



COUNTY OF SANTA FE )  
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## SANTA FE COUNTY

### BOARD OF COUNTY COMMISSIONERS

### REGULAR MEETING

**January 29, 2013**

Kathy Holian, Chair – District 4  
Danny Mayfield, Vice Chair – District 1  
Robert Anaya – District 3  
Miguel Chavez – District 2  
Liz Stefanics – District 5

SEC. CLERK RECORDED 02/27/2013

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

**January 29, 2013**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:25 p.m. by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Employees of the Growth Management Department, Caleb Mente and Erick Aune led the Pledge of Allegiance and State Pledge, following roll call by County Clerk Geraldine Salazar which indicated the presence of a quorum as follows:

**Members Present:**

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

**Members Excused:**

[None]

**V. MOMENT OF REFLECTION**

The Moment of Reflection was led by Erle Wright.

**VI. APPROVAL OF THE AGENDA**

- A. Amendments**
- B. Tabled or Withdrawn Items**

PENNY ELLIS-GREEN (Acting County Manager): Madam Chair, Commissioners, there are no changes.

CHAIR HOLIAN: Thank you. Any changes from the Commission?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Ellis-Green, this has not changed from the agenda that came out on Friday, correct?

MS. ELLIS-GREEN: That is correct.

COMMISSIONER MAYFIELD: Madam Chair, I would ask for consideration – and I know I'm doing this with a big audience here – but I would like to move executive matters, personnel, to the top of the agenda.

CHAIR HOLIAN: Wait a minute. Executive session, limited personnel issues?

COMMISSIONER MAYFIELD: Yes.

CHAIR HOLIAN: I don't believe that we have any.

COMMISSIONER MAYFIELD: I have one.

COMMISSIONER ANAYA: Madam Chair, I'd second that if he has something.

CHAIR HOLIAN: Let me ask. Steve, do we have any issues in the executive session that have to do with personnel?

STEVE ROSS (County Attorney): Madam Chair, I don't have any but Commissioner Mayfield may.

CHAIR HOLIAN: And it has to be right now before we even do the presentations, are you saying?

COMMISSIONER MAYFIELD: Madam Chair, if not that then I would respectfully ask that we move introduction of new employees to after executive matters.

CHAIR HOLIAN: Okay. We can do that. So you're saying to leave the executive session there but introduce new employees after the executive session?

COMMISSIONER MAYFIELD: Yes, Madam Chair.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I was wondering if the Commissioner could identify how much time he thinks we'll need.

COMMISSIONER MAYFIELD: Five minutes.

COMMISSIONER STEFANICS: Thank you.

CHAIR HOLIAN: In the executive session?

COMMISSIONER MAYFIELD: Yes.

CHAIR HOLIAN: So I have a motion and a second to approve the agenda – are you making that motion?

COMMISSIONER MAYFIELD: Madam Chair, I guess for which consideration? Either to go into executive under personnel matters now or else to ask for introduction of new employees after executive matters under the latter part of the agenda.

CHAIR HOLIAN: Commissioner Mayfield, if I might suggest something, that perhaps we move then that part of the executive session to the end of item IX, so we do it after the proclamations, since there are so many people that are here for that, and then we can have the introduction or new employees after that. Would that work for you?

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Could I have a motion to that effect?

COMMISSIONER MAYFIELD: So moved, Madam Chair.

COMMISSIONER ANAYA: Second.

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

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## **VII. APPROVAL OF CONSENT CALENDAR**

### **A. Consent Calendar Withdrawals**

CHAIR HOLIAN: First of all, I would like to ask – there are resolutions on the Consent Calendar. Is there anybody here in the audience who would like to speak or say a few words about any of those resolutions?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: The one comment I would make, we do a lot of resolutions in Consent, but I was going to make this in general about all resolutions, that we need to take into account fiscal impacts when we're passing resolutions. Because if we make promises in resolutions we then have taken away budget for when we determine budget. So I just want to make that comment. Thank you.

CHAIR HOLIAN: Okay. So I want to clarify with the people who raised their hands. Are you comments on the resolutions, the resolutions under the Consent Calendar or other resolutions? Right now I'm just considering the Consent Calendar. Okay. I think there are none. So I will now ask the Commissioners, are there any of the Consent items that you would like to remove?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I would like, under Consent Calendar, to remove item A. 1, appointments and reappointments to COLTPAC committee. I would also respectfully ask to remove resolutions B. 1, B. 3 and B. 4. And I think we're going to talk about the resolution, it's not Consent, fiscal impacts. I'll make that comment when we get to that resolution. Thank you.

CHAIR HOLIAN: Okay. Any other withdrawals? Okay, do I have a motion for the one item that is left on the Consent Calendar?

COMMISSIONER ANAYA: Madam Chair, move for approval for item B. 2.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

## **XII. CONSENT CALENDAR (Public Comment for Resolutions)**

### **A. Appointments/Reappointments/Resignations**

1. Request Approval of the Appointment of Five (5) Members to the County Open Lands, Trails, and Parks Advisory Committee (COLTPAC). (Public Works, Adam Leigland) **ISOLATED FOR DISCUSSION**

### **B. Resolutions**

1. Resolution No. 2013\_\_\_\_, - a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget a Grant Awarded Through the Federal Emergency Management Agency (FEMA) and the U.S. Department of Homeland Security for the Assistance to Firefighters

Grant Program / \$120,000. (Public Safety / Fire / Teresa Martinez)

**ISOLATED FOR DISCUSSION**

2. **Resolution No. 2013-4, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget Forestry Revenue Received for Personnel Utilized on the "Nobody's Looking" Fire / \$312. (Public Safety / Fire / Teresa Martinez)**
3. Resolution No. 2013 \_\_\_, – a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget a Contribution Received From Sylvie Ward on Behalf of Her Deceased Son, Paul Ward / \$155. (Public Safety / Fire / Teresa Martinez) **ISOLATED FOR DISCUSSION**
4. Resolution No. 2013 \_\_\_, – a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget 3 Grants Awarded Through the New Mexico Department of Transportation for Highway Safety Projects to Reduce Traffic-Related Injuries and Deaths /\$39,876.00. (County Sheriff's Office / Teresa Martinez) **ISOLATED FOR DISCUSSION**

[See page 38 for items isolated for discussion]

**VIII. APPROVAL OF MINUTES**

**A. Approval of December 11, 2012 BCC Meeting Minutes**

CHAIR HOLIAN: First of all, Penny, are there any changes to the minutes?

MS. ELLIS-GREEN: Madam Chair, Commissioners, we do not have any changes to the minutes.

CHAIR HOLIAN: Commissioners, do you have any changes?

COMMISSIONER STEFANICS: No. Madam Chair, I move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

**IX. PROCLAMATIONS AND PRESENTATIONS**

**B. Presentation of the Volunteer Firefighter Graduates From the Sixth Santa Fe County Fire Department Volunteer Fire Academy**

CHAIR HOLIAN: Commissioner Mayfield or Anaya, do you want to say anything in advance? Or should we just go to Chief Sperling?

COMMISSIONER MAYFIELD: Madam Chair, I just want to commend and congratulate our new graduating class and thank them for their service. Chief Sperling I know will have some great remarks to say and I will ask Commissioner Anaya for his great comments. It's hard to always go in front of Commissioner Anaya and it's even harder to follow Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd like to hear the Chief's presentation and then make some remarks at the end if that's okay.

DAVE SPERLING (Fire Chief): Thank you, Madam Chair, Commissioner Anaya, Commissioner Mayfield, all the Commissioners. I appreciate the opportunity to introduce seven of our latest volunteer fire academy graduates out of a total of 18. We graduated these fine young men and women this Friday evening, the 25<sup>th</sup>. I should note that these volunteers represent nine out of our 14 fire districts. This is our sixth fire academy and I would say probably our most successful to this point in time. We developed this concept about three years ago to bring better consistency and standardization to our volunteer training and meet NFBA standards and to provide IFSAC Firefighter-I certification which is considered the gold standard to our volunteers.

The training through this academy was 190 hours over four months, providing direction in firefighter orientation, firefighter first aid, wildland firefighting, hazardous materials awareness and operations, and IFSAC Firefighter-1. These classes were taught at 8:30 evenings throughout the week and over weekends. The training was conducted by our Santa Fe County Fire Department staff and I would like to take a quick moment just to recognize some of those staff members who are in attendance. Chief Neely who is our newest Assistant Chief who is the director of our training program. Chief Neely's in the back. If you would please stand. Lieutenant Lovell who is our primary and lead instructor. Lieutenant – he's taught all of our volunteer fire academies and has done an outstanding job. Captain Mike Jaffa in the back. Captain Jaffa is in charge of our volunteer and orientation program and has had lots of influence in our firefighter training academy. Captain Mike Fuelner, our wildland captain, does an outstanding job in training wildland. Captain Buster Patty and his staff from the Prevention Division were instrumental in teaching some of this program. And Karen Griego is also in the back. She's our administrative assistant for the Operations Division and the Chief's Office and plays a large role.

At this time I'd like to introduce the staff who are in attendance. Beginning on my right, John Bolt, representing the Hondo District, Dan Davidson, Eldorado, Joe "Sparky" Esparza, La Cienega, Gwendolina Feisst from Galisteo. To my left, Daniel Martinez, out of Chimayo, Adrian Perea, out of Glorieta Pass, and Robert Wickham from the Eldorado District.

Commissioners, this rigorous program is the equivalent of a college semester course and it included considerable homework and out of class work and it also included burns at the New Mexico Firefighter Training Academy to pass their IFSAC certification. They received the highest grades from the firefighter training academy staff for their accomplishments. At this time I'd like to recognize their accomplishments and then stand for any questions.

CHAIR HOLIAN: Thank you, Chief. So would the Commissioners like to add anything? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, thank you. Thank you, Chief and thank you to all of our new firefighters. This group looks a little more mature than the last group that came in front of us and I'm wondering, do we have several paramedics or EMTs here?

CHIEF SPERLING: Madam Chair, we do have several EMTs, no paramedics in this group.

COMMISSIONER STEFANICS: Okay. And the reason I ask that is that living in a rural area of the county we come to depend upon you to help us before we can possibly get the 30 to 45 to 60 minutes to a hospital. And so we are very dependent on your services. Let's hope that the drought season does not affect wildfires this spring and summer, but always know that the medical services, we will depend upon you. And thank you very much for your service and your commitment to Santa Fe County.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a couple comments that I hope are succinct and to the point. I fully understand and appreciate the commitments each of you have made individually. I truly understand the sacrifices that your families have made to allow you to do what you do. And I truly appreciate the commitment you have to carry that pager and to respond to people throughout Santa Fe County in their time of most need when they need support, help and assistance. I realize and know through the training and the staff. I appreciate all the work of the Chief, yourself and the entire staff and know that when you're called upon that you will do so in a professional way to help those people throughout Santa Fe County and even in mutual aid situations in the region as well. So for that I thank you very much.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I just want to say congratulations to Chief Sperling and to all of the new graduates who are coming on line. Again, I think it's been said that the service that you provide to our community, I don't think you can put a price on it. Certainly your dedication and your commitment is well appreciated. So thank you.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and to all of you, thank you so much for your commitment to Santa Fe County. Be safe and we're very blessed and fortunate to have your services. Thank you.

CHAIR HOLIAN: I would just like to add that I am very proud of the depth of talent and expertise of our volunteer fire fighting force. And I think that that's really illustrated by how many graduates we have had from the fire academy over just the last three years. Anyway, congratulations. We would like to come down now and congratulate you. You will be getting a certificate of appreciation in the mail after we have all signed it and then we would like to take pictures.

[Photographs were taken.]

**IX. C. Proclamation Recognizing Chimayo Fire Chief Julian Sandoval's Selection as New Mexico's State Fire Chief of the Year for 2012**

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and I'm going to also ask that we have our New Mexico State Fire Marshal, John Standefer come on up. And we have Chief Sperling with us and also Fire Marshal Standefer. It's an honor to have you here today, Fire Marshal Standefer and I'm going to just ask our Fire Marshal to say a few words and also our Chief to say a few words before I read this proclamation. So whichever one of your gentlemen want to go first, please.

CHIEF SPERLING: Thank you, Madam Chair, Commissioner Mayfield, Commissioner Anaya. It's my honor to come before you in recognition of the outstanding contributions of Chimayo District Chief Julian T. Sandoval. Julian, if you'd please stand. He's in attendance with us today. Julian has been serving the Chimayo District for approximately 16 years and has been the Chimayo District Chief for the last five years. This year, as Fire Marshal Standefer will elaborate on I'm sure, he was awarded the Fire Chief of the Year in the State of New Mexico in 2012. This was a competitive award that was done statewide and we're very proud of the accomplishments of Chief Sandoval in the Chimayo District.

And I should just say quickly, some of the things he has managed in his short tenure as district chief. He was elected in 2012 as vice president of the Santa Fe County Volunteer Fire Chiefs Association representing all 14 of our Santa Fe County fire districts, and an acknowledgement from the other district chiefs of his expertise and professionalism. He's demonstrated outstanding leadership throughout the district and in particular in coordinating a recent improvement in ISO for the district resulting in cost savings for insurance premiums, both residential and commercial. It's been a pleasure working with Chief Sandoval. He's well loved by our administrative staff and the fire chiefs, and with that, I'd like to turn this over to our State Fire Marshal, John Standefer for a few comments.

JOHN STANDEFER (State Fire Marshal): Thank you, Chief Sperling. Madam Chair, Commissioners, thank you for the invitation to be here today. When the invitation first came to me it came in a little different manner. I was out of the office. The deputy Fire Marshal came in the following day and said Danny Mayfield has asked you to come to his office. That was a flashback. I said, you've got to be kidding me. Still? And when he explained to me the reason for the invitation then I was very pleased to say absolutely, I'll be here today.

To give you a little bit of background history on the award itself, New Mexico has an annual state fire school that's been in existence now for 58 years, overseen by the State Fire Marshal's Office. In 1989 when we opened the state fire academy the academy took the responsibility of operating the school. The school has evolved over the years and made many types of changes. We recently went through a series of changes with certification programs that were introduced to the state about 20 years ago. And in fact that program as you can see graduated cadets today and I would extend my congratulations to them also, evolved into certifications recognized at a national level in making sure that all of America's firefighters met at least a minimum standard.

One of the things I would point out to you that the academy established and directly affects your volunteer cadets here today is that we recognize ability. Fire doesn't know the difference between a career or volunteer firefighter. So we thought New Mexico shouldn't distinguish the difference either. So we set up the criteria to meet these national recognized standards and to be accredited by the International Fire Service Accreditation Congress of Oklahoma State University. We made the decision that unlike a few other states we would not have a different set of rules or certification requirements for the volunteers. They needed to have the same set of skills and knowledge that a career firefighter has, not only to protect the community, but also to go home alive at the end of the day.

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So I'm very happy to tell you if someone hasn't pointed out already that the volunteers that are certified through the academy are right behind the Santa Fe training effort all meet that same standard. They had to take the same exams and prove the same efficiency as all firefighters including Albuquerque and Las Cruces. There's no distinction between the local government decides whether it's volunteer or career.

One of the things we did at the school though is we brought in the certification program and we put them into the annual fire school. In effect we increased the ability to be able to present those certification programs and we took something inadvertently away from the school and that was it used to be something everyone wanted to go to because there was a lot of camaraderie, a lot of social interaction, a lot of networking between fire departments and their attendees, but yet we saw that disappear because they arrive now really worried about that certification exam at the end of the school. So they were locked up in their rooms all the time when we didn't have a hold of them preparing – fearing their failure at the end of the week. So we kind of took some of the school aspect away that we thought was really a good community builder.

So a year ago we decided to put that back. We offer the certification classes not only at the academy in Socorro but throughout the state and also now we see local systems such as Santa Fe County that have the ability to come in and do the quality work and the training also and we simply come in now and assist and do that certification part, and we brought back to the school a different attitude of a lot of different styles of training. No testing, no certifications. Something that people could come and take classed that might not even apply directly to them but that would expand their capabilities and knowledge to other areas.

On top of that we thought let's pick up some other things that we failed to do in the State of New Mexico and the most important is recognizing those individuals, career and volunteer throughout the state who have made that extra effort, not only as a volunteer or career firefighter but that have done more for that department or community than probably was even expected by the department.

We set up eight different categories of recognition. One of the most important right behind lifetime career achievement is the fire chief of the year. We took the same attitude about selecting that individual as we did with training. No distinction between volunteer or career. Either you really shine or you're back in the pack. So those who really stand out and shine we wanted to recognize.

Now the process of selecting those eight individuals goes through a nomination procedure. The expo committee that does complete design work for the New Mexico Fire and EMS expo which is now part of that annual school were also the ones that looked at these particular nominations. We allowed the nominations to come from any area. It could come directly from the community, such as the local government or the fire department itself. It could actually come from the private area and private citizens. We also allowed nominations to come from within. So that actual expo committee brought several names to the table.

Now that whole process as you would imagine is not a public process although nothing secret occurs, but we have enough competition there, but there's a lot of talk about which of the individuals really steps up to the top, and that's always sometimes it's a very difficult situation to make such a decision.

In the case of Chief Sandoval, when that name came forth it did not come from the more traditional type of nominations. It came from other areas even closer to the committee, but within the Fire Marshal's Office and the training, our academy itself. And what they did is they presented the information about their interaction with Chief Sandoval, and they told us what Chief Sandoval had done for his department in Chimayo and Santa Fe County and a lot of it had to do with the efforts with the Insurance Services Office rating and lowering the community fire protection rating from a 9 to a 6, which was all in one leap, pretty difficult to do in a rural area. And so they had personal knowledge of his capabilities and dedication to do that.

We took that in and based that with the other nominees and looked at where this was different and once we considered the whole package, not just the direct fire department work, but also the work for the whole community and ISO, that made a difference. At the time when we began to look at Chief Sandoval and recognize those capabilities we asked for more information about his as an individual, and that was supplied to us by the Santa Fe County Fire Department, and we learned a lot about his that we didn't know, and a lot of his other interests music-wise and so forth, and to us that just completed the package, that showed us not only what this individual, an excellent fire chief, but also a fire chief that had gone a step beyond in community service with the ISO effort, but here was also an individual, well rounded, other interests in the community, and also strived to help the community in a more broad area than just fire protection. And that's what finally made that vote, in my opinion, made the difference.

So we were extremely proud during that fire expo to recognize Chief Julian Sandoval as a leader within the fire service in New Mexico, comparable to all of our fire chiefs, all 392. So it's a great honor that I'm here today to share that with you and again, for a second time, to recognize Chief Sandoval for all that he's done for the fire service in New Mexico and also for Santa Fe County. Thank you very much.

CHAIR HOLIAN: Thank you.

COMMISSIONER MAYFIELD: Madam Chair, if I could just ask Pablo Sedillo to come forward, our Public Safety Director.

PABLO SEDILLO (Public Safety Director): Madam Chair, members of the Commission, I can tell you about Chief Sandoval. Chief Sandoval has really demonstrated his leadership, not only with his district but throughout the 14 districts. One of the things that really stands out to me as Public Safety Director and Chief Sandoval is that his relationship with his staff goes far beyond recognition for that. I think that his relationship with his staff, his openness with his staff, his morale that he gives, his dedication and commitment is really passed down to his staff and I've seen that first hand. So I'd really like to congratulate Chief Sandoval. As I indicated at Friday's graduation when I spoke, this Fire Department for the last 13 months I've been associated with is a family. It's a family that sticks together and they really, truly care about one another and about public safety. So I'm very proud to be associated with that.

CHAIR HOLIAN: Thank you. Are you going to read the proclamation now?

COMMISSIONER MAYFIELD: Madam Chair, it's my honor on behalf of the Board of Santa Fe County Commissioners to recognize Santa Fe County District Fire Chief Julian T. Sandoval of the Chimayo Fire District.

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Whereas, Julian T. Sandoval joined the Chimayo Fire District in 1997 and has served for 16 consecutive years as a firefighter and Emergency Medical Technician; and

Whereas, Julian T. Sandoval has served Santa Fe County and the community of Chimayo for the last five years as Chimayo District Fire Chief; and,

Whereas, Chief Sandoval was elected in 2012 as Vice President of the Santa Fe County volunteer Fire Chief's Association, representing the 14 Santa Fe County Fire Districts; and,

Whereas, Chief Sandoval has demonstrated outstanding leadership in the District and County has been instrumental in improving membership and morale among his volunteer members and,

Whereas, Chief Sandoval coordinated with his District members and Santa Fe County Fire Department staff and improved the District's Insurance Services (ISO) rating from a 9/10 to a 6/8B, resulting in a potential significant reduction in fire insurance costs for local residents and businesses; and,

Whereas, Chief Sandoval has lead efforts to organize the District's role in the annual Santuario de Chimayo pilgrimage and other local events throughout the year in an effort to enhance public safety; and,

Whereas, Chief Sandoval has initiated and written grants to fund the purchase of a new structural fire engine delivered in 2010 and a new wildland fire engine to be delivered in 2013, thereby increasing the fire suppression capability and reliability of the Chimayo Fire District; and,

Whereas, Chief Sandoval coordinated an extensive renovation and addition to Chimayo Fire Station One, improving the functionality and appearance of the facility for the District and community and,

Whereas, Chief Sandoval has worked diligently *over* the years to improve the level of fire and emergency medial training for Chimayo District members, including an extensive wildland fire training class; and,

Whereas, Chief Sandoval was awarded the first annual New Mexico State Fire Chief of the Year Award in 2012 by the Office of the New Mexico State Fire Marshal.

Now, therefore, be it resolved that the Board of Santa Fe County Commissioners, do hereby recognize Fire Chief Julian T. Sandoval for his outstanding contributions to the County of Santa Fe and the community of Chimayo and for his exceptional and extraordinary selection as New Mexico's Fire Chief of the year of 2012.

Approved, adopted and passed on this 29<sup>th</sup> day of January 2013.

CHAIR HOLIAN: Chief Sandoval, welcome and congratulations.

CHIEF JULIAN SANDOVAL: Madam Chair, Board of County Commissioners, this is an incredible honor for me. I've been in the fire business as noted for 16 years, both IFSAC Firefighter-I, EMTB. I'd like to thank a whole rash of people, Santa Fe County Fire Department admin staff, State Fire Marshal John Standefer, Santa Fe County Fire Chief Sperling. I'd also like to thank Public Safety Director Pablo Sedillo. At the same time I'd like to thank all my colleagues, volunteer and paid, because at the end of the day we're a team. And if you ever see us function out there in the field it's an incredible team that

comes together. Santa Fe County has got one of the best fire departments in the state, I would say.

So I would like to thank you, Board of County Commissioners, for all the support that you give us and hopefully we can continue to see that support. Appreciate it. Thank you.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Chief, I consider you a friend. I consider you a friend of Santa Fe County and a friend of the community to help and do good. I wrote down just a few words thinking about what you do day in and day out. I wrote down leadership. I wrote down work. I wrote down team. That's three main ones. And I thought about the music. It was mentioned and I was glad that it was, but like in leadership and like in life it takes a person with a good ear, which you have, a person that has some rhythm and a person that can carry out and deliver music, and you do that as an individual in your life and you do that as a chief and you do that for sure on the stage with your band. You're to be commended for your efforts and your very professional but mild-mannered approach to helping people day in and day out. So congratulations to you and keep on keeping on.

CHAIR HOLIAN: Well, I would just like to say thank you, Chief Sandoval. It's an incredible honor, I think to be chosen the fire chief for the entire state of New Mexico. It's an honor for all of us too, as well as you. We would now like to come down and present you with a proclamation and of course we'll take pictures.

[Photographs were taken.]

CHAIR HOLIAN: Commissioner Mayfield has a few comments.

COMMISSIONER MAYFIELD: Real quick, in front of the Fire Marshal please. Chief, personally, I just want to thank you again and I want to thank you for protecting my family and protecting our community. I also want to thank all of our chiefs and all of our careers and all of our volunteers. You all do a phenomenal job. So again, thank you from the bottom of my heart, for our county citizens.

Also, Fire Marshal Standefer, I want to thank you for what you do for our community, for what you do for the State of New Mexico. I know he brought up a lot of the services that are provided from his office through the training activities out in Socorro, New Mexico. And that's not to put a little plug for them. It is a phenomenal facility in the State of New Mexico. It's a jewel. They have – he didn't talk about IFSAC accreditation. John, the acronym for IFSAC again is the International –

FIRE MARSHAL STANDEFER: International Fire Service Accreditation Congress. It is part of Oklahoma State University. It's a peer-driven system. Many of the states and several Canadian provinces and several foreign countries are members. It's that membership that decides what those standards will be and how that testing will be conducted.

COMMISSIONER MAYFIELD: And Fire Marshal, that is done, coordinated activities also through the fire training academy, correct?

FIRE MARSHAL STANDEFER: Yes, Madam Chair, Commissioner Mayfield. The intent of the academy is the central point, the New Mexico point for the IFSAC. We receive all of the accreditation. It's not mandatory that local fire departments be state certified. The majority are. When they come into the state system we can train and test and certify. Oftentimes as in Santa Fe County the training is done following the proper curriculum and then the testing and certification occurs with us at the state level.

COMMISSIONER MAYFIELD: So Madam Chair and Fire Marshal Standefer, so we also roll up to a lot of national standards. Also, you have international groups running through the fire training academy. I know that we have a lot of individuals from Canada running through there, from Mexico running through there. I think other international groups are running through the fire training academy. Also providing training and training through that facility. You had other national groups running through that training academy. You were providing – you had national instructors training through that academy. You were providing training for all these regions.

And I guess what I – I put in plug in there for there, if any of our other local governments throughout New Mexico and especially through Santa Fe County can be utilizing that training I just would fully support them from Santa Fe County. And again, I just want to put another plug in for your Deputy Fire Marshal, Vernon Muller. Vernon Muller does a phenomenal job. And Fire Marshal Standefer, what benefits do you provide as a State Fire Marshal for particularly Santa Fe County, but all of our local governments. You guys help with grant dollars. You guys help with different funding streams for local governments, but specifically for Santa Fe County. Could you just help let our County Commission know what funding streams you provide to Santa Fe County also please?

FIRE MARSHAL STANDEFER: Madam Chair, Commissioner Mayfield, the Fire Marshal's Office is a division underneath the Public Regulation Commission with four bureaus. Each bureau operates with a different set of the state statutes. The one of course that was focused on today was the academy, the training of all of New Mexico firefighters, certification of those firefighters, and in fact, Commissioner Mayfield is correct in stating since we opened our doors in 1989 we've trained over 80,000 firefighters. And that training occurs at the facility in Socorro, a 52-acre campus. We also have 40 percent of our courses are done in the field. We also have that program that interoperates with the local training programs including Santa Fe County, Santa Fe Fire Department, Albuquerque Fire Department and so forth. A lot of the training that they do will actually occur on our facility because of some of the unique props we have. We provide the property curricula and then we follow up with the testing.

The other three bureaus that we also oversee and work with, the Fire Service Support Bureau, of which you mentioned Deputy Fire Marshal Vernon Muller oversees that. They actually administer the state's fire fund. We have the fire fund that goes to all our municipal and county fire districts. Last year we distributed over \$40 million. Santa Fe County, each of the fire districts is recognized from our office as individual fire departments under a central command. So they each qualify separately for the fire funding. So a significant amount of money comes to Santa Fe County out of that fire fund for several reasons. Number one, the number of fire districts, and also the qualifiers which talks about the number of main and sub-stations. It all gets hooked into the ISO rating.

We have a fire department like Santa Fe County that has worked so hard to get those ISO ratings lower it increases the amount of money somewhat as a reward system for that activity. And so in fact Santa Fe County gets a pretty large part of the money, not only because they deserve it because they work very hard to keep those qualifiers in line and to compete with the other fire departments.

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We also have the state fire grant. It's a spin-off from the state fire fund. Once the fire departments are funded there is an additional amount that last year was about \$3 million. The fire departments compete for that through a grant process. There's a grant council that has a lot of appointed members including myself as a non-voting member. They set the criteria here as to what they want to fund that year and what they would accept as a minimum qualification and whether it would be a match or not. And that council then makes the decision on those particular grants, and if my memory serves me correctly Santa Fe County has had a lot of success in the grant requests, primarily because they understand what they need to fund.

So when we see grants come in, departments that are well organized, what Chief Sperling and his staff have done in Santa Fe County they see that they always impress those at the grant council because they show that not only are we giving these folks the money we're going to get the biggest bang for the buck when they see applications like that. So the relationship between the grant council and Santa Fe County has also been good.

So there's a lot of services that we don't talk about here today that we're able to provide.

COMMISSIONER MAYFIELD: On that note, Fire Marshal, thank you so much. Thank you for what you do for our county. If by any means there's a legislative session, if you need any support from this county I can individually commit mine. I'm sure our Fire Marshal and our Public Safety Director can commit theirs, but if you need any legislative support with anything that's going on with the legislature please let us know and thank you again for being here today.

FIRE MARSHAL STANDEFER: Madam Chair, Commissioner Mayfield, thank you for that. The one thing that we will say that we always watch is the fire fund has taken 50-plus years. It's a very significant fund; it's a lot of money. It's done tremendous things for the citizens and there's always now a target on its back with people seeing needs for money and they see that fund in reversion. We always watch for what we call raids on that fund to try to use it for things that it wasn't intended for. So to be vigilant on that we ask for your help there. So thank you for the invitation.

CHAIR HOLIAN: Thank you, Chief.

**IX. D. Presentation to Lorina Sanchez for Employee of the Quarter, 2<sup>nd</sup> Quarter of Fiscal Year 2013**

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioners, it gives me great pleasure to be here. Commissioner Anaya, I don't know if you recall but about six months ago you said that Public Works – you said we're the doers. And I totally agree with that and by the way I have that quote on my desk. But for all the stuff that we do out front, clearing the snow as of today, repairing the senior centers or keeping people's water on, we have an administrative section back there that is working just as hard. That's why I particularly have pleasure in being here today because Lorina works in the Admin section. She works in Utilities, and she's one of those that carries the entire load of the Public Works Department. So I want to give her a chance to speak because she doesn't necessarily get an opportunity to be before you, but I do want to say that she's one of the stars of the

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organization and actually you're going to see her on the next item because she's one of the recent EDGE graduates. So I guess I'll turn it over to her.

CHAIR HOLIAN: Thank you. Lorina.

LORINA SANCHEZ (Public Works Admin Staff): Madam Chair, Commissioners, I find myself honored to receive an award for Employee of the Quarter. I am grateful for the recognition I received for my work because I'm sure that the other nominees for this award are also deserving of this acknowledgement. I want to say thank you to the Commissioners, County Manager Katherine Miller, Public Works Director Adam Leigland, my admin supervisor, Debra Leyba Dominguez, and Santa Fe County for giving me the opportunity to work for you and to attend programs like College for Working Adults, New Mexico EDGE, and the important trainings that come from our HR Department, our Risk RAP program, and the Public Works Admin staff.

It's important for me to mention this because in addition to my wonderful family and the interactions with the Santa Fe County coworkers, these programs that the County offers, and the trainings, have greatly contributed to making me be the employee that I am today. I am truly appreciative of this award and being a part of the team, the Santa Fe County team. Thank you.

CHAIR HOLIAN: Thank you, Lorina. Any comments? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Lorina, you've been working for the County for some time and you've always done a great job. You're a very personable person that wants to try to help people out. Very deserving and I would say, you saying thank you to us? No, no, no. Thank you very much for what you've done.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: And I guess I would only echo that. I'm fairly new on the County Commission but I've always said that we can't do our jobs without you doing your job. And so the service that you provide to the public is what makes us who we are and I think people depend on that. And so congratulations and I just hope that we are provided many years more of service and just to you and your family, thank you.

MS. SANCHEZ: Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I will reserve some of my remarks for later when we talk about EDGE, but as the Employee of the Quarter I hope that you will role model or mentor those around you and those that are new coming into the system, because I think that that's what people can do who have accomplished something here is let people know it's okay and it's good and it's worthwhile giving yourself to Santa Fe County. So thank you for your service.

CHAIR HOLIAN: And I just want to say thank you to Lorina for your hard work, for your creativity in solving problems and for being a doer. That's really great. So anyway, congratulations and we'd like to come down now, congratulate you and present you with your certificate and take pictures.

[Photographs were taken.]



**IX. E. Presentation to Recognize the Contributions of Retiring COLTPAC Members: Sandra Massengill, Scott Stovall, Sam Pallin, Jerry Rogers, and Matthew Montoya**

MR. LEIGLAND: Madam Chair, Commissioners, actually I'm going to turn this over to Beth because COLTPAC is where she gets her energy.

BETH MILLS (Open Space and Trails): Good afternoon, Madam Chair, Commissioners. I'm the liaison for the COLTPAC committee. We're here today to recognize and thank and show appreciation for those members of the committee who will be leaving after between two and five years of service to the committee. The members who will be leaving are Sandra Massengill, Scott Stovall, Sam Pallin, who has served as our chair for the past two years, Jerry Rogers, and Matthew Montoya.

Unfortunately, only Jerry Rogers is here with me at the moment. Sandra Massengill sent her regrets because she was here earlier and had to leave. Scott Stovall is in Africa doing some volunteer work so he obviously couldn't be here. Sam Pallin asked me – phoned me this morning and said the weather was looking so bad in Edgewood that he didn't dare drive up but he wanted me to relate to you that his appreciation for allowing him to serve and how much he enjoyed being part of the committee and his thanks to you for that appointment.

I want to talk just for a minute about some of the work that was done under the tenure of these people who are leaving because they contributed so much. They bring a tremendous amount of energy and focus and their expertise and their time, and they are primary volunteers and make our program work. So during the time that these five individual have served on the committee they contributed to important decisions and recommendations for the acquisition of new open space properties as well as direction for design of new facilities, guidance on management planning, changes to the criteria for evaluating projects, the addition of parks to the Open Space and Trails program, oversight and changes to the structure of the committee, and I'd like to just very briefly mention the specific projects for which this group provided great direction and guidance: the acquisition of additional land for the Thornton Ranch open space, the acquisition of the San Pedro open space, the acquisition of La Piedra open space and the construction of the La Piedra trail connection to the Dale Ball trails, oversight of the design and construction plans for the Edgewood open space, open space of the design for Burro Lane Park, oversight of the design for South Meadows open space and phase 1 of its construction, the restructuring of the COLTPAC committee, guidance on management planning for Los Potreros open space and planning for the historic district in Chimayo, approval of the Santa Fe 2012 bikeways and trail planning for the MPO, design and construction of trails at the Arroyo Hondo open space, design and construction of trails at Atalaya Hill open space, and finally, and something you'll hear more about a little later in today's agenda is guidance on the volunteer program that we will be beginning here in the open space program.

So I wanted to thank all of them for their dedication and for their energy and their efforts, and I have plaques for all of them but I will just present this one to Jerry and with your permission ask if he'd like to say anything.

CHAIR HOLIAN: Yes, indeed. Jerry.

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JERRY ROGERS: Madam Chair and members of the Board of Commissioners, we're keenly aware of the acute number of things you're asked to do for all your citizens every day and you're asked to do them very quickly and do them very well and it's been a great honor to serve you in this capacity in something that isn't quite as quick. The health and welfare of every one of your citizens depends substantially on the trails and parks where they can do recreation and exercise. It depends substantially, or at least their longer-term welfare on the places you choose to preserve 12,000 years of human history and on the places you choose to preserve for the natural and scenic value that reflects the entire history of the evolution of the earth. So thank you for this honor on behalf of those other members who are much more deserving than I; we're all very grateful.

