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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

MARCH 30, 1999

**Paul Duran, Chairman
Richard Anaya, Commissioner
Joe Griñé, Commissioner
Marcos Trujillo, Commissioner
Javier Gonzales, Commissioner**

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at 1:40 p.m. by Vice Chairman Joe Griñé in the Santa Fe County Commission Chambers.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present

Commissioner Paul Duran, Chairman
Commissioner Richard Anaya
Commissioner Joe Griñé
Commissioner Marcos Trujillo
Commissioner Javier Gonzales

Members Absent

None

IV. APPROVAL OF THE AGENDA

COMMISSIONER GRINÉ: David, do we have any amendments or changes to the agenda?

MR. WOLF: Yes, Mr. Chairman, there's a number of changes. First we request that the amendments listed be added to the agenda, starting with item IX. E. 2. It's added to read, "Request approval of a promissory note with Multimedia Development Corporation accepting reduced payment as satisfaction in full of unpaid franchise fees owed to the County of Santa Fe by Multimedia Development Corporation."

The second item that's requested to be added to the agenda is item IX. F. 3, Discussion of the "Junta del Alamo and final determination of improvements." The third item is IX. K. 1.b, is added to read, "Discussion of proposed purchase of Top of the World water rights." That will be added to executive session discussion.

Then, Mr. Chairman, there are a couple of items that are requested to be tabled.

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That's item VII. B. That's the Year 2000 Preparedness presentation. James Leach came down with -- he couldn't talk. Laryngitis. Item IX. B.1 is also requested to be tabled. Authorization to accept and award a contract to the Santa Fe Boys and Girls Club. We're requesting that that be tabled until the staff can reach agreement with the Boys and Girls Club to bring back an agreement for the Commission's consideration.

COMMISSIONER GRINÉ: Is that it?

COMMISSIONER GONZALES: Mr. Chairman, just under Matters from the Commission, if we can ask that item 1 and 2 be reversed from the order that they're presented so that the first presentation would be a presentation would be a resolution adopting a health care policy and the second resolution would actually be a resolution creating the Santa Fe County Health Commission. So that's that that be noted.

COMMISSIONER GRINÉ: That would be what now?

COMMISSIONER GONZALES: I'm requesting that we would just reverse the order of item 1 and 2 under Matters from the Commission, so that the first resolution we would hear would be a resolution adopting a health care policy. If that's passed by the Commission, in that health care policy it calls for the creation of a health care planning Commission, so that would actually be second in the order.

COMMISSIONER GRINÉ: All right. Thank you. Anything else? Do I have a motion to approve the amendments on the agenda?

Commissioner Anaya moved to approve the agenda as amended. His motion was seconded by Commissioner Gonzales and passed by unanimous voice vote.

V. APPROVAL OF THE MINUTES: March 9, 1999

COMMISSIONER GRINÉ: Is there any changes or amendments to the minutes?

Commissioner Anaya moved approval of the minutes as submitted and his motion was seconded by Commissioner Gonzales. The motion passed by unanimous voice vote.

VI. CONSENT CALENDAR

County Manager Wolf presented the Consent Calendar as follows:

- A. Resolution No. 199-30. A resolution requesting a budget reclassification as part of the financial computer conversion to match prior year expenditures to prior year encumbrances outstanding at conversion date**

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- of October 1, 1998. (See Resolution No. 1998-108)
- B. Resolution No. 1999-31. A resolution requesting a budget transfer from the general fund/capital improvements budget to various department budgets for fiscal year 1999 to cover adjustments made to vacant positions for the new compensation plan that were not included in Resolution No. 1999-5 which was to cover the January 2, 1999 implementation of the 4% salary increases and new compensation plan for current employees
 - C. Resolution No. 1999-32. A resolution requesting a budget transfer from the environmental gross receipts tax bond debt service fund and the water enterprise fund to the environmental gross receipts tax fund for fiscal year 1999
 - D. Resolution No. 1999-33. A resolution requesting a budget increase to the general fund/County Clerk's budget from reimbursements received from the Secretary of State for election expenses for fiscal year 1999
 - E. Resolution No. 1999-34. A resolution requesting a budget increase to the road projects fund budget for a New Mexico State Co-op grant received for Walnut Drive for fiscal year 1999
 - F. Resolution No. 1999-35. A resolution requesting a budget increase to the road projects fund budget for a donation received from Raymond Dennis for improvements to County Road 7A for fiscal year 1999
 - G. Resolution No. 1999-36. A resolution requesting a budget decrease to the general fund/solid waste budget to match the actual amount received for the New Mexico Clean and Beautiful Grant for fiscal year 1999
 - H. Resolution No. 1999-37. A resolution requesting a budget increase to the State Special Appropriations Fund for the June 30, 1998 balance for the Eldorado Community project and for funds received from the CUDD Foundation for playground equipment for the Rio en Medio/Chupadero Community Center which had been budgeted in the general fund
 - I. Resolution No. 1999-38. A resolution requesting a budget increase in the fire fund to budget impact fees to allow for expenditures in fiscal year 1999 for the Edgewood Fire District
 - J. Resolution No. 199-39. A resolution requesting a budget transfer from the general fund to the jail construction fund and the jail operation fund for expenditure in fiscal year 1999
 - K. Request authorization to accept and award a contract to the lowest responsive bidder, IFB #99-30 RB1, for a wet pup trailer
 - L. Request authorization to enter into amendment number two to the professional services agreement with Montes Burks Creative Graphic Design for services to the DWI Program
 - M. Request authorization to enter into a change order with JVS Construction

for the Galisteo Water System construction project

COMMISSIONER GRINÉ: Is there any question or discussion on these items?

Commissioner Anaya moved blanket approval of the Consent Calendar as presented. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote.

VII. PRESENTATIONS AND AWARDS

A. Certificate of recognition to Imelda E. Garcia, Extension Home Economist with the Santa Fe County Extension Service

COMMISSIONER GRINÉ: Is Imelda in the audience? I'm going to go ahead and read your little essay they prepared us about your achievements. Imelda Garcia began her career with the New Mexico State Cooperative Extension Service in 1979 in Rio Arriba as the Extension Home Economist. She remained as the Rio Arriba County extension home economist and the County program director until 1986 when she transferred to the County in 1988. In 1988 Imelda decided to take a break from the Cooperative Extension Service and worked as a staff development specialist with the New Mexico Human Services Department. She served as an extension home economist for the Bernalillo County FSNEP Division in Public Health and nutritionist with the New Mexico Department of Health.

She returned to the Cooperative Extension Service here in Santa Fe County in May of 1995. All together, she in over twelve years of work experience with the Cooperative Extension Service providing successful and educational programs in the areas of child and family development, food and nutrition, consumer education and family resource management, volunteerism and leadership, family health and wellness, energy and the environment and food industry development. Along with some of the educational programs, Imelda served on several boards, committees and councils. She also networked and cooperated with twenty agencies as part of her educational program outreach.

She is a member of the New Mexico Extension Association of Family and Consumer Sciences and a National Association of Family Consumer Sciences. Recently, Imelda was recognized by the National Extension Association as a Family and Consumer Sciences where she was presented the distinguished service award, which is the highest award that the association presents. Imelda was honored for the outstanding quality of her work with youth, family and single parents, the physically challenged, childcare provider of family program professionals. In January of this year, Imelda had received the state merit career award sponsored by the National Honorary Extension for [inaudible] Epsilon Sigma Phi??? She was nominated for this award by some of her peers in New Mexico.

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Imelda currently holds an academic rank of associate professor and continues to provide excellent educational programs here in Santa Fe County. Whenever Imelda has extra time she serves her church as a lecturer and minister of hospitality. She also enjoys sewing.

So if she may come forward, Imelda and I'll present this award to you.

COMMISSIONER ANAYA: Mr. Chairman, I'm going to ask to be excused for at least an hour and a half. I have a previous commitment that I need to attend but I will return as soon as possible.

COMMISSIONER GRINÉ: Okay. Thank you. I'm glad we have a quorum.

VII. C. Child abuse and neglect in Santa Fe County, presentation by Maternal and Child Health Council and Santa Fe Community Infant Project Steering Committee [Audio difficulty occurred during this presentation]

EDY POWERS: Mr. Chairman, Commissioners, my name is Edy Powers and I'm the Coordinator for Santa Fe County Maternal and Child Health Council and program here with the County. Whitney Robbins was unable to be here. She is chair of the council but she asked me to read her greetings to you.

On behalf of the entire Maternal and Child Health Council and Steering Committee of the Santa Fe County Community Infant Project, I send you greetings from Boston. I am very sorry to miss this particular meeting after so many months of intensive planning, but I am providing direct, hands-on maternal childcare to my granddaughter.

I would like to thank you today, four months after our original proposal for allowing us the opportunity to present to you again. In the following presentation a cast of supporters will describe the nature of the problem of child abuse and neglect and our proposed model for a solution.

We beseech you to support our request to help fund the mental health of the future citizens of Santa Fe County -- our at-risk children and their family. We propose this collaborative, professional, home-visiting approach to parent-infant mental health in order to specifically address and treat attachment and bonding problems. We see this project as a long-range investment, not a short-term expenditure by Santa Fe County.

The purpose of this early intervention is three-fold. To ensure healthy families and productive members of our community. To prevent child abuse and neglect and the associated physical and emotional pain, damage and extreme long-term financial costs that result from a lack of maternal-infant attachment and the eventual inability of children to bond with other human beings in our society. To provide support from the Santa Fe Community Infant Project team of social service and health care workers through ongoing training and reflective supervision.

Thank you very much for your consideration of funding our proposed Santa Fe County Community Infant pilot project for the coming fiscal year. Thank you.

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COMMISSIONER GRINÉ: Thank you, Ms. Powers.

ESTELA CHAVEZ: Good afternoon, Mr. Chairman and Commissioners. My name is Estela Chavez. I work for Public Services Division in Santa Fe County. I'm a social worker supervisor. I'm here because I want to advocate for the children of Santa Fe County. I want to bring awareness of the problem that we have in our county and the lack of services that we have. At any given point in Santa Fe County we have about 85 to 91 legal cases in our system. Legal cases are cases that the state has taken custody from the parents, removed the children from the parents and placed them in a foster home, a residential treatment center, a hospital, treatment, foster care. These cases, we strive to return the children home to their biological parents. In some cases we're able to do that; in other cases we are not.

We have to have different permanency plans for these children. We have to find adoptive placement, relatives, whatever we have available. Most of all, we really try to return these children back to their biological parents. I just wanted to give you a couple of case scenarios that I have come across myself, just so you can get a little bit of understanding of what I have to deal with on an everyday basis.

What you see up here is a clothesline and these are actual shirts made by the foster children in our system. And you can see how small some of them are and some of them are a little bigger. This one that I have up here, it's about a three-month old baby who came into custody when she was a few days old. She was born at a pound and a half. Mom was heroin-addicted. The baby was born heroin-addicted, heroin-affected. The child was blind, still blind. Now the child is a year and half old now but still he wears tiny little glasses, has to have an oxygen mask with him at all times. Eye surgery. He has had every single kind of medical procedure that you can think of.

Mom eventually ended up in prison and the baby is now placed for adoption. Finding adoptive placements are rather difficult for these children but we were very lucky with Michael who we found an adoptive placement.

The other case scenario that I wanted to bring to you, I have a six-year old boy who was in custody since he was a year and a half and he's a very difficult case. Right now he's in a treatment foster care home. There is a diagnosis of a certain disorder. Basically what that means is that he has multiple personality disorder but in a child that age he cannot be labeled that way. He has about ten, twenty personalities that we have talked to ourselves and that was his coping mechanism, how he was able to defend himself.

These cases are very dramatic. We see these kind of cases all the time.

[Audio difficulty]

COMMISSIONER GRINÉ: Could you come up to the mike?

MARY WILLIAMS: Good afternoon. My name is Mary Williams. A lot of you already know me. I'm a foster adoptive parent. I've had over fifty foster children in my home and currently I have three adopted special needs children all from foster care. One of my children is suffering from a traumatic brain injury. He goes to a specialized

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school and he's exhibiting all of these behaviors you just saw on the screen. We don't know what's going to happen as he becomes a teenager. He is already twelve and entering adolescence. It's very, very difficult. We need this program desperately. Two weeks ago I walked the floor with a three month old baby that was taken from her mother. I currently have one foster child in my home.

We've sort of tapped out the community for donations. We are constantly asking the community to give us money. We need money from you now to help us with our programs. We do not have enough foster homes to put these children in, and if we had more prevention, we would have fewer children in foster care. Paul, you've supported me in the past. I know I'm going to embarrass you today. Paul has been a very major supporter in our Santa Fe County foster Christmas party. He's bought exactly the Nike tennis shoes, the jacket, the pants, everything the child has had on their list, exactly what they wanted. One year we were short, you went to bat and collected many hundred dollars for us the night before the party. I thank you. I urge you to vote yes on this again. I hope that's not blackmail.

CHAIRMAN DURAN: How could I not vote yes?

COMMISSIONER GRINÉ: Thank you, Mary. Anyone else like to speak to the Commission? And if not, we're going to bat hard for you and see if we can make this ballgame roll? Thank you very much. Okay, Mr. Chairman, take over.

CHAIRMAN DURAN: Thank you for chairing.

VII. D. Ratify a proclamation on the "Battle of Glorieta Pass at Apache Canyon"

CHAIRMAN DURAN: This is a proclamation by the County of Santa Fe, State of New Mexico, Board of County Commissioners. We'll just enter this into the record. Would you like to say a few things about it?

COMMISSIONER GONZALES: I didn't bring it forward. I'm not sure who brought it forward exactly.

COMMISSIONER GRINÉ: It was the same people that brought it forward last year from Glorieta. They just had that celebration.

CHAIRMAN DURAN: So we'll name today Battle of Glorieta Pass Day. I guess that's that. I was wondering if I could ask the Commissioners if they would indulge me. One of my constituents, Tamara Lichtenstein is here to talk about the Junta del Alamo project, which is the Public Works Department item number 2. And she has a child that you've noticed has been running around here and I was wondering if we could bring that forward for discussion now so she can take her little baby home.

Commissioner Griné moved to bring item VII. F. 2. forward on the agenda. Commissioner Gonzales seconded and the motion passed by unanimous [3-0] voice vote.

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VII. F. PUBLIC WORKS DEPARTMENT

2. Discussion on La Junta del Alamo and final determination of improvements

CHAIRMAN DURAN: I'm going to do this a little different. I'm going to let the people from the neighborhood come up and explain the dilemma they've been facing over the last several years and what their requests are and then we'll hear from the Public Works Department. Tamara? What we're going to do, Tamara, is allow you to explain to us what your situation is out there and this is the Public Works, item 2.

TAMARA LICHTENSTEIN: What we have is a petition signed by all the residents along the Junta del Alamo. And the petition states that what we live on is a very short, narrow, single-lane dirt road running diagonally between the east side of Lopez Lane and the south side of Agua Fria. And we have a map attached. It's the only access to several homeowners' properties, however, it is now being used by commuter traffic as an alternative route to avoid stopping at the intersection of Agua Fria and Lopez Lane.

This creates a dangerous traffic pattern because uncontrolled traffic often confronts one another headlong without the ability to pass without driving up onto properties. People's walls and properties have been damaged. There's a nuisance of noise, dust and the potential for road rage which we've seen out there more than once now. When you have four vehicles backed up in either direction and nobody wants to budge. So our petition asks that the road be blocked to through traffic. That those of us who have this as our only access to our homes may continue to use it and that it continue to be a thoroughfare for foot and bicycle traffic and horse traffic. And what Chairman Duran talked to us about doing, which seemed reasonable, was putting a breakaway barrier in the middle, so that it remains a public road access from either side but without through traffic.

The other thing that I wanted to mention about La Junta del Alamo is that it's the last little unpaved piece of the Camino Real trail network in Santa Fe, that close to Santa Fe, so we're not interested in seeing it widened or paved or anything done to it that's going to damage its historical nature. We want to protect it as a historical treasure for Santa Fe. We want to protect the lives and the property of the people along the trail and those using it. We don't want to see any fist fights out there and we've seen it come close to that. We don't want to see any shooting. That could be the next. There are a lot of animals and livestock that live along the alley and a lot of small children and we've seen some very close calls.

We're looking at this as a reasonable thing to do to protect those of us who live there and the traveling public. Thank you.

CHAIRMAN DURAN: Tamara, I thought that we had talked about the breakaway barrier, the main reason is that if you put a barricade in the middle of the road that the residents that live on, say, the east side of the road, still could access their properties off of Agua Fria and then those people who lived on the other side of it could access it off

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of Lopez Lane.

MS. LICHTENSTEIN: That's right.

CHAIRMAN DURAN: And the problem with the cul-de-sac -- there's two problems. One of them is the Fire Department would only be able to access those residents, depending what side the cul-de-sac was on, off of Lopez Lane or Agua Fria Street. And with the breakaway fence, they'd have the opportunity to access the properties much easier if there was a fire. And having it being a breakaway fence, if they happened to go to the fire down the wrong road they could break the fence down and get to it. So that was the reason for making that request. The other thing that we had talked about that was you folks wouldn't require the County to maintain it. Was that still something that you would consider?

MS. LICHTENSTEIN: We're not asking for any maintenance for the road any differently than what we have now.

CHAIRMAN DURAN: Major maintenance.

MS. LICHTENSTEIN: The only thing I could see requiring maintenance is the breakaway barrier itself. And there would have to be road signs at either end letting people know that they can't get through. That's the only kind of maintenance I would see and that's probably minimal.

CHAIRMAN DURAN: And it seems to me that the cost of the breakaway fence would be as much or even less than having to create a cul-de-sac there, but we'll see what Larry Velasquez has to say. So then your desire would be to have the breakaway fence in the middle.

