

May 13, 2014

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

May 13, 2014

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:07.m. by Chair Danny Mayfield, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge led by Nelson Abeyta and Wade Ellis from the Corrections, roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

Commissioner, Kathy Holian, Chair
Commissioner Danny Mayfield, Vice Chair
Commissioner Robert Anaya
Commissioner Miguel Chavez
Commissioner Liz Stefanics

Members Excused:

[None]

I. E. MOMENT OF REFLECTION

The Moment of Reflection was given by Diego Lovato from the Corrections Department.

I. F. APPROVAL OF THE AGENDA

- 1. Amendments**
- 2. Tabled or Withdrawn Items**

CHAIR MAYFIELD: Commissioners, in front of us we have a request for approval of agenda. We'll go to Ms. Miller for any suggested changes or withdrawals.

KATHERINE MILLER (County Manager): Mr. Chair, Commissioners, the agenda is as published except for a couple of items. One, I understand that under action items, page 3, item IV. A. 2, there's a request to table and I believe Commissioner Holian made that request and she had a comment.

COMMISSIONER HOLIAN: Thank you, Madam County Manager. The proposed weight limit ordinance for County Road 33 has revealed that the County does not currently have an official process in place with criteria for setting weight limits on County

roads, so I feel that it is important to set up a framework for determining weight limits for any road in the county before we consider any ordinances for a specific road. So I would like to table this ordinance until we get that process in place.

MS. MILLER: Mr. Chair, Commissioner Holian, I believe there will be no problem doing that. We'd actually like, with Greg coming on, I've asked him to also get up to speed on that and talk to Public Works about looking at a comprehensive policy that deals with weight limits on all County roads.

CHAIR MAYFIELD: Well, it seems like we're opening up a little bit of discussion just to table it. So if there's a motion to table and a second, but I have some questions before I even take a motion. So Ms. Miller, we had an ordinance that we had requested to publish title and general summary, and this would be the first or the second hearing on this?

MS. MILLER: Mr. Chair, this particular one was the first hearing.

CHAIR MAYFIELD: For tonight?

MS. MILLER: Yes, and Mr. Chair, what I would recommend is if you do choose to table it is if people do show up because they didn't have time, the very next item was Matters of Public Concern, that they would be able to make any comments relative to whatever issues they want, but that if we're going to table it we don't actually have a public hearing on it.

CHAIR MAYFIELD: So we will still have two public hearings on this when it comes back to us.

MS. MILLER: Mr. Chair, yes, we will.

CHAIR MAYFIELD: Thank you. Commissioners, is there a motion to table this item?

COMMISSIONER HOLIAN: I move to table item IV. A. 2, an ordinance setting a weight limit on County Road 33.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second.

The motion passed by majority 3-2 voice vote with Commissioners Anaya and Mayfield voting no.

CHAIR MAYFIELD: I also want to change mine to no. I just don't think it came up timely for this tabling today and we did have a notice for a public hearing on this tonight. So with 3 to 2, and I'm sorry; I don't know if I heard you, Commissioner Stefanics.

COMMISSIONER STEFANICS: I said yes, but to explain my vote.

CHAIR MAYFIELD: Yes, please.

COMMISSIONER STEFANICS: I have thought about this topic and I believe that there might be another way to address it that would be equitable across the county, and that's the reason I voted yes. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Anaya, please.

COMMISSIONER ANAYA: Since we're explaining our votes, it was a public hearing. We were going to have to hear concerns associated with the issue. I think there may be other alternatives. I appreciated the fact that I was able to co-sponsor the resolution that

Commissioner Stefanics brought last meeting, but it was noticed for feedback and public comment. So that's why I voted no. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Again, with a motion of three to two to table this will be moved to the last meeting of May, Ms. Miller?

MS. MILLER: Mr. Chair, what I'd like to do is make sure that we have an opportunity to research the issues that were brought forward and make sure that we deal with all those issues and provide good information to the Commission about how to put forward a weight ordinance.

CHAIR MAYFIELD: Thank you.

COMMISSIONER HOLIAN: Mr. Chair, just to explain my motion.

CHAIR MAYFIELD: Sure.

COMMISSIONER HOLIAN: My motion really was to table it until we have a process in place for determining weight limits on roads.

CHAIR MAYFIELD: Thank you.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez, please.

COMMISSIONER CHAVEZ: And just to follow up on Commissioner Holian's motion, I was willing to support that because of the process that I think needs to be identified and so I wanted to be sensitive to that. But I think that even though this may – even though it's postponed I think it would be up to the chair's prerogative to allow for public comment for those that are here this afternoon. I don't know if that would be – it wouldn't count towards the two public hearings but you could take public comment and we could note that for the record.

CHAIR MAYFIELD: No, I appreciate that, Commissioner Chavez, and what I will do is as it was tabled and it was priorly noticed that we would be having this discussion we still have Matters from the Public and I'm going to be flexible with Matters from the public today knowing that individuals may be coming in or out of today's Commission meeting to comment on certain matters. So I look at it that this item is no longer on our agenda so this can come up under Matters of Concern from the Public. Thank you. Thank you for that, Commissioner Chavez.

MS. MILLER: And then, Mr. Chair, the only other item I'd like to comment on is that under item VI. B, Presentations, if we have staff from the Public Works Department and the Emergency Medical Services that we recognize them at the beginning of the meeting so they can get back out to their jobs. So I think that they were going to come at the beginning of the meeting. So that would be my request, that we move those two items up if they're here.

CHAIR MAYFIELD: Thank you. So Commissioners, I just want to let you all know that I received an email this morning requesting a matter that I have from the Commission on the discussion of the Aamodt JPA, the actual agreement that Santa Fe County is working with the pueblos on. Also there was a presentation by, I believe, Mr. Leigland and staff on what is going on or what has been developed with the JPA and also various issues regarding the Aamodt settlement. Commissioners, I postponed this from two weeks ago till tonight. There was ample public notice on this. Again, this is just a discussion item where there will be no action taken. It's just to take in any public input and I would be more than happy to have this on the agenda every single meeting from here until whatever

action is taken. So with that I am going to ask that this stay on our agenda and we can put it back on the next agenda also to afford comment availability to anybody who cares to have any discussion on this matter. Thank you.

Any other changes, Ms. Miller?

MS. MILLER: Mr. Chair, not at this time. Thank you.

CHAIR MAYFIELD: Thank you. Commissioners, we have our agenda in front of us as amended. Do we have a motion for approval?

COMMISSIONER STEFANICS: I'll move for approval as amended.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second.

The motion passed by unanimous [5-0] voice vote.

I. G. APPROVAL OF MINUTES

1. Approval of April 8, 2014 BCC Meeting Minutes

CHAIR MAYFIELD: Any discussion?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second.

The motion passed by unanimous [5-0] voice vote.

II. CONSENT CALENDAR (Public Comment)

A. Resolutions

- 1. Resolution No. 2014-36, a Resolution to Authorize the Santa Fe County Manager to Execute All Documents Required and Necessary to Complete the County's Purchase of the Pojoaque Ball Fields (Public Works/ Agnes Leyba-Cruz)**
- 2. Resolution No. 2014-37, a Resolution Imposing an Annual Liquor License Tax Upon Persons Holding State Liquor Licenses. (Treasurer's Office)**
- 3. Resolution No. 2014-38, a Resolution Confirming Santa Fe County's Commitment to Fair Housing, Establishing a Citizen Participation Plan, Establishing a Residential Anti-Displacement and Relocation Assistance Plan, Adopting a Section 3 Plan, Confirming Its Commitment to Abide By Relevant Procurement Policies and Regulations, All as Required By the United States Housing and Urban Development Community Development Block Grant Program Requirements**

B. Miscellaneous

- 1. Request Approval of Amendment No. 1 to the Building Lease Agreement Between Santa Fe County and Bokum Burro Alley for Office Space Located at 142 West Palace Avenue, Santa Fe, New**

Mexico to Increase the Amount of Leased Square Feet From 14,549 to 15,580 Square Feet, Add 8 Parking Spaces and Increase the Janitorial Services for the Additional Square Feet for an Annual Increase of \$24,843.90 (Purchasing/Bill Taylor)

- C. **Appointments/Reappointments/Resignations**
 - 1. **Reappointment of John Abrams (District 3) to Health Policy and Planning Commission (Community Services Department/Rachel O'Connor)**
 - 2. **Reappointment of Judith Williams (District 4) to Health Policy and Planning Commission (Community Services Department/Rachel O'Connor)**
- D. **Approval of Proclamations (Presentation as Listed on the Agenda Below Or at the Call of the Chair)**
 - 1. **Approval of a Proclamation to Recognize May 18 Through 24, 2014 as National Public Works Week (Commissioner Holian)**

CHAIR MAYFIELD: Everybody hopefully knows that we can pull this off for limited discussion taking no longer than five minutes on any item that we believe needs any attention. Otherwise we will go back and have something pulled for full discussion.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya, please.

COMMISSIONER ANAYA: I defer to Commissioner Holian or whoever.

COMMISSIONER HOLIAN: Mr. Chair, I just have a comment about item II.

C. 1 and 2. I would just like to thank John Abrams and Judy Williams for their service on the HPPC. They've both worked very hard. In particular Judy has been chair for three years and she really runs a good meeting. I can attest to that myself since I attended the last commission meeting, and even more importantly she has shepherded the commission through the process of developing and completing the Santa Fe County Health Action Plan, and I think that's a real achievement, and probably the most complex task that the HPPC has ever undertaken. So I would just like to put my thanks on the record to both John and Judy.

CHAIR MAYFIELD: Echoed, Commissioner. Thank you for bringing that up.

COMMISSIONER STEFANICS: From all of us.

CHAIR MAYFIELD: All of us. Thank you. Commissioners, any other –

COMMISSIONER ANAYA: Mr. Chair, I actually had a brief comment on all of them but they are very brief comments.

CHAIR MAYFIELD: Let's have brief comments, Commissioner Anaya, please.

COMMISSIONER ANAYA: So do you want me to go –

CHAIR MAYFIELD: A. 1, please.

COMMISSIONER ANAYA: I would defer to you on A. 1 if you want to make a comment on it.

CHAIR MAYFIELD: I appreciate that. I know that Manager Miller and staff have been working very hard on this. It's a resolution to authorize the Santa Fe County Manager to execute all documents required and necessary to complete the County's purchase of the Pojoaque ballfields. I just want to thank staff for all their work. I believe Ms. Miller

has even, and staff has identified an additional taxpayer savings of \$30,000, \$40,000 on this acquisition, Ms. Miller, so I really appreciate that. If you care to make a brief comment or not, that's entirely up to you.

MS. MILLER: Mr. Chair, it is a \$30,000 reduction in the price based upon our negotiations with the school board and that means that the acquisition would be within the appropriations that we received from the state, which was what our ultimate goal was as well.

CHAIR MAYFIELD: Well, thank you. So hopefully now we have a little more money to do the actual build-out. So thank you all for your great work. Thank you, Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Mr. Chair, if I could just follow up and say that that's been a project that you've been carrying that's going to be good for youth, not only in the north but all over the county and the region because baseball teams travel and soccer teams and other people that will ultimately use those fields. So I think it's going to be a great project for the County, for northern Santa Fe County with the cooperative effort that you helped spearhead with the school board and the superintendent as did staff. So ditto and echo your comments and your work on that project.

Mr. Chair, I just – could I get a little clarity as to the resolution imposing the annual liquor excise tax. It's an annual resolution, I'm assuming?

MS. MILLER: Mr. Chair, Commissioner Anaya, yes, it kind of one of those required things that we restate every year by June 30th. The \$250 fee that we have for the annual liquor license renewal so that the Treasurer can actually collect that when people come in for getting their liquor license out in the county.

COMMISSIONER ANAYA: It's not a new fee; it's an existing fee, Mr. Chair, Ms. Miller?

MS. MILLER: Mr. Chair, Commissioner Anaya, yes, that is.

COMMISSIONER ANAYA: Thank you. And then I just want to note that Santa Fe County is committed in item #3, a resolution confirming Santa Fe County's commitment to fair housing and establishing a citizen participation plan. This is a requirement that we have in conjunction with our housing programs and it is a very serious requirement that we have fair housing and equal opportunity for all persons, so I wanted to note that for the record.

Mr. Chair, under Miscellaneous, B. 1, I just wanted to note that this was brought up earlier in our study session and this is something that you've discussed but the Commission's discussed about saving resources and this is moving some staff to a more affordable place in the Bokum Building where most of the other staff is – Finance and others. Ms. Miller, do you want to make a brief comment?

MS. MILLER: Mr. Chair, Commissioner Anaya, yes, that's correct. We had the Assessor and some of the Assessor's staff in one building but the cost per square foot was significantly more. The Commission brought that up last year, concerning that and we didn't have time to actually do something different last year when the lease was expiring so we worked with the Assessor's staff, moved some of the staff in the Bokum Building over to some County-owned property and made space in there as well as renting some additional space in the Bokum Building but I'd say per square foot it's about half the price. So net, we actually get increased space for a very small cost difference and we're actually able to accommodate the Assessor's staff and the Assessor and his staff have been really good about

working with us in the transition. So hopefully this was the direction that the Commission wanted to go and we really appreciate the Assessor working with us on that.

COMMISSIONER ANAYA: Thank you, Mr. Chair and Ms. Miller. I know the chair may have comments and Commissioner Chavez has a comment.

CHAIR MAYFIELD: Commissioner Chavez, please.

COMMISSIONER CHAVEZ: Ms. Miller, could you expand just a little bit, because I know we're talking about increased space but with the Bokum Building we also have parking and we have janitorial services.

MS. MILLER: Yes, Mr. Chair, Commissioner Chavez, that is correct. We got additional parking spaces as well as cleaning in that facility in our lease, so we have that existing but they added eight additional parking spaces included in that lease. So I think we lose about four spaces but we pick up eight. The Assessor will actually be relocating back to this building in his office and then staff will move over into the Bokum Building. We've really been struggling with space needs. As you know, we kind of are busting at the seams in this building and the Bokum Building has been a good overflow for that space and they do provide parking with it.

COMMISSIONER CHAVEZ: And I guess the janitorial services, is that a separate contract to a private entity?

MS. MILLER: Mr. Chair, Commissioner Chavez, the janitorial – there's a little history with that. Initially when the County leased the Bokum Building it came with janitorial services but during the economic downturn the County staff tried to take it on with the same number of staff we had. That really wasn't adequate and we were struggling with issues between having enough of our own staff to clean buildings that we do own and over there and with the owner of the building. So we put janitorial services back into the lease, and it's just a separate line item, so it's not included in the square foot price, but it is within the lease itself.

CHAIR MAYFIELD: Commissioners, if we are going over that five-minute time limit that we've kind of self-imposed. If you want to pull this for further discussion –

COMMISSIONER CHAVEZ: Just one brief comment and then I think we can go on. The savings, because I do agree with this. And so the savings translates from \$18 a square foot in comparison to \$33 a square foot. So that is a big savings. I just wanted to talk briefly about the other components.

COMMISSIONER CHAVEZ: Thank you, Commissioner, for bringing those points up.

COMMISSIONER ANAYA: Mr. Chair, on items C. 1 and 2, I echo and ditto the comments of Commissioner Holian. I would add that Health Planning Commissioner Abrams is Councilor Abrams for the Town of Edgewood and an excellent partner working on other school initiatives in the region in the whole county as well as Santa Fe County, so I appreciate both their efforts and I want to echo those comments. So that's all I have on Consent. Thank you for allowing me to make those comments, Mr. Chair.

CHAIR MAYFIELD: Thank you. And that was on each individual item, Commissioner. Thank you so much for bringing that. We also have item D, approval of proclamations. That is a presentation by Commissioner Holian which is listed also later in the agenda for discussion. Commissioners, I will go to the public. What we've just briefly

discussed, if any of our public members care to have any comment on the Consent Calendar just kind of stand up and come on up, seeing none, Commissioners.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Yes, Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Is it appropriate now to move for approval of the Consent Calendar?

CHAIR MAYFIELD: I would be very honored with a motion on that.

COMMISSIONER ANAYA: So moved.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a couple seconds.

The motion passed by unanimous [5-0] voice vote.

III. ELECTED OFFICIALS

A. Treasurer's Office

1. Call Meeting to Order

2. Roll Call

3. Approval of the New Investment Policy as Presented to the Board of County Commissioners on April 29, 2014

MS. MILLER: Mr. Chair, the next item, when we had the Treasurer present his invest plan and invest policy last Commission meeting, it was captioned to approve the plan and the Commission did do that, but unfortunately, we missed a caption to approve the policy. So nothing has changed from the policy that was presented to the Commission at the Investment Committee and to the Commission last week. This is more of a formality. If you could go into the Board of Finance, approve the policy that was presented and then go back into the regular meeting because we do act as a separate body.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Thank you, Ms. Miller. Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I move that we temporarily adjourn as the Board of County Commissioners and that we reconvene as the Santa Fe County Board of Finance.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second.

The motion to convene as the Board of Finance passed upon unanimous roll call vote with Commissioners Anaya, Chavez, Holian, Stefanics and Mayfield all voting in the affirmative.

CHAIR MAYFIELD: I see we do have a representative here from our Treasurer's Office. Theresa, would you care to come up and ask for formal approval on that, as it was presented.

THERESA ROMERO: Good afternoon, Mr. Chair and Commissioners. Unfortunately, Treasurer Varela was not able to attend so I'm here in his place. As presented

at the BCC meeting on April 29th he presented his quarterly report and now we are asking for approval.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I move for approval of the investment policy.

CHAIR MAYFIELD: Second. We have a motion and a few seconds. Thank you and it was a great investment policy that was brought forth. Thank you, Theresa for you and all your staff and even Treasurer Varela for all the great work.

MR. ROMERO: Thank you, Mr. Chair and Commissioners. Thank you.

CHAIR MAYFIELD: Thank you. Commissioners, we have a motion and a second. Any further discussion on this? Seeing none.

The motion passed by unanimous [5-0] voice vote.

III. A. 4. Adjourn and Reconvene as the Santa Fe County Board of County Commissioners

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Motion to adjourn as the Board of Finance and reconvene as the Board of County Commissioners.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second.

The motion passed by unanimous [5-0] voice vote.

VI. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

B. Presentations

1. Presentation of a Proclamation to Recognize May 18 Through 24, 2014 as National Public Works Week

MS. MILLER: Mr. Chair, could I now request that we go to recognizing the Public Works employees? I do believe, if Adam is here, that they're here as well as a recognition of any of the employees that are here for the other presentation item for Emergency Medical Services Week.

CHAIR MAYFIELD: Ms. Miller, you're taking us to item C. 1?

MS. MILLER: VI. B. 1.

CHAIR MAYFIELD: VI. B. 1. Thank you. Mr. Leigland.

MS. MILLER: He said he would have them here at the beginning. Here he is.

CHAIR MAYFIELD: Just so everybody knows, Mr. Leigland, a lot of our department staff are in our back legal room doing a lot of work back there so there is some audio. It just takes them a couple seconds to get up here. Mr. Leigland is very dapper today.

ADAM LEIGLAND (Public Works Director): Mr. Chair, Commissioners, excuse me. Actually, I was meeting with the consultant on the Las Lagunitas Improvement

District. We got their first 30 percent proposal today, so we're going over that, so I apologize. It's with pleasure today that I talk on behalf of the Public Works Department. We actually got a little bit of an inkling of our range and depth of our activities this morning at the budget hearings, and I was pleased that Commissioner Holian wanted to recognize that by taking part in the American Public Works Association National Public Works Week. And so as you know, we cover a wide range of topics and some of them are kind of behind the scenes, if you will, and they're not always recognized. Operation and maintenance of our facilities, just the people who are keeping our buildings clean, making sure that our streetlights are on, that our signs are reflective enough, making sure that the trash is collected and keeping the roads clear of vegetation so people can see the stop signs. So we do a lot of stuff and so I had asked some people who will represent some of our unsung heroes, some of the people who are out there doing the good work but they don't necessarily get the recognition from everybody, though I will say that I get a lot of positive comments from constituents. In fact I got one just today from someone who said, hey, great job on fixing that pothole. And those are really, really gratifying.

I also want to mention that I have for this last six months or so been spending time out in the field, shoulder to shoulder with the crews, just to learn more about what they do and the challenges they face. It's easy to sit in my office with my computer wondering about work order closure rates and why they need that new trailer and so you get out in the field and you see the challenges that they face and you say, okay. Now I understand why this or now I understand why that. But what I want to relate today is that that crew, they're out there working hard every day. They're being safe. They're being polite to customers, and they really care about what they do. And so that's been really gratifying. Some of these crews, for instance, they can be out on Ojo de la Vaca Road, up on the mesa, and there's no supervision there. They could be out there doing who knows what, but I'm here to tell you they're not. They're out there working. They're taking great care in the works that they do. And it's the simple stuff. It's just making sure that that little bit of cold patch goes all the way to the edge of the cracks, because they know that if they don't they're still going to get infiltration.

So the 148 people in the Public Works Department, I want to tell you that you have a really good, hard working department that cares about what they do. They realize the importance of what they do. They realize that in some cases they are the face of the County, because when someone's driving on a road and they'll see the street sweeper out there and that's sometimes the only interaction they have with their County government or going to the solid waste transfer stations. So I think we have good representatives out there. So again, I'm really pleased to be up here. I thank you, Commissioner Holian for bringing this, and I just want them – let's see. Where are they all sitting?

We have Albert. Go ahead and stand up. Who else do we have? So we have Marcel who's in our Roads Department. Actually, he was the one who did La Joya Road for you. And then we have Albert, who's open space. Albert and I just strung about, what? 300 feet of four-strand barbed wire fence about two weeks ago. Justine is from our utility. Let me tell you a little story about Justine. We had a water break out in one of our newly acquired customers through annexation in Aldea in the middle of the night and while she was out there a constituent drove by and had some car trouble. And I think he was elderly and he was a little bit confused and so Justine actually helped this gentleman get back home. This was in the middle of the night and she helped this gentleman get back home. And Justine was also a

recent quarterly award winner. And then we have Tim, who is from our property control. Tim and I spent some time up in a 40-foot scissor lift a couple months ago replacing filters. So anyway, this is just a snapshot of what we do and I asked them to come here so you could see some of our unsung heroes and again, if you sense my enthusiasm I hope so because I think you have a really good department doing a lot of good work out there.

CHAIR MAYFIELD: Thank you, and a round of applause to all of our employees. And Mr. Robert Martinez.

MR. LEIGLAND: And Robert Martinez. And Terry of course. We have Terry. There are a lot of people here doing a lot of good work.

CHAIR MAYFIELD: Commissioner Holian, please.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I'm really honored to be able to sponsor this resolution and I would like to actually read the resolution because it's very succinct and it also summarizes very well why a well functioning Public Works Department is crucial to the quality of life of the people who live in Santa Fe County. And I have to say that in Santa Fe County, I am very, very proud of our Public Works Department. Santa Fe County Proclamation to Recognize May 18 through May 24, 2014 as National Public Works Weeks.

Whereas, public works facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the residents of Santa Fe County; and

Whereas, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees in both government and the private sector, who are responsible for and who design, build, operate and maintain the transportation network, water supply, water treatment systems, solid waste systems, public buildings, parks and open space and other public works facilities; and

Whereas, it is in the public interest for citizens, young people and civic leaders in Santa Fe County, the State of New Mexico, and the United States of America to become informed and appreciate the importance of public works and public works programs in their respective communities; and

Whereas, the year 2014 marks the 54th annual National Public Works Week sponsored by the American Public Works Association, with the theme of "Building for Today, Planning for Tomorrow." I love that theme.

Now, therefore, the Board of Santa Fe County Commission of Santa Fe County hereby proclaims that we recognize May 18 to May 24, 2014 as National Public Works Week. Citizens and civic organizations across the county are called upon to acquaint themselves with the issues involved in providing public services and to recognize the contributions that public works officials make every day to our health, safety, comfort and quality of life.

Approved, adopted and passed on this 13th day of May 2014, and it's signed by all of the Commissioners, our County Attorney, our County Manager and attested to by Madam County Clerk, Geraldine Salazar.

So with that, just thank you from me to all of our Public Works employees, those of you who are here and those of you who are not.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I know that oftentimes your work is not the glamorous work, but if you did not do the work that you do

we would have major holes in the road, we would have lines that weren't working, we'd have water that's not running. So I want to thank you all. I know some of the jobs are messier than others, smellier than others but we appreciate everything that you do for the public and for Santa Fe County. And what the public doesn't often understand is that you're providing great customer service. Thank you very much.

CHAIR MAYFIELD: Thank you. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: Yes, Adam, to you and your crew, for some reason I thought Public Works was only about fixing roads, because that's what I was focusing on, but you have a lot on your plate, just on roads alone. Forget about the potholes – well, you can't forget about them but without a well maintained road system how would our emergency medical equipment get to people, and even law enforcement. So I think well maintained roads, well maintained buildings go hand in hand with a safe work environment for both our employees and for our customers, the public. So congratulations. I think that this is well deserved and it probably doesn't capture everything that you do because as you pointed out, there are cases where an employee will go above and beyond the call of duty and that has nothing to do with Public Works or fixing roads or anything, but it's about building that trust or maintaining the trust between local government and the public that we're responsible for. And so I think that goes a long way. So congratulations to all of you.

CHAIR MAYFIELD: Vice Chairman Anaya, please.

COMMISSIONER ANAYA: I ditto and echo the comments of my colleagues. Some of these people are standing up here, they're all dedicated employees to public works but they're friends first and employees second in my book but I appreciate what you do, what you do, what you do, every day, day-in and day-out. And Mr. Leigland, you made some comments at the beginning of your presentation. You actually got on a scissor lift with Tim and saw what he dealt with and helped him. You actually ran some barbed wire with Albert and it sounds like you've been getting out with some of the road crews as well. Well, I have a lot of respect that you're doing that. I think that shows leadership and a desire to understand what's happening, day-in and day-out. So I appreciate that you do that and your staff does that. I know Robert does that and others but I appreciate that – you told me you did it and you actually went out there and rubbed shoulders and worked and put some gloves on and helped them do their job. There's no better way to understand what's going on that to participate yourself. So for that I appreciate that you took that effort and went out there and did that.

MR. LEIGLAND: Thank you, Commissioner Anaya. The truth is it's just more fun than sitting in front of a computer doing email.

CHAIR MAYFIELD: Mr. Leigland, hopefully you reported that to Workers' Comp, putting all that wire on your hand there. But again, I just want to echo, we have 148 in your department. I know very few are with us today. I want to thank you all who are with us and those who are listening and/or watching TV but the majority of them aren't because they're out there doing work for the County and I just really want to appreciate them. They live it, breathe it day-in and day-out. They hear from our constituency of maybe we'll do it this way or do it that way but they're professionals, and I really appreciate all the work you do for our County, and Mr. Leigland, I also want to recognize you for the great work done in your department and that you are out there working hand-in-hand with your employees. I really respect that, Mr. Leigland. So thank you all. I think we're going to hopefully, if you all

indulge us with a photo op I would be honored and I think the Commission would really like to take a photo with you all.

[Photographs were taken.]

CHAIR MAYFIELD: Again, thank you all for the great work you do for our communities. Commissioners, I'm going to take the liberty – I know that Mr. Shaffer was introduced this morning at the budget session. I want to kind of jump around ask Ms. Miller for an introduction of Mr. Shaffer for our first BCC meeting together, please.

MS. MILLER: Thank you, Mr. Chair. Yes, I did introduce Greg earlier today but as you know and staff knows, our County Attorney of, gosh almost 10 ½, 11 years, Steve Ross went on back to private practice last month. We were very fortunate to be able to find a replacement who has experience at Santa Fe County. Greg Shaffer, aside from his years in private and corporate law doing litigation practice he was also an Assistant County Attorney here for two to three years and then in – I want to say 2006, was it Greg? In 2006 went to the State and worked in the Department of Finance and Administration and I must say I actually did steal him from the County at that time, and was an attorney at the Department of Finance and Administration. And then in 2010, the end of 2010 I was already back here at the County and then he was appointed as the general counsel for the Department of Finance and Administration where he has been serving as general counsel. He's worked with two administrations and overseen Local Governments Division on legal issues as well as intergovernmental through joint powers agreements all across the state, dealing with a variety of issues in the Legal Department and the Department of Finance, you pretty much touch every aspect of state and local and even federal governments.

So we're very fortunate that Greg wanted to return to the County and he started last week. So this is Greg Shaffer and welcome Greg. I don't know if you would like to make a comment but we're very happy to have you here.

GREG SHAFFER (County Attorney): Thank you for that very warm introduction and I would just say again it's my great privilege and honor to be back working at the County. I look forward to working with each of you. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Shaffer and welcome to Santa Fe County once again.

VI. B. 2. National Emergency Medical Services Week, May 18 -24, 2014

CHAIR MAYFIELD: Chief, please.

DAVE SPERLING (Fire Chief): Thank you, Mr. Chair, Commissioners. It's my privilege to be here today, requesting your support in recognizing and honoring the Santa Fe County Fire Department emergency medical technicians, or EMTs during the upcoming National Emergency Medical Services Week, scheduled for next week, May 18th through 24th. EMTs in Santa Fe County and across this country traditionally have served as a safety net for America's healthcare system. And it's long been recognized that access to quality emergency healthcare dramatically improves the survivability and recovery of those who experience sudden illness or injury.

Emergency medical services providers of Santa Fe County are both volunteer and career staff who are well trained firefighters and emergency medical technicians. Many of them cross-trained in both disciplines. These are dedicated professionals who strive every day to provide top quality emergency medical care and safe transport services in Santa Fe County and throughout the region. On our career staff alone we support 19 emergency medical technician basics. These are individuals who have 160 hours at a minimum of training. We also have 25 advanced EMTs. They undergo an additional 80 hours of training, and then we support 20 paramedics who truly lead our emergency medical services provisions out in the county and these individuals have in excess of 1,500 hours of classroom and field training in order to be able to provide to quality services.

Right now we have three paramedic students who are just winding up training at the Albuquerque Fire Training Academy. They have been participating for the last nine months in the paramedic program. We have three career students and a couple volunteers who are enrolled in the advanced EMT class at the Santa Fe Community College, and we have an EMT basic class underway in the southern district – Edgewood, with approximately 20 students from Santa Fe County and other surrounding agencies.

So I'm proud to be here asking your support and recognition of our emergency medical technicians during the upcoming week of May 18th to 24th. And with that I'd stand for any questions you may have.

CHAIR MAYFIELD: Thank you. Commissioners? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just want to say that EMTs are a very important part of the well being of our community. I heard some really sobering statistics the other day that responding to 911 calls is the most used service of our fire departments, in general, throughout the country I believe. And I think it was something like maybe even 80 percent of the calls to fire departments are 911 calls.

I'm also personally thankful to the EMTs of the Hondo Volunteer Fire Department. They helped rescue me when I had my horseback riding accident, and I don't remember much about that day because I had a concussion – you can probably tell. I sound kind of dingy now. But one thing that I do remember is the voice of the EMTs who came to rescue me saying, Mrs. Holian, we think that you ought to lie down on the stretcher now. And I thought to myself, yes. That is what I should do. It seemed like a very good idea. So anyway, I want to say a big thank you, not just on behalf but on the behalf of all the people in Santa Fe County to all of our EMTs for their service to the community.

CHAIR MAYFIELD: Commissioner Stefanics, please.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and please convey my thanks to emergency medical services personally. I have several neighbors who, living in the rural areas of the county, depend upon those emergency services and I've had more than one neighbor say to me thank goodness there was a service available, otherwise I would have died. And just convey that message. It means a lot to the people living out in the county. Thank you.

CHIEF SPERLING: Thank you, Commissioner.

CHAIR MAYFIELD: Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I've spent my entire adult life in and around emergency medical services and the work that goes on in this county and in the region and have nothing but the utmost respect for all of them and for their numerous hours of

training and sacrifice and their work on calls on a 24/7 basis throughout the county and in the State of New Mexico. So thank them all for their service and their work. Thank you, Chief.

CHAIR MAYFIELD: Chief, I also just want to give recognition and thanks to all of our service providers, our emergency medical service providers. They do an outstanding job. Not only do they serve Santa Fe County residents but there are some very close county lines in proximity to Santa Fe County and I know at least Med 50 does a lot of call volume up in the Rio Arriba County area. So I just want to recognize that and thank them and that is very much appreciated, knowing we do have those MOU agreements with our other neighboring entities, and again, the work they do as Commissioner Anaya stated, 24/7. Doesn't matter if it's Christmas, Thanksgiving, what holiday – they're there to assist when needed and hopefully they're never called on but I know that they're called on quite frequently. So thank you, Chief, for bringing this forward and for supporting and promoting this. Chief, I will close with you but at the end of the mike, you have a quick little second or two to do a recruitment campaign if you care to.

CHIEF SPERLING: Thank you, Commissioner. I'm really proud of the fact that our volunteer and career staff work hand-in-hand, whether it be providing EMS services or firefighting services or both. And we're always in need of volunteer firefighters and volunteer personnel who, if not interested in serving in a firefighting capacity or an EMS capacity, are interested in providing whatever services, skills, experience and knowledge they can bring to our operation. We welcome them all. We have 14 fire districts representing the far reaches of Santa Fe County and there's always a home for someone who is interested in volunteering through out system for Santa Fe County and we take great pride in working a system that brings career and volunteer together. And where the rubber meets the road you can't tell the difference. And that's not something that every combination fire department chief could stand up and tell you honestly and I'm up here telling you that's the honest truth and we're very proud of being able to accomplish that mission. So anyone out there who's interested, we have room for you and I appreciate the time, Commissioner.

CHAIR MAYFIELD: Thank you. Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, Chief Sperling, could you speak just briefly to the fact that there are many people who would like to support or work in the volunteer system but maybe don't have the physical capacity to meet the rigorous training associated with being a firefighter and EMT, but there is an auxiliary program within our volunteer system that affords the public a mechanism to help with those same departments in administrative functions and fundraising efforts. Could you speak to that a little bit as well?

CHIEF SPERLING: Thank you, Mr. Chair, Commissioner Anaya. Each of our districts supports an auxiliary and that is often comprised of members who, some of them have already served in a firefighting capacity and feel no longer capable of doing that, and some who just come forward wanting to contribute in any way they can. And they manage some of the administrative functions that happen on a daily basis at each district, as well as supporting the active firefighters and EMTs out in the field when the need arises. So they might do food services, beverage services on extended scenes and help coordinate the administrative and non-emergency activities of the district.

So as I said earlier, we welcome all comers, anybody who has a desire and feels like they can contribute we're all about it.

COMMISSIONER ANAYA: Thank you.

CHAIR MAYFIELD: Thank you again, Chief. Commissioners, because we went off the agenda a bit I'm just going to finish up on Discussion/Information items and we're going to go on to VI. B. 3, Presentation recognizing the students. Are they here?

MS. MILLER: Mr. Chair, they won't actually be here until after school, so around 4:00 is what we're estimating.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Do we need a formal vote to recognize National Emergency Medical Services Week?

CHAIR MAYFIELD: We'll take that. I don't think we need it but if you want to take one we can take one.

COMMISSIONER ANAYA: It wouldn't work. I'd move that we acknowledge National Emergency Medical Services Week.

CHAIR MAYFIELD: I will second.

The motion passed by unanimous [5-0] voice vote.

V. MATTERS OF PUBLIC CONCERN

CHAIR MAYFIELD: So Commissioners, I'm going to go really quick to discussion items of Matters of Public Concern and that is item V in front of us. If there are any members of the public at this time who would like to bring up a matter to the Commission that is currently not on the agenda. Sir, if you could come up and just please state your name. And Commissioners, we will be going back through this agenda throughout the day or evening. Yes, sir.

RUBEN ORTIZ (Corrections Department): First of all, my name is Ruben Ortiz with Santa Fe County Corrections Department. And first of all, you need a little bit of history of myself. I come from Las Vegas, New Mexico, about an hour away. I have been working for Santa Fe County for roughly about 6-1/2 years. Commissioner Anaya, I have seen you there quite a few times. Appreciate that. First of all, we want to thank you for going into our facility and meeting with us on an individual basis and we ask that you may also go in there and speak to us as individual officers.

First of all, right now we are being told that we have monies coming in for our staff members, which include case managers, teachers, and corrections officers. Right now, we're also being told that if we don't vote on the particular union that those monies will be canceled. We are respectfully asking that whomever goes in there where there's a coalition of public safety officers or AFSCME that they may be treated in a fair manner and that nothing will be done to them. We are being told that if we don't go with New Mexico Public Corrections Officers that we will have repercussions and we are asking that nothing be done to those officers.

We have individuals that have been there for a lot longer than I have. We have staff members that have been there or are up in their 60s and they do a really, really good job and we can't thank them enough. So we just want to ask you that nothing happens to them and that you may once again go in there and talk to us as individual officers and see what's going on. We have a lot of issues that are not being met by our administrators and we had asked

them if there's no monies there that they not even tell the officers. The officers are right now living on paycheck to paycheck and they depend on that money and when it's being told that they're going to get raises and then all of a sudden that they're not going to get raises because something like this is happening, that is really, really gets to my heart and I – how shall I put it? They're like my brothers. I want to go out there and just argue with them. But whatever is happening that they may put a stop to it.

CHAIR MAYFIELD: [inaudible] Commissioner Stefanics, please.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I believe that this is a union matter and I would ask our County Attorney, Mr. Shaffer, to investigate some of the comments that were made today. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: I would agree with Commissioner Stefanics. I appreciate that you came forward and would say that the will and desire to collective bargain comes from the employees and that this Commission has fully respected their desire and their intent to collectively bargain with who they choose. And I think Mr. Shaffer can follow up with some additional information but I thank you for coming forward and bringing forward your comments and your concerns, very much.

CHAIR MAYFIELD: Thank you for coming in and I echo the comment.

MR. ORTIZ: Thank you. Once again, we're just asking if you have a chance to go in there and talk to the individual officers, see the issues that are going on you'll find out a whole lot different things. And we want to see you there because with you there, you're backing us up. So whether it's on the streets or whether it's behind the walls, like what we say, we want to see you and we want to talk to you more as officers. But I appreciate your time. Thank you. Thank you for your concern.

COMMISSIONER ANAYA: Thank you.

CHAIR MAYFIELD: Is there any other members from the public who would care to provide public information to this Commission that's not on our agenda today? Seeing none at this time we are going to move back, Commissioner to item IV. A. 1.

IV. ACTION ITEMS (Public Comment)

A. Ordinances

1. **Ordinance No. 2014-___, an Ordinance Approving the 2014 Economic Development Plan; Repealing on a Limited Basis Ordinance No. 1996-07; Providing for Detailed Rules to Be Applied to Assistance of Qualifying Economic Projects, Including the Qualifications of Applications, Requiring an Application, Requiring a Project Participation Agreement and Specifying Its Contents; Providing for Limitations on the Amount of Assistance Permitted Pursuant to the Local Economic Development Act; and Requiring a Special Fund for Monies Received or Held for an Economic Development Project (Final Public Hearing)**

DAVID GRISCOM (Economic Development Manager): This is the final hearing, Commissioners. Thank you, Mr. Chair, Commissioners. So what you have before

you today is a new Economic Development Ordinance for the county. This ordinance will amend and repeal Ordinance 1996-07. Just a little bit of history, quickly, on the 1996-07 ordinance, it's a LEDA ordinance, the County adopted the Local Economic Development Act. We successfully completed three LEDA project using this ordinance – Santa Fe Studios, BTI and Santa Fe Farmers Market. The new ordinance that you have before you is very similar to that ordinance. There's some changes, a few amendments, but for the most part it is by and large a LEDA ordinance. With what I'm telling you today I'm also going to express that we're going to table this ordinance and I will defer to the County Attorney for further comments on that but I will go ahead and give a brief presentation for you.

One of the key elements to this economic development ordinance, 2014 –

COMMISSIONER STEFANICS: Mr. Chair. I really appreciate what you're doing, Mr. Griscom. We did go through this last time and if there's going to be changes from the County Attorney, don't you think we should wait for a presentation until we have those changes?

MR. GRISCOM: Mr. Chair, Commissioner Stefanics, we can certainly do that. I was told to present to you.

COMMISSIONER STEFANICS: Okay. I'm not trying to dampen any of my enthusiasm for this project, because I think we should have it. Ms. Miller or Mr. Shaffer, do you know when this review would be done and come back to us? Like in two weeks?

MS. MILLER: Mr. Chair, Commissioner Stefanics, there were a couple small technical issues to be addressed really quickly. I think it has to do with definition of qualifying entity as well as delegating authority with the process for an applicant. I think some other things though, and it's all up to whether you want us to expand it a little more but some matters that you could consider are more of policy matters like minimum returns on investments, like jobs, taxes, allocation of costs necessary and some things like that. So I suppose it depends on whether you'd like us to look at all of those things. Part of the reason I did want David to still present is whether you would like – I think the technical changes, yes, those could be fixed by the next meeting, but if you'd like us to do a little bit bigger expansion on policy matters that Greg noticed when he reviewed it it might take maybe to the end of the month. And it was to look at things like those issues of whether you want in the ordinance return on investment if we do make investment into an economic development project relative to jobs, any kind of tax level, any allocation of costs for professionals, whether that would be on an applicant or not, maybe any type of minimums of public to private investment ratio.

If you'd like us to look into those they might be a little bit more extensive and take a little bit longer.

COMMISSIONER STEFANICS: So, Mr. Chair, Mr. Griscom, in terms of the review, and I'm talking about what Mr. Shaffer is going to do with your product, what is it you desire to have done?

MR. GRISCOM: Well, one of the most important elements to this ordinance is that it adopts the economic development plan. And so for me, moving forward, we've been in the planning process for this economic development plan for a year now and we need to adopt that. That's the most important thing.

COMMISSIONER STEFANICS: So, Mr. Chair, Mr. Griscom, is this economic development plan tied in with our new fiscal year or it doesn't matter?

MR. GRISCOM: There will be an economic development budget for FY15 that you will review and it is tied into the economic development plan. All of the items listed in that budget are directly referenced, or most of the items directly reference action items in the economic development plan.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, I think that hearing the details that you wish to share with us is important.

MR. GRISCOM: Well, I'm not going to actually go into the details of the economic development plan unless you want to and we can certainly discuss that. I'll just briefly mention that we did receive comments from the public. We received comments from all of you Commissioners. We received comments from the Clerk. Those comments have been incorporated into the economic development plan and the plan is – the draft is before you now.

Just a few other things to mention, there is an FIR with this ordinance. The FIR is dictated by LEDA, the Local Economic Development Act, which stipulates that we can only spend ten percent of the general fund on any give year on LEDA project. So we have that limitation to work with. We do have some flexibility within that. The general fund is up a little bit and we have some money committed to a guaranteed loan through a previous LEDA project, but we have some flexibility.

So with that I will stand for any questions.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. David, I guess – I want to touch on part of the economic development plan that is different from funding projects or any kind of business activity and that would be the Art and Cultural Committee that would try to capture, if you will, or focus on the cottage industry and the arts and crafts that are produced in the area. And I know that there's a lot of discussion about creation of a new Arts, Cultural and Tourism Task Force, which is something that we're working on. We hope that that task force will be able to partner with the City so that the City and the County will be able to work together in promotion of not only arts and crafts but I think tourism that's related to that arts and crafts market.

There's a lot of discussion about support and development of a cultural corridor, something that I hope would be countywide. On page 25 and 26 there's a lot of talk about a timeframe and strategy for this kind of work, both in Santa Fe and Santa Fe County. So those are the things that I'm going to be interested in. I'm interested in all of the economic development components but the one thing that I think we've missed the mark on is the branding of our handmade items. And I think that – well, I'm going to read this because this is a policy, it's policy 1.3. Build capacity to collaborate and enhance the Santa Fe brand to include both city and county and feature the distinctive assets and attributes for business activity. We know that Santa Fe's brand is strong but limited in topic and geography.

I think it's an understatement that it says, it would benefit the artists and craftsmen, a branding campaign would definitely help the artists and craftsmen in the area because then the public would know, the consumer, the buyer would know, that these are handmade. That they're authentic, and this is what we're promoting.

And so it's not to take anything away from anyone else, the gallery system or anyone else that might be selling a product that may be produced somewhere else, but we're also

going to focus on what's handmade here. And so all those pieces are in here. I wanted to touch on those just briefly and hope that as we organize the Arts and Cultural Committee, the task force, that we can focus their work on some of the strategies that you've laid out. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Griscom, I appreciate the work on the plan and specifically I want to reference a few things and then maybe have you help me find a few others. But I want to go to your portfolio approach on page 22 where we talk about workforce development, I had a specific request that we work closer with our internship programs, specifically the Northern Workforce Board and the efforts, as you note in page 22, Youth Works, Americorps, SER, Jobs for Progress and others. I think this is an important component that crosses every sector of economic development and targets specifically our youth and our youth initiatives. So I appreciate that inclusion.

And the other items that respectfully I provided comment on based on feedback that I've had from the community, can you direct me to the section that deals specifically with higher education and coordination aspects around economic development? I know you've been in coordination with the people in EVEDA that I spoke to earlier in the study session and had some preliminary discussions with the Town of Edgewood and others, but can you show me the section that speaks to capacity building and education around our higher education institutions throughout the county?

MR. GRISCOM: Mr. Chair, Commissioner Anaya, yes, give me one second.

COMMISSIONER ANAYA: Thank you.

MR. GRISCOM: If you turn to page 8, we have a section on workforce development and education and added some language based on your comments from that meeting several meetings ago, into that section. And this basically talks to the need to partner with Santa Fe Community College to develop a pipeline of trained professionals to be able to work in the target industries that we're identifying in this economic development plan. It also talks about the need to partner with Youth Works and I've had several conversations with them about two different options of either their working directly with the County, as County employees, or being hired by county businesses where the County subsidizes a portion of their hourly rates and Youth Works subsidizes the rest.

I've also had conversations, as you noted, Commissioner Anaya, with Town Councilor Sherry Abrams in Edgewood and well as the Mayor, Brad Hill about this idea of either CNM extension campus there, somewhere outside of Edgewood, or Santa Fe Community College extension, somewhere outside of Edgewood. There was a lot of discussion at the time about what was happening with those two elementary schools and whether or not those two elementary schools are vacated, if those premises could be used for an extension from a community college. So those are ongoing discussions.

COMMISSIONER ANAYA: So, Mr. Chair, I would just – and I would leave it to you, Mr. Griscom to tell me if it is or it isn't, but any educational or economic development opportunity that complements the work of Santa Fe County is something – complements and assists the work of Santa Fe County is something that we should keep on our radar. So does this document sufficiently cover coordination aspects with an organization like EVEDA with another institution of higher education? We have some specifically noted

in here and some that are not. I just want to make sure we have something in the document that captures that our interest is to coordinate the needs throughout the county and the region with whichever entity might be most appropriate.

You specifically list Santa Fe Community College. It may be them but it may not, depending on what the location is. It could be Northern New Mexico College, for example, and I don't know that they're noted in here. So I just wanted to see if there's some simple language we could make sure that's in here or that we add that we're going to coordinate with our communities and partnerships that currently or may exist.

MR. GRISCOM: Mr. Chair, Commissioner Anaya, I appreciate that comment. I'll have to go back and read this section on page 9 under workforce development and education again. There is language that points to partnering with these entities and I believe – I'll have to check and see if Northern is listed. But there is language that points to partnering with them. In terms of the County serving some kind of overall coordinating role, there is not and I don't know that that's – we'd have to look at the –

COMMISSIONER ANAYA: Let me give you a specific example. EVEDA just recently was able to bring in a company that's going to do manufacturing in the City of Moriarty. It's an opportunity to bring jobs and training into the region. Those jobs are not just going to be limited to people that live in the boundaries of Torrance County or the City of Moriarty or Edgewood, there's going to be Santa Fe County residents that have a direct benefit from that company. So when there are opportunities like that, I just want to make sure our plan can adequately work with those, in partnership with those groups to help them achieve their objectives, because there's going to be a definite gain. So that's the type of language that I'm after and if we need to just for a little while postpone the final vote on this today and make sure that's in here, I'd rather do that then pretend it is and vote on it without it. So I just want to make sure we have a mechanism, not to say we're going to be the lead entity, but that we will step up and coordinate our efforts with a mutual benefit. Does that sound reasonable?

MR. GRISCOM: Mr. Chair, Commissioner Anaya, it does sound reasonable and I appreciate your comments. I do work fairly closely with Myra Pancrazio at EVEDA and I am aware of that company that's moving in. Most people are. And yes, I completely agree there will be spin-off effects in Santa Fe County, not just in terms of potential new businesses created by new jobs created and impacts on residents. That will be a substantial economic impact for Moriarty and the surrounding area. So I completely agree. As I mentioned, I do coordinate with EVEDA and I will put in some further language on ensuring that we have that two-way communication.

COMMISSIONER ANAYA: I would appreciate it. Thank you, Mr. Griscom. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Vice Chairman. Commissioner Stefanics, please.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. It's on some of Commissioner Anaya's comments. In terms of the education, I would almost think that you would want to be general about pursuing opportunities because my understanding is that different community college districts are tied to the public school districts and then would affect property taxes.

COMMISSIONER ANAYA: That's correct.

COMMISSIONER STEFANICS: And so the more general we could make it in terms of opportunities without tying something then it would allow us to pursue grants and opportunities and maybe some public-private partnerships with a company that is actually starting up. But that's just a general comment. Thank you.

CHAIR MAYFIELD: Thank you. Mr. Griscom, thank you for bringing this forth today. I think we might be tabling this for a future date, just kind of hearing some of the questions. But I'm on page 25, I believe. Let me just go flip back. Policy 1.1. and this is going to back to the Sustainable Land Development Code. I'm glad to see a lot of references made back to the SLDC, knowing that we're currently working on a zoning map, which has a huge impact in my mind on potential economic development for Santa Fe County. I know I've brought up the fees to make a one-stop shop, more user-friendly fees for some promotion. Can you elaborate a little more on this section, please?

MR. GRISCOM: Mr. Chair, Commissioners, yes, thank you. This is a very important piece. This is what we see as a quick win for the County, but essentially, we're charging, I think it's \$35 for business registration whether it's home office or otherwise. I did a very quick and informal comparison to some of the surrounding counties and municipalities as to what their processes were and how much they charge for their business registrations and it ranged anywhere from \$35 to I believe it was \$70 on the high end and the required documentation that they had for their business permitting process was a little more streamlined, a little easier to maneuver your way through.

So this is something that I've targeted, I want to work on. I believe that this is on hold until we get the zoning map adopted and we're going to target the fee ordinance. That's when we'll address this.

CHAIR MAYFIELD: Mr. Griscom, on bringing up the zoning map and I'm glad you did, you're out there in the communities day-in and day-out. I see you at numerous meetings that we meet up on so I'm sure you hear from the public of what they think could be of easier benefit to help promote some local economic development, and I just happen to run into you in Ms. Ellis-Green's office a little earlier today. But I'd like to hear your perspective on that. I think again, Santa Fe County zoning is critical to us. I know that we can look at it, I guess more regionally or centralized, where we want to try to promote that through an SDA-1 area or potentially an SDA-2 area, but I still want to make sure that we give the opportunity for a local mom and pop shop to have the ability to succeed, and I want to hear your perspective on that, please.

MR. GRISCOM: I think that there's going to be some mom and pop shops that will be negatively impacted from the zoning to be perfectly frank with you.

CHAIR MAYFIELD: Thank you for saying that, because I believe the same.

MR. GRISCOM: And none have come forth yet, at least to me, but I can see that there will be some challenges. I want to make sure that we don't – that we minimize the impact to the mom and pop shops and if you look at Santa Fe County's economy the bulk of it is based on small businesses. It's these small businesses that we need to take care of. So I won't comment any further as to the merits of the zoning process and what not, but we hope to minimize the impact on small businesses.

CHAIR MAYFIELD: But I think it's important for you to comment as far as what you believe the potential zoning map could do for economic development within Santa Fe County.

MR. GRISCOM: So early on, I sat down and did a quick analysis with my colleague in the Planning Department to look at how much commercial land was available per capita and how much industrial land was available and how much we were setting aside in the zoning that would be available. In fact, according to my colleague, we are allocating more commercial and industrial land in this zoning process per capita than the average around the country. So I feel comfortable that we have sufficient commercial and industrial space for these businesses to operate in. It's just a matter of getting – of not impacting them negatively with the zoning process.

CHAIR MAYFIELD: Thank you for following up with that. Also, Mr. Griscom, what about working – and I'm sure it's in here – working collaboration with our governmental entities out there, trying to secure HUD funding, secure any bonds that we can try to partnership on, knowing that the infrastructure may not be located in Santa Fe County. It could be in a neighboring county but that there could be great economic benefit for all of us in that partnership.

MR. GRISCOM: Mr. Chair, absolutely. My philosophy has always been and will continue to be that a rising tide lifts all boats, and I've been operating on a fairly regional basis. I came from the Regional Development Corporation prior to working here at the County and I recognize that by working with Rio Arriba economic development, for example, or the City of Santa Fe economic development, which I do on a regular basis; I work with their staff, that the County is going to reap the rewards. If it's specific to Santa Fe County as Carole pointed out this morning, even though the business may be located in the City of Santa Fe, we're still getting 1.25 percent of that GRT. We get 1.75 percent of that GRT if it's located in the county.

Nonetheless, our laborshed is fairly broad. It includes Los Alamos County, Rio Arriba County, so by supporting my colleague in Rio Arriba County in economic development efforts I know that it's going to benefit the regional economy.

CHAIR MAYFIELD: Mr. Griscom, you and I were both at a breakfast meeting the other morning and there was one company that's leaving Santa Fe County. I won't say it by name. They're moving over to Rio Arriba County and I know I asked you to follow up and look into that. Can you just do some general statements on that please?

MR. GRISCOM: So, I did, and I researched that, Commissioner. It came down to land prices, something as simple as that, and he was able to find a piece of land in the City of Espanola that was much cheaper.

CHAIR MAYFIELD: Did it have anything to do with our zoning?

MR. GRISCOM: It had nothing to do with our zoning.

CHAIR MAYFIELD: That's good to know. Thank you. We talked a little bit about educational dollars and I know we've talked of higher education, but let's talk about cradle to higher education. Have we tapped into any potential federal funding from the laboratory STEM dollars or looked at that in our economic development plan?

MR. GRISCOM: We are not tapped into federal funding through LANL other than the venture acceleration fund, which is a Los Alamos Connect program and in the proposed economic development budget I am proposing that we become a partner in the venture acceleration project, which essentially allows us to invest directly into start-ups and small businesses. It's not specific to LANL technology or LANL spin-offs or what not but it would be specific to Santa Fe County companies.

CHAIR MAYFIELD: Thank you. And for all the tech transfer companies, start-up companies they're talking about that goes through the venture acceleration fund? Or is that separate?

MR. GRISCOM: The venture acceleration fund is grant program that's co-funded by Los Alamos National Lab, Los Alamos County, Rio Arriba County, City of Santa Fe and hopefully Santa Fe County, and it's a grant program that provides up to \$100,000 for these start-ups with a claw-back provision that if the company is bought out, if the company moves from the county, or actually if the company moves from the state, or if the company achieves certain revenue targets, that they have to return that grant in whole in principal.

CHAIR MAYFIELD: Thank you. Ms. Miller, I don't know if you've taken note of this. Maybe you're well aware of it but I'd like to look at this potentially for a request in our upcoming budget, to partnership with this. I think it could have a big return on us fiscally, an economic boom for Santa Fe County also, if we could just have that in one of our future workshops.

And I guess my last question, and you may have touched into it, but with LEDA dollars, so right now with the work that Santa Fe County has done with the Santa Fe Film Studios, are all those LEDA dollars tied up? Can we – what's kind of the ruling on that?

MR. GRISCOM: So, Mr. Chair, as I mentioned earlier, the LEDA statute 5-10-4, Section B, stipulates that ten percent of our general fund can be allocated towards LEDA projects in any given year. We have a certain amount already allocated to our guaranteed loan for the Santa Fe Studios but we do have a bit of a cushion there because they've been buying down or paying down that principal on that guaranteed loan, which frees up money on our end. So we do have some flexibility.

CHAIR MAYFIELD: But do we know what the dollar flexibility is at this time?

MR. GRISCOM: I do.

CHAIR MAYFIELD: Can you tell me please?

MR. GRISCOM: \$1.48 million for LEDA projects that's available.

CHAIR MAYFIELD: Ms. Miller.

MS. MILLER: Mr. Chair, Commissioners, I actually want to review that. I think that it may depend. There's some statements in the agreements with the Studios that may make that different, may make that a larger possibility, but it really then is going to come down to having some standards of how we want to address that, and that's something I mentioned. I believe you were out of the room, but in the beginning about how we actually approach reviewing a LEDA applicant, because we're kind of silent on that in the ordinance. It just say, oh, here's what the statute says. I actually think that's an area. If we don't do it right now I think there are some technical fixes to this ordinance that are really minor that we should make before you vote on it. There are things in definitions of qualifying entity as well as delegating authority, but then some bigger policy issues that if somebody did come forward with a LEDA project, how we would set some standards of jobs, how we might set standards of taxes, how much of a percentage. If we have up to ten percent of our general fund that can be expended in a year on a LEDA project how that's determined and how much could be allocated to any one project.

So there's a few things I think would be really good to still consider amending. If you adopt the ordinance as it's written with some technical changes but then go back and look at

some of those things that are kind of bigger policy issues that I'd really like to vet out a little better with David, with Greg and with Finance, exactly how those things are calculated.

CHAIR MAYFIELD: Thank you. And my last question for today would be on REDI, on our telecommunications technology. Is that addressed also? And how will we address that for our infrastructure?

MR. GRISCOM: Broadband is addressed in this plan. We're calling for redundant and ubiquitous broadband insofar as that's possible. REDI-Net is addressed in this plan as well. One of the things in the FY15 economic development budget is to fund a contractor to come in and essentially tell us where we can get the most bang for our buck. There's a lot – this is a fast-moving industry and there's a lot of pieces at play. Commissioner Anaya mentioned the company moving into Moriarty. Essentially this is going to open up the broadband market because it's going to be a solar powered glider that stays aloft for five years that essentially serves the purpose of providing broadband over a service area that it flies around. Things like that demonstrate just how quickly and how technologically engaged this industry is.

We have some other ideas. One of those is to directly invest into two towers, one in the south, one in the north to provide services for the ISPs so they would lease the towers from us, lease the space from us and relay their signals to some of the rural parts of the county that are underserved.

So broadband is addressed in this economic development plan but as I mentioned we need to be very careful about where we spend our money and that's why I feel comfortable with bringing on a contractor who has professional expertise in this arena.

CHAIR MAYFIELD: Thank you. Commissioners? Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I actually think we've had a lot of work on this document and Mr. Griscom's been working on incorporating feedback and I just have a couple things I think I'd like to propose as amendments that are relatively simple amendments. On page 9, if you go to the top of the page, second paragraph, it says Santa Fe County must also consider the quality of education generally in the performance of all its schools and students as vital precursors to effective economic development. Students who fail to graduate from high school or do so lacking basic employment skills will prevent the county's economy from reaching it's potential and discourage companies and entrepreneurs from establishing operations. Therefore staff should be working with all county public education districts. And I would just insert, and institutions of higher education that serve our region to improve their performance.

And then to my earlier question, Mr. Griscom, you had it in here relative to partnerships, if you go to page 10 at the bottom, it speaks to partnerships and says Santa Fe County is part of a closely linked interdependent regional economy with numerous critical stakeholders representing the public, private and NGO sectors. What's NGO?

MR. GRISCOM: Non-governmental organizations.

COMMISSIONER ANAYA: Non-governmental organizational sectors. And it speaks to the City of Santa Fe and it also goes on in that second page to list the partners in Santa Fe but also in the north and our Native American tribes and lists the EVEDA as one of the partners as well. So I think that adequately covers the intent to work in collaboration and partnership so I would just propose that one amendment to the document to cover institutions

of higher education, and I would defer to my colleagues but I would be prepared to vote on this today.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I think there are some details that still need to be worked out but I also agree with Commissioner Anaya that the ordinance may need some definitions but I think that the document itself, the economic strategic plan that dovetails with the ordinance – and I don't think that there's anything left out. I think a lot of this will work itself out as we move forward. I'm on page 37. This is policy 6.2, build capacity, explore how Santa Fe County can better support our artists outside the city, marketing galleries and destinations other than Canyon Road. It also would encourage business training for artists and things like that.

I focus again on the cottage industry because it's here. We don't have to entice too many artists to come here; they're already here. Some of them are doing well. A lot of them could do better. It's not to say that we shouldn't pursue some of the larger economic opportunities but everything is in here to build that economic engine that we need to keep on that track. And there are different components to it; there are different pieces, but all of those pieces have to be working together or it's not going to work. Am I too far off in making that statement, David?

MR. GRISCOM: Mr. Chair, Commissioner Chavez, no. I completely agree.

COMMISSIONER CHAVEZ: And so when we talked about, on policy 6.2 it says many artists living and working outside of the City of Santa Fe are removed from the potential buyers drawn to the galleries downtown and on Canyon Road and so need help developing other means to reach markets physical or virtual, or even an export market. That's another thing that we really haven't touched on. We want people to beat a path to our door; that's not going to happen. We have something – we have components that we could export if we looked for those export markets.

And so I think it gives us different opportunities, different potential to increase sales and generate gross receipts to continue the work that we need to do. So for those reasons I think that there is enough in here to take action on, not leaving out the other definitions and work that needs to be done for the ordinance itself. So I just wanted to build on Commissioner Anaya's comment a little bit and go back to the strategic plan for the areas that I'm more familiar with and that I know more about. I don't know too much about the LEDA projects and that gets real complicated and real technical because you want a rate of return. You have to justify that. So that's a whole other area that I'm not real familiar with. I'll get up to speed in those areas, but I hope that we can start building on the foundation that we already have and then move up from there. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Commissioners? Commissioner Stefanics, please.

COMMISSIONER STEFANICS: Mr. Chair, I favor supporting the ordinance when it's completed. And from what I have heard today, the Attorney, our County Attorney has some language to review, and I don't want to vote on an ordinance twice, because then it becomes two ordinances in one year. So for that reason I wouldn't support passing it today. Thank you.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioners, any more comments? Vice chairman.

COMMISSIONER ANAYA: Mr. Chair, so Mr. Shaffer, what's your recommendation?

MR. SHAFFER: Mr. Chair, Commissioner, I think that the very minor technical items that were discussed and put on the table by the County Manager could be accomplished fairly quickly and could be brought back at the next Board meeting. It would not be a particularly heavy lift, or we could try and get through it today with some language that we propose as we go forward. It's always a little bit of risk of drafting on the fly that we might overlook some things and not give you adequate time for consideration, but the minor things that were discussed, again, could be brought back expeditiously at the next meeting. The larger picture framework for evaluating applications, minimum returns on investment and the like, that would take a longer period of time and that would be your decision as to whether you want to backfill with that a later time or hold up the project where it's at while those are developed.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman, please.

COMMISSIONER ANAYA: That said, I think in the interest of Commissioner Stefanics and your comments, I'd move to table to the first meeting in June.

CHAIR MAYFIELD: Commissioners, this is noticed for a public hearing. I would like to see if there are any members of our public who would care to comment on this, please. Are there any members from our public who at this time would like to comment on our proposed ordinance of adopting the 2014 economic development plan? Seeing none, this portion of our public hearing is closed. Commissioner, would you restate your motion please?

COMMISSIONER ANAYA: Mr. Chair, I'd move to table to the first land use meeting in June.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Thank you. We have a motion and a second for tabling. That is non-debatable.

The motion to table passed by unanimous [5-0] voice vote.

CHAIR MAYFIELD: Katherine, we have students that will be coming from the Early College a little later today?

MS. MILLER: Mr. Chair, they said roughly around 4:00.

CHAIR MAYFIELD: Okay, so then we will also, just housekeeping, we also have some discussion items after 5:00 regarding Aamodt, the JPA. Also, I think there is another 5:00 meeting proposed on an ordinance, a public hearing on an ordinance for the quarterly installments of the gross receipts tax and various other ordinances, so with that, Commissioners, we'll take a five-minute break and then we will most likely move to Matters from our County Manager. Thank you.

IV. A. 2. Ordinance No. 2014-___, an Ordinance Establishing a Twenty-Six (26) Ton Weight Limit on Old Lamy Trail County Road 33 (First Public Hearing)(Public Works/Robert Martinez)

This item was tabled. See page 1.

[The Commission recessed from 3:45 to 4:05.]

VI. B. 3. Presentation Recognizing the Students From the Early College Charter High School Masters Program for Their Contributions in Restoring and Beautifying Santa Fe County Public Lands

CHAIR MAYFIELD: With us today, we are very fortunate, Ms. Carol Branch, please.

CAROL BRANCH (Volunteer Coordinator): Thank you, Mr. Chair, members of the Commission. I'd like to introduce today Jody Lefevers and Anne Salzman, who is the principal of the masters program. Jody is the instructor and mentor of the public lands course, and Albert Lucero, our lead technician for open space and trails. As the volunteer coordinator I worked with Jody on a 12-week program to improve and restore the trails, parks and stretches of the river in Santa Fe County. Jody and 12 students did an extraordinary amount of work amounting to 300 volunteer hours and I'd like to thank you for recognizing their hard work and dedication to Santa Fe County today. Albert is going to pass out the certificates of appreciation.

CHAIR MAYFIELD: Let's go to Ms. Salzman and Mr. Lefevers please. Come up and say a few words, please.

JODY LEFEVERS: Well, the purpose of this program is for the masters program is on Fridays our students have a menu and our students are allowed to choose from different projects where they can kind of get engaged, involved in community service and service learning and sort of project education outside of the classroom and one that I developed with Carol Branch is to sort of get involved with County lands and public lands and study their usage and their histories and also to do service. So it's been a great partnership and we really appreciate all the work that she's done and Albert's done and we've all just learned an immense amount about land use and what it takes to keep our trails open and upkeep. So we really appreciate all the work that Carol and her group has done. So thank you.

CHAIR MAYFIELD: Thank you and thank you for the work you do. Ms. Salzman.

ANNE SALZMAN: I just want to say how proud I am as the leader of the school that we have teachers who take charge of making things happen for students, especially outside the classroom and involving them in service to Santa Fe. So we've had a group working at the rail yard as well on the convergence project. We've had students working at the humane society, and this is on an ongoing basis so they really get to know people and are involved. We've had – I'm trying to think of the other groups – a group doing a stomp project where they were learning drumming and so on and then they have performed as a way to make money to contribute to places in Santa Fe. So it's something that we're really committed to as a school. We do a lot of academic work but we also want to make sure that they're out involved in their community. So thank you so much for recognizing them. It means a lot to us.

CHAIR MAYFIELD: Well, thank you and if we can, how about a little plug for your school and a little background on your school, really quick, please.

MS. SALZMAN: This is our fourth year as the masters program, founded by John Bishop who's sitting right there. It was his idea to have this school and I think some of the things that make it really unique are the fact that students have a college-like schedule. They have a lot of freedom. Ninety percent of them handle that beautifully. We have high school level teachers who teach the academic courses but they can also take courses at the college. So we've had students graduate with an AA degree. Students graduate with 40 college credits when they leave here, go to UNM as juniors. And I think the other thing we pay a lot of attention to is the idea of community and who we are as a group. So we're pretty proud. We're going out for renewal as a charter school next year, our fifth year and thank you.

CHAIR MAYFIELD: Thank you so much. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Ms. Salzman and thank you students. I wondered if one or more of the students would like to get up and talk about the open space areas that they worked on, and the kinds of things that they did.

CHAIR MAYFIELD: Extra credit right now.

COMMISSIONER HOLIAN: Extra credit for public speaking.

TRISTAN SHEFFIELD: My name is Tristan Sheffield and to start off we got introduced to two of the County firefighters that were helping along with our project and they helped us along the way with clearing brush for fire prevention to thin out areas near the Audubon Center and other areas and we cut down trees. We were clearing acequias and we were building a trail for one of our last projects. We were rerouting it. So that required a lot of hard work and dedication to what we were doing and I think it was a great learning experience. It was something that I will be doing in the fall again at the masters program and I hope other people do it too.

CHAIR MAYFIELD: Thank you very much. Anybody else?

GEORGE DAVIS: Hi, I'm George Davis. I got to – I didn't know what to do at first for my volunteer work, and then he said public lands and I was like, I like camping and hiking. I did not expect to be building trails or having to use my hands a lot and I'm not one to do a lot of hard work but this actually got me to help out the environment. I actually learned it takes a lot to keep trails beautiful and stuff like that. And I didn't expect that – I thought trails just magically appeared. And you learn a lot of communication in volunteer work. That's something else I picked up. Like the circle of death, but someone told me it's a circle of communication. Things like that you take on to real life situations, not just volunteer work.

CHAIR MAYFIELD: Thank you so much.

COMMISSIONER HOLIAN: Thank you all. I think that what you do is a great public service for our community but I also think that it's important to learn these skills for the future because I think that as we go into the future, land restoration, and that is making land so that it's more resilient to fire and so that it can feed our aquifers more by absorbing water into the land. I think that those kinds of skills are really going to be needed and used a lot in the future.

CHAIR MAYFIELD: Commissioners? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to thank the school, the leadership at the school. I'd like to thank the students for choosing this and getting involved, and Carol and Albert, thank you for being involved and coming up with the

projects for the students, because the projects that you worked on are going to actually benefit all of the public of Santa Fe County and that's when you know it's really worthwhile is that it's not just benefiting you, it's benefiting a couple hundred thousand people who live in our county. Thank you very much.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: I also want to thank the school, the faculty, the teachers, the students. What I like about this is that it takes education outside of the four walls that sometimes it's contained in. So for me, education is not contained in any four walls nor is it captured in any one degree. I think one of you pointed out that you hoped to use these skills that you've developed as life skills. These are skills that you've learned, that you'll have with you and that you can share with others. And so you're taking the education outside of the classroom. You're applying, I would imagine, some of your subject matter – math, what other subject matter have you applied to these projects?

CHAIR MAYFIELD: Science.

COMMISSIONER CHAVEZ: Science. Can you think of anything else? So anyway, I think it's applied education because you're taking subject matter that you would be studying in the classroom and you're applying it to an outside classroom. And then that transfers into a benefit, not only for you, for the school, but for the county and many of the public that use the trail that you're working on. Earlier, we talked about ongoing maintenance of trails because we're going to be – the County will have the responsibility of maintaining those trails into perpetuity. So with groups like you that help us do that then everyone can enjoy those trail systems. It doesn't have to cost the County as much to maintain them. So there's a lot of value added component to what you're doing that I think you're just kind of scratching the surface. But anyway, thank you for all that you're doing now and that you will do in the future. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Anaya, please.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Well said by all my colleagues. I would just sum it up this way. Applied learning, communication and coordination, elbow grease that I know you guys all instituted to get these projects done, capturing community service, and it was a collective effort. These are things that you'll carry on throughout your life and hopefully continue to give back to the community, so thank you very much for your efforts. Thank you to our internal staff and the leadership at the school as well as most especially you the students.

CHAIR MAYFIELD: I'd also just like to thank you all, giving back to our community and to your community. Also the importance of our open space areas. Now you have had a first-hand experience of how beautiful they are out there. So hopefully you will utilize these trails and trailheads personally and spread the word. These are public spaces. They're accessible and available for all of our public. We have Mr. Lucero with us who is a great mentor in that role and he does great work for Santa Fe County also. But I would, I would just definitely get out there and let your family and your friends know about this. I'm sure that you all are tied into Twitter and Facebook and all other social medias and let the public know, these trails are for them and that you all put this work to maintain them and

improve them for them to keep them safe and accessible. So thank you, and with that, Mr. Lucero, do you want to read out some great names?

ALBERT LUCERO (Open Space): Mr. Chair, Commissioners, I'd like to thank these individuals. These are great, great students and they are great, hardworking individuals. They put a lot of effort and a lot of hours into our open space and trails program, which to me, myself, it's the best thing for the community to look out for our constituents. Anyway, I'd like to read off some names here: Tristan Sheffield, and I'd like to personally thank him for great hard work and dedication. I'd also like to give him this pin from the open space and trails program. A little pin, along with his certificate. Thank you, Tristan. And we've also got Skylar Benavidez. Skylar, we also thank you for your hard work and dedication to Santa Fe County and the open space and trails program. Thank you, Skylar. And George Davis, I'd like to thank you also, George for your hard work and dedication. Andreas Montoya Lopez. I'd like to thank you, Andreas, for all your hard work and dedication to Santa Fe County open space and trails. And last but not least, their leader, Jody. I'd like to thank him. He also is a great mentor and a great advocate and helped us with this program and I'm glad that you chose us as the public lands. I'm really happy that you chose us.

MR. LEFEVERS: See you in September.

MR. LUCERO: Here's a pin for you also.

CHAIR MAYFIELD: Again, thank you all. We're going to take a quick picture but I also just would like to ask and request, we're going through a budget process right now and we've had some pretty extensive discussion on open space and trails. You all have the practical working experience on that and we would value your comments of where you think we could as a Board do some improvements or some enhancements for funding and/or any suggestions. So please take that into consideration and give us your comments also.

[Photographs were taken.]

VI D. Matters from the County Manager

1. Miscellaneous Updates

a. Annual Report [Exhibit 1]

CHAIR MAYFIELD: Commissioners, again, we have some public discussion starting at 5:00 but we're going to move now if it's okay with the Commission to Matters from our County Manager.

MS. MILLER: Mr. Chair, we've got the annual report. We finished that. Got your letter, Mr. Chair, incorporated into it and it's now finalized so the final copy is on your desk. It really lists out all the things that at the Board's direction and through resolutions, through the budget, through policy initiatives and objectives that the County has completed this year. It is broken down into our policy areas of healthy community and all of our health programs and community service programs, seniors, Teen Court, DWI programs, the fair, housing and then safe community, all of our public safety initiatives, starting on page 10, talking about the law enforcement side of our DWI program, the law enforcement side of

Teen Court, the Fire Department, RECC, Corrections and Sheriff's Department, our recruitment efforts that we implemented last year, emergency management, adult facility and the other correctional facilities and programs.

Then a sustainable community goes into the approval of the Land Development Code and the next steps that we have on that, our transportation efforts to provide public transportation and economic development, open space and trails planning, affordable housing, GIS, our volunteer coordinator program and then our growing community. In the growing community are things like the traffic calming policy, our projects, all of our road projects and facilities construction projects, fire station, Vista Grande Library, La Cienega fire station, then it also goes into Santa Fe County Solid Waste Division and all of our different trails and projects that we've done in Public Works.

Then also proficient and transparent community. These are some of the initiatives like with the satellite office, human resources, online comment forms, some of the different financial information, bond ratings, performance-based budgeting, audits. And then the final few pages go over our total budget and a breakdown of where our property taxes go.

