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THE MINUTES OF THE MEETING OF
THE REGENTS OF THE UNIVERSITY OF NEW MEXICO
WITH
THE BERNALILLO COUNTY COMMISSION
AND
THE TRUSTEES OF BERNALILLO COUNTY MEDICAL CENTER

March 3, 1977

The Regents of the University met with the Bernalillo County Commission and the Trustees of Bernalillo County Medical Center on Thursday, March 3, 1977, at 10:00 a.m. in the Santa Ana Room of the Convention Center. Affidavits concerning the public notice of this meeting are on file in the office of the University Secretary.

Present: Mr. Henry Jaramillo, Jr., President of the Regents;
Member, BCMC Board
Mrs. William A. Jourdan, Vice President of the Regents;
Member, BCMC Board
Dr. Phillip U. Martinez, Regent
Mr. David M. Santillanes, County Commissioner; Member,
BCMC Board
Mr. Robert M. Hawk, County Commissioner; Member, BCMC
Board
Mr. James P. Morris, County Commissioner
Mr. Juven G. Sanchez, County Commissioner
Mr. Wray L. Simmons, County Commissioner
Mr. Pat Trujillo, Member, BCMC Board
President William E. Davis
Mr. John Perovich, Vice President for Business and Finance
Mr. John N. Durrie, University Secretary
Mr. D. Peter Rask, University Counsel
Mr. Duane Gilkey, Attorney
Mr. Joe Diaz, County Attorney
Mr. Juan R. Vigil, County Manager
Ms. Emma C. Gonzales, County Clerk
Dr. Leonard M. Napolitano, Interim Vice President for
Health Sciences; Dean, School of Medicine
Mr. M. L. Cancelosi, Administrator, BCMC
Dr. Francis L. Land, Clinical Director, BCMC
Mr. Marvin Montoya and Mr. Pete Schnauffer, BCMC Employees'
Association
Ms. Paula Cottita, Court Stenographer for County Commission
Ms. Margie Taylor, Public Information Officer, Health
Sciences
Ms. Janelle Stamper, Albuquerque Journal
Ms. Susie Gans, Albuquerque Tribune
Mr. Tom Kensler, UNM Daily Lobo
Reporters from radio and television stations

Also present: About 30 persons in the audience.

* * * * *

The oath of office was administered by Mr. Durrie to Dr. Martinez for a six-year term on the Board of Regents.

Oath of Office

* * * * *

Mr. Trujillo, moderator of the meeting, called on President Davis to read the minutes of the joint meeting of January 28. It was moved by Mr. Sanchez, seconded by Mrs. Jourdan, that the minutes be approved as submitted. Carried.

BCMC Lease Proposal

As a review of progress since the joint meeting, reference was made to a County Commission meeting of February 15 where a February 14 draft of the lease agreement, submitted by Attorneys Diaz and Rask, was discussed, this draft having addressed the issues discussed at the January 28 joint meeting. A letter from County Manager Vigil to President Davis, dated February 25, noted that at the February 15 meeting the Commission adopted two resolutions, one of them requesting the Bernalillo County Medical Center to prepare a detailed list of capital equipment requirements in priority order and in an amount not to exceed \$500,000, said list to be submitted by March 31, 1977; and with the further notation that the Commission will endeavor to include the said request in the Bernalillo County budget for fiscal year 1977-78. The other resolution requested BCMC to submit a report of requirements for major capital improvements to the County Commission for possible inclusion in a 1977 bond issue. Mr. Vigil's letter also made reference to a motion, approved at the February 15 meeting, which recommended certain changes in the February 14 draft of the lease as well as an invitation to the Regents "to sit down with the Commission to mutually discuss the benefits of the lease and other matters pertaining to the hospital." It was for this purpose, he said, that the present meeting -- March 3 -- was scheduled.

The Regents were also informed of an additional meeting of the County Commissioners on March 1, at which the following motion was approved by a 3-2 margin: "Further, the board created by the Lessee, as stated above, shall be subject to the approval of the Board of County Commissioners of Bernalillo County. Or, in the alternative, paragraph 8 may provide that Lessee will appoint two members to a selection committee, and the Board of County Commissioners will appoint two members to a selection committee, and said selection committee will name the board that is to govern the Bernalillo County Medical Center." (For clarification, it should be pointed out that paragraph 8, as included in the February 14 draft, reads as follows: "Lessee agrees to create a board for the governance of the hospital and to appoint to said board members who will include a broad representation of the community served by the hospital, all in accordance with the standards for hospital accreditation issued by the Joint Commission on Accreditation of Hospitals. Lessee agrees that it will not appoint to such board as voting members any officers or employees of either Lessor or Lessee, except physicians on the medical staff of the hospital.")

President Davis reported -- as he had already informed the trustees of BCMC -- that two bills have been introduced in the Legislature: Senate Bill 362, i.e., enabling legislation which would facilitate a lease agreement if one were entered into; and Senate Bill 448, i.e., a specific appropriation request for (1)

\$1,250,000 in the fiscal year 1977-78 to extend to the employees of BCMC the benefits of the Educational Retirement Act and other benefits presently available to UNM employees, and (2) \$650,000 in 1977-78 to partially fund the salaries of house staff employees of BCMC. These bills, he said, were considered by the Senate Finance Committee and were tabled without prejudice, which means they can be reconsidered at a later date. He also reported that the Committee is disturbed by the fact that no agreement has yet been reached by the County Commission and the University regarding the terms of a lease.

