

**SANTA FE COUNTY**

**BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**February 14, 2017**

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

**SANTA FE COUNTY****REGULAR MEETING****BOARD OF COUNTY COMMISSIONERS****February 14, 2017**

**I. A.** This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:15 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 Ryan Olivas, the State Pledge by Amber Roybal and the Moment of Reflection by Estrella Martinez of the Clerk's Office.

**I. F. Approval of Agenda**

- 1. Amendments**
- 2. Tabled or Withdrawn Items**

CHAIR ROYBAL: Do we have any amendments?

KATHERINE MILLER (County Manager): Mr. Chair, yes. We have – we posted the original agenda last Tuesday and then on Friday at 4:15, February 10<sup>th</sup> we did an amended agenda and those amendments are on page 2 of your agenda. Under the Consent Agenda we added a resolution for a budget increase to the fire operations fund. That's item II. B. 2. And the on page 3 we added under action items, items III. C. 4, and that is a request to publish title and general summary of an ordinance, as well as III. D. 1, a resolution for a budget increase to the lodgers tax advertising fund. Also on page 3,

under Matters from the County Manager, we added the summary and update of the Utility Division water rate study and interim water rate proposal and next steps. That's item V. D.

And under item VI. Matters from the County Attorney, we did add those items to potentially be discussed in executive session and those are all the amendments to the agenda as posted last Friday.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would request if we could – I don't know that they're here yet but the Buffalo Range Riders were going to do a presentation and if we could do that when they show up I'd appreciate it. Oh, they're here? They're here. So if we could do it, Mr. Chair, after Consent, maybe, if that works.

CHAIR ROYBAL: Yes, we can do that.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIR ROYBAL: Could we have a motion to approve the amended agenda?

COMMISSIONER MORENO: So moved.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion and a second.

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

**I. G. Approval of Minutes**

**1. Approval of January 10, 2017, Board of County Commissioners Meeting Minutes**

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Yes. Under public hearings, on page 24, the first land use case, 16-5270, in the first paragraph Vicente Archuleta described this township in District 1 and it is actually in District 2. And then on page 28, Chairman Roybal commented that it was in District 1 and I want to reflect for the record that he was only referring to the mistake made on page 24. So if those two items can be corrected to reflect that this is in District 2 I would be grateful.

CHAIR ROYBAL: The corrections that Commissioner Hansen was referring to, you'll take care of those corrections?

MS. MILLER: Yes, Mr. Chair, we can make those corrections to the minutes.

CHAIR ROYBAL: Okay, I'll entertain a motion to approve unless there's any other corrections.

COMMISSIONER HAMILTON: I'll move to approve the minutes as corrected.

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

COMMISSIONER HANSEN: I second.

CHAIR ROYBAL: Okay, I have a motion and a second.

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

## II. **CONSENT AGENDA**

### A. **Final Order**

1. **BCC CASE # PCPA 16-5240 Colinas del Sol Plat Amendment.**  
**High Desert Partnership, Applicant, James Siebert, Agent, Requested an Amendment to a Condition Imposed by the Board of County Commissioners on an Approved Plat for Colinas del Sol. The Plat Created Sixteen 12.5-Acre Lots and Was Conditioned to 0.20 Acre-Feet per Year Water Restriction per Lot. The Applicant Requested an Amendment to the Plat Condition to Allow 0.25 Acre-Feet per Year Water Restriction per Lot. The Property is Zoned as Rural Residential and is Located at Colinas del Sur Road, via Hwy 285, Within Section 25, Township 15 North, Range 9 East, SDA-2 (Commission District 5) Jose Larrañaga, Case Manager (APPROVED 5-0)**

### B. **Resolutions**

1. **Resolution No. 2017-12, a Resolution Authorizing the County Manager to Prepare, Execute and Submit on Behalf of Santa Fe County Two Local DWI Grant Program Applications Along with all Related Documents and Agreements (Community Services/DWI/Lupe Sanchez)**
2. **Resolution No. 2017-13, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) Wildland Program to Budget State Forestry Revenue to the County Fire Department / \$212,352 (Finance Division/Don Moya)**

CHAIR ROYBAL: What's the pleasure of the Board?

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

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a motion and a second.

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

[Clerk Salazar provided the numbers for the approved resolutions throughout the meeting.]

## VII. **Presentations**

### 1. **Presentation by the Buffalo Range Riders Mounted Shooters**

COMMISSIONER ANAYA: Thank you, Mr. Chair. I appreciate it. I ask those presenters to please come forward and you can introduce yourself and go ahead and present. Thank you very much. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you.

TA-WILLOW ROMERO: Happy Valentine's Day. Thank you guys for

allowing me to be here. Thank you so much for you guys' time. I'm going to go ahead and present a proposal that is I hope is going to be very beneficial for our youth and for the Santa Fe County and the Stanley Cyclone Center. For our youth, they're our future so I really want them to benefit the most.

I represent the Mounted Shooting Group here in New Mexico. We are the Buffalo Range Riders and I wanted to share this all with you guys today because I think this is a really grand thing that can help our community and our kids. So let's get on with it.

I'm proposing today to have a benefit shoot that will actually earn – be a fundraiser for our youth groups that are stationed out of the Stanley Center. This is what we're going to go with today. Okay. Mounted shooting, if you haven't seen it or been around it, it's kind of the Wild West comes to New Age. Is it safe? Yes. Is it a family sport? Yeah, it is. My entire family is in it from my husband to all my kids. It also helps the community kids and I'm going to touch on and elaborate on these as we go on here just so you know we're going to kind of go over these real quick like.

We do need and cater to the organizations of local youth groups, because if we don't have them our sport can't be put on. Okay? So that's why we can do it. And this is a really easy, safe way for these youth groups to make money that will put in their pockets that they can put towards whatever they are. Okay?

Mounted shooting – has anybody seen mounted shooting? Have you heard of it before this? Okay. Right now it is the number one fastest growing equine sport in the world. It is a worldwide sport. Right now, we of course, the United States holds it, Amarillo is our world championship but we do have competitors from Germany, Sweden, all over Australia, Brazil. It's a very fast-paced sport. We do use guns and that is kind of the point that we're coming to today. It is extremely safe. We'll get to that here in a minute, but those pictures right there, that's me. You can't really see them very well, but that's at Founders Ranch out of Edgewood. We hold the world champion SASS mounted shooting up there.

As you see, there's spectators and I haven't shot any of them there. We're going to go on here and as we go along if you have any questions please let me know. We use 45 caliber pistols. We do use rifles and shotguns but the ammo that we use is not – there's no projectiles whatsoever. What comes out of the bullet is a black powder. It's burning black powder. These are engineered to go no further than 20 feet. They're absolutely, 100 percent safe within that distance. That's why we can be a spectator sport. It's a crimped bullet like you see in those pictures there. We have two of them. We carry them in holsters and we ride out into the patters. We pull one gun. We shoot five bullets. When we're resting or not on competition – they are six-shooters but we only have five bullets in them because our safety is always first in this sport. We're 100 percent safety is number one rule in this sport.

So we ride on an empty chamber so there's no chance of them getting bumped and going off and shooting your leg or something like that. Yes, the sport – there's never been a fatality, gun-related, whatsoever in our sport. It's been 22 years as a professional sport. Yes, there's injuries. There's no more injuries, none of them any more than the average, like roping. I've seen fingers cut off in ropings on the arena floor. Yes, we're riding an 1,100 pound horse. Anything that you do with a horse has inherent risks.

But as for gun safety, as I was going to say, safety is number one. Our matches

are ruled by range masters, which are certified and tested and we have an armorer who controls the ammo at all times. So at our event there's a table where ammo is at. It is not with the public. It is by itself and we have an armorer who is a certified person who takes care of that ammo and they hand it out, the guns are loaded and unloaded at that table. We don't run around shooting our guns in the air like Wild West stuff, although that would be fun, but it's not – here's a picture.

As you see, the one on the left is one that has been dispensed. The powder's come out of it. They have about seven grams of black powder in them. They have a primer and when the hammer, each time we pull back the hammer and it hits the primer it depresses out and then we have to cock it in order for it to go to the next one. Remember, these are only engineered to shoot or pop anything at 20 feet. After 20 feet the embers burn out. They're no longer relevant.

So on that, we've held our last competitions, our state one, at Bernalillo down in the – there. I'm going to jump back a little bit here. This is a picture actually of the South Point Hotel and Casino in Las Vegas, Nevada, so we shoot right downtown in the casino. In fact above that is all the rooms and stuff where that lady's shooting. This is a good picture here. It shows you where it stops, where the end of the embers are, that's where it stops. It's done. After that there's nothing there. So all it does is those burning embers come out and they pop the balloon that is sitting there. It's a little hard to see there but you can see the fragments of the balloons there.

Anyway, again, there's never been any fatalities here. Now, I'm going to go on to tell you, reiterate, the safety of this sport is extremely well regulated. We have cautionary with the guns. Any kind of – we have a big rule book that we go by. Here's the rule book that we run with. Any rules that are negligent gun-handling or any kind of ammo is grounds for disqualification or ejection from events. So we really adhere to these. We make sure our range masters, which run the event inside in the arena, make sure that the gates are closed. There's no one in the arena, that the horse and rider are ready for their event and it is completely – there's always someone kind of watching.

So like I said, again, safety first. Safety, fun, and safety. That's our mottos. This is my son, he's seven years old, and it is a family sport. They start out with finger guns. As you can see – I guess you can't really see that one up there, but he's shooting that balloon with his finger gun. He's really good at that. He won up here. So we start all our kids out as early as they can sit on the horse. Parents are in the arena. They can lead their horses or they can allow their kids to ride through on their own until they're ten, and then between ten and 13 the kids are allowed to use either unloaded guns or cap guns and address the course of fire just like the adults do, and then after 13 they're allowed to have live ammo.

But before they do that we do safety instruction and we encourage all new shooters, whether it be children or adults to take a program, some sort of a course before they go out and compete in it. Because it is – you're handling a thousand pound horse and then you're handing two guns. It is – it takes a lot of concentration. So we do a lot of demos and they're done with safety. They're tested, qualified instructors. Right there, the children get to learn how to use the guns on the ground before they ever get on their horses. We believe that teaching them how to handle them safely, just to make sure that we don't have any complications later on when they're riding at full speed.

So here's some more pictures of kind of everybody doing it. The man on the left in the far top corner is one of the oldest shooters I know. He's in his 90s. He came from New Jersey to compete over here last year. It was amazing that he was still going. The one on the right top, that is my 14-year-old son and he's kind of a speed demon and every time he goes in the arena I have to close my eyes. He now has taken over the spot and beats me all the time. As you can see, we also work with kids with special needs. We have programs and stuff that we work with also. And we encourage the CMA, which is the Cowboy Mounted Shooters Association, which is one of the largest. They have a lot of scholarships and funding for the kids to go on with.

So we're going to go where to what I think is one of the most important things, aspects for this sport, is our competitions cannot go on unless we have youth groups. We need to have 4-H groups, bands, football teams, whatever it is that the groups that are willing to do it because they have to set our balloons. And for our events to be on, they do it. So we pay our kids. Okay? We pay our kids \$10 per rider so for an average shoot, if there's 50 contestants, that is 500 bucks per day for these kids that goes into their group pockets. And so I'm proposing this because I really think it's going to be hugely beneficial for the community to have this. This can be a consistent fundraiser for the kids, any kind of groups, that want to do this.

I've put up the 4-H and the youth groups because those are the ones that I'm familiar with and that I would like to really back and help out. It's easy. There's a group. They run, they put the balloons in. We have all the equipment. They blow up the balloons. They run out there. It's fun. We have water and they get paid. And then the faster they are, the better they are, they get tips, and a lot of times us mounted shooters love our balloon-setters so we tip good. Just as an example, at our world competition in Amarillo, it's a five-day event, those kids make up to \$16,000 for their youth group. That's a big chunk of money. And I can't guarantee that we would have something like that in this but it would be a good chunk of funding for our kids to have in there.

So here is kind of what they do. You can see grandmas dragging their little kids. The balloon setters, everything – they have to be behind. We always have a designated area for them. The range master is in charge making sure that it is completely safe and that they have to stay where they are and they're only allowed in and out when he tells them one way or the other.

So this money that I'm proposing that we would like to make with this benefit shoot, I've talked to some groups of people and in the area we would like to make a youth ag closet, and in that closet we would like the money that I'm proposing that if we put on this event would go to make a place for kids that don't have everything that they need to show their animals or their exhibits or anything else. They'd have supplies and they'd have stuff that they could get there. If you were showing, just for example, your horse, and your clippers broke the day before. Those clippers are a couple hundred dollars sometimes. We would have that in this closet for those kids to go and check out and take care of. If my steer's halter broke and I needed a show halter, I could go and do that without putting out that money right away. It also gives – we're hoping to put money in it and have items for kids doing presentations, so there's poster boards and copiers and stuff. So those are the ideas that this money could go to.

I'm just hoping that you guys agree with me. Thank you for your time. If you

guys have any questions please let me know. Anything that you guys are concerned about?

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you so much for your presentation. I don't know if somebody said we were a scary group but I think that we can have some discussions about how we might be able to make this work as a collective body, so I would just say that up from. I know that, just to let you know, I was here at the County some years back when we actually had to implement at the County an ordinance that dealt with firearms.

MS. ROMERO: Yes, sir.

COMMISSIONER ANAYA: So obviously, our Legal Department, we're going to need to get that ordinance out. The Manager is going to need to work with the Legal staff to evaluate how we would potentially modify that particular ordinance that dealt with firearms and actually live ammo and issues. Because we actually had an issue at the fairgrounds at one time when they were doing a sale. There wasn't any documented restrictions that we had at the time at the County, so the County had to do that to protect the interests of the citizens.

MS. ROMERO: Absolutely.

COMMISSIONER ANAYA: So without question we're going to take that ordinance, resolution out. We'll evaluate how this might be able to work, if that's what the rest of the Commission feel like, but I definitely think we should take a look at it. I think, Ms. Miller, if you could do that. I know you and Greg have already had some discussions. I think one of the other things that's an obvious thought is to look at Bernalillo and other facilities to look at their structure on how they structure the agreements and stuff like that. So whatever documents that you have and past competitions that you've done that have that stuff in there, if you could just forward that all to the Manager and our Legal Department then we can take a look and see what options there are.

The Commission has always been very supportive of youth groups. I see Amber here who deals with our 4-H youth in different classes and Jackie's back there as well. So I'm hopeful we can figure out a way to make it work. We just need to evaluate all the various components and make sure we do it safely, whatever it is we do, if it's possible.

MS. ROMERO: Absolutely, and I definitely have all that, and I have facilities, some of the bigger facilities too that I have actually recommendations. Like I said we have a shot in Las Vegas in the middle of a casino. So I can get recommendations and how they did it and how they went through those ordinance, because as you know, people are not supposed to be running around with I'm sure guns in Las Vegas. And we do. There was 478 competitors in one hotel and every one of them was packing, per se. And absolutely 100 percent nothing happened. We've never had any safety issues whatsoever.

Not to pat myself on the back but we try to adhere to everything and anything and I so appreciate you guys taking the time to do this. I really think that it would benefit the community and our goal – our youth is such – our future and it's a future for our sport, it's a future for our community, and that was kind of my biggest point. So I want to leave you with that, is that this is for the youth. Yes, I would love to have it in there because it



benefits me and I get to go and play with what I love – my family and my horses and my sport. But I really think this is the only way we can grow our community and our sport is by having our youth involved. So thank you so much.

COMMISSIONER ANAYA: There might be other comments that the Chair and the Commissioners have. The only other thing, Mr. Chair, I wanted to add is our Chairman's son is one of the better competitive shooters that we have in the county through our 4-H shooting program which is completely different and deals with live ammunition. So Manager Miller, Mr. Shaffer, we also want to take a look at our 4-H programs where we do shooting, where we have safety components and mechanisms that deal with actual live ammo, to be quite candid. So it's not even just a matter of this particular piece but it's also looking at our shooting program that we do with our regular 4-H programs right now.

And so, Mr. Chair, thank you for coming. I appreciate the presentation. We have some stuff to look into but I appreciate you indulging them to present, Mr. Chair. I don't have anything else.

CHAIR ROYBAL: Thank you, Commissioner Anaya. So we have any other comments from the Board?

COMMISSIONER HAMILTON: Sure. I just wanted to comment that it looks like tons of fun and anything that is that challenging and that fun has to be just a blast, a wonderful thing to do. I suspect – and that's got to be a good thing is you can raise a lot more money doing stuff like that than bake sales and boring stuff. So I wouldn't mind doing something like that myself.

MS. ROMERO: Absolutely. Any time, you all are welcome at any time. I will give you a horse. I will give you everything you need to do and I will send you out there and it will go perfectly safe.

COMMISSIONER HAMILTON: Be careful what you offer.

COMMISSIONER ANAYA: Mr. Chair, did she just say she was going to give us a horse? I think she did.

MS. ROMERO: Lend you. Let me rephrase that. Lend you a horse. But yes, any time. Absolutely.

COMMISSIONER HAMILTON: But just so, on the additional practical matters, have you actually made like a formal proposal? I'm guessing, and I think the County Manager can probably speak to details, that we might need you to actually do a really short proposal so they know what they have to look up and besides the safety things. Like insurance might be an issue so that when you're looking for maybe some backup stuff like you were mentioned. Obviously, you've done this other places. If there is any documentation of that that we could just use that would be helpful regarding insurance and procedures.

MS. ROMERO: For your informational, we carry our own insurance. So we have our own spectator insurance and insurance that covers all of our events. So we have our – we cover ourselves so that on top of whatever else. Absolutely.

COMMISSIONER HAMILTON: That would be good information too, and thank you very much for the presentation and for doing this with the kids.

MS. ROMERO: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hamilton, and I would

agree with all the comments that we heard from all the Commissioners and also just reiterate I appreciate your comment where you said the youth is our future because I agree 100 percent and use that comment quite often as well. And what better way to have a fundraiser than in a nice positive environment and where the kids are having fun.

MS. ROMERO: Exactly.

CHAIR ROYBAL: And they'll get some exercise running back and forth.

MS. ROMERO: That's exactly right. That's why we use groups because one or two kids just can't do it. It's a fast and furious thing. Our state shoot that we had in Bernalillo, just to reiterate, the youth group actually was a 4-H group that did it down there. They made \$1,200 in two days. That was free and clear. We wrote them a check for 1,200 bucks for two days for those kids. So that benefitted them a huge amount. And I would love to bring our state shoot. It got moved to Socorro because they have a new facility, but I would love to bring ours back here. Just my opinion.

CHAIR ROYBAL: Great presentation and I look forward to working with you on this.

MS. ROMERO: Thank you so much for your time.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, our Manager has a horse, but Manager Miller, do you have any thoughts on information you would need or want so that they know what they would need to do going forward?

MS. MILLER: Mr. Chair, Commissioner Anaya, I was thinking along the lines of what Commissioner Hamilton talked about, putting together some kind of written description of what they do, what type of weapons they use, how far they shoot, how many individuals would be at the event and that type of thing so we can assess whether or not – what kind of – and they type of insurance they carry. So we don't really have a form for that right now because I don't think we've had any requests like this yet, but I think we'd need something like that, like a short, written proposal that details out that type of information so we understand what to look up and make sure that we can address any concerns that would be there.

[Ms. Romero spoke from the audience.]

MS. MILLER: Yes, a written proposal saying what the event would entail, how many people, what types of weapons are used, kind of how many participants, that type of thing. We may have more additional questions but if you could kind of give a good written description of exactly what it entails, that would give us a good place to start.

[Ms. Romero spoke from the audience.]

MS. MILLER: And another thought is kind of have the distance, area that they would need to be secured for the competition versus where the spectators would be, how far they need to be.

[Ms. Romero spoke from the audience.]

MS. MILLER: Okay. And then if you could include a copy of the presentation with it as well, that would be great.

[Ms. Romero spoke from the audience.]

### **III. ACTION ITEMS**

#### **B. Appointments/Reappointments/Resignations**

##### **1. Acceptance of Resignation of Ann Weisman and an Appointment to the Arts, Culture and Cultural Tourism Committee**

TONY FLORES (Deputy County Attorney): Good afternoon, Mr. Chair, Commissioners. Before I give you the background on this I just want to point out that it seems like we're doing quite a few appointments and reappointments to the Board since you were all seated in January. I want to alleviate any fears. This is typical on the first quarter of a calendar year where we not only have new Commissioners coming in this cycle but also our boards and committees memberships, some of their, or a majority of their appointments expire at the same time the Commissioners come in. So it may seem like we're bringing a lot of appointments and reappointments but it's a practical matter. We do it every first quarter of the calendar year.

With that, Mr. Chair, we're bringing forward today an appointment and a resignation and an acceptance for the ACCT, which is the Arts, Culture and Cultural Tourism Committee. At the previous Board meeting we brought up three people for reappointment to that committee. Subsequent to that appointment we had one individual submit a resignation, Ms. Ann Weisman, indicating that she couldn't commit the time necessary to serve in the capacity of a volunteer. Based upon the original posting and the consultation with staff, staff is bringing forward a recommendation to appoint Vaughn Irving to serve for the remainder of Ms. Weisman's term until July of 2017. And I stand for any questions.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to thank you for bringing forward this name. I spent yesterday at the Roundhouse for the film and TV day and one of the great things was actors in our community and having somebody who is in the theater department and helping young actors learn their skills is really, I think, valuable and part of our art and culture. And with that I would like to recommend Vaughn Irving and move that he be appointed to the committee on arts and culture, and that we accept the resignation of Ann Weisman.

CHAIR ROYBAL: Was that a motion?

COMMISSIONER HANSEN: It was a motion.

CHAIR ROYBAL: Okay. We have a motion. Is there any other questions from the Board? Okay, we do have a motion.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: We have a motion and a second.

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

#### **III. B. 2. Resolution No. 2017-14, a Resolution Appointing Three Members and Two Alternates to the Board of Registration**

STEVE FRESQUEZ (Elections Bureau): Good afternoon, Chairman

Roybal, members of the Commission. Pursuant to state statute we are asking you to pass a resolution to appoint three members and two alternates to the Board of Registration. The National Voter Registration Act of 1993 establishes requirement of how states maintain voter registration lists. The primary purpose of the NVRA is to ensure that accurate and current voter registrations are maintained. The Board of Registration is responsible for the purge of inactive voters. This is done every two years and it is in accordance with state statutes. I'm open to any questions you might have at this time.

CHAIR ROYBAL: Is there any questions of the Board?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: I move for approval.

COMMISSIONER HAMILTON: I have a question.

CHAIR ROYBAL: We have one question, Commissioner Hamilton.

COMMISSIONER HAMILTON: Are the names that are listed – I was just a little confused.

MR. FRESQUEZ: I'm sorry the names that you –

COMMISSIONER HAMILTON: That are listed here.

MR. FRESQUEZ: In Exhibit A.

COMMISSIONER HAMILTON: In Exhibit A.

MR. FRESQUEZ: These names are selected by the political parties and they are in the order of preference that they want you to chose.

COMMISSIONER HAMILTON: So we have to make the recommendations. You have not put forward recommendations.

MR. FRESQUEZ: You all have to choose the three members and the two alternates.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make a friendly amendment to the motion that Commissioner Anaya made.

COMMISSIONER ANAYA: Sure. I don't have a second yet. Do you want to second it first?

COMMISSIONER HAMILTON: Second.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER HANSEN: I would like to recommend Francesca diPalma and Katherine Clark on the Democratic ticket and Yvonne Chicoine, number 4, on the Republican Party for the Board of Registration. Is that correct? We need three? And then we need an alternate?

MR. FRESQUEZ: Two alternates.

GERALDINE SALAZAR (County Clerk): Chair Roybal and Commissioner Hansen, the Democratic Party and the Republican Party chairs for Santa Fe County have submitted this list and they have it in order of how they want it to occur.

COMMISSIONER HANSEN: Oh, okay.

CLERK SALAZAR: So the Democratic Party has one, Clifford Rees, two Francesca DiPalma, three Katherine Clark, four Victoria Murphy. Republican Party, one – their number one, is Michael Gallegos, two, Samuel LeDoux, three, Al Purdue, four Yvonne Chicoine. So that's the order of recommendations from the major parties in Santa

Fe County.

COMMISSIONER ANAYA: So Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Respecting the recommendation, we can pick off of the list as long as we're pulling off that list, right? They're recommendations, I guess, is all I'm saying.

MR. FRESQUEZ: That is correct.

CLERK SALAZAR: Chair Roybal, Commissioner Hansen, Commissioner Anaya, also, you will be selecting alternates. So you have a total of eight; you need to appoint three, and then you have alternates. So please keep that in mind.

COMMISSIONER ANAYA: So Mr. Chair and Madam Clerk, all I'm saying is we have to pick a member and an alternate but it's up to us to decide whether we take the recommendations or if you wanted to recommend someone else that's on the list. Right? Is that correct?

GREGORY SHAFFER (County Attorney): Mr. Chair, Commissioner Anaya, the law simply provides that in making appointments to the Board of Registration the Board of County Commissioners shall give preference to the names in the order indicated by the numbers on the list. So I think, again, that doesn't mean you have to following it slavishly but you're supposed to do some due regard for the recommendation in the order they were provided.

COMMISSIONER HANSEN: Commissioner Anaya and Chair Roybal, I will amend my amendment to appoint Clifford Rees and Francesca DiPalma on the Democratic ticket and Michael Gallegos on the Republican ticket. As alternate I will appoint Katherine Clark and Samuel LeDoux.

COMMISSIONER ANAYA: That's fine.

CHAIR ROYBAL: I'm fine with that too. Is there any other discussion?

COMMISSIONER ANAYA: Just Mr. Shaffer, why would we have extra names if we didn't have any discretion to pick otherwise? Wouldn't it just be the same exact number of names on either side and we just ratify it.

MR. SHAFFER: Mr. Chair, I didn't mean to suggest that there was no discretion. I just was trying to accurately inform you what the law literally says. So I think that again, you don't have to follow it down the line but I did want the Board to be aware that the law states that you should give preference. And again, if there's a reason in the Board's judgment as to why the recommendation shouldn't be followed as articulated I don't think you have any legal issue with that.

COMMISSIONER ANAYA: So here's the list – follow it or else. I'm good with it. I'm fine with it.

COMMISSIONER HANSEN: I'm good with it also.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thank you, Commissioner Hansen.

COMMISSIONER HAMILTON: My second would stand with the second.

CHAIR ROYBAL: We have a motion and a second.

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

**III. C. Miscellaneous**

**1. Approval of a Memorandum of Understanding Between the Department of the Interior, Bureau of Land Management, Taos Field State Office and Santa Fe County as a Cooperating Agency for the Preparation of an Environmental Impact Statement for the Verde Transmission Project**

ROBERT GRIEGO (Planning Manager): Good afternoon, Mr. Chair, Commissioners. This item is an MOU between BLM and Santa Fe County as a cooperating agency for the preparation of an environmental impact statement for the Verde transmission project. This project is being proposed by Hunt Power and proposes to interconnect the existing PNM Ojo substation at Rio Arriba County to the existing PNM Norton station in Santa Fe County.

