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

**January 8, 2013**

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



COUNTY OF SANTA FE ) BCC MINUTES  
STATE OF NEW MEXICO ) ss PAGES: 130

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**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**January 8, 2013**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Employees of the Growth Management Department Mark Garland and Elisabeth Salinas led the Pledge of Allegiance and State Pledge, following roll call by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

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

**Members Excused:**

[None]

**V. MOMENT OF REFLECTION**

An invocation was led by John Michael Salazar. Chair Holian wished a Happy New Year to staff and the public and welcomed new Commissioner Miguel Chavez to the Board. She acknowledged the newly elected officials and returning Commissioners, with special thanks to outgoing chair Liz Stefanics.

**VI. APPROVAL OF THE AGENDA**

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- B. Tabled or Withdrawn Items**

CHAIR HOLIAN: Any changes, Ms. Miller?

KATHERINE MILLER (County Manager): Madam Chair, yes, we have several changes. First of all I'd like to note that under item IX. A, a proclamation to honor the former speaker, that that will be at 3:00, so depending on where we are on the agenda we did note that that would be at 3:00 for purposes of the family being here.

Also under Section IX, item C has been tabled and item E has been moved. It was further up on the agenda; it's now been moved to item E.

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Then under Matters from the Commission, item XI. A. 1 has been tabled. Then on page 3 under the Consent Calendar, item XII. B. 1, that final order has been tabled. On page 4 under Public Hearings item XVII. A. 2 has been tabled, as well as item XVII. A. 6 on page 5 has been tabled.

CHAIR HOLIAN: Thank you, Katherine. Are there any other proposed changes to the agenda? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller or Mr. Ross, the item on the final order is tabled. Those are usually pretty straightforward. Why the tabling on the final order?

STEVE ROSS (County Attorney): Madam Chair, Commissioner Anaya, the applicants, actually the people who the order pertains to, are trying to get a well-sharing agreement with a neighbor, so they asked us just to hold off until that occurs.

COMMISSIONER ANAYA: Thank you, Madam Chair, Mr. Ross.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I make a motion to approve the amended agenda.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: There's a motion and a second to approve the agenda.

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

**VII. APPROVAL OF CONSENT CALENDAR**

**A. Consent Calendar Withdrawals**

CHAIR HOLIAN: I note that there are no resolutions on the Consent Calendar so there's no need for public comment. Are there any Consent Calendar withdrawals? Hearing none, what are the wishes of the Board?

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

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: There's a motion and a second for approval of the Consent Calendar.

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

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

**A. Appointments/Reappointments/Resignations**

- 1. Reappointment of Board Members Adair Waldenberg and Estevan Baca to Santa Fe County Ethics Board (Penny Ellis-Green)**
- 2. Appoint New Member Nicolle Gonzales to the Maternal and Child Health Planning Council for District 1 (Commissioner**

**Danny Mayfield). (Community Services Department/Health Division/Patricia Boies.)**

- 3. Resignation of Vivian Nelson From the DWI Planning Council (Community Services Department/Health Division/Lupe Sanchez)**
- 4. Appointment of Tom Starke to the DWI Planning Council (Community Services Department/Health Division/Lupe Sanchez)**

#### **VIII. APPROVAL OF MINUTES**

##### **A. Approval of November 27, 2012 BCC Minutes**

CHAIR HOLIAN: Are there any changes to that, Katherine or Commissioners? Do I have a motion?

COMMISSIONER MAYFIELD: Move for approval, Madam Chair, of our minutes.

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: There's a motion and a second for approval of the November 22, 2012 BCC minutes.

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

##### **VIII. B. Approval of November 29, 2012 Joint City/County Meeting Minutes**

CHAIR HOLIAN: Are there any changes?

COMMISSIONER STEFANICS: Madam Chair, I would move approval of the November 29<sup>th</sup> joint City-County meeting minutes.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Okay, there's a motion and a second.

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

#### **IX. PROCLAMATIONS AND PRESENTATIONS**

##### **B. Quarterly Santa Fe County Ethics Board Report**

ADAIR WALDENBERG: Thank you, Madam Chair. Thank you, Commissioners, for appointing an Ethics Committee and being interested in what it's doing. You have a report. There have been no ethics complaints brought. As you will see later I've requested reappointment, so in two years we have not seen any cases. We have

been reviewing the materials and making suggestions for both the disclosure form and the training materials. Compliments are definitely due to the staff who are developing the training program. They've done a terrific job of going outside the County to look at training materials, developing their own and accepting input from the committee members.

We've asked them to develop a clarification of the gift policy so it's very clear to people what is and is not acceptable. Amongst our concerns was even if it was a nominal amount, a nominal amount every single week of the year should be prohibited because \$25 a week lunch once is fine but 52 of them is probably not a good idea.

So I would entertain any questions from the Commissioners?

CHAIR HOLIAN: Are there any questions?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Ross, I think that our resolution for this indicates that we will make changes – once a year? Twice a year?

STEVE ROSS (County Attorney): Annual review of these.

COMMISSIONER STEFANICS: So if the Ethics Committee has in fact been – the Ethics Board has in fact come up with some changes when would we see that for approval?

MS. WALDENBERG: I'm trying to remember when we came before.

MR. ROSS: Madam Chair, Commissioner Stefanics, we made some changes about six months ago, so I would anticipate we gather recommended changes and bring them forward soon, I would assume.

MS. WALDENBERG: I would guess some time in spring we indeed brought forward and you approved the changes we brought forward the last time. This is a learning process and we definitely want to make this the strongest code it can be to serve the County well.

COMMISSIONER STEFANICS: Thank you. And Madam Chair, I'd like to thank the service of this Ethics Board.

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

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Chair Waldenberg, where are you all in the process? I think you were going to look at also – not the ethics forum but the annual report that we have to do, and this is escaping me. As a matter of fact I need to fill one out. Conflict of interest forms. Thank you, Commissioner Stefanics. You were going to make some recommendations also back to the Commission on those?

MS. WALDENBERG: Yes, and the forms that went out in January reflect the changes proposed by the Ethics Board. Again, it's always an effort to figure out what's not working as well as it could be and improve the forms and we would welcome, as you fill it out, any input that you have to change the forms.

COMMISSIONER MAYFIELD: So Madam Chair and Ms. Waldenberg, so those will now be fully vetted through HR? My understanding, they arguably were but they won't just go straight down into our Clerk's Office and be filed.

MS. WALDENBERG: Definitely. That was one of our discussions at our last meeting, what is the process. We encouraged HR Director Salazar to tell us or bring t us any questionable disclosure forms. We have urged the staff to use us as advisory, which is specified in the Ethics Code. We are very much assured that anything that doesn't look right or raises questions has the appearance of possible something will be definitely pursued. We've discussed that and if there's any input needed from the Ethics Board we remain available to do that.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

COMMISSIONER STEFANICS: Thank you, Commissioner Mayfield. I have a few questions of my own, Chair Waldenberg. Why do you think that nobody has come forward to the Board?

MS. WALDENBERG: That's an excellent question. There are a number of reasons that are possible. One could be we could be a unique County with no ethical issues. That seems unlikely, because then that would make us unique. The other possibility is that people didn't understand the policy, and that's why the Ethics Board chose to focus on training and teaching and education. The problem that might be perceived to be there is that the barriers to reporting ethics violations are too high. And what do I mean by that? People are afraid to bring forward complaints. The most common reason for that would be fear of retaliation, either within the job or outside the County.

The committee, the board has discussed an anonymous tip line. Those can be effective. They can either be by phone or by computer on our website so it's not traceable. The preference would be for someone to identify themselves, always. That would lower the barrier of someone wanting to issue a complaint. The problem with those anonymous lines is you get spurious accusations. That's pretty well known. It's not very often but those have to be investigated. So there's some time and resources that could be put to better use that would be used to investigate false claims. But it seems that some mechanism by which people can report ethical violations – we should make it as easy as possible for that.

CHAIR HOLIAN: Thank you, Chair. So do you have plans on your board how to develop an anonymous tip reporting?

MS. WALDENBERG: We discussed it about six months ago, before we had our new members. As you know the Board went from three to five. We certainly can take it up and put it back on our agenda to discuss.

CHAIR HOLIAN: Thank you. Any further questions. Anyway, thank you very much and please give our thanks to the board for their hard work.

MS. WALDENBERG: It's an excellent board. It's a good group of people. We come from diverse perspectives and backgrounds. The new members have brought excellent new perspectives. We have good discussions and we wish to serve the County as well as we can.

CHAIR HOLIAN: Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just congratulations on your appointment.

**IX. D. Presentation on County Facility Solid Waste Management**

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioners, as you know the Board of County Commissioners convened a Solid Waste Task Force which has met over the last five months. As an aside, I believe that they will be coming before this Board in February to present sort of a summary of their actions. One of the things that emerged in the Solid Waste Task Force, it was kind of unclear how the County manages solid waste for its own facilities. How the County itself manages solid waste, and that's important for a couple reasons.

One is because the Solid Waste Task Force may be looking at asking the constituents of Santa Fe County to change the way they manage solid waste so it was felt that the County probably should lead by example, that we should practice what we preach, so to speak, which I think is a valid concern. But also just to kind of get a handle on what we're spending and how we're managing it.

And so we were asked to put together, kind of survey what the County's doing and put that together and just present that. So what I handed out to you is a spreadsheet that lists all the different County facilities and it summarizes who's providing the service. We also put – there's a last column about recycling, whether or not we are recycling, and then a lot of information on the very back you'll find a pie chart that summarizes the information. *[Exhibit 1]* So let me just walk you through this spreadsheet a little bit and tell you how we arrived at it.

The first thing I'll mention, and it's probably not a surprise, the County as a landlord, as a landowner is quite diverse. We have about 450 individual pieces of property that we own. A lot of those are easements and what not, but in terms of facilities, we have about 200 facilities. A lot of those are housing units and what not. So the spreadsheet I gave you summarizes all those ones that actually generate solid waste. I didn't put on here, for instance, every single piece of open space. The Thornton Ranch, for instance, is not currently generating solid waste. So this is a distillation of everything that we own into things that actually generate solid waste.

And you'll still see a lot of diversity. I tried – I broke it up, you'll see on the left hand column I broke it up by facility type, just to kind of help organize the information. But as you look across here you'll see that we have a lot of diversity. And you'll also see that we have a lot of diversity in how our solid waste is collected. Many of our facilities are within city limits and for the most part that solid waste is collected by the City. The City, as you may know, actually requires – they have to do their own solid waste collection with the city limits. I'll mention that all the waste that the City collects does go to the Caja del Rio Landfill.

On the far right of the column though you'll see that we're not necessarily doing recycling in all of our facilities, and for the most part the way we're doing recycling is we're using in-house forces to go into the facilities and actually collect the material in the bins, and then we take it to the BuRRT along with all our other solid waste. So we don't necessarily take advantage of the City's opportunity to collect recycling and we have been in discussions with them how to change that and coincidentally, they're actually kind of ramping up their effort to get commercial accounts such as ours to increase

recycling, so I think there's an opportunity to put more yeses in that recycling column for facilities within the city limits.

As you go down the list and you start to look at facilities that are located in the unincorporated part of the county you'll see a mix. You'll see many of them have private haulers and the private haulers – it's a real mix and I tried to simplify it. I didn't want to put the name of every individual firm because there are many, so I just put private hauler. But just know that many of the facilities hire someone such as Waste Management or MCT down south. It could be East Mountain. There are a lot of providers in the county and they pay different rates and what not. So again, we tried to distill information but it's a complex picture. Again, there are opportunities there to increase recycling and do some waste minimization.

You'll notice on the housing that actually the City of Espanola collects for the Santa Cruz housing area is within the service area of North Central Solid Waste Management Authority, which is primarily Rio Arriba County. And I will mention that Rio Arriba County, the North Central, they actually carry their waste to the landfill in Rio Rancho. They don't take their waste to our Santa Fe County landfill.

And you will also notice that a lot of our open space and our parks, we do that, so actually our staff would go, if there's a bin there or a receptacle, we'll collect that. It will eventually make its way to the Caja del Rio.

Then the last one I'll mention is on the fire stations you'll see a mix. The staffed stations generally have private haulers. They'll have a private contract. And the volunteer stations, generally what happens is the firefighters will just collect the trash at the end of the day and they'll usually take it home with them and put it in their own trash. That's what we're told. So that's a real mix in facilities.

So I'd like to turn your attention to the pie chart in the very back. You'll see kind of a mix based on facility type and I excluded housing units and property that doesn't generate solid waste to not overwhelm the chart with numbers. But the key here is we sort of have three different – if we want to increase recycling at our facilities, which I think is a laudable goal, we still have three different avenues to pursue. We can work with the City, as I mentioned and as I also mentioned, we already started that process and I think there's an opportunity there to increase recycling in a way that's not too labor intensive for the County. The in-house – that's probably maybe the easiest. We could just deploy more bins at our facilities and then work away, either through our custodial staff or elsewhere to collect those. And then finally, the private hauler, that would be the most complex because it will probably involve a change in service, which will probably incur a cost and it will also require negotiations with each of the different service providers, which there are several. So three different tracks to pursue.

So this is something that I think the Solid Waste Task Force will be tacking and will be presenting. I think there's some good opportunity and I think this was a worthwhile exercise, because what this also exposed is that the way we pay each individual facility and actually the way we pay for the service is different and I think maybe there's some opportunities through standardization to better track and maybe even get some group discounts or something like that. So Madam Chair, with that, I'll stand for any questions.

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CHAIR HOLIAN: Thank you, Adam. Will you be presenting this at the Solid Waste Task Force tomorrow as well?

MR. LEIGLAND: Madam Chair, as you recall, I presented something similar to this. What you're seeing here is a cleaned up version with a little bit more – I cleaned up some mistakes, so I can present it tomorrow, and then the pie chart is there too.

CHAIR HOLIAN: Okay. Any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Mr. Leigland, have you identified, and I'm sorry if you already said this, the costs that we are incurring with the private haulers countywide?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, I guess I'm somewhat chagrined to say that we weren't able to determine that because, as I said, every single facility was being charged in a different way and sometimes the costs were buried in with our general utility bill. For instance, the City charges water, sewer and solid waste all on one bill, and it was hard for us to parse out which was which, so we're working with the City through their billing system to see if we can do that. And then also on the private haulers, sometimes it's wrapped up in a larger bill and some times it's not.

So I didn't have the full information ready for today to present to you but that's the goal is to figure out that. And also I wanted to see if we could determine our volumes and our tonnages because we don't really know what our own internal diversion rate is yet. We're asking – we're going to determine – for instance, the Solid Waste Management Plan that this Board approved about a year and a half ago said that the County should come up with a target diversion rate. It didn't set one, but we couldn't even baseline yet to determine that. So I think those are two big questions. I think they're worthwhile knowing but we're not ready to answer those questions yet.

COMMISSIONER STEFANICS: So, Madam Chair, Mr. Leigland, I understand how the City of Santa Fe might be a little more complicated but if we have individual contracts for the private haulers we should be able to just pull those up. So I understand there's still some information you could tease out. So a month? Two months? When do you think you would have further information for us?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, I think we can come back within a month. Yes.

COMMISSIONER STEFANICS: Okay. Thank you very much, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya, and then Commissioner Mayfield.

COMMISSIONER ANAYA: Thank you, Madam Chair. Mr. Leigland, I've made various public statements relative to transfer stations and closures and I'm very sensitive to that topic and I did have a conversation with some of your staff relative to some feedback that I heard that Santa Fe County was going to be closing transfer stations or looking at closure of transfer stations. Could you clarify for the record that that's not in fact true and provide your feedback regarding that statement?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, the Solid Waste Task Force, we've been looking at a wide range of scenarios. In fact actually tomorrow we'll be presenting I think about eight different scenarios. And the scenarios range from

changing the way we collect revenue to trying to reduce our expenditures through operational changes. And what we've identified just by the nature of operational changes – 50 percent of our operation budget is through staffing, and about a quarter of it is through transportation, [inaudible] and tipping fees. So when we were looking at possible operational changes we identified the possibility of closing transfer stations, or consolidating transfer stations.

So what I will say is the Solid Waste Task Force has looked at that as an opportunity, as a possibility or reducing expenditures would be to close transfer stations but all that remains so far is one of the scenarios that the Solid Waste Task Force is examining. So as I said there are about seven other possibilities we're looking at – mandatory curbside collection, for instance, is a way not only to reduce the volumes that we receive at our transfer stations but also a way of improving service. We're looking at – I'm trying to recall off the top of my head what are some of the other scenarios we're presenting tomorrow.

Not to belabor the point but it's something the Solid Waste Task Force did look at and a scenario that involved consolidation and closures was presented I guess at the November meeting, but as I mentioned it's purely just an exercise at this point to see what it would look like.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, I'm getting conflicting feedback from what you just said and what staff's saying and what the Solid Waste Task Force is saying. I want to be very clear and explicit that in no way do I want to close any transfer stations in District 3 and even transfer stations that serve multiple districts. San Marcos is a transfer station that serves multiple districts as well as La Cienega serves many of the constituents of Commissioner Chavez. So I want to be clear that I am not in any way advocating for closure and I think it's really important – I conveyed this to staff that I had a conversation with and I had a conversation with the chair sitting to my right as well as a brief conversation with Commissioner Mayfield. They weren't aware of any closures that we were contemplating, either staff or otherwise. So I think we need to be real cautious about the wording that we utilize when we're talking to the public, because it can send a message or raise concern where there's none necessary.

So what I will say in follow-up to that and I've said this before on the bench here is that any potential discussions on closures of any kind will have a full, vetted discussion with the communities that might be affected by that. So I think that's really important that we convey that the public that would be directly affected would have ample opportunity to provide input and feedback.

I continue to advocate for reduced fees, understanding that in the urban areas there may be some opportunities for curbside pickup that may make practical sense. I think there's some areas that the chair has identified on this bench in her district that might be a starting point. I think that may be an opportunity for us and there may be other areas like that. And in my mind, I'll once again say for the record, those might offset the fees in the more rural areas so that we can reduce transfer station tipping charges as opposed to increasing them in the rural areas.

The last thing I would say is that recycling is always something we want to look at for expansion and encouragement and education and whatever else we can do to

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increase those efforts in the county. Did you have anything else you wanted to add, based on anything that I've said? Because I surely want to make sure that we're all – all of us as Commissioners and staff are on the same page or at least in the same book in some ways and I surely don't want to alarm the public into thinking that their transfer station might be closed when that hasn't been part of the discussion.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, I'll just say that I think that the Solid Waste Task Force has been – actually I think we've explored a lot of options. I've been happy with how it's been going. We've met four times so far and had far-reaching discussions. So we haven't kept anything off the table. But I will stress that so far it's been just purely exploratory, just trying to see what's in the realm of the possible. The Solid Waste Task Force is going to come back to this body with recommendations. It's stating the obvious that we can't just unilaterally – staff can't close transfer stations and so the Solid Waste Task Force is going to come back to this body with recommendations. I think we're currently scheduled for the first meeting in February. But I will mention that one of the things we identified early on is that there were just too many unknowns in order to make serious policy recommendations at first so we're actually pressing with the data collection effort. So what you're probably going to see in February looking at immediate steps, looking at ways we can tweak the transfer stations to improve recycling. We actually working with a group out of Eldorado called Recycle 285 which has been a really great group, and things like that.

There's – the Solid Waste Task Force has been working and we're going to present some – they're going to see some more options tomorrow so I don't think there's going to be – there's going to be no surprises and the goal is to approve service, control costs and also improve recycling.

COMMISSIONER ANAYA: Thank you, Madam Chair.

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

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, just real quick, a point of personal privilege. We're honored here also today to have Sheriff Robert Garcia and our District Attorney, Spence Pacheco here today. So thank you both for being here today.

Madam Chair, Mr. Leigland, thanks for bringing this forward. I know I asked some questions in our Solid Waste Task Force and asked for this information. Excuse me, Mr. Leigland, not to put you on the spot, but as far as Santa Fe County Resolution 2012-52, that's where the County established a Solid Waste Task Force and we're establishing some of this. One thing that I think we need to bring back to this Commission, I know Chair Holian and myself spoke about this, but we may need or ask for a little more time because I think for recommendations were needed to come from that task force to this Commission, arguably by this month, if not last month. So we may after tomorrow's meeting need to come back to the full Commission and ask for a little more time, just to put that on everybody's radar.

And also, Madam Chair, Mr. Leigland, Resolution 2011-16, adopting the comprehensive solid waste management plan, and we will, and I will be preparing a resolution to bring forward to the Commission on I think the 29<sup>th</sup>, our next Commission

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meeting. And I'll be bringing that forward, Commissioners. But exactly what was that resolution, if you know, Adam. I just don't have it in front of me.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, Resolution 2011-16?

COMMISSIONER MAYFIELD: Yes.

MR. LEIGLAND: The Solid Waste Management Authority prepared a solid waste management action plan, I think is what the acronym stands for, which was a document talking about how those partners, which is really the City, the County and the Solid Waste Management Authority can really tackle solid waste. And that came out of the Solid Waste Advisory Committee, which is a pretty active group. So what this 2011-16 resolution did was the Board of County Commissioners adopting that plan, the solid waste management plan.

COMMISSIONER MAYFIELD: But that also had some pretty aggressive recycling over there; didn't it?

MR. LEIGLAND: Well, Madam Chair, Commissioner Mayfield, what it said was a body should adopt a recycling goal, and then it offered as a suggestion it says the body should adopt a recycling goal such as 33 percent. So I think a lot of people have taken that 33 percent as the goal itself but I think it just suggests a number such as 33 percent. I believe 33 percent is probably too aggressive, at least in the short term. But it's just asking this body to set a goal.

COMMISSIONER MAYFIELD: Okay. Thank you. Then as far as Resolution – let me just look for it in this ordinance. Well, let me ask this, Mr. Leigland. Were there any ordinances that the County adopted requiring any standards of public that mandated the recycling of say, cardboard? Was that an ordinance or a resolution the County adopted?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, the current County solid waste ordinance, among other things, that's where it establishes the permit fees but it also mandates certain things that have to be recycled. In fact one of the things that's emerged as a possibility, and you'll see tomorrow is maybe expanding a list of items to complete that ordinance.

COMMISSIONER MAYFIELD: And Madam Chair and Mr. Leigland and fellow Commissioners, that's what I was getting around. That's what the County is currently not in compliance with. We're mandating this on every public citizen within Santa Fe County but Santa Fe County itself, internally, is not even complying with their own standards what we're mandating every other county resident to comply with. So that's the resolution I wanted to bring forward, understanding that we have some public safety, security concerns with our Corrections. We may not be able to mandate that for security logistics, but Adam, that's what I wanted to try to get around, and saying, look, we need to lead by example, and how can we be mandating this on our constituency and the public we serve when we're not even internally doing this with our own County buildings.

So Adam, when we work on this resolution that's where I really want to tweak it, that we have to do this internally. Also, Madam Chair, Commissioner Stefanics brought up a great point. I'd like to see a cost analysis of all the contracting that we're doing, moving our trash, our solid waste from all of our County-owned facilities and seeing if it

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would be cheaper to use our own in-house transportation. You all may have already done that. I know that we talk a lot on our Solid Waste Task Force meetings of the costs. I know costs are one component of the expense, but let us see this. And where I'm looking at it also, Madam Chair, Mr. Leigland, because in our Solid Waste Task Force it's come up of curbside pickup. I know with curbside pickup we could alleviate a lot of the costs with volume, and you may have said this, Adam. You don't know the exact rates of what we're doing with our contractors. But can we break that out also, say, if we typically, I guess, get a ratio of how many homes we would be servicing with curbside pickup in an I guess geographical area versus what we're doing with servicing our Public Health facility.

You guys aren't on curbside pickup, right? You all at your solid waste just take your trash and dump it?

MR. LEIGLAND: At the Public Works Complex?

COMMISSIONER MAYFIELD: Public Works.

MR. LEIGLAND: Our transfer station people pick it up on their way to –

COMMISSIONER MAYFIELD: Can you do a dollar analysis of that please, of what we're paying our contractors and what it would cost for you to actually pick it up like you're picking it up at your own Public Works facility and take that? I think that could be beneficial, and I think that's a scenario that I'd also like to bring to our Solid Waste Task Force to show them everything. Because Madam Chair and Commissioner Anaya, I think the information that's been provided to our Solid Waste Task Force is, well, how do I say this? It's just been certain information that's been given to them. So I think the information that's been given to them is arguably directing them the most viable means or the most economic benefit to you all is to maybe make a recommendation to shut down some of your transfer stations because of the cost. And I know we've talked about that, and that's why I've also asked that we bring in not only the operational costs of these facilities but let's look at that capital expenditures of all these facilities to get the fairness.

Because I know there was some big expenses attributed to the Jacona station over the past few years but I also brought up there's been an environmental mess out there with all the greenwaste. And if we want to talk about all the trip charges assessed to the Jacona station we have cleaned up an environmental nightmare out there. And I think there has been, and correct me if I'm wrong, because I'm probably wrong on this, but I think there has been arguably 20 years of greenwaste just sitting out there stored.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I don't know what the timeframe is. I'll ask Robert what the actual time – there was a lot stored out there.

COMMISSIONER MAYFIELD: The foothills aren't as big as how much greenwaste was stored out there in La Jacona. In Eldorado also. Thank you, Madam Chair.

ROBERT MARTINEZ (Public Works): Madam Chair, Commissioner Mayfield, that is correct. The amount of greenwaste that accumulated at Jacona is probably about a ten-year period or so, and the pile at Eldorado has been accumulating for a long time also. One good thing is that we're almost done removing the pile at Eldorado and we continually move the greenwaste from Jacona.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Martinez, Mr. Leigland, I appreciate what you're telling me but I guess what I'm saying is that the numbers that were given to the Solid Waste Task Force of saying – aside from the salaries, and I understand that 50 percent of that's the equation, but the members of the task force are saying, oh, man, you guys have a lot in transportation costs because of the Jacona station, because of the Eldorado. You guys have been running a lot of gas, a lot of trucks. Yes, but we've been moving ten years of debris that we shouldn't have had to move because they were never moving out of there on a regular basis.

So we have had one big chunk of money and time over the past year of running overtime that shouldn't have been there. So the numbers are skewed a little bit if I'm making any sense to you all. And they're not getting the fair assessment or snapshot. Once that greenwaste is moved we're going to be able to stay on top of it regularly, so we're not going to see numbers like that as far as trip costs coming out of that station any more. They won't be as frequent or as voluminous. And I just want to make sure that this task force is aware of that, and that's what I'm trying to get at, because those numbers are – they're not inflated; they're actual numbers.

The other thing I wanted to bring up and I want it to be brought to this Commission's attention, and I've brought it up to Mr. Kippenbrock on the SWMA. I've also brought it up to Justin Miller, I think, who is the SWMA attorney, is that Santa Fe County, the City of Santa Fe, as joint authority members of SWMA, worked jointly together to offset some environmental mess that the City had with a lot of the rock salt, I guess with the debris behind Siler. So the City of Santa Fe received a credit. The County of Santa Fe is also due a credit. And I think it could be arguably in excess of \$200,000. I just want to make sure that the County receives that. I'm going to bring this up at the next SWMA meeting also.

The other thing I'm going to bring up at the next SWMA meeting is that the BuRRT was closed down for I think a two- to a three-month window. We pay lower tipping fees at the BuRRT for our greenwaste. I don't think we were able to take that greenwaste to the BuRRT. I think we pay 25 – it's very important. We pay \$25 a ton, I think, versus the \$40 a ton. Now, if we were directly transporting our greenwaste to Caja del Rio, I just want to make sure if they were charging us the \$25 and not the \$40 a ton. Because we're paying that extra \$15 a ton, that's a lot of money. And now what I'm saying is that if those tipping fees are that much more money, we've got to go back to our constituency and say, well, guys, we may have to raise your permit fees. We may have to potentially think of closing down one of your transfer stations, because Mr. Leigland doesn't have the budget in Public Works. This is all relative. And this is what I want to make sure that we address.

So these I think are very determinant factors that need to be presented to our Solid Waste Task Force committee so they can get the overall picture. Madam Chair, that's all I have to say but I just thought it was really important to get on this formal record of the BCC and I will bring this up again at the Solid Waste Task Force. Thank you. Mr. Leigland, thank you for this presentation. Thank you very much.

CHAIR HOLIAN: Thank you, Commissioner Mayfield. I would just also like to thank you for bringing forward the initiative to improve the recycling at our own facilities and so on. I think that that's very important. But I would like to just say that it's

also important to recognize that no matter what suggestion or recommendation that the Solid Waste Task Force comes up with we will not be mandating recycling. I think that the goal is to figure out systems that will facilitate more recycling in our community. So in any event, thank you very much, Adam and I'm sure this will be a continuing conversation. Thank you.

I see that it's ten minutes to three here so I think what I would like to do is to put off the next item, E. which is a presentation on the Santa Fe public power study because I believe that will be a fairly lengthy agenda item and there probably will be a lot of questions out there so at this point I would like to go on, if the Commission is in agreement with this to – well, let me at this point ask whether the family would like for us to go forward with the proclamation.

**IX. A. A Proclamation to Honor and Remember the Life of Former Speaker of the House of Representatives Ben Lujan**

CHAIR HOLIAN: First, I would really like to welcome all the family members who are here today. First and foremost Speaker Lujan's beloved wife, Carmen, as well as his children of whom he was so proud, Shirley, Jerome, Congressman Lujan, and I know that also his daughter Jackie would like to be here but she's not with us today. I would also like to welcome all the other members of the family who are here today with us to celebrate Speaker Lujan's life.

I would just like to say a few opening remarks. I think it's really particularly fitting that we are honoring Speaker Lujan's life here. At the start of his career the Speaker was a Santa Fe County Commissioner. He was elected to office 42 years ago in 1970, and I'm sure that he attended many, many meetings in this very room where we are sitting right now. He was elected to the House of Representatives in 1975 and his career culminated when he was elected to be Speaker of the House of Representatives 12 years ago in 2001.

Speaker Lujan was truly a legislative giant and an exceptional leader in our community, but also – and I think this is really most important of anything that he did in his career, was that he was a strong voice for the people of New Mexico, and sadly that strong voice fell silent on December 18, 2012. We are honored to celebrate his life today. Commissioner Mayfield, would you please read the proclamation.

COMMISSIONER MAYFIELD: Madam Chair, Thank you. It's my honor to read in the proclamation on behalf of the Board of Santa Fe County Commissioners, to the family of Speaker Ben Lujan. Honoring Speaker of the New Mexico House of Representatives, Ben Lujan.

Ben Lujan broke free of his earthly bounds into the arms of the lord on Tuesday, December 18, 2012 at the age of 77; and

Whereas, with his passing, a historic epoch in New Mexico's body politic has concluded and we have forever lost a genuine treasure of our state whose destiny was forged and molded by generations of tradition, culture and rich history and whose political renown was grounded in humility, compassion, and a deep commitment to community; and

Whereas, the Board of Santa Fe County Commissioners wishes to take the opportunity to extend our genuine, heartfelt condolences and appreciation to Speaker Lujan's family for his many decades of public service on behalf of the people of the great state of New Mexico and the County of Santa Fe during the past 42 years in elected public service; and

Whereas, Ben Lujan, a son of a borreguero and homemaker was born on July 12, 1935 in Nambe, New Mexico, to Celedon and Nestora Lujan, and was the youngest of nine children; and

Whereas, Ben Lujan attended St. Michael's and Pojoaque high schools where he played varsity basketball and was recognized as an intense competitor and bona fide sportsman, graduating in 1954 from Pojoaque High School; and

Whereas, Ben Lujan married his high school sweetheart and soulmate, Carmen Lujan and over the past 53 years they raised their four children, Shirley, Jacqueline, Jerome and Ben Ray, along with nine grandchildren – Miranda, Jason, Dominic, Allison, Benjamin, Joseph, Nathaniel, Jordan, Jaime, and great grandson, Shane; and

Whereas, Ben Lujan earned a living as an ironworker at Los Alamos National Laboratory; and

Whereas, public service is a noble calling involving a multitude of challenging and rewarding efforts, whose end goal is to improve the quality of life of the citizens served; and

Whereas, in 1970 Ben Lujan was elected to serve on the Board of Santa Fe County Commissioners. Ben was elected in 1974 to the New Mexico House of Representatives and in 1983 began serving as Democratic whip in the House, and in 1999 Representative Lujan began serving as the House Majority Leader; and

Whereas, in 2001 members of the New Mexico House of Representatives elected Ben Lujan Speaker of the House where he served for 11 consecutive years placing him nationally among a handful of state legislators who have served in leadership positions continuously for 30 years; and

Whereas, Speaker Ben Lujan's dedication and hard work does not go unnoticed and Board of Santa Fe County Commissioners wish to convey that we all are proud of all that he accomplished during the course of his exemplary tenure and public service to improve the quality of life for communities in Santa Fe County and the State of nm; and

Whereas, even during the most difficult of times health-wise we had the pleasure of witnessing first hand Speaker Lujan's determined commitment tireless perseverance and steadfast resolve to continue working on behalf of the people of the great state of nm; and

Whereas, during his tenure in the New Mexico Legislature Speaker Lujan successfully sponsored multitudes of legislation including measures to increase the minimum wage, to protect homeowners from being forced from their homes by rising property taxes, and to spur the economy with business incentives, worker training programs, and funding for education and public works projects. And in 2004 sponsored a food tax repeal that was signed into law removing tax on food which he considered one of his most significant legislative legacies;

And now, therefore, we find ourselves grateful for the opportunity to salute and celebrate Speaker of the House of Representatives, Ben Lujan, for all he has done on

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behalf of our state and county and we hope that this commemoration provides an opportunity for all New Mexicans to pay tribute to his long-lasting achievements and spirit of public service, and to express our deep appreciation and resounding acknowledgements for the many positive and far-reaching contributions he made to the daily life of New Mexicans.

