

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
June 9, 2015

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

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I. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:17 pm. by Chair Robert Anaya in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

I. B. Roll Call

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

Members Present:

Commissioner Robert Anaya, Chair
 Commissioner Miguel Chavez
 Commissioner Kathy Holian
 Commissioner Henry Roybal
 Commissioner Liz Stefanics

Members Excused:

None

I. C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Becky Trujillo, the State Pledge by Margie Romero and the Moment of Reflection by Audrey Esquivel of the Human Resources Department.

I. F. Approval of Agenda

1. Amendments.

2. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Mr. Chair, there are amendments to the original agenda as posted last Tuesday. On page 3, item VII. A, Matters from the County Attorney, Executive Session, we added items 1 and 2, and that's actually items 1. a, b, and c and 2. a and b, and we had added item B. Possible action on potential litigation but I'd like to withdraw that item at this point. So those are all of the amendments and withdrawn items on the agenda as printed.

CHAIR ANAYA: What's the pleasure of the Board?
COMMISSIONER HOLIAN: Mr. Chair.
CHAIR ANAYA: Commissioner Holian.
COMMISSIONER HOLIAN: I move for approval of the amended agenda.
CHAIR ANAYA: There's a motion to approve by Commissioner Holian.
COMMISSIONER STEFANICS: Second.
COMMISSIONER CHAVEZ: Second.
CHAIR ANAYA: Second by Commissioner Chavez and Commissioner Stefanics. Any further discussion? Seeing none.

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

I. G. Approval of Minutes
1. Approval of May 12, 2015 BCC Meeting Minutes.

CHAIR ANAYA: What's the pleasure of the Board?
COMMISSIONER STEFANICS: Mr. Chair.
CHAIR ANAYA: Commissioner Stefanics.
COMMISSIONER STEFANICS: I'll move approval of the May 12, 2015 BCC meeting minutes.
CHAIR ANAYA: There's a motion to approve.
COMMISSIONER ROYBAL: Second.
CHAIR ANAYA: Second from Commissioner Roybal. Any further discussion? Seeing none.

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

I. H. Honoring Our Veterans and Service Men and Women

CHAIR ANAYA: It's my privilege to turn the microphone over to Commissioner Roybal.
COMMISSIONER ROYBAL: Yes, thank you, Chair Anaya. I'd like to say that again, like always, it was a great idea by Chair Anaya to recognize veterans at every one of our BCC meetings. It's an honor to be able to recognize them and honor them before every meeting. So without any further ado I'd like to start off with Dave Pineda, US Air Force, retired staff sergeant.
H was born in Phoenix, Arizona, October 3, 1937 to late parents, Rita Valenzuela Alday Pineda and Leonardo Gonzales Pineda, both born in Arizona. At the age of five his family moved to Imperial Valley, California. After graduating from the eighth grade out of St Joseph's Catholic School in Holtville, California, his first military uniform issued was in 1953 when he became a member in the California Cadet Corps, now referred to as the ROTC at the Holtville Union High School.
In 1954 while still in high school he joined the California National Guard, 40th Armored Infantry Tank Battalion in Holtville, California, served three years and received an honorable discharge. In 1957 he enlisted into the US Air Force. After boot camp at

Lackland AB in Texas, then was then assigned to the Air Police. He finished tech school in 1958 and was sent to the Pacific Air Force Command, Pusan Air Base Korea but was rerouted to Kadena AB in Okinawa as an AP.

After Okinawa in 1959 he was sent to the Air Defense Command, Duluth AB in Duluth, Minnesota as an AP. In spring of 1962 he was retrained into the base defense Small Arms Military Training Unit at Lackland AB, Texas, and returned to Duluth Air Force Base.

In July 1962 he was sent to Peshawar AF Station Pakistan with the Security Services Command. In March 1963 he was sent to Tactical Air Command McConnell Air Force Base Kansas. In February 1969 he was retrained into Military Munitions Maintenance Specialist unit, ordnance, at Lowery AB, Colorado. In May 1969 he was sent to Korat AB Thailand, Southeast Asia Command. In February 1970 he was sent to Strategic Air Command Malstrom Air Force Base, Montana as a SAMTU instructor. In January 1971 he was sent to PACAF, Anderson Air Force Base, Guam, when he met his wife. In June 1971 he returned to Montana as a SAMTU instructor and in February 1977 was honorably discharged and retired in Espanola.

Mr. Dave Pineda, is that you, sir. Can you tell us what the SAMTU instructor is?

DAVE PINEDA: Small arms marksmanship training unit.

COMMISSIONER ROYBAL: Did you have anything you wanted to add, sir?

MR. PINEDA: Thank you very much for calling me forward. I appreciate this. On behalf of every veteran that has served our country in uniform, I'm just a small member in the millions that have worn a uniform of whatever branch of service they wore to make sure that we have what we have on our hands at the present time. I am honored and pleased to be here and thank you, Commission members, staff members and you, the public, who has supported me and all veterans but more so now that I need your help because I am going to need some more hearing aids. I don't know if they're going to do any good, but when I'm talking to the person face to face I understand everything a lot better.

Right now, as we say in sign language, hard of hearing, deaf in my left ear and blind in my right ear. I can't see what I'm saying. However, as stated by Mr. Roybal, this was just a short, condensed version of my life in the military. Twenty years active air force and three years army National Guard, California, 40th armored infantry division.

The reason I got out of the army was they didn't want me to get out of the tanks and I didn't want to be a tanker; I wanted to be an electrician. The same thing with the air force. We were standing in formation when I first got recruited or I volunteered to go in and the man come in with a couple of bars on his shoulder and split the formation in half and he walked up and he says everybody on my left are going to be cooks and everybody on my right are going to be cops. And I was on the right side.

Oh, I thought, well there goes my life. But no, I made the best of it and continued. As stated, I saw a lot of things and heard a lot of things in the military that were not made public to the American taxpayer. However, I endured with my 20 years in. My tours, thanks to you the public, took me to Europe, the Middle East, Japan, Far East, and other countries on our way in and out of my assignments. Newfoundland, Alaska, Guam, and other places. Becoming a military police – in the air force we were called air police – I

learned to be a policeman. So I told myself I'll do the best, and in doing my police work I also became a proficient pistol shooter and rifle shooter. I completed with the best of the all branches of service pistol shooters in competition. I didn't make it as high as they did but I got the highest rating in the air force, which I'm proud to say, distinguished pistol shot, which meant I hit the target every time I aimed at it.

My secret to that was I would put the face and name of the person or NCO or officer that irritated me for something and when I pointed downrange I could see his face and I never missed. Not so, really. Not so.

One of my most wonderful experiences in the military was meeting other countries, the people and their customs. I enjoyed my tours, made the best of them. However, there was one country that I was very saddened to be at, but I had to be there, was in the area where our men and women are at right now – Pakistan, Afghanistan, Iraq. I went through those countries. I spent time in Pakistan and I felt at that time, back in the late fifties, early sixties, I felt the tension between their people and us, the Americans, and it's still happening right now.

But I made the best of it. My tour to Guam got me there because I was going to go to Vietnam, my second tour, on the way to Vietnam. I was diverted both times. Brother Eddie over here, he went to Vietnam and I'm proud of him for what he did, serving my country over there. I got as far as the border of Laos and Thailand and Guan, when I was putting all the ordnance together – bombs, rockets and all the good stuff that we build to kill people. But that was my job.

And the one thing about Guam tour was I met my wife. I had just gone through a divorce and I was at that point, where at that time I said, okay, I am going to be no more involved with the ladies, permanently. Okay? However, comma, as my typing teacher said, my wife Dorothy sitting back there, nice and quiet. I happened to run into her at one of the fiestas as they are called over there in Guam. A fiesta can be for anything – a wedding, baptism, a death and her being there that day, I was introduced to her by my comrade who worked with me, and he was from Guam, as his sister. And that's how they introduced us over there. This is my brother, this is my sister, and so forth. I thought, boy, this guy has got a big family. But that's the way they are over there. Wonderful, beautiful people.

So my wife and I got together. She come to teach in Pojoaque when she come back from overseas. I came back to Montana, Malstrom, and talking to her on the phone, I said one night, Honey, this phone bill is killing me. She says, me too. So I says, okay, let's get married. No hesitation. Okay. And that was it. Forty-one years she's been married to me and I appreciate it.

My other positions right now besides the American Legion post commander out of Espanola, Post 17, I am also a volunteer member with my brother Eddie here, Disabled American Veterans, Chapter 15 here in Santa Fe. He and I volunteer to be on the honor guard. He's a bugler and I'm with a rifle during the burial ceremonies at the National Cemetery and all other cemeteries when we're called to there. Another third position that I have volunteered for is the Espanola Memorial Wall Commission where we take names of all veterans of northern New Mexico and engrave them on the wall. It is my honor to be doing that because all these veterans have served our country and some have given their life for us, and those are the ones that to me are our heroes when he or she loses

their life in giving us what we have had and have at the present.

And that's why I volunteer in these three positions and I will continue doing this until my boss back there tells me to quit or kicks me out of the house or the chairs on my wheelchair fall off and I can't do it no more.

I thank you, Mr. Roybal for coming to our meeting and making us aware of this. It is an honor and privilege to have a little thing like this for all veterans, not just myself, all veterans. When I go to the cemetery here at the National I get there early and I go by and I thank the headstones or markers when I'm there. I want to thank you again for giving me this little time and pleasure, time and privilege to be here in front of you and I thank you very much.

CHAIR ANAYA: Thank you, Mr. Pineda.

COMMISSIONER ROYBAL: Okay, and our next veteran tonight is Eddie Maestas. Mr. Eddie Maestas was born in El Rito, New Mexico, a small town in northern New Mexico. Mr. Maestas is married and has a daughter, a son and a grandson. He attended elementary and high school in El Rito. He was drafted into the army in 1969 and served in Vietnam as a combat engineer and was wounded while serving in Vietnam and received a purple heart. Mr. Maestas was also stationed in Germany the last five months. His total service in the army was for two years until 1971.

Mr. Maestas then worked for the State Highway Department, now called NMDOT, Department of Transportation, for 25 years as a heavy equipment operator and various other positions as well as supervisor. He attended Northern New Mexico Community College in El Rito taking a course in Spanish Colonial Carving under a VA program. Mr. Maestas belongs to the Disabled American Veterans, Chapter 15 and is the adjutant for that chapter, as well as the Santa Fe Chapter 15 honor guard. He is also vice commander with the State Disabled Veterans in Albuquerque. Mr. Maestas, would you like to come forward?

EDDIE MAESTAS: I would like to thank the Commissioners for calling me to come over here and Mr. Pineda had all the words that I had to say so I want to thank you.

COMMISSIONER ROYBAL: Thank you, sir. And do we have any other veterans in the room. Commissioner Anaya usually asks for you guys to stand and I'd really like to recognize you guys as well.

CHAIR ANAYA: Thank you, Commissioner Roybal. Thank you, Mr. Pineda, for your words and for your service. Thank you, Mr. Maestas for your words and your service as well. It's never too much to show a debt of gratitude for our armed service veterans and for those that have paid that ultimate sacrifice but also those like yourselves that have come to continue to help and serve other veterans. For that we appreciate you very much. Let's give them both and all veterans another round of applause. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. The other thing I would like to thank the gentlemen for is continuing to volunteer for the armed service in working with those men and women who have come home and whether they are alive or deceased, and I thank you very much for continuing to serve our country and to serve all of our community. Thank you.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: To both Mr. Pineda and Mr. Maestas, Mr. Pineda, you said it was an honor for you to be called here today. I think it's more a privilege for us, for me to be able to recognize you and to be able to sign this certificate of recognition. It's a small token of appreciation for what you've done in the past and as Commissioner Stefanics pointed out, the fact that you continue to volunteer and give back to your community and especially the veterans in need, because we know that veterans from all of the campaigns need some sort of assistance and if we fail there then I think we fail at many other things. So thank you for being here and for you being able to be here.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I think it's important for us to recognize the sacrifices that our veterans have made in their lives. At the very least they've sacrificed a lot of time away from their family. Often they've also made financial sacrifices. Many veterans have sacrificed their health, as has been pointed out, and some veterans have made the ultimate sacrifice with their life.

And I think it's important also for us to recognize that the families of our veterans make sacrifices too. So I just want to thank you, Mr. Pineda and Mr. Maestas and also say a thank you to your families as well.

CHAIR ANAYA: Thank you, Commissioner Holian and all the Commissioners. Commissioner Roybal, for bringing these veterans from northern New Mexico here to join us here today. We'd love to take a picture with the two of you. We'd be honored if we could take a picture with you and as Commissioner Chavez said, it would be a privilege for you to take a picture with us if you would indulge us. Let's give them one more round of applause. I would like, sir, if you'd come forward as a veteran as well and take a picture with us and Mr. Sedillo, before you sneak out, and any other veterans, if you'd come forward and get in this picture with us we'd appreciate it. Thank you.

[Photographs were taken.]

II. **CONSENT AGENDA**

A. **Resolutions**

1. **Resolution No. 2015-83, a Resolution Requesting a Budget Increase to the General Fund (101) Senior Congregate and Home Delivered Meals Programs to Budget Additional Funding Awarded by the Non-Metro New Mexico Area Agency on Aging/\$13,000 (Finance Department/Carole Jaramillo)**

B. **Miscellaneous**

1. **Request County Manager Signature Approval for HIDTA Grant Award No. G15SN0011A from the Office of National Drug Control Policy for Region III in the Amount of \$255,013, Effective July 1, 2015 Through June 2016 (Purchasing/Bill Taylor)**

CHAIR ANAYA: What's the pleasure of the Board?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd move approval of the Consent

Agenda.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion to approve from Commissioner Stefanics, second from Commissioner Holian. Any further discussion? Seeing none.

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

[Clerk Salazar provided the numbers for the approved resolutions and ordinance throughout the meeting.]

III. ACTION ITEMS

B. Resolutions

1. **Resolution No. 2015-84, a Resolution Adopting the Santa Fe County Fund Balance, Reserve, and Budget Contingencies Policy**

CAROLE JARAMILLO (Finance Director): Good afternoon, Mr. Chair, Commissioners. Today we're bringing forward a resolution to adopt the Santa Fe County fund balance reserve and budget contingencies policy. We are seeking approval for this formal cash reserve policy because the best practices dictate that the County develop and implement this formal policy wherein types and amounts of reserves are outlined. The Government Finance Officers Association has established these best practices and further, the Government Accounting Standards Board Pronouncement 54 requires that fund balances be segregated by defined classifications within the financial statements.

The policy itself, as an overview, as you know the fund balance is the accumulated difference between assets and liabilities within governmental funds, and these fund balances allow the County to meet its contractual obligations or mitigate negative implications of state budget actions, economic downturns, disasters, etc. So as a management tool this is an important tool for us to manage the financial impact of negative forces, unforeseen expenditures of a recurring or major non-recurring basis.

The policy defines the level of unrestricted fund balance that the County should strive to maintain for governmental funds that support operations. The policy also defined terms and outlines the fund balance classifications, establishes minimum reserve levels for the general fund, for special revenue funds and for enterprise funds within the general fund. There are categories of contingency reserve, disaster recovery reserve, uninsured loss reserve and major infrastructure and replacement reserve that are being established with minimum reserve balances. The policy also dictates some minimum contingencies that we will budget every year. It has a process for committing fund balance, which is a process that needs to be done in order to establish the reserves in the financial statements. It also provides a use of reserves and establishes a process for replenishing reserves. I stand for questions.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Thank you, Ms. Jaramillo. The question I have is I understand the various percentages that are going to be used for the different areas, but is this going to be brought up, this resolution every year or are we adopting this resolution for perpetuity, until it's brought up again?

MS. JARAMILLO: Mr. Chair, Commissioner Stefanics, this particular resolution is to adopt the policy and then each year a resolution to commit fund balance will be brought forward to the Commission by June 30th to commit the fund balance for the financial statements. So at the next BCC if this resolution is passed, to adopt the policy at the next BCC meeting I will bring that resolution forward.

COMMISSIONER STEFANICS: Okay. So, Mr. Chair, Ms. Jaramillo, what I'm hearing is that this creates the foundation for the policy that we'll be voting on but this will be in place for the future.

MS. JARAMILLO: Mr. Chair, Commissioner, that's correct.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Carole. I do think this is a really important step forward for the County to pass this policy. When I was reading through the material I realized that there was a question that I had and that is which reserve funds are required by state law that we have and which of the ones that we put in place are discretionary?

MS. JARAMILLO: Mr. Chair, Commissioner Holian, we have requirements by the state to have a reserve in the general fund of 25 percent of the annual budget and in the road fund of one month's reserve. These are requirements of DFA. So those are not actually established by this policy. They're referred to in this policy but they're not part of it. This is in addition to any of the reserves that are required by the state.

COMMISSIONER HOLIAN: So this is a policy for all of our discretionary funds, correct?

MS. JARAMILLO: It is for funds that are unrestricted and unassigned. This is to commit those unassigned and unrestricted reserves.

COMMISSIONER HOLIAN: Thank you, Carole.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. So I had the same questions, trying to separate what's required by state and then what we're trying to do in being pro-active, because I think it's important to make a distinction there because the County is in a position now to be pro-active and to set aside reserves in other areas where maybe the state did not dictate that. So I think – did you want to add to that, Ms. Jaramillo?

MS. JARAMILLO: Mr. Chair, Commissioner Chavez, the requirements of the state, the 25 percent reserve in the general fund and the one month reserve in the road

fund were actually considered to be restricted fund balance and so those are part of this policy in that they are part of the definition as restricted and this section of the policy on the minimum reserves does say that our minimum reserves are in addition to any fund balance requirements that are constrained by law, contract or other sources. Did that answer your question?

COMMISSIONER CHAVEZ: Yes. It does. That helps. It expanded that a little bit more. Then I want to go back to a question that Commissioner Stefanics raised earlier, because as I'm reading the resolution, the last Now, therefore be it resolved that the Board of County Commissioners of Santa Fe County hereby adopts the Santa Fe County fund balance reserve and budget contingency policy attached hereto as Exhibit A. So are we approving – it's both, right? The resolution and the Exhibit A?

MS. JARAMILLO: Mr. Chair, Commissioner Chavez, yes. It's the resolution and the policy itself is what you'd be approving today, is what we're requesting.

COMMISSIONER CHAVEZ: And then to follow up on Commissioner Stefanics' question, then the resolution would adopt the policy and the policy may have to be amended from time to time. Would that be an accurate observation?

MS. JARAMILLO: There is a section in the policy that states that we would review the policy on an annual basis and the Manager and the Finance Division would review the policy annually, make recommendations to change it if necessary. There would be a commitment resolution coming forward to actually commit the fund balance, which would be an annual thing, whether or not the policy changes.

COMMISSIONER CHAVEZ: Got it. Okay. Thank you. Thank you, Mr. Chair.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I thought of a couple of other questions. On the enterprise funds for utility operations, are those required by state law?

MS. JARAMILLO: Mr. Chair, Commissioner Holian, no, they're not required by state law. Those are – that is a requirement that we are requesting. We feel that having a larger reserve in that enterprise fund is important because of the nature of the fund and being able to maintain the operation of the utility for a longer period of time than a one-month reserve would do.

COMMISSIONER HOLIAN: Makes sense. Also, do you have any examples of special revenue funds that we have?

MS. JARAMILLO: Sure. A special revenue fund is pretty much any fund that's restricted either by statute or by a contract. Some of our GRT funds, like the emergency communications and gross receipts tax is in the fire operations fund, that's a special revenue fund. The DWI grant is a special revenue fund. So it could be anything like that. Section 8 is a special revenue fund.

COMMISSIONER HOLIAN: Okay. Thank you. That helps.

CHAIR ANAYA: I just have one comment and then I'll go to pleasure of

the Board. My comment would be that when you have resources and are in good or better times you have opportunities to create additional reserve accounts and set aside resources in a prudent and financially responsible manner, on an annual basis this Commission will have to evaluate where its priorities are and whether or not it has the available resources to meet the base needs, and then whether or not we have resource to fund those actual reserve accounts. So it's going to be an ongoing review process but I think it's financially responsible and prudent to think ahead and create reserves when you can, but also be cognizant that when times are tougher that you have to take a look at your base operational needs first. So with that said I'd look to the Board. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: There's a motion from Commissioner Holian, a second from Commissioner Chavez. Is there any further discussion? Seeing none.

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

III. B. 2. Resolution No. 2015-85, a Resolution Adopting the Final Budget for Fiscal Year 2015-2016 (FY 2016) [Exhibit 1: Final Budget]

CHAIR ANAYA: Ms. Jaramillo, we've had numerous discussions on the budget so if you could just summarize any changes then I will go to Commissioners for final approval.

MS. JARAMILLO: Absolutely, Mr. Chair. I did hand out a presentation to you earlier. Most of it is just a recap of what you've already seen, so if you would like to turn to page 5 of the presentation that I left on the podium for you, this is a listing of the basic changes that were made from the interim budget. As we discussed at the interim budget presentation a couple weeks ago when you approved that budget we were going to add a couple of items per your direction to the budget. We added \$50,000 to the Espanola/Rio Arriba e-911, and an additional \$50,000 to youth programs bringing that increase to that programming for FY 16 to \$100,000 over and above what was in the current year budget.

We also had a change to the health insurance premiums. The increase that was in the interim budget was a five percent increase. The increase actually came across as three percent, so we were able to reduce those premiums giving us a small reduction across all funds for the health insurance premiums. And then the largest change in the interim budget is that we budgeted for the remainder of the allocated projects, which you allocated the capital projects at your meeting on February 24th. That was an additional \$43.6 million.

The FTEs, there was no change there. We did leave in the funding pools as were discussed at the interim budget so to recap, giving you just the highlights, the total budget excluding transfers is \$243 million. Of that amount, \$80.2 million is for capital projects

and also actually the capital package is included in that amount. Those are being paid for out of bond proceeds and accumulated cash, primarily in the capital outlay GRT fund. We have funding pools for Local Economic Development Act, CIDs, and energy programs of \$4.5 million total. Our debt service in FY 16 is \$29.8 million. Our transfers total \$54.8 million, giving us a total budget of \$297.9 million, our total final FY 16 budget.

The balance of what you have here in the presentation is again, primarily what you've already seen before with those modifications. If you'd like me to go through the revenue and expense budgets again with you, I'd be more than happy to, or if you feel like you've seen that before and you don't need to go over it again I'll be happy to stand for questions.

CHAIR ANAYA: Are there questions from the Board? Comments from the Board? Commissioner Stefanics, comments?

COMMISSIONER STEFANICS: No, just a motion.

CHAIR ANAYA: Okay, I have a comment. I want to thank staff. I want to thank the Commissioners. I want to thank the Manager and everyone involved for the budget. The budget is nearly \$300 million at Santa Fe County. It encompasses over 900 – Katherine, Ms. Miller? – employees in Santa Fe County? And services countywide that reach out not only in the boundaries of Santa Fe County but into the regional areas of Santa Fe County. A very substantial infusion of resources and jobs into Santa Fe County and the region and so with that, Commissioners, I thank you for your work, and staff and Ms. Miller and I will go to you, Commissioner Stefanics, for a motion.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I move that the BCC adopt the final budget for fiscal year 2015-2016, FY 2016, beginning on July 1, 2015 and ending on June 30, 2016.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Commissioner Stefanics. A second from Commissioner Holian. Any further discussion or comments? Mr. Vice Chair.

COMMISSIONER CHAVEZ: I'd just like to thank staff, the County Manager's Office and all the departments that participated in crafting this budget. I know it wasn't easy. Ms. Jaramillo, I know it's been a learning process for all of us I think and for us to be in a position that we're in is good. I think it feels good for staff. I think we're in a position where we can provide the services that we're expected to provide and we've gone above and beyond in some areas, like the Espanola/Rio Arriba e-911 and the additional funding for youth programs. I can't think of two better places to invest our money. One is in safety for our residents and the other supports our youth of our community, so that it provides them a safety net so that they'll be able to be productive members of our society. So just congratulations to all staff and especially to the Finance Department. You work this day in and day out and so hats off to you. Thanks.

MS. JARAMILLO: Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I'd also like to thank you, Carole and your staff, and our County Manager as well. I think you really did your homework. I have to say that in the 6 ½ years that I've been here this is the most painless budget process that I've gone through.

MS. JARAMILLO: That's good. We try.

CHAIR ANAYA: Commissioner Roybal.

COMMISSIONER ROYBAL: I also want to say thank you. It's been a big learning curve for me as well, going through this and you guys have been really helpful. I appreciate all your input and feedback on everything and you have a great staff so you should be proud of them. Thank you.

MS. JARAMILLO: Thank you.

CHAIR ANAYA: There's a motion and a second.

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

III. B. 3. Resolution No. 2015-86, a Resolution Concerning the Investigation and Possible Pursuit of Potential Claims of the County Under Water Services Agreements

GREG SHAFER (County Attorney): Mr. Chair, I'd set the stage for this resolution as follows: Prior to adoption of Santa Fe County Resolution No. 2006-57 the County had entered into so-called water services agreements with various individuals and companies under which the customers agreed to pay standby or other fees in contractual payments to the County in exchange for the County's commitment to provide water service to the customer and other consideration. It appears that one or more customers may not have paid all of the fees and other contractual payments due under their respective water service agreement and the County is currently in the process of engaging and working internally to analyze the status of all payments that were due under water services agreements to investigate such claims.

Due to the passage of time it may be possible that some of the County's claims may be close to being time-barred, that is barred by the statute of limitations and so County staff is requesting authorization from the Board to proceed in a couple of different ways in order to safeguard the County's interest. First, the proposed resolution would authorize the County Manager to execute tolling agreements with the customers that we believe might owe the County money. Basically, what such an agreement would do is call a time-out where the parties agree they won't sue each other while they pursue potential settlement negotiations.

Secondly, if a tolling agreement is not executed by the County Manager and a customer and the customer refuses to pay the money that the County staff feels is due the resolution would actually authorize the County Attorney to pursue litigation against customers to collect monies that staff feel is due under the water services agreement.

