



Memo

To: Santa Fe Board of County Commissioners
Through: Robert Martinez, Transportation and Solid Waste Division Director
From: Gisele Gonzales, Employee Development Program Specialist
Date: May 20, 2013
Re: Employee of the Quarter, Third Quarter FY 2013

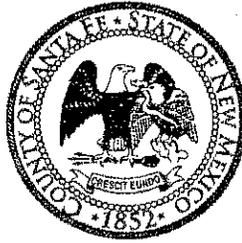
I am requesting your approval to recognize Eric Giron at the BCC meeting on May 28th, 2013. Mr. Giron was nominated and selected as Employee of the Quarter for the third quarter of 2013.

Thank you

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Ron Pacheco
Executive Director

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Memorandum

To: Santa Fe County Board of County Commissioners

From: James R. Pacheco, Housing Executive Director *JR*

Date: 5/14/13

Re: Victor Gonzales - NM NAHRO Maintenance Employee of the Year

At the annual meeting of the New Mexico Chapter of NAHRO (National Association of Housing and Redevelopment Officials), Santa Fe County Housing Authority Capitol Fund Program Coordinator Victor Gonzalez, was selected as the Maintenance Employee of the Year. The award recognized Victor for his dedication, commitment and outstanding service to the families living in public housing. For the past seventeen (17) years, Victor has been an important part of the housing team and has been dedicated to providing safe and decent housing to families living and participating in Santa Fe County housing programs. In addition to helping with the maintenance of public housing homes, Victor is responsible for managing the Capital Fund Program for public housing. The management of this fund allows the program to continue addressing the ongoing work needed to keep buildings, yards and the associated infra-structure working in a safe and functional manner for families living in homes at three separate public housing sites. We are fortunate to have Victor as part of our housing team and we look forward to his continued dedication to the mission of providing safe and decent housing to families in need. Congratulations to Victor for being selected for this well-deserved recognition from a state-wide pool of candidates.

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FOR THIS ITEM

**SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM**

To: The Board of County Commissioners
Katherine Miller, County Manager

From: Stephen C. Ross, County Attorney 

Date: May 20, 2013

Re: Resolution No. 2013-___, A Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County and for Boards and Committees Appointed By or Acting Under the Authority of the Board of County Commissioners; Rescinding Resolution No. 2013-03

Changes to the Open Meetings Act were made in the last Legislative Session. In particular, House Bill 21 was enacted into Law which requires, among other things, that agendas of upcoming meetings of a local public body be posted no later than 72 hours prior to the meeting.

Commissioner Mayfield has asked that this office prepare revision to Resolution No. 2013-03 to comply with HB 21, as well as to correct other minor errors.

A clean copy of the proposed resolution, is attached, along with a version of the same document showing changes from the previous version.

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO**

RESOLUTION NO. 2013-__

**A RESOLUTION
DETERMINING REASONABLE NOTICE FOR PUBLIC MEETINGS OF THE BOARD
OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AND FOR BOARDS AND
COMMITTEES APPOINTED BY OR ACTING UNDER THE AUTHORITY OF THE
BOARD OF COUNTY COMMISSIONERS; RESCINDING RESOLUTION 2013-03.**

(INTRODUCED BY COMMISSIONER MAYFIELD)

WHEREAS, NMSA 1978, Section 10-15-1(A) and -1(B) (1999) (the "Open Meetings Act")(hereinafter referred to as "the Act") provides that "... meetings of a quorum of members of any board, commission or other policymaking body of any ... county ... held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the ... Act ..."

