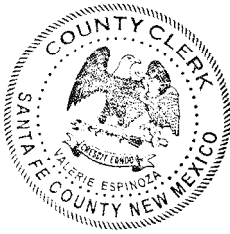


SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

January 29, 2008

Jack Sullivan, Chair
Paul Campos, Vice Chair
Michael Anaya
Harry Montoya
Virginia Vigil



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 102

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Deputy Marcella D. [Signature])
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

January 29, 2008

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:25 a.m. by Chair Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Jack Sullivan, Chair
 Commissioner Paul Campos, Vice Chair [2:45 arrival]
 Commissioner Harry Montoya
 Commissioner Mike Anaya
 Commissioner Virginia Vigil,

Members Absent:

[None]

V. INVOCATION

An invocation was given by County Clerk Valerie Espinoza.

VI. APPROVAL OF THE AGENDA

CHAIRMAN SULLIVAN: Mr. Abeyta, are there amendments?

ROMAN ABEYTA (County Manager): Yes, Mr. Chairman. The first being under X. Matters from the Commission. We added a D, which is a resolution opposing an increase in gross receipts taxes to Santa Fe County residents for operation, maintenance and other costs pertaining the New Mexico Rail Runner.

Then on page of the agenda, under the Consent Calendar, XII.C, item number 4, we're requesting that that be moved to be heard under Matters from the County Manager, which is item XIII. C. 1.

CHAIRMAN SULLIVAN: What page is that on? Three?

MR. ABEYTA: That would be page 3, item C.4. And it's a resolution adopting the Arroyo Hondo open space management plan.

CHAIRMAN SULLIVAN: You want to move that to the County Manager's?

MR. ABEYTA: To the County Manager's spot.

CHAIRMAN SULLIVAN: All right.

MR. ABEYTA: Page number 4, item number 7 has been withdrawn. Page number 5, item number 19 has been tabled. And on page 6, item XIII. Staff and Elected Official Items, E. Matters from the County Attorney, 1.a.i is consideration of a settlement agreement and mutual release of claims by and between the Board of County Commissioners and the governing body of the City of Santa Fe.

And finally we added under item E. 3, Consideration and approval of a settlement agreement and mutual release of claims by and between the Board of County Commissioners and the governing body of the City of Santa Fe. Those are staff's changes, Mr. Chairman.

CHAIRMAN SULLIVAN: Thank you, Roman. Any changes from the Commission?

COMMISSIONER MONTOYA: Mr. Chairman, move for approval as amended.

CHAIRMAN SULLIVAN: All right. This is an approval of the agenda we have not yet talked about withdrawing items from the Consent Calendar. So this is just the approval of the agenda.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: And seconded by Commissioner Vigil, moved by Commissioner Montoya.

The motion to approve the agenda as amended passed by unanimous [4-0] voice vote.

VII. Consent Calendar Withdrawals

CHAIRMAN SULLIVAN: Items that you would like to withdraw from the Consent Calendar - Commissioner Anaya.

COMMISSIONER ANAYA: None.

CHAIRMAN SULLIVAN: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I would like item XII. A. 4, 8 and 9.XII. B. 4 and 7. Then it would be XII. C. 19, 20 and 23.

CHAIRMAN SULLIVAN: 19 has been tabled.

COMMISSIONER VIGIL: Tabled? Okay.

CHAIRMAN SULLIVAN: And 20 was the next one?

COMMISSIONER VIGIL: Yes.

CHAIRMAN SULLIVAN: And then 23?

COMMISSIONER VIGIL: Yes.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: I have none.

CHAIRMAN SULLIVAN: Okay. Let me check mine here. I have XII. A. 5. I have XII. B. 3. I have XII. B. 6. I have XII. C. 6. Then I have - and actually, XII. C. 6 goes with these others. They're all pertaining to Public Works building change-orders, and that's C. 24 through 29. And I think we can discuss those all together. Staff has a handout that they've given us on those. So those can be discussed together with the XII. C. 6, which is also a change-order for the Public Works facility. Okay, are there any other withdrawals from the Consent Calendar?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I think I would like to withdraw my request to withdraw from the Calendar XII. B. 3 and 4.

COMMISSIONER MONTOYA: Three was by Chairman Sullivan.

CHAIRMAN SULLIVAN: B. 3, I asked for that one. But you want to take off B. 4. That was yours.

COMMISSIONER VIGIL: Yes.

CHAIRMAN SULLIVAN: Any others?

COMMISSIONER VIGIL: No.

CHAIRMAN SULLIVAN: So you're okay with XII. B. 4. And that was the only one you wanted to change. Okay. All right. Let me go through these now so we all understand the withdrawals. These are all under XII. A. 4, A. 5, A. 8, A. 9, B. 3, B. 6, B. 7. C. 4 has been moved to the County Manager's report. C. 6, withdrawn. C. 7 has already been withdrawn and won't be discussed today. C. 19 has been tabled. C. 20 from the Consent Calendar will be withdrawn. C. 23, and then C. 24 through 29 inclusive. Those pertain to the Public Works Department. We can cover those in one discussion. Any other changes.

COMMISSIONER ANAYA: Move for approval as amended.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Okay. Motion from Commissioner Anaya for approval of Consent Calendar as amended.

The motion passed by unanimous [4-0] voice vote.

VIII. Approval of Minutes

A. December 6, 2007

B. December 11, 2007

CHAIRMAN SULLIVAN: What's the pleasure of the Commission?

COMMISSIONER VIGIL: Move to approve both sets of minutes.

CHAIRMAN SULLIVAN: Okay. Commissioner Vigil would like to approve

both sets of minutes. Are there any changes to either set of minutes?

COMMISSIONER ANAYA: Second for both sets.

CHAIRMAN SULLIVAN: Okay. Seeing none, Commissioner Anaya seconds the motion.

The motion passed by unanimous [4-0] voice vote.

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN SULLIVAN: We invite members of the public to come up and speak briefly if they'd like on a matter of concern. If there's anyone – take a look at the agenda. We have several resolutions that will be discussed this morning having to do with encouraging state and federal agencies to provide owners notice of intent to lease mineral rights and also having to do with title reform legislation. So those items will be discussed under Matters from the Commission. Okay. Gentlemen, step up. These are non-action items, by the way and please make your comments brief.

RICK IANNUCCI: Good morning, Commissioners, Commissioner Anaya, Commissioner Vigil, Commissioner Montoya. My name is Rick Iannucci. I'm a former US Marshal, retired. I'm a father, 4-H leader out in Santa Fe. I'm a homeowner in both the city and homeowner and landowner out in the county, in your region, Chairman Sullivan. I'm here today to lend support to your resolution, as you've been lending support, you and Commissioner Anaya, Commissioner Vigil and all, have been lending support to the oil and gas issues that are presently upon us out in the area. I would ask though – I want to support your resolution for the Rail Runner. I know that you've met several times with the Rail Runner people who constantly assured you, and I know it was an issue to you about the taxes and how the County would be impacted financially by this.

So at this late date I think it's a little disingenuous for the Rail Runner to come to you, come to our County and request that we now bear the burden of maybe their lack of planning. As my dad used to say, Their lack of planning doesn't necessarily have to be our emergency at this point. And residents in our county who have the least amount to benefit from it don't have to accept that burden.

The second thing, I'd like to support Commissioner Campos's resolution that's very succinct, for encouraging state and federal agencies to provide surface owners the notice of their intent to lease mineral rights to private parties. This is a very important item, issue for us right now. I would ask thought that some language be added in two ways. The first to offer surface right owners the right of first refusal. Many of us don't have the opportunity to constantly scour the websites of BLM and et cetera and the state agencies that regulate this and we don't when the deals are coming. Many of us have to work so we're not living on the Internet. Many of us older folks don't get on the Internet all the time, as the youngsters do.

The second thing, I would ask that you add to encourage insurance regulators to make the title companies, require the title companies for full disclosure. For instance, in my case,

when I purchased my land out in Santa Fe County near Lone Butte, the title insurance was very, very ambiguous, very unclear and very cloudy. They couldn't tell me anything about the mineral rights at the time. In fact to this date Southwest Title and I are going around and around now because they actually assigned one of the exceptions to my land was given to the Nambe Pueblo. If that doesn't make any sense. They have no interest in my land at all.

Anyway, I want to support all the Commissioners who have been supporting us, the residents in the county, on oil and gas and all these other issues and I wish you well in this. Thank you.

CHAIRMAN SULLIVAN: Okay, Mr. Iannucci, so in summary you're in support of resolutions A, B and D on the agenda.

MR. IANNUCCI: Absolutely.

CHAIRMAN SULLIVAN: All right. Thank you. Next speaker, please.

JOHNNY MICOU: Mr. Chairman, Commission, My name is Johnny Micou. I live at 179 County Road 55A in Cerrillos. I'm here for Drilling Santa Fe and as a member of the Coalition for Energy Accountability. I too support what Rick said and support Commissioner Campos' resolution, C. In addition, we would like to request that the moratorium that the County has, the three-month moratorium be at least extended to at least match the state moratorium, if not longer and if you could at some point in the future please put that on your agenda. We'd really appreciate. Thank you.

CHAIRMAN SULLIVAN: Thank you. Next speaker.

GRANT TAYLOR: Mr. Chairman, Commissioners, good morning. My name is Grant Taylor. I'm going to speak on behalf of Resolution A, having to do with title insurance reform. I'm from Think New Mexico. I'm the field director of Think New Mexico which has collaborated with the Public Regulation Commission in drafting legislation to reform the regulation of title insurance and in doing so what we hope to do is create a cap and compete system.

New Mexico is one of only three states in the union where title insurance rates are set by the superintendent of insurance so in effect it is state-mandated monopoly pricing, which hurts homebuyers. They don't have the benefit of going to each title agent in their community, finding the lowest price for the best product. In Santa Fe, for example, where there are nine title companies you'll find the same title insurance rate for a \$200,000 home. The thrust of our legislation is to encourage homeownership among New Mexico working families. When we began our research a year ago we thought that this would encourage homeownership but now that we are amidst an economic downturn and a housing crisis we feel that this will provide much needed relief to many of those families.

Among our supporters is the Public Regulation Commission, the Attorney General. We think it's vital to have local government supporting this reform. No one knows better than you what your residents are going through as far as their housing. So please vote yes for the resolution. Thank you very much.

CHAIRMAN SULLIVAN: Thank you, Mr. Taylor. Next speaker, please.

TONY HERRELL: Good morning, Commissioners. My name is Tony Herrell.

I'm the deputy director of the Bureau of Land Management here in New Mexico and I wanted to pass a few comment on to you. One is we are very encouraged by your resolution as far as the surface owner notification. We are in full support of that, and also wanted to give you our policy and our letter that we send out to all landowners whenever their lands may have been nominated for oil and gas to show how compatible the policy that you're coming up with is with what we do.

Also I want to make sure to note that in the Galisteo Basin we have not leased any of the federal minerals for oil and gas in the Galisteo Basin and we won't until after there's a full planning process which will probably take two to three years. Also I just want to let the person that testified early that the BLM does have mineral interest in the Galisteo Basin. But it's very important for us to be good neighbors to the communities that are in Santa Fe County, and we want to be good citizens of the community.

We realize that whenever activities like this take place on anybody's land and you have a mineral estate, whether it be state or private minerals or federal minerals and you have a surface estate owner that lives on that land, that there is nothing more important to the people that are on top there than what happens on the development. And we want to make sure that we are involved and get them involved early. Sometimes I think the bigger sin is when you don't get people involved sooner. Not so much the activity but the fact that you didn't involve them.

So we are in full support of the direction that you are going. It's very compatible with the policy that we have and I'm not too sure who I would need to hand our existing policies over to but you will see it's very compatible with what we do know. Thank you.

CHAIRMAN SULLIVAN: Just give it to the County Manager. He can distribute it to the recorder. All right. Thank you. Mr. Herrell, we appreciate your comments. Commissioner Montoya, then Commissioner Anaya.

COMMISSIONER MONTOYA: I had a question for Mr. Herrell. So you notify landowners around the area of the BLM?

MR. HERRELL: Yes, if there's BLM minerals, like in the Galisteo Basin, if there's BLM minerals, then we will notify the owners of the surface on that that their area has been nominated for a mineral lease.

COMMISSIONER MONTOYA: Okay.

MR. HERRELL: And we send it via letter.

COMMISSIONER MONTOYA: Via letter. To the resident?

MR. HERRELL: To the resident. And we also put it on the website too. But his comment was very valid.

COMMISSIONER MONTOYA: So in terms of - I guess the problem then, how does someone get notified that's not connected with BLM but some other agency, federal or state?

MR. HERRELL: And that's a very good point. I don't think the state has the same requirement to do so and of course on private lands, with your private mineral owner, I don't think the same requirement is there. And that's what this thing is doing is it's encouraging similar policies. I think the day where we all go out and manage separately from each other, I

think those days kind of have to come to an end and we need to integrate more our management between local, state and federal governments.

COMMISSIONER MONTOYA: Absolutely. Thank you.

CHAIRMAN SULLIVAN: Thanks, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I wanted to thank Tony and Secretary Prokup for all the help they've been giving Santa Fe County on the oil and gas and including myself. We've had several meetings and I just wanted to thank you all for the time you've spent on educating me on oil and gas. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: All right. Commissioner Vigil.

COMMISSIONER VIGIL: Roman, I received an email where the governor and you and OCD and Commissioner Campos met. Could you summarize that meeting for us please?

MR. ABEYTA: Mr. Chairman, Commissioner Vigil, as you stated, myself, County Attorney Ross and Commissioner Campos attended a meeting at the governor's office last week, with the Secretary from OCD. There was the Secretary from the Environment Department, Senator Phil Griego was in attendance and some other members of the governor's staff. The handed to us the executive order that outlines the parameters of the moratorium that the governor imposed and I think the two most important things to convey to the Commission is one, it is in effect until June 24th, and two, between now and then, the governor has ordered that different agencies start conducting studies in the Galisteo Basin and the potential impacts that oil and drilling could have. So those agencies will be conducting studies between now and the 24th and they have committed to provide that information and those findings to Santa Fe County, and to continue to assist us in the drafting of our ordinance.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN SULLIVAN: Any other comments from the public? If not we'll move forward to agenda item X.

X. MATTERS FROM THE COMMISSION

A. Resolution No. 2008-4. A Resolution in Support of Title Insurance Reform Legislation (Commissioner Campos)

CHAIRMAN SULLIVAN: Commissioner Campos is tied up right now and he's asked Commissioner Vigil to introduce this.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. And we did get some testimony under public comment. I thank you for remaining in case there are any questions. Commissioner Campos strongly advocates for the passage of this resolution. It is in support of title insurance reform. A major obstacle to increasing homeownership in New Mexico are high up-front costs. New Mexico families face the eighth highest closing costs in the nation, even though our state ranks 43rd in median income. One of the largest elements of closing costs is title insurance and title insurance is intended to provide a guarantee to buyers that the seller is

giving them good title to the property. In other words, that the seller is truly the owner of the property and that there are no other claims against the property, such as mortgages, liens, building restrictions, or other encumbrances.

Most banks require a buyer to have title insurance before they will approve a mortgage or refinance the property. Legislation is planned, as we heard earlier by testimony. This legislation will propose to reform the system by repealing the law requiring the superintendent of insurance to centrally manage New Mexico's title insurance businesses and instead allow a free market competition to determine the prices for these policies.

Commissioner Campos respectfully requests that the Board of County Commissioners support this agenda item and approve the resolution. It will also seek to leverage lenders' knowledge and buying power by having banks and mortgage brokers rather than homebuyers purchase the policies. While the lender will pass the costs along to the homebuyer they're in a much better position to comparison shop, encouraging competition. And with that, Mr. Chairman, if there are any questions, I ask Commissioner Campos' expert witness to respond to them.

CHAIRMAN SULLIVAN: Comments, questions?

COMMISSIONER MONTOYA: Mr. Chairman, has legislation been introduced?

MR. TAYLOR: Not as yet. We're waiting for a message from the governor.

COMMISSIONER MONTOYA: Because it's not –

MR. TAYLOR: We're waiting for him to determine it as germane.

COMMISSIONER MONTOYA: Okay. Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Moved by Commissioner Montoya, seconded by Commissioner Vigil. Did you have a question or comment, Commissioner Anaya?

COMMISSIONER ANAYA: No.

The motion to approve Resolution 2008-4 passed by unanimous [4-0] voice vote.

X. B. Approval of Joint City/County Resolution No. 2008-5. A Resolution Establishing a Food Policy for the City of Santa Fe and Santa Fe County; and Creating the Santa Fe City and County Advisory Council on Food Policy (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chairman, and thank you, Becky, for being here. I'm just going to highlight what this resolution does. It creates a 13-member body, two from City government and two from County government, nine from the private sector to advise both the City and the County on food and agricultural issues facing our residents. By passing this resolution we're saying that we wish to take steps to improve the availability of nutritious and affordable food to needy persons in Santa Fe County and to reduce poverty as a barrier to obtaining a healthy diet.

The Advisory Food Policy Council will help us achieve these goals by bringing together both private and public sector experts with knowledge of nutrition, health, agriculture, food banking, food businesses anti-hunger and education. It will engage the state and other government agencies that deliver food-related services such as food stamps and school meals, as well as cooperative extension services. The Council will monitor our food system, collect data, issue reports and other communications and make recommendations both to the City and the County. They will perform these duties with the intent of reducing hunger and poverty, improving food security, reducing the prevalence of diet-related diseases such as diabetes and protecting natural resources, farms, and ranches to ensure a supply of food for the residents of our county.

Becky, this resolution has gone through its own evolution through our Health Policy and Planning Commission. Do you want to brief us on its evolution and where the Health Policy and Planning Commission stands on it.

BECKY BEARDSLEY (DWI Coordinator): Absolutely, Mr. Chairman, Commissioners. At the November 15, 2007 meeting of the Health Policy and Planning Commission they did review the resolution and they did recommend going ahead and supporting it provided that the County could go ahead and find the funding for the .5 FTE that they figure will be required in order to support this advisory council, and we have indeed found the funding for that. So therefore they do support it.

They have some minor recommendations to the draft resolution and I think those have been passed on but it isn't anything really significant. At this point I'd like to introduce Sherry Hooper from the food depot, Tony McCarty from Kitchen Angels and Mark Wynn, and we will stand for any questions.

CHAIRMAN SULLIVAN: Are the comments of the HPPC, Becky, included in the resolution?

MS. BEARDSLEY: I have a letter here -

COMMISSIONER VIGIL: There's a letter up front.

CHAIRMAN SULLIVAN: I know there's a letter. The question is are they included in the resolution. I didn't see them.

MS. BEARDSLEY: Mr. Chairman, I'm not sure.

COMMISSIONER VIGIL: No.

CHAIRMAN SULLIVAN: When I read it I didn't see them.

MS. BEARDSLEY: I believe that they have looked at the draft resolution and I don't think that they've been incorporated. I think this is just a response to reviewing the resolution.

CHAIRMAN SULLIVAN: Commissioner Vigil, you have the floor.

COMMISSIONER VIGIL: Please proceed. Sherry, how would you like to proceed in informing us on this?

SHERRY HOOPER: Currently I represent the Food Depot, which is a food bank that serves northern New Mexico. I'm here today because there are a growing number of hungry people in this community. We believe that each month 10,000 to 15,000 people in

Santa Fe County seek help at one of the agencies that we serve. Our hope for this council is that we can pool our resources. We all bring resources to the table but we're all working independently of each other at this point. So we see an opportunity to bring the County to the table, the City, the business community, the agricultural community, the non-profit community and we all work together to make sure that everyone who lives in Santa Fe County has access to good, healthy, nutritious food.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Have you finished, Commissioner Vigil?

COMMISSIONER VIGIL: I would defer to Commissioner Montoya.

CHAIRMAN SULLIVAN: Commissioner Vigil yields.

COMMISSIONER MONTOYA: Mr. Chairman, did you see the language that was suggested by our Health Policy and Planning Commission?

MS. HOOPER: Yes, I did. We had - actually, this has been going on for quite some time, Commissioner Montoya, as you know. You've been involved. And we try to take into account the comments that were made by the Health Policy and Planning Commission in addition to what some of the City folks who are involved in this had to say about it. And we believe that the resolution as it is now took into account all of those comments and concerns. Many, many changes were made to it, and the current draft I believe does take into account all of those concerns that have been raised.

COMMISSIONER MONTOYA: So the recommended changes are reflected in the resolution? Because I wasn't clear that there were there.

MS. HOOPER: Oh, I believe they are, actually.

COMMISSIONER VIGIL: They are.

COMMISSIONER MONTOYA: They are? Okay.

COMMISSIONER VIGIL: And if you'll look, the letter was written in November and they've been working on it since then.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: Other questions?

COMMISSIONER MONTOYA: Mr. Chairman, move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay. There's a motion and a second, with the understanding that the, I assume, that the HPPC recommendations have been included in the draft.

COMMISSIONER MONTOYA: Right.

The motion to approve Resolution 2008-5 passed by unanimous [4-0] voice vote.

CHAIRMAN SULLIVAN: Thank you for coming this morning.

COMMISSIONER VIGIL: Good luck on all your efforts in feeding.

CHAIRMAN SULLIVAN: And thank you for what you do for Santa Fe County as well.

X. C. Resolution No. 2008-6. A Resolution Encouraging State and Federal Agencies to Provide Surface Owners Notice of Their Intent to Lease Mineral Rights to Private Parties (Commissioner Campos)

COMMISSIONER VIGIL: Thank you. We've also heard testimony about this and it sounds like we are sort of complementing each other's efforts. I appreciate the policy that was brought forth to us by Mr. Herrell, and it doesn't sound like we're overreaching or anything of that nature with this resolution. I think Commissioner Campos is following the right track with a resolution in support of state and federal agencies providing property owners notice of their intent to lease mineral rights.

What is specific to this resolution is very basic. We also did hear some testimony that perhaps it should be amended. I would open that up to future amendment when Commissioner Campos, who is the original sponsor of this has an opportunity to speak to those people who had those recommendations, but for now, I'm going to propose that this body support this resolution. It states that the Mineral Leasing Act of 1920 authorizes and governs leasing of public lands for developing deposits of coal, phosphates, oil, gas and other hydrocarbons and sodium; and

Whereas, the possibility of oil and gas development in the Galisteo Basin within Santa Fe County has caused many worried landowners to question who owns the mineral rights under these properties; and

Whereas, New Mexico, the New Mexico State Land Office and the United States, United State Department of Interior, the Bureau of Land Management and the United State Department of Agriculture, Forest Service, lease mineral rights in New Mexico; and

Whereas, the Bureau of Land Management alone owns 516,735 acres of mineral rights in Santa Fe County; and

Whereas, only minimal notice is provided to the public on sales and leasing programs;

We therefore recommend that the Board of County Commission of Santa Fe County support the following: We request that public owners of mineral interests in Santa Fe County notify surface owners within five miles of the proposed site of a potential lease or sale of their mineral interests 90 days before offering their interests for sale or lease.

With that, Mr. Chairman, unless anyone here would like to add to that, I stand for questions and ask that any questions be directed to either any of the oil and gas drilling people or representatives from the state.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Questions from the Commission. Commissioner Montoya.

COMMISSIONER MONTOYA: I'd like to ask the gentleman that had the recommended change, what was it again? Could you please restate that in terms of what you had suggested maybe amending?

MR. IANNUCCI: Very simply, Commissioner Montoya, Mr. Chairman, my

thoughts were the way that it's set up now, we need language to encourage insurance regulation for the title insurance companies to make, basically, it required for full disclosure. Right now you don't -

CHAIRMAN SULLIVAN: We're not on the title insurance bill. We're on the mineral rights.

COMMISSIONER MONTOYA: This is related.

MR. IANNUCCI: And secondly, the second part of that would be that the surface owners would be given by any entity the right of first refusal. They'd be required by BLM or whoever it might be, whoever owns those mineral rights, to give the surface owner the right of first refusal, just as you would in any other kind of real estate transaction. Does that clear you questions up?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER VIGIL: My recommendation, Commissioner Montoya, because Commissioner Campos is the original sponsor of this that he have the opportunity to discuss that, perhaps even engage Legal with any option. We need to move forward as appropriately as we can with that. There could be an amendment in the future of this resolution.

COMMISSIONER MONTOYA: Unless we table it and include it when Commissioner Campos is back, and possibly add those or at least consider adding them.

COMMISSIONER VIGIL: I would be concerned about that. When I spoke to Commissioner Campos he was engaged in a mediation that was unpredictable. So I think he's definitely wanting to take action on this resolution and hopes to get it passed. I guess I'd propose that any amendments be brought up later.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay. Motion for approval by Commissioner Anaya, second by Commissioner Montoya. The issue, Commissioner Montoya, that you're concerned about would be an addition to this.

COMMISSIONER MONTOYA: Yes. I liked his amendments, actually.

CHAIRMAN SULLIVAN: To say that the owner could turn down the offer.

COMMISSIONER MONTOYA: Or at least then give him the opportunity to turn it down.

CHAIRMAN SULLIVAN: Don't we have an issue with state law when we get into that?

COMMISSIONER MONTOYA: Not being a lawyer I'll defer to counsel.

CHAIRMAN SULLIVAN: Is there, Mr. Ross, an issue that we'd want to know about regarding state law?