The last thing that I would note before standing for any questions is that the resolution does not authorize staff to compromise claims, meaning settle them, for less

than what we think might be due. That would require future action by the Board of County Commissioners. With that I'd stand for any questions.

CHAIR ANAYA: Are there questions of Mr. Shaffer?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Greg, how many water service agreements, roughly, do you think the County has?

MR. SHAFFER: I'm being signaled it's 40 by the Public Utilities Director, Claudia Borchert.

COMMISSIONER HOLIAN: And we're going to look at all of those?

MR. SHAFFER: Mr. Chair, Commissioner Holian, that is correct.

COMMISSIONER HOLIAN: Thank you.

CHAIR ANAYA: Thank you, Commissioner Holian. Any other questions or comments? I'll move for approval. Do I have a second?

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: I moved, second from Commissioner Holian. Any further discussion? Seeing none.

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

III. C. Miscellaneous

1. Request Approval of an Amendment to the Grant of Right-of-Way Easement to Cuatro Villas Domestic Water Users Association for the Purpose of Installing Two 500,000-Gallon Concrete Water Storage Tanks and Distribution Infrastructure at La Puebla Park

TERRY LEASE (Facilities Operations & Maintenance Manager): Mr. Chair, we're here today to request approval of a second amendment to the grant of right-of-way easement to Cuatro Villas Mutual Domestic Water Users Association. In 2011 this Commission approved a grant of right-of-way for the installation of two 500,000-gallon water tanks and infrastructure that will provide a reliable, clean source of drinking water, potable water, to residents of the area, and also sufficient pressure and storage for fire suppression activities.

This right-of-way easement was amended last year to include the use of a County retention pond on the La Puebla Park for the discharge overflow and as said, we're here today to request a second amendment to this right-of-way easement for a 10-foot wide electric utility easement, underground easement, that runs from an existing power pole behind the La Puebla fire station #1 north to the tank site. And with that I can stand for questions.

We also have representatives of Cuatro Villas Mutual Domestic Water Users Association here, and Souder Miller as well, for questions.

CHAIR ANAYA: Thank you, sir. Commissioner Roybal.

COMMISSIONER ROYBAL: I would like to move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a motion from Commissioner Roybal, second from Commissioner Stefanics. Any further discussion? Seeing none.

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

**III. C. 2. Request Approval of Agreement No. 2015-0178-TR/IC with
First National Bank of Santa Fe for Custody Banking Services**

BILL TAYLOR (Purchasing Manager): Thank you, Mr. Chair. The County Treasurer's Office requires custody banking services for the County's assets in accordance with Santa Fe County investment policy. So we issued the RFP. We obtained three proposals. First National Bank of Santa Fe was selected in that process and we are here before you, Mr. Chair, to ask for approval of that banking custody services contract.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move approval.

CHAIR ANAYA: There's a motion.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Second from Commissioner Holian, but I'm going to go to Commissioner Chavez under discussion. Mr. Vice Chair.

COMMISSIONER CHAVEZ: No, I just again, want to thank staff for their work on this, even though it's sort of standard course of doing business, it's something that the procurement code is very critical, and I would just point out that the other two that responded to this were Wells Fargo from Albuquerque and Los Alamos National Bank here in Santa Fe. So I just wanted to point that out for the record, Mr. Chair.

CHAIR ANAYA: Thank you, Mr. Vice Chair, and thank you for your work and service on the Investment Committee and I know, I want to thank the Treasurer and his staff and Ms. Miller also on the Investment Committee and the work of the Finance Department. It's a process and a lot of people have their hands in it to make sure it's done right and so we appreciate everyone's efforts. There's a motion and a second. Any further discussion? Seeing none.

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

III. C. 3. Request Approval of Amendment No. 3 to the Collective Bargaining Agreement between Santa Fe County and the Santa Fe County Firefighters Association, Local 4366, International Association of Firefighters

BERNADETTE SALAZAR (HR Director): Good afternoon, Mr. Chair, members of the Commission. I'm here to request approval of amendment #3 to the collective bargaining agreement between Santa Fe County and the Santa Fe County Firefighters Association, Local 4366. The current collective bargaining agreement allowed for a financial reopener and those negotiations began in September and both parties have come to agreement to allow for an additional eight hours of training for bargaining unit members to be completed by June 30, 2015 and I stand for any questions.

CHAIR ANAYA: Ms. Salazar, I have a couple. I appreciate you bringing it here. There's one request that I have of you and Ms. Miller associated with training as it relates to all of our County employees. This particular reopener deals with the firefighters union and specific training therein for that particular union but what I'd like to see is an analysis of all training that we require and then provide opportunity for Countywide. When I was reviewing this item the questions that came up in my mind are what are those items of training and necessity that employees should undergo as part of their responsibility in fulfilling their function of their job, and then which are collective bargaining items?

And to be quite honest I think there's two distinct responsibilities, some of which I think are captured in a collective bargaining agreement, but frankly some I think are the responsibility of a County government to ensure that County employees at a public safety level or a professional level, at any level, have certain core functions and knowledge that they know. So the whole situation around collective bargaining and then how training is negotiated in for me brought up some gray areas and I think it's important for us to clarify, which are the things as a County, as a Commission, that we feel are responsibility-based in the best interest of all employees, and then which are those issues that are better left to collective bargaining.

And frankly I think I'm a little fuzzy as to the distinction between the two. So could you clarify me some of those items? But I think this might warrant – not today – but this might warrant a broader discussion as we go forward in future budget years. Ms. Salazar, you have the floor.

MS. SALAZAR: Mr. Chair, some of the required trainings that we have across the board for all County employees include harassment prevention training, and that's required annually of all employees. In addition is the ethics training for all County employees which is done annually as well. And then we have our defensive driving training. That's required I believe it's every two years if I'm – it's either two or three years. That's conducted by our Risk Management Division. So those are the ones that for sure are required annually across the board.

We do have some required supervisory training so supervisors know how to manage certain issues such as FMLA, ADA, to ensure compliance with state and federal

laws, and then specific to departments, I can work with the different department directors and come up with a list of required training specific to those jobs, because I know the County does a lot of training and we can give you some statistics on the number of training hours that we do. I believe it might be in – well, it's not in this packet; it's in the administrative meeting packet. Those hours are typically provided in those reports but I can get a list, work with the department heads for department-specific training in the next couple of months if you'd like to see that list.

CHAIR ANAYA: Yes, if you could. I really would. And I'm specifically – if we just looked at the fire service, because I'm familiar with the fire service as a volunteer firefighter for almost a decade myself. We used to have ongoing training requirements that dealt with swiftwater rescue, that dealt with accessing a burning building, that dealt with donning an SCBA and training on the SCBA apparatus and use on pumper training for operational training on how to run a pumper or an engine on a fire scene. Those are the kinds of things, department by department, that I would like to see what we're doing not as a collective bargaining piece but just as a functional operational piece. And so I know that in the past we've had discussions about where does the discussion begin and end relative to not infringing on any of those collective bargaining issues and so we're always doing that dance as Commissioners to be careful not to cross that line but frankly, I think we need to have that open dialogue about what are those core training modules, not just in fire but across the board so that as we progress into future budget years that we're dealing with those base requirements first as a County, not as a collective bargaining piece, and then what are those pieces that are better served in a collective bargaining negotiation, regardless of which collective bargaining agreement we're speaking about, if that helps.

MS. SALAZAR: Yes.

CHAIR ANAYA: Excellent. So, Commissioners, I'm going to move for approval on this amendment.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Second from Mr. Vice Chair Chavez. Is there any further discussion? Commissioner Chavez.

COMMISSIONER CHAVEZ: I highlighted the Article 29, Section E, the bargaining point that was added, which speaks to the eight hours of additional training and so I highlighted that but you, Mr. Chair, you sort of painted that with a much broader brush. I didn't – I think training is very important. I was looking at it in the context of the firefighters but as Bernadette mentioned in my experience is so far the County has invested a lot of time in training and that's very important, I think as you mentioned, across the board because even for us I think it's good because you always have to be willing to relearn and to be open to new ideas and new education. I think that was part of the invocation earlier. And so I appreciate you casting that net a little bit broader because it's something that we have to be aware of on a daily basis. I think we have to be deliberate in how we provide the training and my next question is who is providing the training, because that's a very specialty sort of area as well. So I think on both ends we need to be sure that we're not only going through the motions of training but that we're coming back with real – a new set of skill sets and tools to make our job easier if possible

and a better result to the residents.

CHAIR ANAYA: Thank you, Commissioner Chavez. Other questions or comments? Seeing none, thank you very much Bern, and I guess to follow Commissioner Chavez briefly, I think we're at the top of the list when it comes to providing training to our employees at Santa Fe County. I think what I'm asking for is that we continue to be at the top of that list but that we begin to understand where are we accessing training opportunities and is a collective bargaining discussion the most appropriate place in all cases? And I think maybe not. Maybe some of them yes, but maybe some of them no. Some of them might be a better discussion as a broader discussion in a Countywide context but without a doubt this Commission and the Manager and staff have always had training, as yourself as the Human Resource Director, at the top of the list, not at the bottom. So thank you very much.

MS. SALAZAR: Thank you.

CHAIR ANAYA: There's a motion and a second.

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

III. C. 4. Request Ratification of the County Manager's Signature Approval of Contract Amendment No. 2014-0276-HO/BT with Boys & Girls Clubs of Santa Fe/Del Norte to Provide After-School and Summer Program Services for a Total Contract Amount not to Exceed \$260,000 Effective June 3, 2015 Through May 31, 2016

MR. TAYLOR: Thank you, Commissioner. The agreement for the Santa Fe del Norte to provide afterschool and summer programs was expiring June 3rd. The intent was to not allow that agreement to expire. We proceeded to have the County Manager approve that contract and agreement for an additional year. There's two additional one-year extension options on that agreement and with that, Mr. Chair, I'll stand for questions.

CHAIR ANAYA: Mr. Taylor, just a comment and then I'll go to other Commissioners. This agreement sustains our agreement that we have with the Boys and Girls Club operates on the three sites – Camino Jacobo, Valle Vista and Santa Cruz. Correct?

MR. TAYLOR: I believe.

MS. MILLER: Mr. Chair, yes, that is correct. It's in the three housing sites.

CHAIR ANAYA: And so as we're moving forward it's on the three housing sites and then now we allocated money – I say that publicly again because I didn't quite get out maybe as good as we thought it might, but we allocated additional funds to offset some capital expenditures at a new site in the Airport Road area at Zona del Sol. And so I think –I just want to put on the record that what we're approving today isn't those resources but that as that site moves to be fully functional that we make sure

that we're getting what we're paying for out of the three sites we already have and that it doesn't dissipate services at in particular Camino Jacobo that is specifically funded.

So I just want to say that on the record. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. On the funding side of it, Bill, could you for the public and for the record state the funding source for that? I think this is an important program. After school and summer programs are really needed in our community and so I think it's money well spent. But could you talk a little bit about the funding source and how we might deal with that moving forward?

MR. TAYLOR: Mr. Chair, Commissioner, I'd like to defer to Katherine.

MS. MILLER: Mr. Chair, Commissioner Chavez, this – although the program is in the housing sites, the public housing sites we do not use public housing funds. This is a program for the youth in the housing sites but in addition to other youth that may come into the housing site and access the Boys and Girls Club program at our facilities. But we use the general fund to fund this contract as well as our other youth services programs that in the budget today I believe we allocated about \$325,000 in total which includes these funds. I may be off by an additional \$50,000, which includes these funds for youth programs throughout the county, not just at our housing sites.

So I want to say we do about \$130,000 for these three housing sites out of the general fund and then I want to say it's either an additional \$225,000, an additional \$225,000 which includes the additional \$50,000 that was put into the budget also from general fund for all the other youth programs throughout the county which we have done about 13 other youth programs from the north to the south end of the county.

COMMISSIONER CHAVEZ: Good. I think that was a nice summary because sometimes when we have an amendment like this it doesn't talk about the sites, it doesn't talk about the specifics. And so what we're doing I think is really significant. It may be a ripple in the pond but at least we're making that impact on the segment of the population that needs help sometimes the most. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Mr. Vice Chair and for the record, Mr. Taylor punts to Manager Miller and Manager Miller returns the punt 50 years. Go ahead, Mr. Taylor. Are we good?

MR. TAYLOR: If you're good, Mr. Chair.

CHAIR ANAYA: Is there a motion from the Board?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

CHAIR ANAYA: Commissioner Holian moves.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Second by Commissioner Roybal and Commissioner Chavez. Any further discussion?

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

CHAIR ANAYA: I'm going to make a little adjustment to the agenda. Mr. Barela, if you could come to the podium I have a question on one of our projects. Could you provide a brief summary of the Madrid ballpark function that was held in Madrid the

other day, Mr. Barela?

CHRIS BARELA (Constituent Liaison): Yes, Mr. Chair, members of the Commission. Memorial Day weekend, which is the traditional ballgame that takes place. It was the proper time for Santa Fe County to go out there and have a ribbon-cutting ceremony which we did. Commissioner Anaya and Manager Miller were present as well as former Commissioner Mike Anaya. Project Manager Dave Padilla was also there. They all stated a few remarks and it was a very nice event. You may have all seen it on some of the news channels as well and that was all to celebrate the second phase of the Madrid ballpark which was the completion of the grandstand which entailed the bleachers that got completed this past year.

CHAIR ANAYA: Mr. Barela, there's not a whole lot of people that you can put on the spot just like I just put you on the spot but I knew that because you were so involved with that park that you'd do well. But I brought you up there because I wanted to tell you publicly that not only on that particular project but on all the projects that you assist Santa Fe County with and I'll say Santa Fe County because you are always willing to help out where you can in all the districts and with all the elected offices as well as District 3 and I wanted to take this opportunity to publicly thank you for those efforts, day in and day out and to also public and on the radio wish you a happy birthday. So let's give Chris a round of applause for his birthday.

MR. BARELA: Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Mr. Barela. That was a good one on the spot presentation on the Madrid ballpark. I don't think you missed a beat. It was well attended and it was a very nice event so thank you for that as well.

IV. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

MS. MILLER: Mr. Chair, just a few updates. One update under Miscellaneous Updates, Workers' Comp insurance through the New Mexico Association of Counties. We had some discussion during the budget process, and I actually went back and met with the Association of Counties and I just wanted to let you know that is based upon our due diligence with other entities, that is still our recommended method of insuring Workers' Comp, but they did come down from an 11.3 percent increase to an 8.4 percent increase. So they did go back after their last meeting and looked at some other ways to do that and I just wanted to let you know that 5.4 percent of that increase is due to our increase in payroll. So it's actually only a 3 percent increase to our premium based on our claims history. So that policy renews on a fiscal year basis and our multi-line renews on a calendar year basis. So I just wanted to give you that update since we did talk about it previously in the budget discussions.

CHAIR ANAYA: On that point, Ms. Miller, I think it's appropriate to make a few additional comments. At that Workman's Comp meeting I can publicly say that I was not the most popular board member on Workman's Comp that day but I can tell you that I along with some of the other counties had some concerns and we wanted a careful evaluation of those numbers to assure that the taxpayers in this county were

getting as good a deal as we possibly could. We all – and I know Commissioner Stefanics has been carrying the torch for the County on the Association of Counties' board and continually does that in an excellent manner, but we're not afraid when we need to at any level. Our Treasurer is the chair of the Treasurers Affiliate. I know, Madam Clerk, you've participated in the Association discussions in the past as have almost everybody in the County.

But we spoke up and we speak up when we need to, and thank you for having that dialogue and I want to express to the Association the appreciation to Taylor and to the executive director for their reanalysis of the numbers and some modification to the good of the County for being in the Association and in the pool. So I very much appreciate that and I appreciate your efforts, Ms. Miller. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I'm just now trying to learn more about the New Mexico Association of Counties and the National Association of Counties and without a doubt, there's so many benefits that come to counties across the nation by participating and maybe in the future we could actually do a presentation on that work alone and the committees and the extra time that it takes in addition to your Commission work to participate at a state and a national level. Sometimes we may get criticized for that but we have to participate at those levels in order to see the benefit back to the County. So I thank you for at least bringing that up.

CHAIR ANAYA: Thank you, Commissioner Chavez. Ms. Miller.

MS. MILLER: Mr. Chair, Commissioners, another Miscellaneous Update had to do with the Santa Fe Community College and our Galisteo property to be used possibly – our old Public Works Facility to be used possibly for their automotive repair program. Staff has met with the college and provided an office with a timeline and some of the necessary items that would be required in order for us to vacate a portion of that building in order for them to use the bays and clear those out, move the appropriate staff out and lease some space to them.

But it would actually require us to move the property control section out of the Public Works building and automotive bays and although we have put money in the capital budget to construct space out at our Public Works site that is not completed and would not be completed in time, so we would need to lease space. We went out and looked for space to lease and that runs about \$9,000 a month for an appropriate space and then we would need an additional approximately \$40,000 in order to cover utilities, the move, and accommodating the staff in the new space.

So we got back with the Community College and asked what they would be able to lease the space for and they said maybe \$1,000 to \$3,000 a month. They do say they had other options and I would at this time recommend that the County not enter into that agreement, primarily due to the cost that we did not budget for and their inability to compensate us at least a good portion of that lease space to offset our cost. We do know that next year we will need to move out and do those things and we're anticipating that cost but it's that recurring monthly lease that we had not anticipated based upon this.

So unless the Board would like us to do otherwise we were going to suggest that they look at one of their other options.

CHAIR ANAYA: Ms. Miller, I would just briefly comment, that's one of

the items that I brought up and I would say from my perspective we did our due diligence and we can't provide facilitation for their need but that we continually, when we have opportunities, look for opportunities to partner. This one just doesn't seem to work out right now. Other comments from the Board? Commissioner Chavez.

COMMISSIONER CHAVEZ: I would concur and I would only add that this was going to be a short-term solution anyway for the school, and so I think maybe other options may turn out more long term for them.

MS. MILLER: Mr. Chair, Commissioner Chavez, that was true. The best that we could even accommodate was just one year. They really need to build a facility ultimately that will house that program for them and that may even be longer so they might have needed to move again before their site was constructed.

Okay, if there's no more questions on that, the next item is the – speaking of the Association of Counties and the National Association of Counties, in July, July 10th through the 13th in Charlotte, North Carolina, or Mecklenburg County is the annual National Association of Counties conference and I wanted to just remind the Commission and also request if any Commissioners could let us know if they do plan on attending on behalf of Santa Fe County because we actually have some very special achievements that we will be receiving. If you recall earlier this spring we submitted six applications for various Santa Fe County programs and I'm proud to say we received achievement awards in four of those. We received them in the area of the Imagination Library, Community Services; the Manager's Commit to be Fit Challenge in Human Resources for County employee fitness and health programs; reading for moms and dads program – that's the program in our adult detention facility where parents read a book on tape for their children; and then we have the wildfire hazard assessment and prevention program in the Fire Department that also received an achievement award.

So we will be looking for representatives to actually receive those achievement awards at the NACo luncheon at the conference, so if any Commissioners will be going we need to know that as well as we need to know who will be attending so we can make sure we can pick up our proxy for our votes.

CHAIR ANAYA: Commissioners, I'm going to be probably the least traveled Commissioner when I'm done with my tenure on this Board but I'm looking at it. I'm on the Transportation Committee and might consider going out. I'll let you know, but I appreciate Commissioner Chavez, Commissioner Stefanics, and their participation in the recent meeting and I think it's always good to be represented amongst our peers, not only in New Mexico but across the country to garner as much information and programs that we can to better provide services that we do. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, thank you. I will be attending to represent Santa Fe County but also the State Association and as their urban board member on NACo's board of directors, so the State Association does pick up my expenses so it does not count against the County, but I would echo what Ms. Miller indicated in two ways. It's a big deal for our County to have received these achievement awards and there is an awards luncheon. If we are selected for the final award then somebody will be going to the stage to accept it in front of a couple thousand people.

The other item is that a week from this Friday the Chair has to have a notarized

statement in about who can pick up the votes, like you've done in the past. Thank you.

CHAIR ANAYA: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. As I mentioned earlier I am going to try to participate more with both the State Association of Counties and National Association of Counties and I would like to see if I could schedule this trip in, Katherine, and represent the County. I think as Commissioner Stefanics stated not only are we participating but we are sharing some of our best practices with others and that in a big way is what this organization provides. So we can learn from others but we can also share our experiences with others. And you can argue that you can do that long distance. You can do that with the technology that we have, but there's something different about attending the conference and that's only part of it because Association of Counties on a state level and a national level lobbies on behalf of all counties across the state and across the country. And that's that united voice. It's a much stronger voice than us lobbying individually. So there are a lot of benefits to participating on a local level and on a national level. So I look forward to that and to bringing back more experiences and sharing what we can with others. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Other questions or comments? Ms. Miller.

IV. B. ICIP Process

MS. MILLER: Okay, Mr. Chair, another update is on the infrastructure capital improvement plan. It's that time of year again that the County needs to develop the next five years of our ICIP to submit to the state. In order for the planning process to begin the Public Works Department has put together the following schedule and that is that the ICIP implementation schedule will come to the BCC for review and approval at the June 30th meeting. Also community delegation and Commissioner meeting would be from July 1st through August 1st, so in the month of July we are planning to have meetings out in the community and if the Commissioners would like to attend those meetings as well we welcome you and also would encourage other subject matter to be brought up at those if you would like, and we'll have staff available for that.

And then also the final ICIP to the BCC for review and approval would be August 9th and we need to submit it to DFA I believe by September 1st. They moved it up. It used to be at the end of the month. If it's not I think the latest is September 9th. So it's a little bit of an accelerated schedule. I also wanted to state that our list has gotten extensive and DFA kind of states that ours needs to be shortened a little. Most counties have about 30 projects on there. We have 300 to 400. I think the statement to that is not that we just put everything on there but we actually go do a lot of community solicitation and input. But we're going to be going through that list and making sure that anything that isn't a project that's been scoped and developed enough for us to be really requesting funding on it, that that be put more in our overall capital improvement plan and not in the one that we submit to the state.

But a lot of it is also just cleanup. Some of them have already been completed or they've changed, so we want to make sure we clean that list up as much as possible and I

just want to give you that overall schedule.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much, Ms. Miller, for that information. In a few past years, and I couldn't tell you when, besides identifying countywide projects for some priorities we each had identified one or two projects per district. So we might want to revert back to something like that. It certainly wouldn't end up as 300 projects. It might end up as 20 things, several things for the County and a few things for each district. But the people we represent do want us advocating for them, so we might think about how we go back to the Commissioners and ask them to prioritize within their districts. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Ms. Miller.

IV. D. Regional Emergency Communications Center

MS. MILLER: Another item on the updates is the RECC. As you know, Mr. Chair, Commissioner Roybal, we did go over to the City Public Safety meeting and presented the County's position on the draft white paper on kind of the structure of the RECC and our concerns with the way that JPA is drafted. We haven't received a response but we did put it out there. But since that time we received a request from Tesuque Pueblo, Ken Martinez, the Director of RECC has been in discussions with Tesuque that they may like to participate in our regional dispatch and I took back to the City and to the RECC board that this would present another case of bringing forward the JPA for amendment or change, and we really need to look at the structure all together.

So I just wanted to let you know that there has been some additional dialogue with other entities who might be interested in joining our Regional Communications Center but as I stated to the City Manager, it still would require us to take a look at the structure of the overall JPA. And that's an effort to try to bring the City to the table to have a dialogue about how we might amend that JPA or restructure the JPA.

CHAIR ANAYA: So, Ms. Miller, on that particular point, I know there has been some dialogue at the City since we were there, Commissioner Roybal and I but I would like to go back to having a conversation to follow up with the Manager and the Mayor, with Commissioner Roybal and myself and you, and then I would like to ask after that discussion to be placed on the City Council meeting thereafter. And so I'd like to try and get that meeting some time next week or the week after and then be placed on the Council meeting probably the first part of July or whenever's workable for Commissioner Roybal and my schedule.

The other thing is Commissioner Chavez and I have committed to go to Public Works Committee to take the white paper. I know that you said that you're done with that pretty much with the discussions on annexation issues in particular and highlighting the road discussion that we had. And then I'll defer to Commissioner Holian and Commissioner Stefanics when they would like to go before Utilities. I'll leave that to them to have some discussion. I'm not sure if you have that white paper done yet. So can you just speak to those but going forward next week or the week after, meeting with the

Mayor, Commissioner Roybal, myself and you and then the Public Works Committee with Commissioner Chavez and I. We'll follow this sequence that we started in Public Safety and Public Works and then ultimately when Commissioner Stefanics and Holian are ready in Utilities.

So that's kind of the pattern. I do want to have some resolution. It's not just something that I want to have discussion on and push it to the next year. I do want to try and come to some resolution before the end of this calendar year on these items and so that's the target and I know we've been talking about it and Commissioner Chavez and I and Commissioner Roybal in particular on those two issues. So I'll just give the floor back to you if you want to make some additional comments in that area.

MS. MILLER: Mr. Chair, I did request of the Manager if the concept of the white papers and the committees is not conducive to a two-way dialogue could he please give me some indication of how we could have a two-way dialogue with the governing body or members of the governing body on these issues. Because it's kind of been stated that, no, we don't want to talk about it here; we'll get back to you; we'll get back to you; we'll get back to you but I haven't really received any input on white papers or subjects or a way to get to a place where we could sit down and talk about how to resolve some of these issues.

So I don't know – and then also I'd like to say the white papers, the drafts that I put together really are only from the County's perspective. They do not include input from City staff because they have not assigned people or elected officials to work with us on these. So at least to my knowledge, other than, okay, if you would like to come to one of our committees.

So I just want to put that out there that while we do have drafts of white papers on a variety of subjects they're really just County staff's position from what we can glean in conversations that we've had to date.