The line is approximately 33 miles long of which approximately 15 miles is in Santa Fe County. The main proposed route is on BLM land, approximately eight miles of the line is on BLM land, six miles of the line is on tribal land and just over one mile in Santa Fe County is on private land. BLM submitted a draft MOU for consideration for this project which was reviewed by Legal and proposed changes were incorporated into the MOU. The MOU describes roles and responsibilities for the preparation of the environmental impact statement for the Verde transmission project in accordance with the NEPA act.

Some of the provisions in the MOU relate to the County's role as a cooperating agency and include the purposes of the MOU, the roles and responsibilities for Santa Fe County as a cooperating agency. The other provisions in the MOU identify the role that the County would have that any – the process does not require any development application that would be submitted at any time to be approved or disapproved and it does not pre-judge any development application that may be submitted by an applicant at a later time. This is strictly a process for the environmental impact statement with BLM.

Other cooperating agencies include the Bureau of Indian Affairs, Rio Arriba County, the National Park Service, in regard to the National Historic Trails, the Army Corps of Engineers. Your packet includes the MOU and Attachment A of the MOU identifies the specific cooperating agency participation scope, which includes participation and public scoping meetings, providing data and information for the planning criteria, coordinating with BLM to formulate alternatives and estimate effects for the alternatives in accordance with the EIS, and coordinating with BLM to provide assistance to any comments that were in relation to Santa Fe County.

Attachment B identifies a sample of the project's schedule. The preliminary project schedule identifies that the BLM scoping report, which the public comment period for that ended in early January. The scoping report is anticipated to be completed by early March. The scoping report will identify public comments, concerns and impacts that have come forward through the process. The next step would be a cooperating agency. There would be a kickoff meeting tentatively scheduled for mid-March. The process will outline details and next steps for the EIS process. As part of that process the County would be a cooperating agency. The County would participate at that point. They

would have access to the information that has been gathered through this study. They would also participate in drafting alternative routes, based on any concerns from the County.

The preliminary draft of the environmental impact statement is anticipated to be completed in approximately one year from now. The final EIS would come following that and record of decision would be the final step in this process.

With that I stand for questions from the Board.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I recognize this is a pretty complex process so I can see the benefits of ongoing participation of County staff so there's a deeper understanding of the inputs and all the considerations. There was just a couple of things I was wondering if we could get some County staff, from either you or the County Manager or County Attorney as needed. Just for the record and to kind of open the discussion a little, and one of them is on the kinds of inputs that the County staff think might be requested by BLM and then what the costs in terms of level of effort or direct costs might be associated with that.

MR. GRIEGO: Mr. Chair, Commissioner Hamilton, I can provide some information that I've gotten from the project manager in regard to this process, specifically, some of the things that we would be providing include the County zoning and County regulatory framework. Again, what would this project be – what would be the zoning that would be applied to this? Any data, any GIS data that we have, any information that we have regarding wildlife corridors, for instance, things along those lines.

COMMISSIONER HAMILTON: Thank you.

MR. GRIEGO: And as far as understand with that time is as we were indicating, the preliminary schedule, once that draft scoping report is completed we would then get an opportunity to review that internally to see what some of the comments and concerns were. I know that there was significant public comment throughout the public scoping process. We would be reviewing the comments specifically related to Santa Fe County. We would provide some input into what some of those questions might be and public comments.

COMMISSIONER HAMILTON: Great. Thanks very much.

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

COMMISSIONER HANSEN: I would like to know who SWCA is, and who have been their former clients. I'm not familiar with them so I was kind of interested in getting some information about who they are. They'll be holding the mediation.

MR. GRIEGO: Mr. Chair, Commissioner Hansen, the consultant was hired by – SWCA was hired by BLM so at this point we don't have any information on them either. We could look them up. As part of this process we would be coordinating with them in the future, but at this point we have not coordinated with them.

COMMISSIONER HANSEN: Okay. So in the future when you do find out who they are and what they've done could we be presented with that information?

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Did you have something else, Commissioner Hansen?

She has the floor right now.

COMMISSIONER HANSEN: Do you have an answer?

COMMISSIONER HAMILTON: A small answer for you. This is in response to you. My understanding is it's BLM is responsible for the contract with them and they're the hiring agency and they put out an RFP and got lots of – SWCA is an environmental consulting company and they do a lot of EIS work and they got the low bid or were selected on whatever combination of – that's my understanding. So I'm not hugely familiar with them but I am familiar with them. They do a lot of this kind of work.

COMMISSIONER HANSEN: Okay.

COMMISSIONER HAMILTON: They have a pretty broad client base, however, I would think.

COMMISSIONER HANSEN: Okay. Thank you. And then will there be – I think you said this, but I just wanted to make sure I heard this. Will there be more opportunity for public comment throughout this memorandum of understanding?

MR. GRIEGO: Mr. Chair and Commissioner Hansen, my understanding in regard to the process for the BLM scoping part, it will be when that is released, then there will be a review process from BLM. I don't know if there will be additional meetings that they would have. They have gone through their first series of meetings in the public comments period. I don't know that they would be doing additional meetings at that point but there would be opportunity for public comments on the scoping report. And also there will be opportunities to provide public comments on the preliminary draft of the EIS. So in regard to that there is opportunity for public comment throughout the process.

COMMISSIONER HANSEN: Will we or they hold public hearings? Or will we, the County, as part of the memorandum of understanding, hold public comments again?

MR. GRIEGO: I did not identify that in the scope on the MOU that we would be holding them. I think we would be identifying specific concerns. There is not – the MOU does not specify that.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, that's not part of the responsibility of a cooperating agency; that's the primary EIS – the person with the primary – and NEPA requires public comment on the draft EIS. So that's a requirement of the regulations they're responding to in the development of the EIS.

COMMISSIONER HANSEN: In the development of the EIS?

COMMISSIONER HAMILTON: Yes. So we'll get a draft.

COMMISSIONER HANSEN: And after?

COMMISSIONER HAMILTON: And the comment response is included as part of the public record of decision.

COMMISSIONER HANSEN: Okay. I just didn't read that anywhere, so I just wanted to make sure was going to be another opportunity for the public to comment on the EIS.

MR. GRIEGO: Mr. Chair, Commissioner Hansen, specifically, if you go to Attachment A in regard to the process, in reviewing the environmental impact



statement it does identify that Santa Fe County may provide written public comments on the draft if desired, so whatever that process might be.

COMMISSIONER HANSEN: Okay.

COMMISSIONER MORENO: Mr. Chair.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: This is our opportunity to influence the way the process is going to work. I've been part of many of these kinds of convenings where a federal agency asks the usual suspects and others to come and form a group to kick around the issues. They typically have openings during the meetings where people from the community can come and express their views. So this is Santa Fe County's opportunity to weigh in on the whole process, which is as you know, is pretty controversial. So I'd rather be inside the room than outside the room and I think this is a good opportunity for us to weigh in for our constituents. Thank you, Mr. Chair.

CHAIR ROYBAL: Any other comments from the Board? Robert, Mr. Griego, I want to just make sure that we do reach out to the public and also if we have other avenues to let them know meetings that they can attend. If we make sure we send out a notification so we can have community members involved, the ones that would like to attend these meetings. Thank you.

MR. GRIEGO: Mr. Chair, Commissioner, just on that note, there is a public meeting. It's going to be out at Centennial Hall for Rio Arriba County but it's a townhall meeting that will be discussing the project tomorrow evening at the Hernandez Community Center.

CHAIR ROYBAL: Thank you.

COMMISSIONER HAMILTON: Mr. Chair, I do have one question.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Shaffer, I don't know if this is the right time to ask, but now that we're talking about public meetings, is that something as County Commissioners we should be staying away from? Or is that permissible for Commissioners to attend the public meetings, not to comment or ask questions? I would think that would be a problem.

MR. SHAFFER: Mr. Chair, Commissioner Hamilton, I don't know that I have any great hesitancy about you attending a public meeting. Again, my concerns could potentially arise if you expressed views as to how you might vote on an application on the project if one was submitted under the SLDC or how you might resolve a disputed issue of fact raised by an application. Those are more the concerns. I guess somewhat gratuitously I would just say that if you're at a public meeting be prepared to provide a response if people do come and try to engage you in conversation about the merits of the project, because that could give rise to the concerns I've articulated in the past and I'm doing so again here that you don't want to do anything or say anything that raises questions about the fairness of the process, if and when they submit an application for approval under the SLDC for those portions of the project that are on private land within Santa Fe County.

COMMISSIONER HAMILTON: It does. Thank you. And presumably if we got further comments, attempted contact from constituents it would be handled the same way, redirected to giving input to BLM directly, the EIS people or to County Land

Use people.

MR. SHAFFER: Mr. Chair, Commissioner Hamilton, I think that would be prudent and as Mr. Griego alluded to, one of the items that staff could be charged with under the draft memorandum of understanding is to share with the federal officials responsible for the EIS any public concerns that they become aware of. So directing them to Mr. Griego again would provide an opportunity for that to be communicated as appropriate to the federal officials but keep individual Commissioners out of that process so as not to raise any questions.

COMMISSIONER HAMILTON: Fabulous. Thank you. Thank you, Mr. Chair.

CHAIR ROYBAL: Okay, this is an action item so what's the pleasure of the Board?

COMMISSIONER MORENO: Mr. Chair.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: I move the approval of this resolution.

CHAIR ROYBAL: It is a memorandum, Commissioner.

COMMISSIONER MORENO: The approval of a memorandum of understanding between the Department of the Interior, Bureau of Land Management, Taos Field State Office, and Santa Fe County as a cooperating agency for the preparation of an environmental impact statement for the Verde transmission project.

CHAIR ROYBAL: Okay, so I have a motion.

COMMISSIONER HAMILTON: I'll second that.

CHAIR ROYBAL: We have a motion and second.

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Anaya's vote was recorded after the fact.]

**III. C. 2. Request (a) Approval of Amendment No. 3 to Agreement No. 2014-0211-AS/PL with Bridget Jacober for Legal Services on Property Tax Valuation Matters and Administrative Law to Increase the Contract Amount by \$65,000, for a Total Contract Sum of \$260,000, Exclusive of NM GRT, and to Extend the Contract Term an Additional Year, From March 6, 2017 to March 6, 2018, and (b) Authorization for the County Manager to Execute the Purchase Order**

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair, Commissioners. Santa Fe County entered into an agreement for legal services to be provided to the Assessor's Office to provide property tax valuation administrative law and matters in that area. In March of 2014 we've amended the contract. There have been two amendments. This is the third amendment and final amendment. The reason it's before the Board is because that extension also increases the compensation that requires Board of County Commissioners approval. And with that I'll stand for any questions.

CHAIR ROYBAL: Do we have any questions from the Board? Are we getting additional services, did you say, for the \$65,000 or is it an increase in general?

MR. TAYLOR: Mr. Chair, it is an annual – we renew the contracts annually and so it's for those services that it's in the scope of work of the contract to continue.

CHAIR ROYBAL: Okay, what's the pleasure of the Board?

COMMISSIONER HAMILTON: I would move to approve.

CHAIR ROYBAL: We have a motion to approve.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a second.

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Anaya's vote was recorded after the fact.]

**III. C. 3. Request Approval of Agreement No. 2016-0183-CORR/IC with Securus Technologies for the Jail Management System for the Adult Detention Facility for a Total Contract Amount of \$395,680, Exclusive of NM GRT, and Authorization for the County Manager to Execute the Purchase Orders**

MR. TAYLOR: Thank you, Mr. Chair. Santa Fe Corrections Department identified a significant need in their operations for a revised and upgraded jail management system. We issued an RFP for those services in April of last year and through the process, Securus Technologies was selected to provide the jail management system and new modules for that program, moving from a more antiquated jail management system to new software and provide electronic medical records for inmates. It provides more services, obviously.

I wanted to make clear that the amount of the contract of \$395,000 is the initial implementation of the software, training, tablets – all of the nuts and bolts to implement this. This contract can be extended annually but the annual compensation for it will not be \$395,000 a year; it will be just the cost of the maintenance and support agreement between the County and Securus Technologies. With that, Mr. Chair, I'll stand for any questions. I have with me, by the way, of course Director Sedillo from Corrections to answer any questions, and Zack Van Fleet from Securus Technologies for any questions specific to the software.

CHAIR ROYBAL: Do we have any questions from the Board?  
Commissioner Hansen.

COMMISSIONER HANSEN: What will the service cost annually and what will we get for this exactly?

MR. TAYLOR: Mr. Chair and Commissioner Hansen, the annual cost – this initial cost, like I said, is \$395,000 to implement. Maintenance, service agreement will probably run anywhere from \$60,000 to \$70,000 for 24/7 call-in, training, support, any overnight, push-through upgrades of the system, but I think I will defer to either the director or Mr. Van Fleet to answer specifically the modules and software that the system will provide. I also have Iris Cordova who was the procurement specialist for this RFP, if that's okay.

PABLO SEDILLO (Public Safety Director): Good afternoon. Mr. Chair,

Commissioner Hansen, this project was desperately needed. We started the process back in April 2016, the RFP process and it was finally selected late 2016 as well. The system that we're providing is going to streamline a lot of processes that we have inside the facility, up to and inclusive of the electronic medical records. We want to make sure that those medical records are tied in to the providers out in our community, so they would have immediate access of those records as well. I'm not sure if I answered your question, though, Commissioner Hansen.

COMMISSIONER HANSEN: It is outside monitoring also?

MR. SEDILLO: Outside monitoring? Electronic monitoring, you're talking about?

COMMISSIONER HANSEN: Or is this just internal.

MR. SEDILLO: This is all internal. All the jail management system is internal but they are going to be linked with different entities within the community as well, if I'm correct. Is that right? Yes.

COMMISSIONER HANSEN: And will this help reduce our costs?

MR. SEDILLO: The costs will be reduced according to the jail management system that we will have. We're streamlining a lot of work that we're doing inclusive of electronic medical records. I think that's a streamlined process and a cost saving process as well. Currently we're just paying for a \$48,000 a year maintenance with our current vendor and that current vendor has not been real responsive to us in terms of the needs that we have at our institution. Therefore – and that's been in existence I believe, since 2008. So we wanted to upgrade the system to better facilitate what we do inside the institution.

COMMISSIONER HANSEN: Thank you.

CHAIR ROYBAL: Do we have any more questions from the Board.  
Commissioner Moreno.

COMMISSIONER MORENO: How many vendors did you look at when you started this process?

MR. TAYLOR: Mr. Chair, Commissioner Moreno, thank you. We received a total of 11 proposals on the RFP. It's a two-step process. We short-list those 11 on qualifications and we short-list – I think we short-listed three or four? Iris? Four of them. And maybe we can let Iris present. So the second step is an interview process that we go through on the short list.

IRIS CORDOVA (Procurement Specialist): Chair Roybal, Commissioner Moreno, I'm the senior procurement specialist for this particular solicitation. We received 11 proposals. We took four of them, short-listed four of them, as Mr. Taylor was saying, and the four of them provided oral presentations to the committee. Of those four, they had a whole different set of evaluation factors that were provided them prior to presenting, so they were able to prepare their presentations based on those evaluation factors. But we had four that went to oral presentations. And of those four Securus came out scoring the highest, and it was a clear break between Securus and the next scoring vendor. Does that answer your question, sir?

COMMISSIONER MORENO: Yes, it does. Thank you.

CHAIR ROYBAL: Okay, any other questions from the Board?

COMMISSIONER MORENO: I'd like to amplify a little bit. In recent

weeks we've had the opportunity to have some training with the New Mexico Association of Counties and this is a big thing all over the state and all over the country. The costs of managing the people that we have in those facilities, they were – we're slowing but surely coming into an age where we're starting to treat the people more humanely and a lot of some of the abuses of the past hopefully are gone past. So I'm really anxious to see how the reports are going to be and the results are. Thank you for doing this.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, in particular Commissioner Hansen, I appreciate your comments relative to saving money. Are jails a statutory mandate and we spend our years and lives trying to figure out how to do that, so if you have some other ideas on how to do that I'd sure like to hear about them because it's a challenge and especially because of that statutory responsibility that we have. But I appreciate very much the interest and the comments and the work that's trying to be done. So if it's in order, Mr. Chair, I'd move for approval.

COMMISSIONER HAMILTON: I'd second.

CHAIR ROYBAL: We have a motion and a second and I did want to say some comments as well. I appreciate you guys coming out and presenting this, Director Sedillo for your comments. I know you did indicate it was something we needed for some time so congratulations and I'm excited to see how it helps with the function of the jail. Thank you. So we have a motion and a second.

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

**III. C. 4. Request Authorization to Publish Title and General Summary of Ordinance No. 2017-\_\_, an Ordinance Amending Ordinance No. 2009-2 to Remove Requirement of A Biannual Public Hearing so as to Allow the Low Income Tax Rebate to be Repealed by Ordinance at Any Time [Exhibit 1: Previous Minutes]**

MR. SHAFFER: Mr. Chair, Commissioners, this is a follow-up item to the Board's January 31, 2017 meeting concerning the low income taxpayer property tax rebate. In essence, after the public hearing on January 31<sup>st</sup> the Board directed staff to bring back this ordinance which really is a housekeeping ordinance. It does not in and of itself repeal the tax rebate at all. Rather, it simply removes the requirement that the Board hold a biannual public hearing on the matter, which again avoids potential busy work holding a public hearing on something that the Board's not interested in revisiting. But it also removes any arguable limitation on the Board's legislative discretion to consider the matter of a repeal at any time that the Board determines is appropriate to do so. So that's the backdrop to this ordinance and I would just emphasize again that it does not in and of itself propose nor would it accomplish a repeal of the rebate.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Shaffer, if we chose to do a

repeal we could do that within this posting, if that's something we chose to do? After a public hearing and discussion. I guess I want to be clear. When I brought it up at the last meeting I wanted the ordinance to be published, but I also wanted us to have the capacity to be able to repeal it as well, not just whenever we wanted. So I just want to be clear about my comments and whether this goes far enough to give us this capacity if we as a Commission chose to repeal it.

MR. SHAFFER: Mr. Chair, Commissioner Anaya, this draft ordinance would not allow for or provide for a repeal and if I misunderstood the direction that was given I apologize. That was not how I had understood what we were doing. But we could make a change to propose the repeal of the tax rebate as part of this public hearing process. I'd need a little bit more detail about when you would want that sunset to go into effect, but as it's drafted, no. This ordinance would not provide room for a repeal at this time, but it could be done in the future by a different ordinance.

COMMISSIONER ANAYA: So if I could, Mr. Chair and Commissioners, and we could go back – we don't have the minutes from the last meeting yet but the thought process that I had was that we have other ways of helping our constituents. We spoke of solid waste being a possible area but that's not the only area. So my thought process was if we had a potential to repeal that ordinance and gave the Commissioners an opportunity which was a big part of the discussion – the opportunity to get the background and additional information, that we may very well decide it is time to do it now. So I wouldn't want to not have that opportunity. If the Commission said, no, we don't want to do it; let's leave it for another year or another consideration, fine. But I think it's a good idea for us to have that ability, given the timelines that we have to hit to be able to repeal it if we wanted to.

So I think it gives us some latitude as a Commission and if we repealed it we would have some – a source of revenue that we could then utilize, potentially for solid waste or maybe somewhere else, that could serve our citizens. So that's my thought and I'd just defer to my colleagues on the Commission.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I understand what you're suggesting. I think whatever this amendment does is not relevant to repeal one way or the other. In other words we can do that at any time. I'm personally at this time not interested in repealing this. I didn't think that our discussion at the last meeting actually entertained whether we wanted to retain or repeal. So if that's on the agenda I'd like to really have the time to discuss that and perhaps have – I think that chances are we don't get as much feedback directly on this as maybe the Treasurer and the Assessor do, in terms of the benefits, so I would really like to have that kind of information brought forward when we consider that if you want to put that on the agenda and we consider it. I'd certainly like to have that additional information.

I think this simply means the law. You have to consider this. If you don't have this regulation you have to consider it every other year. But if you've it, leave the thing alone until somebody does want to consider repealing it and I think that's what this particular amendment achieves. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner

Hansen.

COMMISSIONER HANSEN: Yes. I was under the impression like Commissioner Hamilton that we were just going to change the requirement of doing this every odd year and that we then would have the ability to repeal it when we wanted to, not that I am interested in doing that at the moment either, but that this would give us the opportunity to repeal it in the future if we were interested. And that is all that this amendment is doing and that was the impression and that I thought the direction was given to the County Attorney at the last meeting.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, that's fine, if that's the intent of the majority. I guess I just want to be clear that we have a large amount of money that comes directly out of our coffers that we write a check for that goes to benefit those citizens where we might be in a better position and I would say this on the record, I think we would be in a better position to control that destiny ourselves, so I respect that that's all the Commission may want to do now, if it is. I don't know where the Chair stands or I don't know where Commissioner Moreno stands, but I do think that we could serve ourselves better as a Commission to channel savings to any targeted population ourselves, as opposed to deferring that to a tax rebate that we don't have any control over. So I respect whatever the will of the Commission is but would say that on the record I do think it's a good idea to repeal this and then to have the Commission reframe how savings measures would go to this particular population if that's the target population, because then we'd have some control as to whether or how high this could rise over time. So Mr. Chair, thank you for letting me say that on the record and I respect the comments of Commissioner Hamilton and Commissioner Hansen. Thank you.

CHAIR ROYBAL: Do we have any other comments from the Board?  
Commissioner Moreno, and then we're going to go to Manager Miller.

COMMISSIONER MORENO: I think I'm going to channel Commissioner Anaya here. If we remove the requirement to have the vote on this timetable we're stuck with that. With removing it, it gives us the flexibility to use it when we need it. And my second point is I think I would not be in favor of doing away with the credit. That's my two bits.

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

MS. MILLER: Mr. Chair, Commissioners, Commissioner Anaya was correct that he did ask for the minutes from the different meetings that we have had discussions. We did pull those. I think that we were under the understanding that we would make this change and that sometime before September, if we wanted to repeal this particular rebate we could do that in this tax year if we did it before September. So our thinking was at least if we take this requirement out it makes it plain that you don't have to revisit it every two years, regardless of whether you decide in a subsequent meeting to repeal it before the next odd year.

And we did want to give you the information and so what we can do is do the publish title for this particular change in the existing ordinance and then also what we had thought is that would give you the opportunity to review the different meetings. So the Clerk had given us the original BCC minutes and when it was passed in 2009 and then

additionally, Kathy and Greg's office went back and pulled the minutes from the different meetings in the odd years – 11, 13 and 15 – that we did discuss it, and there may even be, we'll look and see if there's any additional ones, but these minutes go to those discussions that were had around this particular rebate. So I just want to make sure that you did know that we did pull those and we have had a lot of discussions, as Commissioner Anaya had suggested about different possibilities for that revenue and those are the ones that we just passed out.

CHAIR ROYBAL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: So Mr. Chair, and I appreciate my colleagues' feedback and I think this puts us in a position where between now and September we can make a determination. I also want to say on the record and this goes to Commissioner Moreno's last comments, I respect his position fully. My perspective isn't that we cut this population group off at the knees, and I'll just put it that blunt, but that our own destiny as a Commission and local government more and more, especially in light of the recent challenges that we're seeing on a daily basis at the state legislature, is that the more we can control our own self-determination, self-destiny as a local government, I believe the stronger we are.

So whatever adjustment, if any Commission now or in the future would want to make with a fund like this I think we'd want to be cognizant of the population that was being assisted and try and continue to figure out ways to assist them. So I just want to clarify. I appreciate the feedback and the comments. I just think more and more, the more we can control those revenues coming in and going out, in the interests of the citizens that we represent, I think the better it can be over time. But I respect where we're headed and it makes sense. Thank you for the clarification, Ms. Miller.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve to publish title and general summary of Ordinance No. 2017-\_\_, an ordinance amending Ordinance No. 2009-2 to remove requirement of a biannual public hearing so as to allow the low income tax rebate to be repealed by ordinance at any time.

CHAIR ROYBAL: Okay. I 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.**

### **III.**

#### **Resolutions**

- 1. Resolution No. 2017-15, a Resolution Requesting a Budget Increase to Budget Cash in the Lodger's Tax Advertising Fund (215) for Tourism Related Initiatives / \$400,000**

DON MOYA (Finance Director): Thank you, Mr. Chair, members of the Commission. What you have before you is, as it says, a budget increase. This is additional cash, or this is actually cash carryover from the previous fiscal year to be spent in this fiscal year with the lodgers tax revenue. And I stand for questions.

CHAIR ROYBAL: Do we have any questions from the Board? Okay,



what's the pleasure of the Board?

COMMISSIONER HAMILTON: I move to accept this.

CHAIR ROYBAL: I'll second. We have a motion and a second.

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Anaya's vote was recorded after the fact.]

#### IV. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: I don't see anybody from the public here but if there's anybody from the public if you would please stand if you would like to address the Board? Seeing none, we'll close Matters of Public Concern.

#### V. MATTERS FROM THE COUNTY MANAGER

##### A. Miscellaneous Updates

MS. MILLER: Mr. Chair, I first have miscellaneous updates. It was just that we have a couple of things with the Santa Fe County Day at the legislature. Just a reminder that we have that this Thursday, February 16<sup>th</sup>. This will be our third annual Santa Fe County Day at the legislature and we'll have staff and elected offices setting up information tables on the first floor of the legislature right around the rotunda. It will include both the House and Senate introducing memorials proclaiming February 16<sup>th</sup> as Santa Fe County Day at the legislature. And also during that time we have elected officials as well as the County Manager seated at the rostrum on the floor of the House and the Senate. When they do that they really appreciate us being in attendance for that, during the memorial introductions in both chambers.

And the Hvtce Miller will make sure that we know where we're supposed to be at the right time. So look for Hvtce and he'll head you to the right chambers when that happens. That should be – we should plan on meeting around 10:00 am on Thursday morning at the rotunda and then we'll go to whichever chamber that's going to have the reading of the proclamations first.

And then also I wanted to remind you – and I think the radio station and a TV station will be in the rotunda. We've been working last week and this week on having KSWV there to do some interviews with staff about our different programs and you are welcome also to talk about anything you have going on in your districts or with the County. And then we have the Issues and Answers that's Diane Kinderwater has a TV program that they've covered some things for the County before and she's working on times with us as well during that morning and in addition we will have some other opportunities to be on both of those stations and we can work on that if you have times you'd like to meet with either of those media outlets and present anything that's of particular interest to you in your districts or in the county.

Then on February 28<sup>th</sup>, our next BCC meeting, just a reminder that we're doing our adult facility detention tour and then on March 28<sup>th</sup> we'll do the juvenile detention facility tour. So on the 28<sup>th</sup> of this month we're going to meet here at 8:30 I believe and try to be at the adult facility by 9:00. We'll provide transportation or you can just meet us

at the facility at 9:00 if that works better for you. And then same thing at the end of the month of March we'll do the same thing for the juvenile facility.