MS. LICHTENSTEIN: That's right. I talked to some of my neighbors about the idea of cul-de-sac'ing it and they didn't like it because it meant that they would have to do the length of the road. Some of the neighbors don't live directly on the road but on a private family easement accessed by the road, so it makes for an inconvenience for them, which is not a big deal in the summertime but is in the wintertime when the road is just a little, narrow, slick mud track. So it's much easier if they only have to go in from the other end instead of all the way around.

CHAIRMAN DURAN: And you have the signature of everyone on the road? They're in agreement with that?

MS. LICHTENSTEIN: This is what I have here.

COMMISSIONER TRUJILLO: Mr. Chairman, Tamara, this is not a through road?

MS. LICHTENSTEIN: It currently is being used as a through road, as a short cut. The problem is it's a single-lane road and people try to go both directions. They get halfway down the road and suddenly they find they have to back up; somebody's coming the other way. They back into walls, they back into each other. They start yelling and it's not a pretty sight.

COMMISSIONER TRUJILLO: And that's what's causing the problem is that

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it's being used by --

MS. LICHTENSTEIN: Especially when we've had the road construction going on on Agua Fria. It has increased the traffic and certainly increased the temperature of the tempers of the people using the road.

COMMISSIONER GONZALES: Mr. Chairman, I apologize if you might have stated this already, but how many houses are on the road?

MS. LICHTENSTEIN: Let's see. Currently there are five directly on the road and five located on Hernando's Lane, which has access from it.

COMMISSIONER GONZALES: So there's about ten that are impacted by this.

MS. LICHTENSTEIN: Plus the School of Chinese Medicine.

COMMISSIONER GONZALES: Can you give me any idea of the distance?

MS. LICHTENSTEIN: It's about the length of a city block long. It's short. And it's got just enough curve to it that there is limited sight distance, which is how we end up with people backing up.

COMMISSIONER GONZALES: And then my next question would be, with this additional traffic, do you have just a rough estimate of what you're seeing. And I'm assuming that you're seeing them between seven and nine and probably four and six, because I know that stop sign backs up traffic and what I'm assuming they're doing is rather than waiting in line, are they trying to cut across rather than making it to the stop sign.

MS. LICHTENSTEIN: Yes, and the other thing is that a lot of people have discovered it as a shortcut because of the road construction. So it just is happening at all times of day.

COMMISSIONER GONZALES: Can you tell me just a rough estimate of the increase to traffic in what you're seeing?

MS. LICHTENSTEIN: I don't think I could give you a numerical count.

COMMISSIONER GONZALES: Just probably continuous throughout the day.

MS. LICHTENSTEIN: It's certainly worse at the rush hours.

COMMISSIONER GONZALES: And is it a dirt road?

MS. LICHTENSTEIN: It's a dirt road; it's unpaved. It's on the old BLM maps as part of the Camino Real Trail network and it was called Alamo. It's not the Junta del Alamo because of the County rural addressing project, we had to apply for a name and there were other Alamo Drives or Alamo Lanes, so we just changed it a little bit.

COMMISSIONER GONZALES: And can you tell me, how the ten users of the road would access it again? From which direction?

MS. LICHTENSTEIN: Some of them would access it directly from Agua Fria and some of them from Lopez Lane.

COMMISSIONER GONZALES: So they would still use both --

MS. LICHTENSTEIN: We would use both entrances.

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COMMISSIONER GONZALES: Could you just explain to me again what we need to do to prevent the use as a thoroughfare?

MS. LICHTENSTEIN: What we're asking for is a breakaway barrier about in the middle, about where Olivia Tsotsie's property crosses the road.

COMMISSIONER GONZALES: Oh, okay. So you couldn't go from one - - you couldn't go from Agua Fria to Lopez Lane.

MS. LICHTENSTEIN: Right.

COMMISSIONER GONZALES: You would have something in the middle that would turn you around.

MS. LICHTENSTEIN: Right.

COMMISSIONER GONZALES: So a breakaway would allow if there was an emergency vehicle that needed to go in, that's the idea of a breakaway, that it could get through easily?

CHAIRMAN DURAN: So that the property owners could access it easily and if the fire or police went down the wrong road they could break it away if it was an emergency.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN DURAN: So it seems to me that the recommendation that Public Works is going to bring is that they provide a cul-de-sac, and that's in total conflict with what the residents area asking for. So I'm not sure if -- I guess my thought is, what I'd like if it's at all possible is to have a motion that we give Public Works direction to put the breakaway gate in.

Commissioner Gonzales moved to direct Public Works to install a breakaway gate at Junta del Alamo. Commissioner Grifé seconded.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER GONZALES: No, other than if we can just revisit this in six months to see if it's working and if it's not achieving our objectives than maybe at least relooking at it. I think we should give the benefit of the doubt to the residents first. They're there every day. They're going to offer solutions that they think are best for them, but if this really isn't working, Tamara, maybe we need to look and figure out maybe other ways or whatever.

MS. LICHTENSTEIN: That sounds reasonable.

COMMISSIONER GONZALES: Just so that we give the direction to come back and visit it in six months. Is that possible, Mr. Chairman?

COMMISSIONER TRUJILLO: Just one other comment. I see Al Pitts here. Looking at it from the big picture, how does it fall in line with ARTF and things like that? [Al Pitts away from the microphone states that the ARTF did not make recommendation regarding collector roads.]

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COMMISSIONER TRUJILLO: Thank you, sir.

CHAIRMAN DURAN: I have to admit to this, unfortunately, but I was driving down Lopez Lane one day when they were doing the construction and I'd never been down Junta del Alamo but the traffic was so backed up I looked to my right and saw this opening and I went down it. So I'm sure that happens a lot.

MS. LICHTENSTEIN: It does.

CHAIRMAN DURAN: I thank you for that motion and the second and I really think that giving it to the community for the neighborhood, preserving that little section is something that community wants, the neighborhood wants and I'm glad to see that we're doing this.

COMMISSIONER GONZALES: Mr. Chairman, briefly, with this would there be signs that went up that say no thoroughfares? I think there are going to be a lot of people that are going to have to back up and that's going to cause us some problems initially. We probably need to get those signs up even before we put up the breakaway so that we start educating people.

MS. LICHTENSTEIN: That sounds sensible.

CHAIRMAN DURAN: Any further discussion?

The motion to direct staff to put up a breakaway barrier on Junta del Alamo passed by unanimous [3-0] voice vote.

VIII. ADMINISTRATIVE ITEMS:

A. Committee expirations, resignations, and vacancies

MR. WOLF: Mr. Chairman, there are no resignations. Just one request for appointment under item B. 1.

VIII. B. 1. Committee Appointments **a. DWI Planning Council**

MR. WOLF: Mr. Chairman, the DWI Planning Council has a vacancy. It's in their prosecutor/legal representative category. The Planning Council met February 8, 1999 and recommended Chester "Chet" Walter. He's a retired district attorney for appointment. And his application is in your packets.

Commissioner Grifé moved to accept the appointment of Chet Walter to the DWI Planning Council. Commissioner Gonzales seconded and the motion carried by unanimous [3-0] voice vote.

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IX. STAFF AND ELECTED OFFICIALS ITEMS

A. Quarterly Report

1. County Treasurer

PHILLIP TRUJILLO (County Treasurer): Good afternoon, Mr. Chairman, members of the County Commission. I thought what would be of interest to you in my report this time would be the interest income that has been earned on our collections of money and subsequent deposit to our fiscal agent, which is First State Bank. On other occasions we have reported to you on other programatic issues but I think we've never really talked about interest income. representatives of First State Bank and myself are very pleased at the way things have worked out with our current fiscal agent and I say that because this is the first time that the County Treasurer's Office has used, at least to my knowledge, a compensating balance in the bank as opposed to fee for services.

In the past our fiscal agent would say these are the services we're going to provide and in turn here is what you're going to pay us. What we are doing now is they say you don't pay us any fees at all, you just keep in one of the accounts a certain amount of money that would be there at all times. We refer to this as a compensating balance. That has saved us not only in fees but it has provided us with a substantial amount of what I consider to be very good interest income. Let me tell you first of all that this is a rather sensitive item to monitor because we want to make sure that we keep in the bank enough money to pay bills. At the same time, we don't want to keep too much money there because we would rather invest in -- either with the state pool or with our brokers. We would like to invest our money there as opposed to leaving it as a compensating balance or to leave any money in the account.

But nonetheless, from February of 1998 to March of 1999, which represents exactly twelve months we have earned strictly through the compensating balance and the monies invested into the fiscal agent account almost \$250,000 -- \$242,285.04 to be exact. Again, this is money strictly that is there because of the compensating balance. I'm also happy to report that of that \$242,000 that's been earned in interest income, of that, almost \$180,000 has gone to the general fund. As you know, when we divide interest income, it's divided not only to the general fund, but it's divided into the other funds that are represented and have to be distributed as far as interest income is concerned. So out of \$242,000, again, \$180,000 went into the general fund.

I broke it down into the various months and of course those months that have the heavy collections of property taxes, such as November, December and January and then again the second half, like we have now in April and May, those are the months, obviously that receive the greatest amounts of property taxes so that's where the majority of the money is. So it's during those months, of course that the compensating balance was up and it was during the lean months that the compensating balance goes down. It's a simple formula.

Other than that, gentlemen, let me tell you that we recently sent out reminder cards,

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as I'm sure many of our folks in our room can attest to. This about the third year or so that we have chosen to do this. There have been mixed feelings from the community but the majority of the constituency appreciate their reminder cards. And I think this is premised on the fact that people do forget, particularly the second half. They forget to pay and then April 10 and May 10 come around and they don't pay and then they're saddled with a penalty and interest. So most of the constituency say, gee thanks. We appreciate the reminder cards and we are in the process now of collecting second half taxes.

Also, this is the first year, I might add that we are using lock box on the second half. Lock box, of course is that very, very successful procedure and method that we've used over the years on the first half where when people remit their taxes, they mail them in, the remittance goes directly to the bank. And the bank processes it immediately and of course the result of this is two very good benefits. One is that the people immediately or soon after receive their canceled checks so their able to reconcile their own personal affairs very quickly. The checks don't sit in our office for any length of time while my staff is trying to sift through them and process them. The checks are immediately returned by the bank to the taxpayer and secondly, because the money hits the bank immediately, we start drawing interest on it immediately. So lock box has certainly proven to be worth its reason to have. Again, this is the first year that we're using it on the second half so when people are paying their second half taxes now and they remit through the mail, those go directly to the bank and are immediately processed and we start drawing interest on that money right away.

What else can I tell you? We finished our budget. We were instructed by our very competent County Manager to keep our budget again flat, which we are trying to do as best we can and I know that the County certainly is experiencing some budgetary belt tightening so our department doesn't want to be any different than anyone else. We're doing what we can to keep our budgets workable and at the same time provide our staff and our office and our work that we do, the necessary revenues that we need to keep our office going.

I would like to bring up one last issue and I originally hadn't planned on bringing it to the Commission, but I think strictly as a point of interest, and I'll work out the details with our County Manager, but I have for many years been concerned about the security in the Treasurer's Office. And I've always kind of downplayed that because I don't like to call attention to it. But Commissioners, I do think this is something we need to take very seriously. We are in fact a bank, and a lot of money crosses the counters of our cashiers of our office. And I won't say anymore than that, other than I will continue to work during the budget process with our Manager David Wolf to see if we can address these security issues in the near future.

Commissioners, I don't have any other items but I certainly would like to answer any questions that you might have of our office at this time.

COMMISSIONER TRUJILLO: Mr. Chairman, by using that compensating balance, what is the annualized -- is there an annualized financial benefit to the County, or what are the benefits? I know that the peaks and the troughs --

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MR. TRUJILLO: Well, certainly the fact that there are no fees involved I think would be the first benefit. We would probably have to compare, do some kind of historical data collection here to see what we've paid in the past as opposed to what the compensating balance is. But I can certainly tell you that I'm sure, I'm sure that the compensating balance certainly would be to our advantage, as opposed to service fees. The other thing too is that the fact that the compensating balance is to be prorated according to what needs to be there.

During months where there is little money coming in we can keep that compensating balance extremely low. So that money can be placed elsewhere. It can be in our investments. Even if it was in simple CDs it would certainly be to our advantage than to have it just sitting in the bank. But again, I want to go back to the fact that even the money that has been left in the bank as compensating balance in a year's time has yielded us about a quarter of a million dollars. So I'm pleased with that and I have never seen that kind of return before with our fiscal agents in the past.

That is not to say that other banks cannot offer that. But I'm glad that we did look into that with this particular bank that we have now and it seems to be working very well. If you would like, Commissioner Trujillo, I would certainly prepare for you some kind of historical comparison. For example, what percentage of taxes were collected in the past at certain months, how much money was in compensating balance this year as opposed to what was paid in service fees in other years. I think it would be a great exercise.

COMMISSIONER TRUJILLO: Thank you. For informational purposes.

MR. TRUJILLO: Absolutely.

CHAIRMAN DURAN: Thank you, Phil. Any further questions?

COMMISSIONER GRINÉ: Mr. Chairman, Phil, what was that fee they used to charge us when it was at First National Bank? I think it was First National Bank was the last one, right?

MR. TRUJILLO: I think that's basically what Commissioner Trujillo is in essence is saying, how does this compare? I don't recall, Commissioner Griné, what some of the fees might have been. I would have to go back and look at those fees and compare them to the compensating balance. But I think if we do this exercise that Commissioner Trujillo is interested in, that would certainly answer the question that you are asking. And I'd be happy to prepare that.

COMMISSIONER GRINÉ: Isn't that agreement coming up soon for renewal?

MR. TRUJILLO: Well, I ask the same question. I'm not sure where we are as far as the request for proposal is. Because some of the other banks in the area have been asking the same question and I'm not sure where that might be as far as time as concerned but we should visit that.

CHAIRMAN DURAN: Well, Phil, isn't that contract a one-year contract?

MR. TRUJILLO: No, I think we were doing it two years. At least that was certainly the intent the last go-round.

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CHAIRMAN DURAN: It happened right after we took office, right?

MR. TRUJILLO: That is correct.

COMMISSIONER GRIÑÉ: It should be coming up, I would say, sometime after mid-year.

CHAIRMAN DURAN: So what's the plan then? Is the plan to put it out for bid, or is it an automatic renewal?

MR. TRUJILLO: Commissioner, in the past I have always let any type of request for proposals be initiated by the office of the County Manager and those appropriate departments. We get involved at whatever point in time they would need input from us, but those are contracts that are prepared -- we certainly would want to work jointly with the appropriate staff to do that, but those are contracts that are prepared under your authority, actually and through the office of the County Manager and Finance Department.

CHAIRMAN DURAN: David, would you let us know, unless you know now, because I know that I've been contacted over the last year or so by other bankers, other lending institutions, wondering what the odds are of them being able to submit a proposal for services.

MR. WOLF: Mr. Chairman, just to elaborate on the Treasurer's response to that question. In my discussions with Donna, the Finance Director, the department's in the process of putting together the RFP to submit to whoever wants to respond to provide that service. All the banks would be eligible. And then it's an RFP process, not a bid, so it's a subjective process where a selection committee or a staff will be established and the Treasurer and his staff will be included in that and there will be probably a four or five member selection committee, which is the way it usually works and there will be evaluation criteria when the proposals are reviewed. And the selection committee will ultimately make a recommendation to the Commission. That follows the procurement code.

CHAIRMAN DURAN: Okay.

MR. TRUJILLO: Chairman Duran, if I might, let me just tell you if I might that the complexion of the responses has changed dramatically over the years because now what we are proposing nowadays is to have a one-stop shopping type of situation if you'll pardon the expression, where the bank does everything. Everything from lock box to on-line access. And some banks are not able, for example, to do lock box. Some banks just don't have that capability. So that automatically eliminates them from the process.

COMMISSIONER GRIÑÉ: What's a lock box?

MR. TRUJILLO: The lock box is that system, Commissioner Griñé, where when the constituency pays their taxes, the remittance envelopes that goes to you to pay, they just put that in the mail, put in the check and the remittance stub and that goes directly to the bank. It doesn't even come to us. And because the bank has this very elaborate, sophisticated equipment that they just run the coupons and the checks right through the equipment, it automatically -- what used to happen in the past is the bank would send us a computer tape and we would take that over to the computer department and update it and we

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thought that was sophisticated but nowadays, we don't even need the tape. We just update it electronically over the computer system. We're linked right into the bank. And so the banks have to be able to provide us with that kind of a link, that kind of electronic service along with the lock box. Not all the banks have that capability.

Again, the proposals don't have to be written that way but it's to our advantage to have one bank able to provide all these different, all-encompassing services.

CHAIRMAN DURAN: So you're saying that the bank has the funds the minute they get the check? There's no period that the check has to go through to clear?

MR. TRUJILLO: That's another thing. I'm glad you brought that up. Because we are able to access on a daily basis to see if checks have cleared. Not only property tax but like for example if the County pays a vendor, let's say that the Sheriff's Department buys parts from an auto parts store and then the Finance Department pays that vendor and that vendor calls back and asks, has my check cleared? We can immediately go in and access that information to see if this check has cleared.

But more important than that, through lock box, this is back to lock box now, through lock box, the minute that check hits the bank it is immediately processed.

CHAIRMAN DURAN: Immediately processed, but are the funds immediately available?

MR. TRUJILLO: Oh, yes. The minute that the bank puts that into our account, it immediately starts to draw interest that very day. And sometimes during the tax rush, checks would hit our office, and with the limited staff that we have we wouldn't be able to process these checks as quickly as the bank does, not by any means. And so I can't emphasize the advantage of lock box. Let me tell you another thing that would certainly interest the Commission is that I know that the constituency calls the Commissioners with complaints on a whole variety of things, including we can't find parking when we go over to the courthouse. See, people don't even have to come to the courthouse anymore. They don't have to come to this building to pay their taxes.