CHAIR ANAYA: Thank you, Ms. Miller, and I'll go to Commissioner Chavez after this, but I just want to state that I'm not ready to walk away from what we committed to do on our end, and so I'd like to follow through with going to Public Works and Utilities with our positions and requesting feedback but at next week's meeting I'd like to accentuate that we want to make sure that we can have this continued dialogue. That was what was committed and I think that the Mayor is still going to work with us on making those appointments but that's what we want to emphasize next week on the Public Safety to start.

But I'd like us to carry forward with what we said we would do and seek additional input and feedback from the governing body, however we possibly can. So Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I think it's unfortunate that maybe we haven't gotten the response and that might be okay, because I think the position paper or the white paper was really in my mind a summary of where we are and how we got to this point on some of the topics between – wrapped around the annexation agreement. And so the position paper or the white paper, I don't think we could depend on that for the direct or one-on-one communication and so maybe using the white paper as the talking points to engage in the City's committee process is probably the best that we can do right now.

I can see how it would be hard to communicate to our City counterparts and get the response that we're looking for but with the committee process at least you have a captive audience. You have four members of the governing body on the different committees that we're hoping to engage in. And so at least that's I think right now the best way for us to communicate our concerns related to Public Safety, Public Works or RECC. I don't see any other way to communicate that to the governing body.

We tried the study sessions, we tried having both governing bodies in the same room at the same time. That's worked to some extent but I don't think we're going to be able to depend on that only. So the committee process was suggested. I think, Commissioner Anaya, you're right. We're following through with what was suggested and if that falls on deaf ears, if it doesn't go anywhere at least we've tried. I don't know what we will do after that but that's the process that we all agreed to.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Stefanics.

COMMISSIONER STEFANICS: I understand that we're attempting to do this through a committee process but that is only a portion of the City Council and it is not a group that is enough numbers to make a vote. If we feel that there is non-attention from the committees then we might want to appear at a City Council meeting and actually notice that we are going to appear at a City Council meeting and indicate in a very broad statement that we are waiting to sit down and negotiate over several items. A public action such as that will bring some attention and might bring some activity. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. I appreciate you saying that. At the beginning of my remarks I said, and maybe it took more clarity from you to get it across but at the beginning of my remarks I said I want to go back to the Mayor next week, have the discussion based on the white paper that we had at Public Safety Committee and then do exactly as Commissioner Stefanics just suggested. Follow that particular meeting with a request to go before the City Council to provide direct feedback to the full Council, so that we have a sequence and a progression and going back to you, Commissioner Chavez, and the whole Commission, that progression that we agreed to as a group that we would work with them on.

So I appreciate, Commissioner Stefanics, you restating that. I'm in full concurrence with that and want to provide the opportunity to the Mayor and the Manager to – it's been three weeks, correct, Ms. Miller? Commissioner Roybal, we were there at Public Safety about three weeks ago? So it's been three weeks. They've had an opportunity to absorb the document. We haven't received any feedback to the document yet?

MS. MILLER: Mr. Chair, no, we have not.

CHAIR ANAYA: So we're publicly noticing it here at this meeting that we'd like some feedback and then we're requesting to have a follow-up meeting on the RECC next week or the week after, whenever schedule works for the Mayor, Manager and Commissioner Roybal and yourself and I, we should probably have Mr. Martinez join us as well. And then as Commissioner Stefanics said to restate it again for perfect clarity, we will then see where we evolve and go to a Council meeting.

I actually think if we go through this sequence that we're probably going to end up back at the end of that, hopefully, with some compromise and recommendations from both sides. That's the goal. It's not a one-sided discussion by any stretch. It's a communication we're encouraging for both sides. So thank you for the additional time and the clarity from the Commissioners. Any other comments on that particular item? Thank you, Ms. Miller.

IV. C. Insurance Benefits RFP Update

MS. MILLER: I have one other item and if Tony is available maybe Tony would be the best person to discuss our insurance benefits update.

CHAIR ANAYA: Mr. Flores.

TONY FLORES (Deputy County Manager): Thank you, Mr. Chair. Just a brief update on the insurance benefits, the County insurance benefits program. March 30th Gallagher and Associates and Santa Fe County staff presented the Board with an overview of the steps that we were taking to evaluate our employee benefits program, both our core benefits and our voluntary benefits. Today's update is purely to say that we have gone down the path that we indicated we were moving on in March and that was that we would be letting a solicitation to garner proposals from different organizations on our employee benefits, both core and voluntary. Those proposals were received a week ago by our consultant and they are currently under the evaluation process.

Next steps is once the evaluation is complete we will be bringing back an update to the Board at the July 14th Board meeting and with the subsequent action item probably on the July 28th meeting on direction from the Board on what avenue we'll be taking, whether we take the position that we'll stay with our current situation, we take the position that we'll be moving off in some fashion, either fully insured or self-insured, and I just wanted to provide the Board and update and since it's been a couple of months since that presentation was done that we have gone down the path that we indicated we would.

We received a very strong response from the solicitation and again, those are being evaluated by Gallagher and Associates. And with that, Mr. Chair, I'll stand for any questions.

CHAIR ANAYA: Are there any questions of Mr. Flores at this time?
More information to come.

MR. FLORES: Yes, sir.

CHAIR ANAYA: Thank you, Mr. Flores. Ms. Miller.

MS. MILLER: Mr. Chair, that is all I have for updates unless you have any questions for me.

CHAIR ANAYA: Any questions of Ms. Miller? Seeing none, we'll go to Matters of Public Concern.

V. MATTERS OF PUBLIC CONCERN

CHAIR ANAYA: Are there any individuals here that would like to address the Commission under Matters of Public Concern? Please come forward, ma'am.

MARTHA TRUJILLO: Good afternoon, Mr. Chair, Commissioners. My name is Martha Trujillo. I'm from the Pojoaque Valley. I'm coming today before you on behalf of Northern New Mexicans Protecting Land Water Rights to let you know that we have filed a FOIA to the BIA and it's a direct result of the Mr. Raymond Fry's BIA, who – Mr. Fry of the BIA Office. He's the superintendent of Northern Pueblos, and this is the letter that was dated December 2013 advising private landowners that were residing within the exterior boundaries of San Ildefonso Pueblo that they were in trespass.

So what our FOIA is doing is requesting a listing from the Trust Asset and Account Management System in reference to properties or land parcels within the exterior boundaries of San Ildefonso Pueblo that are limited to these properties or land parcels in that particular township. The listing should contain the basic information that would allow us to research records, deeds, things of that – that type of information that would allow us to actually see if that property is or is not within.

The justification is that without knowing what lands are owned by the San Ildefonso Pueblo it's impossible for the local residents and Santa Fe County to comply with Mr. Fry's letter. And I don't have an update for you right now but I just wanted to share this information with you.

The other concern that I have, I am speaking to you as a homeowner and I have a couple of handouts that I'd like to present to you if I may approach. *[Exhibit 2]* It's so typical, it's just like human nature not to really be compassionate or have any passion about something that doesn't affect you personally. So when I first heard of the San Ildefonso issues in the El Rancho area I was compassionate toward the situation. I am now directly affected by it. I live in the Pojoaque exterior boundaries, and so now I am passionate about this.

My husband and I wanted to purchase a piece of property. We live in the Pojoaque area and we went through the process of going through the title company, which you will see on your first page with Prima Title and we prepared our property survey. You will see the parcel which is a Tract D piece of property, and the actual location showing that it is in the Pojoaque area with the deed information. The realtor's agreement is also attached with the parties of whom we were going to purchase the property from.

We received from the title company of course the requirements and it was interesting that on page 2 of the requirements in Section 1 that #7 was highlighted on my original.

CHAIR ANAYA: Ma'am, if you could, could you tell me what page you're on in the handout, just so I can follow.

MS. TRUJILLO: I'm sorry. I am on page – first of all if you go to the commitment for title insurance page and it has stamped "revised" on it.

CHAIR ANAYA: You have page numbers right at the top.

MS. TRUJILLO: I don't have page numbers and that's why I'd like for you to –

CHAIR ANAYA: Okay. I see the one that says revised. Okay.

MS. TRUJILLO: Yes. So then the following page would be page 2, and I apologize again for this.

CHAIR ANAYA: That's okay. I just want to follow what you're saying.

MS. TRUJILLO: Thank you. Thank you. So page 2, number 7 was highlighted for my husband and I, and that was the one thing that was highlighted on this page. Just wanted to point that out. So if we could just go ahead and go through, or go to the page after page 4 of that title agreement there is a letter and it is referenced title commitment file, and it says purchase of Tract D, and it's addressed to my husband, Esteban A. Trujillo and myself. And that letter does say that we were not able to satisfy the requirements to obtain a loan from this particular financial institution. The following page is a statement from that financial institution that shows that we were denied and the reasoning is withdrawn because we had no legal ingress and egress to the subject property.

So after my husband and I had invested money in a survey, we've invested money and time in trying to obtain this property we were denied the money because we did not have ingress and egress at the property.

Moving on, there was a letter dated April 16th and it's addressed to Mr. Gus Martinez, Santa Fe County Assessor, and it's a letter from Jose and Maxine Romero. Jose and Maxine Romero are the sellers of the property that we wanted to purchase. And they live in California. They are an elderly couple and they have not been able to sell this property due to some of these issues.

So I'm here to speak on their behalf and to also let you know that they are, again, an elderly couple relying, depending, on a sale of this property to secure whatever it is that they left of their future. In addition, they are protesting their property tax for the reasons as mentioned that they cannot sell their property due to ingress and egress issues.

So I will not belabor the issue because I know that this has been heard, has been presented before you Commissioners time and time now for well over a year, but I do want to speak on behalf of Mr. Romero who is elderly, myself and my husband, and for my goddaughter who has become now very shy, Micaela Baca. She's four years old and I have a few goddaughters as old as 30. They are not able to borrow money on property so that they can have the American dream. The American dream is to live with your family in a country that you know and you love and serve and they are not able to do this because of certain issues before them.

My fear is that my goddaughter who is four, in 20 years will be standing before you with even harder and tougher issues. And so I would just beseech you to help us with this issue and do whatever it is that you can to make it possible for future generations to own property, to live in a home in the area that they're familiar with, to be around for their grandparents so that they can take care of them, to come and live in an area where they would like to work, and just be a part of who and what it is that they know. So I thank you for your time and your consideration.

CHAIR ANAYA: Thank you very much. Commissioner Roybal.

COMMISSIONER ROYBAL: Yes, Ms. Trujillo or Martha, I'd like to thank you for coming in today. Believe me, there's never too many people that come forward to bring these issues because the more that we have, the better we understand and you know it affects me personally because I do live in the area that you're talking about. We are working and trying to come to a resolution with these issues and we will sit down and start meeting soon with San Ildefonso Pueblo but like I said, the more people that come forward and the more that we know how many people that it's affecting in this way is good so I'm glad you did come today and I appreciate you coming forward and talking on behalf of the community and of yourself, because you're not only representing yourself here today but the entire community. So I appreciate that. Thank you.

MS. TRUJILLO: Thank you, Commissioner Roybal.

CHAIR ANAYA: Okay, Ms. Trujillo. Commissioner Roybal, I know that we've had discussions on this matter, in and outside of Commission meetings, but Ms. Miller and Mr. Shaffer, this is an issue we've had discussions relative to our own County roads in addition to the comments that were brought forward today and well longer than a year, Ms. Trujillo. It's been many years and I would ask that Mr. Shaffer, if you would work with Ms. Miller and staff to provide a detailed white paper synopsis of the historical framework of where we're at and how we got to this point, and then I'm going to look to the Commission with Commissioner Roybal's leadership to try and come to some recommendations from a County perspective as to the direct impact to the constituents relative to County issues that tie directly into private property issues.

I fully understand the responsibilities and the separations that we have to keep in mind relative to anti-donation aspects where we have direct impacts to our own roads that access many of these properties so I don't think it's a stretch in the least to have an overall assessment of what we're faced with and then try and move to some specific recommendations moving forward.

One thing I do know, being a public policy maker, elected as a County Commissioner, is when it comes to matters of private rights or even sovereignty many times governing boards shy away from those aspects because they are not simple and they are very complex. This is one of those circumstances that I believe we have to assist. Commissioner Roybal is the Commissioner for this particular district and these issues and as a Commission, understand how those impacts tie directly to County government and how we could advance a compromise and some type of solution. To push it off year after year is not going to get us anywhere. I know we've continually had it on the agenda but I think we, in some reasonable timeframe need to come to some resolution to the issue and it entails work with the federal government, BLM, you suggest, Bureau of Indian Affairs, congressional delegation, everyone that has been involved in the discussions.

The reality if this issue has polarized communities, and frankly, Ms. Trujillo, we've been yelled at in these meetings on various occasions and it's very emotional as any private property issue is in the matter of value to individuals. And so it's become a polarized situation that we should figure out a way to intervene with and help come to some resolution. So those are my comments on the record.

MS. TRUJILLO: Mr. Chair, if I may just add one thing. I want to be very forthcoming. The Pueblo of Pojoaque did offer to give us a permit for the ingress and the

egress and take that to the bank. However, banks will not recognize a permit. In addition to that, I opened up a big old can of worms because when I went to the pueblo to ask for – on behalf of Mr. Romero’s ingress and egress, they let me know that it would be \$300 to access that property. So when I say opened up a can of worms, my husband and I own property in the same area and we have six different driveways. We have six different driveways because we have a small farm and horses and things of that nature. With that said they then told me that it would now be \$300 per driveway to enter our property. I just want to be very forthcoming. It’s not that we absolutely don’t have any ingress or egress; we do have to pay for it. And that’s coming out more to the property tax than I pay for that piece of property.

CHAIR ANAYA: Thank you, Ms. Trujillo.

MS. TRUJILLO: Thank you.

CHAIR ANAYA: Thank you very much. Other matters of public concern?

VI. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Matters from County Commissioners and Other Elected Officials

1. Elected Officials Issues and Comments

CHAIR ANAYA: Madam Clerk, do you have any items you’d like to bring forward today?

GERALDINE SALAZAR (County Clerk): I’d like to open the door for consideration and possibly be part of the planning process for the youth detention center and considering that maybe the – we currently use the warehouse on Galisteo for voting machines. We conduct classes there for elections. I would like for us to consider that maybe that’s a possibility we could use that facility for warehousing our election equipment and all of our voting machines and any other equipment and also for training purposes.

CHAIR ANAYA: Thank you, Madam Clerk. I think there’s no question we’re going to have to find a place and we will definitely take that into consideration as we’re moving forward to figure out what the places that works the best for your office.

MS. SALAZAR: Yes.

CHAIR ANAYA: Thank you, Madam Clerk. Are there any other matters from other elected officials? I don’t see any right here. We’ll go to Commissioners.

VI. A. 2. Commissioner Issues

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and since I was not here over Memorial Day I wanted to let the public know and everyone know that we honor that day as a rite of passage for those who have served the country and I wanted to recognize all those families and individuals. And I wanted to just comment that I was at the Western Interstate Regional Conference for NACo in Kauai, Hawaii and a few of the topics that were prevalent, and I know that Commissioner Chavez might mention some of

these, but one of the very first presentations was that counties really need to be involved with federal government. And it's not just so much for our public lands, with the National Forest Service, the Parks, BLM, but also with Homeland Security, for emergency call centers, for fire, for public safety, and we had several presentations on funding that was available to counties, specifically from Homeland Security for the public safety arenas.

We an NACo also have one representative from the emergency call center side who sits on a federal advisory group to Homeland Security for what it is that the counties need. So I would encourage Pablo Sedillo and Dave Sperling and our Sheriff and Ken Martinez to perhaps investigate with NACo what NACo could provide in terms of some support in accessing information about these grants.

The other comment I'd like to make that I attended that I think was different than Commissioner Chavez was we heard from a couple of these states that have legalized marijuana and we had quite a discussion along with a federal agent from the DEA and they basically talked about even if your state moves ahead to do something and your county opts in or opts out that there are so many strings attached to enter this enterprise in terms of financing with the banks, in terms of drug enforcement, that until federal laws change we really are just talking with each other. We really don't have an avenue to make it all work smoothly.

So that particular session, I was very interested, was attended by about 400 people, because I guess many counties are looking at this and in fact some of the counties from down south here in New Mexico are looking at whether or not to grant land use permits for the growing of medical marijuana. So it cuts across the board. It's of high interest in the western states and I'll leave the other discussions to my colleague.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I wanted to just update you on a meeting I attended last week in the San Francisco area. This is an organization that's tentatively called the Resilient Water Alliance, although that name will probably change. It's a new organization that is being created by the Walton Family Foundation and they generously paid for all my travel expenses, not the County.

But in any event, this was a meeting of just a few people getting together to talk about how to create this organization, how to expand it, and what it should focus on and of course it deals with water and how to use it efficiently. This will be first of all targeted to the western states because they have unique problems with regard to water, and the membership will be elected officials and water utility managers. And the whole purpose of it is to come up with a variety of strategies for communities to be able to make sure that they have a clean, safe, sufficient supply of water and also for them to use it efficiently.

And I think that the reason that I was invited to be in on the ground floor of this is that Santa Fe is really seen as a leader in how it uses water. The whole idea of this organization is going to be to share resources, ideas and information and what it's going to focus on first is developing strategies for creative financing solutions for infrastructure needs as well as messaging. And they had some really clever messaging tactics there, some Youtube videos that explained where your money goes to a water utility and what they need it for and why they have the rates that they have. And there was a really

interesting example that came up. I don't know if you've heard of East Bay MUD, that's the East Bay Municipal Utility District that is a water utility that services the entire east bay of the San Francisco Bay.

They had a very, very interesting problem come up. As you know they've had a severe, severe drought in California and so all domestic use has been mandated to be cut back by 30 percent. So as a matter of fact East Bay MUD did achieve that. They sold 30 percent less water, which was a great success, but then the problem was that they also go 30 percent less income, and it still costs the same to maintain the utility and also to operate the utility, and yet they had 30 percent less funding to do that and they're trying to figure out how to bridge that gap. Probably they're going to have to raise rates and that's not going to go over well with people. They're thinking, hey, we're using less water; we should be able to pay less for it. So that shows the kind of problems that people are going to be facing when they have drought conditions and there are water cutbacks.

So the idea is, one of the things that they were talking about is what makes sense in the rate structure and how do we do the messaging to explain that to people, that they're going to have to pay more for less water. And so I think that the lesson for the Count is this, because we have a fledgling water utility now and I think how we put together our rate structure is going to be very, very important for the future. I really can't stress that enough.

So the other thing I wanted to mention is last Saturday I attended Community Day at Glorieta Camps and people might be aware that the Glorieta Baptist Center is now called the Glorieta Camps and it's being run by a new entity. This is really now an outdoor recreation Mecca for Baptists from all over the country and it's really incredible the improvements that they've made and there's a huge number of outdoor activities that they have there for the kids and for families as well – hiking, mountain biking. They have several different zip line facilities. They also have a lake with some huge water slides in it and then they organize some serious wilderness adventures for the kids.

Now, I realize that this is a Baptist camp and it's really serving Baptists from all over the country, but I think it's also positive for Santa Fe County as well. They are building trails and they're willing to work with the County also in building connector trails to make sure that all people from the county can get into the national forest that's right next to the camp. Also it creates a lot of jobs. There's 75 permanent jobs at the camp now, mostly locals working there, and 170 seasonal jobs, and there's a lot of economic development as well. They're really completely refurbishing all the old buildings on there. They own more buildings in that camp than Santa Fe County does. So they're spending a lot of money. And of course there's maintenance as well. And they're also actually doing some land restoration which I think is kind of interesting, to reduce fire danger and increase water infiltration into the ground. And the other thing that it's doing is that they want to be a good neighbor in the community so that they are scheduling three community days every summer, and so I would urge you, if you're interested at all to go to the next Community Day, which I think is in mid-July, and you can try that zip line, which I didn't have the guts to do when I was visiting this last weekend. But anyway, it looks like a lot of fun and there were a lot of people from the community who were bringing their kids there, and so I would really urge you to go check it out. It's a pretty nice operation there. So thank you.

COMMISSIONER CHAVEZ: Thank you, Commissioner Holian. I did attend NACO's Western Interstate Region Conference in Kauai, Hawaii. The workshops that I attended, the first one was preparing for disaster, the 2015 fire season and why defensible space may not be enough, and I know the Chief would be very interested in this as well as our emergency response team, because it really focused on that. It focused on watershed protection, viewshed protection and depending on mutual aids for us to do our work. We talked earlier about the interface with the pueblo and both the Pueblo of Tesuque and I think San Ildefonso, probably Nambe, all have an interest in our joint watershed areas. And so we need to work collectively on that.

The second workshop generated a lot of discussion and this had to do with the public lands roundtable, secure rural schools, and payment in lieu of taxes. In addition, there was discussion about forest management, which overlapped with the previous workshop, seeking lasting solutions for federal lands payment policy. We know now that we have two years of funding for secure rural schools, and so the National Association of Counties is aggressively pursuing a permanent funding source for rural schools, which would take us out of this position of depending on forest or BLM property and other property that's not under the County tax rolls. So that was the discussion in that workshop.

And then the final workshop had to do with the federal legislation and regulation. How can your county be engaged? And in this workshop, what generated the most discussion was again, lack of funding regarding MAP 21 and the highway trust fund. And I know it's not popular, it's not easy to suggest that we increase any kind of tax but when we talk about MAP 21 and the highway trust fund and the need for long-term permanent funding for our aging infrastructure here in Santa Fe County and in the state of New Mexico, across the nation. We know that there's a big gap there.

So again, the National Association of Counties collectively will be lobbying for more long-term funding for MAP 21. It's not going to be an easy sell but if we're not engaged in the discussion we're not going to change the dynamics. So that's where I participated. There were nine counties from New Mexico that attended this conference. Little counties like Hidalgo and Chaves County were there and of course Santa Fe County was represented. So I think there was good representation from New Mexico and from Santa Fe County. So that would be my report on that, Mr. Chair.

I did want to mention too, we talked about jails earlier, and there's two initiatives that the National Association of Counties is also pursuing. One is the initiative to reduce the number of people with mental illness in jails, and the Affordable Care Act and county jails, because county jails – jails, related to county government I think is one of our biggest responsibilities and in many cases our biggest liability. So whenever we can get help and assistance from others in dealing with, managing our county jail, both the adult facility and the youth facility, I think it's very important. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Roybal.

COMMISSIONER ROYBAL: I did have some calls and emails in regards to the solid waste collection that we're doing in some of the areas here like Tano Road. I had a gentleman by the name of Howard Geisham. I know Robert Machick sent me some emails regards their concerns with that, so I'd like to have my liaison reach out to them

and see if we can also get County staff to see if we can address their concerns and see what we can do to help on that. Other than that I don't have any other.

CHAIR ANAYA: Thank you, Commissioners. I don't have anything else to add today.

**VI. B. Presentation on Residential Solid Waste Collection Districts Proposal
Public Meetings Held the Week of May 18, 2015**

CRAIG O'HARE (Public Works Department): Mr. Chair, Commissioners, good afternoon. I'll give an overview of the meetings we had. This relates just to what Commissioner Roybal was mentioning about the input he's received from a number of his constituents. So I do want to just quickly give you a background of sort of how we got to this point and share with you that this concept of franchising or setting up solid waste collection districts dates back nearly five years now.

Back in the year 2010 the County was participant with the City and the Solid Waste Agency on a comprehensive solid waste management plan that came out at the end of 2010, actually got adopted by resolution by this Commission in early 2011 in Resolution 2011-16 that talked about franchising and looking into setting up solid waste collection districts in the more densely populated urban areas if you will of the unincorporated county. Then of course this body established the Solid Waste Task Force in 2012. The task force came up with a number of recommendations, came to you in February of 2013 with a number of recommendations including this idea of setting up solid waste collection districts, and then more recently we overhauled the Solid Waste Ordinance dealing both with our convenience centers and this idea of setting up solid waste collection districts, and have a number of times come before you with direction to move forward with that.

So I just wanted to share with you that background of sort of how we got to where we are now. You are aware that we have an ordinance setting up the three solid waste collection districts and the enabling language to go with it. That will be before you in the form of a public hearing at the end of this month on June 30th, and in advance of that we did hold a public meeting in each of the three proposed solid waste collection districts in mid-May. I'm here to give you an update on the sort of feedback we received on that.

I did want to remind you, just like I did at the meetings, our objectives are in setting up solid waste collection districts – they're in your transmittal memo. First is to reduce the private haulers' monthly rates that they charge for refuse service and recycling by taking advantage of economies of scale. We won't know to what extent we're going to be able to achieve that objective until we actually go out for a request for proposals to the private haulers and then get proposals back later this year in the fall. So there's no guarantee there but our consultants and our research has suggested that there's a good change we could find rates lower in this solid waste collection district environment than is currently out there.

Second objective, which I know is important to this governing body is increase waste diversion and recycling rates by instituting a pay-as-you-throw, volume-based rate structure, and so if the ordinance is adopted at the end of June we would include in the request for proposal a pay-as-you-throw volume-based rate structure where we would

have at least two different refuse size containers and the larger container of course would be more expensive than the smaller container. And combine that with essentially making the provision of recycling service essentially automatic. In other words, bundled with curbside refuse service. If we go with the larger containers we think that probably every other week would be adequate.

Third objective, reduce wear and tear on our County roads. Instead of having two or three different solid waste haulers traveling around the same neighborhoods, the same communities, playing hopscotch, if you will, with respect to who they serve, having one hauler would reduce the wear and tear on our roads.

And then finally, ensure private haulers provide safe solid waste operations and accountable, responsible customer service by instituting something where you have County oversight, which we currently don't have.

