



COUNTY OF SANTA FE) BCC MINUTES
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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 27, 2004

Paul Campos, Chairman
Michael D. Anaya
Jack Sullivan
Paul D. Duran
Harry B. Montoya

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

**REGULAR MEETING
(Administrative Items)
January 27, 2004 - 10:00 a.m.**

Amended Agenda

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Invocation**
- V. Approval of Agenda**
 - A. Amendments**
 - B. Tabled or Withdrawn Items**
- VI. Approval of Minutes** *- January 6, 2004 w/ corrections*
- VII. Matters of Public Concern – Non-Action Items**
- VIII. Matters from the Commission**
 - A. Galisteo Bridge Presentation and Public Works Crew Acknowledgement (Commissioner Anaya)**
 - B. Review and Approval of Draft Legislation Pertaining to Santa Fe County Regional Water and Wastewater Authority**
- IX. Presentations**
 - A. Presentation of the New Mexico Medal of Merit to James Leach by Col. Barry Stout**
 - Tabled* **B. Presentation of the Quarterly Report from the Santa Fe Community Partnership**
 - C. Presentation of Revenue Reporting Summary for Period Ending December 31, 2003**
- X. Committee Appointments/Reappointments**
 - OK* **A. Request Authorization to Approve the Lodgers' Tax Advisory Board Members Recommendation of Ms. Mary Johnson to Fill the Current Vacancy on the Advisory Board**
- XI. Consent Calendar**
 - Must* **A. Request Authorization to Enter into a Professional Service Agreement with Correct RX Pharmacy Services for Pharmacy Services (Community Health and Development Department)**

- OK* B. Request Authorization to Enter into a Professional Services Agreement with Dr. Anthony Mayfield, DDS for Dental Services (Community Health and Development Department)
- mmg OK* C. Request Authorization to Enter into a Professional Service Agreement with Dr. Catalina Perez-Lacey, MD for Psychiatric Services (Community Health and Development Department)
- mmg OK* D. Request Authorization to Enter into a Professional Service Agreement with Aime Zagon for Physician Assistant Services (Community Health and Development Department)
- OK* E. Request Authorization to Submit a Grant Proposal to the New Mexico Children, Youth and Families Department to Provide Funding for the DWI Program (Teen Court and Media Literacy), the Maternal and Child Health and Planning Council, and the "Home for Good" Program (Community Health and Development Department)
- OK* F. Request Authorization to Enter into a Grant Agreement with United Way of Santa Fe for Early Learning Opportunities (Community Health and Development Department)
- OK* G. Request Approval of Local DWI Distribution/Grant Resolution and Application for Fiscal Year 2005 (Community Health and Development Department)
- OK* H. Request Approval of Local DWI Detoxification Grant Resolution and Application for Fiscal Year 2005 (Community Health and Development Department)
- Tabled* I. Resolution No. 2004 ~~1~~ A Resolution Requesting an Increase to the Fire Protection Fund (209)/El Dorado Fire District to Budget Fire Protection Impact Fee Revenue and Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2004 (Fire Department)
- OK* J. Resolution No. 2004 ~~4~~ ¹⁰ A Resolution Requesting an Increase to the EMS - Healthcare Fund (232)/Fire Administration to Budget Revenues Received From the NM Department of Health - Emergency Medical Services for Expenditure in Fiscal Year 2004 (Fire Department)
- OK* K. Resolution No. 2004 ¹¹ A Resolution Requesting an Increase to the EMS - Healthcare Fund (232)/Emergency Preparedness to Budget for (4) Sub-Grants Awarded Through the New Mexico Office of Emergency Management for Expenditure in Fiscal Year 2004 (Fire Department)
- OK* L. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-22 Re-Roof of the Community Health Center (Project & Facilities Management Department)
- OK* M. Request for Approval and Authorization to Enter into the Supplemental Severance Tax Agreement for the Agua Fria Phase III Road Project from the New Mexico Department of Transportation (NMDOT) (Public Works Department)
- OK* N. Resolution No. 2004 ¹² A Resolution Requesting an Increase to the General Fund (101)/Region III Grant Program for a Grant Awarded Through the New Mexico Department of Public Safety for Expenditure in Fiscal Year 2004 (Sheriff's Office)
- OK* O. Resolution No. 2004 ¹³ A Resolution Requesting an Increase to the General Fund (101)/County Sheriff for Contribution Revenue Received and an Increase to the Federal Forfeiture Fund (225) to Budget Federal Forfeiture

Restitution Revenue Received for Expenditure in Fiscal year 2004 (Sheriff's Office)

- P. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-26 Equipment for Sheriff's Patrol Cars (Sheriff's Office)

XII. Staff and Elected Officials' Items

A. Community & Health Development Department

- 1. Approval of Amendment to Fiscal Year 2004 Memorandum of Agreement Between Santa Fe County and St. Vincent Hospital
- 2. Approval of Fiscal Year 2005 Memorandum of Agreement Between Santa Fe County and St. Vincent Hospital
- 3. Approval of St. Vincent Hospital Sole Community Provider Request for Fiscal Year 2005
- 4. Request Approval of Local DWI Distribution/Grant Resolution and Application for Fiscal Year 2005 (Moved to Consent)
- 5. Request Approval of Local DWI Detoxification Grant Resolution and Application for Fiscal Year 2005 (Moved to Consent)

B. Finance Department

- 1. Discussion Regarding Planning Strategy for General Obligation Bond Issues
- 2. Resolution No. 2004 ¹⁴ A Resolution Requesting an Increase to the Jail Enterprise Fund (518)/Youth Development Facility to Appropriate a Budget for Expenditure in Fiscal Year 2004
- 3. Resolution No. 2004 ¹⁵ A Resolution Requesting an Increase to the Jail Enterprise Fund (518)/Electronic Monitoring Program to Appropriate a Budget for Expenditure in Fiscal Year 2004

C. Public Works Department

- 1. Resolution No. 2004 - A Resolution Confirming the Abandonment for County Maintenance of a Portion of Calle Sinsonte within the Puesta Del Sol Subdivision
- 2. Resolution No. 2004 - ² A Resolution Requesting Approval for Accepting Portions of Sunrise Road and Nancy's Trail for County Maintenance
- 3. Request for Approval and Authorization to Enter into the Supplemental Severance Tax Agreement for the Nancy's Trail and Sunrise Road Project from the New Mexico Department of Transportation (NMDOT)

D. Matters from the County Manager

- 1. Request Authorization and Approval to Enter into a Food Service Agreement #24-0107-YDP with Compass Group, USA, Inc., to Provide the Continued Food Service for the Youth Development Program
- 2. Request Authorization and Approval to Enter into a Price Agreement #24-0119-YDP with BI Incorporated for Electronic Monitoring Equipment and Services

E. Matters from the County Attorney

1. Executive Session

- 1. Discussion of Pending or Threatened Litigation
- 2. Limited Personnel Issues

3. Acquisition of Disposal of Real Property
4. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

XIII. ADJOURNMENT

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

January 27, 2004

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:25 p.m. by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, roll was called by County Clerk Rebecca Bustamante and indicated the presence of a quorum as follows:

Members Present:

Commissioner Paul Campos, Chairman
Commissioner Mike Anaya
Commissioner Jack Sullivan
Commissioner Paul Duran
Commissioner Harry Montoya

Members Absent:

[None]

IV. Invocation

An invocation was given by County Assessor Benito Martinez.

V. Approval of the Agenda

A. Amendments

B. Tabled or withdrawn items

CHAIRMAN CAMPOS: Mr. Gonzalez, do you have anything to add or change in this agenda?

GERALD GONZALEZ (County Manager): Yes, Mr. Chair. First in Section IX, Presentations, there was a request to move that up because of personal circumstances.

CHAIRMAN CAMPOS: You're talking about IX. A.

MR. GONZALEZ: IX. A, I'm sorry. That's correct. Further up on the agenda,

just because of personal circumstances involving Mr. Leach's family.

CHAIRMAN CAMPOS: Okay.

MR. GONZALEZ: Then, in addition, under the Consent Agenda, Section XI, items G and H have been added. They were removed from Section XII, items 4 and 5 and moved to the Consent Agenda. And then also, under Section XII, Staff and Elected Officials' Items, under Matters from the County Manager, items 1 and 2 have been added. That's a result of the need to respond quickly to the situation out at the juvenile facility and make sure that we have all the contracts in place as we approach midnight of January 28th when we take over the facility.

CHAIRMAN CAMPOS: Okay, Commissioners, anything you'd like to add?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Yes, sir.

COMMISSIONER ANAYA: I'd like to eliminate, under Consent Calendar, I. I'd like to -- there's some other questions I have on that.

CHAIRMAN CAMPOS: You want to take it off Consent?

COMMISSIONER ANAYA: Table it.

CHAIRMAN CAMPOS: Do you want to take it off the Consent for discussion in some other part?

COMMISSIONER ANAYA: No, right now I'd like to table it if I could.

MR. GONZALEZ: One other tabling item that I missed, Mr. Chair. Under Section IX. Presentations, item B, the presentation of the quarterly report from the Santa Fe Community Partnership, the person who is going to present that to the Commission is unavailable this morning so I'd also request that that one be tabled.

CHAIRMAN CAMPOS: Okay, Commissioner Anaya suggested we table XI. I. Any comments from staff?

COMMISSIONER ANAYA: And Mr. Chair, I'd also like to move the Public Works Department, 1, 2, and 3 right after the Presentation. Right after Matters from the Commission.

CHAIRMAN CAMPOS: Is there something urgent there?

COMMISSIONER ANAYA: Yes, Mr. Chair. Domingo Martinez, the State Auditor is here and he's got to get back to the legislature and I'd like to move that so that we can get him back over there.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER DURAN: Which item was that, Commissioner?

COMMISSIONER ANAYA: That would be all of Public Works, 1, 2, and 3.

CHAIRMAN CAMPOS: XII. C. Any comments from staff as to the tabling of Consent Calendar item XI. I? Mr. Gonzalez?

COMMISSIONER DURAN: If there's no other tables, Mr. Chair --

CHAIRMAN CAMPOS: Hold on. I have a question.

SUSAN LUCERO (Finance Director): Susan Lucero, Finance Director, Santa Fe County.

CHAIRMAN CAMPOS: Okay, are you responding to the question of XI. Consent Calendar item I, as far as tabling.

MS. LUCERO: I did not understand that we were tabling it.

CHAIRMAN CAMPOS: There's a suggestion that it be tabled. I'm asking for staff comment on it.

MS. LUCERO: Okay. What this BAR is is typically something we've always done in the past. Fire Districts receive impact fees every day and then typically, two or three times per year, they budget those after they've received them. Likewise on the forest fire reimbursement funding, that is always after the fact, again budgeting it after it's received from the state, when they go out and do fight fires they receive reimbursement from the state for labor and for equipment.

CHAIRMAN CAMPOS: Commissioner Anaya, what's your reason for wanting to table item I?

COMMISSIONER ANAYA: Mr. Chair, I believe that this is to purchase a new ladder truck for the Eldorado area and it's going to cost \$530,000 and I'm just trying to figure out why we need a ladder truck in that area. So those are the questions that I have and I'd like to, if I could, table it until the next meeting.

CHAIRMAN CAMPOS: Or do you want to put it somewhere else in the agenda so we can discuss it today. You can ask all the questions you want.

COMMISSIONER ANAYA: Mr. Chair, I would like to table it to the next meeting.

CHAIRMAN CAMPOS: Chief Holden.

STAN HOLDEN (Fire Chief): Mr. Chair, Chief Holden for the Santa Fe County Fire Department. We discussed this a little bit. I understand that the Commissioner would like to have a few more detailed questions and answers before we proceed to this and we're certainly in agreement. It's a large ticket item. We know that it's a large dollar amount so we're okay with delaying it for another while.

CHAIRMAN CAMPOS: Okay. Thank you, sir. Is there a motion to approve the agenda.

COMMISSIONER MONTOYA: Mr. Chair.

COMMISSIONER DURAN: Sir.

COMMISSIONER MONTOYA: I apologize for walking in a little bit late, but I would like to remove items A, B, C and D from the Consent Calendar and place them under item XII. A.

CHAIRMAN CAMPOS: So those are items, XI. A, B, C, and D?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Let's see if we can get a motion on this.

COMMISSIONER DURAN: And move them to where?

COMMISSIONER MONTOYA: Item XII, and it would be 6, 7, 8, and 9, I guess.

COMMISSIONER DURAN: Okay. I'd like to make a motion to approve the

agenda as amended. I believe that staff made notes on those amendments. I don't think I need to --

CHAIRMAN CAMPOS: Let me just -- they're lengthy.

COMMISSIONER DURAN: I have a motion, Mr. Chair.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: For clarification, item IX. A, Presentation of James Leach, will be moved to right after item VI, Approval of the Minutes.

COMMISSIONER DURAN: Mr. Chair, I think that staff made notes on that.

CHAIRMAN CAMPOS: I have the floor now, Commissioner.

COMMISSIONER DURAN: I think you're missing the point.

CHAIRMAN CAMPOS: I don't know. Did you want to move Public Works, items C. 1, 2 and 3, to what point, Commissioner Anaya?

COMMISSIONER ANAYA: Right after the Matters from the Commission.

CHAIRMAN CAMPOS: Okay. There's a motion and a second to adopt an amended agenda, adopted by the Commission and staff. Is there discussion? If not, let's vote on it.

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Okay, the agenda as amended has been adopted.

VI. Approval of Minutes: January 6, 2004

COMMISSIONER MONTOYA: Mr. Chair, I had a couple of just minor corrections.

COMMISSIONER SULLIVAN: Mr. Chair, I had one minor correction.

CHAIRMAN CAMPOS: Minor corrections as in typographical corrections., etc.?

COMMISSIONER SULLIVAN: I can read it out if you want?

CHAIRMAN CAMPOS: Is that what it is?

COMMISSIONER SULLIVAN: It's typographical.

CHAIRMAN CAMPOS: Okay. That's fine. Commissioner Montoya?

COMMISSIONER MONTOYA: Mine was spelling.

CHAIRMAN CAMPOS: Okay, then let's go. Is there a motion to approve the minutes of January 6, 2004 as amended.

COMMISSIONER MONTOYA: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Moved and seconded.

The motion to approve the January 6th minutes as amended passed by unanimous [5-0] voice vote.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: May I just request that on the agenda, it be good to just note what minutes we're approving.

CHAIRMAN CAMPOS: Yes, that's a good idea.

COMMISSIONER MONTOYA: Because sometimes we have more than one set, so if we can list it on the agenda, January 6, 2004.

IX. Presentations

A. Presentation of the New Mexico Medal of Merit to James Leach by Col. Barry Stout

COLONEL BARRY STOUT: Mr. Chair, Commissioners, it's a pleasure to be here today on behalf of Adjutant General Kenny Montoya and on behalf of the New Mexico National Guard, the airmen and soldiers of the Guard. First I want to say thanks to you all for your wisdom, your foresight, your good judgements, your prescience even in making sure that Santa Fe County had professional emergency management along prior to 9/11. And in that regard today we wanted to recognize Mr. James Leach for many of the accomplishments that he has achieved over the years and particularly during a period last summer when under new leadership, under General Montoya, he had asked that we participate in and basically initiate an exercise, a statewide exercise and it was only with James' help and invaluable assistance that could have been accomplished.

So very quickly, realizing that your time is valuable, I'd like to read the achievements that support this award and then make the presentation. Number one, through his extensive network of emergency managers and contacts with state and local officials, James coordinated the use of the rotunda at the state capitol and Santa Fe County fairgrounds in order to enhance the realism of the state's largest weapons of mass destruction exercise. This was accomplished without disruption of daily activities and was absolutely critical to the success of the exercise.

Number two, he coordinated the effective utilization of local and area first responders under mutual aid agreements, so that all functional areas were covered in spite of the annual hazmat challenge in Los Alamos during the time of the exercise. James filled all requirements with good humor and went beyond the standard in so many ways, both during the planning and during the actual exercise. During this time, James was president of the New Mexico Emergency Managers Association and was heavily engaged in finalizing plans for their annual conference beginning the second day after the exercise ended. His selfless service and devotion to all aspects of interagency coordination and cooperation, particularly at the first responder

level, are exemplary and should cause all our citizens to feel more secure. His actions in coordinating food and hydration for hundreds of emergency response personnel at several widely separated locations positively affected morale of all participants and demonstrate his attention to detail and absolute, uncompromising professionalism.

With that, let me just read the citation. It's from the State of New Mexico. This is to certify that the Governor of New Mexico has awarded the New Mexico medal of merit to Mr. James E. Leach, director, Emergency Services, City/County of Santa Fe, Santa Fe, New Mexico, for exceptionally dedicated and selfless service to the emergency management and first responder communities of New Mexico during the period of 1 July 2003 through 23 August 2003. Mr. Leach worked tirelessly within a very short time frame to develop a comprehensive full-scale exercise to improve the homeland defense posture of New Mexico. His expertise and solid, long-standing professional relationships with emergency personnel at all levels were critical of the success of the event and exemplify the New Mexico National Guard motto, "Beyond the standard." All his efforts bring great credit to Santa Fe, the City/County Office of Emergency Services and demonstrate day in and day out that he's a true friend of the New Mexico National Guard. Signed, Kenny C. Montoya, Brigadier General, the Adjutant General, and Bill Richardson, Governor of New Mexico.

So again, gentlemen, thank you very much and thanks to James.

CHAIRMAN CAMPOS: Mr. Leach, would you like to have a word or two.

JAMES LEACH: First of all, Mr. Chair and Commissioners, I appreciate your moving this up. My father-in-law is 93 and comfortable as these benches are, they're not that comfortable for someone that age. About seven years ago I took this position as the emergency management coordinator for the City and County of Santa Fe. It was my pleasure shortly after that to meet Col. Stout and begin working with him. To be recognized by the National Guard because of their motto and their constant striving for perfection, it is a great honor to me, beyond the comprehension of many of my family and friends and my peers and coworkers here.

So I thought I was just doing my job. If you ever look at my personnel record you'll see I've done a lot of training and it all pays off when you're honored by an outfit like this that really is top-notch. I thank them and I thank you again for allowing us to do this.

CHAIRMAN CAMPOS: We thank you for your great service.

MR. LEACH: Thank you.

CHAIRMAN CAMPOS: Thank you very much.

VII. Matters of Public Concern – Non-Action Items

CHAIRMAN CAMPOS: Is there anyone here that would like to make a comment to the County Commission as a member of the public? Okay, I see no one.

VIII. Matters from the Commission

**A. Galisteo Bridge Presentation and Public Works Crew Acknowledgement
(Commissioner Anaya)**

COMMISSIONER ANAYA: Thank you, Mr. Chair. Before I go into the bridge presentation, I would like to just recognize a person that has passed away. Rita Horton passed away on Sunday, January 25th at 6:00 am in the morning after courageously battling a series of strokes over the past several months. Rita and her late husband, Tom Horton, were married in 1937 and lived in Edgewood all their lives. Rita served on the Road Advisory Committee since its creation in 1988, representing the Edgewood area. Rita also served in numerous communities and committees in Santa Fe County over the past years. Our thoughts and prayers go out to the family. Thank you, Mr. Chair.

