal includes a tax increase. Their proposal includes – let me just do it real generally. It includes new legislation imposing a fee on municipalities for municipal prisoners housed in county jails. They also have a piece for a definition of a felony offender. New legislation decriminalizing traffic offenses. Legislation authorizing the Board of County Commissioners to establish new policies related to population management of county detention facilities. I think it has to do with diverting people. The jail administrator could decide to divert people into community corrections programs without the approval of judges.

So it's complex, and they will begin talking about it tonight. They are also looking at a tax increase in the existing gross receipts corrections tax increment. It's now an eighth; they're talking about going as high as a half. I don't know what they're going to eventually settle on. And they're also looking at expanding the purpose of the existing emergency communications gross receipts tax to include money for jails. So that's – the Association has taken no position. We've had two meetings with Bernalillo County including the one with the Speaker this morning on this legislation. We're going to kind of wait and see what positions they take.

I think – let me just look at my little list of things I said to the Speaker this morning. We have circulated our drafts to the Department of Corrections, to their assistant general counsel and they have said that they have no problems with our legislation, with our discussion draft. So that's where we are on that issue.

CHAIRMAN MONTROYA: Any questions on the Corrections issue?

MS. YOUNG: And we will keep you informed.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Campos.

COMMISSIONER CAMPOS: As far as Bernalillo County and their .5 percent gross receipt proposal, how would that be enacted? Is it going to be through a negative referendum by voters?

MS. YOUNG: I meant to ask them that. Good question. I have been out of town and I got back last night. And again, I was thinking about that when I was traveling. I wonder how they're going to do that. As I recall, and I would have to go back and read the bill, but as I recall it, the existing jail tax has a negative referendum, doesn't it?

COMMISSIONER CAMPOS: Yes, it does. We adopted it.

MS. YOUNG: It was part of Senate Bill 88 in 2004 and I believe it does. And I would assume that Bernalillo County would try to get that. The negative referendum has worked really well in - I know you've had some experience with it, but there have been no - the voters have not by petition put it on the ballot in any county. And of the 33 counties, I think it's 21 counties have enacted that one eighth. So a lot of counties have stepped forward on that issue.

COMMISSIONER CAMPOS: Well, there was a petition in this county.

MS. YOUNG: I know. I was waiting for you to say that.

COMMISSIONER CAMPOS: And they had several thousand signatures on it and they came somewhat close to qualifying.

MS. YOUNG: Did they? But I think that's the only county - my impression is that that's the only county that that's happened.

COMMISSIONER CAMPOS: My concern, the issue I raised with Senator Maes earlier is that as here in Santa Fe County we get higher and higher, let's say closer to nine or ten percent of GRT, the voters are going to be more reluctant, and on top of that they're going to be very reluctant to vote for monies for jails, because that's not a favorite place for people to expend that money. So I think the Association of Counties has to be really aware of that difficulty, in general, of local government, counties, raising money to pay for necessary programs, projects, responsibilities. And I don't know where the discussion is heading or if you have had that discussion.

MS. YOUNG: We have not, and I'm really kind of waiting to see what Bernalillo County - because right now it's totally fluid - goes forward with. But those are really good issues. Senator John Arthur Smith talks on the Interim Tax Committee about the extent to which local government is raising taxes and state government raises taxes - the gross receipts tax, and the cumulative effect on the taxpayer. So we've had a lot of county tax increases in the past two years. Twenty-one counties just on that new jail tax, and then we also got the new 1/16 general purpose tax and a lot of counties have enacted that.

I'm from Bernalillo County and you probably all are aware that the quality of life gross receipts tax, for which I voted, did not pass and I think part of that had to do with timing. It also was a city/county conflict. But those are important questions. I think that so many counties were able to do that, that gross receipts tax, one eighth - and it wasn't a new tax. It was an

existing tax that was expanded – because of the negative referendum. But clearly, I think it would be even more difficult to do in Santa Fe County. That’s an important discussion.

COMMISSIONER CAMPOS: The discussion about resources in general for local government is an important discussion. It’s going to be tougher and tougher to get GRT resources. Property taxes are always unpopular. I think maybe some kind of grant funding from the state, where the state would grant monies to the local county government or local governments in general for general expenditures, is something I think we need to look at.

MS. YOUNG: Well, we have – our legislation will contain a recurring appropriation to the general fund. And one of the questions that was raised at the detention administrators affiliate was we need a dedicated revenue source. We’d love to have one. I don’t know what that would be. Les Cordova and I did go to the administrative office of the courts and asked if they saw any possibility of any additional share of or increase in fines and fees, and they said not only no, but absolutely not. They are going to go for some kind of fee increase but for their own purposes. We went all the way to the Chief Justice and got told that that was not going to happen.