I want to emphasize the schedule. There was some perception by some of the public that this was already a done-deal, that we were basically coming to them in the 11th hour and that's not the case and I want to clarify what our schedule is and how much more opportunity for reflection on this proposal and public input there is. In addition to the public hearing that will basically kick things into motion, if you will on June 30th, if that vote is in the affirmative, then we as staff would work with our consultants and we would issue the request for proposal to the haulers that would go out some time at the end of July, maybe early August. We'd give a couple of months for the haulers that are interested in submitting proposals to submit to us. We'd review them, screen them, do the interviews, things like that, and then by the end of the year actually make a selection of the recommended haulers. And I do say haulers specifically and not in the singular because we've got in the ordinance that no hauler would be able to be awarded more than two of the three solid waste collection districts. That we keep some degree of competition between two haulers.

And then finally, and this is where it would ultimately be the final action by this governing body would be some time in January we would need to bring the contracts with those solid waste haulers back to you for your approval, and then that would essentially make the initiative official, if you will, and then the haulers would purchase the necessary vehicles, equipment, containers, things like that, with a start date in the neighborhood of July of next year.

And so you can see that we really have another six months of opportunity to revise this proposal if it needs revising, take public input and things like that. So I want to get to the three meetings we did have. I believe you have a map in your packet of the three proposed collection districts. The southwest collection district we had on May 18th at Amy Biehl Community School. About 21 citizens attended. I would say that generally people were either supportive or inquisitive about the proposal and they wanted to know more information. The HOAs, the homeowners associations, there's three of them in Rancho Viejo and this collection district is not just limited to Rancho Viejo, but the HOAs have basic requirements in their CCRs, in their covenants to have curbside refuse service and there was some concern that we were going to be disrupting that, that we would be somehow taking away that requirement, and we assured them, and I have subsequently in dialogue with a couple of people who continue to have that concern that that is not the case at all. If an HOA's covenants require curbside refuse pickup then this

proposal would essentially complement that and not rescind that.

Outside of that environment of an HOA requiring curbside refuse pickup we will continue to make it voluntary to participate in this collection district versus going ahead and self-hauling as many people continue to do, to our convenience centers. That district pretty much has – I believe it's Commission Districts 5 and 3, that district is made of, the southwest collection district.

Then on May 20th we had a meeting at Las Campanas. We call it the north collection district. It's a big area that includes everything from the Agua Fria Village to the Tano Road area, the Aldea area, Las Campanas, and as you can see we had a lot of attendance there, about 62 people showed up. There was a significant degree of opposition; I'll be very candid here. They were pretty strong in the opposition and it was a pretty high percentage that were. I have subsequently spoken to quite a few people, either contact by email or by phone. Some people didn't understand exactly what we were proposing. Some people understood the idea that when we get the proposals back we may end up actually having an offering that's more advantageous for them than the status quo, but as you can see in the email, a lot of people had, frankly, a I'm comfortable with the service I have now and they weren't that wild about government intervention in this area.

I will say that a lot of this area has curbside refuse pickup and does not even have the option of curbside recycling pickup. There were a lot of people there that they do take their recyclables to BuRRT, which is probably the closest facility to do that. But obviously a lot of people don't and a lot of people are throwing the recyclables in with their refuse.

And so that was a very – I will say spirited meeting. It was frankly my pleasure to take the feedback. It was a very lively meeting and a lot of people were upset about – this was the meeting where they were concerned that this was already a done-deal and we were coming to them at the 11th hour. Hopefully through my responses during the meeting and in subsequent responses by email and phone – and I have received quite a bit in the last two or three weeks, I've at least let people know that there's a lot more opportunity for public input and comment and I expect you'll probably have pretty good attendance at the public hearing there.

And then the southeast collection district, which is the Eldorado area and points beyond – oh, and I do want to mention that Commissioner Roybal's liaison, Orlando Romero, was at that meeting for the north district and Julia Valdez was at the meeting for the southeast collection district, which was at the Ken and Patti Adam Senior Center at Eldorado where we had 16 in attendance. It was probably the most supportive meeting as far as for the initiative. Eldorado recently found out that they may not have the authority in their CCRs to have a single refuse provider as they had expected and so they were actually kind of thankful that our authority might take care of that. They would love to see recycling. You know that they're recycling zealots out there and while they in some ways many of them enjoy going to the convenience center they love the idea of having recycling pickup at the curb and that concluded our meetings and I made myself available. We had a handout that I think you have before you and I made myself available by phone and email and have been staffing calls every since.

I do want to share with you that I did hear from the president of the Las

Campanas Homeowners Association. They looked into and considered taking a formal position, presumably against this, and they chose not to after I provided them some more information and let them know what we were trying to accomplish and that we wouldn't really know the specifics of whether this was going to be in the best interests of our citizens or not until we receive those proposals back near the end of the year. And so they have decided – they've informed me that they're not taking a formal position as a homeowners association. They are going to let their individual constituent homeowners decide that. With that, Mr. Chair and Commissioners, I'd be happy to answer any more questions.

COMMISSIONER CHAVEZ: Thank you, Craig, for that presentation. It is a presentation and I'll yield the floor to my colleagues. Commissioner Stefanics, do you have any questions or comments? Commissioner Holian? Commissioner Roybal?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian, go ahead.

COMMISSIONER HOLIAN: I don't have a question but I just want to thank you, Craig and to staff for going to the meetings, to organizing the meetings and taking the heat on our behalf. I got a lot of irate email messages myself which I tried to answer thoroughly, but I can see that we still have some more messaging to do.

COMMISSIONER ROYBAL: I too wanted to say thank you and thank you to my liaison for attending. I know you guys have worked hard on getting out there to these meetings and I appreciate that. One other concern that was brought to my attention and I think I know the answer. There's only going to be – whoever we award the district to, that is only the only business that would qualify to collect this trash. Is that correct?

MR. O'HARE: Mr. Chair, Commissioner Roybal, yes and no, with a caveat. We are going to in the RFP require that the hauler sub with a totally locally based hauler to provide some of the service within that district and we will stay within the procurement requirements in that context but especially in Santa Fe and especially in the areas we're talking about there are a lot of kind of special needs customers that have really long driveways where a large truck will not logically obviously go up that driveway and where citizens don't really want to cart their carts down 200 feet or whatever down the driveway. But a small truck would work rather well. And so we are going to, again, require that the haulers, and there's basically big haulers and small haulers, that the big haulers also sub with and include within their proposal a completely locally based hauler to do some of that special needs type services.

Again, we can't predict who that's going to be and how that will all play out. We did certainly and I'll be very candid. We did certainly have concerns expressed at a least a couple of the meetings that they really liked their hauler. Some of their haulers were more frankly ma and pop type haulers, although they had a robust business, and they were concerned about those haulers and I do want to recognize that and we're hoping the subbing to a locally based hauler will be able to address that.

COMMISSIONER ROYBAL: Okay. Thank you.

COMMISSIONER CHAVEZ: So, Craig, I appreciate the timeline that you laid out in the effort to better manage our solid waste and recycling in the unincorporated part of the county and especially the areas where it's denser and it makes more sense.

There's members that have been on that task force longer than I've been on the Commission. John Lopez is one of them and I know in talking to others he attended the north collection district meeting. And I think at that meeting he was probably in the minority because he supported the concept. Obviously he's been on the committee for three or four years or maybe longer and so I'm hoping that as the education and the information gets out there there will be more buy-in to this because just on the one point where the haulers that you've talked to, because we're not forcing these haulers to do anything that they're not doing already. We're just asking them to organize themselves in a better way. We're not taking any business away from them. We're just organizing that in districts and asking them to bid on those districts.

And so I think if we can do that it seems to me that we will be in a better position to manage our solid waste and recycling because some of those haulers that you've talked to have agreed to do both solid waste and recycling where they weren't doing it before. So is it bad for government to intervene? Maybe. But in some cases I think it's good. And on that point, how many private haulers that you're working with right now that are interested in what the County is proposing?

MR. O'HARE: Mr. Chair, about five. I'm not saying that's the only number that's going to be ultimately – we may hear from potentially from haulers that aren't even currently operating in this community but right now we're in touch with five and we are meeting with all five and letting them know what's coming down the pike and they'll probably be here, or at least some of them will probably be here on the 30th.

COMMISSIONER CHAVEZ: Well, would it be any harm to list for the record and for the public's information those that are interested in this point in time? Or do we want to keep that for later?

MS. MILLER: Mr. Chair, we often have vendor lists for different things so that when we do a solicitation we would have a list of vendors that we would send to because they've expressed an interest. I suppose it's possible to put a vendor list together.

COMMISSIONER CHAVEZ: We don't have to mention them by name but what I wanted to point out is that we have private haulers that you're in discussion with that are interested in what we're proposing.

MR. O'HARE: That's correct, Mr. Chair.

COMMISSIONER CHAVEZ: Okay. The rest can come later. I just wanted to point that out and have that on the record. I want to thank the Solid Waste Task Force members and all the work that they've put into this because it's been, as you said, five years in the making. So for someone to say that it hasn't been well thought out or that we haven't studied this, I think we have. Could it work? I think it could, but we need to give it the chance to work before we say it's not going to work or it can't work. If it doesn't work we can always go back to what we're doing now, and that's everyone would be a private hauler or depend on their handyman or someone else to take their solid waste and recycling to the stations.

So I guess those are my comments and I'm just hoping that we can move forward on this and bring some closure to this as well because I know that staff's been working on it; the public's been working on it. So again, I thank you for your presentation, Craig and we'll just stay tuned on this one as well.

MR. O'HARE: Thank you.

VII. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

- 1. Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978**
 - a. Arbitration Against the City of Santa Fe Concerning the Water Resources Agreement**
 - b. Potential Litigation Related to the Indigent Hospital and County Health Care Act**
 - c. Prohibited Practices Complaint Against the County**
- 2. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as allowed by Section 10-15-1(H)(8) NMSA 1978**
 - a. Acquisition of Open Space.**
 - b. Acquisition of Rights-of-Way for County Roads.**

MS. MILLER: Mr. Chair, we do have a need for executive session for those items on the agenda except for the one that was withdrawn at the beginning of the meeting.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we go into executive session where we will discuss threatened or pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 10-15-1(H)(7) NMSA 1978, and the three topics we will discuss are arbitration against the City of Santa Fe concerning the water resources agreement, potential litigation related to the Indigent Hospital and County Health Care Act, and a prohibited practices complaint against the County.

We will also discuss the purchase, acquisition or disposal of real property or water rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, and the two topics will be acquisition of open space and acquisition of rights-of-way for County roads.

COMMISSIONER CHAVEZ: So there's a motion to go into executive session.

COMMISSIONER STEFANICS: Second.

COMMISSIONER CHAVEZ: There's a second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Anaya	Aye
Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Roybal	Aye
Commissioner Stefanics	Aye

COMMISSIONER CHAVEZ: Do we want to set a time limit on this, Mr. Chair?

CHAIR ANAYA: What do we have, Greg? How much time do you want?

MR. SHAFFER: Mr. Chair, I would say that we could comfortably be back by 6:00 pm if you want to set that as a start time for the public hearings.

CHAIR ANAYA: So we have a lot. Okay.

[The Commission met in closed session from 4:56 to 6:15.]

CHAIR ANAYA: Commissioner Chavez, I'd entertain a motion to come out of executive.

COMMISSIONER CHAVEZ: Yes, Mr. Chair. I'll make a motion to come out of executive session and state that in attendance were the five County Commissioners, the County Manager, the County Attorney and Deputy County Attorney, and the two items that were discussed were threatened or pending litigation in which Santa Fe County is or may become a participant. There were three items that were discussed under that. And then the second item that was discussed was discussion of the purchase, acquisition or disposal of real property or water rights and so those were the topics for discussion and no action was taken.

CHAIR ANAYA: There's a motion from Commissioner Chavez. Second?

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Second from Commissioner Roybal.

The motion passed by unanimous [3-0] voice vote. [Commissioners Holian and Stefanics were not present for this action.]

VIII. PUBLIC HEARINGS

A. Ordinances

1. **Ordinance No. 2015-6, an Ordinance Amending Ordinance No. 2001-1 to Expressly Extend the Ordinance to County Sports Fields, to Add Rules Governing League Use and Sales or Solicitation by Itinerant Vendors, and to Prohibit Certain Dangerous or Harmful Activities (Final Public Hearing)**
[Exhibit 3: Amended Ordinance]

ADAM LEIGLAND: Mr. Chair, Commissioners, what you have here is the second public hearing on an ordinance that amends our original open space ordinance and what this amendment does is expressly extend our open space ordinance to our sports fields. So we are currently building recreational fields for league use up in Pojoaque and we'll soon be doing the same in Romero, so this is an expansion. It creates a process whereby leagues can reserve it and establishes some of the other existing open space policies, for instance don't let your dogs run loose and what not.

CHAIR ANAYA: So, Mr. Leigland, at the last meeting we had a detailed discussion of the ordinance. This is the second public hearing. This puts in place rules

and regulations to govern our sports fields which we're now engaging in the northern area. Commissioner Roybal, is that a good summary?

COMMISSIONER ROYBAL: Yes.

CHAIR ANAYA: So with that, Adam, we can go to public hearing for the second public hearing?

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

CHAIR ANAYA: Commissioner Chavez, are you okay with that?

COMMISSIONER CHAVEZ: The only thing I would add is this new ordinance will also include the Romero Park area.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's correct. When those fields are eventually completed.

COMMISSIONER CHAVEZ: And the focus will be more on organized sports and leagues that would want to use our parks – mostly our park space, I think.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's correct.

CHAIR ANAYA: Thank you, Mr. Leigland. This is a public hearing. The public hearing is now open. , an ordinance amending Ordinance No. 2001-1 to expressly extend the ordinance to county sports fields, to add rules governing league use and sales or solicitation by itinerant vendors, and to prohibit certain dangerous or harmful activities. Is there anyone here that would like to speak in favor of or against this particular ordinance? Is there anyone here that would like to speak in favor of or against this ordinance? Seeing none, this public hearing is closed. What's the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair, just for housekeeping, we have on the dais a separate document titled VIII. A. 1. It's the ordinance amending Ordinance 2001-1 to expressly extend the ordinance to county sports fields, to add rules governing league use and sales or solicitation by itinerant vendors, and to prohibit certain dangerous or harmful activities. Is this the same that's in our packet?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, forgive me. I should have opened up with that. What you have in front of you is the ordinance because we found a typo in the packet material in Section 3, paragraph 2.5, governing insurance. We found a typo so we just corrected that typo in the version that you have in front of you, from what's in the packet.

COMMISSIONER CHAVEZ: So you want to focus our attention on this one and Mr. Chair, I would make a motion to approve the ordinance with this attachment.

CHAIR ANAYA: There's a motion to approve the ordinance with the attachment provided. Is there a second?

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a second from Commissioner Stefanics.
Commissioner Roybal.

COMMISSIONER ROYBAL: I had a question on the actual league agreement with the County. Is that going to be a standard form that these leagues will need to fill out?

MR. LEIGLAND: Mr. Chair, Commissioner Roybal, that's correct. So it will be standard league agreement. It actually will – so there's a special use permit in the existing 2001 ordinance and then attached to that would be the league agreement and that

just specifies some of the certain conditions that the league will use, for instance the concessions, the solid waste management, those sorts of things. It's actually being drafted right now. We modeled it after Bernalillo County's

COMMISSIONER ROYBAL: Okay, and is there going to be an amount of liability insurance?

MR. LEIGLAND: Mr. Chair, Commissioner Roybal, one million dollars.

COMMISSIONER ROYBAL: On million dollars.

MR. LEIGLAND: Yes. And that's actually the paragraph that had the typo.

COMMISSIONER ROYBAL: And the general – why is it that we need the general yearly budget for these leagues? Financial –

MR. LEIGLAND: Mr. Chair, Commissioner Roybal, when we talked to other public entities, it's just to make sure that the leagues are in financial standing so half-way through the season they don't somehow dissolve and then they let the trash bin that's there, it needs to get fixed. So the other counties said - well, actually we talked to Bernalillo County, Sandoval County and Rio Rancho and the City of Santa Fe and they said make sure that they're good so that they don't leave you holding the bag if they're not in good financial standing.

COMMISSIONER ROYBAL: All righty. Thank you.

CHAIR ANAYA: There's a motion and a second. Is there any further discussion. Seeing none, this is a roll call. Madam Clerk.

Commissioner Anaya	Aye
Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Roybal	Aye
Commissioner Stefanics	Aye

VIII. B. Land Use Cases

1. CDRC CASE # V 14-5310 Patrick Lysaght Variance. Patrick Lysaght, Applicant, Requests a Variance of Article VII, Section 3.4.1.c.1.c (No-Build Areas) of the Land Development Code to Allow the Construction of an Accessory Structure on Slopes Greater Than 30%, a Variance of Article VII, Section 3.4.1.d.6 (Development Site) to Allow the Finished Floor of a Structure to Exceed (5') Above Natural Grade, and a Variance of Article III, Section 2.3.6.b.1 (Height Restrictions) of the Land Development Code and Section 3.8.2.d of Ordinance 2000-13 Tesuque Zoning District to Allow the Accessory Structure to Exceed the 18' Height Limitations for Structures on 15% Slope or Greater. The Property is Located at 11 Via Vecino in the Traditional Community of Tesuque, within Section 31, Township 18 North Range, 10 East (Commission District 1) (For Deliberation and Vote Only)

CHAIR ANAYA: Commissioner Roybal.

COMMISSIONER ROYBAL: Okay, on this ordinance I need to recuse myself from further participation in this matter. After the May 12th Board of County Commissioners meeting I mistakenly discussed the application with the applicant. I am recusing myself to avoid any questions as to whether I could make a fair and impartial decision in this matter. I did not share the content of my conversation with the applicant with other Commissioners. Thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal. Mr. Shaffer, I have a question. So on this item we had a vote. It was a tie. We're only here for deliberation. Do you have to remake the motion or is it off of the last motion, or how does that work?

MR. SHAFFER: Mr. Chair, I think that given that the motion that was made resulted in a tie, it was brought back to this matter, given that you do have another Commissioner who is here and present for the deliberation and vote and for the first time I think it would be appropriate for a new motion to be entertained by the Chair. That would be my recommendation.

CHAIR ANAYA: What's the pleasure of the Board?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move the same as I did last time to deny.

COMMISSIONER HOLIAN: Mr. Chair, I will second that, and I don't know – are we allowed to make comments at this time or just vote.

CHAIR ANAYA: I think it's only deliberation. There's a motion. There's a second.

The motion tie by 2-2 voice vote, Commissioner Roybal having recused himself.

CHAIR ANAYA: Mr. Shaffer.

MR. SHAFFER: Mr. Chair, in my view, given that the burden for justifying a variance is on the applicant, in other words, the applicant has the burden that facts exist that would justify the granting of the variance. My understanding of New Mexico law in that circumstance is where you have a tie vote the effect of that is to have a denial of the requested variance. In simplest terms, the applicant has failed to carry their burden and so they failed to convince the Board as a body that the facts exist that would justify the granting of the variance. Given that I would propose that an order be brought forth for the Board consideration that recite the application, the proceedings, the evidence that was offered and sets for the position that due to the tie vote the application is deemed denied because the applicant failed to carry its burden of proof to establish entitlement to the requested variance.

CHAIR ANAYA: Thank you, Mr. Shaffer.

VIII. B. 6. CDRC CASE # V 14-5130 Juan Gonzalez Density Variance.

Juan Gonzalez, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 10.07 Acres. The Property is Located at 59 B South Fork, within Section 31, Township 15 North, Range 9 East (Commission District 5) [Exhibit 4: Letters of Support]

JOHN MICHAEL SALAZAR (Case Planner): Thank you, Mr. Chair. John Lovato is handing out some letters of support from the applicant's neighbors.

Juan Gonzalez, applicant, requests a variance of Article III, Section 10 of the Santa Fe County Land Development Code and Ordinance No. 1996-10 to allow two dwelling units on 10.07 acres. The property is located at 59 B South Fork, within Section 31, Township 15 North, Range 9 East, Commission District 5.

On April 16, 2015, the County Development Review Committee met and recommended approval of the variance to allow two dwelling units on 10.07 acres by a unanimous vote, 6-0.

The property is a legal non-conforming lot created before 1981. The current configuration was created in 1998 through a lot line adjustment and is recognized as a legal lot of record with 0.25-acre feet water restrictions. Currently, a 2,240 square foot residence and a barn are permitted on the property. The property is located within the Basin Fringe Zone. Article III, Section 10.2 lists the minimum lot size as 50-acres. The maximum allowable adjustment allows a lot size of 12.5 acres with water restrictions. Therefore the lot is already smaller than the Code requires for a single dwelling unit.

The Applicant requests the variance because the additional residence is needed to help family members who have fallen on hard economic times. Also, the applicant mentions he was going to wait until the Sustainable Land Development Code was adopted so he could build an accessory dwelling unit on the property, however, with the delays for the new code's adoption; he can no longer wait. Thus, he is before you requesting a variance. The applicant proposes to convert the existing 1,986 square foot barn into a dwelling unit. This conversion creates two dwelling units which does not meet minimum lot size requirements set forth by the code.

Recommendation: Staff recommends denial of a variance of Article III, Section 10 of the Code. If the decision of the BCC is to approve the Applicant's request, staff recommends imposition of the following conditions. Mr. Chair, may I enter those into the record?

CHAIR ANAYA: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each home. 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 at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Division for the proposed dwelling unit (As per Article II, § 2).

3. Both dwelling units shall share the existing driveway.
4. The placement of additional dwelling units or further division of land is prohibited on the property (As per Article III, § 10).
5. The Applicant shall provide an updated liquid waste permit for the proposed dwelling unit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1(a)iv).
6. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

CHAIR ANAYA: John Michael, I have one question. Did I hear you correct in your summary that if our new code was implemented that this would fall under the proposed provision? It's not final but it would fall under the proposed provision of a accessory structure?

MR. SALAZAR: Mr. Chair, as it's written, as the SLDC is written right now they would be allowed an accessory dwelling unit. It would have to be half the size of the existing structure, up to 1,500 square feet. In this case it would be 1,120 square feet for that accessory dwelling unit, and it would have to be of the same design as the existing dwelling unit. So since the existing dwelling unit is a mobile home the second dwelling unit would have to be a mobile home as well.

CHAIR ANAYA: Okay. Thanks for that. Is the applicant present? Yes, sir. Is there anything you'd like to add?

JUAN GONZALES: No, sir.

CHAIR ANAYA: Okay. Thank you. This is a public – was there anything else, any questions of staff or the case thus far? Seeing none, this is a public hearing. Is there anybody here who would like to speak in favor or against this proposal? Is there anyone here that would like to speak in favor or against this proposal? Seeing none, this public hearing is closed. What's the pleasure of the Board?

COMMISSIONER STEFANICS: Mr. Chair, to get the discussion moving, I'll move to deny.

COMMISSIONER HOLIAN: I'll second that.

CHAIR ANAYA: There's a motion and a second to deny. Is there any further discussion?

COMMISSIONER STEFANICS: I'd be interested in hearing if in that district there's – the Commission has any opinion, but if not, that's fine too. I don't want to put anybody on the spot.

CHAIR ANAYA: John Michael, this is in District 5? This is your district.

MR. SALAZAR: Commission District 5, Mr. Chair.

CHAIR ANAYA: This is in your district, Commissioner.

COMMISSIONER STEFANICS: Wait a minute. Which one are we on?

CHAIR ANAYA: We're on 6.

COMMISSIONER STEFANICS: Oh, I'm sorry. I was on number 2.

CHAIR ANAYA: I was just going to say, Commissioner –

COMMISSIONER STEFANICS: I withdraw my motion.

CHAIR ANAYA: The CDRC voted 6-0 on this particular case. We didn't have any people in favor or against it. We are on case #6.

COMMISSIONER STEFANICS: I'm sorry. I will move to approve with the conditions.

CHAIR ANAYA: Motion to approve with conditions.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a second from Commissioner Holian. Any further discussion? Seeing none.

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

VIII. B. 2. CDRC CASE # MIS 13-5051 Patrick Christopher and Marga Friberg. Patrick Christopher and Marga Friberg, Applicants, Request Reconsideration of a Condition Imposed by the BCC Requiring a 0.25 Acre Foot Water Restriction for an Approved Variance of Article III, § 2.4.1a.2.B (Access) of the Land Development Code and a Variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow the Construction of a Residence on 14.981 Acres. The Property is Located 250-C Kalitaya Way, within the Vicinity of Buckman, within Section 29, Township 19 North Range 8 East (Commission District 1)

JOHN LOVATO (Case Planner): Thank you, Mr. Chair and Commissioners. Patrick Christopher and Marga Friberg, applicants, request reconsideration of a condition imposed by the BCC requiring a 0.25 acre-foot water restrictions for an approved variance of Article III, Section 2.4.1a.2.b, Access, of the Land Development Code and a variance of Article 4, Section 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management, to allow the construction of a residence on 14.981 acres. The property is located at 250-C Kalitaya Way off Old Buckman Road, within Section 29, Township 19 North, Range 8 East, Commission District 1.

On May 14, 2013, the BCC approved a variance of Article III, Subsection 2.4.1a.2.b, Access, of the Land Development Code and a variance of Article 4, Section 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management to allow the construction of a residence on property consisting of five lots which total 14.981 acres with staff conditions. The applicants agreed to all conditions which also included a lot consolidation. The lots consisted of 3.84 acres, 3.87 acres and three 2.5-acre lots. The subject properties are part of a subdivision created in the 1940s with the US Government's Small Parcel Act which assisted veterans in acquiring their own property.

The applicants request reconsideration of condition number one imposed by the BCC which states: Water use shall be restricted to 0.25 acre-foot per year. A water meter shall be installed for the proposed home. 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.

The applicants state the condition to limit water use to 0.25 acre-feet per year is excessive due to him having to consolidate five legal lots of record into one 14.981-acre lot. The applicant further states that each lot could have potentially had 0.25 acre-feet each for a total of 1.25 acre-feet per year. The applicant requests a water allocation of 0.50 acre-feet per year for the 14.981-acre lot. The applicant also states he intended to ask for this water allocation at the time the variance was being requested but neglected to do so.

