

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETINNG

February 26, 2013

Kathy Holian, Chair – District 4
Danny Mayfield, Vice Chair – District 1
Robert Anaya – District 3
Miguel Chavez – District 2
Liz Stefanics – District 5

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of April, 2013 at 01:51:19 PM
And Was Duly Recorded as Instrument # 1701246
Of The Records Of Santa Fe County

BCC MINUTES
PAGES: 163

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



SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 26, 2013

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:25 p.m. by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Employees of the Solid Waste Division Joe Martinez and Mia Barela led the Pledge of Allegiance and State Pledge, following roll call by County Clerk Geraldine Salazar which indicated the presence of a quorum as follows:

Members Present:

Commissioner Kathy Holian, Chair
 Commissioner, Danny Mayfield Vice Chair
 Commissioner Robert Anaya
 Commissioner Miguel Chavez
 Commissioner Liz Stefanics

Members Excused:

[None]

V. MOMENT OF REFLECTION

The Moment of Reflection was led by Les Francisco.

VI. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Madam Chair, there are no amendment or tabled or withdrawn items on the agenda you have in front of you.

CHAIR HOLIAN: Any suggested amendments, Commissioners? Do I have a motion?

COMMISSIONER CHAVEZ: Move or approval.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: I have a motion and a second.

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR HOLIAN: I will note that there are resolutions on the Consent Calendar. So first, is there anybody here from the public who would like to speak about those resolutions? Seeing none, are there any Consent Calendar withdrawals?

COMMISSIONER STEFANICS: I'll move approval of the Consent Calendar.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second for approval of the Consent Calendar.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes.

COMMISSIONER MAYFIELD: Just a query. County Road 90, where is that located?

MS. MILLER: Madam Chair, Commissioner Mayfield, this is the reimbursement where Cuatro Villas bought the right-of-way for the water lines. I don't know the exact location but this is that funding to purchase – to reimburse for that right-of-way.

COMMISSIONER MAYFIELD: Thank you. I was just thinking it's up there by the Sombrillo Elementary School, right?

ROBERT MARTINEZ (Roads Director): Madam Chair, Commissioner Mayfield, it's in Sombrillo.

COMMISSIONER MAYFIELD: Okay. Thank you. Thank you so much.

XII. CONSENT CALENDAR (Public Comment for Resolutions)

A. Final Orders

1. **CDRC Case # V 12-5120 John & Virginia Kraul Variance.** John & Virginia Kraul, Applicants, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 0.90 Acres. The Property is Located at 7 Camino La Llorona, within the Traditional Community of Canada de los Alamos, within Section 27, Township 16 North, Range 10 East, (Commission District 4). Approved 5-0, John Lovato, Case Manager
2. **CDRC Case # V-12-5230 Jytte Lokvig Variance.** Jytte Lokvig, Applicant, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 10.25 Acres Into Two Lots; One Lot Consisting of 7 Acres and One Lot Consisting of 3.25 Acres. The Property is Located at 213 and 228 Ojo de la Vaca Road, within Section 24,

SEC CLERK RECORDED 34/52/2643

Township 15, Range 10 East (Commission District 3). Approved 5-0, Miguel "Mike" Romero, Case Manager

B. Resolutions

1. Resolution No. 2013- 14, a Resolution Requesting an Increase to the Federal Forfeiture Fund (225) to Budget Program Income Received From the US Marshal's Office Through the Equitable Sharing Program for Region III / \$9,658.40. (County Sheriff/Teresa Martinez)
2. Resolution No. 2013-15, a Resolution Requesting a Budget Increase to the Road Projects Fund (311) to Budget a Grant Awarded Through the NM Department of Transportation to Acquire Rights-of-Way, Replace Water Lines and Sewer Lines on County Road 90 in Santa Fe County / \$40,000.00 (Public Works/Adam Leigland)
3. Resolution No. 2013-16, a Resolution Requesting Authorization to Make the Budget Adjustment to the Community DWI Grant By Decreasing the Original Budget By the Amount of \$16,816.00 for a Total Budget of \$46,524.00 (Finance/Teresa Martinez/Health/Lupe Sanchez)
4. Resolution No. 2013-17, a Resolution Requesting a Budget Increase to the State Special Appropriations Fund (318) to Budget a Grant Awarded Through the NM Department of Cultural Affairs, State Library Division to Acquire Library Books, Equipment and Library Resources for the Vista Grande Library in Santa Fe County / \$11,690.65 (Public Works/Adam Leigland)

VIII. APPROVAL OF MINUTES

A. Approval of January 29, 2013 BCC Meeting Minutes

CHAIR HOLIAN: Are there any changes, either from staff or the Commission? Do I have a motion?

COMMISSIONER MAYFIELD: Move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIR HOLIAN: Okay. I have a motion and a second.

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

IX. PROCLAMATIONS AND PRESENTATIONS

A. Presentations

1. Presentation on Medicaid Expansion [Exhibit 1]

JULIE WEINBERG (HSD Medicaid Director): Hi. Thank you, Commissioners and chair, and other Commissioners. My name is Julie Weinberg. I am the

director for the Medicaid Program for the State of New Mexico, and a few weeks ago Rachel called up and asked me to give a presentation, a quick presentation on Medicaid expansion. It's quick so you all can feel free to ask questions and hopefully I can answer them all.

As you know, on January 9th the Governor announced that she would expand the Medicaid program. She found a lot of compelling reasons to do so, so we are preparing like crazy – I guess is the way to say it – at the Medicaid agency and at our Income Support Division to be ready to enroll the expansion population starting January 1, 2014. Statewide we think that about 170,000 people will be eligible for Medicaid under the expansion rules. Persons who are eligible are persons who have income up to 138 percent of the federal poverty level. And on slide – actually it's probably slide 2 although it says 3 because we counted the front page as 1, you can see what that 138 percent FPL is by household size. And this is the FPL that we actually calculated when we do our eligibility determinations. There's a very, very slight difference between us and the federal government because of some technical things that if I could explain I think I could get an award for and you would fall asleep in the meantime. So I won't explain it other than it's very close and this is New Mexico's FPL based on our work.

So as most of you probably know, the Affordable Care Act, which we call the ACA. Some people call it PPACA, for the Patient Protection Affordable Care Act and some people call it Obamacare. I call it the ACA. The ACA does include new federal funding for these expansion groups, and for the first three years starting January 1, 2014 the federal government pays 100 of their costs. Normally, Medicaid is a federal and state funded program. In New Mexico the federal government pays about 70 percent of our cost for our Medicaid expenditures and the state general fund and some other sources cover about 30 percent of our costs. But for these new expansion eligibles we're going to get 100 percent for the first three years, so 14, 15 and 16, and then that share will slowly decline to 90 percent by 2020, which is still a deal, considering the best that we get now is 70 percent on average.

So I pointed out on slide 3, there's your federal poverty level, your FPLs as we call them. You will hear some people say, well, it's up to 133 percent, and then you'll hear other people say it's up to 138. And what it is is it is 133 percent, but the law also provides to disregard five percent of a person's income. A lot of states right now disregard certain kinds of income when they do income determination to allow for costs such as childcare and some other costs that you need to spend your income on, necessities and the like.

So this will be a uniform five percent. So that's why in essence it's 138 percent of the federal poverty level. So that's how that works.

Again, beginning on January 1st is when people who are eligible for the expansion Medicaid, that's the first day they can be enrolled and start getting services paid for by Medicaid. We do project, as I said, about 170,000 New Mexicans will be eligible for Medicaid in this new group. You can see on my presentation it says in the new adult group, and the reason it's just adults is we cover children up to 235 percent of the federal poverty level so kids are already covered in New Mexico up to 138 and beyond.

We asked a few weeks ago for our staff to start trying to figure out by county just before you called me, what we think the expansion eligibles are in the county and for Santa Fe they've come up with 7,400. And I just want to warn you, I wouldn't write that in stone. These projections are hard to do. Census information doesn't always really accurately reflect

2013/02/26 10:23 AM
SFC
CLERK
RECORDED

陳錦華、李國輝、
黃子明、李國輝、
黃子明、李國輝、
黃子明、李國輝、
黃子明、李國輝、
黃子明、李國輝、

So that's what I've got to you today. I wanted to make it short so there you go.

CHAIR HOLIAN: Thank you, Ms. Weinberg. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. It's great to see you. Thank you for coming to visit with us, Julie. We have a mobile health van that goes out to different parts of Santa Fe County. Would it be appropriate for our Health and Human Services Department to work with the state on receiving training and being qualified to sign people up for Medicaid in the mobile health van as it goes out?

MS. WEINBERG: Madam Chair and Commissioner Stefanics, I think that would be a great idea and we could get them trained on either presumptive eligibility – which means presumptive means that a person gets, based on a few very simple questions are thought, well, you're most likely going to be eligible for Medicaid. So they get up to 60 days of eligibility for Medicaid, full benefits. But the presumptive eligibility determiner – if that's really a word. We use it – is then trained also to help that person fill out a real, full application to get the full, one-year, long-term as they call it Medicaid. So it sounds like a great idea. And then those vans – we'd need to get them signed up with our managed care organizations, because beginning January 1, 2014 all of our enrollees will be in managed care, even the presumptively eligible at the very beginning. So for the County to get reimbursed for a service they might provide, if there is a service, that would be a way to do that, so you might be able to leverage that as well.

COMMISSIONER STEFANICS: Well, one of the things, Madam Chair, we're looking at is – the mobile van – we only have one – has been traveling around and has had a nurse, and we're looking at perhaps putting a nurse practitioner in. And we've been doing some preventive healthcare but it might go into – we are doing flu shots and vaccinations and so on from what I understand and Rachel can provide more detail later. But we hadn't really thought about that piece, about going in for reimbursement for any services, but that is something our staff could investigate with you.

MS. WEINBERG: Madam Chair and Commissioner Stefanics, that would be a great thing to explore and explore with our new managed care, our Centennial care MCOs and how that could happen. Because again, if Medicaid, especially for those expansion eligibles, when there's 100 percent funding for three years, if Medicaid can help save the County money the County can use that money for other kinds of health services that Medicaid would not normally cover, or that other insurance companies don't cover, that are so important as well – health education, things like that.

COMMISSIONER STEFANICS: Well, I'll finish with one other thought, Madam Chair, for our staff primarily. We take our indigent gross receipts tax and we actually split it between the hospital and community clinics. It would seem to me that if the community clinics are not doing presumptive eligibility they might also want to as well, because that might provide more people on Medicaid rather than coming through urgent care. Thank you very much for coming today.

CHAIR HOLIAN: Thank you. Any further questions? Actually I have a question, and that is how exactly do people who are newly eligible sign up?

MS. WEINBERG: Good question, Madam Chair and Commissioner. So there will be – there are many places that people can sign up for Medicaid and under the Affordable Care Act that will be expanded quite a bit. People will be able to submit an

REC'D
CLERK
RECORDED
3/5/2013
11:13

application from their computer. People will be able to go into Income Support Division field offices, we call them, and apply. We're not quite sure how many computers might also be available there so that they can, instead of waiting in line to talk to somebody, they could apply. We're trying to make it as simple as possible. And again, when we talk about that presumptive eligibility and having healthcare providers do that work where right now, OB/GYNs do presumptive eligibility for pregnant women. FQHCs, the federally qualified health centers like La Familia do presumptive eligibility and then they help them fill out that form as well.

So those will be the opportunities for them to do it either by computer, so they could do it from the library, I suppose, or at an office, or perhaps with a presumptive eligibility determiner. And there'll be a lot of information going out to educate folks.

CHAIR HOLIAN: Yes, I was going to ask about that, about the PR efforts. Are there PR efforts under way to let people know?

MS. WEINBERG: Madam Chair and Commissioners, we haven't started at HSD yet. I believe there will be plenty of PR by us and others. Right now, we're already getting calls, how can I sign up? So we're trying to time it so that people don't call – until it's closer. Because if they call now and are told well, wait until October, people can get discouraged. So we expect there will be a lot of publicity on our work and many of the advocacy groups will also be doing that, plus, they'll be seeing it on TV, they'll hear about it at shelters. A lot of the folks in our community who are homeless are going to qualify for this and they can finally get really good care covered.

CHAIR HOLIAN: And they can sign up in October?

MS. WEINBERG: They can start signing up in October. That's what we think. Sometimes the language in the bill and the regulations and what the federal government is calling sub-regulatory guidance – how about that guys? There's something new for you – which are letters to Medicaid directors and state health officials. We're not clear about Medicaid, whether we're going to be required to do that in October or not, and we're trying to make some decisions internally about how to manage that. Because basically, what we're doing is checking to see if they're eligible now, currently under current rules in October, and under future rules that go into effect in January, and then how do you manage that.

So it's just one of the many tricky things of the ACA. It's a very large law and there's a lot of stuff in it and the feds have been keeping up, I would say running as fast as they can trying to give us the guidance that we need to implement the program.

CHAIR HOLIAN: Thank you, Ms. Weinberg. I imagine it will be a continuing process, right?

MS. WEINBERG: Medicaid is always a continuing process. This just adds to the fund. Madam Chair and Commissioners, I'm happy to come back and give you updated whenever. Give me a couple weeks notice and I'll be here.

CHAIR HOLIAN: Okay. Great. Thank you. It's a deal.

IX. A. 2. Introduction of New Employees

MS. MILLER: Madam Chair, Commissioners, first of all, we have quite a few new employees but I wanted to just give you – there's a list in your packet under the HR

CHAIR HOLIAN: Okay. Thank you, Sergeant, and I just want to say congratulations to all of you. Good work and welcome to our team here in the County. I'll start with Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you very much. I enjoyed being there at the presentation and I wanted to read the poem that I wrote for these fine graduates the day of the graduation.

The day you thought you'd never see, the drills the work, the time you spent, the people around you heaven sent. You wonder how you stand right here, shoulder to shoulder with correctional gear. Dignity and safety always near, with training and support you have no fear. Work together and be a team. Stay together and live your dream. God be with you, be at your side to help you all enjoy the ride. Through sometimes good and some real hard have the strength to stand your guard. The day has come, the day will be, the day you thought you'd never see.

Madam Chair, I'm appreciative and I know we all are of the work that these fine individuals are going to undertake day in and day out in our facility and I know with the training from you, Mr. Martinez, and the leadership of Mr. Sedillo and Warden Gallegos who are also here in the audience, you'll do what's necessary to do your job and treat people with care, dignity and respect. Thanks again for your work and Madam Chair, I'd actually like to go down there and shake their hands and take a picture with them if we can. And we have some certificates we're going to work up for you guys as well. But thank you very much for your work and congratulations again.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes. I would also like to thank you and congratulate you for the commitment that you are undertaking. I think it's safe to say that the jail is probably one of the hardest areas in the county that we have responsibility for. And the individuals that are placed in that facility need to be treated with respect and dignity and who's to know that we may not end up on that position or in that situation someday. So your job's not easy. I'm sure you know what you're getting into and my thoughts and prayers are with you and your families and be safe. Thank you.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: I just want to echo what was said. Thank you for your commitment, for your service to this community and for the work that you'll be doing for this County. Please be safe and God be with you, all of you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Thank you for the invitation to come out to the graduation and I'd like to thank Commissioner Anaya for being the guest speaker. I believe that he made us all think that there are lots of perspectives to a person's life, and as I said to you as you went through the receiving line, thank you for the commitment because just going through the training and then taking the job there means that you are wanting to work with a sometimes difficult population. And we appreciate the energy that you're going to put into it, along with the respect that other individuals have talked about. Some of our – clients, but they're not really clients – some of our clients do have some behavioral health, mental health problems and it's going to take some unique understanding to handle all that. So thank you very much.

COMMISSIONER STEFANICS: Thank you. So since you're all dressed up and here, let's take a picture.

[Photographs were taken.]

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think it would also be appropriate to acknowledge – I think it was Mitchell Shires. He was voted by his classmates, graduates, as the leader of the group, so Mitchell, congratulations on that as well.

X. MATTERS OF PUBLIC CONCERN – Non-Action Items

CHAIR HOLIAN: Now it's that time for Matters of Public Concern. Is there anyone here from the public who would like to speak about an issue that is a non-action item. Something that is not noticed for action on our agenda. Is there anyone here. Seeing none, we will move on to Matters from the Commission.

XI. MATTERS FROM THE COMMISSION

- A. 1. In Recognition and Appreciation of the Organizers and Participants of One Billion Rising V-Day in Santa Fe, New Mexico, a Call for Ending Domestic Violence Against Women and Girls, Founded by Eve Ensler for the World**

COMMISSIONER STEFANICS: Thank you, Madam Chair. I have a certificate of appreciation that does not need a vote, but I just wanted to bring attention to the activity and the organizer. The organizer was Jessica Montoya from our community, and this was a call to action by men and women and children on Valentine's Day at the state capitol, and over 1,000 people came to speak, to dance, and to make their voices heard against rape and domestic violence. It was a very powerful day. It was very interesting to note that 75 percent of the audience were people of the age of 35 and younger. And if our young population believe that this is an overwhelming problem we cannot ignore it. We shouldn't be ignoring it. And the County has been involved in some domestic violence activities and issues, but I just wanted to let you know that the organizers and the participants here in Santa Fe were one of 5,800 communities across the entire world that participated and I will make sure that this certificate does get to the organizer. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. I just really want to thank you, Commissioner Stefanics, for bringing this forward. I know that violence against women and girls is unfortunately all too common all across the world and in our country as well, and often there is a conspiracy of silence about it when it goes on. We know that most domestic violence is against women. It's much more likely to be severe, and women are much more likely to be injured or killed. So I think that it's really good to bring this out into the open and if we want to change this going forward we need to reject that conspiracy of silence and we need to let everybody know that this will not be tolerated any longer. So thanks so much for bringing it forward.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would echo your comments and also thank Commissioner Stefanics for bringing it forward. And I would say a call for ending

domestic violence against people in general and appreciate her bringing it forward. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I'd just echo everything that was said and also, Madam Chair, just offer any support, Commissioner Stefanics, if you want to recognize a standing day in the future that we support this through a resolution.

COMMISSIONER STEFANICS: Well, Madam Chair, in the past, the Domestic Violence Coalition of the City and County has had displays and rallies and presentations here at the County building, and they did not ask to do that this year and usually they do that on Day of the Dead, which is a rather somber note. But to hear all the Commissioners would be interested in hosting activities like that might give them the impetus to get it coordinated again for next year. Thank you very much.

CHAIR HOLIAN: Commissioner Stefanics, isn't it traditionally Valentine's Day now?

COMMISSIONER STEFANICS: Well, One Billion Rising V Day was created by Eve Ensler, but no, the Domestic Violence Coalition has had their other activities at different times of the year as well.

COMMISSIONER STEFANICS: Okay. Thank you. Well, we'll try to plan ahead next year. Thank you.

XI. A. 2. Consideration and Possible Action on Proposed Rate Rider of Jemez Electric Co-Op

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, just bringing this to the attention of the Santa Fe County Commission and to the attention of the public in the northern part of Santa Fe County. Madam Chair, about a week ago, a week and a half ago I was called to a meeting, or invited to a meeting out at one of our local community centers, the El Rancho Community Center. I was invited by Governor Terry Aguilar of San Ildefonso Pueblo and also by some local community members – Ray Gomez, who is one of our community appointed members to the El Rancho Community Center board and also Mr. George Gomez and former Commissioner Marcos Trujillo and various community members from that area.

In your packet I believe you have a copy, Commissioners, of a notice to ratepayers that went out to – well, it didn't go out by the Jemez Electric Co-op. Just to give you a little back story really quick. I'll try to summarize it as best as possible. Jemez Electric Co-op is filing a proposed rate rider under Advise Notice #30, and I think the date will be March 4, 2013, to the Public Regulation Commission here in Santa Fe, New Mexico, and it will result in a proposed increase to the consumers of the external boundaries of three pueblos. Those boundaries would be the San Ildefonso Pueblo, the Nambe Pueblo and the Pojoaque Pueblo.

The reason I bring this forward to the Commission is because Santa Fe County has various service areas such as our community centers and I guess a whole slew of meters within those areas that was just handed to us all. So with that, and I'll try to summarize that, there will be various rate riders attached where their kilowatts will be increased before each external boundary area. So the first rate rider that will be opposed is rate rider 2, which will

SEC
CLERK
RECORDED
#7/26/2013

be affected to all consumers across the board in that area, and there are going to be three individual rate riders – rate riders 4, 5, and 6.

I'm going to defer to Mr. Ross or Ms. Brown if she's around because she's looked at this for me. So the folks that live in the San Ildefonso area right now would arguably see an increase of close to six cents a kilowatt-hour if this went into effect. The individuals at the exterior boundaries of Nambe – and this is both applicable to pueblo and non-pueblo would see an increase of close to 3 ½ cents a kilowatt-hour, and the individuals within the external boundaries of Pojoaque Pueblo would see an increase of less than one cent a kilowatt-hour.

So if you go the second page on your insert it kind of gives you more of a general summary based on monthly increases. So if you look at the second chart, general services rate rider 1 and rate rider 2, and I'm just going to do an average of a typical home. I think in fairness a typical home arguably would use around 700 kilowatts, average. Maybe a little more, maybe a little less. But if an average home, and the way that Jemez broke it out, they have it broken out in segments of 250 kilowatts, 500 kilowatts, 750. But if we just took a home, knowing that an average home might use about 500 kilowatts, in this area, if a typical home was using 500 kilowatts. Let's say an individual in the external boundary of San Ildefonso's area, that 500 kilowatts, a current bill right now for a home using 500 kilowatts, at present rate typically would be charged \$63.47 a month. The new proposed rate would take that area up to \$92.71 a month. The monthly increase would arguably be \$29.44, which would be about a \$46.07 increase.

I'm just looking at this. I don't know if that also be compounded with the system-wide increase of \$2.15. I don't know if it's rolled in or it's not rolled in. Again, that's just for the San Ildefonso external boundary areas. If you look at that, arguably that same home, being in the external Nambe area, using 500 kilowatt-hours a month, that same home's present rate would be using \$63.47 a monthly bill. The new rate of that home would be \$83.20 if this rate went into effect. They would see a monthly increase of \$19.76. So there monthly increase would be about a 31 percent increase.

In the rate rider area of Pojoaque, a typical home, the same home arguably using 500 kilowatts, the current rate would be \$63.47; the new proposed rate would be \$66.33, seeing a monthly increase of \$2.86, so that would be a percentage increase of \$4.51 [sic].

Again, the reason I'm bringing this to the attention of the Commission is because we have various meters in this area also, so that would be an increase for this Commission. Also, because we were in a meeting this morning with our Housing Board, I was wondering how many Section 8 homes we might be having serviced in this area. I think we might have some homes in there, it was just food for thought for me this morning in that meeting.

So if I could direct you to this notice to ratepayers. I did some inquiry and I did call the co-op myself and I asked how did this notice to ratepayers go out? I will disclose to you that I do live in one of these external rate rider areas. I looked at my bill; I never got notice in my bill, so I asked and they said, well, it went out in *Enchantment* magazine. Sometimes it's hit or miss if I receive *Enchantment* magazine at my home and I don't believe I received on this month. But I don't know. Maybe my wife received it and maybe it was recycled, so I'll just say that.

But that being said, it is on their website, so if any ratepayers in this service area want to go out it is on their website. You can go to their website and look at this. So what Jemez

2013 FEB 26 PM 3:00
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 26, 2013
3:00 PM

Cooperative is asking and what is suggested in this is you go to the second page under G. It says the cooperative will promptly notify a member who so requests of the date on which the scheduled proposing the new rates will be filed by the Commission. So with that I would just ask the Commission, seeing as we are members of this cooperative, based on all the meters we do have in place and the bills we pay them that we would ask the cooperative to notify us on which date they will be filing this rate increase.

If you go to H, these proposed new rates will go into effect automatically and without a hearing by the Commission unless one percent or 25 members of any rate class, whichever is less, of Jemez file a protest with the Commission no later than 20 days after Jemez has filed this schedule proposing the new rates and the Commission determines there is just cause for reviewing the proposed rates on one or more of the grounds of the protest.

So the way that works, the Commission – if I recall how the rules work, so unless more than 35 people file this protest these rates are automatic. They won't go into force for nine months. They'll stay in place for nine months. But in nine months, if not more than 25 people file they will be automatic across the board in place.

And then if we just go down to J, J is very important. So prior to filing a protest with the Commission, a cooperative member, which is Santa Fe County – we're cooperative members – members should attempt to resolve any grievance by presenting their objections to the new rates in writing and allow Jemez seven days in which to attempt a resolution of your objections or otherwise respond.

Again, Madam Chair, I noticed this is for an action item. I will say this. I've spoken to some community members. I've spoken to many community members. I also brought this to the attention of Congressman Ben Ray Lujan, just so everyone knows that, to make him aware of this, and I know there is a community meeting going on tonight in El Rancho, which is the external boundaries of San Ildefonso Pueblo. I also have spoken to this with Governor Philip Perez of Nambe Pueblo, that's why I stepped out of one of our meetings earlier this morning so I wanted to make sure I spoke with Governor Perez about this. I have not had an opportunity to speak with Governor George Rivera of Pojoaque Pueblo about this yet but will make contact with him.

I just wanted to bring this to the full Board's attention to see what your thoughts were. I don't know what will come out of the community meeting tonight in El Rancho. I do want to hear from them. So I'm not asking that the Commission take any action at this time. There still is a little time before we would – if the Commission entertained filing a protest. We have a little bit of time to do that. But I just wanted to put it on everybody's radar, put it on the community's radar. I know that a lot of community members listen to our meetings. If they weren't aware of this rate increase going into place there was a little more awareness done through this bench for the community members. I represent, as we all represent a big contingency out there of our constituency and just there was more awareness brought to this and that this Commission also looks at it. I know this Commission has intervened on PNM cases in the past and just for that consideration I would ask Mr. Ross, that I follow the rules appropriately, that this maybe not be tabled, if there does need to be action by this Commission that we could maybe have this on the next meeting and the next meeting. How does that work, Steve, if I can ask?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't know if we have

the luxury of that time. The notice is effective March 4th. As you noted we have to send them a letter and allow them time, within 20 days after March 4th there has to be a filing so it's going to be very tight to do this, by the next meeting.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, but as I'm reading now, I've been reading this for the last week, but as I'm reading J now, if you don't mind going to J – and I'll stand for any questions of any of my colleagues, but J is now saying that we need to go back to Jemez before we file any protest with the Commission. So, if I could ask this Commission's indulgence, maybe as a County we could go back to Jemez Cooperative. And let me just say this. I was fortunate enough to run into one of the board members of Jemez last night, and I did let one of the Jemez board members last night know I'm going to be talking about this and they said, Great, I'm glad you are going to be talking about this.

But I do see, now I'm reading J under commission rule, it says that we should try to work this out with Jemez Pueblo first as a member. If you go back to J, if you read J, Steve.

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: So maybe that's some action that we could take?

CHAIR HOLIAN: Jemez Co-op.

COMMISSIONER MAYFIELD: Jemez Cooperative Electric. And I'll just be quiet.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Thank you for bringing this forward, Commissioner.
Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I was going to ask Mr. Ross what his recommendations are for action if we decided we wanted to take some action. What are you proposing that we do?

MR. ROSS: Madam Chair, Commissioner Stefanics, because of the tight deadline and the requirement if we were to object to this formally at the PRC we need to give a statement of reasons, a complete statement of reasons when we do so that it would be good if you gave us – if we were going to take action if we got authorization to move forward on both the letter to the co-op and preparing the necessary pleadings now rather than wait a few weeks because then time will be very short and there's a lot to do.

COMMISSIONER STEFANICS: So, Mr. Ross and Madam Chair, do you see any downside to our filing?

MR. ROSS: Madam Chair, Commissioner, no. There would have to be at least 19 other people filing similar objections for it to become effective and force a hearing and a complete exposition of the issues. The issue is whether the costs of rights-of-way or whatever other issues have been negotiated between the co-op and the relevant pueblos should be applied to the entire rate base or just locally to people who are getting their electric within the confines of that particular pueblo.

As you can see from the rates proposed in the Nambe area and the San Ildefonso area it can be a substantial increase. Katherine and I were just looking at the list of uses out there and we have things like – things that you wouldn't think about, we're paying electricity on street lights, plus buildings. So the County could see some pretty still increases. And people

who live in those areas could see substantial increases as well. We've also researched some of the Commission orders and it's kind of hard to research those because you don't know which ones are the more objected to or not, but it seems like standard practice has been to put about half of the amount proposed in the rate on the local residents and the other half on the general rate base. It seems to be a practice. And this would be at variance to that.

COMMISSIONER STEFANICS: Thank you, Mr. Ross.

CHAIR HOLIAN: Just to clarify, Steve, this wasn't really noticed for action. Oh, sorry. It was noticed for possible action. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate Commissioner Mayfield you bringing this forward. I think there's a direct County implication that we just heard about and received the data relative to the utilities that is absolutely grounds for raising concern and trying to push this through a hearing, but I think there's also a public responsibility and obligation we have in trying to assist ratepayers in not having high escalations of rates. But one question I do have though is tied to the comments that were just made about the spread of the rates.

This isolates the rate increases to a defined area. By us taking action, are you suggesting that we advocate – for lack of a better word, because I don't know the terminology like you, but spreading the increase across the whole co-op, which I guess from my perspective I would want to have some dialogue with some of the ratepayers that would be affected if that would happen. Is that what would happen? At least in your recommendation? I think you're spot on with bringing it forward. I guess logistically, are you advocating that it just be spread or that minimum we go to some type of hearing process for some equitable consideration? Help me understand the formality. If 20 people file the protest then to all of the ratepayers get engaged in a hearing as to how they might be impacted by the change?

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Anaya, I think that's something that as the protest would go it would be a determination by the Commission how you would look at it. And I could be wrong on this but I think that precedents may have already been established with recent filings by Okey Owingeh Pueblo. Because again, how we're doing with the external boundaries of a pueblo and how you're looking at transmission and distribution, because Jemez Co-op's service area as any cooperative service area is based on their membership. And if they're distributing that amongst all their member areas or if they're isolating it just to within the confines of that service area.

So that's going to be a decision, I think, that the Commission has to weigh in on. Now, how we look at it, but right now if you look specifically at San Ildefonso Pueblo, you both have transmission and distribution within that area. As I understand it, within the confines of the external boundaries of San Ildefonso Pueblo you probably have 600 residents, pueblo and non-pueblo. So what they've negotiated with their fees, they're going to now pass this on to 600 people. Now, they might look at it, okay, well, that needs to be equity based amongst the – I'm going to guestimate this – 45,000 Jemez members across the board. And then Jemez may come back and say, okay, well, let's look at all the fees that have been negotiated with the Navajo Nation, with the Jicarilla Nation in Espanola and everybody else, kind of how we say an IOU would be say, PNM. PNM's rate base is spread out among all PNM customers. So that's something that the Commission is going to have to determine.

COMMISSIONER ANAYA: So, Madam Chair, Commissioner Mayfield, simply put, this gives us the opportunity to remain in the dialogue and make sure that equitable hearings are afforded to not only people within the boundaries of a given rate area but within the whole Jemez Co-op district.

COMMISSIONER MAYFIELD: And Madam Chair, Commissioner Anaya, the way I read H on the second page is that if we don't protest this these rates automatically go into effect. Or, excuse me, if 25 members or one percent don't protest they just automatically go into effect. This is where the Public Regulation makes this determination. Either they'll even approve it or they'll make – I think when it comes to Okey Ohwingeh Pueblo, they sent everything back to mediation and said, look, can this thing be worked out? If memory serves me correct from what I read in the paper, I don't do anything more than what I read in the paper. But if 25 members don't protest it just goes into effect as is. And I could be wrong on this but that's how I recall.

Really, it's the Public Regulation Commission's decision, just weighing in to say, guys, have you really looked at this because some folks may receive – what's the highest percentage increase here? A 50 percent bill. And I'm just going to mix some apples and oranges. We were looking at the spreadsheet earlier. Some of the annual incomes of poverty levels here, and I can tell you in some of the valleys that I represent we are below some of these poverty levels for income. And that's just what I'm worried about.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, I'd be prepared to action as one Commissioner, if that's the desire of the balance of the Commission.

CHAIR HOLIAN: Okay. Thank you, Commissioner. Commissioner Chavez, do you have anything? I just have a couple questions. One is, do you know why the co-op is seeking these rate increases? What they're for?

COMMISSIONER MAYFIELD: Madam Chair, if we read the first part of the notice to ratepayers a little further, basically it shifts for recovery costs, the access recovery costs and I think it's entire customer base approved August will replace the first revised rate rider for customer system costs for the rate riders. I think it's for –

CHAIR HOLIAN: So it has to do with infrastructure in these areas that they're adding these rate riders on to.

COMMISSIONER MAYFIELD: For these areas, for the recovery costs.

CHAIR HOLIAN: And do you know what would happen to the co-op if these were not approved? Would they be in trouble financially? Or would there be any negative consequences?

COMMISSIONER MAYFIELD: Well, I'm assuming that's what Jemez will have to – I'm a board member. Excuse me. I'm not a board member; I'm a co-op member of Jemez and I do attend some of their meetings. That's their argument. They have to recover their costs. It's their cost, but that's an argument right now that they're dealing with is well, let us look at your – a lot of people are asking to look at their books too. I'll say that. I'll just leave it at that.

CHAIR HOLIAN: Okay. Thank you. So what are the wishes of the Board? This is possible action.

COMMISSIONER STEFANICS: Well, Madam Chair, I'd like to know

2013 FEB 26 PM 4:05
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 26, 2013
PAGE 16

specifically what Commissioner Mayfield wants us to support and then I believe that we might have some interest.

COMMISSIONER MAYFIELD: Madam Chair, at this time I would ask, at least as I read, knowing that I do believe and I respect what Mr. Ross said, but looking at the window and knowing that March 4th is the deadline, but looking at our calendar, our calendar still – we would still have a Board meeting the second Tuesday of March would be March 12th – I'm right on that, right?

CHAIR HOLIAN: Correct.

COMMISSIONER MAYFIELD: So March 4th would be when the supposedly would file, so we're still within that window. I would at least ask for the indulgence of this Commission that we could at least move forward with talking to Jemez to say that – let me just read this again. Prior to filing the protest with the Commission, a cooperative member should attempt to resolve any grievances by presenting your objections to the new rates. So I would just want to at least present some objections to Jemez Co-op, then if need be we could move forward to formal action to protest through this Commission formally on March 12th if Jemez still moves forward on March 4th.

CHAIR HOLIAN: So, Commissioner, would you like to put that in the form of a motion?

COMMISSIONER MAYFIELD: Yes, Madam Chair. Thank you. I would make a motion that we would attempt to resolve any grievances by presenting our objections to these rates based on the costs that we will incur from Santa Fe County on all of these stated papers that Mr. Ross gave me or Ms. Miller gave me and present our objections to the Jemez Co-op Board and allow Jemez to resolve these with Santa Fe County, and then we will bring this back to the full Commission March 12th and we would allow community members to come and speak to us March 12th at our March 12th meeting.

CHAIR HOLIAN: Thank you.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay, I've got a motion and a second. Is there any further discussion? Commissioner Chavez.

COMMISSIONER CHAVEZ: I think that in that conversation it may be beneficial to have the co-op try to justify why they think the rate increase is warranted. I think if it's part of their business plan it's part of their business plan. I don't know that we'll get to see their books but at least they will have to justify that in public one more time.

COMMISSIONER MAYFIELD: And Madam Chair, Commissioner Chavez, I'd welcome the Jemez Co-op Board to come and speak to us on March 12th if they so cared to.

COMMISSIONER CHAVEZ: If they're the service provider I think that it's going to be hard to exclude them from the conversation. I don't know that anyone else would be able to provide the service in that area or not. But just in fairness to them and to have the information for the public I think it would be good for them to be part of the discussion and part of the presentation.

CHAIR HOLIAN: So will the maker of the motion and the seconder agree to a friendly amendment to also invite the co-op to the March 12th meeting?

COMMISSIONER MAYFIELD: Yes, Madam Chair. Thank you.

COMMISSIONER ANAYA: I agree too.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, Commissioner Chavez, I think Commissioner Chavez is also suggesting that they provide us some feedback, like we write the request and we ask for a written justification as to what was the basis for their increase. I think that's healthy. So I would add that if you're okay with it. I concur with

CHAIR HOLIAN: Okay. We add an amendment to the motion and the second.

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

XI. A. Commissioner Issues and Comments - These Are Non-Action Items By Commission District Such as Constituent Concerns, Commissioner Recognitions, Requests for Updates or Future Presentations

COMMISSIONER ANAYA: Madam Chair, I have one item that I've give a lot of thought to in the last few weeks and the comments that I'm going to make are based on the amount of feedback that has come to the Commission, to all of us and well as us individually as Commissioners. In the time that I've spent on this Commission I've come to have a greater and greater respect for the responsibility that we each have as Commissioners to evaluate information, to raise questions and then to ultimately make a determination or a decision and ultimately place a vote. And I'm looking to all of my colleagues to raise the question, did we do everything we possibly could in the evaluation of the parking at the courthouse that could be some sort of compromise?

I've had some conversations with the Manager, brief conversations. I've had many conversations with the public and in the spirit of their feedback and in the spirit of some of the concerns my fellow Commissioners have made and others, is there any possible way that we could not put this to rest and have some more dialogue about the parking and continue to pursue other options. And the other reason that I ask for this is in the meeting when the District Attorney first came to the Commission, I think it was two months ago, and expressed a lot of frustration and concern over a lack of communication she felt and coordination, I think all of us, I know I did at the time, extended an invitation to the District Attorney.

I actually had a good conversation with the District Attorney as well as the Sheriff and I just think we just rushed to the decision and I am respectfully asking the chair and the entire Commission and staff, have we evaluated every possible option and is there any other alternative that creates an opportunity for public parking? So that's all I have, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Anaya, and I know that we really can't take action or anything like that at this point but I encourage you to talk with our County Manager. We might decide to go forward in some way. I just am a little bit leery about talking about this as an action item or an item of discussion.

COMMISSIONER ANAYA: I'm not bringing it up as an action item. I'm just bringing it up as a request. We've got a lot of decisions. I'm just requesting of my colleagues of we could have staff and ourselves take another look at it.

CHAIR HOLIAN: Yes. Okay. Commissioner Stefanics.

SEC
CLERK
RECORDED
2013 FEB 26 PM 4:53

COMMISSIONER STEFANICS: On this point, Madam Chair and Commissioner Anaya, I believe that our County Manager is looking at a variety of possibilities and I specifically made the comment that I don't think this should come back to us until we have any solutions to consider, because we can discuss this in circles. And that's all I wanted to say.

CHAIR HOLIAN: Okay. Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. In respect to Commissioner Anaya's observation, I would be open to looking at other options of they're well thought out and if they're presented to the full Board. I would be willing to be flexible in that area. But also I think that our options are going to be somewhat limited onsite, so we're going to have to be very creative in how we look at other surface parking to supplement the courthouse because – and obviously I came into this just a little late, but if that building in fact had to meet parking requirements and it was underground, we're talking 300 to 400 parking spaces that are never going to be there. So I think that's the reality of things, but I think that having said that I think we can still be somewhat flexible to look at other options that will work for all parties involved. So I'll just share that with you.

And then I did want the Commission to look ahead just a little bit in recognition of a community member who has been very dedicated to public service, and that would be a former colleague and friend, Frank Montano. I know he'll be finishing his term on the school board and I'm just again I'm just looking ahead just a bit and see if we could be anticipating that and be able to recognize him for the years of service that he's provided to our community. I'll leave it at that, Madam Chair.

CHAIR HOLIAN: Okay. Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, we had I guess an orientation give to us a few weeks ago, and just a status for me, because we talked about procedures for union negotiations of how they were going to come back to us and I'd just like an update on that, because I know we're probably moving forward with how union negotiations are going to proceed. Some unions have contacted me to ask that they have at least an opportunity to comment on I guess the budget impacts, and I want to know that they will have that opportunity. But I also made a request in that training that we be able to weigh in as a body of how negotiations would proceed and I was told at that meeting that we would have that given to us and I want to know where we just stand on that.