But as I said, people in leadership roles are talking about a four to five million dollar recurring appropriation to the general fund, and yes, we’d have to go back and lobby for it every year but so does everybody else for everything they get. But the tax issues I think are really critical and then there’s also the question of the cities’ position on that, because I recall that when we increased – we got the new 1/16, our general purpose tax; we were going for an eight. And we met with the Municipal League and they would not support the eighth but they would support the 1/16.

COMMISSIONER CAMPOS: Well, the problem we’ve had here in Santa Fe is that the City has opposed many of our taxes because they feel that they’re – well, any countywide GRT. You’ve heard about that.

MS. YOUNG: Right. All the city taxpayers have to pay it.

COMMISSIONER CAMPOS: Right.

MS. YOUNG: Yes. Those are serious issues so I’ll be at the meeting and I’ll be reading the *Journal* the next day.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I appreciate what you do for the Association. I actually want to take advantage of your experience. We have a proposal here from one of our Commissioners that’s asking the legislature to study the Family Transfer Act. Just based on your experience – and I know I’ve had some –

MS. YOUNG: To study the –

COMMISSIONER VIGIL: The Family Transfer Act. Has the Association ever had to lobby? Oftentimes there’s legislation that comes up ad hoc about the Family Transfer Act. Have you participated in any lobbying efforts on the Family Transfer Act, on behalf of the Association?

MS. YOUNG: I never have and I don’t know what it is. Let me be real blunt with you.

COMMISSIONER VIGIL: Okay. Usually it's the Association of Land Use Directors, or I'm not sure what it is.

MS. YOUNG: Oh, the transfer tax?

COMMISSIONER VIGIL: No, no, no, no. The Family Transfer Act. It's a land use act. It's a state statute that allows counties to divide properties for family transfers.

MS. YOUNG: I have heard talk of a transfer tax.

COMMISSIONER VIGIL: No, this is not the transfer tax. Never mind.

MS. YOUNG: Sorry. I will find out.

B. Strengthen funding for local DWI programs

MS. YOUNG: This is the one on which I worked very closely with your chair, Commissioner Montoya. What we have is what we would like to think is a simple proposal. Again, we've been working on this one I think for three years and what we have -- I have not seen this draft but it sounds to me like a one-page bill, and what it does is to increase the amount of the current existing percentage of the statewide liquor excise tax that goes to counties. I think I have this number in my head. Is it 34.57? Can you do that one by heart? Is that it?

CHAIRMAN MONTOYA: Yes.

MS. YOUNG: I finally got it. We are going to ask that that be increased to 45 percent and we have taken this bill to the interim tax committee, Revenue Stabilization and Tax Policy, and gotten a very positive response. The Speaker was there that day and we have a very excellent one-page handout prepared by our DWI affiliate. The hit to the general fund is about \$4.5 million. It's interesting because that's kind of the same number we're talking about with the prisoner appropriation but this one is not an increase in tax; it's a change in the distribution but also a hit to the general fund and what the Speaker pointed out is certainly true. Much of the increase in that distribution will go to making the counties whole for the amount of money that has been diverted to the state, to the DFA to administer those local grant programs, to the state for drug courts and for the indigent interlock bill.

That was a very, very good hearing. We've asked Representative Bobby Gonzales, who is vice chair of the House Tax Committee and who may become the chair since the chair just lost his election to a county official down in Lea County, to sponsor that legislation for us and he is willing to do that. Representative Jim Trujillo has been a very good friend and supporter on this issue. Commissioner Montoya and I met with a couple of the liquor lobbyists and we've had good communication with them. They are totally in support of this legislation. So right now it looks very good. I saw Senator Phil Griego this morning and he told me that this issue will be on the LFC agenda in December.

And I just want to say that this is the result of two years of really good work by all of our DWI coordinators including Becky Beardsley, right? In this county. And Commissioner Montoya and a lot of other people. Right now it looks pretty good.

The other alternatives, and our position is broad enough to encompass those, would be

an increase in the state tax, but that's not something the legislature is very excited about, and a local option tax for all the counties similar to the one in McKinley County, but when we tried that we couldn't get very many people excited about it either, including the Governor, who wanted to know what he was going to get from that. So we think that we have a modest proposal and we hope we can go somewhere with it.

CHAIRMAN MONTOYA: Any questions on that?

MS. YOUNG: And Commissioner Montoya, if we don't have that one-page handout we can certainly get that for folks. I gave my last copy to the Speaker's chief of staff this morning, but it's on my computer and we can get you more.

CHAIRMAN MONTOYA: Okay.

C. Correct mid-term salary inequality for county elected officials

MS. YOUNG: This would be a constitutional amendment. In fact, I think we have to do both a constitutional amendment and a statutory change. I know you all are very familiar with this problem. Because of staggered terms for Commissioners and because the other County offices run not every two years but every four years, if you are in the middle of a term and if the legislature does, as they did in 2006, increase the cap on salaries, thereby allowing the Commissioners to approve an increase in salary for all the elected officials, if you're in mid-term you cannot get that increase. Several of the counties tried that back, I think in the 1990s and DFA didn't approve their budget and said you cannot give increases in mid-term because the constitution prohibits it.

