

SANTA FE

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BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 28, 2000

Richard Anaya, Chairman
Marcos Trujillo
Javier Gonzales
Joe Griné
Paul Duran

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:45 p.m. by Chairman Richard Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

None

CHAIRMAN ANAYA: The chair would like to recognize the presence of Commissioner-elect Jack Sullivan, who is in attendance.

APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or withdrawn items**

CHAIRMAN ANAYA: Are there any changes, amendments or deletions?

SAMUEL MONTOYA (County Manager): Mr. Chairman, members of the Board, good afternoon. We do have one amendment, Mr. Chairman. It is under Section IX. I. C. and the issue is Authorization to enter into a right of first refusal with Santa Fe Horse Park regarding the Hagerman water well. Mr. Chairman, that is the only amendment we have for today's meeting. There are some tablings. The first, Mr. Chairman, is under Section IX. A. 2 on page 3. That first tabling is an authorization to enter into amendment number one to the Neighborhood Housing Services under the Santa Fe County Homeownership Plan.

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Mr. Chairman, the second tabling is under item IX. F. 3 on page 5. It is to request authorization to enter into a contract negotiation with the highest qualified respondent for the federal lobbyist. And one final tabling, Mr. Chairman, under item IX. I. 4 on page 6, which is request authorization to enter into a purchasing agreement with Rancho Viejo for 50 acres adjacent to the County Detention Facility. Those are the tablings for today's meetings, Mr. Chairman. I stand for any questions.

CHAIRMAN ANAYA: Thank you, Sam. Are there any questions?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I was wondering if the Board would consider tabling the—it's under Matters from the County Attorney, Steve Kopelman, in executive session. I think that it's too early to enter into, or to approve the contract to purchase the Hagerman well and the agreement that we're going to have with the Santa Fe Horse Park. It was just complete today and it's the packet or it's going to be delivered to us today?

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner, it will be provided in the executive session.

COMMISSIONER DURAN: I think that that's too much to digest in one meeting. I looked at the contract a little bit and saw some flaws in it that I'd like to go over with you. I'd like to table that until the next meeting, if that would be okay.

CHAIRMAN ANAYA: Commissioners?

COMMISSIONER TRUJILLO: Yes, Steve, what will that do to the progress of this issue? Will it have a disparate impact on trying to achieve some finality to this?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, I think that it would not, it should not impede the ability to go forward and bring this to closure and I think that it's prudent for the Commissioners to have some time to review the documentation. So I think that's fine. We have no problem with that at all.

COMMISSIONER DURAN: Mr. Chairman, Commissioner Trujillo, I do think that the presentation should be made to us in executive session though. But I'd like to kind of hold back on making a decision until we're able to understand it a little bit more clearly.

MR. KOPELMAN: Okay, Mr. Chairman, then that would be matter under IX. I. 2 and that would include a, b, and c.

CHAIRMAN ANAYA: Okay, also, there's been a request to move up the Matters from the County Manager, item F. 1 or 2, items F. 1 and 2.

MR. MONTOYA: Correct, Mr. Chairman.

CHAIRMAN ANAYA: To move up the request of the presenters because of a time hindrances and catching a plane flight out of here. So we'd like to move that up to after our presentations and awards, right before Administrative Items, if it's okay with the Commission.

Commissioner Duran moved to approve the agenda as amended and Commissioner Griñé seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not

present for this action.]

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APPROVAL OF THE MINUTES: November 30, 2000 – Special study session

Commissioner Grifé moved to approve the November 30 study session minutes and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

December 11, 2000

Commissioner Grifé moved to approve the December 11, 2000 meeting minutes as submitted. Commissioner Duran seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

VI. CONSENT CALENDAR

MR. MONTROYA: Mr. Chairman, I would respectfully ask the Board to consider approval of all the items under the Consent Calendar, Mr. Chairman. I would ask that if the Commission has any particular questions on any of those issues that we segregate those particular questions. I would also call upon the Board to look specifically at item K, which is the adoption of findings of fact and conclusions of law relative to several of our land use cases.

Mr. Chairman, this is a new item that has been placed on the agendas recently. We are seeking to have the Commission approve these findings of fact as is required now by law. And I would also defer, Mr. Chairman, to Mr. Kopelman to give you more detail on that particular section, but would ask the Commissioners to extract any of the other items, anything A through J, at this point, if you have any additional questions on any of those. And then would defer to Mr. Kopelman on item K.

[The Consent Calendar items are as follows:]

- A. Resolution No. 2000-166. A resolution requesting an increase to the water enterprise fund (505) to budget cash balance for expenditure in fiscal year 2001
- B. Resolution No. 2000-167. A resolution requesting an increase to the water enterprise fund (505) to budget sales revenue for expenditure in fiscal year 2001
- C. Resolution No. 2000-168. A resolution requesting a budget transfer to the road projects fund (311)/County Road 84G from the general fund (101)/capital package for expenditure in fiscal year 2001
- D. Resolution No. 2000-169. A resolution requesting an increase to the general fund (101)/Region III program income to budget federal forfeiture revenue

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- for expenditures in fiscal year 2001
- E. Resolution No. 2000-170. A resolution requesting an increase to the fire protection fund (209)/Stanley fire district to budget a grant received from the New Mexico Energy, Minerals and Natural Resources Department for expenditure in fiscal year 2001
 - F. Resolution No. 2000-171. A resolution requesting an increase to the comprehensive improvement assistance program (CIAP) fund (301)/2000CIAP cost center to budget the subsidy received from the US Department of Housing and Urban Development for expenditure in fiscal year 2001
 - G. Resolution No. 2000-172. A resolution requesting an increase to the general fund (101)/solid waste community programs budget to realign the appropriated fiscal year 2001 budget with the final grant award as approved by the New Mexico Highway and Transportation Department for expenditure in fiscal year 2001
 - H. Resolution No. 2000-173. A resolution requesting an increase to the general fund (101)/solid waste division to budget prior year cash balances for expenditure in fiscal year 2001
 - I. Resolution No. 2000-174. A resolution requesting an increase to the road projects fund (311)/Richards Avenue road improvement and development agreement for expenditure in fiscal year 2001
 - J. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB #21-24 RB1, for the Chimayo fire roofing project
 - K. Request adoption of findings of fact and conclusions of law for the following land use cases:
 - 1. TDR Case #Z 99-5052, Bishop's Lodge
 - 2. CDRC Case #Z/V 00-5930, Gonzales Cellular Tower
 - 3. CDRC Case #V 00-5341, Donald Miller

CHAIRMAN ANAYA: Okay, are there any other items on the Consent Calendar that the Commission would like isolated for discussion?

COMMISSIONER DURAN: Item I, Mr. Chairman.

CHAIRMAN ANAYA: Item I, at the request of Commissioner Duran. Any other items? Sam, for an explanation of item I.

MR. MONTROYA: Yes, Mr. Chairman. One moment, Mr. Chairman.

COMMISSIONER DURAN: Sam, while you're looking for that, can I just ask one question of Steve, Mr. Chairman?

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Item K., findings of fact. Did we not adopt the findings of fact at the meetings where these issues were heard?

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MR. KOPELMAN: Mr. Chairman, Commissioner Duran, these basically, you made the motions. The testimony was given, but I think we need to do one additional step on these cases. State law now, under Section 39-3-1.1 requires a final written decision, and so it's hard to really draft the decision until after the hearing.

COMMISSIONER DURAN: Okay.

MR. KOPELMAN: So it's basically the same way that a judge would render a decision and then get the findings and conclusions of law shortly thereafter. So basically, what we're doing in item K, the three cases, are just reiterating what the Commission's actions were and putting them in writing in the form of a final decision. So it really just reflects the findings and conclusions and decision of the Commission at the last hearing.

COMMISSIONER DURAN: And is it part of our packet?

MR. KOPELMAN: Mr. Chairman, Commissioner, it is in the packet and it would become part of the record. It would be filed of record with the County Clerk's office and become part of the record if the case goes forward on appeal to the District Court.

CHAIRMAN ANAYA: Any other questions on these issues?

COMMISSIONER DURAN: Just item I, Mr. Chairman.

MR. MONTROYA: Mr. Chairman, members of the Board, on item I, Commissioner Duran, the action required today, requested today is a budget increase, Mr. Chairman, that would go to the developer's contributions based on the development agreement adopted by the Board at the last meeting, totaling a sum of \$1,057,626 for improvements to Richards Avenue. So it would augment the budget by that amount.

COMMISSIONER DURAN: And where did this money come from?

MR. MONTROYA: From the developer agreement that the Commission considered at the last meeting.

COMMISSIONER DURAN: Refresh my memory. This didn't come out of our general fund, right?

MR. MONTROYA: No, this, Mr. Chairman, was the agreement with the Rancho Viejo Corporation.

COMMISSIONER DURAN: Okay. They made this contribution.

MR. MONTROYA: Yes, Mr. Chairman, and the amount is based on a bid for improvements to the road that have been opened and reviewed and at this particular time, Mr. Chairman, we're asking that the Commission authorize us to build this amount into the budget for those improvements.

COMMISSIONER DURAN: That we build it into our budget?

MR. MONTROYA: Yes, Mr. Chairman.

COMMISSIONER DURAN: Using the money that they contributed.

MR. MONTROYA: Exactly.

COMMISSIONER DURAN: Okay. Thank you. I have no other questions.

Commissioner Grifé moved blanket approval of the Consent Calendar and Commissioner Duran seconded. The motion passed by unanimous voice vote.

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COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

CHAIRMAN ANAYA: Before we move on, I apologize. I was wanting to ask for a tabling of an item and I don't know if we need to get to that item now before we table it and that was a presentation by the New Mexico National Guard. The guard has requested to table that for a period of time. Shall we wait till we get to that point and then just table it then? Would that be more appropriate?

COMMISSIONER DURAN: Are the presenters here?

COMMISSIONER GONZALES: No actually, I've known for a while that they were going to table it and I was neglectful in notifying staff of the tabling.

And then the other issue, Mr. Chairman, before we proceed, I was informed by staff that there may be members of the La Cienega community that are requesting appointment to the local development review committee who have not submitted their names prior to today, and if any of you are out here who have not submitted your names prior to today, you can give your names to Paul Olafson so we have your names when we begin to discuss the appointments. We'd appreciate it. Thank you. Thank you, Mr. Chairman.

COMMISSIONER DURAN: Do we need a motion for that to table that particular presentation, Steve?

Commissioner Gonzales moved to table the presentation by the New Mexico National Guard. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

VII. PRESENTATIONS AND AWARDS

A. Certificate of Appreciation to Dolores Gonzales, Department of Finance and Administration, for the recent required submittal on the County's CDBG projects

ROBERT ANAYA (CHED Director): Mr. Chairman, Commissioners, Dolores was unable to attend the meeting today but I would still like to say that Dolores was very helpful, Ms. Gonzales was very helpful in the process of helping us work with all our capital projects, our CDBG projects, all our state appropriation projects and was very diligent and cooperative in her efforts in helping us meet the necessary threshold requirements that we had in order to be eligible for the CDBG applications.

So at the request of our County Manager, Mr. Montoya and you the Commissioners, I would just like to also acknowledge her. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Robert. The CDBG grant is probably one of the most gratifying forms of funding that we get in this county and that to me is so

rewarding. Robert, I'd like to give this to you to present to Dolores, if you don't mind. Thank you, Robert.

VII. B. Status of the Home Ownership Plan

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MR. ANAYA: Mr. Chairman, Commissioners, as you know, for several years the Santa Fe County Housing Authority has been working diligently to get our home ownership plan approved. There have been several revisions that were mandated that we complete for this home ownership plan and we finally crossed over the last hurdle recently and got the final approvals to go ahead with the home sales program.

During this process we have been working closely with Neighborhood Housing Services, which has been helping us through the counseling services that we need in order to initiate this program. With that, Mr. Chairman, Commissioners, I'd like to call Mr. Mike Loftin, the executive director of the Neighborhood Housing Services forward to give a brief presentation as to where we go from here with the home ownership program.

MIKE LOFTIN: Thank you, Robert. Chairman Anaya and Commissioners, it's been, as you know, we've been working on this project for a long time and I think we're really there now. I think we have a really exciting project here. Working with Robert and his staff has been really, really good. As you know, there's probably four main barriers, we think, in terms of buying a house in Santa Fe. One, obviously is the price of the house. Another is the cost of the money, the financing or the mortgage to buy the house. The amount of down payment required can also be a serious barrier to owning a home. And then also just being able to get approved for a mortgage.

So in this program we have really tried to address all those four barriers. And if I could, I'd just like to show you the pricing schedule on these on the overhead. There's two projects that the Housing Services Division is working on. The first one is called Vista Verde which is off of Airport Road behind Cedar Creek apartments, if you know where that's at. These are all new construction and they're under construction right now and it's going very quickly. The appraised value of the three-bedroom unit is \$136,000 and the four-bedroom unit is \$147,000. As I said, one of the barriers to buying a home is the down payment requirement.

We have a new mortgage program that people can get in with only one percent of the purchase price for down payment, which is really good. So the second column there shows the down payment, or the second row. There's also going to be homebuyer assistance. We just applied to the mortgage finance authority for \$15,000 in homebuyer assistance through the federal home program, and the Housing Services Division will also be carrying out what is known as a soft second mortgage where there's no payments on that. So overall, we'll be discounting the price of the home \$30,000.

So the amount to be financed is really the effective cost of that house to the homebuyer. So basically, what it comes right down to is a family earning an minimum

gross annual income of \$27,000 could buy that three-bedroom house. The average salary of a school teacher right now in Santa Fe County is about \$30,000 to \$31,000. So this is a house that a school teacher, earning the average salary could afford to buy. 1852850

The other thing I broke out, just because I thought it was interesting is if you had two people in the household and they're both working, what would they need to make hourly? So basically, if there's a two-person household, two wage earners in a household, if you're making \$6.67 an hour, you could buy that house. Just to show you the affordability.

Now this is--the other project that we're working on is more inexpensive than this, but the bottom line is somebody earning around 50 percent of the median income could buy either that three- or four-bedroom house. Are you with me with all this? So we've really tried to address the down payment issue, the affordability issue and you also notice that the interest rate on the mortgage right now is 6.88, that's a new, first-time homebuyer mortgage program that just came out. That's a fortunate thing because interest rates are dropping right now and that's going to help a lot. Are there any questions on this project?

COMMISSIONER TRUJILLO: The homebuyer assistance, Mike, that is money that is taken off the top?

MR. LOFTIN: Yes.

COMMISSIONER TRUJILLO: Of the appraised value?

MR. LOFTIN: Well, part of that is we're going to discount the price of that house off appraised value five percent. So that the actual purchase price will be five percent less than that purchase price. The remainder of that discount will be in the form of a soft second mortgage. There's no interest on it and you pay it back when you sell the house and in one case, it will be forgiven over ten years. So the longer you live in the house the more equity you're accumulating.

COMMISSIONER TRUJILLO: Are these houses available right now?

MR. LOFTIN: They will be shortly. And Robert might have the more specific time line on that. But they're under construction now.

MR. ANAYA: Probably June of next year. June or July of next year, the new houses will be completed and the houses that Mr. Loftin will talk about shortly are being rehabbed as we speak and those will be ready at a similar time. Actually, those will be ready even sooner than that.

COMMISSIONER TRUJILLO: And you'll have to qualify for this sort of housing? Is there an application process?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, Neighborhood Housing Services is working with us on helping to qualify the buyers for the mortgages and we're targeting those people who are living in public housing or within our Section VIII program first and then after that, if there's available housing then we will go out into the general public. But they will be assisting us with the application process and if there's people that have difficulty obtaining the mortgage, then those people can go through some of the counseling services that NHS has to help them bring their credit ratings back up so

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that they can be eligible as well.

COMMISSIONER TRUJILLO: Thank you.

MR. LOFTIN: It does raise another issue. There's two things that have to happen. Under the federal guidelines for this program you have to be below 80 percent of the median income. So in this case, anyone between 47 percent and 80 percent of the median income could afford to buy that house. The other problem is you have to qualify for a mortgage. And just because your income is right and you have enough income to buy the house doesn't mean you qualify for a mortgage. If you have credit problems. So one of the things that Robert and I are working on is, and think that's the amendment to the agreement that will be coming up at some point is creating a mortgage pool that is very flexible in terms of its underwriting.

So people with more serious credit problems, we'll come up with some underwriting standards. It's not like anyone who walks through the door, if their credit's really bad then we're going to have to make a judgement on that, but something that's more flexible than the typical Fannie Mae mortgage and just kind of creating a revolving loan fund that gives us more flexibility to be able to help more people.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Mike, who subsidizes that \$30,000 soft second?

MR. LOFTIN: Well, 15 of it would be coming from, half of it, we've just applied for federal home money and it's administered through the state Mortgage Finance Authority. So that would be coming from a third party source. The other \$15,000 would be from the Housing Services Division, so instead of the payment of—instead of getting all the proceeds from that sale in cash, some of that would be deferred income that would be paid back when that homebuyer resells the house.

