

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
November 2, 2015

Robert A. Anaya, Chair - District 3
Miguel Chavez, Vice Chair - District 2
Henry Roybal - District 1
Kathy Holian - District 4
Liz Stefanics - District 5

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I. This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:05 p.m. by Vice Chair Miguel Chavez in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

II. Roll Call

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

Commissioner Robert A. Anaya, Chair [telephonically]
Commissioner Miguel Chavez
Commissioner Kathy Holian
Commissioner Henry Roybal
Commissioner Liz Stefanics [telephonically]

Members Excused:

None

III. Approval of Agenda

TONY FLORES (Deputy County Manager): Good afternoon, members of the Commission. We have one item, item number IV., that I'm requesting to have tabled until the next regular Board of County Commissioners meeting, and with that, Mr. Chair, we have no other changes to the agenda.

COMMISSIONER HOLIAN: Mr. Chair.

VICE CHAIR CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the agenda as amended.

COMMISSIONER ROYBAL: Second.

VICE CHAIR CHAVEZ: Okay. There's a motion and a second. Any discussion?

The motion passed by unanimous [4-0] voice vote. [Commissioner Stefanics was not present for this action.]

- V. **Voter Petition to Create New Precinct in the Pojoaque Pueblo Area**
- a. **Resolution No. 2015-___, a Resolution Creating a New Precinct 91 and Changing the Boundaries of Existing Precincts 23, 59, 60, and 61 and Designating the Polling Place of New Precinct 91**
 - b. **Approval of Map of New and Changed Precincts, Nos. 23, 59, 60, 61, and 91**

GERALDINE SALAZAR (County Clerk): Good afternoon, Chair Anaya, Vice Chair Chavez and County Commissioners. With regards to the new proposed precinct up for discussion today please note that Pojoaque Pueblo contacted the Secretary of State's Office regarding the creation of a new precinct for the convenience of the majority of voters residing in Pojoaque Pueblo's interior boundaries. The Secretary of State's staff contacted Steve Fresquez, the Clerk's Office Bureau of Elections Chief to discuss the creation of a new precinct for the convenience of the majority of the voters residing in Pojoaque Pueblo's interior boundaries.

Steve Fresquez briefed me on the request and I directed him to accommodate the request and ensure that all of our procedures to establish a new precinct were within the law. After legal analysis it was discovered that the Pojoaque Pueblo's request required a voter petition to create a new precinct based on the interest of voters residing within the proposed new precinct. The Clerk's Office received a voter petition on Friday, October 30, 2015, before 5:00 pm to create Precinct 91. The proposed new precinct 91 is shown on the map presented to you today.

The boundaries of the proposed new precinct changed from the previous map presented to you at the regular BCC meeting conducted on Tuesday, September 29, 2015. As the result of the boundary changes the estimated number of registered voters in the new precinct went down from 455 to 257. Over the weekend Steve Fresquez verified that the petition contained the mandatory ten percent of the registered voters who reside within the proposed new Precinct 91. The petition requirement has been met. In addition, in the public's interest public notice has been provided via the County's usual efforts by the County's public information officer and the County's public information officer emailed notice of the petition, special meeting, and the proposed precinct map via County District 1's email contacts.

The County Clerk's Office has prepared the documents to create the new Precinct 91 for the convenience of the majority of voters resident on Pojoaque Pueblo's interior boundaries and we are prepared to initiate the new Precinct 91 upon your approval. I recommend that you create the new Precinct 91 as previous Boards of County Commissioners have created precincts within the interiors of other pueblos in Santa Fe County. I and my staff will perform our duties to expand voter convenience and conduct fair, unbiased and secure elections throughout Santa Fe County. Thank you.

VICE CHAIR CHAVEZ: Thank you, Madam Clerk. Is there anything else from staff? Questions of the Commissioners. Commissioner Anaya.

CHAIR ANAYA: Yes, I do, Mr. Chair. Ms. Salazar, I guess the one question that I have is that if somebody requested a precinct – I see that there's been other Commissions that have created a voting precinct within a pueblo boundary, that they've granted that request. I guess the area that I'm having a little bit of frustration with

in thinking about this issue and discussing it with some is what about – we know that the Pueblo of Pojoaque requested to have a precinct, but what about the non-tribal members and any discussions with those members? Have you or your staff had any discussions outside of discussions with the Pojoaque Pueblo? With non-tribal members?

