




COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 164

I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of February, 2012 at 09:52:08 AM
And Was Duly Recorded as Instrument # **1659253**
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 13, 2011

Virginia Vigil, Chair – District 2
Liz Stefanics, Vice Chair – District 5
Robert Anaya – District 3
Kathy Holian – District 4
Danny Mayfield – District 1 [excused]

SFC CLERK RECORDED 02/02/2012

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

December 13, 2011

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Employees of the Community Services Department led the Pledge of Allegiance and State Pledge, following roll call by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner Virginia Vigil, Chair
Commissioner Liz Stefanics Vice Chair
Commissioner Kathy Holian
Commissioner Robert Anaya

Member(s) Excused:

Commissioner Danny Mayfield

V. INVOCATION

An invocation was given by Renee Sandoval.

VI. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or Withdrawn Items

CHAIR VIGIL: Ms. Miller.

KATHERINE MILLER (County Manager): Madam Chair, yes, there's a couple of tabled or withdrawn items. Under "Special Presentations" IX. B that has been tabled. We have a long agenda and the next item is on page 5, item IVX, F. 1, that item is also tabled and then on that same page item IVX, I.2 is withdrawn. Under the "Public Hearing" item XV A. 3 is tabled.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move approval of the amended agenda.

COMMISSIONER HOLIAN: Second.

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

VII. APPROVAL OF CONSENT CALENDAR

CHAIR VIGIL: Are there any consent calendar withdrawals?
Commissioners?

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

COMMISSIONER STEFANICS: I'll second.

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

XIII. CONSENT CALENDAR

A. Miscellaneous

- 1. Resolution No. 2011-184, a Resolution Requesting an Increase to the Corrections Operations Fund (247) to Budget the Fiscal Year 2011 State Criminal Alien Assistance Program (SCAAP) Award Received for Expenditure in Fiscal Year 2012 / \$15,258 (Corrections Department)**

2. **Resolution No. 2011-185, a Resolution Requesting an Increase to the Alcohol Programs Fund (241) to Budget Additional Grant Funds Awarded Through the New Mexico Department of Transportation for the Community DWI Programs / \$35,341 (Community Services)**
3. **Resolution 2011-186, a Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a Grant Awarded Through the New Mexico Department of Public Safety for the 2012 Statewide Expanded Operation DWI Program / \$26,500 (County Sheriff's Office)**

B. Final Orders

1. **CDRC Case # V 11-5210 Edwin & Francesca Lemus Variance. Edwin & Francesca Lemus, Applicants, Santa Fe County Open Space and Trails, (Colleen Baker), Agent, Requested a Variance of Ordinance # 2007-2, (Village of Agua Fria Zoning District), Section 10.6 to Allow a Land Division of 1.534 Acres Into Two Lots: One Lot Consisting of 1.050 Acres and One Lot Consisting of 0.483 Acres. The Property is Located Off Agua Fria Street, at 1994 Vereda San Antonio, within Section 32, Township 17 North, Range 9 East (Commission District 2) APPROVED 5-0. Wayne Dalton.**

VIII. APPROVAL OF MINUTES

A. Approval of October 25, 2011 BCC Minutes

CHAIR VIGIL: Are there any changes to the minutes?

COMMISSIONER STEFANICS: Madam Chair, I move for approval of the October 25, 2011 BCC minutes.

COMMISSIONER ANAYA: Second.

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

VIII. B. Approval of November 8, 2011 BCC Minutes

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move for approval of the November 8, 2011 BCC minutes.

COMMISSIONER STEFANICS: Second.

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

IX. SPECIAL PRESENTATIONS

A. Retirement Steve Vogel 20 Years and 8 Months of Dedicated Service to Santa Fe County Presentation by Fire Chief David Sperling

CHAIR VIGIL: Welcome Mr. Sperling and welcome Mr. Vogel.

INTERIM CHIEF DAVE SPERLING: Thank you, Madam Chair, members of the Commission. It's my pleasure to present Steven Vogel who's getting ready to retire from the Santa Fe County Fire Department, I think he's our first regional staff member to retire from the field. Steve Vogel is being recognized by you today and it is very much appreciated. There are also a number of firefighters who he has worked with throughout the years in attendance and I would I very much appreciate their coming to witness this historic event.

Lt. Vogel started as a volunteer with the Edgewood Fire District in 1987 and as note that was a full 10 years before the Santa Fe County Fire Department was officially formed. He began as a career employee in 1991 as both a dispatcher and a firefighter in Edgewood. And, again, that was before 911 dispatch was present in Edgewood so apparently he would take a call, dispatch it and run out to the apparatus and respond. He moved at one point to Fire Prevention as a Fire Prevention Specialist and returned to the field, went to paramedic school and then became a lieutenant. He is now supervising a crew of five responding out of the Edgewood Main Station and his crew and staff recognize him as a strong supervisor and leader for his crew. He is extremely well versed in the Edgewood Fire District and the challenges that that district presents, such as long transport time to Albuquerque. And, he's also acknowledged as an appreciative, kind and caring supervisor. For instance, during a recent large snow event he willing offered his home to anyone stranded by the snow event. He goes above and beyond the call of duty because in his words, "it's the right thing to do."

It's also acknowledged by staff that Lt. Vogel is a free thinker, an abundant speaker, he's gregarious and assertive, and when he gets a bur under his saddle he'll let everybody know. It's common in the fire service when someone is getting ready to retire the joke goes around of what are you going next and perhaps you should consider being a Walmart greeter. In this case, I think it would fit right up Lt. Vogel's alley. And, Walmart if you're actually listening, staff request that you please hire him. Otherwise, we're afraid that he's going to be visiting the station everyday and drinking all the coffee.

But, certainly, Lt. Vogel is leaving Santa Fe County Fire Department a better place than he found it. We'll miss him. We wish him the best of luck in his retirement and I have a certificate on behalf of the County and a plaque from the Fire Department Administrative Staff to present to Lt. Vogel.

[Lt. Vogel received a round of applause and photos were taken]

CHAIR VIGIL: Chief Sperling, the microphone is still yours. You can turn it over at any time.

CHIEF SPERLING: Thank you, Madam Chair. I just would like to note that this plaque is made by one of our field staff members, Amada Barclay who hand cuts them herself. At this time I would like to introduce Lt. Vogel and see if he would like to say a few words on his retirement.

CHAIR VIGIL: Welcome and congratulations.

LT. STEVE VOGEL: Madam Chair, Commissioners, staff and just thank you. Thank you so much for taking the time out of your busy schedule and long agenda today to recognize me and the efforts that I have given freely to this County for a long time. I'm going to miss everybody. A piece of me is going to stay here – where my heart and soul and blood and tears, and all of that I give freely to the residents and guests of Santa Fe County.

It has been a pleasure and my honor to serve them. A large part of what I'm leaving is a big chunk of my hair so if you see that please return that. I did have a lot more when I came here. I'm beside myself with honor and pride to accomplish all of these years and I only ask that you please continue to support the Fire Department as you've done in the past. You've been a grace for us to grow and serve the public. It's been, again, it's been an honor. Thank you very much.

[Lt. Vogel received a standing ovation]

CHAIR VIGIL: Thank you, Steve. You'll have to stick around, we're not done with you. We haven't gotten to the roasting part. We do have Commissioners who would like to express their gratitude. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, for the record, that is the shortest conversation and speech that Steve has ever made.

Lieutenant, Steve, Mr. Vogel, you've been there and done that with Santa Fe County Fire Department. You've been a volunteer. You've went into homes and helped people in their most challenging time. You've helped them along side the highway. You've worked with your fellow colleagues, volunteers, and your community members throughout your entire career. You are a consummate professional. You are a wonderful human being. You're funny. You're direct and you were truly and sincerely always in it to help people out. And for that I'm honored to congratulate you on your many, many years of service in all capacities. I know you're not going anywhere and we'll have to track you down and keep you around. I think we do want you to drink some of that coffee now and again but maybe not every day. But we really appreciate and respect you, Steve, Lieutenant, Steve, Mr. Vogel, we wish you, and I wish you, the best of luck. And thank you for serving not only the community of Edgewood, not only the Santa Fe County region but the entire State of New Mexico. Thank you very much, Steve, I appreciate it.

CHAIR VIGIL: Okay, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'd like to thank all of those who came to honor and respect Steve Vogel today. Retirement can be an emotional time but it's also a time to accept what your peers are trying to give to you which is a big thank you and a big honor in being part of your work here. If what I hear is true though, I think you should continue contributing to the coffee fund. Thank you very much.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, I just want thank you so much, Lt. Vogel, I've never really gotten to know you but one thing I do know for sure is that people like you who make our County a great community and that's the best thing of

all to be a community and help each other out. I know that you have done that. So I just want to thank you from the bottom of my heart.

CHAIR VIGIL: And, Mr. Vogel, I just want to say that for the longest time when you were under the mantra of Homeland Defense we were looking at folks like you and our Sheriff's Department and other enforcement officials as first time responders and I thought that was appropriate, that's the language of the Homeland Security commitment to dollars from the federal trickling down. But I've also thought of you as first line of defenders. Not only are you out there as a responder and the first one to be there but you are doing that not only to protect but you care and carry someone to the hospital or prevent a fire from emblazing itself, but you're doing it to protect the remainder of the community. That really was my sense of appreciation for the kind of work you do. Every time you're out there you're actually protecting me, my family, my extended family and friends of Santa Fe County as a whole, our employees, our residents, our citizens – Thank you so much for doing that. Gosh, as much experience that you have I can't help but to wish you well and that you go onto something that is really rewarding to you because you've certainly rewarded us. Thank you.

LT. VOGEL: Madam Chair, Commissioners, thank you so much. I'm so glad the roast was short. I like this a lot better and honest it has been a privilege and I won't be far away if you ever need me.

IX. B. Retirement Robert Riggs 18 Years And 5 Months Of Dedicated Service To Santa Fe County Presentation By Sheriff Robert Garcia And Undersheriff Ron Madrid (TABLED)

IX. C. **Retirement Jack Kolkmeier 15 Years And 9 Months of Dedicated Services to Santa Fe County, Presentation by Deputy County Manager Penny Ellis-Green**

CHAIR VIGIL: We have another retirement and this the retirement of Jack Kolkmeier and this will be presented by Penny Ellis-Green. I want to first of before I turn it over to Penny, thank all of the staff that came together to prepare a lovely luncheon for Jack. And think about this Jack, in terms of your resourcefulness, this was a combined Christmas party go-away luncheon. Are we being resourceful as you are? Penny, it's all yours.

PENNY ELLIS-GREEN (Deputy County Manager): Thank you Madam Chair, Commissioners. I am very pleased today to be able to present this certificate to Jack Kolkmeier on his retirement from the County. Jack began working as the Planning Director in early 1996 and moved to his position as the Director of the Growth Management Department in 2007. Jack has been a key player in many projects including three economic development ordinances, including Farmers Market, BPIs which is still in the process and the Santa Fe Studios projects which began way back in 1996 as a business park. Jack has also been heavily involved in the start of the rail trail, including the Santa Fe County rail trail video, and the start of the County Open Space program which led to COLTPAC. Through his ability to understand all sides of an issue, Jack is

able to mediate intense situations where there are big divides in community feelings. He has created two general plans in his time with Santa Fe County. Firstly the 1999 Growth Management Plan which introduced the concept of growth areas and the community planning process and this is now produced 13 community plans or district plans throughout the County and the development of the Community College District Ordinance. More recently, Jack has done the 2010 Sustainable Growth Management Plan and the start of the public input process for the new land development code.

Jack takes with him a wealth of knowledge about planning and development in the County. For those who worked with him, he's a visionary planner, he's knowledgeable and he's generous, and he's become a friend to many of us. I'd like to wish him the very best in his retirement and the next phase of his life which includes travel and a lot of time to spend with his first grandchild who is due any day now.

Before I ask Jack to come up we have a short slide show to show everyone.

[Following the slide show, Mr. Kolkmeier received a standing ovation.]

MS. ELLIS-GREEN: Madam Chair, Commissioners, I am pleased to present this to Jack, this Certificate of Appreciation and I would like to ask him to say a few words since we all know he's very at home behind a microphone.

JACK KOLKMEYER: Thank you very much and thank you for the nice little informal luncheon we had this afternoon where we had a chance to really share some nice remembrances of each other. That's going to shorten what I have to say also.

I'd like to take the opportunity right now to thank so many of you. First of you as a Commission and I think I've been through six or seven at least Commissions. When I do get to make a political movie you'll all be characters in it, trust me. It's been a pleasure to work on all the project that Penny mentioned and they were actually projects that were done in collaboration with policy makers of this County and I really appreciate your support for me and my staff over the years. It's meant really a lot to me. And, also the management, the County attorney, the County manager, County clerk and all the department directors. You know this is a great team and we don't always see things the same way but we manage to get things done in a way that is always cooperative. And I really appreciate that with everybody.

I've had the most incredible staff. And I'd like if staff would stand up for a moment, all my staff here – we closed the office and I've had the most amazing supervisors in Robert Griego, my planning director, Shelley Cobau, Wayne Dalton, Amanda Hargis, and my assistant Constance Lujan. When I took over the director of the Land Use Department I said we were going to operate as a working family and eyes rolled and everybody said oh yeah that's a great management style. But as I was talking with Bernadette a little we're had very few problems in the land use and growth management department and I think it's because we really took on that role that we are a family together and we've worked that way and we've solved many problems by just solving them amongst ourselves and working things out and realizing that we have incredible jobs here in the County and we value them and we've managed to work through them.

I really appreciate – and I don't know where you got those photos. There are number of complicit people in that particular production. The alter boy one I love. The

first communion one, one of my cousins saw that one recently and said you know during the day everyone thought you were an angel but boy at night you were really something else. Seeing those really wonderful pictures of my family was really great. And I'd like to really thank my family over the years. My parenting partner, Alex, and my two sons Sonny and Nick all the years that they put up with me going to night meetings and different things. And my lovely partner right now Jenny Ritter who is actually my girlfriend from high school back in the '60s and I appreciate her support.

The pictures reminded me of just – well, first of all I wondered why Steve Vogel had all these things that he was here first before and as I was listening to that, I guess as the land use administrator, I was here before water, so I guess I'm older than water. But I was thinking when I was looking at those pictures another thing I haven't shared with anybody here in the County but I originally came to Santa Fe in 1976 to study filmmaking. I attended the Anthropology Film Center and wanted to be a camera operator and documentary filmmaker and I studied screen and playwriting at Ohio University. And when we were out at the Studios a couple of weeks ago it was just an amazing experience in that I came here to do something, grew away from it and ended up being there to watch something that I had been such a huge part and not knowing that it would happen in that same way. And that's really what Santa Fe County has been like for me. Because the other aspect of that is my family started in the movie business in 1944. My father worked for 40 years for Universal and I never, ever would have suspected that it would have come around this way but it did and that's because of the beauty of Santa Fe County, the beauty of its landscape. Its opportunities and its people and I consider myself blessed to have been with you all for 15 years and I thank you very much. My blessing to all of you and my deepest thanks for the opportunities that you've given me. Thank you.

[Mr. Kolkmeier received a standing ovation and photos were taken.]

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Jack, I just want to say that you have been a real inspiration. Your knowledge of course on land use issues are unparalleled by more than anything else it's your vision sense that inspired me. If somebody had told me 20 years ago when I was in my boring old job at the lab that I was going to be fascinated about land use issues I would have told them that they were crazy. But, no, it's true: I am fascinated by land use and it's because and largely because of your inspiration that I am fascinated by it. Now, I know that in your retirement you're probably not going to be sitting around watching TV. I know that you're going to be doing something interesting and unusual and helping out your community in some way. So I really want to wish you the best in your retirement and that it becomes a rewarding new chapter in your life and I just want to thank you on my own behalf and on behalf of all the people in Santa Fe County. Because you have made this a better place and your legacy is going to live on. Thank you, Jack.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I had told Jack this earlier but the comment is really for the public that when he is leaving his

position he has provided assistance and leadership to the County that he will be able to look back on how his policies and philosophy has affected the codes and ordinances here at Santa Fe County and we truly appreciate all of the hard work. Not only the hard work but the mediation and earlier today we remembered a situation that I was in and he was in and he did a wonderful job mediating between two communities who really were hissing at each other one evening, a couple of hundred people, but he had some mediation capabilities and skills to make everybody come together. Thank you very much.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Dr. Feel Good out there in the radio world. Many people go through their lives in the shadow and quietly never step up to say anything or do much, that's not you. You've always stood forward. You've always said what you thought and you've always sought to get more input. And you didn't seek input that was from your perspective or your perspective alone. You sought input in the greater good and for the community. You went into many, many tough meetings where I know it was tough to walk in and tough to listen to the comments and tough to listen to the criticism that were rendered at the meetings. But you stuck in there and did it time after time after time and you kept coming back. And early on in my term as a Commissioner, I enjoyed working with you as a colleague and I've always considered you a friend but I really have a great deal of respect and admiration for what you've tolerated over the years because you took the criticism. You accepted it and where there were points that were valid that could better the plan that you were working on or the code that you were working on you incorporated those and you agreed to disagree with people but you kept coming back. And so you're a leader in the family. You're a leader in your community and you absolutely will be missed. Your candor will be missed. Keep on keeping on. I hope to hear you on the radio again and who knows maybe Commissioner Kolkmeier is in your future some day. But good luck to you Jack, I wish you the best, you and your family and blessings to your new grandchild and the great times that you'll spend.

CHAIR VIGIL: Jack, I'm just going to highlight the words of the qualities that I think you exemplify an employee that is – critical to the operation of Santa Fe County. And that presents a letter of each one of your names. You are jovial. You're admiral. You're courageous. You're knowledgeable. You're kind. You're open-mindedness. Your leadership, you're Karo syrup, which I have to explain. You're so easy to swallow and that's because of your diplomatic way. You're a master and I think I mentioned that and I will continue to mention that I have always taken pride in our Land Use Department and wherever I go I think that we have the best in the state and I always have and I hope as Commissioner Stefanics has mentioned that your legend and the leadership that you provided continues to keep us in that direction and growing. Your experience, your yielding cautions, you're enterprising and above all, and as I said earlier I really need to end with this note, if I leave being respectful and respected as you are, I will have done my job. Thank you for doing your job.

MR. KOLKMEYER: Thank you, Commissioners. Thank you very much.

IX. D. Employee of the Quarter (Third Quarter of 2011) Dennis Patty, Presentation by Fire Chief David Sperling.

CHAIR VIGIL: We now have another employee to honor and Fire Chief David Sperling will be giving those honors to Dennis Patty. Dennis if you would step forward and Chief Sperling the floor is yours.

CHIEF SPERLING: Thank you, Madam Chair. Members of the Commission, I would like to introduce Dennis Patty who is Santa Fe County's Employee of the Third Quarter 2011. Dennis is Santa Fe County's Fire Department Fleet Manager. He began his career as a volunteer like so many of our members and was a founding member of the Agua Fria Fire District back in 1991. He told me at that time he had a mechanic's shop on West Alameda, recognized that there was a need and, again, like so many in the Fire Department, just stepped forward to make it happen. He also received some encouragement from his brother who is in attendance today, Captain Buster Patty, and as many of you know he is our Prevention Captain. Buster was also a founding member of the Agua Fria District.

Dennis went on to become an officer in the district and then district Chief in 1996 and he did everything and anything to attain the numerous certifications that go along with being a competent, structural, wildland and rescue firefighter. He was hired by Chief Holden in July 1998 and has been our Fleet Manager ever since.

Dennis does a great job managing two emergency vehicle technicians. He oversees and participates in repairs on our fleet 177 vehicles and trailers and coordinates annual fire pump testing, ladder testing, hose testing and numerous other jobs. He also is charged with record keeping for those many activities. He is instrumental in our purchasing decisions for apparatus and equipment and Dennis has an incredible knowledge of all aspects of fire equipment and fire apparatus down to the tiniest details. He still responds as needed and frequently on a fire scene. He can be out snowplowing, taking a repair truck to an emergency situation. He'll be working on repairs any time day or night, weekends, holidays, you can count on Dennis Patty will be available and making it happen.

Dennis, I am honored to present you with Santa Fe County's Third Quarter Employee of the Quarter.

DENNIS PATTY: Commissioners, thank you very much. I couldn't have achieved anything that I've done without support of the staff of the fire department that we have. We just go out there and do our job the best we can and wouldn't expect anything less from anyone else. Thank you very much.

[Dennis Patty was presented a plaque, photos were taken and he received a round of applause.]

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Patty, Dennis, you have been a service to Santa Fe County and I think the best part about this presentation is that you're not retiring. You're going to stay and continue to work for Santa Fe County and

we appreciate that very much. I'll tell you, Chief Sperling, I'm going to steal words from him, you can count on Dennis. If it's broken he'll fix it. And if you need help he'll be there. Dennis, thank you for your many years of service and we look forward to many more. Thank you very much.

CHAIR VIGIL: Yes, thank you very much and congratulations on being Employee of the Quarter.

IX. E. Certificate of Acknowledgement to Gannett Fleming West for Receiving the ENG Regional Award of Merit for the South Meadows Roadway, Bridge and Utilities Construction Project (Commissioner Vigil)

CHAIR VIGIL: Welcome and please let us know where you came from.

JOSEPH SANCHEZ (Gannett Fleming West): Madam Chair, Commissioners, I am an engineer with Gannett Fleming West and we have a local office here in Santa Fe. We're a national/international firm. We were very fortunate to work with Santa Fe County on many of their projects and this particular project proved to be a difficult project with many challenges but fortunately with teamwork and cooperation and Santa Fe County support it turned into a successful project. Recently I attended regional awards for engineering [inaudible] and this particular project, the South Meadows Roadway Bridge and Utilities Project won an award of merit, which is the second best project in the region of Nevada, Arizona, and New Mexico. To me that was a very big deal because we were competing against other projects of \$30 million or more. This particular project's value was \$3.3 million. So the technical challenges that were overcome and the quality of the work that came out of it was recognized by our peers and we'd like to go ahead and present this plaque to Santa Fe County in recognition of Santa Fe County's participation in the transportation process for all its residents of Santa Fe County.

CHAIR VIGIL: Joseph, thank you very much. I'm going to accept it, just technically accept it. It really does go to our Public Works folks who worked close at hand with you. So Robert Martinez would you please identify the team workers on that so we could recognize them.

ROBERT MARTINEZ (Road Director): Madam Chair, thank you. At this time I would like to acknowledge Carlos "Chuck" Vigil who is our projects manager and his staff, Joseph Martinez and the other half of his staff couldn't show up today because they had a doctor's appointment and that will show you how small of a staff he is working with. But I would also like to acknowledge Legal and Procurement for assisting with this process and again to Joe Sanchez and George Herrera with Gannett Fleming West.

CHAIR VIGIL: Thank you so much for working with us. We actually had a ground breaking. It is a lovely bridge. I was at the groundbreaking representing that district and hearing the voices of so many residents in that area who needed a river crossing. I'm so honored that a state-of-the-art design river crossing such as that has occurred. And I know that we've had to have a few closedowns every night still yet

because there's going to be overpass built that will be closed and inaccessible to South Meadows. I will tell you that I will hear from residents again saying I want South Meadows Bridge back and they're just going to lose it temporarily.

Thank you very much, Joseph. I actually have a presentation for you if you'll hold on. This is a certificate of service for outstanding service and it's from the Board of Santa Fe County Commissioners to Gannett Fleming West Incorporated for their engineering design and project representation services on the South Meadows extension project. Thank you for your professionalism, dedication and perseverance. We represent the best quality that we can to our residents and you being a part of that project does highlight that. So I'm going to give this to you and I have another presentation – we'll go down there and give these to you. Chuck, you need to stand up for this one. Chuck, I know you haven't been with the County as long as some of the ones that are retiring today but you've made a wonderful impression and certainly this project was part of the impression. This is a recognition of your outstanding public service and commitment to excellence and contribution for planning and designing the South Meadows Road Extension project selected for one of the engineering record best project for 2011. I want to present this to you signed by each one of the Board of County Commissioners on this the 13th day of December. Commissioners, if you would join me.

[Certificates were presented and photos were taken.]

CARLOS "CHUCK" VIGIL: Madam Chair and Commissioners, thank you very much for this award but along with everything else when we start these projects, we start these projects with everybody as a key effort and a lot of times we have the people in the background that sometimes aren't really recognized for all the efforts that they actually do. So at this point in time I would really like to thank my boss, Robert Martinez, for all the support that he's given us and help to alleviate some of the gray hairs I would have normally that he took on. Steve Ross and his staff for helping us kind of stay out of problems and support from Katherine Miller and a lot of our change orders and just trying to get this project up and rolling. We had a really excellent staff in our procurement department as well as some support from our utility department as well. So there were a lot of people that were part of our team that made this project a success.

CHAIR VIGIL: Thank you very much, Chuck, and thank you Robert for running a wonderful public works facility and thank you for this wonderful contractors who are now winning prizes. Thank you gentlemen.

IX. F. Certificate Of Appreciation To Members Of The Employee Benefits Committee (Commissioner Vigil)

CHAIR VIGIL: Members of the Employees Benefit Committee will you please step up and sit in the front row. I'm not sure everybody is here but I'm going to list all of your names. Members of the Commission and members of the audience these are employees who go above and beyond the call of their duties because they serve to benefit other employees in the County and I'm going to list – Mark Rodriguez, please stand, who is president of the Employees and Evelyn Valencia who isn't here today with our Finance Department, she's vice president. Lynette Gallegos who is the treasurer and

works with the Clerk's Office. Gabriela Trujillo, secretary, Gabriela is not here. Julia Valdez, constituent liaison from the Manager's Office and Julia please stand. Kristine Mihelcic, our public relations officer in the Manager's Office. Andrea Romero from Senior Services, she isn't here. Joshua Romero from Utilities, great Joshua. Maria Elena Montoya from Fire. Roxanne Lujan from the Sheriff's Office. Nicole Dixon from the Assessor's Office. Who else isn't here is Sammy Romero from the Building Services. Socorro Ojeda from E-911; Margie Romero from Human Services; Gisele Gonzales from Human Resources and Deborah Dominguez from Utilities. I have certificates of appreciation for all of you and we're going to go down and give them to you. I just want you to know that the certificate of appreciation is to let you know that what you do does not go unnoticed. I participate in the Christmas party that was put together and that was the last event I think that you all organized. It takes a lot of work, a lot of organization and a lot meeting of the minds and a lot of balancing of the budget. And this is huge budget to make things like that happen and you represent a good cross section of the employees in Santa Fe County and you do do a wonderful job.

So Commissioners if you would join me in presenting these certificates to these employees for their dedicated service and commitment to the Employees Benefit Committee.

I'm going to turn it over first to Commissioner Holian, Mark, do you want to address us before we address you?

MARK RODRIGUEZ (President Employees Benefit Committee): Madam Chair, Commissioners, I just want to thank you all for all of your support. Also I want to thank the County Manager for all her support on helping us continue to do this. It's a lot of volunteer time that these people are putting in and I appreciate all of them and the time -- during the day, having to be here all day and then at night and weekends for the events. So thank you all and I haven't had this opportunity but I'd like to thank everyone on the committee and I'd like to thank you all again, appreciate it.

CHAIR VIGIL: Thank you, Mark. Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, thank you Mark and thank you Committee members for all you do. Not only are the events you organize fun but I think that they really give us a sense of family here in this County and I think that's an incredibly important thing. So, again thank you.

CHAIR VIGIL: Commissioner Anaya.

Cs: Madam Chair, Mark and the entire committee I appreciate very much what you do. In the last maybe 15 years I've probably missed two Christmas parties. I couldn't attend this year's Christmas party because of some other obligations but I do very much appreciate what you do and how you help the employees and the events that you provide and I gladly support those events. Thanks again. I appreciate it.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to point out that the Employees Benefit Committee has worked on many things. It's been the Christmas party. It's been the employees' picnic. It's been the Halloween prizes and contests and probably some other things I don't even know about and so I think that the group of people must be

really fun loving. They must like to plan parties and I'm really grateful that there's a group of staff who want to do that. Thank you very much.

CHAIR VIGIL: Thank you so much. You know we don't rarely get the opportunity to recognize employees so I welcome it. And it is really a heartfelt thanks that I underscore everything that's been said. Mark, every since I've known you you've been very actively engaged in trying to promote activities for Santa Fe County employees. I so appreciate that. Everyone who serves on the committee for stepping up to the plate and also we need to recognize that you all go above and beyond the call – that's exemplary. Those are the kind of employees that touch all of our hearts. And, Katherine would like to say a few words.

MS. MILLER: Madam Chair, I want to echo what all of the Commissioners have said but also I want to add that I think a lot people don't realize as Commissioner Stefanics said how many events that the employees put on but they do it not with a budget that comes from the County but a budget that they actually generate themselves from all the funding raising – the frito pie sales, the work on the weekends, the Indian Market and the Spanish Market and it takes a lot of time and a lot of coordination. They really bring a great deal of community spirit to the County employees/County staff and it's really wonderful that you do. I think a lot of people think that the County administration puts on the Christmas party and puts on these events and we don't. You all do it and it's greatly appreciated and it's a lot of fun and in any way that the Commission and the management staff can support you in continuing the type of initiative that you do and the creative ideas that you have to make it fun for employees here. It's really wonderful. Thank you very much all of you and I think it's wonderful that you work to put these events on. Thanks.

CHAIR VIGIL: Thank you.

MR. RODRIGUEZ: If I may, Katherine and Commissioner Holian, the events that we do do as far as our fundraising so we can have our events, all your vending machines are on contract and that's part of our fundraising so supporting the vending machines makes a lot of the funding for us. Indian Market is one of our major players and we end up – that's all year round it's not just that weekend cause you're constantly working with the people that are coming in and renting the booths and everything. And then the weekends we're here Friday nights, Saturday and Sunday working on all of that. So I really appreciate all the staff helping with all of that.

Halloween is not one of our biggest fundraisers but it's a fun fundraiser and it helps keep people in the County motivated. That's what we like about that. You know, we do the frito pie and do all that but we do the costume contest, the office contest and all of those little events. We are trying to come up with more and more to do and we're talking with Ms. Miller, the County Manager, with different things that we want to do this year to expand a little bit more and hopefully keep going and improve for everyone.

I appreciate all your help and all your support for all of us.

CHAIR VIGIL: Thank you, Mark and Thank you Employees Benefit Committee very much.

X. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

None were presented.

XI. MATTERS FROM THE COMMISSION

A. Resolution No. 2011-187, A Resolution to Support Buying Local and Being Creative with Purchases (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, it's that holiday time of year and I know a lot of us are out there looking for the perfect gift for our friend or our family member. I know I sure am or at least I will be next week when I'm not quite so busy. In any event, I would like to thank – first I should say that this resolution is about the importance when you're out there shopping for that perfect gift of supporting our local community and our local economy.

I would like to thank Alice Sealy for bringing this to my attention and she drafted the first resolution but also there were a number of people in the Manager's office who helped to edit it and make it a very beautifully written resolution. So I think that what I will do rather than stating what's in here is just to read it. Before I start reading it though I would like to recognize that Vicki Pozzebon, Executive Director of the Santa Fe Alliance is in our audience here and I would like after I read the resolution for her to come up and say a few words.

This is a resolution to increase awareness of the importance of supporting our local economy as a means of preserving local jobs, encouraging innovative local young businesses and maintaining Santa Fe County's identity as a unique and creative community. Whereas the County of Santa Fe is committed to supporting a diverse local economy by buying local and purchasing creative gifts year-round as well as during the holidays. Whereas, the goal of the buy local campaign is to promote understanding among Santa Fe County residents of the importance and value of buying goods and services from local business. Whereas, Santa Fe County encourages individuals to think creatively when it comes to purchasing gifts by choosing practical gifts, such as gift certificates to a local hair salon, barber, restaurant, mechanic, nail salon or other local business. Whereas, purchasing locally-made or locally-grown gifts such as jewelry, paintings, tinwork, clothing, woodwork or other items is vital to preserving agriculture, local businesses and the American entrepreneurial spirit. Whereas, if people can shift as much of their spending as possible to an area company, then those dollars can help save a job or keep a local business open. Whereas, the Board of County Commissioners is issuing this resolution to recognize the strong community pride our businesses, employees and residents have when buying locally. Now, therefore, be it resolved that the Board of County Commissioners hereby recognizes the value of buying local which includes handmade and edible goods as well as creative and practical purchases. Be it further resolved that among the benefits of buying locally are enhanced convenience and service, reduction in congestion and pollution from not having to drive private vehicles

long distances, support of jobs for employees working in local businesses and retention of sales tax within the community to support local services. Be it further resolved that supporting local independent businesses is in the best interest of Santa Fe County area residents and the community because they are part of the traditions and heritage of Santa Fe County and are critical to maintaining a socially, environmentally and financially sustainable local economy for its citizens.

Madam Chair, I move for approval.

CHAIR VIGIL: Second.

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

COMMISSIONER HOLIAN: Madam Chair, may I ask Vicki to come forward.

CHAIR VIGIL: Yes, please come forward.

COMMISSIONER ANAYA: Madam Chair, I have some comments.

CHAIR VIGIL: Okay.

VICKI POZZEBON: Good afternoon, Commissioners. I want to thank you and acknowledge that the City of Santa Fe has on a number occasions declared "buy local week" and this is the first time the County has, in fact, done a declaration or proclamation for buying local across the County and I think that's a huge thing. So thank you so much and thank you to the employees from the County who brought this forward to Commissioner Holian I certainly appreciate that.

We are an organization that supports the local economy by educating the community and promoting our local businesses and we are all about creating local jobs and how a dollar spent here stays here. What I wanted to do today was to really briefly just bring up a couple of numbers that I think will have some meaning and impact for you and for your County employees.

In another state, in Michigan, a county had a study done that suggested if they could shift 10 percent, just 10 percent of their per capita spending in that county, they could raise \$140 million in rural economic development money. Then they would create 1,600 new jobs. That's a big deal and I think we could do that right here in the County and I thank you so much for this proclamation because our efforts support local people and your efforts to support us as an organization has paid off. And I want to give you one more bit of good holiday cheer that over the course of the past summer we had a farm to restaurant project where we were able to support local farmers across northern New Mexico and Santa Fe County with over \$55,000 that local restaurants purchased through our program for local food for those restaurants and that was only in 16 weeks that we were able to deliver over \$55,000 to farmers across northern New Mexico and Santa Fe County.

So those are big numbers and we want to give that gift to you for the holidays and thank you all for supporting and buying local first all year long.

CHAIR VIGIL: Thank you, Vicki. I will turn this over to Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Commissioner Holian, I very much appreciate the resolution supporting buying locally. I think what I would add as a comment is that we need to also be friendly to those people who are doing business in Santa Fe County relative to our code and our regulations and I believe in certain areas we need to encourage more growth of local business and in some ways the County in some of our sectors has discouraged some of that local business and those are things that we have opportunities to deal with now while we're working on the code but I know that in the southern part of the County, for example, businesses many time would rather do business in Torrance County because it's easier for them to go through a permitting process and less expensive. And I think many times through our code and regulations we only allow for people who have a lot of money to be able to go through a process that should be open to anybody if they're doing a reasonable local business and I would like to know if you'd like to comment on either of those two items?

MS. POZZEBON: Thank you, Commissioner. I think that you're absolutely right and I think the growth of local businesses in Santa Fe County not just within the great city area either, basically because we need to look at the entire county and we have supported a number of efforts for the planning – the plan that has come up for sustainable growth and planning reports that have come out and we are happy to have any further discussions and help in any way that we can to help local businesses. And to think about what are the issues that are a barrier for local businesses to expand in the County. I would be happy to help you.

COMMISSIONER ANAYA: Yeah, Madam Chair, I appreciate that because I think we need that. I think now more than any time we need to figure out in our code where we have intermediate steps between a home occupation and the requirements associated with a large Walmart and I think there's a big jump in our code as it exists now and I think we need to have a business code or a business-friendly code that allows for the smaller local business to meet the intent of the code and the plan but not be so onerous that it discourages them from investing or starting a business at all.

MS. POZZEBON: Happy to review that with you. Yes, thank you.

CHAIR VIGIL: Thank you, Vicki. We had a motion and a second and the motion has passed and we're all honored to support this.

XI. B. Request Approval of Resolution: 2011-188: Supporting 2012 Farm Bill Priorities as a Means to Securing a Regional Food System that is Just and Accessible for all Members of Santa Fe County Community.
(Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Madam Chair. The idea for this resolution came forward to me from the City/County Advisory Council on Food Policy. Now, we all know that in our community sadly there are still many hungry people and many people, particularly even children lack access to nutritious food, particularly those who live out in the rural areas. At the same time we have many small-scale farmers and ranchers who are barely eking out a living in our community. I think

this is really a tragedy because in our county, in our area, in our state we've had a proud history of agriculture over the centuries. Another problem that we have, in my opinion, is that 98 percent of the food that we consume here comes from outside of the region and also there is very little food storage here and I think this is really an issue that is quite related to emergency preparedness.

Not too long ago I read a book called *Pueblo Indian Agriculture*. I bought the book originally because I thought it was going to give me tips about how to grow things in this really challenging climate but it turned out to be a book that was a history of agriculture at the pueblos over the centuries. And one thing that really struck me was that a typical pueblo at the time that the Spanish came north in what is now northern New Mexico, a typical pueblo would have three to five years worth of food stored up. I must say that probably in Santa Fe County we're lucky if have a week's worth of food stored up. I know that the entire world only has two months of food stored up. In my opinion that is a huge problem.

Now coming up shortly the US Congress is going to be considering the 2012 Farm Bill. Now even though this is at the federal level it is definitely going to heavily impact our local regional agriculture and our local food security issues. Now the Santa Fe City and County Advisory Council on Food Policy in connection with such partners as the State of New Mexico Food and Agricultural Council has given a lot of thought as to what our state and local priorities should be in this bill. Now, I am not going to read this resolution but rather I am going to ask Pam Roy from our Food Policy Council to come forward and discuss the issues that we should be concerned with in this upcoming bill, Pam.

PAM ROY: Madam Chair and Commissioner Holian and Commissioners thank you very much for the opportunity to be here and with my colleagues from the Santa Fe Food Policy Advisory Council. We do take the Farm Bill very seriously so we consider it the Farm and Food Bill and we've been working on it for almost a year as not only part of our Santa Fe Food Policy Council but as Commissioner Holian mentioned with the New Mexico Food and Agriculture Policy Council. We've had three listening sessions around the state and have worked on this locally at our food council here in Santa Fe County.

Just to give you some very brief examples of how this upcoming Farm Bill can be a benefit to Santa Fe County and the State of New Mexico, I'll just give you a few examples really locally. In the resolution we talk about infrastructure and as you all know here in Santa Fe County our school district purchases New Mexican grown fruits and vegetables when available. That program started around 10 years ago. Santa Fe School District was one of the first school district to do that and we actually have farmers who have invested infrastructure in northern New Mexico to hold things like apples into March and schools are getting the best apples, better than you can get out of a store or from Washington state or even New Zealand, they come that far during that time of the year. So there's infrastructure initiatives that I think will be present in the new Farm Bill along with an initiative called Healthy Food Financing Initiative. This will provide funding potentially for rural and underserved urban communities food retail. So grocery

stores, food outlets those servicing food for retail and certainly in New Mexico we need that and in our county.

Just a couple of other examples. SNAP the Supplemental Nutritional Assistance Program provides grocery stores with what we call electronic benefit transfer machine . The machines that we run the SNAP card through for the Supplemental Nutritional Assistance benefits for low-income residents. Our farmers markets has those machines but they have to pay for them so in this upcoming farm bill many of us across the country are working together to make sure that those machine provides equal for farmers markets to actual receive those machines instead of having to pay for them since grocery stores gets them for free as well.

A couple of other things. The Seniors Farmers Market Nutrition Program one that we advocated for in the last Farm Bill, first time New Mexico received funding for it almost half a million dollars and here in our county about a third of the farmers markets here actually, about a third of our customers that are part of the supplement program utilized that. There's actually an 81 percent redemption rate across the state of seniors buying local produce through that program. They're low-income. So those are just a few examples of programs. The one other one here that our schools benefit from is the Fresh Fruit and Vegetable SNAP program. Again, that was introduced in the Farm Bill. We have four schools with about 5,000 kids, about \$100,000 that comes to the City of Santa Fe's schools.

So, thank you and I'm happy to stand for questions.

COMMISSIONER HOLIAN: Thank you, Pam. And, I move approval.

CHAIR VIGIL: I'll second that. And I think there will be some questions before we take a vote. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. It's not so much any questions. I'm involved with the National Association of Counties Health Committee and specifically the disparities committee and at our national conference next summer which will be in Pittsburgh I believe in July, we intend to have a joint session with proponents of the Farm Bill and the Disparities Health Committee to look at how food policies in different counties are, in fact, courting farms and local produce and how it's relating to disparities and health. And right now we're one of the few counties in the country that is working on this issue. So I applaud us and I applaud you very much and I know you're always at the forefront of this but I just wanted to let you know that we're trying to raise the topic to the national level so that it will be discussed in relation to health. And I'm sure it's in relation to the economy. It's in relation to support of livelihoods et cetera but we see it as directly related to health as well. Thank you very much, Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Commissioner Holian. Good to see you, Pam. My comment would be this: I think it's important for us as we pass this resolution or any resolution that the Commission passes that we continue to do the work of actually putting stuff on the ground and making things happen. And I think you provided a good example, I've had other members of the council cue me about the Santa Fe Public Schools. But I stand in support of the

resolution but more importantly for me I'd like to see us actually do something with a resolution associated with what we purchase from Santa Fe County for senior programs and what the other schools throughout the County that serve county residents are doing, Moriarty, Edgewood school district, Española School District, Pojoaque School District, Pecos Independent Schools – these are all school districts that serve our kids not to mention the charter schools and other private educational institutions in the community.