COMMISSIONER DURAN: But if he keeps it for ten years, it goes away.

MR. LOFTIN: It would be forgiven. In the case of Vista Verde, it's due on sale. Whenever they sell it, it gets paid back. In Valle Vista, that is one where we're proposing that it be forgiven over a period of ten years. Does that answer your question?

COMMISSIONER DURAN: Yes. Thank you.

MR. LOFTIN: Valle Vista is the more affordable of the two, so we're really trying to hit two groups of people, two populations. In Valle Vista, the appraisals came in at \$82,000 for a three-bedroom and \$97,000 for a four-bedroom. These are going to be rehabilitated units. Eight of them are under rehabilitation right now. The down payment is very small, it's less than \$1,000. Same kind of \$30,000 amount of assistance. So at \$411 a month, by the time you pay taxes and insurance, it's hard to find a rental at \$411. You could buy this unit, basically, one, an individual earning \$7.19 an hour would be able to buy that three-bedroom unit. So basically, someone who's close to minimum wage, a little bit higher than that, would be able to buy that unit. It's 25 percent of the median income for Santa Fe.

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So this is a very affordable home. These homes are not going to be as nice as the new homes that are being built. They're brand new. They're bigger. These are relatively small. That three-bedroom is less than 900; it's 860-some square feet, I believe. So they're much smaller units, but it needs to be competitive with what you could rent something like that for, but it gives people a chance to own something and build up some equity, and that's what we're hoping, is that as we do more work here that those homes are going to appreciate in value and people will have a real investment for their family.

COMMISSIONER DURAN: Mr. Chairman, Mike, the Valle Vista homes are existing homes, right?

MR. LOFTIN: Yes.

COMMISSIONER DURAN: And we're using some of this HUD money to improve them, to retrofit them, to bring them up to standard?

MR. LOFTIN: That's right. And I think Robert could tell you more about that but they've had to do—there's been some asbestos they've found in that and that had to be abated. And then we're improving windows, flooring, cabinets, the whole bit, under a separate grant, there's been assistance from HUD to do some of that renovation.

COMMISSIONER DURAN: So when we sell it to these people, it will basically be as—it will be fresh? It will be as much of a new house as you possibly can make it? It will be a remodeled home?

MR. ANAYA: Mr. Chairman, Commissioner Duran, it will be completely abated, have new cabinets, new flooring, new stucco, windows as necessary. We recently replaced most of the windows over there but it will be in good condition.

COMMISSIONER DURAN: Great. Thank you, Mr. Chairman. Thank you, Robert.

CHAIRMAN ANAYA: Continue, Mike.

VII. D. Presentation on Airport Disaster Preparedness

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: I asked that this presentation be made as a result of a meeting we had out in Agua Fria, myself and Commissioner Anaya, and one of the issues that was brought up by some of the area residents in La Cienega was whether the County was prepared to participate or prepared to handle any type of air disaster that might occur and just briefly, I asked Stan to come forward and let us know one, their state of preparedness and two, if there's any deficiencies that might exist to be able to properly respond to any type of air disaster in the La Cienega area. Or even, as the flight patterns are coming in, the whole west side could possibly be exposed to some kind of disaster.

STAN HOLDEN (Fire Chief): Mr. Chairman, members of the Commission, on behalf of Assistant Chief Blackwell, who had prepared this presentation and was ready to give it on Tuesday before the meeting was cancelled. He subsequently

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had been previously scheduled to fly to Tucson to be with his daughter at the University of Arizona where she is attending school. So I'm here on his behalf. Assistant Chief Jeff Saunders and I will try to answer your questions in regard to the airport disaster preparedness in regards to the Santa Fe County Fire Department.

Mr. Chairman, as the situation exists today, the Santa Fe County Fire Department in conjunction with the City of Santa Fe Fire Department has an airport emergency response plan. The plan was originally adopted in 1995 and was most recently updated in April of 1997. That response plan was written by the City of Santa Fe primarily because the City of Santa Fe has jurisdictional responsibility for the airport itself.

Once an incident were to occur off the site, it would be the responsibility of the Santa Fe County Fire Department. We've had a number of incidents happen just off the airport grounds and in any case, irregardless of whether the incident occurs on the airport grounds, City of Santa Fe property, or off the grounds in the county of Santa Fe, there's a dual response from both the City of Santa Fe Fire Department and the County of Santa Fe.

Obviously because the City of Santa Fe is a paid, career fire department and they have a station located on Airport Road, in the majority of all cases, the City of Santa Fe Fire Department responds as the primary responder and reaches whatever incident occurs, whether on or off the property site first.

So by incident command procedures, the City of Santa Fe Fire Department would establish and be responsible for mitigating whatever incident were to happen, whether it was on City property or in the county.

We were briefly asked to respond to whether or not in our opinion the fire department was prepared to respond to and mitigate an incident that were to happen. It is in my opinion the Santa Fe County Fire Department is prepared and we can and we have responded to and mitigated many incidents that happened in conjunction with the operation of the City of Santa Fe Municipal Airport. Are we as prepared as we'd like to be or is the City of Santa Fe as prepared as they would like to be and in my opinion the answer would be no.

We do not have an aircraft rescue and fire fighting vehicle staffed 24 hours a day, seven days a week stationed on the airport grounds. There is an aircraft rescue truck on the site, that is operated by the National Guard, and it is my understanding from the operational plan and in talking to the commander there that that vehicle is not staffed on a consistent basis and is only staffed primarily when there are operations secondary to the National Guard operations, primarily in their use of helicopters and other aircraft during their events.

So to answer the question that was presented to us quickly, we are prepared. I believe the City of Santa Fe Fire Department is also prepared to respond to and mitigate an incident that happens at the airport, but if you were to look at all the national standards and compare our readiness and ability to respond, we do not meet the national standards. The closest I can come to in comparison is the City of Farmington in San Juan County. For example, the City of Farmington has a fire station directly on site at their airport and that

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station is staffed 24 hours a day, seven days a week with paid firefighters. And, in addition to that, their fire truck is an aircraft rescue firefighting vehicle equipped and built for the specific purpose of conducting those types of operations.

COMMISSIONER GONZALES: So how do we get there, Stan? How do we become—is it realistic that we'll ever get to the point where we are as prepared as we need to be or is that just as a result of the environment that we're in right now?

MR. HOLDEN: You're talking about a huge infusion of capital and a huge cost associated with personnel. If I were to give it a priority rating based on the other priorities that we have in the County Fire Department it would probably fall at the bottom of the list, quite frankly, Commissioner. And the reason I say that is because we have been able to mitigate incidents that have happened in the past. Not as quickly or as effectively as we would like to, but if I can use another comparison, it's just been within the last three or four years with this sitting Commission that the County Fire Department has been able to upgrade its medical rescue services, emergency medical services, from what was primarily an emergency medical technician or basic level response, which was about 90 percent, and about 10 percent paramedic level.

Only in the last four years have we been able to reverse that with a huge increase in cost on the capital cost and also on the personnel side, as this Commission understands because of the priority they've placed on the fire department in the last four years. We now have a budget that is about three times what it was when I first started four years ago and primarily that is a result of the paramedics that we have hired and now we can respond to the EMS emergencies in the county 99 percent of the time with a paramedic. Now the reason I use that as a comparison, Mr. Commissioner is that on a day to day basis, we respond to a huge number of emergency medical incidents throughout Santa Fe County. We do not respond to that same number of aircraft rescue or crashes in Santa Fe County.

So that's why I would place it on a lower priority than the things we've been able to accomplish this far.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Stan, since the airport is located right smack in the middle of a residential community, how do we appease the community's sentiment regarding being able to respond to these sorts of emergencies. It's a reality. I also understand that there is some requirement. We've got our volunteer fire people that are certified to some extent regarding airport preparedness. Is that correct? But my main question is what do we tell the community?

MR. HOLDEN: Mr. Chairman, Commissioner Trujillo, what we tell the community is that with the monies that we have available, we are as prepared as we possibly can be to mitigate any incident that happens either on airport property or in Santa Fe County in any of the housing areas. Our primary concern as the fire department is actually the area surrounding the airport, protection of property and life in Santa Fe County. Certainly, if this Commission were to consider and recommend or direct us to make the investment necessary to improve those services, we could do that. But it would

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be at a huge cost in approaching the cost that we currently encountered in the last four years to meet that type of commitment that the City of Farmington has, for example.

And I would have to question whether or not we would want to do that when we consider that jurisdictionally, the City of Santa Fe has responsibility for that property. From the community standpoint I think the fire departments are doing everything we can with our current resources. So much so that unlike many county/city governments, we cooperatively train and respond to incidents that happen at the airport, whether they're on the airport property or in the County of Santa Fe.

COMMISSIONER TRUJILLO: And there is a certification requirement that our volunteers have to go through regarding being able to respond to airport emergencies? Is that correct?

MR. HOLDEN: Mr. Chairman, Commissioner Trujillo, there isn't an aircraft rescue firefighting program. We have a number of people that have been certified in that program. As many as we would like? Certainly not. But again, if you were to look at the demand on the volunteer's time, and consider that on a daily basis what is the percentage of likelihood that they're going to respond to a structure fire in the county, an emergency medical incident in the county, or an airplane crash, you have to put your time and training where you believe, or I believe as the Fire Chief, they're going to be needed. And that's why we've focused the majority of our time on the EMS side and on the structure fire side, as well as on the wildland firefighting side.

So if we were to compare to other communities, I think we're just as prepared with the exception that we do not have a specific airport crash rescue vehicle stationed at the airport, and we do not have 24-hour a day coverage with paid firefighting personnel. It's no different than having a specific level of training for EMS response, where if you want to have the best in EMS responses, you hire paramedic firefighters. That's what this county has decided to do and we've done that. If we wanted to do the same on the airport side, we would hire specific career firefighters that were trained in airport crash rescue services.

CHAIRMAN ANAYA: Stan, clarify something for me. What is the City's participation in this since the own the airport property?

MR. HOLDEN: Mr. Chairman, specifically, their responsibility is because it is their jurisdictional responsibility, the City of Santa Fe Fire Department is the incident commander on any response that happens on the airport grounds. That happens for a couple of reasons. Number one, they have jurisdictional responsibility, but number two, because they have a paid firefighting staff stationed on Airport Road, the majority of the time, their response is quicker than anything that we can provide from either the Agua Fria Fire District or the La Cienega Fire District.

CHAIRMAN ANAYA: I see. Any other questions of Stan? Thank you, Stan.

MR. HOLDEN: If you might indulge me just for a second, Mr. Chairman. On behalf of the County Fire Department I'd like to thank this sitting Commission before

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us today for the outstanding support that you've offered our department over the last four years. We've accomplished a great deal and we recognize that it is due largely to your commitment to us and we appreciate that. Thank you.

VIII. F. Matters from the County Manager

1. Request authorization to enter into amendment number six to the operating agreement with Cornell Corrections for operations of adult detention facility

MR. MONTROYA: Mr. Chairman, members of the Board, Mr. Chairman, I would like to break this presentation down in four particular sections to try to cover all of the relevant issues on this matter. And those sections would be policy considerations, legal questions, financial issues, and programmatic changes that come with this particular amendment. Mr. Chairman, before you we have corrections contract amendment number six to the Cornell Corrections operating agreement. Mr. Chairman, I want to point out that over the last two years, we have been learning from our relationship with the private sector on operations for our County facility. We have learned a lot about how to structure these contracts and the importance of having clarity in these agreements and that there is some very clear specificity on how we're going to move ahead with the particular sections of the contract.

The five prior amendments that have come to you relative to this contract have brought a lot of those clarities that are required. The sixth amendment, which is the one before you today, should be the last and final amendment that we bring to you. The amendments that are contemplated today, Mr. Chairman, will help us complete the term of this contract, which runs through September of 2001. The contracts that are contemplated today, Mr. Chairman, will help the County develop a contract prototype, which is something that we are going to really need after we review the vendors that have answered our request for proposal that is currently out on the market today.

Mr. Chairman, the amendments are very necessary for the previous reasons that I've mentioned to you and also to avoid any service interruption which could be a possibility if we are not able to come to an agreement on all of these particular issues. I want to point out that the major rationale for the amendment today comes to you because we wanted to basically make sure that we had some issues relative to reduction of bed rates and also to make sure that the budget for the corrections department was contained in this fiscal year. In other words that we would not be needing any additional subsidy to the contract amount to the budgetary amount that has been approved by the Board to date.

There have also been some fluctuations, Mr. Chairman, in the revenues to the particular enterprise fund, and a lot of the issues relate to the fact that we have had some serious growth in the population at the County Jail. I want to point out that the average inmate population is approximately 285 inmates. It has gone to a high of about 325 and the budgeted amount that was in the budget instrument prepared by the County is set at

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about 310 inmates. So the fluctuation that we've experienced there affects the bottom line and the budgetary allotment that is set aside.

Now the amendments then, Mr. Chairman, in a basic policy sense, seek to bring stability to this particular enterprise fund and also to give the County some meaningful considerations relative, again, to the per-unit fee. Mr. Chairman, I want to move on to the legal issues, and I will be calling upon Mr. Kopelman and Ms. Miller, Mr. Briscoe on these particular issues if you have any specific questions after I've gone over the particular areas.

On the legal section, Mr. Chairman, members of the Board, we have sought to have experts look at this particular amendment because of its complexity. We have sought the opinion of a tax lawyer that is specific to this area and is well known for his work in this area. We do have that particular written opinion relative to the IRS Code and I will ask Mr. Kopelman to be more specific about that at the appropriate time.

Mr. Chairman, we have also had a contract lawyer that has helped us work through the particular components of this contract and the particular amendments, Mr. Crane, and he has also reviewed this amendment and given us a green light to proceed to bring it before the Board. Mr. Kopelman as well has done a thorough review of all of these legal questions and has concurred with the findings. Also, Mr. Chairman, I want to point out that it is very important for the County to have one contract, one legal instrument that can be taken to the Department of Finance and Administration incorporating all of the amendments thus far, including number six if the Board chooses to pass it today. The instrument will then be delivered to DFA and will also bring the required approval from DPA and will also lend to the issue of the prototype contract mentioned earlier.

Mr. Chairman, the financial implications of the amendment total \$525,213. Specifically, Mr. Chairman, the first allotment of that is \$356,104. This particular amount, Mr. Chairman, will provide compensation to Cornell Corrections for some start-up costs that were incurred when the facility was opened for business. Mr. Chairman, I want to point out that over the last 90 days, myself, Mr. Kopelman, Ms. Miller, Mr. Briscoe have been working on this amendment. The original request for consideration to the County was \$1,200,000 and we have pared that down to \$356,000 because we believe these to be appropriate requests for consideration and reimbursement.

The other issues that are covered in the financial spectrum relate back to the incentives to fill beds and we will also cover that particular area in more detail for you. We've also been able to correct billing adjustments that have been an issue, particularly with the City of Santa Fe and other entities that require some adjustments. We've made certain with Cornell that these adjustments are done now through a specific process and are not to be left to any other decision making process other than to follow that procedure.

Mr. Chairman, it is also important from a fiduciary standpoint that the integrity of the jail budget is an absolute paramount concern of the County and with this amendment we will be contained within that budget and that is of major importance to us. Mr. Chairman, the other two financial implications that also go to a programmatic area is the

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fact that we are in need of a segregation recreation yard for those inmates that are currently held in segregation for 23 hours a day and are only allowed out for one hour a day, but must recreate in a segregated yard. We do not have that yard currently and it is a requirement to get accreditation from the National Standards Board to have the segregation unit. We have allocated in this \$100,000 to have this particular segregation unit built and it will become part of the physical plant and part of our assets at the facility as well.

So Mr. Chairman, that particular appropriation gets us two things. It brings us closer to accreditation and also allows us to bring a physical plant improvement that is not currently available. Mr. Chairman, I also want to point out that the third element relative to finances goes to the transportation issue. We have collected approximately \$68,000 from other users for transportation fees. We want to send this money back to Cornell and in relation to this reimbursement for transportation costs the County will also receive a 15-passenger van that will be titled to the County and we will own that fixed asset as well.

Mr. Chairman, we have also moved ahead to correct some other issues relative to the County Jail operation and I'm being more specific to the inmate fund. There have been some concerns about how that fund is expended and considered. We have drawn an MOU that is specific about how that money is spent and only in what areas and categories the money can be spent. That agreement has also been drafted and signed.

Mr. Chairman, these are the four particular areas that the amendment brings before you. The second request under my particular presentation to you is should you agree that the amendments are in order, the second request is to move the money through a BAR to the appropriate funds for payment of the \$525,213. With that, Mr. Chairman, I would like to defer to Mr. Kopelman, Ms. Miller, Mr. Briscoe for any additional comments. Thank you.

CHAIRMAN ANAYA: Are there any questions?

COMMISSIONER DURAN: Mr. Chairman, I just have one.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: These amendments, it seems to me, might substantially change the cost of operating the facility, and I'm wondering if we need to do an amendment to our RFP so that those that are reviewing the operating contract are made aware of the change in the cost and the income, I guess.