CLERK SALAZAR: Yes. I and my staff have. I would allow Steve Fresquez at this time to respond to your question now. Thank you. I will respond accordingly and have him present first.

CHAIR ANAYA: I guess just to be more specific about my question is there's a certain number of non-pueblo members that will now be voting in this district. How many people are they? And then were any conversations with those people that would be now voting in this new precinct. So I just want to be clear about my question.

STEVE FRESQUEZ (Bureau of Elections Chief): Mr. Chair, members of the Commission, there's an estimated 75 to 100 non-tribal members. We won't know the exact numbers until they're actually assigned to the correct precincts. Depending on approval of this resolution. As far as conversations with non-tribal members, I didn't have any conversations with any non-tribal members until the last week or so. Prior to that I did not have any other conversation with non-tribal members.

CHAIR ANAYA: And were those conversations with the non-tribal members part of this specific group that will be voting in this new precinct or were they just non-tribal members in the general area of that part of the county?

MR. FRESQUEZ: One of the phone calls I received was from – her name was Veronica Duran. She said she represented a group called New Mexico Protect. From my conversation with her I got the impression that she was from the San Ildefonso area. I spoke with Martha Trujillo on Saturday. She told me that she was within this new proposed precinct and I spoke with her at length about the issues and all the particulars in creating this precinct. I also had a conversation with Representative Carl Trujillo last week and he expressed his concern about the proposed precinct as well.

CHAIR ANAYA: Okay so –

COMMISSIONER STEFANICS: I'm trying to be on. This is Liz.

VICE CHAIR CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes.

VICE CHAIR CHAVEZ: Let the record reflect that Commissioner Stefanics has just joined us. We've just started the discussion. Commissioner Anaya has the floor and then I'll turn it over to you.

CHAIR ANAYA: Okay. Mr. Chair. Thank you. My only follow-up is, so we have basically a request from the tribal council that requests the precinct, and then we've had a conversation with – so by that request or by that recommendation of the tribal council we know essentially where their governing body feels about the new precinct but we've only had one conversation with one person from the non-tribal side. Is that right? Is that accurate? In the boundary. If I heard you correctly, Steve, you said you had various conversations with it sounded like four different people but only one of them was within the actual new 91 if it was created. Correct?

MR. FRESQUEZ: Mr. Chair, that's correct.

CHAIR ANAYA: Okay. Thank you. That's all I have right now, Mr. Chair.

VICE CHAIR CHAVEZ: Thank you, Commissioner Anaya.

Commissioner Stefanics, were you able to listen in to staff's presentation?

COMMISSIONER STEFANICS: No. I just read the materials. That's all.

VICE CHAIR CHAVEZ: Okay.

COMMISSIONER STEFANICS: And I don't have anything to add at this point.

VICE CHAIR CHAVEZ: Okay. Thank you.

CLERK SALAZAR: Commissioner Stefanics, were you able to listen to my [inaudible]

VICE CHAIR CHAVEZ: I think I asked that question and I understood that it was no, but that she read the packet material.

CLERK SALAZAR: [inaudible]

VICE CHAIR CHAVEZ: I don't think so. Commissioner Stefanics, are you with us?

COMMISSIONER STEFANICS: Yes, I am. What was the question?

VICE CHAIR CHAVEZ: The County Clerk was asking if you had heard her presentation. Because I think there's a couple of points that –

COMMISSIONER STEFANICS: No. I haven't. I got on and all I heard was music so I had to hang up and call back. I read the materials and that's it.

CLERK SALAZAR: [inaudible]

VICE CHAIR CHAVEZ: That would be fine, I think it would be totally appropriate.

CLERK SALAZAR: Commissioner Stefanics, Vice Chair, Chair Anaya, the County Clerk's Office has prepared the new Precinct 91 for the convenience of the majority of the voters residing in Pojoaque Pueblo's interior boundaries and we are prepared to initiate the new Precinct 91 on your approval. I recommend that you create the new Precinct 91 as previous Boards of County Commissioners have created precincts within the interior of other pueblos in Santa Fe County. I and my staff will perform our duties to expand voter convenience and conduct fair, unbiased and secure elections throughout Santa Fe County.

VICE CHAIR CHAVEZ: Madam Clerk, did you mention that the ten percent requirement has been met?