WHEREAS, the Act further provides that "(a)ny meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public ...;"

WHEREAS, the Act further requires a public body to determine in a public meeting at least annually what notice is reasonable when applied to that body; and

WHEREAS, the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the Board") desires to determine what constitutes reasonable notice to the public of its meetings and for meetings of boards and committees appointed by or acting under the authority of the Board as required by the Act, and to otherwise specify important elements of its continuing compliance with the Act.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF
COUNTY COMMISSIONERS OF SANTA FE COUNTY, AS FOLLOWS:**

1. Regular Meetings. Unless otherwise specified in the notice of meeting, a regular meeting of the Board will be held beginning at 2:00 p.m. on the second Tuesday of each month, and an Administrative Meeting will be held beginning at 1:00 p.m. on the last Tuesday of each month. A regular meeting of a board or committee appointed by or acting under the authority of the Board shall be specified in the resolution creating such board or committee. Notice of a Regular Meeting shall be published in a newspaper of general circulation at least ten (10) days

before such meeting. Notice of a Regular Meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notices.

2. Special Meetings. A Special Meeting of the Board may be called by the Chair or by a majority of the members of the Board at such time and place as the Chair or a majority of the members of the Board deem appropriate. A Special Meeting of a board or committee appointed by or acting under the authority of the Board may be called by the chair of that board or committee or by a majority of the members of that board or committee at such time or place as the chair of that board or committee or a majority of members of the board or committee deem appropriate. Notice of a Special Meeting shall be published in a newspaper of general circulation at least three (3) days before such meeting. Notice of a Special Meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notice.

3. Emergency Meetings. An Emergency Meeting of the Board may be called by the Chair or by a majority of the members of the Board to consider unforeseen circumstances that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial financial loss. An Emergency Meeting may be conducted at a time and place as the Chair or a majority of the members of the Board deem appropriate. An emergency meeting of a board or committee appointed by or acting under the authority of the Board may be called by the chair of that board or committee or by a majority of the members of that board or committee to consider unforeseen circumstances that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial financial loss, to be held at such time or place as the chair of that board or committee or a majority of members of the board or committee deem appropriate. If possible given the emergency circumstances, notice of an Emergency Meeting shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building and on the County's internet web site (www.santafecountynm.gov) at least twenty-four (24) hours prior to the meeting. If twenty-four (24) hours advance notice cannot be given, notice shall be posted as soon as possible given emergency. Notice of an Emergency Meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notice. Any action taken at an emergency meeting shall be reported to the Attorney General's office as provided in paragraph 4 of this resolution.

4. Agendas. Meeting notices shall include a preliminary agenda containing a list of specific items of business to be discussed or transacted at the meeting, or information on how the public may obtain a copy of an agenda. A preliminary agenda shall be prepared and posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building and on the County's internet web site (www.santafecountynm.gov) at least seven (7) calendar days prior to the meeting. A final agenda shall be prepared and posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building no later than seventy-two (72) hours preceding the meeting. Except for emergency matters, action shall be taken only on items appearing on the agenda. An emergency matter is an unforeseen circumstance that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial loss to the public body. Within ten (10) days of taking action on an emergency matter, the County shall report to the

Attorney General's office the action taken and the circumstances creating the emergency, except in the event of a declared state or federal emergency.

5. Recessed Meetings. A meeting may be recessed to a later day, if, prior to recessing, the date, time and place for continuation of the meeting is specified, and, immediately following the recessed meeting, notice of the date, time and place for the reconvened meeting is posted on or near the door of the place where the original meeting was held. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting unless notice of the reconvened meeting is provided as otherwise set forth herein.

6. Cancelled Meetings. A meeting may be cancelled by posting a notice of cancellation in a conspicuous and appropriate place at the Santa Fe County Administrative Building, posting a notice on the County's internet web site (www.santafecountynm.gov), and posting notices of the cancelled meeting on the doors at the County Administrative Building, as soon as practicable prior to the time and date of the cancelled meeting. Notice of a cancelled meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notice.

7. Participation by Conference Telephone. A member of the Board of County Commissioners may participate in a meeting of the Board by means of conference telephone or other similar communications equipment when it is difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Board who speaks during the meeting.