Now therefore be it resolved that the Board of Santa Fe County Commissioners do hereby proclaim January 2013 as Speaker Ben Lujan Month in Santa Fe County as we encourage all residents to recognize the significant contributions made by Ben Lujan through his role in public service.

Adopted and passed on this 8<sup>th</sup> day of January 2013, Board of Santa Fe County Commissioners.

CHAIR HOLIAN: Thank you, Commissioner Mayfield. We don't have a written program so I thought I would just sort of give you an oral program of how we are going to proceed. First of all we will have a wonderful photo tribute to Speaker Lujan and you'll see why I'm using the word wonderful when you see the tribute. Then I believe that the Commissioners would like to say a few words. And then I think that there are some other people here who might want to come forward to share their thoughts with us on Speaker Lujan's life. And then finally Congressman Ben Ray Lujan will state a few closing remarks. So now, the photo tribute.

[A video presentation followed.]

COMMISSIONER STEFANICS: Thank you. That was really beautiful. I would especially like to thank our staff in the Manager's Office who put that together. I can tell you it was a true labor of love that they did that.

So now I would like to ask the Commissioners to say a few words. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair. First of all I'd like to thank the family. I'd like to thank the family for sharing your husband, your brother, your father, your grandfather, and I think there was a great grandfather too, with the public. Because I know that when you participate in public life your private life becomes public and the time spent with family is taken away. And I first of all thank you all for sharing him for so many years with the public.

The second thing is that when I had the opportunity to serve a very few years in the state legislature the Speaker took me under his wing. He helped me learn what proper protocol was. He helped me when I passed something in the Senate pass it in the House, and I learned what a partnership was then, between the two houses of the New Mexico State Legislature. I didn't really know how that worked before until I met the colleagues of our county and had him lead the way for how that partnership works.

I believe Mr. Speaker, Ben Lujan, listened to many people, and when he didn't necessarily have an opinion or a position he kept an open mind. He learned about topics. He was there not only for the working people but for all the people who came along that we never thought we'd have to deal with – the gay and lesbian community, the immigrants, the populations in our state who don't speak English or Spanish or are Native American but have moved here. He kept his mind open for all the people of the State of New Mexico and all the issues that had to come in front of him as a decision maker and a policy maker.

I thank you for your contribution because it was the family who contributed to allow him to share his life with the rest of us, and for his warmth. I just want you to know that he will be fondly remembered not only by myself but by many people in my family and my community. Thank you very much.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. To the Speaker's family, thank you all for sharing Speaker Lujan with us. He was a wonderful man. Personally, for myself, he was a mentor to me. He really was. He was an inspiration to me. I will miss him deeply. I'll miss him in church. I don't know what to say. It's a great loss for all of us. It's a great loss for our community. I know it's a deep loss for all of you but he'll never be forgotten; he'll always be with us in our hearts and in our prayers and I think of him daily. I really do. And just thank you all for sharing him. He was a wonderful father to all of you, I know he was, and a grandfather. And the Speaker was a beautiful man.

I have fond memories of him. I used to have great talks with him and he has a very special heart to a lot of people, to many people and he did wonderful things for our community and for the state that will never be forgotten. And again, thank you all for sharing him and thank you for letting us honor your father today. Thank you so much.

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

COMMISSIONER CHAVEZ: Thank you, Madam Chair. To the family, I know this cannot be easy, but as many of us have said he will not be forgotten, so that means we all have to remember him in our daily lives and what we do for our families and for our communities. So having said that I think that Speaker Ben Lujan made that contribution and he will be that legacy that many will look up to for many years to come. So I think we need to hold that close to our hearts and remember that the contributions that the individual made benefit the family now and for many years to come. So that's the legacy and I can only hope that many in our community will aspire to do half of the things the Speaker did in his life and continue to make the contributions to our communities so that we do have a better place for us and our families. So my thoughts and prayers will continue to go out to the family.

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

COMMISSIONER ANAYA: Madam Chair, Ms. Lujan, members of the family, Mr. Lujan, Mr. Speaker, Ben, reminded me of my father when he passed and my dad said in his closing days, God, family and your responsibilities, in that order. Mr. Lujan, your father, your grandfather, your husband, brother, neighbor, Commissioner, legislator, he did those things and he lived those things, and I appreciate him for doing that. As I was thinking about Mr. Speaker and you, Ms. Lujan, I was speaking of the many places that are reflected in the pictures that we saw behind us and in the stories and in the articles that we've all read in the paper about all the places that you were able to go and see, places like the White House and other places around the country that many of us may never see.

But I always remember you and the Speaker in one place. If you wanted to go see the Speaker, if you were there and you went, Mr. Speaker and yourself, you liked to go to

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Furr's. And I used to see you there and we'd see you there with different people and you were always on the ground, talking to people, regular, everyday people. And I think that says a lot about who he was and what he did and what he lived. We could go on for hours and talk about all the projects and things that he did. But I'll tell you one thing that I'll say based on Santa Fe County. He loved the State of New Mexico, with all his heart, with a lot of passion, and he lived that passion.

But I think, just based on the conversations I had and saw him have with others, I think he loved Santa Fe County just a little bit more. And this bench and being a Commissioner and being able to sit here where he sat and many other former Commissioners sat is truly an honor. And he always took care of us. He always took care of us and I speak to that as a Commissioner sitting here but as watching him take care of all the previous County Commissioners and Commissions and the County. And he was always worried about the roads and the simple, fundamental things that the people needed every day, from the time that he started on this Commission to the time he was a Speaker, he would still make those calls, to me and my fellow Commissioners on the bench around specific issues that came about. He didn't tell you what to do; he provided you some feedback and some information and then afforded you the opportunity to make whatever decision you felt was in the best interest of the citizens.

One thing I will say as a Commissioner sitting in this seat is the Speaker fought hard for property taxes to be low. And fought really hard for that bill everybody keeps wanting to change relative to the tax lightning as it's referred. I can tell you that I will fight on this bench to keep it as close to what it is as possible, and to keep those taxes down, because he always would say – he'd stop you in the hall and he'd grab you by the jacket and say, you've got to keep those taxes down. You've got to help out those people that need it most.

So I'll leave it at that, but I appreciate everything he did. My condolences and heart goes out to each and every one of you. Great man, great individual, who lived in the hearts of every citizen and did what was right by all people. God bless Speaker Lujan and God bless you all.

CHAIR HOLIAN: Thank you, Commissioner Anaya. I would like to thank my colleagues for sharing their views on Speaker Lujan's life and the profound and lasting impact that he had on our community. But I would just like to say a few words of my own on a very personal note. First of all, when my husband and I lived in Jacona for many years he was our representative and thinking back over the years that we have been here I know that whenever Speaker Lujan was in the room everybody knew that he was in the room. That shock of white hair, that beaming smile, that would draw people to him. And it's my theory that with that smile he could melt the heart of even his staunchest political foes.

Now, I had a dear uncle who really reminded me of Speaker Lujan, my Uncle Johnny. He also had a shock of white hair and a beaming smile and an intense interest in politics. You could engage him in a political debate anytime, anywhere. He also was a metalworker in his younger years and he fought the same illness that Speaker Lujan did. Sadly, he, my uncle, lost that battle himself a little over a year ago and I know the pain and struggle of that fight. And I also know first hand the feelings of the family in that

struggle – their feelings of frustration and helplessness and ultimately of deep, deep sorrow.

But one other thing that I really know is that if my Uncle Johnny had worked at Los Alamos he would have been shoulder to shoulder with Speaker Lujan in the fight to make sure that the workers who work there and were harmed by the work that they did got the help that they needed for their illnesses and the help that they deserved for those illnesses. Now, I know that's only one example of the many, many wonderful things that Speaker Lujan did in his career, but that really speaks to me personally and really exemplifies what a hero Speaker Lujan has been in our community. And I thank you. I thank you so much and I thank him.

I think that now – I know that there's at least one other person here who would like to say a few words, so Mayor Coss, would you like to come forward?

MAYOR DAVID COSS: Thank you, Madam Chair. I appreciate the invitation to come and say a few words as the Mayor on behalf of the City. I wanted to say the City has also passed a resolution honoring the Speaker for his service to our community. I'm very pleased to be here today again to just add my thoughts and my words and my experience and to honor him as a leader and a family man and a New Mexican. And I especially want to thank you, Carmen, for all the time we spent on the couch outside his office. Sometimes it wasn't that comfortable for the Mayor of Santa Fe to be in that office but it was always comfortable outside on the couch with you, Carmen.

And I want to thank, as the Commissioners have, Jerome and Shirley and Jackie and Ben Ray, for sharing your dad with us. And I think it just shows what kind of man he was and what kind of family he had that you continue to share with us now. Because you see the grief in all of us and I can only imagine what it's like for you that you've shared with us these past weeks and you've been with us, and I can't thank you enough for that. When I came of age politically Ben was already in the legislature. He was already chairman of the House Appropriations and Capital Outlay. So I look back now and say everything I ever did, anything that any of us ever did, whether it was human rights or labor rights, environmental protection or tax fairness, or just keeping the roads and the sewers working for our people, Ben was already there and already helping us in paving that path. So there's going to be a period of readjustment as we figure out how to proceed without our Speaker and our leader. We can't thank you enough for that.

And I want to just tell you a little story and I know Liz and Kathy and some others know this about how he saved a union last year. The nurses union was also being forced out on strike, which we know would have led to them decertified and replaced. And I didn't know how sick he was but I know that he called us all into his office and he sat there on the phone for like an hour and a half with the CEO, and that, the agreement, was made. He did that. He did that while he was sick; he did that on his day off. He did that and he was just so persistent and I don't think he raised his voice once. He just kept talking about, well, what about the workers, and how about this and how does that work? For an hour and a half, two hours. That poor CEO. I think he was glad to get off the phone. But he did that and he saved that union. And that was just one of many, many, many things that he did for the people of New Mexico and the people of Santa Fe. I think you're right, Commissioner Anaya. I think he liked us just a little bit better. We always benefited from that.

But I was thinking about that and his generosity and your generosity as you in your grief to be with us and us in ours. And that day at the Round House when all of you stood and accepted condolences from it must have been 500 people. But you know what it made me think of was the pledge to the New Mexico State Flag. It made me think of that phrase of perfect friendship amongst united cultures. And Ben Lujan lived that. He created that and he did that for us every day. And you are a witness and testament to that on that day and we saw it all when people from all walks of life, all nationalities, all ethnicities, all economic groups were there to say farewell and you as a family were there with us. So thank you for that.

The condolences and the thanks of a grateful city go to you. Thank you for everything. Thank you for sharing Speaker Ben Lujan with us for so many years. And thank you, Commissioner Holian and the County Commission for this event. It was really great that you did this. Thanks.

CHAIR HOLIAN: Thank you, Mayor Coss. Is there anyone else here who would like to say a few words? I know that Katherine Miller, our Manager would like to say something as well.

MS. MILLER: Madam Chair, thank you. To the Lujan family, your father, family member is just so special to me. I had a great fortune of working with him from 2003 to 2010 at the legislature in different capacities under the Richardson administration and I have to tell you I learned so much. He was just one of the most brilliant legislators I've ever, ever worked with and it was so fun. Even when we were on the opposite side of an issue, always a statesman, always a gentleman and so clever at coming up with ways to work through things, and I felt so fortunate that he would often have Regis call me and say, get Katherine over here. She can help us figure this out.

Truly, it was so great, even if it was 2:00 in the morning on Saturday, and I was like: Really? At two in the morning you want to work on this? He was just stupendous. And I can't echo enough what the Commissioners have said, but truly, as far as the legacy in the state, he will be a legacy in Santa Fe County, in the state legislature and in the state. There is not a person in the state that he has not affected. If you buy your groceries in this state you don't pay taxes on them and that was due to a big fight by Ben Lujan. There are so many things. He was also a champion for me when I was the head of the Mortgage Finance Authority and doing every initiative that's out there, I think every statute that's on the books for affordable housing was championed by Speaker Lujan. And it was great to work with him on that. There are so many things, and as the Mayor said, every road you drive on, every bit of infrastructure for water, wastewater, all that, it was so important to get that money out to the communities and to families in New Mexico, across the state, not just Santa Fe County.

There's not a person in the state who's life he does not touch and will continue to touch from all the things that he's done. So I just thank you for sharing him with us. He was absolutely wonderful and he'll be truly missed. Thank you.

CHAIR HOLIAN: Thank you, Katherine. Mr. O'Hare.

CRAIG O'HARE (County Energy Specialist): Thank you, Madam Chair, Commissioners. I wasn't planning on saying anything and then I felt compelled given the gravity of the moment. Mr. Speaker, Ben Lujan, I'd just like to publicly express my extreme respect and admiration for your decades of dedicated, sincere and genuine

service to the citizens of Santa Fe County and the citizens of the entire State of New Mexico. For eight years I worked closely with Speaker Lujan at the legislature on behalf of Governor Richardson's clean energy legislative agenda. I found the Speaker to be very personable, driven and extremely effective at doing the people's work. Estimado Speaker, you will be sorely missed. My heartfelt condolences go out to Speaker Lujan's family for their loss.

CHAIR HOLIAN: Thank you, Mr. O'Hare. Now, I would like to welcome Congressman Ben Ray Lujan for closing thoughts.

CONGRESSMAN BEN RAY LUJAN: Madam Chair, Commissioners, County Clerk Salazar, Manager, County Attorney, to all of the dignitaries that are here today, to all of dad's friends. I turned, not really wanting to. So many people that are here today that dad worked with on a very personal level that the two of you in your own way would guide policy, would change the shape of a community. Without many other people realizing it, but in a way that benefited people.

Dad loved people, Madam Chair, and the beautiful slide show, the staff – everyone that's made today possible, thank you on behalf of the family. Dad always challenged us a family and I'm sure that the conversations that each and every one of you had, sometimes pleasant, sometimes maybe a little confrontational, but he always challenged us to do better and to do good. And I would just ask that we heed to that call.

Dad sent out a letter to his colleagues in the House a week before he passed. Some of them didn't get that letter until after he passed. And he talked about the immense responsibility that we all have but how mom and dad were blessed, because they had a chance to meet each and every one of you. They had friends from all over New Mexico, all over the country, and all over the world. My mom was reminding me of a story that Governor Richardson got into a little hot water for going to North Korea recently, and mom told me the Governor had some of them come visit us in New Mexico and it was your father and I that were there speaking to them in Spanish, talking about how beautiful New Mexico was and how beautiful America was. You hear stories like that and you don't even realize that someone that grew up in a small little town, an ironworker can touch so many people.

But each of you in your own way know the conversations that you've had and what you've done and what he's asked us to do. So, Madam Chair, if I may, just as a closing thought, a thank you on behalf of my mom, my sister Shirley, brother Jerome, my sister Jackie, his grandkids Miranda and Jason and all of the family, thank you for allowing us to be here and sharing and celebrating dad's life. But that we always remember that dad asked us to make a difference in the lives of children and working people and our elderly, our seniors as he would often call upon them. That's what dad wanted from us, and he never wanted someone to lose their land because they couldn't afford it. Never wanted them to have their land taken away. And that's why so many things that he's done still live on today that are making a difference in people's lives. So from the bottom of our hearts thank you for the support and for the prayers and for the friendship that each and every one of you had with dad.

And again, Madam Chair, as I look around the room, so many, so many friends that are here today and so many friends here at the County. He loved his days here at the County Commission. He prided himself at being so close to the people, and that's what

each and every one of you do every day. You're so close to the people. Listen to them and do good.

I'll share just one last thought. Dad sometimes shared this story and my mom would appreciate it and I think it's always good, given dad's smile, to end on a humorous note. I was born on the night that my father won his primary for his second term as County Commissioner. And so the story goes, my mother and my father were at their friend, Ponce Lujan, who was one of his best friends growing up, probably his closest friend that sadly we lost a few weeks earlier. And they were at this house and they were celebrating and enjoying the victory. And Geri, Ponce's wife, started making breakfast and my mom said that smell of bacon just compelled something in her body and her water broke. But she didn't say anything because she wanted everyone to finish their breakfasts. And she told my dad, it's time to go home. We have to go. And he said, no, no, Carmen. Let's stay a little longer. And she grabbed his coat very close and said, it's time to go. To which one of his closest friends, Manuel Garcia, who was one of his pallbearers, jumped into their car and drove my mom and dad to their house, grabbed an overnight bag, two in the morning, their on their way up the hill into Santa Fe and the lights on the car go out. Then at last they get to the old St. Vincent's Hospital and I'm delivered, and Manuel Garcia calls into work to let them know that he's not going to make it because he had a baby.

It's those kinds of stories where it's family that's always been together and dad always was able to get a smile out of us and we want everyone to remember him. Madam Chair and the Commission, thank you so much for allowing us to celebrate dad and remember him for the great man that he was. Thank you.

CHAIR HOLIAN: Thank you, Congressman Lujan and I just really want to thank you, the family, for giving us this chance. We would now like to present the proclamation to Mrs. Lujan and the family and I am going to call a 15-minute adjournment because I know that all the Commissioners would like to be able to talk with the family. So we will reconvene at a quarter of four. Thank you.

CHAIR HOLIAN: We forgot to pass the proclamation, so do I have a motion?

COMMISSIONER STEFANICS: Madam Chair, I move that we accept and approve this proclamation.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: I believe that there's a motion and four seconds.

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

[The Commission recessed from 3:35 to 3:55.]

CHAIR HOLIAN: I would like to call this meeting back to order. I certainly again would like to thank the family of Speaker Lujan and for all of our friends and neighbors who came here to be part of this. I have good news for the Commissioners. County staff is going to make copies of the photo tribute for all of us too. And thank you to staff.

**IX. E. A Presentation on Santa Fe Public Power Study, Presented By the City/County Energy Task Force**

CHAIR HOLIAN: Now, I would just like to start off with a definition of what a publicly owned electric utility is. That means that it's a utility that provides electricity to the public that is run by either a local government or by a joint authority in the case of a regional electric utility. That would be somewhat analogous to the Solid Waste Management Authority which manages the Caja del Rio Landfill and the recycling center.

The history of the County's interest in investigating the possibility of a publicly owned utility dates back to the days of Commissioner Paul Campos' time. In fact when he was in office he formed a task force to look at the issue and the County, Santa Fe County, spent \$100,000 for a technical feasibility study, that is a study to determine whether it was technically possible to do such a thing in our area. The short answer was yes, it is technically feasible, but it's very – it would be actually required for the City and County to work together, just because of the way that the poles and wires are organized.

Not the reason for the interest in a publicly owned electric utility is that there are certain advantages to having one. And we know this from other places in the country that have such utilities. Los Angeles is actually an example, and Austin, Texas is another example. The advantages are that the local government entity that runs it would have local control, which means that the citizens who lived in that area would then have control over the utility through the management authority or whoever was actually operating it.

Another possible reason for it is rate stabilization. Investor-owned utilities are in the business for making money, whereas public-owned electric utilities are a service to the people in the community, such as a water utility. So they are really not in it for making money; they are in it for providing a service to the people. Also, something like that could also create a lot of local economic activity. For one thing the people who work for the utility would probably live in the area and that isn't always the case with investor-owned utilities.

Now I would like to turn this over to Craig O'Hare who will give more detailed background and introduce the study and the presentation to the study.

MR. O'HARE: Thank you, Madam Chair, Commissioners. I'd just like to say for those who are watching or listening in that this study, the preliminary economic feasibility study is available on the County's website, on the Public Works Department's website, both the full study and the executive summary. And then you have before you hard copies of this power point presentation. *[Exhibit 2]* This study was done by New Energy or done on behalf of New Energy Economy by MSA Capital Partners.

This is the outline of today's presentation. I'll just be covering the background then I'll hand it over to Mitch Stanfield who was the study project director for MSA Capital Partners. I will say that as part of the outline, under status quo limitations, basically that's all about recognizing that the City and County in their respective plans have adopted aggressive renewable energy, energy efficiency, economic development objectives and objectives around greenhouse gas emission reductions. That item, status

quo limitations will point out why it's difficult under the current environment, or with respect to the current electric utility provider in actually achieving those objectives.

So as a matter of background, Commissioner Holian just mentioned then Commissioner Paul Campos' involvement with getting this whole initiative underway back in 2008 with respect to a technical study as to the extent to which the greater Santa Fe area distribution system could be physically disconnected from PNM's larger distribution system and essentially the answer to that question technically was yes, that there was no technical constraints to actually setting up a greater Santa Fe area distribution system. It wasn't for the entire Santa Fe County but I think it went down to Madrid and up into part of the northern county and what have you.

Now with respect to the policy background for what drove this study happening in the first place there is of course the County's 2010 Sustainable Growth Management Plan and in that plan, I believe it's chapter 7 and 8 focus a lot on establishing aggressive renewable energy and energy efficiency goals and raise the concern of global climate disruption and the interest on the County's behalf of reducing countywide greenhouse gas emissions, with a particular emphasis on using clean energy opportunities in the areas of renewable energy and energy efficiency to create local economic development and jobs. And in fact those quotes up there are directly out of the plan that say, assess the potential to create a local power utility, which is driving the County's side of this study.

Then the City basically adopted a couple years before that and Commissioner Chavez will probably remember this since he was on the Council then, the Sustainable Santa Fe Plan, which with respect to energy efficiency and renewable energy and climate change concerns and local energy-related economic development is virtually identical to the statements in the Sustainable Growth Management Plan, including that specific statement that says consider development of a regional municipal power utility. And then from those policy documents the City-County Regional Planning Authority, which has already established the City-County Energy Task Force that Commissioner Holian currently chairs – Councilor Calvert also serves on it on behalf of the City – directed, the RPA directed the Energy Task Force to pursue a preliminary economic feasibility study and allocated \$25,000 out of its budget.

Subsequent to that we acted on behalf of the City as well, entered into a memorandum of agreement with New Energy Economy to conduct the study and he was able to raise funds for \$10,000 towards this study, then in 2012 he retained MSA Capital Partners to do the study, which was then completed at the end of November of last year.

I would like to point out that this is very much a preliminary assessment. \$35,000, when you're looking at an issue like this, it's enormously complex, financially, legally and otherwise, is not a lot of money. These sorts of studies when cities and counties get very, very serious about looking at municipalization can run into the hundreds of thousands of dollars when you get into it and a detailed engineering study, and in fact the City of Boulder has done just that in the last couple of years, actually spent in excess of \$500,000 on their analysis efforts.

So these are preliminary findings from a preliminary study but we feel at least at the staff level that this is a good quality study for the money and raises the issues and presents the information in a way that's digestible and raises issues around what if any next steps would be both governing bodies like to do with this information. And with that

I will turn it over to Mitch who will get into the meat of the report. So this is Mitch Stanfield with MSA Capital Partners.

MITCH STANFIELD: Thank you, Craig, and thank you Madam Chair and Commissioners as well for the opportunity to present our preliminary findings on this important study. At the outset I'd like you to know that this was not a one-horse show. We got into it in June of last year on a three-month contract to do a desk study. We ended up doing a six-month major work effort with the participation of Meriel Nanasi, the executive director of New Energy Economy, with Craig O'Hare, your energy specialist here with the County, David Griscom, who is in the audience, a local renewables expert with significant experience with RDC, Steve Ross, who was heavily involved in the development of the legal framework, my analyst, Taylor Gunn was involved in development of a financial model in two scenarios.

This study, although it relies entirely on publicly available data, encompassed the amount of time and energy and effort on the part of a group that an investment grade feasibility study would require for a major wastewater project or transportation system. The 50-page document that's on the County's website is worth taking a look at. It's awfully dense and data-filled, but I think in the end will give you an accurate understanding of what may be possible here in the region.

If you'll turn to slide 5, study objectives, we were asked to evaluate the electric utility against four objectives, primarily: the costs, the acquisition of the system and startup expense, along with O&M, the impact on commercial and residential rates and bills, the ability to meet the County's growth management requirements, including an aggressive renewable energy program, and importantly, the potential for stimulating new job creation here in the region.

The existing framework here in Santa Fe has its limitations and they are largely regulatory and structural in nature. The state law through the energy usage, the New Mexico Efficient Use of Energy Act, EUA, requires that the investor-owned utility achieve savings of ten percent by 2020 against a 2005 usage deadline. There is also through the Renewable Energy Act a portfolio standard calling for 20 percent of total acquisitions from renewable sources by 2020. It was our assumption that the current provider in the status quo would probably meet those targets in 2020 and I'll address in a few minutes what we think we can do in the context of our own work here.

There's no requirement for locally produced renewable energy in the existing law or regulation. Renewable energy can be purchased from long distance. There's no local jobs requirement connected with it and there are limitations in statute as to what investor-owned utilities are able to provide based on cost.

In the status quo, as Chair Holian mentioned, we have in the investor-owned utility a set of requirements that don't match necessarily the interests of Santa Fe City and County. For example, the for-profit motive in an investor-owned utility takes away the opportunity that a publicly owned utility would have to pass along what would be profits in cost savings to the consumers of energy in the service area. In addition to that there are very limited environmental motives on the part of investor-owned utilities and in addition to that investor-owned utilities don't have the same attitude toward the promotion of customer-oriented or owned solar and the benefits of energy efficiency

because they tend to mitigate the need to produce more electricity, which is not in the financial interest of the for-profit company.

Wind farms, a topic of some conversation here in New Mexico now, particularly in the eastern part of the state, where, with enough transmission capacity we may be able to get power produced from wind. But the fact is that in our case, in Santa Fe, if we're looking to renewable energy to try to stimulate employment and to kick-start an industry here, either through the Community College or other sources, we don't get job creation from wind farms located in eastern New Mexico.

As consultants we were asked to evaluate three scenarios for this study. The first was the status quo, that is the current service provider continues to own and operate the system, and then two other scenarios. We call one of them Scenario Santa Fe Public Power 1, which calls for over a 20-year period to completely purchase power in the wholesale and spot market without the need for any generation facilities of a magnitude of a combined cycle gas plant or a solar farm here locally. And then Santa Fe Public Power 2 would provide for purchased energy for the first eight years of the analysis, then the introduction of one-third ownership of a combined cycle gas plant in year eight, which would be 2020, and the introduction of a 60 megawatt solar farm here in Santa Fe County in 2021.

Importantly, there are some differences between what scenario 1 and 2 can produce in terms of benefits against the status quo. First, we can immediately go to a 70/30 natural gas/renewable load balance. That's in 2013, if we were able to implement the public authority that quickly. And in the year 2028 a total of 45 percent of our total load inside Santa Fe County would be generated or supplied from renewable sources. In addition to that the implementation of a very aggressive new energy efficiency standard here in Santa Fe County would more than double the current requirements in statute for a ten percent reduction in energy usage in 2020 to what we think can be achieved in 2028, which is a total of 20 percent for dwelling energy usage savings.

The big stick in this analysis involves the introduction of customer-scale solar in the region. In both Santa Fe Public Power 1 and 2 we foresee the opportunity to generate through customer-scale solar – these are panels on rooftops, ground-mounted solar, a total of 11.25 percent of our total energy needs, or a total of 44 megawatts of solar energy delivered power in the county locally. That compares statewide presently to a total of 20 megawatts statewide. We think 44 megawatts is entirely possible through a public ownership scenario, either with generation or without in Santa Fe County.

Customer-scale solar does not require the utility to generate electricity. It rather gives the utility the benefit of having that electricity already provided at a substantially reduced cost over what it typically needs to pay or buy energy for. Santa Fe Public Power 2 involves the introduction of a combined cycle gas plant, one-third ownership in 2020, with a solar utility in 2021.

Methodology – basic assumptions for the analysis. As Craig indicated, we looked at 90 percent of the county as a likely service area for the new public utility. Startup and acquisition cost would total approximately \$155 million. That's \$106 million for the existing distribution system on a replacement value basis, and then another \$49 million in startup costs for Santa Fe Public Power itself. For the cost of acquiring energy through efficiency, our estimate is we can get that done at 2.6 cents per kilowatt-hour or roughly

half of what we would need to pay to buy or generate that energy here in the county and the city.

For purposes of the study we assumed that we could buy natural gas-derived power for 5 cents per kilowatt-hour, wind for a nickel, solar for 8 cents, and we would need to provide incentives for customer-scale solar here in the region of 14 cents per kilowatt-hour, which in fact would be our form of a REC, renewable energy certificate, and net metering available to the consumer who installs that system on his home.

We compared as well our own rates to the existing service provider's 10-year historical rate growth of 2.6 percent per year for residences and 1.97 percent per year for commercial users. In addition to that, key assumptions in the study on slide 11 consist of 20 percent of energy efficiency savings in 2028 compared to 8 percent, perhaps, by the existing service provider. No coal in the region over the 20-year analysis. 84 percent of locally sourced energy in Santa Fe Public Power Scenario 2 by 2028, and through those local scenarios, 11.25 percent of customer-scale renewable energy or solar.

Page #12 will give you the financial results of these inputs on a comparative basis with the existing service provider, and as you can see, Madam Chair and Commissioners, the study indicates that we're generating savings on a base case in Scenario 1 of 12 to 15, to 20 percent from 2015 through 2028, that's year 15. And on a Scenario 2 basis for bills, savings of 8 percent to 18 percent for that same timeframe, 2015 through 2028.

Why does this occur? There are three key reasons for that. The first is through an aggressive energy standard we are able to save energy that we would otherwise generate through the expenditure of 2.5 cents per kilowatt hour as compared to 5 cents at cost to buyer-produce that energy. That's a significant savings to the ratepayer. There is reduced executive compensation, typically, in a municipal utility, and then finally and importantly, as Madam Chair has indicated, there is no earnings expectation in a publicly owned utility, which if investor-owned would supply typically quarterly earnings dividends to its owner/investors.

You can see on slides 13 and 14 the residential and commercial bill comparison of what a possible publicly owned in Santa Fe might provide against an investor-owned utility here. The savings for the public utility for scenarios 1 and 2 is almost at parity but significantly less than the investor-owned utility for the reasons that I've just indicated.

Slide 15 gives you a comparison of load growth for the current service provider in the top line, and load growth for Santa Fe Public Power with aggressive energy efficiency in the second line. And then the third line of x's across the graph will provide you with demand over a 20-year period for Santa Fe Public Power with an aggressive energy efficiency standard and customer-scale solar. The bottom line, ladies and gentlemen is that we see in year 2033, the very tail end of the analysis total demand approaching almost 950,000 megawatts per year against in the second line, which is Santa Fe Public Power, with only an aggressive energy efficiency standard of 800,000 megawatt-hours per year. That's a difference of 15 percent between investor-owned and publicly owned utilities in that 20-year period. If we add to that distributed generation from the implementation of customer-scale solar we can contribute another 11 percent in savings over that 20-year period for a total of 26 percent less energy produced and consumed over through a public utility over a 20-year period, when you look at cumulative energy savings from 2013 to 2033 for the publicly owned and the investor-owned utility.

Now, finally to economic development. I'm going to be brief here because I think this is probably well understood, but there is no other type of installed power mechanism that does more job creation than customer-scale solar and we estimate that 44 megawatts of customer-scale solar in Santa Fe would create quite a lot of jobs over a 20-year period, perhaps as many as 3,800 at one time or the other including construction. But there's also another factor to this that's important to understand. It was our conclusion based on analysis of what other communities – Austin, San Antonio, Sacramento – have done with publicly owned utilities. Santa Fe is probably a natural place for a renewables industry, based on both climate, the availability of the lab in Los Alamos and Santa Fe Community College. That would help foster both the development and the ongoing growth of a renewables industry in Santa Fe, and this could certainly be taken advantage of through the inception of a new public utility here.

Next steps, and that's certainly a policy matter that is for you to decide, but it's our recommendation that a public outreach program is needed in order to inform the public of what public power is and isn't, and a poll, quite possibly, to try understand what the public in our community wants to see and should see in a public power utility. Clearly, the level of our work is not at an investment grade. We need a detailed engineering study that would look at in well defined terms the distribution system of the current service provider in the county, the age of that, the potential cost to replace or perhaps even lease. There needs to be an assessment at the City and County level of what our appetite is to do the bond financing necessary for start up and acquisition costs, and then finally a thorough market evaluation to understand precisely what we can do in the purchased energy market and if in fact cost advantaged do occur in the latter part of the years of our analysis from the introduction of generation, both natural gas and utility-scale solar. Thank you very much.

CHAIR HOLIAN: Thank you, Mitchell, and thank you very much, Craig. I also would like to recognize that there are a couple of members of the Energy Task Force that are here now, David Van Winkle and David Griscom, who have been participating in this task force for quite a while. So now, any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. When the study was done, and I realize it's not totally comprehensive yet, but were there other governmental projects that were looked at around the state of New Mexico for their success, their longevity, their issues, etc.?