MR. ROSS: Mr. Chairman, members of the Commission, it's not just state but it's state and federal law this resolution governs both state and federal agencies. But it's just asking them to consider doing the things that are in here. It's not mandating anything. The owner of mineral rights always has the right to - or the owner of property has the right to offer a right of first refusal for sale or purchase of that property at any time, and so I suppose the

state or federal government could, if they wanted to, make the exercise of their right subject to the right of first refusal if they so chose. It would depend on the rules of the government involved, state or federal, whether this would require legislation, rule making, what have you. Policy. There's so many agencies. You've seen them all listed here. Particularly the ones at the federal level are governed by federal laws and federal regulations and local policies. It's a mixed bag. So it's unclear, just sitting here right now who would have to, in all those instances agree to this. But it's just advisory. It doesn't bind anyone necessarily. We're asking them to do these things.

CHAIRMAN SULLIVAN: Okay. Well, we have a motion then and a second, and it seems Mr. Ross has reviewed this resolution.

The motion to approve Resolution 2008-6 passed by unanimous [4-0] voice vote.

COMMISSIONER MONTOYA: If I could just ask the gentleman if maybe you could share that language with our staff and maybe we can consider bringing it up for a future resolution.

MR. IANNUCCI: Absolutely.

X. D. Resolution No. 2008-7. A Resolution Opposing an Increase of Gross Receipts Taxes to Santa Fe County Residents for Operation, Maintenance and Other Costs Pertaining to the New Mexico Rail Runner (Commissioner Sullivan)

CHAIRMAN SULLIVAN: You have it in front of you and there's also a fiscal impact report that was generated by the state specifically regarding House Bill 400. The issue is not here just House Bill 400 because that may be modified or there may be other bills introduced in the legislature that would be similar. The issue is imposing a gross receipts tax on county residents to fund the Rail Runner, which is a state GRIP project. I've brought this resolution forward because as a member of the Metropolitan Planning Organization, the MPO, we were assured throughout the approval process of the Rail Runner that this was a state-funded project and a state-maintained project and we're now looking at legislation, either in the form of House Bill 400 or other legislation that may come up that changes that to an authority which would then direct four contiguous counties to vote on a gross receipts tax to fund the Rail Runner.

One issue I have with this is not only that promises and commitments made were not fulfilled if this goes forward, but also the Bernalillo County impact is so much greater than everyone else's on the issue that Santa Fe County, Valencia County and Sandoval County who are much smaller in population would have nothing much to say about whether this tax was passed or not. I just view that as taxation without proportionate representation, quite frankly. There are some legal issues that we're looking into on this if this bill or a similar bill were to

pass. I think it's important at this point in the legislative process for us to send a strong message to our legislators that this is not what was promised and this is not what Santa Fe County sees as a viable mechanism for public support.

GRIP projects are funded throughout the state. They may or may not be used by members of Santa Fe County. We maintain Route 70 as it goes through the southern part of the state. Some of us may have never driven on Route 70 through Ruidoso. Maybe we have, but notwithstanding, the state maintains that road. It is a GRIP project. The Rail Runner was approved by the legislature as a GRIP project and I think this sets a bad precedent to then reverse direction, or quite frankly, as the *New Mexican* called it in its editorial, a bait and switch, to now impose that responsibility on the citizens of Santa Fe County.

So that's my feeling and I think this is an important resolution. I would move for approval and hope that we can get a second and pass it and discuss it as well.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I'm wondering if we could hold off on taking any action on this resolution maybe till later on this afternoon. Is there anyone here from DOT? I heard yesterday from the Mayor and other people at the roundhouse that that bill is actually going to be revamped and I'm wondering if we could get DOT's position on this before we take action because I'm not even sure what the bill is going to be saying, if we're going to be taking action against something - we're taking action against something that we have a bill that was presented but I understand that's not the same bill that is going to exist. So I would be hesitant to take action on this until I actually got an update from DOT on that. That would be my preference, Mr. Chairman, and with that, I'm going to have to apologize. I need to leave but I will be back within an hour's time and I hope that my request to continue this, I guess, instead of tabling it, continue it, for further discussion this afternoon when we may have some time to bring representatives from DOT on this.

[Commissioner Vigil left the meeting.]

CHAIRMAN SULLIVAN: Would you like to -

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER MONTOYA: I guess my disappointment with this is there has been no consultation with us to this point. We should have had this consultation weeks or months ago in terms of being approached as to whether or not that we feel this is a good thing adding another tax to our county residents. I think already as it is we've pretty much maxed out everything that we have in terms of trying to generate revenues for our residents for healthcare and fire safety and other needs in the county. I'm just a little disappointed that we haven't been consulted. Has anyone - staff, been consulted? James Lujan? Anybody? From DOT.

CHAIRMAN SULLIVAN: I see Jack Kolkmeier, our Land Use Administrator shaking his head no in the back.

COMMISSIONER MONTOYA: Okay. So I don't know. I'm just - and then I just found out that it passed the Transportation Committee. It got through committee already, so

it's going to Tax and Rev. now.

CHAIRMAN SULLIVAN: So it's on its way.

COMMISSIONER MONTOYA: It's on its way.

CHAIRMAN SULLIVAN: I think we should take some positive action on this. If as the legislation changes I think we want the intent to be there as a Commission action. We support DOT and what it's done for Santa Fe County. We continue to work with them and all state agencies, but I think this is an action that is not in the best interests of Santa Fe County residents is all I can tell you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I tend to agree with Commissioner Vigil. I think we need a full board here to discuss this. But I'm happy to discuss it with a little more than half. I think that I too am disappointed with the fact that it seems like this is getting shoved down our throats. I'm not in favor of this resolution that is being brought here today. I think that we should go back to those people that are trying to impose this tax and talk to them. I think we need some communication there. I think at this point I'm not going to support this. I think we need more communication. That's how I feel.

CHAIRMAN SULLIVAN: Well, I certainly agree with you, Commissioner Anaya. I thought we had that when we had the Secretary here at the Commission and also at the Metropolitan Planning Organization and she made it very clear as the Secretary of Transportation that this would not be a county obligation. So I took her at her word, then this came forward again without any consultation to us. I think if we don't send a message then we will have considered to have consented to the proposal. What's the pleasure? There's a motion. Is there a second?

COMMISSIONER MONTOYA: Who made -

CHAIRMAN SULLIVAN: I made the motion.

COMMISSIONER MONTOYA: I'll second for discussion.

CHAIRMAN SULLIVAN: Okay, motion and second for discussion.

Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I think the Rail Runner is a very important aspect, a very important addition to the commuter system from here to Albuquerque and to Belen. I also know that the Regional Transit District is working on imposing a 1/8 cent tax to help out with our regional transit. So I don't want to, with this resolution, throw out the possibility that we could impose another eighth. This just throws out the whole conversation on that.

So I think that again, it is important, before we do pass this that we sit down and talk to the DOT. Talk to our Regional Transit District and sit at the same table and figure out how we can do this. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Thank you, Commissioner. I think those are two separate issues. We do have the Regional Transit District and it does have that 1/8 taxing authority already in place and if they come forward with that as an issue we'll debate it and vote on it. It's not the intent of this resolution to tinker with that. It's just to deal with the creation of an authority that would be chaired by the Lt. Governor and in which Santa Fe County would

only have one vote of seven, in terms of being taxed for the Rail Runner operation and maintenance and other costs. So we certainly don't intend that this resolution make any changes in the Regional Transit District which already exists, but specifically that we provide our guidance to the legislature about the Rail Runner being funded through Santa Fe County gross receipts tax.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I want to make it clear that I am not opposed to the Rail Runner. I think this is a project that is needed in terms of reducing gas emissions through fossil fuels. It is certainly something that people are going to use. What I mentioned earlier, this is a good project but what I am opposed to is the way they're proceeding without any involvement and without any consultation from Santa Fe County. But I'm hoping that this sends the message one way or the other that we need to be involved in these discussion before it is, as Commissioner Anaya, said, it's rammed down our throat. At least I know that the NCRTD has been very welcoming of Santa Fe County and anything that we have in terms of discussion on that system, and I would expect the same courtesy from the State of New Mexico, particularly when we've been told that it's not going to be impacting our county residents by imposing an additional tax on our county residents. So that's what, again, really I think disturbed me and I think and I hope that this resolution gives them the message that we need to be a part of this as opposed to just being told that this is how it's going to be done. To me that's not good planning.

CHAIRMAN SULLIVAN: Thank you, Commissioner. We have a motion and a second.

The motion to approve Resolution 2008-7 passed by 2-1 voice vote with Commissioner Anaya voting against and Commissioner Vigil not present.

CHAIRMAN SULLIVAN: Let me ask – we have Appointments and Resignations and Reappointments to consider. There is one item –

COMMISSIONER MONTOYA: Matters from the Commission?

CHAIRMAN SULLIVAN: We have more matters from the Commission too. I wanted to get our Assessor up here too. The Clerk disappeared. She wanted to make an announcement. We'll get that later. Before we continue with matters from the Commission, if it's okay with the Board there was an item that was pulled off regarding the Assessor's CAMA system. If you would like, Domingo has got some commitments with the legislature and would like us to hear that. It's up to the Board. What's the pleasure?

COMMISSIONER MONTOYA: That's fine.

COMMISSIONER ANAYA: It's fine.

CHAIRMAN SULLIVAN: Okay.

XII. B. 3. The Santa Fe County Assessor's Office in Conjunction with the County's Geographic Information Systems Division Requests Authorization to Enter into PSA #27-1910-AS/RM for a Computer Assisted Mass Appraisal System (CAMA) with Associated GIS Module (Assessor's Office)

CHAIRMAN SULLIVAN: I asked that this be pulled from the Consent Calendar, fellow Commissioners, because we haven't had much input about this system and it's a big expenditure. It's \$908,000, so it's kind of a biggie to be on the Consent Calendar and we don't have the time for a full presentation and I would certainly encourage that at some later point. But can you tell us how was the firm selected and what was the criteria and what's going to be done with this \$908,000. The reason sometimes I'm a little skeptical as I look through a contract with lots of computer language that says we're going to do this, that and the other thing, we had a lot of positive information when we spent over \$1 million on aerial photography that was going to increase the assessed tax base but when we looked at it from year to year we found out that it nowhere near came close to paying for itself in terms of increasing the tax base.

But this is I think supposed to increase and make it more efficient, so I wanted to get some feeling, some warm and fuzzy feeling that this is going to work.

RICHARD MARTINEZ (Purchasing Division): Mr. Chairman, members of the Commission, what I'd like to do is kind of begin with letting you know what we did to procure the potential contract and to address your questions, Mr. Chairman. I'd like to at some point turn it over to the County Assessor as well as to our Geographic Information Systems Division so they could kind of give you the technical information as far as the potential for benefit for Santa Fe County.

Back in July of 2007 we solicited, we put out a request for proposals for a CAMA system, a computer assisted mass appraisal system. As a response to the RFP we have five proposals that were received. The five firms that submitted proposals were Sungard HTE, AppLogix, Colorado Customware, Tyler Technologies and Manatron, Incorporated, who is our recommended contractor for this contract. The criteria that we included in the solicitation consisted of technical specifications that were constructed between our IT Division, our Geographic Information Systems Division and our County Assessor's office. There was a - if you look at your packet material, in the appendices to the contract there are a last two set of pages in Appendix. Those are the slurry of technical specifications that each offeror had to essentially state to us that they could achieve, everything from data conversion to interface to functionality.

The other criteria that we also included in the RFP consisted of experience that these vendors have had with other public bodies, references, fairly general criteria that we will typically include in a more complex solicitation if you will. It is a high dollar contract; that is correct. However, the pricing of the highest rated offerors if you will was all comparable. So for this type of technology I'd say that the costs are fairly comparable in this industry if you

will. From a procurement aspect we handled the written criteria ending up with two highest rated offerors, being Manatron and Tyler Technologies. We conducted oral presentations, had both of these firms come to us, to Santa Fe County and present in Santa Fe to our evaluation committee which consisted of about 11 individuals, representatives of IT, GIS, our County Assessors, our Treasurer's office as well as our state's property tax division.

The two companies, Manatron and Tyler presented to the evaluation committee. These presentations were limited to about six hours. It was an opportunity for each of these firms to actually put on an overhead their proposed system. We had a separate criteria in terms of both functionality as well as [inaudible] firms presented in samples for us. As a result, from both – and the oral presentation, Manatron was indeed the highest rater offeror and that is our recommendation for a contract award today. Are there any questions I could possibly address as far as purchasing?

COMMISSIONER MONTOYA: Richard, in terms of the system that you've developed here, how does this fall in line with the – is it Weston study that was done?

MR. R. MARTINEZ: Mr. Chairman, Commissioner Montoya, I'm a little reluctant to try to respond to that. Maybe Domingo would be one who could try to respond to that.

DOMINGO MARTINEZ (County Assessor): Mr. Chairman, Commissioner Montoya, I think that the Weston study, when you look at it, it calls for the Assessor's office to really look into a CAMA system.

COMMISSIONER MONTOYA: Right.

MR. D. MARTINEZ: What we're talking about here. So this moves right in line with the Weston study.

COMMISSIONER MONTOYA: Okay.

MR. D. MARTINEZ: It's a big part of it.

COMMISSIONER MONTOYA: Okay. Did you want to add anything to that?

AMANDA HERGIS (GIS Division): Mr. Chairman, you allocated about \$165,000 this year for the Weston plan or the enterprise GIS fund.

COMMISSIONER MONTOYA: To implement it, right?

MS. HERGIS: To implement that. And the GIS portion of this contract will essentially sit on top of that. So there's I think \$20,000 or so in this plan that sits on top of what we're dealing with with the Weston EGIS plan.

COMMISSIONER MONTOYA: So how far does this move us along in terms of the phasing in of doing the CAMA, the GIS?

MS. HERGIS: Right. I don't recall exactly where what I presented to you folks earlier this year, or I guess it was last year, where this fits in that plan, but I believe that it is earlier in my grand scheme than we had anticipated.

COMMISSIONER MONTOYA: Great. That's good.

MS. HERGIS: Thank you.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay, Mr. Martinez, two other questions. Is this

information that's now gathered through the CAMA system available to the public? If so, how?

MR. D. MARTINEZ: Mr. Chairman, most of the information that is available to the public now is under the old system, the HTE system, which is obsolete; it doesn't give enough information. When we go into the Manatron system that will be greatly enhanced and there are some things that we will be able to share with the public that we can't do within the constraints within the old system that we have right now. Manatron is a lot more user-friendly. We'll be able to put a lot more information out on our website, and it will be able - the taxpayer will be able to look up a lot information from that end point.

CHAIRMAN SULLIVAN: Could an owner or potential owner go onto your website, look at a parcel, see what the assessed valuation is and the information about that parcel?

MR. D. MARTINEZ: You can do that right now under the old system also.

CHAIRMAN SULLIVAN: You can do that now as well. And what about sales information? You're compiling sales information now under newly served properties. Is that correct?

MR. D. MARTINEZ: That's correct. We compile those. You've got to remember that under the legislation that we went into about ten years ago that allowed us to - that obligates the individual that buys a piece of property to report back information to us. That information is not public at this point in time, so that wouldn't be available to the taxpayer.

CHAIRMAN SULLIVAN: Okay, so that information isn't public but do you use that information for assessing the property?

MR. D. MARTINEZ: That's correct.

CHAIRMAN SULLIVAN: Then what happens if the owner protests the assessment? Then you have a protest hearing, I think in February, right? And doesn't that become public?

MR. D. MARTINEZ: Well, what will happen. Let me give you the scenario right now. In other words, right now we would have to rely on other sales that are in the subject area and not use that one to defend our protest. But there's a bill in the legislature right now that was talked about during the interim and it's a stabilization tax, Revenue Stabilization Committee bill that will allow us to use that information and give it to the taxpayer for that protestor's amount. So that will allow us to give that protestor that information about that specific sale that was used to appraise this property, but only under a protest.

CHAIRMAN SULLIVAN: But right now, the protestor doesn't have access to that information.

MR. D. MARTINEZ: That's correct. That's why we have to rely on other sales that we gather outside of that parameter to be able to defend our value, but we're able to do that.

CHAIRMAN SULLIVAN: Okay. But you do use that parameter to set the value. So this only kicks in if there's a protest. Is that correct?

MR. D. MARTINEZ: It's only one aspect of what we use to set that value, yes.

CHAIRMAN SULLIVAN: Okay. And so when this CAMA system comes on

line, if the legislature approves this bill that you're talking about, will the public then be able to go in and see that sales information?

MR. D. MARTINEZ: Not the public. Remember that the legislation that's before the legislature now only allows you to disclose that information only to the protestant, under a protest only.

CHAIRMAN SULLIVAN: Oh. Okay.

MR. D. MARTINEZ: The realtor's industry in New Mexico is not comfortable in releasing all that information to the public. I don't know why. It's just something we can't control. It would be easier for us if it were but the legislature has not been able to pass that because the industries are reluctant to do that.

CHAIRMAN SULLIVAN: Realtors don't feel they want that information out there.

MR. D. MARTINEZ: That's correct.

CHAIRMAN SULLIVAN: I guess maybe -

MR. D. MARTINEZ: We feel it should be public information and everybody should look at it.

CHAIRMAN SULLIVAN: Then they couldn't sell their own database listings, I guess.

MR. D. MARTINEZ: That's right. That's correct, Mr. Chairman.

CHAIRMAN SULLIVAN: Now, is this \$908,000 going to be expended over what period of time?

MR. D. MARTINEZ: I think the contract is through 09. What we're asking Manatron to do is to make sure that the notice of values that go out for the tax year 09, and that will be about April, May of 09, that Manatron has to be in place and we will use Manatron to send out the notices of value for the 09 tax year. And then soon after that we will be doing a lot of reports to DFA, reports the legislature, reports to the US on what the values are on those things. We will be doing that, so that by September of 09 the project will end.

CHAIRMAN SULLIVAN: So they have about 15 months to put this system in online. I didn't see any - and this is more of a procurement question, I didn't see anything in here that tells me what happens if they don't get it done by then and we see, as you know in the state, when they've converted to computer systems, overruns and delays. What kind of protections do we have in that regard?

MR. R. MARTINEZ: Mr. Chairman, for a little more clarification as well, this is actually anticipated initially as a four-year contract. We are looking to Manatron to implement this in the first year and then in year 2, 3, and 4, which there will be associated costs as well will be for, as Domingo mentioned, for reporting as well as technical support. There in the contract in the packet material you have a breakdown of what it will cost over years. Now, as far as protection is concerned, we have asked the contractor to produce a performance bond, so that is - hopefully we would not have to go to this mechanism but the performance bond would essentially protect Santa Fe County if something were to go wrong during the implementation of the project. We're shooting for at least two years, which two years should

conclude implementation.

At the same time we've had initially incorporated liquidated damages and liquidated damages are still in the contract, more so for the date as Domingo mentioned February of 2009 which is an essential date for notice of values for that calendar year. So the two mechanisms we have in place to protect Santa Fe County are the liquidated damages as well as the performance bond. The bond would be in the amount of whatever it would turn out to be for the first two years of the project.

CHAIRMAN SULLIVAN: And the liquidated damages are in the contract, and how much are they?

MR. R. MARTINEZ: Mr. Chairman, it is in the contract and I believe it's \$200 a day, after that February 1, 2009.

CHAIRMAN SULLIVAN: Okay. Thank you. Other questions from the Board?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Montoya.

The motion passed by unanimous [3-0] voice vote. [Commissioner Vigil was not present for this action.]

MR. R. MARTINEZ: Mr. Chairman, Thank you. Before we break, if I may if possible, I'd like to acknowledge a few folks, just to let the Commission know. This was about a nine-month project. There was a lot of effort that went into this project, notably Amanda Hergis from GIS, Amanda, Steve Meyer, the Assessor's office we had Larry Valdez, Daniel Keen. I hope I'm not forgetting anybody. Of course Domingo and Victor, but I'd just like for you folks to know that the work that went into this thing was fairly complex and it was a great effort. Legal as well, Sue Herrmann from the Legal Department helped negotiate the finals of the contract. There was a lot of complexity and a lot of work from a lot of the departments.

COMMISSIONER MONTOYA: Mr. Chairman, I just want to congratulate you all for getting this done and expediting to where we're actually moving further along sooner than if we were to have followed the phasing schedule that was suggested by the Weston study. So I really am glad. I think it's going to be a benefit for all Santa Fe County residents. I'm really pleased to hear we're moving along quicker than anticipated. Thank you all for your work. Appreciate it.

CHAIRMAN SULLIVAN: And I would encourage some periodic updates to the Commission, perhaps at our presentation meetings which we have every quarter, because my experience has been that at the beginning of these contracts, like a marriage, everyone is happy and friendly and -

COMMISSIONER MONTOYA: I still am.

CHAIRMAN SULLIVAN: And glad to get all of the technicalities out of the way and start the relationship. But occasionally, as things move forward misunderstandings or

lack of communications arise and those issues need to be resolved, particularly in a high dollar contract like this. So setting benchmarks, good benchmarks and requiring the contractor to meet those benchmarks and requiring our own staff to meet those benchmarks is important. And if we can do that and if we can see in progress reports how those benchmarks have been met then that give us – gives me, anyway – the warm and fuzzy feeling that I want to have about this contract, that it's a good expenditure for Santa Fe County residents. I know that's what Richard was saying and I just want to encourage that throughout this contract. Thanks a bunch.

X. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. On January 9th of this year I went to Washington, DC and met with Congressman Udall and Senator Bingaman's office staff, and we talked about the oil and gas issue and they were advising about the Archeological Site Protection Act that is out there and that they are going to try to get funding to go to the Secretary of the Interior to continue studying the Galisteo Basin. So we are continuing to get informed on the oil and gas issue.

At our meeting on January 8, 2008, a resolution was passed supporting the Health Security Act. This is while I was away. The Health Policy and Planning Commission did not support this action. I was not present to vote on this action and I would have not voted for it. Our Health Policy and Planning Commission recommended that the BCC wait and study the legislation that is now being introduced at the legislative session, then decide on the proper course of action that we should take. The fact that the Commission did not heed the advice of the Health Policy and Planning Commission disturbs me and disappoints me and I hope this will not happen again in the future.

These people that we put on the commission we have asked to advise us on these issues. So that, Mr. Chairman, I just would like to say that I did not support that.

I'd like to talk a little about the oil and gas –

CHAIRMAN SULLIVAN: Commissioner, just on that topic. I might – just one clarification. You're right. I'm sorry you weren't able to be there at the meeting. I know you were in Washington with NACo and supporting our participation in that organization as an officer and we appreciate that. We did have the Health Policy and Planning Commission make a presentation to us and they did, as you say, recommend that we not take the position. They did bring up two issues that they felt were key issues in the Health Security Act and one was that they felt that it would reduce federal funding available to New Mexico and secondly, that for whatever reason, it would reduce the number of doctors and providers that were available, that these provisions would make it perhaps more restrictive and they wouldn't want to stay in New Mexico or come to New Mexico. And those were important points that they brought up.

So the resolution that we passed wasn't a blanket endorsement of the Health Security Act. It supported a Health Security Act, provided that that act didn't reduce federal funds

available to the state or result in a reduction in care providers. So I think the news or perhaps the roundhouse gossip may not have recognized that subtlety in the resolution because the resolution was very similar to resolutions passed by I think it was some 20 other counties. But we did make that distinction. So we didn't turn down the Health Policy and Planning Commission recommendations completely, and it so hard during the legislative session to track these bills, to study them, when they're whipping through a 30-day session, is awfully difficult to do. But we appreciate your comments on that and we did consider very thoroughly what HPPC said and we don't want those actions to be seen as any reduction in our support for what they do. Thanks. Go ahead.

COMMISSIONER ANAYA: Thank you, Commissioner. On the oil and gas issue again, Roman, I've been receiving phone calls and letters again about possibly extending the moratorium to meet the - to coincide with the state's moratorium. Just discussion about on that and to possibly come up with a schedule, when we're going to do our first public hearings. I know briefly, Chairman Sullivan and I have discussed this, but I'd like to throw it back at you and see what we could do to accommodate the concerns of the people.

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, both myself and County Attorney Ross have been discussing the moratorium. Our existing moratorium expires at the end of February, so now that we've gotten more clarification from the state as far as the governor's moratorium, we're starting to discuss that and what effect that could have on our own moratorium that again expires at the end of the month. As far as the public hearings schedule, both myself and Chairman Sullivan have been talking about and trying to put together an outline for a hearing schedule so I would expect that we would have something for you guys to look at, hopefully in the near future, like within the next week or so.

And I will, as the County Attorney and I continue to discuss our own moratorium I will talk with the chairman and get the Commission's feeling for whether or not we put an item on the agenda specific to that.

COMMISSIONER ANAYA: Okay. Thanks, Roman. Then Mr. Chairman, one other item and that is I've been talking to the Mayor from Edgewood and he has asked to see if the Town of Edgewood residents could use the County transfer station. I believe I briefly spoke with Roman about it, and maybe we could look into it a little more and see how we could accommodate that. I don't know how many people. I don't know if they have a trash collecting agency there or why they want to use it. Maybe the transfer station that they can use is too far away. I think it might be in Torrance County. But if we could look at ways to maybe accommodate the Town of Edgewood. That's all I have, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay. Roman, you're going to look into that with Solid Waste?

MR. ABEYTA: We will, Mr. Chairman, and I'll bring something back to the Commission. I'll report to the Commission on that within 30 days.