And the Cerrillos Hills State Park community meeting on February 18<sup>th</sup> from 10:30 to 12:00 at the Cerrillos Hills State Park office. Santa Fe County staff and Cerrillos Hills State Park staff will be conducting a community meeting to discuss the ongoing partnership that we have between the County and the State of New Mexico and the State Parks in managing and operating the County and State Park-managed Cerrillos Hills State Park. And this meeting is intended to review the partnership that we have with the state and the achievements to date, current park management and future opportunities.

And the last other update on the Thornton Ranch tribal consultation. As we discussed at the last BCC meeting on January 31<sup>st</sup> we presented an update and planning options to undertake tribal consultation related to the Thornton Ranch property and in lieu of having a large summit or meeting on just that issue for this property, and based upon direction by the BCC we're developing a plan for a series of eight smaller meetings between – kind of subcommittee meeting structure with two Commissioners on a rotating basis, meeting with eight northern and southern pueblos who have requested this type of consultation. And that was based on trying to actually have meetings between the governors and tribal officials and the elected officials and not having any kind of quorum issues.

And then once the meetings are complete, staff could complete the management plan for presentation to COLTPAC and then ultimately to BCC no later than July 31<sup>st</sup> of this year. And so we'll be working with the staff and Planning and Projects will be working with each one of you and your liaisons to try to set up those different meetings with the different pueblos.

With that, Mr. Chair, then I wanted to turn it over to Tony to go over some of the legislative updates and then direction on proposed and introduced bills. We have quite a few committee hearings where bills of interest to the County have come up. We have some bills that we would like for you to give us a vote of either opposition or support of different legislation so that when we are present at the committee hearings staff has direction to speak either in favor or in opposition of these particular pieces of legislation.

**V. B. Legislative Updates and Direction on Proposed and Introduced Bills**  
**1. Resolution No. 2017-16, a Resolution Directing the County Manager to Oppose any Legislation Introduced in the 2017 First Regular Session of the New Mexico Legislature that Adversely Affects Santa Fe County Revenues, Programs, or Service**

MR. FLORES: Thank you, Mr. Chair, Manager Miller. So as Manager Miller indicated, we have two items to discuss. The first one is a resolution. I call this our umbrella resolution since things are flying fast and furious. I think we had 47 bill introductions today alone in the House between 12:15 and 12:45. We fully anticipate and Mr. Miller is going to go over in a second a series of dummy bills being introduced since the last day for introduction is Thursday and those dummy bills basically state that they're a bill for the health, welfare, public safety of New Mexico and we don't get a lot

of context in that bill. So things are happening rather quickly.

The first item, Mr. Chair, is a general resolution that allows the County Manager to oppose any legislation introduced in this session that adversely affects Santa Fe County revenues, programs and services. So Mr. Chair, I humbly request that the Board approved the attached resolution and then we can go into the update.

CHAIR ROYBAL: Questions of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I'd like to move to approve this resolution that Mr. Flores just stated.

COMMISSIONER HAMILTON: I'd second.

CHAIR ROYBAL: We have a motion and a second.

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Anaya's vote was recorded after the fact.]

**V. B. 2. Discussion of, Direction on, and Possible Vote of Support for or Opposition to Bills Introduced or Proposed for Introduction in the First Session of the 53<sup>rd</sup> Legislature of the State of New Mexico [Exhibit 2: Staff Update on Legislative Matters]**

MR. FLORES: Thank you, Mr. Chair. So I'll reference the Commission to the report that's at the dais that basically outlines our latest staff report for the legislative activities. I'm going to turn it over to Mr. Miller here in a second, but on page 2, the 16<sup>th</sup> of February, as indicated is the deadline for introductions and things will happen as they are happening right now on certain pieces of legislation that we're going to have to take some action on or have a position that we as staff under the County Manager can actually stand up and testify in favor of or against a particular piece of legislation.

The stats that Mr. Miller has on page 3 are indicative of this time of the year. Not a lot of activity, and then we're going to get a rush of bills. The numbers that he's reflecting in there are extremely low for a 60-day session so we fully anticipate as I indicated a rush of bills to be submitted by Thursday and then probably over the weekend to put context to each of the titles of those bills that they introduced as placeholders by Thursday.

HVTCE MILLER (Liaison): Good afternoon, Mr. Chair, Commissioners. What I have provided in this report is some different categories to kind of put things in context, make it a little bit easier for you to follow along. The direction received from the previous County Commission meeting was that Commissioner Anaya asked that there be attention brought to specific legislation that was financially impacting Santa Fe County. And that is located in the first few pages of this report from page 5 to page 9. And within that section there's bills related to annexation, statewide taxes and budget, fuel taxes and also short-term rentals.

I can briefly go over those four categories within that section to let you know what is going on with those. The first subsection is annexation and there's one bill in particular that's related to the portion of Santa Fe County that's also part of the city limits of Espanola. That bill has currently gone through its two committee assignments within the Senate. It will be going to the full Senate for a vote sometime probably in the near

future, maybe even this week.

Next item is statewide taxes and budget, and these items are probably most likely going to be held off on till the end of this week or the start of next week and that's because what's going on currently at the legislature is that everything is being on hold right now, and that's predicated on the budget being formulated for fiscal year 2018. And what's happening this week is that Thursday the state is going to get its revenue forecast and the state can tell from that point whether things are about the same, going worse or getting better. And from that they can tell, well, what services are we going to have to cut, maintain, or give more money to?

Right now it's really hard to tell whether any items affecting the County, I'm going to say detrimentally, will be taking place, whether they'll be taking any sort of funds from state programs that we utilize or if there's going to be any items like the hold-harmless taken away from the County at this time. It's really unsure and everything will be made a decision on after Thursday when this revenue forecast comes in to the legislature. So at this point, even the items that are introduced right now – there's different items regarding taxes and tax changes but all those could easily be changed right now. They could be combined with other bills and everything is going to be worked out as the rest of the session carries on. At this point it's really not known until the revenue forecast comes in on Thursday. So that relates to that particular section.

Fuel taxes, which is another subsection, in the particular bill there, House Bill 63 has moved forward but once again, because this is an item related to taxes, it is really unsure at this time whether this will carry on any further or what will happen to an option of fuel taxes.

The last item is short-term rentals. This relates to the County and that's on page 9. This relates to the County because this would allow for the County to collect additional lodgers taxes on short-term rentals. And once again, as the word tax is within this legislation it's going to be questionable as to what happens with this. Mr. Chair, Commissioner Hansen, you had a question.

COMMISSIONER HANSEN: The short-term rentals, I believe the City, they can enact their own tax because they're a municipality and home rule whereas we have to wait for the legislature to pass this kind of tax or this kind of bill in order for us to do that?

MR. MILLER: Commissioner Hansen, I think Legal would be able to answer that better.

MR. SHAFFER: Mr. Chair, Commissioner Hansen, I believe that the bill's being described, and if I'm wrong Deputy County Manager Flores can correct me, it's really to remove a "loophole" in the definition, I put loophole in quotes relative to the number of rooms that have to be on offer, and so right now I believe in state law you're exempt from the lodgers tax if you have three or less rooms in total. And so the change being considered would remove that so that any lodging facility, regardless of the number of the rooms would be subject to lodgers tax.

I believe what the City of Santa Fe did was enter into an arrangement with Airbnb whereby Airbnb would collect the lodgers tax that would be due on properties that otherwise were subject to the lodgers tax. I don't understand that they created a new tax per se so much as they entered into an arrangement to facilitate the collection of the tax

that was otherwise due.

COMMISSIONER HANSEN: Thank you.

MR. FLORES: So Mr. Chair, we provided the report. There are certain pieces of legislation that we would like some type of direction on from the Commissioners. I'm not asking for an action item per se because that's not how we noticed this but direction on certain pieces of legislation that in addition to the resolution you just passed would allow staff and you as the policy makers the ability to take a position on behalf of Santa Fe County.

Besides the one that Hvtce, Mr. Miller indicated there are quite a few pieces of legislation that will have some type of impact on the County including the House Bill 104, which is sponsored by Representative Bandy, which takes a long look and a very thick look, if I can say from the piece of legislation on the local election act. Although we have a local election act we haven't done the complete review. I believe it's 70-some pages or more. Some of the provisions of that bill would eliminate the ability of local bodies to put advisory questions on a ballot. In the past Santa Fe County has actually taken that we would put advisory questions to give a sense of where the constituency is going, in one direction or other. That would be one piece of legislation – Madam Clerk, you're shaking your head yes. Would you want to jump in?

CLERK SALAZAR: Historically, we have put questions on the ballot which has been very cost effective for Santa Fe County. There are a couple of those. I believe Senator Daniel Ivey-Soto's and Bandy's that mention the question, to not allow it. I think that that's something that Santa Fe County has benefited and it's been a good tool. We don't have to spend to have someone do a poll for us. We can actually do the best kind of poll by having voters go on a ballot and answer that question regarding it. So it's cost effective for us. It's been a positive process.

MR. FLORES: So Mr. Chair, that would be one piece of legislation, based upon what Santa Fe County has historically used that we would recommend the ability or request the ability to stand in opposition to portions of that bill.

CHAIR ROYBAL: Do you have any questions of the Board?  
Commissioner Hansen.

COMMISSIONER HANSEN: So you want direction from us?

MR. FLORES: Mr. Chair, Commissioner Hansen, yes.

COMMISSIONER HANSEN: I support you to stand in opposition to that question. I think that if we're benefiting and not having to hold special elections and spend extra money then being able to do it at the same time is to our benefit and I support that.

CLERK SALAZAR: Yes. Thank you.

MR. FLORES: Thank you, Mr. Chair. Another bill that's a little bit of an interest to is us House Bill 259 that Representative Powdrell-Culbert has introduced which is allowing another county the local option gross receipts tax to be bonded. It's on page 20. And the title of the legislation allows another county local option gross receipts tax to be bonded. Now that's one of those ones that we're looking at because when it allows another county that would infer from our general reading of the legislation someone else could use our bonding capacity. So that's one bill that would fall under the resolution that you just passed, which basically allows the County Manager to oppose any

piece of legislation that adversely affects us. So that type of legislation would be one that we would stand up in opposition.

In the general sense, as we move forward, the solvency package for 17 from our perspective is done. The solvency package, for lack of a better term on the 18 budget is not done. And we have already seen drastic cuts to our DWI programs through the solvency package. We have seen – I hate to use the term but this is the term DFA used – freezes on capital outlay prior to 2015 session. Those are ones that we would like to request that we have the authority on to act on behalf of the Commission to oppose any future freezes on projects and any future reductions in our programs and services. Those are ones that are actually, as Mr. Miller was alluding to, will start happening – I’m going to guestimate this weekend when we start having to do that type of testifying.

MS. MILLER: Mr. Chair, Commissioners, we did actually notice this for possible action so it probably is best on each if we have specific bill numbers that we ask you to make a motion. So like for instance on the previous one, House Bill 104 to make a motion to authorize staff to stand in opposition to that portion of House Bill 104 that would eliminate the ability of counties to place advisory questions on our ballot. And if you would make that motion and say we’re good to go on that, and then as Tony just requested on this and then vote on it. And then as Tony requested on –

MR. FLORES: House Bill 259.

MS. MILLER: House Bill 259, that where it is – any portions of the bill that are harmful to our revenues or previous appropriations, that we could stand in opposition to those.

CHAIR ROYBAL: Okay, what’s the pleasure of the Board?

COMMISSIONER HANSEN: I move that we be able to direct staff to stand in opposition to portions of House Bill 104 and House Bill 259.

CHAIR ROYBAL: Okay, we have a motion. Is there a second?

COMMISSIONER HAMILTON: I second. But a point of clarification, as a friendly amendment, I think it’s opposition to the entire 104 and portions of 259. Is that accurate?

MS. MILLER: No, Mr. Chair. It was portions of House Bill 104 that would try to eliminate the advisory question, our ability to do the advisory question. There’s other portions of that we have no issue with. And then on House Bill 259, it’s those portions that would adversely affect our financial situation such as taking away previous appropriations in our capital outlay as well as any other solvency measures that would affect our revenues adversely.

COMMISSIONER HAMILTON: I second Commissioner Hansen’s motion as stated.

CHAIR ROYBAL: Okay, we have a motion and a second.

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Anaya’s vote was recorded after the fact.]

MR. FLORES: Thank you, Mr. Chair. So any bill that negatively or adversely affects us, we, with the resolution, will stand in opposition. There are going to be some bills – House Bill 5, and if you notice it’s a lower number because that’s usually

when the budget bills come in first. As part of that capital outlay reauthorization, cancellation or suspension legislation, this is going to be one of those bills that puts us in a little bit of a whipsaw. The bill basically freezes and sweeps back capital outlay, but then dedicates a source of revenue specifically for water right adjudication projects. So I'm pointing this one out because we do not recommend that any water capital outlay appropriations be swept, but at the same time we have obligations for the northern parts water system for water rights adjudication and those projects. So this is a bill that freezes capital outlay and then redirects it to water rights adjudication projects.

Those types of situations, staff is going to take a wait and see because I don't know how this will transgress through the process. We never want to see our capital outlay frozen but at the same time we understand we have some obligations for the water rights adjudication. So this particular piece of legislation puts us at odds with ourselves because we know on one hand we don't want to lose any project but at the same time we know we need money going someplace else.

So we will continue to have updates. Things will move quickly. More than likely I'll be touching base with you individually on certain pieces that you have brought to my attention and go from there on a position and then we'll bring up an update at the next meeting.

CHAIR ROYBAL: Thank you, Mr. Flores. Manager Miller.

MS. MILLER: Mr. Chair, there were a couple others we just wanted to point out that we based on something adversely affecting our revenues. As you know, Senate Bill 98, which was Senator Richard Martinez' bill about a Santa Cruz transfer from Santa Fe County to Rio Arriba County. Needless to say, if we lose a portion of our county to another county that would negatively impact our revenues. So we have been actively standing in opposition to that bill.

Then there's also Senate Bill 299, which is Senator Candelaria's bill and this is changing definitions, reporting requirements, remedies and exhaustion of administrative remedies requirements of the Whistleblower Protection Act. I just point that one out to you. The Board has previously passed a resolution last year from the Association of Counties and Tony and Hvtce did put this one in. It's on page 4, Resolution 2016-106, which endorses the New Mexico Association of Counties' resolution to support certain amendments to the New Mexico Whistleblower Protection Act during the 2017 legislative session. So that is the bill that was put forward by the Association of Counties to try to narrow down some of the issues in the Whistleblower Protection Act so that's one that we are watching and we were actually one of the counties who requested that that legislation be put forward. So we'll be supporting that legislation.

And then I think another one, Senate Bill 44, which is Cervantes, and that is the NMFA loans or grants for certain water projects. I believe the BDD water tank is in that bill and that's one we would be standing in support of. So just a few where we have taken previous action so that you knew where we – those are on this list that we have actually individual participation in those particular pieces of legislation.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Also on Senate Bill 286, which is New Mexico Wildlife Protection and Public Safety Act, I believe the Commission voted to support that and so I would like to make sure that we are represented there.

MR. FLORES: Mr. Chair, Commissioner Hansen, for clarification, no, the Board of County Commissioners did not act on that particular legislation. The only pieces of potential legislation that Santa Fe County has passed resolutions on are included on page 4.

COMMISSIONER HANSEN: Deputy Manager, Mr. Flores, I have a resolution here to actively protect public lands in Santa Fe County that are used by recreationalists from body-gripping animal traps, and I believe that this Senate Bill 286 is talking about trapping of animals. And so I would believe that this resolution that was passed, 2016-130, would cover the New Mexico Wildlife Protection and Public Safety Act.

MR. FLORES: Mr. Chair, Commissioner Hansen, that's going to be one of those things that we're going to take the resolution that the Board adopted and fit it into a bill or portions of a bill. So we can stand in opposition to what the resolution indicates the Board has taken direction on but if there are other elements of that bill that we haven't taken a position on then I'd be looking for direction from the Commission.

COMMISSIONER HANSEN: So I would like to move that we stand in support of the New Mexico Wildlife Protection and Public Safety Act.

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

COMMISSIONER HAMILTON: I have a question first.

CHAIR ROYBAL: Okay.

COMMISSIONER HAMILTON: I support what Commissioner Hansen has brought up because we do have this resolution. I just have to admit that I don't know what else is in that bill and Deputy Manager Flores' point is certainly germane. Otherwise I support your suggestion.

COMMISSIONER HANSEN: I can read Senate Bill 286, New Mexico Wildlife Protection and Public Safety Act to prohibit traps and poison on New Mexico public lands has been introduced by Senator Pete Campos and Republican Senator Gary Keenan. It will be heard on this Thursday. I don't have any more details in this piece but I was –

COMMISSIONER HAMILTON: Thank you. That answers my question.

MR. FLORES: Mr. Chair, if I can add, this is my point with all due respect that this bill also establishes exemptions to the act. It also creates penalties under the act, and also determines civil liability under the act. The resolution the Board passed does not extend that far into this particular bill, and that's part of my concern that this action does more from a statewide perspective with penalties, exceptions and civil liability than our resolution may have addressed.

CHAIR ROYBAL: Okay, we have a motion. Do we have a second to that motion?

COMMISSIONER HAMILTON: Could you restate your motion so we're clear on what you're suggesting? I'd appreciate it.

COMMISSIONER HANSEN: I am suggesting and making a motion that we support the New Mexico Wildlife Protection and Public Safety Act, and that we go – I plan to go there of course personally and stand in support of that because I am opposed to trapping and poisoning of animals on public lands.

COMMISSIONER HAMILTON: Agreed. I would second that motion.



CHAIR ROYBAL: We have a motion and a second.

The motion tied by 2-2 voice vote with Commissioners Hansen and Hamilton voting with the motion and Commissioners Moreno and Roybal voting against. Commissioner Anaya was not present.

CHAIR ROYBAL: Because it's a tie and Commissioner Anaya is not here, it's a tie so it does not pass.

MS. MILLER: Mr. Chair, just a note. On that particular issue, as Tony said, we can speak to the portion of the bill that has to do with our existing resolution and certainly Commissioners can individually speak on their behalf in support of the entire bill if they so choose.

CHAIR ROYBAL: Okay, so do we have a motion for County staff to go ahead and speak to those – do you want to make another motion, Commissioner?

COMMISSIONER HANSEN: Do I need to?

MR. FLORES: Mr. Chair, we have the existing resolution that we can use to stand in support of pieces of that bill, so I don't think we need an additional motion.

CHAIR ROYBAL: All right. Thank you.

MR. FLORES: Mr. Chair, did the Board want to provide us any direction on the annexation, Senate Bill 98?

CHAIR ROYBAL: Comments from the Board?

MS. MILLER: Mr. Chair you could state that that is one that we can oppose because it adversely affects our revenues, which you did pass a resolution. We just want to be sure that you're good with that as the basis of which we would support that.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Chair, I would certainly support having County staff speak in opposition to that, protecting our interests.

CHAIR ROYBAL: Do we have a second? Commissioner Hansen, do you have a question?

COMMISSIONER MORENO: I have a question.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: Are there any bills related to this cross boundary issues that would let us – give us any advantage?

MR. FLORES: Mr. Chair, Commissioner Moreno, that's the only bill that I'm aware of that has this type of potential annexation or re-annexation that we're aware of. So this is the bill.

COMMISSIONER MORENO: Okay. Thanks.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Is it possible that we can add an amendment to this piece of legislation?

CHAIR ROYBAL: That would achieve what?

MS. MILLER: Mr. Chair, Commissioner Hansen, I don't think that the introducer of the bill would let us amend it and certainly not in the Senate. It may have even – is it on the Senate floor today?

MR. FLORES: It's on the Senate floor today.

MS. MILLER: And it's likely to pass the Senate in its current form.

However, we could try in the House. I don't know what kind of support we're going to have. It's a challenging piece of legislation for us because it is so specific and to Commissioner Moreno's point, it's very one-sided. It is most definitely written in a way to only be to the advantage of Rio Arriba County for that portion of – taking over that portion of Santa Fe County that does not currently meet the statutory requirement to be closer to the county seat. So what they're trying to do is lower that bar and it not have to be closer to the county seat.

So we can certainly look at what that might be, what kind of amendment we might be able to get on. I think it's going to be difficult. It would require someone in the House to make the amendment. Get that passed in a committee and added to the piece of legislation, then to make that amendment to stay on all the way through the House and then go back to the Senate and get concurrence on the Senate side. The advantage of maybe that, if that were successful is that it does slow the whole process down because it has another step to get through on the Senate side again. But I don't know what we would – what that amendment would be.

COMMISSIONER HANSEN: What I was thinking what an amendment would be is that possibly for taking revenue that they would in exchange we would get portions of Rio Arriba County and that since they are taking revenue from us that in exchange we would get equal areas of land that would compensate for the withdrawal of losing tax base.

MS. MILLER: Mr. Chair, Commissioner Hansen, it would be interesting. I'm not sure where in the existing legislation an amendment like that might fit, because what they did is they actually just added a condition in order to hold an election, so I'm not sure what the rest of the statute and if it's in there that you could insert something like that, but we can certainly look at that as to whether there's some kind of language that would be suited so that if you lose this geographic area that's within an incorporated area, it's in exchange for some portion that's not in that incorporated area.

The whole issue – it's been kind of an eye-opener to see how the whole process works and the basis for it and essentially the legislation is trying to change the basis for which you would have that type of election.

COMMISSIONER HANSEN: Just a suggestion.

MR. FLORES: Mr. Chair, just in closing, so we haven't specifically seen a hold-harmless piece of legislation dropped, although Senate Bill 343 by Senator Griggs kind of does that in one of those ways that we don't know the context. We have not seen a bill increasing the County's contribution of an additional sixteenth for the sole community provider although it's been said on the record in Senate Finance and House Appropriations. We anticipate that in the next few days those tax pieces of legislation, including Representative Harper's redo of the entire tax code is going to be introduced. The bill or the resolution that we've adopted or the Board has given us direction on will allow us to speak in opposition to those types of pieces of legislation so I want to assure the Commission that with that resolution we'll be able to testify in opposition. So with that, Mr. Chair, I'll close.

CHAIR ROYBAL: Okay, we did have a motion. We didn't get a second

yet. Commissioner Hamilton made a motion.

COMMISSIONER HAMILTON: Which I suggested that supported –

MR. FLORES: Senate Bill 98 on the annexation.

COMMISSIONER HAMILTON: Yes. Thank you.

CHAIR ROYBAL: So it was on the annexation. Do we have a second?

COMMISSIONER HANSEN: I'll second.

CHAIR ROYBAL: We have a motion and a second.

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Anaya's vote was recorded after the fact.]

**V. C. Report That No New Water Deliveries Require Scheduling Pursuant to Resolution No. 2006-57**

JERRY SCHOEPPNER (Public Works): Good afternoon, Chairman, Commissioners. I'm here today to report on the schedule of water deliveries for the first quarter or the first six months of 2017. Pursuant to Resolution 2006-57, twice a year the County shall promulgate a schedule of new water deliveries for the upcoming year, every six months, which shall be approved by resolution by the Board. Utilities has not received any requests for water deliveries for the first six months in 2017 so we don't have a resolution in front of you for today. So with that I'll open it up for any questions.

CHAIR ROYBAL: Okay, do we have questions from the Board?

Commissioner Hansen.

COMMISSIONER HANSEN: I believe on the first page, I found this confusing. It says on the second paragraph on January 31, 2017, Commissioner Hamilton who was not in office at that same time –

COMMISSIONER HAMILTON: No, no, no. That's a different item.

COMMISSIONER HANSEN: Oh. Okay. We're on a different item. I'm sorry. Oh, yes. Public Works. I'm sorry.

CHAIR ROYBAL: Do we have any other questions from the Board?

Okay, this is just a report. I guess we don't have any other questions, sir. Thank you very much.

MR. SCHOEPPNER: Thank you.

**V. C. Summary and Update of the Utility Division Water Rate Study and Interim Water Rate Proposal and Possible Next Steps**

ERIK AABOE (Public Works): Good afternoon and Happy Valentine's Day, Chairman and Commissioners. I'm here to summarize the public hearing that was held last fall on November 29<sup>th</sup>. At your last BCC meeting Commissioner Hamilton, who was not in office at the time of that public hearing last fall, asked that we update the Board on the request for a modification to the utility rates. The memo that I prepared contains a few attachments. One was the packet item memo for that ordinance hearing on November 29<sup>th</sup> as well as the foundational resolution, 2015-87 that sets out the policies for a water rate schedule, and so the policies and procedures that the Public Works

Department uses in attempting to establish water rate schedules are listed in that resolution and are briefly: tiered rates that help encourage conservation, customer class equity, important ones, financial sustainability.

The reason this rate schedule was proposed in November was that the budget requirements of the Utilities Division are greater than the revenue that's collected. So what the – at the public hearing and just before and at the public hearing there were a number of folks who were in opposition to the rate schedule that was proposed. Most of those were generally the commercial customers of the utility and just to remind you that the utility – half of the water that's delivered by the utility is to non-residential customers and so a small number of very large customers of the utility expressed concerns that the rate increase was challenging for them in light of budgetary constraints and other reasons.

So what the Public Works Department is working on is to re-examine the basis of the proposed rates. Essentially, now that another year has passed we can examine the rates relative to the 2016 water deliveries. Previously the water deliveries from 2015 were used as a basis. However, foundationally, the same elements that were in place last November are still in place where the revenue requirements, although we haven't done the detailed analysis on the revenues collected versus the revenue requirements but the revenue requirements are essentially the same.

And so what Public Works hopes to do is to re-examine the proposed rates against the deliveries in 2016 and reach out in more depth to the large customers that we have. There are a number of customers to whom this would have a significant impact and so we want to reach out to all those customers and gather input from them and see what accommodations can be made, what modifications can be made to the schedule that still adhere to the principles that are put out in the policy document 2015-87.

So our hope is to do this work in the coming months and bring before you in the late spring a request to publish title and general summary for an ordinance for modification of the rates and to have a few public hearings in the spring to look to see if we can come up with a rate schedule that is more acceptable to the Commission. So with that I stand for any questions.

CHAIR ROYBAL: Do you have any questions of the Board?

Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you. Erik, it maybe seemed like I didn't pay attention to what you were saying but I heard every word you said and I do think there were other people that were non-commercial users that have concerns so I think it's a good idea to make sure as we go through a process that it's inclusive as possible and that we get as much feedback and preferably we do that before we roll out any particular change. So I guess we can wait and see how long that might take, but I think it's a good process to go through a review and then make sure we have adequate feedback from all those users, commercial and residential alike. So I appreciate very much the presentation. Thank you, Mr. Chair. I know Commissioner Hamilton asked to take a look at it again and I think we have some challenges associated with our water rates and funding the operation so I'm cognizant of that. So I think this is a good process and thank you, Commissioner Hamilton. Thank you, Mr. Chair. Thank you, Erik

MR. AABOE: Mr. Chair, thank you, Commissioner Anaya.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Commissioner

Hansen.

