

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

July 9, 2013

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:12 p.m. by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Employees of the Treasurer's Office, Patrick Varela and Eric Lujan led the Pledge of Allegiance and State Pledge, following roll call by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

Commissioner, Danny Mayfield

V. MOMENT OF REFLECTION

DAVE SPERLING (Fire Chief): Thank you, Madam Chair and Commissioners, for allowing me a few moments to reflect on the 19 wildland hotshot firefighters killed last week in a wildfire in Yarnell, Arizona. This tragedy hits us particularly close to home as these fine young men had only recently participated in containing the Thompson Ridge fire in the Jemez Mountains before returning to Arizona. Immediately following the disaster, which occurred on June 30th, many of our cohorts here in New Mexico in the local wildland community were dispatched to Arizona to help manage and contain the evolving wildfire, working in the wake of their recently deceased brothers to protect homes and communities and lives.

Commissioners, I pray that we always remember that all of us charged with serving the public good, those of us in public safety, but also in all walks of public service, from you Commissioners charged with developing policy to those of us who implement those policies, that we put our own interests aside to work for others for the public good, first and foremost. These 19 young men clearly put their own interests aside, doing so in the face of great uncertainty and danger. These firefighters were industrious, honorable and well loved. They were supremely dedicated to their mission. They trained together, worked together and so tragically, they died together. They were our, all of our brothers.

I pray that we study and learn from this tragedy, that we exhibit the strength, the wisdom

and perseverance to change what we do and how we do it to better protect the lives of the rescued as well as the lives of the rescuers. This must be the legacy of these fine individuals that we work in our respective fields as hard as they worked in theirs, to prevent a repeat of this tragedy so that at the end of the day with assurance we can say never again.

Commissioners, I'd like to end with a quote from the 19th century American poet, John Godfrey Saxe. He wrote, "If Prometheus was worthy of the wrath of heaven for kindling the first fire upon the earth, how ought all the gods honor the men who make it their professional business to put it out?"

At this time I ask for a moment of silence in memory of the Yarnell 19. May they rest in peace. Thank you.

CHAIR HOLIAN: Thank you very much, Chief. I know that all of our hearts go out to the families and friends of our lost firefighters.

VI. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or Withdrawn Items

CHAIR HOLIAN: Are there any suggested changes, Katherine?

KATHERINE MILLER (County Manager): Yes, Madam Chair, Commissioners. On the agenda item, under Staff Items, item XIV. B. 1, if we could move that towards the end of the meeting. Commissioner Mayfield requested either that be put to the end of the month meeting or hopefully if he would be finished with jury duty, if we could move that to the end of today's meeting, because he would like to hear that. That was his resolution, 2013-1.

Also, under item XVI. A. 1, Discussion of pending or threatened litigation, those two cases have been added for discussion in executive session. And then under item XVII. Public Hearings, item A. 2 has been tabled till the next meeting.

CHAIR HOLIAN: Any changes, Commissioners?

COMMISSIONER STEFANICS: Madam Chair, I'd like to ask Mr. Ross whether or not we need to add another case to the discussion under executive committee? One requires a response.

STEVE ROSS (County Attorney): Well, Madam Chair, we have talked about discussing the – let's see. What's the title of the case? There's a pending case in both district court and the New Mexico Supreme Court concerning the same sex marriage issue. We had talked, you and I, about discussing that in closed executive session, so maybe we should add that to the agenda.

COMMISSIONER STEFANICS: So, Madam Chair, I would add that case, since the County's required to respond by July 22nd.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes.

COMMISSIONER ANAYA: I'm fine with that.

CHAIR HOLIAN: Okay. Do I have a motion for the agenda as amended?

COMMISSIONER CHAVEZ: I'd go ahead and make a motion to approve the

agenda as amended.

COMMISSIONER STEFANICS: I'll second.

The motion passed by unanimous [4-0] voice vote.

CHAIR HOLIAN: At this point I would like to recognize some of the people who are here with us today. We have Representative Carl Trujillo. Adan Delgado, who is the superintendent of the Pojoaque School District is here. David Ortiz, who is the school board president and we also have Henry Roybal, president of the Little League, as well as other residents from Pojoaque, Joy Roybal, Patricia and George Gomez, Ben Garcia, Tommy Herrera, and Diane Varos. And in our audience is director of the Boys and Girls Club, Roman Abeyta. Welcome.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR HOLIAN: I will note that there are no resolutions under the Consent Calendar. Are there any withdrawals, or is there a motion?

COMMISSIONER STEFANICS: Madam Chair, I move for approval of the Consent.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second for approval of the Consent Calendar.

The motion passed by unanimous [4-0] voice vote.

XIII. CONSENT CALENDAR

A. Final Orders

1. **BCC CASE #13-5150 OneWest Bank FSB Vacation of Easement. One West Bank FSB, Applicant, (High Desert Surveying INC.) Dean L. Shrader, Agent, Request Approval to Vacate a Platted Twenty Foot (20') Wide Public Utility and Drainage Easement on 25 Acres. The Property is Located at 42 Lime Kiln Road, within Section 33, Township 15 North, Range 10 East, (Commission District 4) Approved 5-0, Miguel "Mike" Romero, Case Manager**

VIII. APPROVAL OF MINUTES

A. Approval of June 11, 2013 BCC Budget Study Session

CHAIR HOLIAN: Any changes, or a motion?

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: I have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

VIII. B. Approval of June 11, 2013 BCC Meeting Minutes

COMMISSIONER MAYFIELD: Any changes, or is there a motion?

COMMISSIONER STEFANICS: Madam Chair, I'll move for approval of the June 11, 2013 BCC meeting minutes.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

IX. PROCLAMATIONS AND PRESENTATIONS

A. Recognition of Mia Barela, Adopt-a-Road Coordinator with the Santa Fe County Solid Waste Program, for Receiving the "Keep Santa Fe Beautiful: Board Member of the Year"

ROBERT MARTINEZ (Public Works): Madam Chair, Commissioners, thanks for this opportunity to recognize Mia who has been named the Keep Santa Fe Beautiful Committee member of the year. Mia has been with Keep Santa Fe Beautiful for five years as an ex officio. Mia is our Solid Waste Adopt-a-Road coordinator who not only handles the Adopt-a-Road but she is our main person in charge of recycling. Mia coordinates Santa Fe County Cleanup Days with Keep Santa Fe Beautiful, as well as working with the electronic waste drop off day and community cleanups throughout the county. And this time I'm going to ask Gilda Montaña, who is the Santa Fe Beautiful Coordinator to say a few words about what Keep Santa Fe Beautiful is and a little bit about Mia.

GILDA MONTAÑO: Good afternoon, Madam Chair, Commissioners. Like Robert said, I'm the Keep Santa Fe Beautiful for the City of Santa Fe. Santa Fe Beautiful has been a program of this City of Santa Fe for 29 years and it is also a non-profit. It's a 501(c) (3) and has a board of directors. And Mia, since she's become the Adopt-a-Road coordinator for Santa Fe County she's sat on our board as an ex officio member and she's been a great asset to our board and she's been a great help to us.

It's been an honor to work with her and bring the City and the County together in our community cleanups. I think it's been a huge success. Every year Keep Santa Fe Beautiful recognizes a business and a volunteer and a board member of the year and this year we are honored to recognize Mia Barela for her work. She's done a great job. You have a great employee.

CHAIR HOLIAN: Thank you. And congratulations, Mia. Would you like to say a few words? And then I'm sure the Commissioners would like to chime in.

MIA BARELA (Public Works): Madam Chair, Commissioners, thank you for supporting the solid waste recycling and Adopt-a-Road program. I was honored to receive the Keep Santa Fe Beautiful board member of the year from Gilda and the Keep Santa Fe

Beautiful board of directors. It's been a great experience to sit on a productive and active board. I would also like to thank Olivar, Robert and Adam for the opportunity to have such a rewarding job. Thank you.

CHAIR HOLIAN: Commissioner Stefanics

COMMISSIONER STEFANICS: Thank you very much, and Mia, I want you to know that many communities in Santa Fe County as well as the city of course really depend upon recycling. They want to support recycling and they want clean roads. One of the first years that I was elected I used to get this anonymous phone call almost weekly from a constituent saying I don't see you out on the roads picking up trash. Our former governor used to do that. And this person really kept calling and kept calling. So finally one day he engaged me a little bit further and I said we'd love to get you involved in doing something with the County. But he deferred. So I just want you to know, there are many people around the county who really appreciate the efforts, not only recycling but keeping the roads clean. Thank you.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mia, I want to recognize Gilda for being here and Mia, also, I want to thank you for your dedication. And Commissioner Stefanics is right. It's easy sometimes for us to complain but harder to volunteer time to do the citywide or spring cleanup that's coordinated now between the City and County. And it's a day, one or two days a year. Unfortunately, this last spring, this last cleanup I wasn't able to attend. But it really brings the community together. Get everybody volunteering for that day. It gives you a sense of community and you're contributing at the same time. So there's a lot of aspects to it that are beneficial. And so I just want to congratulate you for the work that you've done in the past and hope that we can continue this in the future. Thank you.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm going to give the official whoo hoo, Mia. Good job and good work for what you do, day in and day out for the solid waste program and this program. I'm proud to say my late father, Joe Anaya, at the State of New Mexico DOT was part of that first campaign for Keep America Beautiful which has extended into Keep New Mexico Beautiful and then Keep Santa Fe Beautiful. Molly Whitted at the City of Santa Fe, former City Councilor was the main coordinator under that program. So it's a great program that's been around for a long time that does good and I echo all the sentiments of my colleagues and most of all, whoo hoo to you.

MS. BARELA: Thank you.

COMMISSIONER ANAYA: Good job.

CHAIR HOLIAN: Congratulations, Mia. I live out in Sunlit Hills so I drive in every day along first Old Las Vegas Highway and then Old Pecos Trail and then oftentimes on Paseo de Peralta. And I have to say that in the years that I've lived out there, Old Las Vegas Highway has really been cleaned up. When I first lived out there, which was in 1999, there was always trash on the side of the road but it's beautiful now. And I think that once it got cleaned up, then that motivated everybody not to throw any more trash out. So I think this sort of has long-term effects, and I have to say that when I see the medians on Old Pecos Trail and especially Paseo de Peralta, they're just gorgeous. And it just makes me feel good

to see them when I'm driving in. So thank you for what you do and I know this is something that everybody in the community really appreciates. So now, we have to go down for our obligatory picture.

MS. BARELA: Thank you.

[Photographs were taken.]

X. MATTERS FROM ELECTED OFFICIALS

A. Assessor's Office

1. Introduction and Possible Approval on Resolution No. 2013-64, a Resolution Approving the County Assessor's Property Valuation Program in Accordance with State Statute, and Associated Waiver of Requirements of Resolution No. 2013-026

CHAIR HOLIAN: Let me just remind the Commissioners that if we want to vote on this today we need to first vote on a waiver of the requirements of Resolution 2013-26. Commissioner Anaya.

COMMISSIONER ANAYA: So moved, Madam Chair, to waive the requirements of the resolution.

COMMISSIONER CHAVEZ: Second, and under discussion could we be more clear about what the waiver entails?

COMMISSIONER ANAYA: The waiver entails waiving the requirement that we have two hearings for a resolution. Okay, I have a motion and a second for waiver of that requirement in Resolution No. 2013-26.

The motion passed by unanimous [4-0] voice vote.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Gary, this is the report that you presented last month that had the detailed breakout of the sequential steps that the Assessor's Office goes through in the process of carrying out your business? This is the follow-up to that presentation?

GARY PEREZ (Deputy Assessor): Madam Chair, Commissioner Anaya, yes, that's correct. That was on June 11th.

COMMISSIONER ANAYA: Madam Chair, with that said, we had a lengthy presentation. I commended the Assessor's Office for their work and the detail in the analysis. Did you have anything else you wanted to add, because if you didn't, I was going to move it.

MR. PEREZ: Madam Chair, Commissioner Anaya, no, unless you have any further questions. We just request approval of the resolution.

CHAIR HOLIAN: Are there any questions from the Board? Okay, do I have a motion?

COMMISSIONER ANAYA: Madam Chair, I'll wait for the public hearing.

CHAIR HOLIAN: Oh, yes. I was going to do that after the motion and the second. I will note that this is a resolution. Is there anyone here from the public that would like to comment on the resolution? Seeing none –

COMMISSIONER ANAYA: Madam Chair, I'm going to move approval of the resolution and then have a discussion point.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval of Resolution No. 2013-64. Discussion. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I asked to see if we could get this on the website and so the public can go look at it. Is that something we're working on?

MR. PEREZ: Madam Chair, Commissioner Anaya, it's on there. It's been on there since about two days after you made the request.

COMMISSIONER ANAYA: Thank you. I appreciate that. Thank you, Madam Chair.

MR. PEREZ: And Madam Chair.

CHAIR HOLIAN: Yes.

MR. PEREZ: Also, Commissioner Anaya requested on that same day that we post a map showing the various neighborhoods that we have, the county stratified into various neighborhoods. Our GIS Department is working on that and we'll get that up there as soon as possible.

CHAIR HOLIAN: Any further discussion? Well, I would just like to say, Gary, that I would really like to thank you and the County Assessor for the report. It was very thorough and details and it was very helpful for me because I get a number of questions from my constituents about that program. So thank you.

MR. PEREZ: Thank you, Madam Chair. Thank you, Commissioners, and we encourage the public to call and if they have any questions they can call me and we'd be happy to answer them.

CHAIR HOLIAN: There's a motion and a second for approval of Resolution No. 2013-64.

The motion passed by unanimous [4-0] voice vote.