CHAIR HOLIAN: Thank you. And I would just like to send my thanks to the retiring members of COLTPAC. Thank you for all your hours of hard work and dedication and many, many hours that you spent in meetings. Although I think you've had some pretty fun field trips too because I've gone on a couple of them. And that's got to be the good part about being on COLTPAC. But I think that we really have one of the best open space and trails programs in the entire country, and it's not only due to our outstanding staff, which we do have an outstanding staff, but it's also due to the talented volunteers whom we have like those of you who have served on COLTPAC. So I just want to thank you. Commissioner Stefanics

COMMISSIONER STEFANICS: Madam Chair, thank you, and I'd like to thank those members are retiring. And we're also going to hear some of their work and some of the others' work later on today. We had a resolution that we passed asking them to study how we could utilize volunteers in the open space program. And they spent many months. They met with me to refine their ideas, to receive my feedback to give me their ideas, and I really appreciate all the volunteer time that open space members have provided.

My first encounter with Santa Fe County, even though I've lived here many years was with COLTPAC, so I thank the members very, very much from my heart. Thank you.

COMMISSIONER STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: To all members, thank you for your service and your commitment to the County.

COMMISSIONER STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Rogers, thank you very much for your service. There was a lot of congressional senators and representatives that retired abruptly in recent years and I think it was because they were dissatisfied with the progress of communication. With so many COLTPAC members retiring, is it an indication of concern from those retiring members or are they just deciding to move on at the same time? Because we sure hate to lose valuable people on the COLTPAC committee. Or any committee for that matter.

MR. ROGERS: Madam Chair and Commissioner Anaya, thank you for that. Actually, we've loved this work so much that I think we're all leaving because of term limits. So there's no any problem indicated by the retirements.

COMMISSIONER ANAYA: Madam Chair, I know we have this on as a discussion item in a while but I think when we do have some valuable people that are willing to continue to serve. It's good to let others serve as well but it's also good to retain some of

our members to maintain some continuity. But I very much thank you and all the members who have served for your work and your diligence. Thank you very much.

COMMISSIONER STEFANICS: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Mr. Rogers, I want to personally thank you for your time and your dedication, for being here today and for all the years you've put into the committee. And to those that are going to continue to serve I want to thank them as well. I hope that the board members that are staying, I'm sure you'll stay in touch with them and share your information and your knowledge so that that institutional knowledge stays with us, because that's worth its weight in gold. So I hope that's the case and thank you for your work.

COMMISSIONER STEFANICS: Thank you. I guess we can do a picture. We'll photoshop the other ones in.

[Photographs were taken.]

**IX. F. Acknowledgement and Recognition of Santa Fe County Graduates of the New Mexico EDGE County College and Certified Public Official Programs and the NM CAPE (Certified Advocate in Public Ethics) Program**

COMMISSIONER STEFANICS: Thank you very much, Madam Chair. First of all at our New Mexico Association of Counties conferences twice a year we have graduations, and Santa Fe County is the leading county with the number of graduates in this program I'm going to talk about. And I'd like to thank all of the past and current and future employees that are participating in New Mexico EDGE. First of all our County has provided time and money for people to further their education, and I really support that and I really thank the staff and the employees who have taken us up on the offer.

Today I'd like to introduce several members, and I'm going to ask them each to come up and stand, and then we'll recognize them at the end and also take a photograph with their certificates. These first individuals have become certified public officers. And they're varied. They're from lots of different departments. We have Debra Leyba Dominguez, the department administrator from Public Works, come on up. We have Les Francisco, the superintendent of the Solid Waste Section, Public Works. We have Amanda Hargis, the GIS coordinator. Come on up. This is your time to be embarrassed and recognized, everybody. We have Robert Martinez, Transportation and Solid Waste Division Director from Public Works. We have Geraldine Salazar, our County Clerk. We have Lorina Sanchez, our administrative assistant from Public Works who was just recognized. We have Gabriela Trujillo, the administrative manager from Public Works.

And then we have an individual who did a very special program. New Mexico EDGE also administers the New Mexico CAPE, Certified Advocate in Public Ethics, which is designed to provide New Mexico public officials with a comprehensive course of study in public service ethics including how ethics relate to New Mexico law, decision-making, public-private partnerships, stewardships, conflict of interest, appearances versus reality and much more. This individual has gone through many of the New Mexico EDGE programs

already. I'd like to recognize Erle Wright, our data integration administrator from GIS. So let's give them all a big hand.

[Photographs were taken.]

**XV. MATTERS FROM THE COUNTY ATTORNEY**

**1. Executive Session**

**B. Limited Personnel Matters**

CHAIR HOLIAN: So now I believe we're going to do our executive session to discuss limited personnel issues. Do I have a motion?

COMMISSIONER MAYFIELD: So moved, Madam Chair.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Could we also go into potential litigation please?

CHAIR HOLIAN: It depends on how much time.

COMMISSIONER MAYFIELD: I don't know. I'll discuss it publicly if you want.

COMMISSIONER STEFANICS: Mr. Ross, how much time would we need for litigation

MR. ROSS: Well, Madam Chair, had we gone in at 5:00 I was planning on doing a litigation update. It might take some time.

COMMISSIONER MAYFIELD: Okay. If we go back that's fine.

CHAIR HOLIAN: So limited personnel issues. And do I have a second?

COMMISSIONER STEFANICS: I'll second.

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2) to discuss the matters delineated above passed upon unanimous roll call vote with Commissioners Anaya, Chavez, Mayfield, Stefanics and Holian all voting in the affirmative.**

[The Commission met in closed session from 2:35 to 3:08.]

COMMISSIONER STEFANICS: Let's call this meeting back to order as the Board of County Commissioners, and we need a motion to come out of executive session.

COMMISSIONER ANAYA: So moved.

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: Second.

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

SFC CLERK RECORDED 62/27/2013

**IX. A. New Employee Introductions (County Manager)**

MS. ELLIS-GREEN: Thank you, Madam Chair. The new hire listing for the month of December is in your packet under the HR report, but I did want to mention a few people who are new to Santa Fe County staff and are here today. We have Gerald Garcia in the Administrative Services Department. He is our new contract manager. And earlier on today you met Tim Vigil, who is in our Legal Division. He's an assistant County Attorney. And we also have in the County Manager's Office Candace Ainslie, and she is our new admin assistant as Ambra is moving over to the HR Department. And the rest of the listing is in your packet.

CHAIR HOLIAN: Thank you, Penny, and I just want to say welcome to all the new employees. We're really looking forward to working with you, and I know that Candace, we're really going to be working with you a lot. We'll see you every day. So welcome.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Welcome to our new employees and thank you.

**X. MATTERS OF PUBLIC CONCERN – Non-Action Items**

CHAIR HOLIAN: These are non-action items and this is for anybody who is here from the public who would like to speak about an issue that is not on our agenda. Is there anybody here? Seeing none, we will move on to Matters from the Commission.

**XI. MATTERS FROM THE COMMISSION**

**A. Resolutions**

**1. Resolution No. 2013-5, a Resolution Supporting Energy Efficient Building Tax Credit Legislation at the 2013 New Mexico Legislative Session**

CHAIR HOLIAN: This is one that I am sponsoring and I just wanted to say a few words in advance. One thing that we all agree on is that energy efficient buildings are a good idea. Not only are they good for the environment; that's really obvious. But they also save people money through their utility bills, money that could be spent elsewhere in our community, and I think another important aspect of energy efficient buildings that is often overlooked is that they are a lot more comfortable to live and work in.

And there's also another potential positive outcome in incentivizing well designed buildings and that is that building these energy-efficient homes and buildings can actually be good for our economy. And anything that's good for our economy certainly generates more state and local government revenue. Gross receipts of course we always appreciate. So this resolution, which I will not read, supports proposed legislation that provides financial incentives for building energy-efficient or green construction homes and commercial buildings. And so I would like to invite Craig O'Hare forward to give us a few more details.

SEC. CLERK RECORDED 6/7/2013

CRAIG O'HARE (Energy Specialist): Thank you, Madam Chair, Commissioners. Just real quickly, this resolution basically deals with two energy-efficient tax credit bills that have been introduced in the legislature that deal with incentivizing and Commissioner Holian mentioned, incentivizing energy-efficient building construction. One is on residential; the other focuses on both residential and commercial. And I believe you have a couple handouts that relate to both of these bills. *[Exhibits 1 and 2]*

They're pretty straightforward bills and they're very, very similar. House Bill 135 is the energy-efficient home purchase tax credit bill. That bill was introduced in the last session. It made it about half-way through. It did pretty well in a one-month session and that bill has two components to it. It would give anywhere from a \$4,000 to \$8,000 tax credit for a newly constructed home that meets a home energy rating index of 60 or better. As you recall that's the HERS index that we discussed as part of the code. HERS 60 is a very energy-efficient home and the bill also says if you make the home even more energy-efficient, the lower the HERS number, the more energy-efficient the home is, the tax credit goes up from \$4,000 to \$6,000 to \$8,000.

Also, what's very interesting and a neat part of this bill is not only is it for newly constructed homes it's for renovated homes for energy-efficiency reasons that were foreclosed on. So this is a way of taking that part of the housing market from foreclosures that have happened during the recession in the last four or five years, upgrading them for energy efficiency reasons and getting them on to the market and hopefully incentivizing the purchase of that.

So that's House Bill 135 that our own representative Brian Egoff is sponsoring. And then the second bill is the extension of the existing sustainable building tax credit. That tax credit, piece of legislation, has been on the books since, I believe, 2007 and there's an error in the resolution. I apologize for that error. The sustainable building tax credit actually expires – it didn't expire at the end of last year but is going to expire at the end of this year unless this bill, Senate Bill 14 passes. If it does it would extend the tax credit for another ten years until 2023. That has both a residential component to it. It requires both an energy efficiency rating, that HERS rating, and then allows homeowners or homebuilders either to go the LEED route, which is the National United States Green Building Council, or the Build Green New Mexico route. We made sure that there was a New Mexico option, if you will. So that's a pretty straightforward bill to extend the existing sustainable building tax credit.

I do want to mention that in Santa Fe County since 2008, 262 homes have actually taken advantage of the sustainable building tax credit. That's quite a bit actually, amounting to about \$2.4 million in tax credit given to homebuyers here in Santa Fe County in the last five or six years. And I just wanted to point out that a lot of people think that this type of construction is limited only to large homes and mansions and things like that, that this is only something the wealthy can afford, and really, that's a myth. I wanted to share with you that the average size of the home that has taken advantage of this tax credit is 1300 square feet. So we're not talking about – sure, there's a few 4,000 and 5,000 square foot homes that are in this list of 262 but when you get the average it's actually pretty affordable, normal-sized homes, if you will. And I just wanted to share that with you.

Those 262 homes represent over \$30 million of construction, so we think it would be great to pass this resolution and support it at the legislature. And with that, Madam Chair, I

know that Kim Shanahan is here representing the New Mexico Green Chamber of Commerce and the homebuilders. He'd like to say a few words if he could as well.

CHAIR HOLIAN: Thank you, Craig and Mr. Shanahan.

KIM SHANAHAN: Thank you, Madam Chair, members of the County Commission. I just wanted to say thank you for considering to pass the resolution in support of these two bills. There's no guarantee but we feel pretty confident about their ability to get through the House and the Senate and get to the Governor's desk. Senate Bill 14 is the one that has really been the game changer in our industry. When this was passed in 2007 frankly it was let's save the planet, let's save the consumer some energy. As it turns out it's actually been more of an economic stimulus than we ever really anticipated. What we're actually seeing is that the buying public would rather buy a brand new home with high energy efficiency than a home that has reduced its value 30 percent because of the crash of the economy. In other words a consumer might have said this house used to be worth \$300,000, now it's less than \$200,000. I think I'll take advantage of that good deal. They're not doing that. They're actually going and buying that \$200,000 new house with high energy efficiency.

So the market is actually choosing new home construction over the existing housing stock and that's good for our economy. That's good for jobs. That's good for future property tax, gross receipts tax and so on. So the unintended consequences of Senate Bill 14, the sustainable building tax credit has clearly been an economic stimulus, not only for our industry but for our economy in general.

Another pretty interesting thing about this is that Peter Wirth again is carrying this now that he's a senator; he carried it as a representative originally, and when it gets to the House he's working with one of our newest representatives, Carl Trujillo, representing District 46. Commissioner Mayfield, I believe that's your district. Carl is a general contractor and we're very proud of him to be able to carry that piece of legislation on the House side as well.

The other good news about it, and this sort of speaks to the fact that the Governor also believes it's an economic stimulus is we think that the Governor, if it gets to her desk, will sign it for that very reason is that she also sees this as a jobs bill.

The second one of course is House Bill 135, carried by Representative Egoft for the second time. This is one that is really more for the demand side. This is specific to a homebuyer. It's a homebuyer tax credit. Sustainable building tax credit could go to either the homebuilder or the homebuyer, depending on who owns the property when the home is built. Some of our large production builders, as the owners of their property, the lots, can take advantage of the sustainable building tax credit and pass it on if they want or keep it to offset their costs of getting [inaudible]. But the new one, HB 135, would be specific to the homebuyer and it's really seen as a demand side stimulus to get the homebuyer to say I want one of those because I want the tax credit.

To the extent that the County Commission can support these with the resolution will all be for the good. As Craig said, I represent the Homebuilders Association of Santa Fe and the New Mexico Green Chamber of Commerce. We see both of these as a very, very high priority for green businesses and the homebuilding industry. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you very much, Mr. Shanahan. First of all, are there any questions or comments from the Commission at this point?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I just want to thank you for bringing this resolution forward. I think it's a great resolution. If I do have any comments, and I think it was mentioned, but Representative Carl Trujillo did sign on to Senate Bill 14, so I don't know how you have correspondence on both the Senate and the House side, but he did sign on to Senator Wirth's Senate Bill 14, so I just wanted to give that recognition, also to represent Carl Trujillo.

Also, I don't know, Madam Chair, if you're going to read out your whole resolution, but if I could make a suggestion on your fourth whereas, I know that we are sending it to the Honorable Senate Pro Tem Mary Kay Papen, my suggestion would be that we also send it to the Honorable Speaker of the House Kenny Martinez.

CHAIR HOLIAN: I agree and would accept that as an amendment certainly. Now, this is a resolution so is there anyone here who would like to speak out about this resolution? Seeing none –

COMMISSIONER STEFANICS: I'd like to move for approval.

CHAIR HOLIAN: Okay. With the amendment?

COMMISSIONER MAYFIELD: Second.

CHAIR HOLIAN: Okay. Is there any further discussion?

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

**XI. A. 2. Resolution No. 2013-6, a Resolution to Support Health Care for All Residents of New Mexico; Rescinding Resolution 2008-1**

COMMISSIONER STEFANICS: Thank you, Madam Chair. Madam Chair, in 2008 a Santa Fe County Board of County Commissioners passed a resolution that supported the Health Security Act and our name appears on a document that says that we support that, and that has been perceived by legislators to exclude supporting other healthcare models. My resolution would rescind Resolution 2008-1 but the resolution says that we support all models of healthcare planning to support the Affordable Care Act. And that's the intent of my resolution.

CHAIR HOLIAN: Thank you, Commissioner Stefanics. Are there any questions or comments from the Commission? Is there anyone here who would like to speak out about this resolution from the public? Seeing none, what are the wishes of the Board?

COMMISSIONER STEFANICS: Madam Chair, I move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

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

COMMISSIONER ANAYA: Madam Chair.



CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Could you have the record reflect I supported the last resolution?

CHAIR HOLIAN: Yes, indeed. Thank you. You're referring to Resolution XI.  
A. 1? Okay.

**XI. A. 3. Resolution No. 2013-7, a Resolution Adopting Sustainable Resource Management Principles and Directing Staff to "Lead By Example" with Respect to Implementing Cost-Effective Waste Reduction, Recycling and Clean Energy Strategies in County Operations**

COMMISSIONER MAYFIELD: Madam Chair, it's a lengthy resolution but I will read it in if you will indulge me please.

Whereas, the Board of County Commissioners of Santa Fe County "the Board" has demonstrated its commitment to promoting sustainable resource management by adopting Resolution No. 2010-210, adopting the Sustainable Growth Management Plan, which contains substantial waste reduction, recycling and clean energy policy and program components;

Whereas, in order to effectively promote adoption of sustainable resource management strategies to the citizens and businesses of Santa Fe County it is incumbent upon the County to "Lead by. Example" in its daily operations;

Whereas, Resolution No. 2012-52 established the Solid Waste Task Force, which subsequently recognized the importance of maximizing waste reduction and recycling strategies by Santa Fe County at all of its facilities;

Whereas, the Board adopted Resolution No. 2011-16, adopting the 2010 Comprehensive Solid Waste Management Plan of the Santa Fe Solid Waste Management Agency, which includes aggressive recycling goals;

Whereas, facility and vehicle energy expenditures associated with County government are substantial and incorporating cost-effective renewable energy and energy efficiency strategies provide an opportunity to significantly reduce County government operating costs and, therefore, the burden on County taxpayers;

Whereas, renewable energy and energy efficiency efficiencies must also recognize some of the unique needs of government in the areas of law enforcement, fire and corrections, and public safety and security must be the primary goal when renewable energy and energy efficiency measures are considered; and

Whereas, Chapter 7, "Renewable Energy and Energy Efficiency," of the County's Sustainable Growth Management Plan, specifically directs County government to incorporate renewable energy and energy efficiency measures in its facilities and daily operations.

Now, therefore, it is resolved as follows:

1. Policies. Santa Fe County commits to "Leading by Example" with respect to aggressively implementing waste reduction, recycling and clean energy strategies in all aspects of its facilities and daily operations. All County



facilities and operations that come under the purview of the Commission are subject to this policy.

2. This policy shall include but not be limited to:
  - a. Waste Reduction and Reuse: The County shall ensure reuse and/or long-term use rather than frequent disposal of equipment and supplies, and the County shall ensure that all County operations minimize generation of discards as a priority even higher than recycling. Specifically, a policy of double-siding all documents is hereby established to promote waste reduction. With appropriate exceptions, all documents are to be double-sided, including those that are generated by outside entities using County funds and by consultants and contractors doing business with the County.
  - b. Recycling: The County shall ensure that all recyclable items generated in County-owned facilities and which are accepted at the Buckman Road Recycling and Transfer Station are recycled and not disposed of. Limited exceptions may be made if collecting and transporting the recyclables is cost and resource prohibitive.
  - c. Clean Energy: To the extent feasible given funding and staff availability, the County shall ensure that cost-effective renewable energy and energy efficiency strategies are implemented throughout County facilities and daily operations.
3. Implementation and Reporting.
  - a. Care shall be taken to ensure that implementation of this directive shall in no way negatively impact public safety and the smooth and efficient delivery of County services; accordingly, implementation of this resolution shall always be subject to the unique needs of law enforcement, fire and corrections. Public safety and security must be the primary goal; to the extent that the needs of law enforcement, fire and corrections conflicts with policy goals set forth in this document, the former shall prevail.
  - b. The County Manager shall establish an internal "Lead by Example" working group consisting of representatives from appropriate departments and divisions. The Board may appoint two at-large members, members of the public or staff members, to the "Lead by Example" working group. The working group shall be chaired by a representative from the Public Works Department. The first charge of the working group shall be to implement the sustainable policies outlined above by establishing a "Lead by Example" implementation plan. In its first six months, the working group shall meet monthly to develop the implementation plan. The implementation plan shall be presented to the Board no later than September 1, 2013.
  - c. The working group shall meet quarterly or as needed, thereafter, to maintain and monitor implementation of the implementation plan. The working group shall prepare a "Lead by Example" report, which shall be presented annually to the Board at the beginning of each fiscal year, however the first report shall be due no later than September 1, 2013.

4. Successful achievement of the sustainable resource management policies set forth herein requires the dedication and commitment of every County staff member, starting with County management, to ensure that the policies set forth herein are given a high priority. The implementation plan will help guide the process but will not, alone, ensure that every employee is consistently implementing the established waste reduction, recycling and energy conservation practices on a daily basis. In addition to ensuring a commitment to these policies by department and division directors, employee training and regular outreach shall be provided.

With that, Madam Chair, I stand for questions and open it to the public.

CHAIR HOLIAN: Okay. Are there any questions?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I support the intent of this resolution, and what I'd like to have discussed from the Commissioner and any staff who want to weigh in is any kind of fiscal impact. And I had mentioned this earlier to my colleagues that I want to make sure that we don't come up with great ideas that are going to take our budget before we decide our budget for this next year. So it would seem to me that most of this work is already within our daily activities, but if you could identify anything you think would be of extra cost.

COMMISSIONER MAYFIELD: Madam Chair, this is a great point Commissioner Stefanics is bring up. And I worry about fiscal implications. And I know there are times there will be fiscal implications that this County may encounter. The reason I'm bringing this forward is I think it's incumbent on us as a Board to recognize the impact that we have on the citizenry, on our constituency and the citizens we serve.

What I'm trying to promote is something we need to recognize. We pass many rules in this county, many ordinances on our constituency every day. But I don't think we recognize the impact that we have on our constituency out there. In saying that, we are requiring our citizens or asking our citizens to do this every single day. I believe in recycling. Let me just quantify that first. But everything that we put on our general public out there every day, I don't think we're adhering to internally in this County.

So this is why I'm entitling it Lead by Example, Madam Chair and Commissioner Stefanics. If we can't do it internally within this County how can we expect or how can we push these ordinances out there and ask everybody else in the county to do it. We have to consider the fiscal impact on everybody out there in the county.

So I hear what you're saying loud and clear and I do know there are fiscal implications on us as a Count and there may be some. I guess I could ask staff to identify that. But I would also ask that we recognize the fiscal implications on every county citizen before we push out an ordinance or resolution on them. So I don't mind standing for a report back from our staff members, from our Finance Manager, from anybody else on what implications it will have on us internally, but I also would ask that before we pass any other resolutions or any other ordinances we look at what fiscal implications this would have on anybody out there in the public when we require this. Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: So having said I'm in support of this I still would like to hear. Mr. Leigland, do you think this is something that staff are already doing? They can do anything extra within their purview? Would this require extra staff? Just a generalized comment.

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, I think that there are two answers. I think part of it and one of the things that was identified in the Solid Waste Task Force is that we don't know what we don't know and I think we realize that there's a lot of baselining we need to do before we can really answer. If you remember, at the last meeting I presented some County solid waste collection, and when we were collecting that data we realized there was a lot of information we don't know, so I think we need to do a lot of baselining. So I think it's hard to say what the fiscal impact, what the net fiscal impact would be and it would also depend on how robust or how detailed or energetic I guess the ultimate recommendations are.

But I can tell you that if we started double-siding there would be an immediate savings, because we would save paper. I think we can tweak some vehicle use to get some immediate savings in fuel. And if we do recycling I think we can get some savings there that won't be too onerous. So I think that in the short term we can get some immediate savings, small savings, and over time as we start to develop them, I think as we start delving into the solid waste collection contracts because most of the County facilities are actually collected by contract. We have to look at those contracts and see what that would look like.

So Madam Chair, Commissioner Stefanics, I can't give you a detailed answer but I think we can make some immediate small savings tomorrow if we start double-siding and reducing the paper we purchase.

COMMISSIONER STEFANICS: So Madam Chair, Commissioner Mayfield and Mr. Leigland, what I'm hearing is that we the County could have some savings from this, both immediate and long term. Is there anything onerous that the County would have to do to start meeting some of these recommendations and standards?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, we'd have to look at the way recyclables are collected.

COMMISSIONER STEFANICS: Inside the County.

MR. LEIGLAND: Inside the County facilities, and not only how they're collected, so we may have to buy the bins, for instance, the right receptacles. We'd have to encourage the behavior, and then we'll have to have someone collect them and deliver them either curbside or at the city. So we'd have to look at that and we'd have to identify someone to do that. I'm not so much worried about, for instance, this facility because we can mobilize the resources. I'm thinking of some of our far-flung like at the senior centers, how we're going to do that. Some of the fire stations. We have to look at that, and that's actually one of the reasons why we wanted to create the internal working group because we wanted to make sure we met the goals without unduly impacting for instance the firefighters. We have to look at the contracts to collect it because I'm not sure – for instance the Corrections. They have about three times weekly that the solid waste collector collects their bins. I'm not sure what that contract says for recycling. If there's going to be an impact or not we'd have to look at that. But I think that overall, in the long term I think it will be a net savings because waste

minimization means buying less and increasing recycling means paying less tipping fees. So I think that overall –

COMMISSIONER STEFANICS: Thank you. So Madam Chair, Commissioner Mayfield, I'm perceiving that your intent is for Santa Fe County is to lead by example.

COMMISSIONER MAYFIELD: Sure. And Madam Chair, Commissioner Stefanics, and also Mr. Leigland, one reason why I did – a couple reasons why I brought this forward is one, I believe in recycling and two, I sit on the Solid Waste Task Force which is important. In one of the meetings, and we did tour all of our transfer stations and I think at least one important topic of our Solid Waste Task Force was recycling initiatives. I think that's just a common theme with all of us is that we need to better our recycling efforts. But one thing I noticed that was very prevalent on the Solid Waste Task Force, we had our soda pops, we had our plates, and look – well, I don't want to pass judgment. We were pitching them in trashcans. I'm like, guys, we're pitching our own stuff in the trashcan. We're not even recycling ourselves.

We have to set the example internally. And I asked the question or Adam. What are we doing for internal recycling in Santa Fe County? Commissioner, I don't know what we're doing internally. So how can we have these expectations of our Santa Fe County residents when we're not even setting that example internally? So that's what this is about.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Well, I know we've talked a little bit about savings and I think that is a good discussion to have but the other part of that equation is reducing the waste stream into the landfill, so recycling does that. But Adam, could you touch for just a minute on what we are doing with the paper just from the building that we're in now. Because I know it's being shredded. It's picked up on a regular basis. How is that being handled?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, the City – since this building is in the city the City collects solid waste. Anything that's not recycled goes into the normal bins and then the City collects it and takes it to the Caja del Rio.

COMMISSIONER CHAVEZ: Even the paper that's shredded in this building is not recycled?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, actually I don't know what the recycling is and actually that's one of the things that Commissioner Mayfield brought forward is that we don't know exactly what every facility is doing. So I think it's just a matter of formalizing the behaviors. I know for instance in my building the behaviors to go on and it's hit or miss. So as I said earlier I think a lot of it is just kind of – we don't know what we don't know. I think we just need to sit down and look at it. I think a lot of it is personality-driven. If I have a recycling bin next to my next but it's up to me to take it to the larger facility in the building. So if someone chose not to do that –

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield and I guess all the Commissioners, I think throughout the course of the last couple years we've had

this discussion often about resolutions and how we don't want to pre-empt the budget process with resolutions. The thing that I continuously ask myself is do we have a synopsis of all the resolutions that we have in place and what we're actually doing on prior resolutions that the Commission took action on, and whether or not those resolutions are really being utilized for some real, tangible beneficial use, or whether or not the resolutions were approved and aren't being used at all.

And I think from my perspective, I can remember some time back, I think it was County Clerk Rebecca Bustamante went through a long, lengthy process to compile a list of all the ordinances in the County and obligations through those ordinances that we had and I recall it was about this thick. About four or five inches thick, of resolutions that the County Commission passed to now have imposed and what we're doing with them.

And so from my perspective, as we're thinking about resolutions as Commissioners, and I think this resolution when I read it, I read it as simply as the Commissioner said in his summarized remarks is we shouldn't ask the public to do something we're not doing. And I think that's a reasonable perspective. I would agree with that. We shouldn't impose upon the public something that we have not taken upon for ourselves.

That being said, I think we really need to go back and find those resolutions and ordinances that we have that staff operates or I'm presuming you're operating under, and then make sure that we are clear on what our direction is at this current Commission. Because I think many times what I hear, Madam Chair, Commissioner Mayfield, all the Commissioners, is that staff's not so sure at times as to which priority or what truly is the goal. With the new Commission sitting here on this bench I think we have an opportunity to take a look at the resolutions, take a look at the ordinances, and make some determinations as to which ones we're going to utilize, and this is the part that I'm going to be focusing on and this is going to be coming from somebody who hasn't brought forward a lot of resolutions is which resolutions and ordinances do we need to take off of the books? Which resolutions and ordinances do we have on the books that are not being used that don't make sense and that are obligations that imply are for the public but we don't even have the staff or the resources to follow through on?

So those are my thoughts, Commissioner Mayfield. Were you looking for a straight-up approval today? Just out of curiosity. Because my personal take is is there some way for us to do an assessment of what staff is dealing with and what we have as priorities so that we somehow as a Commission can maybe refocus or redefine those priorities. I agree with the corpus of what you're after. I just – what's your take on whether it has to be done today?

CHAIR HOLIAN: Commissioner Mayfield, and then I would like to make a comment.

COMMISSIONER MAYFIELD: Madam Chair, and I respect everything that's been said so far, but yes, definitely again, I believe in recycling for our community and again to help sustain our landfills. I definitely want to promote any solid waste that's going into – I want to promote reducing solid waste material that's going into our landfills. I think that this is a positive approach to it. I do think that Santa Fe County as far as our internal operations can provide a lot better for ourselves. I think we need to recognize that we're not doing a good job internally. Maybe there will be a little cost to this, and I recognize that. But I also appreciate what you're saying. We are asking the public to do this and we are pushing

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the public to do this and we keep asking to educate the public to do this, but yet we're not doing it ourselves. And I just think as a father, as a parent, teaching my child – my child teaches me more about recycling than I'm teaching my child about recycling.

And I'm just saying that internally as a County we have to set an example. So yes, I am looking for approval of this resolution, but I respect every opinion that's been said at this bench today.

CHAIR HOLIAN: Thank you, Commissioner Mayfield, and I would just like to add that when the Solid Waste Task Force was put together Adam did a great deal of research on what County policy was out there that was relevant to solid waste in general including recycling, and he brought that in front of us, so we do have a lot of information about what existing County policy is so I feel very comfortable that this is not conflicting with any previous policy that we've set.

Now I would like to open this up to the public and ask if there are any members of the public out there who would like to speak for or against this resolution? And I think I might see two. And would you identify yourself for the record?

JOE DURALAC: Thank you, Madam Chair. My name's Joe Duralac. I appreciate this opportunity to offer some public comment. This is the first time I've done it before this Commission. I'm a resident of Eldorado. I retired here in New Mexico; I've been here about 2 ½ years. I've read the resolution very carefully and reflected on it, and would strongly recommend that the Commission accept this resolution, for at least three reasons. Some of these things have to do with some of the comments that have already been raised. First of all, the whereases part of this resolution clearly indicate that the Commission has a history of endorsing proposals related to these kinds of goals – waste reduction, recycling and clean energy strategies. So clearly in the past the Commission has been in support of these kinds of things.

But a very important second principle or issue with regard to this resolution is that it's not merely a resolution saying we think this is a good idea; it has a very specific action plan involved. It will change people's behavior. I'm referring to the implementation plan that I guess Commissioner Mayfield developed. This will get people to start recycling thinking about waste reduction and taking action about these kinds of strategies. Not only that, but the way it is phrased is there's going to be this development team, Lead by Example team composed of various people who will be able to come up with strategies that each agency can use in an adaptive and modified way to suit its own circumstances. That is very important when you're talking about implementation. This is not a top-down, forcing everybody to do things in one way, but it's a way of letting each agency come up with strategies, listening to the Lead by Example team to develop something that will fit their circumstances. And in terms of implementation it's clear that what the resolution says is that it's not in any way going to interfere with the execution of any agency's duties and responsibilities.

Not the third thing that I think is really important, it has to do with some of the comments that the Commissioners have already made, and that is that the goals of this resolution are clearly important. It is very important in this day and age to think about waste reduction, to think about recycling and to think about clean energy resources. Commissioner Stefanics, you asked about cost and cost is always a concern. No one can predict how costly this might be or how successful this might be, but if you look at the experiences of many,

many communities throughout this country that have tried these kinds of efforts the usual result is a minimal upfront cost. There's some time that people have to invest in this, but when you look at the long-term benefits there are clearly financial benefits that clearly outweigh the costs. Because so many communities have continued to do the projects that they've initiated, some much less successfully than others.

Clearly, if they found it so cost-prohibitive they would have stopped it. The cost savings from the waste reduction to the waste stream are going to be so significant over time that you're going to save thousands of dollars over time, over time it's clear.

Now whether or not this interferes or duplicates any efforts, I appreciate your comments that the Solid Waste Task Force has looked at these types of issues and there's really nothing on the books to encourage County agencies to already to this. Some have already started this on their own and through their own initiative, but this doesn't duplicate effort. It's a new, innovative kind of thing. I'm glad to see the County taking the leadership on this. I think it might set a model for other counties throughout the state and elsewhere to follow. So again, I strongly recommend that the Commission accept this resolution. It's really going to lead to positive action. Thank you. Any questions or comments?

CHAIR HOLIAN: Thank you. Is there anyone else from the public who would like to speak? And please identify yourself for the record.

KAREN SWEENEY: Madam Chair and members of the Board, I am Karen Sweeney. I am the chair of the Eldorado 285 Recycles Group, and I also sit on the – I'm a member of the Solid Waste Advisory Committee. I just would like to comment Commissioner Mayfield for even bringing this up. I think it's really crucial and the idea of leading by example is so positive. I notice you've included some exceptions for difficult situations so I think that the overall program should not become burdensome to the community or to the County. I would like to mention one anecdote. Eldorado 285 Recycles, working with the staff of the Eldorado Senior Center picked up the recyclables for two months. The staff separated them and we picked them up and took them to the transfer station. There was a substantial quantity of material. When we got to the point of trying to implement this they faced a County contract and they didn't know how they could add recycling to the waste hauling process. So this would certainly work towards solving that problem. Thank you.

CHAIR HOLIAN: Thank you, Ms. Sweeney, and also thank you for all the work that your group, Eldorado 285 Recycles did in picking up the recyclables.

MS. SWEENEY: Thank you.

CHAIR HOLIAN: Is there anyone else who would like to speak?

JOSEPH EIGNER: My name is Joseph Eigner. I'm also with Eldorado 285 Recycles. Madam Chair, members of the Commission, our group is dedicated to recycling so it's no surprise that we support Commissioner Mayfield's initiative. I know it's not cool to compare Santa Fe with other cities, particularly those on the left coast but I do want to say a few things about San Francisco. San Francisco is a younger city than Santa Fe and sometimes I feel upset because they've appropriated our patron saint's name and our code letters, SF. But we have much in common. They have Fishermen's Wharf, we have Canyon Road. They have the Golden Gate Bridge, we have the Roundhouse. They have San Quentin, we have the



state pen. They have the Giants and the 49-er's, we have the City Council and the Board of County Commissioners.

But in one area they are ahead of us. Our recycling rate is between 10 and 20 percent; theirs is 80 percent and going towards 90. But if the Mayfield Resolution is passed we'll be starting on the road to catching up. I would like to thank Commissioner Mayfield and Juan Rios and his staff and members of the Public Works staff who helped them do the research on this.

A couple points about San Francisco. California passed a law mandating that cities and counties reach a 50 percent recycling rate by 2010. That law was passed 25 years ago, so they have a very big head start. In San Francisco recycling was driven by the fact that their landfill was a 100-mile roundtrip from the center of the city and the tipping fees were extraordinarily high, much, much higher than we experience here in Santa Fe. And this is the key point: One of the very first measures they undertook in San Francisco was to require that all government buildings begin recycling. They found out that 15 percent of the city's waste originated in government buildings. All government facilities, as in the resolution you're now considering are now required to recycle and reduce waste. They have an online virtual warehouse for the exchange of supplies among different city agencies and also [inaudible] and green purchasing.

The result has been 80 percent of the residences and businesses now engage in recycling and composting, and 80 percent of the residents also participate. Currently they pay about \$28 per month per residence for trash services and zero for recycling and composting service. The Mayfield proposal has many excellent features. One, emphasis on waste reduction and reuse before recycling. Two, inclusion of energy conservation as well as recycling. And three, creation of the Lead by Example working group to make sure that it is effective. And finally, exemptions for public safety if those are needed. So I strongly support the Mayfield plan and I hope you will give it favorable consideration. Thank you.