COMMISSIONER HANSEN: Thank you. I wanted to bring up the fact that during the public hearing the mutual domestic of Agua Fria brought up an amendment that we had written to add to this and I would like to make sure that that is considered and put in this new general and published summary. Also, the mutual domestics were not addressed at all in the last presentation.

MR. AABOE: Mr. Chair, Commissioner Hansen, the rate schedule that was proposed had commercial classes in it and pretty much separated the commercial customers into various classes based on the water deliveries as measured through the size of their meter. So while there was not a specific mutual domestic water rate the delivery of water to large customers was treated the same. As it's currently established there are a number of individually negotiated agreements with different large customers which are challenging to make be equitable. And so the State Department of Corrections is sold water through a specific agreement. Las Campanas is sold water through a specific agreement, as is the Agua Fria mutual domestic.

And so the intention is really to standardize the rate schedule so that it is clearly understood and we don't need to go to other agreements to determine the cost of water. So the language that was brought forth, I believe on the day of the hearing in November was something that we need to discuss with the mutual domestic. We really need to understand what their needs are and make sure that we're accommodating the needs of not only that customer but that we're equitable across all our customer classes.

So that's our hope; that's our intention; that's what we're trying to do.

COMMISSIONER HANSEN: I appreciate that and I think it's very important for us to look at these entities and each of their specific needs. It was very difficult to figure out what size pipe exactly Agua Fria Village was using because there are so many interchanges at that particular section. So it's another issue that needs to be looked at in this – as we're bringing this forward.

MR. AABOE: Mr. Chair, Commissioners, absolutely. And the needs of the other institutional customers are those that we need to elaborate.

COMMISSIONER HANSEN: Yes. Because Las Campanas has also different issues, another constituency in my district.

MR. AABOE: Commissioner and Chair, as well as the Santa Fe Community College and the Department of Corrections and others. Thank you very much.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Next we're going to go to Commissioner Hamilton and then we'll go to Commissioner Anaya.

COMMISSIONER HAMILTON: Thank you. I really appreciate everybody's comments and I just want to say that what you've presented I think is really important. It really speaks to the principles that were laid out in this 2015 resolution and it speaks to the issues of equity and being able to maintain a sustainable system, and I think that's one of the big issues. And it just occurred to me since mutual domestics were brought up that most mutual domestics represent little independent systems and are not fed by the County central water system. And the reason I bring that up is because they were each individually required to set rates and charges that their customers pay in a way that allows them to sustainably supply water.

And to the extent that the County in its main utility does not get enough revenue to supply the water – in other words to the extent that we spend more money than we collect, then that money comes from someplace and it comes from the tax base. That means that everybody in the county is then paying for water for a few people. That's the justification for having the users of the water system pay for it. It's just a critical issue that the County will be able to understand what we do and to do it fairly and equitably in a way that people can – they can manage but the cost of delivering water becomes the cost of delivering water.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: I just have one quick question. How frequently will you be reporting along the way on this situation?

MR. AABOE: Mr. Chair, Commissioner Moreno, our intention is to work with the County Manager and the Deputy County Manager to come up with a schedule to publish title and general summary but I expect that we would go out early to the customers of the utility to gather input so that we make sure that we hear the various needs of the various customers and the various customer classes before we're too far down the road.

COMMISSIONER MORENO: Thank you. That's all for me.

MS. MILLER: Mr. Chair, also one of the things we were hoping to do is if we are going to put it back in front of the Board for a rate change we would do that so that it's effective by the beginning of the next fiscal year, which is July 1 so we can build our budget around a different revenue picture.

CHAIR ROYBAL: Okay. Thank you. Any other comments?  
Commissioner Hansen.

COMMISSIONER HANSEN: Just also to note that Agua Fria is definitely an exceptional mutual domestic and that not only do they get their water from the County but they get their water from the City. So it's even more complicated. And whereas other mutual domestics do not.

CHAIR ROYBAL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think it's going to be a challenging conversation and I would just add that before we publish title and general summary that we have outreach, feedback from the community, not before, so that we go through a clear process, it's transparent, it give the public a chance to provide feedback and then we publish, not be we publish and then we have them show up here upset. We figure out how to get some feedback, then create the changes, then publish. Then vote if that's the will of the Commission. Those are my thoughts, Mr. Chair. Thanks.

CHAIR ROYBAL: Thank you, Commissioner Anaya, and I would agree with that and support that so I appreciate you bringing that up. Is there any other comments from the Board? Okay, seeing none, thank you for the update, Mr. Aaboe. I appreciate it.

MR. AABOE: Thank you.

**VII. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS**

**A. Matters from County Commissioners and Other Elected Officials**

**1. Elected Officials Issues and Comments**

CHAIR ROYBAL: Do we have any elected officials that would like to speak today? I think the Clerk has already left.

**VII. A. 2. Commissioner Issues and Comments**

CHAIR ROYBAL: Is there any Commissioners that would like to speak today? Commissioner Hansen.

COMMISSIONER HANSEN: I would like to recognize that today is One Billion Rising in New Mexico and it is conducted as a community awareness walk from the Roundhouse to the Plaza in the rise of solidarity and support of women of New Mexico and around the world who have suffered from violence and inequity. One in three women across the planet will be beaten or raped during her lifetime. That's one billion women and children.

Every February we rise in hundreds of countries around the world to show local communities and the world what we one billion look like and shine a light on the rampant impunities and injustice that survivors most often face. We rise through dance to express joy and community and celebrate the fact that we have not been defeated by this violence. We rise to show we are determined to create a new kind of consciousness, one where violence will be resisted until it is unthinkable.

This year we rise in solidarity against the exploitation of women. There was a march on the plaza today and there was also a circle of love for New Mexico children. The circle is envisioned as a gathering of people who love our children. Their goal is to encourage legislators to put children first and unite people on both sides of the political aisle to be equal and united around the needs of New Mexico children.

I also wanted to state that yesterday was Film and Media Day at the Roundhouse. There was a great turnout. There was hundreds and hundreds of people in line signing up for casting calls. There were people who testified in support of raising the film credits and keeping the money locally hired here. And so it was a wonderful day to see that many people supporting the film industry and it definitely a job creator for New Mexico. Thank you.

CHAIR ROYBAL: Do we have anything else from any other Commissioners they'd like to bring up? Commissioner Anaya.

COMMISSIONER ANAYA: Just a couple things. These are nice water bottles. Where's the water from? Thank you for the water bottles.

COMMISSIONER HANSEN: Commissioner Anaya, I was at the last Buckman Direct Diversion meeting and I was concerned about our use of Styrofoam and so felt that we needed to be more ecologically friendly as a Commission and so therefore I asked the Buckman Direct Diversion to provide us with water bottles with our names on it that we can take home and bring back. They are not dishwasher safe so do not put them in your dishwasher. So they are a gift from the Buckman Direct Diversion.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Hansen, thank

you. I appreciate that. I just wanted to say Happy Valentine's Day to everyone listening here, the Commission, staff and everybody and I also want to ask that those votes where I had to step out that my vote reflect in voting with the majority, if I could, Mr. Chair.

CHAIR ROYBAL: Thank you. Do we have any other comments or issue from other Commissioners. We do have item 2. a on here, discussion and possible direction on further amendments to the Ordinance 1991-6, Santa Fe Animal Control Ordinance. This is Commissioner Roybal and Hansen. Commissioner Hansen.

**VII. A. 2. a. Discussion and Possible Direction on Further Amendments to Ordinance No. 1991-6, the Santa Fe Animal Control Ordinance**

MS. MILLER: Mr. Chair, this came from the last meeting, the last BCC meeting. I understand that after the passage of the Animal Control Ordinance changes there was a request that we make more changes and this item we put on there was to get direction if that is something that the Board wants to do. Because we want to make sure that if the Board would like additional changes brought forward that we know specifically what we know what you would like us to work on.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: As I mentioned at our orientation, I would like to see something about barking added to the ordinance. I think that the ordinance needs some definition around tethering. It was quite broad and the sheriff was concerned about some of the issues with the tethering also and possibly Commissioner Roybal would like to speak about that also.

CHAIR ROYBAL: Yes, thank you, Commissioner Hansen. I do have – I want to make sure that staff is working with the communities and as I mentioned before I want to set up an Animal Control Board to work with these issues because of the situation with barking dogs. I know that the City does have that in part of their ordinance but I think that in rural communities there's a situation there where sometimes that can't really be controlled as well, especially when there's a lot of coyotes. So I think we need to involve the communities and make sure that if we do have ordinances that they're specific to different communities and different areas, whether they're urban or rural.

So with this, if we establish this board, I would like to, if we do implement any other changes I want to make sure the communities are involved. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I support those comments and I support Commissioner Hansen's request relative to barking. So I think the board or the committee or some advisory structure that can help us make those determinations is a good idea and if we can get a broad brush of people from throughout the county I think that would be real helpful. So I think that's a good idea. I guess I would suggest, maybe, Mr. Chair, we maybe don't have any ordinance changes right now. If we assemble the committee to get the specific recommendations from the committee, then maybe go to the ordinance might be a thought.

CHAIR ROYBAL: I would agree with that. I know that I'd like to – there was some comments by Commissioner Hansen stating that tethering was a little bit broad so I would like that to be a little bit more descriptive prior to the ordinance coming into



effect in six months I believe is what we had said.

MS. MILLER: Mr. Chair, yes. I think that we did put a six-month delay on the tethering issue, so I was just trying to – Greg and I were conferring about how we might do this. I think one of the things we could do is a resolution to create the committee so we don't have to make an ordinance change and how quickly we could get that done with people on it and working on these issues might be a little challenging as to whether we could get specific recommendations for an ordinance change on the definition. I think relative to a definition of tethering and that you would need an ordinance change. I think we can do a committee or board or something without changing the ordinance but we need to do that by resolution. But I think if you want to make specific changes in the ordinance relative to definition of tethering or to address barking dogs we'll have to do that as an ordinance change and my best guess is to try to do the committee first, see if we can get enough feedback prior to doing an ordinance change before six months. It will be tight but we could kind of work from that direction. If that works with the Board.

CHAIR ROYBAL: Okay, we're going to go to Commissioner Hansen and then we'll go to Commissioner Hamilton.

COMMISSIONER HANSEN: One of the things that was brought up from the public was the concern of implementation of this and who'd going to help these people. Supposedly there was this whole group that showed up at the meeting that were going to be there to help people who had dogs that were tethered. And so I want to make sure that those resources are available to people so that they don't feel like they're just left out in the cold, and how are they going to provide for their dog in this situation of not having a fence? The fence gets broken. They can't get the fence fixed for a couple days and they have to tether their dog.

There's all kinds of situations that could come about that I think have not been addressed in the ordinance and I would like to see just a little more specification.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen.  
Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I actually had some technical questions about it. I think what people have said, a lot of it makes a lot of sense and I support it generally. And that said, I'm just wondering what we're thinking of in terms of a committee. We're talking about a committee, something similar to the Water Policy Advisory Committee or the Food Policy Advisory Committee. And if that's true, we probably want to make a few recommendations about the composition, like the Water Policy Advisory Committee, some of the representation is geographic, so that you get, for instance, the rural and the more suburban points of view. I don't know of what other compositional suggestions we might want to make but –

CHAIR ROYBAL: Just to answer that, Commissioner Hamilton, I was thinking more of when we did the Sustainable Land Development Code we actually had groups or members from each community that came and they kind of looked at the different ordinances that were there and decided what they thought they would like to see. So in Commissioner Hansen's ordinance, or what she wanted to bring forward as far as barking dogs, that community could decide that they want to implement that for that community, or for urban areas around the city as compared to rural areas.

COMMISSIONER HAMILTON: Like a community overlay.

CHAIR ROYBAL: Exactly.

COMMISSIONER HAMILTON: So that would be a concept that would then have to be integrated into the animal ordinance, that there are options for having like an overlay, community-specific components of the regulations. I don't know how to word it exactly.

CHAIR ROYBAL: Correct.

COMMISSIONER HAMILTON: Would you still want to have like a sitting committee that helped review and make recommendations on these kinds of questions, like more specific or some more detailed explanation of tethering and options for barking? That's kind of what the Water Policy Advisory Committee does. We give them questions that are going to be before us and they bring back technical recommendations. They pick the committee members so that they know something about water in different areas and that sort of thing. I mean, it's a great idea. I don't know if it would cost the County anything to actually run that kind of committee and if that's another consideration, but it sounds like kind of a dynamic – animal control seems like a small thing but it's a bit issue and it's a dynamic issue. So it might be a real good idea to do it.

CHAIR ROYBAL: Yes, I think that the more community involvement we have when we do this would be easier accepted. Commissioner Anaya.

COMMISSIONER ANAYA: So Mr. Chair and Commissioners, just following everyone's comments, what it sounds like, Commissioner and Mr. Chair, correct me if I'm wrong is I think it would be a good idea to have a structure that has some foundational members like making sure that we have legal advice, making sure that we have somebody from Code Enforcement, somebody from Animal Control, making sure we have an advocate representative and they maybe other ones, but regional representatives similar to the Water Board. And if that committee helps what you're suggesting, that committee helped created the parameters if El Rancho decides to assemble a group, and how would they do that? They would assemble a group and have meetings and that they could recommend changes for a specific geographic area. The committee could also discuss the tethering or the barking or any component that they're finding in need of review.

So I think that maybe the two, that they could both work well but we may want to use the resources that we had in the room with our Legal staff and others to help us get to that recommendation of what the Legal structure would look like to allow an El Rancho or any other community to say, Hey, we might be a little different, to maybe create the framework. So just a thought, Commissioner, Mr. Chair, but maybe a resolution that you would carry and the Commissioners, other Commissioners could help with that says let's look at that framework and model it after some of the groups that we already have in place as a framework.

CHAIR ROYBAL: Yes, and I think it would be maybe not so much communities but maybe bigger. I think when we did the SLDC we didn't really go by communities. We did the larger regional. So yes, those are good points. Manager Miller.

MS. MILLER: Mr. Chair, I just want to caution that it's a little different than our land use code and it would be very hard to do overlay laws relative to how the sheriff would enforce in this community one way and so I just want to caution that it may

be difficult. I don't want everybody to get their hopes up that each community gets to determine how a separate animal control ordinance based on their community rather than likely need to be more of a basis, like Greg and I were discussing, size of lot might determine – if you had a 50-acre piece of property – tethering – your dog could be loose, versus in a dense community with small zoning. So we have to be careful that it can't be – El Rancho gets to decide how everybody in El Rancho does it versus how everybody in Galisteo does it. I think we just have to be careful that this will be difficult to make a bunch of different types of laws for the community. We need kind of an overriding law for the county and that can be enforced by the sheriff and his animal control officers based on a standard across the county.

So we'll most definitely work to put a good committee together though that gives us all those broad perspectives.

CHAIR ROYBAL: More than anything, what I'm trying to say is that a rural versus urban, right outside the city is more what I'm talking about. But I want community input. Commissioner Hamilton.

COMMISSIONER HAMILTON: I think that's a really good point, but like you said, it's sort of a separate issue to do an advisory committee. I actually think some of the suggestions that Commissioner Anaya sort of rattled off right off the top of his head were good for consideration. I really kind of support the breadth of having some expertise and then some regional representation or community type representation or however it's framed. But I also just want to recognize, at least in my conception of this, it would be an advisory committee with tremendous advantages to us because they can get a lot of input from people they live with. They can look at other – they can do a lot of the legwork and make recommendations.

And to mention that the Water Policy Advisory Committee works with – when they meet they work with Utilities staff who are there and provide information to them so they're not working in a vacuum, which I think is really valuable. But then they're bringing recommendations back to us who then directs staff to do the ordinance changes.

CHAIR ROYBAL: Okay, do we have any other comments, Commissioner Hansen?

COMMISSIONER HANSEN: I just want to support what Manager Miller is saying. We look at density and we look at urban versus rural, maybe 2.5-acre lots, that's a good distance apart from somebody, but when you're living adjacent to a city and you are in a densely populated area barking is a much different issue that it is when you live out in the country and you've got coyotes howling and it's a whole different network of experience.

So I think it's just important to look at how we can address these issues so that there's equity and that everyone can participate.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: I think what we need is some experience on the ground. Has this ordinance taken effect?

MS. MILLER: Mr. Chair, Commissioner Moreno, our ordinances take effect 30 days after they're approved and then that particular part of the tethering I believe we put a six-month delay of implementation.

COMMISSIONER MORENO: I think what we need is some data and

quite a bit of it. If there are so many variations on the theme, but we really don't know. I would like to see some reports and I'll go back to my original request, that we start off with a robust and compassionate, for both the pets and the owners, that they have some opportunity to come into compliance without being sanctioned on the first or second – whatever. And I would like to see the people who are working in that area – the dogcatchers and the animal wranglers that are out there picking up stray dogs, I think we need to be compassionate with them too. So bring us the data then I think I'll be more able to assess whether I want to change the ordinance. Thanks.

MS. MILLER: So, Mr. Chair, I think I have clear as mud direction on exactly what to do but what I'm thinking we'll do is we'll come back with a resolution to establish an advisory committee and I've got a lot of recommendations of the type of people. Once you pass that then we would advertise for members, so keep in mind people you think would be good for it, and then we'll bring back those for appointment to you and then we would have – the next piece would be to kind of line up the things that were mentioned today as kind of their first tasks to work towards, and that would be reviewing our existing ordinance, looking at the issue of how we better define tethering, looking at differences in rural and urban areas, on barking, and then also getting data for more informed decisions and any other areas that we might like to address in the ordinance.

So does that sound about right?

CHAIR ROYBAL: Yes.

MS. MILLER: That's what we'll do then. Thank you.

CHAIR ROYBAL: Thank you, Manager Miller.

COMMISSIONER ANAYA: Mr. Chair, if I could, I did have one other item that has been in the press that I wanted to just briefly comment on, because I've participated in some of the discussions and questions that have come up over the last several years relative to ethics and an ethics commission. That whole question of our ethics commission and what it does and doesn't do is elevated all the way to – I heard it on the 89.1 public radio this morning.

So I just wanted to make some comments on the record and say that I'm supportive of what we did in the Commission that adopted was moving in a very progressive and transparent way when adopted the ethics commission that we have, and we're still one of only a few across the state that took those steps, so I would say that first.

Secondly, I would say that it's complex, relative to ethics complaints as it relates to personnel matters under the auspices and oversight of the County Manager and the Legal Department and it's not a black and white responsibility and the ethics commission that we put in place was never put in place to take over the roles and responsibilities of our Legal Department, our County Manager, our supervisory staff, and our thick personnel manual that we have that incorporates not only provisions for managing employees but also includes provisions for compliance with unions. And we have seven unions? How many?

MS. MILLER: Mr. Chair, Commissioner Anaya, we have six bargaining units and they all have different personnel.

COMMISSIONER ANAYA: Six collective bargaining units, six collective bargaining agreements. So it's complex at best. That said, I also want to

comment that there was questions raised as to, well, we didn't get any complaints and we didn't have any reviews. Well, at face value I'm going to take that as a good thing, not a bad thing, and say that there's practices in place that we've been very transparent within our sunshine portal and everything else this Commission has done has been progressive.

So I'll leave that aside and say that I know there's legislators that have continually supported a statewide ethics Commission; I'm very much supportive of the state moving in the direction where we have one ethics commission that helps deal with elected offices and state entities on a more comprehensive, holistic manner. I know – I couldn't rattle off the legislators but I know there's been different legislators that have carried that legislation. I support that and I'm hopeful that at some point we'll get to that point. But we as a Commission, we as a County have put into place an ethics commission, one of the few in the state, and I just want to commend the County for that work.

There may be things down the road to modify it, to make it, if that's the will of the Commission, but I just want to state that overall, I think it's been a good thing. I also think it's been a good thing that there hasn't been complaints and I think that we should – that's a good thing; not a bad thing. So I wanted to say that. I know there's been a lot of newspaper articles and press and so be it. That's okay. But I also wanted to say my piece on the record from my perspective as a Commissioner and I look forward to hearing from any other Commissioners if they want or even the Manager if she wanted to add anything, Mr. Chair.

CHAIR ROYBAL: Go ahead, Manager Miller.

MS. MILLER: Mr. Chair, I did want to add to what Commissioner Anaya said. I think that for some reason the articles have taken it in this direction that it was kind of like, they've done nothing, and that's not true. Actually, when the Ethics Board was established we had meetings and looked at a lot of things and looked at the ordinance and some issues with the ordinance and then we even changed it to have more members on the board and then had some other changes that were proposed, but there was an issue where quite a few of the members kind of got onto this tangent about, well, we want to be able to investigate employees, but they can't. The HR manual, it was never put in place to deal with employees because the HR manual and the union contracts do deal with appropriate steps and due process for employees, and they are confidential employee matters.

The point of the Ethics Ordinance was to deal with those individuals who are not covered by our HR handbook and our union agreements. And so I think it is a good thing that we have not had complaints. I think that actually, one of the things of having it in place, I think has made people look at, oh, hey. There's some standards at which I'm held accountable and I think it's been a positive thing for the County. So I would agree. It's a good thing we haven't had complaints under the Ethics Ordinance.

CHAIR ROYBAL: Thank you, Manager Miller. We're going to go to Commissioner Hansen and then to Commissioner Hamilton.

COMMISSIONER HANSEN: Thank you. Thank you, Commissioner Anaya, for your comments. I have mentioned to Deputy Manager Flores that I have thought that parts of the Ethics Ordinance needed just clarification and I think that in years past some clarification has been brought up but never passed the Commission. So I would like to just see some clarification around some of the issues in the ordinance that

we have and possibly just have some cleanup on the ordinance. And I agree with you 100 percent that statewide ethics legislation would be fantastic, and I'm proud that we are in the county that has an Ethics Ordinance. So thank you very much.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. I actually just wanted to add my voice in support. I thought it was very commendable what Commissioner Anaya said and I wanted to add my voice in support of that and at this point I'd also like to say that Commissioner Hansen's request to have the Ethics Board do some clarification would be very useful, a beneficial thing for them to do and would put us in a better situation.

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

COMMISSIONER MORENO: I think a quorum of us independently have asked for the same thing and I'm happy to hear that. My take on it is, and I've spoken with the Deputy Manager, that we need an ethics law in this county and the state does too, but we can only govern this body. And what I would want to start with is a definitional approach. What is an ethics violation? Obviously the Human Resources apparatus, the union folks over there have their own grievance procedures and so we're going to be narrowing the universe that is subject to being investigated for an ethics violation.

So if we can kind of start on what we already have and define some terms. And maybe our Legal office has some boilerplate that might work for us that we can massage to our purposes and then off we go. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

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

COMMISSIONER ANAYA: So I'm glad I brought it up, because I learned some things just from my colleagues sitting on the bench. My comments in no way have anything to do with any feeling of the Commission to take a look at it and evaluate what might be modified to be more clear or transparent. The notion and the feedback I was getting from the public was what are you guys doing over there? Right? And aren't you compliant and why not? So what you just explained and what's being conveyed in the public are two different things. And that was my impetus for bringing it up and saying we've been cognizant that we need to have an ethics commission and we put one in place and not many other people did, but things are always subject to change and improvement and so I'm absolutely open to evaluating where we might improve where we can. And so thank you so much. I learned a lot more today, as I always do. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Do we have any other comments from the Board?

## **VI. MATTERS FROM THE COUNTY ATTORNEY**

### **C. Update on Concluded Litigation**

MR. SHAFFER: Mr. Chair, I would respectfully request that perhaps we have Ms. Brown do an update on concluded litigation before Commissioner Anaya

leaves. I understand he might not be able to stay for executive session, and then do executive session, if that would be okay.

CHAIR ROYBAL: That's fine.

RACHEL BROWN (Deputy County Attorney): Mr. Chair, members of the Commission, I just wanted to update you briefly on two matters of litigation that have concluded. The first being the case of *Board of County Commissioners versus Joe Anthony Montoya and Advantageous Asphalt*. That was a case we started in 2014. We alleged in our complaint that there were culverts placed on a private road without authorization from the County prior to their installation, which were causing flooding on a County road, Los Pinos Road. And we couldn't do road repairs that were necessary and budgeted and planned for because of the flooding caused by the culvert installation on that private road.

That litigation has since resolved. The case has been dismissed after the culverts were removed so that our County road project could move forward. That project has gone out to bid. Bid closing is tomorrow and we anticipate that a contract will be brought forward to the Commission for the improvements on Los Pinos Road in March with an anticipated completion of the construction by the end of August. And I'd be happy to answer questions about that should there be any.

If not, the second case that I just wanted to update you on was a matter that came before the Public Employee Labor Relations Board. AFSCME requested home addresses and home telephone numbers of bargaining unit employees for the Corrections bargaining unit. We resisted providing home addresses because of the privacy interests of the employees that we felt it important to protect, and because our contract didn't allow for disclosure of those home addresses.

That case went through many months of litigation before the Labor Board and ultimately we were ordered to release the home addresses and home phone numbers of the employees, despite our appealing the initial recommendation to the Labor Board for a second opinion.

The case also involved a claim for damages because the union claimed that they were unable to collect dues during the time that we declined to provide those home addresses. That second component of the case also went through a hearing and an appeal to the Labor Board and it was determined that we would not pay any damages because the Labor Board did not have jurisdiction to award damages in a case such as this.

So the home addresses were ultimately released. The home phone numbers were released, and I'd be happy to answer questions about that.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya and then Commissioner Hamilton.

COMMISSIONER ANAYA: Mr. Chair and Ms. Brown, thank you for bringing it forward in the public format. On the record I'm disappointed in the ruling. I think there are certain rights to privacy that our employees and that citizens should have, having no bearing on my support, which I've been supportive of unions and collective bargainings. I think it's inappropriate for us to convey those addresses and I think there should be some process at some point, legislation or law that provides the employees themselves to sign off a disclosure to afford people the rights to do that. But for their

addresses, where they dwell to be just openly mandated being provided I think is not a good thing. And maybe as a Commission we can have some discussions about discussions with legislators and modifications to state law that would create a process by which people would be able to release that information. So that's my comment. Thank you for the report and the feedback. Do you have anything –

MS. BROWN: Nothing to add.

COMMISSIONER ANAYA: Okay. Thank you, Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I probably don't have too much to add to that. I would totally support what Commissioner Anaya just said. I was really just motivated to register surprise at this. I don't know if you guys, who are more official and knowledgeable in the Legal Department are surprised. Are you surprised?

MS. BROWN: Mr. Chair, Commissioner Hamilton, I was quite disappointed in the outcome. We fought hard and with really strong arguments about why information that is so personal to our employees should not just be turned over without their authorization. Certainly, if the employees want the information released that would be fine. But what the Labor Board said was that under the state labor laws we are obligated to share that information with the unions, whether the employees would like it to be shared or not.

