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**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**

**EMERGENCY MEETING**

**March 15, 2015**

Robert Anaya, Chair - District 3  
Miguel Chavez, Vice Chair - District 2  
Kathy Holian - District 4  
Henry Roybal - District 1  
Liz Stefanics - District 5

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This emergency meeting of the Santa Fe Board of County Commissioners was called to order at approximately 12:15 p.m. by Chair Robert Anaya in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**Roll Call**

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

**Members Present:**

Commissioner Robert Anaya, Chair  
Commissioner Miguel Chavez  
Commissioner, Kathy Holian  
Commissioner Henry Roybal  
Commissioner Liz Stefanics

**Members Excused:**

None

**Pledge of Allegiance**

**State Pledge**

**Moment of Reflection**

The Pledge of Allegiance was led by Clerk Salazar, the State Pledge by Deputy Manager Flores, followed by a moment of silence.

CHAIR ANAYA: Before we get into the business at hand for today I wanted to congratulate the Lady Lobos. I had the privilege of going to watch them play. I congratulate the Men's team. They had a rough end of the season but the Lady Lobos won I think nine out of their last ten or eleven games and took second in the Mountain West Championship, so I wanted to congratulate them and our own Alexa Chavez who went from a walk-on to a starter in a couple years and did a fantastic job there at the tournament.

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### **III. APPROVAL OF AGENDA**

CHAIR ANAYA: So a couple things, Commissioners, if I could and then I would go to you for other feedback. What I'd like to do under the agenda is after we approve the agenda I have some recommendations on the agenda after discussions with Mr. Shaffer. I think it's appropriate that we give him an opportunity to provide an overview of kind of where things are at and also discussions with Mr. Flores, overview of where we are at and some of his thoughts. Then I would like to get some feedback from the public in this meeting, whoever would like to come forward, and then I'd also like to absolutely of course defer to the Commissioners for their thoughts on proceeding. There's various ways. I think you all know, have been briefed as to potential ways of proceeding. And then we'll go from there.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Would it be appropriate to put a possible action item on for the process? Before the recommendation? We didn't notice an action item for process.

CHAIR ANAYA: So I think, Commissioner Stefanics, if I could, I think once Mr. Shaffer provides an overview of possibilities for the Commission that that will help us progress forward, either with a process or a recommendation. So I think that will come out in his overview and then as I understand it.

COMMISSIONER STEFANICS: Thank you.

CHAIR ANAYA: Commissioners, is there other thoughts on the agenda? If not a motion for approval? Mr. Vice Chair.

COMMISSIONER CHAVEZ: I'll go ahead and make a motion to approve the agenda.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: There's a motion and a second and Mr. Vice Chair, are you okay with essentially what I've suggested? Overview from Mr. Shaffer, some feedback from the public, anybody who'd like to as well as any discussions and deliberations from the Commission.

COMMISSIONER CHAVEZ: That would be fine. I think approval of the agenda would just move us forward. We know that we're here possibly to make a recommendation or to discuss other options that we may have for the appointment of this State Senator for District 39, so that would be my motion and I hope that would start the discussion.

CHAIR ANAYA: There's a motion and a second with the items that I infused as well and so Greg, are we okay? In order? Are we okay with what we have in the motion thus far?

GREG SHAFFER (County Attorney): I believe so, Mr. Chair.

CHAIR ANAYA: Thank you very much. Commissioners, are we good?

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

**IV. RECOMMENDATION to the Governor of Person for Appointment as State Senator for State Senate District 39, per NMSA 1978, § 2-8D-4(B)(2)(a)**  
*[Exhibit 1: NM Senate District #39 Map]*

CHAIR ANAYA: So we'll go ahead and move to Mr. Shaffer.

MR. SHAFFER: Mr. Chair, Commissioners, the immediate event that prompted today's meeting, actually two, was the resignation of former State Senator Griego from his seat representing State Senate District 39. In response to that resignation the Governor of the State of New Mexico, Susanna Martinez, disseminated to Chairman Anaya a letter yesterday afternoon requesting that the Board submit to the Governor by 5:00 pm today its recommendation or nomination of a person to fill that vacancy. The statutory context in which this arises is NMSA 1978, Section 2-8D-4(B), which provides that if a Senate district is situated within two or more counties the Board of County Commissioners of each county in the Senate District shall submit one name to the Governor and the Governor shall appoint the Senator to fill the vacancy from the list of the names so submitted.