8. Closed Meetings. A meeting of the Board of County Commissioners may be closed in the following manner:

a. If the Board is in an open meeting when a closed meeting is desired and authorized by the Open Meetings Act, then the closed meeting shall be approved on motion by a majority of a quorum of the Board and the authority for the closure shall be stated in the motion. The votes of the members on the motion shall be recorded in the minutes.

b. If the Board is not in a public meeting and a closed meeting is desired and authorized, public notice of the closed meeting, appropriate under the circumstances, shall be given stating the authority for the closure.

c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

9. Application to County Boards, Committees. This Resolution shall apply to each meeting of a board or committee whose members are appointed by the Board or which is

acting under the authority of the Board, except the Extraterritorial Land Use Authority, the Extraterritorial Land Use Commission, the Buckman Direct Diversion Board ("BDDDB"), the Regional Planning Authority ("RPA"), the Regional Emergency Communications Committee ("RECC"), the Northern Central Regional Transit District ("NCRTD"), and the Solid Waste Management Authority ("SWMA").

10. Definition: "Meeting." For purposes of this Resolution, the term "meeting" shall be defined as a meeting of a quorum of the members of the Board and each meeting of a board or committee whose members are appointed by the Board held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the Board or a Committee.

11. Resolution No. 2013-03 is hereby rescinded.

APPROVED AND ADOPTED this ____ day of May, 2013.

**THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY**

Kathleen Holian, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO**

RESOLUTION NO. 2013-__

A RESOLUTION

DETERMINING REASONABLE NOTICE FOR PUBLIC MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AND FOR BOARDS AND COMMITTEES APPOINTED BY OR ACTING UNDER THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS; RESCINDING RESOLUTION 20132-035.

(INTRODUCED BY COMMISSIONER MAYFIELD)

WHEREAS, NMSA 1978, Section 10-15-1(A) and -1(B) (1999) (the "Open Meetings Act")(hereinafter referred to as "the Act") provides that "... meetings of a quorum of members of any board, commission or other policymaking body of any ... county ... held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the ... Act ..."

WHEREAS, the Act further provides that "(a)ny meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public ...;"

WHEREAS, the Act further requires a public body to determine in a public meeting at least annually what notice is reasonable when applied to that body; and

WHEREAS, the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the Board") desires to determine what constitutes reasonable notice to the public of its meetings and for meetings of boards and committees appointed by or acting under the authority of the Board as required by the Act, and to otherwise specify important elements of its continuing compliance with the Act.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, AS FOLLOWS:

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Regular Meeting shall be published in a newspaper of general circulation at least ten (10) days before such meeting. Notice of a Regular Meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notices.

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to persons or property or substantial loss to the public body. Within ten (10) days of taking action on an emergency matter, the County shall report to the Attorney General's office the action taken and the circumstances creating the emergency, except in the event of a declared state or federal emergency.

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10. **Definition: "Meeting."** For purposes of this Resolution, the term "meeting" shall be defined as a meeting of a quorum of the members of the Board and each meeting of a board or committee whose members are appointed by the Board held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the Board or a Committee.

11. Resolution No. 2013~~2~~-035 is hereby rescinded.

APPROVED AND ADOPTED this ___8th day of ~~May~~, January 2013.

**THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY**

Kathleen Holian, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, County Attorney

Santa Fe County

Fiscal Impact Report

Department / Division: CMO/Commission

Action Item to be Considered: Introduction of a Resolution - Rescinding Resolution No. 2013-03

Agreement Number:

Indicate with a <input checked="" type="checkbox"/> below	Section 1 - Identify the type of document below for BCC Consideration and Approval
<input type="checkbox"/>	Revenue, e.g. Grant, charges and fees, etc.
<input type="checkbox"/>	Contractual Services (includes change orders), e.g. Professional services agreement, construction, price agreement, joint powers agreement, lease agreement, etc.
<input type="checkbox"/>	Loan/Grant Agreement
<input checked="" type="checkbox"/>	Other: N/A

Indicate with a <input checked="" type="checkbox"/> below	Section 2 - Funding Source Identify the item below for BCC Consideration and Approval
<input type="checkbox"/>	General Fund, e.g. property taxes, gross receipt taxes, etc.
<input type="checkbox"/>	Special Revenue Funds, e.g. Fire, Indigent, etc.
<input type="checkbox"/>	Capital Outlay GRT, (capital infrastructure only, does not include maintenance or repair costs)
<input type="checkbox"/>	Bond Proceeds (general obligation and gross receipt tax revenue bonds)
<input type="checkbox"/>	Grant Funds. If yes, indicate the percentage and amount required % and/or \$, and source. % \$ Source
<input checked="" type="checkbox"/>	Other: N/A