COMMISSIONER HAMILTON: Interesting. Well, I agree completely with Commissioner Anaya and if there's something further, especially you and the Legal staff would like us to consider maybe we could talk about it.

CHAIR ROYBAL: Okay. Do we have any other comments from the Board. Seeing none, thank you, Rachel. I appreciate it.

- VI. 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**
1. **Rights-of-Way for County Roads**
  2. **Adult Detention Facility Charges for Inmates Arrested in Santa Fe County for Alleged Crimes Committed in Other Counties**
  3. ***Board of County Commissioners of Santa Fe County v. Gregory Fuess, State of New Mexico, County of Santa Fe, First Judicial District, No. D-101-CV-2015-01936***
  4. ***The Board of County Commissioners of the County of Rio Arriba, et al., v. The Board of County Commissioners of the County of Santa Fe, State of New Mexico, County of Santa Fe, First Judicial District, Cause No. D-101-CV-2016-02243***

CHAIR ROYBAL: Greg Shaffer, can you talk about what we'll be going over?

MR. SHAFFER: If I could, and if just the maker of the motion should include that it's for the purposes of discussing 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 items: rights-of-way for County roads, Adult Detention Facility charges for inmates arrested in Santa Fe County for alleged crimes committed in other counties, the matter of the *Board of County Commissioners of Santa Fe County v. Gregory Fuess*, Civil Cause No. D-101-CV-2015-01936, and the matter of the *Board of County Commissioners of the County of Rio Arriba, et al., v. The Board of County Commissioners of the County of Santa Fe*, Civil Cause No. D-101-CV-2016-02243.

CHAIR ROYBAL: So the motion would include that?

COMMISSIONER MORENO: I so move.

COMMISSIONER HANSEN: I second.

CHAIR ROYBAL: We have a motion and a second. Could I get a roll call?

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 |

[The Commission met in closed session from 5:21 to 6:28.]

Commissioner Hansen moved that we come out of executive session where the only things discussed were those on the agenda. Present were the Commissioners Hamilton, Hansen, Moreno and Roybal, the County Manager, Deputy County Manager, County Attorney, and Deputy County Attorney.

Commissioner Moreno seconded the motion.

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

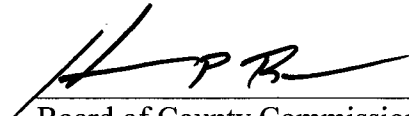
Commissioner Hansen then commented that regarding the animal control ordinance, she would like to see billing sent to license holders. Manager Miller advised that in the past the licensing fee was too low to support the cost of billing, but that the County could revisit that matter now that licensing fees had increased.

**VIII. CONCLUDING BUSINESS**

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

Upon motion by Commissioner Hansen and second by Commissioner Moreno, having completed the agenda and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 6:30 p.m.

Approved by:


  
Board of County Commissioners  
Henry Roybal, Chair

ATTEST TO:

  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK



Respectfully submitted:

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

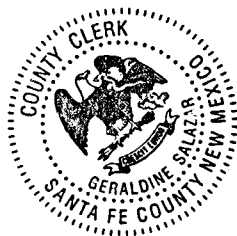
COUNTY OF SANTA FE           )  
STATE OF NEW MEXICO       ) ss

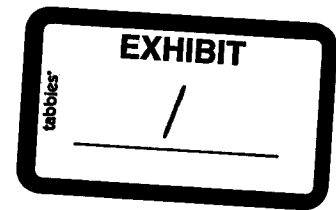
BCC MINUTES  
PAGES: 98

I Hereby Certify That This Instrument Was Filed for  
Record On The 15TH Day Of March, 2017 at 10:23:01 AM  
and Was Duly Recorded as Instrument # 1820458  
of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar

Deputy  County Clerk, Santa Fe, NM





as a budgeted item we are bringing it before you with a request to use cash balance to make this payment good to the State of New Mexico.

CHAIR VIGIL: Questions? Commissioner Mayfield, I believe I saw your hand.

COMMISSIONER MAYFIELD: Madam Chair, I would move for approval of this matter and I will stand for any discussion. And also I would ask if possible, could we maybe have our Assessor and our Treasurer post this on the website somewhere so other people know that this is available for their use. And I don't know if they do that in the mail-out when the property tax assessments go out or when the bill notices go out, if they provide this notification to residents that there is this opportunity.

CHAIR VIGIL: I think that's possible but I think that would be a direction we would give after we discuss this item. So is there a second on this?

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: I hear a second. Further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: No discussion.

CHAIR VIGIL: Commissioner Stefanics? Okay, we have a motion and second.

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

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: On Commissioner Mayfield's comments, I think that when we discuss this next item we're really going to be discussing whether we want to repeal, keep the same ordinance or change it, and I think that's what the discussion on item 2 is.

**XIV. F. 2. Public Hearing for Annual Required Discussion Relative to Ordinance No. 2009-2, Low Income Tax Rebate (Legal)**

MR. ROSS: Madam Chair, exactly two years ago we enacted the low-income property tax rebate. How the tax works is that persons of low income have the option to claim a credit on their personal income tax form in the amount of their property taxes, up to \$350. And obviously, more people have taken advantage of the credit than was anticipated at the time the ordinance was enacted. There are a couple of possibilities. First of all there's a tax that's possible. The Board can create a very modest, small property tax to make up the difference in the budget from those folks who have availed themselves of the rebate. That's one possibility. And of course the second possibility is that which Commissioner Stefanics

just mentioned which would be to eliminate the tax rebate if we don't think we can sustain this level of commitment to it.

I will point out though that the original genesis of this ordinance was the annexation agreement with the City of Santa Fe. This was actually a request by the City and it's included in the annexation settlement agreement. The City requested that we create this low-income tax rebate, which we did. The reason they requested that that be in the agreement is because of the relatively higher costs that residents within the city limits incur for things like mandatory trash pickup, sewer and water charges, etc. And they were concerned that in the large annexations that are proposed in the settlement agreement that low-income people would get caught up in that and experience financial loss.

That being said, every two years in the odd-numbered years in January we are required to re-review or review the low-income property tax rebate program and have a brief public hearing on the subject. So that's what we should do now.

CHAIR VIGIL: Okay. I have a question from Commissioner Holian and then I'll go to Commissioner Stefanics.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Steve, on the suggestion about imposing a small tax on the county to make up for that difference, would that have to be voted on?

MR. ROSS: Yes. It is a mandatory referendum.

COMMISSIONER HOLIAN: Then the Commission would have to vote on whether to put that on the ballot, correct?

MR. ROSS: Correct. Mechanically, how it's done is we pass an election proclamation by resolution and then schedule an election, probably a special election on the question.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Teresa, what were we anticipating the rebate to be? First question, and the second question is what's the threshold for low-income status?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, I don't think when the analysis was done and when I went back and reviewed there really wasn't an expectation and it was one of those that they could quote the number of affordable housing that we have within the county, within the city, try to forecast. But it was difficult to determine the thresholds because they're based on a percentage, and obviously the lower one is if you make over \$12,000 but not over \$14,000, you get 60 percent of your property tax liability. And then it scales down all the way up to \$24,000 with that percentage being 35 percent. And again, the cap is at \$350 per taxpayer. So there was no solid recommendation, just a recommendation that they didn't have a solid number but they didn't think it would be that material in relation to our assessed value.

COMMISSIONER ANAYA: Madam Chair, just another comment and I'd like to hear the Commissioners. We're in a difficult economic time as we all know, but I

think I would commend the Commission at the time for their being associated with wanting to help the most challenged economic individuals that have the lowest pay and lowest economic status. I want to commend the Commission for taking an action in this matter. I think these are changing in the economy but I commend them for this effort. So I'd like to hear what the rest of the Commission have to say but did want to say that.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I think that when we passed this we all were very concerned about low-income people here in our county but we also didn't have any projections of what the amount would be. So, Steve, the actual ordinance doesn't say the range of adjusted gross income. Can we dictate that?

MR. ROSS: Madam Chair, Commissioner Stefanics, no. That's in the state statute.

COMMISSIONER STEFANICS: So the range, Madam Chair, of \$8,000 to \$24,000 is in the state statute.

MR. ROSS: Well, the range, yes. That's right. \$8,000 to \$24,000 is in the state statute. There's a graduated scale of percentages of property tax liability that the credit applies to.

COMMISSIONER STEFANICS: And so Madam Chair and Steve, are you saying we cannot adopt a partial range; we have to adopt the entire range.

MR. ROSS: Madam Chair, Commissioner Stefanics, yes. I think I'm saying that. I did anticipate that question and looked at it and I don't think it's possible to change the state statute or adopt a new schedule for ourselves.

COMMISSIONER STEFANICS: Or a partial?

MR. ROSS: Yes, a partial, so there's less of an impact on our budget.

COMMISSIONER STEFANICS: So, Madam Chair, Steve, Teresa, Katherine, do we know if any other counties have implemented this?

MR. ROSS: Just Los Alamos County. We're it, with Los Alamos. That's a Class H county so the only normal county in that sense of the word is Santa Fe County.

COMMISSIONER STEFANICS: And Madam Chair, Katherine, is this \$332,103, is this a bill for the entire year or half of a year?

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, it's for the whole year. Tax year 2009.

COMMISSIONER STEFANICS: Okay. So if the bill is for – the billing amount is for FY 10?

MS. MARTINEZ: The billing amount is for tax year 2009 and would more than likely overlap between the two fiscal years, given the tax year.

COMMISSIONER STEFANICS: Okay. So, Madam Chair, Teresa, can you project how much that \$331,000 would increase, for example, this year that we're in?

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, we could try but it would be difficult. We tried to work with Duncan Sill in the past, tried to determine the number of affordable homes. It was hard to pinpoint the number of low-income people, if you

will, the citizens that actually own the home. So I think that's where they struggled in the past. We could try. I don't know that we could come up with a solid number for you.

COMMISSIONER STEFANICS: Well, Madam Chair, what I'm asking is, and Katherine, you might be able to answer this too, is whether or not we could take the existing usage, project any minimal growth in numbers of people, project the increase and the amount and see where that takes us for the next three to five years. Because if we -- let's just say, and I'm playing devil's advocate here because I care about our low-income people just as much as the next person, if we reached a million dollars in five years when we've already cut our County budget by several million dollars, that means that we're cutting more services. So I would like for us to have, and when we went into this we really didn't have any projection and I understand why. But Katherine, do you have a comment?

MS. MILLER: Madam Chair, Commissioner Stefanics, one of the concerns that I have, we would need to get data from Tax and Revenue. Because this is income levels and then a percentage off of property tax. So this is not really on our affordable homes. It's on income levels of families. So that determines eligibility. And then whatever that income is it determines the percentage off of the property tax bill in the amount of rebate they get from the state when they file their income taxes and then they hand us that bill. I don't know, and we have a request in for additional data to Tax & Rev, how many people this is. You could just have some large tax liability, potentially, property tax liability with a low income. So I don't know the number of people using this, and I'm not sure, because Tax & Rev has a lot of confidentiality issues. We need to see what detailed information we can get, and then also couple that with our property tax information in order to make some good projections for you, because we'd have to look at how many other eligible households, how many households are applying for the credit, and then how many other potential eligible households. It might, I think even next year it would be hard to project because we just don't know how many people knew about it even and how many eligible households have actually applied. So we need more data from Tax & Rev before I could give you an answer of whether we could make a good project.

COMMISSIONER STEFANICS: Well, Madam Chair, there is a different way then of doing it. You could look at census. The credit is capped at \$350.

MS. MILLER: That's correct.

COMMISSIONER STEFANICS: If you really look at the census you could identify the number of low-income people, you could look at the cap and you could project even at the maximum of what it would be and take an average. You could do a minimum, median -- we could just do a little statistical formula and come up with the worst and the best scenario so that we are clear about this. My point, Madam Chair, is not that we repeal. My point is that we go into this with our eyes wide open about how much money we should be planning on next year, the year after, five years from now. Thank you very much.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Mr. Ross, Manager Miller, does this have any correlation with the tax lightening that's being proposed,

because that's how I kind of look at maybe why this ordinance was put in place in the first place.

MR. ROSS: Madam Chair, Commissioner Mayfield, no, not really. It is based on property values but it's not part of that whole tax lightening issues. If you qualify for the credit, let's say that you qualify in the 75 percent range, 25 percent of your property tax bill you can apply on your income tax form against your income, so it doesn't really have a whole lot to do except indirectly with property tax lightening. If you have an assessed value that's held down because of the application of the state statute that mandates a three percent increase and no more then you might be paying actually a lower property tax and therefore have a lower credit but you don't care because you're paying less on your property taxes. So there's only an indirect relationship between those two items.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, when did this come into place? Did someone say that? I apologize. Who enacted that?

MS. MARTINEZ: This was back in April of 2009. So it was too late for tax year 2008 but it had to be before September 1<sup>st</sup> for the first taxable year we could deal with this would be tax year 2009.

COMMISSIONER ANAYA: Okay. And Madam Chair, Mr. Ross, did you say that this was directly tied and correlated to the annexation plan?

MR. ROSS: Yes. The annexation settlement agreement with the City of Santa Fe has this as one of our required tasks, and we finally did it in 2009.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross, and I don't think just associated with this discussion but for future discussions, there are things that we carried through on on the settlement agreement relative to annexation, but yet the City is not moving forward with annexation at this time? Are they or is there some delay associated with annexation?

MR. ROSS: Madam Chair, Commissioner Anaya, there's been some discussion from the City side of needing to delay the second set of annexations that's referred to in the settlement agreement, but they did the first set. So as far as I know they're fully performing thus far.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross, associated with those negotiations we might enter into discussions and negotiations associated with what we move forward on? Because I know there are other services associated with the agreement that people are waiting for in line with that settlement that are City services. Have they followed through with items at any level associated with the annexation that are tied to the settlement agreement?

MR. ROSS: Madam Chair, Commissioner Anaya, yes. We're in the latest – well, we're doing two things right now with City staff and County staff. Number one, we're finalizing the required water agreement. Remember that – well, you probably don't remember, but the settlement agreement creates a hard line, a hard city line, city boundary

between the city and the county that is essentially the boundary, the natural boundary around the City and the County formed by I-25 and 599. And the settlement agreement required that we conform the city and county water and sewer service areas to that boundary and take the customers that are in the wrong place. The City customers that are in the county and transfer those to the County and vice versa. That agreement is being vigorously worked on by City and County staff right now.

Then the second thing that's being worked on that's sort of the hot issue right now is the issue of solid waste. So I know that Pego and his counterparts over at the City are talking about how to prepare for the next annexation and do a better job of transferring over the responsibility for solid waste than was done in the first annexation. So there's stuff going on all the time at a staff level trying to administer the requirements of that agreement.

COMMISSIONER ANAYA: Madam Chair, members of the Commission, I guess a broader question but it ties into whatever the settlement agreement items are and there are timelines associated with those requirements. So I guess I believe we should have a review at some point to make sure there's a balance and a counterbalance to make sure one entity isn't providing additional fiduciary impact and one isn't. So if that makes sense. I think that maybe I see some of what Commissioner Stefanics is talking about relative to that aspect.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Steve, you mentioned that the range is fixed by state legislation. And that brings up one question. I'm assuming that people that make less than \$8,000 also get the credit but that it's calculated at the same rate up to \$8,000. Is that – am I reading that right?

MR. ROSS: Madam Chair, Commissioner Holian, zero to \$8,000 gets a 75 percent rebate.

COMMISSIONER HOLIAN: And are we allowed to change the cap? The \$350 cap?

MR. ROSS: No, that's also in state law. It's a very detailed statute unfortunately.

COMMISSIONER HOLIAN: Okay. Thank you, Steve.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, one more question. What we have on the table is a discussion on repeal that we could entertain. But if we repealed it and it's in the settlement agreement would we repeal now and then as part of the settlement agreement we're going to reinstitute it? We would be required to reinstitute again at some later date? Is that what? We would have to have it it sounds like from the agreement. But are we suggesting that we implement it when it goes full force in effect with the rest of the agreement? Is that why this is on the agenda right now?

CHAIR VIGIL: I think it's just for discussion and I think we're probably, from what I'm hearing, needing some more information and I'm craving it myself also. So I'm not sure we're at a place, and it isn't noticed as an action item. We probably need to revisit it. I



think we do have to have discussions with the City in regards to this and the annexation agreement. Some of the data that I'd like to know is, yes, I could understand how the City would be concerned about implementing this but are most of the beneficiaries of this in the annexed area or are they in the city limits? So does it really adversely impact the annexation process itself? That kind of information is important to me.

The other thing is when I took action on this and voted for it my perspective was to do it for one year so that we can get the data. Because at the time we took action on it we really did not know, as Commissioner Stefanics said, what the outcome would be. I also think we need to look at this from an in-depth analysis because to some extent one of the alternatives we have is to go to the voters for a property tax increase. To a great extent what we're doing right here is bypassing the voters by us taking these dollars from the current tax base that we have.

So I think there's a more in-depth analysis that I would like to look at with regard to this. I think one of the requests that were made is to try to do some more informational gathering from Tax & Rev with regard to projections. We're going to need to know before we decide on repealing or not, because it seems like those are our two choices. There's no middle of the road. What kind of projection analysis we could have with this and then really answer some of the questions that have been brought up here. Because this isn't noticed as an action item perhaps we could revisit it at a time when staff has been able to gather the information. Is that possible or is there a timeframe that we have to make a decision on this, Steve?

MR. ROSS: Madam Chair, we don't have to make a decision for several months, on either the idea of having a mil levy, an election on a mil levy or terminating the rebate program. But we do need to have a public hearing now, in January. That is a requirement of statute. Every other year in the odd numbered years we have to have a public hearing. I don't know how extensive it will be but that will be an important step to get out of the way before we make all these other –

CHAIR VIGIL: I think we've heard enough then, Commissioners. So this is a public hearing. Is there anyone from the public that would like to address the Commission on this item? [There was no one from the public wishing to speak.] Do we have to have another hearing on this or just one public hearing?

MR. ROSS: Well, if the ordinance were scheduled for repeal of course we'd have the usual public hearing that's associated with that, but no, this is the public hearing.

CHAIR VIGIL: Okay. Ms. Miller.

MS. MILLER: Madam Chair, since we're the only Class A county or normal county as Steve put it, that uses it, there is a possibility of amending the statute and seeing if – the legislature's in session right now and perhaps we could quickly draft at least an amendment to the statute that allowed us some flexibility, rather than it being rate-set. I don't know who – I want to say it was somebody from Albuquerque, one of the legislators from Albuquerque who put this in but that's an option. It might just be adding some language for or as otherwise determined by a county commissioner percentages or something like that. So

I could look into that as well and if we're going to do a budget study session next week bring that back to you then.

CHAIR VIGIL: That sounds like some good alternatives to review. Is the Commission in agreement with that? Unless there's any other comments or questions on this item I'm going to excuse myself and turn the meeting over to the vice chair, Commissioner Stefanics, and I will return hopefully before the executive session. Thank you, Commissioner Stefanics.

[Commissioner Vigil left the meeting and returned during executive session.]

COMMISSIONER STEFANICS: Thank you. But I also think – are we in agreement to ask the County Manager to pursue a legislative fix for this to create a variable?

COMMISSIONER HOLIAN: I'm in agreement as to that thing being brought forward.

COMMISSIONER MAYFIELD: Madam Chair, I'll second that for agreement.

COMMISSIONER STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think that I would like to see – that she could pursue options but that we would have to vote on that at some point anyway. So, yes, I would say pursue options for consideration but not actually – but not actually carrying an option forward to the legislature immediately. I guess I'd like to see like what are we talking about. Are we going to utilize HUD standards on what the rate is, or – I guess that's kind of some information I'd like to see.

COMMISSIONER STEFANICS: Okay, I think that probably in order to bring this back for discussion we're going to need probably staff to find out who the original sponsor was, whether it was a Santa Fe legislator or not.

MS. MILLER: Madam Chair, Steve informed me it's a 1994 statute and it went for a while without being used.

COMMISSIONER STEFANICS: It's been around.

MS. MILLER: So I can find that out and see if we can't put something together rather quickly to get this information and talk to that sponsor if they're still in office.

COMMISSIONER STEFANICS: Well, the reason I bring that up is I knew it was an old bill and I think it was either the Speaker or the Pro Tem, or not even around, but for us to have implemented it means that's we have some major responsibilities in the future. And back to what Commissioner Anaya is saying. We're not required to do this. We could be challenged in court. And if the City is not providing the services the court might not uphold our requirement to do this. So I'm just putting out there that we do have options when it comes time to what we have in the City agreement. Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, let me clarify my comments. I think options for flexibility would be okay but it doesn't guarantee for any of us that we would exercise those options. But I think options are a good thing if we can get some latitude as a Commission. So that clarifies it.

COMMISSIONER STEFANICS: Great. Thank you very much. Anything else? Commissioner Mayfield.

COMMISSIONER MAYFIELD: I may be wrong but I believe it was House Bill 131 sponsored by Speaker Ben Lujan. I could be wrong.

COMMISSIONER STEFANICS: In 1994?

COMMISSIONER MAYFIELD: That's the year?

COMMISSIONER STEFANICS: Okay, so we'll pursue that and if you could look at the options. So do we want Commissioners to have this on the agenda to hear the options next time, a month from now, three months from now? The legislature will be over with by the middle of March.

COMMISSIONER ANAYA: Next month.

COMMISSIONER STEFANICS: So, Katherine, could we get this on the agenda?

MS. MILLER: Madam Chair, the last thing I would say is – Steve and I were just kind of talking that somehow the statute that allows for flexibility, bills have to be introduced by the 17<sup>th</sup> so I'd have to do it on the 8<sup>th</sup>. But I would even like to bring it back to you if we're going to do a study session on the 1<sup>st</sup>, bring it back for direction then. Hopefully, we'll have some options and some discussions already if it was Speaker Ben Lujan, if I need to talk to him about it. I'll have to do it somewhat quickly.

COMMISSIONER STEFANICS: Okay. Thank you very much. It will come back to us, Commissioners.

**XIV. D. Finance Department**

**1. Review and Discussion of the Quarterly Financial Report for the Quarter Ending December 31, 2010**

MS. MARTINEZ: Madam Chair, I gave you a very extensive quarterly report. I don't intend to go through every detail but mainly summarize the major notes if you will. I identified the major funds that I'd be speaking to. We have the general fund, the fire fund the corrections fund, and then more summarized we'll speak to our Health Division, our RECC and some additional programs that have recurring staffing expenditures, if you will, but not so much recurring revenue sources.

I'll begin with the general fund. Through December we had total revenue collections of \$20.7 million and expenditures of \$12.5 million. So we had a positive operational variance of \$8 million. The lion's share of revenue comes from property taxes at \$13.8 million and GRTs at \$4 million. The lion's share of our expenditures through December are obviously salary and benefits that make up 46 percent of our total general fund budget. We are right on if you will, we're at .9 percent of budget or just better than budget for GRT collections, that's within the countywide GRTs, and our unincorporated GRTs are down about 12 percent. So we'll have some recommendations for you as we head into the 2012 strategy with regard to additional possible cuts to next year's planning. I will caution that any cuts that we make with

has consistently and for years – as long as I’ve been here which is almost ten – has appointed alternates to SWMA. So it’s obviously a long-standing practice to have alternates and it’s very important for the County to be completely represented at those meetings. So the suggestion was made and I’ve acted on it with this amendment that we amend the joint powers agreement to explicitly specify that alternates are permitted for both City and County on that board.

I’ve already spoken to the City attorney about this and they know it’s coming and I don’t think it’s any surprise. The way you amend a JPA is the same way you enact one in the first place. The City and the County have to both approve it and then it goes over to DFA, after which it becomes effective. I stand for questions.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move amendment No. 2 to the City/County landfill first amended joint powers agreement.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Is there any further discussion?

COMMISSIONER ANAYA: So Madam Chair, if this amendment would pass and get signed off by both parties then that would mean that as an alternate I would actually get to participate in the SWMA meeting if I go?

MR. ROSS: That’s correct.

COMMISSIONER ANAYA: All right.

CHAIR HOLIAN: Okay. So we have a motion and a second for approval of amendment No. 2 to the City/County landfill first amended joint powers agreement.

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

**XVI. A. 1. Public Hearing Concerning the Low-Income Property Tax Rebate, Ordinance No. 2009-2**

CHAIR HOLIAN: Steve, are you talking this?

MR. ROSS: Yes. Madam Chair, in odd-numbered years the Board of County Commissioners has to have a public hearing on the topic of the low-income property tax rebate. We are one of two counties that has the low income property tax rebate in force, the other county being Los Alamos County. We agreed to implement the rebate when we signed the settlement agreement with the City that we all know as the annexation agreement. It was a point that was negotiated in conjunction with that settlement; we’ve had it ever since.

Since we’ve had it in place the credit has resulted in payments from the County to the Taxation and Revenue Department ranging from \$331,000 in the first year of collection of the tax to \$478,000 in the current fiscal year. The low-income property tax rebate applies to persons whose income is \$24,000 and works on a graduated scale. So how it works is on the PIT-IC form of your New Mexico income tax return you fill out a little questionnaire about halfway down the form and if your income is, say, \$10,000 the state will rebate to you on your income tax 65 percent of your property tax liability in that particular year. That’s how it works.

We have three choices after we have the public hearing tonight. Number one is to do nothing – leave the rebate program in place without modifications. Two would be to set the process of appealing the ordinance – ordinances have to be repealed in the same way in which they were enacted. Or three, the other possibility is the statute that creates the tax rebate also permits us to ask the voters to approve a mill levy to make up the difference for the amount that has to be paid from the general fund to the Taxation and Revenue Department to support the rebate.

So once again we need to have the public hearing. Maybe Rachel or somebody else can make some comments and then after that we can have a brief discussion.

CHAIR HOLIAN: Okay. So this is a public hearing. Is there anyone here in the audience who would like to speak for or against this ordinance? Seeing none, the public comment period is closed. Would any of the Commissioners like to ask questions or make comments? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I think – so it's 2013. Mr. Ross, whatever we do tonight we will reconsider it again in 2015?

MR. ROSS: Correct.

COMMISSIONER STEFANICS: Okay. So Commissioners, I am just going to point out that by 2015 we could be paying the state about a million dollars. And besides paying the state, also losing tax revenue on our side. So I just believe, while I supported this initially, I don't believe we all were aware of the total impact it would have upon County resources and resources that could be used for programs and services to people. So I would ask that we keep that in mind for future years.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: And I'll be brief, Madam Chair. Two things, Steve, you brought up, and you brought it up verbally, but the mill levy. And I won't go into detail on this. But aren't we tapped out on the mill levy? Do we have room on the mill levy?

MR. ROSS: Madam Chair, Commissioner Mayfield, this is a special mill levy. It's not subject to any of the normal limitations.

COMMISSIONER MAYFIELD: So would it be a special election for the voters?

