

NEWS FROM DISTRICT 5 – SANTA FE COUNTY  
COMMISSIONER LIZ STEFANICS  
AUGUST 11, 2015  
BOARD OF COUNTY COMMISSION SUMMARY

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## A SHORT HISTORY OF THE ELDORADO AREA WATER AND SANITATION DISTRICT

*By Gershon Siegel, from the August 2015 issue of the Eldorado Vistas newsletter*

Now servicing nearly 3,000 homes and businesses, the 18-year-old Eldorado Area Water and Sanitation District (EAWSD) is publically owned by property owners within the district. However, the water utility now administered by the district came into public ownership just over a decade ago. Ratepayer ownership of the system through the district was only accomplished by years of hard work on the part of individuals and a great deal of community cooperation.

Carved from the former 27,000-acre Simpson Ranch in 1970, Eldorado was developed by a New Jersey– based corporation, American Real Estate and Petroleum Corporation (AMREP). In order to obtain the right to develop Eldorado’s 6,000 acres, AMREP was required by various state and county agencies to build and maintain a water system to serve the subdivision. A subsidiary of AMREP, Eldorado Utilities, Inc. (EUI), was created for this purpose. EUI began laying pipes between the existing ranch wells and individual lots, and installing storage tanks. EUI would later add to the system by drilling more wells.

The Public Service Commission had required that AMREP subsidize its operations until Eldorado was at least 80% built out. In the early 1960s, AMREP had likewise been required to build a water utility system for its development of Rio Rancho, northwest of Albuquerque. With the creation of Eldorado at Santa Fe, AMREP, primarily a land sales company, now found itself with two water systems on its hands.

By the late 1980s, AMREP was anxious to sell off both the Rio Rancho and the Eldorado water utilities. It found a potential buyer in General Waterworks, a French-owned company. However, the EUI subsidization agreement killed the package deal, and General Waterworks bought only the Rio Rancho system.

In 1992, realizing that EUI could be sold at any moment; the ECIA began a series of community forums regarding the utility’s future. At that point, the system was estimated to be worth around \$3 million. Many in the community thought that was a reasonable amount and believed that creating a water and sanitation district was a first step toward purchasing the utility.

Without a district, there would be no entity capable of entering into negotiations with AMREP should the community decide to purchase EUI. However, there was little community enthusiasm, and the idea languished until 1994, when AMREP’s subsidization of EUI was no longer required. Suddenly EUI customers began to see significant increases in their bills.

It was then that the Eldorado Residents’ Association (ERA) in cooperation with ECIA revived the water issue. The two organizations set up a joint water study committee. However, residents from surrounding subdivisions also serviced by EUI showed an interest in the effort. At that point, an area-wide independent Ad Hoc Water Study Committee was created and included residents from many Eldorado-adjacent subdivisions.

The committee’s year-long work resulted in its recommendation to create a water and sanitation district and to purchase the water utility. That’s when the real work began. The committee now had to convince at least 25% of the taxpaying electors in the proposed district to sign a petition in favor of forming the district.

In early July 1996, the Santa Fe County Commissioners voted unanimously to accept and certify the petition submitted by 390 Eldorado area residents requesting an election to form a water and sanitation district. A year later, on July 1, 1997, out of the approximately 1,100 eligible voters, 427 said “yes” and 55 said “no” to creating the district. **Ray Nichols, Don Dayton, and Dick Chenault** were elected to that first district board to two-, four-, and six-year terms, respectively.

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That board notified AMREP of the district's interest in acquiring the utility and initiated an engineering study to see what exactly they might be acquiring. By then, however, AMREP believed that the leaky, barely adequate EUI was now worth about three times the original estimation. Negotiations for the utility's purchase between the district and AMREP stalled.

In July 2001, EUI was allowed a 42% rate increase. On top of that, AMREP was about to sell the water system to Utilities Inc. (UI), a subsidiary of Nuon, a Dutch multinational energy and water company. Nuon already owned hundreds of other small water systems throughout the world. The community became embroiled over the controversy of a foreign corporation owning the local water system. Globalization had arrived in Eldorado.