Many of them still prefer to do that, but all they have to do is use that remittance envelope, put their check in the mail and send it off and they never have to even come here to this building as far as property taxes. So I mention that as an interest to you, because this would certainly help the constituency not to have to make a trip to the downtown area, to try and circle the building here, trying to find a place to park. It's a convenient way. It's expedient. It makes practical, good business sense to use lock box for a number of reasons.

CHAIRMAN DURAN: Thank you, Phil, any other questions?

IX. C. Fire Department

1. Discussion on wildland fire season issues

HANK BLACKWELL (Fire Marshal): Mr. Chairman, Commissioners, thank you for your time. I'll try to be as brief as possible on item number one. We've got about

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five or six items that are for discussion. The reason these items are for discussion is that we're requesting your input and consideration over the next month on the issues that we're going to present to you in just the next few minutes. Because we'll be asking for that input so we can come back before you at the next meeting to request action and approval on some of these items.

The first one is open burning. Obviously, with the wildland fire danger one of the things that we want to do in the relatively near future is look at what we did last year, which was a county-wide open burning ban. We're trying to wait now, even though it's dry until a lot of the acequia associations and some of the agricultural burning is completed, we're trying to stand by. So some of our districts are still issuing burn permits. But hopefully we'll be trying to coordinate implementing our restrictions with the US Forest Service restrictions as well as the City's. So as far as the public is concerned, all those restrictions are close enough to one another that they're not confusing. So we'll be coming back with that.

I'll present, again, some of these issues and then if there are any questions, please stop me. The second issue which is probably the most complicated is the issue of fireworks. The whole issue of fireworks, as you know, Senate Bill 606 was passed and signed by the governor on the 17th of March. It does allow a little bit of autonomy back in state law which is good. The gist of the law states that a local jurisdiction or a local authority can ban fireworks to a certain degree. If they think that that's a threat to their particular jurisdiction. To summarize the law, what that basically says is that each jurisdiction can ban fireworks for 30-day periods. So every 30 days you have to renew that restriction, if you will.

The Santa Fe County Chiefs Association in their last meeting voted -- they gave two options for me to present to you. Option number one was a total ban on all fireworks, the possession, use and sale of fireworks, period. And that's how strongly they felt about the risk of fireworks and fire dangers. Their second option was a ban for a year, unless conditions warrant that we can lift that ban, but a ban on fireworks for an entire year in terms of just the ground, audible and the aerial devices, which are the ones that are mostly the cause of some of our wildland fires.

So those are the two things I bring before you as requested by our Santa Fe County Chiefs Association, if you will. One of the things we're going to need input from you on is the ban. Whether we ban per state law for the new state law and enact that ban, or whether we exceed that or supersede that in the county, depending on fire danger. So those are again items that we will need to get your guidance and input from over the next month so that you're prepared to act on that when we bring it back to you next month.

The third thing that we're going to present to you, hopefully by next month is a new joint powers agreement with the New Mexico Division of Forestry. This new joint powers agreement basically is voluntary. In other words, if we sign it, we can deploy resources to another jurisdiction for a wildland fire, or we can receive additional help if needed from other jurisdiction if we're in need. But we don't have to deploy resources if we don't feel

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that we can spare them. It standardizes personnel qualifications, equipment and apparatus safety qualifications. So we're recommending approval on that, but we again need your approval on the joint powers agreement.

Two other issues that I think are very important. One, we're hoping that by this time next year we will have a new urban wildland interface plan that we intend to write. Obviously we want to involve you. We just want to again so advise you at this time that we're going to be beginning that interface plan in the next few months. Parallel to that, the other thing that we're going to be working on over the next six months is to come to you with a proposal of adopting urban-wildland interface codes for this county, since we have so many of these areas.

Our growth continues to encroach upon the wildland areas. Since your information, since January 1st, which normally isn't our wildland fire season, but since January 1st of this year, the County and City, Santa Fe County area has responded to 83 wildland fires since the first of this year with damage to several structures and the loss of at least two or three structures. Normally, this isn't even our wildland season. But that tells you what we're looking at, the potential for extreme fire behavior as far as we're concerned. So that interface code may be critical. It may help us be proactive and initiate some preventive measures. So we're asking for your consideration there.

The last thing again, is I just wanted to give you an update on -- just to thank you. We have two new groups that have begun in the last few months here in Santa Fe County. One is the City/County Arson Task Force. That's already showing some improvement in terms of inter-agency cooperation, not only for arson investigation, but also preventative measures. That's comprised of City and County Fire Departments, City Police, County Sheriff's Office as well as now the US Forest Service Law Enforcement Division is now a formal member of that group. So we appreciate that and again ask for your continued support to that group. With limited resources we may make a big difference.

One of the things we're going to be doing next week at our meeting is cross-commissioning all of our officers, law enforcement and fire prevention officers, to help in terms of fireworks legislation, fireworks citation and code enforcement. So all the agencies will be participating together.

The last thing is our Santa Fe Wildfire Cooperators Group, another inter-agency group that I think has made great inroads. We invite you to all of our meetings. We'll try to keep you apprised of what we're doing, but again, I think all of these efforts are helping us prepare for what promises to be at this point in time an extreme fire season. And I think being proactive is going to serve us and our residents well. So without any further information or discussion, if you have any questions on these issues, again, we're asking for your guidance and input over the next few weeks so that we can come back with ordinances and probably a few resolutions to get your consideration and your formal support so we can legitimize some of these efforts and move ahead.

COMMISSIONER TRUJILLO: You said that the wildland fire issues will be

formatted in the form of an ordinance, right? So that we can get public input and open it up for comments from the public and then they understand what's being recommended and what this Commission will be acting on?

MR. BLACKWELL: Chairman Duran, Commissioner Trujillo, in essence, yes, but we'll probably -- what we'll probably do is look at, in terms of the interest of time, and that's where we need your input -- last year you all voted and approved an emergency ordinance. That emergency ordinance is now subject to that level of scrutiny in terms of public hearing. So that's a very good question, but that's the input we need from you as to whether that should be an emergency ordinance or not in terms of the issue of public review. And those are the kinds of things that we need your guidance on.

I might also add, if you will, that we've got a few other people here that are both members of the Arson Task Force as well as the Santa Fe Wildfire Cooperators, so if you have any questions on some of the other experts, both Claudia Standish from the US Forest Service and Ted Bolleter, who's the City Fire Marshal, all three of these agencies are working very closely together in terms of supporting these measures that I'm discussing before you today. And also are here to answer questions now or again, during this next few weeks when we're going to be requesting your input. But that's exactly what we need to do is find out how you want to handle some of these ordinances in terms of the level of restriction that you all feel comfortable with. That needs to be dialogued as well as the whole issue of public hearing and how much input we should get and which path we should follow.

CHAIRMAN DURAN: Thank you, Hank. Any other questions for Hank. Thank you very much. You're doing a great job.

MR. BLACKWELL: Thanks for your support.

IX. C. 2. Request authorization to enter into a joint powers agreement with the City of Santa Fe for emergency services

STAN HOLDEN (Fire Chief): Mr. Chairman, members of the Commission, thank you. The City and County Fire Departments normally provide fire, rescue and EMS services to citizens of Santa Fe County and the City of Santa Fe within certain specific areas of the county and city. These services more often than not are provided on a policy of who is the closest to the emergency scene and arrive the quickest without regard to jurisdiction. Additionally, the City and the County operate a dispatch center for fire, rescue and EMS services for both agencies.

The County is responsible for providing an annual subsidy to support the dispatch services received by the County Fire Department. And finally the County, as you know, has imposed an impact fee to support providing fire and rescue services within the county. The State Development Act allows the County and the City to share in the utilization of these

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impact fees which are collected in the Extraterritorial Zone. The City and County Fire Departments have drafted a joint powers agreement for your consideration to provide fire, EMS and rescue services that allow for the sharing of impact fees in the Extraterritorial Zone and provide a subsidy for the operation of the fire and rescue dispatch center. We are recommending that the Commission approve this joint powers agreement between these two governmental entities.

COMMISSIONER TRUJILLO: Mr. Chairman, who's getting the impact fees now?

MR. HOLDEN: Mr. Chairman, Commissioner Trujillo, currently the County is not allowed to collect impact fees in the Extraterritorial Zone until this joint powers agreement is approved.

COMMISSIONER TRUJILLO: So everything's going to the City. All the impact fees are going to the City?

MR. HOLDEN: No sir. The County is not allowed to collect the impact fees at all.

COMMISSIONER GRINÉ: But with this joint services agreement we'll be able to collect.

MR. HOLDEN: Mr. Chairman, that's correct.

COMMISSIONER GRINÉ: Any other questions of staff? If not, what are the wishes of the board?

Commissioner Trujillo moved to approve the establishment of a joint powers agreement with the City of Santa Fe for emergency services. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

COMMISSIONER GONZALES: Stan and Hank, I just wanted to thank you guys for this nice newspaper article. I understand that sometimes when people write stories they sometimes miss some details and don't report all of it so I wanted to point something out, that I have a daughter named Cameron, not a son. So if you can let everyone out there know that, I'd appreciate it. I won't write a letter to the editor.

MR. HOLDEN: Mr. Chairman, Commissioner Gonzales, believe me, we've received several phone calls on your behalf and we've made every attempt possible to correct that error as we receive those phone calls.

COMMISSIONER GONZALES: And again, if there are districts that want to meet, I'm sure with any of us, to extend that out. I'd love to go out to the district houses and listen to what's happening on a regional basis and what they're doing to prepare for this drought season. So make sure the understand as their time allows that I'll make myself available.

COMMISSIONER GRINÉ: Thank you very much, Stan. And it's good that we're doing more things between the City and the County.

IX. D. GENERAL SERVICES DEPARTMENT

1. Resolution No. 1999-40. A resolution supporting a request for land from the Bureau of Land Management for the La Puebla Recreation Area

VINCENT OJINAGA (General Services Director): Mr. Chairman, Commissioners, Santa Fe County has received funds from the 1998 New Mexico legislature for a recreation area in the City of La Puebla. A special appropriation project provides \$50,000 for planning, designing and constructing a baseball field, basketball court and tennis court in the community of La Puebla. The GSD has identified a 5.76-acre parcel of land that is owned by the BLM. In order to apply for the lease of the BLM it is necessary to submit a development and management plan, a copy of the resolution, an application and a \$100-dollar fee.

The General Services Department requests approval to submit the application for the lease to the Bureau of Land Management.

COMMISSIONER TRUJILLO: I have a question. Is this land immediately behind the fire station? Is that the land we're talking about?

MR. OJINAGA: Mr. Chairman, Commissioner Trujillo, that is correct.

COMMISSIONER TRUJILLO: Finally the community decided that that would be the most appropriate, because they had some concerns with that.

MR. OJINAGA: The property is adjacent to the fire station, north and east.

COMMISSIONER TRUJILLO: Okay.

Commissioner Gonzales moved to approve Resolution No. 1999-40 supporting a request for land from the Bureau of Land Management for the La Puebla recreation area and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

IX. D. 2. Request authorization to enter into an amendment to the memorandum of agreement with La Familia Medical Center to revise the project budget and termination date of the grant agreement

MR. OJINAGA: Mr. Chairman, Commissioners, Santa Fe County has received a grant award for the design and construction of a satellite clinic to be operated by La Familia through the Community Development Block Grant. The DFA requires that Santa Fe County and La Familia Medical Center enter into a memorandum of agreement for the construction of the clinic. The expiration date of the current memorandum of agreement is June 30, 1999. Additional funding in the amount of \$475,000 has been granted through the New Mexico legislature and the City of Santa Fe. Due to the additional funding in the

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amount of \$475,000, the project has been increased in size and the termination date of the MOA will have to reflect this change. The GSD has generated an amendment to the memorandum that will revise the project budget level and extend the termination date.

The required action is that GSD requests approval of the amendment to ensure compliance with both DFA and County Code and regulations. Thank you.

COMMISSIONER GRINÉ: Any further discussion? If not what's the wishes of the Board?

Commissioner Gonzales moved approval of the amendment of the MOA. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

IX. E. LAND USE DEPARTMENT

- 1. Request authorization to enter into an airspace agreement (easement) with the State Highway and Transportation Department on two Santa Fe Relief Route parcels to allow trail access from the north of the Relief Route to Arroyo Frijoles**

KEN PIN (Planner): Mr. Chairman, members of the Commission, this is a request to enter into an easement agreement for what is called two non-right-of-way parcels which run from West Alameda up to the Relief Route and then continue north of the Relief Route up to the Arroyo Frijoles. This parcel is one of the parcels that was identified by the Bypass Trails Committee to be used as a trail crossing for pedestrians, equestrians and bicyclists. It was included as part of the package that was sent to Secretary Rahn of the Highway Department as part of the whole Bypass trails identification.

The formal request to start this process was submitted by County Manager David Wolf in a letter to the Highway Department dated July 15, 1998. They call it an airspace agreement; it's really an easement agreement. The two non-right-of-way parcels are about 19 feet wide and about a total of about half a mile long, just west of the County Road 70 connector. What it essentially does is allows them to access and to cross at County Road 70 instead of using the 70 connector, which is a paved road.

Staff at this time is requesting that we enter into this easement agreement. It is for 25 years at the request of the Highway Department. There is no compensation involved at this point. They have graciously obliged to let us use the easement for free. Their original request was to have us fence it off, but through some persuasion we managed to have them just change the language of the easement agreement just to say that there would be a designation of separation, which is rather vague, which is how they preferred it to be, and left it up to the County to be able to separate or put up signs or directional signs, proper signage for the users of the trail to keep them within this easement area.

COMMISSIONER GRINÉ: Is there any further questioning or discussion on

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this? If not, what is the wishes of the Board?

Commissioner Trujillo moved to approve the easement and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.

IX. E. 2. Request approval of a promissory note with Multimedia Development Corporation accepting reduced payments as satisfaction in full of unpaid franchise fees owed to the County of Santa Fe by Multimedia Development Corporation

DENICE BROWN (County Attorney): Mr. Chairman, Commissioners, you have seen in a prior land use meeting, Multimedia and Jones Intercable came before you requesting a transfer of a cable franchise. What we're here today about is when we looked into the terms of transferring that agreement there was a deficiency in the payments to the County by Multimedia of the franchise fees that they've owed over the years, which totaled about \$39,000 some odd dollars. Multimedia, unfortunately is basically insolvent and so our Finance Department and Legal Department worked out a deal with Multimedia, hoping that they would not go into bankruptcy and to try to collect some portion of those outstanding franchise fees.

They basically have no assets but they have agreed as part of the transfer of this sale so that Jones can purchase the cable franchise and not have any outstanding indebtedness that they inherit from Multimedia to settle the outstanding claim for \$10,000. So we have a promissory note in the file where Multimedia is agreeing to pay us in full payment \$10,000 and a release saying that we will not attempt to collect any further dollars from them. It was our position that if we go into bankruptcy we'll collect zilch, so \$10,000 is better than nothing. And that's how we arrived at that amount.

COMMISSIONER GRIÑÉ: Just like negotiating child support, unfortunately. Any further questions on this issue? If not, what is the wishes of the Board?

Commissioner Trujillo moved to approve the agreement with Multimedia Development Corporation and Chairman Duran seconded while Commissioner Griñé chaired. The motion passed by [3-0] unanimous voice vote.

IX. F. 1. Request authorization to enter into a professional services agreement with Bohannon-Huston Inc. for the design of a landfill cover at the Jacona Landfill

LARRY VELASQUEZ (Public Works Director): Mr. Chairman, members of the Commission, the County operated a landfill in the Jacona area until about 1988 at which

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time it was closed under the existing NMED regulations at that time. The landfill is located on property owned by the Pojoaque Pueblo and a cover was never properly constructed on it. For the last couple of years we've been trying to negotiate a contract or an agreement with Pojoaque Pueblo to provide that cover and an agreement has been signed. It's being reviewed by BIA and we're proposing to contract with Bohannon-Huston in the amount of \$13,082 to design the cover for the landfill.

This is a budgeted project in Public Works and we're requesting your approval.

CHAIRMAN DURAN: Any questions of Larry?

COMMISSIONER TRUJILLO: Just one question. Is this in the area of the existing site?

MR. VELASQUEZ: Mr. Chairman, Commissioner Trujillo, as you're going into the transfer station between the road and the arroyo, there's a strip of land there. That's where we're talking about. That's where the old landfill used to be. What we need to do is essentially build a little mountain if you will so that the water sheds away from the disposal site so that it doesn't infiltrate into the site and start creating leaching. And we will also armor portions of the arroyo so that it doesn't erode away from the landfill.

COMMISSIONER TRUJILLO: This is the land that we're leasing from the Pojoaque Pueblo at \$6,000 a year?

MR. VELASQUEZ: Actually, this is not included in that anymore. We're not making any payment for that lease but we do have an obligation as the operator of that old landfill to provide the proper cover on it.

COMMISSIONER TRUJILLO: But it belonged to the Pojoaque Pueblo?

MR. VELASQUEZ: But it belongs to Pojoaque Pueblo.

COMMISSIONER GONZALES: So Mr. Chairman, Larry -- I'm sorry you might just said -- do we have a formal lease though, that allows us to be there, or sort of a gentleman's agreement?

MR. VELASQUEZ: Not anymore, but we do have an agreement. It was an agreement that had carried on over the years. It said the County would provide that cover. And we had some problems with that and for a couple of years now, and we've finally got the Commission to act on that agreement. We finally have an agreement that stipulates what we will do and what they will do as part of getting this completed and resolved.

COMMISSIONER GONZALES: And this parcel is next to the elementary?