XI. MATTERS FROM THE COMMISSION

A. Resolutions

- 1. Introduction and Possible Approval on Resolution No. 2013-____, a Resolution Requesting the Transfer of Property by the Pojoaque Valley School District to Santa Fe County for Community Sports Fields and Associated Waiver of Requirements of Resolution No. 2013-026**

CHAIR HOLIAN: And if we are to vote on this today we again would need an associated waiver of requirements of Resolution 2013-26. However, Katherine.

MS. MILLER: Madam Chair, Commissioners, I just want to point out that

there is a copy of the resolution. This is a substitute copy to the one that's in your packet. The actual resolution, the "be it resolved," did not change but a couple of the top, I believe four recitals, the four whereases, were expanded. Commissioner Mayfield, he wanted to make sure that that was the version that you were looking at. It talks primarily about healthy and fit communities and a community health profiles and those types of issues. He wanted to make sure that those were incorporated into the resolution, so please refer to this one rather than the one in your packet for discussion.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield asked that I carry this for him. He asked to extend that he is fulfilling his civic responsibility and attending jury duty but very much this particular project is near and dear to his work. I just would say that ever since Commissioner Mayfield came into office the baseball fields and improvement for the youth has been a top priority for him and this document and this request and this project is a continuation of that effort to enhance the youth facilities and other facilities in northern Santa Fe County in his district. So I'd like to read this into the record, Madam Chair, if I could.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I would also ask, before I read it in, Madam Chair, that the Commissioner I think should be present when we actually vote, so I would ask we defer the actual vote until the next BCC meeting. I also know there are various dignitaries here including Representative Trujillo and school board member and superintendent and others that may have some comments they'd like to make that are connected to this resolution as well. Introduced by Commissioner Daniel Mayfield, a resolution to foster healthy communities and healthy people, requesting the collaborative transfer of property by the Pojoaque Valley School District to Santa Fe County for the creation of improved community sports fields.

Whereas, the Board of Santa Fe County Commissioners recognizes the importance and benefits of supporting and fostering Healthy and Fit Communities;

Whereas, a 2013 Santa Fe County Community Health Profile reported on the health of the citizens of Santa Fe County and noted that obesity has increased to twenty percent for adults and to nine percent for high school students and the amount of physical activity by high school students is markedly declining;

Whereas, in 2010 the United States Department of Health and Human Services, the Surgeon General and First Lady Michelle Obama initiated efforts to encourage local communities to support healthy choices to combat childhood obesity in the face of statistics that demonstrate a dramatic and alarming increase in obesity;

Whereas, in 2009 the Center for Rural Affairs published findings on health and health care in rural areas indicating that a main finding is the disturbing trend of greater physical inactivity and higher rates of obesity in rural America, which not only have a devastating impact on individuals and families, but adversely impact entire communities;

Whereas, CRA findings suggest that the health of individuals and their communities are more intertwined than it may seem and findings suggest that unhealthy individuals and families lead to struggling communities by encouraging negative health behaviors that are

growing more common in rural areas;

Whereas, it is important to acknowledge that individuals do not make their decisions in a vacuum, which means that it is not enough to rely on education alone to change one's behavior;

Whereas, public policy approaches are an essential support and reinforcement for individual and community initiatives to adopt healthier lifestyles by promoting the health of their community;

Whereas, public policymakers can help ensure that communities positively impact the health of their residents through collaborations that remove barriers, which make it easier and more appealing for individuals and communities to adopt the healthy lifestyle choices they likely know they should;

Whereas, team sports activities allow for safe, affordable, healthy recreation for families and individuals and all steps should be taken to encourage these healthy lifestyle activities;

Whereas, the Board of County Commissioners has budgeted capital outlay funds for the purpose of developing recreational fields in northern Santa Fe County to promote healthy environments;

Whereas, the sports fields in Pojoaque have been used and enjoyed by the community for decades for safe, affordable and healthy recreational purposes;

Whereas, the sports fields are in need of improvements and upgrading to continue to provide recreational opportunities for the community;

Whereas, supported by local New Mexico State Senators and Representatives, the 2013 New Mexico Legislature appropriated two hundred twenty-five thousand dollars to purchase, plan, design, construct, equip and improve the recreational and baseball fields in the Pojoaque valley in Santa Fe County;

Whereas, the Pojoaque Valley School District could donate the sports fields to Santa Fe County and the State and County funds could be fully utilized to make improvements to the facility for the continued benefit and enjoyment of County residents;

Now, therefore, be it resolved by the Board of Commissioners of Santa Fe County, that it strongly urges the Pojoaque Valley Schools District to donate said property to the County for this purpose.

Madam Chair, I know we have several people here who would like to speak to this so I reserve any additional comments I might have until after they've spoken.

CHAIR HOLIAN: Okay. This is a resolution. Is there anyone here who would like to speak on this resolution? Can I see a show of hands? So please come forward one at a time and state your name for the record.

CARL TRUJILLO: Madam Chair, do you want everyone who comes up to state their name or one at a time?

CHAIR HOLIAN: One at a time.

REP. TRUJILLO: Madam Chair, Board of County Commissioners, thank you for this opportunity. If you don't mind, I would like to just approach the bench and hand you some pictures. Would that be fine?

CHAIR HOLIAN: Thank you.

REP. TRUJILLO: Madam Chair, I'm here in three different capacities, three different hats. I'm here as the state representative from District 46, also as a citizen of the Pojoaque Valley, and also as a coach of the Pojoaque Valley Little League, coaching my youngest child, now 4 ½ years old. I did look at this resolution. First of all, along the lines of a state representative for District 46 and I know that this resolution as set forth is asking for the Pojoaque Valley School District to donate this property to the County. And after being elected I did go to the school board to ask them for this donation of this property or at a reduced rate. And before I get started I'm just going to give you a little story about this property here so we have a basic understanding of it.

The field, as far as I know, probably – I'm not going to speak on behalf of the school board here but I believe the property was procured and improved back in the late eighties, early nineties. And that that time they've used it for school activities, they've used it for the girls' softball field and since Title IX has been in effect they've been interested in making sure that they can get the girls' softball field all in one location. At this time they're moving the girls' softball field over to their main campus. And this is where this – I felt this opportunity came into place, because this property, at this point looking as a person who was involved in little league and the soccer league and the football field realized there was a potential for the County to acquire it and improve it and these fields are – they're not in the best of shape and it's taken a lot of input or community support to keep the field in good shape for the different leagues.

I'll give you just – first of all, I'd like to say the school has done a wonderful job as far as being a good neighbor and allowing all these different youth activities to use the fields. I don't believe they had the obligation to do so but now for almost 30 years they have done that. But the fields have become – they're in a condition now that even little league all stars, there's one of five districts, or one in the district there's five different cities but they will not even participate in the Pojoaque Valley.

And so when Commissioner Mayfield had mentioned that he had been looking for a source down there for youth activity fields I thought this would be a potential, possible, great opportunity. So at that time I entered into dialogue with Commissioner Mayfield and also with County Manager Katherine Miller. And what I found – I went to the school board to ask them prior to the legislative session if they would be interested in donating the field or offering it at a reduced rate. They gave me the reason and I'll let them speak on the behalf but they gave me the reasons as to why and as a citizen and as a state representative I understood those reasons and I thought they were good reasons. So at that point I mentioned to Commissioner Mayfield that I would go to the legislature this session and I would work hard to procure the capital outlay dollars which are taxpayer dollars for this project.

I worked with other legislators – Senator Carlos Sisneros, Representative Debbie Rodella, because they have precincts that are in Santa Fe County, and also I did get a small amount from Representative Egolf. I had to twist his arm a little bit. No, I'm just kidding. He was all for it. He thought it was a great project. And the reason why I thought this was also going to be a good opportunity for Santa Fe County as well is because this field, this property already lends itself so there's not a whole lot of extra dollars that need to go in there. The lighting infrastructure is already in there, the well is already in there. There's a building that

has good structure, good bones. It's the concession stand. It's just if you look in those pictures – I don't know if – did you get those pictures? Two of those pictures will show the current ballfield and two of those pictures will show the property the school is trying to procure in exchange for the – to selling this property. You can see that property in front of the high school is not in the best shape. It's actually – not only is it an eyesore but at least in my opinion it's a safety hazard as well.

And the other thing I wanted to mention with these capital outlay dollars is the Governor of New Mexico had this initiative in her ICIP process that only – she would only allow funds to go to the bond sale that were shovel-ready and had dollars available to complete the project. Well, we met that. And so those bonds were sold in June and I checked with DFA before coming a couple days ago and those should hit the County account, those \$225,000 should hit the County's account by the end of this month. So those dollars are there as well.

And the other thing I want to bring up is one of the snags in the possibility of making this come to fruition was the fact of maintenance. I know at one point the County – doing maintenance in fields, I'm not exactly sure if the staff is there. The school board didn't really want to do the maintenance, and so an MOU was decided that could be drafted between the school and the County that would allow the County after the improvements, if they chose, if they chose, to then lease it back to the school and the school would do the maintenance for it if necessary. And at any point in the MOU could then take the property back into the County's possession, and I thought that was pretty fair.

Let me see. I had a few notes here. I just want to make sure that I cover everything. I coached my sons, my three oldest sons, I coached them 20 some years ago on this field and it took a lot of community involvement. With the issue that we have with water, it looks like the dollars that are available from Santa Fe County and I graciously thank you for those dollars, it looks like there's a potential of turfing these fields, and that would be a big plus for the community because not only does it reduce the maintenance but with the water issues it certainly is a big plus for the community as well. So I just wanted to make sure that that note was made.

And with that, I would hope that the Santa Fe County Commission would consider allowing going into negotiation with the school district, that the dollars are procured from an exterior source from the state legislature for that purpose. I know in the resolution it's stated there for – I just saw the resolution just now so bear with me. To purchase, plan, design construct and equip – that wording was put in there just to – as a capture-all but it was really the intent for us to go in and procure the fields and use the County dollars for the improvement. And with that said I just urge you to please consider that. Thank you so much. I'll stand for questions as well.

CHAIR HOLIAN: Thank you, Representative. Any questions? Thank you. Who would like to speak next?

DAVID ORTIZ: Madam Chair, members of the Board of County Commissioners. My name is David Ortiz. I'm the president of the Pojoaque Valley Board of Education. I want to thank you for the opportunity to come and address you regarding this resolution. But before I do I'd like to extend a saludo personal a mi hermano fraternal, el

honorable Miguel Chavez. Buenas tardes.

Madam Chair, the Pojoaque Valley Board of Education and the Pojoaque Valley School District has supported little league for many years. The property in question that is addressed by this resolution was acquired in 1984. The school district paid approximately \$200,000 for that property back in 1984. And since then, as Representative Trujillo has mentioned, it has been used for the softball team. However, it has also been used by the Pojoaque Valley Little League as well as the Pojoaque Valley Soccer League. And during that time the Pojoaque Valley schools has paid all the maintenance and utilities on that property. So I believe that the Pojoaque School District has supported recreation in the Pojoaque Valley for many years. And we – the Pojoaque Valley School Board has in the past adopted policy that says basically, that if we dispose of any property that the proceeds from that disposition would be used to acquire more suitable property for use for the school district.

So keeping that in mind, I would like to state that first of all, we appreciate Santa Fe County's willingness to take over that facility and to support recreation in the Pojoaque Valley. So with that in mind, we're probably 90 percent in agreement with the resolution with the exception of two items, one of the whereases, that we donate the property to the County, and of course, the therefore, that we donate the property. I think that the Pojoaque District is not in a position to donate any property at this point and that we would urge the Commission to authorize the County Manager to enter into negotiations with the school district for the sale of the property to Santa Fe County. With that I stand for any questions.

CHAIR HOLIAN: Thank you, President Ortiz. Any questions? Who else would like to speak?

ADAN DELGADO: Madam Chair, Commissioners, my name is Adan Delgado, superintendent of Pojoaque Valley Schools. I think the two speakers before me hit most of the main issues that we're dealing with on this resolution. The one thing I would like to add to it is it would be extremely unfortunate if we couldn't figure out a way to make this project work. I've been an administrator in rural unincorporated school districts for about a decade and one of the huge challenges that we face in operating in unincorporated areas is that we don't have a community infrastructure, a village, city infrastructure to help support some of these types of projects, these facilities for students, so a lot of times that burden falls back on the school district to try and provide.

And it's not within our core charge to operate these recreational facilities. And a lot of times we have trouble getting cooperation between the different entities involved to try and make those facilities available. I think we have all of the pieces in place right here to make that happen. I think it's a very unique situation we have – the County, the state and the school district all willing and ready to contribute to the project, the district in negotiating some reasonable sale amount of that property and also possibly continuing the maintenance, the state contributing the capital outlay dollars to purchase the land and the County willing to potentially invest in infrastructure.

All the pieces are there. It would be very unfortunate if we couldn't figure out some way to make this happen. So I wholeheartedly support the effort that has been put forward and we need to knock out some details but I think it can be done, and hopefully we can work

together to make that happen. Again, if you have any questions I'm here for them.

CHAIR HOLIAN: Thank you, Superintendent. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have a few for you, sir. Can you tell me your last name again?

MR. DELGADO: Delgado.

COMMISSIONER ANAYA: Mr. Delgado, I appreciate you coming forward as well as the board chair. The board chair and other representatives, I'm going to ask some specific questions of Representative Trujillo in a few minutes. But one of the things that I, as I became acclimated with this project and trying to grasp as a public policymaker is we're governmental entities and unfortunately at times I think we get stuck. And I say we, that we do it as well at the County at times. We get stuck in our own territory and we get stuck in our policy that we, government, and sometimes we get blinders on. And I say that we, and I say that for myself as well. And that over time, what I think we all are striving to do is to become more inclusive beyond those boundaries. And so I have to ask this question and I would like to hear from a fellow policymaker – I'm going to ask the fellow policymaker Mr. Ortiz some other questions about his background because I know that he's been involved in the Pojoaque Valley in many different capacities as well as state government, as well I believe.