And we have tried this legislation before. It's not extremely controversial legislation. It's a little complex and we have not managed to get it through but it is a priority again this year. That rule is going to be carried by Rep. Donna Irwin from Luna County. She's the vice chair of the House Government and Urban Affairs Committee and she has a good relationship with the chair of Voters and Elections and those are the two committees it will go to first. So I'm hoping we will get good discussions and good hearings but I have to say that unless we get County elected officials there, we will not succeed with this legislation. So I'm hoping to put together a little committee with a couple of Commissioners, Treasurers and Clerks and everybody and help get this through. I don't have to make the arguments to you for why this would be good legislation. It's simply the fact that we have folks who are seasoned, experienced and knowledgeable officials who make less than folks who have just been elected to office.

CHAIRMAN MONTOYA: Questions? Commissioner Vigil.

COMMISSIONER VIGIL: On that, Tasia, so what we're actually asking for is a referendum to amend the constitution?

MS. YOUNG: It will go to the voters.

COMMISSIONER VIGIL: Right.

MS. YOUNG: But I believe there's also something in statute that we have to change, and I've talked to the drafter and it is being drafted and I just haven't seen a discussion

draft yet. But I know that when we tried this several years ago we had to try both a statutory change and – so I'm going to need Commissioners who are lawyers and all kinds of bright people helping me explain this one.

CHAIRMAN MONTOYA: Commissioner Campos fits that bill. Wonderful experience. He's far underpaid.

COMMISSIONER VIGIL: Except the "bright" part.

MS. YOUNG: I need all the help I can get. How's that?

D. Distribute the remaining Fire Protection Fund monies to the grant fund

MS. YOUNG: Last year we had some legislation that was just in wonderful shape. It had the Speaker. It had Rep. Debbie Rodella. It had every firefighter in the state. They said they were worried if a fire broke anywhere else because everybody was in that room for the hearings. And the legislation passed easily. The Pro Tem sponsored it in the Senate but there was a technical error in it that would have caused a huge financial problem for the Department of Finance and Administration. So the Governor did a partial veto of the bill, so that there was an increased distribution to the local fire departments but we didn't accomplish everything that we were trying to do. So what we're going in for this year is a little old technical fix. The Speaker is committed to this legislation, as is Rep. Rodella and the Municipal League is a partner in this and will spearhead this legislation and I'm extremely optimistic about it.

Last year we were showing everybody a little videotape made by Larry Barker for Channel 13 that showed actually the widow of a firefighter who died in a fire because of an equipment malfunction and there was just huge sympathy and understanding and this really is a technical fix on this legislation.

I had a call from your Assessor Martinez, our past president, and he said that either he or Erle Wright –

CHAIRMAN MONTOYA: He just walked in the door.

MS. YOUNG: Did he? I'm going to skip over GIS and just come back to that one. If you'd like to join me up here, Mr. González, we'll do this one next.

E. Amend Tort Claims Act to clarify definitions of "scope of duties" and "law enforcement officers"

MS. YOUNG: Here's the lawyers' part. As I understand this, what we're going to do – do you want to explain it? I can do it, but you'd be better.

MR. GONZÁLEZ: We've got some liability issues under the Tort Claims Act that have to do with ambiguity about what happens to people who are, for example, RECC dispatchers, animal control people, and that sort of thing. And there was a recent decision that indicated that based on the failure to be clear about defining who is a law enforcement officer or not, we are exposed to huge liability whenever we have somebody like an animal control officer or a dispatcher or other public safety related kind of person who it's not clear whether they're

covered as a law enforcement officer or not, go out and do their duties.

So the purpose of this legislation is to clarify what the scope of duty is under the Tort Claims Act and also who a law enforcement officer is, so that we limit County exposure. I know that from the conversations that I've had with Steve Kopelman who is doing the risk management supervision over at the Association of Counties and also our own risk manager, Jeff Trujillo, there's an issue that really needs to be resolved, because otherwise, liability-wise, we're really hanging out there.

And I think we have the Assessor now.

CHAIRMAN MONTOYA: Any questions for Gerald or Tasia now?

MS. YOUNG: Just let me add one thing on the Tort Claims. We did try this once before and we got to Senate Judiciary and every trial lawyer in the state seemed to be in that room, so it's not going to be easy legislation to pass, but as Mr. González said, there are huge liability issues for counties and we should be able to put together a partnership with cities and other government entities, and the state's risk manager, and other government entities and have the legislature seriously address this issue.

COMMISSIONER CAMPOS: Mr. Chairman, I do agree with the trial lawyer position on this one. I don't think counties should try to protect themselves when other people are injured that need compensation as a result of the negligence of County employees or state employees. It's very self-serving. A lot of people are injured very seriously and they have nowhere to go because the state will claim sovereign immunity. And you can cover this by insurance. So that would be my position on that.