CHAIR HOLIAN: Thank you, Mr. Eigner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and I know my name has been mentioned a lot but I need to say this. The Solid Waste Task Force, Commissioner Holian, Mr. Rios, Mr. O'Hare, Mr. Ross and Dr. Eigner – this is a collaboration of work by many, many people and they all deserve the credit so I just want that to be said. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Is there anyone else who would like to speak? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, is the intent for us to do this as you suggested internally before we impose requirements on the residents of Santa Fe County? For us to demonstrate that we do all these functions well before we impose these requirements? That's what I want to be clear on, because what I would not be supportive of is utilizing this resolution to then say we're going to pre-empt requirements that even we're not living up to to the public, which I thought was the primary point. So is that – just so I can stay on track. Is that what your intent is?

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Anaya, you are 100 percent correct on that. Because I do not feel that we as a County are even doing this, and there already are – and I want to say required, but our Growth Management Plan is



CHAIR HOLIAN: I'll second that. Is there any further discussion?

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

**XI. A. 4. Resolution No. 2013-8, a Resolution Supporting State Penitentiary on State Highway 14 off of Wells and on to County Water**

COMMISSIONER ANAYA: Madam Chair, I'd like to ask Mr. Leigland and Mr. Guerrerortiz to come forward. Santa Fe County has been working closely with the community of La Cienega for years to try and work to convince and work closely with the executive, the state legislators that serve the area in and around La Cienega, Representative Stephanie Richards, Representative Jim Trujillo, Representative Jim Hall, prior to Stephanie Richards, Senator Phil Griego, and others over the course of time including the mutual domestic president in La Cienega, the La Cienega community, Ray Romero, Carl Dickens for the La Cienega Valley Community Association. They've all been working with us collectively to try and get the penitentiary of New Mexico to instead of using their high capacity wells to hook into the Santa Fe County utility.

We've established a relationship with the New Mexico State Penitentiary via the General Services Department and currently we provide wastewater services through the utility and we've been working closely with them to be able to supply water to the State Penitentiary. So the premise of this resolution is based on some feedback we received from Representative Stephanie Richards as well as comments made by Representative Brian Egoff that there's been some advancements in the discussion and it's not more potential than ever that we would possibly be the servicing entity and provide water service to the State Penitentiary. So with that said, Adam, Mr. Guerrerortiz, could you guys provide some brief summary remarks about some of the bullet points in the resolution and how beneficial it would be if the State Penitentiary ultimately does connect to the County utility, for us, for the penitentiary and most importantly for those residents that live in that La Cienega Valley?

MR. LEIGLAND: Madam Chair, Commissioner, Commissioner Anaya summed up the issue pretty well, so I just want to give you maybe some more technical information. The State Penitentiary has three deep wells and they draw up to 330,000 gallons a day for their water, so as you can imagine that can be a pretty profound impact on the aquifer and that aquifer is the same one that stretches from the pen westward under the highway over to La Cienega/La Cieneguilla region. So anytime we can get such a large water

draw off the aquifer onto surface water, which also is in support of our conjunctive management plan which is to use surface water resources as our source of first resort is good.

As Commissioner Anaya mentioned, we are already their wastewater service provider and we are actually already physically connected to the penitentiary for water as a backup supply. So everything had already been in place for that, for them to become a customer. Our rate structure is already set up to serve a large customer like this so there's no action needed there. We estimate that we'll generate approximately \$200,000 a year in revenue, which would be a real boon to our utility. We estimate it would be approximately equal to up to 220 residential equivalent customers.

But we also think it would be a net savings to the penitentiary, because if they did a full lifecycle cost of the cost to provide themselves water they're going to find that it's cheaper to have someone else do that and just deliver it to them I think when they look at the full cost. So I think this is a win-win on the technical and revenue side for both the state and the County, and of course this will be a huge positive impact to the aquifer and to the downstream aquifer users.

So the County is prepared, whenever this decision is made, the County is prepared to implement it immediately. The infrastructure is there. We already have them in our billing accounts as wastewater customers. We would probably have to make some sort of adjustment to our technical service area to include that in our service area and we would have to include them in our meter reading.

COMMISSIONER ANAYA: Thank you, Mr. Leigland. If I could have Mr. Guerrerortiz come forward just for a moment. Thank you for that summary. Mr. Guerrerortiz, could you briefly talk about – the County through the Buckman Direct Diversion has available surface water that we could allocate, and I want to be clear because it was the Commission prior to this Commission that worked for years on the Buckman Direct Diversion project and one of the main intentions of that project was not just to augment future potential development in the county with surface water, but it was to offset existing uses in the county to reduce the amount of subsurface water that we're pulling out of the aquifer, to raise the level of our aquifers that are greatly depleted, especially in that La Cienega Valley region where the people on the acequias do not have adequate water that they used to have for agricultural use and that even some of the domestic uses have been greatly depleted. So could you talk about the fact that we do have available surface water in a little more depth, and that it's always been the intent of the County to not only provide resources for future potential growth but to even offset some of those uses that were previously wells or currently wells being utilized and drawing down that aquifer.

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioner Anaya, you have said it all. I think that the County has taken steps, very positive and very clear steps towards protecting the aquifer not only for the present generation but also for the future generations. Our future will always be rather uncertain when it comes to water. The effort now is to primarily depend on the surface water versus what we have and preserve the aquifer for emergencies, for eventualities that we cannot really anticipate in the future and for future generations.

The County is moving in the direction of connecting as many people as possible to the system, especially in those areas where the infrastructure already exists. The County further

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has the capacity with the diversion project at BDD and the infrastructure that we already have in place to serve those people. We anticipate that just outside the city limits in the metropolitan area we could have at any given time right now about more than 1,000 customers that could be connected to the system.

So you take into account that each customer is likely to use about between .16 and .20 acre-feet a year, that would be a significant move to make in protecting the aquifer because that is part of what would otherwise be coming out of the aquifer. So connecting them to the surface sources is one of the most important goals the County has. And the penitentiary itself is one customer that would be equivalent to have 220 customers out there. So you can have in one sweep take 220 customers. That again is a huge step in the right direction.

And one more fact that is very important. This is not new for the Corrections Department either. Every single one of the penitentiaries in New Mexico is being served by a municipality or the utility that surrounds them. So this is kind of the last bastion in that respect, the last facility holding out on their own with wells that are pretty old, the infrastructure they have now is at least 40 to 45 years old. They're going to have to make significant capital improvements in order to continue the use they have right now.

COMMISSIONER ANAYA: Thank you, Madam Chair, Mr. Guerrerortiz. Mr. Leigland, if you could follow up with some closing thoughts before I conclude my remarks. This is a large issue not just because of everything mentioned thus far but that in the scope of our planning and in the discussions on future expansion of our water utility, we know that in the entire region that we're referring to, the penitentiary and the Highway 14 area, we know that the wells there have been struggling for a long time. In Commissioner Stefanics' district as well as my district, in that area, we know that many families haul water on a daily basis just to try and supplement and try and reduce the amount of use on those wells.

By working in partnership with the legislators I mentioned and the executive, the Governor and General Services and Corrections, if we're able to do this this puts us in a good position to continue our future growth planning efforts in the whole county to bring on the new clients and new customers to help provide them with the needed water that they use daily and also reduce that groundwater use. Would you like to expand on that any further? Did I accurately reflect some of the planning and the discussions that we've had as a County?

MR. LEIGLAND: Yes. Madam Chair, Commissioner Anaya, yes, I think again you've done a really good job of summarizing the issue and you kind of hit on two separate but related issues. One is the expansion of our surface water infrastructure down that corridor and I'll just remind the Commission that that actually is one of the priorities on the state ICIP from this Commission is including that infrastructure down what we call the Turquoise Trail extension. And then also we are working on proving or rationalizing our bulk water policy, because that's something you've asked us to do, to address. We currently have about 200 bulk water customers and they do have to come up – I think really all but one of them comes from the San Marcos/Lone Butte area. And I think one of them comes from over by Glorieta/Canoncito. So we can approve that for them too until the one day that we can get them on surface water, whenever that day may be.

COMMISSIONER ANAYA: Thank you, Madam Chair, Mr. Leigland. I think I'd stand for any questions. This resolution continues to extend the olive branch to all the

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partners, the executive and the community and all the legislators to further get us down the road to more sustainable water use for our citizens.

CHAIR HOLIAN: Thank you, Commissioner. Are there any comments or questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I do support this resolution, but I do think that our attorney needs to work with the sponsors of the bill to actually add language about the master meters, because, and I'm making this a public issue, because if that water was ever turned off and never got down to the State Penitentiary it could have drastic consequences for the state and Santa Fe County. And we need to ensure, and we should probably put it into state statute, if they're going to put the appropriation into statute and fund it we probably need to have language in there about our ownership of the master meter that would actually be pumping. And when we get to the BDD budget I have some other language that should be amended too, but for this state issue, I think the state needs to understand how serious it is to keep that water flowing and for it never to be shut off to that State Penitentiary.

This state has had a history of something very awful happened at the State Penitentiary and we would want something like the lack of water to ever spark some kind of explosion within that system. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I echo that and I've already made that a private issue with our County Attorney. I think he's already working on that. At least I hope he is.

COMMISSIONER ANAYA: I appreciate those points and those are definitely things that the attorney needs to work on. I want to clarify, and you can correct me if I'm wrong, Mr. Leigland. The connection and use of the County as a utility does not remove the right to be able to utilize the wells that they have in place as customers of ours for backup use in any way. But when they become a user and even for weeks at a time stop drawing out of those wells, in emergency situations they will be able – I shouldn't say they. If they become customers then there will be times as we know have occurred within our own system where there will be some well use. So this resolution doesn't pre-empt that or change that in any way. We would still have an obligation to work collaboratively with that legislation and to provide the water.

But any amount of water that we can reduce by utilizing surface water for any period of time helps us overall in the region. So I agree with the comments that have been made but, Mr. Leigland, it would become our responsibility in those discussions, in that legislation to maintain that water flow whether it was through the Buckman Diversion or whether it was through an alternative backup source. Correct?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, that is correct. And we have an agreement with the City, the water resources agreement that says that in case the Buckman Direct Diversion is down they have to provide us – I think that's maybe what Commissioner Stefanics –

COMMISSIONER STEFANICS: Madam Chair, on this point, the BDD has shut off the water before without noticing us for over 30 days. We had no say in that whatsoever. So we need to be really practical about this. If we in fact are going to the

legislature and supporting the penitentiary becoming our customer we need to have backup in place for that to happen and we need to make it clear to the City and the BDD that this is ours and we have to be able to use it.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, also along those points, the City has also been reluctant to turn on some or give us some of our master meters saying, no, we disagree with you guys on your master meter use. So that's just where I'm asking that we make it very clear and respectfully ask for some legislation to say Santa Fe County has a guarantee of 500 acre-feet of well use and they're entitled to these master meters for their intended use however they deem appropriate when the BDD is down for the delivery of surface water. That's just where I would like clarified also, Commissioners.

CHAIR HOLIAN: Okay. Thank you. Now I'm going to ask is there anyone here from the public who would like to speak on this resolution? Okay, seeing none, what are the wishes of the Board?

COMMISSIONER ANAYA: Madam Chair

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd move for approval of Resolution 2013-8, a resolution to support incorporating the penitentiary of New Mexico into the Santa Fe County water and wastewater utility service area as a wholesale-3 water customer, given that they're already our wastewater customer.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: There's a motion and a second to approve Resolution No. 2013-8. Any further discussion?

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

**XI. B. Commissioner Issues and Comments (Non-Action Items)**

COMMISSIONER STEFANICS: Thank you, Madam Chair. I've been receiving emails from the Sheriff and Nixle. St. Francis Drive all the way to the highway is pure ice and they're asking people to try to avoid that road, and as the evening gets colder, I'm not sure how people will get home but right now it's a problem and if you haven't signed up to be on the Santa Fe Police Department or the Santa Fe Sheriff's Department notices you can receive it by email and by text message to learn different issues like this. So I would say that that's something that people should look into right away.

The other item that I wanted to bring up and I already have is about fiscal impacts. We do the budget process in the spring. Many individuals have already started coming to us asking for funding for projects and I believe that we're going to want to have some philosophical or policy discussions about different items before we get to the budget. For example, summer interns, youth programs in the summer, libraries, matching programs with the school systems, as well as our own capital projects. So I would encourage us to start discussing it, not necessarily amounts, but start discussing some policy before we actually have to go to the point of making decisions. And I think that's it for right now.

CHAIR HOLIAN: Okay. Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Just to remind everybody out there in our listening audience and our TV audience, we have many school board and school bond elections coming up on February 5<sup>th</sup>. I think that's the correct date Ms. Salazar. Particularly District 1. I know I have in my district, I have Pojoaque coming up, I have Espanola coming up. I have Santa Fe coming up. My thoughts on this is supporting our children and supporting our teachers is very important so I just encourage everybody to get out there and vote. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Chavez.

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

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. The one message I have goes out to every resident of Santa Fe County, that this Commission meeting is not our Commission meeting, it's your Commission meeting. If there are issues that come about at any time within your communities, issues and concerns that you might have, you can approach me, you can approach your Commissioners in your district, you can come speak at the meeting under Matters of Public Concern. This is not our meeting, it's your meeting and we're here to listen to your feedback and work for your needs. Thank you.

CHAIR HOLIAN: Thank you, Commissioner. I would like to thank staff and the Manager's Office for all their help in putting together the tribute that we had at our last meeting to Speaker Lujan. It really turned out beautifully. And I especially want to thank Jennifer for putting together that beautiful photo tribute, and I would like to thank Julia for her technical help in putting together the photo tribute, as well as to thank Juan and Tina for drafting the proclamation, and then especially a big thanks to Tina for making sure that everybody was invited that should be invited and for making sure that it all went smoothly. Anyway, and I also want to thank all the Commissioner. It just was a really, really wonderful tribute.

I also want to recognize the passing of Don Hansen of the Hansen Lumber family. The Hansen Lumber Yard, I learned, has been in business for 85 years and I believe that Don Hansen worked there for most of his 75 years, and it's a real big loss for our community, I think. So my heart goes out to his friends and family.

I also want to just tell you something that really has made a big impression on me in reading: 2012 has been the hottest year on record since we've been keeping records, obviously, on our globe. The average global temperatures have been steadily increasing over my adult lifetime, that's for sure. And I'll just note that right now it may be winter here, and I'm really very grateful for the snow that we have, but it's summer in Australia. And they have recorded their highest temperature ever there. It was 54 degrees Celsius or 129.2 degrees Fahrenheit, and they actually had to add a new color to their temperature contour map to be able to reflect the temperatures that they're having there now. It's so hot that when people pump gasoline it evaporates before they can get it into their car.

They have also had a lot of terrible fires. And I think that this reminds us that in spite of the very welcome moisture that we've gotten our moisture has been much less than average. I understand it's been six inches of rain in 2012; that's about half of what we're used to getting and this is the second year in a row that this happened. So we are going to have a very challenging fire season. As a matter of fact I just received a letter and I think all of us

Commissioners did from Forest Supervisor Maria Garcia of the Santa Fe National Forest, and she said that there's some alarming data out there, that the majority of the Santa Fe National Forest is still in a severe drought category.

So I really think that as Commissioners, as leaders in our community and for all of us at our County staff here it's really important to keep this in mind as we do planning, as we go forward in doing planning for fire issues and water issues. We can't keep our head in the sand anymore. There's probably more sand out there to keep it in but we can't. We have to really recognize reality. This is what's going on and we have to start adapting to it.

So with that cheery note we are not on the Consent Calendar.

***Consent Calendar Withdrawals***

**XII. A. Appointments/Reappointments/Resignations**

**1. Request Approval of the Appointment of Five (5) Members to the County Open Lands, Trails, and Parks Advisory Committee (COLTPAC)**

COMMISSIONER MAYFIELD: Madam Chair, I'll just defer to staff.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair and Beth, I went back and pulled some emails that you had sent previously. Could you talk a little bit about the term limit clause that we have? I didn't realize that I was going to be losing one of what I would call one of the most valuable members to District 3 on COLTPAC, and I'm a little concerned about that. So talk about the term limits first and then second, I think for District 3 I'm going to want to not make my appointments today and get some more input. That's what I would like. But could you talk about that a little? Is that something different in COLTPAC or is that something we have in all of our committees now?

MS. MILLS: Madam Chair, Commissioner Anaya, I'm not sure if it's unusual to COLTPAC. I don't think so. But what happens is members can serve two consecutive terms and then they have to go off the committee. They can come back and we've had several cases where they do come back after staying away for the next term. But that's the resolution as I understand it.

COMMISSIONER ANAYA: Well, Madam Chair, Beth and Commissioners, from my perspective I'm supportive of what's in place for Commissioners now that are able if they're elected to serve two terms. I fully respect that but when we have valuable members on committees that we have in Santa Fe County that the communities are supportive of and that they support their efforts and what they're doing and how they're doing it. I don't know that it's a good idea to remove them if they're willing to continue to serve and if those communities still want them to serve. So that's just my take from District 3 and for now I'd like to just hold off and seek some more feedback on the prior members and then maybe have some more discussions with staff on some of those policies and whether or not we need to consider modifying them or not. So that's my take. Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and I'll just bring this up. And I don't know, maybe I'll just bring it up as I know we've had some problems in this



county for I guess a while. But I will say this. We have been very fortunate, or maybe I'm going to say unfortunate, because we've had some very valuable membership on this committee that unfortunately as Commissioner Anaya's pointed out they've either had to retire because of term limits. We've also been very fortunate that we've had 19 individuals with a vast amount of phenomenal experience that have applied to seek new membership on this committee, so we've had tough choices.

But with that being said, for District 1, I had I think five or six individuals who applied. It's always tough choices for me, but with that being said I made a recommendation for District 1. I don't know if that recommendation didn't get through because I know it was sent electronically and it was personally talked about because I know I called and I said this is who I would like to recommend for an appointee. But for whatever reason a different staff recommendation was made by Mr. Leigland, because this email came from Mr. Leigland on the 29<sup>th</sup> and I think I made by recommendation on the 11<sup>th</sup>. So I just don't understand how that timing worked. And it was put on Consent.

So I'm just going to stand that I'm no longer going to ask for Board appointments to come as a Consent for me. So just know that I'm going to pull off every Board appointment as Consent. Because maybe we should even recognize the individuals who are appointed on our board. I think they deserve the recognition if they're going to serve our communities. So if they're on Consent I'm just going to standardly pull every single applicant or every appointee on a board. You all don't have to explain to me the mishap because I'm just going to blame it on our County's server problems or our County email problems, that there was some miscommunication going on and leave it at that. I believe District 1 though is in a very fortunate position to have many applicants that applied, and it was a very hard choice. It's a hard choice for any selection so I understand that.

But with that I'm going to for District 1 I'm going to recommend Mr. Devin Bent for the District 1 appointee.

CHAIR HOLIAN: What are the wishes of the Board? Would anybody like to make a motion on this?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move approval of all of those names with the amendment that Commissioner Mayfield made.

CHAIR HOLIAN: I will second that.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I think I hear Commissioner Anaya asking that we abstain from District 3's appointee at this time.

CHAIR HOLIAN: Okay. Would you –

COMMISSIONER STEFANICS: That's fine with me.

CHAIR HOLIAN: Okay.

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Commissioner Mayfield, would you state your amendment for the record?

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COMMISSIONER MAYFIELD: Sure. Sure. Madam Chair, I believe that the recommendation that came out was District 1 – if I could just resummarize this. The District 1 appointee is Devin Bent. District 2 appointee is Zach Taylor. District 3 will remain vacant until Commissioner Anaya sees other applicants or until a new name comes forward for District 3 or the current name comes forward. District 5 appointee is Coleman Tracy Burnett, and there is an at-large recommendation of a Mr. Ernest Ortega. I don't know if that stands as a recommendation for the current COLTPAC vacancy appointees. And that would be the motion I would make.

COMMISSIONER STEFANICS: I would second that.

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

**XII. B. 1. Resolution No. 2013-9, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget a Grant Awarded Through the Federal Emergency Management Agency (FEMA) and the U.S. Department of Homeland Security for the Assistance to Firefighters Grant Program / \$120,000**

COMMISSIONER MAYFIELD: Madam Chair, again, the reason I pulled off the three resolutions and I'll talk about this one specifically. I think this is a great grant. I do believe – and I know I've brought this up to the Manager in the past. I think when we receive grants it's important to recognize the purpose of these grants and arguably recognize the employees who are finding these grants and applying for these grants. And with that I would just defer to our Fire Chief.

CHIEF SPERLING: Thank you, Madam Chair, Commissioner Mayfield, members of the Commission. This grant notification was received by us at the end of December 2012. The Assistance to Firefighters grant is administered by FEMA for the Department of Homeland Security, and it's quite an honor I think for us to have been awarded \$120,000 through this program which is open to all 26,350 fire departments throughout the United States. This is a federally funded grant program and every year there's a little bit of controversy whether Congress is going to fund this program. And we've been fortunate, I think, that with the assistance of all the fire service pulling in the same direction the grant funding continues.

In any case, we received \$120,000 to replace three of our breathing air compressors, one for the northern region, which will be located at the Pojoaque main station; one for the western region. It will go to Rancho Viejo main station. And one for the south, which will go to the new Edgewood station. We have a suitable compressor for the east at the current time. These compressors replace old equipment dating back to the late 1980s and 1990s. It has been a maintenance headache for us for a number of years and again, we're very fortunate to have received this grant.

I think it speaks to the excellence of those in the fire department who participated in this grant, in particular Mike Jaffa, who was the primary grant writer, Donna Morris, our accountant who helped with the budgeting figures for this, and Dennis Patty, our fleet

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manager, who assisted us with figuring out what equipment we needed to purchase. So with that I'll stand for any questions.

CHAIR HOLIAN: Thank you, Chief, and good job. Good work. Thank you.  
Any further questions?

COMMISSIONER MAYFIELD: Madam Chair, Chief, thank you and thank all your staff who got this money for the County.

CHIEF SPERLING: I will. Thank you.

CHAIR HOLIAN: And what are the wishes of the Board? Oh, first of all, this is a resolution. Is anybody here to speak on this resolution? What are the wishes of the Board please?

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: There is a motion and a second to approve Resolution No. 2013-9.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on Commissioner Mayfield's previous comment, I think it's well taken and I think a lot of times the public doesn't even, if they're watching on TV or if they're listening on the radio, they don't have the benefit a lot of times of having the agenda or knowing what our Consent is. So a simple fix that will continue to expedite the process, which is what we utilize Consent for might be a reading in of the Consent Calendar. And if we read in the Consent Calendar it gives a chance for staff to read it in, make a few brief comments and it may expedite the process and also solve the point you make, which I think is a good one. So that's a thought.

CHAIR HOLIAN: Thank you.

**XII. B. 3. Resolution No. 2013-10, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget a Contribution Received From Sylvie Ward on Behalf of Her Deceased Son, Paul Ward / \$155**

COMMISSIONER MAYFIELD: Madam Chair, again, I just want to offer my condolences to the Ward family and also thank her for giving us this money. Ms. Martinez, I don't know if you want to say anything more but I just wanted to give that recognition and condolences on behalf of the County Commission.

CHAIR HOLIAN: Thank you, Commissioner. What are the wishes of the Board?

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: There's a motion and a second to approve Resolution No. 2012-10.

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

**XII. B. 4. Resolution No. 2013-11, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget 3 Grants Awarded Through the New Mexico Department of Transportation for Highway Safety Projects to Reduce Traffic-Related Injuries and Deaths /\$39,876.00**

COMMISSIONER MAYFIELD: Madam Chair, I'll just ask our Sheriff's Department. This is great work they're doing for us and just so they can let the community know what they're doing with these dollars.

SGT. RON CROW (Sheriff's Department): Madam Chair, these grants are not only used for enforcement. They're used for education for the public. Education through the roadblocks we operate, numerous roadblocks – without the grants we wouldn't be able to do that, and we're looking at sponsoring seven checkpoints or roadblocks during this next portion of the year as well as 71 saturation patrols. These are well above and beyond what we normally do. These are concentrated in areas of the county that maybe we have two officers patrolling regular duty. We can have six for regular operation and enforce the traffic laws as well.

This also provides for training for the department through the State of New Mexico, and that's [inaudible] technicians and things like that which doesn't come at a cost to the County. It comes out of the grant as well. But overall these are welcome grants to us. We look forward to the overtime. It covers not only our overtime but it covers the court costs later on, when the officer goes into court and everything like that. Other than that –

CHAIR HOLIAN: Thank you, Sgt. Crow. That was good information for the public to have. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to thank the Sheriff's Department, Captain Mendoza, the Sheriff, Undersheriff and all the deputies for the work when you guys can get that overtime and do those services and work. So thank you, Madam Chair.

COMMISSIONER ANAYA: Madam Chair, and I also just want to echo Commissioner Anaya's comments. Thank you all for the great work you do for this county. Thank you and be safe.

CHAIR HOLIAN: Thank you. And what are the wishes of the Board?

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: I have a motion and a second to approve Resolution No. 2013-11.

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

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**XIII. STAFF AND ELECTED OFFICIALS' ITEMS**

**A. Human Resources Department**

**1. Request Approval of an Amendment to the Collective Bargaining Agreement Between Santa Fe County and CWA-Corrections Union**

BERNADETTE SALAZAR (Human Resources Director): Madam Chair, members of the Commission, the Corrections Union filed a petition with the State Labor Board to accrete positions of booking clerk, sergeants and medical personnel into the existing unit. And after going through the process in accordance with the Public Employees Bargaining Act the State Labor Board rendered a decision to include sergeants and booking clerks into the existing union.

So in accordance with PEBA again, the union team and the management team sat at the table to discuss how the decision from the State Labor Board would have an impact on the union contract. So I really felt we went through the entire contract and we did a couple of language cleanups in some sections and the significant changes that we made were to include promotional process for sergeants as well as addressing compaction pay issues between corporals and sergeants since the sergeants are now covered. The outline of the pay scale for the newly accreted sergeants is in the memo, so basically any sergeant who has five years or more of service will receive a 2.5 percent increase and anyone between three and four years of service will receive a 2 percent increase. One to two years would receive 1.5 percent and anyone less than one year would receive a one percent increase.

Some other changes again are going to extend the same benefits to sergeants and booking clerks. For example, differential pay that the other union employees are currently receiving, shift bid opportunities, things of that sort. So it's basically incorporating those new positions into the existing union. And I stand for any questions.

CHAIR HOLIAN: Thank you, Bernadette. Any questions for Bernadette?  
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Salazar, why did the accretion process have to go all the way up to the board? Did the employees not want to be accreted? Was that management who was blocking this? Couldn't that have been worked out internally?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, these kinds of issues you have to file a petition with the State Labor Board and it has to go through that process.

COMMISSIONER MAYFIELD: So it could not have been worked out internally between management and the unions?

MS. SALAZAR: We did work out one of the classifications but it still has to get adopted by the State Labor Board.

COMMISSIONER MAYFIELD: The accretion process has to be worked out through the State Labor Board?

MS. SALAZAR: Commissioner Mayfield, if they filed a petition, that's who you file the petition with, the State Labor Board.

COMMISSIONER MAYFIELD: Okay, and again, so they can not just ask management to allow these positions to be accepted into the union through management? And management accepts that?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, if the positions are like positions within the union, that can happen. The difference in duties between some of the positions were not like duties so we did go through the process, but from the beginning the union did file a petition with the State Labor Board.

COMMISSIONER MAYFIELD: Okay, let me ask this a different way. Did management protest those positions going into the union?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, the County management team did disagree with including sergeants in the bargaining unit from the beginning and we agreed on the booking clerks.

COMMISSIONER MAYFIELD: Okay, and just for me, did management ever bring that to the Board of County Commissioners?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, this is a process that goes on between union and the management team, so that did not come to the Board.

COMMISSIONER MAYFIELD: And Madam Chair, would that not come to the Board of County Commissioners? That's not something that would come to us?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, petitions that get filed with the State Labor Board in my experience has not been brought to the BCC, no.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Salazar, before it got filed to the Labor Union Board, would not management have come to the Commission to say, Commissioners, would there be an issue if the union wanted to bring the sergeants under their purview? Would that not have come to the Commission for a policy decision?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we didn't know until they filed the petition with the State Labor Board.

COMMISSIONER MAYFIELD: I guess, Madam Chair, Ms. Salazar, there might not have been a reason for the union to file with the State Union Board if management would have said that will be okay; we'll allow you all to take these positions under the union. Madam Chair, Ms. Salazar, Steve, am I wrong on that?

MR. ROSS: Madam Chair, Commissioner Mayfield, what was the question?

COMMISSIONER MAYFIELD: The question was did this need to go all the way up to the Union Labor Board? Could this just have been a policy decision by the Commission to allow these positions to go with the union?

MR. ROSS: Well, if labor and management agree there's no need to avail yourself of the --

COMMISSIONER MAYFIELD: Okay, and Madam Chair, Mr. Ross, I respect management, but would this have been a policy Board decision to allow these positions to go over to the union?

MR. ROSS: Commissioner Mayfield, it could have been. It apparently wasn't.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, who makes that decision?

MR. ROSS: If the Commission wants to make it a policy decision it's up to the --

COMMISSIONER MAYFIELD: Well, Madam Chair, Mr. Ross, if the Commission never knew about it how do we know if we're going to make that a policy decision or not? When would the Commission know if we're going to make that decision or not? We never knew about it.

MR. ROSS: Madam Chair, Commissioner Mayfield, I suppose that's true. I can't answer your question.

COMMISSIONER MAYFIELD: Okay. I guess, Madam Chair, respectfully, if this ever happens I would like to know about this in the future please. Before – I mean, how much money was spent on this having to go to the Labor Union Board by arguably the union and County management?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we had one hearing at the Labor Board and I don't recall how many union members attended and I drove down to the State Labor Board as well as one of our attorneys.

COMMISSIONER MAYFIELD: So I'm just looking at it like this and I respect the union's position; they haven't spoke about this yet. So the County lost. County management lost. The Labor Union Board sided on behalf of the union, correct?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, the union also petitioned for all medical classifications. We were granted those positions and the union was granted the sergeant positions. It's a practice that you go through. You look at the definition of what you consider to be excluded from the union. There's some set criteria. You talk about your interpretation of what our employees are doing as far as their duties and they render a decision. This is a pretty common practice. We go through this pretty often. This isn't the first time and so it's a pretty common practice. Although we may disagree with the definition I firmly believe that HR has a really good working relation with the Corrections Union and we were able to come to an agreement on the booking clerks before that hearing took place at the State Labor Board.

COMMISSIONER MAYFIELD: Fair enough. Madam Chair, I don't know if any other Commissioners have questions.

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Commissioner Chavez is first.

COMMISSIONER CHAVEZ: If it's on this point I'll yield. Ms. Salazar, and we talked about this earlier. The fiscal impact or the impact on the budget. And you do state in your memo that the impact on the budget will be approximately \$15,000 annually. If you could summarize how many employees are we talking about for that budget increase?

MS. SALAZAR: Madam Chair, Commissioner Chavez, this will affect approximately 15 employees. There's 15 allotted positions for sergeant.

COMMISSIONER CHAVEZ: So the \$15,000 annually will cover that group of employees?

MS. SALAZAR: Madam Chair, Commissioner Chavez, yes, that's correct.

COMMISSIONER CHAVEZ: And do we know if that's already budgeted in the next fiscal year or not?

MS. SALAZAR: Madam Chair, Commissioner Chavez, I worked with our Finance Director before we sat down with the union on this and it's going to be sustained

through salary savings for now and then we will move forward with the next budget year to sustain the additional cost.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate the work that everyone does but I think what I'm hearing and what I would be supportive of as a Commissioner is as you get requests or disputes I think it would be a good idea to just let us know what those disputes are and assure – not assure us, let us know what they are, give the Commission to ability to provide you feedback as to whether or not we concur or we don't concur. I've had numerous discussions with management as well as people in the negotiation teams and I think from my perspective and Steve, you can correct me if I'm wrong, it's the responsibility of the Board of County Commissioners to render approvals to things such as this but that's based on not just hearing feedback from the management team, which is ultimately led by the County Manager. You have your management team and then the County Manager, but it's to show that we have feedback and dialogue with the collective bargaining unit as well in discussions throughout that process. So I would just saying going forward that as disputes come up to provide us the benefit of the information to see if there's any concern that might come about or questions that might be raised from the Commission. So I think that's what Commissioner Mayfield is getting at and I think it's a valid point that we should be aware of it and know before these are rendered to make sure that we truly agree or maybe not agree with what the recommendations of the management team are. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. And thank you, Bernadette for all your work. And I would have to say that to me, it seems like it's in a way good that it did go to the Labor Relations Board because now we have a definitive ruling on it and we know exactly what the case is and so I feel very confident that this is the right thing to do. So anyway, thank you. And Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Mr. Ross, I have a question for you. If a bargaining unit met with the team to make a request and the team said no, would that negative decision come in front of us to affirm? Or would we never know about it?

MR. ROSS: Madam Chair, Commissioner Stefanics, I think as the present situation demonstrates it's the second of the two items.

COMMISSIONER STEFANICS: So this request did come to your first, Ms. Salazar?

MS. SALAZAR: Madam Chair, Commissioner Stefanics, I was aware of the request when I got the petition from the State Labor Board.

COMMISSIONER STEFANICS: So the bargaining unit did not bring it to you.

MS. SALAZAR: It came by the way of the State Labor Board, so it didn't come to HR first. It was a petition through the State Labor Board.

COMMISSIONER STEFANICS: So did it jump – did it follow our existing process that we have set up with the union?

MS. SALAZAR: Madam Chair, Commissioner Stefanics, it depends on the position. For example, a sergeant is a second level supervisor, which by definition would be

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excluded from the union. So it just depends on the situation. For example, we get requests from AFSCME. It depends on what's in our contract. So with AFSCME, whenever we need to make changes to a job description or we create a new job description we sit down with them and tell them this is a new position. This is what we think it should be classified as because it has like duties with maybe a [inaudible] position or a union position. And then they have the right to appeal that to us and it's internal; it doesn't go to the State Labor Board.

COMMISSIONER STEFANICS: So Madam Chair, Ms. Salazar, if the union had a special petition that was not covered by their union contract, and Steve, maybe you have to help answer this, what would be the process? What they followed or a different process?

MS. SALAZAR: Madam Chair, if I may, Commissioner Stefanics, if it's not in their contract they can file a petition with the State Labor Board or they are open to sit down with management and see what we have to say. So there's really not a bright line rule about that. If they want to sit down with management and try to work it out –

COMMISSIONER STEFANICS: Mr. Ross, do you agree with that? It could be either/or?

MR. ROSS: Well, Madam Chair, Commissioner Stefanics, when a petition is filed at the Labor Board it's kind of like a lawsuit and at that point the management team needs to sit down and figure out whether they agree with what's proposed in the petition or whether they don't. I think the question that we're debating here is whether this Board needs to be involved in those decisions.

COMMISSIONER STEFANICS: Well, the question I'm asking, Madam Chair, Mr. Ross, is really even a little bit different. It's what course should the union be taking if it's not covered by their contract?

MR. ROSS: Madam Chair, Commissioner Stefanics, a petition for accretion follows a statutory path. So it has to be filed down there unless it otherwise meets the criteria of the collective bargaining contract, like there's an open period negotiation. When there isn't then the path is to follow the path that was followed, which is file a petition. But that doesn't mean that the petition has to go to a final resolution by the board. If management agrees with that that's the mechanism that you could use to accomplish the objectives that are in the petition.

COMMISSIONER STEFANICS: So, Madam Chair, Mr. Ross, do we as a BCC need a formal resolution to express our desire for management to negotiate on questions outside of the contract? Or is this an outside legal situation that they just need to go to the Labor Board?

