

1 BERNALILLO COUNTY
2 BOARD OF COUNTY COMMISSIONERS
3 ADMINISTRATIVE MEETING
4 Tuesday, February 12, 2019, 5:24 p.m.
5

6 VINCENT E. GRIEGO CHAMBERS
7 ALBUQUERQUE-BERNALILLO COUNTY GOVERNMENT CENTER
8 ALBUQUERQUE, NEW MEXICO 87102
9

10
11 A P P E A R A N C E S
12

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14 MAGGIE HART STEBBINS, Chair

15 DEBBIE O'MALLEY, Vice Chair

16 STEVEN MICHAEL QUEZADA, Member (excused)

17 LONNIE C. TALBERT, Member
(Note present at 7:24 p.m.)

18 CHARLENE E. PYSKOTY, Member

19 LINDA STOVER, County Clerk
20

21
22
23 BEFORE: KIM KAY SHOLLENBARGER, RPR, CCR #236
24 Paul Baca Professional Court Reporters
25 500 4th Street, Northwest, Suite 105
Albuquerque, New Mexico 87102

1 CHAIR HART STEBBINS: Good morning. I call
2 to order the Bernalillo County Board of County
3 Commissioners Administrative Meeting for Tuesday,
4 February 12, 2019.

5 We are going to begin tonight's meeting with
6 a silent invocation and when that's over I'm going to
7 invite some of our special guests to lead the Pledge
8 of Allegiance.

9 (Moment of silence)

10 CHAIR HART STEBBINS: I would like Cub Scout
11 Troop and our Boy Scout Troop 1, who are here
12 tonight, to please lead us in the pledge.

13 (Pledge of Allegiance)

14 COMMISSIONER PYSKOTY: And I just want to
15 welcome Cub Scout Pack 85 here tonight. And I know
16 that a part of it is, that in fulfillment of learning
17 about your government -- and I feel really honored
18 that you chose Bernalillo County to attend our
19 meeting. You even caught some of our finance
20 meeting, which many people don't. So you're way
21 ahead of the curve. I appreciate it, and we look
22 forward to honoring you more formally in just a few
23 minutes.

24 CHAIR HART STEBBINS: Thank you,
25 Commissioner Pyskoty. And I also want to give a

1 special welcome to the Boy Scouts from Troop 1 and
2 their Scout Master, Assistant Scout Master, Andy
3 Branman, and Troop Committee Chair, Dana Gutierrez.
4 We're really glad you're here. I understand you all
5 are working towards your Citizenship in the
6 Community Merit Badge, so we hope that you learn a
7 lot from your time here and will reach out to any of
8 us here if you have questions or want to come and
9 spend more time with us. So welcome, really glad
10 you're here.

11 I want to state for the record that
12 Commissioner Michael Quezada is excused from
13 tonight's meeting. And with that, we move to Item
14 Number 3. Madam County Manager, do we have any
15 additions or changes to tonight's agenda?

16 COUNTY MANAGER BACA: Madam Chair,
17 Commissioners, we're asking for two deferrals. The
18 first one is Item 9G, Temporary Staffing Services
19 agenda. And the second item is Item 11D, it's
20 Retirement of the San Juan Generating Station agenda
21 item. So a vote is required for the changes.

22 CHAIR HART STEBBINS: I move that we
23 approve the changes as stated --

24 VICE CHAIR O'MALLEY: Second.

25 CHAIR HART STEBBINS: -- by the County

1 Manager. We have a second from Commissioner
2 O'Malley. All in favor say aye.

3 MEMBERS: Aye.

4 CHAIR HART STEBBINS: Opposed? That passes
5 unanimously. So when we get to the Consent Agenda we
6 will approve that, minus Item G.

7 Now we are on to Proclamations. so, Madam
8 County Manager, you are first up.

9 COUNTY MANAGER BACA: Madam Chair,
10 Commissioners, what I'd like to do is acknowledge the
11 Bernalillo County Inclement Weather staff.

12 You all know that during the holidays we had
13 some inclement weather, we had a snow storm. And
14 it's with great pride that I stand here tonight to
15 recognize and acknowledge the winter weather efforts
16 by the Bernalillo County Public Works Division and
17 road crews at the end of 2018. Basically the perfect
18 storm happened.

19 County-wide telecommunications were down.
20 And due to the national network issue, consecutive
21 snow storms were hitting the area and holiday
22 vacation schedules were in full effect.

23 So for several days between Christmas and
24 New Year's, while most of our residents were enjoying
25 the holidays and being together or being out of town,

1 Bernalillo County's finest were outside and on the
2 job. Out there as early as 3:00 a.m. until as late
3 as 11:00 p.m. And Public Works road crews were snow
4 plowing and keeping roadways safe for travel.

5 So by quadrant, those crew members were in
6 the south mountains. Is anybody here from Public
7 Works? Can you all just come on down. I know you
8 don't probably want to, but you deserve to be
9 recognized.

10 So they're not all here, but I just want to
11 mention them by name. George Bennett, Greg Abeyta,
12 Juan Lucero, Chris Pacheco and Joaquin Ortiz. In the
13 North Mountains is Rick Wafer, Richard Noble, Nick
14 Cordova, Brandon Fuentes and Allen Serda. And the
15 North Valley crew is Brandon MacDonnell, Dirk Tafoya,
16 Josh Pacheco and Vince Cardenas. The South Valley,
17 Pedro Villa and Manney Lueras.

18 So despite the long hours, these men stayed
19 in good spirits and could be heard through their
20 radio channel conversations making the best situation
21 they could make while literally whistling while they
22 worked. And it's just a true testament about their
23 work ethic and their team work. So the team went
24 well beyond the men clearing the roads.

25 I wanted to also acknowledge in the heavy

1 equipment shop, the mechanics that were supplying and
2 changing the blades on the plows, replacing
3 windshield wipers that froze and cracked, keeping the
4 fuel tanks filled with special additives to prevent
5 freezing.

6 There's just so many people that were behind
7 the scenes. the clean team and other employees
8 supporting the crews. The Admin staff, I want to
9 recognize my Executive Assistant, Marc Chavez, who at
10 -- I think it was nine o'clock he showed up at my
11 house with a phone, another cell phone, because I
12 couldn't communicate. We couldn't communicate. So
13 he was going in his own personal vehicle going from
14 house to house delivering cell phones. I mean,
15 amazing.

16 The contact center that kept the
17 communications going on, emergency management that
18 stayed on top of the weather reports. The Sheriff's
19 Department kept in constant contact with us regarding
20 the road conditions. Just without all this, we
21 wouldn't have been able to get through it as
22 flawlessly as we did.

23 Public Works road crews also helped the
24 Village of Tijeras. And I want to mention the City
25 of Albuquerque stepped up to the plate and helped as

1 well.

2 I'm just honored and I'm proud to be a part
3 of the work that you do. I want to thank you.
4 Again, we were all at home warm, safe, and you all
5 were just out there making the community a safer
6 place for us.

7 So I want to recognize Roger Paul and
8 Antonio Jaramillo, who is right here, and Amor
9 Solano, who kept constant communication. Richard
10 Clark, we know he's our Emergency Management Manager,
11 and the East Mountain Sheriff's Department Command
12 Center.

13 So these individuals and all the road crew
14 members, we just want to thank you. And we're so
15 lucky to have you. Thank you very, very much.

16 (Applause)

17 CHAIR HART STEBBINS: Thank you very much.
18 We are now on to Certificates and Awards. So the
19 first recognition is a Recognition of the Alvarado
20 Park Neighborhood Association. Is there anyone here
21 from the neighborhood association to speak to this or
22 to receive this?

23 I will make sure that this is delivered to
24 the Alvarado Park Neighborhood Association, but I
25 will read this. This is a Certificate of Recognition

1 given to the Alvarado Park Neighborhood Association.

2 And this is for the outstanding work and
3 dedication to the teaching and mentoring of
4 neighborhood children and collaboration of young and
5 experienced alike to improve the Alvarado Park
6 Community.

7 The Alvarado Park Neighborhood Association's
8 neighborhood grant proposal during the fiscal year
9 2018 program was, without exception, the most
10 ambitious, involved, and most interesting in scope
11 and participation of all the proposals received. The
12 Alvarado Park Neighborhood Association project,
13 entitled Design Education - A New Model for
14 Integrated Learning, ran from November 2017 through
15 May 2018 and involved more than 200 neighbors ranging
16 from second graders to Ph.Ds.

17 The project took 120 students from Mark
18 Twain Elementary School, grades 2 through 5 and
19 immersed them in architecture projects with
20 integrated curriculum, which combined science,
21 technology, engineering, art, architecture, and math.
22 Working with the students were five Mark Twain
23 teachers and 13 volunteer professional architects.

24 The program was co-sponsored by the American
25 Institute of Architects, Albuquerque Chapter and the

1 School Zone Institute Architecture and Children
2 program.

3 In six months, the children learned about
4 organizing a project, from the thought process to
5 design to models. They also learned analysis, model
6 planning and building and even how it feels to be a
7 building. Once the designs and models were finished,
8 a final exhibition was held at the UNM School of
9 Architecture and Planning to which the neighborhood
10 community and general public were invited.

11 It is with great appreciation and honor that
12 we thank you and acknowledge your public service to
13 your neighborhood, community, and most of all, the
14 future and education of the children of Bernalillo
15 County's Alvarado Park Neighborhood. This was,
16 indeed, a gift of time and a labor of love.

17 And this will be presented today, February
18 12th, 2019, and signed by all five County
19 Commissioners.

20 So I will make sure that this gets to the
21 Alvarado Park Neighborhood Association. But I also
22 want to point out, if you may have missed it, that
23 this project was part of Bernalillo County's
24 Neighborhood Grant Program and that is one of the
25 projects I think we -- of which I'm most proud,

1 because Bernalillo County makes available grants to
2 individual neighborhood associations for different
3 projects that serve their particular needs.

4 Again, always love to highlight it. At some
5 point I think it would be great to have a
6 presentation of all the different projects that have
7 been funded under this program and make sure that we
8 provide good public education for neighborhood
9 associations that might want to participate in the
10 future.

11 With that, we will move on to Item 5B, which
12 is recognition of Cub Scout Pack 85. Commissioner
13 Pyskoty.

14 COMMISSIONER PYSKOTY: Thank you, Madam
15 Chair. At this time I will read the certificate, but
16 I'd also like the pack leaders and the Cub Scouts of
17 Pack 85 to make their way down. If the pack leaders
18 could come to the podium, thank you. And the scouts,
19 just sort of line up around the rail there in the
20 front. I would like to honor you by reading this
21 Certificate of Recognition.

22 This Certification of Recognition is given
23 to Cub Scout Pack 85 for your outstanding effort and
24 dedication to citizenship in receiving the Building a
25 Better World badge.

1 As a member pack of the Cub Scouts of
2 America, you have directly and substantially
3 contributed towards practicing citizenship in the
4 local, national and world levels. This badge
5 recognizes the accomplishments of Cub Scout Pack 85,
6 located on Kirtland Air Force Base.

7 In addition, Pack 85 was the first Cub Scout
8 pack in New Mexico to allow girls to participate.
9 Pack 85 has a den of five to ten girls who
10 participate and earn badges and ribbons in the same
11 manner as the boys. Two Pack 85 girls who have
12 earned their Arrow of Light, the highest award in Cub
13 Scouts, will now be moving on to join the Scouting
14 BSA Program.

15 Along with these young boys and girls being
16 recognized for the Building a Better World badge,
17 Bernalillo County would also like to recognize pack
18 leaders Jim Jagodzinski, Wendy Jagodzinski, and Aaron
19 Spaulding for their dedication to the Cub Scouts and
20 Pack 85. Thank you for your service to the kids of
21 Bernalillo County and thank you for helping these
22 scouts achieve a milestone in scouting.

23 Presented this day, February 12th, 2019,
24 signed by all members of the Board of Commissioners
25 of Bernalillo County.

1 And if the pack leaders would like to make
2 just a short comment, you're welcome to do so.

3 MR. JAGODZINSKI: Yes, Madam Chair. Jim
4 Jagodzinski, I'm the Cub Master for Pack 85. I'd
5 like to thank you very much for this honor. And I
6 just want to thank, actually, all of the adult
7 leaders, because you can see all the adult leaders
8 and the parents who accompanied us. Without their
9 help, while I do most of the talking at the meetings,
10 they're the ones who actually do most of the work and
11 help our scouts succeed. But thank you very much.

12 (Applause)

13 CHAIR HART STEBBINS: So I'd like to invite
14 you to join us, come up. We'd like to shake your
15 hands and then take a photograph, if you are willing.

16 (Photo/Applause)

17 CHAIR HART STEBBINS: Next we have
18 recognition of the Bernalillo County Fire Department,
19 sponsored by our Clerk, Linda Stover.

20 COUNTY CLERK STOVER: Thank you, Madam
21 Chair. This last year, as most of you know, the
22 Bernalillo County Clerk's office brought the Mobile
23 Voting Unit to Bernalillo County. This was a brand
24 new thing that came to Bernalillo County that had
25 mobile voting all over the state at senior centers.

1 My group was really great about helping me
2 get it put together and to bring it forward, but we
3 needed some help. And I found out that I had a
4 really good friend in Fire Chief Greg Perez. He
5 stepped forward, he even offered a vehicle, he was
6 there for advice, he was there to help me. And when
7 he found out that -- I've got flowery words. I'm
8 just going to tell you.

9 When he found out the vehicle that we had
10 and he saw it, his face turned green, his eyes bugged
11 out, and he found the lieutenant here to help us
12 drive it.

13 Alex Coriz showed up for the State Fair, at
14 great bodily harm, he cut his finger. And he stayed
15 with us from the State Fair through every day of
16 mobile voting, to and from locations.