CHAIR HOLIAN: Bernadette.

BERNADETTE SALAZAR (HR Director): Madam Chair, Commissioner Mayfield, we are working on scheduling a training session for the Commission. I believe that was something that came out of the orientation a few weeks ago about labor relations, so I am working on that. We have begun negotiations with AFSCME to work on the ground rules so far. And we will be working with the other three unions beginning the week of the 18th of March.

COMMISSIONER MAYFIELD: Madam Chair and Ms. Salazar, just for my clarification, but the ground rules – I thought this Commission was still going to weigh in – at least my understanding was the Commission was going to weigh in – and just correct me if I'm wrong though – of how we were going to be the deliberative body, or if we so choose to be the deliberative body. If management was going to bring their proposal and then the

unions would have that same opportunity to bring that proposal or counter proposal to us and we would make the decision, or we would leave it status quo as we're doing. So how would we then be deciding ground rules of how they would be negotiating contracts? To me that seems we're already moving with the status quo process. My understanding that we decided upon, or what we agreed upon was that we were going to have an opportunity to make this decision before we moved forward with union negotiations. That was my understanding in that meeting.

CHAIR HOLIAN: Commissioner Mayfield, if I could just break in here. This is getting close to a management issue, so what I would suggest is perhaps Katherine and I get together and figure out how we can bring your concerns forward to the Board in a way that is appropriate.

COMMISSIONER MAYFIELD: And Madam Chair, I hear you. I just want clarification. That was my understanding.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this point, Mr. Ross, I'd like to clarify what – once the union negotiations start, I have perceived that that is part of personnel and that that is a management responsibility. But I would just like, based upon Commissioner Mayfield's request, and I don't know that we all agreed, because we didn't take any action on anything, but I'd like your clarification on if you're already taking a role, if you already have a position on our role in these negotiations versus staying out of these negotiations. I want some kind of – and maybe you don't have a definitive answer today, but I'm looking to legally for some kind of interpretation here.

MR. ROSS: Madam Chair, Commissioner Stefanics, it's not like a personnel action that pertains to a specific individual. So it doesn't have the same sorts of problems that involvement by this Board in a particular personnel action would have. It's more of a policy issue and that's why prior to going into collective bargaining we generally have a discussion with Bernadette about what's going to happen and what the objectives of the Board might be during the negotiations and then it's typically been delegated to Bernadette and to the collective bargaining team pursuant to the ground rules that are bargained at the beginning of each session [inaudible] to those two groups, the management group and the union group to kind of work things out in an amicable way and then bring it back to you for approval when it's all done. That to me is a legally defensible process. It doesn't run afoul of things like some of the statements in the conflict – in the Ethics Ordinance and state law.

COMMISSIONER STEFANICS: So, Mr. Ross, and Madam Chair, back to Commissioner Mayfield's comments, taking a little different tack, if the Commissioners are interested in seeing something occur in the union negotiations, when is our opportunity to do that before they come back with a final representation to us?

MR. ROSS: Madam Chair, Commissioner Stefanics, the best time to do that is prior to the beginning of the negotiations. And that's been our practice for many, many years. We together with Bern develop sort of a game plan for what's going to happen and what are the expectations. Bernadette and the team get essentially instructions from you at that time. That's the best time to do it.

COMMISSIONER STEFANICS: I'm asking about our input.

MR. ROSS: Yes. That's it. At the beginning of the process when we all discuss what's about to happen, that's when your input does help.

COMMISSIONER STEFANICS: So that hasn't happened yet.

MR. ROSS: That has not happened yet.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR HOLIAN: I have a question on that point. Is that an appropriate thing to discuss in the executive session, or do we discuss that here in an open meeting?

MR. ROSS: Madam Chair, that's generally discussed in closed executive session.

CHAIR HOLIAN: Thank you. So, Commissioner Chavez, you wanted to say something?

COMMISSIONER CHAVEZ: Yes. I guess what I would say is I'm more comfortable trusting the management and the leadership in the union to set the ground rules and bargain in good faith. Once that is done and the contracts ratified, then for me things are good. I don't want to intervene or interject too much into that as a County Commissioner. That's how I feel more comfortable approaching it, because it still is policy in nature and if the collective bargaining is done in good faith then I think the two sides, union and management are a team and are working together and that's how it should be in the best case scenario. So I would only hope that that would be the case. And so that would just be my observation on how we deal with the public employees and the union specifically.

I've only been approached by one of the unions, AFSCME, with a specific request that their one percent increase be part of their benefit package. And that's the only conversation I've had with them and I've said to them, if the members have agreed to that I'm not going to argue against it. But they did want to share their concern and their interest in the budget process and that was their interest and it did not go beyond that. That's all I have now, Madam Chair.

CHAIR HOLIAN: Thanks, Commissioner. Commissioner Mayfield, do you have anything else? I'm just getting a little nervous that we're starting to do management up here about a non-noticed items.

COMMISSIONER ANAYA: I just want to make a few comments and I've made them before. I would actually like to have a presentation that includes prior management practices as well as functionally what the roles and responsibilities are, because when we were doing land use cases, for example, as a Commission, we had a lot of discussion early on about ex parte communications and what our obligations and responsibilities are as far as policy makers to help render decisions on those cases. Ultimately, the union agreements are approved by us. We approve the union agreements. And when the unions – and I was on several union negotiating teams for Santa Fe County, so I'm not speaking out of turn and it's not like I haven't sat in many negotiating meetings myself.

But when there is disagreement that comes from those good faith efforts that you spoke of, Commissioner Chavez, where I still don't have a clear response, and I want to address this and the ground rules and figure out a way how it is clear and there is fair treatment on both sides or perspectives. When there's been a disagreement we go into executive session and the management team comes forward and says here's the discussion that took place. Here's some of the perspectives that were put forth. Now what is the feeling

REC
CLERK
RECORDED
2013 FEB 26 11:13

of the Commission? What is the perspective? How does the Commission feel about the process?

And what I raised time and time again and I'll do it today again, is that at that point we should hear what the recommendations and perspective is of the management team, that we should also be impartial and have a perspective of the union negotiation team as well. And that's the piece in the ground rules that I would like some specific clarity on so when there's not agreement in good faith, because I would concur with Commissioner Chavez that if they negotiate in good faith and they're working together and working through those issues, so be it; let them do their business. But when there's disagreement this Commission does not act as a conduit of the management team. This Commission is supposed to be impartial, taking in feedback of the management team as well as feedback from the union.

And that's where I get – that's where things get sticky. So I want to make sure that as we're going through the process in the beginning phases of the ground rules, that how we handle those dissension points is an important aspect of how I can raise questions and raise appropriate questions and make sure that there's been fair treatment on both sides. So do you want to respond, Bern?

CHAIR HOLIAN: Actually, Commissioner, I think I really had better cut this off because we're really starting to get into policy negotiations and discussions and I would really, really urge you to talk with our Manager offline and then I will work to figure out how we can bring this back to our Commission in an appropriate way for a discussion without violating –

COMMISSIONER ANAYA: That's what I'm asking. Put it as an agenda item next time.

CHAIR HOLIAN: Okay. Yes. I will figure out the best way to discuss it in a way that is appropriate for an open Board. So any other items?

COMMISSIONER MAYFIELD: Yes, Madam Chair, just to follow up on my point. Madam Chair, Mr. Ross, do we – and maybe we've already approved them and I just wasn't cognizant that we did, Steve, do we have minutes from our orientation meeting? Did we already act on them?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't believe so.

COMMISSIONER MAYFIELD: Were we keeping minutes of that meeting? Because it was an open meeting, wasn't it?

MR. ROSS: Madam Chair, as you recall, I tape recorded them.

COMMISSIONER MAYFIELD: Can we get some minutes from that meeting? At least the back part of it when we talked about the union. And if I could get those minutes I would like those minutes please?

MR. ROSS: We're working on it.

COMMISSIONER MAYFIELD: Thank you. And if we could have that for the next agenda item I would like to have those minutes please. Thank you. That's all I had, Madam Chair.

CHAIR HOLIAN: Katherine, did you have something you wanted to add.

MS. MILLER: Madam Chair, I just wanted to say they may not be done by then. As you noticed we just did January's. Our meetings are long and our minutes take a long time to do. They will be done though. You will get them. I just don't know where they

fit into the schedule of what our meetings are but we are going to have minutes from that meeting that will be presented to you to be approved.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR HOLIAN: Thank you, Katherine. Any other items, Commissioner Mayfield?

COMMISSIONER MAYFIELD: That's all I had, Madam Chair. Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'd like to let the public know that on Friday I am traveling to Washington, DC for the National Association of Counties meetings and primarily will participate in the Healthcare meetings and then also so visits to Senator Udall's and Senator Heinrich's office to talk about possible Medicaid for our jail inmates.

The second issue that I'd like to remind people that they can now vote for the Santa Fe Community College Board members. If you live in the Santa Fe Public School District you are eligible to vote in that election. There are two seats open, they are at large and you can vote for both seats. We have early voting going on through Friday and then the polls will be open next Tuesday, March 5th, 7 am to 7 pm. Great. Thanks very much.

CHAIR HOLIAN: Commissioner Mayfield, you had something?

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Stefanics, I will also be traveling out to Washington, DC, attending the national conference. I will also be meeting on the Hill for the various meetings and discussing various issues and one of these issues will be this rate rider. Thank you.

CHAIR HOLIAN: Okay. Commissioner Anaya, you had one other thing?

COMMISSIONER ANAYA: Madam Chair, I can't remember what it was. Oh, I know. Mr. Sedillo, you don't have to come forward. There were several questions that I raised relative to corrections at the last meeting. There's a work in progress on many projects at the correctional facility. After the cadet graduation the other day I just dropped in and did a walk-through of our facility and like I said, there are things that are work in progress. I appreciated Warden Gallegos and yourself, Mr. Sedillo and all of the staff and I just want to say as we've said earlier, it's a tough place to work but there's always room for improvement and you're working through many of those issues and improving as we go. So thanks to you and thanks to Warden Gallegos and the staff for their work and continued efforts to improve what we do out there. Thank you.

CHAIR HOLIAN: Thank you. So I just wanted to let everybody know that we are scheduling a couple of public meetings for people who would like to make comments and suggestions about the new proposed Animal Control Ordinance. There will be a meeting at the County Fairgrounds a week from tomorrow on March 6th at 6:00 pm. Now, this will be a meeting that will be largely devoted to talking about the dog issues, and then about a week after that, although we haven't really set an exact time yet we will have another public meeting to talk about cat issues. The idea is for people to be able to comment. We hope that we will get consensus on a number of issues and be able to move forward with modifying the Animal Control Ordinance.

The second thing is I would really like to thank Beth Mills for her work on the La Bajada Ranch Committee. We had our first meeting a little over a week ago and she

conducted a very informative tour of the grounds. She put together a lot of very interesting background information on the ranch, what's important about it and what we hope to do with it, or what possibilities there could be for doing things with that. I just wanted to say that I got a lot of positive comments from the other committee members about her work in putting all that information together. She really has been the lead person now for quite a while as far as doing an analysis of the property and I hope that as we go forward she will continue to be able to lend her expertise to this project, although I know that the committee will be staffed in a different way now. But anyway, I just wanted to make sure to thank Beth for all that she had done.

The other thing that I wanted to bring up was my husband and I went to see a talk by James Hansen last week. He was the NASA scientist who maybe – I guess it's been about ten years ago now, really brought the topic out into the open about global climate change, and he did that as an official of the government. He almost lost his job for bringing that up as a matter of fact, but he persevered and I'm happy to say that he still has his job and he's going around giving some very informative talks about this. This was a talk that he gave at the Lensic. It was standing room only; every seat was taken. People are really getting concerned about this issue now.

One thing that I learned at that particular presentation that I was really horrified to hear is the pinon tree, which is in fact the state tree of New Mexico, is now 90 percent dead in New Mexico. Ninety percent of the pinon trees have died in the last couple of decades in this state. Another thing that I learned was the US Government Auditor, that's the GAO office, has now officially added climate change to the list of financial risks to the country. Financial risks. And in fact they say that it may be the biggest financial risk. It may be bigger than all the other ones put together. So this is really serious.

I'll just say that last year's drought, which covered 80 percent of the country, has now more than \$14 billion in insurance claims, just for that one event alone. Now, we know that this is going to affect the county, it's going to affect the state, it's going to affect the country, not only in dead pinons, but also in our pocketbook in so many different ways. It already is. And I just think it's important to keep this in mind as we on the Commission and in the County go forward in doing water planning, fire protection planning, planning for agriculture, emergency preparedness planning. This is really serious. So I'm probably going to be a broken record and keep bringing this to people's attention, but I think it's the biggest risk that we face right now, all of us, in this country and we have to keep this mind.

So again, on that cheery note we will move on to item XIII.

XIII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointment of Three Members and Two Alternate Members to the Board of Registration

DENISE LAMB (Bureau of Elections Director): Madam Chair, Commissioners, this is a regular two-year appearance that comes on to your agenda that has to do with the list maintenance requirements of the National Voter Registration Act. It is a statutory duty as well in the Election Code for you to make appointments to the Board of Registration which will review the list of voters for possible cancellations. I have received

names from the party chairs and they have requested – and it should be in your packet; I hope you have it there – appointment in the order listed, which is also required by statute. And you are to appoint three board members and two alternates and they have to be not of the same political party.

CHAIR HOLIAN: Thank you, Denise. So what you are suggesting is that out of this list that was given to us by – I guess it's the Republican Party and the Democratic Party that we choose three board members and two alternates. Is that correct?

MS. LAMB: Correct.

CHAIR HOLIAN: Okay. So does anybody on the Board have any questions or want to make a motion?

COMMISSIONER MAYFIELD: Madam Chair, I would follow the recommendations that were given to us by the parties.

CHAIR HOLIAN: Commissioner, there are more people than there are positions.

COMMISSIONER MAYFIELD: I would defer to our Clerk for recommendations?

GERALDINE SALAZAR (County Clerk): You refer to the Clerk for recommendations?

COMMISSIONER MAYFIELD: Yes.

MS. SALAZAR: The recommendations have come to you by the Democratic chair and the Republican chair. So if you look in your packet you have an email from Richard Ellenberg – look at the section that is XIII. A. 1.

COMMISSIONER STEFANICS: Madam Clerk, he's asking for your recommendations because there's too many.

MS. SALAZAR: There's too many. So is that appropriate. I think as my gut reaction it is not appropriate to not.

MS. LAMB: Madam Chair, Commissioners, this duty of appointment is solely assigned to the BCC. There is nothing in statute that says that county clerks have anything to do with this other than to bring it to you. The party chairs have indicated their preferences in order that are numbered there and it is up to you to choose three members of the board and two alternates, balanced by party affiliation.

MS. SALAZAR: So look at the two lists –

COMMISSIONER ANAYA: Madam Chair, I'm ready.

CHAIR HOLIAN: Are you ready to make a motion?

COMMISSIONER ANAYA: I'll make a motion, Madam Chair. I would move – maybe we could do it piecemeal, but I'll move Richard Ellenberg and Bruce Larsen and Deborah Bransford as the three.

COMMISSIONER STEFANICS: I'll second.

COMMISSIONER ANAYA: As the three members.

CHAIR HOLIAN: And two alternates?

COMMISSIONER STEFANICS: Let's just do the three.

CHAIR HOLIAN: Okay. I have a motion and a second for the three members of Richard Ellenberg, Deborah Bransford and Bruce Larsen.

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

COMMISSIONER ANAYA: I would move Cliff Pena and Samuel LeDoux.

MS. LAMB: I'm sorry. The alternates have to be balanced by party affiliation too, so it would be one of each party.

COMMISSIONER ANAYA: Right now you have two Democrats and one Republican.

MS. LAMB: But that's the board.

COMMISSIONER ANAYA: Okay. Then I would move Cliff Pena and defer to one of my colleagues.

COMMISSIONER STEFANICS: Let's just take number three, Bill Osher.

COMMISSIONER ANAYA: And Bill Osher.

CHAIR HOLIAN: Okay. I have a motion. Is there a second.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: Motion and second.

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

XIII. B. Appointment of Four Members to the County Development Review Committee From Commission Districts 3, 4, and 5

PENNY ELLIS-GREEN (Land Use Administrator): Thank you, Madam Chair, Commissioners. The CDRC consists of seven members. At the moment four CDRC members' terms have expired and they are for Districts 1, 3, 4 and 5. We sent out press releases. We've done advertisements for these positions. Three existing members have requested reappointment. They are Phil Anaya for District 3, Frank Katz for District 4, Daniel Drobnis for District 5. We also got four new applications and they are for District 1: Manuel Roybal, District 3: Andrea Roybal and Stephanie LeMaster, and District 5: Fredrick Wright.

Staff recommendation is the appointments for two-year terms for Commission District 1, Manuel Roybal, District 3, Phil Anaya, District 4, Frank Katz, and District 5, Daniel Drobnis.

CHAIR HOLIAN: Thank you, Penny. Any questions? Is anybody ready to make a motion? Commissioner Anaya.

COMMISSIONER ANAYA: I'd move to accept staff recommendations.

COMMISSIONER STEFANICS: I'll second.

CHAIR HOLIAN: We have a motion and a second to accept staff recommendations.

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

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Before Penny goes too far. Are we going to have some like mid-year openings for at-large or something?

MS. ELLIS-GREEN: Madam Chair, Commissioners, the other three terms expire at the end of this year, so next January I'll bring back for the two at-large positions and the District 2 position.

COMMISSIONER STEFANICS: Okay. Thank you very much.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I'd also like to thank former CDRC member Sef Valdez for his service.

CHAIR HOLIAN: Thank you, Penny.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Filandro "Phil" Anaya is continuing the service and I want to thank him for his service on the committee as well, for his continued service.

CHAIR HOLIAN: Thank you. And I want to thank all the members of the CDRC. I know from personal experience it's hard work and they are very dedicated and often are in long meetings. Not quite a long as ours but long nonetheless.

XIII. C. Appointment of Teresa Martinez (Finance Representative) and Rachel Brown (Legal Representative) to the Santa Fe County Audit Committee as Required By Resolution 2011-80

COMMISSIONER MAYFIELD: So moved, Madam Chair.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second.

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

XIII. D. Appointment of Members for the Correctional Advisory Committee

PABLO SEDILLO (Corrections Director): Madam Chair, members of the Commission, on January 8, 2013 a press release seeking members for the Correctional Advisory Committee was publicized. The following are the recommendations for the cross sections of the community as set forth in the resolution. Mental health community: recommending Maria Jose Rodriguez-Cadiz. I believe all of you have the letters of interest and their résumés. From medical/substance abuse treatment community we have Dr. Steven Spencer. Public Defenders Office, we have Joan Morales. District Attorney's office we have none at this time but I would like to make a recommendation after I read the names. Legal community we have Frank Susman. The immigrant advocacy community we have Maria Cristina Lopez. Homeless shelter advocacy community we have Mary Ellen Gonzales. A member at-large who is an active participant in the group referred to as the Brown Bag Group is Aric Wheeler. At-large representative from any Commission district is Michelle George.

These appointments are all subject to successful disposition of required background checks and conflict of interest determinations. At this time I'd like to make a recommendation for the District Attorney's Office. Since there were no applicants at this

time I would like to recommend a member of the Women's League of Voters who is very interested in being a participant on this Correctional Advisory Committee and that would be Judith Williams.

COMMISSIONER STEFANICS: Madam Chair, I move to accept the recommendations.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Is there any discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair. I'm okay with the motion. I guess the question that I have is what can we do in the committee structure to accommodate the Sheriff's Department. The Sheriff's an integral part of what we do in the facility and the day-to-day actions. I see – is that Aric Wheeler from the City Police Department? I think it's paramount that the Sheriff be represented. So what's your suggestions or recommendations on how we accommodate that?

MR. SEDILLO: Madam Chair, Commissioner Anaya, I would have them a member as well, but ex-officio, a non-voting member to give us guidance. As you're well aware, Commissioner Anaya, we work very closely with the Sheriff's Department on a day-to-day basis and they are a part of the Brown Bag meetings as well.

COMMISSIONER ANAYA: I guess I'm just thinking maybe they should be a voting member. I don't know. I think the appointments are good but I think they're going to be instrumental and I don't know that ex-officio gets us all the way there. I'd like to know how my colleagues feel about that, on the Sheriff's Department not being on the board.

MR. SEDILLO: Madam Chair, Commissioner Anaya, I truly understand that. We just – it was all in the resolution the communities we wanted –

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: On Commissioner Anaya's comment, isn't the Sheriff's Department at the table with the Brown Bag Group?

MR. SEDILLO: Madam Chair, Commissioner Stefanics, they are.

COMMISSIONER STEFANICS: So should we maybe have – if Aric Wheeler is going to be there from the Santa Fe City Police maybe we should have a second member from the Brown Bag Group from the Sheriff's Office, so there's both representation.

CHAIR HOLIAN: So do you know who from the Sheriff's Office does attend the Brown Bag lunches?

MR. SEDILLO: There are various people that attend that, Commissioner.

COMMISSIONER ANAYA: I would concur with that if the maker of the motion would accept that as an amendment.

COMMISSIONER STEFANICS: Absolutely.

CHAIR HOLIAN: Okay. So I just want to – Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. So I understand the motion then or the discussion is basically then what we would be doing is creating or establishing two at-large members, one from the City Police Department and one from the Sheriff's Department. Is that correct?

COMMISSIONER STEFANICS: That's right.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

SEC
CLERK
RECORDED
5:43:23 PM

CHAIR HOLIAN: Thank you. Well, I want to thank all the people who applied to be on this committee. They were a very impressive group of people who put in their applications and I really think that they're going to be able to move forward with the central theme of the committee, which is I believe to help people who are released from jail to go back into the community in a more productive way. So anyway, thank you very much, Pablo for putting all this together. It's very impressive. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair and Director Sedillo, as far as the immigrant advocacy community, so Maria Cristina Lopez, she currently is a municipal court interpreter but she's also from Somos un Pueblo? Because I don't see that on the résumé. Maybe I'm overlooking it.

MR. SEDILLO: Madam Chair, Commissioner Mayfield, she is with Somos Unidos.

COMMISSIONER MAYFIELD: Okay. I just wanted to make sure because I don't see. Maybe I was just overlooking it. So she is. Thank you. And then I think your other recommendation for the substitute District Attorney's Office is great, but let's say an advocate for the District Attorney – not an advocate but a DA wants to come to the table. Would we then maybe make an accommodation or have a joint – like we just did for the Brown Bag Committee? Would that be something the Commission would consider, if someone from the DA's Office wanted to represent?

MR. SEDILLO: Madam Chair, Commissioner Mayfield, I'd leave that at the discretion of the County Commissioners.

COMMISSIONER MAYFIELD: Okay. Maybe we could get someone from the DA's office eventually. Thank you.

CHAIR HOLIAN: Okay. So we have an amended motion and a second.

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

XIV. STAFF AND ELECTED OFFICIALS' ITEMS

A. Finance Department

- 1. Resolution 2013-18, a Resolution Requesting a Budget Increase to the Alcohol Programs Fund (241) to Budget Additional Funding Awarded Through a Reversion Grant for the Local DWI Program \$136,390**

TERESA MARTINEZ (Finance Director): Madam Chair, this is a grant award to the County for the \$136,000 as stated. It does have a 10 percent match requirement that the County is able to meet. The funds will be used for a strategic plan, a screening and brief intervention referral treatment program, and also other prevention activities similar to the County program. And I'll stand for questions.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Martinez, these conditions are consistent with the recommendations of the DWI Planning Council?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: I'd move for approval, Madam Chair.

SEC
CLERK
RECORDED
MAR 1 2013

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Okay. Before we vote, this is a resolution. Is there anyone here from the public who would like to comment on this resolution? Okay, seeing none, we have a motion and a second.

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

XIV. A 2. Resolution No. 2013-19, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget NM Fire Protection Grants Awarded Through the State Fire Marshal Division for Various Fire Districts / \$347,756

MS. MARTINEZ: Madam Chair, Commissioners, this is a new or a special grant if you will. We will be using the money for fire protection in terms of purchasing protective equipment, a fire engine, an urban interface pumper. This is not the normal fire protection funding so it's important to note that it is a new grant award that the Fire Department received, and again for the various districts as noted.

CHAIR HOLIAN: Any questions for staff? This is a resolution. Is there anyone here from the public who would like to comment on this resolution? Seeing none, what are the wishes of the Board?

COMMISSIONER CHAVEZ: Move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: We have a motion and a second.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Madam Chair, Chief Sperling, I wanted to briefly take this opportunity to offer condolences to the family of former chief of the Stanley Fire District, Herman Sena. Almost two years ago we passed a resolution as a Commission to honor Mr. Sena and name one of the fire stations in Stanley District for his service and dedication to the Fire Department. He recently in the last few weeks lost his long 4 ½-year battle with liver cancer. On Saturday he was laid to rest and I would like you, Chief, to say a few words and acknowledge that you did a tremendous job in eulogizing Chief Sena and his work and his efforts for his family and his community. Condolences to Judy and all of his extended family. But good work. A moment of silence first and then I think I'd like you to say a couple words if you could.

DAVE SPERLING (Fire Chief): Thank you, Madam Chair, Commissioner Anaya, Commissioners. I appreciate the kind words. We did participate as a department in recognizing Chief Herman Sena from the Stanley Fire District's contributions over the years to the Stanley District, the Edgewood District and the southern region of Santa Fe County. He

2013 FEB 26 PM 4:05
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 26, 2013
PAGE 30

was a true leader and a very modest in a kind of behind the scenes kind of way, but he provided great leadership to his district and really was a standout volunteer for Santa Fe County and the Santa Fe County Fire Department. So I was honored that the Santa Fe County Fire Department, Stanley District were able to step forward at the request of the family and participate in the service recognizing his leadership and service and to allow me the opportunity to speak on behalf of the Fire Department, recognizing Chief Sena. It was quite an honor for me and I'm still kind of humbled by it to be honest with you. It's the first time I've had to eulogize somebody and as I say, it was quite an honor. So thank you.

COMMISSIONER ANAYA: Thank you, Chief.

CHAIR HOLIAN: Thank you, Chief.

COMMISSIONER MAYFIELD: Thank you, Commissioner Anaya.

XIV. A. 3. Resolution No. 2013-20, a Resolution Requesting a Budget Increase to the Road Projects Fund (311) to Budget Three (3) Grants Awarded Through the NM Department of Transportation for Pavement Rehabilitation and Improvements to Various County Roads / \$266,650

MS. MARTINEZ: Madam Chair, members of the Board, these are three separate grants for total funding with a match requirement of the \$266,000 grant, \$88,000 that we concurrently meet with the capital outlay GRT. This will assist the County in chip sealing maintenance for those respective miles.

CHAIR HOLIAN: Thank you. Teresa, I noticed in the memo in our packet it said that Dinkle Road is in District 1. Isn't it in District 3?

COMMISSIONER ANAYA: District 3.

CHAIR HOLIAN: Okay.

COMMISSIONER ANAYA: Nice try, Commissioner Mayfield.

CHAIR HOLIAN: Okay, are there any questions of staff? Is there a motion?

COMMISSIONER ANAYA: Madam Chair, I'd move for approval and appreciate the efforts of staff to roll out this and other projects that we have in the pipeline.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Thank you. And I will just add that I'm very pleased to see moving forward on some roads in my particular district as well. Now, this is a resolution. Is there anyone here from the public who would like to speak about this resolution? Seeing none, we have a motion and a second.

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

XIV. A. 4. Resolution No. 2013-21, a Resolution Requesting Adjustments to Various Funds for Budget Increases and Decreases Needed as a Result of the FY2013 Midyear Budget Reviews

MS. MARTINEZ: Madam Chair, Commissioners, as you're aware, we conducted our mid-year budget review, and as a result of that we have some increases to the budget and some decreases to the budget. So we highlighted for you the one FTE request. There is a request for a new FTE for facility manager that would be under the oversight of the Public Works Department, and the estimated cost for salary and benefits for that position for the remainder of this year is \$31,000. If you go to page 2, we listed by fund for you the respective changes that are necessary. Obviously, numbers that are in parentheses will be a reduction and we summarized the increase or decrease by respective funds. Some of it is housekeeping, just to get it in line with the correct allocations or awards that we received from the funding sources, and again, under the Water Enterprise fund there are two FTEs currently that we're proposing to fund through the remainder of the fiscal year.

Overall, we have a net impact of \$57,847 and what we tried to do for you and please know that we're refining the fiscal impact that will accompany the future resolutions, we tried to identify for you any long-term future expenses. And with that, that would be a five year forecast of long term, and tried to identify what would be recurring and non-recurring. Most of that has been earmarked as FTEs moving forward and that's something that the Board has already approved, minus the new facility manager that we're proposing today. And I'll stand for questions.

CHAIR HOLIAN: Questions? Well, Teresa, I'll just say that I think the facility manager is a very important position to put in. I feel like right now, we're somewhat reactive to problems and it's a good idea to be more pro-active and it will probably end up saving us money in the long run. So I'm very supportive of that. Any further questions of staff?

COMMISSIONER STEFANICS: I move for approval

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second. First of all, this is a resolution. Is there anyone here from the public who would like to speak on this resolution? Seeing none, is there any further discussion? Commissioner Chavez.

COMMISSIONER CHAVEZ: Just one. You may have touched on this just briefly, but on your recommendation sheet you have language that says that will this project be phased? Yes or no? Operating costs in current fiscal year, not applicable. Source of operating cost funding, not applicable. Long-term future expenses, you have \$1.235 million. And then is this cost recurring? You have – you circled partial. Could you just explain that?

MS. MARTINEZ: Sure. Madam Chair, Commissioner Chavez, with the future expenses of \$1.2 million that's a combination of – the majority being for salary for new FTEs, and that would be over the course of five years. The partial was given because with new employees you have a little bit of overhead relating to some remaining vehicles, office space, computer and telephone. That was a very small amount so we wanted to just identify

that really the majority of it is salary and benefits and then the one time to get them the tools they need to do their job.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Okay. We had a motion and a second.

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

XIV. A. 5. Resolution 2013-22, a Resolution Requesting an Operating Transfer From the General Fund (101) to Various Funds for the 1% Cost of Living Adjustments That Were Awarded This Fiscal Year / 108,384

MS. MARTINEZ: Madam Chair, Commissioners, this is basically a housekeeping item. This Board has already approved that one percent increase for all employees that took effect that first pay period in January. So what this does is it takes the money that was earmarked from the general fund and takes it to the respective funds to cover employees that either reside in another funding source, which is like Corrections or our health programs. So this is just housekeeping to put the money where it needs to be to cover those increases.

CHAIR HOLIAN: Thank you. Any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, is this going to be recurring?

MS. MARTINEZ: It will in the fact that it goes to the employees hourly, and it will be built into the budget every year thereafter.

COMMISSIONER MAYFIELD: So we will not need to do this annually then, right? This will just be built in to the base next year?

MS. MARTINEZ: This will be built into the base next year.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Any further questions? Is there a motion?

COMMISSIONER CHAVEZ: Move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Okay. I have a motion and a second. But first, is there anyone here from the public who would like to speak about this resolution? Seeing none –

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

CHAIR HOLIAN: Now, I'm going to start a new tradition. I figure we should always have – we should start to have a tradition of having little recesses, so that we can stand up, use the facilities if necessary and just breathe for a little while. So I am going to call a ten-minute recess and we will reconvene at 3:35.

COMMISSIONER STEFANICS: Madam Chair, I think that's great. We need to take into account the radio and the TV groups and be timely.

[The Commission recessed from 3:25 to 3:35.]

XIV. B. Public Works Department

1. Presentation of the County's Capital Improvement Plan Needs List and Project Execution Schedule [Exhibit 2: Projects List]

CHAIR HOLIAN: I'm calling our BCC meeting back to order at 3:35 as promised.

ADAM LEIGLAND (Public Works Director): Commissioners, good afternoon. You have a quick presentation before you just to bring you up to speed on how we arrived at where we are today. I'm going to talk a little about the capital process, some of the milestones, what our capital improvement plan looks like, and then I'll get to the meat of it which is the schedule by which we plan to execute the projects that were included on our bond list and on our capital GRT list.

Just to remind the Commission, the difference between capital and maintenance, capital is any projects that add value to the facility – converts it, develops it, improves it – and then maintenance is anything to restore it. And the reason I mention that is because I'm talking only about capital but I understand there are large maintenance projects that Public Works will be interested in from time to time.

This is just a snapshot of the process we follow when we identify the need for capital assets. We do planning, which is identifying the need and programming which is identifying the resources to meet that need. Design and construction is self-explanatory, and then really the most important part, and that's why I was so pleased to see that we have a new facility manager and actually, the operation and maintenance of those assets and actually over thirty years, the accumulation of the operations and maintenance at a facility will exceed it's initial capital expenses. So it's important we take that into consideration.

This is just to remind you that when we did our capital improvement planning process we relied on all the existing plans and policies out there and this is just a snapshot of the ones that were in my office. Here's a greater list, and this ultimately produces a level of service, and level of service you'll recognize from the new Sustainable Land Development Code draft. We're really trying to link needs to identify levels of service.

Here is just a review of the milestones to date. We started this process almost a year ago when we brought initial lists of projects to you back in June. You approved a quick-start list and I will tell you that the quick-start project list is in the pipeline. Then in July you approved your remaining GRT list and the bond list. In September you approved our ICIP and that's in discussion right now in session. In September you approved that ICIP plan and then November 6th the voters approved the bond. So that process led to the list of projects and I'm going to tell you the schedule today.

This is just a snapshot of what our total needs look like. We are currently carrying 270 different identified capital needs. The total value is about \$260 million. So we have a lot of needs out there. We can only of course tackle about 10 to 20 percent of that at any given time.

This is just – I'm not going to spend a lot of time on this. I just wanted to let you know w that we track these needs in a very formal way. This is just a screen shot of what our database looks like where we track these needs and you have the full list in your packet.

We also have a database of active projects. Those are ones that are actually in progress and this is the basis of my monthly Public Works report to you.

And then of course we have a whole list of completed projects and we also track those as well.

So what I'd like to do, and this is really the meat of the presentation, the schedule is in your packet but just in case it wasn't a little bit clear to you I'm actually having Joseph present – the schedule that's being handed out to you is the same exact schedule that's in your packet but I just wanted to make sure that it's not lost in all the paperwork.

So what you have in front of you is the listing of all the projects that were blessed by this Board through the bonds and then also on page 3 all the projects that were on the GRT list, so you'll see three different lists. You'll see one for the roads bond. To remind you that was a total of \$19 million and we have 34 different projects for that. On page 2 of this list you'll see the two other bonds. We had a lot of wastewater bonds, \$10 million with 11 identified projects. We had a \$6 million open space bond with seven identified projects, and then we had \$40 million GRT project list.

So all those projects are there. In reading across the schedule you'll see the total budgeted amount for that individual item, and then the year of execution is the year that we plan to start the work or expend those funds. So for instance, the very top item on the first page, northeast-southeast connector, we anticipate starting the design in the beginning of FY15 where we'll spend the initial monies for design and then we'll begin construction in FY16. So that's the way to read this schedule.

On the very bottom of the schedule you'll see our intent was to try to even out the workload per year and so we aimed for a rough dollar amount that was equal and a rough number of projects each year so that the project delivery folks are not overwhelmed in one year, and also to give the contracting community a more predictable workload. So you'll see that represented at the bottom. You'll see that we are pretty good at our goal. We got about \$5 million per year, about ten or so projects for the roads. Then you'll see I've reflected on the other projects as well. And then it's summarized on the bottom of page 3.

I think we have a good schedule here. I think we can move out expeditiously and meet this and with that I'll stand for any questions.

CHAIR HOLIAN: Any questions?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I was just at an annual meetings for one of the neighborhood associations this week and they ask exactly some of these questions. When will this start? When will it be finished, etc. So this to me seems to be big news for all of those communities waiting for projects to start. So I'm wondering if we can not only do – now, there's consequences with this, but maybe we could do a press release as well as putting it on our website, because you can't believe how many times we get asked about this.

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, I think that's a great idea, and I'll also mentioned I've already been contacted by the Chamber of Commerce and they're interested in being involved in it.

COMMISSIONER STEFANICS: Well, if you put it out the Chamber maybe they'll even include it in part of their ad. That would be great. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, Mr. Martinez, all of the staff. I appreciate the work you've done. We've continually, all of us have been saying we want to program these dollars sooner rather than later and get them on the street as fast as we can and our roads, so I appreciate the efforts you've done around that. I know we have General Goodwin in 17 and Cerrillos, the second part in 16, but I know that based on discussions we've had, if we're able to, because we already have the design ready, if we're able to mitigate some concerns with DOT in particular with General Goodwin Road. That's a road that we may be able to move up. Is that [inaudible] based on the fact that it's designed and it's conflicts that we might have?

MR. LEIGLAND: Madam Chair, Commissioner, yes. If we can work with DOT to resolve the drainage issues at the beginning of that road, yes, we could.

COMMISSIONER ANAYA: And then the interests of the Cerrillos Village were well understood that their priority is First Street and then as opposed to all chip seal doing a lot of basecourse material in the balance. Is that an accurate reflection of our work?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: Thanks, Mr. Leigland, and thanks again to staff and also the Road Advisory Committee for their work. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Any further questions? Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll move for approval.

CHAIR HOLIAN: I don't think – this is a presentation, right?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have another question. I was at the San Marcos meeting the other night and many of the people there are also from Commissioner Anaya's district. Mt. Chalchuitl remediation is on here and they said, have we already purchased it?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, we're in the process of doing that now. We have money now and we're in the process of purchasing it. So this was to prepare the way for the next step.

COMMISSIONER STEFANICS: Okay, well, that community, Mr. Leigland and Commissioner Anaya, they want to know the details of the purchase so maybe some information has to get out to that area. One woman came to me and said this is in my backyard; I want to know exactly what's happening. So thank you.

CHAIR HOLIAN: Thank you. And thank you very much, Adam. I just want to say that I feel like I actually understand our capital improvement projects and where the funding is coming from in a way that I never understood during the first several years that I was on this Board. So I really thank you for bringing clarity to this issue. And I think it's really important to do that because I think that how we spend money really tells people what our priorities are.

MR. LEIGLAND: Actually, Madam Chair, I was remiss. There's one more slide. Sorry. I forgot to mention. That is just to remind you that we'll be coming back to you on March 26th approving the sale of the bonds, and that kicks off this whole process. If this Board approves the sale of the bonds at the March 26th meeting the bonds will be sold in

May. We'll have the cash available in July and that sets up everything in the schedule I just outlined to you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, thank you for this presentation. Just so I'm under a clear understanding. There's some project titles that aren't on here may not come with GOB money but that are still in the works, and just because they're not reflected on here I want to make sure the other Commissioners understand because if a project shows up, say, in the Rio en Medio/ Chupadero area, they're saying, well, how did this one get priority to get done? So I wanted to say that it is noted that there are still projects in the works that may not show up on this spreadsheet. So we've got to get that information disseminated too.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, you're exactly right. There's a whole series of projects ahead of these in the queue that are ongoing now.

COMMISSIONER MAYFIELD: Okay. So that's clear. Because there's a lot of District 1 projects not on this sheet that are in the queue being done also. So I want my District 1 residents to know, just because it's not processed in this queue there are many projects being done in District 1. Thank you.

CHAIR HOLIAN: Thank you.

XIV. B. 2. Request Approval of the Contract for the Sale and Purchase of Diversion Capacity in the Buckman Direct Diversion Project

MR. LEIGLAND: Madam Chair, Commissioners, the Buckman Direct Diversion project is permitted for a finite amount of water that it can withdraw from the river, water that it can divert from the river, and so when it was initially permitted it was allowed a maximum of 8,730 acre-feet per year of water to draw. That initial diversion capacity was allocated according the chart you'll see in the memo and you'll see that Santa Fe County received an initial allocation of 1,700 acre-feet. So that is not the same as our water rights. We have actually much more water rights than that; that's just the space in the pipe, as it were.