So we'll be distributing this as we have done the last few years out into our different facilities, community centers. We'll have – if you have any meetings out in your districts, townhall meetings, community meetings, anything that you would like copies printed for you and made available, a chunk of them, just let us know and we'll make sure we get them to you through your liaison or in your inbox or whoever is going to those meetings with you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics, please.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. And Ms. Miller, every year I ask that we have some copies printed and taken to all the senior citizen centers, because many of them are not accessing or printing from computers. Thank you.

CHAIR MAYFIELD: Thank you. Commissioners? Ms. Miller, I just didn't see a letter from you or a picture of you in this annual report so hopefully we can maybe make one little slight modification to this. I know your work is very valuable for Santa Fe County and I appreciate all the work you do, your leadership here. And I just want to also thank staff. Staff, you made this annual report happen and you made all these projects in 2013 and now going into 2014 happen. So I really want to thank staff. Ms. Mihelcic, thank you for all your contributions to this annual report. I just appreciate it and Santa Fe County does a great job for all of our constituency. This annual report is your annual report for our constituency. It will be available on line and we do have, I believe, some hard copies but we tried to save on – do our best for recycling and waste of paper. So electronic copies are available and thank you again, Katherine, for all your contributions and staff's. Commissioners, anything else? Commissioner Chavez, please.

COMMISSIONER CHAVEZ: Well, actually I wanted to deviate just a little bit and I'll follow your lead, your reference to staff, and I want to recognize one staff that's here today that's celebrating a birthday, Erik Aaboe. He didn't want me to do that and I caught him off guard because he wasn't paying attention. Probably reading a document having to do with the Manager's Office, I would imagine. But anyway, Erik, happy birthday.

MS. MILLER: Mr. Chair, Commissioner Chavez, thank you. He's actually been trying to hide the fact that he's had a birthday. He said he didn't want to get any older so he wasn't going to celebrate birthdays.

COMMISSIONER CHAVEZ: Right. And I figured that's why he didn't want anybody to say anything but it wasn't going to happen. So anyway, happy birthday, Erik.

MS. MILLER: Mr. Chair, Commissioners, additionally, in a previous meeting we had some discussions and this came up a little bit earlier but I want to just clarify an issue. There was a union contract that had been negotiated with the bargaining unit that exists in Corrections. However, that bargaining unit is going through some changes and the Labor Board has directed that there be an election. So we have stopped all actions relative to that as we were directed to do by the Labor Board, so that's why in this morning's budget there's nothing relative to that contract because we have to wait to move forward on anything else, based upon an election. The Labor Board said they will move expeditiously to have the entity do the election but that's something that County management has to stay out of and that is completely directed by the Labor Board and worked out through the potential union members that would hold the election. So I just wanted you to know that that's why we didn't talk about bringing that contract forward for approval by the Commission because we have been directed to stop.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So this was related to the corrections officers that spoke this morning? This afternoon?

MS. MILLER: Mr. Chair, I'm not 100 percent sure what their issue was but I can tell you that AFSCME was here relative to this issue, wanting to know where that stands in the budget. We didn't budget that specifically, so –

COMMISSIONER STEFANICS: My question is really about the gentleman who spoke during public comment. If it's related to this issue, do we have any opportunity, from management or Legal, to clarify anything? I understand the Board has made a decision, which is fine, but if their concern is related, is there any way that you all –

MS. MILLER: Mr. Chair, Commissioners, basically, we cannot now engage anything with the employees relative to wages or anything. They know that they need to have an election and at that point, when they have an election then we can re-engage with whichever affiliation that bargaining units elects to, but at the moment we can't. I think the issue of confusion was that they were fairly far along in the process of negotiating a contract under their former union or their current union and we have been I guess enjoined – is that the correct word? – to not move any further with that contract, as has their bargaining unit. But the Labor Board sends out that notification to their group and to us and we have ceased and desisted any action relative to their bargaining unit.

COMMISSIONER STEFANICS: Okay, so what I heard, Mr. Chair, was some allegations of threats or harassment this afternoon. So that's what I was concerned about when I said maybe our Legal Department could investigate. I understand about union negotiations. I am concerned if employees are going through some other adverse –

MS. MILLER: Mr. Chair, Commissioner, I need to speak to you about that specific statement in limited personnel matters.

COMMISSIONER STEFANICS: Okay. Thank you very much.

CHAIR MAYFIELD: And Ms. Miller, I think I'm pretty clear on this, but it's the Labor Board that has asked us at this time to stay any contract negotiations with that one particular union, correct? It's not the County that's doing it; it's not the union that's doing it; it's the Labor Board.

MS. MILLER: That is correct. It goes through a Labor Board process. That's the State Labor Board and the State Labor Board has directed both sides to stop any further movement. They need to call for an election. And that all is done with the Labor Board and the employees. County management stays out of that issue.

CHAIR MAYFIELD: Thank you, Ms. Miller.

MS. MILLER: Additionally, there were some issues brought up relative to the budget this morning. We really haven't had time to come back with those. All the pieces of information that you did request, we will get that to you immediately. Also, we'll go back and look at the areas that you indicated that you have requests for additional adjustments to those areas. When we come back at the end of the month meeting we will bring some alternatives and some recommendations relative to the areas that you requested clarification and potentially increased allocation of resources to those areas. And then, at that particular meeting we'll bring some back that we know that we can actually incorporate in time to get turned in with the interim budget. If at that time you have more extensive requests that you would like us to drill down and make changes to the budget we would then need to do that between the approval of the interim and the final so we could make additional changes in June.

So I don't have anything specifically captioned for presentation at this meeting, plus staff didn't really have time to go back and put much together to bring back to you this afternoon. So with that, those are the only items I had.

CHAIR MAYFIELD: Ms. Miller, on your last point, Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, Ms. Miller, I appreciate your comments in regard to that. I would like to state on this record some of the comments I made earlier today. There was one additional item that I had brought up before. In fact David Griscom had included it in his economic development report. But I do want to ask the Commission to consider an allocation for the internship program for youth that's specifically referenced in that economic development plan in coordination therein, for the SER Jobs for Progress in coordination with the Northern Area Local Workforce Development Board. I would propose an amount of \$75,000 be considered by the Board for discussion. But this would be resources that would go directly through the Workforce SER Jobs for Progress and be directly utilized for job training and development programs for the entire county, residents in the entire county, not any specific district.

I would also like to restate that I had asked this morning we consider joining the Estancia Valley Economic Development Association as a formal board member in the amount of \$15,000. And then I also was very vocal about supporting doubling the funding for what I call boots on the ground, associated with our wildland interface workers that are working in the field, and revisiting and looking at opportunities for additional road graders and road grader operators.

So I also think Commissioner Stefanics made some brief comments on it this morning, but associated with the request by the RECC, I went back and looked at your

spreadsheet associated with additional positions from 2010 to now, they didn't have any additional positions in RECC from 2010 until now. And I think Commissioner Stefanics mentioned the potential of a dialogue between the City of Santa Fe and the Mayor in particular about possibly partnering to help offset some of those costs, but this might be an opportunity with this particular position, and I'm going to recommend that we at least consider a half-time position with that and engage the City about filling the other half of that particular individual that would help with IT deskwork and technologies for texting and other emergency outreach. So I just wanted to say those on the record. Thank you, Mr. Chair.

Oh, there was one other thing, Mr. Chair. We didn't talk about library funding and we have continually provided library funding. Could you talk about that in particular, because we didn't talk about it this morning, and whether or not we had budgeted some resources to augment the work we're going to do on the library in La Cienega.

MS. MILLER: Mr. Chair, Commissioner Anaya, I do believe we increased the library funding to include a small increase to the Eldorado and I believe some operating funds for La Cienega. I'll have to get the specific dollar amounts but I know that was one of the areas when we set a priority area and so we did include some. Rachel may know specifics on each library.

COMMISSIONER ANAYA: So right now we have funding on those in the South Side Library, Edgewood, Eldorado, La Cienega and I thought we also had some up north as well.

MS. MILLER: Espanola.

RACHEL O'CONNOR (Community Services Director): Española. I believe the request is \$50,000 for Eldorado, \$30,000 for the other libraries and \$10,000 for La Cienega.

COMMISSIONER ANAYA: I think that's reasonable as startup for a new library. I would ask that we up that to at least \$15,000, given the others are at \$30,000, but appreciate that it's budgeted as a request for consideration by the Commission.

CHAIR MAYFIELD: Commissioner Chavez, please.

COMMISSIONER CHAVEZ: So, Commissioner Anaya, on the library funding, is it for operation and maintenance? Is it to build libraries? Is it to buy books? What exactly – just for clarification.

COMMISSIONER ANAYA: Mr. Chair, I would defer to Rachel, but essentially it's operational costs for the library. We already have the facilities constructed. We're doing construction on expansion at La Cienega as we speak, but the other libraries are existing libraries and Rachel, you could speak to the specifics as far as the uses. They use it for materials and other operational costs?

MS. O'CONNOR: Mr. Chair and Commissioner Chavez, it's general operating costs.

COMMISSIONER CHAVEZ: So operation – no maintenance? O&M?

MS. O'CONNOR: Mr. Chair, Commissioner Chavez, no, it is not for maintenance. There are some, for example, the Vista Grande Library does receive maintenance because it's a County building.

COMMISSIONER CHAVEZ: Okay. Just asking. So then maintenance might not be factored into all of them. I think we can work on that.

MS. MILLER: Mr. Chair, Commissioner Chavez, I'd like to point out that three of the libraries are actually owned by other entities, so we don't pay their maintenance. That would be the City of Santa Fe, the Town of Edgewood and City of Española. We just contribute a small portion of funding. It's been \$25,000 a year, recommended \$30,000 for next year, to help with their operations, because county residents come in and use those libraries.

Then Eldorado is actually our library but it's run by a non-profit organization that raises a good percentage of the money. They probably raise anywhere from 60 to 80 percent of the operating costs. We supplement the operating costs because it is our facility and it is run by a non-profit that we contract with. And then La Cienega is actually trying to somewhat mirror that model of Eldorado. That's what we've been doing – some of the changes to the community center to expand the community center to have a small library room, community room for the youth in the La Cienega area, and that funding would be to help get them up and started running to operate that library. As far as books, we get books for the Eldorado Library and I would venture to say the La Cienega one, when we get that up and running, through the State Library program and the GO bonds. And so we do get funding separate from this for acquiring books and library resources.

COMMISSIONER CHAVEZ: Good. That really explains it. That was a good summary. And Commissioner Anaya, on your youth training, \$75,000, you draw no distinction between the incorporated and unincorporated parts of the county? It's countywide for youth training across the board?

COMMISSIONER ANAYA: Yes, Mr. Chair, Commissioner Chavez. The Northern Workforce Development Board works in the 12-county northern area but specifically there's funding that's geared at SER Jobs for Progress, and they make no distinction for incorporated or unincorporated. They work to provide youth training, workforce retention and creation services for youth.

COMMISSIONER CHAVEZ: I'm familiar with SED and their background and I do appreciate the work that they've done and will continue to do but I just wanted to touch on the funding because I think that it's encouraging that there would be no distinction between the unincorporated or incorporated parts of the county. That's always how they've operated. I just wanted to be sure that that was the case here. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. In regards to the Workforce Board, I believe that any – and I used to have a seat on the Workforce Board many years ago. I believe that any funds that we provide have to be matched by them. Otherwise we don't have full investment from their goals and they're seeing to it that our money is used appropriately.

The other issue is that I would prefer that money we put to an internship program really be for Santa Fe County. That we used to have a very viable summer intern program and that's how we recruited individuals to come work for Santa Fe County. So I have some mixed feelings about sending money outside of the county versus supporting individuals working for the County. Thank you very much.

COMMISSIONER ANAYA: Mr. Chair, follow-up.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Stefanics, I sit on the Workforce Development Board and been on it for well over a decade, actually and was the chair of the Workforce Board at one time, but the services I don't think would step in front or surpass what you're talking about as far as the County program. I think we should do both, frankly. And I think we have an opportunity to provide youth funding and services for people outside of employment at the County of Santa Fe. I know we're going to have a lively discussion tonight about some of the living wage aspects and some of it's tied directly to youth, as well, so I think there's an interconnection between County issues as well as external issues that affect all youth in Santa Fe County. So you're correct relative to matching funds. These funds would not isolate in a vacuum and would work in cooperation and coordination with existing funds that come from the federal government and from the State government as well. So it would be a comprehensive matching source that would augment those funds so it wouldn't be a standalone type program. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Anaya. Ms. Miller, thank you for the budget presentation and accommodating me by telephone. A couple things that came up though. I just want to ask staff for some more consideration because I don't know if I brought it up. But our Public Works Department, I saw the increase and I appreciate that we've ramped up Public Works almost 100 percent since fiscal year 2011. But I still think it's important that we recognize rural areas, rural parts of our county and even incorporated parts of out county. I know I've had extensive discussions with Mr. Leigland and I will continue to have discussions with him on this matter, but a chase crew. I think that we have folks out there, we have our operators out there with our backhoes and with our graders, but those operators have to get down time and time again, and so a project that might be done a little more expeditiously where they could move on to another road project, just for general maintenance within the county, just if they had maybe a chase truck with a couple of individuals in that chase truck, they could do the signage. They could use the shovels to do some backfilling and moving what needed to be moved out. So I would just ask for your consideration of that limited expansion within our Public Works Department.

And then also, Ms. Miller, I wanted to bring up our Legal Division. In working with Ms. Rachel Brown, the great work she did, the intervention on the JMEC, the Jemez Mountain Electric Cooperative cost recovery rate increases and knowing now what the County may be looking at for considering also with the stranded cost recovery by PNM. I just want to make sure that there's ample budget within our Legal Division in case we need to hire outside expertise, and/or if any of those litigation costs escalate because I just will tell you from my experience that litigation costs continue to escalate, and I just would like to assure that our County Attorney's Office is funded appropriately for those matters. If you could take that into consideration I'd appreciate that also.

Commissioners, that's kind of my recap on some of the budget discussion this morning and thank you for that. I don't know if anybody else has anything to add. Ms. Miller, so when will we have another public working session on this? What is our timeline for our budget approval process?

MS. MILLER: Mr. Chair, Commissioners, unless you guys can meet next week I don't see us having time for another study session, so our goal today was to see if we hit most of what you wanted. We've heard a couple of other additional requests. I'll have to go back with Finance and see how we can balance out the additional requests with the capacity that we have in revenue or possibly using cash balances on a one-time funding source and then see how it comes out next year.

So what we'll do is take your comments and requests today, go back, work with the departments and programs that have those functional areas and see what we can do to meet some of your additional requests within the funds that we have available. And then on – because we'll be putting all of that together in a budget document next week to put into your packet for Tuesday the 27th. So we really won't have time for another study session for this, but I think that we can address most of your requests in some capacity or another and then also, just a reminder that the 26th is a holiday so that makes our time frame of working days fairly limited. But what we'll do is bring that back for an interim budget approval on Tuesday, the 27th of May at our regular BCC meeting, and then we submit that to DFA so that they can start reviewing what we have in the budget. And then we have all the way till the end of June to do final budget approval.

So if there's still some things in there that you feel like you would like us to go back and address, that maybe we didn't hit the mark, then we can do that in June and we'll request your approval of that on the last Tuesday in June. So we can have another, if it's needed, have another study session in June. It really just depends on whether you see that we've hit most of the issues that you requested. And then that goes to DFA and we close the year-end and then provide DFA in the month of July all of our ending balances and then we do kind of the final approval with DFA's recommended changes in July.

So it's kind of a three-month, three-step process to get the budget completely approved.

CHAIR MAYFIELD: Thank you, and Ms. Miller, just kind of my thinking right now, also you and I are well aware of a recent letter that was forwarded to us by the Bureau of Indian Affairs regarding road easements in District 1, so I want to make sure that there is ample funding in our Legal Division for what we may have to, as far as any negotiations or any legal endeavors that we may have to pursue on behalf of Santa Fe County and potentially no road closures. Thank you.

MS. MILLER: And Mr. Chair, that brings forward another thing that I just wanted to reiterate, because I'm not sure if you were on the phone when we talked about our actual capital budget. We'll bring that separate to you. That's not required. And what I mean by that is our quarter cent GRT and our projects budget. We'll bring that to you separate. It's not required to go in with our operating budget to DFA, much in the same way that it's done separately at the state. They kind of approach local governments submitting those separately as well.

And we just want to make sure we get our operating budget in place and get that reviewed and make sure that July 1 operations can continue without any issues with the operating budget. But I do anticipate us bringing capital recommendations to you sometime in June. We'd like to meet with you to make sure we understand what your priorities are on that and we could possibly do that as a study session or sit down with each of you

individually about what we're looking at and then bring in back in possibly one or two meetings in June.

CHAIR MAYFIELD: Thank you, Ms. Miller. Any other discussion, Commissioners?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Yes, Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, just a further comment. I've asked as well as SER as well as the Workforce Board to come and make a brief presentation associated with targeted goals and expectations that we might have as far as service. And I would actually absolutely be amenable to a one-time allocation with those targeted goals and achievements, outcome-based measures that we might attach to those funds. But I just wanted to put that on the record. Thanks.

CHAIR MAYFIELD: Thank you, Commissioners. Ms. Miller.

MS. MILLER: Mr. Chair, one more thing. As you know, we picked the coldest week of the spring to have Bike to Work Week. Actually we didn't pick the week and we didn't pick the weather. But this week is Bike to Work Week and if you've seen some of the emails and on our website several of our employees have been really enthusiastic about different initiatives to support Bike to Work Week. We have one of our County staff, Peter Olsen in the DWI program who's been fixing up people's bike's volunteering to do that during his lunch hours.

We have a challenge, by the way, on Friday. The City has challenged us to a Bike to Work Week Rally over at the Railyard at 3:30 on Friday afternoon. So any County staff that want to participate, they would be granted admin leave and I will be racing the Mayor, I believe, and one of the City Councilors from the front portal over to the rally. And Erik, too. So I encourage you to join us. If you want to bring your bike out we also are encouraging employees to ride their bikes to work this week and as part of kind of the wellness issue, Commissioner Anaya, that you had mentioned, promoting fitness, we're giving some latitude and administrative time to do that so that people could get inspired. Unfortunately, the weather is not completely cooperating but my understanding is that Thursday and Friday it should warm up. So hopefully we'll have good participation of County staff in that event and in biking to work this week for fitness efforts as well as a sustainable community, reducing our carbon footprint.

And then also, one other thing, it culminates with the Bike and Brew Festival that's sponsored by several entities, including Santa Fe County Lodgers' Tax Board, our economic development, *Outside Magazine*, the City of Santa Fe, this weekend starting with several events throughout our open space and trails bike trails. Mountain biking on Saturday and events in the evenings, and then also on Sunday that starts at St. Vincent's and rides all the way out through the county, south on 14 and back up through Stanley, Galisteo, Eldorado, back to St. Vincent's. I'm going to take the shortcut over to Galisteo, though. I'm not doing the whole 100 miles. But it's a great weekend of outdoor activities related to cycling, mountain biking, roadside cleaning and great participation with a lot of local businesses, the Santa Fe County, the City of Santa Fe and the organizations that put these events on. So I just want to encourage you to check your email where we list out all the events. Also our website

and there's an app that will tell you where all the events are and what kind of activities are going on. So I just wanted to remind the Commission of that.

CHAIR MAYFIELD: Great. Ms. Miller, I'd suggest if we do collections or want to take any wagers for non-profit that could benefit I would wager on your beating our Mayor on that race and hopefully it could go to a worthy cause of a non-profit. Also, maybe next year we could consider hang-gliding to work week because it's been pretty winding out there. Thank you. Commissioner Stefanics. Is that all you have, Ms. Miller?

MS. MILLER: Mr. Chair, yes it is.

CHAIR MAYFIELD: Great. Commissioners, we're going at this time move back to matters of public concern and then I'll give a quick summary of what's going on with the rest of this evening's agenda.

V. MATTERS OF PUBLIC CONCERN

CHAIR MAYFIELD: Anything that is not on our agenda tonight, knowing that there was one item that was tabled and we did say that we would afford any public comment on this matter. Is there anybody wishing to – and that was on our road ordinance for weight limit requirements. Is there anybody from the public who would like to comment on any matters on the Commission agenda – that are not on the agenda. So any matters of public concern? Seeing none at this time.

Commissioners, we are going to go to discussion items, and I will go to now a presentation from staff, and I want to thank all the public for being here today. We have a couple different issues that are going on right now. We are going to have a briefing on the Aamodt from our staff, the Pojoaque Basin water system update. We also will be having a discussion on a proposed draft JPA for public comment. I did receive a letter this morning from the pueblos asking that this matter be tabled so that they could be here to also discuss it. I will be moving forward with this discussion knowing that we will be having many more discussions on this matter. So I just want that to be known also, that I will always afford public opportunity for anybody to speak on this matter.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Sorry to interrupt, but could we do item VI. C. 1 before too late in the evening, because there might be some members of the public who might want to hear our comments?

CHAIR MAYFIELD: Sure. So with that, and just really quick, so we're going to move on to the Aamodt matters and then we also have some ordinances tonight, a big ordinance tonight also. They're all very important for Santa Fe County as they are the laws that Santa Fe County imposes on all of our constituencies, but we will be talking about the living wage ordinance again tonight. And with that we will go to Matters from the Commission.

VI. C. Matters from the Commission

1. Commissioner Issues and Comments

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I know that you're going to be talking about Commissioner Ortiz so I won't, but I'd like to commend, first of all, our Corrections graduating class. I'd like to read their names. They graduated this past Friday and they are prepared to take over and start work: Jerod Apodaca, Michael Batista, Cesar Chavez, Erin Flores, Mario Herrera, Leonard Montoya, Edward Owens, Jennifer Orozco, Dwayne Rellano, Paul Sena and Troy Wood. The Santa Fe County Fairgrounds was full of family and staff from the detention center and the graduates, the cadets went from being cadets to being officers and they appreciated the crowd that was there.

I also would like to mention that we received a notice that this week is National Police Week and we'd like to recognize all of the employees of our Sheriff's Office and our Sheriff's officers. All of these positions, whether it's Fire, Corrections or in the Sheriff's Office do face danger and we truly appreciate the work that they do. Thank you.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I have nothing, Mr. Chair. Thank you.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, a couple items. I wanted to follow up on Ms. Miller's comments about the Santa Fe Century. The date on the Santa Fe Century again, Ms. Miller? And the reason I'm asking to read this date is because if there's thousands of bicyclists that enter into the Santa Fe Century and it's a great event, but if you're proposing to drive on the route where the Santa Fe Century goes – Highway 14, Highway 41, 285, you should probably think about an alternate route. Unless you're very, very patient and you don't have to be anywhere it's important to know that it's tough to travel at the same time with the vehicles as the bike racers. So the date on that is again?

MS. MILLER: Mr. Chair, Commissioner Anaya, you are correct. That is Sunday, May 18th. It's in the morning. I'd say most of your cyclists are off the road by 2:00, 3:00 in the afternoon, but it does start at Christus St. Vincent's, heads out – I don't know the very beginning route, but I want to say down like Rodeo Road and out Highway 14. It hooks up and then you do have thousands of cyclists that come in from all over riding down 14 through Cerrillos, through Madrid, through Golden and up over what they call Heartbreak Hill and into the Estancia Valley. They cut over before Edgewood. I don't know all the road names.

COMMISSIONER ANAYA: 472?

MS. MILLER: 472 and then head all the way back up 41 through Galisteo to Lamy to 285 through Eldorado and then back on the highway back to Old Pecos Trail exit. So it's 100 miles and a lot of cyclists and you are correct. People break down, there's big packs of cyclists. It's fun to watch but you have to be a very patient driver.

COMMISSIONER ANAYA: Yes, and please be careful and remember that those cyclists have the right-of-way on those roads so you have to be careful with them.

The other thing I want to mention, on a sad note, Robert "Bobby" Rodriguez passed away at his home after a brief illness on Monday, May 5, 2014. He was preceded in death by his parents, Ernest and Laura Rodriguez; and his sister, Martha Stump. He is survived by his

wife, Imelda Rodriguez; daughters, Roberta Robinson and Gordon, Barbara Menke and John, Linda Rodriguez and Marc, Laura Vieria and Walter; sons, Ronnie and his wife Frieda, David and his wife, Patricia), Ernie and his wife, Geri, Billy and his wife, Natalie, Mark and his wife, Marla; brothers: Abe Rodriguez and his wife Sara, Miguel Rodriguez and his wife, Diane; sister Angie Romero and her husband, Eloy; 26 grandchildren, nine great grandchildren.

Bobby was born on September 17, 1938. He was a three-sport athlete at St. Michael's High School, but especially excelled in basketball, becoming an all-state selection who was recruited by UCLA and UNM. However, Bobby was intent on becoming a Marine. His dream did not materialize due to a knee injury. He enrolled at St. Michael's College, played basketball and became an all-American. His passion, commitment and determination were his trademarks. His greatest love and his joy is his beautiful wife, Imelda of 56 years, his children and grandchildren and all the players and students that he so diligently worked to guide.

I was coached by Mr. Rodriguez, Coach Rodriguez. I'm going to follow with a resolution that I hope to get some co-sponsorship on but I wanted, Mr. Chair, if we could, on behalf of his entire family and many friends, have a moment of silence.

Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Vice Chairman. Also on a sad note, a great community member of the Nambe community, Mr. Gilbert Ortiz, passed away last week and his remembrance services were today. I will read in Mr. Gilbert Ortiz was born in Nambe in 1932. Gilbert worked all of his life to better his community, his family and his church. His mother, Sarah and father, Henry Ortiz taught him the value of hard work, strong family and faith. Gilbert loved his brother Eddy and sister Jennie, Angie, Silvia and Linda.

Gilbert graduated from St. Michael's in 1950. He joined the Air Force and served as a cryptograph operator in the Korean War. Gilbert returned to New Mexico, married the love of his life, Emilie Barrone Ortiz, raised three daughters, Christianna, Deana and Bianca. He took great joy in spoiling his grandchildren, Christopher, Tia and Kiki, and enjoyed loving relationships with his grandparents, his son-in-law, and his many cousins and nieces and nephews.

Gilbert had an esteemed career at the Los Alamos National Laboratory for over 40 years. He served as Santa Fe County Commissioner, was a small business owner, a part-time farmer, and always a proud New Mexican and American. He cherished our land, acequias, rivers and all of God's creatures and I had Mr. Flores pull this and Mr. Ortiz, a great individual took his oath of office for Santa Fe County January of 1963. So he was a great public servant for all of us and I know this valley that is here today remembers him well.

My heart goes out to – all the Ortiz girls are friends of mine but Deana is very special in my heart and Kiki is very special in my heart, Cristianna and also Bianca. Bianca works for Senator Udall's office. And just a moment of silence for the Ortiz family and Mr. Ortiz, please.

Thank you, Commissioners. Also, I would just like to reiterate in remembrance of a beautiful past Mother's Day to all our great mothers, daughters, granddaughters out there. So happy belated Mother's Day to everybody. So with that, Commissioners, Commissioner Holian – we're going to pass on her communications. We'll respectfully go back to that when she comes later in the day and we're going to move on with the agenda. Seeing it's a little

after 5:00 I'd like to recognize Representative Carl Trujillo for being here today. Thank you, Representative. There are many dignitaries in the audience but I won't go as far as naming everybody because I'll probably get in trouble by messing up a few names. But Representative, thank you for being with us today.

VI. C. 2. Summary and Update on the Aamodt Settlement Agreement

CHAIR MAYFIELD: Mr. Leigland, I see that you have with you today, County contract attorney, Mr. John Utton. We also have our Public Water Works Director, Claudia Borchert. Adam, I want you to preface to me some of your comments. Are you going to try to spell out where we are? Are you going to let us know exactly what the County has done or what the County hasn't done and where we'd potentially be going? Because this is an item that you all asked to have on this agenda prior to my discussion of what is going on with the joint powers agreement to date and I will want to look if I need to put that joint powers agreement up first before your discussion. So what is your framework of what you're proposing?

MR. LEIGLAND: Mr. Chair, Commission, the intent of this was just to set the state for the JPA discussion. So obviously, there's a lot of interest in this. It's a somewhat controversial issue, but it is just one document in a context of a number of documents and a very complicated and long-standing agreement. So we just felt it was important to establish where exactly the JPA fits in the overall process, what it means with respect to the settlement agreement, the regional water system, just so that there's a frame of discussion, so when the actual JPA comes up everyone understands where it fits in and everything and what the JPA is expected to do, what it's not expected to do because there are other agreements that address some of the things. For instance, it's not the purpose of it. And so – and also I just wanted to take this opportunity to provide just a very brief update on the process just because there's a lot going on and of course we know what happened with the order to show cause. That was what we were just dealing with with all the public meetings.

But there's a lot of technical work going on. I wanted to just provide a very brief update on that. And so that was the intent. We put together a very detailed informational item in the packet again purely to establish context.

CHAIR MAYFIELD: Do you have copies for the public?

MR. LEIGLAND: Well, it was in the packet. It was in the packet material, so it's just a copy of the settlement act, copy of the settlement agreement, copy of the cost sharing and integration agreement, past resolutions the County has passed, so it's all items that are already in the public record, just compiled again so it's a place for easy reference.

CHAIR MAYFIELD: I appreciate that. I also see that Mr. Utton's here. Again, this Aamodt, as far as the settlement as there have been numerous objections filed. This still has to be adopted by the federal court before this would even move forward. Are you going to comment on that also in your presentation?

MR. LEIGLAND: Mr. Chair, I had a very brief comment on that and for more detailed comments we'd probably want to turn it over. We also have a representative from the legal team of the State Engineer; he may have some answers. But in the context of what I was going to provide I just had a quick update.

CHAIR MAYFIELD: Thank you, and I see Mr. Bagley here. So who is all here regarding the Aamodt settlement, as far as, say, staff from the State Engineer's Office or County staff at this time or any other parties?

EDWARD BAGLEY: Mr. Chair, my name is Edward Bagley. I'm an attorney for the State and I'm here in regard to the Aamodt settlement.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, maybe you could ask that question again of the public. Is there any public here that would want to speak to the Aamodt water suit?

CHAIR MAYFIELD: Speaking of the JPA and even I'm going to ask for public comment after this presentation is made by Mr. Leigland. So just by a show of hands so I do know for our timeline, who is all caring to speak tonight? Thank you. It's not very many but as the early evening goes on we can add more individuals to please comment and speak their opinion on this. Mr. Leigland, please.

MR. LEIGLAND: Mr. Chair, as I said, I put together, as it says, it's just a quick summary of the settlement and then a brief update on where we are with regard to certain aspects of it. As I reread it in preparation for today I realized that maybe I could have done a better job summarizing it, so with that, I actually prepared just a one-page summary that I'll distribute today and we actually made some more copies and put those in the back.

CHAIR MAYFIELD: Mr. Leigland, do you have that, by any chance, .pdf so we could put it up on our screen behind us? Would that be too hard to pull off really quick?

MR. LEIGLAND: I think we can – I'll see if we can do that.

CHAIR MAYFIELD: If they could do it while you're speaking please. Thank you.

MR. LEIGLAND: So Commissioners, this is just a summary of everything else I'll present. *[Exhibit 2]* Again, it's just an attempt to establish the context of documents in which this JPA sits. Of course we know that the Aamodt litigation is a settlement agreement. It's a negotiated alternative to a final judgment. The litigation started in 1966 and it's been going on since then but in 2000 all the parties involved said they would rather pursue a negotiated settlement than take it all the way to final judgment so negotiations for a settlement started in 2000 and they came to a finalized settlement agreement in 2006.

The Commission first saw this in 2005 and actually passed a resolution in 2005 supporting the concepts of the settlement agreement and that resolution is in the packet, that resolution from 2005. The Congress was sent the settlement agreement in 2006 and passed the Aamodt Litigation Settlement Act in 2010. And so that's the first document I'd like to mention is the settlement act that was passed by Congress in 2010, and that does a number of things. It defines the regional water system which is part but not the entirety of the settlement act, and that's the surface water distribution system that will be built in the Pojoaque Valley. It tells what the federal funds are for the regional water system, so it establishes the federal obligation, and it also specifies two other agreements.

One is known as the Cost-Sharing and System Integration Agreement, and the second is called the operating agreement. The next big document that covers the settlement agreement is the settlement agreement itself. That's a very complicated document and I think

that's where a lot of the confusion has come up because that is actually talking about water rights, both for pueblos and non-pueblo, in particular well owners, so I think that has a lot of ins and outs. The settlement agreement is also in your packet material and I won't summarize it and I'm not even expert to summarize it but others are.

The next agreement is called the Cost-Sharing and System Integration Agreement, and that again refers back to the regional water system. That starts to talk about location, line locations, capacities, allocations, how it will be managed, who's going to pay for what, both in particular for construction costs, who pays for rights-of-way, and acquisition. The Cost Sharing System Integration Agreement is in your packet, that I would like to point out that in that agreement it specifies that the US will pay over \$100 million for the construction of the regional water system. The State will pay \$45 million, and the County will pay \$7.4 million, and that's to pay for the construction of the system.

The agreement does say that those costs will be indexed for inflation so that over time, all those numbers can be expected to increase and with regard to that, the BOR estimates that the County's share, which started out at \$7.4 million, by the time that it's actually requested it will be indexed up to about twice that, about \$15 million. So that's the cost share. And it also talks about the system integration. It's also where the Top of the World water rights transaction was specified. That agreement was finalized in 2009.

The other agreement that was specified in the Settlement Act is known as the operating agreement. That agreement – the work on drafting that has not even begun yet but the Settlement Act does specify certain things that need to be in it. For instance, it has to talk about distribution of water within the regional water system and how allocation of the capacity is allocated. There could possibly be unused capacity in the system on both the pueblo and non-pueblo side and so this agreement must address how that unused capacity will be managed. It will have to be addressing shortage sharing. Also how wells are used and located, and also the transfer of water rights for pueblos. So these federal law specifies these have to be in the operating agreement.

And so that leads me to the final agreement, the one we're here for today, and that is the joint powers agreement. The joint powers agreement is actually not specified in any of the existing agreements. Rather, the settlement agreement says that the pueblos and the County must establish a regional water system, and it was agreed that that sort of establishment could happen a number of ways but it was agreed that the parties would avail themselves of an existing process, which is the joint powers process under state statute. And that is where the four parties voluntarily get together and agree to share powers, hence the name.

And so they decided to create a joint powers amongst them, and so the joint powers agreement is really about the creation of the regional water system and the regional water system board. So the joint powers agreement should specify the composition of the board, the duties of the board, how the board will operate. Current drafts address the operation of the regional water system. It talks about creating some subsidiary agreements for fiscal management and things like that. So the joint powers agreement is just one of many and so many of the operations of the regional water system are addressed for instance in the act, in the agreement, in the Cost Sharing System Integration Agreement and in the operating agreement. So it's just important to remember that just because it's not addressed in the JPA doesn't mean that it's not going to be addressed at all.

So, Mr. Chair, Commission, that's sort of an update just on kind of the document context of the joint powers agreement that we'll be hearing about today.

So just a couple of quick updates on the process. The Aamodt litigation is a court process and so the federal court has been sort of managing, leading this up till now. The court sent out an affidavit to show cause to all people in the valley to see if they agreed with the terms of the settlement agreement. The County had a large outreach effort. The court had set a deadline of April 7th by which all objections had to be received and of course that deadline is passed and my latest numbers and I'll ask for correction is that about 790 objections were received. 322 acceptances were received and of those objections, they fell into roughly about 26 different categories. So that's the latest information I have. Now it's the court's job to sort through those and to determine what those objections mean, and again, that's up to the court.

CHAIR MAYFIELD: [inaudible] of what was sent out and you said what was received. How many were mailed out by all the parties?

MR. LEIGLAND: Mr. Chair, I'll have to turn to the state, but it was about 5,000.

MR. BAGLEY: It was approximately 7,000.

MR. LEIGLAND: 7,000.

CHAIR MAYFIELD: Returned for bad addresses.

MR. BAGLEY: About a third of those, which is typical for a mailing of this type.

CHAIR MAYFIELD: So we can – I'll just ask this question, Mr. Bagley. Thank you for being here Mr. Saunders, also. I appreciate that. So as of those third, what happens to those third of individuals who never received notification of this Aamodt settlement?

MR. BAGLEY: With regard to those, that third, Mr. Chair, the court anticipates this type of thing. It's familiar with this type of mass attempt to contact and notify claimants in these types of lawsuits. And to take care of that issue that you described the court directs – directed in this case, that we publish, in this case once a week for four weeks, the same order to show cause that was mailed to claimants. The purpose of this is to notify claimants whose addresses are unknown or claimants who are unknown with the idea being that there are, for a number of reasons, people that we are not going to be able to get a hold of by direct mail.

CHAIR MAYFIELD: So when did that publication take place?

MR. BAGLEY: In January. From January 1st to January 31st. And it was published in the Albuquerque *Journal*.

CHAIR MAYFIELD: That's not a very big circulation for the New Mexican. Why was it not published in the Santa Fe *New Mexican* or –

MR. BAGLEY: This was at the direction of the court. They asked us to publish in the Albuquerque *Journal* and the thinking behind the court was that there are claimants that live outside of the Pojoaque Valley. This is a paper of wider distribution but it's also distributed in the Pojoaque Valley and in Santa Fe. I think in my own experience, I know people who read the Albuquerque *Journal* at least as often as they do the *New Mexican*

in this area and I think the court's expectation that the people would receive notice this way, as opposed to the *New Mexican* is justified.

CHAIR MAYFIELD: Fair enough, Mr. Bagley, but for that, I believe they stopped the *Journal North* publications in northern New Mexico area, and also on that note, but as of the third that were undeliverable or returned, what was that percentage that were outside of even Santa Fe County or outside of the Pojoaque Basin.

MR. BAGLEY: I couldn't give you an answer to that. I don't know the answer to that.

CHAIR MAYFIELD: Okay Thank you.

MR. LEIGLAND: Mr. Chair, Commissioners, I just wanted to give you a quick update on the technical implementation of the regional water system. So the Settlement Act has stipulated that the US Department of Interior, through the Bureau of Reclamation will be the lead agency on the technical implementation of the regional water system so included in technical implementation is the environmental impact statement and the Settlement Act actually has very specific requirements that the environmental impact process be performed and then once performing that, doing the design and construction and then actually, while it's in construction, the operation of any operational phases.

So the EIS is in progress, and in fact as you know, the surveyors are on the ground doing all the sort of alignment studies that need to get done. They've also done some geological analyses. The federal act says that the EIS has to be complete by September 2017 so they're on track to meet that. The BOR is also progressing with the design of the system. We at County staff reviewed a transmission design, which is the large diameter line, tank locations, pump locations. The BOR based that on the 2006 that was performed by the BOR which set a lot of the parameters.

So the design is progressing. They're evaluating several alternatives for the diversion itself. I think there are five different possible diversions on the table ranging from a diversion very similar to BDD, which is just a side cut channel to various types of a subterranean collection well known as a Ranney gallery. So the design process is on going.

The Settlement Act actually has a number of deadlines that the BOR has to meet in this technical implementation, so for instance the EIS, as I mentioned, has to be done by September 2017 and by June 2021 the BOR must report on the state of completion of the regional water system so they have to basically give them an estimated completion date and the system must be substantially complete by June of 2024. So there are certain reporting milestones and then certain construction milestones that the BOR has to meet in the settlement, in the federal law.

CHAIR MAYFIELD: Mr. Leigland, can you define substantially complete?

MR. LEIGLAND: Mr. Chair, substantially complete would mean that it's essentially complete and usable. Maybe there's some small punchlist items that need to be complete. The construction contracts themselves haven't been closed out but for all intents and purposes the system is functioning as it was intended to. So on a system of that size I don't know what, for instance, what sort of punchlist items you would expect to see but it would be functioning. So it would be delivering water as expected.

CHAIR MAYFIELD: Okay.

MR. LEIGLAND: And actually as of today the BOR feels they are on track to meet all the deadlines for the implementation of the regional water system.

CHAIR MAYFIELD: Is anybody from the BOR here?

MR. LEIGLAND: Mr. Chair, no.

CHAIR MAYFIELD: Okay. Thank you.

MR. LEIGLAND: The last thing I just wanted to indicate that was distributed to you just now was another County resolution with regard to Aamodt that I had neglected to include in the original packet and that is Resolution 2012-53. And the reason I want to bring that out specifically is just because it is the only one that has specific language about the JPA. So in April of 2012, the Commission directed staff to work with the pueblos to prepare a joint powers agreement and directed staff to have certain provisions to protect against the withdrawal to ensure that there was reliability of service and to assure financial integrity. And then it also directed staff to ensure that there are other positions necessary to carry out the purpose of the regional water system and to protect the interests of the County and its customers.

CHAIR MAYFIELD: There was also a punchlist of questions that community members brought up. Was that in the 2012 resolution or –

MR. LEIGLAND: Mr. Chair, that was questions on the technical aspect of it, so that was, for instance demand estimates, future demand, water quality, estimated costs, service map, and if you recall, those were answered in September of 2012.

CHAIR MAYFIELD: There were also many questions that weren't answered at that time. Have you all produced answers or has staff produced answers for all those questions?

MR. LEIGLAND: Mr. Chair, my recollection is the technical questions were answered at that time. A demographic analysis was performed. The demographic analysis led to the technical analysis in terms of customer demand. Of course some assumptions had to be made of how many people would hook up but you can determine, we had a low, medium and high estimate based on expected water usage and based on expected customer costs. Of course we don't know what the final rates would be because it will depend on cost of service and other things, but based on some assumptions and some inflation rates and data we had in the 2006 report I mentioned earlier, which had already made some preliminary estimates for operating costs, we conducted that capacity analysis and looked at –

CHAIR MAYFIELD: Well, Mr. Leigland, in a document that was either produced by the Utton Center that's gone out to the public in various meetings, a cost estimate that was given to potential customers was \$45 for 5,000 gallons. Is that correct?

MR. LEIGLAND: Mr. Chair, that was merely given as a point of comparison. That is what current County utility customers pay. So that is what County customers pay today based on today's usage and today's cost of service. They were also given a comparison to several other utilities in the Pojoaque Valley. Again, all those serve as points of comparison. We don't know what the final rates will be because it will depend on – we'll have to perform a full cost of service analysis. But if you look at all six of those utilities and look at the rates they're all very close to each other, so it gives you an idea of what the average customer would pay.

So in today's County utility, the average usage is about 5,000 gallons a month, which between the fixed fee, which is \$14.50 and the variable fee, which is based on usage, it comes out to about \$45.

CHAIR MAYFIELD: Thank you.

MR. LEIGLAND: So Mr. Chair, that's all I have. Again, I just wanted to set the context. There's a lot of information here. I anticipated some questions but I really anticipated most of the discussion would come on the JPA itself and so I have all the experts here who can also answer questions. With that I'll stand for any questions myself.

CHAIR MAYFIELD: Thank you. Commissioners? Thank you. Then what we'll do is we'll move on to the presentation on the proposed JPA and then we'll open it up for public comment after that. Mr. Leigland, who's going to be doing the presentation on the proposed JPA? Yourself? Is our County Attorney doing that? Is Mr. Aaboe doing that?

MR. LEIGLAND: Mr. Chair, we have Mr. Utton here. He was – I think he was more prepared to answer discussions.

CHAIR MAYFIELD: Whoever's been negotiating it with the pueblos I'd like to have that.

MS. MILLER: Mr. Chair, I did want to point out that we put about 40 copies of the memo in the back for individuals who might want to pick up the memo that was in the packet.

CHAIR MAYFIELD: Thank you. And then also, the proposed JPA also was put out electronically. It is in our packet. Again, I don't want to produce a lot of paper but if anyone needs one of those copies of that JPA that's currently being proposed just kind of raise your hand and we'll make some copies please. Anybody want a copy of that? So we have a request for at least ten. Please, Ms. Miller. Thank you, Mr. Utton, please.

JOHN UTTON: Mr. Chair, Commissioners, John Utton with the law firm of Sheehan and Sheehan, representing the County. And along with Steve Ross I have been involved in working on this I would say on and off over the last several years because it's taken some time with fairly long periods of waiting for responses and I think one thing I want to make clear as we start on the discussion and public comment, which I think will be helpful is we're not to the point where we are recommending a draft to the Board of County Commissioners. We are still working on the drafts. In fact the draft that was made public and is in the packets was the latest draft we received from the pueblos in January and we have not yet responded to it, and I note that since the last draft that the County worked on, and that was towards the end of the summer of last year, we have a new County Attorney, Mr. Shaffer, we have a new water utility director, Ms. Borchert, who I'm sure will have, along with various members of the public and the Commission itself some comments that I think are going to help us in bringing a final draft that we could recommend to you.

One thing I note in the resolution that Mr. Leigland has passed out that was adopted essentially two years ago, in April of 2012, it covered three kind of fundamental areas that the Board of County Commission wanted the County Attorney's Office to focus on in negotiating the document. And also, to receive input from potential utility customers so there would be some public comment process that would further inform that negotiation and probably result, I would think, in further negotiations with the pueblos, culminating in a final document that the staff and the attorneys could recommend to the Board of County Commissioners.

So I think this is an extra step and I think it's a welcome extra step, given the length of time since this resolution was passed and the fact that the court process and the objections that it called for resulted in many comments about this. And so actually, when we saw that the comments were starting to come in we stopped working on the joint powers agreement so that we would have an opportunity to complete that process, understand those comments and then Mr. Chair, you scheduled this, which I think is an appropriate way of furthering public comment.

So while a lot of effort has gone into this joint powers agreement draft it is not complete. If I were going to estimate I'd say it's 85 percent complete, something like that. So this is – the timing is very good for public comment. I don't want to take up too much of the public's time, because I know they're here to give their input. There's the three areas that the Board of County Commission addressed or directed the County Attorney's Office to focus on. I would be happy to discuss each one of those or not do that at this time or do it in response to questions.

CHAIR MAYFIELD: Mr. Utton, being out in meeting with the public and various meetings that Representative Trujillo had and that Santa Fe County had, one thing in regards to the joint powers agreement was the authority of the makeup of the water board. So can you comment on that, please?

MR. UTTON: I'd be happy to do that, Mr. Chair. That really goes to I think the second item. So for those who do not have the resolution that the Board of County Commissioners passed two years ago there were three general areas and Mr. Leigland did mention them. They're on page 5 of the document if you have it. So that we know what we're talking about, let me just summarize them. There's protection against withdrawal. I guess at the time there was a question of whether if one of the members of the water authority decided that a governmental entity didn't want to participate, what would happen? Would we then lose the financial contribution and participation by that member? And we've addressed that in the JPA.

One thing, just taking a step back, so under the Aamodt Act, Congress directed the Bureau of Reclamation to build the regional water system and authorized appropriations for most of the funding. As Mr. Leigland summarized in the packet there's a cost-share between the federal government which bears most of that and then next the state and the County has a smaller portion. But once the Bureau of Reclamation has finished building the water system it's not going to operate it. It's going to turn over the keys and it's going to convey title to the local governmental entities that are going to be supplying their citizens with that water. And so this is a multi-jurisdictional project. Rather than relying simply on local supplies within a confined jurisdiction, we're reaching out down to the Rio Grande to get additional supplies. So this is similar to what the County and the City did for the Buckman Direct Diversion. In order to try and save local supplies we've spent the money to reach down farther and create a regional system down to the Rio Grande that then we can bring water in to relieve some of the stress on local supplies.

Well, this is the same thing but a little more complicated because we've got a lawsuit we're settling, plus we have five governmental entities, four of which are pueblo governments. So this is quite a challenge and if it's something that we can do well as a governmental, cooperative effort, including tribes, for the benefit of everyone within that

area, despite the fact that there are these jurisdictional lines that we draw, we're saying we're going across those lines. We're going to have a system that is based on hydrology and supplies the whole basin. If we can do that that would be a great achievement. That is quite a challenge and this joint powers agreement is a key aspect to that.

And so there was protection against withdrawal, which I think we've addressed. In fact in the last section of the JPA now it would require all of the parties, Congress, and the New Mexico Department of Finance and Administration for anyone to withdraw. So once people have signed this and the operating agreement requires payment for each parties' portion then we're on the hook to be partners in this system.

Reliability of service I think is where most people are concerned about – which is the second item – is where most people are concerned about the board. Probably there's some of that concern also in the third item, assurance of financial integrity. And so I think the County staff's approach so far in looking at the board number and membership question is if, as the current proposal is, that each governmental entity would have only representative. So the County would have one and each of the pueblos one so that there would be a total of five. Can we have enough legal assurances that we can be satisfied that even if we only have one representative on that board that the water supply will be provided to our County water utility so we can provide it to our customers.

So that's really a lot of the focus in the draft and I'm going to try to finish in about a minute. So let me just summarize some of the other items that we've negotiated to try and counterbalance that concern. Now, ultimately, whether these other items are sufficient we'll have to I think make a recommendation to you. One thing I do note is I represent a similar entity in Doña Ana County where there's been a fair amount of strife between the county and the City of Sunland Park over utility service and land use planning down in the Santa Teresa border area in southern Doña Ana County. And there was fights over annexation, who would supply that area at the border crossing area that's almost a suburb of El Paso, a very bustling and growing area, who would be in charge of land use?

Ultimately, those two governments signed a joint powers agreement with seven board members, and it was interesting how they did it. There were two county commissioners, three city councilors, and then two members appointed by the two New Mexico legislators representing that area. So that was one way of addressing it. So what we're looking at here is trying not to have too big a board. It could be more than five, but at some point if you get too many I think perhaps it gets a little unwieldy. Five – we have five here – it seems like a good number.

So what we tried to do is add protections that would assure that the board would not have the ability to cut off the supply of water to the county, to set rates and charge inappropriate assessments to the county. So we've put – there are provisions in the JPA, and I think also in the federal act, to protect against those things. And I think we actually did a lot of our homework in Section 6-12 of the act which the County spent a lot of time working on. That section of the act, which actually I've attached to the draft JPA, Congress specifies what the terms need to be in the operating agreement which will govern payment procedures, how cost will be allocated, how water will be distributed, and essentially it is not federal law and it will be incorporated into the operating agreement that water has to be delivered to the five beneficiaries. In fact let me just grab –

The joint powers agreement – we're attempting to complete, even though the operating agreement has not been finished. Now, the operating agreement, we wish we could finish it now but it's an agreement that's based on what the system ultimately is engineered to look like. We know where the tanks are.

CHAIR MAYFIELD: Let me ask a question. I just heard Mr. Leigland, and correct me if I'm wrong, say that the operating agreement hasn't even been started, and now I'm hearing you – I'm hearing something a little different from you right now.

MR. UTTON: I agree with what he said. It has not been started. And because of that we wanted to assure that there would be certain protections in the operating agreement. When the County signed the settlement agreement, when the County signed the Cost Sharing System Integration Agreement, and we did that by drafting a section in the federal act that spells out what terms will be in the operating agreement. And let me just say the reason the operating agreement can't be signed today is it is an agreement based upon what the system is engineered to be. It's not quite as-built but it's final design, when we know where all the tanks are, the pipes, what the capacity allocation is and then it would actually say Santa Fe County, your portion of the system is x-percentage. It's these pipes; it's these tanks. Your fixed costs are going to be this amount. Your variable costs are going to be this other amount and then it will make clear what each party's cost will be.

And so we wanted – because that's not going to happen until final design, which is several years off, we wanted certain provisions that we knew would be in that agreement to protect the County. So those are spelled out in Section 6-12, which is attached to the draft JPA, and they provide that first of all, if there's shortage it's shared, so there's no preference. Pueblos don't get more water in times of shortage than the County. We're hoping there would be no shortage because it's going to have backup, but if there were shortage it's shared alike. The act specifically provides that the regional water system shall ensure a reliable, firm water supply to all users of the regional water system. And it provides that obligations for delivery, payment, operations and management are enforceable.

So between the act and the operating agreement, the rights of the parties, the payment obligations, enforcement mechanisms, I think we'll be quite clear. And I know people are concerned that somehow the pueblos are going to gang up on the County and cut off the County's water supply. That would be contrary to federal law. It would be contrary to the court approval. It would be contrary to the agreement. So that I think is one very big protection. I'm sorry. I'm going on a little too long.

Let me just list a couple other items then I can sit down because I think people want to talk. But there are special voting protections, so there's four specified items: annual budget, hiring, firing of the executive director, contracts for more than \$150,000 or debt. Those things the County has to be in the voting majority favoring that. So there's no questions about what if the County representative wasn't there at that meeting? Well, then they couldn't pass that. So it's not as though – I think there's some confusion about how the quorum provisions work and we can clarify those but let me just state that what we've agreed to with the pueblos is that those things cannot pass unless the County is in the affirmative voting for them.

Two major items that actually the pueblos have just agreed to at the end of last summer was that the County will serve as the fiscal agent for the entire system, that the County will serve as the operator for the entire system.

CHAIR MAYFIELD: I was going to ask a question on that but since you broached it, since you haven't discussed the operating agreement yet, I heard this talked about at every public meeting there was, I have questions of what the cost will be on the County if we are the operators of this system. So then was it negotiated that Santa Fe County will be the operator of this system? If we don't have an operating agreement in place?

MR. UTTON: This is the operator agreement; it's not the operating agreement. So the operating agreement that Congress approved essentially divides up the capacity in the system. It says this pueblo gets this much; this pueblo gets this much; Santa Fe County gets this much. Your costs are allocated this way. It requires payment. It has enforcement provisions. It's really more of a nuts and bolts operating agreement for the entire system.

CHAIR MAYFIELD: So do you have a copy of the operator agreement that I can have?

MR. UTTON: No, no. In fact if we were to put that it would be – that agreement is called for if you approve the joint powers agreement. So let's just look. If you look at the joint powers agreement that's proposed – again, this is a working draft. It's not a draft that we're here asking you to approve. We may not come back for a year with this. It depends on how long it takes to negotiate the changes that are needed to make this satisfactory to all parties. But if we look – let's first look on page 11, Article 9, fiscal agent. And then the next page, Article 11, there's regional water system operator. So this JPA is not going to create a regional water authority that's going to hire 50 employees and run the system. It's going to have a board, at least as it's contemplated now. One executive director, maybe there might be one or two other employees. But it's then going to contract with somebody to run the whole system.

What is proposed here is that Santa Fe County will be both the fiscal agent, and would be paid for it, would charge for that, would cover its costs for being the fiscal agent and for being the operator of the system.

CHAIR MAYFIELD: How are we going to cover our costs?

MR. UTTON: Well, how we are going to cover our costs is the pueblos would pay us to run the utility services for them. And then our customers would get a monthly bill to be part of the County water utility. So in effect, the County water utility, even though we have five separate jurisdictions, they are going together not only to build this system, to have a board that would oversee it, but then have one of those five entities, the one with utility experience to run the whole thing. So this person right here is going to have a lot of work.

CHAIR MAYFIELD: I'm kind of snickering because respecting all staff, we have a great deal of utility experience in water operations at Santa Fe County and I've broached that many times with our joint venture with the BDD. I won't go down that track today but I've been down that track many times, Adam, and we don't have a lot of experience as an operator.

MR. UTTON: Let me say just one last thing and then I'm going to sit down. I think one thing that's important is that as Mr. Leigland said, the federal law says that those

five entities need to create a regional water authority. It doesn't say what the vehicle is. I think an important thing here is that the pueblos have agreed this vehicle would be created under state law. And so we're using the Joint Powers Act, not some federal law or some non-profit corporation or federal corporation. We're using our State of New Mexico Joint Powers Act agreement provisions and so DFA would approve that. In fact, interestingly enough, Mr. Shaffer, in his capacity as general counsel at DFA reviewed an earlier draft of this to make sure that all the New Mexico requirements, like public records, Open Meetings Act, audit, procurement, that all those provisions are in there for this entity.

And so that I think is a helpful thing, that we're basing this on state law. But I think I should sit down and let other people have comments.

CHAIR MAYFIELD: Let me ask two questions. Going back to the settlement agreement you have in front of us. Excuse me, your draft memo. Hearing Mr. Leigland, and I don't know what page I'm on; it's not numbered. But we have a joint powers agreement. The JPA between the County and the four pueblos is not specifically mentioned in any of these four key documents described above. So how binding is this JPA if we engage in a JPA with the pueblos and with Santa Fe County? Can it be ratified? Can it be changed every year? What binding authority does this JPA have?

MR. UTTON: So it would be binding on all of the signatories – the pueblos are waiving sovereign immunity for purposes of enforcement of this. Specifically, the federal act requires them to waive sovereign immunity for obligations of payment responsibility, so they could be sued in federal court if they didn't pay. It can be amended but it would require all the parties to agree. It isn't mentioned by name but paragraph 9.5 of the settlement agreement, a condition of settlement is that the parties form this entity. The United States isn't going to build – the United States does not want to run this water utility. They've agreed to build it. They're not going to build it if there's not someone to hand it over to. So they've said to the County and the four pueblos, you form this entity and we'll build it and give it to you.

CHAIR MAYFIELD: My last question and we'll go to the public is what authority – I've heard that they're not going to set rates. What authority will this board have?

MR. UTTON: I think it's going to have authority to operate the system consistent with the operating agreement, the federal act, the settlement agreement. It's not going to have a lot of discretion to go and do other things. It really has a lot of obligations. Its role is to implement what is being required under the settlement. So it doesn't have the authority to cut off water, for instance, to Santa Fe County. So if someone is a customer of the Santa Fe County Water Utility, the only entity that could cut off water would be the County utility, if parties or customers were not making payment and after notice and whatever procedures were acquired. This utility doesn't have the – the water authority board wouldn't have the power to set rates. Its obligations with respect to finances are constrained by the operating agreement. And so the costs that would be established in that are essentially determined already.

So I think the biggest fear is we need an entity that runs well. I think the biggest fear is that somehow it doesn't do its job, it doesn't maintain the pipes well enough, or replace things that are worn out. So that's the biggest worry is that it somehow falls down on the job.

And I think that's our biggest concern, to make sure that it doesn't. So our approach has been to have our utility department run it.

CHAIR MAYFIELD: Thank you. Commissioners? Seeing none, I'm going to go out to the public now, and I know we had a few hands. We'll start with Representative Trujillo, please. If you all can just state your name for the record and don't be shy to come and speak your thoughts on this, please.

REPRESENTATIVE CARL TRUJILLO: Thank you very much, Commissioner Mayfield and Commission. I really commend you for putting this on the agenda. I know this is very welcome from the people of the Pojoaque-Nambe Tesuque River Basin. I first would like to start off with, I don't want to take too much time but I have a lot of material here.

CHAIR MAYFIELD: You have all the time you need, Representative. Just so you know.

REP. TRUJILLO: Okay. Thank you so much. I want to let the Commission know what has transpired up to this point. During this past legislative session, during the last couple days of the session, Santa Fe County contracted out with the Utton Center to have public meetings for this to make the citizens aware of this very complicated settlement agreement. Those two meetings were held basically within the last two days of the legislative session but I was unable to attend those due to that I was there at the legislature, but in these two meetings I understand there was more than 800 people that attended, so it can give you an idea of the magnitude of how the concern that people have in this area.

So at that point, I know Santa Fe County contracting through the Utton Center and Darcy Bushnell, she set up a series of these workshops and I think in the published data there were going to be 25 members from the public that could sign up. I think they did allow more as it went, but I got bombarded, literally bombarded by emails and phone calls because it was just so complicated and people didn't have any idea what was taking place. So at that point I decided I would hold some of my own meetings and I contacted Santa Fe County to see if they'd send a representative, which they gracefully did at every meeting. There was a series of six different meetings. I contacted the State Engineer's Office as well. They were there as well, graciously, to answer all questions.

Between these six different meetings held from Tesuque to El Rancho to Pojoaque to Nambe, at each and every meeting there was between 60 and 150 people there. So it gives you an idea of the amount of concern here.

Now what I did at these meetings, because we're speaking only of the joint powers agreement tonight is I heard many, many concerns on the settlement agreement but this was one of the ones that resonated the most within the community, and as Mr. Utton mentioned, the concern of the makeup of the board and the joint powers agreement was of a real concern and I think what's happened is that all – the message that kept coming through to me was that everybody affected in the settlement agreement would ask of this Commission that careful consideration into this joint powers agreement to the regional water authority board would be fair and be representative of the community that it makes up and that it will serve.

Now, whether you choose to hook up to the system or not, because thankfully that is a provision for many in there. You can keep your well. You are adjudicated down to the right – or to an adjudicated right, but you do not have to sign up for it. But there will be those that

do, that choose to, because maybe of water quality or they feel this is the right thing for them. There will be the ones that probably never got anything in the mail, and it sounds like the State Engineer will enter them into defaults and they will have to choose option one of the election which will put them on the regional water system.

With this we have to make sure that whether you sign up to use your well or you sign up to be on this regional water system, it has the potentially of affecting the community and the property values. So everybody, whatever the choice they make will be affected by this. And in that community, I don't know the breakdown between the pueblo members and non-pueblo members but I'll go through as far as maybe what some of the recommendations that could be made on this joint powers agreement. I know it's still in draft form.

But the other thing that was very clear, and I want to address a few comments that Mr. Utton made and Mr. Leigland made. I know as we were continuing through this process the County was looking – I saw it published in the paper – about 1,500 people to sign up for this system to make it revenue neutral for the County. And as mentioned, there was 790 objections and 322 acceptances. Those acceptances don't necessarily mean that they chose to hook up to the water system. As I understand it, it's only about 130 currently that have signed to hook up to the water system. The others out of that 322 are people that have elected already just to keep their wells.

And I know Mr. Leigland mentioned that this was another area of concern was the cost of the bill. And I know in Santa Fe County we all do different types of landscape and we're all here to conserve water. I think Santa Fe County and the City of Santa Fe have done a wonderful job with that. But we do live in a slightly different area down there because we're a very agricultural society out of tradition for hundreds of years. Most of the people down there have $\frac{3}{4}$ of an acre all the way to ten-acre plots of land. And there was a settlement that was prior to this that allowed some of the people to put a meter on their well, and the State Engineer found that these people, traditionally, the wells that were put down there – now this is an average because they all fluctuated, used about a third of an acre-foot, .3 to a third of an acre-foot, because they had gardens and they had a lot of livestock and things alike because you can have all that stuff down there. We're very fortunate.

So that 5,000 gallons actually goes up doubling it to about \$85 a month, and if you apply the City of Santa Fe rates, you'd but up around \$130 a month. The issues that people still don't know what those rates are and that was a major concern. And so the settling parties here – the settling parties being the four pueblos, the US government, City of Santa Fe, State Engineer's Office and Santa Fe County have been working on this settlement agreement for the past five years to match the legislation up with it and it was then in this interstate position and the courts literally gave the people about 50 days to decide in this complex settlement agreement what to do.

Furthermore, there was a mistake on the paperwork that was sent out that was vetted by all the settling parties that asked the people to make an acceptance or make an objection. The issue is the court hadn't set a date for the acceptances and I did go to the State Engineer's Office and speak with them that I was a little troubled by that, that we created this state of panic down there in the community because this wasn't correct. And I did ask the State Engineer to please set the record straight. I know the State Engineer released something the day before the April 7th deadline.

The other thing that I'd like to speak before I go into what I believe may be – Commissioner, Chairman, you had asked what is this board, this regional water authority board going to do? The joint powers agreement provides that the regional water authority will own, manage, operate and maintain the real property, facilities and equipment to divert, collect, treat, store and transmit water within the basin. Sounds like a lot of responsibility to me. And so as I mentioned, the people down in the community just had a concern to make sure that this is a fair process and that things – mistakes, whether they were unforeseen or not, well, probably mistakes, unforeseen. My apologies. That this didn't happen again. And it was interesting, because as I walked in the room earlier I heard the discussion about the right-of-way easements that took place down there in the valley.

And what took place is – I know Santa Fe County now is, there's something taking place here between one of the pueblos down there, but there was an agreement signed between one of the pueblos, San Ildefonso Pueblo, and the County in 1989 and money was exchanged and many other items were exchanged on that, and now it's come full circle. And a letter here from the Bureau of Reclamation – I'm not even sure if you've had a copy of this, but this was actually sent to Congressman Lujan as he inquired about it, and in there the Bureau of Reclamation, and I'm going to read directly from this letter, states, to Congressman from the Bureau of Indian Affairs, in response to the notice to show cause related to legal status of six roads designated by the County as County roads, the County provided a letter and right-of-way agreement by and between San Ildefonso Pueblo and Santa Fe County signed in 1989. The County argues the right-of-way agreement between San Ildefonso Pueblo and Santa Fe County grants to "the County a right-of-way on all the roads in question."

While the County's letter contains some useful information that we will consider, we and the pueblo believes the County reads the 1989 agreement too broadly and that the County does not, in fact, now have the legal authority to occupy all roads in question.

So my concern with that is that this is water, this is life, this is property values here and I want to make sure that whatever action this Board takes in this joint powers agreement that it is very carefully thought out to make sure that we can avert some of these types of issues.

I would also like to – I know that Mr. Utton mentioned that the pueblos are waiving their sovereign immunity in the joint powers agreement. On the current draft form, unless I missed it, I think – I don't believe that I actually saw that. I'm not exactly sure where. I wish – I'll get with Mr. Utton after this as well. The other thing that I have to caution this Board with in reference to Commissioner Mayfield, Chairman Mayfield, is the joint powers agreement in this settlement agreement, in this joint powers agreement actually talks about the board of directors and in Article 14 of the draft agreement, in there it talks about the members and officers of the board of directors shall be immune from any liability of their actions as directors or officers, and the actions or omissions of the authority or any director, officer or employee thereof to the fullest extent by the federal law by the New Mexico Tort Claims Act.

Currently, in some of the joint powers agreement that Santa Fe County has entered into in the commissioning of tribal officers hasn't held up in court on three different instances. They – an individual that is of a tribal nation does not follow under the Tort Claims

Act and this County has spent tons of money spending on litigating this issue. And so I want to make sure that that is addressed appropriately.

The other issue that I would like to address is I know Mr. Utton said this is very similar to the Buckman Diversion and that was to keep this water in this area. In the settlement agreement, I know you don't have a copy of this lengthy document, but in this settlement agreement it does say in Section 7.3 as far as the export of Pojoaque Basin water, any water that's diverted from the ground physically in that basin has to stay in that basin. But it's very explicit, at the very last sentence, it says diversions from the Rio Grande shall not be considered to be diversions within the Pojoaque Basin. And so I want to just make the Board, the Commission, aware that I think that there is the ability – and I know as Mr. Utton said there's \$150,000 is what the one individual that represents the County, that they have to be there, anything above \$150k. I think in the current draft it's \$125,000. But \$125,000 or \$150,000, it's still a lot of money to commit a board to without – or the Santa Fe County to commit to without that vote there. A utility could be leased out or sent to an operator at a one-month time event and that you would have no jurisdiction over that.

The other thing, as Mr. Utton mentioned, a lot of the concern was the makeup of the board – four pueblo members and one member from Santa Fe County. We would – I know many people would propose or would like to propose that maybe three non-pueblo citizen directors are on that board with some sort of qualifications, whether they be finance or executive qualifications or public works qualifications, something that the Santa Fe Commission would entertain, and also maybe to break up the tie, get a member from the State Engineer's Office, or some other makeup of this regional water authority.

The other thing is this board, the chair never rotates, so in the current configuration, the chance of a Santa Fe County representative ever being the chairperson on this board are probably not very likely. Another thing in the joint powers agreement is that board meetings can be held anywhere in the state of New Mexico. Anywhere in the state of New Mexico. I know the membership of the community feels they should be held within the NPT Basin. It would make it easier for people to attend, therefore we could follow the Open Meetings Act and have public input and attendance.

Under the current JPA directors can all be there by telephone, which can make it very difficult for a public meeting. There is no term limits on the directors, and directors can seat themselves indefinitely. The director appointed by a member entity cannot vote to enter a contract if that member entity is a party of the contract, but there's no prohibition on voting with the director, a family member or the party entity has direct or indirect financial interest or any other type of conflict of interest. And that's one thing that I would look on as far as following conflict of interest.

In the powers section of this joint powers agreement, these customers are not subject to any parameters other than the vague reasonable standard. And the reason why this is very troublesome to a lot of the members there, and I'm sure many of the Commissioners have heard this but probably aren't very well aware of the details. Down in the valley there we are experiencing tremendous right-of-way fees for electrical easements to the tune of \$32 million that is being committed to the residents there and being a cooperative down there, we're not investor-owned, these fees have to be directly collected from all cooperative members, whether they be pueblo members or non-pueblo members. And to give you just an idea of

what's taking place there is that our sister cooperative to the north, Kit Carson, they negotiated leases with the two pueblos up there to the tune – between both pueblos, to the tune of about \$250,000 over the course of 25 years, which was considered market value. So down in the valley where we're at, it is to the tune of \$32 million.

Now, granted, some of those pueblos sit outside of the river basin or this particular NPT Basin, but nonetheless, this is certainly a concern of many of the members there.

In the fiscal agent part, the draft JPA requires the authority to enter a fiscal service agreement with the County to be its fiscal agent. There's no mention of a minimum or maximum time limit on here if the vote of four directors removes Santa Fe County from it. It appears there could be no fiscal agent at that point. It's hard to tell from the current agreement. In the annual budget and financial provisions, the contributions of the parties to the amount necessary to meet the regional authority's operating budget is to be defined in the operating agreement. However, the draft joint powers agreement includes the word joint. The issue that a lot of members have with joint is that there will be an unequal share of water taken from there and so something may be apportionate or something that's going to indicate that the cost would be shared according to the water that's delivered to the different individual systems might be more appropriate.

Under this same annual budget and financial provisions the authority is required to present a comprehensive annual report to the parties within 90 days of the close of the fiscal year. However, there's no requirement that the report be made available to the public as the audit is, and so we would just ask that it would be available to the public as well.

And under the regional water system operator, at its discretion, the regional water authority board may enter into a contract with the County to be the system operator for a term to be agreed upon. I know through these meetings many of the people, that was a major concern is Santa Fe County, how long were they going to operate this for and if Santa Fe County's contract was terminated, at that point what is Santa Fe County on the hook for under this joint powers agreement? Any such contract would be terminated by a vote of four directors and would be managed by the general manager of the authority. Alternatively, the board may choose as the system operator any of the pueblos or an outside private entity under the current joint powers agreement as I understand it. A contract with the County would require that all of its employees be subject to the pueblo hiring preferences and that they become County employees. However, as County employees, they would be subject to the supervision of the general manager who would also have the authority to recommend discipline and firing.

In more general terms, the joint powers agreement states that the County is the system operator, employees of the authority – and I highlight authority – shall be employees of the County.

And so lastly I want to close because I have far more comments. I know this is the very beginning stages and once again, I want to commend Chairman Mayfield for bringing this dialogue forward. I think it was very ripe in the community. And I guess the joint powers agreement, I take it it's just a government to government agreement as far as – I guess there's still a lot of unanswered questions as far as the cost and who's going to share that burden and I want to make sure that the membership or the people down there that are hooking up to this

system don't feel like costs can spiral out of control where they can no longer afford it. With that, Chairman, Commissioners, I would entertain any questions.

CHAIR MAYFIELD: Representative Trujillo, thank you so much. If you would indulge us, I would really like to have your comments so they could actually be incorporated into the record and given to Mr. Utton, because those are great comments that you provided that we need to look at.

REP. TRUJILLO: That would be fine with me.

CHAIR MAYFIELD: Commissioners?

COMMISSIONER CHAVEZ: Just a follow-up, Representative Trujillo. I think that even though nothing has been finalized it does seem that there is some cost-sharing identified between the State of New Mexico, Santa Fe County and the US government, those numbers could change, as was mentioned earlier. But I think the cost that you're referring to is the direct cost to the customer, right? I think that's the biggest unknown right now.

REP. TRUJILLO: Absolutely. As I hosted these meetings, people did ask the question, where is the money coming to build the system and as you heard those numbers earlier, those were 2006 dollars that need to be indexed all the way to 2020 or so. But yes, to answer your question it is what is ultimately their water bill going to look like? You're asking me to sign up for the settlement agreement but I don't know what the joint powers agreement looks like. I don't know what the State Engineer's rules and regulations look like. I have no idea what I'm signing up for. It's like, going to buy a house that's unfinished and you don't know how they're going to finish it out.

COMMISSIONER CHAVEZ: Right. And even though, if you use that analogy, we have some comparables to look at, if you're buying a house you can look at comparables and you can estimate, more or less, what price range that might be. In this case I think that's probably not the best analogy to use because you have a group of customers that has relatively free water. It's not completely free because you have the investment in your well and the upkeep of that well, so there's a cost in that water. So the biggest unknown, I think, is the direct cost for the customers that do decide to hook up to this new regional water system. We don't know the exact dollar amount but we have some comparables that we could look at or look to try to come to an estimate of what that would be, but I think people want to know a more exact amount so that they can start budgeting for that.

So I just wanted to, for myself, to clarify that just a little bit and tell me if I'm off the mark.

REP. TRUJILLO: Chairman, Commissioner, no, you're absolutely right. And what I'd like to add to that, which brings more fear, or potential fear I should say, is that under this settlement agreement for a non-pueblo person, they will never issue another well permit in that basin. So you can start to understand if you're a property owner that's been there for 300, 400 years and passed your land through generations, and you have 20 or 30 acres that you were looking to potentially give to one of your children, they will not have a well permit issued in that basin again. The only caveat to that is if the – well, the caveat to that is that if the regional water system doesn't come by your house at that point you would have to go out in addition to the cost of drilling the well, you would have to go out and purchase a half-acre-foot of water from – I'm not sure who would be the person at that point.

So you can see how there's a lot of hesitation in this, because people – it's hard with uncertainties.

COMMISSIONER CHAVEZ: Right. No, I can only imagine. I'm not in that situation or position myself personally, but I can relate and I can feel for those that are. But then I also have to try to balance that, if you will, and look seven generations ahead to see what that Pojoaque Valley would be like only depending on individual wells and septic tanks. What is that picture going to look like in seven generations? We don't know that. It's hard to look into the future to that degree, but I think that we want to protect our groundwater and water and sanitation districts might be the best way to do that. And I'll leave it at that. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner, Representative again. Thank you. I'm going to open this up for – it is open for public discussion so anybody who would care to comment, just please come on up, but really quick while I do this. A quick housekeeping item. We have other individuals here for various topics on tonight's agenda. I know one is the living wage ordinance. I'll defer to our County Attorney. I know we need to go into executive session. When we do break to go into executive session how long will you keep us in there?

MR. SHAFFER: I think we can complete the items that I've listed in 15 minutes, no longer than a half hour, but I think we can get it done in 15 minutes.

CHAIR MAYFIELD: Mr. Shaffer, this is I guess your first BCC meeting so a half an hour is going to be close to an hour just in my mind. With that, just so everybody who is here for any other discussion tonight, aside from the Aamodt discussion, after we complete the Aamodt discussion tonight we will take a vote to go into executive session. That's contingent on the Commission's action to do that, so I think that 7:30 would probably be a safe bet if not a quarter to eight for other items on the agenda tonight. Commissioners, are you all in agreement with that or did you want to hear other ordinances before we go to break?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Yes.