17 So they were there to protect us, they were
18 our heros. thank you, guys, for believing in our
19 mission and for helping us get it accomplished. We
20 did a great thing with that Mobile Voting Unit.

21 So you are the number one recipients of
22 the Clerk's Hero Award for Bernalillo County.

23 (Applause)

24 CHIEF PEREZ: Madam Chair, Madam Clerk, it's
25 our pleasure to help, that's what we do, whether it's

1 emergencies or just giving a helping hand. We're
2 honored to have been able to participate in such a
3 great endeavor. I know it's been a dream of yours
4 for a long time and I know the citizens that were
5 part of the early voting are grateful for it, because
6 some didn't get the opportunity to vote until you
7 came through with this.

8 So on behalf of those residents, I thank you
9 for reaching out to them and giving them their voice
10 back.

11 COUNTY CLERK STOVER: Thank you, sir.

12 (Applause/Photo)

13 CHAIR HART STEBBINS: Now we are on 5D,
14 Employee Recognition Program Awards. Madam County
15 Manager.

16 COUNTY MANAGER BACA: Madam Chair,
17 Commissioners, this is probably one of the best parts
18 of what I get to do. I get to present the Employees
19 of the Quarter. This is for the second quarter of
20 fiscal year '19.

21 So first person I'm going to start off with
22 is Eric Schuler.

23 (Applause)

24 COUNTY MANAGER BACA: I've known Eric for a
25 long time. Eric joined the County about 15 years ago

1 and after being recruited -- he was recruited from
2 the district attorney's office where he served as an
3 Assistant D.A. He's worked many long hours over the
4 years on varied projects, from the County's Charter
5 to the Clerk's election-related matters and
6 everything inbetween. I know that our County
7 Attorney is going to miss having his dinner with him.
8 They have a traditional dinner before election, the
9 election night. Oh, you still have it, okay, very
10 good.

11 So he is known for his excellent legal
12 research. And what do you call him, Professor
13 Schuler. Yes, we call him Professor Schuler. That,
14 coupled with his many years of experience working in
15 the government sector has earned him the fond name
16 of, again, Professor Schuler.

17 So Eric may be quick to share his legal
18 knowledge, but sharing facts of a personal nature
19 does not come to him as naturally. He graduated from
20 Northeastern University School Of Law in 1993 and his
21 first legal job was at the D.A.'s office in Silver
22 City.

23 He enjoys hunting and backpacking. And I
24 have a feeling he'll be going to Pagosa Springs,
25 right? And he's going to be retiring, so it's going

1 to be a huge loss for us, but we really appreciate
2 everything that you've done. So thank you. Thank
3 you so much and congratulations.

4 (Applause)

5 COUNTY MANAGER BACA: Next, for Community
6 Services, is Deanna Creighton Cook. So Deanna joined
7 the County in 2016 and is currently the Community
8 School Manager. After volunteering at her children's
9 school, she became one of the first Community School
10 Coordinators working for the ABC Community-based
11 School Partnership. She has guided the creation of
12 unique innovations such as the Homework Diner
13 Program, which has been replicated in 15 states. She
14 is excited about the future of education in
15 Albuquerque and looks forward to continuing creation
16 and expansion of more unique programs and services.

17 Upon moving to Albuquerque from Vermont nine
18 years ago, Deanna wondered, where would she fit in
19 and what would she do with her time. So I think it's
20 safe to say, she no longer wonders. We know exactly
21 where she fits in, and we've not been disappointed.
22 You've done some excellent, excellent work for us.

23 She enjoys reading and outdoor activities
24 such as refining her newly acquired golf skills.
25 Congratulations.

1 (Applause)

2 COUNTY MANAGER BACA: Next, Finance, David
3 Odams. He regrets that he's not able to attend
4 Tonight. Oh, I'm sorry. That's the script.

5 So David joined the County as an ITPC
6 Technician four years ago. he constantly seeks new
7 projects and works to expand and improve his skills
8 and preparation. He recently volunteered to take on
9 the Mobile Data Terminal upgrade. This massive
10 project required significant coordination between
11 multiple vendors, County departments and staff. The
12 success of this project lays larger on his shoulders,
13 coordinating these efforts and doing what was
14 necessary for successful deployment.

15 He lives in Albuquerque with his wife,
16 Angela, and his 8-year-old son, Leo. And he and his
17 son build Lego projects to include prepackaged sets
18 and creations of their own designs, such as the T-Rex
19 dinosaur. And he is an illustration artist and
20 landscape painter inspired by the late Bob Ross. He
21 practices close-up magic tricks and cards or coins.
22 Do you have any tricks for us?

23 MR. ODAMS: I showed up.

24 COUNTY MANAGER BACA: Yeah, that's right.
25 Congratulations.

1 (Applause)

2 COUNTY MANAGER BACA: Sonya Baldonado from
3 Public Safety. Sonya Baldonado joined the County in
4 2013 in the Human Resources Department. In 2018 she
5 became an Administrative Officer 1 for the Fire and
6 Rescue Department where, among many other duties, she
7 supports Deputy Chief Kadle. She has become very
8 proficient in the new telestaff and payroll systems,
9 having to learn both old and new systems during a
10 difficult transition. She is one of the first
11 timekeepers to use the new system, and she has been
12 one of the key players in troubleshooting and fixing
13 issues that arise. The most honored title she holds
14 is the mother of her three beautiful children.

15 She enjoys camping, fishing and sightseeing.
16 Speaking of sightseeing, she was thrilled to be able
17 to climb up the ladder of one of the fire trucks, one
18 of the scariest things that she has ever done, but
19 just imagine the sightseeing done from here.

20 Thank you so much, we appreciate it.

21 (Applause)

22 COUNTY MANAGER BACA: And for sure Allen
23 isn't here, right? Okay. But I do want to
24 acknowledge Public Works, Allen Serda. And he is
25 part of the inclement weather staff that helped us

1 out during the storm.

2 We have Cheyenne Gutierrez from General
3 Services. Cheyenne has been with the County 12 years
4 now, initially as a 911 dispatcher and currently as
5 the Executive Assistant to Deputy County Manager Lisa
6 Sedillo-White in General Services. In her current
7 role she is instrumental in providing support, not
8 only to the DCM, but also those involved in the
9 division's many new initiatives. And I'm going to
10 say not just the division, but Countywide. You're
11 always there to help us, Cheyenne. Her efforts in
12 coordinating critical meetings, tasks and
13 administrative support are key. Additionally, she is
14 skilled in conflict resolution and insightfully
15 offers great advice to her entire team, including
16 the directors.

17 She is married to Sheriff's Deputy Carlos
18 Gutierrez and together they have a son, Lucas, and a
19 daughter, Simone. She spends all her spare time with
20 her family and whenever possible, she visits
21 Disneyland. So she always comes back with gifts.
22 Thank you. She has such a deep love for Disney that
23 her daughter's middle name is Marceline, and it's in
24 honor of Walt Disney who grew up in Marceline,
25 Missouri. Congratulations, Cheyenne.

1 (Applause)

2 COUNTY MANAGER BACA: Last, but not least,
3 we have John Martinez from the MDC. Officer John
4 Martinez has worked at MDC for 12 years and is
5 currently a Security Threat Group Officer. Among
6 other duties, he is challenged by investigating
7 attempts to traffic illicit substances and has been
8 very successful in uncovering such cases. In
9 December he worked tirelessly with other staff to
10 enroll the current MDC population into the IRA
11 system, verifying each inmate's identity and
12 explaining the process to every inmate throughout the
13 facility. Thanks to him and his team the enrollment
14 proceeded smoothly with minimal impact to operations.

15 He graduated from Los Lunas High School in
16 2001, joined the Marines in 2003, and is an Iraq
17 Freedom Veteran. He has been married to Elizabeth
18 for 14 years and together they have three children.
19 He enjoys camping and hunting with family and
20 friends. And I know that we all know that the
21 MDC, it can be very challenging, it can be very
22 stressful. It's a very difficult place to work and
23 we just want to applaud you for everything that you
24 do and making things better for Bernalillo County.
25 Thank you so much.

1 (Applause)

2 COUNTY MANAGER BACA: Congratulations,
3 everybody. Thank you.

4 (Photo/Applause)

5 CHAIR HART STEBBINS: We are now on Item 5E,
6 Recognition of Stephen Chavez.

7 DEPUTY COUNTY MANAGER MURPHY: Madam Chair,
8 Commissioners, Vince Murphy, Deputy County Manager
9 for Community Services.

10 Stephen Chavez is being recognized for his
11 quick and professional response to a medical
12 emergency at Raymond G. Sanchez Community Center.

13 On Sunday, January 13th, 2019, Stephen
14 Chavez was informed that an adult participating in a
15 class at the center had fainted. Stephen called 911,
16 and while he was on the phone with the Emergency
17 Communications operator, another class participant
18 alerted Stephen that the man was not breathing
19 and had no pulse. Another gentleman from the class
20 began CPR. Stephen updated the operator with this
21 new information, and then grabbed the Automated
22 External Defibrillator, the AED, a lightweight,
23 portable device that delivers an electric shock
24 through the chest to the heart. Stephen used the
25 defibrillator on the man while waiting for paramedics

1 to arrive and take over.

2 Thankfully, Stephen knew what to do because
3 of the AED training he had received from Bernalillo
4 County and CNM. He acted quickly and professionally
5 until Bernalillo County paramedics got there. They
6 arrived, stabilized the gentleman who is now
7 recovering from the heart attack he suffered.

8 Stephen is a Recreation Coordinator who has
9 worked for Bernalillo County Parks and Recreation
10 since 2007. Thank you, Stephen Chavez, for
11 outstanding response during this medical emergency.

12 And I just need to add, I was a lifeguard at
13 one point in my career and I had to use CPR, you
14 never forget it. And to save a life is much more
15 than doing your job.

16 So Stephen, in his day-to-day work, is
17 terrific. Now I think he's a hero.

18 (Applause/Photo/Applause)

19 CHAIR HART STEBBINS: We have no Board or
20 Committee appointments. And if there's no objection,
21 I'm just going to have one quick change in tonight's
22 agenda and I'm going to ask that we have item 7A, the
23 McClendon Update, before we begin Public Comment.

24 Any objection from Board members? Seeing
25 none, I'd like to invite the individuals who are here

1 to do that presentation. Welcome.

2 MS. RAHN: Thank you. Good evening, Madam
3 Chair and Commissioners. My name is Taylor Rahn and
4 I'm with Robles, Rael and Anaya. I'm the contract
5 counsel for Bernalillo County in the McClendon
6 litigation.

7 As the Commission is no doubt aware, the
8 McClendon litigation is a decades old class action
9 lawsuit that governs condition of confinement at MDC,
10 or the Metropolitan Detention Center.

11 What I would like to do today is to give you
12 an update about where we are in that litigation. And
13 I think I'll jump ahead a little bit to tell you that
14 I have some very good news to share with you.

15 Usually lawyers are here when things aren't going
16 well and maybe you don't always like to see lawyers
17 coming, but today we do have some good news for you.

18 So just as a brief introduction, I want to
19 remind the Commission that we have three
20 court-appointed experts and their role in the
21 McClendon litigation is to monitor the facility,
22 which includes actual physical site visits of the
23 facility, interviews of staff and review of
24 documents. Both the County counsel and the counsel
25 for the inmates housed at MDC, as well as former

1 inmates from MDC, have the opportunity to provide
2 feedback to the court monitors. And the court
3 monitors give us a compliance rating. Our current
4 court experts are Dr. Robert Greifinger, Dr. Jeffrey
5 Metzner and Margo Fraiser.

6 There are eight pieces of the lawsuit in
7 McClendon. The first is Domain 1, which covers
8 mental health services. Domain 2, which addresses
9 medical services. And Domains 3 through 8, which
10 govern jail operations. Between these eight domains
11 there is 253 requirements in the McClendon lawsuit,
12 so that's 253 things that the County must accomplish
13 before the lawsuit is dismissed.

14 There are three stages to the lawsuit. And
15 hopefully the Board is able to see the presentation
16 that I have here. The first stage is reaching
17 initial compliance, which means that the County
18 demonstrates that they have achieved the benchmarks
19 set by the Court, those 253 requirements.

20 The next phase is self-monitoring, which
21 means that rather than the inmates counsel coming to
22 the jail and addressing potential issues at the
23 facility, that the County actually collects its own
24 data and simply shares that data with the court
25 experts and inmates counsel. At the completion of

1 the self-monitoring phase we have a check out of each
2 domain.

3 So one of the important steps that the
4 County has achieved thus far is that before we used
5 to have to try to hit all 253 requirements at any one
6 given day. As you can imagine, it's difficult to do
7 253 things at once. It's difficult to do two things
8 at once.

9 So what we have structured is an incremental
10 disengagement plan in McClendon, which means that as
11 each domain, each piece of the lawsuit comes into
12 compliance, we can move that into a different phase,
13 an inactive phase, and then the County has the
14 ability to focus more on other active domains.

15 So right now the status of the litigation is
16 not what you typically expect from a litigation where
17 there's constant hearings and motions and appearing
18 before the court. Actually, in McClendon, the County
19 does not appear before the court quite often. We're
20 in an inactive stage of litigation itself, and
21 instead we do informal discovery through the
22 monitoring as it's conducted by inmates counsel in
23 access meetings on a monthly basis. Currently there
24 are no pending motions before the court in McClendon.

25 So on to the very big news that we have.

1 The court experts provide their ratings twice a year.
2 And in June of 2017 MDC was compliant with 34 percent
3 of the 253 requirements, which was a total of 86
4 requirements. As of the last rating period, which
5 was November of 2018, MDC is compliant with 59.7
6 percent of the 253 requirements. That's an actual
7 151 requirements that we're compliant with. So the
8 County and MDC through concerted effort Countywide
9 and through the very hard work of the individuals at
10 MDC have nearly doubled their compliance rating in
11 one year.

