



**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**  
**January 26, 2010**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:10 a.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

Commissioner, Harry Montoya, Chair  
 Commissioner Virginia Vigil, Vice Chair  
 Commissioner Kathleen Holian  
 Commissioner Liz Stefanics  
 Commissioner Mike Anaya

**Members absent:**

[None]

**V. INVOCATION**

An invocation was given by John Michael Salazar from the Land Use Department.

**VI. APPROVAL OF THE AGENDA**

- A. Amendments**
- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair. We have some amendments to today's agenda, the first being under Special Presentations, this presentation by the Town of Edgewood May and Councilors will be at 2:00 p.m. today.

Under Matters from the Commission, we added two resolutions urging the Commissioner of Public Lands to consult with the Board of County Commissioners concerning a proposed swap of 3,600 acres. That is item C. Item D is also a resolution in that same matter. We'll request that item D be tabled at today's meeting, be tabled for today.

Under Appointments, Reappointments and Resignations, we are going to have a presentation under Matters from the Commission regarding our County committee process

that we're currently undergoing, so I would request that items A and B be tabled at this time.

Under XIII, the Consent Calendar, A, Community Funds, we added item 5, which is request approval for an expenditure of community in the amount of \$1,000 in support of the Interfaith Community Shelter Group.

Continuing under the Consent Calendar, page 5 of the agenda, we have tabled item number 8, which is a resolution requesting an increase to the Law Enforcement Operations Fund 246. And Mr. Chair, those are the changes that staff has to today's agenda.

COMMISSIONER HOLIAN: I move for approval with the amendments.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Holian, second by Commissioner Vigil. Discussion?

**The motion passed by unanimous [5-0] voice vote.**

**VII. APPROVAL OF CONSENT CALENDAR**  
**A. Consent Calendar Withdrawals**

CHAIRMAN MONTOYA: Are there any withdrawals?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would request that we withdraw item XIII. B. 9, 12, 13, and C. 4 for discussion purposes.

CHAIRMAN MONTOYA: Okay. Any other withdrawals? Okay. Seeing none, then could I have a motion to approve the Consent Calendar minus the withdrawals?

COMMISSIONER VIGIL: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Holian, Discussion?

**The motion passed by unanimous [5-0] voice vote.**

**XIII. CONSENT CALENDAR**  
**A. Community Funds**

1. **Request Approval for an Expenditure of Community Funds in the Amount of \$1,000 for the Annual Change Your Reality Youth Conference, Sponsored in Part By Santa Fe County DWI Program (Commissioner Anaya)**
2. **Request Approval for an Expenditure of Community Funds in the Amount of \$500 in Support of Santa Fe Public Schools Volunteer Services Program for Fingerprinting of Children (Commissioner**

Montoya)

3. **Request Approval for an Expenditure of Community Funds in the Amount of \$500 for the Santa Fe Public Schools Volunteer Services Program (Commissioner Vigil)**
4. **Request Approval for an Expenditure of Community Funds in the Amount of \$500 for the Annual Change Your Reality Youth Conference, Sponsored in Part By Santa Fe County DWI Program (Commissioner Vigil)**
5. **Request Approval for an Expenditure of Community Funds in the Amount of \$1,000 in Support of the Interfaith Community Shelter Group (Commissioner Stefanics)**

**B. Miscellaneous**

1. **Request Approval of Amendment No. 1 to the Memorandum of Understanding Between the City of Santa Fe and the County of Santa Fe for the Provision of Senior Services**
2. **Resolution 2010-07. A Resolution Authorizing the County to Submit an Application to the Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant and Distribution Program (Community Services/Health & Human Services/DWI)**
3. **Request Approval of Local DWI Distribution/Grant Application for Fiscal Year 2011 in the Amount of \$1,348,436 for the DWI Program (Community Services/Health & Human Services/DWI)**
4. **Request Approval of Memorandum of Understanding Between Santa Fe County and the New Mexico Department of Finance and Administration for Fiscal Year 2011 for the DWI and CARE Connection/Sobering Center Programs (Community Services/Health & Human Services/DWI/ Care Connection)**
5. **Request Approval of DOH Assurances and Cooperative Agreement Between Santa Fe County and the New Mexico State Department of Health for Fiscal Year 2011 for the DWI and CARE Connection/Sobering Center Programs (Community Services/Health & Human Services Division/DWI/CARE Connection)**
6. **Request Approval of Local DWI Grant and Distribution Program Statement of Assurances with the New Mexico Department of Finance and Administration (Community Services/Health & Human Services/DWI)**
7. **Resolution 2010-08. A Local DWI Distribution/Grant Resolution for FY 11 Allowing for Submittal of Application to the Department of Finance and Administration for \$300,000 in DWI**

- Detox Funds for the Care Connection Sobering Center  
(Community Services/Health & Human Services/Care Connection)**
8. **Request Approval of Application to the Department of Finance and Administration for \$300,000 in DWI Detox Funds for the CARE Connection Sobering Center (Community Services/Health & Human Services/CARE Connection)**
  9. Request Approval of Maternal and Child Health Planning Council 2010-2014 Profile and Plan Endorsement (Community Services/Health & Human Services/MCH) **ISOLATED FOR DISCUSSION**
  10. **Request Authorization to Enter Into an Agreement with San Miguel County, Union County, Guadalupe County and Pueblo of San Felipe, Who Are in Need of a Facility for Incarceration, Care and Maintenance of Persons Charged with or Arrested for Violation of Santa Fe County's Ordinances, Arrested By Santa Fe County Law Enforcement or Arrested By Other Law Enforcement Agencies within Santa Fe Counties Jurisdiction. the Youth Development Program Is Willing to Incarcerate the Counties' Inmates on a Space Available Basis (Corrections Department)**
  11. **Requesting BCC Approval for the Santa Fe County Fire Department to Enter Into a JPA with the Energy, Minerals and Natural Resources Department to Provide Equipment and Personnel Resources for Wildland Fires on Intermingled and Adjacent Lands That Present a Threat to Each Jurisdiction and Where There is a Mutual Advantage to Safely and Efficiently Suppress Wildland Fires**
  12. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of December 2009 (Finance Division) **ISOLATED FOR DISCUSSION**
  13. Request Authorization to Enter into Contract with GCR Truck Tire Center, Factory Motor Parts, Parts Plus of Santa Fe, Carquest of Santa Fe and Redburn Tire Company for Automotive Vehicle Parts, Equipment and Tires Per IFB #2010-0147-SD/TRV **ISOLATED FOR DISCUSSION**
  14. **Request Approval of Amended Change Order #2 for Bradbury Stamm Construction Totaling \$2,574,117.43 Which Reduces the Previous Amount By \$173,012.09 (Community Services Department)**
  15. **Request Approval to Enter Into a Purchase Agreement with the New Mexico Laborer's Training Trust to Purchase Property to Be Used As the Fire Department Training Facility (\$825,000)**
- C. **Budget Adjustments**

1. **Resolution 2010-09. A Resolution Requesting an Increase to the Fire Protection Fund (209) / All Fire Districts to Budget Actual Allotments of the FY 2010 Fire Fund Distribution and Available FY 2009 Cash Balances for Expenditure in Fiscal Year 2010 (Community Services / Fire)**
2. **Resolution 2010-10. A Resolution Requesting a Budget Decrease to the Fire Operations Fund (244) to Realign the Fiscal Year 2010 Budget with the Actual Grant Balance for the Forest Restoration Program (Community Services / Fire)**
3. **Resolution 2010-11. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget a Travel Reimbursement Received From Professional Ambulance Sales & Services for Delivery of an Ambulance / \$2,000. (Community Services / Fire)**
4. **Resolution 2010-\_\_\_. A Resolution Requesting an Operating Transfer From the 2009 Capital Outlay GRT Bonds Fund (336) to the General Fund (101) in the Amount of \$4,212,800.63 and to the Capital Outlay GRT Fund (213) in the Amount of \$2,579,965.88 for Reimbursement for Water Rights Purchases (Finance Division) ISOLATED FOR DISCUSSION**
5. **Resolution 2010-12. A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) to Budget Cash Carryover for the Buckman Direct Diversion Project / \$21,400,000 (Finance Division)**
6. **Resolution 2010-13. A Resolution Requesting an Increase to the General Fund (101) to Budget Cash Carryover for the South Meadows Road Project / \$658,972.21 (Growth Management Department)**
7. **Resolution 2010-14. A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded Through the New Mexico Environment Department to Purchase a Compactor for Solid Waste / \$25,000 (Growth Management Department)**
8. **Resolution 2010-\_\_\_. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a Project Agreement Amendment Between Santa Fe County and the New Mexico Department of Transportation for the Impaired Driving Demonstration Program / \$262,950 (County Sheriff's Office) (TABLED)**
9. **Resolution 2010-15. A Resolution Requesting an Operating Transfer From the General Fund (101) to the Law Enforcement Operations Fund (246) for Office Renovations for the County Sheriff's Office / \$4,128.54 (County Sheriff's Office)**
10. **Resolution 2010-16. A Resolution Requesting an Increase to the**

- Law Enforcement Operations Fund (246) to Budget Additional Grant Funds Awarded By the Edward Byrne Memorial Justice Assistance Grant Program 2009 Recovery Act Through the New Mexico Department of Public Safety for the Region III Program/ \$126,908 (County Sheriff's Office)**
11. **Resolution 2010-17. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a Grant Awarded by the Edward Byrne Memorial Justice Assistance Grant Program through the New Mexico Department of Public Safety for the Region III Program / \$144,606 (County Sheriff's Office)**
  12. **Resolution 2010-18. A Resolution Requesting an Increase to the Federal Forfeiture Fund (225) to Budget Equitable Sharing Revenue Received for the Region III Drug Program for Expenditure in Fiscal Year 2010 / \$9,765 (County Sheriff's Office)**
  13. **Resolution 2010-19. Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget Restitution Revenue Received for the Region Iii Drug Enforcement Program/ \$319 (County Sheriff's Office)**

#### **VIII. APPROVAL OF MINUTES**

##### **A. Approval of October 21, 2009 BCC Minutes**

COMMISSIONER ANAYA: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: Second Commissioner Stefanics. Any discussion?

**The motion passed by unanimous [5-0] voice vote.**

#### **X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS**

CHAIRMAN MONTOYA: Is there anyone here who would like to address the Commission on issues not on the calendar or on the agenda for today? Please come forward. Okay, seeing none, we'll move now to Matters from the Commission.

**XI. MATTERS FROM THE COMMISSION**

**A. A Proclamation to Honor and Remember the Life of Benjamin E. Martinez (Commissioner Holian)**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to honor the life of Mr. Benjamin Martinez. He was a much decorated veteran of World War II and also a survivor of the Bataan Death March, and we must never forget the sacrifices that our veterans in World War II made for us in this country.

Mr. Martinez passed away last October 17, 2009 at the age of 92. The Bataan Death March was a forcible transfer of American and Filipino prisoners of war who were captured by the Japanese in World War II. It was 60 miles from the Bataan Peninsula to the prison camps. It was under horrendous conditions with widespread brutality. There are estimates, although nobody can really know for sure, that somewhere between a quarter and a third of the prisoners died on that march. As a historical footnote, last May 30, 2009 there was the 64<sup>th</sup> and they say last reunion of the Bataan Death March survivors in San Antonio, Texas. The Japanese ambassador to the United States attended that reunion and he apologized on behalf of the Japanese government to all Americans for the treatment of the allied prisoners of war by the Japanese military forces during World War II. This was in 2009.

I would like to read the proclamation honoring Mr. Martinez' life and then I would like to present this proclamation to his family members who are here, his wife Maida Martinez, his sons, Carlos, David and Ben, Jr. Martinez, and his daughters Anna Castellano and Patty Romero. I would also like to recognize Vicente Ojinaga, who is in our audience now and whose father is now the last remaining survivor of the Bataan Death March.

Santa Fe County Proclamation: Introduced by the Board of County Commissioners, to honor and remember the life of Benjamin E. Martinez, one of Santa Fe's few remaining survivors of the Bataan Death March in World War II.

Whereas, Benjamin E. Martinez was born January 3, 1916 in Park View, New Mexico; and

Whereas, Mr. Martinez served his country in World War II alongside 1800 other New Mexicans in the 200<sup>th</sup> Coast Artillery; and

Whereas, Mr. Martinez' entire platoon of the 200<sup>th</sup> Coast Artillery was captured April 9, 1942, and as prisoners of war endured the Bataan Death March suffering starvation, torture and unspeakable conditions; and

Whereas, approximately 900 New Mexican soldiers either died during that march or at the prison camp; and

Whereas, Mr. Martinez' survival of the death march and prison camp is a defining experience of his life and an important tale of bravery, sacrifice, and enduring faith; and

Whereas, until his passing Mr. Martinez was one of the 47 Bataan Death March survivors living in New Mexico and was only one of two survivors residing in Santa Fe; and

Whereas, Mr. Martinez returned to New Mexico from World War II and went to work as a federal employee and retired from the US Post Office; and

Whereas, Mr. Martinez and his wife Maida Martinez, have raised five children in Santa Fe and have eight grandchildren and four great grandchildren; and

Whereas, Mr. Martinez' spirit of service will inspire his children, grandchildren, great grandchildren and all New Mexicans for generations to come;

Now, therefore, be it resolved by the Board of Santa Fe County Commissioners by the proclamation, honor and remember Benjamin E. Martinez for his outstanding service to our country, his family and the citizens of Santa Fe County and the great State of New Mexico, we thank him from the bottom of our hearts.

So now I'd like to present the proclamation to the family members and if anybody would like to say a few words we would be very honored to hear.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: We have a motion by Commissioner Anaya, second by Commissioner Vigil.

**The motion passed by unanimous [5-0] voice vote.**

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I just wanted to thank Commissioner Holian for bringing this forward and to not only recognize Mr. Martinez as an outstanding veteran but as an outstanding father, as an outstanding parishioner at Cristo Rey Catholic Church. I went to school with Anna, his daughter and Carlos and I were in the same grade at Cristo Rey. The community was a beautiful community. It still remains so but many of those who live there are no longer there as you may well know. I remember your father very distinctly as a very honorable man, very distinguished looking and a volunteer in all that he did. Mrs. Martinez, you've been a wonderful wife and mother to your children too. You are to be honored. Thank you very much, Commissioner Holian, for bringing this forth. And I just needed to acknowledge the fact that in Benjamin Martinez we had not only an outstanding veteran and a survivor but an outstanding citizen in our community. Thank you.

CHAIRMAN MONTOYA: If the family would come forward please.