The property lies within the Basin Fringe Hydrologic Zone, and the minimum lot size per Code is 50 acres per dwelling unit. Lot size can be reduced to 12.5 acres per dwelling unit with signed and recorded water restrictions. The lot is 14.981 acres and larger than the minimum lot size of 12.5 acres. Therefore, the lot shall be restricted to 0.30 acre-feet per year.

Staff recommendation: The property is located within the Basin Fringe Hydrologic Zone; minimum lot size per Code is 50 acres per dwelling unit. Lot size can be reduced to 12.5 acres per dwelling unit with 0.25 acre-foot signed and recorded water restrictions. The applicant's lot is 14.981 acres. Therefore, the code would allow a 0.3 acre-foot water restriction. Staff recommends denial of the request for 0.50 acre-foot water restrictions and recommends a restriction of 0.30 acre-foot per year. Thank you, Mr. Chair, I stand for any questions.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian, questions of staff.

COMMISSIONER HOLIAN: Thank you. When was this subdivision created originally?

MR. LOVATO: In the 1940s.

COMMISSIONER HOLIAN: In the 1940s. So that was well before we had the quarter acre-foot restriction.

MR. LOVATO: Mr. Chair, Commissioner Holian, that is correct.

COMMISSIONER HOLIAN: And the way that I understand the quarter acre-foot restriction is it's not a water right tied to the land. It is rather how much water a residence is entitled to. Correct?

MR. LOVATO: Mr. Chair, Commissioner Holian, that is correct.

CHAIR ANAYA: Other questions of staff? Commissioner Chavez.

COMMISSIONER CHAVEZ: I don't have a question of staff but I would concur with staff's recommendation to deny this request and that the applicant would only be allowed the .3 acre-foot, and that that would have to be metered. So that would – my motion would include staff recommendations.

COMMISSIONER HOLIAN: And I will second that and as a comment I will say again, it's because the quarter acre-foot is not a water right that's tied to the land or a lot. Rather it's tied to a residence and so it does make sense to tie the amount of water use that's allowed to the size of the lot, which is what staff is recommending. That's consistent with our current code.

CHAIR ANAYA: Just a question, Commissioner Holian, if you can address it. When you're speaking of the residence, because I know we've had this discussion in recent years, the use of the water on the land is different than the residence itself? Or can you clarify that?

COMMISSIONER HOLIAN: Well, just generally speaking when there's a subdivision created the various residences on each lot are limited to a quarter acre-foot. I think that's very common in the county. There's certain areas in the county where they get a little bit more than that, but generally speaking when a development is created there is a limit of a quarter acre-foot per residence on those lots. And so in this case, even though there were five or six lots that were consolidated they were consolidated to one lot with one residence. And so it is consistent with our code to put that quarter acre-foot limit on that one residence, but in this particular case, the total acreage of the land is a little bit larger, actually than the 12.5 acres, I think. And so they would be just looking at our current code and the way that it's written now, because of that lot size they would be entitled to .3 acre-feet a year.

CHAIR ANAYA: Thank you, Commissioner Holian. So before we go to motions we still have to do a public hearing. So is the applicant here? Let's go to that first. Come forward, sir.

[Duly sworn, Patrick Christopher testified as follows:]

PATRICK CHRISTOPHER: Patrick Christopher, 518 Alto Street, Santa Fe.

CHAIR ANAYA: So, Mr. Christopher, is there anything that you would like to add?

MR. CHRISTOPHER: Yes. It's been a couple of years since I stood here, and I think that the main reason that I'm here for Marga Friberg and myself is more from the point of view that we understand, and we made a great effort to reduce the level of development out here because we had the five lots. We spent about \$1500 so far with the survey work and the lot consolidations, all of that, to really respect the open space and to prevent many multiple dwellings and lots out there.

And in so doing we now have one larger lot of that 14.9 acres. One of the things that unfortunately was never actually talked about with us as the applicants two years ago was what would become of our water rights that the five lots might have had. It wasn't until some time later that we realized, wow, what was approved with us was .25 acres and since we intend to have a small residence, a small guesthouse and a couple of art spaces for a writer's cabin, painter's space, we just want to make sure that in so doing – I'm an architect. My partner's an architect. We wanted to make sure that we weren't giving up so much that we couldn't develop in the way we'd like to creatively.

And so I thought it seemed fair, since we've gone to a lot of trouble to reduce the level of development to ask for .5 acre-feet, to make sure that we really will have the water we need for artists' workshops, our little residence and so forth, and that's why we were requesting that amount.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Christopher, have you considered putting in a water collection system? My husband and I actually live very far off-grid and you're proposing to do, and in fact our entire water supply comes from water collection from our roof. And there are certain advantages to that, actually, that I thought I would at least bring to your attention just in case you might consider that. One is that you don't need water rights. However much you can collect it's yours to use. And also it's clean

water. It's much cleaner than groundwater for sure. It was really nice.

We lived in a place before where we did have a well and we had pretty hard water, and now it's just wonderful to not have those spots on our glasses, and our water faucets never get clogged up and so on. And also, a lot less energy is really required, because pumping water actually does take a fair amount of energy. Now, I forgot whether you were going to be off-grid or whether you're going to –

MR. CHRISTOPHER: It's definitely off the grid, and you're right. We have – we fully intend to have water collection and cisterns on site.

COMMISSIONER HOLIAN: You probably won't even need more than a quarter acre-foot. My husband and I, we only have 2,500 square feet of roof and we have enough water for us and our two horse, and believe me, horses take a fair amount of water. So anyway, I just thought I would point that out.

MR. CHRISTOPHER: I appreciate that, and we're definitely thinking along those lines.

COMMISSIONER HOLIAN: I'm glad to hear that.

MR. CHRISTOPHER: We were just – something about it – it just seemed fairer, in terms of the level of how far we were reaching to reduce the development out there and spending a lot of extra money to do so, and somehow it just seemed fair that we should be left with a little extra in terms of water opportunity. But, I don't know.

COMMISSIONER HOLIAN: Mr. Christopher, would you be willing to settle for the .3 acre-feet a year? That's a little bit more.

MR. CHRISTOPHER: I was happy to hear that they were considering that amount. It's part ways there.

CHAIR ANAYA: If we could, Commissioner Holian, I think Commissioner Stefanics made a good point on the last case. Sorry for the confusion but this is in District 1. What does the Commissioner from District 1, what's your take?

COMMISSIONER ROYBAL: Well, I know that water is tied to – it isn't tied to the land like Commissioner Holian had expressed but I do feel that people, whether – it doesn't really depend on the size of the lot. I don't feel that we should constrict to a point where it's not adequate for every residence. So I personally feel that .5 is actually an amount that I think is okay.

CHAIR ANAYA: Thank you, sir. Do you have anything else you'd like to add?

MR. CHRISTOPHER: No. Thank you for your time, all of you, and your comments.

CHAIR ANAYA: I was going to go to public hearing if I could. Any questions of the applicant? Did you have a question of the applicant, Commissioner? Okay. This is a public hearing. Is there anyone here that would like to speak in favor or against this application? Is there anyone here that would like to speak in favor or against this application? Seeing none, this public hearing is closed. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair. Oh, yes, we already have a motion.

COMMISSIONER CHAVEZ: Yes. And that was for the .25 acre-feet.

COMMISSIONER HOLIAN: Mr. Chair, I will withdraw my second.

COMMISSIONER CHAVEZ: And I'll defer to Commissioner Roybal,
Mr. Chair.
CHAIR ANAYA: Commissioner Roybal.
COMMISSIONER ROYBAL: I'd like a motion to approve the .5 request
for water.
CHAIR ANAYA: I'll second. Any further discussion?

The motion failed by a 2-3 voice vote with Commissioners Anaya and Roybal
voting in favor and Commissioners Chavez, Holian and Stefanics voting against.

CHAIR ANAYA: Motion fails. What's the pleasure of the Board.
COMMISSIONER HOLIAN: Mr. Chair.
CHAIR ANAYA: Commissioner Holian.
COMMISSIONER HOLIAN: I will move to allow the lot to be restricted to
.3 acre-feet per year.
CHAIR ANAYA: There's a motion for .3 acre-feet.
COMMISSIONER CHAVEZ: Second.
CHAIR ANAYA: There's a second from Commissioner Chavez. Any
further discussion? Seeing none.

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

**VIII. B. 3. CDRC CASE # V 15-5080 Thomas Ketcheson Variance.
Thomas Ketcheson, Applicant, Requests a Variance of
Ordinance No. 2007-2 Village of Agua Fria Zoning District,
Section 10.6 (Density and Dimension Standards) to Allow Two
Dwelling Units on 2.998 Acres. The Property is Located within
the Agua Fria Low-Density Urban Zone at 1719 Roys Way,
within Section 31, Township 17 North, Range 9 East,
(Commission District 2) [Exhibit 5: Lot Layout]**

MATHEW MARTINEZ (Case Planner): Thank you, Mr. Chair,
Commissioners. Thomas Ketcheson, applicant, requests a variance of Ordinance No.
2007-2, Village of Agua Fria Zoning District, Section 10.6, Density and Dimensional
Standards, to allow two dwelling units on 2.99 acres. The property is located within the
Agua Fria Low-Density Urban Zone, at 1719 Roys Way within Section 31, Township 17
North, Range 9 East, Commission District 2.

There are currently two dwelling units and a garage on the property. The applicant
resides in one dwelling unit, 3,816 square feet – main residence, and the other is occupied
by tenants, 825 square feet – guesthouse. Staff has found no evidence of development
permits being issued for this property.

The applicant requests a to allow two dwelling units on 2.99 acres. The applicant
claims when he purchased the property in 2004 it contained both the single-family home
and guesthouse. The applicant states he purchased the property with the intent to use the
guesthouse occasionally, however, current financial circumstances have led him to

continuously rent out the guesthouse, otherwise, he would be unable to keep up with his mortgage payments.

On July 14, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the property. On July 15, 2014, Code Enforcement conducted an inspection and found the property contained three dwelling units, a duplex in the main residence and a separate guesthouse. On that date, Code Enforcement issued a Notice of Violation for the density unpermitted development, junked vehicles, and anti-litter. The applicant has removed one of the kitchens in the main residence converting it back to a single-family residence, which has been verified by Code Enforcement, and cleaned up the property. Currently, the property contains two dwelling units, a single family home and a guesthouse.

Staff recommendation: Staff recommends denial of the applicant's request of a variance of Ordinance No. 2007-2, Village of Agua Fria Zoning District, Subsection 10.6, Density and Dimension Standards, to allow two dwelling units on 2.99 acres. The decision of the CDRC was to recommend approval of the variance subject to the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIR ANAYA: Could you summarize those conditions just briefly?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each home within 90 days of recording the order granting the variance. 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 (As per Article III, § 10.2.2).
2. The Applicant must obtain a development permit from the Building and Development Services Department for all structures on the property within 90 days of recording the order granting the variance. (As per Article II, § 2).
3. The placement of additional dwelling units is prohibited on the property. (As per Ordinance No. 2007-2 § 10.6).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).
5. The Applicant shall provide an updated liquid waste permit for both homes from the New Mexico Environment Department with the Development Permit Application. (As per Article III, § 2.4.1a.1 (a) (iv)).
6. These conditions are conditions precedent to the granting of the variance. If the Applicant fails to comply with any conditions set forth above within the time periods provided, the variance shall be denied.

CHAIR ANAYA: Thanks a lot for the summary and just if I could, Commissioner Chavez, and then I'll go to you. The complaint was received when?

MR. MARTINEZ: 2014, July 14th.

CHAIR ANAYA: And was there any other complaints on record? The property owner says he acquire the property in 2004, and then there was a complaint in 2014?

MR. MARTINEZ: That's correct.

CHAIR ANAYA: And no other complaints on record.

MR. MARTINEZ: Not that I'm aware of.

CHAIR ANAYA: A decade. Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: I have a question for staff. The CDRC met and acted on this case and the decision of the CDRC was to recommend approval, but then Growth Management staff reviewed the application for compliance and finds that the project is not in compliance. So where do you differ? Where does the CDRC and Growth Management staff differ on this request?

CHAIR ANAYA: I could help with that, Commissioner, and then Vicki, if you want to follow up. Essentially, staff within the structure of the code always recommends denial if it doesn't adhere to the rigid requirements within the code and then offers input relative to the conditions. So that's a standard practice and you'd recommended denial to the CDRC and the CDRC evaluated the case and then made recommendations with conditions. But that's a standard. Right, Vicki?

VICKI LUCERO (Building & Development Services): Mr. Chair, that's correct.

COMMISSIONER CHAVEZ: So if I could then, Mr. Chair, would staff be able to state for the record that this would be a minimum easing of the requirements?

MS. LUCERO: Mr. Chair, Commissioner Chavez, I believe that that would be something that should be determined by the BCC.

COMMISSIONER CHAVEZ: Okay. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Is the applicant present?

COMMISSIONER HOLIAN: Mr. Chair, I actually have a question for staff.

CHAIR ANAYA: Sure. Absolutely. Commissioner Holian.

COMMISSIONER HOLIAN: In looking through the minutes from the CDRC meeting, it said that Mr. Ketcheson was in the process of having the existing septic tank that serves as the guesthouse approved, and I wondered if that had happened.

CHAIR ANAYA: Mr. Ketcheson, if you'd like to come forward at this time and be sworn in and then answer the question and then you could add comments as well.

[Duly sworn, Tom Ketcheson testified as follows:]

TOM KETCHESON: My name is Tom Ketcheson, address 1719 Roys Way, Santa Fe, New Mexico, 87507.

CHAIR ANAYA: So, Mr. Ketcheson, if you could answer the question and then you'll have an opportunity to make additional comments that you'd like as well.

MR. KETCHESON: Thank you, Chairman, Commissioners. Yes, if I'm having a dwelling unit that's not to be permitted then I don't want to go to the effort of permitting a septic tank on a building that can't be occupied. So with that in mind I do have people ready to excavate the septic tank which would be the first process and then as I understand it the State Environmental Department would have to be notified that it was ready for inspection, come out and do their inspection and after that I'd be ready to have it work. However, the tank has been there as all the rest of the structures since I bought it in 2003, actually.

COMMISSIONER HOLIAN: And Mr. Ketcheson, as far as you know, it doesn't have a current permit.

MR. KETCHESON: As far as I know it does not have a permit.

COMMISSIONER HOLIAN: Thank you.

CHAIR ANAYA: Mr. Ketcheson, you have the floor now.

MR. KETCHESON: Thank you very much. I'm here today basically I think to accomplish keeping what I bought and Mathew is providing a copy of a brief exhibit of the surrounding properties. So I bought this property in 2003 with all of the existing structures on it and somebody got mad at me and started doing property research, found it it was a single-family residence and zoned for a single-family residence and then took the issue to the County. I was a little bit floored by it and I guess it's a cautionary tale about due diligence. You should conduct it when you buy the property.

This property is a three-acre piece and I presented this exhibit to you. You can see my property is 1719 Roys Way, the little box with the arrow points to the property. There are 21 pieces of property up and down my street there and mine happens to be the second biggest property there. And then the first biggest property is a four-acre piece down at the south end of Roys Way. It's four acres but it has been given a variance for three dwelling units on it. So I would be the only person in this neighborhood with the three-acre piece that is the largest lot and has the lowest density of any if I was to have to abandon this one, 800 square foot casita within the property.

And I'd like to note that none of the other properties there meet the 2.5-acre requirement for single-family residence within the zoning. So that's my story and I'm hoping that you will approve the stuff that I bought 11 years ago now.

CHAIR ANAYA: Thank you, Mr. Ketcheson. Are there any questions of the applicant? Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Ketcheson, has the staff shared with you the conditions of approval?

MR. KETCHESON: Yes, they have.

COMMISSIONER CHAVEZ: And you're in agreement with them?

MR. KETCHESON: I agree with them.

COMMISSIONER CHAVEZ: There's four conditions. You're in agreement with all four?

MR. KETCHESON: Yes.

CHAIR ANAYA: Thank you, Commissioner Chavez. Any other questions of the applicant? Seeing none, this is a public hearing. Is there anyone here that would like to speak in favor or against this application? Is there anyone here that would like to speak in favor or against this application? Seeing none, this public hearing is closed. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, I'll make a motion to approve the applicant's request for this case, with staff recommendations. And I was remiss; I overlooked two conditions that are in the staff memo. So it would be with those six conditions.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion and a second from Commissioner Holian. Is there any further discussion? Seeing none.

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

- VIII. B. 4. **CDRC CASE # V 15-5070 Jennifer Farquhar Variance.**
Jennifer Farquhar, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 11.34 Acres into Two Lots. The Property is Located at 21 Piedras Negras, within the Vicinity of Old Santa Fe Trail, within Section 21, Township 16 North, Range 10 East (Commission District 4) [Exhibit 6: Letter of Support]

MR. MARTINEZ: Thank you, Mr. Chair, Commissioners. Vicente is going to be handing out a letter of support for the applicant. Jennifer Farquhar, applicant, requests a variance of Article III, Section 10, Lot Size Requirements of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code to allow a land division of 11.34 acres into two lots. The property is located at 21 Piedras Negras, within the vicinity of Old Santa Fe Trail, within Section 21, Township 16 North, Range 10 East, Commission District 4.

There is currently a residence, 2,770 square feet, where the applicant resides, and an accessory structure – studio/shed, 200 square feet, on the property.

The applicant requests a variance to allow a land division of 11.34 acres into two lots. She has not specified whether they will be split equally. The applicant states that her and her husband intended to split the property in order to build on the lower portion of the property for their retirement. The applicant asserts that neighboring properties on Piedras Negras are all between five and six acres apiece, making their lot the largest in the area. The applicant claims that the lower half of the property is more accessible than the upper five to six acres where the existing home is located. The applicant's existing home has a long driveway and the access from the driveway and carport to the residence requires a walk up stairs or long walkway with a steep change in elevation. The applicant further states that since her husband passed away eight years ago, it is difficult raising their son as a single mother living on a property where the elevation affects driving to and from their home when there is snow.

The applicant also states that it is difficult to haul firewood and groceries up to the residence. The applicant claims that she needs to sell the existing residence for both physical and financial reasons.

On April 16, 2015 the County Development Review Committee, the CDRC, met and acted on this case. The decision of the CDRC was to recommend denial of the applicant's request.

Staff recommendations: Staff recommends and the recommendation of the CDRC is for denial of the applicant's request for a variance of Article III, Section 10, Lot Size Requirements, to allow a land division of 11.34 acres into two lots. If the decision of the BCC is to approve the request staff recommends imposition of the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIR ANAYA: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet 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 (As per Article III, § 10.2.2).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further Division of either tract is prohibited; this shall be noted on the plat (As per Article III, § 10)
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

MR. MARTINEZ: I stand for any questions.

CHAIR ANAYA: Are there any questions of staff? Seeing none, is the applicant present?

[Duly sworn, Jennifer Farquhar testified as follows:]

JENNIFER FARQUHAR: Jennifer Farquhar, 21 Piedras Negras, Santa Fe, New Mexico. Thank you. Good evening and thank you for your consideration. I'm sorry. I'm just really nervous. My husband would do a better job of this. I'm applying for this variance to subdivide my 11.346-acre lot as Mr. Martinez mentioned. My home is in the upper five to six acres with quite a lot of granite, long driveway, steep hill with ice and many of my neighbors also are aware of.

I need to simplify my living for physical future of myself, my health, my parents and particularly cost of living at this point. In trying to sell my property last year I discovered that it might be more salable and financial profitable for me if I could possibly sell my house and five or six acres, if I could split the lot and have another lower five or six acres, which is much lower, more easily accessible and has a more level building site, if that would come to be.

I've been trying to ride out the real estate market since my husband's death. I'm back to work as a school nurse and of course we know their salaries aren't a lot, and I'm raising my son. I have a substantial mortgage and again, on a school salary I've refinanced and am paying interest only for cash flow purposes, and again, waiting for the real estate market to come back some. So I tried it last year and this is what has been advised to me and the people who are interested in my lot, I thought it might be better for me if I could split it and for my son's future, getting him on to college in a couple years.

When my husband died eight years ago he loved this property and particularly the large ponderosa pines and the arroyos. We have build every patio and rock wall on this property. I put a lot of love into it, but he also helped develop all this area of Piedras Negras and the other acres with a good friend and neighbor, Jim Alley, who is now getting quite elderly but is still here and he also helped write the covenants for this property. They wanted to very much protect privacy, the lay of the land and being out a little further from all the 2.5-acre lots, all the homes you see behind El Gancho were further out in the hills towards Cañada, and it is absolutely a beautiful property below two very high peaks. I must now get into my finances and my emotions and sell this property the best I can for my son's and my future. I need the most financial return out of my

home and land. Physically, it's a lot of work to keep it up and I wanted to just show you, because I think the small survey maps are difficult [inaudible] I have neighbors present tonight on two of these 10-acre lots. Two are vacant. [inaudible] My house is up high. This upper area. This lot across from me is six acres. [inaudible] 5.1, 5.2. So that's why I realized that if I could split mine into a five-acre, six-acre, two 5+ it might help me sell, particularly in the real estate market for my home, having to sell.

My home is small, just about 2,400, 2,500 square feet with two bedrooms with 11 acres. I most likely am going to lose a lot of [inaudible] And unfortunately, I have, as I mentioned a substantial mortgage. So the lots below and adjacent are five and six acres. I just thought it would be logical to split mine, and the lower lot has as I mentioned a level building site and better accessibility. I even went over this with the Fire Marshal, and houses would be out of view of my neighbors. My house is very much out of view. Unless you're above me you can't see it from any other home in the lot or even from Old Santa Fe Trail.

The covenants state, although I know the ordinance changed this, but the covenants did state that my tract 2 was the only one that could be split because it was the largest of all of them and in the middle of the Piedras Negras development. And the lower acreage also would have very large natural rock formations, which would very much probably tell the surveyors where to split the lot and where a house could be built and driveway accessibility.

I have a very good well drilled only to 285 feet. Thomas Lujan says I have amazing pressure and I could easily supply two lots with my well, which is also in a good area to run piping from the well to a second lot if it was split. And I could do a well-share agreement if that's what it needed to be worked out. I strongly feel that splitting my property will hopefully protect and probably lead to less water use as I understand my water rights or water usage would be metered and lessened as to what I have now. I have a three acre-foot – however you say that. I can use as much water as I want and now I realize these both lots would be restricted to the half acre, or quarter acre I mean. Or 0.25 use of water.

And what I found when I had my house on the market, the two people who were interested in buying it last year, one of them wanted to double the size of the house and do barns and have horses – that's going to be a lot of water, and another couple wanted to change my little studio/carport to a big guesthouse and have a barn and horses. So by splitting it I tried to propose to my neighbors, as far as our concern that to alleviate their fears of more water use by splitting my lot that this might be better and help even protect the property water-wise.

I've let go of my hot tub. I've let go all five irrigation zones. My husband had all our gardens for trees. I tried to be respective of our water needs and I understand and respect my neighbors concerns who are here tonight but I have talked with well people and I hydrologist/geologist, although I couldn't afford a full study and report, I don't know how beneficial that would have been. But my other three neighbors, one has the flu tonight; could not come. Another neighbor was going to write a letter for me. I gave you a letter from one of my other neighbors. And then we have new neighbors who I spoke with because I wanted to explain to them where house site might be and this water issue. So I have three or four other immediate neighbors feeling comfortable with this.

So please, please consider my needs for myself and my son and grant me a variance so I can best protect and use my beautiful property my husband left me. After 26 years on the property it's hard to give up by I have to. And despite the ordinance changes over the years, please consider all I've requested. Thank you.

CHAIR ANAYA: Thank you, Ms. Farquhar. Are there any questions of the applicant?

COMMISSIONER STEFANICS: Mr. Chair, I have a question for staff.

CHAIR ANAYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. And thank you for your presentation. In my area – this is for staff. In my area of the county there have been situations like this in the past, where there's been like ten to 15-acre lots that have been split and approved and then there's been one well on the existing property that then ends up getting shared with the lot split. Do we do that? The County? Do we mandate that or is that just a – or does somebody buy property without water and then just go into a well-sharing agreement?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, it's not required by code. The code encourages shared wells where possible but it's not required and normally that would be done at the time of plat approval, say, for a land division or a family transfer. Something of that sort. That's the time when that would actually be –

COMMISSIONER STEFANICS: Well, the reason I'm asking the question is if the neighbors are concerned about water use, and the lot was split and the condition was that there only remain one well and that the other lot didn't have a well, then they could go into a well-sharing agreement. And they still would be restricted in their water use.

MS. LUCERO: Mr. Chair, Commissioner Stefanics, that is correct. The water restriction would still be –

COMMISSIONER STEFANICS: And so what I'm asking here is can we put those conditions on? If we decided to approve this lot split, could we put that condition on? And she's looking at Mr. Shaffer.

CHAIR ANAYA: Basically, Commissioner, you're suggesting that in addition to a water restriction there would be a prohibition on a well? Is that what you're asking?

COMMISSIONER STEFANICS: That's right. And what has happened is – what I am saying is in my area right there along County Road 42, Jesus, Crazy Rabbit, there are many people who years ago split off, split their properties but there is one well that is being shared by two households, maybe even three households. In fact the one house up above me has himself and two other houses on one well. So shared wells, in my area, with one meter, at a quarter acre-feet is the norm. So I'm wondering if that is something that could be placed, if we decided to move this way, if that's something we can place as a condition.

CHAIR ANAYA: Mr. Shaffer.

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I'd respectfully suggest if we could move on with the public hearing and staff and I can consult about that proposed condition and maybe circle back with the answer when we're getting close to the time for an actual vote. That would be my suggestion.

COMMISSIONER STEFANICS: Okay. Thanks. And the reason I bring that question up is because in reading the CDRC notes some of the neighbors had concerns about the water and water usage and this might address that. Thank you very much.

CHAIR ANAYA: Thank you, Commissioner Stefanics. This is a public hearing. Is there anyone here that would like to speak in favor or against this applicant. Please come forward and be sworn in.