MR. STANFIELD: Commissioner Stefanics, we had extensive discussions with John Arrowsmith who runs the Los Alamos Public Utilities Department and input from him in the early stages of our work. We also met with the Raton Electric and Gas utility. We had input from the lab, both from the renewable staff and the energy storage staff in this study. We talked to the former chairman of the Las Cruces effort to attempt to municipalize, the El Paso electric operation in the nineties. We had some discussion with consultants and lawyers who were affiliated with that effort. I'd like to do more. We didn't cover as many bases as we would have liked but we did touch on a few of those municipal circumstances.

COMMISSIONER STEFANICS: Well, the reason I ask, and it sounds like you got around the state a lot, but that area between Deming and Lordsburg has two

unique projects along that highway that have had some issues. One's connected to El Paso and one's connected over to Lordsburg.

MR. STANFIELD: Are these facilities?

COMMISSIONER STEFANICS: Yes. One is wind and the other is solar. And the one community, when I was down in Lordsburg for a New Mexico Association of Counties Board meeting, just a side conversation was how long it took the community to approve the bond issue that would allow the partnership to even be considered, etc. And then when they finished it there was a technical problem. Now this is not my field so I'm not able to express correctly, probably, the problem. So I am very interested in us studying this further but I would want to make sure that we also identify what some of the struggles have been for other government entities in the state of New Mexico. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, Mr. Stanfield, on Commissioner Stefanics' points, the failed attempt with Las Cruces and El Paso electric, what was the determining factor? Was it the cost involved on the acquisition? Was it the price? Where they were going to get their power source?

MR. STANFIELD: There were a number of factors involved in that failed attempt.

COMMISSIONER MAYFIELD: Well, could you elaborate a little more, because if we're going to take our constituency down this path I'd like to know. We have a great example just a little south of us as what happened.

MR. STANFIELD: We do, and memories are bit dated, but as I understand the circumstances, what occurred is that the City mis-estimated the cost of acquiring the El Paso electric facilities, and in the end mis-estimated those costs by perhaps \$20 or \$30 million, beyond the capacity of the community to support through bond financing. That lack of accurate estimation at the tail end of a ten-year process left the city in a situation where it could not proceed and did not proceed and as a result of that, El Paso Electric has settled the matter, paid the city I think \$20 million to end it, and it ended in a way that left the community having spent a considerable amount of money over I think almost a 13-year period without much to show for it. But what happened was clearly not planned well and not executed right. Steve, would you have any thoughts on that issue as well?

MR. ROSS: Madam Chair, Commissioner Mayfield, I echo the comments that I just heard. Las Cruces and Dona Ana County actually won the legal battle in our courts, all the way up to the New Mexico Supreme Court so what ended up happening was the underpinnings of the whole thing came apart after that was all concluded. The technicality that you alluded to, Commissioner Stefanics, was a problem with the statute but it was resolved prior to the Supreme Court issuing its opinion and they determined that the new statute that gave express authority to the county mooted the various challenges to the county's authority and said that – and gave them a green light to go forward. And we can benefit from some of those experiences. There are some technical/legal issues which are in the report. We've looked over that stuff and we understand where the problems are with respect to us, which are slightly different than Dona Ana County and the City of Las Cruces' experience.

MR. STANFIELD: My sense, Commissioner Mayfield, is the appraisal of that system came back at a far higher number than what the city expected – didn't plan for, couldn't afford in the final analysis.

CHAIR HOLIAN: Commissioner Mayfield, I'd also like to add something too, because I had extensive discussions with the former director of the Los Alamos utility who was involved in analyzing the situation, and he said that it was also a technical problem because the City of Las Cruces was going it alone and they should have really worked together with the county.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, and if memory serves me right from the PRC, so this would be arguably a condemnation proceeding with the utility, or would the utility have to be in some sort of agreement, knowing that this is just conceptual for us right now as I'm understanding it. But how would this work? Would the IOU be at the table trying to negotiate this if they wanted to sell it? Or would it just basically be whole hog if the city and the county came to together and said, look, we're going to try to condemn your operations within our service area. And then we're going to go to court and try to figure out if we can't come to an agreed upon price. How does this work?

MR. ROSS: Madam Chair, Commissioner Mayfield, obviously condemnation would be the last resort. I think if this were of interest to our community it would behoove us all to sit down with PNM and see what they think the proper result should be and how we would reach it.

COMMISSIONER MAYFIELD: Okay. And then, let me ask this also, from your presentation, Mr. Stanfield, Madam Chair, you're saying about 90 percent of PNM's service area. My constituency, arguably a little north of Cuyamungue, which isn't very far from here, is served by a cooperative, Jemez Electric Cooperative. That's a huge part of Santa Fe County. Commissioner Anaya, a little southern area further down is served by another electric cooperative. So how are you determining 90 percent of the service area is PNM's? I would think that it's smaller than that but I could be wrong.

MR. STANFIELD: Madam Chair, Commissioner Mayfield, our conclusion was based on conversations with Buck Monday, former head of Los Alamos Public Utilities who did the technical study in 08, in conversations with Craig O'Hare and his colleagues, was that our service area, the PNM service area so to speak, would encompass 90 percent of the county. The public utility would take all of PNM's distribution system, but aside from that there would remain a total of ten percent of total customers in the county who are serviced by co-ops – other than PNM sourced.

COMMISSIONER MAYFIELD: So Madam Chair, Mr. Stanfield, this proposal or what would come to the County would not infringe on any of the cooperative service areas.

MR. STANFIELD: No, sir. Not at this point.

COMMISSIONER MAYFIELD: Okay. And then – I think you touched base on this because you said that some individual users who have their own solar arrays or are getting their own credits, they would not come under the purview of the County authority or the muni authority? They would still be able to be independent, and then we would buy their power?

MR. STANFIELD: Right. For purposes of customer distributed power, those individuals and firms would be subsidized through a combination of renewable energy certificates and net metering benefits available through Santa Fe Public Power.

COMMISSIONER MAYFIELD: Okay. And then Madam Chair, sir, in one of your slides, and I'm just going to try to look through them, where are you determining the price on your renewable portfolio you have in here? How have you come up with those prices? What slide is it? Just so I know.

MR. STANFIELD: Page #10. Five cents and eight cents?

COMMISSIONER MAYFIELD: Yes. How are you coming up with those costs per kilowatt?

MR. STANFIELD: We went to the market to determine that but we also relied on the response that PNM received from its own RFP for purchase power.

COMMISSIONER MAYFIELD: So sir, is that what PNM's paying right now? I don't know what PNM is paying per kilowatt for natural gas or for wind.

MR. STANFIELD: Commissioner, I'd like to look at the study in depth and get back to you with a written response.

COMMISSIONER MAYFIELD: And I guess my question is, and look, I'm not making any decision on this whatsoever by any means, but how do we think as a muni that we would be able to do this cheaper than what PNM is doing it or than any IOU is doing it, and we won't have exuberant costs for our constituency if we took this over? A lot higher costs? Are we going to be able to keep these costs down?

MR. STANFIELD: Sir, I think our approach is that we wouldn't have, by any stretch, the overhead expense that PNM does, nor would we have the need to return capital.

COMMISSIONER MAYFIELD: To their investors.

MR. STANFIELD: Right. A dividend to investors. So if we can get into the purchase power market as cheaply or perhaps more cheaply than the existing service provider – but I do want to emphasize that we really do need to look at that matter carefully and closely.

COMMISSIONER MAYFIELD: Madam Chair, I appreciate that and I don't want to mix apples and oranges, but myself and Madam Chair had a big, a long conversation yesterday on a whole different issue, that the more customers that you can spread these costs over the cheaper they're going to be, and if we have a smaller pool to spread these costs over that's where I worry that there might be some higher costs to distribute amongst a smaller pool. So that's one of the worries that I have too.

MR. STANFIELD: And that is a valid worry and I think that we need to be able to determine if in fact we can get into the market and buy the power and distribute that power as cheaply or more cheaply than PNM without adding the overhead expenses and the need for dividends.

COMMISSIONER MAYFIELD: And then Madam Chair, sir, if we went through with this we would be able to have no issues with transmission lines, be able to acquire all of PNM's transmission lines in the area to pull in these renewable energy sources to supply us? I'm just trying to think: Are we going to produce our own energy here internally?

MR. STANFIELD: PNM is obligated under federal law and statute, administered by the Federal Energy Regulatory Commission to transport on an open tariff basis power that we purchase. Now, that's directly or through a broker. But they're obligated and we'll pay them an open tariff fee for that purpose. In the case of implementing our own combined cycle plant, with perhaps two other entities then we are obligated also to pay the transmission cost.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Stanfield, this will be my last question. Did your study also look – or Mr. O'Hare, looked at if we would be producing any of our own internal renewable power anywhere within Santa Fe County? I was going to throw this – such as the ranch? Are we looking at producing maybe a couple power kilowatts somewhere?

MR. O'HARE: Yes, Madam Chair, Commissioner Mayfield. There were two scenarios of Santa Fe Public Power. One was a purchase power scenario, Santa Fe Public Power 1, and that was all buying the power out on the market from distant locations out on the market. With the exception of about 11 percent of the power being generated locally by rooftop customer-scale solar photovoltaics. Santa Fe Public Power 2, as we noted or as the study notes has a lot more economic development, job creation potential. I think it's on – where it says three scenarios evaluated. Unfortunately it's in a color that doesn't come out really well. That's it right there. Slide #9. Santa Fe Public Power envisions first going the purchased power route, but then basically becoming – having Santa Fe Public Power own and operate a majority of the generation assets in the form of 66 megawatts of a natural gas combined cycle plant and 60 megawatts of utility-scale solar. Not necessarily 60 megawatts in one location but similar to what utilities are doing now where they're putting three megawatts there and five megawatts there and things like that.

So Santa Fe Public Power 2 scenario had I believe it was 84 percent of the generation of the megawatt hours that were needed to supply demand, generated here locally within Santa Fe County.

COMMISSIONER MAYFIELD: Okay. Thank you. And I always say one last question. This will be my last question. What is the cost per residential customer in Raton by a muni-owned utility, and what is the cost to me as a customer of – well, I'm a customer or Jemez – what's the cost to a PNM customer per kilowatt hour? Do you know?

MR. STANFIELD: We can get back to you with a definitive summary of those costs. We do not have costs outside PNM presently in tabular form.

COMMISSIONER MAYFIELD: Okay. And I'd like to look at Raton's cost to their customers because they're a muni-owned company.

MR. STANFIELD: They are, as are Farmington, Gallup –

CHAIR HOLIAN: Los Alamos.

MR. STANFIELD: Raton, Los Alamos.

COMMISSIONER MAYFIELD: Okay. Next presentation, Madam Chair, we just all those costs, that would be great. Thank you, gentlemen.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I'd like to spend a few more minutes if we could on this scenario that has to do with the customer-scale

solar. I'm assuming that this would apply to renovation of existing homes, could fit in construction of new homes. But expand on that a little bit and talk about a funding scenario that would go along with just that portion of your presentation.

MR. STANFIELD: Would you mind if I asked Craig O'Hare to address that?

COMMISSIONER CHAVEZ: That's fine.

MR. O'HARE: Thank you, Madam Chair and Commissioner Chavez.

Essentially the customer-scale solar, which are these small, anywhere from residential scale 2 and 3 kilowatt systems up to tens of kilowatts or even hundreds of kilowatt systems that would be in the commercial sector or in the institutional sector, such as some of the facilities the City put in in the last few years, it would be funded with an incentive. Essentially that incentive is assumed to be 14 cents per kilowatt-hour. And that incentive is paid for via the rate based. In other words it's incorporated into the rates that all customers would be paying and then those who took advantage of incentives would be the ones who voluntarily install their solar systems.

We did a sensitivity analysis or Mr. Stanfield's company did a sensitivity analysis where if that 14 cents a kilowatt-hour was not high enough to generate the 44 megawatts of customer-scale solar that we had basically set as a goal, what if we made it 20 cents a kilowatt-hour? What would that do? And it still kept the bills for the overall customer base lower than status quo. But that is a significant difference from status quo, is 44 megawatts of customer-scale solar. That's about 11 percent of total electric generation needs, would come from these smaller systems, whereas under status quo, state law and under the current PRC rules it would be less than one percent by the year 2028.

Just to give you an idea, we put a number in there of 44 megawatts is the same as having I believe it's 14,000 three kilowatt systems. A three-kilowatt system is a decent size residential system. It would be like putting 14,000 of them, as you suggested on existing homes and businesses.

COMMISSIONER CHAVEZ: That seems to be the path of least resistance, if you will, being that we don't have to deal with issuing bonds and making sure or hoping that the bonds in fact pass. So it seems that this might be a path of least resistance but I think it's yet to be determined what direction we go in, but that seemed to be more appealing to me so I just wanted to touch on that. Thank you.

CHAIR HOLIAN: Thank you, Commissioner Chavez. Commissioner Anaya, do you have any questions? Okay. I have a question. Is this presentation going to be presented to the City as well?

MR. STANFIELD: We are hopeful of that, Madam Chair, but to my knowledge no arrangements have yet been made for a date certain.

CHAIR HOLIAN: Well, anyway, thank you Craig and Mitchell and I'm sure we will have discussions in the Energy Task Force on recommendations for next steps.

MR. STANFIELD: Thank you, Ma'am.

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

CHAIR HOLIAN: So now we are at that point in our agenda where we have matters of public concern, that is non-action items. Is there anyone here who would like to speak on a matter of public concern that is not an action item on the agenda? Come forward, District Attorney Pacheco.

SPENCE PACHECO: Good afternoon.

CHAIR HOLIAN: Good afternoon, and thank you for being here.

MS. PACHECO: I should say congratulations to you on your re-election as well as to Commissioner Stefanics.

CHAIR HOLIAN: And congratulations to you.

MS. PACHECO: And I would welcome Commissioner Chavez here. First of all, I'd like to thank you for the opportunity to be able to address you. I had at one point wanted to meet with all of you and then I thought about it more and if I had met with you individually it would be more like a rolling quorum and it would violate the Open Meetings Act so I thought possibly I should just talk to you here, since I have all of your attention.

And as elected officials, basically we're policy makers, and in order to make good policy you need the best information available. And there are some concerns that I have and I do not believe that you have always received the best information to make the decisions you have to make. What I'd like to do is just kind of preface a couple of my remarks, first of all by educating. And the education has to do with the fact that I don't think the people basically for the most part, public and possibly some of you, really understand the nature and the kind of work the District Attorney's Office performs. And there's a reason I want to discuss this before I tie it to something else.

The District Attorney is the chief law enforcement officer of the district and I can't tell you how many times I read in the paper where they refer to us as the Santa Fe County District Attorney. That is incorrect. We are a district-wide office. We provide services to three counties, Santa Fe, Rio Arriba and Los Alamos. We cover a square mileage area of over 7,400 miles. We have to go into seven different courthouses in the three different districts. There's two in Los Alamos, two in Santa Fe and three in Rio Arriba. One is in Espanola, one is in Tierra Amarilla and one is in Chama. So we are all over this district.

We have a lot of miles that we cover. So it requires a large staff. And as the chief law enforcement officer we deal with all law enforcement offices or agencies in our district. And for the most part, on a regular basis we deal with 19 different agencies. And I will tell you that the Santa Fe Sheriff's Department is probably one of the better ones. They consistently provide us with quality work products, so you should be very grateful as all members of this community should be for the fine work the Santa Fe Sheriff's Office provides us. And I know Robert is here. I'm not just saying it because he's here. Because it's true and I've told him consistently. So any money you spend on it is well worth it.

Also, our Santa Fe office – we have offices in Los Alamos and Espanola and our Santa Fe office is the biggest office. We have 66 employees in that office and the 66 employees consist of attorneys, victim advocates, investigators, who are basically law

enforcement officers, and support staff, which means we have staff traveling constantly to all of those seven courthouses at different times of the day on different days. None of it is static. It's very fluid. It's constantly changing. So it's a very, very busy office, and as a result of that the 19 law enforcement agencies we deal with – it really is close to about 500 police officers – have to have access to us on a daily basis. Basically 24 hours a day 7 days a week. And we do provide them that access.

So there is a lot of interaction with our office and law enforcement. So I wanted to give you a little bit about our office. On January 1, 2009 I took office as District Attorney. On January 2, 2009 I showed up to work and that day Santa Fe County employees came to me and they said, oh, by the way, we're fencing off your parking lot. You will not have any parking. Second day in office. This is what I was greeted with. I thought, okay, where am I going to put everybody? So we worked with the County and we had parking at the railyard. We have some parking on East DeVargas, but I mean – and I do want to tell you I'm not here to complain about the County employees; they have been great. I have no complaints about them. They've been very kind, very patient and they have worked through many issues with us. So that was the beginning of my term. And within that first year of my term we experienced problems with the water, water being turned off, we had sewage backup. Our first floor, a portion of it was completely flooded with sewage. This was all related to construction.

We were without electricity, we were without gas, and we have for the past four years consistently had telephone problems. And as the chief law enforcement officer it's vital that law enforcement can contact us, and it's really hard when our phones are out of service because of all the construction we've had to endure for four years. As we all know, we had to deal with the gasoline, the vapors, all of that. And during that process I got to know a lot of the County staff and there's one staff person – I kind of lied a little bit. There's one staff person I'm very angry with, whose name I'm not going to mention; I'm not here to get that person in trouble. Basically, the reason I'm mad at the staff person is he basically reflected an attitude that we have felt since the beginning of this process, which is basically whatever we thought or we felt did not count. Our reality is not valid because if he did not view something and see it the way that we did it wasn't valid. So therefore it didn't exist. The problems did not exist.

And I can tell you that I have felt from that person and basically it's an attitude that no one took into consideration, that negative impacts the courthouse had on our ability to provide services and to function. No one took that into consideration. No one has taken us into consideration for four years unless I yell and scream and somebody has to pay attention to shut me up. But for the most part we've been invisible.

And now the courthouse is getting ready to open and thank you for your contributions for the monies to allow them to buy some furniture. We were willing to take our own lawn chairs but they didn't like our suggestion. So now the courthouse is going to open and I've had just some basic questions that I've asked and nobody really thought about it. For example, with all the employee we have we have a fleet of 18 vehicles. I have no idea what I'm going to do with those cars. These are vehicles that are used daily by different people, back and forth, back and forth. It's not like one person has a car and it's parked. It's constantly moving. Remember, we have seven courts that we have to appear in on a daily basis.

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We have victim advocates that have to go out to victims. We're constantly going in and out of that building. And then I asked, I'm the chief law enforcement officer and how are police going to get to me. Police have to come on a daily basis. They have to bring reports to us. We have to approve search warrants, arrest warrants, we get them ready for trial. And then I asked, now that the courthouse is there – these are all things that I have to be concerned with because these are the cases that I am responsible for. All the cases that go to grand jury require police officers. The grand jury in the new courthouse, Tuesdays, Thursdays. Where are the police going to park? I don't know.

So, and then, when we go to trial, it's not uncommon for us to have eight or ten police cars because that's how many officers we're going to have at a trial, and a trial can last anywhere from five to eight days. And in the current courthouse if you look when there's a trial and you look on the side you'll see police cars on the sidewalk – they're all over the place, because they have to be there. But these are all just practical things that impact by ability to do my job, and nobody once asked me anything about that. Not once.

And no one has even ever apologized for saying to us, for not taking us into consideration, but that's another matter. So there's the – and it was interesting. I had a meeting with County staff and we were talking about parking and I asked people, I said where are the jurors going to park because I need good jurors and the last thing I want is for jurors to be angry because when they're angry they take it out on the state of New Mexico, typically. And the response I received from a County person was well, you only have jury trials three or four times a year. I said how about try a month.

Which again told me the County did not do their homework. They had no idea. And then when this person asked me, well, where do the jurors park now at the old courthouse? I said how about across the street at the convention center? That's where they park. No one took that into consideration. These are all things that are going to affect my ability to do my job which then affects this community, and then everybody gets mad at me because I'm not doing my job.

So these are just kind of my concerns. And then, while it was being constructed, we had a wonderful vantage point to view the construction of the courthouse, and I have a new-found respect for construction workers. It's incredible what they've been able to do. But as the courthouse started to take form and we were able to see more of it I had some security concerns and I mentioned it again to the County. And I think they thought I was just kind of blowing things out of proportion. They really didn't take me real serious. And I knew that. So what I did was I contacted the Sheriff. And he and the Undersheriff came and I said, come here, you guys. Let me show you what my concerns and I took them around and from our office you can see everything. You can see things really well.

And I believe the Sheriff had some concerns as well and I know that there were some changes made but it took the Sheriff – I don't know if it's because I'm short that nobody wants to pay attention to me, or maybe it's because the Sheriff has a gun and I don't, but they listened to him. And when I think about security, it's amazing to me again the thought process that goes on. The District Attorney's Office investigates, indicts, takes to trial and sentences the very people that you have spent thousands of dollars on the courthouse to protect the judges from these people, and these are the people we're bringing there and yet we have no security. And nobody even took us into consideration for security until again, I've been raising the issue consistently.

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It's amazing to me, how can people not get it. Here's this courthouse with all this security, cameras, everything to protect them from the people that we're bringing to the courthouse but nobody thought we needed protection. There's a problem here. When I talk about staff, it's like are we less valued?

We provide a vital service; we're law enforcement but it seems like what we do is less valued because that's the way we have consistently been treated. So, yes, I do have some concerns. Am I angry? I have a – I've been burning for about four years so this is the extent of my emotional outburst. There are so many concerns that we're not taking into consideration, this is just trivial. But because we are now landlocked the way the courthouse is designed, people can't really access us now except maybe through Montezuma. It's going to require changing our address that we have on thousands of publications, because our address no longer exists because 327 Sandoval – you can't get to us from Sandoval. And people can't find us.

They're suggesting change our address to Montezuma, which is going to impact all kinds of things for us, but that's dollars for us. And again, there have been all these unintended consequences that nobody really thought them out. And as the chief law enforcement officer, how am I going to make ourselves available to law enforcement if they don't even have a place to park. I'm not even talking about the poor victims that can't even get to us. By the way, the victims are your constituents as well as mine, but the victims have a difficult time getting to us because again, no one took care to account how building the courthouse was going to affect us. And now that the courthouse is there and we all have to live with it you need to tell me how I'm supposed to provide services, to the best of my ability with the limitations that you have imposed on me? And when I say you, I'm not saying you personally. I'm saying the County collectively, and I apologize to you because you were all new to this. You weren't part of many of those decisions, and I'm not blaming you or finding fault.

But I am your tenant. You are my landlord and you have a duty to us as well and that duty has been ignored and neglected for quite a while. Thank you.

CHAIR HOLIAN: Thank you, District Attorney and I apologize we can't really have a back and forth discussion on this now because this under matters of public concern and it was not noticed as an item for us to have a discussion. So I will meet with our County Manager and discuss how we might bring this back as an agenda item for discussion and/or action. So thank you.

MS. PACHECO: And basically, Madam Chair, I didn't expect a back and forth. I really didn't. I just felt I needed to inform you.

CHAIR HOLIAN: Commissioner, would you be okay with us bringing that back as a item for discussion? I feel uncomfortable about opening this up for discussion right now.

COMMISSIONER STEFANICS: I don't agree.

COMMISSIONER ANAYA: Yes, Madam Chair, I don't think we're going to have a back and forth but I do think that if there's feedback that could be provided I'd sure like to make a comment, Madam Chair.

CHAIR HOLIAN: Okay.

COMMISSIONER ANAYA: Is that okay?

CHAIR HOLIAN: Yes. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, DA Pacheco I want to just tell you that I apologize, as a policy maker and elected official, if you were treated disrespectfully by anybody at the County, by staff or anybody else. I think that we're all faced, just as you are with difficult challenges but there's no venue for disrespect. So I would offer an apology to you for that and for any treatment with malice or mal-intent. My question, we don't need to get into a back and forth but I would just like to put forth publicly is how can we all communicate better? I as a Commissioner, you and I have never had a face-to-face meeting. I'm willing to do that whenever you like to discuss concerns that you might have and would offer that to you.

MS. PACHECO: Thank you.

COMMISSIONER ANAYA: I appreciate and respect what you do and your entire staff of 66. I knew many of the things you said but I didn't know all of the things, so I appreciated the background and the update and I'm willing to communicate with you and try and work through some of the issues. The last thing is – and I said a lot of these comments when we had the discussion relative to the judges and the security and based on recommendations they had, based on recommendations that the Sheriff had and others, it's my interest to provide security to you and your staff, to the judges and their staff, to the Sheriff's Office and their staff, but I think a lot of times what happens in those discussions is the public sometimes gets left out of that equation. So I also want to make sure that we provide security and access to the public as well.

So I think it's a balance. I appreciate that you came forward. I wish that we could have had discussion before but let's go forward now and I'm willing to meet with you and work together to try to mitigate some of your concerns.

MS. PACHECO: Thank you, sir.

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

COMMISSIONER STEFANICS: Thank you, Madam Chair. It is unfortunate that the process at the beginning didn't include perhaps law enforcement and our own legal staff to address some of the concerns that our District Attorney is also bringing up. And I know that I was told by staff a few different times there's nothing that could be done. And I think that when we're talking about partnering and we're talking about working with different governments there has to be something that can be done. Thank you.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. District Attorney Pacheco, thank you. I also apologize. It was my understanding and I know brought some of these concerns to staff during many discussions that some of your concerns that were brought forward, although you and I have never spoken directly about this, but I do know that there were some concerns that were mentioned about security. It was told to me that these were worked out logistically with you and that those were being addressed. There was, I guess, some ventilation issues with your building that was to be addressed, some other different mechanics that were to be addressed. So it was my understanding, District Attorney Pacheco that these concerns were being addressed.

There was a bit of a parking SNAFU that I think collectively all of us were trying work out. I think all of us are still trying to work those out. Hopefully we can. I would

love to sit and meet with you and have these discussions happen. If it needs to be with myself, Manager Miller. I'd like to do that with Commissioner Holian. I know we can't all get together as a body here outside of the general public's view but again, I will work with you anyway, anyhow I can. You have my full support to support you and your office in your efforts. And I just thought it was getting done, so again, my apologies that it hasn't but I stand steadfast to assist you and your agency. Thank you.

MS. PACHECO: Thank you, Commissioner.

CHAIR HOLIAN: Thank you, Commissioner Mayfield. And thank you again, District Attorney and congratulations and clearly, we need more communication and we will have more communication. So thank you.

MS. PACHECO: Thank you, ma'am.

## **XI. MATTERS FROM THE COMMISSION**

### **A. Resolutions**

#### **2. Resolution No. 2013-01, a Resolution Requiring Staff to Prepare a List of All Real Property Owned by Santa Fe County**

COMMISSIONER MAYFIELD: Madam Chair, thank you. I'm just going to read in the resolution and hopefully it will speak for itself. A resolution –

Whereas, proper financial management and accountability of County owned property is required by New Mexico statute, particularly as it relates to all fixed assets, auditing and accountability;

Whereas, the Board of County Commissioners value transparency and openness in government and in furtherance of its goals of open government transparency and accountability implements this resolution to provide disclosure of relevant information of all real property owned by Santa Fe County;

Whereas, Santa Fe County owns thousands of acres of real property spread over 1,911 square miles and also owns real property and water rights in other counties such as Taos County and Socorro County;

Whereas, County holdings include office buildings, jails, law enforcement and fire facilities, two county courthouses, community centers, senior centers, solid waste facilities as well as ranches, trails, open spaces, undeveloped land, conservation easements, water rights and wells;

Whereas, the County both leases land and water rights to third parties, pueblos and other governments and leases lands and buildings from third parties;

Whereas, at the present time the County does not have a complete list, chart or spreadsheet of the above-described holdings, nor complete information concerning the details of the disposition of properties or their current status;

Whereas, it is critical to proper management of County property to understand what is owned, its precise status, details concerning its operation and management, risk or special conditions that the property presents and with respect to leased properties the details of the leases, such as revenues, options, duration and insurance requirements;

Whereas, the County must ensure that its property is 1) adequately maintained, managed and insured; 2) properly carried on the County's books and subject to auditing;

3) properly safeguarded against misuse or misappropriation; 4) subject to internal controls; and 5) counted on the County's inventory of fixed assets;

Whereas, some properties have associated water rights and must be tracked, used and encompassed within the 40-year water plan to protect from claims of forfeiture and abandonment;

Whereas, the County's management of its properties would be enhanced if all the details concerning each County property were on a common list, chart or spreadsheet;

Whereas, the Board desires to instruct staff to research the status of each County property and prepare such a list, chart or spreadsheet to be transmitted to the Board, the County Manager, the Finance Director, the County Attorney and the risk manager;

It is therefore resolved as follows:

1) Staff shall research the status of each County real property and prepare such a complete list, chart or spreadsheet of all County-owned real property. Each property shall be included in a layer contained within the County's geographical information system, GIS. The list shall include all relevant details concerning the property including the location, improvements, restrictions applicable to the property, when the property was acquired, purchase price, current value, what funds were utilized to purchase the property, whether the property is held under lease and if so, the terms of the lease, the rent, any deadlines for extension options under the lease and other relevant information, appurtenant water rights, whether the property has been leased to another entity and if so, the terms of the lease, the rent, any deadlines for exercising options under the lease, details concerning the operations and management of the properties, risk or special conditions that the properties present, whether the property is presently insured and other relevant information.

2) Staff should provide the relevant copies of important documents along with a list, chart or spreadsheets, including deeds, contracts, title insurance policies, surveys environmental assessment, leases, easements and encroachments.

3) The information required to be gathered shall be completed and transmitted to the Board of County Commissioners, the County Manager, the County Finance Director, the County Attorney and the risk manager within six months of the date of this resolution.

I'll stand for any questions, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Mayfield. And first I would like to ask, before I open it up for questions, I would like to ask Katherine if she has any comments to make on this, since she's been involved.

MS. MILLER: Madam Chair, one comment. Commissioner Mayfield, are you reading a different version than everybody has, because I want to make sure for the record we have the correct one. Because it's different from what's in our packet.

COMMISSIONER MAYFIELD: I hope I'm not. I think I did that a little earlier, so I hope I'm not.

MS. MILLER: I don't think we received – I don't think the Clerk – I don't think we have the version that you're reading from, and I know some changes were made.

COMMISSIONER MAYFIELD: I know some changes were made. I re-edited to but I asked Juan, Mr. Rios, I don't know if he's around, but I asked him to pass that all out to everybody this morning.

MS. MILLER: Oh, okay. We have that one, because it is a little different. Does the recorder have one? I just want to make sure that we get that clarified.

COMMISSIONER MAYFIELD: I think I read the wrong resolution this morning.

MS. MILLER: I don't think that I have the correct one. But either way, I think this is something that is needed. We've been working on it. I would like Adam to actually comment on where we are today. One of the issues that we've had is that a lot of the records are not in a central place for leases, or property that the County has purchased over time. Even in the Clerk's Office we don't necessarily – we're not able to locate these things from long ago.

So what I would say is that we are making an effort currently to try to get a comprehensive list of everything and I know that it sounds odd that we wouldn't have that, but the County has reorganized over time, databases in one office don't necessarily coincide with others as we've gotten more automated. We're trying to make sure that we have central databases instead of ones in individual departments, but to the degree that we can get all this information together where we can locate it and find it I would say it's something that we need to do and want to do. But I would like to say a disclaimer of what we can't find, we can't find until we find it. Because there have been some circumstances like that where we thought we had complete information and then come to find out a year down the road we don't have complete information.

So that would be the only caveat I would be concerned about is that to the extent that we can find everything in Santa Fe County records or in other records of other counties that may be helpful to us, we certainly would compile that list and if I could just have Adam let you know what we do have so far.

CHAIR HOLIAN: Thank you, Adam.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, as Ms. Miller mentioned, as the resolution states, I totally agree with you. It's vitally important we have a list for the reasons you mentioned and also many more concerning proper operation. And so what I wanted to bring to you today is sort of a best list that we have today and I've brought copies that I could distribute if you'd like.

We are currently tracking 447 individual pieces of real property and we have varying degrees of information about the attributes of that property, the square footage, the age of it, whether we own or lease it, all that sort of thing, including its address. So I brought that with me. I also brought – this is our current map and I brought this just for display but this is the current GIS layer, as you indicated, that shows all the 447 pieces of information are plotted on there.

So we're making great headway. One of the things that's not on this list but one thing we've identified and you and I have talked about this is identification of road easements. We have 575 miles of road and the easement situation is not clear. We've already identified that as a need and we're coming up with a plan of how to address that, and then you also brought up the idea of water rights. So I think we are making progress and if you're interested I could show you the draft list that we have now or we'll work on it as you mentioned.

CHAIR HOLIAN: Thank you, Adam, and now I'll open it up to questions from the Commission. Commissioner Stefanics, and then Commissioner Anaya.

COMMISSIONER STEFANICS: Thank you, Madam Chair. This is a question I guess more for Steve, Mr. Ross, or risk management. Why wouldn't we have a list of all property for our insurance?

MR. ROSS: Madam Chair, Commissioner Stefanics, that's exactly the problem. We have to have a list of all covered properties for our insurance policy and we've been collaborating with the various departments for years to try and make sure everything's on there but we keep finding things that aren't on there. As soon as we do we add them to the policy, but it's of vital concern for our risk management program that we have an accurate list of all properties.

COMMISSIONER STEFANICS: So Madam Chair, Mr. Ross, do we have some sort of catch-all language in our insurance policy that says and anything else that might be recognized by the County?

MR. ROSS: Madam Chair, Commissioner Stefanics, no. That's the nature of insurance. They have to know what we have so that they can properly assess the risk that all that we have poses. So no. If it's not on the list it's not insured.

