

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 29, 2017

Henry Roybal, Chair - District 1
Anna Hansen, Vice Chair - District 2
Anna Hamilton - District 4
Ed Moreno - District 5
Robert A. Anaya - District 3

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August 29, 2017

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:26 p.m. by Chair Henry Roybal in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

Commissioner Henry Roybal, Chair
 Commissioner Anna Hansen, Vice Chair
 Commissioner Robert A. Anaya
 Commissioner Anna Hamilton
 Commissioner Ed Moreno

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Christina Kelso, the State Pledge by Nathan Manzanares and the Moment of Reflection by Lucy Foma of the Growth Management Department.

CHAIR ROYBAL: I'd also like to ask for a moment of silence for Susan Popovich who passed away in a car accident. If we could just have a few minutes of silence on her behalf. As you know, Susan was killed in a car accident over the weekend. Susan was a retired educator and just recently elected as the Santa Fe County Democratic Chair. She was known for her hard work and talent of bringing people together and very dedicated and committed in her teaching career and all challenges she undertook. She will be greatly missed by all who knew her.

I'd like to go ahead and open up the mike to other Commissioners that would like to make comments and other elected officials. Commissioner Hansen.

COMMISSIONER HANSEN: Yes, I just want to say a few words about

Susan Popovich who was a close friend and somebody I have worked with for the last couple of years. It is a tremendous, tremendous loss to our community to have lost somebody. It really makes us remember how precious human life is and that life is very impermanent and that we pray for her blessings and her soul as she passes in this really, this shocking time for this community. I know many people are very shocked by her passing and she was such a joy to be with and work with and it is just shocking to many, many people in this community. I'm sure there will be a memorial but nothing has been set. Her family was just notified and she has a niece who I believe will be coming here and so I'm sure that some memorial will be set up but on the way in I saw this beautiful sign to her that said a life well lived. And that is certainly the truth. She was really a dedicated teacher, a union activist who did so much for all the communities that she lived in and it is a tremendous loss to our community and so our prayers are with her. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Is there any other Commissioners who would like – Commissioner Hamilton.

COMMISSIONER HAMILTON: I certainly agree with that and with the life well lived and I'm shocked and very saddened, but want to also say for somebody who gave so much to the community and being grateful for having had the opportunity to work with her.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Anaya.

COMMISSIONER ANAYA: I just want to echo the comments. We're all here for a defined short space in time and we have to be thankful for every moment that we have and I just want to send out an extra special blessings and spirit to those people that are in Houston right now and what they're going through. So thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Commissioner Moreno.

COMMISSIONER MORENO: Susan was a constituent of mine and she actually helped me in the times when the campaign, the presidential campaign was raging and the Bernieites and the regular Democrats gathered at the Agora in Eldorado where she lived. And she made sure that I had a chance to what turned out to be my first political speech. And she was that kind of a helper, no matter what kind of challenge was put to her she rose to the occasion and always with a smile. It's a great loss for me and for all of us.

CHAIR ROYBAL: Thank you, Commissioner Moreno. I'm going to go to the County Clerk, Geraldine Salazar.

GERALDINE SALAZAR (County Clerk): Thank you, Chair. Susan was an incredible leader with tremendous energy. She will be greatly missed. My condolences to the family and her friends. This is truly a great loss.

CHAIR ROYBAL: Thank you, Madam Clerk. I know that Commissioner Hansen also had another person she wanted to recognize.

COMMISSIONER HANSEN: The passing of Susan Duncan who was a former school board member is also a great loss to our community. She was a president of the school board and it is not quite as shocking because many people knew that she

had been diagnosed with cancer in 2016, but she was a great leader also in our community. Also a teacher and active in this community and I just want to send condolences to her family, Cam and their daughters. It was another very strong connection for me. I met them when they first came to Santa Fe in 2007 and I have worked with them on many different projects over the years and I want us to just remember both of these two incredible women that we have lost in the last week. So I'm sending out prayers for the family and everyone. So thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. So let's go ahead and have that moment of silence for Susan Duncan and Susan Popovich.

- I. F. Approval of Agenda**
 - 1. Amendments**
 - 2. Tabled or Withdrawn Items**

CHAIR ROYBAL: Is there any amendments or tabled or withdrawn items?

KATHERINE MILLER (County Manager): Yes, Mr. Chair. On page 3 of the agenda, since we posted the original agenda last Tuesday we did amend the agenda on Friday at 4:42 last Friday. We added item III. D. 3, that's the approval of a memorandum between Santa Fe County and the Town of Edgewood. Also, we added item VI. A. 1, Matters from the Manager, Update on Gross Receipts Taxes, the gross receipts tax election, and also item VII. A. 4, Acquisition of Real Property and Water Rights under Matters from the County Attorney, executive session. And then we had this morning a withdrawal of item IV. B. 1, Presentations, a presentation by North Central Regional Transit District. They're going to have to do that at another time. They actually had scheduled several presentations today and they were overlapping so they withdrew and said they would come back at a different time. And those are all the changes to the agenda that I have.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Any other changes to the agenda? Okay, so seeing none, what's the pleasure of the Board?

COMMISSIONER HANSEN: I move to approve.

CHAIR ROYBAL: So we have a motion. Do I hear a second?

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: A motion and a second. Any other discussion?

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

- I. G. Approval of Minutes**
 - 1. Approval of Minutes of June 15, 2017, Special Joint Meeting of the Santa Fe County and City of Santa Fe Governing Bodies**

CHAIR ROYBAL: Do we have any changes or what's the pleasure of the Board on this first?

COMMISSIONER HANSEN: Move to approve.

CHAIR ROYBAL: We have a motion. Do I hear a second?

COMMISSIONER ANAYA: Second.

CHAIR ROYBAL: So we have a motion and a second. Any other discussion?

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

2. Approval of Minutes of July 25, 2017, Board of County Commissioners Meeting

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: On page 20 of the regular minutes, third line from the bottom, I believe instead of I “want” and shopped it should say I “went” and shopped. And that was the only thing I found.

CHAIR ROYBAL: Okay. Great job. Any other changes? Seeing none, what’s the pleasure of the Board?

COMMISSIONER HANSEN: I move to approve with the changes.

CHAIR ROYBAL: So we have a motion with the changes that were mentioned.

COMMISSIONER ANAYA: Second.

CHAIR ROYBAL: And a second by Commissioner Anaya.

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

I. H. Employee Recognition

1. Recognition of New Santa Fe County Employees

MS. MILLER: Mr. Chair, in your packet is a list of new hires from July 1, 2017 to July 31, 2017. I don’t know if any of them are in the room but I would ask if they are, if I call your name, if you would just stand up and let the Board see your face and recognize that you’re a new employee at the County.

First we have Yvonne Herrera in Finance; she’s our accounting and finance reporting manager. In HR we have Maria Escobar, a new HR administrator. In the Legal Office, Leslie Schaar, an assistant County Attorney. In Finance/Procurement, they have Michelle Marmion as a new procurement specialist senior. In the County Clerk’s Office, an election admin specialist senior, Patrick Ortiz, election tech administrator, James Vennes, and recording clerk, Jessica Wheeler.

Then in Corrections we have a new psychiatrist, Anne Salazar Ortiz, and in the Fire Department several new volunteer Firefighters and Firefighter-basic cadet, that’s Matthew Herrera, Timothy Isaacs, Elias Martinez, Jennifer Munoz, Oscar Payan, Thomas Phillips, Holly Purcell-Callin. And in Dispatch we have some new trainees in our RECC Dispatch Center : Teddy Lopez, Benjamin Montano, Shannon Ortiz. And then in Public Works, Philip Laier is a maintenance technician, Thaddeus Chlastawa – gosh, I probably didn’t say that right – utilities engineer. And then Utilities Division Director, which I think most of you have met, John Dupuis. In the Sheriff’s, two new deputy cadets,

Christopher Gonzales and Fermin Hernandez-Andrade.

So I just want to welcome the new employees. As you can see we have a lot of new trainees in our Public Safety Department and a lot of new volunteers as well. And we just welcome them to the County.

CHAIR ROYBAL: Okay, I'd like to just welcome them to the County as well and just say welcome aboard and we look forward to working with you in the future and look forward to seeing how you progress in your career and hope to do what we can to help you be successful. Any other comments from the Board? Okay, seeing none.

I. H. 2. Recognition of Years of Service of Santa Fe County Employees

MS. MILLER: Then also at the end of every month we do a recognition of years of service for employees who have hit a consecutive five-year increment in their time with Santa Fe County. And just to note, we recognize the value of employee retention and think it's really important for employees to stay with Santa Fe County and we appreciate those who contribute consistently to the County over the years. We send them a note of appreciation and a service pin for their years of service listed.

In the Sheriff's Office, we have a records clerk, Shawn Kessler who's been with us for five years. In Corrections, Benny Lee Atencio, a detention officer who's been with us for five years, and Amber Marez in the Sheriff's Office who is a Sheriff's deputy III. Also Mari Ortiz in Corrections as a detention officer corporal with five years and then in the Sheriff's Office, Sheriff's deputy III, Christopher Zook.

Hitting a ten-year milestone, and we have quite a few. You'll note that we had probably a recruitment around August of 2007 in our Sheriff's Office and in our Fire Department, because we have Diego Lucero who is a Sheriff's lieutenant with ten years. We have Sheriff's deputy IIII, Christopher Archuleta, Sheriff corporal, Marvyn Jaramillo, Sheriff's deputy III, Donald Romero and Sheriff lieutenant, Fabian Trujillo, all at their ten-year mark.

And then in the Fire Department we have Stephen Vogel, fire lieutenant and then Firefighter-EMT I Garret Allen, Firefighter-paramedic, Marcos Archuleta, fire lieutenant Jeffrey Carroll, Firefighter-paramedic Abraham Cobb, Firefighter-paramedic Daisy Graves, Firefighter- EMT I, Kevin Kocharoff, Firefighter-paramedic Philip Martinez, fire lieutenant Jeffrey Matchison, Firefighter-paramedic Daniel Meyer, and Firefighter-EMT basic, Esteban Ornelas, all with ten years with the County.

And then the record holder for the month in GIS, GIS analyst Mark Garland has 20 years with the County.

So I just, Mr. Chair, want to thank them for their dedicated service to Santa Fe County. We really appreciate their commitment to the County and to the community.

CHAIR ROYBAL: I'd like to echo those same sentiments and just say that having the employees stay here for this amount of time really makes a difference and just to choose their career here, we're honored to have you. So thank you. Any other – Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, we took some bold steps as a Commission to help with Public Safety but a lot of the discussion revolved around people

who were leaving, had left or potentially might leave. And I just want to say, a lot of times we spend time talking about those that might leave and we need to spend more time talking about those that stick around and commit themselves to the County and do good work through sometimes challenging times and ups and downs. And so I still say the County is the best place to work in the state of New Mexico and government. I spent quite a few years as an employee at the County and it was an excellent experience. So I really treasure all of these individuals that are senior members of the team and congratulate them on their efforts and their daily service to our citizens. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you for those words, Commissioner Anaya.
Commissioner Hansen.

COMMISSIONER HANSEN: I want to thank Mark Garland. I have had the pleasure of working with him for the past ten years on and off on different projects and I always found him to be completely professional and actual fun to work with and so I want to thank you and recognize you for your service and thank you so much.

CHAIR ROYBAL: Okay. Any other comments from the Board?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: I just want to do a special shout-out to Mark as well. Mark, you've got me on the gray but you have a lot more hair than I do. But congratulations on your work and your efforts at the County. You've always been helpful to people when they come in to see you so much appreciated.

CHAIR ROYBAL: Thank you.

