



# Agenda

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## **SPECIAL JOINT SANTA FE CITY COUNCIL/COUNTY COMMISSION MEETING ADDRESSING ALCOHOL ABUSE**

**August 13, 2009**

**5:30 P.M.**

**CITY COUNCIL CHAMBERS**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. Leadership Team Update (Roman Abeyta, County Manager, Galen Buller, City Manager)
8. ADJOURN

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**SUMMARY INDEX  
OF THE  
JOINT SPECIAL MEETING  
SANTA FE CITY COUNCIL AND SANTA FE COUNTY COMMISSION  
August 13, 2009**

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**MINUTES OF THE  
JOINT SPECIAL MEETING OF THE  
SANTA FE CITY COUNCIL AND SANTA FE COUNTY COMMISSION  
Santa Fe, New Mexico  
August 13, 2009**

**CALL TO ORDER AND ROLL CALL**

A special meeting joint meeting of the Governing Body of the City of Santa Fe, New Mexico, and the Board of County Commissioners of Santa Fe County, was called to order by Mayor Pro-Tem Rebecca Wurzburger, on August 13, 2009, at approximately 5:00 p.m., in the City Hall Council Chambers. Mayor Pro-tem Wurzburger asked Commissioner Harry B. Montoya to preside over the meeting. Following the Pledge of Allegiance, salute to the New Mexico Flag and Invocation, roll call indicated the presence of a quorum, as follows:

**Governing Body Members Present**

Councilor Rebecca Wurzburger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Carmichael A. Dominguez  
Councilor Matthew E. Ortiz  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

**Governing Body Members Excused**

Mayor David Coss  
Councilor Miguel Chavez,

**County Commissioners Present**

Commissioner Harry B. Montoya  
Commissioner Virginia Vigil  
Commissioner Liz Stefanics

**County Commissioners Excused**

Commissioner Mike D. Anaya  
Commissioner Kathy Holian

**Others Attending**

Galen Buller, City Manager  
Ramon Abeyta, County Manager  
Kelley Brennan, Assistant, City Attorney  
Tina Dominguez, Assistant City Clerk  
Melessia Helberg, Council Stenographer

## **6. APPROVAL OF AGENDA**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Calvert, to approve the agenda as presented.

**VOTE:** The motion was approved on a voice vote with Councilors Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger, and Commissioners Montoya, Vigil and Stefanics voting for the motion, none against, and Councilor Bushee absent for the vote.

## **7. LEADERSHIP TEAM UPDATE. (ROMAN ABEYTA, COUNTY MANAGER AND GALEN BULLER, CITY MANAGER)**

A packet of information prepared for the meeting and distributed to the governing bodies of the City and the County, including "Santa Fe City/Santa Fe County Addressing Alcohol Abuse 30 Day Report," is incorporated herewith to these minutes as Exhibit "1."

A copy of the Treatment Work Group Summary, entered for the record by Larry Martinez, is incorporated herewith to these minutes as Exhibit "2."

Mr. Buller welcomed everyone to the meeting, saying Mayor Coss was in Angel Fire, has been delayed, but should be at the meeting shortly. He thanked everyone who has been involved from the County and the City. This has truly been a collaborative community effort from so many aspects and portions of the City and County. He said the City, as does the County, sees this as an important endeavor, and a critical high priority. He said the City is putting its staff work to help at any level and in any way possible. He emphasized that this is coming from both the City and County governing officials and the respective staff.

Roman Abeyta, County Manager, presented information from "Santa Fe City/Santa Fe County Addressing Alcohol Abuse 30 Day Report." Please see Exhibit "1" for the text of this presentation. Mr. Abeyta noted this is the summary of accomplishments for the past 30 days.

Mr. Abeyta introduced Cynthia Delgado, Communications Liaison, Santa Fe Underage Drinking Prevention Alliance, who is here to answer questions.

Councilor Romero said, regarding the Alcohol Tax Increase Committee, she is hoping we would encourage a State representative to serve on the Group, because that's where we get stuck, and asked for other suggestions of someone who would be helpful in moving things through the State level.