The district responded to the imminent sale of the utility by commissioning a financial analysis of the system and surveying homeowners serviced by EUI. Of 900 responses from area residents, 58% concurred that the district should proceed with the acquisition. Voters approved a bond issue in August 2002 that enabled the district to purchase the system.

By February 2003, since an agreement on the utility's sale had already been completed between AMREP and UI, the district was forced to kill the deal by "condemning" the system. In September 2004, a jury trial was held to determine the purchase price—\$11.047 million. As a result, EAWSD, through the condemnation process allowed by its "quasi-governmental" status, acquired the water system as a public utility. In addition to owning the system, EAWSD also bears the debt load for the purchase price.

Thanks,

*Liz*

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## August 11, 2015 BCC Summary

Below is a summary of the actions taken by the Santa Fe Board of County Commissioners (BCC). All five Commissioners were present.

The meeting minutes from the July 7, 2015 Special BCC Meeting and July 14, 2015 BCC Meeting were passed by unanimous vote 5-0.

### **Consent Calendar - All items approved by unanimous vote 5-0**

#### **Final Orders**

- CDRC CASE # V 15-5080 Thomas Ketcheson Variance. Thomas Ketcheson, Applicant, A Variance of Ordinance No. 2007-2 Village of Agua Fria Zoning District, Section 10.6 (Density and Dimension Standards) to Allow Two Dwelling Units on 2.998 Acres. (District 2)
- CDRC CASE # V 15-5070 Jennifer Farquhar Variance. Jennifer Farquhar, Applicant, A Variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 11.34 Acres Into Two Lots. (District 4)
- CDRC CASE # V 15-5031 Juan Franco Variance. Juan Franco, Applicant, A Variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 2.661 Acres Into Two Lots. (District 5)

#### **Resolutions**

- Resolution No. 2015-105, A Budget Increase to the Capital Outlay GRT Fund (313) to Budget Funds to Improve the La Cienega Community Center Park in the Amount of \$20,500.
- Resolution No. 2015-106, A Budget Increase to the Economic Development Fund (224) for the Local Economic Development Act (LEDA) Funds Received From the State of

New Mexico Economic Development Department for the Santa Fe Brewing Company LEDA Project/\$250,000.00.

- Resolution No. 2015-107, A Budget Increase to Various General Obligation and GRT Revenue Bond Funds from Cash Carryover to Offset Losses on Investments/\$22,153.

*(End of Consent Agenda)*

## **Action Items**

### **Miscellaneous**

- TABLED TO AUGUST 25 BCC MEETING - Request for Direction on the Creation of the Office of County Flood Commissioner Pursuant to NMSA 1978, Sections 4-50-1 through 4-50-9.
- TABLED TO AUGUST 25 BCC MEETING - Request for Direction on Options for Residential Curbside Solid Waste and Recycling Service Regulation within Santa Fe County.
- Approval of Construction Contract No. 2015-0292-CORR/IC between Santa Fe County and Prime Builders, LLC. In the Amount of \$449,291.91, Exclusive of GRT, for the Server Rooms at Adult Detention Facility and Youth Development Program and Authority for the County Manager to Execute the Purchase Order. Approved by unanimous vote, 5-0
- Approval to Award Agreement 2015-0307-FI/MY for Lodger's Tax Advertising and Promotional Services between Santa Fe County and HK Advertising in the Amount of \$300,000.00, Inclusive of Gross Receipts Tax. Approved 4-1 (Commissioner Stefanics voted against).

### **Ordinances**

- Authorized Publication of Title and General Summary of an Ordinance that amends the Land Development Code to add a New Article XVII, developments of countywide impact, to regulate landfills, junkyards and sand and gravel mining extraction of a certain scale and make amendments to other articles of the Land Development Code related to the new Article XVII. Approved by unanimous vote, 5-0

### **Matters from the County Manager**

- Miscellaneous Updates

### **Matters from the County Attorney**

#### **Executive Session - approved by unanimous vote to enter Executive Session 5-0**

- Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as allowed by Section 10-15-1(H)(8) NMSA 1978.
  - Acquisition of Real Property in the Town of Cerrillos for a County Senior/Community Center.
- Discussion of Competitive Sealed Proposals Solicited Pursuant to the Procurement Code, as allowed by Section 10-15-1(H)(6) NMSA 1978.
  - Proposals submitted in response to RFP #2015-EMP-CM/HR, Employee Benefit Program.