[Duly sworn, Kate Fitzgibbon testified as follows:]

KATE FITZGIBBON: Kate Fitzgibbon, 31 Piedras Negras.

Commissioners, Chair, thank you very much for hearing me today. I want to just before I say what I was going to say also mention that Jenny has been a neighbor of ours for 20 years, more than 20 years now and it's really tough to come up here and speak against what a neighbor sees is in her particular interest. Nonetheless, the situation that several of us neighbors found ourselves in we just really couldn't allow this to go forward without having our voices be heard and asking you to adhere to the regulations that you have put in place and that your job is to enforce consistently here.

I also – thinking of Jenny as a neighbor and thinking of the constraints that she's going to be in when she – if she was granted their variance, it also strikes me that to place a requirement for water limits or to say she must have a well, a single well, when we know in the last 20 years we've had several issues among the neighbors where wells became insufficient or another house was deprived of water pressure. I think Jenny suffered through that herself when she was on a shared well earlier. So I think when people are looking for ways to make this work for here that there are also ways in which we may not anticipate in which that actually works badly for her in the end.

As I said, Jenny's our long-time neighbor and she's requesting this variance of Article III, Section 10 of the Land Development Code. We really need to ask you to hold to your commitment to the Land Development Code in reviewing this. We're in the mountain area which now has an 80-acre limit with reductions allowed to 20 acres. We are living in a small neighborhood in which there are four properties. I have to correct what was said earlier, four properties that are over 10 acres besides Jenny's, making that five properties that are over 10 acres, and then there are three that are small that would be of the size that she's requesting.

We are long-time residents there and we walk the land and we climb the hills and we see that there is a really significant difference in the amount of water that's getting to the plants. We've got a complete change in the plant density and the environment that doesn't relate just to the bark beetles. Jenny mentioned how strongly she felt about the beautiful ponderosa pines. Well, all of our beautiful ponderosa pines are now showing severe signs of suffering with brown branches and a lot of dead leaves that simply weren't there before. I walked the land up to the top of our little mountain a week and a half ago with my daughter and we check to see that the springs that used to be there when my kids were little were still there. We used to have three different small springs with a lot of ferns growing around them and those are gone. The water's just not there and the ground shows real signs of desiccation.

Jenny proposes to use her own well which is just a few dozen feet from our well and right close to the property line for both properties after the split. Her well is pretty –

is a great well for our area. She's got 200 and something feet in depth. My well is 450 feet, and my neighbor's is about the same. And we're seeing seasonally different changes in the amount of sediment and colors of the water and so on that are just indicating to us that the consistency that we had 20 years ago is no longer there.

We understand that the County would place a limit in the amount of water that could be drawn for the two properties. We don't know whether or not that actually would represent an increase or a decrease in the possible usage because we don't know what any of us are using right now, although I know all of us have really tried to conserve. I think it's important to point out that we're seeing these differences in the amount of water that's available for the land despite the fact that the house that the folks that just moved into down below Jenny had been empty for two years, and the house that's right across from where she wants to build has also been empty for over a year with the residents trying to sell that house. And there are two lots that are legal lots that have never been built on. So when we're talking about adding additional traffic, adding the road usage in the winter, trying to consider whether or not the Fire Department would be able to get up there or not, all of these are questions that aren't really being seen in a situation where the land was being fully used as it legally could be. We're not just looking at potentially one additional house; we're looking at potentially three additional houses there. And we really don't know what the effects of that are going to be.

So I – again, it's not easy to come forward and argue against a neighbor's wishes but I think we have the Land Use and Development Code in place in order to safeguard our neighborhoods, despite the short-term economic benefit to her, I think it would be a really bad idea for all of the neighbors and I ask that you recognize that financial constraints and health constraints are disallowed as reasons for a variance under the code and to hold to your commitment to the County requirements. Thank you very much.

CHAIR ANAYA: Thank you.

[Duly sworn, John Andrews testified as follows:]

JOHN ANDREWS: John Andrews, 30 Piedras Negras. Hello. Welcome again. I was here – what? – eight weeks ago or so when I basically had the same thing to say now that I had then. It's no fun to resist the wishes of a neighbor but with the abundant information of drought and of ongoing drought and the kind of information we get about the future the property value that I have up on the side of that mountain that is drying, I don't want to jeopardize that by adding another straw in the bucket and Kate made the rest of the case very clear. So there's really little more – there's nothing more I have to add. Thank you. So I request that you deny the variance.

CHAIR ANAYA: Thank you. Any other individuals wanting to speak in favor or against this application? Any others wishing to speak in favor or against this application? This public hearing is closed. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair, I have some more questions of Ms. Farquhar.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Ms. Farquhar, could you explain to me again in some detail what you have done with regard to your irrigation of your landscaping?

MS. FARQUHAR: Specifically, many years ago, obviously, more like ten

years ago – my husband's been gone for eight years. When we had first moved there 26 years ago and started developing patios and some gardens and he loved his fruit trees and he was an avid vegetable gardener, and we had two fairly large ponds, beautiful ponds built with rock landscaping around there. We had a hot tub and of course – and there were five zones to our irrigation system. And I was just trying to explain that I have not kept that all up. I admit, partially because I couldn't keep it all up, just the work involved and the finances of keeping it up but also for concern of water. So yes, I do not have a hot tub anymore. We let the two big ponds go. I don't run any irrigation at all. I put a sprinkler – I just water tomatoes. I have an area, three by five for tomatoes and I have a small herb garden and I just water that but I don't use an irrigation system anywhere on the property anymore.

COMMISSIONER HOLIAN: Thank you, Ms. Farquhar. And I also have some questions for our County Attorney. Did you find out whether we could put a requirement for a shared well?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics and Commissioner Holian, my personal recommendation would be to be a little bit leery of that condition. The number of wells doesn't translate into the quantity of water being taken. Again, that's a water quantity and use restriction as opposed to the shared wells. And the code does not require a shared well in this instance, so we would be going beyond established code requirements in imposing that condition and I think you could credibly raise questions about whether or not there's a nexus between the request and the condition of a shared well, since again, I think the concern is in fact the quantity of water and requiring quantity be taken from that shared well could potentially impact a specific area, depending upon the hydrology of the area in terms of whether or not you're taking half an acre-foot from one well here versus .25 acre-feet in two different well locations. So that would be my recommendation, for what it's worth.

COMMISSIONER HOLIAN: Thank you. And can we put on a requirement, if there were a lot split, to have only one dwelling unit of a certain size or less on that acreage?

MR. SHAFFER: Mr. Chair, Commissioner Holian, I don't believe that the code actually regulates the size of the dwelling unit.

COMMISSIONER HOLIAN: So we can't add that as a condition if it's not supported by our code.

MR. SHAFFER: That is correct.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR ANAYA: Commissioner Holian. I appreciate the line of conversation from both yourself and Commissioner Stefanics and just for my clarification, Greg, we do in fact limit the amount of water that can be pulled, which in fact is a restriction that currently doesn't exist on the property now. Correct? There is no water restriction on the property right now. Correct?

MR. SHAFFER: That is my understanding, Mr. Chair. That's correct.

CHAIR ANAYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay. I understand what Greg is saying but I have to differ a little bit. If there is a lot that is vacant, somebody is going to have to go to the Office of the State Engineer to pull a well permit, and they can be denied. And

so that is when people start going into shared wells. People don't just get to go and drill a well. They don't get to go and say, well-digger come over here for ten grand and twenty grand and now fifty grand and do this. They have to have a well permit. And the Office of the State Engineer is not just handing them out. So I have to think that there are some checks and balances here, that people don't just get to, once they split a lot, get to drill a well. And I think our staff should have a little more – and if it's not Mr. Shaffer then our Land Use staff, should probably have a little more detail about this and maybe Penny knows. I don't know. But this is a common occurrence all through our county. So somebody should know.

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, the statutory responsibility for regulating domestic well permits resides with the State Engineer so we're talking about the existing code regulations under our Land Development Code with respect to regulations of domestic wells and that's what I'm suggesting is lacking under the current Land Development Code.

CHAIR ANAYA: So, Greg, let me ask a follow-up question, legal question. A subdivision of land has an ability to impose a covenant on the subdivision restricting the use of the property. Correct?

MR. SHAFFER: Mr. Chair, generally speaking, that's correct.

CHAIR ANAYA: So a subdivision could be one lot, it could be two lots or above. Correct? More than one lot is a subdivision.

MR. SHAFFER: That's correct, Mr. Chair.

CHAIR ANAYA: So if we granted an exception to anyone on a use and requested of that particular individual, in this case Ms. Farquhar that she impose a covenant of no additional well on the property, how is that different from a subdivision of land for 50 lots? Or is it different? To where the condition is placed on an applicant to impose a covenant on her own property, similar to a developer that imposes a covenant on a 50-lot subdivision.

MR. SHAFFER: Mr. Chair, it would seem to me the distinction I would see is if we're dealing with requirements under the County's subdivision regulations and that is a requirement of the code, that certain restrictions be imposed or certain types of community water systems be provided, that's different than a situation in which we don't have those standards.

CHAIR ANAYA: Well, let me back up, and I'm asking you this as the attorney in the house. A covenant on a property imposed by a property owner/developer, runs with the land, correct?

MR. SHAFFER: It does, Mr. Chair.

CHAIR ANAYA: So understanding your interpretation our code and our code parameters I might agree with you that within the parameters of our code we can impose a use of only one well, but we could ask the applicant and impose on the applicant that she impose a covenant on the property that would run with the land, beyond our code.

MR. SHAFFER: I think Mr. Chair, the potential issue there is if you're viewed as extracting something as part of the land development approval process that is not otherwise provided for in the code. I think that becomes the potential legal issue is is there a basis for that extraction, and then is there a nexus between it and the actual harm

that's being proposed? It gets into potential takings issues as interpreted by the Supreme County.

CHAIR ANAYA: But if you're talking about a takings issue and we deny the application then she has no opportunity for use of the land in a developable way anyway. So I guess a lot of good discussion I think but I wouldn't have any reservations about a condition worded correctly that would require the applicant to impose a covenant on the property to not allow drilling of a well.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to make a motion.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Ms. Farquhar, I am really sorry for your present circumstances but as you know we cannot make our decisions based on personal hardship. However, having said that, I believe that the reason for minimum lot size in the area where you live is because there is limited water. We all know that. And it seems to me that what you are proposing will actually mean that a maximum of .5 acre-feet per year would be used on the two lots that would be created, that would be withdrawn from that particular aquifer. And as you pointed out, somebody could buy the lot and house you have now and put a much bigger house on it, could put outbuildings, probably, could put a barn with multiple horses and I know from personal experience they take a lot of water. So having said that, I will move to approve CDRC Case #V 15-5070, Jennifer Farquhar Variance, with staff conditions. And the most important staff condition is the limitation on water usage.

COMMISSIONER CHAVEZ: And I'll second that motion, Mr. Chair.

CHAIR ANAYA: There's a motion and a second. Further discussion.
Commissioner Chavez.

COMMISSIONER CHAVEZ: I'm just going to read in the first staff condition. Water use shall be restricted to .25 acre-feet 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. And I read this into the minutes because even though we're granting variances, it's not easy to do that. I think that we take it very seriously, but that we're asking for these wells to be metered, and that the readings be recorded. That's not the case with the majority of the wells in the county. So the more we can move towards limiting the water amount and metering those wells I think the better off we'll be in the future. So that's a small consolation but it's enough for me to support this request.

CHAIR ANAYA: There's a motion and a second. Is there any further discussion? Seeing none.

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

VIII. B. 5. CDRC CASE # V 15-5031 Juan Franco Variance. Juan Franco, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 2.661 Acres into Two Lots. The

**Property is Located at 88 Taylor Loop, within Section 5,
Township 15 North, Range 8 East (Commission District 5)**

MR. MARTINEZ: Juan Franco, applicant, requests a variance of Article III Section 10, Lot Size Requirements, of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code to allow a land division of 2.6 acres into two lots, each lot consisting of 1.3 acres. The property is located at 88 Taylor Loop off the I-25 East Frontage Road, within Section 5, Township 15 North, Range 8 East, Commission District 5.

The applicant states, that the variance is needed in order to plan for his children's future. The applicant further articulates that after nine years of marriage that he and his wife have grown apart and may divorce but they intend to divide the property and place one parcel in his wife's name and the other parcel in his own name, in order to eventually pass down each lot to their two children once they become adults. The applicant also states that this would provide his children with an affordable place to live in the future.

On April 16, 2015, the County Development Review Committee the CDRC, met and acted on this case. The decision of the CDRC was to recommend denial of the applicant's request.

Staff recommendation: Staff's recommendation and the recommendation of the CDRC was for denial of the applicant's request for a variance of Article III, Subsection 10, Lot Size Requirements, to allow a Land Division of 2.6 acres into two equal 1.3-lots. If the decision of the BCC is to approve the applicant's request, staff recommends imposition of the following conditions. May I enter these conditions into the record?

COMMISSIONER CHAVEZ: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre feet 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 (As per Article III, § 10.2.2).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further Division of either tract is prohibited; this shall be noted on the plat. (As per Article III, § 10)
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

MR. MARTINEZ: I stand for any questions.

COMMISSIONER CHAVEZ: Any questions of staff? Seeing none, the applicant is here. Mr. Franco, is there anything else that you would like to add at this time?

[Duly sworn, Juan Franco testified as follows:]

JUAN FRANCO: Juan Franco. Good evening. Thank you for your time. I'm here to request a variance for a small family transfer. Nowadays, the many things my wife and I don't approve, or don't agree on, this is one where we actually do and that is to

provide for our two kids, eight-year-old Sophie and four-year-old Nick. Our goal is to ensure that they have a place to live. We don't have very many means but what we do have we want to make sure can be passed on to them. Right now, none of our neighbors are opposed to this lot split. There's actually a lot adjacent to ours but it's owned by my brother so we intend to keep everything within the family and so that's why I'm here seeking your, appealing to your human kindness in helping me and my wife to provide for our kids' future.

COMMISSIONER CHAVEZ: So we're on questions of the applicant. Mr. Chair, do you have any questions of the applicant at this time? Okay, thank you, Mr. Franco. At this time, this is a public hearing, so I want to ask, are there any members of the public here that would like to speak in favor or support of this request for a variance? Okay is there anyone to speak in support or in favor of this request please come forward.

[Duly sworn, Artemio Franco testified as follows:]

ARTEMIO FRANCO: My name is Artemio Franco, 8 [inaudible] Lane, Santa Fe, New Mexico. Good afternoon. I'm here to support the small family transfer. I totally support because he's trying to do this for his kids. He's looking out for the future of them and this is not intended to subdivide and turn around and sell it. It's intended to stay within the family and as far as we understand, the family transfer may go away and he doesn't want to lose the chance on – losing the opportunity to subdivide the land and passing it on to small children. So just here to support. Thank you.

COMMISSIONER CHAVEZ: Seeing no other public comment, the public hearing portion is closed. I have a question of staff. In staff's presentation there was no mention of a family transfer. Would that request have different guidelines and different requirements than just what's being asked in this request?

MS. LUCERO: Mr. Chair, Commissioner Chavez, a family transfer would require that the children that are receiving the property be of 18 years or older, so therefore this couldn't be done as a family transfer at this point.

COMMISSIONER CHAVEZ: Okay. I just wanted to clarify this because I know the applicant did – I think their intention is to do the family transfer. I think that's what they're looking for but it wasn't presented that way in the memo of by staff. So I wanted to clarify that at this time.

MR. MARTINEZ: Mr. Chair, Commissioner Chavez, I think what he was getting at was with the new code in place we wouldn't allow a small lot family transfer. So this is his option at present time.

COMMISSIONER CHAVEZ: Okay. That clarifies it for me then. Thank you. Okay, so the public hearing portion is closed. Questions or comments from the Board.

COMMISSIONER STEFANICS: Mr. Chair, when this was heard in front of the CDRC did any of the neighbors or – I'm not seeing anything in here in terms of comments.

MR. MARTINEZ: I wasn't present at that but as far as I'm aware there were none opposed to the application, Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay. Mr. Chair, I see this as a small

piece of property to be divided into two lots. So that is my concern on this. I also have a concern that a six-year-old and a four-year-old might not even want to live in Santa Fe when they get to adult age. So I bless the parents for thinking about this but I think the lot's rather small.

CHAIR ANAYA: Mr. Chair.

COMMISSIONER CHAVEZ: Yes, Commissioner.

CHAIR ANAYA: Tell me the sizes again of each lot.

MR. MARTINEZ: Currently the lot is 2.6 acres and they're requesting 1.3 acres each lot. Equally.

CHAIR ANAYA: The lots in the area, are there lots of that size in the area? Or smaller size.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, that is correct. They're very similar.

CHAIR ANAYA: So there's lots in the 1.3 range in and around that area?

MR. MARTINEZ: Mr. Chair, Commissioner, I would have to take another look at that.

CHAIR ANAYA: So minimum lot size, Mr. Chair, if I could, the minimum lot size for septic purposes is typically $\frac{3}{4}$ of an acre? Vicki?

MS. LUCERO: Mr. Chair, that's correct.

CHAIR ANAYA: So it still fits within the regulations associated with environmental considerations. Did you have a chance to –

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, that's correct. There's lots ranging from 1.25 to 2.5 in the immediate surrounding area.

CHAIR ANAYA: And currently, is there any water use restrictions on the –

MR. MARTINEZ: Currently there is not even a dwelling on the property.
CHAIR ANAYA: So right now they could go – is there any infrastructure at all?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, there is no restriction.

COMMISSIONER STEFANICS: I'm sorry. I didn't hear that.

MR. MARTINEZ: There is no water restrictions on the property.

CHAIR ANAYA: So this would impose a restriction of no more than a quarter acre per lot for no more than a half acre.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, that is correct.

CHAIR ANAYA: I guess given the CDRC and the opportunity for input and none, I would go ahead and move for approval with staff conditions.

COMMISSIONER CHAVEZ: And I would second that motion, Mr. Chair, and I would ask for consideration to address Commissioner Stefanics' concerns about increasing the density in the future. Would it be appropriate to place another condition – and I think we've placed this condition on other requests that says that no further subdividing of this land would be allowed?

MS. LUCERO: Mr. Chair, Commissioner Chavez, it is actually one of staff's recommended condition. Condition #3.

COMMISSIONER CHAVEZ: Further division of either tract is prohibited. This shall be noted on the plat. Okay. It's there. I apologize for overlooking that. And is the applicant in agreement with those conditions? So there's a motion and a second.

The motion passed by majority [3-2] voice vote with Commissioners Anaya, Chavez and Roybal voting with the motion and Commissioners Holian and Stefanics voting against.

VIII. B. 7. CDRC CASE # S 15-5040 Univest-Rancho Viejo (La Entrada Phase I) Preliminary and Final Plat and Development Plan Amendment. Univest-Rancho Viejo LLC, Applicant, James W. Siebert and Associates, Agent, Request an Amendment of Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1. The Request Includes a Reduction in the Number of Lots from 456 to 404, an Increase of Undeveloped Open Space from 139.78 Acres to 146.36 Acres, an Increase of Developed Open Space from 5.69 Acres to 7.87 Acres, and Reduction of Private Park Area from 4.13 Acres to 3.94 Acres. Additionally, Applicant Request's the Removal and Realignment of Several Roads within the Subdivision. The Property is Located North of Rancho Viejo Blvd and West of Avenida del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East (Commission District 5)

VICENTE ARCHULETA (Case Planner): Thank you, Mr. Chair. Univest-Rancho Viejo LLC, applicant, James Siebert and Associates, agent, request an amendment of preliminary plat, final plat, and development plan for La Entrada Phase 1. The request includes a reduction in the number of lots from 456 to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and reduction of private park area from 4.13 acres to 3.94 acres. Additionally, applicant requests the removal and realignment of several roads within the subdivision. The property is located north of Rancho Viejo Boulevard and west of Avenida del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East.

On April 16, 2015, the CDRC recommended approval to amend the preliminary plat, final plat, and development plan for La Entrada Phase 1, subject to staff conditions by a unanimous 6-0 vote.

The chronological history of the project is as follows: On March 9, 2006, the EZC, Extraterritorial Zoning Commission recommended master plan approval for Rancho Viejo Village West, a mixed-use development consisting of 1,250 residential

units and 117,250 square feet of commercial space on 668 acres to be developed in three phases within Ranch Viejo.

On April 6, 2006, the Community College Development Review Committee recommended Master Plan approval for Rancho Viejo Village West.

On April 11, 2006, the BCC granted master plan approval for Rancho Viejo Village West.

On September 12, 2006, the BCC approved the La Entrada Subdivision Phase 1, which was part of Rancho Viejo Village West, request for preliminary plat, final plat, and development plan of 456 residential lots with a commercial community center, on 249 acres with the approved master plan and variance to permit a cul-de-sac road exceeding 300 feet.

On June 10, 2014, the BCC approved the vacation of the platted archaeological easement located within La Entrada Phase 1 residential subdivision.

The applicant's current request is an amendment to the preliminary plat, final plat, and development plan for La Entrada Phase 1. This request includes a reduction in the number of lots from 456 lots to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and a reduction of the private park area from 4.13 acres to 3.94 acres.

The lot reduction from 456 to 404 will decrease the number by 52 lots, resulting in lot sizes ranging from 0.116 to .685 acres. This reduction will increase the undeveloped open space from 139.78 acres to 146.36 acres, an addition of 6.58 acres; the developed open space from 5.69 acres to 7.87, an addition of 2.18 acres. This reconfiguration and reduction of lots also results in the reduction of private parks from 4.13 acres to 3.94 acres.

In addition to the lot size changes the applicant requests the removal and realignment of several roads within the subdivision are as follows: The roads that are to be adjusted are Caminito de las Rositas, Via Orilla Dorada, Avenida Correcaminos, Via Punto Nuevo, Calle Ancla, Camino Ala Libre, Camino Cerro Escondido. The roads to be removed are Rastro Conejo, Calle Cuervo Negro, Vuelta Tecolote, Paseo Girasol, Alley Circle.

The applicant's reasoning for the change to La Entrada Subdivision, Phase 1 is due to the configuration of lots and open space the lots will be easier to sell than previously designed. The proposed reconfiguration meets code requirements for road circulation and also meets open space code requirements.

Growth Management staff has reviewed the application for compliance with pertinent code requirements and find the project is in compliance with County code criteria for this type of request.

Staff recommendation: Both the Staff and CDRC recommend approval of the amendment to the preliminary plat, final plat, and development plan of the La Entrada Phase 1 Subdivision for the reduction in the number of lots from 456 to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and a reduction of private park area from 4.13 acres to 3.94 acres, as well as, the request for the removal and realignment of several roads within the subdivision subject to the following conditions. May I enter those into the record?

COMMISSIONER CHAVEZ: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall submit a new signage plan for review and approval prior to BCC approval.
2. Compliance with all conditions of approval of the Master Plan and compliance with the unamended portions of the previous Preliminary Plat, Final Plat, and Development Plan.
3. The Final Plat and Development Plan must be recorded with the County Clerk's office.
4. The Applicant must submit proof that necessary water rights have been transferred to the County.

MR. ARCHULETA: Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Thank you, Mr. Archuleta. Are there any questions of staff? The applicant is here. Mr. Siebert, do you want to add to staff's presentation at this time?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer in Santa Fe. What I'd like to do is just very briefly walk you through why we're asking for these particular changes to the plan. It's platted. All of this is what's referred to as La Entrada Phase 1. There is a 1-A; this area here has been improved. This is Rancho Viejo Boulevard and Avenida del Sur here. This area has full infrastructure. There's still building out a few of the lots within Phase 1-A. This is the original Phase 1-B that we're asking for modifications.

This, you may recall, around 2009, Suncorps was the original developer of this property, went bankrupt and it's basically been kind of sitting vacant during that time until this area is fully developed and now they're ready to begin development of this particular property here.

This is the new what's proposed. I've got a little more detail. What they discovered in this phase is that the design resulted in having substantially high retaining walls. They vary anywhere from eight to ten feet. And what this does is it eliminates the needs for those retaining walls that are substantially higher than actually required for a better site design program.

In terms of the actual change itself, the area in yellow is the infrastructure in terms of water and sewer had actually been constructed in the area in yellow. So this was something that was determined and we had to leave in place. The area here is the area that we're actually changing. There was an archeological site here that the County Commission had allowed us to remediate, document and remove and allowed us to do what's called a double-loaded roadway so that we had lots on either side of the roadway, which is a much more efficient layout. And so this area again is realigned and actually gets utilities because there is no underground utilities in this particular area here.

In terms of the changes, this is a description of the changes that are occurring between the approved plat and the one we're proposing today. The area in the dark green here and here is additional open space that we're providing. The reason for that is that these lots have actually gotten smaller. The other thing that has taken place is they have a better understanding of where the market is. These lots are more representative of the

current market place. This area here has been added. It is part of the parkway.

The purpose of this is to avoid some of those retaining walls, some of the slopes that are occurring in this area and take it up in the parkway. This was an existing park, so we're not really adding to it. The bottom line is that we're adding to the open space, we're adding to the park area. The dark area is the area that we're actually taking out of open space. This was the area where the archeological site existed before and has been removed.

This is a description of the trail system. And what – the other thing we've done with this open space is created better linkages to the trail system. This is – the line in orange is actually the trail system that's the County trail system. It's been fully engineered. They're just waiting for money in order to construct it. So we've been able to definitively tie into this particular trail system at four different locations. And with that I will – we're in agreement with all conditions as stated by staff and I'll answer any questions you have.

COMMISSIONER CHAVEZ: Questions of the applicant? Going once, going twice. Thank you, Mr. Siebert. This is a public hearing so I will ask if there are any members of the public that would like to speak in support or speak in opposition to this request. Seeing none, I'll close the public hearing portion of the meeting.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move for approval with staff conditions.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: There's a motion with staff recommendations. There's a second. Any further discussion? Seeing none.