Ms. Delgado said the first meeting of this Group is tomorrow, and they have invited AG's staff person Phil Baca to attend to inform and provide support for that committee. She said last year, the Attorney General took a significant alcohol tax package to the Legislature, so Mr. Baca will be providing some history for the Committee, as well as some work in terms of strategy going forward. She said Commissioner Montoya worked with Phil Baca and the AG's office last year in this regard, so they are trying to do this.

Commissioner Montoya said they will identify others, so if a State Representative or Senator is identified as interested they will contact them. He understands there are some State Representatives who may be interested in working on this. He said they will talk about that tomorrow and look to recruiting individuals for that particular committee, and for all committees.

Ms. Delgado said Jim Roeper, who is on two of these committees, is with the Department of Health and he is the Alcohol Epidemiologist for the State. She said the Judicial/Law Enforcement Committee has met and scheduled its next meeting, noting the State DWI Czar, Rachel O'Connor, will be attending the meeting to talk about the Governor's proposed DWI package.

Councilor Wurzbarger thanked everyone for this tremendous work. She said at one of the earlier meetings, she spoke about her concern of doing something which could help to identify drivers who are driving under the influence. She asked if that committee has given any thought to ideas that put the responsibility on us to move out of the way of a drunk driver.

Ms. Delgado said not at this point.

Councilor Wurzbarger said she is speaking of what legislative initiatives there might be.

Ms. Delgado said the Legislature will be focusing on the tax and some of the DWI penalty increases at this point.

*Councilor Bushee arrived at the meeting*

Councilor Dominguez asked Larry Martinez to present information from the meeting of the Education Committee on August 10, 2009.

Larry Martinez, Education Committee, said the members recognized that despite the fact that there is a lot of attention being devoted to the problem, there is a lot of misunderstanding and lack of understanding, for example, with respect to the laws regarding providing alcohol and drugs to minors. They decided that the strategy that the educational program adopts has to be aimed at the many facets of the problem that exists. He there was confusion, for example with respect to the law making it a 4<sup>th</sup> degree felony for an adult to serve alcohol to a minor other than to their own child.

Mr. Martinez said the Committee decided it needed to examine all of the various dimensions of the problem which require a response in terms of education. The Committee also decided that before developing recommendations with regard to what a comprehensive education program would look like, we need to know the criteria for being able to evaluate an educational program. They are working diligently to put together an inventory of the existing education programs which exist, as well as the evaluation factors which would enable them to know the effectiveness of an education program. He said they will be looking at such things as decreases in DWI rates, arrests, crashes, binge drinking rates, harm related alcohol use and alcohol related crimes. He said there are a number of sources for this data and information, including the records of the law enforcement officers as well as the Youth Risk and Resiliency Survey which is done every two years by the New Mexico Department of Health, which contains data and information in which

students indicate their risky behaviors. He said one of the more "eye opening" examples in recent years is the very substantial percentage of children who are surveyed who report that at least 1-2 times in the previous 30 days, they got into a car that was driven by a person who was intoxicated.

Mr. Martinez said the Committee will continue to meet every Monday through August 31<sup>st</sup>, with the final meeting on September 8<sup>th</sup> to complete their work.

Ms. Romero reminded people years ago the motor vehicle regulations were changed for children under 16 years with a provisional license. She said there is an opportunity at the time of licensure to do more education with regard to the parameters specific to their licenses as well as the opportunity to do more education about DWI.

Mr. Martinez agreed. He said the Committee recognized that the time to try to convey a message to students is when they are in school. He said Chief Wheeler indicated there needs to be an attitude change among kids and this is one of the reasons they focused on the Student Wellness Action Teams, or SWAT teams as they are called in the schools. These are areas where we can do strategic interventions and making sure newly-licensed drivers fully understand the rules and the consequences for violating those.

Councilor Romero asked if there is an intervention that could be done at the DMV at time of licensure.

Mr. Martinez said the Committee is open to any types of approaches, such as this one, and if they determine this is one of the more effective ways to go, they wouldn't be "shy" in recommending legislation which would require that to happen.