Mr. Chair, Commissioners, I'd just like to recognize some of the people in the Public Works Department that have done a great job in the village of Galisteo. They did reconstruct the bridge in Galisteo that was built in 1927. This bridge was falling apart and I asked the State Highway and Transportation Department to go take a look at this bridge and give me their evaluation on it. And as you can see, the pictures before you, you see what kind of -- how it needed a lot of repair. It was in poor condition. Armando Armendariz from the District 5 bridge engineering went and looked at that and those were the pictures that he came up with.

Our crew from Santa Fe County, who I'd like for them to come up here if you could. And James. Is James here? Robert, come on up. I just wanted to recognize them for a job well done. I would like to just read the names out, and I have something for you guys. The Santa Fe Public Works began renovation on September 7th and they completed this job on November 28th. The total man-hours was 20,235 man-hours. And let me just introduce these guys. James Martinez had a lot to do with this. Lonny Montoya, Robert Martinez, Richard Chang, Gerard Rivera, Loren Martinez, and Benny Archuleta and Peter Rivera. And I've got something for you guys. Robert, if you could hand me those. This is just to show a little appreciation to you guys for all of your hard work and I sure appreciate it, Richard.

These guys have done an excellent job, Commissioners, and I'd like to give them a big round of applause. I'm very proud of this bridge. I grew up right next to it. I crossed it about a million times and it's proud to go across it now that it's repaired and in good condition. And I want to thank you again. Thank you.

VIII. B. Review and Approval of Draft Legislation Pertaining to Santa Fe County Regional Water and Wastewater Authority

COMMISSIONER SULLIVAN: At our last regular meeting, the Commission gave the staff direction to explore and prepare legislation with regard to a regional water and wastewater authority. A great deal of work has been done on that and I want to compliment the staff, in particular Stephen Ross who was sending drafts out at late

hours of the night and to Gerald, who spent a great deal of time with it as well. To Commissioner Montoya, who helped us in visiting with some of our legislators and setting up a meeting with the speaker, and I'll defer to Commissioner Montoya in just a minute.

We have a draft now for your perusal and Commissioner Montoya, would you like to add some comments to that? [Exhibit 1]

COMMISSIONER MONTOYA: Mr. Chair, Commissioner, I think what we have before us here and what staff, Steve Ross and Gerald, our County Manager have worked hard along with you in putting this legislation together which would really help, I think, overall, in terms of the County establishing itself, hopefully as an entity that's going to be able to assist in the creation of this authority, in terms of the water and sanitation authority. I think Commissioner Sullivan, kudos to you in terms of the mechanism of making this happen, because I had been wrestling in my mind in terms of how can we get something like this on the books so that we can begin to look more viably and more seriously at what we're going to be doing as a County water system, a County water utility and this doesn't necessarily mean that the County is going to be the one that's going to be doing it, but we're going to be able to assist in making this happen, and it's certainly going to help all of the counties, and I'm looking at it from the perspective of the Aamodt lawsuit. I know Speaker Lujan was very, very excited about this legislation and when we met with the governor's staff, David Harris, he is as well. He's kind of like, Well, why didn't you do this a long time ago? Type of thing.

But it's moving and thanks to your help there, Commissioner, this is going to hopefully get through the session.

COMMISSIONER SULLIVAN: And I would just add, Mr. Chair, that this doesn't detract from any of the ongoing efforts that we have with the City of Santa Fe in terms of its work on the San Juan/Chama diversion project or any other projects, but it does provide the vehicle and that mechanism for a regional look at water and wastewater, beyond what's currently being done and worked on primarily by the City and the County. So this is the next step further. We have to look beyond the San Juan/Chama. We have to have a mechanism in place, I feel and I think others do, that provides this opportunity throughout the county, north and south as well as just the Santa Fe area. So the latest draft is in front of you. I'm sure we'll undergo some changes and modifications. It's, I understand, waiting for the governor's message, and I don't know, Steve or Gerald if you'd like to add anything to that, or open yourself up to any questions from the Commission.

MR. GONZALEZ: I'd be glad to open myself up to questions.

COMMISSIONER SULLIVAN: Or criticisms, right? No, just questions. Mr. Chair, that's all I have on that.

CHAIRMAN CAMPOS: Does anyone want to summarize the bill, the intent, the structure, briefly?

COMMISSIONER SULLIVAN: I'll give it a shot and Mr. Ross or Mr. Gonzalez can add to it. Basically, what the intent is is to create a water and sanitation

authority that would be an arm of the County, but would be a separate entity so it could focus full time on the water and sanitation and wastewater issues that we have in the county. It would be able to receive federal funds and grants. It would be able to engage in regional planning, in research for aquifer recharge and any research issues that we wanted to do, construction, management and operation of facilities.

It could engage in agreements with municipalities and other counties, specifically. It was brought up -- the potential for that in Rio Arriba County with Chimayo and the problems existing there. It could condemn right-of-way and have all those powers that are needed to build these long-range facilities. It would consist of a board made up of two persons appointed by the Board of County Commissioners, one of whom would be from the Pueblos or from the tribal representation in Santa Fe County and one other person, and then three elected persons. So the majority of that board would be elected.

COMMISSIONER DURAN: On the Commission? There'd be three Commissioners?

COMMISSIONER SULLIVAN: No, there'd be three elected from the public.

COMMISSIONER DURAN: Oh, okay. Good.

COMMISSIONER SULLIVAN: From the public.

COMMISSIONER DURAN: Great.

COMMISSIONER SULLIVAN: And it would have the ability to undertake revenue bonding and it would also have the ability to do general obligation bonding but that would be done through the County. In other words, general obligation bonds would be of course approved by the voters and they would have to benefit everybody, otherwise they wouldn't be approved and they would be done through the County. So the County would continue to maintain an active interest in this organization because any general obligation bonds would come through the County and through BCC approval.

So I think it's kind of a good marriage. It keeps the authority reasonably separate from day-to-day operations so we don't get involved in micromanaging water bills and water meter readings and problems like that that the City has had a lot of trouble with, but on the other hand, I think it can be visionary enough to look at all our countywide problems to go beyond our current 40-year plan and begin to enter into agreements necessary to develop the water supplies and protect the water supplies that we have. Steve, anything you'd like to add to that?

STEVE ROSS (County Attorney): No, Mr. Chair, Commissioner Sullivan, that's a fair summary. There are a lot of details in this proposed legislation and I'd be happy to address any of them, but that's an excellent summary of what the act does.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I think this is a good idea. It gets a group of people to concentrate on our water issues. We personally can't concentrate on that because we've got a lot of other issues that we've got to deal with but I think it's a good idea. I've got a question on -- there's going to be three elected

throughout Santa Fe County, correct? And two appointed from the County Commission? Have we come up with a price? Not a price, but how much we're going to pay these guys or has that been talked about yet?

COMMISSIONER SULLIVAN: There's no, Commissioner, there's no reimbursement other than per diem and regular expenses.

CHAIRMAN CAMPOS: Unless the ordinance provides otherwise. The ordinance could provide for salary.

COMMISSIONER SULLIVAN: If it got to that point, we could make that determination but the intent is that -- of course this entity, as it moves forward can hire a staff.

COMMISSIONER ANAYA: Okay.

COMMISSIONER SULLIVAN: And that staff would be paid, but the Commissioners would be a policy making group.

COMMISSIONER ANAYA: So they would be under us? Or would they sit out on their own?

COMMISSIONER SULLIVAN: They would sit out on their own. They'd be under the County in so far as general obligation bonds would need to be approved by the County and insofar two of the five members are appointed by the County.

COMMISSIONER ANAYA: So let me ask, let's say a developer wants to do a project, they have nothing to do with this.

COMMISSIONER SULLIVAN: No. That's a good point, Commissioner. This is not a land use board. The land use decisions rest with the County of Santa Fe in its regular operation or they rest with the City of Santa Fe, if it's a municipal situation or the Extraterritorial Zoning Authority. Once those land use decisions are made, then the question is, Well, how do we get water to that development? What's the time frame? What will it cost? Who will bond it and who will pay for it and who will repay the notes and so forth? That is what this entity would assist in. But it is not a land use body. It's not a super-body. The Board of County Commissioners' authorities are not changed by this legislation.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: Commissioner Sullivan, how would this board work with the County's effort in developing a point or several points of diversion to supplement our water needs, or to provide water to the County through our system? I understand that they're going to be overseeing water on a regional basis with the Pueblos and the entire county. But how are they actually going to work with us in our effort to develop a water system?

COMMISSIONER SULLIVAN: Commissioner, I think to answer your question, that they would in fact be the prime entity working with us to do that. That's who we would look to to say let's do the necessary studies or let's review the old studies. Let's partner with other entities. Of course we don't have jurisdiction on tribal lands but

the legislation does provide that we can contract with tribal entities, the authority can. So I would say that this is the entity that we need to do just what you're saying.

COMMISSIONER DURAN: Okay. So it would actually do it independent of any land use --not requirement, but this is all based on a regional approach to our water needs and resources.

COMMISSIONER SULLIVAN: Water supply protection, regional supplies, wholesaling of water and ultimately, if it were desired by water and sanitation districts or mutual domestics, that this entity manage their particular water systems for it. The authority could do that. But they're not empowered to do that unless there's a mutual agreement to do so.

COMMISSIONER DURAN: Just so I get it clear in my mind, so part of their deliberation would be how aquifer injection, aquifer storage, and recycling, all that fits into managing this resource on a regional basis.

COMMISSIONER SULLIVAN: Absolutely. Someone has to look at that.

COMMISSIONER DURAN: Okay, good. Great. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: Commissioner Sullivan, so who would give direction to this board, or would they take their own direction in trying to acquire or set up systems on their own?

COMMISSIONER SULLIVAN: I think that's a good question, Commissioner. I think that would evolve. The initial board, and correct me if I'm wrong, Steve, would be fully appointed by the Commission. All five members initially would be appointed by the Commission. So at the outset, you would be able to give very clear direction as to where you wanted that board to go. And then subsequent terms would evolve into that two and three elected, so that the board would have time to establish itself, develop a purpose, a scope of work and direction very closely with the Commission. And then the public members would come on board and it would begin to develop its own identity.

COMMISSIONER ANAYA: And you said there was going to be three elected and two appointed?

COMMISSIONER SULLIVAN: That's correct.

COMMISSIONER ANAYA: What if we did it the other way?

COMMISSIONER SULLIVAN: We can do it the other way, but I think what's important is to give this board the independence to be independent of land use decisions. To keep land use decisions with the County Commission where they belong, to keep water management and supply and financial decisions where they belong and not to intermingle those. If we had controlling interest as it were, it could simply be seen as a political arm, a land use arm, and I don't think that would be useful in terms of the bonding capabilities or in terms of what we would like this entity to do, or in terms of the public's perception of this entity.

COMMISSIONER ANAYA: Okay.

COMMISSIONER DURAN: Mr. Chair, I just had one last comment.

CHAIRMAN CAMPOS: Please.

COMMISSIONER DURAN: It seems to me that this is a good way of taking the politics out of this water issue. I guess the big question I have is if this board is created and they make recommendations to both the City and the County on how to manage this resource and develop systems on a regional basis, what obligations do the City or the County have to follow the direction or the recommendations that this board comes up with?

COMMISSIONER SULLIVAN: Another good question. It's kind of one of those glad-you-asked questions, but no, it's a good point, and I think what you're saying is, in effect, what teeth does this entity have?

COMMISSIONER DURAN: Right.

COMMISSIONER SULLIVAN: And there's a couple of prongs to that question. First of all, it has the ability, it has financial capabilities, through the County, through the County's GO bonding capabilities with voter approval again. It has that. So we have a financial entity, that and revenue bonds that's a good source. It can accept federal grants for regional work. We've had trouble from our legislators who say, our congressional legislators who say we want to support regional efforts, but we have requests from this city and that city and this entity and that district and how do we do that? This is a good way to provide an entity that can aggregate those grants and loans.

Secondly, it doesn't prohibit an entity like the City of Santa Fe from developing regional -- its well systems or the Buckman diversion project because there's separate current legislation that allows municipalities to build outside its own boundaries. But it does give this board exclusivity within the county. So if you're going to deal in a regional water issue, this is the authority you're going to deal with. So the one thing we've learned from the Tampa Bay presentation when we had our regional water authority presentations from Denver and Tampa Bay was that they had a board which was kind of advisory and planning board, maybe a little similar to the old metropolitan water board, that operated for a number of years. And it really couldn't go anywhere, because it didn't have the exclusivity to be the entity within the service area, in the County service area.

So this legislation says we're not impinging on municipalities or water and sanitation districts or mutual domestics, but for any other water construction within the county boundaries, this is the entity that you're going to deal with.

COMMISSIONER DURAN: If they pass this bill, do we have a special election? And how soon could we have that?

COMMISSIONER SULLIVAN: Steve, do you want to help out with that?

MR. ROSS: Mr. Chair, Commissioner Duran, right now the bill requires that the election of these members be at the regular election. So, depending on the timing, it could be this fall or it could be in another two years that you actually had the election for the three members. The initial board is appointed by the Board of County Commissioners

to get it rolling. And the next regular election, when you can, you have an election and three of those board members would then be elected and would then serve their terms.

COMMISSIONER DURAN: Okay, so let's say that they pass this bill and in June we decide we want to appoint the members to the board. We can do so then?

MR. ROSS: Yes.

COMMISSIONER DURAN: But if we do that, then doesn't that -- what happens to taking the politics out of the process? Wouldn't it be better to amend the bill to allow us to hold a special election, rather than have the Commission appoint?

COMMISSIONER SULLIVAN: I think that's entirely possible. I think the idea was to keep expenses down and a general election, you have more public participation. So if we created this district, and just passing the bill, of course, wouldn't create the district. The passage gives the County the opportunity to do. We have to create the district by ordinance. So we would go through the ordinance process to create it and if all of that happened by June, as you indicate, then there would be an election in November.

COMMISSIONER DURAN: It wouldn't have to be a primary and a general. It could just be --

COMMISSIONER SULLIVAN: It's at one election.

COMMISSIONER DURAN: Oh, so if we really pushed them, we could probably get this thing done by then.

COMMISSIONER SULLIVAN: By the November election, yes.

COMMISSIONER DURAN: Okay, good.

CHAIRMAN CAMPOS: Okay. I just want to say that this is a giant step in the creation of a regional water system. I think Commissioner Sullivan and Montoya have shown strong leadership and I thank them and this is simply for information, right?

COMMISSIONER SULLIVAN: That's correct. And we have it listed for review and approval because obviously there's no sense to having this bill introduced if the Commission's not in favor of it. I'm hearing good comments here and so I would then make a motion that we direct the staff to proceed forward with our Santa Fe delegation to introduce and support this bill in the legislature.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Okay. One thing I would like to add to the elected bodies, that they may be elected by districts, so that all parts of the county would be represented and there would not be a fear that the central/metropolitan area would dominate entirely. Just an idea.

COMMISSIONER SULLIVAN: Something to consider. There will be plenty of amendments I'm sure.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: So I like that measure there that you just said about dividing the county into three districts. That way we all get represented.

CHAIRMAN CAMPOS: I think so. Okay, motion, second.

MR. GONZALEZ: Mr. Chair, I just wanted to point out one additional feature that wasn't raised but I know there are folks out there listening who may be interested. The proposed legislation would not take in any of the existing water utility companies or authorities out there. It would not affect the City system, would not affect existing water and sanitation districts and would not affect any of the mutual domestic water associations that currently exist as they exist at present. So I know that that question had been raised also in our discussions and I just wanted to make sure it got settled for the record.

CHAIRMAN CAMPOS: Thank you, sir.

The motion to approve directing staff to proceed with supporting a regional water authority passed by unanimous [5-0] voice vote.

COMMISSIONER DURAN: Mr. Chair, I think we're still on Matters from the Commission?

CHAIRMAN CAMPOS: That's right. Do you have anything?

COMMISSIONER DURAN: I do. I have some concern as it pertains to Women's Health Services. Steve, if you could come up for a moment please. And maybe you don't really have to comment. But I'm just concerned that the Women's Health Services facility is getting deeper and deeper into debt because of the lack of funding from the MOA, well, from St. Vincent's and other funding sources. And the big picture here is if they shut their doors and don't take care of indigent clients that they have, there's going to be 4,000 indigent people out there knocking on the doors at St. Vincent's and at La Familia, and my understanding is that La Familia is tapped out and can't accept any more and St. Vincent's is pretty much tapped out too.

So I just would like for you to give me a couple of minutes of your time to tell me what's happening with that, what are we doing about it? Is there any pressure that we can put on Women's Health Services to perhaps change their administrative members. I understand that there's some personality conflicts. There's some problems there that I don't think have been addressed with the bottom line being that if we don't start dealing with it, 4,000 indigent people are going to be without health care.

STEVE SHEPHERD (Health Division Director): My name's Steve Shepherd. I'm with the Community Health Division. Mr. Chair, Commissioner Duran, we discussed Women's Health a little bit in the Health Care Assistance Board meeting this morning. There are three things we're currently looking at. One is negotiating with St. Vincent's in the amendment in 2005 MOA to have some money set aside for clinic health care support, which a portion of that could be used for Women's Health Services.

The second thing that's happening is the Health Planning Commission has been directed by the Commission to look into the structural problems as they may be or not be at Women's Health Services. They're in the process of doing that. The third issue is I

know the County Manager and County staff have started to look at the possibility of assisting Women's Health Services with a building or assisting with the purchase of a building or a site. Those are the three ongoing issues right now.

Probably the first one that will come to a head immediately is probably settling negotiations with St. Vincent on the MOA.

COMMISSIONER DURAN: Here's the big problem. I think it's time that this information is made public. They're way behind on their rent. There's a possibility that they're going to be asked to vacate the premises because of that and if they do that, they're basically shut down. We need some emergency action, not ongoing discussion. I understand we need that discussion but the big problem is that they could be asked to vacate the premises and then they're shut down, if not for -- for at least some period of time and I think that it's going to be hard to rebuild that facility if it's shut down than it is to try and help them with their current problem and keep it an ongoing entity.

MR. SHEPHERD: Okay. I'll work on that and try to address the issue, Commissioner.

COMMISSIONER DURAN: I know that we're going to have meetings with St. Vincent's in the next couple weeks. I just wanted to let you know that I'm real concerned about that and I'm going to bring that up at every opportunity I have until we can find a solution.

ROBERT ANAYA (CHDD Director): Mr. Chair, Commissioner Duran, as part of our ongoing discussions with St. Vincent we can take another look at available current resources and have some discussion with dialogue with them as to the possibility of figuring out, number one, how much money are they talking about and then number two, whether or not there's something that we can come to agreement on with current revenue, not the new, negotiated revenue to try and help offset that.

MR. GONZALEZ: Mr. Chair, Commissioner Duran, Gerald Gonzalez, County Manager. We have also had some discussions with Senator Nancy Rodriguez about her concerns which she shares with you, regarding Women's Health Services. She has indicated to us that at least for the time being, she's spoken directly to the owner of the building in which they're presently renting. At this point, anyway, the building owner is willing to give them some additional time and work with them, just so you know.