So what I'm hopeful for is that we take the resolution and we take piecemeal of what we can in those other communities and use the two other resolutions together, buying locally and working on our purchasing. So I guess, Madam Chair, my message to our manager would be that we work closely with you on our procurements and where we can we structure our procurements in a way that afford local growers the opportunity to sell directly to the County. So I'm hopeful in a year from now instead of you just talking and thankfully for Commissioner Holian for bringing it forward, but instead of us just talking about the resolution that you actually can say, look what we did in the county and these other schools maybe have joined on or maybe we'll come to find that they're doing some other creative things that we can build upon. So I appreciate you and your work. I don't know if you wanted to respond to any of that. I know I said a lot but I think we have more work that we can do.

CHAIR VIGIL: Pam, I just wanted to – I'll allow you to respond of course, you know Santa Fe County has really taken a leadership role in promoting policy-wise some of the things that would benefit both the resolutions that we're discussing here. And one of the ways that we did that was by creating a tax exemption for agricultural land. I'm not sure that many counties do that. That is a qualifying exemption and folks who are working in agricultural areas can come to the County for that. That's huge and I think that's something that could be encouraged statewide. I actually think that a lot of county residents benefit from our farmers market hugely because as I go to the farmers market I recognize that most of those residents are county rural residents so if we can advise them and learn from them some of the challenges that they serve, I think we can develop better policy but certainly our national affiliate, as Commissioner Stefanics mentioned, has addressed this issue from very many angles. The last one I was familiar with was looking at how it impacts obesity which was a huge presidential initiative [inaudible] and it's almost prevention. If you start dealing with prevention you don't have to do the intervention and you don't have to do the catastrophic responses sometimes. So there are Association of Counties and state and I know you've worked with Paul Gutierrez over there is also someone that may have some more ideas or should learn a little more in terms of the initiatives that you are working on which are very good and I applaud you. Thank you for the work you do. Do you want to respond to any of that before we take action or do you want to get your votes.

MS. ROY: Madam Chair, if I could just briefly address one, also I think the National Association of Counties itself last farm bill really had a priority list that was really supportive of what we're talking about today and so we look forward to actually working with you all on that. The public health piece and health piece is huge. And you're right, we have an epidemic of obesity in this country. The Health Department just came out their newest report here in New Mexico, 23 percent almost, 22.9 percent, of our

third graders are considered obese in New Mexico. And that's a really staggering number. So we are really placed in an important time with our local food and agricultural work. The farm bill will be really important for that. We're also seeing, Commissioner Stefanics, the public health arena is really coming as a partner to work on the food and agriculture pieces in the Farm Bill and we're really excited about that and look forward to working with you on that.

And, Commissioner Anaya, to your points as well. We are coactively working with your County food procurement director and his office and human services director here who is part of our Food and Policy Council, the local one. And we're working also with the Arriba County, Grant County, Dona Ana, Bernalillo and Taos who are starting local food policy councils or networks and Rio Arriba County is hoping to tap their first local procurement bill like you all did a year ago and they're hoping to that tomorrow. And Grant County passed theirs last January. So, you're right there's a lot of work that we can do together. We've also been able to do a little bit [inaudible] and pull out local food policy groups together along with our statewide food policy council to work on the local, state and federal issues collectively so we can keep building on this advocacy. Appreciate it and thank you very much for your time and consideration. Thank you, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Pam.

CHAIR VIGIL: Thank you, Pam. And with that we'll take a vote on this.

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

CHAIR VIGIL: Now you have a new representative as you know from the County, Duncan Sills will be at our Food Policy Commission and will be advising the County on how we would vote and policy making decisions. Thank you very much for being here.

XI. C. Resolution No. 2011-189, A Resolution to Endorse the Campaign to End Wage Theft in Santa Fe County (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would like to thank the Reverend Holly Beaumont for bringing this to my attention. Reverend Beaumont is the organizing director of Interfaith Worker Justice New Mexico. I have to say that I always thought of Santa Fe as being a really great place to work. That is that I just assumed that workers were treated fairly. And in fact, I think studies have been done that show that essentially 90 percent of the businesses in Santa Fe County do in fact treat their workers fairly but injustices are still occurring. I heard of one example, this is one business in Santa Fe, where the workers are forced out to clock out if there are no customers. In other words, the workers of course they can't go anywhere, they can't do anything because they have to wait there to see if anymore customers are going to come in but they don't paid for the time when there are no customers there. And I heard of another business where in fact the only workers who are allowed to get overtime hours are the workers who have pledged not to ask for overtime pay for those overtime hours.

Now these two examples that I've given you are actual locally businesses. They are not big corporations that are doing that. And I think it's also worth remembering that businesses who engage in these types of practices are not just being unfair to the workers, which of course they are, and I think it's actually immoral for them to do this, but they're also creating an unfair playing field for the other businesses out there who are doing the right thing.

Now, I'm happy to say that in 2009 New Mexico passed an anti-wage theft law, this is HB489, and it does two things. One it gives workers the right to file claims with the Department of Workforce Solutions if they have been treated unfairly. And against workers who have withheld their wages in any way. And, secondly, it protects those workers from retaliation from their employers.

Now this particular resolution, which, again, I will not read supports efforts by community groups, by legal organizations, by faith based organization, by the New Mexico Attorney General, by the New Department of Workforce Solutions, and by the US Department of Labor to eliminate the practice of wage theft in our state. And I would like to ask the Reverend Beaumont to come forward and to say a few words to us briefly about what exactly is wage theft and maybe you could tell us some of the organizations and groups that endorse this campaign.

REVEREND BEAUMONT: Thank you, Commissioner Holian and all of the Commissioners. We are very pleased to be here today. You have pretty well made the case for what wage theft is and it is rampant nationally and it is a huge problem here in New Mexico. So we passed the law in 2009 but as you know passing a law is only the first step. The next step is to get it enforced and that's what we want this campaign to achieve. In the interest of time I would like to read a list of our current confirm endorsements as you asked and that includes Mayor David Coss, Attorney General Gary King, the Central New Mexico Labor Council, and I'd like to acknowledge that president Jennifer Garcia and members of the CLT are here today and they have been enormously supportive of this campaign. Also, District 1199 of the National Union of Hospital and Health Care Employees and the Central New Mexico Labor Council and also one of the first business organizations to step forward was Santa Fe Alliance so we're particularly pleased that Vic Pozzebon is here today. Thank you very much, Vicki. And, then in terms of stabilized community organizations they include the American Association of University Women, Las Vegas Peace and Justice Center, Lutheran Advocacy Ministry, Center on Law and Poverty, Coalition to End Homelessness, Voices for Children, Result Santa Fe, Santa Fe Community Foundation, Somos un Pueblo Unido which is really not endorsing this bill but are partners and we're very pleased to have their staff members here and also members of their workers committee and then also St. Elizabeth's Shelter for the homeless and a number of safe communities including First Presbyterian Church, Santa Fe's Friends Meeting, Santa Maria de la Paz Catholic Community, St. Bede's Episcopal Church and the Church of Antioch. And let me just say this that it is so important that the community is standing behind the workers who are really the heroes in this campaign because without workers who are willing and have the courage to step forward and file a complaints against employers who are stealing their wages there would be no way for us to eliminate wage theft.

If you would indulge us, we would like to have Elba Castro who is a community organizer for Somos un Pueblo Unido introduce some workers who would like to tell you briefly about their experiences.

CHAIR VIGIL: If you could introduce just one worker that would be work really well.

ALMA CASTRO: Of course. My name is Alma Castro and I'm a organizer with Somos un Pueblo Unido and I just want to thank everybody here for all the support that they have given us after the 2009 [inaudible] campaign to really change something that our community felt was important because people were being affected by it. So I want to introduce Señora Gereda who is going to tell you a little bit about her story.

[Ms. Castro translated as follows for Señora Gereda]

I come before you to talk about what's happening with me and one of the people who went through New Mexico Workforce Solutions. We went because I and two other workers were – we had a complaint against an employer who didn't pay us after three months of work. At the Department of Workforce Solution our case was closed and there we weren't given a reason why or any concrete reason why we couldn't recuperate our wages. Our employer said he would not pay us not even a dime. We have received threats and verbal abuse on behalf of our employer. So I'm here on behalf all of my coworkers that ask for your support in helping us end this kind of abuse on behalf of employers. We thank you for all of your support and all we're asking for is for our wages that we've worked for.

We have many more workers who are trying to recover our wages but are either afraid or feel that they don't have support from the City, the State of the County. So we're asking you to support this resolution on behalf of the organization but more so on behalf of the workers of New Mexico who have been forwarding this campaign.

CHAIR VIGIL: Thank you. I may have some questions from Commissioners at this point in time.

COMMISSIONER HOLIAN: Madam Chair, I was just going to thank them for their story and Reverend Beaumont and move for approval.

CHAIR VIGIL: I have a motion.

COMMISSIONER STEFANICS: I would second.

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

COMMISSIONER ANAYA: Madam Chair, for nearly a decade I've actually sat on the Northern Area Workforce Development Board in the State of New Mexico. That covers Santa Fe County and the ten county northern region. I would like to carry the resolution to the Northern Area Workforce Development Board but I would also like to know more specifics away from the meeting on the actual case that was submitted. Who it was submitted to and who provided the denial so that I can follow up with that.

Thank you, Madam Chair.

SFC CLERK RECORDED 02/02/2012

CHAIR VIGIL: Thank you. And I'm so sorry that you had to experience that. I wanted to also say that you know part of the nebulosness of this is that it really violates the Fair Labor Standards Act and the problem with that is that it's difficult to get these cases represented through employment law or attorneys. I'm wondering if some of the energy that is going into this can go into legal aid to find out if legal aid can expand their services for this. Has that been tried and is that just –

REVEREND BEAUMONT: You're absolutely right and one of the things that we're doing is identifying attorneys and also training them to handle wage theft. It is complicated. Our goal is really to create to a deterrent to wage theft rather simply try to prosecute those that who are guilty. And we really believe that if the community's consciousness is raised we can discourage businesses from trying to cheat their employees this way. And that is really our goal and one of our strategies for trying to eliminate the problem because it is very labor intensive and expensive and complicated to try and prosecute employers.

CHAIR VIGIL: I understand that. And I think there's a great benefit to public relations and community consciousness but the public relations you get from a judge ordering someone to pay –

REVEREND BEAUMONT: Absolutely.

CHAIR VIGIL: -- goes a long, long way. Some of these wage earners are experiencing that [inaudible] First Judicial District in New Mexico State Bar they do have legal days where they advise clients as to where to go and again because I do pro bono work at Legal Aid most of what they deal with are just really clients who come in there who don't know what next step to take and sometimes if it's part of what they might be able to assist them with they can assist them to pro se handle some of the cases. And I think we have an excellent First Judicial District and so – not to lose sight of getting a legal consequence here I think because there's a violation going on here.

REVEREND BEAUMONT: That's very good advice. So let me say that one of the things that Attorney General Gary King has offered to do is to establish a special training program for district attorneys across the state and that's going to be very helpful in terms of enforcing this.

CHAIR VIGIL: Very good.

REVEREND BEAUMONT: Thank you very much.

CHAIR VIGIL: Congratulations on your hard work. Good luck.

XI. D. Resolution No. 2011-190, Strongly Urging the NM State Legislature to Amend the Local Liquor Excise Tax Act to Include New Mexico Counties With the Requisite Population and Net Taxable Value to Option to Impose a Local Liquor Excise Tax, Upon Approval by Proceeds to Fund Social Service Programs to Serve Persons Impacted by Alcohol and Drug Abuse (Commissioner Vigil)

CHAIR VIGIL: This was a resolution I was going to bring forth that mirrors the City of Santa Fe's resolution on this and it really is an opportunity for the Commissioners to go to the voters and see if they in fact would like to get this additional

excise tax on alcohol and any other kind of liquor. I was just at the Revenue and Stabilization Tax Committee this morning and they did pass the resolution that we supported that allows for the current distribution of local liquor taxes to go to drug courts. So that will redivert some dollars from the general fund which receives the excess dollars that don't go to counties that were originally intended to go to counties and so that bill was supported by Tax and Rev. It still has to go to the legislature. This may or may not succeed in the legislature. Part of the problem that it creates is there's a barrier there to moving it forward based on the fact that the industry argues that the current distribution was intended to go for the purposes that this option would create. And I know that Commissioner Anaya is familiar with that. He and I actually worked on this through the legislature. And I think and I'm not sure if it might even be considered germane but I think we should constantly keep this at the forefront of our legislators. I think for the most part they are sympathetic to try and look for dollars to deal with these critical issues.

I recommend that we enact this resolution and bring it to the consciousness of our legislators and move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: Motion and a second. Any comments?

COMMISSIONER STEFANICS: Madam Chair, I think that we need to continue to put forward – there is emphasis on the use of these dollars and it will ultimately be left to the state legislators to decide but if we don't speak to what is important in terms of services or in terms of what the County desires it'll never be considered. Thank you very much.

CHAIR VIGIL: Thank you. Any other comments?

COMMISSIONER ANAYA: Madam Chair, having worked directly with this as you stated for several years I actually agree with the sentiment of some of the industry when they speak to the use of the current liquor excise tax. I think that the tax that we currently pay is not being utilized as it was intended to be utilized. In this resolution, this resolution supports giving the local entities the option to pursue through a voter referendum a tax that doesn't impose a tax. I couldn't speak at this time due to the economics of increasing any new taxes but I don't think this resolution does that. I think it just gives our other local entities an alternative. But I do strongly advocate that more of the money that goes into the current tax be distributed for it's intended purpose instead of being diverted to other areas so those are my comments. Thank you, Madam Chair.

CHAIR VIGIL: Okay, I have a motion and a second.

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

- E. Resolution No. 2011-191, A Resolution Requesting that the City of Santa Fe Release Additional Effluent into the Santa Fe River to Support the Historical Agricultural Needs of the Village of La Cieneguilla and The Village of La Bajada (Commissioner Anaya)**

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioners, the public and the community I think we've heard a couple of resolutions today that link very closely to this resolution that I have before you today. The resolution of supporting buying local and being creative with purchases as well as the resolution relative to the farm bill priorities and the regional food system ties closely with what the Village of La Bajada and the Village of La Cieneguilla have done for hundreds of years and that's take care of the livelihood of their families and grow agricultural crops for the community and for their living expenses and to survive.

In this current year because of drought conditions and other issues that have arisen associated with beavers and other issues in the river, in the Santa Fe River, many of those communities include La Cieneguilla and La Bajada were not able to grow their crops because there was no water. And I think that goes contrary to the two resolutions that we previously approved that we want to encourage people to grow their crops. We want to encourage agricultural use but if there's no water getting to those communities it's a little difficult to do that.

With that I also heard today that there was some discussion on Public Radio today associated with what the City may or may not do associated with this water use and effluent and that they potentially might not release more water.

I would strongly publicly ask for the Mayor of the City of Santa Fe and the entire City Council to seriously review and consider the contents of this resolution. This resolution isn't about a brand new project. This isn't a resolution about a new business in a community or creating a problem in a community. This resolution is about sustaining a community and sustaining multiple communities for agricultural purpose and use.

So with that said, a resolution requesting that the City of Santa Fe release additional effluent into the Santa Fe River to support the historical and current agricultural needs in community villages of La Cieneguilla and La Bajada.

Whereas, Santa Fe County has been experiencing severe drought conditions including above normal temperatures with little or no precipitation; and

Whereas, numerous streams including the Santa Fe River have experienced decreased water levels. Whereas, the village of La Cieneguilla and La Bajada encompass a segment of the Santa Fe River which also conveys water that is released from the City of Santa Fe's wastewater treatment plant; and

Whereas the villages of La Cieneguilla and La Bajada are traditional acequia-based communities that utilize the Santa Fe and whose culture and heritage are intrinsically tied to water and agriculture; and

Whereas, the County is experienced increased urbanization and development that is contributing to the loss of water in the Santa Fe River and whereas there is a critical need for the villages of La Cieneguilla and La Bajada to maintain a traditional and sustainable local small farming and ranching economy that is essential to the health and economic well being of the County residents.

Now, therefore, be it resolved that the Board of County Commissioner of the County of Santa Fe request that the City of Santa Fe release additional effluent water into the Santa Fe River to continue to support the historical and current agricultural needs in the downstream community villages of La Cieneguilla and La Bajada.

Madam Chair, I would first move for approval.

COMMISSIONER STEFANICS: Second.

COMMISSIONER ANAYA: And with the second, Madam Chair, I would just further emphasize that as we consider other uses of rare water from the Buckman Direct Diversion project that we also in addition to this request to the City of Santa Fe should consider releasing water for agricultural purposes from the Buckman Direct Diversion project into the aquifers and into the streams to further assist with the agricultural historical uses that exist through Santa Fe County. Thank you, Madam Chair.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Commissioner Anaya for bringing this forward. As you know food security is a really, really big issue with me. And I think that we're talking about organizing a water summit perhaps in a few months, and I think a good issue for that water summit would be how La Bajada can not only have a water source but some back up water sources as well. So I just wanted to ask you if they also use ground water for their agricultural activities?

COMMISSIONER ANAYA: Madam Chair, Commissioner Holian, they use some limited groundwater of which we're trying to provide them more access as you know to a larger well to augment their service, but many of the residents frankly didn't – weren't able to perform their agricultural duties, if you will, and generate revenue to feed their families and had to do alternative things to just get by.

COMMISSIONER HOLIAN: Thank you, Commissioner. I think that this really illustrates why you need not only a water source but you need back up water sources as well. Especially if you're really going to take agriculture seriously. Thank you.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. And, thank you, Commissioner, for bringing this forward. I certainly support this particular resolution. In regards to BDD I think that you would want to discuss with your constituents whether or not they could be paying customers because right now the BDD is not in a position of providing water services without some compensation. So I totally support this and as you go forward you might just want to discuss that with them as well. Thank you.

COMMISSIONER ANAYA: Madam Chair, on that point if I could. Madam Chair and staff can further clarify this but my understanding that we have access to water within the diversion project both treated through the diversion plant and raw untreated water and that annually we could utilize some of that raw so I think there might be a compromise because many of these communities and the residents therein probably don't have the mechanisms to sustain being part of a utility but if we have water that we could divert and flow through our communities for this purpose that is uncommitted water within our utility I think that might be – Ms, Miller, is that something that you'd like to comment on and Mr. Ross?

MS. MILLER: Madam Chair, Commissioner Anaya, I think the issue would be how we can deliver it. Based on the agreement that was done with Las Campanas that if there was excess capacity with the well water there it could get incorporated to their agreement that we could use it elsewhere, it would be how we can convey it to elsewhere and then and then also whether there's any opportunity to do anything at the [inaudible] plants at the State Pen and how we could convey that water also.

COMMISSIONER ANAYA: Madam Chair, I appreciate the comments and the feedback and we'll continue to work in progress. But I very much would appreciate the support of the Commission.

CHAIR VIGIL: I think you have the Commission support. I certainly support it. I think this is a timely resolution. I think in all fairness to our city sister, there is no doubt in my mind that if they have the ability to release water and keep the water flowing that they would. Santa Fe River is one of the top ten endangered rivers in the nation and the Mayor has created a river board of some kind, I'm sorry the name doesn't come to me right away, but there are representatives from Agua Fria Village who would also benefit from this and they have had much issue with what kind of water would flow down. They're concerned about effluent water and so the issue has been quite dynamic and discussed for quite some time as far as I know. It might alert the City to better inform us as to why that doesn't occur. It might alert the City – I mean what I've learned as being sort of piece by piece they do have a scheduled release and it's dependent on their reservoir and they're advised by their own experts and those kinds of things. But what I like about this resolution is that it says, look at other resources to see if we can work something out at this point in time. And I think that's moving in the right direction for these communities.

So with that I think we can move forward on the vote.

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

XI. F. Proclamation in Memoriam of Gerald González (Commissioner Anaya)

COMMISSIONER ANAYA: Madam Chair, it is an honor and a privilege to do this along with yourself as the chair and the entire Commission. I'm going to read the proclamation, Mr. Ross and I are going to read the top part of the proclamation and let you help us finish it Madam Chair and then I'd like to allow Mr. Ross to make some remarks and anyone else that would like to outside of the Commission, if that's okay with you, that would like to as well.

A proclamation honoring the life of Gerald T. E. González.

Whereas, former County Manager Gerald T.E. González, passed away Tuesday, November 1, 2011 at the age of 68;

MR. ROSS: Whereas, Gerald lived an extraordinary life, beginning in his birthplace of Las Vegas, New Mexico, and continuing through his formative years in

Santa Rosa, New Mexico, and then back in Las Vegas, where, amazingly, he graduated with a Bachelor of Science in mathematics from Highlands University at age 19;

COMMISSIONER ANAYA: Whereas, shortly after graduation, Gerald joined the United States Air Force and became a supersonic fighter pilot, eventually flying 100 combat missions over North Vietnam and 26 over South Vietnam, in the F-4C Phantom II;

MR. ROSS: Whereas, for distinguished service in Vietnam, Gerald received the Air Medal and 13 Oak Clusters;

COMMISSIONER ANAYA: Whereas, upon his return to the United States, Gerald became a respected flight instructor and mentor to hundreds of budding pilots at Reese Air Force Base and others;

MR. ROSS: Whereas, after leaving the Air Force, Gerald was admitted to Harvard Law School and graduated with a Juris Doctorate Degree in 1976;

COMMISSIONER ANAYA: Whereas, Gerald returned to New Mexico and began a remarkable and distinguished career in law and government;

MR. ROSS: Whereas, Gerald held positions as Director of the Civil Division of the New Mexico Attorney General's Office, Chief Staff Counsel for the Public Service Commission, General Counsel of the Department of Finance and Administration, General Counsel of the Public Employee Retirement Association, and Santa Fe City Attorney, among others;

COMMISSIONER ANAYA: Whereas, Gerald went on to become Chief of Staff for then Representative Tom Udall in Washington, D.C.;

MR. ROSS: Whereas, after a brief stint in the County's legal department, Gerald became Santa Fe County Manager in early 2003, serving the County with distinction for over three years as its Manager;

COMMISSIONER ANAYA: Whereas, among his accomplishments as Manager were the successful return to management by the County of the Santa Fe County Youth Development Facility and the Santa Fe County Adult Detention Facility, an increased focus on intergovernmental relations particularly with the Native American Pueblos, settlement of critical issues with the City of Santa Fe, including issues related to annexation, water, the Buckman Direct Diversion, and other accomplishments too numerous to mention;

MR. ROSS: Whereas, Gerald was known for his walking around management style, his friendly and approachable manner, his willingness to listen, his thoughtfulness, and those moments of breathtaking brilliance and vision;

COMMISSIONER ANAYA: Whereas, subsequent to his service as County Manager, Gerald went on to become the Director of the State Bureau of Elections and a media representative and majority legal analyst for the New Mexico Senate;

MR. ROSS: Whereas, Gerald was a lifelong historian, focusing on Southwest history and culture and specifically of New Mexico's unique crypto-Judaic heritage and the rich history of his own family and ancestors, and his contributions to the collective knowledge are some of his most enduring legacies, which he generously contributed to the City of Santa Fe's recent 400th celebration; and

COMMISSIONER ANAYA: Whereas, Gerald lived a full life that was unfortunately cut short by illness, but a life that is worth emulating for its fullness, spirit and diversity, a life worth honoring as we do today. Madam Chair.

CHAIR VIGIL: Therefore, The Board Of County Commissioners of Santa Fe County, proclaim as follows:

The Board honors the life and works of Gerald T.E. González, not only as Santa County Manager, but as a decorated veteran, a life-long dedicated government servant, a historian, a fine person and an extraordinary New Mexican.

The Board sends its regrets and sympathies to Gerald's family, including wife Carey; son, Christopher Earnest González of Dallas, Texas; son, Miguel Howe; daughter, Amber Darling of Lubbock, Texas; granddaughter, Timber Darling; stepsons: Robert Deacon of Washington State, James Baker and John Baker, both of Texas; stepmother, Bibiana González of Taos; sister, Joyce Martinez of Taos; uncles, Joe Martinez of Santa Rosa and Rudy Martinez of Albuquerque; aunts, Delia Sanchez and Amelia Wallace of Albuquerque; and numerous nieces and nephews; great nieces and nephews and cousins.

I move this proclamation for approval.

COMMISSIONER ANAYA: Second.

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

CHAIR VIGIL: Steve, I'm going to turn this over to you briefly. If there anyone that knew Gerald well and actually was there for him even to the very last it was you. I know he meant a lot to you.

MR. ROSS: Thank you, Madam Chair. I understand Cary González, Gerald's wife, is watching this right now and I know she'll receive a copy of the proclamation. As you know Gerald wasn't just a colleague to me, he was a friend and unfortunately a lifelong friend who had a short relationship because of his untimely death last month. Gerald hired me here. I remember when I applied for the job I knew at that time from working in county government previously, that the attorneys and the manager have to have a very close working relationship so when I saw the job advertised I looked up Gerald and the things I found are the things that are in this resolution. Graduating from Highlands University at age 19, jet fighter combat pilot over Viet Nam, Harvard Law graduate, Chief of Staff for United States Representatives all that come of stuff, and I thought man, this is some kind of guy and I don't know where I fit into that whole picture but I came to the interview. And I was sitting in the lobby this gentleman came out beaming. You know, everybody who knows Gerald knows that he would beam, he would literally make everybody around him feel great just from his smile and his demeanor and his friendly manner. We went back and had a long interview and I think our friendship started there and continued through his entire life. That's the Gerald a lot of us around the County remember. The very friendly, the very approachable man that we all admired.

But, Roman Abeyta at the time Deputy County Manager to Gerald and I used to joke that every once in a while the fighter pilot would show up and there would be a mission flown right here in the building. We joke and that's exactly what would. The

guy had unbelievable abilities and was known for moments of true brilliance. I'm sorely going to miss him and I know the County family is going to miss him a lot.

Thank you, Madam Chair for letting me say a few things.

CHAIR VIGIL: Thank you, Steve, for drafting an excellent recognition proclamation for his. I will turn it over to anyone who would like to address proclamation item.

There are things and qualities about Gerald that I had first hand experience with. I think he was one of the most exemplary, visionaries I have ever known. He was capable of looking at a big picture at a moment's notice. Just talking to him he would come up with an idea that I think was brilliant. He was a qualitative man, virtuous, there was so much depth to him. I remember needing to get a translator for a poem my recently deceased father had left that I had never known about and it was written in Spanish and Gerald was very empathetic to things like that. I asked him if he would interpret it for me and he did and I'm so every grateful. That's a gift that I feel I will take with me forever.

There's one thing that I will remember about him and that is his infectious laugh. You could hear Gerald, even at the Roundhouse, laughing from one end of the corridor to the other. And that laugh was very much a part of who he was. And that laugh echoes with me and lives on in his spirit. I think if there's ever a person I've known that I could say there was a man for all seasons it was Gerald González. He truly is a man for all seasons.

COMMISSIONER ANAYA: Madam Chair, a few comments. Gerald had a very lasting and profound impact on me personally. In a tense or tough situation walking into his office a bowl of chocolate would dilute any frustration or immediate animosity you might have had walking in the door to set the tone. And, I too experienced the positive aspects which was 99.9 percent of the time. But I also had occasion to experience the 1 percent fighter pilot aspects associated with leadership and management. Where he said to me once, and I know probably said it to many others, we do have to hold them up and hit them at the same time when you're trying to figure out leadership and discipline in a respectful way. And although he said those words, "hold them up and hit them" he never hit you, he just gave it to you in a parental kind of way where you walked out understanding what points he was trying to get across. He was truly and sincerely trying to help you better yourself.

I think that one thing that sticks in my mind from a planning session that we all had as County employees and leadership, the one thing that he always did was he didn't look at the County and its leadership from a top down approach or a bottom down approach or a middle from side to side approach. He looked at everybody with an equal fairness and gave all an equal opportunity to provide their perspective. He was talking tough waves and a strong current and he said you could drown in that current. You could swim against that current or you get on that current and ride it a little ways and then figure out a place you could jump off and maybe look at things a little different.

So to you Gerald, who I know your spirit will be with us forever, and to you Cary, to his kids, to all the family, and those listening out there – there's people like Gerald that

have impacted us all and that we learn from, and for you Gerald, you keep surfing, as you told us, and we'll do the same. Thank you, Madam Chair.

CHAIR VIGIL: Thank you.

XI. F. Election of County Commission Chair – 2012

CHAIR VIGIL: Are there any nominations?

COMMISSIONER HOLIAN: Madam Chair, I move that Commissioner Stefanics be Chair of the County Commission for 2012.

CHAIR VIGIL: I have a motion and I will second it. Are there any comments? Yes.

COMMISSIONER ANAYA: Just a quick comment. It's been awhile that I've been back at the County but do we historically vote on the Chair and the Vice Chair at the December meeting or do we typically do it at the January meeting? The only reason I make the comment is because Commissioner Mayfield is not present here today with us. and do we need to do it today or is that actually something that we could include Commissioner Mayfield in or logistically have we always done it in the December meeting?

CHAIR VIGIL: We have always done it since I've been on the Board, and I think the first time I came on the Board perhaps there might have been a January meeting that it was held at but since that time we have done it in December and that prepares the new chair for the incoming year and allows the old chair to exit gracefully.

COMMISSIONER STEFANICS: Madam Chair.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: Another comment just about the election of the Chair and the Vice Chair is I believe we tried to make it a process where everyone gets the opportunity to serve as the chair and rotate through. So it is certainly my intention in the future to make sure that continues, that everyone has the opportunity to serve as chair of this Commission.

CHAIR VIGIL: Yes, and truly if that happens everyone will serve twice as chair. Ms. Miller did you want to comment on that?

MS. MILLER: Madam Chair, I just wanted to state that it is by County Ordinance that it's done the last meeting of December. That is why County staff put it on to make sure that we did comply with that and at the time we were not aware that Commissioner Mayfield would not be attending this meeting but we were just trying to comply with the ordinance and practice.

COMMISSIONER ANAYA: Thank you, Madam Chair, the clarification helps.

The motion passed by unanimous [4-0] voice vote and Commissioner Stefanics was elected Commission Chair.

XI. H. Election of County Commission Vice Chair

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move Commissioner Kathy Holian as the Vice Chair for 2012.

CHAIR VIGIL: Second. I have a motion and second is there any further discussion or clarification?

The motion passed by unanimous [4-0] voice vote and Commissioner Holian was elected Commission Vice Chair.

CHAIR VIGIL: Congratulation Commissioner Stefanics and Commissioner Holian. I look forward to working under your leadership.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, I'm not going to have other items but I do have one other item under Matters from the Commission, if I could do it quickly.

CHAIR VIGIL: You know, I was going to give us a five-minute break just as soon as we did this and then come back to those. Because I have been asked for a little break.

COMMISSIONER ANAYA: Okay.

CHAIR VIGIL: It seems to me that item 12 will be rather quick and then we can go back to matters from the board.

XII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Accept Resignation of Ms. Sarah Noss from the Santa Fe City and County Advisory Council on Food Policy.

CHAIR VIGIL: Steve, that is your request today, correct?

STEVE SHEPHERD (Health Services): Yes, Madam Chair. Staff recommends that the Commission accept the resignation of Ms. Sarah Noss.

COMMISSIONER ANAYA: So moved, Madam Chair.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Please, we've appreciated Sarah and her expertise has been wonderful. If she could join us again at some level related to food we'd love to have her. Please submit a letter of gratitude to her on behalf of the Commission. Thank you.

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

[The Commission recessed for five minutes]

SFC CLERK RECORDED 02/02/2012

XI. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: We just have a couple of items. Commissioners I will turn it over to both Commissioner Anaya and Commissioner Holian all of whom are going to make statements on something that we've had a heavy heart over.

COMMISSIONER HOLIAN: Madam Chair, thank you. I would like to express my deep, deep sympathy to Victor Gonzales and his family. They experienced a tragedy that mere words cannot adequately describe in losing a son, a brother, a father, a family member and in such an untimely way. But I would just like to add that the Victoriano Mo Byrne Gonzales was a true hero. He was a hero in the way that he died and he was a hero even more in the way that he lived. So I would just like to ask for a moment of silence. Thank you.

COMMISSIONER ANAYA: Madam Chair, echoing the sentiment that has already previously been expressed by Commissioner Holian very well I would just elaborate to send my condolences to Victor and his entire family and friends and read this poem that was presented at his services:

Victoriano Moises Byrne Gonzales, March 19, 1990 born, passed on December 2, 2011

You are my hero

There are no words to express our loss

We would give anything to have you back at any cost

You were a great man like no other

a father, a friend, a lover, a brother

You will be known as Moises the Great

the hero without the flashy red cape

He came to the aid of a woman in need

Doing his part to do a good deed

Moises was a man pure of heart

He believed in doing the right thing right from the start

No matter the task, big or small, Moises was there to help us all

Death leaves a heartache no one can heal but

Love leaves a memory no one can steal

I know to us all, more than a memory will be

Victoriano Moises "Mo" Byrne Gonzales you are a hero to me.

His cousin wrote that poem and I think it articulated the sentiment of the family. Thank you, Madam Chair.

CHAIR VIGIL: I think it is fair to say he is a hero to all of us. Thank you for bringing this forward.

Do you have a quick announcement, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Yes, I do. This is sort of relevant to the holiday gift giving resolution. There is going to be something this coming weekend called the Santa Fe Alternative Gift Market and I'll just read what was on the flyer. It is to be able to honor friends and family by giving tax deductible gifts

in their name that would help local and international non-profits to one bring people out of poverty, two protect the environment, three to increase literacy and four to improve the quality of life for many in so many different ways and I'll just give you a couple of examples of what you can contribute for, for example, so that children that go to La Familia can get dental work. You can contribute money for books for pre-schoolers at the Santa Fe public library. Also there's a contribution for Santa Fe's Interfaith Shelter for a winter night stay and we know that this is going to be a cold winter. So that just gives you a few examples. There's plenty of others.

I just want to say that this is happening this weekend, December 17th from 9 a.m. to 8 p.m., Sunday, December 18th from 10 a.m. to 6 p.m. and, again, it's at the DeVargas Mall. Thank you, Madam Chair.

CHAIR VIGIL: Thank you and we'll now move on to –

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Since this is our last meeting before the holiday season I wish all of our County staff a very happy holiday season. Please make it safe. Thank you for all of your hard work and for all of those who took one of the children tickets off of the Joshua Tree, that was great of you to do that. For others of you who are contributing to people in our community, Thank you very, very much. Please be safe. Please have a great holiday season.

CHAIR VIGIL: Thank you. I think those sentiments are shared by everyone on this Commission. We're going to move on and let you know that item XIV has been tabled until January.

XIV. STAFF AND ELECTED OFFICIALS' ITEMS

B. Finance Department

- 1. Resolution 2011-192, a Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget Available Cash for Improvements to the Cundiyo Community Center / \$106,243 (PW/Projects & Facilities)**

TERESA MARTINEZ (Finance Director): Madam Chair, members of the Commission, this is simply as stated their use of cash balance to finish this project. It will go for parking spaces and driveway improvements and I will stand for questions.

CHAIR VIGIL: Any questions?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER STEFANICS: I'll second.

The motion passed by unanimous [3-0] voice vote. [Commissioner Anaya was not present for this action.]

SFC CLERK RECORDED 02/02/2012

XI. C. Growth Management Department

1. Request Approval of Amendment No. 1 to Memorandum of Agreement Formalizing the Establishment of the Santa Fe Regional Telecommunications Coalition to include the Santa Fe Indian School and the Institute of American Indian Arts as Parties to the Coalition.

DUNCAN SILL (Community Services): Good afternoon, Madam Chair and Commissioners. The Santa Fe Regional Telecom Coalition was first established formally back in March 2009 amongst the City, the County of Santa and the Community College. the purpose of the Coalition is to address issues related to planning organization related to telecommunication infrastructure. It's related to activities to finding appropriate resources and funding and working with regional issues that affect telecommunications. During that time the IAIA and the Santa Fe Indian School have been active participants with the Coalition. They have recently expressed an interest to be formal members of the Regional Coalition and this is MOU amendment reflects the inclusion of the Santa Fe Indian School and the IAIA. So with that I stand for questions.

CHAIR VIGIL: Any questions?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER STEFANICS: I'll second.

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

XIV. C. 2. Release of Selected Chapters of the Sustainable Land Development Code (SLDC) Draft and Discussion of the Code Public Input Process

This item was moved to later in the meeting. See page 57.

XIV. C. 3. Ordinance No. 2011-11, an Ordinance Suspending on a Case-by-Case Basis Provisions of Article V of the Land Development Code Concerning Expiration of Master Plans, Preliminary Plats and Final Plats Upon a Finding of Economic Necessity (FINAL PUBLIC HEARING)

JACK KOLKMEYER: Thank you, Madam Chair and Commissioners. I guess I do get to do a couple of more things with you here this afternoon. As you may recall we brought this first to your attention back at a BCC meeting on the 11th with the whole issue and idea that was brought to our attention by Santa Fe attorney Karl Sommer in relation to Turquoise Trail Subdivision also known as the Longford Homes project within the Community College District. The issue here is actually two pieces; three and four on your agenda are related. We'll go through the ordinance portion first and then discuss resolution as needed. The idea here is that projects and especially projects like the Turquoise Trail project because of the economic situation of the last two or three

years, three years in particular, that the possibility of having a master plan, preliminary plat or development plan expire because they haven't been able to go forward with the project. When this came to our attention we agreed that this was probably a really good idea to take a more in depth look at because if there was a mechanism to be able to provide an expired master plan or preliminary plat then the particularly project developer wouldn't have to go all the way back and do them all over again when the situation righted itself. So, we agreed to bring this ordinance forward. County Attorney Steve Ross has actually drafted the ordinance so he can answer questions and add anything relative to the ordinance but the idea here, so we're clear, is that we would pass this ordinance and you would have the mechanism to be able to allow those kind of situations to be dealt with on a case-by-case basis that would be through the resolution piece that would follow this. In other words, this would allow you to be able to do this with these types of projects but a developer or project application then who had this problem would be able to come forward to you and ask you to reconsider this and you would do this through a resolution.

Now a couple of things that came up at the Board meeting when we talked about this last time was what do we mean by economic hardship and how would we determine that. We struggled with that and County Attorney Ross looked at a number of index opportunities that we might be able to use and we struck for the moment on this economic index that helps us determine whether we're in a recession or not and we put that in there. We also added that this would have a three year applicability but in conversation with a number people that three years may not actually help us particularly with the Turquoise Trail project and it may need to be four years rather than three. But that's the idea and the ordinance is relatively simple just laying that out. And, again, if you adopt that then we would also then bring the next piece forward which is the resolution to do.

That's what we are proposing. Karl Sommer can answer any questions that you might have and again County Attorney Steve Ross actually drafted the ordinance so he can help us and we'll stand for questions.

CHAIR VIGIL: Commissioner Holian, were you going to ask for clarification between ordinance and resolution?

COMMISSIONER HOLIAN: No, I just want to ask some questions about the ordinance.

CHAIR VIGIL: Can I ask something specific. in my packet and maybe I don't have it, I just have the resolution, I don't have a copy of the ordinance.

MR. KOLKMEYER: They're two separate things. The ordinance is XIV C 3, and you don't have that, Madam Chair.

CHAIR VIGIL: Okay. I found it. Please, go ahead, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just want to clarify for the public actually that on each of these possible developments that the Board of County Commissioners would be voting as to whether to extend the master plan or plat approval; correct?

MR. KOLKMEYER: Madam Chair, Commissioner Holian, that is correct. and then that's why you have the resolution because it would be done through the resolution process. That's correct.

COMMISSIONER HOLIAN: And could we put new conditions onto a master plan or preliminary plat in order to approve it or do you have to approve it as is or do we have to approve it as is?

MR. KOLKMEYER: Madam Chair, Commissioner Holian, the idea that we original discussed was to keep it, the master plan or the preliminary or final plat the way it was but I suspect that because times have changed you may want to build in the idea to relook at the conditions and see if anything new needs to be added. That's a really good point.

COMMISSIONER HOLIAN: Yes, Thank you, Jack. The reason I'm bringing this up is that I'm sort of concerned that developers might try to use this to get around provisions of let's just say we have a new sustainable land development code and I would like to be confident that if we do pass a new code that those new provisions could be applied to those developments.

MR. KOLKMEYER: Madam Chair, Commissioner Holian, I think I'll defer to Steve on that because the idea you raise is really a good point but I see the point that you're raising that it could be changed actually from the original intention of the approved master plan. So I'm not exactly sure how we would do that. We'd still have to be in conformance to the Code applicable at that time and maybe that's the way we would state it.