MR. VELASQUEZ: No, no. This is closer to the transfer station. There was another parcel by the elementary school that was leased from the Jacona Landgrant and that's a real small piece that we're also obligated to cover by New Mexico law and we are looking to amend this to include that in there because through another project we acquired a significant amount of fill dirt that we have in Arroyo Seco and we'd like to use that to build this.

COMMISSIONER GONZALES: So it was a lease with the heirs of the Jacona Landgrant?

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MR. VELASQUEZ: Yes. Actually, there's two things. One was the lease with the Jacona Landgrant, and one with Pojoaque Pueblo.

COMMISSIONER GONZALES: Right. But the one that was next to the new high school gym --

MR. VELASQUEZ: That was with the Jacona Landgrant.

CHAIRMAN DURAN: Okay, any other questions of Larry?

Commissioner Gonzales moved to approve the professional services agreement with Bohannon-Huston and Commissioner Griné seconded. The motion passed by unanimous voice vote. [Commissioner Trujillo was not present for this vote.]

COMMISSIONER GONZALES: I have one question, Mr. Chairman. This relates, I believe, to Farley Road, that's between Tierra Contenta --

MR. VELASQUEZ: Fairly Road.

COMMISSIONER GONZALES: I spoke to one of the residents out there about a month ago and he was very concerned that -- and I'm not sure if Leonard's here -- he was concerned that the City, in its development agreement with Tierra Contenta was basically not honoring its obligations to that community on how Fairly Road is being used or what they're going to be doing to it. Are you familiar with that?

MR. VELASQUEZ: Yes, I am. That used to be a County road. When the City annexed Tierra Contenta, they annexed to the south or west boundary of Fairly Road. What the state law says, as I understand it, is that if you annex --

COMMISSIONER GONZALES: The west boundary.

MR. VELASQUEZ: The west boundary. Is that if you annex to a public right-of-way that the line goes to the other side, so theoretically, they annexed Fairly Road. About two years ago we did a joint project with the City where we repaved it, but they agreed to take over the maintenance of it.

COMMISSIONER GONZALES: But there are some agreements that -- I don't know. Al, are you familiar with those agreements that Leonard was talking about?

MR. VELASQUEZ: With County Club Road, the issue is that they are trying to use it to access Tierra Contenta and what we are requesting them to do is to realign it so that San Felipe and Country Club Road line up as one intersection and apparently there are some problems with it. They are proposing to do an off-set intersection and that is not what we're recommending because of the operational problems with off-set intersections.

COMMISSIONER GONZALES: Is what we're recommending in line with what Country Club Estates wanting? Is there concurrence from them?

MR. VELASQUEZ: I believe so.

COMMISSIONER GONZALES: So if that's not what the City is going to do, so what are we going to do about making sure that they meet our requests?

MR. VELASQUEZ: I'm not sure, but I would think that being that it's a

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County designated maintained road that they would have to have the County's permission to utilize that road for access.

COMMISSIONER GONZALES: Is there a need for us to correspond with the City via any type of correspondence stating our position again so that the community out there knows that we're going to hold true and we're going to protect the use of that road?

MR. VELASQUEZ: The communication has been through the development review process and I'm not sure how clear that message has been delivered.

COMMISSIONER GONZALES: Can I ask you, if the Chair allows, can I ask you to write a letter and maybe for the Manager's signature, again, articulating our position, what our request is and carbon copying Leonard Trujillo and I'm sure he'll get it out to the other people out in Country Club Estates and Al Pitts as well? Can we get working on that?

MR. VELASQUEZ: We can do that.

COMMISSIONER GONZALES: Can you carbon me so I know when it went out? Thank you. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Could I have one too, Larry? Thank you. Just a little update on two items and a clarification of what I understand what Public Works and the County Manager's Office is doing, and that has to do with Fin del Sendero and the San Ysidro Crossing. My understanding is that all the work has been done on that but that nothing will begin until the next fiscal year. And my question is, if that's the case, I thought that we had funded these two items in the last budget cycle.

MR. VELASQUEZ: Mr. Chairman, members of the Commission, with regard to Fin del Sendero, what we had in there, I believe it was about \$90,000 that was budgeted for that. The \$90,000 will carry us through I think pretty close through acquisition of the properties. Because we had nothing budgeted for construction and we have a request for funding of that in the next budget cycle, what we felt was that we would not push the condemnation, or filing of the condemnation lawsuits until closer to May and use the interim period to try and negotiate with the property owners to get an amicable settlement versus doing a lawsuit. So essentially, that's what we did. We just stretched that time before we actually filed the condemnations.

I think that it will probably have some positive results from that base and the feedback we're getting. And the other thing is if we had accelerated that process, we couldn't have started construction anyway because of the money.

CHAIRMAN DURAN: I just have people that live out there that have been asking me, what's going on, so I appreciate that. Thank you.

MR. VELASQUEZ: With regard to San Ysidro Crossing, and I guess you and I probably need to meet with some of the people out there, is we had a problem with the mapping on the easements. We've redone the mapping and now we've got one unhappy client because the previous survey had left out two parcels of property and now that they were corrected and included, essentially his property is no longer part of the project. So

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there's some at least one unhappy camper and we were trying to get that resolved. As soon as we do that and we get what the Corps of Engineers calls a certificate of sufficiency that we've got the easements, we just cut them a check and they go to bid on the project. So that's where that one's at at this point.

CHAIRMAN DURAN: So the Corps of Engineers money is raised?

MR. VELASQUEZ: That one's ready to go.

CHAIRMAN DURAN: So if we can't negotiate this thing out, is there a possibility that we would lose that funding from the Corps?

MR. VELASQUEZ: I think the County would have a couple of options, I guess if we were unable to negotiate it, is to do condemnation on it and acquire the property anyway. I think it's going to get resolved.

CHAIRMAN DURAN: Okay. I think that was all I had.

COMMISSIONER TRUJILLO: I have one. I was told that Cañada Ancha in Chimayo, the project would start the latter part of March, the month of April. Has that started?

MR. VELASQUEZ: I don't believe it's started but it's still on the schedule to be one of the next projects to do. I think it was scheduled to be started in May, I think.

CHAIRMAN DURAN: Any other questions of Larry? Thanks, Larry.

IX. G. UTILITIES DEPARTMENT

1. Resolution No. 1999-41. A resolution adopting a policy for allocation of water rights for the Santa Fe County water utility

ESTEVAN LOPEZ (Utilities Director): Good afternoon, Mr. Chairman, Commissioners. You have before you in your packets, a memo, a resolution and a policy, all dealing with the allocation of water rights by the County water utility. As you know from our previous discussion here and individual discussions, there's an awful lot that went into this policy and the way we've tried to structure this thing is to first set out eligibility criteria by which we would determine whether a given request is eligible to even be considered for an allocation. Assuming that the eligibility criteria are met, then we set out basically different ways of dealing with the request, depending on what our availability of water rights is. If we have adequate water rights to meet the requests they are made and if there are not, then basically various projects are weighed against each other to be assigned a priority.

The way we've gone about assigning the priority for those projects, we've considered a number of things. One is existing residents have been given a prominence in this policy, particularly any that have existing water quality or quantity problems or where such problems are coming on and imminent.

Second, we've taken into account where the County wants the utility, both water and

wastewater utility infrastructure to go and if a given request will help to extend that, we've given that consideration. We've given consideration to the collection of wastewater and the potential for its reuse and or return flow credits. And we've given considerations for affordable projects and projects that will create jobs within the County. After our last discussion here, you asked that I delete any sort of priority on the basis of first come-first served and I've done that except for the case where two projects end up tied. That's the only place where first come-first served would then be used as a tie-breaker.

CHAIRMAN DURAN: Where would that come in to play?

MR. LOPEZ: Only if when weighing a number of projects, if two of them end up being tied for the highest priority, only then would the earlier one come in to play. Other than that, we've made some allowance for the County to set aside some water rights for its own purposes and we've made that a sliding scale and capped it at 100 acre-feet. Of any amount that becomes available, we would get a certain percentage. If we ever reach the point that we've got 100 acre-feet that's reserved and not used, that would stop any additional set aside to us, but if the County is putting those water rights to use, presumably we would also be able to continue to set some aside for future uses.

Beyond that, we've established a number of just limitations and criteria that would control requests and how we deal with the requests for service and make sure that they're used in a reasonable time frame and so forth. So if there are any questions I'd be willing to try and answer them.

CHAIRMAN DURAN: I just have one, Estevan. When you get to page four on the allocation priority number 4a, Pre-existing contractual preference. "An applicant who opts to exercise a pre-existing contractual preference for allocation shall be given the preference afforded under the terms of his or her contract when and if additional water rights become available." Do you think it would be appropriate to say provided that it falls with the -- hang on a second -- remember we had talked about this, the allocation policy. I guess what I'm trying to say is do you think it would be appropriate to say that provided that the project meets within the General Plan and the growth management policies that we have adopted?

MR. LOPEZ: Mr. Chairman, I believe that the way that this is structured that before such a project would be considered, I think that it would have to meet the basic eligibility requirements that are laid out on page 2 under Section IV.

CHAIRMAN DURAN: So you think it would be a little overkill? You have already dealt with that issue?

MR. LOPEZ: In my opinion we have already dealt with that issue before considering those for allocation.

CHAIRMAN DURAN: Okay. Any other questions of Estevan?

COMMISSIONER GONZALES: I think, Estevan, the Chairman brings up a good point. Looking at page 2 item number IV it says projects must be consistent with County growth management plan and Land Development Code. Again, the Land

Development Code implies all zoning requirements, right? That's implied in that, so we don't have to --

CHAIRMAN DURAN: That's what I was looking for? Any other questions of Estevan? Good work, Estevan. I know it's taken a long time to get to this.

MR. LOPEZ: Thank you. I'd just like to recognize that there were a number of people that worked on these, not the least of which were each of you. You each provided valuable input to help us shape this. But in addition I worked with the County Manager, Doug, Jack Frost, Jack Kolkmeier, a number of our staff reviewed this thing and offered valuable suggestions.

COMMISSIONER TRUJILLO: Good job.

CHAIRMAN DURAN: I appreciate your hounding to me to sit down with you. So thank you. So what's the pleasure of the Board?

Commissioner Trujillo moved to approve Resolution No. 1999-41 setting out policy on water rights allocation. Commissioner Gonzales seconded and the motion passed by unanimous [3-0] voice vote.

CHAIRMAN DURAN: Thank you, Estevan. Thank your staff, too.

IX. H. MATTERS FROM THE COUNTY MANAGER

1. Request authorization to enter into a contract with Justice Benefits, Inc. to locate and obtain federal reimbursements for the County Detention Facility

MR. WOLF: Thank you, Mr. Chairman, Commissioners. We request authorization to enter into a contract with Justice Benefits, Incorporated to locate and obtain federal reimbursements which Santa Fe County could use to off-set the costs the County is incurring to provide the services at our County Adult Detention Facility. Justice Benefits, Incorporated, specializing in assisting counties to tap into federal reimbursements. They'll complete all the required paperwork, saving the County the expense of hiring staff to participate in these programs. The County only needs to provide the raw data to the company.

Justice Benefits will work on a contingency fee basis so if the County receives no reimbursements then Justice Benefits won't receive any compensation either. However, if we receive any reimbursements, Justice Benefits will get 22% of what we receive. We request approval from the Board to enter into a contract with Justice Benefits to locate and obtain federal reimbursement so we can off-set costs that we're incurring at the jail like I said earlier.

Just for your information, Commissioners, we made a mistake at the staff level and

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somehow included two different versions of the original contract that we're given over to the Clerk. There were some last minute negotiations that went on and somehow we made that error and we could correct that. But the substance of the contract is in your packets.

CHAIRMAN DURAN: So what do we pay these folks for this service?

MR. WOLF: We would pay them on a contingency basis, Mr. Chairman, 22% of whatever we would receive. So nothing if we don't receive anything.

CHAIRMAN DURAN: So it's kind of a commission basis?

MR. WOLF: That's correct. They would help us obtain funds, Mr. Chairman, that we're not currently obtaining, so they would seek new funds.

CHAIRMAN DURAN: Is that a reasonable fee to pay? They do it in other areas. Have you checked those other areas to make sure that it's an appropriate amount?

MR. WOLF: Mr. Chairman, Barron looked into this and he checked pretty much across the country to see how this is working and I think the fee was basically the same, and got some real good feedback on this specific company when he checked the references. But I could defer to him to follow up on that question if you'd like.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER GONZALES: Mr. Chairman, David, how does this work under our current jail operations, being that our operations are being privately managed. I'm looking at the example, they're stating when the federal government will reimburse counties for expenses incurred to jail illegal immigrants. Does our contract with Cornell, basically, are we going to ask this guy to go out and find money that will subsidize Cornell or is this going to be able to come to the County?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, this would directly off-set the County's costs that we're incurring to fund the County's prisoners. As an example, if illegal aliens are picked up within the county, then the County is responsible. At this point the County is paying for those prisoners at \$60 a day. If we can seek funding from the federal government to off-set the costs that were incurring then it directly off-sets our costs as I said earlier.

COMMISSIONER GONZALES: Is that just one example out of many examples that are out there, or is that primarily what we're going to be looking towards?

MR. WOLF: That's one example. I'd need to defer to Barron to talk about some of the others.

COMMISSIONER GONZALES: That's okay. Thank you. Actually, if we can ask if this is approved if we can ask that there be at least a bi-annual update as to how this is progressing. I'd be interested in finding out just how much money we've been able to collect from the federal government.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, we'd be happy to do that. We've never entered into a contingency type contract before so I'm curious to see how it's going to work out also.

COMMISSIONER GONZALES: The other issue that I'd like to bring up on

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this, assuming there is money that will be generated, I'd like for you, before you allocate it for any spending to hold on to it in some revenue account so maybe at some point the Commissioners might decide to support some programmatic activity that relates to incarceration. We're talking about an alternative to incarceration program. Let's hold on to this money if we can be optimistic and anticipate some in, but let's not be quick to move it into the general fund. So if you can set up just a special revenue account that holds it and allows us to use those revenues to any offsets to other programmatic activity that directly relates to incarceration or jail operation.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, we can set that up as a separate revenue account to track that specifically. That's fine.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: David, is this something that you came up with or was this a solicitation?

MR. WOLF: Mr. Chairman, actually, Barron came up with this and I'm not exactly sure how it all transpired.

CHAIRMAN DURAN: Any other questions of the County Manager?

Commissioner Grifé moved to authorize the contract with Justice Benefits and his motion was seconded by Commissioner Gonzales. The motion passed by unanimous [3-0] voice vote.

IX. H. 2. Resolution No. 1999-42. A resolution providing for publication of notice of bond sale of \$12 million Santa Fe County, New Mexico general obligation bond, Series 1999

CHAIRMAN DURAN: Mr. Strumor, long time, no see. Good to have you here.

ROBERT STRUMOR (Bond Counsel): It's good to be here. This is the next step in the Open Space general obligation bond. Let me introduce myself, Robert Strumor from Hughes and Strumor, Limited Co. I'm pleased to be here today. This authorizes the publication of a notice of sale of the general obligation bonds. The bid opening will be at 10:00 a.m. on April 27 to be followed by consideration of official action at the 1:30 Board of County Commissioners meeting on April 27.

We would anticipate delivery of the funds about the first week of June. So this is the authorization of the publication to allow the investment community to bid on the bonds. It is still a very good market. We had a very successful sale for Bernalillo County about a week ago and it's still it's up 5%, 4.60 something. So you have a similar credit and should look forward to an excellent sale. So the official action is the adoption of Resolution No. 1999-42.

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CHAIRMAN DURAN: Any questions of Mr. Strumor.

Commissioner Gonzales moved for approval of Resolution No. 1999-42 as presented and Commissioner Grifé seconded. The motion passed by unanimous [3-0] voice vote.

- IX. H. 3. Resolution No. 1999-43. A resolution related to the remarketing of Santa Fe, New Mexico tax-exempt multi-family housing revenues bond, Villa Grande Apartments project, Series 1998-A in the aggregate principal amount of \$3 million; approving an amended and restated trust indenture dated as of March 1, 1999; amending and restating that certain trust indenture dated August 1, 1998 between Santa Fe County and US Bank National Association as trustee; approving the loan agreement dated as of March 1, 1999, between the County and Villa Grande Limited Partnership; approving an amended and restated tax regulatory agreement between the County and the Company; approving the remarketing agreement dated as of March 1, 1999, between the County, the Company and Southwest Securities, Inc.; approving disclosure and other documents related to the remarketing of the bonds and approving and ratifying action previously taken in connection therewith**

MR. STRUMOR: Thank you, Mr. Chairman, members of the Board. This resolution is similar to the difference between a construction loan and a permanent loan. The bonds were issued last year and were invested on a temporary basis. The project is now ready to commence construction and receive permanent financing. The purpose of the remarketing resolution essentially is to authorize the permanent financing. I stand for questions. We also have Rolando Montoya who's a representative of the Villa Grande Limited Partnership, the owner of the project.

CHAIRMAN DURAN: Any questions for Mr. Strumor?

Commissioner Grifé moved to approve Resolution No. 1999-43. Commissioner Gonzales seconded and the motion passed by unanimous [3-0] voice vote.

MR. WOLF: Mr. Chairman, if I may before you move on to Matters of Public Concern. I have one other item. It's a monthly update of the revenue projections. If you like I could pass those out and go over them real quick.

CHAIRMAN DURAN: That's fine. Just so you know, I heard today that every ten seconds a baby boomer turns 50. I still have a few more seconds left.

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MR. WOLF: Mr. Chairman, Commissioners, you're probably getting used to seeing this format now, but we have on the general fund, the first page. On the left, we have the revenue source description. As an example, it says General Fund on the top, taxes, local effort. We get into the different property taxes and gross receipts. The second column to the right shows our actuals through February 1998 as compared to the actuals through February 1999. Then those actuals through February 1999 are projected through June 30, 1999, which is the completion of our fiscal year, and that's compared to what's budgeted for the current fiscal year. And then we show a variance, whether it's positive or negative.