COMMISSIONER CHAVEZ: If I could, if you would ask those that are here in attendance now to raise their hands if they are here to speak on the living wage issue.

CHAIR MAYFIELD: Commissioners, with your indulgence I will take this ordinance on before we break for executive, if you want to do that.

COMMISSIONER CHAVEZ: I just wanted to get a gauge of where the audience is and I think if we can accommodate them first that might be good.

CHAIR MAYFIELD: That's what we'll do. We go to that order of business next and then we'll break. Thank you.

VI. C. 3. Public Input and Discussion of Aamodt Draft Joint Powers Agreement

CHAIR MAYFIELD: Will you say your name, sir.

JACK SELLER: My name is Jack Sheller. I apologize for any violations of the rules of order because I don't go to many meetings. I represent myself and my wife's family who own a mobile home park in El Rancho and we're in the middle of this whole mess. I'm not going to go through all of the questions and everything that we have concerning the JPA because they've already been discussed quite completely by Representative Trujillo. My biggest concern, fortunately, and I've heard it mentioned many times, in light of the JMEC and also of your recently mentioned right-of-way and easements for the County roads is the fact that everything changes when it comes to the pueblos. Nothings applies. Our community has been threatened and coerced and intimidated concerning the whole JMEC situation. And they're starting again with the same tactics about the rights-of-way and the easements for the roads. Perhaps you're aware of that, perhaps not. It really doesn't matter.

The other point I want to make is how do you plan to enforce any of these things concerning the JPA, concerning the water conservation district, concerning anything that you concern here this evening when the state cannot even get the pueblos to pay their taxes? How is that going to happen? I'm not a lawyer. I'm not a legal consultant. I have a limited education. I'm a water operator for a 16-unit mobile home park and I know that at .5 acre-feet I won't have enough water to supply my people. And I'm scared to death to hand all that regulation and all of that control over to the Native Americans. I am not trying to be disparaging. I'm not trying to be racial. I am very concerned, because first of all, they don't care. Second of all, no one is in charge of them. I don't know what we're going to do.

I do know that property values have decreased, probably close to 60 percent in the last year in our particular neighborhood. I know people that have built homes that are worth $\frac{3}{4}$ of a million dollars and they can't even get people to come and look at them at \$325,000. I know that for a fact. I know that we're concerned about our electric rates. Most of the people in my mobile home park are very poor. I charge \$350 for a mobile home space. Go find another place in the county that charges so little. The EPA, State of New Mexico Drinking Water Bureau are constantly after me. I'm looking at over \$60,000 worth of investment in order to treat my water for a slightly elevated level of uranium. I don't know how I'm going to do it. I'm going to have to try to get revolving funds.

And I know that if the electric rates go up I'll go broke. I'll have to close it down. I have 16 connections and I have 40 people – 40. And these are just people with families trying to scratch a living. And they're not going to have anywhere else to go. They won't be able to afford anything else. And I'm not tooting my own horn. I'm just stating a simple fact. And I just don't know how in the world they're going to survive or I'm going to survive. I can't even sell the business that I have and my family has for enough money to leave, and believe me, we've considered it. That's how dire it has become. And if they're going to use intimidation and threats, blackmail, close off roads, put gates up across our property, charge our neighbors \$500 just to get into their home per year, where do you think this is going to go?

I can pretty much tell you that it's going to go back, way back to when the courthouse was taken over in Rio Arriba County. It's getting very dire. It's becoming violent. I know my neighbors have told me that they've been taken off of roads that the pueblos claim at gunpoint. This is the situation you're having to deal with, so I'm going to caution you to be very careful, very careful. And I know this is just in the planning stages, and everybody

thinks that they've got everything covered, and I don't want to be disparaging and I don't want to predict anything, but if you think you've got it all covered, you're wrong. And again, I apologize for any toes I might have stepped on. I'm pretty famous for doing that, but that's the way it is, and that's not just tonight. We live that every day. We leave our homes to go to work, go to town, go wherever, go around the corner to visit a neighbor. We don't even know what's waiting for us. There might be a ranger there waiting with a gun to tell us we can't go through that road.

They're trying to close down roads that have been open for centuries. They closed down a road that was open between El Rancho and La Mesilla that had been open for as long as I can remember and as long as my father-in-law can remember, and he died at the age of 91 six years ago. These things have been going on for hundreds of years and now all of a sudden the whole climate has changed. Your law enforcement people come to our community to take care of things out there. Recently, we've noticed a great drop in crime because they patrol regularly. If the pueblos close the roads, what's going to happen? Where's your law enforcement going to go? Where's your fire department going to go?

I've heard of instances when the fire trucks are told they can't go through there because it crosses pueblo land. There's a lot more to this than just water. Water is life. I remember the constitution of the United States. I remember the tenth amendment that assures the states that they have powers that the government can't take away. I also remember the Emancipation Proclamation where we're assured of inalienable rights. And unfortunately, Native Americans, because of their sovereignty status do not see it that way. Thank you very much.

CHAIR MAYFIELD: Who else would like to comment on the JPA that's proposed in front of us? If anybody would just like to sit up here in the front rows, those chairs please, that would kind of help out a little bit for time tonight. We have two rows on each side. Mr. Gutting.

JOHN GUTTING: Mr. Chair, my name is John Gutting. I've been here before among all of you up there except for Commissioner Chavez. He wasn't yet elected. I'm very appreciative of that has happened to this point throughout the process. I have no conflict with the Indians' water rights. What they have been given through the settlement, what they are entitled to through the brought in waters. I have no conflict with that. My conflicts are the same as the gentleman's you just heard and of our great representative, Mr. Trujillo. The things that are not fair that the people don't understand and everybody needs to understand, Adam in his presentation said that he had answered all of our questions. Well, one of the questions that Adam answered was that he felt like 85 percent of the people that live in the basin, there will be a waterline that will go by it within 300 feet.

I don't know that that's actually the fact. A new issue came up tonight. I've been under the understanding that the design criteria for the system that they're now working on was predicated upon an engineering report that was done by a company called HKM. Mr. Leigland tonight says they're going to use a 2006 engineering study that was done by the BOR and there's a world of difference between those two. The HKM report eliminates all the people that live up towards Chupadero; they'll never have water up there. There's a number of people that live off of Camino Encantado or Tano Road, I guess it is, a better explanation, off of Tano Road, that are outside the city and inside the county that are in the basin. I think

the number is about 250 people that live up there and there are absolutely no plans to service any of those people.

There are also a number of people that live in the county along the 285 easement from the opera to the bottom of the Tesuque Hill that still have properties to develop that have no – that have not been considered for the services of water in the future. I don't know how many untold acres of land that are in the valley that are available for development in your Sustainable Land Development program at $\frac{3}{4}$ of an acre that will not have water going by them because there's nobody living there now so there was no reason to go by it to begin with, so there's no plan to develop the water system into those areas.

I realize that can be done in the future but that's going to be an awful great expense to not only the people in Santa Fe County or northern Santa Fe County but it's also going to affect the other four Commission districts. That money's going to have to be raised from revenue sharing bonds or however you decide to appropriate the money.

Another thing that has come up that nobody has talked too much about lately is what is known in the HKM report as the Bishop's Lodge extension, or the extension of the water system from the southern Tesuque Pueblo boundary to the top of Bishop's Lodge Road, roughly where Circle Drive comes in. That's another several million project that was not originally funded in the \$106 million by the feds, nor was it funded in the state's \$45 million, nor is it funded in the County's \$7 million. That's money that is on top of that, and that likely will be a very high cost to go up that road. It's going to be very expensive. It's almost all completely under asphalt. It's very narrow. There's a lot of properties. A lot of those properties could be over 300 feet, so consequently they won't be getting service.

I think these are the things that you as the Commissioners need to look to. Another thing I'd like to point out, within the settlement, if you've read all of the settlement, it talks about a wastewater system. The wastewater system, to the best of my knowledge, has been canceled by any further looking forward as far as the County is concerned for additional easements at the time that this is done. If that wastewater system is proposed and tried to build later, the gentleman that just spoke before me, you do not understand the difficulties you're going to have for the easements to get that wastewater system implemented.

One other thing – back in the early 2000s this Commission made up of different members signed a joint powers agreement with one of the existing pueblos that you're in negotiations with now to establish a wastewater treatment plant. And this Commission authorized the expenditure of \$1 million towards that wastewater plant. There was supposed to be a joint meeting held on an annual basis so that everybody could see how this was going forward, and to the best of my knowledge, the only public record I've ever heard of that was one meeting and that was less than six months after the establishment of the joint powers agreement. There's never been another one made. That's a million of your dollars that you aren't getting reports back from nor are the people that live in the valley, nor is there any EID permit for any use of that water other than for the tribes only use on their 36-hole golf course.

These are things that have to come forward also in the EIS for this very settlement that we're discussing. I think that's critical, because I think that the environment is being hurt. It's been talked about many times that we needed a wastewater system before we had a water system. I won't go into that because that's not the issue of the settlement. The settlement is about a water system. But I think that Commissioner Chavez pointed out what's going to happen in seven generations? Well, I can tell you that in seven generations, if there

isn't a wastewater system plant there won't be the people that are living out there now. So that is something that is going to have to be taken on, but we can't take that on now. We're only talking about a water system.

And I think it behooves all of you Commissioners to go through this entire package, all 400 and some pages of it and make sure that it's not going to affect your part of this county because your constituents are much more or equally important to us as they are to you, and I don't think that it's fair that they're going to be maybe possibly having to foot the bill for something that some people believe is a good deal because the federal government is going to put in \$106 million to start a water system. And with that, I'll let anybody else come to the table. But these are very important things that you the Commissioners of the other districts need to know as much about this system and what it's actually going to cost, where it's going to go and what it's going to provide, because it doesn't provide water to all of the individuals that live in the NPT Basin. Thank you.

CHAIR MAYFIELD: Please, come on up.

BEVERLY DURAN CASH: *[Exhibits 3-7]* Hello, Chairman Danny Mayfield and Commissioners, my name is Beverly Duran Cash. I have first started representing the community of El Rancho and it began with the Jemez Co-op issue of electrical lines. Again, I know that those are things that are outside of what we're here today but I think it's very important for you to know why we have so many fears and why we're asking you as elected officials to take it very serious. We've heard from many lawyers today. We've heard key words, agreements. That wasn't our agreement. Those were agreements from government to government, from lawyers, our federal representatives, our state, City and County and the four pueblos. Those agreements were done government to government without our knowledge and it was to resolve or to settle a long-time agreement, that yes, I agree, probably had to come to an end.

We heard of protection, and all I could hear from protection was a protection of funding. I never heard of the protection or your constituents. I never heard of the protection of those that earn an income of an average of \$30 to \$35k. There's been no protection when it comes to the easements and especially those easements to land grants that should have been given by our federal government who is the one that actually has caused this. Because when the government came in and issued those land grants they avoided to give those the easements that we should have held.

We hear comparable. Where are you going to compare this? Right now with JMEC there's no other comparison. A gentleman here, a lawyer, talked about how there was a board and there were County officials and there were City officials. They are elected officials. Tell me where in the state of New Mexico do you have all the tribes with a sovereign nation and one County official? Is that comparable?

We talked about the comparison between Kit Carson with market value was \$119 and \$130k for 25 years. That's market value. And we're telling you in our area we're looking at over \$30 million of easements, which is 600 over the market value. Is that comparable? Where are we going to find comparable with what we're going through? You go out and you ask all the other districts. Do you live comparable to what we're living? You talk about fairness. I have to tell you, the woman behind me will tell you that there's no such thing, not where we live right now.

Now one of the assumptions I want you to recognize, and I'm going to take a different approach, because you've heard about the JPA and you've heard about it hurts the individuals and you've even heard about the easements and things like that and again in the water. I'm going to ask you to bear with me and let me show you some of the examples that we have about the County having any authority over the sovereign nations, because we're living it right now. It's not an assumption; it's not an estimate. We're living it.

The first one I brought to you because I'm not even sure if you guys have this so I went ahead and made copies myself. This letter, these letters I'm going to give you are letters where our County roads, which we pay for through a 1989 easement agreement are now we're filed in trespass. I'm going to go ahead and give you the letter for Ben Ray Lujan that asks the BIA to please consider these easements and the effect on a community that's already been hit with electrical and water and their property values going down.

I'm also going to give you a letter from the reply from the BIA, which basically said, not only congressman, you don't know what you're talking about, and you have no jurisdiction, but neither does your County. And I'm going to pass these out to you because everyone behind me has a copy. So when you sit here and the legal system tells us that we're protected and that we have rights, then I ask you as the Commissioners, how come I haven't heard of any one of you standing up and helping us with these easements? We've begged and we've pleaded to the Congress and the Senators Udall, Heinrich, and they tell us it's a state issue.

Then we go to our state, the Governor of New Mexico, Susana Martinez. We've gone to several people within the state and they tell us, I'm sorry; it's federal. They're sovereign. We are a people that have fallen through the cracks. We are an unrepresented people today. And the only power we have is our vote. That's the only power we have. I'm also going to share with you, we went to the roundhouse and we asked our representative, Carl Trujillo, to please put in a bill that would help us with the Jemez Co-op issue. Again, we're not disputing anything that they should get market value. Actually, at this point we'd probably be happy if they get double the market value. We're disputing 600 percent of environment and a society and workers that can't afford that. And it seems like there would be protection because I know the consumers are protected everywhere else, and it falls on deaf ears.

So we asked him to please put a bill and it was a joke. We had the business industry committee members and we had the Health, Government and Indian Affairs tell us people, we can't help you. 25-CFR-169 is a federal law that in the days back when it was established to protect the pueblos so that they would get at least minimum market for the easements. Their knowledge didn't come with reading that law; it came from Robbie Robinson who was an economic advisor who said, hey, guess what? They didn't put a cap. We can be rich at the expense of your constituents.

So we went to the roundhouse. We had to hear how we had no rights. How the state couldn't help us. We lost. Wednesday we were at the PRC. We went forward, a roomful, asking to please hear how this was going to affect our community. Please come and listen to your constituents again. Let us tell you how this is affecting us. How it's not fair, how it's not healthy. The animosity is not healthy. Not for our neighbors who are in the pueblos, who I believe are good people and struggling just like we are. This is about the governments that are taking advantage of laws and they're suffering like we are and we're fighting for them also.

Because I would love if all of that money would go back into their community to help them. Maybe I'd have some peace after paying those bills, at least knowing they would benefit. So at PRC, basically, Patrick Lyons looked at all of us and he agreed. He said it's really sad. It's going to affect the state. Pueblos are part of the state. Can't you see the small businesses, the unemployment? This is affecting everyone. And then he looked and he said we can't help you. It's under our jurisdiction. You have to go to Ben Ray, and he called him out. And he's not the only one. We had two Senators and we have a Congressman. And he said that's where you have to go. We can't help you.

I have a copy for you and I'm going to share this with you. Again, this is what we're living. It is from Senator Heinrich, directly to me, that says, ma'am, all I do is pass federal laws for all New Mexicans. I can't help you either. Go back to your PRC.

I want you to know that these again, aren't assumptions. They're not estimates and they're not proposals. This is our life today. Now, when you mentioned about the pueblos wanting and agreeing to go to the state law for this JPA to be governed in the state law, well, why not? We've had everybody in the state legislature tell us that they have no jurisdiction over sovereign nations. Beautiful. Just one more.

I want to address, Mr. Chavez, what you said about concern for us in the next seven years because of all the wells.

Commissioner Chavez: Seven generations.

MS. DURAN CASH: Seven generations, thank you. We're concerned about that also. And we've asked for, because my understanding is in the water act, you should be looking at the waste and the water system, and my understanding is we did ask Senator Domenici at the time if he would look at both and he said that the wastewater would be too expensive. You see, literally, right now in the State of New Mexico and because of this settlement saying that they can go outside of the basin and lease water, that's a money-making thing at our expense. With all due respect, you can't sell crap. But you can sell water. And that's your answer.

CHAIR MAYFIELD: Ms. Duran Cash, I want to really quick, because I want to have of course decorum and respect for all my colleagues on this bench, but also, just so it is noted and so it is stated, these documents that you're passing out and the community by me, with the exception of the last BIA letter that I'm still waiting to receive, that I have received and the Commission has received it. So the Commission has all these letters. Santa Fe County, along with my colleagues sitting on this bench. They did provide dollars to intervene in the JMEC rate case. So that's very important. Santa Fe County really stepped up to the bar, stepped up to the plate on this intervention. We hired experts. We provided a lot of testimony that's beneficial for the whole community on the JMEC cost recovery case. I think that's important to note.

MS. DURAN CASH: It is important.

CHAIR MAYFIELD: Ms. Duran, please. So I think it's very important to note that my colleagues have, and they will continue – I can't speak for them but I think they will still continue the support of making sure that there's equity done. As of earlier today, through a budget hearing request for all of us and a proposal, we asked for – I asked for additional funding for our Legal Division to continue looking at these cost recovery cases. If it's not with an IOU as mentioned by Representative Trujillo from PNM or through a local cooperative that's passing out these rate riders back on us. I've asked for continued funding

on that. Hopefully we will receive support with my colleagues and I don't see why I won't. I also have asked our colleagues as of concern, it's been addressed on numerous occasions as these letters and you will see the response from Santa Fe County in this letter back to Bureau of Indian Affairs as far as the road easement issues.

So I want you to know and also the community that Santa Fe County has been very active and involved with these issues. Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: No, I would only say that I don't mean to be disrespectful but there is a value in treated effluent. And I'll just leave it at that.

MS. DURAN CASH: You can have it.

COMMISSIONER CHAVEZ: We'll be needing it in the future.

MS. DURAN CASH: And equally, with all due respect, we have started a not-for-profit in our community called Northern New Mexicans Protecting Land and Water Rights. This isn't about Indian and non-Indian neighbors. This is about the people that we are electing into office that are focusing on special interest groups and forgetting the people that have voted them into office. And our mission is to remind them that we may not have sovereignty but we are 92 percent of the elected vote in our community and we will go door to door to remind them that they have that power. Thank you.

CHAIR MAYFIELD: Next speaker please. Please stand up and state your name for the record. Do we have anybody else wishing to provide public comment to this Commission? Please stand up.

CHARLES ROSACKER: My name is Charles Rosacker and I have a well in the basin. I'm also a member of Cuatro Villas. I also live in Santa Fe and I would like to kind of question the representative's numbers on the rates for Santa Fe. As some of you know who did live in Santa Fe, it's not a flat rate and in the summertime we're allotted more water at a reduced rate. From my perspective it really hurts me because I look out at this audience, these are people from Pojoaque. My kids all graduated from Pojoaque with pride and I feel very disrespected and hurt, because guess what? Now I have two little Native Americans in my own family.

So when these people talk about Native Americans in a negative way, they're talking about my family. And I'm also raza and I'm also white, and I'm pretty damn proud if it too. And you know, I've had this feeling of hate in this room and we shouldn't hate each other. Some of you, I see you come to feast day. I see a lot of you participating at the wellness center, a wonderful joint venture for the children. The Pojoaque Pueblo provides tutoring and they don't discriminate. They also provide a teen center that you guys helped build, but they provide the people for it.

Relative to the water issue, Cuatro Villas, he was right. For 5,000 gallons it is indeed about \$40. The City of Santa Fe member, I don't know where he pulled that out of but the average usage in the City of Santa Fe is 1,200 gallons per capita. Now I do worry about – and the City of Santa Fe is going to be addressing this. We can't continue to consume our neighbors' feces, but that is really only one issue. The big hurdle that we're going to face in the future is pharmaceuticals. Who knows what your neighbor is putting down the drain? You don't know. You don't really know that.

I think la raza has a culture of giving their children property. And la raza, in a sense is going to be – the bigger families we have the more demand on water. And where is it going to end? So I think for my kid, in the valley, if they wanted to have water rather than spend – I

don't know what a well costs now, maybe \$15,000, \$20,000, I would say hook up. Hook up to that system. You're guaranteed good water. And radiation is a problem throughout the valley. La Puebla too. We're outside the parameters for uranium.

So it really hurts me to see the hate and the things, particularly the gentleman from the trailer park made about my grandkids. And you know what? Guess what. It's maybe funny to you guys but for Christmas the Boys and Girls Club went to all of those trailer parks, and guess who was Santa? And we gave everyone of those kids a gift.

Isn't it about time that we embrace each other? I'm pretty ignorant. I didn't go to all those meetings that Carl set forth. I did listen to Carl on KSWV. I thought he was pretty good. But this culture of hate has got to end and before you say about the sovereignty of the Native Americans, think about this. Those facilities that the Native Americans have jointly provided to that valley with your help have made it a better valley. I think it's time you guys really look at the issues, and I'd like to address wastewater. Okay. There's a way to address wastewater. One of the problems that we would have in the valley relative to wastewater is getting it to a main. And getting it to a main line would encompass crossing a lot of people's property. But I can only imagine if you as a County Commission said okay, let's address wastewater and there is technology out there will contain that wastewater through evaporation. I wonder how many of these same people will be coming forth complaining about that.

The money for the easements, I can't really address that. The bottom line, it seems like Jemez Co-op weren't doing their homework. The Indians' time has come. It's come. [inaudible] kick them to curb no more. That's a reality. Thank you for your time and I still consider you guys friends whether you consider me one or not. Thank you, Danny.

CHAIR MAYFIELD: Commissioners? Anybody else? Please.

ANN GIFFORD: Mr. Chair, members of the Commission, good evening. My name is Ann Gifford. I live in Nambe and I'd like to thank you very much for putting this item on the agenda. I wasn't aware of the instructions to the County representatives who were doing the negotiation on the joint powers agreement that were referred to earlier. I certainly thank you for having instructed them to have consumer input and I'm very thrilled that by putting this on the agenda tonight the first step in making that happen has come about. I have a few points I'd like to mention.

I also think that that memo or those instructions were very appropriate in the sense of providing – making sure there were protections against continuity and I've heard tonight sweeping statements about the County being the fiscal agent and the operator. However, the present draft of the agreement doesn't provide any guarantee that the County will be the operator. It says that it's at the discretion of the board of directors of the regional water authority to enter into an agreement with the County to do that. It does provide that the County will enter into an agreement with the regional water authority to be the fiscal agent but that agreement – there's no term specified. It can be terminated any time by a vote of four directors and I think it may be useful to you to note that the previous draft of the joint powers agreement had a definite five-year term fixed in it for the County to at least have an initial five-year period of doing both those services, being the operator and being the fiscal agent. However, you can see that as the drafts have progressed there has not been more certainty but less certainty in the fact that the County would have a role. So the idea of having certainty has decreased with the recent draft.

Also I heard a sweeping statement that sovereign immunity had been waived. In the current draft of the joint powers agreement, sovereign immunity is waived to a very, very minimal extend and the current agreement provides that any disputes about – arising from this agreement or between the parties about performance under this agreement can be settled only by arbitration. Arbitration, as you know, is a private proceeding. The public would have no access to understanding anything about what might be going wrong.

In addition, the sovereign immunity is waived for purposes of enforcing an arbitration agreement but only as to non-monetary awards. Therefore, any kind of fiscal malfeasance would not be able to be enforced under the way the agreement is written currently.

The other thing that's of concern is that the typical way of assessing costs to water customers is cost of service. And I think it's really important – there were absolutely no parameters in this agreement for a method of determining what cost would be to consumers. And as Commissioner Chavez pointed out, not only are the consumers uncertain about what their costs would be, but given perhaps at the present moment the estimate there are only 150 people who have signed up and it's also considered that it takes 1,500 perhaps for the County's costs to be cost neutral. So if there are no more people who sign up it's not only the consumers who will worry about the cost but the County will be left, I think, being forced to supplement the operating costs in the differential between 1,500 customers who would make it break even and 150 customers who might actually be there.

So if cost of service were used to determine the cost of the water, which is usual with utilities, I think there's quite a different situation here because typically cost of service allows the utility provider to recover capital costs, and here the taxpayers have already paid the capital costs. There are virtually none. So I would think that the rates should be considerably less than they are in a typical cost of service arrangement.

As I said, I personally and I think the whole community is very appreciative of your giving us an opportunity to express some of our concerns this evening, and I'd like to ask that perhaps we revisit your original direction and perhaps form a committee or name some representatives who are consumers or would-be consumers of the system to join in and be able to participate in the negotiations. Thank you for your time.

NANCY GRABOWSKI: Commissioners, Commissioner Mayfield, thank you for giving us this opportunity to speak tonight. I am a newer member in the El Rancho community. I've only been there for about three years. However, when I purchased my property the prior owners were forced to put in a new well and a septic system, of course raising the property costs that I had to pay, and now I'm told I can't use my well anymore, so I'm also concerned about my property values.

As a newer member of the community I did not receive my settlement letter in the mail. It was sent to the original owners of the property, and the only reason I actually received it was because they forwarded it to me. I had already changed my well rights and I was curious to know why they had sent it to the owners, and I'm wondering if that maybe happened to a lot of other people that are newer to the community, that the documents were sent to the old owners and they never received them. So thank you for your time. I'm just a concerned property owner and I appreciate your listening to us today.

CHAIR MAYFIELD: ma'am, would you provide your name please?

MS. GRABOWSKI: I'm sorry. My name is Nancy Grabowski.

CHAIR MAYFIELD: Thank you, Ms. Grabowski.

LYNN VELASCO: Good evening. Thank you, Commissioner Mayfield. We really appreciate this ability to come before all of you. A few of you were present when Mr. Mayfield's predecessor was involved in this.

CHAIR MAYFIELD: Would you give your name please?

MS. VELASCO: Lynn Velasco. And I haven't been here as long as a lot of these people in this room. I've only been here 40 years. But this is a very, very serious issue. I've seen the community change, go upon each other, and it's really sad, because the reason I moved here is because part of my ancestry is Cherokee, the other is about four other different directions. And I love the ability to have a community that is diverse and I feel like this is now becoming a burden. Not because of the people but because of the political and the legal system that has created this absolute separation of our neighborhood and our community. And if you Commissioners from other districts besides District 1 think that you are not going to be affected by this, think again. This settlement will eventually or indirectly affect you. It allows for, and I have a feeling that there were reasons for the other Commissioners, for the other political leaders to sign on to this document. And note, like many other people have said here tonight, this was government entities only that have signed it.

And who was pushing or behind them? Probably special interests. But I feel like none of us have had a voice in this. And not represented. At least please look at this document carefully. Look at all the letters that Ms. Cash supplied you with and you will see this is a shameful, shameful abuse of water, power, and a disruption to a community that really longs to have and honor its diversity and its traditions. And I also request that you remember a healthy, civilized community is totally dependent on a healthy watershed and we have a very sick potential here. Thank you.

CHAIR MAYFIELD: Mr. Sanders.

DALE SANDERS: Mr. Chair, Commissioners, my name's Dale Sanders. I'm the chief counsel of the New Mexico State Engineer. And I feel slightly compelled, and most of you were not. I believe none of you were here when we began these negotiations in 2001. And the purpose of these negotiations in 2001 resulted from the prior 35 years of litigation. The culmination of our inertia in completing the adjudication resulted in a potential priority call by the four pueblos in 2000, 2001. I first became chief counsel at that time. The negotiations on the settlement began about that same time.

I was invited – or I wouldn't say I was invited – the United States federal government invited themselves in the form of the federal marshals, the BIA, Department of Justice and Reclamation. They came to our office and arranged a meeting to ask us how would we handle a priority call when the four pueblos called for the water to which they were entitled to and being shorted? And our response was, well, that is the law in New Mexico. The rights that they have have been minimally, but have been adjudicated and their right to water would actually allow for most of the three river basins to be curtailed almost completely for all non-Indian water right owners. We responded by saying it's going to be a potentially volatile situation when we try to shut off all the other non-Indian water users in that valley. And they said we'd require a significant amount of presence of police, both primarily federal and state. And they said they'd already made those – already had those discussions with local police forces, the State Police and the federal marshal had been involved.

This is a very real situation at that time. They also had proposed to make a call and they actually filed the papers in the Jemez for a priority call. We went out and looked at all

the head gates and we determined that the call could be handled. That day it began to rain and it rained quite a bit that year and this priority call, both in the Jemez Basin and in the Nambe-Pojoaque-Tesuque, they were averted.

That highlights for us the reason why we proceeded to go with these negotiations. I should tell you the state of New Mexico organized and at the request of the representatives of all the Indian water users and non-Indian water users to convene negotiations anew with the idea that we could bring in a pipeline that would replace the water that the Indians felt that they were entitled to and not receiving and that way be able to avert having to call the non-Indians. That was the purpose for which we began these negotiations. The reason why we have a pipeline, as convoluted as difficult it is, I suggest the pain we're going through in trying to get this thing completed is far less than if we try to shut down people and take away their water rights. That would be the result.

The settlement does provide and preserve agriculture in the valley. That was one of the fundamental tenants of this settlement. The idea was if you can continue to irrigate and you regularly use your water you can continue your historic irrigation practices. That's important. For those of you with wells, there's sort of a one-size for each individual if you want to maintain your well. And so there are four different versions of the way folks with wells can settle if they choose to. They can take the risk, not sign up on the settlement, take the risk of curtailment. Maybe that will be minimal. With a pipeline, the idea is that should avert almost any need for priority administration.

This is a painful process. I've sat here and listened to you. I've been in government 26 years. I'm retiring. It's nice to see Chairman Mayfield up here now. I don't know who's luckier – him in being in charge of this Commission or me retiring. But I appreciate your patience in listening to folks. These are very good questions. That's not to minimize the concerns that people raise about this. I just feel like at times we are always chasing our tails and this is a long process. And the problem we set out to solve is a problem we are solving.

Other issues such as wastewater systems, that's another issue, and that's for another day. Speaker Lujan, who I feel like I knew quite well, he told me that this problem could have been largely averted years ago when he proposed having a water and wastewater system for the Pojoaque Valley. One of his initial objectives was to pursue that and it was resoundly pushed back by his constituents.

When you're trying to take care of large problems it takes a progressive and calculated risk to solve them. We have a reservoir in eastern New Mexico, Ute Reservoir. That was built in 1965. It holds millions of acre-feet of water and since 1965 until 2010, that water just sat there. One might call it a white elephant. Today, we're building a pipeline to deliver water along the eastern border of New Mexico to all those communities whose water supply is going to dry up in 40 years as a result of the dewatering of the Ogallala Aquifer. Building this pipeline, as painful as it is, I can understand that. It's insightful and it's visionary. It brings water into the valley and I think in the long term, I believe it will be the correct decision and I hope you stay the course. Thank you.

CHAIR MAYFIELD: Do we have anybody else? Sir.

CALVIN NELSON: Commissioners, my name is Calvin Nelson. I'm from Pojoaque. Just to go on with what he said, this thing's been going on forever. I guess the question is if it's been going on for 37+ years why hasn't this been worked upon in more of a graded approach, instead of oh, here's the settlement. You've got two months to look at it

and figure out what you're going to do. I mean, where's the education in all this? This JPA, what's going on is they want us to buy a car without knowing anything that's in it. All I'm buying is the shell. I might know it's red, but I don't know if it has an engine. I don't know if it has a transmission. It doesn't have any seats. It doesn't have a steering wheel. It doesn't have a signal.

So how am I as a consumer supposed to buy this car and drive it? I can't. So this thing, it's still immature. It's still trying to mature and there's no way right now to solve all these issues. You've got people that have no clue what's going on with this. I can't even tell you the amount of people I've talked to that have told me, I didn't fill out the paperwork. Why should I fill out all this paperwork? It doesn't affect me; I have a well. I don't want to get on this water system. And then when I tell them, well, you already missed the deadline to object and you're part of this water system, now all of a sudden, they're like, oh, wait. I didn't want to sign into this water system. But that's what's happening is there's no education.

Thank you to Carl Trujillo for giving these open house meetings to inform people. We live in the day of social media, but the problem is though is that a lot of people don't have social media. A lot of people don't have emails. There's people that don't even have phones. So how do we get those people informed on what's going on? Especially when the paperwork gets mailed to the wrong owner. Or it gets mailed to the wrong address. There's people I talk to that live in Pojoaque that they're paperwork got sent to Los Alamos. Why would it get sent to Los Alamos? Why would it get sent to Albuquerque?

This is the type of issue that's going on is that these people weren't able to make an informed decision on something that's going to affect the rest of their lives. If the water system is great and everybody can hook into it and it works, awesome. But the fear is is I don't want to hook into it now and all of a sudden, now, later on down the road, yes, you know, I want to hook into it. Okay. That's going to be a check for \$50,000 to run the pipes and all this. Nobody understands that. Nobody understands how much the rates are going to be. Yes, we can use comparables. I understand that completely. You buy a house, you compare the rates of other housing. Look at our housing market in this country. It's horrible.

So you're telling me that I've got to use comparables. Okay, so we run the rates on the City of Santa Fe. This gentleman back here was pretty irate. Oh, yes. We get all these benefits and all this stuff. There's a difference versus living in the city and living in the county. I was raised in the city for 20 years. I've only lived in the county, in the valley for the last five. It's different. W

When you're a city kid versus a county kid there's a whole lot of different things. When you're in the city, yes, you just make out your check to the water. When you live in the county and you have your own well you don't make out that check. That's another hesitation people have. They don't understand what it's going to cost them. They've never paid for water in their life. They're not used to paying for water for their life. Why are we expected to play a game when we don't understand the rules? I guess that's the biggest thing I can ask you to take into effect when you look at this JPA, is we're playing a game with no rules. So that's all I have to say. Thank you.

DAVID DOGRUEL: Mr. Chairman Mayfield, Commissioners. Also, welcome to Santa Fe County, Mr. Shaffer. A couple of my comments are going to be perhaps a reiteration of what Representative Trujillo said. When Mr. Utton mentioned wanting to do

well in regard to some of these multi-jurisdictional issues, so I would also ask the Commission and other people have said this in different words is to also by the JPA to do well by those who are impacted. And what we're asking for is equal and fair both pueblo and non-pueblo representation on this water authority board and other folks have spoken more eloquently to that so I won't go any further on that.

I'd just like clarification on one of Representative Trujillo's comments regarding cost sharing, and I believe he was speaking toward operating cost sharing and that it might be more appropriate to base some operational cost sharing issues, and I think Ms. Gifford spoke to this also, on as-delivered resources or as-delivered water, versus as allocated, particularly since the hookup numbers as far as customers and costs are unknown, and so I would ask that that be given careful consideration in the JPA.

Regarding meeting schedules, I would also like to ask that the JPA language include regularly scheduled meetings, that those meetings be physically located within the NPT Basin, and that there be some requirement to the greatest extent possible of physical attendance by the majority of the board members.

Again, I know we're not here about wastewater, but this water system may drive development and increased discharge of wastewater. If this JPA is done right it could set the framework for some agreements regarding wastewater. And lastly I'd like to ask Santa Fe County and encourage the County to allow public participation in this process as the previous speakers so eloquently requested. And also, and I'm sure the County will, as well as Mr. Shaffer to go into this with eyes wide open and perform the greatest extent of due diligence possible.

Lastly, I'd just like to thank Santa Fe County and particularly County Public Works for the great work on the Nambe Community and Senior Center. Thank you.

CHAIR MAYFIELD: Do we have anybody else with us tonight, wishing to comment? I'm sorry, Mrs. Trujillo. I saw you come up.

MARTHA MONTOYA TRUJILLO: My name is Martha Montoya Trujillo. I'm a lifelong resident of the Pojoaque Valley and I just wanted to make note to Mr. Rosacker's comments. It's not that we are hating our neighbors, and I just wanted to clarify that. It's that we're hating what's being done because of what's taking place. So for me and for me husband it is – this could be an opportunity for our representatives to bring us together and to create a system that will work and that will eventually, I think, have to be used in all ways the Top of the World – help me out here, Commissioner.

CHAIR MAYFIELD: We're moving the water rights from the Top of the World.

MS. TRUJILLO: Top of the World water rights. Because we're all surrounded by sovereign nations. So I believe if we're going to do a model and if we're going to put something in place, let's do it right. Let's do it right the first time. And all I think that I'm asking of the Commission is to take your time, to listen to what we're petitioning before you and if we're going to do it, let's do it right. And I'm trusting that that's what this Commission is going to do for the next seven generation. I've been in this community all my life and the Aamodt litigation is almost in the AARP field if you will, and let me tell you, now that I'm in the AARP it's worth the wait to get some of those benefits and I would just encourage you to wait and press forward with what we're giving you but take your time and weigh it out carefully. And I thank you for your time.

CHAIR MAYFIELD: Thank you, Mrs. Trujillo. Do we have anybody else with us tonight that would wish to put in any public comment? Seeing none, Adam, you want to say something?

MR. LEIGLAND: Mr. Chair, I just heard a couple times mentioned tonight something that I feel needs a little bit of clarification and the number of times we heard the fact that if people did not object that they were going to be presumed to connect to the system and [inaudible] their wells, but the decision to connect to the system is known as the well election. That is a decision that all the people in the valley will have to face but that's not going to be for some years yet. So what I think we heard from the State Engineer, really what he said was if you did not object you were presumed to accept the settlement.

So accepting the settlement is much different than hooking up to the water system. Accepting the settlement just means that you agree with what's being portrayed in the settlement agreement. And so if you did not formally object you were presumed to accept the settlement agreement. Now, all the people in the valley will at one point have to make this well election and as we heard from the State Engineer as well, they will have four choices with their well election. They can choose to keep their well, they can choose to keep their well but obligate their successor in interest, they can hook up to the system, or they can just not accept the settlement at all and be at risk of priority calls. So I just want to clarify that, that if you did not make an objection it's not forcing you to hook up to the system.

COMMISSIONER CHAVEZ: Adam, I really want to thank you for that clarification, but as was mentioned earlier, I think the outreach to the public, and the piece of information that you just put out now needs to be broadcast I think consistently and almost on a daily or a weekly basis, somehow. I don't know. Through newspaper or through senior centers or how you would do that, but one thing I heard is there's a gap in getting accurate information on a consistent basis, education. Lack of information. So, Commissioner Mayfield, if there's a way that we can consistently share that information with those that are most affected – I don't know how we would do that but I'm just posing that as a challenge and a question that we have to grapple with collectively, because I don't want just dump it on you, because I do agree fully that all of us in this room are going to be affected by this Aamodt water suit. No matter where you live in the county we are going to be affected in some way, shape or form, because water is all of our future. And so I will just ask that we work on that education piece and getting that information out to the public. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, members of the Commission –

CHAIR MAYFIELD: Sir, can you come to the mike, please?

COMMISSIONER CHAVEZ: Why did you wait until now?

DAVE NEAL: Because you raise a good point, sir. I'm Dave Neal. I live in the valley. You guys do a very good job of mailing out property taxes. Believe me. And that would be an excellent way to start telling us what the hay's going on. You've got that nailed down right away. And the other thing I was going to mention real quick like. I think you've heard there's a problem here. You've got to fix it, guys. Somehow we've got to get the secrecy broken apart, because that's what's happened all along. That's what you're seeing tonight, is a lot of decisions were made that we weren't aware of, and now that we get the chance to see them, now we'd like to have our voice. But that's not happening.

You guys are smarter than me; I know you are. So you ought to be able to figure a way out of getting the system back on track and unbroken. Thank you very much.

CHAIR MAYFIELD: Thank you. Vice Chairman, please.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I just have a few brief comments. I appreciate very much any time whether one individual walks through those doors and provides comments to this Commission or whether the room is completely full like it is today. I respect those individual comments when no one is here to hear the comments or when everybody is here and watching. I want to say that first. There's a lot of things that we heard today and in many previous meetings that are very pertinent and prudent to this discussion. What I would respectfully ask all of you, there were comments about diversity and who we are as a county and as a state and there were some historical references even made.

Well, historically, I don't have to get into the detail as to the complexities of the relationships that this country has gone through and the diversity and the challenges that all walks there before us have faced including Native Americans, Hispanos, Anglos, Chinese and many, many other denominations, Japanese, and the turmoil that they faced during World War II and many other times. I'd be happy to have those discussions offline and not on this bench. But I will say is this: We are diverse. We do have challenges. We do need to listen. We do need to cooperate and coordinate and work together through those two solutions. Please, please. My colleagues sitting on this bench would never make or pass judgment on any of you individually. Please look at the things that the Commission has done, not whether they're right or wrong but judge them on the basis of the comments made and the feedback made.

And I want to say this and I want to address it to several comments that were made about what we haven't done or what we should do or what we might do. I mean, there's many, many things to come that we need to do and on a regular basis we hear concerns and to the best of our ability we make those decisions, and yes, ultimately, at the end of the day it's up to the electorate to keep us here or send us off. And I fully respect that.

Go back to the minutes of previous meetings, not only this meeting, not only this Commission. Take a look at some of the discussions that were held. It doesn't mean that they were right; it doesn't mean that they were perfect. But there were some comments that were made today that were taken out of context, or that weren't even based on context that was made in these recorded minutes. Even on the resolution that was passed in 2012.

At the end of the day though we all sit here and we have to continue to communicate and work together. We absolutely have to. There is no alternative. We're in a position where we have a binding settlement agreement that was passed on from prior decision that were made through a Congress and through other discussions. Let's take it forward. Let's make sure we have education and outreach and all the things that you brought up in your concerns, but let's not also do that in a vacuum. We have to do that in concert and in communication with our Native American communities as well. Respecting everyone's perspective.

But I truly and sincerely thank you for your input and stand ready as a Commissioner that's going to sit on this bench for a little while, I think, God willing, to try and work through it and come to resolution and ultimate action to do something for the community and the citizens.

Commissioner Chavez mentioned it several times. I mentioned it many, many times, not just in the 2012 resolution discussion but in every single discussion that we've had associated with the settlement. The settlement's going to cross every part of the county and it's going to cross the region, not just the county, because every part of the state of New Mexico is watching to see what's going to happen and how are they going to roll it out.

So Mr. Chair, big challenges. Not only in District 1. We have challenges in all five districts in Santa Fe County. But it's these types of instances that we can either choose to rise to the occasion and deal with those challenges head on, not saying it's going to be perfect, but head on and respectfully in a transparent way. And I think we've tried to do that. We don't always do that. But I can tell you sincerely we have no malice in our hearts and we try to do that and will continue to do so. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Thank you, Commissioner. Representative.

REP. TRUJILLO: I would like to make just a couple quick, closing remarks. Once again, I really thank the Commission for allowing the public to have that input and I commend Commissioner Chavez and Commissioner Anaya, the education component is huge here. And to go back to Mr. Leigland's comments, the people that haven't sent in that piece of paperwork or who didn't receive it are part of that settlement agreement. That is correct, and the courts will have to try and get a hold of these people at a later time so that they can make this well election. But the confidence as far as the courts or the State Engineer getting a hold of them if they weren't able to have the right address the first time is very unlikely the second time.

So as you mentioned, if we can somehow broadcast this or make people more aware. The idea of the State Engineer putting it in the Albuquerque Journal in the legal section that I think we all scour and we read through every single day of our lives probably isn't very acceptable in my opinion. And we want to work together as a community, like you mentioned. Water is life. We need to make sure that it's completely sustainable. There isn't – the people – it's not the overall thought process of this whole settlement agreement. It's the implementation. And if the implementation can be done correctly I think there could be a lot of people happy. That's where we're at and I really appreciate your time tonight. Thank you.

CHAIR MAYFIELD: Thank you, Representative. One, I want to thank all of you for being here tonight and commenting on this. Two, I also want to say to staff and to thank staff. Santa Fe County staff has put a lot of effort into this as far as trying to do public outreach. This Commission takes great pride in being the most open and transparent Commission that I'm aware of in the nation, arguably. And I'm proud of that fact. I'm proud of the fact that there were – I received numerous comments, numerous comments when I first came into office that the settlement agreement or how it was done was deliberated behind closed doors. To that, to this day, I don't know if that's totally, totally factual, but I do believe a lot of those negotiations on where we got to the settlement were done without a lot of attendance there or with certain representatives from the community representing the outcome of that.

But with that, there was the implementation agreement that needed to come in front of this Commission. I spoke with County staff and County representatives and the public and asked that this implementation agreement or where this potential settlement could go would be open to the public and it was attended by various members. So with that I just want to say that anything that this County does, we don't try to do in a vacuum. I definitely know we

don't do it behind closed doors and we try to have the openness of what you've elected us to do, open and transparent government.

Again, people may agree or disagree with decisions that are made by any governing board, and I tell you what, I disagree with decisions all the time that are made by the governing boards but I still respect the process as long as it's open and we provide and allow for public input. And that's one important reason why in speaking with community members that I did ask and I do value. Let me go back. I have no idea what's going to happen with the settlement. Right now it's in the federal courts. It may be accepted. It may not be accepted. But if it is, that's why I definitely want to get prepared for the implementation side of it. And I think that's why it's critical to have questions on the governance and the JPA. Also on the operating agreement. I've made no bones about it. I definitely question the dollars that it will cost to put this system into place if Santa Fe County is the operator of it. I've done that since day one when I've been on this Commission and I'll do it till the last day when I leave this Commission.

Because again, you all – I have a background of working and helping out ratepayers. You are my constituents; you are my friends, you are my family. And you're my neighbors and I want to make sure that nobody's taken advantage of and it's equitable for all, that's including non-pueblo and pueblo alike. We have to work as neighbors. I hear stories of how the community grew and I'm very proud of the community that I live in. My grandparents came from that community. And I'm proud of that fact and I'm proud that I live in that community. I respect every one of my colleagues that sit on this bench next to me and I'm sure they have beautiful communities. I wouldn't trade the community I live in for nothing. I want you all to know that.

And I will respect various opinions and represent your best interests but I need to hear what your interests are. And I'm very glad that this meeting was well attended tonight and I know that there will be future discussions on this and I hope that they're as well attended. But if not, I'm your representative. You all can talk to me in the grocery store, on the streets of a phone call. I think everybody has my cell number and my home phone number and my office number. Call me. If I don't get back to you right away – I know everybody always says, Mayfield, your voice mail is always full. But I try to get back as soon as I can.

But with that, I do appreciate you all being here tonight. This is, an I understand, a proposed document in front of us that we have to hear about from your positions and we're going to make some changes and bring it back forth. And then Mr. Utton, I guess will go back, as I understand the process and negotiate with the pueblos. But again, I just want to say that I'm proud of the folks that I sit with on this bench, that they do support and listen and I want you all to know that. I really believe that. I respect Representative Trujillo had numerous meetings. Santa Fe County had numerous meetings also. Santa Fe County and on my website I've had everything that I know about Aamodt on the website. Not everybody has internet accessibility. That was a discussion earlier talking about getting some fiber up north.

But we also will provide these documents for you. I want you to know that. If you need them to be mailed to you, let us know. We'll do the best we can. I know numerous times I think I've spoken with our County Manager on a comment that was made. Everybody gets their property tax bill, why can't they get every other bill. I think there's a – and Katherine, please correct me if I'm wrong. We can't put stuff in our property tax bills separate? Can you explain that?

MS. MILLER: Mr. Chair, I believe that's correct, that we can't mix things in with our property tax bills, however, I don't know what data base the State Engineer's Office used for mailing. The County, when we do mailers uses our property tax database and that was a discussion earlier this morning that the Assessor, we use the mailing list for property taxes that are notice of value and our property tax bills go out for. We still have issues with people moving and not changing those addresses, but we'll work with the State Engineer's Office for sure on what database they used and reconciling that with our records, but we still have issues where people moved do not provide us with updated mailing addresses if they don't live at the actual property.

So just for information, we probably don't have a perfect mailing address database on either the state level or the county level, but ours is probably the most accurate relative to property tax records.

CHAIR MAYFIELD: Thank you. So everybody, I believe every one of my colleagues has a newsletter that we try to push out. Our County Manager has a newsletter. I'll ask our County Manager to also please have Aamodt updated information in that newsletter. Please go to Santa Fe County's website. Go to my direct website. I try to keep as much accurate, timely information on my website as possible, again, knowing that some of you may not have internet access. And also knowing, and I've question this of staff, this needs to be done bilingually also in Spanish. I think that's one of our requirements or one of our mandates. We have a Spanish contingency out there that speaks Spanish also and reads Spanish and I've asked that that be done.

So with that, again, I thank you all for being here. I'm not planning on taking any vote of approval of an JPA before I hear your discussion. There were a lot of great comments tonight that I will try to do my best to have incorporated. But Katherine, and I know Mr. Leigland, you all have talked about a potential working session for the Commission that we'll talk about potential cost, every other aspect of the Aamodt. When are those timelines going to happen? I'd like to know when that's going to happen, if you have a schedule for that yet. And again, the public is welcome to every one of those meetings. This Commission meeting is, again, I don't get cable access channel where I live, 28. We're on KSWV, I guess a couple second delay. We're on the internet, a couple second delay. But we're also on public access channel. Unfortunately, I guess it's pretty much wherever I guess Comcast delivers and that's 28. And we do have minute meetings, as Commissioner Anaya stated, that anybody can look at. But Adam, when are we looking at having some public working sessions on this, that is open to the public. And also I would ask that we have these meetings up north, too. I think it's very important that we have them not just in the downtown seat of Santa Fe County but also in the northern part of the county. I'm sure one of the schools would give us some space. If not I can probably find you space in somebody's home out there. But Adam, talk to me about that.

MS. MILLER: Mr. Chair, I think, first of all we had about sixteen public meetings. There was the two large ones and then the ones that had anywhere from probably ten to forty people relative to the mailings. But the next set, what we had discussed with you was putting together something kind of along the lines of this was a study session for the Commission to look at what are the next steps and then also kind of where we were in each one of those. We don't really have anything to bring forward to the Commission again as stated by Adam and the attorneys. This JPA could be as long as a year before it's actually at a

point to bring it forward saying, hey, this is a recommended draft that we're putting in front of you for adoption. There are still a lot of issues being negotiated between the parties to the JPA.

So I don't know that the next stage is really what the Commission feels they need to know more information about and what the public would want more information about. But there isn't anything to my knowledge at this stage of a deadline out to the public that they need to meet other than what had been presented for April 7th by the courts. So from our standpoint the courts are going to deal with that, the objections, and they have to set up their process for that. That doesn't involve us. And then for our portion it would be to continue to work on the JPA and any other subsequent agreements that would come out of that.

CHAIR MAYFIELD: So, Mr. Utton and just so for those that are still here, so right now, the settlement is in federal court. Can you give everybody who's here a quick timeline?

MR. UTTON: Yes, Commissioner Mayfield and Commissioners. Chairman Mayfield. So there's been a filing recently – actually we had a little bit of a disagreement. The County, the City and the State filed a proposed procedure that had kind of an extra step in it of the United States and the pueblos filed a separate proposed procedure for how to deal with the objections. We've asked the court, because there were so many objections to essentially categorize those and look at them and figure out the best way to address those so that people have an opportunity to provide further information if they want to about the positions they've taken. We felt that the procedure proposed by the United States and the pueblos was perhaps rushing the analysis by the court and so I think what the federal court will do, and it's in front of Judge Martha Vazquez is she'll hold a status conference and she'll give notice. I think that's going to be one of the biggest, first issues for the court is there are between parties that filed acceptances and objections I think over 1,000 parties. So I think the court is probably going to direct all of those parties to use the court email service unless they show they don't have email, because otherwise, each person would have to mail out – if you filed something you would have to mail it out to 1,000 other people.

CHAIR MAYFIELD: Mr. Utton, I'm not an attorney. So when you say status conference, who can be participants in that status conference?

MR. UTTON: They're public; anyone can attend. There will be notice given to all the – I think initially thousand parties and then probably they will be told that if they want to continue to participate – this is what we've proposed. In fact the County and the State and the City's proposal was mailed out to all the objectors. In fact, Mr. Bagley was in charge of that. Am I right about that? And he actually probably knows more about this procedure than I do but I can tell you that we want to make sure that everyone has an opportunity to participate, that if there's more information that's needed that people will have that opportunity. We don't want to rush through the process. I actually represented the State in the Navajo settlement and we just went through that. So I think we learned some lessons about making sure that we take it one step at a time and everyone has a chance to understand the process and participate in it.

CHAIR MAYFIELD: And no levity with what I'm going to say but all of those individuals who have objected, we have correct addresses, correct? For them?

MR. UTTON: Well, we should, because they gave us their addresses. And so we're just using what they submitted on their form. And so –

CHAIR MAYFIELD: And we also have that posted on our website when these – I don't see why we can't, I'll post it on mine – when these settlement negotiations – not settlement but when the judge asks us to all come together on this issue.

MR. UTTON: Yes, Mr. Chair, so I think the first thing we've proposed doing, the State and the City and the County, is to come up with a list of all the objections, all the issues that are raised in those objections, cross referencing them so that essentially we know who's raised which objection and I think it's essentially there are about 25 objections that have been raised by a lot of different people. There are some others that are unique. So that the court can actually look at those and understand them and address them.

CHAIR MAYFIELD: Thank you. And again, I just want to thank the public for being here. I also want to thank my colleagues on this bench. We did give this time. It needs to have a lot more time give to it. I know sometimes I've been criticized of having longer meetings but I think it's very important to have the public be afforded the opportunity to comment. And I will stand by that as long as I am right here as the chair to afford that public comment in a setting where all five Commissioners are present and not when one of us are out there just at an individual meeting. So I do. I want to thank the patience of my colleagues here to hear this and thank you all for your comments and look forward to you attending many more of these meetings and we still have very pertinent information in front of us tonight. So with that, we will move on. We're going to take about a five-minute break.

[The Commission recessed]

VIII. PUBLIC HEARING

A. Ordinances

1. **Ordinance No. 2014-4, an Ordinance Dedicating, in Quarterly Installments, an Amount Equal to a Gross Receipts Tax of One-Twelfth (1/12) Percent Applied to the Taxable Gross Receipts Reported During the Prior Fiscal Year By Persons Engaged in Business in the County to the Newly Created Safety Net Care Pool Fund; and Providing an Effective Date of Transferring Funds (Final Public Hearing)**

CHAIR MAYFIELD: We're going to call this Commission meeting to order. We're moving on to item VIII. A. 1. With us we have Ms. Boies and Ms. Martinez, please.

PATRICIA BOIES (Health & Human Services Division Director): Thank you and good evening, Mr. Chair, Commissioners. This ordinance before you is required by state legislation from this past 2014 legislative session, replacing the sole community provider program with a new Safety Net Care Pool fund and as part of that whole act which was discussed before this body, both at the Healthcare Assistance Board and at last month's meeting when we requested notice to publish. This will dedicate, as all counties are required now to dedicate the equivalent of 1/12 of the gross receipts tax to the state. This replaces the sole community provider fund and then the Human Services Department will be using this fund for hospitals across the state, including increasing the Medicaid reimbursement rate.

So this ordinance is required by statute. It has to be effective now, by the end of this fiscal year and it will go into play and the first time that any funds will be turned over to the state will be the September quarterly payment. I stand for any questions.

CHAIR MAYFIELD: Thank you. Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I just want to state for the record, we did not have an alternative associated with this. This is statutory mandate. Just clarify that. Thank you, Mr. Chair. I move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Discussion please. Commissioner Stefanics, first.
Nothing? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have no comments to make. I just wanted to mention the public hearing.

CHAIR MAYFIELD: Thank you. So again, we have a motion and a second, but we also have – this is a public hearing. Would anybody care to provide any comment on this tonight? Seeing none.

COMMISSIONER CHAVEZ: Mr. Chair, I have a question. I know that you did read the title in and we're dedicating an amount equal to a gross receipts tax of 1/12 percent that would be applied to the taxable gross receipts tax reported during the prior fiscal year. So do we have a dollar amount on what we're anticipating in this new Safety Net Care Pool fund?

MS. BOIES: Mr. Chair, Commissioner Chavez, right now, for fiscal year 2015 the number is \$2.6 million.

COMMISSIONER CHAVEZ: \$2.6 million. So it may have been good to have a fiscal impact on this ordinance but at least the number is out there. For me, I wanted that clarification and for the record I thought it would be good to put that out there because that's a big responsibility. We're taking care of those that need care the most. So, as Commissioner Anaya pointed out it's by state statute that we have to do this. But still, I think I wanted to touch on the dollar amount. Thank you. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just commending the staff's work, the Manager. We've done this before but we'll do it again for their efforts in mitigating the issues associated with this particular fund to the 1/12 that it is. Commissioner Stefanics, the Association and many others. That's all I have. Thanks.

The motion to approve the ordinance 2014-4 passed upon unanimous roll call vote with Commissioners Anaya, Chavez, Holian, Stefanics and Mayfield all voting in the affirmative.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Yes.

COMMISSIONER STEFANICS: I just wanted to let the Board know that the Association of Counties has already started a work group to look at alternatives to this. It

doesn't necessarily mean it will go anywhere in the current executive but we are starting a work group on alternatives. Thank you.

CHAIR MAYFIELD: Thank you for that, Commissioner Stefanics.

VIII. 2. Ordinance No. 2014-____, an Ordinance Amending Ordinance No. 2014-1 (an Ordinance Establishing a Living Wage within Santa Fe County; Specifying Employers Subject to the Living Wage; Making Findings as to the Necessity of a Living Wage; Establishing a Prohibition on Retaliation for Reporting Violations of the Living Wage; Providing for Remedies and Penalties; Specifying Enforcement Officers; Providing the Process to Be Employed Upon Complaints of Violation; Establishing Severability; and Providing an Effective Date), to Modify the Base Wage for Tipped Employees (First Public Hearing)

CHAIR MAYFIELD: I'm going to turn it over to Vice Chairman Anaya because I know he has a request.

COMMISSIONER ANAYA: Thank you, Mr. Chair. On this ordinance there has been some work done by staff to accommodate or try and accommodate some of the issues raised with the ordinance. I've had dialogue with people on both sides of the ordinance. I think that we're moving in the direction of some options that will help us make sure that the ordinance is effective and useful and also at the same time does not discourage businesses from engaging their business in Santa Fe County.

With that said, there's several groups. Mr. Hendry is sitting in front of me. I've spoken with him and others that are going to have some discussions between now and the next public hearing to see if we might come up with some options that help us make this a workable ordinance. Today we're going to hear comments. We're looking forward to those comments. Today we're going to listen and I'm not going to have a whole lot to say today other than I'm hopeful that we can continue to have a dialogue and whatever we end up with that it's a workable, usable ordinance that not only makes sure that people get paid a wage but that also makes sure that businesses are not put out of business. So Mr. Chair, Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Commissioner Anaya and Mr. Chair. I want to thank the public for being here again to talk about this. I guess what I will do is I will try to explain the amendment that I've put forward. It's a little different than Commissioner Anaya's. But it will amend the existing ordinance in the area of the base wage and the amendment that I'm proposing would take it from where it is now at 60 percent of the living wage to 30 percent of the living wage, and it would take it from what's being proposed now. I think it's \$6.40 for the base wage and it would reduce it to \$3.20 an hour for the base wage. In addition to that, it will postpone or delay the base wage until January of 2015. So between now and then, I know it's not good for the workers but it might be good for the businesses. So they have about seven or eight months to adjust their business plan to compensate for what's being suggested.

So I agree with Commissioner Anaya that in that I don't want to be unrealistic or set the bar too high and I think it was the right statement to make, but I think in hindsight it may

have been unrealistic from the business perspective and I want to balance those two interests as much as possible. That's why I was willing to, in visiting with a number of the restaurant owners and with someone from Albuquerque who I guess was representing the restaurant association. I don't remember her name right off, but we did have this discussion. Everyone at that time seemed to be receptive to this, but again, we're not going to be making any decisions tonight. The reason that I was willing to go along with Commissioner Anaya's amendment was to have the discussion. I'm willing to continue to have that discussion, but I was not willing to go back to the \$2.13 an hour. I think we can do better than that. So then I'll leave it at that, Mr. Chair, and I know you want to have a public hearing on all of the amendments that are in our packet tonight.

CHAIR MAYFIELD: Thank you, Commissioner Chavez, for that. Yes, we have tonight a noticed public hearing on this and then we have two others where we're even asking to publish title and general summary on one of them. I have a question for our County Attorney on this. We've already passed a living wage in Santa Fe County. So what's the implementation timeline of the current ordinance that has been passed by Santa Fe County?

MS. MILLER: Mr. Chair, the ordinance is already in place. The \$10.66, and the tipped wage employee is pending an outcome of your proposed amendments or no amendment.

CHAIR MAYFIELD: I'm sorry, Ms. Miller. Would you repeat that please?

MS. MILLER: I said the \$10.66 an hour, the living wage, that has already – that's already in effect. A notice was sent out to all business owners that have a business license with Santa Fe County, that that was effective I want to say like April 26th, but that notice also stated, based on the advice of the County Attorney, Mr. Ross, that this portion that was proposed amendment before it even came into effect would be on hold until such time as the Board took action on an amendment or no amendment to the ordinance that was put into place back in March.

CHAIR MAYFIELD: Let me ask a question. How can our Attorney, if we've passed a law, how can our Attorney repeal what we've passed and ask that something be on hold without coming to a public vote?

MS. MILLER: Mr. Chair, that was the advice given at the time to the Board and to me, so that's how the letter went out to the business centers. If the Commission would like us to go and revisit that issue, I can revisit that issue but at that particular time that was the legal advice the Board and I was given based upon the Commission immediately putting an amendment for it before it ever came into effect. Because the ordinance is not going to come into effect for at least 60 days.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I actually appreciate the fact that Mr. Ross did that, because I think one of the things in the discussions that I've had as a Commissioner is that there are some effects and maybe in my perspective, unintended consequences that I don't want to see fully advance. And so I think that's the intent of the amendments, but I would ask, Mr. Chair, if we could listen to the feedback we're going to get tonight. I think we're going to get differing perspectives and use that in our deliberations between now and the next meeting to hopefully strike a balance between making sure that we

uphold the living wage we voted for but we do so in a way that doesn't put people in a precarious position that are in business.

CHAIR MAYFIELD: Thank you, Vice Chairman Anaya. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have a comment and then I have a technical question, maybe directive. My comment is that for all the people who had heartburn they sure didn't show up in the three public hearings we had, and where were they. That's my comment. The second issue I have is technical. I think it's totally confusing and silly to have these three items noticed separately, two publishing title and general summary when all we're talking about are amendments. So I would like Legal to investigate whether or not you can just identify the amendments so that next time when we come back we can just vote them up or down and move on. Because if we pass one ordinance and we're publishing title and general summary, and coming back to two more ordinances, we could totally change what we vote on next time, and we're not being consistent.

So I would really ask that Legal look at the process for this before we come back to our next meeting. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. Commissioner Holian, please.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just want to make a comment. I attended a meeting, I guess it was a few weeks ago with the restaurant owners and what I learned from that meeting, not being a restaurant owner myself, is that there could well be unintended consequences in setting a base wage for tipped employees to 60 percent of the County minimum wage. And among other things it would create inequities between restaurants in the unincorporated areas of the county and in the city. There are other unintended consequences I think that could be caused as well, so I really do think that we need to fix this part of the ordinance in the future with an amendment but I would like to hear from everyone who is here tonight from the public who would like to comment on this to give us suggestions as to what would be the right thing to do. Thank you.

CHAIR MAYFIELD: Thank you. Vice Chairman Anaya.

COMMISSIONER ANAYA: I agree with all the Commissioners, but Commissioner Stefanics makes a point about the three ordinances that we're discussing. I would ask is it okay to read in what we're discussing and allow the public to comment on anything that they might have as a concern associated with the living wage ordinances on any of the three instead of going through them separately. I don't see any harm in having comment on all three. We can do them separately if you'd like, Mr. Chair, but I think there are people here who can address those concerns and once we get to that portion just allow them the opportunity to comment on any of the three.

CHAIR MAYFIELD: Well, thank you, and I appreciate that, Commissioners, and I want to afford public comment, but I also see items 3 and 4 that are requesting to publish title and general summary. So I need to defer to our County Attorney, please.

MR. SHAFFER: Mr. Chair, thank you. The genesis of the additional items on the agenda for consideration I would explain as follows is that the original title and general summary that was authorized by the Board and published in the paper was very specific and it was tightly drawn to adjusting the base wage for tipped employees. So that process has

begun and that sets the parameters of what the Board should be considering with respect to the amendment that is on the table now for its first public hearing.

As I understand it, subsequent to that process being initiated, a separate request and topic was put on the table, namely creating an additional exemption for school age children who are in high school. That's outside the four corners of what was noticed to the public with respect to the process that was begun, and so if you're going to entertain that additional change you need to start a separate process so that you don't have any questions about the legality of those additional amendments. So as to provide the Board with maximum flexibility to determine how it wants to take these up we titled or put on the agenda an option that would allow you to combine those processes of you wanted to have a single amendment that addressed both the issue of the base wage for tipped employees as well as the separate issue of enacting additional exceptions to the scope of the ordinance. So that's the genesis for the different items.

To sum up, you can continue with the process that you've put in place with respect to the base wage for tipped employees and consider that ordinance on its own merits. You could combine the two separate issues into one new process, or you could launch a separate process specific to the issue of exemptions. So again, I hope that clarifies the thinking behind items on the agenda, but that was the rationale for going down that path.

CHAIR MAYFIELD: Mr. Shaffer, thank you for that. [inaudible] So then how did proper noticing go out if we're going to be taking comment on all these other issues tonight if all we were asking for item 3 and 4 was to publish title and general summary on this? How do I know the public's been afforded the opportunity to come and comment on these matters?

MR. SHAFFER: Mr. Chair, the Board authorized publishing title and general summary of an ordinance that amended the living wage ordinance specific to the base wage for tipped employees. That's been noticed in the paper for several weeks, both this first public hearing as well as the subsequent public hearing at which final action is being proposed. I don't have it in front of me but we have the actual affidavit of publication with respect to that issue.

CHAIR MAYFIELD: So when have we noticed to enact one or more additional exceptions to the applicability of this ordinance so that people will know that we're going to discuss that tonight? And my third is when did we notice to modify the base wage for tipped employees and to enact one or more additional exceptions? I guess we have notice to modify the base wage?

MR. SHAFFER: Mr. Chair, those are on the agenda for this evening and so if the Board were to direct that we begin a separate process to deal with the exceptions issue, then you would authorize us to begin that process tonight, directing to have as many public meetings on that issue as you want. If the Board wanted to combine the two matters so that you have one set of amendments considering them at one time then you could do that as well. So, to be clear, the only process that has definitively begun is the proposed amendments to the base wage for tipped employees. If you want to begin a separate process to consider additional exceptions to the living wage ordinance then that's the process you would be beginning tonight.

CHAIR MAYFIELD: Thank you. So you're comfortable that proper public notice has been afforded on all three?

MR. SHAFFER: Yes, I am. And again, this is a public hearing on the proposed amendments to the base wage for tipped employees. The next two action items you would vote on one but not both. Or you would vote down both, but you can certainly go forward and hear public comment on the proposed amendment related to the base wage for tipped employees.

CHAIR MAYFIELD: Commissioner Chavez, and then Commissioner Anaya, please.

COMMISSIONER CHAVEZ: No, I think that the County Attorney has explained it. I did want to talk about the exceptions and that is captured in a second ordinance amendment. So I guess we can discuss that at some time and vote that up or down. It has three exceptions. One, interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; persons working for a business in connection with a court-ordered community service program; and, I think this is the third one that was added because the other two are in the existing ordinance. The third exception would be minors enrolled in a public or private school in compliance with a compulsory school attendance law, New Mexico, 1978, Chapter 22, Article 12, or who are otherwise in compliance with that law. So these three areas would be exempt from the living wage as it's been proposed in this version, and so they would not paid the living wage, the way I'm reading it. They would be exempt from that. So those are the three versions of the amendments that are in our packet tonight.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: I would just like to hear public comment. It sounds like what I heard was we stick with the base wage first and then we'll go to the other ones. Please, those of you that I've had conversations with associated with the youth aspect, stick around or does it hurt if they comment themselves, by their choice, on both, or are you going to restrict them from commenting on anything else but the base rate? They've been waiting around a long time today.

MR. SHAFFER: Mr. Chair, Commissioner Anaya, I think you're going to have a cleaner record if you focus your testimony or your input on specific issues so you can move forward. That would be my recommendation.

COMMISSIONER ANAYA: Mr. Chair, you do as you please. How's that?

CHAIR MAYFIELD: I appreciate that, Commissioners. [inaudible] So let's move forward with the ordinance coming up in front of us, item VIII. A. 2. The title was already read, an effective date to modify the base wage for tipped employees. This is a first public hearing tonight, knowing that we have two others as Commissioner Anaya mentioned, and so who here from the public is wishing to comment on this? Thank you, not seeing too many hands – okay, that's good. We're getting more hands up here. So just please, come and sit in the front row and we'll just state your name and come and provide your comments, please.

JON HENDRY: Good evening, Commissioners. My name is Jon Hendry. I'm here representing the New Mexico Federation of Labor. But I always, when I come here, give

you the good news about my business. We have two TV series shooting in Santa Fe right now, both in the county, and three movies. So there you go.

MR. SHAFFER: Mr. Chair, if I could interject for a second on a point of order, Mr. Chair. The rules of order of the Board of County Commissioners say the public comment, input, on a proposed ordinance should be sworn and under oath. So I would just interject that as a point of order.

CHAIR MAYFIELD: Thank you, So Mr. Hendry, we're going to have you sworn in, please.

[Those wishing to speak were placed under oath.]

CHAIR MAYFIELD: I appreciate your patience on the earlier meeting but if you can keep your comments timely please and not repeat.

[Duly sworn, Jon Hendry testified as follows:]

MR. HENDRY: I'll keep it as tight as I can. Thank you for the opportunity. What's interesting to me about this to me is being the conversations we were having in the corridor before we came in here, I have been educated over the last three hours on the tipped wage, on issues that had never occurred to me and I suspect that this evening you will get some of the same education. Commissioner Anaya and I had a conversation about this. I would like to continue to be educated on this because there's issues, as Commissioner Stefanics talked about, unintended consequences that I didn't see coming. And the last thing that we want to do from the Federation of Labor is put anybody out of work.

So to continue this conversation I would ask the Commissioners to facilitate a meeting, a sort of Loya Jirga, as they call them in Afghanistan where we put our AK-47s in the middle of the table, sit on the other side and try to come up with some sort of meaningful solution to this, rather than just simply adjust the wage by a certain percentage, because there's definitely issues in federal law. I think there's going to be issues around Obamacare, when it comes to what we're doing with employees. We do not want to have that unintended consequence of raising employees up to the point where we take them out of the credit pool and put them into where they're paying their own healthcare. There's a number of issues that we need to be educated on from my point of view, from the living wage point of view, from a worker's point of view and I would completely agree with Commissioner Anaya, but I would ask that that process does not just include you but includes those of us on both sides and we continue to have that conversation.

Another thing I discovered this evening is we have some great restaurateurs in Santa Fe. These are great people. They're great assets to our community. This is why people come to the county and every time we lose a restaurant we lose a tourist. That's money we don't need to be losing. So I would ask that between now and your next meeting that you facilitate this opportunity. I promise that those from labor's side will be there to listen respectfully and hopefully on the business side they do the same and if wiser heads can get together we can perhaps come up with something that works a little better than just moving some figures around. We can come up with a long-term solution. So thank you for your attention.

CHAIR MAYFIELD: Thank you, Mr. Hendry. Sir. If you could just state your name please.

[Previously sworn, Murphy O'Brien testified as follows:]

MURPHY O'BRIEN: Hi. I'm Murphy O'Brien and I realize I'm under oath. For me, I think many of the restaurant owners here have met together and I think all of us supported the ordinance to increase the minimum wage in the county and we all support living wage, but struggled with the part that increased the minimum wage for tipped employees so drastically, and that created a bigger disparity between the tipped employees and the non-tipped employees. And I don't think that was the intention of the ordinance.

So I think we're definitely willing to compromise and want to come up with an agreement that works for everybody, and I think that the 30 percent figure definitely was something that would be something that we could all live with, especially given more time to kind of budget and plan for it. So many of the tipped employees that I've spoken to liked the idea of getting an increase to a wage that hasn't been adjusted in a long time, but they don't want it to jeopardize the current system and jeopardize the amount of work they have or the stability of the restaurant. So thank you.

CHAIR MAYFIELD: Thank you, sir. Sir, do you have a restaurant in town?

MR. O'BRIEN: In the county but outside of city limits.

CHAIR MAYFIELD: Thank you.

[Previously sworn, Roland Richter testified as follows:]

ROLAND RICHTER: Chairman Mayfield, Commissioners, my name is Roland Richter. I live off Highway 14 and I do have a restaurant in Santa Fe, and I realize I'm under oath. I would like to speak in regards of the base wage for waiters, tipped employees. I urge the board to leave it at the federal level as it is now and I would like to explain why. The living wage, the \$10.66, encompasses everyone. It's cooks, waiters, plumbers, carpenters, retail clerks, and so on. Some of these jobs make more than the living wage but some barely make it and therefore you stepped in and made it to \$10.66.

Now, changing the base wage for tipped employees has consequences. It creates a new group of preferred employees. You're singling out a small group of employees and you said, let's give them more money. And why shouldn't we give the cooks or the other people more money? No, it's just going to be the wait staff. And I don't think that is fair, and I'd like to give a small example, simplified example of how they would work.

Say, two restaurants, say, Denny's where people make relatively little money and take Geronimo's, where a waiter would make a lot of money. The base wage would be, say, \$2 and the minimum wage \$10. So if somebody makes at Denny's in one hour an additional \$4 in tips, so it would come to \$6 and the employer would have to add an additional \$4 to go up to \$10 for the minimum wage. Now, at Geronimo's if you make \$2 as a base and the waiter, say, makes another \$18, then you would end up at \$20. So the employer does not have to make any money up. However, the waiter, when you do the extra base wage for the wait staff would make an additional \$3 on top of it. So somebody that makes \$20 would end up with an additional \$3 for no reason whatsoever.

And the people that make only \$10.66 or in my example \$10, they wouldn't notice any difference whatsoever. That's why I'm saying you're singling out a group of people that already makes more than the minimum wage and you give them more money. And if you need to get this more explained in detail in a spreadsheet I am very well able to help you looking through that. Thank you.

CHAIR MAYFIELD: Roland, really quick, and I just want to – Roland has a great restaurant. I'm sure all your restaurants are great, but you have a great restaurant. Let me ask this question though. So if somebody has to say tip out a tipped employee, a waiter or waitress, then has to provide some of their tips, say, to a busser or to the bartender, how does that compute into what you just stated?

MR. RICHTER: In my example, the money that I said is what the waiter makes after his tip out. So say a waiter makes, in his shift, \$50 in tips and he tips out \$10, then on my payroll it would say only he made \$40. And if he worked six hours in this time, so he made six times – minimum wage would be ten, so he should have made \$60 and his base wage is \$2, six times two is \$12, so \$12 plus \$50, that's \$62, so he would actually be \$2 over the minimum.

CHAIR MAYFIELD: Thank you.

