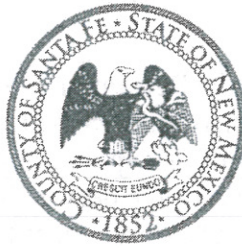


Daniel "Danny" Mayfield
Commissioner, District 1

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

DATE: *May 29, 2013*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Department Director* *AL 5/30/13*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting June 11, 2013*

RESOLUTION NO. 2013-___, A RESOLUTION ADOPTING PORTIONS OF THE STATE OF NEW MEXICO'S RECORD RETENTION AND DISPOSITION SCHEDULES (Public Works/Adam Leigland)

BACKGROUND AND SUMMARY:

The New Mexico Commission of Public Records Center and Archives issues Records Retention and Disposition Schedules. New Mexico Counties are required by the New Mexico Administrative Code (NMAC) to follow some of the State's Retention and Disposition Schedules. The requested Resolution is presented for consideration in order for Santa Fe County to formally adopt portions of State of New Mexico's Record Retention and Disposition Schedules that apply to County records.

As comprehensive as the state NMAC Record Retention and Disposition Schedules are, they do not encompass all County records. Moreover, because state record retention regulations generally govern the mandatory storage and retention of official records, while also permitting the eventual permanent destruction of records, the County must ensure the adoption of a sound records retention policy that withstands legal challenges and supports its various operations and functions. In that regard, efforts are currently underway to develop additional policies that address the retention/disposition of County emails and land use documents. These types of documents are not easily categorized but generate numerous documents whose retention and destruction must be carefully considered.

ACTION REQUESTED:

Staff respectfully requests approval of this Resolution which adopts key portions of the State of New Mexico's Record Retention and Disposition Schedules. This formal adoption will give the County a clear framework to store records as required by State code and to destroy records that have met their destruction date. It will also allow the destruction of papers that should not have been stored in the first place. Destruction of any stored records will be upon the approval of State Archives.

SANTA FE COUNTY

RESOLUTION NO. 2013-__

**A RESOLUTION ADOPTING PORTIONS OF THE STATE OF NEW MEXICO'S
RECORD RETENTION AND DISPOSITION SCHEDULES**

WHEREAS, Santa Fe County (the County) is implementing a Records Management Program;

WHEREAS, the purpose of the County's Records Management Program is to ensure that certain documents are maintained for legal, fiscal and other purposes and subject to destruction at set durations;

WHEREAS, a Records Retention and Disposition Schedule identifies public records, describes the functions of those records, defines the period of time that each record must be stored, and addresses the handling of confidential records;

WHEREAS, records disposition is the final action after a record's retention period has ended that permits the destruction or further retention of public records;

WHEREAS, the New Mexico Commission of Public Records, State Records Center and Archives issues Records Retention and Disposition Schedules some of which are applicable to New Mexico counties;

WHEREAS, the County is required by the New Mexico Administrative Code (NMAC) to follow some of the State's Record Retention and Disposition Schedules;

**NOW, THEREFORE, BE IT RESOLVED BY THE SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS THAT:**

Santa Fe County will adopt and follow the State of New Mexico's Record Retention and Disposition Schedules as set forth in Exhibit "A" insofar as the records identified in the New Mexico Administrative Code describe and are the same as records maintained by the County.

PASSED, APPROVED, and ADOPTED THIS ____ DAY OF _____, 2013.

BOARD OF COUNTY COMMISSIONERS

Kathy Holian, Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:

for: [Signature]

Stephen C. Ross, County Attorney

EXHIBIT A

SELECT PROVISIONS OF THE NEW MEXICO ADMINISTRATIVE CODE (NMAC) ADOPTED BY THE COUNTY THAT IMPLEMENT:

- **GENERAL RECORDS RETENTION AND DISPOSITION SCHEDULES (GRRDS), AND**
- **LOCAL GOVERNMENT RECORDS RETENTION AND DISPOSITION SCHEDULES (LGRRDS)**

