

Henry P. Roybal  
Commissioner, District 1

Miguel 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: August 25, 2015

TO: Board of County Commissioners

FROM: Adam Leigland, Public Works Department Director *ALW 8/24/15*

VIA: Katherine Miller, County Manager *KM 9.1.15*

ITEM AND ISSUE: *BCC Meeting September 8, 2015*

Ordinance No. 2015-\_\_\_, An Ordinance Amending Ordinance No. 2012-5 to Clarify that the County is not Prohibited from Maintaining Roads Located on County-Owned Property (Final Public Hearing) (Public Works/Adam Leigland)

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### SUMMARY:

Subject ordinance will amend the County's current procurement ordinance, Ordinance No. 2012-5, to allow road maintenance activities on County-owned vehicle circulation and parking areas that aren't explicitly considered County-maintained roads.

### DISCUSSION:

Section Four of Ordinance 2012-5, *An Ordinance Repealing Ordinance No. 2010-8; Reenacting Portions Of Ordinance No. 2010-8 And Making Appropriate Amendments; Reforming The County's Procurement Practices With Respect To Road And Building Construction Projects To Ensure That The Public Trust Is Maintained, That Projects Are Properly Designed And Constructed And Completed Within Budget, That Projects Are Contracted Only After A Fair And Transparent Procurement Process; Providing For Training, Auditing And Confidential Reporting* states as follows:

Section Four. Road Maintenance List. Road maintenance shall not be performed on a private road and shall only be performed on a County-maintained road that has been placed on the list submitted to the State of New Mexico pursuant to NMSA 1978, Section 67-3-28.3 (1987). Road maintenance work, including routine and priority maintenance, must be identified equitably in each Commission District, unless there is no need for a project in a particular district.

There are numerous County-owned properties that serve County transportation needs but are not County-maintained roads and could not become so under the terms of the County's road acceptance

policy as indicated in Resolution No. 2012-151. These properties include the circulation roads within the County's housing authority on Camino Jacobo. Consequently, these properties fall into a gray zone with respect to maintenance and improvement when County road maintenance forces could be used to maintain them. Therefore, staff is recommending the inclusion of one line into the above-referenced Section Four to allow road maintenance activities to be performed on County properties that function as roads but are not and cannot become County-maintained roads as strictly defined.

The new Section Four would then read as follows, with new line emphasized:

Section Four. Road Maintenance and Road Maintenance List. Road maintenance shall not be performed on a private road and shall only be performed on a County-maintained road that has been placed on the list submitted to the State of New Mexico pursuant to NMSA 1978, Section 67-3-28.3 (1987). Road maintenance work, including routine and priority maintenance, must be identified equitably in each Commission District, unless there is no need for a project in a particular district. **This Section does not prohibit the County from maintaining, repairing, and improving roads or parking lots located on County property regardless of whether such roads appear on the Road Maintenance List.**

The BCC authorized the publication of title and general summary at the June 30, 2015, meeting, and this publication occurred on August 24, 2015, in the Albuquerque Journal.

**ACTION REQUESTED:**

Approve subject ordinance

Attachment:

Ordinance No. 2012-5

**SANTA FE COUNTY**  
**ORDINANCE NO. 2015- \_\_\_\_**

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**AN ORDINANCE AMENDING ORDINANCE NO. 2012-5 TO CLARIFY THAT THE  
COUNTY IS NOT PROHIBITED FROM MAINTAINING ROADS LOCATED ON  
COUNTY-OWNED PROPERTY**

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**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE  
COUNTY THAT ORDINANCE NO. 2012-5 IS HEREBY AMENDED AS FOLLOWS:**

**Section One.** Section Four of Ordinance No. 2012-5 is replaced with the following:

“Section Four. Road Maintenance and Road Maintenance List. Road maintenance shall not be performed on a private road and shall only be performed on a County-maintained road that has been placed on the list submitted to the State of New Mexico pursuant to NMSA 1978, Section 67-3-28.3 (1987) (“Road Maintenance List”). Road maintenance work, including routine and priority maintenance, must be identified equitably in each Commission District, unless there is no need for a project in a particular district. This Section does not prohibit the County from maintaining, repairing, and improving roads or parking lots located on County property regardless of whether such roads appear on the Road Maintenance List.

**Section Two.** All provisions of Ordinance No. 2012-5 not expressly amended hereby shall remain in full force and effect.

**Section Three.** This Ordinance shall be effective thirty (30) days after it is recorded in the Office of the Santa Fe County Clerk.

**PASSED, APPROVED, AND ADOPTED** on the \_\_\_\_ day of \_\_\_\_\_, 2015,  
by the Board of County Commissioners of Santa Fe County.

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

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Robert A. Anaya, Chair

**ATTEST:**

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Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

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Gregory S. Shaffer, County Attorney

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