



Agenda Item Number: 2008-6-9A

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: June 10, 2008

Department: County Manager/Commission Staff Contact: Comm. Deanna Archuleta
Thaddeus Lucero, County Manager
Dan Mayfield, Deputy County
Manager for Finance

TITLE: Memorandum of Understanding with UNMH for placement of Hospital's Mill Levy on the November 2008 election ballot

ACTION: Motion to approve the Memorandum of Understanding (MOU) with the University of New Mexico Hospital for placement of the Hospital's Mill Levy on the November 2008 election ballot.

SUMMARY:

Pursuant to the Hospital Funding Act, Sections 4-48B-1 through 4-48B-29, NMSA 1978, Bernalillo County and the University of New Mexico Hospital (UNMH) have entered into a lease and operating agreement for the UNMH and the UNM Mental Health Center to provide appropriate health and mental health services to indigent residents of Bernalillo County. A portion of those costs have been financed with a 6.5 mill levy on property in Bernalillo County. In the MOU, Bernalillo County agrees placing a continuation of the mill levy on the November 4, 2008 ballot for voter approval for a term of eight years at the valuation-adjusted rate of 6.4 mills and UNMH agrees to ensure that 12% to 15% of mill levy proceeds will be utilized for operation and maintenance of the UNM Mental Health Center and the provision of behavioral and substance abuse treatment services. UNMH additionally agrees to develop a program acceptable to the County and in collaboration with other community resources, to improve access for indigent residents.

Commissioner Archuleta, a member of the UNMH Clinical Operation Board, has worked closely with Steve McKernan, Chief Executive Officer of UNMH, Dr. Paul Roth, Dean of the UNM School of Medicine and the UNM Board of Regents to ensure compliance with the terms of the lease and operating agreement and to provide oversight of the mill levy proceeds.

ATTACHMENTS:

1. Memorandum of Understanding
2. November 7, 2000, Mill Levy Ballot Language

FISCAL IMPACT

There is no fiscal impact to Bernalillo County as a result of approval of this MOU.

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

Commissioner Archuleta and Deputy County Manager for Finance Dan Mayfield have been meeting with community members and UNMH staff to ensure community input and support for this mill levy election. I recommend approval. TL 6/4/2008

DEPUTY COUNTY MANAGER FOR FINANCE

Final ballot language will be presented to the Board in August 2008. I recommend approval.
DJM

LEGAL

Approved as to form and legal sufficiency. JSL 5/07/08

BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 66-2008

1

2 **A RESOLUTION PLACING THE QUESTION OF WHETHER THE COUNTY OF**
3 **BERNALILLO SHOULD CONTINUE TO IMPOSE A 6.4 MILL LEVY FOR EIGHT YEARS**
4 **TO FUND OPERATIONS AND MAINTENANCE OF COUNTY HOSPITALS INCLUDING**
5 **THE UNIVERSITY OF NEW MEXICO HOSPITAL AND MENTAL HEALTH CENTER ON**
6 **THE NOVEMBER 2008 BALLOT.**

7 **WHEREAS**, the Bernalillo County Board of County Commissioners, the governing body of
8 the County of Bernalillo, and the Regents of the University of New Mexico have entered into a Lease
9 Agreement, effective July 1, 1999, pursuant to the Hospital Funding Act; and

10 **WHEREAS**, under the Lease Agreement the County is obligated to use its best efforts to
11 obtain approval from the Bernalillo County electorate for continued mill levy support of the operation
12 and maintenance of the University of New Mexico Hospital and Mental Health Center; and

13 **WHEREAS**, pursuant to the Hospital Funding Act in order to continue the imposition of a mill
14 levy for purposes of funding the County hospitals, including the University of New Mexico Hospital
15 and Mental Health Center, the mill levy must be submitted to the voters on the November 2008
16 General Election; and

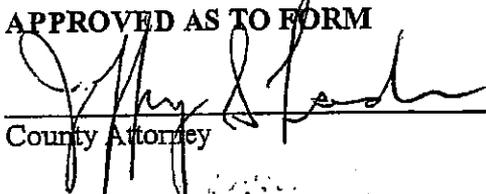
17 **WHEREAS**, the Hospital and Mental Health Center requires funding in order to retain and
18 recruit qualified staff, enhance access to behavioral health programs to include community-based
19 substance abuse and psychiatric programs, and continue to operate existing and new facilities to assure
20 quality health care to County residents.

CONTINUATION PAGE 2, ADMINISTRATIVE RESOLUTION AR 66 -2008 A
RESOLUTION PLACING THE QUESTION OF WHETHER THE COUNTY OF
BERNALILLO SHOULD IMPOSE A 6.5 MILL LEVY FOR EIGHT YEARS TO FUND
OPERATIONS AND MAINTENANCE OF THE UNIVERSITY OF NEW MEXICO
HOSPITAL AND MENTAL HEALTH CENTER.

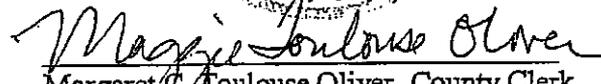
1 NOW, THEREFORE BE IT RESOLVED by the Board that the following question be
2 submitted to the registered qualified electorate of the County on the November 2008 General Election
3 Ballot:
4 Shall the County of Bernalillo continue to impose a tax levy of Six and Four-Tenths (6.4) mils
5 each year for a maximum of eight (8) years on each dollar of net taxable value of property in
6 Bernalillo County, New Mexico, for the operation and maintenance of the University of New
7 Mexico Hospital?

8
9 DONE this 12th day of August, 2008.