But if we were talking about a solid waste facility or some other functional need that the County provides services to I can see that there would be a distinct difference, an evaluation of property. But when I heard about this I have to tell you that my first inclination was this is going to benefit our kids. This is going to benefit our youth, not only in northern Santa Fe County but the entire Santa Fe County and even the region. And I wrote down a note here. I was in Santa Rosa last week and they had the district little league championships I believe there this weekend, and I saw their facilities and I see the facilities in Bernalillo County and other communities across the state, and frankly, we're a Class A, we have Class A residents in this County. We're a Class A county and I think we deserve Class A facilities.

So that being said, Commissioner Mayfield has infused as part of his capital package, Ms. Miller, how much dollars into the budget?

MS. MILLER: Madam Chair, Commissioner Anaya, it's a million dollars.

COMMISSIONER ANAYA: A million dollars. One million dollars. Not a small amount of money. Not a small investment but a major investment. And then the New Mexico State Legislature through the work of Representative Trujillo and others have agreed to add an additional amount. So the question: if it's a facility that's going to serve youth that can have many cross purposes beyond just baseball fields, especially if it has that turf. We're talking a facility that could hold regional baseball and soccer tournaments and who knows what other possibilities. How does that not complement directly with what educational institutions do on a regular basis? Help me understand that aspect? To the policy that I respect that the board made relative to purchase and getting properties and generating revenue. Given that we're two governmental entities and we're trying to serve the same population of youth?

MR. DELGADO: Madam Chair, Commissioner, I think the best answer that I can give to that is that I think it does directly complement what we do across the board. I strongly believe in athletics. I'm a member of the board of directors for the New Mexico

Activities Association. I strongly believe in the contribution that athletics and activities make to schools across the board academically and otherwise. I guess how I've described that is it's not one of our core responsibilities. If those little league programs didn't function our school could continue operating. It isn't a charge from the state; it isn't a charge from anyone who has defined what public schools do.

There's no requirement that we offer those programs. I think that especially with the budget constraints that all governments have been facing lately we all have to make some decisions about what that core business is that we're responsible for and I don't think that this fits into the core business but it absolutely fits into some of the auxiliary supportive activities that the district is involved in. And I think that is why the district is willing to contribute, including maintaining those fields, which I think is a big burden, especially over the long run. It's not as much of an initial, on-time expense but over the years that is going to be quite an expense that the district will occur.

So I think that we are putting forward a piece of what it will take to make this project happen. The other thing I'd add to that is just the fact that the district purchased that property. It wasn't donated. Much of the property that school districts end up using, it's donated through some mechanism but this is property that was purchased outright for cash. So for the district to buy a piece of property, even if there is an amount of time in between to purchase the property and then donate it to another governmental agency, I see some logic in the fact that the district would hold on to that asset that they procured back in 1984, and be good stewards of the value of that asset in moving forward.

So I hope that I answered your question. If there's anything that I've been able to see it's that there is a huge gap right there in the Pojoaque area in northern Santa Fe County as far as facilities are concerned. I've been to Santa Rosa's facilities. They're awesome. They have a really strong city system that helps support those facilities. You go north, you go south from Pojoaque, there are facilities in those cities. You go up the hill to Los Alamos – great facilities. There's just a big gap right where we're at. And we support a lot of students in those programs that aren't even from Pojoaque. I think that's why Representative Trujillo was able to get some of that support from other representatives, because they know that some of their constituents travel into Pojoaque to use these facilities.

So I think that's another reason that we're looking for a little bit more support from outside the district is because many of those students aren't district students but they're area students. And I think this is more of a regional project than it is a district project. So I hope that answers your question. If I didn't I'll keep trying.

COMMISSIONER ANAYA: Mr. Delgado, I very much appreciate your remarks. You made a comment about core business and that's something that as a County that my fellow Commissioners and I always continually try and modify and figure out is what is our core business. And just to quantify my remarks, two years ago I made a commitment to restart my career into education and in the fall I'm going to be doing my student teaching. So I'm committed to education and the collective efforts of what you and the board do. Can you tie for me, and maybe for the public listening in and others in the audience, is there a connection of those resources when you would receive them for the sale back to that core business. Are we talking about better educational functional needs that

teachers have in the classroom, or capital needs that they might have? That there's a direct correlation between those funds and our kids and their education?

MR. DELGADO: Commissioner, I think that my long-term view of how those funds would be used, they'd probably stay in the same category that they're in now, in extracurricular activities. The piece of land that Representative Trujillo brought up earlier, it's a piece of land that kind of bisects two areas of our athletic facilities there on the Jacona campus. We have a brand new multi-purpose field – soccer, softball field that is being installed as we speak, and we have some tennis courts that are on the other side of it. This piece of land breaks up that property.

What we'd like to do with the proceeds from this sale is use it to purchase that piece of property and consolidate that piece of property that would give us a lot of opportunity for field houses, that sort of thing, that would help support the extracurricular and athletic program. So the board could decide to do whatever they choose with it once they get the proceeds, but right now I think all of us are working along the idea of consolidating that property that's right along State Road 502 and putting that athletic property, consolidating that athletic property.

COMMISSIONER ANAYA: Thank you, Mr. Delgado. Mr. Ortiz, I'd like to give you an opportunity to respond.

MR. DELGADO: Thank you.

COMMISSIONER ANAYA: You bet, Mr. Delgado. Mr. Ortiz, you spent quite a few years in government as well, it's my understanding. The General Services Department.

MR. ORTIZ: Madam Chair, Commissioner Anaya, yes, I retired from the General Services Department after 27 ½ years of service.

COMMISSIONER ANAYA: You were Secretary at one point, correct, Mr. Ortiz?

MR. ORTIZ: Deputy Secretary.

COMMISSIONER ANAYA: Deputy Secretary. Well, Mr. Secretary, I appreciate those efforts. You've also been an avid member of the acequia community there in the Pojoaque Valley there amongst other things as well.

MR. ORTIZ: That is correct, Commissioner.

COMMISSIONER ANAYA: If you could respond, but before you respond, you're Sefarino's father and I just want to pass on to you that I think it was 1995 that he spent some time working with me. We worked together and give him my regards.

MR. ORTIZ: I will, Commissioner.

COMMISSIONER ANAYA: Is he a dentist now, or what is he doing?

MR. ORTIZ: Right now he's in data communications. He's working at the McCurdy School doing their data processing.

COMMISSIONER ANAYA: Well, give him my regards. Go ahead and respond, Mr. Ortiz.

MR. ORTIZ: Thank you, Commissioner. Commissioner, I think the best way to describe the difference in policy, I think, regarding this situation is that the school board, again, the school district is charged with the education of our children and as Superintendent

Delgado said, these other activities are extracurricular activities. As part of our responsibilities as a school board we have to acquire the necessary resources the school needs for facilities and to provide for an environment that's conducive to education. So part of our facilities master plan is that we plan to do some improvements to the school district and we propose to go out to the voters for a bond election in August for some general obligation bonds to continue that effort. We feel that as part of that, to maintain voter support is we need to be stewards of our assets as Superintendent Delgado has mentioned and to provide for the highest and best use of those assets.

So when we ask the voters to again continue the property taxes in support of the schools, I feel that if we turn around and donated assets to the County that that would affect our ability to pass that bond issue. So again, the school district feels that our main obligation is for the facilities to provide those resources and facilities. So that's why I believe the school board has taken the position it has and not considering the donation of that property.

COMMISSIONER ANAYA: Thank you, Mr. President. I appreciate that response. Representative Trujillo, just a couple of comments for you. First I want to say that we're not going to vote on this today; we're going to have more discussion between now and the next meeting but I want to thank you for what you've done. I have a few comments and I want to thank you for the collaborative projects. If the intent of the resources was to provide for some purchase, and that was part of the dialogues that took place as one Commissioner sitting here, speaking for myself I respect that but would also add that any dollars that Commissioner Mayfield has set aside based on the Commission's vote that we leave all of those dollars for improvements to the facility.

So I want to thank you and the rest of the representatives and give you another opportunity to comment from any perspective that you'd like.

REP. TRUJILLO: Madam Chair, Commissioner, I know in regard to your comments earlier that this could be a tremendous facility used for many different events. It's amazing because often down in the valley we throw around little league fields, but currently, over the past several decades it's been used as little league fields, soccer fields and also used as football fields as well. And in this potential plan of improvement, I talked with Commissioner Mayfield and also the designer here from Santa Fe County of the potential of putting a walking trail around, a little paved trail. It's a beautiful piece of land because there's a lot of borders and trees, so this would not only enhance for the youth but it would enhance for the adults as well that are looking for a walking trail down there.

Currently, many adults choose to – they go walk at the school at the track field, and there's not a lot of shade there and once again the school opens up their facilities to allow the adults or anybody to go walk and use their facilities or in the off times. So I think this provides a unique opportunity for not only the youth but everybody in the community as well.

And the other thing that I want to – as Superintendent Delgado mentioned, this is a little bit more than district-wide or for the district or the school. I think that's a very important note to be made. There is students that go to other schools that still live within the Santa Fe County boundaries that will use this. They currently use this facility and will use it here in the future. And the comment, as far as working together, I fully, wholeheartedly agree

with that. I think communication – communication is key. And as part of the Santa Fe delegation here I have to say I'm very proud to be part of that piece because we did reach out to – and not only did we but a lot of people in the city, the county, many different non-profits reached out to us and we were able to parlay our dollars very effectively to help fund a lot of organizations and I was very proud that we were able to do that.

Like you mentioned, we're a Class A county; we should have Class A facilities. Through dialogue, through communication I know we can make that happen.

COMMISSIONER ANAYA: Thank you, Representative.

REP. TRUJILLO: And I do want to – I don't know if anybody else would like to speak but we do have – Henry Roybal did not make it present from the little league but we have other members here that were presidents of the little league in the past. We have Diane Baro. She was the president of the soccer league. And all these people donate tremendous amounts of time to that community so they know how important this project is to them and to the community.

CHAIR HOLIAN: Thank you, Representative, and thank you, President Ortiz and Superintendent Delgado. Is there anyone else here who would like to address the Board on this topic. Okay. Seeing none, is there any further discussion from the Board? Commissioner Chavez.

COMMISSIONER CHAVEZ: I just want to make a comment. This project and the specifics behind it are new to me, but I get the concept of it and I think it's worthwhile having this discussion. I'm sensitive to the situation that the Pojoaque Valley School District is in and I think that the resolution before us, I think helps us to continue the discussion about how we bring this project to fruition.

But I think for me, I want to step back a minute and allow the process that was set up with the legislative appropriation to purchase and the recommendation that was suggested earlier to allow the County Manager to pursue those negotiations and arrive at a reasonable price for both parties, I think would be the best way to approach it. And if we can get past that hurdle I'm feeling that everything else will fall in place. That's my sense of it right now. And I guess that would be my position. So it would be hard for me to support the resolution in its current form. But I just wanted to share that with the public and with my colleagues at this point in time, because a lot of you, others have invested a lot more time and energy in this than I have. So I want to be sensitive to that. But my notion is that what I'm sensing is that it would be better to allow those negotiations to play out and then take the next step forward. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. I will just add that I think that it's extremely important to move forward with updating and improving the sports fields as soon as possible and I know that it's going to be a huge benefit to the whole community. I am for making this happen, whichever way is best for both the Pojoaque School District and for our County. So even though we're not going to pass this resolution at this point or modify it at this point I would urge our County Manager to engage in discussions with the Pojoaque School Board to find a way to actually make this happen, because I think we're all in favor of making it happen, and we all know that it's going to be a good thing for the community.

REP. TRUJILLO: Madam Chair, Commissioners, thank you so much for your

time.

CHAIR HOLIAN: Thank you, Representative, and thank you all of you for being here in support. As has been mentioned, since there has been no motion to waive the requirements of Resolution 2013-26 and Commissioner Mayfield would like to be here to vote on this particular resolution we will bring the resolution back at the July 30th meeting. Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I do think though that we do not want to bring back the exact same resolution.

CHAIR HOLIAN: We may not.

COMMISSIONER STEFANICS: I think we heard a sentiment here.

CHAIR HOLIAN: So hopefully we can work on that in the next three weeks.

MS. MILLER: Madam Chair, I'll work with Commissioner Mayfield. He was the sponsor of the resolution and I'll convey to him the discussion that took place and hopefully we'll bring a revised resolution back at the end of the month.

CHAIR HOLIAN: Thank you.

XI. B. Miscellaneous

1. Tesuque Community Plan Staff Update and Status [Exhibit 1: Update]

CHAIR HOLIAN: Robert.

ROBERT GRIEGO (Planning Manager): Madam Chair, Commissioners, thank you for this opportunity to provide an update on the Tesuque community planning process. The Tesuque planning process was authorized by the Board through Resolution 2011-13 in August of 2011. The process is currently in phase 3 of the process, community review of draft and final draft approval. The completion of the first two phases of the community planning process is being on track to complete the third and final phase in the next several months. It is a significant accomplishment with dedicated community participation and the community has been a large part of this and there has been a coordinated effort between the County and the community in accordance with the Community Planning Ordinance and the Sustainable Growth Management Plan.

The purpose of the plan is to update the existing Tesuque Community Plan that was adopted in 2000 in light of changing conditions and new challenges and opportunities. For this presentation I will provide brief background information including some of the milestones that have been achieved in the efforts related to the current community plan update.