II. CONSENT AGENDA

A. Miscellaneous

- 1. Approval of County Health Care Assistance Claims in the Amount of \$40,011.72 (Community Services Department/Kyra Ochoa)**
- 2. Request Authorization of the Use of District 3 Capital Funds, Per Capital Outlay Policy, Allocating \$15,000 for Playground Equipment in the Village of Madrid (Finance Division/Don Moya)**

B. Resolutions

- 1. Resolution No. 2017-87, A Resolution Adopting Local Government Road Improvement Fund Project No. SB-7806 (103) 18 for Pavement Rehabilitation/Improvements on County Roads Throughout Santa Fe County, New Mexico (Finance Division/Don Moya)**
- 2. Resolution No. 2017-88, a Resolution Adopting Local Government Road Improvement Fund Project No. CAP-5-18 (470) for Pavement Rehabilitation/Improvements on County Roads Throughout Santa Fe County, New Mexico (Finance Division/Don Moya)**
- 3. Resolution No. 2017-89, a Resolution Adopting Local**

Government Road Improvement Fund Project No. SP-5-18 (184) for Pavement Rehabilitation/Improvements on County Roads Throughout Santa Fe County, New Mexico (Finance Division/Don Moya)

4. **Resolution No. 2017-90, a Resolution Requesting a Budget Increase to the General Fund (101) /Senior Services Program for Additional Funding Received from North Central New Mexico Economic Development District in the Amount of \$5,000 (Finance Division/Don Moya)**
5. **Resolution No. 2017-91, a Resolution Requesting a Budget Increase to the Road Fund (204) to Budget a Vehicle Purchase From Insurance Recovery that was Received from New Mexico Association of Counties in the Amount of \$107,000 (Finance Division/Don Moya)**
6. **Resolution No. 2017-92, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget the 2018 YCC Grant Award for the County Fire Department / \$145,434 (Finance Division/Don Moya)**

CHAIR ROYBAL: Is there any item on the Consent Agenda that the Commission would like to have further discussion on? I do have one requests and I know in looking at the health assistance claims, would it be possible to give a number of individuals that we're helping on an monthly basis included on this report? I don't know if that's something that's easily – that we could put together? Is it included?

MS. MILLER: Mr. Chair, on the back pages, it shows a total of seven invoices, so I think that's the total –

CHAIR ROYBAL: Seven people.

MS. MILLER: Of those claims, right? Seven individual claims?

RACHEL O'CONNOR (Community Services Director): Mr. Chair, County Manager Miller, yes it is.

CHAIR ROYBAL: Okay. Perfect. Thank you very much.

MS. MILLER: And Mr. Chair, just another point on this. As you know, we've moved more away from a claims-based to a contract for service and results based efforts in our healthcare assistance program. So we do a lot more contracts with providers to provide specific types of services that might not be something they could get additional funding, one of those being there was an article, I believe, in the paper today, today's paper, about the helping pregnant mothers that have opioid addictions. Santa Fe County was instrumental in taking some of our healthcare assistance funds and working with La Familia in getting that program started and I don't think the article goes into that detail of how that program got started but that was Rachel and her staff working with La Familia and getting that started with using what we used to pay for individual claims, moving away from that and working more towards targeting certain health initiatives for those providers. So you will see less and less individual claims come across the packet every month when we do claims because we have moved away from the individual claims.

CHAIR ROYBAL: Okay. Thank you. Any other questions from the

Board? Okay, seeing none, what's the pleasure of the Board?

COMMISSIONER ANAYA: Move for approval, Mr. Chair.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion and a second. Any other discussion? Okay, seeing none.

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

[Clerk Salazar provided the resolution numbers throughout the meeting.]

III. ACTION ITEMS

B. Appointments/Reappointments/Resignations

1. **Appointment of a Finance Division Staff Member to the Santa Fe County Audit Committee** *[Exhibit 1: Staff Report]*

TONY FLORES (Deputy County Manager): Good afternoon, Commissioners. If you recall, in November of 2016, the Board of County Commissioners amended and replaced a resolution establishing the Audit Committee. With that amended document they restructured the roles, the purpose, the functions and specifically the membership for the Audit Committee. The Audit Committee is comprised of two County Commissioners and one public member, and there's also a provision in the amended document whereby a staff member from the Finance Division will also serve in a non-voting role on the Audit Committee.

The Audit Committee met last week to review recommendations from staff on that appointment and based upon that meeting, the Audit Committee is recommending that Mr. Don Moya, the Santa Fe County Finance Division Director, serve on the Audit Committee for a one-year term and we're asking approval of that recommendation today. And I stand for questions.

CHAIR ROYBAL: Do we have any questions? Commissioner Hamilton.

COMMISSIONER HAMILTON: No questions. I was going to move to approval

CHAIR ROYBAL: So we have a motion.

COMMISSIONER ANAYA: Second.

CHAIR ROYBAL: We have a motion and a second. Any other items under discussion? Commissioner Hansen.

COMMISSIONER HANSEN: Congratulations, Mr. Moya, on joining our Audit Committee and we look forward to working with you.

CHAIR ROYBAL: Great. Thank you, Commissioner Hansen. So we have a motion and a second.

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

CHAIR ROYBAL: I'd also like to recognize we have Mayor Bassett and Councilor Ring here from Edgewood. Thank you guys for being here.

III. C. Resolutions

Resolution No. 2017-93, a Resolution Authorizing a Community Planning Process for the San Marcos District [Exhibit 2: Supporting Material]

LUCY FOMA (Planning Division): Good afternoon, Mr. Chair, Commissioners. I'm here this afternoon to present a resolution to authorize a community planning process for the San Marcos District. The current San Marcos Community District Plan was adopted by Resolution 2006-148, and an SLDC community update was completed in 2015. The community requested to initiate this planning process because the former plan is 12 years old and needs to be updated. Once adopted by the Board the San Marcos District Plan will replace the existing plan and constitute an amendment to the SGMP.

The San Marcos District is approximately 44 square miles on either side of Highway 14 and this large area is comprised of many neighborhoods, including Rancho San Marcos, South Fork, San Marcos Pueblo, Lone Butte, Silver Hills, Cerrillos East and Galisteo Creek. We have met with the initial planning committee twice and developed a public participation plan to ensure significant outreach and representation of the communities to include properties owners, business owners, residents, and other stakeholders such as the equine, agriculture, economic development and arts communities. We will ensure that the planning process includes all facets of the community.

The public participation plan also outlines the ongoing communication, and Robert is going to pass that out. The ongoing communication and community engagement that will accompany the planning process.

If the Board approves this resolution the Planning Committee will be open to any individual who wishes to participate at any point during the process, and additional persons may participate as members of the Planning Committee without the necessity of appointment by the Board as per the SLDC Section 2.1.5.2.

Staff recommends Board approval of this resolution to authorize a community planning process for the San Marcos District. Thank you for your consideration and I stand for questions.

CHAIR ROYBAL: Thank you, Lucy. Do we have any questions from the Board? Okay, seeing no questions, what's the pleasure of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve. I know this area. Is there anybody from this San Marcos neighborhood here?

MS. FOMA: Unfortunately, it doesn't seem anyone was able to make it.

COMMISSIONER HANSEN: Okay. Anyhow, I've had experience with a number of the ranches in that area, especially Synergia which has been there a really long time. So I move to approve. I think this is great. Thank you very much, Lucy.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen and a second from Commissioner Hamilton.

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

III. D. Miscellaneous

1. Request Authorization for the County Manager to Sign and Execute a Purchase Order to Purchase Twenty-One (21) Police Interceptors for a Total Sum Amount of \$546,857

DON MOYA (Finance Director): Thank you, Mr. Chair, Manager Miller, members of the Commission. I come before you with a request. Santa Fe County Resolution 2014-143 establishes signature authority for the County Manager with respect to certain agreements, applications and ratifying certain intergovernmental agreements. This is for the Santa Fe County Sheriff's Office, as you said, Mr. Chair. It has an approved capital budget to purchase new vehicles in fiscal year 2018 – 21 police force Interceptors in the amount of \$546,000. We're requesting approval authorizing the County Manager to sign and execute a purchase order to purchase those vehicles. I stand for questions.

CHAIR ROYBAL: Okay, do we have any questions from the Board?
Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I move for approval and I would say to buy \$546,000 worth of cars – that's an interesting endeavor, right? A good endeavor.

COMMISSIONER HAMILTON: It ought to be fun.

COMMISSIONER ANAYA: I move for approval, Mr. Chair.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: So we have a motion from Commissioner Anaya, and a second from Commissioner Hamilton. For discussion?

COMMISSIONER HANSEN: I just wanted to remember, when we're buying vehicles that we look into the sustainability and vehicles that will give us possibly electric vehicles and hybrids. And if it's possible and if it fits within the parameters of the things that we need.

CHAIR ROYBAL: We have a motion and a second.

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

III. D. 2. Request Approval of the Collective Bargaining Agreement between the County of Santa Fe and the American Federation of State, County and Municipal Employees (AFSCME), New Mexico Council 18 (Referring to the Bargaining Unit as Local #1413-M) [Exhibit 3: Amended Staff Report]

BERNADETTE SALAZAR (HR Director): Thank you, Commissioners. The Santa Fe County management team and AFSCME Council 18, referring to its bargaining unit as Local 1413-M, have negotiated the financial re-opener in compliance with the collective bargaining agreement. The parties have worked diligently together to come up with a mutual agreement in the best interest of our County employees.

The agreed upon language provides union employees with a new starting pay that will assist us in the recruitment and retention of qualified employees, cost of living adjustments comparable to other County employees, and enhance differential pay to compensate registered nurses and LPNs during peak hours, and the opportunity for either party to open one economic article no earlier than May of 2018 and no later than July of 2018.

So the parties did agree. We did have some information from our Legal Office that was brought to our attention yesterday that some language that both parties agreed upon was not in compliance with PERA regulations so, Rachel did you give a copy to the Commission?

RACHEL BROWN (Deputy County Attorney): Mr. Chair, Commissioners, and Ms. Salazar, we did distribute an amendment to the draft that you had in the packet which corrects an error we identified over the weekend. The definition of salary, according to the regulations that govern PERA require that we include shift differential pay in the PERA calculations. And so we've modified the draft with everyone's agreement to reflect that in fact the shift differential pays will be included in the PERA calculations.

MS. SALAZAR: So with that, Commissioners, that's actually an added benefit to our bargaining unit employees, and I did speak with the representative of Council 18 and he confirmed with an email that he's okay with that and also with the union president, Mr. Daniel Solis. And with that I stand for questions.

CHAIR ROYBAL: Okay. Thank you, Bernadette. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I appreciate the collective bargaining process that's taken place. I want to say that our public safety employees include our Sheriff's Department and our firefighters and our first responders, and absolutely without a doubt include our correctional officers as well and their work day in and day out. And so we thank them for those continued efforts and I'd move for approval, Mr. Chair.

CHAIR ROYBAL: We have a motion from Commissioner Anaya.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: We have a second from Commissioner Moreno.

Actually, is there any other discussion?

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

RIHANNA MANZANARES (Corrections): Good afternoon, Chair Roybal and County Commissioners. My name is Rihanna Manzanares and I'm one of the registered nurses at the Santa Fe County Detention Center. So on behalf of the nurses at Santa Fe County Detention and Local 1413 we would like to thank the Commissioners and Human Resources, and the County Manager for approving the raise in pay for the registered nurses and the differentials and the raise for the employees that are there. It will improve employee retention to keep the nurses who are working there already and they are valuable and are trained and competent in correctional healthcare. This is the first step for Santa Fe County to become fully staffed with quality nurses and again, I'd like to thank all of you.

CHAIR ROYBAL: Thank you Rihanna.

DANIEL SOLIS (Corrections): Chair Roybal, County Commissioners, Daniel Solis, AFSCME Local President 1413. On behalf of our local we would like to thank Santa Fe County Commission, Human Resources and the County Manager for a quick and thorough negotiation process. It was real easy and it was great to come together and lay everything on the table. Thank you again.

CHAIR ROYBAL: I'd like to say thank you to you guys as well because it takes both sides to come together and come to some agreements. So thank you guys for all your efforts. Commissioner Hansen.

COMMISSIONER HANSEN: Yes. Congratulations. I was really excited to read about this and the nurses and being staffed, I think it's a really important part of Corrections and also of your job and being able to have that. So I'm very happy that you could all come together and agree on this and we could all move forward. So thank you, everybody, Bern and Daniel. Thank you.

III. D. 3. Request Approval of a Memorandum of Agreement between Santa Fe County and the Town of Edgewood for Funding Related to the Development of the East Mountain Health Facility [Exhibit 4: Staff Report]

MR. FLORES: Thank you, Mr. Chair and before I get started on the memo, I'd like to introduce the motley crew behind me that are here today on this item. I have Mayor Bassett, who sitting by my left shoulder, Councilor Ring, who was very instrumental in this project from the inception with Commissioner Anaya, Councilor Holle, Dr. Bob DeFelice from First Choice, Krista Kelley from Motiva Corps and of course the gentleman at the end in the purple shirt is Rudy Garcia. Not sure who he's working for today but he is here on this item.