MS. YOUNG: And it's always good to hear those arguments in advance. Thank you. I can just about understand this one too but I have somebody here who's better.

F. Create and fund state GIS Coordinator; add local government representatives to state Information Technology Commission

BENITO MARTINEZ (County Assessor): Honorable Chairman, how are you today.

CHAIRMAN MONTOYA: Good. How are you?

MR. MARTINEZ: Members of the Commission, another priority we have on behalf of the Association is the geo-spatial information system in creating a coordinator position statewide to man the repository of digital information, both spatial and tabular, and also to include two positions to the Information Technology Commission, which sunsets this year, by the way. Tasia, I don't know if you knew that. That's another issue that we need to address is the ITOC, Information Technology and Oversight Committee of the legislature is going to sunset this year. They handle issues involving technology, both GIS and such.

So our priority is to create this coordinator position which at this point is going to be housed in the office of the Chief Information Officer and of course establish the two positions of local government onto the ITOC. The reason we need this information, Santa Fe County leads the state in terms of spatial information and the maintenance thereof. We want to see

tribal, municipalities, counties and state come together to do cost-sharing and data acquisition. That's the primary focus is to save money for all of our constituents. And of course we have two members of our board up on the bench who can speak even more of it.

CHAIRMAN MONTOYA: More of what?

MR. MARTINEZ: GIS.

CHAIRMAN MONTOYA: GIS? What's that?

MS. YOUNG: We have an interim meeting on Monday.

MR. MARTINEZ: That's correct. Are you going to be there? Any questions?

CHAIRMAN MONTOYA: Any questions?

COMMISSIONER VIGIL: Almost didn't recognize you.

CHAIRMAN MONTOYA: I told you he was here in disguise.

COMMISSIONER VIGIL: He is.

MR. MARTINEZ: Commissioner, have you received any calls regarding tax bills lately?

COMMISSIONER VIGIL: No.

MR. MARTINEZ: That's interesting. Because I have. That's why I'm incognito.

COMMISSIONER VIGIL: I understand.

MR. MARTINEZ: My own staff didn't recognize me.

CHAIRMAN MONTOYA: Mr. Past President, Assessor, thank you for all the work you've done on this particular initiative along with the Association with Tasia. Thank you very much. Appreciate it. Any other questions? Those are the legislative priorities established for 2007 for the Association.

MS. ESPINOZA: Mr. Chairman, we have one more quick presenter and that's Marcella Salazar with the County Clerk's office. Just briefly. This is a live demo for you.

MARCELLA SALAZAR (County Clerks Office): Thank you, Commissioners. I also have Esther Artino, also from the Clerk's office. We're just here to state for the record that we support Valerie in all her efforts in getting funding to get these old records scanned so that they're placed somewhere safe. We're hoping that you take this seriously because we take it very seriously. I've been employed with the County for 17 years and this is a very sensitive issue to our office and we're hoping that you support Valerie in this effort. Thank you.

ESTHER ARTINO (Clerk's Office): I've been with the County for 13 years and in these 13 years I've seen these records get further and further damaged. Our area where we're in is crowded, it's hot, it's dirty. It's got pipes and wiring and these books are laying directly underneath them. These records start in the early 1900s. If any of these records are lost it's going to make it very difficult for the County to function because for a fact, we know that there are at least 200 books that have no backup whatsoever. So if anyone would ever need a release of mortgage it would probably take a bank I would say at least two months to find a release of mortgage for someone to refinance their home and there's a lot of other issues as far as marriage licenses for records for people that are retiring.

Really, I couldn't express myself because it's so close to me, without really getting

emotional about it. If anybody really wants to go down there and look at the records. I'm sure a couple of you have already been down there. You could see how really in need we are of money and support to get these records out of here. Thank you.

CHAIRMAN MONTOYA: Thank you, Esther. Thank you, Marcella. It's on the list.

MS. SALAZAR: We'd also like to thank our lobbyist, Roman Maes, if he wants to take a look at this book.

Continued Discussion & Direction for Non-Capital Legislation

CHAIRMAN MONTOYA: We are at that point where if there's any other discussion items that are not on the lists that have been discussed. Commissioner Vigil.

COMMISSIONER VIGIL: I think we need to discuss as a Commission what we want to do with the surveyor position. I know in my tenure as County Commissioner there has been some request to go to the state legislature and consider being, like most of the counties in New Mexico, removing our surveyor position. I think it's been somewhat of a sensitive issue because we have a surveyor who actually has a two-term limit, but I believe our current surveyor is in his second term. This would be the appropriate time to consider that and I just throw that out for discussion with other members of the Commission and I guess perhaps some kind of an assessment, either from Gerald or Roman as to whether or not this is the appropriate time to consider it.