COMMISSIONER DURAN: Good. Thank you very much. And Mr. Chair, my last item is sometime last year we entered into an agreement to have a study done on the water, the drilling of the wells out in Rancho Viejo, the Rancho Viejo area. I think we had talked about drilling one in the Airport Development District and other areas. I spoke to Mr. Wust the other day and I thought you told me it was going to be on the agenda today as an update on that and I don't see it on here.

MR. GONZALEZ: Mr. Chair, Commissioner Duran, if I could step in a little bit. Because of the departure of Mr. Roybal as the director, I think the Utilities Division has been hit with a number of requests so what I have indicated to the Chairman is that we will try to do that update at the first meeting in February rather than at this

point, just because of trying to put together all the pieces.

COMMISSIONER DURAN: Thank you very much. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I have a request, and I'd like to make this from Land Use and Roman regarding Rio en Medio and Chupadero, their domestic water association. They have submitted a request and it's been a while. Unfortunately it got kind of caught up in an administrative quagmire, which is going to result in them potentially being without water and I'd like to see if we could maybe administratively help them out in terms of getting the variance that they're requesting on a couple of oversized electrical poles that need to be placed in order to get the electricity to where their new well has been drilled. So is there the possibility we could help them out and make that happen? I know we had originally told them that that was going to happen and now they're looking at April instead of March in terms of that happening.

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chair. Roman Abeyta. Santa Fe County Land Use. We did have a discussion with Steve Ross, the County Attorney. We've talked about cases that -- similar cases in the past and what has happened in the past is where there are cases of health, safety, welfare concerns, in this case they're telling us that their generator is going to give out any time and they're afraid that they're going to be without water if they can't get the electrical lines extended to their community water system.

So in this case, the Board in the past has directed us to bring forward these variance requests without a recommendation from the CDRC, because the CDRC does not have final approval. It's only a recommending body, and again, the Board has given us direction to bring forward cases without a recommendation. So if the Board authorizes me to do that then we will schedule them for the February 10th BCC. We have already noticed them for CDRC and BCC so there wouldn't be an issue with public notice. But I would just need authorization to the Board to bring it forward without a CDRC recommendation. And again, we've done that in the past.

COMMISSIONER MONTOYA: Okay. I guess I would ask that of the Board if you would consider doing that in order to hopefully eliminate any hardship that may be presented to these folks.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Direction, right?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Positive direction, Commissioner Sullivan? I'm fine with that too.

COMMISSIONER MONTOYA: Thank you, Roman. Just one other thing, Mr. Chair. Regarding the meeting -- we had a meeting with a production company. Gerald, has there been any further discussion in terms of whether they can use our industrial park in terms of the utilization of that parcel?

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, Gerald Gonzalez, County Manager. We've had additional discussions with Whirling Rainbow Productions, Deborah Johnson is the head of that company. They are definitely interested in proceeding with the County site. They've been working directly with Land Use to look at the current master plan requirements for that site and see whether there's anything additional required. We've also made some contact with the state financing officials who are working with them and they have provided us, as I understand it with a site development plan so that's being reviewed at present.

We are pulling out the stops, so to speak to make sure that we continue the cooperation with them and keep their interest in the site. And that continues to progress.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Commissioner. Just one follow-up on the Rainbow Productions issue. Is the County business park in the Community College District? Roman is shaking his head yes. So do they come under the Community College District ordinances with regard to open space?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, yes, they do. They need to comply with all of the requirements.

COMMISSIONER SULLIVAN: Okay. I just wondered. I had a question asked me of that and I said I think the place you go is the Community College District Ordinance to get your guidelines and if there's variances and you may need variances and I think the issue was that they have some very large -- production companies have some very large buildings that are very high and very big. And I don't know if the floor area ratios that are in that Community College District Ordinance apply. So we may have to look at that. But that answered that question. Thank you very much.

Two other quick items. One, I wanted to -- we had a Public Works Department presentation here on the Galisteo Bridge and I want to compliment the department on their efforts there as well as Commissioner Anaya has already done. I mention also on a somewhat smaller scale but no less important, their efforts up at Avenida de Amistad off of 285 in the Eldorado area, I was out there last week and they're laying in two sizeable culverts there to create an all-weather crossing there at Avenida Amistad and doing an excellent job and we appreciate their efforts there.

And then the final thing is to mention that in some discussions I had recently with Ellis Browning Architects here in town, they indicated to me that the master plan design, which they did for Santa Fe County of the Santa Fe County Fairgrounds has received an American Institute of Architects award, one of three in New Mexico, that was given and they were quite pleased, particularly because the awarding board was from New York. They were concerned that they might not appreciate the rural nature of what they were trying to achieve at that fairgrounds complex. Apparently they did, so I think we have a good basis on which to develop and enhance that fairground over the years as we get additional funds because apparently. At least the architectural peers of the firm that the

County hired felt that it was an excellent plan. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I'm fine, thanks.

CHAIRMAN CAMPOS: Okay. Mr. Gonzalez, the issue of appointments to SWMA, EZA, RPA, when do you expect that that will be on the agenda?

MR. GONZALEZ: Also, Mr. Chair, Gerald Gonzalez, Santa Fe County Manager, also at the next meeting for the Board.

CHAIRMAN CAMPOS: Thank you, sir.

COMMISSIONER DURAN: Mr. Chair, I was just wondering, does staff have to say their name every time they speak? Can't they just do it once?

CHAIRMAN CAMPOS: I would say when they come to present on a case, just one time.

COMMISSIONER DURAN: Just one time is fine, right?

CHAIRMAN CAMPOS: Sure. So long as the people that are watching TV or in the audience understand who's talking.

COMMISSIONER SULLIVAN: Some of us are getting old and we forget here. You're not. I understand.

COMMISSIONER DURAN: No, I am.

COMMISSIONER SULLIVAN: I am.

XII. C. Public Works Department

1. Resolution No. 2004-__ . A Resolution Confirming the Abandonment for County Maintenance of a Portion of Calle Sinsonte within the Puesta del Sol Subdivision

ROBERT MARTINEZ (Deputy Public Works Director): This item here, the property owners of Puesta del Sol Homeowners Association and the property owners on Calle Sinsonte are requesting for the Commission to abandon a portion of Called Sinsonte for maintenance purposes. They're experiencing people partying on this road and they want to gate it is if it's removed from the County inventory and becomes a private road. So Public Works requests the approval of the resolution confirming the abandonment for County maintenance of a portion of Calle Sinsonte within the Puesta del Sol Subdivision.

CHAIRMAN CAMPOS: Mr. Martinez, does it affect the public interest of the public roadways, the County roadway system in any way?

MR. MARTINEZ: Mr. Chair, it does not, because the only three property owners on that road have other accesses to their property.

CHAIRMAN CAMPOS: Okay. Any questions? Commissioner Duran.

COMMISSIONER DURAN: There's nothing in our packet?

MR. MARTINEZ: Mr. Chair, Commissioner Duran, there is. At the very end of the binder.

CHAIRMAN CAMPOS: XII. C. It's at the end of the packet.

COMMISSIONER DURAN: While I'm looking for it, abandoning it right now means that we use its use forever. Is it possible to just allow them to put a gate on it or block it off? We have some rights to that as an ingress and egress to other properties? I don't see a map.

MR. MARTINEZ: It will remain a public access easement, but the County is abandoning it for maintenance purposes only. And like I said, there's only three property owners on that road. It's a short road. It's about an eighth of a mile in length. Part of it, on the south side, belongs to the Highway Department. They acquired that through the 599 right-of-way acquisition. So basically there's no real need for it by the Public Works Department or the County.

COMMISSIONER DURAN: Do you have a map?

MR. MARTINEZ: Mr. Chair, Commissioner Duran, we do not.

COMMISSIONER DURAN: So there's no way I can tell what it is you're talking about.

MR. MARTINEZ: Mr. Chair, Commissioner Duran, there's a brief description that just gives the beginning and the end.

COMMISSIONER DURAN: Right. But nothing that I can actually see.

MR. MARTINEZ: No sir.

COMMISSIONER DURAN: Would there be a problem with asking you to bring this to the next meeting. I'd like to see it actually. To read it on a piece of paper is a lot different from being shown where it is on a map and exactly how it affects -- I think it would be a blind approval. I'd like to table this, Mr. Chair, until the next meeting only because I don't think there's sufficient data here to make a proper decision.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

The motion to table XII. C.1 passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Okay, I guess the motion to table has been approved, I guess with direction to bring it back at the next regularly scheduled BCC meeting. Thank you, sir.

XII. C. 2. Resolution No. 2004-9. A Resolution Requesting Approval for Accepting Portions of Sunrise Road and Nancy's Trail for County Maintenance

JAMES LUJAN (Public Works Director): Mr. Chair, members of the Commission, James, Lujan, Public Works Director. The residents of Sunrise and Nancy Trail have petitioned the County for approval of a resolution accepting portions of Sunrise

and Nancy Trail for County maintenance. And the Sunrise portion is .5 miles and Nancy Trail is .26 miles of road and it would be for County road maintenance. Any questions?

CHAIRMAN CAMPOS: Money. Tell me about money. So much has been appropriated by the legislature, but we're still short, aren't we?

MR. LUJAN: Mr. Chair, members of the Commission, this subdivision was approved by the County in the past with no roads.

CHAIRMAN CAMPOS: Without roads. What do you mean?

MR. LUJAN: Without any acceptance of roads.

CHAIRMAN CAMPOS: Any County roads.

MR. LUJAN: Yes.

CHAIRMAN CAMPOS: Okay.

MR. LUJAN: And the people have gone to the legislature and petitioned them and had a request for approximately \$98,250 that could be used for improvements on this road.

CHAIRMAN CAMPOS: That's right. I see the number \$175,000. Is that the cost of --

MR. LUJAN: The \$175,000 would be for the cost if it was to be constructed by an outside contractor, the \$98,000 could be done if the Commission allows us, after acceptance, to do the improvements to the road with this legislative appropriation.

CHAIRMAN CAMPOS: Okay, now if the County does this, when can you fit it into your calendar?

MR. LUJAN: The appropriation, as soon as you approve it, we probably wouldn't be able to get to it till later on in this year. We've already got our schedule full from last year's appropriations. We could program it into this year, sometime this year. I believe we told the people that, that we can't get on that right away.

CHAIRMAN CAMPOS: But you can definitely do that with \$98,250?

MR. LUJAN: Mr. Chair, that is correct.

CHAIRMAN CAMPOS: Okay. So that's what we're approving too.

MR. LUJAN: First, you're approving the acceptance of the road.

CHAIRMAN CAMPOS: Acceptance of the road.

MR. LUJAN: And then that's the next item on the agenda, is approving the agreement with the State Highway Department for the money.

CHAIRMAN CAMPOS: Okay, we have an ordinance that requires certain assessments or a resolution of some sort for accepting new roadways.

MR. LUJAN: That is correct. There's a road acceptance policy that requires certain items to take place before the County acceptance. Any of those items can be waived by the Commission.

CHAIRMAN CAMPOS: Okay, what items are required? And what have we not done.

MR. LUJAN: I'll defer to Robert.

MR. MARTINEZ: Mr. Chair, the criteria, first of all, a petition with at

least 50 percent of the property owners in agreement that's been provided to you. I believe it's Exhibit A. Another is copies of plats that show what easements exist on that roadway and there are sufficient easements for this particular roadway, or both roadways, to meet County standards.

CHAIRMAN CAMPOS: The documents have been presented to you?

MR. MARTINEZ: Mr. Chair, that is correct. We do have copies of the plats.

CHAIRMAN CAMPOS: All the necessary documents that could affect that road right-of-way.

MR. MARTINEZ: Mr. Chair, that is correct.

CHAIRMAN CAMPOS: Okay.

MR. MARTINEZ: Another is bringing the road up to County standards and they're doing that through the mechanism of the severance tax agreement that's next on the agenda.

CHAIRMAN CAMPOS: Okay, so this would bring it up to County standards. Now, does this affect any of the related roads?

MR. MARTINEZ: Mr. Chair, it does not affect any of the other roads. The Sunrise Road itself is not limited to .55 miles. It goes beyond there. But the request is just for the first .55 miles.

CHAIRMAN CAMPOS: So this connects to a County road?

MR. MARTINEZ: Mr. Chair, that is correct. It connects to County Road 54.

CHAIRMAN CAMPOS: Okay. Any questions from the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think this is a good idea to adopt this. The residents that live on this road have gone out on their own time to the legislature to try to acquire this money. I don't know if they got it on one full lump sum, but I know they've worked hard to get it and I'd sure hate for the governor to take this away from them so I'm in full support of taking over this County road, taking over this private road, turning it into County and using the County Public Works Department to bring it up to standards and to maintain it in the future.

CHAIRMAN CAMPOS: Okay, Commissioner Sullivan, you have a comment.

COMMISSIONER SULLIVAN: James, you say that it's been determined that sufficient easements exist. What's the right-of-way?

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, I believe it was 50 feet.

COMMISSIONER SULLIVAN: Fifty feet. And that's appropriate for this level of traffic.

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. Then you're proposing to do both basecourse, drainage and paving? It will be paved as well?

MR. LUJAN: That is correct.

COMMISSIONER SULLIVAN: Okay. And then do you have a map where this road is?

MR. LUJAN: No, there is no map provided.

COMMISSIONER MONTOYA: Where is it?

MR. LUJAN: This is behind the racetrack, off County Road 54. Behind the racetrack.

COMMISSIONER SULLIVAN: I don't go to the racetrack much these days. It's not open.

MR. LUJAN: Off the frontage road, off I-25 frontage road, west of the racetrack.

COMMISSIONER SULLIVAN: West of the racetrack.

COMMISSIONER ANAYA: Mr. Chair, I believe it's right across from or before Sunrise Springs. Correct?

MR. LUJAN: Very close to Sunrise Springs. And we will start providing maps every time. I apologize.

CHAIRMAN CAMPOS: Good idea. Commissioner Sullivan?

COMMISSIONER SULLIVAN: That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Okay, one last question, Mr. Lujan. As far as accepting new roads, isn't there a fiscal impact assessment that we have to do? Or staff has to do?

MR. LUJAN: The fiscal impact is if it's brought up to County standards if we have to do that.

CHAIRMAN CAMPOS: What about maintenance issues down the road?

MR. LUJAN: We have not put any into that but there's a dollar amount that we kick in for road maintenance.

MR. MARTINEZ: Mr. Chair, the only criterion that's in the policy that kind of refers to your question is that are there other County roads within that general area that the County is currently maintaining. And this road is right off of a County road. In the policy it doesn't require any assessment. The only thing it requires from Public Works is an evaluation to see if the right-of-ways are sufficient, if it's in the general road network of the County and if the residents are in favor, and that general criteria.

CHAIRMAN CAMPOS: In the future, Mr. Martinez, would you put that criteria into our packet, the resolution, however we adopted it, and perhaps address it in your memorandum.

MR. MARTINEZ: Mr. Chair, we can do that.

CHAIRMAN CAMPOS: Okay. I appreciate it.

MR. MARTINEZ: Actually, I believe it is in your packet, labeled as Exhibit B, the resolution.

CHAIRMAN CAMPOS: Okay. Is there a motion to approve accepting portions of Sunrise Road and Nancy's Trail for County maintenance?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Okay, is there discussion?

COMMISSIONER DURAN: I just have one item. Is this the one that we've been working on for like three years. The neighbors have been -- what's the subdivision that that road actually goes to? Okay.

CHAIRMAN CAMPOS: Is that it?

COMMISSIONER DURAN: That's it. Thank you.

CHAIRMAN CAMPOS: So we have a motion and a second. Any further discussion?

The motion to approve Resolution 2004-9 passed by unanimous [4-0] voice vote.
[Chairman Campos did not vote on this action.]

MR. LUJAN: Excuse me, Mr. Chair, members of the Commission. On your last, was that we do not assume, accept it until we've -- any road maintenance thus far until we make improvements?

CHAIRMAN CAMPOS: Absolutely. I think 2 and 3 are tied so that you can't have 2 unless you have 3, right? Because you have to bring it up.

MR. LUJAN: No, we could go out there and blade it today with County forces without appropriating any of this legislative appropriation. But what we're saying is we will not do any of the maintenance thus far until we get this money to do the entire work. In other words we won't go out there --

CHAIRMAN CAMPOS: What's your suggestion?

MR. LUJAN: That's what we would like to do. We would like to, once we get the money we can start going out there doing the work.

CHAIRMAN CAMPOS: Once it's a County road you have an obligation to maintain it.

MR. LUJAN: That's what we want some direction on.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: My direction was to get that money first before we go out there and do anything. Once we get that money, then we can move forward.

MR. LUJAN: And that's just so the residents understand that and they're in agreement.

CHAIRMAN CAMPOS: Okay. Is that in accord with the other Commissioners? Okay, you have direction.

MR. LUJAN: Thank you, sir.

XII. C. 3. Request for Approval and Authorization to Enter into the Supplemental Severance Tax Agreement for the Nancy's Trail and Sunrise Road Project from the New Mexico Department of Transportation (NMDOT)

MR. LUJAN: Mr. Chair, members of the Commission, Public Works is requesting for approval and authorization to enter into a supplemental severance tax agreement for Nancy's Trail and Sunrise Road project from the New Mexico Department of Transportation in the amount of \$98,250.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Any discussion?

The motion to approve the agreement on Sunrise Road and Nancy's Trail passed by unanimous [4-0] voice vote. [Chairman Campos did not vote on this action]

IX. C. Presentation of Revenue Reporting Summary for Period Ending December 31, 2003 [Exhibit 2]

CHAIRMAN CAMPOS: Who's going to present?

MR. GONZALEZ: Finance Department will make the presentation, Mr. Chair. I think they're doing their last consultations before the step to the podium.

CHAIRMAN CAMPOS: Okay, do you need a minute? We could go to Consent.

MR. GONZALEZ: We've got packets to distribute also, Mr. Chair.

MS. LUCERO: Mr. Chair, members of the Commission, I am Susan Lucero, Finance Director for Santa Fe County. I have with me, assisting, our Budget Administrator Paul Griffin. Paul has prepared these slides. We would like to review with you quickly where we are as of December 31, a brief overview of the revenue projections, how we are faring compared to budget. And so with our first slide we'd like to look at general fund property tax.

General fund comprises the property tax portion for revenues, resources for general funds. Property tax makes up 65 percent. As you can tell by the trend, the blue line is the budget, the red is the actual. We are trending the budget line with our actual. Right now we are slightly ahead in terms of collections through December but that number will even out at the end of January and we basically anticipate our general fund property tax to be equal to budget.

Alternatively, we also collect property tax for debt service. You may recall last year the rate that was prescribed by DFA was too low. Our collections were short. This year the rate is higher in an effort to collect what was short from last year of approximately \$1.8 million and

that is why the actual line is actually trending slightly above budget.

Countywide gross receipts tax, these are the one-eighth increments. For general fund, our general GRT is approximately 10 percent of our general fund revenue. For the EMS/Healthcare fund, the gross receipts tax makes up 51 percent of that revenue, and for the Indigent Fund, gross receipts tax makes up 86 percent of that fund's revenue. Our budgeted growth for the countywide GRT was at 1.2 percent and through January we are actually realizing a growth rate of 3.6. This means that through December, the budget for each of these increments, the actual is exceeding budgets for each of these increments by about \$144,000. Now, our leaner months, February through March, this growth rate may even out so we will watch it, monitor it and see how we end up but at this point we are slightly above budget.