COMMISSIONER STEFANICS: Okay. Thank you very much, Madam Chair.

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

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, I appreciate the resolution. I think it creates focus and refocus for continued work and effort. It creates a target date for completion to get us the information that we should have as policy makers and the public should have and see. So I know staff's working on it but I think your resolution creates clarity and I appreciate it and would be happy to support it. I'll second it when you make a motion.

CHAIR HOLIAN: Thank you, Commissioner Anaya. If there are no further questions from the Board I would like to ask, is there anyone here from the public who would like to comment on this resolution? Okay, seeing none, I would just like to make a comment. Again, thank you, Commissioner Mayfield, for bringing this forward. This is really important. I too agree with the idea that there should be a disclaimer on the list. Our area has a long and complicated history and I'm sure that we don't know everything about every single one of our properties. So I would like to see that happen. Seeing no further questions, do I have a motion?

COMMISSIONER MAYFIELD: With that, Madam Chair, I'd move for passage of Resolution No. 2013-01.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: I have a motion and a second to pass Resolution No. 2013-01.

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

**XI. A. 3. Resolution No. 2013-02, a Resolution in Support of Recurring Funding for Regional Water Plan Updates [Exhibit 3]**

CHAIR HOLIAN: [inaudible] They went on to say, "The future water needs of New Mexico can best be met by allowing each region of the state to plan for its water future. The first regional water plan was developed in 1999 and the last completed in 2008. It's worth noting that all must be accepted by the Interstate Stream Commission before they are accepted plans. I think that this regional water planning effort is a great example of communities working together in a positive way. Local organizations, local citizens, local governments.

Regional water plans are very, very important because they are going to tell us now we can respond in the future when we have water shortages and that's almost a certainty that that is going to happen. So what this resolution does is it supports recurring funding for updates. Specifically, it urges the legislature to pass a budget for the Interstate Stream Commission that includes a recurring budget item of \$400,000 for updating four regional water plans per year.

Now, this concept was endorsed by all the entities that are on the list that you have in your packet, which is quite a few. Conci Bokum is the one who brought this to my attention and so I wonder, Conci, if you would like to come up and add anything to my comments.

CONCI BOKUM: My only comment, just to start off with is to thank you very much, Madam Chair, for chairing this. It's really important and I'm very proud of the plan that our region, which is Jemez y Sangre worked on that was completed in 2003. Other than that I would just be available for questions.

CHAIR HOLIAN: Thank you, Conci. Actually first, I'll open this up to the Board for questions. Seeing none, then I would like to ask, is there anyone here from the public who would like to comment on this resolution? Okay, seeing none, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I was looking for the list of participants in the packet, but the water planning process is something that's gone on for a long time and this ratifies and supports the efforts to get legislative dollars to support work that we've done as a County that has supported water planning. I know the County of Santa Fe has supported the Estancia Basin group with water planning initiatives for quite some time. So this just emphasizes the need to expand that financially and provide some more regular resources to do that. Is that a fair assessment?

MS. BOKUM: The first regional planning effort was largely funded by the state and it came in – one year we wouldn't get much and then one year we got a lot. The ISC divided it up so that people could finish their plans. There is a recurring funding now of only \$50,000 in the ISC budget and that includes the state water plan. So for the last couple of years almost all of that money has gone into the state water plan. We were lucky a couple of years ago to get small amounts of money to do focused studies that were part of an ongoing updating of the plan. We looked at the reliability of San Juan/Chama. We looked at impacts of climate change. We looked to see whether the things that we'd implemented had an impact on the gap between supply and demand. And we were very lucky to get that funding.

But there hasn't been a way for regional water plans to access the resources that they need to update these plans, really, since the last one was completed. And things are changing, perhaps dramatically. So if we're going to update the plan and some of them are over ten years old, we need the funding.

COMMISSIONER ANAYA: Madam Chair, I appreciate the efforts to try and help people be more regional and methodical in their planning and working together. I know, like I said in the Estancia Basin the planning group works very well to expand on their plan and continue to keep it updated but it's always a challenge or resources, so I appreciate the resolution and stand in support of it. Thank you, Madam Chair. Thank you.

CHAIR HOLIAN: Thank you, Commissioner Anaya. I believe there's somebody from the public who would like to come forward. Please come to the microphone and state your name for the record please.

KATHY BROWN: My name is Kathy Brown and my question is – I don't have a packet. I'm not sure if they're available. But it was mentioned four plans per year, I believe, and are those for different places or different times through the year, given that water can be more available certain times of the year and not others. That's my question.

CHAIR HOLIAN: Conci, could you answer that please?

MS. BOKUM: There are 16 regional water plans, so this would provide that every four years a regional water plan would have access to the money. The plans are required to look at supply and demand and figure out alternatives for addressing the gaps between the two. So this is an ongoing process. It's pretty comprehensive. What I should add and haven't – be clear about. Frequently money for projects comes from the Water Trust Board and they're only allowed to give money to plans that are in regional water plans. So you can understand that the older a plan is the less responsive it's going to be to the needs of a community to provide water. And so as projects come up we need to get them in regional water plans.

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

COMMISSIONER ANAYA: Madam Chair, I would ask that when you move for approval that you could add a provision that would allow other entities that may not have been aware that we were doing this the opportunity to sign onto the resolution. I don't know that Moriarty was contacted, or Edgewood. I know Torrance – I see Torrance County on here and I see Bernalillo County. But I would like to, if we could, leave it open ended so that if these entities are aware of this initiative and would like to sign on as well to stand in support that they be given that latitude to do so. Because I can think of several that might do that if they were given the opportunity. So I would just ask that.

CHAIR HOLIAN: So how would you phrase that as an amendment.

COMMISSIONER ANAYA: I would just – you could move for approval of the resolution and afford other entities that may not have been aware of the resolution the opportunity to sign on in support of it. This will be a valuable tool for all entities to go the legislature and ratify support. So I think the more people that you would get to sign on would be better. Would you agree?

MS. BOKUM: Absolutely. And I think the reason that original list happened because of two groups of water planners and we tried to get out to everybody, but if the right person wasn't in the group not everybody got contacted. It would be fabulous to have as many signers as we could have, so I thank you very much.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Anaya. So I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: With the suggested amendment.

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

CHAIR HOLIAN: I'm going to start a new custom here. I'm going to call a very short recess. It turns out that both your chair and your vice chair could use five minutes. So I will call a five minute recess and we will reconvene at a little after 5:30.

[The Commission recessed from 5:25 to 5:35.]

**XI. B. Miscellaneous**

**1. Update and Information From Public Works on the Renovation and Library of the La Cienega Community Center**

COMMISSIONER ANAYA: Madam Chair, Commissioners and Mr. Leigland, this comment goes out to the La Cienega community. We have allocated some resources to do some work at the current community center and fire station. The community association and individual members have expressed some excitement about working through the process and getting through this initial work so that they could utilize it for a library and other uses. I had a conversation with Ms. Miller in regards to this issue and we're going to have a targeted meeting – Ms. Miller, myself, Mr. Leigland, you and your staff to talk about a strategic game plan to get through this sooner rather than later. So with that said, Madam Chair, I appreciate the efforts that have gone on thus far and I would move to table this item for right now.

CHAIR HOLIAN: Okay. I'll second that.

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

**XI. C. Matters from the Commissioners**

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I would echo your sentiment in wishing all of our employees and our members of the county a Happy New Year. The New Mexico Association of Counties legislative conference is held all next week at the Eldorado Hotel. All the Commissioners have been registered for attendance. I believe some of the elected officials. We have quite a few County employees attending classes there as well as attending the conference, and I would thank them for their participation in that activity.

The other item I had was gone from my mind. So that's it.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I just echo again to wish everyone a Happy New Year and I appreciate working with the County, and all County staff, you all do a phenomenal job. Thank you. I also want to recognize the past tenure of our former chair, Liz Stefanics. She did a phenomenal job and it was my pleasure serving under you, former Madam Chair, and I look forward to serving under you, Madam Chair. Thank you.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I will just again wish all of staff and their families a Happy and Prosperous New Year, and I just look forward to working with my fellow Commissioners in the best interests of the public to meet their needs and just hope for the best. Thank you.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, ditto. Thank you, Commissioner Stefanics, for your work as chair and your work as vice chair, Commissioner Holian. Good luck in your tenure as chairperson for the Commission. Look forward to working with you. I want to acknowledge again, the County Sheriff is here and the Undersheriff, Mr. Ron Madrid, and acknowledge some of their work. Recent months, they did the prescription incineration for the community where people were able to bring their prescription drugs and they were disposed of accordingly. That's something, Sheriff, that we want to continue to do with you.

I also want to commend the DWI program and the work for rides during this holiday season that they did for the community. I think that's always a good way to encourage people to be more responsible. So thank you, Sheriff, for your work. I thank all the other elected officials. Congratulations to our Clerk and our Treasurer and I look forward to a good year ahead of us and continue to build on the progress that we've made. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. I did forget one thing. Madam Chair, Manager Miller, I know and I look forward to working with our new electeds, also Commissioner Chavez. Manager Miller, we lost one elected official this year. It was our surveyor that we lost. So we have a vacant space downstairs for a photo. So I'd just really like it if we could get a photograph of our Sheriff maybe hanging down there in that vacant spot on our ground floor. Because we've never had a picture of our Sheriff in this building. I think we should have a picture of our Sheriff here. Thank you.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. It came back to me what I was going to mention. This weekend at the Santa Fe Community College there is an environmental tourism workshop and the events on Friday evening are only \$10 with a keynote speaker. It focuses on how we can bring recycling and concern for the environment into our tourism industry here in the community. And it is posted on the website. If you can't find it on the general Santa Fe County website, if you go to my webpage the details are listed there.

CHAIR HOLIAN: Thank you, Commissioner. I just want to say again, Happy New Year. I'm really looking forward to working with my colleagues and working with all the staff in the County. I'm very proud of this County.

On a more human note, I would just like to note that Chris Madrid, who we honored here a while back, won the National Farrier Competition. Actually it's called the World Championship for Blacksmiths, and it was in Fort Worth, Texas, and he won that in September and he is the best farrier in the entire country.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm sitting over here next to the incoming Commissioner and I didn't congratulate him and welcome to the Commission. I look forward to working with you as well.

COMMISSIONER CHAVEZ: Thank you.

### **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-Sheriff's Deputies Union**

BERNADETTE SALAZAR (HR Director): Madam Chair, members of the Commission, the Santa Fe County management team, along with the Sheriff, Undersheriff and the union for the sheriff's officers have been discussing an issue that we have encountered with regard to recruitment for our special details, particularly the investigations division. So we came up with a resolution to this issue and that would require an amendment to their current union contract. What we'd like to do is to keep the minimum of two years of experience to go to a specialty assignment. However, we'd like to make the amendment to say one year could be with a previous agency. Because we do have lateral deputies who we hire who come with existing experience from other agencies and they're interested and I think we all agree that that would fill that void. So that's the first amendment we'd like to make.

The second one is to make some modifications to the minimum passing score for the written examination for promotion to corporal. The reason why we have come up with this resolution is we have had challenges in recruiting in this position in allowing applicants to go further in the process. And so we feel that because the corporal position doesn't require any previous supervisory experience, lessening that threshold to allow them to proceed in the process would help in that matter. And again, all parties have worked together collaboratively on this issue and these are the amendments we are requesting approval for.

CHAIR HOLIAN: Thank you, Bernadette. Any questions? Do I have a motion?

COMMISSIONER CHAVEZ: Move for approval of the two amendments that were cited by Human Resource staff, Bernadette Salazar.

COMMISSIONER STEFANICS: I'll second.

CHAIR HOLIAN: Okay. I have an approval for the two amendments and a second.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, my apologies. I cut off Commissioner Anaya when he was recognizing, welcoming Commissioner Chavez to the Commission and we were having a sidebar, and that's my apologies. Commissioner Chavez, welcome and thank you. And then also, Madam Chair, I just wanted to recognize – because I know I was out the last part of December. I was participating electronically. But we lost a County employee. It was the passing of – if it was recognized and I think it was, if Manager Miller, if you could just –

MS. MILLER: Actually, Madam Chair, Commissioner Mayfield, we lost two County employees in Public Works last month.

COMMISSIONER MAYFIELD: And the names of both employees?

MS. MILLER: Actually, I have to ask Adam for the individual names because I don't want to get them wrong. But we did lose two employees in Public Works.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we lost Lawrence Montoya, who was in the Property Control Division, and then Nicolas Baker who was in Road Maintenance.

COMMISSIONER MAYFIELD: I'm very sorry of their passing.

CHAIR HOLIAN: Thank you, Adam, and our sympathies go out to their families and friends.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that same sad note. We also lost Tina Montano, one of our employees, P.J. Montano's mother passed away as well. So I would offer condolences to them, the extended County family. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner.

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

MS. MILLER: Madam Chair, a couple things before I get to the legislative update. While Rudy hands that out I just want to give you a couple other updates. Number one, the first thing, we do have another item to table in the Public Hearings. We had a request from the applicant and concurrence from the opponents to table the last case on the agenda under item XVII. A. 7, the Wagner Appeal. William Fredrick Wagner Appeal. So that is tabled as well.

CHAIR HOLIAN: Thank you.

MS. MILLER: Okay, some other quick updates. Earlier, when the Ethics Board update came, there was a question about having a place for people to make comments and actually we've been working on that in the Manager's Office and on our

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website. We'd been kind of doing a beta test of an online comments forum. We just activated that this week and sent out a notice. So on our website we now have an online comment forum. It can be anonymous or somebody can leave information so that staff can follow up. We just turned it on. We've had some kind of strange things where people believe that the BuRRT transfer station is a County transfer station, so we do get a lot of that stuff. But now people can go right on our website. They can go to our homepage, and under the quick links there's a drop-down menu and then there's a public comment forum. If they want to be anonymous there's no way for us to tell where that email came from. If they do not want to be they can put information for us to follow back up with them on. So I would encourage you to let your constituents know that that's out there and we put a press release out so that people can just write in and those will be handled – they'll come through the Manager's Office but they'll get directed then to the appropriate departments or whatever the requests are. So if it's Public Works request it will go there. If it's an Ethics issue it will go to the Legal Department and be handled through the Ethics Board, and so on. So I just wanted to let you know that that's come in and we'll be able to provide you with summaries of what those type of comments are.

CHAIR HOLIAN: Thank you, Katherine. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you. Madam Chair, Ms. Miller, one of the things that I think came to mind after the presentation on the Ethics Board is something that the public I think knows but that we should restate and that's that you as the County Manager, the Sheriff, all of the elected offices, the Clerk, the Treasurer, the Assessor, on a regular basis deal with issues and employee issues, some of which deal with ethical issues and standards, so I just want it known that we have an Ethics Board that deals with requests, but on a regular basis there are issues that you always deal with and all of the department heads and all of the elected offices deal with to make sure that any issues or questions are dealt with in professional and legal and upstanding way.

So I don't want there to be this perception that everything's perfect. We know everything's not perfect but we know that each elected office, the Sheriff on down and on up deals with those issues. Do you want to comment on that just a little, just for the public's edification?

MS. MILLER: Madam Chair, Commissioner Anaya, actually I'm glad that you brought that up because one thing that wasn't clarified is the Ethics Board only handles a very specific type of ethics issue. So that's another reason why it wouldn't come to them, because if it's an employee issue, whether it's an ethics violation, Code of Conduct violation, any kind of disciplinary action, that would happen through our HR handbook and rules and policies that govern that. Those do not go to the Ethics Board. So those – and we constantly have things that come up from personnel matters and they get handled through their appropriate venue and through their supervisors and HR and if it requires risk management or Legal or the Sheriff's Department to be involved, then they would be involved.

And so those type of issues that deal mostly with personnel would not be an Ethics Board issue, but we do have them look at like our forms and things, and our HR policies to help us make sure that we do have good policies in place to deal with those

type things as well. So thank you for bringing that up because I don't think that was clarified earlier.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Ms. Miller.

CHAIR HOLIAN: Thank you. And I'll just say, Katherine, that I already sent out the press release to my email list and I believe it generated some comments. So it's working. Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross or Ms. Miller, do we have to change our ethics rules because it did not allow for anonymous complaints? Do we need to amend it? Am I wrong?

MR. ROSS: Madam Chair, Commissioner Mayfield, well, the ethics ordinance provides that an ethics complain alleges an ethics violation under our ordinance, it can't be anonymous if it's going to be filed in my office then sent to the Ethics Board for processing. But that doesn't mean we can't receive anonymous comments and handle them in another way. So I think that's a good way to resolve that. As a practical matter, an anonymous complaint doesn't meet any standard of proof that would be required for our Ethics Board proceeding but that doesn't mean that we can't process it as an administration through HR, through the Manager's Office, through our office, however we need to to investigate even anonymous allegations.

COMMISSIONER MAYFIELD: Thank you.

MS. MILLER: Madam Chair and Commissioner Mayfield, we do get anonymous ones and we do look into those as well, not necessarily ethics violations but we get anonymous tips and complaints and we do a review of those as well.

Another item that was brought up. I think, Commissioner Mayfield, at the last meeting you had asked about the status of the Corrections Advisory Committee. We have advertised for individuals to send in our résumés or letters of interest for the positions. We hope to have recommendations in front of you, probably by the first meeting in February to appoint the Board and then have, hopefully, the first meeting of the Board some time toward the end of February if we get enough applicants. So that's if we get all the positions filled.

Also, just so that you know, Tila Rendon in Public Safety Department is the one to send letters of interest and information to. We'll put a group together to actually make recommendations to you. So if you know of anybody's who's interested in being on that committee please ask them to send their letters of interest to our Public Safety Department and then we'll go from there putting together the packet as we normally do for you.

CHAIR HOLIAN: Thank you, Katherine, and I'm wondering if you could just send me that information about where they might send their résumé.

MS. MILLER: We did send it out today, the press release, so that's in your email, but I can resend it in case you didn't receive it.

COMMISSIONER MAYFIELD: Madam Chair, and maybe this question is even for Madam Chair. Weren't we going to just look at maybe bringing a lot of the brownbag members to the committee? I've got to relook at that resolution.

MS. MILLER: Madam Chair, Commissioner Mayfield, there were specific member – a specific membership, so in the advertisement we actually say if you have a background in one of these areas. So we did ultimately come up with specific backgrounds that we wanted people to have and a certain number of members that would be appointed by the Commission.

COMMISSIONER MAYFIELD: Thank you.

MS. MILLER: Then another item that we're putting together. I think that we finally got a date for the Commission orientation meeting, so it looks like that's going to be – we tried to get it before today's date but with the holidays and everything we just couldn't get everybody's schedule together, so we have it before our next meeting. We have it scheduled for January 25<sup>th</sup> from probably about 9:00 to 1:00. It will be a similar agenda to what we've done in the past but a little bit more condensed form. So we'll be getting the specifics of that to you, but that was the date that everybody said they could make it.

And then the next joint City-County meeting, we have slated for February 5<sup>th</sup> from 5:30 to 7:30 in the chambers. I think that also was what we were getting the most feedback that we could do. If that date does not work for you, that was one that the City came back with after we said we couldn't make one of their last proposed dates. So let me know. If that date does not work we'll keep looking for a date in February.

CHAIR HOLIAN: Katherine, I am going to be gone then.

MS. MILLER: Anybody else? We will find another date. It takes about six or seven tried back and forth. So we'll get back with the City, but we'll look for some more dates. That was the best one we could come up with from the City's side, and I told them I'd run that by you today.

Then Water Trust Board, we had a request at the last meeting about going to the Water Trust Board to remove the conditions on La Bajada. They have not made a decision. My understanding is they listened to that request. There were still several board members who felt that the County was going to take this system over but we presented an alternative option to them that the County would own the tanks and water supply and then provide bulk water as an alternative. So they listened to that idea and I believe that they meet tomorrow and staff will be there tomorrow to present that position to the board and still try to have the two conditions removed that are the conditions that the La Bajada Mutual Domestic asked us to remove.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, can we make sure that the resolution is presented to the Water Trust Board tomorrow? Or did you do that yet?

MS. MILLER: Madam Chair, Commissioner Anaya, I believe that we did provide all that information, as well as information on why we believe that should be removed. I sent a letter over to them saying we think that we still meet the intent of what

you would like to see happen and can accommodate that and then Adam and staff will be there tomorrow to present our side of it again in person.

COMMISSIONER ANAYA: If you could have them, Madam Chair, Ms. Miller, take the resolution from the Commission as well again, that would be appreciated.

MS. MILLER: Okay.

COMMISSIONER ANAYA: Thanks.

MS. MILLER: And then I know we talked a little bit about the courthouse earlier, but the courthouse is still moving forward, scheduled to have substantial completion on January 18<sup>th</sup>, with the funding from the Board of Finance and from the County. The judges have indicated that they do believe that they will be able to move in in February so I think we will not have a case of it being left empty for months on end. So that's a good resolution to where we were.

So I just wanted to give you an update on those items that have come up and then move into the legislative update if you don't have any questions on those items.

CHAIR HOLIAN: Any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, what about the parking situation on the courthouse? Have we worked any of that out any further?

MS. MILLER: Madam Chair, Commissioner Mayfield, we're working with the City trying to coordinate some kind of joint effort with the City on the parking. The County doesn't have a parking ordinance or parking enforcement even if we were to give a parking ticket to someone in the public. We don't have a court to send a parking ticket to. That's not something magistrate court would deal with. What we're trying to do is work with the City to see if they would, on the public spaces within the facility, if they would be the ones to administer those parking spaces. That issues does drive one of the last change orders we need relative to security/access control, whether there's public parking in there and whether we can come up with a proposal that works on public parking. I will say, and I did meet with District Attorney Pacheco on this months ago trying to talk to her about what her concerns were about people coming in there and parking and who would park and how many spaces. So we have looked at that issue as well as what alternatives we could work out with the City to make sure that if we do have public parking down there it's not all gone awry too, that there's actual management of it.

So we're in the process of discussing that with the City. I think if we can't come up with a resolution with the City handing that we might have to come back to the drawing board again and come up with some different ideas. And also, if it's the Commission's desire to not have public parking in there that's another issue that would drive the last change order for access control as well as the heated ramp, which is something that needs to come back to you in February. Those two items are not something that prevent us from substantial completion or from taking the keys to the building or actually occupying the building.

COMMISSIONER MAYFIELD: So Madam Chair and Manager Miller, maybe this would be a question for Mr. Leigland or Mr. Hogan. Do we have any reserve money left from the change orders? Or is there any contingency money left in the construction funds?

MS. MILLER: Madam Chair, Commissioner Mayfield, it depends on what happens I think with the heated ramp and what our resolution is on that, because that could either be something that has to come from the architect for leaving that out. There are several things we have to still sort out. And then we're also working on something that will get funding back from gross receipts that's paid on fixtures within the facility. So although we may need to budget some more money in order to complete it and pay the contractor, I believe that we will get some of that funding back on some of the efforts that we're doing relative to errors and omissions and cost recovery from GRT that's been paid.

COMMISSIONER MAYFIELD: Madam Chair, Manager Miller, what about timely completion of the project? Because I thought it was supposed to be done, delivered by mid-December and here we're going to be looking at mid-February now?

MS. MILLER: Madam Chair, Commissioner Mayfield, no. Substantial completion we're looking at, as far as turning the keys over to us is January 18<sup>th</sup>. We're still on schedule with that. Then the ability for the judges to start moving in in February when they get the required furnishings that we were negotiating getting funding for.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR HOLIAN: Thank you, Commissioner. Continue.

#### **XIV. A. Legislative Update [Exhibit 4]**

MS. MILLER: Did Rudy hand out the legislative update? So we're going to have this format each time that we come to you. This is an update from the last one. The dates on the top are still the same with January 15 being the opening day of the legislative session and the end of the session March 16, and then February 14 is the deadline for introduction of bills.

We've gone back and forth on trying to find a date for our meeting with the Santa Fe delegation and it looks like even as of this afternoon that the best date, based on the legislative delegation's availability is Tuesday, January 22. They did request that it be over at the Capitol, so what we said is what we'd like is a bigger room, because we had such a small room the last time. So I believe that we will be able to get a larger room. But they said they did want it there; it's much easier for them to attend. So we're looking at Tuesday, January 22, that morning for a breakfast with the Santa Fe delegation. So hopefully that date works on your calendars. If not, the other option was January 24 which many of them said they could do that date.

So if the 22<sup>nd</sup> works I would love to send out invitations this week.

CHAIR HOLIAN: Would the Commissioners like to comment on that?

COMMISSIONER STEFANICS: That's fine with me.

COMMISSIONER MAYFIELD: I'm fine.

CHAIR HOLIAN: Okay. I guess we've got a date.

MS. MILLER: Then the next page or the ICIP, the top five countywide priorities – what we did though, they asked that we kind of give them the top three. So what we did is we took – we did ask them on the fairground improvements, the public

housing sites and the Public Works equipment, put those at the top of the list from the standpoint that we do already have funding in our budget for the RECC, and we have funding for the fire equipment when the GRT passed. We said the three that we don't were the fairground improvements as number one, public housing is number two and Public Works equipment is number three. But all five of these are on our top list. And we got a little more specific on equipment, so if they wanted to just fund a piece of equipment they had that option as well.

Then under district-specific projects we have those projects you had indicated in the previous BCC meeting that you wanted. If you have anything that you discussed with legislators or within your district that you'd like to add just let us know and we will add it to this list. These definitely are in our ICIP that we submitted in September or October 1<sup>st</sup> to DFA so we're going to keep putting these forward because of some of the information we received back is that the executive is looking to make sure that they are on our list.

The next page, on page 5, these are resolutions that you passed to date. We'll add the one that you passed earlier to this list, and then the next few pages, 6, 7, and 8 are resolutions that have been passed in the last three years by the BCC supporting legislation. Are there any of these that you would like continued or any that you would like dropped off or any comment you have about those, we just wanted to see what has been done in past sessions that may continue. For instance, I believe Senator Wirth had his big box tax initiative and he will probably bring that back again. We've already passed a resolution last year supporting that so I wanted you to see we do have that and we have some others like that. If you would like to see those kind of continued just let us know. We can bring them back for an additional update those to kind of re-pass them if you would like.

CHAIR HOLIAN: Just let me quickly – if we would like to change this list don't we need to pass another resolution?

MS. MILLER: Madam Chair, we can drop off previous years or we can renew a previous year one to update it for what might be coming forward this year. I just wanted to make sure that you had the list of all the ones that the Commission has passed in the last few years because a lot of that legislation didn't get passed or signed in coming back. So it's to kind of remind you what's been out there.

CHAIR HOLIAN: Thank you, Katherine. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Madam Chair, I plan to bring forward a resolution rescinding a past resolution, because there is an organization that continues to use Santa Fe County's name as supporting something, and it's really antithetical now to the Affordable Care Act and I would just like for us now to clean it up, and the person won't stop using our name until we rescind the resolution. So I do think it's rather important that if there are things on the record that we don't agree with anymore that we pay attention to it and change it. Thank you very much.

CHAIR HOLIAN: Commissioner, I agree with that.

MS. MILLER: Madam Chair, that was one of the reasons I put these out there because I knew we had some from previous years that we may want to fix up a little bit or get rid of, because things, they do change year to year and often some of the legislation comes back changed from what we had initially passed.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Manager Miller, we spoke about this yesterday. Do we need to do something for the property tax assistance that we offered to the elderly, to the income-eligible elderly and disabled this year?

MS. MILLER: Madam Chair, Commissioner Mayfield, what we need to do as far as the Board, and this doesn't have to do with the legislation, we need to do a review of that and whether you want to continue that or how you want to deal with it per our ordinance.

COMMISSIONER MAYFIELD: But not per legislation.

MS. MILLER: Not for legislation. Although we did two years ago try to make another category of rebate, but it didn't – we didn't get very far. We had a lot of opposition of keepers of the property tax code, I guess you'd say. We did get a bill put together but it just started getting convoluted with a lot of Albuquerque stuff that really wasn't our issue. So as it stands right now there's just one formula and our ordinance follows that formula. And what we need to do as a matter or our ordinance is review our ordinance and whether we want to continue that.

COMMISSIONER MAYFIELD: Thank you.

MS. MILLER: On page 8, we have also on that second half just some things kind of highlighted of things we will be watching. Any legislation that gets introduced relative to these items and be bringing that to your attention as it comes forward. If there's anything else you would like us to watch relative to subject matter that you think might affect Santa Fe County or areas of interest for you, just let us know. We'll add that to this list and make sure that we continually update our report to you showing what legislation has been introduced and where it is in the process of going through the legislature.

And the last – 9, 10, 11, 12 –

CHAIR HOLIAN: Just one second. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, just going back, because I don't want to lose my train of thought, but we should always in our wording put plan-design-construct, because if you just put one and you get resources then that's all you can use it for, so I notice that. We have it at the top in Pojoaque Valley Recreation and I think we should carry that through within all the projects so that we're not stuck on language which as you know will have a big impact to resources if we receive them. Thank you, Madam Chair.

MS. MILLER: Thanks for that reminder, Commissioner Anaya. I agree. Then from page 9 through page 13 or 9 through 11 you had requested an update of all of our legislators and how to get a hold of them, so this is senators and representatives that have some of their districts if not all their district within Santa Fe County boundaries, and then we even provided maps to show you exactly where. So that's page 12 and 13 that show you the senators and where their districts are relative to Santa Fe County boundaries and the House of Representatives. And then the last page is how to get a hold of Rudy, Hvtce and Lisa. That's our legislative team that put all this together and will be tracking everything and providing the updates.

CHAIR HOLIAN: Thank you very much, Katherine. Any other questions?

COMMISSIONER STEFANICS: Madam Chair, back on the resolutions, Katherine, do you think that maybe you could identify some of those past resolutions that you might want us to reconfirm or change? I'm sure that all of us might have individual ones but maybe you could come up with a list yourself that you might say I'm not sure this is still your position? Thank you.

**XIV. B. Presentation Regarding Legislation to Address the Tax Lightning Issue By Santa Fe County Deputy Assessor and Vice-Chair of Assessors Affiliate**

GARY PEREZ (Deputy Assessor): Thank you, Madam Chair, Commissioners. Good evening. Let me start by saying I am prepared to give you information regarding proposed legislation that's coming from a joint tax force made up of realtors and the Assessors Affiliate along with some other key players interested in this situation. However, I want to point out to you that there's been a couple things happen since we put this on the agenda. About two weeks ago the Revenue Stabilization Committee – well, three weeks ago, the Assessors Affiliate along with the realtors presented an idea for a tax lightning fix. And two weeks after that the Revenue Stabilization Committee did not endorse the idea.

So we also do not – that committee does not have a sponsor for this proposed legislation. So in talking to the San Juan County Assessor, who's the president or the chairman of the Assessors Affiliate, he's not very confident that this legislation may go anywhere. So it might be putting the cart before the horse tonight for me to tell you about this legislation and get everybody – and open up a can of worms, but I'm prepared to do it if you would like me to.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: He looked at me when he said can of worms. I don't know, Gary.

MR. PEREZ: There's also the media here and I'm sure also the public will hear about it in the newspaper and it may be all for nothing.

COMMISSIONER ANAYA: Well, my question back to you and this is just my perspective would be in your best judgment, based on your background and what you just expressed and maybe other feedback, would it be better for you to gather more information? Because I would agree that if we prematurely open up a can of worms you know that I'm going to be very focused on questions and issues, especially pertinent to the discussion we had earlier with the former Speaker and his intent to try to keep taxes as low as possible, which I know everybody wants to. But do you think maybe now is too soon? Because I would rather not engage in a heated discussion if we don't have all the facts and if we don't know if there's even a basis for carrying any of this legislation or seeing it through in this session.

MR. PEREZ: Madam Chair, Commissioner Anaya, I believe it is too soon. The way things are looking and the discussions we've had and the discussions have been going on with other assessors who may or who may not be able to accomplish some sort

of fix because of their computer systems. It seems as if the support for this type of fix is not there. So what I can do, and I'd be happy to meet with you all individually to tell you what this idea is that the committee came up with. I can go to your office and take the time and explain it to you in case it does become introduced. The minute it becomes introduced then I would come before you and give you the information, or if you like, I can give you all the information on a one-to-one basis on your own time so that you understand it and we have time to answer the questions rather than having the public and everyone else go through the whole thing for maybe nothing.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, with that said and Commissioner Stefanics, just all of us, are you okay with that?

COMMISSIONER STEFANICS: Yes. I was just wondering, I was going to bring up, did not we support this for the Association of Counties, the idea that we're not discussing?

MR. PEREZ: Madam Chair, Commissioner Stefanics, the Association of Counties did support it.

COMMISSIONER STEFANICS: I mean we, as a body, supported it for the Association of Counties in the end of last year.

MR. PEREZ: Well, this is a different idea.

COMMISSIONER STEFANICS: Okay. So fine. I would agree that we should not discuss anything until it's introduced.

COMMISSIONER ANAYA: Motion to table, Madam Chair.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Gary.

MR. PEREZ: And Madam Chair, I have other things that the assessors are proposing that I can give a quick rundown if you're interested which are not as serious as this, if you'd like.

CHAIR HOLIAN: So you're proposing to make those presentations to us one-on-one in the future.

MR. PEREZ: I'm proposing to make the presentation about tax lightning to you one-on-one, but I also have information that I can present to you verbally now about six other ideas that the assessors have for legislation.