Section 3 - Ongoing operations and maintenance (O&M) requirements:
Short Term (Specify needs for the current fiscal year only)

N/A	
New FTE's #	Position
	Hourly Rate \$
Current Fiscal Year Cost \$	Annual Cost \$
Initial Costs (Vehicle, computer, office space, etc.)	
N/A	
O & M (Concisely identify the recurring needs, supplies, equipment, and the resources necessary for carrying out the job duties)	
N/A	
Current Fiscal Year Cost \$	Annual Cost \$
Long Term (Specify the needs for the next four (4) years. This will include staff, O & M, asset renewal and replacement costs, and additional capital needs)	
N/A	
Salary & Benefits:	
N/A	
All other expenses:	
N/A	

Section 4 - Revenue	
Short Term (Specify the revenue potential for the current fiscal year only. If a grant, specify the total grant award amount and the term. If a fee or charge for service, explain basis of revenue projection).	
N/A	
Current FY Estimate \$	
Long Term (Specify the revenue potential for the next four (4) fiscal years. If a grant, specify the total grant award amount and the term. If a fee or charge for service, explain basis of revenue projection).	
N/A	
Annual Estimate \$	Total (next 4 years) \$

Additional Narrative
 (Should include additional information such as significant issues, administrative issues and technical issues. What consequences, if any, may occur if this item is not acted upon):

No Financial Impact

Prepared by **Robin Gurule**

Reviewed by

 File Attachment

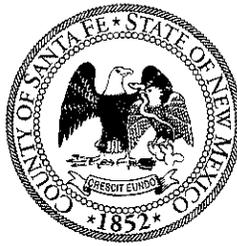
 File Attachment

 File Attachment

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: May 28, 2013

TO: Board of County Commissioners

FROM: Juan Rios, Constituent Services Liaison 

VIA: Daniel Mayfield, County Commissioner, Dist. 1

SUBJECT: A Resolution directing staff to investigate and determine if the City of Santa Fe's application to re-permit its Northwest Well as a primary production well is a breach of agreements with the County and others concerning sustainable management of groundwater supplies in the Santa Fe Basin and the N-P-T Basin; Directing staff to report its findings to the Board of County Commissioners; Providing for options and remedies in the event of a breach.

ISSUE:

The initial Resolution is presented for initial introduction by Commissioner Mayfield on May 29, 2013. This is "A was presented for consideration and discussion by Commissioner Daniel Mayfield and Commissioner Robert A. Anaya on April 30, 2013. This is "A Resolution directing staff to investigate and determine if the City of Santa Fe's application to re-permit its Northwest Well as a primary production well is a breach of agreements with the County and others concerning sustainable management of groundwater supplies in the Santa Fe Basin and the N-P-T Basin; Directing staff to report its findings to the Board of County Commissioners; Providing for options and remedies in the event of a breach."

Pumping of the Northwest well as a supplemental well under a previously-granted permit affected groundwater supplies to those in the Tano Road and Tesuque Pueblo areas and has had broader impacts on the Santa Fe Basin, the N-P-T water system and La Cienega, which leads to concerns that even greater effects on County residents and the general groundwater system will be experienced if the new application is granted.

REQUESTED ACTION:

Commissioners Mayfield respectfully requests the Commission's support of this resolution.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

RESOLUTION NO. 2013-____

A RESOLUTION DIRECTING STAFF TO INVESTIGATE AND DETERMINE IF THE CITY OF SANTA FE'S APPLICATION TO RE-PERMIT ITS NORTHWEST WELL AS A PRIMARY PRODUCTION WELL IS A BREACH OF AGREEMENTS WITH THE COUNTY AND OTHERS CONCERNING SUSTAINABLE MANAGEMENT OF GROUNDWATER SUPPLIES IN THE SANTA FE BASIN AND THE N-P-T BASIN; DIRECTING STAFF TO REPORT ITS FINDINGS TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR OPTIONS AND REMEDIES IN THE EVENT OF A BREACH.