CARLOS MARTINEZ: Yes, I wanted to just real briefly just say on behalf of the Martinez family, my mom Maida and all his kids and really the whole community, I want to just say thank you, especially to Commissioner Holian who brought this forward. I thought that was extremely wonderful of you and we're very grateful. My dad was a true hero. He was one of the last. Vicente's dad is the very last one, but what you just said is so eloquently spoken; we cannot forget him. That was what my dad stood for. We're really very grateful as a family.

I see a lot of my friends. Roman, good to see you again. Virginia, that's a long time ago. Commissioners, Harry, Mike, all the Commissioners. Thank you very much on behalf of

the Martinez Family.

COMMISSIONER HOLIAN: Now, I would like to ask for a moment of silence, if you would stand.

CHAIRMAN MONTOYA: Commissioner Holian, thank you for bringing this up and congratulations to the family as well for the service that your dad, grandfather, provided for our country. Thank you.

**XI. B. Resolution 2010-19. A Resolution Reaffirming Santa Fe County's Commitment to Civil Rights and Equal Access to County Services and Calling on Congress to Enact Comprehensive Immigration Reform (Commissioner Stefanics)**

Commissioner Stefanics: Thank you, Mr. Chair and members of the Commission. First of all I'd like to recognize in the audience, we have the City of Santa Fe Immigration Committee as well as many members of Somos un Pueblo Unido. And could you all stand, those of you who are here representing the interest in this resolution today. Thank you very, very much for coming today. This resolution reaffirms Santa Fe County's commitment to civil rights and equal access to County services, and it calls on Congress to enact comprehensive immigration reform. By leaving our immigrant residents in limbo about their status does not ensure any services or protections, so the New Mexico Municipal League has already passed this resolution. The New Mexico State Legislature is considering this resolution, and basically it goes on to say that Santa Fe County opposes the separation of families by raids and other activities meant to enforce our current broken immigration system, and supports the reunification of families that have been so separated, especially those mixed-status families with US citizen children, of which there are an estimated four million children currently in this country.

Whereas, Santa Fe County supports the establishment of a federal process whereby undocumented immigrants currently living in the US may earn legalized status through payment of appropriate fees and other reasonable requirements; and

Whereas, Santa Fe County supports an efficient immigration program that enables businesses to hire qualified foreign workers to meet local economic demands; and

Whereas, Santa Fe County believes that immigration reform must occur in a comprehensive, thoughtful manner that focuses on the creation of economic opportunities and that strengthens families and communities;

Now, therefore, be it resolved by the Board of County Commissioners of Santa Fe County that Santa Fe County calls on Congress to enact comprehensive immigration reform that addresses: number one, smart, efficient border security; number two, the reunification of immigrant families; number three, a path to citizenship for undocumented workers currently in the US; number four, a legal means of immigration for foreign nationals who want to work in the US temporarily, as well as for those who desire to become legal permanent residents or

gain citizenship; number five, resources to help counties alleviate the economic impact of delivering services to new immigrant residents; and number six, resources to assist counties to integrate new immigrant residents into their counties.

Be it further resolved that Santa Fe County reaffirms its commitment to civil rights and equal access to all County services, including public safety protection regardless of immigration status, and that it opposes legislation encouraging or compelling local law enforcement to enforce federal civil immigration laws.

Be it further resolved that copies of this resolution be sent to New Mexico's congressional delegation. I so move.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Discussion?

**The motion passed by unanimous [5-0] voice vote.**

CHAIRMAN MONTOYA: Thank you, Commissioner, and thank you all for being here as well. Appreciate your presence. Thank you.

- XI. C. Resolution 2010-20. A Resolution Urging the Commissioner of Public Lands to Consult with the Board of County Commissioners Concerning a Proposed Swap of 3,607 acres in the Community of Arroyo Seco for Lands in the Vicinity of White Peak; Urging the Commissioner of Public Lands to Consider Future Use of the Land in the Arroyo Seco Area for Public Use, Economic Development and Affordable Housing and Consistent with the Long-Term Vision for the Community of Arroyo Seco; and to Seek to Protect Existing County Uses on the Property for the Marcos P. Trujillo Teen Center and County Road 88 (Commissioner Montoya)**

CHAIRMAN MONTOYA: And this is consistent with a long-term vision and their development plan that they developed about – what has it been, Jack, about four or five years ago? It's been a while. This resolution, Commissioners, is essentially – I'll read the therefore, it's talking about the Now, therefore, the Commissioner of Public Lands should refrain from swapping the 3,607 acres of land in Arroyo Seco, New Mexico for lands in the White Peak area until the Commissioner consults with the Board of County Commissioners and the community concerning the proposed swap, and until full discussion of the future land uses contemplated can be had.

Number two: The Commissioner of Public Lands is strongly urged to consider, in consultation with the Board of County Commissioners and the community future use of the state land in Arroyo Seco for public use, affordable housing, and economic development.

Number three: If the swap is conducted on the land in question, the Public Lands Commissioner is urged to consider separately deeding to the County the land it currently has under lease and that is being used as a teen center, and the right-of-way for County Road 88, as well as additional lands to be used for public use, economic development and affordable housing.

So Commissioners, this is something that we have the ability at least to make the request in terms of what is being asked of me by my constituents in this district, that they want to see this process slowed down and would like to be involved in it. So this is the purpose and that's the purpose of this particular resolution, and I would move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya. Discussion?

**The motion passed by unanimous [5-0] voice vote.**

CHAIRMAN MONTOYA: Thank you. And Commissioner Anaya has one that he'll be bringing forth next month that was tabled today so we'll be considering that one at that time. So thank you, staff and thank you, Commissioners for your support on this.

#### **XI. OTHER MATTERS FROM THE COMMISSION**

CHAIRMAN MONTOYA: Commissioner Stefanics, go ahead.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and members of the Commission. First of all, I'd like to congratulate the Eldorado Teen Players. I attended a musical that they performed, the Twenty-fifth Annual Putnam County Spelling Bee, and we have some Broadway actors in that group. And next week the Eldorado Children's Theater will be presenting the Wizard of Oz, and these are at the James A. Little Theater. So I congratulate both groups. Very well done.

Our district attorney recently had a birthday. I'm sure we all send out birthday congratulations to her, Spence Pacheco.

The community of Cerrillos – and this is Commissioner Anaya's district and a few of my constituents will benefit from it – received a USDA grant that will set up broadband in the area. I think it's going to assist all of those community members. I just wish it would come up my way a little further.

And we all, Commissioners, received a thank you from the Ninth Annual Bi-National Health Conference, because our lodgers' tax did contribute a small portion of money to that conference. Thank you. That's all.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, I would like to know the passing of Lou Schreiber of the Santa Fe Community College. He was really sort of the father of the sustainability movement in our community. This is going to be a

tremendous loss to our community. I also would personally like to acknowledge the tragedy in Haiti and would make the point that this is a continuing tragedy. It's going to take years to recover from this. And I just wanted to tell a little story about how help can come from a lot of different places.

My cousin, who lives in California has an 11-year old daughter. And last weekend she had a lemonade stand – it was California, after all – and she raised \$250 to send to Haiti. So I think that shows that even our youngest members of our community can help out.

I would also on a more mundane matter like to give you an update on the renewable energy financing district. Renewable Funding is going to be the entity that helps us set up the program. We are accelerating that part of the contract so we can get our program in place as soon as possible, and from what I understand, maybe our attorneys can contradict me if I'm wrong, but I believe that by early next week we should have the part of the contract in place for Renewable Funding to come in and help us with actually starting the program. And we would like to start taking applications as soon as possible.

Early next week, if the contract is in place, a representative of Renewable Funding will come out and Duncan Sill will be setting up meetings of the County Commissioners with staff, with the County Treasurer, Assessor and whoever else might be in some way connected with this program so that we can get comments and ideas and just sort of get the ball rolling.

I would also like to point out that I heard that there was at least one meeting in the community that was set up by an installer about this program. I'm not sure whether they were speaking about their own point of view of what they had available or what they thought the County program was, but I would just urge people that if they would like the most accurate, up to date information about where we are with this program the best thing to do is look at our website, contact Duncan Sill or contact me or County staff, because this is where it's actually happening. So anyway, I just want to say that I'm personally glad to talk to people and give them information if they are interested. Thank you.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: I don't have anything right now, Mr. Chair.

CHAIRMAN MONTOYA: I have just one item and that is the outreach program that we have been working on and discussing with the community of Pojoaque for the Aamodt meetings, the schedule has been determined and we will be beginning on February 24<sup>th</sup>, 25<sup>th</sup>, March 2<sup>nd</sup> and 3<sup>rd</sup>, March 9<sup>th</sup> and 10<sup>th</sup>, March 16<sup>th</sup> and 17<sup>th</sup>, and March 23<sup>rd</sup> and 24<sup>th</sup>. And Darcy Bushnell from the UNM School of Law with the Utton Center will be the one through the Ombudsman Program that will be facilitating these meetings. So we have about ten that will be held in the community, and it will be between El Rancho, Pojoaque, Nambe, Tesuque, in terms of the sites. And Judge Nelson, who was the presiding mediator if you will, will be the one that will be also helping Darcy in terms of the outreach and education on this. So the actual judge who helped with the whole mediation process will be there as well.

So I think it's a great opportunity for people who want to know more about this legislation. And it actually passed – I believe it was last Wednesday. I want to thank

Congressman Ben Ray Lujan for introducing and getting it passed. So it passed the House and it was going over to the Senate I believe last week. I haven't heard anything – Steve have you heard anything from John? No. So it's in the Senate now and we're hoping that we can get a bill that's going to be similar to the one that the House passed and get that through. So I urge people to definitely participate and I want to thank Roman and the staff for getting this set up in the community.

Commissioner Vigil, did you have any Matters? No. Okay.

### **XIII. CONSENT CALENDAR WITHDRAWALS**

#### **B. 9. Request Approval of Maternal and Child Health Planning Council 2010-2014 Profile and Plan Endorsement (Community Services/Health & Human Services/MCH)**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have a couple questions for staff, primarily. Steve, or who's representing MCH? Joseph, maybe you can answer some of these questions. On our introductory sheet, Mr. Chair and Joseph, it said that a new plan was submitted to the State Department of Health in June 2009. Is this the plan that was submitted to the Department of Health, and if so, I'm wondering why it didn't come to the Board of County Commission before it went to the Department of Health.

JOSEPH GUTIERREZ (Community Services Director): Mr. Chair, Commissioner Stefanics, I'll find out. I couldn't answer that for you. I'll just take notes and get back to you.

COMMISSIONER STEFANICS: Okay. The second question I have is I'm wondering how the department has taken this plan into account with their budget request. And I'm assuming you won't be able to answer that either. But if we're going to do a plan, if we're going to have specific goals to try to reach, I'm just wondering how that gets reflected in budget requests. And I'm not going to assume that it happened. I would just really like to hear what is standing out that might need specific funding. So, that's it, Mr. Chair.

MR. ABEYTA: Mr. Chair, I recommend that we table this item then, as a result. Those are good points that we probably should research before the Commission acts on this. And next time we bring it forward it won't be on Consent; we'll have a discussion about it.

COMMISSIONER STEFANICS: Mr. Chair, if we need the plan I don't want to hold it up. So Ron, you have to determine, or Joseph, if we need to keep it moving.

MR. GUTIERREZ: Mr. Chair, Commissioner Stefanics, I can find Steve and we can address this a little bit later today, possibly.

COMMISSIONER STEFANICS: Thank you. Maybe under Matters from the Manager.

MR. GUTIERREZ: Okay.

COMMISSIONER STEFANICS: Thank you. So we're moving it down under

Matters from the Staff and hopefully they can come back and address it.

CHAIRMAN MONTOYA: Okay. So we'll just hold off on it? Okay.

[The matter was subsequently tabled. See page 43.]

- XIII. B. 12. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of December 2009 (Finance Division)**  
**13. Request Authorization to Enter Into Contract with GCR Truck Tire Center, Factory Motor Parts, Parts Plus of Santa Fe, Carquest of Santa Fe and Redburn Tire Company for Automotive Vehicle Parts, Equipment and Tires Per IFB #2010-0147-ASD/TRV**

COMMISSIONER STEFANICS: Yes. Thank you, Mr. Chair. This is more for information purposes. And Teresa, I asked some of these questions probably a year ago when I first started. So I need you to refresh my memory or to tell me how we've changed any kinds of patterns over the past year. I'm wondering if we're doing Countywide purchasing, because it doesn't look like it. All the different checks written to all the different vendors. I'm wondering if we're doing electronic transfers or checks, and I'm wondering if there is not a way to write one check for the same vendor instead of five or six checks.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Stefanics, some of those things are being done. I'll answer the last one first, because that's the easiest one. With regard to writing a single check to a vendor. The check runs occur daily, so the way the system is set up it will run one check to all the vendors that are entered into that A/P batch that day. So depending on the amount of invoices that are entered in a day, it doesn't matter which department they came from, one check will be generated to that vendor. That should be the way it's set up. So I'll look into that and make sure that's what we're currently still doing.

With regard to electronic transfers. We probably could do a stronger effort. We do have vendors that if they provide us the information we definitely will pay them that way. So that's something we have on our radar for the A/P group down the line. We're not there yet. And we're also looking at discounts and things that we can take advantage of. So those are things that are on the A/P work group agenda that we do with County staff that are affected by A/P transactions.

And then smart buying, it's a coordinated effort right now, part of the SAVE initiative so we are working on that. I think Agnes had a couple of her first training sessions identifying a list of different supply items that are standard Countywide that everyone is expected to buy the same thing from the same vendors, and those vendors are the vendors that have the better prices, if you will. So that initiative has just started and hopefully we'll get that stronger.

COMMISSIONER STEFANICS: Well, I really have a question on 13 that's

related to purchasing as well. Do we utilize – does the County in any way get to piggyback on state price agreements if there are better prices? Or do we go out for our own price agreements?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, a little bit of both, but we probably have more statewide price agreements than the County has their own price agreements. So, yes, we will borrow and we'll also borrow municipalities like the City. If they have a better price agreement or a better rate than we can find, we'll contact them and see if they give us permission to use their price agreement.

COMMISSIONER STEFANICS: Well, it's come to my attention, Mr. Chair, Teresa and Roman, that a division – I don't know if it was a department or a division – contacted a vendor out in the community and said you must use the state price agreement when you deal with us and the County wasn't dealing with that vendor for all of the services. So it can be confusing to members of the public who are running businesses, what our policies are. So the more we can tighten up our policies and advertise it the better. Because when this person said, well, when the entire County buys X from me you'll get that price. And the person from the County backed down. But obviously it wasn't a person that was probably authorized to be calling to negotiate. And so I just think it's a matter of us getting really clear, internally and externally, about purchases.