Since we're learning that increased diversions from the Rio Grande are probably going to be, Aamodt notwithstanding, very difficult, this diversion capacity has value akin to a water right. It becomes almost like a capital value so it's something that can be sold and shared. The Arizona Rights which is the name of the company that was originally the Las Campanas Partnership, they received an initial allocation of 541 acre-feet of diversion capacity. And as you know that partnership no longer has an interest in Las Campanas and the last item in keeping in time with that is its diversion capacity and they've offered it to the County to sell. So we did some analysis and we believe that it's in the best interests of the County to buy this capacity. We have 1,700 acre feet but we think that we can – well, we can afford to buy 491 of it with funds we have available now and the Arizona Rights in its contract has given us the option to buy the remaining 50. But we think this is good for the County because eventually in order to fully utilize our water rights and to meet some of the

long-term water goals that this Board has in the future we're going to need more space in that pipe.

This will also give us a larger seat at the BDD table because we will own a larger share of the total piece of the pie, so to speak. So the cost of these is \$1.7 million for 491 acre-feet. That works out to about \$3,500 per acre-foot which is much less than it cost originally to get the original permitting and it's much less than Arizona Rights paid for it. So we think it's a good financial deal.

There will be, in the future there will be incurred O&M expense because the County's share of the fixed costs of running BDD are proportional to the amount of diversion capacity. So in a sense we'll be increasing our diversion capacity by about 5 or 6 percent or ultimately our O&M share will go up the same amount. Actually, in this first year we don't think it will increase because the total BDD O&M bill has decreased from previous years so a five percent increase on a smaller baseline has resulted in not much of an increase. But we think this is a good deal and will serve us, definitely, in the future. So with that, Madam Chair, I'll stand for questions.

CHAIR HOLIAN: Thank you, Adam. Any questions? Commissioner Chavez, and then Commissioner Anaya.

COMMISSIONER CHAVEZ: So Adam, on the operations and maintenance, future operations and maintenance, you touch on that a bit. How do you see that fitting into future budget reviews?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, that's a good question. Our County utility is growing and right now our County utility covers that fixed share through the rates. So as our County utility grows, and this is part and parcel to growing that, that increased customer base with their fixed rates will cover this and this increased O&M will become a smaller share of the overall cost of running the utility. So right now the O&M costs of BDD is rolled into the overall O&M costs of running our utility. And so the share will stay the same but our utility revenue base will grow. And again, this is part and parcel. So again, this first year – and also we are more, as the BDD board members know we are much more heavily scrutinizing the BDD budget so we're getting that closer to reality. So we have seen the fixed costs baseline decrease. And so we think that that small, marginal increase in the O&M costs caused by this purchase of the diversion rights is something we can easily absorb.

COMMISSIONER CHAVEZ: So that \$80,000 per year would be on top of the O&M costs that we're incurring now?

MR. LEIGLAND: That's correct.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, and you said it at the beginning of your presentation, based on the amount of water we have available in diversion but the reality that we're faced with now that that usable resource is declining based on drought and other factors. Can you state again the value of this purchase, how we're getting a better price per se and start with that and then talk a little bit about why it's a good idea to expand the capacity, just so the public can hear it again and it's clear.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, several questions. First, this \$1.7 million for this diversion capacity comes out to about \$3,500 an acre-foot which is much less than was paid originally. When we first built the facility we paid about \$10,000 per acre-foot so we're paying about a third if you work the costs out. We estimated that if we bought this capacity, if it were available and then we were able to purchase this permitted capacity, this diversion capacity at some point when we need it we would end up paying – just looking at my notes here – at some future year it would probably cost us closer to \$5.3 million in the future. So we're essentially paying now about a third of what we think we'd pay when we needed it and we're paying about a third of what we had to pay when we originally got it. So we're paying much less. We're also paying less than Las Campanas. They originally paid about \$4.3 million to get this. So we're getting a scarce resource that may even be the final resource and we're getting it at about a third of the cost it would normally be.

COMMISSIONER ANAYA: So Madam Chair, Mr. Leigland, I think it's important to also speak to when we have diversionary capacity we may translate that into use for potential future development, or we might utilize that as we planned to do with some of our diversions now to offset some of the groundwater we're pulling out of our basin. Correct as well?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, exactly. In fact that's probably that second – this is really going to support that second goal. This is really where this would come into play. We could also lease that to another partner. If another partner exceeded their diversion capacity but they needed to draw their water we could lease that capacity.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Leigland, I appreciate the desire to expand capacity where it makes sense for investment of tax dollars, especially as it relates to potentially reducing the amount of groundwater we're pulling out of any given region. What I would say going forward is what I've said previously is there's more in Santa Fe County than just the hub area around the central part of the county, that there are potential opportunities in the southern part of the county as well as the northern part of the county for acquisition of water rights. Not to pull from those areas. I want to be very explicit. Not to take the water from those regions elsewhere, but rather as a tool of future planning and preservation even, and retention of those water rights. So I want to just say that again for the record that as we look at other opportunities that we always keep in mind that there are more opportunities beyond just the essential city proximity of Santa Fe. Do you have any comments you want to make on that?

MR. LEIGLAND: No, Commissioner. I understand, and actually I will mention that we're hosting a townhall on Thursday to talk about – it's in direct reference to the mutual domestic policy that we passed back in April, but we have a number of the other water providers that are coming to that and I think that forum is shaping up to be a discussion of just what you say, of how we can become a greater presence down there.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Mr. Leigland. Thank you, Mr. Utilities Director Mr. Guerrerortiz as well.

CHAIR HOLIAN: Thank you, Adam. Commissioner Mayfield, you had some questions?

COMMISSIONER MAYFIELD: I did, Madam Chair. Mr. Leigland, thank you for bringing this forward. Madam Chair, Mr. Leigland, you sent a memo to us as far as the additional \$200,000. You don't have any remaining money in the bonds, is what you were saying? In the budget?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. We have \$1.7 million in BDD bonds that can only be used for BDD purchases. We didn't have the full amount, the additional \$200,000 to buy the remaining 50 acre-feet per year. So Arizona Rights is interested in giving us a six-month option to purchase that. So if we were to budget, make a capital program in FY14 we could use that \$200,000 to buy the remaining 50 acre-feet. But the \$1.7 million is all we had available.

COMMISSIONER MAYFIELD: And we're currently in negotiations, or I guess you are, Manager, are currently in negotiations with Arizona Rights, correct?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's right.

COMMISSIONER MAYFIELD: And not doing anything contrary to what you negotiated but would there be an opportunity if we could secure the other or negotiate these other 50 acre-feet? Would that be possible without – maybe if they're amenable to a lesser price for these other 50 acre-feet? About the six months for the \$200,000? I don't know if you could speak on that, if the representative could speak on that, if Manager Miller could speak on that.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we've been negotiating with them for some time but we could always go back.

COMMISSIONER MAYFIELD: Because I think, Madam Chair, Mr. Leigland, I'm sorry – you might [inaudible] dollars, and I don't know if you've spoken to Manager Miller, if there was any other potential funding opportunities through the Commission.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, no we haven't, because we felt that all our FY13 capital was already allocated but six months, we felt that gave us an opportunity to program something in FY14, so we thought we'd follow the more formal process. We didn't think we were in any danger because we had the six-month option.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, I appreciate that but that might be for the full dollar amount of \$200,000 but if we're able to purchase it all in one package deal they might be willing to negotiate a lesser price than this \$200,000 today.

MR. LEIGLAND: Now I understand what you're saying. Okay.

COMMISSIONER MAYFIELD: It's just food for thought. I don't know if it can be done in the next two or three minutes. I don't know if Manager Miller would like to comment on that.

CHAIR HOLIAN: Manager Miller, would you like to comment?

MS. MILLER: Madam Chair, Commissioner Mayfield, I don't think that they would be able to make a definitive – if you had an alternative funding source to day – they'd be able to make a definitive agreement to that that's much lower than the \$200,000. But there might be a little bit of room there.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics. Are you done?

COMMISSIONER STEFANICS: It's on this point. So if we need to find money for this we'd have to come up with how much? \$200,000? Or less than? So what if each Commissioner identified \$20,000 out of their capital for this? Do we think we could get it for \$100,000 if we threw it in with the rest?

MS. MILLER: Madam Chair, Commissioner Stefanics, my brief conversation [inaudible] that that would be too low at the moment. They would not be able to agree to \$100,000 for the other 50 acre-feet today. I think there's a little bit of wiggle room but not that kind.

COMMISSIONER STEFANICS: Right. \$150,000?

MS. MILLER: The reason I say that is they would have to go back to their board and representatives and I don't know that they could do that while we're in this meeting.

COMMISSIONER STEFANICS: Well, after Commissioner Mayfield finishes I have a comment.

COMMISSIONER MAYFIELD: That's all I have. I'll take the vote up or down if it comes to that but I just wanted to put that on the table right now.

CHAIR HOLIAN: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Well, Madam Chair, I would move ahead with this action that's in front of us but acquiring that extra water will only be to our benefit and if there's some lower negotiation that could occur now it is worth the consideration.

COMMISSIONER MAYFIELD: Madam Chair, for a two-week postponement to the next meeting.

CHAIR HOLIAN: Commissioner Mayfield, are you suggesting not moving forward on this?

COMMISSIONER MAYFIELD: Madam Chair, I definitely want to move forward on this; let me say this, but it would be a two-week postponement where we can negotiate.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: On that point, Commissioner Mayfield. I sort of agree with you that we should move forward on the negotiations but I think we might be rushing just a little bit also. And if you look at the action requested it says we would approve this first action with an option to purchase an additional 50 acre-feet within six months. So I think we have that window to do that. I think that the willing seller has accepted that ongoing negotiation. I don't think that we can set that price now but I think that we want to encourage staff to continue to negotiate with the seller the best possible price. I don't know that we want to set that price now.

COMMISSIONER STEFANICS: On that point.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Commissioner and Madam Chair, it says the 50 acre-feet for \$200,000. It actually identifies something and if we could get it for less, significantly less then it would be worth moving ahead. They've already identified a price.

COMMISSIONER CHAVEZ: So that would be a starting point then for the negotiations I think because it's not going to go any more, any higher.

CHAIR HOLIAN: Katherine, would you like to comment on that?

MS. MILLER: Madam Chair, Commissioners, the starting price was significantly higher than the \$1.7 million and the \$200,000, so this is at the point where they've said this is our – what we're agree to. So I'd like to say negotiations have been going on for a while. What's in front of you is the negotiated price. I would say you might be able to offer something less on the 50 acre-feet option but I wouldn't think that by waiting for two more weeks you're going to get anything better on the [inaudible]

CHAIR HOLIAN: Commissioner Chavez, you still have the floor.

COMMISSIONER CHAVEZ: The only thing I would add then is we have a bill of sale for facility operations and procedures agreement and capacity in the Buckman Direct Diversion and in staff's instructions they're suggesting that we enter the amount excluding the GRT. So that would just be what we would be approving if this goes forward, it would be the \$1.7 million excluding the GRT. Is that correct?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, I believe so.

COMMISSIONER CHAVEZ: This is a fiscal impact that you have attached to the assignment and bill of sale. The pages aren't numbered so I can't give you a number.

MR. LEIGLAND: Madam Chair, Commissioner Chavez, you're asking if this is inclusive of GRT?

COMMISSIONER CHAVEZ: It would be excluding the GRT.

MR. LEIGLAND: That's correct.

COMMISSIONER CHAVEZ: So then it would be the line item description reads \$1.7 million to purchase 491 acre-feet a year of diversion capacity in the BDD. That's all I have, Madam Chair.

CHAIR HOLIAN: I'll just make the comment that I'm ready to move forward on this now. I think it's a really prudent purchase, given what's coming in the future, and the BDD is a really, really important part of the County's water portfolio and our water supply strategy, and I think we should do everything we can to maximize our diversionary capacity. So I'm certainly ready to move forward on it. So I have a question of Katherine. If we go forward on the \$1.7 million purchase, we could still do some negotiation on the option to purchase the other 50 acre-feet.

MS. MILLER: Madam Chair, if you approve this agreement you're approving it with an option to buy of \$200,000. I would recommend putting a lower price on the option, but if you want to purchase it and put an option to purchase the other 50 acre-feet at \$185,000.

CHAIR HOLIAN: Okay. So I'd make that motion actually, to go forward with the agreement and put an option to purchase the remaining 50 acre-feet a year for \$185,000.

COMMISSIONER CHAVEZ: I'll second that.

CHAIR HOLIAN: Okay. We have a motion and a second. Any further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Whatever that lower amount is, then we would have to come back as a Commission with recommendations on where to find resources? Because we're not making any commitments today on where it's coming from. We're just saying at the lower option and then the budgetary item will be handled later on the second go-round? Is that accurate?

CHAIR HOLIAN: Okay. I actually have a new motion to make. I will withdraw my previous motion and the motion will be to purchase the entire amount for \$1.85 million.

COMMISSIONER ANAYA: So, Madam Chair, my previous question, before we go further, how does that accommodate the budget item if we only have \$1.7 million?

MS. MILLER: Madam Chair, Commissioner Anaya, I think you stepped out but there was a proposal of putting \$25,000 from each of the districts on. If you did \$30,000 that would do it.

COMMISSIONER ANAYA: I'm ready [inaudible] but I don't think I'm ready right now [inaudible] That's why I asked the question.[inaudible] how the rest of the Commission feels about it.

CHAIR HOLIAN: Actually, I want to ask Katherine. Katherine, what are our options on coming up with the additional \$150,000 for the purchase price, as far as funding sources?

MS. MILLER: Madam Chair, I think we'd have to go – we could look at the quarter cent GRT, which is the same one that your district funds are from. We could look at some out-year projects that might be not on schedule quickly, so we can push the money from the end of one of those. We could use contingency, which is general fund. Or we can also look at from any other purchase that might have some funding left over that could be used for this.

CHAIR HOLIAN: So we do have some options on that? Okay. My motion stands. Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a substitute motion. Or it's not a substitute motion. I would move that we go into executive session for the purposes of discussion of the purchase of water rights.

COMMISSIONER MAYFIELD: I would second that, Madam Chair.

COMMISSIONER STEFANICS: Mr. Ross, is that appropriate?

MR. ROSS: Madam Chair, it's an intangible; it's not property.

COMMISSIONER STEFANICS: I thought that one of the items that we could go into executive for was the purchase or acquisition of real or – I thought water rights was one.

MR. ROSS: Water right. Water rights is one.

CHAIR HOLIAN: This is diversionary capacity. This is a slightly different thing.

COMMISSIONER STEFANICS: Okay. I'll withdraw my motion.

MR. ROSS: You might characterize it as property, but I'm not too comfortable with it.

COMMISSIONER STEFANICS: I'll withdraw.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, at the beginning of the presentation I articulated why I'm supportive of the acquisition based on a defined use of resources for the \$1.7 million that we have in hand. I'm not comfortable today adding the other funds and just doing the 50. So is there any way we can separate the motions and give staff an opportunity to get the balance without lumping it all together today, so that I'm not

voting no based on the difference between \$1.7 million versus \$200,000? That's what I'm respectfully asking.

CHAIR HOLIAN: Katherine, would you like to –

MS. MILLER: Madam Chair, I think you have – that other option is the \$185,000 – so the \$1.7 million, you agreed to that today, and then with an option for the other 50 at \$185,000, or the whole thing today for \$1.85 million.

CHAIR HOLIAN: Okay. Commissioner Anaya, how about I suggest this. I will withdraw my motion and then I will make a motion to purchase the 541 acre-feet for \$1.7 million, with an option, an option to purchase the remaining 50 acre-feet at \$150,000? Then that doesn't commit us definitely to doing that, and we can have further presentations on where the funding for that might come from.

COMMISSIONER ANAYA: I would feel much better if you would do that.

COMMISSIONER CHAVEZ: I'd second that motion.

CHAIR HOLIAN: Okay. We have a motion and a second.

COMMISSIONER CHAVEZ: For clarification, Madam Chair?

CHAIR HOLIAN: Adam, do you have a comment?

MR. LEIGLAND: I just wanted to clarify. It's 491.

CHAIR HOLIAN: Oh, sorry. I read it wrong. Okay. 491 for \$1.7 million, and then the remaining 50 acre-feet a year, a option for the remaining 50 acre-feet a year for \$150,000. And I have a second on that.

COMMISSIONER CHAVEZ: Madam Chair, would you want to be specific in your motion to suggest that we negotiate a sale price within six months so that we have sort of a timeline on that, a time that we're working in?

CHAIR HOLIAN: I will take that as a friendly amendment. A six-month time frame.

MR. LEIGLAND: Madam Chair, the agreement does say six months already, but the [inaudible] is that they'd like us to look at FY13 capital funds so I think we should come back even sooner than that.

CHAIR HOLIAN: Okay. Katherine.

MS. MILLER: I just want to say we do not have an agreement for the \$150,000. The \$1.7 million plus the \$150,000 was if that all happened today. So the \$1.85 million agreement was for that happening today. So the problem with that motion is that it kind of voids the whole \$1.7 million because the two come together. So we'd have to move that option out of the agreement. [inaudible] That was why I said what I did have was an option at \$185,000 over six months or the \$1.85 million today.

CHAIR HOLIAN: Well, I will just add that I'm comfortable with making the motion for the full purchase price but I want to hear from the other Commissioners.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: To clarify – I understood we had in hand the \$1.7 million and that was the action item at hand and that we hadn't had the public discussion about – or Commission discussion about where the balance of money would come from. Is that accurate?

MS. MILLER: Madam Chair, Commissioner Anaya, yes. The agreement though that is signed in front of you in your packet is \$1.7 million for 491 acre-feet, with an option for the other 50 acre-feet of \$200,000 in the next six months. What they said is if you want the whole works today they will knock the total down by the \$50,000. But you are correct, Commissioner Anaya, we have not identified where that additional \$150,000 would come from. If we don't do that, that's not an option today. What is an option today is that \$1.7 million for the 491 and the option to be dropped by \$15,000 if we come up with the funding in six months.

COMMISSIONER ANAYA: So Madam Chair, this is a protocol question. The Commission can't deficit spend. We have to have defined parameters of expenditure and approved budget line items associated with that. Every time we do budget adjustments, whether they're on Consent or noticed discussion items, we publish for the public where they're coming from and then the Commission votes to approve those. So I would say that if the Commission has the power to approve the whole thing how would we logistically do that because we haven't noticed any adjustments or line item transfers. I wouldn't think we would be able to do that because we haven't legally articulated it in our budget or in our agenda, that we're going to spend money out of a different line item. So help me understand that, because we're always having problems making sure things are noticed and there's action. So help me understand if we approve the \$150,000 additional without defining where it's coming from – because I don't think we can do that without noticing it. How do we do that?

MR. ROSS: Steve, Madam Chair, Commissioner Anaya, we can do that the way it's set up here; it's set up as an option. So we don't have to exercise the option for six months. We can agree on the prices – well, we've already agreed on the price of the main body of water rights. If we can get agreement with the representative here on the price, a reduced price of the \$50,000 feet then we can identify funds, take our time doing it, and all we have to do is exercise that option within six months and you've preserved – you've purchased the \$1.7 million plus you've preserved the option, the opportunity to get the 50 acre-feet in the future for an agreed-upon price which we'd agree upon today and then find the money and come back to you with a budget resolution and talk about where the money is coming from and whether that's acceptable.

COMMISSIONER ANAYA: So Madam Chair, Mr. Ross, do I understand the representative's perspective that they would walk from the \$1.7 million purchase if they don't get the \$150,000 difference? Because that's the way I processed it, based on the last comment.

MR. ROSS: They are willing to sign the agreement that's in the packet, that provides for the \$1.7 million for the main body of the water rights, and for \$185,000 for the remaining 50 as an option, and they're willing to do that today. That doesn't preclude us from talking more about the price for the option with them later, but preserves our opportunity and option to get that water within the next six months.

COMMISSIONER ANAYA: So Madam Chair, Mr. Ross, if that motion would pass, that \$1.7 million's a done-deal but the \$185,000 is not.

MR. ROSS: It's an option and it's a done-deal – it's totally in our court. If we want to exercise the option we can; if we choose not to or we engage in subsequent

discussions and it doesn't work out, it's all in our – it's our option. We own it. So we're protected from that standpoint.

CHAIR HOLIAN: Katherine.

MS. MILLER: Madam Chair, Commissioner Anaya, the part that they won't agree to is the option at \$150,000 today. And what that would mean is that option may fall off of the agreement. But they would agree to \$185,000 to that option today. So the \$1.7 million, I think if you choose to buy the 491 at \$1.7 million, that's fine. The \$150,000 is the option they won't [inaudible].

COMMISSIONER ANAYA: So Madam Chair, Ms. Miller, following the same line, that's a negotiated – that's an option but that's a negotiation point, that we would either choose to exercise or not to exercise. So theoretically they could say no, we don't want to exercise it at \$185,000 but they could and it's our choice whether we decide to go forward or not. So I'm okay with the latter of \$185,000.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I think I'm going to stir up a hornet's nest, but let me just ask for my clarification, and whoever can answer this from staff. I'm just going to look at my papers; I'm not going to look at you all. So as far as the negotiation, as I'm understanding it, we are purchasing 491 acre-feet of the total of 541, and anybody just correct me if I'm wrong as I'm understanding it. We're purchasing it for \$1,700,000 with the potential to buy the remaining 50 acre-feet for an option of \$200,000. The reason we're doing that is because Mr. Leigland of Public Works has bonding capacity up to the \$1,700,000.

At any time, any time, was there a dollar agreed upon for the total 541 acre-feet, regardless of where the funding came from?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, it was the \$1.9 million that we ultimately arrived at.

COMMISSIONER MAYFIELD: So if we had the funding you would have said \$1.9 million for everything.

MR. LEIGLAND: That's correct.

COMMISSIONER MAYFIELD: But we just couldn't come up with the money.

MR. LEIGLAND: That is correct.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: Okay. I think I have to modify my motion again, which will be purchasing 491 acre-feet a year for \$1.7 million, with an option to purchase the remaining 50 acre-feet a year for \$185,000. Does the seconder of the motion agree with that? Commissioner Chavez, do you agree with my new motion?

COMMISSIONER CHAVEZ: yes.

CHAIR HOLIAN: Okay. So we have a motion and a second. Discussion?

COMMISSIONER STEFANICS: Madam Chair, I thought I heard that the \$185,000 was not the acceptable part of this motion.

CHAIR HOLIAN: It is. I understand that that is acceptable for an option.

COMMISSIONER STEFANICS: For the future option.

CHAIR HOLIAN: For a future option to purchase.

COMMISSIONER STEFANICS: Okay. Thank you.

COMMISSIONER MAYFIELD: Would you restate the motion for me, Madam Chair?

CHAIR HOLIAN: The motion is that the County will purchase 491 acre-feet per year from – I guess it's Arizona Rights for \$1.7 million, and there will be an option to purchase the remaining 50 acre-feet per year for \$185,000.

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

XIV. B. 3. Resolution No. 2013-23, a Resolution Amending the Santa Fe County Road Map and Certifying a Report of the Public Roads in Santa Fe County

MR. LEIGLAND: Madam Chair, I'm going to turn it over to Mr. Martinez.

MR. MARTINEZ: Madam Chair, Commissioners, every year the County is required to submit a certification of the County road map and list to the NMDOT for our share of motor vehicle tax and gasoline tax. This funding accounts for approximately 18, 19 percent of our road maintenance budget we've made some additions to the road list since last year based on roads that were accepted by the Commission and we also have some housekeeping corrections that changed some mileage on a couple of roads, so the net difference is we've added 4.38 miles to our road list since last year. I stand for questions.

CHAIR HOLIAN: Thank you, Robert. I have a question. On the second page of this, under the fiscal impact it says that \$3,984,625 is our annual road maintenance budget. And that's our total budget for maintaining roads in Santa Fe County. I just wanted to clarify that.

MR. MARTINEZ: Madam Chair, that is correct.

CHAIR HOLIAN: Thank you, Robert. Any questions?

COMMISSIONER STEFANICS: Madam Chair, I move for approval of Resolution No. 2013-23.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, I have a motion and a second. Now, this is a resolution. Is there anyone here in the public who would like to speak about this resolution? Seeing none –

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

XV. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

MS. MILLER: Madam Chair, I'll just right into the reports to make sure that the departments get a chance to go over their reports with you. If I could go down to the Corrections – actually, let's do the legislative update first and then do the department reports because we've got a few resolutions on legislation.

XV. B. Legislative Update and Possible Action

1. Resolution No. 2013-24, a Resolution Supporting Proposed House Bill 521 Relating to Requiring Residential Property Tax Equity

MS. MILLER: The first one that we have is the resolution supporting the proposed House Bill 521, relating to requiring residential property tax equity, and that was brought by Commissioner Chavez at the last BCC.

CHAIR HOLIAN: Okay. Commissioner.

COMMISSIONER CHAVEZ: Thank you, Madam Chair, and I would really like to ask Gary Perez of staff to do the presentation. But what I would like to just report at the front end is that there was a hearing Saturday and Gary can touch on that, but we also have a couple of letters in our packets, or maybe they were just on our desks, but we do know that the Association of Counties board of directors approved of the property tax equity resolution, and the Association of Realtors have also supported the resolution in its current form. So having said that I would like Mr. Perez to do the rest of the presentation. Thank you, Madam Chair.

CHAIR HOLIAN: Mr. Perez.

GARY PEREZ (Deputy Assessor): Thank you, Madam Chair, Commissioners. House Bill 521 was heard in its first committee on Saturday morning, this past Saturday in the House Judiciary Committee. It did pass by only a margin of one vote and it is going before the Tax & Rev Committee we believe on this Friday. Those are the only two committees it's been assigned to on the House side so in anticipation of it passing the Tax & Rev Committee it should go to the floor. We will only have two weeks from this Friday, however, so I'm not sure. The timeline's pretty thin. Also we might run into some resistance on the Tax & Rev Committee. There were people on that committee who were on the Revenue Stabilization Committee who were against it so we'll just have to wait and see what happens.

I believe also the Homebuilders Association was also in favor of it. There was a representative there on Saturday who spoke in favor of it. However, they did have the Apartment Association that represents about 300 apartment owners, mostly from Albuquerque who were against it. But as I said it did pass by one vote.

CHAIR HOLIAN: Okay. Thank you, Gary. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Perez and Commissioner Chavez, I appreciate the work that was done on the resolution and the only question that I have is I brought up that there was only one point in the bill itself that dealt with how assessments ratchet up after these adjustments would be made, and that was a deviation from five percent to three percent. The resolution before us is silent on that issue and I just want to ask the sponsor of the resolution, is that the intent, that that particular item be silent as it is in the resolution? Because I'm supportive of it if it is but if it's not then that's the only provision that I still have discomfort with. But you're silent in your whereases, so I just wanted to ask you that question.

COMMISSIONER CHAVEZ: Well, the resolution does not speak to the three percent only because on the three percent, and I think Gary would speak to this better. But the

three percent was somehow a hypothetical benchmark that we were looking for at that point in time. But because the economy has changed, because many of our properties, especially in the Santa Fe and maybe certain areas, the property values have been somewhat artificially inflated and now those values and those prices are coming down. So that didn't seem to be a holding pattern that I was comfortable holding on to, but maybe Gary can expand on that. Touch on the difference between the original intent, which had it three percent, and then why the bill moved from that three percent to the five percent.

MR. PEREZ: Madam Chair, Commissioner Chavez, I believe that the original intent, the original bill and the original amount of three percent that was implemented back in 2011 was because that was the rate of inflation that they were seeing at that time, around three percent. Before 2005 and 2006 came around when we were seeing numbers much higher than three percent. We were seeing in some counties 10 percent, 15 percent per year appreciation and even more in some areas. So I think the reason why the group who put together this idea said that it would be a better idea to go to five percent so that in the future – and it would probably be very much in the future, because all of us don't anticipate that the market will come back with such a fury that it did in 05 and 06, but that if it did come back that you would be allowed to go up to five percent rather than the three percent, because it gets you closer to the market value and it allows you to not fall far behind the way that we have. And that's the reason why we have that problem is because of that three percent amount.

We fell far behind the market. And the other reason, and I want you to know that I did, Commissioner Anaya, present it to the chairman of the Assessors Affiliate and to the realtors and they were just not in favor of the idea of changing it back to three percent. Because it had been an idea all along to change to five. There's nothing else they want to change if nothing else happens, they want to be able to change that amount from three percent to maybe five percent or seven percent is what they had said.

So it just goes ahead the thinking of the group and the committee that put together the bill and I just don't feel like I have the authority to myself to want to force the change.

COMMISSIONER ANAYA: Madam Chair, Mr. Perez and Commissioner Chavez, I really do appreciate the work that's gone into this but here's what I would say to the last comments. I would say that the provisions prior to even getting to the five percent number, which in essence provides credit for longevity for people living in a house for ten years and seniors living in a home, brings the market to true and correct 90 percent which is the main corpus of the bill. A huge change, a huge raise in equity across the board in the county that's done by that provision in the bill. The last provision adds that that increment could go from three to five. So I respect all the work, but in speaking to the people's affiliate and the people that I represent I'm more inclined to stick with the intent on that last piece, and I'm going to try and go to the next hearing and I'll speak as an individual Commissioner, because I can see I'll probably be on the downside of this vote, if that stays the same I want to stay with the intent of Speaker Lujan, that you're still going get upped values. But thanks for your work and your efforts and Commissioner Chavez' efforts as well. So I guess that's my explanation of my vote in advance.

2013 FEB 26 PM 4:00
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 26, 2013
PAGE 49

CHAIR HOLIAN: Okay. Thank you. Commissioner Stefanics and then Commissioner Mayfield.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Commissioner Chavez' resolution is actually embedded into item #3. On February 16th the Association of Counties board unanimously supported this bill, and the counties are varied. They're rich, they're poor, they're in between. This was not the first conversation. I would say it was probably the fifth conversation by the board and we did not take it lightly. Not to be a doomsayer but we don't think it's going to get all the way, but the conversation is really not being taken seriously to not do something about the issue.

So this was felt to be an introduction and a viable solution that then could be amended. But in honesty, and maybe Gary has a different perspective, I don't know that there's a lot of interest at the legislature on creating a fix. Do you think so?

MR. PEREZ: Madam Chair, Commissioner Stefanics, I think you're correct. And I think that's why the bill – we're seeing it in the three weeks before the end of the session only being heard in its first hearing. The second one is this Friday. Supposedly. We haven't even seen it yet. The good thing about this whole bill is it's opening up a discussion between many people and more people are being aware of the problem and aware that the problem is not an easy one to fix. There's no solution that's going to provide all winners. There's people that are going to be affected, but in order to get to a solution we have to start somewhere and hopefully, if nothing else happens it opens the door for next year.

The one other solution that everybody has been tossing around is just change the three percent to five percent, six percent and leave everything else alone, so that you at least get the ones that are too low to get them caught up twice as fast. Because right now if somebody's 30 percent too low it's going to take ten years for them to get where everybody else is when they're on at 100 percent.

COMMISSIONER ANAYA: On that point, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: And we've talked, and I really appreciate your work, but I think for the taxpayer on a fixed income, I think that was the intent of the three percent in the first place was that, yes in fact you wouldn't have that high escalation because a neighbor came in from somewhere else or in the state and purchased a house at ten times what you bought it for. I think that was the intent of the ruling that was upheld in the Court of Appeals was that it was by design that way, so that people could know that their taxes weren't going to escalate at a very high rate.

So I hear what you're saying. I know what the frustrations are from the Assessors, but from the taxpayers' perspective that was a defining number and it was something that – I don't even think they'd say it was palatable but they knew what it was and when you start talking about three to one more percentage point or even two, to that taxpayer, especially those on fixed income, especially those that have been in their homes for many years, you're talking about a lot of money. So we've said enough. But I respect your work and the work of the affiliate and Commissioner Chavez bringing it forward. Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

SFC
CLERK
RECORDED
2/27/2013
1:13:13

COMMISSIONER MAYFIELD: Madam Chair, thank you and Mr. Perez, thank you, and Assessor Martinez, I thank him for all the work that's been done. And I echo a lot all that was said by Commissioner Anaya. And Gary, I appreciate what you just said. Tax & Rev has it next and you're saying they may get to it on Friday. And just hearing what Commissioner Stefanics said and you said, there's still a lot of debate on it. There's a lot of debate on this bench right now.

One of my concerns has been the standard three percent that folks have been seeing every year, understanding that there might be a new bill going into an existing home that's been sitting there for 60 years by the same owner and I understand how true and correct needs to come into place. There's been some provisions in this bill that I think are great. Recognizing somebody over 65 years that has owned this home for over 40 years. I hope that's something they really recognize in this bill and they take that into account. And I think you explained that very well a couple weeks ago and I appreciate and applaud you all for doing that.

But I think the provision that Commissioner Anaya is asking, to go from the five to the three percent I think that's something that I definitely would want to support as far as this county, and that's something that I would ask and I will, if I'm in town when this comes in on Friday I will be out of town, unfortunately, but if it makes it through the house and it goes to the Senate side the following week I definitely will be bringing that up also. At least for me as one individual.

But I do appreciate the work you're doing. I know it's tough on you all, but I do think unfortunately there may be a divided Commission on this piece right here. But thank you, Gary, for all the work you're doing.

MR. PEREZ: You're welcome.

CHAIR HOLIAN: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: Madam Chair, I appreciate the debate and the suggestions being made, but if I could, I'd like to make a motion and hope for a second and allow for the discussion to continue and hope that we can move this forward. So I move for approval.

CHAIR HOLIAN: I'll second that. Commissioner Stefanics, I believe you had a comment.

COMMISSIONER STEFANICS: Yes. Madam Chair, another reason that I believe – I don't want my property taxes to go up and in fact I looked at the analysis with great interest that Gary did for our county on how many properties were already at the appropriate level and how few would have to be brought up. But right now, having tax lightning is a real detriment to economic development. Anybody who would come in here and purchased property would be hit with something very different from what the rest of us are paying, commercial or residential. So there is a need to fix the problem if we're interested in supporting economic development. That's all. Thank you.

CHAIR HOLIAN: Any further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd move an amendment to reduce the five percent for re-ratcheting up to three percent to still bring up tax equity across

2013 FEB 26 PM 4:52
SANTA FE COUNTY
CLERK
RECORDED

the board with provisions for longevity and seniors. So I'd make that as a motion for amendment.

COMMISSIONER MAYFIELD: I second the amendment, Madam Chair.

COMMISSIONER CHAVEZ: I can't accept that because it really changes the spirit and the nature of the resolution. I think that that discussion can play out in a committee hearing, which is to say the committee may not be willing to do that. I don't know, but I think because there's been so much effort behind this, because the Association of Counties has supported it, the realtors and on and on. I'm going to stay firm on that and hope that we're sending the message. We need to have the discussion and I think this is a good starting point.

CHAIR HOLIAN: Okay. Thank you, Commissioner Chavez. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, since Steve is not in the room –

CHAIR HOLIAN: I don't believe we have that in our rules of order. I think what we need to do is vote on the original motion and then if it doesn't pass somebody else can bring forward –

COMMISSIONER STEFANICS: Madam Chair, the issue I was bringing up is true parliamentary procedure – and Steve's back – but true parliamentary procedure allows you to have an amendment, you vote the amendment up or down, and then you go back to the motion. So –

CHAIR HOLIAN: That is true parliamentary procedure, but Steve, could you clarify that in this case?

MR. ROSS: Madam Chair, we have a simplified Robert's here and we allow friendly amendments but not unfriendly amendments. So there's no necessity of there's a friendly amendment vote on the amendment separately from the main motion and then unfriendly amendments have to wait until the main motion is voted up or down, and then that motion is made.

COMMISSIONER ANAYA: Okay. So I'll wait for the main motion, and then I'll make it after you're done.

CHAIR HOLIAN: Okay. We have a motion to approve the Resolution No. 2013-24 as is. I seconded it.

The motion passed by majority 3-2 voice vote with Commissioners Chavez, Stefanics and Holian voting with the motion and Commissioners Anaya and Mayfield voting against.

CHAIR HOLIAN: Motion carries three to two.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'll offer an amendment ex post facto to reduce the amount –

CHAIR HOLIAN: Wait. Point of order. Steve, is that possible, if we approve the resolution as is?

COMMISSIONER ANAYA: That's what he just told me to do.

MR. ROSS: Madam Chair, he's making a motion to reconsider.

CHAIR HOLIAN: Oh, to reconsider. I see. Okay.

MR. ROSS: If you can call it that.

COMMISSIONER ANAYA: So, Madam Chair, I'd move for reconsideration to reduce the five percent amount for escalation of taxes after the other provisions would be implemented to maintain the three percent increment that's currently in place, that's been upheld by the Court of Appeals.

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: Madam Chair, point of order. I don't think somebody can reconsider if they were not in the majority voting on the bill.

MR. ROSS: Madam Chair, that's true.

CHAIR HOLIAN: Oh.

COMMISSIONER ANAYA: So, Madam Chair, I asked for advice and I don't think I was given adequate protocol. I think we should have dealt with the amendment, voted it up or down, and we know where it was. My point for the motion was I knew I didn't have the votes but it was a point of order and protocol to put it on the books that I had requested the amendment. So we need to dust those off and redo them because parliamentary procedure, and we should maintain that order is to afford amendments. I think that's part of due process. So Steve –

CHAIR HOLIAN: Your comments are duly noted, and Steve, would you care to comment?

COMMISSIONER ANAYA: So you gave me advice and then you said I couldn't do it. What's up with that?

MR. ROSS: Madam Chair, Commissioner Anaya, I didn't really anticipate your vote against the motion. Are rules are the way they are I think to make things simple and understandable, so we don't get all caught up in amendments on top of amendments and amendments on top of that. If we need to revisit that we can certainly do it. Sorry, I was out in the hallway and I heard my name so I came rushing in so I'm not really following the discussion completely. Motions to reconsider do need to be made by someone in the majority. You're certainly welcome to make whatever motion you want to make at this point on the topic or any other topic, I would think. Is that what you'd like to do is make a motion related to the previous item?

COMMISSIONER ANAYA: Well, that's what I was trying to do but then Commissioner Stefanics brought up that I voted in opposition, so now what?

MR. ROSS: Make a motion.

COMMISSIONER ANAYA: I make a motion we move on.

CHAIR HOLIAN: All right. So I believe that Resolution No. 2013-24 did pass. Katherine, are we considering now item #2, the resolution after that I brought forward?

MS. MILLER: Madam Chair, yes, that would be the next item.

CHAIR HOLIAN: Commissioner Mayfield, we are off the topic.

COMMISSIONER MAYFIELD: I just have a question. I'm trying to read our rules of order right here, so I think I'm reading them correctly, and I don't know if we're off the topic, Couldn't Commissioner Anaya, Steve, just ask to – it's noticed. It's noticed by Commissioner Chavez but couldn't the – it's a resolution. Couldn't he just make a motion for his resolution as he wants it to be stated and we could take a vote on it and if it fails it fails?

MR. ROSS: Madam Chair, Commissioner Mayfield, that's what I was just suggesting that he do, is make a motion and see what happens.

COMMISSIONER MAYFIELD: I don't know if we're totally off the topic but Commissioner Anaya, I think you could make a motion for your own resolution right now.

COMMISSIONER ANAYA: So it's not reconsideration; it's the same exact thing that was passed. Is that what you're saying? It's two distinct different things?

MR. ROSS: I think what you should try and do is make a motion and we'll see how it does. Make the motion you want to make and then we can evaluate it.

CHAIR HOLIAN: Point of order. Steve, what happens if you have two different motions on this same piece of legislation that are asking for two different things from the Board of County Commissioners?