MR. KOPELMAN: Mr. Chairman, Commissioner Duran, what we can do is if the Commission does approve this amendment, we can send out a copy of this to all of the prospective vendors on this. But the way the RFP was set up it did not specify exactly how the financial arrangement would work and it was somewhat open-ended and so I think this would certainly help clarify for the bidders on the project.

COMMISSIONER DURAN: But in the RFP, you gave them information relative to the cost of operating the facility, right? In that RFP? So that they could—I'm sure that the only way they could respond to know what the costs are and this affects that bottom line.

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioner

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Duran, what we did in the RFP is we gave them a copy of the existing contract and the amendment to that contract. We also gave them statistics of the make-up of the facility, the other user-agencies and copies of those contracts. None of those will change with this amendment. The user-agency contracts. Just the way that we compensate Cornell based on this amendment and if the Commission approves this, we'll send this out with an addendum that we're already in the process of preparing to the prospective bidders so that they can see that this is also a viable way to propose their fee.

COMMISSIONER DURAN: Great. Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER GONZALES: Just for clarification. In looking at the summary, again, Sam, you stated that the County--this amendment will keep the County within our budget and the summary was also stating that it shifts the risk of declining revenues to Cornell. Is that correct?

MR. MONTROYA: What the amendment does, as I stated earlier, is it goes to the per-unit fee amount, reducing that for the County and I believe that that is what is going to help us keep the budget constraint within its parameters, Mr. Chairman.

COMMISSIONER GONZALES: Okay. So we're staying within budget still?

MR. MONTROYA: Yes sir.

CHAIRMAN ANAYA: And it seems to me Sam and Katherine that most of these monies are directed into fixed assets which is a tribute to the County.

MR. MONTROYA: Mr. Chairman, the \$100,000 for the segregation unit is very clearly going only to that specific purpose. The other amount of \$356,000, if you go to the financial instrument, which is the second item, you'll notice that buildings and structures is \$101,000; organizational start-up was \$28,789; office supplies \$11,029; fuel supplies, \$276,508; and I think there is a couple of more. There was uniform and linen purchases at \$27,370; advertising costs of \$3,738; machinery, \$7,782; and other contractual services for \$68,812. And those are particularly the transportation costs if I'm not mistaken.

Mr. Chairman, those are the specific allocations to the respective line items.

CHAIRMAN ANAYA: Which is standard operating equipment. Any other questions of staff?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I lied. I had two questions. Sam, the \$100,000 is coming out of the general fund?

MR. MONTROYA: Correct, Mr. Chairman. Well, it's actually coming out of the enterprise fund which is set aside to collect for inmate beds.

COMMISSIONER DURAN: So it's not coming out of—

MR. MONTROYA: You'll note on the financial instrument it's coming out

of 518 fund, budgeted cash enterprise funds.

COMMISSIONER DURAN: Okay, good. Thank you.

CHAIRMAN ANAYA: Any other questions?

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Commissioner Gonzales moved to approve the sixth contract amendment with Cornell Corrections. Commissioner Duran seconded and the motion passed by unanimous voice vote.

- VIII. F. 2. Resolution No. 2000-175. A resolution requesting an increase to the jail enterprise fund to budget prior year cash balance for expenditure in fiscal year 2001 for amendment number six to the Cornell operating agreement**

CHAIRMAN ANAYA: Mr. Chairman, I would direct staff to do a budget adjustment. Is that right? Is that what you're asking for? A BAR?

MR. MONTOYA: That second item, Mr. Chairman. That would be appropriate.

Commissioner Gonzales moved to approve a BAR to make the adjusting entries and Commissioner Duran seconded. The motion passed by unanimous voice vote.

MR. KOPELMAN: Excuse me, Mr. Chairman. Could I also just ask if staff combined all of the amendments, we now have six amendments to the contract, if we can combine that in one restated agreement. We'd be making no substantive changes, just for the ease in administration and in dealing with DFA and the AG's office and some of the other agencies.

CHAIRMAN ANAYA: Okay. What's the consensus? You've got direction, Steve.

MR. KOPELMAN: Thank you.

VIII. Administrative items

- A. Committee expirations, resignations and vacancies**
1. Santa Fe Maternal and Child Health Planning Council

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: After reviewing the material and the request to remove the MCH member, I'd move to support staff's recommendation to remove Ms. Jane Stern from the MCH Planning Council.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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CHAIRMAN ANAYA: Motion by Commissioner Gonzales, second by Commissioner Trujillo. Any further discussion? All those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VIII. B. Committee appointments
1. Edgewood Community Center

Commissioner Gonzales recommended Jim Hamilton to the Edgewood Community Center and Commissioner Griñé seconded. The motion passed by unanimous voice vote.

VIII. B. 2. La Cienega Community Center

CHAIRMAN ANAYA: I've had a request for an appointment to this committee by a person by the name of Brian Gallegos.

COMMISSIONER GONZALES: Mr. Chairman, I believe that Mr. Gallegos is requesting the La Cienega Development Review Committee.

CHAIRMAN ANAYA: Okay. I'm sorry.

Commissioner Gonzales moved to appoint Teresa Alarid to the La Cienega Community Center Committee and Commissioner Griñé seconded. The motion passed by unanimous voice vote.

VIII. B. 3. Santa Fe County Road Advisory Committee

Commissioner Griñé moved to appoint Allen Larsen to the Road Advisory Committee and Commissioner Duran seconded. The motion passed by unanimous voice vote.

COMMISSIONER TRUJILLO: Just a question. I've a vacancy in the Road Advisory Committee in the northern part of the county and I'd like to make a recommendation. Do we need it in the form of a letter to the Road Advisory Committee?

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner Trujillo, yes in the form of a letter.

COMMISSIONER TRUJILLO: Because Tim Martinez has not been attending those meetings and Eduardo Vigil is stepping down from the CDRC and would like to serve on the Road Advisory Committee and that's the recommendation that I would make. Eduardo Vigil. I guess I'll have him write a letter. Thank you.

VIII. B. 4. Extraterritorial Zoning Commission

Commissioner Duran moved to reappoint the current members to the EZC (Nancy

Long, Joe Mier and John Alejandro). Commissioner Griñé seconded and the motion passed by unanimous voice vote.

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VIII. B. 5. County Development Review Committee

COMMISSIONER GONZALES: Mr. Chairman, I'd like to, before we act on the CDRC, ask that one of the vacant positions, I spoke with Commissioner Trujillo and he's in agreement with this, one of those two vacant positions go to Brian Gallegos who is a member of the La Cienega community. That way we have representation from La Cienega on the CDRC.

CHAIRMAN ANAYA: Thank you, Commissioner Gonzales. That was my request.

COMMISSIONER TRUJILLO: And I'll come forth with the other vacancy from the north, hopefully by next meeting if that's okay with the Commission.

COMMISSIONER DURAN: That's fine.

Commissioner Duran moved to reappoint Louis Gonzales and Mike Anaya to the CDRC, and to appoint Brian Gallegos. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

VIII. B. 6. Agua Fria Development Review Committee

COMMISSIONER GONZALES: Mr. Chairman, on the vacant position I'd like to add Marc Gonzales, no relation, from the Agua Fria Village to serve on that vacant position.

CHAIRMAN ANAYA: Marc Gonzales has always been very active in that community and I think he'd make an excellent appointment.

Commissioner Griñé moved to approve Elizardo Romero, Rudy Martinez, Mel Gallegos and Marc Gonzales for two-year terms. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

TOM DOMINGUEZ (Subdivision Engineer): Mr. Chairman, if I could, for clarification, Commissioner Gonzales. I may not have heard, was that for the two-year or the one-year term?

COMMISSIONER GONZALES: Two-year.

MR. DOMINGUEZ: Two-year? Thank you.

For the one-year term to the Agua Fria Development Review Committee, Commissioner Duran moved to reappoint William Mee. Commissioner Trujillo

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seconded.

COMMISSIONER DURAN: I guess we're still looking for the second member for one year.

MR. DOMINGUEZ: Mr. Chairman, Commissioner Duran, we don't have anyone at the time of this memo but I did talk with Ramon Romero and I asked him to give you a call and he said he was going to call you and let you know. So what we could do is have him call you between now and the next meeting and if you so choose you can appoint him then.

The motion to reappoint William Mee carried by unanimous voice vote. [
Commissioner Gonzales was not present for this action.]

VIII. B. 7. Senior services Board of Directors

Commissioner Duran moved to reappoint Ben Baca, Jake Martinez, Kathy Lopez and Fernando Martinez. Commissioner Griñé seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. STAFF AND ELECTED OFFICIAL ITEMS

A. Community Health and Economic Development Department

1. Resolution No. 2000-176. A resolution supporting the Santa Fe County Maternal and Child Health Planning Council's participation in efforts to improve maternal and child health in Santa Fe County and in the state of New Mexico

Commissioner Griñé moved to approve Resolution 2000-176 and Commissioner Duran seconded. The motion passed by unanimous voice vote. [Commissioner Griñé and Commissioner Gonzales were not present for this action.]

IX. A. Status Report by Santa Fe County Health Planning Council, Rebecca Frenkel and Virginia Vigil

MR. ANAYA: Mr. Chairman, also here is Whitney Robbins from the Health Planning Commission and Virginia will be introducing the Health Planning Commission members.

CHAIRMAN ANAYA: Okay. Please come forward.

VIRGINIA VIGIL (Policy Analyst): Thank you, Mr. Chairman and members of the Commission. First of all, I would like to congratulate you and thank you for the support that you've given the Health Planning Commission, congratulate you particularly on your insight and foresight to create this commission. I look at the audience today and I think there

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are at least three members in there. Of course Rebecca Frenkel and Whitney Robbins and then there's Dr. Arturo Gonzales who are members of that commission, and sort of underscore that this is a voluntary position by each one of these Health Planning commissioners, and sort of just give you a brief overview of what they've done in the past almost two years now in March, since their creation.

Probably, the most significant impact the Health Planning Commission is in the area of substance abuse and prevention. Because of their support towards many of the grants that we've received and their letters of support to those grantors, we have been awarded quite a bit of money to address those issues in our community, issues that the Commission and Santa Fe County were not addressing prior to the creation of the Santa Fe Health Planning Commission.

You have created a very dynamic force in these people. They're quite active. They meet monthly, every second Thursday of the month and they meet at community centers throughout Santa Fe County. We've met in places such as Rio en Medio, La Cienega, Edgewood community and we alternate meeting places to try to reach the overall community to conduct public hearings.

As you can tell by your packets, they have implemented their own rules and procedures. They have implemented their own strategic plan and they are an active committee of currently ten members because we have received one resignation from one of the commissioners. They in particular have been active in conducting subcommittee meetings, so not only do they attend the regular meetings, but they also, intermittently have subcommittee meetings, subcommittees that were created by resolutions and by the Board of County Commissioners, and that was the area of adolescent health care, the areas of the indigent fund and rural health care. They also have been active in the black tar heroin hearings. They've been active in the Santa Fe Cares Network hearings, which have been sort of the springboard of the detox center, and will remain active in those.

Their expertise has really brought a cohesive group together to address the health gaps that you were concerned about at one time. Not only addressing the health gaps and identifying them, but also identifying the resources for meeting those health gaps. And with that in mind, I think I'm going to turn it over to Rebecca Frenkel and Whitney Robbins who do have a report from the Health Planning Commission on the issue of adolescent health care for you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Virginia, St. Vincent's provides 12 to 15 beds with follow-up care through Su Vida. I believe that all those beds should be full all the time. Do you have any idea what the number of patients they've taken care of since they opened it up? Do you know how many are in that know?

MS. VIGIL: I actually don't have that answer for you but perhaps one of the other Health Planning Commissioners may. I know that that was a plan to provide that amount of beds but I don't know how full they are right now. I don't know. Arturo?

And certainly, Commissioner Duran, that's a question I can pose to Su Vida and St. Vincent's and get back to you on that as to the exact data as how much is being utilized.

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COMMISSIONER DURAN: The reason I brought that up is that I bet you that there aren't very many people that have been taken care of there. I think it's because of the outreach programs or the lack of outreach programs. In looking at the recommendations that the committee has come up with, they look like pretty broad brush approaches to the problems and I'm wondering if there's any way we can actually get specific on how we're going to encourage and promote the partnership necessary to develop the resources to provide both inpatient and outpatient mental health care services for adolescents.

And then the third bullet, those are just real broad brush statements and I would really like to know specifically how we're going to deal with that. I mean, you don't have to do it today, but I would like to know some specifics. I'm in agreement with all of their recommendations. I just wanted to take it one step further and actually do something about it and that takes me to my other question. Do we have a budget at all? You said there's a lot of money that's been designated for this service. Is there a budget? Is the budget adequate enough to actually hire someone to implement these programs or to actually develop outreach programs?

MS. VIGIL: You know, for budgetary questions I'm going to have to defer to Robert Anaya because he is responsible for budgets that get implemented for this, Health Planning Commission and projects that you refer to.

MR. ANAYA: Mr. Chairman, Commissioner Duran, I believe that through the efforts of the Health Planning Commission and this Commission that we have, not only have we provided additional dollars through the Kellogg grant, which is an \$80,000 grant we applied for through the University of New Mexico, that the Health Planning Commission—

COMMISSIONER DURAN: Excuse me, how much was that?

MR. ANAYA: It's an \$80,000 grant for two years, \$40,000 per year, in which we already RFP'ed for services, and we're in the review process right now to help being somebody in that's going to help us develop new programs to implement in the community. Also this Commission has supported the MOA between St. Vincent's Hospital that in that MOA itself in which Mr. Gonzales is going to give a report on, there's specific dollars that have been allocated to do those things that are listed within that Health Planning Commission recommendation that's before you.

We've received monies from the Kraft grant, which is a new project that the Health Planning Commission supported, about \$500,000 for the next two years.

COMMISSIONER DURAN: To be use how? How can we use that?

MR. ANAYA: Mr. Chairman, Commissioner Duran, that specific grant is geared around family prevention and alcoholism issues, and trying to keep families from getting into problems relative to alcohol. I just would say that there's several components that we've utilized including our existing staff through Mr. Shepherd's staff with the indigent fund to be able to enhance and provide more opportunities. But I think that the primary mechanisms, the MOA that we already have, the Kellogg grant money, the money from the Kraft program, and then also coordinating with our DWI program and some of the innovative things that they're doing.

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I think that the Health Planning Commission, the MCH Council and our DWI Council are beginning to work more collaboratively to make sure that we expend those dollars accordingly, and over the course of the next year we'll continue to develop to make sure that they're coordinating together to maximize the benefit of the money that we do have.

COMMISSIONER DURAN: Who developed—the RFP is out right now for this individual?

MR. ANAYA: Mr. Chairman and Commissioner Duran, staff, we internally developed the RFP and it's already, we have had a response back. We only had one respondent. That respondent is Shaning and Associates here in Santa Fe County that provides those type of services. Not only for Santa Fe County, but has provided those types of services for the state of New Mexico, has been very instrumental in the black tar heroin initiative. We're in the review phase of that RFP right now. We've haven't come back to make recommendations on that. We intend to do that at the next meeting in January, Mr. Chairman.

COMMISSIONER DURAN: Can we put that RFP out for bid one more time?

MR. ANAYA: Mr. Chairman, Commissioner Duran, if that's the direction of the Commission.

COMMISSIONER DURAN: I'd like for you all to consider that, if only because I think that we need somebody, and I'm not saying that this RFP didn't address that but I really want to get involved in it and I'd like to know, I'd like to have a copy of the RFP. I have some real concern on specific issues that I'd like to deal with relative to this mental health program and I just would like to perhaps put this RFP out one more time having the opportunity to provide some input it into it and any other Commissioner that might want to offer some.

COMMISSIONER GRINÉ: So is that okay with you Commissioner Trujillo and Commissioner Gonzales?

COMMISSIONER GONZALES: That's fine.

COMMISSIONER TRUJILLO: Sure.

COMMISSIONER GRINÉ: You've got the direction.

COMMISSIONER DURAN: Okay, if you could get with me some time in the next, whenever you have a free moment I'd like to talk to you more about it.

MR. ANAYA: Yes sir.

COMMISSIONER DURAN: Thank you. Thank you, Commissioners.

MR. ANAYA: Mr. Chairman, Commissioners, I believe Rebecca Frenkel and Whitney Robbins had a report that they wanted to provide.

COMMISSIONER GRINÉ: Thank you, Robert.

REBECCA FRENKEL: Thank you, Commissioners and Chairman Anaya. I want to echo what Virginia said and thank you for the interest that you've demonstrated in addressing the needs of health care programs for youth in Santa Fe County. The initial health policy adopted by this Board describes programs that are currently available, and has a description of the issues as defined by providers. This report, which I'm sure you all remember from a few weeks ago.