And so with that, Mr. Chair, I would move items 12 and 13.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTROYA: Okay, motion to approve by Commissioner Stefanics and second by Commissioner Holian. Any other discussion?

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

**XIII. C. 4. Resolution 2010-22. A Resolution Requesting an Operating Transfer From the 2009 Capital Outlay GRT Bonds Fund (336) to the General Fund (101) in the Amount of \$4,212,800.63 and to the Capital Outlay GRT Fund (213) in the Amount of \$2,579,965.88 for Reimbursement for Water Rights Purchases (Finance Division)**

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and I'm wondering if Teresa, you could make a few comments, primarily for the information of the public. I did ask for information about this, but I think the public needs to understand how we are financing water purchases. We are doing water purchases, not only to supply County water but also for our Buckman Direct Diversion obligations, and so I'd like for there to be a very short explanation of what we're doing here. Thank you.

MS. MARTINEZ: Mr. Chair, ttt, on this particular issue we had opportunities to buy water rights at very good prices. So what we did is we have a general fund set aside for

water rights, capital projects that may come along. So this was using the water rights designation to take advantage of the good prices for the water rights, knowing that we would have a future bond sale down the road. So we worked with the bond counsel and we did a reimbursement resolution so that general fund could basically front the money up front to buy those water rights, and then when the bond was sold and closed, we would reimburse in this case the general fund and also the capital outlay GRT fund that initially acquired those water rights. So it's a way of taking advantage of a good price when the resources are not yet available. So the general fund set-aside has now been made whole and the capital outlay GRT has now been made whole for water right acquisitions that were funded, if you will, by a bond that was a GRT revenue bond financed by the capital outlay GRT.

COMMISSIONER STEFANICS: Thank you, Teresa. And I'd like to know – I don't have the number of acre-feet of water, but we have looked at at least ten different water purchases since May, so it's not that we are expending money on water that won't be used appropriately, both for County water use and for the Buckman obligation. So I would move approval of that item.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics, second by Commissioner Holian. Any other discussion?

**The motion passed by unanimous [3-0] voice vote.** [Commissioners Vigil and Anaya were not present for this action.]

#### **XIV. STAFF AND ELECTED OFFICIALS' ITEMS**

##### **A. Community Services**

- 1. Ordinance 2010-01. An Ordinance Amending Section 7.A of Ordinance 1997-11, the Santa Fe County Fire and Emergency Services Administrative Ordinance, Regarding Reporting Requirements for the Chief of the Santa Fe County Fire Department**

MR. ROSS: Mr. Chair, I guess I'll take that item. The reorganization that the County entered into a few years ago consolidated some 13 or 14 departments into I believe four major departments, one of which is Community Services, under which we have the Fire Department and the Fire Chief. There's an old ordinance on the books from 1997 that appears to require that the Fire Chief report directly to the County Manager and the Board of County Commissioner. The ordinance is kind of inconsistent later on and talks about the Fire Chief reporting to the County Manager. But in any event it is very problematic to have anyone outside from the County Manager reporting to the Board of County Commissioners.

For example if you were to give an instruction to a Fire Chief or to any employee who operated under the Board of County Commissioners you'd have to do it in this forum, in a

meeting like this, and you can see how that could easily bog down County government. Sometimes instructions need to be given with almost no notice and making a change such as is proposed here and making the County Manager the supervisor of the Fire Chief and everybody else who is under him by virtue of the organization would obviously simplify that requirement.

Now, we're working with the Fire Department to do a fairly complete revision of this entire ordinance, but that's going to take some time to accomplish and so we thought that this is an important item to take care of now and clarify the reporting rules for the Chief for his sake and for everyone else's sake.

This is the only public hearing that's required for this particular ordinance. I believe it has to advertise pursuant to state law. So I stand for questions.

CHAIRMAN MONTOYA: Okay. Questions?

COMMISSIONER STEFANICS: Mr. Chair, this is a public hearing?

MR. ROSS: I believe it is. I believe it was advertised for a public hearing today at this time.

CHAIRMAN MONTOYA: Other questions? Seeing none, then I will open it up for public hearing. If anyone would like to speak on behalf of or opposed, in opposition to this ordinance would you please come forward. Okay, seeing none, this public hearing is closed. What are the wishes of the Board?

COMMISSIONER STEFANICS: Mr. Chair, I would be the ordinance amending Section 7.A of Ordinance 1997-11.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Stefanics, second by Commissioner Holian.

MR. ROSS: We'll need a roll call for this.

**The motion passed by unanimous [4-0] roll call vote with Commissioners Holian, Stefanics, Vigil and Montoya all voting in the affirmative. [Commissioner Anaya was not present for this action.]**

**XIV. A. 2. Resolution 2010-23. A Resolution Establishing a Clearly Delineated Santa Fe County Policy to Encourage and Assist Landowners Who Choose Voluntarily to Protect in Perpetuity the Open Space Character of Their Agricultural Land (Community Services\Health & Human Services\Food Policy Council)**

MR. ROSS: Mr. Chair, I was at one of the meeting where this was discussed. I can maybe give you an overview. Duncan, are you going to –

DUNCAN SILL (Economic Development): Mr. Chair, Commissioners, I apologize. Apparently Steve Shepherd is the staff person who was going to present this

information and I just heard from Joseph Gutierrez that he is sick, but I was part of the information gathering and Steve helped draft the actual resolution. So I would defer to Steve to articulate the particulars of this resolution.

MR. ROSS: Well, Mr. Chair, members of the Commission, the New Mexico Land Use Easement Act provides tax incentives when you put land in conservation trusts pursuant to the Internal Revenue Code. So there are a lot of benefits and incentives to put your land in conservation easements. The tax benefits are approved by the Energy, Minerals and Natural Resources Department. It's kind of a long, involved process. Ted Harrison who is doing the Commonweal development is the only person I know who has received the tax benefits guaranteed by the various statutes.

This group that I met with that Steve Shepherd has been working with would like to simplify the process by which small persons engaging in personal agriculture can put their property into conservation easements and dedicate them to agriculture and then receive the tax benefits through the Energy, Minerals Department. But the problem is the Internal Revenue Code requires that any such tax benefit be pursuant to a policy of the local government or state government in favor of that particular activity. Santa Fe County doesn't have a policy like that. When the folks, the proponents of this resolution went to Energy and Minerals this was brought up, the fact that the County doesn't have a policy encouraging dedication of agricultural land in this manner. And they asked that the County create such a policy, and that's what this document is.

It's largely a policy statement but there are a few concrete things in there that I should point out to you. Paragraph 3 on page 5, Sustainability, I think we're headed in this direction anyway, but the paragraph there provides a policy statement that we consider these small farms to be providing sustainable development. And number five is another concrete statement that's rolled into the County. It says that the County will pledge to the extent we can to support local agricultural activity, buying local, things like that.

And then of course number 6, the policy obviously also needs the support of the Assessor through the agricultural exemption in the property tax code. So that's sort of the background I'm aware of on the resolution. The key statement is Paragraph 1 on page 4 which is the policy statement that's required to assure that agricultural easements get tax credits.

CHAIRMAN MONTROYA: Okay, Commissioner Vigil and Commissioner Stefanics.

COMMISSIONER VIGIL: Mr. Chair, and probably, I'm not sure if anyone knows this. This kind of policy direction is actually very good, but I'm wondering who's expecting who to pay for what? Do we know that? Because if we actually do draft a policy, I know when the Health Policy and Planning Commission was created and they wanted to do their *Call to Action* it was not anticipated that the County would be responsible for that. And I want to make sure that when we take action we know where dollars are coming for what purposes to promote this policy. And we may not know that at this point in time. Do we?

MR. ROSS: Mr. Chair, Commissioner Vigil, what we're trying to achieve is a

state tax credit.

COMMISSIONER VIGIL: Right. But they want a policy statement. How much in depth does that policy statement anticipate –

MR. ROSS: Apparently, I don't know this for a fact, but apparently the attorneys at Energy and Minerals have approved the policy statement on page 4 as adequate.

COMMISSIONER VIGIL: Is this also requiring us, or asking us, rather, to adopt this policy?

MR. ROSS: Yes. They can't get the tax credit without a clearly delineated policy from the local government or the state.

COMMISSIONER VIGIL: And that's this resolution.

MR. ROSS: That's what the resolution hopes to achieve.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: The question I have is who in Santa Fe County is going to assist any landowners who come forward and ask about this?

MR. ROSS: Mr. Chair, Commissioner Stefanics, I assume they can work with myself, Duncan, or certainly Steve Shepherd who's been working on this. Or that the advisory group that he has that deals with food policy.

COMMISSIONER STEFANICS: Well, Mr. Chair, I recognize that this resolution primarily addresses the part of the state statute that deals with agricultural land, but it should be noted that also, the protection of relatively wildlife habitat and preservation of historic areas or structures and some others are also included in the state statute. So I'm just concerned. I'm totally supportive of the resolution but I am concerned that we have somebody at the County who is going to be knowledgeable about this so they can either assist individuals or direct them to the right place in our passing this resolution.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. On that point I would say that there are a lot of members of our community who are very knowledgeable about placing conservation easements, and so the important thing is for our County to know who to direct people to.

COMMISSIONER STEFANICS: But Mr. Chair, Commissioner, I'm asking about which County staff are going to take the responsibility for this, and that's what I'm concerned about. I am totally supportive of the resolution but I don't think we should be passing resolutions until our County is ready to address it.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I'd like Renee to address this.

RENEE VILLAREAL (Planner): Mr. Chair, Commissioners, I guess the only thing I wanted to add to that discussion is when they formulated the resolution we made sure that a lot of the language that was included in this resolution to be part of the Sustainable Land Development Plan, in the agriculture and acequias chapter. So if you – once you

actually see the draft there is a lot of language that will support that cause and so the way I see it is that the planners will be directly involved with making sure that we're looking at agricultural sustainability in some capacity, whether it's looking at local food systems or buy local or even – there's a lot of different ways that we can do this. But I think the planners will be the ones to either direct the individual that wants to get more information to the right sources or to have the ability to support it in our land use plan and possibly in the Code.

COMMISSIONER VIGIL: Renee, has this gone through the Food Policy and Planning Commission? The joint City-County?

MS. VILLAREAL: It has. It was approved by the food policy council I would say a couple months ago. There was still some formulation and changes to the resolution that needed to be made.

COMMISSIONER VIGIL: The joint City-County one, right?

MS. VILLAREAL: Correct.

COMMISSIONER VIGIL: Are you the staff for that?

MS. VILLAREAL: Actually, both Steve Shepherd and I are on the Food Policy Council. He's been on longer; I was just recently appointed to the Food Policy Council.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would just like to make a comment really reinforcing what Renee said. Really, it's part of our plan to save agricultural land and to help the farmers to actually be able to make a living on their agricultural land. The conservation easement is a very important tool. It's not the only tool but it's an important tool and that's why we're putting this in place. Is this a public hearing or can I make a motion?

CHAIRMAN MONTOYA: No.

COMMISSIONER HOLIAN: I would like to make a motion for approval.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Holian for approval of this resolution.

COMMISSIONER ANAYA: Second for discussion.

CHAIRMAN MONTOYA: Second by Commissioner Anaya. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. So if we approve this Commissioner Stefanics's concern is that we don't have anybody in our office to meet on a voluntary basis with people that want to put their land as farmland forever? Is that what I'm hearing?

MR. ROSS: Commissioner Montoya, Commissioner Anaya, this is a very complex process to get a tax credit approved through Energy and Minerals, so some staff assistance is probably necessary for people to successfully get through that process.

COMMISSIONER ANAYA: So in order for them to receive tax credits they have to –

MR. ROSS: They have to apply.

COMMISSIONER ANAYA: They have to apply, and we have somebody that's going to meet with them?

MR. ROSS: Well, I think that's the discussion is who are we going to get on staff to get up to speed on this whole process and help people through the process. Because it's not an easy one, I understand. I've only witnessed it from the –

COMMISSIONER ANAYA: So would we – I hate to pass something for people to come to the County and then we don't have anybody in line. That's what you're saying, right, Commissioner Stefanics?

CHAIRMAN MONTOYA: Commissioner Holian, sounds like –

COMMISSIONER HOLIAN: Yes, I have – Commissioner Anaya, I have something on that point. Basically, all our County has to do is to know to whom to refer people. We have several different conservation organizations in our community and I've gone through, in fact, the process of getting a conservation easement. My husband and I have an easement on our ranch land on Glorieta Mesa. And yes, you're right. It's not an easy process, but they are very skilled at helping you go through all the steps that you need to go through. And I don't think it's really appropriate for the County to have that kind of capability in house. It's very specialized. But it doesn't mean that that kind of expertise doesn't exist in our community. And they are the ones who actually hold the easements, so it is appropriate for them to help the people through that easement.

And another thing that I would point out, especially about agricultural easements, is often people who have farms are land rich but cash poor, and they can't take advantage of tax deductions. But in New Mexico, the state of New Mexico, people can actually sell those easements and they can actually get cash. For a farmer who doesn't have a lot of money but has some land that's worth a whole lot of money, can actually sell this easement or the tax credit, to somebody else and actually get cash to help with running their farm. It's really a powerful mechanism to help farmers to survive. And as you know, they don't make a lot of money in this state.

CHAIRMAN MONTOYA: Right. Commissioner Anaya, Commissioner Vigil.

COMMISSIONER VIGIL: On that point, would the County through our own land use requirements need to have a process in place to identify those conservation easements, map them, include them in our Sustainable Growth Management Plan? How would we as planners be able to distinguish those?

MS. VILLAREAL: Mr. Chair, Commissioner Vigil, I think we already have those resources lined up. We work closely with conservation organizations, so I think it's already laid out in our office and the connections that we have. So we would actually be the conduit to let them know their options, to be able to do such land transactions. I think, surprisingly, we have a lot more resources that the planners are very connected to in very different areas of agriculture and acequia groups. So I think that we have even a list. We could even create a list of the conservation groups that are available. But it is, as

Commissioner Holian had stated, it is a state process and then we can, as a County, support the individual that would like to see this happen and give them –

COMMISSIONER VIGIL: And I recognize that, Renee, that you would be a referral service and the connectivity and the networking. That's fair. That's great. My question was and is, isn't there somehow that we, through our own land use process, in our Planning Division and our Development Review Division, need to be able to institute through GIS or whatever, where these conservation easements are actually located?

