

LAS CRUCES SUN-NEWS

MMC lease prompts city to cut SNAP funding

By Steve Ramirez/Sun-News reporter

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LAS CRUCES — A unanimous decision Tuesday by the seven-member Las Cruces City Council to dedicate funds from the city's Health and Human Services Fund solely to residents, and not include money needed to operate the Spay Neuter Action Program, boiled down to legalities.

Based on a provision of the prepaid lease agreement for Memorial Medical Center, between the city, Doña Ana County and LifePoint Hospitals, Inc., the council was left with no choice but to dedicate Health and Human Services funds to health care services for residents. Had the city not done that, Deputy City Attorney Harry "Pete" Connelly said, it could have violated the lease.

The 40-year lease between the city, county and LifePoint Hospitals, Inc. generates as much as \$240,000 a year for the city. When the lease was approved almost five years ago, it stipulated that those profits be used for public health care programs.

"MMC shall pay its net rent obligations equally in two separate trust accounts, one established by the city and one by the county, to be utilized in the sound discretion of the city and county, respectively, solely for the provision of health care services to the citizens of the city and county," said Section 5.7 of the lease agreement.

City officials pointed out there is no mention in the lease agreement to provide for anything but people.

"This particular section is pretty clear," City Attorney Fermin Rubio said. "It's clear that the intent was for the provision of health services and that purpose for residents. This is not a zero-sum gain. This means that these funds are not legally available for this purpose (to fund SNAP)."

The city contributed \$60,000 from the General Fund this year to bring Health and Human Services Funding to \$300,000. Rubio said because that contribution was made and none of the lease payment money was used for SNAP, the city likely averted a violation of the lease agreement.

But that wouldn't have happened for the 2010 fiscal year, that begins July 1. Last week, city Financial Services Director Mark Sutter recommended that the city not contribute to the Health and Human Services Fund for the upcoming fiscal year as a way to reduce spending in what is projected to be a smaller budget.

City Manager Terrence Moore said after Tuesday's council meeting that he has scheduled a meeting with representatives of SNAP and the Animal Services Center of the Mesilla Valley to discuss possible opportunities that could offset some of the funding.

Moore said a full-time veterinarian began at the animal center in January, so the spay and neutering of pets to low-income residents could be done at the animal center.

In recent months, SNAP has been operating a van that has been traveling throughout the county and providing low-cost spay and neutering operations. However, city funds are not used to operate that van and its services will not be affected.

Kat Lacy, vice president of SNAP New Mexico, a nonprofit group whose goal is to prevent pet overpopulation and animal shelter euthanasia by providing low cost sterilization of pets, said that unless another city fund can be found to help SNAP, outside funding sources could be jeopardized.

"Without even a small portion of city or county funding, we are not eligible for outside funding," Lacy said. "We rely on that support of the city and county to help pay for the services we're able to provide."

Michel Meunier, a Las Cruces animal supporter, said efforts should be made to find a new city funding source for SNAP.

"Spaying is a health issue because you have a lot of roaming animals," Meunier said. "There should be funding for both people and animals."

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