- Threatened or Pending Litigation in which Santa Fe County is or may become a Participant, as allowed by Section 10-15-1(H)(7) NMSA 1978.
  - Arbitrations Involving the City of Santa Fe.
  - Litigation Concerning Rights-of-Way for County Roads.
  - Treatment Guardians for Inmates at the Adult Detention Facility.

#### **Action Items from Executive Session**

- Resolution No. 2015-108, Delegates the County Manager the Authority to Negotiate and Execute All Documents Necessary for the Acquisition of Real Property in the Town of Cerrillos for A Senior/Community Center. Approved by unanimous vote, 5-0.
- Direction on the Santa Fe County Employee Benefit Program to remain with State of New Mexico Core Benefits Program. Approved by unanimous vote, 5-0.

#### **Public Hearings**

##### **Ordinances**

- Ordinance No. 2015-7, Amends the Land Development Code to add a New Article XVII, Developments of Countywide Impact to Regulate Landfills, Junkyards and Sand and Gravel Extraction of a Certain Scale and Make Amendments to other Articles of the Land Development Code Related to the New Article XVII. (Second Public Hearing). Passed by unanimous vote, 5-0.

##### **Community Plans**

- Resolution No. 2015-\_\_\_, A Resolution Amending Resolution No.2007-120, the Pojoaque Valley Community Strategic Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 Pojoaque Valley Community Strategic Plan. **(First Public Hearing, No Action)**
- Resolution No. 2015-\_\_\_, A Resolution Amending Resolution No. 2001-117 , the La Cienega and La Cieneguilla Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the La Cienega and La Cieneguilla Community Plan. **(First Public Hearing, No Action)**
- Resolution No. 2015-109, Amends Resolution No. 2000-119, the Madrid Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 Madrid Community Plan Update. (Second Public Hearing) Approved 4-0 (Commissioner Holian was not present for vote).
- Resolution No. 2015- 110, Amends Resolution No. No. 2006-148 and 2010-06, the San Marcos Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 San Marcos Community Plan Update. (Second Public Hearing) Approved 4-0 (Commissioner Holian was not present for vote).

##### **Infrastructure Capital Improvement Plan for Fiscal Years 2017-2021.**

- Resolution No. 2015-111, Adopts Projects for Inclusion in Santa Fe County's Infrastructure Capital Improvement Plan for Fiscal Years 2017-2021. Approved 4-0 (Commissioner Holian was not present for vote).

##### **Land Use Cases**

- CDRC CASE # V 15-5110 Marta And Dolores Perez Variance. Marta and Dolores Perez, Applicants, Request a Variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to Allow a Land Division of 2.5 Acres Into Two Lots; Each Lot Consisting of 1.25 Acres. Denied 2-1 (Commissioners Roybal and Stefanics voted against. (Commissioners Anaya and Holian were not present for vote). (District 3)
- CDRC CASE # V 15-5120 Cynthia Carter Variance. Cynthia Carter, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of Santa Fe County Ordinance No. 1996-10, the Land Development Code (Code), to Allow Two Dwelling Units on 1.458 Acres. Approved 4-0 (Commissioner Holian was not present for vote). (District 4)

The BCC Packet is available online by clicking the BCC meeting event on the Events calendar or visiting the BCC committee page [www.santafecountynm.gov/committees/board\\_of\\_county\\_commissioners\\_bcc](http://www.santafecountynm.gov/committees/board_of_county_commissioners_bcc).

All approved Ordinances and Resolutions are available on the County website at [www.santafecountynm.gov/ordinances\\_and\\_resolutions](http://www.santafecountynm.gov/ordinances_and_resolutions) once they are approved and recorded.

All BCC meetings are broadcast live at [www.santafecountynm.gov](http://www.santafecountynm.gov), on Comcast Ch. 28 and on Que Suave AM 810. to view recorded video of this BCC meeting visit [www.santafecountynm.gov/video\\_on\\_demand/](http://www.santafecountynm.gov/video_on_demand/).

Transcripts of the meeting will be available within 10 working days at [www.santafecountynm.gov](http://www.santafecountynm.gov), once approved.

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