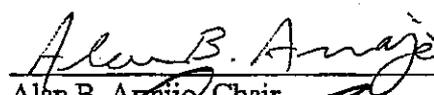
0 APPROVED AS TO FORM

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County Attorney

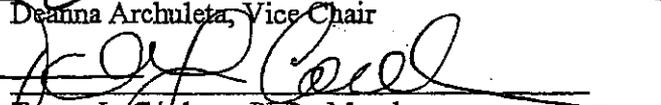
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4
5 ATTEST

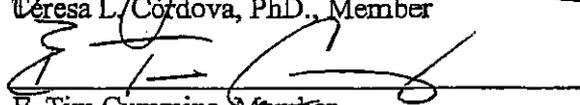
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9 
0 Margaret C. Toulouse Oliver, County Clerk

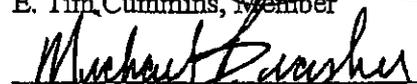
BOARD OF COUNTY COMMISSIONERS

1 
2 Alan B. Arrijo, Chair

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4 Deanna Archuleta, Vice Chair

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6 Teresa L. Córdova, PhD., Member

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8 E. Tim Cummins, Member

9 
0 Michael Brasher, Member



MEMORANDUM OF UNDERSTANDING

08-343

The BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BERNALILLO, a political subdivision of the State of New Mexico (the "County" or "Commissioners"), and the REGENTS OF THE UNIVERSITY OF NEW MEXICO, a state educational institution named in Article 11, Section 12 of the New Mexico Constitution (the "University" or the "Regents"), agree:

I. RECITALS

- A. The County and the University entered into that certain Lease Agreement for Operation and Lease of County Healthcare Facilities, with an effective date of July 1, 1999, pursuant to the Hospital Funding Act, Sections 4-48B-1 *et seq.* NMSA 1978, as amended by that certain First Amendment to Lease Agreement for Operations and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the "Lease Agreement"), under which the University is operating University of New Mexico Hospital (also known as the "University of New Mexico Hospital/Bernalillo County Medical Center" and hereinafter called the "Hospital"), and the UNM Mental Health Center (also known as the "Bernalillo County Mental Health Center - Mental Retardation Center" and hereinafter called the "Mental Health Center").
- B. This Memorandum of Understanding ("MOU") does not modify any terms and conditions of the Lease Agreement but is only supplemental to the Lease Agreement

II. MUTUAL COVENANTS

- A. The parties acknowledge that present Mill Levy revenues payable to the University are insufficient to pay all the costs of care delivered by the Hospital and Mental Health Center to medically indigent residents of Bernalillo County who seek care at the Hospital and Mental Health Center.
- B. The County agrees to approve placing on the November 2008 general election ballot a request for a total of six and four-tenths (6.4) mills for the Hospital and Mental Health Center combined.
- C. In consideration of the County's agreement to support the Mill Levy, the University agrees to the following, provided that the Bernalillo County voters approve the Mill Levy at the November 2008 election:
 - 1. The University will ensure that at least twelve percent (12%) and up to 15% of the Mill Levy revenue will be allocated to operation and maintenance of the Mental Health Center and associated behavioral health and substance abuse treatment services that are offered by the Hospital and the Mental Health Center.
 - 2. The University will use its best efforts to comply with national standards for academic medical centers for Emergency Department access to emergency

services, waiting time for emergency services, and provision of emergency care, for both medical and mental health emergencies.

3. The University will agree to develop a Program to improve access for the underserved of the County in collaboration with community resources. The County and the University will develop the elements of the program on terms mutually acceptable to the University and the County, the terms will be set forth in a separate Program Memorandum of Understanding. During the term of the 2008 Mill Levy, the Hospital will allocate at least \$800,000 in funding, adjusted by inflation, for each year of this Program Memorandum of Understanding.

The Hospital will develop an assessment mechanism and reports that will be presented to the Clinical Operation Board on at least an annual basis to determine the effectiveness of the Program. The Clinical Operations Board will develop a plan of action with recommendations for the enhancement of the Program that will be presented to the Regents and County Commission at the annual meeting.

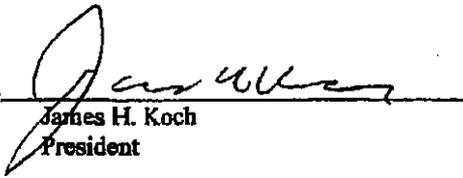
4. The University will report to the County at a County Commission meeting on a quarterly basis to provide information as requested by the County related to the Operations and Maintenance of UNM Hospital.

III. MISCELLANEOUS

- A. This MOU will continue in full force and effect for the duration of the eight-year Mil Levy term beginning after, and contingent upon, approval of the Mil Levy at the November 2008 general election, unless earlier terminated by written consent of the parties. This MOU will terminate automatically upon termination of the Lease Agreement for any reason.
- B. Modifications to this MOU will be effective only if in writing and signed by authorized representatives of the parties.

REGENTS OF THE UNIVERSITY OF NEW MEXICO

BY:


James H. Koch
President

Date: April 30, 2008

ATTEST:


Secretary

Date: April 30, 2008

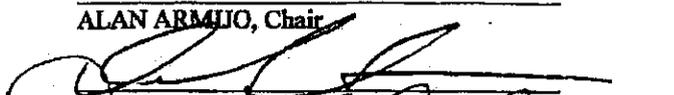
APPROVED:

UNIVERSITY COUNSEL

COUNTY OF BERNALILLO: BOARD OF COUNTY COMMISSIONERS

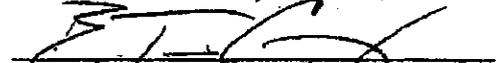
EXCUSED

ALAN ARMJO, Chair


DEANNA ARCHULETA, Vice Chair

TERESA CORDOVA, Member


MICHAEL BRASHER, Member


TIM CUMMINS, Member

APPROVED:

COUNTY LEGAL

ATTEST:

County Clerk

Dated: 6/10/08