MS. VILLAREAL: Commissioner Montoya, Commissioner Vigil, I guess the way we could start off is mentioning in our plans the availability of resources, but I think where it needs to have the connection is the Code, which is the Sustainable Land Use Code that will have ways that maybe this would be another layer that we need to look at when we look at development. And that was a suggestion that we started looking at land use, that this is another component of ways to preserve agricultural land. I'm not sure how the mechanism or I guess the enforcement of it would occur but I think it needs to occur in the Code and right now, I can't say –

CHAIRMAN MONTOYA: Commissioner Holian, on this point.

COMMISSIONER HOLIAN: Yes, on that point. Commissioner Vigil, I just wanted to make you aware like in the case of our easement, we made the Assessor's Office aware of it, because it actually also confers tax breaks to people, often. And so I think that people who go through the process of getting a conservation easement on their land will automatically be informing the County and the County Assessor that they have this easement. Does that answer your question, more or less.

COMMISSIONER VIGIL: I think that places the burden on the property owner but it's the same issue we have with current property owners who don't advise the Assessor of any property changes, improvements or anything of that nature. Will this – don't get me wrong. I'm in favor of this and I recognize that you're a diligent, conscientious citizen and everything that you did is probably a model but it isn't necessarily what the average property taxpayer would be doing. And I think the Assessor also needs to be advised of this. I'm not sure that we've really educated everyone who's impacted by this within the county. I think we can, so I would just suggest that if this does get passed that we go ahead and put those steps in place, advise the County Assessor, advise the County Treasurer, advise the Land Use Department, advise our Sustainable Growth Management Plans, look at how it's going to impact the Code, and how we can keep the data for these. I think it's an excellent idea but it also is one of those ideas that may get meshed in with other problems we have in identifying property areas.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: One other point that I'd like to make is that we already have a lot of conservation easements that have been put on property, especially with regard to open space and other properties like that. This is just adding, this is just adding agricultural land to that mix and saying that we in the County, it's our policy that we view

agricultural land as distinct from open space land, as being an important kind of land to protect.

COMMISSIONER VIGIL: I don't think we disagree on that. I think what we disagree on is how we're going to be able to implement this within the County, to what extent our responsibility is, despite the fact that the state is fully responsible for the whole process, this does impact the County, and that was not clear to me. And I think it can be made. Thank you, Mr. Chair.

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

**The motion passed by unanimous [5-0] voice vote.**

CHAIRMAN MONTOYA: Okay, we're at 12:20. Do we want to take a break and come back at 1:30. I know Commissioner Vigil, you have some business at the capitol. Let's say 1:30.

COMMISSIONER VIGIL: 1:45? Will that be okay?

CHAIRMAN MONTOYA: 1:45. Okay.

[The Commission recessed from 12:20 to 2:00.]

CHAIRMAN MONTOYA: Let's call this meeting back to order. On the agenda we have listed a presentation for Edgewood. Could we get it done in about ten minutes or so, and then allow ten minutes for questions and answers? Total up to 20 minutes? Okay. Go ahead and we can get started, and welcome, Mayor.

## **IX. SPECIAL PRESENTATIONS**

### **A. Presentation by Town of Edgewood's Mayor and Councilors [Exhibit : Supporting Material]**

BOB STEARLEY: Good afternoon. I'm Bob Stearley, Mayor of Edgewood. Mr. Chair and Commissioners, good afternoon. We have all four of our Town Councilors here with me. Town Councilors, would you stand? And we also have our staff, our administrator and our clerk. We have a couple of our citizens. So we came in force. Commissioner Anaya encouraged us to do so.

Of course the purpose of the sewer system like any sewer system, first of all, is for groundwater, to protect the water for future generations and to have effluent water for parks and recreation, public rights-of-way, so we'll be using the water. Of course it's also for economic development, to provide employment opportunities for the county residents, which it's already doing, and I'll go through the presentation. We've got at least 400 jobs created already by this project, at Wal-Mart. We also have increased your property values, more

properties to tax, and the values of the properties have also gone up. And new businesses, which of course increase gross receipts tax. Wall-Mart did come and I'll be showing you that.

The next slide shows the project. Upper left shows the treatment building and the water disposal pond. As you can see, they've been constructed. The treatment system there is a membrane bio-reactor. It's the latest technology for sewer treatment systems, and the bottom shows the collection lines being put in. It's under construction. Actually, it's all been completed and this week we are doing our wet water testing. So by the end of the week it should be ready to go into service.

The next figure shows what happened. Two years ago Wal-Mart was encouraged to come because they knew we were building this sewer and when they opened the gross receipts increased by 60 percent immediately and it has stayed at least that strong through today. And of course all the County revenues, the gross receipts tax which you all have, have also benefited by this 60 percent increase in sales in Edgewood. We have several other businesses who are coming. One, a medical center which is under construction right now, and of course they came because of the sewer as well. There's a couple of other projects also coming.

The next figure shows – of course this tax of the capital outlay which the County got approved by the voters was approved in 2003. And at that time the revenue from the Town of Edgewood was \$143,000 that year. In the succeeding years it stayed about that until Wal-Mart came. And so 07 jumped up to \$233,000, then up to \$309,000. \$2882,000 is this last year. And so the revenue which has been generated through this water-wastewater capital outlay revenue is \$1.4 million from the Town of Edgewood so far. Almost \$300,000 a year now.

The last slide shows that the total project cost for the sewer is \$6.6 million. The Town raised \$5,450,000. That includes some federal revenue, a lot of state revenue in there, and the Town of Edgewood also. And three years ago the County Commission approved a \$400,000 support from this capital outlay program and it was pledged three years ago and has been funded. So we have a JPA with you, a joint powers agreement, which you approved and have funded this \$400,000 and we want to thank you for your support.

And we're here today to ask you to continue that support to the tune of another \$800,000. Now, you've got about \$300,000 per year coming in. And so we're asking you to continue support that you've already provided in the past. So we just need another \$800,000. That completes my presentation.

COMMISSIONER VIGIL: Thank you. Are there any questions?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Roman, we have a water/wastewater money or bond, don't we?

MR. ABEYTA: Madam Chair, Commissioner Anaya, yes. We have gross receipts tax for that purpose.

COMMISSIONER ANAYA: And first of all, I want to thank you, Mayor, for

being here. I thank the Councilors and staff for being here, and former-Councilor Ring. We have GRT that is in place that we could possibly tap into to help fund some of the rest of the project, or some of the project money?

MR. ABEYTA: Madam Chair, Commissioner Anaya, over a period of time we might be able to do something like that. We would be able to come up with \$800,000 but this is something that if I work with the Finance Director we may be able to reach that point over a certain amount of time.

COMMISSIONER ANAYA: I see. Okay. All right. Thank you.

COMMISSIONER VIGIL: Thank you. I'd just remind the Commission that this has been noticed as a presentation. No action item. Any other questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'm still a little confused about the first \$400,000. It was approved a few years back?

MR. ABEYTA: Madam Chair, Commissioner Stefanics, yes, through a JPA and the JPA has language talking about – that states that there may be the need for additional funds for this same project, and so that's why myself and the Finance Director have been meeting with the Town of Edgewood since to try to come up with an amount. We have the amount now, \$800,000, and so now we would have to take a look at how we can do that over a period of time. And it would all be pursuant to the JPA that the Commission approved two or three years ago.

COMMISSIONER STEFANICS: So, Madam Chair, Roman, did we provide the first \$400,00?

MR. ABEYTA: Yes.

COMMISSIONER STEFANICS: Okay. So what they're needing is another \$400,000.

MR. ABEYTA: Another \$800,000 I think.

COMMISSIONER STEFANICS: Okay. So they need \$800,000 on top of the \$400,000.

MR. ABEYTA: Yes.

COMMISSIONER STEFANICS: Thank you very much. Thank you, Madam Chair.

COMMISSIONER VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. And the \$400,000 came from what pot of money?

MR. ABEYTA: gross receipts tax for these projects.

COMMISSIONER HOLIAN: Okay. And then Mayor, I just want to –

MAYOR STEARLEY: Excuse me. Yes, the gross receipts tax was approved by the voters in 03, and that revenue stream is for water and wastewater only. So it's revenue which the County couldn't use for operation. Am I correct?

MR. ABEYTA: Right.

MAYOR STEARLEY: So it can only be used for these types of purposes.

COMMISSIONER HOLIAN: Was it used directly or was there a bond?

MR. ABEYTA: I believe it was used directly with balances that we had in our gross receipts tax. In one of the GRTs.

COMMISSIONER HOLIAN: Thank you. And Mayor, I just wanted to ask you, what do with the treated wastewater? Or what will you do with the treated wastewater?

MAYOR STEARLEY: We have return lines along all of our collection lines. So the first thing we'll do is use it for our roads. We're using potable water right now to settle the dust and for road work. But we also will in the future be using it for our parks. So it's going to be – as our former mayor used to say, be used for greening up of Edgewood.

COMMISSIONER HOLIAN: So it will even probably save water then.

MAYOR STEARLEY: It will. It definitely will save water because right now we're using potable water. I had doing that.

COMMISSIONER HOLIAN: Okay. Thank you.

COMMISSIONER VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I appreciate the chance to ask a second question. Mayor, how many people would this wastewater system serve or affect?

MAYOR STEARLEY: We designed it for our commercial corridor, so really one of our main motivations was economic development. So it's not enough for residential, however, we do have a large subdivision that is anxious to develop once the economy permits him. Right beside Wal-Mart. And for several hundred housing units. So this will be available for housing in addition to the business corridor.

COMMISSIONER STEFANICS: Okay. So this would be good for me to know. So this was originally built for economic development but can be expanded for residential use. And the reason I'm reiterating that is because we here have talked about how we can support economic development in the county, so I'm glad to hear that. Thank you.

MAYOR STEARLEY: You're welcome.

COMMISSIONER VIGIL: Any further questions?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: This wastewater system would benefit us in terms – we've got a fire department or station that's going to be located there, correct?

MR. ABEYTA: Madam Chair, Commissioner Anaya, yes, and we also, part of the JPA does contemplate county residents connecting if and when it becomes available.

COMMISSIONER ANAYA: Okay, so I guess, since there's no action item, maybe if we could maybe give direction to the County, to Roman, to continue to look into possible funding for the Town of Edgewood for their water system, treatment system. Is that appropriate?

COMMISSIONER VIGIL: I think that's appropriate. I would just add to that, I was here when we actually took action on the \$400,000. At that point in time those GRTs were for infrastructure I believe. I think we need to know if in fact there are any prohibitions

on any of these dollars or limitations on this request by nature of where we're looking for the money.

MR. ABEYTA: Right. And that will be part of the review that we'll include.

COMMISSIONER VIGIL: Okay. And if I'm remembering correctly, that was a year we had a really good showing of GRT, and we no longer have those. But part of the reason why we went ahead and allocated these dollars to each district was because of that. But originally those dollars were intended for the Buckman Direct Diversion, so I'm not even sure that there's a sunset clause. I have no idea. If you could just get us that information.

MR. ABEYTA: Yes, that's all part of the research we'll do.

COMMISSIONER ANAYA: So, yes, if we could do that and anything that we - anything else that we could do to help the Town of Edgewood? Mayor, do you have anything else?

MAYOR STEARLEY: Well, of course we've been working with the County on our Parks and Recreation program in the summer, the YES program.

COMMISSIONER ANAYA: Right.

MAYOR STEARLEY: And our library. You supported us last year and we just started our own library and very successfully and having attendance of over a thousand people a month, like 1500 people a month. A great need for library services. So you gave us \$20,000 last year; we're very appreciative of that.

COMMISSIONER ANAYA: Okay.

MAYOR STEARLEY: I know we're all strapped, but you asked so that was a project we're doing together.

COMMISSIONER ANAYA: Thank you. Thank you, Madam Chair.

COMMISSIONER VIGIL: Anything further? Seeing none, thank you very much. Thank you, City Councilors for being here. We really appreciate you taking the drive. And with that -

COMMISSIONER ANAYA: Madam Chair, Rita Loy might want to say something. Councilor Rita Loy.

COMMISSIONER VIGIL: Councilor, welcome.

RITA LOY SIMMONS: Thank you. I just want to thank you so much for what you have done for Edgewood. We have a fire station on Dinkle Road that came on line, what? Three years ago or two? The Thunder Mountain station. We appreciate all that you've done, Commissioner Anaya. Commissioners, I have a small token or our appreciation until you're better paid.

COMMISSIONER VIGIL: We take tokens.

COUNCILOR SIMMONS: That's exactly what this is, but maybe you'll wear it in memory of us.

COMMISSIONER VIGIL: Thank you very much, Rita. Appreciate it. Was there anyone else that wanted to say anything real quick?

COMMISSIONER ANAYA: Councilors, thank you all for attending. Mayor, we appreciate it. Thank you.

COMMISSIONER VIGIL: Thank you all for being here. We appreciate it. Roman, the Chair stepped out, so what item – I know that we had to move this item up on the agenda. Where are we? Are we back at Finance?

MR. ABEYTA: We're back at Finance, yes. Well, we're back at Community Services.

COMMISSIONER VIGIL: Before I do that I'm going to call on Commissioner Anaya.

COMMISSIONER ANAYA: Before the Town Council and the Mayor leave, Roman, what time frame are we looking at to maybe get back with the Town of Edgewood?

MR. ABEYTA: We can start working on this within the next 30 days.

COMMISSIONER ANAYA: Okay.

MR. ABEYTA: And then give an update to the Board. But between now and then we'll be in contact with the Town of Edgewood.

COMMISSIONER ANAYA: Okay. Good.

MR. ABEYTA: We can work with this next month.

**XIV. A. Community Services**

**3. Approval of Santa Fe County Fiscal Year 2011 Sole Community Provider Match Contribution to the New Mexico Health & Human Services Department for CHRISTUS\St. Vincent Regional Medical Center, Espanola Hospital, and Los Alamos Medical Center Sole Community Provider Funding (Community Services\Health & Human Services)**

JOSEPH GUTIERREZ (Community Services Director): Mr. Chair, Commissioners, again, Steve Shepherd would be making this presentation but he is out sick. I'll just give you a brief intro and Teresa is obviously the numbers person that can address any questions. But this is, what we have today is the amount for sole community provider for fiscal year 2011, and I was going to give you a few facts.

COMMISSIONER STEFANICS: Madam Chair, we have nothing in print about this whatsoever. We have the caption.

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, we want to present the information today. We're not sure whether or not we're going to be ready to make a – to set the amount, but we do want to at least have this discussion today and get a feel from the Commission because we're not quite ready to recommend an amount, but we do need to have the discussion.

COMMISSIONER VIGIL: Okay. So rather than this being an approval, it will just be a discussion. Okay. Joseph.