So again, that's the factual backdrop and the legal backdrop that brought us to this meeting today. And given that, the chair called the meeting to be held at noon today, which was a time chosen both because of the availability of a quorum and all the members of the Board of County Commissioners as well as allowing adequate time to both read through the potential issues and options and depending what course the Board chose, to have time to actually conduct the public business, and then submit a name to the Governor if that was the wish of the Board.

As a practical matter from staff's perspective, again, this was a request from the Governor directed really to the Board of County Commissioners and only the Board of County Commissioners could decide how it wanted to respond to that specific request. In my view, at this point in time, the first questions for the Board of County Commissioners to decide as a body is what it hopes to accomplish as a matter of business today. It seems to me that there are two sort of high-level conceptual options for the Board to consider. I think that either fit comfortably within the action item that has been noticed for today which is generally speaking the recommendation to the Governor of a person for appointment as State Senator for State Senate District 39. I think that either option would again fit within that action item, depending upon how the Board wanted to proceed.

Those conceptual options that I see would be as follows: First, the Board could use today's meeting to define a process that it wanted to follow in order to solicit and consider applicants for the Board to consider in terms of a nomination or recommendation to the Governor for the vacant Senate seat, and then also define timelines associated with that process which would culminate in the Board taking action at a future meeting of the Board to actually decide upon and submit a recommendation to the Governor. So that would be conceptual option number one under what was on the agenda as item IV, would be to use that item as a chance to define the process going forward for the Board to solicit and consider and then ultimately recommend to the Governor a name for the vacant Senate District 39.

The second conceptual option would be to use today to actually come up with a

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name to recommend to the Governor based upon the Governor's request that the Board of County Commissioners do so today. I think that those would be how I would envision the Board making its threshold determination as to how it wants to proceed. With respect – well, I will stop there at this point and I'll stand for any questions, but that's the way that I would seemingly summarize how we got where we're at, why the Board is here today in terms of the options that I would see the Board having under the agenda as it was noticed. And I'll stand for any questions, Mr. Chair.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Mr. Shaffer, do you have a sense of how the other counties in this district are approaching this request?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I would defer that if I could to Deputy County Manager Flores who has been closer to those communications than I have.

CHAIR ANAYA: Go ahead. Before we go to Mr. Flores I would say that I personally have been contacted by the Chair or the president of the Association of Counties and Ms. Garcia said they were going to not make a decision today. She said San Miguel was going to have a discussion today and decide on Wednesday, and Bernalillo County, is my understanding is going to wait till Wednesday. Torrance County is going to have a decision – I got some of this not just from her but from others – Torrance County is having a meeting at 2:00. That's what I know so far. Are those all accurate, Mr. Flores?

TONY FLORES (Deputy County Manager): Mr. Chair, Commissioners, yes. Those are accurate statements. San Miguel County is actually holding off on their meeting till the end of the month for their consideration but other counties that are involved in Senate District 39, that is an accurate statement of what we've received.

COMMISSIONER STEFANICS: Mr. Chair, I did receive an email from Bernalillo County. They have advertised for letters of interest to be turned in by noon on Tuesday. They put out a press release and planned to meet later this week.

CHAIR ANAYA: Commissioner Chavez, Mr. Vice Chair.

COMMISSIONER CHAVEZ: So, thank you, Mr. Chair. So just to put this into some kind of a context as far as timeframe is concerned. Deputy Flores, we have six days now left in the session?

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

COMMISSIONER CHAVEZ: So unfortunately, we have that clock running whether we like it or not so it doesn't make a lot of sense to postpone it too long, but I don't know that we would want to rush into it. If the other counties are considering bringing their nominations forward Wednesday or Thursday, maybe that's part of where our discussion could go, but I just wanted to ask that question for the record and so that we're all thinking of the timeline that we're dealing with.

CHAIR ANAYA: So, Commissioner Chavez, I guess, I'm sorry. What's the question or are you just making a comment?