MR. ROSS: Well, if the second motion passes and it's inconsistent with the first motion, the second action would take precedence over the first.

CHAIR HOLIAN: Okay. Thank you, Steve. Commissioner Anaya.

COMMISSIONER ANAYA: So Madam Chair, I'll go ahead and move that we modify the increment that's in the proposed legislation that's currently, that once longevity kicks in and discounts for seniors kicks in that the increment of how your taxes ratchet back up is three percent as opposed to five percent.

COMMISSIONER MAYFIELD: And I will second that and that would be Resolution – well, I don't –

CHAIR HOLIAN: No. 2013-25. Correct? Okay. I have a motion and a second.

The motion failed by majority 2-3 voice vote with Commissioners Anaya and Mayfield voting with the motion and Commissioners Chavez, Stefanics and Holian voting against.

CHAIR HOLIAN: Okay, Resolution No. 2013 –

MS. SALAZAR: Madam Chair, I don't think we can have Resolution 25 on what you just moved on. That still was 24, correct?

CHAIR HOLIAN: No, no. This was a completely separate resolution is my understanding, correct? Because he couldn't bring back the previous.

MS. SALAZAR: So we have a new resolution that's #25 that we do not have a hard copy for. Correct?

CHAIR HOLIAN: It would be the same hard copy except with five percent replaced by the number three percent.

MS. SALAZAR: So we will utilize Resolution No. 24 as a boilerplate and then change it and then it becomes Resolution 25.

CHAIR HOLIAN: But Resolution 25 was voted down.

MS. SALAZAR: Then it was voted down. So we don't need any hard copy.

CHAIR HOLIAN: Perhaps Steve would care to weigh in on this. Or Katherine.

MS. MILLER: Madam Chair, I have a thought. That number four was a catchall so you could pick any piece of legislation and you could take a stance on it. So instead of giving it a resolution number you could just say that it was – you could take that action under item 4 which was that you could take action on any piece of legislation under consideration over at the legislature.

CHAIR HOLIAN: Okay. So that was not really a resolution; it was a motion. And the motion failed. So 25 as a resolution still exists.

MS. SALAZAR: Yes. That's your next one on the agenda. Actually, I'm going to that. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a parting comment that in these days of hard economic times we're looking at one percent increments in salary adjustments, a percentage point is a lot. Thank you.

XV. B. 2. Resolution No. 2013-___, a Resolution Supporting Proposed Senate Bill 394 ("SB394"), Relating to Utilities; Amending a Section of the Public Utility Act to Provide for Community Solar Facilities to Qualify as Distributed Generation Facilities

CHAIR HOLIAN: I will just say in introduction that community solar is an idea that is taking off across the country and it's a way for people who don't have a lot of money or maybe don't even have the roof space to install solar panels of their own to buy into solar projects. These community solar projects are banks of solar panels that people can buy into and they can actually purchase shares in it, so to speak, and then, depending on how much their solar panels produce they can get credits on their electricity bills from that.

Now, I will also say that it turns out that SB 394 is dead, officially dead, so I am going to withdraw this resolution. I will bring this topic back with another resolution that has nothing to do with legislation at the state level. So I think that – I probably don't even have to table this, correct? I can just say I'm pulling it? Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: I don't want to take up a lot of time, but it's so interesting. So how would they get the REC credits from it?

CHAIR HOLIAN: They don't get the –

COMMISSIONER MAYFIELD: Madam Chair, just for personal privilege, I'd like to recognize former Governor Charles Dormey from Tesuque Pueblo. I see him in the audience. I don't know what he's here for. Thank you for being here, Governor.

CHAIR HOLIAN: Welcome, Governor. Actually, the purpose of the bill was, right now, legally speaking it's very dicey for investor-owned – for community-owned solar projects to be in an area where you have investor-owned utilities and that has to be straightened out at the legislative level, and that's what this legislation was trying to do. But it's deal. But there are still ways that you can move forward with community solar. So, in any event, I don't want to beat a dead horse. But I will bring it back as a topic because there are other things that can be done.

XV. B. 3. Consideration to Adopt NMAC Board Positions as of February 16, 2013 Legislative Matters Under Consideration by the New Mexico 2013 Legislature

MS. MILLER: Madam Chair, Commissioners, in your packet as well as in a handout I believe that Lisa just gave you [Exhibit 3] are the NMAC board positions. Commissioner Stefanics could give you the specifics on this but we talked over that the NMAC board, Association of Counties actually has been meeting and taking positions. We put in the packet the latest one we had at the time that we printed the packet and what staff did is also attach for you a tracking list of all of those so you could get a little idea. So you have the list of bills and then a tracking list of ones that we have identified by either NMAC or by you as ones that are of interest, so we put the summary of each one of those bills if you want to look them up and also see the status and the progress and the history of the bill.

So with that I would say that Commissioner Stefanics has the history of this particular item and would turn it over to her.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair. You have in here a two-page summary of board action taken by the entire board of New Mexico Association of Counties that now includes the chairs of all the affiliates, as well as the 33 counties. And so all elected officials are represented, the judges, the sheriffs, the assessors, the treasurers, Commissioners and clerks. I did send out to everybody a 79-page document that actually did a long presentation on each bill, but these are the positions that were actually taken and so I would refer you to the 79-page document if you want great detail. I do have one copy with me, but I did email it to everyone. So if you have questions – but I am recommending that we either adopt NMAC's positions or we delete.

There will be times that our lobbyist is in the same room as the Association of Counties. If we feel strongly against something he should know so he can say Santa Fe County disagrees. Or if somebody, our Santa Fe legislators looks at him and says, well, what do you guys say? He can say, we agree. So these are the bills through February 16th. We then had a meeting last Thursday. We will have one more this week as well, so we will present another slew of positions to you at our next meeting.

CHAIR HOLIAN: Commissioner Stefanics, I have a question. On the second page there's a category that says NMAC board – refer to executive board teleconference. What does that mean? Does that mean that the positions have still not been made on those bills?

2013 FEB 26 11:00 AM
CLERK
RECORDED
34/02/2013

COMMISSIONER STEFANICS: There were decisions made on bills last week and then there are decisions that will be made this week. The decisions this week –

CHAIR HOLIAN: This is on the second page of what's in our packet.

COMMISSIONER STEFANICS: Right. I'm looking at it. I'm going to try to tell you – if I have it right here. I'm online, so let me see if I can get to it. Okay. Motions today. 81 had no action. 163 had no action. 355 was opposed. 369 – I don't have listed. Let's see. 369, looks like we're still going to deal with it. Then, 375, we didn't take a position. It's easier to tell you what we supported. We supported HB 159, law enforcement academy board membership changes. We supported House Bill 348 and Senate Bill 249, statewide construction inspectors. We supported House Bill 400/Senate Bill 515, the municipal certified building official. We supported House Bill 521, residential valuation limitation, the one we just discussed. Senate Bill 641, Pain Relief Act standards, and actually we're going to reconsider Senate Bill 641 and not get involved in the prescription and opioid bills because it's become a D and an R fight and a medical professional battle with each other, physicians versus pharmacists. So the counties' issues are what can we do to prevent deaths? This really gets at the duties of the different medical boards. So that's why we decided we're going to not get involved. And then we are opposing House Bill 355 and House Bill 429, and we took no actions on the others. We might take action this week.

Anything that's related to hold-harmless, we don't support taking away any money from the counties, so anything that gives a hold-harmless is one of the policy positions. We don't support anything that pre-empts local authority and there might be one or two others. So those are basic policy positions.

COMMISSIONER CHAVEZ: Madam Chair, can I ask a question of Commissioner Stefanics?

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: We were presented with a bill that Representative Varela introduced having to do with the Procurement Code. I don't see it here.

COMMISSIONER STEFANICS: What number is it?

COMMISSIONER CHAVEZ: I don't see it here. I'm trying to find it and I thought maybe you would be more familiar with what's on the list.

COMMISSIONER STEFANICS: 182.

COMMISSIONER CHAVEZ: It's a House Bill then, right?

COMMISSIONER STEFANICS: No, Senate Bill 182 is on the Procurement Code and we did support that.

COMMISSIONER CHAVEZ: Well, I thought that Representative Varela, would he introduce one on the House side also?

COMMISSIONER STEFANICS: There could be one. Let's see. Senate Bill 182. Let me look at this and it will tell me.

MS. MILLER: Madam Chair, on that one, I think he's the co-sponsor on that bill so he'll carry it on the House side. So there two bills on that.

COMMISSIONER STEFANICS: Right. He's the House sponsor but it started on the Senate side.

COMMISSIONER CHAVEZ: Okay.

2013 FEB 26 PM 3:00
CLERK RECORDED
SFC

CHAIR HOLIAN: Anything further, Commissioner?

COMMISSIONER CHAVEZ: So that one is on the list then?

COMMISSIONER STEFANICS: To support.

COMMISSIONER CHAVEZ: Good. Okay. Thank you.

CHAIR HOLIAN: Anybody else have any comments? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioners, last year the Board of County Commissioners passed the supporting the maintenance of the drivers license for immigrants in the same fashion as it existed. And I did not vote for that and when I voted in opposition to it I cited that could we have an alternate form drivers license and that seems to be where the discussion has been headed, and my comments last year were based on comments and feedback that I received from the Attorney General and others. But is there any desire on the Commission to look at that again as far as where the bill's headed or the bipartisan discussions are headed? Because I think it's something that's important and I think it's something that's relevant. So I just wanted to get a pulse from the Commissioners if they're willing to do that.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: So, Commissioner Anaya, we're only dealing with the Association of Counties' positions right now and the Association of Counties did not deal with it. So I think on the very next item, #4, we can bring up your question. This item #3 is just whether you want to support the Association of Counties' positions or if you don't want to. But the Association of Counties has stayed away from that issue.

COMMISSIONER ANAYA: Okay.

CHAIR HOLIAN: Any further comments? Commissioner Mayfield

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Stefanics or Manager Miller, this relates to our courthouse in a bill and I just don't know the number but Manager Miller, we spoke about it briefly. As far as employees returning back to work and it was more specifically with the law enforcement community, and I don't know if it would be HB 147, if there was a specific bill pertaining directly to law enforcement. And the reason I bring this up, Madam Chair, is because there is a provision and one piece of legislation I read, and state law as it's applicable to only our Sheriff's Department can staff our County courthouse.

There is a bill out there right now and they provide an ability for, I guess, double-dipping. But if this County, this local body or maybe the Association of Counties could look at it as it pertains to law enforcement be that so it can help us out in the long run with our courthouse and maybe some other courthouses statewide. But if there could be a provision where there would not be a detrimental effect to PERA members if they were already in the law enforcement community and if they were, say, sheriff's officers, State Police officers returning to work where they wouldn't lose these benefits but they could be the individuals going back to work at the County courthouses, as they were already certified retirees from that. Maybe we wouldn't have to put as much capital investment in with outfitting them with vehicles, with everything else. That's just kind of food for thought for us to look at for consideration. Maybe that's something that we could get behind and support. Maybe that would be a provision of the law that the legislature would entertain because the law is pretty

clear that they have to be staffed by our Sheriff's officers. I just wanted to throw that out there for you all to consider. And I don't know which bill it is but I know it's a bill that's out there right now. I don't know what our Sheriff's take would be on that either. I have not spoken to our Sheriff about this. And that's all I have, Madam Chair.

CHAIR HOLIAN: Okay. Any further comments or would anybody like to make any motions?

COMMISSIONER STEFANICS: I would move that we accept the NMAC positions, pending any deletions.

COMMISSIONER MAYFIELD: Madam Chair, then I have to bring one thing up. Because we have House Bill 521 in here and we just spoke about that a little earlier. Commissioner Anaya, I don't know what –

COMMISSIONER ANAYA: Madam Chair, I think what I was going to do, and this happened to me last year as well is I think that I'm supportive of the positions of the New Mexico Association of Counties but with the exception of that bill. I don't want to go on record without supporting some of the many other bills but I do want to say for the record that I did not support that one provision associated with property tax lightning. So I'm going to preface my vote with that comment, Madam Chair, Commissioner Mayfield.

CHAIR HOLIAN: Okay. We have a motion and I'll second that. Any further discussion?

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

XV. B. 4. Discussion and Possible Action By the Board of County Commissioners in Support of or Opposition to Legislation Under Consideration by the New Mexico 2013 Legislature

COMMISSIONER ANAYA: So Madam Chair, I guess on the previous item, like I said, last year I had comments that agreed with the need to maintain drivers licenses for safety purposes that were well articulated by law enforcement and immigrant advocates. My vote at the time was directly related to the compliance aspects of the Real ID that are very real and that we are all going to have to face. So I'm supportive of the alternate drivers license and I just wanted to get a pulse on the Commission to see if there's any desire for the Commission to take some action supporting the discussions that are ongoing between both parties to try and come to resolution and try and be in compliance with the Real ID Act.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Commissioner Anaya, that would mean that the individuals applying for a New Mexico drivers license would have to prove residency? They would have to meet certain requirements? I'm not real familiar with all of the nuances of this. If you could clarify that a little bit.

COMMISSIONER ANAYA: Yes, Madam Chair, and I would afford any Commissioners or staff if they have more detail specifics, but as I understand it, currently in the present law, based on specific requirements for residency and having a tax identification number, the immigrant status of an individual if they have those forms are able to get drivers

licenses in the same – that carries the same definition as a legal resident. Those provisions as I understand it are in direct conflict with provisions in the Real ID Act. So the discussion in the legislature that's happening now is to maintain drivers license for immigrants that supply that same documentation but in a different format so that we can uphold and maintain compliance with the federal Real ID Act.

COMMISSIONER CHAVEZ: That makes sense. I appreciate that and I would be willing to support that because I think it then – it modifies the position that we've taken here in New Mexico to issue drivers licenses to those who are undocumented. So it refines that, it cleans that up quite a bit. Thank you.

CHAIR HOLIAN: Thank you. Any further comments? Katherine, would you like to –

COMMISSIONER ANAYA: I actually – I think it's important for us to discuss and I think that it's a bipartisan discussion that's happening, so we have to maintain compliance with the Real ID Act and I think the attempts that are ongoing are to make sure that there are still safety issues that are dealt with with the drivers license as well as maintaining the integrity of the Real ID Act.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I could support a motion that was general in nature and not tied to a specific bill, because I do think there's controversy swirling around specific bills but one of the comments you made last year, if I remember, was that we wanted to support the compromises that might come along with some different requirements for immigrants or something like that. And I certainly agree with that versus pinpointing any specific bill.

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: I would move that this Commission support the efforts to maintain the opportunity for undocumented individuals to obtain a drivers license but that that drivers license be – for lack of a better word – crafted so that it's different and does not conflict with our federal requirements under the Real ID Act. Commissioner Stefanics, I would defer for any other thoughts.

COMMISSIONER STEFANICS: That's fine.

CHAIR HOLIAN: Okay. Is there a second?

COMMISSIONER CHAVEZ: I second.

CHAIR HOLIAN: Okay. I have a motion and a second.

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

CHAIR HOLIAN: Katherine, is there any other legislation you wanted to discuss?

SEC
CLERK
RECORDED
3/1/13
3:41
PM

MS. MILLER: Madam Chair, Commissioners, I just wanted to point out the other packet item we handed out, which was the Santa Fe County tax legislation and the legislative resolutions that you have passed to date and we'll update that again with the actions today. And then also letting you see which ones the staff are tracking specifically relative to resolutions that you have passed or interests that you have indicated, and then we will be adding to that list the NMAC positions and let you know when something is moving through the legislature so you're aware of when there would be hearings on any of those items.

Additionally, I think there was a question on capital priorities, what we turned into the legislature. Those were the items that you had previously approved with our main three County ones being fairgrounds, housing sites and Public Works equipment, and then your individual district ones. So we had turned all that in, filled all the forms out to our legislators and answered any questions that they had relative to capital outlay appropriations. And with that I would stand for any questions concerning anything else as well as the legislative team is here to answer any questions. They've been over there and actively working on all of the items you have indicated interest in.

CHAIR HOLIAN: Thank you, Katherine. Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: What's the pulse relative to the capital projects and what available resources might be released, I guess if you will, for lack of a better word, to the Senators and whether or not the executive has expressed a desire to even entertain or sign off on that legislation, capital legislation.

MS. MILLER: Madam Chair, Commissioner Anaya, it looks like – and this is all in negotiation, but the Representatives were kind of allocated about \$700,000 each and Senators about \$1.2 million each. We met with all of them and our attorney, reiterating all of our capital appropriation priorities. They asked us what did we have on our top three. We told them the fairgrounds and the housing sites and the Public Works equipment, and then also the district ones. But they have not come to any specific agreement on what that capital bill will look like. Once again the executive has indicated the priority of making sure it's on ICIP, which all of our capital projects that we turned in at the beginning of this session and throughout were on our ICIP.

CHAIR HOLIAN: Katherine, can you repeat how much again?

MS. MILLER: About \$700,000 for each Representative and \$1.2 million for each Senator.

CHAIR HOLIAN: Thank you. Any further questions? Okay.

XV. C. Corrections Monthly Report *[Exhibit 4]*

CHAIR HOLIAN: Do you want to do the monthly reports next, Katherine?

MS. MILLER: Madam Chair, yes I do, and also I wanted to point out because we're kind of doing some updates as we're doing those. I'd like to call Pablo up for the Corrections. I wanted to point out that there was a question at the last BCC meeting. I believe

Commissioner Anaya as well as Commissioner Stefanics asked about programs about the jail so this will be something that will add into the regular Corrections report but this was an update about that last question about what volunteer programs we have and what type of services we have at the facility. So this is in addition to the report that's in your packet based upon the last BCC. And with that I'll turn it over to Pablo.

CHAIR HOLIAN: Thank you. Pablo.

PABLO SEDILLO (Public Safety Director): Madam Chair, fellow Commissioners, the Corrections report is for the month of January and the purpose of this report is to provide you with information relative to the Santa Fe County Corrections Department for the month of January 2013.

During the month of January the detention officer vacancy rate was at 24 percent with 23 vacant positions. There are seven new hires. There were 858 bookings and 881 releases with the average population of 551 for the month of January. As requested by Commissioner Anaya, he wanted us to provide you with a power point presentation for further reference and we have done that as well. In the adult detention facility we have an RFI, request for information for medical services. That is in purchasing pending advertisements. That advertisement went out this Sunday.

Various capital outlay projects have been completed including replacement of the adult boiler system in our adult facility and the installation of two door ports in our facility as well. We have 35 volunteers providing services such as Bible study, art therapy, Alcohol and Narcotics Anonymous. We also at the facility have provided 28 transports for released inmates with no transportation. That was for the month of January so we've done a pretty good job with regard to that.

Estimated total of \$575,603 was billed for the month of January. Our Youth Development program, our capital outlay projects completed were the repair of our slider and the fencing project. We increased our fencing project around the YDP, our Youth Development program center. We have approximately 15 to 20 volunteers providing services such as Bible study, meditation, basket weaving and others, and we'll get to that in the follow-up of the type of programs we've provided for you. We have an estimate of \$47,602.60 was billed for the month of January for our juvenile facility.

Our electronic monitoring, our capital outlay projects were completed. We remodeled our electronic monitoring offices. We moved it from Airport Road down to the adult facility. Our electronic monitoring has 322 for the month of January. Revenue received was \$13,975. We've gone up on our revenue consistently through the months. And I'll stand for questions at this time.

CHAIR HOLIAN: Are there any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes. Madam Chair, I understand from conversation at the lunch the other day after the graduation that many of your programs that you are hosting now at the detention center, juvenile and adult, are being conducted by volunteers.

MR. SEDILLO: All volunteers, Madam Chair.

COMMISSIONER STEFANICS: That's great. And I think that some of the people who might have had contracts in the past probably need a little note to that effect, indicating that we've switched over to volunteer services, so that if they wanted to volunteer they could, rather than just bidding on financial contracts.

The other thing, I made a comment to your chaplain and your person who is doing the music is that I think it would be great if they could write this up, each individually, if we could submit it to NACo for their national awards consideration, which will be done in the summer at Fort Worth, and then some of our staff could actually travel if we got one of those big awards. And that perhaps we could advertise some of those volunteer opportunities – KSWV or KSFR or some other public service radio stations. Thank you very much.

CHAIR HOLIAN: Thank you. Any further questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just want to expand on the spreadsheet. You did a good job summarizing but I want to just restate a few things. Capital outlay projects completed: Door ports, mixing valves, emergency shutoffs, sprinkler heads upgraded and added to, the camera system, closets installed and in the tour, I understand why you did those closets for safety and cost savings, medical improvements to the equipment, a perimeter road for security and patrolling which we now do and have been doing for some time, based on federal requirements, phase 1 of the fencing project, work on plumbing, work on boilers and water conditioner.

Programs that I think are important to note. Commissioner Stefanics emphasized this as well at the last meeting. In addition to the 35 volunteers, mental health programs in the special housing unit, anger management work and training, work with the Children, Youth and Families Department and Adult Protect Services in the judiciary, regarding those who are elderly and have mental illness as well, and work to start an intern program relative to assist in teaching behavioral health groups, and collaboration with Santa Fe Community College, as well as working on basic adult education and testing.

So like I said earlier, I'll say it again, it's always a work in progress and I appreciate the progress and I appreciate the additional detail that's provided in the report and that you've conveyed publicly. I think it's helpful for the public to know that and for the Commissioners to truly understand the work that's ongoing. So thanks again to you and Warden Gallegos for your work.

MR. SEDILLO: Madam Chair, Commissioner Anaya, thank you very much for that and just a side note. We have approximately – and I'm going to kind of defer this to the warden, we have seven people who are going to be tested for their GED. Do you know when that's going to be, Warden?

MR. GALLEGOS: Madam Chair, Commissioner Anaya, to answer your question, I followed up on that as quickly as possible, got with the Santa Fe Community College. In fact I made some calls today to follow up with that. We're going to be pre-testing seven individuals to prep them for the GED as we speak. We're going to be meeting with them to set the actual date with them within the next month. Now this depends on what the test scores are of these seven individuals, but the teacher, Ms. Doris Spivey had let me know that these seven individuals were doing relatively well. She thought they'd be able to move forward with the seven tests. So we will continue this collaboration with Santa Fe

2013/02/26 10:00 AM
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 26, 2013
PAGE 63

Community College to make sure that this is a priority for our inmate population. I think it's a great program.

COMMISSIONER ANAYA: Thank you, Warden Gallegos.

CHAIR HOLIAN: Commissioner Stefanics.

CHAIR HOLIAN: On this point, and I'm sorry, I got distracted, but you know and hopefully they know that all the test rules and the GED rules change after a certain date and so they should be pushed. Otherwise they're going to have to start all over again.

MR. GALLEGOS: That's why we're doing the pre-testing portion of it, because the rules will be changing, I think within a month or two, and that's going to be based on where they're at.

COMMISSIONER STEFANICS: Well, the way it was explained in the newspaper is anybody who didn't pass by a certain date was going to have to start all over in a totally different manner. So I would just push people to try the best they can.

MR. GALLEGOS: And that's what we're doing. We'll make that a priority.

COMMISSIONER STEFANICS: Thank you.

MR. GALLEGOS: You're welcome.

CHAIR HOLIAN: Thank you for your presentation and I have a question, Pablo. How's the NMAC accreditation going?

MR. SEDILLO: Actually, Madam Chair, Commissioners, it's going very, very well. There's five other facilities within the state that have applied for it in addition to us. We've been pushing it because they have to do a pre-audit and they're going through facility to facility. I think our pre-audit is going to be next month on that and then we'll see where we stand. I'm very confident that we're way above. So I know that, so we were going to do it in January but it looks now it's going to be in April.

CHAIR HOLIAN: Okay. Thank you very much. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Everything has been going great. We haven't heard anything negative about it, but with the ICE community and everything going fine.

MR. SEDILLO: Madam Chair, Commissioner Mayfield, we've been meeting with Somos and that community there in regards to looking at an internal policy in regard to immigration. It's going very, very well. We have constant communication with that community. So the staff at the facility are doing a good job.

COMMISSIONER MAYFIELD: Madam Chair, Director Sedillo, so much for the community but I guess the federal agencies. All that communication has worked out now and that policy is working with the federal agencies?

MR. SEDILLO: Madam Chair, Commissioner Mayfield, we still have the communication with that agency as well, with the law enforcement agencies and as I indicated we're working on our final draft of the immigration policy.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Thank you. Actually, I have a question too. Katherine, do you know when our next tour of the corrections facilities is scheduled.

SEC
CLERK
RECORDED
2013/02/26/03:13

MS. MILLER: Madam Chair, we had done one last spring, I think around the April timeframe and we used to do them every six months, but then the law changed so we only have to do them every year, so we should have one coming up in the next couple months.

CHAIR HOLIAN: Okay. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just want to restate that we finally got our appointments today on the Correctional Advisory Committee and that was a part of the work that yourself, Commissioner Mayfield, and the chair worked through the resolution on. So now, to complement the work of staff and the ongoing improvements there's going to be that additional committee that will work in tandem with all of us to continue to evaluate what we're doing and make improvements as we go. So thanks to both of you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I was remiss earlier in comments about the advisory board and I know that [inaudible] but I do appreciate you reaching out to the community and inviting, encouraging those people who can help you do your job, because that's what we need. And especially the League of Women Voters. They had an interest in that and you've been very accommodating and I'm only hoping that that will help you do your job. We'll watch or that, see how that plays out. I will note or share with the Commission that I am scheduled to tour next week on the facility. It's just pretty much one-on-one but I would encourage all of us to try to do that if possible. So we don't have to wait for the formal yearly visit but we can do that as we can fit that into our schedules. And so I thank you for that, Pablo.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on Commissioner Chavez' point and also on your point. Are we not required as a group also though to tour our juvenile facility, just the main adult facility? Because I know as a group we have not toured our juvenile facility.

MR. SEDILLO: Madam Chair, Commissioner Mayfield, I'm not quite sure whether the YDP is included in that but I would highly recommend that we would visit our juvenile facility as well and make it one tour.

COMMISSIONER MAYFIELD: That would just be my suggestion, if we could kind of time it as a group we could also tour our juvenile facility.

CHAIR HOLIAN: Commissioner Mayfield, I will point out that we did, I have participated in a tour of the juvenile facility on the board. I guess it's been over two years.

COMMISSIONER MAYFIELD: I haven't. As a group we could do the juvenile also.

CHAIR HOLIAN: Okay. We will endeavor to do that. Thank you very much, Mr. Sedillo and Warden. Things are going very well.

XV. D. Public Works Report

MR. LEIGLAND: Madam Chair, Commissioners, this is my typical report. I'll just give you an update on capital projects but really, in the interests of time I just wanted to quickly bring your attention to a new feature and that reflects our new emphasis on operations and maintenance of our current facilities. On the very first page of the report you'll see a work order report. It shows you the month and then year-to-date of work orders received by facilities or roads and then our completion percentages. So you'll see this over the course of the year, so just to give you an idea of how we're doing.

And then at the end of the report you'll just see coming attractions and just some milestones and things that are coming up. So with that I'll stand for questions.

CHAIR HOLIAN: Thank you. Any questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, let's explain the work order process. This is again through the cardograph system, not phone calls being made. This is actually going in, hands in, typing the system, not calling staff directly. So we should clarify that. Following the process as we were instructed to follow the process, correct?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's exactly right. We have two work order systems. One is for facilities and that software is called maintenance connection. We input requests and then we have a separate system for roads.

COMMISSIONER MAYFIELD: I'm not saying – because when people see a request from District 1 of 53, I just want everybody to know, I'm going through the system.

COMMISSIONER STEFANICS: On this point, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: If we want to just get information on a question.

COMMISSIONER MAYFIELD: I'm just saying it.

COMMISSIONER STEFANICS: Does that require a cardograph?

MR. LEIGLAND: No, Commissioner Stefanics, no. This is for action, to mobilize resources.

COMMISSIONER MAYFIELD: My fingers are very busy, Madam Chair, Commissioner Stefanics.

CHAIR HOLIAN: Any further questions.? Thank you very much, Adam.

XV. E. Human Resources Report

BERNADETTE SALAZAR (HR Director): Madam Chair, members of the Commission, in the spirit of time efficiency I'll quickly go over some highlights that we accomplished last month. The first one being the change to our recruitment process for our detention officer cadets. It's different now in that we now have a civil service test that we

2013/02/26 10:51:33 AM
SFC
CLERK
RECORDED

conduct. In the past we only had applicants do an interview process, but now we've mirrored the Sheriff's Office and Fire Department by having them do a civil service test and also a physical agility test prior to their interview. So that turned out really well.

For our first time we had 19 applicants. Eleven successfully passed the testing process and six are recommended for hire. So that was a great success.

For the month of January, with regard to the New Mexico EDGE courses we increased our rate by 65 percent of the number of employees who actually attended EDGE courses. Some of that might be because they were actually held in Santa Fe, but nonetheless we're still very proud that more employees are interested in attending these courses and I think it will be helpful for them.

We offered our regular training sessions, provided over 22 training sessions for the month of January and approximately 300 employees attended.

Last but not least, effective March 1st of this year, as you all know, the City of Santa Fe will implement the increase to the living wage, which will go to \$10.51 an hour. We have always abided by the living wage and so this will affect five current County employees that will be brought up to the living wage of \$10.51 per hour. And with that I stand for questions.

CHAIR HOLIAN: Thank you, Bernadette. Any questions? Okay. Thank you.

MS. SALAZAR: Thank you.

XV. F. Review and Discussion of the Monthly Financial Report for the Month Ending January 31, 2013

MS. MARTINEZ: Madam Chair, you have before you the regular monthly template, so what I'll do is highlight a few things for you. Again, we try to compare recurring revenues to recurring expenditures. We had recurring revenues of \$74.1 million through the end of January, compared to recurring expenditures of \$53.8 million. December and January being high collection months for property tax, you can see now that we've stabilized and we have sufficient revenue to cover our expenditures through this time period. Also included, the normal charge for property tax collections and GRT collections. It's important to note that the property tax collections are better than budget and are also better than the prior year's collections, and the GRT collections are the same.

The unincorporated GRTs are still lagging behind but we're at budget. We conducted our budget kickoff on February 21st and we have those rolling. We're currently trying to coordinate individual meetings for the Commissioners to discuss budget priorities and then looking for a budget study session March 12th. And I'll stand for questions.

CHAIR HOLIAN: Thank you, Teresa, and it looks like it's mostly good news, right?

MS. MARTINEZ: Very good news.

CHAIR HOLIAN: Any questions?

COMMISSIONER STEFANICS: Yes.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Ms. Martinez, when we took the action on the downturn we lost, what? Approximately ten percent in GRT that one year?

2013
FEB
26
10:51 AM
SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 26, 2013
PAGE 67

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, through the whole process, we were as high as 19.5 percent cumulatively between the two GRTs.

COMMISSIONER STEFANICS: Okay, so are we whole yet?

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, no.

COMMISSIONER STEFANICS: And we are at what percentage of that 19.5 recouped?

MS. MARTINEZ: I don't know off the top of my head. I can get it for you. Nowhere near.

COMMISSIONER STEFANICS: Are we missing like four or five percent?

MS. MARTINEZ: I would be conservatively saying we'd be lucky to be at five to ten percent recovery.

COMMISSIONER STEFANICS: Okay. I think that is very important for this Commission to know as well as the public as we move forward into the budget discussions that we are not wholly recouped, so in terms of projects, that's why we needed the public support on the bond issues, etc. and those can move forward but a lot of other things still aren't there yet. But thank you very much for that answer.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Martinez, some time back over subsequent reports or prior reports we had discussion about the GRT that went down in the areas outside of the incorporated areas. Did we ever get any more data as to why we were faced with that decline? Because I know we had discussions about presumptive annexation and that was not necessarily part of it, but have we got it? Have we received any more data as to what happened there?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, I have to admit, I've been remiss in getting that to you, so let me do the research with Carole. We look at the trends in terms of construction retail and we can see that those have consistently been down, but I need to get that done for you. So I apologize that I haven't done that yet.

COMMISSIONER ANAYA: No worries, Ms. Martinez, if we could analyze it, because I know it has declined and we really couldn't make a determination and I raised some questions about was it caused by the annexation issues or what else? Area saw a greater decline than others.

MS. MARTINEZ: Okay. I'll have that for you next time.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLIAN: Any further questions? Okay. Katherine, do you have any miscellaneous items you want to add?

XV. A. Miscellaneous Updates

MS. MILLER: Madam Chair, I just wanted to point out, I think in Adam's Public Works report there was upcoming events and there is a ribbon-cutting for Arroyo Hondo Trail March 15th at 2:00 pm at the trail head on Arroyo Hondo Road just west of the I-25 underpass. So I wanted to make sure you all were aware of that.

CHAIR HOLIAN: Thank you very much. And I will be there of course. Very proud of that. So that brings us to the end of Matters from the County Manager. Is that correct?

First of all, how many of you are here for the public hearing on the animal control ordinance? May I see a show of hands? Okay. There are a fair number of people. So what I would like to suggest as far as the schedule change to the Commissioners is that we have the second public hearing on this ordinance before we go into executive session. Is there any objection to that? Okay. But what I'm going to do since we've been now sitting here for a couple of hours is to call a ten-minute recess and then we will reconvene and have the second public hearing. So I'm calling a ten-minute recess and we will be back at 5:50.

[The Commission recessed from 5:40 to 5:55.]

XVII. PUBLIC HEARINGS

- A. A Proposed Ordinance 2013-___, the Santa Fe County Animal Control Ordinance: an Ordinance Governing the Duties of Animal Owners and Others, Impoundment of Animals and Issuance of Permits, Defining Offenses and Establishing Penalties Related to Animals, and Repealing Santa Fe County Ordinances 1981-7, 1982-7, 1990-8 and 1991-6 and Santa Fe County Resolution 1982-28. (SECOND PUBLIC HEARING)**

CHAIR HOLIAN: I want to call this regular meeting of the Board of County Commissioners back to order. And now we are on to the public hearing. I would like to note this is the second public hearing. It was noticed. We will make no decisions tonight. This is just strictly a public hearing. There are two public meetings that are going to be scheduled. Now, this is to bring the public together to get more intense public comment about this ordinance. The first one will be to discuss issues related to dogs. This will be on March 6th at 6:00 pm and it will be at the County Rodeo Grounds where I will note that there is plenty of parking and you don't have to pay for it.

We will also be scheduling another meeting to deal with issues that are related to cats. We thought it would be good to have two different meetings because it seems like people – the issues that they're interested in are either cats or dogs and it seemed like it would be good not to make people sit through discussion that they wouldn't really be interested in. So that's why we are having two meetings. Now, after that, we will be making major revisions to the draft.

At these meetings we'll be hoping to reach consensus on a number of the more, shall we say, controversial issues or issues that people have expressed a lot of opinions about, for example, things like license fees, tethering dogs, feral cat colonies, those sorts of things. This is not an exhaustive list. This is just to give you an idea of the types of things that we will be discussing. Now, we have to accept the fact that there may not be consensus on all those issues. And so if that is the case, what we will do after the meetings is to identify what the areas of contention are and what the decision points are and ultimately the Board of County Commissioners will have to make the decision as to what the County policy is.

So now I will open this up – Commissioner Mayfield.

REC
CLERK
RECORDED
6/6/2013

COMMISSIONER MAYFIELD: Madam Chair, just on a point that you're bringing up, as far as these additional public meetings, who is staffing those meetings? Is it going to be an extension of – let me ask this question for clarification for me. It was a working group that started this initially?

CHAIR HOLIAN: Commissioner Mayfield, the working group is out of the picture now in a sense, other than that the people of course who were part of the working group will be notified about the meetings. But it will be staffed by of course our Animal Control Department, our Sheriff's Department, our County Attorney will be there. I will certainly be at all the meetings and any or all of the Commissioners can attend the meetings as well.

COMMISSIONER MAYFIELD: So we'll notice those.

CHAIR HOLIAN: Yes, we will notice those.

COMMISSIONER MAYFIELD: Okay. And just for clarification for me, so it won't so much be the working group, taking in thoughts and –

CHAIR HOLIAN: No.

COMMISSIONER MAYFIELD: It will be more like – not so much like an ordinance hearing that we're having tonight but just more public comment.

CHAIR HOLIAN: More in-depth public comment and discussion, back and forth discussion to see whether we can reach consensus on some of the topics that have been brought up.

COMMISSIONER MAYFIELD: And Madam Chair, I'm assuming – well, you will be at the first one. You indicated the second one too.

CHAIR HOLIAN: I'll be at both of them.

COMMISSIONER MAYFIELD: So will it be yourself kind of chairing it and running it or will it be staff chairing it and running it?

CHAIR HOLIAN: Well, I gather that I will be chairing it.

COMMISSIONER STEFANICS: Madam Chair, I don't think you should chair it.

CHAIR HOLIAN: Okay. I won't chair. I'm glad not to.

COMMISSIONER STEFANICS: I really think that a staff person and it might even have to be Animal Control, since it's their baby, or somebody from the Sheriff's Office. I'm just suggesting that Commissioners, since we're going to be making decisions should not, and I want to say up front that I will be out of town in DC and I'm glad that the work group is going to go ahead but I will not be in attendance, so you won't have to worry about me for the quorum. But I just think that sometimes when Commissioners are even at a meeting or chairing a meeting the tenor of the meeting changes. So I just would suggest that.

CHAIR HOLIAN: Thank you, Commissioner Stefanics, And I take your point. I will not chair the meeting and I will probably turn it over to Audrey.

COMMISSIONER STEFANICS: Thank you so much, Madam Chair.

COMMISSIONER MAYFIELD: And Madam Chair, that's just what I wanted to understand for my clarification. I won't be at the first meeting. I definitely will try to make the second. So maybe the first meeting, if three other Commissioners don't attend it won't need to be noticed, because I won't be able to make the 6th meeting either. For that clarification.

CHAIR HOLIAN: Okay. And I also want to point out to you, it looks like there are only four Commissioners here but Commissioner Anaya is calling in and he does want to hear your comments, so he will be listening on the phone, as I understand it.

COMMISSIONER MAYFIELD: I need to run to my truck to get my old packet because I left my old packet from a month ago in my truck. So I'm going to run down to my truck and just get my packet with all my notes and I'll be right back up.

CHAIR HOLIAN: So, Commissioner Mayfield, is it okay if we start the public hearing?

COMMISSIONER MAYFIELD: Yes. Start, and I will be back in like one minute.

CHAIR HOLIAN: Okay. So now I will open this up to public comment and I would also like to ask you to keep your comments efficient and please try not to repeat too much. Try to keep it under three minutes if you can, and I will ask people to start – actually, do they need to be sworn in? No. Okay. This is just public comment. So please start coming up for the public comment.

COMMISSIONER STEFANICS: Madam Chair, is there anything staff would like to start with?

CHAIR HOLIAN: Commissioner Stefanics, I think that the presentation was made at the last time.

COMMISSIONER STEFANICS: Weren't changes made?

CHAIR HOLIAN: Not any substantive changes. The draft that is on our website is still the same draft. The only changes that have been made have been editorial changes for the most part, minor changes. So, who would like to start? Walter. Thank you.

WALTER WAIT: Madam Chair, members of the Commission, my name is Walter Wait. I'm a resident of the San Marcos area and president of the San Marcos Association. [Exhibit 5] Before I get into some of our newest ideas concerning this topic, I would like to say a few words about transparency. The County website exhibits the changes that have been suggested since the proposed ordinance was proposed and lists as an exhibit, public comment. Out of the five public comment papers that we have submitted, three of which were handed out to you at the last meeting, only one appears on the website. It almost feels that our input doesn't really count, as the public had no opportunity to judge our thoughts.