And the general fund is showing, you see down at the bottom, a projected positive variance of about \$141,000 at this point. The bottom right hand corner of the page you'll see the \$141,957 is the sum of all the variances and it's a positive variance that we're projecting in the general fund. You can see up above, the majority of that variance is made up of -- is primarily due to the \$140,000 projected positive variance in our gross receipts taxes. Now we don't know for sure if that's how the year's going to finish out but that's our best guess at this point.

And then depending on how much detail you want to get into, the rest of the pages represent all the other funds, but this is basically our discretionary money and where we're at right now. The only thing is with the variance being based on gross receipts tax, we receive gross receipts tax from the state Tax and Revenue Department basically two months after the transaction was made, the sale was made to a customer. So that's primarily due to a good Christmas sales in November and December. I don't think we've really seen yet what the ramifications are of having little snow and slow skiing this year and we probably won't until April or May in our gross receipts.

Is there anyone who would like more detail on any of this?

CHAIRMAN DURAN: Thank you, David. That's fine.

IX. I. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

None were presented.

IX. J. MATTERS FROM THE COMMISSION

2. Resolution No. 1999-44. A resolution adopting a health care policy

CHAIRMAN DURAN: Commissioner Gonzales, are you going to make a presentation to us?

COMMISSIONER GONZALES: Yes, if that's the pleasure of the Chair. As I do in all policies I bring forward, I'd rather stand in front of you than to the side. It's easier to catch the moving arrows. Mr. Chairman, it's been since 1997 that Santa Fe County

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has been talking about health care issues and what we're doing to redefine our whole existence in health care. A lot of people have asked why is it that you want to move into this area? Why do you want a policy that defines the County's participation in health care? We need to only look over the past few years to see that five years ago we maybe had three or five providers that were accessing our indigent to today we have approximately 19, ranging from people from northern Santa Fe County to southern Santa Fe County, so all our community right now is being impacted and using the Indigent Fund.

Mr. Chairman, we just concluded a couple of hearings with St. Vincents Hospital and I think that one of the things we learned is that the hospital cannot be required to solve all of our community's health problems, that we need to figure out how we can find other venues and other sources to address some of the health care needs that are out there in Santa Fe County an to assist St. Vincents so that they can continue to be a non-profit community hospital. Hopefully, this health care policy if you approve it today will create a health planning commission that will begin to identify health care needs that just aren't being met to the levels that they need to be met. And then being able to use their resources and their network system to pull together those resources so that they can start identifying those health deficiencies.

On this health care policy, Mr. Chairman, I just want to point you to two critical statements and then briefly go over the goals and very briefly because I know we have some more of this meeting that we need to continue. The first is a statement of commitment to our community. Mr. Chairman, this is important because people look to the health care policy in helping them understand that Santa Fe County government recognizes that that manner in which health care and community services are being delivered is rapidly changing. Active public involvement with our residents, service providers, community based organizations and educational institutions is necessary to ensure affordable, quality, accessible, prevention-oriented health and community services that are responsive to our diverse demographics and geography. An important statement that we make to our community.

The vision statement, the mission statement of this health care policy, Mr. Chairman, is that Santa Fe County is committed to the improvement, to the protection and accessibility of existing health services. The County will utilize partnerships with health organizations that will enhance and increase the level of health care provided to Santa Fe County residents and communities. This health care plan does not ask this Commission for any money, other than staff resources to help pull together and support this health care planning commission. What this plan calls for is the creation of partnerships to be able to start addressing some of these deficiencies in the health care needs that this commission may identify.

There are some specific goals, Mr. Chairman. One is to define the County's specific roles and responsibilities in meeting new health care challenges. That's what this health care planning commission will do. It also talks about improving the quality and deficiency of County health and community related services through the creation of a County health and

human service department. Very few counties in the state of New Mexico actually have a health and human service department. What I'd like to ask the Commission to do through this policy is to direct the Manager to pull together the Indigent Department, the Housing Department, the DWI, the MCH, all put together into one coordinated effort under one department and hopefully, with that abolish the Administrative Services Department and move in a health and human service department, because a lot of the activities that we're focused on in the area of health care falls under Administrative Services.

I, like many of you, may view that as a layer of bureaucracy. Let's do away with that and let's actually move forward a Health and Human Service Department. [inaudible] and be the department that actually oversees these discretionary indigent funds that are going to be made available as July 1 comes along and we reallocate a portion of that Indigent Fund.

That is also one of the specific goals that this policy would do. It would do away, hopefully, with Administrative Services Department and create a County Health and Human Services Department. We also talked about the importance of increasing public awareness of the services available to them. We all know that in each of our communities -- I don't know if some of the elderly and some of the indigent and even those who aren't in any of those categories really fully understands the services that are available to them in keeping their children well and being able to do some preventative type maintenance, if you will, or even after the fact, when they get sick, what's available to them in the areas of health care out there. And I don't know if our community fully understands it, so I'm asking that we turn to some type of public awareness campaign that talks about all the objectives and action items in that area.

This policy would also act to promote prevention and early intervention in the treatment of illness that are important to creating a health care community. We believe, or I believe, there are studies that show that if you move into a child's wellbeing from the ages of zero to three and if you do that at the front end of your investment and make sure that they have proper parenting, and they have proper access to health care, that they have a good nurturing environment to grow up in, in the long term it's going to mean that we're going to have a healthier community. That has huge implications in the areas of production and costs of incarceration. It has implications in what's happening in the areas of northern Santa Fe County with drug abuse that's going on with our teenagers. It's so important that we make the awareness of that front end investment into children from the ages of zero to three and hopefully we can promote that preventative type issue.

We want to talk about identifying and developing where needed local and regional coordinated health care planning efforts and participate in those efforts. Health care doesn't recognize any barriers as we all know. What I'm asking in this, Mr. Chairman, is that we reach out to the counties of Los Alamos and to Rio Arriba County and begin to form some dialogue with them so we can actively seek state and federal grants to address again some of the deficiencies in health care that's out there in our communities. So Goal Five would

specifically do that.

So, Mr. Chairman, just to quickly recap, this policy if adopted today would actually reinvent and redefine Santa Fe County's role as it relates to health care. It would move us out of being rubber stamps for indigent into areas of proactiveness and seeking out solutions to problems that are occurring in our communities that are leading to deficiencies in health care. With that, Mr. Chairman, I stand for any questions that you might have.

CHAIRMAN DURAN: Any questions of Commissioner Gonzales?

COMMISSIONER TRUJILLO: I have a question. Commissioner Gonzales, is this the result of the effort, the dialogue that was taking with St. Vincents Hospital and the hearings that we had in that regard?

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Trujillo, it's a continuation of that. The idea of health care planning and health care policy, we've been talking about since early 1997. What I learned when I listened to those two public hearings was that St. Vincents can't solve all of our community's problems. There's just no way that they can. And I think the community heard that because labor came forward and they said we want a health planning task force. We want a task force out there that can go out and identify where the deficiencies may be in the areas of health care so that we can figure out how to start addressing that. And that was the creation of this health care planning commission, from those hearings, to go out there and figure out where the deficiencies are, who's in the business of addressing those deficiencies, using our abilities to pull together all those networks of people that are focused on it and have them all concentrate on addressing those areas of shortfall.

We recognize deficiencies in that, we promote a stronger commitment and more focused commitment to identifying those deficiencies and also hopefully from an economic standpoint, we won't have so many different groups out there that are paying lots of administrative costs in addressing an issue that a lot of other groups out there are doing the same thing. So this is an area that hopefully will call for a coordinated effort by some of the experts in the community.

COMMISSIONER TRUJILLO: As we heard earlier today regarding the prolific network of services that exists in the community, I think this is what can happen to that network become a viable part of that network of health care in Santa Fe County.

COMMISSIONER GONZALES: Mr. Chairman, you're so right in the fact that child abuse is one of those things that we just don't think about too much unfortunately and we need to begin to think about it more to make it more of our daily discussion of how we're going to address and prevent that from happening. This policy will create the tool to be able to do that. A Health and Human Service Department will create a department within County government from an administrative standpoint that we can actually oversee those efforts and see that it's continuing to be done. So I think this is a good step in the right direction. Its success is going to be based on all of our commitment to continue to promote health care policy in Santa Fe County to reach out and establish those partnerships, to engage

in dialogue with people like St. Vincents and La Familia and Presbyterian, all the front-line providers and ask them what can we do to help. How can we help best in your efforts? Because I believe they're all here because they all care about our community and they want to see it become a healthier community.

So this is not Santa Fe County going off on its own and deciding it's going to get into health care, it's just us saying we want to be a part of it also. We want to lend our name and our experience and our commitment to seeing that we start addressing health care issues.

CHAIRMAN DURAN: So Commissioner, to me, this resolution represents the commitment we made to the public in those meeting that Santa Fe County is going to take a proactive approach to health care. I commend you on all the work that you did on this. I know that you were instrumental in working with staff and everyone else to get it together.

COMMISSIONER GONZALES: Thank you, Mr. Chairman, and it was actually your commitment that you made on the health care planning commission and I know that's something that you had committed to the public that that would be created and I think that was a good call.

CHAIRMAN DURAN: Well, I couldn't have done it without you. Is there anyone out in the public that would like to address this resolution or offer some insight or input in to it? Please step forward.

BILL WEBSTER: Thank you, Chairman Duran. My name is Bill Webster. I'm the interim CEO at St. Vincents Hospital and I would like to commend Commissioner Gonzales and the other Commissioners that have played an active role in proposing the health care task force or also the health care planning commission as it's been referred to here today. We at St. Vincents Hospital commend this effort. We think that this is a very positive step toward improving health care to the citizens that we serve.

We have one request. As the largest health care provider in Santa Fe County and I think also the only acute care hospital in Santa Fe County we would like to have a seat on this planning commission or planning task force when it is formed. I think that we could add significantly to the efforts of this task force or commission when it is formed and we would formally request a seat on this forum. Thank you. We appreciate your efforts.

CHAIRMAN DURAN: Thank you, Mr. Webster. Commissioner Gonzales, is that possible to add that to this at this time?

COMMISSIONER GONZALES: Mr. Chairman, we didn't explicitly state it, but it is the representative from the local community hospital is St. Vincents, so they will have a permanent seat on the planning commission and then we also have a seat available for another community provider to be rotated so that La Familia or Española Valley or Presbyterian or any of the others will always have a rotating placement on this commission, but St. Vincents as the largest provider would have a permanent seat on it.

CHAIRMAN DURAN: Good.

COMMISSIONER GONZALES: With that, Mr. Chairman, I'd like to ask

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for approval.

Commissioner Griñé moved approval of Resolution No. 1999-44, adopting a health care policy. Commissioner Trujillo seconded and the motion passed by unanimous [3-0] voice vote.

CHAIRMAN DURAN: We've just adopted Resolution No. 1999-44.

COMMISSIONER GONZALES: Thank you, Mr. Chairman, I think it's a huge milestone in this Commission's efforts to redefining County government here in Santa Fe County.

IX. J. 1. Resolution No. 1999-45. A resolution creating a Santa Fe County Health Commission

COMMISSIONER GONZALES: The second is a County Health Planning Commission and this, Mr. Chairman, answers your commitment to your call to create again, a planning commission that will address and identify health care needs in Santa Fe County. Briefly, this Health Planning Commission will -- we will appoint -- each of us five will appoint a representative to serve on there. It can be at large. It doesn't have to be from within our district, but each of us will get an appointment. We will appoint a representative from St. Vincents, or actually we will allow St. Vincents to make an appointment, a member of the health care union, we felt that it was important that the individuals who actually work on a daily basis in delivering the health care, the ones that are in touch with the patients actually have a seat on this commission, a representative of the City of Santa Fe, Community Development Division. Again, this is reaching out to the City, not only in water and in land use should we have a cooperative relationship with them, we think we should have one as well in health care. A community health center representative, that's again referring to La Familia or Presbyterian or any of the other indigent providers that are out there, a member of the Maternal and Child Health Planning Council and a member of the DWI Council.

So that makes up a total of eleven commissioners that will be a part of this. I've talked to the County Manager. We've designated Virginia Vigil to be our lead staff person. That was another commitment that we made, that we would actually have a full-time staff person that was working on a daily basis to make sure that this became a reality. She will be there and assisting her will be Terry Brunner in how this moves forward. I know this was a key criteria that this planning commission actually have staff resources and the Manager has allowed for that to take place.

Each member shall serve a term of two years. The Health Planning Commission will select a chairperson from their appointed body and the role and function of the County Health Planning Commissioners is basically stated in items A through F. I won't go through

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it but again, it's just to identify the health deficiencies, to seek out also grants. They may have leads to federal and state grants that we can begin to work on. Again, it's to bring all those people that are players in health care along with our residents just to begin that dialogue and to work collectively to identify some of the health care issues and the needs.

So with that, Mr. Chairman, I'd ask for approval of Resolution No. 1999-45.

Commissioner Griñé moved to approve the resolution establishing a Health Care Council and Commissioner Trujillo seconded.

CHAIRMAN DURAN: I just have one questions. There's a motion and a second for discussion. How soon can we get this program in place?

COMMISSIONER GONZALES: Mr. Chairman, we've already -- we've begun to notice that in our next two-week meeting, appointments to be made. So we are moving. After the adoption of this today, it is moving. We've already got the six that are labeled. We'll send out letters today probably from your signature, Mr. Chairman, letting them know that they need to designate someone from within their communities and each of us, within the next two weeks, needs to find someone to represent us on this planning commission. And once we make those appointments two weeks from now, this Health Plan Commission has been born and they're working.

CHAIRMAN DURAN: Great. Any further discussion? I welcome Commissioner Anaya.

COMMISSIONER GONZALES: He came back just for the vote.

CHAIRMAN DURAN: Those in favor signify by saying "aye." [Unanimous 4-0]

So we're going to jump over -- we're going to put Matters from the County Attorney, executive session, last.

PUBLIC HEARING

- A. A public hearing to reconsider the question of whether or not the property tax rebate benefitting low-income property taxpayers should be made available through adoption of a County ordinance**

VIRGINIA VIGIL (Senior Policy Analyst): Thank you, Mr. Chairman, members of the Commission. For the record, I'm Virginia Vigil, senior policy analyst for the County and I'm really glad that the Commission provided the opportunity to reconsider this issue because I think all that you have before you is a memorandum and an amended memorandum that I drafted. Since then, I've had an opportunity to do some more research on this issue that I think is of really significant informational value to the Commission in their decision today.

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Let me just give you some informational background with regard to this. First and foremost --

COMMISSIONER GRINÉ: Virginia, can we wait for the other two Commissioners to come in because I'd like for them to make sure that they listen to this.

COMMISSIONER GRINÉ: Go ahead, Virginia. Sorry about that.

MS. VIGIL: Let me just sort of restate, Mr. Chairman, members of the Commission, that I'm really glad that the Commission is reconsidering this issue because there are some research issues that you don't have before you that I'd like to present to you today. The background information I have for you is relayed to me through the association. When this issue came before the association their primary concern was whether or not counties would have any liabilities to low-income taxpayers if in fact they did not enact an ordinance. And so they consulted with Daniel Bryant, who drafted an open letter to the association and his recommendation on his letter was that because this is discretionary on the part of commissions throughout the states, that the liability exposure is not there at all, either by individual low-income taxpayers or as a class action.

However, he, as other counties have pointed out, that there are some problems and some inherent problems with really the passage of this ordinance and as I go through my explanation of what's going to happen I'll just state those problems as they have been relayed to me and what my analysis brings forth to you.

First and foremost, the association reports that no other county has enacted an ordinance. And for the most part, the rationale behind that is because most counties feel they could not recover the costs associated with this and I'll provide some of the figures that we have drafted. Let me just sort of give you a restatement of what the low-income property tax statute provides. First of all, its citation is 7-2-14.3 and it allows for a public hearing to take public input on whether or not this County Commission can enact an ordinance providing for a tax rebate to property owners, low-income property tax owners.

I should state for you that my research also provided the fact that currently there is a low-income tax rebate for property owners who are over 65 and that rebate is at a cap level of about \$250 and can go to about \$300. I'm not real sure about that and I'm not real sure how Santa Fe County is affected by that but that is by state statute so that people over 65 currently who are property owners can receive a tax rebate. This statute provides for low-income taxpayers who receive a modified gross income of less than \$24,000 who reside in counties that have enacted this ordinance to receive a property tax rebate of up to \$350 by a joint return filing, or \$175 by a single return filing.

And there are some specific qualifications for the low-income taxpayers and those are very basic. They have to have their place of residence in the county that has adopted an ordinance. They cannot be a dependent of another individual. Their modified income must be less than \$24,000 and they must not be an inmate in a public institution more than six months during the taxable year which the rebate is enacted. The way that modified gross income is calculated, first of all it's done by the Tax and Revenue and basically, it is the

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sum of the following items: wages and salary, social security benefits, annuities, railroad retirements, unemployment, workers' compensation benefits, public assistance, AFDC, supplemental social security, net profit from businesses -- all of these, capital gains, all of these are taken into consideration, less expenditures. So they have actually created a chart that provides for the rebate according to a person's income, less all of these expenditures.

The low-income and municipal property tax rebate will be issued to the taxpayer through the Tax and Revenue Department and what the Tax and Revenue Department will do is they will provide an accounting to the County and the County would be responsible for making those payments within 30 days of that invoice being provided to our Finance Department. If we do not respond with payment, then the Tax and Revenue Department actually may enforce collection and they may without the amount that they billed us for from County revenue distributions that are normally given to us.

The statute originally provided two funding sources for the low-income tax rebate. One of them was the Transfer Tax Act. The Transfer Tax Act does not exist so the only other avenue that would be provided for the funding for this would be the mill levy route. Keep in mind that the statutory cap for the mill levy is 11.85. We are currently at 11.35. The only amount that we can go to the taxpayers for to offset this cost would be a .50 and that would maximize our mill levy.

COMMISSIONER GONZALES: Can I ask you a question. It maximizes our mill levy under the statute so if we wanted to get more money or would that mean that the legislature --

MS. VIGIL: They would have to raise the cap, because that cap is statutorily defined at 11.85.

COMMISSIONER GONZALES: Is that for all counties or just for Santa Fe County?

MS. VIGIL: I think it's for all counties. I'll defer to Donna on that.

COMMISSIONER GONZALES: So that would be a bill that would affect all counties. So you're saying then to be able to cover this rebate or to offer this rebate we would max out basically our mill rate?

MS. VIGIL: That's correct.

COMMISSIONER GONZALES: And if that were the case and a year from now let's say the voters wanted to go back and study open space or roads or fire or something like that, would they be allowed to? They wouldn't even be able to have a collection because they were tapped out.

MS. VIGIL: Once we're tapped out at the mill levy we can no longer go back to the electorate to request for more. Does that answer your question?

COMMISSIONER GONZALES: So is there a point, Donna, in the future, where that mill is going to reduce?

MS. VIGIL: I think that question would better be answered by the County Manager, Mr. Chairman, Commissioner Gonzales.

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MR. WOLF: Mr. Chairman, Commissioner Gonzales, the mill levy, the cap on the mill levy like Virginia stated is set by statute at 11.85. We have through other mechanisms put in place a mill levy now of 11.35. So that's through Commission action or voter action.

COMMISSIONER GONZALES: So with the recent bond action and the mill increase on the solid waste two years ago the bond election, all those things have increased the mill rate. Is that correct?

MR. WOLF: Well, Mr. Chairman, Commissioner Gonzales, actually when we think about this we need to separate operations from capital. The 11.85 is the cap allowed for operations, for property tax the mill levy that provides the property taxes that go into our general fund for operations. Then our bonding capacity for capital, for general obligation bonds is calculated totally separate from that and I don't want to confuse that but it's based on our total assessed value throughout the county which is about \$3 billion. We're allowed by statute to have -- our bonding capacity is 4% of that. And then that goes out to the voters and if they approve the debt, then DFA sets that rate to provide for the debt service for that specific debt. So that's based on a monetary cap where the operation is based on a mill levy cap.

COMMISSIONER GONZALES: So then future bond elections that relate to capital expenditures including open space will not be affected by whatever [inaudible]

MR. WOLF: Mr. Chairman, Commissioner Gonzales, that is correct.

COMMISSIONER GONZALES: So this increase, if it was allowed would basically max out our operation on mill levy in what we could ask for to fund operations.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, the way I understand this is basically as you stated. The voters, we would take this question to the voters to consider an increase of a certain portion of our mill levy, whether it's a half a mill or a whole mill, to fund this rebate.

COMMISSIONER GONZALES: We can't go a whole mill. You said we could go back to the voters for one mill or half a mill or 3/4 but from what I understand we can only go half a mill.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, that's how Virginia has explained it. The statute allows for up to one mill for this purpose but per her analysis we could only go for the half.

COMMISSIONER ANAYA: Virginia, just a point of clarification, the \$24,000 figure, is that gross income earned?

MS. VIGIL: It's classified as modified gross income, yes.

COMMISSIONER ANAYA: Explain modified.

MS. VIGIL: Modified gross income, that would be identified by the Tax and Rev Department and what they do is they have a form called the PIT-1RC and they identify modified gross income through wages and salaries, social security benefits, all those items that I read -- annuities, retirements, unemployment, workers' compensation, public

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assistance, benefits, net profits from businesses.

COMMISSIONER ANAYA: Modified in this terminology means the accumulated totals of income up to \$24,000?

MS. VIGIL: Correct.

CHAIRMAN DURAN: Any other questions of Virginia?

COMMISSIONER TRUJILLO: I'd like to just make a comment. Historically, this is legislation that has been supported by the community over the last many, many years. There's real impact out there regarding property taxes and property tax relief. There are situations where families are going without because they can't pay their property taxes. There are those that are losing their property because they can't pay property taxes. In my area, District One, that situation is ubiquitous. It's all over the place. I would advocate that we support some sort of relief, through this legislation or something else to extend some help to the community. We've been on board with this legislation for many years.

The property tax situation is having quite a negative, disparate impact on a lot of people.

MS. VIGIL: Mr. Chairman, Commissioner Trujillo, members of the Commission, I recognize your position and I think that that creates more information for you to make this decision. I think there's some additional information that I think would benefit you in moving forth and certainly I recognize that the interests that you have are for what this statute intends and the philosophy behind it and that is to provide that relief to low-income taxpayers. I think it's essential that you know the impact that would have on the County and we have made some assumptions with this that I'd like to just go forth with.

We contacted Tax and Rev and found out that there are over 16,000 people in the county who reported an income tax of under \$24,000. So we've made several assumptions based on that. Assuming that 8,000 of those would actually qualify for this low-income tax rebate, that would actually cost the County about \$1.75 million dollars. Now what that means is that this represents 11% of our annual property tax. The annual increases in property tax revenue are projected to be about 4%. Property taxes account for about 58%, approximately of the general fund in annual revenue. And the property tax rebate would represent about 6% of the total general fund budget.

The annual general fund revenue increases during the next few years are projected to be about 5%. The property tax rebate, as I said, represents 6% of the total general fund revenue. That means that the 6% of the general fund budget is rebated and we only have a growth of 5% then at least one percent will not be sufficient to meet normal inflationary increases. The other problem is --

COMMISSIONER GONZALES: I'm sorry. I just want to understand something real quick. Six percent of the property tax budget comes out to what? What would the rebate offer?

MS. VIGIL: Actually the cost of the rebate is \$1.75 million.

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COMMISSIONER GONZALES: The cost to the County, not to the taxpayers. So the administrative costs -- are you saying the administrative costs, to administer the rebate is \$1.75 million?

MS. VIGIL: That's how much it would cost the County, yes to pay Tax and Rev for allowing the rebate.

COMMISSIONER GONZALES: So \$1.75 million would go to Tax and Rev. Tax and Rev would rebate the low-income people with that money.

MS. VIGIL: That's correct.

COMMISSIONER GONZALES: What are the costs to administer, what's it going to cost for the County to be able to move into a rebate program?

MS. VIGIL: I think there are some financial costs. I think as my original memo said that first and foremost the problem you would have is if the ordinance was enacted and we didn't have the mill levy to provide for the offset. Then in fact, Commissioner Gonzales, the County would still be liable for that rebate. So that would be a fiscal impact.

COMMISSIONER GONZALES: You need to speak to me slowly. I'm sorry but it's very technical. So you're saying -- I lost you at the point where you say we're expecting an annual increase of 5% in property tax revenue. How that's going to -- that won't be sufficient to cover the rebate? Can you explain that to me?

MS. VIGIL: No, not based on our assumptions. Based on our assumption that 8,000 people would qualify for this rebate. We also made the assumption based on our contacts with Tax and Rev that maybe 25% of that would be single filers and 75% would be joint filers. Based on that, the rebate would be given back and that rebate would be \$1.75 million that the County would be billed for.

COMMISSIONER GONZALES: Oh, I see. And what you're saying is that the mill increase, based on the assumptions of what the property tax overall base is going to grow won't be sufficient to cover the \$1.75 million payment.

MS. VIGIL: That's correct.

COMMISSIONER GONZALES: That doesn't even take into account any of your administrative costs.

MS. VIGIL: Correct.

COMMISSIONER GONZALES: Whatever it is for us to -- and what's our responsibility from an administrative standpoint?

MS. VIGIL: I think from an administrative standpoint and my memorandum describes just a brief summary of that, I think that our Finance Department becomes the fiscal agent and the record keeper of this. They would have to have the relationship with the Tax and Rev Department in terms of receiving the invoice, paying for the invoice within the 30 days that's required and keeping accurate records for that. And of course withdraw the funds to transfer them.

COMMISSIONER GONZALES: So then to put it in more simplistic terms

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then \$1.75 million dollars is our payment for the rebate and this .5 mill increase based on our assumptions of the property tax increase could possibly only generate one million or \$1.5 million which means the difference that the County is going to have to absorb somewhere else.

MS. VIGIL: That's correct. And Mr. Chairman, Commissioner Gonzales, you're perfectly on target with your assessment, because if we do raise it to .50 mill, the most we can expect to receive is \$1.5 million and the deficit between \$1.75 million would have to come from --

COMMISSIONER GONZALES: So we go into an instant deficit once this happens?

MS. VIGIL: This is correct. And this is just based on 97% collection, not exactly 100% collection.

COMMISSIONER ANAYA: Virginia, I'm a little confused here. You said according to your statistics 16,000 tax filers in Santa Fe County earned \$24,000. Out of that, you threw another figure out of 8,000, which is half of the 16,000 are property owners?

MS. VIGIL: Property tax owners, assuming that.

COMMISSIONER ANAYA: And to give these 8,000 people a rebate would cost \$1.75 million?

MS. VIGIL: What does that translate to if you divide 8,000 into \$1.75 million, per unit. Does anyone have a calculator? \$218 times 8,000 is \$1.75 million?

COMMISSIONER GRIÑÉ: So there'll be a shortfall of \$200,000, right?

MS. VIGIL: Based on the assumptions.

COMMISSIONER GRIÑÉ: And then further than that, we still haven't paid for all the administrative costs and expenses that are going to be incurred, right?

MS. VIGIL: That's correct.

COMMISSIONER GRIÑÉ: So technically, what is that figure, David, probably what we're looking at assuming --

MR. WOLF: Mr. Chairman, Commissioner Griñé, the administrative costs I believe would for the most part be nominal. We're required to set up a separate fund if we tie this to some portion of a mill levy increase, half a mill we have to capture all that money in a separate fund and then Tax and Revenue would bill us annually and we would have to pay. The administrative costs would probably be less than \$10,000 to set all this up and to track it. So the administrative costs are basically nominal. It's the potential shortfall that we may have in regard to actually funding the rebate that's the financial issue to deal with.

COMMISSIONER GRIÑÉ: So actually we're going to have to locate those funds somewhere else in order to cover the entire figure, \$1.75 million, right?

MR. WOLF: Mr. Chairman, Commissioner Griñé, that's true. As Virginia said, if we raise the property taxes by half a mill that should generate approximately \$1.5 million. This is also based on the best assumptions we could make at the time, trying to

figure out how many of the 16,000 low-income, less than \$24,000 actually have property. It's just a guess.

COMMISSIONER GRINÉ: I would say that just for \$218 dollars per taxpayer that's very nominal for the amount we're going to have a shortfall for. I know that's my personal opinion.

COMMISSIONER ANAYA: My understanding of this whole issue right here now is we can cap out at 11.85 mill, then we would have to raise property taxes in order to rebate taxes. So it's kind of like giving it to you with one hand and taking it out of the other hand.

MR. WOLF: Mr. Chairman, Commissioner Anaya, it's basically what this is. What this actually does is it creates, it sets it up to be an income tax rebate funded with property taxes throughout the county.

COMMISSIONER TRUJILLO: Does this rebate go out automatically, for everybody, to the 8,000 people or do they have to apply for it.

MS. VIGIL: It would have to involve an application process.

COMMISSIONER TRUJILLO: So an assumption can be that you don't get the 8,000 that apply for the rebate. So then the total amount goes down. So we're dealing with a lot of mitigating assumptions here.

MS. VIGIL: Mr. Chairman, members of the Commission, I would not argue with you that that is an inaccurate statement because that would be solely dependent upon how much response the taxpayers provided once this was provided for them.

I think that there's just one other issue that I would like to present to the Commission that you should consider. You may enact an ordinance providing for this or you also have the alternative of having a public hearing and I'm not sure whether or not anyone is here to give some public input, because this was at your direction a second opportunity for that. If an ordinance is not enacted you have the opportunity to relook at this every odd numbered year, so that opportunity is provided for you also. If an ordinance is enacted and a resolution goes to the electorate and the mill levy does not pass, that still exposes the County to that liability if in fact as you said, Commissioner Trujillo, someone proceeds with the application process, they can only do that if the ordinance is enacted. But if they initiate the application process whatever rebate they are given, the County has to reimburse Tax and Rev for that, unless the County enacts an ordinance with a sunset provision that is dependent on whether or not the electorate votes in favor of the mill levy. I think that would be a resolution to that.

CHAIRMAN DURAN: I think this is the wrong vehicle to provide tax relief to the citizens out there. I for one am against raising taxes to do that. I'd rather see this Commission support the County Assessor in his budget, beef up his budget, get him staffed properly and provide him with the tools that it's going to take to actually go out there and make sure the properties are assessed at their current value and get money that way. Then we can deal with this property tax relief issue from a standpoint of strength rather than try

to diminish our budget. That's my opinion.

COMMISSIONER TRUJILLO: I think that we can do that simultaneously. We can work with the County Assessor's Office to augment his workforce to get the true assessment, the evaluation that exists out there, plus send some relief out to the people. We could do that simultaneously. I mean the community has been asking for this for a long time. I think we need to come through for them.

COMMISSIONER ANAYA: Mr. Chairman, I'm trying to formulate some logic into this proposal before us. It's kind of hard for me to really find any in it, because on top of the \$1.75 million, there's some potential administrative costs that would cost the County just to administer the program. It might go up to \$2 million that the taxpayers wouldn't receive. Am I correct, Virginia?

MS. VIGIL: That's correct.

COMMISSIONER ANAYA: DFA would automatically charge us out of our funding revenue to pay off the rebates and then on top of that they would also bill us for the administrative effort?

MS. VIGIL: No.

COMMISSIONER ANAYA: Or we would have to create our administrative effort within our own county.

MS. VIGIL: That's correct.

COMMISSIONER ANAYA: We've got to get some logic out there because I really want the public to understand what we're voting on because I think it's very critical. High taxes in Santa Fe County has been a very sore issue and then services in the county has also been a demand upon us administratively. The point is the public really has to understand on what decision we're going to flow through here tonight. Hopefully they understand whatever direction we take it's for the good benefit of the overall public.

COMMISSIONER GONZALES: Mr. Chairman, I think there's a lot of people in this community who earn over \$24,000 that have a hard time making property taxes. I don't know if this necessarily goes as far as it needs to go. It's so tough and it's so expensive to live in this community. If 8,000 voters would be affected, property owners would be affected, we don't know anything about those demographics out there. I'd rather see a more targeted tax rebate, like for people over 65, where I can see the need to increase our own taxes so that we can help the elderly people and offer some relief that we need to offer. But I don't know who those 8,000 property owners are, whether they are people who can work, whether they choose not to work, what they're doing out there.

But I'd support a tax rebate in cases where it's targeted towards people that are elderly and probably it has to go a little bit farther than that. There's a lot of people who earn over \$24,000 that have a tough time paying their property taxes and if we raise taxes we're further burdening an income bracket that I think is already having a hard time living in this community. That's \$24,000 up to \$60,000 or a lot of people make \$60,000 and have a hard time living in this community because they have kids and they have obligations and

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things like that, so what are we doing by asking the community to raise their taxes to offer a tax rebate to a select few people out there that we don't understand really what the financial situation is.

COMMISSIONER ANAYA: That's exactly what I said. And offering people that are 65 and over this type of rebate, let's face it, this is a retirement community for most people over 65 that are abundantly wealthy. I would think that the legislature would approach it in a better manner and do it under personal income tax refunding and structure the scale to help those people with \$24,000 and under. I think that would be a more appropriate way than to create this chaotic system of tax rebates. Like Commissioner Gonzales just finished saying also, that we give with one hand and take it away on the other. I see no logic. My understanding is that Bernalillo County has turned this down and Dona Ana County has turned this down, if I'm not mistaken. And what's this about Mora County?

MS. VIGIL: Mr. Chairman, members of the Commission, no county has enacted an ordinance providing for this tax rebate. And Mr. Chairman, members of the Commission, I stand before you for whatever direction you give me.

CHAIRMAN DURAN: This is a public hearing. Is there anyone in the audience who would like to address this issue?

BENITO MARTINEZ (County Assessor): Mr. Chairman, members of the Commission, I have a couple of clarifications. First of all, thank you for having this brought before you. I think that we need to understand, first of all the \$3 billion in evaluation base is as of last year. We've just gone through a reevaluation period and will see at least a 3% increase in evaluation base. I'm not here advocating for or against. My personal belief is that the taxpayers, give them a shot to either have this approved as a referendum or not. Secondly, I think that we have some hard numbers to the printed rebate schedule to the personal income tax state of New Mexico in which approximately 1,650 senior citizens who met the criteria filed for and claimed the senior citizens' property tax rebate at the state level. So that's a hard number. That's 1,650 that we know for a fact would qualify for this rebate.

Just to go ahead and confirm the state rebate is \$250. I know that Virginia had mentioned it may have been a little bit more. It is \$250 per person filing. So we have some hard numbers. First of all, 1,650 seniors, they would qualify. I don't know of very many other homeowners that are making less than \$24,000. So it's kind of a shot in the dark at this point. I think we should start with our hard number of 1,650. These are senior citizens claiming the RC schedule.

Furthermore, the \$250,000 fiscal impact, I don't necessarily agree with that and I don't know, did we have that itemized? I think the only fiscal impact the County would realize is holding an election. That would be the County Clerk holding an election for this. There is no administrative cost for the County to administer.

COMMISSIONER GONZALES: I think that's what I heard the County Manager state that the \$250,000 was the difference between what the County would have to

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pay out in the rebate and the assumption we would collect based on the increase in the mill rate. So with an election, it would go up \$1.5 million and the estimated rebate payment would be \$1.75 million. I think the Manager indicated that the administrative fees would be nominal.

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, that's correct. But remember that these figures were used based on the old evaluation basis. We've just gone through a reappraisal. So our evaluation base is going to increase. We're looking at this \$250,000 so-called deficit based on the old evaluation base, number one. Number two, I believe we're overestimating the number of potential qualifiers. There are methods in order to determine how many we actually would have in the county. Part of the criteria that I use is for determining homeowners that are claiming head of family exemptions, we have somewhere in the range of 9,000.

A head of family exemption is that you own the property and you reside in the state of New Mexico. So we only have 9,000 there. And that's been in the books forever. I think that's a good indication of property owners residing in their home and that is the person's place of residence. So even if we took that 9,000 and scaled it back to 50% that's 4,500. So I think we're kind of highballing the number of qualifiers and we're lowballing the evaluation base. And furthermore, as a personal opinion, I believe that our property tax problem as they call it in New Mexico or Santa Fe is not a property tax problem. We're one of the lowest in the nation for property tax dollars paid per thousand of taxable value. We are also on the low end of the totem pole for income.

And I believe it's an appropriate way to address this property tax situation is through the income. Is through an income, through property tax rebate, because of our income being 49th and our property taxes being 49th. Our income scales I think are what drive the problem. I think you've heard many, many situations before this Commission regarding incomes and so on and so forth. I just wanted to say a couple of words. I'm not for or against the bill. I am for sending it to the taxpayers for referendum so that they can make the choice. I believe that it's very important that we handle this as a rebate -- I stand for questions if you have any.

COMMISSIONER ANAYA: My understanding of the vote before us tonight is to enact an ordinance which would be an automatic enactment. I'm not sure where sending it off to referendum is coming or where it is right now.

CHAIRMAN DURAN: Well, if we agreed to have this ordinance, adopt this ordinance, it would be so that we could bring it forward for a referendum and attach a sunset clause on is so that we don't get caught having the liability if the voters don't vote for it.

MS. VIGIL: That would be my recommendation, Mr. Chairman, members of the Commission. Otherwise the liability would expose us to paying the rebate without having the funding mechanism for it.

COMMISSIONER GONZALES: Mr. Chairman, Benito, would you advocate a tax policy though that is a shot in the dark, the tax policy that would basically tax Santa

Feans -- Santa Feans tax themselves for a lot of things. They tax themselves for open space, for roads, for fire, for things like that. This should be an option that goes out to them to tax themselves if they want to pay for a property rebate. But, the situation that we're faced with, and Virginia and the staff come in and paint a picture, and you come in and you've said I don't agree with that picture. I think that they're way over estimated and we're going into a higher evaluation process and it sounds to me like you're saying that the additional mill rate will cover the rebate.

What happens, Benito, in the event that it doesn't cover the mill rate and this County is forced to -- it's a tax policy question. Do we go forward recognizing that it is just a shot in the dark now and if the voters approve it, that we may find ourselves in a potential shortfall or do we try and figure out and advocate for something that will protect the financial integrity of the County business process when trying to implement this type of program?

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, that's a good question. You're putting me on the spot. I think that at this point, I think that the figures are relatively close enough, looking at an evaluation base of about \$3.2 billion, the figure looks more like \$1,600,000 that we would raise with half a mill. Now, that is assuming that once again we're using --

COMMISSIONER GONZALES: You said \$1,600,000?

MR. MARTINEZ: I'm sorry, \$1,610,000 approximately.

COMMISSIONER GONZALES: So that would still fall short of whatever our assumption are of what our payment for the rebate would be.

MR. MARTINEZ: Well, the assumptions once again are based on 16,000 residents with \$24,000 or less. 50% of those, or 8,000 qualifying.

COMMISSIONER GONZALES: But would you advocate for a more conservative approach to this or approach it that well, maybe it might be something less. I think what the staff has done is they've taken a conservative approach. They've said if the worst happens, it makes me feel better if I act on a conservative basis, if the worst happens this will be the tax rebate. That's assuming that this happens. To me, I find a little bit more comfort in being conservative than in thinking well, maybe it won't happen. It might be something less. I'm just a little uneasy.

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, we must remember that when we asked Commissioner Anaya for that figure, we came up with \$210 per taxpayer. You need to remember that the maximum rebate is \$175, also, that's per person, or \$350 filing jointly. So that also needs to be considered. I understand your question. It's real close in terms of what our maximum capacity for millage growth is.

COMMISSIONER GONZALES: Because one of our responsibilities is to have and to implement some fiscal responsibility in the operations of County government. My concern is that's going to get lost when the voters go out there. I think the voters are going to go out there and they're going to act the way they should, hopefully with some

compassion and feeling that if we can support open space, then dog gone it, we can support a rebate for low-income people. That's -- I like to believe that's the community I live in.

But when that reality hits, and we're on the receiving end, then the issue becomes a fiscal matter of when the voters went and they acted in a sense of compassion and they did this recognizing our current situation, there are situations out there that can come to be that could put us into an instant deficit, so then how do we start setting the priorities to meet that rebate? Do we have a reduction in roads? In the Sheriff's Department? It moves us down that road to a very realistic scenario that could happen.

As you know, the county is growing. With the growth of the county it means that any additional revenues will go into more police, more fire, more roads. And then with this rebate, if there's a deficit, that's going to start competing for the basic daily services of what we have to offer. That's my concern. That's a tough position that I feel that I'm sitting in right now because I agree with Commissioner Trujillo that this is something that people want. They've asked for it, but what the state has done in their wisdom is they've thrown this policy question down to the Commissioners that if you're in the situation in Santa Fe County and you have your voters enact this, then it becomes an issue of you setting priorities. And then all of a sudden the rebate starts taking place and that will be the first thing that we cover in our budget and then everything else falls after that.

That's a tough position to hold us in. Me and Commissioner Trujillo are gone in two years, three years but future Commissioners are going to look at this decision. They're going to say, my god, what happened here? And that's a tough thing to look towards. I wish you could tell me and I wish David Wolf could tell me that the mill rate would cover all of it. Then I would -- in a heartbeat I would love to send this out to the voters and say that whatever the voters increase that it's going to cover it 100%. I think that would be great, but this has some huge financial implications if assumptions are met and you described it accurately when you said it's a shot in the dark. It's hard for us up here who aren't familiar with your process or familiar with the Manager's process to sit here in judgement and say what's the best route to go, other than to try and stick to some kind of a fiscal responsibility in making decisions.

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, we must also remember that our evaluation base is going to increase each year and we are doing the best job we can, Chairman Duran, with the resources that we have available to us. We've got some programatic type functions that we're keeping track of what we're doing. It's going to increase.

COMMISSIONER GONZALES: Right. But my point is that with that increases the County's daily responsibilities. You know the Sheriff is going to come back and ask for more sheriffs. You're going to come back, possibly and ask us, you need more assessors because there's more inventory out on the rolls to deal with. Those are all real factors that we get to deal with on an annual basis that we're hoping that that evaluation

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covers. I'm upset at the state that they're asking us to cover, use operations monies that the public gives to us to provide a daily service to say, well, if this means enough to you, you're going to put it into your operational plan to pay for it. And all of a sudden, we're in a tough spot because it's time to set priorities. It's a tough position. I appreciate the fact that you're advocating for something that is important to poor people out there.

COMMISSIONER ANAYA: Mr. Chairman, just looking at another perspective, yes, this rebate, whatever you want to call it, if it should peak out at say 16,000 people that are earning \$24,000 and under, their rebate would come down to \$109 a year. That's \$218 say, if there's 8,000 out there. There may be more, there may be less. I don't know. But I'm trying to balance here as to how logical it is to give this minimal type of rebate out. Where the actual benefits are going to happen.

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, unfortunately, we don't have the actual figures because it's confidential, but we need to remember also that there is a liability schedule that is attached to this act. What that means, basically in layman terms is that if you make \$23,300, you're not going to qualify for the \$175. Your liability is going to qualify you for a lot less of the rebate. The problem is determining exactly how many of those individuals there are. We know that there are 1,650 senior citizens that claim the credit rebate schedule. So we know that there's that much. I think we've beat this horse to death.

CHAIRMAN DURAN: I think we've had plenty of discussion on this.

COMMISSIONER GONZALES: Let's find out from the Manager real quickly. So you can't tell us with any reasonable assurity that if the voters increase this that it's going to cover the cost of the rebate.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, no we can't. We've done about the best we could with the assumptions that we've come up with. Benito has some good points on the assumptions, on how many people would qualify, but there's probably a good chance that a lot of the seniors, 1,650 seniors that he mentioned are joint returns, and then the whole \$350 applies not the \$175 so that impacts the numbers again. I agree with Benito on the assessed valuation being about \$3.2 billion but then I need to remind him also that we only collect about 92% of our property taxes, so 8% on that million-six brings it back down just below \$1.5 again that we stated earlier. So, no, I can't guarantee, to answer your question.

COMMISSIONER GONZALES: Let me ask this question and possibly of Denice. Does the law give us any flexibility to curtail it so it would only affect people 65 years and older?

MS. BROWN: Mr. Chairman, Commissioner Gonzales, I have not worked on this and haven't even read the ordinances.

MS. VIGIL: Mr. Chairman, members of the Commission, no the law is not specific nor does it create exemptions or special provisions, but I think I did mention in my presentation that there currently is a statute, and I'll cite it as 7-2-18 that does provide for

a \$250 rebate for people 65 and older. And this is a property tax rebate.

COMMISSIONER GONZALES: Would this be in addition to that?

MS. VIGIL: This rebate before you would be an additional rebate.

COMMISSIONER ANAYA: Mr. Chairman, one final point from me and I know Commissioner Gonzales and I have gone -- we've kind of discussed this before in public, but actually 65-year olds do not need the tax break. It would be the youth that is starting today that could probably utilize it more efficiently than after 65. At 65 they get their food rebates anywhere they go. It's starting youth today that need the help. Sixty-five; ¿ya pa' qué?

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Anaya, when you turn 65 --

COMMISSIONER ANAYA: I'm getting close, but ¿ya pa' qué?

CHAIRMAN DURAN: The County Assessor wanted to say one last thing.

MR. MARTINEZ: Mr. Chairman, yes, one last, I promise one. Our County Manager was correct in identifying that we have a 92% collection ratio. We came before this Commission several years ago for a permanent FTE, a title examiner to be specific, with the agreement that this title examiner would locate properties that have not been on the tax rolls, omitted properties and the first year we generated about \$250,000 and he continues to pay his own salary plus. So we have those types of revenue sources also. I just wanted to go ahead, and that varies from year to year. We've devised systematic programs where we go to title companies. We're involved in the closing process. We're eliminating delinquencies and those figures have come up. I don't know if 92% is exact. That's an average over the last several years, the last four years. So it could be a little bit higher. It seems like we're getting very technical here in terms of the revenue, but I wanted to say that. Our title examiner is raising a lot more money that isn't included on that collection ratio.

COMMISSIONER TRUJILLO: The 92% is constant. It might fluctuate a little bit, but if it goes up 3% in the evaluation it's going to go up in more money that we're going to realize in that increase in evaluation. It's a constant.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, I agree.

CHAIRMAN DURAN: Thank you, Benito. Is there anyone else out there from the public. You have three minutes. I'm sorry, if you could make your presentation or your comments as short as possible, we have an EZA meeting after this and we still have a lot of ground to cover.

UNIDENTIFIED SPEAKER: I don't know if my discussion or my presentation is moot here because I noticed a note a from Al Pitts, the Chairman of the Arterial Roads Task Force Committee on my way in. It's regarding the Country Club Road or County Road 61 improvement issue.

CHAIRMAN DURAN: I'm sorry sir. We're talking about this specific issue on the agenda. I think that you missed comments from the public but if there's room at the

end of the meeting.

COMMISSIONER GONZALES: I you hold on I'll explain to you what went on.

CHAIRMAN DURAN: Let us finish with this agenda item and then I'll turn it over --

COMMISSIONER GONZALES: You're here on the Country Club Estates, right? Okay, just sit tight and I'll be right with you.

CHAIRMAN DURAN: So anyone else out there to speak to this issue?

COMMISSIONER GRIÑÉ: Mr. Chairman, I move that we turn down this issue.

COMMISSIONER ANAYA: Mr. Chairman, I'm going to second and I want to explain my vote because I really believe what this would be doing is you'd be giving it to them on one hand and taking it away with the other and I just don't believe that any benefit will really surface from this particular type of legislation. I second the motion, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Commissioner Gonzales, Commissioner Griñé and Commissioner Anaya voted with the motion.] Opposed. [Commissioner Trujillo voted against the motion.] The motion carries.

CHAIRMAN DURAN: Commissioner Gonzales, do you want to go ahead and explain what happened to that?

COMMISSIONER GONZALES: I was going to visit with him privately so we don't take up any of your time.

X. B. Ordinance No. 1999-___. An ordinance confirming that funding for health care providers who are eligible and entitled to receive indigent health care payments from Santa Fe County will continue to be a priority now that the votes of Santa Fe County have approved on January 5, 1999 the rededication of the second one-half of the third one-eighth of gross receipts tax for emergency services and health care

EPPIE HERRERA (Indigent Claims Director) Mr. Chairman, this ordinance again is confirming that the payments are going to be a priority to our health care providers that are eligible. We're requesting that the Commission approve and adopt the attached ordinance.

CHAIRMAN DURAN: Was there some question that it wouldn't be a high priority?

MS. HERRERA: No, Mr. Chairman. We're just confirming it.

CHAIRMAN DURAN: Okay, is there any questions of Eppie? Is there

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anyone out there that would like to address this issue? Step forward.

REBECCA FRANKLIN: My name is Rebecca Franklin. I'm with the League of Women Voters of Santa Fe County and I've spoken to you on this several times. I just wanted, Mr. Chairman and Commissioners, I want to thank you from moving this from the status of a resolution to an ordinance. I think this certainly indicates your commitment to continuing with sufficient funds to fund the indigent care program and I urge that you pass this ordinance. This is your first hearing on it, right?

CHAIRMAN DURAN: I'm not sure that we have to have two hearings.

MS. FRANKLIN: I urge your support of this. Thank you.

CHAIRMAN DURAN: Thank you for your input. Is there anyone else out there?

Commissioner Grinë moved to approve Ordinance No. 1999-2. Commissioner Anaya seconded. Upon roll call vote Commissioner Anaya, Commissioner Grinë and Chairman Duran voted in the affirmative. [Commissioner Gonzales and Commissioner Trujillo were not present for this vote.]

X. C. Ordinance No. 1999-___. An ordinance amending and replacing Ordinance 1998-4 declaring a moratorium on new subdivisions serviced by Eldorado Utilities Inc. and encouraging conservation measures within the Eldorado service area

COMMISSIONER GRINÉ: And the question I have here, I was on the understanding that we would vote on this today, David.

CHAIRMAN DURAN: Maybe Jack can give us -- because this is his baby.

JACK FROST (County Hydrologist): Mr. Chairman, Commissioners, I too believe it is the first public hearing and it will be heard at the next BCC meeting.

COMMISSIONER GRINÉ: The one at the first of the month?

MR. FROST: Yes, sir.

CHAIRMAN DURAN: Does this jeopardize our ability to continue imposing the moratorium?

MR. FROST: We don't believe so. We believe we're honoring the noticing and the hearing requirements.

CHAIRMAN DURAN: Do you think our County Attorney can confirm that? We're wondering, I guess what we're trying to do is to determine whether or not we need to have an emergency meeting to avoid not being able to impose this moratorium if that's the desire of this Commission. This is the first public hearing, and we have to go to a second one, will the next land use meeting -- I'm sorry, will the next administrative meeting work? Why don't we just do it at the next meeting? Diane, come forward please.

DIANA LUCERO (Acting Land Use Administrator): Mr. Chairman,

committee members, this is scheduled for the April 13 meeting.

COMMISSIONER GRINÉ: We're okay as far as the time line?

MS. LUCERO: That will be the second hearing.

CHAIRMAN DURAN: Who's going to be making this presentation? Anyone? Or do we just open it up to the public? Go ahead, Jack.

MR. FROST: Mr. Chairman, with your permission, Mr. Chairman and Commissioners, we'll make this brief. We are calling for a renewal of the Eldorado moratorium for the following reasons: They are the bullets of your packet memo and I'll just point out the first couple.

CHAIRMAN DURAN: Jack, let me just ask you a question. Is anything changed? Is it still pretty much the same?

MR. FROST: That's the first bullet, sir. There is no changing conditions regarding any submittals by the utility or by potential subdividers regarding long-term water availability. Consequently there's no reason to remove the moratorium. The second point I would like to make is that drought conditions very similar to 1996 do exist now and I've confirmed that the utility's most important well, the Lamy well, is again in decline. I would point out that the utility has been reviewed repeatedly by separate agencies which all find the system lacks adequate capacity in times of drought for existing customers and legal lots of record.

Another key point for staff and this Commission is that without this moratorium, those who have current master plans in the area can attempt to have their master plans processed and if denied, based on the State Engineer's and my reviews, they can appeal those up to this Commission. And that would be problematical and we have no water solution to provide those applicants.

The one point I would make, this is a draft ordinance an moratorium that's been adapted from the previous ones. We've had a number of criticisms of this ordinance and its lack of flexibility for commercial development in the Eldorado area, and I have invited those, including Mark Conklin, who often represents the utility but who is also a developer in the area, I've invited commercial developers to make written suggestions to add flexibility regarding commercial development within a revised new moratorium. So this remains a draft until the next session and there are open discussions regarding potential revisions.

Finally, I might add that I've received no resistance from the utility to extending a moratorium and I've had conversations with Matt Spangler, their counsel.