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

VIII. B. 8. CDRC CASE # S 15-5050 Cienda Partners (Estancias Unit III) Preliminary Plat, Final Plat, and Development Plan Amendment. Cienda Partners, Applicant, Scott Hoeft, Agent, Requests a Preliminary Plat, Final Plat, and Development Plan Amendment to Sub-Phase the Previously Approved Estancias Unit III Residential Subdivision (37 Lots on 117 Acres) into Two Phases. Phase 1 Will Consist of 23 Lots and Phase 2 will Consist of 14 Lots. The Property is Located within the Las Campanas Subdivision, North of Las Campanas Drive at the Caja del Rio Intersection, within Sections 2 and 11, Township 17 North, Range 8 East (Commission District 2)

MR. ARCHULETA: Thank you, Mr. Chair. Cienda Partners, applicant, Scott Hoeft, agent, requests a preliminary plat, final plat, and development plan amendment to sub-phase the previously approved Estancias Unit III residential subdivision, 37 lots on 117 acres, into two phases. Phase 1 will consist of 23 lots and Phase 2 will consist of 14 lots. The property is located within the Las Campanas Subdivision, north of Las Campanas Drive at the Caja del Rio intersection, within Sections 2 and 11, Township 17 North, Range 8 East, Commission District 2.

On April 16, 2015, the CDRC met and recommended approval of the request for a preliminary plat, final plat, and development plan amendment to sub-phase the previously approved Estancias Unit III residential subdivision into two phases by a unanimous vote of 6-0.

The chronological history of the project is as follows: On August 14, 2001, the BCC granted preliminary plat, final plat, and development plan approval for the Estancias at Las Campanas, formerly Tesoro Enclaves, which consisted of a 128-lot residential subdivision on 432 acres.

On August 12, 2003, the BCC approved a final plat and development plan amendment that was redesigned for 128 residential lots in three phases of development. Estancias Unit I consists of 24 lots, recorded in 2003, and Estancias Unit II consisting of 67 lots, recorded in 2004. Unit I and Unit II homes have been completed while, Unit III needed to be recorded by 2009.

On May 14, 2013, the BCC granted a 24-month time extension for Unit III of the Estancias at Las Campanas which consists of the remaining 37 lots. Currently, the Applicants requests Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the previously approved Estancias Unit III subdivision into two phases. The Estancias Unit III consists of 37 lots on 117 acres and was approved to be completed in one phase. The proposed Phase 1 consists of 23 lots and Phase 2 consists of the remaining 14 lots. There are no other proposed changes to the subdivision.

The applicant states, "This adjustment of two phases will make it more financially palpalable for Cienda Partners to move forward with the construction of the Estancias III subdivision this spring/summer, with the subsequent series of lots in Phase 2 to commence within 2-years."

At the time the original approval was granted, the subject property was located in the 5-mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Subdivision Regulations. With the elimination of the Extraterritorial Zoning District in 2009, this development now falls under the regulations of the Santa Fe County Land Development Code, Ordinance No. 1996-10.

Growth Management staff has reviewed this application for compliance with pertinent code requirements and finds the project is in compliance with County code criteria for this type of request.

Staff recommendations: Staff recommends approval of the preliminary plat, final plat, and development plan amendment to sub-phase the previously approved Estancias Unit III residential subdivision, 37 lots on 117 acres, into two phases. Phase 1 consisting of 23 lots and Phase 2 consisting of 14 lots subject to the following conditions. May I enter those into the record?

COMMISSIONER CHAVEZ: Yes, sir, you may.

[The conditions are as follows:]

1. The driving surface of the turnarounds at the end of the Camino Rosillo and Camino Alazon shall have a minimum width of 26-feet and a 50-foot radius which meets the requirements of the Santa Fe County Fire Department.
2. The driving surface of the cul-de-sac at the end of Via del Caballo shall have a minimum width of 20-feet and a 50-foot radius.

MR. ARCHULETA: Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Thank you. Any questions from staff?
Thank you. So the applicant is here. Would you at this time want to add to staff's presentation?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, 87505. I just wanted to say I concur with Vicente's staff report and I concur with the conditions of approval and I stand for questions.

COMMISSIONER CHAVEZ: Any questions of the applicant at this time?
This is a public hearing. I have to ask if there are any members of the public that would like to speak in support or opposition of this request? Seeing none, I'll close the public hearing portion of the meeting. What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of CDRC Case #S 15-5050, Cienda Partners.

COMMISSIONER ROYBAL: I'll second.

COMMISSIONER CHAVEZ: There's a motion and a second. Any further discussion? Seeing none.

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

MS. LUCERO: Mr. Chair, can I just get clarification. Did that motion include staff conditions?

COMMISSIONER HOLIAN: Yes. It included staff conditions. Sorry.
MS. LUCERO: Thank you.

IX. CONCLUDING BUSINESS
A. Announcements

None were offered.

IX. B. Adjournment

Having completed the agenda and with no further business to come before this body, and upon motion by Commissioner Holian and second by Commissioner Roybal Vice Chair Chavez declared this meeting adjourned at 8:15 p.m.

Approved by:



Board of County Commissioners
Robert A. Anaya, Chair

ATTEST TO:

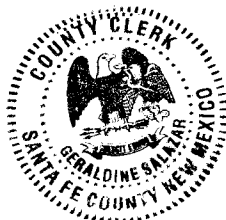
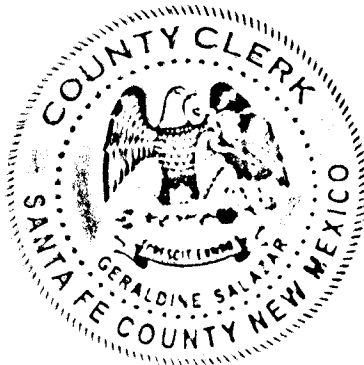


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

7-14-2015

Respectfully submitted:


Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 111

I Hereby Certify That This Instrument Was Filed for
Record On The 15TH Day Of July, 2015 at 08:56:06 AM
and Was Duly Recorded as Instrument # 1769525
Of The Records Of Santa Fe County

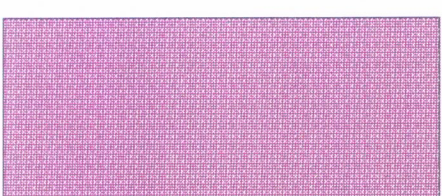
Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy  County Clerk, Santa Fe, NM

SFC CLERK RECORDED 07/15/2015



SANTA FE COUNTY FY 2016 FINAL BUDGET

BOARD OF COUNTY COMMISSIONERS
JUNE 9 , 2015



FY 2016 BCC BUDGET PRIORITIES – REVIEW

- Open space and trails master planning and maintenance
- Facilities Maintenance
 - Community centers
 - Public housing sites (landscaping and Boys & Girls Club facility at Santa Cruz)
- Water planning
- Economic development initiatives
- Youth programs/Summer Interns
- Road Maintenance

- Wildland/urban interface programs
- Continued investment in employees and professional development
- Compensation package and union contracts
- Senior Services
- Energy Efficiency and Renewable Energy Programs
- Programming and operational funding for new facilities

FY 2016 REVENUE ASSUMPTIONS - REVIEW

- ✧ Property Tax revenue increased by \$1.0 million or 2%.
- ✧ Gross Receipts Taxes increased by approximately \$1.1 million or 3% total for both Countywide and unincorporated taxes (2.43% after hold harmless distribution reduction). This does not include the newly implemented 1/8th Hold Harmless GRT.*
- ✧ State shared taxes remain flat.
- ✧ Care of prisoners revenue decreased \$2.5 million or 36.3% based on actual contracts and trending population.
- ✧ Water/Wastewater charges increased by \$0.2 million or 5.2% based on estimated additional customers.
- ✧ Land Use permit fees decreased by \$0.2 million or 34% based on recommended permitting changes.
- ✧ No Payment in Lieu of Taxes is being budgeted resulting in a \$0.7 million reduction to general fund revenue.

* The new Hold Harmless GRT is estimated to generate \$3.3 million in FY 2016. This GRT is dedicated to maintenance of buildings, infrastructure and capital assets. The .0125% tax is intended to offset reductions in the hold harmless distribution by the State of NM which will begin July 1, 2015 and continue until the distribution has been completely phased out in FY 2030.

APPROVED RECOMMENDATION

INITIATIVES REQUIRING NEW FUNDING

- Additional Open Space management plans: \$150K (1-time)
- Employee Wellness Program: \$100K
- Santa Fe County Re-Branding Project (Logo Re-design): \$150K (1-time)
- Increased Meeting Broadcasting: \$30K
- Refunding the Wildland Winter Crew: \$141.3K

- Additional Youth Programs: \$50K
- Operations of New Facilities*:
 - Max Coll Community Center – \$12K
 - Pajoaque Recreational Complex – \$87.5K
 - Stanley Cyclone -\$59.5K
- Watershed Restoration: \$20K (1-time)
- Solar Energy Advertising: \$30K (1-time)

* Not a full year of operation.

ADDITIONAL REQUESTS AND CHANGES FROM INTERIM BUDGET PRESENTATION

- Espanola/Rio Arriba E-911: \$50K
- Additional Youth Programs (total of \$100K): \$50K
- The actual health insurance increase is 3% rather than the expected 5% - (\$0.1M) across all funds.
- Includes additional “allocated” by the BCC on February 24, 2015: \$43.6M

APPROVED RECOMMENDATIONS FOR DEVELOPING THE FY 2016 FINAL BUDGET

- FTEs – F/T 9 Classified + 9 Temp, 3 P/T (24 hours/wk) - \$585K
- Compensation Package to include: - \$789K
 - 2% COLA <\$50K earners effective 1/1/16;
 - 1% =>\$50K earners 1/1/16;
 - 1% Merit
 - Equivalent for Bargaining Unit contract up for renewal.
- Expanded Programs - \$726K
- Increases to Base - \$377K
- Renewal and replacement of fixed assets – \$4.4 million
- Vehicle requests in addition to the above renewal/replacement - \$281K
- One-time expenses for expansion of programs (logo re-design, open space management plans, etc.) - \$350K

FY 2016 FINAL BUDGET FUNDING POOLS

- Recommendation to budget the following “pools” of money for specific uses. This is one-time funding and may or may not be replenished annually depending upon Commission priorities.
- General Fund –
 - Renewable Energy/Energy Efficiency Program - \$500K.
 - Community Improvement District (CID) fund - \$3.0M.
- Economic Development Fund –
 - Local Economic Development Act (LEDA) Project Fund - \$1.0M.

Note: Expenditure of these “pools” will not be undertaken until appropriate policies and guidelines are developed for their use. Any use of this funding would be subject to BCC approval.

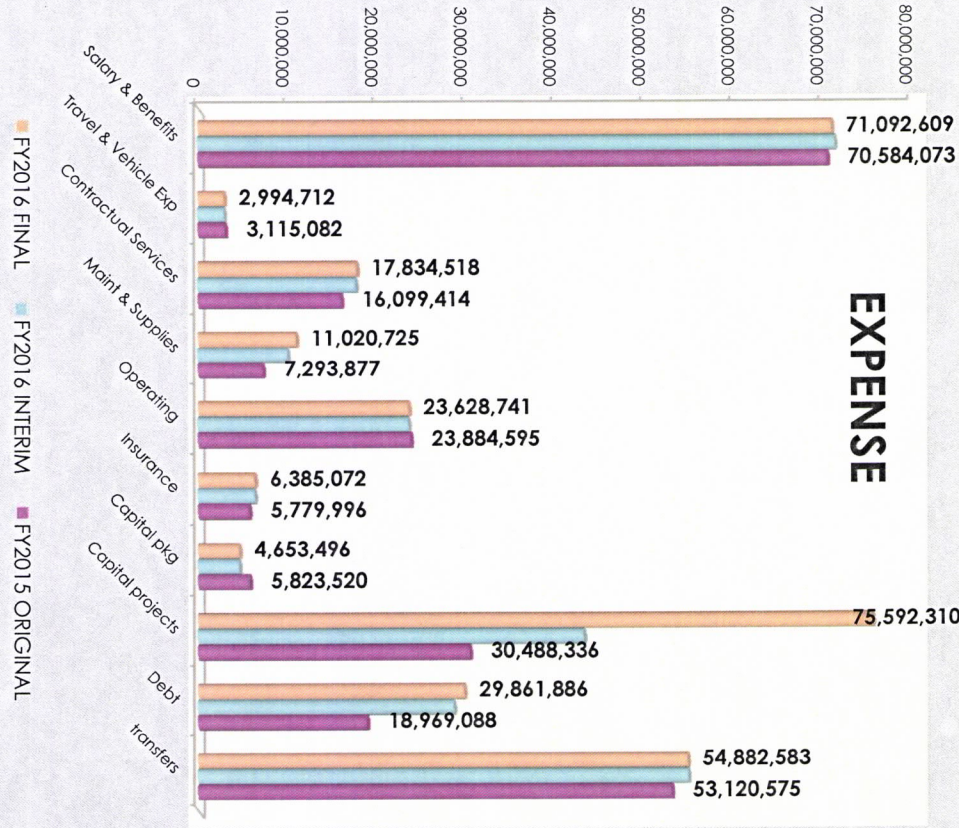
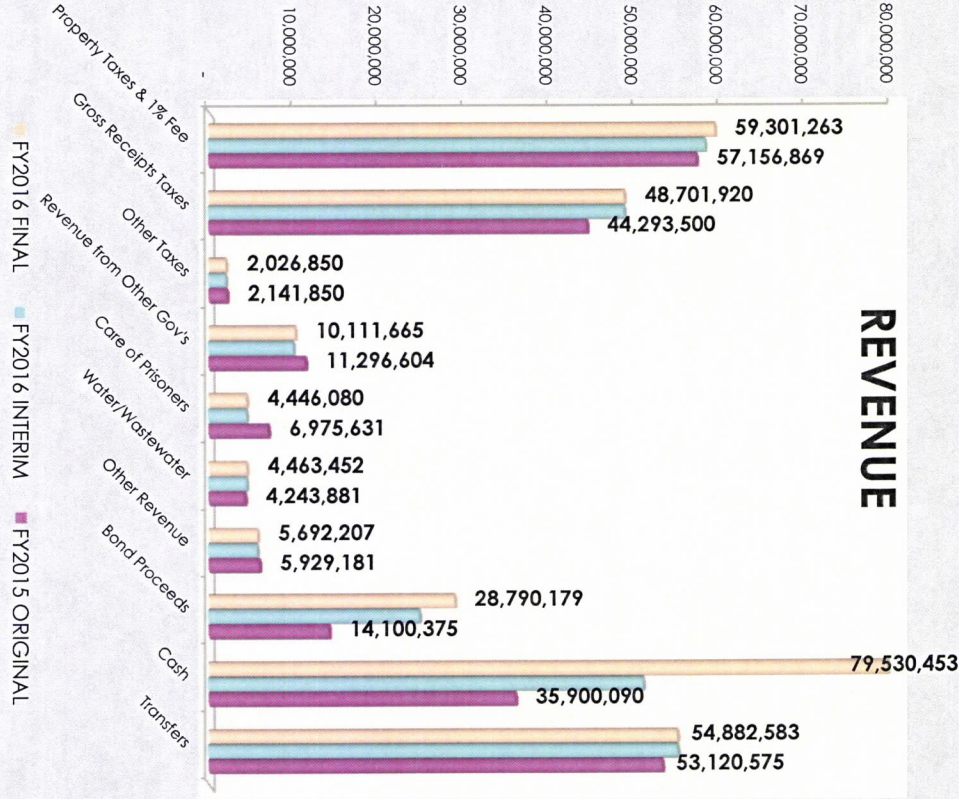
FY 2016 FINAL BUDGET RECAP

BUDGET HIGHLIGHTS

- Total budget excluding transfers is \$243 million.
- Of that amount, \$80.2 million is for capital projects funded from bond proceeds and accumulated cash in the Capital Outlay GRT fund.
- Funding “Pools” total \$4.5 million.
- Debt Service is \$29.8 million.
- Transfers total \$54.8 million.

FY 2016 budget totals \$297.9M or \$243.M excluding transfers, which are “double counted.” This is compared to \$235.2M or \$182.0M excluding transfers in FY 2015.

FY 2016 REVENUE & EXPENSE BUDGETS



FY 2016 FTE REQUESTS

List of FTE Requests for FY2016

Department/Elected Office	Position Title Requested	Requested Salary	Request Salary Including benefits	Recommended Salary Calculation	Recommended Salary Including benefits	Last time position approved	Status Requested	Recommendation
ASD/IT	Desktop Support Supervisor	33.00/hr.	96,096	0	0	2014	FT/classified	Not recommended
ASD/Procurement	Procurement Specialist Senior	21.00/hr.	61,152	0	0	2010	FT/classified	Not recommended
CWO/HR	HR Administrator	23.00/hr.	66,976	23.00/hr.	66,976	2010	FT/classified	Recommended at requested rate.
CSD/Seniors	Senior Services Site Manager	30.00/hr.	87,360	0	0	8 since 2012	FT/classified	Not recommended
CSD	Administrative Manager	30.00/hr.	87,360	30.00/hr.	87,360	2 since 2012	FT/classified	Recommended at requested rate.
GMD/Economic Dev.	Economic Development Specialist	27.00/hr.	78,624	0	0	1 since 2009	FT/classified	not recommended at this time. Justification provided does not warrant a new position.
PSD/Admin.	Research and Dev. Program Manager	32.1425/hr.	93,598	0	0	0 in PSD Admin.	FT/classified	Not recommended
PSD/Corrections/ADF	PREA Compliance Manager	24.9378/hr.	72,619	0	0	0 since 2009	FT/classified	Not recommended.
PSD/Corrections/ADF	Secretary	11.9476/hr.	34,791	0	0	0 since 2009	FT/classified	Not recommended, can utilize current administrative staff
PSD/Corrections/ADF	Warehouse Specialist	14.48/hr.	42,166	0	0	0 since 2009	FT/classified	Not recommended. Conduct study of all specialty areas within ADF first.
PSD/Corrections/EM	EW/bail Bonds Case Manager	14.28/hr.	45,742	0	0	1 since 2010	FT/classified	See Below.
PSD/Corrections/EM	EW/bail Bonds Case Manager	14.28/hr.	45,742	0	0	1 since 2010	FT/classified	Not recommended
PSD/Corrections/Med	Registered Nurse	30.00/hr.	96,096	30.00/hr.	87,360	2 since 2010	FT/classified	Recommended if also responsible for PREA compliance.
PSD/Corrections/Med	Registered Nurse	30.00/hr.	96,096	30.00/hr.	87,360	3 since 2010	FT/classified	Recommended
PSD/Fire	Wild land Urban Interface Technician	11.50/hr.	15,548	11.50/hr.	15,548	10 since 2014	FT/temporary	6 month temporary - Winter Crew
PSD/Fire	Wild land Urban Interface Technician	11.50/hr.	15,548	11.50/hr.	15,548	10 since 2014	FT/temporary	6 month temporary - Winter Crew
PSD/Fire	Wild land Urban Interface Technician	11.50/hr.	15,548	11.50/hr.	15,548	10 since 2014	FT/temporary	6 month temporary - Winter Crew
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PSD/Fire	Wild land Urban Interface Technician	11.50/hr.	15,548	11.50/hr.	15,548	10 since 2014	FT/temporary	6 month temporary - Winter Crew
PSD/Fire	Wild land Urban Interface Technician	11.50/hr.	15,548	11.50/hr.	15,548	10 since 2014	FT/temporary	6 month temporary - Winter Crew
PSD/Fire	Wild land Urban Interface Tech Lead	11.50/hr.	15,548	11.50/hr.	15,548	10 since 2014	FT/temporary	6 month temporary - Winter Crew
PSD/Fire	Wild land Urban Interface Tech Lead	12.50/hr.	16,900	12.50/hr.	16,900	10 since 2014	FT/temporary	6 month temporary - Winter Crew
PSD/Fire	Regional Firefighter Cadet Basic EMT	11.1302/hr.	48,617	0	0	13 since 2009	FT/classified	See Below.
PSD/Fire	Regional Firefighter Cadet Basic EMT	11.1302/hr.	48,617	11.1302/hr.	48,618	13 since 2009	FT/classified	Recommended for one position to address increased call volume in the northern region.
PSD/Fire	Regional Firefighter Cadet Basic EMT	11.1302/hr.	48,617	0	0	13 since 2009	FT/classified	Need to re-evaluate project 48
PSD/Fire	Secretary	12.50/hr.	36,400	0	0	1 since 2013	FT/classified	Not recommended. Research if the current "contractor" is really an employee and if yes, explore at midyear
PSD/Fire/Emerg. Mgt.	Administrative Assistant	15.00/hr.	43,680	0	0	1 since 2013	FT/classified	Not recommended

FY 2016 FTE Requests

List of FTE Requests for FY2016

Department/Elected Office	Position Title Requested	Requested Salary	Request Salary Including benefits	Recommended Salary Calculation	Recommended Salary Including benefits	Last time position approved	Status Requested	Recommendation
PSD/RECC Office	Systems Analyst Senior	25,00/hr.	72,800	0	0	1 since 2010	FT/classified	Not recommended. Centralize IT positions in RECC to IT division and evaluate the workload for 6 months to a year
PWD/Admin.	Real Property Specialist	23,00/hr.	66,976	0	0	1 since 2009	FT/classified	Not recommended.
PWD/Solid Waste	Solid Waste Maintenance Worker (24 hours per week)	10,86/hr.	18,975	10,86/hr.		0 since 2009	PT/classified (24 hours per week)	Recommended to have adequate coverage
PWD/Solid Waste	Solid Waste Maintenance Worker (24 hours per week)	10,86/hr.	18,976	10,86/hr.		1 since 2009	PT/classified (24 hours per week)	See Below.
Sheriff's Office	Administrative Assistant	16,50/hr.	48,048	16,50/hr.	48,048	1 since 2014	FT/classified	Recommended as a term position to be funded by the DWI forfeiture program and try to obtain grants
Treasurer's Office	Tax Cashier I (24 hours per week)	13,00/hr.	37,856	13,00/hr.	37,856	1 in 2013 and in 2014	PT/classified (24 hours per week)	Recommended
	REQUESTED NEW FTE FUNDING		1,635,264	RECOMMENDED	604,862			

Department/Elected Office	Position Title Requested	Requested Salary	Request Salary Including benefits	Recommended Salary Calculation	Recommended Salary Including benefits	Last time position approved	Status Requested	Recommendation
PSD/Corrections/EM	EM/Bail Bonds Case Manager	14,28/hr.	45,742	14,28/hr.	45,742	1 since 2010	FT/classified	Recommended reclassify vacant Detention Officer.
PSD/Corrections/Med	Registered Nurse	30,00/hr.	96,096	30,00/hr.	87,360	2 since 2010	FT/classified	Recommended. Funded by \$100K reduction in contract nursing.
PSD/Fire	Regional Firefighter Cadet Basic EMT	11,1302/hr.	48,617	11,1302/hr.	48,617	13 since 2009	FT/classified	Recommended to be paid from expenses reduced in the Fire Administrative budget.
PWD/Solid Waste	Solid Waste Maintenance Worker (24 hours per week)	10,86/hr.	18,976	10,86/hr.		1 since 2009	PT/classified (24 hours per week)	Recommended reclassify unfilled f/t FTE to p/t. Funding from f/t will fund this p/t and the p/t requested above.
	REQUESTED NEW FTE FUNDING			RECOMMENDED	181,719			
GRAND TOTAL RECOMMENDATIONS					786,581			



EXHIBIT

tabbles

2

February 12, 2015

Esteban A. Trujillo
Martha E. Trujillo
39 El Callejoncito Rd.
Santa Fe, NM 87506

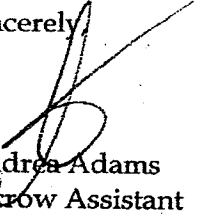
Re: 15 Old Callejon Rd., Santa Fe, NM

Dear Esteban & Martha,

Enclosed please find a copy of the **preliminary boundary survey** prepared for the above referenced transaction. A revised Title Commitment has also been provided upon review by our Title Department.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,


Andrea Adams
Escrow Assistant

Kelly Wilner
Escrow Officer

cc: Nat Shipman/Santa Fe Properties - 1000 Paseo de Peralta

SFC CLERK RECORDED 07/15/2015

Pursuant to the New Mexico Title Insurance Law §59-A-30-4 NMSA 1978, Control and supervision by superintenaent and Title Insurance Regulation §13.14.18.10, NMAC, no part of any title insurance commitment, policy or endorsement form may be added to, altered, inserted in or typed upon, deleted or otherwise changed from the title insurance form promulgated by the New Mexico Superintendent of Insurance, nor issued by a person or company not licensed with regard to the business of title insurance by the New Mexico Superintendent of Insurance, nor issued by a person or company who does not own, operate or control an approved title abstract plant as defined by New Mexico law and regulations for the county wherein the property is located.

File No: 15-0022

COMMITMENT FOR TITLE INSURANCE

Issued by

WFG National Title Insurance Company

SCHEDULE A

Revision #1 jag

REVISED

SFC CLERK RECORDED 07/15/2015


- Effective Date: February 10, 2015, 08:00 am
- Policy or Policies to be issued:

	Amount
(a) <input type="checkbox"/> ALTA Owner's Policy (6-17-06) (NM Form 1): Proposed Insured: Esteban A. Trujillo and Martha E. Trujillo	\$45,000.00
(b) <input type="checkbox"/> ALTA Loan Policy (6-17-06) (NM Form 2): Proposed Insured: State Employees Credit Union	\$29,250.00
(c) <input type="checkbox"/> ALTA Loan Policy (6-17-06) (NM Form 2): Proposed Insured:	
- The estate or interest in the land described or referred to in this Commitment is Fee Simple.
- Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:

Jose A. Romero and Maxine M. Romero, trustees of the 1996 Maxine Marie Romero and Jose Antonio Romero Revocable Trust
- The land referred to in this Commitment is described as follows:

Tract D, as shown and delineated on plat of survey entitled "Boundary Survey Plat for Estaban A. & Martha E. Trujillo...", recorded _____, 2015 in Plat Book _____, Page _____, # _____, records of Santa Fe County, New Mexico.