In 1998 the Tesuque residents worked with Santa Fe County which resulted in the designation of the traditional historic community for Tesuque. In 2000, the Board adopted the Rio Tesuque Community Land Use Plan by resolution which amended the County's growth management plan at that time and the Tesuque Valley community zoning district which was approved via ordinance in 2000.

In 2010 the Tesuque community residents recognized the need to revisit and update their community plan in light of new challenges brought on by drought conditions, the Aamodt settlement, the recession, the County's adoption of the Sustainable Growth Management Plan and in 2010 there was a need to update their plan. They brought their plan forward. So phase 1 was initial key issues and authorization. That process began before the authorization of the Board. In 2011 the community conducted a survey, identified some key issues. In 2011 after the Board authorization there's been a process to have regular community meetings in accordance with the Community Planning Ordinance and the Sustainable Growth Management Plan. That phase was completed in the fall of 2011.

Phase 2 began in the fall of 2011. That process included regular meetings with both the County planning staff and the committee met on their own as well. Part of this process was to identify the needs, research, map and identify the initial key issues. In May 2012, the planning committee and the County organized and convened a series of meetings with the community members, so there have been community meetings as a part of this process. Key stakeholders, specific topics have been addressed, community goals and objectives and also the identification of appropriate techniques to achieve community goals.

So that process was completed and now they're currently in phase 3 which is the community review draft and final approval process of the plan. This process was begun in May. Two community-wide workshops were held to present and discuss findings and major plan recommendations. Those meetings were successful and community members came out to those meetings. In July of 2013 the community reviewed the draft and it is being finalized and will be presented to the community for further review at a formal community presentation at the community's biggest gathering of the year which is the fire district barbecue, and that's going to be held on July 31st.

So the next step in this process would be the approval process. The plan will be approved as an amendment to the Sustainable Growth Management Plan. We anticipate that process to be completed in the fall of this year. This concludes my presentation but before I stand for questions from the Board I'd like to inform the Board that there are several members from the community here. There are also Planning staff members who have worked on this community plan, which I'd also like to acknowledge. So the chair of the Tesuque Planning Committee, Margo Cutler is here. David Dougherty is a community member. Jeanie Boyles, a committee member, Cam Duncan, he's president of the Tesuque Valley Community Association and he's also a committee member, and Gretchen Golf, she's a committee member and a representative of Tesuque Mutual Domestic Water Association.

Madam Chair, Commissioners, I'd stand for questions from the Board.

CHAIR HOLIAN: Thank you, Robert. Before I open it up to questions, I would like to ask the members of the community who are here if any of you would like to address the Board.

DAVID DOUGHERTY: I just wanted to say I've lived in Tesuque all my life and I thought it would be great fun to be a part of the group, and it was. We worked really hard, 25 meetings we think we calculated. We had five community meetings. It's pretty rare for Tesuque to get together on something and I think they have on this. Things have changed a lot in Tesuque too, over the last ten years. The Aamodt settlement has ramifications that

we're still trying to figure out and I'm sure you all are. Fire is a big issue. We've never really focused on it and this plan attempts to do that. There's a lot of things we discovered in the process – the importance of Bishop's Lodge Road as being a scenic corridor. We'd like to preserve that. That's I think it. Staff has been incredible. I really applaud them.

CHAIR HOLIAN: Thank you, Mr. Dougherty. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'd like to thank the community for getting involved. I have seen some community plans where it's been one or two people doing all of the hard work but it sounds like you have had a lot of community investment in this and that's a great thing to see. And of course our staff have gone through this before so we really appreciate, Robert, you and your staff going out to the community, working with the communities and helping them through the process. And congratulations so far.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you, Madam Chair. So Robert, I know there's different communities working on their community plan and trying to get their final plan approved. And we're also working on the new land use code. So how will the land use code recognize the community plans? How will they be folded into the land use plan that will be adopted in hopefully the near future?

MR. GRIEGO: Madam Chair, Commissioner Chavez, I think the existing Sustainable Growth Management Plan was adopted in 2010. When this plan is approved by the Board by resolution it will amend the Sustainable Growth Management Plan for the Tesuque area. We would still need to create a community overlay district to create the regulations for the overlay district for that area, so the code, when that is adopted will then set a placeholder for the community overlay districts which after a community plan is adopted will fit into that section of the code.

COMMISSIONER CHAVEZ: And that would be the same scenario for all of the communities that are interested in developing and approving their community plan?

MR. GRIEGO: Yes, Commissioner.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, ditto the comments of Commissioner Stefanics and the remarks associated with the work to the community perseverance, patience and a little bit of pain mixed in there at times. But it's a process that's been open and it's afforded the community members the opportunity to comment and be part of the process. So I also commend you for those efforts and look forward to the evolvement of the final document for approval by the Commission. Thank you and thanks to staff as well.

MR. GRIEGO: Thank you, Commissioner.

CHAIR HOLIAN: And I too would like to thank the community and to thank our County staff for all of your hard work. I think there's nothing like getting together to do a community plan that really makes you focus on what's important about your community, what you want to protect about your community, and what you want it to look like in the future. I urge all of the communities in my district to think about doing community plans for that very reason. Thank you. No further questions?

XI. C. Commissioner Issues and Comments – These Are Non-Action Items By Commission District Such as Constituent Concerns, Commissioner Recognitions, Requests for Updates or Future Presentations.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, if I could ask Roman Abeyta to come forward. I just have one item today, Madam Chair, and it's an important item. I think it's a pertinent item associated with the discussion that we had on the resolution for the fields up north. I've been in discussions with Mr. Abeyta and other individuals in the area in and around the Airport Road area in the sector. I've had some preliminary discussions with my colleague, Commissioner Chavez, with regards to the site. There was a site I'd like you, if you could, Mr. Abeyta, because I'm going to elaborate on it, but if you could just provide a little framework for the work. At one time the County was even involved in helping the planning process and there was some funds received by the Boys and Girls Club. But could you talk about the property that you have and some of the vision that the community had and that you have from the Boys and Girls Club for its use that's located in the sector I just referred to.

ROMAN ABEYTA: Yes, Madam Chair. Thank you, Commissioner Anaya. The Boys and Girls Club owns a nine-acre tract off of Ocate Road, which is right near the new Walmart, the super Walmart. And there's two buildings on the property now. We purchased the property about ten years ago with funds that were provided by HUD. The purpose for the purchase was to build a regional southside facility because the county was already growing in that direction back then and it's grown even more now. And so we have fulfilled the requirements of our grant. We are getting ready now. We would like to proceed with building our southside facility.

We've started talking with some of our state representatives who represent that area, Representative Trujillo, specifically, and now I'm speaking with Commissioner Anaya about potentially working some kind of agreement with the County where we would deed the property over to the County and then be able to access capital outlay and County money to build the facility, because that's what it's going to take to put a southside facility. It's great. We need it in that area of the county. We have two satellite clubs off Camino del Jacobo and Valle Vista and they're both at capacity. But Camino de Jacobo is only 35 children; Valle Vista is 50, but they're at capacity and we need to build a facility to meet the needs of the youth on that side of town.

COMMISSIONER ANAYA: Thank you, Madam Chair, and Mr. Abeyta, for that update and I would emphasize we had discussions and were part of discussions when the monies were received through the Department of Housing and Urban Development, a federal grant. So I just wanted to bring Mr. Abeyta forward. I did have a preliminary discussion with the Boys and Girls Club board of directors and some preliminary discussions with Representative Egolf as well as Senator Wirth and Representative Trujillo I haven't talked to directly but I know, based on your discussions and your comments, Mr. Abeyta, that he has an interest in it. I have an interest in it. I know there are some legal issues, as do you,

associated with Anti-Donation and working to provide youth services that fits within the law and the state constitution.

So I'd like to ask, Ms. Miller, that we have this as an agenda item at next month's meeting and that we do some intermediary work as to talking with the legislators that are interested in seeing what type of structure would have to take place. You did this with the City of Santa Fe at the current facility, if you could just speak to that briefly, because we've gone through this before. This isn't the first time this has occurred. Why don't you speak to that, Mr. Abeyta?

MR. ABEYTA: Sure, Madam Chair, Commissioner Anaya. Yes, the Alto Street property, we deeded it over to the City of Santa Fe in order to access capital outlay. This past year as a matter of fact, we just redid the swimming pool with capital outlay and so we deeded the property over to the City of Santa Fe. We lease it back. We have a five-year lease with them. At the end of five years we have the option of purchasing it back. The way we pay our lease payments is through children that we serve that meet certain qualifications that the City has set up. So there's a lease agreement and then there's also a service agreement involved with it. So we've done this. It's been approved by the state DFA and the City Council and we would probably follow the same procedure with Santa Fe County.

COMMISSIONER ANAYA: Madam Chair, Mr. Abeyta, thank you. I'm looking forward to learning more about what we could do. I'm ready to commit dollars within the framework of the law associated with youth programs in that area and we'll commit to that sector and want to do that, and know that if we're able to work something into our process and our planning and implementation work it's an area that will serve beyond District 3. It will serve, as I said, Commissioner Chavez's district and even Commissioner Stefanics and even countywide with the programming that occurs for youth. So I appreciate your coming and look forward to more dialogue.

MR. ABEYTA: Thank you, Commissioner Anaya.

CHAIR HOLIAN: Thank you, Roman. Are you finished, Commissioner Anaya? Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Abeyta, I'd like – I did have a conversation with Commissioner Anaya on this topic yesterday. I'm interested, definitely. I like the regional concept that you bring into the discussion. In your master plan do you see some consolidation of the two sites in the larger site that you're proposing? Or will you be able to manage the two sites plus the larger facility?

MR. ABEYTA: Madam Chair, Commissioner Chavez, we would take a look at the numbers again, because I would say we could probably do both, only because the satellite clubs are really small, again, capacity at Camino de Jacobo for example, is only 35 children. So we may be able to do both. If not, then maybe what we could do is we could bus to and from those neighborhoods, from the regional site. We could give them rides, obviously after school, and then rides back home at like 6:00 or something in the evening, that we would take a close look at that.

COMMISSIONER CHAVEZ: Well, what I like about the location that's being suggested, you touched on it. That's the youngest – the southwest sector has the youngest demographic, the youngest in age and that's where we have the majority of our

youth, and so you sort of have a captive audience. I'm thinking that if the new site plays out and you have at least the Camino Jacobo site, they're within a close proximity, maybe people can walk or ride their bike or even take Santa Fe Trails. So that some of the transportation costs would be reduced, right? That would be my hope. But other than that I think the concept is good. I would be willing to look at what your master plan entails and see how we might be able to help with programming or other ways. Thank you, Madam Chair.

CHAIR HOLIAN: Anything further, Commissioner Chavez? Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes, if we're talking about this topic. I would like to see the discussion not occur at the next meeting but really have some discussion in maybe our housing meeting, about a housing project might be part of this overall plan. And we have talked about what should be our next steps and what would be an appropriate place and when and we have supported a lot of the services of the Boys and Girls Club based on some of the affordable housing or the public housing sites, getting their children to these activities. So oftentimes we don't really discuss things here and so that's the only reason I'm suggesting maybe this could also become part of a discussion at our housing meeting. So I just want to put that idea on the table.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think that's an excellent idea. I think it's a more intimate, for lack of a better word, place to have a broader dialogue that we can then bring broader discussion to the Commission. So maybe the next discussions at the Housing Board meeting and then we see how that evolves. Mr. Abeyta, I hadn't thought of that at all. I think the suggestion that Commissioner Stefanics brings up, it's a broader piece of property. Maybe that's something conceptually you could discuss with the board members and maybe there is a way. It's a nine-acre tract of land, so it definitely could sustain some housing and it's definitely in proximity to other opportunities in Tierra Contenta that complement the area, so I think that's a good idea so I look forward to that dialogue and we can begin at the housing and then go from there.

MR. ABEYTA: So, meanwhile, who do I contact with your staff to work with?

COMMISSIONER ANAYA: Madam Chair, Mr. Abeyta, I think relative to the framework on the legal aspects, probably Ms. Miller. Would you agree, Ms. Miller? To see what structurally we need to do, and maybe you could update them and show them what happened with the City of Santa Fe. And then we could have that as a starting point and also add the housing piece. I think it's a good framework.

MR. ABEYTA: Okay. Thank you.

CHAIR HOLIAN: Thank you very much, Roman. It's an intriguing idea. Thank you for making the presentation. Anything further? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I hope everybody had a safe Fourth of July and we've been starting to have our monsoons. And related to monsoons, I wanted to bring up that oftentimes people who buy land or who want to build don't really believe that they're in a floodplain. And this past Saturday evening in

my area of the county we received, according to one scientist's weather station, 3.11 inches of rain in less than an hour. What that did is it activated the floodplain and the arroyo ran for a couple of miles and created a lake across Jesus Road and moved about three to four feet of water. And the water moved for probably several hours. It was still moving at about ten, eleven o'clock at night.

So we are at that point in time when the monsoons might actually – and another point on this is that the residents who live in that community had never seen that in 20 or 25 years. So that when people are told they live in a floodplain and they don't believe it, it's because it's an act of God and it only occurs once every 100 years or 25 years. And we'll be happy to post some pictures of that phenomenon as we went along. But where I'm going with these comments is that now the neighborhood, specifically residents on that one road are learning more about a resolution we passed in 2012, and I believe it's -51; I'm not sure that that's the number. It's either 151 or 51. And there is a provision for a lesser maintenance road when there is determined an emergency need for that road.

So for communities that have a long road with many people on it they might look at this. But I do want neighborhoods to also know that the County does rely upon neighborhoods to take care of their own private roads. So many side roads are taken care of by the people living on the roads, having them maintained and graded, and it's when we have large water cuts, when we have exposed lines from the phone company, from the electric company, that we see some danger. When an emergency vehicle could not get through, there might be some danger, but I would encourage people to be very careful who live near a floodplain. Thank you.

CHAIR HOLIAN: Thank you. I wanted to bring up a couple of things that have to do with fire, even though now we're dealing with rain and floods but fire actually affects that as well. There are a couple of programs that the County is at least peripherally involved in that I wanted to make the other Commissioners and people who are listening in aware of and I have passed out a couple of handouts about these two programs. [Exhibits 2 & 3] One is the Fire Adapted Communities program. This was founded very recently by the United States Forest Service. And Santa Fe County was chosen to be one of eight initial communities to be part of the initial kickoff of this program.

Chris Nystrom, who is the wildland-urban interface specialist in the Santa Fe County Fire Department is the lead person from our County government. Now, this was put together at the federal level but there are many, many partners involved in this including of course the Forest Service, the Department of Interior, the International Association of Fire Chiefs, the National Volunteer Fire Council, and even non-profits like the Nature Conservancy, in Santa Fe County, the entities that are really intimately involved in the kickoff the program are the Forest Guild, the Santa Fe Community College, the Santa Fe and Pojoaque Soil & Water Conservation District and the Santa Fe County Fire Department.

What is a fire adapted community? Well, I love the definition that they have of it in this program. A fire adapted community is one that can live with wildfire. And that is what our future holds. We know that we're going to have more wildfires; it's not going to go away. And so how do we live with it? And another important principle of this program is that the best time to manage a wildfire is before it starts. When a wildfire is occurring you're just

responding to emergencies and trying to figure out what you're going to do in the next five minutes.

Anyway, the purpose of this Fire Adapted Communities program is to bring people – the people in a community together with the resources that they need to actually mitigate wildfire risks. Of course, educating the public is a big component of this, but also, what's really important is sharing knowledge with people about how to take advantage of the resources that are out there, and there is resources information about what you can do to fire-adapt your home and your community, but there are also actually monetary resources out there, and so it's important to let people and communities know what they can access.

Also it's important – the other purpose of this program is to bring a whole lot of entities together. We know that we're going to have – that we have extreme wildfire risk and the only way that we're going to deal with that is to work collaboratively to deal with that. I will just mention an interesting little fact that they brought up at this kickoff meeting that I attended. That is that ten years ago our country spent \$300 million on fighting wildfires in wildland-urban areas. Last year they spent \$3 million. In ten years the cost of fighting wildfires went up by a factor of ten. And there's a number of reasons for this. Certainly the forests have gotten even more overgrown and more vulnerable to wildfires, but also, another huge factor is people have built a lot of communities in the wildland-urban interface in the last ten years.

Fire Departments, what do they do? If people are living near a wildfire they try to save people's lives and they try to save people's homes and sometimes, as we've found out, at great risk to their own safety. And that is a big reason for that.

So that is why we really need to create in our area fire adapted communities, ones that can live with wildfire in a way that is safer.

I will also let you know that the local chapter of the Fire Adapted Communities is going to organize a meeting in Santa Fe in November about this topic. They are going to invite scientific experts who are going to speak about our global climate conditions and also what people can do to mitigate fire danger, but they're also going to be inviting important community leaders from across our community and county to attend this meeting so that they can bring the word back to the people that they represent. And so they're going to be inviting people from homeowners associations, from pueblos, from non-profits, community officials, business owners, planners and developers, emergency responders, and even people from the public utilities because we now know that sometimes due to overhead power lines we can have increased fire danger. So they're an important part of the conversation as well.

But I'm very proud that Santa Fe County is recognized as a leader in this area and that's why we were chosen to be one of the eight communities in the kickoff of this particular program.

The other thing that I wanted to mention is a new project that is getting underway that is being overseen and sponsored by the Nature Conservancy and this is a watershed project. The Buckman Direct Diversion, which we now depend on, is itself dependent on many different watersheds in northern New Mexico as well as in southern Colorado, by the San Juan River, and we know that the Santa Fe Watershed is very important to us here in this community, because not only does it feed the reservoirs that the City depends upon to some

extent, but also it's really important to note that aquifers depend on a healthy watershed.

In essence, our aquifers are filled by snowpack that falls on the mountains in the winter and in the spring when that water starts to melt it sinks down into the ground, especially in the watersheds, and it starts to feed the aquifers. And I think it's really important to note that essentially all of the people who live in the rural areas of the county depend on groundwater. So they too depend on our watersheds being healthy. When we have intense, high severity fires it has a couple of really negative consequences as far as the watersheds are concerned. Of course it burns everything in its path and then after that we tend to have landslides and debris going down into the rivers and so on, which is not good for the rivers or the fish that are in the rivers.

But also, another thing that intense fires do is that they turn the soil into a glass-like substance. And what this means is that the water tends to be shed off and doesn't soak into the ground like it normally does when you have a healthy watershed. So if we have intense fires it's not only going to affect how much water is in the rivers and what the quality of that water is in the rivers, it's also going to affect the groundwater that we depend upon so much in the county. So it's really in everybody's interest to protect our watersheds and this is what the Nature Conservancy project is trying to do.

What they are going to do first is to model the fire-prone watersheds, and there is modeling software out there that comes from the USGS Water Science Center that they can use and the idea is to use the modeling to determine how to reduce the risk of high severity wildfires. And the way that you do that is you do thinning. And so they will model all the watersheds that are in our area that the Rio Grande depends upon and each of them are unique in their own way, and they can look at, is it best to think to 100 trees per acre or 50 trees per acre or ten trees per acre. And they can figure out what is the best way that you can mitigate the risk of a very destructive wildfire.

They will also look at an economic assessment of what it would mean – in other words, if we did have wildfires, what would be the economic cost of those and what would be the savings if we could actually avoid destructive fires.

Also, another thing that they can look at is when you think forests you actually increase the absorption of the watersheds, because right now our forests are so overgrown and so overcrowded that the water that falls on them is just generally used up by all the plants and then it's transpired into the environment and it doesn't soak into the soil. So if you do sensible thinning you can actually increase the amount of water that is collected into our aquifers, and that's another thing that they're going to look at.

Now, they're going to – after they do the modeling they're going to develop a comprehensive program to increase our water security, and that will take place over the next 10 or 20 years, and then they're going to figure out how to pay for those activities. And there are a lot of different sources – local governments can contribute, the federal, state government can contribute, non-profits can contribute, and they're going to create a fund to do that. But I think that – first of all I'll say that the bbd Board has already voted to contribute \$15,000 towards the modeling activities. They're creating a board and I think that the County should figure out how to be involved in some way as well, because this is very important for our future. So I may bring this forward at a future meeting for discussion, about how we can

become involved.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate the information. You mentioned economic development. Is there plans to utilize the timber through economic development purposes, for the thinning aspect, for the creation of lumber that might be used in the local area?

CHAIR HOLIAN: There's a lot of different economic development aspects because when you figure the thousands and thousands – I think they figure that there's something like 300,000 acres that needs to be thinned in northern New Mexico. So just the thinning part would create a lot of jobs. Then there's what do you do with the lumber and how can you actually infuse that as an economic development driver and so on. So that's another thing that they're going to look at and that they stress in this program.

CHAIR HOLIAN: Well, I for one am very interested in seeing what you bring forward. I think that over time the thought process has evolved relative to our forests. At one time it was thought upon as taboo to do thinning, which we're understanding through the fires that you've articulated and the costs, that's an essential part of a healthy forest that there be a balance between thinning and economic development and watershed management and soils management and all the other topics you mentioned. So I'm very interested in seeing what you bring forward and think there's many components including environmental mitigation as well as economic development opportunities by utilizing those byproducts for local construction and New Mexico timber. So I'm looking forward to the information. It's prudent and it's something that we should try and get further ahead of the curve than we have quite frankly. So thank you for bringing it forward.

CHAIR HOLIAN: Thank you, Commissioner, and I'll just add that – I think I mentioned before that my husband and I just had a house built up on Glorieta Mesa, and it turns out that our flooring is wood flooring made from wood tiles that were produced by a lumber mill in the Las Vegas area – David Olt – you may know who he is. And the wood for that was from the ponderosa pines that were destroyed in the Dixon apple orchard fire. So even wood that's been partially burned can be turned into useful products. So any further comments?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, I'm going to ask Mr. Leigland to come forward. I see him back there in the back. I was always remiss in not highlighting a very important event that occurred yesterday at the New Mexico State Penitentiary. Santa Fe County has been very involved for many years in trying to work with the state of New Mexico to get them to utilize our County utility to stop utilizing the well or minimize, I guess utilizing the well and utilize our surface water when it's available from the Buckman Direct Diversion project. This is a project that is in Commissioner Stefanics' district but that affects not only her district but the entire county and the La Cienega region where we'll have a positive impact, we believe, on the aquifer and the ability for wells and agriculture in that use to hopefully over time, if we can get some more precipitation be enhanced.

So I would like to thank all those involved that helped make that happen. Governor Martinez was part of helping make that happen. Secretary Gregg Marcantel, Warden German Franco, Senator Peter Wirth, Representative Brian Egolf, Representative Stephanie Richards, our Manager, Katherine Miller, yourself, Adam, Patricio Guerrerortiz and many, many residents and Commissioners present and past that have been advocating for this to take place. So Adam, if you could just give a brief snapshot as to how many acre-feet of water we're talking about and kind of the projects. I think it's important for the community to know that all these people were involved, that this Commission supported that endeavor formally by resolution, and that it finally came to pass yesterday. And so go ahead, Adam. Give us a snapshot of that project that's going to help the utility as we as the County.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioner Anaya, yes, actually it was a very nice ceremony yesterday and all the speakers I thought made some very – I thought some pretty powerful and cogent comments. And as one of the speakers said, I think it was the Secretary of Corrections, said it was a no-brainer. And it really was, because the Corrections, the state pen was actually physically connected to our system already as a source of backup and they were relying – they had three deep wells. We estimate that they were using almost an acre-foot a day, 300,000 gallons a day they were drawing from those wells and as Commissioner Anaya mentioned, that affected the aquifer all the way down stream toward the Santa Fe River.

And so it just made sense for a number of reasons to make the – it was already connected through ultimately to the BDD, to make that the primary source and to make the wells the backup source. And it made sense, one, because the Corrections Department, they're not in the utility business and I think that they would even admit that they weren't managing their system well. In fact Robert Romero, who's a La Cienega resident, told me at that ceremony that he used to take his kids to the Turquoise Trail School and he would see the tank overtopping because the float was not working and no one was noticing and this water was just spilling out of the elevated tank. So hopefully, that won't be happening anymore now that there are customers.

So we can actually go in there. We think that that 300,000 gallons, it can't all be to the inmates. We think there's a lot of waste and leakage in the system. So it will benefit the aquifer; it will benefit the state because they will get out of the utility business, which isn't their core competency. They'll save water, they'll save money, but also we've estimated it will generate about \$200,000 a year for revenue for us. So that will really be a boost to the utility.

I think next steps, once we can help them do some water saving measures by looking at their system. We think there's some leakage in their tanks. They also – I don't know if you noticed Commissioner, but behind there was a below-ground concrete storage tank – we think there's some leakage there. And then maybe we can actually get a hold of more of their infrastructure and maybe even their wells and use that as part of our total conjunctive management system, so that's kind of what we think is the next step. So a great ceremony, I think a positive step for everyone concerned.

COMMISSIONER ANAYA: Thank you, Mr. Leigland and Madam Chair, Mr. Leigland, one of many steps in a progression to continue to remove wells from service

and put more people as we can and when we have availability of water on surface water, which has been the goal of this Commission and prior Commissions that were visionary enough to put the project in place at the Buckman Direct Diversion. So this is one of the fruits of all those years of work. So thanks to you, thanks to Ms. Miller and the staff and legislators and the Governor's office and Secretary and all those who played a role in making it happen for the residents and the community and the benefit of the system. So thank you, Mr. Leigland and Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Adam, if you could stay a little bit longer. I know that we're talking about wells which is one side of the equation but I know that the facility also has the ability to reclaim water? So how are we going to deal with that part of the equation?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, well, the state pen reclaiming water? They – we have long been their wastewater service provider. So they send all our wastewater to us and then we treat it, and currently we use that for surface irrigation of about the 70 acres that you can see as you're going down New Mexico 14 and as you approach the pen you'll see some surface irrigation going on right now. That's how we're using the effluent right now.

COMMISSIONER CHAVEZ: So that will continue then?

MR. LEIGLAND: That will continue, yes. It also indirectly recharges the aquifer because that goes into the ground and then La Cienega Creek originates right there. So we're keeping the – I guess we're actually Rio Grande water and then dumping it back there to go back into the Santa Fe River, ultimately back down to the Rio Grande.

COMMISSIONER CHAVEZ: Because I would imagine that the water of that reclaimed water is pretty high, right?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, right now it's high enough for surface application. I think if we wanted to anything more with it we'd have to do some additional treatment. But surface application is, from what I understand is still a fairly high standard.

COMMISSIONER CHAVEZ: Like for irrigation and things like that.

MR. LEIGLAND: Yes, we're using it for irrigation now.

COMMISSIONER CHAVEZ: Good. Okay, thank you, Madam Chair.

CHAIR HOLIAN: Thank you.

XII. MATTERS OF PUBLIC CONCERN – Non-Action Items

CHAIR HOLIAN: We are now on Matters of Public Concern. These are non-action items that the public would like to address the Board about. Is there anyone here from the public who would like to address the Board? Seeing none, I think this is a good point to have a short recess, so I will call a ten-minute recess and we will return at 4:17.

[The Commission recessed from 4:07 to 4:20.]

CHAIR HOLIAN: I'd like to call this regular meeting of the Board of County Commissioners back to order. It is 4:20 pm.