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The BCC and the Health Planning Commission first became aware of the community concerns for youth services with the closing of Piñon Hills treatment center about 18 months ago. Since then, we've looked at state and county department reports, listened to presentations from providers of youth services, and worked with Virginia Vigil and Robert Anaya in compiling our report. I won't go over the details of it, because you have it and I know Commissioner Duran has read it very carefully and we're delighted to hear that. I think we also realize that we need to have some specifics and so one of the things that we're recommending is that there be some more surveys done, because your policy statement before, the community felt that it was important to them that they be involved in figuring out where the programs would be and what kind of programs, and that's part of what we've designed in our two-year program to determine what are the needs and where those needs are.

I think that we'll be able to come back to you with more specifics when that person is on board and can do that work for us. I do want to point out that the general policy recommendations are that the County collaborate with other entities, and this is the cities, Edgewood, and the City of Santa Fe, the public schools, the Health Department, the hospital, PMS and so on. And there are many citizens' groups that provide services. We also want to emphasize the importance of having youth representatives or coalitions that be involved in decisions that affect youth. There are, there's one of those that the State Health Department has that we can talk to them to see where we can work together, or the City also has a Youth Advisory Board.

But we may want to look at setting up one that means the needs of the county, especially outside of the city area. So Whitney is going to give you a little presentation of some of the priorities that we have listed.

WHITNEY ROBBINS: Mr. Chairman, Commissioners, I too am very pleased to be part of this and thank you for your support. As you can see in the report if you have read it, we broke down the issues into four section, not necessarily by priority. The first one is mental health, substance abuse and addiction disorders. The second one is primary health care for adolescents. The third is dental health. And the fourth one is safety, welfare and recreation. And I too am not going to do anything more that highlight a few things and respond if I can to Commissioner Duran's request for specifics.

There are a few things in here that I think are a little more specific than others. Under the first section, mental health, substance abuse and addiction disorders, one of the recommendations we have is that the County support providers of adolescent health care services to ensure their sustainability and long-term operation. And I think we all know that there are numerous programs started with certain kinds of funding and they are not sustained and it's really difficult for the clients of those services to have something yanked out from underneath them, so I think this bullet is particularly important to ensure sustainability and long-term operations.

In the second section, primary health care for adolescents, the first sentence starts, "In general, adolescents enjoy good health. Many youth in Santa Fe County have a family health care provider to deliver preventative and acute care medicine. However, a significant portion

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do not.” And the teen health centers located at Capitol and Santa Fe High Schools have provided tremendous services to teens. Last summer, they were only open two days a week instead of the five that they had been during the summer because of a lack of funding. And I think given the teen pregnancy rate, the other issues involved in teen health care, that the centers do provide wonderful services for.

Another fairly specific bullet under this section is that the County support increasing the access to primary health care for adolescents by seeking grants and funding sources to assist and enhance those currently available services to provide a continuum of care, and that the County support staffing the providers of adolescent services to increase their accessibility throughout the entire year.

In the third section, dental health, we know that a lot of dental services have been provided just in the past few months in Santa Fe County, mostly within the City of Santa Fe. There are still, there is still a tremendous need for dental services in the outlying areas of Santa Fe County, and a fairly specific recommendation is that the County encourage and promote partnerships, such as collaboration with the City of Santa Fe Dental Health Task Force in order to develop resources for the provision of additional dental, education and services to the under-served areas, and that the County assist in ensuring dental services sustainability and long-term operation by promoting Medicaid coverage and the use of the indigent fund to assist in payment for services when necessary.

In the fourth section, safety, welfare and recreation, New Mexico has the fifth highest rate of non-natural deaths of children and adolescents in the nation. The rate of death of children and youth is frequently taken as an indicator of the overall health of a community. Prevention and risk reduction should be the direction of programs aimed at reducing harm to our youth. Too many youths are unsupervised after school because there are not enough after school programs. Meaningful recreational programs for children are supervised and can develop healthy life styles, especially in areas outside the city should be a priority.

And as Rebecca mentioned, one of the general policy recommendations is that teens be a part of planning these activities. I think the rest is pretty much covered in your report and I’m going to turn this back to Rebecca to sum it up. Thank you.

CHAIRMAN ANAYA: Thank you very much.

MS. VIGIL: I just, Mr. Chairman, members of the Commission, while the report before you is general policy recommendations, I think Commissioner Duran to be a little bit more specific and put a plug in for the Health Planning Commission, not only simultaneous to them gathering this information and speaking to all the youth providers, and we also have the indigent fund subcommittee who has presented rules and regulation changes that you have adopted, and also the rural health committee, whose implementation through the MOAs at St. Vincents, goals are being met, but just to give you some more specifics as to how they are actually working things together with staff, myself, Robert Anaya, and Steve Shepherd have been working very closely with the Health Planning Commission.

One of the projects that we brought before you was the Smart Moves program whereby, without any resources from Santa Fe County, we were able to get Los Alamos National

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Laboratories to fund a grant writer to submit a grant request to the state department for us to implement the Smart Moves program, which, as I think I've stated before, says to youth in Santa Fe, this is a smart move, this is not a smart move. This program will be implemented through our Boys and Girls Clubs throughout Valle Vista, Camino Jacobo, and Santa Cruz. It will be implemented in coordination with the Santa Fe Boys and Girls Clubs and the with the County Extension Services. They will actually do dual peer counseling, not counseling actually. There will be participants from the County Extension Service with the Santa Fe Boys and Girls Club so that they can have dual role models at the County Extension Services and their and their services will be available to the Santa Fe Boys and Girls Clubs to allow them to make a smart move. The County Extension Service has over 115 curriculum subjects where any participants can choose from, from fly fishing to cooking. And of course these participants will be involved in that.

In addition to that, the Santa Fe Health Planning Commission also submitted a request through the support of our County Manager, the Health Planning Commission and the Community Health and Economic Development of Robert Anaya's, a request from the state department to supplant fundings to the First Judicial District Court to implement the juvenile drug court, which just got underway this year. There was money available to local governments that would have been lost if we were not able to find and create the opportunity to bring those funds to our First Judicial Court.

I also want to inform you that the Health Planning Commission has been strong motivators in having staff, and you'll get a little bit more of this report later on in the legislative update or the legislative priorities review, but as a result of their interest in tapping into the local liquor excise tax, I was before the interim Taxation And Revenue Stabilization Committee, and that committee, as of that date, as a full committee is supporting a bill to sustain substance abuse and alcohol prevention programs that we've already started here by requesting a \$300,000 allocation.

So simultaneous to all the policies that they're recommending, the action that they're directing staff and the support that they are giving, is giving us their sustenance and tapping us into sources to start working on the issues that they identify. I hope that better answers your questions, Mr. Chairman, Commissioner Duran.

CHAIRMAN ANAYA: Thank you, Virginia.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: With Virginia's update, I don't know if it's appropriate now to report back to the meeting that you directed myself to have with Commissioner Duran, who was unfortunately able to make it, but with the private doctors and St. Vincents. Do you want to wait till Matters from the Commission. It's very short.

CHAIRMAN ANAYA: Now's appropriate.

COMMISSIONER GONZALES: I, and Virginia you can help. Dr. Gonzales, Arturo Gonzales was there as well and Robert Anaya. Again, this meeting, the staff had conferred with the Health Planning Commission, I understand and had a member of the Health

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Planning Commission there. Jaime Estremera-Fitzgerald was present as well. Basically, Mr. Chairman, I think that there's a couple of issues. One, I was pleased that out of it, the private doctors are going to meet with Dr. Lucas to see if they can continue their own dialogue to see how they could prevent any type of harm that may come to St. Vincents.

Keep in mind the issue is right now, St. Vincents is our sole community provider hospital because they're the only hospital in town. That entitles them to receive, right now as of this year, \$13 million, is that right? As a result of them being a sole community provider. Arturo Gonzales is going to talk about that MOA here with our participation. If there's another hospital that comes in town, the concern is that St. Vincents will lose that sole community provider status and with that lose federal dollars that come to sole community providers.

So as you can imagine, part of I understand Commissioner Duran's concerns is we've come a long way to get St. Vincents to where we're actually—where we have a dialogue with them where they're actually delivering more services to our community. So that was the concern that led to this meeting. The private doctors stated in this meeting that they are concerned also about the sole community provider relationship. They indicated that they want to improve the quality of care in the Santa Fe area and they're going to talk to Dr. Lucas. However, I didn't feel real comfortable that the doctors were going to back down from their position to put up a hospital. So I'm hopeful that maybe through their dialogue with Dr. Lucas that something can be resolved. The options clearly are that St. Vincents could have a branch. This could be a subset of St. Vincents, and there's a lot of ways that you could probably go round to ensure that sole community providership stays with St. Vincents but the route of establishing a separate hospital clearly is a concern to the hospital and I think to the County.

There is conflicting legal opinion that were provided by the private doctors and by St. Vincents as to what would happen with a second hospital in our community. So what I've asked the staff to do and why I bring it up now to get concurrence from the Commission is to seek out, there's a couple of things that we know need to happen. One, there needs to be some research, some definitive research to establish what happens, in fact if a second hospital comes into Santa Fe County. What's going to happen to the quality of care? What's going to happen to St. Vincents? What's going to happen in their ability to deliver the services to the indigent people? Remember, St. Vincents as a sole community hospital take care of the poor people in our community. They do not turn down anyone from any type of service.

So how do we assure that that hospital is financially stable enough to be able to continue to do that with a second hospital? Dr. Arturo Gonzales, I introduce him with his brother who's a great doctor, right? But Arturo Gonzales indicated he can address this when he comes up as well. There are lots of factors that need to be considered here. I think what came out of this Commissioner Duran and Mr. Chairman and members of the Commission is that there needs to be a more thorough look as to the environment as it exists today and as it will exist in the short term and long term when it comes to health care issues in this community and certainly what it means to have a new hospital in town.

So I'm not sure if Virginia, you have anything else to add, but we need to take it upon ourselves as a County to go out and do some fact finding, to invest money into finding

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individuals who can answer the questions for us as to what it means. Now, one of the things that we all agreed on is that we were going to come back and meet right before the session, all the parties again, and determine if there is any legislation that can be pursued by the County to assure that the sole community provider stays in place. Again, there's conflicting legal opinions as to whether the state can ensure that that happens. So we're continuing to go down this road.

It is, I think, it is a bit frightening as to what can happen if this second hospital does come in and St. Vincents loses their sole community status, but it's frightening from the standpoint that we don't know. We haven't done a thorough understanding or a thorough analysis to understand what it would mean to have a second hospital in this community, whether it would be beneficial or whether it would be detrimental.

What I'd like the Commission to do is support what I've asked Virginia and Robert to do, and that is to go out there and find someone in the field, and I understand we have some monies possibly available for that Robert, to provide some of these answers, some of this analysis that Arturo, I'll ask him to talk about when he comes up to speak to the Commission. But an analysis that will tell us what the current state of the environment is and what the future will be. Is there anything else you have to add, Virginia or Robert?

MS. FRENKEL: I just want to say, Commissioner Gonzales, Commissioners, that the Health Planning Commission has also been quite concerned about the sole community provider status and appreciates the interest which the Commission is taking on this. We had a hearing in November on this, to which about a hundred people in the community came to address the Health Planning Commission as well as a long explanation from the physicians who are proposing this second hospital. And I think it demonstrated a great deal of interest on the part of the community in being sure that we have all the answers. So we'll all look forward to whatever findings that you come up with as a result of your investigations.

I did just sort of want to finalize with a summary, which you find on the last page of the report, which we have. And I'll just mention a couple of things that are in that summary. One, one of the directions which we will be giving to the person that we're able to obtain through the Kellogg grant is a comprehensive assessment of needs and a map of available resources. This is a real problem in Santa Fe County and something that the community tells us over and over again, we just don't always know where to go. And we need to have something that's available in the community that they don't have to go to the library and look through a two-inch book to find where can they get the services they need. Also, do we need to somehow find a way to provide those services out into the community? Would this be more helpful to, say, the people in Valle Vista, if once a month, somebody came out there to do blood pressure screenings and whatever other needs there might be in that Valle Vista area or some of the other outlying areas?

I want to highlight that the Health Planning Commission encourages the County Department of Community Development to seek the participation of representatives of youth. And I just want to recommend that over again. I think once young people become teenagers, they really feel that they should have a say in what's going on in programs that directed for them. Thank you for your attention, and I also want to thank especially Commissioner Anaya

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and Commissioner Grifé, you have devoted many hours to the service of the citizens of this community and it's greatly appreciated.

CHAIRMAN ANAYA: Thank you very much.

COMMISSIONER GRIFÉ: Thank you, Rebecca.

CHAIRMAN ANAYA: Does that include the status report on the Health Planning Commission?

IX. A. 4. Status report on the memorandum of understanding with St. Vincent Hospital on the sole community provider funds

STEVE SHEPHERD (Indigent Fund Director): ms, Commissioners, it's my pleasure to introduce Dr. Arturo Gonzales. He's a member of the Santa Fe Health Planning Commission as well as Vice President for Healthy Communities and Community Service Network as well as sole community provider funds for St. Vincent Hospital. I want to take this opportunity to personally thank Dr. Gonzales and his team members for all the hard work they've done on the MOA. I think you'll see concrete results at the end of the term of the agreement.

DR. ARTURO GONZALES: Thank you Steve for those kind words. Commissioner Anaya and Commissioners, you received a written report on the status of the memorandum of agreement between St. Vincent Hospital and the County of Santa Fe. Before I get into that report, or go through the highlights of that report with you, let me, with your permission, let me address some of the comments with respect to the sole community provider issues that Commissioner Gonzales was raising and give you an assessment from the viewpoint of what I believe the position or at least the assessment of St. Vincent Hospital is with respect to this issue.

First of all, let me say, let me thank the Commission, particularly Commissioner Gonzales and Commissioner Duran with the support of the rest of the Commission for trying to bring the two parties together. I think it shows, on the part of the entire Commission an effort of leadership and also of concern for the quality of health care and the accessibility of health care for the citizens in this community.

I felt that the meeting that we attended was cordial. Facts were presented, although they may be misinterpreted and looked at in different ways. I think there was a good communication between St. Vincent, the representatives from the Health Planning Commission, the County, as well as the providers that are proposing to establish the new hospital. In summary, I believe that this is where we believe the issue to be.

First of all, we believe that the individuals or the proponents for the new hospital are planning to open a new hospital, that they haven't backed off from their position. We don't know exactly where they have identified land to build a new hospital but we know that they plan to build it. It will be a 22-bed hospital. We also know that St. Vincent has exhausted

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many legal resources to try to find out just what exactly the status of the sole community provider issue would be with the new hospital and our understanding of that issue as of this date is the following: Based on the law firm Henderson & Larry Gage out of Washington, D.C., who basically were responsible for setting up the federal regulations with respect to sole community provider funds, it is our understanding that should another hospital be built within Santa Fe County that that would cause a question for the sole community provider status of St. Vincent Hospital.

The proponents of the new hospital believe, it is our understanding they believe that they can deal with this issue at the legislative level here in New Mexico. It is our position that not only would the sole community provider status be in jeopardy, but also the Medicare revenues coming to the hospital would also be in jeopardy. It's also our understanding, our position and our understanding that it would probably take more than simply legislative efforts at the state level to change the sole community provider regulations, but that it may also require a review and a reading from the Health Care Financing Administration, with respect to the issue and that could be very difficult to obtain and very timely to obtain.

The other two issues that are of concern to St. Vincent obviously is that should the new hospital be built, we don't know exactly when and at what point in time the sole community provider status would be in jeopardy. For example, would it be when the new hospital breaks ground? Would it be after a year of operation? Or would it be when they have x-percentage of indigent patients or x-percent of population of patients from Santa Fe County going through their doors. That needs to be researched. The question is whether that could be researched in time for the legislative session.

The next issue that concerns the hospital and it should concern the County is the usability and I believe Steve is aware of this, the usability of the County indigent funds with respect to the new hospital. Because as the legislation is stated now, the County indigent funds can only be used for non-profit entities and the new hospital being proposed is a for-profit hospital. So it brings into question whether they might be some issues with respect to the indigent fund that have to be dealt with at the New Mexico legislative area.

Commissioner Gonzales and the staff of the County wisely determined that they would put some resources or would with your cooperation into trying to get an independent legal opinion as to what the sole community provider really means. Is it in jeopardy? As well as what it means to have another hospital in Santa Fe County. I think that is a worthwhile effort. I commend the Commission for doing that. St. Vincent is open to that review. It is still our belief though that the sole community provider funds would be in jeopardy. We hope to meet again with the other proponents and with Commissioner Gonzales and the Commission to discuss this again. The critical issue here is what can be done prior to the legislative session, if anything needs to be done in the legislative session.

I fear that we have, at least at this point in time, no more clear answers than we had when the Health Planning Commission reviewed the whole issue a month and a half ago. So that's where we're at. I do commend the Commission for raising this point and taking the leadership on it.

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CHAIRMAN ANAYA: Thank you, Arturo. Commissioner Gonzales.

COMMISSIONER GRIÑÉ: Dr. Arturo Gonzales, I guess the first question is does Bernalillo County have the indigent fund in place?

DR. GONZALES: Bernalillo County does have the indigent fund in place, Commissioner Griñé, Mr. Chairman. I believe, Steve, correct me if I'm wrong, the way that it's implemented though is through a mill levy tax that is used primarily used through the UNM hospitals. The UNM hospital basically is a state-funded and also a county-funded indigent hospital.

COMMISSIONER GRIÑÉ: I guess in retrospect to that then, they have several hospitals in Albuquerque, and yet they have the funds like we have it here in Santa Fe, so what's the difference between in order for them to get their funding and the way that we get our funding, what difference?

DR. GONZALES: Mr. Chairman, I'll defer that question to Mr. Shepherd.

MR. SHEPHERD: Mr. Chairman, Commissioner Griñé, in Bernalillo County the tax is specifically dedicated to the University of New Mexico hospital and its satellite clinics and it's essentially run through the hospital system. In our county, funds raised through the gross receipts tax, and they're paid to specific providers. In St. Vincent's case, qualifying as a sole community provider, we pay approximately 26 percent to the state. The state makes that 100 percent and pays the hospital directly. And that's the difference.

COMMISSIONER GONZALES: That 75 percent would have to be covered by some other mechanism. Is that right?

MR. SHEPHERD: Commissioner Gonzales, that's correct. And that's the big question as to where that money would come from.

COMMISSIONER TRUJILLO: But it is not the responsibility of Santa Fe County to keep St. Vincent financially buoyant. And with another hospital there'd be competition and that would augment the quality of services. So why would it not be fairer to divide the sole community provider funds to two entities. Both of those entities being requested to providing health care to indigent people?

MR. SHEPHERD: Mr. Chairman, Commissioner Trujillo, essentially, there would only be approximately two million dollars left if St. Vincent was disqualified from the sole community provider funding. The balance that the state pays, if they were disqualified would be lost and I guess that's the big issue, that loss of that much money to our community.

COMMISSIONER GONZALES: And Mr. Chairman, Commissioner Trujillo and Dr. Gonzales can address this issue. Dr. Lucas stated that if St. Vincent—they're not expecting Santa Fe County to keep St. Vincent solvent. I think the reality is the level of service that St. Vincent is delivering today, what happens to the level of service when sole community provider funds are lost. And that means that the hospital changes its mission, changes its focus in how it's delivering service, so that they can remain a solvent hospital. But keep in mind that a result of sole community providership, because they are, we're delivered \$13 million worth of services this year. If not for that status, that would be shrunk down to basically two million or whatever was taken in, to try to spread out among county residents.

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One of the things that I wanted to bring up also, that was brought up by this entity, which really creates the need to do some more fact finding and do more analysis, that the private doctors indicated if not them, it's going to be somebody else. How true that is, I don't know, but that could be a reality. Maybe they go away now but at some time in the future, there may be somebody else that wants a second hospital. So I think that this allows us to be proactive to understand the kind of environment we're in today in terms of what environment we'll be in five years from now.

DR. GONZALES: I think in response to Commissioner Trujillo's comment or question about sole community provider funds keeping St. Vincent solvent, I think it's a real important point to note or to make that the sole community provider funds are not for St. Vincent. The sole community provider funds are for the community of Santa Fe, and St. Vincent becomes a vehicle by which those funds can be dispersed. If the sole community provider—there is only one sole community provider status. It can't be broken up as the law is written now. If the sole community provider status is lost, then you lose \$15 million that comes to the county of Santa Fe for those services. It's not like you can divide them 50 percent to the proprietary hospital and 50 percent to St. Vincent Hospital, you just lose the funds period. And that's what's at stake here.

So I just think that point needs to be made. And to give you an idea, if I may, Mr. Chairman, is to move into the report about where do we stand with sole community provider funds to give you a background as to what those dollars are being used for. First of all, St. Vincent has set up at its own, within its organizational structure, a department to handle, or at least to coordinate with the County, the sole community provider funds as well as the federally funded community access program. And that department is the department that I chair, that I'm privileged to chair at this point. It's called the Community Services Network Department.

And we have a number of staff. We have a number of—the charge of the department is to coordinate and implement with the County the memorandum of agreement as well as the CAP grant, the federally funded CAP grant that I'll get into later, that affects health planning issues for creating 100 percent access and zero percent disparity for health care in Santa Fe County and northern New Mexico. The staffing of the department is listed in the report and I won't get into that. Specifically into the MOA with the County, this is what has taken place. We have created an MOA implementation team and we've been meeting weekly, except now for the holidays, in order to plan strategy, review the goals and objectives and to make recommendations for the disbursement of the sole community provider funds, and to consult with the stakeholders for those funds: the schools, the County Health Department and other entities.

That MOA implementation team is comprised of myself and two representatives from St. Vincent, as well as representatives from the County, Steve Shepherd, the director of you Santa Fe County indigent fund, and Virginia Vigil, you program and policy analyst. As a result of those meetings, we've come forth with these allocations. On October 31, 2000, St. Vincent Hospital remitted its first monthly installment of \$174,000 per month through the sole

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community provider fund and assumed financial responsibility for the following areas. The total that will be dispersed this year is almost two million dollars. So we assumed financial responsibility to support the County EMS medical services that were just discussed, the 911 addressing, the Maternal-Child Health Infant project, some ineligible indigent care with respect to the County Detention Center, and the County portion of the PARA transit responsibility.

So that is almost \$174,000 that is coming monthly to the County. With respect to the other part of the memorandum of agreement, we had clinic health care support. The MOA implementation team completed and mailed to the community health centers in northern New Mexico, specifically those that were providing medical and dental services to northern Santa Fe County, a request for proposals. We made some decisions in December. The RFPs came back in November and effective January 1, awards will be going to the following health centers: Health Centers of northern New Mexico, La Familia Medical Center, Women's Health Services and Counseling Center, Presbyterian Medical Services and the town of Edgewood, New Mexico, for the planning of their primary care clinic. The total of all those awards will come close to about \$330,000.

Outreach to the schools is another area in the memorandum of agreement. Specifically, the memorandum of agreement has been developed and has been reviewed with the Santa Fe Public Schools and will be ready for implementation now in January of this new year. In addition to the Santa Fe Public Schools we will also enter into memoranda of agreement with the Pojoaque Schools System and the Edgewood School System. And specifically, they'll be for four areas that those dollars, close to about \$400,000 will be disseminated to the schools. The first priority will be for ophthalmological services and eyeglasses for children who aren't covered either under private insurance or Medicaid.

There will be dental screenings and services through the Presbyterian Medical Services dental van and referrals to individual providers for children again, who have no insurance or Medicaid. Medical supplies for all the schools will be purchased with St. Vincent's purchasing plan and disseminated to the schools. That will include audiometers, eye charts, blood pressure monitors, wheel chairs, thermometers, because currently the schools do not have those. And then there will be one last major outreach attempt to enroll children into the state Medicaid program to the SCHIP program.

Another part of the memorandum of agreement is the question, Commissioner Duran, with respect to mental health services. There is money allocated within that, close to about \$300,000, for the community care network. And we are working with Mr. Anaya to try to get that off the ground in terms of the RFP and trying to coordinate the crisis response activity. Also within the memorandum of agreement is the implementation of the detoxification center through St. Vincent Hospital and that will be started as well as continued funding for the crisis response area. So the total of all of those priorities, at least in that section of the MOA comes out close to about \$3 million that was negotiated in the memorandum of agreement.

Also, there is close to about \$6 million of the total memorandum of agreement that is going to pay for County, for indigent patient care, for patients that present themselves at St. Vincent Hospital. So that is also within the memorandum of agreement. Dr. Lucas

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has requested that we establish an advisory committee to the hospital as well as to the St. Vincent board planning committee and we have invited health care leaders across Santa Fe County to sit with us and to help us begin to develop a county-wide health care plan in which St. Vincent will play a major role. And at the table are your two representatives: Steve Shepherd and Virginia Vigil who are participating in that area. Other members include members from the McCune Foundation, Presbyterian Medical Services, Department of Health, and we're starting to meet on a monthly basis in order to complement the Health Planning Commission and to try and help them as well in that area.

Lastly, let me talk a little bit about the community access program grant. Northern New Mexico, the Sangre de Cristo Health Care Partnership was one of 20 proposals funded nationally for this community access program and it's housed of the Community Services Networks Department. We were one of 22 funded to the tune of \$1.2 million and we were third largest in the country second only, third only to the New York County Health Department and the Los Angeles County Health Department. The goal of the program is to begin to create 100 percent access for the indigent citizens in northern New Mexico and Santa Fe County in the areas of diabetes prevention, hyper-tension, depression and substance abuse. There will be teams formed around those four areas to try and attack these problems. The participants are the Health Centers of Northern New Mexico, St. Vincent Hospital, potentially Presbyterian Medical Services, the Rio Arriba Family Care Network, as well as La Clinica El Norte from El Rito. The reason I bring this up is because the feds are very excited about what is happening in northern New Mexico and Santa Fe County and has asked us to sponsor a northern New Mexico community access program summit on January 19-20 here in Santa Fe at the La Fonda Hotel which all of you will be invited. And all of the commissioners from northern New Mexico will be invited plus yourselves and the legislators from northern New Mexico will also be invited as well as foundations and the feds are bringing in a fairly – they call it their "A Team" from other counties across the country. Commissioner Gonzales knows one of them who is coming out of Florida as well as the their staff to come and begin to dialogue with the Commissioners with the legislators in order to show how this program can and has worked in other parts of the country and to get your ideas and your commitment and some plans for the future of this program in terms of the indigent fund as well as the sole community provider MOA and federal support for that so we will – I will speak with each of you and get you an invitation for that.

CHAIRMAN ANAYA: Thank you, Arturo. Sam Montoya, did you have something to add?

MR. MONTOKA: Mr. Chairman, I had one specific question relating to the health clinics, the support for the clinics in the amount of \$330,000. Mr. Chairman, I think it's the first time that we've ever done this and I believe that it is a wonderful support mechanism for medical services in the rural areas. My first question was looking at all the recipients of the fund, are they receiving equal distribution amongst the 405 providers. And the second question is, is the scope of services the same or is it different for all of the

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respective provider?

DR. GONZALES: Mr. Chairman, Manager Montoya, I can get you a break-down of what was requested. Edgewood requested approximately \$40,000 and their request was for hiring the architectural firm for doing the design of the building and to look at permits and to begin to develop that part of the process for their primary care clinic in Edgewood. So we funded them at \$40,000. Women's Health Services requested about \$72,000 – the average was about \$72,000 – and they're requesting an increase in dollars to increase their family practice physicians for additional hours in their clinic to provide more services. They are also asking for infrastructure support for their collections to be able to pay staff to get their billings and their collection activity up to speed and they were asking for support in order to be able to have a sliding fee scale of payments for mental health services within their program. Health Centers asked for basically increasing to a .4 FTE and family nurse practitioner to increase hours in the Espanola Clinic as well as information systems support and collective activity support. La Familiar Medical Center asked for information systems support, human resource support and strategic administrative planning support. Both to a tune of about \$76,000.

MR. MONTOYA: Mr. Chairman, the only reason I asked the question is I want to make sure that the recipients of this money understand that it could be a one-time appropriation and it could happen again next year depending on how the revenues work out. I want to make sure that if we're putting that into FTEs and into new hires that we're not held to the accountability of providing that money down the –

CHAIRMAN ANAYA: As a recurring amount.

MR. MONTOYA: Exactly, Mr. Chairman. I think the recurring issues needs to be clearly responded to early and you know I agree that the money is going to a great purpose but I also want to make sure that they not get used to the fact that this may not recur in the future.

CHAIRMAN ANAYA: That's a good point and I'm glad that you've raised it. Any questions of Dr. Arturo Gonzales?

DR. GONZALES: Mr. Chairman, one last point. Those letters of award will probably be going out within another 7 days and the count Manager Montoya made will be made in the letter that this is a one-time appropriation to be used from January 1 to September 30. But we're also asking that any public relations that they do make with respect to receiving this award that they give due recognition to Santa Fe County for the availability of the sole-community provider plan that provided these funds for them.

CHAIRMAN ANAYA: Good, thank you, Dr. Gonzales. Yes, Virginia, wrap it up.

MS. VIGIL: Mr. Chairman and Commissioners, I would like to publicly thank Arturo Gonzales and Robert Anaya and Steve Shepherd for their support that we've all given each other in implementing these MOAs but there's one underscored issue that I think is of concern to the Commissioners that I would just like to state. Through our implementation plan meetings, one of the issues that we worked collaboratively with is one

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that Dr. Gonzales has stressed, the rural issue of Santa Fe County outreach and one of the things that I think is really important for you, Commissioners, to know, because you represent such large districts is that throughout the implementation of each one of these monies that we have identified particularly the three areas and I guess the best way to describe for you is health on wheels and one of those areas is the healthier tomorrow's van and we have been able to through these MOAs to negotiate with the schools to get that healthier tomorrow's van out to our housing sites also so they don't just stay within the city sites. The Health Planning Commission has heard repeatedly that the rural community should be receiving services at the same level that the urban community is so this is our way of trying to implement that policy that they have been exposed to. The other sort of health on wheels deal that we have been working with is with the Lion's Club. They do have ophthalmology services through a van that they provide and that's one consideration that these MOAs are going in. And the final health on wheels issue is Presbyterian Medical Services now has a dental health van that we actually can enter into agreement directly without going into the third party, Santa Fe school situation, and get that dental van out to the rural communities and I will mention for you that the Surgeon General of the US in May of this past year identified dental health as the number one priority for youth and the statement is, "If there is no dental health, there is no health." The studies currently are discovering that those people who have dental health problems contribute strongly to heart and other health problems more so than was ever discovered in any other studies. So we're focusing on that dental health for youth and also the communities in the rural areas.

CHAIRMAN ANAYA: Thank you, Virginia.

COMMISSIONER GRIÑÉ: You know, Mr. Chairman, because in terms of what time it is and we do have some public hearings, we really need to wrap this up.

CHAIRMAN ANAYA: We've been on this issue for a little over an hour.

COMMISSIONER GRIÑÉ: It's been an hour and 15 minutes already.

CHAIRMAN ANAYA: I'd like to have Robert wrap it up.

MR. ANAYA: Mr. Chairman, Commissioners, I come before you on one final note. To personally thank you, the existing Commissioners and specifically Commissioner Griñé and Chairman Anaya for their support of the department and the citizens of Santa Fe County. I think you've done a good job in your service to Santa Fe County and I personally want to thank you on behalf of our entire staff. But also as a citizen of Santa Fe County for your work on the Commission.

CHAIRMAN ANAYA: Thank you, Robert.

B. FIRE DEPARTMENT

Fire Department Requests Authorization to Enter into an MOU with Pecos Valley Ambulance Services Concerning Mutual Assistance.

1852880

COMMISSIONER GRINÉ: Mr. Chairman, move for approval.
COMMISSIONER GONZALES: Second.

The motion passed by unanimous voice vote.

LAND USE ITEMS

1. **Resolution 2000-177: A resolution establishing a local development review committee for the La Cienega and La Cienguilla Traditional Historic Area.**

COMMISSIONER GONZALES: So moved.
COMMISSIONER GRINÉ: Second.

The motion passed by unanimous voice vote.

2. **Appointment of members to the local development review committee for the La Cienega/La Cienguilla Traditional Historic Community.**

COMMISSIONER GONZALES: Paul, are there any new names that should be added for consideration?

PAUL OLAFSON: Yes, Mr. Chairman, Commissioner Gonzales, I'd like to introduce formally a new planner that is working in our staff and he's also working with La Cienega Plan and his name is Robert Griego and he's prepared the case material and there's one new letter.

CHAIRMAN ANAYA: Okay, Commissioner Gonzales, for a motion.

COMMISSIONER GONZALES: Mr. Chairman, at this time I would like to make a couple of recommendations. I would offer the names of Mr. Jose Varela Lopez, Charlie cdeBaca, Camille Bustamante, and Mr. Allan Mosley. In the form of a recommendation to the board.

CHAIRMAN ANAYA: Okay, there are four nominations.

COMMISSIONER GRINÉ: Second.

MR. OLALSON: Mr. Chairman, the minimum number is five.

COMMISSIONER GRINÉ: Okay, then I want to add to the list, Danny Marmon.

COMMISSIONER TRUJILLO: Second.

The motion passed by unanimous voice vote and Danny Marmon, Jose Varela Lopez, Charlie cdeBaca, Camille Bustamante and Allen Mosley were appointed to the LCDRC.

3. **Authorization to enter into a supplemental water service agreement with Mr.**

1852881

& Mrs. Elmer Garcia of Via Vista Heights Association for provisional water services to Via Vista Heights Subdivision

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: Move for approval.

CHAIRMAN ANAYA: Yes, we've had substantial hearings on this.

COMMISSIONER GONZALES: Second.

The motion passed by unanimous voice vote.

COMMISSIONER GONZALES: Mr. Chairman, I have one other issue under land use issues. Estevan, and it relates back again to the transfer of development rights program. One of the properties that may make sense and I understand that the individuals that own this property are considering submitting as a receiving property and I have not spoke to this individual but I would like to see if you can do some outreach. This is Paul Parker's property which was grandfathered in the Highway Corridor process and he is located very close to the utilities by the Via Vista Utilities Company. He's got a master plan in place and it may be appropriate that that may be considered a receiving area as well. And what I'm trying to do is to continue to see how we can move this program and try and find as many receiving areas that may be as proper as possible. There's not a lot of communities that I know of in this area and certainly it seems that the infrastructure is more readily available on the Parker's area. So if that's okay, and if the Commissioners don't have any problem, I'd like to ask staff to look at that area very seriously and see if it's a proper lead that we can continue to move into the receiving area.

There are sending properties that are currently waiting for a receiving area to basically work on that.

COMMISSIONER TRUJILLO: This conforms with what you said before about designating receiving areas where this commercial area already prevails.

COMMISSIONER GONZALES: Prevails or has already been determined and that's the thing about the Parker property that we have not talked about before. That's an area that is right next to infrastructure and is right next to – it was grandfathered into the Highway Corridor Plan and it's over 60 acres and it seems large enough to handle some kind of sending area. But, I have not spoken to Mr. Parker and I have talked not spoken to Mr. Siebert who is his agent and I certainly think this is a worthy area to be considered as a receiving area.

COMMISSIONER DURAN: Mr. Chairman, I just have a comment.

COMMISSIONER GRIÑÉ: Commissioner Duran.

COMMISSIONER DURAN: Is this the metro-center property?

COMMISSIONER GONZALES: I believe so.

ESTEVAN LOPEZ (Land Use Administrator): Mr. Chairman,

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Commissioner Gonzales, we have in fact received a letter from the Parkers requesting that their property be considered as a receiving area for the TDR program.

COMMISSIONER DURAN: I think that in this process one of the questions that comes up is whether or not their master plan is still valid.

COMMISSIONER GONZALES: It is. We've affirmed it.

COMMISSIONER DURAN: Oh, we have.

COMMISSIONER GONZALES: And, in fact, during the Highway Corridor the Commission recognized it and excluded it from the Highway Corridor Plan.

COMMISSIONER DURAN: Really did we do that?

COMMISSIONER GRINÉ: You weren't here.

COMMISSIONER GONZALES: It was that all master planned property be excluded and that included the Downs of Santa Fe and -

COMMISSIONER DURAN: Yes, it did include all master plans be approved but I thought Mr. Siebert had been before you to discuss the status of the metro center project and you had determined that the master plan had expired. And the only reason that I bring that up is because if we're going to determine or designate this as a receiving area for the TDR program, then I think we need to definitely establish that the use is still valid.

COMMISSIONER GONZALES: That's a good point.

COMMISSIONER GRINÉ: It's still in place.

MR. LOPEZ: Mr. Chairman, Commissioner Duran, Commissioner Gonzales, we have - Mr. Siebert on behalf of the Parkers has sought to clarify the zoning status of that property and our initial response to that was that the zoning had expired. I believe that they're still reserving their arguments that are relevant to the whole thing. So I think that the resolution is not final.

COMMISSIONER GONZALES: Okay, thank you. What I would like then is to move down the road as proper regarding the receiving area and it seems that that area has more so even than the airport redevelopment district, has more ready infrastructure in place and I know that we've all made a commitment to see this project work and we need to find properties that make this fit. If you can really take a look at that very seriously and bring it forward at the next meeting and maybe allow for some resolution that would be great as well.

COMMISSIONER DURAN: I'd like to say that we need to be careful about how we proceed in this. Because it is my understanding that the determination that you and the legal department made is that they have lost their master plan approval. And if they come forward as a receiving center with that master plan having been determined to be valid then all the other properties who lost master plan approval because of that sunset ordinance, we need to consider how that is going to impact that ordinance. Which I think was somewhat unfair anyways.

MR. LOPEZ: Mr. Chairman, we will consider this property and we will

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consider the comments that you made in terms of that determination.

D. PUBLIC WORKS DEPARTMENT

- 1. Request Authorization to enter into cooperative agreement with the New Mexico State Highway And Transportation Department for improvements on the railroad crossing warning devices located on CR 33**

COMMISSIONER GRINÉ: What's the wishes of the Board?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

The motion passed by unanimous voice vote.

- 2. Request Authorization to enter into a construction service agreement, IFB 21-33, with Espanola Mercantile Company for the construction of CR 64-L Richards Avenue Improvements Project**

CHAIRMAN ANAYA: What's the wishes of the Commission?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GRINÉ: Second.

The motion passed by unanimous voice vote.

- 3. Request Authorization to enter into amendment number 1 with the City/County Land fill first amendment JPA Section 1-1.02 reducing the number of members.**

COMMISSIONER GRINÉ: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN ANAYA: By the way this topic was discussed by the Solid Waste Board.

The motion passed by unanimous voice vote.

- 4. Resolution 2000-178: A resolution approving submission of a completed application for financial assistance and project approval of the New Mexico Finance Authority**

COMMISSIONER GRINÉ: Move for approval.

COMMISSIONER TRUJILLO: Let's get a little bit of the details here.

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JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioners, what this is, is an application we are applying for certain pieces of equipment for the solid waste department and road department. This is simply the application process and we do not know the specifics and if we are awarded any money. We will work those issues out and come back to the Commission regarding the revenue sources and the payback when we do get it.

COMMISSIONER TRUJILLO: The application has already been submitted?

MR. LUJAN: We do have it in hand. We just have to have a resolution to submit with it.

CHAIRMAN ANAYA: Any other questions of staff?

COMMISSIONER TRUJILLO: Move for approval.

COMMISSIONER GRINÉ: Second.

The motion passed by unanimous voice vote.

5. Request Authorization to enter into a right-of-way agreement with Taurus and Oshara developers for Richards Avenue

MR. LUJAN: I'll yield to the County Manager and Mr. Kopelman.

MR. MONTROYA: Mr. Chairman, members of the Board, before you is a development agreement, Mr. Chairman, that brings forth some real property owned by Taurus Group a New Mexico Corporation and Greer Enterprises a New Mexico Corporation as well. Mr. Chairman, the County has been looking forward to making improvements to CR 64L, better known as Richards Avenue, definitely, to augment the development of the Community College District that has come before the board and has been reviewed thoroughly by the Commission. Mr. Chairman, the agreement before you brings forth a total of 2.133 acres from Greer Enterprises and 2.24 acres from the Taurus Group that are going to be donated to Santa Fe County to make further and future road improvements to this particular section of roadway.

Mr. Chairman, the donation to the County is furnished on the fact that the County will move forward to proceed to find resources, or a funding resource, to underwrite the improvements to this particular roadway improvements that has been designed by Tierra Engineering. Mr. Chairman, the approximate value of these improvements is approximately \$600,000. The County hopes to come before the state legislature to seek these resources and to put them to work relative to these improvements.

Mr. Chairman, I wanted to say a couple of words about the relationship with the Taurus Group and Greer Enterprises, Mr. Chairman, we fully appreciate the fact that these owners have worked with the County over some period of time to determine how this transfer of real property would occur and we went through several different attempts to work out different considerations that were brought forth to the table and Mr. Chairman,

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we are quite pleased that the donation comes directly to the County really with no other commitment that we will seek the resources to make these improvements.

But I do want to point out, Mr. Chairman, that in the spirit of the negotiation that took place, we want to thank Greer and Taurus for being a good partner here and coming forth and looking at the future of that particular section of the community and, Mr. Chairman, at this point in time we also have an acknowledgement that they will come with us, if necessary, to the legislature and help us deliver this message to the legislators to see if we can seek that money.

Mr. Chairman, I want to thank Mr. Kopelman as well for helping us put this agreement together and I do understand that both of these groups have signed onto this agreement and I appreciate their support. Mr. Chairman, I defer to Mr. Kopelman at this point.

MR. KOPELMAN: Mr. Chairman, just real briefly, the value of the land is about \$500,000 at least so again I think it's a gesture of good will upon the property owners and I think this is going to enable us to go forward and hopefully get the money from the legislature to make the improvements which will go along way towards the safety of Richards Avenue.

CHAIRMAN ANAYA: And this is all in coordination with the Community Plan and Rancho Viejo also?

MR. MONTOYA: That's correct, Mr. Chairman.

CHAIRMAN ANAYA: Are there any other questions of staff?

COMMISSIONER GRIÑÉ: I move for approval.

COMMISSIONER DURAN: Second.

The motion passed by unanimous voice vote.

MR. LUJAN: Mr. Chairman, on behalf of Public Works and the Finance Department we wanted to thank you and Commissioner Griñé for all the hard work you've done for the County.

COMMISSIONER GRIÑÉ: Thank you.

CHAIRMAN ANAYA: You guys are going to make me cry before tonight is over.

E. RESOURCE DEVELOPMENT DEPARTMENT

1. Resolution 2000-179: A resolution adopting a reasonable rate for the County Surveyor

ARTURO RODRIGUEZ: Mr. Chairman, by way of introduction, Mr. Allen Grace the County Surveyor is present with us this afternoon.

CHAIRMAN ANAYA: Allen, congratulations on your win.

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MR. RODRIGUEZ: On December 29, 1998, the Board of County Commissioners approved salary rates for elected officials per section 4-44-4 NMSA 1978.

At that time we did implement those increases except for elected officials in mid-term. As of January 1, we will make those corrections for elected officials and move them up as appropriate that were re-elected. But at that time we also set no amount of compensation for the County Surveyor.

The attached resolution provides for an annual compensation rate of \$15,018 which would be effective January 1, 2001.

CHAIRMAN ANAYA: Okay. And what are you requesting from the panel?

MR. RODRIGUEZ: For approval of the resolution setting the rate.

COMMISSIONER TRUJILLO: And that's at 80 percent of the Commission salary?

MR. RODRIGUEZ: The way we figured it, Mr. Chairman and Commissioner Trujillo, in a Class A County which does set an annual salary rate for the county surveyor, it's 86 percent of a Commissioner's salary so we just used that same ratio for a Class B county and that's the amount it works out to.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: And what are the duties of the county surveyor?

MR. RODRIGUEZ: Mr. Chairman, Commissioner Duran, there are some set, although vague, in the statute. So we're in the processing of working out those logistics of just what the surveyor might be doing. I'm sure he'll be speaking with all of you too.

COMMISSIONER DURAN: I think we should postpone this until we know what the duties of the surveyor are. I know that in the past the surveyor hasn't done anything and I would hate to approve a \$15,000 payment without even knowing what he's going to do is not the most prudent thing for this commission to do or for you to recommend.

MR. RODRIGUEZ: -- a response from Sally Malave from our legal.

SALLY MALAVE (Assistant County Attorney): Commissioner Duran, Mr. Chairman, the county surveyor act is an archaic one but it does have certain duties that are specified. The one that I can point to is the one that provides that all county surveying shall be performed by the County Surveyor, and to us, that's a very proud statement that encompasses anything from actually surveying on the field to administrative type duties that are associated with surveying. My understanding is that the previous county surveyor worked under contract and only based on specific projects as per whatever the contract was. But there are different functions that the county surveyor can perform that are not necessarily contract specific or projects specific under this one provision.

One of the things that the newly elected county surveyor has considered for

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example coordinating the efforts of the surveying needs of the different departments and looking at what those needs are and how they're being fulfilled and the specifications that are being issued for the different projects are appropriate. Another function would be to look in and review the surveys that are recorded with the County Clerk to insure that they meet the standards and are in accordance with law.

At this point part of the problem is that the statute while being board is not specific enough to – it can include just about anything a creative official would want to include in that.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I think your comment that the requirements or job description for the surveyor are archaic is reason enough to wait until we actually have something in a job description. If we're going to require that he review all the surveys that are recorded in the County Clerk's Office, then he's not going to have any time to do anything but review those. I don't think it is necessary that he review all of those. I can see where we can use him to, for example, survey the 80 acres we have on Agua Fria – I don't know it just seems too vague.

MS. MALAVE: In combination with that in terms of the question of whether he can go out and survey certain properties that are owned by the county, there is another provision that says that the County Commission can have the County Surveyor or a private land surveyor perform the surveying of the county but one of the issues for the Commission to consider in conjunction with the salary is also the funding of that office. And, for example, at the moment the County does not own any surveying equipment and so –

COMMISSIONER DURAN: It's obvious that we need to explore this a little further. I'd like to make a motion that we table this.

COMMISSIONER GRIÑÉ: I'll second it for discussion.

CHAIRMAN ANAYA: There's no discussion to a table.

COMMISSIONER GONZALES: I'd like to talk about this.

CHAIRMAN ANAYA: Will you withdraw your second for a moment?

COMMISSIONER GRIÑÉ: No, let's vote on it.

The motion to table failed by majority 2-3 vote with Commissioner Griñé and Commissioner Duran voting for and Commissioner Gonzales, Commissioner Trujillo and Chairman Anaya voting against.

COMMISSIONER GONZALES: Mr. Chairman, thank you. A couple of things we need to keep in mind and one is by law, and I think she has already indicated that he comes on board we have to pay for his position. Secondly, I'm not sure we can table this because come January 1 this is a duly elected position that we need to pay for. And secondly, what I would just ask the Commission is that I know there is some

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ambiguity in the role the County Surveyor is going to play and I know there has been a lot of discussion whether this County needs a surveyor. We are the only county in the state that has a county surveyor and so what I would recommend to the Commission is to allow a year to go by to see if the surveyor, in fact, has a role in the county's business and how we do business. Allow him to work with the staff to see if there can be some value added with the position but we cannot table a position that is going to be created by law January 1 that we have to pay for.

CHAIRMAN ANAYA: That's correct.

COMMISSIONER TRUJILLO: But I think I agree with Commissioner Duran, that up front we need to develop a specific job description on what the duties and responsibilities of the county surveyor are mutually acceptable to the surveyor and staff so that we know what sort of assignments and what sorts of duties and responsibilities can be given to the county surveyor. There's an essential need for the surveyor with road easements and land surveys and all kinds of stuff but we need to delineate a specific set of mutually agreeable duties and responsibilities for the county surveyor.

COMMISSIONER GONZALES: Mr. Chairman and Commissioner Trujillo, we may need some legal advice on this. But, Arturo, I don't know that we're given that freedom to create roles and responsibilities for the surveyor just as we are not given the ability to determine the roles and responsibilities of the clerk, the assessor, or the sheriff. That's set by the statute. The county surveyor is elected under state statute and if the statute is what is ambiguous then we should -

COMMISSIONER TRUJILLO: But we already heard that the statute is antiquated and archaic.

COMMISSIONER GONZALES: Well, I agree but I'm not sure that we can as a board tell the surveyor what he has to do or to define as a board the role and responsibility. But I think we can encourage that the surveyor and the staff will work to clarify that for us.

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: Mr. Chairman, the reason I wanted to table this is because I thought it would be in more fairness to my predecessor to make a determination because they're the ones that have to make a decision and mid-year whether it should continue.

CHAIRMAN ANAYA: Sam, has this position been budgeted?

MR. MONTOYA: Mr. Chairman, it has not and we're going to have to make some budgetary adjustments to provide for the salary and also for the operating money.

CHAIRMAN ANAYA: In that case, can we table this to the first meeting of January?

COMMISSIONER DURAN: I'll make that motion.

COMMISSIONER GRIÑÉ: Second.

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COMMISSIONER TRUJILLO: What do you think of the job description?

MR. RODRIGUEZ: Mr. Chairman, Commissioner Trujillo, we don't have job descriptions for any of our elected officials and that's the problem we're having here.

It doesn't disallow setting certain parameters that are within that broad statute. I don't know why we couldn't do that. Would you like to hear from the County Surveyor?

COMMISSIONER DURAN: No, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Is this the only county surveyor in the world?

MR. RODRIGUEZ: The only one in the state.

COMMISSIONER DURAN: It is in the state? How about in the United States; isn't there a job description somewhere?

MR. RODRIGUEZ: It isn't that we can't write one, Commissioner Duran, it's just that we haven't historically written job descriptions for County Commissioners, clerks or things like that. We could certainly start.

COMMISSIONER GONZALES: I have a suggestion - I know where you want to go and I think I have the answer to it.

COMMISSIONER DURAN: Okay, go ahead.

CHAIRMAN ANAYA: Yes, Commissioner Gonzales.

COMMISSIONER GONZALES: We're not obligated to fund the position; is that right? But I think what you can do is can you attach a level of job duties that need to be met to be able to receive the compensation?

CHAIRMAN ANAYA: To justify the position.

COMMISSIONER GONZALES: Because the position isn't funded in statute; is that right?

MR. RODRIGUEZ: No, it's not funded.

COMMISSIONER GONZALES: I'm sorry, is it stated in the statute?

MR. RODRIGUEZ: It is. You're setting a reasonable rate of compensation per January 1 as per the statute.

COMMISSIONER DURAN: Let me have one thing to interject here. By approving his salary and having the description so vague that we might be introducing another level of approval in the land use department, in the county clerk's department - what if that happened? I don't think we should approve this without some kind of boundary of where his job description is going to fall.

