Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Memorandum

To: Santa Fe County Board of County Commissioners

Through: Kathrine Miller, County Manager
Rachel O'Connor, Santa Fe County Community Services Department

From: Don Moya
Acting Finance Director

Date: November 9, 2016

Subject: **Resolution No. 2016- _____, A Resolution Requesting A Budget Increase To The Alcohol Programs Fund (241) To Budget Compliance Fees Collected From DWI Offenders Participating In The Compliance Monitoring Program/ $163,800.00. (Finance Division/ Don Moya)**

Issue:

Request approval of a Resolution for a budget increase to the Alcohol Programs Fund (241) by $163,800.00 through a compliance fee collected from DWI Offenders participating in the Compliance Monitoring Program.

Background:

State Statute Section 31-20-5.1 NMSA 1978 authorizes judges to order a defendant to pay from $15 to $50 per month in fees to be used to operate a DWI Compliance Program. The fee shall be stated in the court order and shall be paid by the defendant directly to the county where the supervising Compliance Monitoring program is located. The Santa Fe Magistrate Court started imposing the fee in August 2014 at the request of the Santa Fe County DWI program. To date the County DWI program has collect $163,800.00.

Staff Recommendation:

Staff recommends the approval of this resolution.

SANTA FE COUNTY

RESOLUTION 2016 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on November 29, 2016, did request the following budget adjustment:

Department / Division: Community Services Fund Name: DWI Program Alcohol Program Fund (241)

Budget Adjustment Type: Increase Budget Fiscal Year: 2017 (July 1, 2016 - June 30, 2017)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
241	0484	350	07-00	Fines and Forfeitures/ DWI Compliance Fees	28,644	
241	0000	385	02-00	Budgeted Cash Funds	135,156	
TOTAL (if SUBTOTAL, check here ____)					163,800	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
241	0484	464	10-26	Salary Term Employees	81,500	
241	0484	464	20-01	FICA – Regular	5,055	
241	0484	464	20-02	FICA – Medicare	1,200	
241	0484	464	20-03	Retirement Contributions	16,750	
TOTAL (if SUBTOTAL, check here X)					104,505	

Requesting Department Approval: _____ **Title:** Division Director **Date:** 11/9/16

Finance Department Approval: _____ **Date:** 11-9-16 **Entered by:** _____ **Date:** _____

County Manager Approval: _____ **Date:** _____ **Updated by:** _____ **Date:** _____

SANTA FE COUNTY

RESOLUTION 2015 - _____

BUDGET ADJUSTMENT CONTINUATION SHEET

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
TOTAL (if SUBTOTAL, check here X)						

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
241	0484	464	20-05	Health Care	12,649	
241	0484	464	20-06	Retirement Health Care	1,630	
241	0484	464	20-08	Workers Compensation	16	
241	0484	464	50-03	Contractual Services	45,000	
TOTAL (if SUBTOTAL, check here ____)					163,800	

SANTA FE COUNTY

RESOLUTION 2016 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: **Name:** Joyce Varela **Dept/Div:** Community Services **Phone No.:** 992-9843

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.
  The DWI Program is requesting an increase to the budget in the DWI Compliance Fees account. The Santa Fe DWI Program was recently notified by the Department of Finance (DFA) of a required decrease in the DWI Distribution funds that are received by the program every year. This increase to the budget is essential to assume a portion of the necessary expenses that the program will incur during the fiscal year to continue operating adequately.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title
10-26 20-01-20-08	To pay for existing positions that were originally budgeted in the DWI Distribution fund account which was recently decreased as indicated above.	Term Term Term	DWI Compliance Supervisor DWI Compliance Monitor DWI Compliance Monitor

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount
5003	Contract services to implement a urinalysis testing program for DWI offenders convicted of a first and second offense.	30,000
5003	Services to continue to provide an evaluation of the compliance and screening components of the Santa Fe County DWI Program.	15,000

SANTA FE COUNTY

RESOLUTION 2016 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Joyce Varela **Dept/Div:** Community Services **Phone No.:** 992-9843

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 2) Is the budget action for RECURRING expense X or for NON-RECURRING (one-time only) expense X

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
  - a) If this is a state special appropriation, YES ____ NO X
    If YES, cite statute and attach a copy.

  - b) Does this include state or federal funds? YES ___ NO X
    If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.

    Grant Name: Grant No.
    Grant Amount: Date Awarded:

  - c) Is this request is a result of Commission action? YES _____ NO X
    If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).

  - d) Please identify other funding sources used to match this request.

SANTA FE COUNTY

RESOLUTION 2016 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 29th Day of November, 2016.