MR. RICHTER: So that would after the tip out.

CHAIR MAYFIELD: Thank you.

[Previously sworn, Steven Cuoco testified as follows:]

STEVEN CUOCO: Good evening, Commissioners. My name is Steven Cuoco and I am under oath. I am a public relations officer in the entertainment, food and wine industry, as well as my background is in the political industry as well. I come from a family of politicians, lawyers, military and so on. My experience in the industry is that of my experience. Service is very underrated. If we were in Palm Springs right now where I had originally moved from, in and during season there it would be apropos to leave the minimum wage where it is at. However, Santa Fe is a 365-day community tourist area.

Now, as for places like Denny's, places – McDonalds, so on and so forth, they have corporate industries that run the public relations part of it to keep the wages where they're at and to make profits where they choose to. When it comes to the restaurants here in Santa Fe, where they have an edge is that they're able to make the rules where they want to make them. They're not governed and restricted by corporate companies. Just to let you know, Working America had invited me to come here tonight. I wanted to let you know that in my choices I could have gone into law. I could have gone into politics, I could have gone into the military. However, what I chose was for the community. I wanted to be of service and to be an advocate and not only understand where you're at, which I do highly and respect the position that you're in but most communities do not, and knowing where your hands are very tied, and then when it comes to intellectual property and privacy where you can only divulge so much information.

But also for the community I'm aware when it comes to service and value. And what I've learned with doing the opposite of what my family has done is that it's about investment. And what I encourage all restaurants here in Santa Fe as well as anyone in the world is to understand who are your investors. When it comes to bartenders, waiters, waitresses, they are not just waiters, waitresses and bartenders. They are public relation officers. The moment an employee places on a customer, shall I say, a company-designed attire. When you are learning the menu, the value of service that's offered as well as the pricing, that is public relations.

These are more than just employees. Their job description is waiters, waitresses and bartending but once again, they are getting paid under what a public relations officer ought to

get paid. I as a public relation officer, you would be very surprised at what I get paid per hour. When I started in service it was very, very little. I'm 40 years old. I grew up on the 80s and I can honestly say that what I've learned is that I had to struggle for my value and I had to prove over and over again of my own importance that there's a difference between service and servitude. And when I'm applying and initiating service it's because I believe in the company because I believe in what I'm doing and what I have to offer.

When it comes to servitude, and as it's stated, it is a state of being a slave or completely subject to somebody more powerful. Slavery or bondage of any kind, political or intellectual. What I've noticed with bartenders, waiters and waitresses is they have low self-esteem. They do not speak up for themselves. They're scared to have an identity, and especially here in Santa Fe, they do not honor who they are for the most part from my experience. And I encourage that to change. And I've worked with Chef Andre Carthen, who is supermodel Cathy Ireland. He is not only one of the top chefs in the world he has also written information for Janet Jackson for her new cookbook. I'm also affiliated with Brad E. Ogden, who is Oprah Winfrey's former chef and also Chef Bruno Solado who is the owner for Anaheim White House in Anaheim, California.

These individuals know about public relations and service because they have been a waiter, a waitress or a bartender at one time, and they believe that when it comes to public relations that it's all about establishing what your real investment is and what it's worth to you. So what I ask you and what I ask the public here in Santa Fe, which is a 365-day tourist, is what is your value? And what do you believe your investments are worth? Because those are people who see your clients every single day, day in and day out. They sell your products, they sell Santa Fe. And they are the ones who will either encourage the tourists to come back or to never come back. In my research I've reviewed many restaurants here. The reviews are more than apropos in its horri-ficity.

The comments between menus that are misspelled, service being lacking, it's the education. I encourage restaurants to hire consultants. That is your cheapest, easy way to bring somebody in that knows the industry, knows the area, to come in and to assess not only your value but what the value of your investment is, including your restaurant and your employees. It's inexpensive. You don't have to go out of town but I can honestly tell you what is here that is not in New York where I'm from and is not in California where I've also lived, is it's the hospitality.

The community here is very hospitable. They smile. They look you in the eye and even if they do not understand complete English they still deliver hospitality. And on that value is way more than \$6.40. Thank you.

CHAIR MAYFIELD: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: I can't resist. I don't know what restaurants you're going to but the people that give service at the restaurants I go to are very vocal, very professional, very articulate and spot on. So I'm going to speak in their defense and say – I'll tell you where they are in the restaurants I go to but I got to tell you, they're not complacent, they're not shy, they're very smart, they're very articulate and they know what they need to

do and provide excellent service to people that go and take their services in. So I couldn't resist, Mr. Chair.

CHAIR MAYFIELD: Sir, we're going to go on but welcome and ask you to stay for the rest of the hearing if you could please.

[Previously sworn, Holly Beaumont testified as follows:]

HOLLY BEAUMONT: Commissioner Mayfield and the County Commission, I'm Holly Beaumont with Interfaith Worker Justice New Mexico. I understand I'm under oath and I'm trying to rethink what I'm going to say as a result of the last statement because I'm a little shaken by it. Which leads me to believe that I should also share with you that I'm also a small business owner with a product, a line of gourmet blue corn pancakes that are in some of the finest restaurants in Santa Fe. And when a restaurant in Santa Fe that serves my product goes out of business we lose business.

So I'm concerned about workers but I'm also concerned about creating a climate where businesses can thrive. New Mexico is the poorest state in the nation with the greatest income inequality. That fact hurts all of us. It certainly hurts low-wage workers and their families. It also hurts businesses, because when workers do not have expendable income they can't eat out. We need to address those problems and one of the best ways to do that is to raise the wage level for everyone. Whether that means we increase the tipped wage from \$2.13 or if there is a compromise in there somewhere that is more livable I am definitely willing to entertain that. But we do need to increase the tipped wage from \$2.13.

Now, we are dealing with a professional with an expansive range from people who work in some of the national corporate chains that are notorious for exploiting their workers to those who work in local restaurants where they are treated consistently better than they're going to be by out of state corporations. That's my experience. If you are in a restaurant that serves wine or alcohol then you can make a decent living as a waitperson. But if you're working in a restaurant where tips are not forthcoming you are living in poverty.

Now, I worked on the living wage ordinance when it was passed in Santa Fe and I have always been the lone voice saying that we need to stop calling it a living wage, because it isn't a living wage. Our goal was to achieve a living wage but what we have now is better than what we had before but it is not a living wage and I think we confuse the discussion when we keep referring to it as our living wage.

For example, the National Coalition to End Homelessness has done a study on what the housing wage is in every state, and that's the minimum hourly wage required for a worker to afford a modest two-bedroom apartment. And in New Mexico the housing wage is \$14.86 I believe. In Santa Fe it's estimated that it's somewhere around \$19 and change, the housing wage. I don't know what it is when you factor in the county.

So when we're talking about raising the minimum wage in Santa Fe County to \$10.68, which was wonderful, and I commend you. It was bold and it was visionary. And it was very appropriate and long overdue. As a restaurant owner who I know who serves my pancakes told me today, being in an island, having a business in an island like Santa Fe, where you're competing with lower wages, minimum wages around you is very difficult. Extending it to the county makes it better, but what we really need to do is raise the state minimum wage and raise the federal minimum wage so that we're all on a level playing field.

I worked on raising the Santa Fe minimum wage and what we saw was a ripple effect through communities in New Mexico – Albuquerque, Bernalillo County, Gallup. And that put enough pressure on the state legislature that they finally raised the minimum wage to \$7.50 from \$5.15. When New Mexico raised our minimum wage, we joined a group of states putting pressure on Congress and Congress finally raised the minimum wage to \$7.25. They didn't do as well as we did but at least they raised it from \$5.15. That was in 2007.

We are in the same kind of climate right now. There is great traction in Congress. Well, there is great pressure on Congress, a lot of traction nationally to raise the minimum wage, and it's going to be more than \$10.68 or it's going to be \$10.10, but we're already seeing communities that are raising it above that. Seattle, Sea-Tac, almost on a regular basis we're learning about municipalities and states that are raising the minimum wage. It's acknowledged that the economy of our nation and our states and our local economies depend on raising wages.

So I would encourage you to be bold and visionary and see that yet again Santa Fe County has an opportunity to inspire and motivate our state legislature and then Congress to do exactly what we know is in the best interest of everyone, businesses and workers alike. Thank you.

CHAIR MAYFIELD: Again, we have raised our minimum wage to \$10.66. We're commenting now on the base rate component of this please. Thank you. Whoever's next. Come up, please, whoever's next.

[Duly sworn, Jared Ames testified as follows:]

JARED AMES: I am Jared Ames. I'm the state director of Working America and I affirm my pledge. So I just wanted to first of all, on behalf of our members, applaud the unanimous decision made by you Commissioners on behalf of raising the living wage in the county and increasing the tipped wage to \$6.40 an hour. One of the things that we found alarming was hearing about the amendments that are being proposed. When we look at bringing the tipped wage back down to the \$2.13 or maybe the \$3.20, I look at the living wage should be for everybody and bringing this down comes into picking winners and losers. And we look at the tipped wages, nationally, we have seen the tipped wage lose time and time again. It has been 23 years since the federal tipped wage has been raised and at the time, in 1991, the tipped wage was 50 percent of the minimum wage.

In 1996 they stopped increasing the tipped wage with tying it to the cost of living and that's why it has stagnated lower and lower in relation to the minimum wage. And so we look at ultimately I think of when we passed this, or when you guys voted for this a few months ago I could tell that all of you really cared about the tipped wage. I remember the discussions back and forth of the Commission. And when we look at kind of the stagnation in Washington and how decisions can't be made, there's been a push for a \$10.10 at the federal level and that's held up because of conflict, it's really local governments that really push decisions made at the national level.

And the decision to raise that tipped wage to \$6.40 has a rippling effect with other communities. There are communities that are weighing whether to raise a minimum wage. We look at Albuquerque that had a ballot initiative where 66 percent of the voters voted to raise their minimum wage but also raised their tipped wage to 60 percent of the minimum wage. And I believe much of that language was in the ordinance that was passed.

And so if going back at that \$6.40 an hour it will have a ripple effect in the opposite direction, giving communities a reason not to raise their tipped wage. And so that's what I would really ask you all to be mindful of when you're making and weighing these decisions is that ultimately, the impact of your decision will affect other communities and not just the county. Thank you.

[Duly sworn, Mario Girard testified as follows:]

MARIO GIRARD: Hi. My name is Mario Girard and I realize I am under oath. I'm a Santa Fean. I'm from here. My family goes back hundreds of years and many of my family have been mechanics and janitors and low-wage earning careers. I myself have worked as a busboy, as construction labor, dishwasher at the hospital in high school. I've also worked as a server and I understand what it's like to be on the end of feeling like you're getting exploited or definitely not making a fair wage for the amount of work you put into it.

I also belong to the union, Jon Hendry's union. I used to work in the film business and I really appreciate what they do and I also actually belong to Working America. So I'm a big fan. I'm very progressive on this. I do believe people should make a living wage. I have in the last several years have become a restaurateur of sorts and I am now on the other side of this and it's kind of a funny place to be, because I kind of see it now from both sides. It's really easy when you're just on the side of getting a check to say I want more money. We all want more money. I want more money, and I don't really – I barely make a living wage as a restaurateur. But I think it all has to be done intelligently in a way that the mechanisms that make that money don't break down, and I can tell you, for most of us – well, I speak for myself for a local business, it's not easy to make all the ends meet. We don't have the big corporate money that Outback has to support us if we have a bad season and we really do got to make tough decisions. And having this dropped on us was something that was really scary.

But I'm not here today to try and tell you that you shouldn't offer a living wage. In fact I commend you for bringing it up to \$10.66. that not only fixes, or at least helps solve the problem of the retail person and the gas station attendant. My bussers are now guaranteed to make \$10.66 an hour, one way or another. They walk away with \$10.66 at the end of a pay period and I augment whatever they don't make. And I always feel guilty when I see my bussers bust their butts and walk away with less than that. So I think – they're already now – that problem has been ameliorated somewhat. My dishwashers now got a raise and that's great. They deserve it.

I've got a whole other group of people. There's always this front of the house, back of the house thing where you've got waiters who come in and work for four hours and the rest of the staff who works eight hours and they make the same amount of money. Those guys, in the back of the house, this helps them and we can guarantee all of them they're going to make a living wage.

I have a hard time understanding why we are – well, let me back up and say my understanding of the objective here is that we are trying to raise the living wage for everybody. Period. To \$10.66 and we're starting from there. It doesn't seem like we're trying to raise the living wage for some people and give other people a big bonus or a bonus. We really just want to get everybody up to the \$10.66 for starters, as far as I can tell. With that said, I've got some stats here. Just last week, in the five-day period, my waiters made \$30 an hour, \$29 an hour, \$35 an hour, \$38 an hour, and \$20 an hour last night on a slow Monday.

They didn't make a lot of tips but we staffed it right so that the guys over there and the gals walked away with \$20 an hour.

So what we're essentially – what we were proposing was to give those people, who are being compensated \$20 an hour, an extra \$4 a hour, while the guys that worked all day long, the guys in the back are now making just \$10.66. I'm not sure why we're focusing on giving the raise to servers. I do agree that servers are great, and I don't think this is really a hearing or a public debate about whether or not service is great and I do – I'm with Commissioner Anaya in saying that we have great service in this town and we do value it and they're compensated well for it. But I guess I would just want to make sure that you know that in order to give the raise to the few people in the front of the house that are already making well above living wage, in some cases two, three times it, it's going to potentially put the squeeze on the restaurant in a way that some of us may not be able to weather that. I don't know. It definitely will make things much, much harder and I'm not sure – hopefully, I trust you can weigh all those ramifications as you said, the unintended consequences and I would urge you to learn more about this and completely understand it before you pass anything and know how it might affect the community. And I sure would hate for us to lose more local businesses and have the chains come and fill in. It just wouldn't be Santa Fe without some of us local businesses. So I appreciate your time.

[Duly sworn, Ann Anthony testified as follows:]

ANN ANTHONY: Good evening. My name is Ann Anthony and I'm an ordinary citizen, and I do support and congratulate you for raising your minimum wage, and I realize I'm under oath. I think it's important that the wage for waiters be higher than the \$2.13 that it's been. I'm not sure that \$6.40 is necessary, but I urge you to study it more and to be fair in raising it so that they're getting something that is close to the \$10.66 at least. And of course there's such a wide variety in restaurants that it's hard to say what the average needs to be, but please do think about raising it because it certainly has been too low. Thank you very much.

[Duly sworn, Harry Shapiro testified as follows:]

HARRY SHAPIRO: Hi. My name's Harry Shapiro. I have a restaurant, Harry's Roadhouse. I realize I'm under oath. It's been very interesting for me to sit through this process. I feel really fortunate that both my wife and I and every other restaurant owner that I've talked to has supported the \$10.66, whether you want to call it a minimum wage or a living wage. I'm in favor of it and I think we all are. The question of the \$2.13 is really interesting because I've been in the restaurant business for 30 years and there are two kinds of tipped employees, first of all. There's waiters who get the \$2.13 and then there's bussers, bartenders, food runners and hosts. I can't speak for every restaurant but in our restaurant every busser, food runner, server and host gets more than \$6.40 an hour, so this proposed legislation would have no effect on them. It would only affect waiters.

When we go through our records and we are mandated by federal law to report our waiters' tips, we track them as best we can. I think that Mario just talked about what goes on in his restaurant. Other restaurants we met with, at the top end, some of the waiters earn \$35 an hour we were told. The waiters at our restaurant earn at least \$20 an hour and it's hard for me to understand. Payton and I walk around in t-shirts and the best part of my day for me is

when I'm cutting onions, when I'm helping people. I bus tables, I mop floors and I think every one of us does. We're all small business owners.

And it's hard for me to understand how I can look at a dishwasher or a cook and tell them – tell a dishwasher that they're going to get a dollar an hour raise from this law, so they're going to go from – everyone already makes the \$10.60 but maybe they'll make a little bit more money and then go to somebody who's making \$20 an hour and tell them that they're going to get a \$4+ raise and I don't see how this falls under any idea of social justice or any idea of really raising the minimum wage.

I do think the comments about Seattle, San Francisco – I know Washington, DC is considering these and I think it's great but these are all communities that are three of the wealthiest, most vibrant economies in the United State and I would love to see us, and I would love to be part of figuring out how we could develop the economy in Santa Fe County a little better so that the pie would grow and everyone would do better.

And I guess the last thing I'd like to say is that I forgot what I was going to say, and that keeps me from rambling but thank you for your time.

[Duly sworn, Rory Ballem testified as follows:]

RORY BALLEM: My name is Rory Ballem and I'm aware that I'm under oath and I own a restaurant in Santa Fe County. Pretty much everybody said mostly what I am in agreement with but I wanted to state a few things for the record. I am absolutely for the \$10.66 minimum wage. It's one of the reasons I didn't go to any of the prior hearings, because I wasn't opposed in any way. Additionally, I am for the \$3.20, 30 percent tethering to the \$10.66 or whatever we deem to be the living wage future forward. I think that as Harry and Mario both stated, as far as numbers go, something that may not have been thought through thoroughly is that every single busser, host, bartender in our establishment also makes over \$2.13 an hour so we're already above the federal minimum for those servers. The only people in the house that make the \$2.13 an hour are the waiters themselves. They average over \$20 an hour all year long.

So our back of the house, our kitchen, the lowest paid prior to April 26th made \$9.50. He received roughly a 15 percent increase. There are only two of them; they were dishwashers. Everybody else made more than that already. So all they got was a 15 percent increase. If we raise the server wage from \$2.3 to \$6.40, we give our already highest paid employees a 300 percent raise. That's a huge difference, and it's hard to – how do you explain to the dishwasher or the cook that you can't give them an extra 25 cents because you gave the person who already makes \$21 an hour an extra \$4. It puts us in a really bad position. It also probably means that most of us have to change fundamentally our business model itself, because having that many servers on the floor, the way we do traditional service become extremely expensive. For us along it's an increase of \$130,000 a year. It's a lot of money. And that has to come from somewhere. Raise the prices, decrease hours. None of those things are good for employees in general.

Again, I am all for the living wage, but I think we have to watch the unintended consequences of \$6.40 an hour. Thank you.

[Duly sworn, Laurie Lindsey testified as follows:]

LAURIE LINDSEY: My name is Laurie Lindsey. I own the Mine Shaft Tavern in Madrid, New Mexico, and I also realize that I'm under oath. First of all I just want

to say with the other restaurant owners and that we are not a 365-day restaurant. As far as tourism, we are a six-month a year, seven-month a year tourist location. So I see that this would be just devastating to my business. And I definitely agree with everybody else and I hope we do the compromise. The compromise makes the most sense, it's the most fair and I'm really all for it. So thank you for having this hearing and we look forward to seeing the compromise go into effect. Thank you.

CHAIR MAYFIELD: Thank you. Is there anybody else?

[Duly sworn, Brenda Rodriguez testified as follows:]

BRENDA RODRIGUEZ: Hi, County Commissioners. My name is Brenda Rodriguez and I work with Working America. I have a background in working in retail and earning minimum wage and so something I just wanted to talk about. I hear a lot of the people that are speaking and they're business owners. And I'm just wondering, where are the tipped workers. To be honest, I wasn't aware of the amendment till Monday, which is really shocking, because we passed this awesome ordinance and it was great. We did the good thing for workers, and not just you all who took that vote but also the workers that came here and spoke.

So we found out about this yesterday and so that explains why we're low in numbers. We started off the meeting at 7:00. We thought it was at 5:00 so we lost a lot of the folks that were here in support of not repealing the tipped wage. I also want to mention that I support the local businesses. When I go I tip very well to the people that come serve me my food. As a consumer I'm very well aware of the folks that serve me and the great service that's here in Santa Fe, that's across the state, that's in Albuquerque. But I think we should also start working at the facts. So I hear a lot of \$20 an hour and I know a lot of servers and that's not the case. Right? It's a lot of folks who are barely making ends meet. It's a lot of folks that don't know if they'll afford to pay the rent.

So maybe what we're hearing is the story of owners who own really great businesses where they have a lot of income coming. But what about the businesses that aren't? The businesses that see \$2.13 an hour and then don't make up that wage? Then we're going into wage theft where the workers aren't being protected. There was a study conducted by the EPI, the Economy Policy Institute to show that servers, tipped workers, are twice as likely to suffer from wage theft, to not get paid the money that's owed to them, and there's also tipped workers are 16 percent more to be on food stamps.

So I hear that it's great, they're making a lot of money, like it sounds like I should probably move over to being a server, but what I hear though, from the people that I talked to today, that's not the case. That they aren't making \$20 an hour every hour, every day. There is lows and highs, and that's because of the business. So I do agree, we should start thinking about this business model, but I also hear the concern of 30 percent versus 60 percent. So when are we going to get to the place where the jobs for servers and all workers in this industry is stable? Where they are going to be earning \$10.66 an hour and higher.

Like I heard earlier today that that's not a living wage. We're moving towards higher wages. So I'm here to support keeping the tipped wage. I don't want to see it repealed. I think this is something that we did great, and I recommend you all read this article by *Mother Jones* which has us listed as Santa Fe County, \$6.40 for tipped workers. We are taking the lead in

the nation of making things right for tipped workers. And I just would be on the side of that. Thank you.

CHAIR MAYFIELD: [inaudible]

COMMISSIONER CHAVEZ: There's a second public hearing also, Mr.

Chair.

- VIII. A. 3. **Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 2014-1 (an Ordinance Establishing a Living Wage within Santa Fe County; Specifying Employers Subject to the Living Wage; Making Findings as to the Necessity of a Living Wage; Establishing a Prohibition on Retaliation for Reporting Violations of the Living Wage; Providing for Remedies and Penalties; Specifying Enforcement Officers; Providing the Process to Be Employed Upon Complaints of Violations; Establishing Severability; and Providing an Effective Date) to Enact One or More Additional Exceptions to the Applicability of the Ordinance.**
- VIII. A 4. **Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 2014-1 (an Ordinance Establishing a Living Wage within Santa Fe County; Specifying Employers Subject to the Living Wage; Making Findings as to the Necessity of a Living Wage; Establishing a Prohibition on Retaliation for Reporting Violations of the Living Wage; Providing for Remedies and Penalties; Specifying Enforcement Officers; Providing the Process to Be Employed Upon Complaints of Violations; Establishing Severability; and Providing an Effective Date) to Modify the Base Wage for Tipped Employees and to Enact One or More Additional Exceptions to the Applicability of the Ordinance.**

CHAIR MAYFIELD: [inaudible]

COMMISSIONER ANAYA: No, Mr. Chair. If we're done on the public hearing.

CHAIR MAYFIELD: Yes. This portion of the public hearing is closed right now. Thank you.

COMMISSIONER ANAYA: So Mr. Chair, if I could.

CHAIR MAYFIELD: Yes, please.

COMMISSIONER ANAYA: We don't live in a perfect world. We all know that and acknowledge that every day, day-in and day-out. The County Commission voted to take the wage to \$10.66 an hour for everyone. That's the bottom line. Associated with this discussion I very much appreciate comments by everyone. Mr. Hendry made a comment earlier. I had a conversation with him about having a broader dialogue associated with other concerns with younger workers. In that spirit and in the spirit of this discussion on the tipped

workers that we just had and the feedback we just had I'm going to go ahead and move to table items 3 and 4 and I'm going to ask that we have that dialogue in a collective way with all parties concerned and taking into account differing perspectives, not just on the tipped wages we heard tonight but also on youth workers. I think there's some good comments I've heard from both sides, and so with that, Mr. Chair, I'd move to table items 3 and 4 and between now and the next hearing I'm going to work with Mr. Chair, yourself and Ms. Miller and any individuals that are listening in or that are in this audience to have a broader dialogue and some communication to hear whether other alternatives or options might be out there.

COMMISSIONER HOLIAN: I'll second that.

COMMISSIONER ANAYA: Thank you, Commissioner Holian.

CHAIR MAYFIELD: There's a motion and a second to table items 3 and 4.

The motion to table passed by unanimous [4-0] voice vote with Commissioner Chavez abstaining.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: No, I just wanted to point out that for all the speakers, and especially the workers, this is not an easy position to be in. I did revel in the moment when we did pass the 60 percent and brought the tipped wages up to \$6.40, but in my position I had to be willing to listen to the other side and try to find a reasonable compromise without slipping back too far. I think that in the discussion about the minimum wage of \$10.66 I really didn't think it was in our best interest to have that discussion only and not address the tipped employees. I really feel that we have to have the discussion at the same time.

And as was pointed out, if it were not for local governments being bold and trying to do what's not being done in Congress, this is the position that we're in. Local governments across the country are having to step up, step into the hot seat and make these decisions and have this discussion. If we were not doing it here now it wouldn't be happening. So I think we're better off for having the discussion. We may be taking a step back from the position that we were in a couple of months ago, but at least we're one step forward than most of the country. And I think we can weather this storm.

So I didn't vote for the tabling, I didn't vote yes or no. I guess I'll abstain, because we have a process. We had a second public hearing scheduled. I think personally we discussed this and yes, there are going to be unintended consequences but we're never going to be able to move forward if we're going to wait for all of those unintended consequences to disappear or dissipate or whatever. Right? It's not going to happen. We have to be willing to make those decisions, be fair about it, be reasonable about it. And I think that going from 60 percent to 30 percent is doing that. I think going from \$6.40 to \$3.20 is very reasonable. But to go back to \$2.13 an hour? Can't do that. We shouldn't do that. We can do better than that.

So I was anticipating a second public hearing so that we could put this behind us for now and move forward.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: We're still going to have a second hearing.

COMMISSIONER ANAYA: We're still doing the tipped worker. If I could, Mr. Chair.

COMMISSIONER CHAVEZ: What was the tabling?

COMMISSIONER STEFANICS: Number 3 and number 4.

COMMISSIONER ANAYA: Mr. Chair, if I could, the ordinance to have discussion on rolling back the tipped rate is still going forward for next public hearing and vote. What I tabled was the other two items that I think we can have a broader discussion with members in this room on both sides that can bring some relevance to that piece associated with the younger workers.

COMMISSIONER CHAVEZ: So you're talking about just the amendment for minors enrolled in public or private school then? Because the other two components are already in the original ordinance.

COMMISSIONER ANAYA: Right. So the ordinance that deals with the tipped wage will still come back.

COMMISSIONER CHAVEZ: Okay.

CHAIR MAYFIELD: Just really quick, I'm going to go to County Ms. Miller really quick. Please.

COMMISSIONER CHAVEZ: Sorry for that confusion but the packet is – the way that it's structured is a little confusing. The amendment that you are speaking to, Commissioner Anaya, is on a separate page, separate amendment.

CHAIR MAYFIELD: Yes.

MS. MILLER: Mr. Chair, Commissioners, I'd like to explain the agenda and why it's like that. We had already noticed in the newspaper very specifically two public hearings for just the tipped wage amendment. In the process, however, some other suggested amendments came up and it could not fit under the noticing that we had already done in the newspaper. So in order to actually bring those items forward we had to notice that, to request the authorization to public title and general summary, if it was wanted, in order to broaden the potential amendments to the ordinance. And that's why those – and one was to do an exemption and one was to try to broaden it to capture both issues. It's unfortunate, but because you have to notice public hearings for ordinance for two weeks, that was the only way that we could actually capture those other issues. Because we would not be able to vote on any other amendment to the ordinance, other than the tipped employees' wage until June, where you had already noticed and scheduled two hearings with a vote scheduled for May 27th. So that was the reasoning for adding the additional noticing in case you wanted to broaden your discussion on the proposed amendments.

CHAIR MAYFIELD: Thank you. Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I just want to offer, if I could, and I apologize if I created any confusion, Commissioner Chavez or my fellow colleagues. I'm not waling away from a discussion about the seasonal workers and the youth at all. Before we have that discussion and before we have the hearing I want to engage in some more informal dialogue around a table with people in this room on both sides of the matter.

COMMISSIONER CHAVEZ: On that point only.

COMMISSIONER ANAYA: Go ahead.

COMMISSIONER CHAVEZ: Just on that point.

CHAIR MAYFIELD: Are you done, Commissioner?

COMMISSIONER ANAYA: Yes, I'm done.

CHAIR MAYFIELD: Thank you, Commissioner Chavez.

COMMISSIONER CHAVEZ: So it's just the seasonal part-time minors that you're speaking to right now.

COMMISSIONER ANAYA: That's correct. On the tipped worker discussion we're going to have the next hearing and more comment and then deliberate on a determination whatever that might be.

COMMISSIONER CHAVEZ: Okay. All right. Thank you, Mr. Chair. Thank you, Commissioner Anaya.

CHAIR MAYFIELD: Thank you. And again, so I'm not confused on this, and it was the way the noticing came out on this agenda, we specifically had it noticed tonight for a first public hearing of discussing the base rate. That's what we just did.

MS. MILLER: Mr. Chair, that is correct.

CHAIR MAYFIELD: So now we have tabled the other two items in my mind, because we have not published for a public hearing for to discuss our seasonal employees. I think Commissioner Anaya is asking that we can have that dialogue and right now I see as it's been noticed we cannot have that dialogue. I just want to be corrected if I'm wrong on that one.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Yes.

COMMISSIONER ANAYA: Mr. Chair, I'm going to take my chances as Commissioner and with any colleagues that want to join me sitting around a table with restaurateurs and with people in support of the wage ordinance as it exists to have some dialogue before I re-engage that item I tabled.

COMMISSIONER CHAVEZ: Okay. Great.

CHAIR MAYFIELD: So we're all on the same understanding. So Ms. Miller, when will the second public hearing happen on the base rate component of this, and then when will we have a hearing on the seasonal worker component?

MS. MILLER: Mr. Chair, the only thing that has been noticed for public hearing and potential action by the Commission is just the tipped employee, the base wage for the tipped employee. It has been noticed for you requested as a Board two public hearings. It was noticed for tonight, May 13th, as well as the next Tuesday, two weeks from tonight, May 27th. At that point you can vote or choose to have additional time, but that's what we've noticed in the newspaper. Any other amendments to the ordinance, whether it be summer employees or any other issues that have been brought up since it was passed, we have, based upon the action tonight there is no noticing. There's no authorization given to County staff to publish title or general summary of any other amendments at this stage.

COMMISSIONER HOLIAN: Thank you, Ms. Miller. Commissioners, with that, our public hearing on the base wage component for tipped employees is closed and we will see you all and anybody else who would like to attend the second public hearing. Thank you for being here tonight.

[For additional comment see page 104.]

[Commissioner Holian excused herself from the remainder of the meeting.]

VIII. B. Land Use Cases

1. **BCC CASE # PCEV 14-5060 John Young Vacation of Easement.**
John Young, Applicant, Ed Trujillo (Dawson Surveys), Agent,
Request Approval to Vacate a Platted Thirty-Eight-Foot (38')
Wide Private Access and Public Utility Easement on Three Lots
Totaling 22.95 Acres. The Property is Located in the Traditional
Community of Galisteo at 3 Tobias Lane, within Section 35,
Township 14 North, Range 9 East, (Commission District 3)

CHAIR MAYFIELD: We're going to move into our land use cases. We're on item VIII. B.

MS. MILLER: Mr. Chair, I don't think the staff was ready because we had executive session scheduled next and so I don't think the Land Use staff is quite in here so we will get them as quickly as possible.

CHAIR MAYFIELD: We'll wait for them. Thank you. We will be going back to public comment right after this one case. Mr. Romero, please.

MIKE ROMERO (Case Reviewer): The subject lots originally were made up of five legal non-conforming lots that were consolidated into three legal lots of record, which were created through a Lot Consolidation in December of 2013; one lot, Tract A-1A, consists of 13.328 acres, one lot, Tract B1, consists of 8.718 acres and one lot, Tract A1, consists of 0.903 acres.

There is currently a residence on Tract A-1A, where the Applicant resides. The thirty-eight-foot wide private access and public utility easement runs through Tract A1, West onto Tract A-1A and South down Tract B1 where the easement ends. There are existing easements that provide access to the subject properties as well as the adjacent lots. Therefore, the Applicant has stated that he does not need this portion of the private access and public utility easement and claims no other party will be adversely affected by vacation of the easement.

Staff recommendation: Approval to vacate a platted thirty-eight-foot private access and public utility easement on three lots totaling 22.95 acres, subject to the following condition:

1. The Applicant shall file the portion of the Final Plat (Tract A-1A), (Tract B1) and (Tract A1) affected by the vacated easement with the County Clerk's Office (As per Article V § 5.7.3).

I stand for any questions.

CHAIR MAYFIELD: Thank you. Commissioners?

COMMISSIONER ANAYA: Mr. Chair, just a few questions. The three lots are all owned by the same party? And he wants to vacate his own easements that he has to those three lots to where he will no longer have those easements on his own property?

MR. ROMERO: Mr. Chair, Commissioner Anaya, that is correct. At one point in time all the lots that Mr. Young does own and at one point in time when those lots were

individual lots that easement was created to access those individual lots. But since he's consolidated them, he owns all of them, he states he no longer needs them for access.

COMMISSIONER ANAYA: Move for approval, Mr. Chair.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: This is a public hearing so we do have to afford public comment please. Is there any members from the public who would wish to comment on this case? Please come forward. Sir, can we have your name?

[Duly sworn, Edward Trujillo testified as follows:]

EDWARD TRUJILLO: My name is Edward Trujillo. I'm with Dawson Surveys and I'm the agent for John Young, and I did the majority of the plat work which consolidated the other lots and nullified this lot, so essentially, it's an easement to him from him through his own land. I approached Land Use and explained that to them to see if we could get it done administratively because right now my client has had to pay over \$500 in application fees to be heard here and then another \$500 or some dollars to Land Use to reapply for the application fee to get the plat done. And if this could have been done administratively, since it is an easement to himself from himself over his own land it seemed like that could have been just, you know, something that would have no cause for him to have incurred the cost for this or for you to be listening to me, because I've been here since five and I know how busy you guys are.

Basically, that's it. There is no need for that easement.

CHAIR MAYFIELD: Thank you, sir. Vice Chairman Anaya.

COMMISSIONER ANAYA: I just want to say I appreciate the comment and the feedback. Staff's doing what they've been given policy to do. That can be something that we can look at and address when we look at fees and other practices, so I appreciate you bringing that up. I will say though, sometimes I do get in an argument with myself. But I appreciate the feedback. Thank you.

CHAIR MAYFIELD: Thank you, sir.

[Duly sworn, Barry Phillips testified as follows:]

BARRY PHILLIPS: My name is Barry Phillips. I'm also with Dawson Surveys. I appreciate your interest in trying to sort through this problem that we're having is that I'm not sure where this whole vacation of easement needs to fall under the whole vacation of the final plat category because the mere fact that Mr. Young had these lots transferred ownership to himself negates the whole need for an easement because one of the basic tenets of an easement is you have to have a [inaudible] while in this case that just falls away. There is no – the easement, and I'm not aware but the easement really does fall away by merger or is vacated by merger, and to go through this whole process of going to the County Commission and then on a separate occasion going through the Land Use application process is I feel unnecessary. Thank you for hearing me.

CHAIR MAYFIELD: Thank you, sir. Are there any other members of the public wishing to comment on this case? Seeing none, this portion of our public hearing is closed. Commissioners, we had a motion and a second on the table. Any further discussion? Seeing none.

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

CHAIR MAYFIELD: I said a little earlier there would be times when we move back to Public Comment. I'm going to go back to Public Comment really quick on the last ordinances that we addressed. I know that there were some members that thought there would be a little more scope or discussion on the living wage ordinance. Please, anybody who would like to make any comments to the Commission on the living wage ordinance.

[Previously sworn, Paula Roybal Sanchez testified as follows:]

PAULA ROYBAL SANCHEZ: My name is Paula Roybal Sanchez and I took the oath a little bit ago thinking that I would be able to speak. I am one of the owners of Rancho Las Lagunas. We are a 185-acre farm in Nambe that was established in the late forties, so we've been in business for a long time. There's a lot of economic issues that face farmers today. The drought, just the regular everyday taxes, just the whole economy is tough on us, along with the drought which makes it even more difficult. We still have all our expenses, our irrigation expenses, all of that along and we're not able to produce as much because of that drought.

I'm here to speak because on the 28th or 29th – I don't remember the exact date, but I received a notice from the County indicating that there would be a living wage that went into effect on April 26th. This notice was received two days after the law went into effect or the act went into effect. And yes, public comment was held. For whatever reason I did not see that. There were three opportunities to respond and I recognize that, but I did not seem it. It seemed like the County who has all our business license addresses could have informed business people that this might be going on.

But I would like you all to, when you're looking at exemptions, to look at an agricultural exemption as well or exception or whatever the legal term is. We are currently paying our employees – we have two employees. The owner, my brother, and another farm worker. We are currently paying that farmworker above the New Mexico minimum wage. In addition we are providing him with housing. Earlier tonight it was said that the housing wage here in Santa Fe is \$19, would be the equivalent of \$19 an hour. So if we're looking at \$10.66, which is a 42 percent increase from the New Mexico minimum wage, with no notice of it being phased in or any kind of warning to give employers a chance to work towards that amount. Like I said, in fact we got the notice after the date that this went into effect.

So I would ask that you consider this as one of those exemptions that would be looked at. There are other exemptions that the New Mexico minimum wage law has. That includes domestic workers, foremen, superintendents, supervisors, seasonal workers like were mentioned earlier and youth workers, but also people that work for non-profits and volunteer groups. That would also be another exemption that the New Mexico law also takes into effect. So I just respectfully ask that you consider that in your deliberations.

Erik Aaboe, when I contacted him to see if there was any kind of exception for agricultural worker he indicated that no, there wasn't, and that I should come and speak before you tonight. So that is why I've been here for the last 4 ½, 5 hours.

CHAIR MAYFIELD: Thank you. I'm sure though that the Aamodt was very important and near and dear –

MS. ROYBAL SANCHEZ: Yes, it was. It was very important. Thank you.

CHAIR MAYFIELD: Ms. Roybal Sanchez, thank you so much.
Commissioner Anaya, I know you're going to maybe try to convene like little task force

together. I don't know if we can look at the agricultural aspects of that also please.

COMMISSIONER ANAYA: Yes, I think we should just have a broad discussion, items of concern.

CHAIR MAYFIELD: Thank you so much. Commissioner Anaya, do you know when that's going to happen?

COMMISSIONER ANAYA: I don't, Commissioner, but I will work with you and with staff and with other business owners as well as people that have concerns about – or that want to keep the wage ordinance the way it is, to coordinate something and make it public and notice on the internet and as best we can to get as many people involved as we can.

CHAIR MAYFIELD: Thank you so much. Thank you again. Is there any other person that needs to bring a matter to our attention through Public Matters for tonight. Okay, we're going to probably close that up because it's already 10:00. Thank you.

VIII. B. 2. BCC CASE # PCEV 14-5110 Heather McCrea Vacation of Easement, Heather McCrea, Applicant, Santa Fe County, Agent, Request Approval to Vacate a Platted Twenty-Foot (20') Wide Pipeline Right of Way Easement and Tank Site Easement on Two Lots Totaling 8.80 Acres. The Easement Will Be Relocated on-Site. The Property is Located in the Traditional Community of Chupadero at 448AB NM 592, within Section 5, Township 18 North, Range 10 East (Commission District 1) [Exhibit 8]

MR. ROMERO: The subject property consists of two legal lots of record, which were created in February of 2008; Lot 1, which consists of 3.80 acres and Lot 3, which consists of 5.00 acres.

There is currently an existing County Fire Station and a twenty-foot wide pipeline right of way easement and tank site easement for the Chupadero Mutual Domestic Water Consumers Association, with a water tank located on lot 1 and lot 3. The twenty-foot wide pipeline right of way easement and tank site easement runs parallel east to west onto Lot 1 and Lot 3 as indicated by the recorded plat. The Applicant wishes to relocate the easements east to west parallel to the Fire Station on Lot 1 and Lot 3, where the pipeline and water tank are currently situated.

Santa Fe County Resolution No. 2012-131, a Resolution incorporating the Chupadero Mutual Domestic Water Consumers Association, was approved by the Board of County Commissioners on September 25, 2012. Santa Fe County shall take over ownership and maintenance of the Chupadero Water Association's assets. All easement locations need to be in place and accurate, prior to Santa Fe County taking over the existing water line.

Staff recommendation: Approval to vacate and relocate a platted twenty-foot (20') wide pipeline right of way easement and tank site easement on two lots totaling 8.80 acres, subject to the following condition:

1. The Applicant shall file the portion of the Final Plat (Lot 1) and (Lot 3) affected by the vacated easement with the County Clerk's Office (As per Article V § 5.7.3).

I stand for any questions.

CHAIR MAYFIELD: Thank you. Commissioners, are there any questions? This is a public hearing. Do any members of our public wish to comment on this case? Come up front, please, whoever would like to comment.

[Duly sworn, Jack Miller testified as follows:]

JACK MILLER: Jack Miller, 01AB Road, Santa Fe. It's actually Chupadero. I have board-signed affidavits accepting this agreement to change the easement and I'm not a board member; I'm the watermaster. I'm speaking for the board. But I want to thank the County Commission for considering us, for helping us with our mutual domestic and this will expedite it somewhat. And then we're looking forward to a new tank site and new permanent well. We've had very intermittent well service and I've even had to ration people. So want to thank you.

CHAIR MAYFIELD: Thank you, Mr. Miller. Sir.

[Duly sworn, Tom Kelly testified as follows:]

TOM KELLY: I'm Tom Kelly. I have offered a place for the new well and tank for the Chupadero – I guess Chupadero/County or Chupadero Water Association, whatever it will be. Anyway, I'm also bordering Chupadero and I've asked if I could be a part of the community. Land Use decided it might be best if we just split the lot so I'm proposing that you allow me to split the lot.

CHAIR MAYFIELD: Sir, tonight we're just asking for a vacation of an easement.

MR. KELLY: And I'm offering an easement, yes. Also an easement and a spot for the well and tank. It seems to be the best location. The head of the last water board said –

CHAIR MAYFIELD: Sir, we're a little off topic. Mr. Romero, if I can just ask for one second, there's not a lot split in here. We're just asking for a vacation of an easement tonight.

MR. KELLY: I think that's the next agenda.

MR. ROMERO: Mr. Chair, Commissioners, it's just regarding to the relocation, vacation of the easement.

CHAIR MAYFIELD: So, sir, would you care to comment on the vacation of the easement?

MR. KELLY: No.

CHAIR MAYFIELD: Okay. Thank you. This is still a public hearing. Are there any more questions or comments from our public wishing to comment on this case? Seeing none, this portion of the public hearing is closed. Mr. Romero. I just want to add that Santa Fe County has been working with the community of Chupadero to help sustain and bring in an adequate water supply through the water system. I believe that the vacation of this easement is necessary to hopefully accomplish that task. I don't see anybody from our Public Works Department here, so with that, I will move for approval of vacation of easement.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second, Commissioners.

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

VIII. B. 3. BCC CASE # PCEV 14-5120 Heather McCrea Vacation of Easement. Heather McCrea, Applicant, Request Approval to Vacate a Platted Twenty Foot (20') Wide Private Ingress/Egress and Utility Easement on One Lot Totaling 2.50 Acres. The Easement Will Be Relocated on-Site. The Property is Located in the Traditional Community of Chupadero at 64A Paseo Encantado NE, within Section 6, Township 18 North, Range 10 East (Commission District 1)

MR. ROMERO: The subject property is a legal lot of record, which was created through a Family Transfer/Land Division in July of 1998. There is currently a residence on the subject property which was constructed in 2000, Permit 00-235, by a previous property owner. The residence was constructed on the private ingress/egress and utility easement, which gives access to 64B Paseo Encantado NE which is Lot 2 causing the easement to run through a portion of the residence. The Applicant wishes to vacate the twenty foot wide private ingress/egress and utility easement that runs north to south on the property and relocate the easement 50-115 feet to the east of its current location.

The neighbors have expressed concern, and object to the relocation of the easement. Staff recommends that the portion of the easement that runs through the residence be vacated and relocated around the residence and tie back into the existing easement, causing minimal change to the private ingress/egress and utility easement. This does not remove access; it relocates the easement and would ensure that the easement continued onto the objecting neighbor's property in exactly the same location as currently platted.

Staff recommendations: Denial to vacate and relocate the entire platted twenty foot wide private ingress/egress and utility easement on one lot totaling 2.50 acres. Staff supports the relocation of the easement around the existing structure without any alteration of the remainder of the easement, subject to the following conditions:

1. The Applicant shall file the portion of the Final Plat (Lot 1) affected by the vacated easement with the County Clerk's Office (As per Article V § 5.7.3).
 2. Staff recommends Approval to vacate and relocate the portion of the ingress/egress and utility easement that runs through the portion of the residence.
- If I may, after discussion with our Legal Department, staff recommends that an additional condition be imposed, which would be:
3. The adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and relocation of the easement.

I stand for any questions.

CHAIR MAYFIELD: Mr. Romero, maybe in my packet I just don't have #3 in here.

COMMISSIONER CHAVEZ: The third was added.

CHAIR MAYFIELD: It was just added? So can you repeat that again,

please?

MR. ROMERO: Staff recommends an additional condition to be imposed which would be:

3. The adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and relocation of the easement.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, is the applicant agreeable to everything?

CHAIR MAYFIELD: Let's go ahead and go to the public hearing. We have the applicant here. Is that okay? So we'll go to the public hearing portion, if we can have – oh, sorry. We'll go to the applicant first and then the public hearing. So whoever's here to comment. I don't know. Please come forward, but let's go to the applicant really quick.

[Duly sworn, James MacCreight testified as follows:]

JAMES MACCREIGHT: James MacCreight. Mr. Chair, I actually have another document I'd like to give you in place of that one because someone made a copy because I was given some additional conditions once we arrived this evening. *[Exhibits 9 & 10]*

CHAIR MAYFIELD: Mr. Romero, could you grab these documents and hand them out, please? Really quick, can these documents be explained to us, Mr. Romero?

MR. ROMERO: Mr. Chair, Commissioners, the paperwork that I just handed out is a request by the applicant. This documentation was presented and given to staff prior to our public hearing a few hours ago and we were requested to hand these out to the Commission, to the Attorney.

CHAIR MAYFIELD: These documents have been recorded downstairs?

MR. ROMERO: I don't believe they have been.

CHAIR MAYFIELD: Okay. Thank you. Mr. MacCreight.

MR. MACCREIGHT: Mr. Chair, we purchased the property at 64A Paseo Encantada. It's in Santa Fe County and as the owner of this property we're faced with a somewhat unusual situation. When we purchased this land, due to an existing easement coming through our property we realized that we were going to be the owners of what is legally deemed as a servient estate owner. So servient estate or servient tenement is a person that has the actual easement running through their property. The person who receives it is the dominant estate or dominant tenement. We were going to have to allow a neighbor to the north to drive through our property over a pre-existing easement to their property which is considered by law the dominant estate.

We have no issue with the easement whatsoever in the sense as far as their access to their property. It's in no way our intention to inhibit them from utilizing that easement. Prior to our purchase we were made aware that there was another easement that pre-dated and supposedly it was a legal easement that we felt was now in place. Upon further investigation we came to realize that the attempt to create a new easement was not performed according to law and that the old easement that inadvertently goes right through our house was still active.

So now what we have is a situation where it could be deemed that we have two easements going through our property. It is our intention to legally vacate the old easement going through our home and have the BCC declare, or whatever process you would find fair, the newer one because it was not created legally. Now, the reason that I say that it wasn't created legally was [inaudible] the law since 1978 and it's in the documents that I submitted there, and what it is is any kind of survey work has to be done by a legal surveyor upon the request of the people who receive the easement the dominant estate, they said that they didn't remember who it was.

So when we did the survey work for the easement we found that that survey could not physically be placed in the easement, meaning that the numbers did not make sense, although we had a general idea of where it was.

So my surveyor also recognized that there was no surveyor stamp on the document. There was no process to vacate the old one and there's a County rule that you have to. There was no public meeting held to do that, so we're now faced with we have two different easements going through our property. So in addition to the lack of County procedure which is recorded on document page 1306062 under Vacation of Plat, Section 5.7.2, action must be taken in place at a public hearing. This was not requested by the original owner nor was it performed in accordance with the law.

In addition, it's required by New Mexico state law, and this is what I was mentioning previously, that if you use a surveyor they must be licensed, considering that the coordinates could not be applied to the physical ground our surveyor realized no real surveyor did the work. When we tried to inquire as to who performed the work it was to no avail.

The creation of a new easement was done haphazardly. It goes through an area of old pine trees. If placed there it would be an eyesore to all the residents to the west when driving by the site. If we placed it 50 feet to the east it would be completely out of sight for those driving by. It would also diminish an unnecessary traffic eyesore to the neighbor to the west. It also goes right in front of the area where anyone would logically build in the future, because our lot is in the traditional community of Chupadero, we have the right to place two other homes on that lot. We respectfully request to move a section of the easement to the east and in moving the easement to the east it actually assists the owner of the dominant estate – the person receiving the easement – by providing a better grade for their ingress and egress. It will also assist them in providing the proper turn for the fire department that is required by law.

Chairman Mayfield, Commissioners, we had a very difficult time with this application. I did a pre-submittal and I've been back about 16 times and I've been asked to do things that were not in the original package. I was asked to get a letter saying that PNM had no [inaudible] going through there. PNM has a woman that works there as a contractor. She comes in one day a week and when you go see here she then makes an appointment when you can come and see her. Then they have to send out a field representative with two weeks advance and you have to pay a fee in order to get that done. And there were many other complications, including the one on the last page of the document I gave you which I got tonight and that is that the adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and

relocation of the easement.

Now, if I had known that, one of the other things that I was asked after their lawyer sent a pretty heavy-handed letter in, and I don't know if someone was intimidated by it or not but we originally were told we were going to be granted the approval, and it mentions in the lawyer's letter that he says the same thing and he wanted to know why that was happening. My point is is that in the midst of this we were then asked, because the people in the dominant estate, the recipients of the easement, requested that we show them where it's going to be. Now, we had an approximation but now we were told we had to do a survey. So that cost me another \$800.

Then, to let you know, I would have never done it. I would have probably proceeded to court because once this was – I was given this third condition here and the condition is, and if you think about it's like tying our hands, and that is we're here to ask the Commission to vote on our situation, but yet the wording of this is that we have to get their approval, even if we get your approval. And the reason for that is, and there's a lot of confusion about easements and the moving of easements. On the third page from the end in yellow you'll see there's a case in South Carolina and this document came from a document that was drawn up by Mr. Kent for the surveyors of New Mexico, and you are allowed to move an easement without the other person's consent as long as it is reasonable – we have an easement running through our home – or for development. And where that easement goes goes right across the front of where we would put two additional homes.

So by this request, what we did put on here is it says the adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and relocation of the easement. Well, what you're telling me is is we're denied due process, because we can't come here and get anything resolved due to this thing that was added on one hour before we were due to come in tonight.

Because if you say, okay, we're going to grant you this new easement or anything else, this is saying, this is conditional that they have to agree. Well, they wouldn't be here in the first place if they agreed. So what we've written here is, or in lieu of signatures by the adjacent property owners, the applicant shall obtain a final, non-appealable order from a court of competent jurisdiction allowing the relocation of the easement shown hereon.

So what I would like to ask Mr. Shaffer if he's in agreement with that.

CHAIR MAYFIELD: Let's stay up here with me, please.

MR. MACCREIGHT: Yes, sir.

CHAIR MAYFIELD: Just stay with me. Let's not go to Mr. Shaffer.

Thank you. So is that all you have, Mr. MacCreight on that?

MR. MACCREIGHT: No, it's not, sir.

CHAIR MAYFIELD: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: I'm going to interrupt you just for a minute and I'm going to ask for some help. I've been on this Commission for a few years now and I've been puzzled at times and I've been confused at time. I've had to ask for

clarification, but I've got to tell you, I'm lost. I am completely lost with where we're at. So I'm going to back up. I'm going to ask you, and Mr. Chair, if you'll indulge me.

MR. MACCREIGHT: Commissioner Anaya, can I present a sketch that you'll see?

COMMISSIONER ANAYA: In just a second. If you'd indulge me, Mr. Chair. I'd like to have staff come back up and I want you to help me again understand what – who are the parties that we're dealing with and what specifically are we talking about. We're getting – I'm lost and I want to try and help you help me and maybe my colleagues aren't but I want to see if we can get this back to ground zero and figure it out so we don't spend the rest of the night wondering what's going on, because I'm being honest with you. So I want you to help me. Can you resummarize? Don't talk to the memo. Just kind of look at me and help me summarize what are we talking about doing here and what is staff recommending and let's see if we can get it back to ground zero and simplify it for me. Okay?

MR. ROMERO: Okay.

COMMISSIONER ANAYA: It's been a long day and I know you guys have all been waiting. Everybody's been waiting, but help me to summarize what's happening.

MR. ROMERO: Okay, Mr. Chair, Commissioner Anaya, I may have to refer back to my memo so I apologize. To go back, the document that Mr. MacCreight asked me to hand out to the Commission, I believe Commissioner Mayfield had asked me if these documents were recorded and I stated no. Actually, they are. The first three documents that I did hand out to you is a grant of easement which was recorded by the County Clerk's Office. Okay? So to go back on that. And that's what Mr. MacCreight was trying to touch on was this documentation that I handed out.

What we're going forward here is a platted private ingress/egress utility easement that is located on Mr. MacCreight's property, Heather McCrea's property.

COMMISSIONER ANAYA: Two of them, right? We've got one that's existing that we're vacating and then a proposed new one. Right?

MR. ROMERO: Correct. So he's proposing to vacate and relocate the easement that's on the property. So currently there is a platted easement which is part of the exhibit. You'll see that on the plat, that runs through a portion of his house. He's requesting to vacate that easement and relocate that easement 50 to 115 feet east of his property and there's also, I believe behind that plat is an exhibit, is his proposed plat which will show the proposed location of what he's proposing to relocate.

COMMISSIONER ANAYA: So if I have an easement through my house I'm probably going to want to vacate that easement. So for starters –

MR. ROMERO: Probably.

COMMISSIONER ANAYA: Okay.

CHAIR MAYFIELD: Mr. Chair, if I just may has, you're talking about Exhibit 4 in front of us, correct?

COMMISSIONER ANAYA: Okay.

MR. ROMERO: I'm going to refer back to my report.

COMMISSIONER ANAYA: And while you're looking at it, there's disagreement as to the proposed route between the applicant, Mr. MacCreight, and his

neighbors?

MR. ROMERO: Correct.

COMMISSIONER ANAYA: Okay. All right. I'm getting there.

MR. ROMERO: So the Exhibit 4 is the proposed plat that shows the existing easement that runs through the portion of the house, and then the proposed relocation of that 20-foot easement. And behind that is the plat, the recorded plat that shows the existing easement that has been platted. Again, to summarize, the neighbors which own Lot 2 are in opposition of this vacation and relocation of the easement that is coming forward to you for your decision.

COMMISSIONER ANAYA: Okay. They're in opposition to vacate the existing easement that goes through their house? His house?

MR. ROMERO: Correct.

COMMISSIONER ANAYA: Okay.

MR. ROMERO: My understanding, that is correct.

COMMISSIONER ANAYA: Okay. I'll listen and we'll see where that goes. So if you don't get the vacation on the easement through your house then you obviously can't relocate it somewhere else. In a nutshell?

MR. ROMERO: Pretty much.

COMMISSIONER ANAYA: Okay. Okay, Mr. MacCreight, just based on that, if you could help us and be real succinct with your comments and the map so that we can go to the rest of the public hearing and hear both sides.

MR. MACCREIGHT: Chairman Mayfield, Commissioner Anaya, I can do it in about less than a minute. What we have here is the original easement that came through. What happened was that the owner of this property owned this lot and this lot. He gave this property or sold it to his daughter. The daughter came in, dropped a house in the easement. They created, on page 3, the recorded document here, they created this new easement. But in the creation of it they never vacated the old easement which is still running through the house. And again, just to make a point, this was created without a public hearing. Not that you need a public hearing for an easement but you do need a legal surveyor which it wasn't, and the numbers don't add up.

So we're now faced with, and I just want to correct – you asked the question of Mr. Romero a moment ago and that was so we got an easement and we have the other one. Now we have two easements on our property right now. And we want to vacate both of them and create a third one because if a title company was to look at this they would say, well, it was never done right, we could clear out our title. So what we want to do is join this in but we want to move it over a little bit, so if you'll just bear with me a second –

COMMISSIONER ANAYA: And while you're looking at that, I heard you say earlier you want to have another easement, if I could, Mr. Chair, I apologize. That affords you the opportunity to do other things with the property that you own.

MR. MACCREIGHT: That's correct. This is a very thin line, Commissioner. So this is the original easement as you can see, which was this easement here. Going there, is going right through the house and comes over here. This is on the edge of the property. There's a house that sits right here and it's facing this. Now, what we want to do is bring it in here, and this was actually the second one that they did and

joined it in to that one. So what they did is circumvented this, moved it over there. But these lines in here do not work physically. You cannot lay them out. So what we have done is – we're looking to take the original and bring this easement in and bring it around here. And what that comes to is this moving it over here.

So you can see the width of the house, 1,700 square feet. We're looking to move it over here. So it's not a major thing. So when I approached the people of the dominant estate or tenement, or the people receiving the easement, they asked me, they said they would get back to me and when they did they gave me a list of things that they wanted, which is in those documents, such as survey of a new easement. I have no issue with that. They asked for a County permit for a new easement. No issue. New plat indicating the easement over 64A and its entry into 64B. We have no issue with that. We have a 20-foot driveway finished to 64B proper line with proper drainage. That's negotiable.

The recipient, the dominant estate, has made it clear that they do not want to contribute in any way, shape or form to the road itself, although, it's what's known as a non-exclusive easement. Non-exclusive that both people can use it but if we never do they're fully responsible for creating it and for maintaining it. So they want a phone, of course. They want the building set back 50 feet. They want covenants indicating the buildings on 64A will not have pitched roofs. They want power for four homes from PNM. I don't know if you're up to the latest date on what that kind of move would entail but it's easily \$40,000 to \$60,000 to draw a line in there, just to move the thing over.

So in their letter that was sent by their attorney, he claims that they have had a use of this property for ten years of that easement, so when we went out with our surveyor, they said that the easement was at a certain place and once the surveyor did what part of that easement that works, he realized that it was over further. So their attorney's claiming that they have a prescriptive right. And I can tell you, if anybody knows anything about prescriptive rights it's a boondoggle. It's like a spider web. It goes back to 1189. And there's really no clearly defined issues on prescriptive rights. There is lots of case law, but there's so many different variables and our land happens to be open land. So anybody that crosses over our land, they really don't allow those kinds of prescriptive easement. It doesn't matter how many years it's been.

The other thing is that their lawyer claimed that they've been making ingress and egress, and as you can see, in both of those easements all these trees, no one has ever driven in there. We took down some trees to get in there for our construction site. They may have walked on it but they weren't walking on what they originally thought was the easement. So there's a lot of complications involved with this. We started this back in 2012. They said they were going to get back to me and when they gave me that list that was ridiculous so I just decided to come forward and explain what's going on.

So it's a strange situation in the sense that there is no case law in the state of New Mexico but yet this document was prepared by an easement expert and one of the things that he states is, and it's probably on page 5, is that if the geographic extent of location of an easement is not described in the document creating it – now this was described, but it's inaccurate, so the owner of the servient estate, that's the person who has the easement running through their property, has the right to designate its location.

And the other case law, which is what's known as a restatement of the law. A restatement of law is the work done by the brightest minds in that particular area of law

in order to define the law, so that it can be implemented properly, and what they say is unless expressly denied by the terms of an easement the owner of the servient estate is entitled to make reasonable changes in the location or dimensions of an easement at the servient owner's expense to permit normal use or development of the servient estate, but only if the changes do not significantly lessen the utility of the easement, increase the burdens on the owner of the easement and its use and enjoyment. It says also to frustrate the purpose for which the easement was created. We have no intention to do that.

So, what we're asking for is the Commission to look at this. I know it seems a little bit complicated but we have two easements, one of which is running through our house right now. We'd like to get rid of that, and the other one and create an easement that works for everybody, whether or not the recipient, the dominant estate agrees with that is another thing. Thank you very much.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. [inaudible] is a senior easement similar to a senior water right?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I'm not sure that the concepts are exactly analogous in terms of a priority water right. I think that the issue is more of the party's intent with respect to creations of easements but I think the issue before the Board now is the fact that you have an easement that was on a plat approved by the Board and that that's now being requested to be vacated after a private party purchased the lot that's benefited by the easement.

COMMISSIONER STEFANICS: [inaudible] the question is whether or not we have to deal with the first easement before we deal with the second one. [inaudible] I agree with Commissioner Anaya. It is a confusing issue. [inaudible]

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, the easement that the Board approved is on the plat that the Board approved. As far as I'm aware, and staff will correct me if I'm wrong, the Board had no hand in the creation of some additional easement by private agreement of the parties. So the only thing that the Board has approved is the easement that's reflected on the plat that was recorded to effectuate the lot split. I hope that –

COMMISSIONER STEFANICS: Sorry, my mike wasn't on for the public.

MR. SHAFFER: The Land Use Administrator corrected me. The lot split was approved administratively, so that was the action approved by the County or was the plat that created the first easement. And I think that's the only matter that's in front of the Board, based on this application.

COMMISSIONER STEFANICS: Thank you for now.

CHAIR MAYFIELD: Commissioner Anaya first, then Commissioner Chavez. Commissioner Anaya, please.

COMMISSIONER ANAYA: Just a general comment. As a Commissioner, having dealt with land use cases before, if somebody has an easement and they want to vacate that easement on the property but still afford an easement for another individual to get to their property, I don't think that's unreasonable. I'm not saying I agree with this case. I want to hear the comment. But the other thing I would say is that if this individual or anyone else had a case that came before us and they said they

wanted to vacate an easement and then they wanted to send the individual that's going to utilize the new easement through a mountainous ridge or through an inoperable road or through an area they couldn't access – and I'd ask the Fire Department to come forward. I'd ask Public Works staff to evaluate that easement and say is it reasonable? Is it a reasonable change of use to afford this easement from one point to another. So I don't have a problem having discussion and deliberation as we have in the past about vacation of easement, but what I will say is you brought up a lot of other things that I absolutely wouldn't want to get involved in, additional electrical meters and other conditions. That's where I would concur with our attorney that those might be – those are legal issues that you would have to take up with your neighbors in a court of law or they would have to take those up with you, but associated with land use and our responsibility to make determinations on land use, I see no problem evaluating whether or not an easement is in place that should be vacated if it goes through a house, and that we evaluate whether or not another easement makes sense or not, and its location. So I would say that across the board, for this case or any other case. Because that's a land use functional item that's platted that we approve as County Commissioners.

MR. MACCREIGHT: Chairman Mayfield, Commissioner Anaya –

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll yield.

CHAIR MAYFIELD: Thank you. Mr. MacCreight, please.

MR. MACCREIGHT: Yes, sir. That's why this law, it's case law that was quoted by this Mr. Kent who is an expert and who did a complete report for the New Mexico surveyors. It mentions in there, there's things like, to give you an example, let's say you have an easement and somebody wants to change it but what they change it to is 20 feet down the road they make a 90 degree turn and then in another 20 feet they make another 90 degree turn. And the owner, the guy that's receiving that, has a tractor-trailer. Well, that would be inhibiting his easement. We're not doing that. We had the Fire Department out there and the Fire Department agreed with us. I had three visits from Land Use and they all agreed that it made sense. So we're not putting – and just to let you know, on this topo, the average slope analysis – now, it has to be under 30 percent by County rules. It's mostly, it's all but I think three or four feet is 12.2 percent. All you would have to do is to reduce it to 11 percent.

When you do a fire turnaround that has to be two percent or less. So we have to consider all that in what we're doing and we weren't going to create a survey that would inhibit them in any way, shape or form, because it would just cost us, in this case, it was \$800 for that portion. The rest of it was like \$3,000.

CHAIR MAYFIELD: Thank you. Right now, I'm going to go to the public hearing.

MR. MACCREIGHT: Chairman Mayfield, I just request that I could make a comment at the end if I -

CHAIR MAYFIELD: We'll come back to that.

MR. MACCREIGHT: Thank you very much.

CHAIR MAYFIELD: At this time we're going to go to the public hearing. Who would from the public care to comment on this case? Sir, please come forth. And if you're not an attorney you need to be sworn in.

CULLEN HALLMARK: I am an attorney.

CHAIR MAYFIELD: Okay. Could you still say your name first?

MR. HALLMARK: Commissioner, members of the Commission, my name is Cullen Hallmark. I represent William Berra and Alanna Burke. My clients own the easement that Mr. MacCreight has asked you to vacate and we oppose the application. To put it charitably, some of the statements that were made to you a moment ago, based on the facts and on the law were inaccurate. No one is talking about running an easement through his house. Mr. MacCreight and his wife bought a property that was known to have some recorded easements on it. They now don't like it. They want to vacate it over our objections without addressing our concerns.

I think that a couple of – Mr. Romero made a couple of comments that I think you need to keep in mind here. This is a private easement. There is no subdivision that's going on. The division of the two lots was originally created by a family transfer. As a result, it is exempt from the SDLC. It is also exempt from the Subdivision Act, and as a result, the Commission needs to be considering whether it even has the jurisdiction to be dealing with this, and I think that Commissioner Anaya, you actually had your finger right on the pulse just a moment ago. This is the wrong forum for this dispute. This is something that belongs in a court of law.

If Mr. MacCreight and his wife believe that the easement is defective in some way they are free to go in front of a court of law and make their case. I believe that there is an easement by necessity. There was an express easement, contrary to what he represented, the platted easements were done by a licensed surveyor. I think that there is a prescriptive easement. I think that Mr. MacCreight, while he may have read lots of books his statements regarding the law in New Mexico on prescriptive easements is inaccurate.

I think that the County does have the right in some situations to vacate easements. I think the Subdivision Act and the SLDC clearly give it that right but this is not that case. You don't have a situation here that involves a public easement. You don't have a situation which involves a subdivision. It's specifically exempt. And so I think that this body does not have the power to act on this matter. What he is really asking you to do is to take my clients' property right.

Now the constitution of the United States, the constitution of New Mexico both prohibit that unless there has been a compensation or there has been due process. There has been neither one here. So what Mr. MacCreight and his wife are asking you to do, essentially, is to get into a lawsuit.

It's really – what he essentially is doing, you can look at it like this: if you had a couple of people that were involved in a contract dispute, would you have any inkling that you had the jurisdiction to decide that? I don't think you would. You'd say that belongs over at the district courthouse. That's the same thing here. You have the jurisdiction in certain situations but not here.

The district court deals with these things all the time. They can look and see whether there was in fact a licensed surveyor that did this, whether there was in fact prescriptive use for ten years or more, they can deal with whether there's a use by necessity. They are familiar with the law. They deal with that stuff. You guys are not equipped to deal with that and I think that what you should do – I commend Mr. Romero

and to the County attorneys for trying to find a solution to this but I think there's a preliminary problem and that is I don't think you guys should even be involved in this problem. You should kick this out and you should refer it over to the district court.

Mr. Anaya, you had asked for a little bit more information about the layouts and how everything was laid out, and I wanted to ask you in particular do you have any questions? Have all of your questions been answered?

COMMISSIONER ANAYA: Mr. Chair and sir, respectfully, if I have some additional questions –

MR. HALLMARK: All right.

CHAIR MAYFIELD: Mr. Chair, we also have some protocol here so please come through the chair to go to other Commissioners.

MR. HALLMARK: Sure. Anything else?

CHAIR MAYFIELD: This is a public hearing. Is there anybody else wishing to comment on this case? Ms. Guerrerortiz, please.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: Thank you, Commissioners, I spoke on a case similar to this, I think it was about two months ago. And Karl Sommer joined me, and he actually states what is happening tonight. He said you're doing – you're looking at easements that you don't have jurisdiction on, and potentially you're going to get caught in a situation and a civil suit that you really shouldn't be involved in. We have a new County Attorney. I'm hoping that you'll give him the opportunity to review the case law and to examine whether or not land divisions and projects that are not subdivisions should be coming before the BCC for easement vacations.

Again, you're the only jurisdiction that I've ever worked in that is doing this and I think it's going to cause you some problems and I hope you see that tonight. Thank you.

CHAIR MAYFIELD: Thank you. Please come forward.

[Duly sworn, Alanna Burke testified as follows:]

ALANNA BURKE: My name is Alanna Burke. Hello, Commissioners. I'm one of the landowners, the 64B people who have the easement and I'm speaking for myself and my husband, William Berra. I just wanted to clear up a few things that Mr. MacCreight said that I would take issue with and the first is the easement that took care – when we bought this property in 2001 we worked with Mr. Romero who had made the original division of the property and his daughter is the person who had 64A and had put the house very close to the easement. And so before we bought the property we asked to put together that grant of easement document that you have there [Exhibit 11] to relocate that portion of the easement that was interfering with the house.

John Noble of Southwest Title and Escrow and Sandra Brink, a lawyer in town, wrote the text and Paul A. Armijo, who is a licensed surveyor in New Mexico did the Exhibit A there. So Mr. MacCreight was saying that that work was done illegally but it was done by a legal surveyor and I have a document from him that I received yesterday that attests to the fact that he did that work. With the current easement we've had Victoria DeVargas came to our house on March 24th and she works for the Fire Department and she verified with the current easement there is fine ingress and egress for fire trucks, and there's enough room for a hammerhead turnaround. That's fine.

We've had people look at the pitch. Builders who have done slope analysis to

confirm that the entrance and exit would work with County fire regulations. When we asked Mr. MacCreight to meet with us to discuss what we could do with the easement we gave him a list of topics that we wished to discuss. They were not demands for electricity for four houses, etc. We wanted to discuss a variety of things with him. He looked at the list and said, I'm out of here. I'm not going to discuss this. So that's how that went.

And basically, there is absolutely no reason to even be talking about this because this is a manufactured problem. The granted easement that we recorded at the County on November 30, 2001 took care of any problem with easement going too close to the house. That document was drawn up by very – the best educated people to draw it up. It was insured by Southwestern Title and Escrow. The underwriting insurance company, Old Republic Title Insurance, has no idea why the County of Santa Fe is not recognizing that document and in essence there is no problem with the easement over this property. Thanks very much.

CHAIR MAYFIELD: Thank you. Do we have anybody else from the public wishing to comment on this case? Seeing none, this portion of our public hearing is closed. Mr. MacCreight, we'll go back to the applicant, please.

MR. MACCREIGHT: Chairman Mayfield, Commissioners, this is the first time I've heard anything about a licensed survey. I requested that, put that up on numerous occasions and the letter that I gave you of demands was submitted to me as demands; it wasn't about negotiation, anything, so of course I walked away from it because I wasn't interested in doing something like that just to move an easement. The thing about this easement is we already have a permit to put our road in for our home and if we put the road where the current easement is, when we go down four feet or something you're going to see literally a gouge going across the edge of the property, because it's right on the edge of an arroyo. That's the platted easement, the one that they created after the other easement – after it was recognized that the other easement goes through the home.

So we're still faced with the same issue. We have two easements on our property, one going through the house another one circumventing the house but going out over an edge, which is not unreasonable for us to request that we want to move it. We appreciate whatever it is that you find. Thank you.

CHAIR MAYFIELD: Thank you, Mr. MacCreight. Just let me ask staff really quick, Vice Chairman Anaya. Mr. Romero, and I apologize, I think it was Mrs. Berra that was speaking – I may have that wrong, but do we have a copy of that recorded survey that she mentioned?

MR. ROMERO: You do, and that's part of the documentation, Mr. Chair, Commissioners, that we made copies of that Mr. MacCreight requested that hand out to you, the grant of easement.

CHAIR MAYFIELD: Thank you. Could you hand one also to Karen. Thank you. Guys, we got a lot of the same paper here so we have it then so we don't need to waste all this paper. If you speak you go to the mike then really quick and I will ask you that. Okay, I see it.

MS. BURKE: The copy that I handed out to you, on the last page is a letter from Paul A. Armijo, who is the surveyor who did the work for that grant of

easement. And he's verifying when he did the work, etc. So that's the extra piece there that I don't think was handed to you.

CHAIR MAYFIELD: Thank you. Mr. MacCreight has a copy of this also please? Thank you. I'm going to go to Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, staff, I'm going to make a motion based on the feedback we received and based on staff's recommendation, to approve staff's recommendation dealing with the easement around the property, vacating the portion that goes through the house and the segment, as staff reads it. I'll just read it. Staff supports the relocation of the easement around the existing structure without any alteration of the remainder of the easement, subject to the following conditions:

1. The Applicant shall file the portion of the final plat affected by the vacated easement with the County Clerk's Office; and
2. Staff recommends approval to vacate and relocate the portion of the ingress/egress and utility easement that runs through the portion of the residence.

This being said, do we have any approvals on the road construction and building permits for either the applicants of the adjacent property owner? Have they applied for permits?

MR. ROMERO: The applicant has, correct. The existing home that's on the property was permitted and the applicant has also submitted for an application I believe for an addition to the residence.

COMMISSIONER ANAYA: For the existing residence?

MR. ROMERO: For the existing residence that the easement runs through.

COMMISSIONER ANAYA: Not a new residence on a different part of the property?

MR. ROMERO: Lot #2 that Ms. Burke spoke of is vacant. The only lot that has a structure on it, which is a residence, is the one that is owned by the applicant, which is lawful.

COMMISSIONER ANAYA: So any additional construction – Mr. Chair, I apologize – Mr. Chair, staff, if we – they've got to come in and apply for a permit to do anything on the other lot, as well as the adjacent property owner, correct?

MR. ROMERO: Mr. Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: That's going to take into consideration the driveway that they'll have and the access therein for either of the subject properties, correct?

MR. ROMERO: Mr. Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: So that being said, I would ask, respectfully, of the applicant as well as the adjacent property owner to continue their dialogue, to continue whatever other process they can, hopefully to come up with an amicable solution, but for us here now today I would just move, as I said, staff's recommendation as read it. Thank you.

COMMISSIONER STEFANICS: Mr. Chair, I think there's a third –

COMMISSIONER ANAYA: What was the third? Did you have a third one? I apologize.

MR. ROMERO: Mr. Chair, Commissioner Anaya, that is correct. We did add another recommendation and I will read it again. The adjacent property owners

affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and relocation of the easement.

COMMISSIONER ANAYA: On the motion I have relative to the easement going in and around the area of the residence, I don't agree with the third condition. I don't in my motion. I'm asking the applicant as well as the neighboring property owner to work through – hopefully they can work through some of their concerns and differences and they may very well need to go to court to do it, but relative to my recommendation, I'm going with the recommendation we have in our book, items 1 and 2. That's why my motion is.

CHAIR MAYFIELD: And I'll second that. I'm going to go to discussion to our County Attorney. So, Mr. Shaffer, we heard from the applicant, again, public comment and also even some past cases that you're not totally aware of. I know Ms. Ellis-Green is. But do we have authority or jurisdiction over this? Santa Fe County?