Second, we were informed that new prices for dog licenses were already approved within the context of a newly signed contract with the Santa Fe Animal Shelter, 2012. This contract, signed Last December purportedly authorizes the fee increases. When we went to look for the contents of this contract we found that the contract language is not available online. Instead, the County has provided a very nice contract specification for the United Way. We do notice that the amendment number one to the old 2010 contract states that the contractor, "shall take over animal licensing duties as set forth in County Ordinances for the County." If this clause is in the new contract, and I did check it before I came in this evening and it is, then the cost for a license is still \$3.00 for dogs, and the contractor is remiss in jacking the price to \$8.00 as it has.

I think that it is important for the public to understand that the County, through its contracting, is already paying close to a half million dollars of taxpayer dollars to fund animal

control and licensing efforts. Unless the Sheriff's Department can explain how its current contracts and its own funding underfunds its animal welfare efforts, we worry that the new ordinance is mostly about generating new sources of revenue for the County general fund.

Finally, if I may express the canvassed sentiments of the San Marcos area, attempting to license and manage the rural areas cat population is both unmanageable and probably foolish. That said, let me make some suggestions: If Land Use had to create a Land Use Plan prior to creating its Land Use Code, then it stands to reason that Animal Control should create a plan prior to developing an ordinance as well. Such a plan needs to cover costs and benefits and projected revenue needs, and questions such as the following need to be addressed: Where does the revenue go? What is the projected revenue? How many animals are projected to generate licensing fees? What percentage of revenue is likely to come from the County General Fund, the animal license program, fines, permits, and kennel fees. What are the projected costs of enforcement? What are the projected costs to the County for contracts? What is the history of the County's animal control efforts? What should the County include in any future animal management contract? What are the distinct responsibilities of the Sheriff's Department and the Board of County Commission toward animal control legislation, contracting, and enforcement, micro-chip program objectives, costs and benefits? We require it but what do we do with it?

Now, the County Land Use Plan calls for three specific density and growth areas, SDA-1 , SDA-2 and SDA-3, which the County Commission is quite familiar with. These areas largely conform to contemporary land use patterns from highest to lowest projected development throughout the county. Given that there are significant differences in how animals live in the eight percent of the county that is considered rural, and the relatively small portion of the county that might be considered semi-urban, any ordinance that attempts to manage animals must take these differences into consideration.

We would suggest changes to the Ordinance that reflect the Santa Fe Land Use SDA divisions. Language might be as follows: Properties within the SDA-2 and SDA-3 areas and zoned for over five acres or properties over five acres in size in the SDA-1 areas are exempt from the fencing, direct control, and leash requirements except when written complaints from neighboring property owners are proved by the Sheriff's Department to demonstrate that an animal is at large and creating a nuisance. Properties in the SDA-2 and SDA-3 areas or properties over five acres in size in the SDA-1 area are exempt from the fencing, leashing and collaring requirements for any cats that spend at least part of their day outside of an owner's residence.

Within the SDA-2 and SDA-3 areas feral and barn cats are not considered owned and are exempt from all regulation and licensing. Within the SDA-2 and SDA-3 area, feeding feral or barn cats is not considered illegal, unless the human intervention creates a colony that promotes a written complaint from neighboring property owners. The complaint must be confirmed by the Sheriff's Department to demonstrate that the colony is creating a nuisance or unsanitary condition.

Licensing of domestic cats that are declared owned in the SDA-2 and SDA-3 areas is optional except when written complaints from neighboring property owners are proved by the Sheriff's Department to demonstrate that an animal is at large and creating a nuisance. Licensing of cats in SDA-2 and SDA-3 areas will cost no more than one dollar unless the

20130226 14:05:00
SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 26, 2013
PAGE 72

license fee includes the insertion of a microchip.

Feral and barn cats located in the SDA-2 and SDA-3 areas are exempt from the managed feral cat colony rules except when written complaints from neighboring property owners are proved by the Sheriff's Department to demonstrate that a) such a colony exists, and b) that the colony is creating a nuisance to surrounding property owners.

Cats that are declared owned in the SDA-2 and SDA-3 areas that do not wear a collar and tag must be micro-chipped. And there is no responsibility by Santa Fe County to capture, trap, or otherwise treat with feral or barn cats in SDA-2 and SDA-3 areas, unless the animal involved is clearly diseased, seriously injured, or has inflicted serious injury on individuals not associated with the animal.

Every effort must be made by residents within the SDA-2 and SDA-3 areas to adopt, trap and release procedures where-by the feral and barn cats are spayed and neutered, micro-chipped, and vaccinated. The County shall institute an educational program to promote rural cat control.

Areas within the SDA-2 and SDA-3 areas are exempt from professional care facility permits for residents maintaining over ten animals. Residents maintaining animals are not professionals unless they are generating revenue from their animal maintenance activity. Perhaps a sanctuary fee will be established for those residents maintaining over ten animals. This fee shall not exceed \$10 annually. Feral and barn cats will not be included in any calculation used to establish the need for a sanctuary permit.

Within the SDA-2 and SDA-3 areas, residents obtaining a sanctuary permit will not be subject to inspection unless written complaints of abuse, negligence, or improper conditions from neighboring property owners are supported by the Sheriff's Department.

Complaints will first be heard by the County Land Use Administrator to determine what land use exemptions apply. If the complaint is valid, it shall be referred to the Sheriff's Department for code enforcements. Subdivisions within the SDA-2 and SDA-3 areas that are under five acres per parcel shall not qualify for the ordinance's rural exemptions.

If these land use divisions are not considered, we would urge the County Commission to limit the ordinance to dogs and strip out any reference to cats. These two species are very different one from the other, and trying to create a set of rules that governs both simply does not work well. Animal Control Officers can catch a stray dog with a net. Cats can only be caught with patient trapping which is beyond what animal control can afford. Ever try and catch a feral cat? Create a new task force to consider a separate ordinance for cats, once a community based plan has been adopted. Perhaps we need a rural cat ordinance the same way we need rules to control rabbits. Thank you very much for your time.

CHAIR HOLIAN: Thank you, Walt. And actually, I would like to ask Audrey to come up and just sort of address this whole license issue that happened with the animal shelter.

AUDREY ESQUIVEL (Animal Control Officer): Madam Chair, Commissioners, the Santa Fe Animal Shelter took over our licensing program in 2010. They were charging the \$3 and the \$10 and they wanted to charge the same as the City of Santa Fe was charging. They thought it would be easier to manage the licensing. They added an administrative fee and the prices went from \$3 to \$100. That has now been changed. They now are charging \$3 and \$10 and will do so until the ordinance changes.

2013 FEB 26 PM 4:05
SANTA FE COUNTY
CLERK RECORDED

CHAIR HOLIAN: Do they have an administrative fee too?

MS. ESQUIVEL: No, ma'am. It's all [inaudible]

CHAIR HOLIAN: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I had the opportunity to visit with San Marcos last week and I shared with them that I had gone on line and they asked me to register my dogs at \$8 each. My dogs had rabies shots, they were altered or neutered and there wasn't any other fee posted except \$8. And this all was last week. So something has not been changed and it's still like that. So I know that you all have tried to do that because I saw your emails internally saying we'll talk to them about this but it's not. So I just want to put that out there, as of last week.

CHAIR HOLIAN: Okay. Thank you, Commissioner. Do you have anything to add, Audrey?

MS. ESQUIVEL: Madam Chair, Commissioner, I know that they have been working on it. Unfortunately, there's one person in charge of a whole lot of things. She was working on doing refunds when I talked to her last week. So if it's a matter – was it their website?

COMMISSIONER STEFANICS: Yes.

MS. ESQUIVEL: Okay. I will bring that to their attention tomorrow and have them change that.

COMMISSIONER STEFANICS: And actually, Madam Chair, I didn't mind paying the \$8 fee. But my constituents have pointed out to me that if it's \$3 it's \$3. And so we just need to be correct and consistent.

CHAIR HOLIAN: Thank you, Commissioner. Now we know what your upper limit is. Please come forward and please identify yourself before you make your comments.

BOB DEYOUNG: Madam Chair, Commissioners, I'm Bob DeYoung and I'm a La Cienega resident and I'm also a legislative liaison for the Rio Grande Kennel Club and sat on the Bernalillo County Animal Ordinance Review Committee that had about 20 public meetings over 13 months, so I've got considerable experience in this area as it related to one of our neighboring counties.

I've give each of you and the County Attorney a copy of the National Animal Interest Alliance model ordinance and associated white paper. *[Exhibits 6 & 7]* It's been used by several locales in the country and it's the most comprehensive model in existence and likely has many suggestions no one has identified. Based on the first hearing, I think it could be receptive to concerns.

In the interest of maintaining that openness I know several people that were very concerned about the limited input for the initial draft and are concerned about limiting the review group to County Sheriff and County Attorney personnel. As an alternative I recommend that you appoint an advisory committee with representation as suggested by the NAIA model, and that's on the second to last page on the NAIA model. And also a representative from the County Attorney's Office, the County Sheriff's Office and animal agriculture as well, because again this is a model. We need to adjust it for local concerns.

The advisory committee would review public comment, address it at public meetings to review any changes that are made to the ordinance and ensure the ordinance is properly vetted and provide you with a document that addresses all issues in the unincorporated areas

SEC
CLERK
RECORDED
5:47
2013

of the county as well as humanly possible. This recommendation is different than what we've got in Bernalillo County and it's based on my experience there along with familiarity of a number of other local and state and national laws. And with a fully committed advisory group it can be accomplished in no more than three months. The advisory group would then go on to complete the duties in the model ordinance on an ongoing basis.

In closing I look forward to being at the March 6th meeting and I will bring Phil with me to that meeting, since I don't think he's restricted from that premises due to service animal restrictions. Thank you.

CHAIR HOLIAN: Thank you. Would anybody else like to come forward to comment?

ISOLDE WAIT: Hello, Commission, Madam Chair. My name is Isolde Wait. I'm a long-time resident of Santa Fe County. I am concerned about that my personal vet is supposed to be delivering my rabies vaccination input to the Santa Fe Animal Shelter so they can come out and collect my license fee. And I would suggest that rather than doing this, putting my veterinarian on the spot to ask the veterinarian to maybe go back to the old system where my vet gave anybody who had a rabies vaccination done a slip of paper and left it up to the person who is the owner of this particular animal to go and license this animal.

So I find it terribly awful to have my vet to be having to do those things. In addition to this I'd like cats to be not licensed in the county, going back to what it used to be and dogs, okay, there is a license. But overall my question is what kind of services do we get for paying licensing fees? If my dog is on five or ten acres, what are the services I'm getting? I'm not taking my dogs on the street. I'm not going to take it to a dog park, and I'm not having anybody pick up after my dog other than my husband. I think this should be taken into consideration. So no license fees for cats. Okay. And no professional animal care permit for people in the county who own more than ten animals. If you own more than ten dogs it's a different matter. I can see that reason. But only if I am in the breeding business and selling my dogs. I don't need a professional care permit for any animal unless I get some money out of them, which I don't. I pay quite some money to getting fed, vaccinated and I have some heavy dogs. Thank you.

CHAIR HOLIAN: Thank you, Ms. Wait. Anybody else?

LUCY CORNWELL: Madam Chair, my name is Lucy Cornwall and I have a letter that's on file but I have a feeling that perhaps it didn't get to all the Commissioners. *[Exhibit 8]* I'm struck by the amount of time that was put into the creation of the ordinance without quite enough consideration of its broader consequences. The County's emulation of the city ordinance is not realistic for the rural area and lifestyles the county includes. The overall theme of greater financial penalty to those who violate the amped-up ordinance may not really add up to a better life for Santa Fe County's animals. Or make more money for the County. The very people who should most frequently be cited are those least likely to be able to pay the fees. The idea that these fines should foot the some of the County's bills and/or the increased cost of animal control services required to enforce the ordinance is not realistic, or in the service of improved animal welfare.

In this economy, choosing to pay hefty fines they can't afford (if they chose not to afford fencing or neutering) will be harder and harder. More people will be more likely leave their pets to the fate of our already over-populated shelters. This would then incur greater

FILED
CLERK
RECORDED
FEB 27 2013

expense to the shelters, housing and adopting out more pets; or the need to euthanize and cremate those who do not get re-homed. With this ordinance, the prospect of adopting a pet – even for responsible owners-- looks a bit more daunting, and could result in less adoptions from shelters to make a bad problem even worse.

A few specific things in the ordinance that seem problematic. Requiring dogs to be leashed at all times when not contained, except in dog parks. Many of us who live in the less urban open spaces of the county live here in order to be able to exercise our dogs in arroyos, on forest trails, or on BLM lands. Especially for larger dogs or less athletic owners getting a daily off-leash run with owner under voice command is a realistic way for good health and behavioral balance. Also, training for herding, flyball, and some obedience/protection work requires being off leash, or using very long leads. In that there are no dog parks outside Santa Fe, the carbon paw-print of a rural dog needing some off leash time starts to get very big if that means driving into Santa Fe. Does the county wish to budget in a number of fully-contained off leash dog parks outside Santa Fe for their new program?

Requiring a property owner to foot the bill to humanely care for feral cats that have taken up residence seems unrealistic. Walter very well addressed all the feral cat things so I'll pass on that.

One of my largest things is the item in the ordinance that denies recognition of an antibody blood titer as a valid indication of rabies protection. Any pet owner willing to foot the considerable expense of a blood titer, which means a recognition that there is the rabies antibody in that pet's blood stream with continuing vaccination coverage. Anyone who is willing to pay for that is not your problem. That's not the person that should be cited or denied the ability to license their animal.

As a former board member of the Espanola Valley Humane Society I am unfortunately aware of the statistics for intake and euthanasia, and the budgets of our local shelters. I am also aware that it has not always been easy for these shelters to get their subsidies from Santa Fe County sometimes and I think that it's important for the County to take full responsibility to understand the overall impact of this ordinance on shelter populations because it will increase the flow into shelters and it may also decrease the ability of these animals to get homed. I'll leave it there and I thank you for your time.

CHAIR HOLIAN: Thank you, Ms. Cornwell.

TOM JERVIS: Good evening. My name is Tom Jervis. I'm the president of Sangre de Cristo Audubon Society. [Exhibit 9] Madam Chair, and members of the Commission, on the day of the first hearing on this ordinance, a study was released by the Smithsonian Conservation Biology Institute and the US Fish and Wildlife Service. An abstract of that article reads, "Here we conduct a systematic review and quantitatively estimate mortality caused by cats in the United States. We estimate that free-ranging domestic cats kill between 1.4 and 3.7 billion birds and 6.9 and 20.7 billion mammals annually. Un-owned cats, as opposed to owned pets, cause the majority of this mortality. Our findings suggest that free-ranging cats cause substantially greater wildlife mortality than previously thought and are likely the single greatest cause of anthropogenic mortality for United States of birds and mammals, small mammals. Scientifically sound conservation and policy intervention is needed to reduce this impact."

So the emerging science is that we know the magnitude of this problem. It's a huge

2013 FEB 26 PM 4:05
SANTA FE COUNTY
CLERK RECORDED

one. This ordinance could be just the kind of policy intervention that these scientists are calling for. At the first hearing on this ordinance, Mary Martin challenged my statement that feral cats were living difficult lives. While I don't believe this, her denial for a moment, her characterization of these animals as just house cats underscores the point that I made at that hearing that if at all possible, feral cats should indeed be fostered out owners who will care for them. It's much more humane to have an owner for a cat than it is to be on the street.

Ms. Martin also says that catch and kill does not work. But the function of an animal shelter is to shelter animals, not to release them into some imagined state of urban wilderness bliss. Catch and kill is what feral cats do, they catch and kill birds and other animals to the detriment of those birds and wildlife. But the fact is that there are not enough owners for the population of cats we have already, and so humane euthanasia has to be part of the solution. It's not the only solution; it's part of the solution.

With respect to the rather lawyerly letter from Alley Cat Allies office in Washington, DC, I would like to make several points that show their approach to be quite radical. They claim that TND, trap, neuter and release is the best approach to feral cats. It is not. On the contrary, TNR perpetuates colonies of feral cats with all the attendant problems of wildlife depredation, rabies potential, nuisance, and trespass. TNR does nothing to ensure the ongoing vaccination of these animals, a major public health reason for this ordinance that you're considering. TNR cats, most particularly if the animal control folks will no longer pick up feral animals, will be and remain a large pool of unvaccinated animals living at the interface between our community and wildlife.

Ally Cat Allies also claims that it is unfair to prohibit people from feeding feral cats. Well, it is in fact illegal in the state of New Mexico to feed wildlife other than birds. So it's an issue. While it is true that feral cats and raccoons, skunks, and other wildlife existed before colonies as they point out, the only reason that colonies exist and persist is that food is provided. Cats are not particularly social animals; in fact they are famous for not forming herds. They aggregate in colonies because they are fed and only because they are fed.

The letter goes on to advocate that cat colony caregivers be exempted from the definition of owner and that no cat should be impounded merely for being at large. This allows anyone who chooses to avoid responsible pet ownership to claim that they are caregivers of a colony and places an unreasonable burden of proof on anyone who feels that feral cats are a nuisance on their property or a threat to wildlife. And to whom is regulating cat colonies unfair? It's unfair to people who harbor a community nuisance and health hazard? I don't doubt that some caretakers are assiduous about neutering their charges, but I doubt that that is the rule. If it were true that all colony caregivers were assiduous about neutering their animals the colonies would die out, but they never do and I note that even Alley Cat Allies, which at one time promoted TNR as a means of exterminating cat colonies over time no longer makes this rather preposterous claim although some people still do.

But conversely, is it fair to the billions of birds and tens of billions of mammals that are killed or maimed by feral cats every year? Were talking about the animal welfare. Is it fair to the thousands of people in our community who appreciate birds and wildlife and who cringe at this senseless killing? But the greater point is, what is the purpose of this ordinance? Is it to protect property, community standards, and animal welfare or is it to declare feral cats a kind of protected species and their caretakers immune from responsibility?

If people care for cats, feeding them, having them neutered, and maybe even vaccinated, then they are owners of those cats. To pretend that there is a special class of cat owners who need not be responsible for their animals is ludicrous. Not too long ago we had a case of a pet owner renounced ownership of two demonstrably vicious dogs that had attacked people and other dogs in order to avoid criminal and financial responsibility for them. I don't think we want to endorse a policy like that. And I'm not saying that cats attack people, but cats have been known to attack small dogs.

The proposed ordinance, particularly if modified as advocated by Alley Cat Allies, elevates the rights of the minority of cats that are feral and their caretakers above everyone else in the community, feathered, furred or walking around on two legs. TNR is bad policy and a step backwards for animal welfare. Thank you very much, and I also want to say that I thank you all very much for taking on this larger problem of animal welfare. It's a very difficult and complicated problem as we've already learned. But I think thank you for taking it on. It's time Santa Fe County joined the 20th century.

CHAIR HOLIAN: Thank you, Mr. Jervis. Is there anyone else who would like to comment?

HELEN BOYCE: Madam Chair, Commissioners, I have to just shortly and very quickly respond to this. My name is Helen Boyce. I'm a resident on State 14. I wonder how the species survived before we had licensing fees for cats and dogs. I think cats and birds have survived before us, before we ever thought of any control of either species. The idea of a feral colony is very interesting, and I listened carefully to this learned present that you just heard, but in all the years that I've lived on 14 and it's well over 50, I've never heard or seen a colony. Not only that but we have plenty of coyotes who would absolutely eliminate anything that looked like a colony in a hurry.

So to be even concerned about this, that feral cats would endanger birds and wildlife besides and except eating mice and rats and other small animals that they survive on is maybe a waste of time. I'm very much against any kind of licensing of cats because unless you can show me that a fee will do something for my cat and will be cost-effective in keeping a number attached to these cats then later on if anything happens you can resort to it, I think it's a waste of time.

On the \$8 dog fee, I know that my neighbors have received a letter requesting \$8 for the licensing fee for dogs. Since this is not even on the books I think you should take a severe talk to the contractor that you have that sends these notices out to the county residents and refund the money which will be an expenses that you didn't expect because that's another timeframe that you have to think about.

Also, may I suggest that people have more than one dog. I happen to have none at this time; my dog passed away last year. But people have more than one dog and one dog at \$8 a fee per person, than can run up to a lot of money to people who give loving care to dogs in their home. I mean if you have four dogs times eight, times ten years of the life of the animal, that's an awful lot of money that you're asking and maybe not allowing a pet to be in a family because it's too expensive.

I also found that many of the people I talked to are saying, oh, yes, yes, my dog is licensed, but what they hadn't heard about, and this is why I think you need to make it much more public is that the veterinary label that they get, the little tag, is not the County tag. They

thought they had done the things, the rabies shots and all the things they had to do and had not realized that there is an additional tag needed on the collar of their dogs.

The sunshine laws need to be definitely brightened. My other suggestion is it's too expensive to ask the pet owner to pay \$8 every year for the life of the dog. I think a fee, which I assume would assume having a record somewhere for this dog in a computer somewhere should be a one-time per lifetime fee. Because you will then be able to trace the dog if there are any problems. Quite frankly, in our area we do have dogs and they do bark and they talk to each other, especially in the summer when they're outside, but you know, I doubt seriously that there are a number of requests for dogs by owners who have disputes with other dog owners. I would like to see a number of how many times in our area, which is a rural area, the County has been called to help and straighten something out. I haven't heard anything in the last 30 years from my many neighbors.

So I think this needs to be reconsidered and made realistic. Thank you.

CHAIR HOLIAN: Thank you. Is there anyone else? I would like to ask you to try to keep your comments short, please, and try not to repeat what's been said.

MARY STARR CHARLETON: I'm Mary Starr Charleton, and I had a comment last time but I thought I'd go over it again. I do feel that the fee for intact animals is way, way out of line. We have gotten into the hobby of training herding dogs for competition and we're not going to spay or – we finally have gotten a quality dog but I don't want to spay or neuter that dog until they're three or four years old, until I see if they're quality to be bred. We had one I thought that we might breed but he developed seizures at three, so we never bred him. I do have a young dog now that's a year. She's just starting training and it's going to take three or four years before I know that she's quality to be bred.

So paying \$100 a year gets real expensive real fast. And it's been fun doing this but also our concern is that the leash law is a problem. Our sheep are out in the county and we train on open private property and BLM land. The dogs must learn to work off-leash. The start on-leash but they need to work off-leash, and if you're a farmer or a rancher and have livestock you don't work your animals with dogs on leash. Livestock are very smart. They know when the dog is leashed and when it isn't. And they'll take off if you don't.

So we have heard of problems of dogs killing horses, colts, small animals and also harassing ranchers' cattle. So those people who have those dogs do need to have responsibility and consequences if their dog destroys livestock.

Our other concern was too that we have done herding demonstrations at the Santa Fe County Fair over the last several years and wondered how will the leash law affect that, because to do a demonstration the dogs are not leashed. Our dogs do not wear tags because the jingle jangle of the tags affects the livestock and it startles them and they bolt, and that's not good. So our dogs have the flat collar, flat tag that identifies who we are but the tags are not there. I have them at home simply because of that problem. So I really think the fewer laws the better. The laws that address critical needs and as far as public nuisance, public harm and inhumane treatment – keep it simple, please. Thank you.

CHAIR HOLIAN: Thank you, Ms. Charleton. Anybody else? Okay. I would say that this public hearing is closed. And we will have more public meetings and there will be press releases on that, plus on our website there will be information about that and we can have more in-depth discussions. And thank you all for coming.

2013/02/26 14:52:23
REC'D
CLERK
2013

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Quick question back to public hearings. And I know we mentioned we're having one at the County Fair Building. But could we entertain maybe having one in the northern part of the county, the southern part of the county?

CHAIR HOLIAN: Yes, Commissioner, and I would ask you to work on setting that up.

COMMISSIONER MAYFIELD: Thank you. And anywhere else in the county. Yes, if any other Commissioners would like to set up public meetings feel free to do so.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I made a comment at the last meeting and I don't know but I still think that this might be the flavor, and it kind of goes along with the SDAs but maybe not. It's that there is a difference in urban, suburban and rural, and that I understand we're trying to mirror something the City did, because it's the same organization that's running the shelter for both the City and the County, but I still would encourage you to look at that maybe three-tiered grouping.

And the other thing that has happened, and I'm not sure how this would help, and this goes back to Ms. Boyce's comment is actually, in the arroyo between me and my neighbor, people have been dumping dogs lately. And if they can survive the coyotes then that neighbor calls for animal control to come get them but sometimes the dogs don't survive the coyotes. And I'm not sure how this situation would help because even if somebody had a license but decided to dump without the tags we'd never find out where they should go. So anyway, there's a lot of issues, I know, with all of this, but I think the public is bringing up a lot of good issues. Thank you very much, Madam Chair.

CHAIR HOLIAN: Thank you. So now I believe that this case is over with until our public meetings.

XVI. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. Discussion of Pending or Threatened Litigation

CHAIR HOLIAN: Steve, do we need to have an executive session?

MR. ROSS: Madam Chair, I think we do. We need to discuss two matters of pending or threatened litigation.

CHAIR HOLIAN: Okay. Could I have a motion?

COMMISSIONER STEFANICS: I'll move that we go into executive session for the purposes of discussing pending or threatened litigation.

COMMISSIONER CHAVEZ: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7) to discuss the matter delineated above passed upon unanimous roll call vote with Commissioners Anaya (telephonically), Chavez, Mayfield, Stefanics and Holian all voting in the affirmative.

[The Commission met in closed session from 6:45 to 7:30.]

COMMISSIONER CHAVEZ: I move we come out of executive session where litigation was under discussion.

COMMISSIONER STEFANICS: Present were our County Attorney, our County Manager, our Deputy County Attorney, and four – five Commissioners.

COMMISSIONER CHAVEZ: And the items, one of the items we that we discussed was possible action regarding annexation and enforcement of the settlement agreement between the City o Santa Fe and Santa Fe County.

CHAIR HOLIAN: And do I have a second?

COMMISSIONER STEFANICS: Yes, I seconded it.

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

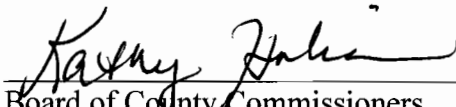
XVIII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 7:30 p.m.

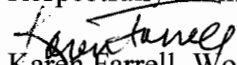


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Approved by:


Board of County Commissioners
Kathy Holian, Chair

Respectfully submitted:


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



Medicaid Expansion Presentation
Julie Weinberg, Director
Medical Assistance Division
February 26, 2013

Medicaid Expansion Overview

- ◆ The expansion of Medicaid under the Patient Protection and Affordable Care Act (ACA) makes lower income adults eligible for Medicaid health care coverage and provides new federal funding to states.
- ◆ The ACA includes new federal funding for this population – 100% in calendar years 2014-2016, reducing to 90% by 2020.



Medicaid Expansion Eligibility Levels

Household Size	Annual Income \leq 138% FPL
1	\$15,420
2	\$20,880
3	\$26,352
4	\$31,812
5	\$37,284
6	\$42,744



New Mexico Human Services Department

Enrollment Estimates

- ◆ Beginning January 1, 2014, HSD projects about 170,000 New Mexicans will be eligible for Medicaid in the new adult (a.k.a., expansion or newly eligible) group.
- ◆ HSD estimates about 7,400 persons in Santa Fe County will be newly eligible under expansion.
- ◆ This does not include those Santa Fe County residents enrolled in the State Coverage Insurance (SCI) that HSD runs who will move into Medicaid coverage under expansion.



Benchmark Benefit Plan

- ◆ Newly eligible adults will be covered by a benchmark, or “alternative”, benefit plan.
- ◆ The benchmark benefit package must include the 10 categories of “essential health benefits” that are defined in the ACA:
 - ambulatory patient services,
 - emergency services,
 - hospitalization,
 - maternity/newborn care,
 - behavioral health and substance abuse treatment,
 - prescription drugs,
 - rehabilitative and habilitative services,
 - lab and x-ray, preventive services;
 - and pediatric services.



Benchmark Benefit Plan

- ◆ States have the flexibility to create benchmark benefit plans that resemble certain commercial benefit packages available to individuals or government employees, the basic Medicaid benefit package, or to define a benefit package that offers coverage that is basically equivalent to these options.
- ◆ HSD is in the process of deciding which benchmark benefit option will work best for the expansion population. Public input will be sought on this issue in the coming months.





	PROJECT TITLE	BUDGET	YEAR OF EXECUTION			
			FY 14	FY 15	FY 16	FY 17
2012 GOB ROADS	NE/SE Connector	\$5,000,000		\$500,000	\$4,500,000	
	CR 55A General Goodwin Ranch Road paving	\$1,500,000				\$1,500,000
	CR 54 Los Pinos Road All-Weather Structure	\$500,000		\$500,000		
	CR 113S River Crossing Improvements	\$400,000			\$400,000	
	CR 50F Entrada La Cienega 2" Asphalt Overlay	\$200,000			\$200,000	
	CR77 Camino La Tierra 2" Asphalt Overlay	\$700,000	\$700,000			
	CR 33 Old Lamy Trail 2" Asphalt Overlay	\$300,000		\$300,000		
	Herrada Road Paving	\$900,000	\$900,000			
	CR 67F (La Barbaria Road) Paving/Drainage	\$500,000				\$500,000
	Road Improvements in Northern SF County	\$1,000,000	\$500,000	\$500,000		
	Torcido Loop Paving/Drainage	\$405,000		\$405,000		
	Bicycle Lane Construction Old Santa Fe Trail	\$1,500,000				\$1,500,000
	Cerros Cantando Chip Seal	\$178,000			\$178,000	
	Camino Pacifico Chip Seal	\$192,000			\$192,000	
	CR 50A Paving	\$178,000		\$178,000		
	Avenida Amistad Paving	\$194,000		\$194,000		
	Avenida Buena Ventura Paving	\$91,000		\$91,000		
	Puye Road Chip Seal	\$140,000			\$140,000	
	Spruce Street Chip Seal	\$156,000		\$156,000		
	Glorieta Estates Chip Seal	\$200,000			\$200,000	
	Vista Redondo Paving	\$600,000	\$600,000			
	Pinion Hills Chip Seal	\$627,000		\$627,000		
	Puesta del Sol Chip Seal	\$604,000		\$604,000		
	Race Track Subdivision Chip Seal	\$167,700		\$167,700		
	Hale Road Chip Seal	\$729,200	\$729,200			
	Western Road Chip seal	\$501,325	\$501,325			
	Jaymar Road Chip Seal	\$182,300	\$182,300			
	B Anaya Road Chip Seal	\$364,600	\$364,600			
	North Weimar Road Chip Seal	\$364,600	\$364,600			
	Roach Road Chip Seal	\$138,540	\$138,540			
	Cerrillos Village Chip Seal	\$222,400			\$222,400	
	Rancho Alegre Chip Seal	\$264,335		\$264,335		
	Sub-Total GOB Roads	\$19,000,000	\$4,980,565	\$4,487,035	\$6,032,400	\$3,500,000
	Number of Projects	34	10	12	8	4

	PROJECT TITLE	BUDGET	YEAR OF EXECUTION			
			FY 14	FY 15	FY 16	FY 17
2012 GOB WATER/WASTE- WATER	TL2N (Old Santa Fe Trail Transmission Line)	\$850,000				\$850,000
	Aquifer Recharge and Storage Phase 1	\$1,245,000	\$245,000	\$1,000,000		
	TL6S Rancho Viejo-Eldorado Connector Line	\$2,500,000	\$2,500,000			
	Quill Water Reclamation plant-Treatment Imp.	\$3,290,000	\$500,000	\$1,500,000	\$1,290,000	
	Greater Glorieta Water Supply Imp. Phase 1	\$1,000,000			\$1,000,000	
	SR4NE Connection Rancho Viejo-Hospital Tank	\$215,000			\$215,000	
	Greater Glorieta Wastewater Collection	\$900,000	\$900,000			
	Sub-Total GOB Water/Wastewater	\$10,000,000	\$4,145,000	\$2,500,000	\$2,505,000	\$850,000
	Number of Projects	11	4	2	4	1
2012 GOB OPEN SPACE	Mt. Chalchihuitl Remediation	\$676,000	\$676,000			
	Santa Fe Greenway/Frenchy's to Siler	\$3,940,000		\$940,000	\$1,000,000	\$2,000,000
	Santa Fe Greenway El Camino Real Park	\$925,000		\$925,000		
	Thornton Roach Open Space Design	\$200,000	\$200,000			
	Bennie J Chavez Park	\$259,000	\$259,000			
	Sub-Total GOB Open Space	\$6,000,000	\$1,135,000	\$1,865,000	\$1,000,000	\$2,000,000
	Number of Projects	7	3	2	1	1
TOTAL GOB 2012		\$35,000,000	\$10,260,565	\$8,852,035	\$9,537,400	\$6,350,000
Number of Projects		52	17	16	13	6

	PROJECT TITLE	BUDGET	YEAR OF EXECUTION			
			FY 14	FY 15	FY 16	FY 17
CAPITAL OUTLAY GRT	Old Judicial Courthouse Redevelopment	\$6,475,000	\$475,000	\$6,000,000		
	Highway 14 Senior/Community Center	\$1,145,000	\$145,000	\$1,000,000		
	Nancy Rodriquez Center Upgrades	\$300,000	\$150,000	\$150,000		
	Hondo Station Additions	\$275,000		\$275,000		
	Glorieta Pass Fire District Substation	\$500,000	\$50,000	\$450,000		
	La Cienega Main Station Remodel/Addition	\$500,000	\$500,000			
	Ken and Patty Adams Senior/Community Center	\$850,000	\$100,000	\$750,000		
	Stanley Wellness Center	\$1,200,000	\$1,200,000			
	Northern Santa Fe County Transfer Station	\$2,500,000	\$100,000	\$250,000	\$2,150,000	
	La Bajada Ranch Programming/Design	\$200,000	\$200,000			
	Public Safety Complex Upgrade Construction	\$2,500,000	\$500,000	\$2,000,000		
	CR 26 Simmons Road Base Course	\$460,000	\$460,000			
	Pojoaque Sports Fields Construction	\$950,000	\$950,000			
	Northern SF County Rec. Fields Property Acq.	\$800,000	\$50,000	\$750,000		
	Romero Park Construction	\$1,000,000	\$1,000,000			
	CR 20B Base Course	\$415,000		\$415,000		
	Galisteo Village Base Course	\$125,000		\$125,000		
	Local Government Road Match FY 14	\$100,000	\$100,000			
	Acquisition of Mutual Domestic Water Systems	\$800,000	\$400,000	\$400,000		
	Commission Priorities FY 13	\$985,000	\$985,000			
	Commission Priorities FY 14 - FY 17	\$4,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
	Capital Outlay GRT FY 15 -FY 17	\$15,000,000		\$5,000,000	\$5,000,000	\$5,000,000
	Total GRT	\$41,080,000	\$8,365,000	\$18,565,000	\$8,150,000	\$6,000,000

Grand Total (GOB + GRT)	\$76,080,000	\$18,625,565	\$27,417,035	\$17,687,400	\$12,350,000
--------------------------------	---------------------	---------------------	---------------------	---------------------	---------------------



BCC REPORT 2/26/2013

SANTA FE COUNTY TRACKED LEGISLATION	pages 2 -20
SANTA FE COUNTY LEGISLATIVE RESOLUTIONS LISTED	pages 21-22
NMAC BOARD POSITIONS FOR LEGISLATION	pages 23-25

TRACKED LEGISLATION

HB2 HB21 HB30 HB37 HB74 HB134 HB135 HB168 HB211 HB262 HB306 HB334 HB338 HB369 HB373 HB377 HB379 HB464 HB490 HB515
HB521 HB563 HB566 HJR5 HJM22
SB14 SB33 SB60 SB101 SB220 SB221 SB226 SB353 SB368 SB454 SB463 SB468 SB477 SB481 SB506 SB540 SB566 SB586 SB589

Bill: HB2

Sponsors: Saavedra (D10)

Title: GENERAL APPROPRIATIONS ACT OF 2013

Summary: A shell for a more comprehensive HB2 that will emerge later in the legislative session. Cited as the General Appropriation Act of 2013, authorizes funding to various state agencies from the General Fund, Internal Services and Transfers, Other State Funds and Federal Funds in fiscal year 2013 as follows:

Subjects: State Affairs and State Agencies; Appropriations

Progress: 2nd House: Referred to Committee

Status: 02/21/2013 – Senate Finance Committee

History: 01/16/2013 – H Introduced and referred to House Appropriations & Finance.

02/19/2013 – H Reported Do Not Pass but Do Pass as substituted by House Appropriations & Finance (Substitute for HB2 and HB3, HB4, HB5 and HB6).

02/21/2013 – H Removed from Speaker's table.

02/21/2013 – H Placed on House Calendar.

02/21/2013 – H Opened for floor debate.

02/21/2013 – H Passed 53-16.

02/21/2013 – S Received in the Senate and referred to Senate Finance.

Bill: HB21 relates to public meeting noticing

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

Title: PUBLIC MEETING AGENDAS 72 HOURS IN ADVANCE

Summary: (Similar to HB35 in 2012) Amends the Open Meetings Act to require that an agenda be available to the public and posted on the public body's web site (if maintained) at least 72 hours, rather than 24 hours, prior to a meeting, except in the event of an emergency.

Subjects: State Affairs and State Agencies; Municipalities/City Government; County Affairs; Courts and Civil Matters

Related: 2012:HB35

Progress: 2nd House: Referred to Committee

Status: 02/13/2013 – Senate Rules Committee

History: 12/19/2012 – H Prefiled in the House.

01/16/2013 – H Introduced and referred to House Voters & Elections.

01/16/2013 – H Also referred to House Judiciary.

01/29/2013 – H Reported Do Pass by House Voters & Elections.
02/11/2013 – H Reported Do Pass as amended by House Judiciary.
02/13/2013 – H Removed from Speaker's table.
02/13/2013 – H Placed on House Calendar.
02/13/2013 – H Opened for floor debate.
02/13/2013 – H Passed 59-0.
02/13/2013 – S Received in the Senate and referred to Senate Rules.
02/13/2013 – S Also referred to Senate Judiciary.

Bill: HB30 *relates to SFC participation in the NCRTD*

Sponsors: Trujillo, J. (D45); Cisneros (D6)

Title: REGIONAL TRANSIT GROSS RECEIPTS TAX DISTRIBUTION

Summary: (For the Revenue Stabilization and Tax Policy Committee) Transfers authority from the "county governing body" to the Taxation and Revenue Department to distribute proceeds from the County Regional Gross Receipts Tax imposed on businesses operating in several northern counties that lie within the Regional Transit District.

Subjects: County Affairs; Taxation and Fees; Transportation

Progress: 1st House: Referred to Committee

Status: 01/16/2013 – House Transportation and Public Works Committee

History: 12/21/2012 – H Prefiled in the House.

01/16/2013 – H Introduced and referred to House Transportation & Public Works.

01/16/2013 – H Also referred to House Taxation & Revenue.

01/16/2013 – H Also referred to House Appropriations & Finance.

Bill: HB37 *relates to resolution 2012-14, NMAC legislative initiative*

Sponsors: Martinez, Rudolpho (D39)

Title: ANNUAL DELINQUENT PROPERTY TAX SALES

Summary: (For the Revenue Stabilization and Tax Policy Committee) Beginning in 2014, requires the Taxation and Revenue Department to annually conduct at least one delinquent property tax sale in each county where any is located. Present law permits, but does not require, such sales each year.

Subjects: Taxation and Fees; State Affairs and State Agencies; County Affairs

Progress: 2nd House: Referred to Committee

Status: 02/15/2013 – Senate Corporations and Transportation Committee

History: 12/28/2012 – H Prefiled in the House.

01/16/2013 – H Introduced and referred to House Judiciary.

01/16/2013 – H Also referred to House Taxation & Revenue.