MR. ROSS: Yes. Or you could put it on as a question on any general election.

COMMISSIONER MAYFIELD: On a general election. That's still a long way away.

MR. ROSS: A year and a half. Yes.

COMMISSIONER MAYFIELD: So if it went to – if this Board elected this and made that decision and the voters decided against it then that would nix it.

MR. ROSS: Correct.

COMMISSIONER MAYFIELD: Okay. Second thought. Isn't the City supposed to kind of assist on this?

MR. ROSS: Madam Chair, Commissioner Mayfield, no. It's a County thing.

COMMISSIONER MAYFIELD: Well, wait a minute. Let me ask this of Commissioner Stefanics. Weren't they supposed to?

COMMISSIONER STEFANICS: No. I think Steve would be more appropriate to answer it.

COMMISSIONER MAYFIELD: Let me ask this. What about with annexation? Isn't there an impact with annexation?

MR. ROSS: The rationale as I understand it for the provision in the annexation agreement was that upon annexation people in the annexed areas would see higher property taxes and there was a concern that low income property tax payers would be pushed out into the county and lose their houses after they were annexed into the city. This is meant as a stop-gap for that kind of problem.

COMMISSIONER MAYFIELD: Okay. And then I guess last thought is could we not move forward and ask for the last – I think last year we tried to propose a piece of legislation to have kind of a stop-gap measure to this. Did we not maybe as a Commission entertain that piece of legislation again?

MR. ROSS: Madam Chair, Commissioner Mayfield, do you mean to amend this particular statute?

COMMISSIONER MAYFIELD: I'm sorry. I was having a sidebar. I apologize, Mr. Ross.

MR. ROSS: I didn't understand the question.

COMMISSIONER MAYFIELD: I think last year we tried to move a piece of legislation, did we not?

MR. ROSS: Not that we know of.

COMMISSIONER MAYFIELD: Does anybody have a recollection on that?

COMMISSIONER STEFANICS: Madam Chair, Commissioner, we discussed the fact that the amount was going up and we looked at potentially adding a sunset clause but we never proposed it formally.

COMMISSIONER MAYFIELD: And Madam Chair, I'm sorry, I just thought we did and it was defeated at the legislature. Commissioner Anaya, do you recall that?

COMMISSIONER ANAYA: I don't, Commissioner Mayfield. I know we had a discussion about it but I don't know that we ever got it to the point where it was drafted in a bill. I didn't think there was the ballot to draft it into a bill, but I definitely think we can approach and ask some questions about that but I don't think we found anybody that was willing to carry it.

COMMISSIONER MAYFIELD: Fair enough. And I'll just double-check that because I thought we did. But thank you. That's all I had, Madam Chair.

CHAIR HOLIAN: Okay. Thank you, Commissioner Mayfield. So let me ask Steve this. Do we have any legal authority to amend this in any way or change it in any way?

MR. ROSS: Madam Chair, the choices are keep it in place, number two, repeal it, or number three, get a mill levy in place to make up the cash outflows.

CHAIR HOLIAN: So if we did repeal it what would be the consequence of that?

MR. ROSS: Well, obviously, there's be no rebate in the county, number one, and number two, we'd be in violation of the annexation settlement agreement.

CHAIR HOLIAN: Oh, okay. Thank you. And do we need to take action on this tonight or is this just simply a public hearing?

MR. ROSS: No, this is a public hearing but any action has to be taken within 30 days by statute. So we have – if the decision were made to take either the step of repealing

the ordinance or number two, putting in place a mill levy we'd probably have to start that within 30 days to be in compliance with the statute. Now, that being said, the reason that there are deadlines on this particular topic because the Taxation and Revenue Department needs time to prepare tax forms for the following year, which I understand that really doesn't start until this summer. So some of those deadlines – if we start taking action – obviously we can't finish action within 30 days. Let's say we decide to do a mill levy. That's going to be a continuum of activities all the way up to whenever we choose to have a special election.

CHAIR HOLIAN: Okay. Thank you. Thank you, Steve. So would any of the Commissioners like to make a motion? Apparently not. So I believe that the public hearing for this agenda item is closed and that brings us to adjournment.

**XVII. ADJOURNMENT**

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 10:07 p.m.

Approved by:

  
Board of County Commissioners  
Kathy Holian, Chair

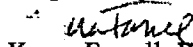


ATTEST TO:

  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

2/26/13

Respectfully submitted:

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

Seeing none, what's the pleasure of the Board?

COMMISSIONER STEFANICS: Mr. Chair, I'll move for approval. Oh, I'm sorry. You didn't go to public hearing.

CHAIR ANAYA: We need to go to public hearing first. Is there anybody here to speak in favor or against this particular application for a beer and wine license. correct? Is there anybody here in favor or against this application? Seeing none. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I'll move for approval.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion from Commissioner Stefanics, second from Commissioner Roybal. Any further discussion? Seeing none. Commissioner Chavez.

COMMISSIONER CHAVEZ: Commissioner Anaya, this is the case for Ten Thousand Waves?

CHAIR ANAYA: Yes.

COMMISSIONER CHAVEZ: I would like to state for the record that I'm in support of this BCC case.

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

**VIII. B. Low Income Tax Rebate Created by Ordinance No. 2009-2, Pursuant to NMSA 1978, § 7-2-14.3**

MS. MILLER: Mr. Chair, this is an easy one, I do believe. As you know, we have imposed at the County a low income property tax rebate. How that works is that as individuals within Santa Fe County pay their property tax they keep their property tax receipts. When they file their income tax to the state they claim the amount of Santa Fe County property tax they have paid on their residence within Santa Fe County. If they are eligible, based on income levels, they get a certain amount of that rebated to them through their income tax return.

So they receive it back from their income tax return and at the end of the year Tax and Rev sends us a bill, and we pay them for the money that they have paid to individual property owners as a rebate on their income tax. This year that amount was \$552,000 from – I say this year but tax year 2014 rebates equated to \$552,000. We put this in place I believe in 2009, the first year that it actually started to accumulate and we made a payment in 2010. The County put it in place as part of a conversation and negotiations with the City on annexation and the first year it was about \$332,000, I think, or \$331,000 in 2011. So January 2011 for tax year 2010, we rebated \$331,000. It's really hard for us to predict what it will be because we don't get any taxpayer information from the Tax and Rev. They just tell us the number of applicants and the amount per application and a total.

But you can see over the years we had 1,191 applicants that got rebates in the first year that we had it, up to now, 1,767 taxpayers that received an average rebate of \$313. I will state that by statute the highest rebate is capped at \$350. And then some of them are as small as \$4. It is based on income levels and your income tax.

One thing I want to point out though is that Santa Fe County actually rebates the



entire amount. We do not take a portion from any of the other entities on the distribution of taxes. So it comes directly out of our general fund back to the taxpayer. I think this is something we should get more credit for so I think if we keep this in place we should actually go out and make that well known, because whether you are in the city, in the county, no matter what school district, we are the ones that actually rebate the up to \$350.

CHAIR ANAYA: Ms. Miller, a have a question. We've heard this several times and I think it's a good program but there's been concern because people aren't aware that it comes from the County. Is there a way, if we rescinded this particular rebate that the County could create a self-standing program that we could allocate a specific dollar amount that we could project what that would be that could in essence provide similar opportunities without channeling it through the state, back through the income tax? I'd be willing to consider that as a direct replacement over time. So if we moved to rescind this one and then recreate one that's more centered around County initiatives or County programmatic functions I think that might get us to a similar place, but we would have more understanding of who the people are and then more control, if you will, on the disbursement side and it would help us with our budgetary projections. So what are your thoughts on that?

MS. MILLER: Mr. Chair, unfortunately the only way we can currently rebate or make exemptions are those that are statutorily provided. This is one that's in statute that allows counties to assess whether they want to impose it or not, or implement it. There are others like veterans exemptions, or there's also head of household exemptions. So there's some that we actually -- I don't want to say control, but we're statutorily authorized and then those exemptions get put on here at the County and are done through procedures at the County versus something that happens when someone files their income tax return at the state.

So I think in answer to your question we'd have to go create something statutorily in addition to what already exists. And that's the exemptions that are allowed by statute or this particular rebate that's allowed by statute.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Ms. Miller or Mr. Shaffer, I'm assuming that we could amend this to sunset in a year certain?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics. I guess I have two thoughts. Under state law certainly that's a possibility. Under the settlement agreement between the County and City, the agreement is silent as to how long the tax rebate is supposed to be in place, so you could interpret that perhaps one of two ways: that it's supposed to be in perpetuity or that it was something that was within the legislative discretion of the County in terms of how long to keep that rebate in place.

As I understood it, the rationale for the rebate was to help soften the blow from annexation, which was going to cause certain residents' property tax rates to increase, since they would have the added burden of the City tax rate added to the County tax rate. So this was envisioned as sort of a stop-gap measure to allow that blow to be softened. But again, that's a long answer to your short question I guess.

COMMISSIONER STEFANICS: Mr. Chair, I have a second question as well. Mr. Shaffer, I understand the whole thing about the City, but when it comes time, when we get to a million dollars I think we're going to have contributed quite a bit to the

Santa Fe County  
Board of County Commissioners  
Regular Meeting of January 27, 2015  
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taxpayers and alleviation in terms of the annexation agreement. And we're inching towards that every year. So my first thought is about as we near a million dollars maybe we should start thinking about a sunset date. But my second question is if we were to sunset, is there a way to leave in place those individuals receiving the rebate?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I don't believe that there would be a way to grandfather in. I guess, those who have requested the rebate going forward. The statute just isn't written with that level of flexibility. It seemingly is all or nothing. If you qualify based upon income and where your principal place of residence are you qualify under the statute. I don't believe it allows us that flexibility.

COMMISSIONER STEFANICS: So, Mr. Chair, I would request, and this is not an action; I don't think it's noticed for an action, but I would request a draft of a sunset to 2020 for our discussion at a future date.

CHAIR ANAYA: I'm okay with a suggestion on that. I'd also request – you mentioned that we had a maximum, but we could have a proportion. We could have a capped amount below the \$350?

MS. MILLER: Mr. Chair, the statute currently says – it's based on up to \$350 and modified gross income no more than \$24,000, and 35 percent of your tax liability. So it caps out at one of those three areas, but maximum rebate is \$350. Four years ago we did discuss and we did actually draft a bill or an amendment to this statute trying to put in another table that allowed just a smaller amount, so that if the Commission wanted to, say okay, we can't do \$350 anymore because we have three times as many people applying for it, but we could have a different scale of maybe maximum of \$200 or something like that.

We did draft it. We did introduce it. Senator Griego carried it. It was an odd thing, because I was working with the Senator on getting it through the legislature and for some reason Bernalillo County in Albuquerque legislators, senators, stopped it in the second committee because they didn't want us messing with anything to do with property taxes. I think it was really more a matter of education and it was something that we didn't work on in advance of the session. It was something we came up with in January because we were doing this review in 2011, I think.

So I think that that's still a possibility, is expanding the statute and going to work with some legislators and maybe having some other options. Because right now it's that one table, and that's it, and the only two counties that have actually imposed this rebate or offered the rebate are Los Alamos County and Santa Fe County.

CHAIR ANAYA: So I guess I'd like to see that legislation again and maybe it's something that the Commission at the next meeting would consider. I'd consider advancing it now. Is that something we can do?

MS. MILLER: Because Mr. Chair, all it did was – if you look in your books we've included the actual part of the statute and where that table is all we did was add another table, that it was an either/or table that allowed counties – it didn't do anything but expand the options for a local government and then it said the local government can impose either/or rebate. And for some reason they just – there were a couple of senators, I recall, it was going to affect Albuquerque and they kind of shut it – they tabled it. So it didn't go any further but I really think it was a matter of not really understanding what this statute does.

CHAIR ANAYA: So what I think we could do – is there consensus that we want to at least look at that as an option. It's not an action item but we'd like to pursue it as a potential option? Could you have discussions with the legislative delegation from Santa Fe and see if there's a palate to carry that for us, and then if there's a desire for somebody to potentially carry it we can put it on as an action item at the next meeting to ratify and support that particular legislator, if there's an interest.

MS. MILLER: Mr. Chair, we could certainly do that. I also understand, and I think Commissioner Stefanics was with me when one of the Commissioners from Los Alamos, they were looking – trying to put something forward to expand it. I said just make sure you don't make it applicable to us.

COMMISSIONER STEFANICS: So Mr. Chair, I was informed that one of the Commissioners was presenting it at their county council meeting to raise it to \$40,000, and to go – if we were not interested in raising it they were going to go to the legislature to try to amend the statute to include – are they a Class H county?

MS. MILLER: Mr. Chair, Commissioner Stefanics, yes. They're kind of a

COMMISSIONER STEFANICS: They were going to try to amend just for themselves if we were interested and I indicated that – they're also looking though at raising the property tax. And I said well, that's not where I was right now. So they're waiting to see what we do this evening. I said we didn't have it noted for action, just discussion, but I still would request that we draft something for the future on a sunset. I'm happy to wait on a sunset until after the legislative session to see if the legislative session does anything.

MS. MILLER: Mr. Chair and Commissioners, we will certainly bring some suggested amendments to the statute back to you that we had tossed around before, and then in addition, I think that the option to do a sunset is open at any time, because as it stands right now, I believe the current tax year, the tax return form is already out, so tax year 2014 people are already going to be eligible for it. So it's a process I think, repealing it, even if we wanted to sunset it. But I think it's something that we definitely want to make sure we keep an eye on because it does keep going up and we do bear the brunt no matter which entity receives the actual property taxes, we're the ones who cover the full rebate. And I think having some other options would be a good idea.

I did want to note that I believe our own ordinance requires a public hearing, which is why we have it on here like this, in January, so you may just want to open for public comment and close.

CHAIR ANAYA: Is there anybody here that would like to make a comment regarding this discussion and the rebate that we've been discussing? Rudy? Seeing none, the public hearing is open and the public hearing is closed. So I think we're going to see more. I think one thing that I would state on the record is I understand the benefit but I also think that we need to be structured when we're providing benefit that comes from the County and actions of this Board, and if we can't make the appropriate connections between the resources we're committing and the other entities that are benefiting as well that we may need to pull it back and then repurpose resources that help that particular segment of the community and it may not be in that same exact fashion but we can target resources to help that segment of the community in other ways, other than

just this particular rebated.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: I've been getting emails regarding the solid waste increases. If we stopped this rebate we could actually go back to old rates on the solid waste. It's following the same comment you were making. There is a way to help people if you have to adjust in one area you can adjust in the other to help. Thank you.

CHAIR ANAYA: Agreed. So we will receive more and I think if we needed to we might need to repeal it and move in a different direction that targets and helps that same population. So we'll wait for more information from you.

MS. MILLER: Okay. Thank you, Mr. Chair. I understand what you're looking for.

CHAIR ANAYA: Is there any other business, Commissioners?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez, Mr. Vice Chairman.

COMMISSIONER CHAVEZ: Under Matters from the Commission, I want to go back to 599 for just a minute. I forgot one thing that I think is significant. It's a short-term solution. I don't think we can hold this pattern for very long but maybe we can do it periodically. We've asked the Santa Fe Police Department in conjunction with the New Mexico State Police to do a coordinated close patrol at those intersections along 599. So that's a short-term solution and we can use, when we have the resources but I wanted to let the public know, especially those along the corridor and those residents in Aldea, I wanted to let them know that we're sensitive to the issue and we're not ignoring it.

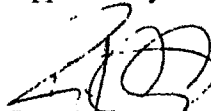
CHAIR ANAYA: Thank you, Commissioner Chavez, for those comments. Any other business of the Commission?

#### VIII. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Anaya declared this meeting adjourned at 7:32 p.m.

Approved by:



Board of County Commissioners  
Robert A. Anaya, Chair

ATTEST TO:



GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

2-24-2015



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| tabbies | EXHIBIT  |
|         | <u>2</u> |

2/14/2017

SFC CLERK RECORDED 03/15/2017



SANTA FE  
COUNTY

BOARD OF COUNTY COMMISSIONERS' MEETING LEGISLATIVE REPORT

## 2017 REGULAR SESSION SCHEDULE (60 Day Session)

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- 01/17/2017 -- Opening day (noon)
- 02/16/2017 -- Deadline for introduction
- 03/18/2017 -- Session ends (noon)
- 04/07/2017 -- Legislation not acted upon by governor is pocket vetoed
- 06/16/2017 -- Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

## 2017 BILL STATISTICS

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| Current Statistics for All Bills (2017 Reg) | Total |
|---|-------|
| Bills Introduced                            | 1007  |
| Bills Passed in 1st House                   | 103   |
| Bills Passed in 2nd House                   | 6     |
| Bills Sent to Governor                      | 4     |
| Bills Signed into Law                       | 4     |

| Current Statistics for House Bills only (2017 Reg) | Total |
|--|-------|
| Bills Introduced                                   | 493   |
| Bills Passed in 1st House                          | 47    |
| Bills Passed in 2nd House                          | 3     |
| Bills Sent to Governor                             | 2     |
| Bills Signed into Law                              | 2     |

| Current Statistics for Senate Bills only (2017 Reg) |  | Total |
|---|--|-------|
| Bills Introduced                                    |  | 514   |
| Bills Passed in 1st House                           |  | 56    |
| Bills Passed in 2nd House                           |  | 3     |
| Bills Sent to Governor                              |  | 2     |
| Bills Signed into Law                               |  | 2     |

SANTA FE COUNTY LEGISLATIVE RELATED RESOLUTIONS

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**Resolution: 2016-15**

IN SUPPORT OF THE NEW MEXICO ASSOCIATION OF COUNTIES RESOLUTION ADDRESSING THE SAFETY NET CARE POOL

**Resolution: 2016-16**

A RESOLUTION TO SUPPORT STATE LEGISLATION THAT WOULD MEET REAL ID ACT REQUIREMENTS AND ENSURE NM RESIDENTS DO NOT NEED TO OBTAIN A PASSPORT TO BOARD A COMMERCIAL US AIRLINE

**Resolution: 2016-85**

ADOPTING PROJECTS FOR INCLUSION IN SANTA FE COUNTY'S INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2018-2022; AUTHORIZING SUBMITTAL OF PLAN TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION; AND REPLACING RESOLUTION 2015-111

**Resolution: 2016-106**

ENDORISING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT CERTAIN AMENDMENTS TO THE NEW MEXICO WHISTLEBLOWER PROTECTION ACT DURING THE 2017 LEGISLATIVE SESSION

**Resolution: 2016-107**

ENDORISING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT CERTAIN AMENDMENTS TO THE NEW MEXICO ENHANCED 911 ACT DURING THE 2017 LEGISLATIVE SESSION

**Resolution: 2016-108**

ENDORISING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT CERTAIN AMENDMENTS TO THE NEW MEXICO FORFEITURE ACT DURING THE 2017 LEGISLATIVE SESSION

**Resolution: 2016-109**

ENDORISING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION SUPPORTING LEGISLATION DURING THE 2017 SESSION THAT WOULD PROVIDE COUNTIES CERTAIN RIGHTS AND PROTECTIONS TO NON-GOVERNMENTAL ENTITIES

**Resolution 2016-138**

A RESOLUTION IN SUPPORT OF THE APPROPRIATION OF FUNDS FOR THE "NEW MEXICO GROWN FRESH FRUITS AND FRESH VEGETABLES FOR SCHOOL MEALS PROGRAM" AND MAINTENANCE OF FUNDING FOR THE "DOUBLE-UP FOOD BUCKS PROGRAM" BY THE NEW MEXICO LEGISLATURE



## FINANCIALY RELATED LEGISLATION – SANTA FE COUNTY

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### *ANNEXATION*

**BILL:** SB98

**SPONSORS:** MARTINEZ, RICHARD (D5)

**TITLE:** SANTA CRUZ TRANSFER FROM SANTA FE COUNTY TO RIO ARRIBA COUNTY

**SUMMARY:** PROVIDES THAT WHERE A MUNICIPALITY IS LOCATED IN TWO CONTIGUOUS COUNTIES, AND AT LEAST 15 PERCENT OF THE MUNICIPALITY'S POPULATION RESIDES IN EACH COUNTY, THE RESIDENTS IN THE COUNTY WITH THE SMALLER SHARE OF THE POPULATION MAYBE ANNEXED TO THE OTHER COUNTY THROUGH THE PETITION PROCESS PROVIDED IN STATUTE. SEEMINGLY ADDRESSES A PROPOSED TRANSFER OF THE TOWN OF SANTA CRUZ FROM SANTA FE COUNTY TO RIO ARRIBA COUNTY.

**PROGRESS:** 1ST HOUSE: REPORTED FROM COMMITTEES

**HISTORY:** 01/17/2017 – S INTRODUCED AND REFERRED TO SENATE RULES.

01/17/2017 – S ALSO REFERRED TO SENATE JUDICIARY.

02/03/2017 – S REPORTED DO PASS BY SENATE RULES.

02/13/2017 – S REPORTED DO PASS AS AMENDED BY SENATE JUDICIARY.

***MOVING. NEXT STOP FULL SENATE***

***THIS LEGISLATION DOES NOT ALLOW AUTOMATICALLY FOR THE SECTION OF ESPANOLA CITY LIMITS TO BE ANNEXED BY RIO ARRIBA COUNTY. HOWEVER, IF THE PROPOSED PORTION OF THE CITY WAS TO BECOME PART OF RIO ARRIBA THAT AREA WOULD BE LOST FUTURE PROPERTY TAXES FOR SANTA FE COUNTY.***

**ALL APPROPRIATION RELATED LEGISLATION WILL BE DEPENDANT ON THE FORMULATION OF THE STATE FY2018 BUDGET. ONE OF THE MAIN CONTRIBUTING FACTORS IN FORMULATING THE BUDGET WILL BE DEPENDANT ON THE LATEST STATE REVENUE PROJECTIONS. THESE PROJECTIONS WILL BE PROVIDED TO THE LEGISLATURE FEBRUARY 16, 2017.**

**THE FOLLOWING LEGISLATION WOULD HAVE POTENTIAL FINANCIAL IMPACTS TO SANTA FE COUNTY BUT PROGRESS OF THESE PROPOSED PIECES OF LEGISLATION WILL BE DEPENDANT ON THE OVERALL DIRECTION OF THE STATE BUDGET IN ITS ENTIRETY.**

#### STAEWIDE TAXES AND BUDGET

**BILL: SB343**

**SPONSORS: GRIGGS (R34)**

**TITLE: NEW STATE AND LOCAL TAX SYSTEM**

**SUMMARY: A SUBSTANTIAL RE-ORDERING OF THE STATE AND LOCAL TAX SYSTEM, AMONG OTHER THINGS CREATING NEW SEPARATE TAXES ON RECEIPTS FROM SELLING FOOD AND HEALTH CARE SERVICES AND A RECORDATION (REAL ESTATE TRANSFER) TAX.**

**PROGRESS: INTRODUCED**

**HISTORY: 02/07/2017 - S INTRODUCED AND REFERRED TO SENATE CORPORATIONS & TRANSPORTATION.**

**02/07/2017 - S ALSO REFERRED TO SENATE FINANCE.**

**BILL: HB2**

**SPONSORS: LUNDSTROM (D9)**

**TITLE: GENERAL APPROPRIATIONS BILL OF 2017**

**SUMMARY: THIS REPRESENTS A SHELL FOR A MORE COMPREHENSIVE BILL THAT WILL EMERGE LATER IN THE LEGISLATIVE SESSION. CITED AS THE GENERAL APPROPRIATION ACT OF 2017, AUTHORIZES FUNDING TO VARIOUS STATE AGENCIES FROM THE GENERAL FUND, INTERNAL SERVICES AND TRANSFERS, OTHER STATE FUNDS AND FEDERAL FUNDS IN FY 2018 AS FOLLOWS:**

**PROGRESS: 1ST HOUSE: REFERRED TO COMMITTEE**

**STATUS: 01/17/2017 - HOUSE APPROPRIATIONS AND FINANCE COMMITTEE**

**HISTORY: 01/17/2017 - H INTRODUCED AND REFERRED TO HOUSE APPROPRIATIONS & FINANCE.**

**BILL: HB238**

**SPONSORS: DODGE (D63)**

**TITLE: GENERAL APPROPRIATION ACT OF 2017**

**SUMMARY: (DUPLICATE OF 2017 SB130; RELATED TO HB2) THIS REPRESENTS THE LEGISLATIVE FINANCE COMMITTEE'S VERSION OF THE STATE BUDGET FOR FY2018. IT CONTAINS RECOMMENDATIONS FOR THE 2017-2018 YEAR AND RECOMMENDS \$6.052 BILLION IN RECURRING APPROPRIATIONS FROM THE GENERAL FUND. IT ASSUMES \$123.3 MILLION IN NEW REVENUE, ADDITIONAL SPENDING REDUCTIONS OR BOTH, BASED ON PROJECTIONS THAT INCOME IN THE 2018 FISCAL YEAR WILL BE CLOSE TO \$100 MILLION LESS THAN SPENDING IN FY2017.**

**RELATED: 2017:SB130; 2017:HB2**

**PROGRESS: 1ST HOUSE: REFERRED TO COMMITTEE**

**HISTORY:** 01/25/2017 – H INTRODUCED AND REFERRED TO HOUSE APPROPRIATIONS & FINANCE.

**BILL:** SB130

**SPONSORS:** SMITH (D35)

**TITLE:** GENERAL APPROPRIATION ACT OF 2017

**SUMMARY:** (RELATED TO HB2) THIS REPRESENTS THE LEGISLATIVE FINANCE COMMITTEE'S VERSION OF THE STATE BUDGET FOR FY2018, FOR WHICH A COMPREHENSIVE BILL WILL EMERGE LATER IN THE LEGISLATIVE SESSION, USUALLY AS HOUSE BILL 2. IT CONTAINS THE LFC'S RECOMMENDATION FOR THE 2017-2018 YEAR AND RECOMMENDS \$6.052 BILLION IN RECURRING APPROPRIATIONS FROM THE GENERAL FUND. IT ASSUMES \$123.3 MILLION IN NEW REVENUE, ADDITIONAL SPENDING REDUCTIONS OR BOTH, BASED ON PROJECTIONS THAT INCOME IN THE 2018 FISCAL YEAR WILL BE CLOSE TO \$100 MILLION LESS THAN SPENDING IN FY17.

**RELATED:** 2017:HB2

**PROGRESS:** 1ST HOUSE: REFERRED TO COMMITTEE

**HISTORY:** 01/23/2017 – S INTRODUCED AND REFERRED TO SENATE FINANCE.

**BILL:** SB264

**SPONSORS:** WHITE (R19); TRUJILLO, CARL (D46)

**TITLE:** GROSS RECEIPTS TAX ON INTERNET SALES

**SUMMARY:** MAKES THREE CHANGES TO THE GROSS RECEIPTS TAX TREATMENT OF VENDORS WITH NO PHYSICAL PRESENCE IN NEW MEXICO TO ENCOURAGE VOLUNTARY REPORTING OF GROSS RECEIPTS FROM SALES WITHIN NEW MEXICO.