CHAIRMAN SULLIVAN: Okay. Some kind of a joint powers agreement, something of that nature. Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. We currently

have a preliminary engineering report going on in Sombrillo for the wastewater system and simultaneous with that, I believe we needed to get some funding reauthorized that included the wastewater in the language that was originally allocating \$500,000. Do we have a status update on that or know where that's at?

MR. ABEYTA: Mr. Chairman, Commissioner Montoya, I don't know today about that but I'll check on that and I should be able to get back to you in the next day or two.

COMMISSIONER MONTOYA: Okay. The reason being is because there's been a lot of discussion recently in Española about the annexation or potential annexation of the Sombrillo area. I feel that at this point the County is further along than what the City of Española is being able to provide water and wastewater services. So I'd like to make sure that we get that language reauthorized and hang onto that funding for the wastewater system.

JAMES LUJAN (Growth Management Director): Mr. Chairman, Commissioner Montoya, that is being reauthorized. The language has been changed. Rudy was taking care of that to get it reauthorized to include wastewater. That was due on Sunday, I believe, of this week.

COMMISSIONER MONTOYA: Okay.

MR. LUJAN: So he did get that in there.

COMMISSIONER MONTOYA: Okay. And it's gone through committee?

MR. LUJAN: I don't know the status of where it's at but I think the language has been changed.

COMMISSIONER MONTOYA: Okay. So the language is changed, then it goes to the governor for signature, and -

MR. LUJAN: Correct.

COMMISSIONER MONTOYA: Good. So everything is moving along then. That's good. Then I guess in terms of the oil and gas drilling, I'll just give my two cents in terms of my thoughts on that and I would think that it would probably be good if we did extend the moratorium ourselves. So that would be my thoughts in terms of wanting to do that until at least the June 24th date that's been proposed by the governor.

And then I just wanted to reinforce what Chairman Sullivan said in that in no way would I ever discount or ignore the advice that the Health Policy and Planning Commission would give to this Board. And I believe that their concerns were in terms of what were incorporated, and also just to clarify one additional thing is that we did say that it was a model similar to the Health Security Act but we didn't specifically endorse the Health Security Act. It was a model that incorporated the principles that they were promoting. So it wasn't totally just the Health Security Act either. But we did incorporate, as Chairman Sullivan said, their concerns about essentially holding the County harmless in terms of any potential loss of revenue from our healthcare assistance program. So it was, I think, a good position to take, particularly with healthcare where it is now and needing to at least move forward. This model certainly puts, as I stated, people before profits so I felt that it was a good model to at least use as a template for them to begin some sort of healthcare reform discussion.

And then lastly, I just wanted to congratulate Commissioner Anaya as being newly

appointed president for the New Mexico Association of Counties. Does that mean we're going to see you less?

COMMISSIONER ANAYA: Could be. Thank you.

CHAIRMAN SULLIVAN: Is that it, Commissioner?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: All right. Thank you. What's the pleasure of the Commission? The next item is appointments and reappointments and also we want to see - I think Commissioner Vigil said she would back after lunch and Commissioner Campos might be back after lunch. Do we want to break for lunch and then handle that when we return, and then have their input in that? What do you think?

COMMISSIONER ANAYA: Do some other things and -

CHAIRMAN SULLIVAN: Do you want to head into the Consent Calendar before we do that and do that for fifteen minutes? Okay. So we'll leave appointments and reappointments until after lunch. Shelley is anxious and ready to go, I can see, but I do want to get the other Commissioners here for that, because - or we could do B. and C.

COMMISSIONER MONTOYA: On the appointments? Or do you want to wait on that? Because one is resignations and one is appointment of two people.

CHAIRMAN SULLIVAN: They look kind of standard there. Let's take a look.

XI. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

B. Resignation of Eduardo Garcia, Captain Raymond Coriz, Jr. and Kacy Ramos from the DWI Planning Council

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay. Motion and second. Any discussion about this?

MS. BEARDSLEY: No, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay. We want to thank these individuals for their service on the council.

The motion to approve passed by unanimous [3-0] voice vote.

XI. C. Appointment of Diego Lopez and Ellen Feighny to the DWI Planning Council

CHAIRMAN SULLIVAN: These are recommended by the staff and also has been supported by the Health Policy and Planning Commission. Is that correct?

MS. BEARDSLEY: That's correct, Mr. Chairman.

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Mr. Chairman, I'm going to recuse myself from this vote.

CHAIRMAN SULLIVAN: Mr. Ross, I need another body, don't I?

MR. ROSS: Yes, you need another body.

CHAIRMAN SULLIVAN: That's what I was afraid of. Okay. This one's going to have to hold until I have one or two more warm bodies up here, Ms. Beardsley. Okay. So we'll leave the appointments until we have more members here after lunch, so everyone gets a shot at their region. Because we do have La Cienega and other issues there that I'm sure Commissioner Vigil will want to have some input on.

XII. CONSENT CALENDAR

A. Budget Adjustments

- 1. Resolution No. 2008-8. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2007 Cash Balance with and Operating Transfer to the Road Maintenance Fund (204) for Expenditure in Fiscal Year 2008 / \$30,000 (Growth Management Department)**
- 2. Resolution No. 2008-9. A Resolution Requesting an Increase to the General Fund (101) to the Economic Development Fund (224) for the Purchase of the Media District Property/ \$1,900,000 (Administrative Services Department)**
- 3. Resolution No. 2008-10. A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded Through the US Department of Transportation Federal Highway Administration for the Santa Fe River for El Camino Real National Scenic Byways / \$39,941 (Community Services Department)**
- 4. Resolution No. 2008-__ . A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2007 Cash Balance with and Operating Transfer to the EMS- Healthcare Fund (232) for Annual Leave Payout Expenditures for the Regional Emergency Communications Center / \$28,610.92 (Community Services Department) ISOLATED FOR DISCUSSION**
- 5. Resolution No. 2008-16 A Resolution Requesting to Transfer a Portion of Capital Outlay GRT Funds that were Approved for the El Rancho Community Center to the Edgewood Senior Center for Renovations / \$50,000 (Community Services Department) ISOLATED FOR DISCUSSION**
- 6. Resolution No. 2008-11. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2007 Cash Balance**

- for Capital Equipment Expenditure in Fiscal Year 2008 / \$20,429
(County Sheriff's Office)
7. Resolution No. 2008-12. A Resolution Requesting an Increase to the Federal Forfeiture Fund (225) to Budget Insurance Recovery Revenue Received for Expenditure in Fiscal Year 2008 / \$9,456.64 (County Sheriff's Office)
 8. Resolution No. 2008-__ A Resolution Requesting an Operating Transfer From the Jail Operations Fund (518) to the General Fund (101) to Transfer an FTE From the Adult Facility to Human Resources as a Secretary / \$22,558 (County Manager's Office)
ISOLATED FOR DISCUSSION
 9. Resolution No. 2008-__ A Resolution Requesting an Increase to the Fire Operations Fund (2440 to Budget Prior Fiscal Year 2007 Grant Balance for the Homeland Security Grant #2005-GE-T5-0012-SF for Expenditure in Fiscal Year 2008 / \$889,865 (Community Services Department) ISOLATED FOR DISCUSSION
- B. Professional Service Agreements**
1. Request Authorization to Accept and Award a Professional Services Agreement with Northern New Mexico Emergency Medical Services, P.C., Dr. Steven Rolig to Serve as Medical Director for the Santa Fe County Adult Detention Facility (SFCADF) and Youth Development Program (YDP) (Corrections Department)
 2. Request Authorization to Accept Amendment No. 25-0126-AS with Ink Impressions to Provide the County Assessor with Printing and Mailing of the 2008 Notice of Valuation Forms and 2009 Personal Property Rendition Forms and Increase Compensation in the Amount of \$20,756.70 for FY08 (Assessor's Office)
 3. The Santa Fe County Assessor's Office in Conjunction with the County's Geographic Information Systems Division Requests Authorization to Enter into PSA #27-1910-AS/RM for a Computer Assisted Mass Appraisal System (CAMA) with Associated GIS Module (Assessor's Office) See page 16.
 4. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #28-0010-GM/JC to Provide Legal Representation to Santa Fe County on Matters Related to Water Rights and Water Litigation Issues (Legal Department)
 5. The Santa Fe County Corrections Department Requests Authorization to Enter into PSA #28-0024-CORR/MS (A) with Temps, Inc., PSA #28-0024-CORR/MS (B) with Maxim Healthcare Services, and PSA #28-0024-CORR/MS (C) with Medical Staffing

- Network for Temporary Nursing Services (Corrections Department)
6. Request Approval of First Amendment to Capital Cooperative Agreement Certification Project Dated October 11, 2005. Amendment to Appendix B, Change of Project Description (Growth Management Department) ISOLATED FOR DISCUSSION
 7. Request Approval of Capital Cooperative Agreement for 2007 Legislative Appropriation(s) for Santa Fe County Road Projects in the Amount of \$1, 159,385.00 (Growth Management Department) ISOLATED FOR DISCUSSION

C. Miscellaneous

1. Request Approval to Fund Four New FTE's From Rolling Position List (Administrative Services Department)
2. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of December 2007 (Administrative Services Department)
3. Resolution No. 2008-13. Requesting BCC Approval of Amendments to the "Transportation Fuel Reduction and Alternative Fuel Vehicle Acquisition and Use Policy" to be Adopted as a County - Wide Policy for Acquisition of Vehicles, Specific to a Miles Per Gallon (MPG) Standard for County Vehicles (Administrative Services Department)
4. Resolution No. 2008 - __ A Resolution Adopting the Arroyo Hondo Open Space Management Plan (Community Services Department) [See page 66 under Matters from the County Manager.]
5. Request Approval of Amendment No. 1 to Contract No. 25-0169-PFMD Between Santa Fe County and TerraMar Architects, P. C. for the Thunder Mountain Fire Station \$21, 375 (Community Services Department)
6. Request Approval of Change Order No. 11 for the New Public Works Facility for the Addition of Security System and Chlorination System in the Amount of \$159,050 (Community Services Department) ISOLATED FOR DISCUSSION
7. Request Approval of Amendment No. 1 to Gerald martin LTD Contract #27-0932-PFMD to Provide LEED Commissioning Services for the New 1st Judicial Courthouse Project (Community Services Department) WITHDRAWN
8. Request Approval of An Agreement Between Santa Fe County and Ellis Browning Architects, LTD. For Architectural and Engineering Services for the Design of a New Extension Office Building at the Santa Fe County Fairgrounds \$90,945 (Community Services Department)

9. **Resolution No. 2008-14. A Resolution Authorizing the County to Submit an Application to the Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant and Distribution Program (Community Services Department)**
10. **Request Approval of Local DWI Distribution /Grant application for Fiscal Year 2009 in the Amount of \$1,208,469 for the DWI Program (Community Services Department)**
11. **Request Approval of Memorandum of Understanding Between Santa Fe County and the New Mexico Department of Finance and Administration for Fiscal Year 2009 for the DWI and CARE Connection/Sobering Center Programs (Community Services Department)**
12. **Request Approval of a Health Assurances and Cooperative Agreement Between Santa Fe County and the New Mexico State Department of Health for Fiscal Year 2009 for the DWI and CARE Connection/Sobering Center Programs (Community Services Department)**
13. **Request Approval of Local DWI Distribution/Grant Statement of Assurances with the New Mexico Department of Finance and Administration (Community Services Department)**
14. **Request Approval of Amendment #12 to the Presbyterian Medical Services Contract #25-0094-HHSD for Administration of the CARE Connection Assessment Center for February 1, 2008-June 30, 2008 in the Amount of \$146,955 (Community Services Department)**
15. **Request Approval of Agreement from Value Options for Administration of the Access to Recovery (ATR) Voucher Program by the CARE Connection for December 1, 2007 through June 30, 2008 in the Amount of \$274,745 (Community Services Department)**
16. **Resolution 2008-15. Request Approval of Local DWI Distribution/Grant Resolution for FY09 Allowing for Submittal of Application to DFA for \$300,000 in DWI Detox Funds for the CARE Connection (Community Services Department)**
17. **Request Approval of Application to DFA for \$300,000 in DWI Detox Funds for the CARE Connection (Community Services Department)**
18. **Approval of a Memorandum of Agreement with North Central Regional Transit District, NCRTD, for the Transfer of \$100,000.00 for the Greater Eldorado Express Bus Service (Growth Management Department)**
19. **Consideration and Approval of a Memorandum of Agreement**

- Between the City of Santa Fe and County of Santa Fe for Use of the County Capital Outlay Gross Receipts Tax to Fund the Joint Regional Buckman Direct Diversion Water Project (Mary Helen Follingstad) TABLED
20. Resolution No. 2008-__ A Resolution Requesting Approval Authorizing an Additional 25% Pick up of Santa Fe County's Non-Bargaining PERA Members Under Municipal Fire Member Coverage Plan 5 for a Total Pick Up of 75% of Contributions by Santa Fe County (Human Resources Department) ISOLATED FOR DISCUSSION
 21. Approval of COLA for Corrections CWA Union Employees (Human Resources Department)
 22. Request Authorization to Accept Lease Agreement for Communication Use Lease with Tesuque Radio Company, Inc. to Construct, Maintain and Operate a Facility to House Certain Electronic Equipment and Rent Space in that Facility for the Operation of Certain Electronic Transmission Equipment at Tesuque Peak. (Fire/Sheriffs)
 23. Resolution No. 2008-__ A Resolution Authorizing The County Manager to Execute the Purchase And Sale Agreement with the Community Foundation Charitable Real Estate Fund ("CFCREF") For the Purchase of Unit 1 At the Solano Center (Community Services Department) ISOLATED FOR DISCUSSION
 24. Request Approval of Change Order No. 5 for the New Public Works Facility in the Amount of \$28,562.00 for Electrical Feeders (Community Services Department) ISOLATED FOR DISCUSSION
 25. Request Approval of Change Order No. 6 for the New Public Works Facility No. 6 for the New Public Works Facility in the Amount of \$30,582.00 for Relocated Transformer (\$9,681.00) and Rebar at Vehicle Lifts / \$20,901.00 (Community Services Department) ISOLATED FOR DISCUSSION
 26. Request Approval of Change Order No. 7 for the New Public Works Facility in the Amount of \$28,228.00 for Additional Crusher Fines (\$12,916.00), electrical Revisions (\$7,948.00), Communication Stub-outs (\$3,799.00) and Knock Out Panel for Framing (\$3,565.00)/(Community Services Department) ISOLATED FOR DISCUSSION
 27. Request Approval of Change Order No. 8 for the New Public Works Facility in the Amount of \$32,292.20 for N.M. GRT Increase (Community Services Department) ISOLATED FOR DISCUSSION
 28. Request Approval of Change Order No. 9 for the New Public

Works Facility in the Amount of \$11,309.00 for Mechanical Ductwork Changes (\$5,226.00), Electrical Light fixtures Revisions (\$22,253.00) Minus Rub Finish on Concrete Walls, Light Poles and Piers /-\$16,170.00 (Community Services Department) ISOLATED FOR DISCUSSION

- 29. Request Approval of Change Order no. 10 for the New Public Works Facility in the Amount of \$28,305.00 for Water Cooler Changes (\$6,514.00), Column Base Revisions (\$15,930.00), Additional 2" Site Wall /\$5,861.00 (Community Services Department) ISOLATED FOR DISCUSSION**

[Consent Calendar motion is on page 3]

CHAIRMAN SULLIVAN: Okay, a couple of Consent Calendar withdrawals. We'll handle those for the next ten minutes, move forward through those. And the first was item XII. A. 5.

- XII. A. 5. Resolution No. 2008-16. A Resolution Requesting to Transfer a Portion of Capital Outlay GRT Funds that were Approved for the El Rancho Community Center to the Edgewood Senior Center for Renovations / \$50,000 (Community Services Department)**

CHAIRMAN SULLIVAN: I asked that this be withdrawn, and I'll get to the point. First of all there was \$100,000 transferred to the El Rancho Senior Center and apparently they couldn't use it and now \$50,000 is being transferred to the Edgewood Center. So who made those decisions and why couldn't it be used and what was the genesis of this?

JOSEPH GUTIERREZ (Community Services Director): Again, this all started with the El Rancho Center. We did a remodel at the El Rancho Community Center/Senior Center out there, and we had about \$225,000 of state funds. Before we went out to bid we felt that we might run short so we asked the Commission to allocate \$100,000 of non-regional, I believe, GRT for roads and others. The Commission approved that. We went out to bid and the architect and the project manager on this, which is Frank Jaramillo actually came in right at budget, about \$225,000. So at that point we didn't use \$100,000 that was allocated to El Rancho.

We have a similar project going on in Edgewood. It's a major remodel there. We have about \$736,000 of funds from the legislature. We've spent some of those funds. We're down to roughly about a little over \$400,000. We're out to bid right now. We have a pre-bid conference this week. We feel that we're going to be running short a little bit so we discussed this with Commissioner Montoya, who - El Rancho is in his district. So we

came to an agreement to move \$50,000 out of that \$100,000 that was allocated to El Rancho over to Edgewood to give us a little assurance as we go out to bid for this project. And I think with this we'll have about \$450,000 to \$470,000 for the Edgewood Center. And again, I believe that bid will be opening in about two to three weeks. We just want to make sure that we cover the mark when the bid opens. That was the reason for moving the money.

It wasn't that El Rancho couldn't use the dollars. It's the bid came in at the budget that was allocated for it. But we'll probably go in and do some other minor renovations to use the existing \$50,000. They're talking about some kitchen remodels and other things over at El Rancho. I stand for any questions, Mr. Chairman, members of the Commission.

CHAIRMAN SULLIVAN: Okay. Any questions on the fund transfer.

Seeing none, do we have a motion?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay. Motion by Commissioner Anaya, second by Commissioner Montoya.

The motion to approve Resolution 2008-16 passed by unanimous [3-0] voice vote. [Commissioner Vigil was not present for this action.]

CHAIRMAN SULLIVAN: Thank you, Joseph. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Joseph, when I was at the legislature I talked to Senator Sue Wilson-Beffort. And she had a comment that we weren't using the money that she had allocated last year and I wanted to make sure that we get her a letter of some sort telling her what you just told us and that those monies are going to be used soon. Because she wasn't happy that the money hadn't been used. So if you could do that for me, I would appreciate it. So many she can allocate some more money this year.

MR. GUTIERREZ: Mr. Chairman, Commissioner Anaya, we will do that. If the bid comes in at \$460,000 or less they'll see the activity come in the next couple of months, in terms of breaking ground on the remodel.

COMMISSIONER ANAYA: Thank you. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay. I'm skipping a couple of the withdrawals that Commissioner Vigil made so that she could address those when she comes back. So I'm only addressing the ones that I made.

XII. B. 6. Request Approval of First Amendment to Capital Cooperative Agreement Certification Project Dated October 11, 2005. Amendment to Appendix B, Change of Project Description (Growth Management Department)

CHAIRMAN SULLIVAN: Mr. Martinez, could you give us your input on that and I can focus you specifically on what my question was. It has to do with item 10 in the exhibit of this change. Well, go ahead and explain it. It's that severance tax project, the North Estrella Road improvements, changing it to the Pueblo of Pojoaque Traditional Administration Building. Apparently there was legislation involved in that. Is that correct?

ROBERT MARTINEZ (Public Works Director): Yes, Mr. Chairman. This agreement was executed in October 11, 2005. But the sponsor of the capital outlay request for the North Estrella Road improvements has requested an authorization change to move it from the North Estrella Road improvement, which is not a County road, to the Pueblo of Pojoaque Administration Building. So this does not affect the County at all since this is not a County maintained road.

CHAIRMAN SULLIVAN: Okay, so that was my first question. I always cringe when we're getting road funds moved to some other category, but it's not a County road.

MR. MARTINEZ: That is correct.

CHAIRMAN SULLIVAN: And the amount is \$465,000?

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

CHAIRMAN SULLIVAN: Okay, and then what are they going to do at the Pueblo of Pojoaque with the money?

MR. MARTINEZ: Mr. Chairman, I do not know, since this is not a Public Works project and we were not contacted by the sponsor I have no idea.

CHAIRMAN SULLIVAN: It says it will be expended to the Indian Affairs Department. So that means that it's being withdrawn. Is that what happens?

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

CHAIRMAN SULLIVAN: Okay. So we're not involved in whatever happens at the Pojoaque Traditional Administration Building. That's the state's project.

MR. MARTINEZ: That is correct.

CHAIRMAN SULLIVAN: Okay. Now I understand it. Any other questions of Robert about this?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: So this was more than – it looks like more than just Estrella Road. It looks like there was road in La Cienega and Churchill.

MR. MARTINEZ: Mr. Chairman and Commissioner Montoya, if I can explain to you how these agreements work. These agreements from the Capital Outlay Committee are bunched into one agreement. All of these projects are bunched into one

agreement. So when there is a change to an individual project it doesn't impact the other projects but since all of these projects are on the same agreement they have to show what was originally on those agreements. But all of these projects that are on the agreement that's being amended have already been constructed by the County. So these are not being affected. These projects have already been constructed, completed and submitted for reimbursement by the County.

CHAIRMAN SULLIVAN: That's 1 through 9 in Appendix B.

COMMISSIONER MONTOYA: So those have already been done.

MR. MARTINEZ: Either done or in the process. For example, like Agua Fria, South Meadows, those are still in progress.

COMMISSIONER MONTOYA: Okay, so the only one that wasn't was number 10.

MR. MARTINEZ: That is correct. That is the only project on this agreement that is being affected by this amendment.

COMMISSIONER MONTOYA: Okay. And who's the sponsor that's asking for this change?

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, I have no idea. This agreement came directly from the DOT.

COMMISSIONER MONTOYA: Okay

CHAIRMAN SULLIVAN: And I said \$465,000, but that's the total of all those projects in that agreement. Do you know how much was moved out?

MR. MARTINEZ: Mr. Chairman, I believe the agreement amount for North Estrella Road was about \$50,000.

CHAIRMAN SULLIVAN: About \$50,000. So I misspoke there. The \$465,000 was the total of the remaining projects 1 through 9. So about \$50,000 is going back.

COMMISSIONER MONTOYA: Okay. And not \$465,000.

CHAIRMAN SULLIVAN: Not \$465,000. Commissioner Montoya you still have the floor?

COMMISSIONER MONTOYA: No. I'm done.

CHAIRMAN SULLIVAN: Okay. Questions, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, Robert, I'm not clear on this. So you're taking \$50,000 that was appropriated for North Estrellas Road and moving it to the Pueblo of Pojoaque.

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, the County is not; the State is.

COMMISSIONER ANAYA: Oh, the State.

MR. MARTINEZ: That is correct.

COMMISSIONER ANAYA: Okay. And the reason - where's North Estrellas Road?

MR. MARTINEZ: North Estrellas Road is in La Cienega but is not a

County maintained road.

COMMISSIONER ANAYA: Right. So those – I know we didn't advocate for that money. The residents did, I believe. Or did we?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, we have never had any contact with anybody from North Estrellas Road on this particular capital outlay request.

COMMISSIONER ANAYA: Where is North Estrellas Road in La Cienega?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, it is behind the racetrack.

COMMISSIONER ANAYA: You go down 54, and how far do you go down?

MR. MARTINEZ: You go down, I believe it's about a half-mile or so and it's on the left-hand side. Now there is a Las Estrellas that is County maintained that's right after the racetrack on the frontage road, but this particular funding was not for that particular road.

COMMISSIONER ANAYA: Do you know when the funding came about?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, this agreement was executed in 2005.

COMMISSIONER ANAYA: So they went and got it appropriated, but it's not a County road, and the State wants to move it.

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, the sponsor of the capital outlay request is requesting.

COMMISSIONER ANAYA: Who's that?

MR. MARTINEZ: I do not know.

COMMISSIONER ANAYA: Oh. Okay. Thanks.

CHAIRMAN SULLIVAN: Okay. What's the pleasure of the Commission?
Can I have a motion?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: The sponsor has to be a representative or a senator, correct?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: They would initiate the reauthorization.
They're the ones that want this to happen.

MR. MARTINEZ: That is correct.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and second. Plus we couldn't put the money to that road anyway, Commissioner, because it's not a County road. So our hands are kind of tied here, I think.

The motion passed by unanimous [3-0] voice vote.

- XII. C. 6. Request Approval of Change Order No. 11 for the New Public Works Facility for the Addition of Security System and Chlorination System in the Amount of \$159,050 (Community Services Department)**
- 24. Request Approval of Change Order No. 5 for the New Public Works Facility in the Amount of \$28,562.00 for Electrical Feeders (Community Services Department)**
- 25. Request Approval of Change Order No. 6 for the New Public Works Facility No. 6 for the New Public Works Facility in the Amount of \$30,582.00 for Relocated Transformer (\$9,681.00) and Rebar at Vehicle Lifts / \$20,901.00 (Community Services Department)**
- 26. Request Approval of Change Order No. 7 for the New Public Works Facility in the Amount of \$28,228.00 for Additional Crusher Fines (\$12,916.00), electrical Revisions (\$7,948.00), Communication Stub-outs (\$3,799.00) and Knock Out Panel for Framing (\$3,565.00)/(Community Services Department)**
- 27. Request Approval of Change Order No. 8 for the New Public Works Facility in the Amount of \$32,292.20 for N.M. GRT Increase (Community Services Department)**
- 28. Request Approval of Change Order No. 9 for the New Public Works Facility in the Amount of \$11,309.00 for Mechanical Ductwork Changes (\$5,226.00), Electrical Light fixtures Revisions (\$22,253.00) Minus Rub Finish on Concrete Walls, Light Poles and Piers /-\$16,170.00 (Community Services Department)**
- 29. Request Approval of Change Order no. 10 for the New Public Works Facility in the Amount of \$28,305.00 for Water Cooler Changes (\$6,514.00), Column Base Revisions (\$15,930.00), Additional 2" Site Wall /\$5,861.00 (Community Services Department)**

CHAIRMAN SULLIVAN: These are all pertaining to the change-orders on the Public Works Building. Would you like to hear that now or would you like to wait until after lunch to hear it? Hear it now?

COMMISSIONER ANAYA: It will only take five minutes, right?

CHAIRMAN SULLIVAN: I don't know. We have all the troupes here so maybe we better listen to it. So we're now, before lunch, in combination do items XII. C. 6, which is change-order 11, and we're also going to discuss C. 24, 25, 26, 27, 28 and 29. Those are change-orders 5, 6, 7, 8, 9 and 10 for the Public Works facility. At our last

regular meeting we already approved change-orders 1 through 4, if you'll recall. Mr. Olafson.

PAUL OLAFSON (Community Projects Division): Mr. Chairman, Commissioners, before you we have, as you've said, change-orders 5 through 11 for the Public Works facility. And just to give you a brief summary, I did hand out a summary sheet that should be on your desks there, and it's title Update on Public Works Facility and Change-orders. [Exhibit 1] Today we're presenting these six change-orders. They are totaling approximately \$317,893. As you stated, Chairman Sullivan, 1 through 4 were approved on December 11th, totaling \$90,447 So to date, we have with these five or six change-orders, plus the four, we're at \$408,388 in change-orders for the project, approximately 2.5 percent of the project cost. That's in that table provided you that also has a breakdown of owner-requested, Code compliance issues, unforeseen conditions, GRT increase, contractor recommended credit and then A&E coordination and field conditions. That breakup kind of shows percentages of the different amounts in the different kinds of categories there.

In your packets you do have the change-orders 5 through 11 and there's the cover memo for each one as well as the detailed background for the items that were involved in the change-order. And then also in this memo I've provided today there's a title bar that says foreseen change-orders. This is coming change-orders that we anticipate in the next couple weeks. We are actually working on these together now. The total will be a little over \$200,000. The project right now is approximately 56 percent complete and we are of course, as we stated last time and in meeting with you between the December meeting and now we've also explained to you that we are going through these change-orders. We are making sure that they are valid and we are correcting any – or we are validating the costs to make sure that we are not overpaying, and we are also assessing where the orders are coming from and what issues they are surrounding. Whether it's a design issue, is it an unforeseen condition? Is it a change in the gross receipts tax? And to date, this is where we are with the foreseen change-orders coming. We anticipate the total change-orders will total \$625,602, and that's what we know of that are on the board today, and that will be about 3.8 percent of the total project. And I would stand for any questions, and if there's any technical questions about specifics we have members of the design team here to help, as well as our project manager and team.

CHAIRMAN SULLIVAN: Okay, so just to clarify, today, 1 through 11, the change-order have amounted to \$408,3088 and you anticipate about another \$200,000 in change-orders to come, bringing the total to approximately \$625,602.

MR. OLAFSON: Mr. Chairman, that's correct. And I forgot to mention, the third page of this handout, if you look at it, has a regular breakout. It's the same numbers, it just breaks it out a little more clearly.

CHAIRMAN SULLIVAN: Okay, questions for staff? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, Paul and everybody that I met with, I want to thank you all for taking me for a tour of the site and explaining the change-

orders that are coming through and I'm glad to see that we're watching them. I enjoyed visiting with you and you clarified a lot of things that were on my mind. Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya. Also, the Friday before Commissioner Anaya was out there on the site, I visited with the staff also for about two hours and went through each of these change-orders. And I think there's two comments that I feel we need to pass on here. One is I think we the Commission need better oversight of these change-orders. I know that we have a limit of \$50,000 that Roman is authorized to approve. I kind of have a sense that conveniently, a lot of these are under \$50,000, although not all of them, and I think that some then of course have a real emergency to them that need to be done immediately and can't wait for the Commission to act on them. And that's the reason the County Manager has that authority.

And so my point is I think we need a better oversight mechanism here. I don't know what it is. I don't necessarily think it's every change-order should come to the County Commission, but I also don't think that we should get 11 of them suddenly at a total of \$408,000. So that's not right. So somewhere in between here we need to come up with a program that monitors these change-orders. And I spoke last time about some that I felt probably weren't the County's responsibility and Mr. Olafson has indicated and so has the staff, and Joseph, that they are working on that issue.

And the other thing is I don't see anything from 3CDI here. I guess - except this third page here. I would like to get a better feeling of comfort that we are being represented as the owner's representative by this firm in the field. I see in the memo that we feel that we've probably negotiated a reduction of \$100,000 and I imagine that has to do with the staff and the consultant being familiar with what these changes are and reducing them. But I'm suggesting that we have some better reports, even if they're just reports in the Consent packet - something - status reports, and opinions from the owner's representative that we've hired to monitor this project as to what's happening and what red flags we might see in the future that we the Commission should know about before they get on the front page of the paper or before they become expensive change-orders. Joseph, you had a comment?

MR. GUTIERREZ: Mr. Chairman, members of the Commission, in terms of your remarks on the change-orders, I truly believe that the amount of change-orders that came at this point was a lack of some internal coordination. We were aware of these. There were some issues with the design team. There were some issues with the builder, but in an effort to keep this project moving forward we made some decisions. I think that the way that we will process change-orders from now on into the future will improve and you won't see \$600,000 worth of change-orders. But going back to the project I mentioned in El Rancho, the \$200,000 project, the Eldorado, \$1.5 million, they all had change-orders.

We in projects are continually wanting to make sure that these projects move forward. I think the volume that you're seeing in terms of dollars, this is the first time that I've worked on a \$16 million project. So if you look at the percent, 3.8 percent, I think it's relative to the size of the project. But I think internally we have made some measures

that will effectively coordinate the process of change-orders in a more timely fashion, with us and with Legal. But as I remind all of you, even if that process at best, we're looking at a minimum of 30, more likely 60 days before they come to the Commission for approval. So to say that they all have to come to you or they don't all have to come to you, I know that's a difficult decision on everybody's part, but it's always our intention in a project that we keep these projects moving forward. Because once - when we delay these, and you all know this, in terms of costs, especially with the courthouse and those types of things that it adds cost to the project. And that's what we're always trying to avoid. Even though we will have change-orders. When we go down the road with the courthouse project, \$55 million, we will have change-orders at that time.

So as the chair brought out in terms of discussion, the oversight is an issue and I don't really have an answer to it but I know that in terms of our coordination we will be more timely in terms of processing change-orders. So I don't know that you'll see the dollar amount decrease. I don't think that we're going to have significant change-orders on this project because of where we are, 56 percent complete, but we'll have some more change-orders. From our perspective, if we can get the Manager to sign change-orders that are under \$50,000 that would expedite and keep the project moving forward but I don't know that it improves your comfort level in terms of that oversight.

CHAIRMAN SULLIVAN: Joseph, since we're 57 percent done and we're down the homestretch hopefully, could you get into our administrative meeting packet each month now through the end of the project, a brief project summary report?

MR. GUTIERREZ: Mr. Chairman, that's something that we could do. We could give you a project report on all the projects that we have and show you all the change-orders that have gone through the Manager's office or that we're going to plan to bring forward.

CHAIRMAN SULLIVAN: My interest right now is on this one and if we put it just in the Consent packet, Commissioners can read through it. If they have any questions, they can bring it off. If not, that's just fine. But I'd like to get a report and I'd like that to include any recommendations from our owner's representative as well as staff recommendations as well as architectural recommendation. Give each entity a paragraph and keep it to one page and just make that a part of your monthly process to get that in the packet and let us see what's going on and where we are. That would help me a lot and save a lot of time and questions.

MR. GUTIERREZ: Mr. Chairman, we could certainly do that.

CHAIRMAN SULLIVAN: Okay. Any other questions for Joseph or - I see we've got the architect. We've got the owner's rep here. Like to hear from any of the others?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: We have a motion and a second for items XII. C. 6, 24, 25, 26, 27, 28, and 29. Is that your motion, Commissioner.

COMMISSIONER ANAYA: Yes, sir.

MR. GUTIERREZ: Excuse me. Did that include 6 also?

CHAIRMAN SULLIVAN: I said 6. I said C. 6. That's number 11 for the security system.

The motion to approve Consent items C. 6, 24, 25, 26, 27, 28 and 29 passed by unanimous [3-0] voice vote. [Commissioner Vigil was not present for this action.]

CHAIRMAN SULLIVAN: Thanks for being here. Okay. Let's break for lunch, and what time would you like to be back, folks? 1:45?

[The Commission recessed from 12:15 to 1:55.]

CHAIRMAN SULLIVAN: Let's call the meeting of the Santa Fe Board of County Commissioners back into session. We are going to go to Appointments and Reappointments in just a minute but first we'd like to have the County Clerk give us a report on the upcoming polling places for the Democratic caucus.

VALERIE ESPINOZA (County Clerk): Thank you, Chairman Sullivan and fellow Commissioners. You know we're approaching a February 5th caucus, and thanks to Commissioner Vigil for giving me this opportunity as well to give you the information that you will need. The caucus will be conducted on February 5th. It's a caucus conducted by the state Democratic Party. The New Mexico State Democratic Party. The 33 County Clerks will not be conducting this election whatsoever. My office will be open till 7:00 pm on February 5th to answer any questions that anybody has because right now our phones are being bombarded by callers and questions.

So we will be available to answer any questions with regard to where should I show up to vote, or direct any callers. Right now I do have a telephone number to the state Democratic Party. The chairman is Brian Colon. His telephone number is 800-624-2457. And the local representative is Todd McElroy. His number is 986-8211. Minnie Gallegos is the chair of the Santa Fe Democratic Party and her number is available at 471-1744. So again, I'd just like to let you know that we have 22 polling places and 86 of our precincts have been consolidated. And Commissioner Vigil, for your sake, I would like to read these polling places as you requested. The first polling place, and we'll also read the precinct number so in case you recognize that. Precinct 15, 18, 73, 84 and 85 will be held at the Edgewood Middle School, and that's on 17 Venus Road. 14, 70, 72 is at Turquoise Trail. 17, 63, 65, 69 and 71 is at Eldorado Elementary School. Precincts 12, 62 and 80 are at La Cienega Community Center. Precinct 13, 57, 68 are at the Hondo Fire Department. 64, 66, 67, 75 and 86 are at the Sweeny Elementary School. And the busiest polling site we have is the Santa Fe County Fair Building and those are precincts 29, 56, 78. We have 37, 54, 55 and 81 at Capshaw Middle School. 11, 20, 21 at Gonzales Elementary. 38, 39, 47 and 74 are at Kearney Elementary School. And we have one more page left and that is 76,

77 and 50 is the Chaparral Elementary School. Precincts 35, 42, 42, 51 are at DeVargas Middle School. E.J. Martinez is 52, 53, 43. Precincts 31, 32, 33 and 34 are at Salazar Elementary. Precincts 24, 25, 26 and 27 are at Alameda Middle School. 44, 45, 46 are at Wood Gormley Elementary. 9, 36, 47 and 48 are at Fort Marcy. 6, 7, 8, 82 and 83 are at Tesuque Elementary School. That's the site we used to use as backup site. El Rancho Community Center is 5, 23, 40, 59, 60 and 61. We have a new polling site. That's at the Hands Across Cultures. I want to thank Commissioner Montoya for allowing us to use the Hands Across Cultures polling place. That's the first of its kind at 89 La Puebla Road, formerly at Santa Cruz at the Abedon Lopez Community Center, and those are for precincts 1, 2, 3, 4, 58, 79. And one last one is at the Stanley Homemakers Club, and those are or precincts 16 and 19.

So again, I just wanted to let the listeners and the voters out there know that if they need to know where to show up to vote on that day to please call our office at 986-6280, but also they can log on the New Mexico Democratic website, which is www.nmdemocrats.org or calling your local party chair, Minnie Gallegos or Todd McElroy, who is the state director. Does anyone have any questions?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Valerie, that's pretty good information. Tell me - anybody can vote now. Any Democrat or Republican, correct?

MS. ESPINOZA: Actually, the Republicans are not participating in the caucus and those presidential candidates will be on the June 3rd ballot, June 3rd primary. This is strictly for the Democratic contenders, the three candidates left on the ballot.

COMMISSIONER ANAYA: And this is February 5th. What time?

MS. ESPINOZA: This caucus will be conducted from the hours of 12:00 to 7:00 pm. So as participating in the Iowa caucus, it's not held or conducted by the Clerks and so when you participate in a caucus it's very different than a normal election. So you will go to your polling site. We have loaned the Democratic party our ballot boxes and we are available to assist them but in no such way are we helping them conduct the elections other than enabling them to use our ballot boxes. But this election will be conducted on a paper ballot and so you will vote as if you were voting either at the Clerk's office or your regular polling site. You will circle the ballot and insert it into the machine. And again, the poll workers won't be paid. These are strictly volunteers but you'll show up to vote from the hours of 12:00 to 7:00 pm.

COMMISSIONER ANAYA: And - I had a question. It just escaped me. I just had a birthday too.

Commissioner Vigil: That will explain it.

COMMISSIONER ANAYA: Okay. That's all I've got. Oh, what if somebody didn't catch the precincts you just read off and the locations. Are you going to post that somewhere or where can they find that?

MS. ESPINOZA: Good question. That is on our website. So you can check

our website. You can figure out your polling site, and I wanted to let people know also that if they've not requested an absentee ballot, if they've passed the deadline – it also past the deadline to register to vote to partake in the process as well. If you want to participate in the June 3rd primary you have 28 days prior to the election to register to vote, but as far as this caucus is concerned it's too late to apply by absentee and/or to register to vote and to participate.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER VIGIL: I have a question, Mr. Chairman. Valerie, is the purpose of the caucus to elect the front-runners for the June primary?

MS. ESPINOZA: That's a good question. The candidates preferred to have a caucus rather than be on the June primary. It's traditional. The purpose of the caucus is to elect – the way I understand it it's by delegate vote. So the more states that the candidate wins that would be the nominee. That's the candidate that will be the nominee.

COMMISSIONER VIGIL: And do you know how that affects local races?

MS. ESPINOZA: It does not impact local races at all because the February 5th caucus is not in conjunction or held with any other election.

COMMISSIONER VIGIL: So it's only for the president?

MS. ESPINOZA: Right. Democratic. And again, the June 3rd primary will have your presidential Republican candidates on that ballot as well.

COMMISSIONER VIGIL: Okay.

MS. EPSPINOZA: And the other positions on the June 3rd primary would be the state elected officials and the countrywide elected officials.

COMMISSIONER VIGIL: Right. Okay. Thank you.

CHAIRMAN SULLIVAN: Thank you, Madam Clerk. Appreciate it.

XI. APPOINTMENTS/REAPPOINTMENTS

A. Appointment and/or Reappointment of Development Review Committee (CDRC, AFDRC, CCDRC, TDRC and LCDRC) and EZC Members [Exhibit 1: Additional Packet Material]

AGUA FRIA DEVELOPMENT REVIEW COMMITTEE

CHAIRMAN SULLIVAN: Let's start I guess more or less alphabetically. We have the Agua Fria Development Review Committee. First let me have Shelley Cobau give you some information. She and I talked last week and she put together some information that I think might be helpful as we go through these committee appointments.

SHELLEY COBAU (Review Division Director): Mr. Chairman, Commissioners, what I just handed you is a map, a series of maps with each committee at the top and the location of the people who are either requesting reappointment or appointment to those committees. I distributed a staff report to all members of the Commission approximately two weeks ago to try to give you a little lead time because we

did receive so many people who are interested in serving on these committees. There are some changes to that staff report that I'd like to point out. For the Agua Fria Development Review Committee, William Mee had been listed as no response. At the last Agua Fria Development Review Committee Mr. Mee resigned and does not wish to be reappointed to the Agua Fria Development Review Committee.

For the LCDRC, Al Quintana, I had it listed in the staff report that there was no response from him. He did send along a résumé with his interest expressed in being reappointed and that's at the top of the handout information I just gave you. C.C, Murski has contacted Commission liaison Jennifer Jaramillo and expressed his interest in being appointed to the CDRC, and he would like to request that his wife, Cindy Murski, is appointed to the LCDRC.

For the CDRC members, there's an additional member, Charlie Gonzales who would like to seek appointment to the CDRC, and Dean Gullikson, a city resident as is Daniel Pava and Don Herd and per Code, one member of the CDRC is to be a city resident.

And I can -

CHAIRMAN SULLIVAN: Which of those three? What are those again?

MS. COBAU: The three are Dean Gullikson, Don Herd and Daniel Pava.

And the very last page of the handout that I gave you is an enlargement of the city boundary and that shows the three people who are requesting appointment and also the one person we have currently sitting on that committee who would like to be reappointed, Jim Salazar, is a city resident.

CHAIRMAN SULLIVAN: Anything else?

MS. COBAU: That's it. I did put together, if you have a question of how long people have served on this committee I do have that information that I can hand out as well to give you an idea. I looked back in our records and I could find dates when some of the people were initially appointed and some reappointments. Now, we do have people who've been sitting on these committees dating back to 04.

CHAIRMAN SULLIVAN: All right. Commissioner Vigil.

COMMISSIONER VIGIL: I think I can proceed, at least with a motion - I'm not sure how you wanted to proceed on this, Mr. Chairman, but for AFDRC it seems like we only have three candidates for the three positions. Is that correct, Shelley?

MS. COBAU: That's correct. With the resignation of William Mee we need everybody that is seeking reappointment and appointment to continue with that committee.

COMMISSIONER VIGIL: With that, Mr. Chairman, I would move that we appoint Lee Romero, David Pike and Major Mark Gonzales to the AFDRC.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Any further discussion?

The motion to appoint Lee Romero, David Pike and Major Mark Gonzales to the AFDRC passed by unanimous [5-0] voice vote.

LA CIENEGA DEVELOPMENT REVIEW COMMITTEE

CHAIRMAN SULLIVAN: Let's move to the La Cienega – that's the next map – Development Review Committee. And for La Cienega two members need to be appointed to that and we have one person seeking reappointment but he wants his wife to be reappointed, or appointed I guess. And then we had four others who – is that right – four others who showed an interest in La Cienega.

MS. COBAU: Mr. Chairman, there is Al Quintana and Cindy Murski seeking appointment, so that will be five people seeking appointment and one person seeking reappointment.

CHAIRMAN SULLIVAN: Okay. That's right. Mr. Quintana has now sent his résumé in. So he's the one person seeking reappointment. And then Mrs. Murski, whose résumé we don't have, and the five – Mr. Nathan Bailey, Gene Bostrick, Darlene Guerrero and John Herbrand. And of those five plus one reappointment request, we need to select two.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I would like to make a motion to appoint Cindy Murski and Al Quintana.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Okay. There's a motion and a second. These would be essentially – the same two people or the wife of the individual. Discussion.

COMMISSIONER VIGIL: I have a question. Does that mean that C.C. Murski and Cindy Murski would both be serving?

MS. COBAU: Mr. Chairman, Commissioner Vigil, no. C. C. Murski has now stated that he's interested in serving on the CDRC.

COMMISSIONER VIGIL: That's what I understood with my second. Thank you.

CHAIRMAN SULLIVAN: Okay, so it's not C.C. Murski it's his spouse.

COMMISSIONER VIGIL: Cindy.

CHAIRMAN SULLIVAN: Cindy Murski. And do we know anything about Cindy Murski and her qualifications?

MS. COBAU: No, Mr. Chairman. We didn't receive a résumé.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I know Cindy Murski. I know C. C. Murski and they're very involved in the community. They will make good decisions for the La Cienega area. I'm surprised that they didn't send in a résumé because they were very interested in it. But maybe it got confusing. I don't know.

MS. COBAU: Mr. Chairman, Commissioner Anaya, we do have a résumé from C. C. Murski in your packet, and he did have a heart attack a couple weeks ago so I

think that may have slowed things down for the Murski family a little bit. So perhaps that's part of the reason.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Okay. We have a motion and second.

The motion to appoint Cindy Murski and Al Quintana to the LCDRC passed by unanimous [5-0] voice vote.

TESUQUE DEVELOPMENT REVIEW COMMITTEE

CHAIRMAN SULLIVAN: The Tesuque Development Review Committee needs two members. We have two current members seeking reappointment and we have three others, Melanie Brown, John Nye and Jack Jackson who have submitted their résumés to be on the committee. Commissioner Montoya, did you want to -

COMMISSIONER MONTOYA: Yes, I would move for reappointment of Catherine Macken and Kestus Germanas.

CHAIRMAN SULLIVAN: Okay. Nobody new?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Question on the motion?

COMMISSIONER CAMPOS: Yes. A question about the appointments, actually.

CHAIRMAN SULLIVAN: Okay, well, let's get a second to the motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Okay. Motion seconded. Go ahead.

COMMISSIONER CAMPOS: What is your experience with the two people as far as reappointment? As far as attendance at the meetings? Have they been regular attendees? Have they been missing meetings? What's going on?

MS. COBAU: Mr. Chairman, Commissioner Campos, both Catherine Macken and Kestus Germanas attend the Tesuque Development Review Committee meetings when one is conducted. They haven't missed a meeting. They're regular members.

COMMISSIONER CAMPOS: Are you still having problems with the Tesuque Committee as far as having quorums?

MS. COBAU: We have in the past. We haven't had a Tesuque Development Committee for about five months. We have a new appointee, David Dougherty, who you appointed last February. I think we'll have a quorum from now on with Tesuque because with David Dougherty and these two people we'll have a quorum.

COMMISSIONER CAMPOS: Okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Any other questions or comments on the motion?

The motion to appoint Catherine Macken and Kestus Germanas to the TDRC passed by unanimous [5-0] voice vote.

EXTRATERRITORIAL ZONING COMMISSION

CHAIRMAN SULLIVAN: Okay. The next map in your packet is the Extraterritorial Zoning Commission, the EZC. We need three committee members for that. Two current members have requested reappointment. Mary Helen Follingstad, who is a planner and Nancy Long, who's an attorney. And there are three others, Michael Herrera, Orlando Romero, and James Morris, who have submitted applications to be members of the committee.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: How long are these appointments? Are they two years?

CHAIRMAN SULLIVAN: It's two years to all the committees, aren't they?

MS. COBAU: That's correct.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: It seems like the only alternative of course is to keep Mary Helen Follingstad and Nancy Long but since we did not receive responses from the other two incumbents and we need three members, the only alternative we have are Michael Herrera, Orlando Romero and James Morris. Is that correct?

MS. COBAU: Mr. Chairman, Commissioner Vigil, Ben Ray Lujan hasn't been to an EZC meeting for approximately five months. Cindy Padilla was appointed to a gubernatorial committee and she did resign. So we do have two vacancies there on the EZC created by Ben Ray and Cindy, and then we have the two whose terms are up. So we have four - well, three members to the EZC. We do have two people that are -

COMMISSIONER MONTOYA: Three or two?

MS. COBAU: It will be four with no response from Ben Ray. So it will be four members to the EZC that need to be appointed or reappointed.

CHAIRMAN SULLIVAN: Oh, four? Not three?

COMMISSIONER VIGIL: Because the memo says three?

MS. COBAU: The memo says three; I think that's incorrect, because we have -

MR. ABEYTA: Mr. Chairman, Shelley, if I remember from my Land Use days, aren't three of the EZC members appointed by the City, three by the County and then the seventh is appointed -

MS. COBAU: Is a member at large.

MR. ABEYTA: The committee or at large.

MS. COBAU: That's correct. So we have three appointments that the BCC can do and there's the one member at large and the other two are City. Thanks, Roman.

COMMISSIONER VIGIL: So with the alternatives we have, the only – well, the only alternatives are Michael Herrera, Orlando Romero and James Morris.

MS. COBAU: But we have two members who are seeking reappointment. And then one of those three or all three of them.

COMMISSIONER VIGIL: Okay, one of the two that are seeking reappointment.

MS. COBAU: So we have two, Mary Helen Follingstad who are seeking reappointment that you could choose to reappoint, and then we need one more member, or alternatively you could appoint three new brand new members.

COMMISSIONER MONTOYA: And then what about the member at large? Ben Ray Lujan didn't respond. Do we give a name for that also?

COMMISSIONER VIGIL: That's appointed by the EZC themselves, is it not?

COMMISSIONER MONTOYA: Oh, they do?

MR. ABEYTA: I think the EZC appoints the seventh member.

COMMISSIONER MONTOYA: Oh, they do?

MR. ABEYTA: We can look at that and then bring that back if not, but I'm pretty sure the EZC picks the seventh member.

CHAIRMAN SULLIVAN: I would suggest we get somebody new. I thought both Mr. Morris and Mr. Herrera's résumés were good. Mr. Morris is a writer. Mr. Herrera has been with the National Guard many years in Santa Fe. Either of them seemed willing to help to me. Mary Helen of course we know. Nancy Long has been on the EZC for how long? At least eight years.

MS. COBAU: Bear with me just a minute. I do have it written down here. Since 2004, I believe.

CHAIRMAN SULLIVAN: 2004?

MS. COBAU: 3/14/06 she was reappointed.

CHAIRMAN SULLIVAN: Reappointed. But how long was she on it before that?

MS. COBAU: At least two years because if she had been reappointed she would have served at least until 2004.

CHAIRMAN SULLIVAN: She was on when I took office, which was 2001. Okay. So anyway we've got those two and we've got three others.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I guess I'll just make the motion. Move to appoint Mary Helen, Nancy Long and Orlando Romero to the EZC.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: I don't think Mr. Romero has the background that Mr. Herrera and Mr. Morris does, so I can't support that but I'm just one vote. I would ask that Mr. Morris be the third one.

COMMISSIONER VIGIL: I think we have a motion, Mr. Chairman.
CHAIRMAN SULLIVAN: I know. Any more discussion?

The motion to appoint Mary Helen, Nancy Long and Orlando Romero to the EZC passed by 4-1 voice vote with Chairman Sullivan voting against the motion.

COMMUNITY COLLEGE DISTRICT DEVELOPMENT REVIEW

CHAIRMAN SULLIVAN: I think this was fairly easy because I believe there are three openings and I believe we only have three individuals. Is that right, Shelley?

MS. COBAU: That's correct, Mr. Chairman. Back in September two members of the CCDRC were let go by the BCC for failure to attend meetings, having quorum issues with that committee. One of the members who is regularly there is seeking reappointment and we have two people interested in serving on that committee, which would bring us up to a five-member committee as required by Code.

CHAIRMAN SULLIVAN: So I move for approval of Mr. Rosen, Mr. Right and Ms. Fino.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Motion and second. Discussion?

The motion to appoint Mr. Rosen, Mr. Right and Ms. Fino to the CCDRC passed by unanimous [5-0] voice vote.

COUNTY DEVELOPMENT REVIEW COMMITTEE

CHAIRMAN SULLIVAN: The next map in your packet is the County Development Review Committee, CDRC. We have a lot of interest in that this year and by the way, I want to thank Shelley for putting together this packet ahead of time and for getting these résumés in and giving us a lot of variety.

COMMISSIONER MONTOYA: Where did you get the maps from?

CHAIRMAN SULLIVAN: She handed out the maps.

MS. COBAU: And Mr. Chairman, members of the Commission, Jose Varela Lopez served on the CDRC for a long time. He acted a chair. He never missed a meeting. He has resigned from that committee and I'd just like to thank him for his service in the CDRC. He did a great job and we'll miss him. Staff will miss him.

CHAIRMAN SULLIVAN: Okay. We do appreciate that. Did you give a copy of these maps to Commissioner Montoya?

MS. COBAU: Yes. They're in the back of the handout. I'll give you another one, Commissioner.

COMMISSIONER CAMPOS: Mr. Chairman, would it be a good idea for you to write a letter to Jose Varela Lopez thanking him for his service?

CHAIRMAN SULLIVAN: Okay. Commissioner Vigil's question is does one of the members have to be city member.

COMMISSIONER VIGIL: That we appoint now, or does -

CHAIRMAN SULLIVAN: The City appoint one.

MS. COBAU: If you look at Exhibit D at the back of the packet it says that one member, Code Section, Article II, Section 1.2.1 regarding appointments states in there that one member of the CDRC - at least one member shall reside within the city limits of Santa Fe.

CHAIRMAN SULLIVAN: Are there any members on the CDRC now that are city members?

MS. COBAU: Jim Salazar lives inside the city limits and he's seeking reappointment.

CHAIRMAN SULLIVAN: So we need four members. Mr. Salazar is seeking reappointment. Mr. Dayton is seeking reappointment. Jon Paul Romero is seeking reappointment. Mr. Varela Lopez has resigned, and then we have the others: Charlie Gonzales, who just submitted a résumé, Charles Greaves, Dean Gullixon, Jim Jenkins, Denise Keron, David Newcomb, John Nye, Daniel Pava, Kramer Shaw, Don Herd, John Scroggins and also Jamy Bernsten.

MS. COBAU: And Mr. Chairman, and C.C. Murski, and Charlie Gonzales, and Rebecca Smith.

CHAIRMAN SULLIVAN: Okay, she's on the other column.

COMMISSIONER CAMPOS: Is Charlie Gonzales the former County employee?

MS. COBAU: Mr. Chairman, Commissioner Campos, that's correct.

CHAIRMAN SULLIVAN: Mr. Gonzales is I believe now working for the City in the City's Land Use and Code Enforcement.

COMMISSIONER CAMPOS: He may be retired.

CHAIRMAN SULLIVAN: No, he's working at the City.

COMMISSIONER CAMPOS: Still there?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'll make the motion. I move that we reappoint Jon Paul Romero, reappoint Jim Salazar, reappoint Donald Dayton, and appoint -

COMMISSIONER CAMPOS: Why don't we stop there and just do that and then do the new appointees? Would that be okay?

COMMISSIONER ANAYA: Well, we need four.

CHAIRMAN SULLIVAN: There's only one more.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER ANAYA: And C.C. Murski.

COMMISSIONER MONTOYA: Wasn't C. C. Murski appointed to the CCDRC?

COMMISSIONER VIGIL: His wife was.

COMMISSIONER ANAYA: His wife. They're both -

COMMISSIONER MONTOYA: C.C. Murski?

COMMISSIONER ANAYA: No, her name is Cindy.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seems like it would be nice to get somebody new on the CDRC. A lot of good applicants here.

MS. COBAU: Mr. Chairman, members of the Commission, Don Dayton did express that if push came to shove and you felt that you wanted new people on the committee that his feelings wouldn't be hurt if he were not reappointed. He didn't officially resign, however.

CHAIRMAN SULLIVAN: Yes, I talked to him and I remember you telling me that but he seemed to be more interested when I talked to him, said he would like to be reappointed, and we do need someone from the Eldorado area. And if he were not appointed, there's two other people in the Eldorado area. There's Jim Jenkins who's with the Eldorado Water and Sanitation District who applied, and there's also this Jamie Bernsten from Eldorado who is a chemical engineer with Intel. So I'd really recommend that that area needs to be represented on the CDRC.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I think that the way the motion read really looks at the whole county. You've got Jon Paul in one area. What I really did was replace Jose Varela Lopez with another person that lives in La Cienega. And Don Dayton in the Eldorado and Jim Salazar who's the City rep.

CHAIRMAN SULLIVAN: Thank you. Any other comments on the CDRC?

COMMISSIONER MONTOYA: Mr. Chairman, I'll just say that Jon Paul Romero has been a faithful attendee and has been there representing the area that I represent as well. I've been very, very pleased with his performance.

MS. COBAU: And Mr. Chairman, members of the Commission, the CDRC is the one committee that we do not have attendance problems with. Those members show up.

CHAIRMAN SULLIVAN: Yes. And I think quite frankly that Charlie Gonzales is a good possibility as well. He certainly was an aggressive and knowledgeable person in the Code Enforcement area and the Land Use Code area and I certainly wouldn't have any trouble supporting him as a member, as the fourth member. I just think he's probably one of the few people that's got the Code books in his memory.

COMMISSIONER CAMPOS: I think Charlie is a good choice too. And having two people from one family - maybe we should spread it out a little bit more and get more people involved

COMMISSIONER MONTOYA: Two people from one family?

COMMISSIONER CAMPOS: One on one committee and one on the other.

I think Charlie would be a good appointee.

COMMISSIONER MONTOYA: I think Charlie would be good. **Would the maker of the motion be willing to substitute Charlie for C. C. Murski?**

COMMISSIONER ANAYA: I would like to maybe –

COMMISSIONER MONTOYA: Or Jim Salazar.

COMMISSIONER ANAYA: Has C.C. Murski attended the meetings? **The LCDRC?**

MS. COBAU: Mr. Chairman, Commissioner Anaya, C.C. Murski **hasn't missed a meeting** in the two years that I've worked for the County.

COMMISSIONER ANAYA: We've got a devoted guy who wanted to move from LCDRC up to try to make a difference in the CDRC area. He really is a **go-getter**. So I would – if there's any substitute that I would make it would be Don Dayton. **Charlie Gonzales for Don Dayton.**

COMMISSIONER MONTOYA: I'd be fine with that.

CHAIRMAN SULLIVAN: I think the problem with that is from my **standpoint is that then we have no representation whatsoever in the 285/Eldorado area which is 7,000 people.**

COMMISSIONER VIGIL: Mr. Chairman, I think we're headed **towards a good cross-representation with Jon Paul, Jim Salazar, Don Dayton and Charlie Gonzales. I think I sort of agree with Commissioner Campos that it would be good to spread it out and not keep two members of one family in these development review districts, and bring in more of a variety and perspective, and I think Charlie Gonzales' background with Code enforcement is beneficial. So I would support that.**

CHAIRMAN SULLIVAN: Okay, we have a motion on the floor from **Commissioner Anaya. He didn't indicate an interest in changing that motion.**

The motion to reappoint Jon Paul Romero, Jim Salazar, and Donald Dayton, and to appoint C. C. Murski failed 1-3 with Commissioner Anaya voting in favor and Commissioner Montoya abstaining.

CHAIRMAN SULLIVAN: So that motion is defeated. Is there **another motion?**

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I move that we appoint Jon Paul Romero, **Jim Salazar, Donald Dayton and Charlie Gonzales to CDRC.**

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion by Commissioner Vigil, **second by Commissioner Campos. Discussion?**

The motion to appoint Jon Paul Romero, Jim Salazar, Donald Dayton, and

Charlie Gonzales passed by 4-1 voice vote with Commissioner Anaya voting against.

COMMISSIONER ANAYA: Mr. Chairman, that just left out La Cienega, which is a major player in LCDRC.

CHAIRMAN SULLIVAN: No, because Ms. Murski is in the LCDRC and she lives with Mr. Murski, right?

COMMISSIONER ANAYA: I'm talking about the CDRC.

CHAIRMAN SULLIVAN: Ms. Murski was appointed to the LCDRC.

COMMISSIONER ANAYA: Right.

CHAIRMAN SULLIVAN: Does she live with Mr. Murski? I guess maybe I shouldn't ask.

COMMISSIONER ANAYA: Yes.

CHAIRMAN SULLIVAN: Well, then –

COMMISSIONER ANAYA: But representation from La Cienega on the CDRC.

CHAIRMAN SULLIVAN: Oh, I'm talking about the CDRC.

COMMISSIONER ANAYA: That's fine.

CHAIRMAN SULLIVAN: That motion was 4-1.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Do you wish to direct staff to write a letter of thanks to Jose Varela Lopez for your signature as chair.

CHAIRMAN SULLIVAN: Yes. Would you do that?

MS. COBAU: Thank you, Mr. Chairman, members of the Commission. I would like to add we'll be conducting a training for the new members on February 4th from 4:30 to 6:30 in the Legal Conference Room where we'll go through Roberts' Rules of Order and let them know what the procedure is at meeting and get their information on where they'll be receiving their agenda packets. So we'll be contacting these new members today to try to get them lined up to do this training because the development review committees, Agua Fria, La Cienega, Tesuque, do have a meeting on the first Wednesday in February so we're trying to get them trained before they have to come to their first meeting. Thank you.

CHAIRMAN SULLIVAN: Okay. And would you do a letter please for those who were not appointed, for my signature, and indicate that we really appreciate their application and that we're going to continue to keep them in mind and we want them to apply again for these committee openings?

MS. COBAU: I will. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay. And again, thank you for all the up front work on this.

XI. C. Appointment of Diego Lopez and Ellen Feighny to the DWI Planning Council

CHAIRMAN SULLIVAN: We do have one other item under appointments which we couldn't do this morning because we had an abstention, and that's the appointment of Diego Lopez and Ellen Feighny to the DWI Planning Council. **Would you like to, Rebecca, give us an update on that?**

BECKY BEARDSLEY (DWI Coordinator): Mr. Chairman, Commissioners, the DWI Planning Council has reviewed the résumés of both Diego Lopez and Ellen Feighny. Diego Lopez would be representing the prevention component as well as the youth – he would be our youth representative, as our other youth representative has resigned. Ellen Feighny would be representing the domestic violence component. **As I said, both of their résumés have been reviewed and the DWI Planning Council is recommending appointment. The Health Policy and Planning Commission also reviewed their résumés and is recommending appointment as well.**

COMMISSIONER VIGIL: They're recommending whose appointment?

COMMISSIONER VIGIL: Who is the Health Policy and Planning Commission recommending for appointment?

MS. BEARDSLEY: Both Diego Lopez and Ellen Feighny.

COMMISSIONER VIGIL: Okay.

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Motion, Commissioner Campos, second, Commissioner Vigil. Discussion?

The motion to appoint Diego Lopez and Ellen Feighny to the DWI Planning Council passed by unanimous [4-0] voice vote with Commissioner Montoya having recused himself.

CHAIRMAN SULLIVAN: Let the record show that the motion was approved four in favor, one abstention. Okay, we're going to need to go into executive session at about 2:45 today. We have a few items. We'll start through them on the Consent Calendar. These are ones that Commissioner Vigil had requested by withdrawn. **The ones that I requested have been handled this morning.**

XII. A. 4. Resolution No. 2008-17. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2007 Cash Balance with and Operating Transfer to the EMS- Healthcare Fund (232) for Annual Leave Payout Expenditures for the Regional Emergency Communications Center / \$28,610.92 (Community Services Department)

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I suppose what I was actually looking for was any further clarification on any potential – we in the past have had problems with annual leave payout. I wonder if all of that has been resolved and I just haven't gotten enough data on that. I am assuming based on this caption that it has been resolved but I just needed some verification.

STAN HOLDEN (Fire Chief): Mr. Chairman, Commissioner Vigil, Chief of Santa Fe County Fire Department and immediate past chair of the Regional Emergency Communications Center Board of Directors. This issue was brought up as part of the transition that occurred secondary to the new funding and the joint powers agreement, the first amended joint powers agreement with the City of Santa Fe. As a result, the employees of the RECC, which was a standalone district became County employees. And so now, for the first time these employees fell under the County's personnel rules and regulations. And as a result, the cap on the amount of accrued annual leave kicked in, and as a result, because those past employees were under the City's plan, they were allowed to accrue up to 500 hours.

So in a gesture of good will the County Manager, in consultation with the Board of Directors of the RECC decided that it was best to make those individuals whole, since it was not their fault or their doing that this transition occurred. So this is a one-time expense, simply to try to make those employees – I think there were seven total – that were impacted, so that they would not lose any of their accrued annual leave. And this became significant because there was not sufficient time for those employees to any way take their annual leave before the deadline without significantly impacting the operations of the communications center.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman. Move to approve.

CHAIRMAN SULLIVAN: Motion to approve XII. A.4.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Campos. Discussion?

The motion to approve Resolution 2008-17 passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]

XII. A. 8. Resolution No. 2008-18. A Resolution Requesting an Operating Transfer From the Jail Operations Fund (518) to the General Fund (101) to Transfer an FTE From the Adult Facility to Human Resources as a Secretary / \$22,558 (County Manager's Office)

COMMISSIONER VIGIL: And the question for that, Bernadette is just this secretary will be full time, working on jail/HR issues under your department? Is that what's intended with this?

BERNADETTE SALAZAR (HR Director): Mr. Chairman, members of the Commission, Commissioner Vigil, this transfer occurred due to a personnel issue and so this person will be doing HR work and will be assisting with Corrections Department work that we take care of there.

COMMISSIONER VIGIL: Okay. And I'm just wondering, they need so much support there, is this personnel – or was this FTE situated at the jail prior to this transfer and we're transferring them physically over to your department? Is that part of this transfer?

MS. SALAZAR: Commissioner Vigil, no, that was not the case. And this is, as I said, a personnel issue that I'm not at liberty to discuss.

COMMISSIONER VIGIL: Okay. So the person will stay in your department, but their responsibilities will be more inclusive of Corrections. Is that it?

MS. SALAZAR: Yes That's it.

COMMISSIONER VIGIL: Okay. Move to approve, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion, Commissioner Vigil, seconded by Commissioner Campos. Further discussion?

The motion to approve Resolution 2008-18 passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]

XII. A. 9. Resolution No. 2008-19. A Resolution Requesting an Increase to the Fire Operations Fund (2440 to Budget Prior Fiscal Year 2007 Grant Balance for the Homeland Security Grant #2005-GE-T5-0012-SF for Expenditure in Fiscal Year 2008 / \$889,865 (Community Services Department)

COMMISSIONER VIGIL: My question, Mr. Holden is probably more global than this particular caption. How aggressive are we with regard to looking at homeland security dollars, and how responsive is the state in getting those dispersed equitably throughout the state? Has Santa Fe gotten its fair share? Yes, yes, no?

CHIEF HOLDEN (Fire Chief): Mr. Chairman, Commissioners,

Commissioner Vigil, Santa Fe County has been aggressive in applying for specific fundings that are in line with the federal Department of Homeland Security strategies and criteria. Specific to the capabilities that we feel as a community that we need to improve or enhance as a community. And in the past we've received significant funding for large ticket items. One that comes immediately to mind is the joint emergency operations vehicle that we utilize in conjunction with the City of Santa Fe, the Sheriff's Department, the City Fire Department and the County Fire Department. That mobile emergency command vehicle has seen significant use since we've obtained it and it's very much in line with the strategies that have been dictated by the Department of Homeland Security.

Now specifically in regards to how our program has been seen or has been understood by the State of New Mexico Department of Homeland Security, there have been some issues there that some of their strategies we did not feel as a program were in line with the congressional mandates that were dictated regarding homeland security funding and so in those areas we have communicated our areas to the state Homeland Security Department and it has just been recently that the state has revised some of their strategies to become more in line with the congressional mandates. I can tell you that our program under the leadership of assistant chief Martin Vigil was recently recognized statewide and regionally for his action plan to improve the capability based on the Department of Homeland Security criteria and he's been working on that plan for the last three years.

This almost \$900,000 grant that we've been awarded was very much in line with that program and action plan that he put together and will significantly improve and enhance our local capabilities at the same time recognizing that those capabilities, once they're in place may be called upon to serve in a regional or national call-up. I hope that answers your question.

COMMISSIONER VIGIL: It does, and specifically, and I didn't see it, is there a breakdown for the use of these dollars?

CHIEF HOLDEN: Mr. Chairman, Commissioner Vigil, we provided a detailed listing previously when the Board of County Commissioners first approved the application for the Department of Homeland Security. I can tell you that, just very quickly, the big ticket items that are associated with this grant are specifically an urban search and rescue apparatus, equipment and training that will qualify us for USAR level capability in the state and regionally, and that will also include improvement to critical County infrastructure security and I would prefer not to go into any more detail.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman. Move to approve.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Vigil, seconded by Commissioner Anaya. Other discussion?

The motion to approve Resolution 2008-19 passed by unanimous [4-0] voice

vote. [Commissioner Montoya was not present for this action.]

CHAIRMAN SULLIVAN: There's a few more on the Consent Calendar that Commissioner Vigil has but we need to, because Commissioner Campos has to leave at 4:00, get some matters taken care of in executive session while we're all here.

XIII. Matters from the County Attorney

- 1. Executive session**
 - a. Discussion of pending or threatened litigation**
 - i. Consideration of the Settlement Agreement and Mutual release of Claims by and Between the Board of County Commissioners and the Governing Body of the City of Santa Fe**

Limited personnel issues
 - b. Discussion of possible purchase, acquisition or disposal of real property or water rights**
 - c. Discussion of bargaining strategy preliminary to collective bargaining negotiations**

Commissioner Anaya moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, 8 and 5) to discuss the matters delineated above. Commissioner Vigil seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Sullivan, Vigil and Anaya all voting in the affirmative.

[The Commission met in executive session from 2:45 to 4:20.]

Commissioner Anaya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Montoya seconded. The motion passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action and did not return for the remainder of the meeting.]

XIII. E. 3. Consideration and Approval of the Settlement Agreement and Mutual Release of Claims By and Between the Board of County Commissioners and the Governing Body of the City of Santa Fe

MR. ROSS: [inaudible] then we get to Las Soleras. Las Soleras of course, as I mentioned is going to be annexed. The agreement provides that the City will provide water and sewer service to Las Soleras. There may be the need for some flexibility in this regard in the months following execution of the settlement agreement so that some deals that Las Soleras has in process can move forward and the City and County have pledged to

be flexible about those matters.

The last big issue that's dealt with in the agreement is with respect to the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission. Under the agreement the City and the County will execute a subsequent agreement, a joint powers agreement, that will govern land use planning and approvals within the two-mile EZ zone and the five-mile platting and planning jurisdiction of the City of Santa Fe. As you know from our history and state statutes provide for a two-mile zone outside the city limits and this agreement of course moves the city limits in five years to I-25 and 599. If that were left the way it currently is there'd be a two-mile zone outside that limit that would be under the jurisdiction of the EZA and the EZC and a five-mile planning and platting area as well three miles beyond that.

The agreement calls for that situation to change. What it calls for is for the City and the County to each delegate their respective authority in that zone to the County, so that land use and development outside I-25 and 599 would be handled under delegation of authority to the County and through the County Code. And that agreement would have to come before both bodies, of course in the ensuing months, and the details of that issue worked out. There is one circumstance - so that would essentially put an end to the EZA and the EZC except in one circumstance. State law currently calls for the EZA to handle certain disputed annexation matters. When an area is proposed for annexation by petition method within the county and owner or owners within that area dispute the need for that annexation, that owner can petition to the EZA for resolution of that issue and actually EZA makes the final decision. So we need to keep an EZA in existence to handle those kinds of things but everything else would be handled by the County outside that boundary, pursuant to a delegated authority from the City and the County from the EZA and from the EZC.

The rest of the agreement is boilerplate that you commonly see in litigated cases. So that's sort of a brief summary of the situation and I stand for questions.

CHAIRMAN SULLIVAN: Thank you, Mr. Ross. Thank you and the staff for working with the City and the Regional Planning Authority on this issue for several years. Could someone find Commissioner Montoya? He needs to get out of town here, so I'd like him to come back for this issue. Is there discussion on this item? Commissioner Vigil.

COMMISSIONER VIGIL: Steve, just for my sense of comfort with this, the Agua Fria Traditional Historic Community will have the option to opt into those - in other words, those that have been proposed will have the option to opt into it and there will be a rural governing district created for those areas in Calle Nopal or north of Agua Fria should they be concerned about changes in their lifestyle, the choice of rural setting that will be protected. Is that part of this agreement?

MR. ROSS: Mr. Chairman, Commissioner Vigil, that's correct. The residents - the normal process for expanding or contracting the boundaries of the THC are through a petition or through other informal means that we employ. We have staff that is

familiar with that process. What I anticipate happening here is we would within **two years** make contact with all the people we're aware of who are currently outside the THC and determine whether they want to be included in the THC, then bring to this body an ordinance, the way we normally do - an ordinance amendment to establish a final boundary for the THC.

And then the Calle Nopal area, that's a large area. It's recognized that it's rural, but it is within the urban area boundary. The City, according to this agreement has the option to annex that area, but before they do they must establish rural residential zoning. The Mayor has a plan for this and -

COMMISSIONER VIGIL: [inaudible] rural residential zoning?

MR. ROSS: Yes.

COMMISSIONER VIGIL: Okay. My next question was, there are **actually** some residents who have been adversely affected by some of the development that's occurred. For example the Lowe's development. There are residents who actually live next to that that want to be annexed. Is that part of this agreement?

MR. ROSS: Mr. Chairman, Commissioner Vigil, yes. That's part of the agreement. The residents in that area can avail themselves of any of the methods normally used to annex property to get that property annexed. They can file a petition with the City or they can ask the City to take them to the Municipal Boundary Commission. Any of the normal ways can be availed.

COMMISSIONER VIGIL: Thank you.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Okay, we have a motion for approval.

COMMISSIONER VIGIL: I will second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Vigil. Mr. Abeyta, could you act as sergeant at arms once again, please? Sorry about that, Commissioner. Okay we have Commissioner Montoya back with us, we have a motion and a second for approval of the settlement agreement outlined in XIII. E. 3. Is there any further discussion?

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

COMMISSIONER MONTOYA: Mr. Chairman, I apologize. I need to get on the road here.

CHAIRMAN SULLIVAN: Good luck in Rio Rancho.

COMMISSIONER MONTOYA: Thank you. Appreciate it. I just want to recognize and thank the staff for the work that they did on this. I know they put in a lot of time and I think it's a good agreement, so thank you.

**XII. B. 7. Request Approval of Capital Cooperative Agreement for 2007
Legislative Appropriation(s) for Santa Fe County Road Projects in
the Amount of \$1, 159,385.00 (Growth Management Department)**

COMMISSIONER VIGIL: Thank you, Robert. I just wanted an update on the roundabout that's been listed here on Henry Lynch and Agua Fria.

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, this is a project that the City and the County will be entering into together with. The Henry Lynch Road is City jurisdiction. Santa Fe County has Agua Fria up to that intersection. So we will be working with them and I don't know - I don't believe the design is in place yet. I believe this is to start the design and the right-of-way acquisition for the roundabout at this intersection.

COMMISSIONER VIGIL: Robert, these are legislative dollars. Are they capital outlay dollars?

MR. MARTINEZ: Commissioner Vigil, that is correct. These are capital outlay requests that were appropriate at last year's legislative session.

COMMISSIONER VIGIL: Okay. Did we make a request for dollars for that roundabout?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, I don't believe it was Public Works. I think it was initiated through the Agua Fria Community, I believe probably through Robert Griego's planning efforts, but I believe it was them that initiated the request.

COMMISSIONER VIGIL: Okay. And those dollars come directly to us and we'd have to enter into a joint agreement with the City to make this project happen. Is that correct?

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, that's correct.

COMMISSIONER VIGIL: Move for approval, Mr. Chairman.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and second.

The motion to approve passed by unanimous [3-0] voice vote. [Commissioners Montoya and Campos were not present for this action.]

- XII. C. 20. Resolution No. 2008-20. A Resolution Requesting Approval Authorizing an Additional 25% Pick up of Santa Fe County's Non-Bargaining PERA Members Under Municipal Fire Member Coverage Plan 5 for a Total Pick Up of 75% of Contributions by Santa Fe County (Human Resources Department)**
- 23. Resolution No. 2008-21. A Resolution Authorizing The County Manager to Execute the Purchase And Sale Agreement with the Community Foundation Charitable Real Estate Fund ("CFCREF") For the Purchase of Unit 1 At the Solano Center (Community Services Department)**

COMMISSIONER VIGIL: Mr. Chairman, I believe I had requested items C. 20 and 23. Is that what your records show? I have gotten my answers to those questions. I would like to just motion that we approve those items.

CHAIRMAN SULLIVAN: Right. We have a motion for approval of items C. 20 and C. 23. For the record let me state that C. 20 is a Resolution requesting approval authorizing an additional 25 percent pickup of Santa Fe County's non-bargaining PERA members under municipal Fire Member Coverage Plan 5, for a total pick up of 75 percent of contributions by Santa Fe County. And 23 is a resolution authorizing the County Manager to execute a purchase or sale agreement with the Community Foundation Charitable Real Estate Fund for the purchase of Unit 1 and the Solano Center. Okay, we have a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: A second by Commissioner Anaya. Further discussion?

The motion to approve Resolutions 2008- 20 and 21 passed by unanimous [3-0] voice vote. [Commissioners Montoya and Campos were not present for this action.]

MR. ABEYTA: Mr. Chairman, we're going to track down the County Treasurer but while we do that can we go to Administrative Service Department item B. 2, since we have a representative from the Solid Waste Management Agency here. I don't believe it will take too long and meanwhile we'll track down the Treasurer for the Board of Finance.

CHAIRMAN SULLIVAN: All right.

XIII. B. Administrative Services Department

2. Resolution 2008-22. Discussion and Approval of Santa Fe Solid Waste Management Agency Joint Resolutions for Submission of Applications to the New Mexico Finance Authority and the Environment Department for Financial Assistance for the Cell 4B Solid Waste Project

TERESA MARTINEZ (Finance Director): Actually, I just would like to introduce Randall Kippenbrock is here if there are any questions with regard to the given resolution.

CHAIRMAN SULLIVAN: Step forward. Could you give us your name and title again?

RANDALL KIPPENBROCK (Solid Waste Director): Randall Kippenbrock, executive director for the Santa Fe Solid Waste Management Agency.

CHAIRMAN SULLIVAN: Thank you for being here and thanks for your patience. We had a full agenda today.

MR. KIPPENBROCK: That's fine.

CHAIRMAN SULLIVAN: And this is for Cell B. Obviously there must be a 1A and 2A and a 3A, right?

MR. KIPPENBROCK: Correct.

CHAIRMAN SULLIVAN: This is for the latest cell.

MR. KIPPENBROCK: It's going to be the latest one. It's actually the largest one of all. Before we get into that, Mr. Chairman and members of the Commission, I'd like to give you a little history of the resolution, what it will all mean to us and a little bit about the project itself. There are three resolutions in your packet. The first one is for the New Mexico Finance Authority request to submit the application. It's a loan for \$1 million. It's available for \$900,000 to the project and with an interest rate of 3.4 to 3.7 percent. The payment over five years is about \$215,000 to \$218,000.

The next two resolutions are related to the New Mexico Environment Department. The first resolution is again very similar to the NMFA. It's an application for \$2 million at an interest rate of about 3 percent. The second resolution also pertains to New Mexico Environment to authorize signatories on the application and for reimbursement itself.

With both loans the combined annual payment is about \$654,000. I'm expecting the first payment to start in June, 2009. However, with the New Mexico Environment Department it may be sooner. With these resolutions we actually start off the notice to publish for an ordinance. The notice will start next month and the ordinance itself needs to be approved by all three governing bodies during the month of March.

To give you a little background, in 1996 the Solid Waste Joint Powers Agreement required the City and the County to ratify the two loans that I'm seeking for. And on the project description, just to give you an idea, first of all, we have 430 acres permitted out there and 78 acres are for disposal itself. This project is approximately 15 acres, compared

to the last project that we conducted back in 2006 which was 10 acres, or about 1 ½ times larger. The cost of this project is \$5,041,605 or about two times over the previous project. As far as the waste capacity we're looking at three times, 1.6 million cubic yard or about 48 to 50-some months of air-space capacity. And so on.

Keep in mind that half of your cost is related to removal of glass, blasting and removal of the rock. The funding, the agency is going to be contributing on this reserve in cash. Future revenue is \$2.1 million. The \$1 million from the New Mexico Finance Authority, of which \$900,000 will be available for the project and \$2 million. We do not have any debt at this time. The previous bond that we have was a 1996 bond of \$6.62 million. That was paid off in June 2007. Our current revenues through the first six months of this fiscal year is at \$3.6 million. That projects out to be out to \$7.2. We have budgeted at \$6.3 million. Any questions? Well, one other matter. Back on January 17th the Solid Waste Board did approve these resolutions.

CHAIRMAN SULLIVAN: This still has to go to the City for approval.

MR. KIPPENBROCK: Yes, it will go forward tomorrow night.

CHAIRMAN SULLIVAN: So all of these resolutions to submit these applications, these are all loans. Are any of these grants?

MR. KIPPENBROCK: They're both loans, no grants.

CHAIRMAN SULLIVAN: They're both loans, no grants. Okay. Any other questions?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Motion and second for approval of the submission of the applications to New Mexico Finance Authority regarding solid waste management.

The motion to approve Resolution 2008-22 passed by unanimous [3-0] voice vote. [Commissioners Montoya and Campos were not present for this action.]

VII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Board of Finance (Treasurer's Office)

1. **In Accordance with Santa Fe County's Investment Policy, 2007-102, the County Treasurer will Present the County's Investment Portfolio to the County Board of Finance for the Quarter Ending December 31, 2007, and the Treasurer's Investment Plan for the Foreseeable Future [Exhibit3: Quarterly Investment Report]**

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I move we go into Board of Finance.

CHAIRMAN SULLIVAN: We're going into a Board of Finance here for this. Does this need to be Board of Finance? Okay.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: There's a motion and a second to go into our capacity as Board of Finance.

The motion to convene as the Board of Finance passed by unanimous [3-0] voice vote. [Commissioners Montoya and Campos were not present for this action.]

VICTOR MONTOYA (County Treasurer): Good afternoon, Commissioners. Mr. Chairman, as required by our investment policy I'm supposed to present the quarterly Treasurer's investment plan for the foreseeable future and provide a status report to the Board of County Finance on our investments. This handout or power point that I presented is for the quarter ending December 31, 2007. The first item that you see on here is a pie chart that we tried to I guess present a more graphic picture of how our money is allocated. As you can see, the LGIP at the State Treasurer has about - at the end of December of course - \$114, 836,322, which is about 59 percent of our total portfolio.

As you go on you have other certificates of deposit for about \$1,190,000, Los Alamos National Bank, \$20,100,000, First Community Bank, \$5 million, and government agencies about \$53,050,000.

Our primary objective is to ensure that the County's portfolio contains safe, liquid and diversified investment while earning a market rate of return on all monies or funds not required to meet the County's daily cash flow needs. So if you turn to page 4, permitted investments under the County's investment policy, Resolution 2007-102, the portfolio composition can include interest bearing accounts, certificates of deposit insured by the FDIC or collateralized at 102 percent for investments over \$100,000, Government agencies or bonds, treasury bills or other debt securities issued by and backed by the full faith and credit of the United States.

On page 5, I list the County's financial depository institutions that the Board of County Commissioners has approved. These are First Community Bank, who is also our custody bank. Currently we have \$5 million on a two-year CD that matures in April 2008. That's collateralized at 102 percent. We also have an overnight repurchase agreement account that's swept nightly and redeemed the following morning, and that sweeps the balance in the new market account which is kind of the I guess account that we keep the bulk of our money in and then we transfer it to the warrant account whenever funds are needed to clear checks that have been issued out of the warrant account.

We also have Los Alamos National Bank. It has \$20.1 million invested in CDs as I stated previously with various maturity dates and it's fully collateralized at 102 percent. And finally we have Wells Fargo Bank that was approved as financial depository institution which I have not yet funded as of December 31, 2007.

On page 6, what I tried to do here is give you a flavor as to how much money we

earn in interest at the LGIP based on our deposits. As I stated earlier, at the end of December we had \$114.8 million. The LGIP has exceeded First Community Bank's overnight repo rates for 18 months in a row now, through the end of December. Pool yields and income for the last quarter, like I say, just to give you a little flavor of how much money we're earning off of the balances at the pool, in December we earned 4.82 percent and the actual yield on that money was \$460,537. In November it was 5.04 and it was \$420,427. In October, 5.18 percent and it yielded \$421,998.95. So for the quarter, we earned in actual interest, I guess, \$1,302,963.96.

Keep in mind that the pool invests in short-term periods of 50 to 60 days and that County funds now are available within 24 hours should the need arise. On the next page, 7, just to tell you why I have so much money at the pool versus at our custody bank, the LGIP yields versus First Community Bank. First Community Bank yields for December were 3.75 percent on the overnight repo account. LGIP yields were 4.82 or 107 basis points more than the overnight repo account. First Community Bank's overnight repo account pays us debt fund rate less 50 basis points while the LGIP charges an administrative fee to participants of 3.2 basis points. So you can see - it's very insignificant what the pool charges us to invest our money.

Finally, the LGIP has made a statement at the end of December that the asset mix and the asset types purchased for the portfolio maintained a 99 percent level of A-1+ rating on their investments.

And then just to give you a little highlight of our holdings on the government agencies or our bonds, our investment in bonds have increased from \$39 million to \$53.1 million on December 31, 2007. I believe back in June of 2007 I reported that at that time we had \$39 million invested in bonds. So we have increased our holdings there quite a bit. Our bond investments are generally callable, with most of them having six months to one year of call protection, and that just means that they can be called at any time once we - that date appears if they feel that they can reissue the bonds.

Bond holdings consist of federal home loan bank loans, Fannie Mae bonds, Freddie Mac bonds and federal farm credit.

The Investment Committee composition and overview: The County Treasurer's Investment Committee is composed of myself, Chairman Sullivan, the chair, Roman Abeyta, the County Manager, David Stephens from Legal, and Teresa Martinez from Finance, and from the private sector we have Lowell Gilbert. Meeting dates and presentations: The Investment Committee meets monthly since April of 2005. We discuss investments that have been made. Entities that want the County to invest excess funds in their organization must make a presentation to the committee on the benefit to the County and our local economy.

And number 10, Planned Investments for calendar year 2008. Number one, to continue to invest in safe, liquid and diversified investments for the County's portfolio, earn a market rate of return on all monies or funds not required to meet the County's daily cash flow needs, evaluate investment options by meeting with local bands, bond brokers

and the local government investment pool, and look for investments that help the **economy of Santa Fe County.**

The next item is called the daily market update. It follows page 10. I receive **this almost daily** from one of our bond brokers. It's Morgan Keegan. This kind of **exemplifies where the treasury yield curve is at right now.** If you look at the upper left-hand **box, that's the treasury yield curve.** The first column is what it's yielding right now, **as of January 21,** and if you look at the last column on that first box, it tells you what the **yields were a year ago.** So for example on the three-month treasury, right now it's earning **2.28.** A year ago it was at 5.12. So the yields have really, really come down. There's **also some market indices in here.** If you look at the next box it shows the graph of the **yield curve.** You have to get out past ten years to get anything close to I guess, four percent. **So you don't - it's getting harder and harder to I guess maximize our returns, but I'll continue to try.**

With that, Mr. Chairman, Commissioners, that concludes my portion of the **presentation** and I'll stand for questions if you have any.

CHAIRMAN SULLIVAN: Thank you, Victor. Any questions?
Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Victor, very much for this **report.** I wanted to ask, and this will probably be a fairer question to ask when you have an **opportunity to go back to your Investment Committee.** But based on the **recession cycle that we [inaudible] are you preparing to restrategize your investments?**

MR. MONTOYA: Chairman Sullivan, Commissioner Vigil, right now it's **hard to tell.** The Fed will be meeting again tomorrow and it's projected that they're **cutting rates anywhere from a quarter to another half a percent.** Now, supposedly the **bailout package that Congress and the president are proposing to stabilize the economy may or may not have the desired impacts that they anticipate.** But right now the type of **investments that I'm making are very safe, very secure.** I don't really anticipate **changing my strategy or recommending a change in our strategy to the Investment Committee because first of all, the type of investments that I get into are all collateralized and secured by the US government or backed by the full faith and government of the US government, so I doubt - I'm also working with the State Treasurer, trying to stay on top of what kind investments they make. And like I say, they're only going out now 50 to 60 days.**

So I don't think that they have a strategy yet in place. All I could tell you, **as the market goes down there seems to be a yield - or I mean a flight to quality and security and that's the bond market.** And so there's such a demand for these things that we **just have to really jump on anything we can find.** So I don't know if that answers you **question.**

COMMISSIONER VIGIL: It does. Thank you very much.

CHAIRMAN SULLIVAN: Any other questions? All right. I don't **think this is an action item.** It's just a report item, Victor and we'll see you at the next **monthly meeting.**

MR. MONTOYA: Hopefully. I'll have a better update for you. Also **just**

real fast if I could. Normally, at the Investment Committee meeting I discuss how much money was distributed to the beneficiaries. So between November and December this year we've distributed probably around \$61 million and approximately, I think \$14 and I think about \$26 million of that came to the County. That was our share of the tax collection process of November and December.

CHAIRMAN SULLIVAN: All right. Thank you.

MR. MONTOYA: Thank you very much.

CHAIRMAN SULLIVAN: We need a motion to close our –

COMMISSIONER VIGIL: So moved, the Board of Finance.

CHAIRMAN SULLIVAN: The Board of Finance meetings.

COMMISSIONER ANAYA: Second.

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

XIII. B. Administrative Services Department

1. Review and Discussion of the Quarterly Financial Report for All Major Funds

MS. MARTINEZ: Mr. Chairman, members of the Board, this would be the first quarterly report that you have witnessed or seen so I will summarize the format and then stand for questions with regard to the details and the numbers. What we tried to do is give you a quick summary of revenues and then expenditures. So we gave you a report on the general fund. We gave you a report on the enterprise fund, which includes the Regional Planning Authority, our water and wastewater utilities, as well as the Corrections Department. And then we gave a report with regard to the major elected offices, and that would again be the Treasurer, the Clerk, the Assessor and the Sheriff's office. And then the final report, if you will for funds was in regard to the EMS/Healthcare fund. And that would contain information to the RECC, EMS/Healthcare and senior services.

This is our initial format. We are open to suggestions. If bar charts, graphs, pies, anything is maybe a little bit easier to read than just straight forward numbers we'd be open to that, and I'll let you know that when you look at the general fund and you look at the property tax collections you may think that they are down but as of the report date for these numbers they only reflect November collections. Updated figures show me that we had a total budget of \$21 million if we only looked at the first half of the fiscal year, and we actually brought in \$22.1 million. So if that number looks low to you that is because it only reflects numbers through November. And outside of that point of fact I would stand for questions.

CHAIRMAN SULLIVAN: Commissioner Anaya, did you have a question.

COMMISSIONER ANAYA: I didn't know where you were.

MS. MARTINEZ: Okay. I really didn't specifically settle on any one report. I just explained the detail and the funds that we are reporting to you on this quarterly report, identifying this is our first report to you and standing for any questions.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: How much money do we operate with yearly?

MS. MARTINEZ: On an annual basis our budget is anywhere from \$140 to \$150 million countywide.

COMMISSIONER ANAYA: \$150 million. Okay. Thank you.

CHAIRMAN SULLIVAN: But the general fund monies are how much?

MS. MARTINEZ: Adjusted budget is at \$61 million right now.

CHAIRMAN SULLIVAN: So of that \$150 million, Commissioner Anaya, the difference between \$61 million and \$150 million are committed funds that we get in from other entities like grants, legislative appropriations, things which we have no control over how those monies are used. We must use those for those dedicated purposes. Is that correct?

MS. MARTINEZ: That is correct.

CHAIRMAN SULLIVAN: So what we have discretionary ability to use is the \$61 million. All right. Thank you, Ms. Martinez. That will get us started. Some color pie charts might help too in the future. I always like those. We're not down to Matters from the County Manager and my recollection was there was an item in the Consent Calendar that got moved to Matters from the County Manager.

MR. ABEYTA: Yes, Mr. Chairman. That was under the Consent Calendar, C. Miscellaneous. It's a resolution adopting the Arroyo Hondo open space management plan and Paul Olafson will explain to us what that is and then the Commission can take action on that.

XIII. C. Matters from the County Manager

XII. C. 4. Resolution No. 2008-23. A Resolution Adopting the Arroyo Hondo Open Space Management Plan (Community Services Department)

CHAIRMAN SULLIVAN: Okay. We have a copy in our packet in multi-color.

MR. OLAFSON: Good evening, Commissioners. We're presenting today the Arroyo Hondo Open Space Management Plan and a resolution adopting that. With me today is Cynthia Lovely from the Open Space and Trails program. She's going to provide a very brief presentation of this management plan. The point of bringing these plans to the Commission is so the Commission has an understanding of what type of management and type of activity we're planning for specific open spaces after they've been purchased but before they're developed an open to the public and with that short introduction I'll turn it

over to Cynthia and ask her to go through the presentation quickly and then we'll stand for any questions.

CYNTHIA LOVELY (Open Space): Good evening Chairman Sullivan and Commissioners Vigil and Anaya. If you look behind you we've got a power point and the reason we did that was so you can see some of the maps and photographs of the property. The Arroyo Hondo open space - and this map is not in the plan. It might be a little difficult to read but the map up there on the screen gives you an idea of where the open space property is located. It's on I-25 at the Arroyo Hondo Road and then on the north side we've got the old Agua Fria Road.

The property is on the north side of the actual Arroyo Hondo. And so it serves - besides serving the whole county and the city, the more immediate neighborhoods are the areas to the south off of Arroyo Hondo Road and then the more immediate neighborhood is old Agua Fria Road. So that gives you an idea of where it's located. It's 87 acres and the County purchased the property in 2002. The purchase price was \$950,000 and there was a significant discount from the seller. The neighboring community also raised about a third of the funds to purchase the property.

So there's been community involvement throughout. This planning process started in 2005 and the Santa Fe Conservation Trust has been a pretty significant partner in this project. They assisted with some of the financing issues early on during the acquisition. They also oversee a maintenance fund that came from the donations of the community, and they've also more recently been assisting with the planning process, outreach to the community and the neighborhood.

So what we've got at Arroyo Hondo is about 87 acres. It's typical uplands, pinon and juniper and then down along the arroyo itself we've got a canyon and there's a really nice riparian area which is excellent wildlife habitat. There's actually a perennial - which means year-round water at the base of the dam. Cultural resources: historical dam that was built in 1912 with the intent to provide water for the valley below. That actually blew out in 1912 in the middle of constructing it, and it's still there as you can see from the photographs. That's just one of the historic resources. It also contributes to some of the natural resources in that there's a wetland that has been created behind the dam. That picture was taken in the fall. Actually that was the winter and so the willows, which are probably your best habitat for wildlife are growing behind the dam in that photo and you can see the waterfall coming over the dam.

Other historic resources, why this is significant. It says right there, a significant historic corridor which would include Old Santa Fe Trail, Old Pecos Trail, Old Las Vegas Highway, Route 66, and then immediately across to the west, looking across the canyon is the Arroyo Hondo Pueblo, which is a significant pueblo. So there's a lot of resources, whether it's onsite or nearby for interpretive education. And that is one of the goals of the property is to provide opportunities for education. And although it's not officially open to the public right now we've got a partnership project with the County Fire Department and this picture actually illustrates the work that they've been doing in demonstrating what

treatments you can do on your own property.

Some time this spring we'll be installing the final interpretive signs at some of these restoration sites in which the community can come in and look at different ways that they can treat basically the pinons that have died due to the drought and the beetle kills. So that's been a project that's been underway. Another project we have is a grant from the state and federal Environmental Protection Agency and that's actually for a wetlands assessment and restoration, and that project will begin in the next year or so.

So there's already been quite a bit happening throughout the planning process, which, as I said, started in 2005 and we had our last public meeting in August of 2007. All of this has culminated with the plan that you have with you. And the purpose of the plan is to guide the protection, interpretation and monitoring of cultural, natural resources, ecological enhancements, visitor management, site stewardship and maintenance. So essentially we do a management plan prior to development so we know what type of development is appropriate for the site and what would the community like to see at this location. And so working with the community and looking at the site we came up with these management goals, and I'm not going to go through them in specifics but I will say that the essential aspects of it as it protects the cultural and natural resources, provide public access, as well as encouraging education and research.

Probably the most aspect of this plan is the map. Actually, you should have the same map. This shows what we're proposing for the site. It will be a passive recreation area, meaning there won't be any highly developed facilities. We'll have two parking lots, one at the upper end of the property, which you would access off Old Agua Fria, and then another access point from Arroyo Hondo Road to the south of the property. And then there will be hiking trails, probably about three miles in total. We'll be doing some work on the existing dirt road, mostly addressing erosion concerns. And then at some point we'll put in probably some shade ramadas for the school kids and eventually a restroom.

Right now the site is already being used by school kids, either they're coming out with the Fire Department to look at that project, or some of the nearby schools are using the property just as an environmental education site. So that is a quick overview of the management plan and if you have any questions, Paul and I are here.

CHAIRMAN SULLIVAN: Questions from the Commission.

MS. LOVELY: One more item, pretty important. Staff recommends approval of the management plan.

COMMISSIONER ANAYA: So moved.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Motion and second. Any further discussion? Oh, I thought she was seconding it.

COMMISSIONER VIGIL: And I have a question.

CHAIRMAN SULLIVAN: Commissioner Vigil has a question. And I'm sorry if I missed this. Where are the funds going to come to manage and operate anything here?

MR. OLAFSON: Mr. Chairman, Commissioner Vigil, the operation – we’re intentionally designing this as a very low-impact, low-maintenance facility, so that there will be minimal operation and maintenance funds. And what we’ll use as our capital funding streams for the implementation of the initial development of it, and we want to work with the community stewards group that we’re organizing together with the Conservation Trust to do the longer term operation and management. But the way we’re designing it at the initial stage is the maintenance is going to be may semi-annual, once or twice a year trail maintenance, what we can do with volunteer groups and staff. And then just emptying garbage cans in the parking lot and trying to keep it as a very low-key facility in that nature.

COMMISSIONER VIGIL: And I’d like an update, perhaps one on one because we’re so close to ending here, on management and maintaining the San Ysidro.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Can horses go on that trail?

MR. OLAFSON: Mr. Chairman, Commissioner, yes. However, it’s very difficult to access that area with horses. You’d have to trailer in unless you live right in that neighborhood. There’s not a very friendly way for horses to get there and since it’s such a small site and small trail loop length I don’t know that that many equestrians would want to do it. However we do have neighbors down the arroyo who have horses, who have ridden up here before and traditionally have used it for generations.

COMMISSIONER ANAYA: Yes, that’s why I’m saying there’s people with horses there. But that parking spot, is it going to be big enough for horse trailers, if somebody wanted to horse trailer in and ride around there?

MR. OLAFSON: Mr. Chairman, Commissioner Anaya, no. There’s a possibility of parking alongside the road but we’re not designing it at this point for horse trailers. We just don’t see the demand. It’s so close to the urban area. It’s not a really attractive, we don’t feel equestrian site. We could look at that as we further develop it in phase 2.

COMMISSIONER ANAYA: But the people that live there could ride their horses there, right?

MR. OLAFSON: There are people who ride along the arroyos and the road there. Yes, they can.

COMMISSIONER ANAYA: Yes, I’d like to see that.

CHAIRMAN SULLIVAN: One comment that I would add is that I think in our open space we need to distinguish between equestrian and hiking trails. I know that hasn’t been done particularly well in the Cerrillos Hills Park and the trails seem to be all, almost all equestrian trails. And those aren’t always the most enjoyable trails for hikers either, for a number of obvious reasons, particularly if no one comes behind and cleans up after the horses. So I think we need to give some consideration to that. There are instances where a facility is – and some particular trails are clearly equestrian oriented and should

be designated that way and others should be designated as hiking trails. That doesn't mean if someone really wants to take their horse up there and go up a difficult hiking trail they can't do it but I think if they're properly signed and designated on the map people can understand what that facility and what that trail is for. We need to maybe grapple with that issue. There are parks that are clearly in areas that are equestrian oriented and others that are not.

MR. OLAFSON: Mr. Chairman, we were having that discussion this afternoon, specifically in regard to Cerrillos, and yes, we're aware of that issue.