Rule Number

Rule Title

1.15.2 NMAC	"GRRDS, General Administrative Records"
1.15.5 NMAC	"GRRDS, General Financial Schedule (Interpretive)"
1.15.7 NMAC	"GRRDS, General Personnel (Interpretive)"
1.15.8 NMAC	"GRRDS, General Medical Records"
1.19.2 NMAC	"LGRRDS, Office of the County Assessor"
1.19.3 NMAC	"LGRRDS, Office of the County Clerk"
1.19.4 NMAC	"LGRRDS, Board of County Commissioners, County Manager"
1.19.5 NMAC	"LGRRDS, Office of the County Sheriff"
1.19.6 NMAC	"LGRRDS, Office of the County Treasurer"

Link to Commission of Public Records rules in the NMAC on GRRDS:

<http://www.nmcpr.state.nm.us/nmac/ title01/T01C015.htm>

Link to Commission of Public Records rules in the NMAC on LGRRDS:

<http://www.nmcpr.state.nm.us/nmac/ title01/T01C019.htm>

Santa Fe County

Fiscal Impact Report

Department / Division: **Public Works - Office of the Director**

Action Item to be Considered: **Resolution Adopting Portions of the State of New Mexico's Record Retention and Disposition Schedules**

Agreement Number: **Resolution No. 2013-_____**

Indicate with a <input checked="" type="checkbox"/> below	Section 1 - Identify the type of document below for BCC Consideration and Approval
<input type="checkbox"/>	Revenue, e.g. Grant, charges and fees, etc.
<input type="checkbox"/>	Contractual Services (includes change orders), e.g. Professional services agreement, construction, price agreement, joint powers agreement, lease agreement, etc.
<input type="checkbox"/>	Loan/Grant Agreement
<input checked="" type="checkbox"/>	Other: Formal adoption of portions of the State of New Mexico's Retention and Disposition Schedules which are applicable to New Mexico counties as required by the New Mexico Administrative Code (NMAC).

Indicate with a <input checked="" type="checkbox"/> below	Section 2 - Funding Source Identify the item below for BCC Consideration and Approval
<input type="checkbox"/>	General Fund, e.g. property taxes, gross receipt taxes, etc.
<input type="checkbox"/>	Special Revenue Funds, e.g. Fire, Indigent, etc.
<input type="checkbox"/>	Capital Outlay GRT, (capital infrastructure only, does not include maintenance or repair costs)
<input type="checkbox"/>	Bond Proceeds (general obligation and gross receipt tax revenue bonds)
<input type="checkbox"/>	Grant Funds. If yes, indicate the percentage and amount required % and/or \$, and source. % <input type="text"/> \$ <input type="text"/> Source <input type="text"/>
<input type="checkbox"/>	Other: <input type="text"/>

Section 3 - Ongoing operations and maintenance (O&M) requirements:

Short Term (Specify needs for the current fiscal year only)

Passage of this Resolution has no direct fiscal impact. The Resolution formally adopts portions of the State of New Mexico's Records Retention and Disposition Schedules and will have a long term important administrative effect. It will result in a solid framework for staff to determine which records are sent to storage; when stored records are eligible for destruction; and the destruction of currently stored records that should not have

been stored in the first place. Over time, this should result in a more efficient record storage program with fewer records being stored and a reduction in storage fees.

New FTE's # Position Current Position - County Records Mgr. Hourly Rate \$

Current Fiscal Year Cost \$ Annual Cost \$

Initial Costs (Vehicle, computer, office space, etc.)

n/a

O & M (Concisely identify the recurring needs, supplies, equipment, and the resources necessary for carrying out the job duties)

Contractual Services (see below)

Current Fiscal Year Cost \$ Annual Cost \$

Long Term (Specify the needs for the next four (4) years. This will include staff, O & M, asset renewal and replacement costs, and additional capital needs)

N

Salary & Benefits:

All other expenses:

Section 4 - Revenue

Short Term (Specify the revenue potential for the current fiscal year only. If a grant, specify the total grant award amount and the term. If a fee or charge for service, explain basis of revenue projection).

Current FY Estimate \$

Long Term (Specify the revenue potential for the next four (4) fiscal years. If a grant, specify the total grant award amount and the term. If a fee or charge for service, explain basis of revenue projection).

Annual Estimate \$ Total (next 4 years) \$

Additional Narrative

(Should include additional information such as significant issues, administrative issues and technical issues. What consequences, if any, may occur if this item is not acted upon):

If this item is not acted upon, the County will get further behind in managing its records according to State requirements and will not keep pace with modern record management processes, and storage fees will continue to rise.