MR. ROSS: Madam Chair, Commissioner Stefanics, like I was explaining to Commissioner Mayfield it's your choice. If you want to be involved in these things make it clear either through a resolution or just directing the Manager and that's the way it will be handled.

COMMISSIONER STEFANICS: So Madam Chair, I would suggest that in the future we look at a resolution that would request our management to negotiate first before petitions are filed, so that we give the message to management and to our unions that we are

willing to hear what they are requesting. And I don't think we can act on that suggestion, the suggestion for us to develop a position on. Thank you very much, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Stefanics, and I would like to ask you who are sitting in the front row there, are you representing the union? And would you like to say a few words?

JOEY ROMERO (Association President/Corrections Workers): Yes, Madam Chair. To my knowledge this whole sergeant issue was brought up in the last administration. The executive of the union, he's the one who told me the only way we could actually solve this is to send a petition to the State Labor Board. That's the only thing he advised me to do. So I never brought it up to Ms. Salazar's attention about what we were wanting to do. That was just what the executive told me I had to do.

CHAIR HOLIAN: Okay. Thank you, Mr. Romero. Are there any questions for Mr. Romero? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Mr. Romero, for being here and I think the resolution speaks for itself. And thank you for that clarification with Ms. Salazar and I hope you kind of heard this Board. We're hopefully going to work these matters out internally. I think we all want to work together for the betterment of everybody and for your safety, the safety of – I think Director Sedillo is doing a phenomenal job also so I think we all want to work together. With that being said, you're all in agreement with what's going on, I believe, right? The dollars, with the accretion of the positions? You're fine?

MR. ROMERO: Yes, Madam Chair, Commissioner Mayfield. Yes, we are, sir. We talked about it and we're all in agreement with that.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Now this is an amendment not a resolution so it's not required that we have public comment but I would like to ask now is there any more discussion or would somebody like to make a motion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd move for approval of the amendment to the collective bargaining agreement between Santa Fe County and CWA Corrections Union.

COMMISSIONER STEFANICS: I'll second.

CHAIR HOLIAN: I have a motion and a second. Commissioner Chavez.

COMMISSIONER CHAVEZ: Just to clarify, the amendment number 3 to the collective bargaining agreement between Santa Fe County and the New Mexico Coalition of Public Safety Officers Corrections Union.

CHAIR HOLIAN: Yes. That is correct. I have a motion and a second.

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

**XIII. B. Finance Department**

**1. Approval of the Audited Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2012**

TERESA MARTINEZ (Finance Director): Madam Chair, members of the Commission, you have before you today the County's comprehensive annual financial report for your approval. It has been through the review process and also approved by the State Auditor's Office. We have with us here today Mr. Eric Taylor and Miranda Mascarenas who are auditors for the company of Heinfeld, Meech & Company. They were the financial auditors for Santa Fe County for the fiscal year ending June 30, 2012, and I will turn it over to them.

ERIC TAYLOR: Thank you, Madam Chair and Commissioners. Thank you for inviting us to be here today. My name is Eric Taylor. I'm an audit partner with Heinfeld Meech and Company, the auditors for the County. I'm here with Miranda Mascarenas, a senior auditor with our firm and she is going to briefly present the audit report to you for the sake of time and we will answer any questions you have after that. Thank you.

MIRANDA MASCARENAS: Good afternoon, Madam Chair, Commissioners. First of all I would like to say thank you for allowing us to be here. We are auditors. We have been auditors for the County for the past three years and we would especially like to thank the Finance Department. They have really worked greatly with us and helped us to get the audit completed efficiently and as timely as possible.

Overall the audit was very smooth. Everything went right on schedule. We submitted the audit report here at the auditor's office before the November 15<sup>th</sup> deadline. We received the okay to print from the State Auditor's Office a couple weeks following that and we have received the release letter from the State Auditor's Office.

I want to go over very briefly the auditors' responsibilities and the Manager's responsibilities so that it is clear as to what the audit means and who's responsible for each piece of the audit. Overall, the auditors at Heinfeld Meech are responsible for forming and expressing an opinion on whether the financial statements are materially correct or not. We obtain reasonable, not absolute assurance that the financial statements are materially accurate. In order to this we select samples at the level of material transactions. We don't look at every single transaction because that's cost prohibitive and that would be time prohibitive.

This audit does not leave management or the Commission of the responsibilities. The audit overall is management and the Commission's responsibility and also it is management and the Commission's responsibility to implement internal controls and monitor those controls to ensure that there is no fraud or error that is caused by the County's control.

So now for the County's audit. During our time out here there was essentially three audits going on at the same time. The first audit was the audit of the basic financial statements and we were auditing account balances, reviewing internal controls, testing those controls. At the same time we were looking at state compliance, making sure that the County was in compliance with state statute. The third piece that we were doing was auditing the federal awards which is also called a 133 or a single audit where we audit the federal awards. So those were three areas going on at the same time when we were out here.

If you open up your audit report to page 1 you will see the auditors' opinion expressed by Heinfeld Meech and Company. The County did receive an unqualified opinion which is a clean opinion. It is the best opinion you can receive, and again, within this letter we communicate our responsibilities and that we are signing on the financial statements that they are materially correct. If you go ahead and turn to page 213, this is where we discuss our internal controls. We do test the internal controls, however, we do not issue an opinion on them. Any findings related to controls will be listed in this section here on page 214.

On page 215, this is where we issue our opinion on the single audit, the federal awards. The County did receive an unqualified opinion on the federal awards which is also a clean opinion. Any findings related to the federal awards will be also listed in this section. On page 228 there is a listing of all prior year findings and the status of those findings. As you can see the County has made great progress and has cleared four of the six prior year findings. Also starting on page 221- 227 you will see all findings and a detail of which findings – what the findings were, and I believe the County had two additional findings for a total of four findings this year which is great for an entity this size, so great job to not only the Commissioners but also to management and the Finance Department. Do you guys have any questions?

CHAIR HOLIAN: Thank you, Ms. Mascarenas. We really appreciate all your hard work and your presentation and Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I'll just be brief. I was in the exit conference on the audit. We had several department heads there. We had elected officials there and the auditors, besides providing a very professional summary, they also allowed for revised responses to still be included and I would thank them for that as well. Thank you very much.

CHAIR HOLIAN: Thank you, Commissioner. Any other questions.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Mascarenas, what are the additional findings on the County this year?

MS. MASCARENAS: Madam Chair, Commissioner Mayfield, the two additional findings, one of them is on page 224. That's finding 12-01, that's a federal finding related to housing and Section 8 housing, related to federal compliance. The second new finding is on page 227. That is financial statement finding 12-02 and that is a Social Security Administration, state compliance finding. So that's in other matters. It isn't significant to the County; it's just state compliance.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Okay. What are the wishes of the Board?

COMMISSIONER STEFANICS: Madam Chair, I'd move acceptance of our audit?

CHAIR HOLIAN: And do I have a second? I'll second that. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, could we get the Assessor to provide some feedback? I know that the County invested a lot of money in the Assessor's Office in the last budget cycle with a contractor and some of the findings for the Assessor's

Office, I'd just like to know if we could get it on the agenda and get an update as to what the status is of that contract and some of the other items raised in the audit.

CHAIR HOLIAN: Yes. Thank you, Commissioner.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I just want to recognize the work of Manager Miller and Teresa Martinez and your staff and all the departments. This is a fine job. A great job. An excellent job and I'm proud to be a part of this County also and all the staff of this County and this is a phenomenal job. So I just want to recognize you guys' efforts. You make me proud to be part of this County. Thank you.

CHAIR HOLIAN: Thank you. So we have a motion and a second.

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

**XIII. B. 2. Review and Approval of the Fiscal Year 2014 Operating Budget for the Buckman Direct Diversion Water Treatment Plant**

MS. MARTINEZ: Madam Chair, Commissioners, we have before you the BDD recommended budget for fiscal year 2014. This was witnessed by the BDD Board on January 3<sup>rd</sup> and was recommended by that BDD Board to come before both governing bodies, the City and the County, for approval. I will state that in performing this 2014 budget recommendation all the partners worked together and had the ability and the time to provide feedback and recommendations and we came to united budget recommendation.

We have a total budget before you for approval of \$7.8 million, which is a decrease from the prior year budget of \$9.8 million. So we are showing you that the highlights are the operating and maintenance budget is just over \$7 million. The emergency fund is \$583,000 with a target amount of \$2 million for the emergency fund. Major repair and replacement fund is a contribution of \$240,219 to get to the targeted amount of \$823,000. And the O&M portion of the budget decreased from \$8,464,000 in fiscal year 2013.

When we set out to set the budget we had looked at obviously several things. The 2012 expenditures, anticipated expenditures for 2013, previously approved budgets and changes to BDD operations. This anticipated change included a 21 percent increase in the water call, implementation of an asset management program, and the addition of two FTEs and consideration of the fact that there would be certain warranty agreements that would begin expiring in the next fiscal year. So I'll ask for your approval and stand for questions.

CHAIR HOLIAN: Thank you very much, Teresa, and I would also like to thank Erika Schwender for coming here and spending time out of her busy schedule at one of our lengthy meetings in case there were any detailed questions she would need to answer. So are there any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I sit on the BDD Fiscal and Audit Committee and we did have the opportunity to vet this, the BDD did vet this, and I would recommend approval and I'll make a motion in a minute, but I'm going to add something on to the approval. I would move that the BDD budget for 2014 be approved

pending a policy from the BDD that addresses peak pumping when the BDD is shut down for more than 72 hours.

COMMISSIONER CHAVEZ: I would second that for purposes of discussion, but Commissioner Stefanics, could you, in your motion state the dollar amount that we're considering for the budget?

COMMISSIONER STEFANICS: Madam Chair and Commissioner, there is not a specific dollar amount that would be identified. Peak pumping does require more dollars but there is a contingency fund that is built into this budget. There was a surplus of over a million dollars left from last year. It was determined that both parties, the City and the County, would leave it there in a contingency line and that that contingency line would be used or returned to the partners.

When the BDD was off-line for more than 30 days last year we did have some customers that suffered, and the amount of money would be – and we could ask Erika to perhaps talk about peak pumping costs versus non-peaking pumping costs.

COMMISSIONER CHAVEZ: Well, I was just speaking to the recommended – the overall budget, which is, the number I'm seeing is \$7.8 million for the total budget, and following what you're suggesting –

COMMISSIONER STEFANICS: It wouldn't increase it. It would not increase the budget because there's a contingency line that's in there.

COMMISSIONER CHAVEZ: Right. Right. So I just wanted the minutes of this meeting to reference the budget dollar amount that we were approving for their budget.

COMMISSIONER STEFANICS: I see.

CHAIR HOLIAN: Thank you, Commissioner Chavez. Commissioner Stefanics can you repeat that again, what your amendment is?

COMMISSIONER STEFANICS: That I moved approval of the BDD operating budget of the total of – Teresa, help me which page.

MS. MARTINEZ: \$7,861,160.

COMMISSIONER STEFANICS: Which is on page –

MS. MARTINEZ: It's summarized in the memo, second to last paragraph.

COMMISSIONER STEFANICS: Right. But on page 18 it's a different amount.

MS. MARTINEZ: Page 18 is only O&M. You're approving a total budget that would also include our contributions for the emergency and repair fund.

COMMISSIONER STEFANICS: Okay. So that the BCC approval of the budget is contingent upon the BDD developing a written policy on peak pumping after a 72-hour shut down of the BDD.

CHAIR HOLIAN: Thank you. I got that. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, Ms. Martinez and maybe Ms. Schwender. But Ms. Martinez, really quick, on page 8 of the presentation, and just help me, a couple things. Potential operating budget shortfalls – talk to me again, and I know as part of the discussions, serving as an alternate, in and out of some of the meetings when I was there in my capacity. The \$472,000, was that – I know we're setting up – and they were just different terminologies. There was a contingency budget the County was talking about and then there was another term used, that it was going to be like an

emergency fund and we were guaranteeing it was there but they were going to have to come back to the County for our approval if they were going to use it. Help me again with that.

MS. MARTINEZ: Okay. Madam Chair, Commissioner Mayfield, at the time of the budget discussions one of the key things was that the partners did not want to have an overstated budget. And the previous model used obviously resulted in an overstated budget for the current fiscal year and large credits. So we had discussions about the increase in water calls, if they were shut down and the implications that would result from that. So there was conversation back and forth as to whether or not that amount should be in the budget. So there were things such as increased landfill tipping fees, electric usage, chemicals, materials, things that would arise in the event of a shutdown, and increased pumping during peak times.

So what we determined was – one of the proposals on the board was to have an additional contingency fund and all the partners agreed that we really didn't need that. We have a 90-day cash reserve. We're going to have excess credits at the end of the year and if need be, they come back to all the partners and we would have advance notice that we were running into trouble in terms of budget issues.

So that operating potential budget shortfall was all centered around those conversations, and one of the discussions during our meeting was that we would in fact get together, all of the partners, and come together with a policy that if the need arose for such an increase in the budget that we would have a process that they could follow so that the operations of the BDD would not be impeded. So that's what that centered around. And all the partners felt that we could more than cover that with everything we had established already.

COMMISSIONER MAYFIELD: So we did set that up and they will come back to us if they need.

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, we are in the process of getting that documented and approved and written to be honest, we're working together.

COMMISSIONER MAYFIELD: And one of those finance meetings I was in, I know arguably – I'll just say it, the City wasn't totally comfortable with it. You had some concerns, Teresa. I just want to make sure that your concerns were met and they arguably had some disagreement with how you wanted to set it up. There was full agreement and the City was saying, no, we need to look at Teresa's numbers. Are they now on board with your numbers and there's no question whatsoever?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, we resolved all of that. They're comfortable with the numbers. They're comfortable with the avenues they have available in the event of a shortfall and we are all on the same page with the BDD recommendation to bring it to the two governing bodies.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Martinez, there is no issue with the credits that need to be afforded to the County, correct?

MS. MARTINEZ: Madam Chair, Commissioner, that's correct. No issues.

COMMISSIONER MAYFIELD: Okay, now let's go, Madam Chair, Ms. Martinez, let's go to page 18. On page 18, I'm looking at column 3 and column 4. And I'm just trying to identify a couple things. So I'm looking at the expenditures by line items. So



I'm looking at salaries and wages and I'm seeing some increases there. I'm looking at benefits and payroll taxes and I'm seeing some decreases there. So help me out with that.

MS. MARTINEZ: Okay. Madam Chair, Commissioner Mayfield, if you'll recall we said the addition of two FTEs. One was within the Finance shop in the current fiscal year and it had not been filled and then another one was a new FTE. So you're going to see increases in salaries and wages for the increase of an FTE. Now, the benefits could change depending on what the employees – if they're going single, if they're going employee plus one or if they're doing family. So that you may see some down depending on the new employee and the rate that they use. I believe we all agreed we would use the 40 percent rate for benefits.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, was 12/13 over-inflated? That's a significant decrease in payroll taxes and benefits.

MS. MARTINEZ: Madam Chair, the entire budget for 12/13 in the opinion of this partner and some of the other partners is that it was inflated and recognizing that we didn't have a full year of operations under our belt and that we were using a model that was established for us by a contracted accounting/independent audit firm we know that the audit was a little bit overstated and that was much of the disagreement or heartburn if you will in getting to a point where we felt comfortable with projected budget numbers rather than using an overstated model.

COMMISSIONER MAYFIELD: Okay. Now, let's go down to landfill fees and solid waste. There is a significant, significant decrease. We're going from \$615,000 to \$78,000.

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, again, overstated by the model. There was a lot of discussion on this one line item. This was an area where there was some concern, if there was a shortfall or if there as an increase in tipping fees or the need for tipping fees. So we went out and we analyzed both sides, all partners, and made conservative estimates and yes, huge decrease, but again, an overstated model in FY12/13.

COMMISSIONER MAYFIELD: Okay. And let's go down to fiscal charges. So one, that's a significant decrease in fiscal charges.

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, again I believe it's to the overstated model and this would be the fiscal charges that the City would charge relative to being the fiscal agent to the BDD.

COMMISSIONER MAYFIELD: I know that, so why were the charges so beefed up by the City?

MS. MARTINEZ: I can do some research on it but this would be for services they provide rather from the finance standpoint, legal standpoint, purchasing.

CHAIR HOLIAN: Commissioner Mayfield, Ms. Schwender has an answer to that.

ERIKA SCHWENDER (Acting BDD Manager): Madam Chair, Commissioner Mayfield, I may have some insight on this particular issue. The fiscal charges that you're referring to, to the best of my knowledge is the fiscal administration fee, which is the one percent fee based on the approved budget. So during the periods when we had the higher budgets of course the fiscal charge fee would be much higher than now when you're approving a real world budget rate for fiscal year 13/14.

COMMISSIONER MAYFIELD: Madam Chair, I appreciate that but I'm going to ask Ms. Martinez a question. So is the City sitting on all those cash reserves right now or have we already received, recouped that credit from them?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, the City is not sitting on the reserves. They serve as fiscal agent but the reserves are definitely tied to the BDD. It was a question we had. Interest earnings and everything is being given to the credit of the BDD. Santa Fe County chose to have the credits applied to current year billings, so we're currently doing that. So it's offsetting our current year charges.

COMMISSIONER MAYFIELD: Okay. Give me a second, Madam Chair. I'll think of another question. Well, Madam Chair, let me just say this. I appreciate our new board members who are serving on the BDD but I do want to acknowledge former chair Stefanics and former board member of the BDD and I will say this, you will be missed on that BDD and hopefully pop in every once in a while to a meeting please, because I think the County will be missing your presence on that board. And I will be there as an alternate there, just so you know, so I'm going to be asking a lot of questions still. Thank you.

CHAIR HOLIAN: Thank you, Commissioner Mayfield. So we now have a motion on the floor with an amendment to accepting the operating budget for the BDD water treatment plant, and a second. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, that second came. I have one more questions. Madam Chair, Ms. Martinez, what happened with the exit conference and what happened with the audit on the BDD please?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, the exit conference – we attended the one meeting. There were two handouts that were handed out, if you will. We're still reviewing the one. One was a summary of all the capital and all the construction costs and the other was an operations. We have not gotten back together to provide our feedback so I'll get with Teresita and Mel to make sure that they know any comments that we have.

COMMISSIONER MAYFIELD: So are you aware of any audit findings at the BDD at this time?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, no, I'm not. And if I go through and I see some I will relay them to you by email if you'd like.

COMMISSIONER MAYFIELD: Well, Madam Chair, the whole Board should be informed of any audit findings at the BDD. Thank you.

CHAIR HOLIAN: Thank you. So we have a motion and a second.

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

CHAIR HOLIAN: Now, I would like to take this opportunity to talk to the Commissioners here about the schedule that we have. We do have a public hearing which is noticed for 6 pm, and that means that we really do have to have it at 6 pm. It was even in the newspaper. So we also need a short executive session. Now one thing that we could do is hear as many issues as we can now before 6:00 – well, take a small break, I would say before 6:00, and see how far we get and then hear the rest of the issues afterwards, after the public hearing. Or we could table some or all of them until the next meeting.

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What I will though mention is that we have some people in the audience who are here for specific things so we could concentrate on those. Like for example, I know we have the director and the chairman of the board for the NCRTD here who would like to talk about legislative issues and I believe we have someone here from COLTPAC.

COMMISSIONER STEFANICS: Yes, Madam Chair. We have volunteers from COLTPAC.

CHAIR HOLIAN: Yes, we have volunteers from COLTPAC, which is the next item anyway on the agenda. So anyway, I'd like to get some feedback from the Commissioners as to how they would like to proceed. Commissioner Chavez.

COMMISSIONER CHAVEZ: Madam Chair, we have two items under item C that are a presentation from the Public Works Department, we have members of the community from COLTPAC and we do have members from the community here to speak to item 2, so I was wondering if we could do those two in that order and then see how close we are to 6:00 and decide if we want to postpone any other items after that.

CHAIR HOLIAN: Okay. Thank you, Commissioner. Any other input?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm okay with Commissioner Chavez' recommendation. Before we break though I think it would be prudent to allow the presentation involving Commissioner Barone, the chair of the NCRTD and Mr. Mortillaro to go before we break.

CHAIR HOLIAN: Okay. So I guess –

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner.

COMMISSIONER STEFANICS: I think that items such as the resolution, D. 1, that we don't want to ignore till next meeting. And that shouldn't take a lot of discussion. The other issue is for the future, perhaps the public hearings could say after 6 pm so that we have some leeway on finishing the agenda. Thank you.

CHAIR HOLIAN: Well, yes. I think that's a good thing but I think it's also respectful of the people in the community who want to comment at public hearings for them to have a fairly good idea of when the public hearing might be. So in any event, I think there's a consensus that we will do items XIII. C. 1 and 2, and then XIII. D. 1, and then have the legislative update under Matters from the County Manager, and then we will break.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: And respecting staff time, can we just maybe remove staff reports to the next meeting? Would the other Commissioners agree to that? Just perhaps read the reports in the packet and then have them update it and present it at the next meeting? Is that acceptable? Okay. Thank you. So we will put those off until the next meeting and then we will see how far we get and possibly we could do the executive session after the public hearing if necessary. I believe it's fairly short.

COMMISSIONER MAYFIELD: And Madam Chair, that would include senior services update?

CHAIR HOLIAN: Is Theresa Casados here? Ms. Casados, would you – I really apologize to you, but would you be willing to do your update at our next meeting? Okay. Thank you. Go home.

COMMISSIONER ANAYA: Don't sound so happy next time.

**XIII. C. Public Works Department**

**1. Presentation of the Final Recommendations for the Volunteer Program for Open Space and Trails From the County Open Land, Trails, and Parks Advisory Committee (COLTPAC)**

MR. LEIGLAND: Madam Chair, Commissioners, I'm going to turn this straight over to Beth and she will introduce the two volunteers who will make the presentation.

MS. MILLS: Madam Chair, Commissioners, in June of last year the BCC passed Resolution 2012-80 and this resolution recognized the potential for volunteers from the public to help with the development and maintenance of County open space, trails and parks. The resolution charged the County Open Land, Trails and Parks Advisory Committee, COLTPAC, with review of local, state and regional programs that utilize volunteers in government programs or service and with development and presentation to the BCC of a volunteer plan for the Santa Fe County Open Space and Trails program.

In addition, the resolution asked that the BCC consider the recommendations when determining action at the mid-year fiscal year 13 budget in order to implement an open space volunteer program. COLTPAC formed a subcommittee consisting of three members, Michael Patrick, Judy Kowalski and Melissa Hauser to research other successful volunteer programs and to synthesize this work into a report with specific recommendations for Santa Fe County. At a special meeting of COLTPAC on December 13, 2012 the committee approved the final draft of the report on the recommendations to the Board.

COLTPAC, through the subcommittee is now prepared to present these recommendations to the BCC. A copy of their report was put in their packet. And I'll turn this over now to Melissa Hauser.

MELISSA HAUSER: Good afternoon, Madam Chair and Commissioner. My name is Melissa Hauser and I am one of the at-large members of COLTPAC and I work full time as conservation and development coordinator for the Santa Fe Conservation Trust.

In response to the resolution COLTPAC formed a subcommittee comprising of Michael Patrick, the project manager for the Trust for Public Land, Judy Kowalski, my co-presenter today, a landscape architect with the New Mexico State Parks, and myself. From August through November the subcommittee met a total of three times. In addition to speaking with a number of open space, trails and parks volunteer program employees including Bernalillo County, the City of Albuquerque, New Mexico State Parks, Maricopa County, Arizona, and Los Angeles County, California among others.

The subcommittee reviewed documentation such as the National Association of Counties Volunteer Toolbox and the Colorado State Parks Volunteers Strategic Plan. A full list is included in our report. The subcommittee reported back to the full COLTPAC committee over the course of four meetings. In light of this information COLTPAC believes

the establishment of a robust volunteer program to support the County's open space, trails and parks program should achieve the following three objectives: 1) Provide a cost-effective way to supplement the resources currently available to maintain and monitor the program's properties beyond what can be done with program staff by making use of the array of non-governmental organizations and talented volunteer pool within the county.

2) Build greater public awareness of and create more advocates for the open space, trails and parks program, and provide additional opportunities for county residents to participate in and benefit from the open space, trails and parks properties that have been acquired and created by the Commission and the program. Judy will now highlight more of our findings.

JUDY KOWALSKI: Madam Chair, Commissioners, my name is Judy Kowalski. Thank you for this opportunity to speak with you about an issue we think is very important, and also thank you for providing me with the opportunity to serve the public of Santa Fe County as a member of COLTPAC and vice chair for the last year. We tried to keep our report very concise and directed and I believe you have the packet in front of you. There were five main recommendations that I wanted to just touch upon for you. 1) We recognize and endorse the Commission's decision to establish this position. It's very important and in our discussions with other program managers we determined that it's certainly a full-time job with lots of responsibilities, among which are recruitment and selection of volunteers, orientation and training of new volunteers, serving as a main point of contact for volunteers in partner groups, management and administration of the program, management of safety and risk mitigation, rewards and recognition, and measuring program effectiveness.

We also wanted to point out that the coordinator or program manager should work very closely with other open space staff to understand the needs of all the program's properties. And I believe you were provided with a list of those properties. There are 26 of them and all of them are very unique and special properties that have their own requirements. One of the recommendations we received from other programs was to do a comprehensive needs assessment of what volunteers can do at all these properties and what the appropriate role is.

Before volunteers are enlisted, number two recommendation is to develop an operational and risk management policy for the program. It's very important to make it clear what the roles are for the volunteers, what the risk management issues are, so that we don't incur any liabilities for the County in developing this program. All the programs that we reviewed had some form of a volunteer policy manual that was developed that was provided to staff and volunteers that addressed such items as volunteer registration, required background checks for volunteers, orientation and training, and a description of physical volunteer activities.

We also wanted to make recommendations about the appropriateness of different activities for volunteers versus County staff for the open space program because some things are appropriate for one and not the other. We made the recommendation that the following activities are appropriate for volunteers: fundraising and special event planning, routine stewardship activities, site watch and cultural properties monitoring, interpretive programs and docent-led tours, simple trail building and riparian restoration projects, special media

access including website development, which we believe is maybe an opportunity that could be taken greater advantage of for the program, and general outreach.

Only staff with necessary training skills and certifications can undertake activities such as law enforcement, heavy equipment operation, facility maintenance, management of interpretive and outreach program, and management of cultural and natural resources. We wanted to be careful to make those distinctions.

3) We suggest starting the program with partnering with existing volunteer organizations that have complementary goals and objectives. The reason for doing this is that you're already tapping into an existing organization with well trained volunteers, experienced and motivated staff. It helps make coordination easier and provides one point of contract, and it makes it possible to access already available funding and potentially insurance coverage for the volunteers so the County doesn't have to take that up.

4) It's important to develop training for the volunteers that's very targeted to the programs that the program determines are relevant to the different properties that we have, and those programs that we identified from other communities that might be worth considering for our program include Trail Watch, which is a good initial involvement type of activity to get people in the public more involved in their open space properties and to take more ownership of them, annual work days, such as National Trails Day, Make a Difference Day, spring cleanup type days, and then finally, an Adopt an Open Space program. One example of this type of activity that would be appropriate for a specific open space might be Edgewood, the equestrian facility that's being developed there. A group of volunteers from the Edgewood area, such as local equestrians who are well organized and motivated to support the facility's operation might be able to take on something like that.

And finally, another type of program that is seeing a lot of popularity around the country is the master naturalist program to take advantage of the many talented individuals we have in the community that can serve as citizen-scientists to undertake education programs.

And 5) It's very important to establish good record keeping and information dissemination methods. One benefit of this is to recognize the volunteers. The other benefit is to help quantify the value of the volunteer program for policy makers and the public. And I think you'll find that it is tremendously valuable. Another final thing we wanted to mention is the volunteer website. We recommend the development of such a website as this might be one of the best ways to reach out to the community and promote the open space program for the great resource that it is. With that I stand for questions, Madam Chair.

CHAIR HOLIAN: Thank you very much, Ms. Kowalski and first I want to ask Steve, is this something that we need a motion on or is this simply a report to us? Because it's not noticed that way but under action requested –

COMMISSIONER STEFANICS: Madam Chair, may I make a recommendation?

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, this was a report of what could happen, and we do have budgeted – and I'm sorry Penny just left the room because I told her I was hot. Penny, we did budget a part-time volunteer coordinator. Is that correct? For COLTPAC? For open space? Or Mr. Leigland, Beth, somebody?

MS. MILLS: Madam Chair, Commissioner Stefanics, a full-time position.

COMMISSIONER STEFANICS: So I think this report could be considered by that person to actually come back and let us know further. We could formally adopt such a report but I think, and maybe the volunteers could correct me if I'm wrong, but I think part of the intent was to come up with some recommendations and suggestions for the staff person who might be running with this volunteer program. Is that correct? So, Ms. Kowalksi?

MS. KOWALKSI: Madam Chair, Commissioner Stefanics, that's absolutely right. We found a wealth of information available and I think it would be good to just make it a recommendation to the person taking that position.

CHAIR HOLIAN: Okay. Thank you.

COMMISSIONER STEFANICS: Thank you.

CHAIR HOLIAN: So comments and questions. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioners, I want to thank all of you for your work and your diligence and efforts associated with this. I would like to see us actually – maybe not tonight, after we provide this to a coordinator, actually formalize some goals and objectives and actually get moving on act steps requested. I do want to suggest that we expand the volunteer corps by utilizing some other existing groups as you suggest in there. Some of those groups include 4-H, Future Farmers of America, County Extension Service, Master Gardeners, those are just a few that come to mind.

But as we roll this stuff out and we formalize it and we work through it we make it as successful as we can and easy to work through and not complicate it while protecting the integrity of each of the parcels. So I thank you for your work. I look forward to seeing more work and I'd like to activate this sooner rather than later. Thank you.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and I echo Commissioner Anaya's thank you all for the work you do, the volunteerism you do. I think this is great. We do have to manage all of our open spaces. It's an issue. I don't think there's money after we acquire a lot of these spaces or planning once we acquire them, so I think it's an ongoing issue. There are some questions I have, I guess more technical questions for me. Just so you know, you've been part of this meeting for a long, long process, but I wanted to touch base on even the resolution I brought forward a little earlier in the morning where some questions arose so please don't take them directed towards this but they are some questions more for our attorney. So Steve, I'm going to ask you a couple quick questions. I did see on page 2, you are definitely going to have – and I'll just highlight what I've highlighted. On page 2, bullet point 2, number 2, as well as a risk management policy to address liability issues for the County. Something we brought a little earlier in the meeting. You weren't there. Rachel Brown was there and Tim Vigil was there. I think we definitely have to understand how we would protect our volunteers in case something happened. I know you guys were at least addressing that; I think that's great.

Steve, something else, on page 4 – and I'm just going to go fast because I know we have many people in there so please tell me to slow down if I need to slow down. Steve, on typical volunteer activities, I'm just going into one. Fundraising and special events planning. You know, fundraising – I don't know Steve. I brought this up. Is this like a LEDA activity and you're going to be a 401 (c)(3) non-profit. It causes me that question. How we're doing



this, the fundraising, anti-donation clause. All those things come into my mind, Steve, that worries. Especially when I see fundraising and how we can do this, how we can get – Steve, that's for you to figure out legally. I don't want any of us to get into any hot water, but that one sticks out to me as a sore thumb. So I'll let you figure that one out. But would this kind of be like under the LEDA Act? What would this be?

MR. ROSS: Well, Madam Chair, Commissioner Mayfield, as long as the fundraising activities are structured correctly it doesn't present a problem. But you're right, it's important to get in on the ground floor and have a legal program. People can donate money to the County all day long. We're like just a non-profit. It's making sure that the flow comes into the County and out appropriately that's the difficulty.

COMMISSIONER MAYFIELD: So would this volunteer group be set up like a 401 (c)(3)?

MR. ROSS: It wouldn't be necessary if donations were solicited on behalf of the open space and trails program.

COMMISSIONER MAYFIELD: I'm sorry. Say that again.

MR. ROSS: It wouldn't be necessary to set up a separate corporation because the County can receive donations.

COMMISSIONER MAYFIELD: So are they going to be doing the fundraising?

MR. ROSS: Well, volunteers can fundraise on the County's behalf but all that – you zeroed in on structural issues that we have to take a close look at.

COMMISSIONER MAYFIELD: So the money would be going into our Finance Department?

MR. ROSS: Well, that's one way to do it.

COMMISSIONER MAYFIELD: But the money then has to go straight into the general fund. It can't go directly to –

MR. ROSS: Correct. It has to be re-appropriated back into the open space program by resolution of this body. So this is just a general idea and we'll work with Finance and with Beth to make sure it's structured right.

COMMISSIONER MAYFIELD: So could this be under the LEDA Act?

MR. ROSS: Well, LEDA only really applies to –

COMMISSIONER MAYFIELD: Economic development.

MR. ROSS: Economic development and third company parties or persons. I don't anticipate we would be operating under LEDA.

COMMISSIONER MAYFIELD: You're going to watch out for us.

MR. ROSS: We'll get together and figure it out.

COMMISSIONER MAYFIELD: Okay. And then let's move over to – let's see what else. Let's go to the last page. A modest budget for volunteer programs – can we set stuff like that up? In addition to volunteer coordinator positions is needed for recognition of gifts. I thought we can't do stuff like that for the County.

MR. ROSS: Madam Chair, Commissioner Mayfield, no, we have to pay close attention to that stuff because of our Ethics Ordinance.

COMMISSIONER MAYFIELD: Let me ask this question. And I mean this again with all respect. Who wrote this? Did one of our attorneys help draft this?

MR. ROSS: Not that I know of.

MS. KOWALSKI: Madam Chair, Commissioner Mayfield, we wrote it as a group. They were basically recommendations for consideration.

COMMISSIONER MAYFIELD: Okay. Thank you. So none of our attorneys –

MS. KOWALSKI: No. We definitely need attorney eyes on this.

COMMISSIONER MAYFIELD: And then I'm just going to, respectfully to my colleague to my right here, what's the fiscal impact to the County on this one? Because we were talking about fiscal impacts. I want to see what the fiscal impact to the County is on this. So I'm going to throw that out there and Madam Chair, you're going to be very happy with this – that is all the comments I have.

CHAIR HOLIAN: Oh, wow.

COMMISSIONER STEFANICS: Madam Chair, can I respond to his question?

CHAIR HOLIAN: Yes. Commissioner Stefanics.

COMMISSIONER STEFANICS: Well, since we have a full-time volunteer coordinator already budgeted that would give them their work to do for the next five to six months of the fiscal year.

COMMISSIONER MAYFIELD: Well, I've got to come back with my counter. Not only did we have a volunteer, and this is directed to Mr. Leigland. Mr. Leigland, not only did we have a volunteer person, we had hired FTEs that were supposed to be helping out with our open space programs. And my understanding is the County never put them on board or used them. So we lost some FTEs, part-time – again, that's my understanding, and why did we lose those FTEs? Why did we not utilize those FTEs? Can you help me out with that?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we had not lost FTEs. The FTEs were part of the half a year and so it's – and we actually have hired. We have five positions total, and so we chose not to hire all of them at once because the workload is going to be distributed in different parts of the year, so the plan is to hire them in the second part of the year when the workload is different. So everything is going according to plan. It has taken us a little bit longer. It took us several rounds to get enough candidates but the position is not lost.

COMMISSIONER MAYFIELD: Mr. Leigland, again, I won't micromanage your shop but any time you want to go look at open space areas up north I will show you that there is definite workload that needs to be accomplished with just general pulling weeds or anything in our open space areas. So there is a need for some FTEs out there. Thank you.