12 This lawsuit was filed in 1995, I cannot
13 stress how much progress that is, to go from about 34
14 percent to about 60 percent in a one-year's time
15 frame is just astronomical progress.

16 So, with that, I'd like to just present you
17 a visual representation of what I'm talking about.
18 So if you look at the pie chart on the screen, the
19 red would be noncompliance, the partial would be --
20 excuse me, the yellow is partial compliance, and the
21 kind of small sliver of blue is simply that the
22 rating has been deferred on that requirement. And
23 the green is the area that we are in compliance. If
24 you look at our graph for 2018, our green got a lot,
25 lot bigger. So this is fantastic news. Because,

1 like I said, the first stage in moving our way out of
2 the McClendon litigation, which is extremely costly
3 for the County, is achieving initial compliance. And
4 so that green part got a lot bigger in just one
5 year's time frame.

6 So, with that, I was just going to provide
7 you a kind of expedited update on the individual
8 domains so you can see what steps we have left to
9 take.

10 So Domain 1, which covers mental health.
11 There's 81 total requirements. As of Dr. Metzner's
12 the last report, which was in December of 2018, we
13 had 56 provisions in compliance, 24 in partial and
14 0 in noncompliance, for an overall rating of 69
15 percent compliance in Domain Number 1.

16 Areas in partial compliance are related to
17 the inmate discipline policy, staffing, and out of
18 cell time in segregation for the female inmates only.

19 Dr. Metzner's next visit is scheduled for
20 June 2019. And I just have a visual aid to show you
21 where we currently are in Domain 1, and that is the
22 only domain that touches on mental health. So
23 there's 81 requirements regarding mental health.

24 Domain 2 is medical services. The last time
25 that we were rated in this area was in April of 2013.

1 There's 19 -- excuse me, 2018. There's 19 total
2 requirements. We have 14 in compliance, 5 in partial
3 compliance, for an overall compliance rating of 74
4 percent. Areas of partial compliance are related to
5 quality assurance and timeliness of certain actions.

6 One of the characteristics of the McClendon
7 lawsuit is that is we have super constitutional
8 requirements, which means that per the McClendon
9 lawsuit we are required to go beyond the minimum
10 constitutional protections. So some of the time
11 frames and some of the guidance in the McClendon
12 lawsuit are actually above the general standard of
13 care would you see in the community.

14 Dr. Greifinger's next visit is scheduled for
15 April 2019. And again, here's a simple pie chart
16 showing the areas of compliance. Again, a lot of
17 green in Domain Number 2.

18 Domains 3 through 8 touch on jail
19 operations. And this is the area where MDC has seen
20 the most growth in the last year. So specifically in
21 the jail operations area, our last report from our
22 previous expert was on June 23rd, 2017, and that was
23 completed by the late Manual Romero. Unfortunately
24 Mr. Romero passed away and the court appointed a new
25 expert.

1 When Mr. Romero last rated the facility we
2 only had 38 provisions related to jail operations in
3 compliance. In a single year we moved that from 38
4 in compliance to 81 in compliance. We've also
5 dropped the number of areas to noncompliance from 55
6 in 2017 to just 15 in 2018. So these are very clear
7 objective measures about the progress that MDC has
8 made in the last just year's time frame.

9 Ms. Fraiser, who is our current jail
10 operations expert, should have her next report for us
11 by June of 2019. So here's just a pie chart about
12 our progress in jail operations in a single year.
13 Just a little bit more information about each domain.

14 Domain 3 is just miscellaneous jail
15 operations, it contains anything from inmate mail to
16 inmate access to telephones. We only have one more
17 thing to do in Domain Number 3.

18 So one of the things to think about is our
19 overall compliance rating, that's really important.
20 But the compliance ratings for the individual domains
21 are also key, because once we get compliance in a
22 particular domain, then we can move that domain into
23 an active portion of the lawsuit. That is immediate
24 savings for the County, because it no longer has to
25 bear the monitoring costs as to that one particular

1 domain. So Domain Number 3 is quite close.

2 Domain Number 4 is jail operations group B.
3 This is one of the areas where the jail has the most
4 room for improvement and includes areas such as
5 contraband control, revisions to the inmate
6 discipline policy and inmate grievances.

7 Domain Number 5, this is some very exciting
8 news. We are fully compliant with Domain Number 5.
9 The reason why that's so exciting is that Domain
10 Number 5 addresses population. Overpopulation was
11 the reason that McClendon was filed in the first
12 place back in 1995.

13 So those of you who are familiar with this
14 litigation are familiar with the trajectory. Back in
15 maybe 2013 the jail struggled with a population of
16 about 2,400, 2,200, 2,400 inmates. The facility is
17 only rated for 1,950. So bringing the population
18 under control has been an astronomical feat and it's
19 something that's been accomplished by a lot of
20 partners in the community, as well as the very hard
21 for the people at MDC. So it's quite exciting news
22 that we have a domain fully in compliance, which
23 means that we're ready to move into the
24 self-monitoring phase.

25 Domain Number 6 regards housing and

1 segregation. Again, this is an area where we have
2 one more requirement to fulfill and then we'll be in
3 complete compliance for Domain Number 6.

4 Domain Number 7 relates to sexual misconduct
5 and the County's requirements under the Prison Rape
6 Elimination Act, and that is an area that we expect
7 to significantly increase compliance rating in this
8 area by June 2019.

9 Domain Number 8, this is also an area that
10 the County has made significant progress in. This
11 regards to use of force and investigations. One of
12 the most clear examples of the partnership between
13 the County and MDC in terms of achieving progress has
14 been in Domain 8. In order to achieve what we had to
15 achieve in Domain 8, we had to implement a use of
16 force policy. In order to implement a brand new use
17 of force policy the County had to provide training
18 and that training cost the County over a million
19 dollars just to do the use of force training.

20 Because you have to consider overtime and contractor
21 costs and all of the efforts that the County made in
22 that area. So that's something that MDC certainly
23 could not have accomplished on its own.

24 We also had to create and fully staff a
25 totally revamped office of professional standards,

1 which conducts internal affairs investigations for
2 the County. So Domain 8 is another area we've seen
3 significant progress.

4 So I really cannot stress enough. As I
5 said, I'm the McClendon litigation counsel so I have
6 the privilege to tell the County's story in court.
7 We have made just tremendous progress and it is
8 because Bernalillo County is a partner in this
9 litigation. The jail is not in it alone. And County
10 Manager Baca has made just so much contribution to
11 the improvement in our compliance rating by fostering
12 Countywide progress.

13 We have the McClendon initiative, which
14 meets quarterly and it's headed by County Manager
15 Baca, as well as Deputy County Manager Lisa
16 Sedillo-White, and they just give us access to the
17 Countywide resources in order to achieve compliance,
18 whether that's HR, whether that's finance, whether
19 that's Risk Management. We just have so much access
20 to the resources of Bernalillo County in order to
21 achieve compliance. Also County IT has been
22 phenomenal supportive in this movement and this
23 progress.

24 MDC has founded the McClendon Executive
25 Action Committee and it's made up of MDC

1 administration and department heads. They meet
2 monthly. And the goals are quality assurance, which
3 is simple data gathering. And then quality
4 improvement, what do we do in response to the data
5 that is gathered. We also respond directly to
6 concerns raised by the class and subclass counsel.

7 And the other point of the McClendon
8 Executive Action Committee is to ensure forward
9 progress in McClendon. there's also been corrective
10 action plans that have been developed, which say what
11 we need to do to achieve compliance, who is
12 responsible for taking those steps, and when we hope
13 to achieve compliance. As I've said, we've just made
14 tremendous progress in the overall aspect of jail
15 operations.

16 So the short term goals in McClendon, what
17 we hope to do is that we would like to achieve
18 compliance or near compliance in Domains 1 and 2,
19 which relate to medical and mental health care by the
20 end of 2019.

21 We'd also like to request to move Domain
22 Number 5 into self-monitoring before Ms. Fraiser's
23 June 2019 report.

24 We'd also like to achieve compliance with
25 Domain Numbers 3 and 6 before Ms. Fraiser's June 2019

1 report, as well as improve our compliance rating in
2 Domains Number 4, Number 8 and Number 7 by 2019, or
3 early 2020.

4 The end goal is, of course, dismissal of the
5 lawsuit, but also sustainable change at MDC. So,
6 with that, Madam Chair and Commissioners, I stand
7 ready for any questions that you may have about the
8 progress that we've been making.

9 CHAIR HART STEBBINS: Any questions? I
10 guess I've got a couple of questions. So I've been
11 here a while. I was here when the jail was
12 overcrowded. And in the various McClendon
13 conversations it was always kind of the population
14 that was keeping us in the litigation. So now the
15 population is at appropriate levels. And I want to
16 thank our partners in the criminal justice system
17 and the Supreme Court for their work on that, for
18 helping us get to that.

19 Domain Number 5 has been satisfied. Why are
20 there still 253 other requirements above and beyond
21 jail population?

22 MS. RAHN: While population was the original
23 focus of the McClendon lawsuit, the consent decree
24 has expanded into other areas, and so there are
25 substantive requirements. What happened with the

1 original overcrowding issues is that it caused other
2 issues. For example, when you have too many inmates
3 it's difficult to control use of force, it's
4 difficult to ensure appropriate medical care, so the
5 court's oversight has simply expanded, and so there's
6 actual substantive requirements.

7 So I understand the thought of, the
8 population is down, why isn't McClendon going away?
9 But the court's actually imposed additional
10 requirements on the County that are not directly
11 related to population.

12 CHAIR HART STEBBINS: And why is the County
13 held to a super constitutional standard?

14 MS. RAHN: It is because of just the legal
15 posture of the case. We entered into basically a
16 settlement agreement agreeing to some of these
17 standards. And what has happened over the years,
18 some of these standards were agreed to back in 1985
19 before the law was really clearly established in some
20 of these areas and they're really just based upon
21 national best practices. So it's not as though
22 they're completely unrealistic standards. They're
23 sometimes based upon the advisory councils. Like the
24 National Commission on Correctional Healthcare or
25 The American Correctional Association. But it's

1 based upon the settlement agreement as well as the
2 court's orders.

3 CHAIR HART STEBBINS: Thank you. Sometimes
4 it just feels like some of those standards are just
5 impossibly high and that we are never going to see
6 the end of this.

7 So there have been many of these domains
8 that have been met. I know it's hard to predict, but
9 any sense of when the rest of them might be complete?

10 MS. RAHN: Our hope would be to achieve
11 initial compliance with all of the 253 requirements
12 within the next two years, and I think that's a very
13 realistic goal. The whole MDC team is here to
14 support this speech about their progress, because
15 they really deserve all of the credit, and that is
16 something that I believe is truly realistic.

17 The self-monitoring period is something
18 that's set by the court, that time frame has not yet
19 been set, so I cannot predict how long that will be.
20 But as far as achieving compliance, our goal is two
21 years.

22 CHAIR HART STEBBINS: And the
23 self-monitoring period can begin in each domain
24 separately, right?

25 MS. RAHN: Yes, ma'am.

1 CHAIR HART STEBBINS: Great. Well, I do
2 want to thank you, thank our whole legal team for all
3 the progress, thank everybody at MDC who has been
4 a part of these changes. Again, it is costing the
5 County, and has for many years, a significant amount
6 in legal fees. Of course we want to run a safe and
7 constitutional jail and that is the end goal here.
8 So I want to thank you and just encourage you to stay
9 on that same track.

10 I would love to see the end of this before I
11 leave the Commission at end of the 2020. So love to
12 have that as a goal.

13 COUNTY MANAGER BACA: Madam Chair.

14 MS. RAHN: Thank you.

15 CHAIR HART STEBBINS: Madam County Manager.

16 COUNTY MANAGER BACA: I just wanted to
17 acknowledge, there's someone that's standing in the
18 back, Captain Jonathan Thomas. So he was working at
19 the jail facility when it was downtown, so he has
20 lived and breathed this McClendon lawsuit and he
21 is very active in helping us settle this once and for
22 all. So, thank you, Captain Thomas.

23 (Applause)

24 CHAIR HART STEBBINS: There are no further
25 questions. Thank you very much for coming tonight.

1 MS. RAHN: Thank you very much.

2 CHAIR HART STEBBINS: We will now move to
3 Public Comment. How many people do we have signed
4 up?

5 MS. BACA: We have nine signed up.

6 CHAIR HART STEBBINS: We have nine people
7 signed up. I want to welcome everyone who's come to
8 speak tonight and remind you of our rules. Every
9 speaker will have two minutes to speak. A bell will
10 ring at the end of 90 seconds letting you know you've
11 got 30 seconds to wrap up. Please do try to respect
12 those time limits.

13 Julie will read your names. When you hear
14 your name, please come up to the front and be ready
15 to speak.

16 MS. BACA: Linda Star, Steven Pilon, Sue
17 Small, Tad Niemyjski.

18 SPEAKER: Good evening, Madam Chair and
19 Commissioners. My first time before this body and I
20 am happy to be here. I am speaking about the issue
21 of pest management in Bernalillo County.

22 I'm an organic gardener. At home I have my
23 own small garden. I live in the Nob Hill
24 neighborhood and we have plants and wildlife all
25 around our house, Roadrunners coming and going all

1 the time. I like having a safe environment for
2 children, for animals, and plants. And I don't know
3 if you've ever been around an event, a public event,
4 when there are children playing on the grass. And,
5 you know, they have their hands in the grass and
6 they're full of -- they like to pick the grass with
7 their hands, and especially babies like to pick the
8 gas with their hands and they end up with grass all
9 over their hands. If the grass is full of
10 pesticides, that can go into their lungs and cause
11 damage to their bodies.