So, Mr. Chair, just a brief history lesson. This Board, under Commissioner Anaya's leadership, took the initiative to develop the East Mountain Health Facility, formerly known as the East Mountain or Edgewood Health Commons project, almost a year and a half ago. This is one of the largest public-private partnership projects I have worked on, whether it's within government or outside of government that's leveraging the County's funding, the \$3 million that was included in the general obligation bond last November, the State of New Mexico through the legislature provided some severance tax bond funding, First Choice is also bringing capital outlay to the table to get this facility developed. We partnered with the State Land Office and also the federal government and the State of New Mexico, the Department of Health are also big players in leveraging this project which will eventually lead to about a 22,000 square foot facility with an estimate of around \$6 million to construct.

We went through many iterations of trying to secure different types of funding, through Community Development Block grants and other types of grants and we're finally putting those final pieces together so we can go through a design-build process to get this project underway.

Today is one of those linchpin moments, I think in the development of this project. The Town of Edgewood has decided to provide Santa Fe County with \$35,000

towards the project that can be used in infrastructure, primarily in the sewer systems that would go on with this facility and they are prepared today to provide the Santa Fe County Board of County Commissioners with \$35,000 for this project. So at this time I'd like to turn it over if I can, humbly, respectfully, to Mayor Bassett and let him say a few words.

MAYOR JOHN BASSETT: Thank you, Tony. Mr. Chair, Commissioners, today is a proud day. Three of you Commissioners weren't here when we started this. Commissioner Anaya, great help that he gave us all over this whole entire period of time. I've been up here four, five, six, seven times asking for things from the Commission to help with this project. It's a proud day today to come back up and give back something. It speaks to the type of relationship I like to have with the County. You've been very helpful to us with this project and other matters and we'd like to let you all know that we do appreciate it and that we understand it's a partnership of sorts and sometimes we have to give. And that's what we're here to do today. I would like to introduce Bob DeFelice, he's here with First Choice. You called out, Mr. Chair, Councilor Ring – he's former Councilor Ring now. Linda Holle is his replacement on our council, and of course Krista Kelley you know.

So we're here today to present you with a check. We'd like to do that.

CHAIR ROYBAL: Commissioner Anaya, I'm going to go to Commissioner Anaya, and then we'll go back. Or go ahead and have –

CHUCK RING: Thank you, guys for everything you've done for us and I pledge to you as a member of the board of First Choice that if you get sick in Edgewood you'll get excellent care. Thank you.

CHAIR ROYBAL: Thank you, Councilor. Anybody else? No. Okay, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mayor and Councilors, Councilor Holle, congratulations. I want to just briefly say that the relationship that we've established with the Town of Edgewood has been an excellent relationship for a long time now and the Manager, Manager Miller and her team have always been open to discussions and working things out, whether it relates to this healthcare project, whether it relates to the fire station or roads or other projects that we have and we truly have a relationship where the lines on the map delineating the areas of our representation don't mean anything when it comes to what the constituents and citizens need. And when they have needs we share in that need and help each other. And it's – in these teams that we live in it's huge to have that type of relationship with another governmental entity like we have. And so that's a credit to yourselves as leaders in the community, Mayor and Councilor Holle and former Councilor Ring has been an exceptional partner in every endeavor that we've had, so I wish him nothing but best of luck. But thanks, Manager Miller, Katherine, to you and your team for those ongoing efforts that are daily efforts. I know we're also in discussions right now about the old fire station and how we could work out a workable partnership associated with that. We have an excellent partnership with our fire service and the equestrian center and the list goes on and on. But it's truly a testament to collaborative, cooperative efforts, so I'm appreciative that you're back here today and that you're bringing resources that are going to go back into the community.

So thank you very much and thank you, Mr. Chair. And with that I'm going to go ahead and move for approval on the memorandum of agreement.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: So we do have a motion and a second, but I'd like to allot a little more time to speak.

KRISTA KELLEY: Sorry. I just wanted to address the Commission and Manager Miller and her staff and say thank you all for your support. This could not have happened, as you know, without you all. Chair Roybal, Commissioner Hamilton, Commissioner Anaya, you all have been there to support us. We absolutely appreciate that. Manager Miller and Deputy County Manager Flores, in addition to Rudy Garcia, Manager Miller – your team has absolutely been 100 percent on board with this from the beginning and really supported us and we really appreciate that. You have a top-notch team. I do want to also acknowledge, to see the vote go to the voters last November and to see it coming to fruition and to be breaking ground, hopefully this late fall, is amazing and speaks to the ability of the staff and Manager Miller and her team to getting things done. We appreciate it. Thank you again.

CHAIR ROYBAL: Thank you. Commissioner Hamilton.

COMMISSIONER HAMILTON: I just wanted to add to the comments Commissioner Anaya made to say that this is really exciting to be moving forward with something that the community really needs and to be giving something that people need at a grassroots level and to be doing that jointly. So thank you very much for moving forward with this and I'm really excited that we can be doing this together.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I want to add just a couple more comments, just to maybe put a few things in perspective. But I want to call out Tony and Rudy and even Chris for their work and diligence in helping with this project. But I want to just talk briefly about a County Commission a couple decades ago talking about the need for the County government to wrap their heads, their hearts and their hands around healthcare in particular. And to expand the concept of what traditionally was just the indigent fund at the time to say that we need to figure out more comprehensive ways of working to provide direct access to healthcare.

And so that happened through the Health Policy and Planning Commission that has done great work here at the County for a long time now, but we went from a concept of a building, Councilor Ring and Mayor Bassett and others to saying we need that immediate access point to mobile healthcare and now to a multi-million dollar comprehensive facility. This is real, tangible service that provides direct access to immediate healthcare that's needed in emergency situations but on a daily basis for care for our people across boundaries of political jurisdictions.

So I have to express that there's people listening today in their cars that – people like Arturo Gonzales and Larry Martinez that were at the base ground level for many of this. And I could go on and on and list many more names but those of you that are listening in or might be watching, this particular project and what we're trying to do here and across the county is direct service and it's been a compounding, positive interest of work and the culmination of many people, many minds and many hours of hard work.

And so I wanted to add those comments and thank you, Tony and Rudy and Chris and many, many others. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Is there any other comments from the Board? I'd like to just ditto the comments that were made and also just say that I personally am honored to have been a part of this well overdue project so I'm looking forward to seeing everyone move forward and congratulations. So we have a motion and a second.

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

[Photographs were taken.]

V. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Matters from County Commissioners and Other Elected Officials

1. Elected Officials Issues and Comments

CHAIR ROYBAL: Do you have any announcements, Madam Clerk?

GERALDINE SALAZAR (County Clerk): Chair Roybal, I just wanted to remind the listeners and all citizens in Santa Fe County that we will be having an election and I wanted to go over some of the specifics and remind voters that the books for registration did close on August 22nd at 5:00 pm. That the County Clerk's Office will be closed on September 4th and also that will be having absentee voting by mail, which began August 22nd and ends September 15th.

Absentee in person is here at the County Clerk's Office, which began August 22nd and ends September 16th, Monday through Fridays, 8:00 am to 5:00 pm and only one Saturday, Saturday, September 16th, 10:00 am to 6:00 pm. We also have alternate early voting locations, which will begin September 2nd and end September 16th, Tuesdays and Fridays from 12:00 to 8:00 pm. Saturday only 10:00 am to 6:00 pm. Election Day is Tuesday, September 19th. We will be having 28 voting convenience centers for this election. If you need further information please refer to the County Clerk's webpage on the County's website. Thank you very much.

CHAIR ROYBAL: Thank you, Madam Clerk. I don't see any other elected officials.

V. A. 2. Commissioner Issues and Comments

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: Thank you. I want to thank the folks at Public Works for bringing a little bit of civilization to Eldorado, specifically the RAP process is making driving around in the community a lot nicer and hopefully we'll continue that process.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I want to thank staff for all their help with the grand re-opening of the Nancy Rodriguez Center on August 13th. It was

wonderful to have so many of staff there and all their help, and it was a wonderful event and we have now a beautiful portal outside at the Nancy Rodriguez Center with a memorial tree dedicated to Olivia Tsosie and I look forward to seeing you all at the Nancy Rodriguez Center at our annual and regular monthly meetings of the Village. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. And we have one other thing from Commissioner Moreno.

COMMISSIONER MORENO: One more. Thank you. Again, for the Public Works. Thank you for the four-way stop in Rancho Viejo that will alleviate a lot of anxiety and those folks down there will sure appreciate it. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Any other comments from Commissioners? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Ms. Miller, I know we've worked collaboratively with the libraries across the city and the county. Inside the city we do help with the Southside Library. Is that correct? And do we do any other assistance, or is that the primary assistance we provide? Southside Library?

MS. MILLER: Mr. Chair, Commissioner Anaya, it's the Southside Library. I believe we give them \$25,000 towards operations there.

COMMISSIONER ANAYA: Awesome. And so I wanted to plant a seed in my colleagues' minds and ears relative to the discussion that's going on with the Institute of Art and Design and the use of the space. I know that the City is – I had a conversation with Councilor Lindell is working on that project and I know they're diligently trying to find an institution of higher ed that might be willing to come in or some collaborative of more than one institution. But one of the things that came to mind was the value and the treasure within the library itself. And I guess the City's already having discussions about what that library use might look like and it might even enter partially the public domain to where it would be part of their library system. I think it's a tremendous opportunity for us to have discussions with them on and potentially be at the table with that particular piece. I'm not sure if it's Commissioner Hansen – is it yours or Commissioner Hamilton? It's Commissioner Moreno. I'm sorry. I didn't know which Commissioner it was but I knew that probably yourself and Commissioner Moreno are in that area.

But I think it's a treasure, Commissioner. I don't want to step out of bounds but I think it might be an opportunity for a partnership and to really provide a broader-based community service function if that's where they head. So I would defer to Commissioner Moreno but I wanted to kind of see kind of what the pulse was of the Commission or Ms. Miller, if you or others had any thoughts relative to at least having some discussion.

CHAIR ROYBAL: Commissioner Hansen, then we'll go to Commissioner Moreno.

COMMISSIONER HANSEN: I want to just chime in on that since I live maybe five blocks from there I think it's really important that maybe we find a way to have a seat at the table and talk about the issues that are happening there, because it does affect both city and county residents. I was present when you were speaking with Councilor Lindell and I think that it's important that we chime in. So thank you, Commissioner Anaya.

know that we have quite a few people that are here in the audience and I'd like to ask anybody that's going to speak on behalf of one of these institutions or groups that I mentioned to come forward and I'd like to allot you time to address the Commission as well.

But there again, I really would like to say a big thank you for Pojoaque Valley for this water testing. I really appreciate it, all the efforts and also I want to recognize Sandra Ely our staff that coordinates these efforts and also I know that Pojoaque Pueblo in Northern New Mexico techs were also working on doing this so they kind of joined forces and I really appreciate it. Is there anybody that would like to speak to the Board? This is Carole Rutten from Los Alamos National Laboratory.

CAROLE RUTTEN: Good afternoon, everyone, Mr. Chair. My name is Carole Rutten from Los Alamos National Laboratory Community Partnerships Office and I would like to thank you, Mr. Commissioner and Sandra Ely for the opportunity to partner with all of you on this very important initiative. Los Alamos has over 1,800 employees that live in this community so this is our neighborhood as well. We want to be here. We want to partner, so thank you for reaching out to us and allowing us the opportunity. We hope this is the first of many opportunities to come together and work on initiatives that are important to all of us. So thank you, and it was wonderful to be able to join together with so many people for a common good. Thank you all.

CHAIR ROYBAL: Great. Thank you. Also I just want to say before anybody disappears that we'd like to take a photo after and we do have copies of the resolution to give you.

DENNIS MCQUILLEN: Mr. Chair, ladies and gentlemen of the Commission. I'm Dennis McQuillen, the chief scientist with the New Mexico Environment Department and I also want to say it's been fantastic working with Sandra in the County and we've actually been doing water fairs with NMED and the County for about 25 years, throughout the county. It's a very valuable service because people who are on private domestic wells are not protected by the federal Safe Drinking Water Act, so this is a way of giving some government service and some free testing and putting homeowners in touch with water experts. And it's a fabulous program and it was a great event.

CHAIR ROYBAL: Thank you, sir. Okay, is there anybody else that would like to speak. No? Okay any comments from the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think it's an awesome collaborative between a lot of different players in the community and the neighborhood, as you put it, and so thanks to everyone for your efforts. And thank you, Mr. Chair, for your efforts on this initiative as well.

CHAIR ROYBAL: Thank you. Thank you for your comments, Commissioner Anaya. Commissioner Hansen.