CHAIR HOLIAN: Okay. Thank you, Beth. Thank you, Ms. Hauser. Thank you, Ms. Kowalski for your presentation. And this will be a continuing dialogue I think. But I really am enthusiastic about the idea of harnessing the enthusiasm in our county for open space and trails. We have so many eager people out there who would be, I'm sure, thrilled to work on a project like this. So it's really an intriguing idea as to how we can really leverage that. So again, thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, and Madam Chair, they know I really appreciate their time and work on this since I invited them to come and go through this line by line. But one of the other issues that I think many of us are concerned about is that we

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not purchase open space land that never becomes available to the public, and I did communicate that to them as part of my interest in their developing some recommendations for this volunteer program. Thank you very much.

CHAIR HOLIAN: Thank you.

**XIII. C. 2. Resolution 2013-12, a Resolution to Accept the Remaining Portion of Estrada Calabasa West, Also Known as Horcado Ranch Road, Located in Commission District 2, for Lesser County Maintenance**

CHAIR HOLIAN: Adam, I believe this is a first.

MR. LEIGLAND: Madam Chair, Commissioners, that's correct. In November of last year this Commission passed resolution 2012-151, which is a modified road acceptant policy, and that new road acceptance policy accepted several new attributes to road acceptance, and actually the resolution before you today entails a couple of those new resolutions.

The first one was the concept of lesser County maintenance, and we included that because the old road acceptance policy said the County will not accept a road for County maintenance unless it's brought up to full County standards. And that proved to be a burden for a lot of applicants because they had to do a lot of capital investments, and the old policy did say you can create a capital county improvement district or other special assessment but those are proving very cumbersome. We're still interested in that but they're proving very cumbersome.

So in order to provide County maintenance, a level of County maintenance without the full requirements we created this category of less County maintenance under which the County will accept your road for a certain level of maintenance but you don't have to bring the road up to the full County standard. So that was seen as sort of a fair compromise. And so the road acceptance policy says that the actual menu of services would be specified in the adopting resolution so you'll see that in the resolution before you.

So you're right; this is the first time we'll be bringing this and we think this is a successful way. The second thing that the resolution, the new road acceptance policy provides for is contingent approval. So this Board can accept a road contingent upon them meeting the full set of criteria. And so in this particular case we haven't fully cleared up all the right-of-way issues. We're working on that and we believe we will resolve them, but since they haven't fully met that we said this is an opportunity to provide contingent approval. So this resolution before you adopts the road for maintenance for grading, for signage and for snow removal as available. The resolution provides for grading immediately upon approval and then we'll work through the right-of-way issues and then we can begin the full menu of lesser County maintenance.

The intent is to eventually bring this road up to full County maintenance as we work through some of the capital improvement issues but we felt like we didn't want to delay the applicant, because I'll not that the applicant has been trying to get this road approved for several years and so we said okay, we'll adopt it under the lesser County maintenance, work through both the right-of-way issues and the capital improvement issues and then come back at a subsequent time for full County maintenance.

CHAIR HOLIAN: Thank you, Adam. What condition is the road in right now?

MR. LEIGLAND: Actually, Madam Chair, considering the road actually gets a surprising amount of traffic considering the land uses that it serves and considering how much maintenance it gets. It's actually in pretty good shape. It does need some grading and it does need some drainage improvements and it does have a couple arroyo crossings that need some attention. It does need some grading right now but I would say that overall, the applicant, when it was his responsibility to maintain it did a good job, so I think the road is – we're not adopting something that's going to take too much.

CHAIR HOLIAN: Now, this lesser County maintenance does not include snow removal. Is that correct?

MR. LEIGLAND: Madam Chair, it does include snow removal as appropriate, but we do have 275 miles of paved road that we focus on first and then we get to the higher trafficked roads. So I can't guarantee that the road will see any kind of level of snow removal because as you know, the snow patterns vary. So we say as available and then we'll get to it as available.

CHAIR HOLIAN: Okay. Thank you. So are there any questions from the Commissioners? Commissioner Chavez.

COMMISSIONER CHAVEZ: No, I don't have any questions, but will you ask the public to comment on this?

CHAIR HOLIAN: Oh, yes. I will.

COMMISSIONER MAYFIELD: I'll have questions.

CHAIR HOLIAN: Commissioner Anaya, then Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, it's no secret that in my opinion we should have more County roads that we afford the opportunity for adoption, but I guess I do have some questions about the number of people served. Can you point me to how many residents we're talking about here and give me a little more background than what I'm reading in the memo about who we're going to serve with this? I see just the resolution.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, in the packet there's the cover memo. This road serves probably about 15 different residents, but it does serve a business and it does get about 100 vehicles a day. I'm trying to find the packet material right now to direct your attention to the memo. So just in the packet material there's the staff memo. The road policy does say that we have to do a traffic count and we have to evaluate the number. We did that traffic count and as I said it was about 100 vehicles a day.

CHAIR HOLIAN: That is 15 residences on the road, 3.73 miles? Or 15 residences on the entire stretch?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, it's a long road that goes through an extensive length of BLM property before it gets to the first residence, so we're maintaining the first .2 miles and then it goes on to – the very first initial section of road is already under County maintenance until it came into the border of the subdivision and then it turns over into a private road. So then it stretches for 3.73 miles before you get to the first residence. And so most of that portion is through BLM. So all of the residences are

actually beyond the 3.73 miles that we're adopting here. There are no residences along that stretch.

COMMISSIONER ANAYA: So taking into consideration Commissioner Holian's question about snow removal and I see limited grading. Tell me what kind of barometer you're using when you're determining which road would receive consideration from a staff perspective? Looking at this road and thinking of roads throughout Santa Fe County I could think of many, many roads that serve lot larger volumes of traffic and people. So what barometer are you using to determine or recommend approval on this road to give me something to gauge requests that I'm going to start bringing in on a regular basis for other roads in Santa Fe County? Help me understand why this road, why now.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, if I understand your question your asking the approval?

COMMISSIONER ANAYA: Yes.

MR. LEIGLAND: The County doesn't solicit road approvals. We only do it with the requests we get. So if you're asking why this road, why now, they were the first road to apply under the new policy. In my tenure here we haven't actually received any requests for adopting roads although we have adopted roads on our own cognizance to address access to County facilities if you recall.

COMMISSIONER ANAYA: If I could, let me help you there. There used to be a lot of requests but the County would continually deny those requests so people got to a point where they wouldn't even ask because they already knew the answer. And so I'm asking a serious question because there are going to be various requests, and I just want to understand – I'm seeing a recommendation for approval. Understanding it's for lesser maintenance, what did you use to determine that this was meeting that threshold? Just the provision of 100 cars per day? Because that's what's going to happen. People are going to say I have a road that I live on that is four miles long and that is maintained to the level of this road or not all the way to County standard and I can demonstrate three businesses and 200 cars a day. How are we going to deal with that?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, the road policy – you don't have it in front of you – 2012-151, it actually outlines over 20 different typical criteria which are evaluated, including the minimum number of ADTs – average daily traffic, the number of trips. The safety issues, which this particular road does have, it has a very dangerous arroyo crossing, emergency access, school bus routes, drainage or flood hazard, so there's a whole series of – actually it continues on the next page. Whether it's identified on County long-range documents. So there's a whole series of technical criteria that are evaluated. Then the Road Advisory Committee views the road. They make a recommendation. So it's a pretty rigorous policy.

This particular road that is before you here actually qualified under the 1998 road acceptance policy but the reason it got hung up was because of trying to identify the funding for the capital improvements. So this road in a way –

COMMISSIONER ANAYA: To bring it up to the standards.

MR. LEIGLAND: Exactly. Exactly. So we brought this now because now we have a policy that allows lesser County maintenance. We circumvented, at least for the time being, the capital improvement issues which we still plan to address to meet some of the

criteria, whether significant numbers of person rely on the road for access, safety issues so in our mind it met many of the criteria here.

But every road will have to be evaluated on a case by case basis and that was the intent of trying to create a policy like this. Right-of-way, survey, this is a much more robust policy. So this road was run through that process and at the end of it it was recommended or lesser County maintenance.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, you mentioned some contingencies that aren't done yet. Could you tell me specifically what those are?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, in this particular case we haven't fully resolved the transfer of the right-of-way. There are three different pieces of property that need to be right-of-way. There are two private parcels that total – account to probably a half a mile, and then there's almost 3 ½ miles of BLM, so in each particular case the applicant has to transfer that easement to the County so that we can perform the maintenance on it. And so we'll work on all three cases. The BLM, we've been engaged with the BLM and they've already given us the paperwork that's necessary. That's a fairly straightforward process but since it's the federal government it's a little bit time consuming and then it's two private property owners.

So that's the only contingent item is the transfer of those two rights-of-way. And again as I mentioned, this policy does say the Board of County Commissioners may condition this approval on the execution of documents, and so that's what we're waiting for right now.

COMMISSIONER ANAYA: Thank you, Madam Chair. [inaudible]

CHAIR HOLIAN: Okay, thank you. And before I call on Commissioner Mayfield, I would first like to ask how many of you are here for the public hearing that starts at 6:00? Okay. Thank you. I just want to apologize to you. We're running a little bit late. After this case we have two more cases and then a very short executive session, so it may be something like 30 to 45 minutes and I really apologize but we will try to be as expeditious as possible. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I'm not going to repeat Commissioner Anaya's comments but I echo his same concerns that he just mentioned. This road may arguably be – also I may share this with districts with Commissioner Chavez because we were trying to figure that out on the map. That being said, I know I already have two other roads that are private roads that have come to me, one in the Buckman area that we've spoken about, Mr. Leigland, that want us to adopt it, and also in the Arroyo Seco area. So one concern I have is again, how are we going to even evaluate the criteria of these roads to adopt them? And we've talked about that, because I could probably bring you 50 private roads today within District 1 that say, hey, let's adopt them.

And they're well warranted; they probably have more than 15 people living on them. They're well warranted because I do hear it and I respect my constituency that say we pay our property taxes to Santa Fe County. Whatever development, whatever they put in, what infrastructure they didn't put in they feel like property taxpayers and they would like these services from Santa Fe County. I respect what they're telling me and I want to support that. You and I have been to community meetings out there, Adam and I thank you for your time because I know you went above and beyond to be out there with me till well after 9:00 in the evening hearing their concerns.

One thing, Adam, that I did hear from you and correct me if I'm wrong on anything that I make, please, Mr. Leigland. That also they had to have a petition process. The amount of residents that arguably lived in these private areas. So was a petition process done for this road? Because you told me, at least as I heard you, that there are at least 15 private residents on this road. So was there a petition process done for the acceptance of this road?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, there is a petition process and yes, this road did meet the petition process. They did follow the petition process, but it followed the petition process under the 1998 road acceptance ordinance which is actually substantially the same as this one.

COMMISSIONER MAYFIELD: Was that petition process executed before this road – before the new policy or was it done after our road acceptance policy?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, it was done before. The original petition was in 2006 I believe.

COMMISSIONER MAYFIELD: So Madam Chair, Mr. Ross, would a petition process before our policy be acceptable or would it have to come after our new policy?

MR. ROSS: Madam Chair, Commissioner Mayfield, as Adam just said, it's immaterial to this because it meets the criteria for both. There was an earlier – the petition was filed many years before the road acceptance policy.

COMMISSIONER MAYFIELD: But Steve, we modified the road acceptance policy. How could a petition process that was done under a different criteria be accepted under – you're the attorney. I just don't understand that.

MR. ROSS: Well, the earlier policy would arguably apply to the petition but it complies with the newer policy as well.

COMMISSIONER MAYFIELD: But the policy has changed.

MR. ROSS: Yes, but the changes didn't have any effect on the application. The application met both sets of criteria.

MR. LEIGLAND: Madam Chair, if I may, Commissioner Mayfield, both policies said that the petition and the names of all of the owners of all the land through which said road passes. And so that was the same in both policies and that was what happened in this particular case.

COMMISSIONER MAYFIELD: Okay, and is there a percentage amount? Is it majority rules? Is there a percentage?

MR. LEIGLAND: It says signatures of all owners of all the land through which said road passes through.

COMMISSIONER MAYFIELD: Okay. So all said lands. It's just not residents. So how many parcels of land go through that property?

MR. LEIGLAND: Three.

COMMISSIONER MAYFIELD: Three?

MR. LEIGLAND: It's the two private landowners and BLM.

COMMISSIONER MAYFIELD: So do they need a majority?

MR. LEIGLAND: We had three signatures on the petition.

COMMISSIONER MAYFIELD: Okay. And again, I'm conceptually supportive of this, so if I have another – and I'm just going to say this for District 1. If I have



a community where arguably there's 100 residents, arguably, and these folks are in dire need of a road, and we've been talking, well, let's maybe go charge them a special assessment district. And I've got to make some choices here. The County, of adopting them as a lesser maintained road versus doing a lesser maintained road here for three parcels of land versus 100 residents in the Arroyo Seco area. I guess what I'm saying is I could bring you 30 roads. All of my colleagues here could arguably bring you whatever amount of roads they could bring you in the district, are we going to have a process where if I bring 30 roads at the next meeting, my colleagues – I can't ask what they're going to do, but we're going to say, okay, let's approve them all? Or are we going to have a process up here that says one per district? I think we should establish a policy on this bench respectfully before we start accepting these roads. That's just my thoughts.

CHAIR HOLIAN: Okay. Well, thank you, Commissioner.

COMMISSIONER MAYFIELD: I still have a couple questions, Madam Chair. I am very supportive of this. Let me just say that, of this policy. But I think we need to establish a criteria. And then on that note, Steve, I'm just going to ask this question and I know you guys have probably said this. But Steve, no issues with anti-donation clause again? And I'm just going to bring that up. I know I brought it up but it's kind of been a topic of discussion today throughout the theme of today's meetings. No issues of anti-donation clause because there's so many issues the County's gotten into in the past. We're doing work on private roads.

MR. ROSS: Madam Chair, Commissioner Mayfield, by the time the work is done the road will no longer be private. BLM will transfer the easement on the bulk of the road and they've indicated a willingness to do that. The two private landowners have indicated a willingness to deed over the necessary easement and would have the maintenance responsibility to the County so it would be a County road when it comes into the system. And so being a public road there won't be any constitutional issues.

COMMISSIONER MAYFIELD: But Madam Chair, Mr. Ross, you're talking about this BLM piece of land. Let's talk about the way that this resolution was written on the road acceptance policy for limited use roads. Excuse me. Let me just go back here really quick. For less [inaudible] roads. So if it's a private road. The County has passed a road acceptance policy, and I support it. I want to make that very clear, of lesser maintained roads. But when we're talking about a private road that is not BLM owned, there is no issue – because, look, I'm going to support and push to get some of these private roads lesser maintained roads accepted.

I just want to make sure that if it comes to the next meeting that I bring a road forward that now there's going to be some opinion from an attorney saying, hey, Danny, now we've got to worry about violation of anti-donation clause. Because I asked that question when we passed that resolution, 2012-151. And I know I asked that question and there were no issues of saying this is a violation of anti-donation clause. So I'm just asking that question again.

MR. ROSS: Madam Chair, Commissioner, take a look at page 14 of the policy. You'll see there's a form right-of-way document in there. It's an attachment to the road acceptance policy. What it does is it's a document that's intended to be notarized and recorded. It's a grant of right-of-way. So if you have a private road, somebody owns that road now, whether it's a platted subdivision or just a historical road across people's properties,

this document will be used to grant a right-of-way to the County over that road. Then it will be accepted through the road acceptance procedure including a personal visit from the Road Advisory Committee, accepted per statute so there should – if we follow the policy the way it's laid out there should be no anti-donation issues.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I'm fine for no.  
Thank you.

CHAIR HOLIAN: Okay. Thank you. Commissioner Anaya. Actually, I would like to ask if there's any members of the public who would like to speak on this now. Is there anyone here from the public that would like to speak on this resolution? Sir, would you come forward to the microphone and identify yourself for the record?

STEPHEN KIRSCHENBAUM: My name is Stephen Kirschenbaum. I'm one of the property owners. Madam Chair and Commissioners, there was only one thing I wanted to explain to Commissioner Anaya. One of the thorny issues was the federal agency, BLM said they won't sign over the road until the County takes it. The County said we won't take the road until you sign it over. We've been struggling with that for a long time. So the Bureau of Land Management finally created a document which says well, if you accept it we see no reason why we won't give it to you. And that took a long time. So that was finally done. That's why the resolution says that the County Manager can sign off with BLM now that the two giants have figured out how to get along with each other.

This road also services 4,400 acres and one of the impediments of people petitioning is under the policy you have to do complete surveys, engineering, a whole host of technical and costly stuff, all of which we're done. So it's not just saying take my road and enjoy it.  
Thank you.

CHAIR HOLIAN: Thank you. Commissioner Anaya, you had something else?

COMMISSIONER ANAYA: Yes, Madam Chair. I've had some little discussions with Commissioner Chavez here as we were listening in. I am supportive of figuring out a process that provides equity for people throughout Santa Fe County and I think the last point the gentleman made relative to cost is a process that does not only afford lesser County maintenance roads to people that have access to financial resources to do some of those things. So I think it's a balance. I think it's an opportunity for people and communities and taxpayers who don't otherwise have a direct benefit to County services other than the potential road or maybe solid waste, especially in rural areas, to finally see some relief, especially for the lesser maintenance. But to them some piece of mind associated with what Commissioner Holian brought up, snow removal, which is huge in my district relative to emergency access and issues that Mr. Martinez bills us on a regular basis with staff and the ability not to service those areas until there are natural disasters.

So there are other things I think we need to tweak in the policy. I do think we're going to see an influx of requests and I encourage those, and I think we need to be as structured and standardized and fair as we possibly can as we see those requests. I can think of numerous roads in District 4, for example, that are in the wildland-urban interface area that would meet every single threshold you rattled off. Those members in those communities that live in those difficult areas to get home or to get access to fire and emergency services would gladly sign over an easement and provide all the documentation in the world relative to emergency access.

So I think the conversation was good and healthy and on the record so that we could utilize it to build and expand upon the policy we have in place for future use for roads throughout Santa Fe County. Thank you, Madam Chair.

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

COMMISSIONER CHAVEZ: Well, if I could Madam Chair, I'd like to go ahead and move for approval, hope for a second and then we could just continue discussion.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Okay. We have a motion for approval of Resolution No. 2013-12 and a second. Is there any further discussion? Commissioner Chavez.

COMMISSIONER CHAVEZ: The only thing I would add, Madam Chair, is I do agree with Commissioner Anaya in that I think this – I know this has to be done equitable and there are needs out there that have not been met. If this is one way that we can do that I think this is an option we have before us. If it needs fine-tuning, if we need to make it better I'm willing to do that also.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'm sorry I had to step out of the room for a few minutes for some basic needs, but my understanding is that with the resolution that we passed that some of this cost will be passed on to the homeowners. Has that been discussed.

COMMISSIONER CHAVEZ: I would defer to staff on that point.

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, the road acceptance policy says that if there are capital needs that need to be performed, capital work that needs to be performed to the road in order to bring it up to County standards one way of doing that is with the creation of a special assessment district, in which case the cost would be passed on to the landowner. The County Commission can choose not to exercise that option and pay for the work itself, but in this particular case the application is for lesser County maintenance in which the capital improvements do not need to be performed, in which case there are no costs to be borne, either by the County or the homeowners.

COMMISSIONER STEFANICS: Well, Madam Chair, Mr. Leigland, lesser County maintenance is grading twice a year?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, that's correct. And signage.

COMMISSIONER STEFANICS: Well, is there not – and some signage?

MR. LEIGLAND: That's correct. And signage.

COMMISSIONER STEFANICS: Is there not extra cost that comes along with that based upon what we would do somewhere else?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, that's exactly correct. There will be a cost associated with the extra work and time and fuel and putting up the signs and what not, but under this policy those sorts of operation and maintenance expenses are not passed on to the landowners.

COMMISSIONER STEFANICS: Now, Madam Chair, that's not what the County Manager shared with me. She shared with me that when we adopt a road there has to be – and the cost is in excess or regular County maintenance or work schedules that the

community or the residents do have to share in the costs. Because otherwise, just like everybody else was saying, I have like 300 roads that are ready for you to pick up.

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, I can't pretend to know what Ms. Miller was talking about but I think what she meant was the capital expenses. If it costs more for the County to bring that road up, but I don't think she was talking about per-mile costs to grade a road or something like that. But you're exactly right. For every mile of road that we take on for maintenance there will be an increased cost, and so –

COMMISSIONER STEFANICS: We have, Madam Chair – and I support this, but we should probably hash this out about costs. I have a road that the County's been working on many years longer than I've been on the Commission, and it's in the Silverado area. And it needs all these telephone poles moved. And it is a school bus route, and we don't maintain that road because of it not being up to County standards, and yet they've requested several times. At one point in time the County said, yes, we will work with you, and then they totally dropped the project.

So do we have some standards here on which communities or which roads we're going to say yes to and which roads we're not?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, they are listed in here. This has a whole list of criteria that we will use to evaluate including evaluation by the Road Advisory Committee, including consideration if it's expensive, including consideration if utility corridors and fixture relocation are needed on the proposed right-of-way, economic benefit, whether damage or benefit may occur to any persons on the road as result of becoming a County road. A cost/benefit analysis appropriate for the Road Advisory Committee.

So there's a whole series of criteria in there so –

COMMISSIONER STEFANICS: My point is, Madam Chair, Mr. Leigland, I'm going to support this, but my point is that we do need to look at cost objectively for this project and all the other projects, because there are many other residents of the county who would like the same opportunity. That's all, Madam Chair.

CHAIR HOLIAN: Okay. We have a motion and a second.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I just want to quickly explain my vote and the reason I do support this and appreciate Commissioner Stefanics' point is that now also these individuals on this road can go to our legislative body across the street and ask for capital funding for this road. So that's a great point. Also I believe that this has not established a precedence for this County. And also, Mr. Leigland, I will be bringing roads for District 1 and I will publicly say this right now. There is a particular road in the Arroyo Seco area that you and I have spoke about so please put that on your list today that this is the road that I will be bringing forward for road acceptance for limited use at a minimum. So that is clear. So if we change the rules tomorrow I will hopefully get that petition process started and

try to bring this for the next BCC meeting. Thank you. That's all I have. I don't need any response. Thank you.

CHAIR HOLIAN: So now we have two more items that hopefully will be fairly speedy, and then we're going to have a very short executive session that we have to have.

**XIII. D. Health and Human Services**

- 1. Resolution No. 2013-13, a Resolution Authorizing the County Manager to Submit a Grant and Distribution Funding Application and Related Documents for DWI Prevention in Santa Fe County for Fiscal Year 2014 to the New Mexico Department of Finance and Administration**

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this is the annual request for grant application, and I would move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Okay. Is there anyone from the public that would like to speak on this resolution. Seeing none, I have a motion and a second to approve Resolution N. 2013-13.

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

**XIII. D. 2. Senior Services Update (Community Services Department/Senior Services/Teresa Casados)**

Deferred to the next meeting by consensus. [See page 57.]

**XIV. MATTERS FROM THE COUNTY MANAGER**

**XIV. B. Legislative Update**

CHAIR HOLIAN: Hvtce, are you taking this?

HVTCE MILLER (Constituent Liaison): Madam Chair, Commissioners, actually Rudy will take this. We have a report here to provide you but we just wanted to make ample time for the members from the NCRTD to speak about House Bill 30, so let me pass this out to you first. *[Exhibits 3 and 4]*

CHAIR HOLIAN: Rudy, are you going to make a presentation first or should I invite Mr. Barone and Director Mortillaro to come and speak?

RUDY GARCIA (Community Services): Madam Chair, it's actually your call. They can come forward. They've been here for a little while. Our presentation could actually be very, very brief and we could actually listen to your comments at a later date or not.

CHAIR HOLIAN: Okay. I guess I will act for Commissioner Barone to come up to speak about his issues.

MICHAEL BARONE: Madam Chair, thank you for the opportunity. I'll try to be very, very brief. It seems like Taos County – we kind of have the same issues. It was very good listening to you guys because you have kind of the same discussion that we do. But as we move forward, I know I've worked with at least four of you on the NCRTD board. Mr. Chavez, I haven't had the opportunity to work with you but thank you again for the opportunity. It's a 12-member board, the board of directors. We're all elected officials. We represent four counties, three cities and towns and five pueblos.

So in saying that the reason I'm here today, there were some concerns about the relations or how we wanted to address House Bill 30. We want to address this in turn if possible. I have Mr. Anthony Mortillaro, our executive director of the NCRTD board here with me. Hopefully we can address those concerns if there is, because I understand there is.

CHAIR HOLIAN: Mr. Mortillaro, did you want to add something before I open it up to questions?

ANTHONY MORTILLARO: Madam Chair and members of the Commission, I don't believe I need to add anything to that but respond to questions or concerns that the Commission has about House Bill 30. We were invited here to speak to the Commission with respect to that. I'm not quite sure what the full concerns were other than a brief comment about County concern about accountability, and that's a pretty broad comment so I'd be glad to speak to any specifics in that area.

CHAIR HOLIAN: Commissioners. Commissioner Mayfield, then Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair, Director Mortillaro, just real quick for my edification. This bill HB 30 went in front of the NCRTD board, and was it passed unanimously by the board or was there discussion by the board? Was it just a decision made by the executive director?

MR. MORTILLARO: Commissioner Mayfield and Madam Chair, I'll give you a little history on it. The discussion with the board on legislation to remove the additional step in the transference of funds was discussed with the board at their December 7, 2012 meeting under executive director remarks. At that point there was verbal direction from those that were present to go ahead and proceed with pursuing a modification to the existing statute.

At the December 7, 2012 board meeting the board was presented with the resolution adopting the districts' state and federal legislative agenda. At that time they were apprised of again, our intent to pursue the modification under HB 30 legislation. In both instances there was unanimous support of those in attendance at those meetings.

COMMISSIONER MAYFIELD: Thank you. So, Mr. Mortillaro, verbal direction or was an action item taken on it?

MR. MORTILLARO: On the December date there was action item taken in the form of a resolution adopting our legislative state and federal agenda. In that discussion it was mentioned that we were also going to pursue the introduction of this legislation. So it's been mentioned twice to the board.

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COMMISSIONER MAYFIELD: And Madam Chair, Mr. Mortillaro, did the board see a copy of the legislation?

MR. MORTILLARO: At that point in time I don't believe we had a fully endorsed draft of the bill.

COMMISSIONER MAYFIELD: So the bill hadn't been drafted or the bill never –

MR. MORTILLARO: I'm trying to recall. I don't recall the exact sequence of it. It may have – I'm sorry. There was a draft of the bill that was commenced back in October, because we shared a copy with the Rio Metro RTD.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Mortillaro, I serve on the board as an alternate member. I don't recall seeing any draft –

MR. MORTILLARO: We didn't present the draft bill to the board. We told the board what the intent of the bill was and what have you and what it was removing, and what it was removing was the middleman in the process of funds going from the Department of Revenue to the county and then to the district, and it was removing was that one process there.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Mortillaro, I just think it's a very important process. At least from Santa Fe County's perspective. And thank you for that. That's all I have, Madam Chair, right now.

CHAIR HOLIAN: Commissioner Anaya, did you have a question?

COMMISSIONER ANAYA: Yes, Madam Chair. Commissioner, good to see you. I'm familiar with the process that went on when the tax was actually approved and familiar, because I was sitting in the audience and working at the Department of Transportation at the time. And one of the reasons that the support was able to be garnered for the tax from the County, which it needed, was because of that particular provision. That was one of the adherences that the Commission had at that time, that there would be communications and actual direct interaction by the County. How do you respond to that perspective?

MR. MORTILLARO: Commissioner Anaya and Madam Chair, again, I was not privy to those discussions. I can't comment to that. All I do know is that I believe, and I might have the year wrong, that in 2010 similar legislation was passed by the legislature making the modification that we requested on House Bill 30, and that did pass the full legislature. Unfortunately, that was pocket-vetoed by the Governor at that time and we haven't been able to ascertain the reason why Governor Richardson did that but it was done. So again, I wasn't privy to those earlier discussions or agreements that were made about why the legislation passed or not. All I know is that – because I was on the board at the time, that there was a lot of discussion about competing GRT legislation – one for the Rail Runner and other people were involved in those discussions and dialogue.

COMMISSIONER ANAYA: Madam Chair, Commissioner Barone, Mr. Chairman, I'd like to ask you a question. Before I was removed from the NCRTD board – I'm back on the board now, but before I was removed, there was a process that we were undergoing, I felt that I feel has continued relative to the relationship between Santa Fe County as well as the City of Santa Fe on the board. Because I know there were other board members on the NCRTD that were frustrated because of the process the County put in place



in discussions with the City where the transit plan went to the RPA and how the budgeting was handled. The other members throughout the district were frustrated. And I would just like to ask you, I think legislation like this could affect in some ways a lot of the work and the relationship-building that you've helped, Mr. Chairman, to build and I actually think that there's other modifications that might be in the pipeline as far as how the County and the City even interact with RPA. Maybe not even having the RPA and having the responsibility rest with the board representatives.

And I know that's something that I was part of those discussions at that time. Because I have a lot of respect for you, Mr. Chairman, Commissioner. What are your thoughts as to that process that's occurred. I think we've been rebuilding a relationship over time and I think in some ways this kind of might be a little counterproductive to that relationship that we've been trying to re-establish. Give me some feedback.

MR. BARONE: Madam Chair, Commissioner, thank you for that. We haven't [inaudible] a lot of the I want to say camaraderie that had kind of gone away. We didn't consider it a regional board there for a while. That's what it's supposed to serve is a region, and I think we've kind of got that direction back on track. It is servicing the region. But I think also – I don't want to take anything away from the 12 members that we have on our board. That's the reason we have that board. We're accountable, the 12 members are accountable for the NCRTD. And I think that's why we're all elected officials and we want to make sure that the direction that we give is in that response. By moving House Bill 30 forward, I think the only think in my eyes that it does is free up staff in your County, because basically it's just a walk-through.

The money comes into the County. Basically, they account for the money on paper, and then they write a check back to the NCRTD. That's the only avenue that I know about that happens. So it frees up County staff to do other work. That's the only pass-through. It's gets the NCRTD their money a little faster. We're not waiting two or three months. Sometimes the counties hang on to that money for a period of time. This would just expedite that.

COMMISSIONER ANAYA: Madam Chair, Mr. Chairman, if I could just make some comments along those lines. I think one of the things that happened during the discussions when the Commission was debating the issue as well as the City Council was some comfort level because there was some discomfort with some of the actions of the NCRTD. So for us, and I appreciate that you said that it maybe is more of a burden on our end, but for our taxpayers it's an opportunity. Because it's a large share of the resources that go into the NCRTD. In fact, Tony, just if you could on that one piece and then I'll let you provide some feedback on the last question. But of the total tax that comes into the NCRTD, what percentage of the total tax into the NCRTD comes from Santa Fe County?

MR. MORTILLARO: This year – well, it's going to be done, but roughly we project it \$7 million, normally.

COMMISSIONER ANAYA: But what's the percentage.

MR. MORTILLARO: Roughly about \$4 million of that comes from Santa Fe County. So what is that? That's over half of the amount.

COMMISSIONER ANAYA: Okay, so, given that, that was part of the discussion and debate, it provides us a public venue here at the Commission to let the

taxpayers know, here's the routes that the board had adopted, the NCRTD board and the Commission. Here's the roads and the people that they service. I think we're in the evolution, Commissioner and Mr. Chairman of continually improving and a lot of that has to do with your leadership on the board and I would hate to see something like this polarize us and have maybe myself who sits on the board air some disagreement with it. So maybe there's some way we can come up with a compromise that doesn't put us in that polarizing position. Do you see any way that we could do that? So that we can continue to build on this stuff?

MR. BARONE: I agree with you. Madam Chair, Commissioner, one of the things that we have been doing and we're trying to take it to every county at least once a year, sometimes twice a year, actually going and making a presentation to the counties, letting people know what are the routes we're actually funding, how the funding comes in and how it is being spent, if there's extra money that we can actually put another route in your community. And we've been – I know I've attended with Tony several Commission meetings now and hopefully we can continue to do that. That kind of helps with the situation because you know it's a big pot of money. It services a few people, but it's expensive to run transit. It's expensive to get people off the road, but that's the sense of it is we're getting people off the road in their own vehicles.

So by going out to the different communities and being pro-active in the communities so that they know what this service actually provides. And I think we in the last couple of months we've been really pro-active in doing that.

COMMISSIONER ANAYA: Thanks for that response, Mr. Chairman.

CHAIR HOLIAN: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

COMMISSIONER ANAYA: Could I – he was just going to respond to one point relative to the –

MR. MORTILLARO: Thank you, Madam Chair and thank you, Commissioner Anaya. I understand your concern and I think one of the things that was done back when those negotiations were occurring and everything – first of all the district entered into an agreement with the Rio Metro District regarding what percentage of the Santa Fe GRT would be conveyed to the Rio Metro for the operations of the Rail Runner, and that's 50 percent. But also, in a resolution that the board adopted at the time, there was reference to the remaining money and how that would be allocated. In the past we've used the RPA process and I know last year that wasn't the case and the City of Santa Fe passed their own resolution. The County Commission passed a resolution as well.

Those resolutions were presented to our board of directors at the time that they were considering the allocation of the GRT for RTD-provided routes. And one of the things that I did that hadn't been done in the past was I asked the board to adopt and accept those transit plans by resolution so that that was memorialized on where that money was going and what routes were being funded. So we've kept our commitment to pass resolutions that the board's adopted and some current resolutions that the board's adopted. I'm very sensitive to the process that both the City and County use to allocate those GRT funds and basically I've said in the past we'll let you guys duke it out and then we'll take it to the board with the recommendations.

COMMISSIONER ANAYA: Madam Chair, on this point. On this point, and I know you have other things to move on to, but on this point I just want to say that we've actually engaged in a dialogue between the governing bodies between the City of Santa Fe and Santa Fe County, but there still are disagreements, I guess is the best way to put it associated with who implements the tax and then who is subsequently responsible. As it relates to this tax the County is the entity that was responsible for the implementing the tax as far as the legislation. And I'd be happy if you want be to provide additional information.

The chair and I have had discussions about this but it was the County's obligation and responsibility to implement the tax. No one else could implement the tax but the County of Santa Fe. We worked with the City of Santa Fe because they were talking about possibly opposing the tax so there was a discussion that took place about a negotiation. But the statutory obligation and responsibility for implementing the tax falls with the County entities, not the municipalities, because we have more than one municipality in Santa Fe County. So that being said I'll leave my comments. Mr. Chairman, I'd like to maybe have more discussions with you and other members of the board as we go forward.

CHAIR HOLIAN: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Thanks for coming to visit with us and sit here for a while and get to talk. I did have the opportunity to sit for a few years on the RTD board and when I came on to the Board of County Commissioners for Santa Fe County it was very clear the controversy, the vote and the need for transparency with our taxpayers. And I understand from a management viewpoint that you would rather not have Santa Fe County sticking out there by itself, but I don't believe that the taxpayers really want us to change it. And the reason I say that is we have many funds that are intercepted by the State of New Mexico and they never tell us how much is coming from our County to a particular program at the state. And we will lack that transparency if that occurs.

The second item is that I believe then, a few years ago, and now, that there will always be more need for routes than there is money. And I truly believe, and you've heard me say it before, that we need to go to a fee base for our ridership and have the funds that come in subsidized. And I do believe that there might be a time this year and if this would go all the way through the legislature and be signed by the Governor, etc., etc., you might want to think about some transparency so that all counties know how much is being invested from their counties and what federal money is being used, what Los Alamos has generously put in time and time again, but that there might be a need, and start preparing the public for funding.

But I just want to put out there that we – at least I see this as a big transparency issue for Santa Fe County taxpayers. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Stefanics. Commissioner Mayfield, a brief question.

MR. BARONE: If I could just comment real quick. And you're right, Commissioner. Transparency is what we need. And you know there for a while the board was kind of – I want to say we were at odds. And we've come together and I think we've made some good decisions and we want that transparency. So I'm willing to sit with you guys. Let's sit down. Let's talk. Let's try to figure out what we can do to make it better. That's what it's all about, making it better for our constituents. So thank you.

COMMISSIONER STEFANICS: Thank you.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and Chairman Barone and also Commissioner Barone, thank you for being here also. Madam Chair, just real quick, for Teresa Martinez, if she could come up real quick. Because I heard there was some comments of us not being timely in turning over these funds. I know Ms. Martinez has to do some verification of these dollars, but Ms. Martinez, how long does it take for your department to turn these funds –

MR. MORTILLARO: It wasn't not directed toward you. It's a different county.

COMMISSIONER MAYFIELD: Excuse me. I'm going to ask the question of Ms. Martinez, please, Director Barone. Ms. Martinez, how long does it take for Santa Fe County to turn these funds over to the NCRTD?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, three to five days, five days in the worst case.

COMMISSIONER MAYFIELD: Five days. Thank you, Ms. Martinez. Five days Mr. Chairman and Director Mortillaro, for Santa Fe County to turn these funds over to NCRTD. Madam Chair, just a quick comment for the chairman and Commissioner. We were in front of Santa Fe County's delegation – and just as a quick point – Representative Egoff just asked for more routes down to the Madrid area, so I just wanted to let you all know that. Just so you guys know that.

CHAIR HOLIAN: Okay. Thank you. Thank you, Mr. Mortillaro and thank you, Commissioner Barone, and I just want to say in my time on the board this last year that I really felt that we did operate as a board. We really did work together for the good of the entire district. And I really feel that we all had that common philosophy. So anyway, I want to thank you for coming tonight and for all the time that you spent sitting on those very hard pews.

MR. BARONE: Thank you, Madam Chair. Thank you, Commissioners, for giving us the opportunity. And let's work together. I mean it. We need to be transparent and do what we can with the money that we have.

COMMISSIONER MAYFIELD: Madam Chair, he's driving to Taos.

MR. BARONE: Thank you. It has been snowing since –

CHAIR HOLIAN: Okay, I'm going to make a suggestion here that first of all, item A. Miscellaneous Updates, I know that Katherine had wanted to give an update about IT and so Penny has offered to arrange for that to be written up and sent to us via email so we can find out what went wrong with the IT and what is being done to fix it. And then I would like to ask on the legislative update, Rudy, would you be willing to just sort of write to us via email what you were going to say?

MR. GARCIA: Madam Chair, that would be fine. I would just have some questions in regards to the last public hearing that was had regarding House Bill 30 just so we can get some sort of direction when we're at the session because we are getting approached by legislators as to what the County's position is on House Bill 30.

CHAIR HOLIAN: Okay. Thank you, Rudy, so we can give you that feedback via email.

COMMISSIONER STEFANICS: Madam Chair, no. That's a BCC decision. That's not individual decisions.

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COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair – and I'm sorry to cut in.

COMMISSIONER ANAYA: Go ahead.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, can we take action to support or not support? If not I think we have to have this action on what we're doing on legislative.

COMMISSIONER ANAYA: Madam Chair, I'm not comfortable. I want to work with the board. I want to talk with the chairman and continue transparency but I'm not comfortable right now at all relinquishing the pass-through from the County to the NCRTD.

CHAIR HOLIAN: Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Ditto.

CHAIR HOLIAN: Okay.

COMMISSIONER STEFANICS: I agree, Madam Chair.

CHAIR HOLIAN: Okay. I think you have your direction. Thank you, Rudy.

COMMISSIONER MAYFIELD: Madam Chair, just in general on legislation, because I kind of saw a little cringe from our attorney. Could we please notice action item of the direction the County would like to take on legislation please?

CHAIR HOLIAN: Okay.

COMMISSIONER MAYFIELD: And Madam Chair, on this note, could we please meet with the sponsors, Representative Trujillo and Representative Sisneros, because they're sponsoring this legislation and they both are Santa Fe County representatives. So I think we need to talk with these sponsors about this if we're going to take a no support on this legislation.

CHAIR HOLIAN: Okay. So on C, the citizen survey update, that's not going to happen any time soon so I think we should put that off as a discussion item until the next meeting. And so I think what we need to do now is to go to have a short executive session.

- XIV. A. Miscellaneous Updates**
- C. Citizen Survey Update, Discussion and Possible Action**
- D. Review and Discussion of the Quarterly Financial Report for the Quarter Ending December 31, 2012 (Finance Division/Teresa Martinez)**
- E. Corrections Monthly Report**
- F. Public Works Report**
- G. Human Resources Report**

These matters were deferred to the next meeting. [See above.]

**XV. MATTERS FROM THE COUNTY ATTORNEY**

**1. Executive Session**

**a. Discussion of Pending or Threatened Litigation**

MR. ROSS: Madam Chair, we do need a short executive session to discuss a couple matters of litigation.

CHAIR HOLIAN: Okay. Do I have a motion?

COMMISSIONER STEFANICS: Madam Chair, I move we go into executive session for the purpose of discussing pending or threatened litigation.

CHAIR HOLIAN: Is there a second? I'll second that.

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7) to discuss the matter delineated above passed upon majority [3-1] roll call vote with Commissioners Anaya, Stefanics and Holian voting in the affirmative, Commissioner Mayfield voting against and Commissioner Chavez not present.**

CHAIR HOLIAN: Would you like to speak?

COMMISSIONER MAYFIELD: I just think we should get to a public hearing and go into executive session afterward. That's just my reason why. I will support going into executive session but let's just go to this hearing first.

CHAIR HOLIAN: I want to apologize to all of you who are here. I really did have the intention that we would have the public hearing at 6:00 but I must tell you that we have really been sitting here since 1:00 pm. And we do need a short break as well as the executive session, and we will make every effort to be back within 15 minutes. So again, I really apologize to you from the bottom of my heart, and we will move forward first with the animal control ordinance because I think that most of you are here for that. So we will adjourn for 15 minutes and return at 7:05

[The Commission met in closed session from 6:47 to 7:20.]

CHAIR HOLIAN: We will come back to order. We need to come out of executive session first. Do we have a motion?

COMMISSIONER MAYFIELD: So moved, Madam Chair.

COMMISSIONER CHAVEZ: Second.

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

COMMISSIONER MAYFIELD: Madam Chair, the only matters that were discussed were legal discussion and briefing.

CHAIR HOLIAN: Thank you, Commissioner.

COMMISSIONER MAYFIELD: And present were – the five Commissioners were present, Mr. Ross and Rachel Brown were present.

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**XVI. PUBLIC HEARINGS**

**A. Ordinances**

- 2. A Proposed Ordinance 2013-\_\_\_\_; the Santa Fe County Animal Control Ordinance: an Ordinance Governing the Duties of Animal Owners; Impoundment of Animals; Issuance of Permits; Defining Offenses; Establishing Penalties; and Repealing Santa Fe County Ordinances 1981-7, 1982-7, 1990-8 and 1991-6 and Santa Fe County Resolution 1982-28 (First Public Hearing)**

CHAIR HOLIAN: I will just let you know that this is the first public hearing. We are not going to be voting on it. We are going to have at least one other public hearing for sure. I just want to say a few words in introduction first. I would really like to thank our staff, especially Audrey Velasco, who's our animal control officer, and also Rachel Brown, who's our County attorney. They worked many, many hours on this first draft of the ordinance. And I would also like to really thank the members of the community who were on the task force that was looking at this issue, particularly Mary Martin, of the animal shelter and also Bill Hutchison, who at the time worked at the animal shelter. He's now in Chicago though, unfortunately. And also people from the community who participated in that.

This ordinance is an important indicator of how we treat animals in our community, and it's really important that we get it right. I know that from the dogs and horses that have been part of my family for many, many years that they feel and they think. If they are not treated right they can feel pain, hunger, cold, fear, just like we can. Also, on the positive side, if they are treated right they can feel love and caring. And they make such a contribution to our lives.

So we owe it those animals of ours that we get this ordinance right. I want to acknowledge that a tremendous amount of work has gone into this draft and it's really a major step forward in a number of different ways from our existing ordinance. Actually I find out it's our existing ordinances; we have quite a few of them as you can see. But from the comments that I am getting I believe there are still some improvements that could be made. This is not a done-deal at this point. There are some outstanding issues that could be discussed.

So what I'm going to suggest is that for tonight, for the first step, we have the presentation from Audrey Velasco, our animal control officer, and she's going to give us a very thorough explanation of what's in this draft and how it compares with our current ordinances, and then I would like comments from all of you in the public. And then if the Commissioners agree, what I would like to do is to reconvene the Animal Focus Group and to organize public meetings that people from the public can attend and be part of the conversation and I want people from the animal rescue community, breeders, veterinarians, and all other people who are really interested in animal welfare to attend, and I hope that we can identify the major issues that need to be resolved, estimate a time table for the second draft, hopefully, and then bring forward our recommendations to the Board of County Commissioners and let them know what kind of a timetable and what kinds of issues are being discussed.



But I just want to emphasize again that I don't want to just hurry this into existence. I want us to do this right. I want an ordinance that we can really be proud of in Santa Fe County. So first, I would like to ask for Audrey to come forward and make her presentation, and then I'm going to ask for all of you from the public who have been so patient and for your comments.

COMMISSIONER MAYFIELD: Madam Chair, procedural question.

CHAIR HOLIAN: Commissioner.

COMMISSIONER MAYFIELD: And hearing what you just stated, Commissioners are going to be able to comment on this?

CHAIR HOLIAN: Oh, absolutely. But I would like to hear from the public first if that's –

COMMISSIONER MAYFIELD: Definitely, Madam Chair. And I guess, I was corrected myself, it's our animal supervisor officer, Audrey Esquivel.

CHAIR HOLIAN: Oh, that's right. I so apologize Ms. Esquivel. Yes, indeed, and congratulations.

AUDREY ESQUIVEL (Animal Control Officer): Madam Chair, and Commissioners. We are here today in reference to the revision of the Animal Control Ordinance. The current ordinance was adopted in 1991 and an update of the ordinance is in need so that Santa Fe County will have a more comprehensive ordinance regulating the animals in Santa Fe County. I would like to take this time to go over the major changes that are being proposed in this draft.

The first one is the standard for care of animals. We added to that – it basically stayed the same – the food, the water, the shelter. We did add provisions as to how big a kennel should be for the type of dog, the size of dog, that will be kept in there and how many dogs will be kept in there. That will be on page 7 if you guys have the ordinance. If dogs are kept in an enclosure it must meet the minimum guidelines. Large dogs, more than 50 pounds must be in a kennel that's four feet by six feet or 24 square feet. Medium size dogs, 36 to 50 pounds, at least 4 feet by 5 feet, 20 square feet. Small dogs up to 35 pounds, at least 3 feet by 4 feet or 12 square feet. No more than two dogs shall be maintained in any single cage at one time. What we do see a lot is more than two dogs in kennels that don't have enough room to turn around, to stretch, do any of that, so we're hoping if you have to keep your animal in a kennel that we should adopt this.

The next would be – also there's a provision in there for cats. If you have a cattery or you have cats just as pets and you're keeping them for some amount of time in kennels they have a provision also. It says cages must provide an area at least 9 square feet for each cat and should house no more than one cat except for nursing mothers. If it's a colony, cages used to house the cats the following standards will apply: Separate unsterilized females and males, separate nursing mothers from all other, separate young kittens from adult cats. House no more than 15 adult cats or 20 kittens in one room. And then it goes on to the size of litter pans and how cats must be able to move about normally.

The second one is restraint of animals. It says in the ordinance now that if you are on a walk with your dog that it is either on a leash or under voice command. In the proposed ordinance it says that owners will be required to have their animals on a leash. Voice command will no longer be an acceptable form of restraint. And it reads, a dog is permitted

on public streets, walkways and in other public places if the dog is on a secured leash under the direct control of its owner or responsible party, except when in a designated dog park. I think that that provision would cut down on incidents we have on walking trails where somebody has their dog off leash and it runs from them and attacks another dog or bites another human.

Also, in the proposed ordinance we added a new provision on feral cats. The shelter has a program right now that we are working with them on. In the past the way that we used to handle feral cats is that we would trap them and take them to the shelter. More than likely because of lack of socialization or medical problems they were euthanized. The shelter was euthanizing hundreds of cats a year and it's been years and years. So a program that we are working on now is citizens can trap their cats, take them into the shelter. At no charge the cats will be spayed or neutered. They will be microchipped or ear-chipped – I'm sorry and rabies shots. After that is done the cats will be released back to the area where it was picked up. If you need more information on that Mary Martin from the shelter is here to talk to you more about that.

Licensing, the current ordinance says that all dogs must be licensed. It doesn't say anything about cats. I would like to change that to include cats would be licensed. The City and County animal services were selling their own licenses up until November of 2010. The animal shelter took over licenses in 2010 and since then they have put together a program to get the word out to get people educated to get the animals licensed. They have a canvassing group right now that is going door to door. They have door hangers, if nobody's home that they put on their door. It gives the ordinance numbers and explains it to the homeowner. If somebody's home they'll talk to them. I believe that they are giving them a choice. They can buy a voucher at that time or they can buy it at the shelter.

What I've seen in the last, I would say month is that we are getting a very, very good response from that. I've noticed a lot of people coming into the shelter to get their animals licensed. It will take some time. Santa Fe and Santa Fe County is big so it is going to take some time to get out to everybody. The way that they're doing it now is that you can go in and do it in person. You can mail it. You can fax your information. You can buy it at either the shelter on Caja del Rio or the satellite clinic on Camino Entrada. They have online, and also if you adopt a pet from the shelter and it's under the age of three months where the ordinance says they need to be vaccinated, you can buy the voucher at the time of adoption, get your animal vaccinated and then send the information back to the shelter when it's time.

What we're doing is that when an animal is picked up by animal control no animal will leave the shelter unless it has a current rabies vaccination and a current license. We also put a provision into the new ordinance asking that or saying that offices will be required to give us a monthly report on all animals that have been vaccinated. That way the animal shelter or animal control can reach out to those people who have received vaccinations and give them information on licensing their dogs. And if you want more information on that program, again, Mary from the shelter is here.

Our next big change is a mandatory spay or neuter. The goal of this provision is to get control of the overpopulation of unwanted animals. If an animal is impounded by animal control it's taken to the shelter and if the pet owner comes to pick it up it will be required to be fixed. There was a – there is a sterilization act with the New Mexico state statute that says

no animal will be released from the shelter unless it's fixed. And if a person opts not to fix their dog there's a \$25 spay or neuter deposit if they fix it within 20 days or by an appropriate license they will get the deposit back.

With that we adjusted our fines and fees. They were adjusted to accommodate the current cost of administering the animal control program. We are trying to motivate spaying and neutering of the animals that are picked up and impounded by Santa Fe County animal control. If we pick up a dog, if this ordinance goes through and we pick up a dog the impoundment fee would be \$10. If you do not have a rabies vaccination that's an additional \$75. If you do not have a current animal license, that's an additional \$100. Restraint of animals, meaning your animal was running at large and you were not with it is an additional \$50. So just with animal control, that would be \$235.

There are also fees associated with the animal shelter if they pick up a person's pet. If you opt not to have your dog fixed it's \$25. Boarding is \$20 a day and what I did was I averaged it on a three-day stay. Getting a current rabies vaccination would be an additional \$15. A license would be an additional \$100 dollars and that would be a total of \$100 for the shelter. So for everything paid to animal control and to the animal shelter would amount to \$435.

If you opt to fix your animal they have a one-time deal where you would pay animal control \$10 for the impound fee. The animal control officer has the discretion to drop the other fines and fees, because they're going to get their animal fixed. So it's \$10 for animal control. The one-time deal for the shelter, as of right now, it will include surgery, rabies, licensing and microchip. Thirty pounds and under would be \$55. Thirty pounds and over would be \$80. So at that point you would only be paying \$65 or \$90 in comparison if you opted not to get your dog fixed at \$435.

I think that's the spay and neuter program, or the [inaudible] spay and neuter, I think it will be good for Santa Fe County. We have, again, it's for any unintentional breeding, we have hundreds of unwanted puppies at the shelter, and that's what we're trying to get control of. [inaudible]

The next big change would be chaining, tethering or a trolley system. A lot of people in Santa Fe County do not have fences. They don't – in order to keep their dogs on their property they must do something. So their either have to put up a kennel, put up a fence or put in one of the provisions, a trolley system. A trolley system is a cable line. You can put it – I think it's like 12 and above, so the dog has that 12 feet to run plus cross with the leash. If you look at it right now it's the better of two situations. If you can't keep your dog in your yard and you have to put it on a trolley system then we don't have your dog running around the streets. If it has to be done then I'd rather have it do the trolley system than nothing at all.

Also, Madam Chair and Commissioner Mayfield, you asked for information on citations given by animal control. In 2012 there was 486 citations issued.

COMMISSIONER MAYFIELD: Madam Chair, would you repeat that number please.

MS. ESQUIVEL: 486.

COMMISSIONER MAYFIELD: And can you tell me what the general citations were issued for.

MS. ESQUIVEL: General citations are issued for running at large, no rabies, no license.

COMMISSIONER MAYFIELD: Thank you.

MS. ESQUIVEL: And a lot of times when a citation is given the owner has the option to pay the citation or to go to court. So a lot of times they'll come and pay it or they'll just opt to go to court and go in front of the judge.

This is a good piece of information. The licenses sold in 2009, which was the last year we had a complete year of selling licenses in animal control, we sold 544. At that time the shelter was purchasing licenses from us and then selling them to help us out on the weekends and what not. They sold 629. So that was the year that we had the entire 12 months that we sold licenses. In 2012 the shelter sold 2,760 licenses, and that was before they hired canvassers to go out and got a lot of their program up and running.

I also wanted to clarify some things from our last meeting. When the shelter took over our licensing program, the way it works is that anything that is sold up to \$100,000 the shelter keeps. Anything above that is split between the shelter and animal control.

COMMISSIONER MAYFIELD: And Ms. Esquivel, these are only for dogs? Citations and licenses?

MS. ESQUIVEL: Yes.

COMMISSIONER MAYFIELD: Thank you.

MS. ESQUIVEL: I believe in your packet you got – we had a few public comments. There should be five of them. We have received four more after the packet went in, and if you'd like us to email them to you or we can circulate the ones that have come in. Which would you prefer?

CHAIR HOLIAN: I think that would be good to send us copies of those. Thank you.

MS. ESQUIVEL: Also in our proposed ordinance we added permits for different – we added permits. So if somebody was running a kennel, a grooming parlor, a pet shop, pet shelters, breeders, animal rescue or persons using guard dogs they would be required to purchase a permit. That would – a permit means that they would approve for it, animal control would go out and inspect the property, make sure that the animals would have what they need and it's a safe environment for the animals then we would either deny it or approve it and get them a permit.

I did – with those permits, the provisions would be that they'd have to follow exactly as just having a dog. They'd have to make sure that they have constant water, food, shelter and that everything was clean and a safe environment for the dogs. I did an estimated cost for what it would cost animal control to do a site visit. We did a cost for three hours. Santa Fe County is a big county and depending on where we would have to go it could take anywhere from an hour to three hours to actually – an hour or an hour and a half to even get where we're going. The site visit that we came up with, using the salaries, the equipment that we use, the vehicles we use, the fuel that we use, costs per site visit came out to \$165.90. So what we are asking in this ordinance is the permits would be \$200, so that would almost cover us going out to do the inspections. This cost also doesn't include anything that we'd have to go back for. If we received a complaint on the property we'd have to go back and

inspect or it was just a drop in to see how everything was going. So it could be more than that.

And I think those were the biggest changes that we had in the ordinance and probably the most important.

CHAIR HOLIAN: Thank you very much, Audrey. Is there something else?

CAPTAIN ADAN MENDOZA (Sheriff's Department): Madam Chair, Commissioners, just have a few statistics in reference to animal control and the job that they do, to give the public a better understanding of the increase in the amount of calls and the type of calls that we respond to and the support for the new ordinance and the fact that the old ordinance has been in effect for probably over 15 years. So to kind of go over those numbers for the last couple years, 2011 and 2010. There are several calls that animal control responds to and some of the responsibilities that they have throughout the county.

In 2012, this year, close patrols would consist of patrolling neighborhoods for possible running at large or other animal violations – there were 782 close patrols for 2012, versus 62 close patrols for 2011. Calls in reference to animals attacking livestock, in 2012 there were 26 calls versus four calls in 2011. Animals disturbing the peace, which could be anything from animals that are being a nuisance or barking dogs, those calls, there were 33 responses to those calls in 2012 versus 7 calls for 2011. We sometimes get calls for animals on highways, that's a classification, although that's not a real problem within Santa Fe County. There were none in 2012 or 2011. The biggest increase that we saw were probably dog bites. It looks like we responded to 98 calls now in 2012 versus 43 in 2011, so you can see the increase there in reference to dog bites, and Audrey can correct me if I'm wrong but that's dog on dog or dog on other animals, and also on humans.

The other increase that we saw was running at large – exponentially. In 2012 we responded to 284 calls in 2012 to running at large which would be the dog is off leash or off the property, and running without supervision. And in 2011 we only had 36 calls of running at large. So I don't know if there was a discrepancy in the way things were reported in 2011 in reference to how we're keeping statistics in 2012, but you can see a large increase in that. And I think the ordinance is in response to some of these issues that we've had in animal control.

CHAIR HOLIAN: So Captain Mendoza, I just want to clarify, you respond to calls you get, complaints that you get. Correct?

CAPTAIN MENDOZA: Correct. Some may be self-initiated. Some of these close patrols could incorporate an officer going into a neighborhood and seeing a dog that's running at large, that's not supervised, and then taking enforcement action on that. These aren't just calls that are dispatched. These could be self-initiated calls.

CHAIR HOLIAN: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: That kind of explained it because I did want to touch on that close patrol and find out if it was citizen-initiated or if it was initiated within the department. I think it could be either or both, right?

CAPTAIN MENDOZA: These calls could be self-initiated or calls for service, where somebody's saying I see a dog running out unleashed, unsupervised, running at large, and they're responding to those calls, so those close patrols could be incorporated on self-initiated and dispatched calls.

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

CHAIR HOLIAN: Thank you, Captain. One clarification.

COMMISSIONER MAYFIELD: Just a follow-up question on Captain Mendoza. Madam Chair, Captain Mendoza, so out of the 782 calls or the officer's observations, is that what resulted in the report by Supervisor Esquivel of the 486 citations? Or are they separate?

CAPTAIN MENDOZA: Those could be initiated off the close patrols, like I'm saying. If they see a dog running at large or any other animal violation the officers are taking some form of action. That could be in the form of a citation. So they could be self-initiated or it could be a complaint coming into dispatch in reference to an animal violation.

COMMISSIONER MAYFIELD: And excuse me, Madam Chair, but for further clarification, so the 486 aren't in addition to the 782 calls?

CAPTAIN MENDOZA: Close patrols are either self-initiated or dispatched calls in certain areas.

COMMISSIONER MAYFIELD: Thank you, Captain.

CAPTAIN MENDOZA: On that note, the citations issued, there seems to be a discrepancy or maybe a reporting issue that maybe we can check into is that there were only 28 citations that were issued in 2011, although I think that's not accurate, versus the 486 that are reported for 2012. Also, impounds, according to 2012 statistics are showing 1,456 impounds to the animal shelter, and you can see the type of resources and amount of effort that animal services takes in order to impound those animals and the strain that it's putting on the animal shelter itself.

CHAIR HOLIAN: Thank you, Captain. Are you finished?

CAPTAIN MENDOZA: Yes. I just wanted to give everyone an idea in reference to the calls for service that we come out for, and some of the things that are issues in the community that are prompting the revision of this ordinance.

CHAIR HOLIAN: Okay. Thank you. I would like a show of hands of how many people who are here who would like to speak. Okay, that looks like about 20 people. And I would also like to urge all of you – do we have a sign-up sheet, Erik, for people. I would really like for all of you to sign up and put in contact information so that we can stay in contact with you as we go forward with this process, because I imagine that you're interested in it or you wouldn't be here.

So I think now I would like to hear from the public before we open this up to questions from the Commissioners. And so what I would encourage you to do is to start to come forward to be able to speak. Those of you – what I would also like is to try to keep your remarks efficient and if you are speaking after somebody else to try to cover new ground if you can. Thank you, Mary for being here. It's fitting that you should speak first because you were on the Animal Task Force. So thank you.

MARY MARTIN: Thank you, Madam Chair and thank you, Commissioners. I am grateful to be able to be here this evening and to have an opportunity to speak. And having worked with Audrey and several others on this I want to reiterate how much work went into it, which doesn't mean there isn't room for adjustments and change but I do want to thank Audrey for keeping us on track and her spirit of collaboration.

I want to go on record as saying the Santa Fe Animal Shelter supports these changes for the most part in their entirety. It certainly does not mean, again, that we would not support some alterations to them, but there are two exceptions that I would like to discuss with you this evening briefly.

One is the differential licensing, and listening to Audrey I'm not sure everyone was clear that what's being proposed is that animals that are surgically sterilized, their license fee would be \$8, and if their animal is not surgically sterilized, an intact animal, that that license fee would be \$100. Our opinion is that that is punitive and defeats the purpose, which is to make sure that companion animals in our community are protected against rabies, which of course we can catch which is a problem, and that those animals are also licensed, which helps us at the shelter, because if an animal comes into us wearing a license tag they are generally guaranteed to be returned to their home. Without that tag or some other kind of traceable information we have no ability to trace that animal back to its original owner and return it to its home.

So what I think is happening nationwide is there is this effort to try to get animals sterilized due to overpopulation, but we're mixing up issues. We want our animals vaccinated against rabies and animals licensed, and again, I'll say that that \$100 is punitive. I would recommend considering either a more modest differential or no differential at all. Again, I think we're mixing things up. I think we want animals licensed, we want to be able to return them to their home. The shelter has a saying that nothing spells love like a cheap metal tag, because when that animal comes in with that tag on we can get him home. So that was number one.

Number two is I'd like to say I'm very much in support of something about allowing feral cat colonies to exist. And I think it's important to say that although there are those that do not agree with me, we actually are in more agreement than you would suspect, because we all agree that the cats are there and the cats right now, in many cases are breeding indiscriminately. And our choice is not whether to have cats or not have cats; it's whether to have cats breeding indiscriminately or cats that are sterilized. Because there aren't enough people anywhere, and no evidence that it's ever worked using catch and kill, which is the methodology we've been using for 75 years. And in fact Audrey could provide for you in a little time information that shows you we've been returning to the same streets, same addresses, same trailer parks, year after year. We'll go in. We'll catch, exterminate, and then a year later we have the same problem.

Part of that reason is, again, most people who like the cats won't help us. And since we started our TNR program, which is trap, neuter, return, we have people that come to us and said we are on board. We will show you where the cats are. We will help you get them sterilized. We now have a database of feral cat colony managers, which are just good Samaritans. These are not people that belong to these cats. They may have seen them at the workplace. They may have heard about them through their non-profit, Caring for Cats. So I think the important piece is not about whether we can exterminate these cats or not, we have 75 years of it so we cannot do that.

What we do know is that in the last 25 years there is some evidence to suggest that TNR is having a better effect, and we certainly have more community support for that. However, as written right now we believe that the ordinance is hard to deal with, hard to



understand. I understand if you are in possession of some recommendations from a group called Alley Cat Allies, and I would like to go on record as saying that the Santa Fe Animal Shelter supports those changes to the proposed language and it's semi-complicated so I won't bore you this evening, but as Madam Chair said, we will be having further meetings and we can discuss it at that point.

CHAIR HOLIAN: Okay. Thank you very much. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Can I just ask folks not to use acronyms.

MS. MARTIN: TNR? Trap, neuter, return. And let me explain. That means trapping these animals, surgically sterilizing them so they cannot reproduce, as Audrey suggested, giving them a vaccination against rabies and marking them by tipping their ears so that they can be seen at a distance so we know that they are vaccinated against rabies and sterilized. Thank you very much.

CHAIR HOLIAN: Thank you. So who would like to speak next? And I would just like to ask that you identify yourself for the record. Mary Martin from the animal shelter – director.

WALTER WAIT: I'll pass these out. *[Exhibits 5, 6, 7 & 8]* Madam Chair, members of the Commission, my name is Walter Wait and I'm a long-time resident of the county. While the proposed Santa Fe Animal Control Ordinance has many good points I believe that as it's written it has far too many flaws. I've provided my comments on the ordinance to you and I'm only going to read the summary of the first on.

Because of the many problems identified in the Animal Control Ordinance it is strongly recommended that the ordinance be rewritten after thorough public review. It's also strongly recommended that the draft be revised to reflect the rural nature of the majority of Santa Fe County and the relationship of both the residents and their animals to a rural lifestyle. Ownership needs to be based on the intent of an individual or corporate entity to accept the responsibility of animal ownership and not on land tenure. The proposed rule must not be written solely as a vehicle for generating revenue, nor as a vehicle to penalize non-profit rescue organizations with unreasonable fees and restrictions.

I don't believe that the proposed fee structure is either fair or equitable and as many of my rural neighbors believe licensing cats when no licensing requirement exists is simply an action to generate funds. Many people strongly disagree with such a licensing requirement and it would make many of the county residents guilty of misdemeanors. Imagine their shock when they get called off to jail for failure to license a feral cat that sometimes hangs out in their barn.

I might point out that the shelter states that their current spay and release program performed operations on over 7,000 animals last year. What happens to these animals once the new law takes effect? Are they to be starved to death because the public is no longer able to feed them?

The public fully supports a catch and release program, championed by Alley Cat Allies and by your own animal shelter. This proposed ordinance, while well meaning, is tragically flawed. I urge you to reject it as written and have it rewritten in a way that reflects the rural realities in which many of us live. It's enough to have the Assessor's Office coming out to value our homes. It's abhorrent to think that the animal control officer will be looking

at our window to see if we have an unlicensed cat, or for that matter, three dogs and eight cats. Thank you very much.

CHAIR HOLIAN: Thank you, Walter.

MARTINA OLGUIN: [A handout was distributed that was not made available for the record.] Good evening, Commissioners. My name is Martina Olguin and I'm here representing New Mexico Dogs Deserve Better. We are a dog rescue organization serving primarily chained and penned animals throughout the state of New Mexico. We have worked in – from Stanley to Taos, Cuba to Las Vegas, Valencia County, Bernalillo County, and we've serve large-scale chaining cases as well as individual cases, often hand-in-hand with animal control officers in all of those locations.

Hoarding cases, along with chaining cases, are the worst cases that we see. They're the worst cases that are prime examples of cruelty and abuse. As you can imagine, on this cold night here in Santa Fe there are many chained and tethered dogs that will die at the end of their chains. I've seen it many times; it's a very common end.

Another common end that I've only, fortunately, had to see once was when chained or tethered animals jump over fences or other obstructions and hang themselves. These are just two of the most severe endings. But the injuries that they live with on a daily basis, embedded chains, embedded collars, those go on for a time, get maggots, [inaudible] flesh, those are some of the problems.

Santa Fe is an international city. You set the standard in many ways and are also known throughout the country as a city that's animal-friendly. This step forward in moving towards an anti-tethering policy is a step forward but I highly encourage you to consider a zero chaining policy. We see with other municipalities that the kind of gradations in the ordinance are often hard to enforce – length of trolleys, the length of the tethers, all of those things become hard to enforce and are just – due to limited time and resources. Bernalillo County will be a zero tolerance as of June, I believe. The City of Las Vegas is also a zero tolerance county. So we absolutely urge you to look at a zero tolerance policy to chaining and tethering. Thank you.

CHAIR HOLIAN: Thank you. Who's next?

JAN POLLOCK: Good evening. My name is Jan Pollock. I've been a resident of Santa Fe for 12 years. I'm coming tonight with a fairly unique perspective. I'm a former member of the Washington, DC Animal Rescue League. I'm an active supporter of the Santa Fe Animal Shelter and the Espanola Animal Shelter. I'm also a former dog breeder and I'm a current judge at the American Kennel Club. I am approved to judge working dogs, herding dogs and toy dogs.

I do not think the responsible breeders that are aligned with the American Kennel Club or the United Kennel Club or a national breeder organization is the problem, and Mary Martin and I have talked about this. Most national breed clubs, if they get a cocker spaniel, they call the cocker spaniel rescue and they come and get that dog. The breed clubs feel very responsible for the purebred dogs.

But I think there needs to be an exception made for [inaudible] dogs that are champions, because many dogs are being trained in performance – agility, obedience, tracking – these performance activities are the largest growing in the dog community. It's a bigger deal now than conformation is. So I would hope that you might consider reworking the

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part that says the only exception is a dog that has attained a championship. I can understand if they let the dog out two or three times they're not very serious about training it in performance or in conformation, so that's another matter. But anyone can be a victim to a single instance where a meter reader or a workman leaves the gate open and the dog gets out. You might consider saying if a dog is out twice in 18 months or something. I don't have the solution but I would just ask you to please look at that.

The other suggestion that I think needs some work is the breeder permit section 8 and the litter permit section 8. It presents an interesting conflict, because if you follow the instructions and you pay a \$100 intact license fee, and then you get a \$250 breeding fee, because you pay \$125 for the father and \$125 for the mother, but if you say this is an accident, you pay \$25. So the incentive is not for the responsible breeder and I believe that we are not the problem. And I'm no longer a breeder. When I became a judge I stopped breeding dogs. I work closely with the shelter. I help adoptions. I contribute most of what I make judging to animal rescue.

So I have it from kind of unique perspective and I'd just like to bring up those two things. Thank you.

CHAIR HOLIAN: Thank you, Ms. Pollock. Who would like to speak next?

DIANE MCGREGOR: Good evening. My name's Diane McGregor. I just wanted to reiterate what Martina from New Mexico Dogs Deserve Better said about the chaining. I would like to follow in Bernalillo County's footsteps and see our county be chain-free. I would like to see no tethering of dogs, persistent tethering of dogs. Having a dog out on a chain for an hour or two for part of the day, okay, but this constant living on the end of a chain, it's bad for the dog's psychology. They don't relate the way that they're supposed to, as part of a family. I understand it's a problem in enforcing right now the trolley system and all that but how do you even enforce that. There's just so many dogs chained up and live their whole lives on the end of a chain. I just want to see that changed and I hope you can reconsider that when you write this ordinance.

Also, I was just wondering how – I don't know how many people are in animal control right now or animal services, but how do you enforce that the dogs have water to drink and it's not frozen like tonight, it would be frozen. That they're not living in garbage, that they're not living in their own feces and that they've got enough room. Maybe we need to add more people to animal control to enforce these laws that are going to be made. Anyway, I thank you for having us here tonight. Bye.

CHAIR HOLIAN: Thank you, Ms. McGregor.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Also, Ms. McGregor sent an email and we added it to the record. So thank you for your emails.

CHAIR HOLIAN: Thank you.

ISOLDE WAIT: Hello. My name is Isolde Wait. I'm a long-time Santa Fe resident. I have several issues with this proposed ordinance and one of them is the terrible increase in fees and permitting and licensing fees. And my other issue is with how managed cat colonies are supposed to be supervised by a caretaker who's also permitted and also needs to provide a background check which this caretaker has to pay for. This is pretty ludicrous in

my opinion. So we are glad for everybody and I've participated in trap and neuter and release and I'm glad for every person who continues feeding those cats, which are not really their own, they're on their own account.

My other issue is with the licensing of cats. You must understand that in the county cats have a purpose. They are pest control. Okay? And so we have a family who owns three dogs; they're sterilized. They have a barn full of cats, eight or ten maybe, not sterilized. And then they have two house cats, sterilized. So you can figure how much it would cost. Every cat out there in the barn is \$100 licensing fee as proposed which is pretty insane. And then – so these are my concerns. To sum it up, when you look at your licensing fees and the structures of how much you really want to charge county residents, we do pay other taxes as well and I consider this punitive. Abolish the request for licensing cats and look at the request by animal control that a person has to be licensed in order to maintain a feral cat colony. Thank you.