By itself, the capital outlay GRT, the quarter percent is approximately \$194,000 above budget through December. We still notice that our collection rate appears to be behind. In other words, there are businesses that have still not caught on to this new tax, which went into effect over a year ago. So we may need to call Tax & Rev and ask them what they're doing in anticipation of bringing this back up to where it should be. Because the collection is behind, businesses aren't aware that they need to increase their rate and we're seeing this on a countywide scale.

CHAIRMAN CAMPOS: Could I ask you a quick question? This is CRS-1, right?

MS. LUCERO: Yes.

CHAIRMAN CAMPOS: And every year the state sets out what the percentage is for Santa Fe County, City, etc.

MS. LUCERO: Yes, Mr. Chair. Each year, I believe it's in November/December, the state sends out a packet, a CRS filing report packet, to every registered business.

CHAIRMAN CAMPOS: And that includes our one quarter percent GRT for water.

MS. LUCERO: It does.

CHAIRMAN CAMPOS: So everyone should know what the percentage is, right?

MS. LUCERO: Right. The percentage is public knowledge and when those reports come in, of course the rate that they're reporting the collecting at should be matched by Tax and Revenue to verify that they are charging the correct rate.

CHAIRMAN CAMPOS: Okay. Thank you.

MS. LUCERO: In the unincorporated area, these are the smaller gross receipts tax increments, such as for infrastructure, environmental fund, GRT and the fire tax - quarter percent, which we've indicated there how much that GRT comprises of the total fund revenue. For the fund for the general fund infrastructure and taxes, only two percent, for environmental GRT it's 100 percent of the fund, and as well as for fire tax it's 100 percent of the fund.

MR. GONZALEZ: As you can see, Mr. Chair, our staff is used to multi-tasking.

COMMISSIONER ANAYA: Gerald, I've got a question while we're waiting. Would it be wise to set up a committee using County staff on how the GRT for the roads and others, how the GRT money would be used? I know we've talked about that. I know Commissioner Duran brought it up a few times.

MR. GONZALEZ: Mr. Chair, Commissioner Anaya, we do have a committee that is looking at that. Tony Flores is basically spearheading the committee in terms of maintaining our coordination and doing a planning process. But if there's something specific that you'd us to bring forward I know that we can respond to that request. Tony?

COMMISSIONER ANAYA: Go ahead, Tony. I'm sorry to interrupt you.

TONY FLORES (Project and Facilities Management Director): Thank you, Mr. Chair, Commissioner Anaya. At the meeting in January, the first part of January, we reallocated the balance of the FY 04/05 GRT taxes for roads and other. What the Board allowed me to do is for the budgeting cycle each year we bring forward those plans of how they will be budgeted during that fiscal year. So for instance, now in April or March/April when we're preparing the budget for FY 05, we will bring forward, with input from the Commission on how those GRT dollars are to be spent as part of the budget process there. We don't have to go back and forth of what each of the projects is going to receive for funding.

So as part of this year's process mid-year and also through the budgeting process we'll bring back those lists and let the Board look at it and give their input on whether they're in the GRT plan or outside the GRT plan. So we're developing those internally now.

COMMISSIONER ANAYA: Okay, and could you include the Public Works Department, maybe the Finance Department, maybe somebody else. Maybe we call all talk together and come up with a good plan. I don't want it all to rest on your shoulders. So if we could do that. Thank you.

MR. FLORES: Sure.

COMMISSIONER ANAYA: Susan, sorry.

MS. LUCERO: Okay, we'll resume provided we don't have any more problems. Again, on the unincorporated GRT collections, for the unincorporated GRT, budgeted growth is at three percent and we're trending 5.3 through January. And we still anticipate that the revenue here will be at the budgeted levels. We have a slight increase now because July through December and through January are our highest collection months for GRT and that will level out in the next 90 days.

This slide indicates where we are in terms of land use and development permits. We had some fees change; the amounts were increased. The Board approved those increases in September. So we see basically a trending of budget, of the actual revenue structure. The increase, what we see in actual receipts is trending and equal to budget. Our solid waste fees are approximately \$25,000 ahead of budget at this point. We may see a spike between May and June as we're collecting basically for next year's permits. Right now the solid waste fees support 15 percent of the solid waste program. The remainder of the program comes from general fund and the infrastructure GRT which is also collected through general fund.

Typically, we see salary savings as a significant source of savings each year in terms of

the cost savings where positions aren't filled and the savings helps us the following year to fund our capital package. At this point through December we're about \$710,000 below budget, actual expenses are below budget. We have two area of overtime in which we have concerns and that is in our Public Safety and law enforcement areas to be approximately \$140,000 over budget and we anticipate we can remedy this through salary savings as well as other cost saving measures with the department. We will meet with them in two weeks to go over these areas.

In terms of gas and oil, we have one department that's experiencing a high rate of expense over and above budget but collectively as a whole the County is meeting and actually is slightly below budget as you can see by the gold line, we are just under our budget in terms of gas and oil expense. The rates we have depicted here for the price of fuel shows the difference between unleaded and diesel and the cost per gallon and what we budgeted there per gallon.

I hope we can get through this presentation before the Internet goes down. Actually we can. We have one more slide.

In conclusion, general fund is under budget in terms of cost savings in December by \$2.9 million and these areas come from salary savings of 5 1/4, contracts and capital, where we have not yet met expenses there, but we anticipate we will. Contingency at the moment is at 1.1 and contributes to the \$2.9 million savings, and we have other area savings just under \$400,000.

Regarding the contingency fund, in an effort to get the juvenile center started, we will be asking later today for funding from contingency. This is going to take a different turn. The contingency number therefore this savings you see will go down slightly. It will go down. So we anticipate to revert approximately \$2 million and probably less than \$2 million for next year's non-recurring expenses and that's typically the capital package. This concludes our presentation if you have any questions.

CHAIRMAN CAMPOS: Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Back on line here. Susan, on the solid waste, it sounded like you said that the fees support 50 percent, but maybe I heard it wrong. Your slide indicates that they support 15 percent. Is that correct?

MS. LUCERO: Yes, yes. I may have explained that incorrectly. It's 15 percent. The remainder of the fund, the other 85 comes from general fund GRT.

COMMISSIONER SULLIVAN: Does the staff have any ideas, any thoughts on that, other than the obvious, which is increase fees. Just looking at the SWMA board is operating in the black now under the Solid Waste Management Authority and based on its regional landfill, is there anyway we can make different arrangements with them or what can we do to have solid waste become more of an enterprise fund?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, we have started some discussion on that. I believe what the Public Works Department was anticipating was in increase in fees. And looking at a situation similar to I believe what the director has researched that Rio Arriba County does and which it's a fee of approximately \$75 to \$125 a year and if it's paid by a certain time in April then there's a discount. And I'm not sure programming wise how the Public Works is working on educating the public on that but that's the one area that

we've looked at. I don't know that that would totally alleviate the program in being completely self-sufficient but it would put them in a better situation, a little stronger situation than where they are now. \$25 a year in comparison to what we pay or an individual would pay for curbside in a similar area such as Eldorado is quite low. It's about a third of what someone pays for curbside pick-up. So we do need to look for something in the middle.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Susan, on page 2 of our handout here on the top slide, the gross receipts tax, there's currently legislation that's being proposed that would increase that. What would that do, more or less, to that particular chart?

MS. LUCERO: Mr. Chair, Commissioner Montoya, I actually just came back from the legislature and at this point both the Senate and the House have approved the bill proposing reform of the county local option GRT. It would have -- if it goes all the way through and passes to the very end, this would have a tremendous impact on the general fund. The correctional facility gross receipts tax itself calls for a one eighth increase. If that were to be the case, the general fund or in this case the correctional facility would see approximately \$4 million a year that right now general fund shifts over.

The other item was a one sixteenth increment for general purposes, not related to anything but general purposes. And that's approximately \$2 million.

COMMISSIONER MONTOYA: Okay. Mr. Chair, Susan, on page 4, and it was kind of alluded to by Commissioner Sullivan, but we had had a discussion at one point regarding potentially looking at options on the solid waste fees. Has there been any further work on that or any further discussion?

MS. LUCERO: Mr. Chair, Commissioner Montoya, I can't speak on behalf of the program. In terms of finances we were at this point trying to work with the department and coordinate to see if they want to restructure items for next year, but I'm not sure exactly where we stand there. We probably need to convene with them and make a determination at this point.

COMMISSIONER MONTOYA: Gerald, do you know anything else?

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, I have had a couple of ongoing conversations with the Public Works Director about bringing forward some sort of an ordinance that would deal with that issue. Right now we're beginning work on the draft and I'd like to bring it forward probably within the next month or two so we can present it to the Commission because it's an important item in terms of closing that gap.

COMMISSIONER MONTOYA: Commissioner Campos, we had that meeting about six months ago or --

CHAIRMAN CAMPOS: Maybe longer. We've been talking about this since early in the year I think. Last year. We've talked about this for a long time and I know Mr. Lujan is working on this and hopefully something can be brought forth soon. It has taken a while.

MR. GONZALEZ: Mr. Chair and Commissioner Montoya, it's probably going

to become more critical as we deal more and more with the bark beetle issues and the need for dealing with that aspect of solid waste which was not in anything that was originally contemplated when the present ordinance was adopted. So we do need to bring that forward to make sure that we've got enough to deal with those issues.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I'm not opposed to raising the fees somewhat, but we need to start looking at -- you know we just passed a resolution in the La Cienega area about illegal dumping and I don't want to raise the fees so that continues to grow or people don't want to purchase their dump cards. So we need to look into possibly opening up more transfer stations, and I know that costs more money but it needs to be easier for the public to dispose of their trash. So I just wanted to throw that out there.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I'd like for the Commission to think about maybe going to our Solid Waste Authority, SWMA, and see if there might be a way of getting a yearly allocation of funds from -- I hate to call it profits, but we always have a surplus of funds in that operation. And I was wondering if we might be able to amend the joint powers agreement with the City where that surplus is distributed on a yearly basis and then we could use that surplus to apply towards our solid waste program.

CHAIRMAN CAMPOS: That's an idea that could be considered. Mr. Gonzalez, did you hear Commissioner Duran's suggestion.

MR. GONZALEZ: I missed the comment. I apologize.

CHAIRMAN CAMPOS: The SWMA has run in the black. I think the Commissioner is thinking there could be an agreement modifying the JPA with the City that there would be some split in the profits and that that money could be used for our solid waste department.

COMMISSIONER DURAN: On a yearly basis. An annual review and a disbursement on a yearly basis of the surplus.

MR. GONZALEZ: I'd be glad to take a look at that. We'll review the JPA and see what leeway there is. They have been sharing resources to some extent. As you recall, SWMA did purchase that one chipper that has assisted with the County chipping program so I'm sure they're at least opening to considering those kinds of things.

COMMISSIONER DURAN: To those that are on that board, do you know what the surplus is to date?

CHAIRMAN CAMPOS: I don't know, but the fact that SWMA's a strong board that allowed them to buy a lot of equipment and spend a lot of money to deal with this bark beetle issue. They did invest a lot of money in this equipment that's going to benefit us at that County.

COMMISSIONER DURAN: The point that I'm making is that some time last year they distributed a sizable sum to both the City and the County.

CHAIRMAN CAMPOS: Was it \$200,000 or \$400,000?

COMMISSIONER DURAN: I don't know. My point is that I think that if they -- and that didn't affect their ability to buy the chipper and all that other stuff so I'm just wondering if there is \$400,000 in there that can be distributed and still maintain an amount that provides for emergencies that we should look at that.

CHAIRMAN CAMPOS: I think that's what you've asked Mr. Gonzalez to do. Okay. Anything else?

COMMISSIONER MONTOYA: Mr. Chair, I had one last question. Actually, it may be more of a comment. Sometimes there are certain jobs that need to get done within the County that may require some overtime and I notice that we are somewhat under budget in that area in regard to, and I'm speaking also specifically for Public Works. It benefits a few parties involved and I would encourage us, Gerald, to take a look at it, but I'm not saying, authorize overtime for any and everything but I think if the situation warrants it and I had a situation that recently I believed warranted that. But number one, it pleases our constituents to see that the work is getting done, number one, first and foremost. Secondly, it also helps our employees. Some of them, we just got done with our holiday season and bills need to be paid. I know if I had a second job, I'd probably need to go get a second job to pay for my bills, but it certainly helps all of the employees as well in terms of offsetting some of the costs that they may have at some point in time.

So I would just encourage us to look at that because the employees as has been illustrated by Commissioner Anaya's presentation on that bridge are the ones that ultimately make everyone in the County look good to everybody that takes a look at what we're doing. So I would encourage us to take a look at that particularly in terms of urgency of jobs that need to be completed. That's all I have. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay. Thank you, Ms. Lucero. I'd like to proceed to X and XI. Consent Calendar before lunch if that's okay with the Commissioners. Any objections?

X. Committee Appointments/Reappointments

A. Request Authorization to Approve the Lodgers' Tax Advisory Board Members Recommendation of Ms. Mary Johnson to Fill the Current Vacancy on the Advisory Board

CHAIRMAN CAMPOS: Who's here?

MS. LUCERO: Mr. Chair, members of the Board, the Santa Fe County Lodgers' Tax Advisory Board has had a vacancy and the board has reviewed different applications from different areas within the county. The advisory board is recommending Ms. Mary Johnson for the vacancy and requests your approval of this recommendation.

CHAIRMAN CAMPOS: Staff does recommend the approval?

MS. LUCERO: This recommendation is coming from the Lodgers' Tax

Advisory Board themselves.

CHAIRMAN CAMPOS: Is staff taking a position in it?

MS. LUCERO: Staff did do some research on certain recommendations for individuals and those that applied and based on that information and the board's recommendation, Ms. Mary Johnson is their recommendation for the vacancy.

CHAIRMAN CAMPOS: Thank you. Questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Susan, could you tell me real quick what exactly the Lodgers' Tax Advisory Board does? I used to know.

MS. LUCERO: The Lodgers' Tax Advisory Board is an advisory arm for the BCC. They review the contract that the County has for advertising, promoting tourism for the county and they meet monthly, at least 11 times a year. They meet monthly and they review the contract. They make recommendations for advertising spots for the type of media to be used given the budget and how to get the tourism promoted within the county areas.

COMMISSIONER ANAYA: And I believe we just approved --

MS. LUCERO: Three months ago.

COMMISSIONER ANAYA: We approved what they approved.

MS. LUCERO: Right.

COMMISSIONER ANAYA: Now, I never see any advertising for Santa Fe County. Where do they advertise? I don't see it on TV. Is it in the newspapers, magazines?

MS. LUCERO: Most of the media with this new contractor has been through, for example, what Rick Johnson, the previous contractor did, the majority of it came through the City of Santa Fe's Visitor's Guide, which is an annual publication. It's distributed, I think in May or June. That is a very widely dispersed publication. It gets quite a bit of promotion through that. That's a very large part of it. They do do radio spots and they do promotion with a central reservation group that helps book reservations. So for example, the spots may be through the radio where they advertise for a free weekend or something like that in order to promote a particular area or group of lodging and this is what gets a lot of the word out there.

So they'll do freebie type things, but then on a continuous basis it's also through nationally acclaimed travel magazines. I'm trying to think of one that I get. I can't remember the name of it right now. There's also -- CondéEast is a travel magazine but you can come at any time to any of these meetings and they go into quite a bit of detail of the media, how well the media is or isn't doing, depending on who the publication is with, the area that they're targeting, etc.

COMMISSIONER ANAYA: How much money do they use from our County?

MS. LUCERO: That annual budget for advertising is a little over \$200,000 on an annual basis.

COMMISSIONER ANAYA: I'd kind of like to see them use some of the Commissioners or somebody in the county that we know in advertising for commercials. If we wanted to run a TV spot or something. I'd like to see the Commissioners maybe doing a

commercial or something. Or run a radio spot and get it back to the people that are from here. And I don't know how they do it but maybe I need to attend one of their meetings and ask.

MS. LUCERO: Mr. Chair, Commissioner Anaya, you can certainly attend these meetings. Again, they're an advisory board. Ultimately it's the BCC's decision. But they do go to the very, very details of exactly what type of media, how well it's doing, the number of spots that are run and the type of responses from those spots.

COMMISSIONER ANAYA: I guess we don't here them because they probably run them in other states.

MS. LUCERO: They do run a lot out of state. Now, they also run some in state, but right now I don't know what that make-up is, but we can certainly get that information to you and as well, the advertising agencies could give you a report if you'd like, to give you a summary of where they are.

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

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: For the appointment of Mary Johnson.

COMMISSIONER SULLIVAN: Mr. Chair, I have a question.

CHAIRMAN CAMPOS: Discussion.

COMMISSIONER SULLIVAN: Susan, what is the make-up of the Lodgers' Board? Are there a certain number of members who live in the county or who represent lodging industries in the county and a certain number in the city. It seems like I recall there were.

MS. LUCERO: Mr. Chair, Commissioner Sullivan, the ordinance calls for a specific make-up and I want to say it's five members. And it's something to the effect where three must be from the lodging industry within the representative area within the county. One member can be from like a food or restaurant establishment and then the fifth member can be a member at large, meaning both city and county interests, and not necessarily a restaurateur or a lodger.

COMMISSIONER SULLIVAN: Okay, so Ms. Johnson is replacing obviously, one of those three that are lodging oriented people?

MS. LUCERO: Yes.

COMMISSIONER SULLIVAN: Okay. And they come up how often for reappointment?

MS. LUCERO: Well, you'd be surprised to note, like the chairman has been the chairman of that advisory board every since it started and you have probably one other individual who has been an advisory board member for I want to say eight years. And other than that, you've had some kind of rotation. It's a two-year term but with the exception of probably two or three of the current members there's quite a bit of rotation on those other two to three positions. But it is a two-year term.

COMMISSIONER SULLIVAN: And those come back to the Commission routinely every two years for either reappointment or appointment.

MS. LUCERO: They come back to you if they're vacated. That is what has been happening.

COMMISSIONER SULLIVAN: If they're not vacated, they don't come back?

MS. LUCERO: Right.

COMMISSIONER SULLIVAN: That doesn't seem right.

MS. LUCERO: I agree. We talked about that about four years ago with the chairman and with the advisory board but we didn't get responses to how they wanted to go forward so this is something we can revisit and look at the ordinance and go over that language with them.

COMMISSIONER SULLIVAN: Any of our committees, and I'm not criticizing anyone on the committee, I'm not familiar with them, but any of our committees that wants -- like the land use committees, once we have expirations they are brought back either for reappointment or for other appointments. So it seems to me that the Lodgers' Board should be the same.

MS. LUCERO: Yes. And I will analyze the ordinance and review that make-up and we can bring that information back either through the County Manager or directly to the Board in another meeting.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay. There's a motion to appoint Mary Johnson.

The motion to appoint Mary Johnson to the Lodgers' Tax Advisory Board passed by unanimous [3-0] voice vote. [Commissioner Duran was not present for this action and the Chairman did not vote.]