Santa Fe Board of County Commissioners

_____
Miguel M. Chavez, Chairperson

ATTEST:

_____
Geraldine Salazar, County Clerk

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: *November 29, 2016*

TO: *Board of County Commissioners*

FROM: *Michael Kelley, Public Works Department Director*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting November 29, 2016*
Resolution No. 2016-_____, A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO INITIATE AND PROSECUTE CONDEMNATION PROCEEDINGS TO ACQUIRE PARCEL 16 FOR THE SANTA FE RIVER GREENWAY PROJECT (Public Works/Mark Hogan)

SUMMARY:
All Parcels except for Parcel 16 have been acquired or are under contract for Section "A" (Frenchy's to Siler) of the Santa Fe River Greenway Project. Parcel 16 is an Overlap Parcel consisting of 1,044 square feet of land and valued at $2,180.00 and is claimed by Larry Boylan and Peter & Rosemary Padilla. Dawson Surveys, the County's surveyor for the Greenway Project, has been unable to assign clear ownership to either party based on existing documentation, plats, deeds and surveys. On October 13th, the County paid Larry Boylan $1,090.00 for his 50% interest in the property.

BACKGROUND:
The County and its consultant, Tierra Right of Way Services, have made multiple attempts to contact and work with Peter & Rosemary Padilla. Staff last met with Peter & Rosemary Padilla on September 30, 2016. They were responding to a final letter staff wrote to them requesting they talk to the County before the County was forced to take alternate actions to acquire the overlap parcel. On October 12th the Padilla's offered to trade a Quit Claim Deed to an adjacent Parcel 17, a land parcel to which they have no claim to the County for the County's interest in Parcel 16. The County responded that they could not accept that parcel to settle the subject overlap.
Mr. Padilla has been unavailable for further efforts to resolve this acquisition.

ACTION REQUESTED:
The Greenway River Project staff, having exhausted all other options, now request the authorization to prosecute condemnation proceedings to complete this necessary acquisition.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2016 - ____

A RESOLUTION
AUTHORIZING THE COUNTY ATTORNEY TO INITIATE AND PROSECUTE CONDEMNATION PROCEEDINGS TO ACQUIRE PARCEL 16 FOR THE SANTA FE RIVER GREENWAY PROJECT

WHEREAS, by Resolution No. 2014-125, the Board of County Commissioners (Board) of Santa Fe County (County) delegated to the County Manager the authority to acquire, through negotiated sale, suitable real property interests for the construction of the Santa Fe River Greenway Project (Project) from Frenchy's Field to Siler Road (the Project Area); and

WHEREAS, the County Manager has acquired on behalf of the County or is under contract to acquire all necessary properties within the Project Area except the property identified as Parcel 16, as described on Exhibit A to this Resolution; and

WHEREAS, the owner of Parcel 16 has not responded to the County Manager's offer to purchase and has otherwise refused to negotiate an amicable purchase and sale agreement with County staff; and

WHEREAS, the County is constructing the Project for a public purpose and acquisition of Parcel 16 is essential to completion of the Project; and

WHEREAS, further delay in acquiring Parcel 16 will unreasonably delay completion of the Project; and

WHEREAS, to avoid further delay, the Board desires to authorize the County Attorney to initiate and prosecute condemnation proceedings on behalf of the County to timely obtain Parcel 16.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the County Attorney to initiate and prosecute condemnation proceedings to acquire Parcel 16, as identified on Exhibit A hereto; *provided*, however, that the County Attorney shall not initiate such proceedings, or shall dismiss the proceedings after initiation, upon execution of a negotiated purchase and sale agreement by the County Manager.

PASSED, APPROVED, AND ADOPTED this 29th day of November, 2016.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: _____
Miguel M. Chavez, Chairperson

ATTEST:

_____ Date: _____

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

_____ Date: 11/21/2016

Gregory S. Shaffer, County Attorney

PARCEL 16 DESCRIPTION

ALL THAT PORTION OF A TRACT OF LAND, DESCRIBED WITHIN QUITCLAIM DEED RECORDED AS BOOK BOOK 642 PAGES 646–647 AS SHOWN ON PLAT OF SURVEY FOR PAUL S. AND PETER D. PADILLA RECORDED AS BOOK 163 PAGE 39 IN THE OFFICE OF THE SANTA FE COUNTY CLERK, SAID PARCEL LYING WITHIN LOT 8 SECTION 28, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M., CITY AND COUNTY OF SANTA FE, NEW MEXICO

WHICH PORTION MAY BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PARCEL HEREIN DESCRIBED, A POINT ON THE EASTERN BOUNDARY OF THE AFORESAID PARENT TRACT, WHICH LIES S21°07'34"E 200.59 FEET FROM A CAPPED REBAR, L.S. 6040,

THENCE S21°07'34"E, 27.26 FEET;
THENCE S57°29'34"W, 78.16 FEET;
THENCE N39°45'22"E, 87.71 FEET;
MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 0.024 Ac.(1044sq.ft.), MORE OR LESS, AS SHOWN MORE COMPLETELY ON EXHIBIT B ATTACHED HERETO.