MR. GUTIERREZ: The amount for the fiscal year 10 sole community provider that the County provided was approximately \$5.2 million – between \$5.1 and \$5.2

million for FY10. Earlier this morning you heard the hospital's request. I believe it was \$8.1 for fiscal year 2011. The numbers that we have for actual indigent claims for I think the current year or the prior year that I got from Steve was about \$4.5 million at this point. And I'll let Teresa give you the rest of that information.

COMMISSIONER VIGIL: Thank you, Teresa.

MS. MARTINEZ: Madam Chair, Commissioners, I'll give you some historical information and then just tell you the impacts for both Santa Fe County and the hospital. In fiscal year 2010, the current fiscal year, Human Services notified us that our base match would have been \$6.8 million, and that would have covered Espanola Hospital, Los Alamos Hospital, and St. Vincent Hospital. And also in fiscal year 2010 there were stimulus dollars that helped the County, so it basically provided a credit of \$1.7 million in total to Santa Fe County. So our SCP required payment last year was about \$5.2 million.

Now, what that meant for the County is that we have GRTs coming in just at \$9 million. So we use \$5.2 million, statutorily required, to pay \$5.2 million based on the previous year's amount of indigent claims to fund SCP. So that leaves the difference to fund our health programs. So as you know, we are on our third round of budgetary cuts this fiscal year and that's how we've managed our health operations as well as our RECC operations and our jail medical operations. Current information from Human Services says that the base request for fiscal year 2011 would be closer to almost \$8.4 million for Espanola, Los Alamos and St. Vincent's. If we are asked today to make a recommendation it would be difficult for me because we're looking at two sides. Obviously, I'm trying to protect the County's interest and in doing that, if I have to fund \$8 million for SCP then I've just eliminated a whole Health Division for Santa Fe County.

So these are the hard decisions that we have to face. Last year we were able to cut \$5 million. That was our shortfall last year. When we paid the \$5.1 million we were lacking just a little bit better than \$5 million to fund our health operations, RECC and jail medical. We were able to sustain the budget by making cuts to all of the budgets as well as utilizing cash. So obviously, one of the questions is if we go into 2011 and we try to fund at the recommended level or at least at the minimum what we funded this current fiscal year we would be looking at again having to utilize cash to sustain our operations. And then we probably would be close to out of cash in some of the funds, and then a small amount of cash in some of the other funds.

So the difficulty today is knowing that at a minimum we could be looking at \$8 million. Do I know if there's going to be a credit by stimulus dollars? No, I don't have that confirmed yet. So the reason we say we were not prepared to make a recommendation is that we don't know what the final numbers are with regard to stimulus dollars, and worse case scenario is I'd be looking at \$8 million in total to fund, and if I have to fund a total \$8 million value for SCP, then we have some hard decisions to make with regard to our health operations and the potential impact to our Regional Emergency Communications Center, as well as to the medical component of our adult facility. So those are the concise numbers for your consideration.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. That went by really fast so I just want to check some numbers again. What is our total budget for our health programs, excluding the sole community provider?

MS. MARTINEZ: Excluding sole community provider, what we tried to fund last fiscal year – let me preface it by saying my current budget that I'm trying to fund is \$12 million for everything.

COMMISSIONER HOLIAN: Including the sole community provider.

MS. MARTINEZ: No. Everything including jail and RECC. Because I have a jail medical component of \$5 million that is reliant on this as well. So if I take the jail component out of that then I'm trying to fund \$7 to \$8 million for our health operations.

COMMISSIONER HOLIAN: Okay. And how much is coming in to us for all the operations, including sole community provider, and then we have the other gross receipts tax for the RECC, right?

MS. MARTINEZ: Right. Our total revenue source to support this are the two GRTs, and that, this year, I think we have that just over \$9 million. It's \$9.6 million if I'm not mistaken, this fiscal year. Next fiscal year – we've witnessed a couple of months of a downturn in the GRT, so if we forecast an additional cut next year I'm thinking we'd be more in the \$9.2 million revenues to sustain sole community provider required payments as well as our operations.

COMMISSIONER HOLIAN: Okay. Thank you, Teresa.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Teresa, I realize everybody at the hospital as well as the County would like to know sooner rather than later for budget planning purposes, but when do we need to make a decision?

MS. MARTINEZ: We have to absolutely make a decision by February 15<sup>th</sup>. So we had a little comfort knowing that we still have one more BCC meeting before that time period.

COMMISSIONER STEFANICS: But, Mr. Chair, we're not having our budget study session until February 16<sup>th</sup>, the day after. It seems like we're – that old saying – putting the cart before the horse or whatever. I feel like I need some written numbers to look at to really put everything into perspective, not just the projected expenditures but also the projected revenues so that – and maybe even something historical. Because one of the things we have talked about here was whether or not the City needs to pay a little more to the RECC.

Now, it was kind of interesting because at our last RPA meeting there was some discussion about using some of the RPA funds that are available for a joint project, and one – a Commissioner brought up RECC and the City said, oh, no. That's already taken care of in a JPA and wouldn't hear about it. So I think that we're looking at some of our services that we need more money for that's not going to be easy. So whether the RPA accepts it as a joint project and needing more money or not we need to find more money. And if we're not

successful in getting more money from the City for the RECC, then it looks like we will have to trim somewhere. And it could be a great amount of money.

MS. MARTINEZ: That's correct, Commissioner.

COMMISSIONER STEFANICS: So I think, Teresa, what I'm also asking you is what possible – and when I ask for some kind of spreadsheet or a piece of paper, is what types of resources, revenue streams we could look at that we're not receiving yet. Or that could be changed somehow.

MS. MARTINEZ: Okay. We can do that.

COMMISSIONER STEFANICS: Thank you. But I think this February 15<sup>th</sup> and the February 16<sup>th</sup> dates are kind of a little enigma to me now that we're going to have the budget meeting the day after we have to make a decision about this. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Commissioner. You've probably already answered these questions but I walked in a little late. How much money is the hospital asking for?

MS. MARTINEZ: St. Vincent Hospital? Commissioner Anaya, that would be – let me look at the 2011 - \$8.2 million, almost \$8.3.

COMMISSIONER ANAYA: \$8.2 million? And what about Espanola and Los Alamos?

MS. MARTINEZ: Espanola's asking for \$113,500.

COMMISSIONER ANAYA: And that's included? Or that's extra? \$113,000.

MS. MARTINEZ: \$113,500.

COMMISSIONER ANAYA: Okay.

MS. MARTINEZ: And Los Alamos is asking for \$12,700.

COMMISSIONER ANAYA: And where would we get this money?

MS. MARTINEZ: This basically has been met in years past by the two GRTs, the two 1/8 GRTs that we have, which together generate about \$9 million or a little bit better, depending on the year.

COMMISSIONER ANAYA: And now we don't have that money?

MS. MARTINEZ: We still have the money, but that money now is dwindling. So GRTs are down, and that money is needed to sustain both our SCP payment – the sole community provider required payment – as well as our health operations and portions of our Regional Emergency Communications Center, and our medical component at the adult facility.

COMMISSIONER ANAYA: So the \$9 million that you're talking about and the things that you just mentioned, that's what that \$9 million goes for.

MS. MARTINEZ: Exactly. So you don't think we can come up with the \$8.2 million, the \$113,000 for the other hospitals. Right?

MS. MARTINEZ: That's correct, Commissioner.

COMMISSIONER ANAYA: So what can we come up with?

MS. MARTINEZ: If you ask me for my recommendation today I would say

the minimum requirement and my hope was if we had to, we'd stay like we matched this year, just over \$5 million. Which is detrimental to the hospital and would still require us to go into next fiscal year at the cut level that we're at.

COMMISSIONER ANAYA: I'm sorry. I didn't hear the total number, Teresa.

MS. MARTINEZ: \$5.2 million.

COMMISSIONER ANAYA: \$5.2 million. I'm sorry. Go ahead.

MS. MARTINEZ: So, Mr. Chair, Commissioner Anaya, I guess what I'm just saying is there's not enough resources to try to accommodate the SCP required payment as well as our operations. We can't make both. We can't meet them.

COMMISSIONER ANAYA: Okay. So your recommendation – or you don't have a recommendation. You're just saying that you have \$5.2. It's up to us to make the decision. I know that. Roman.

MR. ABEYTA: Mr. Chair, Commissioner Anaya, perhaps we need to hear from the hospital, because again, we're not required to do the \$8.2 million. We're only required to do what the indigent claims are, which is \$4.5 million. So if you did that, or a little more than \$4.5 million and you continued to fund the Health Department – but if you can't, or if you give \$8.2 million, then you can no longer fund the Health Department. So that's really what it boils down to. And maybe there's something we could come up with that will – where we could help both the hospital and sustain the Health Department but we really can't.

COMMISSIONER ANAYA: Well, Mr. Chair, that's what I would like to see. I would like to see that we get the hospital their \$8.2, and that the hospital, through other funds, other resources, help us. Because you heard, Alex, what our problems are. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Any other questions, comments? Alex.

ALEX VALDEZ: Good afternoon, Mr. Chair, members of the County Commission. Believe me, I appreciate the conversation that you had and I've got to say that this is an incredibly challenging year for all of us. My desire is if we're able to figure out how we can work through this process quickly and together, because it is a shared responsibility, I believe. I appreciate the number of \$4.5 or \$5.1 million in terms of actual claims that have been paid, but let's recall the conversation from this morning when Commissioner Stefanics indicated she had met with primary care physicians and they were challenged with the application process.

We have the same issue in the hospital, and that is trying to get claims prepared to be able to submit when people have already received services. We need to get all sorts of information to be able to submit. And for all intents and purposes they've checked out from that responsibility from getting the documents to us and things of that nature. So we find ourselves in the situation where we are many times unable to submit the claims, and it just goes into a self-pay account and lands up hitting our negative balances at the back end. Because we're not able to do the necessary accounting because of the complexity of the system that we have, and we have that in all seven counties with requirements that vary from

county to county.

So we need to understand that we find ourselves in that same situation. What I did ask our hospital to do was to submit claims to the County even if they land up getting rejected for one reason or another, so that we can have a good feel at the County level in terms of what the actual experience looks like at the hospital. So without taking action today that enables me to be able to package that information for you and make it available to you so that you have a more realistic presentation in terms of what uncompensated care looks like for Santa Fe.

In order to be made whole in terms of what we received this current fiscal year from sole community provider funding, because of the enhanced FMAP, instead of the \$9.3 million that the County put up, that number is down to \$8.2, and that's why I indicated, in order for us to be held whole going into this next year we would need \$8.2 million in match to come from the County.

We've had our discussions around the memorandum of agreement that we used to have and our ability to be able to provide or to contribute to the County any number of services, and I'm happy to continue with that conversation with you. But we need to get to the table and have that conversation. I proposed several options that we may be able to look at on items that are more direct service. It calls for change for both the hospital and it calls for change for the County, and change is always difficult but I think now is the time for us to really try to force ourselves to look at the world through different tinted glasses and see how best we can accomplish our mutual ends in this respect and try to keep our budgets as intact as possible. \$8.2 is our request and that is what would keep us whole. Thank you, Mr. Chair, members of the Commission.

CHAIRMAN MONTOYA: Okay. Thank you, Alex.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I still have a problem with the 15<sup>th</sup>, 16<sup>th</sup> issue. We're going to be studying the budget the day after we have to make a decision on this and unless we come back with a great deal of information at the 15<sup>th</sup> meeting from finance I think it's going to be kind of hard to decide. Because if we decide a high amount, as Commissioner Anaya has suggested, then we might be cutting out our own HSS Department. And I think we need to be aware of everything we're going to be doing when we make these decisions.

MR. ABEYTA: Mr. Chair, we may be able to move the budget study session up if the Board's available. We can start working on that, and move it up before the 15<sup>th</sup>.

COMMISSIONER STEFANICS: Well, I know it's busy, Mr. Chair, but I'm wondering, is the February 15<sup>th</sup> the necessary date for this?

MR. ABEYTA: That's the state or federal deadline, yes. That's the state deadline.

COMMISSIONER STEFANICS: So what I'm saying, Mr. Chair, Commissioners, is we could be making a decision on the hospital and affecting or hurting one

of our own departments if we don't have the whole picture. That's all I'm saying. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I don't want to affect or hurt any one of our departments. So can you meet with the hospital, Roman, and try to come up with something?

MR. ABEYTA: Mr. Chair, we can do that, and we could also maybe move our budget study session up to the 9<sup>th</sup>, where we're already scheduled for BCC. That usually starts at 3:00 – or no, that starts at 2:00. So we could move it up to 1:30. Make sure we don't have anything on the agenda that isn't a public hearing that starts later that evening, and we can have a two or three hour budget study session. And then maybe even put this as an action item afterwards in case we're ready to take action.

COMMISSIONER VIGIL: I think that's a really good way to move.

CHAIRMAN MONTOYA: I think everyone's shaking their heads yes.

MR. ABEYTA: Okay. We'll notice that meeting for 1:00 and have from 1:00 to 4:00 or 5:00 a budget discussion and then also get back into this. And then in the meantime, Teresa, myself and Alex will be meeting and trying to come up with options that the Commission can consider that day.

CHAIRMAN MONTOYA: Okay. So we'll go February 9<sup>th</sup> at 1:00. That will be our budget.

MR. ABEYTA: Yes.

CHAIRMAN MONTOYA: Okay. Is there anything else on that, everybody?

#### **XIV. B. Finance Department**

##### **1. Review and Discussion of the Quarterly Financial Report**

MS. MARTINEZ: Mr. Chair, Commissioners, I think the report changes every time we meet but what we tried to do with this report was give you as much information as possible. Included in your packet was probably a little bit more than you're used to seeing, but we had total budget charts, total budget Countywide, general fund, fire and corrections. And the reason I did that was to help the Commissioners understand what our total budget is and give you a historical perspective in light of the recent comments that our budgets have quadrupled in the last four or five years.

So also included, the standard quarterly stuff, the unaudited receipts in total for all funds, unaudited disbursements, unaudited property tax collections, and then I gave you some of our stand monthly report charts that I get to see, to see how things are going.

So again, the total budget charts were for informational purposes and mainly to say that I think there's a big misconception in the public in that our budget has grown four times in a short time. That's not necessarily the case. If you look at the charts they're stacked, so you can see what salaries and benefits are in red, capital purchases in the golden color, and other expenditures in the yellow. For our purposes, our budget is mainly salaries and benefits

and other expenditures. And you can see from year to year those haven't increased four times in value.