MR. ROSS: Madam Chair, Commissioner Holian, yes, this will apply to applications to suspend approvals that are filed now while we still have the land development code in place. Once the sustainable land development code is approved this language will be incorporated into the sustainable land development code. When a request comes to you for an exception from a time frame acceptance that's either in the old code or the new code, you have a lot of discretion whether to permit that or not or attach conditions as you choose. There's nothing in here that restricts that. It's just a process. Because the current code says you can't do this we have to have something in the code saying you can do it. The way this works is you have the ordinance that permits us to do this and then the resolution you would enact next declares basically as stated "severe economic hardship." And then people can make application and you'll get a resolution subsequently for individual developments for your review for applicability.

COMMISSIONER HOLIAN: But there's nothing to stop us from putting on new conditions or making changes?

MR. ROSS: No.

COMMISSIONER HOLIAN: Okay, Thank you very much, Steve.

CHAIR VIGIL: Other questions? Currently, you testified that there's a request to consider this extension for four years instead of three. What is the current, when developers have to come to us to request an extension, Jack, currently in our current how long is that extension for? Is that at the discretion of the Commissioners?

MR. KOLKMEYER: No, it's for a set period. I believe it's for five years. the issue here with this is that in looking at the dates, for example, this project first came

through as some of you may recall as the Thornburg master plan in 2002 and there were various phases that were approved. The last one being in 2006 for the north subdivision portion of the property and that's what we're addressing so that goes back to 2006 so we're just at that point where we should probably consider four years rather than three to make all of this work correctly.

CHAIR VIGIL: Did we – I think one of the requests that at least I intended to make was to identify how many projects this affects currently on our books.

MR. KOLKMEYER: Madam Chair, we looked at that and we couldn't find any that would qualify in this regard. There are some that are out there right now that we might have some concern about but that haven't expired yet at this point. We are a little concerned with what might happen with Oshara. We know that the Commonweal project is coming forward right after the first to extend their master plan so they should be okay. But, again, if we continue to have a really severe economic time there may be others that just simply can't go forward. But those would be two that we're keeping our eye on at this point.

CHAIR VIGIL: Okay. Steve, do you want to explain this index that helps identify hardship.

MR. ROSS: Madam Chair, this is a nationally recognized index that everybody relies on to determine when the country is in recession or not. When the index hits 100 you're in recession and of course a few years ago our economic index was significantly below 100 but now it is above 100 but we all recognize, particularly in New Mexico and particularly in Santa Fe, those economic conditions lag behind the national economy and that's why the ordinance is phrased the way it is. Currently we are within two years of the index falling below 100 so you could execute the following resolution today and declare severe economic circumstances. We wanted to have something objective to tie this to so we didn't have to make a declaration concerning the national economy and bringing economists to prove data or anything like that.

CHAIR VIGIL: Okay. Who would do the calculating, land use?

MR. ROSS: Madam Chair, there's no calculation. It's a published index it's on the internet.

CHAIR VIGIL: So you just have to reference it.

MR. ROSS: Yes, we just have to go and look at it.

CHAIR VIGIL: and it's applicable to a small development, large development – any size development?

MR. ROSS: the index concerns the state of the national economy.

CHAIR VIGIL: Okay, I get that. Any other questions? This is a public hearing. is there anyone in the public who would like to address the Commission on this item? Mr. Sommer.

KARL SOMMER: Madam Chair, members of the Commission, I appreciate you're looking at this in such a quick time frame. I do agree with Mr. Kolkmeier that the four-year time period is more appropriate because under the County's current Land Development Code there is a five-year approval for a master plan but individual subdivision approvals expire after two years. In this particular instance that we've been dealing with on a specific level that approval is in 2006 and would have

expired in 2008. The way it is currently drafted you would only have to be able to go back to 2009 and that was a year and half into this financial crisis so that's the reason for that.

Going to Commissioner Holian's suggestion about additional conditions I think that is wholly appropriate because you might have a land development code that changes something. It's totally within your discretion and then the development can decide, well, we got the approval with this condition and they can make the decision whether to go forward. It leaves the power within your hands to implement policies as they exist when the application comes in front of you. So we don't have any problem complying with conditions that you might consider additional to the approvals and I think that's fully appropriate.

I don't have anything to add. I think it's a good thing for the Commission to do for a couple of reasons. One, it allows the opportunity to preserve the investment that property owners have into their entitlement that have expired. And, second of all it leaves the Commission the entire discretion whether to do it or not to do it and to add conditions if it appropriate from the Commission's standpoint to approve it with conditions.

So I think it's the best of all worlds and it will, I submit to you, it will bring jobs. This resolution – I mean this ordinance will bring jobs and will bring economic activity to Santa Fe County in the very near future and by that I mean the next couple of months. So this isn't something we're going to have a long time to see come to fruition. Thank you very much.

CHAIR VIGIL: This is a public hearing. is there anyone else who would like to address the Commission on this item? Seeing none the public hearing is closed. What's the pleasure of the Commission? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd move approval with the four-year time limit.

COMMISSIONER HOLIAN: Madam Chair, I'll second it but I just want to clarify with Steve that we don't really have to add any language regarding the ability to impose new conditions on development plans that came in front of us through this.

MR. ROSS: Madam Chair, Commissioner Holian, you don't have to add anything.

COMMISSIONER HOLIAN: But can you suggest some language that would clarify that. I would then second it with that.

MR. SOMMER: If I may? Just a simple addition to the sentence that says "...any such resolution shall suspend" excuse me, "shall not suspend enforcement of article" in that sentence, adding another saying, "and any such resolution may contain conditions that the Board deems appropriate to such approval."

COMMISSIONER ANAYA: I accept that as a friendly amendment.

COMMISSIONER HOLIAN: and then I accept that.

**The motion to approve the ordinance passed by roll call vote as follows:
Commissioner Vigil, Commissioner Anaya, Commissioner Stefanics and
Commissioner Holian all voting in the affirmative.**

SFC CLERK RECORDED 02/02/2012

XIV. C. 4. Resolution No. 2011-193, a Resolution Finding the Existence of Severe Economic Conditions and Suspending Enforcement of Specified Provisions of Article V of the Land Development Code that Concern Expiration of Master Plans, Preliminary Plats and Final Plats Pursuant to Master Plans, Preliminary Plats and Final Plats Pursuant to Ordinance No. 2011-11

COMMISSIONER ANAYA: Move for approval, Madam Chair.

MR. KOLKMEYER: Madam Chair, this is just the attendant piece that goes along with the ordinance.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: I have a motion and a second. Any discussion?

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

XIV. C. 5. Request Approval of Joint Powers Agreement for Management of the REDI Middle-Mile Broadband Network by and Among the North Central New Mexico Economic Development District, the Incorporated County of Los Alamos, Santa Fe County, the City of Española, Rio Arriba County Ohkay Owingeh, the Pueblo of Santa Clara, the Pueblo of Pojoaque and the Pueblo of Tesuque. (Growth Management/Economic Development)

6. Consideration and Approval of a Memorandum of Agreement Between Santa Fe County and REDI Net Middle-Mile Broadband Network

CHAIR VIGIL: I think we can take items 5 and 6 we can take together. Mr. Sill, this is the basic one that we've previously approved and now it would be amended to include IAIA.

MR. SILL: Madam Chair, Commissioners, the REDI JPA for item 5 is a new version of the JPA that the BCC approved back on June 28th of this year. DFA has suggested some additional language to modify the version. This is the REDI NET middle-mile broadband infrastructure that is being constructed in the northern part of New Mexico with partners – with Los Alamos, the County of Los Alamos, Rio Arriba County region and I have Tim Armer who is with the North Central New Mexico Economic Development District here with us today. He is representing the agency that is the lead agency of this endeavor.

It changes – the addition that DFA is proposing includes a signature page on the JPA for DFA signature and the second item on section 15, the previous version had permitted San Ildefonso to opt in as a partner to this JPA without the approval of DFA and DFA wanted us to insert language in there that it required DFA approval. That has

been done. The third item reflecting the request of DFA has to do with the implication of granting or consideration of right-of-way related to this project development and DFA suggested that we put language in that to the extent required by law that we seek the approval of either the Board of Finance or the DFA Local Government Division.

So with that said, I'll stand for questions on this item and I will describe the other item after that.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. So, Duncan, the issue is that San Ildefonso is being included for purposes of right-of-way or the purposes of services?

MR. SILL: Madam Chair, Commissioner Stefanics, San Ildefonso would be considered as a full jurisdictional partner to the JPA. So they will have implication to both questions that you just asked.

COMMISSIONER STEFANICS: So, Madam Chair and Duncan, are there any other pueblos in the area that would like the same opportunity?

MR. SILL: Madam Chair, Commissioner Stefanics, the other pueblo jurisdiction that was original party to the arrangement of the initiation of the construction of this network, they are already then part of this JPA. I could also ask Tim Armer to elaborate on that.

COMMISSIONER STEFANICS: Well, Madam Chair, the pueblo I don't see here is Nambe and it's too bad Commissioner Mayfield is not here since this is in his district. I'll stop there to see what my other colleagues have to say.

CHAIR VIGIL: Other comments? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point, could we get some feedback relative to Nambe and why they're not part of it.

MR. SILL: Yes, Madam Chair, Commissioner Stefanics, Commissioner Anaya, Nambe was not part of the original grant application. The partners that are reflected in the JPA represents the jurisdictional -- names the jurisdictional partners as part of the grant recipients and administration of the Department of Commerce Grant. Nambe has been communicating with us as well as Commissioner Mayfield that in the future as the network is able to enhance its infrastructure that full consideration will be taken to include them as a partner. So we have actually on several occasions and Hvtce Miller is part of that as well, communicated and met with Governor Mirabal in Nambe about this issue.

COMMISSIONER ANAYA: Madam Chair, and I know that Commissioner Mayfield is working with Governor Mirabal on that and other issues because he did have a discussion relative to transportation with the Governor last week. With that amendment relative to DFA are just necessary so that we can maintain the access to the funds and the ongoing process of the project; correct?

MR. SILL: Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Madam Chair, with that said I would move for approval.

CHAIR VIGIL: I have a motion.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Commissioner Stefanics, do you have further questions?

COMMISSIONER STEFANICS: Madam Chair, I just have reservations about approving something that includes another pueblo and excludes the only one. And I'm not quite sure about it so I am probably going to vote no.

CHAIR VIGIL: Do you want it explained further and maybe we'd have a better understanding of San Ildefonso yes and no Nambe.

MR. SILL: Madam Chair, Commissioner Stefanics, San Ildefonso was an original partner and named as part of the application to the federal government. They have elected at this point to wait until certain issues have been resolved to opted in as a full partner to the JPA whereas Nambe Pueblo was not originally a partner to that grant application.

CHAIR VIGIL: But actually Nambe has the option of becoming a part of the grant application because there are going to be monies that are going to be reapplied for, correct? Have they been given the opportunity to be a part of it?

MR. SILL: Madam Chair, Commissioners, as part of the reinvestment consideration of the REDI Net Board we certainly have made that offer to Nambe Pueblo for further consideration so they are part of the engagement and ongoing conversation.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, the reason I have some concern here is that at our intergovernmental summit that we did, Santa Fe County just hosted, we heard from Nambe Pueblo about their anger and their concern about not being compensated for some damage. I want to make sure that as we deal with the tribal sovereignties and the tribal relations and nothing today has told me that there's been any formal dialogue communication with them about this. So, we've just come out of this intergovernmental summit that expressed concern so this is the basis of some of my concern. Thank you very much, Madam Chair.

CHAIR VIGIL: I'm wondering if the maker of the motion could address that?

COMMISSIONER ANAYA: Madam Chair, did Commissioner Mayfield have any specific concerns over this item, that you're aware of?

MR. SILL: Madam Chair, Commissioner Anaya, no.

COMMISSIONER ANAYA: Did you ask? Did you speak with him relative to the adjustment that you have before us?

MR. SILL: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: Okay, on that basis and on the basis that the REDI Net project has been a long standing project that we're collectively working through, taking into consideration there might be other additions, this is an adjustment to the documents from an administrative standpoint that keeps the project moving forward and so I don't see it as any detriment to Nambe and I myself was part of the discussion with the Governor relative to a transportation issue where Commissioner Mayfield and myself both worked with the Governor to help them deal with some RTD issues and transportation. So I think they still have the opportunity to come to the table and have discussions about being part of the overall project and I fully respect Commissioner Stefanics' perspective but I don't see any negative impact to allowing this to move

forward. I actually would see a detriment if we don't let things continue to move forward and get through the process.

CHAIR VIGIL: Ms. Miller.

MS. MILLER: Madam Chair, Commissioner Stefanics, Commissioners, I wanted to give a little bit more clarification. I actually just spoke to Hvtce about why they weren't originally included in it and it had to do with actual geographic location. The grant and as the application in working with the federal delegation and going forward with the grant was trying to go along the core population area and Nambe is too far geographically located too far off of the corridor where the REDI Net will go and that was the original reason. It was more of a technical reason not from trying to exclude anybody other than from who is in the corridor where there service will most likely be able to extend to. I would agree that it may not preclude from being brought in down the road [inaudible]

CHAIR VIGIL: We have a motion and a second. I see that Pablo Sedillo is present with Senator Bingaman's office and I know he was very much a part of this. Is there any enlightenment that you would like to provide for us on REDI? And welcome and thank you for joining us this evening.

PABLO SEDILLO: Good afternoon, Madam Chair, Commissioner Stefanics, Commissioner Holian and Commissioner Anaya. I have been involved with the REDI Net from its inception and the County Manager is correct. Nambe actually is too far east to the corridor. That does not exclude them from tying in later on. In regard to the remarks that were made at the summit it was related to the Conchas fire that they felt that they had not been treated fairly. I have been involved in those dialogues as well to try and get the Corps of Engineers to provide them additional funding. They went over \$350,000 in reclamation in the Corps of Engineers and I have put in to clean up the dam and actually the ones that really going to be affected are the people down stream because it's a -- muddy mess --

CHAIR VIGIL: Mierda.

MR. SEDILLO: Mierda, and that it really wasn't going to affect them but it was going to affect more the people in the Pojoaque Valley.

But I think it's important to note that we are working very closely with Nambe and REDI Net is progressing. We're pleased with the progress. The Senator is certainly pleased with the way it is moving. As Duncan indicated there are some glitches but we're working those through and hopefully they'll be resolved. So I think that we will extend and I'm sure Mr. Armer will extend and do everything that he can to include Nambe Pueblo at the appropriate time.

CHAIR VIGIL: Thank you very much.

MR. SEDILLO: Thank you so much.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to say publicly that I appreciate the newly elected chair and the current chair for taking into consideration the fact that Commissioner Mayfield is not here and expressing that as a point. And, I think on this matter it is more of an administratively what we need to do to keep going forward

SEC CLERK RECORDED 02/02/2012

and understanding that Nambe can still engage at a later date. But I do appreciate it, newly elected chair.

CHAIR VIGIL: Thank you, Mr. Sedillo. Thank you for bringing it forward. We do have a motion and a second. And please thank the Senator for his support of this project. It's been critical to northern New Mexico and it is the foundation in which broadband will happen in northern New Mexico. If there's anything Santa Fe County can do to support the Senator and any of our congressional delegation which you can communicate to us we'll step up to the plate.

MR. SEDILLO: Madam Chair, I will convey that to the Senator and he's very pleased with the way the County is really progressing and I as well. I see the County is really moving forward on a lot of issues so again thank you so much.

CHAIR VIGIL: Thank you. All those in favor.

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

CHAIR VIGIL: I think you made the motion. Did you include six?

COMMISSIONER ANAYA: Madam Chair, I would move for approval of item six.

COMMISSIONER HOLIAN: Second.

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

XIV. D. Human Resources

1. Request Approval of Amendment No. 1 to the Collective Bargaining Agreement Between Santa Fe County and the American Federation of State, County and Municipal Employee, New Mexico Council 18, Local 1782

CHAIR VIGIL: Gentlemen, thank you for being here and waiting. Bernadette, welcome.

BERNADETTE SALAZAR (Human Resource Director): Thank you. Madam Chair, members of the Commission, the current collective bargaining agreement between Santa Fe County and AFSCME allows for a wage reopener in which the parties have been negotiating since October. We came to a tentative agreement and the Union did ratify our proposal which includes a one time \$300 temporary salary adjustment as a retention incentive and an additional personal holiday to be used for the calendar year of 2012. and I stand for any questions.

CHAIR VIGIL: Any questions?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER STEFANICS: I will second.

CHAIR VIGIL: I have a motion and a second. is there anything that the union would like to address the Commission on the collective bargaining agreement.

ALBERT LUCERO: Yes, ma'am. Madam Chair, County Commissioners, I am the newly elected president of AFSCME Local 1782 for Santa Fe County employees. I would like to thank Katherine Miller and Ms. Bernadette Salazar and the negotiating teams for both management and labor for their efforts in working out this current agreement. Thank you very much and I stand for any questions.

CHAIR VIGIL: Thank you. Are there any questions for the union representation? Seeing none, we do have a motion in favor of this negotiated agreement.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya, did you want to address this one?

COMMISSIONER ANAYA: Yes.

CHAIR VIGIL: Did you vote in favor?

COMMISSIONER ANAYA: Yes, yes. Madam Chair and Albert good to see you and the team on the negotiations. A question or clarification for Mr. Ross. Relative to the negotiations we have union employees that are in the collective bargaining agreement. We have dues paying members and then we have members that by way of their position that fall under the agreement but aren't necessarily dues paying members; correct?

MR. ROSS: Yes, that's correct.

COMMISSIONER ANAYA: and then, Madam Chair, Mr. Ross, of the total employees or Bern if you can address this, of the total employees in Santa Fe County; how many total employees are there? What's the number that fall under the provisions of the agreement and the number that don't?

MS. SALAZAR: Madam Chair, Commissioner Anaya, there's approximately 229 employees that are covered under the agreement and our last monthly report reflected approximately 35 percent are dues paying members.

COMMISSIONER ANAYA: and the 229, what's the total number of employees in the County?

MS. SALAZAR: There's approximately 850 employees currently.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Salazar out of the 850, 229 fall under the agreement and the balance do not.

MS. SALAZAR: Yes, that's –

CHAIR VIGIL: There's other unions, correct?

MS. SALAZAR: Yes there's four other collective bargaining units.

COMMISSIONER ANAYA: Right, and so collectively how many union-covered employees are there when you take in consideration Sheriffs, detention, AFSCME, fire?

MS. SALAZAR: Madam Chair, Commissioner Anaya, I would say we have approximately 75 to 80 percent of our employees are covered by a collective bargaining agreement.

COMMISSIONER ANAYA: Okay. So, Madam Chair, on that point there is a portion or a group of staff that isn't covered by any of the unions but that the Commission could evaluate their needs, and should evaluate, and do evaluate their needs separate or in addition to what's discussed in the union.

My point is this, not all people are covered by the union because -- within any of the unions, and there's a segment of the staff that is not covered at all that we still need to be cognizant of as well in our discussions; would you agree with that?

MS. SALAZAR: Madam Chair, Commissioner Anaya, yes, I completely agree with that.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

MS. SALAZAR: Thank you.

CHAIR VIGIL: Thank you. Congratulations members of the union. Congratulations Human Resource staff for working this out and I'm glad that they voted in favor of it.

XIV. E. Public Works Department

1. Request Approval of a Purchase Agreement with Edwin and Francesca Lemus to Purchase Approximately 0.483 Acres on the Santa Fe River for the Purpose of Creating a Public Greenway and Trail (Public Works Department/Projects)

PAUL OLAFSON (Projects and Facilities Division): Madam Chair, Commissioners, what we have before you is a request to approve an acquisition of approximately half an acre of land along the Santa Fe River as part of the river greenway project. It's located in the Village of Agua Fria and I would stand for any questions.

CHAIR VIGIL: Just a statement and sigh of relief, I'm glad we were able to get this acquisition we haven't for quite some time. Any questions on this?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of a purchase agreement.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: All those in favor.

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

XIV. E. 2. Request Approval of Resolution 2011-194 Authorizing the County Manager to Execute Closing Documents with Edwin and Francesca Lemus for the Purchase of Real Property (Public Works Department/Projects)

COMMISSIONER STEFANICS: Madam Chair, I would move approval.

COMMISSIONER HOLIAN: Second.

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

XIV. E. 3. Request Approval to Extend a Building Lease Agreement Between Santa Fe County and Burro Alley, LLC for Office Space Located at 142 West Palace Avenue, Santa Fe, New Mexico for an Additional 12 Months, From March 1, 2012 Through February 28, 2013, in the Amount of \$222,321 (Public Works/Projects and Facilities)

JOSEPH GUTIERREZ (Public Works): Madam Chair, members of the Commission. This is for approval for the second year of a three-year lease and this is an option to continue to lease. We have to notify the landlord by the end of the year. We are coming to completion of the first year and as I mentioned I worked on this a year ago after the first year we will have saved \$72,000 from the previous lease that we had. With that I would stand for any questions.

CHAIR VIGIL: Questions?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I just wanted to make the comment that I have asked in the past our county manager to have staff work out a long-term transition plan away from leased properties here at the County. Do we have any idea of when we're going to have such a plan?

MR. GUTIERREZ: Madam Chair, Commissioners, I defer to Mark Hogan who is working on that.

CHAIR VIGIL: Mr. Hogan.

COMMISSIONER STEFANICS: I have no objection, Madam Chair, to this particular lease. I just would like to know when we're going to have the transition plan.

CHAIR VIGIL: I understand.

MARK HOGAN (Project and Facilities): We're working right now on a facility master plan that hinges on the move of the Judicial Court into the new building and vacating that building. That will happen in a little more than 12 months from now. So the facility master plan will be implemented essentially when they vacate that building. We expect that it'll be anywhere from nine months to a year of renovation work on that building before it can accept a repurposed use. So it would probably be a two-year extension on this lease as we're seeing it right now.

COMMISSIONER STEFANICS: So, Madam Chair, Mr. Hogan, do you think that you could prepare some kind of transition plan in writing that has all the properties and all of the movement dates even if it's three years or five years out?

MR. HOGAN: That's our plan, yes.

COMMISSIONER STEFANICS: Okay, thank you very much.

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER ANAYA: Second.

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

XIV. E. 4. Request Approval of a Building Lease Agreement Between the County and Presbyterian Medical Services for a County Owned Building, Parking Lot and Playground Located at County Road 98 in Chimayo for a Headstart Program in Santa Fe County (Public Works Department/Projects & Facilities)

MR. OLAFSON: Madam Chair, Commissioners, I stand before you asking for an extension of a one-year a lease for the Chimayo Headstart facility to PMS from the County. I stand for any questions.

CHAIR VIGIL: Questions?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER STEFANICS: Second.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: No, I'm good. I have a comment after the vote if I could.

CHAIR VIGIL: You can comment now.

COMMISSIONER ANAYA: Madam Chair, on this item and actually the previous item on the lease, my comment would be on the lease of the building, I think I heard you say, Mark, that more than likely because of logistics, I remember Joseph coming forward and talking about this process and we had a lot of discussion. There's a lot of timing issues and I think that's what Commissioner Stefanics was getting at associated with getting the internet in, and phone lines, and phone systems. I think I heard you say that more than likely we're going to probably end up renewing the lease again for another year because of those issues and then Commissioner Stefanics said let's see a long-term plan. If in the process of your review you find that that's going to be the case then I don't think we should wait for a business standpoint till the end of the year, 15 days before the year's going to expire to make that determination. I'd like to see planning as Commissioner Stefanics has said and if it justifiably means that it's going to be two years instead of one let's not withhold. Let's figure out how to be reasonable about extending it and so. I'm sorry it took me awhile to catch that thought but I think that's what I heard from Mr. Hogan and I think I'd like to see it sooner in the discussion process maybe through the budget process so that business owners and people that are dealing with leases can also do some pre-planning of their own. So.

MS. MILLER: Madam Chair, may I make a comment on that. On both of these leases there are two dynamics but one of them is – that is true. But one of the reasons that we have gone to – we have actually brought this to the Commission for a two year in January or February but the conditions and the market actually helped us reduce this lease by about \$80,000 so one of the reasons we were trying to balance whether we could actually get a cost savings but also indicated to the landlord on the Bokum Building that we did believe we would probably based on our construction timeline be there a year or two more. But we didn't as a – as a result of actually looking at it and not extending the lease that previously been there we saved \$80,000 a year on the Bokum Building lease.

On this Headstart building lease, I actually would like to do it more than one year at a time. I think that has been an issue relative to how it works at getting into long-term leases approved at the Board of Finance so it had not been done over a longer term. But I would like us to actually do this one on a longer term and if it's possible if we could bring this one back and do a longer because it's really just more of an administrative thing to constantly keep bringing it back. I would agree with you on this one that we should probably be doing something within the timeframe of the statute longer than a year at a time.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Okay.

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

XIV. F. Procurement

1. The Santa Fe Health and Human Services Division Senior Program Requests a Waiver From Section 1 of Ordinance No. 2010-08 to Purchase Food and Cleaning Supplies for the Senior Meals Program in an Amount to Exceed \$100,000 Under the State of New Mexico Contract for Such Items. (Community Services/Health and Human Services) (TABLED)

XIV. G. Matters From the County Clerk

1. **Ordinance No. 2011-12, an Ordinance Amending Ordinance No. 2009-06, to Remove Fees for Data and Documents Provided By the County Clerk, to Comport with NMSA 1978, Section 14-8-14 (2011), Which Delegates Authority to Establish Reasonable Fees to the County Clerk; Amending Exhibit a of Ordinance No. 2009-06, (FINAL PUBLIC HEARING)**

GERALDINE SALAZAR: Madam Chair, Commissioners, my name is Geraldine Salazar. The goal of the Clerks office is to ensure there a sustainable economic plan in place to recover the cost of copying electronic records. Such a plan ultimately is in the best of Santa Fe County taxpayers. The economic reality is that it cost to maintain, preserve, and protect government records for the public. The Clerk Office has received taxpayer dollars to create the system and must generate the necessary revenue through reasonable fee recovery to maintain, preserve and protect this public resource.

The Clerk's Office must also insure that the provisions of Article IX Section 14 of the Constitution of New Mexico, the Anti-donation clause are not violated. There must be no violation of the conflict of interest allowed by selling public record at discounted prices for copying electronic records. The Clerk's Office should not subsidize companies with public funds to enrich their business at the cost of the taxpayer. Law mandates reasonable fee to recovery the cost of the products developed and maintained in the

Clerk's Office, the text filed and the text files contains the index for the images are products of the taxpayers investment. It cost to maintain the County's day-to-day system and to backup, migrate, sort, and upgrade the Clerk's electronic records data system. The revenue generated from this reasonable fee recovery reduces the economic burden on taxpayers and lowers the risk of increasing taxes to delivery this service. Please note that I have worked with our Santa Fe County Clerk and attorney on the ordinance amending ordinance no. 2009-06 has been legally approved as to form for your approval. I have gathered information from other county clerks offices on what they charge for copying public records in an electronic format and 28 responded. The predominant fee charged for public records recorded in New Mexico County Clerk's offices is 10 cents per image. In 2010 the Santa Fe County Clerks Office recorded an average of 2,871 images of documents per week. At 10 cents per image the cost would for these 2,871 images would have been \$287.10 per week.

Based on the statewide review and the figures above \$200 weekly for a weekly fee that would charged prior to ordinance 2009-6 is reasonable. It is in the best interest of taxpayers' investment to insure that there is a sustainable economic plan in place to recover the cost of copying electronic record with an effective infrastructure for public access to use public. In addition I followed up on the concerns of a lawsuit and I received no information regarding a lawsuit in any county in New Mexico regarding the fees charged for electronic public records obtained in a county clerk's office. This was verbally validated to me on December 9, 2011 by the attorney for the New Mexico Association of Counties. Do you have any questions, I stand for questions.

CHAIR VIGIL: Thank you, Geraldine. Questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Geraldine, I am still trying to get my hands around this. This reminds me in some ways to the tax rates that are suggested for property tax for yield control where the Commission as a Commission is asked to adopt those rates even though we really don't have any say in those adjustments that take place at the state level. And so with this particular issue let me just ask a few pointed questions. I know the last time we had this discussion you made reference to larger entities across the country and you referred to companies outside of New Mexico that were asking for massive amounts of data and that it was for pennies on the dollars -- it was for nothing essentially. And that potentially affect the individual taxpayer that goes into your office to receive documents. Not in terms of the large companies or the external requests for information. How is it going to affect the individual taxpayer coming in from Galisteo for example to get public information?

MS. SALAZAR: Our individual taxpayers who live locally and request for documents in our office will not be impacted because they don't buy in massive quantities. They will be charged like everyone else for \$1 a page for their document. And if they request a certified copy then it's \$2 for the first page and \$1 for each additional page and those are separate. Those are hard copies. So generally speaking taxpayers don't come in and ask for massive data. To answer your concern to validate or approve a certain fee, we're not asking you to approve the fee but rather to confirm the

law that provides the authority to the County Clerk to set the fees for the data that is being sold out of the office.

COMMISSIONER ANAYA: So once we approve this the Clerk can charge whatever fees they think are reasonable.

MS. SALAZAR: Yes, and we're looking at what was previously charged to the ordinance in 2009. And when I explained that – I took an average of what we record, the highest we record in 2010 was over 4,000 and I took an average and it was 2,000+ and if times that per image 10 cents it comes out to \$287 plus some change. If we go back to our fees prior to the ordinance in 2009 it would be \$200 per week for an \$800 fee a month. Whereas, there are other counties that are charges 1,000 and 1,200 a month for records.

COMMISSIONER ANAYA: For the large volume?

MS. SALAZAR: Yes.

COMMISSIONER ANAYA: Madam Chair, Geraldine is there a threshold that somebody is hitting before the higher rate kicks in –

MS. SALAZAR: No, we're just going to charge \$200 weekly or if they're going to pay \$800 a month. If you look at the state's fees which are very high, which I have gathered a year or two ago. The state charges for digital image from 1-99 pages of images \$1.75 per page; 100-499 \$2.00 per page or image; 500 or more \$2.25 per image. And I gave you a figure throughout the state the most dominant figure was 10 cents per image. We're not even going to go there. We're going to be even less than that if you look at our records. So what we want to be able to do is to charge \$200 per weekly and that can entail 2,000 images or 4,000 or more.

COMMISSIONER ANAYA: Madam Chair, Geraldine, how many requests are we talking about?

MS. SALAZAR: Let's see, we may have for those that regularly request four to six companies. I'm not positive but it's not massive companies.

COMMISSIONER ANAYA: Well, Madam Chair, this is going to affect in a bad way the individual taxpayer.

MS. SALAZAR: No.

COMMISSIONER ANAYA: And they're not going to see an increase to their cost?

MS. SALAZAR: The average taxpayer, no. And everyday we sell documents. We certify documents and we're also told that our fees are pretty reasonable when they come in for a document. And when I've done surveys and looked at what other states or the counties outside the state I see where they charge anywhere from \$12 to \$25 to \$40 for a document that we charge to be certified for \$2 or a marriage certificate we charge \$2.50.

COMMISSIONER ANAYA: So, Madam Chair, Geraldine, is the Clerk going to go through any input process before she adopts those fees or is the fees going to be adopted as you're representing right now?

MS. SALAZAR: I believe these are the fees but the Clerk may decide otherwise. I don't see her charging more than that.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Geraldine, what other counties have enacted this?

MS. SALAZAR: Pardon?

CHAIR VIGIL: What other counties have enacted this?

MS. SALAZAR: This ordinance?

CHAIR VIGIL: Uh-huh.

MS. SALAZAR: No other county has – as far as I know and I may be wrong, no other county has an ordinance such as ours in 2009. So they don't have to go through this process. They're just going by the law and they have the authority right out. And we want to maintain consistency with the ordinance and with the authority of the clerk.

CHAIR VIGIL: Okay, any other questions?

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, this ordinance brings us consistent to the statute; it's that simple?

MR. ROSS: Madam Chair, Commissioner Anaya, that's correct. There was a bill in the 2011 legislature that gave discretion to county clerks to charge fees. You can see part of it in fees, that's essentially the second part of the statute but the first part is that county clerks can establish a reasonable fee for data. So that's why the ordinance needs to be amended because before we had established fees that the county clerk could charge for different things.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross or Geraldine, we've only talked about high volume requests, if we pass the ordinance could the clerk raise any fee? Any fee in the office?

MR. ROSS: Madam Chair, Commissioner Anaya, no, if you take a look at B that's really the text of 14.8.14 there's a limit on paper copies of \$1 a page. And I believe the County Clerk has been charging 50 cents a page for years. I don't know if that's proposed to change but –

MS. SALAZAR: It's one, excuse me, Madam Chair, we charge \$1 within the law.

MR. ROSS: We charge 50 cents in my office for public record when people make a records request. But that's as high as they can go. It's in the statute.

COMMISSIONER ANAYA: So you're already charging the maximum on the balance of the document?

With that said, Madam Chair, I would move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: We have a motion and a second.

COMMISSIONER STEFANICS: I have one more question

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I might have missed this in the whole process but are we now going to standardize fees across the County if the County Clerk does this?

MR. ROSS: Madam Chair, no, the fees will – this ordinance was an attempt to standardize fees a couple of years ago but now the County Clerk will have her own fees and we'll have the fees that are established in this ordinance that we did a couple of years ago. So they won't be standardized necessarily.

COMMISSIONER STEFANICS: Madam Chair, from a policy standpoint I'm not sure that that's good. So I would say that even if we pass this tonight that our County Manager look at that issue to see how that might impact the public's perception of what the County is doing if the public might go to one office to try and get the same information at a lower fee than another office, how this might impact budget, etc. Thank you

CHAIR VIGIL: Okay. I'm sorry would the maker of the motion and the seconder just hold off. This is a public hearing and I do need to ask if there's anyone here to address the Commission on this. Is there. Seeing none the public hearing is closed and your motion stands.

COMMISSIONER ANAYA: Madam Chair, I'm going to make a comment based on Commissioner Stefanics' remarks to say that I do not want to increase overall fees for documents in the County as the maker of the motion. And as I understand it the intent of this adjustment is not to focus on overall fees but to focus on a very specific segment of data that has been under taxed or fee this external requests that are very large request for data and I want to put that on the record. That I'm not for increasing other document fees and that the intent of the motion is that the clerk is going to utilize adjusting the fees associated with those high-end large volume users and not the individual taxpayer.

MS. SALAZAR: Madam Chair, Commissioners, yes, this is for companies that do business in New Mexico out of state whoever request for massive amounts of data, yes. Not for the individual taxpayer.

CHAIR VIGIL: And, Geraldine, is it fair to say that exhibit A shows the caps on those?

MS. SALAZAR: Does it show the caps on –

CHAIR VIGIL: The charges, the fee charges. Your Exhibit A, your data base, your master data base is 4364 sent electronically, that you've identified here?

MS. SALAZAR: We don't send them electronically. We copy them on CDs and then send them.

MR. ROSS: Madam Chair.

CHAIR VIGIL: I'm sorry the question – did you want to clarify it?

MR. ROSS: Madam Chair, Exhibit A does not contain the clerk's fees now. It used to.

CHAIR VIGIL: These are the old fees.

MR. ROSS: These are the fees that except for the Clerk's fees that the County currently charges for various items. But in the previous ordinance of course there were a number of items here that pertain to records of the County Clerk and we had to take those out.

CHAIR VIGIL: So is Exhibit A an updated version of fee charging, Steve?

MR. ROSS: Correct. It just contains the fees except for the County Clerk's fees that we established two years ago.

CHAIR VIGIL: And the County Clerk's fees will not vary from this except for the large volume?

MR. ROSS: They will vary from this, yes.

CHAIR VIGIL: In the large volume request?

MR. ROSS: In all respects. This ordinance won't pertain to anything that the County Clerk charges from now on if it's passed.

MS. SALAZAR: Madam Chair, Commissioners, take for instance 11x17, we charge \$1 for a plat. So there are differences. Data held by the County Clerk as specified by the Clerk and that's what has changed that the County Clerk's fees are not in there. We have our own fees and our own fee schedule.

CHAIR VIGIL: I want to support this, Geraldine, with regard to giving you the autonomy to make those decisions because you have the practice that prudence of budget. My only concern I guess would be if somebody comes in the building and you decide to charge, now you're currently charging for an 11x17 charging \$1, and Land Use may charge \$2; does this mean that requestors are going to go form shopping for the best fees? In other words, will the Clerk's fees match what the –

MS. SALAZAR: Madam Chair, Commissioners, 11x17 map is a different product because it may have color, it may have manipulation of mapping whereas ours is a fixed document that is a public record and recorded and it will be – and we will charge \$1. So even though there's an 11x17 we will charge \$1 and they will charge \$2 because we do have different products and that's just to show you that there are different products within the County and within our office also. There isn't really a conflict. There are differences just in the sense for the County Clerk's office we are a public record that we must maintain forever.

CHAIR VIGIL: Okay. It is seeming like without enacting it restricts you a little bit and I don't want to do that and I have faith in the clerk's ability to make those kinds of decisions and probably you've had difficulty dealing with these voluminous claims and I know GIS sometimes does too. So I don't know, are there any other comments?

Upon roll call vote with Chairman Vigil, Commissioner Stefanics, Commissioner Anaya, and Commissioner Holian all voting in the affirmation, the motion passed.

CHAIR VIGIL: Okay, you have your ordinance, congratulations.

MS. SALAZAR: Thank you.

XIV. H. Matters From The County Manager

MS. MILLER: Madam Chair, thank you. Commissioners, there are a couple of things. First of all I'd like to introduce a couple of people and then I'd like to do a quick presentation on the Land Development Code, it's just handing you what has been prepared to date and making sure that that is online and people know that it's there.

First thing I would like to bring is Adam Leigland. I had informed you previously that we hired a Public Works Director and this is a reminder that this year we went through this year's budget project we had a reorganization where Public Works now

consists of Robert Martinez' division with roads and solid waste and drainage. We have utilities under Pego and then the Facilities which includes open space, the community development process and facilities maintenance and services under Ish, all of that – and that's under Mark Hogan, so those three division directors now report to Adam Leigland. He just started this week. Just to give you a little bit of background, he came from Italy and I was teasing everybody at the beginning and I said he only speaks Italian and you have to be patient with him. But actually he does speak Italian but he speaks very good English as well. He's not Italian. He's been working in Italy with the Department of Defense as public works director for Aviano Air Base in northern Italy and prior to that he was also in the Air Force. He's a civil engineer and also a certified planner. And he also has county experience. We worked for another SF County that would be San Francisco County as a planner. So he has a great background Santa Fe County. He's got ties to New Mexico and to Santa Fe itself. And we're very happy to have him and I just wanted you to meet him and for him to say a couple of words.

CHAIR VIGIL: Welcome, Adam.

ADAM LEIGLAND: Good evening, Commissioners. As Ms. Miller mentioned I do have ties to this area and I'm really excited to be back here. We were living abroad for some time but when we looking for a place to come back to the states New Mexico and particular Santa Fe was where we focused on so when I saw the opportunity to come work for Katherine, I jumped on it and I'm glad to be here.

I'm real excited. I've met some of you and I've met some of your staff already. And I've met most of my staff already and I'm impressed with the quality and the dedication that they bring so I look forward to working with you in the future.

CHAIR VIGIL: Very good. Welcome Adam, you've got a lot of work ahead of you. We look forward to working with you. Ms. Miller?

MS. MILLER: Madam Chair, Commissioners, the second person I would like to introduce is Pablo Sedillo III. Pablo Sedillo III I just offered him and he accepted the position of the Public Safety Director. Pablo has also ties to Santa Fe County. He previously in the '90s I believe was actually when we had our old adult jail facility and CCA was the contractor Pablo was the warden of our adult facility then. But then after we built the new facility he went on to work in Colorado to open up a 1,000-bed facility from the ground up in Colorado. And then also has worked in Arizona in the Department of Corrections but for adult and youth facilities. He's also got a business background having run a security company consulting work and also a movie theater business. So he brings with him a lot of business background. He has strategic planning background, very goal oriented and action planned oriented. He's currently, we just brought him over from the State of New Mexico where he has been the Juvenile Justice Systems Director and also taking care of bail, probation and parole.

He will be joining us next week. So welcome Pablo and if you'd like to say something.

CHAIR VIGIL: Welcome, Pablo.

PABLO SEDILLO III: Madam Chair, Commissioners, thank you very much. It's a pleasure for me to come back to New Mexico. I was brought back to New Mexico to run the Juvenile Justice Service for the State of New Mexico and I'm doing a

SFC CLERK RECORDED 02/02/2012

full circle. I started at the Santa Fe County detention center back in the '80s as a correctional officer there, a detention officer back then and worked my way up. All the way up to the warden's position. I'm very fortunate to come back to New Mexico with my family.

I'm really excited about taking on this new role and this new challenge. I look forward to working with the County Commission, County Manager for the Santa Fe County.

CHAIR VIGIL: Well, welcome very much. You are very bit as eloquent as your father.

MR. SEDILLO: Well, it's a funny thing when I first go the position of juvenile justice director for the State of New Mexico a lot of people were calling my dad up and congratulating him. I'm sure that he's going to get some calls now and congratulating him on this position as well. I forward all my calls to him. [laughter]

CHAIR VIGIL: Congratulations.

MR. SEDILLO: Thank you.

CHAIR VIGIL: Thank you. Ms. Miller.