DIEGO J. SISNEROS, N.M.P.L.S. 13986

DIEGO J. SISNEROS
NEW MEXICO
13986
REGISTERED PROFESSIONAL SURVEYOR

12/22/2013

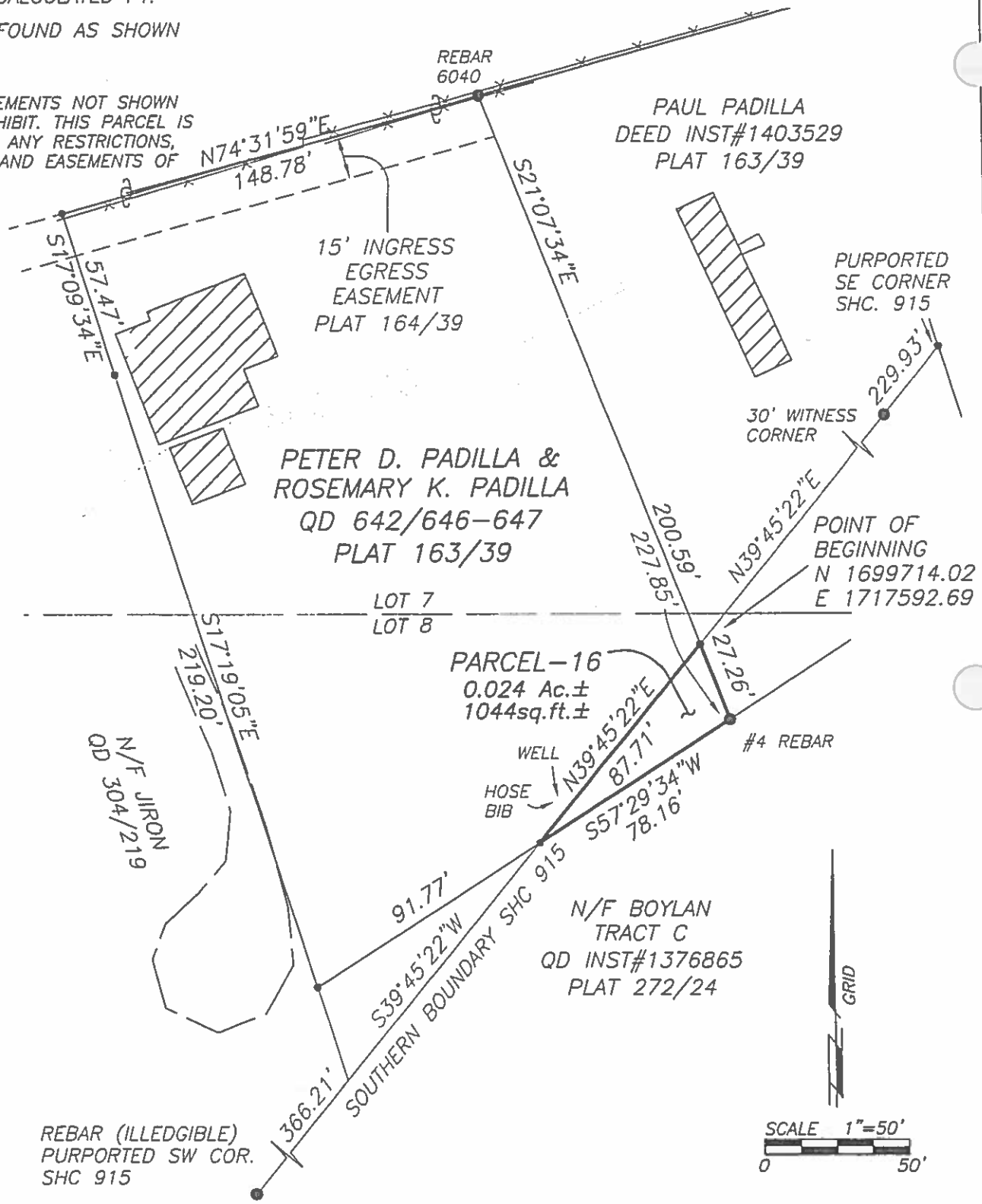
EXHIBIT A

LEGEND

• = CALCULATED PT.

● = FOUND AS SHOWN

ALL IMPROVEMENTS NOT SHOWN ON THIS EXHIBIT. THIS PARCEL IS SUBJECT TO ANY RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.



CONTROL REPORT

BEARINGS, DISTANCES & COORDINATES ARE GRID, N.M. STATE PLANE CENTRAL ZONE. MEAN COMBINED FACTOR AT 6800'AMSL=0.999583883.

ALL REFERENCE TO NAD83(1992) DERIVED FROM DAWSON2 GPS BASE STATION N=1,687,626.870 E=1,708,833.475 ELE=6572.376', ESTABLISHED FROM SANTA FE COUNTY CONTROL STATIONS USING DATA FROM THE '92 BLUEBOOK REPORT FOR NGS AND SANTA FE COUNTY.

PARCEL 16

EXHIBIT B

DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
2502B CAMINO ENTRADA
S.F.,N.M. 87507 PH505 471 6660
FILE#9387-16 12/22/2013