COMMISSIONER HANSEN: I also want to echo Commissioner Anaya's comments. Safe drinking water is something that we all really care about. At least it's a really important issue, especially knowing the Pojoaque Valley and some of the contaminants there and I think it's really important for residents to know what is in their

water so that they can protect themselves. So I thank everybody for participating in that and I look forward to more water fairs.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Anaya.

COMMISSIONER ANAYA: Chairman, I guess on that point, to any of you out there, but what would we have to do, Mr. Chair, to reproduce this type of project throughout the county or maybe in different segments of the county. I think many of us, especially when we're in the rural area, we take for granted that our water is good but we many times don't go through the extra step of testing it to assure its quality. So I guess I would look to you for some guidance and direction as to how we might recreate this, maybe across the county. I think it's a good template that you've put in motion that could be beneficial to county residents throughout the whole county.

CHAIR ROYBAL: Commissioner Anaya, I would agree with that statement and I think that it would be important for us to maybe direct staff to kind of look to see where that need is. I think this was a really successful endeavor so I think that would be something that we could reproduce throughout the county. Commissioner Hamilton.

COMMISSIONER HAMILTON: Well, I just want to at least give Dennis a plug for having done this in some other communities. Up in Glorieta when there was a series of water quality issues that we were trying to address and you've done that other places as well. There are usually different cooperating partners but there have been other examples where NMED and then some partners have stepped forward to try to help communities when there are particular water quality issues. And it does reflect how important an issue it is for people's ongoing health and wellbeing.

CHAIR ROYBAL: Yes. That's true. And I think that the more that the County can help with that initiative as far as this type of testing, just so that families can have their water tested and figure out what their options are to remediate any dangers and contaminants in the water to keep their families safe is a great plus for the County to help with. So I think that that would be something that we should look at expanding in the future. Thank you. Okay, so I'm going to go ahead and go to the vote for the resolution and then after I'd like for all the Commissioners to join in reading this resolution into the record. So what's the pleasure of the Board?

COMMISSIONER HANSEN: Move to approve.

CHAIR ROYBAL: So we have a motion. Do I hear a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: We have a motion and a second.

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

CHAIR ROYBAL: So I'm going to go ahead and have the Commissioners read this resolution and then we'll vote afterwards. I'll go ahead and start it off and I'll go to my right. Santa Fe County proclamation. This is a proclamation thanking the sponsors of the 2017 Pojoaque Basin Water Fair.

Whereas, results from previous water fairs have shown that some wells in the Pojoaque Basin do not meet safe drinking water standards; and

COMMISSIONER HANSEN: Whereas, naturally occurring uranium, arsenic and other minerals found in well water may have adverse health impacts; and

COMMISSIONER MORENO: Whereas, nitrates found in well water may emanate from septic tanks, animal waste and fertilizer and can be dangerous; and

COMMISSIONER ANAYA: Whereas, awareness of the quality of drinking water is an essential component of public health;

COMMISSIONER HAMILTON: Whereas, through the Pojoaque Basin Water Fair private well owners in the Pojoaque Basin were provided the opportunity to have their well water tested for uranium, arsenic, manganese, fluoride, iron, nitrates, pH and conductivity at no cost; and

CHAIR ROYBAL: Whereas, approximately 200 private well owners brought samples to the Pojoaque Valley High School for testing on July 7th and 8th, and other private well owners brought samples to the Santa Fe County Pojoaque field office August 1st, 15th, 22nd, 2017; and

COMMISSIONER HANSEN: Whereas, residents with well water that does not meet safe drinking water standards may decide to treat their water, drink bottled water, or connect to the County water utility under the Aamodt Settlement Agreement; and

COMMISSIONER MORENO: Whereas, the Climate Change Leadership Institute, Los Alamos National Laboratory, CDM Smith, Incorporated, and Los Alamos National Security, LLC graciously provided funding for the water testing; and

COMMISSIONER ANAYA: Whereas, Northern New Mexicans Protecting Land, Water, and Rights, and the Pueblo of Pojoaque provided food and advertising for the event;

COMMISSIONER HAMILTON: Whereas, the New Mexico Department of Health and the New Mexico Environment Department provided staff for the event to accept water samples, conduct limited onsite water testing, and provide valuable public health advice and information; and

CHAIR ROYBAL: Whereas the US Bureau of Reclamation and United States Department of Health and Human Services, Indian Health Services provided staff to assist with the event and be available to answer questions about the Pojoaque Basin Regional Water System; and

COMMISSIONER HANSEN: Whereas, the City of Santa Fe provided staff to test well water and perform data entry; and

COMMISSIONER MORENO: Whereas, the Pojoaque Valley School District provided the Pojoaque Valley High School as the venue for the event at no cost; and

COMMISSIONER ANAYA: I'll defer to Commissioner Hamilton.

COMMISSIONER HAMILTON: Whereas, the New Mexico Environment Department has committed to mail water quality test results to well owners who brought water samples in for testing as soon as all results are available.

CHAIR ROYBAL: Now, therefore, be it resolved that the Board of County Commissioners of Santa Fe County does hereby proclaim their appreciation for the sponsors and support of the 2017 Pojoaque Basin Water Fair. And it's adopted and

passed, approved and signed by all five County Commissioners, the County Manager, the County Attorney and our County Clerk.

So we have a motion and a second.

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

[Photographs were taken.]

V. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: Is there anybody from the public that would like to address the Commission today? If you could just state your name and address for the record, sir.

MARK CURREN: Mark Curren, 1072 Camino Vista Aurora.

CHAIR ROYBAL: Thank you, Mark.

MR. CURREN: I would like – good afternoon, Commissioners. I'd like the County Commission to evaluate the laws regarding dilapidated and abandoned homes. A property is considered to be a nuisance to the public's health, peace and public safety. I would like the Commission to form a task force to form and take on the systemic problem throughout the county, and I would also like the Commission to know what the County Attorney's office is doing about the problem and the process they use to condemn a property that is adverse for the peace, health and safety of a neighborhood and community.

I've requested these items be placed on the agenda for the September 12th meeting. Hopefully the Commission can provide a response to those three items that I mentioned and it's in my agenda that I'm posting. Thank you.

CHAIR ROYBAL: Thank you, sir. Is there any comments or questions from the Commission? Commissioner Anaya.

COMMISSIONER ANAYA: Just a comment. I presume you're speaking to the ongoing matter with the sewer on Vista Aurora. Or is this something different?

MR. CURREN: No. That's incorrect.

COMMISSIONER ANAYA: Okay. What specifically are you asking?

COMMISSIONER HANSEN: I can – so on Vista Camino Aurora –

MR. CURREN: Yes. Specifically abandoned properties across from my home that's been abandoned for eight years, number 1075 Camino Vista Aurora.

COMMISSIONER ANAYA: Oh, okay.

MR. CURREN: Code Enforcement has been involved for over eight years visiting the property. Two years ago the property roof collapsed. County Fire was called out. One year ago the Code Enforcement supervisor was at the property and it was at the time inhabited by two vagrants. The Code Enforcement Officer was put at risk. He had to call the Sheriff. The Sheriff showed up. Both occupants fled the property. One was apprehended and arrested for an outstanding warrant. So now you have Code Enforcement involved for eight years. You have County Fire involved two years ago when the roof collapsed, and then last year the Sheriff's Department was involved and apprehended one of the vagrants on the property.

COMMISSIONER ANAYA: So Mr. Chair, here's my comment, and I don't think it's something disrespectfully that we could put on the agenda in one month's time and then pretend like we're going to have a resolution. What I would suggest –

MR. CURREN: I'm not asking for a resolution. I'm just –

COMMISSIONER ANAYA: I'm just making a comment, sir, if I could. Mr. Chair, what I do think that we have an opportunity with issues like this and issues – it's been a long-standing concern, I think, of many constituents across the county dealing with properties that have not just abandoned homes but junked vehicles and other dangerous public safety items, and this isn't specific to one district. This is inclusive of all five districts. And so I think we've had past discussions and we've had discussions in our current Land Use Code about how we can move to figure out how to come up with a comprehensive plan, but I think this fits in with maybe another look at how we handle, not just properties but property owners and the whole gamut of cleanup and safety issues around properties countywide. So I think it's probably a good idea for us to continue – we never stopped, I guess is what I want to put on the record, but I think maybe we can do a new effort with the new Commission to figure out how do we create a long-range strategy and plan to clean up the county, for lack of a better word. So those are my comments, Mr. Chair. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mark, very much for coming forward. I have been working on this issue on Camino Vista Aurora with the Sheriff, with Animal Control, with a number of other constituents in your community. I think maybe I've met with you wife and we have continually pressed for something to happen. So I am grateful that you have taken the time out of your day to come forward and to bring this forward. And I definitely agree. I don't know if we can get something on the agenda by September 12th but it is something that we totally need to work on and I support what you are trying to bring forward in cleaning up the county, as Commissioner Anaya says, because this has been a huge concern to me in the Village of Agua Fria and what has been happening on Camino Vista Aurora is unacceptable. And I completely am sympathetic with your concerns. So I really appreciate you coming forward. It takes time and courage to come forward and I appreciate it.

MR. CURREN: The neighborhood has hired an attorney to file a motion regarding the concerns of the health, peace and public safety of the neighborhood. So we're in the process of filing a motion against the County regarding this. So I just want to let the Commission know. Okay? Thank you.

CHAIR ROYBAL: Thank you for being here today, sir.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: So respectfully sir, sir, respectfully, if I could just make a comment relative to your last comment. So I just want to clarify. You came to the County to seek our support and then next week you're going to file a lawsuit against the County? Is that what I just heard?

MR. CURREN: No. I said the neighborhood is considering right now.

COMMISSIONER ANAYA: Okay.

MR. CURREN: I didn't say anything about filing a lawsuit because this has been for over eight years we as a neighborhood have gotten together to talk to a land use attorney. That's all I said.

COMMISSIONER ANAYA: Okay. Thank you.

MR. CURREN: I didn't say anything about a lawsuit being filed.

COMMISSIONER ANAYA: All right. That's why I asked you the question. Thank you.

MR. CURREN: Okay. I'm glad I cleared that up.

CHAIR ROYBAL: Okay, do we have anybody else from the public that would like to address the Commission tonight? Okay, seeing none, I'm going to go ahead and close Matters of Public Concern.

VI. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

MS. MILLER: Yes, Mr. Chair. I have a couple of updates and then I wanted to give you some additional information on the gross receipts tax. The Clerk gave you the election times and early voting and absentee, but I had a couple of other things I wanted to add to that. First of all, I wanted to let you know we have a notice of a public meeting concerning Camino San Jose drainage and road improvements. The Public Works Department is conducting a public meeting to provide information and the status on the drainage and road improvement plan being developed for Camino San Jose, and this is a public meeting for all interested parties. And that meeting is tomorrow, Wednesday, August 30th at 5:30 at the La Cienega Community Center, which is at 136 Camino San Jose, County Road 50A. And we'd just like to invite anybody in that area that would be affected by the drainage improvements and road improvements to attend the meeting and get progress on the project as well as provide their input and ask questions. And that's one that we've been working on for a while, trying to get appropriate easements for that and a good drainage plan for that pavement improvement. So we encourage anybody that's affected to please come out.

Then I wanted to also give you an update on the City-County joint meetings or the follow-up from our joint meeting on June 15th. What – I met with the City Manager and Deputy City Manager, Tony Flores and I did and we've mapped out a plan that the City Manager is also working on with his staff and with the City Council and the Mayor, and it's basically from that June 15th meeting that we had here at the County, there were several areas of mutual concern that came up through that meeting. They were water resources, the annexation process with the City of what's left to be annexed or what's left to be dealt with in the annexation agreements. Also our Regional Dispatch Center joint powers agreement, their airport expansion, which is their main – which I think is their highest priority capital project, economic development, and growth management, the behavioral health initiatives on the County side and City side and how we might collaborate, Sustainability Office, whether it be our Sustainability Office or their Sustainability Office, and proposals of a joint Sustainability Office, affordable housing, and other joint capital projects. Then I just heard one, just from Commissioner Anaya, about 20 minutes ago that also should be put on this list and that's to do with the campus,

the School of Art and Design.

So we'll add that one to the list of things to discuss and how we might work with the City together. What we thought would be useful is to select two subjects out of those to move forward with immediately by having two subcommittees and the two subject areas that have been – that probably have been out there the longest and pending the longest and that's our Regional Dispatch joint powers agreement, and then the other was the annexation issues because we have several things that need to happen between now and the end of next year. And so those are the two that we said we'd like to select two subcommittees, and on those committees, we'd like two Commissioners as well as County staff, the appropriate County staff, and then the City is going to do the same and get some of their Councilors to be on those subcommittees, and we would work over the next two months, three months, on making progress on changing the agreements that we have and modifying them and bringing those forward to our respective governing bodies. In addition, we'd be looking to have another joint City-County meeting in the November/December timeframe and the idea would be to present what the subcommittees have developed as recommended solutions to both bodies jointly and potentially approve those agreements at that meeting.