MS. MILLER: Madam Chair, just as a reminder and I should have started it with that – the Public Safety Department includes all of the correctional facilities, the adult, the juvenile electronic monitoring, all of those that are under Annabelle, including inmate medical and administration. It also includes the Fire Department, volunteers and paid staff. It includes the emergency operations center. Emergency management and it will also act, that position will also act as a liaison with the Sheriff's Department in helping coordinate all of our public safety efforts. I just wanted to make sure you got an opportunity to meet them because the next meeting isn't until January 10th even though he doesn't start until next week.

XIV. C. 2. Release Of Selected Chapters of the Sustainable Land Development Code (SLDC) Draft and Discussion of the Code Public Input Process [Exhibit 1]

MS. MILLER: The next thing is Penny has a really quick presentation of where we are with the Code and what is being released today and what the next steps are. I asked her, since I know that there is quite a bit on the agenda, just to bypass the history and just get to where we are today.

PENNY ELLIS-GREEN (Deputy Manager): Thank you, Madam Chair, Commissioners. Jason, if you could bring that down and jump to page six. I will go ahead and do an abbreviated presentation. The entire presentation is up on the webpage now, or pages along side captions one through four which is what is being released today.

Thank you, Madam Chair, Commissioners. The first phasing that we're on today is Phase I is the release of chapters one through four. We're putting this out for public input, review and comment. We will then move on to Phase II where staff will continue to release or draft and release remaining administrative and financial sections of the code and we will release those as chapters are drafted. Again, we will put those out for public input, for taking review and comment from the public. We will then move on to Phase

III where there will be additional public input stages. The first one would be for water and zoning and any other issues that we have identified in the drafting process or the initial drafting process that will go out for public input. We will do that prior to releasing drafts of these sections and after we've taken that public input we will then do the final draft and release that again for public review and comment.

Phase I is the administrative sections. That's chapter one, general provisions; chapter two, planning; chapter three, decision making bodies and; chapter four, procedures. These chapters are on our webpage now and copies will be available tomorrow in the administrative offices of the planning division and they will also be taken to the satellite offices and the public libraries.

Public notification as chapters are released we will present them to the Board. We will do press releases, we will send out emails to our County contact database and we will come back to the Board to do updates as new chapters are released and as we plan the public input group.

Public comments, this is where the public can make comments on our webpage under "hot topics" and "SLDC" and that is up now. An email address has been established which is sldc@santafecounty.org and we also take written comments to the planning division.

After we've done these three phases we would move onto Phase IV which is the adoption process. So once we've completed the first three phases including the public input we will lead into Phase IV. We will identify changes that have been made and we will release a new entire document for adoption. We will then come back to the Board and take your direction on the approval process to include study sessions, public meetings, public hearings and the final adoption process. And then the last slide I just wanted to leave up so any members of the public can see the address, the web address, the email address and the address for taking written comments. I believe Robert has handed out the full presentation and Chapter 1 through 4.

COMMISSIONER STEFANICS: Thank you, Ms. Ellis-Green. We will take comments or questions from members of the Board. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate the information and I want to just slow down a little bit just to make sure that the public that's listening, that's here, that's listening on the radio or watching on TV can understand. And you and I did have a conversation on this and I very much appreciated that.

The code and the chapters that we're releasing have not been released before. The Commission has not seen these documents before; correct?

MS. ELLIS-GREEN: That's correct. We're releasing them today.

COMMISSIONER ANAYA: Madam Chair, Ms. Ellis-Green, the functions in chapters one through four and the documents that we have in our hand now are in administrative in nature and don't get to the core issues that we're going to still yet to deal with in the code; correct?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER ANAYA: Madam Chair, Ms. Ellis-Green, based on the comments and the slide show that you've provided there's going to be extensive,

continue as we have up to this point, public input and review associated with all of these issues that we've been dealing with.

MS. ELLIS-GREEN: That's correct and that will include water and it will include zoning.

COMMISSIONER ANAYA: Thank you, Madam Chair, Ms. Ellis-Green. I've said it at every other meeting so I'm going to say it here as well and I would like to hear a few comments from Jack, Madam Chair, regarding the entire process, regarding going all the way back to the plan, and regarding some maybe insight from his perspective on the process. If that's okay, Ms. Ellis-Green.

I think the point I want to hammer home is that we've gone through a conscious public process. We're going to continue that public process and there's differences between areas throughout the County so, Jack, given your background and given what Ms. Ellis-Green just laid out, I'd like to hear your thoughts going forward from staff perspective but also from a community perspective as a citizen in the County.

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, thank you. I think it's a really good question. I think it's again is a good question from where we left off at the last meeting that we had. Because what we really found, this has really been two years, two-and-a-half years almost, so what we've found is that when we first came forward with the plan over two years ago. We had some issues with it, with the communities and with the Commission at that time. What we really needed to was to stop, figure out the best way to really go over that carefully so that everybody, staff and the community, understood what we were talking about and what growth management meant in particular and how it related to the previous plan that we had done in the '90s and really all come to a collective understanding. We did that and we did a really good job about that and in part what made it so effective was that we had those four growth management areas that we were really able to have meetings and really understand what the issues were in each part of the County.

I think now that we've totally finished with the plan and this other intermediate piece has been how does the plan need to relate to the code. Not that we have the code all written and all out there but what do we really need to pay careful attention to that would become legalistic from the plan. And we did a really good job of that and I think that where we had our discussion last time is, we needed now to still relate to the Code and that might make it different than how we did it in the past. Not that we're going to gloss over the communities or not pay attention anybody but we have to rethink how we did it and so that's where we are in this process right now. For example, one of your questions to me last time was well, are we going to do a focus group on water? As we thought about it and talked about, we could, we could do a focus group and do community meetings and whatever but it seems like maybe now let's just reconnect with what we need to know about water in terms of the Code and maybe it's something different and even a little bit bigger than we thought it was, like a water summit for example or more related to the community planning process. Like the congress of community organizations that we've already built into the plan.

So our thinking at this point has kind of said, let's just not say that we're going to do everything exactly the same way but let's really make it work this time. So that's

where we are and I think that we've come up with some good ideas and there's really good thinking with staff. And, as you know, we've gotten tremendous feedback from our constituents who are really paying attention so that what we do is well understood by the staff and by the community as well.

Does that explain what you asked?

COMMISSIONER ANAYA: Yeah it does and I appreciate that feedback and I think I would just restate again on the record that every community is different and diverse and as we do the Code that we are very complementary of each of those differences and respecting of those diversities and that we don't impose the will of one community on another arbitrarily or unilaterally. That we do our review cognizant of the areas and that what's good in one community isn't necessarily good in another. And I think you've said that and I think that's what Ms. Ellis-Green has said and I think the presentation is very succinct and clear and it's a process but by no stretch is it an overnight solution. There's still work to be done and we're progressing. Jack, again, thank you for your ongoing commitment and for your prior work and future work in the community because I know you're going to speak up and speak often when you see things that you're concerned about. So thanks again.

MR. KOLKMEYER: Thank you, Commissioner.

COMMISSIONER STEFANICS: Thank you, Commissioner Anaya. Anything Commissioner Holian? Okay, thank you very much. I do believe that the public will have many questions about these four chapters so we'll see how it all continues to roll out and I'm happy to see it's not going to be 1,000 pages as Jack suggested one time.

So we're back to the County Manager's items. Could we take item two first?

H, 2. Review, Discussion and Approval of Resolution No. 2011-195, A Resolution Authorizing and Supporting a Community Development Block Grant Application for Santa Fe County

COMMISSIONER STEFANICS: Commissioners, are there any questions about this one?

COMMISSIONER HOLIAN: Madam Chair, after a presentation I just want to make a few comments, a few brief comments.

COMMISSIONER STEFANICS: Okay, so let's go ahead with the presentation, Rudy.

RUDY GARCIA: Madam Chair, Commissioners Rudy Garcia with the Community Services Department. This is a block grant that was established in 1974. It was done under President Ford and the Congress back then which allocated money to the Department of HUD which is Housing and Urban Development. This is one of the longest running programs at HUD and so what HUD actually does is allocates certain amounts of money to the State of New Mexico. The State of New Mexico Department of Finance and Administration receives anywhere from –

COMMISSIONER STEFANICS: Excuse me one minute, Rudy. I think we have some members of the audience who are here for this evening's presentation.

Okay I would just like to let you know that we have two more items and then an executive session before we go into the evening. So, Steve, are we thinking maybe an hour after executive session or how long are we thinking for the executive session?

MR. ROSS: Madam Chair, I think we could do it in 45 if we're disciplined but you might want to call it an hour.

COMMISSIONER STEFANICS: Okay, so if we have 45 minutes for executive, we're probably going to take 15 to 30 minutes for each of these next two items. That's just so you know if you need to leave or put money in your meter or go get something to eat so you have that, okay.

I'm sorry, Rudy, why don't you proceed?

MR. GARCIA: Madam Chair, the Department of Finance and Administration in the last three to five years has received anywhere from \$16 million to \$18 million for a CDBG projects, that's Community Development Block Grant projects. They actually put it out for an application type of submittal for DFA. We actually have had three different meetings in the month of November. We had meetings on November 15, 17 and 19. We did get some community involvement. The first meeting there was about 15 to 25 people and they were from the Village of Glorieta. They would actually like to see the Glorieta project proceed forward. The next meeting we actually did get some calls from the Stanley Edgewood Cultural Facility. We also did get some inquiries about the Pojoaque Valley Recreational Fields and then on the last meeting on the 19th on Saturday we got the Interfaith Community Center in the city limits which is a homeless shelter where Pete's Pets used to be. A gentleman by the name of Guy came in and was inquiring about the CDBG applications. Ayudantes Incorporated did call me in regard to whether the County could actually purchase their building there off of Aztec Street.

One of the projects that did come in was the Greater Glorieta Community Regional Mutual Domestic Water Consumers and Sewage Works Association and we feel, I feel this would this qualify for this year's CDBG funding cycle. It is actually the only proposed project on the list that currently has all submittals that a CDBG application would require. The association is a project that is ready to proceed forward for the 2012 application process and I would just stand for any questions.

What it is in a nutshell, Commissioner Holian, we have Glorieta Estates who has a water estate. We have Glorieta who has a water system. We have Glorieta East which is across the interstate has a separate water system as well. What this CDBG application before us is roughly for about \$490,000 and that would actually be for the connection to Glorieta Estates to Glorieta and eventually in the years to come eventually hopefully hooking up Glorieta East to these other two systems to make it one regional water system.

COMMISSIONER STEFANICS: Thank you very much, Rudy. And, we have Commissioner Holian and then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. And, first of all, thank you very much, Rudy and also to Hvtce for all the work that you've done in moving this grant application forward. I know it's been a lot of work. I also really want to thank the Glorieta folks because things have really pulled together to set a strong foundation for this grant. And so I want to thank all of them and I read an email message

that I got from Anna Hamilton which explains why they're not here. She writes, "You probably already all know this but it's still snowing out here and there's no power in Glorieta. All of this is making it very difficult to get out to attend the BCC meeting this afternoon but we are so grateful for your support and also very motivated to follow through on this project. We need the County's support and the CDBG funding desperately. I just want to emphasize that the lack of attendance by Glorieta today is really not a reflection of apathy or lack of appreciation. Definitely not. I very much hope that the other Commissioners can appreciate how hard we are working on that and how critically we need this support."

I also want to at the same time thank especially Melody Delgado and Ron Romero from NMED because they have also helped lay the groundwork for this application. Thank you, Madam Chair.

MR. GARCIA: Just on that note as well, Melody Delgado and Ron Romero were here in the audience and they left about 4:45. As Commissioner Holian said they have assisted and they will be assisting the County in actually preparing this application that is actually do on January 13th. So they've been a great help as well as the community.

COMMISSIONER STEFANICS: Thank you very much. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, a couple of comments for the record. Two meetings ago in front of the public and the Commission I said to my fellow Commissioners and to the public that I was no longer wanting to pursue the application for the Wellness Center in southern Santa Fe County, a project that had received legislative funding to go forward and then the legislative funding was lost. At the same meeting I also said that moving forward, and I expressed support at the time, at the time that the project being discussed was Commissioner Holian's project in her district for the mutual domestic water association, and at that time I said it makes sense. If they're ready to go let's put them forward and I would support that application. What still want us to do and I'm asking my colleagues of the Commission to consider is that we shouldn't wait until December 13th to prepare a comprehensive application for this project or any other project. And I've had, Madam Chair, conversations with Ms. Miller and staff and Ms. Miller and staff are moving in the direction to begin to prepare for projects and have projects in advance.

But I very much think it would be prudent, even if the project that I'm suggesting doesn't get approved, for us to have approval on next year's project, like, soon. And even moving forward over a couple of years so that we can say it's the mutual domestic application this year, it's the senior center next year, it's the youth ag the year after that, so that – and I see Roger sitting in the audience from the Village of Galisteo, and I had probably nine communities represented at the last meeting I had of all the communities in the district, and what I told those communities is we together will talk about priorities and then we together will make recommendations as communities in District 3 as to what are our priorities and what do we want to bring back to the Commission.

So I'm just – I'm hopeful that we can do that and that we don't put ourselves in the position next year where we're all the way up in December trying to figure out what

our application is going to be, because if I'm so successful as to get an opportunity for an application for CDBG or any other project I want to begin that process as early and as in advance as I possibly can to get as many communities to understand it and to buy in and support the project, including communities, including legislators, at the state and federal level. And even at the municipal level.

So I'm excited and in sounds like the ducks are in a row to where you can get this application packaged, but I would ask for us as a Commission that we consider putting projects for future years' allocations on the list sooner so that we as a Commission and in conjunction with staff and the communities can build a strong application that gets funded. And I say these words not as a lay person that's never had the opportunity of working directly with the CDBG process, and I've worked directly on three, not only applied for projects but completed projects within Santa Fe County. So I think for a time, Madam Chair, and I'm hopeful that we'll see other projects coming forward for future years. Thanks.

COMMISSIONER STEFANICS: Thank you, Commissioner. Thank you, Rudy. So we're back the approval of Resolution No. 2011-195.

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER STEFANICS: Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER STEFANICS: Okay. There's a motion and a second.
Any further discussion?

The motion passed by unanimous [3-0] voice vote. [Chair Vigil was not present for this action.]

XIV. H. 1. Presentation, Discussion and Direction of Santa Fe County's State Legislative Priorities for the 2012 Regular Session

MR. GARCIA: Madam Chair, Commissioners, subsequent to a meeting in the County Manager's office we had a meeting with our County Manager to go over to help you with some guidance and direction from you on this year's legislative session. Once again, as you all know this year is a 30-day session and it's actually a budgetary session so hopefully they pass bills that affect budget. We have yet to hear what is going to be on the Governor's call. I don't know if any of you have heard but as I believe Manager Miller has not and I have not and speaking to other people that represent other government entities at the Roundhouse nobody has any clue as to what the Governor is going to have on her call.

January 17th is the opening day of the session. That's actually at 12:00 noon. The deadline for introduction is February 1st, with the session ending on February 16th at 12:00. December 15th is actually the formal day that pre-file legislation happens and maybe at that time we can see what types of legislation legislators are actually submitting. Again, I attended a meeting two Fridays ago with Senator Wirth out in the Eldorado area in speaking to senior citizens at the center there and he too has no clue as to what the Governor is going to place on the call. One of his bills that he's actually

going to be bringing forward is his tax for a large corporate tax. He will be submitting that bill. He doesn't know whether the Governor will hear it or not but he's going to try it.

The other items that Hvtce handed out [Exhibit 2] we actually will be having our legislative breakfast meeting on Thursday, January 19th. This will be an invite that will go out through the email as well as go out by mail to all our legislators in the Santa Fe County. It actually will be held in Room 303 at the Capitol, same room it was held in last year. On the back of it is a sample letter that will go to the entire Santa Fe County delegation.

The next page actually has, it's called favorable outcomes. [Exhibit 3] We just kind of wanted to bring you back to last year's session. These are some of the resolutions that the Commission approved and some of the bills that were adopted by the Governor and the legislative session last year. Resolution No. 2010-22 was a resolution supporting the increase of preference advantage to the New Mexico agricultural sector. That basically did pass. I believe Pam Roy was here to talk to you all earlier about that. That passed with a House Joint Memorial.

I don't know if, Madam Chair, do you want me to go through all these? Or how would you like to –

COMMISSIONER STEFANICS: No. At this point I think that what staff is asking for is our comments, from what I'm reading here is if we want to give any direction to anything in particular, rather than just monitoring and making sure that we are not harmed. And of course there are many ways that we could be harmed with the change of taxes or any other legislation that would take away our authority. So, Commissioners, anything that you would like to pass along? From the past years, what we have done is that every Commission meeting we have had an item slated for legislative discussion. So Ms. Miller, I'm assuming we will continue to do that?

MS. MILLER: Madam Chair, Commissioners, yes. We will do that. What we're looking for today was anything that we have had in the past or anything that you're aware of that you'd like us to bring back, sort of resolutions, prior to our breakfast with the legislators so we would put them back on the agenda for January 10th. Anything that you see on there that we did last year that you want to give us direction to go ahead with, we can put those on the January 10th agenda for a vote and then also we're going to be working on capital requests, just in case some of the capital outlay might be allocated to regional or local projects, we want to bring those back too so we'll be having conversations with you about that. We're not asking you to give us direction on those today but we'll get information and then bring all of that to you on January 10th, anything that we have to date for approval and then that should be the beginning of our agenda with the legislators when we meet with them on the 19th, and then also as you said, continue to have updates throughout the session.

COMMISSIONER STEFANICS: Well, I will start. Last year, one of the issues that I supported was maintaining the existing New Mexico driver's license laws as they relate to immigration status. I understand that this will again be an agenda item. I think we might want to continue a resolution but maybe change the language. Some of our legislators had ideas for strengthening the laws regarding the New Mexico driver's

licenses and I would not be opposed to that at all, but I think that doing away with our driver's licenses, we've heard from our local authorities that this is very important. When we deal with it I'll be happy to share some personal stories about that. But I personally would like to see that continue but not with the exact same language. Not to maintain existing but to maintain driver's licenses but strengthening the state laws, etc.

Other Commissioners' interests? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I'm interested in the whole topic of franchise fees and for counties to be allowed to impose those. Of course I brought forward the whole subject of the energy conservation bonds. Right now we are in discussion. We have been in discussion with the Governor's staff on that, and so, who knows? That actually may be resolved, but that's a possibility as well.

Other than that I'm just interested in getting regular updates on what's going on so that we know if there's any legislation out there that we should either lobby for or against. Thank you.

COMMISSIONER STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think I'm going to have some stuff I want to add and absorb associated with the items. I would ask that the Road Advisory Committee wish list be added to this document. I know that historically the Road Advisory Committee would make recommendations on roads throughout the entire county and I would like to see those recommendations contained in our capital outlay request.

COMMISSIONER STEFANICS: I would agree with that. The other item that we have already taken some positions on, if you look at all of the resolutions that we supported for the New Mexico Association of Counties. Of course we supported some kind of resolution with the lightening property tax. We also had a resolution that did not support taking away our hold-harmless provisions. I'm trying to think of what else.

MR. GARCIA: Excuse me, Madam Chair. The liquor excise tax. We're in communication with the Manager every two weeks. We actually meet on this stuff so all the stuff you guys have brought up we will definitely bring forward. Another thing we'd like for you to look at is the capital outlay. We did submit a copy of the ICIP plan which is this year's priorities, and on the last page of priorities on capital outlay we actually have been talking with the Community Services Department [*Exhibit 4*] Those three or four items there are definitely projects that are unfinished such as the Madrid ballpark. We don't have a Certificate of Occupancy for that because we don't have bleachers in there. Obviously, the Edgewood Center fire suppression system – those are projects we definitely are going to submit.

Just keep in mind we were at an LFC hearing the other day and the money for the capital outlay is very, very tight. But right now LFC is actually recommending that all that money go to statewide projects, not individual legislators to actually spend. However, there were several senators as well as representatives that say there are some unfunded projects out there so we would like to see if you guys would be willing to change what the rules are going to be for capital outlay. So right now it's totally undecided as to whether projects will get funded or not or whether they're statewide projects or whether everything will get vetoed. But we'll get with your legislative

liaisons, we'll get with your constituent liaisons to see if there's any resolutions waiting to come forward and if there are they'll definitely assist us in typing up those resolutions and like I said, if there's any capital projects that need to be – any capital forms that need to be filled out we'll get with your liaisons and figure them out and get them submitted.

COMMISSIONER STEFANICS: Thank you. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, there is one item that I'd like to maybe discuss with the Commissioners individually and give them more background on, but at our Association of Counties meeting that we had in Deming we had – there was a gentleman there, I believe from the property tax bureau. I don't know what it's called. From the Taxation and Revenue Department that had a long discussion with us about the yield control and the formulas that essentially we have no control over whatsoever. And I would like to see if the Commission would be willing, see if there's interest from a legislator to propose a language change that would not have the county commissions approve those numbers. Because we don't have anything to do with them at all.

Those numbers are calculated by the state and then they're provided to us and they basically say here's what they are and you have to adopt them. And the reason that I'm suggesting that we do legislation like that is because I'm going to vote no on it every time. Because we don't have control over those calculations and how they do those calculations and ultimately, whether we adopt it or not, they're still mandated to carry them forward as I understand it. So it's not a clear reflection to the community and the voters. It basically shows that the Commission has imposed those rates and that couldn't be further from the truth.

So I don't know what that looks like but maybe staff can give some suggestions and discussion about how we might get that clarified. That's a state function not a county function but we end up being the ones that bear the brunt of frustration from taxpayers. Did you want to –

COMMISSIONER STEFANICS: I'd like to add to this. If the County Commission came up with a resolution that we pass on January 10th it could still go to the executive committee of the New Mexico Association of Counties when they meet at the conference, so that we could get the entire state to support it, which would carry a heavier weight than just one county. So I think that you are right, Commissioner Anaya, that many people at the board meeting at Deming felt like they had no control over this term, yield control, and in fact the rates. Some counties actually benefited from the yield control but some counties were burned severely, meaning that they had to pass on huge tax increases or were in fact resisting them and trying to go to court.

So I think if we could get a resolution ready here we could in fact publicly get it through the Association of Counties at their executive meeting in January.

MS. MILLER: Madam Chair, Commissioners, I think that's a good idea as a way to approach it rather than trying to change the whole formula because I think that would meet major resistance because it's so complicated. But just taking out the provision in the state law that says that county commissions must approve the order, because you're correct. Really, based on the way that the law is written it says you shall do it. It doesn't give you the option may or may not change the rates, and it's not just the counties' portion which is actually only two pieces of an entire tax schedule, it's state

debt, city, municipal operations, city debt and all that. So I think that that might be one of the better approaches. I also believe that Bernalillo County has on their legislative priorities trying to look for some language changes because they were one of the counties similar to Santa Fe County that did not want to do the order but it's due to the yield control.

So I think that that might be actually as good a solution to say, okay, once the DFA Secretary makes that determination that sets the rate, that's the final piece. It doesn't have to go back to the Commission other than for here's what your rates are, not as an approval that you have five days to do, because that's the other piece of it, it's also administratively very difficult because they say in law you have to do it in five days, but you don't really have a choice.

There's probably some options of just changing that language of just verifying calculation and it not need to be done as a Commission thing but just to do a check and then – because it is the DFA Secretary that actually says these are your rates, based on that statute and the formula. So we could most definitely come up with some proposals and work with the Association of Counties and I think Bernalillo County is one.

COMMISSIONER STEFANICS: So since we had the discussion, could you work on something and then Robert and I, Commissioner Anaya and I could review it for you?

MS. MILLER: Sure.

COMMISSIONER STEFANICS: Thank you. Thank you very much, Rudy. Anything else the Commission would like to pursue or have our legislative staff – yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I know that all the Commissioners have regular discussions with the legislators and I explicitly am continually asking the question of what their priorities are, and when we can as a County we should review what those priorities are of our legislators in Santa Fe County for the delegation and put some of their priorities as our priorities in our documents, given that they're going to be the ones carrying a lot of the water for us, literally and figuratively. So I think we need to continually do that.

MR. GARCIA: Madam Chair, understood. And also just regarding the tax issue, there was some sort of a court hearing that was supposed to be held last Monday or Tuesday regarding Bernalillo, and I think that's where Bernalillo was actually holding up as to whether or not they were going to submit legislation or not depending on what the outcome was of the court. But we'll figure out what that was and get a memo out to everybody and just to assure you, Hvtce and myself and whoever else, our secret weapon over here to the right, we there to look at the best interests for Santa Fe County, because we work for the County and we make sure stuff doesn't happen that's going to hurt us. We just want to assure you of that.

COMMISSIONER STEFANICS: Okay. Thank you very much.

XIV. I. Matters From the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

b. Limited Personnel Issues

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

COMMISSIONER STEFANICS: Mr. Attorney, do we need an executive session?

MR. ROSS: Madam Chair, yes, we do. We need an executive session to discuss pending or threatened litigation, limited personnel issues, and a discussion of the purchase, acquisition or disposal of real property.

COMMISSIONER STEFANICS: Okay, and before I go there, I'm sorry, Ms. Miller, did you have anything else under County Manager? Okay. Thank you. Is there a motion?

COMMISSIONER HOLIAN: Madam Chair.

COMMISSIONER STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: I move that we go into executive session where we will discuss pending or threatened litigation, limited personnel issues and discussion of the purchase, acquisition or disposal of real property rights.

COMMISSIONER ANAYA: Second.

COMMISSIONER STEFANICS: Thank you. There's a motion and a second. We need a roll call.

The motion to go into executive session, pursuant to NMSA Section 10-15-1-H (2, 7 and 8) passed by unanimous [3-0] roll call vote, with Commissioners Anaya, Holian and Stefanics all voting in the affirmative.

COMMISSIONER STEFANICS: And just for the record, Commissioner Vigil had to leave for a short period of time for another meeting and then will come back to join us. So we will be in temporary recess for how long, Steve?

MR. ROSS: Madam Chair, I estimate 45 minutes.

COMMISSIONER STEFANICS: So we should, for the public, be able to reconvene by 7:30.

[The Commission met in closed session from 6:40 to 7:45.]

CHAIR VIGIL: Good evening, everyone and welcome to the evening portion of the Board of County Commission meeting. I need a motion to come out of executive session.

COMMISSIONER STEFANICS: Madam Chair, I will move that we come out of executive session. In attendance were the four County Commissioners, the County Manager, the Deputy County Manager, the County Attorney and the Deputy County

Attorney, and we discussed pending or threatened litigation, limited personnel issues, and discussion of real property.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Okay.

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

XV. PUBLIC HEARINGS

A. Growth Management Department

- 1. BCC Case # MIS 11-5121 Arroyo Vino Liquor License. Revex 101 Investments, LLC, d/b/a Arroyo Vino, Applicant, requests approval of a transfer of location of State Liquor License # 0271. The subject property is located at 218 Camino La Tierra, within Sections 7 & 8, Township 17 North, Range 9 East (Commission District 2)**

JOSE LARRANAGA (Case Manager) Thank you, Madam Chair. On May 10, 2011 the Board of County Commissioners met and acted on case #11-5120, Revex 101 Investments, LLC, d/b/a Arroyo Vino, Applicant, requests approval of a transfer of location of State Liquor License # 0271. The subject property is located at 218 Camino La Tierra, within Sections 7 & 8, Township 17 North, Range 9 East, Commission District 2.

On May 10, 2011, the Board of County Commissioners (BCC) met and acted on case # 11-5120 Revex 101 Investments, LLC, d/b/a Mikes Fine Wine and Spirits. The decision of the BCC was to approve a transfer of ownership and location of State Liquor License # 0271).

The Applicant requests approval of a transfer of location of State Liquor License # 0271. In the prior approval, by Alcohol and Gaming, the area to be served by State Liquor License # 0271 was 1,816 square feet. The structure and patio area to be used for the business is 5,400 square feet. The Applicant has increased the square footage of the area to serve liquor, from 1,816 square feet to 5,400 square feet, utilizing the entire existing structure and patio for the business. State Liquor License # 0271 is a full dispenser license. The Applicant is proposing the sale of package liquor only.

On March 27, 2001, the Extraterritorial Zoning Authority approved a Master Plan Amendment for Las Campanas Town Center. A component of the approval was to allow the sale of liquor on the site. A friendly amendment was made regarding restricting the sale of liquor to certain hours. The amendment was removed and staff was directed to work with the Applicant to develop appropriate hours of operation.

The Applicant's letter of intent proposes the hours of operation to be 9:00 AM to 8:00 PM Monday thru Saturday and 12:00 Noon to 6:00 PM on Sundays. Staff considers these hours reasonable for package liquor sales and in compliance with the intent of the EZA. In the event that the liquor license is utilized for a restaurant in the future an analyses of the hours of operation shall be considered prior to the issuance of a business license.

SFC CLERK RECORDED 02/02/2012

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a transfer of ownership and location.

Recommendation: Staff has reviewed this application and has found the facts presented support this application: the Applicant is proposing the sale of package liquor only at this site; the EZA approved the sale of liquor on this site as a component of the Master Plan Amendment; the hours of operation for package liquor sales are in compliance with the intent of the EZA; the Applicant has met the State of New Mexico requirements for noticing, distance from Schools and Churches; therefore Staff recommends approval of the Applicant's request.

Madam Chair, I stand for any questions.

CHAIR VIGIL: Any questions? Is the applicant here? Very good. This is a public hearing. Is there anyone here to testify for or against this liquor license transfer? Seeing none, the public hearing is closed.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of BCC Case MIS 11-5121, Arroyo Vino liquor license.

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: Okay. Any comments, questions?

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

CHAIR VIGIL: You now have your package liquor license.
Congratulations.

XV. A. 2. Presentation of the Galisteo Community Plan (First Public Hearing)

CHAIR VIGIL: Who will be taking this presentation on? Please state your name and address for the record. Good evening.

SARAH IJADI: Good evening, Madam Chair, Commissioners. I'm Sarah Ijadi with the Community Planning Division of the Growth Management Department. I'm going to go ahead and get started. Tonight we're here to introduce and present the Galisteo Community Plan in the first of two public hearings as we seek adoption of the plan as an amendment to the Sustainable Growth Management Plan.

First, I'd like to thank the Board and the people of Santa Fe County for supporting community planning efforts. Second, I'd like to thank the people of Galisteo for all their time, insights and hard work in this planning effort, not to mention the sense of homecoming I felt every time I visited. Third, a deep appreciation and thanks to the Planning Committee who showed incredible dedication to their community, to the community planning process, and determination in seeing this through completion. And

finally, to everyone in the Planning Department who worked on this plan with a special thanks to Jack who started and fostered the community planning program. He's going to be greatly missed.

Tonight I will give a brief overview of the plan using this power point and then I'll turn it over to a few members of the planning committee who can much better describe their community, their connection to the landscape and heritage, the process they went through and why it's important to seek adoption. In return we hope to answer any questions you have at this time and take any direction you may give us as we seek adoption.

To begin with I want to briefly outline a couple of the key plan objectives that guide all aspects of this plan and are not only consistent with the Sustainable Growth Management Plan but when this plan is adopted will in fact implement many of the SGMP's directives. First, under rural character we need to recognize that Galisteo is part of a larger setting within an area of topographic, historic and cultural uniqueness. Secondly, we need to recognize this is a part of a regional system including geologic and landscape features, water sources and courses and wildlife habitat.

Under land use and water supply the plan ensures compatibility among those land uses, conserves water resources, provides flexibility and certainty and protects scenic features, historic resources and environmentally sensitive areas.

Under the community crossroads and plaza, this plan supports and focuses on the revival of the heart of the community in the crossroads and in the historic plaza area. In this endeavor we need to support historic preservation, building techniques and traditional community forms, and identify public spaces where people can gather and socialize.

The community planning process has been a long, rigorous process that followed the community planning ordinance while engaging community members in a variety of roles including workshops, emails, newsletters, meetings, updates on the County website and open houses. The committee has been active in planning efforts for this area since the 1980s. Collaboration with the County began in 2006 with the adoption of Resolution 2006-22 in which the Board of County Commissioners recognized the need for Galisteo to develop a community plan which incorporated growth policies that coordinated land use and water management and was consistent with the desires of the residents. The Board also authorized the community planning committee to prepare this plan.

The community planning effort was put on hold while the County went through the process of preparing the SGMP. It was restarted in January of 2011 after the approval of the SGMP and a concerted effort was made to finish the plan and begin the approval by the end of this year. The goal is to have the plan adopted as an amendment to the SGMP this coming January.

I'd like to proceed to the draft that's in your packet. We'll go over just briefly what's in the draft. Section 1 includes the intro to the plan summary. Section 2, existing conditions and community profile, and Section 3, implementation.

Section 1 contains the introduction and plan summary, describes the plan area and the boundary, includes a list of initial key issues, provides a community vision statement, describes the community planning process, and outlines next steps including the adoption

of a plan ordinance once the Sustainable Land Development Code is adopted and the formation of a community organization to initiate and implement portions of the plan on an ongoing basis.

This map shows the community planning area which is located in the center of the Galisteo Growth Management Area of Santa Fe County and is home to approximately 267 residents. It covers 3,470 acres with the Village of Galisteo as its primary focus. The boundaries follow parcel boundaries on the north, west and east and on the south follows the Galisteo Creek.

Section 2 provides information on the plan area and community profile. It begins with a description of the wider regional context and the regional impacts to the plan area. It provides a brief history of the area including background on the large Tano Pueblo of Tanu'ge, through the Spanish colonization, through a table of the ranching and grazing community. It provides information on community facilities and the numerous organizations that contribute to the well-being of the wider area. It describes and maps the natural systems and scenic features including the hydrology of the Galisteo Creek, floodplains, wetlands and arroyos. It provides information on the number of wells, and detailed information on the community water systems that serve over half the residents.

It documents and maps existing land uses and development patterns as well as the existing County zoning which is primarily the Homestead hydro zone and the traditional community zone established in 1980.

Finally, Section 2 identifies the broader road network and specific issues pertaining to State Route 41 and County Road 42. I'll go through the maps in Section 2 quickly. They're important background information that informed Section 3. This is the natural systems and scenic features map that delineates important features such as the Galisteo Dike, the Galisteo Creek, and the Arroyo de los Angeles. This is the map showing the domestic wells, the location of the community system wells and parcels served by the community system.

This is the existing land use map and it's important to note that the gray area is considered vacant and has some potential for development, primarily residential.

This is the existing zoning map and again it shows the homestead hydro zone in yellow and the 1980 traditional community boundary in blue showing the parcels in pink. And here's the final section showing the local road network, identifying state, County and private roads.

Turning finally to Section 3, implementation. This implementation section has four subsections: the land use plan, the community parks, open space and trails networks, recommendations on [inaudible] and roads and transportation.

In conjunction with the SGMP policies and in anticipation of the future SLDC the future land use plan and the provisions ensure compatibility among those land uses, provide flexibility and certainty, protect scenic features and environmentally sensitive areas, enhance rural development patterns, delineates historic community spaces and conserves water resources while accommodating the anticipated natural growth of the community.

The future land use categories, general provisions and map provide an outline for the Galisteo community planning District Ordinance. General uses, development types

and water standards are described. Development types such as family compounds, secondary dwelling units and cluster development are identified for some of the future land use categories with the anticipation that development standards will be drafted as part of the ordinance and the SLDC. The intent of the development types is to encourage compact development, support historic development patterns and accommodate a variety of lifestyles including multigenerational families living together.

It also includes the village plaza and mixed-use area, which is intended to develop as a compact mixed-use place that will support important preservation, building techniques and traditional community forms with a focus on the historic plaza and crossroads area. It incorporates the church grounds, mailboxes, Philips C. Watts II Memorial Park, and the intersection of New Mexico Route 41 and County Road 42 and adjacent compatible properties. Appropriate scale mixed-use development will be allowed provided they follow provisions of new development will fit in with existing historic patterns, materials and massing.

The community parks, open space and trails networks identifies likely destinations, possible trail alignments and access points to the public open space, both state and County lands and to the wider regional trails. The network incorporates most of the existing rural roads and proposes a multipurpose trail or path in the right-of-way of County Road 42 to accommodate bicycles, equestrians and pedestrian users.

In addition to the existing community parks the Galisteo River Bosque and the informal system of trails throughout the planning area the network includes the following: a community trail following the old acequia alignment from the Community Association property and connecting with Camino los Angelitos in the Ranchitos Subdivision. This will provide additional walking and equestrian opportunities and important pedestrian connection from Ranchitos to the Village and a visual connection to the historic landscape.

The road subsection provides guidelines and recommended design elements intended for use by the community, New Mexico Department of Transportation and the County as they design and develop road projects, in particular improvements to New Mexico State Route 41 and County Road 42.

Finally, the strategic work plan lists goals policies and strategies to solve problems of interest and concern to all. The intent is to initiate a collaborative relationship between residents, government entities, and organizations through a formalized community organization.

The following three or four slides and the maps that are here along the walls describe the miscellaneous map going from more intense development at the Village core transitioning out to the ranch and open space lands that surround the planning area. This is a close-up of the Village by the mixed-use area showing a parcel that contributes to the idea of a plaza area. This is the community park, open space and trails network showing the connections for pedestrians, equestrians and bicyclists. And finally a diagram showing roads going from the rural roads, transitioning into the Village center to help guide future road design on State Road 41 in an effort to slow down traffic by providing cues in the form of design and landscape elements.

I'd like to now hand off the presentation to Anna Cardenas who will be the first of the committee members to speak to you tonight. Thank you so much for your time.

CHAIR VIGIL: Thank you, Sarah.

ANNA CARDENAS: Good evening, Madam Chair, Board of Commissioners. My name is Anna Cardenas. I have lived in the Village of Galisteo for most of my life. I'm married and have three kids and have deep roots in the community. Right now I am the president of the Community Association. I'm also a board member of La Sala, which is an organization to restore the old dancehall, if you will, that's located just in the center of the Village. I am also a potter and participant in the Galisteo studio tour. I also help care for an elderly father, Onesimio Montoya, a long-time resident of Galisteo.

One of the key values that we as a planning group had and as well as some of our community was the importance of our character and how we keep that alive, and I'd like to speak to that a bit. Just a brief history of our area: Galisteo's first inhabitants of course were the Tano Indians. They built pueblos and established in the area in the 13th and 14th century. As stated on page 26 of our draft numerous petroglyphs provide proof of their important and even sacred connections to the past. Galisteo has about eight pueblo ruins and there's a possibility of even up to 24 I believe throughout the Galisteo Basin.

Spanish settlers may have come into Galisteo as early as 1814 establishing a significant settlement into the Galisteo Basin during the Spanish land grant era. This is where my family came in. We were the Anayas, and there were also Ortizes. There were Sandoval, Pena, Sena and Chavez families. These were ranches. My great grandfather's ranch, Jose Antonio Anaya had a large sheep ranch and that family along with the Ortiz family hired many men from around the Village and they worked in their ranches and they had a pretty big influence as far as being part of the rural industry. Unfortunately, during the depression he ended up losing his land. He had to sell it but he was still a big impact on the community and they still had, throughout many years after that they still wanted a home in Galisteo. Their home still is standing and it belongs to my Aunt Mary Alice.

The tiny little village of Galisteo struggled a lot through that kind of depression, through the Depression and they always had stuff that would keep them going, which was the Village Church. They had a lot of processions, they had a lot of functions, and it was all centered around the church for many, many years. They had Christmas pageants, Los Pastores, the old dancehall of course at La Sala, and lots of families would come in from different areas and enjoy or partake in different functions at La Sala. You mention that you're from Galisteo and people from anywhere in the state will say, "Oh, yeah. My grandpa was from there." There's very many ties here in Santa Fe, Albuquerque, and Espanola. Everybody knew Galisteo one way or another. Somebody either had a grandparent or an aunt and uncle who lived there many years.

Men from there used to have to travel to different areas to get jobs, whether it was for the mining or the railyard. They also – my dad I remember mentioned they'd go up to Colorado looking for work but they always came back to their families. So there are a lot of roots in Galisteo, for me especially. So eventually the families that couldn't make it moved back in the fifties. They ended up leaving their homes, they sold their homes and

SFC CLERK RECORDED 02/02/2012

eventually sold them to the newcomers and a lot of these people settled in Galisteo and raised families. As a matter of fact we have Richard Griscom's family, the Holloways and I believe Rod Hall, you're here. His family also grew up here. They all became a very important part of the community as well, so we've all learned to get along, maybe not all the time but most of the time. Everyone learned to live together even if they were all different cultures.

Because of the ties in this community, our heritage has always been very important. I've had parents that were involved in the Community Association. They've been involved in the first water association, the Mutual Water Users. Of course the church. Lots of other organizations that would keep the community together and keep our functions going, whether it was for utilities or it was just to keep the community together, such as the fiestas and stuff. And even today we still have that, where we have for instance Jean Moya is the fire chief of Galisteo and I can call her and say we're trying to raise money for La Sala and do you want to sell burritos for the rodeo. It's this kind of connection and interaction that we still have and continue to have and hope to have for many years to come.