COMMISSIONER CHAVEZ: Just an observation. Just trying to put it

into context as far as the time and the deadline that we're facing and unfortunately, we don't have a lot of wiggle room, if the idea is to have someone in place by the end of the session to at a minimum represent those voters, those residents in District 39. So I think that we're faced with a dilemma here. The outcome may not be what we all want but it's the process that we're dealing with. So just an observation and just a comment. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Mr. Vice Chair. I have some comments too but I'm going to reserve those until after I hear from the public and maybe even the Commissioners after that. Commissioner Roybal, do you have anything you want to add? Commissioner Holian?

COMMISSIONER HOLIAN: Not at this point?

CHAIR ANAYA: Thank you. I'd go to the public now. Anybody that wants to come forward at this time to address the Commission on this matter? Mr. Ellenberg.

RICHARD ELLENBERG: Mr. Chair, Richard Ellenberg. On behalf of the Democratic Party we did send an email last night objecting to the conduct of this meeting on the ground that it does not meet the standards for an emergency required to waive the 72-hour notice of a meeting. Emergency requires threat of death, injury or substantial loss of public funds. Mr. Griego's in DC for the last three days doesn't appear to have caused a death or injury and has saved a limited amount of public funds in that he doesn't get his daily stipend.

So I think the 72-hour rule for any meeting is applicable to this consideration. As a matter of policy I think – two things I would point out. One is that you have in the past with open seats conducted a fairly deliberative process. San Miguel has finished its meeting today and is convening on March 28<sup>th</sup> to make a recommendation; it's not going to try and make it by the end of the session. The statute has no timeframe in it. One presumes then some reasonable timeframe the court would enforce if you didn't decide at any point, but it has no timeframe in it. So I think you could take whatever you think is a prudent process. In terms of this body's weight, I would suggest, Santa Fe County is probably the plurality, about 40 percent of the vote in this district. So the recommendation you make as to who might be appointed is likely to have some significant weight in upcoming elections. If that same recommendation is joined by some of the other counties it could have very significant weight, and I would not want that weight diminished by people saying this was so rushed I didn't have time to get my name in or get considered fairly.

The other comment I would make is that with the plurality of vote in Santa Fe and the majority of the vote combined in Santa Fe and San Miguel, and the Governor's track record of appointments, it's very unlikely that the next appointee will reflect the views of the constituents of Senate District 39. So having that person appointed and sitting the last day or two of the session I think is not real important and really won't serve the interests of the majority of Senate District 39. Rather, I think a deliberative process – I'm not suggesting that it get stretched out real long, but something that gives people time to understand there's a vacancy and think about it and give you the recent thoughts is what I would strongly urge.

For the record, also Eric Tyson objects to this meeting going forward today. He is a registered voter in Santa Fe County and in Senate District 39. I do anticipate that if any actions are taken by any counties today they will be in litigation by tomorrow. Thank you.

CHAIR ANAYA: Thank you, Mr. Ellenberg.

KIM SORVIG: Mr. Chair, Commissioners, my name is Kim Sorvig. Some of you know me from having worked for the last six years to make sure that the Oil and Gas Ordinance of Santa Fe County is not overturned by the State or pre-empted. The reason I bring this up is that one of the bills that is most likely to be pushed into the Senate Conservation Committee where Senator Griego has now been removed is House Bill 366, which is a pre-emption bill. I would certainly urge you to take deliberative time and to think carefully about who is nominated. The only urgency on this bill, and that urgency is what's dragged us all out of bed or off our bicycles of whatever on a Sunday is the Governor's partisan agenda. She wants to pack committees. She wants another Republican in the Senate.

To do that this close to the end is extremely suspicious and I think should factor into the considerations that this body makes. No one yet knows where the so-called investigation originated, why it waited a year before being brought against Senator Griego, and why he would resign in the midst of the last week under any circumstances when charges have not been substantiated against him. He stipulated that that is a different matter.

So I would urge you that this is not a place to be bullied. I wish I'd known that the way to deal with a bully is to stand up to them when I was a kid, but I know it now and I believe that it's what this county needs is to take the time to make a good decision on who to submit. Thank you very much.

CHAIR ANAYA: Thank you very much.