XIV. STAFF ITEMS

A. Health and Human Services Department

1. Request Approval of Direct Purchase of Service Vendor Agreement, NSIP Agreement, Certification Regarding Debarment, Suspension, and Other Responsibility Matters, Assurances, Certification Regarding Lobbying; Resolution Authorization; and Letter of Commitment

CHAIR HOLIAN: Is Teresa Casados here? Teresa, before you begin, let me just ask our County Manager. Do we need to vote? There are a number of agreements and documents in this part of the agenda? Do we need to vote on each of them separately? Or can we make a resolution to accept all of them together?

MS. MILLER: Madam Chair, you can accept them all together. Plus the cover letter is authorizing me to act on behalf of the County relative to stuff in this agreement so you could just – you're the signator on these but these all come to us a chance to get a grant so they just have a lot of forms. You can take them as a package.

CHAIR HOLIAN: Okay. Thank you. Teresa.

TERESA CASADOS (Senior Services): Madam Chair, Commissioners, good afternoon. I'm here today before you because we received our contract from the Area Agency on Agency, who is who we contract with to provide services in the senior program. So we are currently in our second year of a four-year RFP that we responded to. Each year we have the opportunity to go back to the Area Agency on Aging and request additional funding based on the units that we project.

The documents that you have before you today are for the services that we will provide in fiscal year 14. They cover congregate meals, home-delivered meals and transportation services. That was currently what we contract with them to provide. The numbers have increased from last year. The numbers that we will be providing – the congregate meals, we're anticipating providing 35,500 meals. We're anticipating delivering 32,000 home-delivered meals, and providing 10,000 units of transportation in the next fiscal year.

So the contract amount that we're asking for approval gives us \$381,260 to provide those services. In addition there's another separate contract in there for \$33,758 which is the NSIP, and that is for the Nutrition Services Incentive Program. So that just provides us additional funds to ensure that we're providing food that is grown in the United States. So anything that we purchase that's grown or produced in the United States we get an additional reimbursement for.

So I'm asking today for your approval to accept these contracts and have them executed so that I can deliver them back to the Area Agency on Aging so that we can provide services during the next fiscal year.

CHAIR HOLIAN: Thank you, Teresa. I have a question. Is all the funding for

the meals and transportation that we provide being covered by the Area Agency on Aging and other organizations like that or does some of it come out of our own budget?

MS. CASADOS: Madam Chair, Commissioner, there are a lot of dollars that come from the County, specifically for these services. The County contributes an additional \$267,469, which is reflected in that cover letter. So that is specifically for meals and home-delivered services. It doesn't include utilities or administrative staff charges or others. There's other charges that the County does contribute, but specifically for these services it's the \$267,000.

CHAIR HOLIAN: Thank you. Any questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to compliment the current and past Commission on their efforts on senior services and senior programs and I want to compliment the Manager and staff on the implementation. What we have before us today reflects nearly 80,000 units of service to our seniors throughout Santa Fe County and reflects a budget nearing three quarters of a million dollars just for the food and the transportation services. So I think it's awesome and I would move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a couple of seconds. Any further discussion? Well, I just want to add that I sat in on the exit interview that was conducted by the Area Agency on Aging who did an assessment of our senior centers, and I was very pleased to note that the County is doing a very good job according to the assessment of what we are doing in the senior centers of providing meals and services, and I really want to thank you, Teresa, for your able leadership in that as well as our staff and volunteers. Also, I want to say that the comments that the Triple A had were very – pretty much very minor and they centered around things like training, documentation, cleaning up procedures and things like that and I noticed that you had already had thought about those issues and you already had a plan about how to fix them. So I just want to commend you for that.

MS. CASADOS: Madam Chair, Commissioners, thank you very much. I appreciate that. I think that the new positions that you have approved for this next fiscal year will go a long ways towards us being able to provide those services and not having to go back and correct things, but being able to be pro-active in the program. And so thank you for that. I'd also like to add that in this agreement that we received with the Area Agency on Aging it gives us the approval to open up the Casa Rufina meal site as a congregate site, which in the past we just did home-delivered meals from there.

So on Monday, July 15th we're going to kick off at that center and all of you are invited to come and attend for the grand opening of that. It will be at 12:00 at the Casa Rufina Apartment Complex and we'll be starting our congregate lunches there that day.

CHAIR HOLIAN: Thank you. What's the date and time again?

MS. CASADOS: July 15th at 12:00. And it's the Casa Rufina Apartment Complex.

CHAIR HOLIAN: Great. Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: One more question before we vote, Ms. Casados. I know we set aside some resources for our Highway 14 and that sector for Cerrillos, Galisteo and those communities, and that we've had some progress in a potential piece of property. I know you conveyed some information to myself and Commissioner Stefanics, I believe. But could you provide just a brief update as to where we're at with that? I know we're trying to get a meeting but I think the sooner we can figure out the location the sooner we can move to providing some direct services to that sector.

MS. CASADOS: Madam Chair, Commissioner Anaya, we have identified a piece of property on Highway 14 that is, I believe, a perfect location for our next senior center. We've worked with GIS to identify the people in the surrounding areas and from that point we would just reach out to 1,182 individuals over the age of 60 within a five-mile radius of that specific site. So Public Works is working very aggressively with the owners of the lot. They're working with our Legal Department right now to get a contract in place. We are looking at setting up a meeting, I believe County Manager Miller has gone out to see the site. Right now where we are is the homeowners association needs to vote to determine if in fact they would allow an amendment to the covenants for a senior center to be at that location.

Initially, they said very strongly, no, they would not. They were not interested in amending. There's been discussion back and forth since that point in time and they have now agreed they would reconsider. They would like to see preliminary drawings of what it would look like and how it would affect their home lots. And so Adam and Mark Hogan are working on that, I believe, to get some sort of a sketch developed to get to them so they would have an idea of what they're looking at before they vote to decide if that's what they want to do. So Mark may have additional information.

CHAIR HOLIAN: Mark.

COMMISSIONER ANAYA: This is exciting stuff. We've been talking about it for a long time, right?

MARK HOGAN (Facilities): Madam Chair, Commissioners, I think Teresa did a good job of encapsulating it. Initially, the homeowners association said they weren't interested because of potential negative impacts on their property values. We wrote back and said the character of this center would be residential in scale. We would keep it that way. We tried to keep it close to the highway as opposed to further out into the viewshed where it would interfere with their views. We agreed to screen the parking and so right now we're at a point where we're trying to get a purchase agreement in place so that the County can proceed with due diligence would involve putting together a plan so that the homeowners actually have something that they can review and look at and say, that suits our needs. So we're optimistic that we're moving forward.

COMMISSIONER ANAYA: Thank you, Madam Chair, Ms. Casados, Mr. Hogan. I can't express enough how important it will be for those residents in that region to be able to access activities and nutritious meals and companionship and all the exciting things that are senior programs does for our seniors in their golden years. So I very much am

looking forward to the project.

MS. CASADOS: And Madam Chair, Commissioner Anaya, just to let you know we are also – I'm just getting ready to submit our capital package to the Area Agency on Aging for the next fiscal year and we are including this project in that capital package.

CHAIR HOLIAN: Okay. I have a motion and a couple of seconds to approve the necessary agreements to receive a grant from the Area Agency on Aging.

The motion passed by unanimous [4-0] voice vote.

XIV. B. Public Works Department

1. Presentation and Discussion of the County Fixed Asset Inventory Prepared in Compliance with Resolution 2013-1

This item was deferred and ultimately postponed. See page 45.

XIV. B. 2. Introduction of a Resolution Incorporating the Hyde Park Estates Cooperative Domestic Water Consumers Association Service Area Into the Santa Fe County Water and Wastewater Utility Service Area and Committing to Execute the Proper Legal Instrument Detailing Transfer of Water Assets and Infrastructure to Santa Fe County (DISCUSSION ONLY, FIRST HEARING)

MR. LEIGLAND: Madam Chair, Commissioners, this is the third water system that the County is adopting pursuant to Resolution 2012-58 which was passed by the Board in April of last year. Just to remind the Commission the first two were Canoncito and Chupadero. Hyde Park Estates, for those of you who are unfamiliar is found to the northeast of the City of Santa Fe and actually until recently was going to be part of Phase 3 annexation. The community approached the County last year with an interest to be adopted, not because they're having infrastructure problems because actually the system is in good shape but they're concerned more about future governance.

At the time the system was still being considered for annexation, so once that was resolved, that they weren't going to be part of the annexation Phase 3 they're moving forward with this. So with that I will stand for any questions and I will also note that the president of their board – there is a resolution from their board included in your packet and the president of their board is here as well.

CHAIR HOLIAN: Okay. Thank you, Adam. First of all, are there any questions?

COMMISSIONER STEFANICS: Madam Chair, could I ask a procedural?

CHAIR HOLIAN: Yes.

COMMISSIONER STEFANICS: It's introduction of a resolution, so this is only the first reading?

CHAIR HOLIAN: That's correct.

COMMISSIONER STEFANICS: Okay. Thank you.

CHAIR HOLIAN: Would the board president like to come forward and address the Board of County Commissioners?

MELVIN GOERING: Madam Chair, Commissioners, I'm Melvin Goering, president of the board of the Hyde Park Estates Cooperative Domestic Water Association. Thank you for the opportunity to comment on the proposed County resolution before you. I congratulate the Commission and the County staff for the efforts to bring integration into the fragmented private water systems in Santa Fe County to assure adequate supply for the future. The current drought only reinforces the wisdom of your approach.

The Hyde Park Water Association welcomes the opportunity to move toward incorporation with the County. On May 12, 2012 our board unanimously approved a resolution that is in your packet. It says be it resolved that the Hyde Park Estates Cooperative Domestic Water Association expresses its desire to become part of the Santa Fe County utility subject to the finalization of the proper legal documents agreed to by both parties.

Section 5.4 of our bylaws, the board has the powers to manage the business affairs of the association. We are currently in contact with our attorney to determine whether anything outside of our bylaws would require any modification of our powers. We hope the Commission will approve the resolution and move quickly and cooperatively with our association to formalize the incorporation in a manner beneficial to all parties. And thank you for your consideration, and I'd be happy to answer any questions if I can.

CHAIR HOLIAN: Thank you, Mr. Goering. Any questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes. Commissioner Anaya.

COMMISSIONER ANAYA: I appreciate the efforts of the association and for you sitting patiently and listening through the meeting. Appreciate your efforts.

MR. GOERING: Thank you.

CHAIR HOLIAN: I too would like to thank the association and all the people who worked on making this happen and I'd like to thank Adam and Pego and all the rest of our staff who did the hard work to bring this forward. I think that this is going to be actually a real asset to our utility because this is a very well run water association, the infrastructure is in very good repair, and also they have a couple of wells that possibly could be used at some time in a conjunctive water management plan. And, and, they have fire hydrants, which I think is really exciting, given that I come from an area that has no fire hydrants.

But I think this is really a model example of how a water association becoming part of the County utility can be a benefit to both the residents and the County, so I'm really happy that this is coming forward. I'm sorry that we can't vote on this today, but this resolution will be brought back at the July 30th meeting, at which time we will vote on it. Thank you, Adam.

XIV. C. Administrative Services Department

- 1. Request Approval of Change Order No. 3 to Agreement No. 2013-0145-OS/PL with Meridian Contracting, Inc. for Construction Services for the Santa Fe River Restoration From County Road 62**

**to San Ysidro Crossing in the Amount of \$195,820.00 for a Total
Contract Amount of \$1,539,324.86 Exclusive of GRT**

BILL TAYLOR (Procurement Director): Thank you, Madam Chair, Commissioners. October 18, 2012 the County Commission approved to enter into a contract with Meridian for the Santa Fe Greenway Project in the village of Agua Fria between County Road 62 and San Ysidro Crossing. Change order #1 was for additional services for traffic control on Rivers Edge Lane and revision of drainage ponds in the amount of \$11,756.86. Change order #2 was the removal of the debris in the amount of \$146,170 and change order #3 is the additional work for rocks, large rocks, concrete flow fill that was deemed necessary by the engineer in the amount of \$195,820. And with that, Madam Chair, I'll stand for questions.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Just on the rocks and the additional works, why wasn't it captured in the original design? Even some of the change orders that you articulated sounded like items that should have been captured up front by our design professionals.

MR. TAYLOR: I agree, Madam Chair and Commissioner. Perhaps one, #2, was unforeseen, on that debris and things we were uncovering. In #3, of course it is an omission and the engineer –we're not paying any additional charges to the engineer to design these specifications but we do have to pay for the construction of that. But you're correct; it was an omission by the engineer on that. They did design and spec a rock wall in this particular channel of the river. It required a lot larger wall.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Mr. Taylor, having said that I think this was postponed at the last meeting to allow you to negotiate a better price for this final change order. Is that correct? Because I think the dollar amount that was reflected at our last meeting was much higher than what we have in our packet today.

MR. TAYLOR: Madam Chair, Commissioner, that's correct.

COMMISSIONER CHAVEZ: And then you've also, I think, sent the message that this is the final change order. That's it. We've locked in a total project amount and it will not exceed that.

MR. TAYLOR: Madam Chair, I'd like to defer to Mark. They were in communication with the engineer.

MR. HOGAN: Madam Chair, Commissioner Chavez, the only changes that would – the project is nearly complete. The only thing that would change the final dollar value is the adds for over and under [inaudible]. It's a quantity based contract for the basecourse and other things. So there's a final accounting that will create the final change order which essentially cleans up any overs and unders. So this is the only unanticipated cost that you'll be presented with between now and the end of the project.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I have one more question that's not tied to the change order but tied to the overall area. I don't know if you or Penny will be able to answer it, but I know that the State Land Commissioner, Commissioner Powell has executed cooperative planning agreements with various entities. We worked with them on an easement issue that I know Mr. Martinez is familiar with, but do we have a cooperative planning agreement in place with the State Land Office that's current, that encompasses this corridor we're talking about? Because I know there's various pieces of state land that I know that they're in discussions about, planning, future planning for. But where are we at with our cooperative planning agreement with the State Land Office? Or do you know?