Prepared by **Laura Epler**

Reviewed by



Fiscal Impact Form.xml
XML Document
3.55 KB



File Attachment

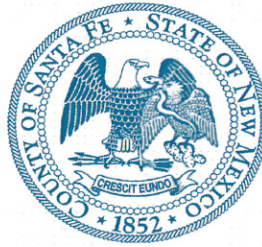


File Attachment

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

Date: June 11, 2013

To: Board of County Commissioners

From: Rachel O'Connor, Health and Human Services Division Director and
Teresa Casados, Senior Services Program Manager

Subject: A Resolution Establishing Community Center Trustees, and Repealing
and Replacing Policies for County Owned or Leased Community Centers
Presented by Teresa Casados

Background

On November 14, 1995, Resolution 1995-73 was adopted which established the policies and procedures for County-owned or leased community centers. Then in 2008, a Resolution was passed amending the policies and procedures for county-owned or leased community centers.

This proposed resolution repeals and replaces policies for County owned or leased community centers.

Issue

Santa Fe County staff has received feedback from the Community Center Board members as well as Santa County Commissioners regarding a need to update the Resolution and revise the Policies and Procedures.

For the past few months, Santa Fe County staff has scheduled meetings with Community Center Board members throughout Santa Fe County to have a discussion regarding this item and to obtain feedback and recommendations for improving the policies and procedures.

Recommendation

This resolution has been discussed at the Board meeting on April 30, 2013, and is ready for a vote of the full board.

Attachments

Attached, please find a one page Fact Sheet highlighting the proposed changes to the Resolution.

**SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM**

To: Rachel O'Connor, Health and Human Services Director

From: Rachel Brown, Deputy County Attorney *RB*

Date: May 24, 2013

Re: State Constitution Restrictions on the Use of County Community Centers

Question: Are there limitations on the County's ability to allow use of its community centers free of charge?

Conclusion: Yes, there are constitutional limitations on the County's ability to allow applicants to utilize the County's community centers free of charge.

Analysis: This memo attempts to explain the legal framework within which decisions about access to community centers must be made.

The starting point for understanding Santa Fe County's obligation to charge a fee for access to County facilities is the New Mexico Constitution. Article IX, Section 14 of the New Mexico Constitution, commonly referred to as the Anti-Donation Clause, provides that:

Neither the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad except as provided in Subsections A through G of this section.

The term donation in the context of the Anti-Donation Clause has been determined to mean a gift, or allocation of something of value without consideration. *Village of Deming v. Hosdreg*, 62 N.M. 18, 303 P.2d 920 (1956).

There have been a series of Attorney General Opinions over the years that provide guidance regarding how the Anti-Donation Clause limits the activities of government.

In 1987 the Attorney General was asked to give an opinion on whether the New Mexico Film Commission could provide free office space, equipment and telephones to the Santa Fe Film Festival. (N.M.A.G.Op. No. 87-33) In that instance, the justification for offering public facilities to a private enterprise free of charge was that the Santa Fe Film Festival promoted the state within the film industry. The opinion indicated that the consideration identified, promoting

the state within the film industry, was inadequate, and the Commission was advised that it had to obtain reimbursement for actual expenses and reasonable rent for the facility.

The aforementioned opinion stated that there is no public benefit or public purpose exception to the Anti-Donation Clause requirement of adequate consideration. That rule was reaffirmed in Attorney General Opinion No. 89-22, where the Attorney General was asked whether a county could pay the relocation costs of a physician who intended to practice within the county. The Attorney General's Opinion stated that "[f]or purposes of the anti-donation clause, it is immaterial that the donation is made to an individual or corporation serving a public purpose." Op.Att'y Gen. No. 89-22. The Attorney General relied for that statement on two New Mexico cases: *State ex rel Sena v. Trujillo*, 46 N.M. 361, 369, 129 P.2d 329, 333 (1942); *Harrington v. Atteberry*, 21 N.M. 50, 54, 153 P. 1041, 1042 (1915). The Attorney General concluded that "a county cannot justify paying relocation costs for physicians solely on the grounds that the payments will encourage physicians to practice in the county." A county would have to receive some consideration in exchange for payment of the relocation costs, such as a commitment to practice in the county for a period of time.¹