XI. Consent Calendar

- E. Request Authorization to Submit a Grant Proposal to the New Mexico Children, Youth and Families Department to Provide Funding for the DWI Program (Teen Court and Media Literacy), the Maternal and Child Health and Planning Council, and the "Home for Good" Program (Community Health and Development Department)**
- F. Request Authorization to Enter into a Grant Agreement with United Way of Santa Fe for Early Learning Opportunities (Community Health and Development Department)**
- G. Request Approval of Local DWI Distribution/Grant Resolution and Application for Fiscal Year 2005 (Community Health and Development Department)**
- H. Request Approval of Local DWI Detoxification Grant Resolution and Application for Fiscal Year 2005 (Community Health and Development Department)**
- I. Resolution No. 2004 - __. A Resolution Requesting an Increase to the Fire Protection Fund (209)/El Dorado Fire District to Budget Fire Protection Impact Fee Revenue and Forest Fire Reimbursement**

**Revenue for Expenditure in Fiscal Year 2004 (Fire Department)
TABLED**

- J. Resolution No. 2004-10. A Resolution Requesting an Increase to the EMS - Healthcare Fund (232)/Fire Administration to Budget Revenues Received From the NM Department of Health - Emergency Medical Services for Expenditure in Fiscal Year 2004 (Fire Department)**
- K. Resolution No. 2004-11. A Resolution Requesting an Increase to the EMS - Healthcare Fund (232)/Emergency Preparedness to Budget for (4) Sub-Grants Awarded Through the New Mexico Office of Emergency Management for Expenditure in Fiscal Year 2004 (Fire Department)**
- L. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-22 Re-Roof of the Community Health Center (Project & Facilities Management Department)**
- M. Request for Approval and Authorization to Enter into the Supplemental Severance Tax Agreement for the Agua Fria Phase III Road Project from the New Mexico Department of Transportation (NMDOT) (Public Works Department)**
- N. Resolution No. 2004-12. A Resolution Requesting an Increase to the General Fund (101)/Region III Grant Program for a Grant Awarded Through the New Mexico Department of Public Safety for Expenditure in Fiscal Year 2004 (Sheriff's Office)**
- O. Resolution No. 2004-13. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff for Contribution Revenue Received and an Increase to the Federal Forfeiture Fund (225) to Budget Federal Forfeiture Restitution Revenue Received for Expenditure in Fiscal year 2004 (Sheriff's Office)**
- P. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-26 Equipment for Sheriff's Patrol Cars (Sheriff's Office)**

CHAIRMAN CAMPOS: Is there a motion to approve the Consent Calendar?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER SULLIVAN: Second. Mr. Chair, I just wanted to clarify we're approving items E, F, G and H, J, K, L, M, N, O and P. Is that correct?

COMMISSIONER MONTOYA: Correct.

The motion to approve the Consent Calendar, items E through P, with the exception of item I, passed by unanimous [3-0] voice vote. [Commissioner Duran was not present for this action and Commissioner Campos did not vote.]

CHAIRMAN CAMPOS: The Consent Calendar is approved. Should we break

till about 1:30? Is that appropriate?

[The Commission recessed from 12:15 to 1:45.]

XII. Staff and Elected Officials' Items

A. Community & Health Development Department

- 1. Approval of Amendment to Fiscal Year 2004 Memorandum of Agreement Between Santa Fe County and St. Vincent Hospital**
- 2. Approval of Fiscal Year 2005 Memorandum of Agreement Between Santa Fe County and St. Vincent Hospital**
- 3. Approval of St. Vincent Hospital Sole Community Provider Request for Fiscal Year 2005**

MR. ANAYA: My name is Robert Anaya from the Community and Health Development Department. And Mr. Chair, Commissioners, we asked that items 1, 2, and 3 be tabled at this time until we've had an opportunity to have those discussions between the Commissioners and the hospital.

COMMISSIONER MONTOYA: So moved.

CHAIRMAN CAMPOS: Is there a second? I'll second it. Any discussion?

The motion to table items XII. A. 1, 2, and 3 passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XI. Consent Calendar

- A. Request Authorization to Enter into a Professional Service Agreement with Correct RX Pharmacy Services for Pharmacy Services (Community Health and Development Department)**
- B. Request Authorization to Enter into a Professional Services Agreement with Dr. Anthony Mayfield, DDS for Dental Services (Community Health and Development Department)**
- C. Request Authorization to Enter into a Professional Service Agreement with Dr. Catalina Perez-Lacey, MD for Psychiatric Services (Community Health and Development Department)**
- D. Request Authorization to Enter into a Professional Service Agreement with Aime Zagon for Physician Assistant Services (Community Health and Development Department)**

COMMISSIONER MONTOYA: Regarding these contracts, Robert, what is currently in place in terms of pharmacy services, dental services, medical services and psychiatric services. I believe those were the four areas we have contracts for the Youth

Development Facility.

MR. ANAYA: Mr. Chair, Commissioner Montoya, given the time constraints relative to transiting on this Thursday at 12 am, what you have before you is the actual people that are currently operating those contracts right now. So what we're asking the Commission to do is adopt those contracts as-is with these individuals and given their work history, and then evaluate over a period of time whether they're effectively dealing with the contracts and then re-RFP those particular contracts at a later date after we've had a chance to work in the facility and experience what goes on there first hand.

COMMISSIONER MONTOYA: Okay, so this contract will terminate when. Okay, on June 30th. Each one says June 30th, correct?

MR. ANAYA: Mr. Chair, Commissioner Montoya, I believe that's correct.

COMMISSIONER MONTOYA: So then will we RFP prior to July 1 or are we going to enter into an amended agreement with them?

MR. ANAYA: Mr. Chair, I'd like to defer to Mr. Ross.

MR. ROSS: Mr. Chair, Commissioner Montoya, the plan is to get these, to put these contracts into place and carry us over the transition, but almost immediately start working on RFPing all of these services, the food service, all the various medical services, so that right now they're being entered into on an emergency basis and we need to go through the regular process almost immediately to make these things permanent. All of the contracts have very short termination clauses in them should you desire to terminate them on very short notice. They're present on all the contracts. But they all expire on June 30th. That's kind of a drop-dead date for all these contracts.

COMMISSIONER MONTOYA: Okay. And then regarding the prescription pharmacy services, I didn't see a total amount on that one, other than we're charged \$4.25 per medication order. So is there no cap on that?

MR. ANAYA: Mr. Chair, Commissioner Montoya, I believe the cap on that particular contract is \$25,000 between now and June 30th. I have 25k here.

COMMISSIONER MONTOYA: Where's that?

MR. ANAYA: I'm not sure if it's in the agreement to be quite honest with you, Mr. Chair. I have Mr. Shepherd's notes in front of me.

COMMISSIONER MONTOYA: Oh, Steve Shepherd's.

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, \$25,000 is sort of a projected amount because we don't know precisely how much of each particular drug will be needed, so that was a rough ballpark estimate based on prior usage and our estimate is that it should come in not any more than \$25,000 but that could change, depending on the composition of the inmates at the facility.

COMMISSIONER MONTOYA: Okay. And that's kind of what I was trying to get was kind of what this is going to cost us on the long term.

CHAIRMAN CAMPOS: Commissioner Montoya, are we talking about XI. A?

COMMISSIONER MONTOYA: Yes, sir. XI. A. The Correct Pharmacy Services.

COMMISSIONER SULLIVAN: Mr. Chair, I don't have a copy of any of those four.

CHAIRMAN CAMPOS: They weren't in my packet either. I have no packet material for them.

MR. ANAYA: Mr. Chair, Commissioners, because of the time lines relative to trying to get these time lines ready, Mr. Shepherd had those contracts delivered separately on Friday.

COMMISSIONER MONTOYA: Actually, I got mine yesterday. So I don't know.

COMMISSIONER SULLIVAN: I got -- I was wondering what it was. I had just one contract show up on my desk. There was no memorandum or anything, and I thought it was something the Commission had to sign so I sent it back. It was just one. I think it was the one that had to do with psychiatric services. I thought it was something we'd already passed so I sent it back to the Manager's office to get the Chairman to sign it.

MR. ANAYA: Mr. Chair, Commissioner Sullivan, I apologize. The Finance Director just informed me that she was able to help finalize those. One of those, the one that you said was delivered and the other three were just dealt with and finalized today. I apologize for that but just keep in mind that we're trying to maintain the work of the current providers through the transition period and then revisit those contracts right away to make sure that we're getting fair prices and fair services.

COMMISSIONER MONTOYA: That's exactly what my questions pertain to. I think those are the main ones and all that I have, Mr. Chair.

CHAIRMAN CAMPOS: On XI. A?

COMMISSIONER MONTOYA: On all three.

CHAIRMAN CAMPOS: Any of them. Do you want to make a motion then?

COMMISSIONER MONTOYA: Yes. I would move that we approve XI. A, B, C, and D.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Okay. Any discussion?

The motion to approve the interim contracts for the Youth Development Facility passed by majority [3-1] voice vote with Commissioner Sullivan casting the nay vote.

COMMISSIONER SULLIVAN: I can't approve something I can't see.

CHAIRMAN CAMPOS: I understand.

XII. B. Finance Department

1. Discussion Regarding Planning Strategy for General Obligation Bond Issues

MS. LUCERO: Mr. Chair, members of the Board, in a special study session about three weeks ago you'll recall we discussed potential general obligation bond issues that the County would like to entertain putting forward to the voters for election. And at the time we considered a special election date of I believe April 8th. And it's come to our attention through the County Clerk's office that there is a conflict with that date. The County Clerk is renting voting machine to the City for the municipal election on March 1st and therefore it doesn't give adequate time for reconciling and completing the whole canvassing process and clearing the machines and getting them ready for a special election date of our own.

So therefore we were looking at other alternative dates of which the Clerk had two dates in August in mind. I believe the 21st or 24-31st and as well on September 7th. And through discussions with the County Manager's office and our bond counsel as we looked at those dates and realized how close they were to the general, we thought it may be wise to consider saving the cost of a special election and include bond questions on the general election ballot. So we're asking for your feedback and direction today as to what you would like us to do. It will also gives us a little more time to gather more data regarding the cost of a consolidated facility and that information we may not have until this summer as opposed to this spring.

So those were the issues. So it's an issue of what you would prefer in terms of an election date, what you want us to pursue.

CHAIRMAN CAMPOS: Okay. Ms. Lucero, last time we talked about this issue we thought, I think there was some discussion that if we had a special election it would be easier to pass this bond. One, we can give focused attention. If we do it in November there's a history of bonds maybe not being passed. Maybe not getting the voters' attention because there's so many things going on. Is that what we have to weigh?

MS. LUCERO: Mr. Chair, you're correct. Those are items we did discuss and there are differing opinions. According to our bond counsel, bond issue questions typically do pass on a general election ballot. It was their opinion and their data to us. The other -- bond counsel, we have a contract specifically with Peter Franklin through Modrall Sperling. They review all of our --

CHAIRMAN CAMPOS: Out of Albuquerque?

MS. LUCERO: Yes, and they also have an office here I believe. So that was their sharing of information. Also, if we want, the issue was timing in terms of having it special as opposed to on the general, if we do something later it also gives us time to poll and actually do some research in terms of what is the opinion of the voters at this time before we actually go forward with the question. And if we did something later than April it would give us that opportunity. So that was another item.

And we might recall when we passed the GRT increase for capital outlay, we did something similar where we did have a special election but we did quite a bit of research and polling and interviewed voters through a separate entity that did the interviewing to determine what was the wish and favor of the voters before we actually went forward with the question.

CHAIRMAN CAMPOS: Do you think we may be in a position in November to put the administrative building question on the ballot?

MS. LUCERO: Mr. Chair, that's correct. We'd have more information and we'd have an opportunity to include that question with other such items as roads and public building improvements that we discussed.

CHAIRMAN CAMPOS: Okay. Questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I'm okay with waiting until November. If the bond counsel says that they think it would pass in November that's good to hear and with you bringing up the administration building I think that would be good too and then that way we could try to sell both of those items. So I agree. I would like to see it in November.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Susan, remind me again what one we're going to put on the general, what we're going to put on this GO bond issue.

MS. LUCERO: Mr. Chair, Commissioner Sullivan, we were going to -- we were entertaining two to three different types of items, which could be on separate questions or combination of one or two questions. One was for roads and public building improvements. The second one was for the consolidated administrative facility. And another item came up and that was with respect to water systems and water infrastructure. That's something I discussed a little bit with the County Manager's office as far as where we might be headed for considering a point of diversion off the Rio Grande and things of that nature, because those are also very acceptable items through a general obligation bond.

CHAIRMAN CAMPOS: And if the legislation passes that was proposed about the Santa Fe County water system, maybe the County does have the option of floating bonds for infrastructure, doesn't it? And funding this special organization.

COMMISSIONER SULLIVAN: I'm just wondering, so we haven't decided on that yet. We're going to talk about that some more, because I'd have a problem including the roads along with building. It seems to be two different issues and buildings I think are a harder sell than roads and I wouldn't like to compromise the road issue by a building issue.

CHAIRMAN CAMPOS: Are we going to them separately? Two separate questions?

COMMISSIONER SULLIVAN: That's what I was asking.

MS. LUCERO: Mr. Chair, Commissioner Sullivan, I would agree. It would

be hard to put two separate items like that all on one question but we can certainly do two separate questions, addressing each of those separately.

COMMISSIONER SULLIVAN: Okay, you had said roads and buildings and I guess I interpreted that to mean one issue.

MS. LUCERO: Well, what I meant was collectively, roads and public building improvements where we have issues at the Public Works Facility. We have issues where we need to do some renovation, for example at the juvenile detention facility, where we could collectively put that all under one question and word it as public roads and other related Public Works projects.

COMMISSIONER SULLIVAN: That's what I'm kind of having a problem with.

MS. LUCERO: Oh. All right.

COMMISSIONER SULLIVAN: That I think people understand road improvements but they're a little less accepting of building improvements and so you really have to sell them. They do get improved but you have to make a good case for them. And putting it as a -- lumping it all together seems to be problematic to me.

MS. LUCERO: Mr. Chair, Commissioner Sullivan, these are exactly -- this is the kind of feedback we need and we can retract that and formulate our group and research this type of information.

COMMISSIONER SULLIVAN: The only reason I bring it up is that I recently launched a website as a part of my re-election campaign and in the website I have a poll that people can click on to and take a poll. And one of the questions I ask in the poll is if you had County money what would you spend your money on.

COMMISSIONER DURAN: What do they say so far?

COMMISSIONER SULLIVAN: Well, so far, as you might anticipate, the highest by any percentage is water. And the second is roads. And I put jails. I put new administration building and ample parking and I put all of these things that we've been talking about and so far all of those have gotten zero. But there haven't been a lot of people yet on the website so we'll see how --

CHAIRMAN CAMPOS: It's not scientific.

COMMISSIONER SULLIVAN: Well, and somebody who's not in Santa Fe County can get on it too. But you can only vote once.

COMMISSIONER DURAN: How many hits have you had?

CHAIRMAN CAMPOS: You could have corruption.

COMMISSIONER SULLIVAN: You can only vote once on it though and it reads your e-mail address and doesn't let you vote again.

COMMISSIONER DURAN: Have you had more than 20 hits?

COMMISSIONER SULLIVAN: Yes, I've had more than 20 hits.

CHAIRMAN CAMPOS: Twenty-five.

COMMISSIONER SULLIVAN: No, the reason I say that is that the roads, at least on this very unscientific poll, and if you would like to go and vote yourself you can

go to jackforcommissioner.com and do it. But you can only vote once. The machine knows how to do that. So it seems like we need to have some more discussion on how to separate these out and perhaps that more scientific poll like we did last time with the recent polling outfit, that helped us to structure the question last time, and also gave us time to do some lobbying with local service organizations and things.

CHAIRMAN CAMPOS: Commissioner Sullivan, do you favor the November date?

COMMISSIONER SULLIVAN: I think the November date would be fine. I think it's reasonable.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I think as long as we -- if we're going to go for those three separate issues, that we have those as an individual question so we have three different questions. That would be my suggestion. And I think November would be a good time. It will give us time to -- what are we going to do to promote this also is the question that I have, because the more educated and the more informed that we can get the voters out there to understand what this is going to be used for, I think the more likely we're going to be successful with all of them. So I guess that would be the next step.

CHAIRMAN CAMPOS: With the GRT tax question we did mobilize, get a lot of information. A lot of Commissioners did work with the local groups presented. And it was a water tax, so that's easy to sell in a drought condition. This may be a little tougher but I think if we can get to the right groups and get mail-outs, some people get some mail-outs, I think we can convince them that this is necessary. It does take a lot of work.

COMMISSIONER DURAN: I think November is great and three separate questions.

CHAIRMAN CAMPOS: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Notwithstanding what the bond counsel says, they may have forgotten in the last Albuquerque election that the GO bond issue for roads failed. So the reason they say it failed is because it was tied in with the petroglyph park and it was tied in with the concept of other roadwork all over the city but part of it was one road that goes up, apparently, or planned to go up through the petroglyphs. And people turned it down because of that component of it. So it's not good, in my judgement to bundle these things together. You have a good product and you put it out to the voters and see if they feel that that's a needed service. But when you lump too many things in then they get rightfully suspicious.

MS. LUCERO: Yes.

CHAIRMAN CAMPOS: Commissioner Sullivan, remember the GRT for water, we lumped in open space, roads and other, and all together it seemed that we were able to attract the votes. We got a huge percentage of positive votes on that. Sometimes it makes sense to lump and sometimes it doesn't.

COMMISSIONER SULLIVAN: It does in that case and it did where our

primary focus, 75 percent, we had committed was going to be to water. We had made that statement.

COMMISSIONER DURAN: That's why it won.

COMMISSIONER SULLIVAN: And that's why it won and if we want to do a similar thing I guess we can but I don't think that's what we're talking about here. We're talking about buildings and roads and facility improvements in the prime and then possibly additional water improvements as well. So I think everyone is agreed we'll do it in November but we need a little more strategy.

CHAIRMAN CAMPOS: November's fine.

COMMISSIONER DURAN: Just one quick one.

CHAIRMAN CAMPOS: Sure.

COMMISSIONER DURAN: So the three questions are water, roads, and the -- what's the third one? Consolidated building?

MS. LUCERO: Right.

COMMISSIONER DURAN: Does that include -- do we want to include a new judicial complex in that? Is that what you're suggesting we do?

MS. LUCERO: Mr. Chair, Commissioner Duran, it's my understanding that that needs assessment is going to include the judicial group as well.

COMMISSIONER DURAN: Okay.

MS. LUCERO: That's my understanding.

COMMISSIONER DURAN: Okay. It's tied into the study that's being done right now.

MS. LUCERO: Yes, sir.

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

COMMISSIONER MONTOYA: Mr. Chair, Susan, on the third one on the water one, could you explain a little bit about what that question would look like and what we're looking like in terms of funding?

MS. LUCERO: Mr. Chair, Commissioner Montoya, I'd like to defer to the County Manager because I think he's been a lot more tediously involved with those items.