CHRIS FURLANETTO: Mr. Chair, Commissioners. My name is Chris Furlanetto. I'm Action and Advocacy Chair for the League of Women Voters in Santa Fe County. I'm speaking today on behalf of both our local league and the League of Women Voters of New Mexico. We are extremely concerned about the process the Governor has tried to put in place to replace Senator Phil Griego, given the short notice for the meeting today. We are not experts in the governing law but our understanding of the Open Meetings Act is that an emergency meeting can only be called without the 72-hour notice if there are unforeseen circumstances which, if not addressed immediately by the public body will likely result in injury or damages or public property or substantial financial loss to the public.

The resignation of a State Senator doesn't appear to us to be an emergency under this definition. We can't imagine any circumstances in which failure to recommend a replacement for Senator Griego today would cause injury or damage to persons or property or substantial financial loss. Therefore we seriously question whether Governor Martinez' request for emergency meetings in the counties included in Senator Griego's district is at all appropriate. And again, if this is not an emergency then the Open Meetings Act requires a 72-hour notice to give people a chance to fit meetings into their schedule, make comments, and give their input. So we also would encourage you to find

another process rather than making this rushed judgment and choosing someone today. Thank you.

CHAIR ANAYA: Thank you very much.

KAREN HELDMEYER: I'll stand on my toes; it's easier than trying to pull this thing down. I'm Karen Heldmeyer and I think in addition to all the legal questions that have been raised about what is an emergency meeting I think there's another set of circumstances that you need to think about which is that this Commission has been very good over the last several years asking the public to participate in various aspects of government in a very open and public way. Sometimes more so than the City. In this case you're being asked to make an appointment for a very important appointment without having applications, without knowing who would be interested, without knowing the backgrounds of those people and it seems, just in those terms alone, very premature to make a decision today. Thank you.

CHAIR ANAYA: Thank you. Any other questions or comments from the public?

CARTER BUNDY: Mr. Chair, members of the committee, Carter Bundy. I live in the City and County of Santa Fe although not in Senate District 39. We've seen a number of vacancies over the years in different parts of the state. None of them have ever been requested to be filled within 24 hours. I hope that you'll follow the Open Meetings Act and at least give 72 hours notice. Thank you.

CHAIR ANAYA: Thank you, Mr. Bundy. Yes, sir.

MR. SORVIG: May I add one more sentence?

CHAIR ANAYA: Sure. Go ahead. Come up to the microphone if you would.

MR. SORVIG: Kim Sorvig again. I meant to say this earlier but it's my understanding, and I'm not a lawyer, but I've been told by people very familiar with the process that it would be illegal for the Governor to make an appointment without the recommendation from all the counties. So she has to have your recommendation before she's legally able to make that appointment. Thank you.

CHAIR ANAYA: Thank you. Other questions or comments? Mr. Anaya. Former Commissioner Anaya is here with us today.

MIKE ANAYA: Mr. Chair, members of the Commission, my name is Mike Anaya. I wanted to first of all thank you all for calling this meeting, and I'd also like to thank our former Senator, Senator Griego, for all the work that he has done in District 39 and for the State of New Mexico. It was sad to see his resignation, but we have to move forward and I believe that is why the meeting has been called. I'm kind of glad that maybe you're not going to make a sudden appointment. Maybe we need to think about it a little. But I, as a former Santa Fe County Commissioner and living in District 39 for my entire life, I am very interested in this position. I would hope that you could recommend me to the Governor. I worked at the State Land Office for four years, grew up in the Village of Galisteo, very qualified. I know where these communities are. I would ask, when the time is right, that you would consider my name to the Governor.

I would also tell you that I will be running for this spot no matter what. That's



how interested I am in this District 39, to be a Senator, to speak for the people of District 39. It is a rural community. I'm very familiar with all the towns that it takes up, and I would ask for your support, either now or maybe in the future when I run for this spot, when it becomes available. Again, thank you for what you do and having this meeting, and I would hope that you would listen to the public, that we don't have to push and rush into a decision right now, but think about it and get the qualified person for the job. Thank you very much.

CHAIR ANAYA: Thank you very much. Other questions, comments, feedback from the public? Commissioners. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I think that the recommendation of an individual to fill the seat that was formerly held by Senator Griego is an extremely important decision for us. And I think it's worth noting that Senator Griego only resigned day before yesterday. And I think it's best for the people of Santa Fe County, for us to make a thoughtful and reasoned recommendation. After all, there are two years left in the term and this person will be representing many, many people across Santa Fe County. I think it's really crucial to get public input on this and we really haven't had that. I think that very few people have known in the last 24 hours that this meeting was going to occur, and there has really been no time for us to get very much input from the public. And there's been no time really for more than one individual to ask to be considered for this particular position.