When we look at a good year of 2009 and 2008, our salaries and benefits ranged anywhere from \$57 to \$61 million Countywide. When you look at the 2010 budget we are flat at \$61 million, and a lot of that can be attributed to a lot of the cost-saving measures that we've implemented and a lot of the positions that we've frozen and held off on filling. When you look at the charts you can see that the majority of the budget is relative to capital expenditures. And 2009, obviously, was a good year in that we had \$176 million in expenditures budgeted. And I just want to make it clear that when you're dealing with capital purchases, those are very specific with regard to their funding source. So if it comes from bond funding then it's very earmarked, if you will. You can only use it specifically for what that bond was sold. If it's a special appropriation, then that is also earmarked for a particular project based on that appropriation.

So you can't look at the budget collectively and think that you have \$200 million to go and plug all the holes that we have. We can't use all of that money to take care of our fire department. And I think a lot of the misconception was that we have a \$224 million budget – why are we trying to implement a fire excise tax? Well, a lot of these funding sources are earmarked and very specific about what they can be used for. So that was the point of the total budget charts.

If you look at the budgets, the general fund, fire, and corrections, trying to compare them to fiscal year 2005 to the current budget, the general fund grew mainly because we did set-asides. We were able to put set-asides for water. We had the 1/16 GRT dedicated to our judicial center. We had an oil and gas ordinance that we most recently completed and we're currently working on our growth management plan and Code rewrite. So that contributed to the general fund growth.

If you look at the drop in the fire department a good portion of that is going to be attribute to the fire excise tax and the last of that tax, which very much affects our ability to maintain our capital infrastructure and equipment needs. So again, we're working on that and we'll come back to you with a presentation. Corrections budget has grown from \$17 million in fiscal year 2005 to \$22 million in fiscal year 2010. And a good part of that can be attributed to the recently increased services for the medical component at the adult facility. So overall, we've not witnessed a quadruple growth factor in our budgets.

The unaudited receipts and disbursement charts are based on a calendar year, and that's just to show you kind of where we fared with regard to mainly property tax revenue, how much we collect, how much we distribute, and what we brought in for the GRT. Property tax revenue for Santa Fe County materialized at \$53.5 million. What we distributed to other entities was \$81.5 million and then we had gross receipts tax, capital improvement funds, enterprise funds, and if you look at the enterprise funds, if your memory recalls from years past that was much higher. The enterprise went down because we recently transferred our corrections operations from an enterprise fund to special revenue fund. So that is sitting in a different place. And I apologize because the dark blue is difficult to read. So we'll

change that for next go-round.

If you look at the disbursements, this is just to give you an idea by our own operational categories how much we disburse Countywide, and obviously the largest component of our expenditures is our salaries and benefits, just at \$54.5 million. Again, you can see, the dark blue probably difficult to read, our capital purchases were at \$89.8 million. Tax distributions to other entities, \$81.9 million, and our debt service component was \$15 million. Those were our debt service requirements.

The next chart is the unaudited property tax collections and distributions, just to show you what we bring in in total and what we have to disburse and who we make those disbursements to. We disburse \$64.7, almost \$65 million and the entities that receive that are the Santa Fe Schools, the Pojoaque Schools, Espanola, Moriarty, and also the Santa Fe Community College. So this is mainly informational for you so you can see how those property tax dollars are collected and disbursed.

The next couple of charts are something we do on a standard monthly basis, and what I included for you was the revenue so that you could see how the revenues are materializing. We have areas where we're at budget or just better. We have areas where we are under budget. But cumulatively we are at budget and a little bit better. So that's good news. I've also included for you the breakdown of revenue relative to property tax and the GRTs, both countywide and in the unincorporated areas so you can see how that activity came in for the first and second quarter. You can see that with Santa Fe, with the property tax we're basically on budget, thank goodness. And we had \$12 million budgeted in the month of January for collections so I'm interested to see that that comes in at the \$12 million. That will leave us with another \$11 million to collect for the remainder of the fiscal year. So through December collections are on budget.

And if you look at the gross receipts tax we are just about cumulatively two percent better than budget, which is good, but cautiously I tell you and warn you that the last two months of collections have been down from the previous years and just under budget. So we'll be watching that closely and my hope is that we'll still make our budgeted projections for GRT. If they continue to decline we will probably go into the next fiscal year recommending an additional five percent cut in our forecast just to stay above budget with collections.

Also included are the construction permits and the solid waste fees. Construction permits, the reason I included it is it's better than budget, which I hope is an indicator that there's more construction activity coming or to come. So the permits are greater than what we had anticipated. So that's good news.

Solid waste fees are better than budget. And then I included for you the expense categories where you can see that because of cuts that we've made we're doing okay and hopefully we can come in under budget and contribute to a positive cash variance at the end of the fiscal year.

In the category or line item, I should say, that's not doing well is overtime. And this is typical for an overtime budget to be greater – the expenditures to be greater than the actual

budgeted amount. So we have a red flag there and we're watching that. Most of the overages can be attributed to the adult facility. So we'll keep working with the Corrections Director to ensure that our staffing levels are appropriate and right now that overtime is being sustained by the vacancy savings.

Gas and oil was included for your review, travel was included, as well as supplies and expense. And again, these are areas where you're going to see that actuals are definitely under budget and I think you can attribute that to the cost-savings initiatives and the work of the SAVE initiative in trying to deal with these economic hard times. And that is the gist of the report, Commissioners.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. Teresa, I noticed that the ARC and the day reporting is no longer part of your chart, which made me want to ask a broader question. What programs are we no longer participating in? Do you have any kind of a listing of those?

MS. MARTINEZ: I can prepare a listing for you. I know the day reporting is still a small amount. The largest component of that was the ARC and that definitely has ceased now, but I can make a list for you of the programs that have ceased. There aren't many.

COMMISSIONER VIGIL: What is ARC? I'm sorry.

MS. MARTINEZ: Adolescent Residential Center. That was what we were running out of the juvenile facility.

COMMISSIONER VIGIL: And we have traditionalized to that?

MS. MARTINEZ: Yes.

COMMISSIONER VIGIL: Okay. And I guess it would be really important for me to see what programs we are no longer funding and maybe learn why. Because that's sort of – I look at that from a different perspective. I wanted to throw this out, because we just had a presentation from Edgewood with regard to the GRTs. The basis for their request is that they are actually collecting those GRTs within the municipality and they would like, at least at some level – I've received some emails that say they would like to be reimbursed. That concerns me to some extent. I'd really like our Finance Department to look at that, because what's to keep the City of Santa Fe from making the same argument? What's to keep the City of Espanola from making the same argument? What's to keep a traditional historic village who isn't incorporated but has it's own legal status from asking the same thing? I'm concerned about that and so I'd like a fiscal analysis of that, with regard to what that would mean. Because my sense is that the request came with the intent of it being in perpetuity. And GRTs are – although I've made the argument with other people before – are very tenuous to me. They go up and down. So you really can't base a request, especially in this economy, on the status of the GRT, because they're all coming down now.

So that's a concern for me, Roman, and I'd really like that to be a part of the analysis along with what are the GRTs that they're requesting – any limitations.

MS. MARTINEZ: Okay. I can do that.

COMMISSIONER VIGIL: Thanks.

CHAIRMAN MONTOYA: Other questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and thanks, Teresa. On the current or the former comment that was just made by Commissioner Vigil, on the unaudited property tax collection and distributions chart there is a yellow, not a gold, but the yellow piece of the pie has to do with municipalities. Does Edgewood receive a piece of that property tax?

MS. MARTINEZ: I believe so. I'll confirm that. I'll have to check back, Commissioner.

COMMISSIONER STEFANICS: Okay. So we do confirm if they receive a piece of the property tax and whether or not we or the state decide what percentage of the property tax they receive.

MS. MARTINEZ: Okay. I can do that.

COMMISSIONER STEFANICS: Because that might make a difference in how we review the request as well. I had mentioned this informally to you at an earlier time, but Roman, I think that the public oftentimes looks at our website to understand how we spend money. And one of the things I had mentioned and Teresa had already brought up is that oftentimes people are used to looking at operating expenses and capital expenses differently, and when we provide a chart it really does make people think that we're spending two or three times what we've spent in the past. So perhaps we could have a webmaster or some marketing or somebody do something that would be magical and help everybody in the whole world understand our County budget. So that's one of the items.

The other question I had, are counties allowed to have a depreciation fund?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, I saw that question. We don't per se have a specific depreciation fund I think in the way you're intending it. We record depreciation on our financial statements as I believe most do. So annually, we will have a depreciation expense. So we will show how much of that life has matured, if you will, for those assets. Now, in years past we talked about having contingencies, trying to accumulate a capital contingency so that we could accommodate projects where maybe something had gone wrong and we've exceeded our budget, or try to help a department or division like fire right now. But unfortunately the economy came in and we haven't grown that to the level that we'd like. So our capital package has basically been what the general fund can sustain each year.

So we don't have a depreciation fund where it's growing money and it's trying to help accommodate capital expenditures. We allocate what we can on an annual basis, looking at all the funding sources and looking at what those funding sources allow for.

COMMISSIONER STEFANICS: But we do depreciate capital items?

MS. MARTINEZ: Yes, we have to. Statutorily we have to. In governmental accounting principals we have to.

COMMISSIONER STEFANICS: Okay, so if we depreciate capital items has the County talked about identifying what capital items there should be an ongoing replacement fund for? Not contingency but replacement fund?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, we actually try to do that every budget cycle with the budget department and it's a difficult task to do. We work with all of them – fire, water, corrections. We have some huge needs across the board and lack of funding if you will, but it is something that we're trying to work towards with the whole asset management concept. So, yes, we've talked about it but we're not quite there.

COMMISSIONER STEFANICS: Well, Roman and Commissioners, I think that some of our perception with the public is that we have money to just replace things. And if we could say we have a depreciation fund or a replacement fund, and it's limited to that, then it would be very clear that there was a designated pot of money and when that pot of money goes dry we don't have money for everything in the whole world. So we might just want to think about that. I know we don't have a lot of money sitting around but we always know we have to replace things, whether it's computers or trucks or whatever it is. We know we're going to replace them. I think my other questions are for the audit. That's it for right now. Thank you.

CHAIRMAN MONTOYA: Other questions? Okay.

**XIV. B. 2. Request Approval of the Financial Statements and Other  
Financial Information for the Fiscal Year Ended June 30, 2009**

CHAIRMAN MONTOYA: Before we get into that I just want to recognize Ellen Rattner who is visiting from Washington, DC with the Radio News Service. Welcome. I know you're good friends with our Clerk there and thank you for coming to visit her, or are you visiting us?

ELLEN RATTNER: We're working with the New Mexico broadcasters. It's a very unusual partnership.

CHAIRMAN MONTOYA: Oh, excellent. Thanks for being here, Ellen.

COMMISSIONER VIGIL: Welcome, Ellen.

CHAIRMAN MONTOYA: Okay, Teresa.

MS. MARTINEZ: We bring before you the actual audit report. You should have received it. I hope you did. It's quite thick. But the most important thing is that statutorily we are required to bring it to you, the Board of County Commissioners, for final approval before we can release this document. So we're here today to ask you for your approval. And the letter is quite lengthy but I'll try to summarize the audit findings as concisely as I can.

The first one is one that is a recurrent finding, accounting transactions outside of the Financial Department. We have issues where basically our receivables are high because the auditors think that we should and could do a better job on collecting on receivables sooner. And they're right. So we've done a couple of things to try to make this goal and happen and a couple of those things is we have an accounting oversight manager who is charged with oversight of these functions. We have work groups that we do extensive training. We have

designated staff within the Finance Department to help pool any source documents and assist them in preparing the reimbursement claims. So this is an ongoing issue and we're constantly visiting it and revisiting it and trying to figure out a way to improve this function.

One of the recommendations from the auditor is to take all of the field accountants, if you will, and put them under Finance. That would be a huge endeavor that we quite honestly haven't entertained yet because there's not the space, the location, and then the disconnect when they leave their department because they're critical to their departments and the people that they serve. So we're working on this as best we can.

We had some issues with our enterprise fund accounting, so we're working on that. We had a loan that was entered into and we treated it as an expenditure so we've corrected that. The loan requirements have been met. This was for the farmers market through the Regional Planning Authority. So this has been cleaned up, if you will. We had a small amount of fencing that was disposed of and did not follow the statutory requirements for the disposal of assets. So we've worked with the Corrections Department and we've corrected that. So this finding is resolved. And then we're currently working with the IT Department for a disaster recovery plan. So we're hoping that finding will be eliminated by the next audit.

The significant deficiency for cash controls is also a repeat audit finding if you will. We have made some improvements in this area from the last audit but we still have issues that we need to coordinate with the County Treasurer's Office, where the current automated system allows them to make changes so there's not a clean audit trails. So we're going to work with them on that. We're researching cash register options and software options if they're not too expensive a programming requirement.

We also have overages and shortages that we're currently working on in Finance to implement a policy Countywide as to how a department or a division, when working with cash we record overages and underages. We will probably carry the finding of the employee benefits activities for as long as we have an Employee Benefits Committee. So it's an opinion of an auditor and they think we should run it as a not-for-profit entity. So we have some research to do on that.

They had jail reconciliation issues. We converted to a new system and we didn't do a very good job of converting. So we have some impossible reconciling that we need to try to work with the Corrections Department on that finding to reconcile. So we'll do that. And Housing had a small security deposit bank account reconciliation, so they're going to research that and look at all the old outstanding items and hopefully that finding would be resolved by the next audit as well.

The property tax issue, what I did here is I identified the areas that were noted by the auditor and then I gave you the Assessor's response as to how he entertains to try to fix those. And all of this is relative to the fact that we are moving to a computer-aided mass appraisal system. So that should help resolve a lot of the errors and the discrepancies between the actual hard property records and the system. So I'm hoping that we see a big difference in this audit finding for the next fiscal year.

Significant deficiencies for disbursements – these are standard. We've done a little bit

more research and we found out why we're having such issues with our gas cards. Part of it is a vendor issue. We have cards – the cards are segregated by the type of fuel and for some reason, even if they're filling up unleaded it will read diesel and if they're filling up diesel it reads unleaded. So we're working with Wright Express to correct that.

Accounts Payable, we'll continue to work with the Accounts Payable work group and my own staff to ensure there are no overpayments or underpayments, that GRTs are being assessed appropriately. So we will continue working on this finding as well.