CLERK SALAZAR: Correct, Vice Chair. I had stated earlier that we received a petition, Friday, October 30, 2015, prior to 5:00, close of the day at our office and the petition requirements of ten percent has been met.

VICE CHAIR CHAVEZ: Okay. Commissioner Anaya.

CHAIR ANAYA: Yes, sir. Go ahead.

VICE CHAIR CHAVEZ: What I'd like to do at this time, I know that there are a couple of members of the public in attendance and I would like to ask them to – for public comment.

CHAIR ANAYA: Okay.

VICE CHAIR CHAVEZ: I think that this is something that it's important, access to polling places and the comfort in accessing those polling places I think is paramount to our local government. If we don't do that right I don't think we can do anything right, or should be doing anything at all.

CHAIR ANAYA: I agree.

VICE CHAIR CHAVEZ: So I'd like to open up the meeting to public comment. Is there anyone here this afternoon that would like to speak to the County Commission on this item? Please come forward. And this is a resolution, so no one has to be sworn in, right?

DEVIN BENT: Thank you very much, Commissioners. You put in incredible amounts of time to people like me and I appreciate it. I genuinely do. I do not live within the interior boundaries of Pojoaque Pueblo. By some criteria, it's somewhat an open question I may live within the interior boundaries of Nambe Pueblo because of particular circumstances in my subdivision. So in a way I feel like you are setting a precedent here which does affect me.

The other thing I would like to say is I look that map I think a number of the non-Native Americans who are in that area, and I expect Commissioner Roybal can either correct me or agree, are fairly low income and are living in rental housing that they're renting from the pueblo, and I won't list all the places but the pueblo has a number of places. Whether or not how free they feel to speak up in their own defense I don't know.

Now, my basic question – I'll go back to the fact – this is my field. I have a PhD in public law and government. I taught this stuff; I consulted. I spoke to the County Clerk, very nice woman and we agreed that it's her primary responsibility to enforce the election laws. That includes a lot of things for an end. It includes what happens inside the polling place. That includes what happens in the parking lot. We had people standing out in front of here with signs today. Once we move an election onto the pueblo I'm not sure what if any jurisdiction the County Clerk has anymore to actually enforce the appropriate legislation and protect rights. And she has a positive obligation, I believe, under the Voting Rights Act of 1965 to make sure that nobody is intimidated or harassed. That would be tribal members and non-tribal members. My question is how does she do that?

If we want somebody here to testify I'm afraid the responsibility falls on the US Attorney. Once we put this on tribal land, which is federal trust land, then the responsibility falls to the US Attorney. Is the US Attorney prepared to defend the rights of like low-income people who live in the trailer park? I don't know. I'd certainly like to hear something on that score. Or if there's experience, maybe you'll know, experience holding elections in other – the Navajos, the Diné do this all the time.

The other thing I want to say about convenience, moving this polling – if you live in White Sands, moving the polling place all the way down to the other end of the precinct does not increase your convenience. It makes it further. It was at the middle school, you move it down – so I don't really see the convenience and I worry about – Commissioner Chavez said and I agree with you, this is your responsibility to make sure that none of us every feel intimidated and I just wonder if you can do your job once you put the – on a precinct. Thank you very much for your attention. I appreciate it.

MARTHA TRUJILLO: Good afternoon. My name is Martha Trujillo. I do live within the area that we're talking about. I live at 39 El Cajoncito Road in the Pojoaque area. I did have a couple of questions. I did speak with Mr. Fresquez and I do want to say publicly thank you very much. I appreciate the time that he gave to me over the weekend and just the care and the concern that I had that he was very attentive to it. So thank you.

What I do want to say is that I was not part of the ten percent that signed this petition. I was not aware that this was a new precinct that was being created and I was kind of caught by surprise, actually, when the email was forwarded to me. As I expressed to Mr. Fresquez, I'm probably one individual who tries to stay up on things that are happening in our community and I dropped the ball in many areas. I only say that because my fear is that there are so many other individuals who don't have the tools and can't access the information that is provided in the way that we communicate now. And so I worry about voter suppression because of people not being able to have information available.

And I think that this might be one situation where the information maybe did not get out and that maybe there would have been a better buy-in if more of the community had participated in having the dialogue with the creation of a precinct. In my opinion – I live right smack in the middle of the area that is being discussed. I vote in Precinct 60 currently, and I believe that is at the Pojoaque Middle School. The distance between the Pojoaque Middle School and the newly created precinct, if it's more than two miles I'd be surprised. So for it to be considered a convenience, I'm surprised that that is – two mile is making a convenience to those of us in that area.