And then also to have presentations on two other areas, and that would be behavioral health initiatives and sustainability offices or initiatives at each are doing and then hopefully pick up some working committees after we finish the two that we're dealing with right now, which would be annexation and the Regional Dispatch. And then the idea would be that we'd kind of have two subcommittees working at a time on the relative issues and coming forward with resolutions, and then moving on to two additional subjects after that. And there may be ongoing meetings. And then we also thought targeting about three – and we can thank Commissioner Hamilton for this idea – three joint meetings a year instead of the even quarterly meeting. So we're looking at the November/December timeframe for the next one and then we're hoping November but we understand schedules and holidays and what not. We'd try to find a time in November and then another one sometime in the spring.

So with that, we'd just like to say if you'd like to let me know which committees you might like to serve on. I have an idea of which ones you might like to serve on. On the annexation issue, just a suggestion since two areas that would be affected by changing the agreements might be Area 1, which is in Commissioner Hansen's and Area 18, which was in Commissioner Hamilton's. I thought you might be most interested in being on that one. And then on the RECC and dispatch, I know Commissioner Anaya has expressed an interest in that for quite some time and has already been involved in it and then I don't know if Commissioner Roybal or Moreno would like to be an additional member on that. So that would be my suggested way forward and then I would send a letter to the City Manager letting him know we've selected our subcommittees and we're ready to move forward with the first meeting.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm fine with those recommendations. I think they sound logical and that we can actually try and achieve some results. Relative to the campus, and I don't know what the Chairman wants to do or Commissioner Moreno, but if Commissioner Moreno – I mean I look at that campus as a

low-hanging fruit item for not the whole campus, I guess. I think that's going to be a more broader discussion that I'm sure Commissioner Moreno is going to get entrenched in over time but I'm specifically looking at that campus at the library as kind of a linchpin because it's such a treasure there as a starting piece. Because it sounds like there's some movement on the City Council side to roll that into their public system and their library system and so because we already have our feet inside supporting the library and the Southside Library in particular. That might be one that I'd be willing to delve into a little bit, especially on the library side, but I think your recommendations make sense on annexation and the Regional Dispatch and hopefully we can get to the point where we can actually have some movement on those two items. Thank you, Mr. Chair. Thank you, Ms. Miller.

CHAIR ROYBAL: Thank you, Commissioner Anaya, and yes, I would be interested in sitting on the RECC or working with that. Okay? Commissioner Hansen, also.

COMMISSIONER HANSEN: Thank you, Manager Miller. Yes, of course I would be interested in being on the annexation, since I brought that up. And also I'd be very interested in being on the Sustainable Commission since I have been meeting with our staff on a regular basis and so has Commissioner Hamilton, also has been meeting with them regularly.

And then about the campus – definitely. I completely understand about the library. And the library also has art and there's a large collection of art that is at the library so it's not just books. It's an art collection that exists there also that has developed over years and years and years. And also, many people are very concerned about Greer Garson, especially the film community, and so I think that is one area where we could possibly dovetail since we have the Santa Fe Studios and they have studio facilities at the campus. It is another place where we could bring about some discussion on how that important facility would not be lost to the community. And Greer Garson especially is extremely important to many of the people in the theater industry throughout the community, and I constantly here about that.

So let me just take a quick look at my notes. I don't know where we are with the airport expansion or how far down the road. That might wait until the next meeting, I'm assuming. Or is that something that's going to be brought up sooner. But that is right next to my district and Commissioner Anaya's district so that might be something that we both are concerned about. I certainly am concerned about it. And how it –

MS. MILLER: And Mr. Chair, Commissioner Hansen, on that point, we'll still be working to make sure that we have good communication with the City on all these other issues, because they'll be ongoing. We just won't have a joint subcommittee that has Commissioners and Councilors on all of them because we just know, practically speaking, we can't get that many meetings together. So we're just trying to start to click away at a few of the things. But we'll make sure that we keep in touch with the City. I do have regular meetings with the City Manager to make sure that we're communicating about initiatives like that and if something's moving forward, we'll request that that information be brought to the County and find some other avenue to make sure that we have dialogue on that with you.

CHAIR ROYBAL: Thank you, Manager Miller. Commissioner Hamilton.

COMMISSIONER HAMILTON: Just to give you a response, I think your recommendations for committee participation is fine. I'm happy to do that.

MS. MILLER: Great. Thanks. And then onto – I'm going to read a letter to you because this is my segue into the GRT election that's out there. I received this from the Fire Chief because it was actually a voice message that was given to him about the San Marcos Fire Department and I just wanted to read it to you, because we so rarely get to hear good news from constituents. Usually somebody's sending in a complaint about something we're not doing, as opposed to thanking us for things that we're doing well. But this person called and left this message for the Fire Chief. It says:

"I wanted to speak to you regarding your San Marcos Fire Department staff. They were dispatched to a call at our house this weekend because my mother-in-law fell and had an accident and dislocated her shoulder. I just wanted to call and commend all your staff. They came out to our home. They were just fabulous – extremely professional and very proficient. Everything about them was just perfect. I don't know how else to say it. They were pleasant. They were professional, and extremely professional with my mother-in-law. They were just kind. And I wanted to tell you about them. It's not often you encounter – and thank God – or have to use this type of service but they just knew their job. They were just excellent at it. If there's anything you to do commend or to recognize people for outstanding professional service, or if there is anything you can do to recognize all the staff that was out at our home, I would certainly appreciate it. They were just extremely professional and super kind. They asked if they could do anything as they were leaving. Thank you for having such wonderful people out there working and doing such a fabulous job."

So first off, I want to make sure that you know that our Fire Department, they do an excellent job and while they are stretched thin they still are always professional and courteous and thoughtful when they respond and I just want to thank them and recognize them for that. And of course we are getting the names of who were out there and we'll recognize them through certificates of appreciation and recognition and if they are paid staff they'll be recognized in their personnel files for this compliment.

VI. A. 1. County Gross Receipts Tax Special Election Update

MS. MILLER: But I bring this up and I brought it to because it is true; we rarely get calls and recognition of the good job that our Fire Department does and our Sheriff's deputies and the Corrections staff and the dispatchers and all of our public safety officials. And that's one of the points what this GRT is about is making sure that we do have enough staff to provide the proper services out in the community. We have 250 to 300 volunteers but those volunteers have full-time jobs. We cover 2,000 square miles and so we really do need to have paid career staff to be able to respond to all of the emergency service calls that we have.

One of the questions we've been asked is what will we do with the additional funding? As you know, right now we're currently recruiting for the staff that we had added to the budget with the one-eighth but there's a need for additional fire staff. There's a need for additional firefighters to get to the 99 career staff. That would be three

more staff. We also need a volunteer retention coordinator and we need to improve our wildland staff staffing. So these would be the type of things that the funding requests would come in the spring when we do our 2019 budget.

If the tax passes we would not be adding anything to this year's budget. We already allocated positions and any of the equipment and overtime funding and cost of living increases with the revenue that we would be getting, and even though we would be getting some money from the sixteenth in this fiscal year, we actually approved something above what the eighth would bring in for this year and we'd be bringing in some cash or some revenue from the sixteenth to cover that.

So I just want to let you know, we wouldn't be bringing back anything in this fiscal year but we would be bringing back to the Board in March, April, May, June for the FY 19 budget these types of requests. So those are the types of requests that we'll still pending with the Fire Department and what would be in consideration for the use of that additional GRT.

And then within the behavioral health, we are looking at expanded services beyond just the basic service of opening up the triage center. What was put into the budget was what was believed to be what we need to do minimal operations, to get the door open and get navigation services for those individuals who have behavioral health crises. But there are additional things that are needed and that – to include funding the detox center that we currently have to the level of a medical detox center. Right now it's social detox center and it really has a need to be a medical detox center. Also, our mobile health crisis response team that goes out there. We've been using some of our healthcare assistance funds, but as you know, in 2014 the state legislature took an amount equivalent to 1/12 or \$3.1 million of County funds that used to go for indigent care services or health assistance care claims. They took that and it goes to the state and it used as a Medicaid match to come back to providers on a claims basis. But we have moved away, as I was stating earlier, from that claims basis and tried to focus more on direct services that target in our *Health Action Plan*, like assisting pregnant women with opioid addiction so that they have healthy babies. And having the behavioral health crisis response team, it goes out to a home or to a location where somebody might be having a behavioral health crisis problem and then we have actual responders that go with the first responders or ahead of the first responders to try to help that person who's having a behavioral health crisis.

So those are the kind of things that if the tax passes they would be directed to fund those additional services in behavioral health and expand the existing services. We have continued services that we have that we've been using one-time funds for. We've been using cash for and to make sure that the behavioral health crisis triage center is fully operational and fully staffed, as well as I said addressing those issues in the Fire Department and the Sheriff's Department, and then something else – and it will come up in the subcommittee with the City with the RECC is we have a huge needs to upgrade our software, our CAD system and our radio equipment in the dispatch center and in the police and sheriff's and both Fire Departments and the Town of Edgewood.

We're looking at probably \$9.5 to \$10 million of equipment and software upgrades over the next few years between the City and the County. So that's another area that these funds will be focused to make sure that we have a properly functioning dispatch center.

So I just wanted to put that out there because when we did the budget for 2018 in the spring we had very specific things that the GRT. We went down to the line item in the budget, each individual staff member, but we aren't at that stage for the 19 budget yet, but these are the type of things that have already been put on the table and that we would be funding with the GRT that's out for the voters right now. I just want to remind everybody that that election is September 19th and we do have early voting until September 16th and if anyone needs information on what that tax would be spent on it's things like I just said and that those very specific items those would be brought forward. But it must be used for public safety, including our Sheriff's Office, our Fire Department, our dispatch and Corrections, or for behavioral health services, and anything debt-related that would go along that same line.

And so I just wanted to make sure that I put that out there on the record and if anybody does have questions, they are welcome to call our main number, 986-6200, if they want to know more specifics about the type of things that the Fire Department, the Sheriff's Office, the Corrections or Community Services would be asking for, these are the thing they already have no their plate that they know we need to fund in the upcoming years. And with that I stand for any questions.

COMMISSIONER ANAYA: Mr. Chair, I just want to briefly add to the comments associated with the tax. The tax is in the voters' hands and I respect whatever determination that they decide to make, but I will say this. There is no fluff and there is no gravy associated with what we're asking of the voters to pass, and that is that our public safety in the realm of corrections, our Sheriff's Department, our Fire Department, and then in substance abuse and behavioral health – none of us, none of our families, none of our community members are exempt from the need to have contact and services in these areas. And so these are essential functions that the County is providing and wants to provide at a level that provides that expanded service to our citizens of the county. So thank you so much for that summary, Ms. Miller, and I just encourage everyone to get out and vote. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Commissioner Hamilton.

COMMISSIONER HAMILTON: I actually want to thank you for those comments and to sort of echo Commissioner Anaya's comments on that, and also to recognize that Chief Sperling is sitting in the back very quietly, but I am very grateful that you read that letter and wanted to thank him and his whole staff for performing at such an incredible level and bringing a lot of pride to the County, but also a service that's incredibly needed. So thank you very much.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Any other comments from the Board? Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Mr. Chair. I was happy to vote for the first increment and I didn't want to go too far so we opted for the election. In that time there was a certain amount of anxiety about taxation but when I talk to people, they do respond. They do want the services, especially the emergency services that the County provides. And I think I told a reporter that I was intending to vote for this bond issue because it also focuses on public safety and what is more important than public safety?

So I want everybody to get out, look at what's on the ballot and I hope you will all vote for the bond.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Commissioner Hansen, did you have any comments?

COMMISSIONER HANSEN: Everyone needs to get out and vote. That is their civic responsibility and we have given that to them. So we have very important issues that we have to spend the money on and thank you, Manager Miller for your detailed explanation because I think it is really important for the public to understand that this money is being spent in a really important way for public service and for our behavioral health, which is incredibly important to our community and is necessary, especially with the opiate crisis that we are facing and so please get out and vote.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and I'd like to just make the same comment. I really want everybody to get out there and vote and let us know which direction they'd like to go. I think it's important that we get this input from the community, which is why I elected to go with a positive referendum. I personally feel that it is a good cause and we need to address the situation that we have. I don't know that the first amount that we passed is sufficient, but I do feel that it is something that's very important so I'm glad that we're taking it out to our voters. Thank you.