In 1990, the Department of Public Safety was admonished for allowing the Boy Scouts of America to rent a dormitory at a reduced rental rate. The Attorney General concluded that the non-profit organization Boy Scouts of America could not receive a financial benefit from DPS just because their program served a useful public purpose. The Opinion relied on the case of *Hutcheson v. Atherton*, 44 N.M. 144, 99 P.2d 462 (1940), where the New Mexico Supreme Court held unconstitutional legislation that allowed counties and municipalities to provide financial aid to a non-profit corporation formed to promote a statewide celebration. That opinion confirmed that even if serving a public purpose, non-profit organizations could not receive donations from local government. In the 1990 Opinion, the Attorney General stated "[e]ven though the proposed donees involved in these opinions rendered worthwhile services to the community, the state was obligated nonetheless to avoid making donations to them." Having set a price for rental of the dormitory, DPS was obligated to charge that rate to all occupants, including the Boy Scouts. In March of 2011, in response to a request for an opinion from Senator Mary Kay Papen, the City of Las Cruces received an eight page opinion from the Attorney General's Office which they interpreted as prohibiting the City from making facilities available to certain non-profits in exchange for a one dollar per year lease payment. That practice was considered a violation of the Anti-Donation Clause of the New Mexico Constitution. The City has since implemented fair market value rental fees for access to its facilities, including its community centers. Similarly the Town of Mesilla revised their community center rental policy to require that both for-profit and non-profit entities pay a fixed fee for rental of the Town's plaza or community center.

The 2011 Attorney General Opinion does point to NMSA 1978, Section 4-38-13.1 for the proposition that a county can contract with an entity for the use of a county building in exchange for services to county residents. That right does not extend to class A counties such as Santa Fe

¹ By contrast a 1981 Attorney General Opinion condoned payment of travel costs for prospective employees to participate in interviews. Op.Att'y Gen. No. 81-5. That decision rested on the fact that if the employee did not travel for the interview, the employer would have had to travel to the prospective employee for the interview, a more expensive undertaking than having the prospective employee travel. The travel cost savings was adequate consideration for the expenditure.

County. However, the AG Opinion concluded that a class A county could contract for the use of county property for the benefit of community ditch associations, mutual domestic water associations or other public entities providing services to a significant group of county residents, which services could legally be provided by the county, provided the consideration was not the provision of the services.

The 2011 AG Opinion also recognizes the exception to the Anti-Donation Clause related to care of the sick and indigent. In effect the County can make available a building free of charge in exchange for services that qualify as care for the sick and indigent, provided the services are equivalent to the rental value of the property.

The AG analysis also applies to loose associations or like unincorporated entities: “[F]or transactions involving the lease or use of county buildings that are not covered by Section 4-48-13.1(B), we understand that the Department of Finance and Administration has customarily required a county to ask for comparable transactions to conduct its anti-donation clause analysis. This is akin to a methodology employed by a real estate appraiser for establishing market prices for real estate and property. The goal of obtaining these comparables is to ascertain the fair market of the transaction and assist government officials in determining whether the proposed transaction demonstrates sufficient consideration to the county.”

Therefore, it appears that it would be unconstitutional to offer the use of a community center free of charge to a person, non-profit or for-profit corporation, unincorporated association, or de-facto partnership without adequate consideration. The Attorney General’s opinions and court decisions referenced above establish that, regardless of whether a private enterprise or an individual seeks to use facilities, and regardless of how significant a public purpose that enterprise or individual serves, a public facility can only be provided in exchange for adequate consideration.

Santa Fe County Resolution on the Operation of Community Centers

What is a Community Center?

Community Centers are owned or leased by Santa Fe County and can be used by residents for public purposes that benefit the Community. They can also be rented for private events such as parties or funerals.

Where are the Community Centers Located?

Santa Fe County has seven Community Centers located in the communities of Agua Fria (Nancy Rodriguez), Rio En Medio, Cundiyo, Chimayo, El Rancho, Nambe and La Cienega.

Who Do I Contact to Use The Center

To learn more about how to use the Community Centers visit the Santa Fe County website at <http://www.santafecountynm.gov/> or phone the County Health Division at (505) 992--9849.

Community Center Resolution Fact Sheet



Santa Fe County currently operates seven Community Centers. The Centers are located in Agua Fria (Nancy Rodriguez), Rio En Medio, Cundiyo, Chimayo, El Rancho, Nambe and La Cienega.

The proposed resolution makes significant changes in the fees schedule and the manner in which fees are collected. It also calls for the development of policies for the collection of funds by the County.

Proposed changes to the fee structure are as follows:

- ✓ Reduce the activity rental fee from \$100 to \$50.
- ✓ Reduce insurance cost from \$103 to a fee scale ranging from \$25-\$35 for property damage insurance. Makes liability insurance optional.
- ✓ Change the damage deposit from \$150 to a cleaning deposit of \$50
- ✓ Establishes a \$150 annual fee for standing events that do not exceed 1 per month.
- ✓ Establishes new category and guidelines for annual events outside the outlined categories.

Other proposed changes include:

1. Fees shall be paid to the Santa Fe County Community Services Department.
2. Community Board members are now deemed "Trustees"
3. Designation of one "Trustee" to work with the County on scheduling and calendaring of events.

SANTA FE COUNTY

RESOLUTION NO. 2013-

**A RESOLUTION ESTABLISHING COMMUNITY CENTER TRUSTEES, AND REPEALING AND
REPLACING POLICIES FOR COUNTY OWNED OR LEASED COMMUNITY CENTERS**

WHEREAS, under the provisions of Section 4-38-13 and 4-38-18, NMSA 1978 (1876), the Santa Fe Board of County Commissioners (the Commission) is charged with the duty and responsibility to manage all property owned by the County;

WHEREAS, Santa Fe County owns or leases and manages the following community centers located throughout Santa Fe County:

La Cienega Community Center
La Cienega, New Mexico

Nambe Senior and Community Center
Nambe, New Mexico

Bennie J. Chavez Senior and Community Center
Chimayo, New Mexico

El Rancho Senior and Community Center
El Rancho, New Mexico

Rio en Medio Senior and Community Center
Rio en Medio, New Mexico

Cundiyo Community Center
Cundiyo, New Mexico

Nancy Rodriguez Community Center
Agua Fria, New Mexico

WHEREAS, Resolution 2007-159 was adopted on September 25, 2007 establishing Policies and Procedures for County Owned Or Leased Community and Senior Centers;

WHEREAS, on May 27, 2008 the Commission adopted Resolution 2008-89 amending the policies and procedures for County Owned Or Leased Community Centers;

WHEREAS, the Commission desires to implement revised policies applicable to all Santa Fe County community centers including those acquired or constructed after adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 2008-89 is hereby rescinded and replaced in its entirety by the policies attached hereto as Exhibit A, which shall apply to all Santa Fe County Community Centers.

PASSED, APPROVED AND ADOPTED this 14th day of May, 2013.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: _____

Kathy Holian, Chair

Attest:

Geraldine Salazar, Santa Fe County Clerk

Approved to form:

 _____

Stephen C. Ross, Santa Fe County Attorney

Exhibit A:
POLICIES FOR SANTA FE COUNTY COMMUNITY CENTERS

I. General

Community Centers ("Centers") owned by or leased to the County of Santa Fe ("the County") are for the use of the County and County residents, and may be used for public or private gatherings. The Center may be used for standing or regularly scheduled meetings. No standing or regularly scheduled meetings shall be scheduled on weekends. Centers shall not be used for any business or profit making endeavors.

The County reserves the right to use any Center at any time.

II. Community Center Trustees

The Commission shall appoint one or more residents of Santa Fe County to serve as Trustee(s) at each Center to assist the Community Services Department in the operation of the Centers. The Trustee(s) of each center shall cooperate in ensuring the facility is well operated. The Trustees shall designate one Trustee to work with the County to schedule, process and calendar events and take on other responsibilities associated with running the Centers at the request of the Director of the Community Services Department or his/her designee. Trustees shall ensure that each person or entity seeking to utilize a Center completes the application (attached hereto as Exhibit 1) before the facility is reserved. Trustees shall abide by all policies applicable to the Centers adopted by the Community Services Department.

Each Trustee shall serve at the pleasure of the Board and may be removed at any time.

Trustees shall accept Applications on a first come, first serve basis. Reservations shall not be accepted more than three (3) months before the date of any function or activity, except standing or regularly scheduled meetings, which may be scheduled in one year increments. Any dispute regarding scheduling shall be communicated by the Trustees to the Community Services Department, and the dispute shall be forwarded to the County Manager or his/her designee for resolution.

III. Fee Schedule and Receipt of Funds

Fees for use of the Community Centers will be as follows:

1. A \$50 rental fee will be charged for use of the facility. The rental fee may be waived for government entities by the County Manager or Designee.
2. A \$150 annual rental fee will be charged for the facility for standing meetings /events that are repetitive but do not exceed one meeting/event per month. The rental fee may be waived for Government entities by the County Manager or Designee.
3. A \$250 annual rental fee will be charged for other Community Center activities/events which do not fall under Categories 1 or 2. Pursuant to the Procedures, a Letter of Request must be submitted with the application. The Letter of Request must include:

- a. Purpose of activity/event
- b. Dates and Times of the activity/event
- c. Who is eligible to attend the activity/event
- d. Fees Associated with the activity/event
- e. Community Benefit

and any other information that the County deems necessary. The County Manager or her designee shall have discretion to approve or reject all such applications and accompanying letters of request taking into consideration the benefit to the community which would be provided by the activity/event.

- 4. \$25- \$35 mandatory property damage insurance (applicant will be responsible for any deductible associated with a claim against the policy). Liability insurance is optional and may be purchased at time of rental.
- 5. \$50 Refundable cleaning deposit. Deposits will be returned after the Center has been deemed clean by the County or Designee.

Fees must be paid by check, money order or cashier's check made payable to "Santa Fe County". **No cash payments will be accepted.** Trustees shall advise applicants of the location for payment of fees. All such funds received by the County Finance Director or designee shall be credited to the budget for operations and maintenance of each Center. All funds received will be used exclusively for the benefit of the Center generating the funds as determined by the County.

IV. Donations

Equipment, furniture, small appliances, computers and other goods may be donated to the County for use in a Community Center subject to inspection and approval of the County Risk Manager. Upon approval by the Risk Manager, any donated items will become the property of the County.

V. Community Centers Co-Existing with Senior Centers

Santa Fe County Community Centers co-existing with Senior Services programs may not be reserved for community events during Senior Services hours.

Senior Services kitchens are not available for community center use. They are to be used only by authorized senior service staff for Senior Services activity programs and must be properly secured when not in use.

VI. Prohibited Activities

All activities that are illegal under state and/or federal law are strictly prohibited on County property and in County owned or leased facilities. The use of alcoholic beverages is strictly prohibited. Community Centers are smoke free facilities.

Pursuant to Ordinance No. 2010-12, Section 14, public resources, including funds, facilities and personnel, may not be used to further partisan campaign purposes or to influence the

outcome of an election, except for an election on a question proposed by the County such as whether a tax should be imposed or a debt contracted for in which case public resources may be used for the limited purpose of educating voters about the details of the question.

VII. Amendments

These policies may from time to time be amended by the County Manager, with the approval of the Board.

Santa Fe County

Fiscal Impact Report

Department / Division:

Action Item to be Considered:

Agreement Number:

Indicate with a <input checked="" type="checkbox"/> below	Section 1 -Identify the type of document below for BCC Consideration and Approval
<input type="checkbox"/>	Revenue, e.g. Grant, charges and fees, etc.
<input type="checkbox"/>	Contractual Services (includes change orders), e.g. Professional services agreement, construction, price agreement, joint powers agreement, lease agreement, etc.
<input type="checkbox"/>	Loan/Grant Agreement
<input checked="" type="checkbox"/>	Other: <input type="text"/>