Countersigned
Prima Title, LLC

By 
Authorized Signatory

SCHEDULE B - SECTION I

REQUIREMENTS

Effective Date: February 10, 2015

The following are the requirements to be complied with: (Schedule B of the policy or policies to be issued will also contain exceptions with respect to the following matters supposed to affect title to the hereinabove described property unless the following matters are disposed of to the satisfaction of the Company at or prior to the date of the issuance of the policy.)

1. The following instrument(s) creating the estate or interest to be insured must be approved by the Company, executed and filed for record.
2. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
3. Payment of all taxes, charges and assessments levied or assessed against the subject estate or interest, which are currently due and payable.
4. Satisfactory evidence that all improvements and/or repairs and/or alterations thereto are completed and accepted by the owner, and that all contractors, subcontractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached. (Standard Exception 4)
5. Pay all ad valorem taxes.
6. Obtain and file for record a current boundary survey. Additional requirements and/or exceptions may be added upon review of boundary survey.
7. **Provide and record properly executed License Agreement from The Bureau of Indian Affairs as to access from New Mexico State Road 503 to subject property, or exception will be made in policy.**
8. Submit a copy of the Trust Agreement for our examination of the 1996 Maxine Marie Romero and Jose Antonio Romero Revocable Trust, and any amendments thereto. NOTE: There may be additional Requirements or Exceptions added upon receipt and review of the Trust Agreement.
9. Provide a properly executed Trust Agreement Affidavit by the Trustee(s) of the Trust, stating that no changes have been made to the Trust Agreement, or authority of the Trustee(s) since the Trust Agreement or amendments was provided to Prima Title, LLC and its Underwriter.
10. Record properly executed Warranty Deed from Jose A. Romero and Maxine M. Romero, trustees of the 1996 Maxine Marie Romero and Jose Antonio Romero Revocable Trust to Esteban Trujillo (indicate marital status) and Martha E. Trujillo, (indicate marital status).
11. Record Mortgage from Esteban Trujillo (indicate marital status) and Martha E. Trujillo, (indicate marital status) to Lender, and disburse proceeds.

COMMITMENT FOR TITLE INSURANCE**SCHEDULE B - SECTION II****EXCEPTIONS**Effective Date: **February 10, 2015**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:


1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Encroachments, overlaps, conflicts in boundary lines, shortages in area, or other matter which would be disclosed by a title examination and inspection of the premises.
4. Any lien, claim or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Community property, survivorship, or homestead rights, if any, of any spouse of the insured (or vestee in a leasehold or loan policy).
6. (Intentionally Omitted)
7. Water rights, claims or title to water.
8. (Intentionally Omitted)
9. Taxes for the year 2015, and thereafter. (See 13.14.5.12 NMAC)
10. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of records the estate or interest or mortgage thereon covered by this commitment.
11. Easement as contained in Warranty Deed recorded in Book 266, Page 940, records of Santa Fe County, New Mexico.
12. Deviation of fence from property line together with notes, easements and rights incident thereto as shown and delineated on plat of survey entitled "Boundary Survey Plat for Estaban A. & Martha E. Trujillo...", recorded _____, 2015 in Plat Book _____, Page _____, # _____, records of Santa Fe County, New Mexico.

Standard exceptions 1, 2, 3, and or 4, may be deleted from any policy upon compliance with all provisions of the applicable rules, upon payment of all additional premiums required by the applicable rules, upon receipt of the required documents and upon compliance with the company's underwriting standards for each such deletion. Standard exception 5 may be deleted from the policy if the named insured in the case of an owner's policy, or the vestee, in the case of a leasehold or loan policy, is a corporation, a partnership, or other artificial entity, or a person holding title as trustee. Except for the issuance of a U.S. Policy form (NM7 or NM34), any policy to be issued pursuant to this commitment will be endorsed or modified in schedule B by the company to waive its right to demand arbitration pursuant to the conditions and stipulations of the policy at no cost or charge to the insured. The endorsement or the language added to schedule B of the policy shall read: "In compliance with Subsection D of 13.14.18.10 NMAC, the company hereby waives its right to demand arbitration pursuant to the title insurance arbitration rules of the American Land Title Association. Nothing herein prohibits the arbitration of all arbitrable matters when agreed to by both the company and the insured."

Countersigned



By



Authorized Signatory

[REDACTED]
[REDACTED]
[REDACTED]

February 26, 2015

Esteban A. Trujillo
Martha E. Trujillo
39 El Callejonito Rd.
Santa Fe, NM 87506

RE: Title Commitment File #15-0022
Purchase of Tract D from
Jose A. & Maxine M. Romero, Trustees

Dear Mr. & Mrs. Trujillo,

With regards to requirement #7 of the above referenced title commitment, no exception to title policy is allowed by [REDACTED] We will require recordation of satisfactory evidence of ingress and egress to subject property from public maintained road.

Should you have any questions, please do not hesitate to contact me at 505-954-3414.

Sincerely,

Theresa A. Peña

Theresa A. Pena
Real Estate Loan Officer

Now Rewarding Everyone!
7 Locations Across New Mexico.

[REDACTED]

STATEMENT OF CREDIT DENIAL, TERMINATION OR CHANGE

Date: March 12, 2015

APPLICANT'S NAME: Martha E. Trujillo
Esteban A. Trujillo
ADDRESS: 39 El Callejonito Rd
CITY, STATE, ZIP: Santa Fe, NM 87506

CREDITOR'S NAME: [REDACTED]
ADDRESS: [REDACTED]
CITY, STATE, ZIP: Santa Fe NM, 87505
TELEPHONE: 505-[REDACTED]

I. Description of Account, Transaction, or Requested Credit: Mortgage Loan (AP# 2009005495)

II. Description of Action Taken: Credit Denial

III. Principal Reason(s) for Credit Denial, Termination or Other Action Taken Concerning Credit:

A. Credit

- ☐ No credit file
☐ Insufficient number of credit references provided
☐ Limited credit experience
☐ Poor credit performance with us
☐ Delinquent past or present credit obligations with others
☐ Bankruptcy

- ☐ Garnishment or attachment
☐ Foreclosure or repossession
☐ Collection action or judgment
☐ Unacceptable type of credit references provided
☐ Unable to verify credit references
☐ Number of recent inquiries on credit bureau report

B. Income and Employment

- ☐ Unable to verify income
☐ Income insufficient for amount of credit requested
☐ Excessive obligations in relation to income

- ☐ Unable to verify employment
☐ Temporary or irregular employment
☐ Length of employment

C. Residence

- ☐ Length of residence
☐ Unable to verify residence

- ☐ Temporary residence

D. Other

- ☐ Credit application incomplete
☒ Value or type of collateral: [REDACTED]

☒ Specify: **Withdrawn by member - No legal ingress and egress to subject property.**

IV. Disclosure of Use of Information Obtained from an Outside Source:

☒ Disclosure inapplicable

☐ Our credit decision was based in whole or in part on information obtained in a report from the consumer reporting agency listed below. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. The reporting agency played no part in our decision and is unable to supply specific reasons why we have denied credit to you. You also have a right to a free copy of your report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency.

Name:

Street Address:

City, State, Zip:

Telephone:

(If the Consumer Reporting Agency compiles and maintains files on consumers on a nationwide basis, provide a toll-free telephone number.)

☐ Our credit decision was based in whole or in part on information obtained from an affiliate or from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request, no later than 60 days after you receive this notice, for the disclosure of the nature of this information.

V. ECOA Notice

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal Agency that administers compliance with this law concerning this creditor is:

Agency:

If you have any questions regarding this Notice, contact us at the address and/or telephone number provided above.

Notice ☒ Mailed ☐ Delivered ☐ Emailed Date: 03/12/2015

By: [Signature]

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ITEM 1627LD (0501)

GreatDocs™
To Order Call: 1-800-968-5775

April 16, 2015

Gus Martinez, Santa Fe County Assessor
Assessor's Office
P.O. Box 126
Santa Fe, NM 87504

Dear Mr. Martinez:

My wife and I live in Lakewood, CA, we are protesting our 2015 Property valuation.

We would like to give permission to

Martha Trujillo a resident of New Mexico to
represent us in this process.

Should you need additional information, please feel free to contact us at (310) 631-6964 or (562) 708-4543.

Thank you for all your efforts and the fine public service you and your staff provide to Santa Fe County.

Regards,

Jose & Maxine Romero

Jose G. Romero

Maxine M. Romero

April 21, 2015 @ 2:00 pm.

OWNER NAME Bonero Jose A. & Makina M.		SFC CLERK RECORDED		SANTA FE COUNTY	
OWNER MAILING ADDRESS 2528 Del Norte Blvd				2015 PROTEST PETITION	
OWNER CITY, STATE AND ZIP CODE Lakewood CA 90712-2836				Assessor's Office P.O. Box 126 Santa Fe, NM 87504	
OWNER ESTATE INFORMATION N/A				Fields marked with an asterisk are required. LOCATION ID * 33750144	
OWNER PHONE NUMBER 1 310 681-6964		OWNER PHONE NUMBER 2 562-708-4543		PROPERTY ADDRESS * 15 Old Callejon Rd Santa Fe NM 87506	
AGENT NAME (IF OWNER REPRESENTED BY SOMEONE ELSE) Jose Bonero				PLEASE FILL IN INFORMATION BELOW COMPLETELY!	
AGENT MAILING ADDRESS Maria Tereza				(A) TOTAL ASSESSOR'S VALUE * (AS OF NOTICE OF VALUE) \$35,000.00	
AGENT CITY, STATE, ZIP CODE Santa Fe NM 87506				(B) TOTAL OWNERS VALUE * (AMOUNT NOT IN COURT PROCEEDINGS) 15,000.00	
AGENT EMAIL ADDRESS j.bonero@comcast.net				(C) PROTESTED AMOUNT * (DIFFERENCE BETWEEN A & B) 40,000.00	
AGENT PHONE NUMBER 1 651 455 2779		AGENT PHONE NUMBER 2 651 455 2779		REASON FOR PROTEST *	
EXPLANATION OF PROTEST (SEE INSTRUCTIONS ON BACK OF FORM) I have been denied access to my property and I want to get a loan. Potential owners will have to pay for ingress/egress to Pojeague Pueblo				<input checked="" type="checkbox"/> Value In Excess of Current & Correct <input type="checkbox"/> Reconfigure Land <input type="checkbox"/> Denial Of: <input type="checkbox"/> Residential Classification <input type="checkbox"/> Agricultural Status <input type="checkbox"/> Exemption <input type="checkbox"/> Limitation of Valuation Increase <input checked="" type="checkbox"/> Other - Provide Explanation of Protest	
DO NOT WRITE BELOW, FOR OFFICE USE ONLY		DO NOT WRITE BELOW, FOR OFFICE USE ONLY		KEY CODE	
CLEARLY STATE REASON FOR CHANGE		ADJUSTED VALUES		The Key Code is not a required field. It is a value unique to each Notice. It is printed on the Notice below the Protest Deadline date. available, please provide the Key Code printed on the Notice.	
PROTEST		NEIGHBORHOOD		PROPERTY TYPE <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Manuf. Home on Perm <input type="checkbox"/> Commercial <input type="checkbox"/> Agricultural Land <input type="checkbox"/> Multi-Family (Apartments) <input type="checkbox"/> Vacant Land <input type="checkbox"/> Pers. Proper	
LAND: \$ _____		BLDG: \$ _____		IMPORTANT INFORMATION	
MISC. IMPR: \$ _____		TOTAL: \$ _____		SECTION 7-36-24 NMSA PROVIDES THAT PETITION OF PROTEST SHALL BE FILED WITH THE COUNTY ASSESSOR NO LATER THAN THIRTY (30) DAYS AFTER THE MAILING BY THE ASSESSOR OF THE NOTICE OF VALUE.	
DEPARTMENT AUTHORIZATION		DATE		IF NOT AVAILABLE AT THE TIME OF FILING, ALL INFORMATION TO BE PRESENTED AT THE PROTEST HEARING MUST BE DELIVERED TO THE ASSESSOR NO LATER THAN THIRTY (30) DAYS FROM THE PROTEST DEADLINE. IF INFORMATION IS NOT RECEIVED, A FORMAL REQUEST FOR DOCUMENTS WILL BE MADE.	
Signature of OWNER or AUTHORIZED AGENT Jose A. Bonero		Date 4-21-15		THE FILING OF A PETITION OF PROTEST WITH THE ASSESSOR IS AN ELECTION TO PURSUE THAT REMEDY AND IS AN UNCONDITIONAL AND IRREVOCABLE WAIVER OF THE RIGHT TO PURSUE THE REMEDY OF FILING A CLAIM FOR REFUND IN DISTRICT COURT.	
WITHDRAW PROTEST		IF YOU WISH TO WITHDRAW YOUR PROTEST, YOU MAY DO SO BY SIGNING BELOW, DATE AND RETURN TO THE ABOVE ADDRESS.		I HEREBY WITHDRAW THE ABOVE PROTEST.	
Signature of OWNER or AUTHORIZED AGENT		DATE			

April 16, 2015

Gus Martinez, Santa Fe County Assessor
Assessor's Office
P.O. Box 126
Santa Fe, NM 87504

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We would like to give permission to

Martha Trujillo a resident of New Mexico to
represent us in this process.

Should you need additional information, please feel free to contact us at (310) 631-6964 or (562) 708-4543.

Thank you for all your efforts and the fine public service you and your staff provide to Santa Fe County.

Regards,

Jose & Maxine Romero

Jose C. Romero

Maxine M. Romero

April 21, 2015 @ 2:00 pm.

THE BOARD OF COUNTY COMMISSIONERS
SANTA FE COUNTY, NEW MEXICO

ORDINANCE NO. 2015- ____

AN ORDINANCE AMENDING ORDINANCE NO. 2001-1 TO EXPRESSLY
EXTEND THE ORDINANCE TO COUNTY SPORTS FIELDS, TO ADD
RULES GOVERNING LEAGUE USE AND SALES OR SOLICITATION
BY ITINERANT VENDORS, AND TO PROHIBIT CERTAIN
DANGEROUS OR HARMFUL ACTIVITIES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE
COUNTY as follows:

Section One. Section Three of Ordinance No. 2001-1 is amended to add the following
definitions:

“3.7 ‘Itinerant vendor’ means any person with no established business location within Santa Fe
County who brings onto any County park, trail, or open space area for the purpose of selling or
offering for sale any food products, stocks or samples of goods, wares, or merchandise.”

“3.8 ‘Park,’ as used in Ordinance No. 2001-1, includes County sports fields.”

Section Two. Section Four, paragraph 4(c), of Ordinance No. 2001 is deleted and replaced
with the following:

“(c) It shall be unlawful for any person to allow any dog or other domestic animal under his control to
disturb, molest, harass, or chase humans, other domestic animals, or livestock in a County park, trail, or
open space area.”

Section Three. Section Four of Ordinance No. 2001 is further amended to add the following
Rules and Regulations:

“23. League Use of Sports Fields.

(a) Applicability. This section shall apply to the following Santa Fe County sports fields:

- (1) Pojoaque Fields;
- (2) Romero Park;
- (3) Pojoaque Tennis Courts

(b) Requirements.

- (ii) Summary of the County's costs to maintain each sports field, which shall be provided by the County to each league and school; and
 - (iii) Copy of educational material provided by the County related to the disposal of solid waste and recycling which outlines the leagues and schools responsibility to dispose of solid waste and promote recycling.
- (4) All leagues and schools shall be responsible, on an as-used basis, for clean-up of trash and litter directly related to their use of a sports field. The clean-up shall include proper separation of recyclables from trash.
- (5) The General Liability Insurance required under this Ordinance shall be maintained at all times during league or school use of County sports fields. The league or school shall promptly notify the County in writing upon receipt of any notice of insurance cancellation. If the required insurance policy is cancelled or terminated for any reason, the league or school shall cease use of the premises from the date of cancellation or termination until it provides the County proof of replacement insurance that meets the requirements of this Ordinance.
- (6) Upon acceptance of the league agreement, the Special Use Permit shall be automatically granted.
- (c) League Fees. For use of the Santa Fe County sports fields identified in paragraph 23(a) above:
 - (1) Each youth league and school shall be assessed a one-hundred-dollar (\$100.00) permit fee per season, per sport or recreation activity.
 - (2) Each adult league shall be assessed the following fees, per season, and such fees are inclusive of one end-of-season tournament:
 - (i) Twenty-five dollar (\$25.00) fee per player, necessary to field a team according to each individual league; and
 - (ii) Twenty-five dollar (\$25.00) fee for one (1) alternate player per team.
 - (3) League fees collected pursuant to this section shall be deposited into the general fund.
- (d) Tournament Fees. The County shall assess a tournament fee of twenty-five dollars (\$25.00) per team, per tournament, for the use of Santa Fe County sports fields. This paragraph does not apply to season adult league tournaments specified in paragraph C., above.

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

Robert A. Anaya, Chair

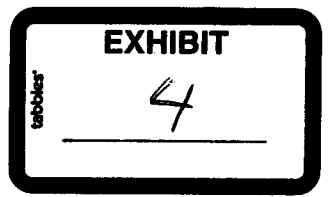
ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney

S F C C L E R K R E C O R D E D 0 7 / 1 5 / 2 0 1 5



May 27, 2015

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

RE: Variance – Letter of Support

The intent of this letter is to express support for the variance Juan and Lucille Gonzalez are requesting.

I do not object to Juan and Lucille converting their existing barn into a home. I believe the 10 acre lot is large enough to support two homes and do not feel that converting the barn would have a detrimental effect on the use and enjoyment of my property or the neighborhood in general.

I respectfully support Juan and Lucille's application for a variance which would allow them to convert an existing barn into a home.

Eugene L. Barnes
11 Cedar Rd
Santa Fe, NM 87508


Signature

SFC CLERK RECORDED 07/15/2015

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

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Luis Loya
42 Quail Run
Santa Fe NM 87508

Signature

A handwritten signature in black ink, appearing to read "Luis Loya", written in a cursive style.

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

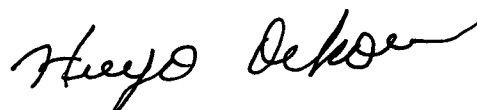
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Hugo Ochoa
33 Camino Tréido LP
Santa Fe NM 87507


Signature

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

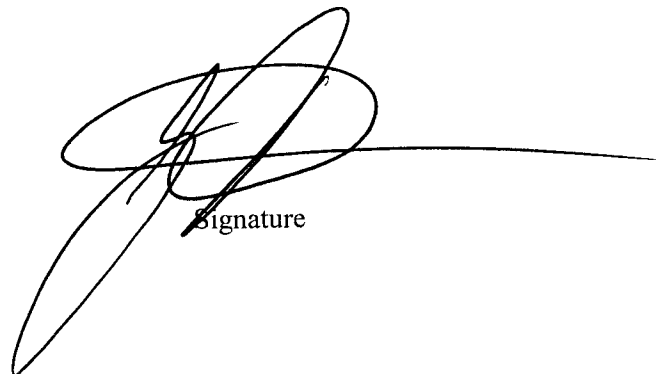
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GREG CATANACHI
74 PINE E.
SANTA FE, NM 87508



Signature

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

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Phenice Carlson
32 Quail Run
Santa Fe N.Mex 87508

Phenice Carlson
Signature

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

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Guillermo Ramos
27 June 2012
Santa Fe, NM 87508


Signature

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

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JUAN CARPIO
53 Willow 87508
Santa Fe NM

Juan Carpio
Signature

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

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Mario Marin
6 Cedar Rd
Santa fe NM 87508



Signature

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

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Cruz Dominguez
845 E Harvard Rd.
Santa Fe NM 87508



Signature

Building and Development Services, Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

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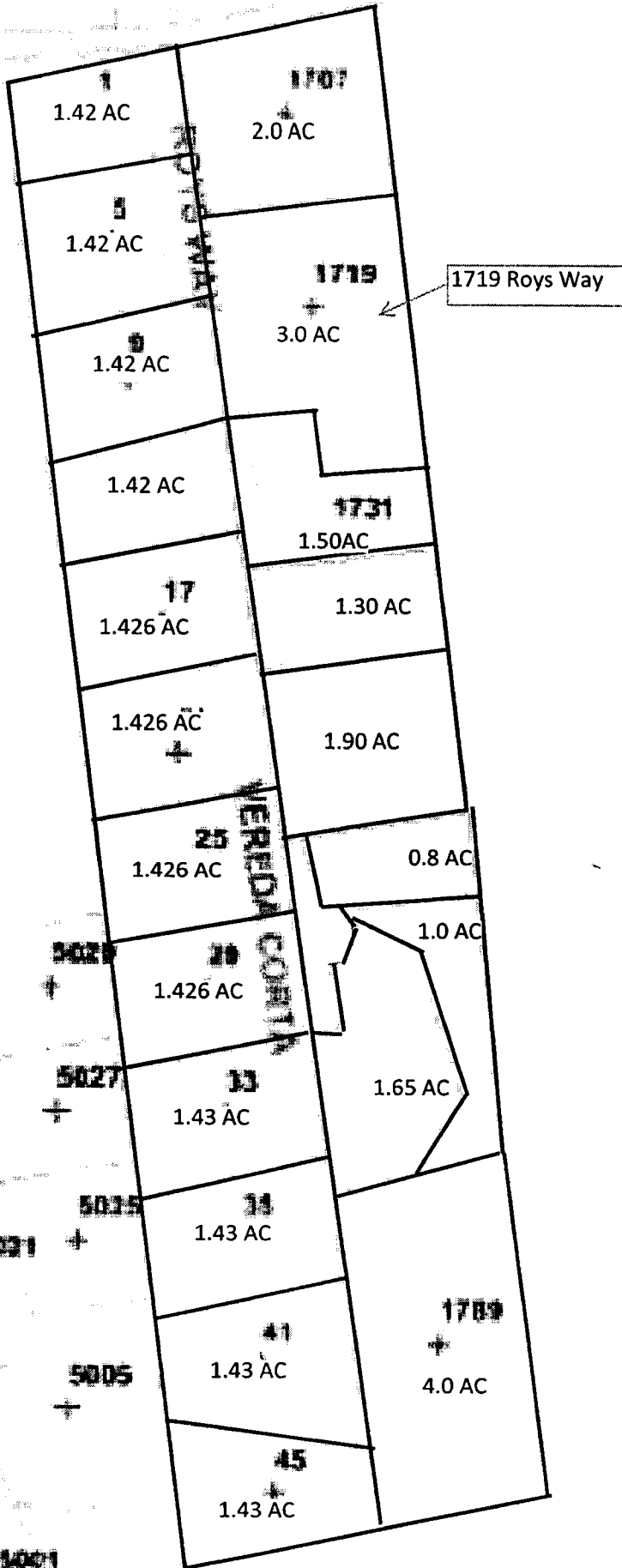
DAVID AIDANA LOPEZ

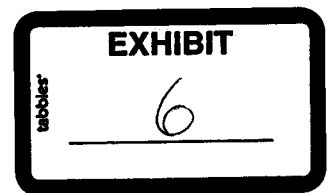
106 CEDAR RD

SANTA FE N.M. 87508

Signature

DAVID AIDANA L





James B. Alley, Jr.
P.O. Box 1932
Santa Fe, NM 87504

9 June 2015

To: Santa Fe Board of County Commissioners
102 Grant Avenue
Santa Fe, NM

Re: CDRC Case No. VIS – 5070, Jennifer Farquhar
Variance Request

Dear Commissioners:

I live at the end of what is now called 29 Jericho Lane off the Old Santa Fe Trail and have lived there in my ranch compound since I arrived in Santa Fe in 1965. During that 45 year period I have been very active in trying to protect the rural residential character of this area from the suburban expansion of the City of Santa Fe.

As part of that effort, in the 1970s I bought the large parcel adjoining my south border and legally subdivided it into the 5+ to 10+ acre lots served by the driveway I had constructed and named "Piedras Negras". One of my first buyers was my friend Richard Farquhar, the deceased husband of Jennifer Farquhar. He bought from me the approximately 10 ½ lot adjoining the south boundary of my land which is the same lot Jennifer Farquhar is seeking to split into 2 five+ acre lots.

To preserve for the future the rural residential character of this land, I placed a comprehensive set of restrictive covenants on each of the lots served by the Piedras Negras driveway. Each set of restrictive covenants contained a provision prohibiting subdivision of each lot except the Farquhar lot which allowed it to be divided into only two lots provided each contained a minimum of 5 acres.

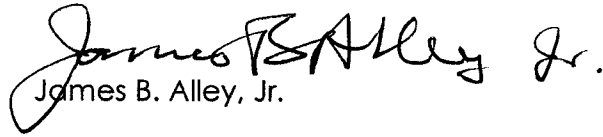
I have provided you with the foregoing brief history of Piedras Negras to help you understand why I have no objection the pending Farquhar variance application. Also the whole 10+ acres of the Farquhar lot lies in a low area of Piedras Negras so that single story residential development should not be readily visible to neighbors like myself or to drivers on the Old Santa Fe Trail. Such single story residential development should easily be able to comply with the spirit and letter of the restrictive covenants governing development in Piedras Negras. It should also be able to comply with the spirit and letter of the subsequently enacted "Mountain" District Ordinance except for the 20 acre minimum lot size.

I understand that the current owners of the two 10 acre lots in Piedras Negras on the east boundary of the Farquhar lot have objected to the Farquhar variance application. The Commission should know that the residences on both of those lots are readily visible from all other lots in Piedras Negras, from my land and from the Old Santa Fe Trail. Those residences may also violate the restrictive

SFC CLERK RECORDED 07/15/2015

covenants governing them with respect to height and/or lighting. They certainly violate visibility restrictions in the subsequently enacted "Mountain" District Ordinance.

Yours truly,


James B. Alley, Jr.