Councilor Dominguez said education is multi-faceted, and can be approached in many ways. There was a suggestion to require an alcohol abuse education component in the health classes in the schools. He said right now they are gathering as much information as possible, and then they will decide what the Education Committee ultimately will recommend. He said right now it is a matter of fact-finding and moving forward. He said they will never stop collecting information and they have asked people to provide information so there can be discussion about next steps at the next meeting.

Councilor Romero believes it is best to take advantage of every opportunity, and all the kids want a drivers license. She hopes that they look at the opportunities and barriers to doing this.

Mr. Martinez said the Committee has recognized there are few opportunities where there is leverage and they want to identify the leverage points and utilize them as effectively as possible.

Councilor Calvert said we always hear complaints from law enforcement saying, "We arrest them, but we can't keep them in jail," so they sort of blame the Judges who say their hands are tied because of sentencing guidelines. He asked if consideration is being given to the sentencing guidelines.

Ms. Delgado said they did discuss sentencing guidelines, saying the timing is working both at the State and local level. She said the Governor's press release this week focused on mandatory sentencing and increasing the DWI penalties, both financial and now adding jail time. She said they talked about the unintended consequences of this.

Responding to Councilor Trujillo, Deputy Chief Contreras said he, Chief Wheeler and the Mayor met with the Department of Transportation and found out that "we had more money than we thought we did." They spoke with Lt. Lindberger, who manages these, and the City has more checkpoints and saturation patrols scheduled between now and September, noting the City will receive more money to do this. He believes he has 2-3 more checkpoints scheduled. He said the DWI checkpoint on Airport Road was run by the County, and perhaps City officers stopped to assist. He said his agency is working to establish a joint checkpoint outside of Espanola with the State Police and the County. There will be more checkpoints scheduled within the City.

Alex Valdez, CEO, Christas' St. Vincents, distributed copies of the Treatment Work Group Summary for the review and consideration of the governing bodies. Mr. Valdez reviewed the information in Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

Responding to Councilor Romero, Mr. Valdez said the Gap Analysis is focused in the disciplines of mental illness and substance abuse, and the providers in our community which are providing those services. So, it's much narrower in focus, in terms of the number of entities providing the services. The questions is what is the level of services they are providing. He said we are at the front end of that, but he met with a group of people where he indicated that he hopes, in a very collaborative way, we can get this job done in the next 2-3 months.

*Councilor Wurzburger left the meeting*

Commissioner Vigil said we need to look at this problem from a regional perspective, and we need to know what is happening in our community as well as what is happening in surrounding communities and counties. She said another partner which could be significant is our U.S. Congressional Delegation. She spoke with them, and one of the ideas which came up was a regionalized substance abuse treatment facility which would be support from the federal level and will be a partner in this. She believes we should include them as we discuss these issues and look at every perspective, optionally, as we move forward.

Billie Blair, Judicial/Law Enforcement Committee, provided an update from that Committee. She said she and Judge Padilla co-chair this Committee. She said you may find it strange that the Community Foundation is involved in the Judicial/Law Enforcement piece, but she felt they could bring a different perspective and ideas. She said the Committee will be meeting a week from tomorrow with Rachel O'Connor, State Alcohol Czar. She said, as you are aware, the Governor has proposed new legislation on DWI. Their group is studying that legislation, and exploring other options, such as making a third DWI a felony offense, and no longer providing electronic monitoring for DWI offenders.

Ms. Blair said the Committee also recognizes that there needs to be a publicity and education piece to this effort. She said they are looking at a way of creating and publicizing a DWI and DUI monthly

"dashboard," which will let people know what we're doing, how we're doing and how we're trending. They are looking at something which she hopes you don't consider controversial, which is the possibility of creating a Metro Court in Santa Fe, which might be a more efficient way to deal with all decisions as well as DWI cases. In addition, they would like to see the completion of the City and County forfeiture implemented, and see a media plan around that.