01/16/2013 – H Also referred to House Appropriations & Finance.
01/24/2013 – H Reported Do Pass as amended by House Judiciary.
02/07/2013 – H Reported Do Pass as amended by House Taxation & Revenue.
02/12/2013 – H Committee referrals changed.
02/12/2013 – H Referral withdrawn from House Appropriations & Finance.
02/14/2013 – H Removed from Speaker's table.
02/14/2013 – H Placed on House Calendar.
02/14/2013 – H Opened for floor debate.
02/14/2013 – H Passed 54-0.
02/15/2013 – S Received in the Senate and referred to Senate Corporations & Transportation.
02/15/2013 – S Also referred to Senate Judiciary.

Bill: HB74

Sponsors: Gonzales (D42)

Title: STRIPS LONG-TERM AFFORDABILITY RESTRICTIONS

Summary: (Endorsed by the Mortgage Finance Authority Oversight Committee) Amends the Affordable Housing Act by providing terms for the sale of foreclosed affordable housing projects without retaining the long-term affordability restrictions. Gives AG “civil investigative demand” powers.

Subjects: Land, Housing and Real Estate; Banks, Securities and Loans

Progress: 2nd House: Referred to Committee

Status: 02/11/2013 – Senate Public Affairs Committee

History: 01/16/2013 – H Introduced and referred to House Judiciary.

02/07/2013 – H Reported Do Not Pass but Do Pass as substituted by House Judiciary.

02/11/2013 – H Removed from Speaker's table.

02/11/2013 – H Placed on House Calendar.

02/11/2013 – H Opened for floor debate.

02/11/2013 – H Passed 67-0.

02/11/2013 – S Received in the Senate and referred to Senate Public Affairs.

02/11/2013 – S Also referred to Senate Judiciary.

Bill: HB134 relates to *SFC resolution 2013-8*

Sponsors: Egolf (D47)

Title: CORRECTIONS DEPARTMENT WATER PURCHASE

Summary: Appropriates \$193,400 (GF) to the Corrections Department to purchase water from Santa Fe County for use by the State Penitentiary.

Subjects: Appropriations; Public Safety and Corrections; State Affairs and State Agencies; Water; County Affairs

Progress: 1st House: Referred to Committee
Status: 02/05/2013 – House Appropriations and Finance Committee
History: 01/17/2013 – H Introduced and referred to House Health, Government & Indian Affairs.
01/17/2013 – H Also referred to House Appropriations & Finance.
02/05/2013 – H Reported Do Pass by House Health, Government & Indian Affairs.

Bill: HB135 relates to SFC resolution 2013-5

Sponsors: Egolf (D47)

Title: ENERGY EFFICIENT HOME TAX CREDIT

Summary: Allows owner-occupants of single-family residential homes to claim a refundable energy efficient home tax credit against the owner's personal income tax liability if the home meets specified home energy rating system (HERS) index levels. Applies only for 2013 through 2016 taxable years to single-family residences, construction of which begins on or after July 1, 2013 but not after June 30, 2016.

Subjects: Business, Manufacturing and Economic Development; Energy Resources and Chemicals; State Affairs and State Agencies; Construction and Materials; Taxation and Fees

Progress: 1st House: Referred to Committee
Status: 01/30/2013 – House Taxation and Revenue Committee
History: 01/17/2013 – H Introduced and referred to House Energy & Natural Resources.
01/17/2013 – H Also referred to House Taxation & Revenue.
01/17/2013 – H Also referred to House Appropriations & Finance.
01/30/2013 – H Reported Do Pass by House Energy & Natural Resources.

Bill: HB168 relates to SFC resolution 2013-6

Sponsors: Stewart (D21)

Title: HEALTH INSURANCE EXCHANGE ACT

Summary: (Similar to 2012 SB6) (Duplicate of 2013 SB0221) This bill creates the Health Insurance Exchange as a nonprofit public corporation, governed by a board of directors, to provide qualified individual and qualified employers with increased access to health insurance in the state. It also transfers all personnel, appropriations, money, records, equipment, supplies and other personal property of the Health Insurance Alliance, which currently offers health insurance to eligible small businesses and individuals, to the exchange on June 15, 2013.

Subjects: Health and Medical Practice; Business, Manufacturing and Economic Development; Human Services; Indians; Taxation and Fees; Family and Juveniles

Related: 2012:SB6; 2013:SB221; 2013:SB266; 2013:HB262; 2013:HB563; 2013:SB589

Progress: 1st House: Reported from Committees
Status: 02/19/2013 – House Calendar
History: 01/22/2013 – H Introduced and referred to House Health, Government & Indian Affairs.
01/22/2013 – H Also referred to House Judiciary.

02/12/2013 – H Reported Do Not Pass but Do Pass as substituted by House Health, Government & Indian Affairs.

02/19/2013 – H Reported Do Not Pass but Do Pass as substituted by House Judiciary.

Scheduled: 02/26/2013 – House Calendar, 10:00 a.m., House Chambers

Bill: HB211 relates to SFC senior projects, Aamodt settlement water project, 1st judicial project

Sponsors: Trujillo, J. (D45)

Title: CAPITAL EXPENDITURES: SEVERANCE TAX BONDS AND GENERAL FUND APPROPRIATIONS

Summary: A 49-page bill that provides funding for a multitude of statewide projects ranging from equipment and vehicles for senior centers, to energy systems and renovations for public buildings, to infrastructure improvements at state parks, to railroad maintenance, a water dam project, Indian water rights settlement, to higher education technology and infrastructure improvements, corrections facilities, Homeland Security, etc.

Subjects: Taxation and Fees; Appropriations; Aging; County Affairs; Municipalities/City Government; Water; State Affairs and State Agencies

Progress: 1st House: Referred to Committee

Status: 01/23/2013 – House Taxation and Revenue Committee

History: 01/23/2013 – H Introduced and referred to House Taxation & Revenue.

Bill: HB262 relates to SFC resolution 2013-6

Sponsors: Gonzales (D42)

Title: HEALTH SECURITY ACT (WITH SECURITY PLAN)

Summary: (Similar to SB226) The Health Security Act provides health care coverage available to all New Mexicans through a combination of public and private financing. Participation is mandatory for holders of private insurance. Seeks to control escalating health care costs and improve health care for all New Mexicans. The act creates a Health Care Commission, charged with developing and adopting a five-year Health Security Plan designed to provide comprehensive health care benefits, including preventive health care and primary, secondary and tertiary health care for acute and chronic conditions.

Subjects: Aging; Appropriations; Capital Outlay Requests; Health and Medical Practice; Indians; State Affairs and State Agencies

Related: 2013:SB266; 2013:HB168; 2013:HB563

Progress: 2nd House: Referred to Committee

Status: 02/18/2013 – House Judiciary Committee

History: 01/25/2013 – H Introduced and referred to House Health, Government & Indian Affairs.

01/25/2013 – H Also referred to House Judiciary.

02/18/2013 – H Reported Do Pass by House Health, Government & Indian Affairs.

Bill: HB306 relates to Sheriff's Office deputization authority

Sponsors: Trujillo, C. (D46)

Title: COUNTY SHERIFF'S MAY DEPUTIZE INDIAN POLICE OFFICERS

Summary: Authorizes county sheriff's to deputize commissioned Indian nation, tribe pueblo or B.I.A. officers assigned to New Mexico as deputy sheriffs with the powers and duties to enforce state laws. The authority mirrors the procedures of Sec. 29-1-11 authorizing Indian and other federal officers to act as New Mexico peace officers. All procedures covering the Indian officers must be specified in a written agreement.

Subjects: Public Safety and Corrections; Criminal Code; Indians; County Affairs

Progress: 1st House: Referred to Committee

Status: 02/18/2013 – House Judiciary Committee

History: 01/28/2013 – H Introduced and referred to House Health, Government & Indian Affairs.

01/28/2013 – H Also referred to House Judiciary.

02/18/2013 – H Reported without recommendation as amended by House Health, Government & Indian Affairs.

Bill: HB334 relates to county officials statewide

Sponsors: Wooley (R66)

Title: COUNTY OFFICIALS: SALARY LIMIT INCREASES

Summary: (Same as the amended version of 2012's HB188 that was vetoed by the Governor) Increases the limits for the salaries of all elected country officials throughout the state.

Subjects: County Affairs; Elections; Labor; Public Employees/Retirement

Related: 2012:HB188

Progress: 1st House: Referred to Committee

Status: 02/18/2013 – House Judiciary Committee

History: 01/29/2013 – H Introduced and referred to House Health, Government & Indian Affairs.

01/29/2013 – H Also referred to House Judiciary.

02/18/2013 – H Reported Do Pass as amended by House Health, Government & Indian Affairs.

Bill: HB338 relates to SFC resolution 2012-150

Sponsors: Hall, J. C. (R28)

Title: APPROPRIATION: LOCAL PRODUCE IN PUBLIC SCHOOLS

Summary: Appropriates \$1,440,000 (GF) (nonreverting) to the Public Education Department for expenditure in FY 2014 and subsequent fiscal years to purchase and distribute New Mexico-grown fruits and vegetables to school meal programs.

Subjects: Schools and Teachers; Agriculture and Ranching; Health and Medical Practice; Appropriations

Progress: 1st House: Referred to Committee

Status: 02/08/2013 – House Appropriations and Finance Committee

History: 01/30/2013 – H Introduced and referred to House Agriculture & Water Resources.

01/30/2013 – H Also referred to House Appropriations & Finance.

02/08/2013 – H Reported Do Pass by House Agriculture & Water Resources.

Bill: HB369 relates to GRT received by county governments

Sponsors: Taylor, T. (R1)

Title: FUNDAMENTAL TAX REFORM

Summary: (Identical to SB368) Massive 207-page bill enormously expands the gross receipts base to replace the personal income, corporate income, corporate franchise, estate, railroad car company, motor vehicle excise, leased vehicle gross receipts and boat excise taxes and the University Athletic Facility Bonding Act, lower the state gross receipts, governmental gross receipts and compensating tax rates by 3 percent to 2.1225 percent and local option gross receipts tax rates by roughly two-thirds. Cuts the gross receipts distribution to municipalities to 0.508 percent (from 1.225 percent).

Subjects: County Affairs; Municipalities/City Government; Transportation; Business, Manufacturing and Economic Development; Utilities; Energy Resources and Chemicals; Land, Housing and Real Estate; Family and Juveniles; Construction and Materials; Banks, Securities and Loans; Agriculture and Ranching; Indians; Telecommunications; Information Technology

Related: 2013:SB368

Progress: 1st House: Referred to Committee

Status: 02/21/2013 – House Consumer and Public Affairs Committee

History: 01/31/2013 – H Introduced and referred to House Business & Industry.

01/31/2013 – H Also referred to House Taxation & Revenue.

01/31/2013 – H Also referred to House Consumer & Public Affairs.

01/31/2013 – H Also referred to House Transportation & Public Works.

01/31/2013 – H Also referred to House Energy & Natural Resources.

01/31/2013 – H Also referred to House Appropriations & Finance.

02/18/2013 – H Reported without recommendation by House Business & Industry.

02/21/2013 – H Reported without recommendation by House Taxation & Revenue.

Bill: HB373 relates to SFC resolution 2012-113 NMAC legislative initiative

Sponsors: Kane (D15)

Title: AUTHORIZES RESTRICTIONS ON FIREWORKS SALES

Summary: HENRC substitute for HB373 retains the intent of the original to change the standards for local government fireworks restrictions and authorize the Forestry Division of the Energy, Minerals and Natural Resources Department to ban the sale and use of fireworks under certain conditions. The substitute also requires fireworks vendors to provide safety information.

Subjects: Public Safety and Corrections; State Affairs and State Agencies; Municipalities/City Government; County Affairs; Business, Manufacturing and Economic Development; Natural Resources (Parks and Wildlife)

Related: 2012:SB5; 2012:SB300

Progress: 1st House: Referred to Committee

Status: 02/21/2013 – House Judiciary Committee

History: 01/31/2013 – H Introduced and referred to House Energy & Natural Resources.
01/31/2013 – H Also referred to House Judiciary.
02/21/2013 – H Reported Do Not Pass but Do Pass as substituted by House Energy & Natural Resources.

Bill: HB377 relates to county property taxes rates

Sponsors: Harper (R57)

Title: PROPERTY TAXES: YIELD CONTROL TWEAK

Summary: Permits a property tax rate-imposing entity and the Department of Finance and Administration to use a lower figure than otherwise prescribed in Section 7-37-7.1 for the factor “percent change I” in the yield control formula. Using a lesser figure will lower the allowable property tax rate.

Subjects: County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Land, Housing and Real Estate; Family and Juveniles; Taxation and Fees

Progress: 2nd House: Referred to Committee

Status: 02/21/2013 – Senate Corporations and Transportation Committee

History: 01/31/2013 – H Introduced and referred to House Taxation & Revenue.

01/31/2013 – H Also referred to House Appropriations & Finance.

02/07/2013 – H Reported Do Pass by House Taxation & Revenue.

02/18/2013 – H Committee referrals changed.

02/18/2013 – H Referral withdrawn from House Appropriations & Finance.

02/20/2013 – H Removed from Speaker's table.

02/20/2013 – H Placed on House Calendar.

02/20/2013 – H Opened for floor debate.

02/20/2013 – H Passed 66-0.

02/21/2013 – S Received in the Senate and referred to Senate Corporations & Transportation.

02/21/2013 – S Also referred to Senate Finance.

Bill: HB379 relates to the film production industry

Sponsors: Maestas (D16)

Title: FILM PRODUCTION TAX CREDIT CHANGES

Summary: Makes a series of changes to the film production tax credit. Most importantly, grants a 30 percent film production credit for qualified expenditures of certain commercial television series, allows any tax credit authorization not used in one year to carry-forward to future fiscal years and allows the film production company to sell, transfer or assign any film production tax credit refunds it is due.

Subjects: Business, Manufacturing and Economic Development; Taxation and Fees

Progress: 2nd House: Referred to Committee

Status: 02/21/2013 – Senate Corporations and Transportation Committee

History: 01/31/2013 – H Introduced and referred to House Taxation & Revenue.
02/18/2013 – H Reported Do Not Pass but Do Pass as substituted by House Taxation & Revenue.
02/20/2013 – H Removed from Speaker's table.
02/20/2013 – H Placed on House Calendar.
02/20/2013 – H Opened for floor debate.
02/20/2013 – H Passed 64-0.
02/21/2013 – S Received in the Senate and referred to Senate Corporations & Transportation.
02/21/2013 – S Also referred to Senate Finance.

Bill: HB464 *relates to SFC resolution 2012-113 NMAC legislative initiative*

Sponsors: Tripp (R49)

Title: FIREWORKS BAN

Summary: Expands the types of fireworks a municipality or county shall ban from to “aerial devices” after that municipality or county holds a public hearing and determines that there are extreme or severe drought conditions under the Fireworks Licensing Act.

Subjects: Business, Manufacturing and Economic Development; County Affairs; Municipalities/City Government; Public Safety and Corrections

Progress: 1st House: Referred to Committee

Status: 02/07/2013 – House Business and Industry Committee

History: 02/07/2013 – H Introduced and referred to House Business & Industry.

02/07/2013 – H Also referred to House Judiciary.

Scheduled: 02/26/2013 – House Business and Industry Committee, 1:30 or after Floor Session, Room 309

Bill: HB490 *relates to film production industry*

Sponsors: McCamley (D33)

Title: FILM PRODUCTION TAX CREDIT STUDY

Summary: Appropriates \$50,000 (GF) to the Office of the State Auditor to evaluate the effect of the film production tax credit and the effectiveness of the cap on the film production tax credit, and to produce a report based on the findings.

Subjects: Appropriations; State Affairs and State Agencies; Taxation and Fees; Cultural Affairs; Business, Manufacturing and Economic Development

Progress: 1st House: Referred to Committee

Status: 02/11/2013 – House Taxation and Revenue Committee

History: 02/11/2013 – H Introduced and referred to House Taxation & Revenue.

02/11/2013 – H Also referred to House Appropriations & Finance.

Bill: HB515 *relates to county commissions and other elected county offices*

Sponsors: Garcia, Mary Helen (D34)

Title: MANDATORY TRAINING FOR COUNTY AND MUNICIPAL ELECTED OFFICIALS OR OUSTER FROM OFFICE

Summary: (Duplicates 2013 SB434) Although the bill title mentions only municipal officials, it requires municipal and county officials, whether elected or appointed, to undergo a complete training course by the Department of Finance and Administration or face suspension or removal from office for nonattendance or unsuccessful completion. The bill is directed at municipal officials who fill elected offices. At the county level, it applies to a county commissioner, county assessor, county clerk, county sheriff, county treasurer, probate judge, county flood commissioner and small claims court clerk.

Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies; Elections

Related: 2013:SB434

Progress: 1st House: Referred to Committee

Status: 02/11/2013 – House Voters and Elections Committee

History: 02/11/2013 – H Introduced and referred to House Voters & Elections.

02/11/2013 – H Also referred to House Judiciary.

Bill: HB521 *relates to county property taxes, “tax lightning”*

Sponsors: Sandoval (D17)

Title: RESIDENTIAL VALUATION LIMITATION & EQUITY FOR NM RESIDENTS

Summary: Strikes the existing requirement in the Tax Code that a property’s valuation revert to its current and correct valuation for the property tax year following a change of ownership, that is, “tax lightning.” Instead, requires residential property to be valued for property taxation purposes at the highest of three alternative valuations:

Subjects: County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Land, Housing and Real Estate; Family and Juveniles; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 02/25/2013 – House Taxation and Revenue Committee

History: 02/12/2013 – H Introduced and referred to House Judiciary.

02/12/2013 – H Also referred to House Taxation & Revenue.

02/25/2013 – H Reported Do Pass as amended by House Judiciary.

Bill: HB563 *relates to SFC resolution 2013-6*

Sponsors: Taylor, T. (R1)

Title: YET ANOTHER HEALTH INSURANCE EXCHANGE ACT

Summary: (Related to HB168, SB266 and HB262) Proposes a new section of law to be cited as the New Mexico Health Insurance Exchange Act; creates the Health Insurance Exchange; and provides for the repeal of the New Mexico Health Insurance Alliance Act.

Subjects: Health and Medical Practice; Business, Manufacturing and Economic Development; Human Services; Indians; Taxation and Fees; Family and Juveniles

Related: 2013:HB168; 2013:SB266; 2013:HB262; 2013:SB589

Progress: 1st House: Referred to Committee

Status: 02/13/2013 – House Health, Government and Indian Affairs Committee

History: 02/13/2013 – H Introduced and referred to House Health, Government & Indian Affairs.

02/13/2013 – H Also referred to House Judiciary.

Bill: HB566 relates to SFC resolution 2013-2

Sponsors: Salazar, T. (D70)

Title: ISC REGIONAL AND STATEWIDE WATER PLANNING

Summary: (Similar to SB454) Appropriates \$400,000 (GF) to the Interstate Stream Commission for use in FY2014 to update three regional water plans and maintain the state water plan.

Subjects: Appropriations; Water; State Affairs and State Agencies

Related: 2013:SB454

Progress: 1st House: Referred to Committee

Status: 02/22/2013 – House Appropriations and Finance Committee

History: 02/13/2013 – H Introduced and referred to House Agriculture & Water Resources.

02/13/2013 – H Also referred to House Appropriations & Finance.

02/22/2013 – H Reported Do Pass by House Agriculture & Water Resources.

Bill: HJM22 relates to Aamodt settlement water project

Sponsors: Madalena (D65)

Title: REQUESTS CONGRESSIONAL FUNDING FOR COSTS OF WATER RIGHTS SETTLEMENTS

Summary: Requests the U.S. Congress to provide full funding to cover the costs for pending Indian water-rights disputes in the same cost-sharing proportions as in the Aamodt, Taos and Navajo Nation water-rights settlements.

Subjects: Water; Indians

Related: 2013:SJM22

Progress: 2nd House: Referred to Committee

Status: 02/19/2013 – Senate Rules Committee

History: 01/23/2013 – H Introduced and referred to House Health, Government & Indian Affairs.

02/14/2013 – H Reported Do Pass by House Health, Government & Indian Affairs.

02/18/2013 – H Removed from Speaker's table.

02/18/2013 – H Placed on House Calendar.

02/18/2013 – H Opened for floor debate.

02/18/2013 – H Passed 65-0.

02/19/2013 – S Received in the Senate and referred to Senate Rules.

02/19/2013 – S Also referred to Senate Indian & Cultural Affairs.

Bill: HJR5 relates to county elected offices

Sponsors: Easley (D50)

Title: CA: PROHIBITS HOLDING SAME COUNTY OFFICE FOR MORE THAN TEN YEARS

Summary: Proposes to amend Art. 10, Sec. 2 of the Constitution of New Mexico to prohibit a person from holding the same county office for a total of more than ten years.

Subjects: Constitutional Amendments; Elections; County Affairs; Public Employees/Retirement

Progress: 1st House: Referred to Committee

Status: 01/22/2013 – House Health, Government and Indian Affairs Committee

History: 01/22/2013 – H Introduced and referred to House Health, Government & Indian Affairs.

01/22/2013 – H Also referred to House Voters & Elections.

01/22/2013 – H Also referred to House Judiciary.

Bill: SB14 relates to SFC resolution 2013-5

Sponsors: Wirth (D25)

Title: EXTEND SUSTAINABLE BUILDING TAX CREDIT

Summary: Amends the Income Tax Act and the Corporate Income Tax Act to extend the Sustainable Building Tax Credit for an additional ten years through 2023.

Subjects: Taxation and Fees; Construction and Materials; Business, Manufacturing and Economic Development

Progress: 1st House: Reported from Committees

Status: 02/01/2013 – Senate Finance Committee

History: 12/18/2012 – S Prefiled in the Senate.

01/15/2013 – S Introduced and referred to Senate Corporations & Transportation.

01/15/2013 – S Also referred to Senate Finance.

02/01/2013 – S Reported Do Pass as amended by Senate Corporations & Transportation.

Bill: SB33 relates to SFC resolution 2013-5

Sponsors: Martinez, Richard (D5)

Title: LOW-INCOME RESIDENTIAL ENERGY PROGRAM FUNDS

Summary: (Endorsed by the Mortgage Finance Authority Act Oversight Committee) Appropriates \$1 million (GF) to the Department of Finance and Administration, DFA, for use in FYs 2014 and 2015 for the New Mexico Mortgage Finance Authority, MFA, to provide for a residential energy conservation program to increase energy efficiency and reduce energy costs in homes occupied by low-income persons.

Subjects: Energy Resources and Chemicals; Human Services; Appropriations
Progress: 1st House: Referred to Committee
Status: 02/01/2013 – Senate Finance Committee
History: 01/15/2013 – S Introduced and referred to Senate Conservation.
01/15/2013 – S Also referred to Senate Finance.
02/01/2013 – S Reported Do Pass by Senate Conservation.

Bill: SB60 relates to SFC senior projects, Aamodt settlement water project, 1st judicial project

Sponsors: Cisneros (D6)

Title: SEVERANCE TAX BOND PROJECTS

Summary: Sets forth 223 separate public projects statewide to be funded by proceeds from the issuance of Severance Tax Bonds and by General Fund appropriations in FY2014.

Subjects: Appropriations; Banks, Securities and Loans; County Affairs; Municipalities/City Government; Higher Education; Schools and Teachers

Progress: 1st House: Referred to Committee

Status: 01/15/2013 – Senate Finance Committee

History: 01/10/2013 – S Prefiled in the Senate.

01/15/2013 – S Introduced and referred to Senate Finance.

Bill: SB101 relates to SFC resolution 2013-5

Sponsors: Wirth (D25)

Title: ENERGY CONSERVATION BONDS

Summary: Public Finance: Qualified Energy Conservation Bonds

Subjects: Energy Resources and Chemicals; Banks, Securities and Loans; County Affairs; Municipalities/City Government; Indians

Progress: 2nd House: Referred to Committee

Status: 02/20/2013 – House Energy and Natural Resources Committee

History: 01/16/2013 – S Introduced and referred to Senate Conservation.

01/16/2013 – S Also referred to Senate Finance.

02/01/2013 – S Reported Do Pass by Senate Conservation.

02/19/2013 – S Reported Do Pass by Senate Finance.

02/20/2013 – S Opened for floor debate.

02/20/2013 – S Passed 36-0.

02/20/2013 – H Received in the House and referred to House Energy & Natural Resources.

02/20/2013 – H Also referred to House Taxation & Revenue.

Bill: SB220 relates to Women's Health Service

Sponsors: Rodriguez (D24)

Title: FUNDING WOMEN'S HEALTH SERVICES IN SANTA FE

Summary: Appropriates \$600,000 (GF) to the Department of Health to fund women's health services in the City of Santa Fe in Santa Fe County.

Subjects: Appropriations; Health and Medical Practice; State Affairs and State Agencies

Progress: 1st House: Referred to Committee

Status: 02/01/2013 – Senate Finance Committee

History: 01/22/2013 – S Introduced and referred to Senate Public Affairs.

01/22/2013 – S Also referred to Senate Finance.

02/01/2013 – S Reported Do Pass by Senate Public Affairs.

Bill: SB221 relates to SFC resolution 2013-6

Sponsors: Ortiz y Pino (D12)

Title: HEALTH INSURANCE EXCHANGE ACT

Summary: (Similar to 2012 SB6) (Duplicate of 2013 SB0221) This bill creates the Health Insurance Exchange as a nonprofit public corporation, governed by a board of directors, to provide qualified individual and qualified employers with increased access to health insurance in the state. It also transfers all personnel, appropriations, money, records, equipment, supplies and other personal property of the Health Insurance Alliance, which currently offers health insurance to eligible small businesses and individuals, to the exchange on June 15, 2013.

Subjects: Health and Medical Practice; Business, Manufacturing and Economic Development; Human Services; Indians; Taxation and Fees; Family and Juveniles

Related: 2012:SB6; 2013:HB168

Progress: 1st House: Referred to Committee

Status: 01/22/2013 – Senate Public Affairs Committee

History: 01/22/2013 – S Introduced and referred to Senate Public Affairs.

01/22/2013 – S Also referred to Senate Corporations & Transportation.

01/22/2013 – S Also referred to Senate Finance.

Scheduled: 02/26/2013 – Senate Public Affairs Committee, 2:00 p.m. or 1/2 hour after Floor Session, Room 321

Bill: SB226 relates to SFC resolution 2013-6

Sponsors: Cisneros (D6)

Title: HEALTH SECURITY ACT (WITHOUT SECURITY PLAN)

Summary: (For the Legislative Health and Human Services Committee) (Substantially similar to 2011 SB5; related to 2012 HB168 and SB 221) The Health Security Act provides health care coverage available to all New Mexicans through a combination of public and private financing. Participation is mandatory for holders of private insurance. Seeks to control escalating health care costs and improve health care for all New Mexicans. The act creates a Health Care Commission, charged with

developing and adopting a five-year Health Security Plan designed to provide comprehensive health care benefits, including preventive health care and primary, secondary and tertiary health care for acute and chronic conditions.

Subjects: Aging; Appropriations; Capital Outlay Requests; Health and Medical Practice; Indians; State Affairs and State Agencies

Related: 2011:SB5; 2012:HB168; 2012:SB221

Progress: 1st House: Referred to Committee

Status: 02/13/2013 – Senate Judiciary Committee

History: 01/23/2013 – S Introduced and referred to Senate Public Affairs.

01/23/2013 – S Also referred to Senate Judiciary.

01/23/2013 – S Also referred to Senate Finance.

02/13/2013 – S Reported Do Pass by Senate Public Affairs.

Bill: SB353 relates to SFC resolution 2012-110

Sponsors: Morales (D28)

Title: CHANGES PUBLIC RECORDS REQUIREMENTS

Summary: (Related to SB307) Updates certain requirements concerning indexing of county records; provides for protection of government databases, and reconciles multiple sections of law.

Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies

Related: 2013:SB307

Progress: 1st House: Referred to Committee

Status: 02/18/2013 – Senate Judiciary Committee

History: 01/31/2013 – S Introduced and referred to Senate Public Affairs.

01/31/2013 – S Also referred to Senate Judiciary.

02/18/2013 – S Reported Do Pass by Senate Public Affairs.

Bill: SB368 relates to GRT received by county governments

Sponsors: Sharer (R1)

Title: FUNDAMENTAL TAX REFORM

Summary: (Identical to HB369) Massive 207-page bill enormously expands the gross receipts base to replace the personal income, corporate income, corporate franchise, estate, railroad car company, motor vehicle excise, leased vehicle gross receipts and boat excise taxes and the University Athletic Facility Bonding Act, lower the state gross receipts, governmental gross receipts and compensating tax rates by 3 percent to 2.1225 percent and local option gross receipts tax rates by roughly two-thirds. Cuts the gross receipts distribution to municipalities to 0.508 percent (from 1.225 percent).

Subjects: County Affairs; Municipalities/City Government; Transportation; Business, Manufacturing and Economic Development; Utilities; Energy Resources and Chemicals; Land, Housing and Real Estate; Family and Juveniles; Construction and Materials; Banks, Securities and Loans; Agriculture and Ranching; Indians; Telecommunications; Information Technology

Related: 2013:HB369
Progress: 1st House: Referred to Committee
Status: 02/25/2013 – Senate Public Affairs Committee
History: 01/31/2013 – S Introduced and referred to Senate Conservation.
01/31/2013 – S Also referred to Senate Corporations & Transportation.
01/31/2013 – S Also referred to Senate Public Affairs.
01/31/2013 – S Also referred to Senate Finance.
02/13/2013 – S Reported without recommendation by Senate Conservation.
02/25/2013 – S Reported without recommendation by Senate Corporations & Transportation.

Bill: SB454 relates to SFC resolution 2013-2

Sponsors: Griego (D39)

Title: ISC FUNDS FOR REGIONAL AND STATEWIDE WATER PLANNING

Summary: Appropriates \$400,000 (GF) to the Interstate Stream Commission for use in FY2014 to update three regional water plans and maintain the statewide water plan.

Subjects: Water; State Affairs and State Agencies

Related: 2013:HB566

Progress: 1st House: Referred to Committee

Status: 02/22/2013 – Senate Finance Committee

History: 02/07/2013 – S Introduced and referred to Senate Conservation.

02/07/2013 – S Also referred to Senate Finance.

02/22/2013 – S Reported Do Pass by Senate Conservation.

Bill: SB463 relates to local government regulating of oil and gas extraction

Sponsors: Cisneros (D6)

Title: PREEMPTION OF COUNTY AND CITY JURISDICTION OVER OIL AND GAS REGULATIONS

Summary: Preempts municipal and county zoning authority from any jurisdiction over the regulation of the exploration, development, production and transportation of oil and gas and any related associated remediation and reclamation activities— which obviously extends to the highly debated area of fracking.

Subjects: Business, Manufacturing and Economic Development; County Affairs; Municipalities/City Government; Energy Resources and Chemicals; Environment and Pollution; State Affairs and State Agencies; Transportation

Progress: 1st House: Referred to Committee

Status: 02/08/2013 – Senate Conservation Committee

History: 02/08/2013 – S Introduced and referred to Senate Conservation.

02/08/2013 – S Also referred to Senate Judiciary.

Bill: SB468 *relates to film production industry*

Sponsors: Ryan (R10)

Title: FILM PRODUCTION TAX CREDIT

Summary: Makes multiple changes to the film production tax credit, principally allowing acceleration of payment of certain tax credit claims and excluding expenditures on listed goods and services supplied by nonresidents, whether hired or subcontracted. Declares an emergency, though most provisions are effective July 1, 2013.

Subjects: Labor; Business, Manufacturing and Economic Development; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 02/15/2013 – Senate Finance Committee

History: 02/08/2013 – S Introduced and referred to Senate Corporations & Transportation.

02/08/2013 – S Also referred to Senate Finance.

02/15/2013 – S Reported Do Not Pass but Do Pass as substituted by Senate Corporations & Transportation.

Bill: SB477 *relates to counties charging for right-of-ways to public utilities*

Sponsors: Lopez (D11)

Title: UTILITIES: LOCAL RIGHT-OF-WAY ACCESS FEES

Summary: Authorizes counties to charge right-of-way access fees to public utilities for access to or use of public roads, structures, places and other public rights of way.

Subjects: Municipalities/City Government; Utilities; Transportation; Taxation and Fees; County Affairs

Progress: 1st House: Referred to Committee

Status: 02/08/2013 – Senate Judiciary Committee

History: 02/08/2013 – S Introduced and referred to Senate Judiciary.

02/08/2013 – S Also referred to Senate Corporations & Transportation.

Bill: SB481 *relates to SFC resolution 2013-2*

Sponsors: Smith (D35)

Title: UPDATING REGIONAL WATER PLANS STATEWIDE

Summary: Appropriates \$400,000 (GF) to the Interstate Stream Commission to update regional water plans statewide.

Subjects: Appropriations; Water; Agriculture and Ranching

Progress: 1st House: Referred to Committee

Status: 02/22/2013 – Senate Finance Committee

History: 02/11/2013 – S Introduced and referred to Senate Conservation.

02/11/2013 – S Also referred to Senate Finance.

02/22/2013 – S Reported Do Pass by Senate Conservation.

Bill: SB506 relates to county senior services statewide

Sponsors: Lopez (D11)

Title: APPROPRIATION FOR SENIOR CITIZEN PROGRAMS

Summary: (Identical to HB250) Provides funding (GF) to the Aging and Long-Term Services Department for use in FY2014 for the following purposes:

Subjects: Appropriations; Aging; Transportation

Related: 2013:HB250

Progress: 1st House: Referred to Committee

Status: 02/25/2013 – Senate Finance Committee

History: 02/12/2013 – S Introduced and referred to Senate Public Affairs.

02/12/2013 – S Also referred to Senate Finance.

02/25/2013 – S Reported Do Pass by Senate Public Affairs.

Bill: SB540 relates to “hold harmless” provisions currently in place

Sponsors: Smith (D35)

Title: ENDS FOOD, MEDICAL SAVE-HARMLESS DISTRIBUTIONS AND DECOUPLES DEDUCTIONS

Summary: For municipalities 10,000 or more in population and counties 48,000 or more in population, phases out over ten years the existing save-harmless distributions related to the gross receipts deductions for food and certain medical services. Annual ten percent cuts start July 1, 2014. Amount of distributions will continue, however, if a cut would impair an obligation to repay revenue bonds outstanding on July 1, 2013.

Subjects: Health and Medical Practice; County Affairs; Municipalities/City Government; Transportation; Business, Manufacturing and Economic Development; Utilities; Family and Juveniles; Construction and Materials; Banks, Securities and Loans; Agriculture and Ranching; Telecommunications; Veterans and Military Affairs; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 02/14/2013 – Senate Corporations and Transportation Committee

History: 02/14/2013 – S Introduced and referred to Senate Corporations & Transportation.

02/14/2013 – S Also referred to Senate Finance.

Bill: SB566 relates to SFC resolution 2013-5

Sponsors: Sapien (D9)

Title: ENERGY EFFICIENT BUILDING TAX CREDIT

Summary: Grants nonrefundable personal or corporate income tax credits for constructing an efficient commercial building in New Mexico, or renovating a building to make it an efficient commercial building, in the period after June 30, 2014 through June 30, 2019. Credit equals \$1.80 per square foot of qualified building floor area.

Subjects: Business, Manufacturing and Economic Development; Construction and Materials; Taxation and Fees

Progress: 1st House: Referred to Committee
Status: 02/14/2013 – Senate Corporations and Transportation Committee
History: 02/14/2013 – S Introduced and referred to Senate Corporations & Transportation.
02/14/2013 – S Also referred to Senate Finance.

Bill: SB586 relates to sole community provider funding

Sponsors: Griego (D39)

Title: MEDICAID REIMBURSEMENTS TO HOSPITALS AND SOLE SOURCE PROVIDERS

Summary: Amends the Indigent Hospital and County Health Care Act to authorize additional payments to be made to a sole community provider or hospital pursuant to a waiver agreement, rule, law or state plan amendment providing for supplemental Medicaid payments to hospitals. The authorization would override the existing prohibition against reimbursements or payments being in excess of what would have been paid for under Medicare payment principles.

Subjects: Health and Medical Practice; State Affairs and State Agencies; Aging; Family and Juveniles; Business, Manufacturing and Economic Development

Progress: 1st House: Referred to Committee

Status: 02/14/2013 – Senate Corporations and Transportation Committee

History: 02/14/2013 – S Introduced and referred to Senate Corporations & Transportation.

02/14/2013 – S Also referred to Senate Finance.

Bill: SB589 relates to SFC resolution 2013-6

Sponsors: Shendo (D22)

Title: STILL ANOTHER HEALTH INSURANCE EXCHANGE BILL

Summary: (Related to HB168, and HB563) Proposes a new section of law to be cited as the New Mexico Health Insurance Exchange Act and creates the Health Insurance Exchange.

Subjects: Health and Medical Practice; Business, Manufacturing and Economic Development; Human Services; Indians; Taxation and Fees; Family and Juveniles

Related: 2013:HB168; 2013:HB563

Progress: 1st House: Referred to Committee

Status: 02/14/2013 – Senate Public Affairs Committee

History: 02/14/2013 – S Introduced and referred to Senate Public Affairs.

02/14/2013 – S Also referred to Senate Corporations & Transportation.

Scheduled: 02/26/2013 – Senate Public Affairs Committee, 2:00 p.m. or 1/2 hour after Floor Session, Room 321

Resolutions for the 2013 Legislative Session

Resolution No. 2013-8

A Resolution supporting State Corrections moving the State Penitentiary on State Highway 14 off of wells and on to county water

Resolution: 2013-6

Resolution To Support Health Care For All Residents Of New Mexico

Support Health Care For All Residents Of New Mexico Rescinding Resolution 2008-1

Resolution: 2013-5

Resolution Supporting Sustainable And Energy Efficient Building Tax Credit Legislation

Supporting Sustainable And Energy Efficient Building Tax Credit Legislation In The First Session Of The 2013 New Mexico Legislature

Resolution: 2013-2

Resolution In Support Of Recurring Funding For Regional Water Plan Updates

Support Of Recurring Funding For Regional Water Plan Updates

Resolution: 2012-115

Resolution Supporting the 2013 Legislative Priorities of the New Mexico Association of Counties

Six Legislative Priorities: Disclosure of sales data for real property, Authorizing local government royalties for database access, Decriminalization of minor traffic offenses, Funding for rural Emergency medical systems, Mandating sales of delinquent properties and Expanding the list of fireworks restricted by local governments

Resolution: 2012-150

Support Of A Healthy Kid Healthy Economy Program

Support of a Healthy Kid, Healthy Economy Program

Resolution: 2012-114

Resolution Supporting Delinquent Property Tax Sales

Santa Fe County Board of County Commissioners supports legislation that would amend legislation to make mandatory rather than discretionary the sale by the Taxation and Revenue Department of real property on which taxes are delinquent.