I think what we would need to do with this is if we decided like most other counties have to remove that position, I'm not sure, Gerald, if it would have to go to referendum or if we'd have to create a special exemption in the current statute, because I think we missed our opportunity when all other counties actually became exempted from that statute. For some reason Santa Fe County - I don't know if we're the only county, Gerald, you may have more information about this. There may be a couple of other counties? We're the only county. Okay. Thank you for validating that. It makes sense to me that that is something that we should consider and I just throw that out for discussion from other members of the Commission.

I think it was an awkward thing to consider it when we did have an elected official but now that we have someone who will be term-limited I think it's a timely issue to discuss and I do not believe that there would be opposition to this as it is the status quo with most counties. But if there is any issues with it, I'd like the Commissioners to respond to it.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I support Commissioner Vigil. I've advocated for this action for years now. We don't need a County Surveyor. We could save the taxpayers some money. I think that's pretty clear.

CHAIRMAN MONTOYA: You're pretty sure on that position. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I think that before we

start talking about eliminating the County Surveyor, maybe I think that we should come up with some criteria on what a County Surveyor should do. I know that I'm not real sure of what our past County Surveyor has done. I know he's done a lot of things, but I don't - I never found out what he did. There's been some times when I'd asked for the County Surveyor to go out and survey a piece of property from the County, and I was told that, I don't do that. Well, now I'm saying well, what does the County Surveyor do? I'm sure he does a lot of things, but I never found out exactly. But before we eliminate the position, maybe there's something that we can come up with that says, okay, you're going to run for this position, well, this is what you're going to be doing and if the Commission or staff or a constituent out there needs some help with surveying a piece of property, when I hear about a County Surveyor, I'm looking at somebody that's going to help somebody survey. Maybe help them with documents. Maybe help them read documents. I don't know.

So instead of eliminating the position outright and then we'd have to go back and lobby for it again some day, I'd like to come up with some criteria and set it in stone that this is what the County Surveyor does when we were to call on a County Surveyor. I just throw that out there.

CHAIRMAN MONTOYA: Okay. Thank you, Commissioner. Gerald, does it require a constitutional amendment on our part? How would we do that?

MR. GONZÁLEZ: Mr. Chairman, Commissioners, it's a statutory change. I believe all other counties, the other 32 counties took advantage of sort of a sunsetted window that allowed them to eliminate the position by action of the County Commission.

CHAIRMAN MONTOYA: So we could do it by action of the Commission then, if we so wished.

MR. GONZÁLEZ: Not at present, because that authority sunsetted so we'd have to reopen the authority and then allow the Commission to do that. There are of course two years left in the term of the current County Surveyor. But in a sense, the term is a misnomer or at least it leads to a lot of confusion because surveyor's duties have nothing to do with surveying boundaries for county residents or County property. What they do do is go out and verify in some instances where road boundaries are and they verify where some of the old markers are with respect to the surveys that were done in the early 1800s.

Beyond that, there really aren't any significant duties that I can recall having called on the County Surveyor to perform other than going out and taking a look at some roadways.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya, any further discussion?

COMMISSIONER ANAYA: I don't know if the Commission would like to come up with duties for the County Surveyor or just eliminate it totally.

MR. GONZÁLEZ: Mr. Chairman, Commissioner Anaya, the problem is that the duties of the surveyor are spelled out statutorily so the Commission doesn't really have any authority to change those or to enlarge them or to make them any smaller.

COMMISSIONER ANAYA: I'm sorry, Gerald. Say it again.

MR. GONZÁLEZ: I'm going a little fast. My apologies. The problem is that

the duties of the County Surveyor are spelled out very specifically in the statute that creates the position and the County Commission does not have authority to limit them or to expand them in any way.

COMMISSIONER ANAYA: So, Mr. Chairman, then what are they exactly? Do we have a list of that? Are there a lot of them or just that one thing you talked about?

MR. GONZÁLEZ: They're fairly limited and we can provide you with a list. I'll consult with Legal and we'll give you a short outline on what those are.

COMMISSIONER ANAYA: Okay.

MR. GONZÁLEZ: And we'll provide that to the other Commissioners as well.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN MONTOYA: Any other discussion or direction on any of what we've discussed today or not discussed.

MR. GONZÁLEZ: I do have two quick things. Go ahead please.

CHAIRMAN MONTOYA: Before you move on, that's on the affordable housing. The affordable housing initiative did pass the voters just recently so part of what we have here is that there could be substantive legislation introduced during the forthcoming legislature to implement the constitutional amendment. How will that be done?

MR. GONZÁLEZ: That would require the legislature during this session to decide how they're going to set up programs that would take advantage of the constitutional amendment that took place. In other words, the constitutional amendment opened the door and provided the authority but the specifics of any program to do that would come out of the legislature as far as I know.

CHAIRMAN MONTOYA: So how can we craft something then that would be applicable and something that we would want to see done? Is that what I hear you saying? That we can influence that?

MR. GONZÁLEZ: Right. And I don't know if anyone at this point is taking a look at that. My guess would be that if there is any place in government that is thinking about the impact of that legislation, it's probably the Mortgage Finance Authority, who the Governor, as you know, has indicated he might want to have their authority enlarged to encompass what's currently being done by the Regional Housing Authorities.

So what I would suggest is that we get in contact with the Governor's office to see if there's anything that they are thinking of doing, but at the legislative level, I'm not sure - maybe Robert has some idea of what legislators would have an interest in the housing issue. I know the Speaker has had in the past, so he might be one person that we would want to contact and see if he has any thoughts about how to move forward. I see Tasia moving forward so maybe she has thoughts also.

MS. YOUNG: I really don't, but I was in Revenue Stabilization one day and they were having people talk about proposed legislation, and there's a coalition in Taos that had put together what I thought was really quite a confusing proposal because as I recall, just totally from memory, it was a proposal that would be statute allow County Commissioners either a credit or an exemption or a deduction, which I thought was just by itself, pretty confusing. And

I think that the coalition was kind of told that they needed to go back and become much more clear with their proposal. But I would agree with Mr. González, from reading the paper this morning, that the Mortgage Finance Authority would be a really good place to talk about that. But it sounds to me as though Santa Fe County could take the lead, and I know, just from having Benito Martinez on our board, that's something that Santa Fe and Commissioner Montoya and Commissioner Anaya feel strongly about, and perhaps more so than most counties. So I think it would be a really good opportunity for you all to propose something.

CHAIRMAN MONTOYA: Yes. That's what I was -

MS. YOUNG: Secretary Miller might be a good person.

CHAIRMAN MONTOYA: So could we look into that, Gerald and Roman, in terms of maybe crafting something so that we could put something forward, at least something that would meet the needs of potentially what we could do towards affordable housing.

MR. GONZÁLEZ: Sure. Robert Anaya stepped back in and Robert's question is, is there anyone out there thinking about legislation in terms of moving forward now that the amendment to the anti-donation clause has been enacted that would allow us to address affordable housing.

ROBERT ANAYA (Housing Director): Mr. Chairman, Commissioners, there were several local governments, in my understanding, that were in the process of trying to utilize donation of property or acquiring property for the purpose of affordable housing. But MFA is the main conduit. I could get with them and find out which ones those are and get more background information and bring it back to you. But I do know that there were some local government entities that were in the process of wanting to utilize that constitutional amendment to facilitate housing development, which is exactly things that you've talked about as a Commission. So I'd be happy to look into it and work with Gerald and get back to you.

CHAIRMAN MONTOYA: Okay. And if you could, Robert, I guess what I'm more interested in is what within the parameters of what was just passed can we do, so that we can actually craft legislation and get it introduced on behalf of Santa Fe County for affordable housing.

MR. ANAYA: Mr. Chairman, I'd be happy to research that for you and bring it back.

CHAIRMAN MONTOYA: Okay. Thank you. Any other discussion? Gerald.

MR. GONZÁLEZ: A couple of quickies, Mr. Chairman, that have popped up since the memo that I circulated a little bit earlier today. I just want to put on your radar screen, tomorrow is the Española Basin Regional Planning and Information Forum and just want to remind you that they are looking for long-term funding of some kind in order to be able to continue that program. We are bringing, on a temporary basis, \$15,000 to the table. Rio Arriba County is bringing \$10,000 and Los Alamos County \$25,000 in order to continue that effort, which is an intergovernmental effort, as you know, that really has kept the tribes at the table in terms of working through a lot of these issues.

Last year we did have legislation that appropriated I think roughly \$250,000 and that was vetoed by the Governor. So the sense of the group is to continue that effort this year and

see if we can still get that money appropriated and put in there and they would be seeking, I think, some support from this Commission as well as the other county commissions and Pueblos that are involved.

And then the last item is the Los Alamos revenue sharing. Now, there's not any bill being proposed but I just want to put it on your radar screens in the event that somehow either the Governor or the legislature decides that they do want to address that issue because we're still going through discussions with Los Alamos County about the sharing process and what that would look like.

CHAIRMAN MONTOYA: Okay.

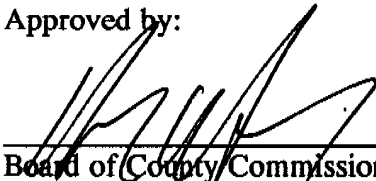
MR. GONZÁLEZ: That's all I had, Mr. Chairman.

CHAIRMAN MONTOYA: Any other questions? If not, I want to thank you Gerald. Thank you, Senator Roman, Rudy, Joseph, Paul, and also Tasia for the wonderful job that you do on behalf of the Association. Thank you for being here this afternoon. I feel privileged with your presence. Thank you very much.