So I was hoping to get something more of a better justification, more than a convenience as to why we would need a new precinct and create so much confusion, initially. I would hope that it would get better, but why we would create so much confusion with a two-mile difference. Is there a number of people that should be in the precinct? Is there a number of people if it can be divided to create something that makes sense? I don't know enough about it to speak intelligently about it. All I'm wondering is convenience to me and in our small community just doesn't make sense. I just don't get it.

So again, I just want to say that if I am the only one in that area that placed a call I think that speaks for itself on the communication or the fact that people just didn't get the message. And again, I was not one of the ten percent that signed this petition and feel a bit blind-sided. Therefore I am not in favor of a creation of a precinct and so I appreciate the time you've given me. Thank you.

VICE CHAIR CHAVEZ: Thank you for being here. Mr. Romero, you want to approach the podium? While you're coming forward I want to have staff respond to a few questions. So if you could just bear with me for a second or two. I want to start with Ms. Trujillo, because there is a process, Mr. Fresquez and Madam Clerk, that the County would follow to create a new precinct. At our last County Commission meeting we approved a new precinct that was done by statute. So why don't you explain the process and how a local government in the best situation would create a new precinct and why. And then maybe you can talk about the convenience because I think that's probably like art; it's in the eye of the beholder and a mild difference to one may be a not that big of a deal to someone else. So let's start with those questions.

MR. FRESQUEZ: Okay, Mr. Chair, members of the Commission, the procedures to create new precincts are based on the Election Code, the New Mexico statutes. One of them is a threshold of 800 voters on Election Day and that's what we use to create the precinct 90 out of Precinct 82. Another section of the code, Section 4-38-21 allows the Board of County Commissioners to create a new precinct upon submission of

a petition with at least ten percent of the registered voters in the area of the proposed precinct. Other than that, the creation of most other precincts are usually redistricting or additional precincts as needed for convenience of the voters.

VICE CHAIR CHAVEZ: So there's that word convenience. How would one define in today's society convenience?

MR. FRESQUEZ: Well, most of the time, say a block of voters lives on the borderline of a precinct and they have to drive 15 or 20 miles to vote. The Board of County Commissioners can actually create a new precinct with a polling location that's closer to that community to allow them – to keep them from having to drive that distance.

VICE CHAIR CHAVEZ: But wouldn't you have to meet the requirement of having the 800?

MR. FRESQUEZ: Actually, usually the Board doesn't determine the convenience. It's usually the community that requests it.

VICE CHAIR CHAVEZ: Okay. So that's part of the definition of convenience then. Okay, so anything else in the process that you would want to touch on?

MR. FRESQUEZ: Actually, those are the main conditions for creating new precincts.

VICE CHAIR CHAVEZ: And is there a process, because it's a petition method, is there a way to recall that petition or to question the validity of that petition?

MR. FRESQUEZ: Well, the Election Code actually allows for a protest of any precinct that is created by 25 or more voters in that area. The petition would have to be submitted to district court and they would make a determination as to whether the protest was valid or not.

VICE CHAIR CHAVEZ: Okay. Then there were other questions that the gentleman earlier brought up about – I think they were similar in nature. I didn't make notes on those ones. Did you, Madam Clerk?

CLERK SALAZAR: His statements were regarding the enforcement of ensuring that people – there was no voter suppression. And I would like to defer to our County Attorney at this point to give us some legal analysis on that, to see what he came across regarding that issue.

VICE CHAIR CHAVEZ: Along with that – that jogged my memory – there was also the precedent, the question about this being done in our area before, because we do have pockets of pueblo and non-pueblo. So this is not anything new for us.

CLERK SALAZAR: No, it is not.

VICE CHAIR CHAVEZ: For us. We would actually be doing what we've done before for others.

CLERK SALAZAR: So there is history that this has occurred in the past, and it goes all the way back to two previous Clerks before me. So one was with Clerk Bustamante, and then with Clerk Espinoza, and then now this is a new issue for us today.

VICE CHAIR CHAVEZ: Okay. Thank you. County Attorney, there was a question I think that was referred to you.