CHAIR HOLIAN: Thank you, Ms. Wait. Who's next?

BOBBY HELLER: Madam Chair, Commissioners, my name is Bobby Heller. I'm the executive director of Felines and Friends New Mexico. My involvement in animal rescue started 27 years ago with trap, neuter, return of feral cats in Los Angeles. For over ten years here in Santa Fe Felines and Friends has been assisting members of the community to address the issue of feral cats by providing traps and training. For many years we've also assisting in the funding of sterilizations until those surgeries became available free of charge at the Santa Fe Animal Shelter. We are well known to the City and County Animal Control and we are a rescue partner of the Santa Fe Animal Shelter. We're also a founding member of the Companion Animal Alliance of Northern New Mexico.

Feral cats are the result of irresponsible humans who allowed their pets to breed. We have spent years educating the public that if you feed you must fix. These efforts have resulted in thousands of unwanted kittens not being born and hundreds more cats and kittens being socialized and placed into adoptive homes.

In reviewing the November 2012 draft of the proposed ordinance we have found a number of stipulations that are simply not practical or reasonable. If included in the final ordinance the number of feral cats in Santa Fe will increase, not decrease. Many of these issues were presented in a letter from Alley Cat Allies of which I have been a member since 1995. I'd welcome the opportunity to present specific concerns either in a meeting or in writing.

Alley Cat Allies has documented the fact that if you try to eradicate a colony by removing all the cats a vacuum is created whereby cats from nearby colonies fill the void created by the removal. A controlled colony is basically self-regulating and rarely permits a new member to join. Over time, controlled colonies die off.

The argument of potential disease is often used as a reason to eliminate feral colonies. The reality is that feral cats provide a service to the community pest control. Remember, Europe was decimated by the plague until cats were permitted to run free and ultimately control the rodents. Santa Fe has rodents who have been found to carry a number of diseases including plague.

There are those who of course bring up the fact of predation of feral cats on wildlife and what most of these reports never record is that for every bird or other mammal, they

don't report the volumes of rodents that are eliminated. Felines and Friends firmly urges the implementation of an ordinance that protects feral colonies from persecution. The issue of poisoning being a fourth degree felony should specifically be included along with language allowing feral cats to be exempt from licensing and free roaming restrictions. The ordinance should cover both county and the city of Santa Fe since the city of Santa Fe is within the county, and such boundaries are irrelevant to free-roaming animals.

Trap, neuter, return does work but in order to do so volunteers in the community need an ordinance that supports their efforts. Felines and friends supports the effort to improve the quality of care of all animals. The current draft is a step in the right direction. However, further revisions are needed, and recommendations from Alley Cat Allies as well as volunteers who do the actual trap, neuter, return work should be seriously considered. Thank you.

BOB DEYOUNG: [A handout was distributed that was not made available for the record.] Madam Chair, Commissioners, thank you for allowing me to speak about the proposed animal ordinance. I'm Bob DeYoung. I am a county resident and I'm here in that capacity. But I also have extensive knowledge about my breed of choice, the Australian terrier, but breed very selectively and have not had a litter since 2008. In addition I'm the vice president of the Rio Grande Kennel Club and was a volunteer legislative liaison from 2008 to 2012. I've been actively involved in a number of animal-related and other legislative issues over the years on the national, state and local level. Recently, I served on the Bernalillo County Animal Ordinance Review Committee which held approximately 20 public meetings over a 13-month period.

Considering that experience I certainly appreciate the contributions of the group that developed this ordinance. I've experienced similar pain as well as pleasure on that. But I do have several concerns. My comments are prepared in the interest of keeping them as brief as possible, and I will certainly appreciate the opportunity to discuss them at a later time in detail. But since you have proposed that there will be additional meetings of the task force I might want to dispense with my prepared comments because they're very extensive, on about 30 different points.

CHAIR HOLIAN: Maybe you could just summarize some of the most important points.

MR. DEYOUNG: Madam Chair, I will try to do this as scan through this. First on page 3, Section 4.x. I'm concerned that the definition of kennel is so broad, particularly due to the word kept. That could be interpreted to be any property in the county that has animals, requiring every animal owner to get a kennel permit. I presume that's not the intent.

Let's see. Space requirements, it needs to require a height requirement to ensure that dogs and cats can be able to stand comfortably. Let's see. The rabies vaccine requirement on page 8, Section 6. B. 4 should also require that it provides immunity for no less than one year, not just up to three years. And I think this has been covered but I want to reiterate it. On page 8, Section 6.B. 7 and 8, requiring veterinarians to report rates of vaccinations out of concern for vaccine compliance or revenue generation, considering it's a post-vaccination measure I'm inclined to think it's the latter. The provision would likely encourage irresponsible behavior, reduce the level of trust that owners give to local veterinarians and increase greater risk to the health of the animals and the humans.

Page 9, Section 6.C 3, an animal properly vaccinated for rabies should be allowed home quarantine after exposure to rabies. Let's see. License tags should not be required for dogs – this is page 10, Section 6.G 2, license tags should not be required for dogs and cats when they are owners' premises, particular if they are also micro-chipped. Dogs that participate in conformation events rarely wear collars outside the show ring because it damages the dog's coat. That's just one example of why you wouldn't want to require that on an owner's premises.

And I could sit here and go on and on on these but I think there's a better forum for that so I think probably the best thing for me to do at this point in time is take up those concerns with the task force. A lot of the concerns that I have have already been reiterated. I was going to tell you about one of my dogs. And I think I may go ahead and just do that briefly so you have some idea –

CHAIR HOLIAN: Thank you. We could use a story.

MR. DEYOUNG: Okay. Good. Great. So – and it also goes to talking about what responsible breeders do and what responsible breeders are. So first I'll show a picture. I'll go ahead and turn it around. That's Phil. When we get to that section I don't have prepared comments. I'm sorry. So Phil, he's also known as Benayr Wild-Eyed Philosopher. That's his show name. He's an eight-year champion Australian terrier, in semi-retired after a very full first seven years of life. He's won best of breed over 100 times, has received over 30 terrier group placements and two terrier group wins, rare achievements for his breed as our judge here would attest.

In 2007 Phil was the American Kennel Club's number one all-breed Australian terrier. He's been invited to the Westminster Kennel Club dog show and the Eukanuba national championship on multiple occasions. Phil is also active as a model for breeding competitions across the county and at international competitions in Europe, allowing the groom work to achieve several best-of-shows and other accolades. In testament to proper breeding as a purpose-bred dog he also has great prey drive as a rodent hunter and would give cats some competition for sure. And is an affable family pet.

Phil has sired 12 puppies, but not before he and the three dams underwent extensive health test. All the puppies were examined by a veterinarian at three days of age, received appropriate shots while they were in my possession, underwent biosensor stimulation exercises from three days of age to 16 days of age to improve lifelong cardiovascular and adrenal gland performance, stress tolerance and disease resistance. They also underwent extensive temperament testing to help assure they were paired with the appropriate family. They were not separated from their dam or siblings until at least 11 weeks of age to help assure they would be properly socialized to people and other dogs. After completing careful research and reference checks on all the new owners who didn't want a shelter dog, who wanted a purpose-bred dog with an extensive lineage, the puppies were placed at appropriate homes under a contract guaranteeing their health and return at any age regardless of why things didn't work out.

The contracts also require pet quality dogs should not be bred and should be sterilized by no greater than two years of age. You may ask why wait until two years of age. Some owners reasonably want to wait until growth plates are closed and a dog is full grown before sterilization, because there are some health issues associated with early sterilization. And I

also verify that all those pet quality dogs are sterilized. One of the puppies was returned because the owner was unprepared to put in the effort to housebreak a particularly strong-willed puppy. I housebroke her within two weeks and found a suitable home for her during the time she was with me.

Some of the puppies went on to achieve their own championships and all of them are living happy lives with families in New Mexico, California, Arizona, Texas, Arkansas, and Minnesota. Incidentally, I did pay gross receipts tax and all the other required fees in Houston, Texas and Bernalillo County, the locations where the puppies were whelped. I never say never but none of the dogs I've owned have ever been astray and I go to great lengths to contain them including running a low-voltage electrical base perimeter fence at their exercise yard. You may say why that? They're diggers. So that way they stay away from the fence, don't get under it.

I raise dogs as a labor of love, not a commercial operation. As a commercial operation I would be a dismal failure because the proceeds that I've received offset a small fraction of my expenses. Putting things in that perspective I would hope that you find Phil and his owner an asset to the community. And the reason why I want to bring that up, and I'm very thankful that Mary Martin has recognized that some of the [inaudible] proposals are punitive and could quite possibly be out of compliance with state statute and the state constitution because it could be considered a tax.

So I just wanted to present this information to you about what proper breeding is about, what a great dog is about so that you understand that we're not the enemy. We try to do things – good breeders are not the enemy. We try to do things as best as we possibly can and we generally do support [inaudible] and a variety of other things in our efforts. Thank you for your time.

CHAIR HOLIAN: Thank you, Mr. DeYoung. You can leave the picture here. It will make me feel better.

JIM GIVENS: Hi. My name is Jim Givens and my wife and I have a concern with the new leash law. It appears to us to be overreaching and kind of oppressive for a rural area. It's attempting to put big city laws into a rural area and change the character of the area. We love the wide-open spaces and the little bit of freedom that we did out near San Marcos where we don't have big city type laws out there. We have a six-year old shepherd dog and I walk her approximately 300 times a year through the arroyo system that abuts our property and some of our neighbors' properties. And now to have to put her on a leash, I just can't do that. For one thing, it's unsafe. The arroyo is full of stumps and rocks and uneven ground and it just wouldn't be feasible. It's impractical and unreasonable, we think. And so we'd be forced to go out on the road and walk our dog like any big city person would. So that's all I have. Thank you.

CHAIR HOLIAN: Thank you, Mr. Givens.

TOM JERVIS: Madam Chair and Commissioners, my name is Tom Jervis and I am president of the Sangre de Cristo Audubon Society. Sangre de Cristo Audubon has 1,400 members, most of whom reside within Santa Fe County. This position that I'm presenting tonight has been authorized by our board of directors. Audubon's concern with the proposed ordinance relates to the effects of free-roaming cats on native wildlife, particularly birds but also reptiles, small mammals and important pollinators.



We are particularly concerned about the acceptance of feral cat colonies in the proposed ordinance and the vagueness of many of the provisions of the proposed ordinance as applied to such colonies and their custodians. Specifically we object to the licensing of feral cat colonies. Feral cat colonies are not humane. The life of a cat in a colony is three to five years, documented, compared to over 15 years as I'm sure everybody's aware in a domestic situation. The life of a cat in a colony is risky at best. They can get hit by cars, attacked by dogs, attacked by other cats, coyotes or wildlife. They can contract fatal diseases such as rabies, feline distemper, feline immunodeficiency virus. They can get poisoned and they suffer during severe weather conditions and the suffering of animals is one of the points that this ordinance is meant to address.

There is no question that birds are better off when cats stay indoors. A peer reviewed study by the University of Nebraska Extension Service, which I would like to enter into the record. I will give it to you. [Exhibit 9] Has concluded a number of things. I won't go through the whole list but feral cats are invasive, pose a threat to native wildlife and public health. Three separate studies reviewed by this study have shown that 62 to 80 percent of feral cats carry the parasite responsible for toxoplasmosis which is a serious threat to pregnant women. Feral cats kill an estimated four billion animals and at least 500,000 million birds in the US each year. If we're concerned about killing animals we should be concerned about those birds and animals, and in fact this evening on National Public Radio another study published in *Nature* magazine was reported on and they say that the estimated number of animals killed by feral cats is probably about four times this number.

Feeding feral cats, as has been pointed out by some of the feral cat folks increases the chances of disease transmission actually because they collect together and so being concentrated they're more likely to transmit disease. And cats will kill wildlife even if they're well fed, so feeding the feral cats does not reduce the impact on wildlife. Cats kill because that's what their nature is.

Finally, cat owners should keep their cats indoors. There are a number of ways that people can help their cats adjust to indoor lifestyle. Many veterinarians and animal welfare organizations support keeping cats indoors for their own safety as well as to prevent them from killing wildlife. Outdoor cat colonies sustained through the practice of trap, neuter, release, regardless of what it's called, are bad for birds, do not help reduce the population of feral cats, and are inhumane for the cats who lead short, harsh lives. In effect, we believe that feral cats should be trapped, neutered, and adopted to loving homes, kept in enclosures if they will not tolerate being indoors, or failing adoptability, or some kind of rescue situation they should be humanely euthanized.

For these reasons we believe that the ordinance should deem it unlawful for the owner or a custodian of any cat to fail to keep the cats from running at large within the county, that is astray, as defined. Further, it should be unlawful to own, keep or harbor more than some number of cats that are four months of age or older on any premise. Only one litter of offspring should be kept on the premises until the age of four months, with obvious exceptions for pet shops, kennels, shelters, or other licensed facilities such as rescue organizations.

In terms of the vagueness of the proposed ordinance, Section G is unclear as to whether the custodian of a licensed colony is the owner of those cats in terms of licensing

requirements. Section H is unclear on whether spaying and neutering applied to cat colonies, so if a cat is being harbored in a cat colony is it required to be licensed? If it's required to be licensed do the fees apply to that? It's not at all clear in the ordinance. In fact Section I seems to absolve the County of any responsibility for feral cats that are roaming beyond the premises of the custodian, that is, County animal control will not pick up cats that are roaming at large. I would like to offer a copy also for the record of relevant sections of an ordinance from Aurora, Colorado [*Exhibit 10*] that deals responsibly with the problem of feral cats and I thank you for your attention.

CHAIR HOLIAN: Thank you, Mr. Jervis.

VICTORIA MURPHY: Good evening, Madam Chair and council members. My name is Victoria Murphy. I'm a retired animal control officer/shelter director of over 30 years. I come to you with some concerns on your ordinance and how it's written but I also want to applaud you and your staff for taking this initiative on as it has been well needed for many years now.

One of the main concerns that I have in your ordinance is that it does address on page 11 that your officers will not respond to requests to retrieve feral cats, and the definition of feral cat or feral is any animal that appears domestic but is untamed and uninterested. This leaves that definition to be determined by the general public, just because a cat cannot be caught that it must be feral. As many of you know most cats, even in a home of great love and job, many times will hide under the bed when company comes over. So they're not going to normally be sociable. This is a problem because cats, as in Eddy County, are major carriers of zoonotic diseases. Eddy County had a rabies outbreak and had to suspend if not terminate their trap, neuter and release program because of the rabies spread, particularly feral cats as well as the wild animals, not to mention plague and tularemia which we've had children die in Santa Fe County from the plague which was transmitted from infectious cats.

So for the County not to pick up stray cats that may be perceived to be feral seems to be a liability on the County's part, not addressing zoonotic diseases that cats carry. As the primary function for animal control was to prevent the spread of disease to people as well as control the animals. So I just ask you to take a look at that. When it says that they will not pick them up, what is driving that forward? Is it the fact that there is a lack of staff to address some of these calls?

And since I talk about the lack of staff, since it's been addressed that there is a lack of staff and as a county resident – I live at the furthest southern end, I can tell you that it's typically two hours delay in a call for animal control until their arrival and many times the problem is no longer evident. I have a concern that I would now be charged for a false report because the problem is no longer evident because of the delayed lack of response.

Also, if there is a lack of employees to carry out the provisions of this ordinance, then how are they doing inspections on properties that take three hours? So I would encourage you to consider that one of the main needs for the County is to improve the animal control department by providing more staff rather than more ordinances that they can't enforce.

Further I would like to indicate to you that there are some discrepancies in your ordinance that need to be looked at. For example, on page 15 when it says ASD, which I'm not sure what that acronym stands for, may impound a stray animal. But it's followed by number 9 where it says no person shall hold or retain possession of any animal. So it appears

that when it relates to the public the word shall is used, which shall means mandatory, and may means it's discretionary. So many portions throughout this ordinance say shall when it refers to the public and may when it refers to your entity. And I suggest that you make sure that there's a consistency, in that the public shall not hold an animal, and then the animal control shall pick it up, rather than it being discretionary.

Again on page 11, you talk about a spay-neuter requirement which in general I'm not in favor of. I've been in this position a long time and I remember thinking 30 years ago that maybe some day there won't be a need for shelters and there's still a need and there's more need than ever. But this is an unfunded mandate that you're putting in your ordinance, requiring all county residents to spay and neuter their animals. That is inconsistent with the state law, which is the Pet Sterilization Act in Chapter 77 of your state statutes. The only requirement in the Pet Sterilization Act is that the animal must be sterilized when it's retrieved from an animal shelter or adopted from an animal shelter. It does not require the general public to sterilize their pet. I'm not saying I'm against that but if you're going to require it there needs to be some provisions to help these low, poor income neighborhoods to sterilize their pets. The funding may be available and the resource may be available in your city. It's not available on the furthest edges of your county, and those individuals do not have access to low-cost spay-neuter services. Many don't even have an automobile to take their animal to the vet.

There was a mention in regards in somebody's discussion that feral cats were primarily and are still primarily being euthanized because of a lack of medical or socialization reasons. So does that mean if we don't pick them up, if we don't bring them into the shelters that they could die of disease? Also I do have a concern that if we're going to allow feral cat colonies to exist that we're going to require those people that these cats might be passing around the neighborhood to now assume the responsibility of trying to spay, neuter and vaccinate, and what happens if there's a disease outbreak? Now it's the responsibility of that poor landowner that happened to be a pass-through for those cats.

I happen to have four cats that wander through my property, none of which are my feral cats. I would probably call them strays rather than ferals, but I can't touch any one of those four cats. My cats that I own live indoors. But with this ordinance passing I would feel a need to trap, see that they're sterilized, and trust me, I've spent years in your county and I've spayed and neutered my fair share of cats that have wandered through the property, and I can't afford it anymore. At some point there has to be a responsibility on the County to address the issue of stray cats just like they would for stray dogs.

On page 18 it says individuals may obtain a professional animal care permit which would indicate that it's options, but it follows by saying within the definition – let me back up a step – nowhere did I see a definition for what a professional animal care permit is. And by your fee schedule it refers to it rather than as a professional care permit as individuals maintaining more than ten animals on their property. When I look to the ordinance it talks about the number of animals that someone can keep it requires the permit because it says it is unlawful to keep, harbor, possess, maintain more than ten dogs, cats or other pets, but no definition of what other pets is, other than a possible exclusion in the definition. And in the definition is excludes livestock.

As this ordinance is written I have seven dogs and four cats and multiple livestock, and the four ferals or semi-ferals or stray cats that run through my property, three of which my animals are geriatric. They're all rescue animals. They're all spayed or neutered. It would leave me to try to decide, rather than letting my geriatric animals die of natural causes, who do I need to euthanize so that I don't have to pay \$288 just to license my companion animals, 11 total, not counting ferals that might be wandering through the backyard. So I ask you to consider that yes, these license fees may be punitive for the responsible pet owner, and I don't think that was the intention. \$8 an animal for 11 animals is \$88 but because I have 11 animals I have to also pay a \$200 multiple permit fee, and that's every year. I've already invested a lot of money in vaccinations and sterility and medical needs for these animals and every year this might encourage me not to adopt from the shelter that one other pet that might need my medical assistance. I'll just wrap it up.

CHAIR HOLIAN: Thank you, Ms. Murphy, and I would encourage you to write this down and email it in so that we have this on the record.

MS. MURPHY: I will follow up with a written notification to you. Another notice of discrepancy, page 26, it says an animal that runs at large is in violation of this section and it shall be declared to be a stray, a nuisance or a menace to the public health and safety and may be picked up and impounded. Again, if it shall be a stray, it shall be picked up. There is a lot of room for animal control if they don't have the manpower to not respond to these calls that are truly why they exist.

CHAIR HOLIAN: Okay. Thank you.

MS. MURPHY: Let's see if there was anything else. One other thing. There was a mention in the difference of licensing. I am in favor of differential licensing between a sterilized pet and an intact animal. The reason I'm in favor of it is it promotes sterility. It encourages people to spay and neuter their pet and they are paying a higher cost for an intact animal. It may be punitive to make it \$100 permit fee or license fee, but I do think it is important to differentiate the cost for a responsible pet owner and make the other one a little higher to encourage compliance. And I will follow up with an email.

CHAIR HOLIAN: Thank you, Ms. Murphy.

HENRY ROYBAL: Hello, Commissioners. My name is Henry Roybal and I have a lot of concerns as far as this ordinance goes, and Walter had a lot of points that I agreed with. First of all we live, everybody that's probably here lives in an area that's rural in the county. Not everybody lives close to the city and in these areas there's a traditional atmosphere and a lot of times people and families all live next to each other so you do have dogs some times that roam to the neighbor's yard and most people that I know have never really complained about that. I know that we need to keep them in the yard but at the same time I don't think a leash law, for them to be on leashes or from them to be in a kennel or a dog run or chained is the correct way to do it. I think as long as these animals are staying on the property there shouldn't be a law for you to keep them chained or tied.

So I'm asking that you guys re-evaluate what's written and the revision to have the public involved with that, with the revision. This is pretty much the first time I've heard the different ordinance that they went over so I did write down some things that I didn't agree with and one thing is as far as the cost to license your animals, you're looking at, if you're animal is picked up by animal control it's \$400 or \$500. There is people that have multiple

animals and if they can't afford to take it voluntarily to pay \$90 they can't afford other costs as well so you're going to have a lot of people that will just abandon the animals. So I don't think that's going to be very smart for the County to do, because all it's going to do is end up having to euthanize more animals and end up overpopulating the animal shelter.

I do feel that a lot of the rules that they did mention, some of them were good rules as far as giving guidelines as to the size of kennels and stuff like that to the public. I think they need to be a little bit clearer. But I think some of the citations they were showing, 400 or 500 citations given and there were 600 licenses, most of those licenses that were given out were probably animals that were picked up or animals that were adopted. So I think that if we try to get everybody to license animals they're never going to get it done. There's too many animals out there that are unlicensed and a lot of people can't afford to pay \$90 to voluntarily come and license their animals. So I don't think it's feasible that we'd be able to do that. So I think that we probably need to reconsider and rewrite this and we need to get more of the public involved and that's pretty much all I have to say.

CHAIR HOLIAN: Thank you, Mr. Roybal.

MARY STARR CHARLETON: I wasn't sure I was going to speak but I have a different point of view too. We tried obedience and show and found that that really wasn't our venue, so we've gotten into herding dogs. We have livestock and we have border collies. We have working German shepherds. I had a Samoyed. But our concern is the breeding issue. To have a quality dog it takes three to four years, maybe longer to determine if that dog is going to be worth breeding. In the meantime we're paying punitive breeding fees, which upsets me.

The other interest that I didn't pick up on was the leash law. We work our dogs off leash without tags for their safety. You cannot herd livestock with a leash on. The livestock know it and they leave very quickly. And we work in an area where it's private property but we can also go out on BLM land. The dogs are loose. So it's really hard to reconcile all of these issues, but these are some of our concerns.

CHAIR HOLIAN: Thank you, Mary.

SANDY ANDERSON: Hi, Madam Chair and Commissioners. I'm Sandy Anderson and I'm very excited about this work everyone's into. Just from listening to people it occurs to me that there's going to have to be work done for the county near the city and the county in the rural area. They just sound like two different animals. I'm from a rural area and so I have a totally different perspective. My main concern tonight is that now individuals are allowed to have more than ten dogs and there doesn't seem to be a cap on that. Please correct me if I get anything wrong. And I didn't notice any zoning requirements, where these individuals could live with all these dogs. I love dogs but I'm speaking from experience and I happen to live near someone who has quite a few dogs and it has changed the whole atmosphere of our neighborhood. Our peace and quiet is just simply gone.

They're trying to work on that but I don't know if there's any kind of zoning in place where these individuals can live and have all these dogs. They're well-meaning but the whole picture needs to be taken into account, the neighbors and the person, the person's going to get discouraged if the neighbors are always after them because of the noise. It's hard to like a neighbor when you're being irritated by noise. It's very hard.

And the other concern is the numbers an individual can have of dogs. This is a group of dogs that aren't getting individual attention. You know they're not getting that social, emotional part of life that we all enjoy dogs. They're in a pack and who knows how long they're going to be in that pack. I didn't notice any regulations on how long dogs can stay under a person's ownership. There must be some hoarders around and that wasn't addressed either.

So I'm just concerned about the noise of the neighbors and concerned that the dogs aren't getting their individual attention. And I think this whole area of ten dogs or more – it doesn't say how many. I think that really needs to be regulated further.

CHAIR HOLIAN: Thank you, Sandy.

HELEN BOYCE: Madam Chair and Commissioners, my name is Helen Boyce. I've lived out in the country for the last over 50 years and have seen our neighborhood grow. In the old days I would have said if you don't like barking dogs you need to go somewhere where there aren't any. Many of our neighborhood residents have relatively large properties and when I heard that perhaps my companion dog and my daughter's companion dog has to be chained or trail chained, I'm horrified.

We have dogs that always have come from shelters. They are our protectors. We're living close to the prison and it's very nice to have dogs that alert you that somebody strange is coming onto the property. To chain it up would just make absolutely no sense, because most female dogs that we've had who are spayed will create a perimeter along the property that they want to protect and that of course includes their owners. I have some old, mature neighbors who live alone and their dog is their guard dog when somebody comes on to the property that's either a stranger or a friend. And to impose the fees that I'm sort of adding up, to own an animal, own a dog, own a companion and friend, cat or dog, with those fees will distress people who have animals on their property and take them in and keep them, like in my case 14 years at least.

My cat is an indoor-outdoor cat and it comes in when it gets cold, like now it doesn't go out. But it's definitely not a cat that's kept indoors. In fact I sort of think that's not really fair. Cats do need to roam. Mine is belled, meaning it has a collar with two bells on and the birds are relatively safe from him. I feel strongly that especially in the case where the animals are companion, friend and family members, the ordinance that I see, the fees that I need to pay, and some of my friends who are on limited income need to pay, have to be revised downward, severely. Thank you.

CHAIR HOLIAN: Thank you, Ms. Boyce.

GINA THOMAS: Hello Madam Chair, Commissioners. My name is Gina Thomas. I recently sent an email, and I will keep this brief. I'm basically new to Santa Fe, for about four weeks now, and I've been wondering a little bit if the ordinance has any provisions for temperature. I know over on the east coast, in Rhode Island at least there are some laws that abide by the Tufts University Veterinary School requirements for extreme temperatures, either above 80 degrees or below 45 degrees as temperatures that are unacceptable for animals in this case that I'm speaking about, now, dogs, to be outside for a certain amount of time. Just wondering if that's something that can be a little more specific in the ordinance, because I think a lot of this is very subjective and I think the only way to have some semblance of accountability is to have some real detailed guidelines.

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The other piece I wanted to say is I've been a psychotherapist and social worker since 1987 and I've worked in New York City, in Brooklyn. I've worked with people that are mandated to treatment for DUI's, substance abuse, and when it comes to the issue, we're talking so much about fees and about revenue, and I understand our cities need these things. I'm wondering if in the ordinance, especially when it comes to issues of abuse and chained dogs and some of the things that this wonderful woman was talking about, if an alternative to fees or if in addition to fees could be the possible mandating of outpatient psychotherapy, humane education. That we could see these opportunities for teaching rather than just to collect fees. If we're giving someone a citation because their dog is out in 15 degree whether and the water is frozen and he's got a cut on his neck, it seems to me that that owner, no matter what class, has a sense that what they're doing is about dominion and power and pain.

And if that's an opportunity for us to say, okay, you're going to pay for three sessions of humane education, something that is compassionate and kind, not just – I know domestic violence classes are famous for just being another form of perpetration, another form of being cruel to the perpetrator. I'm talking about human education in its best sense, motivational interviewing, helping people to perhaps see that what they're doing is causing pain and what is that like for them and why is that's interesting to them. And let's use this perhaps as an opportunity to teach and to shift perceptions, not just gather money. Thank you.

CHAIR HOLIAN: Thank you, Ms. Thomas. Well, it does seem like we're at the end of the public comments, so now I will open this up to Commissioners for comments and suggestions. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'd like to thank everybody who came to comment on the various aspects and thank you to our staff for all the hard work. The comments that I'd like to make to be addressed in the further rewrites is that I do believe that there's a difference in having pets or animals in urban, suburban and rural areas. And the constituents that I have in Rancho Viejo and in Eldorado have serious concerns about loose dogs and dog bits. The neighbors that I have along Highway 14 and further out in the country have not brought those concerns to me. And I have dogs. I have cats. And we co-exist. The dogs will go up to the property lines and bark at the dog on the next property line and every once in a while we'll have a wild cattle stampede through everybody's yard which surprises us all.

But I do think there's a difference. And if we want to address highly dense, highly populated areas maybe that has a different standard.

The issue that I brought up the last time is I would not support and I do not believe Santa Fe County should have permit fees and business license fees. And I've talked to Penny Ellis-Green about this. I've made this comment the last time, but if someone were going to have a business we shouldn't be turning around charging them \$100, \$200 on this hand and \$100, \$200 on that hand.

The other comment I would make at this point is that we have a range of incomes in Santa Fe County, and if we have animals that are picked up and taken to the shelter and have fines or fees that are required to release them, I'm concerned that the animals are going to end up staying at the shelter. And if they're not adopted eventually then it would be the end of their life. And that's not the animal's fault; it's the person's fault. And I think that we do







COMMISSIONER MAYFIELD: Madam Chair, thank you very much and everybody who came tonight, thank you so much for all your comments, for all the emails we received and I will not be reading any of the emails I received in. Some emails though I will let them stand for how they were presented to me and they're in the record. But with that being said I just want to thank our staff. I want to thank ASO Esquivel and I just want to say this. Our enforcement officers have a very tough job out there, people. There are some people that are very happy that our enforcement officer show up; there are some people that aren't so happy that our enforcement officers show up. They're just doing their job. I want everybody to know that, and they're doing their job for the betterment of Santa Fe County. And they're doing their job by the rules that we all up here are putting for them to do so please don't hold anything against our enforcement officers and our Sheriff's officers, because they're just doing the job that they're charged to do. So thank you for the job that you do for us.

Also with that being said I want to thank Ms. Mihelcic and Ms. Esquivel who were on KSWV this morning. They've done a great job of trying to get this information on these proposed ordinances out to the public and I think we're going to do a better job to make sure hopefully this message gets set out.

With that I do have some questions based on all the public comments that came up, so they may be indirectly directed to some of you that made them. I don't know how that response will come back, and then I have some questions based on this ordinance. So I don't know how long we'll be but I know the chair may say, Danny, that's enough talking. So I'll leave it at that.

First question though, and I'm just going to ask this, Audrey, because I think that there might be some confusion based on some questions that came up. The trolley system – help me with the trolley system. Just explain a trolley system better to me please.

MS. ESQUIVEL: A trolley system is for somebody who would have no other means of keeping their dog on their property. We're not at all saying that any dog on anybody's property needs to be chained, trolleyed or tethered.

COMMISSIONER MAYFIELD: Ms. Esquivel, explain a trolley system to me please.

MS. ESQUIVEL: A trolley system is a cable where you can put it 12 feet apart. The stakes go into the ground and the dogs have their chains attached to them or their lead. And it just gives them access to go back and forth.

COMMISSIONER MAYFIELD: Okay. So Ms. Esquivel, I heard a comment. It was Ms. Boyce, and I don't know if I have your last name right or wrong and I apologize if I do, but is that, if somebody does not have a full perimeter fence on their yard, that's why they would use a trolley system? So if somebody has a full perimeter fence on their yard, they don't need a trolley system. They could just have their animal in their yard that runs free in their yard, correct?

MS. ESQUIVEL: Exactly.

COMMISSIONER MAYFIELD: So just so everybody knows that. If you have a fenced yard your dog can run in your yard.

MS. ESQUIVEL: Correct.

COMMISSIONER MAYFIELD: Just so you dog does not get outside of your yard.

MS. ESQUIVEL: Yes.

COMMISSIONER MAYFIELD: So that clarification, so everybody knows that. Thank you. If it's for the sterilization of say, show dogs. So if as I understand it, and I appreciate the comments saying sometimes sterilization is not recommended for dogs that have not reached two years of age. And I know that maybe this proposed ordinance is saying sterilization arguably immediately – and I don't want to say at birth, but is that how this ordinance is reading? And whoever wants to answer this question from staff I would appreciate that or maybe from who helped draft this ordinance.

CHAIR HOLIAN: Maybe Mary could address that.

COMMISSIONER MAYFIELD: Okay.

MS. MARTIN: Madam Chair, Commissioner Mayfield, there's a confusion about the spay-neuter piece in its entirety and I just want to speak on the piece that affects my shelter directly. We were hoping that dogs that are picked up as stray that are brought to the shelter would be sterilized before we release, if age-appropriate, determined by a veterinarian, and with the exceptions that we listed, which were recognized show dogs, we used the language champion but then they, as evidenced by some of the feedback we may need to make some changes to that to satisfy those people who have working dogs that they need to have unsterilized, but also animals that are not well enough, old enough or otherwise able to handle the surgical sterilization, again based on either their veterinarian or our veterinarian's recommendation. And also service animals.

COMMISSIONER MAYFIELD: Okay, so whoever can answer this question. So what is the appropriate age to sterilize an animal?

MS. MARTIN: You will have an argument if I – I'm not a veterinarian. Generally speaking, out in the world most people accept six months as the age appropriate to spay or neuter. There are others who disagree with that. Actually the studies now show that I can provide for you that the thoughts about early sterilization having long-term side effects have been disproven and we have those studies from the *Journal of the American Veterinary Medical Association*. But the reason we sterilize early is just being sure that we don't have animals – the overpopulation issue that we currently have. But frankly, if you have your own pet we would recommend six months or whatever your veterinarian recommends.

COMMISSIONER MAYFIELD: And I'm going to ask two follow-ups. Going back to some comments I heard earlier, if you're a professional – I don't want to say breeder – but if you're showing in a professional organization, I heard that they don't recommend two years, or they were recommending, at least from what I heard in the testimony, they say at least don't do it for two years. So I don't know if there arguably could be sanctions from the group they're showing in and maybe they could not be able to win a championship if they have a sterile dog.

MS. MARTIN: There again, if they're showing their dog actively, we're not suggesting they should be sterilized.

COMMISSIONER MAYFIELD: Okay, but then they might be subject to higher fees of this County imposed that. And I guess my other point is, when is the County requiring that you license your animal? At birth? Or after six months?

MS. MARTIN: Neither. Neither. It has to do directly with a rabies vaccination, and the age of the animal appropriate for rabies vaccination is three months or older.

COMMISSIONER MAYFIELD: Okay. So we would require somebody to license their animal at three months?

MS. MARTIN: Yes.

COMMISSIONER MAYFIELD: So we would charge somebody – proposed - \$100 at three months because we would not require them to sterilize their dog until six months. So the first animal under the current proposed ordinance, everybody would pay \$100 the very first go-around. Straight up. Because every licensure would require at three months of age, because that's when they would get a rabies vaccination, but then everybody would not be asked to sterilize their animal until six months. So everybody who is asking to get a license for their animal would be asked to pay \$100 at three months of age, because that's when they're going to get that first license.

MS. MARTIN: Madam Chair, Commissioner Mayfield, as I stated before, personally, I'm not in support of that, but I suspect that this is maybe an area where we follow with this, it needs to be clarified that there would be a provision to refund that money.

COMMISSIONER MAYFIELD: Just so you know, and everybody can probably can attest, I'm a very literal person with what I read. I think everybody will know that. That's how I read this. Everybody would be asked to pay. And I haven't heard anything in here. But I'm just going to say this. I do not support a \$100 fee. I'm just going to let that be known right now. But that's how I read this ordinance as proposed today. Everybody would be asked to pay the \$100 and then I have heard no mention of a refund until you just said it. So thank you.