Adjournment

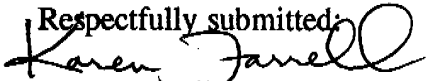
Chairman Montoya declared this meeting adjourned at approximately 2:50 p.m.

Approved by:





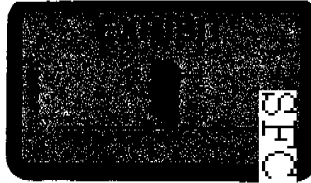
Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:


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

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK




SFC CLERK RECORDED 02/12/2007

MEMORANDUM

DATE: November 7, 2006
FROM: Gerald González, County Provost and Policy Advisor
TO: Board of County Commission Members and County Staff
RE: Possible Substantive Legislation for the 2007 Regular Legislative Session

Introduction:

The purpose of this Memorandum is to begin to prepare us for the forthcoming legislative session. My hope is that it will stimulate thought concerning possible subjects for substantive legislation to be sought or supported by the County of Santa Fe during that session. So please use the list of possible substantive legislation that appears below as a means of stimulating you to think about 1) what position the County might want to take on what is listed and 2) what else needs to be added to the list for consideration. I am doing this in light of the fact that Senior Staff was not able to discuss this on November 6th and also that the Board of County Commissioners asked that staff provide them with some thoughts before the legislative study session on November 14th.

Possible Substantive Legislation:

-- Aamodt Settlement --

(The Governor's Office has indicated the Governor will support the first downpayment of approximately \$60 million in needed State funding for the Aamodt settlement. It is unclear whether this might be accompanied by substantive legislation regarding the form of governance that might apply to an Aamodt water utility.)

-- Water and Wastewater Proposed Legislation --

(The Utton Transboundary Resources Center has a contract with the Office of the State Engineer to develop "draft legislation for the 2007 legislative session that will facilitate the creation of regional water and waste water authorities."

-- Water and Sanitation District Legislation --

(The Utton Transboundary Resources Center has also contracted with the Office of the State Engineer to draft amendments to the Water and Sanitation District Act that would "clarify existing language to make formation of a District easier and allow for additional authority for water and wastewater systems operating under this Act."

-- Corrections Legislation --

(The New Mexico Association of Counties is supporting legislation that would bring \$4.6 million to the table for State prisoners while ensuring that the definition of "State prisoner" is extended to cover probation violators as well as parolees. Bernalillo County may be proposing something slightly different on its own.)

(Bernalillo County will be asking for authority to decline prisoners when their facility is full. This is probably a spin off of the dispute with the City of Albuquerque because Bernalillo County is also asking for explicit statutory authority to charge cities for their prisoners. It is not clear that legislation is needed

here since there is an Attorney General's opinion of long-standing that indicates that counties can do this. And Santa Fe County already does this.)

(Bernalillo County is suggesting that the Emergency Medical Services GRT be expanded to allow for expending the revenues on Jail facilities. They also are suggesting increasing the Jail operations GRT from 1/8th to 1/2 -- the New Mexico Association of Counties is suggesting an increase to 1/4th as being more palatable to the Legislature.)

(Bernalillo County is also suggesting other ways to reduce prison populations through legislative changes: one would be the decriminalization of misdemeanor offenses; the other would be to allow local jail administrators to divert certain prisoners to community corrections programs without an order from the court.)

--DWI Legislation --

(The New Mexico Association of Counties is supporting an increase in the DWI distribution to 45% of the total liquor excise tax collections. They seem to have support from the liquor lobby for this change. Some parties are advocating for an increase to 60%, but the support for such a large change is far weaker.)

-- Mid-term Salary Increases --

(The New Mexico Association of Counties is again supporting legislation that would allow for mid-term salary increases.)

-- Tort Claims Act Liability --

(The New Mexico Association of Counties is supporting legislation that would seek to expand Tort Claims Act Coverage to include certain public safety workers such as animal control officers and emergency dispatchers.)

-- Information Technology --

(The New Mexico Association of Counties is supporting legislation that would give local governments a voice on the soon to be created Statewide GIS Council.)

-- Tribal Issues - Open Meetings Act and Public Records Act --

(The Espanola Basin Regional Planning and Information Forum has suggested the introduction of legislation that would allow tribal members of Joint Powers Agreement entities formed between local governmental entities and Indian tribal members to invoke a privilege exempting discussions and documents from public disclosure whenever the tribal entities believe that sensitive tribal matters may be involved.)

-- Tribal Issues -- Casino Revenue Sharing --

(Legislation supporting earmarking a certain portion of State tribal gaming revenues for local expenditure has been introduced in the past. It is not clear whether anything might be proposed or emerge in the forthcoming legislative session.)