Indicate with a <input checked="" type="checkbox"/> below	Section 2 - Funding Source Identify the item below for BCC Consideration and Approval
<input checked="" type="checkbox"/>	General Fund, e.g. property taxes, gross receipt taxes, etc.
<input type="checkbox"/>	Special Revenue Funds, e.g. Fire, Indigent, etc. <input type="text"/>
<input type="checkbox"/>	Capital Outlay GRT, (capital infrastructure only, does not include maintenance or repair costs)
<input type="checkbox"/>	Bond Proceeds (general obligation and gross receipt tax revenue bonds) <input type="text"/>
<input type="checkbox"/>	Grant Funds. If yes, indicate the percentage and amount required % and/or \$, and source. % <input type="text"/> \$ <input type="text"/> Source <input type="text"/>
<input type="checkbox"/>	Other: <input type="text"/>

Section 3 - Ongoing operations and maintenance (O&M) requirements:

Short Term (Specify needs for the current fiscal year only)

New FTE's # Position Hourly Rate \$

Current Fiscal Year Cost \$ Annual Cost \$

Initial Costs (Vehicle, computer, office space, etc.)

O & M (Concisely identify the recurring needs, supplies, equipment, and the resources

necessary for carrying out the job duties)

A Health and Human Services Staff Person has been assigned to be the point person as it relates to the Community Centers to interact with the Community Center Board members as well as to receive the payments for Direct Deposit to the Treasurer's Office.

Current Fiscal Year Cost \$ n/a

Annual Cost \$ n/a

Long Term (Specify the needs for the next four (4) years. This will include staff, O & M, asset renewal and replacement costs, and additional capital needs)

Salary & Benefits:

All other expenses:

Section 4 - Revenue

Short Term (Specify the revenue potential for the current fiscal year only. If a grant, specify the total grant award amount and the term. If a fee or charge for service, explain basis of revenue projection).

The proposed language to this Resolution provides for changes to the fee structure that includes a reduced rental fee for use of our Santa Fe County Community Centers so that County Community Centers are utilized in the Community and are viewed as a community benefit. We forecast that initially the County will see a slight reduction in the collection of funds for activity rental fees at our Centers but as entities and Community Members learn more about our reduced rate in fees to be more user friendly so that residents can rent the Centers for events/functions, the County will collect almost the same amount in funds as in previous fiscal years.

Current FY Estimate \$ 5,350

Long Term (Specify the revenue potential for the next four (4) fiscal years. If a grant, specify the total grant award amount and the term. If a fee or charge for service, explain basis of revenue projection).

Annual Estimate \$ 4,800

Total (next 4 years) \$ 19,200

Additional Narrative

(Should include additional information such as significant issues, administrative issues and technical issues. What consequences, if any, may occur if this item is not acted upon):

Prepared by Lisa A. Roybal

Reviewed by Rachel O'Connor



File Attachment



File Attachment



File Attachment

NO PACKET MATERIAL FOR THIS ITEM

**XVI. A. Miscellaneous Updates
B. Annexation Update**

**NO PACKET MATERIAL FOR THIS
ITEM**

EXECUTIVE SESSION

NO PACKET MATERIAL FOR THIS ITEM

**SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM**

To: The Board of County Commissioners
Katherine Miller, County Manager

From: Stephen C. Ross, County Attorney *SCR*
Jeff Trujillo, Director, Administrative Services Department

Date: May 30, 2013

Re: **Workers' Compensation Insurance Policy – Annual Renewal**

The County currently maintains a policy of workers' compensation insurance through the New Mexico County Insurance Authority of the New Mexico Association of Counties. The policy expires on June 30, 2013 and must be renewed so that the County can remain in compliance with NMSA 1978, Section 52-1-4(A).

During the present fiscal year, the County has paid to NMCIA a premium of \$391,110. The stop loss protection on the current policy is \$300,000 with a \$25,000 deductible. Year-to-date losses are approximately \$72,000; average out-of-pocket expenses (assuming a \$25,000 deductible) have ranged between \$146,000 and \$383,000, with an average out-of-pocket expenditure of \$268,000. Therefore, this years' workers' compensation coverage can be expected to cost the County \$659,110.

NMCIA offers several renewal options. Each of the scenarios involves a small rate increase. NMCIA has offered; (i) a \$0 deductible with a premium of \$780,000 (that policy comes with a \$400,000 stop loss); (ii) a \$25,000 deductible (also with a \$400,000 stop loss) for \$510,000; and (iii) a \$50,000 deductible with a \$400,000 stop loss for \$425,000.