So I'm going to kind of check off on my list. Thank you, Ms. Martin. So this one would be for Mr. Ross. Mr. Ross, I kind of heard some folks mention two things. That some of these fees may be against state statute, and we were having a sidebar there and I think you've already kind of done some research on that, so if you could just clarify that for me please.

MR. ROSS: Well, Madam Chair, Commissioner Mayfield, no, there's no state statute against these fees but there is a general principle that fees have to be proportional to the amount it costs the government to perform various services. I talked to Rachel a minute ago and she said they have made an attempt to make the fees proportional to the actual cost to the County of implementing these various provisions. That doesn't mean that the fees have to be the amounts that they are in the proposed draft but you probably wouldn't want to go much higher than the fees that are listed here because they represent some analysis on the part of the staff of the amount of time and effort it takes to do these various tasks.

COMMISSIONER MAYFIELD: Okay. Thank you. And then a follow-up on my question to Ms. Martin. Is there a state law that was mentioned a little earlier and could we be in conflict with state law as far as the spay and neutering out there?

MR. ROSS: Madam Chair, Commissioner Mayfield, people are probably confusing the constitutional provision that prohibits the legislature from establishing a mandate without funding; that doesn't apply to counties.

COMMISSIONER MAYFIELD: Okay. And again, I'm just going to say unintended consequences of basically fiscal impacts on folks, and I just hope we would take into consideration low income individuals, financial hardships of individuals, the unintended consequences of basically people not coming in and licensing their animals, not getting the vaccination for their animals, and maybe just a lot more dogs out there, cats out there without these vaccinations. I'm just going to let that be said. I know there was a comment made by Ms. Martin and I am wholeheartedly, 100 percent in agreement with what you said on that, Ms. Martin.

So one thing, another comment was made by a gentleman from the Audubon Society. I appreciate your comments, sir, but I do have to ask this. Ms. Esquivel, and maybe you know this or maybe the animal shelter knows this. As far as the feral cat population out there, have there been feral cats that have been brought in, either – however they've been brought into the shelter or to your facilities, that have been tested positive for rabies?

MS. ESQUIVEL: Madam Chair, Commissioner Mayfield, there has not been to my knowledge, any cat that has ever been positive for rabies.

COMMISSIONER MAYFIELD: And the gentleman mentioned maybe some other diseases that affected women that were pregnant, what about those other diseases that were mentioned.

MS. ESQUIVEL: I don't know about that. I can ask Mary to come up.

CHAIR HOLIAN: Yes. I think that would be good if you address that.

MS. MARTIN: I am not a veterinarian but I do attend conferences on this subject, and the jury is still out. Cats, as raccoons, as birds, as many animals can carry disease. The question about when they shed these diseases and when they're infectious is in discussion. Interestingly, Dr. Lappin, who's a cat infectious disease expert from the Colorado State University says the best way for women to catch toxoplasmosis is to eat their cats raw. And he was serious, that is, that's the best way, but certainly gardening – there are cats who shed infectious disease, but toxoplasmosis – what we believed, again, we could argue back and forth about these diseases, etc. I'd like to reiterate what I believe is that the cats are here and that we are not making a dent with our current methodology which has been, up until last year, catch and kill. And that we are seeing a reduction in the number of cats on the landscape. In fact we agree with the Audubon Society that we all want to see a reduction of the number of these cats on the landscape. But the fact is, the former methodology did not work.

I also would definitely argue about the cats suffering. If you recall, we see these cats on a daily basis, both at our spay-neuter clinics and also in the shelter. We euthanized 400 of them last year before we started this program. And of that 400, two may have been euthanized for disease. The remainder of those cats looked like house cats. They're fat; they're healthy. They're being fed by these volunteers and they're also being fed in de facto ways by irresponsible people who will not cover their trash cans or leave the lids of their dumpster open, and the cats are very successfully eating garbage in those places. So the fact is the cats that we see are not coming in torn up, diseased or in poor condition at all.

COMMISSIONER MAYFIELD: Thank you, Ms. Martin. And I don't – and I apologize. I know somebody made this comment, but I want to follow up on it, with leash laws. And I appreciate everybody's point of view on leash laws and I know there are reasons for safety with leash laws, but I also respect the individuals who made comments of living in

rural areas. I for one know individuals who use dogs for different reasons and some of them are for herding animals. Have we looked at that impact if somebody lives in a rural area and they use these animals for purposes of rounding up cows and stuff? Would they be in violation, some violation of not having an animal that's helping round up cattle not maybe having the collar because they don't want that dog to choke itself? Would they receive a potential violation? A citation? And they're in the county?

RACHEL BROWN (Deputy County Attorney): Madam Chair, Commissioner Mayfield, I believe that's an issue we need to look at within the ordinance to see if there are further refinements that need to be made to accommodate working dogs.

COMMISSIONER MAYFIELD: Could you please look at that? And also, if you don't mind – I really tried to look at this ordinance in detail. Is there any provisions – and I'm going to know these questions before itself after I open my mouth. Law enforcement animals are totally excluded from this ordinance?

MS. BROWN: Madam Chair, Commissioner Mayfield, we received a request from the Sheriff's Department after the current draft was circulated to exclude law enforcement and also the licensing requirements and the leash laws.

COMMISSIONER MAYFIELD: Okay, now let me ask this. Service animals are excluded from this ordinance?

MS. BROWN: Service animals are excluded from the licensing requirement.

COMMISSIONER MAYFIELD: Well, help me out here. What – talk to me. Where are service animals in this ordinance? They would still fall under all the other provisions under this ordinance?

MS. BROWN: Madam Chair, Commissioner Mayfield, service animals would still require rabies vaccinations and proper care, as required of other dogs.

COMMISSIONER MAYFIELD: Okay. So point out to me, just in a general statement, is there a special provision or a carve-out for service animals in this ordinance? If there is, can you show me where it is?

MS. BROWN: Madam Chair, Commissioner Mayfield, there is a carve out for the licensing for service animals. But not for other aspects of the ordinance.

COMMISSIONER MAYFIELD: Okay. I'll just leave it at that. Thank you. Okay, now I'm going to get to my questions with the ordinance. So I think that was pretty much the questions I had for the public that commented and again, thank you all for your comments.

And I'll be brief, Madam Chair.

CHAIR HOLIAN: Really?

COMMISSIONER MAYFIELD: I think you all like my questions, don't you? Please say yes. And I won't keep us here past midnight. I promise. So Ms. Brown, this is from your memo you gave to me and I'll try not to be redundant. So on your memo, I'm going, arguably, to number 6. Dangerous animals are those whose unprovoked behavior require a defensive action by a person or animal. And I'm sorry I'm running people off. Who will determine that?

MS. BROWN: Madam Chair, Commissioner Mayfield, when an animal control officer is contacted with a complaint, they make a determination regarding whether to issue a citation and on what basis to issue that citation.

COMMISSIONER MAYFIELD: Okay, so it would be the animal control who determines that was a dangerous animal or not. Or the Sheriff's officer.

MS. BROWN: In terms of the issuance of the citation. Now, that matter may be taken to court and then either a judge or jury would make the ultimate determination.

COMMISSIONER MAYFIELD: Now, is that determination made by just a he-said, she said? They've got to see the evidence? Is that kind of how that stuff works? Does the officer have to witness that or could it say there has to be evidence of that or does that have to say they have to see arguably the bite mark. I mean, I don't know how that works out.

MS. BROWN: Madam Chair, Commissioner Mayfield, I don't think there's one set answer to that. I believe the animal control officer would have to make the call in each situation.

COMMISSIONER MAYFIELD: Thank you. And Ms. Esquivel, you may have said this already, and I'm just going to ask you. How many new FTE's are we going to need with this ordinance if it passes as written?

MS. ESQUIVEL: That's kind of a loaded question.

COMMISSIONER MAYFIELD: It is a loaded question, because you're going to come asking us for budget, and I know we talked about fiscal implications of what we do, so I'd arguably could think you're going to need another ten enforcement officers with this new ordinance.

MS. ESQUIVEL: Madam Chair, Commissioner Mayfield, as it stands right now we have five animal control officers for all of Santa Fe County. I think that officers do a really good job. They go to the calls that they are called to. Yes, it takes some time to get there. I would say that in the next few years an additional five officers would be okay.

COMMISSIONER MAYFIELD: So we don't have a definitive determination? So it's still kind of – we're going to have to think about it.

MS. ESQUIVEL: Right.

COMMISSIONER MAYFIELD: And then, question nine, veterinarians are asked to provide animal control with a monthly report on rabies vaccination so the County or its licensing agent can contact pet owners to purchase animal licenses. So do we know what those numbers are now? They'll continue to do that. I'll just leave that alone right now.

Who – the fees and penalties were adjusted to accommodate current costs in administering – are you all going to keep the fees? The fees are going to the general fund and then we're going to have to make these budget adjustments? How is all that going to work?

MR. ROSS: Madam Chair, Commissioner Mayfield, it's just like any other fee. It comes into the general fund. It has to be appropriated out by resolution.

COMMISSIONER MAYFIELD: This isn't going to be set up as an enterprise fund for the ASO's office?

MR. ROSS: Well, I haven't really heard anything about that. That's another way to do it for sure.

COMMISSIONER MAYFIELD: Okay. Just asking. And then dangerous dogs must be registered by state law. So is there a different definition of dangerous dogs out there than just a dog that's dangerous?

MS. BROWN: Madam Chair, Commissioner Mayfield, there is state law that defines dangerous dog and establishes criminal provisions related to dangerous dogs, and

requires that dangerous dog owners register their dogs with the counties or municipalities where the dog resides. And so this ordinance simply establishes the process to register the dogs as required by state law.

COMMISSIONER MAYFIELD: So that's already required.

MS. BROWN: Right.

COMMISSIONER MAYFIELD: The next one, provisions which have been interpreted to require fencing of livestock have been clarified. I don't know what that means, but help me out, because New Mexico is a fence-out state. So just give me that clarification, but arguably, if I don't want somebody's cattle on my land I'm responsible for fencing my property.

MS. BROWN: Madam Chair, Commissioner Mayfield, that is correct, and the ordinance was cleaned up from the time of publication of title and general summary to when you received this draft to make that evident in the ordinance, that we are a fence-out state and that if you don't want livestock on your property you have to take care of that.

COMMISSIONER MAYFIELD: Okay, and I don't want to be silly on this point but if I have a dog and we're a fence out state and I don't want somebody's dog on my property, why am I not required to fence my property to keep someone's dog off of my property? That's the law.

MS. BROWN: Madam Chair, Commissioner Mayfield, dogs are not contained within the definition of livestock.

COMMISSIONER MAYFIELD: Okay. But now if we go to definitions, with what you guys have under definitions, just help me out here. Where are your definitions under the ordinance? That's all I have on your memo anyways. So everybody will be happy with that. So animals shall mean any dog, cat or vertebrate, including livestock and including humans. That's under definition under the ordinance. So isn't that kind of telling me that an animal is a livestock, including a dog?

MS. BROWN: Madam Chair, Commissioner Mayfield, under a definition of an animal, yes, it does include livestock, however, within the body of the ordinance, when there are requirements related to fencing they do not apply to livestock.

COMMISSIONER MAYFIELD: So we flip it the other way this time.

MS. BROWN: Correct.

COMMISSIONER MAYFIELD: Okay. And I share Commissioner Stefanics' point on vertebrae. Mice have a bone on their back, but we're not asking for people to license their mice, right?

MS. BROWN: Madam Chair, Commissioner Mayfield, the licensing requirement is for dogs and cats; not all animals.

COMMISSIONER MAYFIELD: Not all animals. So now I'm going to go to page 2 of the ordinance. Bite shall mean inflicted by the teeth of any animal. But when we talked earlier, when this proposed ordinance, we talked about birds also, right? Or no? Do people have to license birds, exotic or no?

MS. BROWN: Madam Chair, Commissioner Mayfield, the licensing requirement is for dogs and cats. However, exotic animals and wild animals do have permitting requirements.

COMMISSIONER MAYFIELD: Okay. So if somebody got bit by somebody's parrot, could they be issued a citation?

MS. BROWN: Madam Chair, Commissioner Mayfield, I'll have to look at the ordinance and consider that example. I'm not sure it was intended to apply to that.

COMMISSIONER MAYFIELD: They don't have teeth. Just so you all know that. They do bite, but Commissioner, it says teeth of any animal. So I'm just clarifying points on this ordinance. I'm almost done everybody. So now let's go to page 11. No, we don't have to go to page 11 because Mr. Ross already answered that. So on page 13, let's what I have. A person attacked by a vicious animal may use reasonable force to repel the attack. So what is reasonable force on repelling an attack mean? Look, if I'm being attacked by an animal and I want to use reasonable force – just help me out with that one. If my son is in danger because he's being attacked by an animal –

MS. BROWN: Madam Chair, Commissioner Mayfield, the idea behind that provision is that you can use force to repel an attack and that will not be considered a violation of the ordinance.

COMMISSIONER MAYFIELD: But what's the definition of reasonable force? What if God forbid, you severely harm or hurt that animal because it was attacking your kid. Are you going to be charged with animal cruelty?

MS. BROWN: Madam Chair, Commissioner Mayfield, no. Under the ordinance the use of force against the animal to repel an attack is not an actionable offense.

COMMISSIONER MAYFIELD: So if somebody arguably killed that animal, is that considered reasonable force?

MS. BROWN: Under the ordinance reasonable force is authorized and while that may be fact-specific as to whether you fit within the definition of reasonable, I think when the attack happens it opens up the option to use the force necessary.

COMMISSIONER MAYFIELD: So I guess that would be up to the district attorney, what reasonable force is?

MS. BROWN: If a charge were brought against someone for using force in the event of an attack, it is not the intent of the County to issue a citation.

COMMISSIONER MAYFIELD: I'm going to talk to you guys a little bit more about that, just so you know. On page 11, the noise ordinance, or an animal disturbing the peace. 1) It shall be unlawful and in violation of this ordinance to own, keep or harbor any animal which habitually howls, yelps, whines, barks or makes other noises in a manner which tends to unreasonably disturb the public. If you all come to my home tonight and you will hear some animals yelping, and I will say that. But we also have a noise ordinance in this county. And I know we've talked about it and there's a decibel rating that we have to go out and do in order for somebody to get a citation. I have neighbors that have animals and they yelp. That by no means would meet our noise ordinance decibel rating. So is there a different threshold because somebody's dog barks? And I'm going to ask that of you, or is it just because a dog barks we're going to give somebody a citation.

MS. BROWN: Madam Chair, Commissioner Mayfield, the ordinance does not identify a decibel range.

COMMISSIONER MAYFIELD: But we have an ordinance though that does. If somebody has a bar that's making a lot of noise, they have to meet a decibel threshold.

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Because the neighbor's dog is barking, somebody can call and complain – I guess I want to understand the difference between our current noise ordinance and a nuisance ordinance where a dog is barking.

MS. BROWN: Madam Chair, Commissioner Mayfield, I believe the ordinances are separate provisions, that the noise ordinance has its requirement. The animal control ordinance has to do with the effects of the sounds of the animals on neighbors and requires animal control to actually experience the sound and make a determination whether they feel that there is a violation of the ordinance.

COMMISSIONER MAYFIELD: Okay, I live in – let me ask this question generally. I live in a rural area. I don't know if tonight would be a good example. You could come hear a pack of yelping coyotes. Can I call animal control and have you guys and come and pick up those yelping coyotes?

MS. BROWN: Madam Chair, Commissioner Mayfield, animal control does not address wild animals running free. It is about domesticated animals.

COMMISSIONER MAYFIELD: Sure. And I appreciate that, Rachel. I guess, so this ordinance with yelping, my neighbor's dog. I don't know which neighbor's dogs yelp, so I guess that's going to be my next question. This would supercede our other noise ordinance that we have or this is a stand-alone ordinance and we apply different rules for a yelping dog versus our other noise ordinance in the county? They're different ordinances and there's different provisions for this one?

MS. BROWN: Madam Chair, Commissioner Mayfield, I believe that they are stand-alone ordinances so there are separate, standard separate applications.

COMMISSIONER MAYFIELD: Okay. And I respectfully say that you said you believe, so I'm going to also ask Mr. Ross. Mr. Ross?

MR. ROSS: Madam Chair, Commissioner Mayfield, the more specific – generally when you're looking at ordinances that address somewhat the same topic, the more specific governs over the more general. So if you're talking about yelping dogs versus hotrods –

COMMISSIONER MAYFIELD: And I guess I asked this question indirectly, so how do we know where it's coming from? Do we just make the general call to animal control and say, look, I'm hearing somebody's dog barking? They're keeping me up all night long. It's hard to pinpoint where the dogs are barking from if they're not yours. Does animal control come and kind of figure out where these dogs are barking?

MS. ESQUIVEL: Madam Chair, Commissioner Mayfield, normally, when we get barking complaints, they do have an address of where the dogs reside. There are calls at night when animal control is not on duty that don't give an address, that give a general direction, a general area. A deputy will drive around that area and see if they can determine where the barking is coming from.

COMMISSIONER MAYFIELD: Okay, and then I'm going to ask this of the Captain. But that would be assigned like a priority call, correct? Like if they called the Sheriff because animal control is off, it would kind of work into the priority calls, like listening to a barking dog versus responding to a DWI as a priority call.

CAPTAIN MENDOZA: Madam Chair, Commissioner Mayfield, it would be on a priority list. Depending on the calls for service, we respond according and as a stated

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before, there would be an investigation done, just like anything else, to try to determine where the nuisance was coming from. And when it comes to the decibels, I think you need room for discretion by the officer to try to determine if it's a nuisance or whether it's something that they need to cite the property or owner for or just talk to them about it. And most of the time, when we get the nuisance calls the person that is complaining, it's probably not the first time the dogs are barking. It's something that's ongoing. That's most of the time.

COMMISSIONER MAYFIELD: The dog might be hungry. It might be frozen. Okay, and then Ms. Esquivel, and I'm just going to ask this, because it says on 3, ASD shall notify the owner in person or in writing of a complaint filed and then blah blah blah, things happen. But in your filing here, as far as I think the schedule that you gave me, it says as far as violations, it says animals disturbing the peace, it says the first offense gets referred to court. So am I misreading something from the ordinance versus this schedule here?

MS. ESQUIVEL: No, I don't believe so. Normally, barking complaints are one of our hardest complaints to deal with. Normally, when somebody calls in a barking complaint we get there, the dog is tired or is not barking anymore. So what we try to do on our first – if we can determine where the barking is coming from we will try to make contact with the pet owner. If we cannot make contact with the pet owner at that time, a door notice is left for the pet owner to call us. We give them 24 hours to respond to our request. If they do not respond to our request at that time we keep going back until we can find somebody.

Normally, the first time we go we will give a warning and ask them to – give suggestions on how to stop their dog from barking, and then if it continues then we will send it to court. The reason that we send it to court is because we are not the ones who are witnessing the barking. It's usually the complainant that's witnessing it and they usually, a lot of them keep logs. They do recordings. Whatever they have to prove that the dog is barking and show it to the judge, and then the judge determines what happens.

COMMISSIONER MAYFIELD: Okay. But again, then maybe in this matrix it should say that they get warnings or something first, because it's saying that it goes to court as a first offense. If before the first offense then.

MS. ESQUIVEL: It would be officer's discretion. If an officer was to show up and sat half a block away and listened to the dog bark for 45 minutes, then citations could be issued at that time.

COMMISSIONER MAYFIELD: Okay. Thank you. And then, as far as on page 15, on disposal of dead animals. Just help me with number 1. Within 24 hours of the death of an animal the owner shall dispose of the animal's carcass by burying it at least three feet underground in a suitable location. What is – is the property owner's property a suitable location? What is a suitable location? Where is a suitable location?

MS. ESQUIVEL: Madam Chair, Commissioner Mayfield, yes. They could bury it on their property.

COMMISSIONER MAYFIELD: But again, the definition of an animal is pretty broad. So what type of animal can they bury on their property? Can they bury livestock on their property?

MS. ESQUIVEL: If their property is big enough, yes.

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COMMISSIONER MAYFIELD: What do you mean by if their property is big enough? Give me a definition of their property.

MS. ESQUIVEL: I would think if somebody – again, that's livestock so we don't –

COMMISSIONER MAYFIELD: Could they bury a horse on their property three feet underground?

MS. ESQUIVEL: No. It would have to be [inaudible]

COMMISSIONER MAYFIELD: Well, Madam Chair, help me out here. It says three feet.

MS. ESQUIVEL: That would be talking about either a dog or a cat.

COMMISSIONER MAYFIELD: But it's not – where does it say that?

MS. ESQUIVEL: On what page please?

COMMISSIONER MAYFIELD: You guys can tell me if it says it, but I'm just reading what I'm reading on page 15. I'm on P.1. Rachel, you may want to highlight that one and we can address this one too, please.

MS. ESQUIVEL: We would have to revise that to dogs or maybe do like by pound or something, like the size of the animal.

COMMISSIONER MAYFIELD: I'm just reading what I read.

MS. ESQUIVEL: Right. We can revise that.

COMMISSIONER MAYFIELD: Okay. I'm just bringing it to your guys' attention. And then let's go down to the very last one, number 2 – and after I read them I may not ask questions. And this is the last sentence. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a licensed veterinarian. Okay, so this is if, God forbid, somebody hits an animal I think. To an animal control shelter after notifying an ASO. Are there any issues, God forbid, this animal has rabies. Assuming this is if they hit an animal on the street. We're kind of suggesting that if they don't want to stay by this they could pick up the animal and take it to an animal shelter. They could take it to you guys. That's their discretion? Somebody might pick up an animal that has rabies. I don't know if we want to be suggesting that to folks.

CAPTAIN MENDOZA: Madam Chair, Commissioner Mayfield, I agree. I think we would encourage that they report the accident or injury to law enforcement or animal control and then not be so specific as to reference what they're going to do with the animal.

COMMISSIONER MAYFIELD: And Captain, I also worry about somebody – if I hit an animal on 285, I don't think we should be telling people get out of your car and pick that animal up off 285. You'd be putting somebody's life in danger if you do that too.

CAPTAIN MENDOZA: I agree. We'll look at that section.

COMMISSIONER MAYFIELD: Thank you. Thank you. Okay. Let's see. I think I'm almost done, Madam Chair. So on page 29, I guess I'm on animals and vehicles. It shall be unlawful and a violation of this ordinance to carry an animal in an open vehicle in a cruel, inhumane or unsafe manner. I'm just going to ask this because I know it happens. Let's say you're in the vehicle. Your child's in a seat belt and maybe they have a lap dog in their lap. Is that an inhumane, cruel way to transport an animal? Should an animal be kind of

tethered in a seat belt? In a little carrying case? What is an inhumane, unsafe, cruel manner to transport an animal in a vehicle? And I'm on page 20, number 1.

CAPTAIN MENDOZA: Madam Chair, Commissioner Mayfield, can you direct me to that?

COMMISSIONER MAYFIELD: Yes, sir. I'm on page 20 and I'm under I. 1. Animals in Vehicles.

CAPTAIN MENDOZA: I don't know if I'm looking at a different.

COMMISSIONER MAYFIELD: Madam Chair, I'm on page 29. I apologize.  
Page 29.

CAPTAIN MENDOZA: I'd agree that needs to be clarified as to what specifically is cruel or inhumane or unsafe. I think that's a pretty broad definition.

COMMISSIONER MAYFIELD: And thank you, Captain. And then just going down to 2 as far as the ordinance for a person to transport an animal in the bed of a pickup truck. And I guess this goes back to ranching. There are sometimes that an animal is just in the back of a pickup truck in ranching communities, and look, they're just in the back of a pickup truck. And for somebody to get citation because their dog's in the back of a pickup truck or ranch truck or a farm use truck, if they can get a citation for that, I don't think that hopefully is the intended purpose of this.

CAPTAIN MENDOZA: I definitely agree that we need to differentiate farm land or ranch use for animals and make those type of exceptions in the ordinance.

COMMISSIONER MAYFIELD: Okay. Thank you. Appreciate that. And I'm sure I've missed a lot of stuff in the ordinance, so I will look at this again by the time the second ordinance review comes out. And then I won't get into the whole licensing fee schedule because I think it was discussed a lot but I do not support the \$100 fee. I'll just be very clear on that. I think we have a lot of unintended consequences if we do that. I think it was well stated by a lot of folks here tonight and thank you for that. And Madam Chair, you'll be very happy; that is all I have and thank you all for your patience with me. Thank you.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, when Commissioner Mayfield said he was going to talk today, man, he wasn't kidding. I value your comments, Commissioner and all Commissioners and I have 23 items, but I'm going to just read them in. They're not questions. What I heard, and questions that need follow-up, and I'm going to provide this to staff so they can scan it in and send it to everybody. Classifications – I had breeders, urban areas, rural, and then I added suburban areas because I agree with that and that's something Commissioner Stefanics brought up. Vaccination is a good thing. Spaying and neutering is a good thing. Enforcement, how do we reasonably accomplish this? License fee, make it reasonable, not punitive. Chaining is a bad thing. Let's talk about. Do something or do nothing. I think a lot of comments we heard tonight but I think the majority was let's do something but let's try and make that as reasonable as we possibly can.

More work and communication is necessary and is going to happen. Disease is a concern. Protect birds and other animals as well. Conflicts exist that we need to clarify between state and local laws. Public versus private property issues need clarification. Responsible versus irresponsible owners. Euthanization, when is it necessary. Animals are

companions, friends and family. Peace and quiet and the noise issue need to be addressed. Limits on total number of animals allowed, need to be considered. There's concerns about extreme temperatures that we need to take into consideration. There's opportunities for teaching. Objective is far better than subjective. Compassion, reason and logic should be our guide. Reconvening as the chair said earlier, the task force will happen to continue this public and open process. And I added 23 after Commissioner Mayfield brought it up. Dogs ride in the back of trucks in rural areas all the time.

These are all things and many others that were said. This was the summation or summary that I wrote, and I look forward to the process. I appreciate each and every comment that was made here tonight. I very much appreciate the Commissioners and I appreciate staff and your work and efforts. I don't think there was any malice or intent to try and make a million bucks off of the structure of the ordinance. That's why we have public process and opinions and perspectives brought forth. I think as we do this and go through the process we'll come up with reasonable improvements that are not punitive or subjective in nature.

So that I think is the goal and I think if we all stay communicating and working towards that end we'll get to something that's manageable for the citizens. So thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. And I want to especially thank Audrey for all the work that you've done and being here tonight and making the presentation. And I want to thank Captain Mendoza for being here and giving the perspective of the animal control in our county to us, and thank Rachel for all the work that you've done in putting this together. I think that all of you who are still out here who are part of the public could have a good career as a Commissioner, because you really have the staying power that's required. So anyway, I know a lot of the people are gone but I really do want to say that I appreciate each and every comment. They were all thoughtful and provocative and I really think that we do, obviously, need to keep the conversation going and have some public meetings and bring in as many people as we can into this conversation. And I think we'll end up with a really good ordinance if we do that. So in any event, this is to be continued. Thank you. I guess that's the end of this particular item because we aren't going to be taking any votes on it.

For the Commissioners we actually do have one other item on our agenda, which is item XVI. A. 1, and we do in fact have to hear that before the end of January.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Do we also do item XV. 1. 2?

CHAIR HOLIAN: Right. Yes. If the other Commissioners agree, maybe we should start with that one.

**XV. 2. Consideration and Approval of Amendment No. 2 to the City/County Landfill First Amended Joint Powers Agreement**

MR. ROSS: Madam Chair, this matter came to my attention in December when Commissioner Anaya attempted to attend a meeting of the SMWA board for Commissioner Mayfield and was told he could not sit during the meeting because – on the grounds that the JPA didn't specifically provide for the appointment of alternates. This Board

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has consistently and for years – as long as I’ve been here which is almost ten – has appointed alternates to SWMA. So it’s obviously a long-standing practice to have alternates and it’s very important for the County to be completely represented at those meetings. So the suggestion was made and I’ve acted on it with this amendment that we amend the joint powers agreement to explicitly specify that alternates are permitted for both City and County on that board.

I’ve already spoken to the City attorney about this and they know it’s coming and I don’t think it’s any surprise. The way you amend a JPA is the same way you enact one in the first place. The City and the County have to both approve it and then it goes over to DFA, after which it becomes effective. I stand for questions.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move amendment No. 2 to the City/County landfill first amended joint powers agreement.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Is there any further discussion?

COMMISSIONER ANAYA: So Madam Chair, if this amendment would pass and get signed off by both parties then that would mean that as an alternate I would actually get to participate in the SWMA meeting if I go?

MR. ROSS: That’s correct.

COMMISSIONER ANAYA: All right.

CHAIR HOLIAN: Okay. So we have a motion and a second for approval of amendment No. 2 to the City/County landfill first amended joint powers agreement.

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

**XVI. A. 1. Public Hearing Concerning the Low-Income Property Tax Rebate, Ordinance No. 2009-2**

CHAIR HOLIAN: Steve, are you talking this?

MR. ROSS: Yes. Madam Chair, in odd-numbered years the Board of County Commissioners has to have a public hearing on the topic of the low-income property tax rebate. We are one of two counties that has the low income property tax rebate in force, the other county being Los Alamos County. We agreed to implement the rebate when we signed the settlement agreement with the City that we all know as the annexation agreement. It was a point that was negotiated in conjunction with that settlement; we’ve had it ever since.

Since we’ve had it in place the credit has resulted in payments from the County to the Taxation and Revenue Department ranging from \$331,000 in the first year of collection of the tax to \$478,000 in the current fiscal year. The low-income property tax rebate applies to persons whose income is \$24,000 and works on a graduated scale. So how it works is on the PIT-IC form of your New Mexico income tax return you fill out a little questionnaire about halfway down the form and if your income is, say, \$10,000 the state will rebate to you on your income tax 65 percent of your property tax liability in that particular year. That’s how it works.

We have three choices after we have the public hearing tonight. Number one is to do nothing – leave the rebate program in place without modifications. Two would be to set the process of appealing the ordinance – ordinances have to be repealed in the same way in which they were enacted. Or three, the other possibility is the statute that creates the tax rebate also permits us to ask the voters to approve a mill levy to make up the difference for the amount that has to be paid from the general fund to the Taxation and Revenue Department to support the rebate.

So once again we need to have the public hearing. Maybe Rachel or somebody else can make some comments and then after that we can have a brief discussion.

CHAIR HOLIAN: Okay. So this is a public hearing. Is there anyone here in the audience who would like to speak for or against this ordinance? Seeing none, the public comment period is closed. Would any of the Commissioners like to ask questions or make comments? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I think – so it's 2013. Mr. Ross, whatever we do tonight we will reconsider it again in 2015?

MR. ROSS: Correct.

COMMISSIONER STEFANICS: Okay. So Commissioners, I am just going to point out that by 2015 we could be paying the state about a million dollars. And besides paying the state, also losing tax revenue on our side. So I just believe, while I supported this initially, I don't believe we all were aware of the total impact it would have upon County resources and resources that could be used for programs and services to people. So I would ask that we keep that in mind for future years.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: And I'll be brief, Madam Chair. Two things, Steve, you brought up, and you brought it up verbally, but the mill levy. And I won't go into detail on this. But aren't we tapped out on the mill levy? Do we have room on the mill levy?

MR. ROSS: Madam Chair, Commissioner Mayfield, this is a special mill levy. It's not subject to any of the normal limitations.

COMMISSIONER MAYFIELD: So would it be a special election for the voters?

MR. ROSS: Yes. Or you could put it on as a question on any general election.

COMMISSIONER MAYFIELD: On a general election. That's still a long way away.

MR. ROSS: A year and a half. Yes.

COMMISSIONER MAYFIELD: So if it went to – if this Board elected this and made that decision and the voters decided against it then that would nix it.

MR. ROSS: Correct.

COMMISSIONER MAYFIELD: Okay. Second thought. Isn't the City supposed to kind of assist on this?

MR. ROSS: Madam Chair, Commissioner Mayfield, no. It's a County thing.

COMMISSIONER MAYFIELD: Well, wait a minute. Let me ask this of Commissioner Stefanics. Weren't they supposed to?

COMMISSIONER STEFANICS: No. I think Steve would be more appropriate to answer it.

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COMMISSIONER MAYFIELD: Let me ask this. What about with annexation? Isn't there an impact with annexation?

MR. ROSS: The rationale as I understand it for the provision in the annexation agreement was that upon annexation people in the annexed areas would see higher property taxes and there was a concern that low income property tax payers would be pushed out into the county and lose their houses after they were annexed into the city. This is meant as a stop-gap for that kind of problem.

COMMISSIONER MAYFIELD: Okay. And then I guess last thought is could we not move forward and ask for the last – I think last year we tried to propose a piece of legislation to have kind of a stop-gap measure to this. Did we not maybe as a Commission entertain that piece of legislation again?

MR. ROSS: Madam Chair, Commissioner Mayfield, do you mean to amend this particular statute?

COMMISSIONER MAYFIELD: I'm sorry. I was having a sidebar. I apologize, Mr. Ross.

MR. ROSS: I didn't understand the question.

COMMISSIONER MAYFIELD: I think last year we tried to move a piece of legislation, did we not?

MR. ROSS: Not that we know of.

COMMISSIONER MAYFIELD: Does anybody have a recollection on that?

COMMISSIONER STEFANICS: Madam Chair, Commissioner, we discussed the fact that the amount was going up and we looked at potentially adding a sunset clause but we never proposed it formally.

COMMISSIONER MAYFIELD: And Madam Chair, I'm sorry, I just thought we did and it was defeated at the legislature. Commissioner Anaya, do you recall that?

COMMISSIONER ANAYA: I don't, Commissioner Mayfield. I know we had a discussion about it but I don't know that we ever got it to the point where it was drafted in a bill. I didn't think there was the ballot to draft it into a bill, but I definitely think we can approach and ask some questions about that but I don't think we found anybody that was willing to carry it.

COMMISSIONER MAYFIELD: Fair enough. And I'll just double-check that because I thought we did. But thank you. That's all I had, Madam Chair.

CHAIR HOLIAN: Okay. Thank you, Commissioner Mayfield. So let me ask Steve this. Do we have any legal authority to amend this in any way or change it in any way?

MR. ROSS: Madam Chair, the choices are keep it in place, number two, repeal it, or number three, get a mill levy in place to make up the cash outflows.

CHAIR HOLIAN: So if we did repeal it what would be the consequence of that?

MR. ROSS: Well, obviously, there's be no rebate in the county, number one, and number two, we'd be in violation of the annexation settlement agreement.

CHAIR HOLIAN: Oh, okay. Thank you. And do we need to take action on this tonight or is this just simply a public hearing?

MR. ROSS: No, this is a public hearing but any action has to be taken within 30 days by statute. So we have – if the decision were made to take either the step of repealing



the ordinance or number two, putting in place a mill levy we'd probably have to start that within 30 days to be in compliance with the statute. Now, that being said, the reason that there are deadlines on this particular topic because the Taxation and Revenue Department needs time to prepare tax forms for the following year, which I understand that really doesn't start until this summer. So some of those deadlines – if we start taking action – obviously we can't finish action within 30 days. Let's say we decide to do a mill levy. That's going to be a continuum of activities all the way up to whenever we choose to have a special election.

CHAIR HOLIAN: Okay. Thank you. Thank you, Steve. So would any of the Commissioners like to make a motion? Apparently not. So I believe that the public hearing for this agenda item is closed and that brings us to adjournment.

#### **XVII. ADJOURNMENT**

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 10:07 p.m.



ATTEST TO:

*Geraldine Salazar*  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

2/26/13

Approved by:

*Kathy Holian*  
Board of County Commissioners  
Kathy Holian, Chair

Respectfully submitted:

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

2013/02/27/2013  
RECORDED  
CLERK  
SANTA FE COUNTY