Resolution: 2012-113

Resolution Supporting Fireworks Licensing and Safety

Supporting Fireworks Licensing and Safety

Resolution: 2012-112

Resolution Requesting Legislative Support to Create a Recurring Revenue Stream from Rural Emergency Medical Services
Santa Fe County Board of County Commissioners for Santa Fe County supports legislation that would create a state-based revenue stream

Resolution: 2012-111

Resolution Requesting Legislative Support For Traffic Violation Reform
Santa Fe County Board of County Commissioners supports legislative reform for minor traffic violations

Resolution: 2012-110

Resolution Supporting Local Government Database Royalties
Executive Committees of the Association of Counties and the Municipal League both endorsed legislation that would create a parallel process for local governments to charge royalties for complete access to databases

Resolution: 2012-109

Resolution Supporting Real Property Sales Disclosure
Supporting Real Property Sales Disclosure Law to Empower County Commissions to Ban the Sale of All Fireworks in their Jurisdictions During Drought Conditions

Resolution: 2011-25

Support Banning Inhumane Animal Trapping
Support Banning Inhumane Animal Trapping on New Mexico Public Lands Through The Use of Stragulation Snares, Steel Jaw Traps and Other Body Gripping Animal Traps

NMAC Board Positions as of 2/16/2013
(information contained on pages 23 through 25 is provided by NMAC)

NMAC Board Support:

HB37aa Annual Delinquent Property Tax Sales (priority)
HB225 Elections: Voter Registration Online Updates (Board support Aug. 2, 2012)
HB275 Volunteer Firefighter Pension Increase
HB294/SB289 Automatic Application of a Property Valuation Limitation
HB334 County Officials: Salary Limit Increases
HB373 Authorizes Restrictions on Fireworks Sales
HB411 Veterans' Services: Indigent Veterans' Burial Fund
HB438 Parole Following Imprisonment of Less Than One Year
HB464 Fireworks Ban (priority)
HB517 Disabled Veteran Exemptions for Assessments
HB521 Residential Valuation Limitation & Equity for NM Residents
HB526 County Property Tax Notices and Assessments by Electronic Mail
HB565 Fire Protection Fund Distributions to the Emergency Medical Services Fund (NMAC Board position supports additional funding for EMS programs without depleting the fire fund; forming EMS Multidisciplinary Committee to do more research)
HB613/SB406 Collecting Property Tax on Divided or Combined Real Property
SB19 Office of School and Adolescent Health
SB20 Raise Probation Costs for Defendants
SB117a Affidavits on Sale of Nonresidential Property (priority)
SB182 Procurement Code; Sole Source, Protests, Penalties
SB204 Renewable Energy Certificates for Thermal Energy
SB299 Changes and Updates in Marriage Licensing and Related Matters (Board support Aug. 2, 2012)
SB307 Changes Public Records Requirements
SB353 Changes Public Records Requirements (priority)
SB356 Election Code Revisions (Board support Aug. 2, 2012)
SB430 Mandatory Authority for Counties to Accept Delinquent Property Tax Payments
SB510 Application Deadline for Agricultural Land Valuation
SB554 Notice Requirements for Certain Liens (Board support Aug. 2, 2012)
Mental Health Task Force Recommendations
Travel Management Plan Resolution

NMAC Board Support w/amendments:

HB450 Sentence Reductions at Bernalillo County Jail (Request all Class A counties included with opposition from Lincoln, Socorro, & Valencia Counties- would like all counties included and doesn't allow other counties to offer good behavior sentence reduction)
HB527 Local DWI Grant Fund Distribution Increase (With amendment to change from 41.5% to 45% with incremental increases thereafter)
SB27 Public Employee Retirement Changes (With amendment for those making less than \$20,000)
SB450 Fiscal Impact Statements for Bills Involving Criminal Penalty (Include amendment for additional costs for county jails)

NMAC Board Oppose:

HB21 Public Meeting Agendas 72 Hours in Advance (to refer to EC; take no action did not pass)
HB286 Oil & Gas Financial Assurance (NMAC standing position to oppose bills that erode county revenue)
HB330 Valuation of Renewable Energy Equipment (NMAC standing position to oppose bills that erode county revenue)
HB515/SB4343 Mandatory Training for County and Municipal Elected Officials or Ouster from Office
HB544 Cap of \$300 on County Clerk Recording Fee for Multiple Record Indices
HJR5 CA: Prohibits Holding Same County Office for More than Ten Years
HJR12 CA: Independent Police Review Boards
SB463 Preemption of County and City Jurisdiction Over Oil and Gas Regulations
SB484 County Clerk Filing Fee Cap of \$100
SB526 Detention Facility Audit Act

NMAC Board Moved to Table:

HB292/SB404 Transfer of Public Lands Act
HB511 Required Crisis Training for Correctional Officers, Jailers, and Firefighters

NMAC Board No Action:

HB147 Public Employee Retirement: Retiree Return to Work
HB212 Liquor Excise Tax: Counties May impose (Dead bill; EC supported as amended)
HB219 Elections: Adequate Consolidated Polling Location Staffing (No position, working on new substitute bill)
HB348/SB249 Statewide Construction Inspectors and Mandatory Complaint Investigations (More research)
HB356 Requires UNM Hospital Reporting on Indigent Care (Bernalillo County only; watch)
HB377 Property Taxes: Yield Control Tweak (passed on)
HB400 Municipal Certified Building Official (More research)
HB545 Prohibits Credit Card Surcharges (Passed on)
HB577 Public Notification on Web Site (Passed on)
HB615 Volunteer Firefighter Stipend payments (motion to support but no vote taken; to do more research)
SB65 Pre-Release Medicaid for Incarcerated Persons (Tabled in committee)

SB134 Procurements Services for Architects, Engineers, and Surveyors (Tabled in committee, dead bill)
SB315 Municipal and County Comprehensive Plans (NMAC staff to review)
SB435 Municipalities: Avenues to Disincorporation Other Than by Petition (Pass on, deals with municipalities)

NMAC Board Refer to Executive Committee 2/21 Teleconference

HB81 State Road Fund, \$25 Million
HB163/SB175 Right of First Refusal for Public Utilities and Electric Co-ops
HB355 Public Improvement District Requirements
HB369 Fundamental Tax Reform
HB375 Expands Deductible Services of Health Care Practitioners
HB399 Off-Highway Motor Vehicle Routes
HB561 Corrections of Prior Distributions to Local Governments
HB612 Cuts Gross Receipts Tax Rate; Eliminates Certain Health Care Exceptions
SB201 Off-Highway Vehicles on Highways
SB368 Fundamental Tax Reform
SB502 Blue Ribbon Tax Reform Commission
SB518 Revises Procedure for Correcting Tax distributions to Local Governments
SB540 Ends Food, Medical Save-Harmless Distributions and Decouples Deductions
SB586 Medicaid Reimbursement to Hospitals and sole Source Providers (US Sen. Heinrich wants to hear from each county regarding CMS funding.)
SB641 Pain Relief Act Standards
SJM39 Interim Study: Is SB368 Good Tax Policy

For Information Only:

HB211 Capital Expenditures: Severance Tax Bonds and General Fun Appropriations
HB277 Prohibiting Certain Required Employee Meetings
HB337 Work New Mexico Act



*Pablo Sedillo III
Public Safety Director*

Santa Fe County Corrections Department

MEMORANDUM

To: Pablo Sedillo, Public Safety Director

Thru: Mark Gallegos, Warden

From: Amanda Valencia, Interim Youth Development Program Administrator

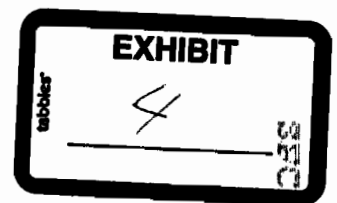
Re: Youth Development Program Volunteers and Programming

Date: February 7, 2013

Below is the list of current Youth Development Program volunteer services.

- Bible Study (non-denominational): Monday Evenings
- Catholic Mass: Sunday afternoons
- Meditation: Tuesday Evenings
- Money Management: Monday afternoons
- Native American Basket Weaving, Dancing & Drum Making: Saturday
- Narcotics Anonymous: Wednesday afternoons
- Young Fathers: Thursday evenings

I am in the process of coordinating with the group Life Quest and the Director of Education at SITE Santa Fe which is the contemporary art museum in regards to partnering with their volunteer services as well. All of the current volunteers and those I am contacting are



SFC
CLERK RECORDED 04/02/2013

completely volunteer based and are at no charge to the Youth Development Program or Santa Fe County. Our residents also will be having group sessions with our own staff which will cover "Life Skills" and "Thinking for a Change."

Residents are allowed family visits on Saturdays or Sundays.

Residents are taken to the facility library on Sundays.

Residents are given a social evening on Saturdays where movies are shown and/or board games can be played.

Our residents have an actively busy schedule which includes education, life skills, staff programming, and volunteers programming.

Attached is our current programming schedule, which will be changing soon after confirming with our two new volunteer groups Life Quest and Arts. Please contact me if you have any questions or need additional information.

Cc: Mark Caldwell, Deputy Warden
Nelson Abeyta, Major
Robert Apodaca, Unit Manager

EOS/AV

Santa Fe County Youth Development Program

Detention Programming Schedule

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
6:45-7:00 a.m.	Wake Up / Rooms Cleaned	Wake Up / Rooms Cleaned	Wake Up / Rooms Cleaned	Wake Up / Rooms Cleaned	Wake Up / Rooms Cleaned
7:00-7:30 a.m.	Breakfast 7:00am				
7:30-8:00 a.m.	Cleaning living areas	Cleaning living areas	Cleaning living areas	Cleaning living areas	Cleaning living areas
8:15-8:20 a.m.	Personal Hygiene	Personal Hygiene	Personal Hygiene	Personal Hygiene	Personal Hygiene
8:30-9:30 a.m.	SFPS School	SFPS School	SFPS School	SFPS School	SFPS School
9:30 a.m.- 10:30am	SFPS School	SFPS School	SFPS School	SFPS School	SFPS School
10:30 a.m.- 11:00 a	SFPS School	SFPS School	SFPS School	SFPS School	SFPS School
	SFPS School	SFPS School	SFPS School	SFPS School	SFPS School
11:00-12:25 p.m.	Lunch 11:00am				
12:30-1:30 p.m.	SFPS School	SFPS School	SFPS School	SFPS School	Active Recreation
1:30-3:00 p.m.	SFPS School	SFPS School	SFPS School	SFPS School	Showers/ Passive Recreation
3:00pm-3:30p.m	Case Management	Case Management	Case Management	Case Management	Case Management
3:30 p.m.	Money Management/Budgeting	Vacant	NA Group	Vacant	Vacant
3:45-4:45 p.m.	Money Mgmt./Budgeting	Vacant	NA Group	Vacant	Vacant
5:00-5:30 p.m.	Dinner 5:00 p.m.				
5:45-6:15 p.m.	Shift Change	Shift Change	Shift Change	Shift Change	Shift Change
6:15-7:15 p.m.	Active Recreation	Showers/Phone Calls	Active Recreation	Passive Recreation	Passive-Recreation
7:00-8:00 p.m.	Bible Study	Meditation	Showers	Young Fathers Group/Showers	Passive-Recreation
8:00 to 9:00 p.m.	Showers/ Calls	Reading/ Writing	Phone calls	Reading/ Writing/Calls	Phone calls
9:00-9:30 p.m.	Clean up/ Secure for evening	Clean up/ Secure for evening	Clean up/ Secure for evening	Clean up/ Secure for evening	Clean up/ Secure for evening



Volunteer and Educational Programs

Programs	Jan-12		Feb-12		Mar-12		Apr-12		May-12		Jun-12		Jul-12		Aug-12		Sep-12		Oct-12		Nov-12		Dec-12	
	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance	# of classes	Attendance
Alcoholics Anonymous	7	29	4	31	4	55	3	31	3	20	2	25	3	32	4	26	4	16	4	25	3	16	2	14
Anger Management Education	-	-	-	-	-	-	-	-	4	15	7	14	-	-	-	-	-	-	-	-	70	70	100	100
Art Group	-	-	-	-	-	-	3	19	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bible Study	67	348	53	289	55	297	59	315	61	376	53	315	52	346	69	328	24	382	42	446	23	315	23	318
Spanish Bible Study	15	50	18	73	11	50	8	32	19	103	17	90	12	60	12	61	7	68	6	82	0	0	9	88
Disease Prevention	0	0	0	0	1	8	1	5	1	18	-	-	1	11	-	-	1	22	-	-	-	-	-	-
ESL	10	27	9	23	6	30	10	31	4	13	7	15	3	11	4	16	1	2	5	20	4	15	9	27
GED	50	145	53	157	58	157	61	263	51	197	48	153	60	305	55	214	-	-	22	101	13	90	23	144
Life Skills	-	-	-	-	2	10	2	14	-	-	1	2	-	-	1	12	2	17	-	-	-	-	-	-
Meditation Techniques	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	1	2	-	-	-	-
Music Appreciation	-	-	-	-	-	-	4	51	2	30	4	53	5	187	1	8	2	29	0	0	1	9	4	66
Narcotics Anonymous	7	41	7	41	5	33	7	34	7	28	5	23	4	37	2	10	1	5	-	-	4	42	7	35
Native American Religion	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	8	1	7	0	0
Parenting Skills	0	0	8	2	4	4	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psycho-Educational	5	5	4	4	3	3	7	8	3	3	8	26	5	6	3	9	-	-	5	5	5	6	-	-
Reading for Moms & Dads	2	16	2	18	2	21	4	47	2	19	2	24	-	-	2	27	2	28	5	38	3	37	3	60
Spanish	9	11	9	10	1	1	2	3	5	5	2	2	-	-	-	-	-	-	-	-	-	-	-	-
Stress Reduction Class	2	6	3	14	3	16	4	37	4	56	4	38	4	36	-	-	4	17	2	10	3	5	0	0
Thinking for a Change Basic	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	3	5	15	25	30
Mental Health Individual Therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	160	160
Mental Health Group Therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Substance Abuse Education	-	-	-	-	-	-	-	-	4	14	2	6	-	-	-	-	-	-	-	-	70	70	100	100
Total	174	678	170	662	155	685	176	891	170	897	162	786	149	1031	153	711	49	588	94	740	205	697	465	1142



Comments concerning the Proposed Animal Control Ordinance Feb. 25, 2013

Presented to the Santa Fe Board of County Commissioners, Feb, 26, 2013

Before I get into some of our newest ideas concerning this topic, I would like to say a few words about transparency. The County Web site exhibits the changes that have been suggested since the proposed ordinance was proposed and lists as an exhibit, "public comment". Out of the five "public comment" papers that we have submitted - three of which were handed out to you at the last meeting, only one appears on the web site. It's almost feels that our input doesn't really count, as the public had no opportunity to judge our thoughts.

Second, we were informed that new prices for dog licenses were already approved within the context of a newly signed contract with the Santa Fe Animal Shelter. This contract, signed Last December purportedly authorizes the fee increase. When we went to look for the contents of this contract we found that the contract language is not available. Instead, the County has provided a very nice contract specification for the United Way.

We do notice that the Amendment number one to the old 2010 contract states that the contractor "shall take over animal licensing duties as set forth in County Ordinances for the County". If this clause is in the new contract, then the cost for a license is still \$3.00 for dogs, and the contractor is remise in jacking the price to \$8.00 - as it has.

I think that it is important for the public to understand that the County, through its contracting, is already paying close to a half million dollars of tax-payer dollars to fund animal control and licensing efforts. Unless the Sheriff's department can explain how it's current contracts and its own funding underfunds its animal welfare efforts , we worry that the new ordinance is mostly about generating new sources of revenue for the County general fund.

Finally, if I may express the canvassed sentiments of the San Marcos Area, attempting to license and manage the rural areas cat population is both unmanageable and foolish.

That said, I shall make some suggestions:

Creating an Animal Control Plan

If Land Use had to create a "Land Use Plan" prior to creating its Land Use Code, then it stands to reason that Animal Control needs to create a plan prior to developing an ordinance as well.

Such a plan needs to cover costs/benefits and projected revenue needs. Questions such as the following need to be addressed:

- a. Where does the revenue go?
- b. . What is the projected revenue?
- c. How many animals are projected to generate licensing fees

- d. What percentage of revenue is likely to come from a) County General Fund, b) animal license program, c) fines, d) permits, e) kennel fees.
- e. What are the projected costs of enforcement
- f. *What are the projected costs to the County for Contracts*
- g. What is the history of the County's animal control efforts
- h. What should the County include in any future animal management contract
- i. What are the distinct responsibilities of the Sheriff's Department and the Board of County Commission toward animal control legislation, contracting, and enforcement.
- j. micro-chip program objectives, costs and benefits.

Using the County Land Use Plan "SDA" areas to define Animal Control Areas

The County Land Use Plan calls for three specific "density and growth" areas, SDA-1, SDA-2 and SDA-3. These areas largely conform to contemporary land use patterns from highest to lowest projected development throughout the County.

Given that there are significant differences in how animals live in the 85% of the County that is considered "rural", and the relatively small portion of the County that might be considered "semi-urban, any ordinance that attempts to manage animals must take these differences into consideration.

Suggested Revisions to meet the needs of "Rural" residents

We would suggest changes to the Ordinance that reflect the Santa Fe Land Use SDA divisions. Language might be as follows:

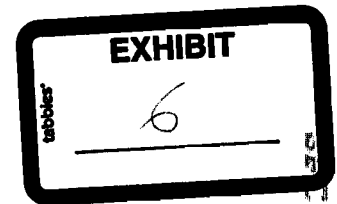
- A. Properties within the SDA-2 and SDA-3 areas and zoned for over five acres or properties over five acres in size in the SDA-1 areas are exempt from the fencing, direct control, and leash requirements except when written complaints from neighboring property owners are proved by the Sheriff's department to demonstrate that an animal is at large and creating a nuisance.
- B. Properties in the SDA-2 and SDA-3 areas or properties over five acres in size in the SDA-1 area are exempt from the fencing, leashing and collaring requirements for any cats that spend at least part of their day outside of an owner's residence.
- C. Within the SDA-2 and SDA-3 areas feral and "Barn" cats are not considered "owned", and are exempt from all regulation and licensing.
- D. Within the SDA-2 and SDA-3 area, feeding feral or barn cats is not considered illegal, unless the human intervention creates a colony that promotes a written complaint from neighboring property owners. The complaint must be confirmed by the Sheriffs department to demonstrate that the colony is creating a nuisance or unsanitary condition.

- E. Licensing of "domestic cats that are declared "Owned" in the SDA-2 and SDA-3 areas is optional except when written complaints from neighboring property owners are proved by the Sheriff's department to demonstrate that an animal is at large and creating a nuisance.
- F. Licensing of Cats in SDA-2 and SDA-3 areas will cost no more than one dollar unless the license fee includes the insertion of a microchip.
- G. Feral and Barn cats located in the SDA-2 and SDA-3 areas are exempt from the managed feral cat colony rules except when written complaints from neighboring property owners are proved by the Sheriff's Department to demonstrate that a) such a colony exists, and b) that the colony is creating a nuisance to surrounding property owners.
- H. Cats that are declared "owned" in the SDA-2 and SDA-3 areas that do not wear a collar and tag must be microchipped.
- I. There is no responsibility by Santa Fe County to capture, trap, or otherwise treat with Feral or Barn cats in SDA-2 and SDA-3 areas, unless the animal involved is clearly diseased, seriously injured, or has inflicted serious injury on individuals not associated with the animal.
- J. Every effort must be made by residents within the SDA-2 and SDA-3 areas to adopt trap and release procedures where-by the feral and barn cats are spayed/neutered, microchipped, and vaccinated. The County shall institute an educational program to promote rural cat control.
- J. Areas within the SDA-2 and SDA-3 areas are exempt from Professional Care Facility Permits for residents maintaining over ten animals. Resident's maintaining animals are not "professionals" unless they are generating revenue from their animal maintenance activity. A "sanctuary" fee will be established for those residents maintaining over ten animals. This fee shall not exceed \$10.00 annually. Feral and barn cats will not be included in any calculation used to establish the need for a sanctuary permit.
- K. Within the SDA-2 and SDA-3 areas, residents obtaining a "sanctuary" permit will not be subject to inspection unless written complaints of abuse, negligence, or improper conditions from neighboring property owners are supported by the Sheriffs Department .
- L. Complaints will first be heard by the County Land use Administrator, to determine what land use exemptions apply. If the complaint is valid, it shall be referred to the Sheriff's Department for code enforcement.
- M. *Subdivisions within the SDA-2 and SDA-3 areas that are under five acres per parcel shall not qualify for the Ordinance's rural exemptions*

Elimination of the Cat elements of the proposed Ordinance

If these Land use Divisions are not considered, we would urge the County Commission to limit the ordinance to Dogs and strip out any reference to Cats. These two species are very different one from the other, and trying to create a set of rules that governs both simply does not work well. Animal Control Officers can catch a stray dog with a net. Cats can only be caught with patient trapping which is beyond what animal control can afford. Ever try and catch a feral cat?

Create a new task force to consider a separate ordinance for cats, once a community based "plan" has been adopted. Perhaps we need a rural cat ordinance the same way we need rules to control rabbits.



Model Animal Control Law

Presented by NAIA

Preamble

This model law is compatible with the *NAIA Guide to Pet Friendly Ordinances* but is more detailed and is written in more formal language. Like the guidelines, it can be adjusted to meet the needs of individual communities and states.

Section I: Definitions

Abuse – An overt act that continually causes an animal to be overloaded or forced to work in a manner unsuitable to its species, breed, condition or health.

Adequate care – Care of an animal to include, but not be limited to, a clean, safe shelter that provides protection from the weather, sufficient heat and ventilation, wholesome food and water, and exercise consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Animal—For the purpose of this ordinance, animal shall mean all vertebrates of species kept as household pets and all individual animals kept as household pets regardless of whether the species has been domesticated or is generally kept as livestock, except that animal shall not include tropical fish, wildlife that is under the control of the state fish and wildlife agency, animals kept in licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

Animal control authority – The person or persons designated by the local government to enforce this ordinance.

Animal control advisory board – A seven-member board set up to handle minor animal control problems, hear and arbitrate neighborhood disputes involving animals, and otherwise assist the animal control agency.

Animal facility – Any pet shop, grooming shop, animal auction, performing animal exhibition, private kennel, boarding kennel, or public or private animal shelter, except veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

Animal shelter – A public or private facility designated or recognized by the [jurisdiction]* for the purpose of impounding and caring for animals.

At large – An animal shall be deemed to be at large when off the property of the owner and not under restraint or control.

"At-risk" animal – An animal that

- i. is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.
- ii. causes physical injury to any domestic animal while at large
- iii. repeatedly runs at large.

Breed-specific legislation: No part of this ordinance shall be used to target dogs by specific breed or mix.

Cattery – an establishment maintained for the purpose of breeding and selling domestic cats.

Cruelty – An overt act committed with the intent to harm or needlessly kill an animal or committed out of depraved indifference for the animal’s well-being, including but not limited to torture, maiming, beating, or otherwise committing violence that causes injury or death.

“Dangerous” animal – A dog or cat that

- iv. without justification attacks a person or domestic animal causing physical injury or death,
- v. behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals
- vi. is used for dog fighting or other illegal activity, or
- vii. escalates behavior that caused it to be adjudicated as an at-risk animal..

Enclosure - A fence or structure suitable to prevent the escape of the animal or the entry of young children.

Exotic animal – an animal of a non-domesticated species not commonly kept as a household pet or for food and fiber production. Exotic animals may or may not be native to the area and may or may not be governed by existing wildlife regulations.

Feral animal – Any domestic animal, which has escaped for a substantial period of time from the care of an owner or custodian and is existing in a wild state.

Homestead – A small farm where livestock is kept. (Size of the homestead should be set in conjunction with local zoning regulations for agriculture and residential zones of large acreage.)

Household – A property where animals are kept, including buildings used as residences, kennels, barns, sheds, and other structures and pens, corrals, or other enclosures.

Kennel – A facility serving as temporary or permanent housing for dogs and maintained for the purpose of breeding, selling, training or boarding dogs. A kennel can be maintained within a household premises or may occupy a different property and may be operated as a hobby or a business.

Licensing authority – The agency or department of [jurisdiction] or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

Neglect – An overt act involving failure to provide for animal health or safety, including but not limited to failure to provide adequate food, water, shelter, exercise, or necessary veterinary care to an animal or to adequately confine an animal in a manner appropriate to its species, breed, age, and condition.

Neutered – Rendered permanently incapable of reproduction.

Nuisance – A nuisance animal is one that:

- i. frequently runs at large;
- ii. damages, soils, or defecates on private property other than property possessed or controlled by the animal owner or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the animal owner or handler;
- iii. causes unsanitary or dangerous conditions;
- iv. causes a disturbance by excessive barking or other noise making; or
- v. chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner – A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied, owned, or controlled by that person.

Person – Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet shop – An establishment engaged in the business of buying or selling animals at retail for profit.

Restraint – An animal shall be considered under restraint if it is confined within the real property limits of its owner, is secured by a leash or lead or is otherwise under the control of a responsible person, or is confined within a vehicle in a manner that prevents escape.

Stable – A facility maintained for the purpose of keeping, boarding, training, or selling horses, donkeys, or mules.

Vaccination – The inoculation of an animal against rabies in accordance with state law and the “Compendium of Animal Rabies Prevention and Control” published by the National Association of State Public Health Veterinarians and published annually in the *Journal of the American Veterinary Medical Association*.

Working dogs – Dogs kept for the primary purpose of hunting, herding, search and rescue, livestock protection, or other jobs.

Section 2: Administration

A] Administration of this law shall be coordinated by the dog warden of this jurisdiction with oversight by the (county/township/city) administrator.

B] The jurisdiction shall provide a facility and equipment for impounding stray animals and housing animals confiscated in cruelty or neglect cases. The facility can be owned or leased by the jurisdiction or provided by contract with a private corporation.

Section 3: Animal control: Dogs

I. Dog licensing and rabies vaccination

A] All dogs over the age of three months must be individually licensed unless they are

1. residents of the jurisdiction for less than 60 days;
2. residents of a veterinary clinic, research facility, animal shelter or impoundment facility;
3. residents of a licensed kennel.

B] All dogs over the age of three months must be vaccinated for rabies and a copy of the vaccination certificate must be presented with the license application.

C] Rabies vaccinations must be given by a licensed veterinarian in accordance with state law and the Compendium of Animal Rabies Prevention and Control.

D] Dog license fees will be set by the jurisdiction and will be discounted in recognition of practices that demonstrate responsible ownership. In no case will a discount bring the cost of the license below a base established by the jurisdiction. Discounts will be applied for the following practices:

1. completion of an AKC Canine Good Citizen course and test;
2. proof of an obedience title awarded by a nationally respected organization such as the American Kennel Club;
3. permanent identification of the dog by microchip or tattoo;
4. confinement of the dog behind a secure fence;

5. membership in an obedience club, kennel club, or other dog organization that promotes responsible ownership;
6. active participation in dog sports, search and rescue activities, therapy dog visits; or
7. participation in a dog rescue program certified by the jurisdiction.

E] Facility licenses are available for those who own or keep multiple dogs. The annual license fee will be set by the jurisdiction and may be discounted in recognition of responsible ownership practices. Facilities may be inspected annually. All dogs in a licensed kennel are considered to be licensed as individuals.

F] Multiple year licenses are available and may be tied to the current rabies vaccination.

G] Licensed dogs must wear tags when in public. Owners of licensed facilities can obtain individual license tags for each dog.

H] License fees are waived for:

- 1) any dog used primarily as a service animal when the owner or keeper establishes the service animal's function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 et seq.
- 2) any dog in training as a service animal when the owner or keeper establishes the service animal's function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 et seq.
- 3) any dog used by a public agency or a private organization under contract to a public agency as a police dog, tracking dog, search and rescue dog, arson or drug sniffing dog, or for any other job that furthers the mission of the agency to protect and serve the public interest.

I] License fees must be set aside in a fund specifically for animal control programs, including impoundment of uncontrolled dogs, administration of the county animal control program, and annual public education events to encourage the responsible dog ownership necessary for a viable animal control program.

J] The animal control agency shall conduct at least one clinic each year at which rabies vaccinations, individual dog licenses, facility licenses, and microchips will be offered at a price that encourages pet owners to bring their pets.

K] A licensed or microchipped pet picked up at-large shall get one free ride home. The animal control officer will return the dog to the owners without taking it to the shelter. If the pet has a microchip but is not licensed, the officer will sell a license to the owner at a cost that includes a penalty. If the pet is picked up running at large on a second occasion, it will be taken to the shelter and a citation for violation will be issued to the owner. Penalties will be increased for subsequent violations.

II. Confinement

A] Dogs must be securely confined, leashed, or under the control of a competent person over the age of 16 at all times.

B] Fences for all dogs must be of sufficient height, strength, and repair to safely contain the dogs on the premises and prevent children from entering the yard or enclosure. Fences to confine dogs adjudicated as "at risk" or "dangerous" must adhere to additional requirements as specified in those sections of the laws.

C] Underground fences are not sufficient to contain unsupervised dogs.

D] Dogs cannot be tethered as a primary method of confinement. Tethers can be used as a secondary control within an area fenced to prevent children from entering the yard or enclosure.

E] Dogs traveling in vehicles must be confined to prevent escape and to prevent children from placing fingers or hands in the dog's space.

F] Animal control personnel have the authority to remove a dog or cat from a vehicle if the animal's health is endangered by such confinement in hot weather.

III. Nuisances

A] Nuisances include but are not limited to frequent running at-large, excessive noise, soiling of public property and of private property not owned or rented by the pet owner, and noxious odors or unsanitary conditions caused by failure to clean the dog's resident property.

B] Dogs must be prevented from causing a nuisance by barking, howling, or yelping in a habitual, consistent, or persistent manner that continually disturbs the peace of the neighborhood.

C] Owners must remove feces deposited by their dogs on public property, public and private rights-of-way, and private property not owned or rented by the animal owner and prevent pets from continually spraying or depositing urine on lawns and landscaping that causes damage to grasses, flowers, shrubs, etc.

D] The animal control agency shall investigate each complaint and issue a warning letter to the dog owner on the first offense. A citation may be issued on subsequent offenses.

E] Dog owners who repeatedly violate nuisance laws will be subject to increased fines and to requirements that they provide a remedy for the offending behavior or activity. If the violation involves sanitation on the property, health inspectors may make periodic visits to assure that sanitation is maintained.

Section 4: Animal control: At-risk dogs

A] An at-risk dog is one that

- 1) menaces, chases, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person.
- 2) causes physical injury to any domestic animal while at large
- 3) repeatedly runs at large.

B] Procedure for classifying a dog as "at risk":

- 1) The animal control officer or his representative shall investigate the circumstances of any complaint filed against a dog alleged to be at risk and notify the dog owner of the charge. The results of the investigation will be reported to a magistrate or other court officer or to an appointed animal control board and to the dog owner. If the court officer deems the dog to be at risk, the dog owner has the option of filing an appeal with the animal control board or court or accepting the designation.
- 2) Notwithstanding the above, the dog warden or his representative shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was
 - (i) the result of the victim abusing or tormenting the dog;
 - (ii) was directed towards a trespasser or a person committing or attempting to commit a crime; or
 - (iii) involved other similar mitigating or extenuating circumstances.

C] Sanctions for owning an at-risk dog:

- 1) The owner must provide secure fencing to keep the dog confined on his own property. When off the owner's property, the dog must be kept on a secure leash of no more than four feet in length and under control of a legally responsible person. The owner must also place photos of the dog on file with the animal control agency, microchip the dog for identification, and provide proof of liability insurance that covers injuries. (Owners should have the option of self-insuring against an incident.)
- 2) The court may also assign the dog to private or group obedience classes or to evaluation by a behavior specialist and may require the owner to attend a responsible ownership class. These additional requirements will be at the expense of the owner.

D] Repeated violations

Repeated violations that would earn an at-risk designation will result in classification of the dog as dangerous.

E] Procedure for removal from the at-risk dog list:

If there have been no further incidents for a period of 18 months and the owner can provide proof of obedience training at a reputable club or business, he may appeal to the court or the animal control board for removal of the designation

Section 5: Animal control: dangerous dogs

A] A dangerous dog is one that

- 1) has previously been classified as at-risk and exhibits escalating aggressive behaviors that result in further complaints;
- 2) a dog that, without provocation, inflicts severe injury on a human being; or
- 3) menaces, maims, or kills domestic animals when off its owner's property
- 4) is used in the commission of a crime, including but not limited to animal fighting, menacing, or guarding illegal operations.
- 5) Notwithstanding the above, the dog warden or his representative shall have discretionary authority to refrain from filing charges against the dog or dog owner, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was
 - i. the result of the victim abusing or tormenting the dog;
 - ii. was directed toward a trespasser or a person committing or attempting to commit a crime; or
 - iii. involved other similar mitigating or extenuating circumstances.

B] Procedure for classifying a dog as dangerous

The animal control officer or his representative shall investigate the circumstances of the complaint and notify the dog owner of the charge. The officer will then report the results of the investigation to a magistrate or other court officer or to an appointed animal control board and to the dog owner. If the court officer deems the dog to be potentially dangerous, the dog owner has the option of filing an appeal with the animal control board or accepting the designation. Depending on the circumstances, the dog may be impounded pending disposition of the case.

C] Sanctions for owning a dangerous dog

A dangerous dog may be returned to the owner or may be destroyed depending on the outcome of the investigation. If the dog is returned to the owner, it must be microchipped, confined in a locked pen with a top when not in a home or other building, and restricted by a sturdy leash no

longer than four feet long when in public. Photos of the dog must be filed with the animal control agency and the owner must provide proof of at least \$100,000 in liability insurance. Depending on the outcome of the investigation, the court may require a behavioral evaluation of the dog and sentence the owner to attend a responsible ownership class.

D] Confinement of dangerous dogs

Dogs that have been adjudicated as dangerous must be confined behind a locked fence of sufficient height and materials to securely contain the dog and prevent trespass. Confinement must be sufficient to prevent children from coming into contact with the dog. When off the owner's property, a dangerous dog must be restricted by a leash of no more than four feet in length, must be under the control of a legally responsible person, and may be required to wear a muzzle. Owners must also purchase liability insurance in an amount specified by law.

E] Transporting dangerous dogs

Dogs that have been adjudicated as dangerous must be confined in a crate in a closed, locked vehicle to prevent opportunities for escape and in a manner sufficient to prevent children from coming into contact with the dog through an open window in the vehicle.

F] Additional incidents

Additional incidents sufficient to identify the dog as dangerous will result in destruction of the dog and additional penalties for the owner.

E] Penalties for dangerous dogs running at large

A] Dangerous dogs that run at large and repeat the behavior that earned the designation will be impounded and euthanized.

B] Dangerous dogs that run at large without repeating that behavior may be returned to their owners at the discretion of the animal control agency after reviewing the case and inspection of the confinement facility.

C] Owners who fail to confine their dangerous dogs out of carelessness or neglect face high fines and possible jail time.

Section 6: Animal control: Cats

I. Cat licensing and rabies vaccination

A] Cat licensing is voluntary and is tied to the implantation of microchips for permanent identification.

B] All cats over the age of three months must be vaccinated for rabies and a copy of the vaccination certificate must be presented with the license application.

C] Rabies vaccinations must be given by a licensed veterinarian in accordance with state law and the Compendium of Animal Rabies Prevention and Control.

D] Facility licenses are available for those who own or keep multiple cats. All cats in a licensed facility are considered to be licensed as individuals if they are microchipped.

F] Multiple year licenses are available and may be tied to the current rabies vaccination.

G] License fees must be set aside in a fund specifically for animal control programs, including impoundment of uncontrolled cats, administration of the county animal control program, a plan for dealing with feral cat colonies, and annual public education events to encourage responsible cat ownership. Public education programs are essential to inform citizens about agency goals if public opinion about animal control is to change.

H] A licensed or microchipped pet picked up at-large shall get one free ride home. The animal control officer will return the cat to the owners without taking it to the shelter. If the pet is picked up running at large on a second occasion, it will be taken to the shelter and a citation for violation will be issued to the owner. Penalties will be increased for subsequent violations.

II: Feral cats

Feral cat communities may be licensed under a program that provides health checks and spay and neuter services for these animals. Cats in such a colony should be microchipped when they are captured for health checks.

III: Nuisances

A] Nuisances include but are not limited to excessive noise, soiling of public property and of private property not owned or rented by the pet owner, and noxious odors or unsanitary conditions caused by failure to clean the cat's resident property.

B] Cats must be prevented from causing a nuisance by howling in a habitual, consistent, or persistent manner that repeatedly disturbs the peace of the neighborhood.

C] Owners must take steps to prevent feces deposits by their cats on public property, public and private rights-of-way, and private property not owned or rented by the animal owner and prevent them from continually spraying or depositing urine on lawns and landscaping that causes damage to grasses, flowers, shrubs, etc.

D] The animal control agency shall investigate each complaint and issue a warning letter to the cat owner on the first offense. A citation may be issued on subsequent offenses.

E] Cat owners who repeatedly violate nuisance laws will be subject to increased fines and to requirements that they provide a remedy for the offending behavior or activity. If the violation involves sanitation on the property, health inspectors may make periodic visits to assure that sanitation is maintained.

Section 7: Animal Control: Exotic animals

I. Requirements:

A] The keeping of carnivores such as tigers, lions, cheetahs, leopards and other wild cats and other species such as snakes, alligators, bears, wolves, foxes, coyotes, or non-human primates shall require a permit. Annual inspection of the premises at which the animals are kept will be conducted at the discretion of the animal control agency. Permits will be issued for all or part of a calendar year and must be renewed at least 15 days prior to the expiration date

B] Certification of experience or proof of attendance at a recognized husbandry course covering the species involved and permanent identification of each animal by microchip are required to obtain a permit.

C] Housing, including perimeter fencing surrounding interior pens and buildings, shall provide a safe and secure environment appropriate to the species. Exotic animals that may pose a threat to humans or pets must be confined behind a locked fence of sufficient height and materials to securely contain the animal and prevent risk to the animal and public.

D] The keeping of poisonous snakes and rare or endangered species listed by the state is prohibited without a permit from the state department of wildlife and registration with the local jurisdiction.

E] The keeping of rare or endangered species listed by the federal government is regulated by federal law.

Section 9: Cruelty, abuse and neglect

A] Complaints of cruelty, abuse, or neglect will be investigated by an animal control officer trained in law enforcement and animal husbandry practices.

B] Traditional animal husbandry practices such as tail-docking, declawing, dehorning, branding, and ear cropping are exempt from charges of cruelty, abuse, or neglect when humanely performed.

C] Training methods using a broad spectrum of equipment and practices are exempt when used according to accepted practices.

D] Animal husbandry training for animal control agents will be conducted by the state department of agriculture with input from the state veterinary association.

E] Animal control agents must attend 40 hours of training before being hired and attend at least five hours of continuing education every two years.

A Project of the National Animal Interest Alliance



FILED
CLERK
RECORDED
04/02/2013

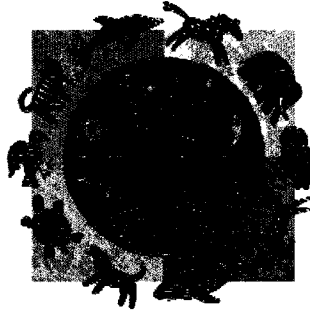


responding to the data:

a guide to constructing successful pet-friendly ordinances



NAIA presents
A Guide to Constructing Successful, Pet-friendly Ordinances



A new day has dawned!

Working with pet owners, breeders, rescues, animal control agencies, and public officials, the National Animal Interest Alliance has developed this guide for constructing successful, pet-friendly ordinances. For the first time, this document allows lawmakers, responsible pet owners, and enforcement agencies to pool their resources in a positive way regardless of the special challenges faced by communities of all sizes and in all regions of the US.

NAIA has long championed the rights of pet owners to responsibly own dogs and cats and is the only national animal interest group to promote the expertise of responsible owners as a key component of reasonable laws to govern human/animal relationships. NAIA also supports realistic animal control laws and the agencies that have the difficult job of enforcing these statutes without sufficient funds and in the face of resistance from pet owners who view them with suspicion.

As a natural outgrowth of our mission to improve human-animal relationships for the benefit of all concerned, we are therefore pleased and proud to offer a fresh look at the connection between pet owners, animal control agencies, and community animal control dilemmas; and we provide suggestions that will aid in developing a strong statute that can be supported by all citizens, regardless of whether they own a dog or cat.

While recognizing that different circumstances produce diverse responses, NAIA believes that the local response to any animal control law depends on community acceptance, and, in turn, community acceptance depends on fair enforcement of reasonable laws. The facts are simple: without the backing of responsible pet owners, no animal control law can succeed; and pet owners are often reluctant to support the law unless there are clear benefits for doing so. This reluctance translates into losses of millions of dollars in uncollected license fees – fees that are critical to the support of the leash laws, nuisance laws, and other statutes designed to protect community health and safety from diseased, stray, and feral animals and from owners who refuse to keep their animals at home to prevent nuisances and injuries.