-- Indigent and Sole Community Provider Funding --

(The New Mexico Hospital Association has apparently hired someone to do a study concerning how to put sole community provider funding on a sounder basis than simply continuing to attempt to tap the current counties' indigent funds. It is unclear what, if anything, may emerge here.)

(In the past there has also been some discussion by various counties concerning expanding the criteria for qualifying for indigent funding or to provide indigent payments for private medical services. I am not aware of any current discussions here.)

-- Annexation --

(The question of whether the Albuquerque-Bernalillo County approach to limiting municipal annexations without county approval has been discussed in the past. Query: should Santa Fe County seek such legislation. If so, who might sponsor this since it is likely to precipitate a county-municipal confrontation at the Legislature depending on what form such legislation might take -- e.g., perhaps limiting it to Class A counties might limit the degree of opposition/confrontation?)

– Affordable Housing –

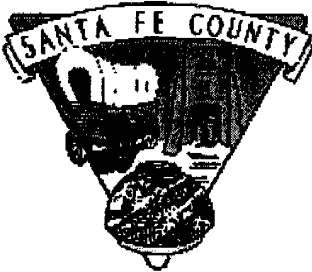
(If the affordable housing exception to the anti-donation clause of the State Constitution is approved by voters, then there could be substantive legislation introduced during the forthcoming Legislature to implement the constitutional amendment.)

– Real Estate Transfer Tax –

(Legislation authorizing such a tax has been proposed in the past. The City of Santa Fe appears to believe they could do this under their home rule authority. Irrespective of this issue, proposed legislation could emerge if such a tax is seen as a means for providing support for affordable housing – at present the City's proposed use.)

Other Matters:

Roman Maes, our contract lead lobbyist has also suggested drafting and distributing forms to the Santa Fe legislative delegation to better deal with 'wild card' appropriations. The form could be used by having Legislators direct constituents seeking such funding to fill out the forms, first. The forms would have provisions requiring the requestors to contact the County concerning the projects as well as indicate project 'readiness.' Whether the delegation members would use such forms remains to be seen, but this would obviously provide an improvement over the current process.



MEMORANDUM

DATE: November 14, 2006
FROM: Gerald González, County Provost and Policy Advisor
TO: Board of County Commission Members and County Staff
RE: Additions to Possible Substantive Legislation for the 2007 Regular Legislative Session

Introduction:

A few additional items have come to my attention to add to the list for discussion purposes which I list below.

Possible Substantive Legislation:

– Water Sustainability –

(There have been discussions about the possible introduction of water legislation that would require 100 year sustainable water supply before development could proceed. This could pose problems in certain circumstances where leases run 99 years or less or the County obtains 'bridge' water supplies through leases or other methods. It also reduces planning options and would basically require all counties to have 100-year water plans)

– Domestic Well Water Legislation –

(It is likely we will see the re-introduction of a number of water bills that would limit the use domestic wells in the future or give the State Engineer's Office the ability to limit the use of those permits. Each bill will need to be analyzed on its own.)

– Family Transfer Study –

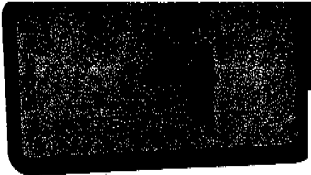
(Commissioner Sullivan has suggested that the County seek a legislative study of family transfers to determine whether legislation to limit them should be introduced.)

SHC
CLERK RECORDED 02/12/2007

**NEW MEXICO ASSOCIATION OF COUNTIES
2007 LEGISLATIVE PRIORITIES**

- Fund and define state prisoners (felony offenders held in county facilities)
- Strengthen funding for Local DWI programs
- Correct mid-term salary inequity for county elected officials
- Distribute remaining Fire Fund Protection Fund monies to grant fund
- Create and fund state GIS Coordinator; add local government representatives to state Information Technology Commission
- Amend Tort Claims Act to clarify definitions of "scope of duties" and "law enforcement officers."

SHC CLERK RECORDED 02/12/2007



BERNALILLO COUNTY'S LEGISLATIVE JAIL ISSUES

- Introduce new legislation authorizing Bernalillo County to increase the Misdemeanor Penalty Assessment fee by \$10 (ten dollars). Bernalillo County is the only New Mexico county that does not receive the full penalty assessment fee of \$20 (twenty dollars).
- Introduce new legislation imposing a fee on municipalities for municipal prisoners housed in county jails.
- Amend NMSA 31-21-5 "Sentence, Pardons and Paroles; Definitions" to add new language providing a clear definition of what constitutes a "State felon" for individuals incarcerated in local county jails, for Class A counties.
- ✓ Introduce new legislation decriminalizing traffic offenses by removing them from the Criminal Code and making the violations a civil matter with civil sanctions.
- Introduce new legislation authorizing the board of county commissioners to establish local policies related to population management of county detention facilities.

these prisoners would go to DOC

look @ definition of municipal courts

tax increases & purpose changes? for existing taxes