**PROGRESS:** 1ST HOUSE: REFERRED TO COMMITTEE

**HISTORY:** 01/30/2017 – S INTRODUCED AND REFERRED TO SENATE CORPORATIONS & TRANSPORTATION.

01/30/2017 – S ALSO REFERRED TO SENATE FINANCE.

**BILL:** SB344

**SPONSORS:** TALLMAN (D18)

**TITLE:** INCOME TAX INCREASES

**SUMMARY:** (SIMILAR TO HB311, HB324 AND SB50, 2016 SB145 & SB276, 2015 HB137 AND HB50) ADDS A NEW BRACKET TO THE TOP OF THE PERSONAL INCOME TAX RATE TABLES. A BRACKET RATE OF 8.2 PERCENT WILL APPLY TO TAXABLE INCOMES OVER \$250,000 FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS, \$150,000 FOR HEADS OF HOUSEHOLD, SURVIVING SPOUSES AND MARRIED PERSONS FILING JOINTLY AND \$166,667 FOR SINGLE PERSONS, ESTATES AND TRUSTS. EFFECTIVE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2018.

**RELATED:** 2017:HB311; 2017:HB324; 2017:SB50; 2016:SB145; 2016:SB276

**PROGRESS:** 1ST HOUSE: REPORTED FROM COMMITTEES

**HISTORY:** 02/07/2017 – S INTRODUCED AND REFERRED TO SENATE EDUCATION.

02/07/2017 – S ALSO REFERRED TO SENATE CORPORATIONS & TRANSPORTATION.

02/07/2017 – S ALSO REFERRED TO SENATE FINANCE.

02/13/2017 – S REPORTED DO PASS AS AMENDED BY SENATE EDUCATION.

**SCHEDULED:** 02/13/2017 – SENATE EDUCATION COMMITTEE, 8:30 A.M., ROOM 311 (REVISED 02/11/2017)

*FUEL TAXES***BILL: HB63**

SPONSORS: CROWDER (R64)

TITLE: COUNTY AND MUNICIPAL FUELS TAX ACT

SUMMARY: (SIMILAR TO 2016 HB328) CURRENT LAW ALLOWS CLASS A AND H COUNTIES AND THEIR MUNICIPALITIES TO IMPOSE A LOCAL GASOLINE TAX OF ONE OR TWO CENTS ON RETAIL SALES WITHIN THE JURISDICTION. THIS BILL MODIFIES THAT AUTHORITY IN SEVERAL WAYS. IT ALLOWS ALL MUNICIPALITIES AND COUNTIES AUTHORITY TO IMPOSE A TAX UP TO FIVE CENTS (IN ONE CENT INCREMENTS) ON BOTH GASOLINE AND SPECIAL FUELS. MUNICIPALITIES MAY IMPOSE TAX ON RETAIL SALES WITHIN THEIR BOUNDARIES AND COUNTIES ON RETAIL SALES IN THAT PART OF THE COUNTY OUTSIDE MUNICIPALITIES. SUBSTANTIALLY RE-WITES THE ADMINISTRATIVE PROVISIONS SO THAT THE LOCAL GOVERNMENT CAN COLLECT AND ADMINISTER THE TAX WITH NO STATE INVOLVEMENT.

PROGRESS: 2ND HOUSE: REFERRED TO COMMITTEE

HISTORY: 01/18/2017 - H INTRODUCED AND REFERRED TO HOUSE LOCAL GOVERNMENT, ELECTIONS, LAND GRANTS & CULTURAL AFFAIRS.

01/18/2017 - H ALSO REFERRED TO HOUSE TAXATION & REVENUE.

01/27/2017 - H REPORTED DO PASS BY HOUSE LOCAL GOVERNMENT, ELECTIONS, LAND GRANTS & CULTURAL AFFAIRS.

02/06/2017 - H REPORTED DO PASS AS AMENDED BY HOUSE TAXATION & REVENUE.

02/08/2017 - H OPENED FOR FLOOR DEBATE.

02/08/2017 - H FLOOR AMENDMENTS ADOPTED (AMENDMENT 1) (REP. RANDAL CROWDER) VOICE VOTE.

02/08/2017 - H PASSED 60-6.

02/09/2017 - S RECEIVED IN THE SENATE AND REFERRED TO SENATE JUDICIARY.

02/09/2017 - S ALSO REFERRED TO SENATE CORPORATIONS & TRANSPORTATION.

02/09/2017 - S ALSO REFERRED TO SENATE FINANCE.

**BILL: SB95**

SPONSORS: SANCHEZ, C. (D30)

TITLE: RAISES GASOLINE AND SPECIAL FUELS TAXES

SUMMARY: (SIMILAR TO 2015 HB58, SB394 AND SB656; 2016 SB251, SB284 AND SJR22) RAISES, EFFECTIVE JULY 1, 2017, THE STATE GASOLINE TAX BY TEN CENTS TO 27 CENTS PER GALLON AND THE SPECIAL FUEL (DIESEL) TAX BY FIVE CENTS TO 26 CENTS PER GALLON.

APPORTIONS THE ADDITIONAL REVENUES AMONG THE REVENUE STABILIZATION RESERVE, LOCAL GOVERNMENTS ROAD FUND AND STATE ROAD FUND.

RELATED: 2015:HB58; 2015:SB394; 2015:SB656; 2016:SB251; 2016:SB284

PROGRESS: 1ST HOUSE: REFERRED TO COMMITTEE

HISTORY: 01/17/2017 - S INTRODUCED AND REFERRED TO SENATE CORPORATIONS & TRANSPORTATION.

01/17/2017 - S ALSO REFERRED TO SENATE FINANCE.

**BILL: SB131**

SPONSORS: SMITH (D35); GONZALES (D42)

TITLE: GASOLINE AND SPECIAL FUELS TAX INCREASES

**SUMMARY:** (SIMILAR TO 2015 HB58, SB394 AND SB656; 2016 SB251, SB284 AND SJR22; 2017 HB63, AND SB132) RAISES, PERHAPS BY APRIL 1, THE STATE GASOLINE TAX BY TEN CENTS TO 27 CENTS PER GALLON AND THE SPECIAL FUEL (DIESEL) TAX BY TEN CENTS TO 31 CENTS PER GALLON. BOTH TAX RATES ARE INDEXED STARTING JULY 1, 2019. APPORTIONS THE ADDITIONAL REVENUES AMONG THE REVENUE STABILIZATION RESERVE, LOCAL GOVERNMENTS ROAD FUND AND STATE ROAD MAINTENANCE FUND.

**RELATED:** 2017:HB63; 2017:SB132; 2016:SB251; 2017:SB284; 2015:SJR22

**PROGRESS:** 1ST HOUSE: REFERRED TO COMMITTEE

**HISTORY:** 01/23/2017 – S INTRODUCED AND REFERRED TO SENATE CORPORATIONS & TRANSPORTATION.

01/23/2017 – S ALSO REFERRED TO SENATE FINANCE.

### *SHORT TERM RENTALS*

**BILL:** HB266

**SPONSORS:** TRUJILLO, CARL (D46)

**TITLE:** APPLIES OCCUPANCY TAX TO CERTAIN SHORT-TERM RENTALS

**SUMMARY:** (IDENTICAL TO 2015 SB402) REMOVES THE OCCUPANCY TAX EXEMPTION FOR VENDORS OFFERING FEWER THAN THREE ROOMS ATTACHED TO A TAXABLE PREMISES OR THREE OTHER TAXABLE PREMISES FOR LODGING.

**RELATED:** 2015:SB402

**PROGRESS:** 1ST HOUSE: REPORTED FROM COMMITTEES

**HISTORY:** 01/27/2017 – H INTRODUCED AND REFERRED TO HOUSE BUSINESS & INDUSTRY.

01/27/2017 – H ALSO REFERRED TO HOUSE TAXATION & REVENUE.

02/13/2017 – H REPORTED DO PASS BY HOUSE BUSINESS & INDUSTRY.

**BILL:** SB254

**SPONSORS:** SAPIEN (D9)

**TITLE:** APPLIES OCCUPANCY TAX TO CERTAIN SHORT-TERM RENTALS

**SUMMARY:** (IDENTICAL TO HB266 AND 2015 SB402) REMOVES THE OCCUPANCY TAX EXEMPTION FOR VENDORS OFFERING FEWER THAN THREE ROOMS ATTACHED TO A TAXABLE PREMISES OR THREE OTHER TAXABLE PREMISES FOR LODGING.

**RELATED:** 2017:HB266; 2015:SB402

**PROGRESS:** 1ST HOUSE: REFERRED TO COMMITTEE

**HISTORY:** 01/30/2017 – S INTRODUCED AND REFERRED TO SENATE CORPORATIONS & TRANSPORTATION.

01/30/2017 – S ALSO REFERRED TO SENATE FINANCE.

FY2017 SOLVENCY LEGISLATION

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***LEGISLATION ADOPTED TO CORRECT A DEFICIT IN THE FISCAL YEAR 2017 STATE BUDGET WAS DONE SO WITH 3 BILLS, HOUSE BILL 4, SENATE BILL 113, AND SENATE BILL 114.***

***A FOURTH BILL WHICH WAS TO REVERT FUNDS SET ASIDE FOR CAPITAL OUTLAY PROJECTS WAS ULTIMATELY NOT INCLUDED IN THE DEFICIT FIX.***

Bill Number **HB4 of 2017 Regular Session**

Title **REVERTING FISCAL YEAR-END FUND BALANCES**

Summary (For the Legislative Finance Committee) (Duplicate of 2017 SB111) Relating to fiscal solvency; reverts balances in the Insurance Operations Fund, the Fire Protection Fund, the Fire Protection Grant Fund and the Law Enforcement Protection Fund at the end of each fiscal year; requires periodic allotments during a fiscal year from those funds; and makes no transfers from the Fire Protection Fund to the Fire Protection Grant Fund for FY 2017 and 2018.

HB4 Introduced 01/17/2017

(For the Legislative Finance Committee) (Duplicate of 2017 SB111) Relating to fiscal solvency; reverts balances in the Insurance Operations Fund, the Fire Protection Fund, the Fire Protection Grant Fund and the Law Enforcement Protection Fund at the end of each fiscal year; requires periodic allotments during a fiscal year from those funds; and makes no transfers from the Fire Protection Fund to the Fire Protection Grant Fund for FY 2017 and 2018.

The bill provides that, in every fiscal year, the Local Government Division of the Department of Finance and Administration transfer unobligated amounts in excess of \$100,000 in the Law Enforcement Protection to the General Fund for expenses in the current fiscal year.

It provides for the division to transfer, during any fiscal year, the amount necessary from the Law Enforcement Protection Fund to from the Peace Officers' New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Fund to maintain the balance at \$350,000.

It requires that a distribution be made during the current fiscal year, based on a periodic allotment approved by the division, from the Law Enforcement Protection Fund be made by the State Treasurer to the New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Fund as well as the Peace Officers' Survivors Fund. It requires a similar periodic allotment be distributed to tribes.

It requires that funds collected by the Superintendent of Insurance for annual continuation of appointment fees under Sec. 59A-6-1, currently distributed to the New Mexico Finance Authority, instead be paid daily to the Insurance Department Suspense Fund with other monies collected by the Superintendent.

It provides that all balances in the Insurance Operations Fund at fiscal year-end revert to the General Fund.

The bill provides that no transfers be made from the Fire Protection Fund to the Fire Protection Grant Fund for FY 2017 and 2018. Beginning in FY 2019, periodic allotments not exceed forty and two-tenths percent (40.2%) of remaining balances.

HB4 House Floor Amendment 01/21/2017

House Floor Amendment 1 (Rep. Lundstrom) adds a temporary provision to the bill entitled "Periodic Adjustments for Fiscal Year 2018" which requires the following:

In making distributions from the Fire Protection Fund, requires the State Fire Marshal to coordinate with DFA, NMFA, State Treasurer, NM Municipal League and NM Association of Counties to:

- develop a schedule for periodic allotments that considers documented financial hardship of county fire districts and municipalities as a result of transitioning from a one-time distribution to periodic allotments;
- ensure that any debt obligations of existing or previously existing fire departments or fire districts are met on a timely basis;
- ensure the ongoing operations of fire departments and fire districts by providing technical assistance to counties and municipalities on transitioning to an accrual accounting basis for the Fire Protection Fund;
- submit the final determination and certification of needs and schedule for periodic allotments to the LFC by July 1, 2017; and
- by June 30, 2018, ensure that county fire districts and municipalities have fully transitioned to operating on an accrual accounting basis.

In making distributions from the Law Enforcement Protection Fund and the Fire Protection Fund, the State Treasurer shall ensure that any debt obligation to the NMFA are met and in accord with provisions of Sec. 6-4-6 relating to expenditures authorized to maintain cash flow.

Nothing in the act shall be construed to impair any debt obligation pledged for repayment from the Law Enforcement Protection Fund or the Fire Protection Fund.

Bill Number **SB113 of 2017 Regular Session**

Title **REDUCTION AND TRANSFER OF FY 2016 AND 2017 GENERAL FUND APPROPRIATIONS**

Summary **(For the Legislative Finance Committee) (Duplicate of 2017 HB6) Reduces 2015 and 2016 General Appropriations Act appropriations; allows for FY 2017 General Fund appropriation reductions; and transfers money from funds and accounts to the FY 2017 appropriation account and the Operating Reserve Account of the General Fund.**

SB113 Introduced 01/17/2017

(For the Legislative Finance Committee) (Duplicate of 2017 HB6) Reduces 2015 and 2016 General Appropriations Act appropriations; allows for FY 2017 General Fund appropriation reductions; and transfers money from funds and accounts to the FY 2017 appropriation account and the Operating Reserve Account of the General Fund.

The bill reduces the FY 2016 GF appropriation to the Economic Development Department for economic development projects.

It reduces FY 2016 GF appropriation to the Taxation and Revenue Department and the Public Safety Department for personnel services and employee benefits.

It requires the Governor, with approval of the State Board of Finance and after consultation with the LFC, to reduce FY 2017 GF appropriations by up to one percent (1%) of the totals if the Department of Finance and Administration, in consultation with the LFC, determines that revenue and transfers to the General Fund authorized in the GAA of 2016 will be insufficient to meet FY 2017 GF appropriations:

- All agencies, funds, programs and other recipients funded in identified sections of the 2016 GAA, except for GF operating budgets of the Medical Assistance Program, the Medicaid Behavioral Health Program or the Developmental Disabilities Support Program
- Reductions are to apply proportionately to each recipient based on its total share of the FY 2017 GF appropriations
- Among individual legislative appropriations, the reductions shall be in proportion to that determined by the Legislative Council.

The bill appropriates specified amounts from the following sources for expenditure for FY 2017:

- State Road Fund to the Taxation Revenue Department Tax Administration program
- Motor Vehicle Suspense Fund to the TRD MVD program
- Game Protection Fund to the Department of Game and Fish and
- State Road Fund to the Department of Public Safety Law Enforcement program.

Unexpended, unencumbered balances at the end of FY 2017 revert to the source.

The bill transfers to the FY 2017 GF appropriation account specified amounts from the following:

- State Infrastructure Bank
- Rural Infrastructure Revolving Loan Fund
- Appropriations made in 2006, 2007, and 2008 to the Wastewater Facility Construction Loan Fund
- Enhanced 911 Fund
- Day Care Fund
- Cigarette Tax balance distributions
- Oil and Gas Accounting Suspense Fund administered by TRD
- Public School Insurance Fund amounts reserve for risk-related coverage
- Public Liability Fund
- State Transportation Pool account of General Services Division
- Public Property Reserve Fund
- Insurance Licensee Continuing Education Fund
- Insurance Fraud Fund
- Title Insurance Maintenance Assessment Fund
- Medical Board Fund
- New Mexico Livestock Board general fund
- Workers' Compensation Administration Fund
- Corrective Action Fund
- Food Service Sanitation Fund
- Water Conservation Fund
- State Air Quality Permit Fund
- Liquid Waste Fund
- Radiation Protection Fund
- Tire Recycling Fund
- Water Quality Management Fund
- Storage Tank Fund
- Hazardous Waste Fund
- Water Recreation Facilities Fund
- Public Water Supply System Operator and Public Wastewater Facility Operator Fund and
- Concealed Handgun Carry Fund.

Amends the Tobacco Settlement Fund enabling act to permit the Governor, with State Board of Finance approval, to transfer balances remaining in the fund, less 2016 appropriations from the fund, to the Operating Reserve Account of the GF as needed to meet FY 2017 GF appropriations.



#### SB113 SFC Committee Report 01/18/2017

Senate Finance Committee amendment to SB113 makes three changes in proposed appropriation reductions and fund transfers as follows:

- Restores \$14 million dollars to several special line item appropriations to the Public Education Department in the 2016 GAA, by reducing the total amount taken from \$22 million to \$8 million
- Increases from \$6 million to \$10 million the amount transferred from reserves for risk-related coverage in the Public School Insurance Fund to the FY 2017 appropriation account of the General Fund, and
- Transfers \$2,023,400 from the Natural Resources Trustee Fund to the FY 2017 appropriation account of the GF.

All other appropriation reductions, fund transfers and distribution changes in the bill are unchanged.

The bill went on to the Senate Floor, where it passed unanimously. It goes next to the House of Representatives.

#### SB113 HAFC Committee Report 01/21/2017

HAFC amendment to SB113 restores the \$4 million authorization from the Game and Fish Protection Fund to Game and Fish for payment to Commissioner of Public Lands for hunting and fishing licensee access to state trust lands. Reduces level of amount that will be reverted from the State Transportation Pool Account to the General Services Department from \$5 million down to \$1.5 million. Bill goes to House Floor Calendar.

#### SB113 House Floor Amendment 01/23/2017

House Floor Amendment 1 to SB113 (Rep. Lundstrom) makes the following changes to the bill.

Strikes HAFC amendment which sought to restore a \$4 million authorization from the Game & Fish Protection Fund to Game & Fish for payment to Commissioner of Public Lands for hunting and fishing licensee access to state trust lands.

Makes the following revisions to the Severance Tax Bond allocations for fiscal years 2017 and 2018:

#### SEVERANCE TAX BOND PROCEEDS— 2017 ALLOCATION FOR WATER RIGHTS ADJUDICATION— APPROPRIATION.

Suspends the Severance Tax Bond capacity allocation for water infrastructure projects for years 2017 and 2018. In its place:

For the year 2017, authorizes the Board of Finance Division of DFA to allocate that percentage of estimated severance tax bonding capacity that is equal to the difference specified for each of the following agencies for the purposes specified:

The amount the State Engineer and the AOC would receive in FY2018 in accord with Sec. 72-4A-9 if 9% of STB capacity were allocated for water projects in 2017;

The amount dedicated in FY2018 in accord with Sec. 72-4A-9 to the State Engineer and the AOC.

Proceeds from the sale of bonds for expenditure in 2018 and subsequent fiscal years as follows:

- 80% to the State Engineer for water rights adjudication; and
- 20% to the AOC for the courts' costs associated with those adjudications.

# ISSUANCE OF SEVERANCE TAX BONDS— APPROPRIATION TO THE GENERAL FUND.

In FY2017, in addition to bonds issued in accord with Sec. 7-27-14, the State Board of Finance shall, authorize the sale of STB bonds in an amount equal to the amount that would be issued if the suspension affected by Sec. 8 of this 2017 act were not in effect, minus the amount of STBs issued in accord with Sec. 9 (preceding section here) of this act.

Authorizes the State Board of Finance to transfer proceeds from the sale to the General Fund for use by DFA in FY2017 to restore the allotments from the General Fund for capital project appropriations whose expenditure periods end on or before June 30, 2016.

TEMPORARY PROVISION. Promptly after the effective date of this act, the Board of Finance Division shall revise its 2017 estimate of the amount of bonding capacity available for STBs authorized by the Legislature

## SB113 House Floor Amendment 2 01/23/2017

House Floor Amendment 2 (Rep. Hall) revises the following account transfers and reversions to the General Fund for FY2017:

- Strikes the \$948,400 transfer from the Food Service Sanitation Fund.
- Strikes the \$650,000 transfer from the Liquid Waste Fund
- Strikes the \$556,900 transfer from the Water Quality Management Fund
- Increases the transfer from \$720,000 to \$2,635,600 from the State Air Quality Permit Fund
- Decreases the transfer from \$641,800 to \$400,000 from the Radiation Protection Fund
- Reduces the transfer from \$635,100 to \$200,000 from the Tire Recycling Fund
- Reduces the transfer from \$390,000 to \$150,000 from the Storage Tank Fund
- Reduces the transfer from \$307,400 to \$285,000 from the Public Water Supply System Operator and Public Wastewater Facility Operator Fund

Clarifies that the \$383,000 transfer is from the Hazardous Waste Emergency Fund (and not the Hazardous Waste Fund).

## SB113 Conference Committee Report 01/25/2017

The Senate and House adopted the Conference Committee Report, and the overall picture looks like the following:

Reduces 2015 and 2016 General Appropriations Act appropriations; allows for FY 2017 General Fund appropriation reductions; and transfers money from funds and accounts to the FY 2017 appropriation account and the Operating Reserve Account of the General Fund.

The bill reduces the FY 2016 GF appropriations to the:

- Economic Development Department for economic development projects by \$4 million and earmarks \$2 million more for the Roswell International Air Center;
- Taxation and Revenue Department (\$4.1 million) and the Public Safety Department (\$5 million) for personnel services and employee benefits;
- Public Education Department special appropriations \$8 million in the aggregate.

It requires the Governor, with approval of the State Board of Finance and after consultation with the LFC, to reduce FY 2017 GF appropriations by up to one percent (1%) of the totals if the Department of Finance and Administration, in

consultation with the LFC, determines that revenue and transfers to the General Fund authorized in the GAA of 2016 will be insufficient to meet FY 2017 GF appropriations:

- All agencies, funds, programs and other recipients funded in identified sections of the 2016 GAA, except for GF operating budgets of the Medical Assistance Program, the Medicaid Behavioral Health Program or the Developmental Disabilities Support Program
- Reductions are to apply proportionately to each recipient based on its total share of the FY 2017 GF appropriations
- Among individual legislative appropriations, the reductions shall be in proportion to that determined by the Legislative Council.

The bill appropriates specified amounts from the following sources for expenditure for FY 2017:

- State Road Fund to the Taxation Revenue Department Tax Administration program (\$2.5 Million)
- Motor Vehicle Suspense Fund to the TRD MVD program (\$1.6 million) and State Road Fund to the Department of Public Safety Law Enforcement program. (\$5 million)
- Unexpended, unencumbered balances at the end of FY 2017 revert to the source.

The bill transfers to the FY 2017 GF appropriation account specified amounts from the following:

- State Infrastructure Bank (\$2.9 million)
- Rural Infrastructure Revolving Loan Fund (\$6.5 million)
- Appropriations (\$4 million) made in 2006, 2007, and 2008 to the Wastewater Facility Construction Loan Fund
- Enhanced 911 Fund (\$4 million)
- Day Care Fund (\$2 million)
- Cigarette Tax balance distributions (\$1,649,458)
- Oil and Gas Accounting Suspense Fund administered by TRD (\$2,073,100)
- Public School Insurance Fund amounts reserve for risk-related coverage (\$10 million)
- Public Liability Fund (\$10 million)
- State Transportation Pool account of General Services Division (\$1.5 million)
- Public Property Reserve Fund (\$699,300)
- Insurance Licensee Continuing Education Fund (\$1,213,700)
- Insurance Fraud Fund (\$784,200)
- Title Insurance Maintenance Assessment Fund (\$202,600)
- Medical Board Fund (\$703,700)
- New Mexico Livestock Board general fund (\$1 million)
- Workers' Compensation Administration Fund (\$1,250,000)
- Water Conservation Fund (\$903,000)
- State Air Quality Permit Fund (\$720,000)
- Radiation Protection Fund (\$400,000)
- Tire Recycling Fund (\$200,000)
- Storage Tank Fund (\$150,000)
- Hazardous Waste Emergency Fund (\$383,000)
- Public Water Supply System Operator and Public Wastewater Facility Operator Fund (\$285,000)
- Concealed Handgun Carry Fund (\$313,000) and
- Natural Resources Trustee Fund (\$2,023,400)

Amends the Tobacco Settlement Fund enabling act to permit the Governor, with State Board of Finance approval, to transfer balances remaining in the fund, less 2016 appropriations from the fund, to the Operating Reserve Account of the GF as needed to meet FY 2017 GF appropriations.

Declares an emergency.

Bill Number **SB114 of 2017 Regular Session**

Title **SCHOOL DISTRICT CASH BALANCE CREDITS**

Summary **(For the Legislative Finance Committee) (Duplicate of 2017 HB7) Takes credit for a total of \$50 million in school districts' and charter schools' FY 2016 cash balances against their 2017 State Equalization Guarantee Distribution over the remainder of FY 2017.**

SB114 Introduced 01/17/2017

(For the Legislative Finance Committee) (Duplicate of 2017 HB7) Takes credit for a total of \$50 million in school districts' and charter schools' FY 2016 cash balances against their 2017 State Equalization Guarantee Distribution over the remainder of FY 2017.

Authorizes the Secretary of the Public Education Department to reduce school districts' and charter schools' FY 2017 SEG distributions as credit for excess FY 2016 operational cash balances, according to the following formula:

- \$50 million, divided by the FY 2016 program costs for all school districts and charter schools
- Multiplied by each school district's or charter school's FY 2016 program cost.

The Secretary must promptly notify each district and charter school of the amount of its credit after the effective date of the act.

The reduction of each district's or charter school's SEG distributions must be made evenly over the remainder of FY 2017.

SB114 SFC Committee Substitute 01/18/2017

SFC substitute for SB114 is substantially the same as the original bill in that it reduces school districts' and charter schools' FY 2017 State Equalization Guarantee distributions by requiring the Secretary of Public Education to take credit for excess FY 2016 operational fund cash balances. The only difference between the two is that the substitute reduces the total credit by \$631,268— down from \$50 million to \$49,368,732.

The bill went on to the Senate Floor where it passed on a vote of 39-2. Goes next to the House of Representatives.

SB114 HAFC Committee Report 01/21/2017

HAFC amendment to SB114 removes the designated amount of the distribution reduction to school districts and charter schools in FY2017 as credit for excess FY2016 operational balances. In its place, specifies that the calculation to determine this amount shall not exceed the school district's or charter school's audited, year-end FY2016 operational fund cash balance. Makes other minor language improvement refinements. Bill goes to House Floor. Alendar.

SB114 House Floor Amendment 01/23/2017

House floor amendment to SB114 (Rep. Lundstrom) changes the bill by restoring the targeted credit against districts' and charter schools' excess FY 2016 cash balances to approximately \$49 million, and ensures that districts and charter schools will retain FY 2016 fund cash balances of at least 4 percent of their FY 2016 program costs, to be applied to FY 2017 program costs.