Disbursements will probably – I hate to say it – always have a finding because there's always going to be that one invoice where we miss something. So we'll continue our efforts with the A/P work group and also with my A/P staff. And then we had an issue I believe on a medical expense documentation so we're working with Housing as well to make sure that there's sufficient documentation in the file before any of the applicants are set aside. That was a small finding and I think we've already taken care of that from a procedure standpoint. And that summarizes the majority of our audit findings, and I'll stand for questions.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Thank you for all your good work and I know that with every audit there's always room for improvement and you're doing a great job with a large budget. This morning in the Housing Board meeting we talked about the fact that HUD really wants to see the bad debt taken care of, and I think that if we string this out through the entire year we're going to have another finding with HUD again. So my recommendation at that meeting was for you and Roman to talk to the state and see how they handle it in other Housing Authority districts.

On the audit specifically, have you come up with any ideas for the employee benefit fund that could remain internal?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, I think what we've looked at in the past, and I think this just takes some work with probably Steve, Roman and I need to sit down and approach this. The auditors are recommending a not-for-profit. I think we had put some internal controls in place on our side that we felt were sufficient but as long as we have this auditor they'll continue to show this as an audit finding. So I think we probably need to go back to the drawing table and make sure that it works okay by our legal ramifications. But the most we received was make it a non-profit or create a board of three people, one of which could be an employee so they would have oversight over all of the activities of the Employee Benefits Committee.

COMMISSIONER STEFANICS: It might be similar, Mr. Chair, to the Solar Assessment District Board where we could come up with a resolution to create an employee benefits fund and create a board of who has oversight over those funds. So maybe Legal could look at that and see if that would help.

Back to the issue of how different departments innovate with Finance. I understand that you have field accountants out with every division or department, but I'm wondering if those employees, Mr. Chair, Teresa, are those employees your employees or the division/department's employees?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, they're employees of the division/department. They're not my employees.

COMMISSIONER STEFANICS: Well, I'm wondering if those individuals who are in the division or department, if there could be something set up where they have to interface with an account manager in Finance, and they don't get anything paid or they don't get anything done unless it goes through you. And the only reason I'm bringing this up is because of the audit findings. But if the audit is identifying something now it's going to continue to identify it unless there's some change in practice. And you're the only one that's going to know what you could physically work out with employees with authority, with relationships, etc. But it would seem to me that Finance should have the authority over what's happening in the different departments since you're going to be ultimately responsible to the County Manager and then to the auditors and then to the State and then to us for what's happening with our money.

So sometimes people don't like the structure or the rules but maybe your department has to do something different. And I as one person am empowering you to do that. I don't know if the whole board is but I am. So just a comment. I think because it's in the audit as a finding it needs to be addressed. Thank you. And that's all, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Any other questions or comments?

COMMISSIONER VIGIL: Thank you, Teresa. I really appreciate you. I know that you've been going through an audit; it's a difficult thing. Did we have new auditors this year? I can't remember?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, it will be fiscal year 2011 when we will see new auditors. Actually this year. I'm sorry. You're right. We just finished 2009 and we'll have new auditors this year. We're waiting for the State Auditor's approval list, and then we'll be out to RFPs as soon as they produce that list.

COMMISSIONER VIGIL: And I know you always have to adjust to a new audit group and requests are different, so I really appreciate your diligence and your willingness to work with them, and the fact that these findings are do-able. Or that our response to them are do-able. Thanks.

CHAIRMAN MONTOYA: Okay, what are the wishes of the Board?

COMMISSIONER HOLIAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya. Further discussion?

**The motion passed by unanimous [5-0] voice vote.**

**XIV. B. 3. Review and Discussion of the Accounts Receivables for All Funds for the Month of December 2009**

MS. MARTINEZ: I was so happy with the approval I walked away too soon. Mr. Chair, Commissioners, this is typically under Consent so it's my fault for not catching it. This is a statutory requirement where we show you payables and I think Commissioner Stefanics would also like to see receivables. So this is your standard monthly report and I'll stand for questions if you have any.

COMMISSIONER STEFANICS: Mr. Chair, it would be fine with me if this goes into the Consent along with the payables.

CHAIRMAN MONTOYA: Yes, because usually all of the information is under the Consent tab. So that's where it should have been. Okay, do I have a motion?

COMMISSIONER HOLIAN: Move for approval.

CHAIRMAN MONTOYA: I have a motion by Commissioner Holian.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

MR. ABEYTA: Mr. Chair, we're going to request that you table item XIII. B. 9 from the Consent Agenda that was pulled off earlier and we'll be able to give you a better report and presentation next month on that item.

CHAIRMAN MONTOYA: Okay. Do I have a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: So moved by Commissioner Anaya, second by Commissioner Stefanics, to table XIII. B. 9.

**The motion passed by unanimous [5-0] voice vote.**

**XIV. C. Matters From the County Manager**

- 1. Update on Various Issues**
- 2. New Judicial Courthouse Complex**

MR. ABEYTA: Yes, Mr. Chair, I don't have anything new to report on the new judicial courthouse complex, but I do have an update on the census 2010, so I'll ask Hutch Miller to present that. He's taking the lead for us and you can see your cups, your hats, your shirts. So Hutch.

CHAIRMAN MONTOYA: Roman, what was that wall that was being – on

the judicial courthouse? The slurry –

MR. ABEYTA: A slurry wall.

CHAIRMAN MONTOYA: A slurry wall. Because I hear this morning that – is there a slurry wall that can be built to protect Tony Romo from the Dallas Cowboys.

MR. ABEYTA: Oh, yes. They were giving me a hard time.

HUTCH MILLER (Constituent Liaison): Good afternoon, Chairman Montoya, Commissioners. I'm here to just give a short update on the Complete Count Committee that Santa Fe County is a part of, along with the City of Santa Fe and the Census Bureau. My idea is that we'll be coming to you on a regular basis as the Census Day approaches, which is April 1<sup>st</sup>. So I'll go ahead and schedule for another update at the next administrative meeting. Hopefully at that meeting I'll have one of our co-chairs present an update to you.

So far, what the committee is tasked with is just getting out awareness to the different communities of Santa Fe County of the upcoming census and the need to participate in the upcoming census. Since November of 2009 Santa Fe County has started working with the City of Santa Fe to coordinate our efforts to reach out to the people within the county and also the city to raise awareness of the upcoming census. So far we've been working with the Census Bureau to locate and get assigned Questionnaire Assistance Centers, and these sites are places like public buildings within the county that you could go to and ask questions about the census or get help filling out your census questionnaire. And so far we have several County buildings and we also have schools, libraries, community centers, senior centers and other public buildings throughout the entire county to serve as these Questionnaire Assistance Centers.

I've also been working with our public relations person here at the County so we're making sure that we're getting all the information out through our various venues – Twitter, Facebook, our County website. And I just want to offer a thanks as well to other committee members. There was a short notice to give our update at today's Commission meeting so like I had mentioned earlier we'll have other committee members here to provide their view and an update as well as the Census Day approaches.

And the other idea was just to come here and gather any ideas that you had as to how our committee can commit outreach to the public, to bring awareness of the upcoming census and get out there and make sure that we get the message out to whoever it is that you want to see the message being brought to within your communities.

CHAIRMAN MONTOYA: Any thoughts on that?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Hutch, have you contacted the community groups throughout this county? Like Galisteo Community, Cerrillos – the presidents?

MR. MILLER: To my knowledge those particular community groups have not been communicated with. So I'll make sure to coordinate any information we have regarding the census advance and census information to those groups.

COMMISSIONER ANAYA: And what about the fire departments? I know all

the – there's 16 fire chiefs throughout the state.

MR. MILLER: Mr. Chair, Commissioner Anaya, we've taken different census promotional materials to all of our County buildings so I believe that they have been posted at fire stations as well, but I'll check and make sure with Chief Holden.

COMMISSIONER ANAYA: Thanks, Hutch. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, following up on Commissioner Anaya, I'm wondering if we need to have – just like we have a committee of appointed citizens working on this, I wonder if we need to have a committee of County employees who could brainstorm a little bit about this. I don't think we can underestimate how important this will be to us later on in terms of federal funds that come down the pike and that will affect our state and our county. And it's important enough to pay attention to this year.

The other issue that I learned more about since I went on to the open house for the census office here, and I probably should have known it before hand is that the census questionnaire has been shortened drastically to only ten questions, and I think people in the past thought it was – it was page and pages, and I have had several people say to me I'm not filling out that piece of information. I'm not giving them all that information. So the Census Bureau has worked very hard to make it short and not invasive into people's lives. So it really means a great deal to us at the end in terms of if we can show that we have a higher population and receive a different formula for federal funds. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay.

MR. MILLER: Mr. Chair, Commissioner Stefanics, that's part of the idea as well as the group is to work with large employers within the county to make sure that we do reach people through that avenue to make sure that they fill out their questionnaires. Larger employees within the county are government and also CHRISTUS St. Vincent Hospital. So they are partners with the Census Bureau so we're making sure to work with them to get out information so that they participate in the census.

COMMISSIONER STEFANICS: Mr. Chair, what I'm actually suggesting, Hutch, though, is that it's our County employees who come up with ideas. So for example, maybe some of our employees over at HHS can actively do something at the hospital one day, or on some weekends during visiting hours or something like that. So it's more about – if it's something that's going to help us in the long run get some money maybe we need to put a little extra work into it. That's all. Thank you.

CHAIRMAN MONTOYA: Okay. Well, thank you, Hutch. Appreciate the work you're doing on this. Could you do me a favor? I think I had forwarded to Lisa that the National Association of Latino Elected Officials is trying to find out what we're doing in our communities and I told them that we already have a committee up and running. So maybe if you could check with her and get that information so that they know what we're doing.

MR. MILLER: Okay. Thank you, Mr. Chair. I'll go ahead and do that.

**XIV. 3. County Committee Report**

MR. ABEYTA: Thank you, Mr. Chair. I wanted to give you an update on our County committee project that Julie Berman and I have been working on and I also want to present the concept to you and get your feedback and see if it is something that you think we should pursue. As part of our committee work we've been doing, one, we put in your packet behind a conceptual plan, a list of the committees and a potential fiscal impact that those committees are having on our budget or could have on our budget. We already know there is an impact, a fiscal impact, which is staff time for all the various committees and when we have to have committees transcribe the minutes, things like that. But we also discovered as part of this project that we may be responsible for paying per diem to each committee member of at least \$95 a meeting. And so this is just a real rough estimate but if you take the number of committees we have, the number of members, then you're looking at a hard fiscal cost – again, not including staff time and everything else that we put into it – of \$137,000 a year that we would have to come up with to keep the same number of committees going that we have.

So given that, and taking a look at the other things that we're currently working on, for example, the Sustainable Land Development Plan, we've come up with a conceptual plan to help address the number of boards and committees and what that is is that we would create, in addition to the County Development Review Committee, which the plan is going to recommend that we turn that into a Planning Commission, which I think we've already done. In addition to that we would propose two other committees. One would be a Capital Improvements Infrastructure Committee or Commission, and the other would be a Community Services Planning Committee or Commission.

Now the purpose of the Capital Improvements Infrastructure Commission is two-fold. One is we would take all of the existing committees that we have right now that deal with capital improvements, such as roads, water, wastewater, open space, and we would put them all under this Capital Improvements Infrastructure Commission.

Now, the other purpose would be that the Sustainable Land Development Plan is going to require us to adopt a countywide capital improvements plan once a year, so it would be good to have this one committee to be able to funnel all the information and all the projects through, and then this committee would make at least an annual report to the Commission on CIP specifically. But we would probably envision that both this Capital Improvements Committee and this Community Services Committee would report to the Board maybe quarterly or twice a year. And what we would do then is underneath these two new committees we would take the existing committees as we now know them and either reconstitute them or keep them operating the way they are, but they would become more work groups or task forces that would meet on a regular basis or quarterly basis, and then they would report again to this Community Services Commission or to this Capital Improvements Commission.

We would propose that these two new commissions have five members and each

member would be appointed by one of the County Commissioners. And again this Commission, we would set out a work plan for the Commission and we would require of them that they report to the Board of County Commissioners either quarterly or at least twice a year. And then again, we would then go into the existing committees such as the Health Policy and Planning Commission, or the DWI Council, the Pojoaque Valley Wastewater Treatment Committee, and we would either consolidate some of these work groups or reconstitute them and make sure that they have specific projects or issues that either the Board of County Commissioners or these two commissions would have them work on.

So again, this is just a concept that I want to run by the Commission, see if there's any major objections to this, because then our next step would be Julie Berman and I would then work with Legal and we would flesh out all the legalities and then bring forward, hopefully within the next 30 days, a plan that you can take action on that would include the necessary resolutions in order to put these into effect. Again, I think for sure we really need to go this route when it comes to capital improvements and infrastructure because the Land Development Plan puts a really big emphasis on coordinating capital improvements throughout the county. So myself and Julie Berman are available for any questions you may have.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Roman. Well, at least on the face of it, to me it looks like a good idea. With these work groups, am I to understand that they would not require per diem?

MR. ABEYTA: Right. That would be one of the purposes behind this is so that we don't have to be paying per diem.

COMMISSIONER HOLIAN: However, I assume that the commissions would, if indeed we formed them, they would.

MR. ABEYTA: Yes.

COMMISSIONER HOLIAN: And the Planning Commission would as well.

MR. ABEYTA: Yes.

COMMISSIONER HOLIAN: So there would be just three bodies then that would require the per diem.

MR. ABEYTA: Right. And you're only looking at five for each of the commissions, so ten, plus CDRC is seven members. So you're only looking at 17.

COMMISSIONER HOLIAN: Okay. Now, what about the idea of new committees? Like for example we created that little task force that looked at solid waste. Would the Commission still make recommendations for task forces that should be created?

MR. ABEYTA: Yes. And we would continue to create task forces for whatever the purpose was and we would probably want the task force to fit under either the Community Services, if what their task is is more related to Community Services, or in the case of solid waste, we would want them to report to this Capital Improvements Commission and then that one come up to the Board of County Commissioners. So yes, we'd continue to create task forces.

COMMISSIONER HOLIAN: And would the work groups still – what kind of staffing would they have from the County? Would it be sort of more or less the same that's happening now, or would the Commission have staffing that would then –

MR. ABEYTA: We would want the commissions to have staffing and what we would do is, as part of this project, we would try to consolidate and change the makeup of some of these work groups so that they're not so reliant on staffing.

COMMISSIONER HOLIAN: Okay. And then the BCC would get information by the commissions making a report to the BCC on a periodic basis.

MR. ABEYTA: Yes.

COMMISSIONER HOLIAN: As needed.

MR. ABEYTA: Yes, and that report, for example, with the Capital Improvements, will include an update from all the different work groups that report to it.

COMMISSIONER HOLIAN: Okay. And I guess in speaking of capital improvements, do you envision that the commission would actually make recommendations or priorities?