CHAIR HOLIAN: Commissioner Anaya, would you like to change your tabling motion?

COMMISSIONER ANAYA: Madam Chair, Gary, I'd actually like to have you go through them with us individually as opposed to having a discussion today, so I'd move to table.

CHAIR HOLIAN: Are you fine with your second?

COMMISSIONER STEFANICS: Tabling is not debatable but I do have a question.

COMMISSIONER ANAYA: I would withdraw my motion for the question. If we're going to get into a discussion and he's going to bring up scenarios then

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I'm going to probably engage in a lot of questions and I don't know if you want us to do that tonight. I would just preface – but I would withdraw my motion to table if the seconder will for other questions.

CHAIR HOLIAN: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: I just want to know, Gary, is this something that's going to be dealt with by the Association of Counties board next week? The other ideas? Then if so, then we should hear it before I get to the board to represent us.

MR. PEREZ: Madam Chair, Commissioner Stefanics, I'm not positive. I have not heard from Assessor Ward from San Juan, the chairman, whether he's presenting at that board meeting or not. Typically, that's what that board meeting is for. My guess is that it will be. Now, I'm talking about other legislation that affects the procedures that the assessors have to implement or are mandated to do, not tax lightning.

CHAIR HOLIAN: Commissioner Mayfield, you had a question.

COMMISSIONER MAYFIELD: Madam Chair, that was my question. If these other six items you want to discuss with us are about tax lightning, or something totally different from the Assessor's Office.

MR. PEREZ: Madam Chair, Commissioner Mayfield, something totally different other than tax lightning.

COMMISSIONER MAYFIELD: Then I would ask that we look at tabling the tax lightning issue and hear the other six proposals the Assessor's Office wants to talk about.

CHAIR HOLIAN: So, Commissioner Anaya, would you like to amend your motion?

COMMISSIONER ANAYA: I think you're just not going to talk about tax lightning and talk on the others.

CHAIR HOLIAN: By consensus, proceed with the discussion on the other issues.

MR. PEREZ: Okay. Thank you, Madam Chair, Commissioners. So one of the other more important things that the assessors are going to try to accomplish is to have the law changed so that sales information on properties, when properties sell, that we get full disclosure of sales information. Currently the Assessor's Office only receives sales information when a property sells on residential property, residential improved property, meaning a property with a dwelling on it. We do not receive sales on vacant land or commercial properties or properties of that sort.

One of the methods for appraising a property is the sales comparison approach. There's three approaches, and that should be the most reliable approach that we should be using to determine market value for properties. So we do not have this currently in place. People are not mandated to give us that information. So it becomes very difficult to do a job when you don't have a tool. It's like asking a mechanic to fix your car without any tools at all, and that's what we're faced with. So we would be doing a better job in the Assessor's Office, especially now in the down market on say, vacant land, when we have more sales information. If properties are down in a neighborhood and people can provide

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us with sales information to prove it we'd be lowering their values. Right now, we don't have enough sales information. So this is one thing the assessors are proposing to do.

Another thing is to change the deadline for people to apply for agricultural status on their property. Right now if a person has vacant land and they are farming the land or they're grazing cattle on the land they can apply for a special method of valuation on that property, which lowers the valuation, which minimizes the tax on the property.

Right now the deadline for applying for that ag status or grazing status is the end of February of each year. We are proposing to change that deadline to 30 days after the date of mailing of the notice of value, because that usually occurs after the last day of February. People are not aware of this deadline is because the only place that it is made aware of is in the newspaper in the legal notices. The Assessor is required to put that out there each year, but it's also on the back of the notice of value. Many people don't read it. Therefore when they get their notice of value after February 28<sup>th</sup> it's too late for them to apply for this grazing or ag status. What we want to do is give the owner more time so that they can see what the deadline is and have ample time to apply for the status. Again, this just benefits the taxpayer.

One other change we're looking for is to change the reporting requirements for personal property rendition. You might now that we are required to assess personal business property, business personal property, for a business if a business reports property for depreciation, they take depreciation on their federal income taxes, such as say a computer or a desk, they're required to report it to the Assessor's Office and they are taxed on those items. Right now the requirement is that, say, for 2013, they would provide to us the information that they used on their 2012 tax return. The deadline for filing a tax return is April 15<sup>th</sup> of each year; our deadline comes before that. So again, the taxpayer is put in a position where they have to generate that list or they have to do their taxes right away and it poses a problem to them.

What we're proposing to do is change the law so that they report on two years prior tax return. So for 2013, for example, they'd be using their 2011 income tax return to report that information and that's what we would assess them on. So we'd always be two years behind on that.

Another proposed change that we're looking for is that when a person reports to us a sale on an affidavit – a sale occurs on residential property, a person is required to report to us the sales price, the sales date, buyer and seller information, and right now it says that they're required to have that affidavit notarized. This has been a problem for a lot of people and the assessors agreed they want to try to change it to where it does not require a notary stamp. Again, this benefits the taxpayer mostly.

One other change is with technology the way it is and in an effort to cut down on costs on mailing on notice of values we would like to be able to send out electronic notice of values by email if a taxpayer requests it. Again, we'd like to keep up with technology and reduce mailing costs by doing this.

That's about it, actually.

CHAIR HOLIAN: Okay. Thank you very much, Gary. Any questions?  
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Assessor Perez, can you again help me with the grazing and ag status because I get a lot of constituents that ask me. If somebody wants to protest or come to your protest board, what's the determination again? You have to have how many acres in order to get that determination for putting your land for agricultural?

MR. PEREZ: For agriculture, Commissioner Holian, Commissioner Mayfield, for agricultural, if they're farming their land it has to be one acre or more. Okay? If it's a row crop. If it's one acre or less it has to be an orchard crop or bees have to be produced or grown on the property, and I believe that's the statute on that.

COMMISSIONER MAYFIELD: It would have to be an orchard if it's an acre or less. So if somebody is just trying to have, I guess, Madam Chair, Assessor Perez, if somebody's trying to just have just a local garden just to put food on their table for their family and it's an acre or less, that would not be an exemption to carve out say  $\frac{3}{4}$  of that acre?

MR. PEREZ: Madam Chair, Commissioner Mayfield, we believe that that's not the intent of the law, and most likely we would be denying those types of situation.

COMMISSIONER MAYFIELD: And Madam Chair, Assessor Perez, also let's say they needed to maybe put some local agriculture on that land just to maybe graze a horse or a cow for food, that that also is in your belief not the intent of that law.

MR. PEREZ: Madam Chair, Commissioner Mayfield, that is true.

COMMISSIONER MAYFIELD: Now, Madam Chair, Assessor Perez, I'm just going to key in on the word you said, is that an interpretation of intent based on an attorney's opinion? Is that the Assessor's opinion? Has that been established through I guess our Attorney General or who's made that determination?

MR. PEREZ: Madam Chair, Commissioner Mayfield, basically, it's been determined by the Property Tax Division, who has general supervisory authority over us in our discussions, in our meetings that we have with them quarterly, in the Assessors Affiliate meetings. The law is somewhat vague so it's not specific enough to give us a good answer, so what we encourage people to do is to apply for the status and if we feel that it's not warranted that we grant the exemption or the special method of valuation then they can go before the protest board and the protest board will determine.

COMMISSIONER MAYFIELD: And Madam Chair, Assessor Perez, I didn't mean to get into a debate with you on this but I guess that causes me some trouble. So if you're telling people to apply for it and then I guess if it's a discretionary decision that the board makes and they make it for one reason for one individual family and then they deny it for another family, when does the subjectivity take place? What's the determining factor?

MR. PEREZ: Madam Chair, Commissioner Mayfield, you have a very good point there and we would hope that the board and the chairman of that board acts the same way with everyone. We can't insure that because we have no control over the board. But what we try to do is take a look at how that person is using that property and if they want to stick three trees on a property and call it an orchard, we're here to protect the integrity of the tax base for the County and for all the entities that assess property tax

levy on our valuation. So we're just trying to do a good job for the County and for everyone and we have to make those tough decisions.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Perez, I appreciate that and, look, I'm trying to help out the taxpayer too. I want to make that be known. But I guess I'm just saying that to me it seems like it's very subjective, at least from you and what I'm hearing from you and I would hope that maybe that's something that your office could champion just to clean up that language. Because I do know that there's a lot of folks out there that may have one acre, two acres of land, and they are putting that out for agricultural needs. They're trying to raise a cow on that property. They're trying to feed their family with a little local garden. They're trying to raise a horse on that. They're not building on that acre. They're just putting it out for local ag production. I would hope that you – and if it's subjective, from what I'm hearing you saying it is subjective to interpretation, that that could be a determining factor when you guys value that property, and I'm going to, Madam Chair, defer to Mr. Ross. Is that how you understand it also, Steve?

MR. ROSS: Yes. Short answer.

COMMISSIONER MAYFIELD: So it's just subjective?

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, you officially have the can of worms opened up. But I on this point would say this. If there is a way – we're constantly hearing feedback from citizens about the opportunity to create sustainability for their own lives, whether they're selling agricultural uses that they're producing or not, anything that an individual or family does to sustain themselves by growing their own food for their own nourishment for an example is a good thing. And I don't think – I think Mr. Perez in this case is taking the law that's been given after years of adjustment and amendment but that you're on to something that I think I can be absolutely supportive of as a resolution to go to the legislature and say we want you to take a look at redefining what you defined as agricultural use because it's important, based on what you're saying and I agree with, it's important enough to us to give that opportunity to small growers and to other people that have been afforded the opportunity, just because they have large amounts of land. You can do a lot on a small tract of land if you manage it appropriately.

So I appreciate you bringing it up. And I think it's not a matter for him; it's a matter for us to decide as a policy that we might want to carry forward and try and get legislation.

CHAIR HOLIAN: And Commissioner Anaya, I agree with you, so I suggest that we look at drafting a resolution and then bringing it out in the open as a discussion item.

COMMISSIONER MAYFIELD: Madam Chair and Commissioner Anaya, I thank both of you and I guess one other point I'd like to put, and I would like to champion a resolution. I hope we have unanimous support on this. But another important factor of this is we're trying to determine the benefits and putting to all residents in Santa Fe County the use of beneficial water rights, especially for our small acequia users. Some

of these folks are putting beneficial rights to use on small, ¾ acres, one-acre lots for agricultural production. And we don't want to strip them of these beneficial rights. And I would hope again – and I know, Mr. Perez, I know you're just doing your job. I know that and I recognize that. It's a tough job you have. Very tough job. But I would hope that that importance could be recognized and that these folks could get that agricultural exemption when they're just trying to put that food on their table for their families. If it's to feed a cow, for that grazing, if it's to feed that horse so they can go enjoy the wilderness or if it's just to put those local greens on their table. And it's also preserving those beneficial water rights through that local acequia they're participating with. So, Madam Chair, I'm going to try to work on a resolution for this.

CHAIR HOLIAN: Okay. Thank you, Commissioner Mayfield. And thank you, Gary, for your presentation.

MR. PEREZ: Thank you, Commissioners.

**XIV. C. Appointment of Board Members to the Following Committees: BDD, ELUA, MPO, NCNMEDD, NCRTD, Regional Coalition of LANL Communities, RPA, SFSWMA [Exhibit 5: Staff Memo]**

PENNY ELLIS-GREEN (Deputy Manager): Thank you, Madam Chair, Commissioners. This is the yearly appointments to boards. I handed out the most recent memo to all of you at the beginning of the meeting, and if I could just read through on page 3 the preferences that have been stated.

For BDD: Commissioner Chavez and Commissioner Holian would be members and Commissioner Mayfield would be the alternate.

For ELUA: Commissioner Mayfield, Chavez, Anaya and Stefanics would be members and Commissioner Holian would be the alternate.

For the MPO: Commissioner Chavez, Anaya and Stefanics would be members and Commissioner Holian would be the alternate.

For the Economic Development District: Commissioner Stefanics would be the member, Commissioner Mayfield would be the alternate and Commissioner Chavez would be a second alternate.

The NCRTD would be Commissioner Anaya would be the member, Commissioner Chavez would be the alternate and Commissioner Mayfield would be the second alternate.

For the Regional Coalition: Commissioner Mayfield would be the member, Commissioner Chavez would be the alternate, and Commissioner Anaya would be the second alternate.

At this point we have not included the RPA as they have not been meeting in over a year.

For SWMA: Commissioner Mayfield, Chavez, and Holian would be members and Commissioner Anaya would be the alternate.

And in addition to that, all five BCC members sit on Indigent, Housing Authority and the Board of Finance. And on the Investment Committee, both Commissioner Holian as the chair and Commissioner Mayfield as the vice chair will sit on that committee.

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CHAIR HOLIAN: Thank you, Penny. Is there any discussion? Is everybody in agreement with that proposal? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, the rules or the resolution or whatever we did with Investment also identifies who the alternates are, like all the remaining Commissioners are alternates.

COMMISSIONER MAYFIELD: For Investment?

COMMISSIONER STEFANICS: For Investment.

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, I will check that.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Ellis-Green, are you sure that I can go to a SWMA meeting as an alternate and they'll let me in the door?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, Legal has looked at that and they are silent as to the appointment of alternates, but we have always appointed alternates so my understanding is that on many occasions alternates have sat at a SWMA meeting.

COMMISSIONER ANAYA: Well, I used to, but I got thrown out of the other one the other day, so I don't know. Another can of worms, Commissioner Chavez says.

MS. ELLIS-GREEN: We will write letters to all of the entities stating who our members are and who the alternates are as well.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Ross, Ms. Penny Ellis-Green, I have spoken to the attorney that represents us all on the SWMA board and just let them know that I would like to look at the JPA that we have and ask that they amend that or bring it to the SWMA board for affording us the opportunity to have and understand that the County appoints alternates. That's how the County does business. So they said that they would bring it forward and I let them know our attorney interprets it different than they do. The other thing I would also like to recommend, and I will just bring this up to this governing body even though it's a little different subject matter is that I think our County is in the position that we're fully staffed and ramped up with attorneys and maybe on some of these boards, such as SWMA and MPO and maybe a few others that we can just have our attorneys be our legal representatives on some of these boards and we don't need these outside contract attorneys representing us on some of these boards.

CHAIR HOLIAN: Thank you, Commissioner Mayfield. Steve, do you have any comments on that?

MR. ROSS: Madam Chair, which part?

CHAIR HOLIAN: The latter part.

MR. ROSS: We previously represented a number of these boards along with the City as kind of a team approach when I first got here for about four years that's how we did it. Then it started to erode into the current system which is where many of the entities contract for lawyers. I think we're capable of doing it if you want to return to the old system.

Now, on the first point Commissioner Mayfield raised, I'm having a fairly vigorous discussion with the attorney for SWMA on this issue. I completely disagree with their position. And Commissioner Mayfield, I don't know if we should wait for SWMA to initiate a joint powers agreement amendment because the SWMA is a creation of the City and the County. We can initiate our own amendment and work with the City to get approval and SWMA, being a creation of the City and the County would just have to go along with that.

COMMISSIONER ANAYA: Madam Chair, on this point.

CHAIR HOLIAN: Madam Chair, Commissioner Mayfield brings up a good point for review. I think it would be healthy for us to analyze where the contract attorneys are, not only for the joint boards we sit on but overall. I'd like to see maybe over the last few years how much money have we spent on contract attorneys for cases and for work on joint boards so that we could review that and make some determinations as to whether or not we continue in that vein or maybe we change up. Maybe the County would be better served to add some attorneys to accommodate some of our needs as opposed to all contract work. So maybe it's a balance. But I think for starters, what have we spent and where are we spending it. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Anaya. So if there's no further discussion do I have a motion?

COMMISSIONER MAYFIELD: One more question.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: As far as the RPA, Madam Chair, excuse me, because it came up a little earlier with that presentation that was brought forward. So, Madam Chair, if we're not going to – well, I assume we're not continuing with the RPA because there's no little boxes on the RPA, what happens to the sub-task forces of the RPA?

CHAIR HOLIAN: Well, actually, Commissioner Mayfield, we haven't totally worked out those details, so here's my suggestion as to what happens. I would like to meet with Katherine and Steve to talk about the issues of the RPA and where we should go, and then I would like to bring back a proposal to the Board so that we discuss it in public, that it's noticed and so on, and then we make a decision about what our position is on the RPA and what we think it should do. Because right now the joint powers agreement is badly out of date. It doesn't even match with what the RPA was doing before it had its last meeting. So I would just like to bring this back, rather than have the discussion here today, I would like to bring this back as a proposal and have a discussion in the future, if that's okay.

COMMISSIONER CHAVEZ: If I could, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I would really support that because the RPA originally back in 2000 had some very narrow duties and responsibilities. The joint powers agreement since then has been amended six or seven times, so it's gotten away from the original intent of the Regional Planning Authority. I think we really need to restudy that, revisit that, and if it is going to be regional planning then let's make it regional planning but not a catchall for whatever comes along, because I think that's part

of what's happened. Not that it hasn't been good work but it's not always directly related to regional planning, and that's a narrow focus. So I think we should save that for later.

CHAIR HOLIAN: Okay. Thank you, Commissioner Chavez. So do I have a motion regarding the authority and the board appointments?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would move for approval of the appointments as stated with no appointments to the RPA at this time.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second for the approval of the appointments as stated. Do you have any more miscellaneous updates, Katherine?

MS. MILLER: Madam Chair, there was just one thing that I actually had forgotten when I started and that is that we received a letter from the New Mexico Department of Transportation. The Transportation Commission will be conducting their monthly meeting on Thursday, January 24<sup>th</sup> at 2:00 pm at the New Mexico Department of Transportation general offices, in their training rooms, and they have invited us if we would like to be there. So we will have staff there but if any Commissioners would like to be there I just wanted to let you know that that is where their meeting is.

CHAIR HOLIAN: Thank you, Katherine. Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm scheduled to speak at that for the MPO.

CHAIR HOLIAN: Thank you.

## **XV. MATTERS FROM THE COUNTY ATTORNEY**

### **1. Executive Session**

#### **B. Limited Personnel Issues**

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

MR. ROSS: Madam Chair, we do need an executive session on items A and B. Under A I was planning on giving an annual litigation update, but that can wait till the next meeting, given the lateness of the hour. I think you wanted to discuss under limited personnel issues item XV. 2 which is the Manager's contract, so we could do that. But unless you really want to hear the litigation update right now there's nothing pressing; it can wait for three weeks.

CHAIR HOLIAN: Okay. So do I have a motion for executive session where we will discuss limited personnel issues.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, is there any desire on the Commission's part to deal with the cases, since they've been waiting, and then go to the executive at the end?

CHAIR HOLIAN: Actually, Commissioner Anaya, I think it would be good if we had a short break beforehand if that's okay.

COMMISSIONER ANAYA: Move for approval to go into executive session to discuss limited personnel matters and pending or threatened litigation.

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CHAIR HOLIAN: Is there a second?

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

CHAIR HOLIAN: We are now in executive session. Steve, can you tell us how long? I guess it will about a half an hour or so, don't you think? Okay. Thank you.

[The Commission met in closed session from 6:45 to 7:55.]

COMMISSIONER CHAVEZ: I'd like to make a motion to come out of executive session and the only thing discussed were limited personnel matters.

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: I'll second, and the only people present were the five Commissioners, our County Attorney and our County Manager for a portion.

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

**XV. 2. Consideration and Approval of Amendment No. 1 to the Employment Agreement by and between Katherine B. Miller and the Board of County Commissioners**

CHAIR HOLIAN: Steve, could you read the amendment please?

MR. ROSS: Madam Chair, I'd be happy to. The amendment is simply to change the term of the contract, the time when the agreement terminates as follows. Instead of reading – the original contract reads for the term of the Manager under 5B, it reads Unless renewed or extended this agreement shall terminate on September 1, 2013. The amendment changes that sentence to read Unless renewed or extended this agreement shall terminate on September 1, 2014. So it terminates one year later than it did previously.

CHAIR HOLIAN: Thank you, Steve. Do I have a motion?

COMMISSIONER STEFANICS: Madam Chair, I move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second to approve the amendment to the employment agreement.

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

COMMISSIONER STEFANICS: Madam Chair, I'd like to say on behalf of the Commission to the staff and to the public that we are very pleased with our County Manager's performance, her skills, and we look forward to continuing to work with her.

CHAIR HOLIAN: Thank you, Commissioner, and I say to that, aye aye.

**XV. 3. Resolution No. 2013-03, a Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners; Rescinding Resolution 2010-5**

MR. ROSS: Madam Chair, every year the Open Meetings Act requires that a public body enact a resolution determining the notice that it considers reasonable for its public meetings. Historically the Board of County Commissioners has done its duty under the act at the first meeting of each calendar year, so I prepared this resolution which is identical to the resolution of last year except that it adjusts the time of the regular meeting pursuant to our recent practice, which is 2:00 pm for this meeting and 1:00 for the administrative meeting at the end of the month. Those are the only changes from last year. This has worked well for a long time here set up the way it is. So with that I'll stand for questions.

CHAIR HOLIAN: Thank you, Steve. Any questions? This is a resolution, so is there anybody here who would like to comment on this resolution. Seeing none –

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

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

**XVII. PUBLIC HEARINGS**

**A. Growth Management Department**

**1. CDRC CASE # V 12-5120 John & Virginia Kraul Variance. John & Virginia Kraul, Applicants, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 0.90 Acres. The Property is Located at 7 Camino La Llorona, within the Traditional Community of Canada de los Alamos, within Section 27, Township 16 North, Range 10 East, Commission District 4 (Deliberation and Vote Only)**

CHAIR HOLIAN: Now, before we get started with this case I would like to note that even though this is under public hearings the public hearing has been closed on this case and it is noticed for deliberation and vote only. So I would like to ask Steve to give us an explanation of what that means.

MR. ROSS: Madam Chair, our rules of order require this procedure because a public hearing as a practical matter cannot be repeated. You can never have exactly the same public hearing twice. The reason for the rule is if a vote results in a tie and a member is not present that member has the opportunity to come in and essentially

break the tie. An affirmative vote is required to enact one of these cases and the rules anticipate that if there's a tie vote that there's a chance to resolve the tie and establish either approval of the application or disapproval of the application at some subsequent meeting and avoid all the issues that go with that.

So traditionally, how we've done it is when there's a tie vote at the next meeting we have a brief summation of the progress or status of the case by Land Use then have a vote. How that works is just like it does when we conclude the public hearing and we concluded the public hearing last month. You'd have a motion, you'd have a second, you'd have discussion, just like normal, and then a vote.

CHAIR HOLIAN: Okay. Thank you, Steve. Now, Steve, as I understand it we don't have to vote on the exact motion that was made last time. A Board member can make a new motion. Is that correct?

MR. ROSS: Yes. That motion failed so we'll have to have a new motion. And it can be whatever the maker of the motion chooses.

CHAIR HOLIAN: Thank you. So, Mr. Lovato, would you like to give a brief summary?

JOHN LOVATO (Case Manager): Madam Chair, Commissioners, this case is still the same. I can go ahead and go over some of the information if you'd like. I'd stand for any questions.

CHAIR HOLIAN: Well, actually I think I would like sort of a brief summary and then I will be asking for a motion.

MR. LOVATO: Okay, Madam Chair. This case as you know was tabled with the vote tied. What they're essentially asking for is a density variance to allow a second home on the parcel. The structure has been on the property since 1997 which a permit was obtained. This is a 625 square foot modular unit. Nothing's really changed in terms of what's already on the property. It's been there since 1997 other than the fact that it was being lived in and a violation was issued. That violation is no longer in effect because staff has gone out and done an inspection on the property and it was determined that the bathroom was removed or the kitchen was removed from the structure. So now it is in compliance.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, having heard the summary I'd make the same motion I made at the meeting. That would be a motion for approval with staff conditions.

CHAIR HOLIAN: Okay, I have a motion for approval with staff conditions.

COMMISSIONER STEFANICS: I'd like to amend that, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I hope that the maker of the motion will consider this a friendly amendment. I'd like to add another condition and this would be adding on something that we might consider in the new code. The applicant shall file an affidavit in the County Clerk's Office, stating that both the house and the accessory home can only be occupied by immediate family members.

CHAIR HOLIAN: Commissioner Anaya, are you okay with that as a friendly amendment?

COMMISSIONER ANAYA: Madam Chair, I guess I have a legal question associated with that. The request was for the creation of a lot, correct? Which would be a fee simple lot. I guess, Madam Chair, Commissioner Stefanics, this sounds like some of the other amendments that we've had, but we put a limitation of time on some of those. I would accept it as a friendly amendment if you put a limitation of five years on it.

COMMISSIONER STEFANICS: That's fine.

CHAIR HOLIAN: Okay. So I have a motion and a second to approve the variance with staff conditions and including the extra amendment that only family members can occupy the second dwelling unit for a period of five years. Is that correct?

COMMISSIONER ANAYA: Madam Chair. Madam Chair, Commissioner Chavez brings up a good point. I know the applicant's here. I know on the prior conditions you accepted the staff conditions. This new condition would require a family member being in there for a period of five years. Do you accept that as well? And you understand that? Thank you. Thank you, Commissioner.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. I'm versed with the case. I read the testimony that was provided in the packet but I do have a question or Mr. Ross based on what I read in the testimony. Well, Ms. Ellis-Green, you're here also. Madam Chair, Mr. Ross, based on some of the information I did read, accessory dwellings are being contemplated in the new code right now. I know this. I also read this in the testimony. I know this accessory dwelling that we're talking about is under 1,000 square feet, but on the amendment Commissioner Stefanics just brought up – so on the new code we're going to start putting these suggested uses that it has to be for an existing family member on accessory dwellings in the new code also? Is that something we're going to be looking at?

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, I think that's a valid point. The reason – and this is just my opinion – the reason I think this is a little different is because this is an after the fact adjustment to a lot that in prior meetings we've tried on family transfers or splits or variances like this to make sure that they're truly utilized for the intended purpose for family, but on the accessory structure amendment that doesn't create a new lot, per se, that just affords a homeowner if we pass it in the code the opportunity to have an accessory structure. This actually creates a secondary lot. So I appreciate very much what you're saying but I think the intended purpose is different. This is a separate fee-simple lot, so I think that might be – and that's just my thoughts.

CHAIR HOLIAN: Any further discussion?

COMMISSIONER MAYFIELD: No, I think Commissioner Anaya explained it well for me. Thank you. Penny, you have something to add?

MS. ELLIS-GREEN: Madam Chair, Commissioners, just for clarification, this does not create an additional lot. This is two homes on 0.9 acres.

CHAIR HOLIAN: Commissioner Anaya, I believe it's a density variance.

COMMISSIONER STEFANICS: Madam Chair, I just want to explain the reason that I put on this amendment was that after the discussion from the last meeting I asked the question, if we had passed the new code whether or not this would be permitted, and the answer was this would be included in the new code if we accepted the code as it's written right now. So I only added this language was because I was trying to be in keeping with maybe a code we'll adopt. Otherwise it would be another variance that was outside our code.

CHAIR HOLIAN: Thank you, Commissioner Stefanics.

COMMISSIONER MAYFIELD: I'm fine, Madam Chair. Thank you.

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

**XVII. A. 3. CDRC CASE # V-12-5320 Jytte Lokvig Variance. Jytte Lokvig, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 10.25 Acres Into Two Lots; One Lot Consisting of 7 Acres and One Lot Consisting of 3.25 Acres. The Property is Located at 213 and 228 Ojo de la Vaca Road, within Section 24, Township 15 North, Range 10 East, Commission District 3 [Exhibit 6: Letters of Support]**

WAYNE DALTON (Building & Development Supervisor): Madam Chair, I will be presenting this case tonight. The subject lot was created in 1989 by way of family transfer and is recognized as a legal lot. There are two dwelling units and a shed on the property, one residence currently occupied by the resident and the other residence is currently being rented. The residence that is currently being rented was permitted in July 2002. At the time the permit was issued a site plan was submitted showing only the proposed structure and did not indicate any other structures located on the property. No permits have been found by staff for the other existing residence on the property.

The applicant states that when she first purchased the property, Ojo de la Vaca Road, County Road 51 was no more than a bumpy trail with minimal traffic, which didn't impede the use of the property. As population grew in the area so did the traffic. When Santa Fe County improved Ojo de la Vaca Road it included paving and widening the road to approximately twice the size. Due to the expansion of Ojo de la Vaca it has made the division of the land more pronounced and essentially split the lot into two unconnected entities.

On November 15, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the applicant's request by a 5-2 vote. The minutes are attached as Exhibit 1.

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

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office. (As per Article III, Section 10.22 and Ordinance 2002-12.)
2. A plat of survey meeting a County Code requirements shall be submitted to the Building & Development Services Department for review and approval.
3. The placement of additional dwelling units or further division of land is prohibited on the property. (As per Article III, Section 10.)
4. The applicant must provide proof of permits or proof that the structure on the property is legal non-conforming. If the applicant cannot provide proof that the structure is legal, then the applicant must obtain an after-the-fact development permit. (As per Article II, Section 4.5.2b, Article II, Section 2).
5. The applicant shall comply with all Fire Prevention Division requirements. (As per 1997 Fire Code and 1997 Life Safety Code.)

CHAIR HOLIAN: Thank you, Wayne. Are there any questions of staff? Is the applicant here? Would you come forward and be sworn in please?

[Duly sworn, Jytte Lokvig testified as follows:]

JYTTE LOKVIG: I'm Jytte Lokvig.

CHAIR HOLIAN: Is there anything you'd like to add?

MS. LOKVIG: I'd like to say that this lot was changed after this was originally established and I'm asking for a variance to the code because the two sides of my property are so distinctly different and separate that they are in essence two different properties, and they both have self-contained dwellings with septic and well in place. And I have the full support of my neighbors as well.

CHAIR HOLIAN: Thank you, Ms. Lokvig. Are there any questions for the applicant?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: So you built both structures on the properties?

MS. LOKVIG: Right. We finished up the original structure, which is the one I live in, was started, had been started, and we finished that up. Changed the design a little bit and finished it up. The other one I had a contractor and I was not aware that Land Use was not aware of the original structure. Because my house is so obscured, you can't see it from the road I was assuming that you had sent an inspector out. He wouldn't have been able to see it. And I wasn't aware of it and I trusted that my contractor would do everything that he was supposed to do.

CHAIR HOLIAN: You already had one permitted – was the first house permitted?

MS. LOKVIG: No. I found out. I later learned. At the time that I built the first house I had a partner, a live-in partner and he was supposed to take care of all that paperwork, and I know that's no excuse, but we shared responsibilities. He was supposed

to take care of all of that and the subcontracting and all that and I took care of all the little detail stuff.

COMMISSIONER ANAYA: So your intent is to permit the existing house?

MS. LOKVIG: Yes. I want to bring everything up.

COMMISSIONER ANAYA: And are you going to sell the other lot? Is that your intent?

MS. LOKVIG: Maybe. I want to be able to do it, because I'm actually past retirement age and it would be really nice. I want to keep the original house, the original parcel which is the smaller one. It's an extraordinary piece of land, but I have basically had no use of the other one because it is so divided by the road. I would – one of my gauges is, would I let my grandchild cross over by himself? No, I wouldn't. There's too much traffic and it's too dangerous. Physically, they're very separate pieces.

COMMISSIONER ANAYA: Madam Chair, ma'am, is your intent to subdivide it and then sell it immediately?

MS. LOKVIG: No. No.

COMMISSIONER ANAYA: Madam Chair, I'll listen to some of the other feedback.

CHAIR HOLIAN: Okay. Are there any other questions for the applicant? Okay, seeing none, this is a public hearing. Is there anybody here who would like to speak on this case, either in favor or in opposition? Okay, seeing none, what are the wishes of the Board?

COMMISSIONER STEFANICS: Madam Chair, I have another question.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. We have two letters supporting your application. Has there been opposition that has been expressed to you?

MS. LOKVIG: Absolutely none. I only have letters from the immediate neighbors because that's what was required, but I've lived there for 20 years so many of my other neighbors are aware what's going on and they were actually surprised. They didn't realize that it was one parcel, because it doesn't look like it. It's basically saying –

COMMISSIONER STEFANICS: Okay, Madam Chair, Commissioner Anaya, is this in your district?

COMMISSIONER ANAYA: Yes.

COMMISSIONER STEFANICS: And are you familiar with that area?

COMMISSIONER ANAYA: [inaudible]

MS. LOKVIG: It's on Ojo de la Vaca. It's the last parcel before you get up to the mesa. I'm contiguous to the wilderness and –

COMMISSIONER STEFANICS: Oh, I know where it is.

MS. LOKVIG: You know where it is? Yes, the last one up the hill.

CHAIR HOLIAN: Ms. Lokvig, have you see the conditions that staff put in?

MS. LOKVIG: Yes, I have.

CHAIR HOLIAN: And are you in agreement with them?

MS. LOKVIG: Absolutely.

CHAIR HOLIAN: Okay. What are the wishes of the Board or is there more discussion or questions?

COMMISSIONER ANAYA: Madam Chair, I guess what I'm struggling with, I'll be quite candid with you is we've tried to provide opportunity for people that are in a difficult situation or predicament to go beyond the code and do a variance for use and I guess what I'm grasping for is the intent. Is the intent merely a subdivision so that you sell the lot, and if that's the case I guess, based on prior cases I'm struggling with that a little bit.

MS. LOKVIG: I can't guarantee I'll never sell the land, obviously; that's impossible. But that's not my intent. I kind of want to straighten things out and put things in order.