The House floor amendment:

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- strikes the HAFC amendment, thus restoring the bill to its form as substituted in SFC, requiring PED take a total credit of \$49,368,732 against districts' and charter schools' FY 2017 SEG distributions, for excess FY 2016 operational fund cash balances;
- provides that districts and charter schools that experience such reductions in FY 2017 distribution must apply audited FY 2016 operational fund cash balances toward their FY 2017 operations;
- limits the credit to be taken to those districts and charter schools whose audited FY 2016 fund cash balances are greater than 4 percent of their FY 2016 program cost; and
- provides that, if credit is taken, it may not reduce districts' or charter schools' 2016 operational fund cash balances below 4 percent of their FY 2016 program cost.

Goes next to Conference Committee for reconciliation.

#### SB114 Conference Committee Report 01/25/2017

Conference Committee amendments have the effect of applying the credit against the FY 2017 state equalization guarantee distribution to school districts and charter schools that (1) do not receive an emergency supplemental distribution in FY2017 and (2) have audited FY2016 operational fund cash balance exceeding three percent. Further, applying the credit to a school district or charter school whose cash balance exceeds three percent may not reduce that balance below three percent.

Conference Committee report adopted by both House and Senate.

HOUSE TRACKED LEGISLATION – SFC RELATED

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**Bill:** HB2  
**Sponsors:** Lundstrom (D9)  
**Title:** GENERAL APPROPRIATIONS BILL OF 2017

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**Bill:** HB5  
**Sponsors:** Dodge (D63)  
**Title:** CAPITAL OUTLAY REAUTHORIZATIONS, CANCELLATIONS AND SUSPENSIONS

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**Bill:** HB20  
**Sponsors:** Rehm (R31)  
**Title:** LIMITS ON APPLICATION OF PUBLIC WORKS MINIMUM WAGE ACT

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**Bill:** HB32  
**Sponsors:** Gonzales (D42)  
**Title:** AMEND ENHANCED 911 AND 911 BOND ACTS

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**Bill:** HB53  
**Sponsors:** Gentry (R30)  
**Title:** CURFEW ORDINANCES BY LOCAL GOVERNMENT

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**Bill:** HB55  
**Sponsors:** Trujillo, Carl (D46)  
**Title:** MAKES PERMANENT A DISTRIBUTION TO LOCAL DWI GRANT FUND

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**Bill:** HB57  
**Sponsors:** Trujillo, Carl (D46)  
**Title:** PRC REGULATORY JURISDICTION OF TELECOMMUNICATIONS

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**Bill:** HB59  
**Sponsors:** Ezzell (R58)  
**Title:** NMFA: LOANS OR GRANTS FOR CERTAIN WATER PROJECTS

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**Bill:** HB63  
**Sponsors:** Crowder (R64)  
**Title:** COUNTY AND MUNICIPAL FUELS TAX ACT

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**Bill:** HB85  
**Sponsors:** Armstrong, D. (D17)  
**Title:** LICENSURE AND ENFORCEMENT OF BOARD AND CARE FACILITIES

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**Bill:** HB96  
**Sponsors:** Baldonado (R8)  
**Title:** HOSPITAL PROPERTY TAXES— PETITION FOR ACTION

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**Bill:** HB101  
**Sponsors:** Gonzales (D42)

**Title:** HEALTH SECURITY ACT

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**Bill:** HB102

**Sponsors:** Rehm (R31)

**Title:** MARIJUANA TAX

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**Bill:** HB104

**Sponsors:** Bandy (R3)

**Title:** LOCAL ELECTION ACT

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**Bill:** HB110

**Sponsors:** Garcia Richard (D43)

**Title:** MUNICIPAL COURT JURISDICTION FOR BENCH WARRANTS AND SERVICE OF PROCESS

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**Bill:** HB111

**Sponsors:** Gonzales (D42)

**Title:** TRADITIONAL HISTORIC COMMUNITY QUALIFICATIONS

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**Bill:** HB113

**Sponsors:** Smith (R22)

**Title:** CHIEF INFORMATION OFFICER TO DEVELOP STATEWIDE BROADBAND NETWORK

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**Bill:** HB137

**Sponsors:** Trujillo, L. (D48)

**Title:** REMOVES SUBDIVISION ORDINANCE FILING REQUIREMENT WITH STATE RECORDS

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**Bill:** HB174

**Sponsors:** Smith (R22); Ivey-Soto (D15)

**Title:** LOCAL ELECTION ACT

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**Bill:** HB175

**Sponsors:** Maestas (D16)

**Title:** RESTRICTING THE USE OF SOLITARY CONFINEMENT IN CORRECTIONAL FACILITIES

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**Bill:** HB192

**Sponsors:** Ely (D23)

**Title:** BOOSTS FILM PRODUCTION TAX CREDIT LIMIT

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**Bill:** HB205

**Sponsors:** Dow (R38)

**Title:** VACANT RURAL BUILDING ACT: BYPASSES LOCAL BUILDING CODES

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**Bill:** HB208

**Sponsors:** Hall, J. C. (R28)

**Title:** FRESH FRUITS AND VEGETABLES FOR SCHOOL MEALS

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**Bill:** HB227

**Sponsors:** McQueen (D50)

**Title:** ABOLISHES AUTHORITY TO USE PUBLIC DATABASE FOR POLITICAL PURPOSE

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**Bill:** HB238  
**Sponsors:** Dodge (D63)  
**Title:** GENERAL APPROPRIATION ACT OF 2017

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**Bill:** HB242  
**Sponsors:** Thomson (D24)  
**Title:** RESTRICTING THE USE OF SOLITARY CONFINEMENT IN CORRECTIONAL FACILITIES

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**Bill:** HB259  
**Sponsors:** Powdrell-Culbert (R44)  
**Title:** ALLOWS ANOTHER COUNTY LOCAL OPTION GROSS RECEIPTS TAX TO BE BONDED

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**Bill:** HB266  
**Sponsors:** Trujillo, Carl (D46)  
**Title:** APPLIES OCCUPANCY TAX TO CERTAIN SHORT-TERM RENTALS

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**Bill:** HB268  
**Sponsors:** Lundstrom (D9)  
**Title:** PUBLIC PROJECT REVOLVING FUND LOANS

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**Bill:** HB275  
**Sponsors:** Larranaga (R27); Cisneros (D6)  
**Title:** LONG-TERM PUBLIC-PRIVATE INVESTMENT PARTNERSHIPS FOR PUBLIC PROJECTS

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**Bill:** HB277  
**Sponsors:** Maestas Barnes (R15); Padilla (D14)  
**Title:** LACTATING WOMEN IN CORRECTIONAL FACILITIES

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**Bill:** HB308  
**Sponsors:** Gallegos, Doreen (D52)  
**Title:** COUNTY FLOOD COMMISSION STAFF

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**Bill:** HB312  
**Sponsors:** Dow (R38)  
**Title:** INSPECTION OF FIRE-PREVENTION BUILDING CODE REQUIREMENTS

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**Bill:** HB321  
**Sponsors:** Gallegos, David (R61)  
**Title:** DEPUTY SHERIFFS

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**Bill:** HB332  
**Sponsors:** Garcia Richard (D43)  
**Title:** EXCLUDES NONPROFIT OPERATORS OF NATIONAL LABORATORIES FROM EXEMPTION

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**Bill:** HB382  
**Sponsors:** Nibert (R59)  
**Title:** MINERAL LEASE DISTRICTS ACT

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**Bill:** HB383

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**Sponsors:** Wooley (R66)  
**Title:** E911 TECHNOLOGY NEUTRALITY AND IMMUNITY

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**Bill:** HB391  
**Sponsors:** Trujillo, L. (D48)  
**Title:** SOLE SOURCE CONTRACT WEBPOSTING

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**Bill:** HJM4  
**Sponsors:** Ely (D23)  
**Title:** STUDY PUBLIC INFRASTRUCTURE FUNDING SYSTEMS

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**Bill:** HJM7  
**Sponsors:** Thomson (D24)  
**Title:** HEALTH CARE REPEAL TASK FORCE

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**Bill:** HM1  
**Sponsors:** Salazar, T. (D70)  
**Title:** STATE AND REGIONAL WATER PLANNING TASK FORCE REVIEW

SENATE TRACKED LEGISLATION – SFC RELATED

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**Bill:** SB18**Sponsors:** Padilla (D14); Maestas Barnes (R15)**Title:** RESIDENT BUSINESS SET-ASIDE ACT

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**Bill:** SB22**Sponsors:** Padilla (D14)**Title:** QUALIFICATIONS FOR COUNTY SHERIFF

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**Bill:** SB24**Sponsors:** Padilla (D14); Smith (R22)**Title:** IDZ: LOCAL GOVERNMENT BROADBAND INFRASTRUCTURE DEVELOPMENT

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**Bill:** SB33**Sponsors:** Morales (D28); Salazar, T. (D70)**Title:** COUNTY AND INDIAN MATERNAL AND CHILD HEALTH FUNDS

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**Bill:** SB36**Sponsors:** Soules (D37)**Title:** MINIMUM WAGE INCREASE TO \$8.45 AND \$7.50 AN HOUR

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**Bill:** SB41**Sponsors:** Stewart (D17); McQueen (D50)**Title:** SOLAR MARKET DEVELOPMENT TAX CREDIT CHANGES

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**Bill:** SB44**Sponsors:** Cervantes (D31)**Title:** NMFA LOANS OR GRANTS FOR CERTAIN WATER PROJECTS

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**Bill:** SB46**Sponsors:** Neville (R2)**Title:** EXPANDS ENHANCED 911 ACT AND RELATED SURCHARGES

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**Bill:** SB53**Sponsors:** Padilla (D14)**Title:** PRC REGULATORY JURISDICTION OF TELECOMMUNICATIONS

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**Bill:** SB55**Sponsors:** Neville (R2)**Title:** INCREASED FINES FOR RECKLESS, CARELESS AND TEXTING DRIVING VIOLATIONS

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**Bill:** SB57**Sponsors:** Griggs (R34)**Title:** LIQUOR DISPENSER LICENSE LEASING

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| <b>Bill:</b>     | <b>SB60</b>   |
| <b>Sponsors:</b> | Wirth (D25)   |
| <b>Title:</b>    | REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT                                    |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB61</b>   |
| <b>Sponsors:</b> | Wirth (D25); Dines (R20)  |
| <b>Title:</b>    | ELECTRONIC COMMUNICATIONS PRIVACY ACT: GOVERNMENT ACCESS CONDITIONS                       |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB67</b>   |
| <b>Sponsors:</b> | Rodriguez (D24)   |
| <b>Title:</b>    | TIDD FORMATION— NOTICE TO COUNTY TREASURER  |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB72</b>   |
| <b>Sponsors:</b> | Ivey-Soto (D15); Ely (D23)  |
| <b>Title:</b>    | PUBLIC ACCOUNTABILITY ACT; BILL PRE-FILING PERIOD SHORTENED; LEGISLATIVE ETHICS COMMITTEE |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB75</b>   |
| <b>Sponsors:</b> | White (R19); Gonzales (D42)   |
| <b>Title:</b>    | UPDATING DEFERRED COMPENSATION ACT FOR GOVERNMENTAL EMPLOYEES                             |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB80</b>   |
| <b>Sponsors:</b> | Morales (D28)   |
| <b>Title:</b>    | DOH TO DEVELOP EMS TRIAGE PLANS FOR STEMI— MYOCARDIAL INFARCTION                          |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB83</b>   |
| <b>Sponsors:</b> | Ortiz y Pino (D12)  |
| <b>Title:</b>    | REMOVE BEHAVIORAL HEALTH FROM MEDICAID MANAGED CARE                                       |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB84</b>   |
| <b>Sponsors:</b> | Ortiz y Pino (D12)  |
| <b>Title:</b>    | INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE MEMBERSHIP                         |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB95</b>   |
| <b>Sponsors:</b> | Sanchez, C. (D30)   |
| <b>Title:</b>    | RAISES GASOLINE AND SPECIAL FUELS TAXES   |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB98</b>   |
| <b>Sponsors:</b> | Martinez, Richard (D5)  |
| <b>Title:</b>    | SANTA CRUZ TRANSFER FROM SANTA FE COUNTY TO RIO ARriba COUNTY                             |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB99</b>   |
| <b>Sponsors:</b> | Rue (R23)   |
| <b>Title:</b>    | PRISONER POSSESSION OF ELECTRONIC COMMUNICATION OR RECORDING DEVICES                      |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB104</b>  |
| <b>Sponsors:</b> | Leavell (R41)   |
| <b>Title:</b>    | INSURANCE CODE CHANGES  |
| <hr/>            |   |
| <b>Bill:</b>     | <b>SB111</b>  |

**Sponsors:** Smith (D35)  
**Title:** REVERTING FISCAL YEAR-END FUND BALANCES

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**Bill:** SB112  
**Sponsors:** Cisneros (D6)  
**Title:** CHANGING AND VOIDING SEVERANCE TAX BONDS

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**Bill:** SB113  
**Sponsors:** Smith (D35)  
**Title:** REDUCTION AND TRANSFER OF FY 2016 AND 2017 GENERAL FUND APPROPRIATIONS

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**Bill:** SB122  
**Sponsors:** Candelaria (D26)  
**Title:** CREATES WORKERS' COMPENSATION ADMINISTRATIVE APPEAL PROCESS

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**Bill:** SB123  
**Sponsors:** Sharer (R1)  
**Title:** TAX REFORM PACKAGE

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**Bill:** SB129  
**Sponsors:** Ingle (R27)  
**Title:** AFFORDABLE HOUSING ACT APPROPRIATION

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**Bill:** SB130  
**Sponsors:** Smith (D35)  
**Title:** GENERAL APPROPRIATION ACT OF 2017

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**Bill:** SB131  
**Sponsors:** Smith (D35); Gonzales (D42)  
**Title:** GASOLINE AND SPECIAL FUELS TAX INCREASES

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**Bill:** SB136  
**Sponsors:** Munoz (D4)  
**Title:** AMENDS IGNITION INTERLOCK LICENSING REQUIREMENT

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**Bill:** SB137  
**Sponsors:** Rodriguez (D24)  
**Title:** MATERNAL MORTALITY AND MORBIDITY PREVENTION ACT

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**Bill:** SB138  
**Sponsors:** Candelaria (D26)  
**Title:** ENROLLED AGENT AUTHORITY AT TAXPAYER ADMINISTRATIVE TAX HEARINGS

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**Bill:** SB143  
**Sponsors:** Padilla (D14)  
**Title:** LONG-TERM PUBLIC AND PRIVATE INFRASTRUCTURE INVESTMENT PARTNERSHIPS

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**Bill:** SB149  
**Sponsors:** Candelaria (D26)  
**Title:** PROTECTING VICTIM AND WITNESS CONFIDENTIALITY

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| <b>Bill:</b>     | <b>SB153</b>  |
| <b>Sponsors:</b> | Smith (D35)   |
| <b>Title:</b>    | ENDS ENHANCED DISTRIBUTION TO LOCAL DWI FUND BY ONE YEAR                        |
| <b>Bill:</b>     | <b>SB154</b>  |
| <b>Sponsors:</b> | Smith (D35)   |
| <b>Title:</b>    | ENDS ENHANCED DISTRIBUTION TO LOCAL DWI FUND BY ONE YEAR                        |
| <b>Bill:</b>     | <b>SB155</b>  |
| <b>Sponsors:</b> | Candelaria (D26)  |
| <b>Title:</b>    | WORKERS' COMP CONDITIONS FOR DENIAL OF DISABILITY BENEFITS                      |
| <b>Bill:</b>     | <b>SB156</b>  |
| <b>Sponsors:</b> | Candelaria (D26)  |
| <b>Title:</b>    | EMPLOYER'S RIGHTS AGAINST INJURED WORKERS' THIRD-PARTY CLAIMS                   |
| <b>Bill:</b>     | <b>SB158</b>  |
| <b>Sponsors:</b> | Tallman (D18)   |
| <b>Title:</b>    | IPRA: PUBLIC RECORDS ACT EXEMPTION: UNPAID WARRANTS                             |
| <b>Bill:</b>     | <b>SB172</b>  |
| <b>Sponsors:</b> | Morales (D28)   |
| <b>Title:</b>    | HEALTH SECURITY ACT   |
| <b>Bill:</b>     | <b>SB176</b>  |
| <b>Sponsors:</b> | Smith (D35)   |
| <b>Title:</b>    | LEGISLATIVE SESSION, LEGISLATIVE AGENCIES, COURTS AND ADULT PROTECTIVE SERVICES |
| <b>Bill:</b>     | <b>SB178</b>  |
| <b>Sponsors:</b> | Papen (D38)   |
| <b>Title:</b>    | TORT CLAIMS: PUBLICLY USED IRRIGATION AND CONSERVANCY DISTRICT ROADWAYS         |
| <b>Bill:</b>     | <b>SB191</b>  |
| <b>Sponsors:</b> | Pirtle (R32)  |
| <b>Title:</b>    | MAGISTRATE LIMITED IN ADJOINING COUNTY TRAFFIC CASES                            |
| <b>Bill:</b>     | <b>SB198</b>  |
| <b>Sponsors:</b> | Campos, P. (D8)   |
| <b>Title:</b>    | WATER TRUST FUND APPROPRIATION  |
| <b>Bill:</b>     | <b>SB199</b>  |
| <b>Sponsors:</b> | Smith (D35)   |
| <b>Title:</b>    | DELAYS CORPORATE INCOME TAX RATE CUTS   |
| <b>Bill:</b>     | <b>SB202</b>  |
| <b>Sponsors:</b> | Ivey-Soto (D15); Wooley (R66)   |
| <b>Title:</b>    | PROPERTY FORFEITURE AUTHORITY BY LOCAL AND STATE LAW ENFORCEMENT AGENCIES       |

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**Bill:** SB212  
**Sponsors:** Griggs (R34)  
**Title:** FILING AND RECORDING OF DUPLICATES

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**Bill:** SB215  
**Sponsors:** Wirth (D25)  
**Title:** FINANCING FOR THE RENEWABLE ENERGY AND WATER CONSERVATION

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**Bill:** SB217  
**Sponsors:** Papen (D38)  
**Title:** MEDICAID MANAGED CARE AND PROVIDER ACT

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**Bill:** SB222  
**Sponsors:** Stefanics (D39)  
**Title:** RAISING DOLLAR THRESHOLD FOR BEING EXEMPT FROM "LOCAL PUBLIC BODY"

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**Bill:** SB247  
**Sponsors:** Munoz (D4)  
**Title:** INCREASE MAXIMUM RATE OF LOCAL LIQUOR EXCISE TAX

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**Bill:** SB248  
**Sponsors:** Stefanics (D39)  
**Title:** REQUIRED PARTICIPATION IN PUBLIC SOLAR PROJECTS

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**Bill:** SB254  
**Sponsors:** Sapien (D9)  
**Title:** APPLIES OCCUPANCY TAX TO CERTAIN SHORT-TERM RENTALS

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**Bill:** SB260  
**Sponsors:** Cervantes (D31)  
**Title:** VOIDS CERTAIN CAPITAL OUTLAY PROJECTS AUTHORIZED IN PRIOR YEARS

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**Bill:** SB262  
**Sponsors:** Cervantes (D31); Fajardo (R7)  
**Title:** PERMANENT INTERIM "PUBLIC WORKS COMMITTEE"

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**Bill:** SB264  
**Sponsors:** White (R19); Trujillo, Carl (D46)  
**Title:** GROSS RECEIPTS TAX ON INTERNET SALES

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**Bill:** SB270  
**Sponsors:** Lopez (D11)  
**Title:** PROHIBITION AGAINST ENFORCING FEDERAL IMMIGRATION LAWS

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**Bill:** SB277  
**Sponsors:** Ortiz y Pino (D12)  
**Title:** RELEASING PREGNANT OR LACTATING INCARCERATED WOMEN

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**Bill:** SB278

**Sponsors:** Ortiz y Pino (D12)  
**Title:** CANNABIS REVENUE AND FREEDOM ACT

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**Bill:** SB280  
**Sponsors:** Tallman (D18)  
**Title:** EMPLOYEE CREDIT INFORMATION PRIVACY ACT

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**Bill:** SB286  
**Sponsors:** Campos, P. (D8)  
**Title:** NEW MEXICO WILDLIFE PROTECTION AND PUBLIC SAFETY ACT

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**Bill:** SB288  
**Sponsors:** Padilla (D14)  
**Title:** OIL AND GAS EMERGENCY SCHOOL SURTAX AND ELECTRICITY PRODUCTION TAX

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**Bill:** SB293  
**Sponsors:** Padilla (D14); Maestas Barnes (R15)  
**Title:** LACTATING WOMEN IN CORRECTIONAL FACILITIES

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**Bill:** SB299  
**Sponsors:** Candelaria (D26)  
**Title:** CHANGING DEFINITIONS, REPORTING REQUIREMENTS, REMEDIES AND EXHAUSTION OF ADMINISTRATIVE REMEDIES REQUIREMENT OF THE WHISTLEBLOWER PROTECTION ACT.

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**Bill:** SB302  
**Sponsors:** Munoz (D4)  
**Title:** SPECIAL ELECTIONS FOR SCHOOL BOARD VACANCIES

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**Bill:** SB308  
**Sponsors:** Padilla (D14)  
**Title:** RURAL TELECOMMUNICATIONS ACT, BROADBAND PROGRAM

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**Bill:** SB312  
**Sponsors:** Stewart (D17); Small (D36)  
**Title:** UPS REQUIRED RENEWABLE ENERGY USAGE

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**Bill:** SB314  
**Sponsors:** McSorley (D16)  
**Title:** RAISES AND INDEXES LIQUOR EXCISE TAX RATES

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**Bill:** SB315  
**Sponsors:** Rue (R23)  
**Title:** EMS PERSONNEL LICENSURE INTERSTATE COMPACT

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**Bill:** SB316  
**Sponsors:** Lopez (D11)  
**Title:** APPROPRIATION FOR GROWTH OF LOCAL FOOD PRODUCERS

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**Bill:** SB321

**Sponsors:** Campos, P. (D8)

**Title:** RAISING MINIMUM WAGE

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**Bill:** SB338

**Sponsors:** Ivey-Soto (D15); Smith (R22)

**Title:** STATEWIDE BROADBAND NETWORK

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**Bill:** SB343

**Sponsors:** Griggs (R34)

**Title:** NEW STATE AND LOCAL TAX SYSTEM

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**Bill:** SB344

**Sponsors:** Tallman (D18)

**Title:** INCOME TAX INCREASES

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**Bill:** SB345

**Sponsors:** Shendo (D22)

**Title:** INDIAN NATIONS' MEDICAL CANNABIS PROGRAMS

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**Bill:** SB350

**Sponsors:** Wirth (D25)

**Title:** PROPERTY TAX— SPECIAL METHOD FOR LAND PREVIOUSLY USED FOR AGRICULTURAL PURPOSES

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**Bill:** SB352

**Sponsors:** Munoz (D4)

**Title:** CONSTRUCTION INDUSTRIES LICENSING ACT

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**Bill:** SB356

**Sponsors:** Rodriguez (D24)

**Title:** NOTIFY COUNTY TREASURER WHEN FORMING PUBLIC IMPROVEMENT DISTRICT

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**Bill:** SB359

**Sponsors:** Campos, P. (D8)

**Title:** CAPITAL PLANNING AND MONITORING ACT

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**Bill:** SB362

**Sponsors:** Cisneros (D6)

**Title:** REAUTHORIZES FOUR CAPITAL OUTLAY PROJECTS— SETS RULES FOR UNEXPENDED BALANCES

---

**Bill:** SB367

**Sponsors:** Leavell (R41)

**Title:** INSURANCE CODE CHANGES (STOP-LOSS AND HEALTH INSURANCE SALES)

---

**Bill:** SB371

**Sponsors:** Candelaria (D26)

**Title:** CHANGE LYNN AND ERIN COMPASSIONATE USE ACT

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**Bill:** SB375



**Sponsors:** Morales (D28)  
**Title:** ROYALTY RATES & VENTED OR FLARED GAS REPORTS FOR OIL AND GAS LEASES

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**Bill:** SB376  
**Sponsors:** Munoz (D4)  
**Title:** PREMIUM TAX COLLECTION TO TAXATION AND REVENUE DEPARTMENT

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**Bill:** SB379  
**Sponsors:** Woods (R7)  
**Title:** FRESH FRUITS AND VEGETABLES FOR SCHOOL MEALS

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**Bill:** SJM23  
**Sponsors:** Shendo (D22)  
**Title:** FEDERAL INDIAN HEALTH CARE IMPROVEMENT ACT

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**Bill:** SJM24  
**Sponsors:** Campos, P. (D8)  
**Title:** STUDY AND RECOMMEND IMPROVEMENTS TO CAPITAL OUTLAY PROCESS

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**Bill:** SJM26  
**Sponsors:** Tallman (D18)  
**Title:** TAX INCENTIVES TO ATTRACT RETIREES TO NEW MEXICO

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**Bill:** SJR1  
**Sponsors:** Wirth (D25); Maestas (D16)  
**Title:** C.A.— STATUTORY APPELLATE JURISDICTION

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**Bill:** SJR3  
**Sponsors:** Padilla (D14)  
**Title:** PERMANENT FUNDS DISTRIBUTION INCREASED FOR EARLY CHILDHOOD SERVICES

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**Bill:** SJR4  
**Sponsors:** Padilla (D14)  
**Title:** CA: QUALIFICATIONS FOR COUNTY SHERIFFS

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**Bill:** SJR6  
**Sponsors:** Stewart (D17)  
**Title:** C.A.— STATEWIDE MILLAGE FOR PUBLIC SCHOOL FUNDING

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**Bill:** SJR16  
**Sponsors:** Sharer (R1)  
**Title:** C.A.— THREE MEMBER PUBLIC REGULATION COMMISSION

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**Bill:** SJR18  
**Sponsors:** Sapien (D9)  
**Title:** EARMARKS PERMANENT FUNDS FOR EARLY CHILDREN EDUCATION AND CARE

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**Bill:** SM6  
**Sponsors:** Wirth (D25)  
**Title:** “MAX COLL CORRIDOR”

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**Bill:** SM35  
**Sponsors:** Tallman (D18)  
**Title:** NEW MEXICO COMPLETE STREETS

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**Bill:** SM52  
**Sponsors:** Campos, P. (D8)  
**Title:** SCHOOL NUTRITION DAY

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**Bill:** SM57  
**Sponsors:** Stefanics (D39)  
**Title:** HIGH-RISK TITLE INSURANCE ZONES STUDY BY SOI

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**Bill:** SM60  
**Sponsors:** Padilla (D14)  
**Title:** BROADBAND TASK FORCE CREATION

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**Bill:** SM67  
**Sponsors:** Pinto (D3)  
**Title:** CONGRESS KEEP INDIAN HEALTH CARE IMPROVEMENT ACT