MR. SHAFFER: Mr. Chair, I think that's a matter that would warrant further research, both with respect to the statutes and case law but also how that's been interpreted by the County over the years. So as I understand it from Land Use staff this issue has come up in the past and I'd want to make sure I was fully informed as to what that best practice was before I offered advice. But I also note that the Board always has the option, if it's uncertain and wants to have additional analysis, legal or otherwise, of tabling the matter and taking it up again at the next land use meeting, either to receive additional public input or additional legal advice in executive session where you could deliberate there as well.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm going to say this respectfully because our Commissioner Stefanics said this earlier. I expressed some concerns early on as did Commissioner Stefanics. I don't want to get into a series of debating our County Attorney or the legality of a particular item. I also don't want to get us in a mind. We need to do more due diligence so we're not in these positions. So I'm pretty frustrated at the moment but we'll just deal with and move on. Mr. Chair, what do you want to do with your second, and based on what we just heard from our County Attorney, do you think we should modify and table the discussion or what do you want to do? This is your district. I defer to you.

CHAIR MAYFIELD: I appreciate that and I appreciate the comments. I know it's been a long night but I still have a couple questions. So as far as Exhibit A [Exhibit 10, page 4] that I'm looking at on one of the three sheets of paper that were handed to me tonight. Is there a utility line going through there and is there a second utility line?

MR. ROMERO: From my understanding, according to the applicant there is not.

CHAIR MAYFIELD: Okay. And there is a current – ma'am, you'd have to come up to comment, but hopefully, you just talk to staff and staff can provide that. So the house – the original easement. The house is already constructed, correct?

MR. ROMERO: Mr. Chair, that is correct.

CHAIR MAYFIELD: Will you defer with the other party, Mr. Romero and ask about that utility issue? I'm going to ask you to go through staff, please.

MR. ROMERO: Mr. Chair, Commissioners, again, to answer your question, we deliberated. To go back to your question, my answer stands. There is no utilities in that easement.

CHAIR MAYFIELD: Thank you. Commissioners, there's a motion and a second on the floor in front of us. Do you want to restate that motion, Commissioner?

COMMISSIONER ANAYA: Mr. Chair, based on what we just heard from our attorney, do you want to go forward with a motion or do you want to give them a chance to review the item as Commissioner Stefanics suggested earlier and bring it back later?

CHAIR MAYFIELD: Well, and I guess I appreciate the Attorney's statement but this Commission has made decisions on these such cases in the past and I know maybe we're just not at the liberty of having our former County Attorney here, but we've kind of – or I will ask if we set any precedents and how we've already proceeded in past cases.

MR. ROMERO: Mr. Chair, I'm not speaking for the County Attorney but there is an exhibit, Exhibit 2 which is in our Land Development Code, a 5.7 Vacation of Plats, and I don't know if that helps but there is some language in there that does mention, action shall be taken in a public meeting in approving and vacation of all or part of a final plat. The Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or the persons within the subdivision being vacated. There's language in there. I don't know if that helps. Just thought I'd throw that out there.

CHAIR MAYFIELD: Thank you. We have a motion and a second on the floor.

The motion passed by majority [3-1] voice vote with Commissioner Stefanics voting against the motion. [Commissioner Holian was not present for this action.]

CHAIR MAYFIELD: Mr. Shaffer, though I would ask that hopefully you do some consulting with our Land Use staff and we can get this issue resolved for future cases of such in front of us, please. Thank you.

VIII. B. 4. CDRC CASE # V 14-5070 Judith Moore Variance. Judith Moore, Applicant, Requests a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow a Family Transfer Land Division of 3.44 Acres Into Two (2) Lots That Do Not Meet All-Weather Access Requirements. The Property is Located at 22 Santa Cruz Dam Road, in the Vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East (Commission District 1)

JOHN LOVATO (Case Review Manager): Thank you, Mr. Chair, Commissioners. On April 17, 2014 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the variance request. Access to the subject lot would be

off County Road 92, Santa Cruz Dam Road, which is a dirt road located within a FEMA designated Special Flood Hazard Area, which may be frequently impassible during inclement weather and thereby is not all-weather accessible. The existing driveway also lies within the FEMA designated special flood hazard and is the only access to the property. The driveway has been in existence for over 20 years. The floodplain runs along the entire frontage of the property, and there would be no place to relocate the driveway outside of the floodplain.

There are currently two manufactured homes on the property. The main residence on the property is recognized as a legal non-conforming residence. There is a permit dating back to 1990 associated with the applicant's daughter's current modular home on the property for a foundation permit only.

The Applicant states she requests the variance so she can provide her daughter's family with an affordable place to reside. She further states, the only way her daughter can place a new manufactured home on the property is if the property is in her daughter's name to obtain a mortgage.

Growth Management staff has reviewed the application for compliance with pertinent code requirements and finds the project is not in compliance with County criteria for this type of request. However, this property is accessed via a County road and there is no other feasible way to relocate the County road or driveway outside the floodplain.

Staff recommendation. On April 17, 2014 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request to allow the variance of Article IV, Subsection 4.2 of Ordinance 2008-10, Flood Damage and Stormwater Management, subject to the following conditions:

1. Water use shall be restricted to 1.00 acre-foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit.
3. A plat of survey meeting County Code requirements shall be submitted to the Building and Development Services Department for review and approval of the Family Transfer.
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit.
5. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with the Development Permit Application.
6. A note must be placed on the plat regarding the lack of all-weather access to the subject lot. This restriction shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinances and Code. Site access including access by emergency vehicles, may not be possible at all times.

Thank you, Mr. Chair. I stand for any questions.

CHAIR MAYFIELD: [inaudible]

[Duly sworn, Judith Moore testified as follows:]

JUDITH MOORE: I'm Judith Moore. Honorable Chairman and Commissioners, I'm humbled by how much work you've done for the public tonight. Thank you. The variance is – I think should be granted because we've lived there for 24 years. We've never had a problem. Up Santa Fe County road there is the community water supply, which is accessed by Santa Fe

County Road 92. So for the community water supply to be able to be accessed they have to drive up the flood plain. We have three neighbors in the canyon. All of us are on the right side of the road. All of us have to cross the floodplain to get to our residences and none of us have had problems, so granting this variance will give my daughter and her husband and their three children a chance to get an FHA loan which makes a home affordable and possible for them right now. So I humbly ask you to approve this and I won't keep you any longer. Thank you. Unless you had some questions.

CHAIR MAYFIELD: [inaudible]

MS. MOORE: I've complied with everything. In fact John's really worked with me to help me to know just what to do and I'm right on track. I'm getting everything done and we're working together as a team so that I can comply with his requests and everything's on track.

CHAIR MAYFIELD: So with all of staff's recommendation and a recommendation for the applicant shall comply with all Fire Prevention Division requirements, you're aware of what those are?

MS. MOORE: And I'm right on track. I'm doing them all. I've got everything done. In fact everything should be in this next week. I'm doing everything that they requested. John Lovato's worked well with me so I understand what he requests and I'm complying

CHAIR MAYFIELD: Thank you. This is a public hearing. Are there any members from the public wishing to comment on this case?

KARL SOMMER: I'll be very brief. My name is Karl Sommer, P.O. Box 2476, Santa Fe, New Mexico, 87504. Just briefly, I support the variance with respect to the language on the plat related to the floodplain. I've worked with Buster Patty for a long time on this particular issue all over the county. You all run into it all the time. The note on the plat that advises the own, hey, you may or may not have – it does two things. It advises the public. It also lets Buster know he's done his job to tell these people we may or may not be able to get to your property. He didn't create the problem. Granting the access doesn't exacerbate the problem and I'm in full support of handling these cases until you change your code on this particular issue in that way. And so I just think that's a good practice on your part to follow that. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Sommer. Is there anybody else wishing to provide any public comment on this case? Seeing none, this portion of our public hearing is closed. Commissioners, I am going to move for approval of this case with staff's recommendation.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second. For discussion really quick, on County Road 92, I'm very familiar with the area. I don't know if I had a lot of talk. This is a recreational area also. It's on the bottom side of the spillway of Santa Cruz Dam. There are a lot of folks that go out there and go fishing, believe it or not, down in there. But we've had numerous discussions right up here about all-weather crossings or low-weather road crossings that aren't even improved by Santa Fe County. And this is one definitely that has not been improved by Santa Fe County, and it provides public access to recreational areas, it provides access to a public water system that services the whole community, and as was stated by the applicant, it provides access to three, four, potentially more homes back in that area. So again, just so I can say this, when we're asking applicants to go through or to make all kinds of compliance with the rules that we have in place. I respect them but I really think that Santa Fe

County itself needs to step it up and provide those all-weather crossing accesses and make that investment before we go out and ask each individual community member to do. We've all heard that many, many times. It's late, so thank you.

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

VIII. B. 5. CDRC CASE #APP 14-5041 Michael Velarde Appeal. Michael Velarde, Applicant, is Appealing the County Development Review's Decision to Approve a Home Occupation Business Registration for a Pet Crematorium on 2.5 Acres. The Property is Located at 40 Vista del Monte, within the Valle Lindo Subdivision, within Section 25, Township 16 North, Range 8 East (Commission District 5)

JOHN M. SALAZAR (Case Review Manager): Thank you, Mr. Chair. On February 20, 2014 the County Development Review Committee heard and acted on Case #A 14-5040 in which Rachel Tapia appealed the Land Use Administrator's decision to deny a home occupation business license which would allow an onsite pet crematorium. The decision of the CDRC was to overturn the Land Use Administrator's decision and allow the pet crematorium as a home occupation by a 6-0 vote. You can refer to those in Exhibits 8 and 9.

Article III, Section 2.3.4.c of the code affords anyone aggrieved by a DRC decision the opportunity to appeal to the Board. The appellant, along with two other neighbors is aggrieved by the CDRC's decision and has filed an appeal to the BCC. The appellant has stated that such a use is inappropriate for a residential area. We have some case history with this. In August of 2007 the applicant submitted an application for an amendment to an existing home occupation. The applicant requested permission to install an incinerator on the property in order to expand into a pet cremation business. Currently her business license is for a home office. She does pick up deceased pets or vermin that are affecting people's gardens or their properties and disposes of them in a different facility.

That business license was given to her in August of 2007. So the cremation process takes place at the Santa Fe Animal Shelter. The applicant proposed this use in order to provide clients a more personal experience with their deceased pets since it is currently possible that the client could receive not only the remains of their pet but also the remains of other animals as the Santa Fe Animal Shelter uses a community kiln in order to cremate animals.

In 2007 the Land Use Administrator denied this request. The property owner appealed the decision to the County Development Review Committee. The CDRC upheld the Land Use Administrator's decision. This was then appealed to the BCC and the BCC upheld the decision of the CDRC. The property owner then appealed to the First Judicial District Court of New Mexico in which the BCC was affirmed by Judge Daniel A. Sanchez. The standards upon which Judge Sanchez made his decision were based upon criteria from the Extraterritorial Zoning Ordinance, which was repealed in 2009.

Since these standards no longer apply the applicant was afforded the right to reapply

under the Santa Fe County Land Development Code. A similar request for amendment to the existing home occupation business registration was submitted by the applicant in January of 2012. The 07 request proposed a separate, detached structure for the crematorium while the 2012 request had the structure attached to the dwelling unit. The application was denied by the Land Use Administrator citing the decision rendered for the applicant's 2007 submittal.

Land Use staff did not receive a notice from the applicant nor her agent regarding a desire to appeal the Land Use Administrator's decision at that time so on December 17, 2013 the applicant's agent submitted a new application requesting an amendment to the existing home occupation similar to the 12 submittal. Staff reviewed the materials submitted, which included a letter of intent, acknowledgement of the home occupation criteria, development permit application, business registration application, vicinity map, a letter from the New Mexico Environment Department Air Quality Bureau, which was dated January 17, 2008, a site plan, a floor plan of the proposed structure and a report by the manufacturer on emissions testing on the proposed crematory incinerator.

Staff also reviewed the findings from the BCC 2007 request and determined that the subject application was pretty similar and that the application was not substantially different from the 2007 nor the 2012 applications. Therefore this request was denied as it did not comply with the home occupation performance standards set for by Article III, Section 3.2 of the code, which states no equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.

The Land Use Administrator also determined that a decision rendered by the First Judicial District Court is not something that could be overturned administratively, and the proposed use could negatively impact neighboring properties with the smoke emitted from the incinerator. Under the Sustainable Land Development Code the use of a crematorium as a home occupation would be prohibited. The approval that's sought for this application is to overturn the CDRC's decision, which approved application AHBL 14-5040.

Staff recommends that the BCC approve the appeal and uphold the Land Use Administrator's decision to deny the home occupation. I'll stand for questions, Mr. Chair.

CHAIR MAYFIELD: Mr. Salazar, thank you. Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Shaffer, it will get better. Welcome back to the County. You worked here for a while, so you understand the dynamics. My question ties not to this proposal but to the fact that District Court did render a determination on this decision after a County process. Does that have credence to the determination that we have before us? Because it's the same submittal in nature?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, as I understand it from the Land Use Administrator, the historic practice is not to preclude serial submissions by land use applicants. As I understand it it is a matter that's addressed in the SLDC. There is a prohibition on submitting the same application I think for a period of two years but the current practice is not to give that preclusive effect to decisions of either the Board or the District Court. The idea is the same. If the Board acts and someone doesn't appeal then that should be a final decision as well. It doesn't seem that the involvement of the District Court necessarily changes the analysis.

So again, to sum up, as I understand it the current practice does not prohibit serial submissions on the same matter.

COMMISSIONER ANAYA: Well, again, let me ask the question a different

way. When people come to a land use case that they are on the losing end or the winning end, they always have an avenue of appeal beyond the Board of County Commissioners and that's District Court. And that's predominantly what's happened. And then beyond District Court they can go to appeals court and then ultimately they could go all the way to the Supreme Court.

But historically, we've acknowledge and informed people they always have that right. And in this case, for this submittal, that right was exercised beyond the determination we made and then it was upheld at District Court. So what you're saying is the fact that a case is approved here in this adjudicatory process that we have really has no bearing beyond our approvals what someone else does or some other court or hearing officer may do, we're only concerned with our ordinance and laws and those determinations aren't of our interest, I guess is what I'm asking?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, I think the point I was trying to make and I think it answers your question is that your action is final if it's not appealed. But if it's appealed and it's upheld by the District Court and it's not further appealed it's still final. And so whatever action you take once it runs its course, either through not being appealed or being appealed to District Court it's a final action. I guess what I'm articulating based upon the information I received from the Land Use Administrator is we have not established as a position that we are going to give preclusive effect to previous final actions and do not preclude subsequent submissions. And that is a matter that is being addressed in the SLDC in terms of prohibiting that sort of application or reapplication, at least for a period of two years. I hope that answers your question.

COMMISSIONER ANAYA: I think it does and I appreciate your additional clarity. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Just a couple questions and hopefully they're not off-topic for staff. One, are there any crematoriums within the country right now, for either pet or humans?

MR. SALAZAR: Mr. Chair, this is one called Braemar. It's off of Old Santa Fe Trail. Old Las Vegas Highway.

CHAIR MAYFIELD: Is anybody aware of any in the City of Santa Fe?

MR. SALAZAR: I'm not aware of any, Mr. Chair. And also, I did mention in the report there is the one at the animal shelter as well.

CHAIR MAYFIELD: Unless I'm wrong, I think there's one for humans at Berardinelli, off of Luisa Street.

MR. SALAZAR: That's right, Mr. Chair. There is Berardinelli's. It is for human beings, however.

CHAIR MAYFIELD: Second question. Either the code or if it as the proposed Animal Control Ordinance, right now animals can be buried in somebody's yard. It could be a horse, if somebody wants to bury in their yard, four feet underground. We don't ask for them to be in boxes. You just put the loved animal, the pet into a pit, correct?

MR. SALAZAR: That's correct, Mr. Chair.

CHAIR MAYFIELD: And that's in our proposed code or in our current ordinance?

MR. SALAZAR: Mr. Chair, that's not in the current Land Development Code. I don't believe it would be in the Sustainable Land Development Code.

CHAIR MAYFIELD: I just know we had discussion on this and I brought it up. I don't know, maybe, if it's in the new proposed Animal Control Ordinance or in the code. But I just wanted folks to know that, that right now, if anybody needed to inter a pet that they could just do it in their yard right now in the ground. Thank you. I'm going to go to the public hearing.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Excuse me. Commissioner Stefanics, I apologize. You were on the list.

COMMISSIONER STEFANICS: That's all right. Mr. Chair, Penny, the new Land Use Code, when it becomes effective after the zoning maps, etc., has the no-impact, low-impact. Would this pet crematorium meet either condition for a home occupation? From my reading it would but is there anything that would prohibit it?

PENNY ELLIS-GREEN (Land Use Administrator): Mr. Chair, Commissioner Stefanics, it would not fall under a home occupation because there's specific language that says a crematorium is not allowed as a home occupation.

COMMISSIONER STEFANICS: So we have identified it as an excluded business.

MS. ELLIS-GREEN: Yes, I believe we have. Yes. I can go and check. I'll go and get my copy and confirm that.

COMMISSIONER STEFANICS: Okay, so, let me follow up, why would we have excluded it when we have other businesses in the county already?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, what was put in there as exclusions are the type of home occupations that have caused issues in the past. I don't know how the pet crematorium on Old Las Vegas Highway was approved. The one at the animal shelter was approved through a development plan; it wasn't a home occupation.

COMMISSIONER STEFANICS: Well, Mr. Chair, I know that the one on Old Las Vegas Trail has been there for years and years and years and years, because I and people before me have used it many years ago. I mean, 30, 40 – people have used it for years. So that's what's – that's why I'm wondering why we would have excluded it. This may or may not be the right neighborhood to do this, but why we would have excluded it in our land use code. So we don't have a rationale?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, it's just due to issues that have been caused in the past and it was probably the earlier denial of this as a home occupation.

COMMISSIONER STEFANICS: But we have an earlier approval for one. We have them here in the county.

MR. SALAZAR: Mr. Chair, Commissioner Stefanics the one on Old Las Vegas Highway, upon researching it for this case, it was something that was done administratively I believe in the early 90s.

COMMISSIONER STEFANICS: It was before 90s. I moved here in the 80s.

MR. SALAZAR: Okay. I'd have to research it but it has been quite some time though and that was done administratively.

COMMISSIONER STEFANICS: Okay. We also have, as the chair indicated, we have a crematorium right in the city for people. So I just would like to understand a little bit more. I thought when I first looked at this that maybe there was some environmental or

water quality issues, but I don't see anything in our application denial around those issues. In fact the state said we don't have any requirements for this type of business. So I'm trying to understand the standards. So maybe we could go on with other testimony or comments but I just have big questions about our standards. Thank you.

COMMISSIONER ANAYA: Thank you, Commissioner Stefanics.

Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, Commissioner Stefanics, I don't know if this changes any of your thought process but in our packet on the last page, right before the staff recommendation, it does state that Growth Management staff has reviewed this application for compliance with the pertinent code requirements and finds no evidence that would allow a crematorium as a home occupation. So I think that staff's thought that out and I guess – so you're questioning whether our criteria is –

COMMISSIONER STEFANICS: And what are our standards.

COMMISSIONER CHAVEZ: Could staff respond to that?

MR. SALAZAR: Mr. Chair, Commissioners, Article III, Section 3.2.5, it is very vague in what it says but it does state, no equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area. And while the Land Use Administrator was deliberating this, through those deliberations and consequently through her decision, she felt that this was going to significantly interfere with the existing use of properties around Ms. Tapia's property.

COMMISSIONER ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: No, that's good.

COMMISSIONER ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: So, Mr. Chair, when I heard that we were going to be dealing with this and I think I'm going to be interested to hear from the applicant, and I think it's significant whether the applicant wants to go up against the neighborhood. I think that's an issue. But I went back to Braemar and I thought, I'm going to go, I'm going to see what I remember about the property, if there's any smells, if there's any odors, go up to the area. And the one – the difference that I see in terms of the property is one is wooden and set back up on Old Las Vegas Highway and this is much more open property. We don't have a lot of trees down our way. And so it is a much more open space.

But not only did I go up to check myself, I asked other people who lived around the area and it's been there so long that it's a non sequitur. But that's why I still want to go back to standards. And I do think that we have to have some standards. It's kind of like what we did with churches and schools being places of community service. And how we had that big debate about it. And I don't know that we've had a debate about what should be a home occupation and not. Because I certainly don't remember it in the past couple of years. So I'll be interested to hear the rest of the conversation today. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair, the applicant is – it's their opportunity to present. The applicant on the appeal and then we'll have other comment. I'll turn it back over to you, Mr. Chair.

[Duly sworn, Michael Velarde testified as follows:]

MICHAEL VELARDE: Good evening, Mr. Chair and Commissioners. I hope I can get to this quick so we can all get home to our families. My name is Mike Velarde. I live on 35B Camino Bajo. I've been a resident there for 25 years. My dad's also a resident.

He's 86 years old. He's too old to be here tonight. I also had a lot of people here with concerns but if you look at the time, they all went home.

I'm appealing the pet crematorium, me as well as a lot of residents have a problem with it. The same questions were brought up in 2012 when this was vetoed here. Air quality, pollution, property values – they're all legitimate questions. My business has been brought into this conversation. I run a septic service out of my business, out of my property for 25 years. It's one truck. That's it. The gentleman that's representing Mrs. Tapia, at the last meeting, which was with the CDRC, said I was running a porta-potty business. There's two different things. A porta-potty business would have 125 porta-potties sitting in their backyard. That's a problem I have one truck; that's it.

I don't work out of my property. I park my truck there and I leave every morning. I have a bunch of signatures that were signed by all the residents [Exhibit 12] and like I said before, they were here to express their concerns. The time has gone by. All I have to say is we have – nothing has changed from 2012 to now except for growth. You have Rancho Viejo Business Park. You have Rancho Viejo residents. You have Turquoise Trail residents. You have Santa Fe Skies RV Park. You have all kinds of development around you that has grown in three years. So nothing has changed.

We're here talking about the same old thing again. I feel that I'm wasting my time when I could be with my family, here to voice my concerns. And I know it's getting old. I don't know what else we have to do to rectify this situation. I have neighbors that were fuming and upset. They wanted to be here but most of them are elderly and their concerns was what is air quality. They have emphysema, they have asthma, what's that going to do to them if they're sitting out in their backyard barbecuing in the afternoon?

My last question to you folks, would you like a pet crematorium in your backyard? That's all I have to say. Thank you, Mr. Chair, Commissioners.

CHAIR MAYFIELD: That's the applicant. We will open this up for public comment. Do we have any members of the public wishing to comment?

KARL SOMMER: Mr. Chair, my name is Karl Sommer. I'm here on behalf of the applicant for the permit and various questions have been raised and I'll get to the questions right away so it's pertinent. How did this get in the SLDC? I'll tell you how it got there. The original draft of the SLDC, when Jack Kolkmeier was working on it, had the three tiers that Commissioner Stefanics remembers. I submitted language related to this particular issue. Staff took it in and the next thing I knew it was excluded, right after we made our submission. There have been no other cases except this case, like this.

It was excluded without debate, without discussion, and it came after we made a request so that her application could be considered fairly. And the question because the no-impact, low-impact and then you go into a public hearing process. And we addressed that particularly. That's how it got in the code; that's when it got in the code and there was not a single word of debate anywhere along the way.

The second thing is going to the question that, Mr. Chair, Commissioner Anaya, asked, which was about the precedential value of the court case. That court was looking at language under the EZC. We're looking at under the code. You all interpret the code in many instances very differently than you do the other. She has the opportunity to make this application in front of you all. Those are the questions that you all have raised. So let's go to the specifics of why the CDRC approved this.

Mr. Velarde got up here and said, I have one truck. I get up in the morning, I go to work, I come back. His truck emits more air pollution, more noise, more vibration than the equipment that she owns. How do I know that? Because the Air Quality Bureau has not one regulation related to this. It emits no particulate matter or visible emissions or fumes that are detectable so as to require regulation. There is no air quality issue. I can get up here and say, well, air quality and you know what. But when you get down to the facts of this case there is no air quality issue.

Let's go to the question of whether or not there's vibration. There is no vibration. You can't sense, see, feel, hear, this equipment at all. When you're on her property it's going to be inside a building. It is inside a building. You won't hear it, you won't see it, you won't feel it. When this application came back before there was a question of well, we've got more development. A hundred or more yards away you have an RV park and I don't know if you all have been to an RV park out there but you know what drives by is very large, very large vehicles that are diesel, that create vibration, that create sound, that create – these are conditions that exist in this neighborhood. We're not going to make that any worse, certainly. We're not going to have any impact on that.

So when you come down to this case, what is it about? If you look at the code and Commissioner Stefanics asked the question, what is the case about? Well, here's the legal issue. Is there some equipment that she is going to use that interferes with the use of Mr. Velarde's property or any neighbor? And the answer to that is, no. She's not going to do anything that has any effect on them. So what is this case about? Mr. Velarde revealed it to you in his parting question. He said this: Would you like this in your backyard? As though that were the standard at which you should judge this application. But that is the issue that is being raised. Would you like this in your backyard?

Well, what is this in your backyard? First of all, she has been self-employed in this community supporting herself, her family, her father, her partner for years and years in a home occupation that has been legal. What does she do? She runs around helping people who have dying pets. And she sees a need in this community, a need that says, you know what? These people want to dispose of their pets that is respectful of the manner in which they lived with their pets. Mr. Velarde showed you a list of names and he said all of the neighbors are upset. I submit to you all of the neighbors are not upset. And in fact, I'm going to hand to you a list of 124 people, many of which live in this neighborhood, who say what Ms. Tapia is doing is an absolutely valuable service that is needed in this community. *[Exhibit 13]*

This isn't just a we-oppose based on a two-line petition. This is very specific. These people read it and they say to themselves, is this a benefit? What are the economic benefits? What are we doing here? I would submit to you that that's impressive. There aren't 124 people here in support but there are 124 people on that list that tell you all this is a needed service. There is no legal issue under your code. There is just simply the issue that some people don't want – they think about – they don't want to think about that somebody's pet dies somewhere and that they have to be disposed of. Well, that's going on in this community right now, as you know.

I would submit to you the following; let me ask you this: I know some of you are hunters, right? You all go hunting and I know you all use taxidermists. Some of you. Some of you have your animals mounted, and there are home occupations that are taxidermists. And you know what? They don't have an impact on the community. What they deal with is they

mount animals that have been killed in their home. They might be small animals; they might be big animals. Would you want that in your backyard? Well, I'll tell you, it's going on in our backyards. It doesn't have the factor that we're talking about here, where, ick, I don't want a dead pet. Well, these are members of people's families that are being disposed of in a dignified way.

What are the impacts that she's going to have on the community? No greater than the impact that her current home occupation has. Right now, when she gets a call, she leaves. She does her work and she comes home. If this is allowed, she will get a call, she will leave, she will come back and that will be part of her work. She doesn't employ anybody. She meets the criteria of a home occupation. What she doesn't meet is the sensibility of a few neighbors. I submit to you there is a much broader community the sensitivities of which are not offended by this use and we would stand for questions related to this. But I believe that under the code, the County code, there is no issue legally and that you have the discretion to approve this application and give Ms. Tapia the opportunity to continue to serve our community in a very important way. Thank you.

CHAIR MAYFIELD: Mr. Sommer, thank you. After Commissioner Chavez looks at this could we get it – Penny, could someone from staff please make some copies and we get that over to our court reporter. Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I have a question for Mr. Sommer and the applicant. Is there any – I didn't see anything, but is there any kind of documentation from a professional regarding air quality. I know about the state permit standards; there are none, but is there anything in here?

MR. SOMMER: Yes, there is. There is the manufacturer's specs that were submitted to Air Quality as well. The manufacturer's specs tell you exactly how this machine works and what particulates and non-particulates are emitted. None of them rise to the level of any regulatory issue. So I don't know if you have it there in your packet. It's in the packet that I got.

COMMISSIONER STEFANICS: Okay. So Mr. Chair, Mr. Sommer, I don't see in here any kind of photo of the actual property. I see diagrams and plans. Is there, in relation to other properties?

MR. SOMMER: May I approach with a couple of photographs we have?

CHAIR MAYFIELD: Please.

MR. SOMMER: This is looking from Ms. Tapia's property towards the Ortiz Mountains, and you can see, there's Mr. Velarde's home right there in the left of center. Those are two similar photographs. That characterizes this neighborhood. These are lots 2 ½ have acres large. There is nobody within 100 feet of her home and the Velarde property is well over 100 yards away.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR MAYFIELD: Thank you. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: I don't know where this fits but I'm just going to read it anyway, and this is a letter that actually I guess was received in May 24th, Karl Sommer's office. It's addressed to Rachel Tapia. It says Dear Ms. Tapia, this letter is in response to your request for confirmation that an air permit for Loving Animals Service is not required. Currently the department is not requiring a permit for a crematory, however, this may change in the future if the department determines that permitting such facilities is

necessary or if a federal regulation from the Environmental Protection Agency is issued that requires such a permit. So there doesn't seem to be much thought put into the permitting process, even though the manufacturer's equipment might say it's okay, but I think the New Mexico Environmental Department, the Air Quality Bureau is not issuing permits for crematory at this time.

So I think that –

MR. SOMMER: They don't have any requirements for it.

COMMISSIONER CHAVEZ: But it tells me that maybe they should, because I think it just seems that there should be more thought put into this, for me anyway. But I just wanted to mention this for the record. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Chavez.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I have some other questions. The first question I'll ask you, Mr. Sommer, is there were some comments you made relative to the allowance of this type of business in the home occupation. Did I hear you correct? Did you say you submitted language to the County staff during the SLDC process? You had some document you submitted that said that this business should be one of the businesses considered as a home occupation. Did you say that or did I hear you wrong?

MR. SOMMER: Mr. Chair, Commissioner Anaya, what I said was when we saw the first draft we added some language that would address the compatibility. It did not address the crematorium saying it's allowed. What we did was we added some language, and specifically on this issue, so that it could be addressed by the administrator. And the next thing I knew it was disallowed.

COMMISSIONER ANAYA: What I want to say to that point, and thank you for clarifying what you submitted and what your conversation was. What I do recall explicitly was that with the home occupation business license discussion and the SLDC, we had several conversations in these chambers, but additionally, we went out into the communities with home occupation in hand, in tow, to the entire county. We took meetings to Galisteo. We took meetings to Edgewood. We took meetings up north. Just on the home occupation, because as I recall, the home occupation was one of the first items that the Commission was trying to discuss and come up with some options and kind of float our process, if you'll recall, Commissioner Stefanics. We wanted to figure out how the process was going to work. And so when we came back from those comments staff had a lot of back and forth discussions and deliberations, and then they started bringing forth specific occupations.

And we published those occupations and then we said, what else? We talked about existing businesses that maybe didn't have a license. We talked about what you said earlier, low impact versus high. Or somebody said. I don't want to put words – but I guess the operative point for me was that we went through a deliberative process and we actually sat there and listed out businesses. And then in the public hearing process we went back again and said, have we captured those? Because I know it was my intent and I think the intent of my colleagues to evaluate home occupations to have as broad a brush as we could, but that we would take that out for input. Do you recall some of those? Were you part of that part?

MR. SOMMER: Not part of that, Commissioner. I wasn't part of those discussions in terms of the community outreach, going to those hearing. I was not.

COMMISSIONER ANAYA: So for me, as I'm listening to the case and looking at the past case that went to District Court and this item, it's not just about the equipment in itself or the air quality of the equipment or what the Environment Department does or doesn't do. It's about the fact that we've gone through this process of saying what's a mixed-use area and what's a commercial area and what's a home occupation area? So those are some of the things that are going on in my mind, not that the emissions or potential emissions might be dangerous, whether they are or they aren't, but the process we went through to evaluate and say what's commercial? What's mixed use? What's home occupation? Was pretty deliberate. I just want to say.

We did go through a deliberative process that included not just staff but included many, many community members. So I think that if I was sitting in the shoes of the Land Use Administrator I would have taken into context many of those things. I don't know that you – did you, Ms. Ellis-Green, as you were thinking about this particular case? I don't want to put words in your mouth.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, yes. We also had a previous denial on almost the same case from the Board of County Commissioners, so when the decision was made to deny this application, all of that was taken into consideration. Just to expand on the discussion about the SLDC process, we produced, or I produced a document as we went through the public hearing processes of adoption and that specific section of the code under home occupations was included in every document that was brought forward because we actually changed a section in there regarding heavy equipment. And so that section reads: roofing, towing businesses, construction yards, porta-potty leasing, vehicle leasing, crematories, auto paint and body shop or heavy industrial uses aren't permitted. So there's a number of those.

They are dealt with in another area, which is the use table of the Sustainable Land Development Code. And on that use table, crematory facilities are allowed as permitted uses in the ag-ranch, the rural, rural fringe, planned development districts and industrial districts. So there are areas that we designated that we believe that that kind of facility would be relevant to hold those kinds of businesses and not done as a home occupation. All those other businesses that are listed are also in the use table and are dealt with as where you can do those uses as either permitted or a conditional use, but not within any areas of the county in a home occupation.

So it was very deliberate as we went through that and a lot of those businesses are businesses that when they're done on a small piece of property through an administrative home occupation approval have in the past caused problems and caused concern from the neighbors. And so they were addressed specifically in the use table of the SLDC.

COMMISSIONER ANAYA: Thank you, Mr. Chair and Ms. Ellis-Green. And I know we're running late but I do want to ask this of you, Mr. Sommer, if you can help me and maybe the applicant can help as well. I'm familiar with Braemar. I've been there several times myself and I have to say to Commissioner Stefanics' comments relative to fume emissions or anything like that. I've never experienced that in the times that I've been on that site, actually known one of the managers that is one of the operators of that facility. I went to school with the gentleman that helps run that.

But that aside, at Braemar – I think it's Braemar, there's a kennel there. They have a kennel there. They hold animals. Relative to the proposal that we have in front of us, help me

understand the animal that Ms. Tapia's picking up and bringing in, is she bringing in animals that are deceased? That have already died?

MR. SOMMER: That's correct.

COMMISSIONER ANAYA: And associated with that, I would think – and maybe staff will have to help me. When you have a kennel or an operation where you're taking in animals, there are no environmental aspects associated with that? And I'm not talking about cremation. I'm just talking about facility aspects or requirements on sanitary conditions and cleanliness. I'm assuming for a kennel that there is and that they're probably fairly extensive. Would there be those same types of standards that would have to be upheld in a facility in someone's home? Help me understand that.

MR. SOMMER: Mr. Chair, Commissioner Anaya, there are no specifics with respect to kennels in the environmental regulations that apply to them. However, Ms. Tapia can describe to you her process and the sanitary nature of the process, if you don't mind. Because she knows it intimately. Thank you.

[Duly sworn, Rachel Tapia testified as follows:]

RACHEL TAPIA: Okay, the process that I go through is that if your pet passed away you would be calling me. I would go out to your home. I would pick up the animal, and at this time, what I do with my business is I do a transport for cremation. What I'm trying to do is personalize that, meaning that I would give you a full guarantee that I am the one handling that one animal and giving you all of your remains for your animal. Now, we go pick up the animal, we would bring them back, we would do the cremation and we would take you back your ashes. There would be no people on the property. It would just be me.

COMMISSIONER ANAYA: So let me ask you a question. Is there any sanitary aspects associated with the handling of that animal or any checking for potential – what's the risk that you're running for yourself with any potential disease or infection that could occur?

MS. TAPIA: Most of the people that I deal with take excellent care of their animals. They go to vets. If the animal was put down – usually the animals I'm dealing with aren't diseased animals. They aren't running at large. These people care for their pets. They are part of their family and these are the type of people that I would like to service.

COMMISSIONER ANAYA: Okay. Thank you. I don't have any questions right now, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Questions for Penny from the code. If this business wanted to operate in the Turquoise Trail Business Park, could they?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, yes, I believe they could.

COMMISSIONER STEFANICS: Okay. Keep moving right down the road. Go to Rancho Viejo Village that has commercial properties in the middle of residential, but it's all commercial. There's like a park and then there's all these commercial businesses, a lot of them empty. But could they operate in something like that?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, I don't know. We'd have to look at the CCD Ordinance. They have a use list specifically for the Community College District.

COMMISSIONER STEFANICS: Okay. So is this property address in the Community College District?

MS. ELLIS-GREEN: Yes. I believe it's in an existing neighborhood of the Community College District.

COMMISSIONER STEFANICS: Okay. So the Community College District is mixed use. Is that correct?

MS. ELLIS-GREEN: Commissioner Stefanics, in general it's a mixed-use area but there are different areas. There are neighborhood centers, there are village centers, there are employment centers. But in general, yes, the CCD is a mixed-use area.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, Penny, it's come to my memory that in Oshara we had approved live-work spaces. Would this occupation or this business be eligible to be in one of those live-work?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, again, I would want to take a look at the use table that is in the Community College District Ordinance. I believe Vicente's just gone to get that.

COMMISSIONER STEFANICS: Okay. So Mr. Chair, Commissioners, where I'm going with this is we might not be ready to make a decision on this. We might really need to get through the land use code and clarify where things can be. And I'm hearing that we're not really there yet. So I just want to put that out and see who else wants to comment. Thank you very much.

CHAIR MAYFIELD: Thank you. Question for the applicant or for staff. John Michael, what would the hours based on a home occupation license be of this business? Hours of operation?

MR. SALAZAR: Mr. Chair, typically, on a home occupation the hours are set on a case-by-case basis depending on what's being applied for. Ms. Tapia might – if there were conditions placed on the hours of operation for her she might recall that.

CHAIR MAYFIELD: I'm not trying to put you on the spot but currently under home occupation license, maybe Ms. Ellis-Green can answer this, don't we have core hours? Seven to seven? Eight to eight?

MR. SALAZAR: Mr. Chair, our land development code doesn't really have any specifics as to what the hours of operation should be. As staff, we do our best to implement decent hours of operation for these home occupations so someone's not running their air compressor at 10:30 at night. In general, most applicants, they'll give us a list of the hours that they're proposing to operate and they all fall in typically within an 8:00 to 5:00 timeframe.

CHAIR MAYFIELD: That's all I have for now, Commissioners. Commissioners, anything else? This is a public hearing. Would anybody else from the public care to comment on this? Please, come forward.

[Duly sworn, Patty Montes Burks testified as follows:]

PATTY MONTES BURKS: Good morning, Commissioners. It's time for my makeup. I'm way past due my makeup. My name is Patty Montes Burks. I've lived in Valle Lindo for 35 years, built my house there. Saw covenants there when I was given the property by my dad. I've run a business out of my home, self-employed as a graphic designer. It was just me. I didn't have any employees. I didn't bother, I don't think, anybody, unless maybe the light from my window at 12:00 at night, just burning the midnight oil on jobs. But right

now I'm a Community College employee. I just got home Friday night and encountered a Capital company receptacle truck. It's a large truck. It's one of those ones that picks up the dumpsters, the metal dumpsters. It's mechanical and it's big. And it met me right at the corner of where I was going home and it was coming from her residence.

I don't know if that had anything to do with this business at all. I'd like to know that because we have a small, little rural road that we took the time to negotiate a dead-end on one side and a dead-end on the other and I'm seeing a Capital receptacle truck coming around the corner. That's just the kind of equipment we didn't want to see on that road. It was just going to be a local road. So that's my first question.

My second question on this is that I understand that Rachel – I like being self-employed. I don't have anything against self-employment, but I believe that she's only been in the neighborhood, she purchased that house seven years ago and I've been here 35, 37 years. So there's a 100-foot width, approximately of this parcel. I have – I want to totally disagree – I'm sorry, with Commissioner Stefanics who is our Commissioner. This is not an open parcel. It is a house that's set back just a little bit from the road, Vista del Monte. It's covered. You cannot see the house very well, because it's got large, dry pine trees. It's covered all the way around. So there is a fire hazard, when you consider your packet, because I saw it. I looked at it before this meeting and the equipment itself runs 1600 degrees. It can consume 500 pounds of carcass. She is – I saw the packet and I'm just perplexed at how her application can include a plat layout of the proposed plan for her business. That little slab of 20 by 20 housing a 10 by 10 metal shed attached to the house. You tell me, would you like to live in a house where an incinerator reaches 1600 degrees. You're covered with pine trees from the very front door. That's posing a major hazard. It's only 100 feet on both sides to her neighbors. Wood, brush, she doesn't clear her property. It's not cleared.

There's a paved road, a paved driveway so that is huge for me. That's a huge issue for me. I think that the storage of animals, because she says she's going to pick up animals that are trapped. Trapped animals, pet animals, any call that she gets, she'll pick it up. Is it a diseased – how do handle that in a manner that it should be handled? I think that the packet also has some very – very old data on the emissions, on the state approval or it's kind of like a nebulous approval saying, well, no don't at the time – at this time we don't offer a license for that but in the future it may change. Well, that was 2012. And I understand that it was stamped in Karl Sommer's office as having received a copy for this case. So it's outdated material. I just can't overemphasize the lack of true data to make a good decision or even approve this kind of thing in a residential area.

The other question I have is, okay, if she gets an approval to do what I consider a high – an industrial use. It's an industrial use that has gone beyond the spirit of a home occupation license. How does that tax assessment come back? Does she get taxed as a resident or does she get taxed as a business? These are the things that we need to consider.

And I really want to commend Penny and her staff. They've been working hard and trying to get these things tightened up. And I've seen the permitted uses and I agree with them and I very much so agree that this use is unacceptable, it's inappropriate for – it's an established neighborhood. There are people that signed a petition. I don't know how many we finally got, but they are true neighbors that believe that this is a residential area. She needs to go somewhere else where the County can give her a license to run an adequate business for this type of business, for this type of use.

I think I covered it. I just want to commend Penny and the staff. They worked really hard to get these codes written and they're to protect us. And the other, I guess the big thing, right here, right now, is that since 2008 she's been wanting to get an approval and she's got denials. And when I saw – I wasn't able – I was out of town. I wasn't able to make the CDRC meeting. But they barely opened their binder. It looked like they barely opened their binder. There was no one here to defend the neighbors for that meeting, and they never addressed or for the record that there were any objections. I had written a letter because I knew I was going to be out of town at a conference. I wrote the letter, submitted it. It was never presented for the record. And I think John Brown and Mike Velarde also wrote letters. So it feels like we were really blindsided by the CDRC and that's why Mr. Brown paid the amount that he did to appeal this to you tonight. Thank you.

CHAIR MAYFIELD: Thank you. Ma'am, please.

[Previously sworn, Karen Brown testified as follows:]

KAREN BROWN: My name is Karen Brown. I'm related to the alleged John Brown; that's my husband. I'm afraid that the family couldn't be here this evening. Florence Ruth says to say Hi, Liz. Flossie goes to bed very early and so does John. But on behalf of the Brown family – John, Willie, Flossie, myself, my two boys. We all live on the ranch there, we were never even notified that this was going to happen. It was brought to our attention by a neighbor on the opposite side of her residence. Apparently, we don't count. Although the winds blow our way.

We've been there for a long time. Flossie's parents homesteaded the land in 1935. We're not newcomers. We didn't just show up yesterday. I've been there for 34 years; my husband born and raised. He is an honest to goodness local Santa Fean. We don't want this. Flat out. Just the simple facts. We don't want it. I did a little bit of research online. The EPA says that it does put off air particles that do affect people with respiratory problems. I have a respiratory problem. The winds blow my way. I have allergies. Severe allergies. I take 365 days a year an anti-histamine and in the spring and fall I take nasal spray, eye drops and an inhaler. I come from Illinois. We don't have these weeds. And she's going to add something to the air that can affect a person with a respiratory problem. That doesn't sound well for me.

I also am part owner of Santa Fe Skies RV Park. Now, granted, some of those vehicles that come into the park are diesels and they do emit gasoline, just like the people driving in and out of her house, my house and everybody else's house and Highway 14, so I can't see where that's really a valid point. These people come to this area as tourists. We pay a lot of money in Santa Fe County taxes and in Santa Fe County lodgers' taxes. These people come here to see the beautiful city of Santa Fe and they suddenly realize they're at 7,000 feet above sea level. They have a respiratory problem. You add to this those particles in the air that also affect people with a respiratory problem.

Now I know he said that the manufacturer says, any manufacturer will tell you whatever they want you to hear because by golly they want to sell that equipment. I know because I worked for Capital Scrap Metals Recycling Center and Auto Parks for 24 years. We had an aluminum smelter. Now, the manufacturer swore that that smelter didn't put off any emissions. Yeah, well, it was a good sell. However, the EPA came out and tested that smelter and said that it did put off emissions and it was shut down.

What I would ask of you, if you decide to do this, I think it's time that you put some rules on these types of businesses, where they are tested regularly for water, air, anything. But

they need to come under some kind of testing. You have no regulations. I looked that up too. You have no regulations that say, can/can't, does/doesn't, limitations. I couldn't even find it for the state of New Mexico. Are we that backwards that we can't set down and say here's what you can do and here's what you can't and here's what has to be, so I kind of leave it in your hands to maybe set forth some kind of regulations accordingly.

I wanted to also mention that Mike Velarde washes his trucks out at night. Do you think he wants to sleep in the same area as those stinky trucks? He's not stupid, he washes the truck at night before he parks it in the backyard. So I dare say, emissions from Mike's truck, probably minimal.

I also wonder what other animals. I heard rodents, dead pets, pesky animals – what does that include? Does that mean you get to cremate a skunk? A pig? A cow? A horse? I just wonder how many other things are being cremated out there. And what does this do to my property values? Say somebody comes along and says, oh, yeah, there's a pet crematorium next door, in case you want to know. Again, we're back to that same question. Do you want it in your backyard? Well, I may not but the next person may be really highly opposed to that, and you do have a very large neighborhood there.

The Turquoise Trail Subdivision – yeah, that's a pretty big neighborhood. We went door to door. We got signatures. I don't know how many signatures we got because we didn't count them up. We just know there were a whole lot of people in that particular neighborhood that didn't want it. We also know there are people who stay in our RV park on a regular basis, visiting nurses, traveling nurses, stay for 90 days. They kind of become a resident. They were opposed to it. So there's a lot more people out there that don't want this than do want this. Thank you.

[Previously sworn, Paul Krumbacher testified as follows:]

PAUL KRUMBACHER: Commissioner and Commissioners, Mr. Chair, my name is Paul Krumbacher. I'm a neighbor. I live over the hill in the Valle Lindo little valley. The northwest corner of my property abuts to the southeast corner of her property. I've lived here for about 20 years in that particular area. Before that I lived down in Santa Fe. But it's a nice little valley, has probably 30 homes or so in it and it is a valley so you can kind of tell what people are doing on holidays. If they have a barbecue or something it drifts down to – even some of the some drifts down to what you're doing or where you are. So I guess my objection is that I don't really want particulates drifting down to my area. I have some allergies; my wife has allergies. So that's when it was objected to the first time around and the Commissioners voted to not let it go up, I thought that was the end of it but I guess we're doing this again. So thank you very much.

CHAIR MAYFIELD: Thank you, sir. Do we have any other members from the public wishing to comment on this case before us tonight? Thank you. Seeing none we'll go back to Mr. Sommer, please.

MR. SOMMER: I'll be very brief. Let me address something that's been said over and over again, about the State Environment Department. I am in touch with the State Environment Department Air Quality Bureau on a regular basis. The last time I talked with them about this issue was February 2014 to see whether or not they had implemented any program to establish any regulations; they have not. And they have no program planned. So this isn't out-of-date information. They get tired of issuing letters that say, hey, we don't regulate this.

The second thing is I note for you that your SLDC doesn't apply to this application. The application is under the current County code and the only issue is the equipment. I also note that the SLDC doesn't have a minimum lot size. It has a zone. There are zones that it's allowed. If I have a quarter acre lot in this zone it's a permitted use. So are we talking again about the impact? Or are we talking about the perception. The code as you have drafted it and the code as you are going to draft it doesn't deal with lot size and the distance or the location. I could have a one-acre lot, a quarter-acre lot and if I have a P in the column in that district I can use it. What's the logic there? I'll tell you what the logic is. It isn't the use that's the problem; it's the perception.

Just one last thing about property values and we could debate that all night long. Your code doesn't say your job is to protect their RV park's value or her value. The code says that you are to apply the regulation, and the only regulation in front of you deals with the equipment. We'd stand for any questions you might have that might have been raised by the testimony.

CHAIR MAYFIELD: Thank you, Mr. Sommer. I will go back, as long as there's nothing else that we have to go over that's been stated, to Mr. Velarde. Mr. Velarde, does the applicant on this appeal have anything else you care to add? Thank you. I'm going to go to Vice Chairman Anaya. Excuse me. I'm going to close this portion of our public hearing. It's now closed. Thank you.

COMMISSIONER ANAYA: Mr. Chair, I don't think this is a simple case. I don't know that we've had a simple case today or for a long time. But I will say that I think acting in the interest of the code and acting based on prior information and the current code is what our Land Use Administrator seems to have done thus far and I think that in looking at the deliberations of the prior Commission and some of the comments made on that particular case and given that there isn't a position in our new code that explicitly lays out this business, that might change. I don't know, Commissioner Stefanics, maybe there'll be other communications and other information that we might have where we maybe would have this in the new code under a home occupation, but I don't think it came up in those deliberations. It's not in there now.

Based on that fact I would move to accept the appeal.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I will second that, and my rationale is after listening and consideration I don't think we have clarity for a home occupation for this versus light industrial. And I was trying – when I asked the questions about where this could be located I think that that remains a big question mark in my mind. And so the reason I'm seconding the motion to approve the appeal is because until we have clarity I don't think we can even identify where this should be. And that's why I asked questions earlier about standards. I think we need some standards. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. Commissioners, seeing no other discussion we have a motion and a second in front of us to accept the appeal.

The motion passed by unanimous [3-1] voice vote with Commissioner Mayfield casting the nay vote. [Commissioner Holian was not present for this action.]

CHAIR MAYFIELD: Thank you, Commissioners and thank you all for being with us.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I am asking our Land Use Administrator though to address this for the future so that we do have some clarity in our code.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, in the use table –

COMMISSIONER STEFANICS: I think that as we hear about different occupations we need to decide where they fit.

MS. ELLIS-GREEN: Okay. We will be in front of the Board at the end of May and the end of June. We are bringing forward changes to the use table and changes to the SLDC so we can certainly have that discussion.

COMMISSIONER STEFANICS: It would be appreciated. Because we're going to have requests for different types of occupations and maybe we have to identify not the occupation per se but the issue. Acceptance within a neighborhood? Now, I don't believe in not in your backyard, especially when it comes to things like affordable housing, etc. So I think we have to be careful about occupations and not in my backyard. But if we want to start looking at water quality, air quality, hours of operation, anything else, I think we need to identify some of those things. Thank you very much.

CHAIR MAYFIELD: Thank you, Commissioners. Welcome to a new day.

VIII. B. 6. **BCC CASE # MIS 02-4326 La Pradera Subdivision Time Extension. Gardner Associates and La Pradera Associates, Applicants, Request a 2-Year Time Extension of the Previously Approved Final Plat and Development Plan for Phases 4, 5 and 6B and the Master Plat Lots (Lots 33 and 69) in Phase 1 Consisting of 72 Lots of the La Pradera Subdivision. The Property is Located Off of Dinosaur Trail, South of I-25, within the Community College District, within Section 17, Township 16 North, Range 9 East, NMPM, Santa Fe County (Commission District 5)**

On January 31, 2006 the BCC granted Preliminary Plat/Development Plan approval for Phases 2 thru 6 and final approval for Phases 2 and 3 consisting of 97 lots. The final plat for Phase 2 and 3 were recorded per this approval.

On July 10, 2007, the BCC granted Final Plat/Development Plan approval for phases 4 thru 6 of the La Pradera Subdivision which consisted of 60 lots on 28.4 acres

On May 10, 2011, the BCC granted authorization to proceed with a Master Plat for the creation of 21 residential lots within Phase 1 of the existing La Pradera Subdivision, which does not require that a specific lot layout be defined prior to plat recordation and would grant administrative authority to create lot boundaries once buyers are identified or home construction is complete.

On September 13, 2011, the BCC granted approval of a Master Plan Amendment to allow the creation of 27 new residential lots and to allow for the previously approved 32,667 square feet of commercial/residential area, parking lot and 11 condominiums to be replaced with 17 single-family residential live/work lots. The request also included Preliminary and

Final Plat and Development Plan approval for 27 new lots and several lot line adjustments in Phases 2-6 and 4 Master Plat lots which could be developed into a total of 17 single-family, live/work lots.

The Applicants now request a time extension of Phases 4, 5, 6B which expired in July 2009 and Master Plat Lots 33 and 69 which expired in September 2013. Phase 6B will be recorded immediately if this request is granted. Phase 5 will likely be recorded in February 2015. Phase 4 in August 2015 and Master Plat lots 33 and 69 will likely be recorded in summer of 2014.

The Applicant states: "As you are aware market conditions slowed the home sales in our community."

Article V, Section 5.4.6 of the Code states, "An approved or conditionally approved final plat, approved after July 1, 1996 shall be recorded within 24 months after its approval or conditional approval or the plat shall expire. Upon request by the subdivider, an additional period of no more than 36 months may be added to the expiration date by the Board." On December 13, 2011, the Board of County Commissioners adopted Resolution No. 2011-193 which found the existence of severe economic conditions and suspended enforcement of specified provisions of Article V of the Land Development Code that concern expiration of Master Plans, Preliminary Plats and Final Plats.

On December 13, 2011, the Board of County Commissioners also adopted Ordinance No. 2011-11, which states "The Board of County Commissioners may suspend provisions of Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index for the United States for any quarter, and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of Master Plans, Preliminary Plats and Final Plats for two years pending an economic recovery."

As of July 10, 2009, the Final Plat and Development Plan for La Pradera Phases 4, 5 and 6B have expired. As of September 13, 2013 the Preliminary and Final Plat for the Master Plat Lots in Phase 1 have also expired. As of December 2013, the Conference Board Leading Economic Index was 99.4.

Staff recommendation: Approval of the request for a 24-month time extension of the approved Final Plat and Development Plan for La Pradera Phases 4, 5 and 6B and the Master Plat Lots – Lots 33 and 69, in Phase 1.

Mr. Chair, I stand for questions.

CHAIR MAYFIELD: Thank you, Mr. Archuleta. Do we have the applicant with us tonight? Ms. Guerrerortiz.

[Previously sworn, Oralynn Guerrerortiz testified as follows:]

MS. GUERRERORTIZ: I'm Oralynn Guerrerortiz with Design Enginuity and I've already been sworn.

CHAIR MAYFIELD: Please, do you have anything to add?

MS. GUERRERORTIZ: I don't at this time. I can't think anymore. But there's no conditions. We're hoping that you'll go ahead and agree to our request for extension.

CHAIR MAYFIELD: Thank you. This is a public hearing. Does anyone from the public wish to comment on this case before us tonight? Seeing none, this portion is closed.

COMMISSIONER STEFANICS: Mr. Chair.
CHAIR MAYFIELD: Commissioner Stefanics.
COMMISSIONER STEFANICS: I'll move for approval.
COMMISSIONER ANAYA: Second.
CHAIR MAYFIELD: We have a motion and a second.

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

CHAIR MAYFIELD: Thanks for being with us tonight.
COMMISSIONER ANAYA: Mr. Chair.
CHAIR MAYFIELD: Commissioner Anaya.
COMMISSIONER ANAYA: Just a question. The item expired – typically we've been seeing them before the expiration. Just as we go forward, I would just encourage all applicants to come in for the extension before the expiration, not after.

MS. GUERRERORTIZ: May I speak to that point?
COMMISSIONER ANAYA: Sure.

MS. GUERRERORTIZ: I don't really want to go into the details but we did make application. We had several conversations in 2009 which – we expired I think they say in August 2009. We actually got a letter from Shelley Cobau dated April 2009. I have it in my possession if you'd like a copy, and it says that the staff made a determination at that time that we did not need to come before the BCC for an extension. I could read it if you'd like me to read it but I can guarantee you that we mind the dates; we were here and we were told we did not have to come.

CHAIR MAYFIELD: Thank you. You could give that to Ms. Ellis-Green though so she could have it for her records.

MS. GUERRERORTIZ: Staff was given a copy.
CHAIR MAYFIELD: Thank you, Oralynn.

COMMISSIONER ANAYA: Mr. Chair, one other question. Mr. McCarthy or Mr. Bobby Lee, are you guys seeing any indication of the market shifting and improving associated with real estate and construction? Do we have – they seem to be improving but from your perspective, are they?

BOBBY LEE TRUJILLO: Yes, the market is starting to get better now. We've seen more of a stabilization and we've been able to get a couple of buildings out of Albuquerque to come and work in our subdivision so it's starting to pick up.

COMMISSIONER ANAYA: Good. Thank you, Mr. Chair. Thank you.

- VIII. B. 7. **CDRC CASE # Z 14-5010 31 Bonanza Creek Road. Leslie Moody and Mitchell Ackerman, Applicants, Jenkinsgavin, Agents, Request Master Plan Zoning Approval to Allow a Bed and Breakfast within an Existing Residence on 9.94 Acres. The Property is Located on the West Side of Highway 14 Off Bonanza Creek Road (County Road 45), within Section 26, Township 15 North, Range 8 East (Commission District 5)**

JOSE E. LARRAÑAGA, (Case Manager): Thank you, Mr. Chair. On March 20, 2014, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants' request, for Master Plan Zoning with staff conditions. The CDRC also recommended that the Applicants provide water rights if the water use for the bed & breakfast exceeds three acre-feet of water per year.

The Applicants request Master Plan Zoning approval to allow an existing 5,580 square foot five-bedroom residence to operate as a Bed and Breakfast. There are two dwellings on the 9.94-acre site. A 4,561 square foot residence will be utilized by the Applicants as their primary residence and the second residence will be utilized as a five-bedroom bed and breakfast. The Applicants are not proposing any expansion of the existing structures as part of this Application.

The bed & breakfast is currently in operation without the proper zoning approval or Business License from Santa Fe County. This statement is based on an observation made by staff on a site visit and advertisement on the internet as Rancho Gallina in Santa Fe.

The two existing dwellings on the 9.94-acre parcel are non-conforming as per the density requirements of the Land Development Code. The Applicants propose two kitchens in the five-bedroom residence which will operate as the Bed and Breakfast and a kitchen in the Applicants' residence. Ordinance No. 1998-9 states: "Any such structure, mobile home or unit that contains both a kitchen or cooking facility and a bathtub or shower shall be presumed to be a dwelling". At the most basic level, a bed and breakfast is a place, often found in a renovated home, mansion or small hotel, to spend the night and enjoy a full breakfast in the morning. In observance of the non-conforming status of the site only two kitchens shall be utilized on site.

Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning: the Application is comprehensive in establishing the scope of the project; the County Hydrologist has determined that the application is sufficient for Master Plan; the Application satisfies the submittal requirements set forth in the Land Development Code. The review comments from State Agencies and County staff have established findings that this Application is in compliance with state requirements and Article V, § 5, Master Plan Procedures of the Land Development Code.

Staff recommendation is conditional approval of Master Plan Zoning, to allow a Bed and Breakfast within an existing residence on 9.94 acres, subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
3. Only two (2) kitchens shall be allowed on the site in keeping with the non-conforming status of the site, as per Article II, § 4.5.
4. The Preliminary and Final Development Plan shall be submitted promptly after 90 days of data collection on actual water use is obtained. The Final Development Plan shall be submitted to the County Development Review Committee accompanied by a staff report, as per Article V, § 7.

5. The Applicant shall provide water rights if the proposed water use for the Bed and Breakfast exceeds three acre-feet of water per year.

Mr. Chair, I stand for any questions.

CHAIR MAYFIELD: Thank you, Mr. Larrañaga. Commissioners, any questions of staff? Thank you. The applicant please.

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: Good evening, Chairman, Commissioners. I'm Jennifer Jenkins with Jenkins-Gavin Design and Development, and this is Colleen Gavin, and we are here this evening on behalf of Leslie Moody and Mitch Ackerman in request for master plan approval. Oh, good morning. I apologize. Good morning.

We'll attempt to be extremely brief. Are your monitors working at your seats this evening?

MS. JENKINS: Okay, wonderful. Great. So the subject property is just under ten acres and it is located just west of Highway 14 on Bonanza Creek Road, just about a quarter mile west. The property houses a 5,500 square foot structure as well as a 4,500 square foot residence. That is the owners' residence. They have invested significantly in this property. They are producing 80 percent of their own electricity with solar panels. They've a geothermal system. They have significant water catchment and it's really their desire to create a very eco-friendly lodging opportunity for the Turquoise Trail corridor.

With respect to the Sustainable Land Development Code the proposed zoning for this area is rural residential. Bed and breakfast inns are listed as a conditional use in the Sustainable Land Development Code, so the master plan process that we are engaged in right now actually aligns with the conditional use permit process that is laid out in the Sustainable Land Development Code. This process is actually more stringent than what would be required once that code is effective. So we are consistent with the future code. I would like to bring your attention to Exhibit 3 of your staff report. We have two letters of support from the community associations. There are essentially two community associations in this area. One is the San Marcos Association and the letter from Walter Wait of the San Marcos Association states that the plans are in keeping with the rural residential nature of our district and that the B&B would make a good contribution to our community.

Secondly, we have a letter of support from Kevin Box who is the president of the Turquoise Trail Association, and Kevin points out that the Turquoise Trail Corridor Management Plan, or the CMP, calls out for creating, achieving appropriate development of rural lodging in the Turquoise Trail Corridor. Bed and Breakfasts are precisely the type of lodging and business encouraged by the Corridor Management Plan because it creates high quality jobs in the area while retaining the rural character that is important to the Turquoise Trail. And that this proposal is really ideal in realizing the vision of the Corridor Management Plan for the Turquoise Trail Corridor.

With that, I would like to state that we are in agreement with staff conditions and we would be happy to stand for any questions. Thank you very much for your attention.

CHAIR MAYFIELD: Thank you. Commissioners, any questions of the applicant? Seeing none, this is a public hearing. We will go to the public. Do any members of the public wish to comment on this case? Mr. Wait.

[Duly sworn, Walter Wait testified as follows:]

WALTER WAIT: Walter Wait, 48 Bonanza Creek Road, Santa Fe. The San

Marcos Association of which I'm a board member, the board of directors met with Leslie Moody and Mitchell Ackerman at the association's March 13th board meeting and at that meeting we discussed their plans to initiate a bed and breakfast at 31 Bonanza Creek Road in the San Marcos district. And after discussing their plans and reviewing the history of the property, which included quite a bit of past schools and rental properties and so on and so forth, our board felt that the plans are in keeping with our rural lifestyle and feel very comfortable with them joining our neighborhood. And our board recommended strongly that you approve the development of the B&B.

Now, I live on Bonanza Creek Road, just down the street from there and I feel as though it would be a really good addition to our neighborhood as well, speaking as an individual living just down the street from them. So I do hope that you'll pass this and let them go forward. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Wait. Commissioners? Commissioner Chavez, please.

COMMISSIONER CHAVEZ: I have a question maybe for staff. I'll just put it out there. Bed and breakfasts, do they collect lodgers' tax the same as a hotel?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, yes. Until they get the business license and get it totally approved then they would start charging.

COMMISSIONER CHAVEZ: So you're tracking that as well?

MR. LARRAÑAGA: That's correct.

COMMISSIONER CHAVEZ: Okay. Thank you, Mr. Chair.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd move for approval.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: We have a motion and a second. I just have a quick question and I'll be brief. On the summary, there were some questions brought up, Mr. Larrañaga about the water for this business. What are they asking to use and what permits to do they have for their water?

MR. LARRAÑAGA: Mr. Chair, the water use, there was a disagreement. It was reviewed by the County Hydrologist and she didn't quite agree with the water budget that the agent submitted. So they are on a – for master plan the County Hydrologist agreed that they had enough water for the master plan but for final development plan they would have to come up with a plan to meter the well and turn in meter readings for up to 90 days and see if they would come in under a quarter acre-foot of water for that use and then she would – we would go forward with preliminary and final development plan.

CHAIR MAYFIELD: And they do have a commercial well application or a commercial well permit? Three acre-feet from the State Engineer?

MR. LARRAÑAGA: Mr. Chair, the well is a residential well and the property is residential right now. So after the master plan, the zoning would change for commercial for a bed and breakfast and that would be one of our conditions, that they would re-record the well as a commercial well.

CHAIR MAYFIELD: Thank you. We have a motion and a second in front of us.

MR. SHAFFER: Mr. Chair, if I could, just a point of clarification before you

vote on the motion. If you want to confirm that there are no other members in the public that want to speak on the matter and close the public hearing, just so you have a clean record. That would be my recommendation.

CHAIR MAYFIELD: I appreciate that. I thought I did that but it's a little late. Are there any other members from the public wishing to comment on this case in front of us? Seeing none this public hearing is closed on this matter. Thank you, Mr. Shaffer. We have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Holian was not present.]

CHAIR MAYFIELD: Commissioners, there's no need for executive session, I hope, because I ain't going to be here. Mr. Shaffer, we'll see you in a couple weeks.


IX. CONCLUDING BUSINESS

A. Announcements

B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Mayfield declared this meeting adjourned at 12:50 a.m.

Approved by:

 6-10-14
Board of County Commissioners
Daniel W. Mayfield, Chair


ATTEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

6-11-2014



Respectfully submitted:


Karen Farrel, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

Santa Fe County
Annual Report
Calendar Year
2013



County Commisioners



Daniel "Danny" Mayfield
District 1
dmayfield@santafecountynm.gov



Miguel Chavez
District 2
mchavez@santafecountynm.gov



Robert A. Anaya
District 3
ronaya@santafecountynm.gov



Kathy Holian
District 4
kholian@santafecountynm.gov



Liz Stefanics
District 5
lstefanics@santafecountynm.gov



Letter From the Commission Chair, Daniel Mayfield

Dear Santa Fe County residents:

On behalf of the Board of County Commissioners (BCC) I am pleased to present our county's first calendar year Annual Report. The Annual Report is a glimpse into the daily operations of Santa Fe County, by highlighting a few select accomplishments. In 2013 many accomplishments were noteworthy in particular the approval of the Sustainable Land Development Code, completion of a community survey, construction of new solar projects, the expansion of our senior services and continued efforts to improve county government transparency.

The Santa Fe Board of County Commissioners unanimously approved Ordinance 2013-6, which adopted the Sustainable Land Development Code (SLDC) at the December 10, 2013 Board meeting. Currently, Santa Fe County is working on the public process element of the Zoning Map, which will be presented to the BCC mid 2014. The Sustainable Land Development Code will not become effective until after the County Zoning Map is adopted.

Santa Fe County has made vast improvements in transparency over the last few years. Commission meetings are broadcast live on the website www.santafecountynm.gov, Comcast Ch. 28 and on Que Suave AM 810. Santa Fe County also sends out a meeting summary

The Tesuque
Fire Station
solarization
project has
served as
a model
renewable
energy initiative
and led to
another solar
project at
the Chimayo
Fire Station
in 2014.

after each meeting as a quick reference for residents. For several years, in addition to broadcasting meetings, agendas and packet material (when available) is posted on the County website for County committees as well as committees Commissioners participate in. Santa Fe County is a multiyear recipient of the Sunshine Award (Website Transparency Efforts) and received an A+ for the final year of the awards, which was 2013. Santa Fe County continues to work diligently to ensure that we achieve the highest level of transparency in county government and community outreach. In 2013 the Citizens Survey was sent to randomly selected County households located in unincorporated areas of Santa Fe County, which focused on the quality and usefulness of Santa Fe County services.

Along with transparency, Santa Fe County has been making great strides in solar power and energy efficiency. In 2013 the Tesuque Fire Station became the first fire station in Santa Fe County to be powered by the sun. The project, which boasts a 6.1 kilowatt solar system, was funded by Commission District 1 funds along with funds from the nonprofit New Energy Economy as part of its "Sol not Coal" campaign. The Tesuque Fire Station solarization project has served as a model renewable energy initiative and led to another solar project at the Chimayo Fire Station in 2014.



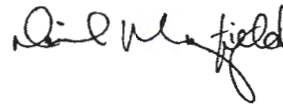
Additionally, the new Steve Herrera First Judicial Courthouse also has solar panels on the roof that help offset electricity costs and is seeking LEED Gold certification. Santa Fe has other County buildings with energy efficient technology and solar technology including the Public Works Facility. One area of significant note is the unanimous passage of Santa Fe County Resolution 2013-7, a Resolution adopting Sustainable Resource Management Principles and directing staff to "Lead By Example" with respect to implementing cost-effective waste reduction, recycling and clean energy strategies in County operations.

Santa Fe County worked diligently over the past year to expand our

Senior Services, including the expansion of home delivered meals, food commodity distribution and a new monthly newsletter that is available to program participants and the public. In 2013 Santa Fe County increased home delivery services by approximately 20 percent. We added the Rufina meal site, which provides congregate and home delivered meals. Santa Fe County also started food commodity distribution as part of their home delivery bringing fresh vegetables like cabbage, squash, cucumbers, tomatoes and more to seniors. One of the favorite changes amongst the seniors in 2013 was the addition of a monthly newsletter. The newsletter showcases monthly activities,

while announcing monthly events and activities.

I hope you enjoy reading about more of our accomplishments and enjoy the 2013 Annual Report. We look forward to completing more great projects in 2014. As always we encourage residents to contact us and let us know how we are doing and where we can improve.



Chair, Daniel Mayfield



CONTENTS

A Healthy Community

1

A Safe Community

9

A Sustainable Community

22

A Growing Community

28

A Proficient and Transparent Community

35





A Healthy Community



A Healthy Community

Health Care Assistance Program

The Health Care Assistance Program provides financial assistance toward health care costs of County residents without adequate funds. The program is administered by the Board of County Commissioners in its capacity as the Indigent Hospital and Health Care Board funded by the County's gross receipts tax.

In 2013, the program processed 8,914 approved claims of County residents, for close to \$6.2 million. These claims covered care provided by clinics, substance abuse treatment providers, ambulance services, and mental health providers with Santa Fe County. Claims also covered care provided by CHRISTUS St. Vincent and hospitals in Espanola, Los Alamos and Albuquerque.

Through the Health Care Assistance Program Santa Fe County paid for the cremation of 38 indigent and/or unclaimed County residents in 2013.

This program is expected to undergo significant changes in 2014 as a result of State Statute changes and the Affordable Health Care Act.

"We are proud of developing relationships with partners like CHRISTUS, the City, the Department of Health, La Familia and so many others who help make our community healthier, and more engaged," said Patricia Boies, Community Services Department.

English and Spanish and refer people to health care providers, including primary care, behavioral health, and dental providers. In 2013 the Mobile Health Van expanded services to include weekends.

In 2013, the Community Services Department hired a full-time community health nurse and began outreach and collaboration with new locations, including partnering with the Interfaith Community Shelter, Santa Fe Community College, Zona del Sol, and the Turquoise Trail Fire Station. This is in addition to frequent visits to all the Santa Fe County senior centers in El Rancho, Chimayo, Edgewood, Eldorado, and Santa Cruz, and to local churches and community events and gathering places. These preventive efforts, as well as new approaches to using the van, will lead to reaching more of the underserved in Santa Fe County.

For more on the Mobile Health Van visit www.santafecountynm.gov » Community Services » Health and Human Services Division » Santa Fe County Mobile Health Van.

Mobile Health Van

The Santa Fe County Mobile Health Van travels throughout the County, providing free health services including blood pressure screening, glucose checks, cholesterol tests, body-mass index (BMI) tests, and oxygen assessments. Nurses also provide health information, in both

| | |
|----------------------------------|-------|
| Total visitors | 2,010 |
| Blood pressure checks | 2,006 |
| Blood glucose checks | 1,807 |
| Referrals to providers/agencies | 396 |
| Discount prescription drug cards | 521 |



Clinics and Classes

Free Flu Shot Clinics

Santa Fe County partnered with the New Mexico Department of Health to hold community based flu clinics in 2013. Over 500 flu shots were administered at a dozen different locations: including Edgewood, Turquoise Trail Fire Station, Nambe, Chimayo, Santa Cruz, Eldorado and others. In addition to the community based flu clinics, the Santa Fe County Senior Services hosted three free flu shots clinics around Santa Fe County for Seniors in October 2013. The clinics were held at Senior Centers in Eldorado,

Edgewood and Nambe. The New Mexico Department of Health provided Santa Fe County with 300 vaccinations for the free clinics. The free flu shots were distributed on a first come, first serve basis.

Free Pneumonia Vaccination Clinic

The County Health Division hosted a free Pneumonia vaccination clinic on Wednesday, March 20, 2013 at the Santa Fe County Nambe Senior and Community Center.

The clinic was sponsored by Santa Fe County Health Division and Presbyterian Espanola Hospital.

Free weekly Type 2 Diabetes Prevention Classes

Free weekly classes were held beginning January 15, 2013 to help residents learn more about preventing Type 2 Diabetes and what they can do to reduce their risk of Type 2 Diabetes by making lifestyle changes.

The free weekly classes were held in Espanola with transportation from the Santa Fe County Senior Program. Diabetes prevention programming is based on the National Diabetes Prevention Program model.

Santa Fe County in 2013: A Community Health Profile

The Santa Fe County Health Policy and Planning Commission, as part of its mandate from the Santa Fe County Board of County Commissioners, finalized **Santa Fe County in 2013: A Community Health Profile**. The HPPC partnered with CHRISTUS St. Vincent Regional Medical Center to complete the profile, which provides in-depth information about the health of County residents. The report provides data on a variety of health indicators and is being used by Santa Fe County to develop health priorities and by various government and private entities in their own planning and grant seeking activities.

to view the Community Health Profile visit www.santafecountynm.gov » Community Services » Health and Human Services Division.

Health Action Plan

In June of 2013 the Santa Fe County Community Services Department held a Provider Forum at the Santa Fe Community College in order to gather community based input into our planning process. The Community Services Department is in the process of finalizing its Health Action Plan which will be used to guide both the County and the community in developing and funding evidence based strategies to improve health conditions.

Food Depot Food Drive

The Food Depot recently acknowledged the efforts of Santa Fe County staff for hosting a Thanksgiving food drive. The Santa Fe County food drive collected 1,013 pounds of assorted nonperishable food and \$195 in monetary donations. Each dollar donated buys three pounds of food through the depot, so the monetary

donation equaled 1,598 pounds of food, providing 2,131 meals for hungry people in Northern New Mexico. The Food drive was organized and coordinated through the Santa Fe County Community Services Department.

Got Drugs?

Turn in unused or expired medication for safe disposal



ed with La Familia for a total of \$120,000 to develop a treatment program for pregnant women who are addicted to opiates.