So to make a decision now, in my opinion, would be counter to the principles of democracy. And I would feel far more comfortable today to outline a process for us to come up with a decision for a recommendation. And so I would like to suggest that we outline the process and in that process at least take applications until this coming Tuesday, close of business, and then schedule – or tomorrow to schedule a special meeting for Thursday, which would allow us to give 72 hours of notice. And then at that meeting, we could come forward with a decision. I would feel far more comfortable with a deliberative and thoughtful process. Thank you, Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. While I was sitting here, besides hearing in writing from the League of Women Voters and AFSCME, Common Cause has also sent a letter asking for a deliberative process to be set up, and the New Mexico Foundation for Open Government. And I just wanted that to be part of the record. Thank you.

CHAIR ANAYA: Commissioners, before we go any further, I think we may have a colleague that may have an interest and I would defer to that colleague if they want to say anything at this time but there is a former Commissioner that sent notice to the County, an email, former Commissioner Jose Varela Lopez from La Cieneguilla is interested in being considered and he sent information as well as he spoke with me on the phone. So I wanted to say that at this time. Are there any other Commissioners that have any other awareness, or Mr. Flores, do you have any awareness of any other people that have put forward their names for consideration? If it's a colleague, I'm going to defer that to that particular colleague if they're interested in conveying that today, but are there any others other than –

MR. FLORES: There are no other individuals that have contacted the County Manager's Office that are interested in this.

CHAIR ANAYA: Thank you, Mr. Flores. Mr. Vice Chair.

COMMISSIONER CHAVEZ: So I just want to then now if I could, Mr. Chair, ask a procedural question related to the agenda. The agenda has one action item on it and there was a discussion earlier about amending the agenda to take further action, and I'm sensing that that's the direction that the majority would like to go in. So I would defer to Legal and see if at this point we would have to postpone recommendation for the appointment and then have a separate item on the agenda to talk about a process, and I think there's a framework maybe that's been suggested but I think we would have to discuss that a little further.

MR. SHAFFER: Mr. Chair, Commissioner Chavez, it would be my opinion that the action item on the agenda concerning the recommendation to the Governor is adequate to put the public on notice as to that being an item of both discussion and action by the Board, that included within that could be a lesser step than actually making a recommendation, would be defining a process that would result in a decision being made by the Board at a future special meeting. What I've heard so far being discussed would be a meeting, I presume Thursday morning, but again, I don't think a motion has been made yet. I think we're okay with respect to the Open Meetings Act that the public's been informed that that would be within the range of what the Board could do today.

In fact, it would be similar to what I understand the County of Bernalillo to have done without any sort of board meeting to set up a process that is very similar to that, so I believe that the Board meeting, in order to define and discuss that process in the open, in the public. Again, I don't really see that that would be an issue in terms of the Board moving forward in that way, under the agenda as it is. If I could, I would just make sure that I was clear; I know there's not a motion yet, but jotting down Commissioner Holian's comments, we'd be looking to receive, put out a call for applications, letters of interest. I guess that'd be direction to staff to do that, with those being due close of business on Tuesday. That would allow staff Tuesday evening to compile them and put them together. We don't know if there'd be one, two, or dozens, distribute them to the Board of County Commissioners Wednesday morning at the latest and then have a special meeting Thursday morning at which those applicants could be considered by the Board. That's what I jotted down as being the concept, even though it hasn't been made as a motion yet.

CHAIR ANAYA: Thank you, Commissioner Chavez. Mr. Shaffer, Commissioner Chavez, do you have anything else?

COMMISSIONER CHAVEZ: Not at this time.

CHAIR ANAYA: Okay. Mr. Shaffer, I know we've had a few conversations, both privately and in this meeting right now, but there was a comment made earlier by one of the gentlemen. I apologize; I don't remember which one, but stated that she couldn't make a decision without all the commissions coming forward. I'm going to pose that but before I pose that I just want to just make a general comment. And I think Commissioner Chavez alluded to this a little bit earlier in this comments at

the beginning as to do we make a recommendation, the Governor of the State of New Mexico not taking any concern with whether or not any public individual is supportive of her or not supportive of her. She's a duly elected executive of the State of New Mexico in an overwhelming way in this most recent election. And as the Governor of the State of New Mexico requested of this governing body and the other governing bodies in the State of New Mexico to get some feedback from the county commissions. And so I think that's worthy of making note of if nothing more.