CHAIRMAN DURAN: So, Jack, in revising this ordinance relative to the commercial needs of the community, you have incorporated those needs? Because you know Eldorado, although there's a moratorium, it's still one of our high-growth area because of the improved lots that did exist out there. I'm not sure, I guess what I'm asking, I would like to be sure that the neighborhood needs on a commercial level are being met with what is existing. So you have left an avenue here for us to --

MR. FROST: This document doesn't really contain that. But I've invited that

and had conversations with Mark Conklin who's directly affected by this and there's another party whose name escapes me, a name and a woman, who want to take existing zoned commercial property where the different lots were allotted different amounts of water, and reconfigure the commercial allocation. We've tried to work with them. So it's incumbent upon them to come forward and give us some good ideas, but we're open to that and there already have been discussions to that effect.

CHAIRMAN DURAN: I bring that up because I know of someone who has talked to be about getting a retirement, not community, but a senior center there, because a lot of people who live out there bring their family or their parents to town have to take them into town to be cared for. I just want to make sure that as we continue this moratorium out there that we don't lose sight of the needs of the community, provided that they can bring reasonable solutions to the water problems out there.

MR. FROST: I agree with you sir.

CHAIRMAN DURAN: Anyone out there who would like to address this issue?

RICHARD CHENAULT: Mr. Chairman, Commissioners, my name is Richard Chenault. I'm the chairman and the president of the Eldorado Area Water and Sanitation District. I think I -- it's hard to hear in the back of the room but I think I heard you say there's going to be a second hearing on the 13th of April.

CHAIRMAN DURAN: Yes sir.

MR. CHENAULT: I assume we don't have to do this twice. You'll carry our testimony over to the next one. Although we'll have some representation here because I understand there may be some changes that will have to be reviewed. What I'd like to do is make a brief statement just to put ourselves on record in the district. The district's boundaries were established in 1997 to encompass existing and future service commitments of Eldorado Utilities. The district represents currently somewhat over 2200 families who are dependent upon Eldorado Utilities for water.

We also represent, and this is an important point, we also represent some other 900 approved lot owners who may or may not be residents, but who have not yet built upon their lots, and an undetermined number of potential lot owners and potential commercial developers who have property as yet undeveloped within the district boundaries. So we represent a broad spectrum of people out there including those who are here and those who are not yet here.

The district has a great concern over the possibility of the inability of the utility to meet the needs of those customers. This is based upon EDU's past difficulties in supplying sufficient water at all times and upon the results of a study commissioned by the district last year. That study indicated that Eldorado Utilities' groundwater supplies may be in decline. The district has not, in the past, chosen, nor do we now choose, to take an official position on the question of the moratorium. The fact that the district is currently in negotiations with AMREP for the potential purchase of Eldorado Utilities makes it especially important that

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we remain officially neutral on this issue.

However, in this time of impending drought, when we're all working very hard to reduce water consumption and to conserve water supplies, it seems only reasonable that we should all take a dim view of any action that might further exacerbate this situation. If the moratorium is lifted at this time and more water is consumed within the area, whether new users get their water from Eldorado Utilities or from domestic wells in the same aquifer, the water supply will be impacted.

Let me make one last comment. If the moratorium is not continued, the district board believes that the opinion of the State Engineer regarding long term availability of water must be respected on a case by case basis for every new development. We stated this in a letter from the district to Commissioner Grifé last November and we remain firm in that position. That's the end of my statement. I'll answer any questions if you'd like.

CHAIRMAN DURAN: Does anyone have any questions? Anyone else out there that would like to address the Commission? Step forward and state your name for the record.

MEREDITH LOWRY: Mr. Chairman, Commissioners, my name is Meredith Lowry. I'm the president of the Eldorado Community Improvement Association. We represent approximately 6,000 people. The community is against the lifting of the current moratorium on the grounds that in the past and with a drought now in progress we had water problems just supplying the people that were already being supplied by the utility. We do not want to see more people added to that.

You also have to understand that there is a lot more building going on in the area. Eldorado has up to 400 more homes still being built, so you already have added burdens on the water supply and especially with the state of the Lamy well, we are very concerned. So we would like to publicly state that we are against any change in the current building moratorium. Thank you.

CHAIRMAN DURAN: Thank you. Anyone else, please step forward.

DOLORES BROCK: Mr. Chairman, Commissioners, my name is Dolores Brock. I'm a resident of Eldorado and president of the Eldorado Residents Association. I know you're going to be confused but we're a small homeowners group out there. And I want to simply say that we support both the water district and the ECIA in their position that no changes be made to the present moratorium. As more houses are being built there is more demand and the water is simply -- we don't believe it's simply not there. Especially to support at this time any more commercial development within the area. And we would hopefully respect that you preserve the moratorium as it is written. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, Denise, my understanding is that there are 900 lots that are still vacated and eligible for building permits and I'm just throwing this out for discussion. Is there some possibility for the Commission to consider putting a moratorium on the ability to receive building permits also as a commitment to this? If this was something through discussion we found out that there are some serious enough

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problems that we need to be able to put a hold on that? Not that the Commission has ever supported any of my moratoriums that I've brought forward.

MS. BROWN: Mr. Chairman, Commissioner Gonzales, you can put a moratorium on building.

COMMISSIONER GONZALES: Would it be an amendment?

MS. BROWN: Yes, we probably would do it through a change to this ordinance. This will be coming back April 13th, so it would probably be done through direction to staff to make that amendment to this ordinance.

COMMISSIONER GONZALES: Let me ask Jack this, and I know that we were looking at the numbers, and maybe Oralynn can offer some insight, but if Eldorado were to be built out under the current moratorium, meeting that the 900 lots came on line, which is unrealistic. I don't know if we can anticipate how many lots a year come on line in Eldorado. But what would be the water need to deal today with those 900 lots that have been approved that are eligible for permits. Have we done an assessment of what those water needs are and are we deficient or does Eldorado have the capability of addressing that?

MR. FROST: Mr. Chairman, Commissioner Gonzales, if I may speak in generalities, we can look at it in terms of 2200 existing customers and some number, 600 or 900 legal lots of record that might be added to that system, pretty steadily in recent years there's been an increase of about ten customers or residences a month. So per year, we're looking at 100, 120 new units per year. So in the next year, 120 units added to 2200, I would say that the peak demand issues, on a hot day in the summer are the biggest concern under that scenario. If we looked at adding all 900 this year, I would be very concerned about that.

COMMISSIONER GONZALES: Right. But it's probably not realistic that the 900 are going to go up.

MR. FROST: That's true.

COMMISSIONER GONZALES: So I guess my question is are we feeling from a staff perspective comfortable that Eldorado or AMREP is capable of meeting the additional units that are coming on line, given basically the history of what we know of new units to be on an annual basis.

MR. FROST: I think so. For a year in the future, yes. And I might add they've drilled a new well and they have an application just in the paper recently to make these wells supplemental to others. So what they're doing is they're increasing the reliability of their supply. In making the wells supplemental to others. They're not adding any new water rights or production for new approval. No, they're not doing that. But they've done a few things. This moratorium has provoked positive change. The fire protection is better than it ever was and the storage scenario, with the addition of the tanks that we've approved makes a peak day demand less likely to drain the tanks and put the fire protection concerns at a maximum.

CHAIRMAN DURAN: I just want to address what Commissioner Gonzales

brought up. I think if we talk about putting the moratorium on vacant land out there that's already been approved, that we run into some pretty big issues. I actually think that before we do that, that we should make a proactive approach and try to force the developer, AMREP to provide the water that he represented to us when we gave approval out there. I don't know how we go about doing that. Probably through court. But I think we need to take a proactive approach.

The other thing we could possibly do is I think that the citizens out there need some protection in the event we have a drought similar to the one we had in 1996. I remember when Corbin was around, he had talked about extending our County water system out there at a cost of \$500,000. And if we did that and if we created a special assessment district, you figure you have 2200 people out there now and 900 more that could go out there, we create a special assessment district and cover that \$500,000 by assessing each property owner \$166.

COMMISSIONER GONZALES: Yes, Mr. Chairman, I wasn't advocating for it. I just threw out for discussion of what it would mean to have a moratorium on building permits but it sounds to me after inquiring to Jack that it's pretty reasonable that they're continuing to increase their capacity so it doesn't seem that something could happen. And I agree with you. There are options out there. I think what we've done over the past couple of years is we've sat back and we've tried to allow AMREP the ability to try and solve the issues that you're talking about. When the district was created and I think that Commissioner Griñé had advocated that we step back and really allow the district to try and grow and be able to serve the needs that it had set out to do.

I think that it's important that we explore the options that the chairman's talking about and allow the district to see how far they can go and hopefully succeed with AMREP in their discussions but at some point, hopefully there will be a point where Santa Fe County has a line that does go out to Eldorado and either buys water from Santa Fe County, to use as a back-up or whatever it might be. But that's all part of this whole regional planning effort that I know Estevan has brought forward and has worked with Jack on. Your points are well taken. I think we should move forward at least in taking it to the next discussion. Estevan probably already has, is what does it mean to move Santa Fe County's water lines up there and how can we support the district in its efforts of what they're trying to accomplish.

That's always brought up when I talk about the moratorium issue is what would it mean if we did that to building permits and it doesn't sound like it would be much, the fact that they are coming up with some good mechanisms to support the water issues out there.

CHAIRMAN DURAN: To put a moratorium on those lots [inaudible] a long time. That's why I think that rather than just every year passing a moratorium, why can't we take -- I'm not saying that you have to, but I'd like to see us taking a more proactive approach to the problem.

MR. CHENAULT: Mr. Chairman, Commissioners, I would like to address some of that if I could. I think I could shed a lot of information, a lot of light on what you're talking about. First of all, remember as I said before, we represent three entities.

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The people that are there now, the 900 people that would like to build there some day and the others that would like to develop. There are several things happening that are pertinent to this particular activity. There was a hearing at the Public Utilities Commission over the last 18 months or so which was settled just before the end of the year, where the Public Utilities Commission reviewed Eldorado Utilities ability to meet their customers' needs. As a result of that, they have formed a kind of a watchdog committee where the Eldorado Utilities comes in every month, and we've been participating in these meetings, the district has, to inform the Public Utilities Commission, now the PRC, of the progress they're making.

And some of the things that Jack just mentioned, like bringing new wells on line, those kinds of things are happening. So they have responded to the crisis. Secondly, the district is actively engaged in trying to purchase the Eldorado Utilities from AMREP. The thing that's holding us apart is money. They've indicated that they would like to sell. We've certainly indicated that we would like to buy. We have undertaken a strategic plan to look at the water requirements over the next 20 years or so, based on the fact that we would purchase the water company. It involves some additional wells for the short term and in the long run it involves a pipeline to the city or to the county to take surface water from the Rio Grande when it's available. But it won't be available for some time.

So running a pipeline to the County at this time is an expensive operation. We have always expected that the people out there will end up paying for it. It would be nice if the County assessed everybody but that doesn't seem quite fair. So in the long run -- in fact we have a study going on right now, an engineering study, to define where that should go, how much it would cost, what the problems might be. We're going to put that in our pocket and hope that we can implement it over the next few years when we think the water is going to be reasonably available.

So there's a lot going on. I also personally went to the Public Utilities Commission last year at their final hearing and urged them not to cut off water from the 900 lots that are out there, because I believe, and I think the whole board believes that's grossly unfair. That's a very serious step. Well beyond a moratorium on new development. So I guess what I'd like to leave you with is that we certainly don't support that. We believe that if we can get our hands on the water company things are going to get a lot better. We have plan. We also believe that Eldorado Utilities has made significant progress in meeting the problem. And the fact that it's going to be these new customers come in over a period of time is certainly an important issue. Thank you.

CHAIRMAN DURAN: I would just like to say that I hope that you are successful in acquiring the water system and I hope that you are, that you don't let AMREP off the hook for whatever obligations they may have to your community and to the County of Santa Fe.

MR. CHENAULT: That's why we're still in negotiations. Thank you.

CHAIRMAN DURAN: So this is the first public hearing. Is there anyone

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else out there? If not, we'll move on to the next item and we will discuss this and vote on it at the April 13th meeting.

MR. STRUMOR: Mr. Chairman, members of the Commission, after consultation with the County Attorney I think we've agreed that we ought to consider the special election resolution first. This is a very short two-page resolution that calls for the election and provides that the details be provided in an ordinance. So with the permission of the County Attorney subject to consideration of the Board, I think we ought to do that first.

- X. E. **Resolution No. 1999-46. A resolution authorizing a mail ballot election on the question of whether to impose the improvement district property tax and on the question of whether to issue improvement district general obligation bonds in an aggregate principal amount not to exceed \$2 million**

MR. STRUMOR: What Resolution 1999-46, this is the next step in the Rancho Viejo improvement district project. In fact, the improvements have already been constructed by the corporation and the process is to have the tax-exempt bonds issued to reimburse the corporation for the expenses of the infrastructure and the administrative expenses of the County incurred in getting to this point. So briefly, the special election resolution calls for two questions. One is whether an improvement district property tax, at a rate not to exceed ten dollars per one thousand dollars of net taxable value on a described portion of the district, whether that should be approved, and two, the second question is whether or not \$2 million of improvement district general obligation bonds should be issued to acquire the improvements.

The resolution then provides in Section 2 that the details be provided in an ordinance to be considered by the County and that would be item D. I stand for questions. We have Bob Taunton here from Rancho Viejo de Santa Fe, Inc. to answer any questions about the project and I stand for any questions on the process.

CHAIRMAN DURAN: Any questions of Bob? Is there anyone out there that would like to address this issue? If not, what's the pleasure of the Board.

Commissioner Grifé moved approval of Resolution No. 1999-46 authorizing a special election. Commissioner Gonzales seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales leaves the meeting]

- X. D. **Ordinance No. 1999-3. An ordinance authorizing the imposition of an improvement district property tax for the Santa Fe County, New Mexico Rancho Viejo improvement district in an amount not to exceed ten dollars per thousand dollars of net taxable value upon property subject to**

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property tax within the district ("the improvement district property tax"); calling for an election of the qualified electors within the district on the question of whether to impose the improvement district property tax and on the questions of whether issue improvement district general obligation bonds in an aggregate principal amount not to exceed two million dollars; if approved at the election authorizing the issuance and sale of Santa Fe County, New Mexico improvement district general obligation bonds in the aggregate principal amount not to exceed two million dollars for the purpose of acquiring certain improvements with the district; providing for the payment of the bonds from the improvement district property tax; providing for the form, execution and other details concerning the bonds, the funds appertaining thereto; approving disclosure and other documents relating to the bonds; and ratifying action previously taken in connection therewith

MR. STRUMOR: I just have a brief comment that after we had a requested technical change from the corporation on page six, it clarifies the name of the developer as Rancho Viejo de Santa Fe, Inc. and I have a replacement page. You don't have that in your package, but it changes the name from Rancho Viejo Corporation to Rancho Viejo de Santa Fe, Inc. on page 6 and the Clerk has that. And on page 21, there was a request of the County regarding a very technical point, of facsimile signatures to make that permissive instead of mandatory. And that language change is on page 21. So out of 60 pages that's only two things that have changed in there. It's been reviewed and approved by the County Attorney.

CHAIRMAN DURAN: I've asked this question before. Has the County Attorney reviewed this document or what is the review process on this?

MS. BROWN: Mr. Chairman, we look over them but we don't review them for substance, no. It's much like when our tort claims go out to outside counsel, we hire them. We don't serve to review their work. Basically, they're hired as our counsel. We don't do our bond work in house.

MR. STRUMOR: However, this was reviewed by them. We have passed drafts of this through the County Attorneys Office and yes, we take full responsibility for the work.

CHAIRMAN DURAN: Any questions of Bob? Anyone out there that would like to address this issue? What's the pleasure of the Board?

Commissioner Grifé moved to approve Ordinance No. 1999-3 and Commissioner Anaya seconded. The motion passed on roll call vote with Commissioner Anaya, Commissioner Grifé, Commissioner Trujillo and Chairman Duran voting in the affirmative.

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MATTERS FROM THE COUNTY ATTORNEY

1. **Executive Session**
 - a. ***Vigil vs. Maestas***
 - b. **Discussion of possible purchase of water rights: Top of the World**

Commissioner Anaya moved to go into executive session to discuss the proposed settlement in *Vigil v. Maestas* and the possible acquisition of water rights. Commissioner Griñé seconded. The motion to go into executive session passed by unanimous roll call vote with Commissioner Anaya, Commissioner Griñé, Commissioner Trujillo and Chairman Duran voting in the affirmative.

[The Commission met in executive session from 5:40 to 6:09.]

Commissioner Anaya moved to come out of Executive session and stated that the only items were discussed were those listed in the agenda. His motion was seconded by Commissioner Griñé and passed by unanimous voice vote.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 6:10 p.m.

Approved by:



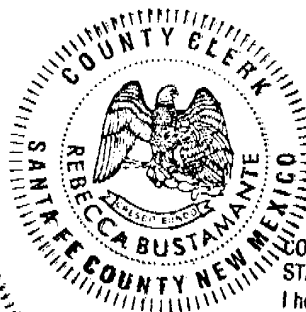
Board of County Commissioners
Paul Duran, Chairman

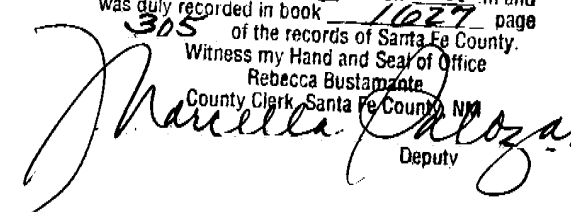
Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1069838
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for
record on the 14 day of Apr, A.D.
19 99 at 8:08 o'clock PM and
was duly recorded in book 1027 page
305 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, NM

Deputy