The program was based on both anecdotal and other evidence

Health Care Reform

Santa Fe County has worked actively with our community based partners in 2013 to implement the Affordable Care Act in New Mexico. The Community Services Department developed and distributed materials providing guidance to Santa Fe County residents on contacts and procedures to access health care coverage through either the Health Care Exchange or Medicaid. In addition, the Community Services Department contracted with La Familia to do outreach and health care enrollment in rural areas of the County. Community Services also applied for and received funding to do radio Public Service Announcements about enrollment in early 2014. Four Community Services Department staff were trained to do Medicaid enrollment including the expanded coverage.

indicating a significant increase in babies born with neonatal withdrawal symptoms. La Familia is also tasked with developing a public awareness campaign to increase the number of pregnant addicted mothers getting prenatal care.

LEADERSHIP: Santa Fe County has been partnering with Santa Fe Public School and the New Mexico Department of Health to organize and lead Santa Fe Opiate Safe (SOS). SOS is a community based group of providers, advocates, law enforcement representatives and government agencies who meet monthly to coordinate activities to address opiate addiction on the local level.

PREVENTION: In 2013 Santa Fe County residents emptied their medicine cabinets of over 500 pounds of unused, unwanted and expired prescription medications during two special Drug Take Back days. The Community Services Department partnered with the Drug Enforcement Administration to coordinate events in April and in October of 2013. Officers from the Santa Fe County Sheriff's Office, the Santa Fe Police Department, Edgewood Police and the New Mexico State Police collected drugs at six locations around Santa Fe County. Permanent sites for take back activities are planned in 2014.

Reducing Drug Addiction in Santa Fe County

TREATMENT: The County released a Request for Proposals to hire a contractor who would develop a comprehensive behavioral health program that would reduce opiate addiction in Santa Fe County, with a specific emphasis on pregnant women. In 2013 the Community Services Department contract-

Teen Court Provides \$110,000 for Summer Programs

Teen Court of Santa Fe County provided funding to seven organizations for summer educational and recreational programs in 2013. The intention of the funding is to assist with the development and administering of summer programs designed to serve the youth of Santa Fe County. In total \$110,000 were appropriated by the Board of County Commission. In order to support multiple organizations, each grant award was limited to a maximum of \$20,000 per applicant. The organizations funded served youth from kindergarten to 12th grade and were asked to integrate evidence based or promising practices into programming to increase the health and overall social well-being of Santa Fe County youth. The organizations funded in 2013 include: Agua Fria Elementary School, Rio Grande Educational Collaborative, Pomegranate Studios, Santa Fe Boys and Girls Club, Pojoaque Valley Schools, Wildlife West Nature Park, Espanola Family YMCA.

Senior Services

The Santa Fe County Senior Program continued to thrive in 2013. Residents throughout the County are hearing about the fabulous services provided to seniors in our community. This dedicated staff continues to go above and beyond to provide services to our seniors.

Our senior centers, located in the communities of Chimayo, Edgewood, El Rancho, Eldorado, Rio en Medio, Santa Cruz, and the Traditional Agua Fria Village serve congregate meals to all seniors. These meals are prepared on-site daily using fresh ingredients. Home Delivered Meal recipients also receive hot meals delivered

"We take great pride in the service we provide and the food we serve, the food we prepare for the Seniors is getting fresher and better all the time," Greg Smith, Senior Services



directly to their door. The Senior Services Division also provides transportation services to seniors who need rides to the grocery store or to medical appointments.

Statistics for Santa Fe County Senior Services Program for 2013

- 31,702 home delivered meals provided to 196 eligible participants
- 29,666 congregate meals to 843 eligible participants
- 8,144 one-way trips for medical appointments, grocery shopping, personal care needs, to/from congregate meal sites and County sponsored trips.



Expanded Services

Casa Rufina

In 2013 the Senior Services program opened a new meal site at Casa Rufina Apartment Complex in the Traditional Agua Fria Village. The new site has been extremely successful. The opening of the facility has allowed us to provide services to 87 individuals, with a total of 2,020 congregate meals and 4,025 home delivered meals in a six month period.

Senior Voice, Monthly Newsletter

Seniors throughout the County are provided information on upcoming events, monthly menus, and pertinent information through Santa Fe



County's Senior Voice. The Senior Voice was first printed in February 2013 and quickly became popular with our seniors. The Senior Voice is printed monthly and distributed to seniors throughout our program. A separate page is designated for each center, and upcoming events are highlighted. Also highlighted in the Senior Voice are photos of seniors participating in County sponsored trips.

Senior Activities

Seniors continue to enjoy the variety of activities offered at each of our facilities as well as off site trips to various events around New Mexico. These events allow seniors the opportunity to socialize, participate in exercise programs and explore New Mexico on one of our many trips. Seniors enjoyed pumpkin picking at McCall's Pumpkin Patch, The International Balloon Fiesta in Albuquerque and many other trips around our beautiful state.





Santa Fe County Fair

Santa Fe County Fair is overseen by the Fair Association/Fair Board for the purpose of promoting the development of youth, agriculture, home economics, creative art skills and such activities of interest in Santa Fe County. County Staff works closely with the Fair Board, Superintendents, and New Mexico State University Extension Staff to ensure preparation for events is complete. The County Fair is usually held during the first week in August. After the County Fair, several families travel to State Fairs in Albuquerque (held in September) and Roswell (held in October) representing Santa Fe County. The 2013 County Fair was well represented in both livestock and indoor projects. Livestock (Horse, Cattle, Pig, Sheep, Goat, Poultry, and Rabbit) had 212 entries shown by 103 exhibitors. 4-H indoor had 315 entries by 52 exhibitors. Open indoor youth had 201 entries by 38 exhibitors. Open indoor adult had 236 entries by 182 exhibitors.

Fair Grounds/ Extension Office

Santa Fe County continues to provide financial support to the New Mexico State University Cooperative Extension Service in a three-way partnership with the State and Federal government in order

to provide services from the Land Grant University to the citizens of Santa Fe County that enhance their quality of life. These services include unbiased, research-based information in the areas of agriculture, home economics, 4-H and youth development. The Santa Fe County Extension Service also plays a vital role in working with Santa Fe County Fair Board to plan and execute the annual County Fair.

Agriculture

In 2013, the Santa Fe Master Gardeners provided 8504 hours of volunteer service valued at



\$188,278*. Through the agricultural program, farmers and ranchers are assisted with diagnosis of production challenges, whether crop or livestock related, and developing solutions to help them keep production costs down while improving their profit margins. Overall more than 6340 contacts were made relative to agriculture, horticulture and natural resource management spanning from the northern areas of Santa Cruz and Chimayo all the way to Stanley and Edgewood.

Home Economics

One of the major programs in the Home Economics area is the "I CAN" program, which stands for "Ideas for Cooking and Nutrition". The mission is to reduce nutritional health disparities in New Mexico and make a measurable positive

impact on the well-being of our communities by facilitating series of research-based, hands-on nutrition experiences with adults and youth. In 2013, we had 194 adult graduates and 556 youth graduates in this program. Through our Home Economist Extension programs, we had 2177 volunteer hours performed in Santa Fe County in 2013 valued at \$48,198.78*.

4-H and Youth Development

Santa Fe County 4-H is the program for all youth development programs conducted through NMSU's Cooperative Extension Service. Teaching

youth life skills such as communication, decision-making, responsibility and service through specific project and program content such as animal science, engineering science, home economics, and personal growth and development enables youth to become pro-

ductive and successful citizens. The community club program is our most comprehensive delivery mode; encompassing clubs from Edgewood, Eldorado, Pojoaque, Santa Fe and Stanley. Youth may choose from over 100 projects offered through this delivery mode. In 2013, 2,248 youth were serving through the three program delivery modes: community clubs, special interest and school enrichment programs. The total contacts reached by the 4-H program in 2013 were 21,865. 4-H volunteers 2013 gave almost 49,441 hours of their time, equating to a value of \$1,094,623.74*.

*Value is based on the Independent Sector index of \$22.14



Santa Fe County Housing Authority Scores 97% on Efficiency Assessment

Every two years, the Housing Authority is required to complete a process that determines the efficiency with which the Housing Choice Voucher or Section-Eight Program is administered at Santa Fe County. This assessment is important in communicating to the federal government how well this program is working for families who participate in our Section-Eight housing program. There are 15 key indicators that are measured and scored for an overall value. As a result of this process, the Santa Fe County Housing Authority scored a 97% out of a possible 100%. This score affirms that the Housing Authority is a High Performing organization providing a high level of service to families who participate in this program. This high score is a reflection of the quality of work that the staff at the housing authority perform on a daily basis.

Housing Occupancy Hits 100%

The Public Housing reached 100% occupancy for public housing in March 2013. The Santa Fe County Housing Authority staff was successful in achieving a 100% occupancy rate for public housing.

The Joshua Tree Project

During the Holiday Season through the Joshua Tree Project, the Housing Authority was able to provide over 200 Christmas gifts to children living in three public housing sites in Santa Fe County. This county-wide effort includes the generosity of over 200 county employees donating gifts to help brighten the Holiday Season for the children who receive these gifts at this special time of year. Housing Authority staff sets up Christmas trees at various County buildings with tags including a child's age and gender, County staff picks tags and returns the tag with a gift.

Holiday Gift Baskets

During the Holiday Season the Housing Authority was able to provide 28 gift baskets for Seniors and Special Needs families living in three public housing sites in Santa Fe County. These gift baskets included fruit, nuts, candy, coffee, jam along with a coffee mug and kitchen towel. This effort is supported by Secret Santas who in some cases make anonymous donations that allow the Housing Authority to provide these baskets to families in our program.



A Safe Community



A Safe Community

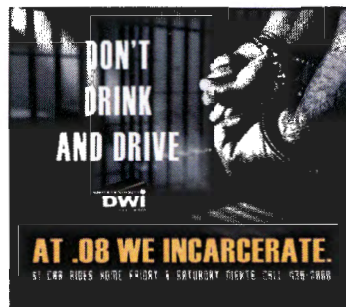
Santa Fe County DWI Program

The purpose and objective of the Santa Fe County DWI Program is to reduce impaired driving, DWI crashes, and alcohol related fatalities. The Santa Fe County DWI Program develops, implements and sustains programs and initiatives to mitigate the horrible consequences of driving while impaired. The Program works to increase personal and public safety by preventing or reducing the incidence of DWI, DWI related crashes and fatalities, alcoholism, and alcohol and other drug abuse.

Santa Fe County closed 2013 with six alcohol involved fatalities, which represented 66 percent of all crash deaths in Santa Fe County. This is down from seven in 2012. There were a total of 106 alcohol involved crashes, down from 128 in 2012. The number of DWI arrests decreased from 820 in 2012 to 781 in 2013, a five percent decrease. Overall 504 vehicles were seized, 50 of them by the Santa Fe County Sheriff's Department.

For more on Santa Fe County DWI Program visit www.santafecountynm.gov » Community Services » DWI Program.

"Santa Fe County paid for over 12,000 cab rides home last year, keeping drunk drivers off the roads in our community,"
Lupe A. Sanchez,
DWI Planning Coordinator



Public Awareness

In 2013 the Santa Fe County DWI Program launched two public awareness campaigns, Who's Picking You Up Tonight and At .08 We Incarcerate. Both campaigns featured purchased and earned media that highlighted the increasing

threat of arrest by law enforcement for driving drunk and the safer option of a Cab Ride Home. Advertising appeared in the Santa Fe New Mexican, Santa Fe Reporter, the Nightlife Guide and the Restaurant Guide, The Santa Fe Bandstand program guide, AHA Festival Guide, and other high-visibility and high traffic areas. Radio commercials ran on several Santa Fe County radio stations. Public transportation buses also spread the word. King Kong wraps adorned the sides of buses with the message in both English and Spanish, and over 25,000 coasters were delivered in 2013 to more than 30 bars throughout Santa Fe with the message to not drive drunk but to take a reduced rate cab ride home.

Nearly 12,800 People Used the Cab Ride Home Program in 2013

The Cab Ride Home is provided as a public service on Friday and Saturday nights, as well as some holidays nights because crash and arrest data show this is when more drunk drivers are on the road. During 2013, a study of the pilot program determined that there was a slight reduction in ridership but an increase in the most important ride, the ride home after drinking. The study recommended increasing the price patrons pay from \$1 to \$5 per cab for one or two riders and \$10 per cab for three or more.



Hundreds Take Santa Fe County Cab Ride Home on New Year's Eve

The Santa Fe County DWI Program Cab Ride Home was very popular and very busy. New Year's Eve 2013, 269 people took 147 cab rides home. On an average night during July through December, 223 people took rides home from 124 cab rides. The Cab Ride Service was expanded to include New Year's Eve.



Enforcement

In 2013 the Santa Fe County Board of County Commissioners passed Ordinance 2013-5 that modified the existing vehicle seizure ordinance to take and sell vehicles driven by drunk drivers who have been convicted of drunk driving at least once before. In response, the DWI Program obtained funding from the New Mexico Traffic Safety Division for a clerk's position in the Santa Fe County Sheriff's Department to process seized vehicles for sale at auction. In 2013 the Sheriff's Office seized 50 vehicles from DWI offenders.

The DWI Program also hosted monthly meetings with seven law enforcement agencies, the District Attorney's Office, the Attorney General Special Traffic Prosecutor and other concerned groups. These meetings have increased cooperation which means more checkpoints, saturation patrols and a more coordinated attack on drunk driving.

Walk to Stop DUI (5K Walk)

The Walk to Stop DUI is a non-competitive 5K event hosted and sponsored by the Santa Fe County DWI Program, Santa Fe County Fire Prevention Division and many community partners to raise awareness and money to host a drug and alcohol free Post Prom Party for the Pojoaque High School 2013 Senior Prom. The 5K event was held on April 6, 2013. The course started and ended at the Buffalo Thunder Resort.



Prevention in Schools

In 2013 Santa Fe County DWI Program prevention staff and contractors provided drug and alcohol prevention services to more than 12,000 students in 29 public and private schools in Santa Fe County. Prevention staff also had direct face to face contact with more than 5,000 people during community outreach events like the Santa Fe Bandstand and community health fairs. Anti-DWI and drug abuse messages were delivered as well as collateral material to support the message.

DWI Compliance Monitoring and Tracking program

The DWI Compliance Monitoring and Tracking section of the DWI Program screened 365 DWI offenders referred by District, Magistrate, Metro and Municipal Courts in 2013. A majority, 334 of these offenders, were convicted in Magistrate Court. A total of 1,055 DWI offenders were supervised by Compliance staff in 2013 to ensure they completed court ordered requirements.

Santa Fe County Teen Court

Teen Court of Santa Fe County supports the philosophy of breaking the cycle of behavior leading to criminal activity to keep teens out of Children's Court and the Youth Detention Center. Designed for first time offenders, Teen Court offers alternative sentencing and is run for teens by teens, including volunteer Teen Attorneys. Teens are referred from Municipal and Magistrate Courts as well as the Juvenile Probation and Parole Office and Santa Fe Public Schools.

In 2013 Teen Court received 511 referrals and 369 cases were heard and sentenced at District Court. Teen Court defendants completed 8,897 hours of community service at local non-profit organizations and served 1165 jury duties throughout the year. Teen Court staff completed 318 drug and alcohol assessments and monitored an average of 337 cases.

For more on Teen Court visit www.santafecountynm.gov » Community Services » Teen Court

Teen Court Mural Program

This year the focus of the Teen Court Program was youth development and community involvement. The Teen Court Mural Program is designed specifically to support

positive youth development while simultaneously beautifying communities and strengthening relationships within neighborhoods throughout Santa Fe County. The mural program gives opportunity to engage students in positive self-reflection as role models and constructive participants in their communities. The long term outcome of our Teen Mural Program is that youth will develop the personal and professional confidence to work closely with a "client" to create an appropriate mural design based on the client's directive using creativity and artistic knowledge. The youth learn to work collaboratively with peers and mentors to execute the project and represent their creative work to a wider audience through press conferences, community focus groups, and a public mural unveiling, among other opportunities.

In May of 2013, under the guidance of seasoned muralist Jonathan Cohen, students designed and painted the mural on the home of the original land owner of Frenchy's Field, bringing it back to life as if it were still inhabited today. The students' intention for their beautiful work of public art is to act not only as a means of deterring graffiti and creating a shared responsibility for graffiti prevention at Frenchy's Field, but also celebrating the unique and colorful history of the park area and of the Santa Fe community. We celebrated with a mural unveiling on July 27, 2013.



Regional Emergency Communications Center (RECC)

The RECC receives all police, fire, medical and animal control Emergency 911 calls and non-emergency calls for Santa Fe County, the City of Santa Fe and the Town of Edgewood, and dispatches the appropriate agency to the location as needed. The Center operates on a 24 hour/7 day a week schedule.

RECC Implements Pilot Tracking Project

In calendar year 2013, the RECC completed the implementation of the pilot project for utilization of Global Positioning System (GPS)/ Automatic Vehicle Location (AVL) systems and the upgrade to the Computer-Aided Design (CAD) and mapping systems. RECC is now implementing closest unit dispatch protocols that will allow dispatch to deploy the response resource that is physically closest to the incident, in place of radio calls to units. This will decrease response times, improve officer and field unit safety, and increase overall dispatch efficiency.

Regional Training Location

RECC has established the Santa Fe County Center as a training hub for the region, hosting classes attended by law enforcement, fire and EMS agency personnel from various surrounding jurisdictions. Many Santa Fe County RECC employees have attained certification as State Law Enforcement Academy accredited instructors, allowing them to teach at the State Dispatch Academy and elsewhere as needed.

Santa Fe RECC Instrumental in New Mexico 911 Scholarship Funding

Santa Fe RECC was instrumental in getting New Mexico 911 operators included as scholarship recipients for funding to attend training in dealing with all aspects of violent crime. As a result, New Mexico 911 operators have also now been added to the list of eligible recipients for statewide training grant money provided by the United States Department of Justice through the New Mexico Crime Victims Reparation Commission under the Violence against Women Act.

RECC 2013 Call Volume

January 1, 2013 – December 31, 2013

**Total telephone calls handled 413,058
of those 76,658 were 911 calls**

Calls for Service (Number of Dispatches)

County response units dispatched 76,176

City response units dispatched 143,500

**Town of Edgewood
response units dispatched 5,942**

Emergency Management

National Incident Management System Utilized for Santuario de Chimayo Pilgrimage

Over 20 Public Safety Agencies spanning five separate jurisdictions came together in the 2013 event using the National Incident Management System. This system is a joint coordination effort between Santa Fe and Rio Arriba County Emergency Management Offices.

Wildfire Preparedness Meetings Held in Various Commission Districts

By request from County Commissioners the Office of Emergency Management presented several Community Wildfire Preparedness meetings throughout the County. The public was introduced to the *Ready, Set, Go Program* which was recently adopted by the New Mexico State Forestry Department.

Santa Fe County Emergency Management Flooding Response

Flooding in 2013 led to over a week of Emergency Management response. Over a thousand sandbags were delivered to San Ildefonso Pueblo. Severe flooding around Santa Fe County led to four simultaneous swift water rescue calls in the Turquoise Trail area and below the Galisteo Dam. General Goodwin and other roads in the area were impassable by emergency vehicles. Santa Fe County Office of Emergency Management requested National Guard assistance.

Other Initiatives

- Full Scale Active Shooter Exercise
- Bureau of Reclamation/ County Emergency Operations Center Drill
- School Emergency Planning Activities



Santa Fe County Fire Department

The Santa Fe County Fire Department's mission is to provide high quality fire, rescue and emergency medical services to the citizens and visitors of Santa Fe County. The Department protects approximately 1900 square miles of unincorporated area as well as the incorporated Town of Edgewood. Santa Fe County is also home to four Pueblos – Nambe, Pojoaque, Tesuque, and San Ildefonso - which rely on the Santa Fe County Fire Department for emergency services.

The Department maintains 32 fire stations countywide including five staffed regional stations and one staffed substation, as well as an extensive inventory of 199 vehicles including fire and EMS response apparatus and command and support vehicles.

Emergency Calls and Transport

- Responded to over 6,700 fire and emergency medical calls
- Treated and transported over 2,300 patients

Santa Fe County Fire Department Volunteer Recruitment

Santa Fe County Fire Department Recruiting and Retention Captain attended numerous job fairs, school career days and participated in Public Safety Day to help recruit new volunteers. In 2011 Santa Fe County Fire Department applied for and received a four year Staffing for Adequate Fire & Emergency Response (SAFER) grant in the amount of nearly \$499,200 which included funding for various media advertising campaigns, training costs, and the Recruitment and Retention Captain's salary and benefits. This resulted in the recruitment of 123 new volunteers, spread throughout 13 of the 14 County Fire Districts. The number of new

volunteers recruited in 2013 has helped maintain a steady number of volunteers who serve the fire department. Currently, Santa Fe County has approximately 350 dedicated volunteer firefighters.

Santa Fe County Fire Department Volunteer Training

- Completed two Volunteer Fire Academies resulting in 29 graduates who are International Fire Service Accreditation Congress (IFSAC) certified at the Firefighter I level. These graduates bring the total number of Volunteer Fire Assistance graduates to 139 in the past four years
- Completed Fire Officer I course for Volunteer District Officers resulting in 16 graduates

Santa Fe County Fire Department Grants

- Awarded 2013 New Mexico Fire Protection Grant in the amount of \$45,836.78 for Personal Protective Equipment, Thermal Imaging Cameras and 4-Gas meters for 2 Districts



- Purchased and distributed 106 sets of structural firefighting protective gear to the fire district volunteers acquired through a New Mexico Fire Protection Grant
- Awarded a Federal Emergency Management Agency grant to purchase breathing air compressors

Santa Fe County Fire Department Training

- Completed one Cadet Fire Academy with seven graduates
- Graduated three field staff members from Firefighter/EMT-I to Firefighter/Paramedic through the Santa Fe Community College Paramedic Program
- Enrolled three field staff members into the University of New Mexico, School of Emergency Medicine-Paramedic Program
- Hosted the first EMT-Advanced course for Santa Fe County and brought six field staff members from the EMT-Basic level to EMT-I/Advanced level
- Conducted 24 hours of Battalion training and over one hundred hours of fire and medical training

- Developed and delivered "Airway 911" course for over 150 Emergency Medical Technicians
- Held two basic auto extrication courses for seventy career staff and over a hundred volunteers
- Developed and implemented Aerial Apparatus training for the Northern and Western Regions of the county

Fire District Improvements

- Apparatus ordered and delivered in 2013 include: one Tanker, one Brush Truck and one Fire Engine for Eldorado; one Engine for La Cienega; one Ladder Truck for Pojoaque; one Engine for Edgewood; one Brush Truck for Madrid; one Engine for La Puebla; and one Brush Truck for Chimayo
- Completed remodel of old La Cienega Fire Station for Fire Prevention Office
- Plans to remodel for Hondo Station 1, Glorieta Sub-station and La Cienega Station 2 underway
- 25 pump tests, annual hose, ladder, SCBA testing and over 650 work orders for fleet maintenance completed

Solar Powered Firehouse First in the County

Santa Fe County completed a solar project to make the Tesuque Fire Station, the first fire station in Santa Fe County to be powered by the sun. The \$18,990, 6.1- Kilowatt solar system was funded in part from the nonprofit New Energy Economic as part of its "Sol not Coal" campaign. The Tesuque firehouse will be powered entirely by the sun and should receive a check of about \$20 a month from PNM. In total Santa Fe County will save approximately \$1,500 a year on energy costs because of the solar project. Santa Fe County started work on the second solar powered firehouse located in Chimayo.

Santa Fe County Of Select Few to Participate in National Fire Protection Program

Santa Fe County, in partnership with Forest Guild was selected along with seven other communities nationwide to participate in a Fire Adapted Communities Learning Network national pilot program. Fire Adapted Communities is a program of the National Fire Protection Association.

Fostering fire adapted communities has become a major focus of federal wildland fire and disaster management, and it is one of three primary goals of the National Cohesive Wildland Fire Management Strategy. The Fire Adapted Communities Learning Network was developed to study the different methods of community wildfire mitigation strategies that work, and to share those methods across the country among the different community "hubs". Each hub is then tasked with sharing the methods with collaborative partners in each area.





"We were chosen to participate in the pilot program based on our innovative and cost effective methods of identifying wildfire hazards on a parcel-level scale and utilizing that data to educate the communities identified as hazardous," said Krystyn Nystrom, Santa Fe County Wildland Urban Interface (WUI) Specialist.

The Santa Fe County assessment findings are published to a public website www.sfcfire-wildland.com, and a comprehensive plan of mitigation is created to prepare firefighting resources for a wildland fire incident and to guide the utilization of grant resources to the most cost effective mitigation efforts.

Krystyn Nystrom developed a specialized database to collect and disseminate assessment data which can be utilized across GIS and web applications, as well as developed a method to overlay the data onto the SimTable (a virtual wildland fire simulator) for use in firefighter training and public education.

Forest Guild in partnership with the Joint Fire Science Program is currently researching Santa Fe County's methods to provide guidance nationwide on the effectiveness of Community Wildfire Protection Plans and their implementations.

Santa Fe County, as a hub partner is recognized nationally as being an innovator in beginning to address the Wildland Urban Interface fire problem faced across the West. We are now beginning to share our methods with other counties in New Mexico, as well as with other organizations and local governments across the country.

For more information visit the Santa Fe County "hub" website at <http://www.fireadaptednewmexico.org>.

Corrections

The Santa Fe County Corrections Division has improved overall operations in the past year to focus on the delivery of services that consist of quality of life and care, customer service, continuous quality improvement, development of employee retention and fiscal responsibilities.

"The Santa Fe County Corrections Department has worked diligently to establish a professional, yet personable bond with our community, staff, volunteers, and inmates," said Warden, Mark Gallegos.

Increasing Staff and Training

The Corrections Division has re-focused on the safe direct supervision of the entire inmate population by increasing staffing levels and upgrading the facility and equipment in the facility increasing safety and security for staff and inmates.

The Corrections Division has instituted new hiring and promotional standards which consist of a written and physical test, oral interview and a thorough background check of all applicants. Once accepted new hires are required to complete a six week training academy.

The six week training academy was adopted in 2013 to meet the standards of the American Corrections Association and the New Mexico Association of Counties Detention Mandatory Standards. The academy consists of each staff member completing training in security operations, customer service, dealing and treating the mental health and substance abuse addicted populations, and the overall commitment of providing a safe, secure, and humane environment with a variety of services to assist those in detention, whether they are sentenced to our facilities or awaiting transport, trial or sentencing. Santa Fe County graduated two cadet academies for a total of 23 detention officers.

Our current staff is also required to complete our Experience Based Training Academy, which is an enhanced 40 hour in-service training required for each employee governed by detention standards.

Through our new hiring process and retention program we were able to reduce our staff vacancy rate by 14 percent.

Santa Fe County First County to Adopt Crisis Intervention Training in the State

Santa Fe County was the first of 33 counties in the State of New Mexico to adopt the Crisis Intervention Training in our Academy with cadets and staff in dealing with inmates who have mental health disorders. This consists of identifying inmates upon intake who have mental health disorders and properly referring for follow up care in the facility as well as follow up treatment in the community.

Crisis Emergency Response Team Implemented

The facility administration implemented a well-trained Crisis Emergency Response Team (CERT) that will respond to any crisis or emergency in the facility. This team has been trained to deal with any facility crisis as well as being equipped with the modern equipment to do so.

County Facility Implements New Booking and Triage Process

Our administration implemented a new booking and inmate triage process which consists of a medical, mental health, substance abuse, and individual case management assessment of each inmate who is booked into the facility. Our professional staff in medical, security, behavioral health and case management screened and triaged each inmate and referred inmates in need of ongoing services to the right department for follow up.

Correction Facility Numbers 2013

- Inmates booked into the adult facility 9,221
- Inmates released from the adult facility 9,217



Working to Increase and Continue Services

Therapist created a referral process for inmates who need on-going mental health and/or mental health therapy with community programs. Also new in 2013 was the implementation of weekly staffing for inmates who have severe special needs to assist with treatment plans and/or referrals to other programs within the facility and/or community. Upon release, inmates are referred to available community providers to ensure a true continuum of services which included Substance Abuse and Mental Health Treatment facilities, as well as to various departments within Children, Youth and Families. These cases involved a formal staffing conducted with the receiving agency to ensure proper information and diagnosis were communicated.

Corrections Capital Outlay Projects Completed in 2013

Santa Fe County completed five Capital Outlay projects to enhance the safety and security, both internally and externally at the Corrections facilities.

- Replaced plumbing fixtures throughout facility and replaced toilet and wash basin in booking
- Installed canopy in recreation yard
- Repaired/replaced fencing around perimeter
- Asbestos remediation/re-surfaced floors in pods
- Purchased a Jetter and Forklift

Connecting with the Community

Santa Fe County Corrections worked with the community to receive additional educational materials, replenish our inventory of library books and also recruited volunteers to expand volunteer programming.

Life Skill Programs Implemented in FY 2013

Santa Fe County Corrections implemented several new Life Skill programs, but also worked to provide timely, professional, and comprehensive educational services to better prepare inmates for the job market which, upon release, will reduce the recidivism rate.

- Art Class
- Music Appreciation Class
- Creative Writing Class
- Art Appreciation Class
- Job Program (provides inmates with jobs within the facility while incarcerated)
- Created and implemented a Native American sweat lodge
- Created and implemented a portable Legal Library
- Therapeutic programs, such as "Thinking for a Change"
- Parenting classes, which provide inmate with a Life Skills Certificate
- Bible Study
- Alcoholics Anonymous (AA)
- Narcotics Anonymous (NA)



Highlighted Financial Accomplishments and Audits

- Reduced overtime resulted in a monthly savings of \$16,000, which equals an annual savings of \$192,000
- Generated \$6.8 million in revenue for Corrections through finalized confinement agreements with 28 governmental entities
- The New Mexico Association of Counties Detention Affiliate Auditing Team completed their final audit of the Adult Detention Facility auditing 208 detention standards. Preliminary recommendation was to support the passing of accreditation with 100 percent compliance to be awarded in 2014.
- The United States Marshal's audit team conducted two (2) detention standard audits that render a 100% compliance.
- A full time County Physician and Programs Manager were hired. The Physician assumed the role of Medical Director to develop and continue a sound medical team with a vested interest in county operations. The Programs Manager established additional inmate programming recruiting and training a total of 91 volunteers.
- Electronic Monitoring increased revenue by \$62,026.58 between Fiscal Year 2012 (\$106,522.22) and Fiscal Year 2013 (\$168,548.80) as part of an increase in population through court orders into the electronic monitoring program as an alternative to incarceration.

Santa Fe County Adult Detention Facility Staff Donates Coats for Kids and Adults

The Santa Fe County Adult Detention Facility staff and volunteers pitched in to make a few Santa Fean's winter a little warmer with some coats, hats and gloves in 2013. On Friday, December 20,



2013 staff from the Adult Detention Facility met with children who needed winter coats from Sweeney Elementary to help them pick out new coats, hats and gloves.

The donations were an assortment of new and slightly used items. In total 30 jackets were donated to the children at Sweeney Elementary.

The Adult Detention Facility Staff also collected men's and women's coats that were donated to the Esperanza Shelter in Santa Fe.

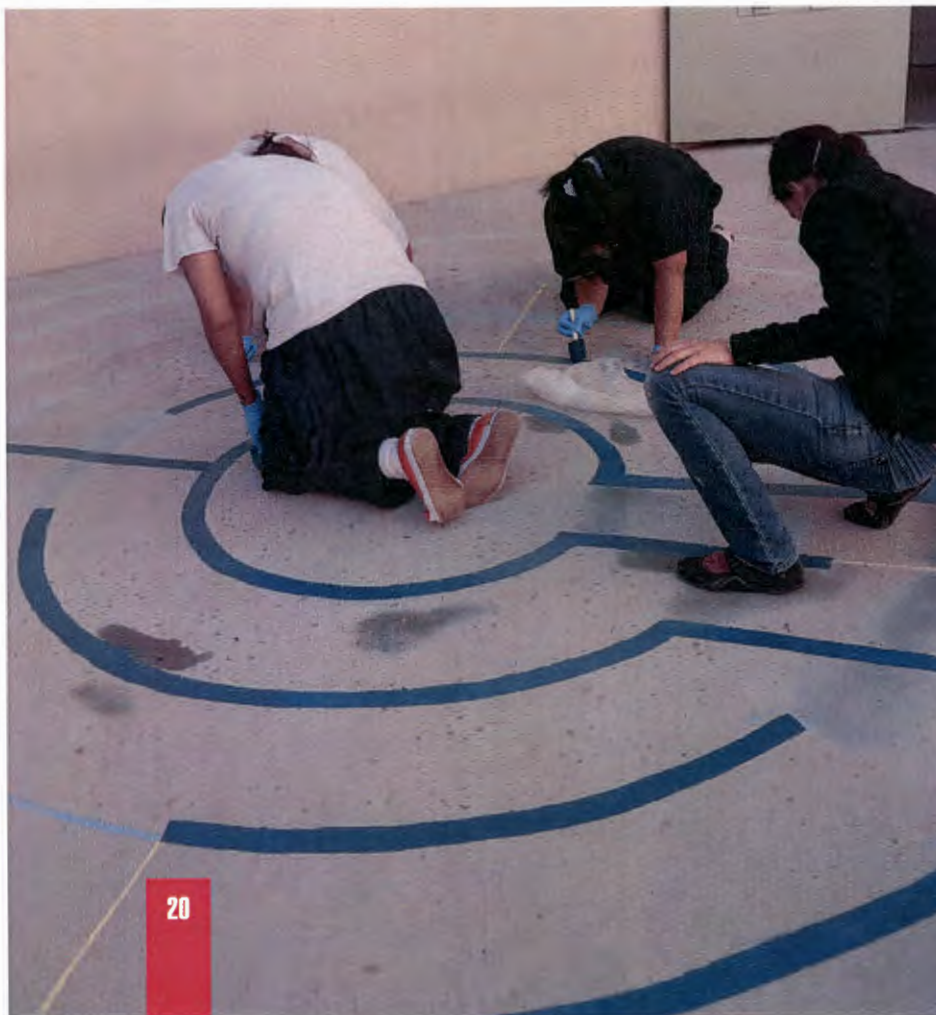
Youth Development Program (YDP) Development 2013

- The Santa Fe Fiesta Court, which gave a history presentation to the residents, presentation included mariachis, singing and dancing
- SITE Santa Fe Art Group volunteered with YDP residents and completed several art projects which included a piñata project
- Native American volunteers taught residents how to make wooden drums with leather hides and basket weaving from willow branches
- Hispanic Pathways to Brighter Futures Through STEM (Science, Technology, Engineering, and Mathematics) careers volunteer group brought knowledge and examples of job opportunities in the science and technologies field; volunteers who worked at LANL and Sandia Labs, scientists, Information Technology and music/video producers provided a question/answer session with residents to expand their knowledge in these fields.
- Yoga classes
- Narcotic and Alcohol Anonymous
- Meditation
- Bible study
- Girls Inc. volunteers came in to work with our female residents
- Young Fathers group came in to work with our male residents



Labyrinth Brings Sacred Space

- In September 2013 a group of inmates in Bravo created a labyrinth with staff and volunteers. Their shared hope was that it would become a sacred space set aside in the recreation yard where people could come to reflect or to pray, to experience peace and inner freedom. The labyrinth is not a maze or a puzzle to solve. The pathway winds into the center and the way out is the same as the way in. The labyrinth design is ancient and found in different variations in many cultures, including cathedrals in Europe and in Santa Fe where many people think of it as a symbolic pilgrimage.



Discover Your Inner Hero At Santa Fe County

In September 2013 Santa Fe County launched a Countywide campaign titled Discover Your Inner Hero that was a collaborate effort between the Corrections Division, Fire Department, Regional Emergency Communication Center, Sheriff's Office and Manager's Office. The campaign featured real Santa Fe County employees in print ads, bus wraps and commercials. Print ads appeared in various news publications, the bus wraps were on the back of City of Santa Fe Trails Buses, State of New Mexico Commuter Buses and North Central Regional Transit District "Blue Buses". The 30 second commercials were aired during Sunday night football games, 10 p.m. newscasts and other peak viewing times on local channels. The commercials even featured Santa Fe County employees as actors for non emergency responder rolls. While the campaign worked to increase employment in the Public Safety, it also was to help highlight the very close and intertwined coordination between the Public Safety at Santa Fe County. The Santa Fe County Sheriff's Office and Fire Department reached 100% staffing levels, there are minimal vacancies in the Regional Emergency Dispatch Center and increased employment at the Corrections facility.

Discover Your Inner Hero by visiting www.santafecountynm.gov/hero

Integrity.

Join Santa Fe County Public Safety
and Discover Your Inner Hero.

Sheriff | Fire | EMT/Medic
911 Dispatch | Corrections



505-992-9880

www.SantaFeCountyNM.gov/Hero

Courage.

Join Santa Fe County Public Safety
and Discover Your Inner Hero.

Sheriff | Fire | EMT/Medic
911 Dispatch | Corrections



505-992-9880

www.SantaFeCountyNM.gov/Hero

Honor.

Join Santa Fe County Public Safety
and Discover Your Inner Hero.

Sheriff | Fire | EMT/Medic | 911 Dispatch | Corrections

www.SantaFeCountyNM.gov/Hero

505-992-9880





A Sustainable Community



A Sustainable Community

Sustainable Land Development Code (SLDC)

The Sustainable Land Development Code (SLDC) was adopted by the Board of County Commissioners through Ordinance 2013-6 on December 10, 2013. The SLDC was adopted after an extensive public input process. The public input process included the release of the SLDC Adoption Draft in October 2013, which incorporated revisions to the SLDC Public Review Draft that was released in September 2012. Meetings were held in each area (El Centro, El Norte, Galisteo and Estancia) of the County as part of the outreach process in addition to Board of County Commissioners Study Sessions and Public Hearings. The public provided comments on the draft throughout the process.

In addition to the extensive rewrite, the following items were developed for the SLDC process:

- Developed preliminary zoning map for the SLDC
- Created Official Map Series for Sustainable Land Development Code, consisting of:
 - Sustainable Development Areas map;
 - Existing rights-of-way map;
 - Future road network map;
 - Bikeways map;
 - Open space, trails,

"We take pride in working with communities within Santa Fe County. The community planning program continues to evolve under the Sustainable Growth Management Plan objectives, setting forth a transparent, manageable and legal role for community and area based participation,"
Robert Griego, Santa Fe County Planning Manager.

- and parks map;
- Utilities map
- Created Affordable Housing Requirements and Archaeological Protection Zones maps for Sustainable Land Development Code.
- Revised proposed Official Zoning Map for Sustainable Land Development Code, based on public comments that have been received.
- Created zoning map GIS data for the community plan-based zoning ordinances and land use plans (12 altogether,) that has been rectified to the County's current parcel data, for potential use in SLDC Official Zoning Map. Also created matrix showing possible relationship of zoning districts in community zoning ordinance to SLDC zoning districts.
- Reviewed and revised zoning-related provisions in the draft Sustainable Land Development Code.
- Prepared GIS data and maps showing the geographic analysis zones that will be used for making population and employment forecasts, for use in drafting the County's development impact fee ordinance.

The zoning map will move through an approval process in 2014, once it is approved the SLDC will take effect as the new development Code for Santa Fe County.

For more information on the SLDC visit www.santafecountynm.gov/SLDC.

Community Planning

Santa Fe County works with unincorporated communities throughout the County to create plans that guide future growth and development and address community needs and values through the Community Planning program in accordance with the Sustainable Growth Management Plan.

Tesuque Community Plan

The Board of County Commissioners (BCC) adopted the Tesuque Community Plan via Resolution 2013-139. Through this community plan and past community efforts and partnerships, Tesuque continues to reinforce its historic development patterns and maintain a healthy ecosystem, enabling a sustainable future as a small distinctive rural community. For more information on the Tesuque Community Plan visit www.santafecountynm.gov » Growth Management / Land Use » Planning Division - Community Planning Program.

Chimayo Community Plan

The Board of County Commissioners authorized the initiation of a community planning process for the Chimayo community by passing Resolution 2012-48 and the Planning Division has coordinated the process to work with the Chimayo community to address future growth and development. Santa Fe County has coordinated with Rio Arriba County and other agencies in the development of the plan. County has completed the first three phases of the community plan and is in the final phase of the process. The final phase of the Chimayo process has been initiated and will include a series of open

houses, community meetings and a final draft of the community plan which is anticipated to be completed by mid-2014. For more information on the Chimao Community Plan visit www.santafecountynm.gov » Growth Management » Land Use » Planning Division - Community Planning Program.

Transportation

Santa Fe County participates within the jurisdiction of three regional planning organizations: the Metropolitan Planning Organization, The Northern Pueblos Rural Planning Organization, and the Mid-Region Council of Governments, Rural Transportation Planning Organization. Each organization is set up to help facilitate the planning and programming of federal funds to local transportation projects.

Metropolitan Planning Organization

This year Santa Fe County and the Metropolitan Planning Organization (MPO) worked closely on four major projects including:

- The County and the MPO will begin its update of the Santa Fe Metropolitan Transportation Plan in 2013.

- In 2013 the County worked closely with the MPO to successfully fund a critical segment of the Santa Fe Rail Trail.
- The Northeast and Southeast Connector Location Study, a critical study for the Community College District was initiated and public meetings were held to discuss alternative roadway alignments.
- The NE/SE Connector study will identify two new road segments east and north of Richards Avenue near the Community College aimed at relieving existing and future traffic.

North Central Regional Transit District Expanded Routes in Santa Fe County

Santa Fe County is a part of the North Central Regional Transit District (NCRTD) which provides transit service through the "blue bus" throughout the County including the communities of Española, Chimayo, Pojoaque, Eldorado, Tesuque, Edgewood and all of the tribal entities and many other areas in the County. The regional transit tax collected in the County last year along with federal dollars provided funding to NCRTD transit routes, and includes six regional routes operated by Santa Fe Trails bus system. The NCRTD expanded its routes in Santa Fe County in 2013 to add stops in Madrid and Cerrillos to the 599 route.



Economic Development

Santa Fe County received a \$2,500 grant from the NM Economic Development Department for the Certified Communities Initiative, which will be used to support unincorporated communities within Santa Fe County with their marketing and Public Relation efforts.

Santa Fe County initiated environmental remediation efforts at the Galisteo Road property (Old Public Works yard) in an effort to prepare the site for a residential housing project with affordable housing and senior housing components. A Phase I Environmental Assessment was completed, as well as a Minimum Site Assessment for the NM Environment Dept. Petroleum Tank Storage Bureau.

Santa Fe County collaborated on and hosted a series of economic development seminars for elected officials and staff from Santa Fe County, Los Alamos County, Rio Arriba County, and Taos County.

Santa Fe County sponsored the BizMix business plan competition.

Santa Fe County sponsored the SF Business Incubator's Global Entrepreneurship Week.

In collaboration with City of Santa Fe, the Regional Development Corporation, and the NM Partnership, coordinated efforts to include outdoor recreation/ecotourism on the list of the NM Partnership's targeted industries for business recruitment.

Draft Economic Development Plan

Santa Fe County completed a draft Economic Development Plan in 2013, to be considered by the Board of County Commissioners for adoption 2014.

The Economic Development Plan is an initiative to implement the Economic Development element of the Sustainable Growth Management Plan (SGMP). This Plan addresses the five target industries identified in the SGMP, which include:

- Arts/Culture
- Outdoor Recreation/Ecotourism
- Film/Media
- Green Energy/Water
- Agriculture

It also adds on additional target industry of Health/Wellness. The Plan provides an analysis of the local economy, and includes specific recommendations and policies for implementation.

Santa Fe Studios

Santa Fe Studios is one of the largest economic development projects in Santa Fe County, and is the newest, most modern studios in New Mexico. With 2 sound stages totaling almost 40,000 sq. ft.

On Site Local Economic Development Act (LEDA) Job Hours

- 2nd Quarter 2013 On Site LEDA job hours: 6,474
- 3rd Quarter 2013 On Site LEDA job hours: 7,774
- 4th Quarter 2013 On Site LEDA job hours: 7,202

The total LEDA hours of 207,700 is Construction plus on Site.

Film Productions:

- A Million Ways To Die In The West
- The Sixth Gun
- Cosmos: A Space Time Odyssey

Open Space and Trails Planning

The Open Space and Trails Community Planner position was moved to the Planning Division in 2013 to address open space and trails planning and to be the liaison with the County Open Lands Parks and Trails Committee (COLTPAC). COLTPAC initiated a process to address long range planning needs for open space, trails and parks Countywide. The Board of County Commissioners approved a Resolution for El Camino Real Buckman Road retrace project to submit a Federal Lands Access Program (FLAP) application for federal grant funds.

Affordable Housing Program

Foreclosure Prevention Program and Affordable Housing Sales Program

Through the Santa Fe County Affordable Housing Foreclosure Prevention Program and Affordable Housing Sales Program, the County sold five homes in 2013.

The purpose of the program is to preserve the affordable housing stock and original subsidy loans through resale of the units and assumption of the subsidy loans by households with incomes under 80% of Area Median Income.

Rent-to-own Program Created

A rent-to-own program was created and has received approval from the Housing Authority Board in 2013. This program enables income eligible households to enter into both a rental and purchase agreement and use the term of the lease to reduce debt, improve credit scores and save money for a down payment.

Down Payment Assistance Program Approves \$100,000 in 2013

Santa Fe County made six down payment assistance request approvals for 2013 totaling \$100,000 in assistance. These are zero percent, non-amortizing, deferred payment loans which are due on sale or vacating of the property. All of the assistance has been provided for the purchase of existing homes.

Homebuyer Training and Counseling

Staff has initiated a program of homebuyer training and counseling with Housing Authority tenants that

are participants in the HUD Family Self-Sufficiency Program (FSS) program or who are otherwise interested in homeownership. Staff has also facilitated credit counseling services with numerous other individuals who are interested in homeownership and the assistance programs that the County provides.



Roof Repair and Replacement Program

The County and its participating contractors completed one roof repair job for \$10,000 and have two other contracts in place, awaiting approval from the State Manufactured Housing Division to authorize GS-21 licensed contractors to perform work on manufactured home. To expedite the process for the coming year, staff has recruited additional contractors to bid on upcoming roofing work.

Affordable Housing Agreements

During 2013, staff worked with the developers of Oshara Village and Apache Springs to create new affordable housing agreements.

Geographical Information System (GIS) Changing the Way Santa Fe County Operates in 2013

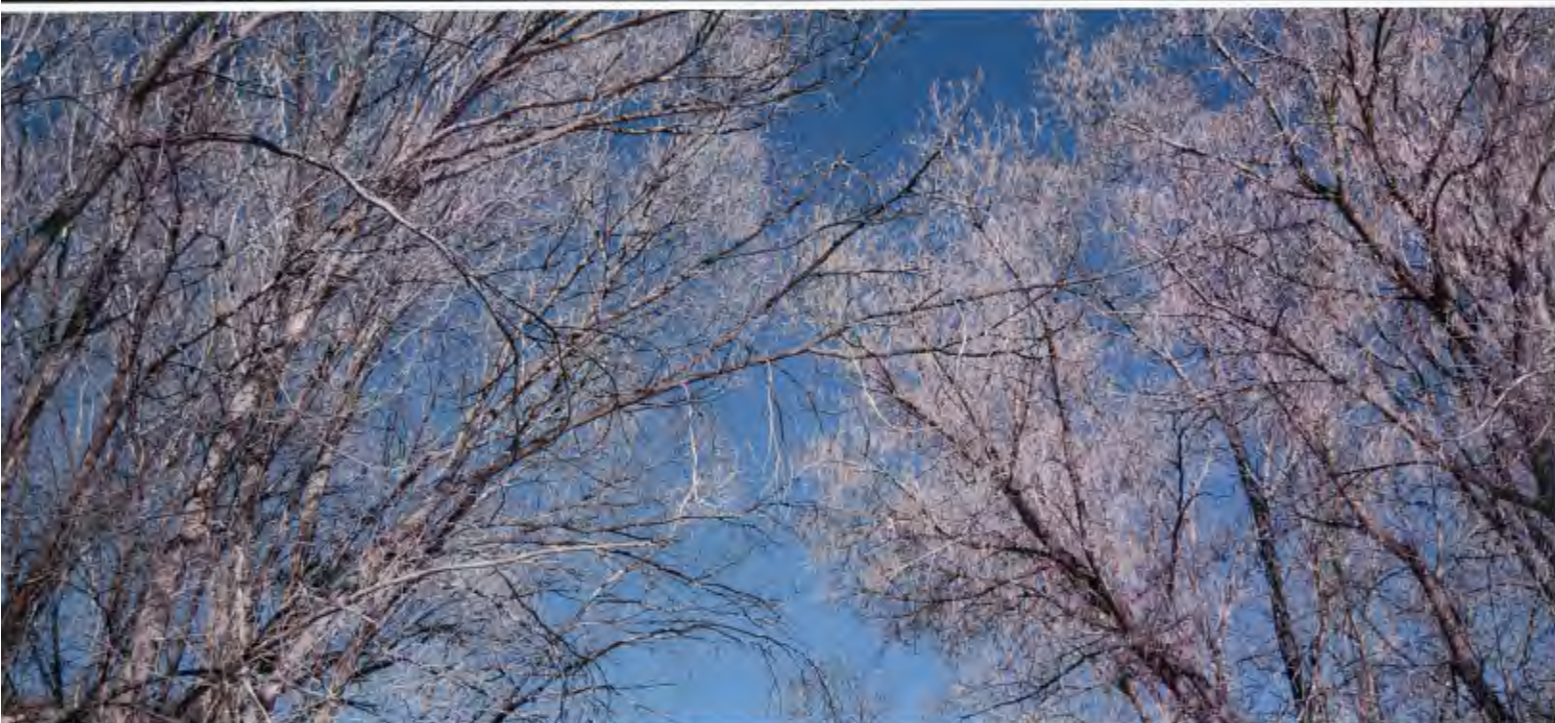
Historic air photos were collected of the Chimayó area and tied to

geographic coordinates so Santa Fe County can digitally compare "then and now" patterns of changing land use from large-scale agriculture to small residential lots and scattered agriculture. This unique method of visualization, presented to the community of Chimayó, has greatly aided in the development of the Chimayo Community Plan.

GIS devised a method for mapping and analyzing a spreadsheet of traffic counts on County-maintained roads. This will add to other numeric evaluation of maintenance needs on County roads.

GIS became the database integration point for all documentation and mapping of past and current land ownership and leases. This facilitates cross-departmental sharing of data and information, and aids in evaluating County levels of service for various community amenities such as Senior Centers, Open Space, and Trails.

GIS and Development Review, in coordination with the State Historic Preservation Office (SHPO), developed a process of expedited archaeological review of new building permits. This process ensures that all new building permit applications are adequately reviewed by SHPO. This resulted in 106 total building permit applications forwarded to SHPO.



Volunteer Coordinator Increasing Volunteerism in Santa Fe County

In 2013 the Volunteer Coordinator for Santa Fe County worked on a variety of programs that increase volunteerism. The projects range from Food Drives to Open Space restoration. Based on her volunteer coordination and recruitment, several projects were complete and helped save tax payers money.

Some of her projects included but were not limited to:

Food Drive 2013- Community Services

Santa Fe County partnered with the Food Depot to collect non-perishable food in order to provide nutritious meals for neighbors in need. Santa Fe County had eight drop off food locations throughout the County equipped with containers to receive the food and monetary gifts. During the week of November 18-22, 2013, the total amount of food that was collected weighed in at 1013 pounds, and \$195 in monetary

contributions were collected. Valuing the monetary gifts at three pounds brought the total to 1,598 pounds. The total in contributions provides 2,131 meals.

Arroyo Hondo Volunteer Work Days

Carol J. Branch-volunteer coordinator for Santa Fe County planned and executed 3 volunteer work days at Arroyo Hondo Trail. Working with limited staff and 12 volunteers, they were able to vastly improve the trail.

Dead trees were removed, eroded areas of the trail were restored, dams were build and a three rail fence was installed as an overlook, using recycling materials.

In total 44 volunteer hours were utilized.

Save the Cottonwoods- La Cieneguilla

Workdays with volunteers from Youthworks and WildEarth Guardians worked to wrap the cottonwood trees with heavy wire fencing

to prevent beavers from gnawing the trees and eventually killing them.

Two staff members and 28 volunteers wrapped approximately 40 trees with 350 feet of fence.

In total 141 volunteer hours were utilized for this for this event.

Equestrian Arena Extravaganza

The Open Space and Trails crew worked several days to put up signs and clear out dead brush to prepare for the Grand opening at the Edgewood Equestrian Arena. On Saturday August 3, 2013 Santa Fe County along with Rio Grande Mule and Donkey Association, High Desert Riders and several other equestrian clubs held a grand opening at the new Edgewood Equestrian Arena.



A Growing Community



A Growing Community

Traffic Calming Policy

A new traffic calming policy was adopted by the Board of County Commissioners on September 23, 2013 as the previous speed hump policy sunset in July of 2010. This new policy provides a mechanism for local residents to initiate traffic calming in their neighborhoods and allows for the use of appropriate traffic calming tools to help alleviate the negative impacts caused by traffic and speeding vehicles. This traffic calming policy is designed to coordinate the collaboration of County staff and citizens, in an effort to produce effective traffic calming throughout Santa Fe County's Communities on Santa Fe County maintained roads. For more information, including a copy of the Ordinance and related documents visit www.santafecountynm.gov » Public Works » Traffic Engineering Division

Santa Fe County Completed Projects List 2013

CR98 Road Widening Phase II

Santa Fe County completed the second phase of the CR98 Road Widening project. This project involved widening the east side

"The most direct interaction that many County residents have with their government is through Public Works: roads, solid waste and water. This makes our job that much more important,"

Santa Fe County Public Works Director, Adam Leigland.

construction cost came in at a savings of \$26,226.02 from the initial construction bid amount. The savings on this project came from the implementation of supplementary quality assurance procedures the contractor had to adhere to in the placement of construction material and the construction inspector ensuring compliance. This project also required the modification to existing drainage structures in order to accommodate the road widening.

Caja Del Rio Road Improvement Project Saves Over \$200,000

Santa Fe County recently completed the Caja Del Rio Road Improvement Project and upon the completion had a total project savings of over \$200,000 and a reduced completion time. The cost savings and shorter project time came from an extensive coordination between the Project Management, Public Works Department, Public Safety Department, Public Information Office, City of Santa Fe, local business and homeowners and the Contractor. The coordination allowed for a full road closure and work performed overnight, in place of building temporary roads, which was needed for installing a necessary culvert. In Addition to the cost savings, by not constructing and removing the temporary roads, the project was completed six weeks earlier.

of CR98. The project length was 2.26 miles, just east and south of Chimayo. The construction of this project began on August 27, 2013 and was completed on October 31, 2013. The final



Santa Fe County contracted Bohannon Huston as the design firm, The Louis Berger Group construction manager and contractor, Albuquerque Asphalt, Inc, for this project. The Caja Del Rio Road Improvement Project included the rehabilitation of 1.9 miles of existing asphalt surface to withstand current traffic demands and widening the road to accommodate bicycle lanes.

Steve Herrera First Judicial Complex

The new Steve Herrera First Judicial Complex was completed in February of 2013. The 103,000 square foot facility encountered numerous challenges during construction including the removal of 25,000 tons of contaminated soil, the treatment of approximately 5.5 million gallons of impacted ground water to remove contaminants and over 15,000 gallons of perched gasoline left by leaking tanks at three former gas stations. The Courts moved into the new building during the first week of June and officially opened on June 10, 2013.

The completed project is seeking a LEED Gold (*Leadership in Energy and Environmental Design*) designation. Conservation features include Storm Water catchment and storage for irrigation, high efficiency heating and cooling, high efficiency water fixtures, green paper products and janitorial supplies and a roof mounted array of photovoltaic solar collectors that provide 12% of the buildings total electrical demand. The completion of this project represents the culmination of over eight years of collaborative effort between Santa Fe County, the First Judicial District Court and its judges and the State of New Mexico.

El Rancho Basketball and Pojoaque Tennis Courts Re-surfacing

The El Rancho Community/Senior Center Basketball Court and Pojoaque Tennis Courts located off NM 503 were rebuilt and re-surfaced in the Summer of 2013. The existing courts were over laid with three inches of new asphalt and received new acrylic playing surfaces. Both facilities receive high use by the public and their refurbishment will allow for continued use well into the future.

Edgewood Open Space

The Edgewood Open Space is a 30 acre tract located in the Town of Edgewood. The project consists of an equestrian arena, trails, and a picnic area and is jointly operated with the City of Edgewood and the County. The project was completed in August 2013.

South Meadows Open Space

Located at the intersection of South Meadows Drive and Rufina Road, the South Meadows Open Space property was identified as a significant community resource by community members the year 2000. The County Commission recognized a unique opportunity to provide a single, large parcel of open space to the community in a rapidly urbanizing area of the greater Santa Fe Metro Area and approved the property for acquisition in 2001. The design of the project is complete and the project is currently waiting for additional construction funding.

Rail Trail Segments 1, 2, 3 and 4

The Rail Trail is a proposed 12 mile improved trail within the Santa Fe Southern Rail Road Right of Way. Construction of the first

1.7 mile segment of the alignment and the Rabbit Road trailhead are complete. The first segment runs from Rabbit Road south to the Spur Trail. Sections 2, 3, 4 are being prepared for construction in Spring 2014. The completion of all four segments will extend the trail through the Eldorado subdivision.

Edgewood Senior Center Garden

The community garden at the Edgewood Senior Center was fenced and a rainwater catchment system was installed to supply necessary irrigation during the dry season. Vegetables grown in the garden are utilized at the Senior Center's lunch room, providing a fresh, nutritious supplement to the senior citizens in the Edgewood area.

San Isidro Crossing

The San Isidro River Restoration Project included the development of the San Isidro River Park (approximately 2 acres) and the River Trail along with the rehabilitation of approximately one mile of the Santa Fe River between San Isidro Crossing and Lopez Lane. The Project included approximately 29 acres of open space property, part of which is adjacent to Agua Fria Park. Phase I of the Restoration Project employed a variety of innovative "Bioengineering" techniques to maintain the newly excavated channel configuration. The design consisted of a widened, meandering channel, sloped banks, and constructed flood plains. The series of meanders and other features, is hoped to create a more natural flow way that could enhance water quality, improve the environment and provide wildlife habitat along this part of the Santa Fe River.

Phase II was completed in August of 2013 and consisted of the construction of rock structures and willow wattles to stabilize the river



channel below San Isidro Crossing and address off-site drainage issues. The project also included landscaping and re-vegetation. A community sculpture designed by Michael Bergt will be installed at the San Isidro Crossing trailhead.

Edgewood Fire Station

The Edgewood Fire Station is a 14,998 square foot facility that accommodates the career and volunteer firefighters and Emergency Medical Personnel for the Southern Region of Santa Fe County as well as the Edgewood Fire District, providing coverage for the Town of Edgewood, southern Santa Fe County and assistance as needed to adjacent jurisdictions. The fire station will provide comfortable accommodations for three different work shifts, including accommodations for volunteer staff, a living room, kitchen, offices, laundry room and outdoor patio spaces. Like the Rancho Viejo station, Edgewood has a training room with exercise and weight lifting equipment, a conference meeting room with a divider that separates the room in half to accommodate multiple meeting requests, offices for staff and an apparatus bay that houses nine fire and emergency vehicles. The Edgewood Fire Station sits on a 3.5 acre parcel leased from the State Land Office in the Town of Edgewood. The final construction cost was \$3.3 million.

La Cienega Fire Station #1 Remodel for Fire Prevention Division

The La Cienega Fire Station #1 is a remodel of an existing fire station that was converted to administrative offices for the Fire Prevention Division. The facility remodel created eight offices, a kitchen, a secured records room, a meeting room, a reception office and an apparatus bay.

Vista Grande Library Addition Underway

The Vista Grande Library serves the Eldorado, Glorieta, and surrounding area. Santa Fe County appropriated funding for the building expansion from the Gross Receipts Tax-funded Capital Projects that was initiated in 2012. The project consists of a 4,000 sq. ft. expansion along with site improvements.

This building addition will accommodate expanding the library collections, book shelf stacks, reference and periodical reading area as well as providing additional computer stations. Also included in the expansion is a new processing workroom, new office, three new tutoring/small meeting cubicles, a new meeting room (with a separate building entrance) that will allow the use of the meeting room for community meetings as well as for showings for the popular "Movie Night" and children's programs. Support spaces in the expansion include a kitchenette, store room, restroom data and janitor closets.

Maintenance Work Order Completion

The chart below shows total work orders from road, facilities, traffic, and parks and open space as tracked in Cartegraph and Maintenance Connection. The on-time completion rate exceeds the internal goal of 75% (which is our budget performance measure).

| | |
|--------------------------------|-------------|
| Total Work Orders | 4415 |
| On-time Completion | 3599 |
| On-time Completion Rate | 82% |

County Upgrades Completed by Public Works in 2013

Human Resources Building

The upgrades to Human Resources Building consisted of new tile flooring throughout hallways, bathrooms and existing conference room, new interior paint and new carpeting in office spaces. Expansion of the IT training room, custodian's closet and remodel of existing space to create new conference area was also included.

The demolition and complete rebuild of existing bathrooms was completed including replacement of all existing plumbing piping and fixtures. New sewer line was installed along perimeter of exterior of building. Bathrooms are now ADA compliant.

Corrections

Improvements at the County Correctional Facilities during 2013 include: Asbestos remediation at the Youth Development Program facility (YDP), Additional and replacement fencing at YDP, new canopy at the Adult Detention Facility (ADF), Plumbing upgrade including shower fixtures, toilets and wash basins at ADF and Cooling Tower replacement at the Public Safety Complex.

Administrative Building

Improvements at the County Administration Building at 102 Grant in 2013 included the remodel of two Commissioner offices and minor upgrades to the Treasurer's office.

Santa Fe County Studies

Arroyo Alamo West Drainage Study

The Arroyo Alamo West Drainage Study provides important documentation as to the existing drainage conditions in District 1 of the CR88D area and how it has been impacted by past rain events and how it will be impacted by future larger storm events. The study also provides a drainage priority plan in which summarizes the results of the feasibility estimates of the drainage recommendations presented in the drainage study.

Old Judicial Redevelopment Study

Santa Fe County has initiated a feasibility study to determine the highest and best use for the former First Judicial Complex in downtown Santa Fe. Study options include remodeling to consolidate County Administrative Offices as well as the sale of the property and creating an out of downtown "County Campus". Santa Fe County created an online survey to solicit feedback and also hosted a community meeting. The Board of County Commissioners will provide final direction in 2014.

Santa Fe County Solid Waste Division

Public Works Solid Waste Division processed 10,064 tons of solid waste, by transporting from each transfer station to the Caja Del Rio landfill.

Recycling Rate in Santa Fe County 17.5 %

Santa Fe County Solid Waste processed 1,771 tons of recycling in calendar year 2013. The recycling

tonnage reflects a recycling rate of 17.5%, which is 3% higher than the state average of 14.35%.

Congratulations to Santa Fe County residents for your wonderful recycling efforts!

All Santa Fe County residents can recycle paper, plastic, cardboard, aluminum and glass for FREE at any Transfer Station.



2013 Completed Road Projects

Jaymar Road

Drainage improvements, placement of four inches of basecourse and a new double penetration chip seal surface along with a fog seal on 1 mile of road.

Project Funding Source
General Obligation Bond
Project Cost
\$166,343

B Anaya Road

Drainage improvements, placement of four inches of basecourse and a new double penetration chip seal surface along with a fog seal on 2 miles of road.

Project Funding Source
General Obligation Bond
Project Cost
\$292,721

North Weimer Road

Drainage improvements, placement of four inches of basecourse and a new double penetration chip seal surface along with a fog seal on 2.53 miles of road.

Project Funding Source
General Obligation Bond
Project Cost
\$325,183

Hale Road

Drainage improvements, placement of four inches of basecourse and a new double penetration chip seal surface along with a fog seal on 4.01 miles of road.

Project Funding Source
General Obligation Bond
Project Cost
\$761,950

Roach Road

Drainage improvements, placement of four inches of basecourse and a new double penetration chip seal surface along with a fog seal on .76 miles of road.

Project Funding Source
General Obligation Bond
Project Cost
\$150,233

Western Road

Drainage improvements, placement of four inches of basecourse and a new double penetration chip seal surface along with a fog seal on 3.28 miles of road.

Project Funding Source
General Obligation Bond
Project Cost
\$440,071



Camino La Tierra

Single Machine Hot-In Place Surface one and a half inch overlay for 2.64 miles of road.

Project Funding Source

General Obligation Bond

Project Cost

\$542,732

Old Lamy Trail

Single Machine Hot-In Place Surface one and a half inch overlay for 1.54 miles of road.

Project Funding Source

General Obligation Bond

Project Cost

\$210,493

Ellis Ranch Road

Drainage improvements and placement of a single penetration chip seal on top of the existing chip seal surface for .40 miles of road.

Project Funding Source

NMDOT Local Government Road Fund Grant. NMDOT 75% contribution, Santa Fe County 25%.

Project Cost

\$29,105*

Rancho Alegre Road

Drainage improvements and placement of a single penetration chip seal on top of the existing chip seal surface for 1.13 miles of road.

Project Funding Source

NMDOT Local Government Road Fund Grant. NMDOT 75% contribution, Santa Fe County 25%.

Project Cost

\$27,007*

Nine Mile Road

Drainage improvements and placement of a single penetration chip seal on top of the existing asphalt surface for 2.01 miles of road.

Project Funding Source

NMDOT Local Government Road Fund Grant. NMDOT 75% contribution, Santa Fe County 25%.

Project Cost

\$50,328*

Apache Plum Drive

Drainage improvements and placement of a single penetration chip seal on top of the existing asphalt surface for .62 miles of road.

Project Funding Source

NMDOT Local Government Road Fund Grant. NMDOT 75% contribution, Santa Fe County 25%.

Project Cost

\$11,996*

Double Arrow Road

Drainage improvements and placement of a single penetration chip seal on top of the existing chip seal surface for .90 miles of road.

Project Funding Source

NMDOT Local Government Road Fund Grant. NMDOT 75% contribution, Santa Fe County 25%.

Project Cost

\$22,535*

Ojo Del La Vaca

Drainage improvements and placement of a one and three fourths Hot Mix Asphalt overlay for 1.00 miles of road.

Project Funding Source

Santa Fe County Road Maintenance Budget

Project Cost

\$70,000*

Canada Ancha

Placement of a fog seal for .90 miles of road.

Project Funding Source

NMDOT Local Government Road Fund Grant. NMDOT 75%, Santa Fe County 25%

Project Cost

\$4,000*

Camerada Road

Placement of a fog seal for .31 miles of road.

Project Funding Source

NMDOT Local Government Road Fund Grant, NMDOT 75%, Santa Fe County 25%

Project Cost

\$2,400*

Thankohay P'oe (CR 113)

Construction of new low water crossing

Project Funding Source

Santa Fe County Road Maintenance Budget

Project Cost

\$27,000

Calle Francisca

Construction of new all weather crossing

Project Funding Source

Santa Fe County Road Maintenance Budget

Project Cost

\$25,000*

La Tierra Subdivision Chip Seal Projects

Drainage improvements, placement of 6" of basecourse, and a new double penetration chip seal surface along with a fog seal on 1.75 miles of road. Roads improved were Vuelta Tomas, Vuelta Linda, Vuelta Muerdago, Vuelta Montuoso, and Estrada Redonda.

Project Funding Source

La Tierra Subdivision Homeowner Association Fees

Project Cost

\$170,000*

*Reflects the cost for materials only, does not include County labor or use of equipment to perform the work.

Santa Fe County Utilities

Santa Fe County Expands Customer base by 40%

Santa Fe County Utilities incorporated approximately 1,000 water and wastewater customers, expanding the customer base by over 40% in 2013. The expansion was part of the County-City Annexation agreement. The Utilities Division has implemented additional customer services and operations programs as part of the customer base growth.

Santa Fe County also added the Penitentiary of New Mexico as a utility customer. The Penitentiary can rely on a safe, renewable potable supply, while local groundwater resources are rested.

Buckman Direct Diversion

Utilities provided approximately 500 acre-feet (162 billion gallons) of potable water to its customers in 2013, thus reducing the basin's reliance on groundwater through the Buckman Direct Diversion (BDD). The BDD produces safe, reliable, and renewable water for utilities customers using Santa Fe County Rio Grande water rights.

Quill Wastewater Treatment Plant Protecting Regional Groundwater Supply

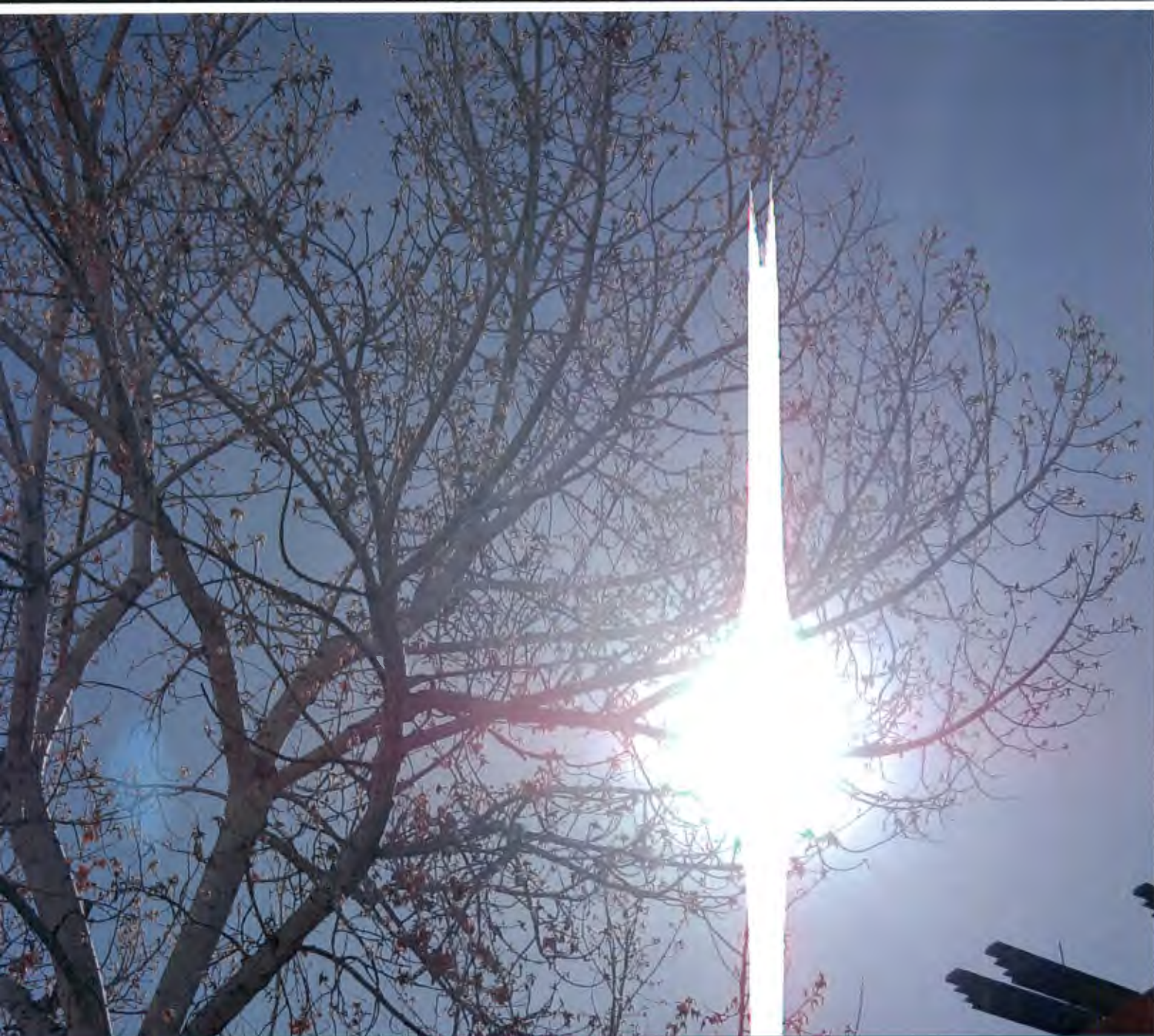
The Utilities Division has made critical repairs in the treatment process to the Quill wastewater treatment plant; including replacing lagoon liner, increasing aeration capacity, and emptying a sludge basin. With additional planned repairs and upgrades, the Quill plant will be able to accept wastewater from nearby areas, thus protecting the region's groundwater quality.

Aamodt

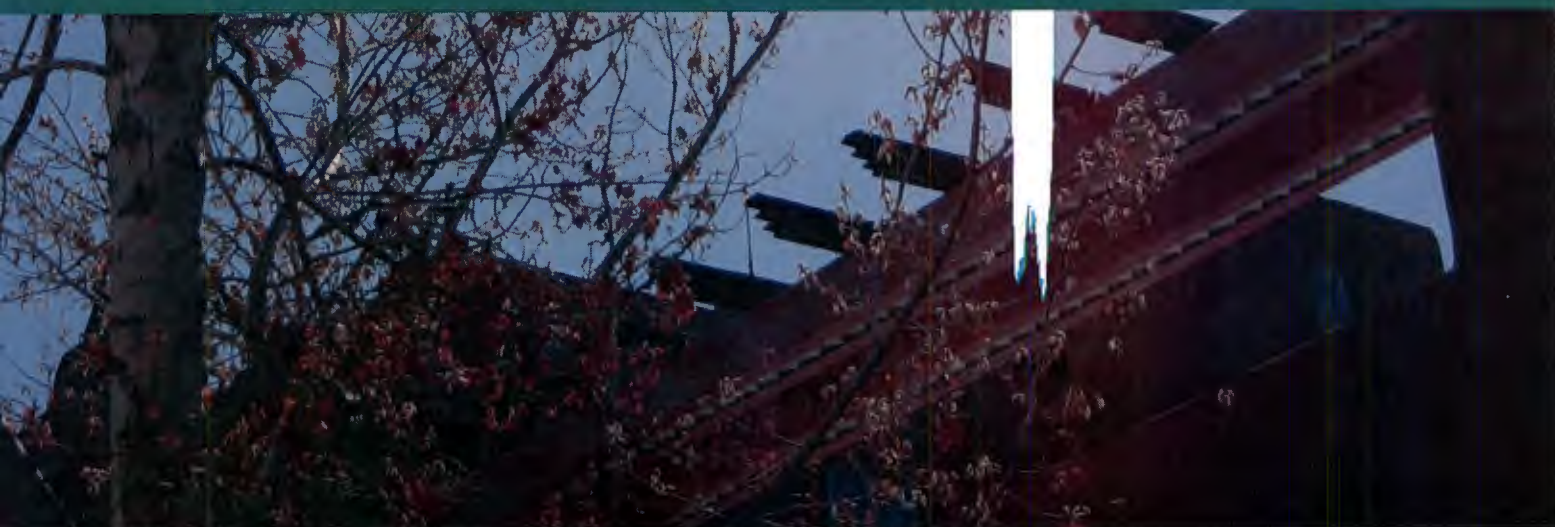
Aamodt settlement continues to make significant headway. In efforts to help provide information to residents affected by the settlement Santa Fe County has a webpage dedicated to providing information, important documents and meetings dates on our website. Residents can access the page by going to www.santafecountynm.gov and clicking on Aamodt Settlement Information under Hot Topics.