12 I think that our County government ought to
13 have clean air and a clean environment that is safe
14 for children, animals and everyone to play in, to
15 enjoy, without the threat of pesticides that can
16 damage their lives. That's all I want to say. Thank
17 you.

18 (Applause)

19 SPEAKER: Madam Chair, with your permission
20 I would like to address one of the deferred items,
21 11D, the Decommissioning of the San Juan Power Plant.

22 CHAIR HART STEBBINS: Could you state your
23 name for the record, please.

24 MR. PILON: I'm sorry. My name is Steve
25 Pilon. Coal-fired power plants are extremely dirty,

1 they literally spew poisons into the air. As a
2 medical doctor, I'm concerned that these plants are
3 allowed to continue. They put things like sulfur
4 dioxide and nitrous oxides and carbon monoxide and
5 carbon dioxide, in addition to poisons like mercury
6 and cadmium and other heavy metals that are
7 neurotoxins and affect kids developmentally. So
8 as a medical doctor I'd like to see the power plant
9 closed to prevent these kind of poisons from being
10 injected into the environment.

11 Secondly, coal-fired power plants are very
12 dirty in terms of carbon dioxide. And as we all
13 know, that's a global warming gas. So coal is very
14 dirty in that respect. So I'd like to see it closed
15 in terms of the carbon dioxide emissions.

16 Thirdly, I'm a ratepayer for PNM and for
17 that reason I would like you to approve the closure
18 of the power plant with the amendment that the cost
19 of the closure is not foisted or imposed upon the
20 ratepayers in Bernalillo County.

21 And secondly, PNM is probably going to
22 propose replacing the generating capacity with
23 gas-fired power plants. Gas is thought to be cleaner
24 than coal. However, if there's a minimal amount of
25 gas that escapes at the wellhead, natural gas is

1 worse than coal. So I'd like to see an amendment on
2 the approval of the decommissioning of the San Juan
3 Power Plant that makes sure that only renewables
4 replace the coal-fired power plant. Thank you very
5 much.

6 (Applause)

7 MS. SMALL: Madam Chair and Commissioners,
8 thank you. This is Sue Small. I'm a member of the
9 Native Plant Society, Albuquerque Chapter. And I'd
10 like to thank you for considering the cessation or
11 the limiting or the restricted use of glyphosate,
12 also known as Roundup, that is a carcinogen. It has
13 been tied to many types of lymphomas. You may have
14 heard about the various lawsuits that Monsanto are
15 now experiencing and losing due to this chemical.

16 If you either cease the use of this chemical
17 as a pest management tool or at least extremely
18 restrict it, you will be benefiting not only our
19 native plants, but other beneficial plants, as well
20 as all of the various people who come and enjoy
21 Bernalillo County. Thank you very much.

22 (Applause)

23 MS. BACA: Tad Niemjyski, Brian Tremko,
24 Rosendo Najjar, Don Schrader.

25 MR. NIEMJYSKI: My name Tad Niemjyski. Let

1 me begin this way, City of Albuquerque have so much
2 open problems with homeless people, especially in
3 downtown area alone, all the way from east to west to
4 Tramway Road. Now, it is only City issue? No.
5 Answer is, also County of Bernalillo problem.

6 Well, here we have also social, political
7 injustice, that's right. Ever since I remember,
8 '60s, City of Albuquerque became dump site for
9 American Indian who were dumping Reservation, were
10 dumping own people here in the city. Now we have so
11 much alcoholism, drug, gambling, mental health issue
12 in Albuquerque with these people.

13 Anyway, I am so frustrated. Mental hospital
14 were closed, almost all closed in the State of New
15 Mexico, including Sandia Range at North Valley, North
16 Valley, which is Debbie O'Malley, pushing sale for
17 Bernalillo County. If that could be the City of
18 Albuquerque, that by use in abatement, this property
19 would take it away. No, she asked for 1.8 million
20 from County.

21 (Applause)

22 MR. TREMKO: Madam Commissioner, Chairman,
23 Board Members, my name is Brian Tremko. I'm with the
24 Carpenter's Union here in Albuquerque. Behind me
25 stands some of the highest skilled carpenters in

1 New Mexico and they've been serving New Mexico since
2 1889.

3 The carpenters believe in service to the
4 contractors who hire us, as well as our members in
5 the community and we're dedicated to bringing
6 projects in on time, on budget, without injury and
7 with the highest quality.

8 We support public policy that encourage
9 building our community with local workers and
10 contractors first. So tonight I want to speak
11 about getting double value for our tax dollars at all
12 public projects by not only building a quality
13 building by using some of the dollars to train the
14 next generation of workers. We promote area
15 standards for our workers, high wages, healthcare,
16 dental, vision for the family and the members. Safe
17 job site practices, a qualified trained workforce,
18 all of these standards are being met on many of our
19 projects, but we want to make sure they're happening
20 for all the County projects.

21 When evaluating proposals and scoring for
22 projects we would like to see some things included,
23 that all contractors, GCs and subcontractors hire
24 and utilize state-certified apprentices. The GCs and
25 subcontractors should get substantial evaluation

1 points if they do so. They should also hire
2 certified journeymen to train these contractors
3 or these apprentices. Without certified journeymen
4 you may have an unskilled person training that next
5 generation. It's critical. Apprentices spend 48
6 weeks a year on the job site and only 4 weeks in the
7 classroom.

8 2 weeks ago I went to the Planning
9 Department and asked for the name of the contractor
10 getting this project and I also asked for who the
11 subcontractors were and I was told that's not public
12 information because they're still in negotiations.
13 In both cases it wasn't available. I'd like to see
14 us have an opportunity at public comment to be
15 educated before we make these comments. And so, I'm
16 not a lawyer, but it seems to me that that should be
17 published prior so we can do it from an educated
18 standpoint and we'd like you to consider that. Thank
19 you so much.

20 (Applause)

21 MR. NAJAR: Chair, Board Members, my name is
22 Rosendo Najar and I'm the President of Local 1319,
23 the carpenters. As my partner just said now, you see
24 the members behind us are working brothers and
25 sisters that live in this community. And up until

1 tonight we did not know who the general contractor
2 was on this project. We're glad to see at least a
3 responsible contractor was picked this time, being
4 HB, and not somebody like Bradbury like we seen
5 happen with the ART Project. That's one of the
6 things as taxpayers we're getting tired of, is paying
7 for these projects when we're not allowed to work on
8 them. The people working on the ART Project were
9 people from El Paso, Texas. That's not just. We're
10 paying for these projects.

11 Behind me you see the members who are
12 actively involved in community outreach. We're
13 actively recruiting from the high schools. Just this
14 past semester I've over 500 APS high school students
15 through my facility reaching out. We're getting them
16 through our facility, we're paying for the field
17 trips. We're trying to teach trades back into our
18 high schools. We're working with the school boards.
19 We're actively involved in the community involvement.
20 The problems we have in this community, it's a
21 community problem that we have. We need partners for
22 this.

23 When we're paying for these job sites, we
24 need to come up with community workforce agreements,
25 that way we ensure that the people that are paying

1 for these projects are working on these projects, and
2 we're also training the next generation behind us. I
3 mean, we're getting double value for our tax dollars,
4 it's common sense. We need partners to invest in
5 the community as a community involvement. We see a
6 dire need.

7 We're just tired of seeing projects headed
8 south and not using subcontractors here. We
9 definitely appreciate it if HB take that in mind.
10 They're a responsible contractor but, hey, give us a
11 chance. Use some of our subcontractors out there.
12 Help us get our kids out there and trained, guys,
13 please. Thank you, guys.

14 (Applause)

15 MS. BACA: Don Schrader, Esther Griego,
16 Christina Allday.

17 SPEAKER: The main purpose of the U.S. Space
18 Program is to develop and use weapons in space for
19 the U.S. to dominate and control the world. The U.S.
20 Space Program is a terrible waste of money, brains,
21 resources, that should instead be used to help the
22 world's poorest people.

23 Space travel is a desperate pie in the sky
24 delusion to escape this crazy, cruel, polluted world.
25 Space exploration is an insane worship of technology

1 to bail us out of taking responsibility to change our
2 lives here and now for a better world.

3 None of our sun's other planets, Venus,
4 Mars, Jupiter, et cetera, has good conditions for us
5 to live. The worst place on earth for people to live
6 is far better than the best place on our sun's other
7 planets. The next closest star after our sun is four
8 light years away. Even if that star had planets like
9 our earth, and even if it were possible to travel at
10 the speed of light, 186,000 miles per second, not per
11 hour, not per minute, 186,000 miles per second,
12 that's 3,600 times as fast as 186,000 miles per
13 second.

14 And even if the space craft could hold
15 enough food, water, air, for the round trip of eight
16 years at best, who would be fool enough to be trapped
17 in a space craft for eight years, lonely, emotional
18 hell. The highly paid space scientists sadly suffer
19 from science fiction insanity.

20 (Applause)

21 MS. GRIEGO: Good evening, Madam Chair and
22 Commissioners. My name is Esther Griego. I am a
23 member of St. Andrew Presbyterian Church and a leader
24 with Albuquerque Interfaith. As most of you know,
25 I've either contacted you in person, by email or

1 phone calls in support of the Health Security
2 Act which, as you know, will ensure that all New
3 Mexicans have appropriate healthcare coverage. It
4 will offer freedom of choice of providers and
5 hospitals. It will provide comprehensive benefits to
6 all New Mexicans, including mental healthcare, which
7 is so needed in this state. It will be cost
8 effective and affordable. It will enable providers
9 to focus more on patient care, and it will shift
10 private insurance to a secondary role, much like
11 Medicare did when it first became available.

12 The bill is now in the legislature. It
13 passed two committees, one in the Senate and one in
14 the House, but we still need your help and your
15 support. I thank Commissioner O'Malley and
16 Commissioner Quezada for sponsoring this bill and I
17 urge you to vote yes for the resolution that will go
18 to the legislators. Help us make New Mexico the
19 first state in the union to have affordable
20 healthcare for everyone. Thank you.

21 (Applause)

22 MS. ALLDAY: Madam Chair, Members of the
23 Commission, I'm here -- excuse me. My name is
24 Christina Allday and I'm here to support the
25 resolution brought up by Commissioner Pyskoty on the

1 Healthy Soils Act. The Healthy Soils Act will
2 support farmers and ranchers in Bernalillo County and
3 throughout New Mexico in voluntary soil health
4 stewardship offering education, technical assistance
5 and financial incentives. It's going to empower
6 local soil and water conservation districts, the
7 extension service, tribes, pueblos and acequias to
8 work with land managers to implement soil health
9 stewardship. It will leverage federal funds
10 providing a match for natural resources conservation
11 service funds and other grant opportunities in the
12 new farm bill, many of which were put in by our new
13 governor.

14 We need to invest in soil stewardship for
15 many benefits. First, most people will think of the
16 carbon we can sequester in the soil, but also there
17 are economic security as well as food security issues
18 that can be addressed through better soil health.

19 And finally, there are the benefits that
20 come from being able to store more water in the soil.
21 It will reduce flooding and also make us a bit more
22 fire resilient. Thank you to Commissioner Pyskoty
23 for sponsoring the resolution. And I also want to
24 acknowledge Representative Melanie Stansbury who is a
25 cosponsor of the bill with Nathan Small. Thank you.

1 (Applause)

2 MS. BACA: That concludes Public Comment.

3 CHAIR HART STEBBINS: Before we move on, I
4 know that we have some staff from our Public Works
5 Department. Mary Murnane is our Director of
6 Facilities and Maintenance. I just wanted to invite
7 her to -- we are going to defer the Alvarado contract
8 question, but I would just like to ask you to address
9 some of the questions that were raised tonight.

10 MS. MURNANE: Thank you, Madam Chair,
11 Members of the Commission. I'd also invite Dinah,
12 who's our Procurement and Business Services Director,
13 to come up.

14 So it sounded to me that the initial
15 question had to do with -- and, gentlemen, correct me
16 if I'm incorrect. One was, not knowing how the award
17 was going to go earlier. One was, not knowing how
18 the award was going to go earlier. And then two was,
19 I think, a general question about jobs staying in the
20 community, is that...

21 AUDIENCE: Pieces of it, yeah.

22 MS. MURNANE: So with respect to the award,
23 I think, speaking personally, I can say I was a
24 little frustrated by that too, because I thought we
25 should be able to kind of put this out there. I

1 think that's one of the components of the RFP
2 process; whereas, with the design bid build,
3 typically you have an apparent low bidder and that's
4 known at the bid opening. Whereas, with the RFP
5 process typically it's a competitive process and
6 information is not provided until there's a contract
7 executed.

8 And so, this is our first design bid build
9 and so I think we're going to need to look at what
10 the parameters of that perhaps are to address the
11 first concern.

12 The second concern, I think, had to do with
13 jobs in the community, and perhaps more specifically
14 wages and/or union representation. We did a request
15 for qualifications. We got six firms. We narrowed
16 that down to two, and then we put out a Request For
17 Proposals. In that Request for Proposals it
18 specified that this is a prevailing wage job, because
19 it is government funding, it's required to pay
20 prevailing wages, which are based on the wages that
21 are typically Collective Bargaining Agreements that
22 are negotiated in that particular area. So the
23 prevailing wages would apply in this job. It's
24 listed as an exhibit in the contract.