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, that's still a little bit fluid, if I could use that term. And obviously, the shape of where we're headed for is changing even as we sit here. However, we have looked at several different aspects of water issues from the County standpoint that could require bonding. One obviously has to do with the Buckman diversion project and what happens there but in the discussions that we've had we've also talked about the other options that are available to the County, such as enlarging and developing our current wellfield and looking at the possibility of recharge and similar kinds of projects. So we're still working on the details of that but we thought that we ought to surface that as an issue so that we could begin the discussion process here with the Commission as well as at the staff level to look at what those options are.

One of the things, long term, I think needs to happen is a much more detailed look at what our available resources are and options are in terms of water supply beyond what

currently is elaborated on in our 40-year water plan. That plan is sort of a general outline but it doesn't go into details with respect to the practicality of doing some of those specific projects, such as aquifer recharge, aquifer water storage and that sort of thing. I would like to have all of those potential options fleshed out in a little more detail and down the road, that will be a follow-up to the discussion we have coming up on just where we are in general with respect to water right now that we spoke about earlier in this meeting.

I think we need, down the road, to have an additional study session or two to look at more detail at what those water options are that are available. As those develop, then we will have to incorporate them, I think in where we're headed with respect to potential bonding for water projects for the County. So that's why I say it's fluid at the moment but we wanted to lay that on the table as a general topic for further discussion and exploration.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Is desalination something that we're still looking at?

MR. GONZALEZ: We are still looking at that. There are other options we think that might be fiscally more accessible or available as options. We've begun to look, for example at the potential of acquiring other water from Estancia Basin sources. Desalinization is going to require a significant up front investment in terms of engineering, technical study, geo-hydrology, and also in terms of trying to prepare for presenting that to the State Engineer. Those costs, those up front costs would not need to be faced if we looked at other options. It's my understanding that there are some holders of water rights in the Estancia Basin who might be interested in continuing or opening a dialogue with the County about access to water from that source and it probably would be closer than the desalinization sources that we've talked about in the past.

CHAIRMAN CAMPOS: Okay. Any other questions or can we move on to item B. 2?

XII. B. 2. Resolution No. 2004-14. A Resolution Requesting an Increase to the Jail Enterprise Fund (518)/Youth Development Facility to Appropriate a Budget for Expenditure in Fiscal Year 2004

MS. LUCERO: Mr. Chair, members of the Board, we are bringing to you our first budget request to initiate the start-up and operation of the juvenile detention facility, and we are recognizing here five months and two days of operation. I have to clarify and qualify this information by telling you that this information is changing daily and so in this proposal for this budget adjustment what you are seeing is that we're requesting at this moment in time, \$642,000 from contingency to make up for our revenue shortfall. However, we've already identified other areas where we have potential savings that would mitigate and reduce this overall need from contingency.

Part of it is from current salary savings that the County has already experienced

through the end of December. Part of it is from liquidated purchase orders for services that we have not and will not receive before the end of the fiscal year. Part of it is savings from the current set-up of how the juvenile facility, how the budget was constructed because we have less kids in our own population so we have some savings there in terms of contractual services. So this number will be changing but what we're asking for here is to get it basically started. However, we're going to refund and put some of this money back to contingency. This is the maximum amount that we're asking for for this fiscal year, to get the juvenile facility started. But we do have other areas and we have targeted other areas to reduce this overall need.

We're also talking daily to different agencies that are interested in bringing their children back to the facility. They moved with Cornell at the end of December and parts of January and some of them have expressed concern that they would like to bring their children back to the facility. So we're researching this.

CHAIRMAN CAMPOS: Cornell took some of the kids?

MS. LUCERO: Mr. Chair, the contract -- there are some contracts that Cornell has just in their name.

CHAIRMAN CAMPOS: Okay.

MS. LUCERO: With, for example, certain agencies out of state, like in Arizona and Nevada. So those children moved with them into their proposed new facility or other facilities outside.

CHAIRMAN CAMPOS: What proposed new facility?

MS. LUCERO: Cornell is currently starting up a facility in Colorado.

CHAIRMAN CAMPOS: Ah.

MS. LUCERO: For juveniles. It's a non-secured facility.

CHAIRMAN CAMPOS: Okay. Thank you. Is there anything else?

MS. LUCERO: On this budget adjustment there is nothing else but I stand for questions.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Just wondering how ethical it is for them to take those clients from us.

MS. LUCERO: Mr. Chair, Commissioner Duran, that's an excellent question. As you know, we have a history of ethical issues with Cornell in years past. The unfortunate thing is that these contracts are in their name, have always been.

COMMISSIONER DURAN: And we made no provision in our contract with them that would require them to turn over -- they used our facility to get these contracts, and now they're taking them from us.

MS. LUCERO: I'd like to defer to our attorney for that question.

MR. ROSS: Mr. Chair, Commissioner Duran, the original contract that we still have in place with Cornell doesn't restrict them from doing this kind of activity. In the latest contracts, for example, with MTC we changed that to require that all contracts be with the County and the County alone.

COMMISSIONER DURAN: Okay. Good.

MR. ROSS: But the original contract was actually written by Cornell when they ran the adult facility and the electronic monitoring and the juvenile, some eight or ten years ago and they wrote the contract. We didn't anticipate apparently.

COMMISSIONER DURAN: So their karma will more than likely catch up to them.

MR. GONZALEZ: Some of it, Mr. Chair, Commissioner Duran, if I could respond, some if it may have already. I know Greg Parrish has explored with some of the entities that had contracts or have contracts with Cornell, the possibility of sending their juveniles here and there's definite interest on their part.

COMMISSIONER DURAN: Okay. Good. Thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Anyone else? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Susan, this new legislation that was introduced here that was talked about this morning, would that apply to the juvenile facility?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, it applies to correctional facilities and I don't believe that there's distinction between adult versus juvenile. And as it is, we operate this as one enterprise fund for all of the programs, both adult and juvenile. So it would go to the entire operation as a whole because of the fund and the nature of the enterprise that it operates under.

COMMISSIONER SULLIVAN: And that was one eighth of a percent?

MS. LUCERO: Yes, sir.

COMMISSIONER SULLIVAN: And then there was a question as to whether that needed to be approved by the voters or not. Or was that for the one sixteenth?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, the one sixteenth will need voter approval. The one eighth increment, as I understand it and as I read the bill does not. It can go with Board action.

COMMISSIONER SULLIVAN: And that would provide us about \$4 million a year.

MS. LUCERO: Yes, sir.

COMMISSIONER SULLIVAN: Which we could apply to either facility and pay back our contingency fund here.

MS. LUCERO: Yes, sir.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN CAMPOS: Any other questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Susan, which contract did we lose? Was it the Pueblo inmates?

MS. LUCERO: Commissioner Campos and Commissioner Montoya, the

contracts that aren't in our name are not with the close outlying areas such as the Pueblos. It is with a facility or an agency out of Nevada. One is out of Arizona I believe. Those are the ones that we lost and I think that amounted to between eight and twelve children.

GREG PARRISH (Corrections Coordinator): Mr. Chair, Greg Parrish. We lost approximately 19 juveniles on December 19th. That was when Cornell sent out the termination of their contract. They came from White Mountain out of Wyoming. A Nevada contract, a Nebraska contract and the Pima Indian Reservation in Arizona. And we've had conversations with four of those already and three have indicated a willingness to use our facility in the near future.

COMMISSIONER MONTOYA: Oh, okay.

MR. PARRISH: We're optimistic that by the fiscal year that we will have part of them back at least.

COMMISSIONER MONTOYA: Okay. So, Mr. Chair, I guess as I understand this also, these are all new activity codes I guess, in terms of we're establishing a whole new budget here.

MS. LUCERO: Right. That's correct, Commissioner Montoya. We're trying to distinguish the department for one and recognize now we are creating a Corrections Department with an adult, a juvenile and electronic monitoring program. And right here is the juvenile portion.

COMMISSIONER MONTOYA: Okay. Then I guess the only thing that I would just ask is that I know we got a mid-year review on the budget today but maybe -- and I think we have talked about some sort of mechanism, reporting back maybe at least quarterly at the latest on just the juvenile facility, just taking a look at that. I'd really like to make sure that we stay on top of this thing fiscally.

MS. LUCERO: Mr. Chair and Commissioner Montoya, I really appreciate that support because that's exactly what we do need. We need to review both this entire fund on a quarterly basis at a minimum. It is a living, breathing organism and it changes every day, so we will be bringing you quarterly information.

COMMISSIONER MONTOYA: Thank you.

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, we don't have before you yet a resolution that formalizes the creation of the new department but that will have language in it indicating that you will receive quarterly reports from not only the County Manager's office but also the Sheriff's office on the status of the facility.

CHAIRMAN CAMPOS: Okay. We have a resolution. What number would that be, Ms. Salazar?

MARCELA SALAZAR (County Clerk's Office): Fourteen.

CHAIRMAN CAMPOS: A resolution requesting an increase to the jail enterprise fund. Is there a motion?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

The motion to approve Resolution 2004-14 passed by unanimous [5-0] voice vote.

XII. B. 3. Resolution No. 2004-15. A Resolution Requesting an Increase to the Jail Enterprise Fund (518)/Electronic Monitoring Program to Appropriate a Budget for Expenditure in Fiscal Year 2004

MS. LUCERO: Mr. Chair, members of the Board, this budget adjustment is the request to originally appropriate funding for the electronic monitoring program, different from its current set-up. And in this case we again are trying to get the operation up and running. You will see where we're asking for \$200,000 from contingency. However, this budget already exists under its current status with Cornell as a contract. What we're finding is that we do have some savings there. Again, it's similar to the juvenile where we have appropriated money for contractual services. We are seven months through the year but we have five months of savings. So we will be coming back to you with another budget adjustment as this operation is up and running to reduce this overall amount that we are requesting from contingency.

And it's for similar reasons as the juvenile, except here it's more of a cost containment issue and it's a reduction of our current budget as far as what we already have appropriated back in July for this program. So we will see a reduction here again. And we're trying to finalize these numbers. At this point it looks like it will be very close to \$200,000. But we will know probably within 30 days time.

CHAIRMAN CAMPOS: Thank you. Any questions? Okay, this is Resolution No. 2004-15, a resolution requesting an increase to the jail enterprise fund. Is there a motion?

COMMISSIONER DURAN: So moved.

CHAIRMAN CAMPOS: A second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve Resolution 2004-15 passed by unanimous [5-0] voice vote.

XII. D. Matters from the County Manager

1. Request Authorization and Approval to Enter into a Food Service Agreement #24-0107-YDP with Compass Group, USA, Inc., to Provide the Continued Food Service for the Youth Development Program

MR. GONZALEZ: Mr. Chair, Greg Parrish, our new department director, once you've approved the resolution, will go ahead and present the two items here.

MR. PARRISH: Mr. Chair, once again, Greg Parrish for the County Manager's office/Corrections Department. What you have before you is a request for approval to continue the food service that we are currently providing at the juvenile facility. I understand these were delivered to you just before this meeting and we apologize for that, but I also would like to note that the Finance Department has done an outstanding job in preparing these, Evelyn Valencia in particular, and was able to negotiate reductions in the cost that Cornell was currently paying.

So this food service is basically the same food service that we have right now and it will continue until June 30th. And that's at a new rate where actually we will pay \$2.90 per meal rather than \$3.01 that Cornell is currently paying. I'll stand for any questions, Mr. Chair.

CHAIRMAN CAMPOS: Mr. Parrish, in your opinion, what is the quality of the food that's being served out to the children.

MR. PARRISH: The quality of the food is like any type of institutional type food. I'm more concerned about the quantities in that. I've heard complaints about that.

CHAIRMAN CAMPOS: What complaints about quantity? Not enough?

MR. PARRISH: Yes.

CHAIRMAN CAMPOS: Okay. Not enough food for the children.

MR. PARRISH: And we're going to monitor that closely. They are -- the food is evaluated by nutritionists and certified to be enough for juveniles but actually the juveniles, often when I talk to them, that is one of the issues that they do raise.

CHAIRMAN CAMPOS: Any other questions for Mr. Parrish?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Greg, just briefly, does this contract, this provider also prepare the food there? I remember when I toured the facility that the inmates were assisting in the kitchen duties. Where's the demarcation line for that?

MR. PARRISH: Mr. Chair and Commissioner Sullivan, the juveniles do participate in a program where they assist in the preparation of food, but it's supervised by the staff of Compass.

COMMISSIONER SULLIVAN: So their contract requires or anticipates that these youth will be continuing to do that.

MR. PARRISH: Yes it does.

COMMISSIONER SULLIVAN: So in essence they're providing the food and what? One or two supervisors?

MR. PARRISH: I believe there's two supervisors on duty to provide overall preparation. Things like that.

COMMISSIONER SULLIVAN: Okay. And in terms of dishwashing and preparation and everything, that's all done by the juveniles themselves.

MR. PARRISH: They're assisted by the juveniles, yes. And that's part of a program there that they developed for instilling responsibility in the juveniles. So it's a part of --

COMMISSIONER SULLIVAN: Okay, but that's integral to this agreement, so if there were to be a reduction or lock-down or something that these juveniles couldn't prepare that they would have to bring in extra people. There would be extra costs.

MR. PARRISH: Yes, there would. Well, there wouldn't be extra cost. It's covered in the contract that they have to provide food no matter what the services provided are. If there's a problem with service or something, they still have to provide a food service. They'd have to bring in additional people at their cost.

COMMISSIONER SULLIVAN: At their cost. If something were to happen that they couldn't use the juveniles for a particular day or week or something.

MR. PARRISH: Yes.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, so Greg, so we're reducing the cost by about 11 cents per meal?

MR. PARRISH: Yes, sir.

COMMISSIONER MONTOYA: And then regarding the \$111,000, that's based on how many detention inmates?

MR. PARRISH: That was projected on a population of 80.

COMMISSIONER MONTOYA: Eighty?

MR. PARRISH: And actually our population right now, Commissioner Montoya, is right around 55.

COMMISSIONER MONTOYA: Okay. And then will this also be going out to bid?

MR. PARRISH: Yes.

COMMISSIONER MONTOYA: Right after, when we put all the other ones out?

MR. PARRISH: Right. We're going to do this with both of these that are before you. In fact we are going to prepare RFPs within the next 30 to 60 days to go out so that July 1 there will be a competitive bid.

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

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Greg, are there nutritional guidelines that they have to meet?

MR. PARRISH: Mr. Chair, Commissioner Duran, yes there are. There are nutritional guidelines and so many calories they have to provide for a juvenile. It's set by ACA standards. And they are in compliance with this and they have the menus examined periodically to make sure they are in compliance.

COMMISSIONER DURAN: Okay. So it's not mush all the time. There's some --

MR. PARRISH: No, it's a nutritional meal, but it is institutional food.

COMMISSIONER DURAN: Okay.

CHAIRMAN CAMPOS: One thing I would hope is that when you do negotiate a new contract that you do look at the quality of it. Institutional food isn't very good.

COMMISSIONER DURAN: I think we need some beans and chile in that program.

CHAIRMAN CAMPOS: Okay. Is there a motion to authorize the entry into the food service agreement with Compass Group? Is there a motion?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Is this in the line item that we previously approved? Okay.

The motion to approve the food service agreement passed by unanimous [5-0] voice vote.

XII. D. 2. Request Authorization and Approval to Enter into a Price Agreement #24-0119-YDP with BI Incorporated for Electronic Monitoring Equipment and Services

MR. PARRISH: Mr. Chair, before you you have a request for authorization to approve a contract with BI to provide services for electronic monitoring. They're going to provide the equipment and we will provide the services by County employees to hook up the individuals and monitor that through their facilities. Once again I think it should be noted that the County has been able to negotiate a contract more favorable than the contract that was before with Cornell. It was at \$3.06 per day and Ms. Valencia has been able to negotiate a contract for \$2.89 a day for the basic equipment. And we've upgraded the services actually.

CHAIRMAN CAMPOS: Okay. Anything else?

MR. PARRISH: I stand for any questions.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Is this the same firm that's doing it now?

MR. PARRISH: Commissioner Sullivan, yes it is.

COMMISSIONER SULLIVAN: And they're out of Boulder, Colorado?

MR. PARRISH: Yes.

COMMISSIONER SULLIVAN: Okay. And you mentioned before and I just want to confirm that in what period of time are we then going to put this out for repropoals?

MR. PARRISH: This contract, in an effort to get the \$2.89 we actually have a one-year contract on this. And this was also I guess for want of a better term, piggy-backed on a state contract, which has already gone through the competitive process. So we were able to do that.

COMMISSIONER SULLIVAN: Then after a year it is going out for competitive --

MR. PARRISH: Yes, it will, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair, is that a year beginning today?

CHAIRMAN CAMPOS: Greg?

MR. PARRISH: A year upon the signature of the Chairman, yes. As soon as it's signed by all parties, Commissioner Montoya.

COMMISSIONER MONTOYA: So then this one will be out of cycle when we put it out there, to bid. Is there any way to negotiate this especially, since it sounds that it's at a good rate, to June 30, 2005?

EVELYN VALENCIA (Procurement Manager): My name is Evelyn Valencia, the Procurement Manager. I just wanted to let you know that this is actually -- they give us GSA pricing and they actually gave us a better rating than what the GSA list price is, which is a federal supply contract. So we can actually use that through -- I think the GSA is good through 2008.

COMMISSIONER MONTOYA: Oh, really.

MS. VALENCIA: Once they give us these services we keep the same electronic monitoring equipment we can actually use that.

CHAIRMAN CAMPOS: What discretionary authority do we have to end this contract if we're not satisfied?

MS. VALENCIA: If we're not satisfied we have that, termination for cause or we also have -- let's just say we didn't have enough money, there is a non-appropriation clause in there.

CHAIRMAN CAMPOS: So can we give them a 30-day notice or do we give them 60 or 90.

MS. VALENCIA: I think it's a 60-day notice.

CHAIRMAN CAMPOS: Okay.

MS. VALENCIA: Thank you.

CHAIRMAN CAMPOS: Thank you. Any other questions, Commissioner?

COMMISSIONER MONTOYA: No. Thank you.

CHAIRMAN CAMPOS: Okay. Is there a motion to authorize the entry into

a price agreement with BI, Incorporated for electronic monitoring equipment.

COMMISSIONER MONTOYA: We already have a motion.

CHAIRMAN CAMPOS: We already have a motion? A second?

The motion to approve the agreement with BI for electronic monitoring passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

MR. PARRISH: Mr. Chair, could I ask a question?

CHAIRMAN CAMPOS: Sure.

MR. PARRISH: Because of the short term on these contracts and the ones that were approved on Consent, we would ask that you could sign these today so we can Fedex them to the contractors so we don't have any interruption in service.

CHAIRMAN CAMPOS: Do you have those today?

MR. PARRISH: They are all prepared already, I believe. XII. D 1 and 2. And also under Consent, A, B, C, and D.

CHAIRMAN CAMPOS: I'll sign those before I leave.

MR. PARRISH: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: On this one, Greg, that we just approved. Of course it was just handed to us, but in looking at the termination clause, it says that this is a four-year agreement and that it will continue for one-year periods unless terminated. And my concern with that is that it just kind of slips by and it will slip by the 60-day notification day and we may not want to terminate it, but we have to give them a termination notice in order to put out an RFP for new services. I feel we should -- there are local entities in Santa Fe and in Albuquerque that provide electronic monitoring. I feel we should give them an opportunity to bid on the contract. So we need to be careful. So according to this, we need to terminate the contract or we need to provide notice of termination and then put it out for RFPs and if we like the services that this firm is providing then we would select them and if we don't we would select some other firm. But I think we need to be careful of that, unless, correct me, Mr. Ross, if I'm reading that clause wrong.