Santa Fe Basin Climate Change Studies

Recognizing the need for water planning in light of projected impacts from climate change, Santa Fe County is partnering with the City of Santo Fe and the Bureau of Reclamation in a federal basin study program. The Santa Fe Basin Climate Change Studies will identify how water supplies in the Santa Fe watershed will be impacted and what kinds of adaptation measures would benefit our community.



A Proficient and Transparent Community



A Proficient and Transparent Community

Community Centers

Santa Fe County owns or leases and manages seven Community Centers (listed below) for community use. Community Centers are for the use of residents and are to be used primarily for public purposes that benefit the community. Priority for using the Centers is given to public events and activities open and geared toward the community at large. Centers cannot be used for any business, profit making endeavors or political events.

In June of 2013 the Santa Fe County Board of County Commissioners passed a new Resolution for Centers that establishes Trustees at each Center to assist the Community Services Department in the operation of the Centers. During 2013, the Centers were utilized by 304 County residents for events such as birthday parties, meetings, neighborhood celebrations or memorials.

Our Community Centers

Bennie J. Chavez Senior and Community Center, Chimayo, NM

Cundiyo Community Center, Cundiyo, NM

El Rancho Senior and Community Center, El Rancho, NM

Santa Fe County continually strives to be better, to save money, to be more transparent. The amount of recognition our County has received is a testament to the staffs commitment of providing quality work in addressing the County's needs, resources, commission priorities and more,"

County Manager, Katherine Miller.



Nancy Rodriguez



Nambe



La Cienega



Cundiyo Senior Center



La Cienega



El Rancho



Rio en Medio / Chupadero Center

La Cienega Community Center,
La Cienega, NM

Rio en Medio/Chupadero
Community Center, Chupadero, NM

Nambe Community Center, Nambe,
NM

The Nancy Rodriguez Community
Center, Santa Fe, NM

To Rent a Community Center visit
www.santafecountynm.gov »
Community Services » Community
Centers.

Satellite Offices

Satellite Offices provide outreach constituent services to the citizens of Santa Fe County. Satellite offices are located in Edgewood, Eldorado and Pojoaque. County staff answers general constituent questions, registers people to vote, provides other County Clerk information; Assessor information; Healthcare Assistance information; County vacant job descriptions and applications; and processes solid waste landfill permits.

From January 2013 through December 2013, Satellite Offices sold 805 solid waste landfill permits for \$152,617.

Website Transparency

For Information on the Satellite Offices visit www.santafecountynm.gov » Contact Us » Satellite Offices.

The Sunshine Review, a national nonprofit organization dedicated to government transparency, released the winners of the fourth annual Sunny Awards in March and among the 2013 winners was Santa Fe County. The award honors the most transparent government websites in the nation. Santa Fe County received an A+ from the nonprofit organization. Santa Fe County received an A+ and Sunny Award in 2012 from the organization and an A in 2011.

For the 2013 awards, editors at Sunshine Review analyzed more than 1,000 qualifying government websites and graded each on a 10-point transparency checklist. Editors looked at content available on government websites against the criteria of what should be provided. They sought information on items such as budgets, meetings, lobbying, financial audits, contracts, academic performance, public records and taxes.

Looking to Online Surveys and Online Comments for More Community Input

In 2013, Santa Fe County increased its online survey presence in hopes of soliciting more Community Input. Items such as the Old Judicial Courthouse Study and National Citizen's Survey were available online for residents to provide input. In addition to online surveys, Santa Fe County asked members of the public to email comments on the Sustainable Land Development Code and Animal Control Ordinance among many other items. Santa Fe County also encourages residents to use our Online Public Comment form to send information to Santa Fe County.

Online Comment Form

Santa Fe County launched a new online comment form for residents. The new form was developed to be quick and easy to fill out. The tool allows residents the opportunity to leave their contact information so staff can follow up with them or bypass the contact information fields by simply clicking an anonymous button. The form is a great tool for residents to provide feedback and ideas to Santa Fe County.

The new online comment form can be found by selecting "Public Comment Form" from the Quicklinks dropdown menu on the homepage www.santafecountynm.gov.

Santa Fe County Website Goes Mobile

In 2013, Santa Fe County created a mobile website for individuals who access information on devices such as smart phones and tablets.

Human Resources

Veterans Hiring Initiative Enacted

Santa Fe County adopted a resolution establishing the Veterans Hiring Initiative for the purpose of increasing opportunities for Veterans to obtain employment with Santa Fe County. This hiring initiative recognizes veterans who have served and sacrificed for our Country with honor, courage and dignity. It assists in recognizing the economic loss suffered by citizens who have served our country in uniform. The initiative adds great value to the County because veterans are highly trained individuals that possess a multitude of skills and experience and the motivation to serve the public.

Investing in the County Workforce

- All Santa Fe County staff received a Cost of Living Adjustment (COLA) increase of one percent in January 2013.
 - In July 2013, all employees received a COLA flat rate percentage increase depending on their annual income pay range.
 - A temporary salary adjustment was given to employees earning less than \$70,000 as a retention incentive in July 2013.
 - Increased the starting pay for Sheriff's Office Deputy Cadets to \$17.50 per hour to remain competitive with surrounding agencies.
 - Increased Sheriff's Office detective incentive pay to remain competitive with surrounding agencies.
 - Conducted salary studies on various job classifications which resulted in salary adjustments for identified classifications.
 - Effective March 1, 2013, Santa Fe County opted to pay employees consistent with the City of Santa Fe Living Wage Ordinance.
 - Conducted 163 training sessions which resulted in 323.5 training hours
 - Processed 163 NM Edge applications which resulted in \$39,750 in assistance to employees to attend NM Edge training and education courses.
 - Assisted 21 employees with tuition assistance to complete college courses.
- of Public Safety Officers-Sheriff Deputies Union, Coalition of Public Safety Officers -RECC Union, Coalition of Public Safety Officers -Corrections Union, and the International Association of Firefighters Local 4366 Union.
 - Successfully completed negotiations of the entire agreement with AFSCME.
 - Conducted open enrollment for employee benefits which required a mandatory audit and collection of required documentation
 - Conducted open enrollment for ASI Flexible Spending Account Program. Due to the State of New Mexico Risk Management Division no longer offering this benefit to local public bodies such as Santa Fe County, we opted to continue to provide this benefit to our employees (without a disruption in services).

Increased Contributions Towards Employee Benefits

- Employees who earn \$30,000 or less, from 63% to 80%
- Employees who earn \$30,001 to \$50,000 from 63% to 70%

Santa Fe County Recruiting Local Through Career and Job Fairs

- **Capital High School Career Fair** - Human Resources attended the Capital High School Career Fair and were able to communicate with students the various options for careers with Santa Fe County. Staff was also able to explain our tuition assistance program to students who may be interested in beginning work immediately upon graduation, but would still like to attend college. Santa Fe County distributed over 50 job applications during this event.

Northern New Mexico College Job Fair in Espanola and Santa Fe Community College Job Fair

Santa Fe County Human Resource staff attended the Northern New Mexico College Job Fair to promote vacant positions, explain benefits, and discuss various employee programs. With participation at the two College Fairs, staff engaged discussion and employment opportunities with approximately 65 people.

- **National Night Out** – Santa Fe County had Human Resources staff present at the National Night Out on the Plaza event to promote County job opportunities, employee benefits and other employment information.

Health Fair 2013

The Human Resources Division hosted the annual Health Fair during the annual County Picnic with great turnout. In total, approximately 240 employees attended and 10 vendors participated in supporting the County's healthy lifestyle initiatives. Staff has provided great feedback on the benefits and enjoyment of the Health Fair.

County participates in NM EDGE

Santa Fe County hosted the July 2013 NM EDGE courses, which were conducted at our Rancho Viejo Fire Station. County Manager Katherine Miller taught CPM 111-Knowing Your Government and Adam Leigland, Public Works Director taught CPM 156-Improving Your Writing Skills. We are proud to announce that many employees are interested in taking NMEDGE courses and obtaining their certification.

NM EDGE, a service of New Mexico State University's **Coop-**

Union

- Successfully negotiated wage re-openers with the Coalition

erative Extension Service, is a program designed to provide a comprehensive course of study to administrators, managers, elected officials, and staff in local, state, tribal, and national government, through which participants can acquire and apply the best practices and theory to their management behaviors and strategies using the highest professional standards.

Second Annual Public Safety Day

Santa Fe County hosted the Second Annual Public Safety Day. The Public Safety Day is an opportunity for the public to learn more about careers with Santa Fe County Public Safety to include the Sheriff's Office, the Corrections Department, the Fire Department and the Regional Emergency Communications Center. The event allowed interested candidates to take practice written and physical agility exams as a measuring tool in preparing for the actual testing process. A coordinated effort was established for getting the information to the community including: interviews on a local radio station, information provided through the County's social media Facebook and Twitter, the County website, an informational booth at the State Fair, at the County Fairgrounds, National Night Out event, as well as flyers distributed to various businesses.

Financial Information

Audits

For the past 16 years, Santa Fe County has maintained an unmodified audit opinion. This represents a "clean" audit. Santa Fe County worked diligently to resolve its four prior year audit findings and

will strive to resolve new findings in FY 2014.

County Receives Distinguished Budget Presentation Award

Santa Fe County received the Distinguished Budget Presentation Award for the Fiscal Year 2013 Budget from the Government Finance Officers Association of the United States and Canada (GFOA). The award was presented at the October 29, 2013 regular Board of County Commissioners meeting.

This is the fifth year our Finance Division has received the distinguished budget award. It is a testament to the staff's commitment of providing a quality document that provides more than spreadsheets and numbers. The budget actually tells a story of the County's needs, resources, commission priorities and more.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for having achieved the award. This award has been presented to the Santa Fe County Budget Office, Finance Division.

In order to receive the budget award, Santa Fe County had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- A policy document
- A financial plan
- An operations guide
- A communications device

Budget documents must be rated proficient in all four categories,

and the fourteen mandatory criteria within those categories, to receive the award.

The Government Finance Officers Association is a nonprofit professional association serving over 17,800 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in government budgeting.

Performance-Based Budgeting

Santa Fe County completed the second phase to transition to a performance-based, results-accountable budget in its FY 2014 budget process. Each department was asked to collaborate within its divisions to develop broader departmental functions which cross divisional lines. Performance measures and goals were established based on these cross divisional functions. All performance measures and goals were required to impact (directly or indirectly) at least one of the County's seven key areas of focus and/or a Commission or Citizen priority. The next phase in the transition to performance-based budgeting is being planned for the FY 2015 budget.

A high priority in the FY 2014 budget was to invest in existing County resources. First and foremost, the County invested significantly in its workforce during 2013. This investment took the form of a higher level of County contribution to health insurance premiums for staff earning under \$50,000 per year, expanding educational benefits for professional development and providing cost of living increases, retention incentives and creating a merit pool.

This investment in staff also included improving the physical environment for staff and improving the equipment provided for staff to use. The

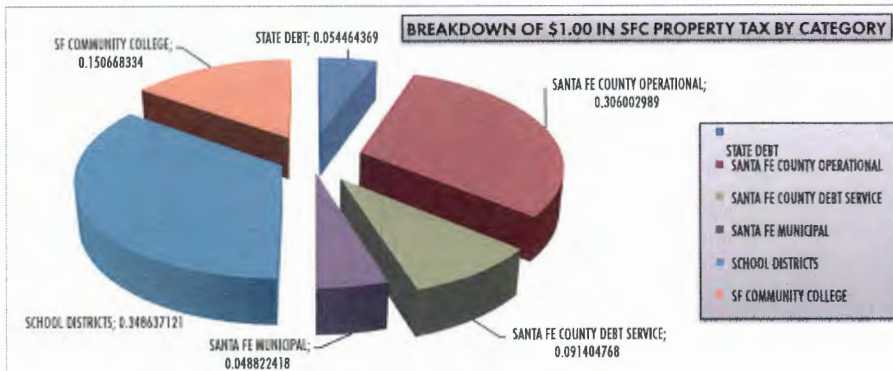
investment in County resources also funded a higher degree of maintenance for the County's assets from its heavy equipment, to its buildings, to its roads and its open space.

The outcome of the budget process was a sound financial plan for FY 2014 which provides the resources necessary to accomplish the goals established by the County's departments. The plan included very conservative increases in gross receipts taxes and some other revenue sources, significant one-time expenditures of cash for large maintenance and repairs at the County's facilities, and a large asset renewal and replacement plan which provides staff with the equipment they need to reach their goals.

Bond Rating

During the November 2012 general election, Santa Fe County voters approved three Bond Questions totaling \$35 million for capital improvement projects including roads (\$19 million), water and wastewater (\$10 million), and open space (\$6 million) projects. In response to voter approval of these bond questions, Santa Fe County issued \$19 million in general obligation bonds in May of 2013. Santa Fe County is very proud to have maintained its Standard and Poor's general obligation bond rating of AA+ and received the lowest interest rate (lowest cost to borrow) of any bond issuance in recent history. In rating the bonds, Standard and Poor takes into account the sound financial practices that the County observes and its strong cash reserves which are at or greater than both the State mandated level of reserves and the stricter Santa Fe County policy regarding reserves.

*Santa Fe County
FY 2013 Total Budget Sources
\$239,890,842*



Property Taxes Billed for 2009 to All County Residents

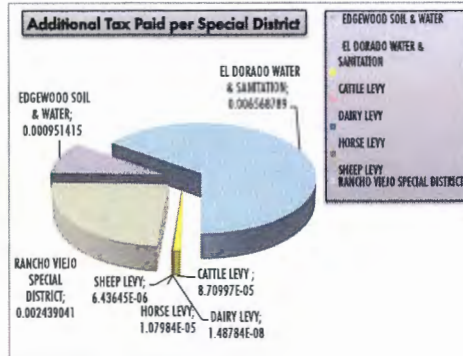
| | | | | |
|------------------------------|----|----------------|----|------|
| STATE DEBT | \$ | 7,687,346.57 | \$ | 0.05 |
| SANTA FE COUNTY OPERATIONAL | \$ | 43,190,641.20 | \$ | 0.31 |
| SANTA FE COUNTY DEBT SERVICE | \$ | 12,901,280.94 | \$ | 0.09 |
| SANTA FE MUNICIPAL | \$ | 6,891,016.20 | \$ | 0.05 |
| SCHOOL DISTRICTS | \$ | 49,208,214.84 | \$ | 0.35 |
| SF COMMUNITY COLLEGE | \$ | 21,266,007.88 | \$ | 0.15 |
| Subtotal | | 141,144,507.63 | \$ | 1.00 |

Additional Taxes Billed for 2009 to Special Districts

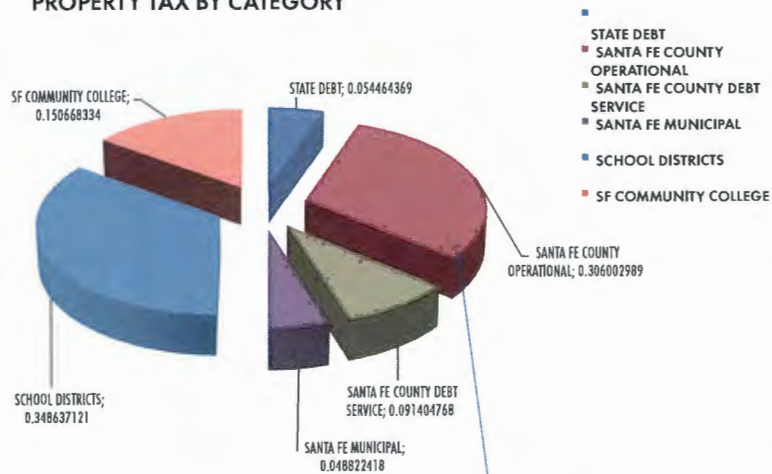
| | | | |
|-------------------------------|----|-----------|----------|
| EDGEWOOD SOIL & WATER | \$ | 134,267 | \$0.0010 |
| EL DORADO WATER & SANITATION | \$ | 927,149 | \$0.0066 |
| CATTLE LEVY | \$ | 12,294 | \$0.0001 |
| DAIRY LEVY | \$ | 2 | \$0.0000 |
| HORSE LEVY | \$ | 1,524 | \$0.0000 |
| SHEEP LEVY | \$ | 908 | \$0.0000 |
| RANCHO VIEJO SPECIAL DISTRICT | \$ | 344,257 | \$0.0024 |
| Subtotal | \$ | 1,420,421 | \$0.0101 |

Grand Total Property Taxes Billed 2009

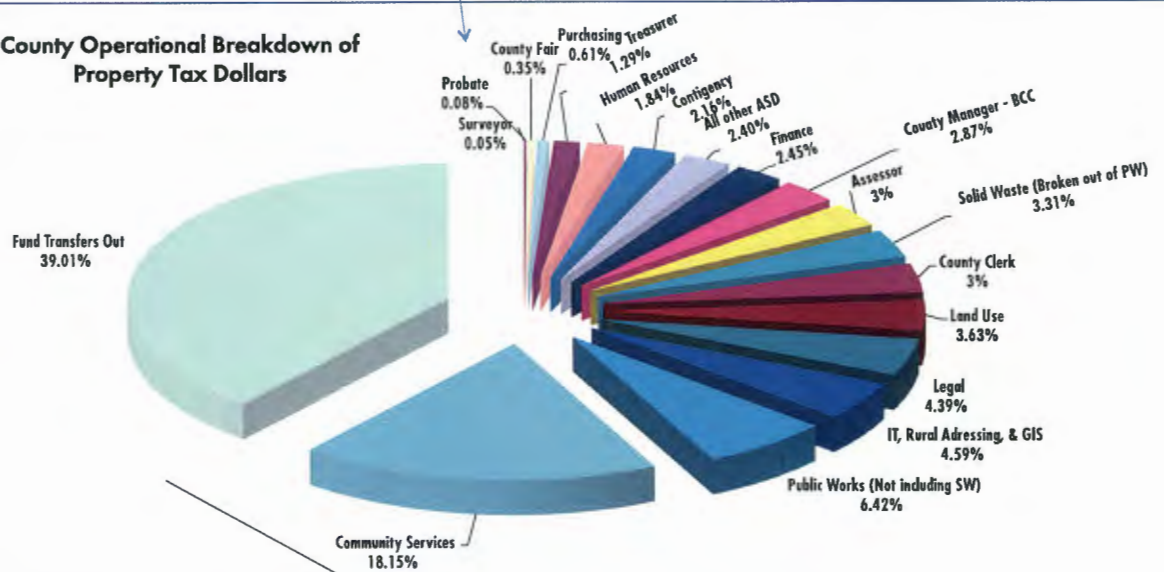
\$ 142,564,928.74



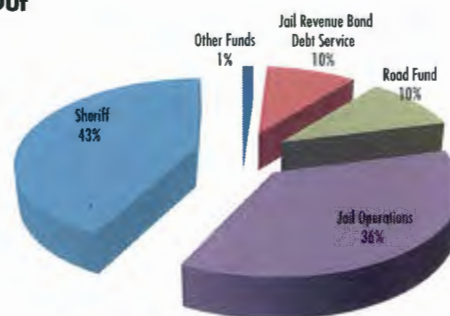
BREAKDOWN OF \$1.00 IN SFC PROPERTY TAX BY CATEGORY



County Operational Breakdown of Property Tax Dollars



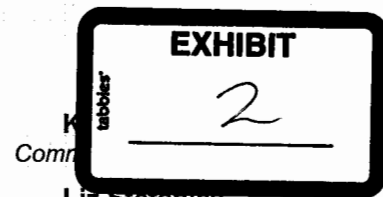
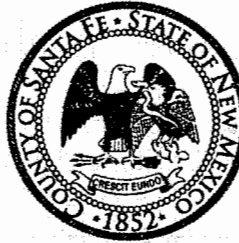
Transfers Out



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Liz Steranics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *May 6, 2014*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Director*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting May 13, 2014*

SUMMARY OF AND UPDATE ON THE AAMODT SETTLEMENT AGREEMENT

SUMMARY:

The Aamodt litigation is a federal lawsuit involving Pueblo and non-Pueblo water rights in the Pojoaque Valley. The case has been in federal court since 1966, and was very contentious and complicated. In 2000, the parties involved began talks on a settlement agreement, as an alternative to pursuing the court case until a final judgment. Negotiations on the settlement agreement continued until 2006, when all parties agreed on a finalized agreement. The County conceptually agreed to the Settlement Agreement in June 2005 with Resolution 2005-78 (attached) and agreed, along with the other parties, to the draft Agreement in January 2006. Congress was sent the Settlement Agreement in 2006 and approved it in 2010.

The Settlement Agreement is a negotiated alternative to a court decision. In fact, the opening paragraphs of the Settlement Agreement state:

The Settlement Parties, as defined herein, desire to resolve the issues and controversies involved in United States District Court for the District of New Mexico lawsuit State of New Mexico ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and the Pueblo de Tesuque v. R. Lee Aamodt, et al., No. 66cv6639 (D.N.M.), in a just manner without needless expenditure of funds and other litigation resources. The United States of America ("United States") and the State of New Mexico ("State"), as a matter of policy, favor resolution of disputes concerning water rights through negotiation.

Agreements:

The entire Aamodt settlement is governed by four key documents.

1. Settlement Act. In 2010, Congress passed the *Claims Resettlement Act of 2010*, which addressed four separate Native American water rights cases. Title VI of the Claims Resettlement Act deals with the Aamodt litigation and is called the *Aamodt Litigation Settlement Act* (attached). This Settlement Act sets the general framework for the Settlement Agreement and describes the federal role in constructing the Regional Water System, including allocating federal funds. It also spells out the other agreements necessary for implementing the Regional Water System. It states that the US Bureau of Reclamation (BOR) will be the agent for implementing the Regional Water System.
2. Settlement Agreement. The Settlement Agreement (attached) was finalized in January 2006 and formally signed by all parties in March 2013. The Settlement Agreement is ultimately about Pueblo water rights, but it involves a number of other factors in order to meet the water right provisions, such as disposition of wells of non-Pueblo well owners in the Valley. The Settlement Agreement is very complicated and involved (50 pages long). The key aspect in the Agreement for non-Pueblo residents is what to do with their wells. Non-Pueblo residents have several options with regard to their wells, one of which is to abandon the well and hook up to the Regional Water System. Making this decision is known as the "well election."
3. Cost-Sharing and System Integration Agreement (CSSIA). This agreement (attached) is specifically mentioned in the Settlement Act. As the title suggests, this agreement discusses many of the technical details of the Regional Water System, addressing such things as phasing, easements, well locations, and operation and maintenance responsibilities. It also spells out construction cost sharing among the US, State, and County. Paragraphs 3.1.1 and 3.1.3 of the CSSIA break the cost responsibilities out as shown below:

| Party | Construction Cost Share (excluding connection costs) |
|-----------------|---|
| US | \$106,400,000 |
| State of NM | \$45,500,000 |
| Santa Fe County | \$7,400,000 |
| Total | \$159,300,000 |

Paragraph 3.1.4 of the CSSIA says that service connections costs, the costs to actually hook up non-Pueblo customers to the new water system, could be as high as \$18,000,000. Of this, the State has dedicated \$4,000,000. The remainder will be paid by the County, according to policies that the County develops. The BOR estimates that the actual County obligation will be \$5,696,000 for connections.

Paragraph 3.1.5 of the CSSIA says that the costs shown above will be adjusted for inflation on an annual basis. Paragraph 3.1.6 of the CSSIA says that the County will enter into an agreement with the BOR describing how the County cost share will be paid. That

agreement is currently being drafted, but the BOR has submitted a draft payment schedule (attached) that indicates both the timeline for payment and the new adjusted amounts. The BOR estimates that after adjusting for inflation (using an inflation rate of 3.9%), the actual County share, including both construction costs and connection fee costs, will be \$23,460,000.

The CSSIA is also where the County's sale of the Top of the World water rights for \$5,400,000 was specified.

The CSSIA was finalized in August 2009 and formally signed by all parties in March 2013.

4. Operating Agreement. The Operating Agreement (OA) is also specifically required by the Settlement Act. The OA will be an agreement between the County and the four Pueblos describing the details of how the Regional Water System will be operated. Paragraph 612 of the Act has a list of items that the OA must address, including delineation of water lines, allocation of system capacity, and cost and payment procedures. Drafting of the OA has not started yet, but the Act does state that the OA must be completed 180 days after the submission of the Environmental Impact Statement (EIS).
5. Joint Powers Agreement (JPA). The JPA between the County and the four Pueblos is not specifically mentioned in any of these four key documents described above. Further, the JPA is separate from the Operating Agreement. Rather, a JPA is needed to implement Paragraph 9.5 of the Settlement Agreement, which says that the County and Pueblos shall establish a Regional Water System. The JPA will describe the governance of the Regional Water System. It will create and describe the duties of a board of directors, describe voting procedures, and describe the role of the general manager. It will be similar to the 1998 JPA between the City of Santa Fe and the County that created the Solid Waste Management Agency and the 2006 JPA that created the Buckman Direct Diversion Board. This agreement is still in draft form; the most recent draft is attached.

Court Process:

The Aamodt litigation is a federal court case, and the federal court is the lead agency in the Settlement Agreement. All the parties signed the Settlement Agreement in March 2013. The court then reached out to the non-Pueblo well owners of the Pojoaque Valley who would be affected by the Settlement Agreement to see if they had any objections to the Agreement. The outreach was in the form of a mailed affidavit whereby the well owner had to indicate if they objected to the Agreement and the nature of the objection. The forms were mailed out in January 2014 and the court-determined deadline for submission was April 7, 2014. The County, in partnership with the State and the BOR, led a public information campaign to help the well owners make an informed decision.

Now that the April 7 deadline has passed, the court will evaluate any and all objections received and make a determination, based on the objections, if the Settlement Agreement is valid or has some fundamental flaw. The court will make its decision on the merits of the objections themselves and not merely on the sheer number of objections received. In other words, the court could receive 1000 objections that are not sound and thus discarded and just one that is sound and renders the Agreement invalid.

Once the court evaluates the objections, it will make its final determination on the Settlement Agreement. If it finds that the Settlement Agreement is valid, the Agreement will go into effect. At that point, the non-Pueblo residents will be asked to make their well election. It is unknown how long this process will take, but it is conservatively estimated that it will be at least a year before the well election must be made.

Regional Water System

The pillar of the Settlement Agreement is the construction of a Regional Water System that will divert water from the Rio Grande, treat the water, and transmit the water throughout the Valley. Each Pueblo and the County will receive this treated water and then distribute it throughout their service areas. Non-Pueblo well owners will voluntarily choose to join this water system through their well election. The Regional Water System will be governed by a joint board (as described above).

Technical Implementation:

According to the Settlement Act, the BOR is the lead agency for the technical implementation of the Regional Water System. This includes developing the EIS, designing the entire system, constructing the system, and operating any phases of the system that are completed early. The EIS is in process now, and the BOR has contractors in the field conducting surveys and geological and archeological analyses. The BOR is also evaluating the various alternatives for the diversion off the Rio Grande and the back-up storage. The design process has also started. The BOR has already completed an approximately 30% design of the transmission system.

The Settlement Act contains various deadlines that the BOR must meet. For instance, by September 15, 2017, the EIS must be complete and all permits from the State Engineer for creating a new point of diversion on the Rio Grande must be granted. On June 30, 2021, the BOR must report to the court on the state of completion of the Regional Water System, and the system must be substantially complete by June 30, 2024. As of the date of this memo, the BOR is on track to meet its deadlines.

ACTION REQUESTED:

None; for information only

Attachments:

1. Resolution 2005-78
2. Settlement Act
3. Settlement Agreement
4. Cost-Sharing and System Integration Agreement
5. Draft Cost-Share Plan
6. Draft Joint Powers Agreement

Chronological Sequence of Aamodt Documents

Aamodt Litigation Settlement Act:

1. Defines Regional Water System (RWS)
2. Allocates Federal funds for RWS
3. Specifies Cost-Sharing and System Integration Agreement
4. Specifies Operating Agreement

Settlement Agreement:

1. Addresses Pueblo water rights
2. Addresses Non-Pueblo water rights
3. Makes creation of RWS a condition of the Agreement

Cost-Sharing and System Integration Agreement:

1. Location, Capacity, Management of RWS
2. Allocates costs of RWS:
 - A. Construction and O&M
 - B. Rights-of-way
 - C. Acquisition of water rights

Joint Powers Agreement:

1. Creation of RWS board
2. Duties, powers of board
3. Operations of board
4. RWS operator

Operating Agreement:

1. Distribution of water within RWS
2. Allocation of RWS water capacity
3. Management of unused capacity
4. Shortage-sharing
5. Operation, use of wells
6. Transfer of water rights for Pueblos

2025 RELEASE UNDER E.O. 14176



SANTA FE COUNTY

Resolution No. 2012 - 53

A Resolution Authorizing Amendments to the Aamodt Settlement Agreement, Authoring Execution of a Cost Sharing Agreement and a Cooperative Agreement, and Directing County Staff to Prepare Plans and Analysis of the Design of the County Water System that will Serve the Pojoaque Basin and in order to Inform County Residents of the Availability and Cost of Water Utility Service to be Provided as part of the Water Rights Settlement of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque in the Case of New Mexico ex rel. State Engineer v. Aamodt

WHEREAS, on April 25, 2006 the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the County") approved the Settlement Agreement in the case of New Mexico ex rel. State Engineer v. Aamodt, No. 66cv06639 MV/LCS-ACE (D.N.M.) (hereinafter referred to as "the Settlement Agreement"); and

WHEREAS, the County, the State of New Mexico, the City of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque and a number of private parties signed the Settlement Agreement on May 3, 2006; and

WHEREAS, the Aamodt settlement will resolve the water rights claims of the four Pueblos and will provide financial resources for water infrastructure benefiting the Pojoaque Basin, both for Pueblo and other County residents; and

WHEREAS, Congress approved the Settlement Agreement by enactment of the Aamodt Litigation Settlement Act, as part of the Claims Resolution Act of 2010, Pub. L. No. 11-291, tit. VI, §§ 601- 626, 124 Stat. 3064, 3134-56 (2010), which was signed into law by the President on December 8, 2010 (hereinafter referred to as the "Act"); and

WHEREAS, the Act authorized the Secretary of the Interior to execute the Settlement Agreement as revised to conform to the Act and further authorized the Secretary to execute the Cost-Sharing and System Integration Agreement (hereinafter referred to as "Cost-Sharing Agreement") and to acquire a portion of the County's Top of the World water rights in the amount of 1,141 acre-feet, for a purchase price of \$5,400,000.00 (hereinafter referred to as "Pueblo Top of the World Rights") under the terms of the proposed Cooperative Agreement between the County and the United States Bureau of Indian Affairs; and

WHEREAS, Section 3.1.7.2 of the Settlement Agreement provides each non-Pueblo domestic well owner a choice with respect to the future use of the well: (i) to connect to the County water utility after service becomes available and thereafter take domestic service from the County rather than the well; (ii) to continue using the well in perpetuity but at a reduced or limited amount with no obligation to connect to the County water utility; or (iii) or agree to connect to the County Water Utility upon transfer of property and discontinue use of the well at that point; and

WHEREAS, as provided in the Act and the Settlement Agreement, the cornerstone of the settlement is the construction by the United States Bureau of Reclamation of a regional water system that will provide service to the four pueblos in the amount of 2,500 acre-feet and to other County residents who elect to connect to the County Water Utility in the amount of up to 1,500 acre-feet; and

WHEREAS, the Act authorizes up to 1,500 acre-feet of capacity for use by the County, and both the Act and the Cost-Sharing Agreement give the County the right to make its own determination whether a smaller capacity or modified alignment is more suitable for County uses and whether the current plans and designs of the water system should be modified to better serve potential County customers; and

WHEREAS, under the terms of the Cost-Sharing Agreement, the United States Bureau of Reclamation will prepare engineering designs and cost estimates before the County must make its final capacity and alignment determination; and

WHEREAS, the Settlement Agreement calls upon non-Pueblo well owners to make an election either to continue receiving supply from their wells or to connect to the regional water system;

WHEREAS, although execution of the amendments to the Settlement Agreement and execution of the Cost-Sharing Agreement and the Cooperative Agreement are necessary to continue implementation of the Aamodt settlement, the County recognizes that additional significant steps will be required to fully and fairly consummate the settlement; and

WHEREAS, an essential step to implement the settlement is the creation of a joint utility or regional water authority by the County and the Pueblos to govern and operate the regional water system; and

WHEREAS, in particular, as the settlement moves forward significant additional information, analysis and planning will be needed (1) for the County to reach a final determination on the sizing and alignment of County water utility (2) for potential County customers to be informed of the availability and cost of service when making their connection elections (3) for creation of a regional water authority comprised of the

County and the four Pueblo governments and (4) to assure adequate water rights for use by the County water utility;

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Santa Fe County:

Approves the Amendments to the Settlement Agreement and approves the Cost-Sharing Agreement and Cooperative Agreement and hereby authorizes the Board Chair to sign the amended Settlement Agreement, the Cost-Sharing Agreement and the Cooperative Agreement.

AND FURTHER, BE IT RESOLVED, that County staff is directed to gather information and engage in further planning and analysis in support of implementation of the Aamodt settlement, and in particular shall focus on the following tasks:

1. Design and Alignment of County System. The County shall work with the U.S. Bureau of Reclamation to design the County utility portion of the regional water system. The design should be optimized to provide cost-effective service to areas that currently have or are projected to have sufficient demand to justify extension of service. To this end, within the next twelve months the County shall perform the following tasks:
 - a. Existing Demand Estimate. The County Utilities Division shall be responsible for defining the demand area by area so that corresponding water service infrastructure will be properly designed for size and alignment. If staff deems it necessary, residents and other water users within particular areas proposed for service may be canvassed to more accurately determine demand levels.
 - b. Future Demand - Land Use Analysis and Demographic Projections. The County Planning Division shall prepare an assessment of undeveloped non-Pueblo lands located within potential service areas and shall use the most current demographic information and projections to estimate future County customers. The analysis shall take into account existing County development plans that are conditionally approved upon requirement of connection to available County water utility service.
 - c. Water Quality Considerations. In preparing the above analyses, the County Utilities and Planning Divisions should seek to determine those areas most susceptible to groundwater quality degradation and therefore that are more likely to need County utility service in the future.
 - d. Fire Protection Considerations. The Utilities Division shall consult with the County Fire Department to consider what areas would benefit most

from improved access to reliable fire fighting water flows such as those provided by a public water system. This information should be considered in determining system capacity and alignment.

- e. Rural Character and Density Considerations. Estimates of future demand shall incorporate the County's policies for preservation and protection of traditional agriculture.
 - f. Integration with existing County Utility. The Utilities Division shall determine whether benefits will derive from integrating the proposed infrastructure and operations with those of existing or other proposed County utilities, such as improved efficiencies, cost effectiveness or improved reliability of supply.
 - g. Financial and Capacity Analysis and Recommendations. Taking into account all of the information and analysis described above, along with other relevant data, the Public Works Department shall prepare a cost-benefit and capacity analysis of the County's portion of the system and shall recommend to the Board of County Commissioners the preferred design for such portion. The preferred design shall be based upon a capacity and alignment that will make the system economically viable. The cost-benefit analysis shall include an estimate of the capital costs the County will be required to pay and an estimate of costs for operations, maintenance and replacement of the system.
2. Customer Information. In conjunction with the analysis described above, the Utilities Division shall prepare the following:
- a. Service Map and Timeline. The Division shall prepare a preliminary service area map delineating the likely alignment of distribution lines and the projected timeline for service availability, area by area.
 - b. Customer Costs. The Division shall prepare estimates of service rates, based on water used, as well as fees for connection to the system for potential customers who elect not to connect, or are not eligible for free connection as provided by the settlement.
3. Governance of Regional Water Authority. The County Attorney is directed to work with the Pueblos to prepare a proposed Joint Powers Agreement (hereinafter referred to as "JPA") pursuant to New Mexico state law that will create a joint board and will establish governance of the regional water authority. The JPA shall assure the following:

SFC CLERK RECORDED 04/18/2012


- a. Protection against withdrawal. The JPA shall contain strict provisions to deter withdrawal of any of the five members from participation in the authority.
- b. Reliability of Service. The JPA shall contain provisions to protect the County's participation in the governance of the authority and to assure that service to County customers is reliable. The JPA shall contain voting rights protections and dispute resolution mechanisms to assure no disruption in service to customers.
- c. Assurance of financial integrity. The JPA shall require its member entities to be responsible for their respective financial obligations to operate and maintain the system. The authority shall at all times have in place appropriate and sufficient insurance to cover its operations. Any liability incurred in connection with operations of the authority shall be subject to the immunities and limitations of the New Mexico Tort Claims Act.

In addition, the JPA shall contain such other provisions as the County Attorney recommends are necessary to carry out the purpose of the regional water authority and to protect the interests of the County and of its utility customers. Once the County Attorney and Pueblo representatives have negotiated a draft of the JPA, the County shall consult with representatives of potential customers to receive comments regarding any additional provisions that may be needed. Once a final proposed JPA is prepared, it shall be placed on a meeting agenda of the Board of County Commissioners for consideration and action.

4. Water Rights Assessment. In addition, the Utilities Division and the County Attorney are directed to prepare an assessment of adequacy of the water rights, including the Top of the World right, that have been identified to provide the basis for supply to the County system. In the event the identified water rights are inadequate or deficient in any manner, the assessment shall contain a contingency plan to assure that adequate water rights are in place in order to provide the service intended.

PASSED, APPROVED and ADOPTED this 10 DAY OF April, 2012.


BOARD OF COUNTY COMMISSIONERS



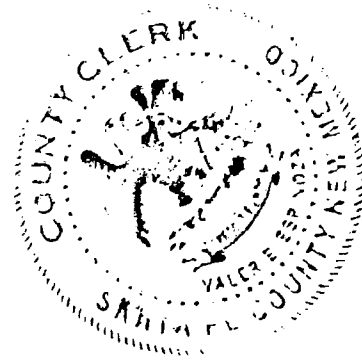
Liz Stefani, Chair

ATTEST: Valerie Espinoza y VT

APPROVED AS TO FORM:



Stephen C. Ross, Santa Fe County Attorney



SEC CLERK RECORDED 04/10/2017

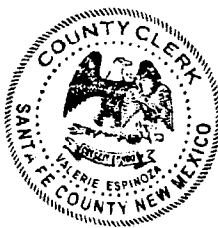
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 6

STATE OF NEW MEXICO

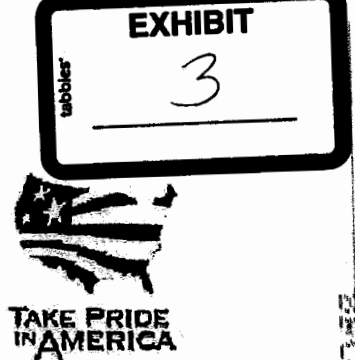
I Hereby Certify That This Instrument Was Filed for
Record On The 18TH Day Of April, 2012 at 10:16:52 AM
And Was Duly Recorded as Instrument # 1666578
Of The Records Of Santa Fe County

Deputy Marcella [Signature] Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM





United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
SOUTHWEST REGION
1001 Indian School Road, N.W.
Albuquerque, New Mexico 87104



IN REPLY REFER TO:
101-Office of the Regional Director

APR 16 2014

The Honorable Ben Ray Lujan
U.S. Representative-New Mexico
(D-NM 3rd District)
330 Cannon House Office Building
Washington, DC 20515

Dear Representative Lujan:

I have been asked to respond to your letter to Assistant Secretary Kevin Washburn, dated January 15, 2014. That letter concerned Notices to Show Cause that were sent in 2013 to the County of Santa Fe (County) and two private landowners, alleging trespass on property held in trust by the United States on behalf of San Ildefonso Pueblo (Pueblo). Those letters were sent by the Superintendent of the Northern Pueblos Agency (Agency) of the Bureau of Indian Affairs (BIA). The Agency's letters were prompted by repeated requests from the Pueblo to resolve what it considers to be the unauthorized use of Pueblo land by the County and certain individual landowners.

On numerous occasions since at least 1999, the Pueblo has encouraged the County to enter into legally sufficient rights of way for all road segments claimed by the County. The Pueblo has also expressed its concern that the County and certain private land owners were in trespass due to various factors, including boundary survey errors, the development of "private" points of egress to join county roads, and the deviation of roads from the original roadbed. In July 2012, the Pueblo organized a meeting and site visit to discuss the alleged trespasses with staff from your Office, and officials from the Pueblo, the County, (then) U.S. Senator Jeff Bingaman's Office, and the BIA. Despite assurances made in 2012 to work with the Pueblo, the BIA was informed that the County had not taken meaningful steps to discuss and/or resolve the Pueblo's land use concerns. We were encouraged to learn that in the last two weeks, and at least in part as a result of the Agency's Show Cause Notice, all the involved parties have again started meeting in an effort to resolve these matters. We understand that you attended such a meeting on January 31, 2014 at which representatives from all the involved parties pledged to work to resolve the Pueblo's land use concerns.

In response to the Notice to Show Cause related to the legal status of six roads designated by the County as "County Roads",¹ the County provided a letter and "Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County," signed in 1989. The County argues the Right of Way Agreement Between San Ildefonso Pueblo and Santa Fe County grants to "the County a right-of-way on all the roads in question." While the County's letter contains some useful information that we will consider, we, and the Pueblo, believe the County reads the 1989 agreement too broadly and that the County does not, in fact, now have the legal authority to occupy all the roads in question. The County, in its response, also

¹ The Agency's December 2013 Notice to Show Cause related to six specific roads and road segments, identified as CR 84, CR 84A, CR 84B, CR 84C, CR 84D, and Sandy Way. It should be noted that the Pueblo has identified a number of other roads, including private roads that it believes to also be in trespass.

Responses to Questions Raised in January 15, 2014 Letter

In Representative Lujan's January 15, 2014 letter, nine (9) questions were posed to the BIA. We address each question below.

Question No. 1:

Are you aware that the Northern Pueblos Agency (Superintendent Raymond Fry) has sent letters to the County of Santa Fe and local residents living within the exterior boundaries of San Ildefonso Pueblo, stating that the county and individuals are in "trespass" of the Pueblo boundaries?

Response to Question No. 1:

Yes. Based upon numerous Pueblo of San Ildefonso (Pueblo) requests, the Northern Pueblos Agency (Agency) on November 13, 2013, issued a Notice to Show Cause to the County of Santa Fe (County). The Show Cause Letter alleged the County to be in trespass of County Road 84, and certain side roads, identified as 84A, 84B, 84C, 84D, and Sandy Way.

Further, following the Pueblo's request, the Agency also issued letters of trespass to two individuals residing on private claims but whom were either encroaching on tribal lands with barriers or were utilizing tribally owned roads for egress and ingress to their property. Both letters requested that the landowners meet with the Tribal Council of the Pueblo to discuss the issue and work out an arrangement. It is our understanding that the individuals have since met with the Council and are in the process of resolving their respective boundary encroachment or road use issues.

Question No. 2:

Where did this effort originate? Did San Ildefonso Pueblo request the BIA to get involved or is this something the BIA has decided to engage in, on its own without notifying the Congressional Delegation?

Response to Question No. 2:

The issue of County Trespass has been an on-going matter at least since 1999. *See* Tribal Resolution, No. SI-R-031 adopted by the Tribal Council on November 9, 1999, and titled "Requesting Federal Action to End Santa Fe County Road Trespass, and Renewing Willingness to Negotiate." The Pueblo had previously issued a letter on October 15, 1999 to the Santa Fe County Commission Chairman stating "[t]he County of Santa Fe needs to meet with the Pueblo and negotiate a Grant of Easement for Right-of-Way inside Pueblo boundaries," and requiring that a proposed application for right-of-way be submitted by October 27, 1999. The Resolution further stated that the County had not responded to the Pueblo's request despite numerous phone calls and the County had not submitted right of way applications for County roads. The Tribal Resolution also requested Federal Officials in the BIA and the U.S. Department of Justice proceed with filing a trespass action against the County for roads there described. BIA records, confirmed by the Pueblo, indicate that no action was taken by the County from 1999 until 2012 to resolve the Pueblo's concerns. In July of 2012, Pueblo leadership met with representatives from Santa Fe County, Senator Bingaman's Office, and Representative Lujan's Office, to view the areas of trespass and to discuss the problem. While the meeting itself was promising, the lack of subsequent action by the County was disappointing. Thus, San Ildefonso Pueblo Governor Terry Martinez requested through correspondence dated November 13, 2013 that the Agency issue an official letter to the County Manager to Show Cause as to why the County was not in trespass.

Question No. 3:

Is it a new initiative or new policy by the BIA, to insert themselves into easement issues relating to communities in New Mexico who have historical checkerboard issues where non-tribal private property intermingles with tribal lands?

Response to Question No. 3:

The BIA's trust responsibility to protect tribal lands held in trust and lands held in trust for individual Indians is long established. The authority, duties, and responsibilities of the BIA are set out in statute and regulation.

Question No. 4:

What is the legal basis for BIA to make a determination of "trespass" or demand that the County "show cause why the County should not be immediately assessed trespass damages and why the County should not be evicted from the subject Pueblo lands" as it did in its December 6, 2013 letter? Is there a legal basis for the BIA and/or San Ildefonso Pueblo to close roads, enforce trespass, or charge people to access their private land via County Roads?

Response to Question No. 4:

As explained in more detail below in our Response to Question No. 6, the BIA has a trust responsibility to protect from trespass tribal lands held in trust for Federally recognized Indian Tribes. When a Tribe alleges that a trespass is occurring, the BIA reviews all pertinent documents related to those allegations. Documents reviewed normally include relevant approved surface use agreements including grants of easement, permits, and leases; surveys, maps, land valuation (appraisals), and, if applicable, environmental documents and Archeological/Cultural Surveys. Once all documents are reviewed, the reviewing Agency will make a determination as to whether a trespass has occurred.

Here, the Pueblo and the BIA were concerned that certain roads, deemed County Roads, were in use absent the requisite legal authority. Moreover, it was alleged that certain individuals were cutting across Pueblo land for reasons of convenience and that, in some cases, no easement existed for the road segment connecting the private parcel to the County Road.

Question No. 5:

Does the BIA recognize the Pueblo Lands Act and the proceedings of the Pueblo Claims [Board] which previously resolved a number of these claims?

Response to Question No. 5:

The BIA recognizes all Federal laws concerning tribal trust properties and the Pueblo Lands Act, in particular. The BIA is also cognizant of decisions rendered by the Pueblo Claims Board.

Question No. 6:

What legal definition and evidence is the BIA Northern Pueblos Agency using to prove "trespass"?

Response to Question No. 6:

The primary authority concerning rights of way over Indian lands are found at 25 U.S.C. §§ 323-328 and the implementing regulations at 25 C.F.R. Part 169. The Agency relies upon a Federal common law definition of "trespass" and the remedies available to protect Tribal trust property. See, e.g., *County of Oneida v. Oneida Indian Nations*, 470 U.S. 226, 234-236 (1985) (Federal common law recognizes a variety of causes of action to protect Indian lands from trespass). Under the common law, trespass is defined as "the intentional use of the property of another without authorization and without privilege." *U.S. v. Imperial Irrigation District*, 799 F. Supp. 1052, 1059 (S.D. Cal. 1992), citing, W. Page Keeton et al., *Prosser and Keaton on the Law of Torts* § 13 at 70 (5th ed. 1984). We further note, the most reliable source of information for boundary matters is provided by Bureau of Land Management cadastral records.

Question No. 7:

Is BIA aware of the previous agreements made on June 12, 1989, by San Ildefonso Pueblo officials and the County of Santa Fe, granting easements for access to private homes and businesses in exchange for the paving and maintenance of County Road 84?

Response to Question No. 7:

The June 12, 1989 document titled "Right-of-Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County," is a poorly drafted instrument which, unfortunately, contains a number of ambiguities concerning the intent and scope of the easements granted. It is not clear that this document grants easements for access to private homes and businesses in exchange for the paving and maintenance of County Road 84, as alleged by the County. The Agency is now reviewing all applicable documents to determine the scope of that instrument. The BIA remains ready to work with the Pueblo and the County to develop and clarify land use records.

Question No. 8:

Will BIA recognize and respect previous agreements made by San Ildefonso Pueblo allowing for the paving and maintenance of County Road 84 and all of its arterials in exchange for a perpetual easement for non-tribal residents to access their private homes and businesses?

Response to Question No. 8:

In reviewing the documents available to it, the BIA did not find any agreements that refer to perpetual easements for nontribal residents. Nor did it find agreements that purport to include all arterials of County Road 84. We look forward to reviewing any such documentation held by the County. If, in the future, the Pueblo determines it appropriate to consent to additional easements for the County, the BIA would certainly facilitate the process.

Question No. 9:

What can BIA do to resolve this issue and is BIA willing to make a public commitment to stop San Ildefonso Pueblo from shutting down access to private homes and businesses until this issue can be permanently resolved?

Response to Question No. 9:

The BIA is committed to fulfilling its trust responsibility and duties to the Pueblo. The BIA will continue to participate, as necessary, in any negotiations between the Pueblo and County to resolve these issues of great import.

recognized that there is some ambiguity as to its authority, stating "[t]he County has always been interested in reaching a more permanent solution to the claims of the San Ildefonso Pueblo concerning these roads. We are aware that this matter, even though the subject of [an] express right-of-way agreement, is still unsettled in the view of the San Ildefonso Pueblo."

Given the differing interpretations of the 1989 Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County, the BIA is now undertaking the following actions:

1. Clarifying whether any encumbrances other than the 1989 Right of Way By and Between San Ildefonso Pueblo and Santa Fe County have been granted to the County that would establish the County's authority to occupy Pueblo property;
2. Working to determine the scope and effect of the 1989 Right of Way By and Between San Ildefonso Pueblo and Santa Fe County;² and
3. Reviewing the County's response to see if any of the other legal arguments there made would establish the County's legal authority to occupy Pueblo property.

We recognize the need to resolve these matters quickly and definitively, both to secure the Pueblo's lands and to facilitate the timely construction of the regional water system, which is a key component of the Aamodt water settlement. We share your concern and wish to ensure you that the BIA will provide every resource it can to facilitate resolution of these matters between the Pueblo, the County, and private landowners.

Finally, in your January 15, 2014 letter, you asked the BIA to answer a number of questions "as a matter of transparency and fact finding as we work together to resolve this issue." We address each of the questions posed in the enclosed attachment. We stand ready to provide any additional information or clarification that would be of assistance to you.

The BIA looks forward to working with your Office, the County, and the Pueblo to address this matter of great importance.

Sincerely,



Regional Director

Enclosure

cc: Superintendent, Northern Pueblos Agency
Mr. Terry Aguilar, Governor- Pueblo of San Ildefonso

² The 1989 Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County is poorly drafted and subject to various interpretations. Moreover, a map which would likely shed light on which roads were subject to the Agreement is not attached to the instrument recorded with the BIA Land Titles and Records Office. Apparently, neither the County nor the Agency has a copy of the 1989 Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County that includes all the referenced exhibits. The Pueblo is searching its records to see if it has a complete copy.

EXHIBIT

4

Subject: Fw: Responding to your message to Senator Heinrich
From: Beverly Duran-Cash (durancash@yahoo.com)
To: trujillo4rep@gmail.com;
Date: Saturday, May 10, 2014 7:11 PM

On Friday, May 9, 2014 8:39 AM, Office of Senator Martin Heinrich <donotreply@heinrich.senate.gov> wrote:



May 9, 2014

Dear Ms. Duran,

Thank you for contacting me regarding your concerns about electrical rates related to an easement contract between the Jemez Coop and the San Ildefonso Pueblo. I appreciate knowing your thoughts and concerns on this important issue.

As a United States Senator for the state of New Mexico, I help write federal laws that I believe will benefit New Mexicans. The routing of local power lines is within the jurisdiction of the New Mexico Public Regulation Commission (PRC). Please contact Valerie Espinoza, Commissioner of District Three and Vice-Chair of the Commission, with your concerns at Valerie.Espinoza@state.nm.us.

Again, thank you for contacting me. I hope you, the Community of El Rancho, and the San Ildefonso Pueblo will be able to reach an amicable solution to your utilities dispute. I also hope you will continue keeping me informed of the issues important to you.

Sign-up to receive email updates for the latest news on issues important to you.

Sincerely,

MARTIN HEINRICH
United States Senator

Follow me on Facebook and Twitter:





UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
NORTHERN PUEBLOS AGENCY
P.O. BOX 4269-FAIRVIEW STATION
ESPANOLA, NEW MEXICO 87533



EXHIBIT

5

IN REPLY REFER TO
M25 - Office of the Superintendent

CERTIFIED MAIL

NOTICE TO SHOW CAUSE

DEC - 6 2009

Ms. Katherine Miller
County Manager, Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501-2061

Dear Ms. Miller:

We are formally informing you and the County of Santa Fe ("County") of the issue of trespass by the County on tribal lands of the Pueblo of San Ildefonso ("Pueblo"). Upon notification by the Pueblo and a review of our documents, we have determined that the County is in trespass on Pueblo land. This Notice provides the County information concerning the instances of trespass and notifies the County that it must show cause why the County should not be immediately assessed trespass damages and why the County should not be evicted from the subject Pueblo lands.

TRESPASS

The County of Santa Fe is in violation of the federal requirements in the use of Indian trust land. County Road 84 and side roads 84A, 84B, 84C, 84D and Sandy Way (see attached map and photo) are in trespass. No record exists to the fact that the County has an easement or rights-of-way in our files nor is there any record that the County has submitted an application for an easement or Rights-of-Way.

County Roads in Trespass:

County Road - 84 * Township 19 North, Range 8 East, NMPM within Sections 17, 8, 9 and 10

From the intersection of Povi Kaa Drive (main entrance to the Pueblo of San Ildefonso from Hwy. 502) east to the intersection of 101-D.

County Road - 84A * Township 19 North, Range 8 East, NMPM within Section 10

From the intersection with Evergreen Lane east to the reservation boundary line.

County Road - 84B * Township 19 North, Range 8 East, NMPM within Sections 8 and 9

From the end of the pavement east of the Pueblo, east to the intersection with County Road 84.

County Road - 84C * Township 19 North, Range 8 East, NMPM within Sections 5, 4, 3, 10, and 11

From the intersection with Tunya Po east to the reservation boundary line.

Country Road - 84D * Township 19 North, Range 8 East, NMPM within Sections 10 and 11

From the intersection with Sandy Way east to the reservation boundary line.

Sandy Way * Township 19 North, Range 8 East, NMPM within Sections 9 and 10

From the intersection with 84D west to the private claim.

**Española Quadrangle, New Mexico - 7.5 Minute Series (Topographic)*

CONCLUSION

The County is in direct violation of the federal requirements governing the use of Indian trust lands. Specifically:

No easement or Rights-of-way exist for County Road 84 and the side roads on tribal trust land of the Pueblo of San Ildefonso, thus, the County is in trespass.

You are hereby informed that the County has thirty (30) business days from receipt of this letter to either enter into good faith negotiations to settle the current trespass and enter into a new easement for rights-of-way, or to show cause why the County's failure to pursue valid easements for the county roads should not be turned over to the U. S. Department of Justice for action against the County.

We encourage the County to enter into negotiations with the Pueblo to resolve the current trespass as quickly as possible and establish legal bases for the County's continued use of Pueblo land.

If you should have any questions or require additional information, contact my office at (505) 753-1400 or Norman Jojola, Natural Resource Manager at (505) 753-1451.

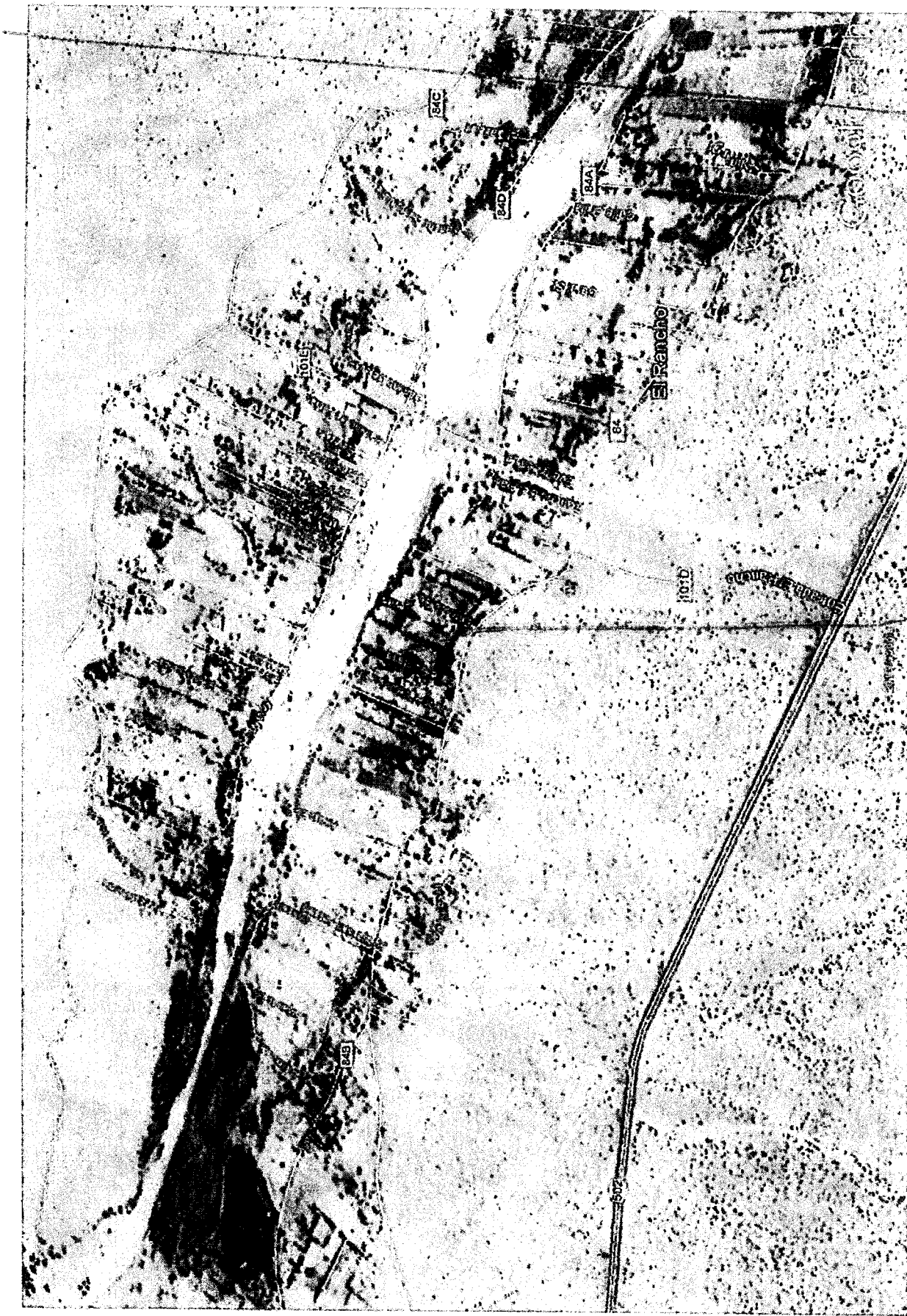
Sincerely,



Superintendent

Enclosure

cc: William T. Walker, Regional Director, BIA-SWRO
Terry Aguilar, Governor, Pueblo of San Ildefonso
Stephen Martinez, Natural Resource Director
Carolyn Abeita, General Counsel
Peter Chestnut, Special Counsel



Google earth

miles
km

1

1





Google earth

feet
meters

2000

700

A

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Office of the County Attorney

EXHIBIT

6

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

January 7, 2014

Raymond Fry, Superintendent
United States Department of the Interior
Bureau of Indian Affairs
Northern Pueblos Agency
P.O. Box 4269 – Fairview Station
Española, New Mexico 87533

Re: Notice to Show Cause
Dated December 6, 2013

Dear Mr. Fry,

Your letter of December 6, 2013 has been forwarded to this office for response. The letter demands that Santa Fe County, New Mexico show cause why it "... should not be immediately assessed trespass damages and ... should not be evicted from the subject Pueblo lands." The "subject Pueblo lands" consist of County Roads numbered 84, 84-A, 84-B, 84-C, 84-D and Sandy Way. The letter further states that the Bureau of Indian Affairs has "determined" that the County is in fact trespassing on San Ildefonso lands.

Santa Fe County believes the assertions in the December 6 letter to be a serious overreaching on the part of the Bureau of Indian Affairs and request it be withdrawn immediately. This is far from a constructive way to renew the debate about County lands and access to non-Indian property within the Pueblos. It comes at a time when the County had already initiated discussions with all four Pueblos on this very issue. It also has the potential to shift what has been a positive and responsible discussion of the issues to a negative adversarial situation.

The most obvious problem is that the Bureau of Indian Affairs lacks any authority (statutory or regulatory) to require the County to "show cause" in this or any instance. An order to show cause is not authorized by statute. It is authorized by regulations of the Bureau only as specified in 25 C.F.R. § 141.56 (show cause order authorized to enforce compliance with business practices specified in the regulation on the Navajo, Hopi and Zuni reservation); and 25 C.F.R. § 162.006 (show cause order authorized for violations of leases and permits). Aside from these meager regulatory examples, nothing further exists. In fact, 25 C.F.R. § 162.006(b)(1) explicitly states that it *does not* apply to right of way issues, which this is. Nor is there authority in the Code of Federal Regulations for the "declaration" of trespass. 25 C.F.R. § 161.700 *et seq.* authorizes a declaration of

Hordes, supported by a team of expert and well-qualified historians and researchers. The resulting report was provided to the San Ildefonso Pueblo many years ago. We have had brief discussions about the report with the Pueblo from time to time, but those discussions did not mature into serious discussions until Governor Aguilar initiated further discussions last year, and indicated he wanted to resolve the issue once and for all. We discussed the Governor's desire to close certain roads which had been created by the public, and the need for the County to acquire formal easements rather than rely on the previously-mentioned agreement. And we discussed with Governor Aguilar the County's concern that local residents have legal access, and the right to receive gas electric, water and other utilities through the County roads. We believe that through concentrated efforts and dedication on the part of both governments on this issue, both governments would ultimately benefit. Of overriding concern with respect to the Bureau's sweeping conclusions and directive here is the fact that the Pueblo Lands Act of 1924, in authorizing the activities of the Pueblo Claims Board and the federal Court, failed to expressly provide a process for adjudication of non-private, i.e. public land, or the issue of access to and from the many private claims and exception lots that were adjudicated by the PCB and the federal Court. This failure is a failure of Congress, and the ambiguity about these important matters continues, but it is certainly not something that is susceptible of a "declaration" by the Bureau. The Bureau's declaration is tantamount to a determination that many thousands of non-Pueblo residents in the Pojoaque no longer have legal access to their homes and businesses --- rendering those homes and businesses worthless --- and which was something that the Pueblo Lands Act was intended to avoid.

Dr. Hordes' discussion of the PCB and its work is helpful to understanding the present status of the County maintained roads in question:

"As stated above, in 1924, Congress passed the Pueblo Lands Act in an attempt to clear up title issues resulting from overlapping claims between Pueblos and non-Indians living in close proximity to Pueblo lands. The Act established the Pueblo Lands Board (PLB), which gathered testimony and issued reports based on its investigations. The PLB confirmed to the Pueblos all the lands within each of their grants, with the exception of portions of tracts of land that were patented to non-Indian settlers, as well as rights of way for utilities, railroads, and roads. The claims of the non-Indians were only partially honored by the PLB. In many cases, while the tracts claimed by the non-Indians included grazing areas located above their cultivated lands, houses and barns, extending to the hills, the PLB recognized only the cultivated lands and improvements, eliminating over half of the acreage claimed by the non-Indian settlers. This was to have a particularly significant impact on one of the roads passing through the boundaries of the Pueblo of San Ildefonso ...

conclusion. For example:

"1. CR 84:

"County Road 84, approximates the course of the road that has connected the communities of Pojoaque and San Ildefonso for centuries. Beginning in the 1890s Santa Fe County authorities began to assert responsibility for maintaining this thoroughfare, which runs through the grant lands of both Pojoaque and San Ildefonso Pueblos. In response to petitions from local residents, the BCC in 1892 instructed the county road overseer to "put in good condition the public road known as the road from Jacona to San Ildefonso on the south side of the river as soon as possible . . ." A 1913 map shows a "wagon road" running near the same route as today's CR 84 and 84B. Six years later, the BCC again responded to the request of local residents, and resolved to investigate the possibility of constructing a new road between San Ildefonso and Pojoaque, "so that it may be made in such condition that it may be used for the public, and for the regular mail route from the above towns to Santa Fe." Apparently no action was taken immediately, since the journals of the BCC did not reflect any such implementation.

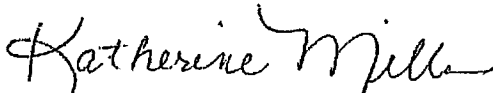
"In 1925, however, the State Highway Engineer revived these plans in a preliminary letter to the Northern Pueblos Agency. The Engineer articulated the antiquity of the highway, indicating that "the road now in existence and being traveled through the Pueblo of San Ildefonso on the east side of the Río Grande is the old original trail which has been in use for an indefinite period." He acknowledged that the 1919 plans still remained unfulfilled, stating that "[w]hile this route was made a part of the State Highway System by act of the State Legislature in 1923, it has not yet been improved by the State Highway Department." Thus, the State Highway Engineer not only linked CR 84 to the old camino real, but asserted that it was now an official part of the state network of highways.

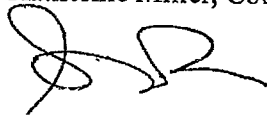
"The PLB's Report No.1, as cited above, exempted certain roads from Pueblo ownership, including FAP No. 14-B, the highway that "extends in a westerly direction to and across what is known as the Jacona Grant and to and across the west boundary of the said Pojoaque Grant, and is known as State Highway Project No. 4," clearly referring to today's CR 84. The Report acknowledges the absence of a formal right of way from the Pueblo of Pojoaque, but cites the fact that

Raymond Fry, Superintendent
Northern Pueblos Agency
January 7, 2014
Page 7

Please withdraw the letter immediately, or consider this to be an appeal of the determination pursuant to 25 C.F.R. Part 2.

Sincerely,


Katherine Miller, County Manager



Stephen C. Ross, County Attorney

Cc: Daniel W. Mayfield, Chair, Board of County Commissioners
Robert A. Anaya, Vice Chair
Miguel M. Chavez, Member, Board of County Commissioners
Kathy Holian, Member, Board of County Commissioners
Liz Stefanics, Member, Board of County Commissioners
Terry Aguilar, Governor, San Ildefonso Pueblo
John Utton Esq., Attorney for Santa Fe County
Peter Chestnut, Esq., Attorney for San Ildefonso Pueblo

easements needed to complete the projects referred to in Articles 2 and 3 the County will:

1. Install a gate at the end of County Road 84B which leads into the Pueblo. This gate will be part of the construction project on County Road 84. This gate will be closed during Pueblo ceremonies and festivities at the discretion and direction of the Pueblo.

2. The County will sponsor the Pueblo with the New Mexico Department of Energy and Minerals, Land and Water Conservation Division in a cooperative effort to obtain lights for the baseball field. Sponsorship shall include application for funding.

3. The County will clean up illegal dump sites on Pueblo Land and bury the trash on Pueblo Land.

4. The County will hire one summer youth to be employed at the Pueblo's Visitor Center. The youth will be hired at minimum wage for eight (8) to ten (10) weeks during 1989.

5. The County will pay the Pueblo \$20,000.00.

6. The County will install four (4) lights at the entrance roads into the Pueblo at their intersection with State Road 502. The installation of the lights will be part of the County Road 84 Paving Project. Once installed the operation and maintenance for the lights will be provided by the County.

construction easements and construction maintenance easements.

2. The right-of-way, as shown by Exhibit A, shall extend from a tract of non-Indian land in the vicinity of the El Rancho Bar to a tract of non-Indian land approximately one hundred eighty two and eighty one-hundredths (182.81) feet north of the bridge.

3. The right-of-way shall be sixty (60) feet in width, the roadway shall be thirty (30) feet in width but the bridge structure shall not be less than twenty-five (25) feet in width.

C. Improvements to existing development. The alignments will necessarily follow the existing roadways adjusted to meet minimum Highway Department standards.

1. Construction Plans have been developed for the County Road 84 Project and will be supplied to the Pueblo.

2. As of the date of execution of this agreement, plans for the paving of County Road 101-D have not been developed. While plans are in design, the Pueblo will be informed and shall have the right of review and approval of said plans.

D. The County agrees to indemnify and hold harmless the Pueblo from property damage and personal injury caused by the acts or omissions of the County and/or its employees, agents or representatives.

Agreed to by action of the Santa Fe County Board of County Commissioners this 12 day of MAY 1989.

AMENDMENT

This document will amend the right-of-way agreement between San Ildefonso Pueblo and Santa Fe County regarding the easements for improvement purposes of the following:

1. The " El Rancho Bridge ".
2. County Road 101-D.
3. County Road 84.

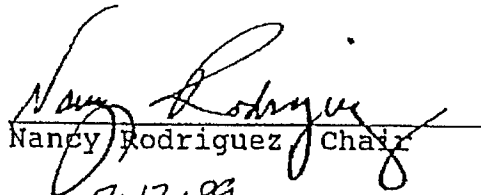
All rights-of-way are as presented in the agreement dated June 6, 1989 and addressed in San Ildefonso's Resolution # SI-008 dated June 6, 1989.

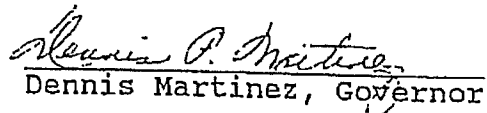
The purpose of this amendment is to specify the term of the rights-of-way.

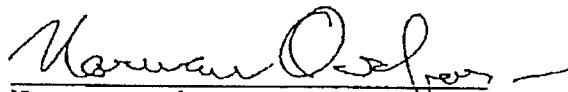
It is hereby agreed to by all parties that the rights-of-way for items 1,2 and 3 in this amendment are granted in perpetuity by San Ildefonso Pueblo to Santa Fe County.