25 So with respect to that component of it,

1 that's similar to how the County has generally
2 conducted business. And we're very happy to have
3 a firm like HB. We're happy to have a local firm.
4 We think that that's going to work well for the
5 County in terms of really developing a partnership.
6 And I think also when you have community involved, as
7 these gentlemen said, then you also have, I think, a
8 really strong desire for the project to be
9 successful. And frankly, the County has already
10 spent two years working with staff, finance,
11 purchasing, all of the user departments that are
12 going to be in this building, elected officials, to
13 try to push this project forward. I think that we're
14 all feeling that it has to be a collaborative effort.

15 So I don't know if that addresses the
16 specific concern. I can certainly try to address any
17 other questions.

18 CHAIR HART STEBBINS: Thank you.
19 Commissioners, any other questions for Mary or Dinah?
20 All right, seeing none. And I want to make it really
21 clear, we are going to defer this. And I want to
22 make it clear it's not because we are questioning
23 your work. We know this has been a project that has
24 been in the works for a very, very long time. I want
25 to thank you for your diligence. I know this is a

1 new process for us. I want to thank the
2 representatives from HB for coming tonight. I do
3 think it's important that we answer questions to the
4 satisfaction of the community.

5 And again, I can't say exactly how long
6 we've been working on this, but I think a two-week
7 delay will allow us to do that and we will bring it
8 up at our next meeting.

9 MS. MURNANE: Thank you, Madam Chair.

10 CHAIR HART STEBBINS: Thank you, Dinah.
11 Thank you, Mary. And I want to say thank you to Lisa
12 Sedillo-White and everybody in procurement because I
13 know you have put a lot of work into this.

14 Commissioner O'Malley.

15 VICE CHAIR O'MALLEY: Thank you, Madam
16 chair. I would like to defer Item 12A, to be heard
17 at the next meeting.

18 CHAIR HART STEBBINS: I will second that.
19 Do we have any questions or comments on deferral of
20 Item 12A? Seeing none, we have a motion and a second
21 to defer Item 12A. All in favor say aye.

22 VICE CHAIR O'MALLEY: Aye.

23 CHAIR HART STEBBINS: Aye.

24 COMMISSIONER PYSKOTY: Aye.

25 CHAIR HART STEBBINS: Opposed?

1 COMMISSIONER TALBERT: No.

2 CHAIR HART STEBBINS: That motion passes on
3 a 3 to 2 vote.

4 VICE CHAIR O'MALLEY: 3-1.

5 CHAIR HART STEBBINS: I'm sorry, 3 to 1
6 vote. I apologize.

7 VICE CHAIR O'MALLEY: Madam Chair, if we
8 could move this one item up for approval. This is
9 11C, the Support for Health Security Act.

10 CHAIR HART STEBBINS: Is there any objection
11 that we hear Item 11C at this point? Seeing no
12 objection, I would like to invite County staff,
13 whoever is presenting this item. Or Commissioner
14 O'Malley, do you want to present?

15 VICE CHAIR O'MALLEY: Yes, I'll just present
16 it.

17 CHAIR HART STEBBINS: Actually, you know
18 what, I'm sorry. I'm going to ask for a motion and a
19 second. Madam Clerk, may we have Administrative
20 Resolution number for 11C, please.

21 COUNTY CLERK STOVER: I'm sorry, Ma'am, 11B
22 or C?

23 CHAIR HART STEBBINS: 11C.

24 COUNTY CLERK STOVER: C.

25 CHAIR HART STEBBINS: The Health Security

1 Act.

2 COUNTY CLERK STOVER: Thank you. It's AR --
3 are you jumping from these others?

4 CHAIR HART STEBBINS: Yes, we are.

5 COUNTY CLERK STOVER: Okay. Hold on a
6 second, I'm going to change that number. It's going
7 to be AR 2019-12.

8 CHAIR HART STEBBINS: All right.

9 VICE CHAIR O'MALLEY: Thank you, Madam
10 Chair. I would like to move approval.

11 CHAIR HART STEBBINS: I will second that.

12 VICE CHAIR O'MALLEY: This is the
13 Administrative Resolution that's requesting the New
14 Mexico State Legislature to conduct a study of
15 options to put forward in the New Mexico Health
16 Security Act and to support passage of the Health
17 Security Act during the 2019 legislative session.

18 The summary is in your packet, but it
19 essentially says it will enable New Mexico to set up
20 its own health plan. But again, this is for the
21 study first, and then like a cooperative, covers most
22 New Mexicans who will have the freedom of choice of
23 provider and for comprehensive health coverage. I
24 ask for your support.

25 CHAIR HART STEBBINS: Any questions? Seeing

1 no questions, we have a motion and a second to
2 approve Administrative Resolution AR 2019-12. All in
3 favor say aye.

4 MEMBERS: Aye.

5 CHAIR HART STEBBINS: Opposed? That passes
6 unanimously. We are back on the agenda, Item 7B.
7 This is the University of New Mexico Hospital report
8 for the second quarter of fiscal year '19. And
9 welcome hospital CEO Kate Becker.

10 MS. BECKER: Thank you. So I'm Kate Becker.
11 I'm here to present the second quarter FY2019 UNM
12 Hospital's report. You should have gotten a copy
13 of this last week, but we also brought copies for you
14 this evening.

15 So this is the format that is familiar to
16 you. You have seen this previously and it's
17 consistent with our obligations in the Memorandum of
18 Understanding. I do want to call out a couple of
19 items and also mention that we are working on an
20 additional way of reporting how the Mill Levy covers
21 expenses at the hospital. We've gotten some good
22 guidance and feedback on our original thoughts about
23 that, and so we're hoping to have that ready for you
24 for next time.

25 With that, if you turn to your packet. A

1 couple of things I'd like to talk to you about this
2 evening are particularly our work on patient
3 satisfaction. So if you look at page 4 of your
4 report you'll see our inpatient/patient satisfaction
5 score. The blue line on the bar graph, or on the
6 graph, is our hospital inpatient score. The red line
7 is the scores of our peer group and the University
8 Healthcare Consortium. So these are hospitals who
9 are similarly situated to us, and this is a
10 percentage measure.

11 So if you'll notice the trend obviously for
12 our scores is improving, which we think is a very
13 positive sign, but we still have a gap to close to
14 reach peer our group. And we have engaged Studer
15 Group, which is well known in the healthcare field,
16 to work with us on how we interact with our patients
17 and visitors, the experience that we provide and how
18 we help improve our patient satisfaction for our
19 patients and our families.

20 So we are seeing some good progress there,
21 but we do need to continue to work on that, and
22 that will be going on for the next three years,
23 actually. It's a long engagement that we have going
24 forward.

25 If you then turn to page 18 you'll see a

1 similar chart for patient satisfaction for our
2 ambulatory and primary care system. So this is our
3 clinics. And again, the blue line is our scores.
4 And you do see that nice trend of continuous
5 improvement, but we still have a little bit of a gap
6 to close compared to our peer groups. So here we're
7 just at about 89 percent and our peer group is at 90
8 percent. So Studer will also be working with us in
9 this area to help us improve our scores there as
10 well.

11 The last thing that I want to call to your
12 attention specifically is on page 26, this our
13 Behavioral Health Mill Levy chart. This shows kind
14 of the allocation of the Mill Levy expenses and those
15 payments towards behavioral health services. 15
16 percent of the Mill Levy, as you know, is devoted to
17 behavioral health support. And so this just gives
18 you a nice visual how that money gets spent. Our
19 goal is to have a chart that looks similar to this
20 for the other 85 percent of the Mill Levy when we
21 return. So again, we had some good feedback on our
22 original attempt at that and we'll continue working
23 to refine that to make sure we have a good product
24 for you there.

25 So having said that, I'd be happy to answer

1 any specific questions on the materials in the
2 packet.

3 VICE CHAIR O'MALLEY: Madam Chair.

4 CHAIR HART STEBBINS: Commissioner O'Malley.

5 VICE CHAIR O'MALLEY: Thank you very much
6 for being here. And there's been some questions, and
7 as you're probably aware, there's a bill in the
8 legislature. The sponsor is Representative Rehm and
9 he's had some concerns about reporting. So I'll
10 just ask a couple of questions about that.

11 One of the concerns was in terms of the Mill
12 Levy funds, do they go outside of the County or do
13 they stay within the County within your system?

14 MS. BECKER: No, Mill Levy funds stay at UNM
15 Hospitals here in Bernalillo County.

16 VICE CHAIR O'MALLEY: But within the County
17 it could go through the clinics or whatever.

18 MS. BECKER: Exactly.

19 VICE CHAIR O'MALLEY: But it's within your
20 system. Well, that was one of the primary concerns
21 about the bill. And then the other concern was in
22 terms of reporting. And I'm sure you're familiar
23 with what the issues are with reporting. You want to
24 address that question in terms of reporting?

25 So the issue was, well, you know, there's

1 not enough of a breakdown in terms of reporting as it
2 pertains to indigent care.

3 MS. BECKER: So one of the challenges, as I
4 understand it, and obviously everyone here knows the
5 history of this better than I do, is that
6 specifically for indigent care, the Bernalillo County
7 Mill Levy and the Hospital Funding Act are not
8 specifically directing those funds toward indigent
9 care. So our reporting breaks down the expenses
10 according to the terms of Memorandum of Understanding
11 and the lease we have with Bernalillo County.

12 To the extent that we report on indigent
13 care, you'll find that on page 7 and page 25. Both
14 of those deal with our number of encounters with
15 indigent patients, our charity care services that we
16 provide, the total cost of those services and other
17 information.

18 I am familiar with the bill that you're
19 discussing in terms of reporting requirements. I am,
20 honestly, not clear on, given the amount of
21 information we make available through our regular
22 county reporting, I don't exactly understand the
23 need for the bill, so I'm little confused by the --
24 what we're looking for. We're always happy to
25 provide more information, we're a public entity,

1 right. So we're always happy to provide information,
2 but in terms of indigent care, one of the challenges
3 has been the discussion around, if we're reporting on
4 the Mill Levy our obligation is to report to the
5 County and we want to be sure that reporting is
6 satisfactory to you. But the funding statute is
7 actually not specific to indigent care, which is why
8 we provide all this other information around primary
9 care, access, and day of next available appointment,
10 and patient satisfaction information and all those
11 other pieces of information we well.

12 VICE CHAIR O'MALLEY: Well, I know that that
13 was the question in terms of our lease and also our
14 MOU. And maybe, while our counsel is here, maybe you
15 could address that a little bit, because I know that
16 was a concern. Of course, the bill says otherwise.
17 Maybe you can address that a little bit,
18 Mr. Martinez.

19 MR. MARTINEZ: I think that's correct. We
20 continue to get just a little better information.
21 My understanding was that in the lease negotiations
22 with regard to the reporting, there's basically a
23 statement, and I don't want to misstate this, that
24 the percentage of indigent funding is a certain
25 percentage, the overall expenditure by the hospital.

1 So you could just assume that those portions carry
2 out throughout, something of that nature. They were
3 doing kind of a percentage based. And I think what
4 the County's request was to do an actual dollars
5 expenditure based.

6 So I may not be saying that right, but I
7 think what you were doing was taking a percentage of
8 the dollars based across the board and applying that
9 percentage as the best estimate of how the Mill Levy
10 is being expended on those various expenditures.

11 MS. BECKER: And it's been part of our work
12 in trying to come up with another way to report that
13 would give you a graphic that looks more like page
14 26, more like the behavioral health graph, really to
15 figure out. We know it can't be used for capital,
16 right. So what are the other pieces that we can
17 explain or things that are being supported with it
18 and what does that look like so you can kind of get a
19 handle more clearly looking at it from two
20 directions. One is, what percentage of the cost of
21 the hospital is being covered by the Mill Levy. The
22 other is, what percentage of the Mill Levy is going
23 towards certain specific expenditures, because we
24 feel like that's really helpful information for our
25 County voters and citizens. And so, we've had kind

1 of a first pass at that. We're trying to provide
2 some additional information with that and then we'll
3 be bringing that back again with another sort of
4 iteration of that.

5 VICE CHAIR O'MALLEY: I'm looking at page
6 26. Oh, that's just 15 percent.

7 MS. BECKER: Right, that's just behavioral
8 health.

9 VICE CHAIR O'MALLEY: That's just behavioral
10 health.

11 MS. BECKER: RIGHT.

12 VICE CHAIR O'MALLEY: Then do you have a
13 similar graph for the entire --

14 MS. BECKER: For the 85 percent?

15 VICE CHAIR O'MALLEY: Yes.

16 MS. BECKER: That's what I'm talking about
17 that is the thing that we've been working on and
18 trying to get to a format that looks more consistent.

19 VICE CHAIR O'MALLEY: Thank you.

20 CHAIR HART STEBBINS: Questions? I've got
21 two quick questions.

22 MS. BECKER: Sure.

23 CHAIR HART STEBBINS: Maybe we discussed
24 this the last time you were here, but on page 34 you
25 have the listing of methadone encounters versus

1 Suboxone encounters, and the numbers are pretty
2 significantly different. My question is whether
3 those numbers differ because of the way those
4 medications are provided, methadone every day,
5 Suboxone might be a weekly or monthly encounter
6 basis. So I'm just wondering if you have any
7 information about that. Why are there so many more
8 methadone encounters than Suboxone encounters?

9 MS. BECKER: I don't know the answer to that
10 question, but I can find out.

11 CHAIR HART STEBBINS: That would be great.
12 And then, part of this report used to be a chart of
13 how many patients are sent to collections over time.
14 Did I miss that? Is that in here?

15 MS. BECKER: I think there's a report of
16 indigent care, but I'm not sure if it lists patients
17 who went to collections.