Our kids will be there. Maybe they will have that opportunity as well. We still have functions in the Village that some small villages don't have, or even the larger cities, like maybe in Santa Fe. I don't know. I suppose you do. But we've got processions that happen right in the middle of Sundays, whether it's for a function for church or a funeral procession. And it's right in the middle of the Village. This is why we're a little concerned about oil tankers barreling through our village. We have very old buildings; the church is over 200 years old and people still use these old buildings. There's homes, there's residences that belong to, like my aunt, like I said. That was my great grandfather's home. We've got – the building that's right across from the church is an old – it was the old Ortiz fort and now it's a private home. And there's also – as a matter of fact it's currently to having sort of a visitors center and we open up maybe two days out of the week and invite visitors to come by and look at the artwork that we're trying to sell. So we've got lots of historical buildings that are very important to us.

The Bosque of course, the unique thing about the Bosque is that we've always had running water. It's a very small creek but it's always running. It's got an ojito that starts just north of the Village and comes down. It's very precious to us.

Besides the river we also have wildlife crossing. You can see it any time of the year. You can see crossing elk or mule deer, and birds like you wouldn't believe, especially in the spring. A perfect time. It also attracts people that come down and do bird-watching. It's an awesome little place. We're very blessed with neighbors and we do Saturday coffees once a month. We've started those back up. We enjoy our small town. It attracts the filming industry. We've had several films that have been done out in Galisteo since way back. I was a teenager when we had the Trouble with Angels, or Red – all those. So there were really cool old movies that we had.

What held our place together was our goal to preserve our tiny little town and to still try to keep it in modern times of course and to look to the future, not only for ourselves but for our kids, and hopefully we can ensure a place that they can come back to. This is our version of how we think the community should be. This plan is a reflection

SFC CLERK RECORDED 02/02/2012

of our community. And I will hand the mike over to Roger Taylor who will now speak more about the character of our community and how that is reflected in our plan. Thank you, Commissioners.

CHAIR VIGIL: Thank you, Anna.

ROGER TAYLOR: Madam Chair, Commissioners, I'm Roger Taylor, resident of Galisteo. I'm also on the Galisteo Planning Committee. I'm secretary of the board of the Galisteo Community Association, vice president of the Ranchitos de Galisteo Water Users Association, and on Commissioner Anaya's leadership advisory group. I'm one of those people that Anna was referring to that's moved in recently in the last ten years, but still think I belong and I'd like to think that I belong.

Anna has spoken about the unique heritage of our traditional village and the importance of keeping that history and culture alive. We do value that very greatly, but at the same time this doesn't mean we want to be a museum that doesn't change with some dusty little viewpoint that people come to look at and then leave. There are characters that we value that we want to maintain, but there are also things that we want to continue with the modern world.

Less than 300 people but our village and the surrounding residences in the plan area are a real community. It's an alive and thriving group of citizens and neighbors who Anna has described interact with each other for the greater good and to govern the area. We do this through committees, through organizations such as the ones I've mentioned and through many public open forums. This doesn't mean that we always agree on everything. We are a very opinionated group. We are a very independent group, and people cherish their independence. But we usually find a way to come together and come to agreement on the important things. There are people from many different backgrounds and cultures and world experiences. But we find that oftentimes when it comes down to it we share a lot of the same characteristics and values, and usually after a lot of discussion, for the good of the community we come to agreement on what we want. We're very self-reliant, we're very involved in the smaller community and the larger community, and I think we describe ourselves as a great model of active citizen participation.

We don't want to be known just for respecting our heritage as important as that is for us. But it's also, we want to be known as a forward-thinking group of people. Many of our citizens are involved in not just the local community activities in groups such as Anna mentioned, the volunteer firefighters, the Community Association. They're also on County committees. We also interact with neighboring towns on issues of joint interest and we weigh in on matters at the CDRC and some of you have seen us here at the BCC before.

We look to the present and future needs of our residents and take care of our own. As an example, in the past year we've developed a very quiet group of volunteers who provide a helping hand to those neighbors who need a little bit of extra assistance in their daily life tasks. This could be people who are older, people in single households, people who have disabilities, or just anyone who needs a daily task of assistance. We've developed several means of communication with our residents, augmenting the 15-year old monthly newsletter. We have a community email that goes out and lets people know

about major events, and we have a bulletin board by our mailbox stand to let people know about things coming up, community activities, things like this hearing tonight.

These communications keep our citizens informed about those types of things as well as things of importance like visits by the health van, meals on wheels, medical associations, etc. Many of our citizens are also actively involved in organizations with a commitment to a sustainable environment – to preservation of open space and wildlife support, careful use of land and water, and preservation of public safety. These are important values to the Village residents and those values are reflected very strongly in our plan. When you saw Sarah going through some of the components of the plan you will see that we have different sections spelling out some of the things that we like to see in each of those areas.

Just as important is the makeup of our plan area. A large percentage of our residents have small home occupations, another important component for us, and these range from catering to auto restoration. Galisteo is also unique in that we have a larger percentage of our residents who work within the arts in many different mediums and who range from local craftspeople to nationally and internationally known artists. This not only stimulates intellectual curiosity within the Village as well as tourism, but also is a source of revenue to the Village, to the County and to the City. It's no surprise that we have such a concentration of artists and artistic endeavors. The heritage of the Village, the cultural history of the plan area, the historic architecture and aspects of the environment that have been mentioned, all these foster an environment for the arts and the characteristics and values of the people here not only attract those entrepreneurs but keep them here.

And so we've worked quite hard over a number of years to design a plan that reflects our heritage and values and our local historian, Lucy Lippard, will now speak to that process. Thank you.

CHAIR VIGIL: Thank you. Lucy.

LUCY LIPPARD: Madam Chair, Commissioners, I'm Lucy Lippard. I've lived in Galisteo for almost 20 years. I'm the founder and editor of El Puente de Galisteo, the newsletter for 15 years. I've been a member of the planning committee since it was a gleam in the County's eye. I'm also a member of the auxiliary for the Galisteo Volunteer Fire and Rescue, and I was for a long time on the board of Earthworks Institute, which is not a Galisteo institution but has been very important for the Galisteo Watershed.

First of all, Galisteo is very proud to be the first community to bring forward a plan under the Sustainable Growth Management Plan. The planning committee and the community at large are grateful for Santa Fe County's insight and sensitivity in establishing a planning process to celebrate the unique character of our traditional communities and to allow us to take some responsibility for our own futures. The committee planning process addresses the issues of traditional rural issues like ours and it can help us maintain our social, natural and built environment. It also allows us some tools with which to protect our village from the threats from the outside, such as widening highways to facilitate truck and tanker traffic, the possible return of oil and gas development, diminishing water supplies and stream flow, combined with subdivision

development, second or third homes for out-of-staters, and most poignantly, for me anyway, the loss of open space and the long viewsheds.

This plan, which we hope the Board will approve, has a long history. The Village tried and failed to complete a different kind of plan in the 1980s. In summer 1998, as soon as the County ordinance went into effect, a few of us began to drum up interest in trying again. The late Richard Griscom wrote in our newsletter that just because the County wasn't ready to assist us yet that didn't mean "we can't start thinking and discussing the broad outlines of what such a plan might mean to us." So we did.

By July 18, 2002 a public meeting was held to measure community approval for a land use plan. In January of 2003 there was a follow-up meeting. A volunteer committee began to meet regularly with Dave Hankel from the University of New Mexico Planning Department and his students, and in spring 2003 we sent out a survey asking all the residents in Galisteo if they were ready to go to work. The responses were favorable and very informative.

In 2006 we were finally approved to go ahead and began to meet with the County staff and we've been at it ever since. There've been ups and downs, fits and starts, personnel changes on both sides, and moments of hope and despair. At every public meeting it's been clear that the community was behind us, even as we struggled with unfamiliar language and policies. It's been a long haul and we're very grateful to Beth Mills, Arnie Valdez, Andrew Jandacek, Renee Villareal, Robert Griego and Sarah Ijadi for their support, advice, and above all, patience over the years. I don't think we've been altogether easy to work with. And I can't tell you how excited we are to be so close to implementation.

As Anna and Roger have made clear, the Village of Galisteo, its beauty, its history, its quiet, its vibrant and sometimes cantankerous interactions, the stars and the Milky Way that is still visible at night, unlike many places in the US today, all these things mean a great deal to a great many different people who are lucky enough to live there. We hope we'll be given the chance to continue to be caretakers for a beloved place. Thank you.

CHAIR VIGIL: Thank you, Lucy. Are there any other presenters? Okay. Sarah, is there anything further that Land Use would like to address on this? This is the first public hearing?

MS. IJADI: That's correct, Madam Chair and Commissioners. This is the first of what we're hoping are two public hearings.

CHAIR VIGIL: Okay. There are some questions, and I'll start with Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. It's more a couple statements than questions. This is very impressive in terms of what the community is striving to accomplish with its plan, and it will take us some time to read this to in our minds compare it with the plan that we have adopted. Now, the other thing that we are struggling with, and it's not something that you're responsible for, but we are step by step struggling or tackling pieces of the code that will go along with the Growth Management Plan. And while there is the autonomy of a community to develop this, we also don't want the community to be totally out of sync with what we end up asking the rest of the

county to do. And so I'm wondering if you all have had any discussions about that. You're very eager to move this along and you've worked on it a long time, so I'm just wondering if you've talked about or thought about this in relation to the overall County ordinance that might come out.

MS. IJADI: Commissioners, Madam Chair, we have. We did our best, I think, to anticipate the coming code without in any way directing it. We stuck to land use categories that are in the SGMP and kept within the realm of a policy document versus something going forward for codification. It is well positioned to go into ordinance when the Sustainable Land Development Code is approved. We are hoping that the Sustainable Land Development Code will accommodate many of the directives of the plan throughout the code, whether it's standards that not only accommodate historic development patterns, we certainly don't want them to be non-conforming. We have been working toward that in the development code. And I think the planning committee was presented with some zoning language just so they could understand how this plan could eventually be codified when we had a new Sustainable Land Development Code. I don't believe, and I'd like the committee to speak up on this if it's not 100 percent correct, but we want an ordinance that will reflect the current land development code and we're willing to wait and hope that the new development code will help implement the plan. Does that answer

COMMISSIONER STEFANICS: It does. And Madam Chair, I'm just going to use a couple different examples. So for example, recently we've been discussing different categories of home businesses. Now, I'm assuming that some of your community is also participating in those focus groups. Am I correct?

MS. IJADI: Is that correct? You've been a part of that Roger?

MR. TAYLOR: Madam Chair, Commissioners, we've been to some of them, different ones of us have gone to all of them.

COMMISSIONER STEFANICS: Okay. So for example there's been a focus group on home businesses, so we've come up with some different categories from what we've had in the past, and we haven't adopted it yet but we're strongly looking at it. We're looking at maybe doing some changes with affordable housing. We're looking at some energy savings levels in all new development, and you might not think you're going to have any new development within your community but there's some very specific focus groups that are happening, and we don't expect one person to attend everything, but I'm just putting it out there as a point of consideration as you look at this. And I don't think there's a right or wrong answer; that's not what I'm looking for. I'm just putting it out there because you have done all this work, you are moving ahead, so I just wanted to put it on the table.

MR. TAYLOR: If I may, Madam Chair and Commissioners, we had a lot of discussion in our planning committee about a lot of these subjects, some of which we put in general language in regard to, but realizing that most of this is going to have to wait until the codification process goes through. We've kept in place where we sort of put holding places in the language, but nothing that really defines it so concretely that it might be a problem when the coding comes in.

COMMISSIONER STEFANICS: Okay.

MR. TAYLOR: We're very aware that that could be very different from –
COMMISSIONER STEFANICS: I'm going to give you one other example and then I'll stop talking, because I know we have a long night yet. Pretty many years ago, this doesn't relate to your committee, but Highway 14 had the opportunity to receive some federal funds, but with it came specific standards and guidelines of what had to happen to have Highway 14 to in fact utilize those funds. You have a main artery going through your community. Have you gotten that specific in terms of talking about what you would ever want to have happen or not have happen? Because I do see this, even though it's not about development; it is about your community, and it is about something that might happen in the future. So I would just ask you to think about other environmental things that other communities have had to grapple with as well. That's all. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, thank you Sarah and Anna and Roger and Lucy for your presentations; they were very interesting. I want to recognize all the work that you have done, certainly that the planning committee has done, but I think that it sounds like all the people in the community were involved to some extent. It was clearly a lot of work to put this together. I want you to know that in fact I read every word of it last night and it looks to me like, just judging from your strategic work plan you still have a lot of work ahead of you too. Maybe even more work than you already have gone through.

But in any event, I'm very impressed with it. I just really have one question because it wasn't really addressed in here, but I'm curious about it, and that is have you ever had any discussions about having a water treatment system in the community, where you could reuse water?

MS. IJADI: Madam Chair, Commissioners, we did talk a bit about a wastewater system and the possibility of that but it isn't anticipated really within the timeframe of this plan in the next 20 years but I think it's something that throughout the years the committee members have talked about and I'm happy to hand the mike over to anybody –

MR. TAYLOR: Madam Chair, Commissioners, we haven't talked in specific detail about a wastewater treatment. We are looking and have had lots of discussion and there are some placeholders in the plan regarding alternative methods of sustaining water – gray water, other collection systems. There are a number of residences in Ranchitos, for example, and in the covenants in Ranchitos it's actually built in that there will be water systems, water collection, reuse of water, etc. In the traditional village there are a number of homes which have been retrofitted for some of these things. So there is a lot in there already. There's a lot of – there's some areas where it's mandated if you will, but in terms of a general plan statement, no, we did not.

COMMISSIONER HOLIAN: Thank you. And then, I just actually wanted to make a comment that I think that this case is really a fitting case to be heard in the last meeting that Jack Kolkmeier will be attending, since he had so much to do with our doing community plans in Santa Fe County. So anyway, thank you, Jack and I think this is a beautiful example of that.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioners, residents of Galisteo, I appreciated very much the feedback and as somebody who grew up in the Village of Galisteo I very much hold it near and dear to me and still have property that my kids may use in the future to live there. So I myself as a Commissioner absolutely want to very seriously provide opportunity for the Village residents to help set their destiny. But as a citizen and a homeowner, property owner there and someone who's from there, have roots that run very deep as Ms. Cardenas very carefully and respectfully articulated in a clear and concise way.

That being said, associated with next steps, moving forward once the plan is in place, I want us to make sure that the opportunities that I had and other Village residents that are traditional residents have similar opportunities. So I have a couple specific questions. One of them pertains to on your slide and within the plan, specifically referencing building techniques. I lived in a mobile home in the Village of Galisteo. I would love to have a traditional adobe home and would have loved to at the time that I purchased that mobile home, but that's all I could afford. So specifically, is there any intent at all, based on those building techniques to require somebody who might receive a piece of property from their parents or otherwise through a potential transfer of land of family that would prohibit that type of use? I just saw it in a slide and I just want to have some clarity as to what the intent is there.

MS. IJADI: Madam Chair, Commissioner Anaya, the committee is extremely thoughtful in recognizing the diversity of housing types that exist and in no way did they want any part of this plan to rule out mobile homes or any type of homes. They wanted to support people who maybe like yourself, who want to have that traditional adobe home and want to make sure that type of building technique is supported by the County in the new code and any other program that might come along. By allowing secondary dwelling units in the traditional community and some of the other land use categories that they can accommodate folks who are going to have to make a decision between a mobile home or a manufactured home and a small adobe residence. This provides what the committee felt would meet some of the policy directives as far as affordable housing in rural communities and so the straight answer is no, no way is there anything in this plan that discourages mobile homes or manufactured homes. They recognize it as a valid building type.

COMMISSIONER ANAYA: Thank you for that response. I think the overall framework that in plan I think is good and I think that as the discussions move into the subsequent phases relative to specific densities and other uses, that's where the community members are going to be able to engage and have the discussions as to what makes sense and what's reasonable. And I really want to make this point, and I want to emphasize that I appreciate every single person that was participating on this committee. And the challenge that the Village of Galisteo faces is very similar to the challenge that every other traditional community faces.

And I applaud all those members that have been in Galisteo for many, many years like Lucy and Rod that came to make Galisteo their home, but I'm still struggling I know as you have over the many years to get more participation from those more traditional

residents of the community. It's not an easy thing. I myself sat at many mutual domestic water meetings myself, Galisteo Community meetings, fire department meetings, as did Anna and her husband, Señor Cardenas, and her mother, Lela and others, but I still think it's something we can't ever give up on, that we always want to make sure we make our best efforts to accommodate and work with.

Relative to the highway, I've said publicly that it's an arterial. It's an arterial that serves more than just the Village of Galisteo. I'm very sensitive to the historic aspects associated with the Village but we have to figure out what that balance is and I've been candid and honest with Roger and Anna as the president about that perspective but know that we need to continue and have that dialogue with the DOT and others to make sure that design with structures or highway systems that encourage even greater volumes of traffic or higher volumes of heavy truck traffic that I know is a concern. So I'm supportive of what you've done and I look forward to seeing more about the detail and I guess what I would ask the committee is that as you are making proposals for change relative to density, for example, or suggestions on other uses, that we can clearly delineate with staff helping this by saying here's what exists currently in code. We want to see it sustained the way, or whatever change we're proposing, this is what that change is. And the more explicit we are then I think we're going to be better about communicating and conveying what those differences may be. If any. Maybe there's not as many differences as we think there are. But that's what I'll be asking you to do and help me to make sure that I understand what those deviations might be so that we can have an open discussion overall and then move forward. But I'm excited about the work that you did and the efforts that you've made and look forward to the next hearing and look forward to continuing preservation of the Bosque, preservation of those historic buildings, preservation of La Sala, preservation of the activities and heritage that has gone on for hundreds of years, frankly.

One thing I did receive comment on specifically from some of the people that attend church is that in the development of the community plaza area, they were very cognizant of the parking aspects associated with the church and the activities therein, and that we really are careful not to, in the creation of the plaza area absorb areas that we use for parking. So a practical question and a reasonable one. I think one think that I'd like to point relative to the church, and Anna clearly articulated it; it's been a cornerstone of the community. But the church is still a hub for many, many of the families that don't live in Galisteo anymore. But that church and that Sala and that community center, they still come back, two, three, four times a year, to participate in those activities. So I know you're cognizant of those things and I know that those are going to be an integral part of your decisions. But thank you. I'm excited and look forward with continuing to work with you.

One last comment I would make relative to some of the challenges that we face throughout the county. As I've continually said that there are some areas in the code that are going to be similar across the county and I think Commissioner Stefanics brought up home occupations and figuring out how do we balance all those aspects and make it reasonable so that people can have and conduct reasonable home occupations. But there's going to be distinct differences. And that rather than trying to make the differences of

southern Santa Fe County fit with the traditional communities I think that there needs to be an acknowledgement that they're just different and that we shouldn't try and impose the will of one community on another. And so thanks again for your efforts and I look forward to continuing work with staff and yourselves through the process.

CHAIR VIGIL: Okay, I have a question for Jack Kolkmeyer. Does this have the designation of traditional historic community?

MR. KOLKMEYER: Madam Chair, this is designated a traditional community. A traditional historic community designation as you know is related to mostly the ability regarding annexation, and those are Tesuque, La Cienega and Agua Fria.

CHAIR VIGIL: Okay. Don't you forget us.

MR. KOLKMEYER: I won't. I appreciate it.

CHAIR VIGIL: And I suppose that there's actually no impetus for having a statutory designation for this because of the lack of a threat on the annexation?

MR. KOLKMEYER: Madam Chair, I suspect that would probably be true. I don't know if they've even discussed that within their community, but that's the reason why there was that state statute to protect smaller communities from being annexed.

CHAIR VIGIL: Right.

MR. KOLKMEYER: So I don't know as Edgewood's stretched up there yet, has it, Commissioner Anaya?

COMMISSIONER ANAYA: Madam Chair, I really respect and appreciate the people from Galisteo Ranchitos but I don't think either community is going to want to do any annexation either way.

CHAIR VIGIL: Okay. And perhaps just by nature of their proximity to a municipality it's irrelevant. But so many thoughts came to me through the presentation, Sarah, yours, Anna, yours, Robert. Does this community plan look familiar to you, sound familiar, with regard to preserving historical, cultural communities, and living with the future? I have to say I'm very spiritually engaged with what you had to say. My grandfather, Eculiano Montoya, grew up in a little area called Bonanza. Bonanza Creek is now located there. He was a sheepherder in the area of Stanley. And my mother was at the Sala for many dances before the community of La Cienega sort of started getting developed and they actually moved over there for their ranching needs when Bonanza which was in their time and era very isolated community or place actually where they were living. The remnants of their ranchland is still there. But I visited it. It's further away from Galisteo but as a little girl was very frightened by all the snake pits that were there and I assume still are.

So that, and of course the proximity to the mining community. Our grandfather also became a miner and much of what was done in the times that you described historically was very resourceful. I remember also the gold pan mining going on further up north in Golden and how many people of the community got together to assist each other with that. Rich, rich you are in cultural history.

And I applaud the ability for this community to maintain what it has been able to maintain in terms of its cultural heritage and its historical preservations and its architectural dignity. And I'm sure that's part of where you'd like to go with and I

certainly would support that direction for you all. I represent a traditional historic village that didn't have quite that opportunity because they were much more closer to a municipality in proximity and that's the Agua Fria traditional historic village, whose history goes back to the Camino Real and the 1800s, early 1800s and pueblo ruins were also there. And of course they're all private property now. There was very – there wasn't very much opportunity to do a lot of preservation, but Robert, when I echoed the sentiments about this plan and the direction you're going of being familiar, it's the Agua Fria traditional historic village who has really put a strong effort into trying to preserve a lot of what they're community is, and I have a lot of empathy for what they've had to experience because – and I've said this before – they've been dumped on by development and you don't want that. And that's what you're here for and I certainly, certainly applaud you for putting the work in it and also from what appears to do from all the presentations with a lot of passion.

Good luck in your continued efforts and I don't know how we're going to deal with complementing what your direction is with the Sustainable Growth Plan. I do believe there's a certain place and discussion for historical villages, for traditional villages that have some uniqueness to them and we hope through that process we'll be able to respect your process and move forward too. So thank you, Santa Fe County, for the work you're doing and I also want to underscore what Kathy Holian had said. Jack, the community plans were very much a part of your experience, so this one's a lot simpler than some of the others we've had to deal with, at least from my perspective. I like the unified feeling I'm getting from the community. So thank you. This is the first public hearing. When is the next one scheduled for, Sarah?

MS. IJADI: Madam Chair, Commissioners, the next one's scheduled for January 10th unless we get any different direction.

CHAIR VIGIL: Would that be one that's scheduled for action?

MS. IJADI: That's what we'd hope, yes.

CHAIR VIGIL: Okay. Very well. Thank you. Good luck. I think we're ready for our next presentation. Thank you all for your patience and for being here. Appreciate it.

- XV. A. 4. BCC Case # MIS 06-5032 Trenza Time Extension.
Commonweal Conservancy, Inc., Applicant, Ted Harrison,
Agent, Request a 36-Month Time Extension of the Previously
Approved Preliminary Plat and Development Plan for Phase I
of the Trenza Development (aka the Village at Galisteo Basin
Preserve) Which Consists of 131 Single-Family Resident Lots
and Three Multi-Family Residential Lots for a Total of 149
Residential Units, and Five Non-Residential Lots within a 60
Acre Development Envelope within an Overall 10,000+ Acre
Area. The Property is Located South of Eldorado, West of US
285, within Sections 1, 3-5, 7-15, 17, 20-24, and 27 within
Township 14 North, Range 9 East; Sections 5-7, and 18 within
Township 14 North, Range 10 East; Sections 25 and 34-36,
within Township 15 North, Range 9 East; and Sections 30 and
31, within Township 15 North, Range 10 East (Commission
District 3) Vicki Lucero, Case Manager**

CHAIR VIGIL: Vicki Lucero, Case Planner, it's all yours.

VICKI LUCERO (Case Planner): Thank you, Madam Chair. On June 12, 2007 the BCC granted master plan zoning approval for a mixed-use development consisting of 965 residential units, 150,000 square feet of commercial, institutional, educational and recreational land uses, and open space, parks and trails on 10.316 acres.

On February 9, 2010 the BCC granted preliminary plat and development plan approval for Phase I of the referenced subdivision which consisted of 131 single-family residential lots and three multi-family residential lots for a total of 149 residential units and five non-residential lots within a 60-acre development envelope. This approval is set to expire on February 9, 2012.

Article V, Section 5.3.6 of the County Land Development Code states: "An approved or conditionally approved preliminary plat shall expire 24 months after its approval of conditional approval. Prior to the expiration of the preliminary plat the subdivider may request from the Board an extension of the preliminary plat for a period of time not exceeding 36 months.

The Applicants state that since the BCC's approval of the preliminary plat the national and local real estate market has suffered a devastating decline in valuation and demand. Residential development, especially master planned communities have been particularly hard hit. In an effort to protect their development approvals Commonweal is requesting a 36-month extension of its preliminary plat approval. During the extension period the applicant believes that the market for Trenza will have increasingly strong market appeal and financing. A 36-month time extension will allow Commonweal to prepare a master plan amendment and final plat application for Phase I before February of 2015.

Recommendation: There have been no major changes in the ordinances that govern this area since the time of the previous approvals for this development. Therefore County staff recommends the BCC grant an extension of the prior approval as requested by the Applicant.

Madam Chair, I just wanted to state for the record that staff has handed out a stack of letters of support for this project. [Exhibit 5] Thank you, Madam Chair.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to clarify a few things. First of all, today we passed a new ordinance, and Steve, could you clarify whether or not that new ordinance relates to this request?

MR. ROSS: Madam Chair, Commissioner Stefanics, it certainly could, because that ordinance provides for extensions of time just like this in the event of economic circumstance which by resolution we already declared exists. So yes, it could relate to that. There's been no application and there's no resolution under the ordinance to process pursuant to the ordinance, but it certainly is the same issue.

COMMISSIONER STEFANICS: So Madam Chair, Steve, could we actually make a determination tonight different than what's being requested to identify the issue of economic hardship or economic – yes, economic hardship and to grant a four-year extension?

MR. ROSS: Madam Chair, Commissioner Stefanics, we could not probably grant a four-year extension of a preliminary plat because only three years are authorized by the Subdivision Act but aside from that, yes.

CHAIR VIGIL: Steve, on that, doesn't an ordinance take effect 30 days after? Or could we actually approve this tonight?

MR. ROSS: I don't know that you could approve it on those grounds tonight, but you certainly could in 30 days, well before the expiration. And the other thing about the ordinance that was enacted today is it admits approvals to be reinstated, things that have already expired can be revived. That's the word I was looking for, even after they're expired, which is a departure from how we've handled these in the past.

CHAIR VIGIL: So, on that point, let me just finish my line of questioning. Is this case ripe for moving forward with that? And naturally, we're trying to create a larger benefit for you in terms of extension, so don't – that's where we're going. Is it?

MR. ROSS: Well, you couldn't – what we'd need is an application from the developer and a resolution prepared consistent with the resolution and ordinance we passed today. So no, it wouldn't be – you wouldn't want to grant it on those grounds tonight, but you certainly could in 30 days.

CHAIR VIGIL: Okay. Go ahead. I was responding on the point she was giving. I'll give it to you and then you.

COMMISSIONER STEFANICS: So further clarification – thank you, Madam Chair, for your questions. Steve, we could in fact proceed with the request we

have in front of us and the project in the future could expire, and they could approach us again with an application for economic hardship.

MR. ROSS: Correct.

COMMISSIONER STEFANICS: Based upon what we passed today.

MR. ROSS: Correct.

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

CHAIR VIGIL: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. My question was answered.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I was just going to say this request is before the expiration so it's completely different than what we talked about today because what we talked about today was when a plan expires. Right? Just for clarification.

CHAIR VIGIL: And I think wouldn't the applicant want to come to us before it expired?

COMMISSIONER ANAYA: Right. Right. That's what I'm clarifying, that they're just distinctly different because they haven't expired. I guess my other comment would be, along with what we talked about today in the previous discussion relative to expired plats, there could be other things that the Commission may want the applicant to consider as far as conditions now that might be different that what previously existed, right? We can do that, I guess is what I'm suggesting.

MS. LUCERO: Madam Chair, Commissioner Anaya, that's correct. I also wanted to mention that the applicants will have to come back to the BCC for their final plat approval. So you'll have another opportunity to see the project one more time before the first phase gets approved.

COMMISSIONER ANAYA: So Madam Chair, in our previous approval, and I think it was Commissioner Holian that brought it up. She brought up in a master plan that was claiming hardship, we could still look at the master plan and add conditions if we deemed appropriate, right?

MS. LUCERO: Madam Chair, Commissioner Anaya, and Mr. Ross can jump in and correct me if I'm wrong but it's my understanding that you can add additional conditions at this point if you so choose to as part of the master plan extension.

COMMISSIONER ANAYA: So, Madam Chair, this is a public hearing, right?

CHAIR VIGIL: Yes, it is.

COMMISSIONER ANAYA: So there's a lot of people here from Galisteo; I'd like to hear feedback from them and then I may have some more comments.

CHAIR VIGIL: Okay. Vicki, I think we're going to put you on hold for this. Is the applicant here? And would you like to address the Commission on anything. Good evening, Scott.

SCOTT HOEFT: Good evening.

[Duly sworn, Scott Hoeft testified as follows:]

MR. HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, 87505. Just a point of clarification. The reason why we're here tonight is because we were a little bit uncertain of the ordinance. So what we did was follow proper procedure. Before our case is expired in February of next year we've gone in with an extension, a three-year request. We do have master plan approval that dates back to 2007. We received preliminary plat approval roughly two years ago and that's why we're here this evening requesting an extension due to economic hardship reasons.

The point of clarification, before I turn it over is just simply when we went through this last time we did agree to a condition that you may or may not remember that this development will be subject to the Santa Fe County's Sustainable Development Plan and development code. So that's already one of our conditions. And then we will be back in front of you with a final development plan and plat when the project is ready to proceed. That's all I have for now.

CHAIR VIGIL: Thank you very much. This is a public hearing. Does anyone have questions for Scott?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Scott. I just have a question about the water. What is the situation now with the water rights and so on?

MR. HOEFT: The applicant is still proceeding with the process of the water rights transfer to the well. It's still an ongoing process.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR VIGIL: This is a public process. Is anyone here to speak on behalf of this project? Anyone against? Okay. Please state your name and address for the record, and you need to be sworn in.

[Duly sworn, J.J. Milder testified as follows:]

J.J. MILDER: J.J. Milder, and I live in Galisteo on 52 West Basin Ridge, which is part of the West Basin Preserve, which is part of this larger Commonwealth project. I want to speak in support of the extension. I think what you heard from the Galisteo representatives in terms of community values and principles, protecting open space, Commonwealth and their plan is very consistent and one of the things that I recognize, and I've worked with Commonwealth along with my husband for almost seven years from the time that we bought the land to now our building our permanent residence is that it's an organization with Ted Harrison's leadership of high integrity, very forthright, and I think does a tremendous job of balancing the economic potential gain for the ranching family, recognizing it's almost 17,000 acres of ranch land, and for them to realize their asset value, but balancing the realization of that value with a community and a program that ultimately avails the vast majority of the land to everyone, whether it's trails, what have you, with the recognition of preserving the open space providing low income housing, creating a community all the time, protecting the visual sight lines.

So I'm very much in support. I think that through the many years and the work of this project that Ted and his team have been very forthright, very conscientious and thorough in their research and communication, obviously water is a concern, and I think there are many other potential projects that might come down the pike where Galisteo and the viewscapes are concerned that would be very disturbing. So I just hope that you'll extend.

COMMISSIONER STEFANICS: Thank you very much. This is a public hearing. Is there anyone else that would like to speak in favor of or against? How many people would like to speak? We should swear everybody in at once. Okay, would you all please stand and come forward and our recorder will swear everybody in at once.

[Those wishing to speak were placed under oath.]

[Duly sworn, Fred Milder testified as follows:]

FRED MILDER: Commissioners, I am Fred Milder. I'm the other half of the woman that you just heard speak to you, and I would also like to very strongly support the extension. We were actually the first people to buy land from Commonweal as part of the beginning of their development and ever since that time back in 2005 I believe it was they have done nothing but continue to support what we all value – the viewshed, the open space. They've committed land to hiking trails and equestrian trails in conjunction with their work and the Santa Fe Conservation Trust. They had land eventually bought by the County to help preserve Petroglyph Hill, which is over in our area.

The water testing again and again and again, so basically, I think they share all of our concerns and all of our values and they've done nothing but support those things in their continued development and their continued planning. It's a shame that it hasn't gone faster but such are the economic conditions of today, and I would just support the extension.

COMMISSIONER STEFANICS: Thank you. Next speaker please.

[Previously sworn, Muriel Fariello testified as follows:]

MUREIL FARIELLO: My name is Muriel Fariello. I'm the vice president of the Galisteo Community Association. I'm the secretary-treasurer for the Ranchitos de Galisteo Water Users Association. What I'm here for is not so much to say, don't do this extension but originally when this plan was approved the Commonweal, Ted Harrison, had gotten approval for the Buckman project to provide water for them and I wanted to know what the status of that is. Rather than drill wells up there and pump water down that could affect Galisteo.

COMMISSIONER STEFANICS: Speaking on behalf of the Commission no conditions have changed. So the conditions that were put in place on Commonweal are still in place. Okay? Next person please. There were two more.

[Previously sworn, Rod Hall testified as follows:]

ROD HALL: My name is Rod Hall. I'm the president of the Galisteo Water Association. I have two points. When the original approval happened discussion about water was cut off because the County promised to supply the development with water. We are currently before the State Engineer. A hearing has been stayed over

SFC CLERK RECORDED 02/02/2012

technicalities. We're going into mediation Thursday, but we're still arguing about the transfer of water rights, questionable water rights from downstream to upstream. If I remember right, the conditions or the situation that originally happened when you guys approved this was that they would be on County water and not be pumping water out of an area that already has major problems.

One other point that doesn't concern water. I believe there was a condition that was put on the project to change the name and I think they agreed to drop the Galisteo part of the name. From what we've seen they've got a brand new sign that's got Galisteo Basin Preserve.

COMMISSIONER STEFANICS: We'll ask about that in a minute.

MR. HALL: Okay. Thank you.

COMMISSIONER STEFANICS: Great. Thank you. Lucy, I think you're the last person.

[Previously sworn, Lucy Lippard testified as follows:]

LUCY LIPPARD: I'm not going to get into the technicalities but I was on a committee for a couple of years that was dealing with Commonweal in terms of the water and the dangers to Galisteo, and I have never seen a developer bend over backwards to accommodate a village. We thought we had an agreement. A friend of mine that works for the OSE said he'd never heard of a developer having an agreement like that with a community. It got done eventually by people who didn't agree. But I just wanted to say that we are all concerned with the water. There's no question. But we couldn't have – we can't be working with a better person to be dealing with it. And I also have to say thank you for the trails, for the open space. It's fantastic. I know a lot of friends of mine spend a lot of time there and so do I. Thank you.

COMMISSIONER STEFANICS: Great. Thank you very much. Now, before I go to the developer, is there anyone else from the community or anybody else in the public who would like to speak for or against. Okay. The public hearing is not closed but what we have had is a question about one of the conditions about changing the name of the project. Could somebody address that?

[Duly sworn, Ted Harrison testified as follows:]

TED HARRISON: Ted Harrison, and my address is 117 North Guadalupe Street, Santa Fe. Madam Chair, members of the Commission, I am the founder and president of Commonweal Conservancy, which is the developer, a word that I still kind of choke on a bit. In terms of the name change, we did change the name of the community which I know was a concern, Commissioner Anaya, of your brother, who was very worried that there would be confusion by using the name as we had in our master plan approval of the Village at the Galisteo Basin Preserve. So the name was changed to Trenza, which means braid, which is an attempt to speak to the many threads of ambition and purpose that are a part of this project. It actually wasn't a condition to change the name of the entire landscape, which we were hoping was celebrating and recognizing the watershed that we're a part of and to attach the very substantial and purposeful label preserve speaks to the many thousands and thousands of acres that are part of the open space that is a driving force of this project.

SFC CLERK RECORDED 02/02/2012

So Galisteo Basin Preserve is considered the name and it is signed this way for the larger property, the 13,000 acres, but the village is now known as Trenza. And I think it's part of our application.

COMMISSIONER STEFANICS: Yes. Thank you very much. The public hearing part of this is now closed and we're now to the Commission for questions or comments.

CHAIR VIGIL: Questions or comments? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to make sure I completely understand the perspectives. So Muriel, if I could ask you to come back up first. You said you have some concerns about water but you're not necessarily opposed to the project? Can you clarify what that means for me?

MS. FARIELLO: Well, I'm not in favor of the entire project, because that's 2,000 houses or whatever. I don't know how many houses in the end to Phase III. But I'm in favor of their extension on the basis of the original condition. They waved that paper saying that the County is ready, willing and able to provide water to Commonwealth through the Buckman project.

COMMISSIONER ANAYA: We're going to get to that. But you're in support of the master plan?

MS. FARIELLO: I would be in support of it. I'm told here tonight that it will come under the Sustainable Growth Development Plan rules and regulations and that's fine with me.

COMMISSIONER ANAYA: I got you. Thanks, Muriel. And then Lucy, if you could come forward. I think I understood you to raise some concerns about water but it sounds like you were supportive of the project overall, or did I miss that?

MS. LIPPARD: Yes, I am supportive of the project overall, by all means. And I know water is always going to be a problem and I hope this gets solved to all our benefits.

COMMISSIONER ANAYA: Okay. And then Rod Hall, Mr. Hall, you commented that you have vast concerns probably about the project overall at any level. Is that appropriate? And also I guess another question for you is did the mutual domestic board take any action associated with this project previously or currently? Or are you speaking as an individual?

MR. HALL: The only action the water association took was to file a protest concerning the water transfer from downstream to upstream.

COMMISSIONER ANAYA: On the Phase I is my understanding?

MR. HALL: Yes, well, their request was for a transfer of 28.5 acre-feet of water, and that's what we filed the protest with the State Engineer.

COMMISSIONER ANAYA: Okay. And thanks, Mr. Hall. Appreciate that. So the applicant and staff, it's my understanding that there was no commitment of the County or condition on the water with Phase I, that they had adequate water. Am I wrong or could you clarify that for me? Thanks, Rod. I appreciate it.

MS. LUCERO: Madam Chair, Commissioner Anaya, Phase I was approved on the basis that the applicant would utilize a couple of onsite wells and establish their own community water system. There was a condition though that would

require them to connect to the County system prior to preliminary plat approval of Phases II through VI. So Phase I was approved based on them utilizing a couple of onsite wells as their own community water system.

COMMISSIONER ANAYA: Okay. So is everybody clear with that? I think what Mr. Hall brought up is they're contesting the transfer of rights for that particular well but that Phase I was never required as a condition to be part of the County system. Is that right?

MS. LUCERO: That was correct. Yes.

COMMISSIONER ANAYA: And how many acre-feet are we talking about for the first phase?

SHELLEY COBAU (Building & Development Services): Madam Chair, Commissioner Anaya, 27.9 acre-feet. Rod, if I remember correctly, the Village of Galisteo gets 26 feet, or do you get more now? Twenty-six acre-feet for the traditional community system, or 42 ½. Okay. What are we utilizing right now in Galisteo, of that allocation that we have? We're not using all 42 ½. Thirty?

MR. HALL: It's between 20 and 30.

COMMISSIONER ANAYA: And I could restate it. There's 42 usable acre-feet within the Galisteo – not Ranchitos, right? We're just talking the traditional community. And we utilize somewhere in the range between 20 and 30 acre-feet annually, but they're still allocated hook-ups; they're not connected. Right? As of yet.

So understanding that this was a previous approval that was made by a prior Commission I can say that there is a concern associated with the aquifer at any time. It doesn't mean that I'm opposed to any project in the community but that we also – we need to be cognizant of what we have as allocated water, especially in a long-standing traditional community and what we're using and what we still have available yet to use. Because we don't know how long we're going to have it if at all. So I think that's a valid point. Was there one other item? Is everybody on the same page still? We're talking about extension of a master plan. We're talking about water that's allocated to a community system only in Phase I and subsequent phases would then have to be connected to a County system.

CHAIR VIGIL: Okay. Any further questions? Has the public hearing been closed?

COMMISSIONER STEFANICS: Yes.

CHAIR VIGIL: Okay. What's the pleasure of the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: As I understand it, aside from the legal issue associated with what you're doing with the State Engineer which is out of the auspices of the County, are there any other considerations that the applicant would have or any other proposed amendments that could bring some of the separation closer together maybe with some of the concerns that are raised today? Do you have any thoughts? We essentially heard – the majority of what the feedback I heard was there supportive of the project generally. There's still the concern associated with water that Mr. Hall has articulated and I think all of them articulated but generally there seems to be acceptance of the project.

In the spirit of coordination or additional cohesiveness between the two entities is there anything you would suggest, or thoughts, Mr. Harrison, that you might have?

MR. HOEFT: Commissioner, one thing that we could monitor is just simply the development of the County water line into this area and again, we don't want to make any commitments because we don't know the timing, but if we're out now a couple of years in terms of our development and when we're going to be submitting for final plat and development plan we may be able to catch up to that line at some point. And so that's one action that we need to kind of be monitoring. And I know that the County Public Works Department is beginning to proceed with the design and development of that line. And so that's something that could possibly come together. And I think that we can address that by the time we get to final development plan and plat, when we actually come back in front of this board a couple of years from now, we could kind of see where the development of that line is at.