CHAIRMAN ANAYA: Sam.

MR. MONTROYA: Mr. Chairman, as a possible resolve to this, because there is no real standard and no process for this particular elected office, Mr. Chairman, my best recommendation to the board would be and this would incorporate some concurrence by Mr. Grace, that the Board consider adopting the resolution setting the salary because of the fact that this is a statutory position and Mr. Grace has been duly elected to it. And the second part of the agreement be that Mr. Grace sit with myself, Mr. Kopelman and probably the Clerk to set some standards for the surveyor's position or

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maybe in lieu of the Clerk with the Land Use Administrator.

COMMISSIONER DURAN: I would agree to that.

CHAIRMAN ANAYA: Commissioner Duran, would you like to restructure your motion.

MR. MONTOYA: If Mr. Grace concurs, Mr. Chairman.

COMMISSIONER GRINÉ: No, because there's already a motion to table it.

COMMISSIONER DURAN: I'll withdraw my motion to table the second time.

COMMISSIONER GRINÉ: And, I'll make a motion to adopt what the County Manager has just proposed.

COMMISSIONER TRUJILLO: I think we need to include the Personnel Director involved in this.

MR. MONTOYA: Mr. Chairman, that's correct and I also want to point out that Mr. Grace should concur with this.

COMMISSIONER DURAN: I'll second that.

CHAIRMAN ANAYA: Mr. Grace, are you in concurrence? It will be structured within the year but it's kind of an evolving situation and I think with the suggestion that came from the County Manager is appropriate at this state of your position. Oh, it won't be the end of the year. It'll be the top of the year.

[Mr. Grace agrees with a reservation about when it will be accomplished.]

CHAIRMAN ANAYA: All right there's a motion and a second on Sam Montoya's suggestion. And that will be Resolution 2000-179.

The motion passed by unanimous voice vote.

MR. LOPEZ: Mr. Chairman, can we get some clarification on the La Cienega.

MR. OLSTEAD: Mr. Chairman, we made the nominations rather quickly and I forgot to mention that the nominations must be made with terms of two years or one year with three of the five having one-year terms and two of the five having two-year terms. And what we suggested in the memo was a random process to pull names from a hat to determine that.

CHAIRMAN ANAYA: Is there consensus from the board? Yes, you have consensus to do that.

2000 Legislative Priorities

MR. MONTOYA: Members of the Board, we've provided a two-page list of legislative priorities. These were the priorities that were brought together from the senior level retreat and various members of the Board and through some of the discussions

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at the commission meetings. Mr. Chairman, I want to point out that the first 10 items are road initiatives that are spread out throughout the county and we have provided for you the district location, the road number and the distance, the type of project that it is, and the sum. If you want me to read through this I will, Mr. Chairman, and if not -

CHAIRMAN ANAYA: I don't think that's necessary. I have a comment. Thank you for including La Barbaria Road, it's been a thorn in my district for the longest time and I'd also like to thank you for the liquor excise tax that has been going to the State General Fund for years and years and finally you people with your efforts have opened that avenue as to where it should be directed and I'm really appreciative of that because that was the initial intent of that tax and I hope it comes to fruition.

MR. MONTOYA: Thank you very much, Mr. Chairman. So the first 10 items are road projects and they are a total sum of \$3,010,000.

COMMISSIONER TRUJILLO: One thing on the road projects, I was there and I apologize, I was there for the senior staff retreat and I agree with the road projects here but I inadvertently left out one that is real important in my community and that's the resurfacing of CR 88 from SR 76 to US 285/84. That's a major connection arterial between Santa Cruz, Cuartelez, La Puebla and Arroyo Seco to the main corridor and it's in pretty bad shape. Is there any way we can include it as part of our legislative request, the resurfacing of CR 88 and shoulder work?

MR. MONTOYA: Let me refer to Mr. Lujan.

MR. LUJAN: Mr. Chairman, Commissioner Trujillo, I think we could, yes, and we'll need to come up with an estimate on it. I don't have a length on it but we can certainly work on it on the next day or so. So it's doing grading, draining and resurfacing.

COMMISSIONER TRUJILLO: Resurfacing the shoulder work.

MR. LUJAN: We'll work on an estimate for it.

COMMISSIONER TRUJILLO: Very good.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: I agree and appreciate the fact that [inaudible] it seems to me that the areas of La Cienega and Ramuda Ridge have been left out. I want to ask you what's the status of CR 56 particularly where it narrows between lower La Cienega?

MR. LUJAN: Is that the paved portion?

COMMISSIONER GONZALES: Yes. It's a very, very narrow road there and very dangerous for school buses. Do we have that anywhere in our plans?

MR. LUJAN: Mr. Chairman, Commissioner Gonzales, I have not seen that one but I will definitely look into it.

COMMISSIONER GONZALES: How far along have we gotten - how much is left to go?

MR. LUJAN: I'm not certain but I will get an answer to you.

COMMISSIONER GONZALES: I'd like to add CR 56 into this. I know

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the area legislators are going to want it. But particularly I want to take a look at the area between upper and lower La Cienega where the road is very narrow and see if can widen that county road.

MR. LUJAN: Would we have to acquire right-of-way, I would have to look into that also. And then there's some drainage issues in that area that we're going to have to address particularly close to those homes.

COMMISSIONER GONZALES: And then there's the Ramuda Ridge area one of their roads came up as a priority [inaudible]. Are they represented on the Road Advisory Council?

MR. LUJAN: Yes, they are.

COMMISSIONER GONZALES: Can you give me the name.

MR. LUJAN: I sure will. I don't know if he's been attending. We've had a lot of absenteeism of some of the members.

COMMISSIONER GONZALES: I'd like to at least - we have the opportunity to review this again before the legislative session, Sam?

MR. MONTROYA: yes, Mr. Chairman.

COMMISSIONER GONZALES: That would be good so we can modify it.

MR. MONTROYA: Yes, in fact, we propose to bring it at the first meeting in January, the finalized version. I believe that we also want to have the opportunity to discuss the list with the incoming Commission as well and get their opinions on the proposed projects. Mr. Chairman, I will go ahead and add the CR 56 and CR 88 to the road listing and I would like to continue to quickly run through the first priorities and see if there is any disagreement that they're in the wrong or right place.

Mr. Chairman, we wanted to consider at least looking at the Santo Domingo wellfield diversion at approximately \$150,000. The Buckman Well diversion at \$81,250. Pursuing the \$300,000 under the redistribution of the liquor excise tax from the state. We already have a commitment from the Interim Committee to put this in on behalf of the County. The Paseo CdeBaca water line at \$250,00. I want to strike item 14 from the list because it is already taken care of under item 10. Mr. Chairman, going to the second page, there is another initiative here to move the three-year contract limit on private jail management. We wanted to see what kind of legislative support would be available for that, if any. We want to reauthorize funds for CR 78 and \$71,277; we want to come back to the legislature for reauthorization for the language on CR 62 an appropriation worth \$56,000 that we already have; however, the language needs to be expanded. We want to come in to seek to consolidate Cerro de Alamo, Nancy's Trail, and Calle de Torreon into a County improvement and maintenance fund. These three projects, Mr. Chairman, were funds that were granted to the county to improve private sections of roadway that do not belong on our maintenance list currently. In lieu of losing this money, Mr. Chairman, we would like to ask the legislature to create a road improvement maintenance fund and put all of these dollars into that fund and then make road improvements in that particular district wherever these particular projects sit. I'm not sure how the representatives or senators will

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feel about that particular request, Mr. Chairman, but it is a new and innovative concept that we hope they may buy into. Mr. Chairman, secondly, we would also like to look at the language of the sole community provider that was brought up earlier to see if there is any way that we can structure some language that will protect the issue that were brought up.

Under the legislative priorities number two, the first five items there are equipment requests that we have never gone to the legislature for; however, we are in need of approximately \$300,000 for equipment in the solid waste and maintenance area and we're going to pursue any interest in that by the senate-side of the legislature because the house of representatives historically does not support acquisition of equipment; however, the senate does. And we would like to pursue these interests and see if we have any sponsors that might be willing to do that. Mr. Chairman, item six under priority two should actually be in the number one priority and this is pursuing the state penitentiary water rights and we would also like to pursue along with them \$500,000 to improve the infrastructure. So that, Mr. Chairman, is in the wrong location and I just wanted to point that out.

Mr. Ojinaga has requested \$100,000 for infrastructure improvements to the Agua Fria Park and the other two, Mr. Chairman, relate to a joint memorial seeking support for our resolution of issues with Tribal Government and the last is to pursue and resolve to the issue of the County Surveyor that was discussed earlier.

Mr. Chairman, the other items that will be included to this list are the first five items off the CIP plan that has gone through the process with all the Commissioners. The first item is the Children's Youth Shelter and so we will add those on, Mr. Chairman. The next task is to seek the appropriate sponsors for these bills and to get the bills drafted and ready for the 17th of January.

Mr. Chairman, these are the issues that we have before you and we would seek conceptual approval of the list so that we can move to seek up the sponsorship.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I was just wondering, there are very few or none county roads in district two. And I was wondering if it might be possible to move the Agua Fria Park infrastructure into a number one priority and raise it to \$200,000. The park has La Familia Center there, we have our fire station there and now we're hopeful that we might get a County youth shelter facility located on the site and a real park out there would offer more to the represented community.

MR. MONTROYA: Mr. Chairman, I respect the Commissioner's tenacity in endorsement.

COMMISSIONER GONZALES: I have one issue that relates to the Paseo Cde Baca water line: Estevan, on this I've had a chance to talk over the past four or five years to the mayordomo out there and we have been talking for some time about the line extension and - our water bonds could work for that water extension. And while I support vying for legislative appropriation for this water line, I would like to make that a priority

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for Doug Sayre because it's getting difficult for me, even when Mr. CdeBaca says we're going to get there, we haven't gotten there. And I would like to see what we need to do to get that issue before the Commission so that we can act and determine the barriers that exist there.

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, the most significant barrier has been the fact that in order to hook up the homes out there, one of the options that we presented to the community about 18 months ago was the possibility that they would be able to transfer the domestic portion of their individual well use to cover the water rights aspect of it and that's something that the State Engineer has endorsed and done with other municipal systems or mutual domestic systems throughout the state. The problem is that up until - we're still not there, but we're very, very close to having a place where we can transfer such rights to. And that's been the biggest hurdle. But I met just last week with Mr. CdeBaca and we discussed the possibility of starting to actually bring that information together so that we can put it in either the Valle Vista wells, the state pen wells, any well that we might acquire and actually go forward with that whole thing. But I agree with you.

COMMISSIONER GONZALES: Can I ask you, Estevan, to work with Mr. CdeBaca over the next two weeks and come back to the Commission in a reasonable amount of time or asking Doug to do it in possibly a month's time, to put together a timeline as to when we expect to find the diversion point and from that point what the next step is going to be. We really have to get a game plan laid out with a time frame [inaudible] Paseo Cde Baca - is that reasonable, Estevan?

MR. LOPEZ: Yes, very reasonable. We'll get a timeline together and we'll work on that and I've already asked Doug to work with Mr. Cde Baca so we'll present that within a month's time.

COMMISSIONER GONZALES: Great and I'd like that brought back for endorsement by this body.

MR. LOPEZ: Thank you.

COMMISSIONER DURAN: Estevan, I had just one last thing and to Sam. If we are successful at acquiring the Hagerman Well I would think that we probably need to start planning how we're going to use the water from that well and I see that we have some money allocated for the Santo Domingo wellfield diversion and the Buckman Well diversion, but shouldn't we be planning on how we're going to get some lines out there or some filtration out there. It's kind of vague to me how we're going to use that well and it would seem to me that we need to start planning for that.

MR. LOPEZ: Mr. Chairman, Commissioner Duran, your question refers to how we will use the Hagerman well?

COMMISSIONER DURAN: If we're successfully at acquiring the Hagerman Well and the State Engineer approves the transfer; how are we going to use the water that that well will produce?

MR. LOPEZ: Mr. Chairman, Commissioner Duran, we have given that a

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considerable amount of thought and we will be bringing forward to you relatively shortly a water management plan. But I think that the specific issues that you mentioned, the Santo Domingo and Buckman those are for a totally different aspect of this water plan. That is, how will we bring surface water from the non-local water supplies into this area, either San Juan-Chama or other main stem Rio Grande water. That's what those funds would be used for either Santo Domingo, Buckman or elsewhere.

COMMISSIONER DURAN: I guess just to sum it up, we actually have time to start finding funds to develop the infrastructure that we're going to need to develop to use the water the Hagerman Well produces.

MR. MONTTOYA: Mr. Chairman, Commissioner Duran, if I can interject. From the federal grant that we have for water, we do have set aside some money for study of our water uses. So we do have approximately \$60,000 is that -

MR. LOPEZ: I think it is \$80,000.

MR. MONTTOYA: That could be used for that particular purpose, Commissioner Duran, so I think we have some resources available to us at this time.

COMMISSIONER DURAN: I guess my only concern is that I hate to spend all this money on this well and then we own it and we haven't a plan for how to use it.

MR. MONTTOYA: I share the concern, Mr. Commissioner.

COMMISSIONER GONZALES: Quickly, in relation to that. I checked with Steve Kopelman and I thought that Commissioner Duran wanted to table the agreement and look at it and I would like to make that agreement available to the public, to any member of the public who would like to review it and then they'll have an opportunity to comment as well.

COMMISSIONER DURAN: Great.

MR. MONTTOYA: Mr. Chairman, if the board would indulge me, I would like to have some conceptual approval of what we have proposed to you so that we can have a closer, cleaner draft for your review on the 9th.

CHAIRMAN ANAYA: Is there consensus? Yes, we have consensus.

MR. MONTTOYA: Mr. Chairman, before we move on to the next item, I would just like to make one announcement and one comment. The announcement is, Mr. Chairman, we will have the swearing in ceremony Monday for the incoming elected officials to public service and it will be at 2 p.m. in this room, Mr. Chairman. We have sent out notices to the community and we expect to have a full-house, Mr. Chairman, so I would like to invite all of you to come over and share that time with us. I want to thank the Clerk's office and Ms. Deborah Salazar for helping us put that all together.

In closing, Mr. Chairman, I want to say that it has been an honor and a privilege to serve with Commissioner Anaya and Commissioner Griñé. I know that this is their last official meeting, but on behalf of the senior staff and my office, Commissioner Anaya and Commissioner Griñé, we appreciate all your service to the community and it was a great honor serving with you.

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CHAIRMAN ANAYA: Thank you, Sam. And, likewise and I think you're tenure here as also been such an improvement in all the years I've been here and I certainly saw a lot of progress and I appreciate all your efforts that you put forth. Steve, everybody.

MATTERS OF PUBLIC CONCERN

ELAINE CIMINO: Hello, my name is Elaine Cimino and I'm from La Cieneguilla. Commissioner Anaya and Commissioners. I just wanted to comment briefly on the airport and airport preparedness presentation that was given earlier. One of the things that I saw in the presentation that I wanted to bring to your attention was that Mr. Holden was talking about incidents, and what we'd like to see here is that we know that the county takes 20 to 40 minutes to respond out in that area of La Cieneguilla. We would like to have maybe a report done on what type of aircraft incidents have occurred and how many have occurred, so we're indicating whether they're Cessna's crashing or what if they – you know, if there were any injuries in those accidents and really just want the – I would like to have the availability of seeing those reports and seeing how many have occurred in the last 10 to 15 years out there and whether it has increased over time. I think this would be really important for the Commission to know that information.

And, also, I would like to bring to your attention that the Part 39 Study that would allocate a fire engine to fight aircraft may – very well, we may be able to find those funds without a Part 39 Study. If we have the Part 39 Study we're going to have more aircraft, jet aircraft, private aircraft coming into this airport which those are the ones that give the largest noise volume.

Also, to bring to your attention that the County is not equipped to handle a crash of a 20-passenger aircraft and right now we have 20 passenger aircraft taking off every 15 minutes during the day out there at the airport. So I think we have to look at what kind of noise is going to be acceptable out there. What those capacities are and how we can find funding without increasing the certification of this airport and I think it is very important and I hope you will consider bringing those reports to light here and moving forward with a resolution to City Council in the near future to support our concerns on the airport noise situation.

COMMISSIONER GONZALES: Elaine, is that where we left off and you're working with Rudy Garcia from our staff but what was the next step? I know there were a couple of areas that we thought the County could really [inaudible] is it the resolution to the City Council?

MS. CIMINO: Well, yes, I think so, because we have some different issues here. We have three issues in this one cradle called the airport noise abatement. And one is just the noise abatement of the development of the airport and one is the National Guard increase of 15 helicopters and the other is the safety issue. How can we get safety without increasing noise. To just kind of put it in a nutshell I think that's where we're at in finding solutions to it.

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COMMISSIONER GONZALES: You're continuing to work with Rudy Garcia of our staff; aren't you?