Ms. Blair said they have learned the checkpoints are a deterrent, and the City and County do a good job of coordinating the checkpoints, but that we do not have State Police and Tribal Police coordinating checkpoints. She said it would be a deterrent to DWI if that were more coordinated with more publicity around that.

Ms. Blair said they are just in the thinking stages now, but all of this takes money. She said if we are going to step-up enforcement and prosecution there will need to be funds for law enforcement officials, the District Attorney's office for prosecutors as well as for increased public defenders. She said the fourth arm of this is taxing the sale of alcohol. They will have more to report after meeting with Ms. O'Connor and learning more about the State's plans and how those might mesh with what we might do locally.

Commissioner Vigil said she applauds the Committee's efforts. She said, with regard to a Metro Court, that is statutorily identified with regard to population, although they might be thinking of a specialized court, not necessarily a Metro. She said, based on the Governor's announcement of his legislation for DWI mandatory sentencing, the Association of Counties is doing an analysis. She said this would require the counties to take on more responsibility for inmates. She said one of her recommendations to their lobbyist is to work with Peter Wirth who will be carrying this legislation to include language which would require the offender to pay for their jail sentence. She believes this is another piece which creates a larger resolution to the problem.

Councilor Bushee said the City's DWI forfeiture is moving forward. She said the fees are being applied through an administrative process, and a lot has been identified. She said the ordinance is almost ready to be enforced. She said this should be a joint effort, and asked Mr. Buller and Mr. Abeyta to look at this, commenting it wouldn't take a lot of financial resources. She believes we need to do a media blitz about this new program and that it is up and running.

Ms. Blair said they were aware the City is very close to the implementation of vehicle forfeiture and elected this as one of their action items because they knew it would be an "easy win."

Commissioner Montoya noted the County's forfeiture program is up and running, noting that the County offered the City the use of its impoundment lot until the City has its lot ready.

Commissioner Montoya said we need to educate ourselves in terms of making policy making decisions, when we do have things which come before us.

Commissioner Montoya said, "Last night you had a difficult vote here regarding whether or not to allow alcohol sales for your Viva Santa Fe project. I just want to commend the ones who voted against it, because I think that's the kind of message that we want to be giving to the community in terms of alcohol-



free sorts of events. Too many times, we're sold on the fact that well, if we're going to make money and to make this project work, we need to sell alcohol. And, unfortunately, that's still the norms that we have to change, the norms that we have to look at in terms of providing the kinds of activities that we would like to see our kids participate in. Certainly you know we don't have alcohol sales at our County Fair, and I hope it never comes to that – that we need to have alcohol sales in order to make our Fair successful. But, certainly as we educate ourselves, we'll see the importance of offering those types of activities. It's a beginning, in terms of where we need to go as a community, to send that message that we are taking alcohol and drinking seriously, especially in public places."

Mr. Abeyta thanked Cynthia Delgado for her work, noting she is keeping Mr. Buller and himself "on track." He said there is a lot of work to do, and staff will be reporting again to the City and County governing bodies in thirty days with specific recommended action items.

## **8. ADJOURN**

There was no further business, and the special joint meeting was adjourned at approximately 6:40 p.m.

**Approved by:**

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**Mayor David Coss**

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**Commission Chairman Mike D. Anaya**

**ATTESTED TO:**

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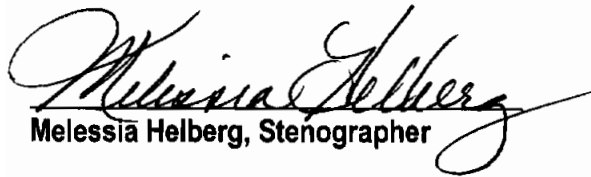
**Yolanda Y. Vigil, City Clerk**

**ATTESTED TO:**

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**Valerie Espinoza, County Clerk**

Respectfully submitted:

A handwritten signature in black ink, reading "Melessia Helberg". The signature is written in a cursive, flowing style. Below the signature is a horizontal line, and underneath that line is the printed name and title.

Melessia Helberg, Stenographer