But that being said, we had a request from the chief executive officer of the State of New Mexico to provide a recommendation and I thought at minimum, and I believe every single one of my colleagues sitting up here felt at minimum that we would have a discussion based on that letter, so here we sit, based on the letter that I received requesting some deliberation and discussion. So before I go any further I'm appreciative of all five of us are here and that you all showed up on a Sunday to come and have this discussion.

Mr. Shaffer, is there a requirement from your legal opinion that she needs every county to provide a recommendation to move forward? That's the first question I have.

MR. SHAFFER: Mr. Chair, I think the honest answer is we don't know. That particular issue has never been litigated to my knowledge in New Mexico. I read pretty much verbatim all the guidance that we have from the statute. It does say the Board of County Commissioners of each county shall submit one name to the Governor and the Governor shall appoint the Senator to fill the vacancy from the list of names so submitted. So one can read that on its face saying, yes, each county has to provide names. Again, if it's not done within a reasonable period of time then perhaps you start looking somewhere else. But I think the short answer is that as a defensible reading is that no, she does not, but the honest answer is that I don't believe that we're going to have a definitive answer based upon the case law as it exists today.

CHAIR ANAYA: So I guess – and then I'm going to go to Commissioners for a motion. So unless – are there any other comments that any Commissioners want to make before we would get to a motion? Any other questions? Commissioner Stefanics, and then Commissioner Roybal.

COMMISSIONER STEFANICS: Mr. Chair, I'm not sure that we would even have to do something as quickly as Tuesday and meet on Thursday. Because if the intent is to advertise and receive applications and to send our nomination, from the discussion earlier about all the different counties, they're going to be staggered. I just saw that San Miguel County will meet on Friday morning, the 20<sup>th</sup>, at 10:30 to consider nominations. That's the last day before the end of the session. The session ends at noon on Saturday. So I think that we're all going to be at different times. So if any of my colleagues felt that Tuesday and Thursday were too fast, I would personally be fine with waiting a little bit longer. That's my only comment. Thank you.

CHAIR ANAYA: Commissioner Roybal.

COMMISSIONER ROYBAL: I too feel that it's too short of a notice for interested candidates, not only for interested candidates to come forward and express their interest, but also for the Commission to make an informed decision. I feel that we should push this off to whatever amount of time it takes for us to make a good decision,

so I would concur with what the rest of the Commission is saying and some of our public has also announced. So thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal and all the Commissioners. I guess my other comment as the chair would be that common sense tells me that there may be an appointment that will come regardless of the decision that we make today, and that being said, what perspective do you have, Greg, relative to that? If the Chief Executive makes a decision based on whatever list is available, what comment might you offer for that? Because at that point it would seem it's a moot point to have any meeting or discussion relative to recommendations going forward. What is your perspective?

MR. SHAFFER: Mr. Chair, if the question is what do I anticipate the Governor is likely to do if she receives one name or not names from all counties, the short answer is I don't have one. I don't know what the Governor might do in that instance. If the question is if the Governor receives a name by 5:00 today from any county and she acts on that, where do things go from there? I think it's fair to say whether Santa Fe County chooses to participate in any such litigation or not, that that would be a decision that would likely result in some legal challenges from some quarters in terms of the Governor's authority to act in those circumstances. So I hope that I answered your question, Mr. Chair.

CHAIR ANAYA: You have. I guess my gut tells me sitting here I'm not interested in politicizing a process if that would happen, and wasting taxpayer money moving in that direction, just be quite frank. Commissioner Holian, do you have a motion for us?

COMMISSIONER HOLIAN: Yes, Mr. Chair. I move that we take applications for a recommendation for this position until close of business Wednesday, and then we notice a special meeting for Friday to make a decision. And I think that will give staff enough time on Thursday to put the information together for us and for us to be able to review it.