Extended discussion then followed concerning the following points: (1) Legislative approval of the two pending bills relative to the lease agreement and additional funding for BCMC; (2) The need for a consensus relative to the proposed lease; (3) Present inadequate funding for BCMC and the lack of future funding capabilities by the County for operating the Hospital; (4) Desirability of eventual total funding of BCMC by the State; (5) Adequate and equitable funding provisions for care of the medically indigent; (6) The size, composition, and naming of the Hospital board and the County's involvement therein; (7) Establishment by the Legislature of an interim committee to study the State's responsibility to BCMC; (8) Should BCMC continue to be a county hospital, as the present name and joint powers agreement provide, with contractual relationships with the State, or should it be a responsibility of the State (since BCMC is a University teaching hospital), with appropriated funds and certain contractual obligations to the County for the benefit of the people of the County?

Following the above discussions, it was moved by Mr. Jaramillo that a vote be held as to whether or not to allow the Regents to operate under the lease arrangement, as amended, with the change that they, the Regents, would name the Hospital board.

There being no vote on the above motion, it was agreed that there would be a five-minute recess during which the Regents would discuss the matter and report back. It was pointed out that the Regents had not been officially apprised of the Commission's March 1 motion, i.e., the offering of two alternatives for the naming of the Hospital board, and had no opportunity to discuss it.

Following the recess, Mr. Jaramillo, on behalf of the three Regents present, proposed for the County Commission's consideration that the Regents name four members to the Hospital board and the County Commission name one member, this to be representative of the County's contribution to the extent of approximately one-fifth of the Hospital's operating budget. He added that the Regents wish to show good faith and to recognize a commitment to the original enabling legislation for the establishment of the Hospital, namely, the care of indigents.

Mr. Morris and Mr. Diaz said that it should be understood, in the operation of the Hospital, that the medical needs of the indigents of Bernalillo County would be given preference to as reasonable an extent as possible, with the exception of funds coming to the University from the federal government or private sources which are specified for teaching and research.

It was further noted by Mr. Simmons that if the State should assume responsibility for BCMC, the lease agreement would become null and void.

At the suggestion of Mr. Morris, another recess was then granted to permit the Commission to be brought into session in order to accept or reject the Regents' proposal and to act on recommendations of Mr. Simmons, all of this to be returned immediately to the ad hoc joint meeting for further action.

The County Commission meeting having been called to order by Mr. Santillanes, four motions were then introduced:

- (1) It was moved by Mr. Simmons, seconded by Mr. Sanchez, that the following action of the Commission, approved on March 1, relative to appointment of the Hospital board be deleted: "Further, the board created by the Lessee as stated above, shall be subject to the approval of the Board of County Commissioners of Bernalillo County; or, in the alternative, paragraph 8 may provide that Lessee will appoint two members to a selection committee and the Board of County Commissioners will appoint two members to a selection committee and said selection committee will name the board that is to govern the Bernalillo County Medical Center." Carried.
- (2) It was moved by Mr. Simmons, seconded by Mr. Sanchez, that the County Commissioners approve language worked out by the respective counsels to the extent that the Regents name four members to the Board of Trustees and that the Commission name one member. Carried by a vote of 3 to 2, with Messrs. Hawk and Morris dissenting.
- (3) It was moved by Mr. Simmons, seconded by Mr. Hawk, that in the lease there be a guarantee that the Hospital will commit itself to the level of indigent care noted earlier in the meeting by Mr. Morris and Mr. Diaz. Carried.
- (4) It was moved by Mr. Simmons, seconded by Mr. Hawk, that the Commission go on record as endorsing, hopefully with the Board of Regents jointly, the establishment by the State Legislature of an interim committee to study the State's responsibility in the maintenance of the Hospital, such study to be completed by October 1. Carried.

The special meeting of the County Commission was thereupon adjourned.

The joint session then being called to order again by Mr. Trujillo, Mr. Jaramillo said that he would like to report the consensus of the Regents as to the concept of the motions approved by the County Commission, with the condition that the degree of indigent care be subject to the availability of funds and the availability of appropriation and also that the action be contingent upon the support and approval of legislation now before the State Legislature; also that approval of these actions be subject to the final drafting of the lease. With these amendments, Mr. Jaramillo said, the Regents are ready to accept the proposal.

President Davis queried whether the Commission's motion relative to the composition of the Hospital board was understood to include the following provision in the February 15 motion: "Lessee agrees that it will not appoint to such board as voting members any elected officials, regent members, or administrative officers or employees of either Lessor or Lessee except no more than one physician from the medical staff of the hospital may be appointed to the board." The President was assured that this was so understood.

In addition, the President said that he wished to know if the Commission agrees with Mr. Jaramillo's proviso relative to the availability of funds in the matter of indigent care. Mr. Diaz replied that he had earlier used the word "reasonable", i.e., ". . . Indigents of Bernalillo County would be given preference to as reasonable an extent as possible . . .", and that the Commission agreed with this understanding.


Finally, President Davis said that he wanted to be sure that there would be no prohibition as to the appointment of a larger advisory committee to work with the Hospital board, and he was assured that this was so.

It was then moved by Mr. Sanchez, seconded by Mr. Hawk, that it be understood that the joint body has accepted the concept of the agreement as expressed above, and that counsel for the Commission and the counsel for the University be instructed to draft the wording of the lease in accordance with the proposals approved today; further that the President of the Regents and the Chairman of the County Commission be authorized to receive the revised document from the attorneys and to approve it if they find it to be in conformance with today's actions. Carried unanimously, a majority of each body being present and voting.

A final motion by Mr. Simmons asked that the Regents join the Commission in the request that the Legislature name an interim study committee. This motion was seconded and duly carried.

The meeting adjourned at 1:05 p.m.

APPROVED:



 President

ATTEST:



 Secretary-Treasurer