COMMISSIONER ANAYA: Okay. I appreciate that. I'm going to ask if I could, Madam Chair, a question, and I'd like to hear from some of the residents in Galisteo. Not just this development but the other development that was approved, the Saddleback Ranch development that was approved by the County. I participated in the discussions as an observer. I wasn't sitting in this chair that I'm sitting in now. And I understand the frustration and heard the issues associated with Saddleback and even some of the concerns articulated with this going back, as far as frustrations.

My question – because I've been getting some different feedback now, and I want to be explicit and clear and I want to hear it from some of the folks that are in this room. In the deliberations on those subdivisions I heard again and again and again that if there was a connection to County water, and if there was a way for projects like that to offset the groundwater that we're pulling out of the aquifer through another source, I heard in those meetings and I'd be happy to go and pull those meetings and pull the exact minutes and when things like that were articulated. I heard that that would be a good thing.

And I'm hearing now from staff that there was a condition and the Village residents are bringing up now that if they hook up to the County water system that that's a good thing. Well, in recent weeks and from some of you in the audience today, tonight, I haven't received that feedback. I've received feedback that's saying what are you doing extending the County water line? I've received that feedback. Why'd you do that? Which goes completely contrary to the feedback that was heard at the Board of County Commissioners and some of the deliberations for the project. So if you don't feel comfortable doing it today and Roger and Anna, maybe this is something you guys can have discussions about as a community later and then bring them back, I'm hearing the opposite now.

And with all due respect, I think we need to vet that discussion and we need to have that discussion, because before it was bringing the County water in and the County is extending a line to the village of Cañoncito because they're in dire need of that line, and I've expressed it in writing and verbally that I believe – I wasn't on the Commission when they did it and it was a bond issue that did it, but I'm supportive that that village of Cañoncito is going to have access to viable water and a water source. And I believe I articulated that to several of you in this room.

But now I'm hearing – I'm getting mixed messages. I'm hearing that no, wait a minute. We don't really want the water line. So I think we're going to have a water summit and we're going to have discussions and they're going to get complex but that strikes to the core of some of what I'm hearing tonight and I think those are tough things I'd like to work with you and learn more about because I'm getting mixed messages. And so as this development goes, like I said, I can't get involved in the State Engineer's issues or the item that you brought up, Mr. Hall, that you've raised concern about. You're in a legal process of mediation to resolve that but at the same time I think we need to be careful how we utilize our water and where we utilize it, but I also think we can't hold everyone hostage associated with prior approvals or be inconsistent with our decisions and allow one area to have an extension of master plan and then turn around five minutes later and disallow one.

So I think it's complex; it's not simple. But I'm publicly letting you know some of the feedback that I'm getting and asking you as a community to help me better understand where is the community, relative to a County water system and moving closer and closer into the outlying areas of the county. And where does the County and those communities fit associated with their acceptance or approval. Because on the one hand I hear that there was a commitment by the County to put water there, but then I get an email that says, hey, we don't want the County system at all. So I want to know. I wasn't a part of all those determinations, but I want to know and have all the information so that I can work through it and understand it as best I can before I render any decision.

CHAIR VIGIL: I think the benefit of this community, Commissioner Anaya, I mean this particular project is we're here tonight only for an extension request. And we can add conditions of approval and what you've requested, the input you're looking for between the time that we actually approved this project would probably be at a monitoring state of the utilities system and the response from the community that you'll be able to have more information, but for tonight we're just approving an extension and I think it would be great maybe your constituency services could coordinate some information gathering to get from the community and we'll be better informed if in fact another condition of approval has to be there we'll still have the opportunity. So with that, I think we're ready to move on this. What is the pleasure of the Commission on this particular – Commissioner Stefanics.

COMMISSIONER STEFANICS: I am going to move approval of BCC Case MIS 06-5032, Trenza Time Extension, and it is for the period of 36 months extension with no changes of conditions. It's also understood they have to come forward for final plat approval.

CHAIR VIGIL: I have a motion.

COMMISSIONER HOLIAN: I will second that.

CHAIR VIGIL: Do you have a question or comment?

COMMISSIONER ANAYA: Madam Chair, I would ask that for what I would call a friendly amendment to that. I don't know what other conversations have been held on an ongoing basis with the community but as the applicant, if the extension is granted and as the applicant continues to go forward towards preliminary and final, which gets into the specifics of all the aspects in the development, if they would commit to

SFC CLERK RECORDED 02/02/2012

meeting with the Village on a regular basis through that process to keep them abreast of what's going on and to seek some input. Would you be acceptable to doing that?

MR. HOEFT: Yes, Commissioner.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just want to make a couple of comments. First of all I want to note that this development has already agreed that they will comply with the new code if it comes into existence before the development begins and I think that that answers a lot of concerns. And also I want to note they also have agreed that even if – it sounds like even on Phase I at the time that they're going for final plat approval they will consider if it looks feasible to hook into County water that they would even consider at least look at that as a possibility at that time. And I would certainly strongly urge them to do that at that time, if it looks like it's feasible. In other words if we have a pipeline nearby and in time for their development and so on. And also, I would like to also note that that is just Phase I and this is just preliminary plat approval. There still has to be final plat approval.

COMMISSIONER ANAYA: Madam Chair, on the previous point.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, Commissioner Holian, so you're talking about Phase II and subsequent phases, it's a condition that they absolutely would have to connect to the County system, right? So, Commissioner Holian, are you referring to Phase II and III and potentially even including Phase I in that hook-up?

COMMISSIONER HOLIAN: Well, Scott Hoeft indicated that if at the time they were starting in on Phase I, even at that time if we had a County water supply line near they would consider hooking into County water even at that time. That's my understanding.

COMMISSIONER ANAYA: Is that your understanding, Scott?

MR. HOEFT: Just to clarify here. We're out several years in terms of being able to come back for final development plan. As we're coming back we'll check with Public Works Department and Pego to see where they're at with the development of that line. Right now our condition states that we're permitted to do onsite wells in the 28 acre-feet that was referenced early in the OSE approval. At the time, however, when we get back again we will check and see the status and see where the water line is at. Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, would you accept that as a friendly amendment?

COMMISSIONER STEFANICS: Madam Chair, I have no objection to the amendment. I believe though that that has been the tenor of this particular developer all along. Does the developer have any problems with it? I don't have any problems with it but that's what they've been doing all along. In fact they probably can document many, many meetings, the community as well as the developer.

CHAIR VIGIL: Okay, we have a motion with an amendment that the developer will stay in communication with the community to gain further insights as we create the best outcome for resource sharing of water, which is the goal here. And there is a second.

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

CHAIR VIGIL: Thank you, gentlemen, for being here. Thank you all for testifying.

- XV. A. 5. **CDRC Case # V 11-5270 Cuatro Villas Mutual Domestic Water Users Associations. Cuatro Villas Mutual Domestic Water Users Association, Applicant, Kari Edenfield (Souder, Miller and Associates), Agent, Request a Variance, of Article III, Section 4.4.4.C Development and Design Standards, to Allow a Proposed Water Storage Tank to Exceed the Maximum Permitted Height of Thirty-Six Feet. The Project is Located at 51 Placita Road, within Section 4, Township 20 North, Range 9 East (Commission District 1) Jose E. Larrañaga, Case Manager**

MR. LARRAÑAGA: Thank you, Madam Chair. On October 20, 2011, the County Development Review Committee met and acted on this case, the decision of the CDRC was to recommend approval of CDRC CASE # V 11-5270, Cuatro Villas Mutual Domestic Water Users Association.

The Cuatro Villas Mutual Domestic Water Users Association is a nonprofit community organization established under the New Mexico Sanitary Projects Act. The mission of Cuatro Villas MDWUA is to provide safe, reliable drinking water to the communities of La Puebla, Sombrillo, Cuarteles and El Valle de Arroyo Seco.

On May 24, 2011, the Board of County Commissioners approved a request for a Grant of Right of Way, to the Cuatro Villas Mutual Domestic Water Users Association, for the purpose of installing two 500,000-gallon concrete water storage tanks and distribution infrastructure on the site known as La Puebla Park located at 51 Placita Road.

An Administrative review of the site for placement of a five hundred thousand (500,000) gallon concrete water storage tank and distribution infrastructure is currently being processed by Building and Development Services. The development will encompass approximately 0.74 acres within the site. The tank will have an exposed height of 47 feet with eight feet compromising the dome roof. The north side of the tank will be partially buried and have an exposed height of 31 feet . Approval of this development is pending resolution of the proposed height of the tank and technical review by the Utility Department.

The Applicant requests a variance of Article III, Section 4.4.4.c, Development and Design Standards of the Land Development Code, to allow a 500,000-gallon concrete water storage tank to exceed the maximum permitted height of 36 feet. The Applicant states: "The proposed elevation of the tank is needed to provide the optimal elevations for providing the required pressure for the water system. The site was selected for its centralized location within the Cuatro Villas service area and site elevations to provide the gravity flow needed for the system".

The Applicant also states: "Critical elements of the Cuatro Villas water system are the storage facilities. Full build-out of the regional water system requires a total storage volume of one million gallons for domestic potable water demand plus fire protection volumes as required by Santa Fe County. Phasing the regional water system accommodates half the storage volume to be constructed now and the other half at a later date. Half the storage volume will adequately serve the membership until increasing membership necessitates constructing the other half."

The proposed tank will be visible by the residence within the surrounding area. The site is bordered by BLM, Archdioceses, agricultural and residential property. The visibility of the tank may be minimized by painting the tank an earth tone color.

Article III, Section 4.4.4.c Development and Design Standards/Maximum Height states: "Structures shall be limited to a maximum height of 36 feet from the highest point of the surface of the ground at the perimeter of the structure in Major or Community Center Districts and 24 feet in height in Neighborhood or Local Center Districts."

Article II Section 3.1 states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified".

Article II Section 3.2 states: "In no case shall any variation or modification be more than a minimum easing of the requirements"

Recommendation: Staff has reviewed this Application and has found the following facts presented for resolution of this request by the Board of County Commissioners: excluding the proposed height of the tank, the placement of a 500,000-gallon concrete water storage tank and distribution infrastructure, on 0.74 acres, meets the development requirements of the Land Development Code; the regional water system, at full build-out, requires a total storage volume of one million gallons for domestic potable water demand plus fire protection volumes as required by Santa Fe County; the proposed elevation of the tank is desirable to provide the optimal elevations for providing the required pressure for the water system; strict compliance with the requirements of Article III, Section 4.4.4.c may result in inhibiting the achievement of the purposes of the Code; the requested height variance for the water tank, which will serve the northern communities in Santa Fe County with safe, reliable drinking water, may perhaps be considered a minimal easing of the requirements of the code.

SFC CLERK RECORDED 02/02/2012

The Board of County Commissioners shall now make a final resolution on the Applicant's request of a variance of Article III, Section 4.4.4.c, Development and Design Standards, to allow a water storage tank with an exposed height of 47 feet for the purpose of providing storage volume for the Cuatro Villas regional water system.

Madam Chair, I stand for any questions.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Mr. Larrañaga, this is not written in a traditional manner for if staff recommends approval, denial, approval with conditions, etc. So what is the staff's recommendation?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, staff's recommendation is for the Board to come up with a resolution to the variance.

COMMISSIONER STEFANICS: So, Madam Chair, is staff saying they do not recommend approval as requested?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, the recommendation, we found the facts, the findings that this should be considered for – I don't think we came up with a recommendation of denial or approval. We brought it forward to CDRC in the same manner and they recommended approval. CDRC recommended approval of this case.

COMMISSIONER STEFANICS: So Madam Chair, I'm asking why then could staff not come up with a recommendation?

CHAIR VIGIL: And I'll maybe – you're required to comply with the code. You have made some assessment that it could be considered a minimal easement based on the terrain exception but it isn't that clear to staff who has to comply with the strict meaning of the code for a strict interpretation. Is that a fair assessment of where you were at when you were making your recommendation response, why you couldn't say one way or the other?

MR. LARRAÑAGA: Madam Chair, that's correct.

CHAIR VIGIL: Okay. Other questions? This is a public hearing. Would anyone like to address the Commission with regard to this? Just state your name and address for the record. You'll need to be sworn in.

[Duly sworn, Kari Edenfield testified as follows:]

KARI EDENFIELD: Kari Edenfield, 1201 Parkway Drive, Santa Fe, 87507. I've brought a rendering of the tank which I hope that everyone can see. I'd like to clarify one point on this regional water storage tank. The maximum exposed height as stated is 47 feet on the downhill side as the tank is placed on a hillside. The other side of the tank is only exposed at approximately 31 feet.

CHAIR VIGIL: Okay.

MS. EDENFIELD: I believe the code states that the maximum height from the highest point of the ground surface at the perimeter must be less than 36 feet and at the highest point of the ground surface, at the perimeter the structure is only 31 feet. However, we wanted to be cautious and ensure that we had followed all necessary procedures to make sure that we had the proper approvals for the tank. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Anyone else? Please step forward, state your name and get sworn in.

[Duly sworn, Mukhtiar Khalsa testified as follows:]

MUKHTIAR KHALSA: Mukhtiar Khalsa, president of Cuatro Villas Mutual Domestic Water Users Association, #23 Lumbre de Sol, Española, New Mexico. First, as a public servant I'd like to recognize the Board's endurance and commitment to the process and procedures. This is a long and late meeting, but I'm just here to – we've worked long and hard on this and it's a very simple, straightforward storage that will serve some 7,000 residents of northern Santa Fe County.

Other than that I'm available for questions or comments from the Commission.

CHAIR VIGIL: Any questions?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Could there have been a storage tank put underground?

MR. KHALSA: We would have liked to put one underground. We're using a concrete construction because it can be buried and still be a viable and very long-lived storage units. In fact the concrete is something that basically has an infinite life. We have an elevation problem in that the houses nearby wouldn't have enough gravity to produce the pressure needed to have those residents close by have the amount of water they needed. So we selected a site that's rural and as unobtrusive as we possibly can make it and still have a good height and elevation to serve the whole service area. And this way we're also doing it with one tank site, eventually two tanks, but to minimize the effect of having tanks all over the service areas.

COMMISSIONER STEFANICS: And Madam Chair, I guess my next question is can anybody that's not receiving water from these tanks see these tanks? Can anybody from outside of the community see these tanks?

MR. KHALSA: No. No one outside of the community can see these tanks and most of the residents in the service area will not be in visual line of this tank.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair.

CHAIR VIGIL: Could you talk about painting a little bit? A scenery or something.

MR. KHALSA: Yes. It's a concrete tank so it's going to be readily accepting of color, so we could paint coyotes on there if we wanted to. But I think the simplest thing, there's a lot of dirt there and a lot of low vegetation area, so just painting it an earth tone that matches the existing will do a lot to minimize the visual impact of the tank.

CHAIR VIGIL: My thinking exactly. Jack, I'm going to have to bring you up again. How long again was it that remember we were shuffling through the county because we had hired a federal lobbyist who had allocated some funding for a water project and we had to work around many staff members to try to identify some \$300,000 or something like that that was allocated to us through the feds and it was an eleventh hour working of all kinds of staff to get this application to the federal government and I do believe it was for Cuatro Villas. Do you recall that?

MR. KOLKMEYER: Not off the top of my head but this is certainly a good second.

CHAIR VIGIL: I want to say it was 1999 or 2000, and I think it was Estevan Lopez who finally came up with the amount. Does that sound familiar to you? We were scrambling to try to figure out what community system fit all the requirements for the dollars that had been lobbied for and given to us and you fit them all. So I think that the start off and feasibility studies and needs came from the federal government and since then you've gained support from others.

MR. KHALSA: Yes.

CHAIR VIGIL: With that, what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move for approval of CDRC Case V 11-5270, Cuatro Villas Mutual Domestic Water Users Association.

CHAIR VIGIL: In terms of their request for a variance. Correct?

COMMISSIONER HOLIAN: Yes.

CHAIR VIGIL: Okay. Is there a second?

COMMISSIONER ANAYA: Second.

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

CHAIR VIGIL: You have a unanimous vote. Good luck. I look forward to seeing that earth tone. Or maybe even blue.

MR. KHALSA: We'll play with different color variations. Madam Chair, members of the Commission, thank you very much for your time and commitment to the public forum.

CHAIR VIGIL: Thank you very much for being here and for your patience.

Merry Christmas everyone from the Board of County Commission since this is our last meeting.

COMMISSIONER HOLIAN: Thank you very much, Madam Chair, for your stewardship of our Board this last year.

CHAIR VIGIL: Now I had the gavel over to Liz Stefanics and look forward to working with you in that leadership role.

XVI. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chair Vigil declared this meeting adjourned at 9:50 p.m.



Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

Virginia Vigil

Board of County Commissioners
Virginia Vigil, Chairwoman

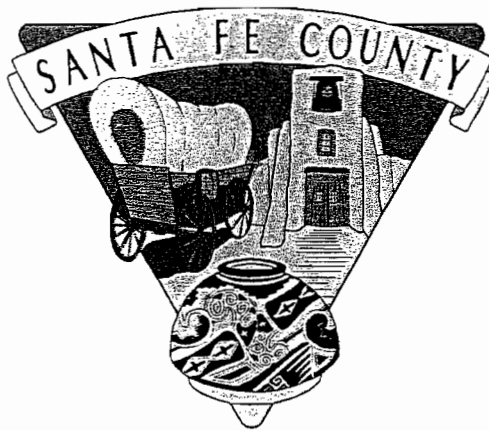
Respectfully submitted:

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

SFC CLERK RECORDED 02/02/2012

Santa Fe County Sustainable Land Development Code

DRAFT 12/13/11



Chapters 1 - General Provisions

Chapter 2 - Planning

Chapter 3 - Decision Making Bodies

Chapter 4 - Procedures

SLDC Table of Contents

Chapter 1: General Provision

- Sec 1.1 Short Title
- Sec 1.2 Authority
- Sec 1.3 Effective Date
- Sec 1.4 Purpose and Intent
- Sec 1.5 Findings
- Sec 1.6 Applicability
- Sec 1.7 Enactments and repeals
- Sec 1.8 Scope
- Sec 1.9 Consistency
- Sec 1.10 Coordination With Other Regulations
- Sec 1.11 Transitional Provisions
- Sec 1.12 Concurrent Processing
- Sec 1.13 Periodic review
- Sec 1.14 Severability
- Sec 1.15 SLDC Text Amendments or Zoning Map
- Sec 1.16 Decision
- Sec 1.17 Approval Criteria

Chapter 2: Planning

- Sec 2.1 Plans and Plan Amendments
- Sec 2.2 Specific Plans
- Sec 2.3 Area Plans
- Sec 2.4 District Plans
- Sec 2.5 Community Plans
- Sec 2.6 Plan Amendments
- Sec 2.7 Consistency
- Sec 2.8 Community Participation

Chapter 3: Decision Making Bodies

- Sec 3.1 Purpose and findings
- Sec 3.2 Board of County Commissioners
- Sec 3.3 Planning Commission
- Sec 3.4 Administrator
- Sec 3.5 Hearing Officer

Chapter 4: Procedures

- Sec 4.1 Purpose and Findings
- Sec 4.2 Approval Required
- Sec 4.3 Common Procedure
- Sec 4.4 Categories of Development Proceedings
- Sec 4.5 Procedural requirements
- Sec 4.6 Appeals
- Sec 4.7 Notice
- Sec 4.8 Hearing Standards

Chapter 5: Subdivision

Chapter 6: Development Permits

Chapter 7: Studies, Reports, Assessments

Chapter 8: Sustainable Design Standards

Chapter 9: Zoning

Chapter 10: Community Districts

Chapter 11: Supplemental Use Standards

Chapter 12: Developments of Countywide Impact

Chapter 13: Capital Improvement Plan, Adequate Public Facilities and Services, Public Improvement Districts, Impact Fees and Official Map

Chapter 14: Housing and Affordable Housing

Chapter 15: Penalties and enforcement

CHAPTER ONE – GENERAL PROVISIONS

1.1. SHORT TITLE. This Ordinance, as amended from time to time, shall be cited as “The Santa Fe County Sustainable Land Development Code” and shall be referred to as “the SLDC.”

1.2. AUTHORITY. The SLDC is promulgated pursuant to the authority set forth in Art. IX, X and XIII of the New Mexico Constitution (1912); NMSA 1978 § 4-37-1 (1975), NMSA 1978 §§3-21-1 et seq. (1965), NMSA 1978 §3-18-7 (2003); NMSA 1978 §§3-19-1 et seq. (1965); NMSA 1978 §§3-18-1 et seq. (1965), and NMSA 1978 §§ 19-10-4.1, 4.2 and 4.3 (1985), NMSA 1978, § 3-20-1 et seq. (1973), NMSA 1978, § 3-33-1 et seq. (1965), NMSA 1978, § 3-35-1 et seq. (1965), NMSA 1978, § 3-45-1 et seq. (1965), NMSA 1978, § 4-37-1 et seq. (1975), NMSA 1978, § 5-11-1 et seq. (2001), NMSA 1978, § 5-11-1 et seq. (2001), NMSA 1978, § 6-27-1 et seq. (2004), NMSA 1978, § 7-91-1 et seq. (2005), NMSA 1978, § 11-3A-1 et seq. (1994), NMSA 1978, § 47-5-1 (1963), NMSA 1978 §§ 47-6-1(1973), NMSA 1978, § 58-18-1 et seq. (1975), NMSA 1978 §60-13-1; Federal Insurance Regulation 1910. The SLDC constitutes an exercise of the County’s independent and separate but related police, zoning, planning, environmental, fiscal and public nuisance powers for the health, safety and general welfare of the County and applies to all areas within the exterior boundaries of the County that lie outside of the incorporated boundaries of a municipality without exception.

1.3. EFFECTIVE DATE. This ordinance shall become effective ninety (90) days after recordation.

1.4. PURPOSE AND INTENT

1.4.1. The SLDC, all amendments to the SLDC, shall be designed to implement and be consistent with the goals, objectives, policies, and strategies of the Sustainable Growth Management Plan (SGMP) through comprehensive, concurrent, consistent, integrated, effective, time limited and concise land development approvals. The SLDC is designed to protect and promote the health, safety and general welfare of the present and future residents of the County. The SLDC is a police power, public nuisance, environmental and land use regulation designed to establish separate land use, growth management, environmental, fiscal, adequate public facility, transportation, police and fire, school, library, storm water management, emergency service and preparedness, health and safety standards. The SLDC is designed to specifically provide protection of cultural, historical and archeological resources, lessening of air and water pollution, assurance and conservation of water resources, prevention of adverse climate change, promotion of sustainability, green development, and to provide standards to protect from adverse public nuisance or land use effects and impacts resulting from public or private development within the County.

1.4.2. The SLDC Shall:

1.4.2.1. Require that no new development approval shall be granted unless there is adequate on and off-site provision of capital facilities and services available to the

SFC CLERK RECORDED 02/02/2012

development at levels of service established in the SGMP, the Capital Improvement and Services Program (“CIP”) and the Official Map established pursuant to the SGMP;

- 1.4.2.2. Utilize a development agreement process, where appropriate, to assure that properties receiving development approvals are granted vested rights to assure completion of the project through all stages and phases under the provisions of the SLDC as they existed at the time of submission of a complete application for development approval, without fear of being overridden by newly adopted regulations, in exchange for commitments to mitigate environmental degradation, advance adequate public facilities and services for needs generated by new development, to eliminate existing deficiencies and to proportionally meet county and regional facility and service needs;
- 1.4.2.3. Establish sustainable design and improvement standards and review processes by which development applications shall be evaluated, including the preparation of environmental, fiscal impact, traffic, water availability, emergency service and response, consistency and adequate public facility and services studies, reports and assessments (“SRAs”);
- 1.4.2.4. Require that development and administrative fees; dedications; public improvement district taxes, assessments, charges and fees; homeowner association assessments; public and private utility rates, fees and charges; impact fees; and other appropriate mitigation fees, conditions and exactions that are required as ad hoc conditions of development approval and are not legislatively required by the SLDC, be roughly or reasonably proportional to the need for adequate public facilities and services at adopted levels of service, the need for which is generated by the development at the time of development approval;
- 1.4.2.5. Designate appropriate zoning districts to implement the SGMP sustainable development areas (SDA-1, SDA-2, and SDA-3) and identify appropriate regulations and incentives to encourage development within the SDA-1 priority growth areas;
- 1.4.2.6. Formulate guidelines to implement growth management, sustainable design and improvement standards, renewable energy and new urbanism strategies, techniques, and action programs and adopt appropriate budgets and capital improvement plan and programs to implement them;
- 1.4.2.7. Enhance the physical, cultural, social, traditional and environmental values treasured by County residents;
- 1.4.2.8. Provide for objective and fair administrative and quasi-judicial processes, findings and recommendations including, but not limited to, the establishment of a Hearing Officer process;
- 1.4.2.9. Establish rights for communities, community organizations, registered organizations, acequia association’s, Tribal governments, adjoining property owners, neighborhood and homeowner associations and non-profit organizations with respect to attendance at pre-application meetings with applicants for development approval;

- 1.4.2.10. Accommodate within appropriate zoning districts, regulations for protection and expansion of local small businesses, professions, culture, art and crafts including live/work, home occupations and appropriate accessory uses;
- 1.4.2.11. Assure that a diversity of housing choices to enable residents within a wide range of economic levels and age groups is available;
- 1.4.2.12. Express and reflect the highly unique sense of place and the desirable qualities of Santa Fe County through innovative and sustainable design and architectural standards for development compatible with compact development and traditional and historic communities;
- 1.4.2.13. Restrict development within lands containing environmental, ecological, archaeological, historical or cultural sensitivity and preserve agriculture and ranch lands and utilize: clustering; use of purchase and transfer of development rights; federal and state income tax credits and deductions for donation of development and conservation easements; development of solar and wind resources and other incentives to maximize economic return and to preserve such resources to the maximum extent feasible;
- 1.4.2.14. Place high regard for the protection of individual property rights in appropriate balance with the community's need to implement the goals, objectives, policies and strategies of the SGMP;
- 1.4.2.15. Reconstitute the County Development Review Committee ("CDRC") as the County's statutorily authorized Planning Commission to carry out the statutory and SLDC duties and responsibilities for reviewing and recommending on amendments to the SGMP, Area, Specific, District and Community Plans, the Official Map, the CIP, the SLDC and for the hearing of applications for development approval;
- 1.4.2.16. Provide for special review of developments of countywide impacts ("DCIs");
- 1.4.2.17. Create planned development zoning districts ("PDDs") that reflect development patterns that promote walkable mixed use communities without the need for multiple variances or waivers from area, height or use requirements;
- 1.4.2.18. Provide a procedure for mandatory pre-application review of certain development projects, to afford an opportunity to meet with the developer, the opportunity to review and comment on the project, in order to assess the project's impacts on its surroundings and on the County's resources and to identify issues, solutions and mitigation measures;
- 1.4.2.19. Ensure that building projects are planned, designed, constructed, and managed to minimize adverse climate change, environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Santa Fe County;
- 1.4.2.20. Prescribe sustainable design and improvement standards for all public and private buildings, structures and land uses;
- 1.4.2.21. Develop strategies, bonuses, incentives, transfers of development rights, tax credits, monetization of solar, wind and rain water recapture facilities to encourage priority infill development;

SFC CLERK RECORDED 02/02/2012

- 1.4.2.22. Respect historical patterns and boundaries in the development approval process for new development and redevelopment;
- 1.4.2.23. Require that new development reflect the transportation network of the region and provide a framework of inter-connectivity of the road network and pedestrian and bicycle systems;
- 1.4.2.24. Provide the opportunity for the establishment of a public improvement or assessment district or homeowner associations to finance the capital improvements necessary to meet adequate public facilities and service requirements, including the ongoing maintenance and operation of such facilities and services;
- 1.4.2.25. Provide the opportunity for appropriate building densities and land uses within walking distance of transit stops in SDA-1 through appropriate zoning; and
- 1.4.2.26. Require that new development provide a range of parks, open space and trails and community gardens within neighborhoods.
- 1.4.2.27. Discretionary Development Approval Projects, as defined by the SLDC, shall be required to provide the following as a pre-condition to development approval:
 - 1.4.2.27.1. A General Area, Specific, District and Community Plan Consistency Report demonstrating consistency with such SGMP goals, objectives, policies and strategies and with applicable state and federal statutes and regulations;
 - 1.4.2.27.2. An Environmental Impact Report ("EIR") analyzing adverse effects and impacts relating to, or stemming from: wildlife and vegetation natural habitats and corridors; flood plains, floodways, stream corridors and wetlands; steep slopes and hillsides; air and water pollution; climate change, traffic safety and congestion; excessive energy consumption from vehicle miles traveled; archeological, historical and cultural artifacts and resources reflecting the heritage of the area; toxic chemical pollution and related diseases and conditions affecting the health and safety of current and future residents; open space and scenic vistas;
 - 1.4.2.27.3. A Fiscal Impact Assessment ("FIA") describing the effects and impacts of the project upon County revenue and costs necessitated by additional public facilities and services generated by the development project and the feasibility for financing such facility and service costs;
 - 1.4.2.27.4. An Adequate Public Facilities and Services Assessment ("APFA") indicating whether public facilities and services, taking into account the County's Capital Improvement and Service Program, are adequate to service the proposed development project;
 - 1.4.2.27.5. A Water Availability Report to determine the permanent availability of and impacts to groundwater and surface water resources;
 - 1.4.2.27.6. A Traffic Impact Assessment, providing information necessary to assess adverse transportation effects and impacts of traffic generated by proposed development projects, including isolated and cumulative adverse effects and

impacts to the traffic shed and traffic capacity, the passage of public safety and emergency response vehicles and any contribution to hazardous traffic conditions by vehicles going to and from the project site;

1.4.2.27.7. In the case of developments of county-wide impact (“DCI”), an Emergency Service and Preparedness Report, identifying the name, location and description of all potentially dangerous facilities and Material Safety Data Sheets describing all additives, chemicals and organics to be or currently used on the proposed development site, including but not limited to pipelines, wells and isolation valves, and providing for a written fire prevention, health and safety response plan for any and all potential emergencies, including explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide, methane or other toxic gas emissions or hazardous material spills or vehicle accidents; and

1.4.2.27.8. In the case of DCIs, a Geo-hydrologic Report, describing any adverse impacts and effects of development with respect to groundwater resources located within geological formations in sufficient proximity to a development project; identifying fractured, faulted and any other formations that would permit extraneous oil, gas, dirty or gray water, rocks, mud or other toxic chemicals, minerals and pollutants to degrade the ground or subsurface water resources, or allow ground or subsurface water resources to be reduced, polluted and unavailable for public or private water supplies.

1.5. FINDINGS. The Board hereby finds, declares and determines that the SLDC:

- 1.5.1.** Promotes the health, safety, and welfare of the County, its residents, and its environment by regulating development activities to assure that development does not create land use and public nuisance impacts or effects upon surrounding property, the County and the region;
- 1.5.2.** Promotes the purposes of planning and land use regulation by assuring that adequate public facilities and services as defined by the SGMP and CIP, including roads, fire, police and emergency response, storm water detention, parks and recreation, open space, trails, public sewer and water, will be available on or off-site at the time of development approval;
- 1.5.3.** Protects the County’s priceless, unique, and fragile ecosystem and environmentally sensitive lands including but not limited to waterways and streams, wetlands, floodways and flood plains; hillsides and steep slopes; flora and fauna habitats and habitat corridors, air and water quality; eco-tourist sites and scenic vistas, natural resources, archaeological, cultural, and historical resources;
- 1.5.4.** Requires vertical and horizontal consistency of the SLDC and related land use, building, housing; public and private utility and environmental codes, with the SGMP, Area, Specific, District and Community Plan; the CIP; the Official Map; and related regional, state and federal legislation, plans and programs;
- 1.5.5.** Promotes sustainable development , green building and renewable energy standards and practices; and
- 1.5.6.** Provides for efficient, comprehensive, concurrent and timely response to applications for development approval.

SFC CLERK RECORDED 07/02/2012

1.6. APPLICABILITY. The SLDC shall apply within the exterior boundaries of Santa Fe County. The SLDC shall not apply within the exterior boundaries of a municipality. The SLDC shall not apply to property owned by the United States or held by the United States in trust for a federally-recognized Tribal government, or to property owned by a member of a federally-recognized Indian Pueblo, Reservation or Pueblo and within the exterior boundaries of such federally-recognized Indian Pueblo, Reservation or Pueblo.

1.7. ENACTMENT AND REPEALS. Upon the adoption of the SLDC, the following are hereby repealed in their entirety: the Flood Prevention and Stormwater Management Ordinance of 2008-10; the Santa Fe County Land Development Code Ordinance 1996-10; together with all amendments thereto; the original Santa Fe County Land Development Code Ordinance No. 1980-6. Ordinances No. 2000-12, 2000-13, 2001-01, 2002-02, 2002-9, 2003-7, 2005-08, 2006-10, 2006-11, 2007-2, and 2008-5 shall remain in effect until amended following adoption of revised community plans that are consistent with the SGMP and this ordinance.

1.8. SCOPE. All publicly and privately owned buildings, structures, lands, land uses, capital improvements and capital infrastructure projects, including but not limited to state, federal, regional, city, county, school, authority, assessment or public improvement district, public or private utility, and Pueblos located in the unincorporated portion of the County, shall be subject to the SLDC, where the County has jurisdiction arising under the laws and constitutions of the United States or the state of New Mexico.

1.9. CONSISTENCY.

1.9.1. The Sustainable Growth Management Plan (SGMP) adopted by the Board is the General Plan. The SLDC shall be consistent with the SGMP. Existing or future adopted Area, Specific, District and Community Plans that are consistent with the SGMP, shall be deemed to be a part of the SGMP, or an amendment to the SGMP.

1.9.2. Amendments to the SLDC. Any amendment to the SLDC shall be required to be consistent with the SGMP and shall satisfy the consistency requirement only if such amendment fully complies with the goals, policies and strategies of the SGMP.

1.10. COORDINATION WITH OTHER REGULATIONS.

1.10.1. Generally. The use of buildings, structures and land is subject to all other County, state or federal statutes, ordinances or regulations as well as the SLDC, whether or not such other provisions are specifically referenced in the SLDC. References to other ordinances, statutes or regulations or to the provisions of the SLDC are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure, or use from other ordinances, statutes or regulations.

1.10.2. SLDC as Paramount Regulation. Where a regulation or standard contained within the SLDC imposes higher criteria or standards than those required under another County ordinance or regulation, the regulation adopted under the SLDC controls. If the other County ordinance or regulation imposes higher standards, that ordinance or regulation controls so long as it is consistent with the purposes, findings and intent of the SLDC and with the goals, objectives, policies and strategies of the SGMP. Where a regulation or standard contained in State or Federal laws or regulations imposes less stringent standards than established in the SLDC, the SLDC shall apply.

1.10.3. Rules of Construction. Provisions of the SLDC are basic and minimum requirements for the protection of public health, safety, comfort, convenience, prosperity, and welfare. The SLDC shall be liberally interpreted in order to further its underlying purposes, intent, criteria and standards and to implement the goals, objectives, policies and strategies of the SGMP. The meaning of any and all words, terms, or phrases in the SLDC shall be construed in accordance with Appendix A, Definitions and Rules of Interpretation of the SLDC, which is incorporated herein by reference. The SLDC contains numerous tables, graphics, pictures, illustrations and drawings in order to assist the reader in understanding and applying the SLDC. To the extent there is any inconsistency between the text of the SLDC and any such table, graphic, picture, illustration or drawing, the text controls unless otherwise provided in the specific section.

1.10.4. Minimum Requirements. The issuance of any development approval or development order pursuant to the SLDC shall not relieve the recipient from the responsibility to comply with all other County, state or federal laws, ordinances or regulations.

1.11. TRANSITIONAL PROVISIONS

1.11.1. Application for Development Approval. Any application for a development approval, including but not limited to: a rezoning, approval of an overlay zone, amendment to the SLDC, development of countywide impact, an amendment to the SGMP or General Plan, an amendment to an Area, Specific, District or Community Plan or zoning ordinance; a development agreement, a conditional or special use, variance, building or grading permit or road construction permit; certificate of occupancy; for which a complete application was submitted before authorization of publication of title and general summary of this SLDC by the Board, may be approved and completed in conformance with the terms and conditions applicable at the time of submittal. If the development approval is not completed within the time allowed under the original development approval or permit, then the development may be constructed, completed or occupied but only in strict compliance with the provisions, criteria and standards of the SLDC as adopted herein.

1.11.2. Permits and Approvals Without Vested Rights. Permits and approvals granted by the Board of County Commissioners, County Development Review Committee or the Administrator prior to the effective date of this ordinance for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the SLDC.

1.11.3. Permits and Approvals With Vested Rights. Permits and approvals granted by the Board of County Commissioners, County Development Review Committee or the

SFC CLERK RECORDED 02/02/2012

Administrator prior to enactment of this ordinance for which rights have vested shall be recognized by the County.

1.11.4. Approved Master Plans. Properties that have received final approval of a master plan within five years of the effective date of this ordinance shall file an application for approval of a development plan, preliminary development plan or subdivision plat no later than one year after the effective date of this Ordinance, or the approval of the master plan shall expire and standards established by the SLDC shall apply to any application for development of the property.

1.11.5. Approved Preliminary Development Plans or Plats. Properties that have received preliminary development plan or plat approval but have not received final development plan or plat approval, shall within 24 months of said approval file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat or the approval of the preliminary development plan or plat shall expire and any application for development will be governed and processed according to the SLDC.

1.11.6. Approved but Unrecorded Final Development Plans and Plats.

1.11.6.1. Properties that have received final development plan or plat approval but have not recorded the plan or plat may complete the recordation process under the terms of the final approval.

1.11.6.2. **Approved and Recorded Final Development Plans, Plats or Permits.** Properties that have received final development plan or plat approval and have recorded the plan or plat shall apply for construction permits consistent with that plan or plat within 24 months or the approval will expire and standards established by the SLDC for approval of development shall apply to any application for development of the property.

1.11.6.3. Any subdivision for which a Preliminary Plat was approved before the first reading of this amended SLDC may be granted Final Plat approval if the Planning Commission and Board find that the final plat is in substantial compliance with the previously approved preliminary plat.

1.12. CONCURRENT PROCESSING. One of the principal purposes of the SLDC is to encourage applicants to concurrently submit an application for multiple development approvals on a single project in order to facilitate, speed up and make more efficient the development approval process. Any application which includes requests for two or more development approvals cumulatively comply with the requirements of the SLDC for each type of development approval applied for prior to engaging in that type of development. The County may issue a development order denying, approving, approving with conditions and mitigation requirements, approving any part of an application and approving other parts in phases or denying other parts. This section shall not apply to applications seeking approval but that do not comply with the applicable zoning.

1.13. PERIODIC REVIEW. The Board shall periodically review the SLDC and make appropriate amendments. The Administrator, the Planning Commission, other interested persons or groups may make recommendations to the Board for amendments to the SLDC.

1.14. SEVERABILITY. If any court of competent jurisdiction decrees that any specific provision of the SLDC is invalid or unenforceable, that determination shall not affect any provision not specifically included in the order or judgment. If any court of competent jurisdiction determines that any provision of the SLDC cannot be applied to any particular property, building, structure or use, that determination shall not affect the application of the SLDC to any other property, building, structure or use not specifically included in the order or judgment.

1.15. SLDC TEXT AMENDMENTS OR ZONING MAP. This section provides uniform procedures for amendments to the SLDC text or the zoning map.

1.15.1. Applicability. The provisions of this section shall apply to any application to:

1.15.1.1. Amend the text of the SLDC;

1.15.1.2. Amend the zoning map of the SLDC by reclassifying the zoning district of a tract, parcel or lot from one zoning district to another; or by reclassifying the zoning districts for areas, communities or countywide.

1.15.2. Initiation.

1.15.2.1. SLDC text or map amendments may be initiated by the Board, the Planning Commission, an owner/applicant, or the Administrator for specific tracts, parcels or lots requiring quasi-judicial hearings; or for General, Area, Specific, District, Community Plan or countywide zoning map or SLDC text changes requiring legislative hearings.

1.15.2.2. No text or map amendments to the SLDC may be proposed by an owner/applicant unless accompanied by a concurrent application for discretionary development approval on the same land, together with a major site plan, preparation of SRAs and meeting all requirements of the SLDC for such discretionary development approvals.

1.15.2.3. No amendment to the SLDC text or zoning map requiring a quasi-judicial hearing shall be granted unless the Board makes a finding that there has been a substantial change in the conditions of the area surrounding the owner's property or an error or mistake in the SLDC text or zoning map; or the amendment is consistent with the applicable General, Area, Specific, District or Community Plans for the property.

1.15.3. Legislative Hearings. The Planning Commission and Board shall consider amendments to the SLDC during a public hearing. The hearing shall be conducted as a legislative hearing where the SLDC text or map amendment does not concern a single tract, parcel or lot under common ownership, or the land affected by the text or map amendment is not predominantly owned by a single person or entity under common ownership.

1.15.4. Quasi-Judicial Hearings. The public hearing before the Planning Commission and Board shall be quasi-judicial where the proposed SLDC text or map amendment has been filed by an owner/applicant; the text or map amendment concerns a single tract, parcel or lot under common ownership; or the land affected by the text or map amendment is predominantly owned by a single person or entity under common ownership.