MR. ROSS: Technically, it's a one-year contract that automatically renews. Yes. That's correct.

COMMISSIONER SULLIVAN: Automatically renews unless it's terminated.

MR. ROSS: Unless terminated. Right.

COMMISSIONER SULLIVAN: So it's not like a one-year lease or something. It is essentially a running four-year contract.

MR. ROSS: One of the things that has come up repeated in meetings concerning this subject, and we've had the demo from another vendor and the consensus of the jail team we needed to really look carefully at the electronic monitoring in the next few

months. Notwithstanding what the agreement apparently says. It is the intention of the team to revisit the whole electronic monitoring issues. We've seen some demos for some more technologically advanced equipment and members of the team, including the Sheriff were very impressed with the equipment. So it's not anyone's intention to let this just sit and lie for four years.

COMMISSIONER SULLIVAN: In light of that, I think it's important that we put a bookmark there and that they know ahead of time that it's our intent that they're going to have to competitively propose on this after a year. And unfortunately, since we have to give them a 60-day termination notice in order to do it, and if we don't, they automatically have another year's contract. So either you rewrite the language that clarifies that or you give them some kind of letter that explains to them, a cover letter when you give them the contract that explains to them that it is our intent to terminate this agreement in ten months. And the reason is this. Because we're going to put it out for RFP and if you're performing satisfactorily and submit an RFP and renegotiate the prices and whatnot you may well be selected again. See what I'm saying? I think we leave ourselves open to criticism if we don't do that.

MR. PARRISH: Mr. Chair and Commissioner Sullivan, I think this falls under that quarterly reporting, and Mr. Ross, correct me, but I don't think it precludes us from going out with an RFP and then terminating. We could actually advertise the RFP prior to the termination if we wanted to.

MR. ROSS: Yes, there are a number of mechanisms. Then you can put an RFP out and have the contractor submit a proposal as with everybody else and then select somebody and then give the contractor 60 days notice so everything's --

COMMISSIONER SULLIVAN: Just as long as it's brought up. If we don't take action, this will continue to run, this contract, for four years. I just want to be sure that that's thought out.

MR. GONZALEZ: Mr. Chair, Commissioner Sullivan, that's on our radar screen.

CHAIRMAN CAMPOS: Thank you, sir.

XII. E. Matters from the County Attorney

- 1. Executive session**
 - a. Discussion of pending or threatened litigation**
 - b. Limited personnel issues**
 - c. Discussion of possible purchase, acquisition or disposal of real property or water rights**

MR. ROSS: Mr. Chair, we need to go into executive session to discuss pending or threatened litigation, limited personnel issues and acquisition or disposal of real property. We don't expect the meeting to take a long time.

CHAIRMAN CAMPOS: How long do you think?

MR. ROSS: Thirty to 45 minutes.

Commissioner Anaya moved to go into executive session pursuant to NMSA Section 10-15-1 (2, 7 and 8) to discuss the matters delineated above. Commissioner Montoya seconded and the motion passed upon unanimous roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.

[The Commission met in executive session from 2:35 to 3:35.]

Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Sullivan seconded.

COMMISSIONER DURAN: Don't we also have to say, didn't we make some kind of decision in there relative to one of the cases?

MR. ROSS: We'll bring that up on the next agenda. I'll put it on the agenda for approval.

COMMISSIONER DURAN: Okay.

The motion passed by unanimous voice vote.

ADJOURNMENT

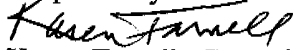
Chairman Campos declared this meeting adjourned at approximately 3:25 p.m.

Approved by:



Board of County Commissioners
Paul Campos, Chairman

Respectfully submitted:

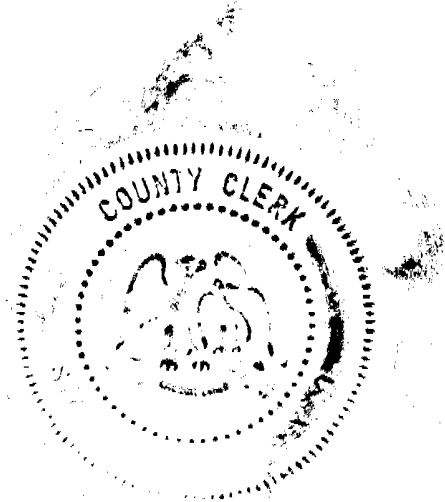


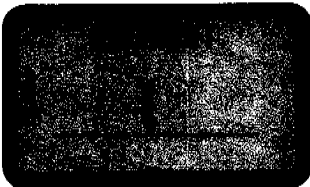
Karen Farrell, Commission Reporter

ATTEST TO:



REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK





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HOUSE BILL

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

AN ACT

RELATING TO SPECIAL DISTRICTS; PROVIDING FOR THE CREATION OF A COUNTY WATER AND SANITATION AUTHORITY; ESTABLISHING POWERS AND DUTIES; ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "County Water and Sanitation Authority Act".

Section 2. PURPOSE OF COUNTY WATER AND SANITATION AUTHORITY.--A county water and sanitation authority may be created for the purpose of:

A. purchasing, acquiring, establishing or constructing waterworks to supply water for domestic, commercial and industrial purposes by any available means to persons within and without the boundaries of the authority, and for this purpose an authority shall have power to extend its

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1 water lines outside of the boundaries of the authority for the
2 purpose of securing a source of water supply or for the purpose
3 of supplying such water to any lands of the United States, the
4 state of New Mexico or an Indian nation, tribe or pueblo for
5 use by any person, firm or corporation;

6 B. purchasing, acquiring, establishing or
7 constructing wastewater systems for the treatment and disposal
8 of sewage; or

9 C. planning, developing or coordinating the
10 development of regional water and wastewater facilities.

11 Section 3. DEFINITIONS.--As used in the County Water and
12 Sanitation Authority Act:

13 A. "authority" means a county water and sanitation
14 authority that is established pursuant to the County Water and
15 Sanitation Authority Act; and

16 B. "board" means the board of directors of an
17 authority.

18 Section 4. COUNTY WATER AND SANITATION AUTHORITY--
19 CREATION.--A county water and sanitation authority may be
20 established by ordinance of a board of county commissioners of
21 a class A county having a final, full and assessed valuation of
22 over three billion seven hundred million dollars
23 (\$3,700,000,000) and having a population of over one hundred
24 twenty-five thousand persons according to the last federal
25 decennial census.

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1 Section 5. BOARD--APPOINTMENT--ELECTION--VACANCIES--
2 REMOVAL.--

3 A. The board shall consist of five directors who
4 are residents of the county in which the authority is created.
5 The initial board of directors shall be appointed by the board
6 of county commissioners and shall serve until their successors
7 are appointed or elected in accordance with the provisions of
8 this section.

9 B. During the next general election following the
10 creation of an authority, three directors shall be elected at
11 large by the voters of the county. One director shall serve an
12 initial two-year term, and thereafter the director elected to
13 that position shall serve a four-year term. Selection of the
14 director to serve an initial two-year term shall be made by
15 lot. The other two directors shall serve a term of four years.
16 Thereafter, directors shall serve terms of four years. Elected
17 directors shall be limited to serving two consecutive four-year
18 terms.

19 C. Elections shall be governed by the procedures of
20 the Election Code relating to the election of county officers.

21 D. Following creation of an authority, two
22 directors shall be appointed by the board of county
23 commissioners, and shall thereafter serve four-year terms
24 subject to reappointment. No director appointed by the board
25 of county commissioners shall serve more than two consecutive

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1 four-year terms. One of the appointed members shall be a
2 member of and represent an Indian nation, tribe or pueblo in
3 the county if tribal or pueblo lands are located within the
4 territory comprising the authority. Any director appointed by
5 a board of county commissioners shall be eligible for election,
6 provided that no member of a board shall serve on the board for
7 a total of more than ten years.

8 E. Vacancies on the board shall be filled by
9 appointment by the board of county commissioners for the
10 remainder of the unexpired term or until a successor is elected
11 to fulfill the remainder of a term when the vacancy occurs in
12 an elected position, the remaining term for which is more than
13 two years and four months. If the board of county
14 commissioners fails to fill any vacancy within thirty days
15 after it occurs, the court having jurisdiction shall fill the
16 vacancy.

17 F. The district court of the county in which the
18 authority is created may remove a director from the board for
19 cause shown after notice and hearing.

20 Section 6. BOARD--ORGANIZATION--OFFICERS--DUTIES.--

21 A. After taking oath and filing bonds, the board
22 shall choose one of its members as chairman of the board and
23 shall elect a secretary and a treasurer of the board who may or
24 may not be members of the board. The secretary and treasurer
25 may be one person.

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1 B. The secretary shall keep a record of all of its
2 proceedings, minutes of all meetings, certificates, contracts,
3 bonds given by employees and all corporate acts, which shall be
4 open to inspection to all members of the public.

5 C. The treasurer shall keep strict and accurate
6 accounts of all money received by and disbursed for and on
7 behalf of the authority, in permanent records. The treasurer
8 shall file with the clerk of court, at the expense of the
9 district, a corporate fidelity bond in an amount not less than
10 five thousand dollars (\$5,000), conditioned on the faithful
11 performance of the duties of his office.

12 D. Members of the board shall serve without
13 compensation unless otherwise provided by the ordinance
14 creating the authority. Members shall be allowed their actual
15 and necessary expenses incurred in performance of their duties.

16 E. The board shall meet once each month at a time
17 and place to be designated by the board. Special meetings may
18 be held as often as the needs of the authority require on
19 notice to each member of the board. A majority of the board
20 shall constitute a quorum at any meeting.

21 Section 7. BOARD--POWERS--DUTIES.--

22 A. All powers, privileges and duties vested in or
23 imposed upon the authority shall be exercised and performed by
24 the board. The board may delegate its powers by resolution to
25 an officer or agent of the board, with the exception of the

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1 following:

- 2 (1) adoption of board policies and procedures;
3 (2) ratification of acquisition of property;
4 (3) initiation or continuation of legal
5 action;
6 (4) establishment of policies regarding fees,
7 tolls, rates or charges; and
8 (5) issuance of bonds.

9 B. The board shall promulgate and adhere to
10 policies and procedures that govern its conduct and provide
11 meaningful opportunities for public input. These policies
12 shall include standards and procedures for calling emergency
13 meetings.

14 C. A director of the board shall not vote on an
15 issue when the director has a conflict of interest. A person
16 who is a director of the board, officer of the board or
17 employee of the board shall not:

- 18 (1) acquire a financial interest in a new or
19 existing business venture or business property of any kind when
20 the new financial interest will be directly affected by the
21 person's official act;
22 (2) use confidential information acquired by
23 virtue of the person's office or employment for his or
24 another's private gain; or
25 (3) contract with the authority without public

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1 notice and competitive bidding and full disclosure of the
2 person's financial or other interest in the business that is
3 party to the contract.

4 D. The attorney general shall investigate and
5 prosecute, when appropriate, a complaint involving a violation
6 of Subsection C of this section. Violation of the provisions
7 of Subsection C of this section by a director of the board,
8 officer of the board or employee of the board is grounds for
9 removal or suspension of the director or officer and dismissal,
10 demotion or suspension of the employee.

11 E. In addition to all other powers conferred by the
12 County Water and Sanitation Authority Act, the board may:

- 13 (1) adopt bylaws;
- 14 (2) fix the time and place of meetings and the
15 method of providing notice of the meetings;
- 16 (3) make and pass orders and resolutions
17 necessary for the government and management of the affairs of
18 the authority and the execution of the powers vested in the
19 authority;
- 20 (4) adopt and use a seal;
- 21 (5) maintain offices at a place as the board
22 may designate;
- 23 (6) appoint, hire and retain employees,
24 agents, engineers, attorneys, accountants, financial advisors,
25 investment bankers and other consultants; and

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1 (7) prescribe, in accordance with the
2 Procurement Code, methods for auditing and allowing or
3 rejecting claims and demands for:
4 (a) the awarding of contracts for the
5 construction of improvements, works or structures;
6 (b) the acquisition of equipment; or
7 (c) the performance or furnishing of
8 labor, materials or supplies as may be required for carrying
9 out the purposes of the County Water and Sanitation Authority
10 Act.

11 Section 8. POWERS OF AUTHORITY.--An authority is a body
12 politic and corporate, and a political subdivision of the
13 state. In addition to other powers granted to the authority
14 pursuant to the County Water and Sanitation Authority Act, the
15 authority may:

- 16 A. have perpetual existence;
17 B. sue and be sued;
18 C. enter into contracts and agreements affecting
19 the affairs of the authority;
20 D. establish, collect and increase or decrease
21 fees, tolls, rates or charges for the use of water and
22 wastewater systems financed, constructed, operated or
23 maintained by the authority; provided that fees, tolls, rates
24 or charges imposed for the use of water and wastewater systems
25 shall be fixed and adjusted to pay for bonds issued by the

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1 authority;

2 E. borrow money and issue bonds in accordance with
3 the provisions of that act;

4 F. refund any bonded indebtedness or revenue bonds
5 of the authority;

6 G. acquire, dispose of or encumber real and
7 personal property and any interest in them, including leases
8 and easements;

9 H. design, develop, construct, operate, maintain or
10 contract for water and wastewater facilities and design,
11 develop, construct, operate, maintain or contract for pipelines
12 to interconnect authority sources and facilities and customers;

13 I. collect, treat and recover wastewater and to
14 apply for and receive return flow credits for such activity;

15 J. engage in local water distribution;

16 K. design, develop, construct, operate, maintain or
17 contract for alternative sources of potable water, including
18 desalinized water, and pipelines to interconnect authority
19 sources and facilities;

20 L. undertake regional water and wastewater
21 planning;

22 M. receive from any state agency, municipality,
23 political subdivision of the state, public corporation or
24 person, a title, easements or licenses to property within this
25 state for use by the authority in furthering the purposes set

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1 forth in the County Water and Sanitation Authority Act;

2 N. enter into agreements pursuant to the Joint

3 Powers Agreements Act with municipalities, counties, Indian

4 nations, tribes or pueblos, political subdivisions of the state

5 or other parties to further the purposes of the authority or to

6 provide such party preferential rights to receive water or

7 dispose of wastewater;

8 O. design, construct, operate and maintain

9 facilities in the locations and at the times necessary to

10 ensure that an adequate water supply will be available to all

11 citizens within the territory of the authority;

12 P. receive revenue from a county within the

13 territory of the authority or a county having a contract for

14 service with the authority. Such revenue may be derived from

15 any source, including revenue derived from a county gross

16 receipts tax or the county property tax, county bonding,

17 general obligation bond or other source;

18 Q. apply for and receive federal, state and local

19 grants, loans or other forms of assistance;

20 R. finance, construct, operate or maintain water

21 and wastewater systems within the boundaries of the authority;

22 S. have and exercise the power of eminent domain

23 and, in the manner provided by law for the condemnation of

24 private property for public use, take any property necessary

25 for the exercise of the powers granted in that act within the

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1 territory of an authority;

2 T. construct and maintain works and establish and
3 maintain facilities across or along any public street or
4 highway and through any vacant public lands which are now or
5 may become the property of the state, and to construct works
6 and establish and maintain facilities across any stream of
7 water or watercourse; provided, however, that the district or
8 authority shall promptly restore any such street or highway to
9 its former state of usefulness as nearly as may be possible and
10 shall not use the street or highway in such manner as to
11 completely or unnecessarily impair its usefulness;

12 U. set rates and impose fees on water deliveries
13 and wastewater disposal, which will apportion to parties and
14 nonparties an equitable share of the capital cost and operating
15 expense of the authority's work to the purchaser;

16 V. fix and from time to time to increase or
17 decrease water and sewer rates, tolls or charges for services
18 or facilities furnished or made available by the authority,
19 including standby charges for both water and sewers, and to
20 pledge that revenue for the payment of any indebtedness of the
21 authority. Until paid, all rates, tolls or charges constitute
22 a perpetual lien on and against the property served, and any
23 such lien may be foreclosed in the same manner as provided by
24 the laws of New Mexico for the foreclosure of real estate
25 mortgages. The board shall shut off or discontinue service for

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1 delinquencies in the payment of the rates, tolls or charges
2 imposed pursuant to the County Water and Sanitation Authority
3 Act and prescribe and enforce rules for the connection with,
4 and the disconnection from, properties of the facilities of the
5 authority. For health and sanitary purposes, the board shall
6 have the power to compel the owners of inhabited property
7 within the territory of an authority to connect their property
8 with the sewer system of the authority, and, upon a failure so
9 to connect within sixty days after written notice by the board,
10 the board may cause the connection to be made and a lien to be
11 filed against the property for the expense incurred in making
12 the connection; provided, however, that no owner shall be
13 compelled to connect his property with such system unless a
14 service line is brought by the district or authority to a point
15 within four hundred feet of his dwelling place; and

16 W. have and exercise all rights and powers
17 necessary or incidental to or implied from the specific powers
18 granted in this section. Such specific powers shall not be
19 considered as a limitation upon any power necessary or
20 appropriate to carry out the purposes and intent of the County
21 Water and Sanitation Authority Act.

22 Section 9. COUNTY WATER AND SANITATION AUTHORITY--
23 TERRITORY AND EXCLUSIVE RIGHT TO PROVIDE SERVICE--JOINING AN
24 AUTHORITY--COOPERATION WITH ADJOINING COUNTIES.--

25 A. The initial service area of a county water and

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1 sanitation authority shall be established by ordinance of the
2 board of county commissioners and may consist of the
3 territorial limits of the county in which an authority is
4 established except the territory encompassed within a
5 municipality, an existing water and sanitation district or the
6 territory actually served on the effective date of the County
7 Water and Sanitation Authority Act by an existing mutual
8 domestic consumer water association. A county water and
9 sanitation authority shall have the exclusive right to provide
10 water and sanitation services within the territory served by
11 that authority.

12 B. Counties, municipalities, water and sanitation
13 districts and mutual domestic consumer associations may
14 contract with or join and be part of the service area of a
15 county water and sanitation authority if approved by resolution
16 of the governing boards of the authority and by the party
17 requesting to contract with or join the authority.

18 C. An authority may cooperate with an adjoining
19 county in regional water planning and in providing water and
20 wastewater services and facilities to the territory of that
21 county by contract.

22 Section 10. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF
23 REVENUES--LIMITATION ON TIME OF ISSUANCE.--

24 A. Revenue bonds may be issued by the authority for
25 acquiring real and personal property needed for an authority

underscored material = new
~~[bracketed material]~~ = delete

1 project, including the purchase of water rights, for extending,
2 enlarging, bettering, repairing or otherwise improving a water
3 or wastewater project or for any combination of those purposes.
4 The authority may pledge irrevocably any or all of the net
5 revenues from the operation of the water or wastewater system
6 for payment of the interest on and principal of the revenue
7 bonds.

8 B. Except for the purpose of refunding previous
9 revenue bond issues, the authority may not sell revenue bonds
10 payable from pledged revenues after the expiration of two years
11 from the date of the resolution authorizing the issuance of the
12 bonds. However, any period of time during which a particular
13 revenue bond issue is in litigation shall not be counted in
14 determining the expiration date of that issue.