MS. CIMINO: Yes, I am. I just wanted to let you know that those were the inconsistencies I saw in the presentation today. We didn't find out what type of incidents they were What type of aircraft and how many there have been and where they have occurred in the county and I think that's an important factor too. So, I think if you could look into that and see if we can find that information out from the fire department so that we can bring this to light when we go to the City and ask them for these considerations.

COMMISSIONER DURAN: Thank you, Elaine.

MS. CIMINO: And, thank you, Commissioner Anaya.

H. MATTERS FROM THE COMMISSION

1. Appointments to the Solid Waste Management Board

COMMISSIONER GONZALES: I'll make a motion to table.

COMMISSIONER TRUJILLO: second.

2. Resolution 2000-180: Joint Sponsorship of the annual marching parade to celebrate the life of Cesar Chavez.

COMMISSIONER GONZALES: Mr. Chairman, I asked that this resolution be brought forward to sponsors the annual marching parade to celebrate the life of Cesar Chavez. I just want to ask the County for support for the city and the community out there in this effort.

I move for adoption of Resolution 2000-180.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

The motion passed by unanimous voice vote.

3. Resolution 2000-181: A joint City/County resolution designating the City/County RPA as the Metropolitan Planning Organization's Transportation Policy Board.

COMMISSIONER GONZALES: Mr. Chairman, we're asking the Commission to adopt which would allow the members of the Metropolitan Planning Organization to be members of the RPA. The reason being for a loss of funding because this committee has a problem reaching a quorum and so we believe that the RPA would be able to serve as the MPO and act more timely on the issues and get things taken care of.

CHAIRMAN ANAYA: Good point, Commissioner Gonzales, and this of

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course was discussed with the Mayor and members of the RPA and there was consensus.

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second.

The motion passed by unanimous voice vote.

4. Approval of a proclamation declaring January 22, 2001 Legislative Appreciation Day in Santa Fe County.

COMMISSIONER GONZALES: So moved.

COMMISSIONER TRUJILLO: Second.

The motion was approved by unanimous voice vote.

Other Commission Matters:

COMMISSIONER GONZALES: Mr. Chairman, I'm not sure where Estevan is - the Commission recently adopted the Community College District Plan and in that plan we have lots of goals and objectives to create sustainable communities and we had indicated that before that could happen we need a long-term sustainable source of water and proper infrastructure. What I would like to do is send direction to staff to come forward to the Commission. I know that we're going to have a water retreat at the first of the year, but to come back with options as to how we can establish and create that long term water source. I know there are lots of things that have been discussed that have never been formalized and I would like for you to do that so that we can follow through on the reality of the Community College District in terms of long term planning.

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, you would like us to prepare all the various options that we see so we can discuss those.

COMMISSIONER GONZALES: I think that it is our responsibility since we adopted the plan, to see how that water is going to come in and whether it is a reality or not and what those options are. So I would like for you to get that prepared and it will be a good point to reference when we do get the retreat, but we need to develop a plan of action and make sure the plan wasn't just something in the clouds but something that will work for the community.

MR. LOPEZ: We will do that.

COMMISSIONER GONZALES: Thank you.

Commissioner Anaya I want to thank you very much for your service. It has been an honor to work with you and be guided by your wisdom. Your commitment to this community has been exemplified in thousands of hours and might add that I rarely get upset editorials in the paper because after a while you just accept that their position, but I have been rather bothered recently by editorials that accused you and Commissioner Griñé

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and certainly others as lame ducks, it's rather unfortunate that people don't realize that 20 years of your life has gone into this County and into securing for the people of the community whether it was preserving the mountains of the east side, the mining ordinance or assuring that the corridors are protected, that they want to clip your wings before you can finish out your obligation. I want to assure you that I want to stand in support of you until the last day that you get the opportunity to represent your constituents and I think that you have represented them well and I just want to tell you what an incredible honor this has been for me to sit up here with you. And I know there have been lots of times that we've disagreed but never have we parted ways without creating a community of the County that is good for the people.

So congratulations for 20 years of service for the community and take what the media has said with a grain of salt or anyone has said. You have earned the right, 20 years, I don't think anyone in this community has given 20 years to the County in service. And for that I want to thank you.

And I want to thank Commissioner Griñé for bringing his business expertise and making sure that we always stay true to taking care of the community, and it has been an honor to serve with both of you and I look forward to your continued support and wisdom as we address some of the challenging issues that come forward – so thank you very much and god bless you both and certainly enjoy your time a way. I know both of you will enjoy your life away from here but as you move forward there will be lots of criticism of the district plan but I know that it is something that both of you were committed to over the last four years and it's a wonderful legacy to leave as is the highway corridor plan and you should be well commended for that.

CHAIRMAN ANAYA: Thank you for your kind words, Commissioner Gonzales.

COMMISSIONER TRUJILLO: One other thing under matters of the Commission, during the last meeting I was appointed to the EZA and I'd like to give the opportunity to our incoming Commissioner Jack Sullivan to serve in that capacity in the spirit of supporting the incoming commissioners to have a voice in the community, I think that's the best thing to do. I'm stepping down from the EZA to give Jack Sullivan the opportunity to serve in that capacity.

And in looking at Commissioner Anaya and Commissioner Griñé, since the beginning on coming into the Commission the hand was extended to me in support and I feel that if there's one word that describes Commissioner Anaya it is quintessential. He's the quintessential servant. He's compassionate. He cares about the local community and always strives to benefit those people he represents. I think you, Commissioner Anaya, for being a good mentor for me and the community.

And Commissioner Griñé, it was a pleasure serving with you during the last four years and thank you for bringing a much needed perspective into the Commission. And I wish you, both of you, all the luck in the world and you've left a lasting legacy. Commissioner Anaya, 20 years of public service does not grow on trees.

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CHAIRMAN ANAYA: Thank you, Commissioner Trujillo, for the kind words.

COMMISSIONER TRUJILLO: Mr. Chairman, I was not here to hear most of what Commissioner Gonzales said but I would just like to add that on the cornerstones we have played on over the last four years and I think one of the biggest accomplishments we can set up here and take for a lot of hard work not only because of this Commission but because of staff, and that was the accomplishment of the General Plan. Not only has the General Plan been completed but I think we've pretty much completed every community plan not just the Community College District and like we have always said, why should we stop business in mid course because things are going to change here soon.

One thing that was never mentioned about some community plans are going along the same path as the Tesuque Plan, La Cienega Plan, the expansion of the La Cienega boundary and all of those were going on but those were never raised to say let's stop them because we're lame ducks but I never really take it personal and put it way in the back. I say what for? The paper will never run out because there's plenty of forest.

I'm also leaving one thing for the new commissioners coming on board that it was my idea that staff and that was pretty much between me and Estevan that on a previous discussion some years ago, we found out about the water rights out at the penitentiary. Let me tell you what, we found out and researched it and if Manny Aragon doesn't take it away from us, it was a way to obtain those water rights and put them back into our infrastructure and we still have a lot to do with that resource in this county and working with the City and the northern part and including those in the southern part of this community, and therefore, you know, I leave here very proud of my accomplishments and the accomplishments with you others. I wish the best to incoming Jack Sullivan and also Paul Campos.

And, thank you very much to the public for allowing me to serve on this Commission for four years.

CHAIRMAN ANAYA: Thank you, Commissioner Trujillo. Commissioner Duran.

COMMISSIONER DURAN: It's obvious that you have been great to work with Commissioner Anaya and I think you've been great for the community. Commissioner Grifé, you and I have had some ups and downs but I think that together as a Commission we've done some good things and we've worked hard for our community and I appreciate the time and support that you've given to me over the last four years.

CHAIRMAN ANAYA: Thank you. All you Commissioners and staff, what can I say. The accomplishments in my tenure here, I've seen so much productivity particularly towards the later part of my election and I just think that as a solid institution that is inclusive of all the institutions that are downstairs, this whole entire County government is one institution and I kind of alluded to that each time I would speak and say take care of each other because it is one institution and we have to work together and a reflection on one side is a reflection on the entire institution but I'm so proud of all of you.

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I really am, and I'm going to miss you.

And Commissioners-elect Campos and Sullivan you have a tough job ahead of you. Be ready for a lot of criticism. Be ready for making tough decisions and always remember this, be humanistic in your judgements. That's probably the fairest thing you can do.

Okay, can we move the public hearings up before the executive session.

CDRC CASE #V 00-5780. Ben Lujan Commercial Location Variance. Ben Lujan, applicant, requests a variance of Article III, Section 4.1 and 4.2 of the Land Development Code to allow commercial zoning outside of a potential commercial district on 0.814 acres. The property is located east of US 285 in Arroyo Seco within Section 30, in the traditional community of Arroyo Seco, Township 20 North, Range 9 East.

FRANK WHITE: Thank you, Mr. Chairman. I will be presenting this case today. Recommendation, staff's position is that this application is not in accordance with Article III, Sections 4.1 of the Land Development Code and in granting this variance the purpose of the code to stop strip development would be violated. Regarding Section 4.2.2.b., commercial uses have been in the traditional community at the intersection of US 285 and CR 88 and therefore, staff recommends denial of the requested variance.

The decision of the CRDC on December 21, 2000 was to recommend approval of the variance request to allow commercial zoning outside a potential commercial district.

COMMISSIONER TRUJILLO: Just for the record, so we get a clear history of what's going on in that area. There's already existing commercial development in that area. There's a node of commercial development in that area; is that correct? There's a winery, there's a trailer sales, a day-care center, there's a Mayer's commercial place, and Clarences' Feed on the other side. That used to be a commercial property there next to the highway. So, by no stretch of the imagination I think that this will give impetus to strip development. This piece of property is right smack in the middle of an existing commercial area. And the only use for this property is commercial. By so stretch of the imagination would anybody build a house right next to a highway. What we would be doing is taking away from the land if we denied this action. It's sandwiched in at a commercial - existing commercial area. And that was just for the record.

COMMISSIONER DURAN: Mr. Chairman, I just had one question. Frank, what is the zoning? Is it residential and that's what staff is recommending as the appropriate use to be?

MR. WHITE: Mr. Chairman, Commissioner Duran, for a point of clarification, this is not an existing node. The current zoning is residential and there are commercial uses in the area. There is a mobile home sales, a winery, and a day care which falls under "other development" and is not commercial.

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COMMISSIONER TRUJILLO: Yes, it's – excuse me, Commissioner. It's not an existing commercial node but defacto that whole area is commercial.

MR. WHITE: That's correct.

COMMISSIONER DURAN: I've always had the opinion that the node concept is antiquated and needs to be reviewed and we need to come up with other concepts to provide planning for the property along the highway corridor because I agree this is not an appropriate use along the corridor. And I believe we can deal with commercial development to avoid the look of strip development through architectural guidelines and other methods of design and planning. Maybe in this next four years we can do something about changing the node concept and put something together that is a little bit more appropriate and take into consideration that people don't want to live on highway. And I understand why staff has to recommend denial.

CHAIRMAN ANAYA: Any other questions of staff? Is the applicant present, please come forward.

[Duly sworn, Ben Lujan testified as follows]

BEN LUJAN: My name is Ben Lujan, my address is Route 1, Box 102, Santa Fe, New Mexico, Nambe.

CHAIRMAN ANAYA: Are you in agreement with the conditions imposed by staff?

MR. LUJAN: Mr. Chairman, I don't think there are conditions. I think at the time I come for development plan approval, then will start will have conditions.

CHAIRMAN ANAYA: Okay, and you are in agreement with that?

MR. LUJAN: Yes.

CHAIRMAN ANAYA: Are there any questions of the applicant. Is there anyone in the audience that wants to speak for or against this proposal. Let the record show that there is no one wanting to speak either way.

COMMISSIONER TRUJILLO: I move approval of CDRC Case V 00-5780, Ben Lujan Variance.

COMMISSIONER GONZALES: Second, and that's according to the findings of fact entered into the record.

The motion passed by unanimous voice vote.

MR. LUJAN: Thank you, Mr. Chairman and members of the Commission, and good luck on your new endeavors.

CHAIRMAN ANAYA: Thank you, Mr. Speaker.

CDRC Case V 00-5920. I-25 Business Park de Santa Fe, LLC applicant. I-25

Business Park de Santa Fe LLC, applicant, Robert Baclawski, agent, request a variance of Article III, Section 4.4.4c of the Land Development Code to allow

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for two 30,000 square feet office/warehouse buildings to be 36-feet in height instead of the code required 24-feet in height. The property is located along the I-25 Frontage Road, within the Traditional Historic Community of La Cienega, within Section 34, Township 16 North, Range 8 East.

MR. WHITE: The applicant is requesting a variance to allow the buildings to be 36' in height. Article III Section 4.4.c of the Land Development Code restricts heights to 24'. The applicant states that the additional building height is necessary to hide roof top equipment and the view from the adjacent properties on I-25. The building elevations are attached as Exhibit G. Recommendation of the CDRC was to approve the variance request to allow the building to be 36' in height to screen roof equipment.

Staff recommends denial of this request based on Article III, Section 4.4.c. of the Code and the intent of the code is to limit height.

CHAIRMAN ANAYA: Any questions of staff.

COMMISSIONER DURAN: Mr. Chairman. Frank, in looking at the elevations, the front is what you'll see from I-25?

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

CHAIRMAN ANAYA: Is the applicant present? Please come forward.

[Duly sworn, Robert Beclawski, testified as follows]

CHAIRMAN ANAYA: Are you in agreement with all the recommendations imposed by staff.

ROBERT BECLAWSKI Yes.

CHAIRMAN ANAYA: Are there any questions of the applicant? Is there anyone in the audience that is here to speak either for or against this proposal? Let the record show that there are none.

COMMISSIONER GRINÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griné.

COMMISSIONER GRINÉ: Move approval of CDRC Case V 00-5920.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN ANAYA: Any further discussion?

The motion passed by unanimous voice vote.

IX. MATTERS FROM THE COUNTY ATTORNEY

1. Executive session

a. Discussion of possible acquisition or disposal of real property or water rights.

b. Discussion of pending or threatened litigation

3. Request reconsideration of CDRC Case V 00-5600, AT&T Wireless. This is a zoning item, and if the motion passes the applicant will be asked to meet all zoning notice requirements, at which point reconsideration of the case will be

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placed on a future agenda

MR. KOPELMAN: Mr. Chairman, if I could just note that going into Executive Session in accordance with the Open Meetings Act to discuss pending or threatened litigation and also acquisition and/or disposal of water rights and real property.

CHAIRMAN ANAYA: Steve, number three the AT&T wireless, that is an executive matter?

MR. KOPELMAN: Yes, Mr. Chairman, we are going to discuss that first before it is voted upon.

COMMISSIONER GONZALES: But that's not executive session.

MR. KOPELMAN: Mr. Chairman, we are going to discuss it in executive session because it is pending litigation and then you can vote on that in open session.

Commissioner Griñé moved to go into executive session pursuant to NMSA Section 10-15-1 (1) to discuss the matters delineated above. Commissioner Trujillo seconded the motion which passed upon unanimous roll call vote with Chairman Anaya and Commissioners Griñé, Trujillo, Gonzales and Duran all voting in the affirmative.

[The Commission met in executive session from 5:10-5:30.]

Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda which included acquisition of water rights and the request to reconsider the AT&T wireless issues, CDRC Case V 00-5600. Commissioner Griñé seconded. The motion passed by unanimous voice vote.

COMMISSIONER DURAN: Mr. Chairman, I move to reconsider the AT&T Wireless application, CDRC Case V 00-5600.

COMMISSIONER GRINÉ: Second.

CHAIRMAN ANAYA: And give direction to staff to put it on the agenda.

The motion passed by unanimous voice vote.

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ADJOURNMENT

Upon motion by Commissioner Griñe and having completed the agenda, Chairman Anaya declared this meeting adjourned at approximately 5:35 p.m.

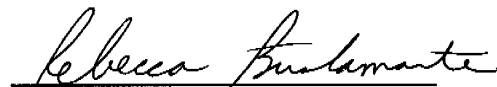
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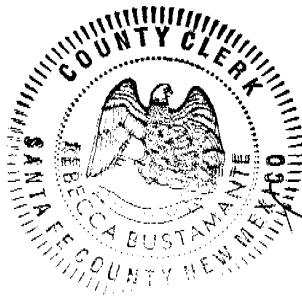

Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

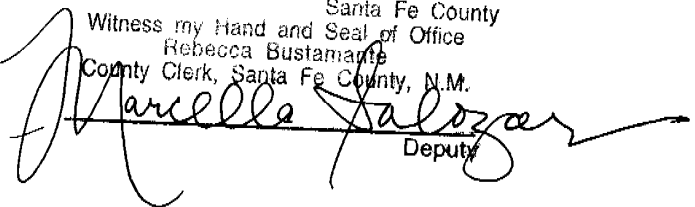
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1143 678
COUNTY OF SANTA FE
STATE OF NEW MEXICO } SS
I hereby certify that this instrument was filed
for record on the 31 day of Jan A.D.
20 01 at 10:00 o'clock a.m.
and was duly recorded in book 1852
page 847-905 of the records of

Santa Fe County
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


Deputy