18 CHAIR HART STEBBINS: And that is really
19 something that we have specifically asked for and
20 would like to see in this report. You're probably
21 aware of the history of that, that there has been
22 some concern about the hospital sending low-income
23 patients to collections. I understand that is no
24 longer happening and hope that's the case, but I
25 think that information has been really valuable for

1 us to be able to track over time. And again, I'd be
2 happy to pull out an old report and see how that was
3 previously reported to us, but I think that's
4 valuable information that we'd like to have as part
5 of this report.

6 MS. BECKER: We can do that. And actually,
7 I think we talked with Rodney about that maybe a week
8 or so ago, so I know they're working on figuring that
9 out, but it just didn't get into this version.

10 CHAIR HART STEBBINS: Great. Again, thank
11 you. I think we're all really grateful for your
12 willingness to provide the information that we're
13 looking for and this is a great step in that
14 direction.

15 MS. BECKER: There is one other thing I
16 wanted to offer, if any of the Commissioners are
17 interested. We talked with County Manager Baca's
18 assistant earlier today. If any of you would like a
19 tour of the hospital or interested in actually coming
20 to see the clinics. Not as a patient or as a family
21 member, but actually just to sort of see kind of from
22 our side what it look like, we would really
23 appreciate the opportunity to just kind of show you a
24 little bit about what we're doing.

25 CHAIR HART STEBBINS: Excellent. We'll take

1 you up on that. Thank you. Thanks again for being
2 here.

3 MS. BECKER: Thank you.

4 CHAIR HART STEBBINS: We're now on to Item
5 7C, Community Services Pest Management Presentation.

6 DEPUTY COUNTY MANAGER MURPHY: Madam Chair,
7 Commissioners, Vince Murphy, Deputy County Manager,
8 Community Services. For the holidays Commissioner
9 O'Malley, joined by Commissioner Stebbins and
10 Commissioner Talbert, asked that we take a look at
11 how we're using glyphosate and other pesticides, and
12 figure out alternatives to that.

13 So we formed an internal group and recently
14 have included some citizens who have expressed a
15 concern. So we have an ongoing working group looking
16 at this issue.

17 Tonight we're going to have a presentation
18 by Steve Baca from the State Department of
19 Agriculture and John Garlish from the Extension
20 Office, who really are subject-matter experts. And
21 they've been working with our internal team to
22 provide a presentation.

23 Our subject-matter experts who are here to
24 answer questions are Ed Martinez, Lucas Tafoya and
25 Mary Murnane. And with that, I'll ask Steve and John

1 to come up.

2 MR. GARLISH: Thank you, Vince. Thank you,
3 Madam Chairman, and thank you, Commissioners, for
4 having us this evening. My name is John Garlish. I
5 am the County Extension Agent for Bernalillo County
6 for NMSU. And I work a lot with our farmers from a
7 whole scale of things.

8 So for the Extension office, we are a
9 resource for all the citizens to bring in, what do I
10 do with this? What is this insect? What is this
11 weed? And we help to work people through what they
12 can do to either help manage it, help to promote it
13 or what do we even know about it.

14 So for pest management on the topic,
15 integrated pest management should be the strategy and
16 first off, identification should be the key. First off,
17 coming to our office, knowing what we're dealing
18 with, what can we do first? Can it be, is it
19 seasonal? Is it going to be truly a pest? Is it at
20 a threshold that should be controlled? What are the
21 control methods? Should it be mechanical? Are there
22 cultural practices? Keeping a healthy environment,
23 removing water. Are there other means?

24 And then lastly, if and when a chemical
25 should be used, that should be the last resort of

1 things and only applying an amount that only does
2 effective control, whether it is synthetic or
3 organic, and trying to figure out the least toxic
4 methods for application, both to the applicator and
5 to the environment. And one thing I will caution is,
6 even though things may be labeled organic, it's still
7 toxic to something at some level. And even the
8 applicator, some of them, the dosage use for the
9 organic levels may be caustic, c-a-u-s-t-i-c, to the
10 applicator. So sometimes we get a little bit
11 complacent. Oh, it's organic, it's safe for me.
12 That may not necessarily be the case. So we really
13 need to work with the County and with the State to
14 see, first off, what is the pest that we are dealing
15 with, and we can help at our office with that. And
16 then finding alternative means for control. And
17 lastly, if a pesticide must be used, the least toxic
18 and least impactful.

19 And the last thing with that, NMSU is in the
20 process of hiring an integrated pest management
21 person to help with native and natural insects and
22 native pests and diseases, so hopefully we'll have
23 a new researcher on board who can actually talk
24 better than I can, but actually has more knowledge in
25 some of those insect and disease for integrated pest

1 management.

2 So with that, I'm going to turn it over to
3 Steve Baca, who is the Pesticide Compliance Officer
4 and enforcer for the Department of Agriculture.

5 MR. BACA: Thank you, John. Madam Chair and
6 Commissioners, my name is Steve Baca. I'm with the
7 New Mexico Department of Agriculture. The Department
8 of Agriculture is the state lead agency for pesticide
9 regulation. I work with the pesticide compliance
10 section within the Department of Agriculture and we
11 are a sister agency to NMSU Extension, where they
12 provide education and outreach and we provide
13 enforcement.

14 Now, when it comes to pesticides, like I
15 said, we are the state lead agency, meaning that we
16 have primacy for pesticide regulation. What does
17 that mean? Well, we register pesticides like the EPA
18 does at the federal level. So if you imagine the
19 federal level and the state level, we mirror each
20 other in some aspects. We provide certification and
21 licensure.

22 The County has currently several people
23 licensed with us, and so that means they're subject
24 to inspection. That's the third thing that we do,
25 and that goes a little step beyond what EPA actually

1 does, where we provide actual inspections, do the
2 foot work and do things that EPA is asking us to do
3 as the state lead agency.

4 We provide on site use inspections, as well
5 as routine sort of annual inspections where we'll go
6 in and observe the way an agency or business might be
7 made up with their recordkeeping and their pesticide
8 storage and their use overall.

9 We also conduct training. I'm the program
10 manager for certification and training. So I've
11 currently done one training session, most recently in
12 December with Bernalillo County Parks and Recreation
13 Department. So within our training we like to focus
14 on IPM, integrated pest management. John touched on
15 that, so that is another subject that I brought to
16 the work group in order to sort of get the ball
17 rolling and see what was happening with regard to
18 integrated pest management.

19 In observations I made with County, and some
20 of the work that they're doing, there are portions of
21 integrated pest management already being applied to
22 pest management principle and practice that parks is
23 taking part in. Now, John mentioned that integrated
24 pest management has multi-levels and multi-steps and
25 usually it's an approach to try to find a way to

1 control pests through first identifying it and then
2 looking at biology and aspects of the pest in finding
3 a way to control it where pesticide is the last
4 measure used. And even though it's the last measure,
5 it's not just you go find any product and use the
6 product. It's a step process where you try to find
7 something least toxic and work your way up.

8 John also mentioned that there are some
9 products that are considered and registered as
10 organic or used in organic production. The way
11 products are registered typically are in three tiers.
12 There's a restricted use, which requires a license to
13 buy it and use this product. There's a general use,
14 which is anybody can buy and purchase and use the
15 products that are under that classification. And
16 there's something called 25B, that is something that
17 is least sort of toxic products, if you will.
18 Minimal risk products.

19 EPA registers general use and restricted
20 use. Restricted use comes usually with a label
21 statement showing the user that you have to have a
22 license, and there's a toxicity reason usually listed
23 in that box as well.

24 25B products aren't registered at the
25 federal level. We do register them at the state

1 level, however. So that means we can ask the
2 companies that are looking to register the products
3 in the state for any kind of data to provide for
4 efficacy or toxicity or anything really that we feel
5 that we need to have information on.

6 Through the registration process of a
7 conventional general use or restricted use product at
8 the federal level, user safety and environmental fate
9 are taken into account. So this gets transcribed
10 onto a label, which is end product guide for any
11 user, whether it's at home or we're using a product
12 to wipe down a kitchen counter for antimicrobial or
13 something like that, or a product that's used in a
14 lawn care situation, as an herbicide. The label
15 that's attached has everything that is required for
16 the user to know what the product is, how to use it,
17 when to use it, so on and so forth. Our main role is
18 to register those products and maintain the
19 registration. Then through our inspection process we
20 verify that the end user is following those label
21 directions. Within those label directions, like I
22 mentioned, environmental fate and user safety is
23 taken into account, but just overall human health is
24 taken into account as well. So we always look for
25 language with regard to these situations.

1 Now, language is based on formulations, site
2 and application type or application measure. Through
3 inspection we verify this, as well as anything else
4 that's on the label. It could be mixed rates, it
5 could be site of application, method of application.
6 But the inspection ensures that the user is following
7 that.

8 Now, a listed pesticide applicator in the
9 state is required to have continuing education. They
10 are required to maintain records at a certain level
11 and they're required to use and store pesticides in a
12 certain way. So inspection provides all of this.

13 My job specifically with certification and
14 training is to provide training to meet compliance.
15 So in the training that I did most recently with
16 County, I brought into the class a label that we
17 could dissect and look at so that I could show label
18 language, enforceable language, problematic language
19 and areas of the label that you really need to focus
20 on for safe, effective use, not just for the users,
21 but also for the environment and for the public as
22 well.

23 I'm planning on promoting another safety
24 training class for the County once the season starts
25 to warm up and things start being used and looked at

1 and procedures are looked at for how they're going to
2 approach pest management.

3 In the past I had done inspections when I
4 was a field inspector and so I was familiar with the
5 recordkeeping, but when I joined the work group and
6 saw the most recent records, I was pretty impressed,
7 because the County records include a photocopy map of
8 the park or the site where the applications are being
9 made and that really extends and goes far beyond our
10 requirement, because it shows a proactive approach.
11 And it shows, when I'm doing the inspection, that I
12 can see exactly where this product is. Whenever a
13 complaint is made, that's usually the first thing we
14 ask for, is the record from whomever, whatever
15 entity. And when we have a good detailed record, it
16 gives us a nice snapshot of time. So the records
17 that I was seeing here were very impressive and I
18 think it's on a good path for good use over all the
19 pesticides from the County perspective.

20 VICE CHAIR O'MALLEY: Madam Chair.

21 CHAIR HART STEBBINS: Commissioner O'Malley.

22 VICE CHAIR O'MALLEY: Thank you. If you
23 wouldn't mind coming up again, Mr. Murphy. If you
24 recall when we passed the ordinance, essentially
25 we did a moratorium on glyphosate. So that means

1 that you basically don't have that in your tool box
2 at this point, and that was the idea. Is that now
3 you would you have to look at alternative tools to
4 deal with this. I'm glad to hear that the County,
5 compared to, I guess, other entities, is pretty
6 proactive about this and keeps good records, et
7 cetera, and that's important.

8 So we've got this work group and it includes
9 other folks. Do we know what the gaps are in terms
10 of the way our integrated management system, where
11 these gaps are in terms of application of pesticides
12 and how we need to address that?

13 DEPUTY COUNTY MANAGER MURPHY: Madam Chair,
14 Commissioner O'Malley, the good news is, we do. Part
15 of the work group is having a subgroup take a look
16 at, what are the alternatives. And with the advice
17 of both New Mexico State and the State Department of
18 Ag, we're not just jumping to say, "Okay, we're just
19 going to move to organic." Because some of the
20 examples they've provided to me is, organic can be
21 worse than the glyphosate products that we could use.

22 And I'll have Ed Martinez give you the
23 specifics, but for the amount of land that we have,
24 and we are respecting the moratorium, we won't go
25 into the field until March. And as long as the

1 moratorium stands we will not use glyphosate, but
2 then the problem remains, both the pests, both the
3 weeds and the mosquitoes are still an issue. So
4 we're taking a look at how to address that by
5 honoring the moratorium.

6 VICE CHAIR O'MALLEY: Right. I think the
7 moratorium was just glyphosate, was it not? I'll
8 have to look at the ordinance again, but we also
9 tried to address pesticides.

10 DEPUTY COUNTY MANAGER MURPHY: Yes.

11 VICE CHAIR O'MALLEY: I mean, there is a
12 good point about organic products also having certain
13 level of toxins and also caustic. It could
14 definitely have skin reactions, things like that.
15 You just assume everything is safe, and you're right
16 about that. And we have a lot of organic farms,
17 somehow they're managing to produce vegetables and
18 fruit and everything else without using -- they can't
19 use pesticides. They can't use any of things.

20 DEPUTY COUNTY MANAGER MURPHY: Right.

21 VICE CHAIR O'MALLEY: I don't know if we're
22 looking at labor intensive, whether it's labor
23 intensive or not. And I think that's the other
24 issue, is that we've gone to some of these products
25 because they're convenient. It is easier to spray

1 something than it is to go in there and use a team to
2 pull weeds or whatever. As you can see throughout
3 the city, we once had a very thriving acequia system
4 with a lot of natural plants. And now, of course, we
5 just started cleaning them the way we've cleaned
6 them, just going in and mowing them down and now we
7 have all these weeds, so we just have to continue
8 this now where we've lost a lot of the vegetation
9 that was there for decades. And also we've lost a
10 lot of wildlife as a result. I think that's what
11 people are concerned about, is the safety. In terms
12 of not only humans, but the environment and the
13 wildlife and things like that. But we're finding
14 more and more, and I know that certainly in the past
15 we've sort of been dismissive about pesticides. We
16 go around with a spray bottle and spray bugs or
17 whatever. But now we're seeing more and more people
18 with autoimmunity, for example, as a result of having
19 way too many toxins in our environment and it's a
20 direct cause of that. So we just got to be better
21 about this. So that's why we came up with this.

22 If the issue is, okay, well, this is more
23 labor intensive, we're going to need more folks to
24 address this issue. You know, I don't know what it
25 would be. I think that would be important to get an

1 understanding of that, because if we're looking at
2 simply just cost, I don't think that's going to be
3 very helpful. Yes, well, it's cheaper to do it like
4 this, for example. But our health and the health of
5 our environment is at risk.