COMMISSIONER ANAYA: Can you see -- my perspective is that we've had cases where it's a family member that needs a place to stay or for other medical reasons there's a variance that we've granted that as we have these deliberations that if people just begin to split land for the sake of getting the split and then turning it then I don't know that me as one Commissioner, we're fulfilling the intent of variance process. Which I don't think -- that's what I'm contemplating.

MS. LOKVIG: I hear you. I have two sons, by the way, and one of my reasons for wanting to do this is so that I can actually pass this on to them cut so they don't have to argue when it comes down to it. Does that make any sense.

COMMISSIONER ANAYA: Yes, it does, but that wasn't part of the discussion or the application packet. Maybe the consideration might have been different in CDRC had they been aware of that if that was part of the intent. So that's what I'm grappling with and it goes back even to the prior case. We just put an amendment on our approval. Madam Chair, just based on those thoughts I would move for approval with staff conditions for a retention of a minimum of three years.

COMMISSIONER MAYFIELD: Second, Madam Chair.

COMMISSIONER STEFANICS: Madam Chair, I have a question.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Ross, when we have put some of the conditions, not necessarily this one, but one like for example we've put five-year conditions on some of these other requests for the immediate family to live in there. Is that something that's already in the Subdivision Act?

MR. ROSS: Madam Chair, Commissioner Stefanics, no. There's a holding period required for a family transfer, that the person transferring the property have held it for five years prior to the transfer. But there's nothing that requires a holding period following the transfer. And we're trying to smooth some of that stuff over in the new code but the proposal right now is to put a restriction on for three years following the approval, and that's not required by the Subdivision Act.

COMMISSIONER STEFANICS: Okay, so Madam Chair, Mr. Ross, would you -- and I can't remember. I've read the draft of the code but I can't remember this part -- are we going to standardize the requirements for years for different situations? Like three years versus two years versus five years?

MR. ROSS: Madam Chair, Commissioner Stefanics, we have to be consistent with the Subdivision Act so from that standpoint that's going to be five years.

You have to have held a piece of property for five years before you're even eligible to do a family transfer. But aside from that I don't think there's any attempt to standardize any of the remaining requirements.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: So on that point, Mr. Ross, how would that be recorded? Would it be recorded on a deed? Would it be part of a deed restriction or how would that be enforced, if it's three years or five years? How do you know?

MR. ROSS: Madam Chair, Commissioner Chavez, we'd put a note on the plat in this case, since we're dividing land, so it would be a notice to everyone that there's a restriction on it so they can look at the dates and make sure they're okay.

COMMISSIONER CHAVEZ: So the condition would be recorded on the individual plat and filed in the Assessor's Office, I would image. Thank you.

CHAIR HOLIAN: Thank you. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, clarify what you just said relative to the Subdivision Act. Is there – if we grant the variance, am I hearing you that there's a five-year provision anyway?

MR. ROSS: No, the five-year provision pertains to family transfers. So we're doing a variance. It's not subject to that. My suggestion would be for this particular application that the applicant agree to the condition you've proposed, basically in exchanged for the successful motion on the variance.

CHAIR HOLIAN: So Mr. Ross, let me clarify. You would like that condition taken out of the motion and then just –

MR. ROSS: No. But I think we should ask the applicant whether she agrees with the proposal.

CHAIR HOLIAN: Ms. Lokvig, do you have a comment?

MS. LOKVIG: Well, the only thing I'm concerned about is I'm 74. Would you be willing to go for two years?

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Well, Madam Chair, Ms. Lokvig, I guess what I'm confused about is you just conveyed you had an intent of passing this on. So is it that you have that intent or is your intent something else?

MS. LOKVIG: No, I do, but I feel uncomfortable locking myself into something. But I would be willing to go for the three years if that's what you require.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: I definitely think that this is something that we need to, as Commissioner Stefanics stated, need to analyze and need to come up with some format and criteria so we provide clarity. I would amend to two years, Madam Chair, if the seconder would accept it. But I absolutely think that it's going to be crucial that we standardize it so it's clear and the public and people understand what expectations are.

CHAIR HOLIAN: So does the seconder agree with that?

COMMISSIONER MAYFIELD: That's fine, Madam Chair.

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CHAIR HOLIAN: Okay. So we have a motion and a second to approve the variance in the Jytte Lokvig case with an added condition that neither piece of property will be sold for two years.

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

**XCII. A. 4. BCC Case # MIS 06-5271 Tavelli Master Plan Extension.  
Michael A. Tavelli, Applicant, Requests a 24-Month Time  
Extension of the Previously Approved Tavelli Mixed-Use  
Subdivision Master Plan. The Property is Located North of  
Agua Fria Street, East of Lopez Lane, within Section 31,  
Township 17 North, Range 9 East, Commission District 2**

VICKI LUCERO (Building & Development Manager): On January 8, 2008 the BCC granted master plan approval for a 17-lot mixed-use subdivision on 5.65 acres. The subdivision included 15 residential lots, two commercial lots, and an area dedicated to the County for a park trailhead. Article V, Section 5.2.7 of the County Land Development Code states, approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board. Master plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer.

The master plan for the Tavelli mixed-use subdivision will expire – and it should say January 8, 2013, which is today. The applicant is requesting the extension in order to allow additional time for an economic recovery to take effect that would make development of the subdivision financially feasible. The applicant also states that change in the affordable housing requirements may ultimately impact the final development plan of the Tavelli Subdivision and may require further review.

This application was submitted on November 5, 2012. Growth Management staff has reviewed this application for compliance with pertinent code requirements and find the project in compliance with County criteria for this type of request.

Staff recommendation is for approval of a two-year time extension of the approved master plan for the Tavelli Mixed-Use Subdivision. Madam Chair, I stand for questions.

CHAIR HOLIAN: Are there any questions of staff? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you. I have a letter here from a concerned resident who lives in the area. They're concerned not so much about the extension but have been led to believe that with this extension the density might change from what's being proposed to up to 26 units. Is that anywhere in their proposal?

MS. LUCERO: Madam Chair, Commissioner Chavez, their proposal has not changed from what was originally approved, so it would just be for the previous approval for the 17 lots total. If they wanted to change that they would have to submit an amended master plan.

COMMISSIONER CHAVEZ: So then the only other thing that might change the density would be the affordable housing component if they brought their

development forward, they would have to comply with the new affordable housing requirements. Would that increase the density?

MS. LUCERO: Madam Chair, Commissioner Chavez, I don't believe it would increase the density as a whole. It would just probably decrease the number of affordable units that would be required.

COMMISSIONER CHAVEZ: So I just want to note for the record that there is some concern about the density and the surrounding residents would hope that this would be compatible to the extent possible, compatible with the existing density and development in the area.

MS. LUCERO: Madam Chair, Commissioner Chavez, that's correct. It's as I mentioned, nothing's changing from the prior approval. It's just an extension.

CHAIR HOLIAN: Okay. Any further questions? Is the applicant here? Would you please come forward and be sworn in please?

[Duly sworn, Thomas M. Tavelli testified as follows:]

THOMAS M. TAVELLI: My name is Thomas M. Tavelli, and I'm here – my brother regrets that he had to travel and he's out of state on business, but I'm a partner in the project and I'm representing him and we're requesting a two-year extension. I would give you a little history, particularly you, Commissioner Chavez.

2012 marked the 100<sup>th</sup> year that that property has been in our family. We have probably the oldest deed. Certainly anyone in Agua Fria is welcome to come forward, but the deed that we have passed, it's all come down from my mother's side of the family, was signed by Woodrow Wilson in 1912. And we have further proof of the property in the territorial area by the Spanish. So we're a long, long-time residents of Agua Fria and I hope that you would approve our two-year extension.

CHAIR HOLIAN: Thank you, Mr. Tavelli. Are there any questions for the applicant? Commissioner Chavez.

COMMISSIONER CHAVEZ: No, I would just say that I appreciate your presentation and I didn't mean to be critical but just concerned about the increased density in the area and if you're sensitive to that then –

MR. TAVELLI: That's never even been a consideration. I don't know where they got that idea.

COMMISSIONER CHAVEZ: It's just that we get feedback from citizens and we have to share that and I just would be remiss if I didn't share that with you now and your intentions I think are good and you have the history and the background, but we still have to ask the questions.

MR. TAVELLI: Okay. Thank you.

CHAIR HOLIAN: Any other questions? This is a public hearing. Is there anybody here who would like to speak on this case, either in favor or in opposition. William, please come forward and please be sworn in and state your name and address for the record.

[Duly sworn, William Mee testified as follows:]

WILLIAM MEE: William Mee. I'm the president of the Agua Fria Village Association, and I sent a letter last month for the December 11<sup>th</sup> meeting and basically, it came to our knowledge that the circumstances of even this approval have changed quite a bit, that the applicant actually had a guarantee of water from the City of Santa Fe, and

right now, that City of Santa Fe waterline has actually been turned over to the Agua Fria Community Water Association. And so in order to get water for this subdivision they would have to apply to the community water association.

So if we approve it tonight there's no water for this subdivision. There were some other things that were done. Jim Siebert was the planner for the initial project and that's where the 26 lots came out. They were looking at a bunch of duplexes with live-work situations that would be living quarters above work studios and this type of thing.

The other thing was that Tom Tavelli was going to be the onsite manager of the properties, because that's something that he had worked out with the surrounding neighbors because they were afraid that you've got this subdivision going in. You've got all of these various live-work situations. Someone has to be in charge of that and so that's kind of what we had talked about. The other thing is that this particular plan was approved two months before our community plan was approved so it kind of – it didn't have to follow our community plan, which under the community plan it wouldn't really be eligible to be in this particular design or whatever. We do have the 17 lots but if they each have duplexes, we are having a much higher density than is being actually presented to you here tonight. And I don't know why the developer has let go of the planner and that type of thing. I'm not sure of all those details. But I would just like to maybe have the Village Association actually review the conditions and make sure that something that was done back in 2006 is basically current now in 2013.

CHAIR HOLIAN: Okay. Thank you, Mr. Mee. Is there anybody else here – I'll give you a chance to respond, Mr. Tavelli? Is there anybody else here who would like to speak about this case? Okay, seeing none, the public hearing is closed, and Mr. Tavelli would you like to respond?

MR. TAVELLI: With all due respect to Mr. Mee and our neighbors who we've tried to work with very, very hard during this whole process, there's also been a tremendous amount of misinformation which Mr. Chavez spoke to. None of them is true. Our plan has always been – we've never changed our plan. We've been through every review process there is. We went through when the Agua Fria Review Committee was here. We got a unanimous vote on that. We got a unanimous vote from the County Commission. The plan, you've got it in your file. None of that is true. It's exactly as we stated to the County.

And I don't know where these guys get this information. One of the examples of this is he mentioned that the plan had been approved before the Countywide approval for the Agua Fria Village Association was approved and that's not true. I sat on that committee and we were approved in 2008, two years after that thing was approved. So I don't know where this stuff comes from but it's not factual.

CHAIR HOLIAN: Okay. Thank you, Mr. Tavelli.

MR. TAVELLI: And I hope you will have Patricio speak on the water issue because that again is not factual. It's not an abandoned water line and it was not turned over to the Agua Fria water association. None of that's factual.

CHAIR HOLIAN: Are there any questions for staff or the applicant?  
Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I would like to have staff explain for the public here and for those listening what the mixed-use subdivision would entail, and then maybe staff could respond to the water availability.

MS. LUCERO: Madam Chair, Commissioner Chavez, the prior master plan was approved for 17 mixed-use lots. Fifteen of those lots will contain a residential dwelling unit on it, and then the two lots that are up along Agua Fria will be allowed to have commercial uses on there. I believe it was small-scale commercial uses such as office and small-scale retail that would be allowed within that designated area.

COMMISSIONER CHAVEZ: And the commercial lots, would they be the same size as the residential lots or would they be somewhat larger?

MS. LUCERO: Madam Chair, Commissioner Chavez, in looking at the site plan I'm not able to read the acreages but it appears that the commercial area is probably equivalent to a couple of the residential blocks, so they're probably about the same sizes as the residential lots.

COMMISSIONER CHAVEZ: So they would have to provide some parking.

MS. LUCERO: That's correct. And just for the record, once they choose to move forward with the application the commercial aspect of it will have to come back to the CDRC for review and approval under the current code.

COMMISSIONER CHAVEZ: Okay, and then the residential lots, are they able – are the lots large enough for them to do a primary residence and an accessory dwelling unit on those lots?

MS. LUCERO: Madam Chair, Commissioner Chavez, the lots are large enough, depending on the size of the residence, but most of them appear to be large enough for a main dwelling and an accessory structure.

COMMISSIONER CHAVEZ: And that would be allowable with the code in that general area.

MS. LUCERO: That's correct. An accessory structure, not a second dwelling unit but an accessory structure.

COMMISSIONER CHAVEZ: Not a dwelling unit. Okay. So that's the maximum that they would be able to increase the density on the individual residential lots.

MS. LUCERO: Madam Chair, Commissioner Chavez, each of the residential lots would be allowed one dwelling unit and then an accessory structure such as a garage or a shed or something of that sort. Not a second dwelling unit under the current code.

COMMISSIONER CHAVEZ: Okay. Let's talk about the height restrictions. Are there height restrictions on this development and if so what are they?

MS. LUCERO: Madam Chair, Commissioner Chavez, the height restrictions would follow what's in the current County code and the Agua Fria Ordinance, so the maximum height would actually be 24 feet.

COMMISSIONER CHAVEZ: And that's allowable throughout the area.

MS. LUCERO: That's correct.

COMMISSIONER CHAVEZ: So then just water, if staff could respond to the water.

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioners, I'm here to answer questions regarding the water, but first I would like to explain what the situation is with the existing utility lines. In 2009 the County and the Agua Fria Mutual Domestic Association signed a JPA, joint powers agreement for improvements and for the management of those improvements after they were installed. A 12" line was installed under Agua Fria. A line that would serve or would bring water from BDD to Agua Fria should they ever need it but would also allow Agua Fria to convey water from their existing facilities – their well, their tank and their pump stations, into the rest of their service area.

Mr. Tavelli's land is clearly within the boundaries of the service area that Agua Fria is responsible for. Agua Fria Mutual Domestic is responsible for it. Back in 2005, 2006 actually, Mr. Tavelli had indeed received a commitment from the City of Santa Fe to provide water after the association denied his request for service. So Mr. Tavelli also met all the requirements and spent capital in meeting the requirements that the City had for making such a service commitment. So at this point, given an official agreement, the 2008 annexation agreement which makes any commitment prior to 2008 that the City had to serve outside its boundaries would be honored either by the City directly or through the County which at this time owns a water utility and owns utility lines within the service area.

So it is our position that Mr. Tavelli does have already a commitment for service. The commitment might not be directly exercised by the City because the City no longer owns a line in that area, but at this point the County, because it has interest in honoring and respecting the boundaries of the Agua Fria Mutual Domestic, we the County utilities would go and discuss with the mutual domestic the provisions that would be used for the County to serve the property.

And the way I see it today is that the County will go and say, Mr. Tavelli, your primary water utility will be Agua Fria. However, we, the County would have to work out the details on how that provision is going to be exercised. And the thing is, even though we have the ability to transfer water from BDD into Agua Fria directly, we have a meter at Henry Lynch and we have the pressure and the volume required, the actual service, everyday service is provided by the well, the groundwater well, the tank and the pump station that Agua Fria Mutual Domestic owns and operates.

COMMISSIONER CHAVEZ: So then, Pego, would they be billing the customer?

MR. GUERRERORTIZ: So the idea is, somehow we would work out the details so that Mr. Tavelli and his subdivision would be customers of the mutual domestic. That's correct.

CHAIR HOLIAN: Okay. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Guerrerortiz. This is just a comment. This master plan and my perspective is the same it's been on all the previous approvals. It's consistent with the extensions that we've granted in the past and I think in fairness and equity this falls in that same category. So that's my comment. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Any further questions? Commissioner Chavez.

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COMMISSIONER CHAVEZ: No, I don't have questions but I would go ahead and move for approval, hope for a second, and then we could continue with discussion.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay, I have a motion and a second for the Tavelli Master Plan Extension. Is there any further discussion?

COMMISSIONER ANAYA: Well, what I would – I was remiss. My motion would include all staff recommendations.

CHAIR HOLIAN: I don't believe there are any staff recommendations in this case. Is that true, Vicki? Other than the two years.

MS. LUCERO: Madam Chair, the application would still be subject to the conditions of approval on the prior master plan but we don't have anything additional.

CHAIR HOLIAN: I see. Thank you. Okay, I have a motion and a second.

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

**XVII. A. 5. CDRC CASE #V 12-5060 Jay Shapiro Variance. Jay Shapiro, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 10.21 Acres. The Property is Located at 94 Cloudstone Drive, within Section 5, Township 16 North, Range 10 East, Commission District 4**

MS. LUCERO: Thank you, Madam Chair. On September 20, 2012, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the request. The applicant requests a variance of Article III, § 10, Lot Size Requirements, of the Land Development Code to allow two dwelling units on 10.21 acres. The property is located in the Mountain Hydrologic Zone where the minimum lot size is 20 acres per dwelling unit with water restrictions of 0.25 acre feet per year. The 10.21-acre lot was created as part of a pre-code subdivision in 1976. At that time there were no water restrictive covenants imposed on these lots.

There are currently two dwelling units on the subject property. The structures consist of a main residence and an accessory structure. The accessory structure which was permitted on May 13, 2010 showed a bathroom, but no kitchen facilities. At the time of permitting, the Applicant signed a Development Affidavit stating that the accessory structure would not be converted at any time into a dwelling unit. The accessory structure has been converted into a dwelling with both kitchen and bathroom facilities.

"The State Construction Industries Division informed the County that the accessory structure was constructed as a residence after they conducted a Final Inspection. The County issued a Notice of Violation for exceeding density and the Applicant immediately came in to submit a request for a variance.

During the final stages of design, after permits were issued, the Applicant added an area for a kitchen, which the Agent states was approved by the Homeowner's Association. The Agent also states that the structure in question is keeping with the character of the neighborhood and the other accessory dwelling units in the subdivision,

and that the Applicant's guesthouse is smaller than the principal residence on the lot, is located near the principal dwelling and subordinate in character and use to the principal dwelling unit.

This application was submitted on February 21, 2012. Growth management staff has reviewed this application for compliance with pertinent code requirements and finds the project is not in compliance with County criteria for this type of request.

Staff recommendation: Denial of a variance from Article III, Section 10 of the Land Development Code. If the decision of the BCC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter the conditions into the record?

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office. (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant must amend the development permit from the Building and Development Services Department for the second dwelling unit (As per Article II, § 2.1)
3. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with the Amended Development Permit Application (As per Article III, § 2.4.1a.1(a) (iv).
4. The placement of additional dwelling units or division of land is prohibited on the property (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements (As per 1997 Fire Code and 1997 NFPA Life Safety Code).
6. No more than two electric meters shall be allowed on the property (As per Article III, § 10).

MS. LUCERO: Thank you. I stand for questions.

CHAIR HOLIAN: Thank you. Are there any questions of staff? Is the applicant here?

CHRISTOPHER GRAESER: Mr. Shapiro is here with me. Mrs. Shapiro was here earlier but she had to go home and tend to the dogs. And I recognize that everyone gets to go home when we're done, so I will keep the billable time short, J.J.

This structure was permitted, permitted as an accessory structure. The issue here is essentially the kitchen and the permit did not include a permit for the kitchen. Mr. Shapiro has been upfront about that. However, the structure was permitted by CID, by Santa Fe County and approved. He did submit plans to the homeowners association that clearly showed a kitchen in there. The homeowners association approved it. There are six other lots – at least six, there might be more – in this small Monte de las Piedras Rosas Subdivision that have guesthouses, the majority of those with kitchens in the guesthouses.

He was assured by the homeowners association president at that time that the president has received a variance for his guesthouse. So it was with this background in good faith that he went ahead and built it out. There was a delay between permitting on it.

It took about a year. He had lost his financing and then actually the neighbors were complaining that the slab was there but the guesthouse wasn't there and he finally did finish it at that point and he put a kitchen in it.

So when he got the N of V he came right in and asked for the variance. What he's asking is just to keep what he's done, so he doesn't have to rip it out. He's not asking for a subdivision. I'll note that this is pretty close to the prior couple of subdivision variances this Commission just approved. But he's not asking for a subdivision. He will agree not to rent it out separately. That was the primary concern. You have a couple letters from a neighbor and that was a primary concern. It had to do with renting it separately. He'll agree not to rent it separately. He'll agree not to subdivide it. You had discussed a family use restriction. While we were sitting here Mr. Shapiro said he'd be okay with that. In other words it's truly just a guesthouse.

The staff conditions suggest – there's no current water restrictions. Staff conditions suggest limiting it to a quarter acre-foot per unit. And Mr. and Mrs. Shapiro are actually willing to go down lower than that. Maybe a little bit lower than a quarter acre-foot recognizing it's a guesthouse but certainly they don't need a full acre-foot. I the concern is water use we can lower that.

The Fire Marshal has been out there, inspected it, has recommended approval with regard to fire issues.

Mr. and Mrs. Shapiro are long-time, established residents. They're not looking to make a buck and move on. Mr. Shapiro has been involved in a number of civic activities, volunteering time on the committee on constructing a new state parking garage, on the cathedral, St. John's College, things such as that.

Am I missing anything from my list here? We do have a little concern with how the agenda worked tonight. The item next to this on the agenda is another request for a variance for a guesthouse on the same road in the same subdivision.

CHAIR HOLIAN: Mr. Graeser, that has been tabled.

MR. GRAESER: I understand that. Our perspective is they probably should have been heard at the same time because it seems like they should both be treated the same. We're just concerned about any disparate treatment on those. So we would certainly be amenable if the Commission wants to withhold voting on that until it hears that other case next month as well.

That said, the Shapiros are certainly willing to consider any conditions the Commission might want to put on it to assuage any concerns and we think that agreeing not to rent separately addresses the primary concern of the neighbors. So if you have any questions I'm happy to answer them.

CHAIR HOLIAN: Okay. Any questions for Mr. Graeser? Okay. This is a public hearing. Is there anybody here who would like to speak on this case, either for or against? Okay, hearing none, the public hearing is closed. Are there any other questions for staff or the applicant?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Penny, would you answer a question about future code? The accessory structure right here is about – it says it's

approximately 1350 square feet. What do we have in our future code projected? A thousand or 1200?

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, it would be 50 percent of the building footprint of the principle residence or 1200 square feet, whichever is less.

COMMISSIONER STEFANICS: Whichever is less. So this would still exceed the 1200.

MS. ELLIS-GREEN: That is correct.

COMMISSIONER STEFANICS: So even under the new code this would truly be a variance.

MS. ELLIS-GREEN: That's correct. Actually, I misstated earlier. I think the second dwelling is less than 1200 square feet but it is larger than 50 percent of the main house, so yes, it would still require – it would not comply with the new code.

COMMISSIONER STEFANICS: Okay. Thank you very much. Madam Chair, I think that we have many properties throughout the county that have had accessory dwellings, second dwellings, whatever, built when people purchased them, not really knowing. It kind of goes back to the code of the west where people don't really know what they're allowed to have and not allowed to have. Now, that's a little bit different than people building and not coming forward. But I do think we're going to have more and more cases. We've already had several just in the few years I've been here but I think that –

CHAIR HOLIAN: Okay. Actually I have some questions. Are you finished?

COMMISSIONER STEFANICS: I am. I just find it very difficult to treat everybody equitably. That's my issue. And I'm looking at our attorney, because I would find that to be the standard that we try to adhere to. So I don't know. Steve, do you have any comments on this?

MR. ROSS: Madam Chair, Commissioner Stefanics, if it's any comfort to you, I think all these cases are unique on their facts, so there's always a little bit of difference, a little bit of shading between each and every case. They may seem similar on their face but there's always slight differences that are always very important. So I think we have to take every case as it comes. I'm not worried too much about how it looks on the outside.

COMMISSIONER STEFANICS: Thank you very much. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair and Commissioner Stefanics, thanks for that question. Mr. Ross, thanks for that answer. I think the applicant's representative mentioned the next case that was unfortunately tabled and I hear the concern and I also hear – I studied the next case and it was tabled but I think this case is different from the next case. I have a couple questions as far as Exhibit 8. Whoever wants to answer these questions from the applicant. There was an affidavit and if you guys can explain to me on the affidavit why this affidavit was signed by the applicant and if they understood what they signed when they signed this affidavit?

MR. GRAESER: Madam Chair, Commissioner Mayfield, Mr. Shapiro had expressed to me that there was a little confusion what counted as a dwelling unit or not, as to whether that was a guesthouse or a principle house. That said, he was relying more on the fact that everyone else in his neighborhood, to his knowledge, who had a guesthouse, had been able to get a variance because the HOA president had told him that, so he didn't really think it would be a big deal if there was an issue of it going forward.

COMMISSIONER MAYFIELD: Give me one second to read this once again. And then sir, let me ask this, because he said he ran into somebody from the homeowners group and you indicated that he had a misunderstanding of the kitchen? That he was not going to put a kitchen into the second dwelling? I'm reading staff's letter to us. At the time of permitting the applicant signed a development affidavit saying the accessory structure would not be converted at any time into a dwelling unit. The accessory structure has been converted into a dwelling unit with both a kitchen and a bathroom facility. So if they had one or the other or if it had only just one?

MR. GRAESER: The plans that were submitted to the County showed the bathroom but not a kitchen.

COMMISSIONER MAYFIELD: But did it show anything else in lieu of the kitchen on the plans?

MR. GRAESER: I don't know that because I haven't seen them. Vicki, do you know? Did it show something in lieu of a kitchen on the plan? I'm sorry. I haven't seen the plan. I think it's shown as an office area. Madam Chair, Commissioner Mayfield, it's shown as an office area on the plans.

COMMISSIONER MAYFIELD: And that's what I recall from when I read that and thank you, Commissioner Chavez, for pointing that out to me. And then when I'm looking at – and I think it's – I guess the paper by the law firm that's representing the applicant. If I'm looking at Exhibit 1, and I'm looking at the third paragraph that was submitted, it says during the final design stages for the accessory structure, Mr. Shapiro, who is an architect, added an area for a kitchen, which was approved by the association. His plans submitted for a permit showed his original design without a kitchen.

I'm taking that on its own merit. Mr. Shapiro is an architect who I think would be more familiar with County design and permitting and everything else than arguably the average Joe who's coming into the review process with the County. Steve, I don't want to get myself into trouble by saying this but there is a little different standard by an individual who has an architectural background and should be understanding these and to be submitting this structure without a kitchen, saying it's an office and then signing an affidavit and then coming back after and changing the whole design. I think CID went back if I'm recalling what I read in here, came back and said wait a minute. When the CID came back and looked at it and said, you've put a kitchen in now. Is that how I'm recalling what I read in here?

MR. GRAESER: Yes, that's my understanding of it, Madam Chair, Commissioner Mayfield. Yes.

COMMISSIONER MAYFIELD: Do you know how all that took place?

MR. GRAESER: Again, the issue being that at least half a dozen other people in this small subdivision –

COMMISSIONER MAYFIELD: But again, let's get away from half a dozen other people, because all these variances stand on their own merit. Because one of these other cases that you mentioned, I think, is somebody bought a house from a third party, not knowing what they bought with those permits. So that's a whole different issue on a whole different merit. But this is on this one applicant, who came in, got a permit, said there was not a kitchen, was an architect. Got the designs through, signed the affidavit stating it wasn't going to be there, and then came in and converted that. So that's why I'm having the hard time on making this decision on.

MR. GRAESER: Madam Chair, Commissioner Mayfield, I certainly understand that and I think Mr. Shapiro has been upfront that he put in a kitchen that wasn't allowed. I think it mostly comes under what my six-year old tells me when he says everybody else was doing it, and that's why we're asking not to have to rip it out but offering anything else we can to assuage the Commission's concern as far as restrictions or conditions on it. He's been upfront that he put in a kitchen that wasn't allowed.

COMMISSIONER MAYFIELD: Okay, so Madam Chair, Mr. Ross, thank you. Worst scenario, what would happen? The County would just say remove the kitchen if this was denied? I guess it could be appealed to a different court or something. But what's like the process if the County denied this?

MR. ROSS: Madam Chair, the process is exactly as you identified. Land Use staff, code enforcement would insist that the characteristics of the accessory dwelling that violate the code, i.e., the kitchen facilities, would have to be removed and disabled. His remedy, if he doesn't like that, if he doesn't like this decision or a subsequent code enforcement decision would be to appeal the decision of this body to district court. Once again, that's on a very narrow, highly deferential standard of review. In other words, if he gets over there it's very difficult to overturn a decision of this body.

COMMISSIONER MAYFIELD: Madam Chair, one last question for the applicant would be, so was the intent then straight up just to kind of do a bait and switch on the County on this? Or was the intent to build an accessory dwelling never to have a kitchen in it and then changed the mind at the last minute?

MR. GRAESER: Madam Chair, Commissioner Mayfield, to be clear, we're not talking about any legal action. Mr. Shapiro is going to accept whatever the Commission's decision is. I think he had a year to kind of sit on it. He got his approval and then lost his funding. He'd got the slab poured at that point. It was sitting there for a year and I think that's the time when he decided to do something different.

COMMISSIONER MAYFIELD: So, maybe, I'm just going to ask this question. You have the main residence that was approved. You have the accessory dwelling, 1300 and some square feet. What was the intent of the accessory dwelling without a kitchen? Was it going to be used as an office without a bedroom, with no kitchen?

MR. GRAESER: It certainly has bedrooms in it. I don't think there's any indication it was going to be used for anything other than guests. I think the difference is do your guests cook their own food or do they come in your house and cook? It's the kitchen area that's the point of contention.

COMMISSIONER MAYFIELD: Thank you. That's all I have, Madam Chair. Thank you.

CHAIR HOLIAN: Mr. Graeser, I have a couple of questions. I read in the packet that at one time both structures were rented out, so I wondered what is the case now.

MR. GRAESER: Those structures are not rented out now. That became an issue, having the woman staying in the guesthouse leave. It's not currently rented out. They live in a house and as I said they're entirely willing to a greater restriction that they can't rent it out.

CHAIR HOLIAN: Mr. Shapiro lives in the main house? Is that correct.

MR. GRAESER: Oh, you live in the other one? Sorry. My mistake.

CHAIR HOLIAN: Both dwelling units are vacant?

MR. GRAESER: Correct.

CHAIR HOLIAN: I think you'll have to come to the microphone or maybe Mr. Graeser can repeat what you said.

MR. GRAESER: He said because it's been vacant – it was my mistake. I misunderstood. I thought he was living in this but he's living in the other house they have. He's been vandalized four times since it's been vacant. No one's been there.

CHAIR HOLIAN: Okay, and can you tell me what Mr. Shapiro plans to do now with the units?

MR. GRAESER: I can't. Do you have plans?

CHAIR HOLIAN: Mr. Shapiro, either you have to repeat it or-

MR. GRAESER: I'm sorry. Just to save time, Mr. Shapiro is 72 years old. He's planning on retiring so I think selling this and a couple other houses and downsizing to the smallest one.

CHAIR HOLIAN: I'm sorry, Mr. Shapiro. You're going to have to come forward and be sworn in if you want to add something.

[Duly sworn, Jay Shapiro testified as follows:]

JAY SHAPIRO: Jay Shapiro.

CHAIR HOLIAN: Okay. What would you like to add, Mr. Shapiro?

MR. SHAPIRO: Just in response to the chair, what my plans were. Unfortunately, when I did have a tenant in this house it was all predicated on the finances of today. My bank wouldn't give me a permanent loan because I had another house. They told me they could give me a commercial loan. So I went and I rented it to get a commercial loan. Then they told me I couldn't; it wasn't good enough. I had to have a three-year rental. So I went back to the doctor I rented it to and said, will you stay there three years? He said, fine. So we signed a three-year. I finally sold my other house. I built this house to move in to, and then when I sold my other house he still had two more years on his lease; he wouldn't move out because he had a lease. He was entitled to that. So I was somewhat homeless. I have a family. I have four dogs. I didn't know who was going to rent to me so I bought a small little house in the meantime, until May, which just ended and the doctor moved out and now I'm with two houses and I'm going to keep one and sell one, whichever one – I only need one house. I didn't intend – it's circumstances of today's economy. No one's hiring me as an architect. It's just the economy now.

CHAIR HOLIAN: Is this house on Cloudstone Drive for sale now?

MR. SHAPIRO: Yes, it is, but so is my own house.

CHAIR HOLIAN: Okay. Thank you. Thank you, Mr. Shapiro.

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COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I just want to make a comment as we go forward. In the other accessory dwellings that we have granted variances to it has been specifically for members of the immediate family. It hasn't been for resale value, which puts this in a totally different light than some of the other cases that we've been dealing with. And I think this makes me uncomfortable to grant a variance for sale or profit and I find that different than some of our other cases, and I'd like to hear what some of my other colleagues have to say.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Commissioner Stefanics, this probably is not any consolation but I think that on the other cases we're putting a restriction that I think is going to be somewhat hard to enforce. It's a limited restriction for two years or three years or five years, but what happens after that five years? We're back on the scenario that you're concerned about. And so I think that it has some bearing on this case, but in any event it's the property owner and right and due process to sell if they have to or when they need to. So I think the restrictions are making a statement but I don't think that it's really going to solve the problem of someone speculating by doing a lot split, whether it's done after the fact or whether it's done intentionally from the very beginning.

