

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**September 12, 2017**

Henry Roybal, Chair - District 1  
Anna Hansen, Vice Chair - District 2  
Anna Hamilton - District 4  
Ed Moreno - District 5  
Robert A. Anaya - District 3

**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**September 12, 2017**

**I. A.** This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Henry Roybal in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**B. Roll Call**

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

**Members Present:**

Commissioner Henry Roybal, Chair  
 Commissioner Anna Hansen, Vice Chair  
 Commissioner Robert A. Anaya  
 Commissioner Anna Hamilton  
 Commissioner Ed Moreno

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

The Pledge of Allegiance was led by Christen Martinez, the State Pledge by Tila Rendon-Varela and the Moment of Reflection by Randy Vallejos of the Public Safety Department.

Commissioner Hansen requested a moment of silence for the people in Houston, Florida and the Caribbean who are suffering through the hurricanes.

**I. F. Approval of Agenda**

**1. Amendments**

**2. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Mr. Chair, the only amendments we have to the agenda as it was posted last Tuesday, we had two

amendments on Friday, September 8<sup>th</sup>. They were posted at 10:35 am, and that is on page 3 under Matters from the County Attorney, item VI. A. 3 and 4, Possible Enforcement Actions for Violations of the SLDC and Possible Litigation Regarding Annual Contribution Contracts between the Santa Fe County Housing Authority and the US Department of HUD. So those are the only amendments that we have to the agenda as posted last week.

CHAIR ROYBAL: Thank you, Manager Miller. Do we have any other requests?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I wanted to request – actually, it doesn't matter; whatever your preference is if you would allow it, but I'd like to request Matters from the Commission or Matters of Public Concern to come after Approval of the Minutes to afford some citizens of San Pedro and the surrounding area to make a few comments, Mr. Chair.

CHAIR ROYBAL: Which items are those, Commissioner Anaya.

COMMISSIONER ANAYA: It would be either under Matters from the Commission or Matters of Public Concern, whatever you prefer.

CHAIR ROYBAL: And where did you want to move that, sir?

COMMISSIONER ANAYA: If we could, Mr. Chair, after Approval of the Minutes.

CHAIR ROYBAL: So we'll move Matters of Public Concern after the Approval of the Minutes. Thank you, sir.

COMMISSIONER ANAYA: And Mr. Chair, when we get to that order, I would respectfully request that I be afforded the opportunity to read into the record the obituary of Luciano "Lucky" Varela who was laid to rest yesterday.

CHAIR ROYBAL: Yes, sir. I appreciate that.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

MS. MILLER: So, Mr. Chair, I just want to be clear. So are we moving Matters from the Commission up, or Matters of Public Concern? It might be easier to do Matters from the Commission and then you could do both of those things right after Consent.

CHAIR ROYBAL: We'll do Matters from the Commissioners. We'll do elected officials as well right away so we get that out of the way.

COMMISSIONER ANAYA: I appreciate that, Mr. Chair. Mr. Chair, I go ahead and move the Approval of the Agenda.

CHAIR ROYBAL: Okay. I have a motion. Do I hear a second?

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Okay, I have a motion and multiple seconds.

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

**I. G. Approval of Minutes**

**1. Approval of August 8, 2017, Board of County Commissioners Meeting Minutes**

CHAIR ROYBAL: Is there any modifications? Do you have any changes, Commissioner Hansen?

COMMISSIONER HANSEN: No.

CHAIR ROYBAL: Okay, so what's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve.

CHAIR ROYBAL: We have a motion.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: And a second.

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

**VII. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS**

**A. Matters from County Commissioners and Other Elected Officials**

**1. Elected Officials Issues and Comments**

CHAIR ROYBAL: Is there any elected officials that have any issues or comments they'd like to state on the record today? Okay, we only have one elected official today. Madam Clerk, did you have anything?

GERALDINE SALAZAR (County Clerk): The only thing is that September 19<sup>th</sup> will be the election day and currently early voting is being held prior to the election day. So we have our early voting sites here at the Clerk's Office, at the Pojoaque satellite office, in Eldorado at the senior center, at Edgewood and also Christian Life and at the County Fairgrounds. Those are the locations for early voting right now. And then pretty soon, coming up, will be election day September 19<sup>th</sup>. Thank you so much.

CHAIR ROYBAL: Thank you, Madam Clerk for that update.

**2. Commissioner Issues and Comments**

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you very much. Respectfully, Mr. Chair, I'd like to if we could, Mr. Chair, have a moment of silence and then I'll – well, actually, I'll read in the obituary and if we could have a moment of silence after I'd appreciate it Mr. Chair.

Luciano Amadeo "Lucky" Varela, 82, born in Pecos, New Mexico passed away amongst family at his home in Santa Fe, New Mexico on Saturday, September 2, 2017. He was preceded in death by his mother Catalina, father Celestino, sisters Josephine and Anna Marie, and brothers Celestino, Jr. and Eligio. He is survived by his sister Guadalupe. Husband, Jose Archuleta, daughter Bernadette Fernandez and Alfred and sons Jeff and Annette, and James and Susan, grandchildren Deanna, Denise Christina, Camille, Adam, Aaron, Alyssa, Andrea, and Nicolas; great-grandchildren, Sierra, Kaelei,

Hunter, Ty, and Carlos, sisters-in-law Viola Varela and Toni Varela, nephews Vincent Varela, our Treasurer for the County, Patrick J. Varela, Timothy Rodriguez and niece Victoria Denise Varela, and several nieces and nephews.

Varela, a veteran of the United States Army, served in the New Mexico House of Representatives for 30 years representing House District 48. After a successful career in New Mexico State Government at the Department of Finance and Administration, Varela was elected to the New Mexico House in 1986 and was a strong advocate of public employees, children, senior citizens, and public education. He served as Chairman of the Legislative Finance Committee and Deputy Chairman of the House Appropriations & Finance Committee in addition to many other interim and legislative committees.

Varela was a graduate of the College of Santa Fe and possessed a law diploma from LaSalle University. He was considered by many as the budget steward of State finances and sponsored legislation that secured the Public Employees Retirement Association and Retiree Health Care Association, and sponsored salary increase legislation for public employees and educators year after year.

Deepest appreciation is extended to the staff at Christus St. Vincent Hospital, Santa Fe Care, Heritage Hospice, Olivas Sisters Home Care, and Dr. Joshua Brown for their care of our father during his illness. Donations to Esperanza Shelter, Big Brothers & Big Sisters, National Dance Institute or the Food Depot on behalf of Representative Varela are welcomed and encouraged.

Mr. Chair, I appreciate that opportunity and at this time I would respectfully ask for a moment of silence.

Thank you, Mr. Chair. We had the opportunity to honor Representative Varela and that was a good and honorable thing to do, but I want to send my regards to the whole family and the State of New Mexico and the many people he served and helped and dedicated his life to in the service of others in the community. And so Mr. Chair, thank you very much for that opportunity.

The other item I asked be moved and I appreciate it, Mr. Chair –

COMMISSIONER HANSEN: Commissioner Anaya, before you go on.

COMMISSIONER ANAYA: Commissioner Hansen.

COMMISSIONER HANSEN: I'd just like to also recognize

Representative Varela. He was – he befriended me many, many, many years ago in the legislature and always helped me whenever I had issues and especially when I served on the Acupuncture Board for the State of New Mexico. He was really an ally and always helped me and he will be sorely missed and I was grateful to be able to go to the Roundhouse where he was laid in rest over the weekend, and be there for him, because he was really there for all of us and he will be really missed. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Do we have any other Commissioners – Commissioner Moreno.

COMMISSIONER MORENO: Thank you for the opportunity to reflect on Lucky Varela. He was – he and I were contemporary when I was a news reporter and he was the Chairman of the Finance Committee. And in that, in my capacity I was the steward of what was called the Student Choice Act. And being from a non-public institution, the three private colleges in New Mexico depended on Lucky's attention to the details. I was in charge of a million dollar program that served so many kids at the

College of Santa Fe, St. John's, and the College of the Southwest in Hobbes. And he always treated me and everyone else that I know had empathy. And you can't put a price on that. He's going to be very missed. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Commissioner Hamilton, do you have anything you want to add?

COMMISSIONER HAMILTON: Sure. I would just like to add my voice thanking somebody who gave such a long record of service to people. For years I was in his district and I think with redistricting I wasn't anymore but I know so many people who had such a direct personal relationship with him. He really worked to serve the common man and that was probably to me his hallmark and worthy of noting. I really offer condolences to his family including our Treasurer.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I too just wanted to recognize all the years of service that Luciano "Lucky" Varela committed to this great state that we live in and our local government. He will as everybody stated, will be dearly missed and I think all of our Commissioners were truly touched by his leadership. So I do appreciate, Commissioner Anaya, you bringing this forward and so I'll go back to you. Thank you.

COMMISSIONER ANAYA: Mr. Chair, our Manager worked with the representative in a very direct relationship associated with her role as the Secretary of Finance and Administration, as well as the County, so if it's okay, Mr. Chair, I think some comments from her would be appropriate.

CHAIR ROYBAL: Of course, Manager Miller.

MS. MILLER: Thank you, Mr. Chair. Thank you, Commissioner Anaya. Yes. I was very sad to hear of his passing. Representative Varela really challenged me to step up to a very high level of knowledge and detail and just a good foundation and Secretary of Finance. And he really did know the State's budget. I think it's a great nickname for him as the steward of the State's finances and the steward of the State's budget. He'll be deeply missed.

He was also not just fabulous at understanding everything about the State's finances but he truly cared about his community and his constituents and he was always looking out for ways to help constituents in this district at the most detailed level, and very personal. And I have to say, he was a big advocate for Santa Fe County. When I was here as County Finance Director, and then when I went to the State, he really helped keep our Teen Court program going. He helped get funding when local governments were struggling with getting funding for programs that needed additional money. And he did a lot of things for this County, for his overall district and for the State of New Mexico and it's really sad that he passed away but I spoke to his son and to Pat and I think he was ready.

And so my prayers are with his family. I know it's painful for them and I hope that they recover soon from that pain and have the good memories. It was nice to talk to them because they had such fond memories of him and what he did for them as children and for his community. So he'll be sorely missed and I just hope that the pain of his passing passes soon. Thank you.

CHAIR ROYBAL: I'd like to go to Madam Clerk.

MR. SHAFFER: Yes, thank you. My condolences to Representative

Lucky Varela's family and friends, and as I mentioned before and I will mention again, Representative Varela was a living treasure, and I'd like to see him continue as role model, especially to young individuals who may seek in the future to run for elected office and what I recommend is that you see his history and knowledge of finance and budget, how important that is when you are involved in government, that you understand finance and budget and the interests of the people and the interests of taxpayers. And so if you have that interest, see Representative Lucky Varela as a role model, someone who understood those areas and helped the people throughout his legacy. Thank you so much.

CHAIR ROYBAL: Thank you, Madam Clerk. I'd also like to do a proclamation recognizing Lucky for all his dedication and hard work, if we could work on that.

COMMISSIONER ANAYA: I'd be happy to help you on that, Mr. Chair. We could pull from Patrick and the family and the proclamation we did last year, if that's okay.

CHAIR ROYBAL: I think that's perfect.

COMMISSIONER ANAYA: Thank you. I appreciate that, Mr. Chair, that opportunity. We have some citizens here from the southern part of the county that I'm going to ask to come forward at this time. Mr. Chair, this particular issue, it's something that's been an issue for a long time. I'm going to let them make comments. I'm going to make some comments as well. It's a complex issue. It's a BLM property issue, a shooting issue, a gun range – it's a lot of different things happening. But at this time, Mr. Chair, I appreciate you allowing them to come forward and make some comments to the Commission. If you would introduce yourselves, provide your name and address for the record, we look forward to hearing your comments. Thank you, Mr. Chair.

CHAIR ROYBAL: You're welcome. Thank you.

#### **IV. MATTERS OF PUBLIC CONCERN** *[Exhibit 1: San Pedro Community Support Material]*

ANNA WILDER: My name is Anna Wilder and I live on Ranchitos Road in San Pedro community, and I guess I'm going to be the first to speak. So I'd like to thank Chairman Roybal. I'd like to thank the Commissioners, Commissioner Moreno, Commissioner Hansen, Commissioner Hamilton and of course Commissioner Anaya for allowing us to speak today. Thank you very much.

So the concern here is public safety in the San Pedro area and it is basically as a result of the shooting that has been going on on the BLM property that is within our community. And I believe at least in 2015 that those of us that participating in the planning process and the sustainable planning process, this was the number one issue that the community brought up, about shooting in the neighborhood. In 2017 the San Pedro Neighborhood Association which represents 150 families in the community requested the BLM Taos resource area to extend a temporary 30-day closure which did not occur, and also requested a two-year closure due to unsafe conditions and danger to the public. As yet I've had no response on that, so I can't comment on that position.

The first thing I'd like you to know is this is not a referendum on recreational shooting. What this issue is is that we believe in this community that it is inherently

unsafe to allow shooting on this BLM parcel because of topography and demographics of the San Pedro community. So if you take a look at the wildfire risk within the community, and in 2008 the community was recognized as having a very high hazard and risk from wildfire. This is prior to when there was any shooting going on. So these are acts of nature like lightning. In 2015 the BLM proposed that they would do a thinning project to make the surrounding community less vulnerable to catastrophic fire. That did not occur but today I received a letter from Aden Seidlitz who is now the acting BLM director in New Mexico stating that they will relook at that.

The other thing is that the East Mountain Interagency Fire Protection Agency came to one of our SPNA meetings and explained how much time would it take for a family to evacuate. And it takes about at least ten minutes for a well prepared family. But on Ranchitos Road where we are closest to where the fire began and where the fire moves upslope, it would take people an additional 15 to 45 minutes to reach Ranchitos Road on an unobstructed road to reach the highway and possible safety. So we're looking at a fairly long time for that to occur.

There are additional challenges in this community for fire safety evacuation. Almost every road in our community is a single outlet road; they are dead-ends. Secondly, there is a children's camp that is within two miles of the shooting area, and there were well over 100 children that were at that camp the day that we had the fire.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: So today, we had an opportunity to come in and for you to provide comment as well as some of the other citizens. What I don't want to do is take advantage of the situation that the Chairman gave me the opportunity to move this to the front. So what I'm going to ask is that we don't have the time go to into every single one of these slides today.

MS. WILDER: That's fine.

COMMISSIONER ANAYA: So if you could help summarize and provide some other feedback.

MS. WILDER: Absolutely.

COMMISSIONER ANAYA: We'll determine whether or not we can bring another noticed item back so that we can have additional comment. But respectfully, the Chairman indulged us to bring it up first but I don't want to take advantage of that opportunity. So if you could help summarize today and then we can go from there.

MS. WILDER: I appreciate that time. Thank you very much. So what I'd like to say that in 2014 Aden Seidlitz, who was then acting for Jesse J. Juen who was the director wrote to Senator Heinrich and said, "Due to location of houses over the ridge BLM does not see a safety issue for San Pedro community. And that was an ongoing policy.

The community response, I'll make this brief then, is that BLM has created a recipe for burning San Pedro. The fire started in the shooting area, fuel source at that time was [inaudible] vegetation, a brisk wind to carry the flames upslope, and then fires move upslope towards the homes and residents of Ranchitos and in a county wildland fire simulation we know that if the northwest wind blowing at 20 miles per hour started on the parcel it would reach Ranchitos Road in seven minutes. But that's not adequate time



for the people to evacuate.

There are continuing activities on the BLM parcel that threaten public safety. You're capable, I'm sure, of reading them. I guess since the closure, one of the big issues now is that there's been shooting activity directly towards Ranchitos Road on top of the other events that are occurring with explosions and no red flag warning closures. We've had no preventive closures ever.

So we consider that BLM is too far away. They have two rangers. They have not been supervising or monitoring this area. We have relied on Santa Fe County for our community safety and that's our County Sheriffs, Santa Fe Fire and not the BLM. They are the ones that have been responding to threats to the community safety, and that's both the financial cost to the County and the drain on police resources.

So I think I've summarized my section and then I would allow the rest of the people to talk. Thank you so much for giving me this opportunity.

CHAIR ROYBAL: Thank you, Ms. Wilder.

TAMMY SCARLETT MAYNARD: Good afternoon. Again, thank you for letting us speak briefly about our concerns in the San Pedro neighborhood. My name is Tammy Scarlett Maynard. I'm here with my husband, 2<sup>nd</sup> Lt. Joshua Maynard and my father and my mother, Brian and Brenda McClintock, and my son back there that hopefully won't cause a ruckus here soon.

So briefly, I'd just like to share our family's concerns here. A little over a year ago me and my family decided that it was our goal to find a multi-generational home that would allow us some escape. My husband had served a couple of deployments in Iraq and Afghanistan and the San Pedro area is really just a beautiful kind of oasis of sorts up there. After we moved in it became apparent that our home on Heartbreak Hill would have very different meaning as far as Heartbreak Hill is concerned. Immediately we encountered a number of different experiences with shooting, with explosives, and then of course most recently we've had the Golden Fire.

During that timeframe me and my son were home alone and within minutes of the fire starting a Santa Fe Sheriff was knocking at our door to evacuate me and my son. So I'd like to highlight just a few of the situations and the concerns that really concern us the most. One being explosives. Although the Golden Fire wasn't determined – what the exact cause of that was we're pretty confident that it was human caused and it was caused by an explosive device.

What they do on BLM land is they take and they call – they bring out a number of different things, whether it's aerosol cans, helium tanks, propane tanks or binary explosive devices such as Tannerite, so this kind of activity takes place not every once in a while, several times a week. Just the other night an explosion occurred and I did call 911 because it shook my home. It was loud. It was heard all across the neighborhood and we had some great concerns about that. A deputy came out, interviewed the other shooters there and said that, yes, somebody did come in, make some large explosions and took off in their car really quickly.

The second thing that really is a big issue is the night shooting. On BLM land you're not allowed to hunt at night but what happens is that people come out there thinking that it's a very remote area and party and shoot until the midnight hours. I've called the Sheriff in emergency occasions because often times you can hear them

drinking, partying and carrying on down there. One night in a frustration I did yell out, Guys, can you please go home? And they started shooting at my home. In one of the pictures you can see the house that sits up on the ridge. That is my home and our land, our 40 acres does border the BLM parcel down there off of 344.

Which leads me to one of the most important concerns that we have right now is the shooting direction. After the fire BLM came in and moved and put some signage up that guided shooters away from shooting towards the western slope on Heartbreak Hill. Unfortunately, what they did is they moved a very large portion of dirt where they now set up their targets. They aim whatever they've brought out to shoot that day at that area, which in turn is directly shooting at my home and my land. A couple of weeks ago my husband and my son were taking a walk down on our lower 40 and they had a bullet ricochet over their head. We called the Sheriff and asked to report it and make a report and we were told that we couldn't do that.

So in the short time we've lived at our home this is a daily occurrence. This is not a weekend or an every other weekend thing. It really is pretty constant and at this point we do feel that our lives and our property are at risk and I think that the evidence of the Golden Fire really kind of shows how large the risk is for the entire community. Thank you again for allowing me to speak and share my thoughts and my concerns with you today.

CHAIR ROYBAL: Thank you Ms. Maynard.

ROBERT BULICK: Good afternoon. My name's Robert Bulick.

Commissioner Roybal, Commissioner Anaya, thank you for moving us up towards the front here. We really appreciate it. I live on Ranchitos Road but I worked with BLM for 26 years. Twenty of that was here in New Mexico and I worked at several levels, resource area to the state office, then I went back to DC as a senior geographer for the Bureau of Land Management and I was back there for six years. We moved back and the shooting had started in that interim period while we were back in DC.

So I've been trying to work with BLM. I know these folks. I worked with them. I know they're resource constrained. There's – especially coming out of Taos, when I was here there were 16 people to manage the whole northeast corner of New Mexico. Not many people. So I don't expect those management practices to change on our little parcel down there in San Pedro. They're doing what they can. They just don't have the resources, I think, to really change the management of that parcel.

But what can we do? Well, it's been done across the West at a county and local government level. Ordinances have been passed by local governments, counties in Edgewood, and we've been working with folks in our Santa Fe Open Space office to potentially or maybe get a recreation and public purpose lease between Santa Fe County and BLM for this little parcel down at the bottom of Heartbreak Hill. But we've been working on that for a couple of years. It's kind of a – I know there's a financial commitment associated with that and that's going to be a hardship for the County but when we consider the safety issues then maybe it's a worthwhile – not maybe; we think it's a worthwhile trade-off.

Another option would be an ordinance, a very site-specific ordinance restricting the use of firearms on public lands. I know staff here at the County had some concerns whether that could be enforced by the Sheriff's Department and I have some examples in

the package of memorandum of understanding between Sheriff's Office and BLM in Oregon, so it's a similar kind of mechanism that could be put in place here between Santa Fe County and the New Mexico State Office that would allow the Santa Fe Sheriff deputies to enforce a Santa Fe County ordinance on this little piece of BLM land. MOU and an ordinance, pretty low cost, but it would be effective.

Another option that was initiated out of San Diego County was a letter directly from a county commissioner. I think she was a chairwoman of the 2<sup>nd</sup> District of the San Diego Board of Supervisors, wrote directly to Secretary Zinke asking that he ask BLM to disallow shooting in an area around some of the cities there. And they did that and it was successful. They stopped the shooting.

There are several options, many options out there but we're hoping that you as the County Commissioners can look at some of these for us and – because we can do something at the county level to stop this from happening. Appreciate your time. Thank you very much.

CHAIR ROYBAL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I appreciate the presentation. This issue is, as you all know, not a new issue to the area but one of the things I will say is the County right now countywide is dealing with federal jurisdictional issues of differing degrees and proportions across the county. It's a very complex matter. What I will say relative to BLM Taos is on the record, there are parcels throughout the southern part of Santa Fe County that do not have this level of complexity with cleanup issues, lead issues, contamination issues where I would say on the record that BLM is very rigorous in enforcing the requirements on other leased land. I'm speaking from personal experience in my own parcels that our family leases from BLM.

So I think the complexity of the problem is multi-decades long and it's not a simple – I don't have a simple answer for you. What I know in discussions with our legal staff and others is that we'll continue to take a look at what's happening there associated with some of the stuff you've put forward, but frankly, we're in a difficult position associated with that jurisdictional question, as well as a capacity question. We have a shooting range here that we started some preliminary discussions that was a bona fide shooting range and we found in short order, just associated with the one piece, the environmental piece, and what impact and cost that was to the County that we were put in a position of not being able to advance that particular objective because of those environmental challenges.

And so I'm absolutely willing to look at some of the items that you put forth but I don't want to put forth any notion that we in short order be able to advance to an ordinance because of those jurisdictional issues. But Ms. Miller, if you have any comments that you'd like to make, that's fine. If you don't, that's fine. I think, Mr. Chair and members of the Commission and staff, if we could isolate some of the documents that have been provided and then I guess at minimum get a perspective from the BLM office relative to this parcel. I'd like to bring it back to have some more dialogue at minimum to figure out what if any might be some shared opportunities to find resolution.

Representative Jim Smith has called me on this particular item and has concerns over it as well, as well as others in the community, including other legislative bodies. I think the other thing that we need to do on our end is ask the questions of the federal

responsibility – BLM and our congressional delegation. What if anything have they put forth in the past or what if anything have they done in the way of trying to help rectify this particular situation.

So I appreciate your time and we'll do some investigating, I guess, for lack of a better word, on our end and then determine if we can have some further dialogue and communications to see if there might be some way that all the parties can come to the table.

The last comment I would have is this. There are people over there, based on what you've seen and what the pictures reveal and I've seen it myself, that it damaged the property and it's a mess. It's a mess. But there's also people that have gone over there and you used the term recreational shooting, that responsibly have gone over there for decades and decades and sited in their rifles and prepared for hunts that they were going to do in the community that picked up after themselves and responsibly didn't shoot in an inappropriate direction and were responsible. So that's the other side of this coin that I'm not going to lose sight of in the discussion is that there's people that have been malicious and that are inappropriate and have trashed the place, but there's also people that have utilized that particular parcel for many, many years to site in their rifles or to prepare for hunts and clean up after themselves. So it's not as black and white as it may appear.

I've seen it; it's a mess. I know it's a mess. And because of the mess and because of the potential hazards – lead being one of the primary culprits if you will – it's not a simple matter. And I know you know that but I wanted to say that on the record and just be clear that we'll investigate and we'll see what possible opportunities there are for the County to have a further participation, if you will, in this process and in this challenge. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Thank you all for your comments.

## **VII. A. 2. Commissioner Issues and Comments**

CHAIR ROYBAL: Is there any other Commissioners that have anything they would like to state on the record as far as any kind of comments? Commissioner Hansen.

COMMISSIONER HANSEN: I would just want to remind everyone that this weekend is the Neighbor to Neighbor Food Drive, on Saturday, September 16<sup>th</sup> from 9:00 to noon. You need to get your food to your locations so all you citizens out there who are participating in the food drive, please bring your food to your neighborhood location and please participate in helping our community. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I wanted to tell the Commission and the staff that this last weekend we had an opening at the Cyclone Center. It was a benefit roping that was put on there but there was, from I understand it from Mr. Martinez, 400 teams of team ropers, and if you would have seen the parking lot you would have been proud. I was proud. I was proud that the facility was being utilized for a good purpose and that I didn't hear any complaints yet. I need to say that. But there's a

few things we need to maybe tweak, just operationally, when you have that size of an event. It was packed. There was a lot of horse trailers and a lot of people and it went off smoothly. So I wanted to just say that on the record. Thanks to the Commission for their support and efforts and staff associated with that project. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Any other comments from Commissioners. Okay, so I'm going to go ahead and close that item.

## **II. CONSENT AGENDA**

### **A. Final Orders**

1. **CASE # 10-5364 St. Francis South Preliminary Plat Approval for Phases 1-4 and Final Plat Approval for Phases 1 & 2. Vegas Verdes, LLC, Applicant, JenkinsGavin, Inc., Agent, Requests Preliminary Plat Approval for Phases 1-4, which Consists of 22 Lots, and Final Plat Approval for Phase 1, Consisting of Four Lots, and Phase 2, Consisting of Eight Lots on 68.94 Acres, of the St. Francis South Mixed-Use Subdivision. The Property is Located at 199 Rabbit Road, via St. Francis Drive, within Section 11, Township 16 North, Range 9 East (Commission District 4) John M. Salazar, Case Planner (Approved 4-0) [Exhibit 2: Revised Findings]**

### **B. Resolutions**

1. **Resolution No. 2017-94, a Resolution Increasing Pick-Up for PERA Member Contributions Previously Established By Resolution 2006-81 by Authorizing 75% Pick-Up of PERA Member Contributions for Employees in the Municipal Police Member Coverage Plan 5 (Human Resources Division/Bernadette Salazar)**

### **C. Miscellaneous**

1. **Request Approval of Quitclaim Deed Re-Conveying 1.84 Acre Feet per Year of Water Rights to Homewise, Inc. (Public Works Department/Jerry Schoeppner)**
2. **Request Approval of Amendment No. 4 to Collective Bargaining Agreement Between Santa Fe County and the Santa Fe County Deputy Sheriff's Association, a Subsidiary of the New Mexico Coalition of Public Safety Officers/NMCP SO (Human Resources Division/Bernadette Salazar)**
3. **Request Approval of a Lease Agreement and Option to Purchase Agreement for 318 Acres of Agricultural Land Within the Property Known as La Bajada Ranch with Alamo Creek Conservation, LLC (Public Works/Terry Lease)**
4. **Request Approval of Grant Agreement No. 17-B4104 Between the Department of Finance and Administration, State of New Mexico and Santa Fe County for Funds Reauthorized Through the 2017 Legislative Session for Improvements to the Santa Fe County Fairgrounds (Finance Department/Don D. Moya)**

**5. Request Approval of Letter of Support for the Santa Fe Habitat for Humanity (SFHFH) to be Included in an Application to the New Mexico Mortgage Finance Authority for Affordable Housing Tax Credits (Commissioner Roybal)**

CHAIR ROYBAL: Is there any items that need to be pulled from the Consent Agenda that need more explanation from the Commissioners? Okay, seeing none, what's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve the Consent Agenda.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a motion and a second.