1.15.5. Hearing Officer. Where the SLDC text or map amendment concerns a matter which is subject to a quasi-judicial hearing as opposed to a legislative matter and has been initiated

SFC CLERK RECORDED 02/07/2012

by an owner/applicant, the Administrator, upon the filing of the report of the pre-application meeting, certification that the application is complete, all SRAs have been filed and all required fees have been paid, shall refer the application to the Hearing Officer to hold a quasi-judicial public hearing.

1.15.6. Decision. After receipt of the Planning Commission's recommendation, the Board shall approve, conditionally approve or deny the map or text amendment. If the proposed map or text amendment is inconsistent with the General, Area, District, Specific or Community plan, the proposed amendment shall be denied unless a concurrent application for an amendment to the General, Area, District, Specific or Community plan has been submitted by the owner/applicant, the Board, the Planning Commission or the Administrator, and has been concurrently approved to eliminate any inconsistency.

1.15.7. Approval Criteria. In reviewing an application for an SLDC text or map amendment, the Hearing Officer, Planning Commission or Board shall consider the criteria set forth in in this subsection. No single factor is controlling; each must be weighed in relation to the other. The Board, Planning Commission or Hearing Officer may attach to the development order approving or conditionally approving the application, any and all applicable conditions and mitigation requirements.

1.15.7.1. Consistency. An SLDC text or map amendment shall be consistent with the SGMP, Area, District, Specific or Community plan, the Official Map and the CIP.

1.15.7.2. Criteria.

1.15.7.2.1. Public Policy. The Board has determined through the SGMP that vast acreages of contiguous single-use zoning produces uniform sprawl with adverse consequences, such as traffic congestion, air pollution, increased energy usage, fiscal impact, inadequate provision of public facilities and services, loss of environmentally sensitive land and ground water pollution. Accordingly, SLDC text or map amendments shall be granted primarily to promote compact development, economic, commercial and residential mixed uses, traditional neighborhood and transit oriented development, sustainable design and higher densities within the SGMP SDA-1 and - 2 areas. Important public policies in favor of the SLDC text or map amendment shall be considered, including but not limited to:

- .1 the provision of a greater amount of affordable housing;
- .2 economic, non-residential and renewable energy development;
- .3 advancement of public facilities and services and elimination of deficiencies through use of development agreements;
- .4 traditional neighborhood, transit oriented, infill, opportunity center and compact mixed-use development;
- .5 substantial preservation of open space;
- .6 sustainable energy efficient construction and neighborhood design; and
- .7 consistency with the SGMP, Area, District, Specific or Community Plan goals, policies and strategies applicable to the property.

1.15.7.2.2. Adverse Impacts on Neighboring Lands. The Board, Planning Commission or Hearing Officer shall consider the nature and degree of any adverse impacts upon neighboring lands. Tracts, parcels or lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.

1.15.7.2.3. Suitability as Presently Zoned. The Board, Planning Commission or Hearing Officer shall consider the suitability or unsuitability of the tract, parcel or lot for its use as presently zoned. This factor shall however, be weighed in relation to proof of a clerical mistake in the text or map dimensions and uses of the SLDC zoning district, substantially changed conditions in the area surrounding the property, or to effectuate the important findings of 1.15.7.2 of the SLDC, and is supported by the goals, policies, and strategies of the SLDC, the SGMP, Area, District, Specific or Community plan.

1.15.7.3. Subsequent Applications.

1.15.7.3.1. Applicability. The provisions of this subsection do not apply to any SLDC text or map amendment that is initiated by the County.

1.15.7.3.2. Withdrawal after Planning Commission Hearing. No SLDC text or map amendment application shall be received or filed if, during the previous twelve (12) months, an application was received or filed and withdrawn after a public hearing has been held by the Hearing Officer; unless the owner/applicant acknowledges with a sworn affidavit that new, relevant, and substantial evidence is available, that could not have been secured at the time set for the original hearing. The Administrator shall receive and process the new application subject to compliance with all of the provisions of this Section.

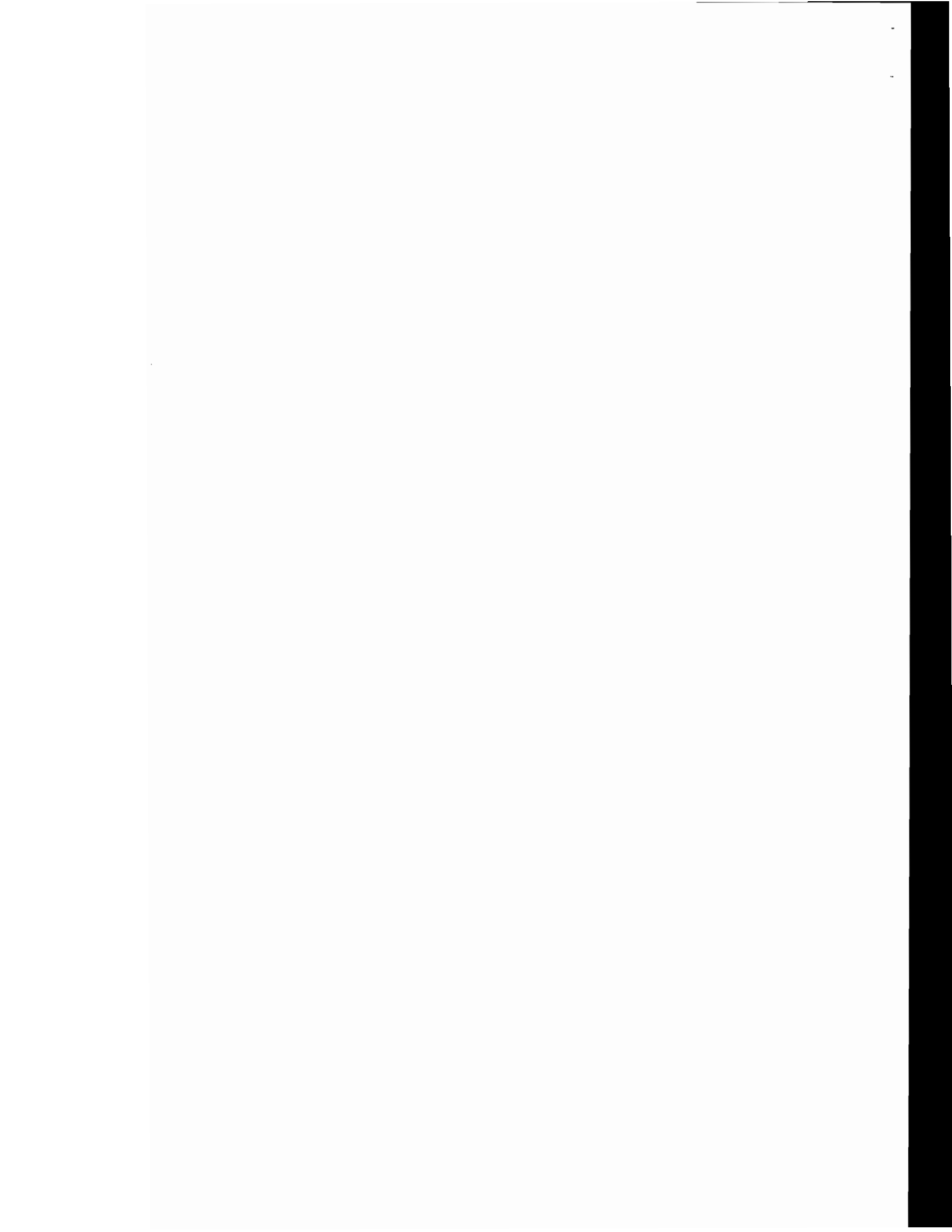
1.15.7.3.3. Denial. No application for an SLDC text or map amendment shall be received or filed with the Administrator within two (2) years after the County has denied an application for an SLDC text or map amendment with regard to any portion of the same property.

1.15.7.3.4. Amendments. Any subsequent amendment to the SLDC text or map requires a new application and a new fee pursuant to Appendix C of the SLDC, and shall be processed as set forth in this section.

1.15.7.3.5. Scope of Approval. No construction of a building or structure, grading, occupancy or use of the land shall be commenced without the owner/applicant obtaining all further required development approvals.

1.15.7.3.6. Recording and Publication. The amendment shall be recorded and published in accordance with law. When the amendment involves map changes to existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land, showing the new zoning classifications and designating the new boundaries. The Administrator shall refer to the attested ordinance as a record of the current zoning status until such time as the zoning map is physically changed.

SFC CLERK RECORDED 02/02/2012



CHAPTER TWO – PLANNING

2.1. PLANS AND PLAN AMENDMENTS. This chapter establishes the authority to adopt certain County land use plans in addition to providing a uniform procedure for the amendment of such plans. This chapter establishes requirements and procedures for proposed amendments to the SGMP, or any plan element contained within the SGMP or adoption or amendment of Area, Specific, District or Community Plan. A proposed amendment of the plans discussed in this chapter requires legislative Board approval, except where such amendment or approval applies solely or predominantly to a single parcel of land in common ownership, in which event the amendment or approval shall be processed as a quasi-judicial determination.

2.1.1. The Sustainable Growth Management Plan (SGMP) shall serve as the constitution to the SLDC. Within the SGMP are the following plan elements relating to particular planning subjects:

- 2.1.1.1. A Sustainable Vision;
- 2.1.1.2. Land Use;
- 2.1.1.3. Economic Development;
- 2.1.1.4. Agriculture and Ranching;
- 2.1.1.5. Resource Conservation;
- 2.1.1.6. Open Space, Trails, Parks and Recreation Areas;
- 2.1.1.7. Renewable Energy and Energy Efficiency;
- 2.1.1.8. Sustainable Green Design and Development;
- 2.1.1.9. Public Safety;
- 2.1.1.10. Transportation;
- 2.1.1.11. Water, Wastewater and Storm Water Management;
- 2.1.1.12. Adequate Public Facilities and Financing;
- 2.1.1.13. Housing;
- 2.1.1.14. Governance; and
- 2.1.1.15. Implementation.

2.1.2. Specific Plans.

- 2.1.2.1. A specific plan implements the SGMP with respect to a particular property or properties and accompanies the development approval of individual property or properties.
- 2.1.2.2. A specific plan differs from a General, Area, District, or Community plan in the following ways:
 - 2.1.2.2.1. A specific plan is not a component of the SGMP, although a specific plan must be consistent with the SGMP. A specific plan is therefore a separately adopted general plan implementation document.

SFC CLERK RECORDED 02/02/2012

2.1.2.2.2. The purpose of a specific plan is the systematic implementation of the SGMP. Neither Area, District or Community plans have an emphasis on implementation. A specific plan is used to refine the policies of the SGMP relating to a defined geographic area.

2.1.2.3. A specific plan shall be required for any nonresidential development, a subdivision within SDA-2 or 3, or a planned development district.

2.1.2.4. A specific plan shall conform to the base zoning district and all allowable overlay and planned districts permitted in the base zoning district for the land contained within the specific plan area and shall conform to the procedures set forth in the SLDC. No amendment to the text or map of a base zoning district shall be approved unless it meets the standards for plan amendments set forth in § 2.1.6 of this Chapter. Plan amendments and zoning, text and map amendments may be included within a specific plan provided they comply with the standards of §§ 2.1.2.6.3 and 1.15.7.2 of the SLDC. The adoption of a specific plan does not eliminate the need for obtaining all other SLDC required discretionary and ministerial development approvals prior to any construction, land alteration or use of the property as authorized in the specific plan.

2.1.2.5. Amendments to the text or maps of a specific plan shall be processed in the same manner as for initial adoption of the specific plan.

2.1.2.6. A specific plan shall include text and a diagram or diagrams that specify all of the following in detail:

2.1.2.6.1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan;

2.1.2.6.2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;

2.1.2.6.3. The standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable;

2.1.2.6.4. A program of implementation measures from the CIP including regulations, programs, public works projects, and financing measures necessary to carry out subparagraphs (1), (2), and (3);

2.1.2.6.5. The distribution, number and type of residential units and nonresidential structures, floor area ratio (FAR) of nonresidential structures, area, height and yard requirements, parking, location, timing, phasing and extent of the uses of land including open space within the area covered by the specific plan; the proposed distribution, location, interconnectivity, bicycle and pedestrian lanes,

extent and intensity of major components of public and private transportation, sewage, water, storm water management, solid waste disposal, energy, parks, recreation facilities, sheriff, fire and emergency response, trails and other adequate public facilities and services proposed to be located within the area covered by the specific plan and needed to support the land uses described in the specific plan;

- 2.1.2.6.6. Sustainable design and improvement standards and criteria by which development will proceed, and standards for the conservation of agricultural, ranch, open space, scenic vistas, habitats and habitat corridors, ground and surface water, archaeological, cultural, historical and environmentally sensitive lands and natural resources;
- 2.1.2.6.7. A plan of implementation and action measures, including all of the development approvals and land use techniques that will be needed to achieve build out of the area, including but not limited to zoning, subdivision approval, supplemental use permit, planned districts, supplemental and accessory uses, variances, transfers of development rights (TDRs) or purchase of development rights (PDRs), creation of homeowner associations, assessment and public improvement districts, affordable housing, public improvements and services, impact fees, dedications and other financing measures, utilization of a Capital Improvement Program (CIP) and Official Map techniques, development agreements, and conditions, covenants, and restrictions necessary to carry out the goals, objectives, policies and standards of the SGMP, Area District, or Community plan and the purposes, intent, findings and requirements of the SLDC and other applicable state and federal law; and
- 2.1.2.6.8. An analysis of the consistency of the specific plan to the SGMP, and any applicable Area, District or Community plan, and all of the Studies, Reports and Assessments ("SRAs") required pursuant to Chapter 7 of the SLDC.
- 2.1.2.6.9. The specific plan shall include a statement describing the relationship of the specific plan to the SGMP and how the specific plan is consistent with the SGMP.

2.1.3. Area Plan.

- 2.1.3.1. An Area Plan covers a defined geographic area of the county and provides planning, design and implementation strategies consistent with the SGMP. Area Plans provide basic information on the natural features, resources, and physical constraints that affect development of the planning area. They also specify detailed land-use designation used to review specific development proposals and to plan services and facilities.

2.1.3.2. An area plan may be used to guide development applications, to develop facilities and services, infrastructure, annexation, assessment districts and other area needs.

2.1.3.3. An Area Plan is consistent with and is adopted as an amendment to the SGMP.

2.1.4. District Plan

2.1.4.1. A District Plan provides specific planning and design for single use and mixed use development specialized around a predominant activity. A District plan may contain specific planning and implementation steps and may be used to guide development applications, to develop facilities and services, infrastructure, annexation, assessment districts and other district needs.

2.1.4.2. A District Plan is consistent with and adopted as an amendment to the SGMP and any Area or Community Plan.

2.1.5. Community Plan

2.1.5.1. A Community Plan is an amendment to the SGMP that provides specific planning, design and implementation for a traditional, contemporary or other geographic community. A community plan may be implemented either through the zoning map or through creation of a planned district.

2.1.5.2. It is the intent of this subsection to permit communities to create a community planning process, directed by County planning staff. The community planning process is intended to provide diversity of representation during the planning process and provide consistency with the goals and policies of the SGMP and SLDC.

2.1.5.3. The Community Plan is intended to identify development and growth impacts for an area and provide strategies and land use recommendations including a future land use plan consistent with the SGMP.

2.1.5.4. A Community Plan is intended to permit communities to recommend adoption of particular land use regulations based on the needs and goals of the community, and to subsequently update plans as necessary due to changing circumstances.

2.1.5.5. Community Planning Process.

2.1.5.5.1. The community planning process is initiated by filing a letter of application with the Administrator. Alternatively, the Administrator may initiate the planning process sua sponte. The application shall include:

- 2.1.5.5.2. A list of members who are proposed to be the initial members of the planning committee, which shall include residents, property owners and business owners who are generally representative of the community;
- 2.1.5.5.3. An explanation of the conditions that justify undertaking the community planning process, or an explanation of conditions that justify amending an existing community plan; and
- 2.1.5.5.4. A map of the proposed community boundary, or, in the case of an application for amendment of an existing plan, a map of the existing community boundary.
- 2.1.5.5.5. The application shall be reviewed by the Administrator for completeness and referred to the Board of County Commissioners. If the application is approved, the Board shall, by resolution, establish the planning committee and, if the application is for a new planning area, establish the planning area. The Board shall approve the planning committee upon recommendation of the Administrator. Once the committee is approved, County planning staff may initiate planning activities. Additional persons may participate as members of the planning committee throughout the planning process without the necessity of appointment by the Board.
- 2.1.5.5.6. All planning sessions and activities shall be open to the public and advertised throughout the community and coordinated by County planning staff. Open discussion and diversity of opinion shall be encouraged. The community plan shall document resident, property owner and business owner participation and representation.
- 2.1.5.5.7. County planning staff in coordination with the planning committee shall develop a public participation plan that assures representation of a diverse cross section of the community. The public participation plan may include public meetings, surveys, establishment of topic specific subcommittees, outreach to community groups and interested parties.
- 2.1.5.5.8. County planning staff shall provide planning expertise and administrative support to the planning committee. The planning committee shall determine the planning process to be used and the basic guidelines for decision-making; however, all decisions of the planning committee shall be made by consensus.
- 2.1.5.5.9. The planning committee shall work closely with County planning staff to develop and draft a community plan or amendment that is consistent with the SGMP.
- 2.1.5.5.10. To develop the community plan, the planning committee with support and guidance from County staff, shall accomplish each of the following tasks:

- .1 Compile an initial list of issues, present the list to the community, and take note of all feedback. Analyze all such feedback and make appropriate amendments to the list;

SFC CLERK RECORDED 02/02/2017

- .2 Describe and analyze the planning framework;
- .3 Develop community profile and provide demographic data of plan area;
- .4 Prepare a community vision statement, which must be a clear statement of the desired future of the community;
- .5 Prepare a description of how the community fits within the development patterns within the context of the overall County;
- .6 Analyze the existing land use and zoning within the community and create a map depicting existing land uses and development patterns;
- .7 Analyze the local natural resources, including water quality and availability;
- .8 Examine the local infrastructure, including utilities, telecommunications, roads and traffic; and
- .9 Develop a land use plan and implementation strategies which includes a future land use map, proposed zoning and design standards (as applicable).

2.1.5.6. Review and Adoption.

- 2.1.5.6.1. County planning staff shall review and analyze the proposed plan for consistency with the SGMP.
- 2.1.5.6.2. Once the planning committee has accomplished all the tasks described in subsection 2.1.5.5.10, the proposed plan shall be referred to the Administrator for referral to appropriate County staff and outside review agencies.
- 2.1.5.6.3. The Administrator shall make a determination of consistency before the adoption process begins.
- 2.1.5.6.4. Once determined to be consistent, the planning committee, with the assistance of County staff, shall conduct no fewer than two (2) public meetings within the community on the draft community plan or amendment.
- 2.1.5.6.5. Notice of the public hearing shall be provided by publication once a week for two consecutive weeks in a newspaper of general circulation within the community, and by posting notices for at least two weeks prior to the public hearings in a conspicuous place in the community.
- 2.1.5.6.6. Following the completion of the public hearings, the Administrator shall review all comments received during the public hearings and make a recommendation on the proposed plan or amendment to the Planning Commission and the Board of County Commissioners.

2.1.5.6.7. The Board may approve the community plan as submitted, approve with amendments, or deny.

2.1.5.7. Status of Community Plans. After approval by the Board, a community plan shall constitute an amendment to the SGMP.

2.1.5.8. Implementation.

2.1.5.8.1. Following approval of a community plan, County staff shall develop the appropriate ordinance or resolution to implement the Community Plan.

2.1.5.9. Periodic Review. Each community plan will be reviewed periodically by the planning committee and County staff.

2.1.5.9.1. The review will be made for recommendations for appropriate amendments and shall include at least one public meeting in the community. The recommendations of the planning committee and any recommendations received during the public meeting, and a recommendation of the Administrator, shall be presented to the Board of County Commissioners.

2.1.6. PLAN AMENDMENTS.

2.1.6.1. The Board, the Planning Commission or the Administrator may initiate proposed amendments to the SGMP, Area, Specific, District or Community Plans. An owner within the area encompassed by the plan may initiate proposed amendments to a specific plan. Proposed amendments to a community plan shall be accomplished through the procedure set forth above. Where an owner is the initiator, the owner may combine an application for an amendment to a specific plan with an application for development approval, and such combined applications shall be processed concurrently.

2.1.6.2. No amendment to the future land use maps of the SGMP, Area, District or Community Plan or the zoning map of the SLDC, involving a majority of the land within a single tract or parcel of land in the same ownership shall be adopted unless it is demonstrated that there has been a substantial change in the condition of the area surrounding the owner's property, or there was an error or mistake made in the adoption of the future land use or zoning map. An application to amend any plan described in this Chapter shall be processed according to the Procedures set forth in Chapter 4 of the SLDC.

An application to amend any plan described in this Chapter shall be filed with the Administrator and shall contain the information set forth in Appendix B of the SLDC. All such applications shall be considered twice a year. The Administrator shall collect all applications for such plan amendments from January 1 until June 30, and from July 1 until December 31 of each calendar year, and shall submit the applications to the Planning Commission for consideration, beginning with the regular meetings of the Planning Commission held in July and January, respectively, for processing.

2.1.6.3. The Administrator shall review the application and shall determine if the application is complete pursuant to the provisions of §4.10 of the SLDC. The Administrator shall inform the applicant of the status of the completeness of the

SFC CLERK RECORDED 02/02/2012

application. If the Administrator determines that the application is incomplete, the application shall be returned to the applicant. The applicant shall be instructed in writing as to the reasons for the incompleteness of the application.

The Planning Commission shall hold either a legislative or quasi-judicial public hearing upon the proposed plan or zoning map amendment depending upon whether the proposed amendment is applicable only to a single development tract, parcel or lot or to a single parcel of land under common ownership which constitutes the majority of land affected by the proposed amendment, or whether the proposed amendment is applicable to multiple development tracts, parcels or lots. The Planning Commission shall issue a development order in accordance with the procedures set forth in §4.17 of the SLDC.

2.1.6.4. In determining whether a proposed amendment shall be approved, the Planning Commission and Board shall consider the factors set forth in the SLDC, New Mexico judicial decisions and statutes. No SGMP amendment, Area, Specific, District or Community plan amendment or SLDC zoning map amendment will be approved unless it is consistent with the SGMP or the applicable Area, Specific, District or Community Plan.

2.1.6.5. The applicant, and any person that could have proposed a plan amendment under this Chapter, may appeal the decision of the Planning Commission to the Board so long as the person or the applicant files a written notice of appeal with the Administrator within ten (10) days of the date of the Planning Commission's development order or decision.

Approval of an amendment to the SGMP or Area, Specific, District or Community plan does not authorize the use, occupancy, or development of property. The approval of a plan amendment shall require the applicant to apply for development approval pursuant to the provisions of the SLDC, which may occur concurrently with the plan amendment process.

2.1.6.6. The Board, Planning Commission or the Administrator shall initiate a county-wide review of future land-use maps of the SGMP, Area, Specific, District or Community plan, and the zoning map of the SLDC, every three (3) to five (5) years.

2.1.7. CONSISTENCY.

2.1.7.1. The SLDC shall be consistent with the SGMP and applicable Area, Specific, District or Community Plans, the CIP and the Official Map. An amendment to the text or zoning map of the SLDC is consistent and in accordance and complies with the goals, policies, and strategies contained in the SGMP, Area, Specific, District or Community Plan, the CIP and the Official Map. Any amendments to the SLDC, including but not limited to development approvals, shall be consistent with the following:

2.1.7.2. The adopted SGMP, as it may be amended from time to time, in effect at the time of the request for amendment;

2.1.7.3. An adopted Area, Specific, District or Community plan;

2.1.7.4. The Official Map; and

2.1.7.5. The CIP.

2.2. COMMUNITY PARTICIPATION.

2.2.1.Intent.

2.2.1.1. In accordance with the SGMP, the community participation provisions of the SLDC are designed to maximize public input in important decisions that affect the County, a community or neighborhood.

2.2.1.2. The establishment of Community Organizations (COs) and Registered Organizations (ROs) is intended to provide improved public participation and to provide an organized and fair process whereby public input may be received on applications for development and community development issues.

2.2.2.Community Organizations.

2.2.2.1. Community Organizations (COs) are hereby established.

2.2.2.2. A CO is a new or pre-existing association or organization that is recognized by resolution of the Board to represent a specified geographical area within the County.

2.2.2.3. A CO must file an application for recognition as a CO in order to be recognized by the Board as a CO. The application must be filed with the Administrator, and shall include all of the following:

2.2.2.3.1. The name, address, telephone number and e-mail address of the CO, and the name, address and telephone number of the person, as applicable, who will be designated by the CO to receive notice from the County and to represent the CO in dealings with County staff;

2.2.2.3.2. A map or written description of the organization's geographical boundaries or geographical interests;

2.2.2.3.3. A list of the officers of the organization;

2.2.2.3.4. A signed copy of the relevant organizing documents of the CO;

2.2.2.3.5. Information concerning the organization's regular meeting location and date;

2.2.2.3.6. The date the organization was founded; and

2.2.2.3.7. The number of organization members.

SFC CLERK RECORDED 02/02/2012

2.2.2.4. The Administrator shall review the application and supporting materials, and shall make a recommendation to the Board who, in its sole discretion, may approve the application, deny it or approve it with conditions.

2.2.2.5. Once approved by the Board, the CO will have the following rights and responsibilities:

2.2.2.6. The right to receive notice and provide written recommendations for any discretionary development application pending within the geographic area designated in the resolution of the Board recognizing the CO or notice of any public hearing or public meeting concerning such application;

2.2.2.7. The right to participate in administrative adjudicatory proceedings pending within the area designated in the resolution of the Board recognizing the CO, and as such will, as appropriate, be permitted to present evidence and witnesses at a quasi-judicial hearing before the Board, Planning Commission, or Hearing Officer;

2.2.2.8. The right to receive notice, participate and make recommendations, as deemed appropriate by the Board, for any amendment to the SGMP, SLDC or an area, specific or community plan, within the established geographical boundaries or interests of the CO;

2.2.2.9. The right to participate and make recommendations in the development of a community strategic work plan, studies, CIP, ICIP and public improvement and assessment districts, and levels of service for community infrastructure and services;

2.2.2.10. The right to coordinate with ROs, property owners, business owners and residents within the boundaries of the CO in matters related to a pending discretionary development review or administrative adjudicatory application;

2.2.2.11. The right to meet with the Administrator concerning matters of interest to the CO;

2.2.2.12. The right to participate in Town Hall meetings with the Administrator and appropriate County staff; and

2.2.2.13. The right to participate in CO leadership retreats and training programs which may include an annual Congress of Community Organizations, as applicable.

2.2.3. Registered Organizations.

2.2.3.1. Registered Organizations (ROs) are hereby established.

2.2.3.2. A Registered Organization ("RO") is any organization (unincorporated association, partnership, limited liability company, corporation) interested in development projects or other County activities. An RO may include an acequia or

land grant association, assessment and public improvement districts, public or private utility, school district, homeowner association, or neighborhood association.

2.2.3.3. An RO must file an application for recognition as a RO in order to be recognized by the Administrator as an RO. The application must be filed with the Administrator, and shall include all of the following:

2.2.3.3.1. The name, address, telephone number and e-mail address of the RO, and the name, address and telephone of the person, as applicable, who will be designated by the RO to receive notice from the County and to represent the RO in dealings with County staff;

2.2.3.3.2. A map or written description of the organization's geographical boundaries or geographical interests as appropriate;

2.2.3.3.3. A list of the organization's topic(s) of interest;

2.2.3.3.4. A list of the officers and members of the organization, including specifically phone numbers of representatives of the RO and e-mail addresses of the members;

2.2.3.3.5. A signed copy of the relevant organizing documents of the RO;

2.2.3.3.6. Information concerning the organization's regular meeting location and date;

2.2.3.3.7. The date the organization was founded; and

2.2.3.3.8. The number of organization members.

2.2.3.4. In order to preserve the autonomy and independence of COs and ROs, staff support will be limited to administrative functions in support of CO and RO rights, including providing notice, scheduling meetings and receiving comments.

2.2.3.5. The Administrator shall review the application and supporting materials, and in his/her sole discretion, may approve the application, deny it or approve it with conditions.

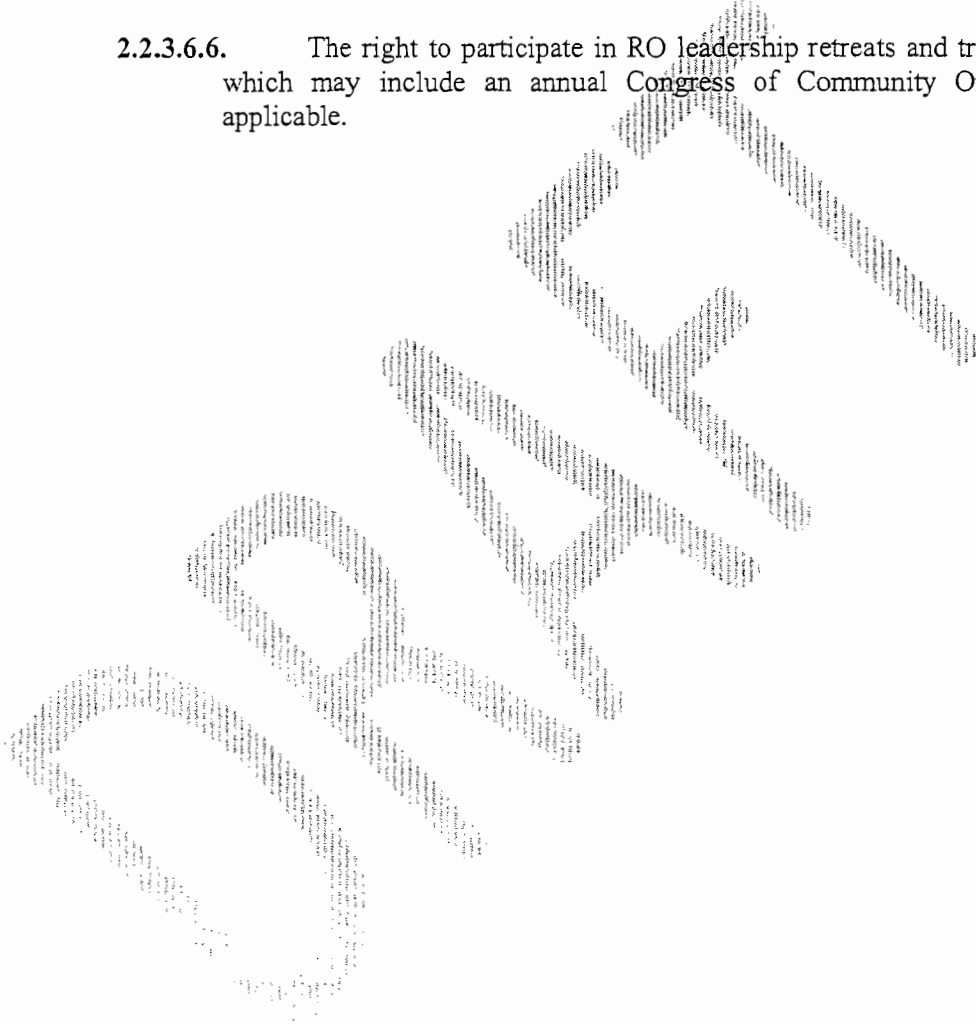
2.2.3.6. Once approved by the Administrator, the RO will have the following rights and responsibilities:

2.2.3.6.1. The right to receive notice and provide written recommendations for any discretionary development application pending within the geographic area designated or the topic(s) of interests disclosed in the RO application or notice of any public hearing or public meeting concerning such application;

2.2.3.6.2. The right to receive notice, participate and make recommendations, as deemed appropriate by the Administrator, for any amendment to the SGMP, SLDC or an Area, Specific, District or Community plan within the established geographical boundaries or interests of the RO;

SFC CLERK RECORDED 02/02/2012

- 2.2.3.6.3. The right to coordinate with COs, property owners, business owners and residents within the boundaries of the RO in matters related to a pending discretionary development review or administrative adjudicatory application;
- 2.2.3.6.4. The right to meet with the Administrator concerning matters of interest to the RO;
- 2.2.3.6.5. The right to participate in Town Hall meetings with the Administrator and appropriate County staff; and
- 2.2.3.6.6. The right to participate in RO leadership retreats and training programs which may include an annual Congress of Community Organizations, as applicable.



CHAPTER THREE –DECISION-MAKING BODIES

3.1. PURPOSE AND FINDINGS. The purpose of this chapter is to establish the authority of the Board, Planning Commission, Administrator and Hearing Officer.

3.2. THE BOARD OF COUNTY COMMISSIONERS

3.2.1. Specific Powers and Responsibilities. The Board shall have the responsibilities set forth in the SLDC as well as all powers and duties conferred upon it by State Law. Accordingly, the Board shall have the following powers and duties:

- 3.2.1.1.** To initiate legislative amendments to the SGMP, an Area, Specific, District or Community Plan;
- 3.2.1.2.** To initiate legislative amendments to the text and maps of the SLDC including zoning maps;
- 3.2.1.3.** Except where a final development order has been authorized to be issued by the Planning Commission or the Administrator, to approve, approve with conditions or deny specific applications for discretionary development approval, and issue development orders on matters receiving discretionary development approval;
- 3.2.1.4.** To approve, approve with conditions or deny development agreements;
- 3.2.1.5.** To legislatively adopt and amend an Official Map and CIP;
- 3.2.1.6.** To legislatively establish assessment and public improvement districts or other districts;
- 3.2.1.7.** To legislatively establish and amend schedules for administrative, application and consultant fees, dedications, impact fees, money-in-lieu of land, affordable housing fees, other exactions and security instruments, including but not limited to bonds, letters of credit and cash escrow deposits, for payment and performance of obligations;
- 3.2.1.8.** To initiate litigation and seek equitable and legal remedies to enforce violations of the SLDC, development agreements and the terms and conditions of development approval and take such any other actions, including the settlement of actions, as is authorized by the SLDC, other ordinances, regulations and statutes;
- 3.2.1.9.** To take such other action not expressly delegated exclusively to any other agency or official by the SLDC as the Board may deem desirable and necessary to implement the provisions of the SLDC and the SGMP;
- 3.2.1.10.** To appoint members of the Planning Commission, Hearing Officers, and other Boards and Committees that it may create;

SFC CLERK RECORDED 02/02/2012



3.2.1.11. To the extent permitted by State law, to delegate to the Planning Commission the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting and zoning; as well as to retain as much of this power, authority, jurisdiction and duty; and

3.2.1.12. To hear and rule on appeals from discretionary decisions of the Planning Commission as set forth in § 3.3.2.3 of this Chapter.

3.2.2. Final Action and Appeals. The Board shall hold public hearings, and issue development orders, on applications for legislative or discretionary development approval, except where a final development order is authorized to be issued by the Planning Commission. Where the Planning Commission has authority to issue a development order determining a matter, the Board shall have appellate authority to review such development order if an appeal is properly perfected by the Administrator, the owner/applicant, or any other person or entity with standing to appeal the development order, no more than thirty (30) days from the date of the development order.

3.2.3. Conflict of Interest: Quasi-Judicial Proceedings. A member of the Board of County Commissioners shall not vote or participate in any discretionary development matter pending before the Board as specified in County Code of Conduct.

3.3. PLANNING COMMISSION.

3.3.1. Creation and Responsibilities. There is hereby created a County Planning Commission ("Planning Commission") which shall have the responsibilities and duties specified in the SLDC and in NMSA 1978, § 3-19-1 (1965)(as amended) et seq. and NMSA 1978, § 3-21-1 (1965) (as amended) et seq.

3.3.2. Duties and Powers of the Planning Commission. The duties and authority of the planning commission are as follows:

3.3.2.1. To perform the functions specified in NMSA 1978 §§ 3-19-1 and 3-21-7 (1965);

3.3.2.2. To review and recommend to the Board, for adoption, text and map amendments to the SLDC, SGMP amendments and the adoption and amendment of an Official Map, a Capital Improvements Plan ("CIP") and other programs for public improvements and services and financing;

3.3.2.3. To hold public hearings and prepare written recommendations to the Board on all discretionary development approvals specified in Section 4.6 of this SLDC subject to appeal to the Board;

3.3.2.4. To hold public hearings and recommend action on an Area, Specific, District or Community Plan, preliminary and final development orders, and quasi-judicial discretionary development applications specified in § 4.5.7 of this SLDC; and

3.3.2.5. To enter upon any land that is the subject of an application that is the subject of this ordinance, make examinations and surveys, and place and maintain necessary monuments and markers upon the land pursuant to NMSA § 3-19-4, upon reasonable notice of not less than seventy two (72) hours to the owner/applicant or designated

SFC CLERK RECORDED 02/02/2012

agent of the land to be entered, and after adoption of an order authorizing the time, place and location of the entry onto land or site examination.

3.3.2.6. To make decisions on appeals from final decisions of the Administrator.

3.3.3. Membership and Terms.

3.3.3.1. Number; Appointments; Residency. The Planning Commission shall consist of seven (7) members, who shall be appointed by the Board. Planning Commission members must be registered voters of the County. One member shall reside in each of the Commission Districts, in order to provide diversity of representation; the remaining members shall be at large and may reside in any area of the County and be nominated by any Commissioner.

3.3.3.2. Terms and Removal. The initial members of the Planning Commission shall be the current members of the County Development Review Committee, who shall serve out their remaining terms. Thereafter, terms of members of the Planning Commission shall be for two (2) years or until their successors are appointed. Three (3) members shall be appointed in even numbered years and four (4) members shall be appointed in odd numbered years. Members shall serve for no more than three (3) consecutive terms. Members may be removed by the Board after a public hearing solely for reasonable cause set forth in writing and made part of the public record.

3.3.3.3. Vacancies. The Board shall appoint a person to fill a vacancy as soon as practicable after the vacancy is created.

3.3.4. Conduct of Planning Commission Business.

3.3.4.1. Officers; Quorum; Rules of Order. The Planning Commission shall follow the Rules of Order established by the Board for the conduct of meetings in the County.

3.3.4.2. Meetings. The Planning Commission shall meet at least once a month. All meetings of the Planning Commission shall be open to the public. Notice of such meetings shall be given in accordance with the applicable Board approved resolution establishing statutory notice for public meetings.

3.3.4.3. Minutes and Other Records. The County Clerk shall keep minutes of the proceedings of the Planning Commission, which shall reflect the vote on each matter put to a vote or, if a member is absent or fails to vote, reflect such fact; and such other records as are necessary to memorialize its transactions, findings, recommendations, resolutions, determinations and development orders, all of which shall be filed in the office of the County Clerk.

3.3.4.4. Conflict of Interest. A member of the Planning Commission shall not vote or participate in any discretionary development matter pending before the Planning Commission as specified in County Code of Conduct.

3.3.4.5. Recommendations and Development Orders. The Planning Commission shall not make a recommendation or take final action on any matter without first considering evidence received from the Administrator, planning staff, a Hearing Officer, or owner/applicant, reports of the pre-application neighborhood meeting, other persons with standing, Tribal governments, and other County, regional, state or federal departments or agencies, as determined by law.

3.4. ADMINISTRATOR

3.4.1. Appointment. A person shall be appointed by the County Manager to serve as the Administrator. Where the SLDC assigns a responsibility to the Administrator, with the consent of the County Manager, the Administrator may delegate that responsibility to any other official, employee or consultant of the County.

3.4.2. Responsibilities. The Administrator shall have the responsibility to administer and enforce the provisions of the SLDC, make advisory opinions on the interpretation of the SLDC, the SGMP, an Area, Specific, District or Community Plan, hold and determine the adequacy of security instruments and issue ministerial development orders as set forth in the SLDC, subject to appeal to the Planning Commission.

3.4.3. Technical Advisory Committee.

3.4.3.1. Appointment; Responsibilities. A Technical Advisory Committee (TAC) is hereby created, the members of which may be appointed by the Administrator. The TAC shall assist the Administrator as requested with review of applications.

3.4.3.2. Members. The TAC may include representatives, as appropriate, from all County departments. In addition and as appropriate, the TAC may include, for a specific development approval application, representatives of school districts, cities, Tribal governments, public and private utilities, assessment or public improvement districts, acequia associations, regional, state or federal agencies and persons possessing necessary technical expertise.

3.4.3.3. Meetings. The TAC shall meet regularly as required at the request of the Administrator. An owner/applicant shall appear before the TAC prior to filing an application as provided by the Administrator.

3.5. HEARING OFFICER.

3.5.1. Establishment. The SLDC hereby establishes the position of Hearing Officer for the purpose of assisting in the adjudication of quasi-judicial applications for discretionary development approval. More than one (1) Hearing Officer may be appointed, as appropriate.

3.5.2. Referral of Matters for Hearing.

3.5.2.1. Applications shall be referred to a Hearing Officer to conduct public hearings, make written findings of fact, conclusions of law and recommendations, and file

SFC CLERK RECORDED 02/02/2012

written reports with such findings, conclusions of law and recommendations to the Planning Commission or Board for further action, in the following matters:

- 3.5.2.1.1. a major subdivision;
- 3.5.2.1.2. a variance;
- 3.5.2.1.3. a beneficial use determination;
- 3.5.2.1.4. a rezoning;
- 3.5.2.1.5. site-specific amendments to the SGMP, an Area, Specific, District or Community Plan;
- 3.5.2.1.6. a planned development district;
- 3.5.2.1.7. a major site plan;
- 3.5.2.1.8. a text amendment to the SLDC that requires a quasi-judicial public hearing pursuant to Chapter 1 of the SLDC; or
- 3.5.2.1.9. a Development of County-Wide Impact (DCI).