6 DEPUTY COUNTY MANAGER MURPHY: Madam Chair,
7 Commissioner O'Malley, the good news is, as we've had
8 our discussions there hasn't been a lot of pushback
9 around, well, that's going to cost more. I think the
10 Department of Ag will agree, we really have had, and
11 I'll give Ed Martinez credit, we really have had a
12 proactive, thoughtful approach. And using the system
13 that was talked about, the management system, really
14 the use of any pesticides or any chemicals is the
15 last thing that we consider.

16 As far as the labor, there's a reality. As
17 we accumulate more open space and land, as we're
18 doing right now, there is a labor reality and we got
19 to figure out how to address that. The good news is,
20 there are volunteer groups, there are groups out
21 there that we can tie to that would be willing to
22 help through neighborhood associations, have said
23 they would step up and help as well in providing some
24 of the labor. But the bottom line is the safety of
25 the workers that apply chemicals, and obviously the

1 little kids pulling grass and having chemicals that
2 they're associated with. The good news is, that
3 really has been the forefront of the County's
4 approach.

5 VICE CHAIR O'MALLEY: For example,
6 Candelaria Farms, which is under the state's and city
7 open space shared over there off of the Nature
8 Center, they're struggling with this issue too. I
9 know they've had many meetings and planning around
10 how they're going to move forward with basically
11 maintenance of this area. And for the longest time I
12 think they had a farmer who would take -- and
13 apparently they can't do that anymore -- leave some
14 of the product for the wildlife, et cetera, but there
15 was no restriction, for example, on some of the
16 pesticides and herbicides.

17 And a few years ago there was this huge
18 issue we had where the bees just died off. All of a
19 sudden they were dying off. And they were saying,
20 "Well, it's probably pesticides or herbicides that
21 are killing them." So it's not without its
22 challenges, I want to say that.

23 But I think if we make it a goal to make it
24 a safer environment for everybody, I think that's the
25 right thing. I appreciate Mr. Garlish, Mr. Baca,

1 coming down to speak with us today. Thank you.

2 CHAIR HART STEBBINS: Commissioner Talbert.

3 COMMISSIONER TALBERT: Thank you, Madam
4 Chair. I just want to echo what Commissioner
5 O'Malley is talking about. I don't want us to come
6 back in a year and still try to get this done. I
7 can't believe we're the only county in America that's
8 trying to deal with this problem with Roundup.

9 Roundup's now a carcinogen. There are
10 people on TV all day long saying, "call us if you've
11 used Roundup, we'll sue everybody in America," right.
12 So I think there are more than enough opportunities
13 around the world and country to find out how to use
14 something that protects and is not reckless. I don't
15 want us to be reckless. But I am saying, it appears
16 to me at times that we've just moved slow on these
17 kind of things in terms of, yes, we need working
18 groups, that's great. But to Commissioner O'Malley's
19 point, we have organic farms all around the U.S. that
20 have fought this for years without using anything
21 that's harming anybody, at least as far as I know
22 today, maybe it's changed. But I would just like us
23 to move a little quicker in terms of our
24 implementation, without being reckless, and figure
25 out a way that other people are doing this.

1 Because, again, I like the fact that we're
2 not using it at all, but unless every pesticide that
3 you walk in -- and again, I just use Lowe's or Home
4 Depot, which is where I go, has this chemical in it,
5 every one of them, then I don't know how they're all
6 still on the shelves, that I think there are other
7 options and alternatives out there that we can figure
8 out quickly. Thank you, Madam Chair.

9 CHAIR HART STEBBINS: Any other questions,
10 comments? Seeing none, that -- actually, I do have
11 one question. My recollection is that we deferred
12 the resolution that would have limited the County's
13 use of Roundup. Are we bringing that back?

14 VICE CHAIR O'MALLEY: No, we passed it as
15 moratorium.

16 CHAIR HART STEBBINS: Is that deferred?

17 MS. BACA: That item was never approved. It
18 was deferred until this presentation and action going
19 forward.

20 CHAIR HART STEBBINS: Since this
21 presentation has now taken place, can we bring it
22 back for approval at our next meeting?

23 MS. BACA: I don't see why not, but I'll let
24 the Department answer that.

25 CHAIR HART STEBBINS: So we'll just make

1 sure that that is on our next agenda so that that is
2 completed.

3 DEPUTY COUNTY MANAGER MURPHY: Thank you.

4 CHAIR HART STEBBINS: We are now on Item 8A,
5 Approval of the Minutes. I move we approve the
6 minutes of January 14th, 2019 Special Administrative
7 Meeting.

8 COMMISSIONER PYSKOTY: I want to make sure
9 that change was made in the -- thank you, that I was
10 actually present at the January 14th meeting.

11 MS. BACA: Yes, I did advise our court
12 reporter of that and they will be making that change.

13 VICE CHAIR O'MALLEY: Second.

14 CHAIR HART STEBBINS: We have a motion and a
15 second from Commissioner O'Malley to approve the
16 minutes of January 14th. All in favor say aye.

17 MEMBERS: Aye.

18 CHAIR HART STEBBINS: Opposed? That passes
19 unanimously. I move we approve the minutes of
20 January 22nd, 2019 Administrative Meeting.

21 VICE CHAIR O'MALLEY: Second.

22 COMMISSIONER TALBERT: Second.

23 CHAIR HART STEBBINS: A second from
24 Commissioners O'Malley and Talbert. all in favor say
25 aye.

1 MEMBERS: Aye.

2 CHAIR HART STEBBINS: Opposed? At this
3 point I want to check with our court reporter. Need
4 a break? Okay, we will proceed then.

5 Madam Clerk, may I please have
6 administrative resolution numbers for items on the
7 Consent Agenda, so that would 9A and 9B.

8 COUNTY CLERK STOVER: Yes, ma'am. 9A is AR
9 2019-13. 9B is AR 2019-14.

10 CHAIR HART STEBBINS: I move that we approve
11 the Consent Agenda, making a note that we have
12 deferred Item G. Do we have a second?

13 COMMISSIONER TALBERT: Second.

14 CHAIR HART STEBBINS: We have a second from
15 Commissioner Talbert. Any questions, comments?
16 Commissioner Pyskoty.

17 COMMISSIONER PYSKOTY: I have just a
18 comment. I want to acknowledge, under the Consent
19 Agenda it is Item F, the library appointment. Circe
20 Olson Woessner is actually here in the audience.
21 Could you just stand up and wave. I just want to
22 acknowledge you for stepping up to this position on
23 the library board. Circe is very well qualified.
24 She runs a military family museum in Tijeras. And I
25 got my start with Bernalillo County serving on the

1 DWI Council, and here I am. So I hope that you fall
2 in love with service to the County as I did, and that
3 you just have a wonderful experience. And I
4 appreciate you stepping up to this position. Thank
5 you.

6 CHAIR HART STEBBINS: We have a motion and a
7 second to approve the Consent Agenda. All in favor
8 say aye.

9 MEMBERS: Aye.

10 CHAIR HART STEBBINS: Opposed? That passes
11 unanimously. We're now on Adoption of
12 Ordinance/Amendment to County Code. This would be a
13 revision to Boards and Commissions Ordinance. We
14 will now conduct a public hearing. So we have
15 anybody signed up to speak?

16 MS. BACA: We do not.

17 CHAIR HART STEBBINS: So there goes public
18 hearing. Madam Clerk, may I please have ordinance
19 number.

20 COUNTY CLERK STOVER: Yes, ma'am. 10A will
21 be Ordinance 2019-2. 10B will be Ordinance 2019 -- I
22 shouldn't do that?

23 MS. BACA: Just on the item we're on.

24 COUNTY CLERK STOVER: Okay.

25 CHAIR HART STEBBINS: Commissioner O'Malley.

1 VICE CHAIR O'MALLEY: Are these just
2 technical amendments?

3 MS. BACA: Yes, these are just clean-up
4 amendments. We added some Code of Conduct revisions,
5 we've added At Large, how we conduct At Large
6 appointments, along with formalizing the requirement
7 of a resume or a bio for each appointment. And
8 that's just formalizing the ordinance to do so.

9 VICE CHAIR O'MALLEY: So this was already in
10 the ordinance, we're just...

11 MS. BACA: Correct.

12 VICE CHAIR O'MALLEY: Thank you.

13 MS. BACA: There was some additions. What
14 we did add was the Code of Conduct provision and just
15 clarifying how we appoint certain boards and
16 commissions. So this is the overall Boards and
17 Commissions Ordinance for County-created boards.

18 VICE CHAIR O'MALLEY: Are those substantive
19 in anyway or very different in terms of Code of
20 Conduct?

21 MS. BACA: Code of Conduct just mirrors what
22 we hold the BCC to. The language was provided by
23 Robert Kidd, and it's just same the standard. It's
24 just putting it in writing.

25 VICE CHAIR O'MALLEY: There's nothing more

1 restrictive or anything like that.

2 MS. BACA: Absolutely not, no.

3 VICE CHAIR O'MALLEY: Thank you.

4 CHAIR HART STEBBINS: I move we approve
5 Ordinance 2019-2.

6 VICE CHAIR O'MALLEY: Second.

7 CHAIR HART STEBBINS: A second from
8 Commissioner O'Malley. Any questions, comments?
9 Seeing none, all in favor say aye.

10 MEMBERS: Aye.

11 CHAIR HART STEBBINS: Opposed? That passes
12 unanimously. Madam Clerk, may I please have an
13 ordinance number for Item 10B1 and 2.

14 COUNTY CLERK STOVER: Ordinance 2019-3.
15 Number 2 is FR 2019-15.

16 CHAIR HART STEBBINS: Thank you. We will
17 now conduct a public hearing. Is there anyone signed
18 up to speak?

19 MS. BACA: There is not.

20 CHAIR HART STEBBINS: That concludes our
21 public hearing. I move we approve Ordinance 2019-3.
22 Do we have a second?

23 COMMISSIONER TALBERT: Second.

24 CHAIR HART STEBBINS: A second from
25 Commissioner Talbert. Marcos, would you please

1 explain the item.

2 INTERIM DIRECTOR GONZALES: I'm Marcos
3 Gonzales, the Interim Director for Bernalillo County
4 Economic Development.

5 Madam Chairwoman and Members of the
6 Commission, the Economic Development staff recommends
7 the approval of an ordinance authorizing a local
8 economic development with Anthea at Nob Hill, LLC, as
9 well as approval of a financial resolution
10 appropriating the budget in the amount of \$5,000 for
11 the Economic Development Department. I'll stand for
12 any questions.

13 CHAIR HART STEBBINS: Commissioners, are
14 there any questions or comments? Marcos, I have one
15 question, and I think you're aware of this. When I
16 toured the site I did have a conversation with the
17 agent about Bernalillo County having a seat on the De
18 Anza Historic Board. I forget what it's called, but
19 I know there's a nonprofit that's been established to
20 provide some education. Is that part of this
21 contract?

22 INTERIM DIRECTOR GONZALES: Madam
23 Chairwoman, it's built into the PPA. And Anthea, LLC
24 is working with the nonprofit board to make that
25 concession.

1 CHAIR HART STEBBINS: And I apologize, I
2 don't know the exact name of that group. And another
3 part of my request was, the murals, the historic Zuni
4 murals will be available only by, like special
5 arrangements, tours limited to a certain number a
6 year, and that Bernalillo County would be able to be
7 scheduled. I think we talked about two of those
8 tours a year. Is that also going to be part of the
9 --

10 INTERIM DIRECTOR GONZALES: Madam Chair, the
11 item is in the PPA as well.

12 CHAIR HART STEBBINS: Excellent. We've got
13 a motion and a second. All in favor say aye.

14 MEMBERS: Aye.

15 CHAIR HART STEBBINS: Opposed? That passes
16 unanimously. I move we approve financial resolution
17 FR 2019-15, which is appropriating \$5,000 to the
18 Economic Development Department. Second?

19 COMMISSIONER TALBERT: Second.

20 VICE CHAIR O'MALLEY: Second.

21 CHAIR HART STEBBINS: Second from
22 Commissioners O'Malley and Talbert. Any questions or
23 comments? Seeing none, all in favor say aye.

24 MEMBERS: Aye.

25 CHAIR HART STEBBINS: Opposed? That passes

1 unanimously. Thank you very much. We are now on
2 Item 10C, Finance Department, Adoption of an
3 Ordinance authorizing sale of General Obligation
4 Bonds. Do we have anyone signed up for public
5 hearing?

6 MS. BACA: We do not.

7 CHAIR HART STEBBINS: Well, that concludes
8 the public hearing. Madam Clerk, may I have an
9 ordinance number, please.

10 COUNTY CLERK STOVER: Yes, ma'am. Ordinance
11 2019-4.

12 CHAIR HART STEBBINS: I move approval. Do
13 we have a second?

14 COMMISSIONER TALBERT: Second.

15 CHAIR HART STEBBINS: Second from
16 Commissioner Talbert. Shirley.

17 DEPUTY COUNTY MANAGER RAGIN: Madam Chair,
18 Commissioners, my name is Shirley Ragin, Deputy
19 County Manager for Finance. On January 8th, 2019 the
20 Commission approved the publication of the Notice of
21 Intent to adopt an ordinance authorizing the issuance
22 and sale of Series 2019 Bernalillo County General
23 Obligation Bonds in the aggregate principal not to
24 exceed 25,260,000. After further review, staff
25 requests the adoption of the ordinance for the Series

1 2019 Bernalillo County General Obligation Bonds in
2 aggregate principal amount not to exceed 23,135,000.
3 I stand for questions.