CHAIRMAN SULLIVAN: Yes, I think it's something we need to grapple with and you could never prohibit them necessarily but at least you can design the trails a certain way because horse trails have to be wider and they have to have more sweeping curves and they can't have steep drop-offs in places where hiking trails can. So we need to think about the constituents we're working for there. Okay, we have an item for approval there which is item XII. C. 4, Resolution 2008-23 adopting the Arroyo Hondo Open Space Management Plan and I think we have a motion from Commissioner Anaya and a second from Commissioner Vigil.

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

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I understand your concern about the two trails but I just don't want to push out the equestrians.

CHAIRMAN SULLIVAN: I wouldn't want to do it the other way either.

COMMISSIONER ANAYA: Well, we've got miles of trails in the Pecos Wilderness and it's equestrian and there's a lot of people up there. They just step over everything. So I don't want to push it out. I understand where you're coming from. Maybe you've just got to get some higher boots.

CHAIRMAN SULLIVAN: That's one, of course, issue, but there's also another issue of the maintenance. The equestrian trails are heavily rutted, particularly in damp weather and they tend to erode more quickly. So if it's an equestrian trail, we need to have a maintenance program that's going to be more expensive and that's going to go in and eliminate those ruts or vegetate or do something to keep that from just eroding and becoming a dirt mess. And we need to plan for that. What steps are we going to take? Are we going to put down some kind of matting in critical areas? Are we going to vegetate? Do we provide rest areas for the horses and the riders that are off the trail so others can pass, particularly in steep areas? Because it's kind of scary to come up against a bunch of horses when you're hiking and it's you and them and it's a narrow trail. And the horses win. So you get to scramble up the bank. It's not that we can't figure this out, it's just that we've got to think about it while we're planning the trails and allocate the money we need if it's

an equestrian facility to maintain it as it gets more heavily used. That's my concern. I don't want to eliminate them. I think that there are a lot of opportunities in the Pecos Wilderness where there certainly are both options open to people but as we get closer to town we want to think about what our clientele is going to be.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I think it really depends on the design, is how I would respond. Because I look at the San Ysidro River project that's equestrian and walking trails. It's wider enough. It's bio-ecologically friendly to both of that. I haven't been to Cerrillos so I can't speak to that but I'm thinking if we keep that in mind for this particular project we'll get that complementary trails that's in San Ysidro. But I see horse trails and walkers and joggers all using simultaneously. Is that how you could move forward with that?

MS. LOVELY: Commissioner Vigil, to respond to your comment, Cerrillos Hills, a lot of those trails are old mining roads. The other issue we have out there is there's an outfitter guide running equestrian groups of ten at a time, two, three times a day, and that is causing issues that we need to address. But the nice thing about Arroyo Hondo open space is that we will be laying out the trails from scratch with the intent of them being sustainable, meaning minimal maintenance required, minimal erosion issues, whereas at Cerrillos Hills the problem is we inherited a lot of these trails. Either they were old jeep trails, old mining trails - they could have been used by mules. So when they went in there was no thought towards maintenance or sustainability. So there are a lot of these in Cerrillos, because we inherited existing paths.

CHAIRMAN SULLIVAN: And we might need to set fee schedules for outfitter so we can recoup some of the costs that it takes to maintain these trails.

XIII. C. 1. Update on Various Issues

MR. ABEYTA: Mr. Chairman, that's all I had today.

XIII. E. 2. Request Authorization to Accept Amendment No. 1 to Agreement No. 27-0202-LG with the New Mexico County Insurance Authority ("NMCIA") of the New Mexico Association of Counties ("NMAC")

MR. ROSS: Mr. Chairman, you remember a few years ago we had a complex class action case called the Leyba Case. The case concerned alleged strip searching of numerous people at the detention center. As part of the settlement of that agreement, ourselves and the Association of Counties agreed to split the claims administration costs. So we entered into an original agreement, which I think was for

\$90,000 with the Association in the hopes that the total claims administration would **not go beyond \$90,000**. But they have slightly. We think they will go up to possibly as much as **\$140,000**. So this agreement covers those anticipated expenses.

CHAIRMAN SULLIVAN: And we don't have a copy of the agreement, so you're asking for us to approve an agreement or authorize you to enter into the agreement?

MR. ROSS: The amendment.

CHAIRMAN SULLIVAN: The amendment. We don't have the amendment.

MR. ROSS: Is there a memo even in the file? The agreement just increases the compensation from \$90,000 to \$140,000.

CHAIRMAN SULLIVAN: Okay. So that would be amendment number 1 to the agreement, 27-0202-LG, increasing from \$90,000 to \$140,000.

MR. ROSS: It's a one-line amendment.

CHAIRMAN SULLIVAN: Okay. Do I hear a motion to that effect?

COMMISSIONER ANAYA: So moved.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Okay. Moved and seconded, by our faithful Commissioners here to the end.

COMMISSIONER VIGIL: Steve, will we be – with the Association, is their increase in this the same amount?

MR. ROSS: Exactly. We have an agreement to share these expenses 50-50.


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

XIV. ADJOURNMENT


Chair Sullivan declared this meeting adjourned at 5:30 pm.



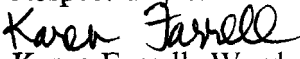
Approved by:


Board of County Commissioners
Jack Sullivan, Chairman

TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

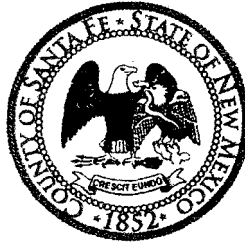
Respectfully submitted:


Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Paul Campo
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Roman Abeyta
County Manager

MEMORANDUM

Date: 29 January 2008

To: Santa Fe County Board of County Commissioners

From: Paul Olafson, Director, Community Projects Division, CSD

Cc: Joseph Gutierrez, Director, Community Services Department

Re: Update on New Public Works Facility and Change Orders

This memo is presented as an update to the construction project for the County's new Public Works facility. The Public Works facility is a complex building project and the largest project the County has built to date. The multi-building project under construction southwest of town on NM 599 is approximately 56% complete.

Some of the salient issues on the project are as follows:

- The original contract amount was \$16,344,238 including GRT and was for 520 days with a date of Substantial Completion of August 12, 2008.
- To date four change orders have been signed by the County Manager totaling \$90,447 or .55% of the total project cost. Additionally, Change Orders 5 through 11 (totaling \$317,892 or 1.94% of the total project cost) and an extension of 14 days of time are presented for Board approval at the January 29, 2008 BCC meeting (revised completion date of August 26, 2008).
- The table below illustrates the total amount requested in Change Orders 1 through 11 by type compared as a percentage to the total project cost and as a percentage of total Change Orders to date.

<u>Item:</u>	<u>Amount</u>	<u>% of Project Cost</u>	<u>% of 1-11</u>
Owner Requested	\$159,050	.97%	38.90%
Code Compliance	\$ 36,395	.22%	8.90%
Unforeseen Conditions	\$ 1,268	.01%	.03%
Contract (GRT Increase)	\$ 37,214	.23%	9.10%
Contractor Recommended (CREDIT)	(\$ 9,222)	-.06%	-2.30%
A/E Coordination & Field Conditions	\$183,633	1.12%	45.00%
Total (Change Order 1 through 11)	\$408,388	2.50%	

Foreseen Change Orders:

Aside from the change issues outlined above, there are approximately \$200,000 of pending costs that are being recommended though the amounts have not yet been placed in a formal Change Order. Approximately 40% of the pending cost relates to additional Owner Requested and Code Compliance items. In addition, the Contractor has requested additional time which we believe will be beneficial to

ERK RECORDED 04/23/2008

the project for a revised date of Substantial Completion of November 14, 2008. Total percentage of additional costs including those pending is approximately \$625,602 or 3.8% of the total project cost.

Change Order Review Process:

The Design Team, Contractor and Owner Representative have spent much time and effort reviewing additional costs presented to the project and approximately \$100,000 was negotiated out of the original proposed changes versus what is being presented to the BCC. The project team have identified that the changes add value to the project and will allow the facility to operate as designed and requested.

All costs are reviewed for potential errors and omissions. These will be reviewed again at the end of the project to determine accountability, if any, to the A/E Team and the Contractor. In the meantime, the need to resolve coordination problems and issues, which for the most part are a normal part of the construction process, is an ongoing process. We believe that resolving potential conflicts as quickly as possible continues to be in the best interest of the County.

Santa Fe Public Works

Project No: IFB #27-0718-PFMD/RH
 Santa Fe, New Mexico

January 24, 2008

Subject: Project Status

General Project Information

Contract amount including tax	\$16,344,237.89
Contract time	520 Days
Completion date	August 12, 2008

Cost Information

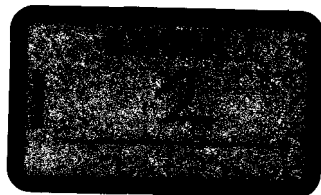
Number of change orders	11
Change order amount to date	\$408,338.00
% of contract amount	2.5%
Pending change orders	\$217,264.00
% of contract amount	1.3%
Total amount of CO's and potential changes to date	\$625,602.00
% of contract amount	3.8%
Dollar amount negotiated out	102,600.00

Change orders by types

Owner requested	\$159,050.00	38.9%
A/E Coordination	\$183,632.52	45.0%
Contractor Recommended	\$-9,222.00	-2.3%
Code Compliance	\$36,395.00	8.9%
Unforeseen Conditions	\$1,268.40	.031%
Contract	\$37,214.08	9.1%

Time

Change order #11	14 days
Revised completion date	August 26, 2008
Change order #13 (pending)	72 days
Revised completion date	November 14, 2008



ERK RECORDED 04/23/2008

Date: January 28, 2008

To: Shelley Cobau, Santa Fe Co. Land Use
Board of County Commissioners
102 Grant Ave.
Santa Fe New Mexico

From: Al Quintana
10 Calle Cristobal
Santa Fe, New Mexico

Subject: Service on the (LCDRC) La Cienega Development Review Committee

To whom it may concern,

I would like to take this opportunity to extend my service to the community of La Cienega and Santa Fe County. I have in the past been employed with Santa Fe County and the Land Use Department. I have for the past two years served on the LCDRC and would be glad to continue as a committee member.

I was born and raised in Santa Fe and have been a resident of La Cienega for the past fourteen years. My family history in the community goes back three generations, as my grandmother was raised in the Village of La Cienega. There is a rich heritage and history in this community and it would be a privilege to be part of that continued heritage.

I would greatly appreciate your consideration in this matter.

Sincerely,

Al Quintana

Shelly Cobau

From: Allan [olymtal@yahoo.com]
Sent: Monday, January 28, 2008 4:08 PM
To: Shelly Cobau
Subject: Re-up for the LCDRC
Attachments: 2018778879-LCDRC.doc

Good after noon Shelley,

As per our discussion this morning, I am still interested in serving on the La Cienegas Development Reviw Comittee. Attached is a memo to that effect.

Thanks and take care,

Al Quintana

Looking for last minute shopping deals? [Find them fast with Yahoo! Search.](#)

JAMY BERNTSEN

89 Moya Rd. – Santa Fe, New Mexico 87508
jamy.berntsen@mac.com • 480-203-1845

PROJECT/PROGRAM MANAGEMENT PROFILE

Product Strategy • Design & Development • Marketing & Launch

Motivated, energetic professional with a genuine passion for driving the success of new projects from concept through delivery. Outstanding leadership, communication, and interpersonal skills, with a capacity to multi-task in order to achieve strategic company goals and meet organizational requirements. Proficient, extremely detailed, and organized. Work exceptionally well in fast-paced, team-oriented environments.

CORE COMPETENCIES

- Project Design & Launch
- Innovative Leadership
- Forecasting & Analysis
- Strategic Planning
- Time & Resource Management
- Financial Modeling

PROFESSIONAL EXPERIENCE

INTEL CORPORATION – Chandler, AZ

7/2006-Present

Program/Project Management

Key Accomplishments

Overall budget coordinator for Intel's Lens Lithography Program. Works directly with lead program director to define yearly headcount and also with the project owners to prioritize projects within the allocated multi-million dollar program budget. Owns making forecasting analysis as new priorities arise. Partners with finance department lead to ensure deadlines are met and all necessary details are addressed in an efficient manner. Works proactively on issues with key stakeholders and works to gather support and align all major teams' players on strategic directions.

Key Achievements:

- Successfully mitigated program risks by developing contingency plans for larger projects within Intel's virtual factory. Each project met year end budget and improvement goals.
- Coordinates all strategic plans for the Lithography improvement program. Partners with the program director, the program planning forum and the technical lens team lead to develop strategic plans.
- Key Liaison: Owns supporting internal / external customers and understanding true customer needs. Tier 1 clients include Nikon, ASML and Synopsys Inc.

INTEL CORPORATION – Chandler, AZ

9/2000-7/2006

Program Engineering/Project Management

Serve as key stakeholder in all decisions that contribute to the success of processor product line with \$400 million in annual sales. Direct initial design validation through product launch for factory. Coordinate with Design, Manufacturing, Assembly, Performance Optimization, Sales and Marketing teams in order to meet customer needs. Define requirements, develop and present launch plans, analyze gross margin

...continued...

JAMY BERNTSEN • Page 2

and output performance. Meet ambitious goals as determined by CEO, global customers, and cutting edge technologies to drive performance, profitability, and organizational success.

Key Achievements:

- Successfully increased product line sales by 33% and expanded product performance by 50%.
- Played key role that were both strategic and tactical in first on-time Itanium product launch in company history.
- Cross functional team lead that led to improved customer support for Divisional counterparts.
- Developed product roadmap that skillfully launched new (replacement) product into the marketplace which improved annual unit sales from \$2,200 to \$4,100 per processor.
- Exceeded 50% performance against top-selling processor that contributed to shipping of over 100,000 Itanium 2 products to the market in order to meet customer requirements in first launch.

Awards and Recognition:

- Accepted the Division Recognition Award for the Development and Innovation of the World Class New Product Introduction Web Based System in the most advanced technology operations facility.
- Received Divisional Award for exceeding Itanium 2 output and meeting customer demand as challenged by CEO of Intel.
- Awarded Divisional Recognition for the first on-time launch for the Itanium 2 Processor.
- Recipient of Divisional Recognition for the successful launch of the Pentium 4 Processor.

MOTOROLA CORPORATION – Phoenix, AZ

6/1997-9/2000

Product Engineering

Interacted with Strategic Marketing, Production Planning, and New Product Development divisions to support all facets of development and launch for Small Signal Discrete Products. Identified and drove product and packaging qualifications, and oversaw quality and yield enhancements. Participated in portfolio management and cost reduction for product lines. Provided strategic and technical expertise for large-scale manufacturing / assembly operations.

Key Achievements:

- Successfully coordinated and supported the development of products built at manufacturing facilities and assembly sites internationally in accordance with ISO 9000 policies/procedures.
- Received the Motorola Going the Distance Award for exceptional dedication and performance.

ALLIED SIGNAL AEROSPACE TECHNICAL SERVICES CORPORATION – Las Cruces, NM

Materials Testing

7/1996-2/1997

Collaborated with team to perform high/low pressure analysis, combustion component evaluations, and other tests to effectively qualify a range of materials for space travel applications at the NASA Lyndon B. Johnson Space Center.

TECHNICAL PROFICIENCIES

Platforms: Windows, Macintosh

Tools: ASP, SQL, XML, Java, Flash, Dreamweaver, Macintosh Applications OSX, Microsoft Office Suite, Adobe Photoshop

EDUCATION

Certificate – Program Management (2001)

Arizona State University – Tempe, AZ

Bachelor of Science in Chemical Engineering (1996)

New Mexico State University – Las Cruces, NM

INTERESTS

Photography/Photojournalism

Digital Media

Device Physics

Web Design/Computer Graphics

Shelly Cobau

From: jamy berntsen [jamy.berntsen@mac.com]
Sent: Wednesday, January 16, 2008 10:59 AM
To: Shelly Cobau
Subject: Resume - Chemical Engineer

Attachments: Jamy Berntsen Resume.doc



Jamy Berntsen
Resume.doc (54 K...

Hi Shelley,

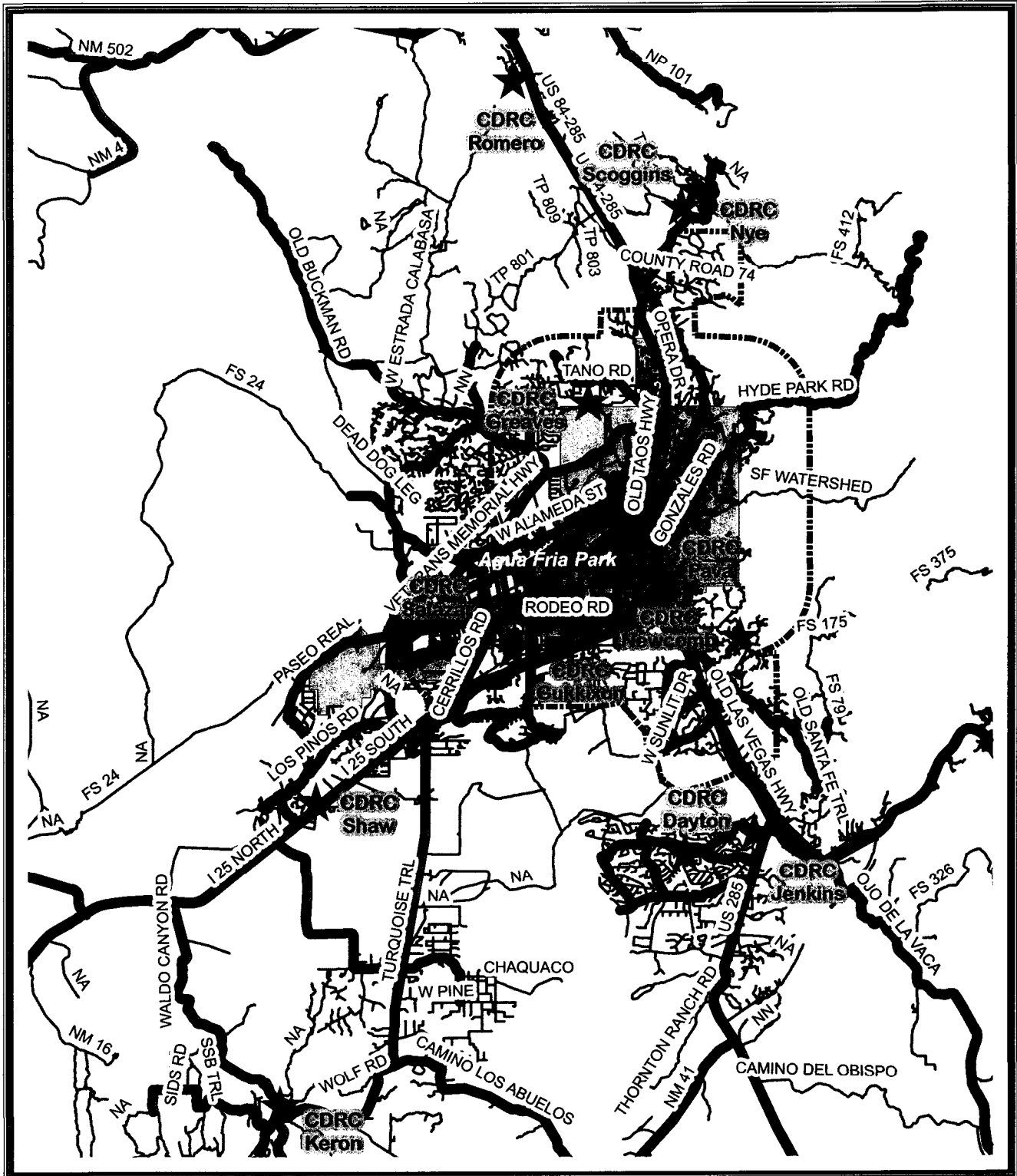
I met you yesterday at your office with Estevan Gonzales. It was really nice talking with you. I have attached my resume for you to review. My married name is Berntsen, Estevan has known me my entire life as Jenks, I think it will take a little while for him to get used to.

As I mentioned, I am a Chemical Engineer by trade and have worked in Project Management for quite some time. My undergrad experience is from LANL and was in Environmental Policy. I am very excited to work within the Santa Fe community so I would very much appreciate any suggestions you may have for a way to become more involved. Thank you so much for taking the time to meet with me.

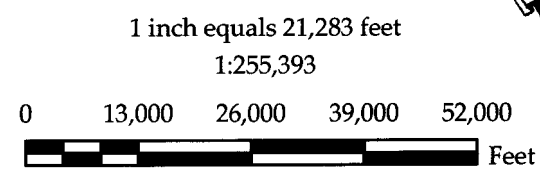
Best Regards,
Jamy
480-203-1845

County Development Review Committee Applicant Locations - 2008

SFC CLERK RECORDED 04/23/2008



- ★ CDRG
- EZA Boundary
- City of Santa Fe



January 29, 2008

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are responsible for confirming data accuracy.

Agua Fria Development Review Committee Applicant Locations - 2008

SFC CLERK RECORDED 04/23/2008



★ AFDR

□ Community Planning Areas

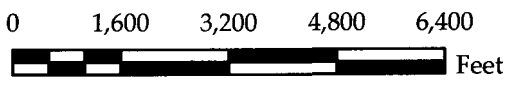
--- EZA Boundary

□ City of Santa Fe



1 inch equals 2,742 feet

1:32,900



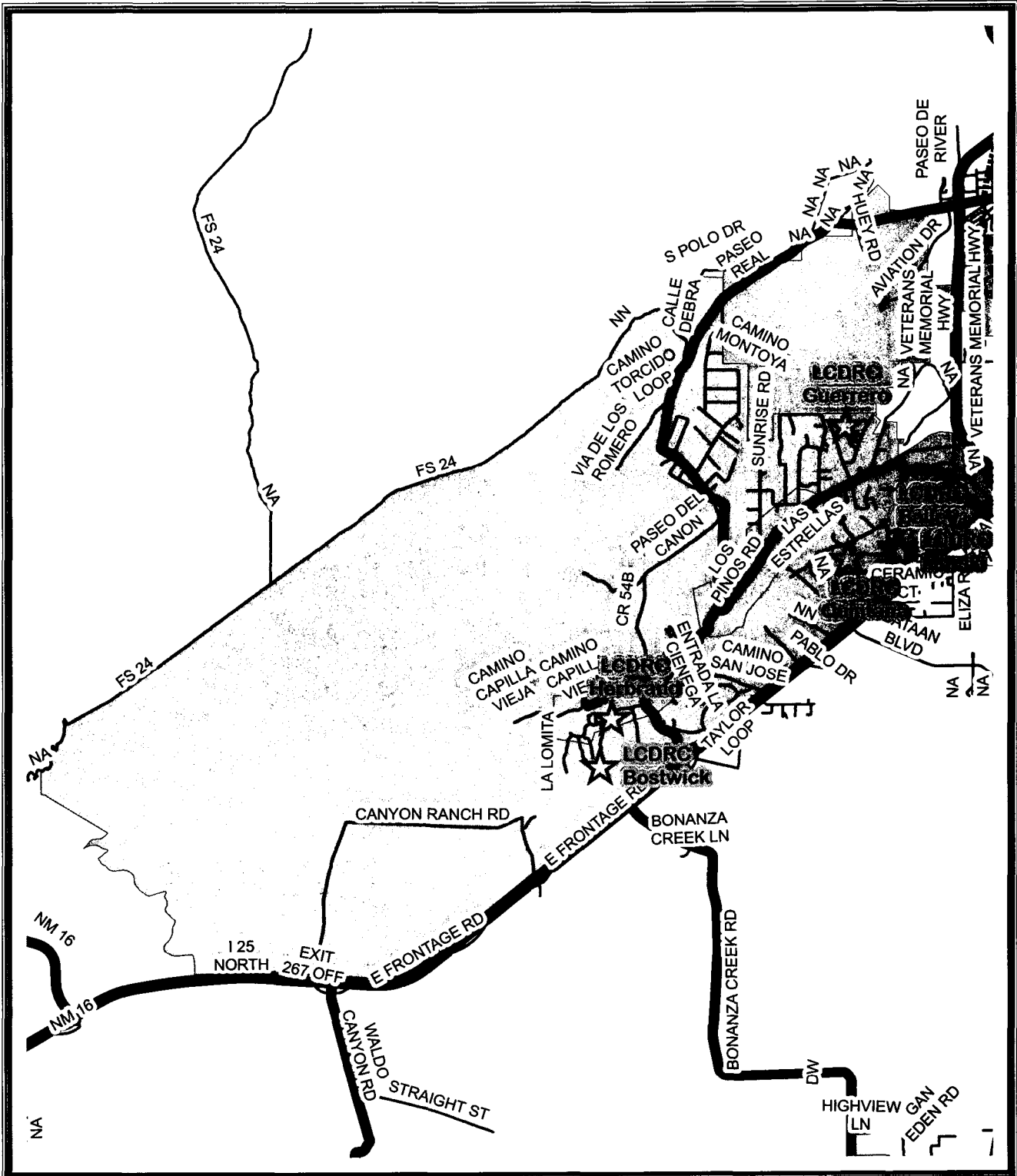
January 29, 2008

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La Cienega Development Review Committee