Were you concluded, Manager Miller? Was that it?

MS. MILLER: Mr. Chair, yes. That's all my updates. Thank you.

VII. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session: Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978, and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, Including the Following:

- 1. Rights-of-Way for County Roads**
- 2. Potential Lease or Other Disposition of County Property to the State of New Mexico**
- 3. Potential Litigation Concerning County Local Option Gross Receipts Tax Revenue**
- 4. Acquisition of Real Property and Water Rights of Water Associations**

CHAIR ROYBAL: Can you go over what we'll be talking about in executive session?

RACHEL BROWN (Deputy County Attorney): Mr. Chair, we will be going into executive session should the Board so desire to discuss threatened or pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 10-15-1(H)(7) NMSA 1978, and discussion of the purchase, acquisition or disposal of real property or water rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, including rights-of-way for County roads; potential lease or other disposition of County property to the State of New Mexico; potential litigation concerning County local option gross receipts tax revenue and acquisition of real property and water rights of

water associations.

CHAIR ROYBAL: Okay, so do I hear a motion?

COMMISSIONER HAMILTON: I would move to go into executive session to discuss as described by Assistant County Attorney Brown.

CHAIR ROYBAL: Okay, we have a motion. Do I hear a second.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a motion and a second. Can I have a roll call please?

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

| | |
|-----------------------|-----|
| Commissioner Anaya | Aye |
| Commissioner Hamilton | Aye |
| Commissioner Hansen | Aye |
| Commissioner Moreno | Aye |
| Commissioner Roybal | Aye |

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I don't have anything on the reports. I don't know if you had asked that and maybe I missed it, but I don't have anything on the reports for the rest of staff. I don't know if you want them to wait or not.

CHAIR ROYBAL: No, I think we're okay with letting staff go.

[The Commission met in executive session from 4:21 to 7:03.]

Commissioner Hansen chaired the meeting in place of Chair Roybal. Commissioner Hamilton made a motion to come out of executive session and stated that the only things discussed in executive session were those identified in the motion to go into executive session. She stated that present were the five Commissioners, the County Manager, the Deputy County Manager for a portion of the meeting, the County Attorney and the Deputy County Attorney. Present for a portion of the meeting were the Director of the County Utilities Division John Dupuis, the Director of the Public Works Department Michael Kelley, the Business Finance Manager Erik Aaboe, and Assistant County Attorney Bruce Frederick.

The motion to come out of executive session was seconded by Commissioner Anaya and passed by a vote of 4-0. [Commissioner Roybal was not present for this action.]

- VII. C. Special Closed Meetings of the Board of County Commissioners on August 16 and 17, 2017**
- 1. Statement for Inclusion in the Minutes that the Matters Discussed**

**in the Closed Meetings were Limited Only to Those Specified in
the Notice of Special Closed Meetings, as Required by Section 10-
15-1(J) NMSA 1978**

Commissioner Anaya moved with regard to the special closed meetings of the Board of County Commissioners held on August 16 and 17, 2017, to have the minutes reflect that the matters discussed in the closed meetings were limited only to those specified in the notice of the special closed meetings as required by Section 10-15-1(J) NMSA 1978. The motion was seconded by Commissioner Hamilton,

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

VIII. INFORMATION ITEMS

- A. Growth Management Department Monthly Report**
- B. Public Safety Department Monthly Report**
- C. Public Works Department Monthly Report**
- D. Human Resources Division Monthly Report**
- E. Community Services Department Monthly Report**
- F. Finance Reports**
 - 1. 4th Quarter Department of Finance and Administration Report**
 - 2. Finance Report for the Quarter Ending June 30, 2017**
 - 3. August Monthly Report**

There were no questions regarding the monthly reports.

IX. CONCLUDING BUSINESS

- A. Announcements**
- B. Adjournment**

Upon motion by Commissioner Moreno and second by Commissioner Hamilton, and with no further business to come before this body, Vice Chair Hansen declared this meeting adjourned at 7:08 p.m.

Approved by:


Board of County Commissioners
Henry Roybal, Chair

ATTEST TO:

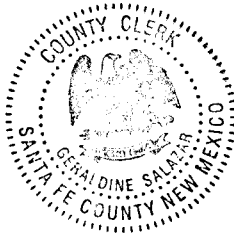
Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 09/28/2017

Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 53

I Hereby Certify That This Instrument Was Filed for
Record On The 28TH Day Of September, 2017 at 03:58:18 PM
And Was Duly Recorded as Instrument # 1837495
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy *G. Salazar* County Clerk, Santa Fe, NM

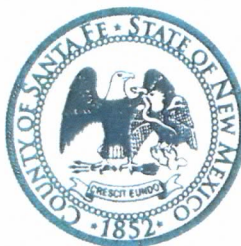
III. B. 1.

SFC CLERK RECORDED 09/28/2017

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



Date: August 29, 2017

To: Board of County Commissioners

From: Tony Flores, Deputy County Manager

Via: Katherine Miller, County Manager

Subject: Appointment of a Finance Division Staff Member to the Santa Fe County Audit Committee (Finance Division/Don Moya)

Background and Summary

On November 6, 2016, the Board of County Commission (Board) amended and replaced Resolution 2011-80 by replacing attachment A, defining the purpose, functions, membership, structure and other requirements of the Santa Fe County Audit Committee.

The composition of the Audit Committee includes the requirement that the Board appoint a fourth non-voting member who shall be a staff representative from the County's Finance Division appointed by the BCC. At its first meeting on August 24, 2017, the three voting members of the Audit Committee considered the role and responsibilities of the fourth, non-voting member of the Audit Committee as well as the required qualifications as stated in Attachment A to Resolution 2016-127. Mr. Don Moya, Finance Director for Santa Fe County was nominated to fulfill the role of the fourth, non-voting member of the Audit Committee and was unanimously approved.

Recommendation

After careful consideration of the qualifications, role and responsibilities of the fourth non-voting member, The Santa Fe County Audit Committee is recommending the appointment of Mr. Moya as the Staff Representative from the County's Finance Division. Attachment A to Resolution 2016-127 states, "The first Staff Representative Member shall serve for a one (1) year term and may be reappointed for a subsequent term of one (1) year. Each subsequent Staff Member shall serve for a term of (1) year and may be reappointed for up to two consecutive terms of one (1) year each."

Exhibits:

A – Resolution 2016-17

SANTA FE COUNTY
RESOLUTION NO. 2016 - 127

A RESOLUTION
AMENDING RESOLUTION NO. 2011-80 BY REPLACING
ATTACHMENT A DEFINING THE PURPOSE, FUNCTIONS,
MEMBERSHIP, STRUCTURE, AND OTHER REQUIREMENTS OF THE
SANTA FE COUNTY AUDIT COMMITTEE

WHEREAS, on May 31, 2011, the Board of County Commissioners of Santa Fe County (BCC) adopted Resolution No. 2011-80, which established the Santa Fe County Audit Committee (Audit Committee); and

WHEREAS, Attachment A to Resolution No. 2011-80 defines the purpose, functions, membership, structure, and other requirements of the Audit Committee; and

WHEREAS, Attachment A to Resolution No. 2011-80 provides that it may be amended, rescinded, or superseded by the BCC at any time by a properly executed and recorded Resolution; and


WHEREAS, it is in the best interest of Santa Fe County to revise certain provisions of Attachment A to Resolution No. 2011-80 and add additional provisions.

NOW, THEREFORE, BE IT RESOLVED by the BCC that Attachment A to Resolution No. 2011-80 is hereby replaced and superseded in its entirety by Attachment A to this Resolution.

PASSED, APPROVED, AND ADOPTED this 8th day of November, 2016.

BOARD OF COUNTY COMMISSIONERS


Miguel M. Chavez, Chairperson


Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:

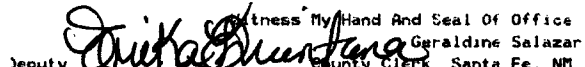

Gregory S. Shaffer, Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 5

I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of November, 2016 at 03:34:42 PM
And Was Duly Recorded as Instrument # 1809571
Of The Records Of Santa Fe County


Deputy County Clerk Santa Fe, NM

SFC CLERK RECORDED 11/14/2016

SFC CLERK RECORDED 09/28/2017

**Responsibilities and Requirements of the Santa Fe County Audit Committee
Adopted November 8, 2016**

Statement of Purpose

The purpose of the Santa Fe County Audit Committee (Audit Committee) is to perform a variety of financial oversight functions on behalf of Santa Fe County and its Board of County Commissioners (BCC), to ensure ongoing BCC involvement with internal controls and financial reporting, and to ensure that the financial reports presented by Santa Fe County are reliable and fairly present the County's financial position.

Core Functions

1. The Audit Committee will ensure that County management is maintaining a comprehensive framework of internal control, and that the established framework is adequate to protect the assets of Santa Fe County. The Committee will:
 - a. Review controls in areas of purchasing, accounts payable, accounts receivable, payroll, fixed assets and non-capital inventory, and cash and investments on a County-Wide or departmental level as determined to be necessary by the Audit Committee.
 - b. Report to the BCC on the adequacy of the internal control framework as appropriate.
 - c. Make recommendations for changes to the internal control framework, if deemed appropriate, and monitor implementation of adopted recommendations.
 - d. Take any other actions necessary to carry out this function.
2. The Audit Committee will ensure that the financial statements are properly audited and that any problems therein are disclosed and properly resolved. The Committee will:
 - a. Assist with the procurement of the independent public accountants to conduct the annual audit required by the Audit Act, including by assisting with the development of the audit contract scope of work and the selection process as deemed necessary.
 - b. Directly supervise the independent audit if deemed necessary because of management negligence or misconduct.
 - c. Review the financial statements and auditors' reports and assist the BCC in interpreting the audit report, including the opinion and findings and recommendations, as applicable.
 - d. Facilitate regular communication with the independent public accountants and the BCC to provide an avenue for detailed discussion of internal controls and other audit-related issues.
 - e. If need arises, discuss confidential personnel matters or pending or threatened litigation as they relate to any audit-related issues in an executive session of the BCC.
 - f. Ensure resolution of audit findings by making recommendations for corrective action and monitoring implementation of adopted recommendations.
 - g. Assess the performance of the independent auditing firm.
 - h. Take any other actions necessary to carry out this function.

SFC CLERK RECORDED 11/14/2016

3. The Audit Committee will oversee and review the internal audit function of the County as applicable. The Committee will:
 - a. Review any requests for internal audit to determine whether such internal audits should be conducted and, if so, whether it should be conducted by staff or a contractor.
 - b. Assist in the procurement of any contracted internal auditor, including by assisting with the development of the contract scope of work and the selection process as deemed necessary.
 - c. Provide a forum for internal auditors to report findings of management abuse or control override.
 - d. Review all internal audits and report to the BCC on the findings of the internal audit.
 - e. Ensure resolution of audit findings by making recommendations for corrective action and monitoring implementation of those recommendations.
 - f. Assess the performance of the internal auditing firm.
 - g. Take any other actions necessary to carry out this function.
4. The Audit Committee will assess financial reporting practices to ensure that financial statements are reliable and fairly present the financial position of the County. The Committee will:
 - a. Discuss reporting practices with the independent public accountants to determine suitability and compliance, as needed.
 - b. Report to the BCC on the adequacy of financial reporting practices, as needed.
 - c. Make recommendations for changes to the current methods of financial reporting, if deemed appropriate, and monitor implementation of adopted recommendations.
 - d. Any other actions necessary to carry out this function.

Audit Committee Membership and Structure

The Audit Committee will be composed of three voting members and one non-voting member. Two of the voting members shall be members of the BCC appointed by the BCC. The third voting member shall be a citizen of the County appointed by the BCC. The non-voting member shall be a staff representative from the County's Finance Division appointed by the BCC. Audit Committee members shall meet the following qualifications.

Qualifications – BCC Members-

1. A sufficient level of financial literacy to perform each core function as stated above.
2. Ability to deliberate meaningfully on any issue likely to be brought before the Audit Committee with the assistance of a financial expert.
3. Ability to exercise an appropriate degree of "professional skepticism" when dealing with any audit-related issues.