So I have mixed feelings about the restrictions that say you can't sell within three years, because it's short-lived.

CHAIR HOLIAN: Commissioner Chavez, I don't believe that's a restriction that was –

COMMISSIONER CHAVEZ: No, but on the other cases we were putting a restriction that said it's not to be sold or it's only to be rented to a family member for a specific length of time and then after that it's subject to the market.

COMMISSIONER STEFANICS: Madam Chair, on this point.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: In the area that I live in there actually has been some situations where there's been a house and an accessory dwelling that has been sold with language that says you can subdivide and make this two lots, and it never could be done. But it was sold under that premise. It couldn't be done according to our code. But people are buying properties like that. So this individual could sell their property and say it could be divided into two lots with these two dwellings and we would not approve it when somebody came forward.

So our actions could in fact set up a buyer beware situation. And this is the conundrum I'm feeling. It's like if we approve something are we in fact allowing somebody to come in and buy something that they can't do what they thought they could do with it? I have neighbors who cannot subdivide their properties with two dwellings. It's not allowed.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: It seems that that's another restriction we've placed on some of these land use cases where we've said these lots can no longer be built on. You've locked it and said no additional structures will be allowed on this

particular lot. So I think in this case this would be one condition that could be placed on this.

CHAIR HOLIAN: Commissioner Chavez, that already exists, because it couldn't according to the County code. It's not an extra restriction.

COMMISSIONER CHAVEZ: So the density on this particular lot would not be able to increase past these two –

CHAIR HOLIAN: Not according to our code.

COMMISSIONER CHAVEZ: Okay.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. Ross or Ms. Lucero, back on Exhibit 8 and Exhibit 10, can one of you give me a definition of a dwelling unit please. Maybe as the code has it if we have it in the code.

MR. ROSS: Madam Chair, Vicki, do you have the code definition? It's something that can be used for habitation.

COMMISSIONER MAYFIELD: For habitation.

MR. ROSS: Live in it.

COMMISSIONER MAYFIELD: Right.

MR. ROSS: That's the reason we were having the discussion earlier about the kitchen. If there's no kitchen there it's impractical or impossible to live in the place.

COMMISSIONER MAYFIELD: Right. So if we approved for Mr. Shapiro a permit for both structures, one's a dwelling, one's not, because he signed an affidavit as condition 3, right?

MR. ROSS: Right.

COMMISSIONER MAYFIELD: I'm back to Exhibit 8. The undersigned owner or their successors agree to the above listed on number 2, shall be constructed as per dwelling unit – or converted, excuse me, to any time into a dwelling unit. So what are we saying? We're approving it, but we're telling him it can never be converted into a dwelling unit. So Steve, help me out a little bit with that.

MR. ROSS: It's like an office.

COMMISSIONER MAYFIELD: Yes, but I asked that question of the applicant a little earlier. Well, guys, was it an office? Did it have bedrooms in it? We approved a structure that had bedrooms in it, it had bathrooms in it, it just didn't have a kitchen. But we're telling him he can never have it as a dwelling unit. So a definition of a dwelling unit is just – what, Steve? You don't sleep in it at night. You don't use it during the day? You don't use it at night?

CHAIR HOLIAN: So Vicki, do you have that definition?

MS. LUCERO: Madam Chair, Commissioner Mayfield, I don't have the definition in front of me but the definition of an accessory structure in the ordinance states that it can't be used as a dwelling unit and it can only have either a kitchen or a bathroom, but not both.

COMMISSIONER MAYFIELD: I know, and again, I'm not trying to be difficult on this, but what does a dwelling unit mean? You don't sleep in it over night? You don't cook in it? You guys approve plans. I don't have the plans in front of me but it definitely had bedrooms in it. It definitely had a bathroom in it. It just didn't have a

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kitchen in it. But then later you say it can't be used as a – converted to dwelling. So, again, what does dwelling mean? He could have slept in it at night, right? It just means he couldn't cook in it?

MS. LUCERO: Madam Chair, Commissioner Mayfield, we're going to look up – get you the definition of a dwelling unit from the County code so if you can give it a couple minutes and we'll get that information for you.

COMMISSIONER MAYFIELD: Thanks.

MR. ROSS: Madam Chair, Commissioner Mayfield, I think you're hitting on the issue and that is restricting it to a dwelling unit means that one of those various functions that's required to create a dwelling unit – bathroom, bedroom, kitchen – all those have to be present. And I know that Land Use has always consistently said you can either have a kitchen or you can have a bathroom, but not both.

CHAIR HOLIAN: Mr. Ross, you mean for an accessory structure.

MR. ROSS: I'm sorry. What did I say? For an accessory structure. So if you take one of those elements out it's impractical, impossible, to actually live in the accessory structure, thus creating the restriction on permanent use that's consistent with an accessory dwelling, not a permanent dwelling.

COMMISSIONER MAYFIELD: And Madam Chair, while they're looking for it, Mr. Ross, would you still arguably, and I'm going to say have it hooked up to a wastewater system regardless if you had the kitchen or the bedroom?

MR. ROSS: Well, I guess you would have to have some means of disposing either of liquid waste or sewage if you had either a bathroom or a kitchen. But the whole idea is you don't have both.

COMMISSIONER MAYFIELD: And I'm sorry I'm just hung up on the word dwelling but I'm hung up on it.

MR. ROSS: Words like this you usually use the common sense definition because it's a fairly – it's not a legal term.

COMMISSIONER MAYFIELD: It's not. And I'm just saying, well, why are we issuing these permits?

MR. ROSS: Well, perhaps permanent was little bit –

CHAIR HOLIAN: Commissioner Mayfield, I believe the permit was incorrectly issued and that's why there's a condition in here that the applicant must amend the development permit.

MS. ELLIS-GREEN: Madam Chair, Commissioners, the dwelling definition in the code is 1) a structure or a portion thereof used, intended to be used, or that has been previously used by a person or persons for residential use; 2) a mobile home; or 3) each unit occupied by a person or persons in any structure or portion thereof used or intended to be used for residential purposes by a person or persons. Any such structure, mobile home or unit that contains both a) kitchen or cooking facilities; and b) a bathtub or shower shall be presumed to be a dwelling unit. Recreational vehicles do not qualify as a dwelling unit.

COMMISSIONER MAYFIELD: Okay, so that means, Madam Chair, it has both. Okay.

CHAIR HOLIAN: Right.

COMMISSIONER MAYFIELD: Thank you.

REC'D CLERK RECORDED 01/14/2013

CHAIR HOLIAN: Mr. Graeser, would you like to add something?

MR. GRAESER: Just a clarification and suggestion. The permit wasn't incorrectly issued. It was properly issued under the County code under that definition. The building had bedrooms. No one was hiding that, and the permit was issued for a building with bedrooms. These kind of things set people up to fail a little bit. But my suggestion is if the concern is further development or subdivision or anything like that we record a deed restriction allowing no further construction on the site and no subdivision, if that addresses those concerns.

CHAIR HOLIAN: Okay. Thank you, Mr. Graeser. Any further questions? What are the wishes of the Board?

COMMISSIONER STEFANICS: Madam Chair, I move to table.

CHAIR HOLIAN: Is there a second?

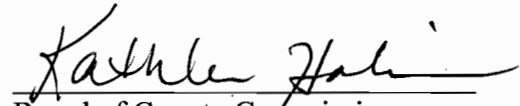
COMMISSIONER MAYFIELD: I'll second that.

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

**XVIII. ADJOURNMENT**

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 9:22 p.m.

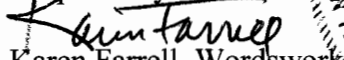
Approved by:

  
Board of County Commissioners  
Kathy Holian, Chair

ATTEST TO:

  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

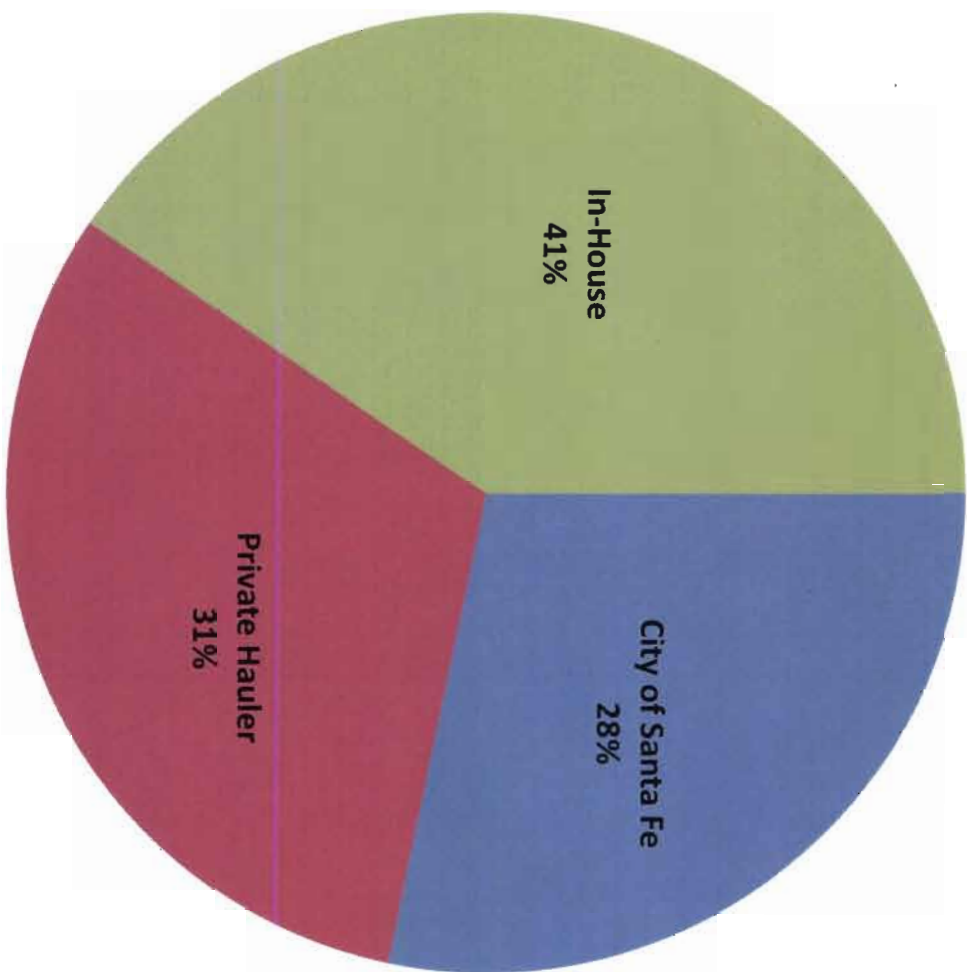
Respectfully submitted,

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



# Solid Waste Pick-Up at SFC Facilities By Service Provider

Excluding Individual Housing Units



**SOLID WASTE MANAGEMENT IN SANTA FE COUNTY FACILITIES**

	<b>FACILITY</b>	<b>SOLID WASTE SERVICE PROVIDER</b>	<b>RECYCLING</b>
<b>FIRE STATIONS</b>	FIRE ADMINISTRATION	PRIVATE HAULER	NO
	FIRE PREVENTION	PRIVATE HAULER	NO
	AGUA FRIA STATION 1	PRIVATE HAULER	NO
	AGUA FRIA STATION 2	IN-HOUSE	NO
	CHIMAYO STATION 1	PRIVATE HAULER	IN-HOUSE
	CHIMAYO STATION 2	PRIVATE HAULER	IN-HOUSE
	EDGEWOOD STATION 1	PRIVATE HAULER	NO
	EDGEWOOD STATION 2	IN-HOUSE	NO
	EDGEWOOD STATION 3	IN-HOUSE	NO
	EDGEWOOD STATION 4	IN-HOUSE	NO
	EDGEWOOD STATION 5	IN-HOUSE	NO
	ELDORADO STATION 1	PRIVATE HAULER	NO
	ELDORADO STATION 2	IN-HOUSE	NO
	ELDORADO STATION 3	IN-HOUSE	NO
	GALISTEO STATION	IN-HOUSE	IN-HOUSE
	GLORIETA PASS	IN-HOUSE	IN-HOUSE
	HONDO STATION 1	IN-HOUSE	NO
	HONDO STATION 2	PRIVATE HAULER	NO
	LA CIENEGA STATION 1	PRIVATE HAULER	NO
	LA CIENEGA STATION 2	IN-HOUSE	NO
	LA PUEBLA STATION 1	IN-HOUSE	IN-HOUSE
	LA PUEBLA STATION 2	IN-HOUSE	NO
	MADRID	IN-HOUSE	IN-HOUSE
	POJOAQUE STATION 1	PRIVATE HAULER	NO
	POJOAQUE STATION 2	IN-HOUSE	NO
	STANLEY STATION 1	IN-HOUSE	IN-HOUSE
	STANLEY STATION 2	IN-HOUSE	NO
	TESUQUE STRATION 1	PRIVATE HAULER	NO
	TESUQUE STRATION 2	IN-HOUSE	NO
	TURQUOISE TRAIL STATION 1	IN-HOUSE	NO
	TURQUOISE TRAIL STATION 2	IN-HOUSE	NO
	TURQUOISE TRAIL STATIONS 3	IN-HOUSE	NO

## SOLID WASTE MANAGEMENT IN SANTA FE COUNTY FACILITIES

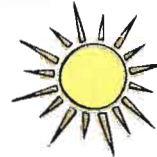
	FACILITY	SOLID WASTE SERVICE PROVIDER	RECYCLING
JAIL	SFC YOUTH DEVELOPMENT FACILITY	CITY OF SANTA FE	SANTA FE CO.
	PUBLIC SAFETY COMPLEX	PRIVATE HAULER	SANTA FE CO.
	SFC ADULT DETENTION CENTER	PRIVATE HAULER	NO
OPEN SP.	CERRILLOS HILLS STATE PARK	NM STATE PARKS	NO
	OPEN SPACE PROPERTIES	IN-HOUSE, TRANSFER STATION	NO
FAIRGROUNDS, LIBRARY, & OTHERS	CHIMAYO HEAD START	PRIVATE HAULER	NO
	ESPERANZA	PRIVATE HAULER	NO
	NAMBE HEADSTART	PRIVATE HAULER	NO
	POJOAQUE SATELLITE	PRIVATE HAULER	NO
	ESPARANZA SHELTER MODULAR BUILDING	PRIVATE HAULER	NO
	LIFE LINK	PRIVATE HAULER	NO
	COUNTY FAIRGROUNDS	CITY OF SANTA FE	SANTA FE CO.
	CLERK'S STORAGE UNIT	CITY OF SANTA FE	NO
	VISTA GRANDE PUBLIC LIBRARY	PRIVATE HAULER	NO
PARKS	AGUA FRIA PARK (ROMERO PARK)	IN-HOUSE, TRANSFER STATION	NO
	BENNIE J. CHAVEZ COMMUNITY CENTER PARK	IN-HOUSE, TRANSFER STATION	NO
	STANLEY COMMUNITY PARK	IN-HOUSE, TRANSFER STATION	SANTA FE CO.
	LAMY PARK	IN-HOUSE, TRANSFER STATION	NO
	POJOAQUE TENNIS COURT	IN-HOUSE, TRANSFER STATION	NO
	POJOAQUE HIGH SCHOOL TENNIS COURT	IN-HOUSE, TRANSFER STATION	NO
	GALISTEO COMMUNITY PARK (PHILLIP C WATTS II ME)	IN-HOUSE, TRANSFER STATION	NO
	SOMBRILLO TENNIS COURT	IN-HOUSE, TRANSFER STATION	NO
	BURRO LANE PARK	IN-HOUSE, TRANSFER STATION	NO
	LEO GURULE PARK	IN-HOUSE, TRANSFER STATION	NO
	LA PUEBLA PARK	IN-HOUSE, TRANSFER STATION	NO
	EL RANCHO COMMUNITY CENTER BASKETBALL COURT	IN-HOUSE, TRANSFER STATION	NO
	RIO EN MEDIO PARK	IN-HOUSE, TRANSFER STATION	NO
	NAMBE COMMUNITY CENTER PARK	IN-HOUSE, TRANSFER STATION	NO
	LA CIENEGA PARK	IN-HOUSE, TRANSFER STATION	NO
	EDGEWOOD SENIOR CENTER PARK	IN-HOUSE, TRANSFER STATION	NO
	CERRILLOS PARK	IN-HOUSE, TRANSFER STATION	NO

**SOLID WASTE MANAGEMENT IN SANTA FE COUNTY FACILITIES**

	<b>FACILITY</b>	<b>SOLID WASTE SERVICE PROVIDER</b>	<b>RECYCLING</b>
<b>ADMINISTRATION</b>	COUNTY ADMINISTRATION BUILDING	CITY OF SANTA FE	CITY OF SANTA FE
	DISTRICT ATTORNEY OFFICE	CITY OF SANTA FE	NO
	COUNTY HEALTH OFFICE	CITY OF SANTA FE	NO
	1ST JUDICIAL DISTRICT COURT COMPLEX	CITY OF SANTA FE	SANTA FE CO.
	SANTA FE COUNTY EXTENSION BUILDING	CITY OF SANTA FE	SANTA FE CO.
	PUBLIC WORKS (OLD)	IN-HOUSE, TRANSFER STATION	SANTA FE CO.
	SFC BUSINESS PARK	CITY OF SANTA FE	NO
	ANIMAL CONTROL	CITY OF SANTA FE	NO
	WOMEN'S HEALTH	IN-HOUSE, TRANSFER STATION	SANTA FE CO.
	HUMAN RESOURCES	IN-HOUSE, TRANSFER STATION	SANTA FE CO.
	PUBLIC WORKS (NEW)	IN-HOUSE, TRANSFER STATION	SANTA FE CO.
	LA FAMILIA MEDICAL CENTER	CITY OF SANTA FE	NO
	RAP CENTER	CITY OF SANTA FE	NO
	BOKUM	CITY OF SANTA FE	SANTA FE CO.
	O'KEEFE BUILDING	CITY OF SANTA FE	NO
	SFC FIRE PREVENTION DIV	CITY OF SANTA FE	SANTA FE CO.
	STANLEY PROPERTY	CITY OF SANTA FE	NO
	SFC MOUNTAIN CENTER	CITY OF SANTA FE	NO
	RECOVERY CENTER INTENSIVE OUTPATIENT	CITY OF SANTA FE	NO
	SFC FIRE TRAINING CENTER COMPLEX	CITY OF SANTA FE	NO
	SFC-ARC CORRECTIONS ADMIN.	CITY OF SANTA FE	SANTA FE CO.
<b>COMMUNITY &amp; SENIOR CENTERS</b>	STANLEY COMMUNITY CENTER	PRIVATE HAULER	NO
	GALISTEO COMMUNITY CENTER	PRIVATE HAULER	NO
	LA CIENEGA COMMUNITY CENTER AND FS	IN-HOUSE, TRANSFER STATION	NO
	RIO EN MEDIO COMMUNITY CENTER	PRIVATE HAULER	IN-HOUSE
	EL RANCHO COMMUNITY CENTER	IN-HOUSE, TRANSFER STATION	NO
	ARROYO SECO TEEN CENTER	PRIVATE HAULER	NO
	BENNIE CHAVEZ COMMUNITY CENTER	PRIVATE HAULER	NO
	YOUTH SHELTER AND FAMILY SERVICES	PRIVATE HAULER	NO
	NANCY RODRIGUEZ COMMUNITY CENTER	IN-HOUSE, TRANSFER STATION	IN-HOUSE
	EDGEWOOD SENIOR CENTER	PRIVATE HAULER	NO
	KEN & PATTY ADAM SENIOR CENTER	PRIVATE HAULER	IN-HOUSE
<b>HOUSING</b>	CAMINO JACOBO HOUSING ADMIN.	CITY OF SANTA FE	SANTA FE CO.
	CAMINO JACOBO HOUSING UNITS (72)	CITY OF SANTA FE	NO
	VALLE VISTA HOUSING UNITS (77)	PRIVATE HAULER	NO
	SANTA CRUZ HOUSING UNITS (155)	CITY OF ESPANOLA	NO

# Preliminary Economic Feasibility Assessment of a Publicly-Owned Electric Utility for the City of Santa Fe and Santa Fe County

Santa Fe Board of County Commissioners  
8 January 2013



Prepared by MSA Capital Partners for New Energy Economy

## Outline

- Background
- Study Objectives
- Status Quo Limitations
- Scenarios Evaluated
- Assumptions – Methodology
- Scenario Rate and Bill Comparisons
- Economic Development and Job Creation
- Next Steps Options
- Questions, Comments

## Background

- **“Electrical Distribution System Study for SF County” Completed (2008)**
  - Analyzed the technical feasibility and costs of separating the County (greater Santa Fe area) electrical system from PNM.
  - No engineering or technical impediments to municipalization.
- **County 2010 Sustainable Growth Mgt. Plan**
  - Aggressive Renewable Energy (RE) and Energy Efficiency (EE) Goals
  - Reduce County greenhouse gas (GHG) emissions
  - “Assess the potential to create a local power utility”
  - Focus on clean energy-related economic development.
- **City 2008 Sustainable Santa Fe Plan**
  - Similar RE, EE and GHG goals as County SGMP
  - “Consider development of a regional municipal power utility.”

- **City-County Regional Planning Authority Directs Energy Task Force to Pursue Study**
  - Allocates \$25K for Study
- **MOA established with New Energy Economy to conduct study**
  - NEE contributes \$10K toward study.
  - 2012: NEE retains MSA Capital Partners to conduct study
  - Study Completed: November 2012
- **Note: Funding was sufficient for only a preliminary assessment.**

### Study Objectives - Evaluate a Santa Fe City/County-Owned Electric Utility with Respect to:

- Costs of system acquisition, start-up, and annual operation and maintenance.
- Impacts on commercial and residential rates and bills, compared to status quo.
- Ability to meet County's adopted aggressive renewable energy, energy efficiency and greenhouse gas objectives.
- Potential for stimulating job creation and economic development in the County.

### Status Quo Limitations

#### **I) State Law Limits Ability to Achieve Aggressive Clean Energy Deployment in the County**

- NM Efficient Use of Energy Act (EUEA)
  - 5% by 2014, 10% by 2020.
- NM Renewable Energy Act (REA) → "Renewable Portfolio Standard": 15% by 2015, 20% by 2020
  - **No requirement for locally-sourced renewable energy projects.**
  - Law allows requirement to be met entirely with distant utility-scale projects (no local job creation).
  - Law has provisions that can be used to not meet targets.
- PRC Implements EUEA and REA
  - Aggressive or relaxed adherence to statutory requirements → uncertainty.
  - Rule: Only 3% customer-scale solar requirement.

## Status Quo Limitations:

### 2) Private Utility Regulatory Model

- Not conducive to achieving local greenhouse gas reduction and clean energy economic development policies.
- Private Utility Business Model: Profit motive for stockholders creates incentive to own all electric generation assets and sell as much electricity as possible.
  - PRC's regulatory model tends to reinforce this.
- Customer-owned solar and energy efficiency are in direct conflict with private utilities' profit objective.
- Private utilities are required to comply with federal and state clean air and clean energy requirements but tend to consistently resist them.



**Status Quo: Coal likely to remain the dominant source of power for decades.**

## Status Quo Limitations:

### 3) Utility-Scale Wind Farms on NM's Eastern Plains Don't Stimulate Job Creation in the Santa Fe Area



## Three Scenarios Evaluated

- 20 year analyses – 2013-2033
  - Full RE and EE achieved by 2028
- **Two “Santa Fe Public Power” (SFPP) Scenarios:**
  - SFPP 1: Power Purchased from the Market
  - SFPP 2: Purchased Power and Local Utility-Scale Generation
  - Both SFPP Scenarios:
    - No coal or nuclear power.
    - “Aggressive Energy Efficiency Standard”: 20% Energy Efficiency
    - 45% Renewable Energy
    - 11.25% customer-scale (e.g. roof-top) solar (part of RE total) = 44 megawatts of solar (14,000, 3 kilowatt systems!)
  - SFPP 2: Locally-sited 66 Megawatt Natural Gas Power Plant: 2020, Locally-Sited 66 MW of Utility-Scale Solar Projects
- **Status Quo Scenario** – PNM continues to own and operate.

## Assumptions - Methodology

- SFPP Service Territory: greater SF area (90% of PNM service territory in County)
  - Excludes rural electric coop territory.
- SFPP System Acquisition and Start-Up Costs: \$155 million
  - Sensitivity Analyses: +\$100 million in acquisition costs.
  - Standard financing terms.
- Cost of acquiring EE: 2.6¢/kwh (half the cost of supply sources).
- SFPP Supply costs:
  - Natural Gas-Derived Power: 5¢/kwh
  - Utility-Scale Wind: 5¢/kwh
  - Utility-Scale Solar: 8¢/kwh
  - Customer-Scale Solar: 14¢/kwh
    - Sensitivity Analyses: 20¢/kwh
- PNM Status Quo Rate Increases: 10 year historic average
  - Residential: 2.66%/year    Commercial: 1.97%/year

## Scenario EE and Energy Source Comparison

Year 2028 Scenario Comparisons	SFPP Scenario 1	SFPP Scenario 2	PNM-Status Quo
% of energy efficiency savings	20	20	8
% of energy from renewable sources	45	45	20
% of energy from coal	0	0	60
% of energy sourced in Santa Fe County*	11.25	84	2
% of customer-scale renewable energy	11.25	11.25	0.6

## Scenario Rate and Bill Comparisons

### SCENARIO 1 - PERCENT SFPP RATES AND BILLS ARE LESS THAN STATUS QUO

	2015		2022		2028	
	Base Case	+ \$100 Million	Base Case	+ \$100 Million	Base Case	+ \$100 Million
SFPP vs PNM Rates	15%	11%	12%	9%	20%	18%
SFPP vs PNM Bills	17%	13%	21%	18%	31%	30%

### SCENARIO 2 - PERCENT SFPP RATES AND BILLS ARE LESS THAN STATUS QUO

	2015		2022		2028	
	Base Case	+ \$100 Million	Base Case	+ \$100 Million	Base Case	+ \$100 Million
SFPP vs PNM Rates	17%	12%	8%	5%	18%	17%
SFPP vs PNM Bills	19%	14%	17%	15%	29%	28%

## Residential Bill Comparison

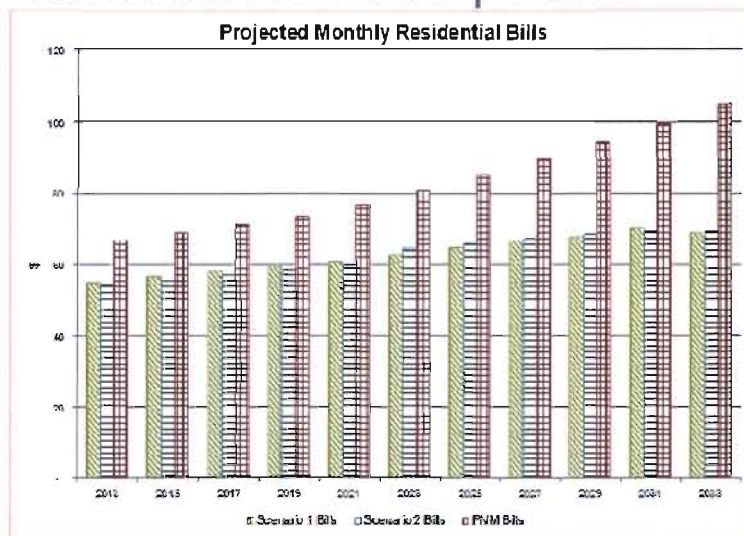


Figure 6: Projected Monthly Residential Bills

## Commercial Bill Comparison

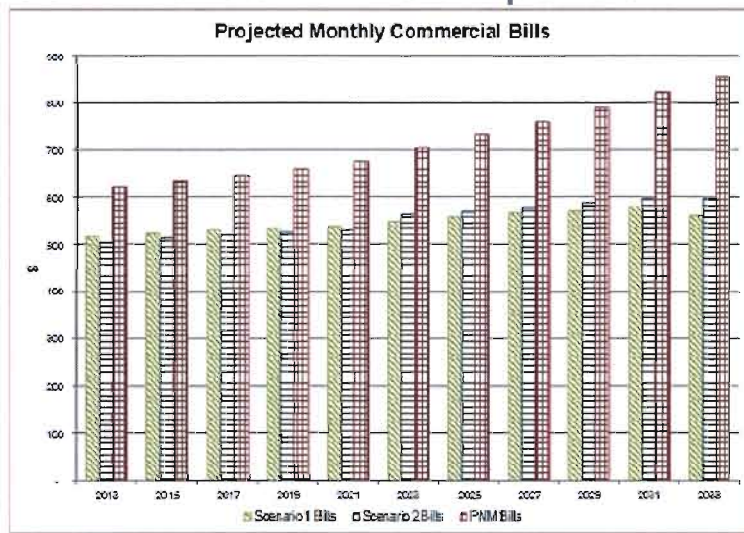


Figure 7: Projected Monthly Commercial Bills

## Effect of EE and Customer-Scale Solar on Utility's Electric Generation Needs

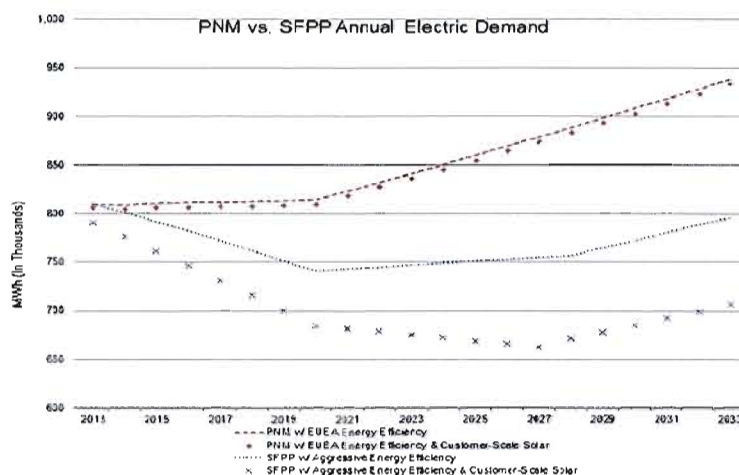


Figure 3: PNM- Status Quo vs. SFPP I and 2 Annual Utility Electric Generation Needs

## Effect of the SFPP "Aggressive Energy Efficiency Standard"

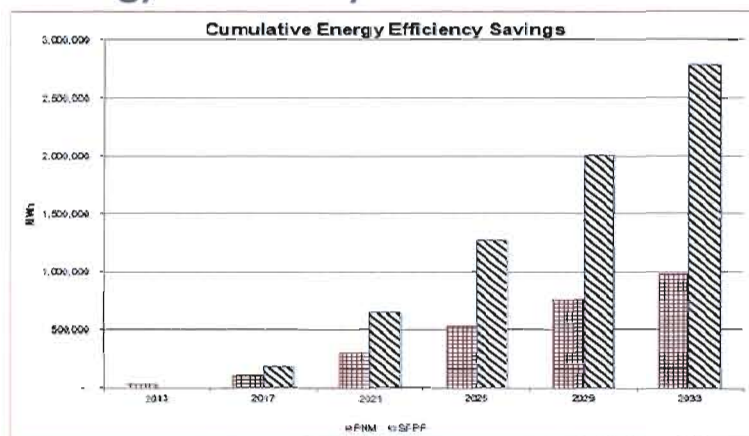


Figure 8: PNM vs. SFPP I and 2 Energy Savings: A Comparison of Complying with the State Efficient Use of Energy Act vs. the SFPP Aggressive Energy Efficiency Standard.

## Local Job Creation and Economic Development Potential

- **SFPP 1: Medium**

- 44 MW of customer-scale solar → creates more jobs per MW of installed power than any other type of electric generation.
- EE renovations of homes and businesses stimulates construction sector
- More community-generated income (\$\$) remains in the community.

- **SFPP 2: High**

- Same as SFPP 1, plus 66 MW of locally-sited natural gas power plant and 60 MW of local utility-scale solar generation.
- Highest rate of local job creation and keeping consumers' energy dollars in-region.

- **Status Quo: Low**

- Minimal locally-sited power generation.
- Less than 1% customer-scale solar by 2028.
- Majority of consumers' energy dollar leaves region.

## Customer-Scale Solar and Energy Efficiency Renovations of Buildings Create Jobs, Stimulating the Local Economy



Pole-Mounted PV



Ballasted (weighted) PV system.

## Next Steps Options

- Community Education & Outreach – Public Opinion Assessment
- Detailed Refinement of Engineering Analyses and Costs
- City-County Financing Assessment
- Market Evaluation – Availability of Energy Solutions

**Questions, Comments from the Commission**

**Thank you!**

Daniel "Danny" Mayfield  
*Commissioner, District 1*

Miguel M. Chavez  
*Commissioner, District 2*

Robert A. Anaya  
*Commissioner, District 3*



Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*



## **MEMORANDUM**

**To:** Board of County Commissioners

**From:** Tina Salazar, Constituent Services Liaison

**VIA:** Katherine Miller, County Manager

**Date:** December 26, 2012

**RE:** **Resolution in Support for Recurring Funding for Regional Water Plan Updates**

---

### **ISSUE**

Commissioner Holian is seeking approval of a resolution in support for recurring funding for regional water plan updates. Below is a list of all cities, counties, and organizations that have endorsed this request for legislative funding for water planning.