MR. HOGAN: Madam Chair, Commissioner Anaya, we're in communication with BLM, the State Land Office and the Park Service, all essentially the landowners in the area as well as in Santa Fe County, particularly the government entities. We have active dialogue going on right now at the State Land Office right now involving the river corridor, as well as the BLM because there's some sections around Agua Fria and County Road 62 that we're seeking patents right now from BLM. A little further down is the State Land Office and we have agreements with the State Land Office in how we're moving forward, and that's also affecting how they're planning their future leases, so we're coming up with compatible uses with what we're doing on the river.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Hogan, on that note, could you review the cooperative agreements that we have – request of the State Land Office if we're current with their intent, their desire and if necessary – if they're fine we'll leave it alone but if we need to update those and expand or re-establish those I'm definitely interested in visiting with Commissioner Chavez because this is his corridor but also looking at other state land that bisects the county in parts of District 3 as well further down the river corridor. So if you could look into that and even BLM, making sure that we're current on any coordination agreements that we have with them.

MR. HOGAN: Madam Chair, Commissioner Anaya, I'd be happy to do that and get back with you on that.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLIAN: Any further questions? Is there a motion?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval of change order #3 in the agreement with Meridian Contracting, Inc.

The motion passed by unanimous [4-0] voice vote.

XV. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

1. Sustainable Land Development Code Rewrite Update

MS. MILLER: Madam Chair, I was going to have the update last month but

Penny was out and I think that as the project leader I wanted Penny to be here to let you know where we are on the rewrite of the code and where we're headed.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Madam Chair, Commissioners. I handed two things out to you. The first is a list of kind of what we've done over the last three, four years. *[Exhibit 4]* It starts in 2010, all of those things that we were working on have to do with the SGMP, getting the growth management plan approved and that was approved in December of 2010. In 2011 we started meeting regarding the SLDC, the Sustainable Land Development Code for concept decision points, focus groups, we had a Board study session on the public review process, and we released chapters 1 through 4 at the end of 2011.

Last year in 2012 we prepared the public review draft and released that document in September. We established an extensive public review process working with an advisory committee. We provided information on the website, email lists, advertisements, newspapers. We held informational open houses in each growth management area, two Board study sessions, and then a series of three meetings in each growth management area of the county to discuss specific actions of the code. We released a draft zoning map and we created a public comments database.

This year what we've been working on is reviewing the public comments. We've had about 2,500 of those. We've been doing legal review and redrafting of the code. We have just done an extensive review of the growth management framework which includes the level of service, service areas, adequate public facilities, development fees and capital improvement plan, and how all of those elements work together, as most of those are new to this county.

We've also reviewed and analyzed the draft for readiness and implementation.

So the second page shows next steps. So these are the things we still need to do, and I'm going to run down these but the spreadsheet that is attached gives a little bit more detail and includes a timeline, duration and timeline for each of these steps. So the first one is complete the code draft revisions, which includes the legal consultant contract to look at the growth management element, and then finalizing that document. The second task is reviewing and incorporating – continue to review and incorporate public comments for consistency with the growth management plan, and then we will summarize the comments and the changes that we've received.

Third task is actually releasing the draft, establishing a public review process and holding meetings in each growth management area again, BCC study sessions and a hearing for adoption. Running on parallel tracks to that are some other tasks, including developing a capital improvements plan in accordance with the Development Fees Act, which does include land use assumptions an advisory committee, and approval by the Board of the CIP. Also establishing development fees. Again, that needs an advisory committee and approval by the Board separately of any development fees that move forward.

As we're working on the code we also need to amend our permit fees. We have a lot of different permitting and a lot of different procedures in the new code so we will have to revise the permit fees. We will have to also create submittal checklists for our application types. We will also have to get approval of the zoning map, which includes extensive legal noticing, as this is the first time we will really have comprehensive zoning throughout the

county. And we would start doing that hopefully after we have a code adoption, so soon after that we could get approval of the zoning map.

We would also be having a draft of the zoning map available when we do go out to discuss the adoption version of the code in the four growth management areas so we can have public comments during that time. We also have to have approval of an official map, and that is part of the SLDC, so we will provide a final draft of that and have that adopted as part of the code.

After the code has been done we would start working – and after the zoning map, we would start working on the developments of countywide impacts. And they would include things like hard-rock mining, junkyards, things like that. And we would have to go through a review process of drafting, out to the public, and then maybe study sessions and an adoption process for that. And the last task that we've listed is the community plans and ordinance revisions. We heard the update today about the Tesuque plan, but we have in total 14 existing community plans and the SGMP actually stated that those should be reviewed and updated to be in accordance with the Sustainable Growth Management Plan. And then the ordinances would need to be again reviewed and updated to be in accordance with the SLDC.

So that is an ongoing process that we would hope we could accomplish within the next three to four years, to get all of those 14 plans done. And I would stand for questions.

CHAIR HOLIAN: Thank you, Penny. First of all, is this schedule on the website anywhere? On our website?

MS. ELLIS-GREEN: This is schedule is not at the moment. If you'd like it on the website we could certainly put it on. We will endeavor to fill in a few more of the blanks.

CHAIR HOLIAN: That would be good. Thank you. Any questions? Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair, I might have some more later too, but Penny and Katherine and Steve, I think that scheduling a vote in December leaves it to mishap of not happening in 2013. And I thought we were going to do something and start a possible adoption process in November so that if we had to carry it over to December we would. So could somebody comment on that? We only have one meeting in December due to the holidays.

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, this is an estimate. Of course we do want to make sure that we've got the draft out and we've got plenty of time for public comment. We did put two study sessions in October and November, and they could possibly be the end of September and not October so we could get to November to the Board for an adoption.

COMMISSIONER STEFANICS: Okay. The second question I have is on the maps, the zoning maps, and specifically the zoning map, could you explain the rationale for not having the zoning map ready for approval when we would approve the code? And I understand this has been debated, but I think the public is expecting there to be maps when we approve the code.

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, the last round that we went out we definitely heard from the public that they wanted to see the draft zoning map. So those maps are out there and we would be doing public comments on that. The

zoning map, I believe – Steve can answer this more comprehensively, probably, would have extensive legal noticing to property owners since we are creating zoning. So that may take a block of time that we haven't built in to the actual code approval.

COMMISSIONER STEFANICS: So Steve, there has to be a different type of noticing for the public for these zoning maps? Do we hold separate public hearings for those zoning maps? Just for the maps?

MR. ROSS: Madam Chair, Commissioner Stefanics, that's right. The zoning map is an administrative adjudicatory matter. It's sort of like garden variety land use cases that we hear in the evenings. It has to be noticed and there's two processes associated with that. The code itself is a legislative process, so it's a completely different deal. And also, the zoning map is based on the zoning districts that have to be adopted in the code. So they can follow each other in quick succession or we can try and time the notices so that there's not a whole lot of time in between the two processes. But they're completely – the procedure that you go through to adopt each is complete different. So we have to respect that, and obviously the zoning map has to be considered and adopted after the code. Even if it's an hour after the code it needs to be after the code.

COMMISSIONER STEFANICS: Okay, so Madam Chair, I might have something later. Thank you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Penny, on Next Steps, step 5, establish development fees. Are development fees the same as impact fees?

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, yes, they are.

COMMISSIONER CHAVEZ: I just needed that clarification. So we would establish development fees that are not in place at this time.

MS. ELLIS-GREEN: That is correct. At the moment the only impact fees that we have are fire impact fees.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Ellis-Green and Katherine, Legal staff, everyone, the plan that was voted on and acted on was the conceptual framework of where we're headed as a county. The code is the legal binding document that covers the action through ordinance of how we deal with land use. And I want to say that the process that we've been engaged in since I been on the Commission has given the communities countywide the opportunity to put the context of the plan into the document of the code and offer them the opportunity for feedback and input. It's not an overnight process, and it's a very methodical process.

The gentleman that we just hired as the County – that's helping us. Tell me his name.

MS. ELLIS-GREEN: Dr. Burchell.

COMMISSIONER ANAYA: Dr. Burchell. We had a very extensive conversation, him and I and Mr. Griego and it's very important that we move to adopt the code within the work that we've done that's connected to the plan, but what I gathered from that conversation, it's very important that we get it right and we handle the notice requirements and the feedback therein associated. And so I commend the staff and this

Commission and all those individuals that have participated not only in the code but in the plan dating years back, and I would just emphasize that we've all learned many things associated with the plan and the code and we've made adaptations to deal with geographic areas in the county that have differing needs and perspectives, wants and desires. And I think we're getting there, and I think we're almost there, but it's been a lot of work and we just want to make sure as we adopt and we move to the maps and the rest of the documents that we get it right the first time. So I appreciate the efforts of the Commission, the staff and most importantly all those communities and individuals that have been involved in the process. This is a document in flux and we're going to have to adapt and modify dates as we progress, based on whatever requirements we have to have, most importantly based on that input which I think needs to be highlighted is that as we publish and we get input that we've been modifying and adjusting accordingly based on that feedback and input we received. So thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Based upon Commissioner Anaya's comment, it kind of – I'm not at odds with what you're saying, Madam Chair, that we should set some dates to get on our calendar to protect, because I think that all of us get busy, we plan vacations, we go to work, we do different things. So I'm just suggesting that now, before we really get to crunch time that we start querying all the Commissioners. I'm just looking at what the BCC study sessions, the public hearings for adoption – so it's really those. It's not that many but it's just about us preserving the time. Thank you.

CHAIR HOLIAN: Thank you, Commissioner, and I agree with that. I think it's very important to set aside some time. Not that I have a life anymore; I'm always here. But still, for the rest of the Commissioners. And thank you, Penny.

MS. ELLIS-GREEN: Madam Chair, Commissioners, I can go ahead and start polling and try to get some dates. Could I just ask one thing of the Commission as to whether or not for the actual public hearing, if you would want to have for an adoption a special meeting or if you'd want to it be rolled into a regular BCC meeting?

CHAIR HOLIAN: Commissioners? Commissioner Anaya.

COMMISSIONER ANAYA: I think a special meeting to me makes sense. I think the magnitude of the decision and the background that warrant it. It's that important.

COMMISSIONER STEFANICS: Madam Chair, I would agree.

CHAIR HOLIAN: Yes. I think we have general consensus that. Well, thank you very much, Penny, and I'm really glad to see this going forward.

CHAIR HOLIAN: I think that we will put off item XIV. B. 1, the presentation on a County fixed asset inventory. This was prepared in response to a resolution that Commissioner Mayfield brought forward and he wanted to be here to hear it. So we will move on to Matters from the County Attorney.

MS. MILLER: Madam Chair, could I make a suggestion? Maybe you'd like to do the one public hearing we have. It's 5:00, and then we could do the executive session.

CHAIR HOLIAN: That seems like a good plan. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Before we do that hearing. Could I make a comment on the tabled item, just a general item?

CHAIR HOLIAN: Yes. I don't see why not.

COMMISSIONER ANAYA: Is that okay.

CHAIR HOLIAN: Yes.

COMMISSIONER ANAYA: So Madam Chair, you were present at the steering committee meeting that we had the other day and have been part of that process, and I would just like to visit with the Commissioners between now and next month's meeting about the resolution that we created for the steering committee. And I'm going to make these comments public because I think it's important for the public to have this on the record and hear this information. When we created the resolution and we added Commissioners to the steering committee, it was in the positive interest. It was in the interest of creating the mechanism where Commissioners could participate in the committee discussion and not be disjointed between the committee discussion and recommendations that would ultimately come to the Board of County Commissioners.

What I'm finding in the committee structure is that there's a notion, a feeling, that we or – I'll speak for myself – have an interest of pushing, if you will, the committee in a certain direction. I have no such interest in the steering committee, but after giving that some more thought I'd be interested in hearing from my Commissioners and if you don't feel like commenting today that's fine, but I'm interested in hearing from my fellow colleagues on the Commission, because if the presence of a Commissioner on an interim committee that's seeking input is deterring from the committee discussion then I'd just as soon not sit on the committee.

That being said, I also think it's important that within the resolution we're clear about the scope of what we're expecting from the committee. And I'm just going to provide the example that keeps coming up over and over again in the discussion is that within that property that we're going to have one use on the property. And the discussions that we've had as a Commission in study sessions and on this bench were that we wanted a range of items to consider for use. And so I think there's some individual interests that are somehow creeping maybe deeper than they should at times, but I'm telling you my colleagues and Chair Holian, you sit with me on that committee, that if my participation on the committee detracts then I would entertain a discussion to change the resolution and have a representative from District 3 sit there in my place.

So that's my take. But I'd like to hear from Mr. Ross, yourself, Ms. Miller and my colleagues on the Commission. Maybe not now, but between now and future meetings to vet it, because that was never the intent. The intent was to be part of the discussion, not to take the discussion over.

CHAIR HOLIAN: Okay. Commissioner Stefanics, you had a comment?

COMMISSIONER STEFANICS: Thank you, Madam Chair. My comment is not related just to one committee. My comment, and I think I've made this other times. Solid Waste Task Force, the Recycling Task Force, the Water, the Canyon Ranch, I think that there should be the ability for citizens, our residents, to comment without feeling like is this what they want? Or if we make a comment they go, oh, well, we better go that route. Because I think that's one of the reasons we put together these committees.