Santa Fe County

San Ildefonso Pueblo

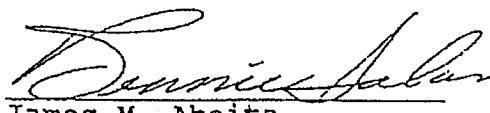

Nancy Rodriguez, Chair
7.12.89
Date

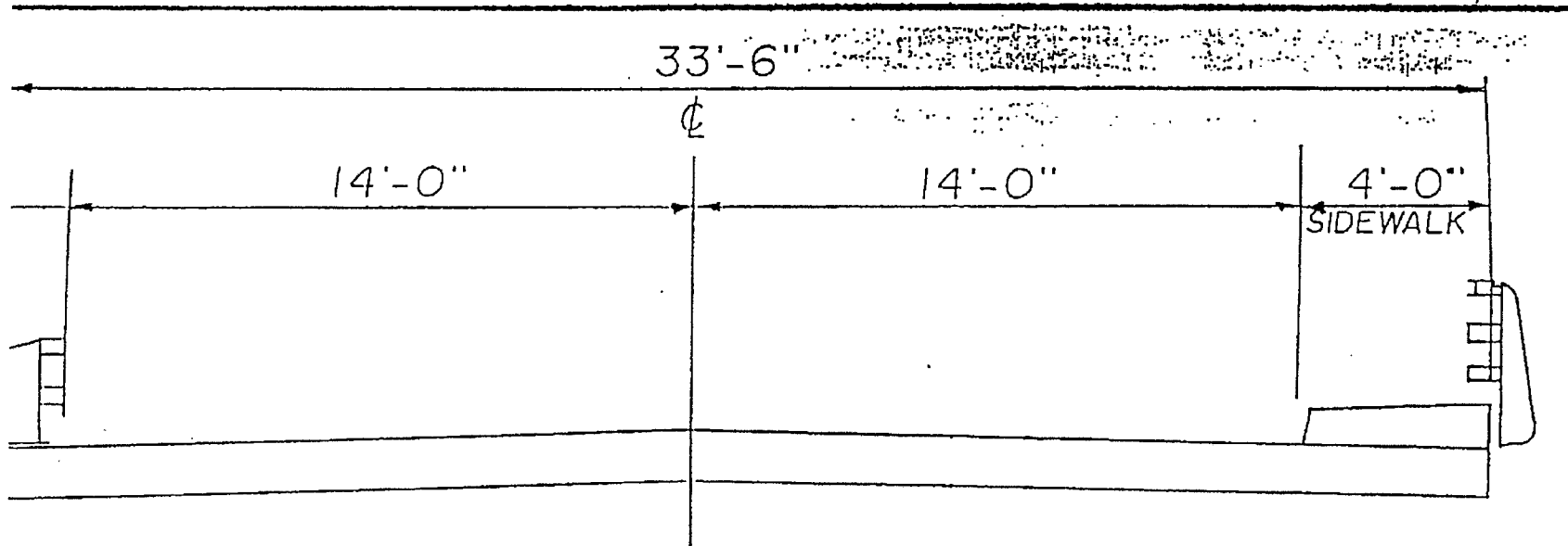

Dennis Martinez, Governor
7/18/89
Date


Norman Osborne
County Attorney


Joseph Calabaza
Secretary, Tribal Council

Approved By:
The Bureau of Indian Affairs
Authority: BIAM Section 2.14
Amendment # 2
AAO Redelegation
Order # 2

By  AUG 01 1989
James M. Aboita
Acting Superintendent
BIA/Northern Pueblos Agency

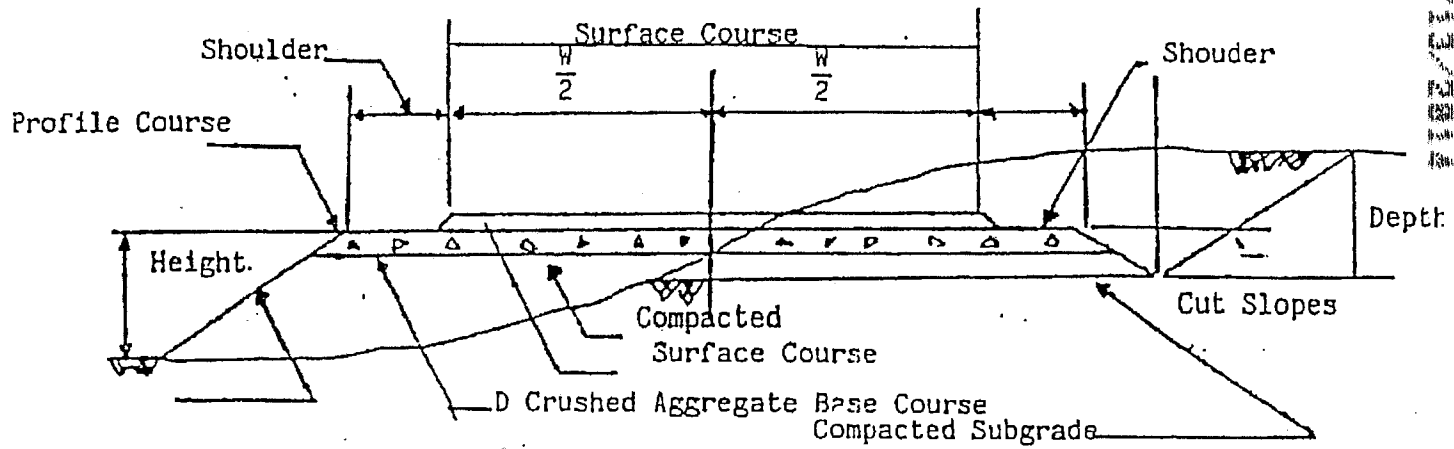


TEC
 TIGUA
 ENGINEERING
 CONSULTANTS
 INC.
 201 Street 20, P.O. Box
 201, San Jose, Costa Rica
 201/201-201
 201/201-201
 201/201-201
 201/201-201

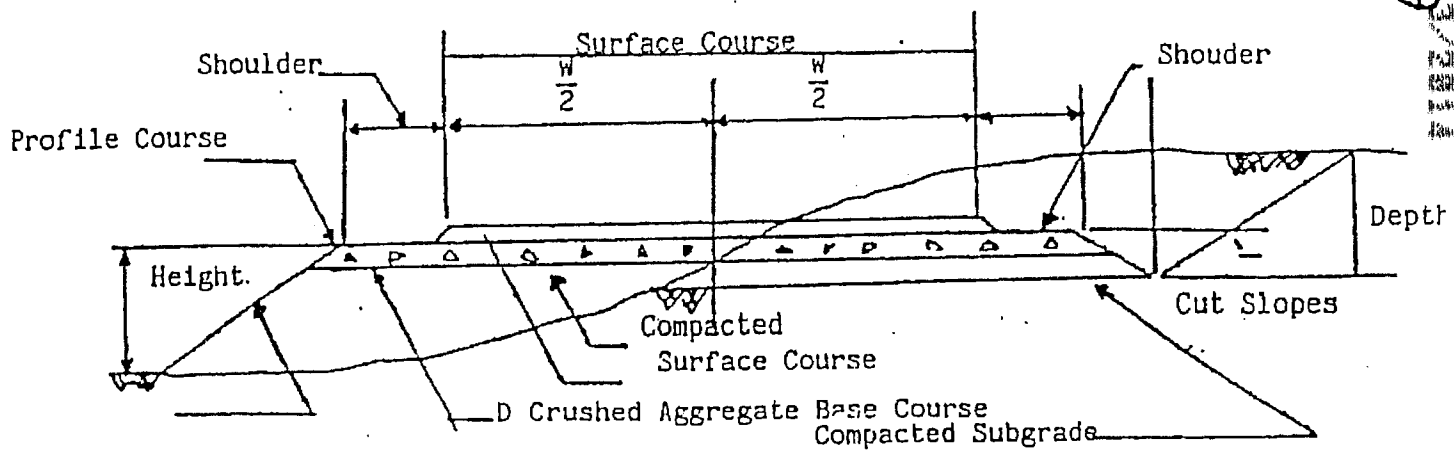
EL RANCHO BRIDGE

TYPICAL SECTION
 NOT TO SCALE

TYPICAL SECTION



TYPICAL SECTION



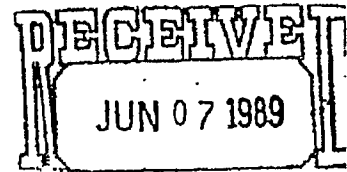
SEC 01 EXH RECEIVED
713-2
-89



(505) 455-2273

DENNIS P. MARTINEZ
GOVERNOR

EDMUND GONZALES
1st LT. GOVERNOR



NORTHERN PUEBLOS AGENCY

30 AUG 1989 SI-89-03
RESOLUTION

SI - 008

ALBUQUERQUE, N.M.

WHEREAS,

the Pueblo of San Ildefonso is a federally recognized tribe with sovereign powers and authority to conduct and determine the business of Tribal Government, and

WHEREAS,

the Pueblo wishes to participate in the "Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County."

WHEREAS,

the Pueblo agrees to all terms and conditions set forth in said agreement.

NOW THEREFORE BE IT RESOLVED THAT, the Pueblo of San Ildefonso hereby enters into the Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County.

BE IT FURTHER RESOLVED THAT, the Governor of San Ildefonso Pueblo or his designated representative is authorized to negotiate and execute the contract and any amendments.

CERTIFICATION

I hereby certify that the foregoing resolution was considered at a duly called meeting of the San Ildefonso Pueblo Tribal Council on the 6th day of June, 1989, at which time a quorum was present with 0 voting in favor, 0 opposed and 0 abstaining.

ATTEST:

Joseph Calabrese
Secretary, Tribal Council

Dennis P. Martinez
Governor, San Ildefonso Pueblo

RECEIVED
JUN 07 1989
NORTHERN PUEBLOS AGENCY
ALBUQUERQUE, N.M.

BEN RAY LUJAN
3RD DISTRICT, NEW MEXICO

WASHINGTON OFFICE
330 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
PHONE: 202-225-6190
FAX: 202-225-1528

SANTA FE OFFICE
811 SAINT MICHAEL'S DRIVE SUITE 104
SANTA FE, NM 87505
PHONE: 505-984-8950
FAX: 505-986-5047



Congress of the United States
House of Representatives
Washington, DC 20515
January 15, 2014

COMMITTEE ON NA

SUBCOMMITTEE ON
INDIAN AND ALASKA
WATER AND POWER

COMMITTEE ON SCIENCE AND TECHNOLOGY

SUBCOMMITTEES ON
ENERGY AND ENVIRONMENT
TECHNOLOGY AND INNOVATION

EXHIBIT

7

The Honorable Kevin K. Washburn
Assistant Secretary – Bureau of Indian Affairs
U.S. Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Assistant Secretary Washburn:

I write to request your assistance in resolving an issue of critical importance to both tribal and non-tribal communities in northern New Mexico. More specifically, I want to bring your attention to letters (enclosed) sent by the Superintendent of the Northern Pueblos Agency of the Bureau of Indian Affairs (BIA), notifying Santa Fe County and private land owners in El Rancho, NM that they are in "trespass" on San Ildefonso Pueblo lands (the Pueblo). According to a letter dated December 6, 2013 sent by the Superintendent of the Northern Pueblos Agency to Santa Fe County Officials, Santa Fe County "must show cause why the County should not be immediately assessed trespass damages and why the County should not be evicted from the subject Pueblo lands."

The Pueblo of San Ildefonso and the community of El Rancho, NM have co-existed for well over a century and the BIA must consider the historical dynamics of these communities as well as the legally-binding commitments they have made to each other. Local roads, including County Road 84 (a focal point of BIA's letter), now lay in place of historical wagon trails that have been common ingress and egress for the community for over a century. As federal, state and local governments modernized and land claims were adjudicated, many of the land claims in the area were resolved by the Pueblo Lands Act and the Pueblo Claims Board.

Over the past several decades, residents of El Rancho, NM and San Ildefonso Pueblo have relied on services provided by Santa Fe County, paid for at taxpayers' expense, including road paving and maintenance, and access to local residences for ambulances, firefighters and first responders. In their response to the BIA, the County asserts that it has a long history of working with the Pueblo and utilizing the roads in question. Further, the County details the many agreements and commitments made by tribal leaders, elected officials, and BIA officials. Due to the BIA's assertion that the County must "show cause" for its use of these roads within 30 days of its letter, I urge the BIA to respond with great urgency before the situation escalates further.

Page 1 of 3

TUCUMCARI OFFICE
404 W. RY. 66 BLVD.
TUCUMCARI, NM 88401
PHONE: 575-461-3029
FAX: 575-461-3192

GALLUP OFFICE
110 WEST AZTEC AVE.
GALLUP, NM 87301
PHONE: 505-863-0582
FAX: 505-863-0678

RIO RANCHO OFFICE
3200 CIVIC CENTER CIRCLE NE
SUITE 330
RIO RANCHO, NM 87144
PHONE: 505-994-0499
FAX: 505-994-0550

FARMINGTON OFFICE
800 MUNICIPAL DRIVE
FARMINGTON, NM 87401
PHONE: 505-324-1005
FAX: 505-324-1026

LAS VEGAS OFFICE
P.O. Box 1368
LAS VEGAS, NM 87701
PHONE: 505-454-3038
FAX: 505-454-3265

PRINTED ON RECYCLED PAPER

In addition, I have several questions that I would like for BIA to directly answer as a matter of transparency and fact finding as we work together to resolve this issue:


- 1) Are you aware that the Northern Pueblos Agency (Superintendent Raymond Fry) has sent letters to the County of Santa Fe and local residents living within the exterior boundaries of San Ildefonso Pueblo, stating that the county and individuals are in "trespass" of the Pueblo boundaries?
- 2) Where did this effort originate? Did San Ildefonso Pueblo request the BIA get involved or is this something the BIA has decided to engage in on its own without notifying the Congressional delegation?
- 3) Is it a new initiative or new policy by the BIA, to insert themselves into easement issues relating to communities in New Mexico who have historical checkerboard issues where non-tribal private property intermingles with tribal lands?
- 4) What is the legal basis for BIA to make a determination of "trespass" or demand that the County "show cause why the County should not be immediately assessed trespass damages and why the County should not be evicted from the subject Pueblo lands" as it did in its December 6, 2013 letter? Is there a legal basis for the BIA and/or San Ildefonso Pueblo to close roads, enforce trespass, or charge people to access their private land via County roads?
- 5) Does the BIA recognize the Pueblo Lands Act and the proceedings of the Pueblo Claims, which previously resolved many of these issues?
- 6) What legal definition and evidence is the BIA Northern Pueblos Agency using to prove "trespass"?
- 7) Is BIA aware of the previous agreements made on June 12, 1989 by San Ildefonso Pueblo officials and the County of Santa Fe, granting easements for access to private homes and businesses in exchange for the paving and maintenance of County Road 84?
- 8) Will BIA recognize and respect previous agreements made by San Ildefonso Pueblo allowing for the paving and maintenance of County Road 84 and all of its arterials in exchange for a perpetual easement for non-tribal residents to access their private homes and businesses?

- 9) What can BIA do to resolve this issue and is BIA willing to make a public commitment to stop San Ildefonso Pueblo from shutting down access to private homes and businesses until this issue can be permanently resolved?

Finally, I am extremely concerned that the aforementioned letters sent by the BIA have begun to unravel the fabric of the local community. Community members are in fear of losing access to their homes and businesses. There have also been assertions that the Pueblo has begun to contact individuals asking for payment to utilize local county roads. I appreciate your assurance that you will work to prevent any harms to be inflicted upon the effected communities as the BIA, San Ildefonso Pueblo, and Santa Fe County work to resolve these issues.

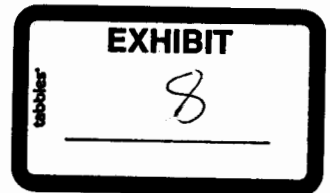
I thank you in advance for your attention to this critical matter and I look forward to working with you to resolve this issue so that community members of El Rancho, NM can have access to their homes, businesses and private property.

Sincerely,


Ben Ray Lujan
Members of Congress

VOTE 6/0 in Favor

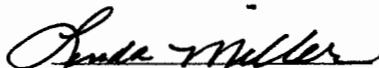
Chupadero Water-Sewage Corporation
Resolution No. 2014 5 12-1



BCC CASE # PCEV 14-5110 Heather McCrea Vacation of Easement

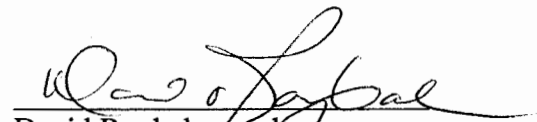
At the May 12, 2014 meeting, the Board of Directors of the Chupadero Water-Sewage Corporation, a Mutual Domestic Water Consumers Association created under the Sanitary Projects Act, NMSA 1978, §§ 3-29-1 *et. seq.* unanimously voted their support of "BCC CASE # PCEV 14-5110 Heather McCrea Vacation of Easement." The Santa Fe County Board of Commissioners approval of this Land Use Case will facilitate the County's acquisition of the Chupadero Water-Sewage Corporation into the County's Public Utilities.

Signed,

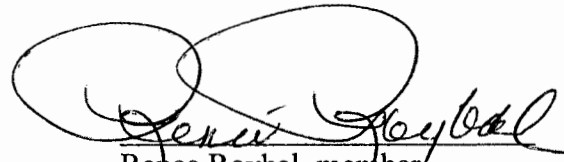

Linda Miller, President


Julia Munde, Vice- President

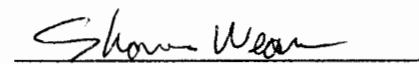

Phillip Villareal, Secretary


David Roybal, member

NOT PRESENT
Jon Goldstein, member


Renee Roybal, member

NOT PRESENT
Waldo Duran, member


Sharon Weaver, member

GRANT OF EASEMENT

2044870

This Grant is made this 30 day of November, 2001, by **Rose V. Martinez**, an unmarried woman, and **Frank J. Lucero**, an unmarried man (hereinafter referred to as "Martinez and Lucero"), in favor of **Ramon M. Romero**, an unmarried man (hereinafter referred to as "Romero").

WHEREAS, Martinez and Lucero warrant that they are fee simple owners of property legally described as follows:

Lot 1 as shown on Plat of Survey entitled "Plat of Survey showing Family Transfer Land Division requested by Ramon M. Romero," filed for record as Document No. 1031-079, appearing in Plat Book 389, at page 045, records of Santa Fe County, New Mexico.

WHEREAS, Romero is the fee simple owner of property legally described as follows:

Lot 2 as shown on Plat of Survey entitled "Plat of Survey showing Family Transfer Land Division requested by Ramon M. Romero," filed for record as Document No. 1031-079, appearing in Plat Book 389, at page 045, records of Santa Fe County, New Mexico.

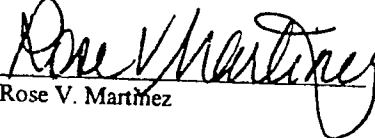
WHEREAS, Martinez and Lucero desire to identify the location of the ingress, egress and utility easement described in the Romero Family Transfer Land Division Plat, as relocated, as shown on Exhibit A attached hereto, and Martinez and Lucero have agreed to grant to Romero the ingress and egress and utility easement as shown on Exhibit A hereto and incorporated herein by reference.

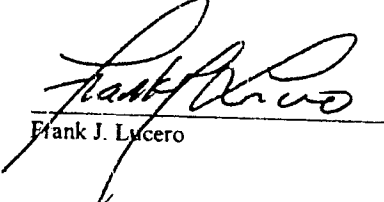
NOW, THEREFORE, in consideration of the recitals stated above and for other valuable consideration, Martinez and Lucero agree as follows:

1. Martinez and Lucero grant to Romero a non-exclusive easement for ingress and egress and construction and maintenance of utilities over, under and upon the easement particularly described on Exhibit A attached hereto and made a part hereof by reference.
2. Martinez and Lucero agree that the easement granted herein shall be binding upon the owners of the land on, over or under which the easements are located and shall be appurtenant to and shall benefit the property to be served by such easement; and such easement shall be binding upon and inure to the benefit of the parties' heirs, personal representatives, successors and assigns.

3. In the event of any lawsuit or arbitration to enforce this Grant of Easement, the prevailing party shall recover from the non-prevailing party all costs, including reasonable attorneys' fees, incurred by the prevailing party.
4. The grant of easement, rights and obligations set forth herein shall run with the land and shall be binding upon and inure to the benefit of Martinez and Lucero and Romero, and any person or persons, and any entity or entities acquiring, holding or owning an interest in or to the properties to be served by this easement.

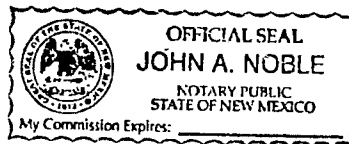
Executed the date and year first written above.

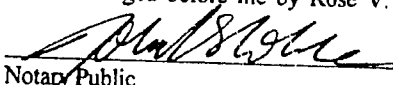

Rose V. Martinez


Frank J. Lucero

STATE OF NEW MEXICO)
)
COUNTY OF SANTA FE)

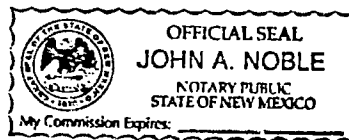
The foregoing instrument was acknowledged before me by Rose V. Martinez on November 30, 2001.




Notary Public
My commission expires: 12/2/03

STATE OF NEW MEXICO)
)
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me by Frank J. Lucero on November 30, 2001.





Notary Public
My commission expires: 12/2/03

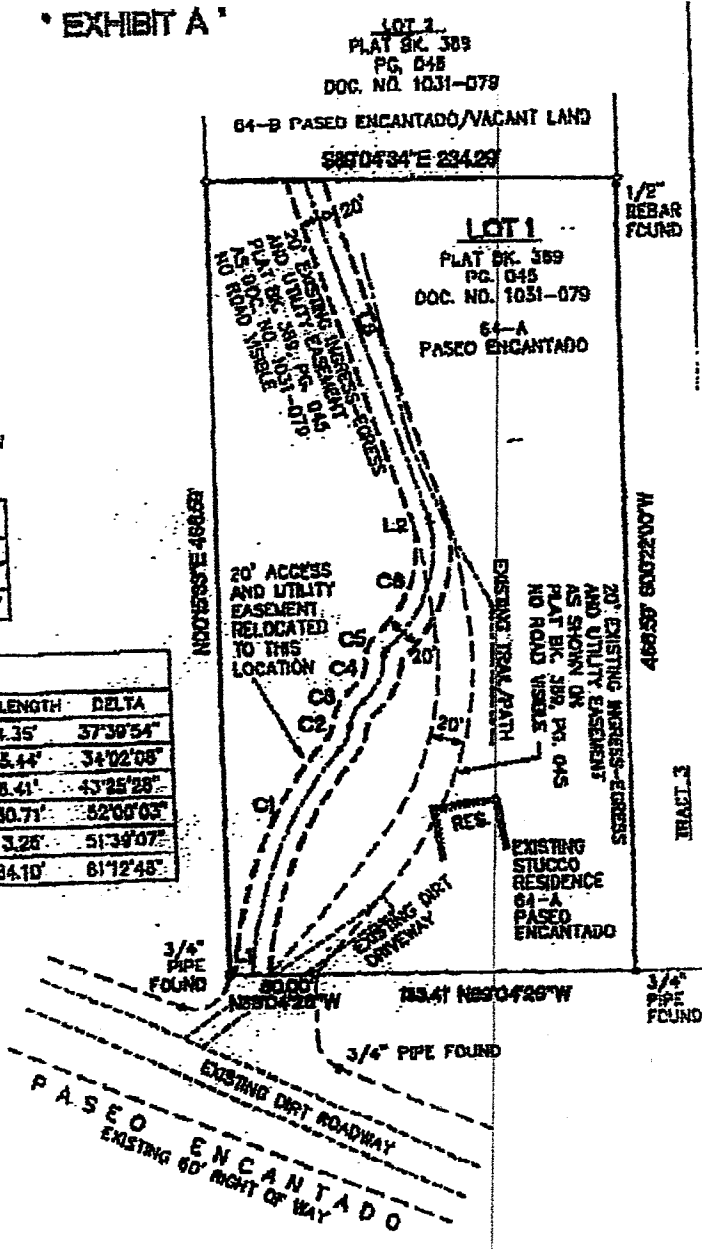
EXHIBIT A

20' INGRESS-EGRESS AND
UTILITY EASEMENT RELOCATION
EXHIBIT DRAWING

NOTE: DATA SHOWN BELOW
IS CENTERLINE DATA

| LINE DATA | |
|-----------|---------------------|
| L1 | S89°04'28"E 13.19' |
| L2 | N17°10'04"W 3.92' |
| L3 | N17°16'08"W 205.85' |

| CURVE DATA | | | | |
|------------------------|---------|------------|-----------|--|
| CH-BRG. & DIST. | RADIUS | ARC LENGTH | DELTA | |
| C1 N22°43'13"E 141.77' | 219.59' | 144.35' | 57°39'54" | |
| C2 N24°32'06"E 19.21' | 25.89' | 15.44' | 34°02'08" | |
| C3 N28°13'46"E 18.02' | 21.66' | 18.41' | 43°25'28" | |
| C4 N25°01'24"E 29.86' | 33.83' | 30.71' | 82°00'03" | |
| C5 N25°04'43"E 3.14' | 3.61' | 3.28' | 51°39'07" | |
| C6 N20°17'52"E 80.16' | 78.73' | 84.10' | 61°12'48" | |



61-23-2. DECLARATION OF POLICY.--The legislature declares that it is a matter of public safety, interest and concern that the practices of engineering and surveying merit and receive the confidence of the public and that only qualified persons be permitted to engage in the practices of engineering and surveying. In order to safeguard life, health and property and to promote the public welfare, any person in either public or private capacity practicing or offering to practice engineering or surveying shall be required to submit evidence that he is qualified to so practice and shall be licensed as provided in the Engineering and Surveying Practice Act. It is unlawful for any person to practice, offer to practice, engage in the business, act in the capacity of, advertise or use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a professional, licensed engineer or surveyor unless that person is licensed or exempt under the provisions of the Engineering and Surveying Practice Act. A person who engages in the business or acts in the capacity of a professional engineer or professional surveyor in New Mexico, except as otherwise provided in Sections 61-23-22 and 61-23-27.10 NMSA 1978, with or without a New Mexico license, has thereby submitted to the jurisdiction of the state and to the administrative jurisdiction of the board and is subject to all penalties and remedies available for a violation of any provision of Chapter 61, Article 23 NMSA 1978. The practice of engineering or surveying shall be deemed a privilege granted by the board based on the qualifications of the individual as evidenced by the licensee's certificate, which shall not be transferable.

23 Am.Jur.2d Dedication § 1 (1983). However, the owner's intent need not be express. "The owner's intention to dedicate land to the public may be manifested by his acquiescence in its use by the public, and dedication of the property may result from such acquiescence, provided the use is of the necessary character and duration." *Id.* at § 34.

The essential elements of implied dedication are acts by the landowner that induced the belief the landowner intended to dedicate the road to public use, the landowner was competent, the public relied on the acts and will be served by the dedication, and there was an offer and acceptance of the dedication. *Las Vegas Pecan & Cattle Co. v. Zavala County*, 682 S.W.2d 254, 256 (Tex.1984). "The theory of implied dedication ... rests on the presumption of an intent on the part of the landowner to devote his property to public use." *Medina Lake Protection Ass'n v. Bexar-Medina-Atascosa Counties Water Control & Improvement Dist. No. 1*, 656 S.W.2d 91, 94 (Tex.Ct.App.1983). *Luevano v. Maestas et al*, 874 P.2d 788 (1994), 117 N.M. 580.

Aspects of Easements

The Scope of an Easement

The document creating the easement should define the scope of the easement. An easement generally can be used only for the purpose expressly stated in the document that created it. If the geographic extent or location of an easement is not described in the document creating it, the owner of the servient estate has the first right to designate its location.

The interest created by an easement is a right of use, measured by the nature and purpose of the grant, "and, so far as [is] consistent therewith, the owner of the fee may make any reasonable use desired of the land in which the easement exists." *Dyer v. Compere*, 41 N.M. at 720, 73 P.2d at 1359. *Luevano v. Maestas et al*, 874 P.2d 788 (1994) 117 N.M. 580.

"The extent of an easement is to be determined by a true construction of the grant or reservation by which it is created, aided by any concomitant circumstances which have a legitimate tendency to disclose the intention of the parties. Where, however, the grant or reservation is specific in its terms, it is, of course, decisive of the limits of the easement. ..." (Citations omitted). *Dyer v. Compere*, 41 N.M. 716, 73 P.2d 1356 (1937). *Kennedy v. Bond*, 460 P.2d 809 (1969), 80 N.M. 734.

If the easement is not specifically defined, it need only be such as is reasonably necessary and convenient for the purpose for which it was created. *Leffingwell Ranch*, 276 Mont. at 430, 916 P.2d at 757 (ellipsis in original) (quoting *Strahan v. Bush*, 237 Mont. 265, 268, 773 P.2d 718, 720 (1989)).

The right of the easement owner and the right of the landowner are not absolute, irrelative

As a general rule, in the absence of statutes to the contrary, the location of an easement cannot be changed by either party without the other's consent, after it has been once established either by the express terms of the grant or by the acts of the parties, except under the authority of an express or implied grant or reservation to this effect. (footnotes omitted); F.M. English, Annotation, Relocation of Easements, 80 A.L.R. 2d 743 § 4 (1961). [Cited in South Carolina Court of Appeals - *Troy K. Goodwin and Fonda E. Goodwin, Appellants v. Martha E. Johnson and Ernie Johnson, Respondents*, Opinion No. 3696, Heard November 4, 2003 – Filed November 17, 2003.]

[From *John R. Sheppard and William J. Sheppard, Respondents, v. Justin Enterprises, a South Carolina General Partnership, Russ Pye and Lee Pye, Appellants*. Appeal From Charleston County, Daniel F. Pieper, Circuit Court Judge. Opinion No. 4245. Heard April 10, 2007 – Filed May 14, 2007]

Traditionally, the location of an easement, once selected or fixed, cannot be changed by the owner of the servient estate without the express or implied consent of the owner of the dominant estate. *Goodwin v. Johnson*, 357 S.C. 49, 53, 591 S.E.2d 34, 36 (Ct. App. 2003). The Restatement, however, provides, in pertinent part:

Except where the location and dimensions are determined by the instrument or circumstances surrounding creation of a servitude, they are determined as follows . . . (3) [u]nless expressly denied by the terms of an easement, . . . the owner of the servient estate is entitled to make reasonable changes in the location or dimensions of an easement, at the servient owner's expense, to permit normal use or development of the servient estate, but only if the changes do not (a) significantly lessen the utility of the easement, (b) increase the burdens on the owner of the easement in its use and enjoyment, or (c) frustrate the purpose for which the easement was created.

November 26, 2012

1. Survey of new easement
2. County permit for new easement
3. New plat indicating the easement over 64A and its entry into 64B
4. 20' driveway finished to 64B property line, with proper drainage
5. Electricity sufficient for 4 homes for 64B
6. Phone to 64B property line
7. Buildings set back 50' from the 64A/64B property line
8. Covenants indicating that buildings on 64A will not have pitched roofs
9. Covenants on 64A specifying all of the above (in the event that Mr. McCreight sells 64A before fully developing it)
10. Cost of Alanna Burke/William Berra's lawyer drawing up contract and reviewing documents such as the new plat

11/26/12
DEMANDS

After discussion with our legal department, staff recommends that an additional condition be imposed:

3. The adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the Final Plat prior to recordation to signify their agreement to the vacation and relocation of the easement.

or in lieu of signatures by the adjacent property owners. The applicant shall obtain a final, non-appealable order from a court of competent jurisdiction allowing the relocation of the easement shown here on.

A

ST&E 01681358

EXHIBIT

10

GRANT OF EASEMENT

204487

This Grant is made this 30 day of November, 2001, by **Rose V. Martinez**, an unmarried woman, and **Frank J. Lucero**, an unmarried man (hereinafter referred to as "Martinez and Lucero"), in favor of **Ramon M. Romero**, an unmarried man (hereinafter referred to as "Romero").

WHEREAS, Martinez and Lucero warrant that they are fee simple owners of property legally described as follows:

Lot 1 as shown on Plat of Survey entitled "Plat of Survey showing Family Transfer Land Division requested by Ramon M. Romero," filed for record as Document No. 1031-079, appearing in Plat Book 389, at page 045, records of Santa Fe County, New Mexico.

WHEREAS, Romero is the fee simple owner of property legally described as follows:

Lot 2 as shown on Plat of Survey entitled "Plat of Survey showing Family Transfer Land Division requested by Ramon M. Romero," filed for record as Document No. 1031-079, appearing in Plat Book 389, at page 045, records of Santa Fe County, New Mexico.

WHEREAS, Martinez and Lucero desire to identify the location of the ingress, egress and utility easement described in the Romero Family Transfer Land Division Plat, as relocated, as shown on Exhibit A attached hereto, and Martinez and Lucero have agreed to grant to Romero the ingress and egress and utility easement as shown on Exhibit A hereto and incorporated herein by reference.


NOW, THEREFORE, in consideration of the recitals stated above and for other valuable consideration, Martinez and Lucero agree as follows:

1. Martinez and Lucero grant to Romero a non-exclusive easement for ingress and egress and construction and maintenance of utilities over, under and upon the easement particularly described on Exhibit A attached hereto and made a part hereof by reference.
2. Martinez and Lucero agree that the easement granted herein shall be binding upon the owners of the land on, over or under which the easements are located and shall be appurtenant to and shall benefit the property to be served by such easement; and such easement shall be binding upon and inure to the benefit of the parties' heirs, personal representatives, successors and assigns.

3. In the event of any lawsuit or arbitration to enforce this Grant of Easement, the prevailing party shall recover from the non-prevailing party all costs, including reasonable attorneys' fees, incurred by the prevailing party.
4. The grant of easement, rights and obligations set forth herein shall run with the land and shall be binding upon and inure to the benefit of Martinez and Lucero and Romero, and any person or persons, and any entity or entities acquiring, holding or owning an interest in or to the properties to be served by this easement.

Executed the date and year first written above.

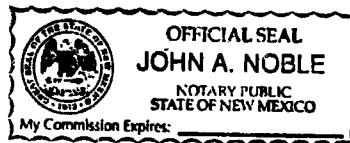
Rose V. Martinez
Rose V. Martinez



Frank J. Lucero

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss.

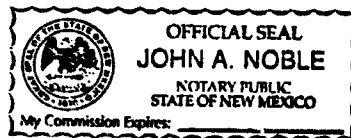
The foregoing instrument was acknowledged before me by Rose V. Martinez on November 30, 2001.



Notary Public
My commission expires: 12/2/03

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss

The foregoing instrument was acknowledged before me by Frank J. Lucero on November 30, 2001.



Notary Public
My commission expires: 12/2/03

2044872

CONSENTED TO AND APPROVED BY:

FIRST UNION NATIONAL BANK, as Trustee under a variable funding
Agreement dated March 3, 1995 by Mary Jo Perry, Asst. Vice President of MID STATE HOMES, INC. as its Attorney-in-Fact

Name: Mary Jo Perry, Asst. Vice President

Title:

STATE OF FLORIDA)
) SS.
COUNTY OF HILLSBOROUGH)

The foregoing Consent was acknowledged before me by Mary Jo Perry
Asst. Vice President of Mid State Homes, Inc. as its Attorney-in-Fact
on behalf of the Bank, on November 26th, 2001. December



Sylvia Smith
My Commission CC880834
Expires January 13, 2005

Sylvia Smith
Notary Public Sylvia Smith
My commission expires: _____

5834-001



COUNTY OF SANTA FE
STATE OF NEW MEXICO 1187 } 597
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 1 DAY OF APRIL
2002 AT 10:17 O'CLOCK
AND WAS FILED IN BOOK 2044
PAGE 510-518 OF THE RECORDS OF
SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
Rebecca Bustamante
DEPUTY

2044873

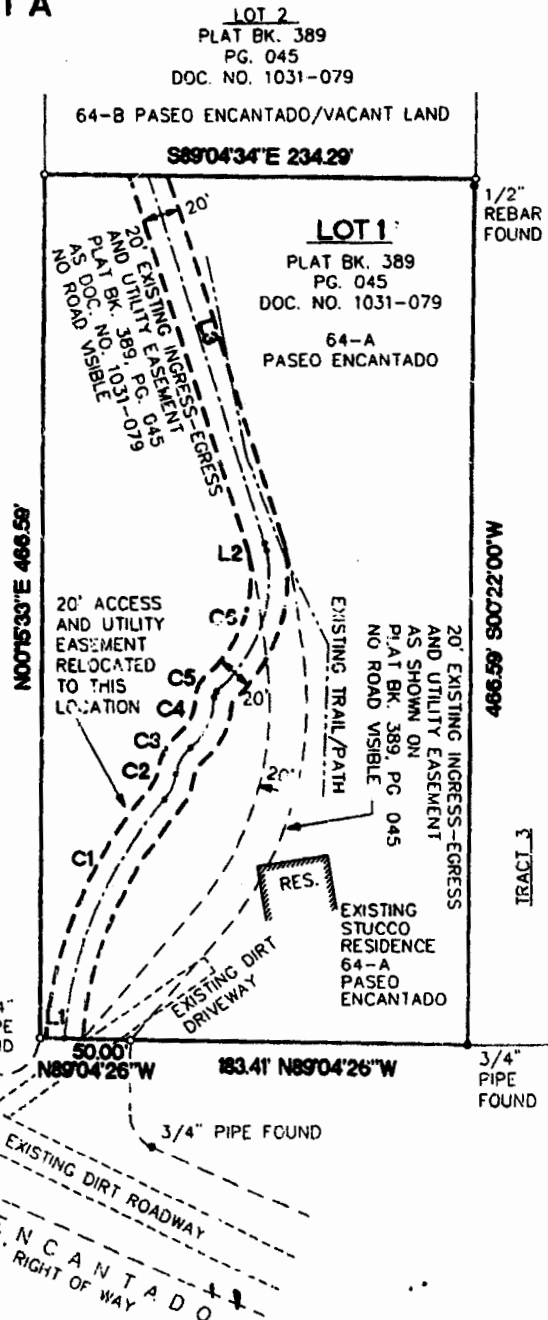
EXHIBIT A

20' INGRESS-EGRESS AND
UTILITY EASEMENT RELOCATION
EXHIBIT DRAWING

NOTE: DATA SHOWN BELOW
IS CENTERLINE DATA

| LINE DATA | |
|-----------|---------------------|
| L1 | S89°04'26"E 13.19' |
| L2 | N17°10'04"W 3.92' |
| L3 | N17°49'08"W 208.66' |

| CURVE DATA | | | | |
|------------------------|---------|------------|-----------|--|
| CH-BRG. & DIST. | RADIUS | ARC LENGTH | DELTA | |
| C1 N22°43'13"E 141.77' | 219.59' | 144.35' | 37°39'54" | |
| C2 N24°32'06"E 15.21' | 25.99' | 15.44' | 34°02'08" | |
| C3 N29°13'46"E 16.02' | 21.66' | 16.41' | 43°25'28" | |
| C4 N25°01'24"E 29.66' | 33.83' | 30.71' | 52°00'03" | |
| C5 N25°04'43"E 3.14' | 3.61' | 3.25' | 51°39'07" | |
| C6 N20°17'52"E 80.16' | 78.73' | 84.10' | 61°12'48" | |



SAC OF THE RECORDS 66/13/2011 11:23:11 AM

WARRANTY DEED

Ramon M. Romero, an unmarried man, for consideration paid, grants to William Berra and Alanna C. Burke, husband and wife, as joint tenants with rights of survivorship, whose address is 86A Paseo Encantado, Santa Fe, NM 87506 the following described real estate in Santa Fe County, New Mexico:

Lot 2 as shown on Plat of Survey entitled "Plat of Survey showing Family Transfer Land Division requested by Ramon M. Romero", filed for record as Document No. 1031-979, appearing in Plat Book 389 at page 045, records of Santa Fe County, New Mexico.

COUNTY OF SANTA FE
STATE OF NEW MEXICO 1187 3 598
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 28 DAY OF NOVEMBER
2001 AT 10:20 O'CLOCK
AND WAS FILED RECORDED IN BOOK 2044
PAGE 514
OF THE RECORDS OF
SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
Rebecca Bustamante
DEPUTY



SUBJECT TO: Restrictions, reservations and easements of record, as set forth in Restrictive Covenants recorded in Book 1511 at Pages 317-319, records of Santa Fe County, New Mexico, Plat of Survey showing Family Transfer Land Division requested by Ramon Romero, recorded in Plat Book 389, Page 045, records of Santa Fe County, New Mexico and county taxes for the year 2001 and subsequent years.

with warranty covenants.

WITNESS my hand and seal this 28 day of November, 2001.

Ramon M. Romero (Seal)

(Seal)

(Seal)

(Seal)

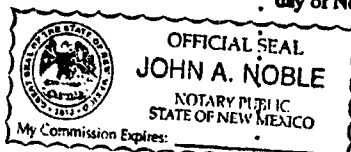
FOR RECORDER'S USE ONLY

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF SANTA FE

The foregoing instrument was acknowledged before me on this 28 day of November, 2001, by Ramon M. Romero.



Notary Public

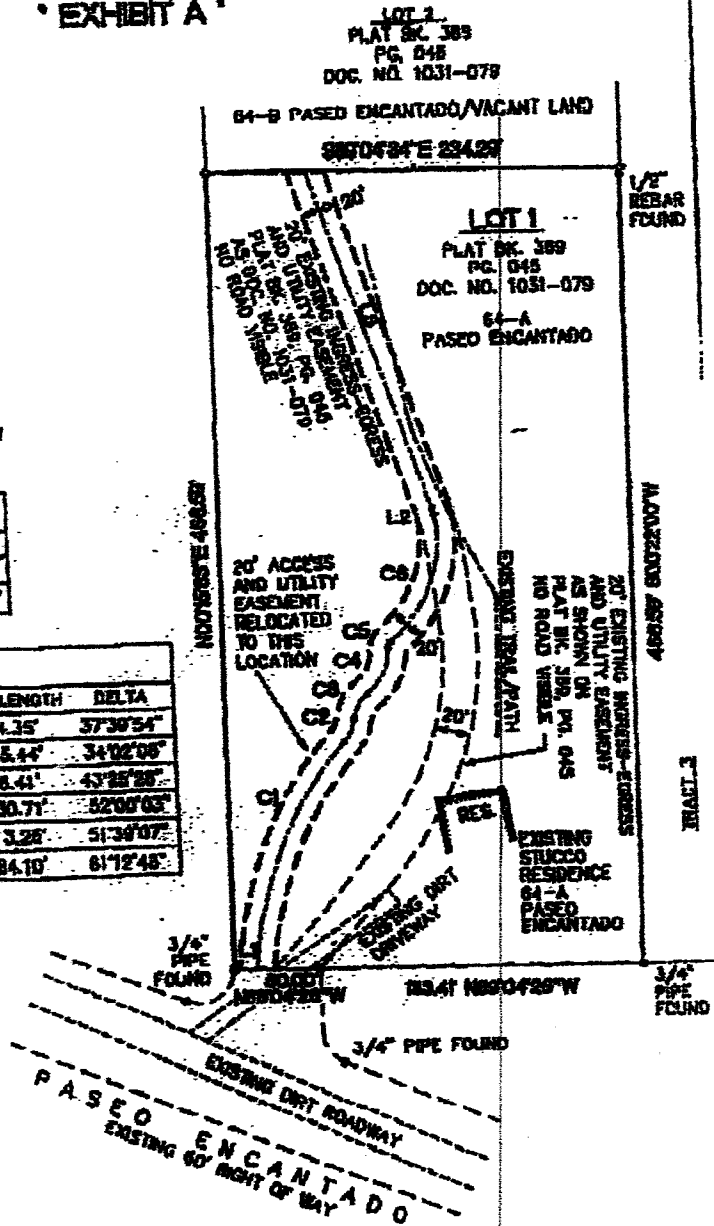
EXHIBIT A

20' INGRESS-EGRESS AND UTILITY EASEMENT RELOCATION EXHIBIT DRAWING

NOTE: DATA SHOWN BELOW
IS CENTERLINE DATA

| LINE DATA | |
|-----------|---------------------|
| L1 | S88°04'26"E 13.19' |
| L2 | N17°10'04"W 3.82' |
| L3 | N17°18'08"W 208.86' |

| CURVE DATA | | | | |
|------------------------|---------|------------|-----------|--|
| CH-BRO. & DIST. | RADIUS | ARC LENGTH | DELTA | |
| C1 N22°43'15"E 141.77' | 219.69' | 144.35' | 37°30'54" | |
| C2 N24°42'06"E 19.21' | 25.89' | 15.44' | 34°02'06" | |
| C3 N28°13'44"E 18.02' | 21.66' | 16.41' | 43°28'28" | |
| C4 N25°01'24"E 29.86' | 33.83' | 30.71' | 52°00'03" | |
| C5 N25°04'43"E 3.14' | 3.61' | 3.28' | 51°34'07" | |
| C6 N80°17'52"E 80.16' | 78.73' | 84.10' | 61°12'48" | |



REC'D CIVIL ENGINEERING 05/13/2011

61-23-2. DECLARATION OF POLICY.--The legislature declares that it is a matter of public safety, interest and concern that the practices of engineering and surveying merit and receive the confidence of the public and that only qualified persons be permitted to engage in the practices of engineering and surveying. In order to safeguard life, health and property and to promote the public welfare, any person in either public or private capacity practicing or offering to practice engineering or surveying shall be required to submit evidence that he is qualified to so practice and shall be licensed as provided in the Engineering and Surveying Practice Act. It is unlawful for any person to practice, offer to practice, engage in the business, act in the capacity of, advertise or use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a professional, licensed engineer or surveyor unless that person is licensed or exempt under the provisions of the Engineering and Surveying Practice Act. A person who engages in the business or acts in the capacity of a professional engineer or professional surveyor in New Mexico, except as otherwise provided in Sections 61-23-22 and 61-23-27.10 NMSA 1978, with or without a New Mexico license, has thereby submitted to the jurisdiction of the state and to the administrative jurisdiction of the board and is subject to all penalties and remedies available for a violation of any provision of Chapter 61, Article 23 NMSA 1978. The practice of engineering or surveying shall be deemed a privilege granted by the board based on the qualifications of the individual as evidenced by the licensee's certificate, which shall not be transferable.

23 Am.Jur.2d Dedication § 1 (1983). However, the owner's intent need not be express. "The owner's intention to dedicate land to the public may be manifested by his acquiescence in its use by the public, and dedication of the property may result from such acquiescence, provided the use is of the necessary character and duration." *Id.* at § 34.

The essential elements of implied dedication are acts by the landowner that induced the belief the landowner intended to dedicate the road to public use, the landowner was competent, the public relied on the acts and will be served by the dedication, and there was an offer and acceptance of the dedication. *Las Vegas Pecan & Cattle Co. v. Zavala County*, 682 S.W.2d 254, 256 (Tex.1984). "The theory of implied dedication ... rests on the presumption of an intent on the part of the landowner to devote his property to public use." *Medina Lake Protection Ass'n v. Bexar-Medina-Atascosa Counties Water Control & Improvement Dist. No. 1*, 656 S.W.2d 91, 94 (Tex.Ct.App.1983). *Luevano v. Maestas et al*, 874 P.2d 788 (1994), 117 N.M. 580.

Aspects of Easements

The Scope of an Easement

The document creating the easement should define the scope of the easement. An easement generally can be used only for the purpose expressly stated in the document that created it. If the geographic extent or location of an easement is not described in the document creating it, the owner of the servient estate has the first right to designate its location.

The interest created by an easement is a right of use, measured by the nature and purpose of the grant, "and, so far as [is] consistent therewith, the owner of the fee may make any reasonable use desired of the land in which the easement exists." *Dyer v. Compere*, 41 N.M. at 720, 73 P.2d at 1359. *Luevano v. Maestas et al*, 874 P.2d 788 (1994) 117 N.M. 580.

"The extent of an easement is to be determined by a true construction of the grant or reservation by which it is created, aided by any concomitant circumstances which have a legitimate tendency to disclose the intention of the parties. Where, however, the grant or reservation is specific in its terms, it is, of course, decisive of the limits of the easement. ..." (Citations omitted). *Dyer v. Compere*, 41 N.M. 716, 73 P.2d 1356 (1937). *Kennedy v. Bond*, 460 P.2d 809 (1969), 80 N.M. 734.

If the easement is not specifically defined, it need only be such as is reasonably necessary and convenient for the purpose for which it was created. *Leffingwell Ranch*, 276 Mont. at 430, 916 P.2d at 757 (ellipsis in original) (quoting *Strahan v. Bush*, 237 Mont. 265, 268, 773 P.2d 718, 720 (1989)).

The right of the easement owner and the right of the landowner are not absolute, irrelative

As a general rule, in the absence of statutes to the contrary, the location of an easement cannot be changed by either party without the other's consent, after it has been once established either by the express terms of the grant or by the acts of the parties, except under the authority of an express or implied grant or reservation to this effect. (footnotes omitted); F.M. English, Annotation, Relocation of Easements, 80 A.L.R. 2d 743 § 4 (1961). [Cited in South Carolina Court of Appeals - *Troy K. Goodwin and Fonda E. Goodwin, Appellants v. Martha E. Johnson and Ernie Johnson, Respondents*, Opinion No. 3696, Heard November 4, 2003 – Filed November 17, 2003.]

[From *John R. Sheppard and William J. Sheppard, Respondents, v. Justin Enterprises, a South Carolina General Partnership, Russ Pye and Lee Pye, Appellants*. Appeal From Charleston County, Daniel F. Pieper, Circuit Court Judge. Opinion No. 4245. Heard April 10, 2007 – Filed May 14, 2007]

Traditionally, the location of an easement, once selected or fixed, cannot be changed by the owner of the servient estate without the express or implied consent of the owner of the dominant estate. *Goodwin v. Johnson*, 357 S.C. 49, 53, 591 S.E.2d 34, 36 (Ct. App. 2003). The Restatement, however, provides, in pertinent part:

Except where the location and dimensions are determined by the instrument or circumstances surrounding creation of a servitude, they are determined as follows (3) [u]nless expressly denied by the terms of an easement . . . the owner of the servient estate is entitled to make reasonable changes in the location or dimensions of an easement, at the servient owner's expense, to permit normal use or development of the servient estate, but only if the changes do not (a) significantly lessen the utility of the easement, (b) increase the burdens on the owner of the easement in its use and enjoyment, or (c) frustrate the purpose for which the easement was created.

November 26, 2012

1. Survey of new easement
2. County permit for new easement
3. New plat indicating the easement over 64A and its entry into 64B
4. 20' driveway finished to 64B property line, with proper drainage
5. Electricity sufficient for 4 homes for 64B
6. Phone to 64B property line
7. Buildings set back 50' from the 64A/64B property line
8. Covenants indicating that buildings on 64A will not have pitched roofs
9. Covenants on 64A specifying all of the above (in the event that Mr. McCreight sells 64A before fully developing it)
10. Cost of Alanna Burke/William Berra's lawyer drawing up contract and reviewing documents such as the new plat

DEMANDS

11/26/12

ST&E C16817-55A

GRANT OF EASEMENT

2044870

This Grant is made this 30 day of November, 2001, by Rose V. Martinez, an unmarried woman, and Frank J. Lucero, an unmarried man (hereinafter referred to as "Martinez and Lucero"), in favor of Ramon M. Romero, an unmarried man (hereinafter referred to as "Romero").

WHEREAS, Martinez and Lucero warrant that they are fee simple owners of property legally described as follows:

Lot 1 as shown on Plat of Survey entitled "Plat of Survey showing Family Transfer Land Division requested by Ramon M. Romero," filed for record as Document No. 1031-079, appearing in Plat Book 389, at page 045, records of Santa Fe County, New Mexico.

WHEREAS, Romero is the fee simple owner of property legally described as follows:

Lot 2 as shown on Plat of Survey entitled "Plat of Survey showing Family Transfer Land Division requested by Ramon M. Romero," filed for record as Document No. 1031-079, appearing in Plat Book 389, at page 045, records of Santa Fe County, New Mexico.

WHEREAS, Martinez and Lucero desire to identify the location of the ingress, egress and utility easement described in the Romero Family Transfer Land Division Plat, as relocated, as shown on Exhibit A attached hereto, and Martinez and Lucero have agreed to grant to Romero the ingress and egress and utility easement as shown on Exhibit A hereto and incorporated herein by reference.

NOW, THEREFORE, in consideration of the recitals stated above and for other valuable consideration, Martinez and Lucero agree as follows:

1. Martinez and Lucero grant to Romero a non-exclusive easement for ingress and egress and construction and maintenance of utilities over, under and upon the easement particularly described on Exhibit A attached hereto and made a part hereof by reference.
2. Martinez and Lucero agree that the easement granted herein shall be binding upon the owners of the land on, over or under which the easements are located and shall be appurtenant to and shall benefit the property to be served by such easement; and such easement shall be binding upon and inure to the benefit of the parties' heirs, personal representatives, successors and assigns.

3. In the event of any lawsuit or arbitration to enforce this Grant of Easement, the prevailing party shall recover from the non-prevailing party all costs, including reasonable attorneys' fees, incurred by the prevailing party.
4. The grant of easement, rights and obligations set forth herein shall run with the land and shall be binding upon and inure to the benefit of Martinez and Lucero and Romero, and any person or persons, and any entity or entities acquiring, holding or owning an interest in or to the properties to be served by this easement.

Executed the date and year first written above.

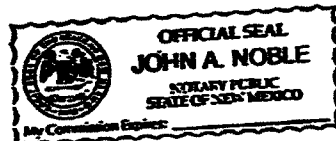

Rose V. Martinez


Frank J. Lucero

STATE OF NEW MEXICO)
SS.

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me by Rose V. Martinez on November 30, 2001.





Notary Public
My commission expires: 12/2/03

STATE OF NEW MEXICO)
SS.

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me by Frank J. Lucero on November 20, 2001.



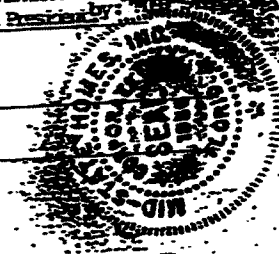

Notary Public
My commission expires: 12/2/03

2044872

CONSENTED TO AND APPROVED BY:

FIRST UNION NATIONAL BANK, as Trustee under a variable funding agreement dated March 3, 1995 by Mary Jo Perry, Asst. Vice President of INC. as its Attorney-in-Fact

Name: Mary Jo Perry, Asst. Vice President
Title: _____



STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

The foregoing Consent was acknowledged before me by Mary Jo Perry
Asst. Vice President of Mid State Homes, Inc. as its Attorney-in-Fact
on behalf of the Bank, on November 26th, 2001.



Sylvia Smith
My Commission CCN00034
Expires January 11, 2005

Sylvia Smith
Notary Public Sylvia Smith
My commission expires: _____

5834-001



COUNTY OF SANTA FE 11873-597
STATE OF NEW MEXICO
I hereby certify that the foregoing instrument was presented to me for recording on this 26th day of November, 2001, at 10:27 o'clock AM, and was duly recorded in Book 2094 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk Santa Fe County, N.M.
Rebecca Bustamante
County Clerk

WARRANTY DEED

Ramon M. Romero, an unmarried man, for consideration paid, grants to William Barra and Alanna C. Barra, husband and wife, as joint tenants with rights of survivorship, whose address is 86A Paseo Encantado, Santa Fe, NM 87506 the following described real estate in Santa Fe County, New Mexico:

Lot 2 as shown on Plat of Survey entitled "Plat of Survey showing Family Transfer Land Division requested by Ramon M. Romero", filed for record as Document No. 1031-079, appearing in Plat Book 389 at page 045, records of Santa Fe County, New Mexico.

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THE INSTRUMENTS WERE FILED
FOR RECORD ON THE 28th DAY OF NOVEMBER, 2001
AT 10:23 O'CLOCK
AND THE SAME IS RECORDED IN BOOK 317
PAGE 574 OF THE RECORDS OF
SANTA FE COUNTY



WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
[Signature]
DEPUTY

SUBJECT TO: Restrictions, reservations and easements of record, as set forth in Restrictive Covenants recorded in Book 1511 at Pages 317-319, records of Santa Fe County, New Mexico, Plat of Survey showing Family Transfer Land Division requested by Ramon Romero, recorded in Plat Book 389, Page 045, records of Santa Fe County, New Mexico and county taxes for the year 2001 and subsequent years.
with warranty covenants.

WITNESS my hand and seal this 28th day of November, 2001.

[Signature]
Ramon M. Romero (Seal)

(Seal)

(Seal)

(Seal)

.....T

ACKNOWLEDGMENT FOR NATURAL PERSONS

FOR RECORDER'S USE ONLY

STATE OF NEW MEXICO)
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me on this 28th day of November, 2001, by Ramon M. Romero.



[Signature]
Notary Public

My Commission Expires: 12/2/03
(Seal)

ARMIJO SURVEYS, INC.

P.O. Box 24438
Santa Fe, NM 87502
Phone (505) 471-1955
Fax (505) 471-1925

May 12, 2014

Alanna Burke & William Berra
86A Paseo Encantado NE
Santa Fe, NM 87506

Dear Ms. Burke & Mr. Berra:

On November 7, 2001, we were given an order by John Noble, with Southwestern Title & Escrow, to complete an Improvement Location Report (ILR) and "an exhibit to attach to an easement agreement to identify the location of the easement." The ILR is a document used by the title company, and is not as comprehensive as a Boundary Survey/plat.

I completed both the ILR and the exhibit, and delivered it to the title company for their review. I did not hear back from them. I did not complete a Boundary Survey/Plat of the property. From the documents you included in your letter dated May 8, 2014, a Grant of Easement document, with the exhibit I prepared, was recorded with the County Clerk's Office in Book No. 2044, page 872.

This Grant of Easement document is not a "plat" by a land surveyor, but the centerline of the easement can be plotted on the property because Exhibit "A" shows the location of the property corner monuments and the centerline description of the relocated easement. The easement can be plotted on the ground. The bearings and distances are shown on the Exhibit. It is not clear what is meant by "coordinates."

You may want to contact Georgette Romero, the realtor involved with this matter, at 505-984-7331 or 505-603-1494, to obtain more information re: the Grant of Easement. You may also want to contact the attorney who prepared the Grant of Easement document.

If you want me to complete any additional survey work, please contact me for a cost estimate and turnaround time. I can probably offer you a discount based on the work we've already completed.

Sincerely,



Paul Armijo, Professional Land Surveyor

We, the undersigned residents of Valle Lindo Subdivision in Santa Fe County do hereby object to the use of a home occupation license for the purpose of operating an animal crematorium. We petition the Board of County Commissioners to deny approval to Rachel Tapia for such a purpose.

May 13, 2014

- | | |
|-----------------------------------|------------------------|
| 1. Patricia M. Bunker | 14 Vista del Monte |
| 2. Gerald M. Montoya | 30 Vista del Monte |
| 3. Eleanor Montoya | 30 Vista del Monte |
| 4. Paul F. Romero | 64 CAMINO VISTA GRANDE |
| 5. Janet Romero | 64 Camino Vista Grande |
| 6. James JAMES ROMERO | 64 Camino Vista Grande |
| 7. Jessica Romero | 64 Camino Vista Grande |
| 8. Jennifer Romero | 64 Camino Vista Grande |
| 9. Nicole Kline | 64 Camino Vista Grande |
| 10. Cynthia Weiler | 54 Camino Vista Grande |
| 11. Edward R. Weiler | 54 CAMINO VISTA GRANDE |
| 12. Kathy Sokosh | 46 Camino Vista Grande |
| 13. Frank Frank Waugh | 18 Vista Del Monte |
| 14. Frank Frank Waugh | 18 Vista Del Monte |
| 15. Megan Sayre | 18 Vista Del Monte |
| 16. Linda M. Sayre | 74 Camino Vista Grande |
| 17. John John & Fabian | 74 Camino Vista Grande |
| 18. David Babcock | 84 Camino Vista Grande |
| 19. B. Renee Chato | 7 Tapia Entrada |
| 20. Dwight Burks | 14 Vista del Monte |

Residents of Turquoise Trail and Valle Lindo Subdivisions

County Land Use Administration
102 Grant Avenue
Santa Fe, NM 87504-0276

RE: CDRC Case # APP 14-5040

The undersigned owners/residents of Turquoise Trail and Valle Lindo Subdivisions hereby request the Board of County Commissioners to overturn the CDRC's approval and uphold all previous denials of the pet crematorium home occupation business license to Rachael Tapia for Loving Animal Services on residential property at 40 Vista Del Monte, within Section 25, Township 16 North, Range East.

The intended use is a dog crematorium and even the best equipment used inevitably creates unacceptable air quality emissions, and odors in a high density residential area.

We ask the BCC to accept this appeal and deny this land use activity.

| | | | |
|------|------------------------|---------|-------------------------------------|
| Name | <u>Angela Montoya</u> | Address | <u>55 Camino Bajo, SF NM 875</u> |
| Name | <u>Charles Montoya</u> | Address | <u>55 Camino Bajo SF NM 875</u> |
| Name | <u>Laura M. Lovato</u> | Address | <u>10 Calle Hermosa, SF, NM 875</u> |
| Name | <u>Ruth Dinsby</u> | Address | <u>3 Calle Hermosa, SF, NM 875</u> |
| Name | <u>Ray [unclear]</u> | Address | <u>11</u> |
| Name | <u>Paul Cumbach</u> | Address | <u>43 Camino Bajo</u> |
| Name | <u>Peggy Cumbach</u> | Address | <u>43 Cm. Bajo SF 87508</u> |
| Name | <u>John [unclear]</u> | Address | <u>31-A Camino Bajo</u> |
| Name | <u>John [unclear]</u> | Address | <u>31-B Camino Bajo</u> |

Residents of Turquoise Trail and Valle Lir do Subdivisions

County Land Use Administration n
102 Grant Avenue
Santa Fe, NM 87504-0276

RE: CDRC Case # APP 14-50 0

The undersigned owners/residents of Turquoise Trail and Valle Lindo Subdivisions hereby request the Board of County Commissioners to overturn the CDRC's approval and uphold all previous denials of the pet crematorium home occupation business license to Rachael Tapia for Loving Animal Services on residential property at 40 Vista Del Monte, within Section 25, Township 16 North, Range East.

The intended use is a dog crematorium and even the best equipment used inevitably creates unacceptable air quality emissions, and odors in a high density residential area.

We ask the BCC to accept this appeal and deny this land use activity.

| | | | |
|------|----------------------|---------|-------------------------------------|
| Name | <u>Joe M. de la</u> | Address | <u>55-A Camino Bayo 87508</u> |
| Name | <u>Jerry de la</u> | Address | <u>27569 I-25 W. Marfa NM 87507</u> |
| Name | <u>Jose M. de la</u> | Address | <u>23 Camino Bayo</u> |
| Name | <u>Larry Bruneau</u> | Address | <u>23 Camino Bayo</u> |
| Name | <u>Barbara de la</u> | Address | <u>21 Camino Bayo</u> |
| Name | <u>Sergio de la</u> | Address | <u>21 Camino Bayo</u> |
| Name | <u>Alfred de la</u> | Address | <u>21 Camino Bayo</u> |
| Name | <u>Vera de la</u> | Address | <u>27 Camino Bayo</u> |
| Name | <u>and de la</u> | Address | <u>27 Camino Bayo</u> |

Residents of Turquoise Trail and Valle Lindo Subdivisions

County Land Use Administration
102 Grant Avenue
Santa Fe, NM 87504-0276

RE: CDRC Case # APP 14-5040

The undersigned owners/residents of Turquoise Trail and Valle Lindo Subdivisions hereby request the Board of County Commissioners to overturn the CDRC's approval and uphold all previous denials of the pet crematorium home occupation business license to Rachael Tapia for Loving Animal Services on residential property at 40 Vista Del Monte, within Section 25, Township 16 North, Range East.

The intended use is a dog crematorium and even the best equipment used inevitably creates unacceptable air quality emissions, and odors in a high density residential area.

We ask the BCC to accept this appeal and deny this land use activity.

Name Dan Montoya Address 10 A Camino Bajo

Name Rachel Montoya Address 10 B Camino Bajo

Name Rosemary Montoya Address 10 B Camino Bajo

Name Dennis Montoya Address 10 A Camino Bajo

Name Mike Velazquez Address 35 - B

Name Barbara Velazquez Address 35 - B

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Residents of Turquoise Trail and Valle Lindo Subdivisions

County Land Use Administration
102 Grant Avenue
Santa Fe, NM 87504-0276

RE: CDRC Case # APP 14-5040

The undersigned owners/residents of Turquoise Trail and Valle Lindo Subdivisions hereby request the Board of County Commissioners to overturn the CDRC's approval and uphold all previous denials of the pet crematorium home occupation business license to Rachael Tapia for Loving Animal Services on residential property at 40 Vista Del Monte, within Section 25, Township 16 North, Range East.

The intended use is a dog crematorium and even the best equipment used inevitably creates unacceptable air quality emissions, and odors in a high density residential area.

We ask the BCC to accept this appeal and deny this land use activity.

| | |
|------------------------------------|-------------------------------------|
| Name <u><i>David Damon</i></u> | Address <u><i>14 Lewis Ln.</i></u> |
| Name <u><i>Lauren Ritschke</i></u> | Address <u><i>#6 SERENA</i></u> |
| Name <u><i>M. Neitz</i></u> | Address <u><i>18 SERENA TRD</i></u> |
| Name <u><i>Stacy Hauser</i></u> | Address <u><i>20 SERENA TRD</i></u> |
| Name <u><i>LEE HAUSER</i></u> | Address <u><i>10 SERENA TRD</i></u> |
| Name <u><i>LARS HAUSER</i></u> | Address <u><i>9 SERENA TRD</i></u> |
| Name _____ | Address _____ |
| Name _____ | Address _____ |
| Name _____ | Address _____ |

Residents of Turquoise Trail and Valle Lindo Subdivisions

County Land Use Administration
102 Grant Avenue
Santa Fe, NM 87504-0276

RE: CDRC Case # APP 14-5040

The undersigned owners/residents of Turquoise Trail and Valle Lindo Subdivisions hereby request the Board of County Commissioners to overturn the CDRC's approval and uphold all previous denials of the pet crematorium home occupation business license to Rachael Tapia for Loving Animal Services on residential property at 40 Vista Del Monte, within Section 25, Township 16 North, Range East.

The intended use is a dog crematorium and even the best equipment used inevitably creates unacceptable air quality emissions, and odors in a high density residential area.

We ask the BCC to accept this appeal and deny this land use activity.

Name [Signature] Address [Signature]

Name Maria Minier Address _____

Name Hegon Gaita Address _____

Name Willa Dyer Address _____

Name Francisco Soto Address _____

Name [Signature] Address _____

Name [Signature] Address _____

Name Priscilla Tinea Address _____

Name _____ Address _____

Camino Bajo

Loving Animal Services has been in operation for over 22 years and would appreciate your support for the expansion and operation of a Crematorium for our treasured animals which we consider members of our family.

BENEFITS

- Provides a community service to people in their time of need;
- Personalizes cremations for your beloved pets;
- Incinerates animals with infectious diseases as opposed to burying them;
- The service provides pick-up of the animal and delivery of ashes to the client;

ECONOMIC BENEFITS

- Since New Mexico has now moved to an animal euthanization state the crematorium supports government agencies i.e., National State Parks, Game and Fish by;
 - Cremating rather than burying dead animals in a landfill;
 - Removal of dead animals from the highway;
 - Reduces communicable diseases thereby providing a safer environment;

CREMATORIUM

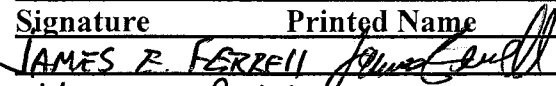
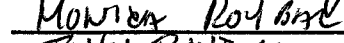
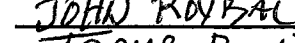
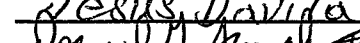




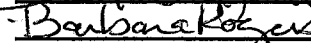

- Located at 40 Vista Del Monte (On 2.5 acres off Highway 14);
- The incinerator runs at 54 decibels (which means two people can have a normal conversation while the incinerator is running);
- Noise outside the housed unit is virtually non-existent;
- The incinerator expels zero emissions (A fireplace, fast food restaurant and RV expel more emissions than the incinerator);

The County Development Review Committee (CDRC) has already approved my application. Please join them in supporting my endeavor and sign the following petition so I can display your support to the County Commission Board in providing this much needed service. Thank you!

| Signature | Printed Name | Address | Phone Number |
|-------------------------|------------------|---|----------------|
| <i>Stella Lopez</i> | Stella Lopez | P.O. Box 1146 Pecos, NM | 505-490-8017 |
| <i>Michael Chavez</i> | Michael Chavez | 4273 Box 551 San Jose NM 87563 | (505) 629-3555 |
| <i>Jose Mendez</i> | Jose Mendez | 1280 Macer Rd. 87505 | (505) 501-5929 |
| <i>Thomas Martinez</i> | Thomas Martinez | 1109 Lopez St 87001 | (205) 725-8614 |
| <i>Kayla Salazar</i> | Kayla Salazar | 137 Daniel St. 87501 | 505-204-2322 |
| <i>Michelle Sainz</i> | Michelle Sainz | 30 Romero St 87501 | 505-469-8629 |
| <i>Emily Hunt</i> | Emily Hunt | 1459 Tepee Rd #316 87507 | (505) 629-8098 |
| <i>Denby Valenzuela</i> | Denby Valenzuela | 501 W 7th Rd Apt 205 Santa Fe, NM 87505 | 505-204-1512 |

| Signature | Printed Name | Address | Phone Number |
|-----------|---------------------|-------------------------------|-------------------------|
| | Charles Sapko | | 505-716-8900 |
| | Monique Rodriguez | | (505) 920-4112 |
| | Juan F. Tapia #1 | Tierra Amarilla | 505-670-2171 |
| | John Martinez | 2203 Richey Siringo Rd | 954-4592 |
| | Chris J. Marun | 400 Vista del Monte | 825-204-0182 |
| | Maria Medina | 3200 Louisa Ave | 505-316-6830 |
| | Emma O'Melia | 2800 Cerrillos Rd #163 | 901-2653 |
| | TRAN Phan | PO Box 16544 | # 670-8705 |
| | Juan Tapia III | 1801 Main St Santa Fe NM | (505) 735-3909 |
| | Stephanie Valdez | PO Box 4565 Santa Fe NM | (505) 660-5645 |
| | MAXINE CHAVEZ | 11 VALLE VISTA BLVD | (505) 699-6735 |
| | Shannon Trujillo | 6524 Valentine St NE | |
| | Donita Sena | 3030 Calle Onballa | 410-2183 |
| | Patricia Trujillo | 6 Cave Prado SE | 8980 505-490-2008 |
| | Kandy Montoya | 4100 Sandia Vute Rd | SENM 87507 505-501-2676 |
| | Calvin Quintana | P.O. Box 1024 Pecos NM | 87552 (505) 429-2111 |
| | Val Lopez | 1016 Santa Clara | 5011100 |
| | Alexandra Richey | 1338 Corda De Agua | (505) 204-5655 |
| | Gus Lopez | 3973 Camino Vista Verde | SENM |
| | GUSTAVO PEREZ | 86 Mutt-Nelson Rd | |
| | DENNIS LOPEZ | 26 Ponderosa #5 | 505-310-5585 |
| | Anastasia Lopez | 09 La Piedra Blanca | |
| | Alicia Garcia | 66186 Camino Najo | 505-795-2963 |
| | Colleen Gonzales | 44 North Horizon Ln | 505-231-8555 |
| | Beltranda Rodriguez | 41295 Meadows Rd | 1411 505-204-1857 |
| | Antonio Merino | PO Box 2312 Espanola NM | 87532 (505) 629-5160 |
| | Gonzalo Garcia | 6971 Airport Rd | 470-5177 |
| | Bruce Brewer | 2800 Cerrillos Rd #88 | 505-603-4000 |
| | Regina Najjar | 2594 Calle Delfino | 471-2065 |
| | LYNNE BUCHEN | 424 KATHLYN PLACE | 982-4075 |
| | Jennifer Morales | 2991 Rufina St Santa Fe NM | 87507 204-1546 |
| | Justina Ortiz | 2911 Rufina St Santa Fe NM | 87507 819-8368 |
| | Charles Garcia | 21 Panther Peak | 87508 505-629-6478 |
| | FRED ORTIZ JR | 2911 RUFINA ST SANTA FE NM | 87507 |
| | Cruz Vasquez | 3108 Siringo Rd Santa Fe NM | 87507 |
| | Laura Bajunier | 1812 Hopewell St | SF 904-2440 |
| | Kim Gonzales | 5 Jacinto Rd Santa Fe NM | 87508 |
| | William H. Harker | NY Ellis Ranch Rd Santa Fe NM | 87505 |
| | Cathy Trujillo | 06 San Mateo St SF NM | 474-7718 |
| | Frank Trujillo | 06 San Mateo St SF NM | 87505 |
| | ROBERT L. STONE | 3234 Calle Maria Luisa SF NM | 577-2057 |
| | Victoria Flores | 1210 Macleod St S.F. | 424-0405 |

| Signature | Printed Name | Address | Phone Number |
|--------------------|--------------------|--------------------------------------|----------------------|
| <i>[Signature]</i> | Daniel Tapia | 45 A Los Tapias Ln S.F. | 474-6025 |
| <i>[Signature]</i> | TED AMAYA | 29 A. NORTH Horizon Ln | 470-3722 |
| <i>[Signature]</i> | Greg Tapia | 3 MISTAPTA DRIVE | 464-0747 |
| <i>[Signature]</i> | ANDREA BORMAN | 316 CANOTE CROSSING | 704-3894 |
| <i>[Signature]</i> | Guadalupe | on Calle Aventura | 920-7097 |
| <i>[Signature]</i> | Joel Wakefield | 1060 VILLAGE WAY | 699-2997 |
| <i>[Signature]</i> | Blount Kennedy | P.O. Box 4183 St | 316-1383 |
| <i>[Signature]</i> | Erica Romero | Rt. 42 Box 93 | 231-0258 |
| <i>[Signature]</i> | Margaret Romero | Rt. 47 Box 93 | Sr. 231-1927 |
| <i>[Signature]</i> | Valme Loca | P.O. Box 4565 S.F. | 469-0506 |
| <i>[Signature]</i> | Tina F. Tapia | 61 A Tierra Hermosa | 690-3664 |
| <i>[Signature]</i> | Anthony Tapia | 61 Tierra Hermosa | 412-0450 |
| <i>[Signature]</i> | Ashley Ujan | 61 Tierra Hermosa | 412-0780 |
| <i>[Signature]</i> | Judy Tapia | 61 TIERRA Hermosa | 412-0750 |
| <i>[Signature]</i> | Mazly Mares | 109 Spruce St N.W. | 983-8482 |
| <i>[Signature]</i> | LeRoy Vigil | 9 VALLE VISTA BLVD. | 795-5503 |
| <i>[Signature]</i> | Glenn L. Lujan | 308 1/2 W Houghton St | (505) 988-56 |
| <i>[Signature]</i> | Robert DeField | 156 Re 3850 Farmington, NM | 87401 |
| <i>[Signature]</i> | Steve Miera | 8108 Otter Ave NE Albuquerque, NM | 87109 SOS 821-7465 |
| <i>[Signature]</i> | Suzanne Chavez | 1714 Quapaw St SE | 87405 473-3005 |
| <i>[Signature]</i> | Rita Montoya | 3244 Lorraine St SE | 87507 471-7222 |
| <i>[Signature]</i> | Juanita | 8108 Otter Ave NE Albuquerque, NM | 87109 505 821-7465 |
| <i>[Signature]</i> | Romy Montoya | 6509 Harper Dr NE Albuquerque, NM | 87109 840075 |
| <i>[Signature]</i> | Rita Montoya | 6509 Harper Dr NE Albuquerque, NM | 87109 |
| <i>[Signature]</i> | Charles P. Montoya | 1230 Osage Ave | 505 470-9570 |
| <i>[Signature]</i> | Alison Montoya | 1230 Osage Ave, 87505 | 505-470-9569 |
| <i>[Signature]</i> | Frank E. Montoya | 3244 Lorraine St. S.F. | 505-471-7222 |
| <i>[Signature]</i> | Alfredo Montoya | 129 Camino Salado | 89505 |
| <i>[Signature]</i> | Chas | 3750 Camino Tierra Real SF NM | 87507 |
| <i>[Signature]</i> | Rita Chavez | 1299 Lepol Rd #204, SF NM | 87507 930-4665 R# 8. |
| <i>[Signature]</i> | Rita Chavez | 1299 Lepol Rd #204, SF NM | 87507 (505) 690-5391 |
| <i>[Signature]</i> | Phillip Morgan | 40 Vista del Monte SF NM | (505) 577-838 |
| <i>[Signature]</i> | Jeff Hartzog | 1902 Raspberry Crt. NW Rio Rancho NM | 87109 23156631 |
| <i>[Signature]</i> | Juanita | 100 Cordoba Pl NE | 87109 |
| <i>[Signature]</i> | Stephen Hazen | 2932 Richards St | 473 0000 |
| <i>[Signature]</i> | Juanita | 2813 Avenida De Las Alturas | 2042013 |
| <i>[Signature]</i> | James | 3244 Lorraine St SE | 9800009 |
| <i>[Signature]</i> | James | 3312 Ave | 471-3800 |
| <i>[Signature]</i> | Ken | 4912 S. Meadows #1522 Santa Fe NM. | 87507 |
| <i>[Signature]</i> | General Delivery | Ilfeld NM | 87507 |
| <i>[Signature]</i> | P.O. Box 154 | Ilfeld NM | 87507 505-469-2491 |
| <i>[Signature]</i> | Danyle Ortiz | 2911 RIFINA ST | 505-812-8409 |

| Signature | Printed Name | Address | Phone Number |
|---|-------------------|---|--------------|
|  | JAMES R. FERRELL | 3330 ALA Pk Pz #5102 | 577-8755 |
|  | MONTAY ROY | 4320 LAGUNA Loop SF | 424-3152 |
|  | JOHN ROYBAL | 4320 TABUAR Loop SF | 424-3152 |
|  | JESUS DAVILA | 2921 Airport rd #3217 | 577-5990 |
|  | DANIEL M. RANGEL | Tamap/G. Gonzales P.O. Box 4691 Santa Fe NM 87502 | 920-2917 |
|  | LORENZO AMADOR | 1 Broken Rock Place SF NM 87508 | 699-1449 |
|  | LEON LEON | 1010 Alh Pk SF NM 87507 | 505 2044315 |
|  | ANTHONY SANDOVAL | 1060 Village Way SF NM 87505 | |
|  | DEBBIE MCLAUGHLIN | 1528 Soledad Loop SF NM | 690-3558 |
|  | BARBARA ROGERS | 2241 A Rancho de Chavez | 690-5392 |