GREG SHAFFER (County Attorney): Mr. Vice Chair, Commissioners, I do think that any time you have a polling place on tribal land you are confronted with jurisdictional issues in terms of who has criminal jurisdiction over potential crimes that arise over the Election Code and under federal law, I think with respect to state law

crimes, generally speaking, if there's not a federal law in conflict those are assimilated into federal criminal law, but those would be enforced by the US Attorney. I think that is a fair statement.

And then the Voting Rights Act enforcement I believe would also lie with the federal government. So I think that those issues do in fact exist. I think that they exist at other tribal polling places within Santa Fe County as well as throughout the state and on the last point I would just note, Mr. Fresquez I think has better data than I do that Santa Fe County is not the only county that has polling places located on tribal land. I believe that such polling places do exist elsewhere in the state and I would defer to Mr. Fresquez for more detailed data that.

But to sum up, I do think that there are jurisdictional issues that are raised by these polling places but those issues are not unique to the recommended or the suggested polling place here but exist also in other tribal polling places, both within the county and elsewhere in the state.

VICE CHAIR CHAVEZ: Mr. Fresquez, do you want to add to what the Attorney has provided to us?

MR. FRESQUEZ: Mr. Vice Chair, members of the Commission, I would just like to add that there are a total of 90 polling places throughout New Mexico that are on tribal land. I'm sure there has been some issues. I'm not aware of a lot of them that have really come up on Election Day voting.

VICE CHAIR CHAVEZ: Okay. Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

VICE CHAIR CHAVEZ: We have still one member of the public. Mr. Romero, I know – thank you for waiting and there were some questions I think that were asked in public comment that was made just prior to your being able to join us so I wanted to ask some of those questions to maybe help you with maybe your thought process or just for information. So thank you for waiting.

ROBERT ROMERO: Thank you, Mr. Vice Chair, Commissioners, I'm here on behalf of the pueblo, specifically Mr. James Rivera and Governor Talache. Unfortunately they had to be out of town today. They're in Florida today so they asked me just to share a couple thoughts. One is that the pueblo worked with the Secretary of State's Office, worked with the County Clerk's Office and feel that they followed this process appropriately and hope that the Commission will approve this new precinct.

VICE CHAIR CHAVEZ: Okay. Thank you. Madam Clerk.

CLERK SALAZAR: Mr. Romero, in your representation today for Governor Talache are you also able to communicate to me as the County Clerk that we will be working closely with you to ensure that all voters have the ability to vote upon their desire to vote?

MR. ROMERO: Mrs. County Clerk, definitely.

CLERK SALAZAR: That is what we want to do. We want to work with you and ensure that all registered voters will vote upon their desire to vote, and if there should be any issues that arise that you will work closely with the Clerk's Office, with the County and any other law enforcement that we need to work with to ensure that voters have the right to vote upon their time of desire to vote.

MR. ROMERO: Absolutely.

CLERK SALAZAR: Thank you.

VICE CHAIR CHAVEZ: Okay, Commissioner Holian, you have some questions, and then I'm going to go to Commissioner Roybal and then Commissioner Anaya and Stefanics, if you have any other questions we'll go in that order.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Mr. Fresquez, if the 257 residents of this new proposed precinct, how many are pueblo residents and how many non-pueblo? And then also if you could give me as a point of comparison what similar numbers are for the San Ildefonso Pueblo precinct as well as the Nambe Pueblo precinct.

MR. FRESQUEZ: I don't have specific numbers as to the amount of tribal members. Possibly Mr. Romero can answer that question for us. We were basing this on registered voters. The Secretary of State Office actually tracks voter participation and registered voters by tribal members and the estimate that was given to me was between 150 to 170 registered tribal members.

COMMISSIONER HOLIAN: In the proposed Precinct 91.

MR. FRESQUEZ: Yes.

COMMISSIONER HOLIAN: And you're not sure about what those numbers would be for the Nambe Pueblo precinct.

MR. FRESQUEZ: No. I could give you registered voter numbers for those precincts but I do not have those broken down by tribal members.

COMMISSIONER HOLIAN: Thank you, Mr. Fresquez. Thank you, Mr. Chair.

MR. ROMERO: Commissioner, I don't know that number.

COMMISSIONER HOLIAN: Thank you.

VICE CHAIR CHAVEZ: Commissioner Roybal.