COMMISSIONER CHAVEZ: Mr. Chair, I'll second that motion and for discussion, I think that it's still going to be a little rushed. I think your comment and even the Attorney's comment about the unknown – we don't know how this is going to play out, but I think it would be better for us to participate at this level at this juncture. We've defined the process. We're going to have to agree on a nomination, put it forward and see what course that takes. But I think it would be better for us to be part of that process at the front end and hope that we would avoid whatever lawsuit might be pending, because again, I think that would go to your point on using taxpayer dollars for litigation when maybe we could be doing better things with those funds. So that would be my discussion on the motion and hope that for the future of District 39 and the State as a whole that we can put this behind us.

CHAIR ANAYA: Thank you. So I have a motion from Commissioner Holian for basically an application process between now and Wednesday which people would submit a letter of interest and a résumé, I'm assuming, Commissioner. Is that okay if I put that in there?

COMMISSIONER HOLIAN: Yes.

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CHAIR ANAYA: A letter of interest and a résumé, and that would be to be sent to Santa Fe County. And let's get an email, Greg. What would the email address be?

MR. FLORES: Mr. Chair, I would propose that we email that to the County Manager's Office. So they can send it to my email address at tflores@santafecountynm.gov.

CHAIR ANAYA: So the motion is for Wednesday to receive applications with a résumé and a letter of interest to be sent to tflores@santafecountynm.gov. A letter of interest and a résumé. And then we'll have a meeting on Friday to deliberate. Mr. Shaffer, why don't you intervene before we finalize this and vote on it.

MR. SHAFFER: I would – Mr. Chair, I think that's fine. I would just also suggest that you may want to include with what people submit delegation to the County Manager's Office to come up with a form to ensure that the base constitutional qualifications for the office are addressed in a simple application form so that there is some due diligence that we can do to ensure that age requirements, residency requirements, etc. are met from that perspective. And I would respectfully suggest that that be included in the motion. And then secondly, if you want to pick a time while the entire Board is here for the special meeting on Friday, might be useful to do that while everyone has their schedule so that we can announce that and the public can hear it. That would be all I'd have to add, respectfully, Mr. Chair.

CHAIR ANAYA: So if we could capture that it would be an application, a simple application to meet the statutory constitutional requirements of the position, a letter of interest and a résumé.

COMMISSIONER HOLIAN: Mr. Chair, I agree with that. And also I've had a request to be time-specific for the meeting on Friday. Is 10:00 okay?

CHAIR ANAYA: Ten is fine. And so the application, the résumé and the letter of interest would be due by 5:00 pm on Wednesday, if that's okay, Commissioner.

COMMISSIONER HOLIAN: Yes.

CHAIR ANAYA: And the meeting would be held at 10:00 am on Friday to deliberate and make any recommendations. Did I capture it? Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, after we vote on this I have another motion.

CHAIR ANAYA: There's a motion; there's a second. Is there any further discussion on this particular motion?

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

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would suggest, or I am moving that this Commission send a letter to the Governor explaining our process and its respect and our respect for the Open Meetings Act and the public notice, and listening to our constituents' request, however worded you would like that to be, I'd leave that to you and the County Attorney.

**DRAFT**

COMMISSIONER HOLIAN: Mr. Chair, I second that. I think that's an excellent idea.

CHAIR ANAYA: There's a motion by Commissioner Stefanics, second by Commissioner Holian to remit a letter. I'm assuming I would remit that letter back, explaining our process and why we are requesting to be afforded the time to go through our process, I guess would be one of the key aspects in the letter as well. Is there any further discussion?

My comment, and I'm going to make it again on the record and I'm going to make it as the chair and as a County Commissioner in District 3, if the Governor makes a decision to go with names I'm not interested in being litigious over this and I'm not interested in a politicized process after that. And so I want to say that on the record. I'm going to be firm with that over time. If that happens I'm going to respectfully request this action. I'm even going to take it a step further, Commissioners. I'm going to personally call the Governor on the phone and I'm going to see if I can have a conversation with her requesting that we have additional time to remit these applications and that she would allow us the time to do so. And so that being said, we have another motion on the floor, we have a second. Any further discussion? Seeing none.

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

**V. ADJOURNMENT**

Upon motion by Commissioner Chavez and second by Commissioner Holian, and having completed the agenda, Chair Anaya declared this meeting adjourned at 1:10 p.m.