15 C. The authority shall not impair the rights of any
16 holders of bonds or other obligations payable from the net
17 revenues of the water or wastewater system previously issued or
18 incurred by the authority.

19 D. If required by the terms, covenants and
20 provisions of revenue bonds or other obligations previously
21 issued by the authority, all additional bonds or other
22 obligations issued or incurred by the authority pursuant to the
23 County Water and Sanitation Authority Act shall contain any
24 required terms, covenants or provisions required to avoid
25 impairment of the previously issued or incurred bonds or other

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[bracketed material] = delete

1 obligations.

2 Section 11. USE OF PROCEEDS OF REVENUE BOND ISSUE.--It is
3 unlawful to divert, use or expend any money received from the
4 issuance of revenue bonds for any purpose other than the
5 purpose for which the revenue bonds were issued.

6 Section 12. REVENUE BONDS--TERMS.--Revenue bonds:

7 A. may have interest, appreciated principal value
8 or any part thereof payable at intervals or at maturity as may
9 be determined by the authority;

10 B. may be subject to prior redemption at the
11 authority's option at such time or times and upon such terms
12 and conditions with or without the payment of such premium or
13 premiums as may be determined by the authority;

14 C. may mature at any time or times not exceeding
15 forty years after the date of issuance;

16 D. may be serial in form and maturity or may
17 consist of one bond payable at one time or in installments or
18 may be in such other form as may be determined by the
19 authority;

20 E. shall be sold for cash at above or below par and
21 at a price that results in a net effective interest rate that
22 does not exceed the maximum permitted by the Public Securities
23 Act; and

24 F. may be sold at public or negotiated sale.

25 Section 13. EXEMPTION FROM TAXATION.--The bonds

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1 authorized by the County Water and Sanitation Authority Act and
2 the income from the bonds shall be exempt from all taxation by
3 the state or any political subdivision of the state.

4 Section 14. RESOLUTION AUTHORIZING REVENUE BONDS.--

5 A. At a regular or special meeting called for the
6 purpose of issuing revenue bonds, the authority may adopt a
7 resolution that:

8 (1) declares the necessity for issuing revenue
9 bonds; and

10 (2) authorizes the issuance of revenue bonds
11 by an affirmative vote of two-thirds of all members of the
12 authority.

13 B. Revenue bonds and the resolution authorizing
14 their issuance shall be subject to approval by the state board
15 of finance.

16 Section 15. REVENUE BONDS NOT GENERAL OBLIGATIONS--
17 AUTHENTICATION.--

18 A. Revenue bonds or refunding revenue bonds issued
19 as authorized in the County Water and Sanitation Authority Act
20 are:

21 (1) not general obligations of the state or
22 other political subdivision of the state; and

23 (2) collectible only from the pledged revenues
24 of the water or wastewater system, and each bond shall state
25 that it is payable solely from the pledged revenues of the

underscoring material = new
~~{bracketed material} = delete~~

1 water or wastewater system and that the bondholders may not
2 look to any other fund of the state or political subdivision of
3 the state for the payment of the interest and principal of the
4 bond.

5 B. The bonds shall be executed by the chairman of
6 the board and may be authenticated by the secretary of the
7 board or any public or private transfer agent or registrar or
8 its successor, which shall be named or otherwise designated by
9 the board. The bonds may be executed as provided under the
10 Uniform Facsimile Signature of Public Officials Act.

11 Section 16. REVENUE BONDS--MANDATORY RATES FOR THE WATER
12 OR WASTEWATER SYSTEM--MANDAMUS--IMPAIRMENT OF PAYMENT.--

13 A. The authority shall establish rates for services
14 rendered by the water or wastewater system to provide revenue
15 sufficient to meet the following requirements, and such rates
16 shall remain in effect until the bond issue is liquidated.

17 Revenue shall be sufficient to:

18 (1) pay all reasonable expenses of operation
19 of the water or wastewater system;

20 (2) pay all interest on the water or
21 wastewater system revenue bonds as it comes due; and

22 (3) provide a sinking fund adequate to
23 discharge the revenue bonds as they mature.

24 B. In the event the authority fails or refuses to
25 establish rates for the water or wastewater system as required

underscored material = new
~~[bracketed material] = delete~~

1 in this section, any bondholder may apply to the district court
2 for a mandatory order requiring the authority to establish
3 rates that will provide revenues adequate to meet the
4 requirements of this section.

5 C. Any law that authorizes the pledge of any or all
6 of the pledged water or wastewater system revenues to the
7 payment of any revenue bonds issued pursuant to the County
8 Water and Sanitation Authority Act or that affects the pledged
9 revenues of the water or wastewater system, or any law
10 supplemental to or otherwise appertaining to that act, shall
11 not be repealed or amended or otherwise directly or indirectly
12 modified in such a manner as to impair adversely any such
13 outstanding revenue bonds, unless the outstanding revenue bonds
14 have been discharged in full or provision has been fully made
15 for payment of the bonds.

16 Section 17. REVENUE BONDS--REFUNDING AUTHORIZATION.--

17 A. The authority may issue refunding revenue bonds
18 for the purpose of refinancing, paying and discharging all or
19 any part of outstanding bonds or other obligations payable from
20 the net revenues of the water or wastewater system previously
21 issued or incurred by the authority.

22 B. The authority may pledge irrevocably for the
23 payment of interest and principal on refunding bonds the
24 pledged revenues of the water or wastewater system.

25 C. Bonds for refunding and bonds for any purpose

underscored material = new
~~[bracketed material]~~ = delete

1 permitted by the County Water and Sanitation Authority Act may
2 be issued separately or issued in combination in one series or
3 more.

4 Section 18. REFUNDING BONDS--ESCROW--DETAIL.--

5 A. Refunding bonds issued pursuant to the County
6 Water and Sanitation Authority Act shall be authorized by
7 resolution. Any bonds that are refunded pursuant to the
8 provisions of this section shall be paid at maturity or on any
9 permitted prior redemption date in the amounts, at the times
10 and places and, if called prior to maturity, in accordance with
11 any applicable notice provisions, all as provided in the
12 proceedings authorizing the issuance of the refunded bonds or
13 otherwise appertaining to the bonds, except for any such bond
14 that is voluntarily surrendered for exchange or payment by the
15 holder or owner.

16 B. Provision shall be made for paying the bonds
17 refunded at the time or times provided in Subsection A of this
18 section. The principal amount of the refunding bonds may
19 exceed the principal amount of the refunded bonds and may also
20 be less than or the same as the principal amount of the bonds
21 being refunded so long as provision is duly and sufficiently
22 made for the payment of the refunded bonds.

23 C. The proceeds of refunding bonds, including any
24 accrued interest and premium appertaining to the sale of
25 refunding bonds, shall either be immediately applied to the

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[bracketed material] = delete

1 retirement of the bonds being refunded or be placed in escrow
2 in a commercial bank or trust company, which possesses and is
3 exercising trust powers and which is a member of the federal
4 deposit insurance corporation, to be applied to the payment of
5 the principal of, interest on and any prior redemption premium
6 due in connection with the bonds being refunded; provided that
7 such refunding bond proceeds, including any accrued interest
8 and any premium appertaining to a sale of refunding bonds, may
9 be applied to the establishment and maintenance of a reserve
10 fund and to the payment of expenses incidental to the refunding
11 and the issuance of the refunding bonds, the interest on the
12 bonds and the principal of the bonds or both interest and
13 principal as the authority may determine. Nothing in this
14 section requires the establishment of an escrow if the refunded
15 bonds become due and payable within one year from the date of
16 the refunding bonds and if the amounts necessary to retire the
17 refunded bonds within that time are deposited with the paying
18 agent for the refunded bonds. Any such escrow shall not
19 necessarily be limited to proceeds of refunding bonds but may
20 include other money available for its purpose. Any proceeds in
21 escrow pending such use may be invested or reinvested in bills,
22 certificates of indebtedness, notes or bonds that are direct
23 obligations of or the principal and interest of which
24 obligations are unconditionally guaranteed by the United States
25 of America or in certificates of deposit of banks that are

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1 members of the federal deposit insurance corporation, the par
2 value of which certificates of deposit is collateralized by a
3 pledge of obligations of or the payment of which is
4 unconditionally guaranteed by the United States of America, the
5 par value of which obligations is at least seventy-five percent
6 of the par value of the certificates of deposit. Such proceeds
7 and investments in escrow together with any interest or other
8 income to be derived from any such investment shall be in an
9 amount at all times sufficient as to principal, interest, any
10 prior redemption premium due and any charges of the escrow
11 agent payable therefrom to pay the bonds being refunded as they
12 become due at their respective maturities or due at any
13 designated prior redemption date or dates in connection with
14 which the authority shall exercise a prior redemption option.
15 Any purchaser of any refunding bond is in no manner responsible
16 for the application of the proceeds thereof by the authority or
17 any of its officers, agents or employees.

18 D. Refunding bonds may bear such additional terms
19 and provisions as may be determined by the authority and the
20 refunding bonds are not subject to the provisions of any other
21 statute except as may be incorporated by reference in the
22 County Water and Sanitation Authority Act.

23 Section 19. REFUNDING REVENUE BONDS--TERMS.--Refunding
24 revenue bonds:

25 A. may have interest, appreciated principal value

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~~[bracketed material]~~ = delete

1 or any part thereof payable at intervals or at maturity as may
2 be determined by the authority;

3 B. may be subject to prior redemption at the
4 authority's option at such time or times and upon such terms
5 and conditions with or without the payment of premium or
6 premiums as may be determined by the authority;

7 C. may mature at any time or times not exceeding
8 forty years after the date of issuance;

9 D. may be serial in form and maturity or may
10 consist of a single bond payable in one or more installments or
11 may be in such other form as may be determined by the
12 authority; and

13 E. shall be exchanged for the bonds and any matured
14 unpaid interest being refunded at not less than par or sold at
15 public or negotiated sale at, above or below par and at a price
16 that results in a net effective interest rate that does not
17 exceed the maximum permitted by the Public Securities Act.

18 Section 20. REFUNDING REVENUE BONDS--RESOLUTION.--At any
19 regular or special meeting called for the purpose of issuing
20 refunding revenue bonds, the board by a two-thirds vote of all
21 the members of the authority may adopt a resolution authorizing
22 the issuance of the refunding revenue bonds.

23 Section 21. PUBLIC REGULATION COMMISSION JURISDICTION.--

24 A. An authority organized under the provisions of
25 the County Water and Sanitation District Act is not subject to

underscored material = new
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1 the jurisdiction of the public regulation commission or the
2 terms and provisions of the Public Utility Act except as
3 provided in Subsections B and C of this section.

4 B. The authority may elect by resolution adopted by
5 its board to become subject to the jurisdiction of the public
6 regulation commission and to the terms and provisions of the
7 Public Utility Act; provided, however, that in no event shall
8 Sections 62-9-1 through 62-9-7 NMSA 1978 apply to any authority
9 making such an election.

10 C. If the board has not elected to become subject
11 to the jurisdiction of the public regulation commission, the
12 authority shall nevertheless file with the commission any
13 rates, tolls and charges proposed by the board, which shall be
14 subject to approval by the commission if twenty-five qualified
15 electors or five percent of the qualified electors of the
16 county, whichever is less, file a petition protesting the
17 rates, tolls or charges with the commission within thirty days
18 after the board proposes the rates. Upon the filing of such a
19 petition, the commission shall hold a hearing pursuant to rules
20 that it shall promulgate to implement this subsection.

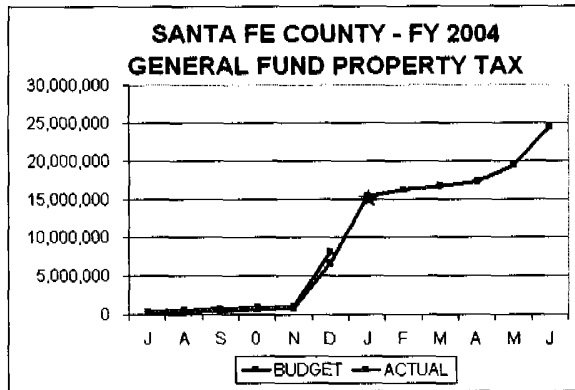
21 Section 22. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2004.

Santa Fe County

Fiscal Year 2004 Mid-Year Financial Overview

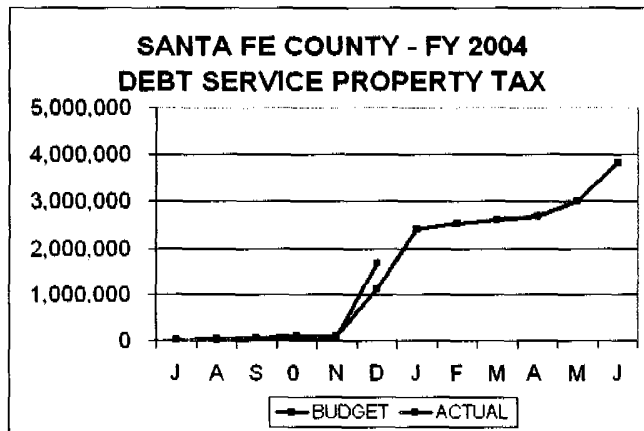


BCC Presentation 1/27/04



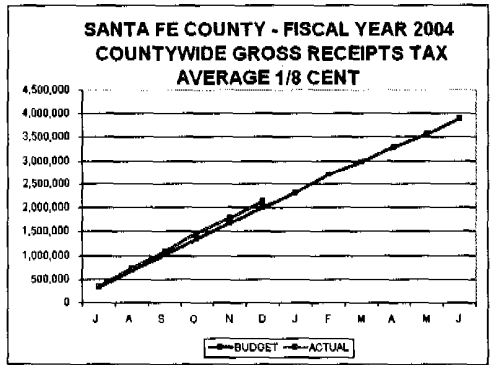
- Property Tax is 65% of General Fund revenue
- Collections ahead through December, but will be equal to budget through January.
- Annual income projected to be equivalent to budget

BGC Presentation 1-27-2004



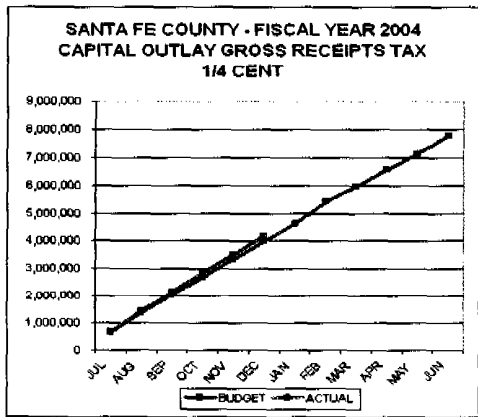
- Debt Service collections projected to be above budget to make up for prior-year shortfall of \$1.8 million.

BGC Presentation 1-27-2004



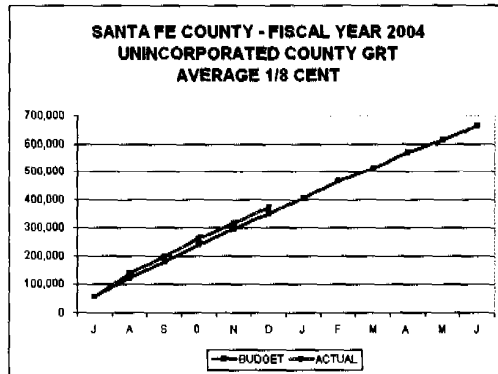
- **County-wide Gross Receipts Taxes consist of**
 - General Fund – General GRT (10% of General Fund)
 - EMS Health Care GRT (51% of fund revenue)
 - Indigent Fund GRT (86% of fund revenue)
- **Budgeted growth 1.2%, Actual growth through January 3.6%**
- **Each Fund GRT Revenue through December exceeds budget by \$144K**

BCU Presentation 1 27 2004



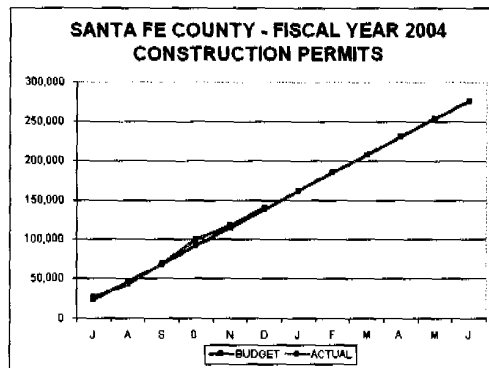
- **Capital Outlay GRT revenue is \$194K above budget through December**
- **Collection rate is below other Countywide Gross Receipts Taxes. Revenue should be \$288K above budget to match other GRT collection rates.**

BCU Presentation 1 27 2004



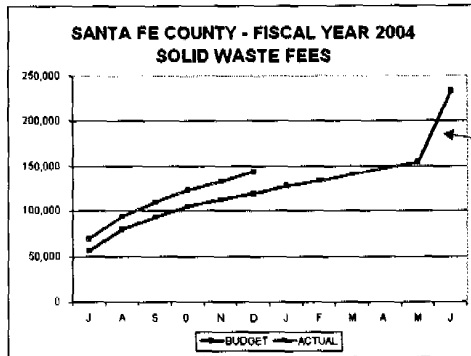
- Unincorporated Gross Receipts Taxes consist of
 - General Fund – Infrastructure GRT (2% of General Fund)
 - Environmental Fund GRT (100% of fund revenue)
 - Fire Tax ¼ cent Fund GRT (100% of fund revenue)
- Budgeted growth (3.0%), Actual growth through January 5.3%
- Each Fund GRT Revenue projected to be at budget levels.

BCC Presentation 1 27 2004



- The chart above reflects the new fee structure for Land Use and Development Permits approved by BCC in September
- Actual revenue approximately equal to Budget

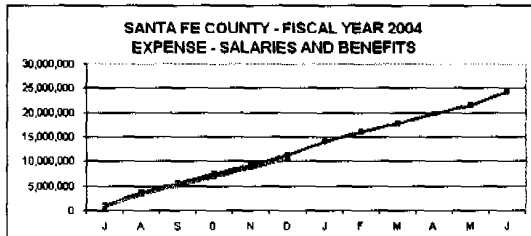
BCC Presentation 1 27 2004



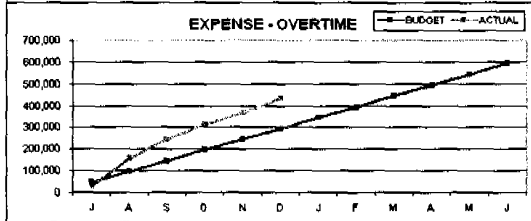
Purchase of next year's permits

- Currently Solid Waste Fees are \$25K ahead of budget
- Solid Waste Fees support 15% of the County Solid Waste Program (Infrastructure GRT 42%, other General Fund 43%)

BCC Presentation 1.27.2004



◆ All Salaries and Benefits are \$710K below budget through Dec.



- Overtime areas of concern through Dec:
- ◆ Sheriff (\$84K)
- ◆ Fire (\$53K)

Overtime variances can be remedied through other Salary Savings.

BCC Presentation 1.27.2004