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

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

**III. ACTION ITEMS**

**B. Miscellaneous**

**1. Request Approval of Construction Contract No. 2018-0006-PW/MM Between Santa Fe County and H.O. Construction, Inc., in the Amount of \$816,404, for the CR 54 Los Pinos Road All-Weather Crossing Construction Project and Authorization for the County Manager to Sign and Execute the Purchase Order**

TONY FLORES (Deputy County Manager): Thank you, Mr. Chair. I'll pinch hit for Mr. Taylor. The County issued an invitation for bid for improvements to the Los Pinos Road all-weather crossing project. Based upon the responsive bid we are recommending that the Board of County Commission award the contract to H.O. Construction in the amount of \$816,404 exclusive of GRT, and also provide signature authority to the County Manager to execute their purchase order document. And with that, I'll stand for questions.

CHAIR ROYBAL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair and members of the Commission, it's taken a long time to line up all the ducks associated with this particular project and get it to the point where we're actually going to build it out. It's been a long-standing project. It took a long time just to get the resources in place and do the logistics so I'm happy that we're to this point, and I'd move for approval, Mr. Chair.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Okay we have a motion and a second. Anything else under discussion? Seeing none, we have a motion and a second.

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

**III. B. 2. Request Approval of Construction Contract No. 2018-0001-PW/MM Between Santa Fe County and LLR Construction, Inc., in the Amount of \$400,298.37, Exclusive of New Mexico GRT, for the Pojoaque Valley Recreation Complex Phase 2 Improvements and Authorization for the County Manager to Sign and Execute the Purchase Order**

MR. FLORES: Thank you, Mr. Chair. I'll be brief. Again, we're asking for approval of the construction contract in the amount of \$400,298.37 exclusive of GRT for the Phase 2 improvements which consist of an expanded parking area, improving the site drainage, site access control and providing landscaping improvements to the Pojoaque Valley Recreation Complex. And we stand for questions and request that the Board approve the contract and grant the signature authority to the County Manager to execute the PO.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, if you move it, I'll second it.  
Congratulations.

CHAIR ROYBAL: Thank you, Commissioner. I'd like to make a motion to approve.

COMMISSIONER ANAYA: Second.

CHAIR ROYBAL: We have a motion and a second. Any other discussion? Okay, I'd like to thank the staff for the hard work.

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

**III. B. 3. Request Approval of the Order Imposing Tax Rates on the Net Taxable Value of Property Allocated to Governmental Units Within Santa Fe County for the 2017 Tax Year [Exhibit 3: Staff Report]**

DON MOYA (Finance Director): Thank you, Mr. Chair, Manager Miller, members of the Commission. What you have before you for approval are the 2017 tax rates as submitted. Most of the information that we use came from a preliminary – all of the information came from preliminary assessed valuations that have been certified by the Department of Finance and Administration, run through their yield control formula, and in a nutshell, you are seeing some small increases and decreases throughout the authorities between 2016 and 2017. Primarily what you're seeing in the city are largely due to debt service rates. For example, the City of Santa Fe, there's a small increase, largely due to the County debt service rate and the school debt service rate. You also see a small increase in the county for schools and debt service rates.

Down in Pojoaque, you see an increase mostly due to debt service and Edgewood/Moriarty, that increase is one of the larger ones. It's mostly due to the three mills that were imposed by the City of Edgewood. Moving into Edgewood/Moriarty they created a new district in Edgewood due to an annexation and that is ATA, and then comparing it to

the 2016 rates for the same area, it's a slight increase.

Moving over to Eldorado Water and Sanitation District, small increase in County debt service rate and school district rate. City of Española, there's a decrease, mostly due to the decrease in the school district debt service rate. And finally, the Española outside of the city decreased, mostly due to the decrease in the debt service rate.

That's it in a nutshell, Mr. Chair, Manager Miller and Commissioners. I also have with me the Deputy Treasurer, Mr. Eric Lujan, and I was able to confer with Gary Perez from the Assessor's Office to go over my tax rate comparison versus his and we were pretty spot on. There was a couple errors on mine but we're right on; we're in agreement. I stand for questions, Mr. Chair.

CHAIR ROYBAL: Okay, do we have questions from the Board?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, if I could, before those two gentlemen sneak out, we have our major and we also have our newly promoted captain. And Mr. Chair, I hope you're okay with me catching them before they go out the door, but I wanted to congratulate Captain Nate Segura for being promoted to captain. And appreciate the work of our major as well.

CHAIR ROYBAL: Congratulations.

COMMISSIONER HANSEN: On that note, I want to thank Major for attending the Agua Fria Village Association meeting last night. It was extremely helpful and the residents are extremely grateful for your presence. So thank you very much.

COMMISSIONER ANAYA: Thank you. Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I was kidding with the Manager earlier on this particular item that Mr. Moya is before us with because I think for the first three or four years as a Commissioner I religiously protested this item from a fundamental standpoint just logistically because of the responsibility that the State puts back on the County relative to the rates. The process that these rates come to us are through a formula, as you stated and I appreciate that and ultimately, we have no direct responsibility or control over rates but yet we are obligated under law to approve the rates when in reality we don't have anything to do with it. It's a formula but I have come to now allow it I guess, for lack of a better word, but I just wanted to say that on the record, that the rates are structured. They verify the rates and then they basically say it's up to you guys now to approve them. So with that said, I'll break from tradition, I guess, for lack of a better word, and move for approval, Mr. Chair.

COMMISSIONER HANSEN: I'll second.

CHAIR ROYBAL: Mr. Moya, did you have something else?

MR. MOYA: Mr. Chair, I don't know if it's any consolation, Commissioner Anaya, but I do confirm with each of the entities, each of the authorities. We called them. We emailed them, to confirm that – to get their confirmation that the rates are correct. And I've received all but three – confirmations from all but three that the rates are correct. I don't know if that helps.

COMMISSIONER ANAYA: It does. What are the three that didn't respond?



MR. MOYA: I don't have the list in front of me. Actually Ken Barros is still working the list as we speak to get confirmation on them but no one has said they're incorrect at this point.

COMMISSIONER ANAYA: It's a fundamental responsibility that we have. We had some other discussions with the State sometime back. But I appreciate the work and the information and the transparency that you provide and the outreach that you're providing.

CHAIR ROYBAL: Thank you, Mr. Moya. Thanks for that added information. Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, I actually wanted to add something which is essentially what you brought up which is it falls to us to approve this we wholly depend on the Santa Fe County staff for reviewing this and that's basically what they're certifying to us and I want to acknowledge the level of work that you all go to to do that. Thank you for that effort.

MR. MOYA: You're welcome.

CHAIR ROYBAL: Yes. We all appreciate the due diligence, so thank you. So Manager Miller, did you have something?

MS. MILLER: Mr. Chair, Commissioners, I just want to note, the only rates on that whole sheet that the County actually has any control over, I'll say, is if you look at the long spreadsheet, the three that are listed under County Operational for Residential, County Operational for Non-Residential, and County Debt. So they're at the top, right below State debt in the kind of olive green color. And I just wanted to note that our operational, which is our operating amounts that support County operations went down. That's due to the Assessor's work and doing a really good job on assessed values. When assessed values go up the rate goes down. So overall, our assessed values are up so it makes your overall rate go down.

Then on non-residential, that's the actual number of mills and because our non-residential pretty much stays at that level because there's not as much non-residential out in the county, or countywide, that rate usually does not get affected by yield control. We have 11.85 operating mills in place, and you can see that's how many we have in place but the effect of yield control on residential actually brings it all the way down to 5.8 mills. So for residents, while we do have a 11.85 mills in place the yield control which keeps our – if values go up, rate goes down, actually the fact that we have such high residential values keeps that rate down at 5.8 mills per thousand.

And then, on the County debt, I wanted to point out that when we took to the voters last year \$35 million worth of GO bond questions we stated to the voters that you would have a slight increase in our debt if you vote yes on all five bond questions, and we said it would go from the 1.97, 1.98 last year to the 2.12 and we did approve that and it did it the 2.12. And that is what we said it would be. So I just wanted to let you know that overall we had about a – what is that? like a six cents per thousand increase, but that was approved by the voters and our operating mills went down.

And the rest of those, that's essentially what's happening wherever you see operating mills on there, that's affected by yield control, so values go up, those rates will go down. If the values go down those rates will go up. And then debt is totally – for any of these entities, debt is based on voter approval spread across the values in their district.

And so Don basically prepared this spreadsheet so you could actually see what it did from one year to the next and could look at in your school district, in your community college district, in your special assessment district, if you're in the City of Santa Fe, if you're in the City of Española what change you might have from last year to this year's property taxes.

CHAIR ROYBAL: Thank you, Manager Miller.

MR. MOYA: Mr. Chair.

CHAIR ROYBAL: Mr. Moya

MR. MOYA: One thing I forgot to add, if I might just add to what Manager Miller has said, despite the effects of yield control as assessments go up, we are still expecting an increase in property tax revenue for this coming year, albeit slight. And it seems counterintuitive that collections, what actually comes in goes down, but those are the effects of yield control. But despite that, we are expecting a slight increase in revenue. And also the yield control is calculated on the unprotected amounts, so if there are protested amounts still outstanding at the time the tax rates are set, those would come in at the regular operational rate without the yield control.

CHAIR ROYBAL: Okay. Thank you, Mr. Moya. Any questions from the Board? We do have a motion from Commissioner Anaya and a second from Commissioner Hansen.

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

**III. C. Resolutions**

- 1. Resolution No. 2017-95, a Resolution Requesting a Budget Increase to the Lodgers' Tax Facility Fund (214) and Lodgers' Tax Advertising Fund (215) for additional revenues and expenditures totaling \$344,000 [Exhibit 4: Fly Santa Fe Information]**

MR. MOYA: Thank you, Mr. Chair, Manager Miller, members of the Commission. What you have before you is a budget increase to the Lodgers Tax facility fund, 214, and the advertising fund, 215, for additional revenues and expenditures. Basically, Mr. Chair and Commissioners, what we're doing is budgeting cash. I want to assure the Commission and Manager Miller that we are in compliance with our quarterly report to the Department of Finance and Administration and we are in compliance with the expenditure constraints as set forth by statute, which basically says you have to spend all of the proceeds within a two-year period. I stand for questions. I also do want to acknowledge the hard work of our Deputy County Manager and Lisa Katonak in making sure that all of this gets spent on time and we are in compliance. Thank you, Mr. Chair. I stand for questions.

CHAIR ROYBAL: Thank you, Mr. Moya. We're going to go to questions from the Board. We'll go to Anna Hansen first. Commissioner Hansen.

COMMISSIONER HANSEN: I would like to know what the Lodgers tax is going to be spent on.

MR. FLORES: So Mr. Chair, Commissioner Hansen, the money they're

bringing in, some of the items right off the top of the \$50,000 that this Commission has pledged to Fly Santa Fe for the second year of funding – so that will go to all the marketing programs that we have in place through our HK contract. So Fly Santa Fe is \$50,000. Pressvan Tours with the City of Santa Fe is \$5,000. There's a whole listing of events that we're allowed and actually can only use the money for for advertising purposes.

COMMISSIONER HANSEN: Okay.

CHAIR ROYBAL: Is there any other questions from the Board? Seeing none, what's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton and a second from Commissioner Moreno.

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

#### **IV. MATTERS OF PUBLIC CONCERN**

CHAIR ROYBAL: Is there anybody here from the public that would like to address the Board today? Okay, seeing none, I'm going to go ahead and close Matters of Public Concern.

COMMISSIONER ANAYA: Mr. Chair, if I could, I'd like to say something on the record associated with Matters of Public Concern, based on several constituents in the La Cienega area that have been calling, I invited them to come and actually make some comments under Matters of Public Concern. I don't know why they didn't or if they're concerned or why they wouldn't come here but I wanted to ask Ms. Miller if she could maybe for an upcoming meeting have a discussion with the City of Santa Fe. We're getting several concerns associated with the airport and noise and training flights and just regular flights and I think people are starting to gear up for the expansion that everybody's been pushing from the City, and although from an economic development standpoint and commuter standpoint, tourism standpoint, that's a good thing. But if you're a neighbor that lives next to the airport that can be tough and a bad thing. And so I want to assure that there's some type of feedback and communication that we're getting from our constituents and that we're in the mix associated with those changes. And so I would ask the Manager, Mr. Chair, if she could do some investigating because I am certainly getting a lot of calls associated with the airport and noise and concerns about those expansions. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya. And I know it is fairly early. I don't know if some of these individuals may work and not come in till after but I will allot some time for them to address the Board if they can come after 5:00. Thank you, Commission. Commissioner Hansen.

COMMISSIONER HANSEN: Also, I have a number of constituents in my district that are also complaining about air flights and low-flying planes in my neighborhood and I find it possibly environmental justice to have low-flying flights over the poorest area and the most densely populated area of the county. And although I

support the economic development I am concerned about the low-flying aircraft.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen.

## **V. MATTERS FROM THE COUNTY MANAGER**

### **A. Miscellaneous Updates**

MS. MILLER: Yes, Mr. Chair. Just a couple of things. Bear with me. I got new contacts today, and I'm like, oh, my gosh. I can't read very well. I just wanted to let you know that we do have some wildland crew, a wildland specialist, Walter Dasheno is deployed to the Chetco Bar fire in Oregon and he's been assigned as a crew boss for a team from the National Guard. As of 9/7/17 the fire stands at 176,800 acres with about 1,700 personnel assigned. And the Forest Service also picked up our urban interface specialist, Remington Gilham for deployment to the Rice Ridge fire in Montana and he's been assigned as the helitac, and this position is assigned to helicopter for logistic support and directs water drops. That fire stands at 120,759 acres with 725 personnel assigned. And then our Fire Department's Black Canyon hand crew was assigned with the New Mexico State Forestry crew to the Meli fire in Oregon and they were active for 12 days before being demobilized. They have returned to Santa Fe and are awaiting another assignment if needed.

And I just want to point out that the fact that the Forest Service has reached out and picked up our wildland members and crew for deployment to large and complex fires out of state is a testimony to the expertise, hard work and professionalism of the department's wildland firefighters and our growing reputation in this field. And I just wanted to recognize those individuals and our wildland fire crew for all the hard work and their expertise and skill.

Also, I wanted to let you know that our 2017 volunteer fire academy is scheduled to begin on September 18<sup>th</sup> and be completed on December 17<sup>th</sup>, and they'll also do live burns and testing and the New Mexico Fire Training Academy in Socorro. And we have right now 24 volunteer members who will be attending the academy and they're representing pretty much all of our districts but Eldorado, La Cienega, Pojoaque, Galisteo, La Puebla, Stanley, Hondo, Madrid and Tesuque, and year to date for 2017 we have a total of 58 new volunteer members that have joined the different fire districts. We've really been working to increase our volunteer recruitment and training as well as our career staff and as you know, we are in the middle of a recruitment effort for about 24 career staff to hopefully start the academy in December. So we have quite a bit of activity in getting our Fire Department staffed up on the volunteer side as well as on the paid side.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Ms. Miller, I appreciate the efforts of wildland team and I think that's awesome. They're doing great work and being recognized for that great work and training. On the volunteer side of the equation I think we have – and it's not much – but the incentive pay that we provide to the volunteers on their calls, we're still doing that and that's something I want to pick up and take a look at in what will be my last budget cycle to see what opportunities we have to augment that piece, because I think, although it's a small amount, I think it does offer an incentive for

the 24/7 on-call status that these volunteers go under. So I just want to put that out there to see if I could maybe get some support from my colleagues to take a close look at that moving forward.

MS. MILLER: Mr. Chair, Commissioner Anaya, we will look at that and we can bring some suggestions forward. In addition, I'm working with the chief on other ways to look at volunteer staff when they come, not just for a call response, but we frequently get requests to have our volunteers stay at an event all day and that's – we don't have a way to compensate them for that and so we're looking into opportunities and a way to handle that because currently, under our policies we don't have a mechanism to do that and we think we can come up with a way to do that as well.

CHAIR ROYBAL: Thank you for those comments, Commissioner Anaya and also I wanted to ask, do we, as far as volunteer staff that is already positioned at the stations, when there are openings for them to go into a full-time position, are they looked at? Are they looked at just because of the fact that they have area knowledge, community knowledge, what roads are where and things like that. Are they kind of given that opportunity to move into a full-time position?

MS. MILLER: Mr. Chair, they're actually encouraged to apply for those positions when we have those positions open. Quite often our volunteers have other full-time paid jobs and it's difficult for them to give those up to start again as a basic or potentially an intermediate, but we definitely encourage our volunteers and frequently get volunteers to – we frequently try to recruit and have volunteers who applied for our career positions.

CHAIR ROYBAL: Thank you, Manager Miller. Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. Several things. First of all, I'd be happy to work with you on looking at that, the various aspects of volunteer retention. And there are a lot of volunteers who do go from volunteer to pay status. As a matter of fact, the chief of our department, Chief Sperling, started as a volunteer at Glorieta Pass. One of the downsides is that you take your most experienced, your best and often your youngest, most capable volunteers and lose them because once they go to paid staff they can no longer volunteer in the department. It's discouraged to do both. So it's kind of a mixed blessing, but they are encouraged to do that and it is a real benefit to the County either way.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Manager Miller.

MS. MILLER: Mr. Chair, the next item I had up on your seats I had put the Fly Santa Fe newsletter, August 2017. Tony mentioned it, that we do help recruit airlines to have flights to other cities out of Santa Fe and we do that through advertising and promotional efforts and in order to try to keep the seats filled and the Phoenix flight that was put in place at the airport is now operating with 85 percent of seats filled, and this is just a little report to let you know what's been happening relative to Fly Santa Fe and the airlines and what they're trying to do actually – for the flights that do go out of Santa Fe Airport, what they're doing to try to make sure that those seats are filled and that those flights remain in and out of Santa Fe.

And then the last thing that I had to update you on today, we did close on the \$27.7 million in general obligation improvement and refunding bonds. As you know, last month we approved a sale of those bonds and that was about \$22 million of the \$35

million authorized in the last election cycle, general election. As I stated earlier, we had five questions for roads, water, wastewater, open space and public safety and health facilities. Out of those \$35 million, the Board approved selling the bonds. So that's \$35 million of voter authorized bonds and we have issued and closed on \$22 million of that \$35 million. In addition we had about \$6 million of refunding, which is refinancing of an older 2009 bond, I believe. Those funds came in today. We will be coming at the end of the month at the BCC meeting to budget the \$22 million to go towards all of the projects that are ready to move forward out of that \$35 million worth of authorization that the voters provided. That's predominantly road projects, but there are several fire stations that will be getting improvements or construction. It's the health facility down in Edgewood. It's also the \$2 million for our behavioral health crisis triage center and a variety of road projects that were on that list, and water and wastewater projects.

So if want to know any specific projects relative to your districts, I can give you an update on that but that will be coming forward for budgeting at the end of the month.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair and Ms. Miller, there's been a lot of work to get to this point and a lot of feedback associated with citizens and staff and the Commission and a lot of back and forth, so as we move forward into the budgeting and final budgeting and construction phase I'd really appreciate it if all the Commissioners – we don't want to slow down anything. We want to let you advance the projects and get them done but if we could be in the loop on those discussions so that we can do kickoffs for a lot of those projects that have been years in the making it would be greatly appreciated. So as you're starting to building your scheduling and work through the bidding and award phase I really want to be part of that discussion and make sure – and not just me, but all the Commissioners I think would probably want to be part of that so that we can do some appropriate planning.

And to get a lot of the people – not for my benefit but there's a lot of people – I think about General Goodwin Road and they lost their entire road. It was a catastrophe. It took a long time just to get back on track and get to the point where we're going to actually get to do some construction. So I want to be able to communicate with those people and staff and everybody involved to prepare. And so I would appreciate that. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Did you have any other updates, Manager Miller? That was it? Any other comments from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I agree with Commissioner Anaya on that. I want to be kept in the loop so if things are happening in my district I can alert my constituents. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen.

**VI. MATTERS FROM THE COUNTY ATTORNEY**

- A. Executive Session Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978, and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, Including the Following:**
- 1. Rights-of-Way for County Roads**
  - 2. Buckman Direct Diversion Issues**
  - 3. Potential Enforcement Actions for Violations of the Santa Fe County Sustainable Land Development Code**
  - 4. Possible Litigation Regarding Annual Contributions Contracts between the Santa Fe County Housing Authority and US Department of Housing and Urban Development**

CHAIR ROYBAL: Can you give us a summary of why we'll be going into executive session?

GREG SHAFFER (County Attorney): Mr. Chair, the items to be discussed in executive Session and the statutory authority to discuss them are as follows: threatened or pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 10-15-1(H)(7) NMSA 1978, and discussion of the purchase, acquisition or disposal of real property or water rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, including the following: right-of-ways for County roads; Buckman Direct Diversion issues; potential enforcement actions for violations of the Santa Fe County Sustainable Land Development Code; possible litigation regarding annual contributions contracts between the Santa Fe County Housing Authority and US Department of Housing and Urban Development. And the motion to go into executive session should incorporate by reference those specific items to be discussed and the statutory authority for them.

CHAIR ROYBAL: Thank you, County Attorney Shaffer. So what's the pleasure of the Board?

COMMISSIONER HANSEN: I move that we go into executive session to discuss the items that were presented by County Attorney Greg Shaffer on this date.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen and a second from Commissioner Hamilton. Can we have a roll call please, Madam Clerk?

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

Commissioner Anaya	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

CHAIR ROYBAL: Greg, do you have a timeframe more or less that we'll be in executive session? We can't be out before 5:00 because we have a public hearing, so I'm thinking between 5:00 and 5:30.

MR. SHAFFER: Mr. Chair, I think we could be out by 5:00.

CHAIR ROYBAL: Okay. Thank you, Greg.

[The Commission met in executive session from 3:30 to 5:47.]

CHAIR ROYBAL: Okay, we're coming back out. Can I get someone to make a motion to come out of executive session?

COMMISSIONER HANSEN: So moved.

COMMISSIONER MORENO: Second.

COMMISSIONER HANSEN: Nothing was spoken about that was not on the agenda or that County Attorney, Greg Shaffer outlined in going into executive session.

CHAIR ROYBAL: Okay, we have a motion and Commissioner Moreno, does your second include Commissioner Hansen's comments?

COMMISSIONER MORENO: Yes.

CHAIR ROYBAL: We have a motion and a second.

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



## VIII. PUBLIC HEARINGS

### A. Land Use Cases

1. **BCC CASE #APP 17-5001 Eldorado Area Water and Sanitation District Appeal.** Eldorado Area Water and Sanitation District, Appellant, Steve King, Agent, are Appealing the Santa Fe County Planning Commission's Decision to Deny a Variance of Section 7.17.5.2.6, to Allow an 800 Square Foot Well Production Facility and Water Treatment Purifying Equipment to be Placed within the 75-Foot Setback from the FEMA Designated Floodplain Hazard Area; a Variance of Chapter 7.11.12.3, Table 7-15, to Allow a 25-Foot Separation From Access Points; and a Variance of Chapter 7.3.3, Setbacks, Table 7-A (Setback Table), to Allow the Facility to be Located within an Easement Which is 7.5 Feet from the Property Boundary. The 0.072-Acre Easement Site is within a 3.56-Acre Parcel and Lies within the Residential Estate Zoning District. The Property is Located at 3 Carissa Drive, in Eldorado, within Section 17, Township 15 North, Range 10 East (Commission District 5) [*Exhibit 5: Letters to Staff; Exhibit 6: Aerial View; Exhibit 7: Letter from Mr. Loewy; Exhibit 8: Letter and Supporting Material from Ms. Hornig*]

JOHN LOVATO (Case Manager): Thank you, Mr. Chair, Commissioners. Good evening. On April 27, 2017, the applicant/appellant presented three variances to the Hearing Officer for Public Hearing. The Hearing Officer was in support of the application memorializing her findings of fact and conclusions of law in a written order in Exhibit 10.

On June 15, 2017 the variance request was presented to the Planning Commission and the Planning Commission denied all three variances by a 5-2 vote because members believed the plans lacked sufficient information required for the request.

The appellants' original variance request: The appellants requested to place an 800 square foot well production facility and water treatment purifying equipment, to be placed within their 3,100 square foot easement. A detailed design of Well 19 was initiated in 2014. Based on results of this design investigation, the district proceeded with easement acquisition and well development. The appellants stated, As identified in the EAWSD utility master plan completed in July 2013, the district has an acute need to develop additional groundwater sources as required to meet our peak summer demands. Therefore, the appellant requested three variances to place the facility on the 0.072-acre easement site within a 3.56-acre parcel.

The appellant states, because of the lack of clarity regarding the basis for the County Planning Commission's denial of EAWSD request for variances for the Well 19 Production Facilities project, we defer to the findings and recommendations of the Public Hearing Officers as the basis for our request for appeal to the Board of County

Commissioners. The appellants further state with documentation submitted in the appeal that they are following all conditions recommended by the Hearing officer and County Staff as follows:

1. July 18, 2017, correspondence from Design Engineer MolzenCorbin certifying that the arroyo Bank is stable.
2. July 18, 2017, correspondence from Design Engineer MolzenCorbin certifying that flood levels in the arroyo will not increase due to the project with submitted Hydraulic calculations.
3. Revised civil drawings for the project placing the driveway at the northern boundary of the easement and placing delineators at the ends of the culvert.

The appellant addressed each of the variance criteria and staff responded as contained in this report.

Recommendation: As staff did not recommend the initial variance request, staff recommends the BCC deny the appeal and uphold the Santa Fe County's Planning Commission's decision to deny a variance of Chapter 7.17.5.2.6, to allow an 800 square foot well production facility and water treatment purifying equipment to be placed within the 75-foot setback from the FEMA Designated Floodplain Hazard Area, a variance of Chapter 7.11.12.3, Table 7-15, to allow a 50-foot separation from access points, and a variance of Chapter 7.3.3, Setbacks, Table 7-A, Setback Table, to allow the facility to be located within an easement which is 7.5 feet from the property boundary.

The Hearing Officer recommended approving all of the variances because she believed that the applicants met the variance criteria.

The Planning Commission denied the variances because they believed that the application and plans provided did not meet the requirements and evidence necessity to grant the variance and meet the variance criteria. If the decision of the BCC is to deny the appeal, the BCC may adopt the findings of the Planning Commission, as Exhibit 8 in your packet. If the decision of the BCC is to grant the appeal and the variance requested, the BCC may adopt the findings from the Hearing Officer, Exhibit 9, in your packet.

An appeal of the decision of the Planning Commission shall be reviewed *de novo* by the Board per Chapter 4, Section 4.5.4 of the SLDC and the Board may make their own findings and conclusions.

Mr. Chair, Commissioners, I stand for any questions you may have.

CHAIR ROYBAL: Okay, do we have any questions from the Commission? Commissioner Hansen.

COMMISSIONER HANSEN: So I was under the impression from reading the minutes that the Planning Commission asked for more information, was one of their concerns. Did all the information that the Planning Commission request – was that provided to us?

MR. LOVATO: Mr. Chair, Commissioner Hansen, that is correct. They have submitted all that documentation.

COMMISSIONER HANSEN: Okay. So that was one of the main issues with the Planning Commission was they felt there was insufficient documents and now you have sufficient documents.

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

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner

Hamilton.

COMMISSIONER HAMILTON: I'll wait until – I'm happy to wait until we have public comment.

CHAIR ROYBAL: We'll get public comment first and then we'll go back to the Commissioners.

COMMISSIONER HANSEN: I just wanted to clear that.

CHAIR ROYBAL: That's good. So how many people here today would like to speak in support or opposition to this? So can everybody go ahead and come forward and be sworn in as one? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, respectfully, do we want to hear from the applicant and then additional feedback, I think, possibly?

CHAIR ROYBAL: Yes. We'll go ahead and go to the applicant first. But if everybody that wants to speak could kind of come forward and be sworn in. So we'll go ahead and hear from the applicant first.

[Those wishing to speak were placed under oath.]

[Duly sworn, Tanya Scott testified as follows:]

TANYA SCOTT: Mr. Commissioners, members of the Santa Fe County Commission, my name is Tanya Scott. I'm a member of the Law and Resource Planning Associates Law Firm. I'm here to represent the Eldorado Area Water & Sanitation District in this appeal before the Commission from the determination of the Santa Fe Planning Commission that the three variances that have been requested should be denied. I frankly am going to need some direction from the Commissioners because I realize this is a *de novo* proceeding. The rules in the development code are not very specific about how you proceed in a *de novo* hearing.

We're here today to present testimony and comment from a variety of members of the Eldorado family, including David Chakroff, who's the general manager. We have here Steven King, who is the project manager. We also have the chairman of the board, John Calzada, the treasurer for the organization, Elizabeth Roghair – I think is how she pronounces it, is here. And also we have an engineer from MolzenCorbin, Mr. Casey Cook, who is here also to speak in favor of this variance.

I think from a legal perspective it's very important to emphasize to the Commission that Eldorado has met the criteria for a variance in all three of the requested areas. Specifically, I also want to emphasize to the Commission how critical this new well is to the Eldorado Area Water & Sanitation District and also to the Eldorado customers that the district serves. The district serves I believe about 6,000 customers. They have been working quite diligently over the last few years to improve the system, to go to the State Engineer and have any questions about water rights, etc. resolved, which has been done through the issuance of a license from the State Engineer. They have recognized for a number of years now that they do need to improve their supply. Just simply having a license or the water rights recognized is not enough; you need to have wet water.

And so since 2014 they have been moving diligently towards the drilling and production and equipping of this Well #19 because it's critical for the district to meet its peak demands for the summertime through the addition of this well. The district was hopeful that this well would have come on line this last summer, the summer of 2017, but

because of certain delays it hasn't come on line. So it's even more critical that they push ahead with obtaining the necessary approvals which at this point mainly involve the variances involved here so that the well can come on line next summer.

As the general manager told me earlier today, the district was just lucky this year that it was a wet year and a mild summer so that they never had to impose drought restrictions because of their inability to meet peak demand. That may not happen next year. So they're very concerned about pushing this forward. They have a funding mechanism in place which is going to be threatened if they have more serious delays. They have a construction contract that's in place that's contingent upon the granting of a variance. That construction contract is also in jeopardy if it cannot be extended which would raise the cost of the well for the members of the – the customer base for Eldorado.

The members, or the management of Eldorado is prepared to explain to the Commission how this whole process came about, how they hired – I think it was GGI, Glorieta GeoScience to do the hydrology work that was required for them to determine what the well placement would be and so GGI identified the location of Well 19, and you're going to see that on one of the boards later on. So an exploratory well was drilled. It proved that it was going to be a productive well, so Eldorado then moved forward with acquiring an easement so that it could build a well house, equip the well, install the piping and plumbing that it needs for some water treatment and the pumping station, etc. that's required for it to go on line for its customer base.

The location of the well was basically not their choice. It's the choice of the hydrologists who did the testing, etc. to locate the best place to drill this well, which was done. The easement acquisition proceeded with a negotiation with the landowner who owned the property. The negotiations centered upon the size of the easement that was required and of course the price. And Eldorado felt at the time that even though it has condemnation authority just like the County of Santa Fe does, that it is much better for everyone concerned to be able to negotiate location, size, etc. of the easement, and a price, rather than proceed to condemnation proceedings which can be a lot more expensive, a lot more time consuming.

So the district was able to negotiate a location with the property owner who was very concerned about the placement of the easement on her property. She was also concerned about the aesthetics about the well house and how it was going to look perched on the edge of her property, and Eldorado and the landowner were able to reach an amicable settlement of the issues that the landowner had with respect to both location and the aesthetics of the well house.

So what we're faced with here is a request for three variances, one of which is that the well house will slightly encroach upon the FEMA floodplain. The second one is the setback from the property line will not meet the zoning requirements. However, that edge of the property line is on an open space area, and you're going to hear from the engineer about how Eldorado has met the recommended conditions of the Hearing Officer in order to assuage any concerns about safety, etc. And the last variance that they seek is one that allows a smaller division between the driveway that will serve the well house and the intersection. And with respect to that variance I would point out that Eldorado will address any concerns about traffic, because the traffic is very minimal in the area. You're going to see from the posters that we have here, it's an area of very low

density. The traffic counts are very low. There will be probably one visit per day, five days a week, from an Eldorado employee just to check on the well.

I know one of the concerns of the staff, and I presume the Planning Commission also was there is not sufficient area within the easement for repair trucks or drill rigs or whatever is necessary to service the well in the case that repairs need to be made or a pump needs to be pulled and repaired. The plans do not accommodate that kind of a necessity in the future. You're also going to hear from the engineers involved that that is a misconception, that there is room, both in the driveway and the easement to pull an entire drill rig onto the property so that it's completely off of the traveled portion of the road out in front of the well.

The Hearing Officer, upon hearing the request for the variances, recommended that they be granted with three conditions, all of which Eldorado has fulfilled, the first one being a certification from an engineer that the floodplain or the flood levels will not be increased by the construction of the well building. That has been done. The second one was a certification by the engineer that the arroyo edge was stable and not subject to erosion. That has also been done. There's been a certification. The third thing was that the driveway to the well building be moved as far north as possible on the easement so that there is a greater distance between it and the intersection. And I think maybe there was some misconception about that at the Planning Commission as well. I think the findings of the Commission indicate that they were unwilling to do that. Well, in fact, they have redrawn their drawings so that that driveway is as far north as they can put it on the easement. And also they have agreed to put delineators on the driveway to notify traffic that there is a driveway there.

You're going to hear from the engineer as well that the line of sight from that driveway is adequate to meet standards that apply to highways.

So with that introduction I would ask for a presentation from first, the general manager who is going to explain how the easement was acquired and why it was done in that way. Again, I seek your guidance. I don't know – I'm a lawyer. I'm used to being in a courtroom questioning people. I don't know if you prefer the witnesses to respond to questions or you just want them to make a presentation.

CHAIR ROYBAL: I think for now we can just go with the presentation and we'll have the Commission at the end ask questions.

MS. SCOTT: Thank you. With that I'd ask Mr. Chakroff to come forward.

[Previously sworn, David Chakroff testified as follows:]

DAVID CHAKROFF: Thank you, Commissioners. I am David Chakroff. I'm the general manager of the Eldorado Area Water & Sanitation District. I've been the general manager there since December of 2009. As Ms. Scott indicated we have a real issue. We've had an issue since the water district took over this water system in 2005 in terms of improving the infrastructure and providing sufficient water supply to meet the demands of the customer base. And this has – in the first several years after the district acquired the water system, because 2005 and 2010 the district had drilled and put into production two new high capacity wells, Wells 17 and 18. In our hydrogeologic analysis and looking at the demands of the community, both these two wells, 17 and 18, still were not sufficient to meet the standards that the New Mexico Environment Department and industry standards and guidelines provide for meeting customer demand for drinking

water. And those standards are basically you want to be able to have the well capacity to meet the peak demand of your customer base, which is typically in our case in June or July, and you need to be able to meet that capacity when your highest producing well is out of service. It's down for maintenance or something goes wrong and you can't produce from your highest well.

The district has never been able to meet that standard and still cannot meet that standard without this additional well. As I'm sure you're all aware of, for the past six years approximately we've been in the middle of a pretty severe drought situation in New Mexico and we have two wells that are down in the Galisteo Basin which are very susceptible to the seasonal precipitation and seasonal drought conditions. And when we have dry winters, little snowpack and dry springs and summer, we are unable to produce from those wells and in the past six years I think we've only been able to produce – or past seven years – we've only been able to produce from those two wells for two years. Fortunately, this past summer has been one of the years that we were able to produce from those well. If we had not been able to produce from those wells this summer then we would have been in a world of hurt and would certainly have been in water restrictions for our customers because we didn't have this Well 19 on line.

So as Ms. Scott indicated we have a hydrogeological firm, GGI, that does the hydrology for the district and so they have for a number of years been looking at – they essentially did the work to indicate where the best location was for the Well 17 and Well 18 that were drilled and put on line between 2005 and 2010 and after that we asked them to start looking at the next best possible place for a high production well. They located this particular location along this arroyo and told us, put the X on the map and said this is the spot. They actually – there was a little bit of a – it wasn't exactly that particular spot but the only high ground that was in the zone that they were recommending where we drill a well was on this particular property.

So we approached the property owner and discussed this with the property owner. It just so happened that when we approached the property owner the home was on the market. It was for sale. So the property owner was not too excited about the fact that we were approaching her with the prospect for a well on her property when she was trying to sell the lot. So in order to make this as easy and not have to go through a condemnation process and try to get this resolved in a way that would maintain an attractive property for a potential buyer she had a number of conditions that she wanted to negotiate with us with respect to this easement.

And one of those conditions – it so happens that the person selling the property was also an architect here in Santa Fe and so she had some very specific recommendations and desires and requests for the actual architectural structure that we would design and we took those into consideration, turned those over to our architect and he incorporated those aspects into the building so that it would blend in with the residential community and look like a casita on this property as opposed to a well house and a pumping station.

Well, the other request that she had was that she wanted to – she had a very specific area on the property that she wanted us to limit these easement to, so that it would minimize the impact on her property from the sight lines from her house and it was, as you will see when the engineer gets up here that we kind of pushed the easement

over as far as we could to one side of the property, kind of out of the way of the home, and close to this open space, which was already – which would not really impact the neighboring homes or minimize the impact on any neighboring homes.

So this all occurred in the summer of 2015 when we started negotiating this process and the property owner actually sold the property and before we completed the easement process but was working with the buyers. The buyers knew when they purchased the property that this negotiation was going on. And so we started negotiating with the new owners of the property when they closed on the property and they had the same concerns and wanted the easement located in that area and of that size. So we were fairly limited as to where we could put the easement.

So in September of 2015 we finalized the easement agreement. We went on to drill the exploratory well. Once we had drilled and tested the well in early 2016 we went back in accordance with the easement agreement that we had and we got the grant, the actual final grant of easement from the property owner for this site. And we've been working with the design engineers every since then and with the County trying to resolve these issues to get this well on line. So that's kind of the history of how we got to where we are at this point and I'll turn it over to Steve next and he'll introduce the engineers who will give a little bit more detail on the location.

CHAIR ROYBAL: Thank you, Mr. Chakroff.

[Previously sworn, Steve King testified as follows:]

STEVE KING: Good evening, Mr. Chair and Commissioners. My name is Steve King. I'm the project manager for Eldorado Area Water & Sanitation District. My comments will be brief because I think Tanya and Dave did a more than adequate job of providing kind of the highlights on the background and the history of this project. I'll just make a couple of quick notes. I think the point has been made that Well 19 is a critically important new source of supply in order for us to safely and reliably meet the water demands of the 23 communities and the over 6,000 residents that we serve. So I think that point's been made I'll emphasize that.

The other thing, just to add to Dave's history. The project started in 2014. He gave you the sequence of events. To date, the district has invested over \$600,000 into this project at this location with the siting and the planning, working with the hydrogeologist and the engineers and the actual construction of the well. So we're well invested in that specific location. The other thing that we've done is, as was mentioned, is we've completed the detailed design for the remaining features, which are basically the small house, which is the focal point of a lot of this evaluation from the County, and all the mechanical equipment and pumps and stuff associated with this facility that are housed in that well house, and then all the interconnecting piping.

So we completed that design in early 2016. We actually went out to bid for that project in March of 2016 and we actually made a contingent award to the lowest responsive bidder back in May. So that's important. So the bid price for the well house and the interconnecting piping is nominally just over another million dollars. So all in, the way the project is configured right now, it's about a \$1.6 to \$1.7 million well. These water supplies are not getting cheaper and easier to find these days. So it's expensive already.

Two points associated with that: If we were to experience significant additional

delay there'd be two implications. One I think Dave mentioned, that we secured a Drinking Water State Revolving Loan funds to fund the construction. If the project is significantly delayed that may prevent us from using a portion or all of those funds for this very important construction project. And the other thing that would be required, we'd have to go out and rebid. Both of those actions could significantly further increase the cost of this already very expensive project.

And I'll just emphasize a last point and I think Dave covered that very well, is that we've tried to be very pro-active in working with not only the owner where we acquired the easement but also with the local homeowners association, La Paz to make sure that we put this well house structure in the most acceptable location and that we designed it with all the architectural features that were required to meet the aesthetic or the architecture of that particular neighborhood.

So those are my brief highlights and with that I'm going to hand it –

MS. SCOTT: Mr. King has a number of letters of support from the community.

MR. KING: Which were distributed – they were distributed just prior. I saw those go around. So, yes.

CHAIR ROYBAL: Thank you.

[Previously sworn, Casey Cook testified as follows:]

CASEY COOK: Good evening, Commissioners. Thank you for having us tonight. I know it's getting late for you. You've been here since 2:00 working so I will also try to be brief. I would like to tender an exhibit. It's basically what you see in front of you. I don't believe it's in your packet. If it is, it's outdated, so may I? My name's Casey Cook. I'm an engineer with the firm of MolzenCorbin in Albuquerque. I am a consulting engineer for Eldorado Area Water & Sanitation District and I am the project manager for the Well 19 project.

I'm going to go over some of the technical aspects of the variances and why we believe they are not contrary to the public welfare and why I believe they uphold the spirit of the Sustainable Land Development Code. Before I launch into those, one other thing that I wanted to add to the history of the project is Mr. Chakroff and Mr. King described that one of the requirements for a new well and for a pumping and treatment system as this one is is that you submit your plans to New Mexico Environment Department Drinking Water Bureau for approval prior to even going out to bid for the project. So we made that submittal prior to bidding the project and got the approval. The Drinking Water Bureau looks at aspects such as the sanitary completion of the well and such as the water quality aspects of the delivered water and they were in favor of the project and approved on all counts.

Okay, with that I'll go over some of the variances. The poster board in front of you basically lays out the features of the site. North is up. There's a couple of roads coming in here. Avenida Torreon comes from the north and turns east. Carissa Road comes from the south. So I'm just going to kind of walk you through some of the variances that we've requested in terms of the offsets and some of the aspects of those from the engineering standpoint.

The well house is located right here and the well itself is right here. Okay. Some of the important things to look at on this are the driveway which is now – it used to be



about in the middle of the property, aligned with the well, but it has now been moved up to the far north part of the easement, creating a 50-foot separation from this intersection. The FEMA floodplain boundary is this line right here, and as you can see the corner of the building, about 12 to 13 feet of it encroaches upon that floodplain. And finally, the property boundary itself is right here and here is where the corner of the building comes within 7.5 feet and is another requested variance. So with all of those let me get back to my notes.

Okay. The first variance, the driveway setback – we understand the intent of the driveway setback is based on safety so that a car pulling – a vehicle pulling in or out of the driveway doesn't pose a hazard to those traveling on the main roads. The code requires 200 feet; we're requesting a variance to allow for 50 feet. There's an organization called AASHTO, the American Association of State Highway and Transportation Officers that issues recommendations and guidance on aspects of safety on highways and roads. Their recommendation for an area like this in a neighborhood with a 25 mile per hour speed limit is that the sight distance be 280 feet or more. And what you'll see – I'll put up another poster here, this is a pull-out of the same picture you saw earlier. Here's our site. Here's the roads coming in, so coming from the north there's about 400 feet of sight distance. Coming from the south, there's about 300 feet. Both of those exceed the recommendations of AASHTO, and coming from the east on Avenida Torreon there's a stop sign. So any traffic coming in here will have to stop before turning either direction and creating safety.

The other thing I would point out is that the typical vehicle that visits this site is about 12 feet long and it has plenty of room, and these are the operators and maintenance personnel, when they come into the site they will pull up onto this driveway and be off of the main drive, open the gates, pull in, do their work, come out, park here, close the gates and then drive away. At no time will they be stopped on this road creating any kind of hazard.

As I think was mentioned earlier the traffic counts in this area are quite low. I believe it's four vehicles in the morning and five in the evening. And the district's operators will visit the site perhaps once a day during the weekdays.

The property setback – our understanding of the intent of the property setback are for two reasons: one, to prevent a fire from spreading from building to building if they're too close together, and two, is to ensure that your neighbor is not so close as to create a nuisance. The setback is 25 feet from property lines. In this case we're asking for a 7.5-foot setback, and again, I think as has been touched on already, where that setback occurs is adjacent to an open space drainage easement which cannot be built on and won't be built on and therefore there is no issue of structures being too close together.

And finally, the floodplain setback. The code requires a 75-foot setback from the FEMA floodplain boundary. In this particular case, because of the site constraints and the size of the building required to house the equipment necessary for the operation of the well, it was necessary to encroach about 12 feet into the floodplain. There's a number of issues and reasons why it is thought that you don't want to encroach on a floodplain. One of course is safety. This is an unoccupied building and so safety is not necessarily ever going to be an issue here during a 100-year flood. The second is a potential for a flood to create damage of the structure or any of the surrounding buildings, structures, etc. To

address that issue we've done what is typical engineering practice in a floodplain and that's to raise the finish floor of the building one foot above the projected flood level, and also to raise the well pad one foot above that level and all of the electrical equipment. So that if a 100-year flood event ever occurs it will not flood the building; it will not flood the well.

Those elevations are all in the engineering plans that have been submitted to the Commissioners. One thing I wanted to point out with another exhibit – this is a blowup of a figure that's in the floodplain certification, the no-rise for certification. And those show essentially – here's our well building. North is up. There's Torreon Avenue, and here's basically the floodplain. It's a very broad and low floodplain. The flood height is about three feet from the base. It's approximately 600 feet wide. Our building encroaches about 12 feet on it. That's about two percent. The no-rise certification that my colleague, Steve Morrow, prepared and submitted essentially showed that there is no rise. This is the channel prior to the construction of the building, and this is the channel with the flood height after construction of the building.

The other issue involved with the floodplain of course is channel stability and the concern that perhaps that channel may migrate and start to erode away at the edge of our property and perhaps damage the building or otherwise compromise the site. Steve Morrow also prepared a certification of bank stabilization, which included 20 years of aerial photos showing that the channel has been stable over those 20 years and has not changed at all. It's a well vegetated channel and in order to also address potential erosion issue on our property should a flood come through, we intend to have the contractor install rip-rap on that slope that's adjacent to the channel.

I believe that's all I had to say tonight. Thank you for your attention.

CHAIR ROYBAL: Thank you, sir.

MS. SCOTT: That concludes the applicant's presentation. If you have any questions we'll be glad to address them or wait until after the public comments.

CHAIR ROYBAL: I think we'll wait till after public comment. Thank you.

MS. SCOTT: Thank you.

CHAIR ROYBAL: Okay, so those individuals that would like to address the Board.

[Previously sworn, Joe Loewy testified as follows:]

JOE LOEWY: Mr. Chair, Commissioners, County Manager and County Attorney, staff and friends. Good evening. My name is Joe Loewy. I live at 6 Monterey Road, Santa Fe. I am here today as a ratepayer in the Eldorado Area Water & Sanitation District and a volunteer appointed member of the EAWSD Capital Planning Advisory Committee. In the interest of full public disclosure I also wish to note that I currently serve as an appointed board member of the Santa Fe County Housing Authority. I wish to briefly speak today in support of Case #V 17-5000, EAWSD variances.

In 2012 my wife and I built our home in Eldorado. One of the most significant reasons for us choosing to live in Eldorado was the fact that the water district had a safe and reliable water system with sufficient wells to produce water for the approximately 7,000 residents in our area. As a volunteer committee member of the water district I have come to appreciate the critical need for additional water sources, especially in order to

meet the summer peak demand. Construction of the Well 19 is essential in order to meet this need.

The variance requests proposed are logical, and preserve the health, safety and aesthetics of the community and environment. The Sustainable Land Development Code Hearing Officer's recommendation found that the water district application, and I quote, "is well taken and recommended that it should be granted" subject to certain conditions. Each one of these conditions has been substantially met by the water district. The Hearing Officer further noted that there are extraordinary and exceptional situations or conditions of the property as demonstrated by the water district application. Most importantly, the Hearing Officer noted that the variances requested, a) are not contrary to public interest; b) owing to extraordinary and exceptional conditions of the property the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship to the owner; and c) granting the variance will result in the spirit of the SLDC being observed and substantial justice done.

Lastly, I wish to point out to you that the project has been both reviewed and is supported by the neighborhood homeowner associations at and surrounding the well location. The community wants and needs this well to be completed. Please approve the water district appeal of the Planning Commission denial of variances to enable this project to move forward as quickly as possible. This well is critically needed by my neighbors, my family and the entire Eldorado Water District community. Thank you.

CHAIR ROYBAL: Thank you, Mr. Loewy. Can we have our next speaker please?

[Previously sworn, Christina Hornig testified as follows:]

CHRISTINA HORNIG: Honorable Commissioners, my name is Christina Hornig. My husband, daughter and I live at 24 Aster Way in La Paz. Our property adjoins the Carissa Road property where the water district is proposing to build the well facility I'm here to request that you uphold the order from the County Planning Commission correctly denying the variances requested by the water district and affirming the need to follow the rules established in the County's Sustainable Land Development Code.

I'll start with two overall perspectives. The water district has requested these variances based on the premise that the addition of this well to the district water supply is in the public interest, and that strict application of the SLDC constitutes an extraordinary hardship to the district. While we recognize that reliable water supplies are important, this water comes with a problem named antimony. The water's antimony level is well above the EPA specified maximum contaminant level allowable for drinking water. As Steve King of the water district noted at the June 15, 2017 Planning Commission meeting, the district's engineer has developed a plan to blend this water with water from the district's existing wells, none of which contain detectable levels of antimony. As Mr. King stated, the water from this well "normally serves that immediate neighborhood" so our family will be faced with a change to drinking water, perhaps slightly below the EPA specified maximum contaminant level for antimony, while other district customers will continue to receive antimony-free water. As parents and members of the public we do not see the introduction of contaminants at any level to be in the public interest.

The other general concern we have is the district's claim that following the requirements of the SLDC represents an undue hardship. We think the findings

documented in the Planning Commission's order denying the variances state the situation clearly. "The variances are requested due to the applicant's failure to obtain sufficient easement to meet SLDC requirements rather than due to any extraordinary or exceptional conditions of the property."

In the information presented at the various hearings the district has repeatedly stated that it was unaware of the requirements of the SLDC and the codes that preceded it. As an example, at the hearing with the Hearing Officer in April Steve Morrow of MolzenCorbin, the district's engineering firm, stated, "Originally we were under the impression that the County did not have any setback requirements and the Eldorado design guidelines were the only setback requirements we were required to abide by."

The district has repeatedly discussed the money that the district has invested in the well to date as justification for the hardship claim. The district has not discussed the fact that the placement of the facility was affected by error by one of its employees or contractors. The minutes of the district's board meeting on March 2, 2017 discussed delays to the permitting of the well facility due to a discrepancy found with the FEMA map that was used to identify the floodplain lies and references, "further discussion regarding who will be responsible for the cost to correct the error of the misidentified floodplain."

This error is apparently present in the site plan approved by Steve Morrow of MolzenCorbin in October 2017 that was submitted with the variance requests. This site plan shows the limit of FEMA floodplain on the far side of the property line, while as taxpaying district residents we are troubled by the fact that our money will be wasted due to errors on the part of the district's employees or contractors. We do not believe that these self-inflicted errors justify the claim of hardship.

This encroachment into the FEMA designated floodplain is the most concerning of the specific variance requests. As Vicki Lucero of the County's Growth Management Department noted during the public hearing with the Hearing Officer on April 27, 2017, "The setback requirement from the floodplain that was actually a standalone ordinance that has been in effect since, I believe, 2008. So those setback requirements, they got carried over into the SLDC but they have been in effect for several years."

Ms. Lucero also addressed the issue during the Planning Commission hearing on June 15, 2017 saying, "They're actually encroaching into the floodplain with this structure, but the 25-foot setback is the minimum that the code would allow with bank stabilization." The order from the Planning Commission denying the variance correctly concludes that "obtaining sufficient easement to avoid variances could have been accommodated since the setback requirement existed prior to the easement acquisition. The applicant's decision to acquire an easement for this project which would require variances does not constitute an extraordinary and exceptional situation or condition of the property making strict application of the SLDC result in peculiar or exceptional practical difficulties or exceptional and undue hardship to the applicant."

I would also like to correct some statements that the district has made concerning the support of the La Paz Homeowners Association for these variances. For full disclosure, my husband is a member of the board of the La Paz HOA but has recused himself from decisions concerning this matter. At the April 27, 2017 public hearing with Hearing Officer, Steve Morrow of MolzenCorbin stated that, "It's my understanding that

the neighborhood association told the district that there would be no objection to encroaching on their setback.”

In their request for this appeal, the district states that the variances are required to accommodate the needs and expectations of the La Paz Homeowners Association as well as the property owner. This is not correct as evidenced in the letter that the La Paz Homeowners Association sent to the County at the district’s request on September 1, 2017. This letter explicitly states that, “The La Paz Homeowners Association must take a neutral position on the three requested variances” and explains that the association’s primary interest is in the aesthetics of the proposed building and landscaping.

There are other concerns that I could raise at this point but we believe this summarizes the most important considerations regarding the water district’s appeal of the Planning Commission’s correct order denying the variances. I ask that the Board of County Commissioners confirm the Planning Commission’s correct application of the SLDC and its requirements and reject the water district’s appeal of the Planning Commission’s order. Thank you. May I approach to give you copies of the minutes that I quoted and the letter from the HOA.

CHAIR ROYBAL: Yes. Or John can bring them up for us.

[Previously sworn, John Puls testified as follows:]

JOHN PULS: Good evening. Thank you for your time. My name is John Puls. I am the president of the La Paz HOA. Our association is in support of providing an adequate water supply to the greater 285 Corridor. Having said that, do I wish this well and well building were actually in Eldorado rather than La Paz? Yes. But I also believe that we can’t push those things for the common good on to our next door neighbor.

As I stated in my letter to the Commissioners, since the well and proposed well building will be located on private property within the La Paz HOA and where an easement by the property owner has been granted, the La Paz HOA must take a neutral position on the three requested variances. We do, however, question to reason for the variance regarding the driveway setback. Since all roads in La Paz are privately owned and maintained by the association we question if the County has guidance on a private road.

Our main concern are sight lines. Although the property owner granted an easement, her property or their property is screened by a berm and trees. The properties on 20 Aster Road, 20 Aster Way and 24 Aster Way abut up against it and there’s no screening. Our main concern is mitigating how a casita-looking building then with a fence around it will look in a residential neighborhood. Those two properties, 20 Aster Way and 24 Aster Way, look straight at a well building with a fence around it.

If landscaping could be provided it might mitigate and soften the aspect of staring down at fencing. That’s all I have for you. Thank you for your time.

CHAIR ROYBAL: Thank you, Mr. Puls. Okay, is there anybody else that wants to address the Board? Okay, seeing none, we’ll go ahead and go to Commissioners, and we’ll call up people for questions. Did you have something additional to add?

MS. SCOTT: Mr. Chair, is the applicant able to respond to some of the public comments at this time?

CHAIR ROYBAL: Yes. We can do that. It would be fine.

MR. COOK: Thank you, Commissioners. I would address the issue that

was raised by the person who is in opposition to the project. When the well was drilled an unusual constituent from my experience showed up in the water quality results called antimony. It's a metal and it is regulated by the Environmental Protection at levels of approximately six parts per billion. This well has nine parts per billion, although some of the testing that had been done subsequent to drilling the well suggests that the levels may drop off as well as pumped.

Nevertheless, in order to deliver safe, high quality water to the residents of the district, some kind of treatment was required. All of the other wells within the district, and they operate 11 or 12 wells, none of them I should say has antimony above the – actually, it's non-detectable. If you test it you can't detect antimony. So the best and most practical way to treat the water, and many communities throughout the state do this with arsenic and other contaminants was to blend it at approximately a one-to-one ratio, or one-to-two ratio depending on what the goal is for delivering water with antimony below the standard.

With the blending system the expectation is that the concentration of antimony will be around three to four parts per billion. The Environment Department has approved that system so long as the district continues to sample and confirm that the water is delivered as such. I would add that – I would say that probably half of the wells in this state, a quarter to a half, have water that contains contaminants that are below the maximum contaminant level. And if the standard is not to deliver water with any contaminants we would have to shut in a quarter to a half of the wells in this state. Thank you.

CHAIR ROYBAL: Thank you. Okay, so we're going to go ahead and start with questions from the Board. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I was patient and quiet in listening to the discussions, and I say that respectfully because I think we could have got to deliberation maybe a little quicker, but that's not our fault or anyone's fault but it's always good to listen and sit back and maybe read a little bit more and refrain, but essentially, there was a siting confusion associated with this particular site and a process that wasn't completely followed and then everybody is trying to reconcile those differences to figure out how to make it work, is the way I read it. We had a Hearing Officer that went through a discussion and made recommendations in April and then we had the Planning Commission raise some additional questions which I went through and read and I actually appreciated and thank the Planning Commission in their efforts and their commitment to help us because after that, then we actually had some additional information provided to substantiate some of the concerns that were raised by the Planning Commission.

So I got a little turned around myself when we were looking at the documents and analyzing the recommendations and the recommendation of the applicant saying, well, we're going to go with the Hearing Officer's recommendation. I can understand why you'd do that because it was favorable to what you're requesting but in essence, as part of that whole process that I just iterated, there was additional information that was helpful to the overall decision and it brings us back here today.

I think logistically, Mr. Chair and Commissioners and staff, we may collectively be able to have some discussions relative to policy and the deliberations that our Planning

Commission makes before they actually take a vote on the project. I've been in issues and I'm in issues now but it may have been helpful to have a tabling of the item at the time as opposed to an up or down vote to attain additional documentation and then make a determination but maybe there's some things we can set in motion by way of policy associated with the process that creates that awareness of the information so that they can garner the additional information they might need before they actually vote on a determination.

All that being said, I appreciate everyone's comment. I want to go specifically to the last gentleman's comment and appreciate his candor and everyone's candor in their statements, but that there's some siting concerns still that exist associated with this particular location that aren't accommodated by fencing. And so everything that I pull away from the discussion and the evolution of what's occurred is that we still have a little work that we can do, I believe, to make the site potentially work but to also address some of those siting issues that were raised by that last gentleman in particular.

And so, Mr. Chair, that's all I have right now. I want to hear from my colleagues but that's kind of my perspective to this point. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Commissioner Anaya. I actually, I agree with you. I think the Planning Commission could have tabled that and asked for that additional information and been able to make a more complete decision, but I'm grateful that they asked for those pieces of information and that we saw that the driveway has been moved and that there is additional drawing. I'm wondering, as an applicant, are you willing to do a little more landscaping?

MR. KING: Yes, I think the short answer to that is yes. We're trying to implement a project that is sensitive to and addresses the public concerns, the specific and the general.

COMMISSIONER HANSEN: Okay. Thank you. You've gone the extra mile to make the place look like a casita so I would assume that that would be making it look attractive to the neighborhood is an important issue to you. Also, in regard to the FEMA issues, I worked with Shelly Cobau, who was one of our FEMA experts and we have extremely strict FEMA standards in this county, which I am grateful to her for, because I recognize that that is an important issue. There are many people right now suffering who might have been in floodplains in the south.

So with that said, I saw that you did make the base flood plain elevation by raising the corner, so it is one foot above the BFE; yes? So you've raised the building so that it is one foot above the floodplain. Correct?

MR. COOK: Correct.

COMMISSIONER HANSEN: So that's a concern. And then I know this is kind of a little bit off topic but since we have such strict FEMA rules, are we a part of a participating community rating system that makes the insurance rates lower?

MR. LOVATO: Mr. Chair, Commissioner Hansen, we are not.

COMMISSIONER HANSEN: Why not?

MR. LOVATO: Mr. Chair, Commissioner Hansen, we've tried to participate in it. I think this comes by way of your guys' decision in how we move

forward towards that.

COMMISSIONER HANSEN: Okay. It's just something we can look into, along with policies that Commissioner Anaya spoke about. But I feel like in some ways you've met the FEMA requirements because of the one foot and raising the BFE to that degree. So I don't have any problem with that and I am appreciative that you moved the driveway also to the very north end. And so you're saying that the driveway is only 50 feet from the intersection?

MR. COOK: Correct.

COMMISSIONER HANSEN: Okay. And I'm sorry, but I didn't really understand how the truck is going to get in and out without blocking the road. Is it an electric gate that they can open and close and then drive in, so they don't have to –

CHAIR ROYBAL: It appears that the gate would have to open inward as well.

MR. COOK: May I approach? Chairman, you're correct. They do need to open in and this is just a rendition. This driveway is approximately 20 feet long and the truck that services it is quite a bit shorter. So he would come in, drive in here, park, step out, open the gates, and then drive in.

COMMISSIONER HANSEN: Okay. So the gate is inside.

MR. COOK: Yes. Here's the gate right here –

COMMISSIONER HANSEN: That's perfect. You answered my question.

MR. COOK: It's not electric at this point but it could be, but it should open inward so the gate can safely –

COMMISSIONER HANSEN: I thought the gate was at the road. I'm sorry. I just wanted to clear that up. And when you did traffic counts, what were the traffic counts?

MR. COOK: Commissioner, I didn't do the traffic counts; I relied on the County's, and I believe the County staff traffic counts – in the morning four cars, four vehicles, and in the evening, five.

COMMISSIONER HANSEN: Okay.

JOHNNY BACA (Public Works): Mr. Chair, Commissioners, so there was a traffic count that was conducted in January 23, 2017 and the average daily traffic on Carissa Road is 75 cars a day. Peak hour traffic, between 8:00 a.m. you had seven cars and at 5:00 p.m. you had three. So it's minimal. It's not a lot of traffic out there. Residential, low-volume road. Any other questions?

CHAIR ROYBAL: I think that answered it. Commissioner Hansen, you still have the floor.

COMMISSIONER HANSEN: I think I've covered a number of points for the moment.

CHAIR ROYBAL: Okay. I'm going to go to Commissioner Hamilton. I'll go to Commissioner Moreno last since it's his district.

COMMISSIONER HAMILTON: You get special consideration.

CHAIR ROYBAL: Extra time.

COMMISSIONER HAMILTON: So I had a brief question about being in the floodplain and raising up a foot is obviously good, etc. What about the durability of the rest of the building? So I assume this is – maybe it shouldn't be our concern but



presumably that would be something the district would have to absorb if the building is not sturdy to a flood, or resilient to a flood, I guess is the appropriate term.

MR. COOK: This is the architectural drawing from the package, the plan set that was submitted, A-201, showing basically the renderings of the building, but more importantly I draw your attention to the cross section here. If a flood occurs, the 100-year flood, what it will rise up and encounter, versus ground, but of the building it will be the concrete foundation which is what gives us that height above the BFE, base flood elevation. The foundation itself, it will be buried, I believe it's a foot and a half with these large concrete blocks so it's well anchored underground and it should withstand a considerable amount of force from a flood. It's not expected that the velocities of this flood will be very high. It's fairly flat. It's fairly well vegetated and fairly rough, so it does resist high velocity water, unlike say, a concrete channels. So the forces aren't expected to be extraordinarily high but the building is quite sturdy.

COMMISSIONER HAMILTON: Okay. And just for the record, a 100-year flood will occur.

MR. COOK: A matter of when.

COMMISSIONER HAMILTON: It's only a matter of when. And then – so I had a question, and it's partly just because I'm a nerd, the issue of the bank stability, and there was reference made to the historic stability of the bank. That's not really the question. The question is when you put – it's like having a stable laminar flow in a sand channel and then sticking a rock in it, and you have a certain amount of movement that's generated by the placement of that. Right? Hydrodynamics. New hydrodynamics. And what that – I assume that was examined.

MR. COOK: Yes. I think there's two issues that come with that. One is, is the channel going to start migrating back and forth and encroach on the property in question? And the other is, during a flood, if it does rise up, regardless of where the channel is, it's going to overbank. If it starts to encroach on our property on the banks just adjacent to the building we'll add a road. So addressing the first potential concern was looking at what was available on Google Earth, which is about 20 years worth of photos and there is no evidence of any channel migration. It's very stable as you look across, and that's included in the bank stabilization certification letter, if you want to look at that.

The second issue with regard to stabilizing the actual bank adjacent to the building, when the contractor builds and develops the site rip-rap will be placed, big stones, very heavy, very resistant to flooding, which will protect the bank from being eroded away and undercutting the building. That's a common practice in engineering in areas where you expect floods.

CHAIR ROYBAL: Commissioner Hamilton, did that answer your questions.

COMMISSIONER HAMILTON: That's all my questions. I have some statements but I will happily defer to Commissioner Moreno.

COMMISSIONER MORENO: Thank you. Can you tell me what is there now? I was good. I declined to drive by to see where things were.

MR. COOK: The only thing on this site that's part of this project is a well.

COMMISSIONER MORENO: And nothing else?

MR. COOK: No, everything else is proposed but not yet built.

COMMISSIONER MORENO: And is there a cap now where the well will be?

MR. COOK: I don't have a photo of it handy but it sticks up about 18 inches, two feet off the ground, steel casing and a cap welded on top to protect it.

COMMISSIONER MORENO: Okay. How close are culverts in that area? Torreon is a pretty well traveled road.

MR. COOK: Interestingly, there is a culvert proposed for the driveway as you may have seen. Interestingly enough, this is simply a low-water crossing. There is no culvert under Torreon. So when the flood comes down here, it's got a little bit of a dam to build up and overtops it and keeps flowing. There may have been a culvert there once upon a time because I believe it's been observed that when water pools up here it starts to appear on the other side before it overtops it, but there's no physical evidence of it at this point.

COMMISSIONER MORENO: And would that be a risk for people and their property around there? If it overbanks?

MR. COOK: Has anybody seen that happen in the district.

MR. PULS: [speaking from the audience] Yes, within the past five years, and there is a culvert there that got plugged during a major flood. Engineers that we talked to suggested to just build it up with rip-rap on the south side and let the water run up over Torreon.

MR. COOK: At the location of the building, water only builds up about three feet, so the road being a little bit higher – we didn't calculate how high the flood would be but of course it's never advisable to drive across a running stream when it's overtopped the road.

COMMISSIONER MORENO: Yes. And you know how people are in their cars when they're going through a little puddle that turns out to be a little bit bigger.

MR. COOK: Yes. Plenty of Youtube videos to demonstrate that.

COMMISSIONER MORENO: Mr. Lovato, may I ask you, what from your perspective, why did the Planning Commission decline to punt? If that's the proper term.

MR. LOVATO: Mr. Chair, Commissioner Moreno, after reading the minutes of that Planning Commission – I was not in attendance – it appeared that it was insufficient engineering is what they kind of labeled it as, meaning the base flood elevation, a no-rise certificate wasn't provided and then as well as the stabilization. That was the three topics I saw that were noted in the minutes.

COMMISSIONER MORENO: Was it that they had not submitted them or were they not adequate?

MR. LOVATO: Mr. Chair, Commissioner Moreno, it was that they had not submitted those as of – at that point.

COMMISSIONER MORENO: Okay. That helps a little bit. I'm glad that – to everybody – I live in Eldorado and there are lots of swales and even in the old town where I live there's still a lot of areas of when it's raining it's a mess. And there – it's kind of a problem when a lot of the dirt roads are mushy and that's a concern in any case. But in the case of a well, I would expect to see more than just a culvert and rip-rap is a

good medium for that. I think I'm done. Thank you.

CHAIR ROYBAL: Okay, and I think we can have a motion and then after that we can have additional comments or what you have to add. So is there any other questions?

COMMISSIONER HANSEN: I'll make a motion.

CHAIR ROYBAL: Okay.

COMMISSIONER HANSEN: I move to approve the three variances and approve the project.

COMMISSIONER HAMILTON: So it's approving the appeal?

COMMISSIONER HANSEN: Yes. Is that the correct way?

CHAIR ROYBAL: To approve the appeal?

COMMISSIONER HANSEN: Approve the appeal.

CHAIR ROYBAL: Okay. Do I hear a second?

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion and a second. Comment, Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chair, just speaking to the comments that were made earlier, it sounded like there was agreement that they would do some additional landscaping, so I would add a condition for additional landscaping and screening. I'm thinking and I'm thinking, what were they thinking? Trees? Is that what the thought was?

MR. PULS: [speaking from the audience] Anything that helps screen – trees, shrubs. It doesn't have to be lavish. Something that [inaudible]

COMMISSIONER ANAYA: Yes, I guess I would just add the friendly amendment, if we could have a condition on additional landscape and coordination and at least discussion with the association. Correct? You're from the association, correct?

COMMISSIONER HANSEN: I accept that.

CHAIR ROYBAL: Okay, and along with that friendly amendment, I know that Commissioner Moreno also asked for some rip-rap instead of culvert with the applicant.

COMMISSIONER MORENO: As necessary.

COMMISSIONER HAMILTON: Like as engineeringly appropriate?

CHAIR ROYBAL: Would the applicant be willing to do that?

MR. KING: Yes.

CHAIR ROYBAL: Okay. So we have a friendly amendment asking for screening.

COMMISSIONER HAMILTON: The second accepts that.

CHAIR ROYBAL: And then also some rip-rap for the flooding.

COMMISSIONER HANSEN: Yes. I accept both of those.

CHAIR ROYBAL: And the seconder accepts that as well?

COMMISSIONER HANSEN: Yes.

CHAIR ROYBAL: Okay, so we have a motion and a second. Any other discussion?

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

## VIII. CONCLUDING BUSINESS

### A. Announcements

CHAIR ROYBAL: Is there any announcements that any of the Commissioners would like to make?

COMMISSIONER HANSEN: Made it earlier: bring food to the food drive.

CHAIR ROYBAL: So once again we'd like to remind everybody to bring food to the food drive that we're going to be having. Commissioner Moreno, go ahead.

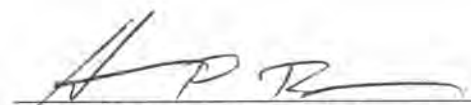
COMMISSIONER MORENO: By the way, previous notices on the website did not include Eldorado as a site for the food bank. So I think the County staff is working on that.

CHAIR ROYBAL: Thank you, Commissioner Moreno.

### B. Adjournment

Upon motion by Commissioner Hansen and second by Commissioner Hamilton, and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 7:17 p.m.

Approved by:

  
Board of County Commissioners  
Henry Roybal, Chair



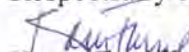
ATTEST TO:



GERALDINE SALAZAR  
SANTA FE COUNTY CLERK




Respectfully submitted:

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

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 113

I Hereby Certify That This Instrument Was Filed for  
Record On The 11TH Day Of October, 2017 at 08:20:23 AM  
And Was Duly Recorded as Instrument # 1838440  
Of The Records Of Santa Fe County

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



tabbles®

EXHIBIT

1

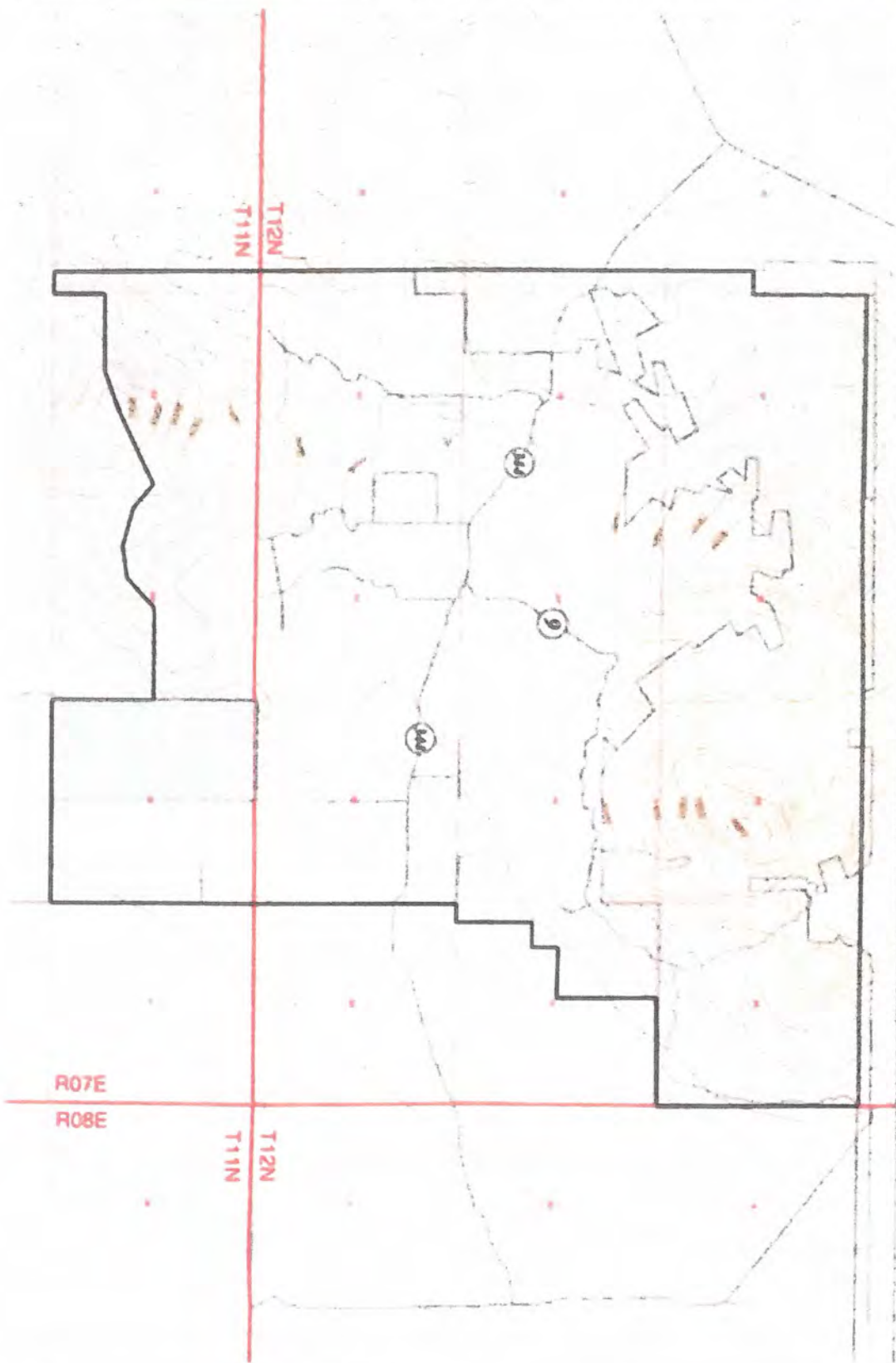


# San Pedro Community

## Public Safety Concerns with Shooting on Public Land

September 12, 2017 Please join the following the time to join in our mission today regarding the San Pedro Community and the hazardous activities that take place on public land. It is our hope that we as neighbors can work to find a suitable solution to prevent the loss of life and property due to the dangerous activities that take place on public land.

# Map A: San Pedro Contemporary Community Zoning District and Planning Area



## Legend

**N**  
San Pedro Contemporary  
Community Zoning District  
and Planning Area  
Prepared by County  
Geographer, 10/11/2017

Points

Open Land

Shrub Land



Scale 1:40,000

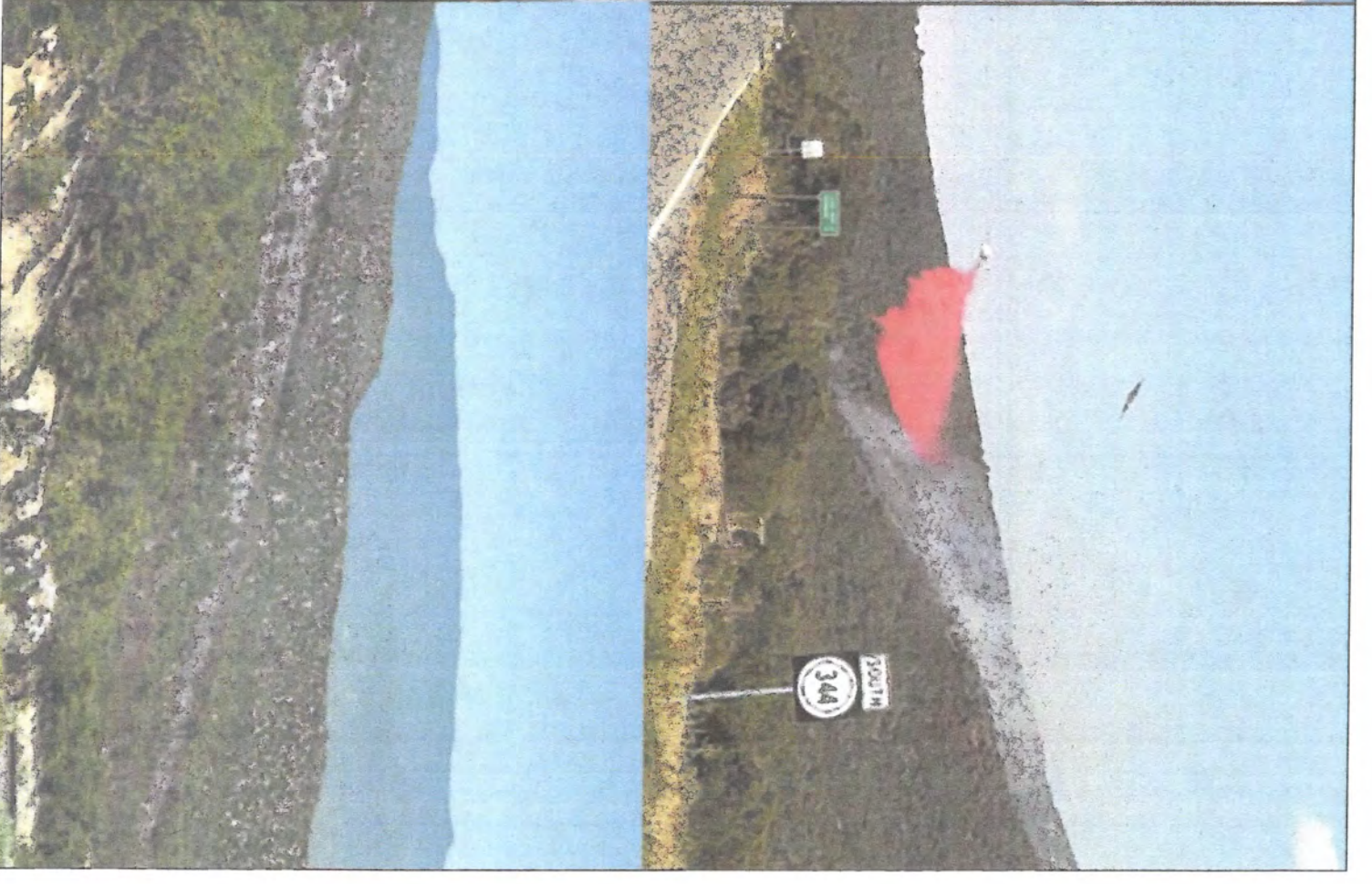
Contour Interval = 50 Feet

This information is for informational use only. It is not intended to be used as a legal document. The user assumes all responsibility for the use of this data and any resulting consequences.



January 8, 2008











Welcome to

# San Pedro Mountains Recreation Area

Managed by the Taos Field Office

Important Boundary Marker  
Flag on Eastern Slope



NO



SHOOTERS  
• NO LITTERING  
• RESERVE ALL  
TARGETS AND  
CAUTIONS  
• NO FIRE ARMS  
• NO FIRE ARMS

DANGER!



NO  
LITTERING  
NO TRAIL  
BAGGING

- Motorized off road travel prohibited.
- All OHVs require an approved spark arrestor.
- Natural resource removal allowed by permit only.



Report Crimes Against Resources  
Help Protect Your Public Lands  
1-800-617-9152



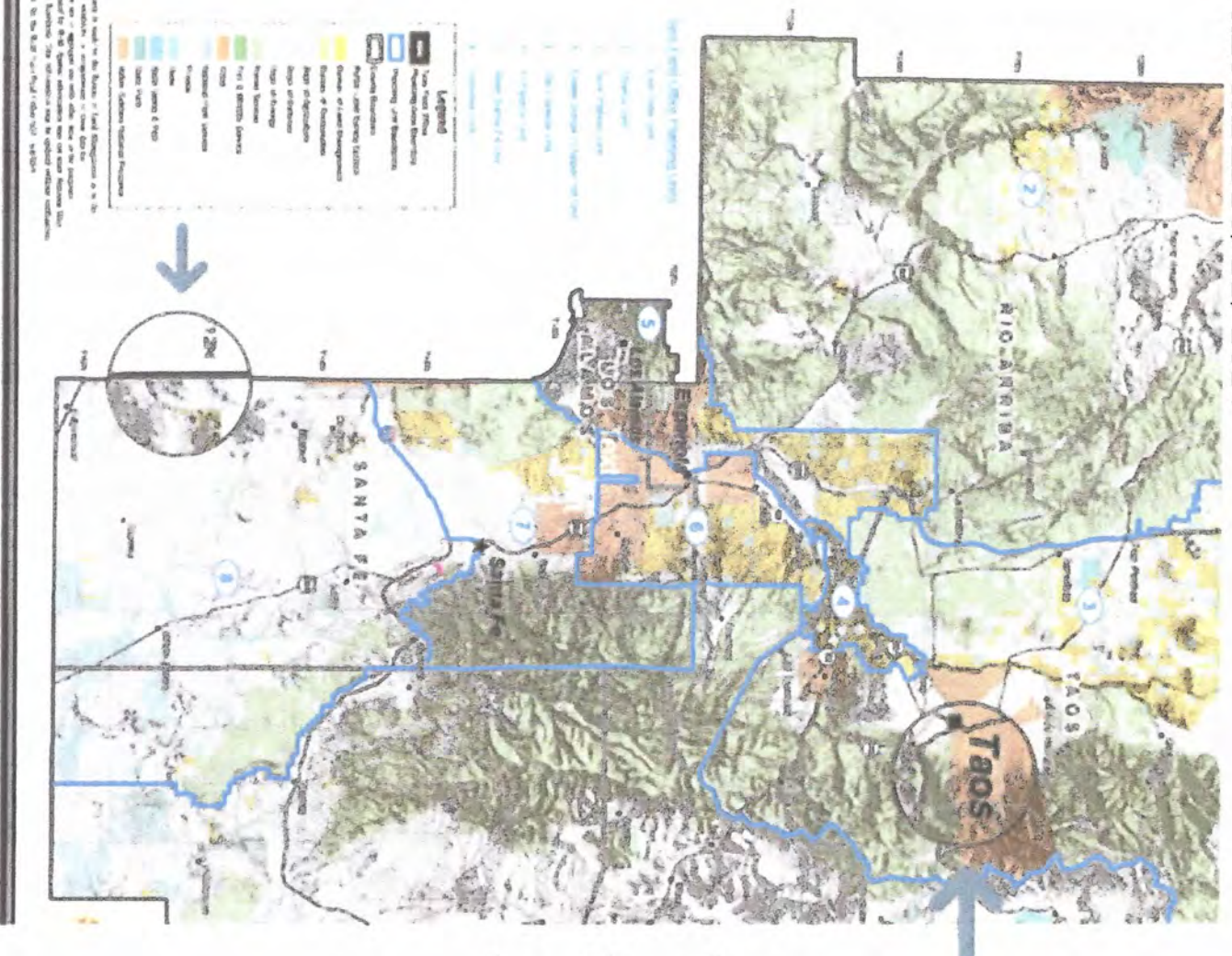
The mission of the Bureau of Land Management is to sustain the health, diversity and productivity of the Nation's Public Lands for the use and enjoyment of present and future generations.

Bureau of Land Management  
Taos Field Office (575) 758-8831  
[www.blm.gov/taos](http://www.blm.gov/taos)

NO  
S

NO  
S





# Taos Field Office manages the San Pedro Recreation Area

**SAN PEDRO MOUNTAINS SRMA**

**Management Objectives:** This is a market used primarily by nearby communities. Manage this area to provide access to trails and opportunities for routine exercise and escape in this middle country setting.

**Outcomes**

<b>Primary Activities:</b> Hiking, dog walking, biking, horseback riding, and recreational-prospecting.	<b>Experiences:</b> Exercise, enjoying nature, and escape.	<b>Benefits:</b> Peace of mind, improved health and fitness, appreciation of nature, and enhanced quality of life.
---	--	--

**Setting Prescriptions**

<b>Physical:</b> Middle country. Proximate to residences and the Turquoise Trail National Scenic Byway. Natural appearing except from primitive two track routes. Maintained and marked trails, with simple and few trailhead signs.	<b>Social:</b> Up to 14 encounters per day on trails and up to 29 en route.	<b>Operational:</b> Rules clearly posted with some restrictions. Post maps on simple trailhead signs.
--	---	---

**Implementing Actions**

<b>Marketing:</b> Keep information and signs minimal and low key. Information available upon request.	<b>Monitoring:</b> Trail registers and visitor survey or interviews every 2-5 years.
<b>Management:</b> Partner with neighbors and local agencies to negotiate access easements across private property to BLM public land, and foster uses in collaboration with adjacent land owners and other land users. Ensure any open mines or mining related hazards on public lands are adequately mitigated to provide for public safety. Explore trail links between public land and Santa Fe County Open Space. Develop rustic trails and signs. Provide trail maps upon request.	<b>Administrative:</b> VFM: Class II and III. <b>Travel:</b> Limited to designated routes, with opportunities for nonmotorized and/or mechanized trail use. <b>Permits:</b> Consider on case by case basis.







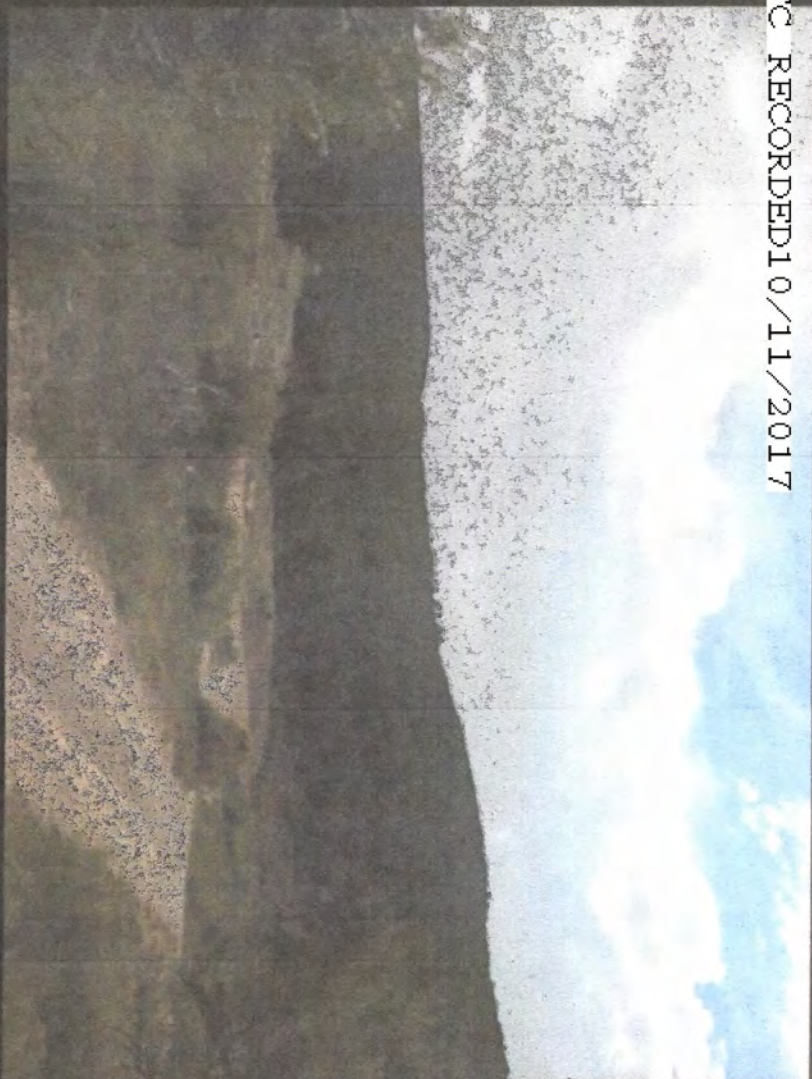










Figure 1. View of San Pedro Open Space - from south looking to north Source: Google Earth

Map taken from Santa Fe County San Pedro Open Space Management Plan dated 9/13/16





THE BUREAU OF LAND MANAGEMENT

---

**The Federal Land Policy and  
Management Act of 1976**

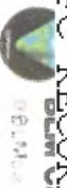
---

As Amended

A. Bureau of Land Management

1. Section 303(d) of the Federal Land Policy and Management Act of 1976, P.L. 94-579, (90 Stat. 2763; 43 U.S.C. 1733(d)) provides that, in connection with the administration and regulation of the use and occupancy of the public lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof in the enforcement of the laws or ordinances of such State or subdivision.
2. Section 303(c)(2) of the Federal Land Policy and Management Act of 1976, P.L. 94-579, (90 Stat. 2763; 43 U.S.C. 1733(c)(2)) to authorized Federal personnel to carry out law enforcement responsibilities with respect to the public lands and their resources.
3. Department of the Interior, Departmental Manual 446 encourages interdepartmental assistance and the publication of guidelines for this cooperation by Bureau/office heads with law enforcement responsibilities.
4. Bureau of Land Management Manual 9262.32.B.1 and 2 authorizes the State Director to enter into cooperative agreements with State and local agencies to allow Bureau law enforcement officers to become deputized to enforce State and local laws as they relate to the use, management and protection of the public lands.



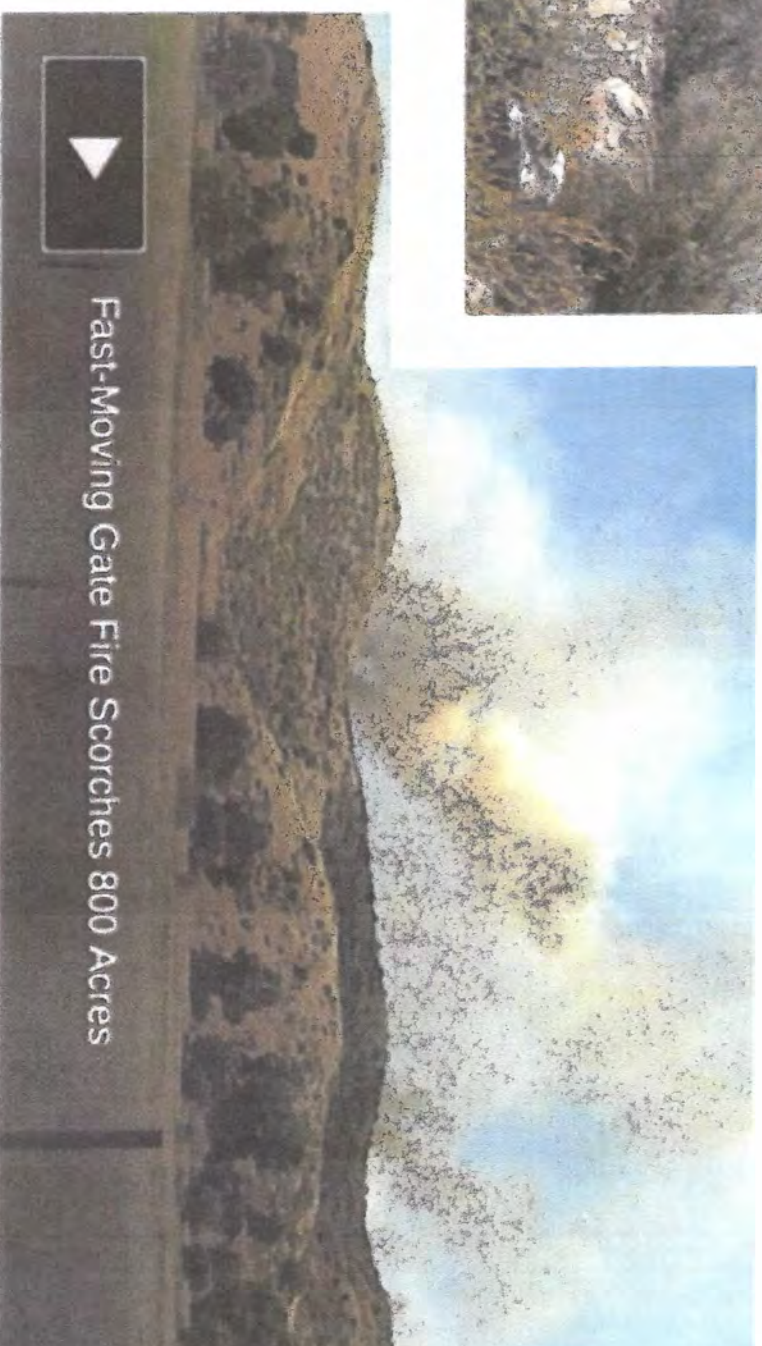


Follow

## Initiated TODAY, Recreational Target Shooting Restrictions in Western Riverside & San Diego Counties: [on.doi.gov/2qWVly5](https://on.doi.gov/2qWVly5)



11:30 AM - 20 MAY 2017



Fast-Moving Gate Fire Scorches 800 Acres

Raw footage captured by NBC 7 of the fast moving 'Gate Fire' off SR-94, south of Jamul. Within a few hours, the blaze had scorched 800 acres. (Published Saturday, May 20, 2017)



# Golden Fire

The residents of the San Pedro Community are eternally grateful for all the emergency responders who worked tirelessly to save our family and homes from the fire.

Our hearts go out to Mr. Edi Marquez of Santa Fe County Fire Department who was severely injured while fighting the fire.



Please see the following links for additional information:

- San Pedro Community Plan

<https://www.santafecountynm.gov/media/files/>

[San%20Pedro%20Neighborhood%20Community%20Plan.pdf](#)

- Taos Resource Management Plan

<https://eplanning.blm.gov/epl-front-office/projects/lup/>

[68121/86167/103325/Approved Taos RMP - 5.16.12 \(print version\).pdf](#)

- San Pedro Open Space Management Plan

<https://www.santafecountynm.gov/media/files/SPMP%20FINAL.s.pdf>

- The Federal LAN Policy and Management Act of 1976

<https://www.blm.gov/download/file/fid/4518>

- Taos Field Office Emergency Fire Prevention Closure

[https://www.blm.gov/press-release/blm-taos-field-office-announces-](https://www.blm.gov/press-release/blm-taos-field-office-announces-emergency-fire-prevention-closure-san-pedro-mountains)

[emergency-fire-prevention-closure-san-pedro-mountains](#)

# *Video of Shooting from Residence Home*

---



**Henry P. Roybal**  
*Commissioner, District 1*

**Anna Hansen**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Anna T. Hamilton**  
*Commissioner, District 4*

**Ed Moreno**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

SFC RECORDED 10/11/2017

**CASE NO. APP 10-5364**  
**ST. FRANCIS SOUTH PRELIMINARY/FINAL PLAT APPROVAL**  
**VEGAS VERDES, LLC APPLICANT**

**ORDER**

**THIS MATTER** came before the Santa Fe County Board of County Commissioners (BCC) for hearing on June 13, 2017 and July 11, 2017, on the Application of Vegas Verdes, LLC, (Applicant), JenkinsGavin Inc., Agents, requesting Preliminary Plat approval for Phases 1-4 of the Saint Francis South Subdivision, which consists of 22 lots, and Final Plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots pursuant to Ordinance 2016-9, the Sustainable Land Development Code (SLDC). The 68.94 acre property is located within SDA-1 at 199 Rabbit Rd., via St. Francis Drive, within Section 11, Township 16 North, Range 9 East (Commission District 4), SDA-1.

The BCC, having reviewed the Application, the Staff Reports to the BCC including materials and public comments, and having conducted a public hearing on the Application, finds that the Application is well-taken and should be approved subject to conditions, and makes the following findings of fact and conclusions of law:

**I. Background**

1. On February 27, 2017, the Applicant submitted an Application for the following requests:

A. Preliminary Plat approval for Phases 1-4, which consists of 22 lots; and

- B. Final Plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots.
2. The property which is the subject of the Application (the Property) is located at 199 Rabbit Road, via St. Francis Drive, within Section 11, Township 16 North, Range 9 East (Commission District 4).
  3. The site is within Sustainable Development Area 1 (SDA-1), and is a Planned Development, as identified at Chapter 8, Section 8.10.10.1.9 of the SLDC, which must be developed in accordance with a previously approved master plan recorded with the County Clerk at Book 734, pages 046-050.
  4. The Applicant acquired the Property by warranty deed recorded as Instrument No. 1653390 in the Santa Fe County Clerk's records dated December 7, 2011.
  5. The Applicant authorized JenkinsGavin Inc. to act on their behalf in making application under the SLDC for Preliminary Plat approval for Phases 1-4, and Final Plat approval of Phase 1 and Phase 2, as evidenced by the written authorization contained in the record.
  6. Consistent with a previously approved Master Plan, the Applicant proposed a mix of commercial and residential development with a gross building area of 760,000 square feet.
  7. The development will be accessed by two points on Rabbit Road connected by an interior, private loop road. The west entrance will be the primary, full access and the east entrance will be limited access with right-in, right-out, and left turn-in movements.
  8. The Applicant proposed to serve fire protection by a series of four fire hydrants set along the interior access drive and automatic fire suppression systems on many of the facilities to be developed.
  9. The Applicant proposed a total of 30.5% open space by establishing a 25 foot wide landscape buffer within the open space along the north, east, and south boundaries

adjacent to the I-25, St. Francis Drive, and Rabbit Road rights-of-way and a 10 foot landscape buffer along the interior cul-de-sacs.

10. The Application proposed pole lights at each entrance and the fixtures will be full cut-off and shielded in compliance with SLDC requirements.
11. The development was proposed to receive water from the Santa Fe County Water System and will connect to and receive wastewater treatment from the Santa Fe County Wastewater Collection System. The Applicant obtained BCC approval of a water allocation agreement and water delivery agreement on July 11, 2017.
12. Each facility within the development will contract individually with a local waste collection firm.
13. The Applicant proposed that storm water runoff will be collected in swales located in 100 foot open space buffer along Rabbit Road, which will provide 5,600 cubic feet of ponding. Each lot will be responsible for collecting storm water in on-site retention ponds and water harvesting cisterns.

## **II. History of Zoning and Master Planning of the Property**

14. On September 16, 2010, the County Development Review Committee recommended approval of a request for Master Plan Zoning for a mixed-use subdivision (commercial, residential and community service) consisting of 22 lots on 68.94 acres, more or less, with approximately 760,000 sq. ft. of structures at full build out.
15. On December 14, 2010, the BCC approved the Master Plan Zoning for the mixed-use subdivision (commercial, residential and community service) consisting of 22 lots on 69 acres, with approximately 760,000 sq. ft. of structures at full build out. The approved Master Plan use list included all housing types permitted, including multi-family apartments, senior housing and live/work.

16. On January 14, 2014, the BCC approved a request for Master Plat Authorization to proceed with the creation of up to 22 mixed-use lots on 69 acres.
17. The Zoning Map adopted by the BCC as Ordinance 2015-12 on December 8, 2015, identified this property as zoned Planned Development District, and the subcategory of zoning is Planned Development as set forth on Table 8-2 of the SLDC.
18. The Applicant submitted an Application for a variance of right-of-way width for the loop road, leaving sufficient right-of-way so that the variance would not impact the actual road constructed. On March 21, 2017, the Santa Fe County Hearing Officer recommended approval of the variance request to reduce the width of the right-of-way for the loop road within the subdivision to seventy feet (70').
19. On May 18, 2017, the Santa Fe County Planning Commission approved the variance request, submitted in accordance with the SLDC, to reduce the right-of-way width of the internal road to varying widths between seventy (70') and eighty-two feet (82').

### **III. Applicable Provisions of the SLDC**

20. The SLDC, Chapters 4, 5, 6, 7, 8 and 12 contain various provisions governing the Application.
21. The following specific provisions govern how the BCC must evaluate the Application:
  - a. Chapter 5, Section 5. 7 .3. Preliminary Plat Requirements states:  
“The application for preliminary plat approval shall, at a minimum, include all of the following:
    - 5.7.3.1. A proposed disclosure statement consistent with NMSA 1978, § 47-6-17;
    5. 7.3.2. All documentation required by NMSA 1978, § 47-6-11 and by the SLDC for the purpose of demonstrating:
      1. water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic use;
      2. water of an acceptable quality for human consumption and measures to protect the water supply from contamination;
      3. satisfactory means of liquid waste disposal;
      4. satisfactory means of solid waste disposal;



- 5. satisfactory roads to each parcel, including ingress and egress for emergency vehicles and utility easements to each parcel;
  - 6. satisfactory terrain management to protect against flooding, inadequate drainage and erosion; and
  - 7. satisfactory protection for cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision, as required by the Cultural Properties Act.”
- b. Chapter 5, Section 5.7.7 Preliminary Plat Approval Standards and Requirements states:  
 “The Board shall not approve or conditionally approve an application for preliminary plat unless the following findings are made in writing:
- 5.7.7.1 the proposed subdivision conforms to all provisions of the SLDC;
  - 5.7.7.2 the applicant can fulfill the requirements of Section 5.7.3.2;
  - 5.7.7.3 the applicant can fulfill all of the proposals contained in its disclosure statement; and
  - 5.7.7.4 the subdivision will conform to the New Mexico Subdivision Act.”
- c. Chapter 5, Section 5.7.8. Conditions of Approval, states:  
 “In considering an application for preliminary plat, the Board may impose mitigation requirements or conditions to the extent that such requirements or conditions are necessary to ensure compliance with the standards, requirements or criteria of the SLDC, including:
- 5.7.8.1 protection of environmentally sensitive, archaeological, cultural and historic lands;
  - 5.7.8.2 prevention of air and water pollution;
  - 5.7.8.3 provision of adequate public facilities and services;
  - 5.7.8.4 mitigation of traffic congestion;
  - 5.7.8.5 avoidance of negative fiscal impacts; and
  - 5.7.8.6 ensuring sustainability.”
- d. Chapter 5, Section 5.8.3 Compliance with Preliminary Plat (Major Subdivisions), states in pertinent part:  
 “The final plat for a major subdivision shall conform to the approved or approved amended preliminary plat, including all conditions and mitigation requirements contained within the development order approving the preliminary plat.”
- e. Chapter 5, Section 5.8.6.3. Review Standards, provides that:  
 “The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the approved preliminary plat. However, the Board shall not issue a development order approving a final plat unless and until:
- i. the final plat approval application has been received and deemed complete;
  - ii. the final plat substantially conforms to the preliminary plat and all conditions and requirements are complied with;
  - iii. the final plat and all documents required are in a form acceptable for recording with the County Clerk;

- iv. the development and subdivision improvement agreements have been signed and notarized and are otherwise fully executed; and
  - v. the administrative and final plat fees have been deposited with the Administrator, together with proper security.”
22. Chapter 6, contains various provisions governing adequate public facilities and services assessment (APFA), and incorporates the Level of Service (LOS) standards of Chapter 12 into the evaluation. The following provisions from Chapter 6 are relevant to concerns raised by opponents to the Application:
- “Chapter 6, Section 6.4.2 Requirements. The review of adequacy of public facilities and services to the maximum projected demand that may result from the proposed project based upon the maximum density in the project and relevant affected areas. The APFA shall study the impacts of the proposed development on . . . the following:
- a.6.4.2.1. Roads. The APFA shall calculate the LOS for roads consistent with Table 12.1 of the SLDC. The impact of the proposed development shall be measured by average daily trips and peak-hour trips based upon the Transportation Research Board’s “Highway Capacity Manual 2000.” The APFA shall describe the means by which the transportation capacity of the system will be expanded without destroying historic and traditional built environment. For purposes of the APFA, average daily traffic assumes 10 trips per day per dwelling unit or building lot. . . .”

#### **IV. The Public Hearing Process**

23. As required by the SLDC, the Applicant presented the current Application for Preliminary Plat approval for Phases 1-4, and Final Plat approval for Phases 1 and 2 to the Technical Advisory Committee on October 20, 2016.
24. The Applicant conducted a pre-application neighborhood meeting which took place on November 16, 2016, at the Genoveva Chavez Community Center, as evidenced by the Neighborhood Meeting Report submitted by the Applicant.
25. Notice requirements were met as per the SLDC, Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing. In advance of the hearing on the Application, the Applicant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the application was made for fifteen days on the Property, beginning on May 26, 2017. Additionally, notice of hearing was published in the legal

notice section of the Santa Fe New Mexican on May 23, 2016, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within five hundred feet (500') of the Property.

26. A public hearing on the Application was held on June 13, 2017. The BCC tabled the Application until July 11, 2017, to allow the Applicant more time to gather more information from NMDOT, to research historical traffic counts on Rabbit Road and to address the residential aspect required from the original Master Plan approval.
27. A second public hearing was held on July 11, 2017 on the topics of road improvements and open space. At the public hearing before the Board on July 11, 2017, staff recommended Preliminary Plat approval for Phases 1-4 and Final Plat approval for Phases 1 and 2 of the St. Francis South Mixed-use subdivision, subject to 21 conditions outlined during the hearing and in the Staff Memorandum to the BCC dated June 28, 2017. Staff concluded that the Application conformed to the requirements of the applicable sections of the SLDC and the Master Plan.

#### **V. Compliance with the SLDC**

28. The Application included the mandatory disclosure statement.
29. County staff solicited agency review of the Application, including whether the applicant could fulfill the requirements of the disclosure statement, from the following agencies: New Mexico Department of Transportation (NMDOT), New Mexico Environment Department (NMED), the Office of the State Engineer (OSE), the State Historic Preservation Office (SHPO), Santa Fe County Public Works, the County Fire Marshal, the County Utilities, the County Planning Division, Soil and Water, Santa Fe Public Schools, Santa Fe County Open Space and Trails, and Santa Fe County Affordable Housing. Responses were received from NMDOT, OSE, SHPO, Santa Fe County Public Works, the

County Fire Marshal, the County Utilities, the County Planning Division, and Santa Fe County Open Space and Trails.

30. The agency responses in conjunction with all reports submitted demonstrate that the Applicant can fulfill the proposals in the disclosure statement, subject to the conditions required by the agencies and this Order.
31. The Applicant submitted an Environmental Impact Report (EIR) in accordance with Section 6.3 of the SLDC which addressed biological resources; geology, topography, and soils; water resources; air quality; noise; archaeological, cultural, and historic resources; and scenic resources. The Applicant's report states, "Development of infrastructure for the St. Francis South Project at its current stage would result in no significant environmental effects."
32. The Applicant submitted a Fiscal Impact Assessment (FIA), which assessed the fiscal and economic effects of development. The FIA established that the projected total direct/indirect/induced impact of infrastructure development is \$6,089,472, the total wages are projected to be \$1,158,744; the proposed development is projected to create 43.5 full-time equivalent positions; the Santa Fe County gross receipts tax impact from infrastructure development is projected to be \$32,072; and all costs for infrastructure development will be borne by the developer. Further, the FIA concluded that because no buildings residents, tenants, or businesses will be present at the completion of the phase, there will be no public costs for: law enforcement, fire and emergency response service; full time employees and technicians to construct, operate, service and maintain roads; storm water management systems; or trails, parks, open space, and scenic vista sites. Finally, following build out, maintenance for roads will be the responsibility of the St. Francis South Lot Owners' Association. Accordingly, the BCC finds that the Applicant's

development will not generate a need for additional public facilities or services during the proposed phases.

33. The Applicant submitted a Traffic Impact Analysis, conducted by Santa Fe Engineering Consultants, as evidenced by the Traffic Impact Analysis report dated February 2017. The Traffic Impact Analysis concluded that there were no existing operational deficiencies associated with the relevant roads even after full build out of the project. The report also indicated that, according to the State Access Management Manual, the operation performance of an urban minor arterial road should meet Level of Service D standards at a minimum. For the implementation year 2018 and the horizon year there were no deficient Levels of Service for the relevant roads associated with the project. The TIA suggested a traffic signal or roundabout to mitigate any deficiencies.
34. Pursuant to Chapter 12, Table 12-1, roads in SDA-1 must achieve a D Level of Service. The State Access Management Manual, September 2001 of New Mexico State Highway and Transportation Department determines that Minimum Acceptable Level of Service Standards for an unsignalized intersection Rural Minor Arterial is a Level of Service D.
35. The Applicant researched historical traffic counts as evidenced by the report for Comparison of Traffic Volumes Intersection of St. Francis Drive/Rabbit Road and Comparison of Traffic Volumes Intersection of Rabbit Road/Old Galisteo Road/Driveway (Historical Traffic Counts). The Historical Traffic Counts between 2010 and 2015 for the AM Peak hours at the Intersection of St. Francis Drive and Rabbit Road show various percentages of change, the most significant of which was an increase in southbound traffic of 5.9% for the left turn lane and 17.7% for the right turn lane in the AM and 3.1% for the left turn lane and 9.2% for the right turn lane in the PM between 2010 and 2013, and an increase in westbound traffic of 10.4% for thru traffic and -38.5% for the right turn lane

in the AM and 51.4% for thru traffic and 5.0% for the right turn lane in the PM between 2010 and 2013. Taken all together, the historic traffic volume data supports the conclusion that the Level of Service will not dip below the Level of Service D.

36. Unrefuted data contained in the Traffic Impact Analysis indicated that, contrary to concerns expressed by members of the public during the public hearings, there were only two accidents at the South end of St. Francis Drive at the intersection with Rabbit Road between 2012 and 2014.
37. In an effort to ensure safety on Rabbit Road, the Applicant committed to constructing a roundabout at the west entrance during Phase 1, despite the fact that data contained in the record supported installation of the roundabout at a later phase of the project.
38. The Applicant proposed to build out Rabbit Road along the subject properties frontages from St. Francis Drive to the Rail Trail trailhead per the cross section improvements required for the NE connector project. This section requires two 11 foot driving lanes, two 6 foot bike lanes, a taper or swales and a trail on one side of Rabbit Road, as evidence by the Cross Section in Exhibit 8 to the Staff Memorandum to the BCC dated June 28, 2017. The Applicant also proposed to improve the interior loop road to Minor Arterial standards, except that aspect for which a variance has already been granted, to include two 12 foot wide drive lanes, a 12 foot wide landscaped median, two 5 foot wide bicycle lanes, curb and gutter, and 5 foot wide sidewalks with a landscape buffer. The variance to the width of the easement is a deviation from those standards already approved by the Planning Commission, and allowing the right-of-way with a width ranging between seventy feet (70') and eighty-two feet (82') to be platted at less than Minor Arterial standards.
39. The Santa Fe County Public Works Department supported the Applicant's proposed road improvements, with the following conditions:

- a. Applicant shall provide a Geo-Technical Engineering Report prior to construction or bonding.
- b. Applicant shall provide proper signage/stripping plan (i.e. Bike Lanes, Speed Limit and Stop) that meet MUTCD standards.
- c. Stop bars will be required at all R1-1-30s.
- d. Applicant shall comply with all NMDOT regulatory requirements for driveway access onto Rabbit Road.
- e. Speed Change Lanes (east entrance & temporary west entrance) shall meet 300 feet Deceleration Distance with a 125 foot Deceleration Taper.
- f. Detailed Plans will be required for Round-About for Phase 2.
- g. All sidewalks shall comply with American Disabilities Act (ADA) requirements.
- h. Applicant shall provide Detectable Warning Surfaces on sidewalk/road crossings.
- i. Applicant shall provide crosswalks on all internal road crossings.
- j. A Right-of-Way permit must be obtained from NMDOT and provided to Santa Fe County.
- k. Applicant is required to submit a Traffic Control Plan.

40. Based on all of the data contained in the Traffic Impact Assessment, it is apparent that the development will not result in any roads reaching a substandard Level of Service. It is also apparent that the installation of the roundabout on Rabbit Road during Phase 1 and prior to the date traffic flow would mandate that installation, will ensure that traffic safety measures and road infrastructure meet the requirements of the SLDC and do not create dangerous road conditions contrary to public interest.

41. The Project will be served by the Santa Fe County Water System which will connect to the City of Santa Fe Water System. The development will install a new 8" public line

which will connect to existing City infrastructure in Rodeo Business Park north of I-25 and extend to the Project within a bore under I-25. The Applicant submitted a Memorandum of Understanding between the City of Santa Fe and Santa Fe County for water and sewer service, recorded on November 17, 2016 as Instrument #1809962. The Applicant is proposing a water budget of 45.67 acre feet per year, a 20% line loss is then added to make a total of 54.8 acre feet per year. As confirmed by the OSE agency review in Exhibit 3 to the Staff Memorandum to the BCC dated June 28, 2017, the BCC finds that the Applicant can furnish water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision. The Applicant received a ready willing and able to serve letter from the Santa Fe County Utilities Division. A County Utility Line Extension and Service Agreement was executed by all parties on July 11, 2017, after approval by the BCC.

42. The Applicant proposed to provide fire protection through a series of four pressurized fire hydrants. Hydrants are within 500 feet of all buildable areas within Phases 1 and 2. Three are located along the interior loop road, while one is located on the cul-de-sac road located in Phase 1.
43. The Santa Fe County Fire Marshal scrutinized the proposed fire protection and approved the Applicant's proposed fire protection with the following conditions:
  - a. Roadway shall meet County standards;
  - b. Driveways shall meet County Standards;
  - c. Automatic fire protection system shall be required within all constructed facilities; and
  - d. Hydrants shall be in place and tested prior to building structures.



44. All open space will remain undisturbed and will remain in its natural condition during the infrastructure improvements. Any requisite additional landscaping in the required 25 foot buffer area will be installed as part of each individual lot's development. Landscaping will be installed in the 12 foot wide on-site roadway median and in the planting strips between the driveway and sidewalks. Vegetation will include a mix of deciduous and evergreen trees and a variety of shrubs. All disturbed areas will be re-vegetated with native grasses.
45. The Applicant proposed one pole light at each entrance which shall not exceed 25 feet in height and must comply with the County requirements. The BCC finds lights at each entrance are appropriately located to protect the safety of motorists and pedestrians.
46. The Applicant proposed one monument subdivision sign at each entrance which will be set back at a minimum of 25 feet from the right-of-way with a maximum height of 10 feet. The face of each sign is 180 square feet. The BCC finds that the set back and height of the signs will ensure that traffic safety is maintained.
47. The Applicant proposed that parking will be addressed by each individual lot owner through their own site development plan.
48. The Applicant submitted an Archaeology Report with the initial Master Plan request on the entire acreage, the archeological inventory of the Project area revealed no significant cultural resources. As evidenced by the agency review included in Exhibit 3 of the Staff Memorandum to the BCC dated June 28, 2017, the State of New Mexico Historic Preservation Division (SHPO) stated that they did not have any concerns with the application as no historic properties were being affected. Accordingly, the BCC finds that no historic or cultural properties will be impacted by the Application.
49. In order to comply with requirements for terrain management, the proposed development has been designed to protect the natural vegetation while minimizing soil erosion and

sediment transport during storms. The roads have been designed to follow the natural contours of the land and minimize disturbance. The Applicant is proposing that all increase in stormwater runoff due to the development of roads will be collected in swales located in the 100 foot open space buffer along Rabbit Road and will serve as a passive irrigation for the vegetation. The impervious areas including roadways and gravel areas requiring ponding of 5,584 cubic feet. The Applicant is providing 5,600 cubic feet of ponding with the proposed swales. Each lot will be individually responsible for collecting storm water in on-site retention ponds and water harvesting cisterns as proposed on each lot for irrigation of landscaping. The BCC finds that the 5, 600 cubic feet of ponding provided by the swales demonstrates a sufficient carrying capacity to accept storm water from the impervious areas.

50. The Applicant has submitted covenants, conditions and restrictions for the St. Francis South Subdivision that assigns such responsibility for operation and maintenance to the St. Francis South Lot Owners' Association (Lot Owner's Association). These covenants, conditions and restrictions will also be enforced by the Lot Owners' Association. The BCC finds that covenants, conditions, and restrictions establish that the Lot Owners' Association is responsible for the maintenance of all private roadways, terrain management structures, drainages and common easement landscaping and signs.

## **VI. Opposition to the Application**

51. The record contains letters of opposition to the Application, as well as testimony against the Application. Marlin Mackey, Keith Melton, Ian Alsop, Roger Williams, Sam Hitt, Elizabeth Jane Miller, Filbert Tapia, Bonnie Giacchetti, Peggy Fino, Richard Gilliam, Dave Wilkeson, Candace Frostenson, Bill Wawrychuk, Kathleen Lee, Beth Detwiler,

James Mulchris, Terri Tapia, John Tapia, Peter Fant, and Debra Sieck provided testimony in opposition to the Application.

52. The basis for the opposition to the project presented from members of the public can generally be characterized as follows:

- a. Concern that the proposed development will increase traffic on Rabbit Road;
- b. Concern that the proposed development will increase traffic at the intersection of Rabbit Road and St. Francis;
- c. Concern that the proposed development will increase the number of commercial trucks traveling on Rabbit Road.
- d. The need for improvements on Rabbit Road to address traffic and safety;
- e. Concern about the slope of Rabbit Road and St. Francis in regard to traffic and safety;
- f. The incorporation of open space on individual lots on the plat, rather than in community spaces;
- g. Concern that the project will not support a quiet and peaceful lifestyle;
- h. Concern that the proposed bicycle lane is not as safe as a bicycle lane that is set back from the roadway by open space;

53. With regard to generalized concerns regarding traffic on Rabbit Road and St. Francis, and the need for improvements, and the safety of bicycle lanes, the BCC specifically finds that these general concerns were unsupported by substantial evidence, in the form of testimony from individuals qualified to render expert opinion or other competent evidence.<sup>1</sup> In any

---

<sup>1</sup> For example, some opponents to the Application are area residents not qualified as expert witnesses, who speculated about the potential increase in traffic and made assumptions about the necessary improvements to address traffic based upon those assumed increases.

event there was ample evidence in the record to support our conclusion that the traffic concerns are adequately addressed by the road improvements proposed.

54. Open space concerns were addressed by the Applicant by modifying the application to provide for 30.5% open space regardless of whether each lot owner included open space on their individual properties.

55. Because this property has been zoned for the uses proposed by the Applicant, the Application is appropriate for approval at this time. Additional concerns raised by opponents are not appropriately addressed through this Application. Concerns about noise, lighting, and other particulars of the development will be assessed as part of future development permit applications for each individual lot.

## **VII. Conclusions of Law**

56. The Application for Preliminary Plat Approval for Phases 1-4, and Final Plat Approval for Phases 1 and 2 meet all SLDC Requirements when subjected to the conditions of the BCC's approval set forth below.

57. Any finding or conclusion set forth above that may be construed to constitute a conclusion of law is hereby incorporated as such to the same extent as if it was expressly denominated as a conclusion of law.

58. The EIR submitted by the Applicant adequately examines the significant environmental effects and impacts of the project. The EIR concluded that development of infrastructure will have no significant environmental effects. Accordingly, it is not necessary to address mitigation measures, or select reasonable alternatives to the project.

59. The Archeological Report submitted by the Applicant adequately surveys the property proposed for development for archeological resources and contains the information required by the SLDC. Preservation, mitigation, or treatment of archeological resources is

not necessary because the Archeological Report did not reveal significant cultural resources and the State of New Mexico Historic Preservation Division indicated that no historical properties were affected. Therefore, the report submitted confirms satisfactory protection of cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision.

60. The Applicant's proposals for terrain management protect against flooding, inadequate drainage and erosion. The proposals meet the standards of the SLDC.
61. The proposed terrain management protects water quality and the natural quality and natural character of the land; minimizes soil and slope instability, erosion, sedimentation and storm water runoff; protects and the natural character of the land; adapts the development to the existing natural topography, soils, vegetation, geology, hydrology, landforms and other conditions existing on a lot or parcel prior to development; preserves natural drainage patterns and recharges groundwater to protect the public from the natural hazards of flooding, erosion and landslides; and encourages minimum disturbance to the natural areas of a site.
62. With regard to open space, the Applicant's proposed designation of a total of 30.5% of the development to open space satisfies the minimum acreage. Accordingly, the SLDC requirements for open space have been met.
63. The covenants, conditions and restrictions adequately establish that improvements that are owned in common by all owners of lots in the St. Francis South Subdivision will be operated and maintained by the St. Francis South Lot Owners Association according to the standards of the SLDC.
64. The Preliminary and Final Plat do not include any individual residential lots therefore, the affordable housing requirements of the SLDC do not apply.

65. The Applicant's proposals to serve the development by two access points on Rabbit Rd. connected by a private interior loop road, improve the interior loop road to Minor Arterial standards, and build out Rabbit Road along the subject properties frontage from St. Francis Drive to the Rail Trail trailhead per the cross section improvements required for the NE connector project, and the construction of a roundabout for the west entrance as part of Phase 1, along with the Santa Fe Public Works approval of such proposals, demonstrates satisfactory roads to each parcel, including ingress and egress for emergency vehicles and utility easements to each parcel.
66. The Adequate Public Facilities and Services Assessment adequately compares the capacity of public facilities and services to the maximum projected demand that may result from the proposed project and the impact of the Project on Roads; Fire, Law Enforcement, and Emergency Response Services; Water; Sewer; Community Parks, Recreation Areas, and Trails; and Existing Deficiencies.
67. Through the MOU with the City of Santa Fe, the ready, willing and able to serve letter from the County Water Utility, and as a result of the water allocation approved by this Board, and the Utility Line Extension Agreement, the development will have access to County water and sewer services for the development. Therefore, the Applicant has demonstrated water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic use, water of an acceptable quality for human consumption and measures to protect the water supply from contamination, and a satisfactory means of liquid waste disposal.
68. The Applicant's proposal that each facility within the Project contract individually with a local waste collection firm supports our finding that the Applicant has established satisfactory means of solid waste disposal.

69. Pursuant to Chapter 12, Section 12.2.5 of the SLDC, the conclusions of the Applicant's Adequate Public Facilities and Services Assessment, including the proposed improvements to the interior loop road and Rabbit Road, the Memorandum of Understanding between the City of Santa Fe and Santa Fe County for water and sewer services, and the Traffic Impact Assessment, support a finding that the application will be conditionally approved because adequate public facilities and services are not immediately available, but will be available for the initial phases of the project because the facilities and services will be advanced, in whole or in part, by the Applicant, and construction of such facilities will be secured by a financial guarantee prior to final plat recordation.
70. The Applicant has submitted a proposed disclosure statement consistent with NMSA 1978, § 47-6-17.
71. The agency responses in conjunction with all reports submitted demonstrate that the Applicant can fulfill the proposals in the disclosure statement, subject to the conditions required by the agencies and this Order and that the Applicant has met the review criteria set forth in Chapter 5, Section 5.7.5.1. As established by the required submittals, proposals, and agency review, the Applicant can fulfill all of the proposals contained in its disclosure statement for Phases 1-4.
72. Pursuant to Chapter 5, Section 5.7.3.2 of the SLDC, as established by all evidence considered herein, the Applicant has submitted all of the documentation required by NMSA 1978, § 47-6-11 and the SLDC.
73. As established herein, the Applicant's request for Preliminary Plat approval for Phases 1-4, which consists of 22 lots and Final Plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots, conforms to all applicable provisions of the SLDC and the approved Master Plan.

74. The proposed subdivision will conform to the New Mexico Subdivision Act, NMSA 1978, Sections 47-6-1 through 47-6-29.

75. The Application for Final Plat for Phases 1 and 2 was complete and substantially conforms to the preliminary plat, and therefore, pursuant to Chapter 5, Section 5.8.6.3 of the SLDC, the BCC cannot deny approval of the Final Plat for Phases 1 and 2.

**WHEREFORE** the BCC finds the Application is well taken and hereby approves the Application for Preliminary Plat approval for Phase 1-4, which consists of 22 lots and Final Plat approval for Phases 1 and 2, which consists of 4 lots and 8 lots respectively, on 68.94 acres (the St. Francis South Mixed-Use Subdivision) with the following conditions:

a. Compliance with applicable review comments from the following:

- a. NMDOT
- b. NMED
- c. OSE
- d. SHPO
- e. Soil and Water
- f. Santa Fe Public Schools
- g. County Public Works
- h. County Fire Marshal
- i. County Utilities
- j. County Planning Division
- k. County Open Space and Trails
- l. County Affordable Housing

b. A Final Plat with appropriate signatures shall be recorded with the County

Clerk's Office. Signatures will not be given by the Land Use Administrator until



the administrative and final plat fees are deposited with the Administrator, together with proper security pursuant to Chapter 5, Section 5.8.6.3.5 of the SLDC.

- c. All Staff redlines and comments shall be addressed prior to plat recordation. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat.
- d. Water restrictions and conservation covenants shall be filed in the County Clerk's Office and referenced on the plat.
- e. A financial guaranty shall be submitted for all off-site and on-site improvements prior to Final Plat recordation.
- f. Compliance with conditions of the Original Master Plan.
- g. The proposed Street lights located at each of the entrances shall not exceed 25 feet in height.
- h. Access permits must be obtained from NMDOT prior to plat recordation
- i. Applicant shall be required to plat 38' internal easements with a 60' radius cul-de-sac turnaround on all internal cul-de-sacs.
- j. Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, and 21 shall be required to gain access through internal cul-de-sacs only, these lots shall not access directly onto the main loop road.
- k. Lots 13, 14; Lots 15, 16; Lots 1, 2 shall be required to share driveways.
- l. Access to Lot 22 shall be directly across shared driveway for Lots 1 & 2.

- m. Lots 15 & 16 shared driveway shall be directly across Lots 13 & 14 shared driveway.
- n. Access to Lot 17 shall be directly across internal cul-de-sac road between Lots 7 & 10.
- o. All Roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
- p. If multiple lots are purchased by one owner/developer and lots are consolidated, the Land Use Administrator is authorized to approve the lot consolidation and vacation of easements through an administrative plat approval.
- q. A TIA is required for all lot development and future platting, and shall include existing development and approvals to analyze the cumulative effect within the entire development and analyze all existing traffic on Rabbit Road to determine when intersection improvements are warranted.
- r. The Applicant shall be responsible for all design and construction costs associated with the two intersection connections with Rabbit Road. These improvements shall be constructed when warranted, no later than Phase 3 development, except that the roundabout for the west entrance shall be constructed as part of Phase 1 by the Applicant as agreed to by the Applicant.
- s. The Applicant is responsible for improvements to Rabbit Road from the intersection with St. Francis Drive to the railroad crossing to the west of their property to the design cross section in Exhibit 8 of the Staff Memorandum to the BCC dated June 28, 2017, as part of this final plat approval.
- t. The Applicant shall identify a total of 30% open space on the plat.

- u. The water delivery agreement and wastewater collection agreement shall be complied with prior to recordation of the final plat.

**IT IS SO ORDERED.**

This Order was adopted by the Commission on this \_\_\_\_ day of \_\_\_\_\_, 2017.

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

\_\_\_\_\_  
Henry P. Roybal, Chairperson

ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

**Henry P. Roybal**  
Commissioner, District 1

**Anna Hansen**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Anna T. Hamilton**  
Commissioner, District 4

**Ed Moreno**  
Commissioner, District 5

**Katherine Miller**  
County Manager

## MEMORANDUM

To: Board of County Commissioners

From: Don Moya, Finance Division Director

Through: Katherine Miller, County Manager

Date: September

RE: Request Approval of an Order Imposing Tax Rates on the Net Taxable Value of Property Allocated to Governmental Units within Santa Fe County for the 2017 Tax Year (Finance Division/Don Moya)

### ISSUE

The Finance Division is requesting that the Board of County Commissioners (BCC) issue a written order setting the Santa Fe County property tax rates on the net taxable value allocated to the appropriate governmental units for the 2017 Tax Year.

### BACKGROUND

Pursuant to Section 7-38-33 NMSA 1978, each year the Secretary of the Department of Finance and Administration (DFA) issues a written order to set the property tax rates for all governmental units which share in the tax. DFA must issue this order on or before September 1 of each year.

Section 7-38-34 NMSA 1978 requires that "*Within five days of receipt of the property tax rate-setting order from the department of finance and administration, each board of county commissioners shall issue its written order imposing the tax at the rates set on the net taxable value of property allocated to the appropriate governmental units...*" These imposed rates are then to be used to bill property owners for the coming tax year which runs from November 1, 2017 to October 31, 2017.

The rates will be brought forward for the BCC to issue its written order setting the property tax rates for the Tax Year beginning November 1, 2017.

### ACTION REQUESTED

The Finance Division respectfully requests that the BCC issue a written order setting the property

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

---

## **ORDER IMPOSING TAX RATES ON THE NET TAXABLE VALUE OF PROPERTY ALLOCATED TO GOVERNMENTAL UNITS WITHIN SANTA FE COUNTY FOR THE 2017 TAX YEAR**

---

**THIS MATTER** came before the Board of County Commissioners (BCC) of Santa Fe County during its meeting on September 12, 2017, the BCC having received the certificate of property tax rates in mills from the New Mexico Department of Finance and Administration attached hereto as Exhibit A and in conformance with the BCC's statutory obligation pursuant to Section 7-38-34 NMSA 1978.

**IT IS NOW, THEREFORE, ORDERED** that the property tax rates set by the New Mexico Department of Finance and Administration, attached to this Order as Exhibit A, are hereby imposed for the 2017 tax year on the net taxable value of property allocated to the appropriate governmental units within Santa Fe County.

**PASSED, APPROVED, AND ADOPTED** this 12<sup>th</sup> day of September, 2017.

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

---

**Henry P. Roybal, Chairperson**

**ATTEST:**

---

**Geraldine Salazar, County Clerk**

**APPROVED AS TO FORM:**

---

**Gregory S. Shaffer, County Attorney**

CERTIFICATE OF PROPERTY TAX RATES IN MILLS

SANTA FE COUNTY

TAX YEAR 2017

NET TAXABLE VALUE:

\$6,994,646.682

		Espanola		Edgewood		Edgewood		Edgewood		Edgewood	
		MUNICIPALITY:		8T IN NR		8T IN NR		8T IN NR		8T IN NR	
		TAXABLE VALUE:		15,257,781		34,292,714		31,774,680		2,380,616	
		CATEGORY:		18 OUT NR		8T IN NR		8T IN NR		8T-A In NR	
				1,360		1,360		1,360		1,360	
				1,360		1,360		1,360		1,360	
				11,850		11,850		11,850		11,850	
				2,123		2,123		2,123		2,123	

**NET AVAILABLE FARE:**  
**\$6,994,646,682**

(1) To Santa Fe Com. College--P.O.  
(2) To Moriarty Board of Education  
(3) To Espanola Board of Education

# SANTA FE COUNTY

## TAX RATE COMPARISON: TY 2016 TO TY 2017

Example of Taxes on Total Value of \$300,000 w/out Exemptions

$$\$300,000 / 3 = \$ 100,000 \times \text{Mill Rate} / 1000$$

= Taxes Due

DISTRICT LABEL	RES/ NON-RES	Geographic Area/ School District	2016 MILL RATE	2016 TAXES	2017 MILL RATE	2017 TAXES	CHANGE (\$)	CHANGE (%)
C IN R	res	City of SF/SF School District	\$ 23.97	\$ 2,397.30	\$ 24.69	\$ 2,468.50	\$ 71.20	2.97%
C IN NR	non-res	City of SF/SF School District	\$ 32.21	\$ 3,221.20	\$ 33.12	\$ 3,311.70	\$ 90.50	2.81%
C OUT R	res	Outside City of SF/SF School Dist	\$ 21.53	\$ 2,153.10	\$ 22.27	\$ 2,226.60	\$ 73.50	3.41%
C OUT NR	non-res	Outside City of SF/SF School Dist	\$ 28.26	\$ 2,825.60	\$ 29.14	\$ 2,914.00	\$ 88.40	3.13%
1 R	res	Pojoaque/Pojoaque School Dist	\$ 17.54	\$ 1,753.70	\$ 20.82	\$ 2,081.60	\$ 327.90	18.70%
1 NR	non-res	Pojoaque/Pojoaque School Dist	\$ 23.79	\$ 2,378.70	\$ 27.16	\$ 2,715.70	\$ 337.00	14.17%
8T IN R	res	Town of Edgewood/Moriarty School Dist	\$ 22.49	\$ 2,249.10	\$ 24.69	\$ 2,468.70	\$ 219.60	9.76%
8T IN NR	non-res	Town of Edgewood/Moriarty School Dist	\$ 28.60	\$ 2,860.30	\$ 30.91	\$ 3,090.50	\$ 230.20	8.05%
8T OUT R	res	Outside Edgewood/Moriarty School Dist	\$ 20.00	\$ 1,999.50	\$ 19.84	\$ 1,984.30	\$ (15.20)	-0.76%
8T OUT NR	non-res	Outside Edgewood/Moriarty School Dist	\$ 26.11	\$ 2,610.70	\$ 23.51	\$ 2,350.60	\$ (260.10)	-9.96%
18 IN R	res	City of Espanola/Espanola School Dist	\$ 22.15	\$ 2,215.40	\$ 20.71	\$ 2,071.40	\$ (144.00)	-6.50%
18 IN NR	non-res	City of Espanola/Espanola School Dist	\$ 30.63	\$ 3,063.10	\$ 29.09	\$ 2,909.00	\$ (154.10)	-5.03%
18 OUT R	res	Outside Espanola/Espanola School Dist	\$ 18.96	\$ 1,895.60	\$ 17.38	\$ 1,737.80	\$ (157.80)	-8.32%
18 OUT NR	non-res	Outside Espanola/Espanola School Dist	\$ 25.02	\$ 2,502.00	\$ 23.51	\$ 2,350.60	\$ (151.40)	-6.05%
8T-A IN R	res	Taxpayers in Edgewood annexed area are exempt from GO Bonds issued prior to annexation - Created in TY17	\$ -	\$ -	\$ 22.84	\$ 2,284.30	\$ 2,284.30	0.00%
8T-A In NR	non-res	Taxpayers in Edgewood annexed area are exempt from GO Bonds issued prior to annexation - Created in TY17	\$ -	\$ -	\$ 29.06	\$ 2,906.10	\$ 2,906.10	0.00%
<b>El Dorado Area W &amp; S District</b>								
<b>Operational</b>			2.120 \$	212.00	2.120	\$ 212.00	\$ -	0.00%
<b>Debt</b>			1.905 \$	190.50	1.905	\$ 190.50	\$ -	0.00%
<b>Edgewood SWCD</b>								
<b>residential</b>			1.000 \$	100.00	1.000	\$ 100.00	\$ -	0.00%
<b>non-residential</b>			1.000 \$	100.00	1.000	\$ 100.00	\$ -	0.00%



TY 2017 VS. TY 2016 COMPARISONS  
MILL RATE BY TAXING AUTHORITY

NET TAXABLE VALUE	TY 2017	TY 2016	Inc/Dec
State Debt	1.360	1.360	-
Santa Fe County Operational-Res	5.801	5.893	(0.092)
Santa Fe County Operational-NR	11.850	11.850	-
Santa Fe County Debt	2.123	1.971	0.152
City of Santa Fe Operational - Res	1.625	1.282	0.343
City of Santa Fe Operational - NR	3.183	2.796	0.387
City of Santa Fe Debt	0.079	1.160	(1.081)
City of Espanola Operational - Res	3.336	3.198	0.138
City of Espanola Operational - NR	5.584	5.611	(0.027)
City of Espanola Debt	-	-	-
Edgewood Operational - Res	3.000	-	3.000
Edgewood Operational - NR	3.000	-	3.000
Edgewood Debt	1.844	2.496	(0.652)
Edgewood Operational - Res (8T-A IN R)*	3.000	-	3.000
Edgewood Operational - NR (8T-A IN NR)*	3.000	-	3.000
Edgewood Debt (8T-A)	-	-	-
SF Schools Operational-RES	0.015	0.151	(0.136)
SF Schools Operational - NR	0.500	0.500	-
Pojoaque Schools Operational-Res	0.021	0.207	(0.186)
Pojoaque Schools Operational-NR	0.500	0.500	-
Moriarty School Dist Operational-Res	0.381	0.384	(0.003)
Moriarty School Dist Operational-NR	0.500	0.500	-
Espanola School Dist Operational-Res	0.173	0.167	0.006
Espanola School Dist Operational-NR	0.252	0.246	0.006
SF Schools Debt	4.304	3.760	0.544
Pojoaque Schools Debt	9.324	6.106	3.218
Moriarty Schools Debt	8.228	8.426	(0.198)
Espanola Schools Debt	5.313	6.998	(1.685)
SF Schools Capital Improvement-Res	1.906	1.938	(0.032)
SF Schools Capital Improvement-NR	2.000	2.000	-
Pojoaque Schools Capital Improvement-Res	2.000	2.000	-
Pojoaque Schools Capital Improvement-NR	2.000	2.000	-
Moriarty Schools Capital Improvement	1.950	1.961	(0.011)
Espanola Schools Capital Improvement	2.000	2.000	-
SF Schools HB33 School Building-Res	1.430	1.453	(0.023)
SF Schools HB33 School Building-NR	1.500	1.500	-
Pojoaque HB 33 School Building	-	-	-
Moriarty Schools HB 33 School Building	-	-	-
Espanola Schools HB 33 School Building	-	-	-
SF School Dist. Educ. Tech. Debt Service	1.503	1.315	0.188
Poj. School Dist. Educ. Tech. Debt Svc	-	-	-
Mor. School Dist. Educ. Tech. Debt Svc	-	-	-
Esp. School Dist. Educ. Tech. Debt Svc.	0.608	0.595	0.013
Santa Fe Comm. College - Res	2.690	2.690	-
Santa Fe Comm. College - NR	3.000	3.000	-
Santa Fe Col. Bldg. Levy	1.000	1.000	-
<b>Special Assessments:</b>			
Edgewood SWCD-Res	1.000	1.000	-
Edgewood SWCD-NR	1.000	1.000	-
El Dorado Area W & S Dist Operations	2.102	2.120	(0.018)
El Dorado Area W & S Dist Debt	2.081	1.905	0.176
<b>Where Applicable:</b>			
Cattle Indemnity	10.000	8.049	1.951
Sheep/Goats/Swine/Alpaca	10.000	9.428	0.572
Dairy Cattle	5.000	4.220	0.780
Bison/Camelids/Ratite	9.972	9.986	(0.014)
Horses/Asses/Mules	6.965	8.777	(1.812)

\* Taxpayers in Edgewood annexed area are exempt from GO Bonds issued prior to annexation - Created in TY17

**TY 2017 VS. TY 2016 COMPARISONS**  
**TOTAL MILL RATE BY DISTRICT**

PROPERTY TAX DISTRICT	TY 2017	TY 2016	Inc/Dec mill	Inc/Dec %
Santa Fe C IN R*	24.685	23.973	0.712	3.0%
Santa Fe C IN NR*	33.117	32.212	0.905	2.8%
C OUT R (Santa Fe School District)*	22.266	21.531	0.735	3.4%
C OUT NR (Santa Fe School District)*	29.140	28.256	0.884	3.1%
1R (Pojoaque School Dist)	20.816	17.537	3.279	18.7%
1/1D NR (Pojoaque School Dist)	27.157	23.787	3.370	14.2%
8T R OUT (Moriarty School Dist)	19.843	19.995	(0.152)	-0.8%
8T NR OUT (Moriarty School Dist)	26.061	26.107	(0.046)	-0.2%
ESPANOLA 18 IN R	20.714	22.154	(1.440)	-6.5%
ESPANOLA 18 IN NR	29.090	30.631	(1.541)	-5.0%
18 OUT R (Espanola School Dist)	17.378	18.956	(1.578)	-8.3%
18 OUT NR (Espanola School Dist)	21.506	25.020	(3.514)	-14.0%
Edgewood 8T IN R	24.687	22.491	2.196	9.8%
Edgewood 8T IN NR	30.905	28.603	2.302	8.0%
Edgewood 8T-A IN R**	22.843	-	22.843	0.0%
Edgewood 8T-A IN NR**	29.061	-	29.061	0.0%

\* Includes for the Santa Fe Community College

\*\*Taxpayers in Edgewood annexed area are exempt from GO Bonds issued prior to annexation - Created in TY17





- NEWSLETTER -  
AUGUST 2017



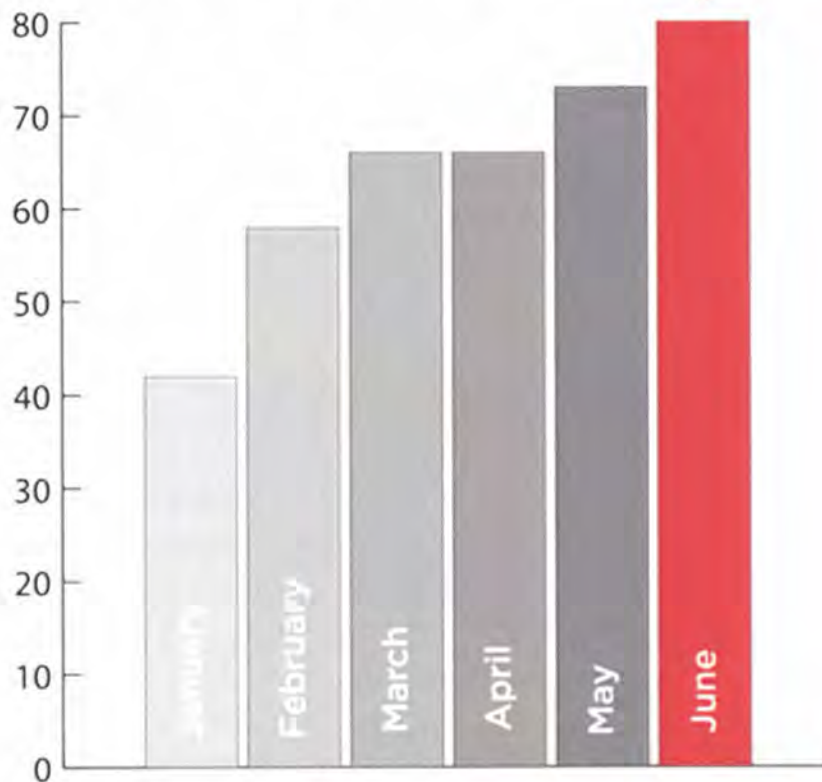
SFC RECORDED 10/11/2017

**Phoenix Flight Now Operating With 85% of Seats Filled**

The Northern New Mexico Air Alliance appreciates your support of our efforts to promote the Santa Fe airport as a major driver of economic growth for Northern New Mexico. Over the past 6 months we have raised over \$500,000 from individuals, businesses, the City and County of Santa Fe, The Town of Taos, Los Alamos County and the Taos Ski Valley. The money raised has been used to publicize the Santa Fe Municipal Airport as a convenient alternative to the Albuquerque Sunport with daily flights to Dallas and Denver and with special emphasis on the new American Airlines flight between Santa Fe and Phoenix.

The Alliance achieved outstanding results. After an understandably slow start in December of 2016 the Phoenix flight is now operating with about 85% of the seats filled.

PHX <> SAF - % Seats Filled



## **Mayor Gonzales Announces Effort to Build New Terminal Building.**

While our main focus is to continually grow passenger use of the airport, we are now devoting attention to doing what we can to improve the airport experience at Santa Fe. We are adding new poster art inside and taking the lead in landscaping the front of the terminal building. The current terminal is quaint and historic and is the subject of many positive comments on Facebook and Twitter. However if we are to grow air service to Northern New Mexico a more modern facility is necessary. To this end we are pleased that Mayor Gonzales has announced he will lead an effort to repurpose the current building and build a new terminal at a different location. This will be a welcome and necessary change not only for the comfort and convenience of passengers but because the current terminal building is operating over its reasonable capacity.

Any new terminal however is at least 5 years away. In the meantime we are working with city staff to develop a bridge plan to carry us through without limiting the continued expansion of service we have as our mission. We hope to have agreement on a plan in the next 90 days.

### **New Approach to Airport From NM599**

Also in the works and probably about 18 months away is a planned new approach to the airport from NM599. This will make the trip to the airport easier and will allow passengers to avoid the current scenic trip past the gravel pit and the junk yard. This alone will do wonders for our visitor's experience.

### **More Improvements in Progress**

But as we all know, big changes like a new terminal building take time so we are now turning our attention to making today's flying experience from the Santa Fe airport a more pleasant and enjoyable experience. Here are some examples:

- ❖ The Design Workshop has created a plan for a complete landscaping for the front of the terminal building. Trees, grasses and flowers will replace the current collection of cigarette butts and gravel.
- ❖ We are trying to find a way to make the baggage claim more speedy. Not easy at a small airport where an equally small team must do all tasks. The reality is that turning around the aircraft for an on-time departure has priority over pushing the bags to the terminal. But were floating a few ideas which may take root.
- ❖ The good news is that some much needed airport maintenance is scheduled. The runways are receiving \$7 M in improvements
- ❖ The Santa Fe Opera, the Taos Fall Art Festival and several others have donated artwork so that the airport lobby will soon have new decoration highlighting Northern New Mexico activities



- ❖ While we await a new airport entrance we have arranged for improved signage which will direct automobile traffic from major roads to the airport and from the airport to downtown Santa Fe.
- ❖ And, alas, with no cab service available in Santa Fe we are providing information both on FlySantaFe.com and in the airport on how to contact available ride services.

Finally, we are continuing to solicit funds to support activities of the Alliance. Both Taos and Los Alamos have joined and are each providing substantial, much needed funding. With this funding we will be able to continue growing awareness and use of our regional airport which will support the goal of stimulating our local economies.

## **Big Thank You to the Santa Fe Area Realtors**

On Saturday night, June 24, the Santa Fe Area Realtors gala in support of Fly Santa Fe was held at the Jet Center at the Santa Fe airport. What an event! Hundreds of people came to the airport to have fun, good food, great music and entertainment. Meow Wolf helped with the decorations, the Wise Fools entertained, Vanilla Pop's music rang out over the field. Many local merchants provided in-kind support including: Santa Fe Properties, Sotheby's, Katie's Camera, Santa Fe Spirits, Silver Coin Tequila, Santa Fe Brewing, SDH Photography, Santa Fe Audio Visual, Coca Cola Bottling and The Jet Center. We thank all who supported this wonderful event.

## **What Can You Do?**

Three things;

- ❖ Provide financial support. Go to FlySantaFe.com
- ❖ Make sure your associates are aware that the best way to come or go from Santa Fe is via SAF
- ❖ And, when you arrange travel, "Look Before You Book." You will probably find the trip will be better if you **Fly Santa Fe.**



**ELDORADO AREA WATER & SANITATION DISTRICT**  
2 North Chamisa Drive, Suite A • Santa Fe, NM 87508 • (505) 466-2411

John Calzada, President  
Gregory Hart, Vice President  
David W. Yarr, Secretary  
Carilyn M. Harris, Treasurer  
Jillene Lewis, Director  
Elizabeth Foghant, Treasurer



SFC RECORDED 10/11/2017

September 7, 2017

Santa Fe Board of County Commissioners  
c/o John Lovato, Development Review Specialist  
Growth Management Department  
Building and Development Services Division  
102 Grant Avenue  
Santa Fe, NM 87501-2061

RE: Request for Appeal – Final Order Case #V17-5000 EAWSD Well 19 Production Facilities

Dear Mr. Lovato,

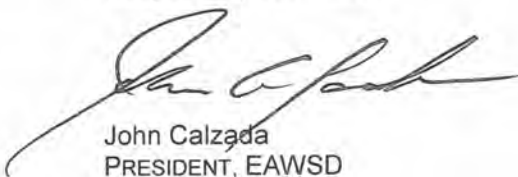
As President of the ELDORADO AREA WATER AND SANITATION DISTRICT, I urge the Board of County Commissioners to overturn the decision made by the County Planning Commission regarding the above referenced matter. In overturning the County Planning Commission's ruling the Board of County Commissioners will be upholding the decision made by the County Planning Commission Public Hearing Officer, who recommended approval of the request for three variances related to the EAWSD's Well 19 project.

The EAWSD serves 23 communities with over 6,000 county residents. The Well 19 project is publicly funded and over \$600,000 has already been spent on this vital project. Any further delay in moving forward with this project puts in jeopardy funds that have already been secured through the Drinking Water Revolving Loan Fund, and would significantly increase the costs related to this project. Well 19 is vitally needed to add a new water supply to our system that would help with peak summer demand and to ensure proper fire protection flows.

EAWSD staff worked very closely with the La Paz HOA and its architecture committee during the planning and design phase of the project so that the small 800 sq.ft. structure needed to house well pump equipment would meet the rigid standards of the community. Without the requested variances, the project schedule will be delayed, the project costs will increase significantly, and meeting the architectural desires of the community may not be possible.

The elected Board of EAWSD, its staff and contractors are dedicated to providing the county residents we serve with clean, safe, and reliable water. We ask that the Board of County Commissioners support us by granting the variances for our Well 19 project.

Respectfully submitted,

  
John Calzada  
PRESIDENT, EAWSD



August 7, 2017

Santa Fe Board of County Commissioners  
c/o John Lavato, Development Review Specialist  
Growth Management Department  
Building and Development Services Division  
102 Grant Avenue  
Santa Fe, NM 87501-2061

Re: Request for Appeal – Final Order Case # V 17-5000 EAWSD  
Well 19 Production Facilities

Dear Mr. Lavato:

I currently serve as President of the Eldorado Community Improvement Association (ECIA) Board of Directors. In that capacity I am contacting you in strong support of the Eldorado Area Water and Sanitation District (District) appeal of the above-referenced County Planning Commission final order denying variance requests for the Well 19 project.

The Well 19 project is being publicly funded and developed by the District for the benefit of Eldorado area County residents. Well 19 will provide a critically needed new drinking water supply for our residents in order meet peak summer water demands, emergency backup and fire protection. Given that the District provides drinking water for 80% of our residents the ECIA has a particularly strong interest in supporting the prompt completion of this new well.

Since 2014, the District has invested over \$600,000 of public funds in planning, site selection and well development at the Well 19 site. Yet despite the significant investment of public funds that have already been made for this much needed project, construction has been halted solely due to the County Planning Commission's denial of variance requests relating to the small surface structure needed to operate Well 19. The District has appealed the Commission's decision denying these variance requests.

The ECIA supports the District's Request for Appeal and submits that the Santa Fe Board of County Commissioners should grant the relief sought by the District for the following reasons:

- Less than 5% of the project's cost is associated with the above-ground structure for which the variances are being requested. The remaining 95% of costs is associated with underground infrastructure (well, piping, valves, etc.).

- The above-ground structure for which the variances are being requested is a small (800 square foot) unoccupied public utility building that will house above ground piping, valves and other equipment needed to operate the well. The building has been designed to match the architecture of the neighborhood.
- The District has worked closely with and received the support of the La Paz Homeowner's Association (and its architecture committee), where the Well 19 project is located, in site selection, easement acquisition, and development of the project's design details.
- The County Planning Commission Public Hearing Officer recommended granting all three requested variances subject to conditions with which the District has agreed to comply.
- Without the requested variances, the project schedule will be substantially delayed, the publicly-funded project costs will increase significantly, and meeting the architectural desires of the community may not be possible.
- Substantial additional delay may prevent the use of Drinking Water State Revolving Loan Funds already secured to fund this project, which would dramatically increase costs.

Respectfully submitted,



---

John Henriksen, President  
ECIA Board of Directors

Cc: John Calzada, EAWSD Board President  
David Chakroff, EAWSD General Manager  
Ed Moreno, Santa Fe County Commissioner  
Isabel Ugarte, ECIA General Manager



David Chakroff  
GENERAL MANAGER

**ELDORADO AREA WATER & SANITATION DISTRICT**  
2 North Chamisa Drive, Suite A • Santa Fe, NM 87508 • (505) 466-2411

John Calzada, PRESIDENT  
Gregory Hart, VICE PRESIDENT  
David W. Yard, SECRETARY  
Carolyn Horne, DIRECTOR  
Steve Ewers, DIRECTOR  
Elizabeth Roghair, TREASURER

August 15, 2017

Santa Fe County Commissioners  
102 Grant Ave.  
Santa Fe, NM 87501

Re: Financial consequences of delay in completion of EAWSD Well 19

To the County Commissioners:

As Treasurer of the Eldorado Area Water and Sanitation District (EAWSD), I am writing to inform you of the financial impact on the District's taxpayers and ratepayers of the protracted delay in completing this project that has been caused by the denial by the County's planning commission of minor zoning variances related to a small aboveground structure and a driveway.

The EAWSD is a governmental unit organized under NMSA §73-21 (Act). The purpose of the District, pursuant to the Act, is to "serve a public use and...promote the health, safety, prosperity, security and general welfare of the inhabitants of...the District." The District is continuously analyzing its customer demand and its capacity to serve. As a water and sanitation district, it was created under the Act for the "purchasing, acquiring or constructing waterworks to supply water for domestic commercial and industrial purposes by any available means." Existing wells do not have an infinite useful life, and replacement of depleted wells with new wells is part of an ongoing capital asset planning process. The District determines the location of a new well is after extensive engineering and geology evaluations. The site for Well 19 was chosen over two years ago to meet critical demand identified by the EAWSD board upon evaluation of the results of hydro-geologic investigation.

When planning any major project such as Well 19, the District ensures that there will be funds available to complete it prior to proceeding. After identifying the new well site and obtaining cost estimates, the District applied to the New Mexico Financing Authority (NMFA) in August 2015 for a Drinking Water State Revolving Loan of \$909,000. The NMFA signed a letter of binding commitment in November 2015 for a loan maturing in 22 years with 2% interest. The loan terms included a 26-month period during which the District could requisition funds to cover costs of project construction. The loan closed on May 27, 2016, and the District's General Manager was authorized to proceed in June 2016. Engineering and design work was undertaken and the process of procuring a construction contract began. After a competitive process, a construction bid was obtained

SFC RECORDED 10/11/2017

on favorable terms, but put on hold pending completion of the permitting process, which was expected to occur in time for Well 19 to be available meet the peak summer customer demand. This did not occur; for reasons it did not make clear, the planning commission decided to disapprove the District's request despite a positive recommendation by its hearing examiner, who recommended approval subject to three conditions, which the District is able to and has already met.

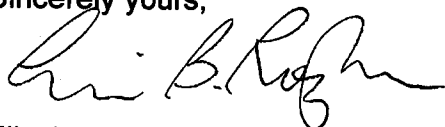
The permitting delay presents considerable financial risk to the district, its ratepayers and taxpayers.

- (1) The terms of the loan from NMFA allow reimbursement for expenses incurred only up through 26 months from the loan closing. Nearly 15 of those months have passed. Over \$600,000 of funds have been expended for Well 19, some of which have been drawn from the State Drinking Water Revolving Fund. If this project is further delayed the District may lose its construction funding due to the expiration of the 26-month construction loan period.
- (2) NMFA has recently urged its borrowers to accelerate requisitions for reimbursement due to uncertainty about the available of Federal EPA funds, which other borrowers have done but the District cannot; so the permitting delay may jeopardize funding.
- (3) As Treasurer, I also serve as the District's central purchasing office in accordance with the New Mexico Procurement Code. Due to the permitting delay, the project may have to be rebid. The winning construction bid was extended through March, 2017 but whether the contractor is willing to continue to extend on the same terms is uncertain.
- (4) The District's existing wells have been taxed to meet high summer demand, shortening their useful lives and decreasing their value. This makes even more urgent the need to bring a new water source on line; when projects become urgent, costs inevitably increase.

EAWSD is a governmental entity, not a private utility, and not only its current but also its future customers (most of whom are also taxpayers) will be bearing the consequences of this extraordinary lack of support by the County's planning commission. Put simply, the District will have no choice but to increase its water rates and/or its property tax rates to cover the costs incurred by the delay.

On behalf of our ratepayers and customers, I urge you to vote to approve the variances requested so that this critical project can be completed and put in service.

Sincerely yours,



Elizabeth B. Roghair  
TREASURER

La Paz Homeowners' Association  
1 Caliente Road, Ste. G  
Santa Fe, NM 87508

September 1, 2017

Santa Fe Board of County Commissioners  
Attn: John Lavato, Development Review Specialist  
Growth Management Department  
Building & Development Services Division  
102 Grant Avenue  
Santa Fe, NM 87501

Dear Mr. Lavato:

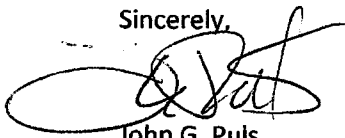
This letter is the official response from the La Paz Homeowners' Association regarding the EAWSD appeal of the of the Planning Commission denial of Well #19 variances.

The La Paz HOA recognizes the need and supports EAWSD in maintaining an adequate water supply for the greater Eldorado area including the La Paz HOA. Since the well and proposed well building will be located on private property within the La Paz HOA and where an easement by the property owner has been granted, the La Paz HOA must take a neutral position on the three requested variances. We do, however, question the reason for the variance regarding the driveway setback from the intersection. All roads in La Paz including Avenida Torreon are privately owned and maintained by the La Paz HOA, not Santa Fe County.

EAWSD adopted the La Paz HOA approved architectural drawings created by the previous property owner. Our charge is to ensure that the well building and landscaping meets our architectural review standards.

We look forward to continuing to work with the EAWSD in assuring well building #19 and the Homeland Security fencing blend into our residential community and meet our architectural standards.

Sincerely,



John G. Puls

President, La Paz HOA

cc: EAWSD

La Paz HOA Board

Chair La Paz Architectural Committee



August 10, 2017

SFC RECORDED 10/11/2017

Santa Fe Board of County Commissioners  
% John Lavato, Development Review Specialist  
Growth Management Department  
Building and Development Services Division  
102 Grant Avenue  
Santa Fe, NM 87501-2061

To whom it may concern:

Be it known that the Dos Griegos Homeowners Association Board of Directors is supportive of the Eldorado Area Water and Sanitation District's Well 19. The residents of our association are dependent on EAWSD for reliable, clean and safe water.

Since the District took over the development and distribution of water in 2005, EAWSD has demonstrated its ability to develop new wells and provide for the distribution of clean and safe water meeting the needs of residents throughout the District.

Sincerely,



S. Gene Schofield  
President  
Dos Griegos HOA Board of Directors  
[sgenes@comcast.net](mailto:sgenes@comcast.net)  
505-466-6112

cc: David Chakroff



# East Ranch

SFC RECORDED 10/11/2017

August 25, 2017

Santa Fe Board of County Commissioners  
c/o John Lovato, Development Review Specialist  
Growth Management Department  
Building and Development Services Division  
102 Grant Ave  
Santa Fe, NM 87501-2061

Dear John,

I am writing to you as President of the East Ranch Home Owners Association.

East Ranch is served by Eldorado Area Water and Sanitation District and supports the Well 19 project.

Timely completion of the Well 19 project will benefit residents living in the Eldorado area now and for many years to come. Review of the justifications for each of the three requested variances presents a solid case for approval without delay.

East Ranch HOA requests the Board of County Commissioners approve EAWSD's request for variances.

Sincerely

Cheryl Kawazoe  
[cbkawazoe@yahoo.com](mailto:cbkawazoe@yahoo.com)  
505-466-6815



---

**LOT 15A-2 HOME OWNERS ASSOCIATION**

505-412-1030  
gregorywhart@icloud.com

160 Camino Acote  
Santa Fe, NM  
87508

August 3, 2017

Santa Fe Board of County Commissioners  
c/o John Lovato, Development Review Specialist  
Growth Management Department  
Building and Development Services Division  
102 Grant Avenue  
Santa Fe, NM 87501-2061

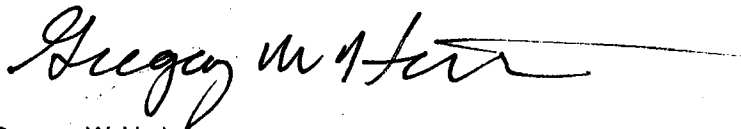
Dear John,

I am the president of the Lot 15A-2 Home Owners Association, which is served by the Eldorado Area Water and Sanitation District.

I wish to state that my HOA fully supports the Well 19 project and requests that Board of County Commissioners approve the variances request as soon as possible.

My HOA has reviewed Case # V 17-5000 Well 19 Production Facilities, and we find nothing that is of concern to us, and in fact see that the District has made every effort to fully comply with all the criteria the County has determined to be in the best interest of our members.