MR. ABEYTA: Yes. Yes. And again that is what the Land Development Plan is contemplating right now is that we need some kind of board or mechanism to assist us with prioritizing IP projects.

COMMISSIONER HOLIAN: Okay. Thank you, Roman.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I just wanted to comment that I think that Roman and Julie are trying to be conscious about budget, be conscious about what state statute says about all our commissions and I appreciate that very much. I also think this would offer an opportunity for all the Commissioners to appoint people from their districts to these groups, in case we have kind of lost that along the way, and I just wanted to thank them for their work on this.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I don't have a problem with what you're doing.

MR. ABEYTA: Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: This is looking like a good direction.

CHAIRMAN MONTOYA: I just had a couple of questions. In regards to – was it considered that some of these are like state mandated? Like the DWI Planning Council, the MCH Council? RECC?

MR. ABEYTA: Yes. We've done all of that research and we know which ones are and aren't, so we'll be sure that now our next step again is Julie and I will sit down with Legal and we'll work through all that. But we have identified which are mandated and which aren't.

CHAIRMAN MONTOYA: Okay. So the ones that aren't mandated, they're likely to continue on as well? Is that –

MR. ABEYTA: Perhaps, in some form or the other. It just depends.

CHAIRMAN MONTOYA: Okay. All right. This looks very good. Thank you both. Appreciate it.

MR. ABEYTA: Thank you, Mr. Chair. Those are the Matters from the County Manager.

**XIV. D. Matters From the County Attorney**

**1. Executive Session**

**a. Discussion of Pending or Threatened Litigation**

**i. Discussion of Proposed Stipulation in PRC Case #09-00260-UT**

**b. Limited Personnel Issues**

**c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**

MR. ROSS: Mr. Chair, we need a closed executive session to discuss pending or threatened litigation, the stipulation in the PRC case that we've been talking about lately, and discussion of the purchase, acquisition of real property or water rights. At this time I don't have any limited personnel issues.

COMMISSIONER STEFANICS: I would like to bring up limited personnel issues.

MR. ROSS: Okay. Good.

CHAIRMAN MONTOYA: Okay. Do we have a motion?

COMMISSIONER STEFANICS: I move that we move into executive session to discuss the pending or threatened litigation, the limited personnel issues, and the purchase, acquisition of real property or water rights.

CHAIRMAN MONTOYA: Okay. Motion.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Roll call.

**The motion passed by unanimous [4-0] roll call vote with Commissioners Holian, Stefanics, Vigil and Montoya all voting in the affirmative. [Commissioner Anaya was not present for this action.]**

CHAIRMAN MONTOYA: Okay. And we'll need, about what, Steve? About half an hour?

MR. ROSS: An hour.

CHAIRMAN MONTOYA: So we'll be back about 4:30.

[The Commission met in closed session from 3:25 to 4:10.]

COMMISSIONER STEFANICS: I move that we come out of executive session having discussed pending or threatened litigation, we did not discuss limited personnel issues and we did discuss discussion of the purchase, acquisition or disposal of real property or water rights, without having made any decisions.

COMMISSIONER VIGIL: We also discussed the PNM case, correct?

COMMISSIONER STEFANICS: That was pending or threatened litigation.

COMMISSIONER VIGIL: Okay.

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: There's a motion and second.

**The motion passed by unanimous [3-0] voice vote.** [Commissioners Holian and Montoya were not present for this action.]

**XIV. D. 2. Discussion and possible action regarding a proposed stipulation in PRC Case #09-00260-UT**

COMMISSIONER VIGIL: I think we do need to take action on what the outcome has been with the PMN case. I defer to you, Steve.

MR. ROSS: Madam Chair, we have in front of us, we discussed it a little bit in closed session and a lot last time. So the one issue that was remaining after the last time we discussed this was the issue of whether the credits that are the subject of the stipulation were going to be paid monthly or whether they were going to be paid in some manner like over a year or three years to people who install solar systems on their homes. And the information that we have now is that the credits will be paid monthly up to the amount of electrical power that you use in that month and then annually, you'll get a check for any that you generate above your monthly usage. So the litigants responded to your concerns in that regard in that manner.

I think this is ready for action.

COMMISSIONER VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I move that Santa Fe County sign the proposed stipulation in PRC case 09-00260-UT.

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: Motion and a second.

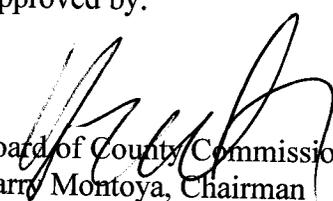
**The motion passed by unanimous [3-0] voice vote.** [Commissioners Holian and Montoya were not present for this action.]

COMMISSIONER VIGIL: Are there any other items, Mr. Ross?  
MR. ROSS: I don't think so. Thank you.  
COMMISSIONER VIGIL: Any other items from the Commission?

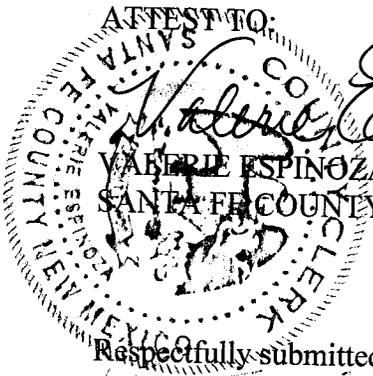
**XV. ADJOURNMENT**

Vice Chair Vigil declared this meeting adjourned at 4:15 p.m.

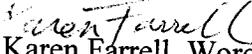
Approved by:

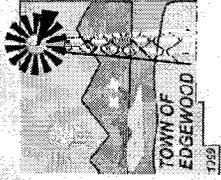
  
Board of County Commissioners  
Harry Montoya, Chairman

ATTEST TO:  
  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK



Respectfully submitted:

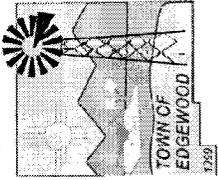
  
Karen Farrell, Wordswork  
227 E. Palace Avenue  
Santa Fe, NM 87501



# **Edgewood Wastewater Project**

Presented to the  
Santa Fe County Commissioner  
January 26, 1010

**Presented by:**  
**Bob Stearley, Mayor**  
**Karen Mahalick, Administrator**



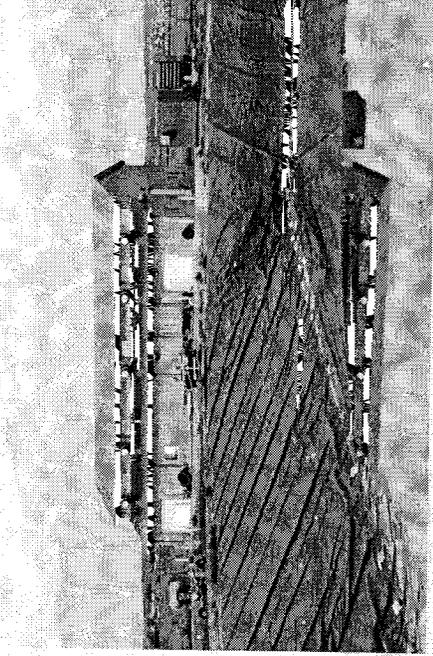
## **Purpose**

- Groundwater protection
  - Protection of water quality for future generations
  - Effluent reuse for parks and public right-of-ways
  
- Economic Development
  - EMPLOYMENT OPPORTUNITIES for County residents
  - Increased property values and PROPERTY TAX
  - New Businesses – Increase in GRT

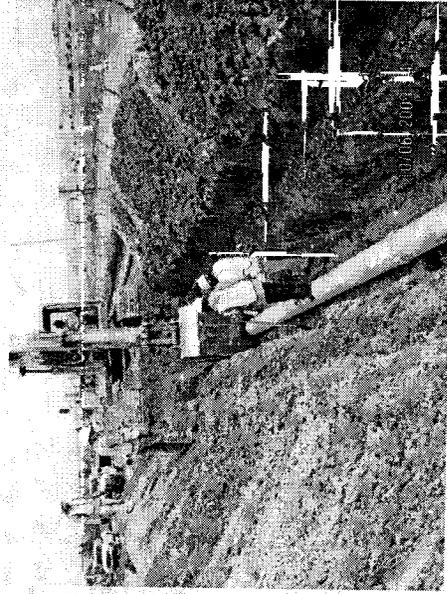
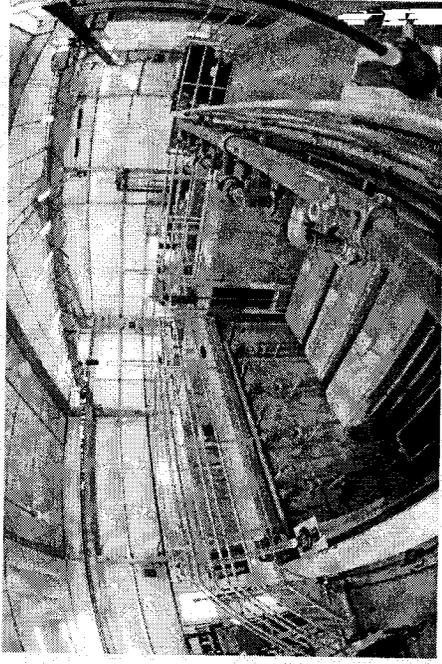
*-An investment for our future!*



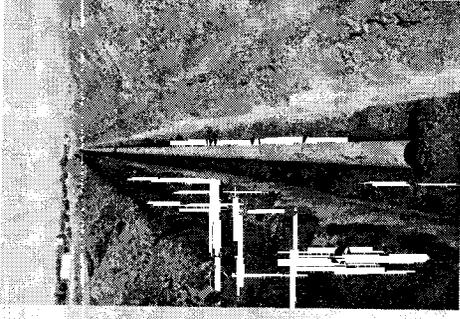
# Wastewater Treatment System

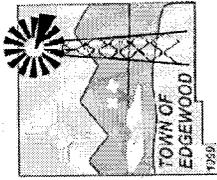


**Phase I**  
**WWTP**  
**Built in**  
**2007**



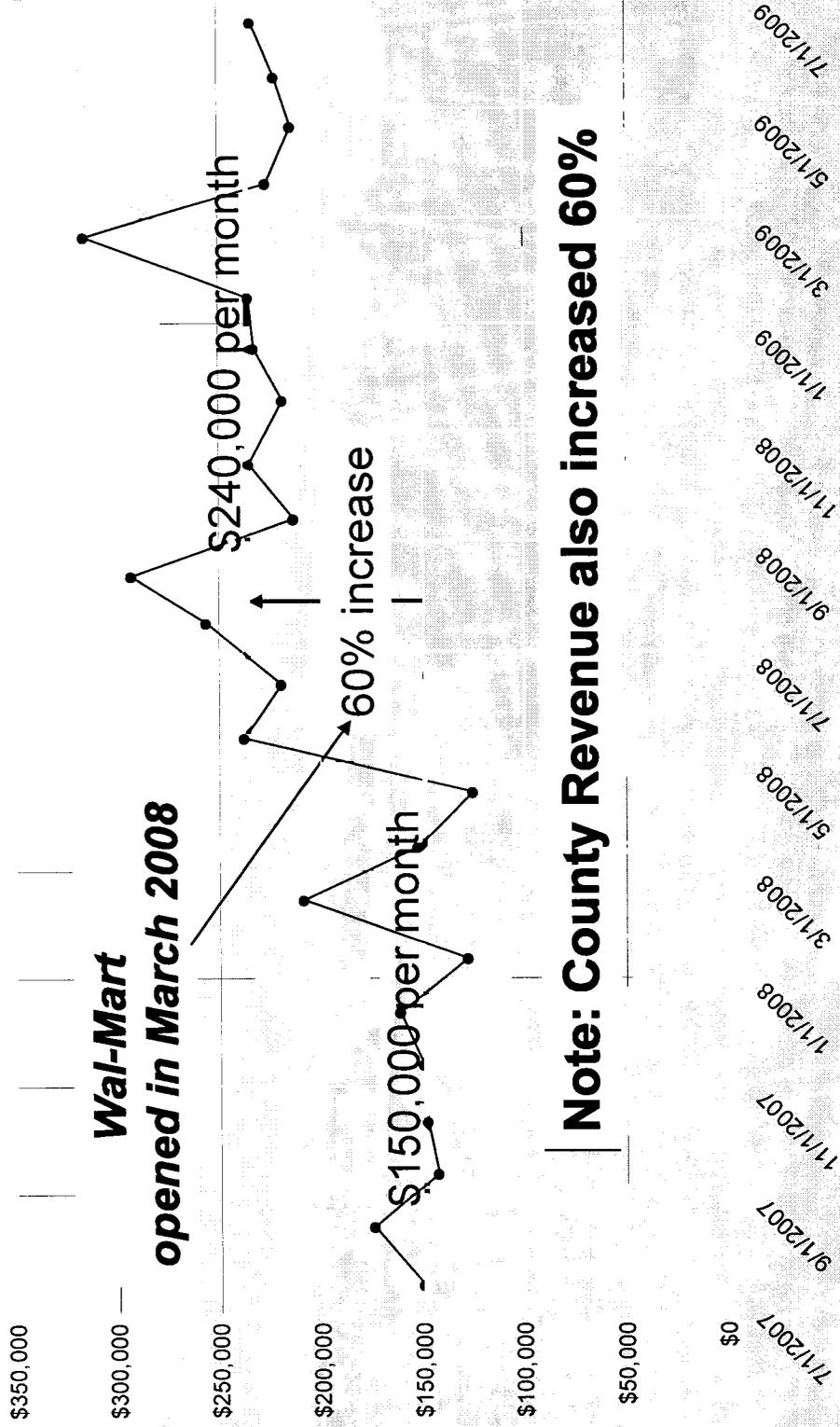
**Phase II**  
**Collection**  
**Lines**  
**Under Construction**





# Wastewater Project Encourages Wal-Mart to Build

Edgewood Non-Construction Revenue



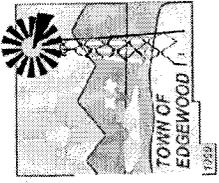


# County Capital Outlay Revenue

(Water and Wastewater Revenue)

CALENDAR YEAR		CAPITAL OUTLAY (0.25%)
2003	\$	143,310
2004	\$	148,959
2005	\$	154,700
2006	\$	145,388
2007	\$	233,133
2008	\$	309,029
2009	\$	282,914
2010 (YTD)	\$	22,081
LIFE TO DATE	\$	1,439,514

Note: The County is collecting nearly \$300,000 per year



# County Support

- Total Cost \$6,650,000
- Town has raised \$5,450,000
- County Capital Outlay \$1,200,000
- Needed Revenue \$ -400,000
- \$ 800,000