Applicant Locations - 2008

S F C C L E R K R E C O R D E D 0 4 / 2 3 / 2 0 0 8



LCDRC



Community Planning Areas



EZA Boundary



City of Santa Fe



1 inch equals 7,347 feet

1:88,169

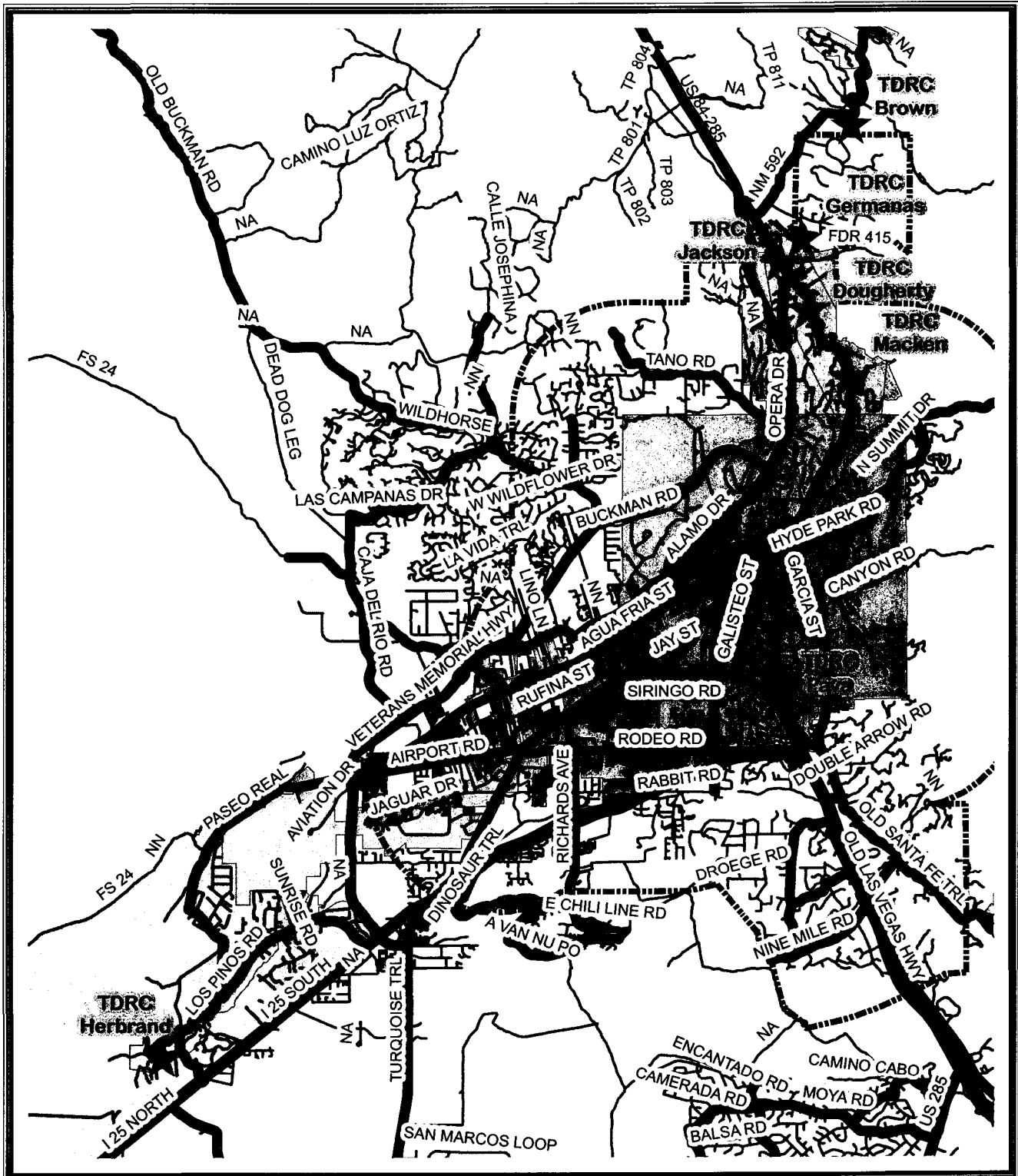
0 4,500 9,000 13,500 18,000



January 29, 2008

Tesuque Development Review Committee Applicant Locations - 2008

SFC CLERK RECORDED 04/23/2008

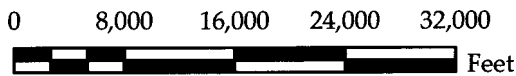


- ★ TDRC
- Community Planning Areas
- EZA Boundary
- City of Santa Fe



1 inch equals 13,403 feet

1:160,835

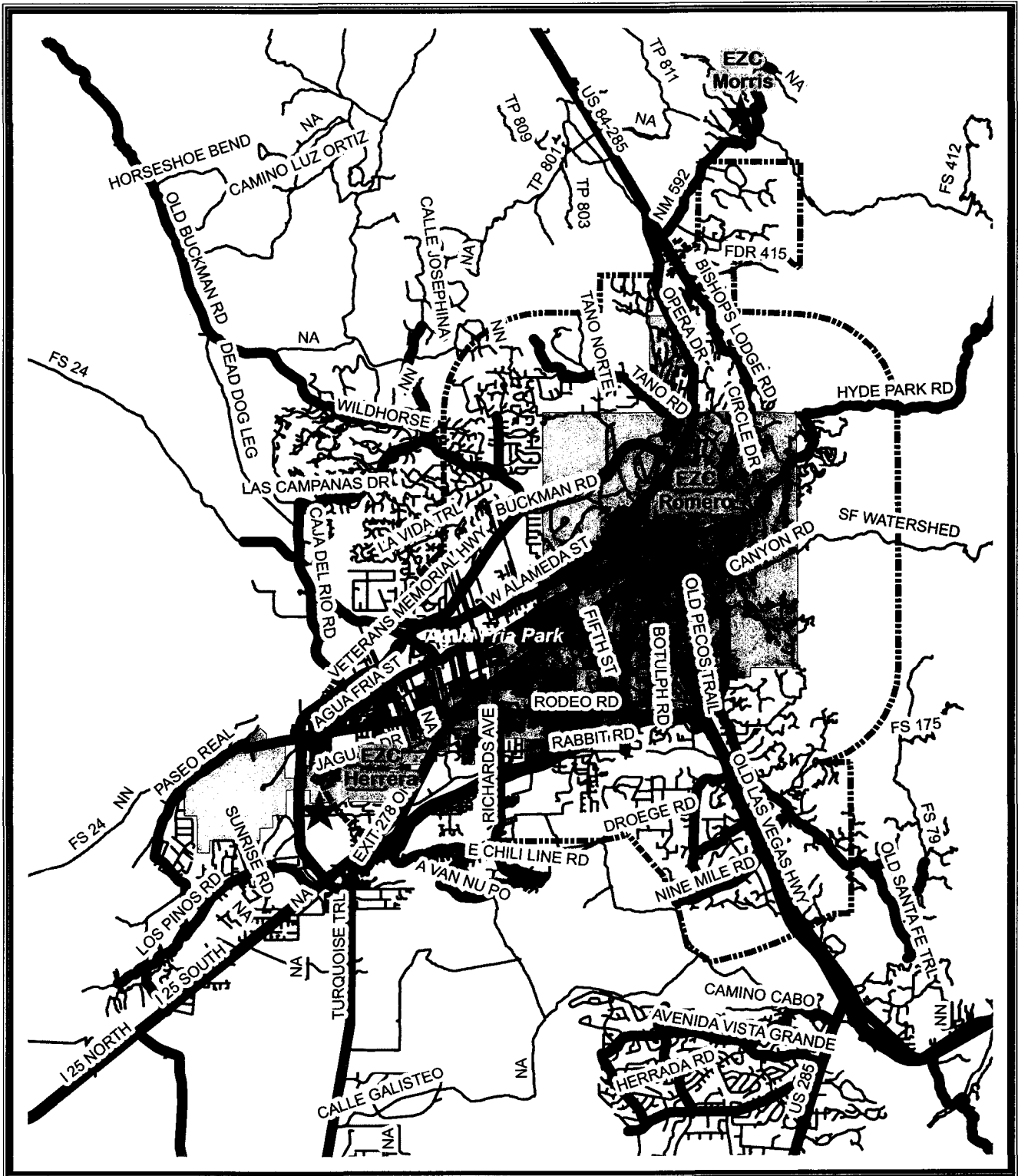


January 29, 2008

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Extraterritorial Zoning Commission Applicant Locations - 2008

SFC CLERK RECORDED 04/23/2008



EZC

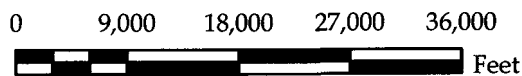
----- EZA Boundary

□ City of Santa Fe



1 inch equals 14,940 feet

1:179,282

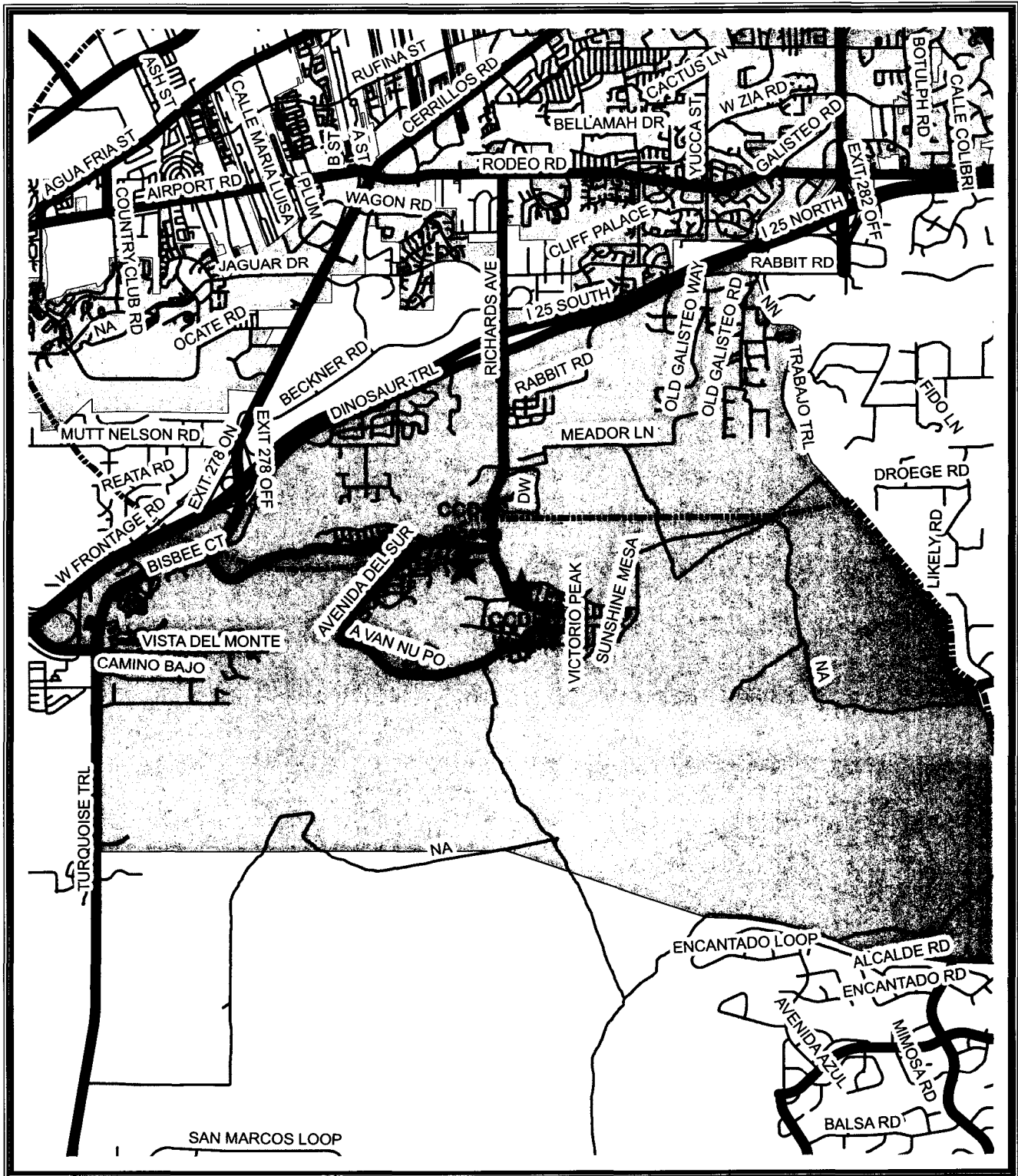


January 29, 2008

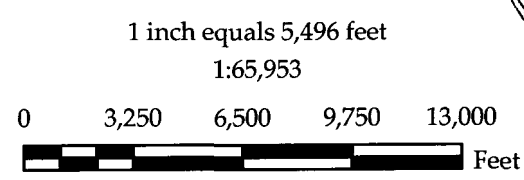
Community College Development Review Committee

Applicant Locations - 2008

SF CLERK RECORDED 04/23/2008



- ★ CCDRC
- EZA Boundary
- Community College District
- City of Santa Fe



January 29, 2008

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are responsible for confirming data accuracy.

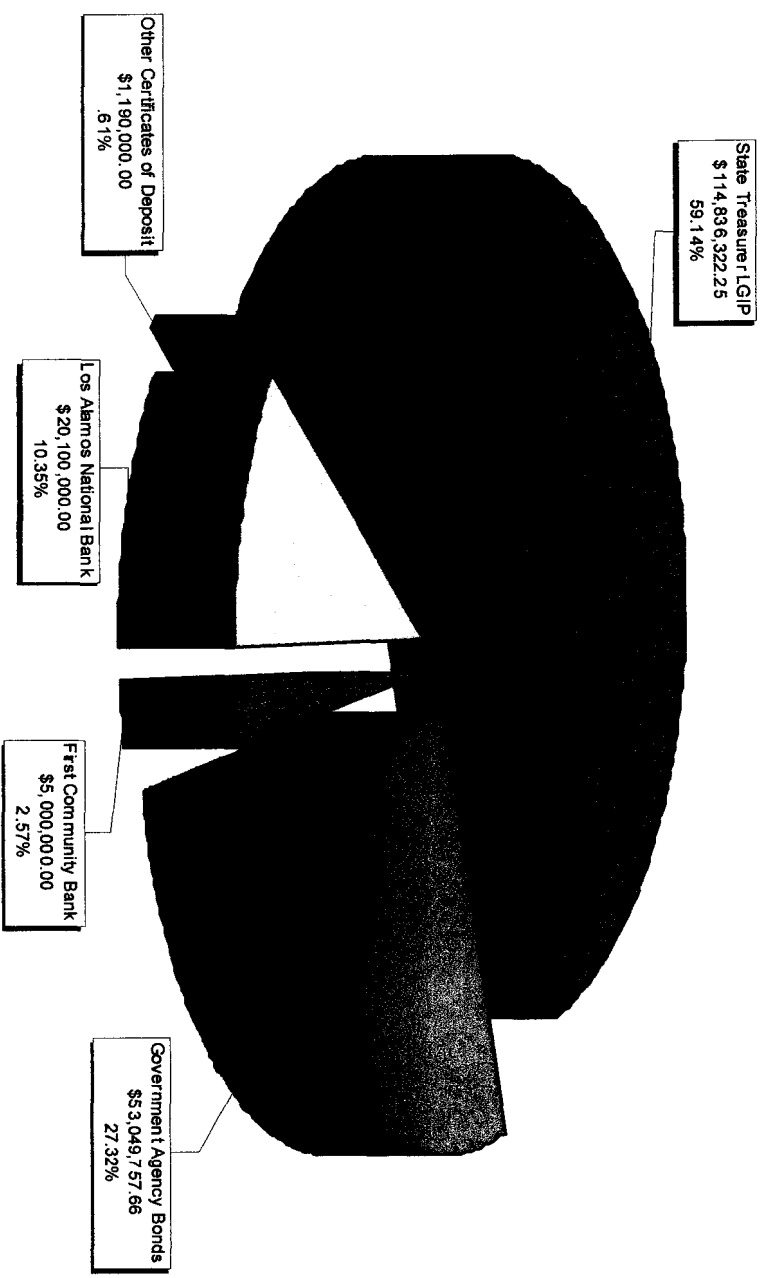
**SANTA FE COUNTY
TREASURER'S OFFICE**

QUARTERLY INVESTMENT REPORT
ENDING 12/31/2007

Asset Allocation

Santa Fe County Investment Portfolio

December 31, 2007



Santa Fe County Treasurer's Investment Plan For 2008

- This power point presents the County Treasurer's investment plan for the foreseeable future and provides a status report to the County Board of Finance on the County's investments.

- Our primary objective is to insure the County's portfolio contains safe, liquid and diversified investments while earning a market rate of return on all monies (funds) not required to meet the County's daily cash flow needs.

Permitted Investments Under County's Investment Policy-Resolution 2007-102

Portfolio Composition:

Interest bearing accounts;

Certificates of deposit insured by the FDIC or collateralized at 102% for investments over \$100,000.00.

Government agencies (bonds), treasury bills, or other debt securities issued by and backed by the full faith and credit of the United States.

County Financial Depository Institutions

- First Community Bank

\$5.0 million 2 year CD-Matures April 2008
collateralized at 102%.

Overnight repurchase account-Swept nightly
and redeemed the following morning.

- Los Alamos National Bank

\$20.1 million invested in CD's with various
maturity dates fully collateralized at 102%.

- Wells Fargo Bank

Approved-not funded as of December 31,2007

State Treasurer's Local Government Investment Pool (LGIP)

LGIP Investments Highlights

\$114.8 million at December 31, 2008

LGIP has exceeded First Community Bank overnight repo rates for eighteen months.

Pool yields and income for last quarter:

- December 31, 2007-4.82%-\$460,537.73
- November 30, 2007-5.04%-\$420,427.28
- October 31, 2007-5.18%-\$421,998.95
- Total Pool Interest \$1,302,963.96

The Pool invests in short term periods of 50-60 days and County funds are now available within 24 hours.

State Treasurer's Local Government Investment Pool (LGIP) Continued

■ LGIP Yields vs. First Community Bank

First Community Bank yields for December were 3.75%; LGIP yields were 4.82% or 107 basis points more than the overnight repo.

First Community Bank's overnight repo account pays Fed Funds less 50 basis points; LGIP's administrative fee to participants was 3.2 basis points.

LGIP: "Asset mix and asset types purchased for the portfolio maintained a 99% level of A-1 + rated investments".

County Treasurer Investments In Government Agencies (Bonds)

Portfolio Holdings

Our investment in bonds have increased from \$39 million to \$53.1 million on December 31, 2007.

Our bond investments are generally callable with most of them having six months to one year of call protection.

Bond holdings consist of: Federal Home Loan Bank, Fannie Mac, Freddie Mac, and Federal Farm Credit.

Investment Committee Composition and Overview.

- County Treasurer's Investment Committee

Victor A. Montoya	Jack Sullivan, Chair
Roman Abeyta	David Stevens
Teresa Martinez	Lowell Gilbert

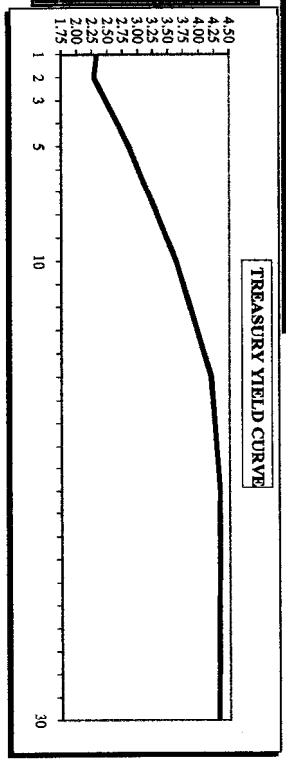
- Meeting Dates and Presentations:

Investment Committee meets monthly since April 2005; we discuss investments that have been made; entities that want County to invest excess funds in their organization must make a presentation to the committee on benefit to the County and our local economy.

Planned Investments for Calendar Year 2008

- Continue to invest in safe, liquid and diversified investments for the County's portfolio.
- Earn a market rate of return on all monies (funds) not required to meet the County's daily cash flow needs.
- Evaluate investment options by meeting with local banks, bond brokers, and the LGIP.
- Look for investments that help the economy of Santa Fe County.

3 MO.	2.28	2.27	3.24	5.12
6 MO.	2.36	2.37	3.39	5.17
2 YR	2.29	1.99	3.05	4.88
5 YR	2.85	2.56	3.44	4.88
10 YR	3.64	3.43	4.02	4.89
30 YR	4.32	4.19	4.45	5.00



Jan08	3.9986
Feb08	3.0354
Mar08	2.8554
Apr08	2.7154
May08	2.5404
Jun08	2.5054
Jul08	2.3454
Aug08	2.2504
Sep08	2.2704
Oct08	2.2404

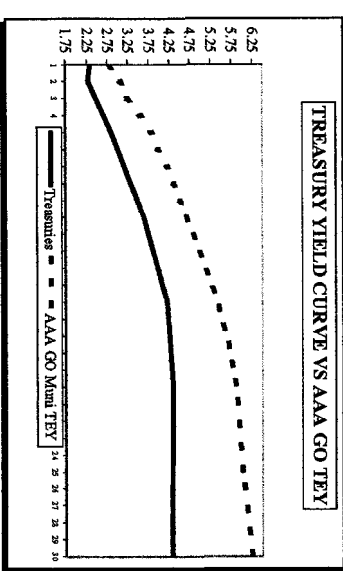
2YR NC 3MO	109	0	3.38
2YR NC 1YR	71	0	3.00
3YR NC 3MO	127	0	3.75
3YR NC 6MO	113	0	3.61
3YR NC 1YR	90	0	3.38
3YR NC 3MO	148	0	4.33
3YR NC 6MO	127	0	4.12
3YR NC 1YR	111	0	3.96
3YR NC 2YR	83	0	3.68
3YR NC 3YR	66	0	3.51
7YR NC 3MO	156	0	4.75
7YR NC 1YR	125	0	4.44
7YR NC 2YR	100	0	4.19
10YR NC 3MO	150	0	5.14
10YR NC 1YR	120	0	4.84
15YR NC 3MO	191	0	5.55
15YR NC 1YR	162	0	5.26

DIJA	12,383.89	176.72	FINDS	3.50	DNCH	1.00	1 MO FUNDING	3.34	-0.05
NASDAQ	2,349.91	23.71	PRIME	6.50	UNCH	-0.05	3 MO FUNDING	3.18	-0.05
OUT ¹	90.99	0.28	1 MO LIBOR	3.25	UNCH	-0.03	5-2 (1-Tim)	2.68	UNCH
GOLD	928.97	15.02	3 MO LIBOR	3.25	UNCH	-0.02	10-5 (1-Tim)	3.27	-0.02

U.S. equities gained as the Dow Jones Industrial Average rose 176.72 points to 12383.89 while the NASDAQ Composite rose 23.71 points to 2349.91. Stocks opened lower yesterday, but then rebounded to finish with solid gains for the day. Stocks have now finished higher in three of the last four trading sessions. Dow futures are up 60 points this morning as Wall Street will try to continue the recent rally in equities.

U.S. Treasuries declined as the 10-year treasury fell 08+32 to 105-23+, a 3.582 percent yield, and the 30-year treasury fell 08+32 points to 111-31, a 4.279 percent yield. Treasuries declined as equities rebounded, which has been the same story we have seen all month. The markets have appeared to be more stable in the last few trading sessions; however, we still see headline news moving the market and keeping volatility high.

U.S. TREASURY AUCTION:
The U.S. Treasury auctioned \$23 billion in three-month bills at a discount rate of 2.335 percent, \$21 billion in six-month bills at a discount rate of 2.31 percent, and \$24 billion in two-year notes at a discount rate of 2.237 percent yesterday. Also, the U.S. Treasury has plans to auction \$14 billion in five-year notes and \$20 billion in four-week bills today.



2Y	66.1	-1.30	2.953
3Y	66.6	-1.20	3.151
4Y	68.5	-0.90	3.362
5Y	70.0	-0.50	3.563
7Y	72.4	-0.70	3.897
10Y	59.3	-0.70	4.238
30Y	42.6	-0.40	4.748

¹ Assumes a Cost of Funds of 2.5% & a 34% Tax Rate
² Derived from the ECO screen on Bloomberg
West Texas Crude Oil
New York Federal Home Loan Bank

FNMA 30 YR 6.00%	485	-0.03
FNMA 15 YR 5.50%	454	-0.1
FNMA COMMITMENT	548	-0.15
30YR RATE		

New Home Sales	634K (v)	647K	604K
New Home Sales MoM	-12.6% (v)	0.00%	-4.70%
Durable Goods Orders	0.5% (v)	1.60%	5.20%
Consumer Confidence	88.6	87.0	
ABC Consumer Confidence	-23.0	-24.0	
MBA Mortgage Applications	8.30%	40K	40K
ADP Employment Change	4.90%	1.20%	
GDP Annualized	2.80%	2.60%	
Personal Consumption	1.00%	2.60%	
GDP Price Index	2.00%	2.50%	
Core PCE QoQ	3.50%	3.00%	
FOMC Rate Decision			
Personal Income	0.40%	0.40%	
Personal Spending	1.10%	0.10%	
Initial Jobless Claims	301K	320K	
Continuing Claims	2672K	2881K	
Changes in Nonfarm Payrolls	18K	65K	
Unemployment Rate	5.00%	5.00%	
Change in Marimekt Payrolls	-31K	-20K	
U. of Michigan Confidence	80.5	79.0	
ISM Manufacturing	47.7	47.1	

EUR	0.68	AUD	1.13
JPY	107.13	NZD	1.28
GBP	0.50	HKD	7.80
CHF	1.09	NOK	5.45
CAD	1.00	SEK	6.40

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