COMMISSIONER ROYBAL: And this is for Steve. First of all I'd like to say I appreciate all your hard work. I think I called you Saturday in the afternoon around 2:00 or 3:00 and you were still in the office trying to finalize some of the paperwork and the maps, so I appreciate your hard work and all the time you put in on this project. I know you spent hours driving out there and trying to figure out the boundary lines and any other issues that we might find, so I appreciate your time on that.

I did have a question as to why we were so long before we got the map finished. Do you know? Why did we get it late from the Secretary of State? Because it seems like we got it really close to the time that we needed to vote on it.

MR. FRESQUEZ: Actually, the initial request was in August, we had the initial meeting. We did create an initial draft of the map and left it with the representatives of the Pojoaque Pueblo. It took some time for them to get back with us. When they did get back and we modified the map to include some other members. I created a second draft. In that time I believe the Governor was out of state dealing with some kind of litigation. Mr. Rivera, James Rivera, who was the contact person didn't get back with us either for his other reason, so I was contacted that they were having a tribal council meeting and they approved the map. So it wasn't until then that we could actually start discussing what the boundaries were going to be.

Upon receiving that second map and hearing the concerns of the members of the community I corresponded with Mr. Rivera about modifying the map so that we could

define more closely where the members actually lived, especially in the Cuyamungue area and at that time we modified the map and we were actually able to define it so that more than 200 people who actually were in that area would remain in the present precinct, which is Precinct 60.

As far as today, I apologize for the map not getting to you sooner. We were making – I had a copy of the map that I provided to you but it didn't have the signature lines that were required for presentation to the Board today.

COMMISSIONER ROYBAL: Okay. And the map was posted this morning or when was the map posted?

MR. FRESQUEZ: Mr. Vice Chair, Commissioner Roybal, actually, I sent the map last week to the County Attorney and the Manager's Office for them to post last week.

COMMISSIONER ROYBAL: The revision though? The revised map that you did?

MR. FRESQUEZ: The revised map. Yes, sir.

COMMISSIONER ROYBAL: Okay. So this weekend, wasn't that what you were working on as well?

MR. FRESQUEZ: Well, this weekend, after I did the petitions, the basic part of the map was done but I needed the help of the GIS Department to actually create the map that's in front of you now.

COMMISSIONER ROYBAL: Okay. Are we required to work with the public and have input from the public as far as when we're creating these boundaries or these new precincts?

MR. FRESQUEZ: Actually, I believe the law is specific in saying that the Board has express authority to create precincts. I have spoken with the County Attorney on this and we have discussed it at length and in any future revisions it would be better to inform the public prior, but as far as what's in the Election Code there actually isn't anything that specifies any kind of notification to the public.

COMMISSIONER ROYBAL: So I mean, as you know, I'm a new Commissioner. I've only been here this year so this is the first time I've seen this. So we don't have public outreach and it's not required but I do feel that that is something that we need to move forward with so I'm glad to hear that you guys plan on doing that in the future. I don't have any other comments. Maybe a motion if everybody's done with their questions.

VICE CHAIR CHAVEZ: I wanted to go to Commissioner Stefanics and Commissioner Anaya. Commissioner Stefanics? Commissioner Anaya, are you with us?

CHAIR ANAYA: I am, and I don't have anything else.

VICE CHAIR CHAVEZ: Okay, why don't you go ahead and we'll see if we can go back to Commissioner Stefanics.

CHAIR ANAYA: I don't have anything else.

VICE CHAIR CHAVEZ: Okay. I'm sorry. Commissioner Roybal.

COMMISSIONER ROYBAL: Mr. Chair, while I do feel that the proposed Precinct 91 be ultimately proved to have merit I do not think that the Board of County Commissioners had adequate time to analyze the proposed precinct. In addition, I think that this change deserves more extensive public outreach to ensure that all sides have the

opportunity to weigh in. So I move at this time to deny the request to create this proposed new Precinct 91 for this election cycle. Between now and 2017, I hope that the proposed new precinct continues to be analyzed and discussed and possibly approved in the future.

COMMISSIONER HOLIAN: I'll second that.

CHAIR ANAYA: Second, Mr. Chair.

VICE CHAIR CHAVEZ: There's a motion and two seconds.

Commissioner Anaya, you and Commissioner Holian both made a second to that motion. Commissioner Stefanics? So there's a motion, there's a second. Any other further comment? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just wanted to make a couple of comments. I have no objection really to the boundaries of the proposed new Precinct 91, but given the relations that currently exist in the Pojoaque Valley between pueblo and non-pueblo residents I am not really comfortable with the polling place, even though it's not that different from polling places that exist for several of the other pueblo areas in the Pojoaque area.