Applying the out-of-pocket expenses, the amount the insurance can be expected to cost is as follows:

\$0 deductible:	\$780,000
\$25,000 deductible:	\$778,127
\$50,000 deductible:	\$788,403

Participation in the Risk Awareness Program yields a rate reduction of 2.5%, which means that the premium charged under the \$0 deductible option would be reduced to \$764,400.

The best option, both for financial reasons as well as reduction in risk, is the \$0

deductible option. If participation in the RAP program continues, that policy will cost \$764,400. This option comes with less risk to the County, although if losses are lower than average it will be more costly option. If the County selected the \$25,000 deductible option and experienced an above average loss year, the out-of-pocket expenses could easily exceed \$764,400.

Daniels Insurance Agency, the County's insurance broker, obtained a figure for comparable coverage for the County through the private insurance markets. Their best estimate of the cost of comparable coverage through the private insurance market is between \$824,000 and \$859,000.

Staff of the Risk Management Division and the legal department therefore recommend accepting the proposal of NMCIA with a \$0 deductible for FY 14.

May 29, 2013

Steve Ross – Santa Fe County Attorney
Santa Fe County
PO Box 276
Santa Fe, NM 87504-0276

Dear Steve,

We had recently submitted the worker's compensation account for Santa Fe County to two carriers that are willing to offer bids for worker's compensation, New Mexico Mutual Casualty Company and the New Mexico Association of Counties.

The figures obtained from NMMCC (New Mexico Mutual Casualty Company), \$749,000, are based upon their base rates, without any credits or debits being applied. Public Entity accounts are debited 10% to 15% due to some of the hazardous job classifications. This debit would most likely result in an additional premium of \$75,000 to \$110,000.

The bid of \$764,400 received from NMAC (New Mexico Association of Counties) includes the discount applied (2.5%) for the County's full participation in NMAC's RAP (Risk Assessment Program). Should the County not participate fully in this program, this credit will be withdrawn resulting in an amended annual premium of \$780,000.

Based upon the two bids obtained, our recommendation is for Santa Fe County to renew the coverages with the New Mexico Association of Counties and take full advantage of their risk assessment program, not only to receive the credit but to reduce and minimize workers compensation losses..

OPTIONAL DEDUCTIBLE QUOTES:

New Mexico Mutual Casualty Company

Deductible	Aggregate	Annual Premium	Losses	Total SF County Cost
\$0	None	\$749,075.00		\$749,075.00
\$25,000.00	None	\$573,791.00	\$268,127.00	\$841,918.00
\$50,000.00	None	\$482,404.00	\$363,403.00	\$845,807.00

NOTE: Premiums are an indication only, based upon base rates without credit or debits being applied. Public Entity accounts are debited on base rates due to high hazard groups thus the premium could be 10%-15% higher (\$823,000 \$861,350).

New Mexico Association of Counties

Expiring Funding \$391,110 (\$25,000 deductible/\$300,000 aggregate)
Losses YTD : \$ 78,222
Contribution Amount \$469,332

Deductible	Aggregate	Annual Premium	Losses	Total SF County Cost
\$0	None	\$764,400.00		\$764,400.00
\$25,000	\$400,000.00	\$510,000.00	\$268,127.00	\$778,127.00
\$50,000	\$400,000.00	\$425,000.00	\$363,403.00	\$788,403.00

The premium as quoted above is based upon full participation in the NMAC Risk Assessment Program (RAP) by Santa Fe County. Non participation in the RAP would result in the loss of the credit applied (2.5%) resulting in an amended premium of \$780,000.

Santa Fe County WC Contribution Analysis

Policy Year	Total Incurred	\$25K Deductible Santa Fe Portion	\$50K Deductible Santa Fe Portion
2007-08	\$242,351	\$176,046	\$201,046
2008-09	\$555,127	\$315,892	\$372,439
2009-10	\$595,818	\$318,725	\$473,364
2010-11	\$854,971	\$383,451	\$566,754
2011-12	\$252,990	\$146,519	\$203,411
Average Losses		\$268,127	\$363,403
Range of Losses		\$146,000 - \$383,000	\$201,000 - \$473,000