#### **Municipalities**

BaaHaali (Breadsprings) Chapter – Navajo Nation  
Belen  
Bosque Farms  
Deming  
Gallup  
Hurley  
Las Vegas  
Los Ranchos de Albuquerque  
Rio Rancho  
Santa Fe  
Silver City  
Willard

#### **Counties**

Bernalillo  
Luna  
McKinley  
Mora

CLERK RECORDED 02/14/2013

Sandoval  
San Miguel  
Torrance

**Organizations**

Albuquerque Bernalillo County Water Utility Authority  
American Association of Retired Persons  
El Creston Mutual Domestic Water Consumers Association  
Elephant Butte Irrigation District  
Ciudad Soil and Water Conservation District  
Coronado Soil and Water Conservation District  
Gila/San Francisco Water Commission  
Grant County Water Commission  
Grant Soil and Water Conservation District  
Gila Basin Irrigation Commission  
Jemez y Sangre Regional Water Planning Council  
League of Women Voters of New Mexico  
Lower Rio Grande Water Users Association  
McKinley Soil and Water Conservation District  
Middle Rio Grande Conservancy District  
Middle Rio Grande Water Assembly  
Navajo Nation Division of Natural Resources  
New Mexico Water Dialogue  
Northwest New Mexico Council of Governments  
Pecos River Planning Region  
Sierra Club Rio Grande Chapter  
Sierra Soil and Water Conservation District  
Socorro Soil and Water Conservation District  
Tierra y Montes Soil and Water Conservation District  
Tyrone Property Owners Association

**RECOMMENDATION**

Commissioner Holian seeks board approval of this resolution in support for recurring funding for regional water plan updates.

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

**RESOLUTION NO. 2013-\_\_\_\_\_**

---

**A RESOLUTION IN SUPPORT OF RECURRING FUNDING FOR  
REGIONAL WATER PLAN UPDATES**

---

**WHEREAS**, adequate water resources are a prerequisite to the health and economic wellbeing of New Mexico's communities;

**WHEREAS**, the New Mexico Legislature in 1987 determined that "the future water needs of New Mexico can best be met by allowing each region of the state to plan for its water future";

**WHEREAS**, the New Mexico Legislature also determined that "the state can assist the regions in planning future water use by implementing a state appropriation program to ensure an adequate supply of water for each region";

**WHEREAS**, the first regional water plan was completed and accepted by the Interstate Stream Commission in 1999 and the last regional water plan was completed and accepted by the Interstate Stream Commission in 2008;

**WHEREAS**, regional water plans were drafted by many local organizations and local governments collaborating with citizens, local businesses and local and state governments, which developed represent collaborative strategies to address local and state water needs;

**WHEREAS**, regional water plans outline alternatives for closing the gap between available water supply and demand;

**WHEREAS**, regional water plans are tools for better decision-making and water project implementation;

**WHEREAS**, water is fragile and finite resource;

**WHEREAS**, drought and climate change further threaten New Mexico's communities;

**WHEREAS**, water supply and demand are not static but change continuously;

**WHEREAS**, a number of changes have occurred since the regional water plans were accepted, such as new regulatory requirements, new hydrologic studies, changing population growth rates and changes in water supply due to drought and climate change;

**WHEREAS**, there is a need to develop better and more consistent hydrologic data and increased coordination among regions and associated basins; and

**WHEREAS**, regional water plans, whether prepared by local communities or by the Interstate Stream Commission, must be periodically reviewed and updated to account for the new regulatory requirements, new hydrologic studies, changing population growth rates, and changes in water supply due to drought and climate change to ensure an adequate water supply for citizens of New Mexico.

**NOW, THEREFORE BE IT RESOLVED** that the Board of County Commissioners supports recurring funding for regional water plan updates, and urges the State Legislature to pass a budget for the Interstate Stream Commission that includes a recurring budget item of an additional \$400,000 for the update of four regional water plans each year;

**PASSED, APPROVED, and ADOPTED** this 8<sup>th</sup> day of January, 2013.

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

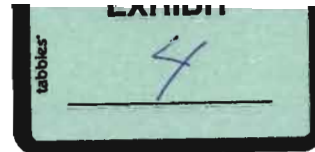
By: Kathy Holian  
Kathy Holian, Chair

**Attest:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

**Approved as to form:**

Stephen C. Ross  
Stephen C. Ross, County Attorney



## 2013 REGULAR SESSION SCHEDULE (60-Day Session)

---

December 17, 2012 to January 11, 2013 - Legislation Pre-filing Period

January 15 - Opening day (noon)

February 14- Deadline for introduction of Bills

March 16 - Session ends (noon)

April 5 - Legislation not acted upon by governor is pocket vetoed

June 14 - Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

### Options for Meeting with Santa Fe Delegation:

Tuesday January 22 – morning at Capitol Building

or

Thursday January 24 – morning at Capitol Building

7

## SFC CAPITAL OUTLAY PROJECTS

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### ICIP Top Five Countywide Priorities

- Regional Emergency Communications Center Enhancements: \$750,000  
Expansion to the existing communications center and acquire equipment to enhance dispatch capability
- Santa Fe County Fire Equipment: \$1 Million  
Upgrade and replace fire department equipment
- Santa Fe County Fairground Improvements-Extension Office: \$2 Million  
To plan, design, construct, equip the fairgrounds property to include construction of the extension office, utilities connection(s), electrical, water, and sewer
- Santa Fe County Public Housing Sites: \$1.5 Million  
To plan, design, construct, equip and improve Santa Fe County Housing Sites to include roadwork, landscaping, and building improvements
- Santa Fe County Public Works Equipment \$1.5 Million  
To purchase:  
 (3) motor graders @ \$200K each  
 (2) end dump trailers @ \$60K each  
 (1) sweeper @ \$280K  
 (1) pneumatic roller @ \$70K  
 (1) steel wheel roller @ \$90K each  
 (2) tandem trucks with snow removal equipment @ \$170K each

## District Specific Projects

### Dist. 1

- Pojoaque Valley Recreational Fields for design, planning, and construction of improvements to current baseball/softball fields to create multi-use recreational fields.  
\$1,500,000
- Arroyo Alamo West Drainage/Road/Study/Design  
\$200,000
- Feather Catcher Road Drainage/Road/Study/Design  
\$200,000

### Dist. 2

- Camino La Tierra Road Improvements to reclaim existing portions of existing chip seal with new double penetration chip seal over existing hard surface(s)  
\$500,000
- Lopez Lane/Rufina Street Intersection redesign, to include signalization and turning lanes  
\$250,000

### Dist 3

- County Road 8 (Dinkle Rd) Reclaim existing asphalt and base course and compact into sub grade. Place 6" of new base course and 3" of new hot mix asphalt. Between County Line Rd and NM 344 portion that is maintained by the county  
\$500,000
- La Cienega Community Center/Fire Station, for design services, for the community center to convert the existing fire station bay for use by the community for community room and library  
\$150,000

### Dist 4

- County Road 51 (Ojo De La Vaca) Reclaim existing chip seal and base course and compact into sub grade. Place 6" of new base course and 3" of new hot mix asphalt. From Low Water Crossing north one mile  
\$500,000
- Renovate Arroyo Honda Fire Station  
\$500,000

**Dist 5**

- Up-Grades to the Eldorado Transfer Station  
\$150,000
- Design of Water Line from Turquoise Trail School to Lone Butte Area  
\$400,000

## RESOLUTIONS AND ACTION TAKEN BY COUNTY COMMISSION ON SPECIFIC LEGISLATION

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### 2012

**Resolution: 2012-115** - A Resolution Supporting the 2013 Legislative Priorities of the New Mexico Association of Counties Six Legislative Priorities: Disclosure of sales data for real property, Authorizing local government royalties for database access, Decriminalization of minor traffic offenses, Funding for rural Emergency medical systems, Mandating sales of delinquent properties and Expanding the list of fireworks restricted by local governments.

**Resolution: 2012-114** - A Resolution Supporting Delinquent Property Tax Sales: Santa Fe County Board of County Commissioners supports legislation that would amend legislation to make mandatory rather than discretionary the sale by the Taxation and Revenue Department of real property on which taxes are delinquent.

**Resolution: 2012-113** - A Resolution Supporting Fireworks Licensing and Safety.

**Resolution: 2012-112** - A Resolution Requesting Legislative Support to Create a Recurring Revenue Stream from Rural Emergency Medical Services: Santa

Fe County Board of County Commissioners for Santa Fe County supports legislation that would create a state-based revenue stream.

**Resolution 2012-111** - A Resolution Requesting Legislative Support For Traffic Violation Reform: Santa Fe County Board of County Commissioners supports legislative reform for minor traffic violations.

**Resolution: 2012-110** - A Resolution Supporting Local Government Database Royalties: Executive Committees of the Association of Counties and the Municipal League both endorsed legislation that would create a parallel process for local governments to charge royalties for complete access to databases.

**Resolution: 2012-109** - Resolution Supporting Real Property Sales Disclosure Supporting Real Property Sales Disclosure.

**Resolution: 2012- 15** - A Resolution in Support of a Healthy Kid, Healthy Economy Program

2011

**Resolution: 2011-190**

Resolution Strongly Urging the New Mexico State Legislature to Amend the Local Liquor Excise Tax Act

Amend the Local Liquor Excise Tax Act to Include New Mexico Counties with the Requisite Population and Net Taxable Value the Option to Impose a Local Liquor Excise Tax Upon Approval by Santa Fe County Voters and to Authorize the Use of the Tax Proceeds to Fund Social Service Programs to Serve Persons Impacted by Alcohol and Drug Abuse

**Resolution: 2011-182**

Supporting NMAC Legislative Initiative for 2012 Legislative Session for Continuity of Hold Harmless Provision

Board of County Commissioners Urges the New Mexico Legislature to Keep Faith with its County Governments by Retaining the Full Hold Harmless Provisions Contained in Section 7-1-6.47 NMSA 1978 as Long as the Gross Receipts Tax Deductions in Sections 7-9-02 and 7-9-93 NMSA 1978 Remain in Force

**Resolution: 2011-181**

Supporting NMAC Legislative Initiative for 2012 Legislative Session Regarding Decriminalizing Traffic Citations in NM

Board of County Commissioners Supports Legislation to Decriminalize Minor Traffic Violations in NM and to Authorize the Collection of Unpaid Civil Fines

**Resolution: 2011-180**

Supporting NMAC Legislative Initiative for 2012 Legislative Session Regarding Fair Reporting of GRT Payments

Board of County Commissioners Supports Legislation to Add a New Section to the Gross Receipts and Compensation Tax for Direct Payment of Gross Receipts for State, County and Municipal Projects

**Resolution: 2011-179**

Supporting NMAC Legislative Initiative for 2012 Legislative Session Regarding Liquor Excise Tax

The Board of County Commissioners Supports Legislation Increasing The Portion of the Liquor Excise Tax Allocated to the LDWI Fund and Dedicating Portion of that Increase to the Administrative Office of the Courts for Drug Courts

**Resolution: 2011-178**

Supporting NMAC Legislative Initiative for 2012 Legislative Session PERA Retirees as Poll Workers

The Board of County Commissioners Supports Legislation That Would Allow PERA Retirees To Serve As Poll Workers Without Risking Loss of PERA Retirement Benefits

**Resolution: 2011-177**

Supporting NMAC Legislative Initiative for 2012 Legislative Session for Property Tax Solutions

The Board of County Commissioners Supports Legislation That Includes A Mechanism to Correct Inequities Between Property Owners and a Solution to the Perceived Constitutionality Problem

**Resolution: 2011-176**

Supporting NMAC Legislative Initiative for 2012 Session Ban of Fireworks

The Board of County Commissioners Supports Legislation That Would Amend Current Law to Empower County Commissions to Ban the Sale of All Fireworks in their Jurisdictions During Drought Conditions

**Resolution: 2011-25**

Resolution to Support Banning Inhumane Animal trapping on New Mexico Public Lands Through the Use of Strangulation Snares, Steel-Jaw Traps and Other Body-Gripping Animal Traps

**Resolution: 2011-13**

Urging NM Legislature To Maintain The Existing New Mexico Driver's License Laws  
Maintain The Existing New Mexico Driver's License Laws As They Relate To The Issuance Of Driver's Licenses, Irrespective Of Immigration Status

**Resolution: 2011-12**

Urging NM Legislature To Maintain Existing Film Tax Credit Incentive Existing Film Tax Credit Incentive Until Such Time As A Complete And Thorough Economic Impact Study Can Be Done; And Supporting Senate Bill 2011-44 And Opposing House Bill 2011-19

**2010**

**Resolution: 2010-224**

Opposing 911 Program Transfer  
Opposing 911 Program Transfer, BCC adamantly opposes the transfer of the E911 Program from the DFA to any other State Department or Division

Supporting New Mexico Senate Joint Resolution 5 New Mexico Constitutional Amendment Proposing To Amend Article 10 Section 2 Of The Constitution Of NM To Allow Elected County Officers To Serve Up To Three Consecutive Four Year Terms, Instead Of The Current Limit of Two Consecutive Terms

**Resolution: 2010-222**

Supporting State Legislation NM Agriculture Sector  
Supporting State Legislation Increasing The Preference Advantage For The NM Agriculture Sector For Both NM Fresh Produce And Processed Products Purchased By Government And Other Public and Private Entities

**Resolution: 2010-89**

Resolution Regarding Comprehensive Immigration Reform  
Comprehensive Immigration Reform

**Resolution: 2010-114**

Resolution Supporting New Mexico Senate Joint Resolution 5 on Elected County Officers Term Limits

**Resolution: 2010-3**

Resolution Requesting That The Current Hold Harmless Gross Receipts Tax Distributions To Counties Be Maintained  
The current recession has significantly reduced revenues of both the state and the counties and the impact will continue through at least fiscal year 2011

**2009**

**Resolution: 2009-222**

Resolution Urging NM Legislature To Adopt A Bill  
Adopt Governor Bill Richardson's Proposed DWI 2010 Legislation

**Resolution: 2009-37**

Resolution Supporting House Bill 19  
Resolution Supporting House Bill 19, Extending the Authority of the Office of the State Engineer to Regulate Aquifers below Two Thousand Five Hundred Feet

**Resolution: 2009-221**

Resolution Urging NM Legislature  
Urging The NM State Legislature to Amend The Local Liquor Excise Tax Act

**Resolution: 2009-35**

Resolution In Support Of An Act That Recognizes The Inherent Authority Of Municipalities And Counties To Regulate Oil And Gas  
 An Act That recognizes The Inherent Authority of Municipalities And Counties To Regulate Oil And Gas Operations Within Their Jurisdictions At The State Legislature

**Resolution: 2009-8**

Resolution In Support Of Sensible Reform of the 1872 Mining Law  
 Support of Sensible Reform of the 1872 Mining Law clean water, wildlife and our public lands are precious resources and a foundation for local economic prosperity

**Resolution: 2009-6**

Resolution Supporting Amendment Of The NM Subd. Act  
 Supporting Amendment Of The New Mexico Subdivision Act To Require Notice to Native American Tribes And Pueblos, And To Include Tribes, Nations And Pueblos Among The Entities From Whom An Opinion Shall Be Requested When The Board Of County Commissioners Considers Approving A Preliminary Plat Of A Newly Proposed Or Merged Subdivision

**Resolution: 2009-4**

Resolution Supporting Legislation For Protection Of Pets In Domestic Violence Situations  
 Supporting Legislation for Protection Of Pets In domestic Violence Situations  
 More Than 64 Million US Households Have One Or More Domestic Companion Animals (dog or cat)

## ADDITIONAL LEGISLATION POSSIBLY AFFECTING SANTA FE COUNTY

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- Continuity of Hold Harmless Provisions
- Tax Lightening
- Reimbursement for State Prisoners in County Correctional Facilities
- Control of Sole Community Provider Fund
- Aamodt Water Settlement Funding
- Film Incentives
- Oil and Gas Regulations

2013 SANTA FE COUNTY LEGISLATORS

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## SENATE

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(505) 568-0872 (home)  
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## HOUSE

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[www.stephanieforhouse.com](http://www.stephanieforhouse.com)

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[doc@stepheneasley.com](mailto:doc@stepheneasley.com)

Representative Tomas E. Salazar (D70)

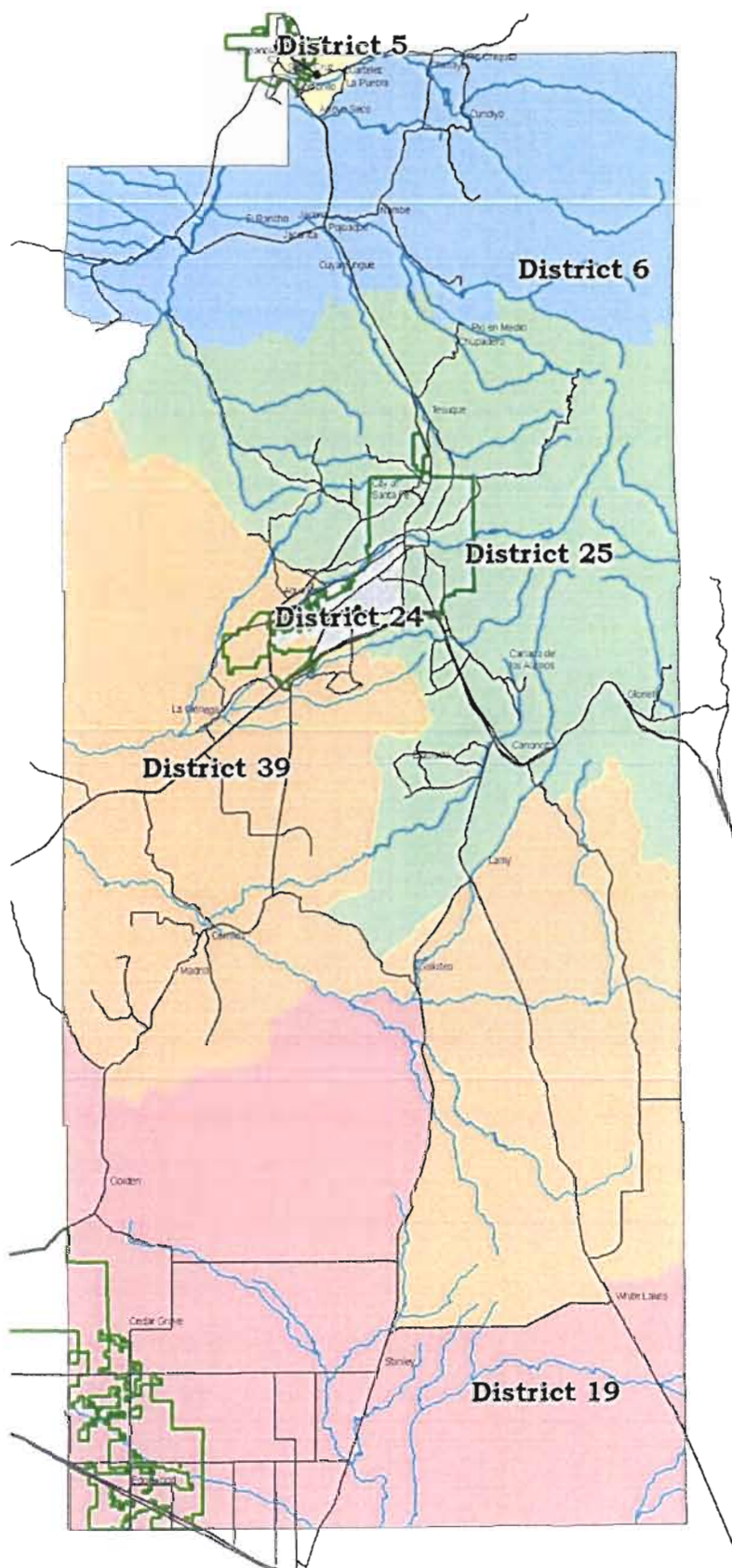
P.O. Box 66

Las Vegas, NM 87701

(575) 421-2455 (home)

(505) 429-2206 mobile)

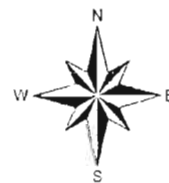
salazarte@plateaurel.net



## State Senators Santa Fe County

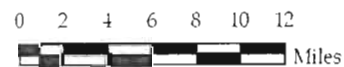
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- District 5
- District 6
- District 19
- District 24
- District 25
- District 39
- Incorporated Areas
- Major Roads
- Major Streams



1:420,000

1 inch approximately 7 miles

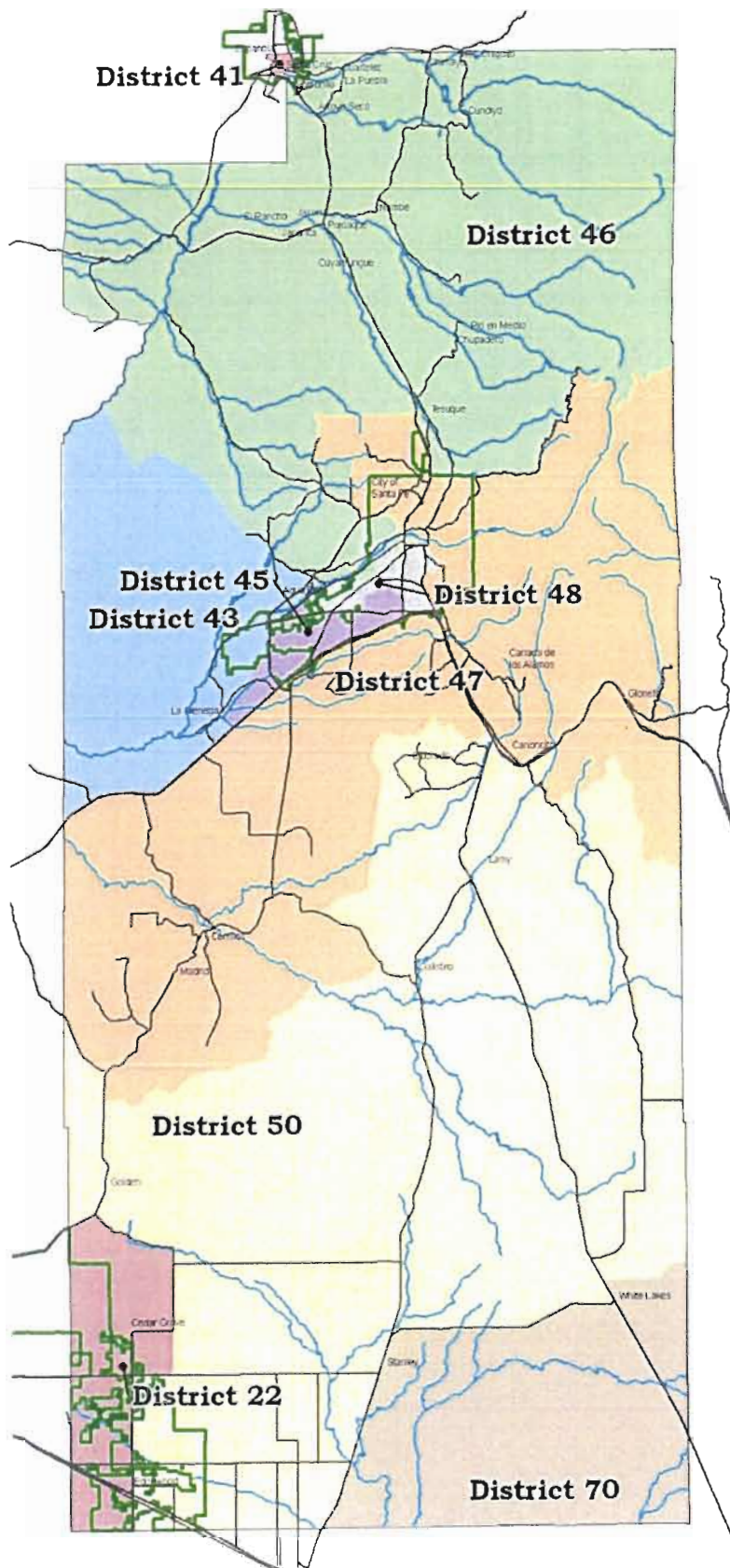


North American Vertical Datum 1988

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confirming data accuracy.



January 1, 2013




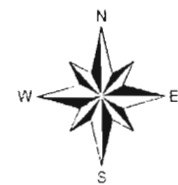
## State Representatives Santa Fe County

### Legend

<span style="display:inline-block; width:15px; height:15px; background-color: #d9534f; border:1px solid black;"></span>	District 22
	James E. Smith
<span style="display:inline-block; width:15px; height:15px; background-color: #f08080; border:1px solid black;"></span>	District 41
	Debbie A. Rodella
<span style="display:inline-block; width:15px; height:15px; background-color: #5dade2; border:1px solid black;"></span>	District 43
	Stephanie Garcia Richard
<span style="display:inline-block; width:15px; height:15px; background-color: #9b59b6; border:1px solid black;"></span>	District 45
	Jim R. Trujillo
<span style="display:inline-block; width:15px; height:15px; background-color: #a9d0d9; border:1px solid black;"></span>	District 46
	Carl P. Trujillo
<span style="display:inline-block; width:15px; height:15px; background-color: #f1c40f; border:1px solid black;"></span>	District 47
	Brian F. Egolf
<span style="display:inline-block; width:15px; height:15px; background-color: #fff9c4; border:1px solid black;"></span>	District 48
	Luciano "Lucky" Varela
<span style="display:inline-block; width:15px; height:15px; background-color: #fff9c4; border:1px solid black;"></span>	District 50
	Stephen P. Easley
<span style="display:inline-block; width:15px; height:15px; background-color: #f1c40f; border:1px solid black;"></span>	District 70
	Tomas E. Salazar
<span style="display:inline-block; width:15px; height:15px; border:2px solid green;"></span>	Incorporated Areas

 Major Roads

 Major Streams



1:420,000

1 inch approximately 7 miles



North American Vertical Datum 1988

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confirming data accuracy.



January 1, 2013

SFC LEGISLATIVE SESSION STAFF

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Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy  
Commissioner

Liz Stearns  
Commissioner, District 5

Katherine Miller  
County Manager

EXHIBIT

5

## Memorandum

**Date:** January 8, 2013

**To:** Board of County Commissioners

**From:** Penny Ellis-Green, Growth Management Director

**Subject:** Appointment of Board members to the following Committees: BDD, ELUA, MPO, NCNMEDD, NCRTD, Regional Coalition of LANL Communities, RPA, SFSWMA.

Appointments need to be made to the following Boards:

**Buckman Direct Diversion Board (BDD)** – 2 commissioners, 2 councilors, one citizen (BDD system)  
Oversee the BDD Project inclusive of establishing the terms and conditions governing the ownership, planning, procurement, financing, permitting, design, construction, operations, allocation of capacity and management of the project.  
Representation: Two Commissioners and a third Commissioner as an alternate  
Meet monthly, first Thursday of every month at 4pm

**Extraterritorial Land Use Authority (ELUA)** – 4 commissioners, 3 councilors (inactive)  
(extraterritorial zoning)  
Purpose of clarifying matters of jurisdiction and approvals relating to planning, platting, subdivisions  
Representation: Four Commissioners with the fifth Commissioner as an Alternate  
Meet last Thursday of the month at 6pm as needed

**Santa Fe Metropolitan Planning Organization (MPO)** – Representatives from the City, the County, Tesuque Pueblo and NMDOT (1 each) (transportation - federal highway mandate)  
The Santa Fe Metropolitan Planning Organization (SFMPO) Transportation Policy Board (TPB).  
Representation: Three Commissioners plus one alternate  
Meets second Thursday of every month at 4pm.

**North Central New Mexico Economic Development District (NCNMEDD) – 1 commissioner (economic development)**

State established Northern NM council of government addressing economic development issues—serves as region's Economic Development Administration agent as well  
NCNMEDD is also the lead agency in managing the Regional Economic Development Initiative Network (REDI NET) open access broadband development (money awarded via ARRA) which the County is a part of a subcommittee that was established for this purpose.  
Representation: One commissioner and two alternates.  
Meet quarterly and other interim meetings as scheduled, procedures are being developed

**North Central Transit District (NCRTD) – 1 commissioner (regional transit)**

To develop, plan, promote and operate a sustainable, long term regional public transportation system for its member jurisdictions.  
Representation: One Commissioner plus one alternate  
Meets first Friday of every month at 9am, Finance subcommittee meets last Friday of every month at 9am.

**Regional Coalition of LANL Communities**

Joint body created by LPA with Santa Fe County, City of Santa Fe, Los Alamos County, Rio Arriba County, City of Espanola, Taos County and Town of Taos. The Coalition is set up to advocate for diverse and sustainable LANL missions, address the environmental, economic, and other opportunities of LANL and serve as a focal point for communication, advocacy and education regarding LANL  
Representation: One commissioner and one alternate.  
Meet Monthly (location Varies)

**Regional Planning Authority (RPA) – 4 commissioners, 4 councilors (Regional Planning Authority)**

The RPA is a joint policymaking board via JPA, they approve the transit routes on a yearly basis (Regional Transit GRT). There are three subcommittees—Energy, Economic Development and Affordable Housing  
Representation: Four Commissioners with the fifth Commissioner as an Alternate  
Meet the third Tuesday every other month (Jan, March, May ...) at 4pm, although this Board has not met during 2012. The subcommittees meet the alternate months.

**Solid Waste Management Agency (SWMA) – 3 Commissioners, 3 councilors (landfill)**

Adopt and implement rules and procedures with respect to the overall management and operation of the Agency, inclusive of approving the operating budget of the Agency.  
Representation: Three Commissioners and a fourth Commissioner as an Alternate  
Meet 3<sup>rd</sup> Thursday of each month at noon

All Commissioners also sit on the **Indigent Fund Board**, the **Housing Authority Board** and the **Board of Finance**. The Chair and Vice Chair sit on the **Investment Committee**.

2012 JAN 10 PM 03:13  
SANTA FE COUNTY  
CLERK RECORDED  
2012 JAN 10 PM 03:13

The following is a table that indicates the Boards that the Commissioners currently sit on.

	Mayfield	Vigil	Anaya	Holian	Stefanics
<b>BDD</b>	Alt			X	X
<b>ELUA</b>	X	Alt	X	X	X
<b>MPO</b>	X		X	Alt	X
<b>NCNMEDD</b>	X	Alt			
<b>NCRTD</b>	Alt			X	
<b>Regional Coalition</b>	X				
<b>RPA</b>	X	X	Alt	X	X
<b>SFSWMA</b>	X	X	Alt	X	
<b>Indigent</b>	X	X	X	X	X
<b>Housing Authority</b>	X	X	X	X	X
<b>Board Of Finance</b>	X	X	X	X	X
<b>Investment Committee</b>				Alt	X

Board members have stated the following preferences:

	Mayfield	Chavez	Anaya	Holian	Stefanics
<b>BDD (2 + Alt)</b>	Alt	X		X	
<b>ELUA (4 + Alt)</b>	X	X	X	Alt	X
<b>MPO (3 + Alt)</b>		X	X	Alt	X
<b>NCNMEDD (1 + 2 Alts)</b>	Alt	2 <sup>nd</sup> Alt			X
<b>NCRTD (1 + Alt)</b>	2 <sup>nd</sup> Alt	Alt	X		
<b>Regional Coalition (1 + Alt)</b>	X	Alt	2 <sup>nd</sup> Alt		
<b>RPA (4 + Alt)</b>					
<b>SFSWMA (3 + Alt)</b>	X	X	Alt	X	
<b>Indigent</b>	X	X	X	X	X
<b>Housing Authority</b>	X	X	X	X	X
<b>Board Of Finance</b>	X	X	X	X	X
<b>Investment Committee</b>	X			X	

## TROY M. BELLINGER

(520) 559-2048 - P.O. Box 744 Sierra Vista, AZ 85636

January 1, 2013

Santa Fe County Land Use Administration  
P.O. Box 276  
Santa Fe, New Mexico 87504-0276

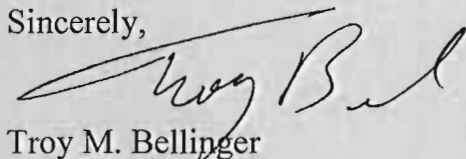
RE: CDRC CASE # V 12-5320

To Whom It May Concern:

As a neighboring property owner, I wish to express my wholehearted support of Ms. Lokvig's interest in subdividing her land located at 228 Ojo de la Vaca. My property is located immediately southwest of Ms. Lokvig's property, on the west side of County Road 51.

Please feel free to contact me if you have questions or require further information.

Sincerely,



Troy M. Bellinger

CLERK RECORDED  
2013/01/01

**Shanti Elke Bannwart**

200 Ojo de la Vaca Road  
Santa Fe NM 87508  
505-466-2705

Santa Fe County Land Use Administration  
P.O. Box 276  
Santa Fe, New Mexico 87504-0276

RE: CDRC CASE # V 12-5320

January 7, 2013

To Whom It May Concern:

As an immediate neighbor to the north of Jytte Lokvig's property, without any hesitation I support her decision to subdivide her land along the road.

Feel free to contact me for any discussion or questions.

Sincerely,

A handwritten signature in cursive script that reads "Shanti E. Bannwart". The signature is written in dark ink and is positioned above the printed name.

Shanti Elke Bannwart

REC'D  
CLERK  
RECORDED  
2013/01/28  
10:11:58  
C102/41/28