Now I do understand that sometimes the County has to give guidelines. Now, for

example, I'm going to switch back to Solid Waste for a minute. If we have financial restraints or we're not allowed to do something legally, I think staff have to say here's the confines or here's the structure of what you have to operate within. But I have had general feelings about many of our activities, not just one, so my comment is more general. Thank you.

CHAIR HOLIAN: Thank you. Shall we put this discussion off for a future meeting?

COMMISSIONER ANAYA: I'd actually like to have a conversation offline with the Commissioners and thoughts, but yes, I think we should probably engage it. Because I think the public should hear what the rest of the Commission feels and we need to make some changes to make sure there's some open dialogue. I'm open to that.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I like that idea, Commissioner Anaya, and the only thing I would add to that is that maybe we ask the steering committee to do a presentation before the County Commission to see where they are, what their thoughts are. Maybe they have some ideas or accomplishments that we don't know about. And I'd like to hear from them and have everyone in the same room at the same time. And I think that could be part of where you're going. Thank you, Madam Chair.

XVII. PUBLIC HEARINGS

A. Growth Management Department

- 1. BCC CASE #PCEV 13-5160 Lackehart Inc. Vacation of Easement. Lackehart Inc., Applicant, Requests Approval to Vacate a Platted Ten Foot (10') Wide Private Equestrian and Pedestrian Easement on Two (2) Lots Totaling 25 Acres. The Properties Are Located at #4 and #15 Lone Coyote Ridge, in the Vicinity of Eldorado, within Section 22, Township 15 North, Range 10 East [Exhibit 5: 3 Letters of Support]**

MIKE ROMERO (Review Specialist): Good evening, Madam Chair, Commissioners. The subject properties were created by way of a lot split in 1992 and are considered legal lots of record. The Applicant requests to vacate a ten-foot wide private equestrian and pedestrian easement on two vacant lots. The subject easement is located on the northern boundary of Tracts 8A and 8B, which intersects with a ten-foot wide drainage and utility easement that runs from north to south between the Applicant's eastern property line and the Eldorado Wilderness. The Applicant states that the private equestrian and pedestrian easement is not a legally permitted access and was created without the consent of Eldorado's Community Homeowners Improvement Association and the owners of the Eldorado Community Preserve. The Applicant also states that the private equestrian and pedestrian easement is not used by the Eldorado Community and the Applicant believes that the terrain is not suitable for walking or horseback riding and presents a liability for the Applicant.

Staff recommendations: Approval to vacate a platted ten-foot wide private equestrian

and pedestrian easement on two lots totaling 25 acres, subject to the following conditions.
May I enter these into the record?

CHAIR HOLIAN: Yes, you may.

[The condition is as follows:]

1. The Applicant shall file the portion of the Final Plat (Tract 8A and 8B) affected by the vacated easement with the County Clerk's Office (As per Article V § 5.7.3).

MR. ROMERO: Before I stand for any questions, there was just a correction. These lots were created by way of lot split in 1992, not 1991 as indicated in the report.

CHAIR HOLIAN: Thank you. Are there any questions for staff?
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Was there any opposition in any other hearings about this?

MR. ROMERO: Madam Chair, Commissioner Stefanics, no, there wasn't. There's been no opposition. There's been people in favor for removing the dedication of the easement.

COMMISSIONER STEFANICS: Okay. That's all for right now.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I guess, to tie Commissioner Stefanics' question to mine, who's using it legally if it's an easement that's legal but yet somebody's using it illegally? Who's using it illegally and what are they using it for? You're saying they're accessing the preserve through it? And wouldn't that be a good thing?

MR. ROMERO: Madam Chair, Commissioner Anaya, according to the information that the applicant provided us that prior to – when the lot split was created in 1992 the applicant that created the lot split should have gone through the Eldorado Preserve and the homeowners association prior to indicating the [inaudible] on the plat, which according to records from those associations was never done, prior to. Staff conducted a site visit. I went out to the property. There are no indications of a visible trail. There's no signage that there's a trail out there for equestrian/pedestrian easement, and there are other trailheads that actually lead into the preserve other than just from that property. So this isn't just the only way in and out. There's multiple ones that access through other areas of the preserve.

COMMISSIONER ANAYA: Madam Chair, did we communicate with those other property owners relative to their easement? What I'm trying to quantify is why is this easement necessary to vacate and others to leave in place? Help me understand what exists and do we communicate with other property owners that have similar easements on their property?

MR. ROMERO: Pertaining to this certain type of vacation of easement, this is the first one I've taken forth to the Board, as far as communication regarding this easement to the neighbors, other than what's been provided by the applicant for noticing their neighbors, I don't think the County's extended any information to the other property owners with other

easements like this. Regarding this particular vacation the neighbors are aware that this is being vacated and have sent in emails stating that they're for getting this easement vacated. As to some of the other ones throughout different properties about the county, specifically to this, I'm not too sure if other property owners have been notified about it. I don't know if that answers your question, Commissioner Anaya.

COMMISSIONER ANAYA: That's okay. I'll just listen for now and I might have some other comments later.

CHAIR HOLIAN: Thank you. Mike, I have a question. It sounds to me like this particular easement just connects Camino Acote sort of to the preserve. Is that correct?

MR. ROMERO: That is correct.

CHAIR HOLIAN: And it doesn't actually sound – so it doesn't connect to any other trails?

MR. ROMERO: It does not connect to any other trails.

CHAIR HOLIAN: And it doesn't sound like it's being used.

MR. ROMERO: From my understanding from the property owners, it is not being used by the Eldorado community, and just from my inspection of it it doesn't look like there's even been a trail that has been created either through pedestrians walking on the trail through the property owner's property, or any signs of any type of tracks from horses.

CHAIR HOLIAN: Okay. Thank you. Is the applicant here? Would you like to step forward and please be sworn in and state your name and address for the record.

[Duly sworn, Toni Carroll testified as follows:]

TONI CARROLL: My name is Toni Carroll. My address is 39 Condesa Road, Santa Fe, New Mexico, 87508.

CHAIR HOLIAN: Is there anything you would like to add, Ms. Carroll?

MS. CARROLL: Yes, what I would like to add is that when we discovered this easement was on our property we contacted the Eldorado Community Improvement Association to determine whether it was something that they were aware of that had been – that had never been developed or was something that was planning to be developed. And they informed us that – this is how we discovered that it was not a legal easement and did not connect to any trails or proposed trail. And they were not aware of any easement from Camino Acote into the community preserve. One of the items in your packet on page 14 is a letter from the Eldorado Community Improvement Association stating that they were not aware of any access off of Camino Acote.

The other thing is that this property is located within Lot 15-A2, not within the community of Eldorado and the lot owners there are not owners of the ECIA. The community preserve was established solely for the use of members of – who lived in or own property in the Eldorado community and are members of the ECIA. Therefore, anyone who lives in Lot 15-A2 is not legally supposed to access or use the community preserve. This easement across our property has never been used. It's not platted on anything – I shouldn't say not platted. It's not indicated on any of the brochures or information that is provided by the Eldorado Community Improvement Association and that are included in your packet on pages 15, 16 and 17, particular 17. I would point to the location of our tract and the location of all of the existing maintained trails by the Eldorado Community Improvement

Association. And there's lots of access trails but there are no access trails across from Camino Acote into the preserve.

Where this easement ends it ends at a very steep drop-off that no one who is hiking or riding a horse – it's just not a safe location. So it's not a location that somehow in the future might be something that the Eldorado Community Association would even develop as an easement for access into the preserve.

CHAIR HOLIAN: Okay. Thank you, Ms. Carroll. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, and thank you very much for being here. So your tract, the tract that we're talking about, is nowhere near the highway.

MS. CARROLL: No.

COMMISSIONER STEFANICS: Okay. Thank you very much.

CHAIR HOLIAN: Are there any other questions for the applicant? Okay, seeing none, this is a public hearing. Is there anybody here who would like to speak on this case, either in favor or in opposition? Please step forward, and if you're not an attorney please be sworn in.

[Duly sworn, Gregory Hart testified as follows:]

GREGORY HART: Gregory Hart, 160 Camino Acote, Santa Fe. Hi. I'm the president of the homeowners association in Lot 15-A2 and it's my awareness that in 1991 Red Sky Land and Cattle owned the property. In their CCRs, the last statement in the CCRs was that there was an easement to the Eldorado Preserve if there was permission granted. So there was stipulated that that would happen in the future, and that's never happened. And I've been there for about 20 years and indeed no one has every used any kind of easement trail into that. So I'm definitely in favor of removing the easement.

CHAIR HOLIAN: Thank you, Mr. Hart. Is there anyone else here from the public who would like to speak on this case? Seeing none, the public hearing is closed.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I have a few more questions. So I'm looking at the easement. Tell me, can somebody show me where the road Lone Coyote Ridge, where the road that gets to it? Where does it originate? Where does – Camino Acote, then Lone Coyote Ridge? Because I could see how people may have been thinking ahead to a potential access point into the preserve from another road. Because it comes off of a road.

MR. ROMERO: Madam Chair, Commissioner Anaya, on Exhibit #9 – correction, page 9, Exhibit #4. On the plat, down at the bottom left on the vicinity map, it indicated US 84/285 –

COMMISSIONER ANAYA: Tell me – Exhibit 4, you said?

MR. ROMERO: Yes, page #9.

COMMISSIONER ANAYA: Okay. That's exactly what I wanted to see. So let me just ask the question of my colleagues. The road clearly accesses all the way from 285 to the subject property and then there's an easement on the subject property to the preserve. So there's a definite connection to existing roads. I'm looking at Exhibit 4 on that vicinity map in the corner there. And I'm not taking anything away from the request that they have but I think there was some logic associated with wanting to try and connect a potential access

point or trail off of a road. Penny, do you have any thoughts? My assumption is this came from the County, probably, is my assumption. Or the request when it was being platted or developed through the development process. There's a master plan phase and there's a redevelopment phase for the project.

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, this was done through an administrative summary review subdivision, and we don't actually have a requirement to create a trail. It does seem to access from Camino Acote to the wilderness area. It's for pedestrians and equestrians. I think the issue is the fact that it's only ten-foot wide, it crosses several arroyos, it terminates in an area that's very steep and probably dangerous. And also the owners of these tracts actually don't have the ability or the legal ability to use that wilderness area, because they're not actually part of the Eldorado Subdivision. So that's why the request is in front of you. I'm looking at – I believe it's page 15. The ECIA do state the four trailheads that they want people to access the wilderness area by, and this is not one of those trailheads.

COMMISSIONER ANAYA: Madam Chair, whoever wants to answer, how many property owners are we talking about in this vicinity that could access that road? Not Eldorado ECIA area, but we're talking about that whole quadrant on that east side of 285. Where's the store? Where's the store in proximity, the gas station in proximity on Exhibit 4? How close is it to that Camino Acote?

MR. ROMERO: Madam Chair, Commissioner Anaya, I would roughly states it's approximately a half mile, mile from this property.

COMMISSIONER ANAYA: I see. Okay, Madam Chair. I think there was a desire to maintain a connection and then possibly at some point they may have access to that preserve. To say they would never have access is I don't think a fair representation. I think at some point they could. But I'll just leave it at that. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. If there are no further questions, what are the wishes of the Board? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I would move for approval on this case with the staff's condition.

CHAIR HOLIAN: And I will second that. Any further discussion? Okay. We have a motion and a second for approval of BCC Case #PCEV 13-5160.

The motion passed by majority [3-1] voice vote with Commissioner Anaya casting the dissenting vote.

XVI. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. Discussion of Pending or Threatened Litigation

- i. *Henry Gonzales v. David Lucero Jr. and Santa Fe County*, First Judicial District Cause No. D-101-CV-2013-01687**
- ii. Public Regulation Case Nos. 13-00189-UT and 13-00202-UT, Jemez Mountains Electric, Pertaining to Proposed Rate Riders 4,**

**5 and 7 and the Proposed Second and Third Revised Rate Rider
No. 2**

iii. Same Sex Marriage Licenses

3. Discussion of the Purchase, Acquisition or Disposal of Real Property

CHAIR HOLIAN: Do we need an executive session, Steve?

MR. ROSS: Madam Chair, yes, we do. We need to discuss pending or threatened litigation of the two cases listed and the third one we discussed, plus a brief discussion of purchase, acquisition or disposal of real property.

CHAIR HOLIAN: Do I have a motion?

COMMISSIONER STEFANICS: Madam Chair, I move that we go into executive session for the purposes stated.

COMMISSIONER CHAVEZ: 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 upon unanimous roll call vote with Commissioners Anaya, Chavez, Stefanics and Holian all voting in the affirmative.

CHAIR HOLIAN: We will now adjourn into executive session and we have no further cases so when we return I will note the time. Before we go into executive session, perhaps we want to make a motion to table – I believe that the only thing we haven't heard is XIV.B. 1 which is presentation of the County fixed asset inventory. Do I have a motion?

COMMISSIONER CHAVEZ: So I'll make a motion. We would want to postpone it.

CHAIR HOLIAN: Postpone it.

COMMISSIONER CHAVEZ: To the next regular meeting, right? So I'll make a motion to postpone.

CHAIR HOLIAN: And I'll second that.

The motion passed by unanimous [4-0] voice vote.

CHAIR HOLIAN: We are postponing that case until the July 30th meeting and now we will go into executive session.

[The Commission met in closed session from 5:27 to 7:30.]

Commissioner Anaya made a motion to come out of executive session having discussed only the matters previously mentioned. He noted the presence of the County Attorney and Deputy County Attorney, all five Commissioners [Commissioner Mayfield joined the meeting during executive session] and the County Clerk. Commissioner Mayfield seconded the motion.

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

XVIII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 7:31 p.m.

Approved by:

Board of County Commissioners
Kathy Holian, Chair

ATTEST TO:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Respectfully submitted:

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