Approved by:


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Board of County Commissioners  
Robert A. Anaya, Chair

ATTEST TO:

GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

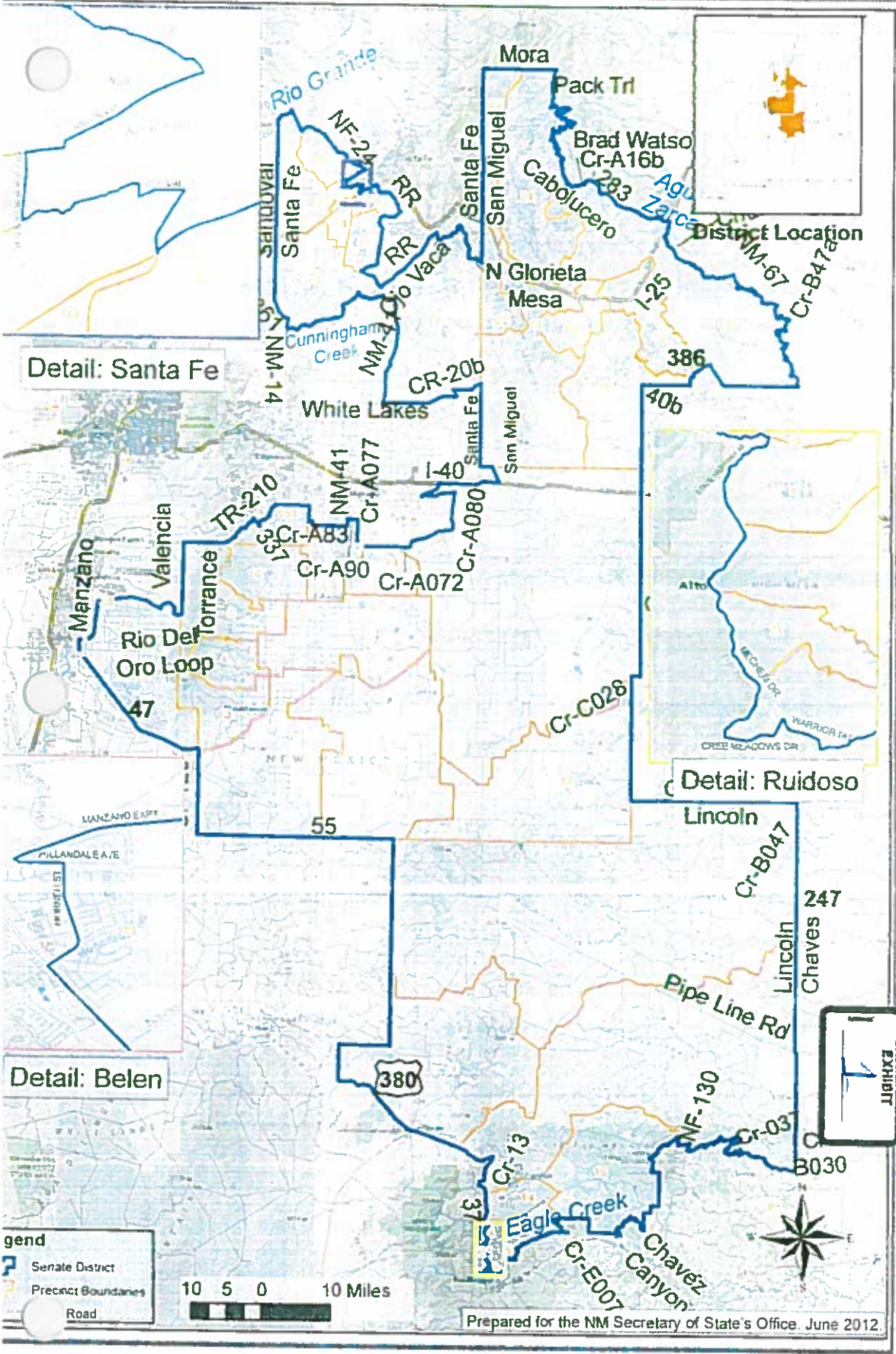
Respectfully submitted:

  
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453 Cerrillos Road  
Santa Fe, NM 87501





# New Mexico Senate District #39



Prepared for the NM Secretary of State's Office, June 2012

DRAFT