Qualifications – Citizen Member

1. Specific expertise in governmental accounting, auditing, financial reporting or internal controls; a Certified Public Accountant is preferred but not required.
2. Ability to exercise an appropriate degree of "professional skepticism" when dealing with any audit related issue.
3. Appointee must not have any financial interest in any entity doing business with the County, any conflict of interest with an entity doing business with the County, or have an immediate

family member (as defined in the most current version of Santa Fe County Human Resources Handbook) employed in a financial capacity at Santa Fe County or serving as a volunteer in any capacity with Santa Fe County that would potentially be the subject of a financial audit.

Qualifications – Staff Representative

1. Knowledge of multiple processes within the financial structure of the County.
2. Ability to function as a subject matter expert to advise and assist the voting members of the Audit Committee.
3. Ability to exercise an appropriate degree of “professional skepticism” when advising the Audit Committee and other members of the BCC.
4. Must be able to maintain confidentiality when exposed to information about County employees or Elected Officials.

All members must adhere to the requirements of the Code of Conduct Ordinance No. 2010-12.

The members of the Audit Committee shall serve on staggered terms according to the following schedule:

1. BCC Member One shall serve for an initial term of two (2) years and may be reappointed to serve for one subsequent term of two (2) years.
2. BCC Member Two shall serve for an initial term of one (1) year, and may be reappointed to serve for one subsequent term of two (2) years.
3. The Citizen Member first appointed after the effective date of this Attachment A shall serve for a term of three (3) years but may not serve a subsequent term. Thereafter, a Citizen Member shall serve a two (2) year term and may be reappointed for one subsequent term of two (2) years.
4. The first Staff Representative Member shall serve for a one (1) year term and may be reappointed for a subsequent term of one (1) year. Each subsequent Staff Representative Member shall serve for a term of one (1) year and may be reappointed for up to two consecutive terms of one (1) year each.
5. Audit Committee members shall serve at the pleasure of the body that appointed the member. In addition, an Audit Committee member shall be deemed to have resigned upon missing two consecutive meetings of the Audit Committee.
6. A vacancy due to the resignation or removal of an Audit Committee member shall be filled as soon as possible. The new member shall complete the term of the departing member and may be reappointed to subsequent terms, as set forth above.

The Audit Committee shall hold four regularly scheduled meetings per year and may hold special meetings as needed. At a minimum, meetings must be held according to the following:

1. Two voting members shall constitute a quorum.
2. One meeting shall be at the start of the annual audit process in approximately July of each year to discuss audit-related matters with the independent auditing firm.
3. One meeting shall be at the completion of the annual audit process in approximately October of each year to discuss audit-related matters with the independent public accountants as well as any findings in the audit report. This meeting should be outside the presence of management and may be held outside the presence of the Staff Representative

SFC CLERK RECORDED 11/14/2015

Member if deemed appropriate by either the independent public accountants or the voting members the Committee.

4. The Audit Committee may require the presence of any County employee or Elected Official at any of its meetings.
5. At each meeting of the Audit Committee, the Staff Representative Member shall leave the meeting so as to afford time for confidential discussion and action among voting members. This requirement may be waived at any meeting by a majority of the voting members.

Work Plan

The Audit Committee may propose, and the BCC may approve, a work plan for the upcoming calendar year or any other period of time. The work plan shall include a list of tasks to be addressed by the Audit Committee during the period covered by the work plan along with a delivery schedule of updates, reports, and other deliverables. The Audit Committee may request that the BCC amend the approved work plan at any time. If a work plan is approved as provided for herein, the Audit Committee shall update the BCC in accordance with the work plan.

Evaluation and Reporting Requirements

The Audit Committee shall review its responsibilities and requirements on a periodic basis, but no less frequently than once every five years, to ensure that they meet the needs of the County, and to ensure ongoing adequacy of the core functions and structure. Such a review should specifically address changes needed as a result of changes in laws, regulations and professional standards as may occur from time to time.

The Audit Committee shall provide a report to the BCC following the completion of the annual independent audit and official release by the NM Office of the State Auditor. At a minimum, the report should provide information about the audit, including the financial statements, the conduct of the auditing firm, any findings brought to the Audit Committee's attention, the management response to those findings, and any corrective actions to be undertaken. Finally, the report should put forth proposed changes to the core functions of the Audit Committee, if any, with an explanation as to why the change is needed. This report shall become a matter of public record.

The Audit Committee may also provide updates to the BCC at any other time as deemed necessary. These updates may be verbal or in writing and shall be a matter of public record.

The *Responsibilities and Requirements of the Santa Fe County Audit Committee* may be amended, rescinded, or superseded by the Santa Fe County BCC at any time by a properly executed and recorded Resolution.



San Marcos District Public Participation Plan (PPP)

Goal

To create a community planning process guided by the SGMP to ensure diversity of representation by providing information and receiving public input on the planning process to include geographical representation of property owners, residents, business owners and other stakeholders such as the equestrian, agriculture, arts, and economic development communities.

Planning Framework

SLDC Section 2.1.5.4 *County planning staff in coordination with the planning committee shall develop a public participation plan that assures representation of a diverse cross section of the community. The public participation plan may include public meetings, surveys, establishment of topic specific subcommittees, outreach to community groups and interested parties.*

Initial Outreach

- Enriching the Planning Committee representation through one-on-one outreach efforts
- Letter to all property owners, including the link to the County website for the San Marcos Planning Process
 - Title: "Be Part of the Plan for the Future"
 - Message: "You are receiving this notification because you live in the San Marcos District" Include map and diagram of planning process outlined in SLDC for Santa Fe County
- Information on Santa Fe County website (San Marcos Planning Process webpage)
- Providing information on the planning process to include flyers at various locations throughout the San Marcos District to include:
 - Turquoise Trail School
 - Stores
 - Gas Station
 - Post Office
 - Turquoise Trail Fire Station

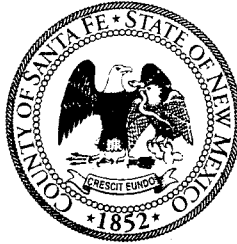
Community Engagement

- Progress update emails to the community
- Progress updates on Santa Fe County website (San Marcos Planning Process webpage)
- Information distribution through community groups
 - San Marcos Association Newsletter/Facebook page (newsletter to be sent after County letter)
 - Rancho Allegre- Carolyn Moore
 - Silver Hills HOA
 - Turquoise Trail Business Association
 - Turquoise Trail Regional Alliance
 - Breakfast Club
 - Stoneridge Realty- Nai Smith
- Emails through CO/RO contacts

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



III.D.2
Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

SFC CLERK RECORDED 09/28/2017



To: Board of County Commissioners
From: Gregory S. Shaffer, County Attorney
Date: August 29, 2017

Re: **Agenda Item No. III(D)(2): Amendment No. 1 to Collective Bargaining Agreement Between Santa Fe County, New Mexico and the American Federation of State, County, and Municipal Employees; Council 18 (Referring to the Bargaining Unit as Local 1413-M)**

Issue. The above-referenced Amendment No. 1 needs to be revised so as to comply with regulations of the Public Employees Retirement Association (PERA), which defines a member's "salary" as including shift differentials.

Background. The draft of Amendment No. 1 in the packet for today's meeting contains an amended Article 23 concerning shift differential pay for Licensed Practical Nurses (LPNs) and Registered Nurses (RNs) in the bargaining unit. Article 23(D) in the packet version provides as follows:

D. Notwithstanding the provisions of this Article 23, shift differential pay shall not be counted towards PERA benefits.

This negotiated provision would have meant that LPNs and RNs earning shift differential pay would **not** have earned retirement benefits on such pay and that neither the County nor the employee would have to make PERA contributions on such shift differential pay.

This is inconsistent with PERA's definition of salary. 2.80.100.7(Q) NMAC provides, in part, as follows:

Salary" means the base salary or wages paid a member, including longevity pay, for personal services rendered to an affiliated public employer. **"Salary" includes . . . shift differentials . . .** (Emphasis added.)

Amendment No. 1 needs to be revised to reflect that shift differential pay is included in PERA's definition of "salary". Specifically, we recommend Article 23(D) read as follows:

D. Shift differential pay provided for in this Article 23(D) shall be included in the employee's salary for Public Employees Retirement Association (PERA) purposes in accordance with PERA rules, 2.80.100.7(Q) NMAC.

This will augment the retirement benefits of LPNs and RNs who earn shift differential pay. In addition, we understand that the County can afford its share of PERA contributions.

The Legal Department regrets that it did not earlier discover the inconsistency with PERA regulations.

Recommendation. Approve the revised draft of Amendment No. 1.

Exhibits.

- A – Redline of Revised Amendment No. 1
- B – Clean Draft of Revised Amendment No. 1

**AMENDMENT NO. 1 TO COLLECTIVE BARGAINING AGREEMENT BETWEEN
SANTA FE COUNTY, NEW MEXICO AND THE AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL EMPLOYEES; COUNCIL 18 (REFERRING TO
THE BARGAINING UNIT AS LOCAL 1413-M)**

THIS AMENDMENT is made and entered into as of this _____ day of _____, 2017, by and between Santa Fe County, a political subdivision of the State of New Mexico (hereinafter referred to as "the County") and the American Federation of State, County, and Municipal Employees (hereinafter referred to as "the Union").

WHEREAS, the County and the Union entered into the Collective Bargaining Agreement ("CBA") effective December 13, 2016 to December 31, 2020; and

WHEREAS, the CBA provides for a financial reopener scheduled to be negotiated beginning no earlier than May 1, 2017, and no later than June 1, 2017; and

WHEREAS, the parties have agreed upon certain financial provisions and now desire to amend the CBA to incorporate such provisions.

NOW, THEREFORE, THE PARTIES AGREE TO ADD THE FOLLOWING PROVISION TO THE CBA.

1. The following shall be added as a new Section 2 to Article 22 of the CBA; the remainder of Article 22 shall remain the same:

ARTICLE 22. WAGES

Section 2. Retention and Recruitment Adjustment

- A. Bargaining unit Registered Nurses will earn a minimum salary of \$34.50 per hour and Licensed Practical Nurses will earn a minimum salary of \$25.00 per hour effective the first full pay period after ratification by the bargaining unit and approval by the Board of County Commissioners. Bargaining unit employees who are earning the minimum pay or more shall receive a \$0.50 salary increase effective the first full pay period after ratification by the bargaining unit and approval by the Board of County Commissioners.
 - B. All bargaining unit employees shall receive a 3% COLA effective the first full pay period in January 2018.
 - C. Bargaining unit employees will receive cost of living adjustments comparable to non-bargaining unit employees in January 2019 and January 2020.
2. The current Article 23 of the CBA shall be deleted in its entirety and replaced with the following:



ARTICLE 23. PAY DIFFERENTIAL

- A. Licensed Practical Nurses and Registered Nurses whose normal schedule is the graveyard shift, not including Friday or Saturday nights, will receive shift differential pay of 2% of their hourly rate for hours worked.
- B. Licensed Practical Nurses and Registered Nurses who work on Saturday or Sunday day shifts will receive shift differential pay of \$0.50 per hour.
- C. Licensed Practical Nurses and Registered Nurses who work Friday or Saturday graveyard shifts will receive shift differential pay of \$0.50 per hour.

D. Shift differential pay provided for in this Article 23(D) shall be included in the employee's salary for Public Employees Retirement Association (PERA) purposes in accordance with PERA rules, 2.80.100.7(Q) NMAC.

~~D. Notwithstanding the provisions of this Article 23, shift differential pay shall not be counted towards PERA benefits.~~

- 3. **The current Article 27 of the CBA shall be amended to include the addition of a final sentences to this Article; all other provisions of Article 27 shall remain the same:**

ARTICLE 27. TERM OF AGREEMENT

Each party has the right to open one (1) economic article, which may be opened no earlier than May 2018 and no later than July 2018. All items in this financial package are contingent upon sufficient budget appropriation.

SIGNATORIES OF THE PARTIES

IN WITNESS, WHEREOF, the parties have duly executed this Agreement on the dates indicated.