4 CHAIR HART STEBBINS: Commissioners, any
5 questions? Seeing no questions, we have a motion and
6 a second to adopt Ordinance 2019-4. All in favor say
7 aye.

8 MEMBERS: Aye.

9 CHAIR HART STEBBINS: Opposed? That passes
10 unanimously. Thank you.

11 (Commissioner Talbert not present)

12 CHAIR HART STEBBINS: We are now on to
13 Adoption of Resolutions. The first item is Support
14 of the Community Schools Act. Madam Clerk, may I
15 have an administrative resolution number, please.

16 COUNTY CLERK STOVER: Yes, ma'am. AR
17 2019-16.

18 CHAIR HART STEBBINS: Thank you. And I
19 believe we have Danette Townsend from our
20 Community School Partnership, Executive Director.
21 I'd like to invite her to explain this item.

22 MS. TOWNSEND: Good evening. Thank you,
23 Madam Chair, Members of the Commission. My name is
24 Danette Townsend, I'm the Executive Director of
25 the ABC Community School Partnership. And what we

1 are requesting is support in amending the Community
2 School State Statute. It's currently listed under
3 HB134. And what that is doing is aligning the
4 current language from the 2015 and 2017 amendments,
5 establishment and amendments, to be more in alignment
6 with the national research around the four pillars in
7 an effective community school. We don't have any of
8 that language currently in the statute due to the
9 fact that the study just came out about a year ago.

10 It also establishes a community school fund
11 that creates a mechanism for state funding to be
12 distributed across the state to any school district
13 through a competitive grant process that wants to
14 move into a community school framework or strategy
15 for their school turn-around models. I stand for
16 questions.

17 CHAIR HART STEBBINS: Excellent. So I want
18 to thank you for being here. I know you have been an
19 amazing asset for our Community Schools Partnership
20 and I know you're doing some great work up in Santa
21 Fe to make sure that people understand what the
22 community schools strategy is and why it's important
23 to New Mexico. And I know that our governor has
24 adopted that as part of her Education Improvement
25 Program. So I think you can take some credit for

1 that.

2 Commissioners, do you have any questions or
3 comments? Again, I want to thank you for bringing
4 this to us. I will move approval of Administrative
5 Resolution AR 2019-16. Do I have a second?

6 COMMISSIONER PYSKOTY: Second.

7 CHAIR HART STEBBINS: Second from
8 Commissioner Pyskoty. All in favor say aye.

9 MEMBERS: Aye.

10 CHAIR HART STEBBINS: Opposed? Passes
11 unanimously. Thank you very much.

12 MS. TOWNSEND: Thank you.

13 CHAIR HART STEBBINS: Madam Clerk, may I
14 please have a resolution number for Item 11B.

15 COUNTY CLERK STOVER: 11B is AR 2019-17.

16 CHAIR HART STEBBINS: I move approval of
17 Administrative Resolution AR 2019-17. Do I have a
18 second?

19 VICE CHAIR O'MALLEY: Second.

20 CHAIR HART STEBBINS: A second from
21 Commissioner O'Malley. Bernadette Miera has been
22 shepherding this resolution for us. Could you please
23 explain what we're voting on tonight.

24 MS. MIERA: Madam Chair, Commissioners, it's
25 my pleasure to be here this evening. Essentially

1 this kicks off our census efforts here in Bernalillo
2 County and consolidates our Complete Count Committee
3 with the City of Albuquerque. So the resolution
4 itself is in line with the City's resolution that was
5 passed a couple of weeks ago. So we're ready to hit
6 the road and we have garnered staff on both sides,
7 City and County and have already met a couple of
8 times and will be looking for recommendations from
9 both the Council, the Mayor and, of course, the
10 Commission, as we move forward.

11 VICE CHAIR O'MALLEY: Madam Chair.

12 CHAIR HART STEBBINS: Commissioner O'Malley.

13 VICE CHAIR O'MALLEY: So, Ms. Miera,
14 basically you still have to have an agreement on
15 who's doing what, correct? Is that what you're going
16 to be working on?

17 MS. MIERA: Correct. So we're working on
18 an action plan. We have agreed that each entity
19 agency would recommend 10 members for the Complete
20 Count Committee, which would be a total of 20. We'll
21 whittle that down and have 12 members, plus a chair.
22 So that still needs to be worked out. We're asking
23 that nominations come forward by February 28th, that
24 way we can start in March and get this going. We're
25 working on those pieces. We have, I think, about

1 another 15 days by the city resolution that we come
2 up with an action plan for the whole county.

3 VICE CHAIR O'MALLEY: The city resolution,
4 was there an appropriation?

5 MS. MIERA: There was. So they have matched
6 their resources in terms of staff and funding that
7 matches Bernalillo County's initiative.

8 VICE CHAIR O'MALLEY: Thank you. Wish you
9 success.

10 MS. MIERA: Thank you.

11 CHAIR HART STEBBINS: Questions?
12 Bernadette, I do have a couple of questions. So at
13 one point there was a question about whether the
14 City and the County would be contributing funds
15 equally. Has there been a way to guarantee that the
16 County's contribution is matched by the City?

17 MS. MIERA: Yes. So it's in their
18 resolution. So there's a financial piece in there
19 that dedicates \$100,000 to the effort.

20 CHAIR HART STEBBINS: And the City has done
21 the same?

22 MS. MIERA: Correct.

23 CHAIR HART STEBBINS: So their resolution
24 contains \$100,000, okay. Second question, so the
25 County Commission will be asked to submit some names

1 that will be whittled by like some kind of super
2 committee? How is that process going to take place?
3 If we send ten names, who's going to be making that
4 decision?

5 MS. MIERA: Madam Chair, Commissioners, we
6 are still working on that. We meet this coming week,
7 early. I think what they want is participation by
8 the County Manager and the City CAO to work on that.
9 So the recommendations would come from the electeds
10 and there would be some kind of vetting from the
11 administration.

12 CHAIR HART STEBBINS: County Administration
13 or the Administration of this Complete Count
14 Committee?

15 MS. MIERA: No, the administration of both
16 agencies. So it would be the County Manager's office
17 and on the other side it would be Sarita. So it
18 would be mutual working on that.

19 CHAIR HART STEBBINS: So we can have that
20 conversation with the County Manager.

21 MS. MIERA: Of course, yes.

22 CHAIR HART STEBBINS: Again, as we're
23 recommending ten, there's a possibility that will be
24 whittled, and I think it would be important that
25 Commissioners at least feel confident that at least

1 one of their recommendations will be included on this
2 committee, because our districts are all really
3 different. And I think we have perhaps some -- well,
4 obviously some very strong interest in making sure
5 that our residents are counted, as well as everybody
6 in Bernalillo County. So maybe that's a conversation
7 that we can continue to have.

8 What will that process be for getting the
9 ten recommendations from the County Commission?

10 MS. MIERA: Madam Chair, Commissioners, on
11 your side, on the County side, in resolution it does
12 say that the County Chair would submit the names. So
13 it's more of a matter of how you want to handle that.
14 Two from each district, for instance, if they do want
15 to participate that way. If not, other names need to
16 come forward so we have a total of ten to work with.

17 CHAIR HART STEBBINS: I think that sounds
18 like a good process, that I would just reach out to
19 all Commissioners, give everybody an opportunity to
20 nominate, if they choose, and then move forward. So
21 thank you. I want to thank you for all your work on
22 this. I know it's been busy, but I think we all
23 recognize how important the census is to the future
24 of Bernalillo County, that we make sure that
25 everybody is counted.

1 MS. MIERA: Madam Chair, Commissioners,
2 thank you.

3 CHAIR HART STEBBINS: We have a motion and a
4 second to approve Administrative Resolution AR
5 2019-17. All in favor say aye.

6 MEMBERS: Aye.

7 CHAIR HART STEBBINS: Opposed? That passes
8 unanimously. We have already handled 11C. 11D has
9 been deferred. We're now on Item 11E. Madam Clerk,
10 may I please have a resolution number.

11 COUNTY CLERK STOVER: For 11C, correct?

12 CHAIR HART STEBBINS: No, the letter E.
13 We've already done C.

14 COUNTY CLERK STOVER: AR 2019-18. Thank
15 you.

16 CHAIR HART STEBBINS: I move we approve
17 Administrative Resolution AR 2019-18. Do we have a
18 second?

19 COMMISSIONER PYSKOTY: Second.

20 CHAIR HART STEBBINS: We can reverse that.
21 Commissioner Pyskoty, would you like to move this
22 Item? All right, we have a motion and a second.
23 Commissioner Pyskoty.

24 COMMISSIONER PYSKOTY: Thank you. This
25 resolution is very important, especially to my

1 district. My district in the East Mountains, it has
2 dealt with a lot of water issues. And so I just want
3 to read the summary of this.

4 The New Mexico Constitution provides that
5 the beneficial use shall be the basis, the measure
6 and the limit of the right to use water. The
7 constitutionally required finding of beneficial use
8 is nearly impossible to ascertain accurately under
9 the current statute governing applications for
10 appropriations of underground water, given that
11 applicants are currently not required to identify the
12 end users.

13 So this resolution supports House Bill 374
14 and Senate Bill 435 and requires that all applicants,
15 if not the end users themselves, identify all end
16 users of the proposed appropriation and include
17 evidence showing that the end users are contractually
18 obligated to take and beneficially use all the water
19 applied for within a reasonable time.

20 So this is a protection on our water to make
21 sure that the end users will be using it for a
22 beneficial purpose, that they're doing what they say
23 they will do.

24 If you have any further questions I would
25 like to defer to our County Attorney, Mr. Martinez.

1 But it just seems like this is a good thing to have
2 in place to protect our water. Thank you.

3 VICE CHAIR O'MALLEY: Madam Chair.

4 CHAIR HART STEBBINS: Commissioner O'Malley.

5 VICE CHAIR O'MALLEY: Thank you.

6 Commissioner Pyskoty, this is probably reflective of
7 what occurred recently in terms of the judgement,
8 right, and how to move forward with these issues?

9 COMMISSIONER PYSKOTY: It is complementary
10 with that so that we don't have -- it's an
11 anti-speculation bill, so that we don't have people
12 just going and drilling, and we don't know what would
13 happen to our the water resources. So, yes, it puts
14 some structure on that.

15 VICE CHAIR O'MALLEY: Thank you.

16 MR. MARTINEZ: Madam Chair, also I wanted to
17 point out, watching this is the lead counsel on that
18 activity, on the aquifer science case, Mr. Albright,
19 who stayed for the purpose of this.

20 COMMISSIONER PYSKOTY: Thank you so much,
21 Mr. Albright. I appreciate you being here. I
22 appreciate all the support, as well as you,
23 Mr. Martinez, all the support that you have given to
24 our environmental issues overall, and especially the
25 water case that was recently adjudicated, I really

1 appreciate it. And I appreciate you being here just
2 to support this tonight. Thank you.

3 CHAIR HART STEBBINS: If there are no
4 questions or comments, we have a motion and a second
5 to approve AR 2019-18. All in favor say aye.

6 MEMBERS: Aye.

7 CHAIR HART STEBBINS: Opposed? That passes
8 unanimously. Madam Clerk, may we please have an
9 administrative resolution number for Item 11F,
10 please.

11 COUNTY CLERK STOVER: AR 2019-19.

12 COMMISSIONER PYSKOTY: I move for approval.

13 CHAIR HART STEBBINS: I second that.
14 Please, Commissioner Pyskoty.

15 COMMISSIONER PYSKOTY: Thank you. This is
16 for urging the New Mexico State Legislature to enact
17 the Healthy Soils Act. As we heard briefly from one
18 of our public commenters, Ms. Allday, she described a
19 little bit about what this is.

20 The Healthy Soils Act has been proposed in
21 this current legislative session to support land
22 management practices that improve the health, yield
23 and profitability of soils in New Mexico. Also it
24 improves the overall health of the soils in terms of
25 cutting down on erosion, helping soils retain water,

1 things like that that are environmentally sound,
2 economically sound and just good for our environment
3 and our lifestyles.

4 Again, for my district in particular, having
5 such a large portion in the East Mountains, which is
6 in some places very rural and agricultural, this is a
7 real bonus to us. It establishes a network of
8 persons to promote soil health stewardship, creating
9 a program to provide ongoing trainings and facilitate
10 workshops, collaborate with technical service
11 providers, educate the public about the importance of
12 soil health stewardship.

13 So I ask that you approve this resolution.
14 Thank you.

15 CHAIR HART STEBBINS: Thank you. Any
16 questions or comments? Thank you for bringing this
17 forward. And actually, the Underground Water
18 Application Statute, I think both of these are really
19 excellent bills to protect the environment. Even
20 though some of us may represent really urban
21 districts, these are still really important issues
22 for all of us. Thank you for proposing these.

23 We have a motion and a second to approve
24 Administrative Resolution 2019-19. All in favor say
25 aye.

1 MEMBERS: Aye.

2 CHAIR HART STEBBINS: Opposed? That passes
3 unaniously. We have deferred Item 12A. We have no
4 Discussion items.

5 The next Administrative Meeting of the
6 Bernalillo County Commission will be Tuesday,
7 February 26th, 2019, at 5 p.m., here in the Vincent
8 E. Griego Chambers.

9 I want to thank everybody for coming.

10 (Meeting adjourned at 7:39 p.m.)

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REPORTER'S CERTIFICATE

I, Kim Kay Shollenbarger, New Mexico Certified Court Reporter, No. 236, do hereby certify that I reported the foregoing proceedings in stenographic shorthand and that the foregoing pages are a true and correct transcript of those proceedings taken to the best of my ability.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this matter and that I have no interest in the final disposition of this matter.

Kim Kay Shollenbarger
CCR No. 236, RPR
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