(INTRODUCED BY COMMISSIONER MAYFIELD)

WHEREAS, the City of Santa Fe has filed an application with the Office of the State Engineer to convert its Northwest well from temporary use to a permanent source of supply for the City of Santa Fe water system, rather than as a back-up or supplement to other sources of supply;

WHEREAS, pumping of the Northwest well as a supplemental well under a previously-granted permit affected groundwater supplies to those in the Tano Road and Tesuque Pueblo areas and has had broader impacts on the Santa Fe Basin, the N-P-T water system and La Cienega, which leads to concerns that even greater effects on County residents and the general groundwater system will be experienced if the new application is granted;

WHEREAS, a consolidated group of persons and organizations have protested the City's application, consisting of seventeen different organizations, 1,000 to 2,000 households, and 6,000 or more individuals;

WHEREAS, the consolidated group reports that wells in the Tano Road and Tesuque Pueblo areas have experienced significant rates of aquifer decline as a result of historical pumping from the Northwest well, and that the decline rates in wells more than one mile from the Northwest Well have doubled resulting in a significant reduction in the useful life of wells some of which will go dry within forty (40) years at present rates of decline;

WHEREAS, the same consolidated group of persons reports that negotiations began with the City concerning its application and possible ways to reduce the impact of the City's continued pumping of the well in the Summer of 2012, but that the City ceased negotiations before water level data was gathered to assess the impacts of the application;

WHEREAS, the development of a new groundwater resource also leads to

concerns about two agreements in place between the City, County and other parties concerning use of groundwater;

WHEREAS, the City and County agreed in paragraph 8 of the Water Resources Agreement Between the City and County of Santa Fe (2005) "... to implement conjunctive use management by relying on surface water when it is available and using groundwater only as necessary ...";

WHEREAS, in the Cost Sharing and System Implementation Agreement in the case of *New Mexico ex rel. State Engineer v. Aamodt*, the City agreed to "... reduce and mitigate the effects of groundwater pumping by the City of Santa Fe ..." and to "... utilize[] surface water supplies to the maximum extent feasible in a manner which minimizes effects on the ground and surface water supplies ... and ... otherwise utilize[] both surface and groundwater in a manner which minimizes effects on the ground and surface water supplies ...";

WHEREAS, these seemingly unambiguous contract terms should apply to the City's use of the Northwest well, and the permitting decisions of the Office of the State Engineer should mirror these concepts;

WHEREAS, to the extent that City plans to rely on the Northwest well for primary water supply rather than backup supply, the contract language is inconsistent with the goals of the application, and these contradictions should be addressed; and

WHEREAS, the Board desires to direct staff to work with the City of Santa Fe and others to determine whether the application is consistent with the contract language referred to above, and report back to the Board when the information is developed.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. Staff shall work with the City of Santa Fe and others to determine whether the application for re-permitting of the Northwest well is consistent with public welfare and conservation, and whether the application is consistent with the contract language in the Water Resources Agreement and the Cost Sharing and System Integration Agreement. Staff shall determine, in part, whether the City intends to re-permit the Northwest well as a direct source of supply or as a back-up source of supply. If the former, staff shall report whether such an objective is a violation of the Water Resources Agreement and the Cost Sharing and System Integration Agreement and, if so, the available options, consequences and remedies for such a breach.

2. If a breach is determined to exist; the Board of County Commissioners may direct staff to take any and all action deemed necessary to bring the County's concerns to the attention of the Office of the State Engineer, to directly address the breach through appropriate legal action, and to take other actions deemed necessary and proper concerning the pending application.

APPROVED AND ADOPTED this ___ day of May, 2013.

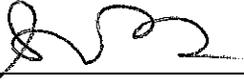
**THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE
COUNTY**

Kathleen Holian, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney