

January 28, 2014

BCC MINUTES
PAGES: 185

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 27TH Day Of February, 2014 at 03:16:08 PM
And Was Duly Recorded as Instrument # **1730984**
Of The Records Of Santa Fe County

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

Deputy



SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

January 28, 2014

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:10 p.m. by Chair Danny Mayfield 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 Danny Mayfield, Chair
Commissioner Robert Anaya, Vice Chair
Commissioner, Kathy Holian
Commissioner Miguel Chavez
Commissioner Liz Stefanics

Members Excused:

[None]

c. Pledge of Allegiance

The Pledge of Allegiance was led by Julian Sena of the Growth Management Department.

d. State Pledge

The State Pledge was led by Mark Garland.

e. Moment of Reflection

The Moment of Reflection was led by Lisa Roach of the Growth Management Department.

Commissioner Chavez requested a moment of silence for Leo Maes, husband of Constituent Liaison Rita Maes.

1. f. Approval of Agenda

CHAIR MAYFIELD: We have an amended agenda in from of us. Manager Miller.

KATHERINE MILLER (County Manager): Mr. Chair, Commissioners, yes. As a result of the New Mexico Association of Counties earlier this month or last week, there were several awards given out during the meeting on Thursday at the close of the meeting, so I added the items as requested by some of the Commissioners under item 1. Opening Business, letter i, recognition of the EDGE graduates. I also added under Matters from the County Manager, items 4 and 5, those were added as recognition of the awards that were given at that meeting. Additionally, on page 5, item 5.a.2, under public hearings, is Request authorization to publish title and general summary of an ordinance. That's been added.

Under item 6. A, item 2 had inadvertently been left off at the page break, so that was put on as a regular standing item for Matters from the Commission. And then also under item 7. Discussion items, a. Matters from the Manager, under the legislative update, some more specifics relative to the capital outlay request as well as any discussion and possible action by the Board when considering legislation in front of the 2014 legislature.

And one other item under Matters from the County Attorney, 8.a.1 iv – actually it should be 1.ii, consideration of potential litigation concerning County roads within the Pueblo of San I was added.

CHAIR MAYFIELD: Thank you, Manager Miller. Commissioners, are there any questions to the agenda or the amended agenda?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the agenda as amended.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: Thank you, Commissioners.

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

1. g. Approval of Minutes

1. Approval of December 10, 2013 BCC Meeting Minutes

COMMISSIONER STEFANICS: Mr. Chair, I'll move for approval of the December 10, 2013 meeting minutes.

COMMISSIONER HOLIAN: Second.

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

1. h. **Introduction of New Employees**

MS. MILLER: Mr. Chair, Commissioners, the economic development plan, actually I just found out, the economic development plan under presentations, I believe. Looking for it on here, 7.b.1, Presentations, economic development plan presentation by David. He is not here today; he's out sick, so we will be postponing that. Sorry. I forgot that didn't get done at the print because I found out this morning he would not be here.

CHAIR MAYFIELD: So, Commissioners, that will make our meeting a little shorter tonight, so that's okay. Little shorter meeting tonight so I think everybody will be happy with that.

MS. MILLER: Yes, probably the presenters are happy that that one as well. I just wanted to make sure that you knew that. Then back to introduction of County employees. There aren't any new hires that are in the room but at the back of your packets under the end of reports there is the list of new hires for the month back of November, December. So as we didn't have an admin meeting in January, we're a month behind on some of the reports but I don't have any new employees at the meeting to introduce today but please note we had several new volunteer firefighters, detention officers and other County Clerk's Office employees.

1. i. **Recognition of New Mexico Edge Graduates Enrolled in the New Mexico Certified Public Official Program: Katherine Miller/County Manager, Lisa Griego/Public Works Department, Elsa Ornelas-Segura/ASD Risk Management Department, Gary Perez/Assessor's Office, Deborah Garcia/Growth Management Department and the New Mexico Certified Treasury Certification Awarded to Theresa Romero/Treasurer's Office.**

CHAIR MAYFIELD: Thank you, Ms. Miller. Any questions, Commissioners? Seeing none, Commissioners, as Ms. Miller mentioned, a lot of Commissioners were fortunate enough to go to the Association of Counties meeting this past week. It was a very informative meeting. I think a lot of us will discuss that in our presentation a little later, but as far as some of the new EDGE graduates, and I do not have my book in front of me; I'll get that later, but we have some very distinguished graduates from our Commission joining a list of many very accomplished graduates that have preceded these. I would ask Ms. Miller to do this recognition, however, she is one of our new graduates today, so I'm going to ask the Commissioners, I think to my left there is a certificate or certificates right down here with Commissioner Chavez. If they could be –

COMMISSIONER CHAVEZ: I just passed them.

CHAIR MAYFIELD: Could I have one given to me so I could read them in please? I'm going to read the names off really quick, but if I could one of those certificates. Recognition of New Mexico EDGE graduates enrolled in New Mexico certified public officials program, Katherine Miller, our County Manager, Lisa Griego with the Public Works Department, Elsa Ornelas-Segura with ASD Risk Management Department, Gary Perez with

our Assessor's Office, and he is our Deputy Assessor, and Deborah Garcia with our Growth Management Department and the New Mexico Certified Treasury Certification Award to Theresa Romero who is with our Treasurer's Office.

With that Commissioners, if I may, I'm going to read in the first one here as it's presented to me from the County Commission. It says certificate of recognition, the Board of Santa Fe County Commissioners hereby acknowledge Lisa Griego, project director of Santa Fe County for earning the designation of certified public official through the continuing education program administered by the New Mexico Education Designated to Generate Excellence in the Public Sector program, operated through the New Mexico Cooperative Extension Service, the Community College, and the New Mexico Association of Counties. The New Mexico EDGE training program is a collaborative effort among its strategic partners in New Mexico's public sector. The Santa Fe County Commission extends our recognition for your commitment to professionalism, development, and improvement of public sector employees. Therefore the Board of Santa Fe County Commissioners presents this certificate of recognition on January 28, 2014. And again, we have a certificate for all the employees that were mentioned. I personally want to congratulate you for all your time and commitment and dedication to this. It is a great, worthwhile program that all of our employees participate in. There's a very long, distinguished list of many employees and we have that and I'll get that in one second from Mr. Rios.

And Ms. Miller though, I believe that some of our employees received some certain distinctions also and I don't know if any of the other Commissioners want to add to that. I think our Ms. Miller, for one, who is also – does a lot of training and teaching at – and offers some courses to a lot of these graduates received a very A+ rating and a certain – I don't know if it was a 10 or a 100 on her coursework out there. She received some accolades from a lot of her peers and the professors and the teachers out there. And I hate to put you on the spot, Ms. Miller, but can you speak to that a little bit please?

MS. MILLER: Mr. Chair, thank you for embarrassing me. Now, it's actually a really great program and it's a real enjoyable thing for me. I get to teach the classes that I'm familiar with in finance and what not and then I get to participate in all the other classes that aren't in my area of expertise. So they have you do about 16 to 20 classes in the different certifications and different levels and then you have to take an essay test at the end. They have you write an essay. So everybody that was in that CPO program, so all of the graduates this go-round had to do the same thing. It's a good program. They do a good job with it and I think it's a great opportunity to learn a little bit about all different areas of government and the public sector.

CHAIR MAYFIELD: Thank you, and I'm going to pass these out to our Commissioners and maybe, and I know the Commissioners want to comment but we could all read one in for each one of our employees if we don't mind. So however we can do this. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, do you want it read in first?

CHAIR MAYFIELD: However you want to do this, Commissioner.

COMMISSIONER STEFANICS: Well, first I wanted to comment that Santa Fe County is recognized by the Association of Counties for sending so many employees or

allowing employees to sign up and pay for the courses and take work time and I would encourage County employees to continue to do that because within – I hope you will not jump ship and go to another county for a job, but that is highly recognized within the Association and I applaud not only this class of graduates but also former classes of graduates, and congratulations very much.

So my certificate or recognition that I'm reading in is the Board of Santa Fe County Commissioners hereby acknowledges Elsa Ornelas Segura, administrative assistant for earning the designation of certified public official through the continuing education program administered by the New Mexico Education Designed to Generate Excellence in the Public Sector program, operated through the New Mexico Cooperative Extension Service, the Community College, and the New Mexico Association of Counties. The New Mexico EDGE training program is a collaborative effort among its strategic partners in New Mexico's public sector. The Santa Fe County Commission extends our recognition for your commitment to professional development, and improvement of public sector employees. Therefore, the Board of Santa Fe County Commissioners presents this certificate of recognition on January 28, 2014, signed by all the County Commissioners.

COMMISSIONER HOLIAN: I too would like to say congratulations to all the graduates of the New Mexico EDGE program. It really not only increases the expertise of our employees but I think it really increases the professionalism of our County and I'm very proud of our accomplishments. And I am very lucky to be able to read this one.

The Board of Santa Fe County Commissioners hereby acknowledges Katherine Miller, Santa Fe County Manager for earning the designation of certified public official through the continuing education program administered by the New Mexico Education Designed to Generate Excellence in the Public Sector program, operated through the New Mexico Cooperative Extension Service, the Community College, and the New Mexico Association of Counties. The New Mexico EDGE training program is a collaborative effort among its strategic partners in New Mexico's public sector. The Santa Fe County Commission extends our recognition for your commitment to professional development, and improvement as public sector employees. Therefore the Board of Santa Fe County Commissioners presents this certificate of recognition on January 28, 2014. Signed by all the County Commissioners.

COMMISSIONER ANAYA: Ditto the comments of my colleagues and the official whoohoo for all those graduates. My certificate of recognition is for:

The Board of County Commissioners hereby acknowledge Deborah Garcia, GIS Technician, Santa Fe County for earning the designation of certified public official through the continuing education program administered by the New Mexico Education Designed to Generate Excellence in the Public Sector program, operated through the New Mexico Cooperative Extension Service, the Community College, and the New Mexico Association of Counties. The New Mexico EDGE training program is a collaborative effort among its strategic partners in New Mexico's public sector. The Santa Fe County Commission extends our recognition for your commitment to professional development, and improvement of public sector employees. Therefore the Board of Santa Fe County Commissioners presents this certificate of recognition on January 28, 2014.

COMMISSIONER CHAVEZ: I also want to take this opportunity to thank the employees, the County staff for taking the time and the opportunity to participate in these programs. Unfortunately, this time around I did not have the time to attend but I know that aside from the individual benefit that we get, the direct benefit that we get in increased training and more knowledge individually to our employees and their participation. It gives us the opportunity to learn from what other counties are doing and maybe not make those same mistakes or share what knowledge we have with other counties and I think that's also an important part of the Association of Counties.

So this certificate of recognition goes to Theresa Romero, Brokerage Accountant Technician Supervisor for earning the designation of treasury official through the continuing education program administered by the New Mexico Education Designed to Generate Excellence in the Public Sector program, operated through the New Mexico Cooperative Extension Service, the Community College, and the New Mexico Association of Counties. The New Mexico EDGE training program is a collaborative effort among its strategic partners in New Mexico's public sector. The Santa Fe County Commission extends our recognition for your commitment to professional development, and improvement as public sector employees. Therefore the Board of Santa Fe County Commissioners presents this certificate of recognition on January 28, 2014. Again, congratulations to all of you.

CHAIR MAYFIELD: Commissioners, thank you, and I also have one for Mr. Gary Perez, Chief Deputy Assessor, Santa Fe County. It also reads for earning the designation of certified public official throughout the continuing education program administered by the New Mexico Education Designed to Generate Excellence in the Public Sector program, operated through the New Mexico Cooperative Extension Service, the Community College, and the New Mexico Association of Counties. The New Mexico EDGE training program is a collaborative effort among its strategic partners in New Mexico's public sector. The Santa Fe County Commission extends our recognition for your commitment to professional development, and improvement as public sector employees. Therefore the Board of Santa Fe County Commissioners presents this certificate of recognition on January 28, 2014. Congratulations to all of you and thank you for very hard achieved success.

Commissioners, if you all will indulge me I just want to read the names of prior recipients and that will take about one minute. So also from Santa Fe County, a past recipient is John Baca, CPO designation, Les Francisco, CPO, Deborah Garcia, CPO, Lisa Griego, CPO – and that's Lisa's second, Amanda Hargis, CPO, Deborah Leyba Dominguez, CPO, Adam Leigland, CPO, Robert Martinez, CPO, Katherine Miller, CPO, Elsa Ornelas Segura, CPO. Gary Perez, CPO, Theresa Romero, NMCTO, Clerk Geraldine Salazar, CPO, Lorena Sanchez, CPO, Gabriela Trujillo, CPO, Richard Varela, CPS, and Erle Wright, CPS and also an NMCGISS Cape. So again, congratulations to all those prior recipients to this.

[Photographs were taken.]

CHAIR MAYFIELD: And just one other recognition to our Treasurer, Patrick Varela. He was recently promote to the vice chairman of the Treasurers Affiliate. So a lot – at the Association of County meetings we have different affiliate organizations and I'm sure, I just haven't spoken to everybody but we may have a lot of different directors within the different affiliates. I don't know if Clerk Salazar is within the hierarchy of her affiliates but

Patrick was successful in becoming the vice president of the Treasurers Affiliate so congratulations to him.

GERALDINE SALAZAR (County Clerk): Congratulations to our Treasurer. No, I declined to run for president of our affiliate, but I am very involved and it's a great organization. We have cohesion in the Clerks Affiliate. It's an incredible force. So I appreciate participating with my colleagues. Thank you.

CHAIR MAYFIELD: Great. Thank you.

2. CONSENT CALENDAR

CHAIR MAYFIELD: Commissioners, we kind of all know where we're at with our Consent Agenda so if anybody – Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, item 2.a.2 is a final order that has been rewritten. So I would like to make a motion to reconsider the final order for CDRC Case #V 13-5110, Ellen Jacobs Variance.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: Okay. And that's on our Consent.

COMMISSIONER HOLIAN: I think we vote on that now.

CHAIR MAYFIELD: Steve, we vote on that now? Okay.

COMMISSIONER ANAYA: Mr. Chair, before I vote on this, I'm still confused as to what are we doing. We're putting it back on the table for what? We had a lengthy discussion last time and before I vote on anything on it I want to get some feedback from the Attorney. So I know you guys have already voted but I haven't.

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Anaya, is all this does is get them out before you, because we have a vote last time that turned down the order so we need to get it back on the table for you to consider. That's all this does.

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

COMMISSIONER HOLIAN: Mr. Chair, and just as a matter of clarification, I am not pulling the item.

COMMISSIONER ANAYA: Okay. I got you. We're just going to have the discussion on – for a future meeting.

COMMISSIONER HOLIAN: No. I'm not pulling the item today. I'm not pulling it to discuss. If somebody else wants to that's fine, but I'm not.

COMMISSIONER ANAYA: It was just a motion to reconsider to vote on the final order, right?

COMMISSIONER HOLIAN: Correct.

CHAIR MAYFIELD: Excuse me, so Steve, so for my clarification, from a past meeting, it's basically going back on a Consent Agenda item as it was, say two weeks ago. It's pretty much all we're doing is putting back on a Consent item.

MR. ROSS: Mr. Chair, yes, but there have been some small changes made to the order which, because of their nature it was thought that it was still appropriate for the Consent Calendar. So, Commissioner Holian is right; if no one chooses to pull it off it can be voted on in conjunction with everything else. We just needed to have that prefatory motion and vote.

CHAIR MAYFIELD: Then I'm going to pull it off, because I want to know what changes were made to it. So for that reason I'm pulling it off.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Okay. Commissioner Holian, you still have the floor for Consent.

COMMISSIONER HOLIAN: I just have, when we get to it, I have a quick question on item 2.b.9.

CHAIR MAYFIELD: Okay. We'll do that. 2.b.9. Give me one second.

COMMISSIONER HOLIAN: And that would be a quick question that would not be necessary to pull it.

CHAIR MAYFIELD: Okay. So that will be quick. Commissioner Stefanics, do you have anything?

COMMISSIONER STEFANICS: Nothing, thank you.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I also had a quick question on 2.b.9, 2.9.14, 2.b.15 and 2.b. 16.

CHAIR MAYFIELD: Commissioner, I've got to go a little slower than my former chair. So you have 14, quick.

COMMISSIONER ANAYA: 2.b.9, 14, 15 and 16.

CHAIR MAYFIELD: Thank you.

COMMISSIONER ANAYA: I don't know. I guess I think it will be quick on 16, but let's just leave them for quick discussion.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

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

CHAIR MAYFIELD: Thank you. And for myself, I will be asking a question on item a.2, and I'll just ask that to come off. I'll ask that to be a quick question, Mr. Ross. If it goes longer we can just move it to pull off. And I also will be asking to look at – bear with me while I see what I highlighted. The way this agenda is designed, Mr. Ross, Ms. Miller, do you have c., d., or e. under Consent or are they separate? So do we have them as Consent items?

MR. ROSS: Mr. Chair, that's write.

CHAIR MAYFIELD: Okay. So then I'm going to be asking to look at c.1, c.2. I would also like d.1 to come off for quick and I would like e.1 to come off.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Give me one second, Commissioner, please.
Commissioner Chavez.

COMMISSIONER CHAVEZ: Just for my clarification, so I'm tracking. You have pulled off c.1, for discussion?

CHAIR MAYFIELD: Yes, c.2.

COMMISSIONER CHAVEZ: For a quick question or for a lengthy discussion?

CHAIR MAYFIELD: I'm going to just pull it off. So I'm going to pull off c.1. I will pull off c.2, for a quick discussion, c.1. Excuse me, d.1, and I will be pulling off e.1. That's all I have Commissioners. If there's more –

COMMISSIONER ANAYA: So I apologize if – so we can do those –

CHAIR MAYFIELD: We can do those right now.

COMMISSIONER ANAYA: Okay.

CHAIR MAYFIELD: In order. It was a very long Consent Agenda today, Commissioners.

COMMISSIONER STEFANICS: So Mr. Chair, I'll move for the approval of the Consent Calendar except for those that have questions?

MS. MILLER: Mr. Chair, Commissioner Stefanics, the idea is if you have a quick question it stays on and we vote on the whole thing once you're question is answered. If it's longer than five minutes, then it gets pulled to the end of the action items.

COMMISSIONER STEFANICS: I just don't believe anything will be quick today.

CHAIR MAYFIELD: I think it will.

COMMISSIONER CHAVEZ: It doesn't look that way.

MS. SALAZAR: Mr. Chair,

CHAIR MAYFIELD: Clerk Salazar.

MS. SALAZAR: We'll be jumping around everywhere with the resolutions so I won't give you a number until all of them are done, then we'll go over it for the record and say which numbers that we're issuing for these resolutions that have been pulled. So we'll see what order we come out in after your process.

CHAIR MAYFIELD: Thank you. And what I am going to do for our public listening audience and hopefully everybody has a copy of this agenda out there. After we discuss what the Commission has asked to discuss in quick form, if there is anybody out there in the public who would like to discuss any one of these resolutions that we will be voting on on our Consent Agenda, just raise your hand please. So with that, Commissioners, I will go in order.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, if I could. We also have on our agenda an ordinance that we're hoping to hear sometime around 7:00 or so, and for the public, just a heads-up, depending on the discussion with our Consent Calendar that may be later in the evening. So I'm just wanting to put that out there.

COMMISSIONER ANAYA: Or earlier.

COMMISSIONER CHAVEZ: I think it depends, but just heads-up.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Excuse me one second. I had Commissioner Anaya first. Commissioner Anaya.

COMMISSIONER ANAYA: Just on future agendas, Mr. Chair, as a suggestion, I think after 5:00 has been good but I'm noticing we're putting 5:00, 6:00, 7:00. I think if we just put after 5:00, because we could be done with the other work sooner and then we're going to end up waiting around till a later date. So my suggestion is instead of putting hour-specific or even forecasting, just saying it could be after 5:00 and letting the public know that. I think it's dangerous if we start trying to pretend we can pick exactly what time we're going to an item.

CHAIR MAYFIELD: Right. And on that note too, really quick, I know there are members in the audience that are here for other matters too, and the agenda is not very time-specific of what those matters are. Ms. Miller, for the front office, as long as folks have access to maybe a potential resolution – I know it's online, but if they're out there in the audience and they want to look at a resolution or a topic of discussion that may come up, they know that they can go to the front office and get a copy of that while they're waiting out there in the audience just so they can be familiar with that.

Commissioners, I hate to do this but I just one highlighted that I didn't ask to come off. It will be a quick, five-minute discussion and it's going to be item number b.4 under budget action.

COMMISSIONER HOLIAN: Four?

CHAIR MAYFIELD: b.4. Oh, you asked for that also. Thanks. Quick. Thank you. So, Commissioners, I'm going to move forward.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Commissioner Holian was first.

COMMISSIONER HOLIAN: Yes, I actually had a comment on your comment about the public hearing.

CHAIR MAYFIELD: You did. Yes.

COMMISSIONER HOLIAN: As far as I'm concerned, it's okay for me if we just jump to that particular public hearing, no matter where we are in the agenda, if there are a number of people here who would like to comment.

CHAIR MAYFIELD: Respectfully, I have received emails that folks have asked this happen later in the evening and I know how these evenings by this Commission have happened in the past. We have it noticed – Katherine, what time did we have it noticed for?

MS. MILLER: Mr. Chair, we have this particular one noticed for after six, and that was a specific request due to Commissioner Anaya's comment. We typically do just say some time after five.

CHAIR MAYFIELD: I heard Commissioner Anaya say that let's look at this in the future but this hearing will not start any earlier than 6:00 pm, wherever we are at this agenda. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. My comment is for general public hearings. I think that 5:00 is a little too early for the workday and so I just would ask us to keep that in mind as we set times for public hearings. Thank you very much.

CHAIR MAYFIELD: And on that note, and it's no secret that public parking in this downtown area is not the easiest convenience, but once that 5:00 timeframe and people get moving around it kind of eases up a little bit. But thank you. So with that, Commissioners, we're going to move to our agenda where we've asked to take a quick look at some of these Consent items. And again, anybody correct me, Ms. Miller, keep me where I need to be or Geraldine, please, Clerk Salazar. So we're on resolution, under budget actions, b. 4. Which one?

MS. MILLER: Mr. Chair, the first thing for a question was actually item a.2, the final order, changes that were made to that one.

CHAIR MAYFIELD: That's right. I had it off, but I said a quick summary.

2. a. 2. CDRC Case # V 13-5110 Ellen Jacobs Variance. Ellen Jacobs, Applicant, Joseph Karnes Agent, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 2.29 Acres. The Property is Located at 55 Camerada Loop, in the Vicinity of Eldorado, within Section 10, Township 15 North, Range 9 East (Commission District 5) John Lovato, Case Manager (Approved 3-2)

CHAIR MAYFIELD: So, Steve, I asked that this come off. So explain to me, because I thought I heard you say there were some changes made to that final order, so who were the changes to the final order, or what changes were made to the final order?

MS. MILLER: Mr. Chair, I actually was the one who suggested the change. The question was when you're approving a final order, the debate seemed to be whether you reflected your vote on the actual case. And so I talked to Steve, I said shouldn't we just put the actual vote was in the final order? So the thing that was added was what was the vote when you did the hearing, and the vote was 3-2, and so now that is – and it says which Commissioners voted in favor of the motion to approve and which Commissioners voted against the motion to approve. And so that's the only thing that was added. The final order is that statement of what happened at the hearing. So what you're voting on, when you're voting on the final order is the actual documentation of what occurred at the hearing. So we added that statement to show how the Commissioners voted at that particular hearing in November when that was done.

CHAIR MAYFIELD: Okay. And that will be a standard protocol from now on on all of our final orders. That's good. Thank you for that clarification.

COMMISSIONER ANAYA: So Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: I'm not trying to be difficult. I just want us to be consistent. Commissioner Stefanics, before we even started the questioning made a motion that we approve the balance of the Consent Calendar which I think has been a clean practice because it takes everything off the list that's approvable. And then one by one, as we raise a question, like you just raised, then we would historically vote on that item as we go and we knock them off. So I'm going to ask for protocol, but I'm going to ask us to back up and I would, Mr. Chair, if you're okay would second Commissioner Stefanics' previous motion to approve the balance of the Consent prior to this item that we're talking about now, so that we can cleanly and quickly go through those questions and vote on them one by one.

MS. MILLER: And Mr. Chair, Commissioner Anaya, the only reason we did it this way was this the recommended changes that were made back in the fall and that's fine, but then that would mean item 3.e gets moved up and you don't do them at the end of the agenda. Because that's where we've been putting them, all the way at the end. So I just point that out. And we will make that change from this point forward if that's the way the Commission would like to do it.

COMMISSIONER ANAYA: Mr. Chair, if I could clarify, I'm not saying that at all. If somebody pulls an item completely then it does – I'm okay with it going to the end, but the quick questions that we're talking about here, we can roll through the balance of those and if there's a longer discussion then I'm okay with it going to the end. So I think we're saying two different things. So I would second the motion that Commissioner Stefanics had made to approve the balance of the Consent with the exception of the items that are quick questions. Any that are pulled go to the end.

COMMISSIONER ANAYA: And procedure, I just don't know if we still have a motion on the floor. Is that motion still on the floor?

COMMISSIONER STEFANICS: I will make the motion again. I so move that all the Consent items that don't have questions or haven't be pulled be approved at this time.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: And we have a second. And we have discussion.
Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I like the procedure that we had before. I think it was a little bit cleaner, that we did the quick questions first, then we voted on everything that we had discussed that – where it had been answered. We voted on everything that had not been directly pulled, and then we wait until later on in the agenda to discuss the pulled items. I just think it was cleaner that way. I liked it better.

CHAIR MAYFIELD: Commissioner Chavez, do you have anything?

COMMISSIONER CHAVEZ: No. It keeps going back and forth so I think at some point it will settle it. It was always, I thought in my mind that anything had not been pulled off, that should go forward. I don't know that we need a separate motion for that. If you do, that's fine. Whether you discuss the items that are pulled from the Consent now or later, I'll go either way.

CHAIR MAYFIELD: Fair enough. So we have a motion and a second on the floor.

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

CHAIR MAYFIELD: That motion passes. So then we need to now take a vote, Steve, on the Consent items. Correct? Correct me procedurally. But now I'm going to go back to the public to see if anybody from the public has any questions or any public comment on any of the Consent items? Seeing none, all those in favor of all of the Consent items –

COMMISSIONER HOLIAN: We just voted on that.

CHAIR MAYFIELD: No, we voted on the motion to do it that way.

COMMISSIONER HOLIAN: Okay.

COMMISSIONER STEFANICS: No, I moved that the Consent items that didn't have questions or weren't removed be approved at this time.

COMMISSIONER HOLIAN: Mr. Chair, point of clarification. Did that motion that you made include item 2.a.2, the CDRC case which we had –

COMMISSIONER STEFANICS: No. That one was asked for questions, so I am moving any number that has not been identified to have questions or be pulled. And there was a second.

CHAIR MAYFIELD: It was approved. Okay. I got that straight. Steve, I'm going to ask this for now for the next meeting also. We need a clear procedural of how we will be doing Consent now, of we will pull, how we will vote, how if things get pulled off for the short, five-minute abbreviation, and how if we're pulling something off of the procedural, please.

MR. ROSS: Okay.

CHAIR MAYFIELD: For the next meeting. Thank you.

2. **CONSENT CALENDAR** [Approved items are in bold.]

a. **Final Orders**

1. **CDRC CASE #V 13-5270 Maria Zubia and Rebecca Ornelas Density Variance.** Rebecca Ornelas and Maria Zubia, Applicants, Request a Variance of Ordinance No. 2007-2 (Village of Agua Fria Traditional Community Zoning District), § 10.6 (Density Standards) to Allow a Second Dwelling Unit on 0.638 Acres. The Property is Located at 2144 Camino Polvoso, within the Traditional Community of Agua Fria, within Section 5, Township 16 North, Range 9 East (Commission District 2). (Approved 5-0) Miguel "Mike" Romero, Case Manager
2. **CDRC Case # V 13-5110 Ellen Jacobs Variance.** Ellen Jacobs, Applicant, Joseph Karnes Agent, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 2.29 Acres. The Property is Located at 55 Camerada Loop, in the Vicinity of Eldorado, within Section 10, Township 15 North, Range 9 East (Commission District 5) John Lovato, Case Manager (Approved 3-2)

b. **Budget Actions**

1. **Resolution No. 2014-3, a Resolution Requesting a Budget Increase to the EMS Health Care Fund (232) for a New Mexico Department of Health Grant for Community Health Improvement Process and Health Action Planning/\$5,000 (Community Services/Rachel O'Connor and Finance/Teresa Martinez)**
2. **Resolution No. 2014-4, a Resolution Requesting a Budget Increase to the EMS Health Care Fund (232) for a New Mexico Association of Counties/New Mexico Health Insurance Exchange Grant for Health Care Enrollment Outreach/\$3,000 (Community Services/Rachel O'Connor and Finance/Teresa Martinez)**
3. **Resolution No. 2014-5, a Resolution Requesting a Budget Increase to the Capital Projects-Federal Fund (305) to Budget Cooperative Agreement No. P13AC00948 Between the United States Department of the Interior National Park Service and Santa Fe County for Funds Authorized to Fabricate and Install Wayside Exhibits Along the Historic El Camino Real Trail in the Amount of \$24,710 (Public Works/Adam Leigland and Finance/Teresa Martinez)**
4. Resolution No. 2014-____, a Resolution Requesting a Budget Increase to the State Special Appropriations Fund (318) to Budget a Grant Awarded for Wiring for Information Technology in the First Judicial District Courthouse in Santa Fe County in the Amount of \$85,000 (Public Works/Adam Leigland and Finance/Teresa Martinez)
5. **Resolution No. 2014-6, a Resolution Requesting a Budget Increase to the Equitable Sharing Account Federal Forfeitures Fund (225) to Budget Current Year Forfeitures/\$23,691.68 (CMO/Finance/Teresa Martinez)**
6. **Resolution No. 2014-7, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget the Auction Proceeds From the Sheriff's Fleet/\$37,588.93 (Sheriff's Office/Undersheriff Madrid and Finance/Teresa Martinez)**
7. **Resolution No. 2014-8, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget One (1) Grant Awarded Through the United States Marshals Services for Fugitive Apprehension/\$5,000 (Sheriff's Office/Undersheriff Madrid and Finance/Teresa Martinez)**
8. **Resolution No. 2014-9, a Resolution Requesting a Budget Increase to the State Special Appropriations Fund (318) to Budget a Grant Awarded Through the New Mexico Department of Cultural Affairs for the Vista Grande Library/\$9,499.55 (Community Services/Rachel O'Connor and Finance/Teresa Martinez)**
9. Resolution No. 2014-____, a Resolution Requesting a Budget Increase to the Fire Impact Fees Fund (216) to Budget Impact Fees for the

Glorieta Fire District/\$55,000 (Public Safety/Pablo Sedillo and Finance/Teresa Martinez)

10. **Resolution No. 2014-10, a Resolution Requesting a Budget Increase to the Fire Tax ¼% Fund (222) to Budget Cash Carryover for the Pojoaque Fire District/\$37,797 (Public Safety/Pablo Sedillo and Finance/Teresa Martinez)**
11. **Resolution No. 2014-11, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244)/ Various Fire Districts to Budget NM State Forestry Reimbursements/\$14,187 (Public Safety/Pablo Sedillo and Finance/Teresa Martinez)**
12. **Resolution No. 2014-12, a Resolution Requesting a Transfer From the EMS Services Fund (232) to the Corrections Operations Fund (247) to Fund a Community Re-Entry Specialist for the Adult Detention Facility/\$33,366 (Finance/Teresa Martinez)**
13. **Resolution No. 2014-13, a Resolution Requesting a Budget Decrease /Increase to the Fire Operations Fund (244)/YCC Grant to Realign the FY-2014 Budget with the Available Grant Balance /-\$83,560 and to Apply NM State Forestry Reimbursement to the Fire Operations Fund (244) /YCC Grant Fund /\$51,093 (Finance/Teresa Martinez)**
14. Resolution No. 2014-___, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) / Forest Restoration Fund /\$43,215 to Budget New Mexico State Forestry Reimbursements (Public Safety/Pablo Sedillo and Finance/Teresa Martinez)
15. Resolution No. 2014-___, a Resolution Requesting an Increase to the Road Project Fund (311) to Budget Three (3) Grants From the State Department of Transportation for the Pavement/Improvements of Various County Roads in Santa Fe County in the Amount of \$247,809 (Public Works/Adam Leigland and Finance/Teresa Martinez)
16. Resolution No. 2014-___, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget the Clopton Case with Santa Fe Animal Shelter /\$19,240.00 (Sheriff's Office/Undersheriff Madrid and Finance/Teresa Martinez)
17. **Resolution No. 2014-14, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget the 2013 Homeland Security Grant/\$175,000 (Public Safety/Pablo Sedillo and Finance/Teresa Martinez)**

c. Other Financial Actions

1. Request Authorization of the Use of District 2 Capital Funds, per Capital Outlay Policy, Allocating \$50,000 for Design of an All Weather Crossing for Piñon Hills in Santa Fe County (Public Works/Adam Leigland and Finance/Teresa Martinez)

2. Request Approval of Audited Comprehensive Annual Financial Report for FY 2013 (Finance/Teresa Martinez)
 - d. Miscellaneous
 1. Request Approval of the Water Policy Advisory Committee's Calendar Year 2014 Work Plan (Public Works/Adam Leigland)
 - e. Resolutions
 1. Resolution No. 2014-____, a Resolution to Extend the Contingent Acceptance of Entrada Calabasa, Also Known as Horcado Ranch Road, Located in Commission District 2, for Lesser County Maintenance for Up to One Additional Year and Approval of Standard Form 2800-14 Right-of-Way Grant and Temporary Use Permit (Public Works/Adam Leigland)
2. a. 2. **CDRC Case # V 13-5110 Ellen Jacobs Variance. Ellen Jacobs, Applicant, Joseph Karnes Agent, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 2.29 Acres. The Property is Located at 55 Camerada Loop, in the Vicinity of Eldorado, within Section 10, Township 15 North, Range 9 East (Commission District 5) John Lovato, Case Manager (Approved 3-2)**

CHAIR MAYFIELD: So a.2, based on the explanation that was afforded to me, Commissioners, that has sufficed my questions, Commissioners. So I'll move for approval.

COMMISSIONER ANAYA: On that item.

CHAIR MAYFIELD: We have a motion and a second.

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

2. b. 4. **Resolution No. 2014-15, a Resolution Requesting a Budget Increase to the State Special Appropriations Fund (318) to Budget a Grant Awarded for Wiring for Information Technology in the First Judicial District Courthouse in Santa Fe County in the Amount of \$85,000 (Public Works/Adam Leigland and Finance/Teresa Martinez)**

CHAIR MAYFIELD: And I will leave – Teresa, I thank you for being here but I think Ms. Miller can answer this question. So Manager, and this is just so the audience can hear. This is just a pass-through, correct?

MS. MILLER: Mr. Chair, yes. The last legislative session in House Bill 2, special appropriations, there was \$85,000 for wifi at the courthouse. We just received the grant and are trying to budget that in order to do the wifi in the new courthouse.

CHAIR MAYFIELD: And this also will help the security and other issues at the courthouse?

MS. MILLER: Mr. Chair, I believe it's just to have the wifi similar to what we have in this building. It did not have that initially and that was something that the judges lobbied for for the building.

CHAIR MAYFIELD: Okay. Let me ask this. Can the public use this wifi or is it just strictly for judges, attorneys, or will this also be able to be utilized by the public?

MS. MILLER: Mr. Chair, Erik, do you know? Mr. Chair, I believe that that's up to the courts. We're just trying to budget the money in order to do it. If that's a request we can certainly put that in.

CHAIR MAYFIELD: Just an inquiry or a suggestion. The public can use it if they can, unless there are security issues with that. Thank you. Commissioners, that's all I had on this.

COMMISSIONER ANAYA: Move for approval, Mr. Chair.

CHAIR MAYFIELD: Second.

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

2. b. 9. **Resolution No. 2014-16, a Resolution Requesting a Budget Increase to the Fire Impact Fees Fund (216) to Budget Impact Fees for the Glorieta Fire District/\$55,000 (Public Safety/Pablo Sedillo and Finance/Teresa Martinez)**

CHAIR MAYFIELD: So I have also now for a quick look is item 2.b.9. I believe Commissioner Anaya asked for that.

COMMISSIONER HOLIAN: I did too.

CHAIR MAYFIELD: Commissioner Holian asked too. Okay, I'm just going to let you guys say whoever wants to talk about it talk about it please.

COMMISSIONER HOLIAN: Well, first of all I guess I would like to say I am really pleased to see this going forward. I know that it's been discussed for quite a while and I think it's really going to improve the response time in Glorieta because I think a lot of people live near where that new station is going to be. Right now, in order for them to respond to a call they have to go to the current fire station, which is about 20 minutes away from where they live and then go to the call, so I think this is really going to be an improvement for the community, but my question is – I have a couple of questions.

First of all, how much is allocated for the construction of the facility, and has that amount actually been budgeted?

DAVE SPERLING (Fire Chief): Mr. Chair, Commissioner Holian, we're anticipating a cost of the station of about a million dollars and most of the money has been budgeted.

COMMISSIONER HOLIAN: Thank you.

CHIEF SPERLING: We're still working toward completing the budget process but we think we've identified the funds to make this a reality.

COMMISSIONER HOLIAN: So you're saying that you think we don't need to find other sources for funding for this

CHIEF SPERLING: Mr. Chair, Commissioner, no. I think we're going to be set.

COMMISSIONER HOLIAN: Thank you, Chief.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Are you done, Commissioner Holian?

COMMISSIONER HOLIAN: Yes.

COMMISSIONER ANAYA: Mr. Chair, Chief Sperling, could you, for the public's knowledge, tell the public briefly what the impact fees are going to be used for? Commissioner Holian just said for the station. And then also, each fire district has impact fees that they receive, based on the collections and the construction in a given area. Could you briefly talk about that and the fact that different fire districts will bring proposals and requests at different times, based on projects that they're trying to complete or specific capital needs that they might have?

CHIEF SPERLING: Thank you, Commissioner. The impact fee is collected in each fire district and allocated to that fire district based on new construction that's going on in that particular district. So when an applicant for new construction comes forward they're assessed a square footage fee that's paid to the County and then directly to the impacted fire district. Those monies can only be utilized for capital outlay projects related to the new growth in that district. In this case, the \$55,000 for the Glorieta fire district will go towards the design and engineering work for the substation.

COMMISSIONER ANAYA: Thank you, Mr. Chair and Chief Sperling. This is a needed addition to the area that also serves the region constituents, Commissioner Holian's as well as Commissioner Stefanics' area will be mutual aid services and even direct aid on the mesa I believe, for Glorieta and for many of my constituents as well and citizens of the county. So I appreciate the explanation and wait for a motion and a second that I can support this.

CHIEF SPERLING: Thank you, Commissioner and just a follow-up comment. Commissioner Holian, you're absolutely correct. This is about four miles distant from the current Glorieta Pass fire station. It will serve as the district's first substation to accompany their main station, and I'm convinced will facilitate response in many areas of the district that aren't particularly well served right now. So I appreciate the support of all the Commissioners on this project.

COMMISSIONER HOLIAN: Thank you, Chief, and I move for approval.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: Chief Sperling, so will this be for career use, volunteer use also?

CHIEF SPERLING: Mr. Chair, this is a volunteer station for the Glorieta Pass district. It will not be a staffed substation.

CHAIR MAYFIELD: Great. And as far as some prior resolutions by this Commission and even some current capital requests we have we will be looking at the – I don't want to say retrofit, but the new construction for the design for photovoltaic use at this facility and other environmental considerations when this is built?

CHIEF SPERLING: Mr. Chair, that's correct. Our intention is to look at photovoltaic at this new facility.

CHAIR MAYFIELD: Okay. Thank you. Great project, Commissioner. We have a motion on the floor and a second.

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

2. b. 14. **Resolution No. 2014-17, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) / Forest Restoration Fund /\$43,215 to Budget New Mexico State Forestry Reimbursements (Public Safety/Pablo Sedillo and Finance/Teresa Martinez)**

COMMISSIONER ANAYA: Mr. Chair, Chief Sperling, if you could provide a snapshot of what this particular reimbursement pertains to I'd appreciate it.

CHIEF SPERLING: Mr. Chair, Commissioner Anaya, this is reimbursement from New Mexico State Forestry for the participation of our wildland team this past summer of 2013 on the Thompson Ridge Fire, the Tres Lagunas Fire and the Guaje Fire, and these funds have been deposited into the forest restoration fund for salaries and wages for the wildland personnel who participated in those responses. This is one of several resolutions we've done over the last several months reimbursing our wildland account from Forestry reimbursements which we obtain through a joint powers agreement with State Forestry for our participation.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thank you, Chief Sperling. Another example of coordination and cooperation between governmental entities and the County specifically relate to fire and fighting fires in our region. I'd move for approval.

CHAIR MAYFIELD: Second. Commissioners, is there any other discussion on this? We have a motion and a second on the floor.

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

2. b. 15. **Resolution No. 2014-18, a Resolution Requesting an Increase to the Road Project Fund (311) to Budget Three (3) Grants From the State Department of Transportation for the Pavement/Improvements of Various County Roads in Santa Fe County in the Amount of \$247,809 (Public Works/Adam Leigland and Finance/Teresa Martinez)**

CHAIR MAYFIELD: Commissioner Anaya, Mr. Leigland I believe.

COMMISSIONER ANAYA: Mr. Chair, Mr. Martinez, or Mr. Leigland, whatever, if you could just provide the snapshot of the roads that we're going to do some necessary improvements to in the amount of over a quarter million dollars - \$247,809.

2014 JAN 28 PM 4:00
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
JANUARY 28, 2014
PAGES 19-20

ROBERT MARTINEZ (Public Works/Roads): Mr. Chair, Commissioners, back in October the County Commission approved three resolutions for these particular grants through the NMDOT. The projects totaled \$330,000. The County match is \$82,600. What you are budgeting today is the projects that the Commission already approved for these NMDOT grants. There are three separate grants that make up the LGRF. The cap is going to be utilized for pavement preservation and that's on Avenida Vista Grande and for the SP is for pavement rehabilitation on Camino del Rincon and East Feathercatcher, and for the –

COMMISSIONER ANAYA: Where are those two roads?

MR. MARTINEZ: Feathercatcher and Camino del Rincon are in Cuyamungue. Avenida Vista Grande is in Eldorado and the last one is the SB grant and that is for pavement preservation and treatments on Arroyo Hondo Trail, El Gancho Way, Two Trails Road and La Joya Road, and those are – La Joya Road is in the Glorieta area. The others are in the Arroyo Hondo area.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Mr. Martinez. Once again, over \$300,000 of road improvements and work to County roads in various parts of the county. I'd move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Thank you, Commissioners. Mr. Martinez though I believe Feathercatcher Road is in Cuyamungue and Camino del Rincon is in the Pojoaque-Nambe area, correct?

MR. MARTINEZ: Mr. Chair, Camino del Rincon is in Cuyamungue. Feathercatcher – I've got a map here. It's in the Pojoaque Valley, in Commission District 1.

CHAIR MAYFIELD: Thank you, Commissioners. We have a motion and a second on the floor.

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

CHAIR MAYFIELD: Also, Mr. Martinez, please don't come up, but I believe Mr. Diego Gomez, our Road Maintenance Engineer was very instrumental in securing these grants. Just nod if that was true but I think it was. Diego Gomez was very instrumental in applying for these grants, correct?

MR. MARTINEZ: I'm sorry, Commissioner?

CHAIR MAYFIELD: Mr. Gomez had a big part in applying for these grants.

MR. MARTINEZ: Mr. Chair, yes. These grants are available to us every year through the NMDOT and these pavement preservation treatments have been based on our pavement evaluation, so we're trying to keep paved roads up to their current or better condition.

CHAIR MAYFIELD: Thank you. Mr. Gomez, thank you.

2. b. 16. **Resolution No. 2014-19, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget the Clopton Case with Santa Fe Animal Shelter**

**/ \$19,240.00 (Sheriff's Office/Undersheriff Madrid and
Finance/Teresa Martinez)**

COMMISSIONER ANAYA: Mr. Chair, thank you. Mr. Chair and Undersheriff Madrid and Public Safety Director Sedillo – is he in here as well? I know that a few months back there was some discussion in relation to the animal shelter and how we might, as a County, begin to do things internally, maybe even phasing in portions of our work with the animal control with the corrections facility. Undersheriff Madrid and Mr. Sedillo, is that something that we're still looking at possible options to utilize some of our correctional facility clientele and staff and maybe do some animal control issues at some point internally within the county?

RON MADRID (Undersheriff): Mr. Chair, Commissioner Anaya, that is something we'll be looking at. As a matter of fact we're working with Joseph Gutierrez, they're working on a study on the possibility of having some animals at the detention center.

COMMISSIONER ANAYA: Mr. Chair and Undersheriff Madrid and Sheriff Garcia and Director Sedillo, that's something that I think is very prudent for us to continue evaluating and it's my understanding it's done in other parts of the country and could be an effective mechanism to cover some of the work but engage some of the clientele in something outside of the box that might make good sense for them. Is there something you'd like to comment on associated with that?

PABLO SEDILLO (Public Safety Director): Mr. Chair, Commissioner Anaya, I think that's a great opportunity for the inmates for therapeutic purposes on training the dogs. We have great – we have enough space at the correctional facility that we can do that. Undersheriff Madrid and Sheriff Garcia have had discussions in regards to that and you're absolutely correct. It is a good therapy for the inmates as well.

COMMISSIONER ANAYA: Thank you, Director Sedillo, Undersheriff Madrid and Sheriff Garcia. Mr. Chair, I saw this item as an opportunity to broach that subject and maybe further we'll see more information. I'd move for approval on this resolution.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Commissioners, thank you. We have a motion and a second on the floor. Seeing no further discussion –

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

CHAIR MAYFIELD: Commissioners, I'm going to move down to – because c. 1 and 2 were asked to come off by myself.

2. d. Miscellaneous

**1. Request Approval of the Water Policy Advisory Committee's
Calendar Year 2014 Work Plan**

CHAIR MAYFIELD: The reason that I just asked that this come forward, and thank you, I think its chairman. I don't know if the title is president, but can we do chair? I just wanted our public to get a quick update. I know you all have been working hard. You've

had a few meetings. The Commission authorized a resolution through great efforts of public involvement to create this Water Policy Advisory Board and I just didn't want to approve something on Consent without our listening audience to hear what was going on there, Mr. Nylander, so here's an opportunity to speak on this briefly.

CHARLES NYLANDER: Well, thank you, Chairman Mayfield. It's a pleasure to be here and it's a pleasure to serve this Board of County Commissioners on this newly created Water Policy Advisory Committee. The committee did get organized this past September. We had our first meeting in October last fall; it was an organizational meeting. We have 12 people on the committee representing the whole depth of backgrounds and interest from Santa Fe County, and I'm really pleased as a water professional myself and lifetime resident of Santa Fe, I'm really pleased to see the talent that each of the members brings to this committee.

We did not – after the October meeting we did not have a chance to meet again before the holidays so our past meeting in early January, we did adopt a draft work plan for 2014 and it's presented to you this afternoon. This work plan focuses on two of the important priorities that we're informing Resolution #42 last year. The first task is to explore the concept of regional water and wastewater authorities in New Mexico, develop a white paper and a draft policy and implementation recommendations for the Santa Fe County Board of Commissioners. So this is the work in progress at this moment. We have a number of subtasks under that and our plan is to have a final report to this Commission by the June time period and a presentation to the BCC on July 24th.

So it's a big effort. The 12-member committee has been assigned various subtasks and they're quite varied and quite ranging. We have people looking at the present status of regional authorities in the state, giving a whole history of the Albuquerque Bernalillo County Water Authority, the Lower Rio Grande Public Water Authority in Dona Ana County and others, and as well, we're researching the breadth of New Mexico statutes on other kinds of political subdivisions in the state, everything from water and sanitation districts to private cooperatives to mutual domestics and so forth. To make our white paper very informative for this Commission to see the range of choices that people have when they're interested in forming a water or wastewater utility provider.

So we're aware of our subtasks. Our committee is actually going to be networking with each other through out the next three months. We come together on a quarterly basis and compare out notes and start drafting a formal white paper. And then the second half of this year our second large task is to investigate aquifer storage and recovery as a concept for Santa Fe County and develop a white paper and draft policy and implementation recommendations for the Santa Fe County Board of County Commissioners. And again, this particular task is aimed at looking at all of the history of ASR, is the acronym, aquifer storage and recovery, looking at all the history of this in the Santa Fe area from a variety of hydrogeologists and geologists around the state talking about the potential for that kind of activity in the Santa Fe area.

We know this is an interest to the County Commission. We know it's an interest in the new Pojoaque Valley regional water system project. That project has elements of ASR, so

we look to bring a very solid white paper and draft policy to the Commission on that subject at the end of the calendar year.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Thank you, Mr. Nylander. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. New Mexico First is having a water policy townhall the middle of April. And I did mention it to our County Commissioner. It's a very reasonable price this time. It's like \$100 or something, to determine whether some of the members of this water task force could go on our dime. So you might discuss that with some of your members.

MR. NYLANDER: Thank you very much, Mr. Chair and Commissioner Stefanics. I was aware of that conference and I was going to independently encourage them to attend as many as could, but if the Commission is able to help us register that would be great.

COMMISSIONER STEFANICS: Mr. Chair, I think you just have to coordinate with which staffer you're working with. Mr. Leigland?

MR. NYLANDER: Yes, with Adam Leigland.

COMMISSIONER STEFANICS: You might just have to coordinate with him.

CHAIR MAYFIELD: Commissioners?

COMMISSIONER ANAYA: Mr. Chair and Mr. Nylander and the committee, a couple of things that I have – first I want to acknowledge that this committee, on a statewide basis there's discussion of creating water policy groups that pull in the exact types of members that we have in Santa Fe County, so I think we're in a lot of ways ahead of the curve for organizing, and I think that we need to capitalize on that organization and actually have work product that you're working towards to do and I would commend former chair Holian for her work on the resolution that helped create this that I helped co-sponsor.

But specific to the County, Mr. Chair and Mr. Chair, I think it's important for our water policy group to have a good snapshot of what we have in the way of programs and priorities associated with water. So within the scope of your work plan would like to see staff providing you with the background information that you need to get updated on what we've done and what we're planning to do that's in the queue right now and that we're working towards. We have water projects throughout the county. So that's something that I'm going to ask you guys to help us evaluate and provide feedback on as we progress.

MR. NYLANDER: Thank you very much, Mr. Chair, Commissioner Anaya. I will note that I've already been discussing with Mr. Leigland and Claudia Borchert the other kinds of information that our committee needs to move forward. We understand that there's a lot of activity in the public works area, the Utility Department so we will be getting updated periodically by both of those individuals.

COMMISSIONER ANAYA: And one – and Mr. Chair and Mr. Chair, if I could, one specific area, and I know you mentioned the water issues that Commissioner Mayfield will be dealing with as part of the Aamodt and we have water issues that Commissioner Holian has dealt with in the Canoncito and Eldorado region, and Commissioner Chavez to my left, Commissioner Chavez in the Agua Fria region, but Commissioner Stefanics and I have had a long-standing discussion at this Commission level

for direct – trying to expand our utility direct south down 14 further. Those specific project-based type ideas and information that we're bringing back are specific things that I think would be very helpful for your committee to get a snapshot of and then to give us specific feedback on. So I appreciate the work plan that you're on but there are going to be other things that I think that evolve over time that are more immediate in nature and maybe we don't have the luxury of multiple months of ongoing discussion and evaluation.

But I just want to put those out there as things to keep in mind because all of us sitting up here, all the Commissioners have relevant projects and projects that are going to help expand our water availability, if you will, to areas that maybe don't have adequate supply.

MR. NYLANDER: Thank you, Commissioner Anaya, and I want to recognize that even though this whole plan has two major tasks we are well aware that throughout the year topics will come up and you may ask us to take a quick look at one thing or another. Specific to the utility growth plan, we know that Claudia is going to be doing some work with some consultants to look at utility growth in the county and so forth. So some of that work we know is going to get launched and then when some of it's performed we'll get a chance to evaluate it. So thank you very much.

COMMISSIONER ANAYA: Thank you.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Nylander, I just want to take this opportunity first to thank you for being willing to serve on the committee to begin with and then for stepping up to the plate and assuming the chair position of the committee. Water, the use of water, where that water comes from, and now, more importantly, since we're depending on our imported water, the discussion about water and how it's managed is even more critical. You have a full plate ahead of you. There were some suggestions that you expand your scope. I don't think that that's anything unreasonable. I know that staff is available to help the committee with your work. And so I would just take the opportunity to thank you and the committee members and also to encourage you to work with staff to make your work easier so that we can move forward. But thank you for serving.

MR. NYLANDER: Thank you very much, Commissioner Chavez, and I might just mention on behalf of the Jemez y Sangre Regional Water Planning Council – I'm chair of that organization and although many people think it's dormant it's not really dormant. It's been active since even the 1990s. But just for your information, the Interstate Stream Commission was able to secure some \$700,000 last year from the legislature to update regional water plans for the state. There are 16 of them, and the Jemez y Sangre region encompasses Santa Fe County, parts of Rio Arriba and Los Alamos counties, and that plan will have the opportunity to be updated beginning this year. The state has a very ambitious schedule to update all of the 16 regional plans within a two-year period starting this month, so it's going to be very interesting. That activity of upgrading the water supply needs and the uses and the potential projects that are going to be required for the future will fit very nicely into this Water Policy Advisory Committee's activities. So we're going to be involved, if nothing else through me, we're going to try to stay abreast of both of those planning functions.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just want to thank all the members of the committee and I especially want to thank you, Charlie. I can't tell you how pleased I am that you're the chair. I think that you're taking on a topic that is one of the most, if not the most important topic in our area, which is water planning, and especially considering the challenges as we go forward in time. We know that they're only going to get greater. So in a way, thank you very much, and I want to see you continue to sort of look at the big picture of what we're facing, as opposed to getting dragged down into small, project-oriented issues and so on. Thank you.

MR. NYLANDER: Thank you, Commissioner Holian.

CHAIR MAYFIELD: I didn't think this would take longer than five minutes when we're talking about water in our county and our state. Saying that in a little jest. But I appreciate the work you and the committee are doing. I also appreciate Commissioner Holian and Commissioner Anaya for moving this resolution forward last year. It's a very important topic that's near and dear to all of our hearts and to our community and to the state. But as Commissioner Holian stated, I do think though that some of the minutia of this is very important to us also. You spoke about the ASRs. I know I spoke with Public Works Director Leigland about this.

Also about – I don't know all the titles in this Commission but I think our former Utilities Director, Pego Guerrerortiz, the Albuquerque Bernalillo Authority right now, they're experimenting with an ASR right there. I'm sure it's not the same aquifer, it's not maybe the same geological area but there's an authority right there. We can go right there and look at what they're doing, what they're experiencing, because there's a lot of mixed feelings right now on an ASR, especially with the area that I represent. So hopefully you all take that time if, however, the dollars afford that with your committee and you all can look at that. I hope our staff is going to look at what Albuquerque Bernalillo Authority is doing with that ASR they have going on up there.

Also this Commission has looked at different issues as far as water moving around between municipalities and local governments and one thing that I brought forth is that your committee could maybe look at identifying a policy if somebody is moving x-amount of acreage-feet around if it comes to our attention. I don't know what that threshold is, if it's 50 acre-feet, 100 acre-feet, 500 acre-feet but that this Commission could be kind of enlightened about that when that happens so we can see if we want to potentially intervene in that or not intervene or bring that to our attention. Those are just different things that I've suggested. Again I would take Commission action for something like that, but –

MR. NYLANDER: Well, thank you very much, Mr. Chair. I agree we will stay very aware of the big picture and very flexible and nimble to address the big issues that might come up so when we get to that topic we will do a thorough evaluation of both any applied projects in the state, not only the hydrogeology and the technical aspects of it but the regulatory aspects, both environmental regulations and the State Engineer regulations and how those affect projects. So it will be a very comprehensive study and we will look at that Bear Canyon project in Albuquerque and make sure that we understand how that is succeeding and that will be one of many examples we'll look at. So thank you for bringing that to our attention and we will – I hope that each of you will feel free to send me an email if

something is on your mind and you want our committee to be aware of it or you want us to look into it and so forth. We'll try to accomplish as much as we possibly can.

CHAIR MAYFIELD: Great. Thank you so much and thank you, Commissioners.

COMMISSIONER STEFANICS: Mr. Chair, I move for approval of the work plan.

CHAIR MAYFIELD: Second. Commissioners, we have a motion and second on the floor.

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

CHAIR MAYFIELD: And I just want to recognize former Governor Dorame with Tesuque Pueblo, just walked in the audience. Welcome, Governor. Commissioners, I believe that's all that we have pulled off for our quick discussion off of our Consent.

COMMISSIONER STEFANICS: Well, Mr. Chair, that last one was not quick.

CHAIR MAYFIELD: I understand.

COMMISSIONER STEFANICS: We have three more items on Consent. Can we get them done?

CHAIR MAYFIELD: Sure. You want to go to the other three?

COMMISSIONER STEFANICS: If we can get them in under five minutes.

CHAIR MAYFIELD: The three that I pulled off?

COMMISSIONER STEFANICS: We have c. and e. left.

CHAIR MAYFIELD: I understand, Commissioner, but I don't know if those are going to be quick.

COMMISSIONER STEFANICS: Okay. Then I think we need to stick to the rule and we all were very interested about the water one, but that should have moved down later too then.

CHAIR MAYFIELD: And Commissioner, I hear that and I guess that was the policy of the Commissioners to keep the discussion moving. We can just stop it at five minutes and then push it down. That's just what we can start doing. I just wanted a quick overview on that. I just thought it was important. Or else also I'll say this. We need to start working to see what goes on Consent and what doesn't go on Consent because I thought that was something very important that we should have heard as far as that presentation from that committee as it was a very important committee that we created, and that's why I just didn't believe that it should have been on the Consent Agenda. But thank you. So Commissioners, with that we are at the end of the Consent Calendar and we will be moving to our action items, resolutions, and I'll just ask the Commission if they need a few minute break, if not – okay, we'll just take a full standard recess for five minutes.

[The Commission recessed from 2:30 to 2:45.]

3. ACTION ITEMS (Public Comment)

A. Resolutions

1. Resolution No. 2014-20, a Resolution to Direct Staff to Consider Arroyos as a Source of Fill Material When Such Material is Required and Appropriate for County Road Maintenance

CHAIR MAYFIELD: We're going to reconvene. It took a little longer than I anticipated, but we're going to move on to action items. This brought forward by myself with consultation with Public Works Director Mr. Leigland. Adam, do you want me to go forth or do you want to go? Please.

ADAM LEIGLAND (Public Works Director): Mr. Chair, Commissioners, as you know, many times we require, when we're doing road maintenance we require fill material. We learned in September during the storms up on County Road 85, the one which, if you recall from Diego Gomez' presentation was washed out, sometimes it makes sense and is actually beneficial to source the fill material just from a nearby arroyo. We were able to save a lot of time and money in that particular case so Commissioner Mayfield asked that we look at expanding that policy. So that resolution just asks us to make that a consideration whenever we need fill material to see if we can source it nearby. We wanted to make sure when we did this that we complied with, for instance, our Corps of Engineers permit which places some restrictions on us. The Sustainable Land Use Code also has some restrictions but within those restrictions I think we still have a good policy that will save us time and money. So Mr. Chair, if you have any more questions or comments?

CHAIR MAYFIELD: Thank you, Commissioners. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Adam, I'm wondering if a homeowner, on whose land the arroyo is actually located that's going to have some fill material put on it, would that homeowner have any say on whether that fill material were taken out of the arroyo that lies on their land? My husband and I used to live in Sunlit Hills and there was an arroyo on our land and there was a County road that went through that arroyo, and I could see where it would be beneficial but we might not have wanted a huge amount of sand taken out of the arroyo.

MR. LEIGLAND: Mr. Chair, Commissioner Holian, yes. We, exactly. We would have to go and seek permission from that landowner and we'd have to get a work permit. We have a standard process for working on private property, so we'd have to follow process and I think just be aware that – be cognizant of Anti-Donation, but yes, the landowners would have to give us permission. Yes.

COMMISSIONER HOLIAN: Okay. Thank you, Adam.

CHAIR MAYFIELD: Seeing no other questions, Commissioners, I fully support this resolution. With that I'd move for approval.

COMMISSIONER ANAYA: Second.

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

3. b. **Appointments**

1. **Request Appointment of Three (3) Members to the County Open Lands, Trails, and Parks Advisory Committee (COLTPAC) (Growth Management)**

LISA ROACH (Open Space): Thank you, Mr. Chair, Commissioners. Staff received a total of seven applications for a total of three vacancies on the COLTPAC Committee. Letters of interest and résumés are attached in your packets. The recommendations, after going through each of the applications and conducting phone interviews with each of the applicants, staff has made the following recommendations. First, appointment of Dave Dannenberg to fill the vacant District 4 position. Dave is a highly qualified applicant with a strong interest in development and stewardship of County open spaces and trails. He previously applied for an at-large position this past fall with COLTPAC and remains interested in serving on the committee.

Second, staff recommends reappointment of Judy Kowalski from District 5 to fill one of the vacant at-large positions. Judy is the outgoing chair of COLTPAC and is dedicated to continuing her work with the committee. She brings to the committee 30 years of experience in land management and resource conservation, and is keenly interested in serving a consecutive term on COLTPAC.

Third, staff recommends appointment of Patricia Conoway from District 3 to fill the second at-large position. Patricia is a resident of Cerrillos with a passion for the outdoors. She is a horse owner, rider and a member of the Santa Fe chapter of the Backcountry Horsemen of New Mexico. Patricia is an advocate for balancing development, conservation and public access to the county's open spaces and would be a great addition to the committee. And if you have any questions I'd be happy to answer them.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I would move for approval.

COMMISSIONER HOLIAN: And I'll second that.

CHAIR MAYFIELD: I have, seeing no other questions, one question but I'll let you go first.

COMMISSIONER HOLIAN: I just have a comment.

CHAIR MAYFIELD: Yes, please.

COMMISSIONER HOLIAN: First of all, thank you very much, Lisa for all the work that you've done in bringing this recommendation forward, and I really want to thank all the applicants for the positions. I really continue to be impressed with the breadth of knowledge of the people who do apply to be on COLTPAC. I think it's a very popular committee and I think it shows how important open space is to the people in this community. Every time we have an opening in the committee we have numerous people applying for it, and so I think open space is very important to the people in our community and we need to continue to be aware of that, so thank you.

MS. ROACH: Thank you, Commissioner. I would like to echo that. We received excellent applications. All of the applicants were highly qualified and would do an excellent job on the committee.

CHAIR MAYFIELD: Thank you. Commissioner Chavez, and then Vice Chair Anaya please.

COMMISSIONER CHAVEZ: Well, again, I want to thank the members of this committee. It's volunteer efforts and as Commissioner Holian pointed out managing our open space and our trails is very challenging. We need help from members of the community and you and your committee are willing to do that. But I wanted to ask you if you could touch on maybe where the committee's been and where the committee's going, because I know there was a lot of interest and rightly so in acquiring open space and for the right reasons, but the challenge in that is the maintenance of those trails and open space. So could you share with us a little bit what your thoughts are and where the committee might be going in those areas?

MS. ROACH: Sure, Mr. Chair, Commissioners. As I understand it – I came on with the County in October and as I understand it over the last 13 years or so of the program's existence the primary focus has been on acquisition of open space for various reasons, whether they be conservation or recreation or preservation of sensitive resources. The vast majority of those acquisitions were made with GO bond funding, all of which has been spent at this point. We may seek additional GO bond funding in the future for open space acquisition, but what I hear from COLTPAC predominantly and from other members of the public is that the County should focus more on managing what it has currently in the near future. Whether that means creating an updated countywide strategic plan for open space, trails and parks, or whether that means doing management plans for each of our properties. That seems to be the focus moving forward.

COMMISSIONER CHAVEZ: And that would help with – to defray some of the operation and maintenance cost if we had areas in the county where you had homeowner associations or other groups that would be able to be stewards for those areas and help with the conservation and the maintenance of that open space.

MS. ROACH: Commissioner Chavez, I believe that's an interesting strategy to pursue and one that we should definitely consider is looking for more community organization partners, non-profit partners. And with the addition of our volunteer coordinator we've already begun sort of forging those partnerships and enlisting volunteers to assist with our maintenance needs

COMMISSIONER CHAVEZ: Thank you.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, Ms. Miller and staff. I was just looking at the résumés of the individuals that were not selected and they're very impressive résumés. I know district by district that the staff generally will approach the Commission district Commissioner that will represent the district on those district appointments, but when it gets to the at-large positions I think maybe we ought to retain a different methodology for picking them. Because I can't decipher between them who necessarily has better credentials. They all have excellent credentials. So how do you guys arrive at recommendations, given the experience and the skill level and all the backgrounds of these very capable individuals? I mean all of them – Julie Bennett, Toby Gass, John Parker – all very talented individuals. How do you guys break it down to where you get a recommendation that you bring to us and maybe, maybe that's something that we should decipher up here as Commissioners to help

that along when they meet the baseline requirements of appointment, which all of these would be very capable in serving.

MS. ROACH: Mr. Chair, Commissioner Anaya, it was a very difficult decision and we did, as I said before, have extremely qualified applicants. When it came down to it, we looked at the balance of district representation on the committee and seeing that there was a need for either a representative from District 2 or District 3 to sort of balance that district representation on the committee, and in addition to that, looking at the various interests that each of the applicants brought to the table. For instance, Patricia Conoway is a member of the Backcountry Horsemen of New Mexico, and having that equestrian interest represented on the committee I believe is an important gap that we need to fill on COLTPAC. So between the district representation and the interest groups that each applicant represented, that was sort of what fed into our decision. Because as you said, every applicant was more than qualified.

COMMISSIONER ANAYA: And I appreciate the explanation that provides the public with a little more background as to what we go through internally to make those recommendations. In a pinch, I think maybe sometimes, and it sounds like you had some good basis for your recommendation, but in a pinch, maybe some of these at-large appointments we just need to draw cards or straws or something because I think they're all very talented individuals that could benefit the committees. And please let them know when they're not appointed that there are many other committees that we have at the County that we would gladly take their interest and their help in serving the citizens in the county. But thank you very much.

MS. ROACH: Thank you, Commissioner Anaya, and just to answer. These are just recommendations and obviously, if any of the Commissioners have opinions to the contrary we should certainly entertain them. As well, I'd like to mention that when I do contact those that were not chosen I do plan to suggest to them that there will be opportunities, particularly with open space and trails in the next coming months to offer more feedback, particularly to do strategic planning, management planning, that kind of thing.

COMMISSIONER ANAYA: Thank you very much.

MS. ROACH: Sure.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I received a nice report from the volunteer efforts that are happening with COLTPAC right now in open space, and I suggested that we have in the spring, that we have a recruitment drive, because there are many people in our community who are very interested in the out of doors and that maybe we could have like a little celebration at some place that has actually been worked on, invite new volunteers to that event and maybe show off some of what our volunteers are doing. Thank you very much, Mr. Chair.

CHAIR MAYFIELD: Thank you. And I just want to echo everything said. I see right now from District 1 – I'm losing one of my representatives from District 1, I see and I believe staff is recommending one of the at-large positions and then there will be an at-large recommendation from District 5 and District 3. And I happen to know both of the District 1 at large position individuals who applied, Mr. Richard Higgins and Ms. Julie Bennett and I know they're both very well qualified individuals. Not taking away anything from all the

other résumés I read. So it's very tough decisions you have to make and that we have to make up here. But as far as the proportionate on COLTPAC, how is that breakout right now please?

MS. ROACH: The breakdown, Mr. Chair, is as follows: We have two representatives from District 1, Dr. Bent and Ms. Ortiz Cue, we have two representatives from District 5, Ms. Burnett and Mr. Ortega. We have one representative from District 2, Mr. Taylor, and one representative from District 3.

CHAIR MAYFIELD: Okay. And then from District 4?

MS. ROACH: The District 4 seat is open.

CHAIR MAYFIELD: Okay, so that keeps that –

MS. ROACH: So with the recommendations the District 4 seat would be filled and the two at large positions would be filled by a re-appointment of Ms. Kowalski from District 5 and Ms. Conoway from District 3.

CHAIR MAYFIELD: Okay. Thank you for that explanation. Again, I just want to thank all of our applicants and all of our current members who serve on COLTPAC, and we'll get a letter out to those leaving. And with that, Commissioners, we have a motion and a second on the floor.

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

3. c. Purchasing Actions

1. Request Approval of Agreement for Purchase and Sale of Easement for the Agua Fria Gateway Monument

COLLEEN BAKER (Open Space): Mr. Chair, Commissioners, thank you and good afternoon. I am here to present item 3.c.1 requesting approval of a purchase of an easement for a monument on Agua Fria Road at the east end of the Village of Agua Fria. This monument would pay tribute to the Camino Real de Tierra Adentro. The actual idea for this monument came out of the community planning process for the Village of Agua Fria and it was a means to protect the identity or preserve the identity of the traditional village as well as recognize the tremendous history of the El Camino Real. So with that I will stand for questions.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: If I could, I do want to mention that the National Park Service, National Trails Office and their department also helped with this project and actually brought the project to the Agua Fria Village Association. And so the two are kind of merging. So it's doing both. It's recognizing the national trail, the Camino Real, and it's recognizing the significance of the traditional historic village of Agua Fria.

But having said that, if I could I'd like to have Mr. Taylor expand a little bit on the project and how we're approaching the project because we do have another entity – well, actually two other entities, Cornerstones and the village residents themselves who are undertaking a sweat equity approach and have made, I think, about 300 adobes this last summer. So either one of you, if you want to –

MS. BAKER: Sure. Mr. Chair, Commissioner Chavez, yes, you're correct. We are currently working with Cornerstones who is a non-profit organization that works with community members, primarily in the restoration of historic adobe buildings. However, they are interested in partnering with us on this project as well to work with the Village of Agua Fria, and Commissioner, you're correct, has already begun making the adobes last summer and is interested in making the rest of the adobes and also putting in the work with Cornerstones' guidance to build the structure. There are a few items that they will have to have contractors with licenses but by and large the monument will be built by the Village of Agua Fria and all the residents that want to participate in that.

We also have future plans for another monument on the west end of the community also to provide gateways at both ends of the community. So hopefully, this is a community building exercise as well as building this monument, and we are in the process right now of contracting with Cornerstones.

COMMISSIONER CHAVEZ: Thank you. And I do want to put a little history to this project because I actually inherited this project. It's a project that Commissioner Vigil initiated. She did allocate some of the discretionary money from District 2 and then I've been able to continue the project but with the help of staff and Cornerstones, think outside the box a little bit, so that we involve the community and get two monuments for the price of one, I would imagine. And you have ownership of the monuments. I think that they're going to be very willing to watch those monuments and if there's any graffiti removal that needs to be done, hopefully the village can keep those maintained as well. I'm hoping that with Cornerstones involved they'll keep it very traditional so that if there is graffiti on mud you just wash the mud and replaster it and you're ready to go.

And so thanks to staff on this project. Thanks to Cornerstones, the Village of Agua Fria, National Park Service and everyone involved. Again, in 2015, the area will be celebrating a symposium recognizing the Santa Fe Trail, the old Spanish trail, and the Camino Real. So all of this I'm hoping will be highlighted during that symposium. Thank you. If I could, Mr. Chair, I'd like to move for approval.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: Commissioners, any further discussion? Seeing none.

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

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I want to just make some additional comments and just recognize what the Commissioner is doing here. Several years ago in New Mexico there was an effort, there was a combined effort through the Department of Transportation and I believe Historic Preservation to have historic markers placed throughout the state of New Mexico that depicted the history and the culture and the traditions of communities and areas around the state of New Mexico. And I think this project is an example of something that re-energizes that past effort in conjunction with the National Park Service and others, but I think it's something that we could build upon. I know that there are

– in Galisteo, for example, there's a historical marker that ironically enough is adjacent to a Cornerstone project, La Sala de Galisteo that is being put back together with volunteer community efforts and the Sociedad de San Jose de Galisteo, and I think that we could build on this. I absolutely think that many of those historical markers and reference points are in disrepair and need work, but maybe something along the lines of what's going on in Agua Fria can be duplicated in other parts of the county where we engage sweat equity and community participation and with a little bit of boost from ourselves and maybe some other entities. So I applaud the Commissioner and Colleen, maybe would ask that we maybe have that broader discussion with our open space committee and others. I definitely would be one that would be willing to help facilitate that and sign on to help maybe make it happen in some communities and maybe even a pilot basis to see where we can go.

But I think it's important for us to represent and maintain our history and reinvigorate our history and make sure people understand what would exist throughout our county and the historical significance that it has in many, many ways. Thank you, Mr. Chair. Thank you, Colleen. Thank you, Commissioner Chavez.

CHAIR MAYFIELD: Commissioners, thank you. Commissioner Chavez, also thank you for bringing this historical significance forward, and on that note, and Ms. Miller, I know that we went through the 400th centennial not too long ago here. We approached I believe, former Commissioner Virginia Vigil along with this Commission approached our Lodgers Tax Advisory Board to see about some financial assistance for that. And in light of what Commissioner Anaya said, the cultural and historical significance throughout our county for this recognition, maybe that's somebody we could team up with. I think it was – and name's escape me all the time, but even if Mr. Rountree, Russ, that's something that we can promote throughout our county, with the Lodgers Tax Advisory Board, if Commissioner Chavez has a pretty significant event happening in 2015 they might be willing to provide some assistance and at least get that on as a very noteworthy event that they can put in their publications for the Camino Real Trail. And that's just something I think we should make note of with them also and see if they could assist us in that endeavor for some publication. Thank you. Thank you, Commissioners.

MS. BAKER: Thank you.

CHAIR MAYFIELD: Thank you, Colleen. Thank you, again, Commissioner Chavez.

3. c. 2. **Request Approval of Price Agreement No. 2014-0183-a-PW/MS Surface Treatment Aggregate with Associated Asphalt & Materials, LLC and Price Agreement of No 2014-0183-B-PW/MS Surface Treatment Aggregate with Española Transit Mix, LLC**

BILL TAYLOR (Purchasing Director): Mr. Chair, thank you very much, and Commissioners. This again is a multiple award price agreement for materials for the road maintenance division. As you know they have to maintain approximately 574 miles of County road. This solicitation as again restated for multiple award. We received two bids on this IFB for the materials and we stand before you. This is indefinite quantity but

approximately 7,500 tons of material would be purchased a year by the County. So with that, Mr. Chair, I'll stand for any questions.

CHAIR MAYFIELD: Vice Chair Anaya and then Commissioner Chavez please.

COMMISSIONER ANAYA: Mr. Chair, I'd move for approval.

COMMISSIONER STEFANICS: Second.

COMMISSIONER CHAVEZ: Mr. Chair I just have a clarifying question. This is really for me. Mr. Taylor, explain this to me again. We have 574 miles of road. Is that lane miles or is that – how does that work?

MR. TAYLOR: I'd turn to Mr. Martinez. Thank you.

MR. MARTINEZ: Mr. Chair, Commissioner Chavez, no that is not lane miles. To get lane miles you would multiply that by two to get the lane miles.

COMMISSIONER CHAVEZ: Okay. Because when you look – I'm looking at 2,000 square miles and how could we only have 574 road miles, so it's that number times two.

MR. MARTINEZ: Mr. Chair, Commissioner Chavez, that is correct. Public Works does not maintain every road in Santa Fe County. There's approximately 1,500 to 1,800 miles of roads within the county that the County does not maintain.

COMMISSIONER CHAVEZ: Right, but this 574 are only the roads that we're responsible for.

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

COMMISSIONER CHAVEZ: But then the lane miles is this 574 times two.

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

COMMISSIONER CHAVEZ: And the actual cost of engineering and designing your projects.

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

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

CHAIR MAYFIELD: Thank you, Commissioners. Mr. Taylor, just help me because I saw this in my packet this weekend. But take me to the signature page on the contract please. Where's that at? This is something I'm going to throw out there. If the Commissioners had a chance to talk to the Attorney about it. I know the Manager has been very busy and my schedule I just haven't had a chance to talk with her. But under the contract page, Commissioners, I just would entertain – I appreciate all due diligent has been put in this RFP process, all of staff's work, how the bidding process has been done. This does come up for concurrence from this Commission because of our dollar threshold amount. I know that our County Attorney will attest to form. I believe, Mr. Taylor you might have done this on the page, but I would like to see a signature line also on this for our County Manager, just at least attest to as form on the contract. And I would just hope the Commission would indulge me with that. And I'm just trying to find where that contract page is. I had a brief discussion with Mr. Ross about that. Page 8. This will be on all contracts, Commissioners.

MR. TAYLOR: Page 8.

CHAIR MAYFIELD: I don't think that would stymie the process at all. It doesn't have to move forward on this one but I think on future contracts. And if we have to bring that later in the form of a resolution or anything just let me know.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I don't object to that. I just want to make sure I understand what we're getting at. Right now, the Manager signs off on contracts below this amount and then we ratify those? Or we don't ratify them?

MS. MILLER: Mr. Chair, Commissioner Anaya, no. I have – you have passed a resolution and an ordinance that grants the County Manager authorization to sign contracts of up to \$250,000. And then on contracts that you have approved amendments ten percent of the value of the contract. Anything else has to come to you. Say we have a contract that has – was awarded for \$200,000 and there's \$100,000 amendment to that, it would have to come to you because it's above both levels. It's above the ten percent and in addition it's above the \$250,000 in total for the value of the contract. So I sign below that. Anything above that comes to you, the Board approves it and the chair is the signatory on those contracts.

COMMISSIONER ANAYA: So, Mr. Chair, I guess I'm okay with that. I think it just verifies that it crossed our desk and that you're familiar with the contract before we see it, before approval beyond your threshold. So I think it's probably a good quality control practice to do that. So I'm okay with that.

MS. MILLER: And Mr. Chair, Commissioner Anaya, I do read them. There isn't a signatory spot on these for me now but if you notice on the memos, I do have the staff run the memos to me and I have been initialing those. So I read the memo and the contracts as they come through but if you want to add a signature line in future contracts I can sign there too.

COMMISSIONER ANAYA: And Mr. Chair, I think it's good quality control, so I would support it.

CHAIR MAYFIELD: Thank you, Commissioner Anaya. I do know that Ms. Miller reads these contracts and they do go through her office with that cover memo. I just would feel comfortable that her name is also signed off, at least as attest to form. Commissioners, anything else? Thank you. With that, Commissioners, any – do we have a motion?

CHAIR MAYFIELD: I don't believe – did we vote, Clerk Salazar on this?

COMMISSIONER ANAYA: Motion and a second but no vote.

CHAIR MAYFIELD: We have a motion and a second. Who made the motion? So we have a motion and a second on the floor.

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

3. c. 3. **Request Approval of Agreement No. 2014-0180 with Randy Sena Construction, Inc. for the Construction Services of the Nambe Community Center, Park & Headstart Site Improvements in the Amount of \$311,869.72 Exclusive of GRT**

MR. TAYLOR: Thank you, Mr. Chair and Commissioners. Together with Public Works Department we solicited an IFB for the construction services of Nambe

Community Center. As you know the County owns the Nambe Elementary School located in Nambe and this project would include the construction of grading, draining, drainage, earthwork, parking lot upgrades of the facility. We solicited and we received seven bids on the project that range from \$311,930 to \$555,510. We had bidders from Albuquerque, Española and Santa Fe and Los Ojos, New Mexico, bid on this project. And with that, Mr. Chair, I'll stand for any questions.

CHAIR MAYFIELD: Thank you, Mr. Taylor. Commissioners, this project has been long in the works. I know we're going to redesigning the road cutting up there off of the highway. It's going to – I think all of you have been up there at the community center. Again, that's going to be moving down, probably, I'm going to say 20 to 30 yards from where it's currently located and there are going to be some site improvements. And with that, Commissioners, I will stand for any questions but I would also move for approval.

COMMISSIONER ANAYA: I'd second it and I have a couple comments under discussion, Mr. Chair.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, could you speak to the Headstart component associated with the Nambe Community Center and site. I wasn't aware that we did Headstart services there. I'm excited that we are doing them or potentially doing them. Can you elaborate on that?

CHAIR MAYFIELD: Commissioner, again, just how that was stated but the way that center is set up, it is – the Nambe Community Center used to be a former public school and it is also a senior center. The actual Headstart is owned by the Pojoaque Public Schools. That is run by Presbyterian. So that is not our facility there. The road cut will be done right between the two properties and Mr. Hogan and Mr. Taylor correct me if I'm wrong on that. So we do not have a Headstart program there.

COMMISSIONER ANAYA: Mr. Chair, the Headstart program is operation and would benefit from this work?

CHAIR MAYFIELD: Vice Chair Anaya, and again, I'll refer to our Public Works Department. Right now, the current road configuration is going in front of the Nambe Senior Center/Community Center. All the drainage is flooded right down into the parking lot where we have the wall and into the parking lot where the Headstart is. Am I correct on that, Mr. Hogan? Also, have people access that entrance way, so, yes, I would assume it's going to benefit the whole area.

MARK HOGAN (Facilities): Mr. Chair, Commissioner, you're correct. The site work includes the new driveway, significant drainage improvements where we're taking water from the upper parking areas that's currently draining down the back side, going into the playground, so we're including several retention ponds that will also support some landscaping that's going in as part of the park. The driveway provides a safer access for both the community center as well as the Headstart program. There's really two buildings that are on the site. One is the original school, which is now the community center and then the other building which is where the Headstart program, and that's run by the Pojoaque Valley Schools.

So we're essentially improving services to the site that will impact both buildings. Also adding playground amenities, safe structures and some walking paths also that will facilitate people that are participating in the pilgrimage which that's one of the way stations for on the way.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thank you, Mr. Hogan. Ms. Miller, if you could please not let me forget to bring up item under legislative action on early childhood development I'd appreciate it. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Any other questions, Commissioners?
Seeing none, we have a motion and a second on the floor.

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

3. c. 4. **Request Approval of Electronic Site Lease Agreement with Tesuque Radio Company, Inc. in the Amount of \$39,969.47 to Bring Lease Current to June 30, 2014; and Payment of \$12,483.72 for Base Rent and Electricity for July 1, 2014 to June 30, 2015**

MR. TAYLOR: Thank you, Mr. Chair. This is a lease agreement as stated for a trunk site with Tesuque Radio Company, where the Fire Marshal and County Sheriff's Department have repeater stations. The lease had an automatic renewal but the time lapsed between correcting this lease has been involving identifying the equipment that we do have on the site and verifying getting communication with the owners of Tesuque Radio Company in California. There was just a long list of things that held us back. We were able to eliminate the automatic renewal date in this new term and this would bring it current and terminate in December of 2015. With that, Mr. Chair, I'll stand for any questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Taylor, this deals with primary emergency communication capabilities and needs for the Fire Department and Sheriff's Department?

MR. TAYLOR: Mr. Chair and Commissioner Anaya, yes. These are back-up equipment to that emergency calls.

COMMISSIONER ANAYA: Chief, did you have anything you wanted to add. This is essential to our primary communication modes for the County.

CHIEF SPERLING: Mr. Chair, Commissioner Anaya, the equipment that's at the site is our backup repeater system in case our primary repeater system, which is now located at the state site right on the same mountain peak, so this is essential equipment for us. Yes.

COMMISSIONER ANAYA: Mr. Chair and staff, this is essential to our tools for the County so I'd move for approval.

CHAIR MAYFIELD: Second. Any further discussion, Commissioners?
Seeing none, a motion and a second on the floor.

2014 JAN 28 PM 4:37
RECORDED
2014 JAN 28 PM 4:37

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

3. d. Other Action Items

1. Request Approval of Amended and Restated Affordable Housing Agreement for Phase 1 of Oshara Village Between Santa Fe County and Century Bank

STEVE BRUGGER (Affordable housing): Thank you, Mr. Chair, Commissioners. The original agreement for Oshara Village, Phase 1, the original affordable housing agreement was done in 2006 with two amendments done in 2007. As you may remember, back on November 12, 2013 the Commission had approved a master plan amendment to Oshara Village which resulted in the creation of 11 new residential units and one additional affordable unit, which must be provided. Given that the number of affordable units have changed and there's been a change in property ownership this is time for an amended and restated affordable housing agreement.

The applicant, represented by Oralynn Guerrerortiz in the audience there, with the concurrence of staff viewed this as an opportunity to bring this project under the umbrella of the 2006-02 inclusionary zoning ordinance as amended by the 2012-1 ordinance. Right now the Oshara Village, Phase 1 agreement is under the Community College District Affordable Housing Ordinance and regulations. Bringing it under the umbrella of the more current ordinance is more financially feasible for the developer and works for the County. This request is consistent with the amended and restated affordable housing agreement that was approved for La Pradera in December of 2012 as well as La Entrada. We used the same template as that. They're similar situations. With this we move for approval of the amended and restated affordable housing agreement and either I or Oralynn would be willing to answer any questions that you have. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Brugger. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and Steve, I would like for you as staff to answer these questions. Would you please explain the difference of being under Ordinance 2006-02 and 2012-1, versus the Community College District Ordinance?

MR. BRUGGER: Mr. Chair, Commissioner Stefanics, the biggest differences are the formula by which the maximum private home price was calculated was completely different in the Community College District Ordinance as opposed to the current ordinance. The result of that is for two-bedroom units there'd be approximately \$25,000 spread between the legislated price under the old ordinance as opposed to the new ordinance. It goes up to about \$29,000 for a three-bedroom; about \$39,000 for a four-bedroom.

I can say that the legislated pricing under the current ordinance is a much, much superior formula that is commonly used by loan underwriters. The 2000 Community College District Ordinance rates in that formula is not superior methodology. In addition that the size

of units that you'd be required to build under the Community College District Ordinance are larger for three- and four-bedroom units.

So for a three-bedroom it's about 150 square foot spread; four-bedroom about 250 square foot spread. There are other differences but those are the big two and our objective is to get affordable housing built and it has a much better chance to be built under the current ordinance and regs that we have.

COMMISSIONER STEFANICS: So Mr. Chair and Steve, La Pradera is across the road by the highway, and what was the other area you mentioned?

MR. BRUGGER: La Entrada. Both of them were approved in December 2012.

COMMISSIONER STEFANICS: Okay. So what is between Oshara and College Heights? Anything?

MR. BRUGGER: No.

COMMISSIONER STEFANICS: So if College Heights is adjacent to Oshara, but Oshara is not adjacent to La Entrada or La Pradera, why would we in fact want to change the way we do business with that side of the road?

MR. BRUGGER: Mr. Chair, Commissioner Stefanics, the rationale is that for developers who are working out current affordable housing agreements, they're trying to put product on the market, they want a level playing field between the folks that are trying to build product now. Level playing field pricing, unit size, fairness. So that's the main reason.

COMMISSIONER STEFANICS: But Mr. Chair and Steve, there's not fairness then between Rancho Viejo College Heights and Oshara if we approve this.

MR. BRUGGER: Mr. Chair, Commissioner Stefanics, the affordable housing agreements the product is being built under now is La Entrada, Rancho Viejo and La Pradera, Oshara, Turquoise Trail. Nothing that is being built now is subject to an affordable housing agreement that I have under College Heights.

COMMISSIONER STEFANICS: But Mr. Chair, Steve, and I don't know if Robert's here, I understand that Rancho Viejo still has quite a bit of property right around College Heights that can be developed.

ROBERT GRIEGO (Planning Manager): Mr. Chair, Commissioner Stefanics, that is correct.

COMMISSIONER STEFANICS: So, Mr. Chair, Robert or Steve, what I'm really getting at here is are we changing some future business for Rancho Viejo so that Rancho Viejo can come in with the property that they own and say we don't want to be treated as part of the Community College District with their formula and ordinances, and we want to be treated like Oshara?

MR. BRUGGER: Mr. Chair, Commissioner Stefanics, anything that comes in Rancho Viejo, just like La Entrada did in 2006 would be subject to the 2006-02 inclusionary zoning ordinance as amended by the 2012-1 that pre-empted, eliminated the Community College District Ordinance and affordable housing ordinance and regulations.

COMMISSIONER STEFANICS: Right. So Mr. Chair, Robert, why don't we talk about the Community College District Plan and Ordinance. When has it been changed, if any?

MR. GRIEGO: Commissioner, the affordable housing ordinance that was approved, 2006-2, that eliminated the affordable housing requirements in the Community College District, replaced them with a new ordinance.

COMMISSIONER STEFANICS: So we already took care of changing something in the Community College District Plan?

MR. BRUGGER: Commissioner Stefanics, that is correct. The only exclusion is for a project that was approved and had an agreement under the old ordinance and regulations, we continue to operate under that. But for new projects coming in they're subject to the new ordinance and regulations.

COMMISSIONER STEFANICS: So, Mr. Chair, Robert, does the Community College District Plan need to be amended to reflect the change in ordinance already? Or is that just assumed that that's been done by passing of the ordinance?

MR. GRIEGO: In regard to the affordable housing requirements, it was already reflected in that. It was replaced by the affordable housing ordinance. In regards to your question about the Community College District Plan and Ordinance, we are looking at needing to revise them according to the SGMP and the recently approved Sustainable Land Development Code.

COMMISSIONER STEFANICS: So, Mr. Chair and either Steve or Robert, the 2006 and the 2012 ordinances, are those compatible with the affordable housing requirements in our new Growth Management Ordinance?

MR. GRIEGO: Commissioner Stefanics, the affordable housing ordinances that existed were combined and put into the SLDC, the affordable housing, Chapter 12 of the code.

COMMISSIONER STEFANICS: So, just to clarify. This might be my last question, Mr. Chair. If someone has plans already approved, they can't really change them without coming back for a change in the permit, and they would have to live with it. Is that correct?

MR. GRIEGO: Yes, Commissioner Stefanics. They would need to come before – the affordable housing agreement and they want to amend it in accordance with the current ordinance that was revised in 2012 and was part of the Sustainable Land Development Code, they would need to come in to get that change done by the Board of County Commissioners.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, in a nutshell, we, this Commission, myself included, made changes to the affordable housing requirements in 2011 or 12, one of those years, and you're trying to maintain consistency across the board, not attempting to provide any separate or special treatment associated with a developer or individual. Correct?

MR. BRUGGER: Mr. Chair, Commissioner Anaya, correct.

COMMISSIONER ANAYA: Thank you. I'd move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: Thank you, Commissioners. Seeing no other questions, we have a motion and a second on the floor.

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

3. d. 2. **Presentation of the County Improvement District (CID) Review Committee Report on the Proposed CID for Las Lagunitas and Request Approval of Report Recommendations**

MR. LEIGLAND: I'm sorry, Mr. Chair. I was talking with a constituent.

CHAIR MAYFIELD: Thank you for taking care of business while you're out there, Mr. Leigland.

MR. LEIGLAND: Mr. Chair, Commissioners, the item before you is the next step in the creation or the potential creation of the County improvement district for the community of Las Lagunitas. So just to remind you, the County created a community improvement district policy which implements state statute to allow the creation of an assessment district last year, and then shortly thereafter the community of Las Lagunitas, which is a 100-lot subdivision in La Cienega area applied to the County for the creation of an assessment district for its sewer system.

The Public Works Department evaluated their petition and found it met all the requirements of the technical review team, which is required by County policy. It was convened by the Board in September. We met with the applicant to describe the policy and the proposed improvements and we underwent all the four required steps according to our policy to evaluate the efficacy of the proposed improvements, which included: Does the applicant have the standing? Does it comply with existing County codes and County policies? What kind of timeline was needed to implement it? And what kind of approvals?

So all those different steps are outlined in the packet material. Briefly, we feel the review committee, which met informally found that this particular project would meet numerous County policies, particularly those in the Growth Management Code about centralizing wastewater and protecting groundwater. We found it wouldn't violate any County ordinances. It wouldn't require development review. It would require some permitting because we would be working in a County right-of-way.

So the technical review team did find this to be a worthwhile project and recommends that we proceed to the next step. The next step is to convene what is known in the state statute as a preliminary hearing and then the state statute requires a number of things to be presented at that preliminary hearing. One of those – two of those things are a very detailed description of the improvements, including the estimated cost and then also an estimated assessment to each of the property owners in the assessment district, and finally a cost/benefit

analysis to determine if the cost exceeds the benefits because the state statute does not allow the assessment to each individual property owner to exceed what benefit they would receive.

Then there are a number of other things that you'll see in your packet that are required at that preliminary public hearing. So the community feels it's worthwhile to continue the next step. However, in order to proceed to the next step the allocation of County resources is required. We feel that the detailed cost of improvements require us to get to at least a 30 percent design, because staff does not have the ability in-house to design a gravity sewer system from that community and we would need that to get the detailed description improvements and the cost, and then also staff feels the County doesn't have the in-house capability to do a financial cost/benefit analysis. That's going to require a specialized engineering firm.

So in order to proceed to the next step we are requesting that County resources be allocated to procure the services of these two contracts. All the other steps County staff feels they can do in-house. If the Commission approves that today we are actually – we've progressed quite a bit on getting quotes for those two contracts and I just mentioned the detailed design and the cost/benefit analysis, we could proceed pretty expeditiously and we would get the results of those and we could come back to the Commission we estimate in June for the preliminary public hearing. And it's at that public hearing that the Commission actually decides whether or not to create the assessment district, because at that point you have all the information you need. You know how much it's going to cost, you know what the assessments will be, you know the benefits, and you then you can start to look at moving those assessments.

So, in sum, Commissioners, what we're asking today is the technical team feels that this is a worthwhile assessment district. There will be a cost of upfront County capital resources to get to the next step. If the assessment district is created the costs in these contracts can be recovered; it could be rolled up into the total assessment. And we believe that if we would be prepared to come back to the Commission in July for the next and probably the most important step which is where the Board actually decides to move to create the assessment district and again, through the process of constructing improvements and then levying the assessments on individual property owners. And with that, Mr. Chair and Commissioners, I stand for any questions.

CHAIR MAYFIELD: Thank you. Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, I believe a pioneering project in the county that self-determination, commitment and will be a community in coordination with Santa Fe County is how I would sum this project up. I think it makes a lot of sense for a lot of reasons and provides a direct community benefit to those citizens as well as the county at large associated with the water level and protection of water level in that community as well and I would happily move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Thank you, Commissioners. We have a motion and a second on the floor. Further discussion? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, thank you, Adam and also I would really like to thank the homeowners of Las Lagunitas for being pro-active in

solving your problems and also actually, it had a benefit for the County as well because I think it really forced us to take a look at our CID policy and to improve it in a lot of ways. I think that this is a pioneering project. I think that this is going to happen more and more in the county. So, anyway, thank you all.

CHAIR MAYFIELD: Thank you, Commissioners. Mr. Leigland, knowing what was stated, but is there any opportunity when the evaluation of this comes out that this could even be sited bigger in scope? An opportunity of letting folks from adjoining communities tie into this system? Or maybe us taking this system across the street to our Quill plant?

MR. LEIGLAND: Mr. Chair, actually the technical solution that we've determined makes most sense is just as you described. So it would be a traditional gravity sewer system, collected at the lowest point in Las Lagunitas and then we would pump it to our Quill Plant. We feel that it's a proven technology and it also allows us to fully exploit the investment we've made at the Quill plant. So that's what's included. One of the things you must consider, that has to be considered is that the community improvement district, the assessment, can only be levied for the improvements that actually benefit them, so if we were to – a sewer line that opened up sewer to other areas you'd have to do some sort of pro-rating to make sure that the costs are fairly allocated. It wouldn't be fair, I think to ask Las Lagunitas to pay 100 percent of the sewer line that other people could benefit from but doing it the way, what makes the most sense at this point does open up further areas. It does give us the most flexibility in the future.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Adam, does the design allow for Las Lagunitas to use some of the treated effluent onsite so that it's not all sent to the Quill plant or somewhere else?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, no. The technical solution that we think – and it's described briefly in your report – we think that we want to get away from a discharge at this point. We've found that it's very easy to get out of compliance. In fact that's the very situation that the community's facing now. So we figured we go with a system that has the least operations and maintenance burden. And I'll remind you that the Quill plant actually will discharge that. So we can treat it, then we discharge it and it actually ends up in the very same aquifer that it would if it had stayed in Las Lagunitas, and we're just putting it at the beginning of Las Lagunitas, at the La Cienega Creek instead of at the very end. But this allows us to have one less discharge permit to manage and [inaudible]

COMMISSIONER CHAVEZ: Yes, well, I guess that's good. I was just looking at the concept or the possibility of having smaller, onsite wastewater treatment plants versus larger, mammoth type, central wastewater treatment plants, and then being able to – I mean aquifer recharge is good but to use some of that directly onsite and maybe we can look at that as we move forward in some of the other designs that will come before us. And I do think that the approach in the county improvement district – if this works well I would hope and imagine that there are other communities that would be willing to go above and beyond and pitch in a little bit more, if you will, to make these improvements, because they know

that the County is spread thin, even though they're responsible, taxpaying citizens but sometimes we need extra help and I think this will move us in that direction. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So this is going on – the line is actually going on the south side of the highway and going underneath?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, yes. It will cross under the highway essentially right across the street from Las Lagunitas and go over to the Taylor Subdivision, I believe it's called, and then, you're right, it would be on the southeast side of the highway, on the National Guard side, what we've preliminarily platted.

COMMISSIONER STEFANICS: So Mr. Chair and Adam, is there any – have there been any requests on the one side of the road opposite Las Lagunitas to do anything with a hookup or anything?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, no. I think it would be worthwhile to explore that option and as I mentioned earlier, this solution gives us the flexibility but we haven't received – I haven't received any request from the three communities.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Leigland, we've been on a path for quite some time that I'm excited to see us continuing and move forward on that path. I would concur with Commissioner Stefanics associated with opportunities and making sure that we convey to the area as this progresses that there may be opportunities to tie in. I think that was something that we've commented on on this bench since the onset of this discussion. I would ask though, the community members have been sitting in the audience for some time and been following the project and working closely with you. I would ask them if they want to have a representative or all of them come forward if they wish, to make a few brief comments associated with the project, if they'd like.

CHAIR MAYFIELD: Welcome, gentlemen. If you'd just state your name it would be much appreciated.

RAYMOND SHAW: I'm Raymond Shaw. I'm the president of Las Lagunitas. This is Jerry Jones.

JERRY JONES: Jerry Jones. I'm the vice president of the homeowners association.

MR. SHAW: Also we're joined by Randy Scott, a board member in the audience with us and yes, we would like to just make a few comments, because it was a situation back in 2012. We knew we had a problem but we didn't even know how to start solving it. We didn't know the procedure or process that was available, and as you know, there wasn't much of a process or procedure. So from us to you, we want to thank the County Commission. Commissioner Holian, when you were the chair, and certainly our Commissioner, you've all been instrumental in pushing this forward and now we have something that might just work. So –

MR. JONES: We also wanted to thank Adam and his staff. They've been very instrumental in helping to guide us through this process. When we first came to the County to request what we could do, it was kind of at that stage where the county improvement district needed to be formed and understood and the policies created and they've worked with us; we've worked with them and we appreciate all that you've done and Adam and his staff to get us to this point. So thank you. Thank you for your time.

CHAIR MAYFIELD: Thank you, gentleman. Seeing no other further discussion, we have a motion and a second on the floor.

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

CHAIR MAYFIELD: Commissioners, I just want to take a quick point of personal privilege and I just want to acknowledge the association that came out to speak now. Our staff, for everybody that's listening, they go out there and they work really hard with all of our communities throughout Santa Fe County. Not everybody is always totally happy with the outcome but I will say this, that staff is continually out there working to find solutions to many, many issues that surround our community as a whole. Unfortunately, some times they require big dollars but staff is always up to the task of trying to figure out a good solution for all of us. So thank you staff for all your hard work.

**3. d. 3. Presentation on Solarizing County Facilities and Request
Approval of FY15 Solar Projects Plan**

CRAIG O'HARE (Energy Programs Specialist): Thank you, Mr. Chair and Commissioners. We were asked back in the fall for staff to prepare a solarizing County facilities plan. You're all aware that the County in various ways and the Commission has adopted policies in support of solarizing your own facilities, starting with the growth management plan and then resolutions after that. So I just have a very brief presentation that essentially summarizes the overview document that's in your packet that I hope you found informative and helpful as far as addressing this issue.

Real briefly, I get asked all the time where does the County have a good solar resource? Citizens ask me all the time, do I have a good solar resource at my house. I say yes, and they say, I haven't even told you where I live and I say, well, you do. It's great throughout Santa Fe County except for in the mountains where there's cloud issues. But basically we have essentially world-class solar resource throughout the county and that means that any County facility conceivably is a good location to put up a solar system.

Siting issues – generally we want to avoid shading caused by trees, buildings or topography. That obviously decreases the production of the facility and therefore increases the payback. And then available land, whether it's available roof space, available parking lot space or available vacant land can be a constraint as well.

Generally, there's three types of facilities that we have to choose between in solarizing County facilities – roof-mounted, my favorite, solar carports, and ground-mounted.

Roof-mounted, we're all pretty familiar with. The Herrera Courthouse has, as you know, 113 kilowatt system up on the roof. A lot of people aren't aware that it's there but it's producing about, I believe about 20 percent of the electric power needs of the facility. And then of course the Tesuque Fire Station that we did last year which is a roof-mounted system and actually now we basically don't have electric bills at the Tesuque Fire Station. We got rid of the bills entirely.

CHAIR MAYFIELD: Craig, I'm going to just cut in really quick. Commissioner Chavez would like to ask a quick question.

MR. O'HARE: Sure.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Craig, on the carports, is that something that can be retrofitted, or do those systems, do they only work where you're doing a carport from scratch, from the ground up?

MR. O'HARE: Mr. Chair, Commissioner Chavez, you could retrofit an existing carport with a solar system provided that the roof's in good shape and it's pitched the right way.

COMMISSIONER CHAVEZ: So I guess on that point, where you're retrofitting an existing building or considering retrofitting a carport, you would have to do some sort of analysis for the structural integrity of that building before you retrofit?

MR. O'HARE: Mr. Chair, Commissioner, that's true of any facility where we're putting it on the roof. We do need to make sure that the roof is structurally sound to accommodate the solar system. These solar systems are not very heavy and generally if the building is built to code it's not a problem. They're fairly light and most roofs built to code can handle a solar system.

COMMISSIONER CHAVEZ: So then, expanding on that point and going back to the example that you used earlier, which is the new courthouse, was solar design part of the original, conceptual schematic or was that more of an afterthought and a retrofit?

MR. O'HARE: Mr. Chair, Commissioner, that was basically added later to the design, but it's my understanding it didn't require any additional reinforcing, if you will, of the roof.

COMMISSIONER CHAVEZ: Okay.

MR. O'HARE: Roofs built to code can handle, frankly, a lot more weight than a solar system would add to it. So generally it's not a concern. Sometimes, if it's an old building and it's difficult or impossible to find the as-built plans some times it does make sense to hire a structural engineer to go in and take a look at it. We actually did that for the Tesuque Fire Station and he confirmed that it was structurally sound and go ahead and put the system on. They are really – the systems are very light. They're not very heavy at all.

CHAIR MAYFIELD: And I don't want to cut into Craig's presentation, but even on that note, Craig and we can touch base on it, we didn't have to penetrate the roof at the Tesuque Fire Station also, so I think that's important.

MR. O'HARE: That's correct, Mr. Chair. Flat roofs, generally you don't want to have roof penetrations. You don't want to actually physically connect it to the roof because they're already prone to leaking in the first place. I know my flat roof at my home certainly is,

so we used at the Tesuque Fire Station the same sort of system I have at my home, which is called a ballasted system, and I think if Carlos goes back to the previous slide, you can see the little weights, those little cement blocks – they're just actually holding by gravity with weights the system down. That's why they're not pitched as much, tilted as much, so you don't run into wind issues with them. So that system is really just sitting on the roof without actual roof penetration. And that is ideal for a flat roof, which actually have a lot of in some of our smaller facility.

Ground-mounted, they can look a lot of different ways. This happens to be a fairly large ground-mounted system. And so if we had vacant land next to a building that didn't have shading issues, that's an option.

Next option – solar carports are getting increasingly popular and they can come in very large sizes and they can come in fairly small sizes as well. You may be aware that actually the City has some bond money and they're going to be putting a fairly large solar carport at Genoveva Chavez Community Center. The nice thing about a solar carport is, a) it's visible. If you want to make a statement that you're solarizing your facility a solar carport is a great way to accomplish it, and also people love covered parking. You kind of get a two-fer benefit out of it by having the shading.

Solar system costs and payback period. I do like to point out that this is one of the few improvements to a County facility that decreases operating costs. As I mentioned, the PNM bills for the Tesuque Fire Station actually just essentially went to zero and that's if you size your facility to meet all of your electric demands. We're actually recommending that you never size the solar facility more than say 80 percent of the electrical demand.

So roof and ground-mounted systems are generally a little less expensive than a solar carport facility, primarily because you need to build the carport structure, fairly simple structures. So there's the cost range for roof- and ground-mounted system. A 10-kilowatt system, which is sort of a medium sized system if you will; it's somewhat larger than a residential system. The Tesuque Fire Station project was a about six kilowatts, was in that \$38,000, \$50,000 range, so a carport is about \$1,000 more a kilowatt, roughly, to build and so you've got a 10-kilowatt system in that \$48,000 to \$60,000 range.

We get asked all the time about payback period and essentially, you saw the spreadsheet in the orientation piece that was included in the packet. When you sort of crunch the numbers and you look at the savings on the electric bills, the payback period – the system essentially pays for itself in about 15 years. That is because essentially you've got your meter running backwards, what we call net metering, you're essentially getting paid the retail rate for the electricity that you're producing. And in PNM service territory you have a little extra benefit. They have this renewable energy credit incentive payment. So the payback period is just slightly longer in both the Jemez Electric Co-op service territory in central New Mexico, co-op service territory, but it's more like 16 years rather than 15 years. Essentially the higher the electric bills, obviously the faster the payback, and that's why in places like Hawaii, when they're paying 25, 28 cents a kilowatt hour, the paybacks are really, really quickly.

And then finally, I'd like to point out, because people bring up all the time, well, gee, the payback period isn't good enough, and I think 15 years is pretty good. These systems generally last about 30 years. You have to replace a few components but essentially after year

15 you do have free power. So in some ways it's an investment where you're trading off making a capital expenditure for not having nearly as high O&M costs over the long term. And essentially, except for energy efficiency improvements, solar improvements are really the only sort of improvement you're going to make that have any payback at all. Most of the improvements we make to buildings and facilities, obviously, have no financial payback benefit at all.

So this is what we're asking you to consider and act on today if you so choose. We would like to avoid roof-mounted systems as much as possible for obvious reasons, to avoid roof complications down the road. It's not out of the question and as you can see they're certainly very viable but generally, if you're going to have a roof system it should be on a fairly new roof where you're not going to have to go back and reroof. We would like – we think it makes sense to focus on solar carports for the public visibility issue. They are somewhat more expensive per kilowatt installed. We're recommending that we never size the solar facility greater than 80 percent of the annual electric demand of the facility to accommodate in the future if we were make energy efficiency improvements – lighting or air conditioning or what have you that we still never have the solar system producing more than the electric usage. That actually maximizes the financial benefit that you get from the electric utility.

Then establishing the FY15 solar project budget and identifying a funding source, it's my understanding that the likely funding source is to have this be a part of the capital outlay gross receipts tax funding package if you will that I understand will be coming before you, either I believe in late February or early March. Then you can see that we've developed a candidate site list for your consideration of facilities that we think make sense to consider for solarization, either because of their visibility, their available land or parking lot area. You can see seven of them are fire stations, and that's because of course, as you recall, you acted on putting – solarizing our fire stations in the ICIP that we sent on to the state. That is now turning into capital outlay requests at the state legislature. And I understand that the discussions that we've had with our delegation, those seven fire stations are in that list of the wish list, if you will, with our delegation of asking for capital outlay money for solarizing our fire stations. Just FYI, you might recall that New Energy Economy is helping to fund or helped fund the Tesuque station project and the Chimayo station project and they are actually having a rally. They're really promoting this initiative of solarizing fire stations. They're having a rally at the roundhouse with firefighters. I know Chief Sperling will be here on Thursday afternoon to really promote this capital outlay request.

And then finally, there's the candidate site list that was in the memo to you. Fire stations, Nancy Rodriguez Community Center, Public Works building would be the customer parking lot, Vista Grande Library and then the County fairgrounds we thought was a good location as well.

And then something that may be an interesting possibility that with your approval we'd like to continue to investigate a little bit further is the use of a power purchase agreement for a larger facility at the adult detention facility and Public Safety Complex. And a power purchase agreement actually allows a solar developer to build a larger solar project, say 100 kilowatts and in essence sell us the solar power with the option down the road for the

County to actually buy the facility. And the benefit there is that the solar developer as a private entity with a profit and corporate income taxes, they can take advantage of the corporate income tax breaks that you get when you have a federal corporate income tax and accelerated depreciation.

And so a lot of times these are structured where the governmental entity will buy the power, if you will, generated from the solar facility and it may be something that the power will be may a cent or two cents per kilowatt-hour more than the PNM rates, but then there would be the option to buy the facility six years later after the solar developer has taken advantage of all those federal tax incentives. And the facility could conceivably be half price at that point. These are just some initial numbers that solar developers have shared with me that I would still need to look into further. But it's an opportunity to not make the capital outlay at the front end and take advantage of the federal tax breaks and consider buying the facility down the road after those tax breaks have been taken advantage of.

And then finally, for new County facilities, we're suggesting it would make sense to institutionalize the inclusion of solar systems in all new County facilities, where feasible, land area feasible and where it can be accommodated in the budget, where it would actually, when possible design the solar facility to generate 50 percent of the projected electric demands of the new County building. And with that I'd be happy to answer questions, Mr. Chair and Commissioners.

CHAIR MAYFIELD: Craig, thank you. And I have a bunch of Commissioners in the queue, but really quick. Can the County engage in a PPA?

MR. O'HARE: Mr. Chair, it's my understanding, yes, the County could engage in a power purchase agreement.

CHAIR MAYFIELD: Okay. Do we know that for certain? I just didn't know we could as a –

MR. O'HARE: I believe we can. I can check into it but I'm aware of other governmental entities elsewhere in the country that have taken advantage of power purchase agreements.

CHAIR MAYFIELD: I just didn't know if in New Mexico if that was allowed, but okay. So we have Commissioner Stefanics up.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. A solar carport, and I'm going to focus right now on Vista Grande Library. Three of us, three Commissioners here have constituents that go to this library and it's very busy because it's used after school, it's used for pickup. It's the only library in the area. How would a solar carport factor into the traffic in and out of an existing parking lot? Does it get shut down for a period of time or is it done quickly? Over a weekend? How does that happen?

MR. O'HARE: Mr. Chair, Commissioner Stefanics, these sort of projects don't take very long and also a solar carport of, say, eight or nine spaces would probably be a significant financial expenditure in the first place. So in other words, there's quite a bit of parking out there to accommodate parking elsewhere. In other words, I don't think we're talking about having a carport taking up the entire – I mean it's possible but that would be a pretty expensive facility.

COMMISSIONER STEFANICS: Okay.

MR. O'HARE: So a carport – we looked out there. In fact we actually made sure when they were doing the work out there on the improvements to the library that we actually ran conduit out to a place where we thought it made sense to put a solar carport, and it could be that it was six or seven of the parking lot bays right in front of the library where it also might cover the walking path that was between the two parking areas.

COMMISSIONER STEFANICS: Well, Mr. Chair, this is a timely topic. Yesterday, Greg Smith and I met with some members of the board of the library and of course they're having a deficit and they're going to come to us and ask us for some support, and a lot of the support they need is for utilities. And they said –it's a County building, so first of all, we maintain the building but there are a lot of other expenses that go along with it. So if in fact we start looking at where we would have some immediate returns I do think we would have a lot of support and a lot of visibility. But I know that Mariel is really pushing us for a hefty portion of our budget coming up for this, but I also believe, and I'm just saying this for us, I think we need to see what the state legislature does. I think before we commit to putting out a great deal of financing for a whole list, we need to see if we're going to have a partner in this. It's definitely a good idea, in terms of helping with energy.

Now, we also know though that the return is going down. It went down from 14 cents to five cents to – what? 4 ½ cents and now, in a couple months, three cents?

MR. O'HARE: Mr. Chair, Commissioner Stefanics, it's – for larger than 10 kW it's actually five cents now. It will go down to 4 ½ cents. That is a fairly small portion of the benefit. The actually really large portion of the benefit is actually going up over time and that's the PNM electric rate that one can guess is only going to go up over time.

COMMISSIONER STEFANICS: Right. So I think we have several factors to consider in all of this. Thank you very much, Mr. Chair.

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

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you very much, Craig, for your study on how – for the most effective way that the County could devote funds to solarization. This is really useful and I'm wondering, first of all, can I get a copy of your power point? Could you email me a copy of that?

MR. O'HARE: Absolutely.

COMMISSIONER HOLIAN: Because I want to email it out to my email list. Because I get a lot of questions about this sort of thing. And I guess my question is have you done any estimates of what the total cost of implementing all these projects at the 80 percent level would be?

MR. O'HARE: Mr. Chair, Commissioner Holian, no I have not. I will say that when I did an estimate for the fire stations, when we were looking at the larger fire stations, the ones that had about 10 kW of electric demand or greater and I said, what if we actually fully powered them at 100 percent? It was well over a million dollars. And so we've got a number of these fire stations, these regional fire stations that could easily accommodate up to the 80 percent level, I believe about a 35 or 40 kW system. And a 40 kW system is in the

neighborhood of about \$150,000 to \$160,000. And so I'd have to draw up an estimate for this but I wouldn't be surprised if it ran into \$800,000, \$900,000 range. I could generate that estimate pretty quickly but it's certainly probably approaching a million dollars to bring all of these facilities up to 80 percent.

COMMISSIONER HOLIAN: And didn't we have some money budgeted in this year's budget for solarization? Or am I wrong?

MR. O'HARE: Mr. Chair, Commissioner Holian, I don't believe we have any money specifically earmarked for this. I know like in the case of Commissioner Mayfield, he's using some of the District 1 capital fund to match with what New Energy Economy put up. So say, for individual Commissioners and there districts' specific funding I don't believe we had anything in the budget for FY14.

COMMISSIONER HOLIAN: Okay. Thank you. Well, I'm very supportive of this. I've noticed the cost of solar power has really come down in recent years because when my husband and I put solar panels on our house I think it was more like about twice what it is now, something like that. And as you say, I think it's really important to note that where you really get your best cost/benefit is from the net metering, not having to pay a future electric bill and so on. So I think that as you also pointed out that doing a project like this gives you immediate financial benefits, unlike almost any other capital improvements that we do to our buildings and so on. So I'm very supportive and I hope that we will look at this very seriously when we have our budget discussions.

And I'm also totally in agreement with the recommendation to institutionalize the inclusion of solar power in all new County facilities, because it's always cheaper to design it in from the beginning. So thank you very much, Craig.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioner Anaya, please. Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, a couple different comments to piggyback off of those that have already been made. Commissioner Stefanics, I think I would comment on her comments and agree that today is not the day associated with resources to attribute money. I think that's what I heard. We're not in a position today, I think, to say these are all the ones we're going to go with and allocate those dollars to pre-empt other projects for GRT that from a community standpoint may be a higher priority than others on this list is not a good idea. So I don't think today's the day.

I do remember the discussion that Commissioner Stefanics I believe was the one that raised it was that we should look at what we're after when it comes to solarization and how we would prioritize. What I would say beyond that though is that there are percentages of gain that we could have that are less than 80 percent that still would be a beneficial use to our community, and I think laying the groundwork as the County doesn't always mean payback. So I think it's kind of interesting, a little bit of the spin that we've gone down in this presentation. I value the information. I think it's important. But I also think there's some more percentages of value through solarization that maybe aren't represented in this presentation and I think there's also something to say for the County, even in a small facility, taking a lead position in putting solar on a building that maybe doesn't have quite the payback that we might want or expect.

So I still have questions. I still have community members that may want to do smaller-scale solar or cover a smaller gap. Galisteo is one in particular. So I just think we need to continue to build on this; it's a good start. But I'm not ready to vote on a full blown priority and I'm not ready to pre-empt GRT for these projects at this point. I don't think that's what we're after today. So those are my comments.

MR. O'HARE: Mr. Chair, if I might just clarify something for Commissioner Anaya. I tried to make that point in the write-up that I provided you that in the size ranges we're talking about there's not really any great economies of scale to build a 10 kW facility versus a 40kW facility. They're roughly about the same per installed kW in that range. And so actually, the payback if you will is really not any different for a 10 kW facility than a 40 kW facility and then it gets down to, as you're suggesting, both a policy call and a budgetary call. There's actually nothing wrong with saying we're going to do 25 percent at this facility, or 10 percent or what have you. And I tried to point that out in my document that that's really a call based on your budgetary priorities and things like that. I wasn't trying to suggest that everything here out to be 80 percent. Essentially the payback if you went with 25 percent or 30 percent for a given project is about the same.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Vice Chair Anaya. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: So Craig, the projects that are on the ICIP list, are those only fire stations that are on that list?

MR. O'HARE: Mr. Chair, Commissioner Chavez, that's correct. You all put the fire stations on, I believe, the top five in the ICIP.

COMMISSIONER CHAVEZ: Okay, then, we have a blend here because there are some fire stations but then you have other sites that I think are good candidates in addition to fire stations. So we have a potential funding source from the state legislature, then we have New Energy Economy. Are they still committed to helping us with some of the other projects as matching funds?

MR. O'HARE: Mr. Chair, Commissioner Chavez, I can't really speak for them but I don't believe they're in a position to be able to fund the sort of projects we're talking about. I think they were able to raise – they literally have to have bake sales to raise money for these projects and I think they were very enthusiastic and happy to do the Tesuque project and then there was actually some funds left over to do Chimayo, but I don't believe – they're not a big, giant foundation that has a lot of funding to do this sort of thing consistently.

COMMISSIONER CHAVEZ: So their matching funds will be somewhat less then?

MR. O'HARE: Very much so.

COMMISSIONER CHAVEZ: Okay. Thank you. So I want to go back to the solar carports for future reference. You're estimating that a solar carport would cost somewhere between \$45,000 and \$60,000. Is that the eight to nine-space carport that you mentioned earlier? I'm trying to correlate the dollar amount and the size of that solar carport.

MR. O'HARE: Mr. Chair, that would be about three carport spaces. Three to four.

COMMISSIONER CHAVEZ: For that \$40,000 to \$60,000? Okay. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, and thank you Mr. O'Hare for all your work and effort that you've put into this. I think photovoltaic is a very valuable resource for all of us. It's a great return on our dollar investment. Respecting the REC credits out there that are dissipating, it's still, if you look at the long-term return on it and the cost of power that will be rising over the future I think it is a good return of our dollars. As far as our list of priorities that you have recommended, I know it's just a general recommendation, I see other needs that should be on this list. I see this building that we're sitting in right now and I'm wondering why we don't have this building here to be retrofitted also. That would just be my plug and I'd say let's get something on top of this building. It may not be as visible for everybody to see but we could talk about how much return we're getting on our general fund investment on this building, or expenditures on this building for what that's worth, Mr. Chair.

But Commissioners, again, I still do believe that it would be a good and a wise dollar investment for us and if we look at the example of the Tesuque Fire Station, that was I believe – and Craig, you correct me on anything I'm saying, but that was an \$18,000 investment for about six kW of power, and that's supplying us, arguably, 95 percent of our need out there? Because we have to still pay a bill. I mean, I think that's still the law. I think we have to pay a certain percentage to the utility. Correct?

MR. O'HARE: Mr. Chair, we only pay the monthly service fee, which is about \$8 and some change. But I actually believe that because of the REC incentive, that is in PNM service territory, we actually get a little bit from PNM, just like some homeowners do. It's kind of interesting. We actually had a bill in the December – the December bill, because if you remember, we had some pretty big snows in late November and early December in that billing period and the snow sat on the panels for a while and actually reduced the production but generally, we're looking at having just a slight positive payout, if you will, from PNM. Again, we did size that at 100 percent and going forward we would suggest that maybe it would make sense to pare that back to about 80 percent so that it could accommodate energy efficiency improvements down the road should we make those.

CHAIR MAYFIELD: And I want to talk about that real quick, Commissioners. But on that note, Craig, I know we talk about a long-term return but I think if we look at the example we did with Tesuque Fire Station, the return on that dollar investment of \$18,000, what was an average utility bill going out monthly at the Tesuque Fire Station? Do we know?

MR. O'HARE: Mr. Chair, I believe it was in the \$100 to \$120 a month range, if I remember correctly.

CHAIR MAYFIELD: So when are we looking at realizing that return of the \$18,000, \$19,000 investment?

MR. O'HARE: Mr. Chair, it depends on whether you include the financial assistance we received from New Energy Economy or not.

CHAIR MAYFIELD: Okay.

MR. O'HARE: But I would say probably that particular facility was probably in the 13 to 14-year range. We got a really good price on that facility. Hopefully, we'd see the same sort of price in the future. I was a little bit conservative on the estimates here. In other words, they might be a little bit higher than we'd actually like to see but I like that sort of surprise rather than the other way around.

CHAIR MAYFIELD: And then your suggestion is us maybe sizing our utility use to about 80 percent and maybe taking advantage of new technologies out there. One, CFL, change your light bulbs to CFL. I mean that issues with landfill issues. But now the LED technology – I was talking to some individuals who are electricians and based on the economy, they're not doing as much building anymore. I've talked on how you guys are doing work as far as changing people over to PV. They said, no, honestly, we're just basically changing everybody to LED. Just go – when you've got a light bulb that burns out, just change your light bulb to an LED. It's a little more money, but tell you what, you're going to start realizing a huge rate of return of investment on your dollars, and that's when you want to maybe size your PV system a lot – size it down. Because you don't need that much PV and you can't really generate that much extra power because you can't use that extra power unless the rules change.

So I do think, Commissioners, that it is a dial-up that we definitely have to have and it is a very prudent investment for us, because those dollars that we have need of in this County can be pushed in other places. Or we could take it to our voters, if we look at maybe putting a bond out there to see if our voters will support something like this in the future. I don't know if the Commission would entertain that one of these days and let our voters decide. But I appreciate this presentation, Craig. I think it would be a very worthwhile investment to look at. I personally right now will commit that I would like to, regardless of what happens with our New Mexico Legislature I think it makes sense to size a lot of our smaller facilities right now because that's where we will see a sooner return investment.

But going back to our big facility, our County courthouse, the Steven Herrera Courthouse. You said we're having about 20 percent of our utility bill. But even on that, we can always expand, can't we? I just looked at that roof on that photo that was there. There's a lot of expansion on that roof, at least on the entryway of that roof. Could we not tap into that roof to expand? Because the County pays that utility bill, do we not?

MR. O'HARE: Mr. Chair, I believe we do. As far as expanding the facility, Erik Aaboe may be in a better position, because he was very hands on with that particular facility. We might be able to expand it a little bit more to add to the 113 kW. I don't know if there's a lot more roof area.

CHAIR MAYFIELD: We don't need to get into that now but that's just another consideration, if that would be something that we'd want to expand or if we size these systems a lot smaller for further expansion, because I still think when you go to these trade shows or you go to any of these shows on new energy technologies out there, you already see more companies coming on line with this, so I would assume, the capitalist market out there, that when you see emerging technologies, the price is going to continue to come down. That's just my thoughts on it.

2014 JAN 28 PM 5:27 PM
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
RECORDED

MR. O'HARE: It's come down dramatically, as Commissioner Holian suggested. It's less than half the cost it was about five years ago.

CHAIR MAYFIELD: But again, I appreciate the presentation. So thank you very much. Commissioners, but I am going to ask this of Ms. Miller. So Ms. Miller, right now we are going through budget presentations – or excuse me, we're going through budget development correct?

MS. MILLER: Mr. Chair, Commissioners, no. Right now we're going through mid-year budget review. So we're doing mid-year budget review for our fiscal year 14's budget and then we'll start doing budget submissions for 15. We will not be bringing the capital budget for 15-16 to you in February or March. It will come later as we get – right now what we're getting into is reconciling all of our outstanding capital accounts to make sure that we're utilizing funds that we currently have in our accounts, like any old bond issues, any of those, and we're going to bring some recommendations for possibly reallocating those if projects been, say, eliminated. And then also look at all the funds that we have out there for the appropriate projects, and then bring a capital budget to you also, well after the session and the signing of the bills so we know what projects may need additional funding.

CHAIR MAYFIELD: Thank you. And also, Commissioners, it was brought up that there will be, at the Capitol I believe on Thursday at 2:00, Craig, a presentation by New Energy Economy. I guess the Fire Department – in the rotunda. I've been asked to speak over there so I will speak on this. I know the Commission has put this on our top five priorities for capital requests for our fire departments, so it hasn't been for everything else. So I will be speaking there, Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you Mr. Chair. This – one of the things this presentation did do is answer one of my requests to come up with a standard to look at what percentage of the electrical usage should be looked at for replacement. So I think we've started with an idea here. I think that we're not maybe ready to start looking at allotment of funds but I really appreciate looking at the 80 percent. And I guess if people, Commissioners and the districts wanted to look at less they could but we would at least know not to exceed 80 percent. And for that I thank you very much because that's exactly what I was looking for. Give us some guidance. So thank you so much for that.

CHAIR MAYFIELD: Thank you for your presentation, Craig.

3. d. 4. Board Discussion and Request Approval of Increasing the Salary Limits for Elected County Officials

TERESA MARTINEZ (Finance Director): Mr. Chair, members of the Board, what you have before you is a summary of a bill that was enacted during the 2013 legislative session that basically enabled an increase, a 15 percent increase for elected officials, which includes for Commissioners, Assessors, Treasurers, Clerks, Sheriff and Probate Judge. And this requires Board of County Commission approval. This increase would begin at the start of a term; it cannot occur mid-term if you please. And I include an FIR to show there would be no financial impact if this was approved in fiscal year 2014. There would be an impact of \$23,000 in fiscal year 2015, an impact of \$46,000 in 2016 and then full implementation of all

elected officials if approved, receiving a 15 percent increase by fiscal year 2017 with an increase of \$69,000. I'll stand for questions.

CHAIR MAYFIELD: Thank you. Commissioners, I am going to ask that we – and I'll ask Steve Ross to let me know if we can do this. I'm going to ask that we split this up and vote on this separately for elected officials. I would like to split the Commissioners from the other elected officers on this. Steve, is there a problem with doing that?

MR. ROSS: Mr. Chair, no. That seems fine to me, and segregate them out into two votes, one for elected officials and the second for the Board.

CHAIR MAYFIELD: Yes, with the County elected officials and County Commissioners please.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: So I was prepared to move the total group. I'm not going to be affected by this, and I believe that it still would be part of the budgeting process that we are just giving approval. But I will make a motion either way, for all elected officials or separated.

CHAIR MAYFIELD: Does any other Commissioner have anything on this?

COMMISSIONER ANAYA: I would appreciate a separate motion.

COMMISSIONER STEFANICS: Okay, so I would – at this point, I would move that all elected officials except for Commissioners be approved for salary increases.

COMMISSIONER HOLIAN: I'll second that.

CHAIR MAYFIELD: Commissioners, we have a motion and a second on the floor for all elected officials with the exception of County Commissioners to receive a salary increase and I have a question or comment from Ms. Miller.

MS. MILLER: Mr. Chair, Commissioners, I just want to be clear, too, because the statute authorizes up to 15 percent. Would you like to go to the full 15 percent at the start of each elected official's new term?

CHAIR MAYFIELD: I will go to the maker of the motion on that.

COMMISSIONER STEFANICS: So, Mr. Chair, Ms. Miller, we don't have to identify the percentage right now. We could do that as part of our budgeting process. We could say up to.

MS. MILLER: Mr. Chair, Commissioner Stefanics, the request that we're putting in front of you, because it goes at the time that they come into their next term. So for instance, the ones that would be affected coming up would be the Assessor's position, and –

COMMISSIONER STEFANICS: So, okay, the question I asked – I want a specific percentage.

MS. MILLER: For January 1, yes.

COMMISSIONER STEFANICS: So Mr. Chair, I will move that we approve 15 percent salary increase for our elected officials, other than Commissioners.

COMMISSIONER HOLIAN: Second.

COMMISSIONER ANAYA: I seconded it and I would accept that as an amendment.

CHAIR MAYFIELD: Thank you, Commissioners. We have a motion and a second on the floor.

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

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move a salary increase of 15 percent for Commissioners when in fact they become eligible.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Commissioners, we have a motion and a second on the floor for Commissioners when they become eligible to receive a salary increase.

The motion passed by unanimous [3-0] voice vote with Commissioner Anaya and Commissioner Mayfield abstaining.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm going to abstain from the vote. I can't vote in good conscience for a raise for myself, if would potentially be re-elected. So respecting the vote, I respect it, but I wouldn't be able to cast a vote for myself for a raise. Thank you.

CHAIR MAYFIELD: Mr. Chair, I don't think I could put that any more eloquently than you. That was a hard individual to follow and I will also be abstaining from that vote for said reason. Thank you, Commissioners, we have three yeses and two abstentions that will be recorded. Thank you, Commissioners.

3. e. Items From Consent Calendar Requiring Extensive Discussion / Consideration

2. c. Other Financial Actions

1. Request Authorization of the Use of District 2 Capital Funds, per Capital Outlay Policy, Allocating \$50,000 for Design of an All-Weather Crossing for Piñon Hills in Santa Fe County (Public Works/Adam Leigland and Finance/Teresa Martinez)

CHAIR MAYFIELD: So we're going to go back to some items that I asked to pull off of Consent.

MR. MARTINEZ: Mr. Chair, I'll be handling this. I stand for questions.

CHAIR MAYFIELD: Well, I guess I had the question because it came up and I want to just let everybody know this. I'm all for improving our all-weather crossings. I'm also all for our low-water crossings and I'm the one that came out for all-weather crossings throughout Santa Fe County. Realistically, I think that would cost us millions and millions of dollars from what I've been told with working with our Public Works crew. I think I could probably identify potentially 20 in District 1 and I know this is specifically about this one in

2014 JAN 28 PM 5:37 RECORDED

District 2, and I support this wholeheartedly of doing this. But we have entertained design. Is this what this is about? Design?

MR. MARTINEZ: Mr. Chair, Commissioners, yes. This \$50,000 will provide engineering services for a low-water crossing in the Piñon Hills Subdivision that will accommodate a 100-year event. So this is an all-weather structure. Currently there is a low-water unimproved crossing at this arroyo which will be improved.

CHAIR MAYFIELD: So on that note, Mr. Martinez, also there is a signature for the annexation agreement.

MR. MARTINEZ: Mr. Chair, this is not in the annexation agreement. This is in the county.

CHAIR MAYFIELD: Okay. Thank you. Can you tell me how many other designs have been done prior to this one throughout Santa Fe County on low-water crossings?

MR. MARTINEZ: Mr. Chair, we currently have one in design for Los Pinos Road, which is County Road 54. I believe there's one that is – I'm not exactly sure what the status but on 113-S in the Nambe area and this one and I believe that may be it for now.

CHAIR MAYFIELD: And I guess I'm asking also again specific for this one project, but I just want to know how we're looking at allocating future dollars or requesting future dollars. Because there also was design requested for – I don't know if I even consider it a low-water crossing or a whole road up in the Arroyo Alamo West-East area, with multiple low-water crossings through that whole channel, but we've done full design on that also, or at least preliminary design, and now we're going to go look at – so, Mr. Martinez, let me ask the question this way. Explain the steps when we do design. There's multiple steps to the process.

MR. MARTINEZ: Mr. Chair, what we have identified – what we have done is we have identified, at your request, numerous low-water crossings in Commission District 1 and other parts of the county that we would like to improve to all-weather crossings. The definition of an all-weather crossing is a crossing that will handle a 100-year event. So we have placed all of those projects on our CIP, our capital needs list, which, as funding is acquired we can build those projects or get them designed and then build them. This is in Commissioner Chavez' district which we currently have some bond funding for some chip seal improvements in that subdivision, but prior to chip sealing these roads we need to address the drainage. Currently maintenance is addressing two crossings in-house, but this structure that's needed at this particular arroyo crossing is too large for us to design in-house. So Commissioner Chavez has designated \$50,000 of his discretionary money to provide the engineering for it.

CHAIR MAYFIELD: And on that, Mr. Martinez, not that it is ill-spent, but if we do a chip seal project, we get the 100-year flood. I mean I think last year we had a 500-year flood in certain areas of the county, that work could be done to no avail. I mean it's just wasted dollars, arguably. Right?

MR. MARTINEZ: Mr. Chair, that is correct. Actually, Piñon Hills was scheduled, tentatively scheduled to be chip sealed next summer, but because of these

2014 JAN 28 PM 3:03
SANTA FE COUNTY BOARD OF COMMISSIONERS
RECORDED
2014 JAN 28 PM 3:03

structures needing to be improved, we have pushed the chip seal project back till the following summer.

CHAIR MAYFIELD: Thank you. Great explanations. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I think staff touched on everything that I think is significant in this request. The request is for \$50,000 for design services for a water crossing in the Piñon Hills Subdivision. Staff pointed out that there is a GO bond that was issued for this, to do improvements in this area. We are fully aware that if we do the chip sealing before we do these improvements, that's going to get washed away. We've pretty much gone through that process already. We have some other issues in the Piñon Hills Subdivision that have to do with illegal dumping in an arroyo and waterway that's causing some of these problems, so we're trying to clean that up, do the all-weather crossings before we do the chip sealing so that that money is not wasted. So I just – I think that it's part of a larger project. We do have – Mr. Martinez, do you know, off-hand, the GO bond, the dollar amount is for the improvements in this subdivision?

MR. MARTINEZ: Mr. Chair, Commissioner Chavez, I believe it was about \$600,000 and some change. Maybe \$630,000 or \$640,000 for the chip sealing projects.

COMMISSIONER CHAVEZ: So that would be the chip sealing and then these all-weather crossings will be in addition to that.

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

COMMISSIONER CHAVEZ: Okay. And then so we'll be doing two all-weather crossings in that area. One will be in-house and one will be – we'll sub that out?

MR. MARTINEZ: Mr. Chair, Commissioner Chavez, we are building two in-house –

COMMISSIONER CHAVEZ: Two in-house.

MR. MARTINEZ: The two in-house on Calle Francesca and Calle Estevan. And those are a lot smaller structures so we're able to do engineering and construct them in-house. Calle Susana, which will require a larger structure is what's being requested here today for funding.

COMMISSIONER CHAVEZ: Okay. And that will really address, at least for this particular area of the county, this will address the impact of a 100-year flood and put us in a good position so that we're not having to worry about emergency, EMS access or people being able to get in or out of their homes.

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

COMMISSIONER CHAVEZ: And if we can do this in one particular district I really don't see why we can't do it anywhere else. I think we have certainly the staff resources to do it. Money and budgeting is always a challenge but with this \$50,000, at least we have the design to move forward on the third all-weather crossing for that area. Mr. Chair, I'd like to move for approval.

CHAIR MAYFIELD: And I'll second that, Commissioner Chavez. But I also have some questions please. If you're done, Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes.

CHAIR MAYFIELD: Thank you. And I appreciate that and I hear what you're saying, Commissioner Chavez I guess what I don't understand though is is all of this money through the bond money that was just mentioned? The \$648,000, to make these all-weather crossings? Have you determined that \$648,000 is going to complete three all-weather crossings? I think all-weather crossings cost a lot more money than \$648,000.

MR. MARTINEZ: Mr. Chair, the bond funding that was approved by the voters in 2012 was for chip seal improvements, nothing to do with drainage structures.

CHAIR MAYFIELD: I just respectfully heard Commissioner Chavez say that there were going to be three all-weather crossings built in that district.

MR. MARTINEZ: Mr. Chair, that is correct. We are building two in-house, one on Calle Francesca –

CHAIR MAYFIELD: So where is the money coming from, Mr. Martinez?

MR. MARTINEZ: Those are coming out of our maintenance money. Those are small structures. These are smaller arroyos. The one on Calle Susana is the one that needs to be engineered by a –

CHAIR MAYFIELD: So how much out of your maintenance budget is coming to build those all-weather crossings. And what I was going to say is I appreciate that he said all districts need to be taken care of. I know District 1 has had a lot of low-water crossings that have been in the queue to be re – have been designed already and have been in the queue to be maintained and fixed. And I just – I want to work with all Commissioners in other districts and what needs to be done, but not if this is coming out of the maintenance budget. How is that determination made and were these already designed and projected before any in District 1 or any other Commissioner district?

MR. MARTINEZ: Mr. Chair, these smaller structures are being designed in-house by Diego Gomez. He's determined the amount of drainage the arroyo will handle and has sized these culverts to accommodate those flows. So what's being installed currently by County forces are culverts. Not bridges, but structures built out of CMP – culvert metal pipe.

CHAIR MAYFIELD: Okay.

MR. MARTINEZ: So I can't give you a dollar amount as to what those smaller structures are costing right now. I can get that for you, but right now I do not have those figures.

CHAIR MAYFIELD: And have we equitably moved dollars around all Commission districts with your road, with your maintenance dollars for in-house all designed weather crossings?

MR. MARTINEZ: Mr. Chair, no. When we maintain our roads we focus on the roads in general. We do not focus on being equitable between Commission districts. In road maintenance, we are concerned with roads in general.

CHAIR MAYFIELD: Fair enough. And again, respecting ever Commission district, I'm going to ask this. What type of needs are in District 1 for low-weather crossings? Are they a priority or are they not a priority?

MR. MARTINEZ: Mr. Chair, we currently placed all of those low-water crossings on our capital needs list and we – Diego and myself – evaluated them and rated

them, ranked them based on the criteria that all other projects are ranked. All of those structures, to replace low-water crossings ranked the highest amongst most of our projects. So they are at the top of the list as far as ranking. Now when funding is allocated towards those then we will proceed with engineering and construction.

CHAIR MAYFIELD: Thank you. So let me ask this question. Are they ranked by traffic volume? Are they ranked by emergency response? Are they ranked by as many residents? How is your ranking – I'm just trying to wonder respectfully out loud how Commissioner Chavez' have been – in District 2, not that they're not warranted and needed, but again, I've been on this Commission a few years longer asking for low-water crossings to be addressed in District 1.

MR. MARTINEZ: Mr. Chair, the ranking there, the criteria for ranking these projects are several. If there's existing funding attached to it, if it will provide economic development, if it provides a safety feature for residents – I don't recall the criteria. Maybe Joseph Gutierrez can respond to all of the criteria, but the structures that we're talking about that we're building in the Piñon Hills Subdivision are pretty minimal compared to the structures, mainly, that you have in your district that cross the Santa Cruz River, that cross the Pojoaque River, the Tesuque. These are arroyos that typically don't get an flow unless it rains.

CHAIR MAYFIELD: So I guess, Mr. Martinez, are we going to forget about these structures? Are we just not going to address them? Because they can't be designed in-house? I guess that's the question or that's the challenge that I have. I have needs in District 1 with my low-water crossings. And I know that I asked you all, I asked that I need more maintenance time on those low-water crossings. I need some more staff time maintaining those low-water crossings every time they're hit because right now I'll tell you, as of this morning there was ice all over those low-water crossings. Or at least on two of them. And they're always filled with silt and soot on those low-water crossings. And they're filled with boulders. And staff is continually called out. Unless you have dedicated staff to keep that debris off of those low-water crossings. If they arguably can't be converted to all-weather crossings.

And again, I respect, Commissioners, I need this addressed in there. But I'm just trying to figure out if District 1 got trumped.

MR. MARTINEZ: Mr. Chair, Commissioners, District 1 did not get trumped. When I said we're building these in-house, these are small improvements compared to what would be needed to improve some of the low-water crossings in your district. We're talking about larger structures in your district that would require additional right of way. The structures that we're constructing in the Piñon Hills Subdivision, we already have sufficient right-of-way. Most of the areas in your district are on properties that we don't have sufficient right-of-way, maybe even a prescriptive easement or on tribal property where right-of-way acquisition would need to be done.

But the structures that we're talking about that are going to be done in-house, I'm guessing they're probably in the magnitude of maybe \$10,000 or less.

CHAIR MAYFIELD: Okay. So I'll close with this and will give Commissioner Chavez time to respond. So on Old Callejon, that doesn't need additional right-of-way. On Camino de los Gardunos, that doesn't need additional right-of-way.

MR. MARTINEZ: Mr. Chair, I agree with you but those are structures that would need to be engineered just because of the type of drainage. So we have put those on our list, as I told you earlier. There's probably about ten or 12 projects that we have put on that list to upgrade low-water crossings to all-weather crossings in your district.

CHAIR MAYFIELD: Thank you. Commissioner Chavez. Thank you, Mr. Martinez.

COMMISSIONER CHAVEZ: Well, Mr. Martinez, for the residents of the Piñon Hills Subdivision, could you give them just a rough timeline on when we might be able to deal with these all-weather crossings so that we can do the chip sealing for them?

MR. MARTINEZ: Mr. Chair, Commissioner Chavez, in February, I'm not sure if it's going to be on the first meeting or the second meeting, but we are requesting for the Commission to award a price agreement for the culverts. Depending on when that gets awarded we will go ahead and proceed with ordering these culverts for this large structure on Susana. These are especially made culverts. They're not 24" or 36", they're pretty good size so they will need to be fabricated from the plant up in Colorado. I'm guessing that it will take a couple months for us to get these structures from the time they're awarded. We're hoping to start - I'm sorry. The \$50,000 is for engineering, not for the structures, the culverts that we're looking at ordering.

The two smaller ones, we're hoping to have installed by around April or May. We want to beat the monsoon season.

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

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

COMMISSIONER ANAYA: Mr. Chair, just a brief comment, because I know we have some people waiting. My comment is this. We had a little bit of discussion at the last meeting and I want to say it on the record again. Every Commission district, as it pertains to roads, has very numbers and miles of roads and varying degrees of needs associated with those roads. I'm definitely never going to get in the way of the needs that an individual Commission district has, but I'm also not going to sit back and allow a policy that would force, if you will a certain road to have every highest level of use or construction on it.

An example I'll give is this discussion we're having on all-weather and low-weather crossings. If I tried to bring every crossing I had to all-weather I'd never do anything ever associated in my district for roads, other than try and work on crossings. That's not my desire. I want to do as much as I can in balance with what the staff and maintenance crew is trying to achieve on a daily and ongoing basis. Now, priorities that individual Commissioners have for where their capital dollars will be invested and how their project dollars should be invested, I respect that.

But I don't want to get in a situation where all of a sudden I know, with the vast number of roads I have - I have the largest number of roads in the county - would have to

bring every single road up to that highest level or highest standard, because we wouldn't be able to do multiple roads in varying parts of the county, which we've been able to do. So I respect my colleagues but I want to make that comment on the record. I don't know, Mr. Martinez. Do you want to comment to that? Do you want to make any comments to that or not?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, you know, our objective is to provide the safest roads possible, and part of the criteria for determining where a low-water crossing ranks to get improved to an all-weather crossing is also depending on other access. For example, Piñon Hills, we improved that crossing probably about 40 years ago and that was the only access in and out. You have a low-water crossing on County Road 42. Is that important to upgrade to an all-weather crossing? Probably not, because there's other ways to access those properties. So each individual situation has different criteria and we try to weigh the pros and cons but we try to do as much as we can within our maintenance budget. Our maintenance budget for materials is probably around \$400,000. If we were to build one good sized structure out of our maintenance budget or pave a mile of road out of maintenance budget, that would pretty much eat the majority of that budget. So we wouldn't have any budget for snow removal, repair, so we've got to be really cognizant of how we spend our maintenance dollars. There is a threshold that we consider we can do within our maintenance budget or no, this is a capital project. Typically, a capital project in our opinion is anything over \$25,000.

COMMISSIONER ANAYA: Thank you, Mr. Chair. My closing comment – I appreciate that analysis that each situation and access issue is different. I would just add for the record that this Commission and the prior Commission has prioritized road projects at a higher level than others have had on their priority list. It rose to that level of importance for this Commission and the prior Commission and I commend this Commission and the prior Commission and the voters for voting to approve bonds and projects that improve roads, so thank you, Mr. Chair. That's all my questions as well.

CHAIR MAYFIELD: Thank you. I'm ready to call for the question.

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

CHAIR MAYFIELD: Thank you. Mr. Martinez, thank you, and I know Mr. Leigland, on this issue, because it's important to me, Commissioner Anaya, as far as the all-weather crossing or low-water crossings that take a lot more than \$25,000 in the area that I represent. But you recently were out there with a meeting with FEMA also, and part of the issue is these low-weather crossings that are built in that area, across every navigable waterway that we have, they're building a bunch of check dams and holding back all this sediment and silt. And they're causing encroachment problems on people's private properties, public properties, commercial properties, potential economic development properties and we can't – there were just ongoing issues.

And I just hope that that's considered and that's why that prior resolution came in front of us earlier today too. I'm sure we can use this to help our projects, but if we're not addressing the bigger problem of mitigating these river ways or these arroyos. Commissioner

Anaya, we're having a 100-year flood every other day when it rains up north, because all of these river ways and these arroyos are filled up with silt to the capacity, sand to the capacity. So I think that's important that this is out there too. And we have to address this issue because then maybe these low-weather crossings would work if those rivers were properly addressed through the Corps or through however they have to be maintained. That's my opinion from all the meetings that I've been at.

And I know, Mr. Leigland, so for the next meeting if you can do a presentation on your meeting with FEMA and all those other people I'd appreciate that so I don't take any more of this Commission's time on this. But thank you. And Commissioner Chavez, I am very glad that you were able to address this for your constituency, and hopefully we can just start working on some of those needs on District 1. Thank you, Robert, for all you do.

2. c. 2. Request Approval of Audited Comprehensive Annual Financial Report for FY 2013 [Exhibit 1: Axiom Presentation]

CHAIR MAYFIELD: Ms. Martinez, thank you. I know that we—I don't know why we never receive a reward through the Association of Counties from Hector Balderas. A lot of other counties did and you all do a phenomenal job. But there were just a couple things I wanted to look at in the annual report. Everybody's going to have a finding here or there and I think that's okay. We just kind of move on with those and if you just want to recap anything for this Commission.

MS. MARTINEZ: Sure. Mr. Chair, as you stated, our annual financial report was recently completed and audit by the firm of Axiom, certified public accountants and business advisers, and we were recently approved by the State Auditor's Office. So today we have Chris Garner and Jim Cox here to summarize their audit report as well as our findings for you.

CHAIR MAYFIELD: Thank you. Thank you, gentlemen.

CHRIS GARNER: Mr. Chair and Commissioners, we have a presentation, just a little, brief synopsis of what we did at our exit conference, just to go over the results of the audit. If you turn to the first page we have our auditing standards, really what you've hired us to do. And at the top left corner there's a green box that talks about what we're hired to do, is express an opinion on your financial statements. And so we've gone through pro forma audit and we've come upon our opinion which we'll talk about a little bit later. But that's really what we're charged with doing.

Additionally, besides expressing our opinion on your financial statements, what that entails is on the right top is we're getting reasonable assurance that your financial statements are materially correct? What that means is we're not looking at every transaction. We're testing samples of transactions, we're looking at controls, and based upon that, there could be errors in the financial statements but they would not be significant enough to alter the opinion of those that read your financial statements. For example, if you go out for a bond issue, you could have an expenditure that's off a little bit but again, it would not affect those that are taking your financial statement numbers and relying on them to make decisions.

The bottom two also talk about – in essence, we're charged with coming up with findings and communicating to those charged with governance. And we've done that at the exit conference and we'll do that again today.

The next page, as I had mentioned, we're charged with expressing our opinion, and there's been a change in the wording this year. In the past it was called an unqualified opinion; now it's called an unmodified opinion. It's not necessarily – it doesn't sound that great but actually it's a clear opinion, the type of opinion you want. So our opinion states that your financial statements are fairly presented in accordance with our standards.

The next page talks about two other reports that are included in your financial statements. We have a report on the left that talks about the internal controls of a financial reporting and compliance. That is a report that is required by the State Auditor and also required if you receive more than \$500,000 in federal grants that gets spent each year. And so we have to go through and we have to do special procedures over internal controls because of this type of audit. The one on the right is a compliance audit. Again, it's related to the same thing. Since the County expends more than \$500,000 in federal grant funds you're subject to an A-133 audit where we go by and we look at certain grants based upon risk assessments and we determine which grants we will look at. We go through, we look at the compliance requirements with those grants. For example, some grants, you have construction, you have Davis Bacon. So we go through and test those compliance requirements with the grants that have been selected based upon our audit. With that report we give an opinion and again, we had an unmodified opinion so you have a clean opinion on that one also.

The next page is last year's findings, and there were four findings as a result of your audit last year. Based upon our testing and follow-up of those findings, all four that you had included in your last year's financial statements were resolved this year.

Going to the next page which is the result of our findings. Your financial statements basically have three methods of accounting and the one that you use throughout the year is cash basis. That's what your budgets are based on. That's really how you manage the County throughout the year. Then we have to take that cash basis accounting and we need to adjust it for two different types of method, the modified accrual basis of accounting and then also the full accrual basis of accounting. This first finding relates to a prior period adjustment and significant adjustments. All those adjustments that we had this year relating to taking from your cash basis of accounting and adjusting the financial statements to modified accrual and then also to the full accrual.

We had four different areas where we had significant adjustments to get those numbers in line with what it should be and where they ended up being reported in your financial statements. What needs to happen is really a process needs to come in place, policies and procedures need to happen to ensure that at the end of the year – because that's the only time these adjustments need to occur, that you have policies and procedures in place to make sure that the proper numbers are included in your final modified accrual basis of accounting numbers and your full accrual.

So policies and procedures are going to be established to deal with this next year so that in the closing process. The point I really wanted to make with this particular finding is, when you see significant adjustments, when you think well, we're making decisions on our financial numbers throughout the year, and none of the adjustments that we had related to

your cash basis of accounting and the numbers that are given to you throughout the year and so again, I just want to emphasize that, that the adjustments we had really didn't affect the decisions that you made on your financial statements throughout the year.

The next finding is 13-02 and it's payroll disbursements. We talked about having to look at internal controls a certain way and one of the things we're charged with doing is looking at attested controls. And in that we look at different attributes, and we picked forty particular payroll transactions this year and two of the 40, the timesheet wasn't properly approved in accordance with County policies and procedures. And then we had one particular pay, one out of 40, where the gross pay was incorrectly calculated by \$39.99. It was just a computer glitch but actually there was two of them that happened during the year. One was found; the other one wasn't. So this one is really kind of a compliance finding over your internal controls.

The next one is information technology and the County hired a company to come in and look at an assessment of your controls over IT. And we had an IT specialist who is part of our audit team to come look at your controls over IT also, and based upon what's being done by the third party and our particular auditor that did this for us, there are some assessments that need to be done, there are some controls that need to be enhanced at this point. And so I know that our folks from our office worked with your IT and there's a plan in place to implement some procedures to deal with these issues.

Then 13-04 and actually the remaining findings that we have are all that we call compliance. I had mentioned earlier that we had to do a single audit because of the federal grants expended. All five of these items are relating to those compliance requirements over the various grants that we had to test. So the first compliance requirement we had was for public housing, the capital fund. There was some reporting. There were reports that were sent to HUD that were off with the supporting documentation. So the report short about \$11,000 of expenditures when the support only showed that there was \$5,000 of expenditures. So the numbers included in that particular report were incorrect.

The next one is Davis Bacon. As I had mentioned earlier, when you have construction there are certain wages that have to be paid with federal grants. And so one of the requirements that the County needs to do is you need to receive certification that the contractors are paying the appropriate wages. The County was receiving those items from the contractors but they just didn't get the second page which includes the signature of the contractor. So since it didn't have a signature we had to include it as a finding. So one of the things that needs to happen is to ensure that we get the complete and accurate report.

The next finding is suspension and debarment. Again, when you have federal funds they're required to go out to procurement. You're required to go and look at some websites to ensure that the vendor that you select hasn't been suspended or debarred by the federal government. This procedure was communicated to us as taking place; however, there was no documentation put in the files to support that, so since there was no print-off or a memo stating that this was done we couldn't take credit for it so we had to put it as a finding. So with this particular one what needs to happen is Procurement needs to go through when it's done and print off or do some documentation that this particular step was taken care of.

The next finding was related to reporting for Section 8. One of the things we had to do was we tested 40 particular items with some of the tenants at some of the various public

housings throughout the county. And the specific compliance requirements tells us we need to look at certain line items on applications and things and go from what's in HUD to what's in the actual file. And we had one address that was incorrect. We had a zip code that was incorrect, and we had a name that was spelled incorrectly. So this is just paying attention to making sure that what's in the HUD system is accurately reported.

A final finding is related to reporting on your high intensity drug trafficking area grant. And there was a report that was required that just was not simply submitted to the federal government and so therefore we had a finding on that one.

Mr. Chair, I would be glad for any questions.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much. I'm looking at the findings and on page 231, I'm reading a series sentence and then I'm looking at the amount of money – \$148,767 for the Regional Transit Fund. So, Katherine, that comes from our gross receipts taxes? Or Teresa?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, yes. That comes from the pass-through GRT that we collect internally and send directly to the Regional Transit District.

COMMISSIONER STEFANICS: So how could we overspend?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, we didn't overspend. I thought the same thing. Well, what happened is we did a budget action, if you recall, in July that was not posted into the system until August. So we did a budget resolution that would rectify the fact that we brought in more GRTs than we initially estimated, so this one got past us. We actually did not send more money than we collected to the Regional Transit District, but the reports cut off in terms of when they went in did not reflect the resolution bringing it up to actual collections.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, Teresa, this is really a question for you. You have excellent staff; you have a great department. There are a few more findings this year than in years. Could you comment on why you think that is?

MS. MARTINEZ: Sure. Mr. Chair, Commissioner Stefanics, not to dismiss the findings but five of the findings – had we done a little better in terms of just – the findings that were the result of the housing I think were really related to a transition in staff so if you recall we lost Tracey Young and we hadn't been able – and we recently appointed or hired Marcus McDonald. So we worked with him to put some ticklers in place, to do a secondary review to ensure that those don't happen again. So I have comfort that five of the findings, hopefully, will not result again next year. And the last one, the quarterly report was done; it just didn't get filed. So that was just a staff error.

And then the first few findings, we're already working with the auditors as well as our own policies and the County Manager, working on amending the policies so that they reflect the things we need to do to accommodate things that we know are dangers that we have to get done. So [inaudible] at least five to six of these in my opinion, before [inaudible] we already tried to rectify five of the findings that we have received this year.

COMMISSIONER STEFANICS: Okay, so Teresa, could you talk about the prior period adjustment and any action that we're really taking on that?

MS. MARTINEZ: The prior period adjustment which is the audit finding #1 is made up of several components and of that –

COMMISSIONER STEFANICS: And Commissioners, I'm on page 221.

MS. MARTINEZ: It includes capital assets. What basically happened there is an entry for depreciation as it relates to roads was not completed. That was totally our error. So we have put things in place to ensure that doesn't occur again, and then we also had a listing of our home sales assets which were disclosed in two places. So we had to fix that. And then we also had additions – this is a difficult one to explain. This is an A/P, accounts payable issue, and basically it's a result I think in the transition of auditors, but there's a timing for which accounts payable was not reflected by the previous audit finding, so what that did is alter the numbers and in doing so, alter the numbers as it related to our construction in progress.

So that one was a little bit out of our control but we're going to put things in place so that we can assure that we follow the auditors to ensure that that time period was covered.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think you might elaborate on some of my comments so I'll defer to you on a few. But a question on reporting. On public housing and I have to just say up front, I used to be responsible for that program so I fully understand the capital fund CFP program reporting requirements. Were the reporting requirements in 13-04, 13-05, 13-06 and 13-07 all the Housing Authority? Or were there other entities that had concerns? And all of them I want a response on, but specifically Davis Bacon. Was it Davis Bacon concerns throughout the County or only in the Housing Authority?

MR. GARNER: Mr. Chair and Mr. Anaya, one of the things we can do is if go to the financial statements, if you get those compliance requirements it shows each individual grant that it relates to that we had the finding on.

• COMMISSIONER ANAYA: Okay, so if you could help me just answer that question.

MR. GARNER: Sure. I need to go back and kind of look. So 13-05 is the Davis Bacon –

COMMISSIONER ANAYA: Start with 13-04 and go 13-04 -05, -06 and -07. Those are the four I want isolated. I think they're all the same.

MR. GARNER: 13-04 is the public housing capital fund. So that is the public housing capital fund. 13-05 –

COMMISSIONER ANAYA: And if you could tell us the page numbers also then we can –

MR. GARNER: Sure. 13-04, I'm on page 225.

COMMISSIONER ANAYA: Okay.

MR. GARNER: And if you go towards the very top you'll see the title. It says public housing capital fund.

COMMISSIONER ANAYA: Okay.

MR. GARNER: And then page 226 is finding 13-05 and that is the same public housing capital fund.

COMMISSIONER ANAYA: 13-05. Okay. So they're both the Housing Authority.

MR. GARNER: Correct.

COMMISSIONER ANAYA: Correct.

MR. GARNER: 13-06, suspension and debarment is on page 227, and that's the public housing capital fund. 13-07 is on page 229.

COMMISSIONER ANAYA: So hold on right there.

MR. GARNER: Sure.

COMMISSIONER ANAYA: And this might not be a question you can answer. It might be something that Teresa or Bill Taylor has to answer. You referenced the need of the County to determine suspension or debarment. We should be doing that across the board. Our Procurement handles out purchasing and department by department, including the Housing Authority, each staff and department works with our Procurement section. So if you're telling me, isolating just the Housing Authority, did you test any of the other departments associated with suspension and debarment? Because we have other departments that deal with federal funds that would have that same responsibility or requirement.

MR. GARNER: Mr. Chair and Commissioner Anaya one of the things that we test – it depends upon the grant. And so the grants that we looked at did not have capital outlay other than this particular grant.

COMMISSIONER ANAYA: Okay.

MR. GARNER: So what was communicated to us that that this step was being done, it's just the evidence of the step was not being maintained in the files.

COMMISSIONER ANAYA: Okay. Okay. So all four of those items are items within the Housing Authority because of information tested. I guess what I'm suggesting to staff, to Ms. Miller and staff, is that those issues don't necessarily all rest within the Housing Authority because we have a centralized purchasing system. Those are issues that we need to address Countywide. Davis Bacon, we deal with Davis Bacon issues all the time associated with reporting and review of materials.

Now on that alone, was the reporting in the audits on the isolated to the Housing Authority, did you look at any other federal grants that we have Davis Bacon requirements on that are even probably larger – on a road project or something like that? Associated with Davis Bacon?

MR. GARNER: Mr. Chair and Commissioner Anaya, no we didn't. In the particular grants, because we go through and we do a risk assessment. And large grants have to be looked at at least every three years and so those particular type of grants have been looked at within the last two years so we did not have to retest those this year. So the only construction grant that we looked at for federal purposes was this particular grant.

COMMISSIONER ANAYA: Okay. So I think – and I'll just leave it at this, Mr. Chair. I appreciate that you pulled it off. I'm a little concerned that we didn't have discussion about this in the Housing Authority or even at a broader level here. But you pulled it and I appreciate that you did. I think we have lessons learned. I've always looked at audits as a positive measure, that there is no perfect entity, and whatever we can garner from you as you do your work helps us become stronger and better so I appreciate the work and the information that you've provided today. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Gentlemen, Ms. Martinez, as far as the finding out there, 13-03 without, I guess, going into detail that could suppose a security risk to our County, but it does concern me. Could we potentially be giving up personal information on folks? What is this about?

MS. MARTINEZ: Mr. Chair, Commissioners, I think that the assessment was conducted or ordered by the County Manager so if you don't mind I'll defer to the County Manager.

CHAIR MAYFIELD: Okay.

MS. MILLER: Mr. Chair, Commissioners –

CHAIR MAYFIELD: Ms. Miller, just so you know, after everything is said I'm going to talk about the cloud technology after everything is stated.

MS. MILLER: I'm aware of that. And there's no Daniel here because I told him he needs to respond to that. A while back I wanted to make sure that we were verifying our IT systems for any kind of security breaches, so I instructed IT to get an evaluation of our system and have our system checked where you could possibly break into our system. And they have worked at repairing any of those gaps, but in the process of the audit that report is provided to the auditors so that they know now what we're looking at with our IT.

So we have done quite a bit to eliminate any of those areas that we were vulnerable. In addition, we are working on redundancy with our other systems because we had had the issue with the email going down. But we're still having some offsite – I was doing for a backup on servers as well. Anything more detailed you would like I could have our IT Director give a report and particularly on cloud technology and what not, but as far as the security issues we've taken that report and are doing all of the measures recommended in the report to clear those issues up.

CHAIR MAYFIELD: Thank you, Ms. Miller and Ms. Martinez and the presenters of the audit. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, if you're ready I'll move for approval.

CHAIR MAYFIELD: Yes, I'm just going to make one point, Commissioners, and again, with Katherine reporting and the other awards that Ms. Martinez and her group has received, I think you all do a phenomenal job and thank you. I think Santa Fe County is cutting edge on what we do. As Vice Chair Anaya alluded to, you're going to have findings and they're not material I guess or they're nothing that's going to be really hit hard against us. We move on and we just take the corrective action plans.

However though, I would, as one individual on this Board, I don't want to see something like this on Consent. I think that this needs to come before this full Commission. That's me. Because if it's ever on Consent I'm going to pull it, as long as I'm on this Board, if good or bad. And it's not really all that bad, so I just think we should be proud of our audits and if there's something that we all need to learn from it this Board needs to learn from it too. But thank you all for all your hard work and efforts.

MS. MILLER: Mr. Chair, that point about the Consent. The actual approval was supposed to be on Consent and the presentation was supposed to be separate from that, because the approval is ministerial but the actual presentation of our findings was supposed

to be a separate item. So I apologize for that oversight, but it was not intended not to have it presented to you.

CHAIR MAYFIELD: Okay. Everybody knows I read my packet. Thank you.
Vice Chair Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I concur with the chairman's remarks. It's a building and learning experience and we just make sure we have it as a regular item in the future. So thank you for your work.

CHAIR MAYFIELD: Commissioners, with that we have a motion, I believe on the floor.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: And a second.

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

CHAIR MAYFIELD: Thank you for all your hard work, Ms. Martinez, and all staff.

MS. MARTINEZ: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think we can do some work on our agenda relative to timing and maybe helping do a broader presentation relative to the recognition of our adult detention facility, item 7.a.4 and 7.a.5, acknowledging our detention professionals as well as our risk management division. So I would move that we table items 4. And 5. To the next administrative meeting in February.

CHAIR MAYFIELD: I will second that.

COMMISSIONER STEFANICS: I'm fine.

CHAIR MAYFIELD: And there's no reason for discussion on that tabling motion.

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

CHAIR MAYFIELD: Great job to all of our folks out there. I'll just get that in there and we'll leave the suspense for everybody else listening. But we have one more item that was pulled, Commissioners. I don't know if this could be very brief on my part.

REC'D
CLERK
RECORDED
5/27/14
10:28 AM

2. e. **Resolutions**

1. **Resolution No. 2014-21, a Resolution to Extend the Contingent Acceptance of Entrada Calabasa, Also Known as Horcado Ranch Road, Located in Commission District 2, for Lesser County Maintenance for Up to One Additional Year and Approval of Standard Form 2800-14 Right-of-Way Grant and Temporary Use Permit [Exhibit 2: BLM Use Permit]**

MR. LEIGLAND: Mr. Chair, Commissioners, if you recall, almost exactly a year ago or actually a little bit further, in November of 2012 this Commission passed a new road acceptance policy and in that policy was included two new provisions to approve the policy. One was the ability to do what is known as lesser maintenance whereby a road needs to be brought up to full standards in order to be adopted and then in exchange for that, easing of the requirements that only have, say, a very limited suite of maintenance activity. And second it included a contingent approval. And so the contingent approval acknowledged that maybe all the rights-of-way needed to be transferred, maybe all the survey documents weren't necessarily [inaudible] but the County would still adopt it.

So at the second January meeting in 2013 the Commission adopted for limited maintenance on a contingent basis the subject road and it was said that we would work to get all the rights-of-way transferred to the County. That process has taken much longer than anticipated because the road itself [inaudible] to private landowners and it's been a really complicated process. So here we are a year later, we're asking for an extension to that because we feel we're very close to resolving the issues with all the various landowners. So that's what the first resolution is.

And then a key to that resolution, the key to settling the right-of-way issues is the transfer of BLM right-of-way to the County and that's what the Standard Form 2800-14 is, so that would transfer one of the two easements that BLM has with private partners to the County. With that I will stand for any questions. And Mr. Ross, correct me if I misspoke earlier.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez, please.

COMMISSIONER CHAVEZ: I just want to, for the record, point to the dais here and we have in front of us a map and another document, Adam, I think that will have to be part of the motion, because it's the right-of-way grant temporary use permit.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that is the Form 2800-14 I referred to.

COMMISSIONER CHAVEZ: Right. But this was not in our packet so the motion, I would imagine would have to include this document as well?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's correct. So you would vote to approve that document. Yes, sir.

CHAIR MAYFIELD: Is the map that was passed out to us earlier?

MR. LEIGLAND: Mr. Chair, that's correct. If you look at the map you'll see that there are two overlapping rights-of-way, both of them granted by the BLM to two different individuals. And so the BLM has broken those two tracts of land into two separate

2800-14 forms and so what I'm referring you is to what's referred to on the map as the Morris right-of-way, and then there's also the Kirschenbaum right-of-way which would be a separate application, so a separate process.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: If I could I'd like to make a motion to extend the contingent acceptance of the Entrada Calabasas, also known as Horcado Ranch Road and with that motion include the right-of-way grant to temporary use permit. And I would hope for a second then we could continue discussion.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: Okay. Commissioners, we have a motion and second on the floor but I did pull it because I had some questions. And my questions are serving my memory and I should have pulled the minutes from the last time we approved this. And again, I asked that we look at I guess conditional use of road acceptance in all Commissioners' districts, but I'm going to leave that right there right now. But Mr. Leigland, we also – and I'm looking at the resolution where we asked you all to do, and we asked you to, in the past resolution, we asked your office to work with BLM, correct? When we did this we said we were going to maintain this road or grade it at least once a year, correct? While you were working out the easements.

MR. LEIGLAND: Yes, Mr. Chair. The original deal is that upon the approval of this resolution, [inaudible] be good and the signs would be approved, but what subsequently happened was BLM basically said you can't do that. They did not – and I wrote these out first. So we intended to do some interim maintenance as soon as possible but the BLM came back and said, no, we won't approve that and at the end of the day that is their land. So we really haven't been able to do anything like we a year ago had intended to.

CHAIR MAYFIELD: So there has been no maintenance.

MR. LEIGLAND: No maintenance. We actually put up some signs, originally we renamed a sign. We put up these signs that make it look like a County road with the blue and gold and we put up a sign. Because their initial portion we had in this county, so we just moved the placard that says it's a County road, but even that was questioned by BLM. They felt like this contingent approval wasn't enough until the executed the documents that are before you today.

CHAIR MAYFIELD: But also we approved this limited road maintenance prior to our road maintenance policy that was adopted by our Road Maintenance Policy Board, correct?

MR. LEIGLAND: No, Mr. Chair, that was incorrect. The road adoption policy about this was approved in November of 2012 and this was approved about 2 ½, I guess two months later.

CHAIR MAYFIELD: Okay. My memory doesn't serve me correct. And we are only going to maintain this once a year?

MR. LEIGLAND: Mr. Chair, if you look in the resolution that's before you, if you approve it today I think we specify twice annual grading, signage and then on a case by case basis. [inaudible]

CHAIR MAYFIELD: That's fine. For how long? In perpetuity? Are we going to evaluate it every year?

MR. LEIGLAND: Mr. Chair, this resolution is before you just until we get the right-of-way issues solved, and then we'll come back to you with an action item in perpetuity [inaudible] County road.

CHAIR MAYFIELD: So what is this lease with BLM locking us into? They're giving us, what? A 25, 50-year lease? They have requirements on us with this.

MR. LEIGLAND: Mr. Chair, there are a series of stipulations and they are included in your packet. And is there a – Mr. Ross, I can't remember what the timeline is. The BLM stipulations are included in your packet, Exhibit A. So it just says we have to do some archaeological monitoring, some cultural resource and weed control, essentially.

CHAIR MAYFIELD: And again, my question though, and respecting this proposal and this has been a long-going issue, but my question is that this Board, at the time – I'll go back and pull the minutes. I'm going to want those minutes for the next meeting, is that we are asked to work at lesser roads in every one of our districts. And have you worked on that for other Commission districts?

MR. LEIGLAND: Mr. Chair, if you recall, the road acceptance policy starts with the applicants and they apply at the County. The state statute allows roads to be adopted by the County in two ways. One is a certain number of applicants, and the state statute actually says ten freeholders, or the Commission can come down and do it through, sort of, I guess it would be called a provisional order. So since that time there have been no more applicants. So we talked to numerous people; we talked to the people in the Arroyo Seco area, for instance, a number of times and they haven't sent in an application yet, so there have been no more applicants. This has been the only applicant under the new road advisory policy that was adopted in November 2012. Road acceptance policy. Excuse me.

CHAIR MAYFIELD: Okay. So I'll work with you on a provisional order because I thought that's where you and I were at with one of the roads in my district. But that's okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Leigland, I had several questions I recall last year when we had this discussion. My question specifically is in our policy, did we say a road could be adopted in an interim basis if the right-of-way issues were not worked out? Because my recollection is that we want to have right-of-way issues ironed out prior to accepting roads, so did we say that in our policy? Because basically, what we did is we granted acceptance of a road but really didn't have the legal right, if you will, to do that. So help me understand the sequence of events, because in essence we did that. We allowed a road to be adopted that wasn't done with the legal right-of-way issues.

MR. LEIGLAND: Mr. Chair, Commissioner Anaya, yes. The 2012 policy specifically allowed a contingent approval, which is what happened last year. And the contingency provision said it could be up to one year and it said while all necessary documents were being signed. So what was contemplated under that is the roads that would be adopted would be from, for instance, a homeowners association or a developer, and so it was anticipated that we approve a contingency. That would give us time to address the immediate concerns that led to that application but we could still not delay it because we were asking for a center-line survey or something else. So it was designed as a way to ease

the process and make it more friendly to an applicant. But it did say in that 2012 road acceptance policy that it would be for one year only.

In this particular case we didn't anticipate that dealings with the federal government, which is more complicated in this case would take so long. So we thought that – actually a year ago we thought we were quite close to it and we didn't think that a whole year would be needed. But we were in discussions with the BLM and we think we're very close. But to answer your question, yes. It was allowed in that policy, a contingent approval of one year, up to one year to make it easier for those applicants.

COMMISSIONER ANAYA: Mr. Chair, Mr. Leigland, refresh my memory. How many applicants – how many people are we talking about that signed the petition for this particular road? Because something tells me our policy speaks to the number of individuals on the road and the miles that travel the road and things like that.

MR. LEIGLAND: Mr. Chair, Commissioner Anaya, yes, a couple things. The state statute actually that governs this is kind of self-contradictory. It says either a certain percentage of people who live along the road, or – and the language is ten freeholders live within two miles of the road. So this application was submitted with a certain percentage of the people who live along that road, 60 percent of the people who live on the road submitted the application.

COMMISSIONER ANAYA: How many people was that?

MR. LEIGLAND: It was two signatures.

CHAIR MAYFIELD: Two signatures?

COMMISSIONER ANAYA: People.

MR. LEIGHLAND: So that met the 60 percent of people who live along the road. The other thing you asked is about vehicle miles traveled. That's when a road is submitted for adoption there is an evaluation process and one of those factors is the vehicle miles traveled, and there's a whole series of technical considerations. Those are actually – the Road Advisory Committee – state statute actually requires a viewing by public members. So the Road Advisory Committee is that viewing body. So in this case they did view this road and they take those factors, those technical factors into consideration.

COMMISSIONER ANAYA: That's all I have for right now, Mr. Chair.

CHAIR MAYFIELD: Mr. Leigland, as far as just prior discussion, is there low-water crossings on this road or would we have to do any capital improvements to this road or are we going to strictly grade this road?

MR. LEIGLAND: Mr. Chair, there are two low-water crossings that will probably eventually require capital improvements as I mentioned in the FIR. And then there's also a spot where we probably – the arroyo is approaching it, so if we want to avoid what happened on County Road 84 we may want to look at realignment. So we would put those on our CIP. And actually the intent, and we discussed it a year ago, was to create an assessment district to pay for those capital improvements.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Go ahead, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Leigland, was there some other purpose by which we were wanting to contingently adopt the road? Was there some other use that we had in mind associated with the road? Or was it simply the two people that wanted it

to be limited maintenance? Was there some other – I mean, help me understand and for the public edification, because two people were able to get a road adopted, or was there something else that I'm not recollecting from the discussion.

MR. LEIGLAND: Well, first, Mr. Chair, Commissioner Anaya, just I wanted to clarify that two people are just necessary to start the application.

COMMISSIONER ANAYA: Right.

MR. LEIGLAND: But if that road were adopted it does help to resolve a lawsuit that is further down that road that's been ongoing for some time. So it does meet a goal of the County again I think in solving some of the road issues in that area. As far as the – I don't have the full details on that particular lawsuit. I do know that if we were take this on it might help resolve some other issues that have been lingering for some time and we actually have been talking to those parties as well. They would like to see this happen for their own reasons but again, I'd have to defer to the County Attorney on the specifics of that particular case.

COMMISSIONER ANAYA: Well, that's okay. Do you know how many total people live on the road?

MR. LEIGLAND: Mr. Chair, Commissioner Anaya, I'm not sure. I think there are 44 parcels that use that road to access their parcels and they did a vehicle count; there was about 100 vehicles a day, which is higher than what we expected and actually puts us in line with most roads across the county.

COMMISSIONER ANAYA: Parcels, but not necessarily houses.

MR. LEIGLAND: I did an analysis through GIS. I didn't know how many were populated, the parcels.

COMMISSIONER ANAYA: Okay. Thank you. I think that helps me understand the road a little better.

CHAIR MAYFIELD: This is my last question. So going to the FIR, Mr. Leigland, so take me – you have a maintenance on the FIR, and you're looking at other operating for about \$6,000 a year. Is that a year? Recurring? You've got \$5,000 recurring and \$1,000 non-recurring. So where is, in this FIR, the – maybe Commissioner Chavez is going to be pushing out some his capital funds for design on these future low-water crossings. We haven't decided if we're going to permanently adopt this road. Maybe it will become a special assessment district area for two people or two residents and the ten that are, I guess, adjacent to it. But where are the dollars that you guys are anticipating to address these areas that are in need of 100-year floods.

MR. LEIGLAND: Mr. Chair, the decision before you is not to do capital improvements. The decision is to just do the maintenance and that's what's included in the FIR.

CHAIR MAYFIELD: But Mr. Leigland, I don't see in here where you're addressing – and maybe I'm just not seeing it.

MR. LEIGLAND: If you look in paragraph 3 of the FIR you'll see that I mention capital improvements. In the expenditure revenue narrative.

CHAIR MAYFIELD: So let's see. It's capital improvements on the road estimate to cost between \$500,000 and \$900,000 will be needed at some point in the future? When do we do that cost analysis? Is that a policy decision by this Commission?

MR. LEIGLAND: Mr. Chair, members of the Commission, when do we do a cost analysis?

CHAIR MAYFIELD: If we're going to adopt a road, I mean for services that we're going to be providing for a community or for residents on a community. When is it cost effective to do that for one or two residents living on a road versus 100 that I have that have been asking for a road to be taken over by the County?

MR. LEIGLAND: Mr. Chair, that's the purpose of the FIR, it spells out the financial implications.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioner Chavez, you – I don't know if you want to close, if there's another question.

COMMISSIONER CHAVEZ: Well, I don't know. There's a map – I did want to point to a map that was presented to us that kind of might give you a better picture of what might happen in the future if we decide to accept this or not. I don't know if it matters that one person or ten persons applied. I think that we would like to address the need. Now, Adam, if you would state again for the record, there is one applicant but there are more than will benefit from these improvements and this resolution that's before us.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's correct. The state statute, as I said allows certain people who live along the road to submit an application. That's standard as the state statute was meant, but more people than just the people who live along the road will benefit and so according to our Assessor database there are 44 parcels, some of them are very large, that access this road.

COMMISSIONER CHAVEZ: They are large parcels and so that's their due process. I'm trying to respect their due process and accommodate this request here, and I support staff's request. I support the resolution. This is something that I also inherited. Staff has been working on this for probably more years than I've been here, and so I'm just trying to include this in the work that I think I was elected to do. And so thank you, staff. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. Seeing no other questions there's a motion and a second on the floor.

The motion passed by majority 3-2 voice vote with Commissioners Chavez, Holian and Stefanics voting in favor and Commissioners Anaya and Mayfield voting against.

CHAIR MAYFIELD: And with that, I think we are off of Consent. Did you have something, Commissioner Holian?

COMMISSIONER HOLIAN: Mr. Chair, first of all I have a question, I guess about the agenda. Under Discussion, Information Items, and Presentations, Matters from the Commission. The first item, a. 1 is a presentation on Santa Fe's food plan. I noted that the people who are presenting that are not here yet. I think they were expecting that it would be much later, seeing as to the public hearing for the first ordinance was scheduled for 6:00 pm. So what I would like to ask is whether you might be willing to put that off until the next meeting. I will try to contact them, if that's possible, and we could put it on the next meeting agenda.

And then there's another matter as well. This is under the Presentations, under Discussion items, item b. 2 is the Corrections Advisory Committee biannual report presented by chair Frank Susman. I did talk with Frank this afternoon. He's waiting for me to give him a call to let him know when he might come to make this presentation, because it was a little unclear exactly when it would be. According to our resolution that we passed creating this committee we are scheduled to have a report in January but if we were to vote to put it off the next meeting that would be a possibility too. I just want to emphasize that Frank is ready to make the report but just given time considerations we might want to put it off.

CHAIR MAYFIELD: What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Does anybody have any input on that?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I thought his report was concise and well written. I don't know that we need to have a lengthy presentation from him unless there's some other communication he wants to provide. So I'd be fine either way.

COMMISSIONER HOLIAN: Well, what I would recommend is that I call him and ask him whether there was more that he wanted to add than was in the packet, but in any event that we put it off until the next meeting, if that's okay with the rest of the Board.

COMMISSIONER CHAVEZ: Do you want to make a motion to that effect?

COMMISSIONER HOLIAN: So moved.

COMMISSIONER CHAVEZ: I second that.

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

COMMISSIONER HOLIAN: I will give Chair Susman a call then and also I will investigate as to whether we can put off the presentation on the food policy plan.

CLERK SALAZAR: Mr. Chair, point of clarification. Item 2.e.1 was approved with a vote 3-2. Am I correct?

CHAIR MAYFIELD: Yes. Commissioner Anaya and myself –

CLERK SALAZAR: We didn't do the formality with regards to opening Resolution 2014-21 to public comment.

CHAIR MAYFIELD: Okay. So we'll reopen that up. Is there any public comment on – let me just read that back in. Give me just one second to go back there. So can I have a consideration to open that for public comment, Commissioners?

COMMISSIONER STEFANICS: I'll move to open that back up as having voted in the majority.

CHAIR MAYFIELD: Thank you.

COMMISSIONER CHAVEZ: I don't know that there's a second but they already left, Mr. Chair.

CHAIR MAYFIELD: Fair enough.

RECEIVED
JAN 29 2014
SANTA FE COUNTY
CLERK OF BOARD OF COMMISSIONERS

COMMISSIONER CHAVEZ: Let's go ahead and go through it. I'll second the motion.

CHAIR MAYFIELD: And Clerk Salazar, would you read that resolution number please?

CLERK SALAZAR: Resolution No. 2014-21, a resolution to extend the contingent acceptance of Entrada Calabasa, also known as Horcado Ranch Road, located in Commission District 2, for lesser County maintenance for up to one additional year and you voted 3 to 2.

CHAIR MAYFIELD: Is there anybody who cares to offer public comment on that? Seeing none, knowing that there were some individuals here, if they care to make public comment at the next meeting I will afford that.

COMMISSIONER CHAVEZ: Mr. Chair, the only thing I would add is that the motion did include approval of a standard form 2814 right-of-way grant and temporary use permit. That's the BLM form.

CHAIR MAYFIELD: Yes.

CLERK SALAZAR: Correct and for the record the County Attorney will be working with Adam to include the total exhibit that needs to be in this record. There were some pages missing. So we will make sure that the record is complete.

CHAIR MAYFIELD: Thank you. And that was a motion of 3-2.

CLERK SALAZAR: Yes. Thank you.

4. MATTERS OF PUBLIC CONCERN

CHAIR MAYFIELD: So with that we're on Matters of Public Concern for the fourth of fifth time and I know Jay has been sitting up in the front row so I'm going to ask him to come on up and anybody else, please.

JAY COGHLAN: Thank you, Commissioner Mayfield and Commission. Given the time constraints I'll try to be mercifully brief. I'm Jay Coghlan with Nuclear Watch New Mexico. I'm here essentially to petition the County Commission to consider and pass a resolution calling for a comprehensive cleanup at the Los Alamos National Laboratory. I would first of all note that resolutions have been passed by the cities of both Santa Fe and Taos and also the County of Taos. I've given the chairman of this Commission a copy of the Taos resolution. I would argue that it's highly relevant to Santa Fe County. After all the county is contiguous to the laboratory's largest radioactive and toxic waste dump that's known as Area G.

More importantly, we all share a common groundwater aquifer, all 270,000 people throughout Santa Fe, Pojoaque, Tesuque, Los Alamos, Española, etc., etc. Now the resolution that I would like the County to consider calls for first of all, full characterization of the wastes, which are not fully understood to begin with. [inaudible] at the laboratory will essentially maintain that no action is required and in fact the laboratory proposes to cap and cover one million cubic meters of waste that's both radioactive and hazardous backfilled in unlined pits and shafts. And the range of contaminants present in this dump known as Area G is staggering. Virtually all of the known nucleides – after all, Los Alamos is a research

laboratory, so it has radioactive constituents from A to Z, but of course the radioactive element of most concern would be plutonium.

And contrary to the laboratory's arguments that essentially there's no danger posed by this dump it's already known that a solvent plume has migrated approximately 250 feet below the surface, and I remind you all that groundwater is about 800 to 900 feet. So in half of a century we've already had the migration of contaminants close to a third of the way to groundwater.

Historically, I try to put this politely, but the public here should not take the laboratory's word or have a lot of faith in their pronouncements. As late as 1996 the laboratory was maintaining that groundwater contamination was flat out impossible because the volcanic tuff overlying groundwater, in their words, was impermeable. We know that is no longer true and the New Mexico Environment Department has documented on the order of 20 contaminants that have reached groundwater.

One particular aspect that I want to point out, in building the political momentum towards comprehensive cleanup at the laboratory is in this particular case or this particular issue, we're talking about serious job creation. And there is presently a rudimentary effort at this dump to clean it up and it is due to end come this June. But as an indication of the number of high paying jobs that could be obtained, this particular effort is already employing 400 people and in effect, this resolution is an argument for just continuing to maintain those jobs.

I want to close with just observing that if there is a successful effort to essentially block the laboratory's proposal to just cap and cover all of these wastes and instead go after it, it would be a real win-win for New Mexicans, permanently protecting the environment, permanently protecting groundwater and the Rio Grande while at the same time creating hundreds of well paying jobs. So again, I petition the County Commission to consider this proposal, this resolution to hopefully pass it along with your collegial local governments that have already done so – this cities of Santa Fe and Taos, and the County of Taos. I would be really pleased to answer any questions now or in the future. I'm easily findable if you just google for Jay Coghlan and you can email me, you can call me, and again, I'm ready to answer any questions. So thank you for this opportunity.

CHAIR MAYFIELD: Thank you, Mr. Coghlan and thank you for staying with us all afternoon. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Coghlan, I appreciate the comments and the feedback. I don't want us to get into a discussion today but I do want to pose this question that maybe you can provide me some feedback on and those that have the same concern as you do. I share a concern for assuring that waste is appropriately disposed of. But I also in the same vein with maintaining the economic jobs that the engine that the laboratory is continues to have and that we support our labs and our military installations as two primary mechanisms that provide very high paying and needed jobs in the region as well as the safety and security aspect that they also afford us, not only in New Mexico but in the country.

We're in a time of closures and reallocation of federal resources and I ask you to go back and think about what I'm asking and help us to figure out strategies that complement one another and aren't one in place of the other. And that's my concern. And we don't need to get into it today. I just want to tell you that I'm very concerned about the issues you bring

up but I have the same concern that we not walk away from our national laboratories in New Mexico, and that we do everything we can to sustain those institutions, the national lab in Los Alamos, Sandia, as well as our military installations in New Mexico, but do so in a responsible manner.

Caring for and taking care of waste issues but not doing one or the other at the expense of the other. And it concerns me and there are states in this country right now that are looking for opportunities to close bases or close labs and take them into other states and New Mexico can ill afford that in my opinion. So I think we have to figure out how do we balance those and how do we sustain the work and also maintain the environment and clean areas as well.

MR. COGHLAN: Well, thank you for raising that, Commissioner, and I really am in effect arguing for augmenting programs at the laboratory. My organization argues for the doubling of cleanup funding at Los Alamos from roughly to \$200 million a year to \$400 million. I would point out that the laboratory's nuclear weapons programs are not creating new jobs. The \$6 billion proposed plutonium facility that's known by the acronym CMRR, by the government's own environmental impact statement, is not going to create a single new permanent job because it merely relocated existing laboratory jobs. And that's pretty sad for \$6 billion. When you take the whole picture it was going to produce on the order of 400 construction jobs for nine years, but I think that's pretty pathetic for a \$6 billion taxpayer investment.

Again, I've already pointed out that an existing limited project at Area G is currently employing 400 people but it's due to end this June and in effect, I'm arguing for continuing, if you care to call it, this job program, that again is a win-win, protecting the environment and creating jobs.

CHAIR MAYFIELD: Thank you, Commissioners and Mr. Coghlan, thank you. You are in Nuclear Watch and all of them. Every other advocacy group that comes to make presentations is very much appreciated. One other board that I serve on on an individual capacity is the New Mexico Citizens Advisory Board. I'll be very brief, Commissioners. I know we have a big audience here but I am going to take a few minutes. Just to let everybody know really quick, as far as the CAB, they're meeting – oh, I don't know what day of the week it is right now. Tuesday. We're meeting Thursday the 29th from 1:00 to 5:00. Jay is very well at this meeting. And that will be here at the Lodge of Santa Fe. It's a public meeting. The CAB is public to everybody else. That will be from 1:00 to 5:00.

I don't know how much depth they're going to go on with specific Area G but they have a lot of information out and they have a website. It has very pertinent information to this discussion right here. I just want to bring that out so everybody can get any information about this. Because there's other issues that surround the laboratory that are very important to us, important to this Board. Potential – not potential – there's chromium issues up there that are migrating on different sites that would affect our water supply or that could potentially affect our water supply at the BDD.

I appreciate Mr. Coghlan's resolution that he has brought forth. Mayor Coss and the City of Santa Fe have championed this resolution. Mayor Cordova with the City of Taos and Andrew Gonzales, Pro Tem has championed this resolution and also Commissioner Blackinghorn who sits on the board that you are all familiar with that I'm a designee of is the

Regional Coalition of Los Alamos Communities, from the Town of Taos, along with their board has also championed – and they're all similar resolutions. They may vary in language a little bit – has championed a similar resolution.

But one thing, Commissioners, and again, not saying that I'm opposed to this by any means and me and Mr. Coghlan have spoken on this extensively, but there still is a lot of different cleanup issues related to the lab and characterization, discussions that also happen is definitely the cap and cover discussion. But if this waste, when it is pulled above ground with the characterization, well, are we just going to leave it above ground? Are we going to move it somewhere? Everybody kind of knows the discussion of it. Well, is it going to move to WIPP? Can WIPP even accept such waste? Or is it just going to be pulled up above ground? So those are all discussions that are very pertinent to this, that I just think it really does need to be a meaningful, comprehensive discussion. I appreciate what Mr. Coghlan's bringing to the table. But all of that needs to be encompassed I believe, in this discussion, and I have no problem of doing that and I just want to make sure that if we would – if I'm part of it – I'm saying if we would; the Commission can take any action they want, with or without me and they do it every day as you've seen, Jay, today, that I just would be part of that discussion and we would have a very comprehensive piece addressing all of those matters.

Because Area G is very important I think to mitigate. I believe it needs to be properly characterized, but I think there's also other areas that need attention and right now, and I think I've stated this to the Commission but we're looking at the environmental side on the proposed budget is looking at \$225 million proposed right now from the president – as a matter of fact he's probably speaking right now – \$225 million on both sides of the House right now for environmental cleanup going towards our laboratory up on the hill. And this is proposing or requesting, I think \$6 billion. And we have a lot of sites that we have to clean up and I'm by no means opposed to this and we have had this discussion. We spent two hours I believe, yesterday, talking about this.

So I just wanted to throw that out there, Commissioners and by no means am I trying to stymie this.

MR. COGHLAN: As a scheduling matter we should check but I believe that Citizens Advisory Board meeting is tomorrow.

CHAIR MAYFIELD: Well, I'll tell you right now it's the 29th, so what day – you're right. It's the 29th, so today's the 28th, so it's the 29th. I don't know if I'm coming or going.

MR. COGHLAN: Well, thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you for bringing this and we will be talking. Thank you, Commissioners.

Commissioners, just a housekeeping matter. Well, I don't have a housekeeping matter. Is there anybody else who wishes – welcome there, Mr. Gonzales. And also is there housekeeping matters, anybody care to offer public comment because there's a lot of people in the audience right now, unless you're here for a specific agenda item. Any general matters for the Commission? Seeing none, let's just do some housekeeping, Commissioners.

We are now on a point of the agenda – let me just see where I'm at – Commissioner Holian, can you just update us please on what we have – conversations you have had of what we're moving off of our agenda?

COMMISSIONER HOLIAN: Thank you, Mr. Chair. We are postponing two of the presentations. Item 6.a.1, which is a presentation on Santa Fe's food plan, and we are postponing 7.b.2, which is a report of the Corrections Advisory Committee, to be presented by Chair Frank Susman.

CHAIR MAYFIELD: Thank you for having those conversations, Commissioner Holian. Commissioners, knowing that we have a huge audience out there, knowing that you all will hopefully not kick me if I don't take a break.

COMMISSIONER HOLIAN: At least a five-minute break.

CHAIR MAYFIELD: I'll do a little better than that.

COMMISSIONER STEFANICS: Mr. Chair, we're only having a public hearing tonight, not voting, so we could take a five-minute break, come back and have the public hearing, and then do our other work afterwards.

CHAIR MAYFIELD: Thank you, Commissioners, our five-minute break, and public will probably end up to be about a ten-minute break, so we're just going to break until about 20 after six please.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would request that we defer any discussion on the staff monthly reports. I know we're going to have a report from the County Manager, but on the monthly reports that we go ahead and defer those unless there's specific questions, just so staff doesn't have to sit through – unless there's something that you have to take care of with that.

MS. MILLER: Mr. Chair, Commissioner Anaya, those were just in there for your informational purposes. If you had any questions they weren't planning on doing presentations, so if there aren't any questions to those we can let the staff that would be here for questions go.

CHAIR MAYFIELD: Fair enough. I have some Public Work questions but I can follow up with Ms. Miller and our Public Works Department.

MS. MILLER: And Mr. Chair, the other staff from the Manager's, as far as citizens survey and the public work updates, I believe that Adam will be here for that and Carole will be here for that anyway.

CHAIR MAYFIELD: Thank you. So we'll be adjourned until 20 after, but punctually 20 after, please.

[The Commission recessed from 6:05 to 6:35.]

5. PUBLIC HEARINGS

a. Ordinances

- 1. An Ordinance Establishing a Living Wage within Santa Fe County; Specifying Employers Subject to the Living Wage; Making Findings as to the Necessity of a Living Wage; Establishing a Prohibition on Retaliation for Reporting Violations of the Living Wage; Providing for Remedies and Penalties; Specifying Enforcement Officers; Providing the Process to Be Employed Upon Complaints of Violation; Establishing Severability; and Providing an Effective Date (First Public Hearing)**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. And since the last meeting, Commissioners, there is an amended draft that's in your books. We have – the two co-sponsors have deleted some sections and added some clarifying language that Rachel thought was necessary. One is the National Citizens Survey, special topics, *[Exhibit 3]* and if you remember, Santa Fe County paid to be part of this national survey and it's in our book for a later presentation this evening. But I asked if we could include a question on the minimum wage/living wage, and I wanted to share this page because I thought it was very relevant.

There were 3,000 people who were polled and 31 percent responded, which is considered a good percentage for a survey. And 47 percent strongly support and 28 percent somewhat support the County minimum wage becoming the same as the City's minimum wage. Then there are some other options that are provided there, but I wanted to show you that.

The other thing is all of us who attended the New Mexico Association of Counties meetings heard from an economist, Stephen Kiser from the FDIC from Dallas and he presented some regional information. *[Exhibit 4]* And he indicated, and I gave you this handout that a low wage was \$650 a week. We are not even proposing anything near that. We're proposing \$10.50 or \$10.66, whatever ends up being the final decision. But that's approximately \$420 a week. So the low wage that's in this report is a regional amount that he presented. So I just wanted to put that out as a basis for some of our discussion and Mr. Chair, I think the other co-sponsor has some things to say. And I'm finished.

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

COMMISSIONER CHAVEZ: Yes, thank you, Mr. Chair. What I would like to do at this time and I hope it's appropriate. I know that it's easy to support a living wage. I think it's the right thing to do but I want to draw a distinction between the living wage, which is being proposed now in the draft that we have at \$10.50 an hour, and those employees that are tipped employees. Because we have a living wage that's suggested at \$10.50 an hour, but then when it comes to tipped employees they have a base wage. Our base wage is being proposed at \$5.25, which is half of the \$10.50.

The comments and statements made about the County Commission making this ordinance like the City of Santa Fe's ordinance, but I would have to say that it is similar but it is different from the City's living wage ordinance. And where it's different is in the base

wage. The base wage in the City's ordinance, I believe is \$2.13 an hour. And so this is what I am focusing more of my attention, the tipped employees, those employees that are serving us at our tables when we go out to eat. I don't think those employees have the same guarantee that others have to earn that living wage because if the base wage and the tips do not get to the living wage, what happens? Does that restaurant make up the difference or not?

In our ordinance I'm suggesting that the establishment make up the difference so that when that person works that shift they know that they have – they have a better guarantee with the base wage at \$5.25 and knowing that if the tips are shorted the establishment will make up the difference. And that language is in this draft and so I hope that that is supported by my colleagues and by the community and certainly by the businesses that invest in their employees. Thank you, Mr. Chair.

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

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I feel that the County's living wage should be consistent, that is, identical with the City. I think it helps reduce confusion on the part of business owners and workers. Now, I'm talking about the living wage, not the base wage part. I realize that there are facets of our ordinance that are different, but the actual amount of the living wage really should be the same as the City.

Now, given when the ordinance probably will take effect, that amount, I think, would be \$10.66 an hour. Maybe \$10.65; I'm not sure, but the latest number I heard was 1066. So I think we should add wording to the effect that when the City's living wage increases the County's wage will follow suit. So my question to the other Commissioners is are you in agreement with that?

COMMISSIONER CHAVEZ: Mr. Chair, if I could, I would like to respond to that, and I was remiss in my comments earlier because I think that both the living wage and the base wage should be tied to the Consumer Price Index and I think that's where you're going.

COMMISSIONER HOLIAN: Commissioner Chavez, yes, and it's also a matter of timing.

COMMISSIONER CHAVEZ: Right. So I do agree with you on all the points that you raise and I just wanted to highlight the fact that both are pegged to the Consumer Price Index.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair and Commissioner, I'm not opposed to that.

CHAIR MAYFIELD: Thank you, Commissioners. Seeing no other comments from the Commissioners, and this is a public hearing and has been read in, let's just go after some procedural housekeeping issues. I know that we're starting a little later than how we had this noticed, and there are some folks that have indicated they have some prior time commitments, so just by a show of hands, who would like to comment on this proposed ordinance tonight please? There's not too many that would like to comment. So with that, we'll kind of move up the clock to three minutes. I'm a pretty liberal person with the clock so if you run over you may hear a buzz or something from Mr. Sisneros, but I'll probably let people run over a little bit. I just respectfully ask that if somebody has made a statement or

comment that you not repeat that same comment and maybe have a different comment. Anybody can defer time to anybody if they care to, and I have no problem if a proponent or opponent, if we go in or out of order, so whoever cares to come up to the podium first, just please state your name for the record, clear and concisely and come on up, please. And I guess I would just ask respectfully, if anybody has a time commitment, they just let folks come up to the podium first.

RABBI MARVIN SCHWAB: Mr. Chair, Commissioners, I'm Rabbi Marvin Schwab of Temple Beth Shalom here in Santa Fe. I live in the county not the city. I'm actually here in a dual role because I'm representing Reverend Holly Beaumont who had to leave because of a previous time commitment. She asked me to share with you an interfaith worker justice open letter to the legislature on this issue, which also is here for the County and we'd like to put in our own statement that in the five books of Moses we're told that we are to be holy because God is holy. And the key to that holiness, among other things, seems to be to be honest in our business. And we're told that we're not allowed to keep the wages of the worker overnight.

So this idea of our own holiness being connected to the way we treat our workers is integral to the religious tradition of – I see the clock is going – of the three Abrahamic religions. So as the 2014 legislative session gets underway we the undersigned faith leaders representing religious traditions from across our state are compelled by our convictions to express our concerns regarding the challenges facing our state. In 2013 the annual Kids Count report ranked New Mexico last in the United States in child well-being, slipping down from 49th in 2012. An estimated 40,000 New Mexicans seek help from a food pantry or food bank every week. Among those 40,000, 54 percent said they must choose between paying for food and paying utility bills.

Our state minimum wage is \$7.50, when it takes \$14.42 an hour to afford a modest two-bedroom apartment. At 22.2 percent New Mexico has the highest share of poor people of any state and income inequality in New Mexico is now the worst in the nation. Clearly we are poised at a crossroads and must choose a new direction. We all share the responsibility to lift our children and families out of poverty and dependency and allow them to recover the dignity of self-sufficiency, whether we are the government, legislators, County Commissioners, voters or faith leaders. The words of the prophet Amos echo across the ages tell us to let justice roll down the waters and righteousness as a mighty stream.

In the gospel according to the Matthew Jesus knows that nations as well as individuals will be judged for "what you do to the least of these, you do to me." The Rev. Dr. Martin Luther King embraced the biblical truth that we are caught in an inescapable network of mutuality tied to a single garment of destiny. What affects one affects us all, for we are our brothers' and sisters' keepers. I've asked you to please consider and pass this legislation so that workers can earn what is euphemistically called a living wage, because we know that it's still not enough but it's a step, and we ask you to take that, from your hearts, for the good of our community. Thank you.

CHAIR MAYFIELD: Rabbi Schwab, thank you. Who's next, please?

TARI NIX: My name is Tari Nix. I'm the organizer for the Santa Fe Living Wage Network and Working America here in Santa Fe for the last six months. First of all, thank you, Commissioners, for taking time to hear this ordinance. We wholly appreciate it.

So humor me. I do want everyone here in support of the living wage to raise their hands. I think we can see that we have a lot of support. Not everyone is going to speak to not take up so much time, but I do want you to understand who the Living Wage Network is. We are a group of organizations, non-profits, campaigns, all political spectrums and volunteers across the entire county who have worked diligently to collect over 6,000 signatures in support of a living wage.

The people that sign these petitions all agree that the county living wage should be just an extension of the city living wage. It is more than just a better paycheck for the hourly employees residing outside the city limits; it's about setting a precedent in New Mexico, valuing our workers and a reinvestment in communities that happens by increasing the living wage. I've spoken with most of you about my interaction in the communities. I've got to Madrid who has kind of an unspoken rule of \$10 an hour already. Eldorado, the supermarket and all the businesses surrounding it, for the large part pay at least \$10.50 an hour if not more.

Up north, at the urging of Commissioner Mayfield, I called at least 40 businesses and found an overwhelming support, minus a couple mom and pop shops that would not actually be impacted by the ordinance. I will say that this sets a precedent, not only for Santa Fe, not only for New Mexico but for the counties around you. We have had people reach out to us from Rio Arriba as well as Los Alamos County who intend to do exactly what you're doing here today. So what you do here matters and we thank you for the time to speak and if you have any questions I'm always available to answer them. If you'd these petitions I'm happy to drop them off as well.

CHAIR MAYFIELD: Thank you, Ms. Nix. Yes, I would like those to be at least give to the record. Thank you. I don't think the Commissioners have any copies of them. Whoever cares to come up next, please. Mr. Brackley, please.

SIMON BRACKLEY: Thank you for the opportunity. I'm Simon Brackley. I'm president and CEO of the Santa Fe Chamber of Commerce. We represent over 900 businesses in the Santa Fe city and county area. Just as a point of order, you were speaking about the City ordinance being tied to the CPI. My understanding is that that's not exactly true. The ordinance specifies that the wage mandated in the city will never go down, even if the Consumer Price Index drops in the city, the mandated wage does not go down. So I think it's just one way in the city.

I've emailed you a report, a white paper that the Chamber did produce outlining some of the consequences of the mandated wage in the city and I also sent you a list of over 100 businesses who have closed in the past few years. This is not, of course, entirely because of the mandated minimum wage, however, it is intended to give you a sense of how vulnerable small businesses are in our community. We would ask that you would maintain your authority to review this issue in the future, give yourselves the freedom to look at the local economy on an annual basis, and make good decisions based on the data available, whether it's cost of living index, unemployment rates and other data. We would support an annual review of the wage, whatever you decide tonight, but we would ask that you maintain your authority to maintain an annual review to determine the conditions in the local economy and make your decision based on that information. Thank you.

CHAIR MAYFIELD: Thank you, Commissioners. Just one question for everybody in the audience who's making comments. The Commissioners may have questions as follow up procedure. We usually ask everybody to present. So if you're going to leave we may not be able to follow up with you with a question. So just so everybody's aware of that. So whoever cares to follow.

SAM BOWLES: Commissioners, thank you for allowing me to speak. My name is Sam Bowles. I'm an economist. I work at the Santa Fe Institute. My specialty is the field of labor markets, wages, and employment, and in the course of my career I've had the honor of being asked to advise Robert Kennedy and Martin Luther King and Nelson Mandela on matters of economic policy. So I bring to this discussion a lifetime of study and research in this area. I've spoken to bodies like this around the state and the legislature, City Council, as many as 12 years ago, I think.

At the time I spoke I supported the increase in the minimum wage. I thought there was good economic arguments for it. But I did say in my testimony that the majority of economists probably didn't agree at the time. It was almost a textbook example at the time that the minimum wage of course would reduce employment. A lot's changed in economics since then. A lot of new research has come on line. And what's interesting for us here tonight is that the kind of research that has really changed things in my profession, among my colleagues is exactly what we're considering tonight here.

We have studies which compare counties which are adjacent, some of which have minimum wages and some don't. In some they've gone up and some they have not. And this has allowed a very intensive study of places which allow us for example, to study fast foot establishments on one side of the street and on the other, which happen to be on a different side of a city or county or state line, to see what happens when one of those entities raises the wage.

And I think I can summarize accurately a study which is perhaps surprising to economists of my age who thought it was a truism is that very little happens at all. These studies show that there's very little – in fact most of the studies show no effect on employment at all. The studies I'm referring to are the studies that President Obama referred to when he first proposed the \$9 increase.

Now, economist have changed. Maybe you think that the facts don't really speak to people who are engaged in a lifetime of research but we have changed. A recent poll by experts in economics, the experts were selected by the University of Chicago School of Business. I think most of you know that's a rather conservative organization. This group of experts now, when asked did they think that a minimum wage of \$9 an hour – they were referring to Obama's plan – would make it appreciably harder for low-wage people to find work. Only a third of the economists polled, selected by the Business School of Chicago, only a third said that they agreed that it would make it more difficult.

And then they were asked what did they think about this as a matter of policy. Should it be supported or not? 47 percent supported it and only 11 percent opposed it. Now, I think that's – there's a message there. New research has come in. We've already seen it here in our city. We've done something marvelous which has made us quite a famous city around the country, and we've reaped the benefits. And I urge you here to consider this proposal favorably. Thank you.

JAVIER GONZALES: Good evening, Mr. Chair. It's been a certainly long day. It's good to be here and members of the Commission, thank you for considering this important piece of legislation before you. I stand in favor of the living wage ordinance before you as it is in the city. I want to thank Commissioner Chavez who was also part of the efforts at the City to bring about a living wage. I think it's important that we put things in context and what's happening here in Santa Fe and it's throughout certainly New Mexico. Thirty-three percent of our kids, as we've seen, are persistently hungry. 43 percent of the children in New Mexico are raised by single parents. When you look at the real wages in Santa Fe over the last four years they've gone down by an average of four percent. If you taken into account inflation the impact on working families has been even greater.

The opportunity for Santa Fe County to pass a living wage isn't going to be, if you do, is not necessarily the silver bullet that working families need but it's the right step. It's a statement of our values and making sure that every family that works in this county is going to be paid a living wage, that they're going to have dignity and respect in the wage that they're earning on a daily basis. And I think that's important for our community, certainly, when it comes to a statement of values. But there's more work that we have to do as policy makers. We need to make sure that we create upward mobility for families, because in my view, the living wage is a start; it's not meant to be an end.

So we need to make sure that families when they start at that living wage that they have that upward mobility, that they have an economy that's going to allow them to rise through the ranks and they'll have the skill sets. So that means as policy makers we need to diversify our economy. We need to have access to good paying jobs. We need to focus on delivering housing in the community for the workforce in this community.

And so I want to make sure that we all recognize that mere movement towards approving the living wage is very much a statement of the values of this county, but it's also giving families that belief that we recognize that \$7.50 an hour – there's no dignity in earning that per hour when the cost of living is so much more. And families' needs are so much more. And a family shouldn't have to work full time and still live in poverty.

So I hope you will pass this ordinance and that certainly look at ways that we can develop employment skills in our community so that we can create that upward mobility, that we work to diversity our economy and give families an opportunity to raise their families much the way we were raised here in this community. Thank you.

RAYOS BURCIAGA: [as translated by Alma Castro] Good afternoon. My name is Rayos Burciaga and I come in representation of the United Workers of New Mexico, a project of Somos un Pueblo Unido.

YOLANDA RIVERA: [as translated by Alma Castro] My name is Yolanda Rivera and I come representing the Workers Committee at Santa Fe Tortilla.

LILIA LOPEZ: [as translated by Alma Castro] My name is Lilia Lopez and I am a worker at Santa Fe Tortilla.

YOLANDA GALAVIZ: [as translated by Alma Castro] My name is Yolanda Galaviz and I am also representing the Committee of Santa Fe Tortilla. We represent over 70 employees and we are here asking for a raise in the minimum wage. We have collected over 2,000 petitions and we have calculated that the raise would give us about \$200 more a month,

which would help us feed out families, because we're barely making ends meet and pay our bills as it is, so we really ask for your support and for your help. Thank you very much.

COMMISSIONER ANAYA: There's been several comments about Santa Fe Tortilla. Do they fall in the annexed area? Are they still going to be in the county after annexation?

MS. CASTRO: They'll be in the county after annexation. The annexation goes up to Governor Miles and they are about, maybe half a mile outside of the city limits.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

TOMAS RIVERA: Commissioners, my name is Tomas Rivera. I am here representing an organization called Chain Breaker Collective. We are an economic and environmental justice organization. We have over 300 dues paying members here in the city and in the county. We are mostly focused on transportation issues for the last ten years. We are here in support of the [inaudible] today because most of our members are working people and tell us how hard it is to make ends meet with the current minimum wage level that it is outside of the city limits.

What we see is the dynamic of a lot of people being pushed out of the city because they can't afford to live here and move into areas of the county and having to commute. So they get stuck in a cycle in which they have to drive. Right? Because there's not a lot of public transportation that can bring people in. What we see there especially where folks are living outside in the county they're taking jobs inside the city so that they can make a higher wages and make ends meet. Therefore they're sort of stuck in that cycle where they're paying more for gas, they're paying more for transportation costs, and it's really draining more out of their pocket than if they were just making the minimum wage than they would be making in Santa Fe.

Our members are displaced all over the county. Some of our members commute 30, 40 miles just to get to work. Some of them do that on bicycle, believe it or not. So our members are staunchly in support of this and we've been working with the organizations here today, Working Americans, Somos un Pueblo Unido, gathering petitions and helping raise the 2,000 petition signatures that they have there and really gather testimonials of people about how this is going to affect their daily lives. It's not just an issue of transportation; it's not just an issue of working justice. When we talk about that level of displacement we see people having to commute from the 30 miles, the 20 miles, the 15 miles, it's also an environmental impact that we see in that.

So we want to encourage you to support this minimum wage increase. We want to see it strengthened. We would also encourage you – sorry. I'm also from an organization for the Santa Fe [inaudible] Work. We want to pass this law in the city law. One of the things we did see is a lot of issues with enforcement after the law was passed. We'd encourage you to look into some strong enforcement policies to work into this to make sure that in the future there's not going to be any more issues coming up. So thank you very much.

JUAN CARLOS DEOSSES: [inaudible] New Mexico Dreamers in Action, also a member of Somos. And I want to share with you my story as one individual living in Santa Fe for 17 years working my way up both in the city and the county, working minimum wage jobs and beginning my educational career. I worked in those restaurants, I worked in those jobs and the young people that I work with are primarily high school students and middle

school students and college students who are working very, very hard to have an equitable life style in the City of Santa Fe.

We did believe that with our education careers and that living in Santa Fe that all people should have access to just an equitable living wage. So we ask you to please make the right decision and the right stand in support of this ordinance and extend the living wage to Santa Fe County. We really hope that you can support our young people who are really needing to take the leadership in this and support it and have a living wage in Santa Fe County.

NADIA SANDOVAL: Good evening, Santa Fe County Commissioners. My name is Nadia Sandoval and I'm 17 years old and I am a worker. I'm here on behalf to support all 18 and younger workers and I would like to share why I am in favor of this personally. I am a – I have seven siblings and a single mother that supports us. She recently lost her job. There are three of us including myself, including two of my brothers that worked to try and support my family. I feel like it is very important. I'd like to kind of comment on what you said, Commissioner Chavez, as far as the waiting or tipping wage. We do get paid \$2.31 an hour and there are days when we only walk out with \$40 a day. It could be on a 12-hour shift, being that it was really slow. I feel like the wage in Santa Fe, in the county is not as high as it should be to live and survive off of. In conclusion, I would like you to support raising the county wage. Thank you.

CHAIR MAYFIELD: Thank you, Ms. Sandoval.

WILLY MARTIN: Good evening, County Commissioners. My name is Willy Martin. I'm a member of Real Work in America. I'm one of the folks in Working America that worked very hard to gather signatures in order to make the Santa Fe living wage ordinance a reality. I am also a film worker and I'm very proud that the first movies that have been filmed in New Mexico. As a background performer I am also very aware of the long hours and work one puts into movies as an extra. My peers and I feel that our hard work deserves fair pay and the passage of the living wage ordinance will do that for film workers, an industry that is very important for the identify of New Mexico. Our gain would be the gain of the community, as with the higher pay we will be able to put more money into the economy. Thank you. Willy Martin.

CHAIR MAYFIELD: Thank you, Mr. Martin.

EDWARD STEIN: Good evening. My name is Edward Stein. My wife and I live in Park Plaza. We've owner our home in Park Plaza since 1990. Both of us are now retired and for me, minimum wage, living wage is not – I'm not affected by raising it because I'm retired. However, the young woman who spoke a couple of people before me spoke eloquently to why the living wage is a necessity as a first step to pay people a fair amount of money for their labor.

Now, no one believes that the present federal minimum wage, or the county minimum wage is sufficient to feed and clothe families in Santa Fe County. No one believes the federal minimum wage sufficiently compensates the wage earner for the work that that wage earner does, whether it's in a restaurant and whether or not it's in a shop or anywhere else in Santa Fe County. I'm tired of subsidizing corporate America by my taxes who take our young workers and older workers who have to feed and clothe their family, can't take off time to take care of a sick child or a sick relative. I'm tired that they have to get food stamps, which

comes out of my taxes. I'm tired of corporate welfare and a minimum wage that meets the living wage is a first step to ending that corporate welfare. Five more cents for a cup of coffee or paying the franchisee a little bit more instead of the CEOs lining their pockets, McDonalds and so on, is not fair.

I should not be, as a middle class American, numerous middle class Americans and the people in this room should not be paying money in their taxes to allow corporations to exploit our workers in Santa Fe County. Thank you.

CHAIR MAYFIELD: Thank you Mr. Stein.

STAN ROSEN: Thank you for giving us an opportunity to speak on this issue. I will start by commending the Commission for proposing and hopefully adopting by majority vote, total vote this piece of legislation. My name is Stan Rosen. I'm a retired professor of labor and industrial relations and I've also work with the labor movement my entire life. I want to say that there is a very simple economic concept – I appreciate the comments made by the previous speaker. It's called effective demand, and effective demand says when you give people money they spend it. Very simple and if the business community doesn't understand this I think we ought to start a basic economic course.

I also want to say that I had the pleasure today of talking to a business who doesn't like publicity who told me that he's in favor of the living wage. He gives his workers a week vacation a year, he gives them a bonus at the end of the year, and he gives them other benefits and he's a supporter of the living wage. I have to question whether the Chamber of Commerce speaks for business people in this community. I have looked over their list. They have many socially responsible members that are on their list and I think that one would need to look at that issue, because if we surveyed many of them, as some people have done from the committee, many of those businessmen are in favor of the living wage.

We have articles in the paper about young people going on food stamps. We hear about we want to keep our young people here in the community so they can be artists and they can do a job, but if they're going to stay here they have to have a decent job. To talk about it in a vacuum doesn't do justice to the subject and a living wage helps them, allows the poor as well as unemployed, as well as other people that are deprived by our economy. And that goes for educational achievement. We talk in the schools all the time about how we want our students to advance. Well, where there's no opportunity, where those no future, where their parents are people that are just getting by or maybe not getting by, what is the incentive? What is the model?

Well, the model is a start and the start is the living wage. And the last thing I want to propose quickly is that I would propose that the City and the County have a conference to address the problems of the poor, underpaid, unemployed, and that they bring in some of the creative things that have been done in other parts of the country and as a professor I would assign them a book: *The Rich and the Rest of Us*, by Cornell West, and I would provide each of you with his anti-poverty manifesto. Thank you very much. It's always a pleasure. I appreciate your work.

CHAIR MAYFIELD: Thank you, Stan.

CAM DUNCAN: Commissioners, Chairman Mayfield, my name is Cam Duncan. I live in Tesuque. I'm a member of the Advisory Board of United Workers Center of Santa Fe and I'd first like to ask all of the members of the Workers Center that are here today

to stand up and be recognized. Thank you. And I'd like to congratulate them on all the hard work that they've done in collecting signatures and educating members of the broad community about the need for this living wage ordinance.

I'm also co-chair of the Tesuque Valley Community Association and I'm here to convey the strong and unanimous support of the TVCA board and the majority of our 300 members for the County adoption of the living wage ordinance. Many of our members also collected signatures on living wage petitions and they've been delivered to you. We believe that too many people in Santa Fe County as in the rest of our state get paid too little for the work that they do. Low salaries are harming families and depressing our state's economy. At \$7.50 an hour New Mexico's minimum wage pay is worth less now than it was in the late 1960s. If it had kept pace with inflation since then it would have topped \$10 an hour.

Raising the minimum wage is the first step towards closing the huge income inequality gap that we face in New Mexico. President Obama has proposed \$9 an hour. Santa Fe City's living wage of \$10.51 would be better. Commissioners, Tesuque wants it to be known to our elected officials that we stand in favor of fair pay for the people who cook and serve our food, who ring up purchases at stores, and who assist in other ways. We believe in an economy where employers treat their workers as human beings rather than just another cost of doing business. We believe in putting purchasing power back into the hands of workers who will spend those dollars in their local communities, and we believe in an economy that is strong because workers have enough to live on and create demand for business.

The ordinance that raises the minimum wage is an important part of creating this vision. We strongly support especially two parts of the draft ordinance. One is indexing the wage to inflation, and two, we support the increased base wage for tipped employees to I believe it's \$5.35 an hour that's proposed. The Tesuque Community Association urges you to approve the living wage ordinance. For many low-wage workers in Santa Fe there's no such thing as a holiday or extra pay for working one. All the more reason for a conversation about fairness on the frontlines. Thank you.

ALSTON LUNDGREN: Commissioners, my name is Alston Lundgren. I've had a medical practice in Santa Fe for the last 15 years. One of the reasons I'm proud to be -- to live, work and be an employer in Santa Fe is the real living wage in Santa Fe. My patients should not have to choose between having medical care for themselves or their families or buying healthy food or school supplies for their children. They shouldn't have to choose between being in their children's school and other community activities and working two jobs to make ends meet. Please support living wage in Santa Fe County. It's the right thing to do. It will help us more to a more vibrant economy. Maybe it will even help New Mexico get off the bottom of the list of jobs. Thank you.

ELAINE SULLIVAN: My name is Elaine Sullivan. Thank you for hearing this. I was one of the founders of the Santa Fe Business Alliance. For about eight years we worked very hard to support locally owned business and to educate the community about the importance of supporting locally owned business and keeping our money local. That said, I do not believe that owning and operating a business is a basic human right if that business cannot thrive some way other than on the backs of employees who are not being paid a living wage. I want to spend my dollars in businesses that are paying a living wage. Those are the

businesses I believe are an asset to our community. Please support a living wage for the county. Thank you.

MITCH BUSZAK: My name is Mitch Buszak. Good evening, Mr. Chair, members of the Commission. Thank you very much for listening. I know this is sometimes hard on the ears and the brain cells but this is I think a very important issue. I've spent a number of years involved in public education here in Santa Fe and I think we all agree that two of our most critical issues in terms of education are I think our graduation rate and our truancy rate. And the major element that impacts those two elements are childcare. And if you're short on money and you can't pay your utility bill, you pay for childcare. So I think it's really – this is a profound action that you call could take to help our parents, our single parents and our two-parent families to help them to take care of their kids.

Right now those kids are unsupervised. They're not learning the rules of the community because their parents have to work, generally more than one job. So I think by taking this action, I really appreciate you all that initiated this. I think it could have a profound effect on two of the biggest issues facing our community. Thank you very much. Appreciate your time.

INGER SCHWARTZ: Good evening. My name is Inge Schwartz and my husband and I live in Park Plaza. He spoke earlier, and following up on what this gentleman said, although I'm not retired I was a social worker in the Chicago Public Schools for 29 years and I have seen and worked with literally thousands of children. So I'm here advocating for the children. What I have seen in all different parts of Chicago is if you have an income coming in and you have the food and the shelter and a little entertainment you need, you have a stable family. In that stable family those children are better. And it's, to me, as simple as that. So I urge you, I urge you to consider including Santa Fe County in the living wage. Thank you.

CAROL OPPENHEIMER: Good evening, members of the Commission, Chair Mayfield. My name is Carol Oppenheimer and this sound seems so grim tonight. I'm here – I'm so happy to be here tonight. And I want to thank you all so much for moving forward on something that is so important to all of Santa Fe, not just the city but everybody in the county and in the region. And I want to share, first of all, the button that I'm wearing – and some of you may remember – I think Commissioner Chavez was a City Council member, when we were wearing these buttons, and one of my prized possessions, which is an ad that came out 11 years ago in February in the *New Mexican* before we passed the living wage for the first time in February – on February 26, 2003.

So it's 11 years later and here we are. So I'm thankful to all of you for moving this forward. It's very emotional to me. I want to recognize my friend and my mentor, Marcela Diaz, who is the head of Somos un Pueblo Unido, and a few days ago said that as we move forward and make change we have to be bold and we have to be brave. And I think I can say that about all five of you. So thank you very much for what you're doing. I think I'll just get the ordinance for a minute, because I see my time is moving ahead.

First of all I want to thank you very much for putting in a private right of action so that workers and groups of workers can file actions if they're not being paid and if they're victims of wage theft. That is so important. I want to thank you for restoring protection for all workers regardless of whether they're in school so they can work fewer hours to go to school

and I want to thank you in particular, Commissioner Chavez, for pushing forward on the increase in the tipped wage rate. That gives us in the City of Santa Fe as moving forward a new challenge which I hope that we will undertake in the coming years.

So I want to thank you so much again. As we said and have said over the last years, no one should work full time and still be in poverty. And that's as true now as it was 11 years ago. Thank you.

MORTY SIMON: Chairman Mayfield, members of the Commission, my name is Morty Simon. For 30 years I ran a small business, a law firm employing 15 people, meeting payroll. I have some sense of what that means. I'd like to make three points. First, Commissioner Chavez, as to your suggestion on the base wage, I would suggest that it be a percentage, perhaps 60 percent, so that it doesn't have to – it also doesn't fall prey to erosion over time. As to Mr. Brackley's suggestion that we look at this on an annual review, we did do that in the city and there were several problems with the annual review. One was the conflict that it generated on a yearly basis, that is the division between business and labor that just festered every year and in 2007 when we agreed to extend the living wage to everyone and have a yearly cost of living a lot of that conflict went away.

Also, the predictability, if you have to wait until the end of the year, then have hearings and input on how much it should go up, the predictability necessary for business to plan is taken away, and of course you can always intervene in any particular to do whatever you would like if the cost of living adjustments do not serve the interests of the community.

My third point is that the living wage economically has been a success in the City of Santa Fe although the great recession has been difficult for the city and the county. We have the lowest unemployment rate and have consistently had the lowest unemployment rate in the state and one of the lowest in the country, averaging around four to five percent, all through this period since the living wage has been put into effect.

Also, we've had businesses that have wanted to get into the city even when they could have operated in the county, and this goes to I think what Mr. Bowles was talking about. When the Walmart happened, and I think Commissioner Chavez is very aware of that, in 2007, after the wage was in effect, Walmart fought to be incorporated into the city despite the fact that that wage was significantly higher and that they employ many low-wage workers as was also pointed out. Thank you very much.

JULIA CASTRO: Commissioners, thank you for allowing me to be here. My name is Julia Castro. I'm a business owner in the city. Previously I had a business in the county. When I was in the county we had to – we didn't have to, we weren't liable for paying the living wage, but we did because we wanted to be competitive and we wanted to be fair because we were so close to the city that in order to keep our employees we wanted to go ahead and pay the living wage.

Right now, I'm on Cerrillos Road. None of our employees are making a living wage; they all make more. My tipped employees make nearly double what the base wage is and we are liable for making up the difference if they don't make the living wage. I'm liable to pay them the difference, which we do, which is very rare. We get the best people. I think that paying the living wage makes for a better workforce, happier people. They're more confident, more competent, and they give better service. And I consider probably that 50 percent of my employees are the working poor who are making a living wage, not much more and we're

serving them. They support my business. My business is dependent on that and I think it's the moral and only right thing to do, and as a business owner, I can truthfully say that I can afford to pay that and my quality of life has not gone down; it's gone up, as has my employees' quality of life. Thank you.

DAVID THOMPSON: Hi, Chairman, Commissioners. My name's David Thompson. I'm a former co-chair of the Santa Fe Living Wage Network. While we're very proud of the City's minimum wage it's always been clear that there was a lot more to do, and therefore I want to thank you, Commissioners, for considering this. This is a significant advance in economic and social justice in our community. I will mention one practical point, which I think is important. I'm glad to hear that the ordinance is largely parallel to the City's. I think that's very important because the City had to go through – I don't know whether it was two or three years of legal battles culminating in a decision by the New Mexico Court of Appeals, I believe, before it was really certain that the ordinance would be upheld, and by following paralleling largely the City's ordinance, I think you largely eliminate that as a source of uncertainty and I think that's a very positive thing.

I do want to say that realistically, even the minimum wage that you're considering, which would be among the highest in the country, is only a step towards economic equality, but to those who make the minimum wage it's obviously an extremely important step. So thank you for considering this. I urge you to pass it. I urge you to make sure that this is a strong minimum wage, at least as strong as the City's. Thank you very much.

BRENDA RODRIGUEZ: Good evening, County Commissioners. Thank you for having this public hearing to hear our support for the expansion of the Santa Fe living wage to the county. My name is Brenda Rodriguez and I'm the member coordinator for Working America. We go door to door to speak with our members about working class issues. We currently have 112,000 members across New Mexico and 4,500 members in Santa Fe County. And I want to take this time to read out loud one of our support statements from Joe. He's a business owner from Eldorado. Joe couldn't make it tonight but he supports the Santa Fe County living wage.

He states: Quicksend has always paid above the minimum wage. It will encourages all businesses to pay a living wage and hopes to secure the quality of employees and it also helps in retaining them thereby reducing training and development costs. It's a win-win. We are here today because we believe that no one who works for 40 hours a week deserves to live below the poverty line. Everyone deserves a living wage that is enforced and protected and gives back to the local economy. We urge that the County living wage be in line with the City, not below it. We also wanted to thank you for being inclusive of the struggle of tipped workers in the state of New Mexico; making \$2.13 an hour is not a livable wage. And it is time for all workers to earn a livable wage, especially our young people who you heard earlier today also have responsibilities as do the rest of workers. Thank you [inaudible] community.

YVONNE QUINTANA: Mr. Chair, members of the Commission, thank you for having us here today. My name is Yvonne Quintana. I practice law out of Española, but I don't come to you today to speak to your in my capacity as an attorney. I come to speak to you as a produce to Santa Fe County and the City of Santa Fe. I was born and raised here and I have had the good fortune of having worked for minimum wage in this community for more

than a decade. I don't work for minimum wage today but I do pay more than the living wage and I think every employer should be required to do so, and here's why.

We talk about promoting our young people to get educated, to come back, to give to our communities, to build on our foundation of our tri-culture community. How can they do that if they lack basic necessities? Having been an employee working in Santa Fe County for a decade when I was a young individual – worked at places like Walgreen's, Grandee's, the de Vargas Mall, back when that was the all in Santa Fe County and the city, and I can tell you that we can't expect our young people or anyone to get ahead if they aren't paid a fair wage.

In terms of education, if you earn \$7.50 an hour you can't get an education, because you've got to meet basic necessities first. Young people who are trying to get an education, they actually face obstacles because it takes them longer. They're seen as less successful because they have to work many hours. That means they have less time to devote to education and to other opportunities that would bring this growth, that would bring this opportunity, that would bring us more businesses, new inventions, new ideas, to develop this community. They don't have those opportunities.

When I went off to law school from this community, because I was born and raised here, I was a minimum wage worker, and I can tell you that I was criticized because it took me longer to get there. What they didn't realize is that it was a miracle that I was even at that door knocking to be let in, because I was the exception to the rule. Most people don't get there if they're earning the minimum wage. We need a higher wage in Santa Fe if we want to promote our young people being successful. We don't want people to be the exception. We don't want them to get out of higher learning institutions and go elsewhere because they can't come back and earn a living in their community.

I make my business in Rio Arriba County but I serve the Santa Fe community because this is my community. Many of my clients are from here and they travel up north and the economic hardship that they face is real. Paying a minimum wage will go a long way to helping people not only to provide for their families, to have basic needs like healthcare. Many of these people, they not only don't have healthcare, they can't go see an doctor. It's very important that we give them the opportunities because most will not be the exception to the rule, and I speak to you as a minimum wage earner. We need to stop that in this community because we are at the forefront. We are looked at from around the world as a place where people want to be. But we need to treat the people that are here well and I urge you to support this ordinance. Thank you.

EUGENE BASSETT: Commissioners, Mr. Chair, I'm Eugene Bassett. I'm from the southern end of the county, and I'm up here to support the raising of the minimum wage. I've got a question – one of my questions is is if somebody comes in from another county, what would – how would you guys know that they ain't paying the county's minimum wage, or would they have to pay the county's minimum wage if people come in from different counties? Thank you.

CHAIR MAYFIELD: Everybody, thank you. I don't see anybody else wishing to provide any comment tonight, Commissioners. With that, this portion of our public hearing on this living wage ordinance will be closed. Commissioners, do we have any questions that we would like to discuss from any of our commenters or anything we'd like to propose tonight?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, I appreciate everybody that came tonight and I continue to learn and listen and that's what I'm going to do at the next hearing as well. So I appreciate everybody that came tonight and made comments.

CHAIR MAYFIELD: Thank you so much, and I do see that – I have all these follow-up questions. I'm going to ask some individuals to stay if they can. I'm going to do a follow-up. Mr. Brackley posed something, maybe somebody can answer it and I'll follow up with him also. When we do – and if we do propose to tie this into the CPI, he indicated, well, if it floats up or down. Has it ever floated down? If anybody can answer that –

MR. BOWLES: I'm not an expert on the CPI but I do recall looking at this the past couple of years and I think it has gone down by a teeny bit but if you look over 30 years I think there are a couple of times when it's gone down. So I don't think – my understanding is that it could go down.

CHAIR MAYFIELD: Thank you. And I apologize if I get anybody's name wrong, but Mr. Ross, as far as the ordinance is processed right now, and Mr. Bassett's comment at the very end, of being on the southern part of the county or Ms. Brown, I know you have developed the ordinance as it's written now. So if somebody's outside of the county – how I heard that question, how we would potentially enforce it or how would we look at it, if I heard that question right?

MR. ROSS: Mr. Chair, we can only enforce the county territory that we have jurisdiction over, which is in the unincorporated areas within the county. So we couldn't enforce it in the city or outside the county line.

CHAIR MAYFIELD: And is that how you heard that question?

MR. ROSS: I jumped out for a second. I didn't hear Mr. Bassett's question.

CHAIR MAYFIELD: Commissioners –

COMMISSIONER ANAYA: If you had a plumber, Mr. Ross, if you had a plumber whose business is in Torrance County and he goes and does a plumbing job in Santa Fe County but his primary business is located in Torrance, how does the ordinance impact that individual if he does a service call in Santa Fe County?

MR. ROSS: Well, the regulatory touchstone is a business license. So if the plumber has got a business license in Santa Fe County that plumber will be subject to the ordinance, but if the plumber had a license in Torrance County, not.

CHAIR MAYFIELD: Thank you. Again, public comment's closed right now but this is our first hearing of two, and Mr. Ross, our second hearing will be –

MR. ROSS: Mr. Chair, February 11th. And that's advertised to be the final public hearing if you choose to consider that as the night where you will take action.

CHAIR MAYFIELD: So, everybody in the audience, February 11th is our second public hearing and it will be also noticed for possible action at that hearing. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I would request that for clarity, that if any Commissioners have any amendments they want considered that they be brought forth in writing, and since Rachel has been drafting, I'm sure she would assist people in the – not just the right language but also the right section to draft something into. But I think that

would be easier for any of us to consider if we have an amendment in writing. Thank you.

CHAIR MAYFIELD: And Commissioner, just for clarification point for myself, there was a proposal made tonight – I mean the ordinance is written and proposed as it in front of us but I did hear Commissioner Holian bring up one or two points tonight. Commissioner Chavez may have brought up one point tonight about tying this into the CPI. I don't know if that was in the form of any type of a modification tonight. If you want that still to be in motions. They were just asked to be done in writing, I guess would be we'd bring that back to our next meeting. So that's kind of why I have it right now on this bench and I'm going to go now to my bench. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I'm on the dais, not a bench, but I guess that's just a difference in terminology. But just so you know, the language referencing the Consumer Price Index and tying it both to the living wage and the base wage is in the draft in front of us. Page 4.

CHAIR MAYFIELD: Okay.

COMMISSIONER STEFANICS: Mr. Chair, can I ask a question?

CHAIR MAYFIELD: Sure.

COMMISSIONER STEFANICS: So, Mr. Chair, Commissioner Chavez, you're saying you're not – you haven't suggested anything different than what's in the draft?

COMMISSIONER CHAVEZ: No. All of my suggested language or proposed language is in this draft.

COMMISSIONER STEFANICS: Thank you very much.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: So if I understand the process correctly, if a Commissioner would like to propose a change, it should be brought forward to the next meeting as a proposed amendment on which we would vote?

CHAIR MAYFIELD: That was a suggestion. We still are in a public meeting tonight. I think if there was a motion made tonight and a second, we haven't convened right now so if somebody wanted to make a motion tonight I think that could be acceptable right now.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Well, I do have a proposal but I'm not sure of the exact wording.

CHAIR MAYFIELD: Okay, Commissioner Holian, then let's just leave it at that. If you have any suggested changes, let's have those written changes. Let's have them proposed in writing and we will have them brought forth at the next Commission meeting. Or any Commissioners, if they have any changes and they can be acted on at that meeting. And we'll just leave it as it right now in our book, and we heard all of our suggestions from the audience and we'll take that into consideration. I know may of us if not all of us have received emails on this and we can have those also and hopefully they've all made it into the record. With that is there any other need for discussion on this, Commissioners? Thank you, Commissioners. This part of the public hearing on the ordinance to establish a living wage is closed and thank you all for being here tonight very much.

[The Commissioners took a brief recess.]

5. a. 2. **Request Authorization to Publish Title and General Summary of Ordinance 2014-___, Amending and Restating Ordinance 2002-08 (an Ordinance Governing Tobacco Products Placement, Distribution, Display, and Sales and Establishing Penalties for Violation) to Ensure Conformity with State Law, to Regulate E-Cigarette Sales to Minors and to Insert a Severability Clause**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'll start and then Commissioner Anaya is going to add. And I'd like to thank Commissioner Anaya for being concerned about this issue as well. The e-cigarettes have become very popular with our minors, our teenagers and even our children, and many of those products do contain some nicotine products. And while the federal government is studying it and plans to come out with some guidelines they are taking a very long time. So we here at Santa Fe County are proposing that we move ahead. The New Mexico State Legislature is moving ahead but oftentimes actions and bills are lost at the state legislature in the last days of the session. So we would like to bring attention to the issue of e-cigarette sales to minors.

The language that is here is rewriting. The first couple pages talks about the problem but the rest of the ordinance that we had is actually being rewritten because Ms. Rachel Brown, one of our County Attorneys, identified that our tobacco ordinance needed revisiting and some cleanup to conform to some of our state law. So that is what this is about, and again, it's just for title and general summary and I'll pass it over to Commissioner Anaya.

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

COMMISSIONER ANAYA: Mr. Chair, Commissioner Stefanics, I gladly and proudly take on the responsibility that you've taken on in carrying forward this item. In the interest of our children and the interests of families in the interest of their health, we need to step forward to bring this to the forefront to assure that as other policy makers and legislators take action that it's appropriately protecting the interests of our kids, our children, our youth. And so I thank you for your work and look forward to us moving this forward and enacting requirements and restrictions that once again, protect the interests of our youth and our families. Thank you.

CHAIR MAYFIELD: Thank you, Commissioners.

COMMISSIONER STEFANICS: Thank you. So Mr. Chair, I would move for approval to publish title and general summary.

COMMISSIONER ANAYA: Second, Commissioner.

CHAIR MAYFIELD: Thank you, Commissioners. Seeing no other further discussion. Commissioner Chavez, further discussion.

COMMISSIONER CHAVEZ: No, I'd just like to be added as a co-sponsor for the next time around.

CHAIR MAYFIELD: Well, I'm just going to say, Mr. Ross, I don't think we can have three sponsors on something, can we?

MR. ROSS: Mr. Chair, I always worry about the Open Meetings Act when we have more than two sponsors on a particular bill.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: My understanding and the formality of law, I guess, I would respect that but I would actually appreciate and duly note any Commissioner, including Commissioner Chavez, reflecting support for this proposed law. Thank you.

CHAIR MAYFIELD: I appreciate that, Vice Chair Anaya and Commissioner Chavez' points and all points taken and I always defer to our County Attorney on that for you to work out those logistics. With that, there's a motion and a second on the floor.

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

6. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

a. Matters From the Commission

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

CHAIR MAYFIELD: I'm going to start on the left-hand side today.
Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I noticed last week was a busy week. We had the opening session of the legislature. We had a full week of Association of Counties events and then we also had – the New Mexico State Transportation Commission has their meeting on the 23rd, I believe. That was on Thursday. The County MPO and the Transportation Policy Board, the Metropolitan Planning Organization was asked to do a presentation in front of the Transportation Commission. It really wasn't much of a presentation on my part but those attending from the MPO were Councilor Bushee, there was a representative, Robert Amaro from the Governor of Tesuque did send a representative and her name is Sandra Maes. So the City of Santa Fe, the County and the Pueblo of Tesuque were at that meeting, but I focused on what I shared with the Transportation Commission were some of the things that the County MPO has been working on, specifically the initial – the fact that the MPO has completed the initial public input phase of its pedestrian master plan, which is a component of the Metropolitan Transportation Plan. It will also incorporate the bicycle master plan, which is being implemented by both the City and the County.

I think the biggest highlight was the fact that the County is in the process of completing a location study for the northeast-southeast connector, the roadway system in the Community College District. We're using federal funds to help and assist with that and I also mention that the County has committed \$5 million in bond funds for design and construction and asked that we have continued support from District 5 and from the New Mexico Department of Transportation. So I think that was really well received. It was a standing room only in their venue, so I was impressed by that.

And then I wanted to let the Commission know that I'm finally able to settle into some office space for myself and for my constituent liaison person. Originally we thought that we were going to move into the HR building but we've decided that we're going to use

space at the Bokum building instead. It's closer to the administration complex here and so I think that's going to work better for us. That means that HR will be able to benefit from the remodel that was just done on that building.

And Mr. Chair, if I could, I would like to ask you and your constituent liaison to organize a dedication for that HR building. It's in District 1, not 2, even though we did use some of the District 2 money for that remodel. And I was very specific from the beginning that I was more concerned about the remodel of that HR building, that the remodel be done so that it meets the needs of HR staff, not a Commissioner's office. And so I really hope that HR will be able to use that building in its entirety for their staff and I'll be moving into the Bokum building. But I think that it would be good to do some sort of a rededication and reception for that building, Mr. Chair. So as chair and representative of that district I respectfully ask that you undertake that for us.

CHAIR MAYFIELD: Commissioners, thanks, and Commissioner Chavez, yes, thanks for bringing that forth and if you had pushed some of your district funds for that remodel, I will also leave that to the County Manager. I think she can definitely assess the needs of that building, of what staffing needs to be and placed into that building I believe that's definitely under her purview. And I will work with you of doing a dedication on that building through the Manager's Office. So I have no problem of partaking of that and again, I'll leave that to the Manager of who is housed in that building under her direction. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Two items. I very much appreciated the comments of Commissioner Chavez at the beginning of the meeting relative to the passing of Leo Maes, Rita Maes' husband and offer my public condolences to her and the family for their great loss. I would also like to acknowledge the passing of a former County employee from the Stanley area that worked for over 25 years in various facets as a grader operator. He worked at our transfer stations but dedicated his entire career to Santa Fe County and that's the passing of Charlie Anaya. So I would ask, once again for a brief moment of silence, Mr. Chair, in their honor. Thank you.

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

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to thank Teresa Casados who is leaving the County and did a terrific job as our senior services director. She really, really put her heart and soul into it and I will very much miss her. I want to wish her good luck in her new job and after I heard what it was I could understand why it was an opportunity that was really too good for her to pass up.

I also want to thank our Roads Department. They've done a great job on repairing the bridge that is at the beginning of La Joya Road over in the Glorieta area, and I think that the bridge is now much safer than it was before. And I also want to just note that I have received a lot of positive comments about the roads in our district and the repairs to them recently, and not a single complaint. So again, thank you to our Roads Department and I hope you will pass that on, Adam.

I also want to note the passing of somebody. Not somebody who worked for the County but I think it's sort of relevant given our recent discussion on the living wage and that is the passing of Pete Seeger at the age of 94. Singer, songwriter and activist, and I'm really

sort of giving my age right now because I'm saying that he really influenced me greatly in my life. And I would also like to note that one of the last things that I read about him influenced me also, and that was that up till two weeks ago he was still chopping his own firewood. So I'm hoping that will be in my future at some point. Thank you, Mr. Chair.

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

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Commissioners, I have several handouts. The first one is about the PILT extension that occurred in conference committee last night in Washington, DC. *[Exhibit 5]* The next item is a 17-page summary of the entire budget omnibus bill NACo put out. *[Exhibit 6]* So it just takes thousands of pages and condenses it to 17 pages.

The next item is the resolutions that were once again reviewed at the New Mexico Association of Counties board, and two other ones that were passed. One is for – came from Curry County and is about speed limits on rural roads, and the second one was about deleting or defining the word “nuisance” in farming. *[Exhibit 7]*

The next handout is the – the top page is the language that is being proposed to Senator Rodriguez for the 1/16 sole community provider bill. *[Exhibit 8]* And the last handout comes from our own Ken Martinez at the RECC about some language that if it gets into the state budget will actually hurt our 911 funds. *[Exhibit 9]* And so I think Ms. Miller is going to talk about some of these but I just wanted you to have the reference point. Thank you very much. That's all.

CHAIR MAYFIELD: Commissioners, thank you. I'd just like to bring up a recent conference that a majority of Santa Fe County staff, Santa Fe County Commissioners were at. It was the Association of Counties meeting. A lot of these resolutions, as Commissioner Stefanics mentioned were mentioned at the Association meeting. I think it's a very beneficial meeting where we come together as electeds throughout our state and we talk about comprehensive issues that affect us and how we can address them. I think Santa Fe County had a great presence there. Santa Fe County made it very easy for me to talk about the accomplishments that staff has done over the past few years. I was in a position to do some welcoming remarks for Santa Fe County this year and again it made it very easy for me to talk about the accomplishments of Santa Fe County for the fine work that Santa Fe County does. So thank you all very much. And there's just a lot of great communication that comes out of that that's very positive of what we can do when we work together as a state and if that trickles down to us working together as a local County government I think that's great.

Just a point of personal privilege for myself, because I remembered that it was by brother-in-law's birthday today, 29, so I just want to wish him a happy birthday and happy belated birthday to my other brother-in-law who is doing a couple-month tour in Prague with his post-doctorate right now. So he's out there doing some work. So happy birthday to both of them. Thank you, Commissioners.

7. 2. **Discussion Items**
 a. **Matters From the County Manager**

MS. MILLER: Mr. Chair, a couple of things. As Commissioner Stefanics said, she gave you some of the updates but I wanted to give you this. If you recall, in the course of reviewing last year one of the things we talked about was doing a monthly newsletter that wasn't just Commission district specific or about our Board meetings, and so I've been working with Kristine and Erik about doing a – kind of a Manager's monthly memo from the Manager's office but really trying to highlight some of the things going on, some of our programs every month some of the programs, some of the things staff has done. Maybe highlight – we're working on the first one we've sent out. This is just January's, talks a little bit about what we did, what some of the departments did over Christmas, when our meetings are for the year, some of the programs we have and just some things that are happening in the county and things that we're looking as the County for feedback from the public.

So this is the first draft of it, and what we're going to do is I'm going to be putting one of these out a month, getting you information from the department's about different programs. I've already thought of some today, just as we've gone through the meeting and things have come up to put in, future issues to highlight. Maybe a different program from Housing or one from Community Services or Corrections – things that we're doing. And then also to put – so we'll distribute them via email lists. We'll put them out in the community centers, senior centers, our facilities, as well as have ones for pickup but we'll also do some in a covered thing that actually stays there. So if they run out there will still be a reference one that will get changed out every month.

So if you have things that you would like included in future memos from the Manager's Office, it's just – the idea was to kind of get the word out about what the County does, what staff collectively get together and do and just events that might be coming up in our county. So that's going to be a regular monthly letter, and also I'd encourage any of the stuff, we'll send it via .pdf so you can attach it to your newsletters in our districts and your emails.

And the next item –

CHAIR MAYFIELD: Ms. Miller, on this, in case anybody has questions, at least Commissioners, would you put reference, contact information for us if they have concerns or of your office. How – because sometimes I know we've spoken about that and I know you're really tentative when I get I guess inquiries from some of my constituency when they want to contact you or me or Mr. Ross, to either have a meeting. Could we maybe just put that in there, say, if you've got a question for Commissioner Mayfield, contact him at such and such email address or number of you guys –

MS. MILLER: Mr. Chair, what we did was we put all the individual department numbers on the back, as well as the twitter or the website. I didn't want to take the liberty of putting your individual ones so I put our main number, which comes through the Manager's Office. If you would like us to add individual Commissioner numbers, but we

will just refer anybody who calls to your liaisons or to you if they call the main number. But that was why I didn't put individual ones.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. A constituent said to me at the senior center the other day that they looked all over our County website for our emails on how to contact us. So could you just ask Kristine to review and make sure that that's really clear? Because I said, oh, it's there and they said, we couldn't find it. I said Oh, it's there, and they said we couldn't find it.

MS. MILLER: Okay, Mr. Chair, Commissioner Stefanics, I'll look into where that is on that and report that back as well.

7. a. 1. **Legislative Update**
 i. **Capital Outlay**
 ii. **Discussion and Possible Action by the Board of County Commissioners in Support of or Opposition to Legislation Under Consideration by the New Mexico 2014 Legislature**
 [Exhibit 10: Legislative Report]

MS. MILLER: The next item is the legislative update. One of the items I was going to bring up that's at the federal level which Commissioner Stefanics did is that the PILT funding is in the farm bill; it was not in the original budget. It's for one year and as I had reported when we did the resolution it's about \$650,000 to Santa Fe County's general fund, so we're glad that it is in the farm bill. Our concern is that it is not – it's just for one year so it is one of those items that we have kind of on the list and we're working with our New Mexico Legislature when we talk about the funding issues of hold-harmless, repealing the hold-harmless distributions and taking our 1/8 for indigent funds and taking money from the 911 fund. We say you know, local governments, particularly counties are getting hit pretty hard.

So the PILT funding was another one. Luckily, it looks like we do have a reprieve for this upcoming budget and hopefully we'll be able to get that restored on a regular basis at the federal level.

The next item is our actual legislative update for New Mexico's legislative session. As you know, it started last Tuesday and we have quite a few things. Tony has really taken a lead on that so I'm going to ask Tony to give you the most recent update because he's gotten quite a bit of information just in the last day or two.

TONY FLORES (Manager's Office): Mr. Chair, when they originally wrote the memorandum for the filed – the legislation that has been pre-filed, none of this had been officially introduced; that holds true today. There are quite a few bills, both on the Senate side and the House side that are still in the pre-file state. Some of those are assigned to committee but they have not been printed and sent off to us yet to put be in. A couple of the issues that we've been monitoring and tracking, Commissioner Stefanics brought up the information from the RECC that deals specifically with the language in the bill as rating the

one fund, about \$4 million and turned that back to the do-it process for their capital outlay and infrastructure improvements.

There are some discussions that we've been involved in that may not have been the intent of the legislation but that currently sits in the bill and we'll be following that specifically.

Some of the other items that we've been following, the regional Housing Authority oversight was ruled germane. That is going from MFA back to DFA and an appropriation to handle that. There's also a capital outlay review process. I have to admit when I was here in the process back in the early 2000s, late 1990s, it was attempted at that time after a blue ribbon commission to do capital outlay reform. It's back on the agenda this year. I'm not quite sure that's going to move. There was quite a bit of discussion at last week's Senate Finance Committee on capital outlay water projects specifically and there was an audit that was recently conducted that appears to poke holes at the NMFA process for the Water Trust Board, so they'll be revamping that as we go through.

Of course our general obligation and our severance tax bond packages are introduced and they're set the groundwork for any future work that comes out of the STBs or GOBs. Today we received notification that House Bill 48 was – it's in the pre-filed state; it will be dropped pretty soon. What it does is it establishes a health impact assessment through the New Mexico Environment Department for projects. So we have concerns about the way the language is written in the bill. "Projects" is not defined. Commissioner Stefanics and I had a brief conversation today. We can assume that we can infer what the intent was. However, when the bill was drafted and came out, certain language may or may not have been included to define what a project is. Our concern is that – two things – it may impact us when we start taking projects forward to go through a separate process in addition the environmental impact assessment and it will actually get a clearance and a permit from the Environment Department based upon the health impact of that project.

In addition to that it establishes each county's doing a health county index, which it looks like indexes by the County for mortality rates, different types of health concerns that a project could be related to, and that's where the concern lies is how do we define a project that this would fall into place.

A couple of items. They're dealing with the hold-harmless exemption and there are some discussions of whether that's going to move forward or not and we had then communications with the Southwest Chief and Amtrak with the legislation or the proposed legislation that Representative Gonzales is introducing whereby he's requesting \$4 million in capital outlay to maintain the rail line, the passenger rail line, basically from Colfax County and Raton back through Lamy. There is some discussion, we've had a couple of meetings on behalf of Mr. Griscom. That bill has been introduced but not found to be germane yet so we are still monitoring that to see if that impact will occur.

And then of course we have introduced all of our capital outlay requests based upon the ICIP top five priorities and the preliminary listing that was provided two weeks ago. There have been some changes in the way of titling of some of the projects due to some inconsistencies between the ICIP and the CIP, so we're looking through those issues. The solarization project has been submitted and we had a meeting this morning at the roundhouse with that group and their lobbyist, and it appears to be gaining some traction. Now, what that

traction means in the end I can't say because each of our delegation members have not received their final allocation numbers, so the real work, I assume the real work on capital outlay will start this weekend through the next three weeks. So there hasn't been a lot of movement as far as bills being determined to be germane. Capital outlay has gone through; we do have our projects listed on the Legislative Council Service's report, and with that, Mr. Chairman, I'll stand for any questions.

CHAIR MAYFIELD: Thank you. Commissioners, Mr. Flores, as far as some of the bills, or even Ms. Miller, Representative Lundstrom on HB-114 and then HB-132, but on Representative Lundstrom's exemption of certain municipalities from hold-harmless phase out, and what you just stated, are they looking at maybe collapsing all these different bills. Because she's just talking about championing municipalities there.

MR. FLORES: It depends on the question, sir. I'm sorry, Katherine, if you want to drop in, go ahead. There's a concern about – collapsing isn't the word because they do take different approaches to the hold-harmless legislation. So there hasn't been a discussion at to collapsing them into one. I assume it's in Appropriations or Business and Industry they'll probably start talking about that, but the discussion right now is they're running on a separate track. Ms. Miller?

MS. MILLER: Mr. Chair, there are some issues of – there are a couple of counties and municipalities that are hit really hard so there's one attempt to just fix – I want to say it's McKinley County –

MR. FLORES: It is. Cibola County.

MS. MILLER: City of Santa Fe, Cibola County – it's because if you look at the amount of money it is, it's huge, that even the three one-eighths that they could put in place don't make up for the amount of the hold-harmless distribution. In addition, it puts their gross receipts tax higher than any in the state. So there's one attempt to fix that and just those particular counties and cities. And then there's the other attempt by Representative Harper to stop the ability of counties from getting – or cities that were affected by it – from getting, putting the 1/8s in place and getting that and their hold-harmless. So if you put one of the taxes in place you immediately lose the equivalent hold-harmless distribution.

So they're tackling two different issues, so I don't know if they will combine them because one is to try to fix a couple specific entities that are really out of whack with the fix, and then the other is to fix the overall thing to not allow entities to just raise taxes that won't – getting a hold-harmless distribution or raise them and still get their distribution.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Tony, on page 15, what are the stars on the item that's plan, design, construct, equip Highway 14 senior center?

MR. FLORES: Mr. Chair, Commissioner Stefanics, we looked at the package of whether that senior center lies so close to that line and there's been some discussion of exactly where that is and the presentation tonight will clear that up. That's why I had it asterisked in both location. It's so close to that county line or that Commission district line –

COMMISSIONER STEFANICS: Well, it's supposed to be both. I mean, it's right on the line. Is that all that means?

MR. FLORES: Yes, ma'am. That's all that means. Okay. So did that request go to Senator Griego or not?

MR. FLORES: Mr. Chair, Commissioner Stefanics, yes. It went to the delegation members in that district. We even attempted to go to one legislator that was just on the outside of that district but we chose not to help us with that bill. So yes, it did go to Senator Griego.

COMMISSIONER STEFANICS: Okay. And Mr. Chair, I had brought up earlier that it would be helpful for the Association of Counties if we did some kind of action, informal or formal on that 1/16 so that the Association would know whether or not we're on board with that.

MS. MILLER: So, Mr. Chair, Commissioner Stefanics, right. One of the issues that's come up over the course of the Association of Counties trying to propose something back to the legislature and to HSD or the executive is that, well, how many of the counties actually support that? The current proposal at the Association of Counties level –

COMMISSIONER STEFANICS: There is a handout that I just provided everybody.

MS. MILLER: I believe you handed one out that has the kind of five bullets.

COMMISSIONER STEFANICS: It's the language that was given to Senator Rodriguez.

MS. MILLER: So the five bullets, counties will pay an equivalent of 1/16 of current GRT revenue, and that's for a one-year period. They would be payable from sources determined solely by the Board of County Commissioners, and counties have the option in their sole discretion to make additional payments for federal match for hospital funding, and there would include a language to form a commission to – with representatives from counties, HSD, LFC, hospitals, to conduct a comprehensive study of issues related to funding for uncompensated care and the Medicaid base rate increase, and make recommendations to the LFC and the executive, and it might include renegotiating the Medicaid waiver with CMS.

So that is the piece of legislation that's being worked on for purposes of Santa Fe County. We currently have been budgeting a little over a sixteenth for the last, and maybe right around a sixteenth this past year, but out of our indigent fund, our indigent generates around \$4.1 million and we've been allocating \$2 million, \$2.1. \$2.2 million. So we're actually right about at a sixteenth, and then we use the other half of that 1/8 of indigent funds for all our other programs with community healthcare providers, ambulance services and things like that.

So for us the fiscal impact would be almost identical to what we have been doing for the last three years and as far as working for another year with the state and really having the counties at the table when discussing the programs and the hospitals instead of HSD kind of doing it with CMS without the counties and hospitals would be very beneficial to us.

COMMISSIONER STEFANICS: So, Mr. Chair, this is noticed for possible action, correct? I would move that the Santa Fe County Commission support this proposal and send the message to the Association of Counties.

CHAIR MAYFIELD: Second. Commissioners, any discussion on this?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Commissioner Stefanics, you're referencing the handout that -

COMMISSIONER STEFANICS: Yes. The options for inclusion in draft is the language that's being provided to Senator Rodriguez for a bill. The Association of Counties board of directors did vote on it but we don't know if all counties support it. So there's a suggestion that we take a vote of some kind to let the Association of Counties know if we will work with them on this or not.

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

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Stefanics and Katherine and everybody that's worked on this issue tirelessly, I appreciate it and I think we do need to give clear and concise information and a clear message. Thank you.

CHAIR MAYFIELD: Thank you, Commissioners, and also I'd like to thank Ms. Miller and Commissioner Stefanics for all their work on this. With that, there's a motion and a second on the floor.

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

MR. FLORES: Mr. Chair, one other item. Commissioner Anaya brought up earlier the early childhood. There are two bills that have been introduced that are companion bills right now that deal with teacher retention - House Bill 123 and Senate Bill 133, that deal with retention for that program. I'm not sure, sir what you wanted us to remind you of but if you could help me with that.

COMMISSIONER ANAYA: Mr. Chair, I'm not familiar with that particular bill you just referenced. The bill I was referencing has to do with the BLM has lands that they are slated for disposition. They're slated to basically get rid of those lands and via possible legislation from Senator Sanchez in coordination with, it is my understanding the State Land Office, there's a push to afford the State Land Office the ability to acquire those lands in which the proceeds from leasing those lands, similar to what the proceeds for leasing state land is, would go to early childhood development or early childhood education. So that's something that as things progress, if that makes it to be introduced that's definitely something that I would like us to take a stand on as a Commission and be supportive of, so keep us in the fold and bring it forward if it hits the books or maybe it's something we could get some more information on and then advance in a resolution by the Commission. Thank you.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioners, Mr. Flores, as far as just our capital outlay projects really quick, on the solarization of County fire stations and I don't want to belabor this by any means, and trying to reflect on Mr. O'Hare's presentation and even Chief Sperling, the \$1 million that we're asking for from our local delegation to put up, and others throughout the legislature if they're willing to give us some of their capital dollars. But the bullets that we have for all of our stations, and maybe you know this, Tony or maybe you don't. Maybe Mr. Aaboe knows this, but how would these stations, the ones that were identified? Because some of us have other volunteer stations through our districts and -

MR. FLORES: Mr. Chair, I'll have to defer that to Adam to discuss how those were identified.

CHAIR MAYFIELD: Okay. I don't think we're specifically locked into this because I have various representatives that I overlap my district with and I'm going to specifically ask them to look at potential dollars for some of the other stations.

MR. LEIGLAND: Mr. Chair the facilities that you see here are the ones that had the greatest energy use, the ones that were populated most often, so just from the technical standpoint that you saw presented today, these are the ones that emerged.

CHAIR MAYFIELD: Right. And Mr. Leigland, I appreciate that but kind of even hearing that presentation today, I mean if we have a facility that's smaller, such as – I'll just another one, the La Puebla Fire Station that could get by with 6 kV and we could knock it out for \$20,000. And that would suffice with 80 percent for that load. That may be one you might want to put on the list versus a bigger project. I'm just throwing that out there, so I just don't know how these were the ones that were –

MR. LEIGLAND: Well, Mr. Chair, I can speak how Craig arrived at these but I believe there was also return on investment. Because if you commit 6 kV on a station and the station's only occupied one day a month, the return on investment, because there's a very low energy demand, is going to be much longer, so one of the things he considered in that presentation you saw today was just what's the daily demand. There's a supply from the PV but then there has to be the demand in order to get the return on investment, so that was one of the things he considered and I'm assuming that that went into this as well.

MS. MILLER: Mr. Chair.

CHAIR MAYFIELD: Okay. But Ms. Miller real quick, but not just the daily demand. I mean, when we spoke about this on the bench, we also talked about these dollars being able to go back to our departments by them not having to utilize those utility bills. If we're looking at a potential volunteer station, having to pay a load requirement of \$100 a month, and those dollars are being able to be recirculated back into their internal budgets and I just – look. I'm going to advocate for this one way or another, but I just hope all of that is taken into consideration. Ms. Miller.

MS. MILLER: Mr. Chair, these were not set in stone. Craig's presentation today was to show criteria and everything, but what we put in the actual ICIP is all County fire stations.

CHAIR MAYFIELD: That's what I thought.

MS. MILLER: And we listed them by community. That last page, this is a sample letter we were going to send. Adam put the sample and this just took the ones from that list but if you have ones in your district, specific ones you want us to put in the letters that overlap with that legislator, we'll put that community one. This was just to kind of give you the example, but based on our ICIP, they're all listed and they're all eligible.

CHAIR MAYFIELD: Okay. Now I see. I just thought maybe because these bullets. Thank you. Thank you, Commissioners. Commissioners, are there any other questions on the capital request? Mr. Flores?

MR. FLORES: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you for your great work, Mr. Flores. Ms. Miller.

7. a. **2. Presentation of the Results of the National Citizen Survey**

MS. MILLER: Mr. Chair, the next thing we had was a presentation by Carole. Is she still here? On the National Citizen Survey that was sent out to county residents. As you recall, we had put in the budget and voted on doing the comparative National Citizen Survey and then we detailed some questions specific to our community, and Carole has the results of that and a presentation and overview of what the study was – kind of a reminder of what the study was and then what the results were.

CAROLE JARAMILLO (Finance Division): Mr. Chair, Commissioners, good evening. I'm here this evening to give you a very overview of the results of the National Citizen Survey which was conducted by the National Research Center on behalf of Santa Fe County last fall. You may recall in the spring of 2013 the BCC voted to conduct the National Citizen Survey to assist management and the BCC in prioritizing County resources. By using this particular survey we were able to also get direct comparisons with other jurisdictions from around the country.

The survey was contracted, customized and prepared throughout last summer and it was mailed in the middle of September with the data collection going on through the month of October. 3,000 surveys were mailed. 185 did come back undeliverable, but 882 responses were received, which is a 31 percent response rate, and it also held a margin of error of three percent.

In the next few slides that you have or the pages on the presentation that you have I'm going to be referencing percentages, and these refer to the percentage responses that rated the County positively, that is good or excellent. There are also bar charts which illustrate how Santa Fe County compares with national benchmarks. The shading on these charts indicate how well we compare to the benchmark, so the darker the shading the better the comparison. I should also note that any given category we may have received very positive rating by the majority of the respondents that filled out the survey, yet still fall below the national benchmark, and the opposite could also be true.

So on to the survey results. The National Research Center designs their survey to learn about the community's livability. The questions can be categorized into three major areas which they call pillars. The pillars were community characteristics, governance and participation. The questions are also subgrouped into eight categories which they call facets and these are: safety, mobility, the natural environment, the built environment, economy, recreation and wellness, education and enrichment, and community engagement.

In general, Santa Fe County was rated positively for its quality of live with 73 percent of respondents rated it as good or excellent. We were compared to the national benchmarks in the areas of natural environment, economy and community engagement and we were comparable in the national benchmarks. The two most important facets to the quality of life of our residents are safety and economy, and these are referred to as key drivers. If you look at the first pillar, they're called community characteristics, this encompasses what makes the community livable, attractive, or a place where people want to be.

On your page 6 you see a pie chart which you can that 80 percent of our respondents rate Santa Fe County as an excellent or good place to live, which is a very strong majority,

2014 JAN 28 PM 3:12
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
RECEIVED
JAN 29 2014

giving us a positive rating. On the bottom of page 6 you can see a bar chart and there you have more than 50 percent of respondents think of us positively for our overall image, their own neighborhood, Santa Fe County as a place to raise children, also as a place to retire and its overall appearance, and noting that the darker shading indicates that we are similar to the national benchmarks.

In the second pillar, governance, that focuses on how well the County government meets the needs and expectations of the residents. Respondents were given a list of County services and were asked to rate them on a scale of one to four, or don't know. Looking at the chart on page 7 you can see that 78 percent, or about eight out of ten rated the County services as good or fair. Also, I should note that our customer service rated positively by almost half of respondents.

Finally, the third pillar is participation, and this one looks at whether residents are feeling connected to their community or to each other. The survey asked about 19 activities or behaviors that the respondents may participate in and these ranged from attending public meetings to volunteering, speaking to neighbors, reading the newspaper and recycling. It was a whole variety of things. Four in ten rated their sense of community as positive and you can see that noted on the pie chart on page 8. Then if you look at the bar chart at the bottom of page 8 you can see that the vast majority of our respondents would recommend Santa Fe County as a place to live and they plan to stay here for the next five years. All of the ratings on this chart are similar to the national benchmark.

We also added some customized questions which are called special topics in the report, and these questions were developed by the staff, and we used them to get more county-specific information that we wanted to have. So the first question that arose, customized question, asked how important, if at all, are each of the following services to your quality of life in Santa Fe County? And you can see those listed there on page 9. The results, as you can see, was that 93 percent rated infrastructure, such as roads, water and wastewater as the highest for contributing to their quality of life. Running very close second on that is a tie between fire protection and EMS, which 92 percent rating these services as essential or very important. You can see some other services there – open space received 72 percent, public facilities, 65 percent, and parks, 64 percent, which are all still a pretty good majority feeling that those particular services are essential or very important.

The second custom question, very timely, in this report was regarding implementing a living wage for the county. Again, this question was developed by staff. Commissioner Stefanics had asked us to do that and it asked to what extent the respondents would support any of four different minimum wage scenarios. Increasing the minimum wage in the county to the same as the city's was one scenario. We also asked about increasing the county's minimum wage somewhere between the state minimum wage and the city's minimum wage. Also, leaving the minimum wage the same as the state or increasing it beyond what the city's minimum wage is. On page 10 you can see the results of that. 74 percent strongly support or somewhat support the county minimum wage becoming the same as the city's. 63 percent strongly or somewhat support the county's minimum wage increasing somewhere between the city and the state, and then the support drops off to 38 percent for an option to leave the

minimum wage at the state level, and only 31 percent support an increase to the minimum wage that's higher than the city's.

Finally, respondents were asked to record in their own words what one service the County should change or could change or improve. And most responses that we received could be lumped into seven general categories. The highest percent of responses were related to roads, transportation and snow removal. That was 36 percent. And you can find this information on page 11. County services such as trash, recycling, water – these all came at a distant second with 19 percent. Government, taxes, communication and economy were 15 percent, and then the other categories were each under 10 percent. There was about 10 percent of kind of just various answers that were lumped into an other category because they didn't fit in any of the seven.

So, interpreting the results, what we can take away from all of the information that we received is that we have a lot going for us. Santa Fe County has a lot going for it. There are a few opportunities that we can improve, but in general, people like living here. They plan to stay here. They would recommend living here to other people and this is good news I think. They like their neighborhoods and they feel safe there and they find it a good place to retire and a pretty decent place to raise children.

One of the key drivers, safety, that I mentioned earlier – this is a key driver of the quality of life for most of the respondents, and they feel that fire, EMS and law enforcement do a good job, so that's good, and nine out of ten residents would rate fire protection as essential and very important. So it's nice to see that we're doing a good job on an area that is so very important to the quality of life.

The economy is another key driver of the quality of life here and the survey – the 12 months preceding the survey, rather, a majority of the residents did say that they purchased goods in Santa Fe County. This is another good sign. A really big positive is our natural environment of course – the clean air and opportunities for recreational and cultural activities. Residents also feel that they have good, clean drinking water and that the county has good open space, parks and libraries.

Other things that we have going for us are that residents feel that it's pretty easy to get around the county by vehicle, which is really good also because almost everybody found that infrastructure was one of the most essential or important things to their quality of life. Santa Fe County residents try to practice good eating habits and get exercise and believe that there is an adequate availability of affordable quality food. I found that a very interesting response.

The residents are also environmentally green with a waste majority making water conservation and energy efficiency efforts at home and they recycle and report carpooling or riding a bike instead of driving some of the time in the 12 months preceding the survey. And finally residents consider Santa Fe County to be open and accepting with good opportunities to participate in community issues.

So as you can see again, we have many things going for us, but there are a few things that we can improve, so first as the economy being a key driver of the quality of life it's important for Santa Fe County to look at generating more economic development initiatives to bring a diversity of business and employment opportunities into the county. And along with that, availability of good housing options and affordable housing is also important with

nearly half of the resident reporting that they are under housing cost stress. Bicycle travel and public transportation did not rate well, but ease of travel by vehicle did, which would seem to imply that there are probably enough roads but the condition of the roads and the snow removal, street lighting, drainage, those sorts of things, are still a concern for the residents. Again, that was 93 percent of resident rated those types of things as essential or very important.

Just over half of the respondents reported observing a code violation and a high percentage did not rate the county's cleanliness positively. So that's weed lots, graffiti, things like that. Many want development to be controlled due to lack of water resources and infrastructure limitations, but residents would like to see an easier, cheaper building permit process. And finally, only about one-third of residents rated health and preventative healthcare in the county positively, and only a fourth rated mental health services positively. The affordability and availability of these types of services in Santa Fe County was the reason for this low rating. So that was a very brief overview of the results of the survey. The responses in the final report have been broken down demographically and geographically as well, but I didn't raise those here for brevity's sake. Finance will be considering the survey results when we make our recommendations for funding for the FY2015 budget and with that I stand for questions.

CHAIR MAYFIELD: Thank you, Ms. Jaramillo. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Do you have the detail, or can you go back to them to find out how long people have lived here who responded? Because, and I'll tell you why I'm asking the question. I'm asking if there's the dissatisfied answers are from people who came from some place else and something better, or whether it really is from our long-term residents.

MS. JARAMILLO: I don't know if we – I'm pretty sure we don't have specifics on that. I don't know if they can get it. They probably gave a range, maybe, but I will check on that and find out for you and let you know.

COMMISSIONER STEFANICS: Thanks. But the only thing I'm interested in really is the correlation – if they have that – the correlation to the dissatisfaction. Because I know, for example, in some of my district, people in the last snow – I came here from Massachusetts and my roads were cleared the very next morning. You know, those kinds of things. Thanks.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Carole, for the presentation. I know it can be kind of tough making a presentation so late in the meeting but I want you to know that I read everything in the packet very thoroughly and I found it very useful, so thank you.

MS. JARAMILLO: Thank you.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I appreciate the work done in the survey. There's a lot of different aspects to it that I think are very telling. Is this something that can be put on the webpage just for general information, if you're not doing it already?

MS. JARAMILLO: It is not yet on the webpage. It can be put on the webpage. I'm sure I can email it to Kristine and she can put it on the website.

COMMISSIONER CHAVEZ: Yes, it's a lot of information, but I think it would be good for the public to know that we've gone through this process and what others are thinking about, even though they may not have been called for this survey. But it may generate more conversation about different topics in the survey.

MS. JARAMILLO: I'll make sure that happens.

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

CHAIR MAYFIELD: Sure, Commissioner Chavez. Ms. Jaramillo, this is great work, but you had indicated you may have some more of the breakdown. I spoke to Mr. Aaboe. And kind of along Commissioner Stefanics' point, as far as the surveys mailed out and the undeliverable surveys and that whole survey statistic data, it doesn't have to be tonight, Ms. Jaramillo, but I'd like to see the breakdown by district, incorporated area versus unincorporated area – again, I've been talking about it all night, how this is applicable to District 1. I don't know if the rest of the Commissioners want to see that. But I represent both incorporated and unincorporated area in District 1 and I'd like to see that. I'd like to see how many of the surveys were mailed out to District 1 and how many were returned from District 1, if you have that data.

MS. JARAMILLO: Mr. Chair, Commissioners, I do have that data, and you're looking just for responses right now? The response rate?

CHAIR MAYFIELD: I can just – I'd like to see that because I can put some of this in my own context of –

MS. JARAMILLO: Sure.

CHAIR MAYFIELD: I didn't even think of Commissioner Stefanics' request of every five years. People maybe lived here five years, ten years, 20 years. You know, 50 years.

MS. JARAMILLO: That's true. I can tell you, regarding responses that each Commission district we decided to mail an equal number of surveys. There were two methodologies but we decided on the methodology that would mail an equal number of surveys to each of the districts. So each of the districts were mailed 600 surveys, and they were randomly sampled, obviously. District 1 had 41 returns. District 2 had the highest, actually, with 53 returns. District 3 had 45 returns. District 4, 34 and District 5, just 12.

CHAIR MAYFIELD: Does that mean undeliverable?

MS. JARAMILLO: Yes. I apologize. That was undeliverable. So that was pretty good.

CHAIR MAYFIELD: Carole, let me ask a question. Is it being undeliverable because we have a bad address? Or is it undeliverable because somebody chose not to open it and respond?

MS. JARAMILLO: No. The undeliverable ones came back from the post office with a sticker that said unable to deliver. Those were the ones that were undeliverable.

CHAIR MAYFIELD: So [inaudible] 100 percent, so Steve, I'm not going to say it but you know what I was going to say. So we're not the only – so the State Engineer's Office is not the only one with bad addresses, Mr. Ross. I'll just leave it alone. Thank you.

MS. JARAMILLO: So there were 185 of those, basically, and the breakdown was that that I gave you. So then the responses came back with 137 from District 1, 163 from District 2, 172 from District 3, 201 from District 4 and 207 from District 5. So the lowest response rate, District 1, is 24.5 percent, and the highest was District 4, 35.5 percent.

CHAIR MAYFIELD: And when you have the margin of error of three percent, can you explain that to me please?

MS. JARAMILLO: I hope I explain it right. I asked – I made sure I was understanding it correctly with the lady from the survey, from the National Research Center, but basically it is – they use a percentage of confidence when there's a survey done, so statistically they can say that the response is going to be representative of 95 percent of the people. So we have a random sample of 600, that gives us a response rate of 3,000 for the whole county. So the margin of error would mean that if it's three percent that means we have a confidence that anywhere from 92 percent to 98 percent of the population in the surveyed area are going to basically agree with what the survey results were. So that margin of error, three percent is really good.

Now when you break it down by district, because it's a much, much smaller sample, the district margin error is a little higher. It's eight percent, because the smaller the sample the less confident you are that you have the representation of what the greater population believes. But with the overall sample, 3,000, they have a three percent margin of error.

CHAIR MAYFIELD: Okay. And then I guess one of my last questions would be on page 9, let's go to page 5 on facets of the community and then in correlation with page 9 with essential and very important. Folks were rating those. They're still, on that survey, and I guess I don't have a copy of the blank survey and I wish I had it but I'll get it later. I know there was one in the Manager's Office. There were a lot more boxes they could have checked of what was important to them, right? In these six options right here, right?

MS. JARAMILLO: Mr. Chair, Commissioners, there were – this is the custom question so this is what we came up with. But then there was the survey that had a whole list of things. The items that they were asked to rate as far as our services go was like 25 different questions and they rated those 1 to 4, and this particular question was how important these services are versus their opinion of how well you do it. Now, these were specifically what we came up with so this is the list for that particular questions, that these items – infrastructure, fire protection, EMS, open space, public facilities and parks. Those were the ones that we wanted to know, basically by order of importance what people thought. But then rating them on how good we do was a much longer list.

CHAIR MAYFIELD: And excuse me, Commissioners, thanks for indulging. Did we have a question for economic development on there?

MS. JARAMILLO: On how important? No. On the broader list, yes. I think it was just strictly that, economic development. Yes. In the question, please rate the quality of each of the following services in Santa Fe County. And economic development was one of those.

CHAIR MAYFIELD: Can you just – how was that question posed to them?

MS. JARAMILLO: How was it answered?

CHAIR MAYFIELD: Yes. There's another group presenting behind you tonight. That's why I'm kind of asking this question.

MS. JARAMILLO: Okay. Mr. Chair, Commissioners, economic development, three percent rated excellent, 15 percent rated good, 31 percent rated fair, 26 percent rated poor, 26 percent rated don't know. There's a big chunk of don't know on that.

CHAIR MAYFIELD: Okay. Again, thank you and your staff for all the work you put into this and undeliverable surveys again for just for me, District 1, 41 out of 600?

MS. JARAMILLO: Yes.

CHAIR MAYFIELD: that was 41 percent?

MS. JARAMILLO: 41 returns, 41 undeliverable, not 41 percent. I don't think I calculated the percentage of that.

CHAIR MAYFIELD: Okay. And that was the highest number of any district, right?

MS. JARAMILLO: No, the highest number was in District 2 with 53 undeliverables.

CHAIR MAYFIELD: Thank you, Ms. Jaramillo. Commissioners? Thank you so much. Great presentation.

MS. MILLER: Mr. Chair, real quick. You had a question about – Carole, weren't these just to residents in the unincorporated areas as well? Weren't they just to –

MS. JARAMILLO: Mr. Chair, Commissioners, Ms. Miller, yes. Thank you for bringing that up. We did only send the surveys to unincorporated residents and we also excluded residents that were going to be annexed in Phase 2, because that was going to happen so soon. So it was all unincorporated and Phase 2 annexation was excluded, along with the city or the Town of Edgewood or Española.

CHAIR MAYFIELD: Thank you. Great. Great presentation.

MS. MILLER: Mr. Chair, under Matters from the Manager we had one other item that we were going to do this evening and that was a request at the last BCC from Commissioner Stefanics that staff give an update on the Turquoise Trail Senior Center project and the La Bajada Ranch.

CHAIR MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Are you the only one going to be doing this presentation?

MARK HOGAN (Public Works): Mr. Chair, Commissioner, actually, I was going to request that we could do the La Bajada Ranch one first since two members of the committee have been waiting since 6:00 to update on La Bajada Ranch and then I was going to follow up by doing the community center/senior center on 14.

COMMISSIONER STEFANICS: Well, okay, I'm fine with that. It's just that Commissioner Anaya is gone and he's related to both of those projects as well, so great. Okay. Thanks.

7. a. 3. **Turquoise Trail Senior Center Project Update and La Bajada Ranch Project Update**

MR. HOGAN: If I could, what I'd like to do is introduce Eric Blinman and Peter Weiss who are the chair and the co-chair of the La Bajada Ranch Steering Committee and have them present an update on some activities and then I'll have a couple of closing comments on that.

PETER WEISS: Mr. Chair and Commissioners, I'm Peter Weiss. I'm the co-chair of the committee and I want to just report briefly about one of the events that we were able to carry out. As you know our committee is charged with coming up with an advisory report to you all at the Commission about the future of the ranch and we have gone through a number of different processes over the last several months. But one of the things we found pressing on us was a more effective outreach into the community.

So in November, November 23rd, we were able to open the ranch for the first time in a number of years to the public and we had an open house. This was the week just before Thanksgiving. As you know, it was snowing that weekend so we had kind of a rough day but in spite of that we had over 60 people come from the public and many people from the La Cienega community. I want to particularly thank staff and the rest of the County staff, particularly Mr. Baca's group for signage and so forth. There were a lot of people that contributed to this, most importantly and most gratifying to the committee was the participation by members of the public from the La Cienega community itself who not only came to help with introducing the property to members of the committee, those of us who weren't familiar with it already, they also provided sort of decent support for people in the public who wanted to know more about the history of the ranch and they brought fantastic food for everybody too. So it was really a successful day and a great way for us to reach out.

I want to point out that we have had a real core group of people from the community participating or coming into our meetings, we have open meetings and they all have been very active in participating during the public part of it. We're starting to see a few more people. We've had email responses from people as a result of the open house and it was a wonderful experience and one of the things that we want to continue to try to do as we develop our final report to the Commission. Do you have any questions about that?

CHAIR MAYFIELD: Commissioner, please.

COMMISSIONER STEFANICS: So, when do you expect a final report?

MR. WEISS: Mr. Chair, Commissioner Stefanics, I'll leave that to my colleague who is the chairman of the committee to answer that. We're still working. I think we have a number of months left to go. Those of us who are on the committee are empowered for different lengths of time. I think mine runs for two years. But I hope we could

get it done long before that. I'll leave that to my colleague, Eric Blinman. Any other questions? Thank you.

ERIC BLINMAN: Mr. Chair and Commissioners, I wish I could give you a definitive answer on that. We would all like the pace to be going twice as fast as it is, but we've broken down some of the initial tasks of the committee work into subcommittees. They've actually taken their charges extremely seriously and we expect to have some significant progress on the subcommittee work on approaches to evaluation, on criteria and on the process of solicitation from the public on potential uses of the property. And my personal goal is that the meeting after the next one, that we have something absolutely concrete to report. Whether or not we can achieve that, we'll see.

I'd like to bring one item to your attention, which is that we have three open slots on the committee. Of the 14 members of the committee that were identified for participation we have vacancies in District 5 with the resignation of Jill Cliburn. We have a vacancy in the position for someone with an interest in commercial and residential development, and we have a vacancy in tribal representation. And those are vacancies that only the Commission can fill, if the Commission chooses, and so I just wanted to highlight that those vacancies exist and we would welcome additional input as we move forward in the committee's work.

COMMISSIONER STEFANICS: So, Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Ms. Miller, on the vacancy for District 5, can I just recruit somebody or do they need to go through a public advertising and vetting? Or how did we handle the last group?

MS. MILLER: Mr. Chair, Commissioner Stefanics, we advertise and had very specific requirements in the resolution that created the committee but I think for representatives from that districts that's not an issue. Right, Mark? So if we had somebody –

COMMISSIONER STEFANICS: Right. So the question I'm asking is can I just go recruit somebody for District 5?

MR. HOGAN: Mr. Chair, Commissioner, the last time we took nominations then staff solicited résumés and not-compete clause information and passed that back to the Commission and they nominated or selected them. So, yes, you can nominate somebody and then we will vet them to make sure that there's nothing that would disqualify them and then it would go to the Commission to make that official.

COMMISSIONER STEFANICS: So the second person we need besides District 5 is a commercial or residential developer? And the third one is?

MR. HOGAN: Tribal representation.

COMMISSIONER STEFANICS: Tribal. Okay. Thank you very much.

CHAIR MAYFIELD: Chairman Blinman and Mr. Hogan, and I also would support whoever Commissioner Stefanics wants to nominate as her representative. It's her representative so just name whoever you want, Commissioner Stefanics. But let me ask this, gentlemen. What does the resolution say? Did we extend this to be an indefinite timeline to get a recommendation back from this committee? I know we extended it once. We put a resolution forth. We gave certain parameters of what our expectations were that talked about

a slew of objectives and it's respectfully gone to where it's gone to. But we had some date-certain requirements that we asked, and granted, some of our committees go a little longer than they go and that's fine. Do you have a copy of that resolution, Mr. Hogan?

MR. HOGAN: Mr. Chair, I don't have a copy of the resolution with me. There were dates-certain in terms of reporting back to the Commission and so that first date was some time last fall, I think, in September, and we came to the Board and made presentation then on where we stood at that point. As far as I remember there is no clause or provision in the resolution that states that their work will be concluded by a date specific.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this point, we had another task force a few years ago and I think it was on the conjunctive wells, and they wanted to keep going and they wanted to keep going and they wanted to keep going and we finally said, enough. Come next month with a report. So I do believe that we have dates-certain usually when we request something, and I'm not saying that this group isn't working hard, I'm just saying we should give everybody a goal, a finish line. And if we haven't done that we should do it. Ms. Miller, do you know anything about the deadline

MS. MILLER: Mr. Chair, Commissioner Stefanics, I'd have to look at the resolution, but I don't think there were specific deadlines in the resolution for recommendations. I think we had difficulty just getting the whole committee together and the thought was they would also work throughout as things came forward, so I think in this particular one it was not going to be – there wasn't a specific deadline, but I think we could do that. I think the Commission could say we would like at least some preliminary recommendations by a certain date.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner. You sit as a representative on that committee.

COMMISSIONER HOLIAN: Yes. As a representative on the committee I can assure you that the committee really does want to complete this project in the most efficient way possible. There's been a lot of discussion about that, about in fact how to do that. I don't think that this particular committee wants to drag this out at all. And I think that the – as I remember, if I remember correctly, at the last meeting we talked about the next report to the Board being a schedule for completion.

CHAIR MAYFIELD: Fair enough. Let me just ask this question if I can. One, I've attended one of your meetings. I know you guys were working late one night; I was here late one night. You were in our legal conference room, this week or last week, I think. Again, time escapes me. But do you have troubles meeting quorums? Have you not continued meeting because you can't make quorums sometimes?

MR. BLINMAN: Mr. Chair, Commissioners, we've had less trouble with quorums, although that occasionally has been the case than we've had with making sure that we've hit all the requirements for notifications, agendas, open meetings. So we've lost, I think one or two – two meeting opportunities to deadline malfunctions between – in the

communication. I think we've streamlined things to the point where that shouldn't be an issue in the future.

CHAIR MAYFIELD: Okay.

MR. BLINMAN: I think I can echo Commissioner Holian's comment that I don't think any of us serving on the committee wants to drag out anything whatsoever. What I found interesting was looking at the anticipation of enrollment dates or term expiration dates, which extend all the way into December 2014 and December 2015, so that in setting this up there was some anticipation that this was going to be a longer-term committee than you're implying. However, that said –

CHAIR MAYFIELD: And Mr. Chair, respectfully, it wasn't in my mind when I – because I was one of the co-sponsors of this resolutions, it was not in my mind or my intent that this would be going on perpetually indefinite to have a recommendation coming from this board.

MR. BLINMAN: Mr. Chair and Commissioners, I think we will try to get it over with quickly.

CHAIR MAYFIELD: And that being said, I can't speak for anybody who has left your committee but I know there has been some frustration expressed that it seems like we're kind of spinning our wheels on that committee and we're just kind of – I can't say that's why people have fallen off that committee. I know that some of the appointees that I have made have said, I don't know if you guys are being productive on this committee anymore. Commissioner, it's fine to sigh there, I guess. That's what has been expressed to me. I know people have addressed issues of wanting to maybe put some PV on that. They've made recommendations on siting on this committee. I don't know if it's been entertained, just different economic development potentials on the committee. That's the reports I want to get back. I want to hear that in front of this Board and we haven't heard anything like that. And I've been waiting to hear something like that back.

Commissioners, on that note, I think we asked that we could have two Commissioners sit on this. Commissioner Anaya resigned, or however that shook out and I will then ask that I get appointed to this task force too then. I think that was in that initial resolution. I want to see this move.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner.

COMMISSIONER STEFANICS: I was one of the individuals who felt that it was not appropriate for Commissioners to be on or leading the committee because often the group follows the lead of the Commissioner. But I guess Commissioner Holian's been attending so maybe she could give a perspective on that, but I just don't want an entire – we are requesting volunteers to come forward and we don't want them to be silent and acquiesce to what one or two people want. So I just – that was my perspective or comments a few months ago.

CHAIR MAYFIELD: And I respect what Commissioner Holian says, but we have one Commissioner sitting on it right now.

MS. MILLER: Mr. Chair, I did get to talk to Commissioner Anaya, and this might help on this subject, I said that – he couldn't call in but I asked them if there was any point he wanted to make. There were two things and they're along the line of what you're talking about. One, he said he would like to have someone appointed in – from his district to represent the position that he had had but felt maybe he should step back on because it's in his district so he thought he should have a representative from his district and was hoping we would look into that. And the second item was the issue of solar and some of the things that have come up as ideas that he thought those should come forward to the Commission for some discussion. So just so you know. And the deadlines for some discussion items to be presented to you should be set.

CHAIR MAYFIELD: Thank you. Chairman Blinman.

MR. BLINMAN: Mr. Chair, members of the Commission, there's some lack of clarity in terms of Commissioner Anaya's role. He was initially chair of the committee and my understanding was he resigned from the chair position that he did not resign from the committee. One of the reasons why he resigned from the chair position was he was unable to make – he was the least attendant member of the committee throughout all of the meetings. And so he was simply unable to participate in any meaningful way. And so I think we've restructured and accomplished more since he withdrew from that position than when we lacked it. Also I would – I think I can frankly say that we lost a fair amount of time in the beginning when there was considerable confusion about the role of the committee in matters that ultimately were decided by the Board of Commissioners in terms of the property itself, that weren't in our mandate but it was confused and we were debating – I'm trying to remember exactly how to phrase it – issues that were in the Board of County Commissioners' purview, not in our committee's purview. And that was extremely frustrating and I think we lost three of our initial meetings to those discussions. And now we're on track.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Just as an attendee of the meetings, and a member of the committee, I'd have to say that yes, there was some confusion in the beginning. There was a slow start. But I have to say in the last two meetings that we really have come up with a process and also I think we defined exactly what it is that we are going to do and what it is that it's up to the Board to decide. And so I feel very positive that we now have our feet firmly planted on the ground and we know what we're doing and we are going forward. And like I say, the plan was, for the next presentation there will be a timeline presented to the Board of what exactly is going to be done when.

CHAIR MAYFIELD: Chair Blinman.

MR. BLINMAN: Mr. Chair, one other – we have had one presentation on photovoltaics so far and we will be considering more, so that's not off the radar at all. It's just that we're trying to make sure that we're putting the cart before the horse with any of the potential uses of this property.

CHAIR MAYFIELD: And Mr. Chair, I don't have the resolution in front of me but I just recall that there were a lot of options that we asked for consideration out there – archeological studies, open space studies, economic development studies. There was a whole

slew of things that we asked for and I thought there were some timelines. I just ask that staff bring back – or look. I guess I can google it right now. I'm tired but I'll look at that and I'll just ask – I'm going to be asking for this to come back on the agenda again. But I'm just going to bring this up because I have attended a couple of the meetings, but when I hear, arguably, potential violations of the Open Meetings Act it causes me concern. When there's – Commissioner, I'm going to say that. When people want to go into retreat and have these retreats private where the public can't be invited, that causes me concern. Because this again needs to be an open process and I just – I won't belabor this point but these were bought with public taxpayer dollars from all of Santa Fe County and that has been a bone of contention with me, that this has to, in my mind, best utilized for all of Santa Fe County again. And so I believe that the composite of this committee was from all of Santa Fe County and that those decisions, if it's by this Board or by that committee, needs to be done in a public setting. And that's what I want to say.

MR. BLINMAN: Mr. Chair, you'll find absolutely no disagreement between your position and my position.

CHAIR MAYFIELD: Thank you, Mr. Chair. Commissioner, do you have anything to add?

COMMISSIONER HOLIAN: No.

CHAIR MAYFIELD: Thank you. Thank you, gentlemen. And Ms. Miller, thank you for handing this to me. This was just on the report that was given. But did we give an addendum to this deadline? Because right now with this resolution that was handed to be, The committee shall provide a preliminary written report and recommendation at a public meeting of the BCC within 12 months of the date of adoption of this resolution. Additional assignments shall be accomplished by amendments to paragraph 2 and 3 of this resolution. I just think though that we may have had one addendum to this resolution though. But we can look at that.

MS. MILLER: Mr. Chair, I don't think we did an addendum but we did have the issue of the membership discussion come up. And the committee did give a report but it was at that timeframe, it would have been last fall. The problem was it didn't have specific recommendations other than to keep on doing what they were doing. So I think perhaps we'd want to in the future have very specific things that we'd like to say recommendations on what and what the report would include.

CHAIR MAYFIELD: And again, I think Commissioner Holian and both the ones who championed this resolution and sponsored it, so I have a vested interest in this resolution also. Commissioner Holian, I think the whole Commission does who signed on to it and I want to see it through.

COMMISSIONER HOLIAN: Mr. Chair, we agree totally on that point. I want to see it through.

CHAIR MAYFIELD: Thank you. So I will be asking that this come back within at least two months, Ms. Miller. Thank you.

MR. HOGAN: Mr. Chair, as a footnote to that, there was a schedule that was presented at the last meeting and it was subject to quite a bit of discussion and that was why

that was not presented this evening. There were still issues that needed to be sorted out. It's a large property; it's a sensitive property and it's a complex process. And so –

CHAIR MAYFIELD: Mark, respectfully, it was a large property when it was decided to be purchased and again, so there was – it should have been brought out when it was purchased also.

MR. HOGAN: Okay.

CHAIR MAYFIELD: That's just my point. And I just think – but thank you.

MR. HOGAN: I'd just –

CHAIR MAYFIELD: No, I appreciate that.

MR. HOGAN: Okay. Our next presentation then is on the Highway 14 senior center/community center. I handed out a handout that shows – the coversheet shows the proximity of the location which we've discussed before. It's at the intersection of Highway 14 and County Road 42. The second sheet shows the five properties that are within the area being considered and then the aerial photo on the third page shows those properties as located on the ground. So we're in the process of pursuing two of the five lots. We went through an initial period of trying to negotiate with the homeowners association to allow this site to be considered.

We succeeded in that and now we're at the point where we need to get appraisals on the property so that we can formalize an offer. We have retained an appraiser. That actually took longer than expected just due to the limited number of people that were available for doing those in a timely way. That process is underway right now. We have one other hurdle before we can solidify an offer on this and that is to present to the homeowners association a conceptual plan of how we'd use the property so they can see how that would not create a conflict with their interests or the other lot owners' interest there so that we can get their support. So those plans are underway but we need to get some financial information back on the properties in the form of the appraisals to make sure that we're choosing the property or two of the lots within the property allocation budget that we have.

So with that I can stand for questions.

CHAIR MAYFIELD: Thank you, Mr. Hogan. Commissioners, any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, and I'm not going to belabor this, but I have had some constituents – first of all, I like the area. I'm not sure; I think Commissioner Anaya does too, but I have some constituents who wanted to know when there's going to be any kind of public meeting in the area to start talking about what it is that they want before we move too far ahead. And I understand we have to get the money. We have to move ahead with certain initial stages but over the holidays there was quite a bit of interest that came up.

MR. HOGAN: Mr. Chair and Commissioner, we're very interested in moving to that step. We've been looking at different properties up and down 14. For anybody that's familiar with this property, it's a gorgeous piece of ground in an excellent location. It's exactly right where we want to be. We've been reluctant to schedule a community meeting

until we had a little more assurance that that was going to be the location and then invite public comment.

COMMISSIONER STEFANICS: Thank you.

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

MR. HOGAN: Thank you.

7. a. 4. **Recognition of the Santa Fe County Adult Detention Facility for Meeting Professional Standards of Detention Administration Established By the Adult Detention Professional Standards Council and for Receiving the New Mexico Local Accreditation Program Certificate From the New Mexico Association of Counties [Postponed]**
5. **Acknowledgement and Recognition of the Santa Fe County Risk Management Division for Completing 5 Years of the New Mexico Association of Counties Risk Awareness Program and Reducing Workers' Compensation Claims By 27%, and for Receiving the Honorable Mention Safety Award for Division V, Class a Counties [Postponed]**
- b. **Presentations**
 1. **Draft Economic Development Plan Presentation [Postponed]**
 2. **Corrections Advisory Committee Bi-annual Report Presented by Chair Frank Susman [Postponed]**
7. c. **Information Items**
 1. **Public Works Monthly Report**
 2. **Public Safety Monthly Report**
 3. **Growth Management Monthly Report**
 4. **Community Services Monthly Report**
 5. **Human Resources Monthly Report**
 6. **Financial Report for the Quarter Ending 12/31/2013**

MS. MILLER: Mr. Chair, as far as items from the Manager, the other two items, other than just to mention them, we will bring those back at the next meeting or at the end of February but as was state just kind of briefly earlier, the Public Safety Department and the Adult Detention Facility really received a remarkable achievement and that was getting accreditation through the New Mexico Local Accreditation program from the Association of Counties on our Adult Detention Facility for the Adult Detention Profession Accreditation program certificate. That was awarded to them on Thursday.

And then as well, our Safety Committee in our Risk Management Division completed five years at the New Mexico Association of Counties Risk Awareness program, the RAP program, and reduced Workers' Comp claims. We got an honorable mention for reducing Workers' Comp claims by 27 percent for the division for Class A counties. For Division 5 for

Class A counties. I just wanted to kind of in summary from the Association of Counties annual conference, they have it at the mid-winter conference, Santa Fe County had a very good showing of graduates from the EDGE program and awards on the jail and our risk management and the only one I think we didn't get was the audit one and that's because they never told us what the standards are, so we're going to try to find that out and try to get it next year.

CHAIR MAYFIELD: Commissioners, and we won't have our State Auditor next year. We don't know if the new State Auditor will continue those awards.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Steve Kopelman indicated that if he was available he'd be happy to come and talk about the detention accreditation whenever we did a public presentation and maybe we could do that earlier in the meeting so we have quite a few people listening and watching, because as the Manager indicated, it is a big deal.

CHAIR MAYFIELD: And Commissioners, I forgot to bring it up in my recap but I'll do it next week, but now we do have a board seat on the multi-line pool and I'll just give you guys a recap, but it was very well received that Santa Fe County is a member of that multi-line. Thank you, Commissioners.

8. Matters from County Attorney

a. Executive Session

1. Discussion of Pending or Threatened Litigation

iii. Joe Anthony Montoya and Advantage Asphalt and Seal Coating, LLC

iv. Consideration of Potential Litigation Concerning County Roads within the Pueblo of San Ildefonso

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

CHAIR MAYFIELD: Mr. Ross, I think we're on to you right now.

MR. ROSS: Mr. Chair, we need a closed executive session to discuss pending or threatened litigation; there's a couple cases listed there, as well as purchase, acquisition or disposal of real property or water rights.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we go into executive session where we will discuss pending or threatened litigation as well as the purchase, acquisition or disposal of real property or water rights.

COMMISSIONER CHAVEZ: Second.

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

with Commissioners Chavez, Holian, Stefanics and Mayfield all voting in the affirmative.

[The Commission met in closed session from 9:35 to 10:54 pm.]

CHAIR MAYFIELD: Thank you, Commissioners. We're coming out of executive session. It is five to eleven.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we come out of executive session where we discussed pending or threatened litigation as well as acquisition and disposal of real property or water rights. Present were County Attorney Steve Ross, Deputy County Attorney Rachel Brown, County Manager Katherine Miller, and Commissioner Stefanics, Holian, Mayfield and Chavez.

COMMISSIONER CHAVEZ: Second.

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

CHAIR MAYFIELD: We're out of executive session.

8. b. Possible Action Items From Executive Session

1. Authorization to Pursue Litigation Against Joe Anthony Montoya and Advantage Asphalt and Seal Coating, LLC

CHAIR MAYFIELD: We have one more matter to discuss. Commissioner Chavez.

COMMISSIONER CHAVEZ: We have one item, authorization to pursue litigation against Joe Anthony Montoya and Advantage Asphalt and Seal Coating, LLC. There was direction given to pursue that litigation, so I'd like to make a motion to that effect.

COMMISSIONER HOLIAN: And I'll second that.

CHAIR MAYFIELD: Commissioners, we have a motion and a second on recommendations made by our County Attorney.

MR. ROSS: Mr. Chair, I'd just like to clarify that litigation concerns a drainage structure that was in our view unlawfully constructed on Estrellas Road in the La Cienega area. It concerns nothing else other than that structure.

CHAIR MAYFIELD: Thank you for that clarification, Attorney Ross. We have a motion and a second on the floor.

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

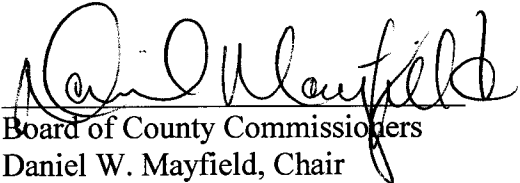
9. **Concluding Business**
a. **Announcements**
b. **Adjournment**

Commissioner Stefanics moved to adjourn and Commissioner Chavez seconded.

Having completed the agenda and with no further business to come before this body,
Chair Mayfield declared this meeting adjourned at 10:55 p.m.


Approved by:

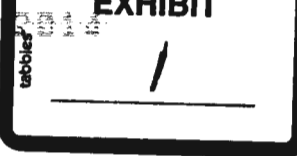



Board of County Commissioners
Daniel W. Mayfield, Chair


GERALDINE SALAZAR
SANTA FE COUNTY CLERK
2/25/2014

Respectfully submitted:


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



Certified Public Accountants
and Business Advisors LLC



Santa Fe County

2013 AUDIT RESULTS

January 28, 2014

www.axiomnm.com





Auditing Standards

As stated in our engagement letter, our responsibility, as described by professional standards, is to form and **express an opinion** about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements **does not relieve you or management of** your responsibilities.

Our responsibility is to plan and perform the audit in accordance with generally accepted auditing standards issued by the AICPA and the Comptroller General of the United States, and to design the audit to obtain **reasonable, rather than absolute, assurance** about whether the financial statements are free of material misstatement.

Our audit of financial statements includes **consideration of internal control** over financial reporting as a basis for designing audit procedures **but not for the purpose of expressing an opinion** on the effectiveness of the entity's internal control over financial reporting. Accordingly, we considered the entity's internal control for the purpose of determining our audit procedures and not to provide assurance concerning such internal control.

We are also responsible for **communicating significant matters related to the financial statement audit** that, in our professional judgment, are relevant to your responsibilities in overseeing the financial reporting process. However, **we** are not required to design procedures for the purpose of identifying other matters to communicate to you.



Auditor's report on the financial statements

Unmodified Opinion – “Clean Opinion”

- Financial Statements are presented ***fairly*** in accordance with accounting principals generally accepted in the United States of America.



OTHER AUDITOR'S REPORTS

GAGAS Report on Internal Control Over
Financial Reporting and on Compliance
and Other Matters

OMB Circular A-133 Report on
Compliance with Requirements That
Could Have a Direct and Material
Effect on Each Major Program and on
Internal Control over Compliance

UNMODIFIED OPINION



RESOLVED FINDINGS

- 07-10 Quality Control in Assessor's Office
- 12-01 HUD Eligibility
- 11-03 Cash and Investment Procedures
- 12-02 Social Security Administration

CURRENT YEAR FINDINGS

- 13-01 Prior Period Adjustment and Significant Adjustments
- 13-02 Payroll Disbursements
- 13-03 Information Technology
- 13-04 Reporting – Public Housing Capital Fund
- 13-05 Davis Bacon
- 13-06 Suspension and Debarment
- 13-07 Reporting – Section 8
- 13-08 Reporting – HIDTA





Certified Public Accountants
and Business Advisors LLC

Thank you!

www.axiommm.com



Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
Taos Field Office

Serial Number
NMNM131733

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. ☐ Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder Santa Fe County, 102 Grant Ave, Santa Fe, NM 87501 receives a right to construct, operate, maintain, and terminate a access road right-of-way on public lands (or Federal land for MLA Rights-of-Way) described as follows:

N.M.P.M.,
Township 18 North, Range 8 East,
Sec. 13, SW¼;
Sec. 24, W½W½;
Sec. 25, W½W½.

- b. The right-of-way or permit area granted herein is 20 feet wide, 15,079 feet long and contains 6.92 acres, more or less. If a site type facility, the facility contains N/A acres.
- c. This instrument shall terminate on January 8, 2034, 20 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument ☒ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

(Continued on page 2)

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

Under this circumstance, you would be exempted from rental according to the right-of-way regulation 43 CFR 2806.14

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, dated January 8, 2014, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Signature of Authorized Officer)

(Title)

(Title)

(Date)

(Effective Date of Grant)

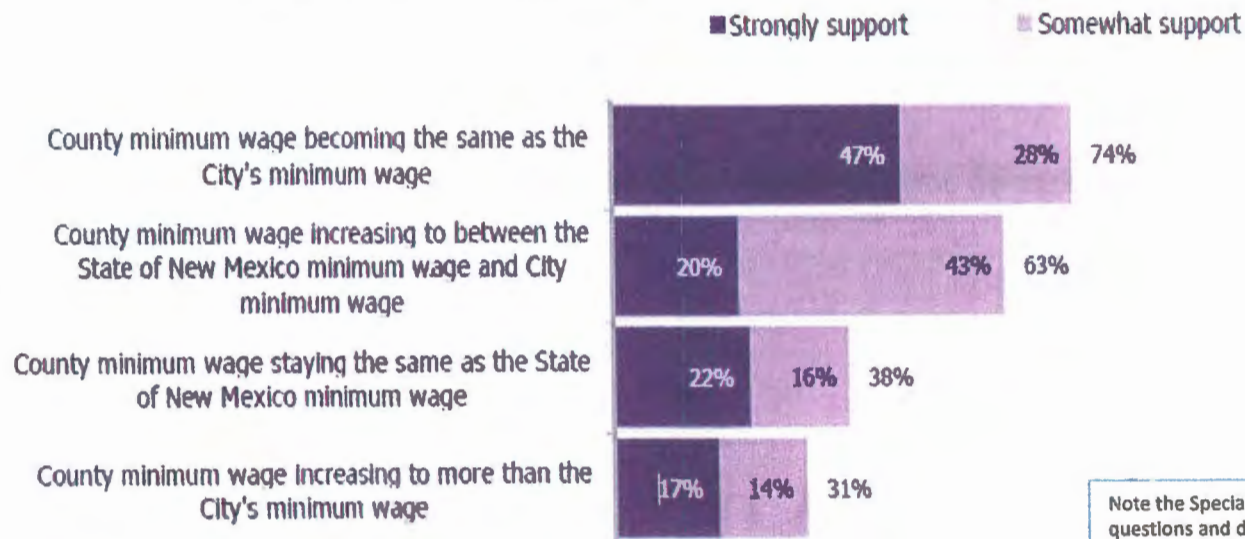


National Citizen Survey – Special Topics

The survey asked respondents the following:

The City of Santa Fe currently has a “living wage” that means that all employees of City businesses are paid no less than \$10.51/hour (as compared with the State of New Mexico minimum wage of \$7.50/hour). To what extent to you support or oppose each of the following minimum wage scenarios for the unincorporated areas of Santa Fe County?

- City minimum wage becoming the same as the City’s minimum wage.
- County minimum wage increasing to between the State of NM minimum wage and City minimum wage.
- County minimum wage staying the same as the State of New Mexico minimum wage.
- County minimum wage increasing to more than the City’s minimum wage.



Note the Special Topics are custom questions and do not have comparative data to other jurisdictions.

NATIONAL ECONOMIC OUTLOOK AND EMPLOYMENT CONDITIONS IN NEW MEXICO

New Mexico Association of Counties
2014 Legislative Conference
Santa Fe, New Mexico

January 22, 2014

Presented by Stephen L. Kiser, Ph.D.
Regional Economist
Federal Deposit Insurance Corporation

Employment Analysis By Wage

Employment Subsectors By Wage

- Low Wage (Average Weekly Wage Less Than \$650)
- Moderate Wage (Average Weekly Wage Between \$650 and \$1,200)
- High Wage (Average Weekly Wage Greater Than \$1200)

Source: BLS QCEW Database and Author's Calculations

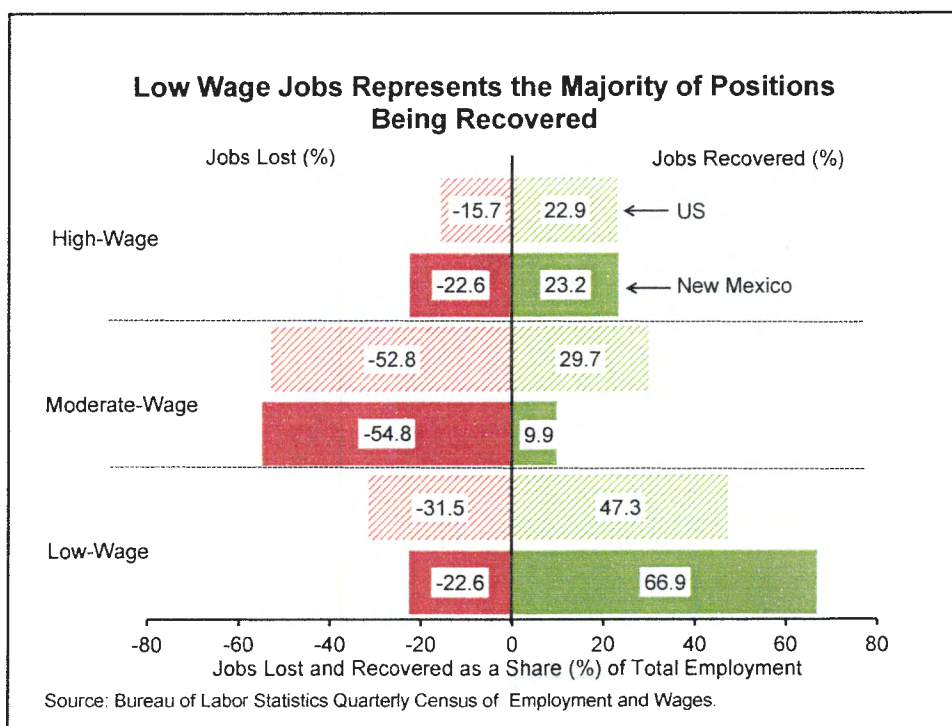
2014
January 22, 2014
Santa Fe, New Mexico
New Mexico Association of Counties
2014 Legislative Conference

Employment Analysis By Wage

Examples of Employment Subsectors By Wage

- **Low Wage**
 - Limited-service restaurants \$248
 - Employment services \$540
 - Gambling industries \$606
- **Moderate Wage**
 - Business support services \$653
 - Elementary and secondary schools \$741
 - Utility system construction \$1,157
- **High Wage**
 - Motion picture and video industries \$1,204
 - Aerospace product and parts mfg. \$1,504
 - Oil and gas extraction \$2,687

Source: BLS QCEW Database and Author's Calculations



Liz Stefanics

From: Liz Stefanics
Sent: Tuesday, January 28, 2014 3:18 PM
To: Liz Stefanics
Subject: FW: Udall, Heinrich Welcome PILT Extension in Farm Bill

EXHIBIT

5

News Release

U.S. Senators Tom Udall and Martin Heinrich

FOR IMMEDIATE RELEASE: January 28, 2014

Udall, Heinrich Welcome PILT Extension in Farm Bill *Senators worked with bipartisan coalition to extend expired PILT funding*

WASHINGTON - U.S. Senators Tom Udall and Martin Heinrich today announced that the Farm Bill conference report, made public last night, includes one year of funding for the critical Payment in Lieu of Taxes (PILT) Program. The news provides relief for rural counties in New Mexico, which face major budget cuts if PILT is not extended.

The senators were among a bipartisan coalition who wrote to Farm Bill negotiators to request an extension of the program, which expired at the end of last year with no plan for renewal. PILT compensates counties that host large amounts of federal land, and is a major source of revenue for rural communities. Federal land can't be developed or taxed, but counties still must provide services to their residents, such as police and fire protection, schools and roads. In 2013, 32 New Mexico counties received \$34,692,967.

"This is a relief for families with school children and all rural residents who need emergency services and road improvements," **Udall said**. "Without an extension of PILT, rural counties will face drastic budget and job cuts in June, and many will struggle to fund the most basic of services. This is an issue of fairness for rural communities across New Mexico, and I want to thank the conference committee for granting our request."

"Our effort to restore funding for the PILT program is a major victory for rural New Mexico," **Heinrich said**. "This program helps counties across our state avoid budget shortfalls and maintains the economic strength of rural communities who rely on the funds for infrastructure maintenance, law enforcement, and other critical local services. I commend House and Senate agriculture leaders for producing a bipartisan agreement on the Farm Bill and urge its passage."

The Farm Bill conference report is the product of many months of negotiation between congressional leaders, who worked to resolve differences between the House- and Senate-passed versions of the Farm Bill. The final report must be approved by Congress one more time before it is sent to the president to be signed into law. The House is scheduled to consider the final report on Wednesday, followed by the Senate.

The conference report provides more than \$400 million for PILT payments, which are computed based on the number of acres of federal entitlement land within each county or jurisdiction and the population of that county or jurisdiction. The lands include the National Forest and National Park Systems, the areas managed by the Bureau of Land Management, those affected by the U.S. Army Corps of Engineers and Bureau of Reclamation water resource development projects, and others.

Udall and Heinrich have been strong advocates for steady, full funding of the PILT program. After years of funding PILT inconsistently, Congress in 2008 fully and automatically funded PILT for five years. In a 2012 transportation

bill, full funding was extended for another year, leaving the future beyond 2013 uncertain. Starting in 2011, Udall, along with then-Sen. Jeff Bingaman, helped lead the fight in the Senate for mandatory support of PILT and Secure Rural Schools funding for an additional five years. Heinrich, then a member of the House, sponsored a companion bill. Last year, Udall and Sen. Mike Enzi (R-WY), along with Heinrich, wrote the chairs and ranking members of the Senate Appropriations Committee and Interior subcommittee calling on them to fully support and fund PILT.

#####

Contacts: Jennifer Talhelm (Udall) 202.228.6870 / Whitney Potter (Heinrich) 202.228.1578

To unsubscribe from this group and stop receiving emails from it, send an email to board-of-directors+unsubscribe@nmcounties.org.

2011/03/27/2011
RECORDED
MAR 27 2011
CLERK

LEGISLATIVE BRIEF

The FY 2014 Omnibus: Highlights from the County Perspective

Updated Jan. 17, 2014

Background

In recent years, as partisan battles over federal spending have intensified, Congress has been unable to enact any stand-alone appropriations bills through the regular appropriations process. In fact, no individual spending bills have been enacted through the regular process since 2009.

Instead, Congress has relied on year-end omnibus appropriations measures (that combine some or all of the 12 annual spending bills) or continuing resolutions (which fund federal government programs and agencies at prior-year spending levels) to complete the annual appropriations process.

For example, Congress did not complete the FY 2011 (the fiscal year that began on Oct. 1, 2010) appropriations process until April 2011 when, after an agreement was reached between Republicans and President Obama to cut spending, Congress enacted an omnibus measure (P.L. 112-10) that provided a full, detailed spending bill for Defense but a year-long continuing resolution for the other 11 spending bills.

In FY 2012, after Congress and President Obama reached agreement on a debt limit increase/deficit reduction measure (the 2011 Budget Control Act, or P.L. 112-25), Congress finished the appropriations process by passing two separate omnibus measures—a three-bill “minibus” enacted in Nov. 2011 (P.L. 112-55) and a nine-bill omnibus enacted in Dec. 2011 (P.L. 112-74).

In FY 2013, Congress enacted a year-long continuing resolution after agreement could not be reached on whether to roll back and replace the automatic spending cuts (sequestration) triggered by the 2011 Budget Control Act. Spending for FY 2013 was set in

March 2013 through an omnibus (P.L. 113-6) that included appropriations for five spending bills and a year-long continuing

resolution for the remaining seven bills. The \$1.043 trillion discretionary total in that measure was then reduced by sequestration to \$988 billion—which prompted federal departments and agencies to impose furloughs and implement other cost-saving measures.

Key Elements of the Omnibus

- Funds the federal government for FY 2014
- Combines all 12 annual appropriations bills into one bill
- Totals \$1.012 trillion
- Provides a 2.6 percent increase in discretionary spending
- Restores most of the funding cut by the sequester

By the beginning of FY 2014 (in Oct. 2013), Congress had not yet completed the annual appropriations process—primarily due to major disagreements between the House and Senate on sequestration and overall caps on discretionary spending.

House appropriators drafted their appropriations bills with a

discretionary spending cap of \$967 billion and kept the sequester in place. Senate appropriators, on the other hand, ignored the sequester and drafted their appropriations bills under the discretionary spending cap of \$1.058 trillion.

As a result of these substantial differences, the appropriations process ground to a halt and caused a 16-day government shutdown. Congress ended the shutdown by funding the government through Jan. 15 and suspending the statutory debt limit through Feb. 7. As part of that deal (P.L. 113-46), a formal House-Senate conference committee negotiated discretionary spending caps for FY 2014 and FY 2015, partially rolling back the sequester in each of those years.

Soon after that negotiation, Congress passed a new Bipartisan Budget Act (P.L. 113-67), which increased the cap on FY 2014 discretionary spending by \$45 billion to \$1.012 trillion and increased the cap on FY 2015 discretionary spending by \$18 billion to \$1.014 trillion. Congressional leaders are hopeful that this deal will spur Congress to return to “regular order” for considering annual appropriations bills.

About the FY 2014 Omnibus

With just days remaining until the expiration of the continuing resolution that funded the federal government through Jan. 15, House and Senate appropriators released a \$1.012 trillion omnibus spending package (H.R. 3547), on Jan. 13, that would

fund the federal government through the remainder of FY 2014. The nearly 1,600-page spending plan combines all 12 FY 2014 appropriations bills and would provide an overall 2.6 percent increase in discretionary spending from the FY 2013 levels. Under the Budget Control Act (which set the sequester into motion), spending for FY 2014 was scheduled to fall to \$967 billion, but the omnibus adopts the new cap of \$1.012 trillion.

Timeline

To give both chambers additional time to consider the omnibus, the House and Senate (on Jan. 14 and 15 respectively), passed a short-term “clean” extension of current funding levels to keep the government operating through the weekend of Jan. 18. The House passed the omnibus on Wednesday, Jan. 15 and the Senate followed suit on Thursday, Jan. 16.

Policy Riders in the Omnibus

The omnibus did not address several controversial policy issues, such as the Affordable Care Act (P.L. 111-148, 111-152) and the U.S. Environmental Protection Agency’s carbon regulations, that have kept appropriations action in limbo. There were, however, several policy riders that were included:

Quotes from Appropriations Leaders on the Omnibus:

House Appropriations Committee Chairman Hal Rogers (R-Ky.)

“The bill reflects careful decisions to realign the nation’s funding priorities and target precious tax dollars to important programs where they are needed the most. At the same time, the legislation will continue the downward trend in federal spending to put our nation on a sustainable fiscal path.”

Senate Appropriations Committee Chairman Barbara Mikulski (D-Md.)

“This agreement shows the American people that we can compromise, and that we can govern. It puts an end to shutdown, slowdown, slamdown politics.”

- **Flood Insurance Premiums:** The omnibus includes language that would temporarily delay flood insurance premium increases for properties that face increases due to remapping. If such properties are sold, the delay would no longer apply.

- **Military Pension “Fix”:** The omnibus amends the Ryan-Murray budget agreement to exempt disabled veterans and surviving military families from having their cost-of-living benefits temporarily reduced.

- **Reports on NSA Surveillance:** The omnibus requires the National Security Agency (NSA) to provide Congress with new details on the government’s collection of domestic phone records.

- **Abortion Riders:** The measure includes several long-standing abortion riders that have been carried in previous spending bills, including the Hyde amendment—which bans Medicaid coverage for abortions, except in certain circumstances—and a provision that would continue to ban the use of public funding for abortions for federal prisoners and within the District of Columbia.

- **U.S. Department of Energy Light Bulb Standards:** The omnibus blocks the U.S.

Department of Energy from implementing or enforcing the phase out of incandescent light bulbs.

“Counties annually invest \$106.3 billion in building infrastructure and maintaining and operating public works. Counties own and maintain 45 percent of America’s roads and bridges, are involved in 27 percent of public transit systems, and own or sit on governing authorities that operate over one-third of the nation’s airports.”

- **Coal Plants Abroad:** The omnibus prohibits the U.S. Export-Import Bank and Overseas Private Investment Corporation from cutting financing for power plants that do not curb carbon emissions.

- **Yucca Mountain:** The omnibus includes a provision that continues a review of the proposed nuclear waste facility at the Yucca Mountain in Nevada.

- **Guantanamo Detainees:** The omnibus stops the transfer or release of Guantanamo detainees in the U.S.

Transportation and Infrastructure Highlights

County Role in Transportation

Counties are an essential part of the nation’s infrastructure. By providing efficient transportation and transit options such as buses, trains, light rail and subway systems, counties connect residents, businesses and communities and strengthen local economies. Counties annually invest \$106.3 billion in building infrastructure and maintaining and operating public works. Counties own and maintain 45 percent of America’s roads and bridges, are involved in 27 percent of public transit systems, and own or sit on governing authorities that operate over one-third of the nation’s airports.

Highway and Transit Funding Reflects MAP-21 Levels

The omnibus includes non-discretionary obligation limitation funding (the amount that can be obligated from the Highway Trust Fund for the programs authorized by MAP-21) for federal highway and transit programs that is consistent with the amounts authorized in MAP-21. Specifically, \$41 billion in obligation limitation is provided for the federal highway program and \$8.6 billion is included for mass transit.

- **Highway Funding:** The omnibus provides \$41 billion in obligation limitation funding for the Federal Highway program, consistent with levels authorized through MAP-21. This represents an increase of \$557 million from the FY 2013 level.
- **Transit Funding:** The omnibus provides \$8.6 billion from the Mass Transit Account of the Highway Trust Fund—the same level authorized in MAP-21—and \$2.15 billion in discretionary funding for the Federal Transit Administration, which includes \$1.943 billion in new funding for Capital Investment Grants. In addition, the omnibus directs \$190 million in unobligated and unexpended funds from prior fiscal years for a total of \$2.132 billion for FY 2014 Capital Investment Grant projects. This represents an overall increase of \$276 million from FY 2013.
- **TIGER funding:** The omnibus includes \$600 million for the Administration's signature TIGER grant program, which provides funding to states, local governments and transit authorities for highway, bridge, passenger and freight rail and port infrastructure investments. This exceeds both the post-sequestration FY 2013 enacted level (\$474 million) and the amount requested in the President's FY 2014 budget (\$500 million).

The omnibus includes \$600 million for the Administration's signature TIGER grant program, which provides funding to states, local governments and transit authorities for highway, bridge, passenger and freight rail and port infrastructure investments. This exceeds both the post-sequestration FY 2013 enacted level (\$474 million) and the amount requested in the President's FY 2014 budget (\$500 million).

Federal Aviation Administration Will See \$168 Million Cut

The omnibus provides \$12.4 billion to the Federal Aviation Administration (FAA), a reduction of \$168 million from FY 2013. The bill would also reject the Administration's proposal to increase Passenger Facility Charges.

- **Airport Infrastructure:** The omnibus includes \$3.35 billion in obligation limitation for Grants-in-Aid for airports (Airport Improvement Program), which would include \$5 million to continue the Small Community Air Service Development Program (SCASDP). The amount available for SCASDP represents a \$1 million decrease from FY 2013. The bill would also allow small airports to continue contributing five percent of the total cost for unfinished phased projects that were underway prior to the passage of the most recent FAA bill (the FAA Modernization and Reform Act of 2012 increased the cost share from five to ten percent).
- **Payments to Air Carriers:** The omnibus provides a total of \$249 million for the Essential Air Service Program, which includes \$149 million in appropriations and approximately \$100 million

in over flight fees. The bill further provides that none of these funds shall be used for contracts with communities located less than 40 miles from the nearest small hub airport unless the locality negotiates an agreement to share costs.

No Funding Provided for High Speed Rail

The omnibus provides \$1.6 billion for the Federal Railroad Administration (FRA), a decrease of \$34.6 million from the FY 2013 post-sequestration enacted level. This amount includes \$340 million in operating grants and \$1.05 billion for capital and debt service grants to Amtrak. The amount available for the FRA does not include any of the Administration's requested funding for High Speed Rail.

Army Corps Receives Increased Funding for Water Infrastructure

Under the omnibus, the U.S. Army Corps of Engineers (Corps) receives \$5.5 billion, which is an increase of \$495 million from the FY 2013 post-sequestration enacted level (excluding Sandy relief), in order for the agency to continue to focus on flood control and navigation projects. This includes more than \$1 billion from the Harbor Maintenance Trust Fund, an increase of \$300 million from previous fiscal years.

- **General Investigations:** \$125 million is provided to conduct reconnaissance studies, which is an increase of \$7 million from FY 2013 (post-sequestration). The bill also provides that there be no more than nine new study starts during FY 2014 and that those studies be balanced across the Corps main mission areas (navigation, flood and storm damage reduction, and environmental restoration)—all of these studies are to be chosen by the Corps.
- **Construction Funding:** \$1.656 billion is provided for the construction of river and harbor, flood and storm damage reduction, shore protection

and aquatic ecosystem restoration projects, which is an increase of \$69 million from FY 2013 (post-sequestration). The Corps is also directed to spend 25 percent of this amount on the Olmsted Lock and Dam and be limited to initiating no more than four new projects in FY 2014.

- **Operations and Maintenance:** \$2.861 billion is provided for the operation and maintenance of existing projects, which is an increase of \$575 million from FY 2013 (post-sequestration).
- **Mississippi River and Tributaries:** \$307 million would be available for flood damage reduction projects in the Mississippi River alluvial valley, an increase of \$68 million from FY 2013 (post sequestration).
- **Flood Control and Coastal Emergencies:** \$28 million would be provided to prepare for flood, hurricane, and other natural disasters to support emergency operations, repairs, and other activities.

Census Bureau's American Community Survey Remains Intact

Funded within the Commerce, Justice, Science and Related Agencies Appropriations, the U.S. Census Bureau receives \$945 million for operations in FY 2014 under the omnibus. Although less than the President's FY 2014 budget request, this amount is expected to be enough to continue the American Community Survey (ACS), which is conducted every year by the Census Bureau.

The ACS, sent to a small percentage of the nation's population, seeks to collect current data on local communities every year as opposed to every 10 years in the decennial census. The data collected is important to various stakeholder groups in both the business and government communities. NACo

supports implementation of the ACS, as it helps determine emerging local and regional trends that assist in planning. Furthermore, the survey data is used to decide how over \$400 billion in federal and state funds are distributed each year.

Health and Human Services

County Role in Health and Human Services

Counties create support systems to keep Americans healthy from the time they are born until they grow old. Counties provide public health information, clinical services, behavioral health services, children's care and services to the elderly, emergency medical services and various healthy living programs. Often, states require counties to provide health services to low-income and uninsured people.

County governments actively support the health care providers in their jurisdiction. Counties invest \$69.7 billion annually in public health services and hospital facilities providing in-patient medical care. From preventative measures like administering flu shots to educating the public on health issues, counties are involved in providing healthcare through more than 1,550 health departments.

Counties also support 960 hospitals that provide clinical services, cancer and cardiac care, and emergency and trauma care, serving more than 14 million patient days annually. By operating 76 percent of publicly owned nursing homes nationally, counties promote quality of life and wellness to the elderly.

U.S. Department of Health and Human Services (HHS) Health Program Funding is Increased

The omnibus funds the National Institutes of Health (NIH) at \$29.9 billion, an increase of \$1 billion over the FY 2013 post-sequestration level. The Centers for Disease Control and Prevention (CDC) is set to receive \$6.9 billion, \$368 million above the FY 2013 level. The negotiators avoided most of the hot button issues that have kept Congress from completing the Labor-HHS-Education appropriations bill for the past two years, agreeing to provide roughly level funding for activities and programs under the Affordable Care Act (ACA) and avoiding new contraception or abortion riders.

- **Prevention and Public Health Fund:** For the first time since the Fund's enactment as part of the ACA, the omnibus fully allocates the mandatory funding available through the Prevention and Public Health Fund (PPHF) – \$1 billion in FY 2014.

The bulk of the funding, \$831 million, is slated to go to CDC programs.

Absent Congressional direction while operating under a series of CRs, HHS allocated the funds at its discretion. In FY 2013, the agency diverted over \$450 million from the PPHF to support the ACA health insurance exchanges. NACo objected to that move and strongly supports

allocating PPHF resources according to its original intent, especially to those programs that support county prevention and public health work.

- **Substance Abuse and Mental Health:** County behavioral health authorities receive funding from the Substance Abuse and Mental Health

*Prevention and Public Health Fund
In FY 2013, HHS diverted over \$450 million from the PPHF to support the ACA health insurance exchanges. NACo objected to that move and strongly supports allocating PPHF resources according to its original intent, especially to those programs that support county prevention and public health work.*

Services Administration (SAMHSA), primarily through two major block grants:

- The Substance Abuse Prevention and Treatment (SAPT) Block Grant is funded at over \$1.8 billion under the omnibus, and appropriators also included language sought by NACo that blocks the agency from redirecting a portion of the block grant to research and evaluation.
- The bill allocates \$484 million for the Mental Health Block Grant, a \$47 million increase over FY 2013 levels, and requires a new five percent set-aside for early intervention programs for persons with serious mental illness such as psychosis.

Negotiators also included over \$100 million in funding for the President's "Now is the Time" initiative, which was developed to support mental health programs in response to the Newtown tragedy.

Human Services Funding Avoids Major Cuts

The omnibus largely spares the programs counties use to provide human services to vulnerable members of their communities. It extends the \$16 billion Temporary Assistance for Needy Families (TANF) Block Grant through the end of the fiscal year. It also provides level funding for the Social Services Block Grant at \$1.7 billion.

- **Head Start:** The Head Start program receives \$8.6 billion, an increase of \$1 billion over FY 2013 funding, which restores the sequester cut and adds a 1.3 percent cost of living increase.

This funding includes \$500 million for Early Head Start.

- **Child Care and Development Block Grant:** The Child Care and Development Block grant receives \$2.36 billion for the discretionary portion, an increase of \$37 million from pre-sequester FY 2013 levels.
- **Low-Income Home Energy Assistance:** The Low-Income Home Energy Assistance Program (LIHEAP) is funded at \$3.425 billion, an increase of \$169 million over FY 2013 levels.
- **Community Services Block Grant:** The Community Services Block Grant, a NACo-supported program which had been a target for cuts, is funded at \$710 million, the same as FY 2013 pre-sequestration levels.
- **Refugee Assistance:** Refugee Assistance programs receive an overall funding level of almost \$1.5 billion, which is an increase of \$363 from the President's FY 2014 request.

Transitional and Medical Services continue to be

funded at \$391 million. The biggest increase in funding is for the Unaccompanied Refugee Minor Program (URM), which nearly doubles to \$868 million. The reason for this increase is that 60,000 unaccompanied minors, many of whom

end up in state and county foster care programs, are expected to cross the border this year due to conflicts around the world.

"The omnibus largely spares the programs counties use to provide human services to vulnerable members of their communities. It extends the \$16 billion Temporary Assistance for Needy Families (TANF) Block Grant through the end of the fiscal year. It also provides level funding for the Social Services Block Grant at \$1.7 billion."

Administration for Community Living Funding Increased

The omnibus provides \$1.6 billion for the U.S. Department of Health and Human Services' (HHS) Administration for Community Living (formerly the Administration on Aging), an increase of \$57 million over FY 2013 levels. Specific programs relied on by counties to help seniors and people with disabilities stay out of institutional care and live in their communities include:

- **Congregate Meals:** Congregate Meals are funded at \$438.2 million, an increase of \$22.1 million from FY 2013 before sequestration.
- **Home-Delivered Meals:** The Home-Delivered Meals program receive \$216.4 million, a slight increase from FY 2013.
- **Supportive Services and Centers:** Supportive Services and Centers are funded at \$347.7 million, level with FY 2013.
- **Family Caregiver Support Services:** Family Caregiver Support services are slated to receive \$145.6 million, level with FY 2013 after sequestration.

"Emergency Management Performance Grants and Firefighter Assistance Grants saw no change from the FY 2013 enacted levels; they would be funded at \$350 million and \$680 million, respectively."

justice and public safety services to their residents. Almost half of the investment—\$30.2 billion—is dedicated to police and sheriff departments.

Counties also invest \$16.7 billion annually in county civil and criminal courts and legal services like prosecuting and district attorneys, indigent defense, and child support enforcement. Further, counties invest \$23.3 billion annually in the operation, construction and maintenance of county jails that received the majority of the 11.6 million admissions to local jails in 2012.

FEMA State and Local Programs See Slight Increase in Funding

The omnibus provides \$1.5 billion for the U.S. Department of Homeland Security's (DHS) Federal Emergency Management Administration (FEMA) state and local programs, an increase of \$230 million from the FY 2013 enacted level but roughly \$600 million less than the President's FY 2014 request.

Emergency Management Performance Grants and Firefighter Assistance Grants saw no change from the FY 2013 enacted levels; they are funded at \$350 million and \$680 million, respectively.

Justice and Public Safety

County Role in Justice and Public Safety

Maintaining safe communities is one of the most important functions of county governments. Most counties are involved in almost every aspect of law enforcement and crime prevention, including policing, corrections, and judicial and legal services. Counties invest \$70.2 billion annually in providing

- **UASI:** The omnibus provides \$587 million for the Urban Area Security Initiative (UASI). This represents a \$97 million increase from FY 2013.
- **State Homeland Security Grant Program:** The omnibus provides \$411 million for the State Homeland Security Grant Program, which represents an increase of roughly \$65 million above FY 2013.

- **FEMA Mitigation Programs:** The omnibus provides \$6.2 billion for Disaster Relief, a decrease of roughly \$800 million from FY 2013. Additionally, Pre-Disaster Mitigation Grants are funded at \$25 million, nearly level with FY 2013.
- **Flood plain management and flood mapping:** Under the National Flood Insurance Fund, the omnibus provides \$154 million for flood plain management and flood mapping—which will remain available until September 30, 2015. This represents nearly level funding from the FY 2013 enacted level.
- **Training, exercises and technical assistance:** The omnibus provides \$233.7 million to sustain current operations for training, exercises, technical assistance and other programs. Of the \$233.7 million, \$162.9 million is reserved for training of state, local and tribal emergency response providers.

Department of Justice Programs

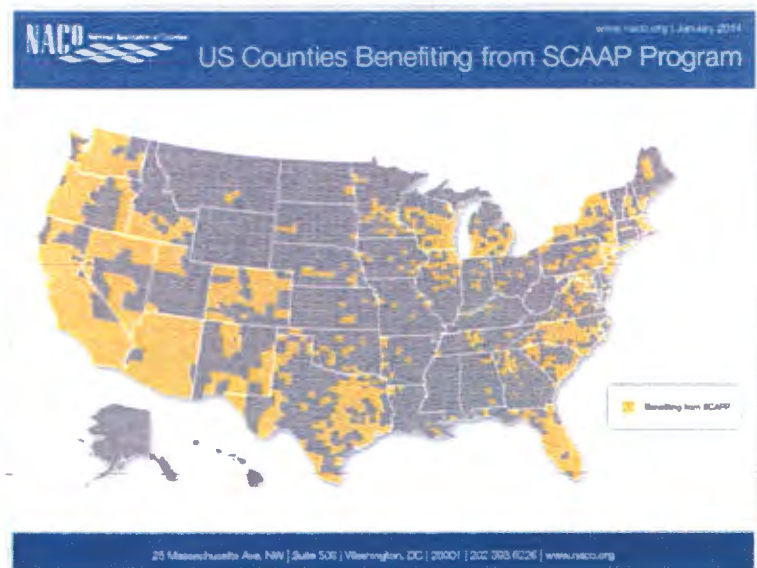
The omnibus provides total resources of \$27.7 billion for the U.S. Department of Justice, including the following levels of funding for individual programs:

- **Justice Reinvestment Initiative (JRI):** The Justice Reinvestment Initiative receives \$27.5 million, a significant increase of almost \$22 million over the amount allocated in FY 2013. This is intended to accommodate additional state participation and enhance implementation in existing JRI states.
- **State Criminal Alien Assistance Program (SCAAP):** The omnibus would fund SCAAP at \$180 million, \$62 million below the FY 2013 level of \$242 million. The bill states “that no jurisdiction shall request compensation for any cost greater than the actual cost for Federal

immigration and other detainees housed in State and local detention facilities.”

SCAAP reimburses states and local governments for the cost of incarcerating undocumented immigrants who have been convicted of felonies or at least two misdemeanor offenses and have been jailed for a minimum of four consecutive days. *As the map below shows, many counties across the U.S. that rely on SCAAP funding will be impacted by these cuts.*

- **Byrne Memorial Justice Assistance Grants (JAG):** The omnibus provides \$376 million, \$16 million below the FY 2013 level (pre-sequester).
- **Criminal History Records and NICS:** The omnibus provides the National Criminal History Improvements Program and the National Instant Criminal Background Check System (NICS) with \$58.5 million and \$12 million, respectively, to help state and local governments add more records to the system—particularly mental health records. This represents a \$53 million increase for the National Criminal History Improvements Program over FY 2013 funding. NICS funding is level with FY 2013.



- **COPS funding:** Funding for the Community Oriented Policing Services is set at \$214 million, \$2 million more than in FY 2013 (post-sequestration).
- **Second Chance Act grants:** Second Chance Act grants are funded at \$68 million under the omnibus, basically level with the FY 2013 level.
- **Drug courts:** Funding for drug courts is set at \$40.5 million, a \$2 million increase over FY 2013 post-sequestration levels.
- **Crime Victims Fund:** The cap on the Crime Victims Fund is raised to \$745 million under the omnibus, a \$15 million increase over FY 2013 levels.
- **Violence Against Women Act (VAWA) Programs:** The omnibus provides level funding for VAWA programs at \$417 million, with the STOP grants funded at \$193 million, a \$13 million increase from FY 2013 after sequestration.
- **Office of Juvenile Justice Delinquency Prevention (OJJDP):** The OJJDP is funded at \$255 million under the omnibus, down \$11 million from FY 2013 after sequestration.
- **The Juvenile Accountability Block Grant (JABG):** The omnibus terminates funding for JABG but allows up to \$10 million from Part B formula funds to be used for activities that had previously been funded through JABG.
- **Residential Substance Abuse Treatment:** Residential Substance Abuse Treatment programs would receive \$10 million, \$2 million less than the FY 2013 level.

- **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF):** ATF would be funded at \$1.18 billion, which is \$49.6 million more than the FY 2013 level of funding.

Economic Development and Workforce Highlights

County Role in Economic Development

On behalf of their communities and citizens, counties invest \$25.6 billion annually in economic planning, housing development and collaboration with businesses to improve the local economy. In response to changing economic environments, counties must work with all levels of government and partner with the private sector to meet the needs of their communities.

For example, counties leverage Community Development Block Grants (CDBG) from the U.S. Department of Housing and Urban Development (HUD) with private and non-profit funding to address a number of local needs, such as affordable housing and bottlenecks in economic development. Many counties develop agreements with other state and local governments, nonprofit organizations and private businesses to promote economic growth in their region. Counties are the fundamental platform for collaboration in building regional and state economies as well as the U.S. economy.

Community Planning and Development Programs

The ability of counties to carry out their vital work in the arena of economic development may be compromised by cuts contained in the omnibus. HUD's community planning and development programs would be cut by \$145 million to \$6.6 billion.

- **CDBG:** The omnibus provides \$3.03 billion for the Community Development Block Grant (CDBG) program, which is \$211 million less than the 2013 pre-sequestration level. 20 percent of any awarded grant can be used for administrative costs. Counties use CDBG to fund vital community and economic development programs.

"The omnibus would provide \$3.03 billion for the Community Development Block Grant (CDBG) program, which is \$211 million less than the 2013 pre-sequestration level. Counties use CDBG to fund vital community and economic development programs."

- **HOME:** The omnibus includes \$1 billion for the HOME Investment Partnerships program, which is a \$2 million increase from the FY 2013 pre-sequestration level. Counties use HOME to fund critical housing programs for extremely low-income families.

Homeless and Housing Voucher Programs Funding Increased

Under the omnibus, Homeless Assistance Grants are funded at \$2.1 billion, a slight increase from the FY 2013 level of over \$2 billion. Section 8 Housing Choice Vouchers are funded at \$19.2 billion, an increase from \$18.9 billion in FY 2013. This would include \$75 million for HUD Veteran's Affairs Supportive Housing (VASH) grants. Section 8 project based vouchers would increase from \$8.9 billion in FY 2013 to \$9.5 billion in FY 2014.

Economic Development Administration Funding Increased

The omnibus provides \$247 million in funding for the U.S. Department of Commerce's Economic Development Administration (EDA), a \$26 million increase above FY 2013 pre-sequestration levels.

Economic Development Assistance Programs are

funded at \$210 million, including \$10 million for the Regional Innovation Program. The bill provides \$96 million for Public Works (\$17 million above FY 2013 levels), \$29 million for Planning (same level as FY 2013), \$42 million for Economic Adjustment

Assistance (\$8 million below FY 2013), \$3 million for new coal job assistance (new funding) and \$37 million for salary expenses (\$500,000 below FY 2013 levels).

These EDA funds support regional strategies for long-term growth, leverage billions in private investment and generate thousands of jobs. EDA funding is

important to counties because it serves as a catalyst in helping local communities achieve long-term economic growth.

Department of Labor's Employment and Training Administration Takes Hit – WIA Funding Increased Slightly

The omnibus provides \$10.4 billion for programs and activities under the U.S. Department of Labor's Employment and Training Administration, which is \$562 million below FY 2013 levels.

- **Veterans Employment and Training Service (VETS):** The omnibus provides \$270 million, an increase of \$19 million above FY 2013 post-sequestration levels, to expand employment services, including \$14 million for the Transition Assistance Program to help new veterans receive training for civilian employment and job search assistance.
- **Workforce Investment Act (WIA):** The bill provides \$2.59 billion, an increase of \$121 million over FY 2013 levels, to provide job training skills and assistance to low-skilled adults, dislocated workers and low-income

youth with barriers to employment. WIA is the largest single source of federal funding for workforce development activities and a critical resource for counties.

- **Job Corps:** The omnibus provides \$1.7 billion for Job Corps, down slightly from FY 2013 levels. Job Corps helps unemployed young Americans receive education, job training and employment assistance.

Energy, Environment and Land Use

County Role in Environment and Energy

Counties are the primary service providers and have a responsibility to protect the health, welfare and safety of its citizens, and to maintain and improve their quality of life. Counties are tasked with ensuring environmental protection while maintaining economic vitality of the region. The county role in environmental protection and energy is varied, ranging from air and water quality protection, solid waste, and energy resources.

Environmental Programs Take Some Hits

The U.S. Environmental Protection Agency (EPA) receives \$8.2 billion under the omnibus, which is \$143 million below FY 2013 level but \$47 million above the President's FY 2014 request. EPA is the federal agency tasked with protecting human health and the environment.

- **Water Infrastructure Funding:** The Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF) receives \$2.35 billion combined in the omnibus; this is slightly higher than FY 2013. SRF programs help finance state and local water infrastructure projects. Specifically, the CWSRF receives \$1.448 billion, an increase of \$72 million over the FY 2013 level (post sequestration) for Clean Water

"For Brownfields Section 104(k) grants, the omnibus would allot \$90 million, level with funding from FY 2013. NACo urges continued federal support for redevelopment of abandoned or under-utilized industrial and commercial sites, which are frequently contaminated due to past practices, through programs designed to allow these sites to once again be economically viable."

Act (CWA) municipal wastewater infrastructure construction or upgrade projects. The DWSRF, under the omnibus, receives \$906 million, an increase of \$44.7 million from FY 2013 (post sequester), to support Safe Drinking Water Act (SDWA) infrastructure projects. In recent years, federal funding for compliance with CWA/SDWA mandates has been shrinking. NACo supports the State Revolving Loan Fund (SRF) programs, the Clean Water State Revolving Loan Fund (CWSRF), and the Drinking Water State Revolving Loan Fund, as supplements to, not a substitute for, federal grants program.

- **Leaking Underground Storage Tank Program:** The omnibus provides \$94 million for the Leaking Underground Storage Tank Trust Fund Program (LUST), \$4.7 million below the FY 2013 level. A number of counties provide oversight and cleanup of fuel from underground storage tanks. NACo supports full funding for the LUST program, which should only be used for its intended purpose of remediating and preventing further contamination caused from underground storage tanks.
- **Brownfields:** For Brownfields Section 104(k) grants, the omnibus provides \$90 million, level with funding from FY 2013. NACo urges continued federal support for redevelopment of

abandoned or under-utilized industrial and commercial sites, which are frequently contaminated due to past practices, through programs designed to allow these sites to once again be economically viable. NACo also supports federal funding for environmental cleanup of these areas. Clean-up standards should be based on the level and type of contamination, and the intended reuse purpose.

- **EPA Riders:** The bill contains several riders which exempt livestock producers from greenhouse gas regulations, climate change reporting requirements to Congress, and regional haze air quality issues.
- **Not included in the bill:** A rider to prohibit EPA from moving forward on requiring permits for stormwater runoff from forest roads was not included in the omnibus, nor was a rider to prohibit the “Waters of the U.S.” definitional changes from moving forward.

Focus on Energy Security and Diversity Continues

Under the omnibus, the U.S. Department of Energy (DOE) receives \$10.2 billion to support a focus on energy independence and economic competitiveness. This is \$620 million more than FY 2013 and \$916 million below the Administration’s FY 2014 request. DOE is tasked with maintaining and promoting national energy policy in the U.S.

- **Energy Efficiency and Renewable Energy:** Under the omnibus, energy efficiency and renewable energy programs such as solar, hydrogen and fuel cell, wind, geothermal, receive approximately \$1.9 billion as opposed to \$1.7 billion in FY 2013 (post-sequestration). NACo supports increased federal resources for researching and developing renewable energy technologies, including wind, solar, geothermal,

biomass, electricity from landfill gas, and other forms of waste-to-energy which will achieve the objective of clean and safe forms of energy. The renewable and alternative energy industries have diversified the nation’s energy base while providing needed jobs to local economies.

- **Weatherization:** DOE’s weatherization program receive \$174 million, which is up \$35 million (pre-sequester) from FY 2013. The Weatherization Assistance Program (WAP) helps low income families to make their homes more energy efficient while reducing their energy bills. The federal government provides money to the states, which then fund community programs (including local governments) to oversee WAP. NACo supports WAP.
- **Fossil Fuel Research:** Fossil fuel research and development technologies, such as carbon capture and storage, national gas technologies and unconventional fuel technologies from oil and coal receive \$562 million, a decrease of \$28 million from the FY 2013 pre-sequestration level. NACo supports alternative and renewable energy, clean energy and clean coal research.
- **DOE Rider:** The omnibus includes a rider that would block the Administration from implementing the “light bulb” standard which prohibits incandescent light bulbs from being manufactured or sold.
- **DOE Rider:** The omnibus includes a rider which would allow federal agencies to use prior year funding for Yucca Mountain, in order to finish the safety evaluation report on Yucca’s viability to be used as a nuclear waste disposal site. NACo supports construction of a permanent nuclear waste repository and the use of an interim central storage facility until the permanent site is completed.

Public Lands

County Role in Public Lands

The management of America's system of public lands is of great concern to elected county officials. Federal land management decisions are critically important to elected officials and the local community because of the close tie between public lands resources and the well-being of the local economy. County elected officials must actively participate in ongoing and informed discussions at the federal level about how to develop, manage, and conserve nearby public lands so that they benefit businesses, the county and a diverse set of users into the future.

Additionally, as county governments are unable to collect property taxes from the public land in their jurisdictions, they rely heavily on funds from the payment in lieu of taxes program (PILT), as well as other revenue sharing programs which share revenues with counties and schools from economic activities on public lands (i.e. Secure Rural Schools, mineral leasing, geothermal energy development, and wildlife refuge revenue sharing).

Big Win for Wildfire Fighting and Prevention

In total, the omnibus provides \$3.9 billion for wildfire fighting and prevention programs within the U.S Department of the Interior and the U.S. Department of Agriculture Forest Service. This level fully funds wildland fire operations for the Department of the Interior and the Forest Service at the 10-year average level, and fully reimburses the agencies for all fire-borrowing in FY 2013. In addition, the bill provides \$452 million for hazardous fuels reduction activities, which is \$150 million above the President's FY 2014 budget request.

Bureau of Land Management (BLM) Funding Increased Slightly

The BLM is funded at \$1.1 billion under the omnibus – \$7 million above the FY 2013 enacted level. The legislation also seeks to protect ranchers in western communities from unnecessary red tape and increased costs, including riders which would block an Administration proposal to charge \$6.5 million in new grazing fees on BLM and Forest Service lands and would provide a two-year extension for renewal of grazing permits administered by the BLM and the Forest Service.

U.S. Fish and Wildlife Service (FWS)

- **Refuge Revenue Sharing Fund:** The Refuge Revenue Sharing Fund is provided \$13 million under the omnibus. The FWS makes revenue sharing payments to counties for the lands they administer. 25 percent of the net receipts collected from the sale of various products or privileges from refuge lands are paid to the counties in which they were located.
- **Sage Grouse Recovery:** \$15 million is appropriated for conservation activities to prevent greater sage-grouse from becoming listed as an Endangered Species.

U.S. Forest Service Funded at \$5.5 Billion

The omnibus provides \$5.5 billion for the Forest Service—which includes increases in funding for wildfire fighting and management, as noted above.

Agriculture and Rural Development

U.S. Department of Agriculture Rural Development Sees Increase in Omnibus

The omnibus provides \$2.4 billion for Rural Development programs, which is \$180 million above the FY 2013 enacted level. These programs help spur economic growth by supporting basic infrastructure, providing loans to rural businesses and industries, and helping strengthen housing markets in rural areas.

Under the USDA Rural Utilities Service:

- **Water and Waste Disposal Programs:** The omnibus provides \$1.2 billion in direct loans (\$200 million above FY 2013), \$50 million in guaranteed loans (\$11 million below FY 2013), and \$345 million in grants (\$35.5 million above FY 2013). This program helps rural communities address the backlog of clean water and waste disposal projects.
- **Distance Learning, Telemedicine, and Broadband Program:** The omnibus provides \$10.37 million in grants (an increase of \$0.26 million from FY 2013), \$4.5 million in loan subsidies (a \$0.61 million increase from FY 2013), and \$34.48 million in direct loans (\$7.76 million less than FY 2013 levels) for broadband transmission and internet services in unserved rural areas. The omnibus also includes \$24.32 million in grants for the Distance Learning and Telemedicine Program (an increase of \$1.24 million from FY 2103).

Under the USDA Rural Housing Service:

- **Rural Communities Facilities Program:** The omnibus provides \$2.2 billion in direct loans (unchanged from FY 2013), \$59.5 million in guaranteed loans (a \$2.06 million increase from FY 2013), and almost \$30 million in grants (an

increase of \$1 million from FY 2013) to help fund rural hospitals, schools and health clinics.

- **Housing Insurance Fund Program:** The omnibus provides \$900 million for Single Family Housing Direct Loans including \$24 billion in unsubsidized loan guarantees—unchanged from FY 2013 levels. Most notably, the program also includes \$1.1 billion for Rental Assistant Program Grants (a \$225.7 million increase from FY 2013).

Under the USDA Business-Cooperative Service

- **Rural Cooperative Development Grant Program:** The omnibus provides \$26.1 million for the Rural Cooperative Development Grant Program (\$1 million less than FY 2013) including \$5.8 million in grants and \$2.25 million for a cooperative agreement for the Appropriate Technology Transfer for Rural Areas Program. The program funding also includes \$15 million in grants for the Value- Added Producer Grant (VAPG) program (a \$1.13 million increase from FY 2013). Specifically, the VAPG program helps create and expand new bio-based markets and products.

Food Safety Takes Hit

The omnibus appropriates \$1 billion for the Food Safety and Inspection Service, a \$19 million reduction from FY 2013 levels.

- **Food and Nutrition Service (FNS):** Child Nutrition receives \$19.3 billion, a decrease of over \$1 billion from FY 2013 levels.
- **Supplemental Nutrition Assistance Program (SNAP):** SNAP is funded at \$82.17 billion, which is the amount that the administration estimates is needed for the former food stamps program. This is a slight increase from FY 2013.

- **Women, Infants and Children (WIC)**
Supplemental Feeding Program: WIC is provided \$6.7 billion, which is an increase of \$194 million over the FY 2013 post-sequestration levels.

Education

Increases for U.S. Department of Education Programs

For the three major elementary, secondary and higher-education programs, the omnibus provides increased funding. These programs are important to counties that are involved in financing school systems. Additionally, funding for the Pell Grant program, which is critical to community college tuition payments, would remain steady.

- **Title I Funding for Disadvantaged Schools:** The omnibus provides \$14.4 billion, an increase of \$625 million from the FY 2013 post-sequestration level.
- **Special Education Grants to States:** The omnibus provides \$11.473 billion, an increase of \$498 million from the FY 2013 post-sequestration level.
- **Pell Grants:** The omnibus maintains funding at \$22.8 billion, which will support a slight increase to the maximum annual award of \$5,530 per student.

NACo Legislative Staff

Deborah Cox

Legislative Director
202.942.4286
dcox@naco.org

Paul Beddoe

Deputy Legislative Director
Health
202.942.4234
pbeddoe@naco.org

Michael Belarmino

Associate Legislative Director
Finance and Intergovernmental Affairs
202.942.4254
mbelarmino@naco.org

Marilina Sanz

Associate Legislative Director
Human Services/Education
202.942.4260
msanz@naco.org

Daria Daniel

Associate Legislative Director
Community/Economic Development
202.942.4212
ddaniel@naco.org

Arthur Scott

Associate Legislative Director
Agriculture/Rural Affairs &
Rural Action Caucus
202.942.4230
ascott@naco.org

Yejin Jang

Associate Legislative Director
Telecommunications & Technology
202.942.4239
yjang@naco.org

Hadi Sedigh

Associate Legislative Director
Workforce & Pensions
202.942.4213
hsedigh@naco.org

Jessica Monahan

Associate Legislative Director
Transportation
202.942.4217
jmonahan@naco.org

Julie Ufner

Associate Legislative Director
Environment, Energy & Land Use
202.942.4269
jufner@naco.org

Arlandis Rush

Associate Legislative Director
Justice/Public Safety &
Large Urban County Caucus
202.942.4236
arush@naco.org

Ryan Yates

Associate Legislative Director
Public Lands & Western Interstate Region
202.942.4207
ryates@naco.org

We hope that you will join us in Washington, D.C. on March 1-5 for NACo's 2014 legislative Conference where issues important to county governments will be discussed. For more information, including registration instructions, visit naco.org/events.



2014 NACo Legislative Conference

March 1-5 | Washington, D.C.

REGISTER TODAY!

NMAC Counties 2014 Legislative Priorities Status Report as of 01/16/14

- **Delinquent Property Tax Payments**

Amend state law to authorize County Treasurers to receive all payments of property taxes, including for those properties that have been turned over to the Property Tax Division for collection and have been placed on installment agreements (Treasurers).

- **Delinquent Property Tax List**

Clarify the responsibility of County Treasurers and the Property Tax Division, so that if a delinquent property does not appear on the most recent delinquent property tax list, that property reverts back to the County Treasurer for collection, and the penalty and interest collected are distributed to the county. (Treasurers)

Both Treasurers bills combined into one draft; endorsed by Interim Tax Committee; pre-filed as House Bill 89, Rudy Martinez.

- **Notice of Liens**

Require liens to contain language that notice of the lien was sent to the property owner prior to filing the lien (Clerks)

Senator Ivey-Soto will carry the bill, plans to request a message from the Governor.

Language will be added to specify that "notice of the lien was sent to the property owner either prior to or within 30 days after filing."

- **Medicaid Benefits Suspension**

Support suspension of Medicaid benefits in lieu of termination, during incarceration in county detention facilities (Commissioners)

On-going meetings with HSD, and legislators regarding pilot project and/or possibilities of presumptive eligibility for detainee benefits. No legislation will be introduced.

- **County Correctional Facility Gross Receipts Tax**

Increase existing county local option gross receipts tax for county correctional facilities (Detention Administrators and Commissioners)

Not endorsed by either Courts, Corrections & Justice, or Rev Stab. NMAC is pursuing increase in House Bill 2 for \$3.3 line item in DFA budget for County Detention Facility Reimbursement Fund.

- **Property Tax Equity**

Provide for a more equitable, transparent, and understandable property tax system (Assessors)

Rev Stab endorsed both this bill and a proposal by Representative Egolf

- **Real Property Sales Disclosure**

Provide for the disclosure of sales data for all real property, (includes non-residential but not agricultural land or subsurface rights on mineral deeds)

(Assessors)

Endorsed by Rev Stab; sponsor will be Bob Wooley; pre-filed as House Bill 26.

Tasia Young
NMAC Lobbyist
505-469-6409

tyoung@nmcounties.org

CURRY COUNTY COMMISSION RESOLUTION 2014-05

A RESOLUTION PROPOSING A LOWER SPEED LIMIT ON COUNTY ROADS

WHEREAS, New Mexico statute §67-2-1 NMSA 1978 states that all roads and highways, except private roads, that are recognized and maintained by any county, are declared to be public highways in the State of New Mexico; and,

WHEREAS, Curry County presently has approximately 1356 miles of recognized and maintained public roads within its boundaries; and,

WHEREAS, pursuant to New Mexico statute §66-7-301(A)(3) NMSA 1978, the speed on all county roads, unless otherwise posted is 75 miles per hour; and,

WHEREAS, the large majority of all Curry County roads are dirt on caliche; and,

WHEREAS, the number of vehicles that are being driven and the number of drivers driving on the roads has increased dramatically, which has resulted in more vehicles being driven on County roads; and,

WHEREAS, with the financial difficulties counties in New Mexico are facing and with reduced funding from Santa Fe, it is becoming increasingly difficult for county road departments to maintain all the roads each year and keep them in the condition necessary to handle the volume of traffic safely at such high speeds; and,

WHEREAS, studies have shown that reduced speed limits are one way to reduce the number of motor vehicle accidents, as well as serious injuries and deaths from said accidents; and,

WHEREAS, under the existing statutory framework, counties can lower speed limits on certain county roads but, are required to obtain traffic studies and be responsible for posting speed limits on all said roads, which further burdens the County's financial problems; and,

WHEREAS, the present speed limit of 75 miles per hour on County roads is higher than the posted speed limit on any paved, improved or multi-lane state road in New Mexico.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Board of County Commissioners of Curry County requests the New Mexico Association of

Counties, the New Mexico Senate and the New Mexico Legislature to consider an amendment to existing New Mexico statute §66-7-301(A)(3) that would reduce the speed limit from seventy-five (75) miles per hour on all roads and highways, except private roads that are recognized and maintained by any county and are currently not posted.

RESOLVED, this 14th day of January, 2014.

BOARD OF COUNTY COMMISSIONERS
CURRY COUNTY, NEW MEXICO

Absent
~~Chairperson~~ Member, Robert Sandoval

[Signature]
Vice Chairman

[Signature]
Member

[Signature]
Member

[Signature]
Member, ~~Chairman~~

ATTEST

[Signature]
Rosalie Riley, Curry County Clerk

**CURRY COUNTY COMMISSION
RESOLUTION 2014-02
TO PROTECT
NEW MEXICO AGRICULTURE**

WHEREAS, agriculture is vital to the state of New Mexico, the United States of America, and the world; and

WHEREAS, the New Mexico food production industry is the third largest income producer for our state, and

WHEREAS, the New Mexico food production industry represents a \$4 billion direct impact to the New Mexico economy, which is multiplied several times over in indirect impact; and

WHEREAS, the New Mexico food production industry represents approximately 43,452 direct jobs and 57,500 indirect jobs; and

WHEREAS, the New Mexico dairy industry is the leader in the nation in efficiency and number one in economic impact to the state in agriculture; and

WHEREAS, Right to Farm legislation has been passed nationally and by states to protect our food production industries from frivolous lawsuits in order to maintain production; and

WHEREAS, out-of-state lawyers have come to New Mexico to solicit plaintiffs for and file meritless "nuisance" lawsuits against New Mexico family owned and operated dairies and other agriculture operations that are in compliance with federal, state, and local laws, regulations, and ordinances; and

WHEREAS, these out-of-state lawyers have a long history of filing this type of lawsuit in states with weak Right to Farm Acts and with success, they have continued, and will continue to file meritless lawsuits against various agriculture industries unless New Mexico changes its laws; and

WHEREAS, states such as Missouri and Florida, where these lawyers have filed these "nuisance" action, have amended their Right to Farm laws to protect their agriculture industries; and

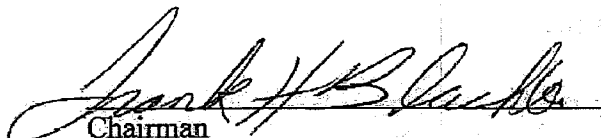
WHEREAS, if the current Right to Farm laws are left unchanged, these lawsuits could bankrupt agriculture operation in New Mexico and other states, costing the states thousands of jobs for the benefit of out-of-state lawyers; and

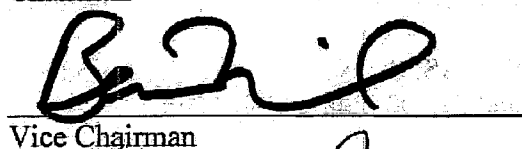
NOW, THEREFORE, BE IT RESOLVED that the Curry County Board of Commission asks the New Mexico Legislature, both House and Senate, to preserve our most valuable food producing industry and the thousands of jobs and economic benefits created by the industry; and

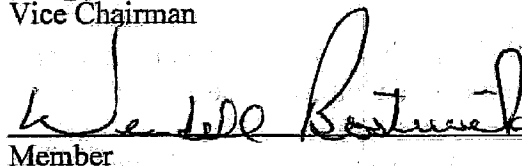
BE IT FURTHER RESOLVED that we specifically ask the New Mexico Legislature to support amendments to the New Mexico Right to Farm Act that will protect our food producers from unwarranted meritless lawsuits.

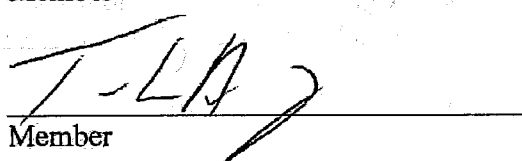
RESOLVED by the Board of County Commissioners in regular session on the 14th day of January, 2014.

BOARD OF COUNTY COMMISSIONERS OF CURRY COUNTY, NEW MEXICO


Chairman

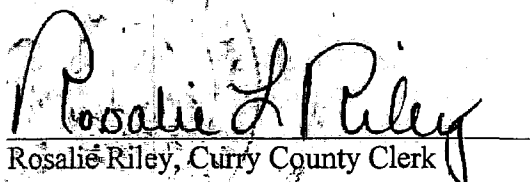

Vice Chairman


Member


Member

Robert Sandoval - Absent
Member

Attest


Rosalie Riley, Curry County Clerk

New Mexico Food Producers need your Help1

Since September of 2011 there have been 11 dairies in New Mexico who have had "Temporary Nuisance" lawsuits filed against them by out- of- state lawyers.

These out-of-state lawyers came to New Mexico to solicit plaintiffs for and file meritless "nuisance" lawsuits against family owned and operated dairies. The lead trial lawyers are Richard Middleton (Middleton Law Firm, Georgia) and Charles Speer (Speer Law Firm, Missouri) who in 2009 formed the "Center to Close and Expose Animal Factories." This organization promotes a multi-faceted national agenda to pursue large damage awards for multiple plaintiffs and filling their pockets on the basis of temporary nuisance. They do not limit their cases to just one agriculture industry but have filed cases against several types of animals. It is important to understand the lawyers for the plaintiffs are very well experienced in these lawsuits. They have filed several multi-million dollar lawsuits across the country on the basis of temporary nuisance actions. One jury case returned a \$12.3 million dollar damages award.

These types of nuisance law have not been developed in New Mexico making these precedent setting cases. The first case went to court on January 23, 2012 in Las Cruces, the defense argued dismissal using the New Mexico Right to Farm Act as their defense proving that the dairy had to comply to federal, state and local laws and regulations. The out-of-state lawyers said they would prove negligence creating a "nuisance" under an exception sentence in the act and the judge agreed to give them that opportunity. The judge's decision went to the Court of Appeals and was upheld. Since that hearing against one dairy the out-of-state lawyers have subsequently filed against 10 other dairies and have stated they intend to shut the dairies down.

New Mexico's food producing industry is the second largest income producer for our state making these cases a huge economic risk for our state. Billions of dollars and thousands of jobs are at risk. The dairy industry alone is a \$ 2.6 billion direct dollar industry in New Mexico. Every month the dairy producers of New Mexico receive a check from the sale of their milk in the amount of about \$125,100,000.00 million dollars. These are not "turned" dollars they are the first dollar in and then checks are paid to employees, suppliers and support businesses. That's \$1.5 billion first time dollars per year that these lawsuits are putting at risk for New Mexico in only one segment of our food producing industries.

These out-of-state lawyers have a long history of filing this type of meritless lawsuit in states with weak Right to Farm Acts and with success; they have and will continue to file against various segments of agriculture unless New Mexico changes its law. States such as Missouri and Florida, where these lawyers have filed these "nuisance" actions, have amended their Right to Farm laws to protect their agriculture industries. If our current Right to Farm Act is left unchanged, these lawsuits could bankrupt our agriculture operations costing us thousands of jobs all for the benefit of some out-of-state lawyers.

Due to this history, the NM Ag Group made up of NM Farm Bureau, NM Cattle Growers, Dairy Industry, Chile Growers, NM Woolgrowers, soil and water conservation districts and others have united to support amendments to the NM Right to Farm Act that will give the agriculture industry the protection the Act intended.

The NM Ag Coalition is asking you to tell your legislators to preserve our most valuable food producing industry and the thousands of jobs and economic benefits created by the industry. Tell them to support amendments to the Right to Farm Act that will protect our food producers from unwarranted meritless lawsuits.

OPTIONS FOR INCLUSION IN DRAFT HOSPITAL FUNDING BILL

- Counties will pay equivalent of $1/16^{\text{th}}$ of current GRT revenue.
- Such funds are payable from sources determined solely by the respective Board of County Commissioners.
- Such obligation is for a one-year period only.
- Counties still have the option, in their sole discretion, to make additional payments for federal match for hospital funding.
- A commission will be established, consisting of representatives from the counties, HSD, LFC, and the hospitals, to conduct a comprehensive study of issues relating to funding for uncompensated care and the Medicaid base rate increase for hospitals, and will make recommendations to the LFC which might include, among other things, renegotiating the Medicaid waiver with CMS.

New Mexico Association of Counties



Senate Finance Committee

**January 16, 2014
Steven Kopelman
NMAC Executive Director**

RECEIVED
JAN 21 2014
SENATE FINANCE COMMITTEE

- New Mexico counties have a long history of supporting their local hospitals, as well as a statutory responsibility for indigent health care.
- Counties are authorized to impose a local gross receipts tax increment of 1/8th of one cent that is dedicated to the support of indigent patients who are residents of that county (31 counties have enacted this tax).
- In addition, 16 counties have enacted the County Health Care Gross Receipts Tax 1/16th increment, which is dedicated to the State's County-Supported Medicaid Fund.
- Revenues from the second 1/8th increment are currently used by counties to provide a local match to the State for the purpose of obtaining federal Medicaid dollars for hospitals that qualify for the Sole Community Provider program.
- Revenues from the second 1/8th increment are also used by counties to support a wide range of health care services critical to citizens who are not eligible for Medicaid, including substance abuse treatment, rural primary care, ambulance services, and mental health services. In FY 2013, counties spent over \$1 million for ambulance services, nearly \$4 million to out-of-county hospitals, over \$1 million for mental health treatment, over \$1.7 million for substance abuse treatment and rehab, and nearly \$6 million for community based care such as primary care, office visits, prenatal and dental.
- The new Centennial Care program negotiated between the federal government and HSD substantially changes the old sole community provider program. One of the major changes is that funds provided by counties for the Medicaid match no longer will be returned directly to that county's local hospital. Rather, the funds will be put into two pools—one to pay for a Medicaid base rate increase and one to pay for uncompensated care. Hospitals with over 200 beds will not be eligible to receive funds from the uncompensated care pool.
- **The New Mexico Association of Counties' Board of Directors unanimously opposes the HSD proposal because it would preempt local county authority.** The counties have the responsibility to determine how to allocate tax funds that are generated within the county. The HSD proposal preempts local authority on the utilization of local tax revenues. The HSD proposal would consume the entire 1/8th increment, leaving the counties with the responsibilities for paying for indigent health care from other sources. The practical effect will be the substantial reduction of indigent services in many counties. It will require counties to have to make draconian decisions, e.g., raise taxes and /or reduce services—in some cases eliminating the indigent program altogether,
- The HSD proposal will result in gross inequities for many counties and their local hospitals. The New Mexico Association of Counties and its member counties are working on alternatives that would be more equitable and that would not gut services for the most vulnerable county residents. One proposed option is to have counties pay to the State the equivalent of a 1/16th increment to fund the Medicaid base rate increase. This would allow those counties that choose to provide additional funding to the State for the uncompensated care pool.

**FY 13 County Indigent Care
2nd 1/8 GRT Increment**

County	Revenue FY13 County 2nd 1/8 GRT	Expenditure SCP Hospitals	Expenditure Other Indigent Care Services
Bernalillo	\$0	N/A	\$0
Catron	\$40,000	\$0	\$40,000
Chaves	\$1,528,814	\$0	\$1,528,814
Cibola	\$435,764	\$257,136	\$178,628
Colfax	\$411,142	\$189,852	\$221,290
Curry	\$1,301,473	\$793,037	\$508,436
De Baca	\$27,320	\$0	\$27,320
Doña Ana	\$4,533,980	\$4,533,980	\$0
Eddy	\$4,661,174	\$1,284,919	\$3,376,255
Grant	\$592,723	\$0	\$592,723
Guadalupe	\$93,474	\$9,000	\$84,474
Harding	\$0	N/A	\$0
Hidalgo	\$50,640	\$21,669	\$28,971
Lea	\$5,359,751	\$923,872	\$4,435,879
Lincoln	\$605,672	\$0	\$605,672
Los Alamos	\$1,595,085	\$274,301	\$1,320,784
Luna	\$630,208	\$575,346	\$54,862
McKinley	\$1,600,000	\$1,600,000	\$0
Mora	\$48,358	\$14,681	\$33,677
Otero	\$1,241,325	\$862,195	\$379,130
Quay	\$188,133	\$89,749	\$98,384
Rio Arriba	\$580,488	\$521,683	\$58,805
Roosevelt	\$140,385	\$0	\$140,385
San Juan	\$4,692,226	\$0	\$4,692,226
San Miguel	\$462,254	\$128,926	\$333,328
Sandoval	\$1,938,545	\$0	\$1,938,545
Santa Fe	\$4,086,136	\$2,095,548	\$1,990,588
Sierra	\$245,239	\$245,239	\$0
Socorro	\$0	N/A	\$0
Taos	\$397,980	\$397,980	\$0
Torrance	\$150,839	\$0	\$150,839
Union	\$128,317	\$109,679	\$18,638
Valencia	\$1,046,449	\$0	\$1,046,449
Totals	\$38,813,894	\$14,928,792	\$23,885,102

New Mexico Association of Counties
Resolution 2014-1, E911 Affiliate

Preservation of the Enhanced 911 Fund

WHEREAS, the Enhanced 911 Act, NMSA 1978, Section 63-9D, establishes the 911 emergency surcharge and the enhanced 911 fund to enable the development, installation and operation of an enhanced 911 emergency system throughout the State of New Mexico; and

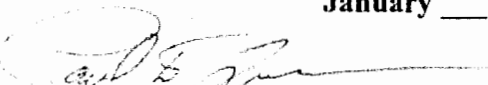
WHEREAS, Section 63-9D -8.C of the Enhanced 911 Act states that: "Money deposited in the fund and income earned by investment of the fund are appropriated for expenditure in accordance with the Enhanced 911 Act and shall not revert to the general fund", and

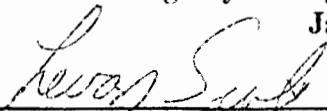
WHEREAS, past and current Federal policy prohibits the distribution of Federal E911 monies to States that have utilized dedicated State E911 Funds for purposes other than E911, and

WHEREAS, the Legislative Finance Committee budget recommendation dated January 3, 2014 for the State of New Mexico FY2015 budget calls for a \$4.5 million sweep of the E-911 Fund, and

NOW, THEREFORE, BE IT RESOLVED that the New Mexico Association of Counties opposes any legislation that would utilize monies from the E-911 Fund for anything other than its intended purpose as currently defined in the Enhanced 911 Act.



E911 Directors Affiliate Chair
January __, 2014

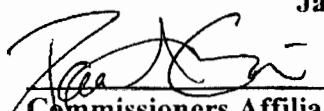

Fire & Emergency Managers Affiliate Chair
January 23, 2014

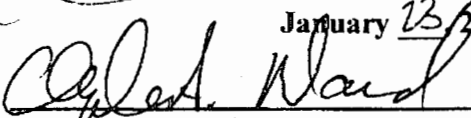

GIS/Rural Addressing Affiliate Chair
January 23, 2014

January __, 2014


Sheriffs Affiliate Chair
January __, 2014


Managers Affiliate Chair
January 23, 2014


Commissioners Affiliate Chair
January 23, 2014


Assessor's Affiliate Chair
January __, 2014

E-911 Fund Sweep

The Directors of all 46 New Mexico E-911 centers have been informed that existing E-911 funds are in jeopardy of being reprioritized (swept) this Legislative session

The State Department of Finance and Administration (Local Government Division) manages the E-911 fund for the 46 emergency 911 centers throughout New Mexico. This money is collected for local government, may only be used by local government for E911, **and may not revert to the State General Fund** (as stipulated in the New Mexico E-911 Act).

Revenue for this fund is provided by an E911 surcharge in the amount of .51 cents paid by New Mexico citizens on every landline and wireless telephone in the state.

The fund generates about \$12 million yearly, which pays for 911 related telephone equipment, operator training, and 911 network maintenance. Of that \$12 million, about \$8 million is used for ongoing (month to month) maintenance and support of the statewide 911 network. The remaining money is utilized (on a rotational basis) for 911 centers to replace critical E911 components in an effort to prevent critical E911 system failures.

The 911 fund is also the source of any matching funds necessary for obtaining federal E-911 grant money. The State will automatically be disqualified from receiving **ANY** future federal E-911 grant money if the fund is used for anything other than E-911.

These funds have already been designated to provide necessary equipment upgrades for several 911 centers in the state. A statewide pricing agreement delay and circumstances stemming from that delay prevented the spending of that money last fiscal year.

By law (New Mexico E911 Act), E-911 fund money cannot be used for any purpose other than for E911.

If this fund is raided, there are critical short and long-term consequences to the centers and to the general public.

SHORT-TERM IMPACT

Current 911 equipment replacements and necessary upgrades for several emergency 911 centers throughout the state will be delayed even further, or even cancelled. Any Federal E911 grant money that has already been awarded to New Mexico will be lost.

LONG TERM IMPACT

Statewide, 911 centers will be unable to maintain the quality and integrity of 911 services currently provided and expected by the citizens of New Mexico.

Permanent ineligibility for Federal 911 Grant funding



Legislative Report

2014

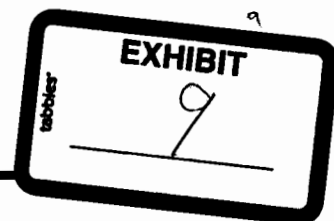
Regular Session

January 28, 2014 Board of County Commissioners Meeting

847

CONTENTS

2014 SESSIONS DATES	3
2014 SANTA FE COUNTY LEGISLATORS	4
MAP – SANTA FE COUNTY SENATORS	6
MAP – SANTA FE COUNTY REPRESENTATIVES	7
SFC LEGISLATIVE SESSION STAFF CONTACT INFORMATION	8
SENATE LEGISLATION	9
HOUSE LEGISLATION	10
2014 CAPTIAL OUTLAY REQUESTS	14



Liz Stefanics

From: Ken R. Martinez
Sent: Monday, January 27, 2014 5:19 PM
To: Liz Stefanics; Daniel Mayfield; Kathy S. Holian; Robert A. Anaya; Miguel Chavez
Subject: E911 Resolution and Talking Points
Attachments: E911 Resolution.pdf; Talking points.doc

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Commissioners,

I am writing to you this afternoon with a follow up, as requested by Commissioners Stefanics and Mayfield, to the information I presented last Thursday at the Legislative Conference Commissioners Affiliate meeting. I have attached to this email talking points regarding a Legislative Finance Committee recommendation that proposes to take \$4.5 million from the New Mexico E911 fund and "reprioritize" it to address a State Department of Information Technology capital outlay request. Commissioners, the use of this fund for anything other than 911 is currently against statute, and would not only jeopardize the ability of the 911 centers around the state to maintain the level of service they currently provide, but also, it would disqualify New Mexico from eligibility to receive any Federal 911 Grant money in the future.

During the conference last week I, along with a couple other affiliate members, was fortunate to be allowed some time to speak with several of the Affiliates. As a result, we were successful in obtaining signatures of support from the Commissioners, Managers, Fire and Emergency Managers, GIS, and Assessors Affiliates on a resolution opposing any legislation that would utilize E911 monies for any other purpose. I have attached that resolution for your review as well. Any support you can offer regarding this issue is greatly appreciated, and please do not hesitate to contact me if you have any questions or concerns.

Respectfully,

Ken R. Martinez
Director
Santa Fe RECC
Work (505) 992-3096
Cellular (505) 660-3341
FAX (505) 428-3735
krmartinez@santafecountynm.gov

2014 SESSION DATES

December 16, 2013 - January 17 Legislation may be prefiled

January 21 Opening day (noon)

February 5 Deadline for introduction

February 20 Session ends (noon)

March 12 Legislation not acted upon by governor is pocket vetoed

May 21 Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

2014 SANTA FE COUNTY LEGISLATORS

SENATE

Senator Sue Wilson Beffort (R19)
67 Raindance Road
Sandia Park, NM 87047
(505) 292-7116 (home)
sue.beffort@nmlegis.gov

Senator Carlos R. Cisneros (D6)
Box 1129
Questa, NM 87556
(505) 670-5610 (mobile)
(505) 568-0872 (home)
carlos.cisneros@nmlegis.gov

Senator Phil A. Griego (D39)
P.O. Box 10
San Jose, NM 87565
(505) 469-9470 (mobile)
(505) 421-2863 (home)
senatorgriego@yahoo.com

Senator Richard C. Martinez (D5)
Box 762
Espanola, NM 87532
(505) 929-0125 (mobile)
(505) 747-2337 (home)
richard.martinez@nmlegis.gov

Senator Nancy Rodriguez (D24)
1838 Camino La Canada
Santa Fe, NM 87501
(505) 983-8913 (home)
nancy.rodriguez@nmlegis.gov

Senator Peter F. Wirth (D25)
708 Paseo de Peralta
Santa Fe, NM 87501
(505) 988-1668 (business)
(505) 989-8667 (home)
pwirth@swbpc.com

HOUSE

Representative Brian F. Egolf, Jr. (D47)
 128 Grant Avenue, Suite 301
 Santa Fe, NM 87501
 (505) 986-9641
brian.egolf@nmlegis.gov

Representative Debbie A. Rodella (D41)
 16 Private Drive 1156
 Espanola, NM 87532
 (505) 753-8247 (home)
 (505) 665-0075 (business)
debbie.rodella@yahoo.com

Representative James E. Smith (R22)
 Box 1783
 Sandia Park, NM 87107
 (505) 934-1075 (home)
jim@jimsmithnm.com

Representative Jim Trujillo (D45)
 1901 Morris Place
 Santa Fe, NM 87505
 (505) 438-8890 (home)
 (505) 470-0143 (business)
jimtrujillo@msn.com

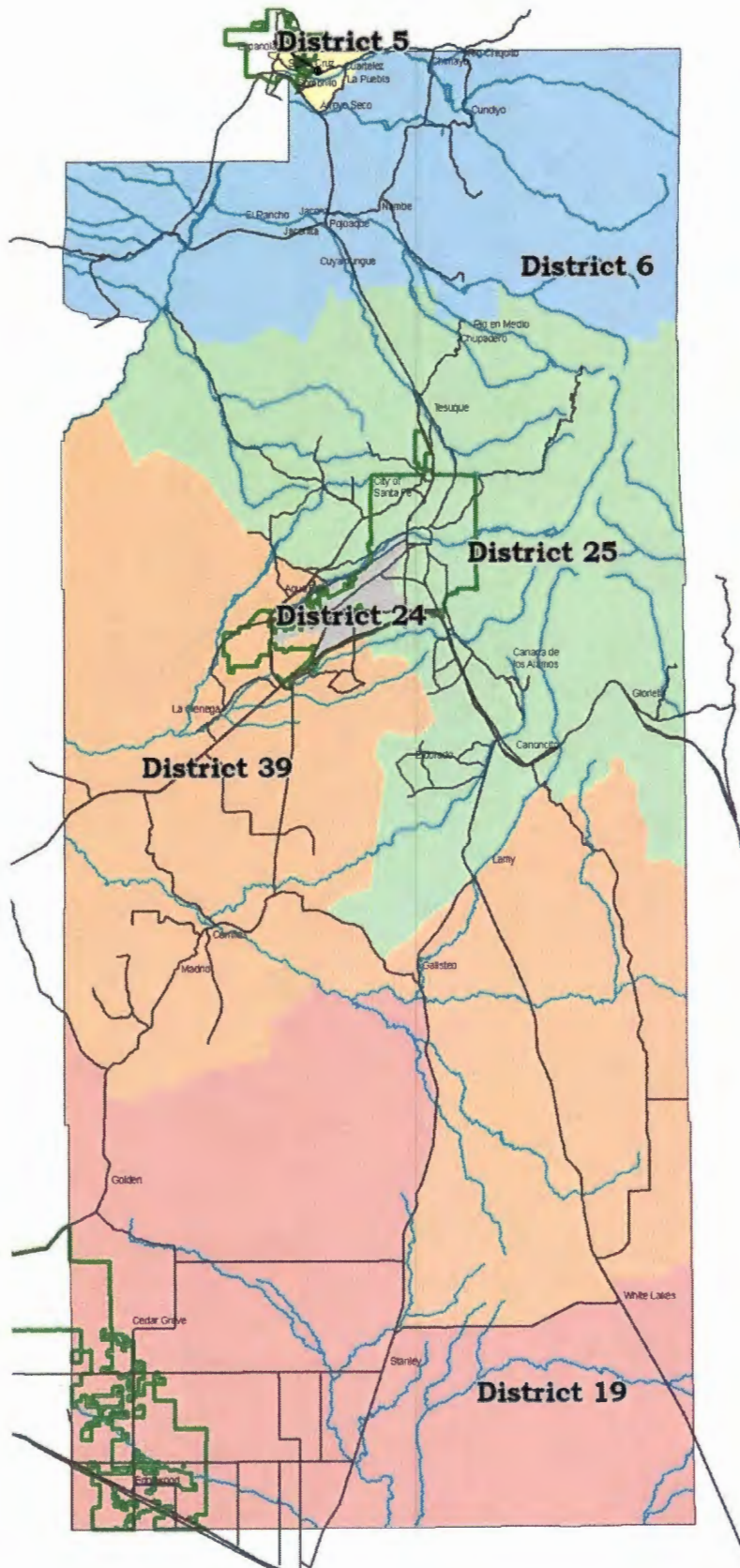
Representative Luciano "Lucky" Varela (D48)
 1709 Callejon Zenaida
 Santa Fe, NM 87501
 (505) 982-1292 (home)
lucky4st@msn.com

Representative Carl P. Trujillo (D46)
 11 W. Gutierrez Street, Unit 3212
 Santa Fe, NM 87506
 (505) 699-6690 (home)
trujillo4rep@gmail.com

Representative Stephanie Garcia Richard (D43)
 P.O. Box 4657
 Los Alamos, NM 87544
 (505) 672-4196 (home)
 (505) 500-4343 (mobile)
stephaniegarciarichard@gmail.com
www.stephanieforhouse.com

Representative Vickie Perea (D50)
 P.O. Box 1486
 Belen, NM 87002
 (505) 414-2705 (home)
vickie.perea@nmlegis.gov

Representative Tomas E. Salazar (D70)
 P.O. Box 66
 Las Vegas, NM 87701
 (575) 421-2455 (home)
 (505) 429-2206 mobile
salazarte@plateautel.net



State Senators Santa Fe County

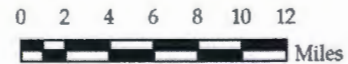
Legend

- District 5
Richard C. Martinez
- District 6
Carlos R. Cisneros
- District 19
Sue Wilson Beffort
- District 24
Nancy Rodriguez
- District 25
Peter Wirth
- District 39
Phil A. Griego
- Incorporated Areas
- Major Roads
- Major Streams



1:420,000

1 inch approximately 7 miles

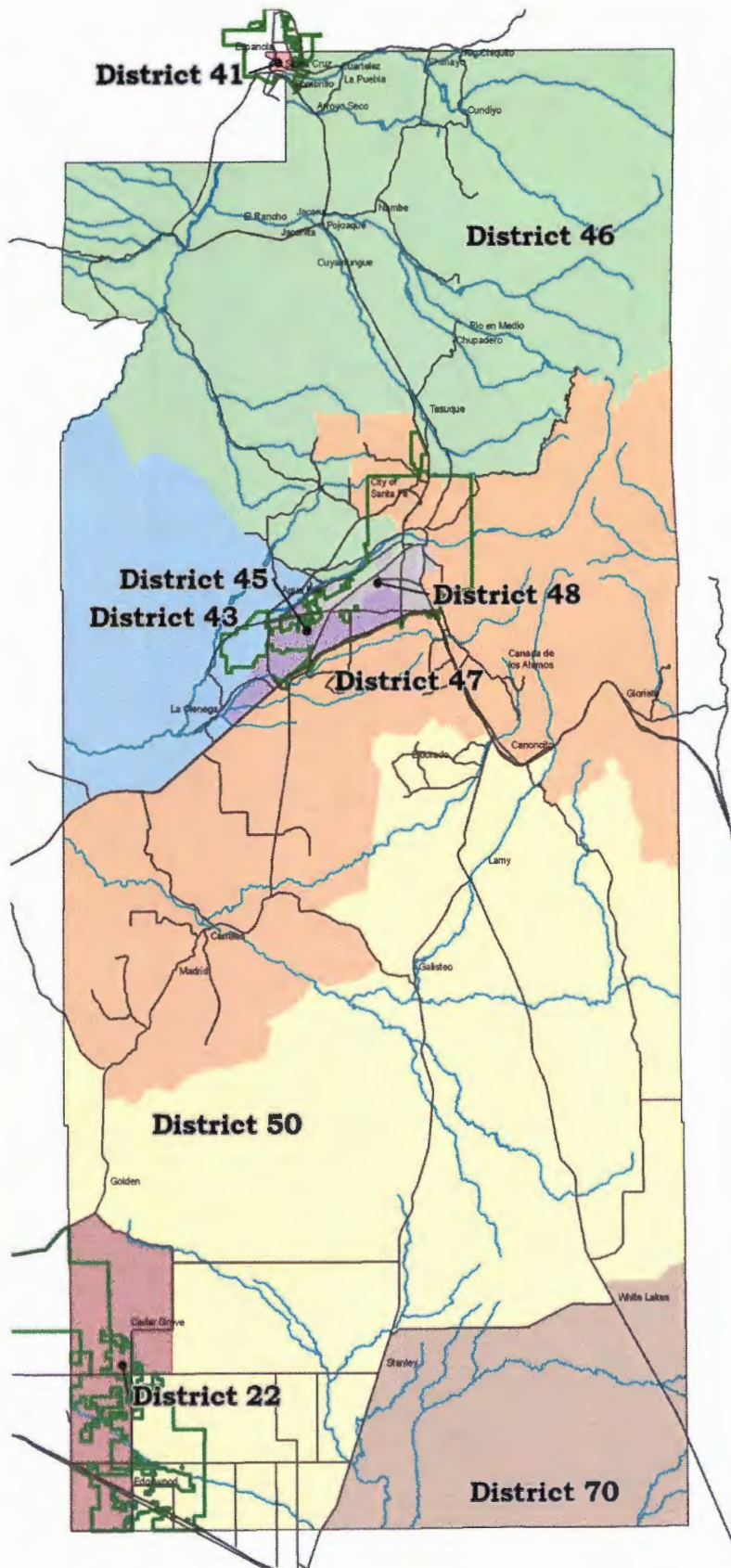


North American Vertical Datum 1988

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
Users are solely responsible for
confirming data accuracy.



January 1, 2013



State Representatives Santa Fe County

Legend

	District 22
	James E. Smith
	District 41
	Debbie A. Rodella
	District 43
	Stephanie Garcia Richard
	District 45
	Jim R. Trujillo
	District 46
	Carl P. Trujillo
	District 47
	Brian F. Egolf
	District 48
	Luciano "Lucky" Varela
	District 50
	Vickie Perea
	District 70
	Tomas E. Salazar
	Incorporated Areas

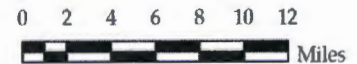
Major Roads

Major Streams



1:420,000

1 inch approximately 7 miles



North American Vertical Datum 1988

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.

Users are solely responsible for
confirming data accuracy.



January 27, 2014

SFC LEGISLATIVE SESSION STAFF CONTACT INFORMATION

Tony Flores

Phone & text (505) 469-7236

<mailto:tflores@santafecountynm.gov>

Rudy Garcia

Phone & text: (505) 490-2274

rgarcia@santafecountynm.gov

Hvtce Miller

Phone & text: (505) 231-8991

hmillers@santafecountynm.gov

Lisa Katonak

Phone (505)995-2761

lroybal@santafecountynm.gov

SENATE LEGISLATION

Bill: SB11

Sponsors: Papen (D38)

Title: REGIONAL HOUSING AUTHORITIES OVERSIGHT GF APPROPRIATION

Summary: (Endorsed by the Mortgage Finance Authority Act Oversight Committee) Appropriates nonreverting \$250,000 (GF) to DFA for FY2015 oversight of regional housing authorities by the Mortgage Finance Authority.

SFC relation: SFC local housing authority related

Bill: SB20

Sponsors: Campos, P. (D8)

Title: CAPITAL OUTLAY REVIEW AND MONITORING PROCESS

Summary: (Nearly identical to 2013 SRC substitute for SB507) Overhauls the capital outlay review and monitoring processes in state government.

SFC relation: SFC requests would be subject to processes proposed in legislation

Bill: SB53

Sponsors: Cisneros (D6)

Title: 2014 GENERAL OBLIGATION BOND CAPITAL PROJECTS

Summary: Authorizes the issuance and sale of 10-year general obligation bonds to cover capital expenses for senior citizen facility improvements and acquisitions, for library acquisitions, and for improvements and acquisitions at institutions of higher education, state special schools and tribal schools. Imposes an ad valorem property tax levy for the payment of principal, interest and costs related to the bonds. Requires voter approval at the 2014 General Election.

SFC relation: Funding for senior centers statewide

Bill: SB87

Sponsors: Neville (R2)

Title: GRT DISTRIBUTION AND LOCAL GOVERNMENT HOLD HARMLESS GRT CHANGES

Summary: Swaps a new distribution of the gross receipts tax to municipalities and counties for the existing food and medical hold-harmless distributions; reduces the amount of municipal or county hold harmless gross receipts tax that may be imposed and provides conditions for when the tax may be imposed.

SFC relation: related to hold harmless elimination to take place beginning 2015 per 2013 HB641

HOUSE LEGISLATION

Bill: HB12

Sponsors: Lundstrom (D9)

Title: PUBLIC PROJECT LOAN AUTHORIZATIONS

Summary: (For the New Mexico Finance Authority Oversight Committee) Authorizes the New Mexico Finance Authority to make the following 125 public project loans:

SFC relation: SFC projects including Agua Fria MDWC, Eldorado AWSO, Greater Chimayo MDWCA

Bill: HB15

Sponsors: Bandy (R3)

Title: TOBACCO PRODUCTS AND E-CIGARETTE ACT

Summary: (For the Tobacco Settlement Revenue Oversight Committee) Expands and renames the existing Tobacco Products Act to include e-cigarettes within the Tobacco Products and E-Cigarette Act. Prohibits the sale of e-cigarettes to minors in person or via the internet; specifies ID requirements and penalties.

SFC relation: related to SFC resolution 2013-140

Bill: HB16

Sponsors: Trujillo, C. (D46)

Title: LIQUOR EXCISE TAX DISTRIBUTION INCREASE

Summary: Increases the present distribution of the state Liquor Excise Tax to the Local DWI Grant Fund of 41.55 percent over the next three fiscal years respectively as follows: FY 2016, 50.55 percent; FY 2017, 59.50 percent, and FY 2018, 68.50 percent.

SFC relation: Liquor Excise Taxes

Bill: HB26

Sponsors: Wooley (R66)

Title: AFFIDAVITS ON SALE OF NONRESIDENTIAL PROPERTY

Summary: (Related to 2013 SB117) Expands the requirement for filing of affidavits with the county assessor to include the sale of nonresidential property. The affidavit is to contain the names of all transferors and transferees and their addresses, the legal description of the property, the full consideration and the value and description of any personal property included in the sale price. The sale of land used primarily for agricultural purposes is excluded from the requirement.

SFC relation: related to SFC resolution 2013-99

Bill: HB28

Sponsors: Gonzales (D42)

Title: GF: REGIONAL HOUSING AUTHORITIES OVERSIGHT APPROPRIATION

Summary: (Same as prefiled SB11) Appropriates \$250,000 (GF FY2015) to DFA for funding oversight of the Regional Housing Authorities by the Mortgage Finance Authority.

SFC relation: SFC local housing authority related

Bill: HB29

Sponsors: Gonzales (D42)

Title: REGIONAL HOUSING AUTHORITIES OVERSIGHT CHANGED TO DFA

Summary: Transfers from the Mortgage Finance Authority to Department of Finance and Administration (DFA) all matters pertaining to the oversight of Regional Housing Authorities.

SFC relation: SFC local housing authority related

Bill: HB40

Sponsors: Cote (D53)

Title: AFFORDABLE HOUSING TAX CREDIT CURTAILED FOR LOCAL GOVERNMENT

Summary: Proposes to amend the Affordable Housing Tax Credit Act by removing counties and municipalities from the definition of "person," and thereby disallowing the tax credit to be claimed by counties and municipalities.

SFC relation: SFC local housing authority related

Bill: HB55

Sponsors: Trujillo, J. (D45)

Title: 2014 WORK NEW MEXICO ACT

Summary: Cited as the 2014 Work New Mexico Act, authorizes the issuance of severance tax bonds and appropriates bond proceeds together with other funds and balances for a multitude of capital projects. Imposes time deadlines for the use of appropriations; otherwise, proceeds revert to the funding source within specified time periods, i.e., Severance Tax Bonding Fund, General Fund, and Other State Funds . Except for appropriations to the Capital Program Fund, the use of funds for indirect project costs is prohibited.

SFC related: capital outlay projects bill

Bill: HB57

Sponsors: Trujillo, J. (D45); Sanchez, M. (D29)

Title: TAX REFUND DESIGNATION TO EXPAND SENIOR SERVICES

Summary: Creates a method to provide supplemental funding for services to the elderly. By amending the Income Tax Act, taxpayers would have the option to designate a portion of their tax refund for senior services. Revenue would be paid to the North Central New Mexico Economic Development District—a State Planning District and Council of Governments that serves as the Non-Metro Area Agency on Aging—to provide supplemental senior services throughout the state.

SFC relation: Potential supplemental funding for Senior Services Program

Bill: HB71

Title: TRADITIONAL HISTORIC COMMUNITY QUALIFICATIONS

Summary: Amends the qualifications for becoming a historic community to make them apply only to the already existing Agua Fria community in Santa Fe County and to a community in Taos County seeking that designation.

SFC related: relates to Agua Fria historic community

Bill: HB77

Sponsors: Trujillo, J. (D45)

Title: ABOLISHES DUPLICATE RECORDING OF INSTRUMENTS WITH COUNTY CLERK

Summary: Relates to the recording of duplicate instruments with the office of the county clerk. Gone is the provision in existing law which authorizes that a duplicate of an instrument of writing duly acknowledged (notarized) may be filed and recorded to the same extent as the original.

SFC relation: proposed legislation would apply to all County Clerk Offices

Bill: HB81

Sponsors: Tripp (R49); Hall, J. C. (R28); Gallegos, David (R61); Salazar, T. (D70)

Title: APPROPRIATION: LOCAL PRODUCE IN SCHOOLS

Summary: (For the Water and Natural Resources Committee) Provides a \$1,440,000 (GF, nonreverting) appropriation to the Public Education Department for expenditure in FY 2015 and subsequent fiscal years to distribute to school districts and charter schools for the purchase of New Mexico-grown fresh fruits and vegetables for use in school meal programs.

SFC relation: related to SFC resolution 2013-121

Bill: HB89

Sponsors: Martinez, Rudolpho (D39)

Title: DELINQUENT PROPERTY TAX RECEIPTS RETAINED BY COUNTY TREASURER

Summary: (For the Revenue Stabilization and Tax Policy Committee) Clarifies lines of authority between the Taxation and Revenue Department and county treasurers over the collection and deposit of monies derived from the payment of delinquent property taxes.

SFC relation: related to SFC resolution 2013-89

Bill: HB90

Sponsors: Salazar, N. (D40)

Title: SENIOR SERVICES FUNDING

Summary: Provides a \$5,330,250 (GF) appropriation to the Aging and Long-Term Services Department to fund the following services:

SFC relation: funding for County's Senior Services Program

Bill: HB114

Sponsors: Lundstrom (D9)

Title: EXEMPTS CERTAIN MUNICIPALITIES FROM HOLD HARMLESS PHASE-OUT

Summary: Simplifies the structure of last year's phase-out of the food and medical gross receipts tax hold harmless distributions for large municipalities and allows certain large municipalities to retain the distribution.

SFC relation: related to hold harmless elimination to take place beginning 2015 per 2013 HB641

Bill: HB116

Sponsors: Gonzales (D42); Salazar, T. (D70)

Title: SOUTHWEST CHIEF RAIL SERVICE FUND

Summary: Appropriates \$4,000,000 (GF) to the newly created Southwest Chief Rail Service Fund for expenditure in FY 2015 and thereafter for acquisition of rights of way or planning, design, engineering, construction or improvement of the railroad track and infrastructure within New Mexico used by the Amtrak Southwest Chief train.

SFC relation: related to SFC resolution 2012-60

Bill: HB132

Sponsors: Harper (R57)

Title: ADJUSTS THE FOOD AND MEDICAL HOLD-HARMLESS DISTRIBUTIONS AND TAXES

Summary: Makes detailed adjustment of local option hold harmless gross receipts taxes and the hold harmless distribution amounts distributed to municipalities and counties during the 15-year phase-out of those distributions.

SFC relation: related to hold harmless elimination to take place beginning 2015 per 2013 HB641

2014 CAPITAL OUTLAY REQUESTS

COUNTY WIDE PROJECTS

Santa Fe County Fairground Improvements

\$1.5 Million

To plan, design, construct, and equip the fairgrounds property to include construction of the extension office, utilities connection(s), electrical, water, and sewer.

Solarization of County Fire Stations

\$1.0 Million

To plan, design, construct, and equip solar projects at the following County Fire Stations:

- Northern Regional Fire Station – Pojoaque
- Agua Fria Fire Station #1 – Agua Fria
- Agua Fria Fire Station #2 – La Tierra
- Southern Regional Fire Station – Edgewood
- Hondo Fire Station #2 – Hondo Village
- Turquoise Trail Fire Station
- Eldorado Main Fire Station – Avenida Vista Grande

DISTRICT SPECIFIC PROJECTS

Dist. 1

Pojoaque Sports Fields / \$400,000

Upgrade the Chupadero Water System – Phase I / \$300,000

Dist. 2

Plan, design construct and equip improvements to the Romero Park / \$1,000,000

Plan, design, construct and equip improvements to the Vista Aurora Sewer System / \$102,000

Dist. 3

Plan, design, construct and equip improvements to the La Cienega Community Center /\$530,000

Plan, design, construct and equip the Stanley Wellness Center / \$1,200,000

*Plan, design, construct and equip the Highway 14 Senior/Community Center / \$800,000

Plan, design, construct and equipment upgrades to the La Bajada Water System / \$250,000

Dist. 4

Plan, design, construct and equip improvements to the I-25/US Highway 285 Bulk Water Station(formerly titled: Lamy Bulk Water Project) / \$165,000

Dist. 5

Plan, design, construct and equip improvements to the EAWSD Spur Transmission Line (formerly titled: Eldorado Spur Transmission Line) / \$400,000

*Plan, design, construct and equip the Highway 14 Senior/Community Center / \$800,000

Daniel "Danny" Mayfield

Commissioner, District 1

Miguel M. Chavez

Commissioner, District 2

Robert A. Anaya

Commissioner, District 3



Kathy Holian

Commissioner, District 4

Liz Stefanics

Commissioner, District 5

Katherine Miller

County Manager

January 24, 2014

Honorable Jim Trujillo
Representative - District 45

HAND-DELIVERED

Re: 2014 Santa Fe County Capital Outlay Requests

Dear Representative Trujillo:

Santa Fe County requests your assistance in providing an allocation through the capital outlay process to support the following projects which are for the beneficial use of the citizens of Santa Fe County:

- **La Cienega Community/Senior Center** **ICIP #26790** **\$530,000**

The La Cienega Community Center/Senior project consists of planning, design, construction and equipping the La Cienega Community Center to accommodate Senior Services activities.

- **Romero Park** **ICIP #21888** **\$1,000,000**

The Romero Park project consists of planning, design, construction and equipping improvements to the park.

- **Upgrade Santa Fe Fair Grounds** **ICIP #26871** **\$1,500,000**

The Santa Fe County Fairgrounds project consists of ADA improvements, upgrade of existing utilities including water/waste water and electrical upgrades on the property and the construction of an extension office.