I would like to see more research into identifying a polling place that is consistent with the types of polling places that we have in other precincts in the county, for example, community centers, fire stations, schools, and it may be that an appropriate place would be slightly outside of the precinct that would be appropriate but I'm pretty sure that we can't determine such a place on such short notice. We would really need a little bit more work into it until we could identify an appropriate polling place as far as I'm concerned. So in any event that's why I am voting against this resolution. Thank you, Mr. Chair.

VICE CHAIR CHAVEZ: Well, I think in most cases I think you touched on maybe the elephant in the room and that is the dynamic between the pueblo and the non-pueblo. In most cases, in other cases, this would work; it is working. There are 90 polling places. And so it's unfortunate that it's not working here in this situation and we're going to put it off for future discussion.

So we'll add it to the list of things that need to be discussed between our local government and pueblo government and see if we can work through this dynamic between the pueblo and the non-pueblo residents of our community who we are elected to represent both of their interests.

CHAIR ANAYA: Mr. Chair.

VICE CHAIR CHAVEZ: Yes, Commissioner Anaya.

CHAIR ANAYA: I'm sorry. I interrupted.

VICE CHAIR CHAVEZ: That's fine. It's good timing. Go ahead.

CHAIR ANAYA: Mr. Chair, the only other thing I was going to add is that there's been various other issues that have been brought up as part of this discussion and I don't think we should just not ask the questions that need to be asked. So I think we should ask the US Attorney if that's the appropriate person as well as the Attorney General's Office to incite their opinion relative to this matter so that we have complete clarity as we move forward.

VICE CHAIR CHAVEZ: Well, I think you're right and we have to I think put the Secretary of State on that list because we do know that there is a process and there's elections and election turn out is, what? 20 percent? And those 20 percent decide

for the 100 percent and we're not happy with the elections. And so I think that elections are not easy. Polling places sometimes are in question, unfortunately. But I think you're right, Commissioner Anaya, and so we have to ask for an opinion and for assistance from all of our other agencies from state all the way to the federal level if necessary.

CLERK SALAZAR: Mr. Vice Chair.

VICE CHAIR CHAVEZ: Madam Clerk.

CLERK SALAZAR: The County Clerk and her staff are prepared to work with other entities. Your decision today not to pass this simplified our duties because we have 90 precincts to work with. But as I stated before we were prepared to work with 91. If you shall not approve this precinct today and that's your final vote, that is fine, but the Clerk and her staff will work with non-tribal members and tribal members to encourage voting from everyone in addition to ensuring voter convenience.

So we look forward to working again with all parties involved up north to ensure that they feel comfortable wherever they vote and that there are conveniences for all voters. Thank you.

VICE CHAIR CHAVEZ: Okay, so there's a motion. There was two seconds. I think discussion was necessary. Commissioner Holian, I appreciate you crossing that threshold because sometimes it's not easy to do. I think it needs to be done if we're really going to work in good faith and work in the best interest of all of the community throughout Santa Fe County. So there's a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Stefanics was not present for this action.]

VICE CHAIR CHAVEZ: Is there anything that the County Manager would like to add at this time? Thank you for being here, Robert.

VI. Adjournment

Commissioner Anaya moved to adjourn and Commissioner Holian seconded the motion. Having completed the agenda and with no further business to come before this body, Chair Anaya declared this meeting adjourned at 1:55 p.m.

Approved by:

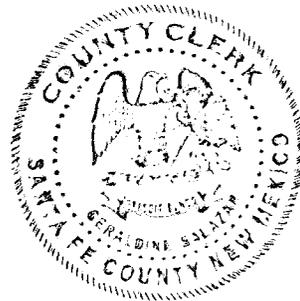


Board of County Commissioners
Robert A. Anaya, Chair

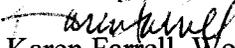
ATTEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

12-8-2015



Respectfully submitted:


Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 14

I Hereby Certify That This Instrument Was Filed for
Record On The 9TH Day Of December, 2015 at 10:18:46 AM
And Was Duly Recorded as Instrument # **1781432**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar

Deputy  County Clerk, Santa Fe, NM



SFC CLERK RECORDED 12/09/2015