This guide grew out of our 12-year history of conferences, collaborations, and projects geared to strengthening the human-animal bond and was sparked by our November 2004 conference dedicated to helping communities solve dangerous

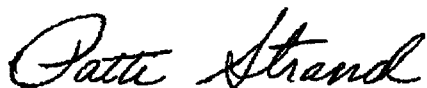
dog problems. The conference went beyond the mantra of "deeds not breeds" to pool resources to identify and offer incentives for responsible dog owners and to draft enforceable reasonable laws to deal with dangerous dogs and negligent dog owners. This document presents ideas for identifying dangerous and potentially dangerous dogs and includes provisions for increasing dog license compliance, providing voluntary registration for cat owners, dealing with pet-related nuisances, discussing legislative efforts that backfire, and outlining basic plans for confinement and control.

NAIA is an association of business, agricultural, scientific, and recreational interests dedicated to promoting animal welfare, supporting responsible animal use and strengthening the bond between humans and animals. Our members are pet owners, dog and cat clubs, obedience clubs and rescue groups as well as breeders, trainers, veterinarians, research scientists, farmers, fishermen, hunters and wildlife biologists. Our membership includes some of America's most respected animal professionals, advocates and enthusiasts.

NAIA provides the public with factual information about animal issues, especially those that are complex, misunderstood or controversial. Our board members are experts who represent the broad spectrum of animal interests embraced by alliance members. Many of our members are deeply involved with animals or the environment as a lifestyle, a career, or a special interest. Many NAIA members serve on local, state, and national panels dedicated to improvement in laws, policies, and regulations governing man's contact with animals. They volunteer in animal shelters, participate in breed or species rescue efforts, teach dog obedience classes, organize public education seminars and events, and share their expertise with newcomers to their field and the general public.

With such a broad spectrum of expertise at our fingertips, we are ready willing, and able to go beyond providing the information in this guide to help implement the ideas it contains. Feel free to call on us for assistance.

Sincerely,



Patti L. Strand, NAIA national director

PO Box 66579, Portland, OR 97290
 Email: naia@naiaonline.org
 Phone: (503) 761-1139; fax: (503) 761-1289
 Website: <http://www.naiaonline.org/>



Contents

Constructing successful pet friendly ordinances	6
A word about pet limit laws and breed specific restrictions	7
Breeder licenses and restrictions	8
A few more notes on unenforceable provisions	9
Essential elements of a <i>successful pet friendly ordinance</i>	10
Dog licenses	11
What to do about cats.	13
One free ride home.	15
Nuisances	15
Confinement and control	16
Dangerous dogs	17
At risk dog	17
Dangerous dog	18
Penalties for dangerous dog running at large	19
Dog fighting and other crimes	20
Notes	21

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-27-2001 BY 60322
UCBAW

A black and white illustration of a large dog, possibly a Mastiff, standing in the center, surrounded by several puppies. The background shows a stone building with a tower.

[6]

even though most pet owners report that they consider their pets as part of the family, animal control laws often treat the entire pet-owning community as the problem and their pets as disposable commodities or as nuisances that must be monitored or banned. Instead of defending the values of responsible pet owners, many ordinances today are loaded with unenforceable provisions that actually threaten an owner's sense of security and convert otherwise responsible citizens into scofflaws, driving them underground for fear of being found in violation of the law. Worse, unenforceable statutes undermine confidence in the legal system and poison public opinion against animal control.

Nevertheless, it appears as if some lawmakers believe that the benefits produced by adding idealistic but unenforceable requirements to animal control ordinances outweigh the negative consequences of declining community support for animal control and loss of licensing revenue. In reality, unenforceable ordinances unite responsible pet owners, irresponsible pet owners and non pet owners in their opposition to animal control.



At NAIA we consider this an unfortunate and totally unnecessary outcome. Animal control agencies perform important work that deserves the support of the communities they serve. It is the purpose of the **NAIA Pet Friendly Ordinance Project** to help pet owners and municipalities alike begin to address the root cause of all these animal control problems: specifically, ordinances that make adversaries out of the public they serve.

Our research shows that to be successful, ordinances must distinguish between responsible and irresponsible pet owners. They must offer support and incentives to encourage and reward responsible pet ownership; and they must enforce reasonable penalties against irresponsible pet owners to bring them into compliance. As a result of our research, NAIA offers this ordinance concept to communities seeking answers to animal control problems. The first of its kind, *this prototype is intended as a conceptual guide* to be adapted to local and regional needs; hence it can be used in whole or in part to redesign or amend animal control ordinances. This model challenges many of the assumptions that underlie failing animal control ordinances.

A word about pet limit laws and breed specific restrictions

Number limits are commonly found in both zoning and animal control ordinances, but they are ineffective at best and counterproductive at worst because they:

- ➡ cause animal control agencies to lose potential license fees because pet owners with multiple pets avoid licensing altogether for fear of being found in noncompliance;

- ➡ are difficult to enforce;
- ➡ create bureaucratic snarls between governmental agencies when animal control officers are required to enforce zoning laws; many of which are generated by unresearched local planning office opinions;
- ➡ are vulnerable to court challenge:
- ➡ are used to harass neighbors;
- ➡ ignore the ability of responsible owners to keep more than X-number of pets without causing a nuisance;
- ➡ increase the number of pets entering shelters by prohibiting families from adding a pet they can easily care for; and
- ➡ lead to a disrespect for the law and a willingness to violate it.

Number limits are often cited as a means to prevent the hoarding of more pets than can be properly housed and cared for, but this problem is better solved by strict enforcement of animal control and nuisance laws that require proper confinement and noise abatement, by health regulations that govern odor and waste, and by cruelty laws that protect animal welfare.

Pet number limits are not only unenforceable and destructive, they were also ruled unconstitutional when challenged in Pennsylvania.⁵

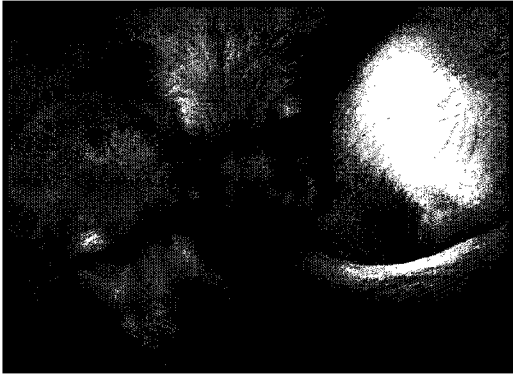
Breed restrictions are also costly, impossible to enforce and likely to cause the deaths of many well-behaved, well-trained dogs that are beloved family pets. In addition, they give citizens the false sense of security that they are protected because a breed or type of dog has been banned. NAIA believes that well-constructed and strictly enforced dangerous dog laws that target irresponsible owners, illegal dog activities and aggressive dogs serve the community far better than specific breed restriction laws.

This model law does not include either pet number limits or breed-specific restrictions. NAIA study shows that it is far better to prosecute actual nuisances and dangers than it is to penalize the universal possibility of a nuisance or danger. Therefore NAIA supports nuisance laws and dangerous dog laws that clearly describe dog and owner behaviors that constitute nuisances and public dangers. We have learned that pet number limits and breed specific restrictions simply do not work. They are difficult to enforce and create animosity among responsible owners who become criminals as a result of poorly defined terms and arbitrary laws.

Breeder licenses and restrictions

Beginning in the early 1990's, activist groups convinced some municipalities that breeder licensing and other restrictions would reduce the number of pets entering shelters and raise funds needed to cope with overpopulation. They claimed that breeders were the source of shelter problems, and they used the media very effectively to promote anti-breeder sentiment and anti-breeder ordinances.⁶

They euthanized dogs and cats on television to showcase the issue of overpopulation and inflamed the public against breeders who they said were to blame.⁶ Much of the information used to sell these ordinances was not true. For one thing, they drew no distinction between different kinds of breeders; instead, they lumped responsible breeders who dedicate them-



selves to improving their breeds with people who breed animals without regard to their health, welfare or placement and with families who simply forgot to spay a household pet and wound up with an unwanted litter.

Today, most of the counties that adopted such provisions have long since discarded them because they did not work. These laws alienated the most responsible dog breeders in the community, but had no affect on the irresponsible ones they were intended to reach. They created a wedge between animal

control and citizens who formerly supported them. They drove responsible breeders underground, and they didn't raise funds or address the real source of surplus shelter dogs and cats. They were failures by every objective measure.^{7,8}

NAIA opposes breeder licensing and restrictions, not only because they don't work, but because they are detrimental to the production of well-bred, healthy, puppies and kittens of good breed temperament. These restrictions lead to the conclusion that breeding pets is a shameful activity when, in fact, in-home hobby breeders who attend dog or cat shows and belong to kennel or cat clubs are major stakeholders in responsible pet ownership. Such breeders are the best sources for healthy puppies and kittens and excellent resources for responsible pet ownership education projects, breed rescue efforts, obedience training, temperament evaluation, and behavior problem-solving. They host dog training classes and microchip clinics; their club events bring millions of tourism dollars to their communities, and they often donate event profits to charity. These highly experienced advocates of responsible pet ownership should be the natural allies of pet licensing programs, but because they've been made the brunt of unenforceable anti-breeder provisions, they often avoid dealing with animal control agencies altogether.

A few more notes on unenforceable provisions ...

Some communities have been tempted to include prohibitions or restrictions on animal husbandry practices or to add language that substitutes guardianship for animal ownership. NAIA opposes these provisions because they change the focus of animal control laws, create unintended legal and economic consequences and do nothing to enhance compliance.

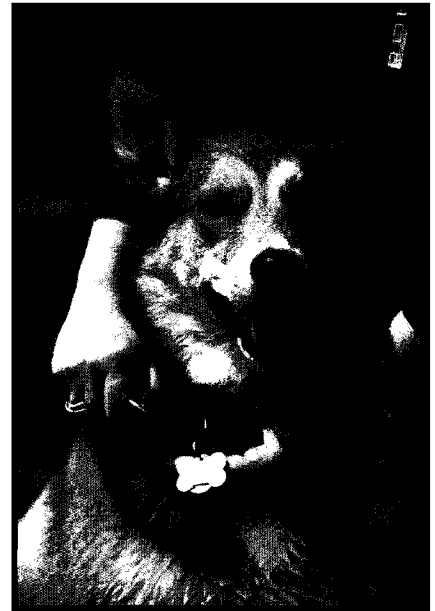
Essential elements of a *successful pet friendly ordinance*

Now that we've emphasized elements that do not work and should not be included in pet ordinances, it's time to look at some elements that will convert a failing ordinance into a truly workable one that will serve the community well. Here's our model.

Pet licensing

In an ideal world, county governments would fully finance animal control services from the general fund, and pet licensing as we know it today would be converted to an identification system designed to assure rabies vaccination compliance, monitor potentially dangerous dogs and distinguish cats that have owners from ones that do not. But in most jurisdictions, licensing programs continue to be important because dog licensing fees are still needed to supplement the costs of running a professional animal control agency.

As much as those fees are needed, many licensing programs fail because pet owners do not see the advantages of buying a license, especially for a pet that stays home. Responsible pet owners often see animal control ordinances as making them pay for the actions of irresponsible owners who ignore the law. Therefore, our model ordinance distinguishes between responsible and irresponsible owners by providing incentives to reward responsible owners, penalties to bring irresponsible owners into compliance and a program for increasing the number of licensed pets. Each jurisdiction (city, township, county) may set its own license fees and has the option of offering multiple-year or lifetime licenses and registrations.



In order to develop and implement an effective dog licensing or voluntary cat registration program, local governments must:

- i. eliminate the unenforceable provisions (i.e., pet number limits, breed and breeder restrictions, unrealistic reclaim fees) that make people fear animal control agents and agencies;
- ii. provide incentives by giving financial breaks to those who demonstrate responsible ownership practices such as permanent pet identification, secure fencing, proof of training, spay or neuter, early or lifetime licensing/registration, etc.
- iii. pledge special treatment for pets that are identified by microchip and a license or registration by providing one free trip home, longer hold times and specific contact efforts;

iv. write and enforce meaningful penalties against violations of dangerous dog laws and nuisance ordinances;

v. create an animal control advisory board made up of representatives from pet-related businesses, an animal welfare group, dog and cat club enthusiasts, and a non pet owner. These might include a veterinarian and a groomer, a representative from the pet industry, representatives from local cat and dog clubs, a dog trainer and a homeowner who does not have a pet; and

vi. advertise the program to local citizens. Openly discuss the challenges faced by animal control and invite the community to help. Explain how the new, improved ordinance and licensing and registration programs are designed to benefit them and the community. Provide visible identification (bumper stickers, T-shirts, pins, etc.) for responsible pet owners to build community awareness of the program and build a viable partnership between responsible owners and animal control agencies. Perception is reality. If the public doesn't know about the innovative programs that have been established, they will have far less chance of success.

Dog licenses

1. All dogs that have reached a designated age (usually 3-6 months) in the jurisdiction must be licensed.

2. License fees will be set by the county using a format or system of licensing that enables animal control to recognize and reward responsible dog ownership at the same time it sets penalties for irresponsible dog ownership. *High license fees may lower compliance rates*, so fees should be chosen carefully. Licenses may be valid for the term of the current rabies inoculation with discounts on annual license fees given for licenses that span more than one year. For example: If a one year license fee is \$30, a two year license might be \$25 per year and a three-year license \$20 per year.

Many jurisdictions already provide a lower license fee to reward those who spay or neuter their pets. This practice has proven to be an excellent method for encouraging owners to neuter pets that are not involved in formal breeding programs. But many pets impounded in shelters today are already neutered, demonstrating that neutering is only part of the solution. There are numerous other behaviors that promote responsible pet ownership. Discounted fees can also be used as incentives to encourage or reward those who permanently identify their pets, confine them behind a fence, take them to obedience classes, or complete other tasks that make the job of animal control easier and that protect the community from the nuisance or danger of unrestrained and unsupervised pets.

Incentives may include but not be limited to the following, to be provided for the dogs of those who:

- i) complete an AKC Canine Good Citizen course and test¹⁰;
- ii) achieve an obedience title awarded by a nationally respected organization such as the American Kennel Club;
- iii) use microchips (or other permanent identification that is acceptable to the agency)^{11,12};
- iv) confine their dogs in a yard that is securely fenced to prevent escape;
- v) belong to an obedience club, kennel club, or dog organization that promotes responsible dog ownership^{13,14};
- vi) are active participants in dog sports, search and rescue activities, or therapy dog visits ^{13,14,15};
- vii) neuter their pets; or
- viii) participate in a dog or cat rescue program.



3. Incentive discounts cannot be used to reduce the yearly dog license fee below a minimum amount set by the agency. Under the current system, there is one fee for fertile dogs, and a discounted fee for neutered dogs, the price of a neutered dog often being about half of the rate charged for an intact dog. Under the system recommended here, responsible dog owners with intact dogs would also be eligible to receive discounts for practices that are associated with responsible dog ownership. Dog owners would choose from a menu of license discounts: a dog might qualify for a \$15 discount if he is neutered; an \$8 discount if microchipped; an \$8 discount if the dog passes a CGC test or completes an obedience course or achieves an obedience title, or \$5 if the owner participates in breed rescue, belongs to a club or association that promotes responsible dog ownership or participates in dogs sports or therapy dog visits to hospitals or nursing homes¹⁶. Those who wish to keep their dogs intact can get their discounts by permanently identifying their dogs, participating in dog sports or therapy work, belonging to a club that promotes responsible pet ownership, performing rescue, confining their dogs behind a secure fence, etc.

A review of licensing statistics shows that neutered dogs have the highest license compliance rates. This suggests that incentives work and that the responsible owners of intact dogs might also be excellent candidates for licensing if incentives were offered to them. A side benefit of this program is its public education value. It provides a vehicle for relaying important information about specific elements of responsible dog ownership to the public, with a positive feedback loop for people who license their dogs.

- 4.** Breeders, rescuers, hunting dog owners and others with multi-

ple dogs can purchase annual kennel (facility) licenses for an amount set by the county using a format or system that enables animal control to recognize and reward responsible ownership. Facility licenses are available for dogs owned or housed on the property as long as the facility and owner meet minimum standards for housing and care.

5. Facility licenses can be discounted based on the incentives listed for individual dog owners.

6. If public perception of animal control is going to change, public education and advertising programs will be necessary to inform citizens about animal control programs and goals. Therefore, license fees must be set aside in a fund specifically for animal control programs, including impoundment of uncontrolled dogs, administration of the county animal control program, and annual public education events to encourage the responsible dog ownership necessary for a viable animal control program.

7. License fees shall be waived for:

i) any dog used primarily as a service animal when the owner or keeper establishes the service animal's function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 et seq.

ii) any dog used by a public agency or a private organization under contract to a public agency as a police dog, tracking dog, search and rescue dog, arson or drug sniffing dog, or for any other job that furthers the mission of the agency to protect and serve the public interest.

8. Free juvenile licenses may be made available for dogs below licensing age. Each jurisdiction can determine the age division between juveniles and adults. Juvenile licenses provide a non-threatening entry into the system when the puppy is acquired and new owners are most open to information about becoming responsible pet owners. Juvenile licenses can be available through breeders, veterinarians and pet stores at the time the puppy is obtained or first seen by a veterinarian and can be input into the data base for rabies vaccination and license renewal reminders. Juvenile licenses can come with brochures describing animal control benefits relating to home returns, microchip and fencing for reduced fees, etc.

What to do about cats ...

NAIA opposes cat licensing for a variety of reasons. Cats pose little threat to public health, which is the conventional reason for government regulation of animals. To the contrary, cats can and often do provide a public health benefit in settings where mice and other rodents might otherwise proliferate. In addition, some cats never go outdoors and it is unjust to expect the owners of indoor cats to foot the bill for feral, free-roaming and indoor/outdoor cats that become nuisances. Studies indicate that more than 40% of US cats are strays or feral animals and that about 10% of households feed stray cats.¹⁷

Cats are now America's most popular companion animal. In many parts of the country, cats continue to serve communities in their historical role, keeping rodent populations under control, as well as being family pets. In densely populated urban settings, though, outdoor cats aren't always greeted with open arms. Free-roaming cats often become neighborhood nuisances and have replaced dogs as the number one surplus shelter animal in many parts of the US. As a result, even though 20-25% of shelter cats appear to have been owned in the recent past, animal control agencies spend significant resources taking care of cats for which no one else takes responsibility.

From a practical standpoint, once an unidentified cat ventures beyond its own property, it belongs to no one. Furthermore, cat owners aren't as likely as dog owners to immediately go looking for a lost pet at the local shelter, so the number of cats returned to their owners is disproportionately low.¹⁸ Many shelters post photos of impounded cats on their websites to help owners locate a lost pet, but in the absence of permanent identification, shelters have a difficult time distinguishing between cats whose owners will look for them and less fortunate ones. Consequently, some cats are placed or euthanized before their owners can find them, a very disheartening circumstance. This is why our model recommends owner-initiated voluntary cat registration linked to microchips to help shelters reunite cats with their owners.



For a voluntary cat registration/identification program to work, animal control agencies must agree to check all cats entering the shelter for a microchip and contact their owners if one is detected. If the owner cannot be located immediately, the agency must also agree to hold registered/chipped cats beyond the standard hold time. This system of owner-initiated voluntary registration linked with identification provides responsible cat owners a better chance that their pets will be returned. Just as importantly, it provides animal control agencies a means of distinguishing between cats whose owners are more dedicated to them than others in the shelter.

Voluntary, owner-initiated registration linked to identification should not be seen as a regulatory scheme but as a pact or service agreement between responsible cat owners who want to increase their odds of getting a lost pet home and animal control, which agrees to treat such cats with greater concern by making defined efforts to contact their owners and extending impound times before placement or euthanasia. The fee charged for this optional service will be used to defray some of the extra expense needed to give a cat special attention.

Registration fees will be set by the county in an amount that encourages cat owners to participate. For communities that already man-

date cat licensing, responsible owners can receive license fee discounts if they:

- i) keep cats indoors;
- ii) spay or neuter their pets;
- iii) belong to a cat club that promotes responsible pet ownership¹⁹; or
- iv) participate in cat shows or cat rescue efforts¹⁹.

Incentives cannot reduce the license fee below a base amount.

For details on how to implement incentive and education programs, see the discussion under dog licensing above.

One free ride home

NAIA supports animal control agencies that recognize and work with feral cat colonies and their caretakers by providing health checks and spay and neuter services for colony animals. Identification of the cats adds to the success of the colony program.

If a licensed or registered pet is picked up at large and is identified by its chip or license tag, thereby allowing the animal control officer to return it without taking it to the shelter, the pet will be returned to the owner directly. When returning the pet, the animal control officer will remind the owner that the pet must be confined and that further violation may result in impoundment, a fine, or a citation.

If the pet is picked up running at large on a second occasion, it will be taken to the shelter and a citation for violation will be issued to the owner. Penalties can be increased for subsequent violations.

Nuisances

Abatement of nuisances caused by pets is essential for neighborhood harmony.

1) Nuisances include excessive noise, soiling of public property and of private property not owned or rented by the pet owner, and odors caused by failure to clean the dog's resident property.

2) It is a dog's nature to bark at strangers and other dogs and a dog owner's responsibility to minimize the impact this noise has on the neighborhood. The noise rises to the level of nuisance when the dog barks, howls, or yelps in a habitual, consistent, or persistent manner that continually disturbs the peace of the neighborhood.

3) Soiling occurs when the dog or cat:

- i) deposits feces on public property, public and private rights-of-way, and private property;
 - ii) sprays or deposits urine on lawns and landscaping that causes damage to grasses, flowers, shrubs, etc.
- 4) Nuisance soiling also includes odors caused by failure to properly dispose of feces and clean urine from kennels and yards.
- 5) Owners are responsible for picking up feces deposited by their dogs in public places, confining their dogs and cats so that their pets do not soil neighbor's yards, and cleaning up their own properties to prevent odors.
- 6) The animal control agency shall investigate each complaint and issue a warning letter to the dog owner on the first offense. A citation may be issued on subsequent offenses.
- 7) Penalties may include fines or court-ordered owner attendance at a responsible dog ownership session or dog and owner attendance at an obedience school at the owner's expense. The fines may be waived upon completion of the requirements.
- 8) Dog owners who repeatedly violate nuisance laws will be subject to increased fines and to requirements that they provide secure confinement or noise control for their pet. If the violation involves sanitation on the property, health inspectors may make periodic visits to assure that sanitation is maintained.

Confinement and control

Most animal control problems are caused by loose dogs and stray cats. Therefore, laws and policies written to protect the community must be tailored to encourage responsible pet ownership and must be strictly enforced against owners who fail to keep their pets at home or from becoming nuisances or dangers to their neighbors.

- 1) Confinement: All dogs and cats must be confined to prevent escape.
- 2) Control: When off the owner's property, the dog must be restricted by a leash or otherwise controlled by a legally responsible person to prevent it from causing a nuisance.
- 3) Tethering: Because tethering in an unfenced area is an invitation to approach a dog and thereby risk injury to the dog or person, this method of control is allowed only as a



redundant method of confinement behind a perimeter fence or within another enclosure in urban areas. Tethered dogs cannot escape from perceived threats; as a result, tethering has been implicated in a significant number of bites when children tease dogs or enter a tethered dog's limited territory. A reasonable timetable should be set to enable dog owners to obtain the required fencing.

4) Animal control personnel have the authority to remove a dog or cat from a vehicle if the animal's health is endangered by such confinement in hot weather.

Dangerous Dogs

Communities have a right and a responsibility to deal with dangerous dogs in a manner that clearly identifies such dogs and holds owners responsible for their actions. Identification of potentially dangerous dogs is valuable to allow for intervention before a serious injury or death occurs. However, animal control agents should be trained to recognize the difference between a potentially dangerous dog and a dog that is acting as a watchdog or is simply alerting strangers to avoid its territory.

At risk dogs

Animal control agencies should investigate claims that dogs are dangerous, provide due process to owners who are accused of harboring dangerous dogs, and be authorized to euthanize dogs if deemed necessary after due process has been exhausted. Regardless of the appeals of activists in the no-kill movement, dogs adjudicated as too dangerous to live in one community should not be shipped to another jurisdiction.

1) An at risk dog is:

- i) a dog that, when off the property of the owner and unprovoked, menaces, chases, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person;
- ii) a dog that, while running at large, menaces, attacks, or injures a domestic animal;
- iii) a dog that, while running at large, jumps on, chases, or bites a person causing a less than severe injury. (A severe injury is any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.)
- iv) a dog that, unprovoked and absent extenuating circumstances, menaces, attacks, or bites a person on the owner's property causing a less than severe injury.

2) Procedure for classifying a dog as at risk: Upon filing of a complaint, the animal control officer or his representative shall investigate the circumstances and notify the dog owner of the charge. The results of the investigation should be reported to a magistrate or other court officer or to an appointed animal control board and to the dog owner. If the court officer deems the dog to be at risk, the dog owner has the option of filing an appeal with the animal control board or court or accepting the designation.

Notwithstanding the above, the dog warden or his representative shall have discretionary authority to refrain from classifying a dog as at risk, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was the result of the victim abusing or tormenting the dog or it was directed toward a trespasser or a person committing or attempting to commit a crime or it involved other similar mitigating or extenuating circumstances.



3) Sanctions for owning an at risk dog: The owner must provide secure fencing to keep the dog confined on his own property. When off the owner's property, the dog must be kept on a secure leash of no more than four feet in length and under control of a legally responsible person. The owner must also place photos of the dog on file with the animal control agency, microchip the dog for identification, and provide proof of liability insurance that covers injuries. (This insurance may be difficult or impossible to obtain, so owners should have the option of self-insuring against an incident.)

Depending on the outcome of the investigation, the court may also assign the dog to private or group obedience classes or to evaluation by a behavior specialist and may require the owner to attend a responsible ownership class. These additional requirements will be at the expense of the owner.

4) Procedure for removal from at risk dog list: If there have been no further incidents for a period of 18 months and the owner can provide proof of obedience training at a reputable club or business, he may appeal to the court of the animal control board for removal of the designation.

Dangerous dog

- 1) A dangerous dog is one that
 - i) has previously been classified as at risk and exhibits escalating aggressive behaviors that result in further complaints;
 - ii) a dog that, without provocation, inflicts severe injury on a human being;

iii) menaces, maims, or kills domestic animals when off its owner's property; or

iv) is used to threaten people or domestic pets or is used as a weapon in the commission of a crime.

Notwithstanding the above, the dog warden or his representative shall have discretionary authority to refrain from classifying a dog as dangerous, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was the result of the victim abusing or tormenting the dog or it was directed towards a trespasser or a person committing or attempting to commit a crime or it involved other similar mitigating or extenuating circumstances.

2) Upon receiving and investigating a complaint, the animal control officer or his representative shall investigate the circumstances and notify the dog owner of the charge. The results of the investigation should be reported to a magistrate or other court officer or to an appointed animal control board and to the dog owner. If the court officer deems the dog to be dangerous, the dog owner has the option of filing an appeal with the animal control board or accepting the designation. Depending on the circumstances, the dog may be impounded pending disposition of the case.

3) Sanctions for owning a dangerous dog: A dangerous dog may be returned to the owner or may be destroyed depending on the outcome of the investigation. If the dog is returned to the owner, it must be microchipped, confined in a locked pen with a top when not in a home or other building, and restricted by a sturdy leash no longer than four feet when in public. The pen must be built so the dog cannot dig his way out or otherwise escape. Photos of the dog must be filed with the animal control agency and the owner must provide proof of at least \$100,000 in liability insurance. Depending on the outcome of the investigation, the court may require a behavioral evaluation of the dog and sentence the owner to attend a responsible ownership class.

4) Confinement of dangerous dogs: Dogs that have been adjudicated as dangerous must be confined behind a locked fence of sufficient height and materials to contain the dog and prevent trespass. Confinement must be sufficient to prevent children from coming into contact with the dog. When off the owner's property, a dangerous dog must be restricted by a leash of no more than four feet in length and may be required to wear a muzzle.

5) Transporting dangerous dogs: Dogs that have been adjudicated as dangerous must be confined in a crate in a closed vehicle to prevent opportunities for escape and in a manner sufficient to prevent children from coming into contact with the dog through an open window in the vehicle.

Penalties for dangerous dog running at large

NAIA has a no-tolerance policy towards dangerous dogs running at large. Therefore, the punishment will be severe, absent mitigating circumstances.

1) Dangerous dogs that run at large and repeat the behavior that earned the designation will be impounded and euthanized.

2) Dangerous dogs that run at large without repeating that behavior may be returned to their owners at the discretion of the animal control agency after reviewing the case and inspection of the confinement facility.

3) Owners who fail to confine their dangerous dogs out of carelessness or neglect face high fines and possible jail time. The assigned penalties must be enforceable.



Dog fighting and other crimes

Raising and training dogs for fighting and participating in dog fighting are serious crimes that deserve tough penalties, including prison time.

Those who use dogs to illegally threaten others or to guard criminal activities should also face serious consequences, including jail time.



Notes

1. According to the **U.S. Pet Ownership & Demographics Sourcebook** (AVMA, 2002) there are more than 60 million pet dogs and nearly 70 million pet cats in the US. (<http://www.avma.org/membshp/marketstats/sourcebook.asp>)

2. *American Pet Products Manufacturers Association Fact Sheet: Industry Statistics & Trends*, (http://www.appma.org/press_industrytrends.asp)

3. A hard statistic to pin down, but 30% is the number most often cited by animal control agencies as the high end of the compliance curve. Many communities have a lower compliance rate.

4. According to the 2003/2004 APPMA National Pet Owners Survey, 39 percent of US households (40.6 million) own at least one dog and 34 percent (35.4 million) own at least one cat. (http://www.appma.org/pubs_survey.asp)

5. In *Commonwealth v Creighton* (Pennsylvania 639 A.2d 1296 Pa.Cmwlt.,1994), the appeals court overturned a pet limit and quoted these precedents: "What is not an infringement upon public safety and is not a nuisance cannot be made one by legislative fiat and then prohibited." [Kadash v. City of Williamsport, 19 Pa. Commonwealth Ct. 643, 650, 340 A.2d 617, 621 (1975).] Further, "even legitimate legislative goals cannot be pursued by means which stifle fundamental personal liberty when the goals can be otherwise more reasonably achieved."

Commonwealth v. Sterlace, 24 Pa. Commonwealth Ct. 62, 66, 354 A.2d 27, 29 (1976). For more information, see: <http://www.naiaonline.org/body/docs/penny2000.doc>

6. *Pet Overpopulation — A Self-Fulfilling Prophecy?* by Anna Sadler, Cat Fanciers Association (<http://www.cfainc.org/articles/legislative/pet-overpopulation.html>). Included in this article is the following: "The healthy puppy and kitten euthanized on live television as a kick-off to Kim Sturla's original breeding ban proposal sent animal lovers scurrying to their checkbooks, and this tactic is being repeated nationwide."

7. *The San Mateo County Pet Overpopulation Ordinance: A Legislative Failure*, a report from The Animal Council (<http://www.fanciers.com/npa/sanmateo.html>)

8. *San Mateo ordinance fails test of time*, <http://www.naiaonline.org/body/articles/archives/smatoe01.htm>

9. In 1993, a Pennsylvania legislator introduced a bill that call for a "voluntary moratorium" on all dog breeding in the state. (<http://www2.legis.state.pa.us/WU01/LI/BI/BT/1993/0/HR0194P2697.pdf#search='breeding%20moratorium'>)

10. AKC Canine Good Citizen program, <http://www.akc.org/events/cgc/index.cfm>

11. AKC Companion Animal Recovery program, <http://www.akccar.org/>

12. AVID Microchip ID, <http://www.avidmicrochip.com/>



13. AKC clubs and performance events are listed on the organization website, <http://www.akc.org>

14. United Kennel Club clubs and performance events are listed on the website, <http://www.ukcdogs.com>

15. Many states have canine search and rescue organizations that train dogs for tracking lost persons or locating the victims of tragedies. The North American Search Dog Network (<http://www.nasdn.org/>) provides general information about the use of search and rescue dogs.

16. Therapy Dog International (<http://www.tdi-dog.org/>) is one organization that certifies dogs for nursing home and hospital visits.

17. National Pet Alliance website, <http://www.nationalpetalliance.com/>

18. Statistics taken from Multnomah County Animal Services for the last six months in 2004 paint a typical picture of owner returns of dogs versus cats. 3128 cats were impounded: 87 cats (3%) were returned to their owners. 2359 dogs were impounded: 1062 dogs (45%) were returned to their owners.

19. Cat Fanciers' Association Inc., <http://www.cfainc.org/>



REC'D CLEAR RECORDED 04/02/2013



National Animal Interest Alliance

PO Box 66579 Portland, OR 97290

email: naia@naiaonline.org

<http://www.naiaonline.org/>

phone: (503) 761-1139 fax: (503) 761-1289



To Whom it May Concern:

In reading the 38 page proposed new animal ordinance for Santa Fe County I am struck by the amount of time that was put into its creation without enough consideration of broader consequences. The county's emulation of the city ordinance is not realistic for the rural area and lifestyles the county includes. The overall theme of greater financial penalty to those who violate the amped-up ordinance may not really add up to a better life for Santa Fe County's animals. Or make more money for Santa Fe County. The very people who should most frequently be cited are those least likely to be able to pay the fines. The idea that these fines should foot the some of the county's bills and/or the increased cost of animal control services required to enforce the ordinance is not realistic, or in the service of improved animal welfare. In this economy, choosing to pay hefty fines they can't afford (if they chose not to afford fencing or neutering) will be harder and harder. More people will be more likely leave their pets to the fate of our already over-populated shelters. This would then incur greater expense to the shelters, housing and adopting out more pets; or the need to euthanize and cremate those who do not get re-homed. With this ordinance, the prospect of adopting a pet --even for responsible owners-- looks a bit more daunting, and could result in less adoptions from shelters to make a bad problem even worse.

A few specific items in the ordinance that seem problematic:

Requiring dogs to be leashed at all times when not contained, except in dog parks. ...Many of us who live in the less urban open spaces of the county live here in order to be able to exercise our dogs in arroyos, on forest trails, or BLM lands. Especially for larger dogs (or less athletic owners) getting a daily off-leash run with owner under voice command is a realistic way for good health and behavioral balance. Also, training for herding, flyball, and some obedience/protection work requires being off leash, or using very long leads. In that there are no dog parks outside Santa Fe, the carbon pawprint of a rural dog needing some off leash time starts to get very big if that means driving into Santa Fe. Does the county wish to budget in a number of fully-contained off leash dog parks outside Santa Fe for their new program?

Requiring a property owner to foot the bill to humanely care for feral cats that have taken up residence seems like a policy that may invite more negligence. A small county subsidy for the organizations that know how to stabilize colonies and educate people on feral colony maintenance would be a more streamlined approach to sensibly control the growing problem before it becomes unmanageable.

Also, I object to the unwillingness to recognise a documentation of antibody blood titer as a valid indication of rabies protection. Any pet owner willing to foot the considerable expense of a blood titer is probably doing so for a valid reason of vaccination sensitivity, old age, and/or overall concern for their pet's health. These are not the people to worry about.

As a former board member of the Espanola Valley Humane Society I am unfortunately aware of the statistics for intake and euthanasia, and the budgets of our local shelters. I am also aware that it has not always been easy for the EVHS shelter (in Rio Arriba) to obtain an adequate (or timely) subsidy from Santa Fe County to cover the cost of receiving animals brought in from Northern Santa Fe County (Tesuque, Pojoaque Valley, etc.) Taking full responsibility to understand the overall impact, and to support the non-profit shelters that contract to do the actual work generated by the county animal services must be part of the overview in enforcing more animal ordinances. Looking at animal control infractions from the angle of revenue generation is short-sighted and the county will not be serving its people or animals.

If the amount of time and energy spent on this piece of ordinance could be devoted to creating more community humane education programs to encourage spay and neuter and responsible pet stewardship, the county would be supporting humane animal care in its communities. This ordinance will not achieve that end.

On the day of the first hearing on this ordinance, a study by The Smith Conservation Biology Institute and the U.S. Fish and wildlife Service was published. "Here we conduct a systematic review and quantitatively estimate mortality caused by cats in the United States. We estimate that free-ranging domestic cats kill 1.4–3.7 billion birds and 6.9–20.7 billion mammals annually. Un-owned cats, as opposed to owned pets, cause the majority of this mortality. Our findings suggest that free-ranging cats cause substantially greater wildlife mortality than previously thought and are likely the single greatest source of anthropogenic mortality for US birds and mammals. Scientifically sound conservation and policy intervention is needed to reduce this impact.

We now know the magnitude of the problem. This ordinance could be just the kind of policy intervention that these scientists are calling for.

At the first hearing on this ordinance, Mary Martin challenged my statement that feral cats were living difficult lives. While I don't believe this for a moment, her characterization of these animals as "just house cats" underscores the point that I made at that hearing that if at all possible, feral cats should indeed be fostered out to owners who will care for them. Ms. Martin says that "catch and kill" does not work, but the function of an animal shelter is to shelter animals, not to release them into some imagined state of urban wilderness bliss. Catch and kill is what feral cats do, to the detriment of our birds and wildlife. But the fact is that there are not enough owners for the population of cats we have, and so humane euthanasia has to be part of the solution.

With respect to the lawyerly letter from Alley Cat Allies office in Washington, DC, I would like to make several points that show their approach to be quite radical:

TNR is NOT the best approach to feral cats! On the contrary, TNR perpetuates colonies of feral cats with all the attendant problems of wildlife depredation, rabies potential, nuisance, and trespass. TNR does nothing to ensure the ongoing vaccination of these animals—a major public health reason for this ordinance. TNR cats, most particularly if the animal control folks will no longer pick up feral animals, will be and remain a large pool of unvaccinated animals living at the interface between our community and wildlife.

Ally Cat Allies claims that it is unfair to prohibit people from feeding feral cats. Well it is in fact illegal to feed wildlife (other than birds) in New Mexico. While it is true that feral cats—and raccoons, skunks, and other wildlife—existed before colonies, the ONLY reason that colonies exist is that food is provided. Cats are not particularly social animals—in fact they are famous for not forming herds. They aggregate in colonies because they are fed, and only because they are fed.

The letter goes on to advocate that cat colony caregivers be exempted from the definition of "owner" and that no cat should be impounded "merely for being at large. This allows anyone who chooses to avoid responsible pet ownership to claim they are caregivers of a "colony" and places an unreasonable burden of proof on anyone who feels that feral cats are a nuisance on their property or a threat to wildlife. Do cats have Miranda rights under such a system?

And to whom is regulating cat colonies unfair? Unfair to people who harbor a community nuisance and health hazard? I don't doubt that some caretakers are assiduous about neutering their charges, but I doubt that is the rule. If it were true, the colonies would die out, but they never do and I note that even Alley Cat Allies no longer makes this preposterous claim although some people still do.

But conversely, is it fair to the billions of birds and tens of billions of mammals that are killed or maimed by feral cats every year?

And is it fair to the thousands of people in our community who appreciate birds and wildlife and who cringe at this senseless killing?

But the greater point is, what is the purpose of this ordinance? Is it to protect property, community standards, and animal welfare or is it to declare feral cats a kind of protected species and their caretakers immune from responsibility?

If people care for cats, feeding them, having them neutered, and maybe even vaccinated; then they are owners of those cats. To pretend that there is a special class of cat owners who need not be responsible for their animals is ludicrous. We recently had a case of a pet owner renouncing ownership of demonstrably vicious dogs to avoid criminal and financial responsibility for them. I don't think we want to endorse this policy.

The proposed ordinance, particularly if modified as advocated by Alley Cat Allies, elevates the "rights" of the minority of cats that are feral and their caretakers above everyone else in the community, feathered, furred or walking around on two legs. TNR is bad policy and a step backwards for animal welfare.

Tom Jervis, President
Sangre de Cristo Audubon Society
988-1708
jervidae@cybermesa.com