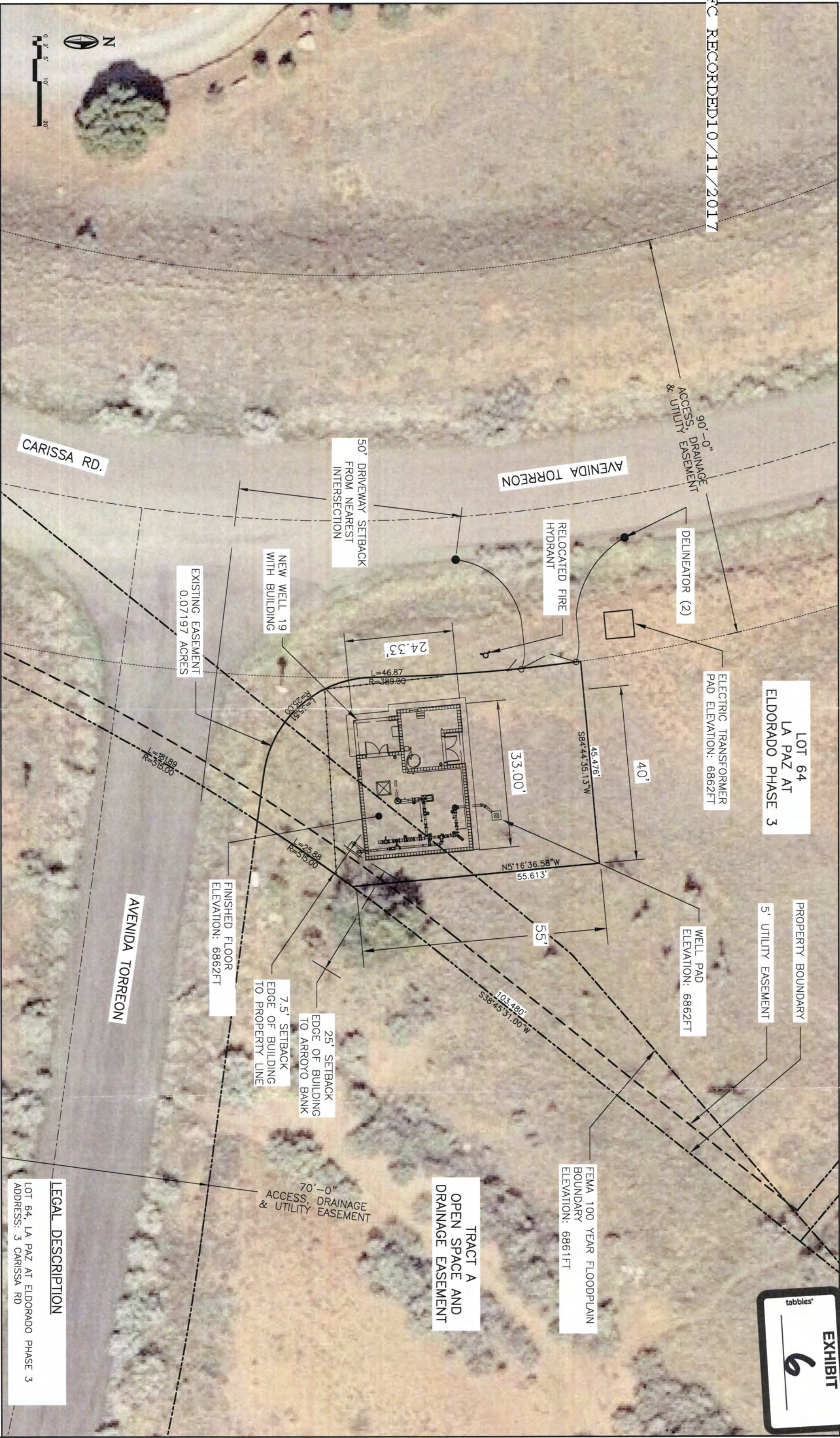
Sincerely yours,

A handwritten signature in black ink, appearing to read "Gregory W. Hart", with a long horizontal flourish extending to the right.

Gregory W. Hart



REC RECORDED 10/11/2017



**LEGAL DESCRIPTION**  
LOT 64, LA PAZ AT ELDORADO PHASE 3  
ADDRESS: 3 CARISSA RD

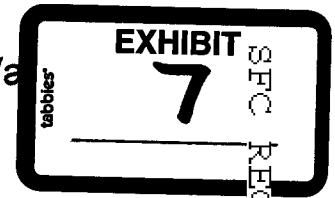
MOLZENCORBIN

ELDORADO AREA WATER AND SANITATION DISTRICT (EAWSD)

WELL 19 SITE LAYOUT



Santa Fe BCC Meeting  
Case # V 17-5000 Eldorado Area Water and Sanitation District Va  
9/12/17 5:00 PM



Chairman, Commissioners, County Manager, Staff and friends: Good afternoon! My name is Joe Loewy. I live at 6 Monterey Road, Santa Fe.

I am here today as a ratepayer in the Eldorado Area Water and Sanitation District and a volunteer appointed member of the EAWSD Capital Planning Advisory Committee. In the interest of full public disclosure, I also wish to note that I currently serve as an appointed Board Member of the Santa Fe County Housing Authority. I wish to briefly speak today in support of Case # V 17-5000 EAWSD Variances.

In 2012 my wife and I built our home in Eldorado. One of **the most significant reasons** for us choosing to live in Eldorado was the fact that the Water District had a safe and reliable water system with sufficient wells to produce water for the approximately 7,000 residents in our area.

As a volunteer committee member of the Water District I have come to appreciate the **critical need for additional water sources**, especially in order to meet the summer peak demand. Construction of the Well 19 project is essential in order to meet this need.

The variance requests proposed are logical and preserve the health, safety and aesthetics of the community and environment. The Sustainable Land Development Code Hearing Officer's recommendation found that the Water District application "is well-taken and recommended that it should be granted" subject to certain conditions. Each one of these conditions has been substantially met by the Water District. The Hearing Officer further noted that there are extraordinary and exceptional situations or conditions of the property as demonstrated by the Water District application.

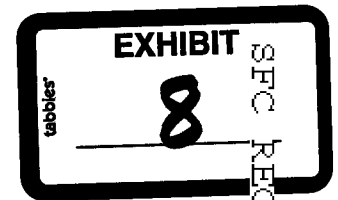
Most importantly, the Hearing Officer noted that the variances requested;

- a. Are not contrary to public interest;
- b. Owing to extraordinary and exceptional conditions of the property, the strict application of the Code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship to the owner; and
- c. Granting the variance will result in the spirit of the SLDC being observed and substantial justice done.

Lastly, I wish to point out to you that the project has been both reviewed and is supported by the neighborhood homeowner associations at and surrounding the well location. The community wants and needs this well to be completed!

Please approve the Water District appeal of the Planning Commission denial of variances to enable this project to move forward as quickly as possible. This well is critically needed by my neighbors, my family and the entire Eldorado Water District community.

Thank you!



24 Aster Way  
Santa Fe, NM 87508  
September 12, 2017

Santa Fe County Board of Commissioners  
102 Grant Avenue  
Santa Fe, NM 87501

Honorable Commissioners:

My name is Christina Hornig. My husband, daughter and I live at 24 Aster Way in La Paz; our property adjoins the Carissa Road property where the water district is proposing to build the well facility. I'm here to request that you uphold the Order from the County Planning Commission correctly denying the variances requested by the water district and affirming the need to follow the rules established in the county's Sustainable Land Development Code.

I'll start with two overall perspectives. The water district has requested these variances based on the premises that the addition of this well to the district water supply is in the public interest, and that strict application of the SLDC constitutes an extraordinary hardship to the district.

While we recognize that reliable water supplies are important, this water comes with a problem named antimony; the water's antimony level is well above the EPA-specified Maximum Contaminant Level allowable for drinking water. As Steve King of the water district noted at the June 15, 2017 Planning Commission meeting, the district's engineer has developed a plan to blend this water with water from the district's existing wells, none of which contain detectable levels of antimony. As Mr. King stated, the water from this well "normally serves that immediate neighborhood", so our family will be faced with a change to drinking water perhaps slightly below the EPA-specified Maximum Contaminant Level for antimony, while other district customers will continue to receive antimony-free water. As parents and members of the public, we do not see the introduction of contaminants at any level to be in the public interest.

The other general concern we have is the district's claim that following the requirements of the SLDC represents an undue hardship. We think the findings documented in the Planning Commission's Order denying the variances state the situation clearly: "The variances are requested due the Applicant's failure to obtain sufficient easement to meet SLDC requirements, rather than due to any extraordinary and exceptional conditions of the property." In the information presented at the various hearings, the district has repeatedly stated that it was unaware of the requirements of the SLDC and the codes that preceded it. As an example, at the hearing with the Hearing Officer in April, Steve Morrow of MolzenCorbin (the district's

engineering firm) stated: "Originally we were under the impression that the County didn't have any setback requirements and the Eldorado design guidelines were the only setback requirements we were required to abide by"; the district has repeatedly discussed the money that the district has invested in the well to date as justification for the hardship claim. The district has not discussed the fact that the placement of the facility was affected by error by one of its employees or contractors; the minutes of the district board meeting on March 2, 2017 (which are available on the district's website at [www.eawsd.org](http://www.eawsd.org) - see the second bullet under "Operations Report") discuss delays to the permitting of the well facility due to "a discrepancy found with the FEMA map that was used to identify where the flood plain lies", and references "further discussion regarding who will be responsible for the cost to correct the error of the misidentified flood plain." This error is apparently present in the Site Plan approved by Steve Morrow of MolzenCorbin in October 2016 that was submitted with the variance request; this Site Plan shows the "limit of FEMA floodplain" on the far side of the property line. While, as taxpaying district residents, we are troubled by the fact that our money may be wasted due to errors on the part of the district's employees or contractors, we do not believe that these self-inflicted errors justify the claim of hardship.

This encroachment into the FEMA-designated floodplain is the most concerning of the specific variance requests. As Vickie Lucero of the county's Growth Management Department noted during the public hearing with the Hearing Officer on April 27, 2017, "The setback requirement from the floodplain, that was actually a standalone ordinance that had been in effect since, I believe, 2008. So those setback requirements, they got carried over into the SLDC but they have been in effect for several years." Ms. Lucero also addressed the issue during the Planning Commission hearing on June 15, 2017, saying: "They're actually encroaching into the floodplain with this structure, but the 25-foot setback is the minimum that the code would allow with bank stabilization." The Order from the Planning Commission denying the variances correctly concludes that "Obtaining sufficient easement to avoid variances could have been accommodated since the setback requirement existed prior to the easement acquisition. The Applicant's decision to acquire an easement for this project which would require variances, does not constitute an extraordinary and exceptional situation or condition of the property making strict application of the SLDC result in peculiar and exceptional practical difficulties or exceptional and undue hardship to the Applicant."

I would also like to correct some statements that the district has made concerning the support of the La Paz Homeowner's Association for these variances. For full disclosure, my husband is a member of the board of the La Paz HOA, but has recused himself from decisions concerning this matter. At the April 27, 2017 public hearing with Hearing Officer, Steve Morrow of MolzenCorbin stated that "...it's my understanding that the neighborhood association told the district that there would be no objection to encroaching on their setbacks"; in their request for this appeal the district states that the variances are required "to accommodate the needs and expectations of the La Paz Homeowner's Association" as well as the property owner. This is not correct, as evidenced in the letter that the La Paz Homeowner's Association sent to the County at the district's request on September 1, 2017. This letter explicitly states that "the La Paz Homeowner's Association must take a neutral position on the three requested variances", and



explains that the association's primary interest is in the aesthetics of the proposed building and landscaping.

There are other concerns that I could raise at this point, but we believe this summarizes the most important considerations regarding the water district's appeal of the Planning Commissions correct Order denying the variances. I ask that the Board of County Commissioners confirm the Planning Commission's correct application of the SLDC and its requirements, and reject the water district's appeal of the Planning Commission's Order. Thank you.

A handwritten signature in black ink, reading "Christina Hornig". The signature is written in a cursive, flowing style. The first name "Christina" is written in a smaller, more compact script, while the last name "Hornig" is written in a larger, more prominent script with a large, sweeping "H" and a long, trailing "g".

Christina Hornig

La Paz Homeowners' Association  
1 Caliente Road, Ste. G  
Santa Fe, NM 87508

September 1, 2017

Santa Fe Board of County Commissioners  
Attn: John Lavato, Development Review Specialist  
Growth Management Department  
Building & Development Services Division  
102 Grant Avenue  
Santa Fe, NM 87501

Dear Mr. Lavato:

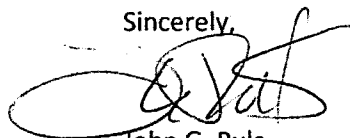
This letter is the official response from the La Paz Homeowners' Association regarding the EAWSD appeal of the of the Planning Commission denial of Well #19 variances.

The La Paz HOA recognizes the need and supports EAWSD in maintaining an adequate water supply for the greater Eldorado area including the La Paz HOA. Since the well and proposed well building will be located on private property within the La Paz HOA and where an easement by the property owner has been granted, the La Paz HOA must take a neutral position on the three requested variances. We do, however, question the reason for the variance regarding the driveway setback from the intersection. All roads in La Paz including Avenida Torreon are privately owned and maintained by the La Paz HOA, not Santa Fe County.

EAWSD adopted the La Paz HOA approved architectural drawings created by the previous property owner. Our charge is to ensure that the well building and landscaping meets our architectural review standards.

We look forward to continuing to work with the EAWSD in assuring well building #19 and the Homeland Security fencing blend into our residential community and meet our architectural standards.

Sincerely,



John G. Puls

President, La Paz HOA

cc: EAWSD

La Paz HOA Board

Chair La Paz Architectural Committee



David Chakroff  
GENERAL MANAGER

# ELDORADO AREA WATER & SANITATION DISTRICT

2 North Chamisa Drive, Suite A • Santa Fe, NM 87508 • (505) 466-2411

John Calzada, PRESIDENT  
Gregory Hart, VICE PRESIDENT  
David W. Yard, SECRETARY  
Carolyn Horne, DIRECTOR  
Steve Ewers, DIRECTOR  
Elizabeth B. Roghair, TREASURER

## FINAL MINUTES - REGULAR BOARD MEETING 02 March 2017- EAWSD Public Conference Room – 7:00 PM

**MEETING CALLED TO ORDER** by Director Calzada at 7:00 P.M.

**ROLL CALL** by Ms. Mondragon-Metzger: Those present were: Director Calzada, Director Hart, and Director Yard. There was a quorum of Directors present. Director Horne was absent.

Also in attendance: Elizabeth Roghair, Treasurer; Anthony Marino, CH2M/OMI; David Chakroff, General Manager; Steve King, Planning and Projects Manager; Anna Mondragon-Metzger, Administrative Manager; Steve Ewers, Director-elect for Position #3; and eight (8) guests. Doug Gaumer, CH2M/OMI, was absent.

### APPROVAL OF AGENDA: 02 March 2017

➤ Director Calzada asked if there were any additions or corrections to the agenda of 02 March 2017.

**MOTION:** Director Yard moved to approve the agenda for 02 March 2017. Director Hart seconded the motion.

- No further discussion.
- Vote was 3 to 0 in favor of the motion to approve the agenda for 02 March 2017.

### APPROVAL OF MEETING MINUTES: 02 February 2017

➤ Director Calzada asked if there were any additions or corrections to the meeting minutes of 02 February 2017.

**MOTION:** Director Yard moved to approve the meeting minutes for 02 February 2017. Director Hart seconded the motion.

- No further discussion.
- Vote was 3 to 0 in favor of the motion to approve the meeting minutes for 02 February 2017.

### SPECIAL AGENDA:

#### A. Swearing-in of Director-elect for Position #3

A. M. Metzger

➤ Ms. Mondragon-Metzger, a registered Notary Public in the State of NM, administered the OATH OF OFFICE to Director-elect Ewers for POSITION #3.

- Mr. Ewers was asked to stand, raise his right hand and repeat the OATH OF OFFICE. The notarized form will be delivered to the NM Secretary of State for proper recording.
- The newly sworn-in Director proceeded to take his seat with the Board.

### CONSENT AGENDA:

#### A. Status of application for financial assistance from the NEW MEXICO FINANCE AUTHORITY LOCAL GOVERNMENT PLANNING FUND for updating the EAWSD Utility Master Plan (information only)

D. Chakroff

#### B. Consideration and approval of appointment to the Capital Planning Advisory Committee (CPAC)

D. Chakroff

#### C. Consideration and approval of Amendment No. 1 to the Molzen Corbin Well 2A/2B Dual Production project contract

S. King

Director Calzada introduced the three (3) items on the Consent Agenda and asked if anyone wished to initiate further discussion or make a motion.

- Further discussion followed regarding clarification of the revised funding amount, (\$50,000 instead of \$25,000), and services to be provided under the NMFA Local Government Planning Fund for updating the EAWSD Utility Master Plan. Mr. Chakroff provided additional clarification of the revised funding and scope of work for this project.
- GARY WOLFF, a resident of 22 Tetilla, asked if the additional funding allowance for the Master Plan was going to encompass all of the informational needs and expectations of the District and for how long of a time period. Mr. King responded that it is a 20-year plan; however, the emphasis is placed on projects within the first five years of the plan and is updated at least every five years.

**MOTION:** Director Yard made a motion that the Board accept Consent Agenda items A., B., and C as presented. Director Hart seconded the motion.

- No further discussion.
- Vote was 4 to 0 in favor of approving the aforementioned motion.

## REPORTS

### Operations Report:

*D. Chakroff  
A. Marino*

- Mr. Chakroff pointed out a water meter model that was set up in the room which had been constructed by the operations technicians. He noted that it will be kept on display in the customer service and billing office to give customers a cross-section view of a water meter installation. The remainder of his report was on the higher static water levels recorded in Well 10; the new secure fenced-in parking area for EAWSD trucks; and the soft roll-out of iCloud, the online customer account access/bill pay service which is expected to go live to customers in April.
- Mr. King gave a status report on permitting for the Well 19 project and stated that there are some unexpected delays owing to a discrepancy found with the FEMA map that was used to identify where the flood plain lies, relevant to the placement of the new structure. He will continue to work with SF County and the engineers to resolve the discrepancy and expedite the process.
  - There was further discussion regarding who will be responsible for the cost to correct the error of the misidentified flood plain and, subsequently, any resulting changes to the design. Mr. King stated that more information is needed to ascertain who is responsible for the misidentification.

### Treasurer's Report:

*E. Roghair*

- Treasurer Roghair stated that the attached report represents highlights from the first seven (7) months of FY2017. She proceeded to report on changes in the District's net position and what factors contributed to decreases and/or increases in net capital assets, receivables from property taxes, loan/debt status, cash receipts, monthly operating income and expenses, water sales, and the effect of the rate increase on consumption. Next month's report will include a budget and cash flow report resulting from the new reporting system.
- Treasurer Roghair concluded her report with updates on items that CliftonLarsonAllen is continuing to work on such as: 1) the conversion to the Intaact accounting software program; 2) budget adjustments to the FY2017 budget; and 3) development of a financial calendar to be presented to the Finance Advisory Committee at the meeting on 3/6/2017.
  - There was an inquiry from the audience on whether or not there are monthly or quarterly budget reports posted to the website. Treasurer Roghair responded that prior to this time, it was not possible to generate that type of report, but once the Intaact software conversion is complete, a monthly budget status report will be available and posted on the website.

### Legal Update: None

*T. Scott*

### PUBLIC COMMENTS:

- A. KAREN SWEENEY, a resident of 16 Esquila, commented that she had difficulty opening the homepage of the new website to retrieve tonight's agenda. Suggestions were made to refresh the EAWSD.org link in her browser in order to get to the homepage of the new website.

### AGENDA

1. **Consideration of customer request for a leak adjustment different than that specified in District Policy P10-08-01** *D. Chakroff*
  - Mr. Chakroff stated that he had included an agenda statement and all supporting documentation regarding a customer request for a leak adjustment that is different from District Policy P10-08-01. The documentation also includes a worksheet showing the leak adjustment calculation, in accordance with the policy, that the customer had signed earlier in the day; however, the customer is requesting a further reduction beyond the ~64% reduction that has already been granted.
    - Mr. Chakroff declared that he was open to answering any questions and indicated that the customers were also present, if anyone had questions for them.
  - A discussion was initiated that touched on several points regarding clarification of the leak adjustment policy, for the benefit of the new directors such as a) what the District's guidelines are for notifying a customer of a suspected leak; b) under what circumstances does the District determine if it is necessary to shut off water services to a customer's home without the homeowner's consent and the associated risks and liabilities of doing so; c) who is ultimately responsible for ensuring that customer contact information is current in the District's database and the venues that the District provides each month to secure that information.
    - Specific inquiries were made to determine a) In addition to the door hanger, what other attempts had the District used to try to contact the customer, since there was no telephone number or email address on file; b) why had the customer not taken advantage of setting up their BEACON® meter EYEONWATER account which would have allowed them to monitor their water usage from any location and receive an alert that there was a leak at the home, since its October 2015 installation date.



- Director Calzada concluded the discussion by stating that it was clear that each party has or had responsibilities to fulfill. The Board is responsible to follow the guidelines as set forth in the leak adjustment policy and base their decision on that policy. The customer, as an absentee-homeowner, should have provided the District with contact information either for themselves or for an appointed caretaker. In addition, they should have activated their EYEONWATER account; a reliable tool to monitor their water use from any location and receive an alert that there was a leak at the home. In his opinion, this would have prevented the need for them to appear before the Board tonight.
  - The customer again appealed to the Board to pay a lesser amount than the amount that was shown in the leak adjustment calculation, based on their past history of low water use.
  - Some discussion followed for clarification of what was owed after the adjustment and what amount the customer was offering.

**MOTION:** Director Calzada made a motion that the Board deny the request from the customer for Account N°. 6268 for a leak adjustment different from that specified in District Policy P10-09-01. Director Hart seconded the motion.

- No further discussion.
- Vote was 3 to 1 in favor of approving the aforementioned motion. Directors Calzada, Hart and Yard voted in the affirmative. Director Ewers voted against the motion.

**2. Consideration and approval of Resolution N°. 17-03-01 to authorize the Treasurer to establish a credit card account in the name of the District**

*E. Roghair*

- Treasurer Roghair stated that the Board and District staff have requested that a credit card be obtained for District use in situations when a transaction requires immediate payment and other methods of payment are not accepted by the vendor. Currently, staff members use their personal credit cards to make purchases on behalf of the District, but it is not an appropriate expectation of any employee. She added that with the Board's approval and on behalf of the District, she will assume the responsibility of researching credit card options with suitable terms and a credit limit not to exceed \$5,000.

**MOTION:** Director Yard made a motion that the Board approve Resolution N°. 17-03-01 to authorize the Treasurer to select the most acceptable credit card offering for use by District employees with a limit of no more than \$5,000, to execute the necessary agreement, and report to the Board the name of the financial institution and terms of the agreement. Director Ewers seconded the motion.

- No further discussion.
- Vote was 4 to 0 in favor of approving the aforementioned motion.

**3. Annual presentation of EAWSD Finance and Audit Advisory Committee Plan for 2017 (information only)**

*D. Burling; E. Roghair*

- Mr. Burling, CHAIR OF THE FINANCE ADVISORY COMMITTEE, gave a presentation of the first annual Finance and Audit Advisory Committee plan for 2017 which details a number of tasks the FAC committee expects to pursue. Of particular interest is the development and compilation of a comprehensive DISTRICT DISASTER RECOVERY AND DATA RECOVERY PLAN. As the tasks on the list get completed, Mr. Burling stated that progress reports will be provided via the consent agenda at future meetings.

**4. Approval of award of a contract for the Well 19 Production Facilities, by Resolution N°. 17-03-02**

*D. Chakroff; S. King*

- Mr. Chakroff stated that an INVITATION TO BID was advertised for the Well 19 production facility on January 8. The District received four (4) bids and opened them on February 7. A summary of the bids was compiled by Molzen Corbin and is included in the Board packet. At the bid opening, A.A.C. CONSTRUCTION was identified as the apparent low bidder, but later disqualified because they did not meet some of the conditions that are required by the agency that is providing federal funding to complete this project. The next lowest responsive bid on the list, and also recommended by the engineer, is FILE CONSTRUCTION.
- Mr. Chakroff recommended that the Board approve Resolution N°. 17-03-02 for the award of a construction contract for Well 19 Production Facilities to FILE CONSTRUCTION, LLC, and authorize the General Manager, with the assistance of Molzen Corbin, *pending County approval of the development permit for the Project*, to issue a NOTICE OF AWARD and to execute the contract documents, and authorize the General Manager to approve purchase orders for services provided under this contract.
  - There was further discussion regarding what resources are utilized by the engineer to determine the projected costs of the project. Mr. Chakroff responded that the engineers determine projected costs based on past experience with projects of a similar scope.
  - There were additional inquiries regarding a) how the RFP was advertised and/or circulated to generate bidding interest; b) whether or not the District can negotiate to lower the selected bid further; and c) if the selected contractor is reputable. Mr. Chakroff responded that the bidding process has specific state procurement guidelines that must be followed through every step of the process. This applies to advertising, as well as acceptance of the lowest bid, as presented. No further negotiation is permissible. Mr. Chakroff stated that FILE CONSTRUCTION's reputation and work has been favorably endorsed by at least two other consultants that work with the District.

**MOTION:** Director Yard made a motion that the Board approve the General Manager's recommendation as presented. Director Hart seconded the motion.

- No further discussion.
- Vote was 4 to 0 in favor of approving the aforementioned motion.



**BOARD COMMENTS:**

- Director Yard stated that he is concerned that customers can no longer access their water meter cans if they need to shut off their water and would like to revisit this topic via one of the District's committees.
- Director Ewers recommended revising some of the language in the Leak Adjustment Policy to clarify the process and intent.
  - Director Calzada stated that until the Leak Adjustment Policy is properly amended and approved by the Board, the District must be committed to implementing the policy that is already in place.
  - Mr. Chakroff offered to forward a copy of an amended Leak Adjustment Policy that he had worked on last year, but was never approved by the Board, to the COMMUNICATIONS AND CUSTOMER SERVICE ADVISORY COMMITTEE for further consideration.
- Director Hart reported on some free seminars that he attended that were sponsored by the NM Environment Department for the benefit of newly elected Board members. He recommended that new Board members sign up for the next training session that will be held in Santa Fe on June 22<sup>nd</sup>. He also said that he gained a lot of insight on how other small utilities operate. By comparison to our utility, he noted that EAWSD is operating more effectively and professionally than others of similar size and customer bases.
- Mr. Chakroff announced that Steve King, the District's Project and Planning Manager, has taken a new position with Santa Fe County as its Public Utilities Director. Mr. Chakroff commended Mr. King for his service and worthy contributions while he was employed by the District.
  - Director Calzada also expressed his thanks to Mr. King for his contributions and hopes that he will continue to be actively involved in current and future District endeavors.

**ADJOURNMENT:**

- Director Calzada adjourned the meeting at 8:50 P.M.

*Tracy W. = [Signature]*