Daniel L. Solis, President
AFSCME Local 1413-M

Henry P. Roybal, Chairperson
Board of County Commissioners
County of Santa Fe, New Mexico

Sam Chavez, Staff Representative
AFSCME Council 18

Attest:

Approved as to form:

Geraldine Salazar, County Clerk
County of Santa Fe, New Mexico

Gregory S. Shaffer, County Attorney
County of Santa Fe, New Mexico

**AMENDMENT NO. 1 TO COLLECTIVE BARGAINING AGREEMENT BETWEEN
SANTA FE COUNTY, NEW MEXICO AND THE AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL EMPLOYEES; COUNCIL 18 (REFERRING TO
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**NOW, THEREFORE, THE PARTIES AGREE TO ADD THE FOLLOWING
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1. The following shall be added as a new Section 2 to Article 22 of the CBA; the remainder of Article 22 shall remain the same:

ARTICLE 22. WAGES

Section 2. Retention and Recruitment Adjustment

- A. Bargaining unit Registered Nurses will earn a minimum salary of \$34.50 per hour and Licensed Practical Nurses will earn a minimum salary of \$25.00 per hour effective the first full pay period after ratification by the bargaining unit and approval by the Board of County Commissioners. Bargaining unit employees who are earning the minimum pay or more shall receive a \$0.50 salary increase effective the first full pay period after ratification by the bargaining unit and approval by the Board of County Commissioners.
 - B. All bargaining unit employees shall receive a 3% COLA effective the first full pay period in January 2018.
 - C. Bargaining unit employees will receive cost of living adjustments comparable to non-bargaining unit employees in January 2019 and January 2020.
2. The current Article 23 of the CBA shall be deleted in its entirety and replaced with the following:



ARTICLE 23. PAY DIFFERENTIAL

- A. Licensed Practical Nurses and Registered Nurses whose normal schedule is the graveyard shift, not including Friday or Saturday nights, will receive shift differential pay of 2% of their hourly rate for hours worked.
 - B. Licensed Practical Nurses and Registered Nurses who work on Saturday or Sunday day shifts will receive shift differential pay of \$0.50 per hour.
 - C. Licensed Practical Nurses and Registered Nurses who work Friday or Saturday graveyard shifts will receive shift differential pay of \$0.50 per hour.
 - D. Shift differential pay provided for in this Article 23(D) shall be included in the employee's salary for Public Employees Retirement Association (PERA) purposes in accordance with PERA rules, 2.80.100.7(Q) NMAC.
3. **The current Article 27 of the CBA shall be amended to include the addition of a final sentences to this Article; all other provisions of Article 27 shall remain the same:**

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Each party has the right to open one (1) economic article, which may be opened no earlier than May 2018 and no later than July 2018. All items in this financial package are contingent upon sufficient budget appropriation.

SIGNATORIES OF THE PARTIES

IN WITNESS, WHEREOF, the parties have duly executed this Agreement on the dates indicated.

Daniel L. Solis, President
AFSCME Local 1413-M

Henry P. Roybal, Chairperson
Board of County Commissioners
County of Santa Fe, New Mexico

Sam Chavez, Staff Representative
AFSCME Council 18

Attest:

Approved as to form:

Geraldine Salazar, County Clerk
County of Santa Fe, New Mexico

Gregory S. Shaffer, County Attorney
County of Santa Fe, New Mexico

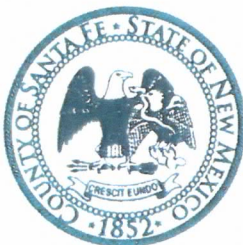
III. D. 3.

SFC CLERK RECORDED 09/28/2017

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4


Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



DATE: August 29, 2017

TO: Board of County Commission

FROM: Tony Flores, Deputy County Manager 

VIA: Katherine Miller, County Manager

RE: Request Approval of a Memorandum of Agreement between Santa Fe County and the Town of Edgewood for Funding Related to the Development of the East Mountain Health Facility.

BACKGROUND/SUMMARY:

Santa Fe County (County) plans to design and construction the East Mountain Regional Health Facility (Facility) which will be located within the Town of Edgewood on State Trust Land. The Facility will provide primary medical, dental, and behavioral health services with subspecialties and extended hours to service approximately 13,000 patients of southern Santa Fe County. The Facility will also provide services to residents of Tarrant and Bernalillo Counties. The Facility will replace the present clinic in Edgewood that is currently housed in a portable building and is in dire need of replacement.

The Town of Edgewood seeks to partner with the County and participate in the design and construction of the Facility to ensure that residents and citizens of the East Mountain Region and the Town of Edgewood have access to quality healthcare. This partnership includes providing \$35,000.00 in funding to be utilized for design, and/ or construction and equipping of the new Facility.

RECOMMENDATION

Staff is recommending approval of the Memorandum of Agreement.

**MEMORANDUM OF AGREEMENT
BETWEEN SANTA FE COUNTY AND
THE TOWN OF EDGEWOOD**

THIS MEMORANDUM OF AGREEMENT (hereinafter, "Agreement") is entered on this the _____ day of _____ 2017, by and between **Santa Fe County** (hereinafter referred to as "County"), a New Mexico political subdivision, and the **Town of Edgewood**, (hereinafter referred to as the "Town"), a municipality located at 1911 Historic Route 66, Edgewood, New Mexico 87015.

RECITALS

WHEREAS, in the spirit of cooperation, mutual respect and service to the residents of the County and the Town, this Agreement confirms the parties' commitment and mutual cooperation which recognizes that the partnering activities between government entities may produce community and constituency benefits beyond what might be produced independently; and

WHEREAS, this Agreement is exempt from the provisions of the Procurement Code, NMSA 1978, Section 13-1-98(A); and

WHEREAS, the County plans to design and construct a 22,000 square foot healthcare facility in the Town of Edgewood (East Mountain Regional Health Facility) that will provide primary medical, dental, and behavioral health services with subspecialties and extended hours to service approximately 13,000 patients; and

WHEREAS, the new healthcare facility will replace the present clinic in Edgewood that is housed in a portable building and is in dire need of replacement; and

WHEREAS, the Town seeks to partner with the County and participate in the design and construction of the healthcare facility to ensure that residents and citizens of the East Mountain Region and the Town of Edgewood have access to quality healthcare; and

WHEREAS, the County and Town agree that the design and construction of a new healthcare facility is of mutual interest and benefit to the County and Town and all funds contributed by the Town will be expended for the design, and/ or constructions of the new healthcare facility and purchasing furnishings and equipment.

NOW, THEREFORE, the parties mutually agree as follows:

1. SCOPE OF AGREEMENT

By this Agreement, the Town agrees to provide the County with funds in the amount of \$35,000.00, for the design, construction and/ or the purchase of furnishings or equipment for the new healthcare facility in Edgewood (East Mountain Regional Health Facility).

2. FUNDING; COMPENSATION

A. During the term of this Agreement, the Town shall contribute \$35,000.00 in funding to the County for the County's use to design, construction and/ or the purchase of furnishings or equipment for the new healthcare facility.

3. EFFECTIVE DATE AND TERM

This Agreement shall become effective upon the date of last signature by the parties and shall terminate no later than December 30, 2018, unless earlier terminated pursuant to Section 4 (Termination) or Section 13 (Appropriations and Authorizations). The term of this Agreement may be extended upon mutual agreement of the parties and by an instrument in writing.

4. TERMINATION

A. Termination of Agreement. This Agreement may be termination by the County upon written notice to the Town at least 30 days prior to the intended date of termination. By such termination, no party may nullify obligations already incurred for performance or failure to perform prior to the date of termination.

B. Termination of Agreement for Cause. If a party fails to fulfill in a timely and proper manner its obligations under this Agreement, or if a party violates any of the covenants, agreements, or stipulations of this Agreement, the non-breaching Party shall thereupon have the right to suspend or terminate this Agreement by giving written notice to the other party of such termination and specifying the effective date thereof.

Notwithstanding the above, no party shall be relieved of liability to the other party for damages sustained because of the breach of the Agreement.

5. PERSONNEL

A. The County represents that it has, or will secure at its own expense, all personnel required to perform the services required of the County under this Agreement.

6. ASSIGNMENT

The Town shall not assign or transfer any interest or obligation in this Agreement without the prior written approval of the County.

7. NO THIRD-PARTY BENEFICIARIES

This Agreement was not intended to and does not create any rights in any persons or party not a party to this Agreement.

8. RELEASE

Final payment of the all amounts due under the Agreement shall operate as a release of the Town, its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement.

9. LIABILITY

Neither party shall be responsible for liability incurred as a result of the other party's acts or omission in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act §41-4-1, et seq., NMSA 1978.

10. AMENDMENT

This Agreement shall not be altered, changed or amended except by an instrument in writing executed by the parties.

11. INTEGRATION CLAUSE

This Agreement incorporates all covenants and understandings of the parties hereto concerning the subject matter hereof, and all such covenants and understandings have been merged into this Agreement. No prior covenants or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

12. APPLICABLE LAW; VENUE

This Agreement shall be construed in accordance with the laws of the State of New Mexico. The Town and the County agree that the exclusive forum for any litigation between them arising out of or related to this Agreement shall be the State District Court of New Mexico, First Judicial District, located in Santa Fe County.

13. APPROPRIATIONS AND AUTHORIZATIONS

This Agreement is contingent upon sufficient appropriations and authorization being made by the governing body of each party and if state funds are involved, the Legislature of the State of New Mexico. If sufficient appropriations and authorization are not made, this Agreement shall terminate immediately upon written notice being given by the affected party to the other party. Such termination shall be without penalty to either party, and either party shall have no duty to reimburse the other party for expenditures made in the performance of this Agreement. Either party is expressly not committed to expenditure of funds until such time as they are programmed, budgeted, encumbered and approved for expenditure by the governing body of each party. The decision as to whether sufficient appropriations and authorizations have been made for fulfillment of this Agreement shall be made by the affected party and such decision shall be final and not subject to challenge by the other party.

14. FACSIMILE SIGNATURES

The parties hereto agree that a facsimile signature has the same force and effect as an original for all purposes.

15. NEW MEXICO TORT CLAIMS ACT

No provisions of this Agreement modifies or waives any sovereign immunity or limitation of liability enjoyed by the County of its "public employees" at common law or under the New Mexico Tort Claims Act, NMSA 1978, §41-4-1, et seq.

16. PROHIBITED ACTIVITY

The County is prohibited from using funds provided herein or personnel employed in the administration of this Agreement for political activities, sectarian or religious activities, lobbying or political patronage.

17. RECORDS AND FINANCIAL AUDIT

To the extent its books and records relate to its performance of this Agreement, or cost(s) or pricing data (if any) set forth in this Agreement or that the Town has agreed to provide to the County under this Agreement, the Town agrees to: (i) maintain such books and records during the term of this Agreement and for a period of six years from the date of final payment under this Agreement; (ii) allow the County or its designee to audit such books and records at reasonable times and upon reasonable notice; (iii) to keep such books and records in accordance with generally accepted accounting principles ("GAAP").

18. PENALTIES FOR VIOLATIONS OF LAW

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

19. EQUAL OPPORTUNITY COMPLIANCE

The parties agree to abide by all federal and state laws, rules, and regulations, pertaining to equal employment opportunity. In accordance with all such laws, the parties assure that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or otherwise subjected to discrimination under any activity performed under this Agreement. If either party is found not to be in compliance with these requirements during the term of this Agreement, the respective party that is not in compliance agrees to take appropriate steps to correct any deficiencies.

20. INVALID TERM OR CONDITION

If any term or condition of this Agreement shall be held invalid or unenforceable, the reminder of this Agreement shall not be affected and shall be valid and enforceable.

21. NOTICES

Any notice required by this Agreement shall be given in writing to the parties designated below. Notice shall be effective when delivered personally to any party, or three business days after deposited, postage fully prepaid, registered or certified, in an official receptacle of the U.S. Postal Service.

COUNTY: Attn: Santa Fe County Manager
Santa Fe County
102 Grant Avenue
P. O. Box 276
Santa Fe, New Mexico 87501-0276

TOWN: Attn: Carla Salazar, Deputy Clerk
Town of Edgewood
P.O. Box 3610
Edgewood, New Mexico

22. SURVIVAL

The provisions of the following paragraphs shall survive the termination of this Agreement: RECORDS AND FINANCIAL AUDIT; RELEASE; APPLICABLE LAW VENUE; NO THIRD PARTY BENEFICIARIES; SURVIVAL.

IN WITNESS WHEREOF the parties have duly executed this Agreement as of the date of last signature below.

SANTA FE COUNTY

Henry P. Roybal, Chair
Santa Fe County Board of County Commissioners

ATTESTATION:

Geraldine Salazar
Santa Fe County Clerk

Date

Approved as to form

Gregory S. Shaffer
County Attorney

Date

Finance Department

Don D. Moya
Finance Director

Date

TOWN OF EDGEWOOD:

John Bassett, Mayor

Date

Approved as to form

Randy M. Autio
Attorney for the Town of Edgewood

Date

Finance Department:

Juan Torres, Clerk/ Treasurer
Finance Director

Date