3.5.2.2. The Administrator, the Planning Commission, or the Board may refer other matters to a Hearing Officer, as appropriate.

3.5.3. Term and Removal. A Hearing Officer or Hearing Officers shall be appointed by the Board for a definite term, not to exceed four (4) years, and may be re-appointed at the conclusion of any term. A Hearing Officer may be removed by the Board solely for reasonable cause. Reasonable cause for removal of a Hearing Officer shall include, but not be limited to, violations of the standards set forth in the New Mexico Code of Judicial Conduct, as adopted by the New Mexico Supreme Court.

3.5.4. Qualifications. A Hearing Officer shall have a J.D. degree from a law school certified by the American Bar Association or Association of American Law Schools, with not less than six (6) years of legal experience, and shall be licensed to practice law in New Mexico for a period of not less than three (3) years. A Hearing Officer shall not hold other appointed or elective office or position in government during his/her term.

3.5.5. Powers and Duties. A Hearing Officer shall have all powers necessary to conduct quasi-judicial hearings assigned to a Hearing Officer by the SLDC.

CHAPTER FOUR – PROCEDURES

- 4.1. **PURPOSE AND FINDINGS.** The purpose of this chapter is to designate the procedures for filing and processing applications. The format of this Chapter is designed to allow users to quickly and efficiently ascertain the various steps involved in processing applications, from the initiation and filing of an application, administrative completeness review, and review for compliance with SLDC standards, through public hearings, determination and appeal. The provisions of this chapter are intended to implement and be consistent with the SGMP.
- 4.2. **APPROVAL REQUIRED.** No change in use shall be made, no land division, subdivision, construction, land alteration, land use or development activity and no building or structure shall be erected, added to, or structurally altered, or occupied unless all applicable development approvals and the appropriate development order are obtained in accordance with this Chapter. Development orders are required for land division, subdivision, construction, land alteration, land use or development activity, to ensure compliance with the SLDC, other County ordinances and regulations and applicable state and federal laws and regulations.
- 4.3. **COMMON PROCEDURES.** This Chapter describes the common procedure to process an application for a development approval. Requirements for specific types of applications regarding the procedure to be employed are set out in Tables 4.1 Review Process and 4.2. Approval Process.
- 4.4. **CATEGORIES OF DEVELOPMENT PROCEEDINGS.** There are three basic types or categories of proceedings authorized in the SLDC:
- 4.4.1. **Legislative.** Legislative proceedings involve a change in land-use policy by the Board upon recommendation of the Planning Commission, including adoption of any change in the SGMP or adoption of any change to an Area, Specific, District or Community Plan; adoption of or any amendment to the text or zoning map of the SLDC, the CIP or the Official Map; creation of a planned development district (PDD); an overlay zoning district classification; and approval of any development agreements that apply either countywide or to a large number of properties under separate ownership. A public hearing is required but the procedural requirements of a quasi-judicial hearing do not apply.
- 4.4.2. **Quasi-Judicial Proceedings.** A quasi-judicial proceeding involves the use of a discretionary standard, as specified in the SLDC, to an application for discretionary development approval that is applicable to specific land in common ownership or to an area of land in which the predominant ownership is in a single ownership. Quasi-judicial discretionary proceedings require a public hearing consistent with the standards of procedural due process as established in § 4.8.2 of the SLDC. In making quasi-judicial decisions, the Board, Planning Commission and Hearing Officer shall investigate facts or ascertain the existence of facts, hold hearings, weigh evidence, make written findings of fact, conclusions of law and recommendations and exercise discretion of a

SFC CLERK RECORDED 02/02/2012



judicial nature. In the land-use context, these quasi-judicial decisions generally involve the application of land-use policies to individual properties in common ownership as opposed to the creation of policy. These decisions require an exercise of discretion in applying the requirements and standards of the SLDC, state and federal law.

- 4.4.3. **Ministerial Development Proceedings.** Ministerial development proceedings involve nondiscretionary application of the standards of the SLDC to an application and typically occur late in the process. A public hearing is not required for action on an application for ministerial development approval.

4.5. PROCEDURAL REQUIREMENTS.

- 4.5.1. **In General.** This Section describes the procedural elements common to all applications. The specific procedures for reviewing various applications differ. Generally, the procedures for all applications have these common elements:

- 4.5.1.1. Pre-application TAC meeting and Pre-application neighborhood meeting;
- 4.5.1.2. Submittal of a complete application, including required fees, appropriate affidavits, and Studies, Reports and Assessments;
- 4.5.1.3. Review of the application by the Administrator and a determination by the Administrator that the application is complete or incomplete;
- 4.5.1.4. Required public notice and publication;
- 4.5.1.5. Staff review, with assistance of the Technical Advisory Committee;
- 4.5.1.6. As appropriate, referral to State review agencies, review and response of the State review agencies, receipt of favorable or unfavorable opinion, subsequent proceedings;
- 4.5.1.7. As appropriate, public hearing before the Planning Commission, Board or Hearing Officer;
- 4.5.1.8. Issuance of a development order approving, approving with conditions, or denying the application, together with written findings describing and supporting the action adopted;
- 4.5.1.9. Any appeal of the development order; and
- 4.5.1.10. Any application for a variance or beneficial use or value determination (BUD).

- 4.5.2. **Procedural Requirements Table**

SFC CLERK RECORDED 02/02/2012

4.5.2.1. The procedural requirements are set forth in Table 4-1: Procedural Requirements.

Table 4-1: Procedural Requirements

	Pre-Application TAC Conference	Pre-Application Neighborhood Meeting	Application Submittal	Studies, Reports and Assessments (SRAs)	Completeness Review	Agency Reviews and Opinions	Additional Information and Subsequent Proceedings
Development Permit	No	No	Yes	No	Yes	No	As Needed
Floodplain Development Permit	Yes	No	Yes	No	Yes	No	As Needed
Site Development Plan	Yes	Yes	Yes	Yes	Yes	Yes*	As Needed
Supplemental Use Permits	Yes	No	Yes	No	Yes	Yes	As Needed
Temporary Use Permits	No	No	Yes	No	Yes	Optional	As Needed
Zoning Statement	No	No	Yes	No	No	Optional	As Needed
Exemptions, Divisions, Other Plat Reviews	No	No	Yes	No	Yes	Optional	As Needed
Family Transfer	No	No	Yes	Yes	Yes	Optional	As Needed
Vacation Plat	No	No	Yes	No	Yes	Optional	As Needed
Minor Subdivision Plats	No	No	Yes	Yes	Yes	Yes	As Needed
Major Preliminary Subdivision Plats	Yes	Yes	Yes	Yes	Yes	Yes	As Needed
Major Final Subdivision Plats	Yes	No	Yes	Yes	Yes	Yes	As Needed
Variances	Yes	As Needed	Yes	No	Yes	Optional	As Needed
Appeal of Administrator	No	No	Yes	No	Yes	Optional	As Needed
Appeal of Planning Commission	No	No	Yes	No	Yes	Optional	As Needed
Specific Plan	Yes	Yes	Yes	Yes	Yes	Optional	As Needed
Area Plan	Yes	Yes	Yes	No	No	Optional	As Needed
District Plan	Yes	Yes	Yes	No	No	Optional	As Needed
Planned Development District	Yes	Yes	Yes	Yes	Yes	Yes	As Needed
Community Plan	Yes	Yes	Yes	No	Yes	Optional	As Needed
SGMP or Map Amendments	Yes	No	Yes	No	No	Optional	As Needed
SLDC or Map Amendment	Yes	No	Yes	No	No	Optional	As Needed
Rezoning	Yes	Yes	Yes	Yes	Yes	Yes	As Needed
Developments of Countywide Impact	Yes	Yes	Yes	Yes	Yes	Yes	As Needed
Beneficial Use Determination	No	No	Yes	No	Yes	No	No

4.5.3. Pre-Application TAC Meeting.

4.5.3.1. Applicants required to conduct a pre-application meeting with the Technical Advisory Committee will meet to discuss the proposed application prior to filing the application. During the meeting, the applicant will discuss the application in general but in enough detail so that a reasonable assessment can be made of compliance with the SLDC. The meeting should include a discussion of requirements of the SLDC that are applicable to the application, the procedure to be followed, notice to be provided, schedule for review and hearing, and other relevant subjects. Technical requirements may also be discussed.

4.5.4. Pre-Application Neighborhood Meeting.

- 4.5.4.1. Notice of Pre-Application Meeting.** All persons entitled to notice of the pre-application meeting shall be invited by a letter sent first class mail, return receipt requested. Persons invited shall include all of the following:
- 4.5.4.1.1. The applicable CO and/or RO.
 - 4.5.4.1.2. Property owners entitled to notice of the application as required in Section 4.14;
- 4.5.4.2. Where Held.** The meeting shall be held at a convenient meeting space nearest to the land that is the subject of the application.
- 4.5.4.3. When Conducted.** The pre-application meeting shall take place after the pre-application TAC meeting and prior to filing of the application.
- 4.5.4.4. Materials for the Pre-Application Neighborhood Meeting.** The applicant shall prepare an adequate number of the plans described below of the proposed development in rough format to present during the meeting. Plans should include: the boundary lines of the development; the approximate location of any significant features, such as roadways, utilities, wetlands, floodways, hillsides and existing buildings or structure; the proposed uses for the property; the number of dwelling units and floor area ratio ("FAR") for non-residential uses; the proposed layout, including open space, location of buildings, roadways, schools and other community facilities, if applicable.
- 4.5.4.5. Report on Pre-Application Neighborhood Meeting.** The applicant shall furnish a written report on the pre-application meeting. At a minimum, the report shall include:
- 4.5.4.5.1. dates and locations of all meetings;
 - 4.5.4.5.2. a list of persons and organizations invited to the pre-application meeting;
 - 4.5.4.5.3. a copy of the notice;
 - 4.5.4.5.4. a list of persons and organizations attending the pre-application meeting;
 - 4.5.4.5.5. a copy of all materials distributed at the meeting;
 - 4.5.4.5.6. a summary of all concerns, issues and problems; a summary of how the owner has addressed or intends to address concerns, issues, and problems expressed but not resolved during the process including those that the applicant is unable to address, and specifically including any conditions or mitigating actions agreed to.
- 4.5.4.6.** Any CO, RO or person entitled to notice of the application shall also have the right to furnish a written report to the Administrator.
- 4.5.4.7.** County staff shall not be expected to attend the pre-application meeting.
- 4.5.4.8.** The applicant may hold a mediation to address concerns from the neighborhood pre-application meeting.

SFC CLERK RECORDED 02/02/2012

4.5.5. Application

- 4.5.5.1. A completed application form, provided by the Administrator must be submitted before an application will be considered.
- 4.5.5.2. Attachments. Before an application will be considered or processed it must contain all attachments required by the SLDC.
- 4.5.5.3. Public Access. All complete applications shall be placed on file and made available to the public.

4.5.6. Completeness Review.

- 4.5.6.1. **Scope.** All applications shall be reviewed by the Administrator for completeness.
- 4.5.6.2. **Completeness Review Determination.** The Administrator shall issue a determination on completeness after review of application and attachments within a reasonable period of time. The Administrator shall issue a development order deeming the application complete or incomplete. The Administrator shall transmit such determination to the owner/applicant.
- 4.5.6.3. **Subsequent Determination That an Application is Incomplete.** If the Administrator subsequently determines that the materials submitted to the review agency or department in support of the application is not complete, any completeness determination may be revised by the Administrator. If the application, together with the submitted materials, is determined to be incomplete, the development order issued by the Administrator shall specify the information required. The owner/applicant may resubmit the application with the information required by the Administrator. The owner/applicant shall not be required to pay any additional fees if the application is resubmitted or the Administrator's decision is appealed within thirty days.
- 4.5.6.4. **Status of Order on Completeness.** The final determination of the Administrator on completeness of an application constitutes a final development order and is appealable to the Planning Commission. The development order on completeness, issued by the Planning Commission upon any appeal, shall be final and not be appealable to the Board.
- 4.5.6.5. **Review by the Planning Commission.** The Planning Commission shall issue a final development order on any appeal of a completeness determination of the Administrator at the next available meeting.
- 4.5.6.6. **Further Information Requests.** After the Administrator or the Planning Commission accepts a development application as complete, the Administrator, the Hearing Officer, the Planning Commission or the Board may, in the course of processing the application, request the owner/applicant to clarify, amplify,

correct, or otherwise supplement the information required for the application, if such is required to render a final development order on the merits.

4.5.6.7. Agency Review and Opinions. The Administrator shall refer applications, as appropriate, to the following federal, State or County agencies for completeness review, substantive review and opinions. The review agencies shall provide a response to the Administrator within thirty (30) working days of receipt.

4.5.6.7.1. Office of the New Mexico State Engineer (OSE);

4.5.6.7.2. New Mexico Environment Department (NMED);

4.5.6.7.3. New Mexico Department of Transportation (NMDOT);

4.5.6.7.4. the applicable Soil and Water Conservation District;

4.5.6.7.5. State Historic Preservation Office (SHPO);

4.5.6.7.6. Tribal Government; and

4.5.6.7.7. Any County Departments and other public agencies that the Administrator deems necessary to assist the Administrator and staff to determine compliance with this and other relevant Ordinances.

SFC CLERK RECORDED 02/02/2012

4.5.7. **Procedures for Approval Table.** The procedures for approval of applications are set forth in Table 4-2.

Table 4-2: Procedures for Approval

	Approval by Administrator	Hearing before Hearing Officer	Hearing before Planning Commission	Hearing before BCC	Issuance of Development Order	L=Legislative QJ=Quasi Judicial, M=Ministerial
Development Permit	Yes	No	No	No	Yes	M or QJ
Site Development Plan	Yes	No	No	No	Yes	QJ
Supplemental Use Permits	See Table 1 in Chapter 11				Yes	M or QJ
Temporary Use Permits	Yes	No	No	No	Yes	M
Zoning Statement	Yes	No	No	No	Yes	M
Exemptions, Divisions, Other Plat Reviews	Yes	No	No	No	Yes	M or QJ
Family Transfer	Yes	No	No	No	Yes	M
Vacation Plat	No	No	No	Yes	Yes	QJ
Minor Subdivision Plats	No	No	No	Yes	Yes	QJ
Major Preliminary Subdivision Plats	No	No	No	Yes	Yes	QJ
Major Final Subdivision Plats	Yes	No	No	No	Yes	M
Variances	No	Yes	Yes	No	Yes	QJ
Appeal of Administrator	No	No	Yes	No	Yes	QJ
Appeal of Planning Commission	No	No	No	Yes	Yes	QJ
Specific Plan	No	Yes	Yes	Yes	Yes	L
Area Plan	No	Yes	Yes	Yes	Yes	L
District Plan	No	Yes	Yes	Yes	Yes	L
Planned Development District	No	Yes	Yes	Yes	Yes	L
Community Plan	No	Yes	Yes	Yes	Yes	L
SGMP or Map Amendments	No	Yes	Yes	Yes	Yes	L
SLDC or Map Amendment	No	Yes	Yes	Yes	Yes	L
Rezoning	No	Yes	Yes	Yes	Yes	QJ
Developments of Countywide Impact	No	Yes	Yes	Yes	Yes	QJ
Beneficial Use Determination	No	No	No	Yes	Yes	QJ

4.5.8. **Review and Final Action by the Administrator.** Within ten (10) days of the receipt of all necessary referral comments, or as soon thereafter as possible, the Administrator shall complete the review. Following completion of the review, the Administrator may take final action, make the appropriate recommendation or take other appropriate action. The Administrator may, in the Administrator’s discretion, refer an Application that is committed to the Administrator’s authority for review and final action to the Planning Commission or the Board of County Commissioners.

4.5.9. **Review and Final Action by the Planning Commission or the Board.** Upon receipt of a complete Application and appropriate recommendation of the Administrator or the Hearing Officer, the Planning Commission or the Board shall review the Application for compliance with this ordinance and other applicable law. Following completion of the review and following a public hearing on the Application, the Planning Commission or the Board may take final action, make the appropriate recommendation or take other appropriate action.

- 4.5.10. **Conditions.** In acting upon an Application, the decision-making body shall be authorized to impose such conditions upon the Application as allowed by law and as may be necessary to reduce or minimize any potential adverse impact upon other property in the area or to carry out the general purpose and intent of the SLDC, so long as the condition relates to a situation created or aggravated by the proposed use, is roughly proportional to its impact.
- 4.5.11. **Notice of Decision.** Written notice of a final decision of the Administrator to approve or approve with conditions pursuant to NMSA 1978, Sec. 39-3-1.1 shall constitute the issuance of the permit. Written notice of a final decision of the Administrator to deny an Application shall be provided to the Applicant and a copy shall be filed in the office of the Administrator. If an Application has not been approved, the specific reasons for disapproval shall be indicated in the written notice.
- 4.5.12. **Findings of Fact, Conclusions of Law.** Written notice of a final decision of the Planning Commission or the Board to approve, or approve with conditions, an application pursuant to NMSA 1978, Sec. 39-3-1.1 shall constitute the issuance of the permit. Staff or the Hearing Officer, as appropriate, shall prepare findings of fact and conclusions of law pursuant to NMSA 1978, Sec. 39-3-1.1 to document final action taken on each Application. Such findings and conclusions shall be approved by the decision-making body and filed with the County Clerk.
- 4.5.13. **Reapplication.** After final action on an Application, another Application shall not be filed within one year of the date of final action, unless the new Application is materially different from the prior Application (e.g., a new use, a substantial decrease in proposed density and/or intensity).
- 4.6. **APPEALS.**
- 4.6.1. **Applicability.** Any person with standing may appeal a development order to the Planning Commission or Board, as designated in this Chapter.
- 4.6.2. **Notice of Appeal.** A notice of appeal shall be filed with the Administrator within thirty (30) days after the development order is filed in the office of the Administrator and mailed to the owner/applicant. The appeal shall contain a written statement of the reasons as to why the appellant claims the final decision is erroneous.
- 4.6.3. **Time Limit.** Consistent with notice, the Board or Planning Commission shall place the appeal on the next available agenda. Any appeal to the Board shall be decided within thirty (30) days from the time the appeal is filed with the Administrator.

SFC CLERK RECORDED 02/02/2012

4.6.4. Appeals of an Administrative Decision of the Administrator. An aggrieved person with standing may appeal the decision of the Administrator to approve, deny or approve with conditions an application. An appeal from a decision of the Administrator shall be filed in writing with the Administrator within five (5) working days of the date of the decision. If no appeal is filed within five (5) days, the decision shall be final. The timely filing of an appeal shall stay further processing of the application unless the Administrator certifies to the Planning Commission that special circumstances exist.

4.6.5. Appeals of Subdivision Decisions Under Summary Review. Any person with standing who is or may be adversely affected by a decision approving or disapproving a final plat under summary review must appeal the decision to the Board within five (5) working days of the decision. The Board shall hear the appeal and shall render a decision.

4.6.6. Appeal of a Final Decision of the Planning Commission. Any party with standing may appeal a final decision of the Planning Commission to the Board. The application seeking an appeal of a decision of the Planning Commission must be filed with the Administrator. An appeal from a decision of the Planning Commission must be filed within five (5) working days of the date of the decision and recordation of the final development order by the Planning Commission. The application shall be submitted to the Administrator. The Administrator shall provide to the Board a copy of the record of the proceedings below of the decision appealed. The appeal must be placed on the docket of the Board for further consideration on the next available agenda. An appeal of the decision of the Planning Commission shall be *de novo*. The timely filing of an appeal shall stay further processing of the application unless the Board determines that special circumstances exist.

4.6.7. Appeals of BCC Decisions. Any person aggrieved by a decision of the Board of County Commissioners pursuant to this section may appeal to District Court in accordance with NMSA 1978, § 39-3-1.1 (1998)(as amended) and NMRA 2007, Rule 1-074.

4.7. NOTICE.

4.7.1. Generally. The notice requirements for each application are prescribed in the subsections of this Chapter and by state law.

4.7.2. Notice of Hearing. Notice of a public hearing to be conducted by the Hearing Officer, Planning Commission, or the Board, shall be provided as described in the resolution adopted by the Board pursuant to the Open Meetings Act. Public hearings shall be conducted according to the Board's rules of order.

4.7.3. General Notice of Applications Requiring a Public Hearing. All applications not requiring specific notice under subsequent subsections shall provide the following notice:

4.7.3.1. Newspaper. Notice of shall be published by the applicant in a newspaper of general circulation at least fifteen days (15) prior to the date of the hearing. The Administrator shall provide the form of the notice to the applicant.

- 4.7.3.2. **First Class Mail.** Notice of the public hearing shall be mailed by first class mail at least fifteen days (15) prior to the date of the hearing to the owners, as shown by the records of the County Assessor, of lots or of land within 500 feet of the subject property, excluding public right-of-ways. The Administrator shall provide the form of the notice to the applicant.
- 4.7.3.3. **Posting.** Notice of the public hearing shall be posted on the parcel at least fifteen (15) days prior to the date of the hearing. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or structure is visible from a public road, the property shall be posted as required in this paragraph and a second notice shall be posted on a public road nearest the property. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.
- 4.7.3.4. **Supplemental Notice.** Reasonable effort shall be made to give notice to all persons, COs and ROs who have made a written request to the Board for advance notice of its hearings. Notice shall also be given to any public agency that issued an opinion or withheld an opinion on the basis of insufficient information.
- 4.7.3.5. **Verification.** Written verification of the publication, list of persons sent a mailing, and affidavit of posting which includes a photograph of the posted notice shall be provided to the Administrator prior to the public hearing.
- 4.7.4. **Specific Notice of Zoning, Rezoning, Amendment, Repeal.**
- 4.7.4.1. **Newspaper.** Notice of the public hearing concerning an application to zone a parcel or parcels, or to amend, rezone, supplement or repeal zoning on a parcel or parcel, shall be provided by the Administrator and published by the applicant in a newspaper of general circulation at least fifteen days prior to the date of the hearing.
- 4.7.4.2. **Certified Mail.** Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the County Assessor, of lots within the area proposed to be changed by the zoning regulation and within 100 feet of subject property, excluding public right-of-way.
- 4.7.4.3. **First Class Mail.** Whenever an application proposes to zone a parcel, or to amend, rezone, supplement or repeal zoning of a parcel or parcels for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the County Assessor, of lots or of land within the area proposed to be changed by a zoning regulation and within 100 feet from subject property or area, excluding public right-of-ways. If notice by first class mail to the owner is returned undelivered, the Administrator shall attempt to discover the owner's

SFC CLERK RECORDED 02/02/2012

most recent address and shall remit the notice by certified mail, return receipt requested, to that address.

4.7.4.4. Posting. Whenever an application proposes to zone a parcel, or to amend, rezone, supplement or repeal zoning on a parcel or parcels for an area of more than one block, notice of the public hearing shall be posted on the parcel at least fifteen days prior to the date of the hearing. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or structure is visible from a public road, the property shall be posted as required in this paragraph and a second notice shall be posted on a public road nearest the property. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.

4.7.4.5. Supplemental Notice. Reasonable effort shall be made to give notice to all persons, COs and ROs who have made a written request to the Board for advance notice of its hearings. Notice shall also be given to any public agency that issued an opinion or withheld an opinion on the basis of insufficient information.

4.7.4.6. Verification. Written verification of the publication, list of persons sent a mailing, certificates of mailing with return receipts and affidavit of posting which includes a photograph of the posted notice shall be provided to the Administrator prior to the public hearing.

4.7.5. Specific Notice Applicable to Subdivisions

4.7.5.1. Newspaper. Notice of the hearing on an application for approval of a preliminary plat pursuant to NMSA 1978, Sec. 47-6-14(A) shall be provided by the Administrator and shall be published by the applicant at least twenty-one (21) days prior to the hearing date. The notice of hearing shall include the subject of the hearing, the time and place of the hearing, the manner for interested persons to present their views, and the place and manner for interested persons to secure copies of any favorable or adverse opinion and of the developer's proposal. The notice shall be published in a newspaper of general circulation in the county.

4.7.5.2. Posting. Notice of the hearing on an application for approval of a preliminary plat pursuant to NMSA 1978, Sec. 47-6-14(A) shall be posted on the property at least fifteen (15) days prior to the date of the hearing. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or structure is visible from a public road, the property shall be posted as required in this paragraph and a second notice shall be posted on a public road nearest the property. Posted Notice shall be removed no later than seven (7) days after a final decision has been made on the application.

4.7.5.3. Supplemental Notice. Reasonable effort shall be made to give notice to all persons, COs and ROs who have made a written request to the Board for advance

notice of its hearings. Notice shall also be given to any public agency that issued an opinion or withheld an opinion on the basis of insufficient information.

4.7.5.4. Verification. Written verification of the publication, list of persons sent a mailing, and affidavit of posting which includes a photograph of the posted notice shall be provided to the Administrator prior to the public hearing.

4.7.6. Notice of Administrative Action. Notice of a proposed land division or subdivision that is to be approved administratively shall provide the following notice:

4.7.6.1. Posting. Notice of the public hearing shall be posted on the parcel at least fifteen (15) days prior to the date of the hearing. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or structure is visible from a public road, the property shall be posted as required in this paragraph and a second notice shall be posted on a public road nearest the property. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.

4.7.7. Notice of Issuance of a Development Permit. Notice of issuance of a development permit shall be posted on the property for at least fifteen (15) days subsequent to the issuance of the permit except that a development permit for construction of a building shall remain posted during construction.

4.7.8. Contents of Notice. Published, posted and mailed notice shall include a minimum of the following:

4.7.8.1. The name of the applicant;

4.7.8.2. The general location of the parcel that is the subject of the application;

4.7.8.3. The street or road address of the property subject to the application or, if the street or road address is unavailable, a legal description by metes and bounds;

4.7.8.4. The current zoning classification(s) and zoning district in which the property is located, and the present use of the property;

4.7.8.5. The nature and type of approval requested and a brief description of the proposed development, including proposed density or building intensity, zoning classifications and uses requested;

4.7.8.6. The time, date and location where a decision on the application is expected;

4.7.8.7. A phone number to contact the County; and

4.7.8.8. A statement that interested parties may appear at a public hearing.

SFC CLERK RECORDED 02/02/2012

4.7.9. **Constructive Notice.** Minor defects in public notice shall not invalidate proceedings so long as a bona fide attempt has been made to provide notice and that notice was constructively received. In all cases, however, the requirements for the timing of the notice and for specifying the date, time and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, the body conducting the hearing shall make a finding concerning compliance with the notice requirements of this Ordinance.

4.7.10. **Action to Be Consistent with Notice.** The Administrator, Hearing Officer, Planning Commission or Board shall only take action, including approval, conditional approval or denial of the application that is consistent with the notice given.

4.7.11. **Minor Amendments Not Requiring Re-notification.** The Administrator, Hearing Officer, Planning Commission or Board may allow minor amendments to the application without re-submittal of the entire application. For purposes of this section, "minor amendments" are amendments that do not:

4.7.11.1. Increase the number of dwelling units, floor area, height, impervious surface development, or require any additional land-use disturbance;

4.7.11.2. Introduce different land uses than that requested in the application;

4.7.11.3. Request consideration of a larger land area than indicated in the original application;

4.7.11.4. Request a greater variance than that requested in the application;

4.7.11.5. Request any diminution in buffer or transition area dimensions, floor area ratios (FAR), reduction in required yards, setbacks or landscaping, increase of maximum allowed height, or any change in the design characteristics or materials used in construction of the structures; or

4.7.11.6. Reduce or eliminate conditions attached to a legislative or quasi-judicial development order unless a new application is filed.

4.8. HEARING STANDARDS

4.8.1. Legislative Hearings

4.8.1.1. **Conduct of Hearing.** Testimony may be presented by the owner/applicant, any member of the public, and by the County or other affected governmental entities. Testimony need not be submitted under oath or affirmation. The Planning Commission or Board may establish a time limit for testimony and may limit testimony where it is repetitive.

- 4.8.1.2. Special Rules: Contested Zoning Matters.** If the owners of twenty percent of more of the area of the lots and of land included in an area proposed to be changed by a zoning regulation or within one hundred feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a two thirds vote of the Board. NMSA 1978, Sec. 3-21-6(C).
- 4.8.1.3. Planning Commission Recommendation.** The Planning Commission shall make a written recommendation to the Board on any application requiring final approval of the Board that an application be approved, approved with conditions, or denied. If an application requiring final approval of the Board has been duly submitted to the Planning Commission, and the Planning Commission has failed to convene a quorum or to make a recommendation approving, approving with conditions or denying such development approval at two (2) consecutive meetings the application shall move to the Board without a recommendation.
- 4.8.1.4. Minutes.** Written minutes shall be prepared and retained with the evidence submitted at the Planning Commission hearing. Verbatim minutes shall be prepared for all applications for which the Planning Commission has final authority.
- 4.8.1.5. Board Action.** The Board shall hold a public hearing to consider a legislative application. The Board shall duly consider the recommendation of the Planning Commission.
- 4.8.2. Quasi-Judicial Public Hearings**
- 4.8.2.1. Conduct of Hearing.** Any person or persons may appear at a quasi-judicial public hearing and submit evidence, either individually or as a representative. Each person who appears at a public hearing shall take a proper oath and state, for the record, his/her name, address, and, if appearing on behalf of an association, the name and mailing address of the association. The hearing shall be conducted in accordance with the procedures set forth in the Board's Rules of Order. At any point, members of the Board, the Planning Commission or the Hearing Officer conducting the hearing may ask questions of the owner/applicant, staff, or public, or of any witness, or require cross-examination by persons with standing in the proceeding to be conducted through questions submitted to the chair of the Board, Planning Commission or to the Hearing Officer, who will in turn direct questions to the witness. The order of proceedings shall be as follows:
- 4.8.2.1.1.** The Administrator, or other County staff member designated by the Administrator, shall present a description of the proposed development, the relevant sections of the SGMP, area, specific, district or community plans, the SLDC, and state and federal law that apply to the application, and describe the legal or factual issues to be determined. The Administrator or County consultant or staff member shall have the opportunity to present a recommendation and respond to questions from the Board, Planning

SFC CLERK RECORDED 02/02/2012

Commission or Hearing Officer concerning any statements or evidence, after the owner/applicant has had the opportunity to reply;

- 4.8.2.1.2.** The owner/applicant may offer the testimony of experts, consultants or lay witnesses and documentary evidence that the owner/applicant deems appropriate, subject to cross examination by adverse parties with standing within reasonable time limits established by the Board, Planning Commission or Hearing Officer;
- 4.8.2.1.3.** Public testimony, including expert, consultant or lay witnesses and relevant documentary evidence for or against the application shall be received, subject to reasonable time limits established by the Board, Planning Commission or Hearing Officer, from the County, other governmental agencies or entities and interested parties with standing, subject to cross examination by the owner/applicant, any adverse interested party with standing, or by the County;
- 4.8.2.1.4.** The owner/applicant may reply to any testimony or evidence presented, subject to cross examination;
- 4.8.2.1.5.** The Board, Planning Commission or Hearing Officer may pose questions to the owner/applicant, the County, any consultant or lay witness at any time during the hearing concerning any statements, evidence, or applicability of policies and regulations from the SGMP, the SLDC, other County ordinances and regulations, any applicable area, specific or community plan, or other governmental law or recommendations; and
- 4.8.2.1.6.** The Board, Planning Commission or Hearing Officer conducting the hearing shall close the public portion of the hearing and conduct deliberations. The Board or Planning Commission may elect to deliberate in a closed meeting pursuant to the Open Meetings Act, NMSA 1978, §§10-15-1 et seq.
- 4.8.2.2. When Conducted.** For an application for approval of a preliminary plat, the first public hearing must take place within thirty (30) days from the receipt of all requested public agency opinions where all such opinions are favorable, or within thirty (30) days from the date that all public agencies complete their review of additional information submitted by the subdivider pursuant to NMSA 1978, Sec. 47-6-11. If a requested opinion is not received within the thirty-day period, the public hearing shall be conducted notwithstanding.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy [REDACTED]
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

December 16, 2011

Honorable Representative James Smith
New Mexico State Legislature
411 State Capitol, Room 203 G
Santa Fe, New Mexico 87501

Dear Honorable Representative James Smith:

Santa Fe County requests the honor of your presence at Santa Fe County's 2012 Legislative Breakfast Meeting on Thursday, January 19, 2012 beginning at 8:30am to 10:30am and will be held at the New Mexico State Capitol, Committee Room 303.

Your attendance at the Legislative Breakfast Meeting will be very much appreciated and we look forward to visiting with you and discussing legislative priorities for the Session.

Please feel free to contact Rudy Garcia, our Santa Fe County Legislative delegate at (505) 490-2274 if there are any questions that he may address for you.

Thank you for your time and interest and we look forward to seeing you at the Legislative Breakfast.

Respectfully,

Virginia Vigil
Santa Fe County Commission Chair

Katherine Miller
County Manager

SAVE THE DATE EMAIL



*Santa Fe County requests the honor of your presence
at Santa Fe County's*

2012 Legislative Breakfast Meeting

Thursday, January 19, 2012

8:30 am - 10:30 am

Committee Room 303

New Mexico State Capitol

Santa Fe, New Mexico

*Santa Fe County looks forward to visiting with you and
discussing legislative priorities for the Session.*

*For further information, please contact Rudy Garcia
at (505) 490-2274*

Favorable Outcomes**RESOLUTION SUPPORTED ITEMS**

SFC Resolution 2010-222 A Resolution Supporting State of New Mexico Legislation Increasing the Preference Advantage for the New Mexico Agriculture Sector for Both New Mexico Fresh Produce and Processed Products Purchase by Government and Other Public and Private Entities

passed in 2011 session-HJM20 IMPORTANCE OF LOCAL FOOD SYSTEMS

SFC Resolution 2010-224 A resolution opposing E911 Program Transfer

no legislation passed changing current state

related:

HB 54 Homeland Security, Emergency Management Services and Fire Marshall to DPS, Varela

SFC Resolution 2011-12 A Resolution Urging the New Mexico State Legislature to Maintain the Existing Film Tax Credit Incentive, Until Such Time as a Complete and Thorough Economic Impact Study Can be Done

passed in 2011 session- HB607 MUCH-ANTICIPATED FILM PRODUCTION TAX CREDIT BILL

SFC Resolution 2011-13 A Resolution Urging the New Mexico State Legislature to Maintain the Existing New Mexico Driver's License Laws as They Relate to the Issuance of Drivers' Licenses, Irrespective of Immigration Status

no legislation passed changing current state

related:

pg. 1

HB78 Social Security Number Required for Driver's License, Nunez

HB261 Limited Driving Permit for Undocumented Foreign Nationals, Rehm

HB346 Additional ID requirements for Driver's License for Foreign Nationals, O'Neill

HB401 Guest Driver's Permit for Immigrants, Chavez

SB152 Bans State and Local Agencies from Enforcing Federal Immigration Law, Martinez

SB518 Driver's Licenses and ID Cards for Foreign Nationals, Ryan

GENERAL SUBJECT ITEMS**Correction Facilities**

HB347 Modifications of Juvenile Detention Requirements, Miera & O'Neill NOT PASSED

HB417 Local Government Corrections Fund, Park PASSED

HB426 City and County Jail Inspections, James & Gentry PASSED

HJM4 Increase Efficiency of County Detention Facilities, King PASSED

SB 463 City and County Jail Inspections, Lopez NOT PASSED

SM40 Solitary Confinement Study, Papen PASSED

Teen Court Funding

House Appropriations and Finance Committee Substitute for House Bills 2, 3, 4, 5 & 6 PASSED

Continuity of Hold Harmless Provisions

SB452 Phases Out Municipal/County Save-Harmless Distribution, Smith NOT PASSED

Unfavorable or No Action Outcomes**GENERAL SUBJECT ITEMS****Property Tax Solutions**

SB108 Residential Value Limit, Eichenberg NOT PASSED

SB189 Phasing out the Limit on Annual Increases in Value, Neville & Boitano NOT PASSED

SB316 Special Method of Valuation for Residential Property, Boitano NOT PASSED

HB451 Lowering Residential Property Taxes, McMillan NOT PASSED

HB511 Restructures Taxation of Residential Property, Sandoval NOT PASSED

911 Surcharge

HB328 Surcharges for Enhanced 911 Services, Gonzales, NOT PASSED

SB422 Surcharges for Enhanced 911 Services, Rodriguez, NOT PASSED

Liquor Excise Tax Distribution

HB23 Liquor Excise Tax Hike for Public Schools, Garcia, Mary Helen NOT PASSED

SB258 Liquor Excise Tax Hike: Mental Health, Sanchez, B. NOT PASSED

Sole Community Provider

No Legislation

Franchise Fees for Municipalities/Counties

HB269 County Franchise Fees, Sandoval & Gutierrez NOT PASSED

Per Diem and Mileage Rate Uniformity

SB107 Per Diem and Mileage Rate Uniformity and Elimination, Eichenberg NOT PASSED

Energy Conservation Bonds

SB266 Energy Conservation Bonds, Wirth NOT PASSED

Municipal and County Affordable Housing Act

SB177 Municipal and County Affordable Housing Act, Ortiz y Pino, Papen, Lopez NOT PASSED

2012 Capital Outlay Request

Project Description	Projected Cost
Madrid Ball Park	200,000.00
Edgewood Senior Center Fire Suppression	80,000.00
El Dorado Senior Center	unknown
Cundiyo Community Center	unknown

Santa Fe County Infrastructure and Capital Improvements Plan for FY 2013-2017

1	Santa Fe County - Public Works - equipment (water trucks, graders, loaders, backhoes, dump trucks)	\$3,500,000
2	Santa Fe County RECC (911 center) Facility Expansion and Equipment	\$2,750,000
3	Santa Fe County Corrections Facilities Improvements	\$8,200,000
4	Santa Fe County - Fire - countywide self contained breathing apparatus / personal protection equip / defib replacement	\$3,000,000
5	Santa Fe County Public Housing Sites Improvements	\$1,500,000
6	Agua Fria Park	\$1,000,000
6	Camino La Tierra - Chip Seal/Slurry Seal	\$750,000
6	County Road 60 - road improvements-repair	\$396,631
6	County Road 98 - Construction	\$1,550,000
6	Eldorado Water and Sanitation District - water storage tank upgrades	\$300,000
6	Glorieta Estates MDWCA - water line and new well	\$1,595,000
6	Herrada Road - asphalt surface (1.91 mi.)	\$788,700
6	La Bajada - Storage tank and well improvements	\$250,000
6	Pojoaque Valley Regional Wastewater System - interconnection to non-tribal areas	\$1,500,000
6	Stangly Youth Agricultural and Wellness Center	\$2,500,000

Possible Legislation to Monitor

General County Authority

Oppose any legislation that a) proposes any revenue reductions, b) adversely affects funding sources or c) diminishes the County's regulatory authority.

Corrections

Amend the general sentencing statute to provide that any inmate convicted of a felony offense shall serve the sentence in a Department of Corrections facility regardless of the length of sentence imposed.

Amend the misdemeanor sentencing statute to provide for a change so that inmates do time at a DOC facility on misdemeanor offenses unless the sentence is 180 days or less. Currently, all sentences less than 365 days are served in jails.

Amend the statutory framework to provide that all inmates are subject to a probation tail regardless of whether they finish out time in a DOC facility or a jail. This will result in a change in philosophy about plea agreements. The preference will be that terms are served in a DOC facility because of the statutory right to good time. It will also change the philosophy of the courts in terms of sentencing.

Finance/Accounting

Amend state statute/s or introduce legislation to allow counties to take uncollectible debts off the books.

Assessor

Amend Section 7-38-34 NMSA 1978 which requires the Board of County Commissioners to issue and deliver to the County Assessor its own order imposing the 2011 Property Tax Rates within five days of its receipt from the State of New Mexico DFA, LGD.

Vicki Lucero

From: Helen Henry [folklife@earthlink.net]
Sent: Tuesday, December 13, 2011 11:04 AM
To: Vicki Lucero
Cc: gbp@commonwealconservancy.org
Subject: Trenza Preliminary Plat Extension

Dear Ms. Lucero,

Please accept my encouragement for the Commonweal Conservancy's request for a 3 6-month Preliminary Plat extension for Trenza. I wholeheartedly support their vision, having been to two previous meetings where they have presented their work. I have a background in Environmental Design and have been impressed with the care, sensibility and overall scope of this work, having a deeply-seated appreciation for the aesthetics and values that it embodies. I ask you to please consider their request favorably.

*Helen Henry
1B Chevy Lane
Galisteo, NM 87540*

SFC CLERK RECORDED 02/02/2012

Vicki Lucero

From: Sean.White@kiewit.com
Sent: Monday, December 12, 2011 8:06 AM
To: Vicki Lucero
Subject: Trenza Preliminary Plat Extension

Dear Ms. Lucero,

I am sending this e-mail on behave of and in support of the Trenza project. The importance for this community in the Galisteo region is vital. Vital in green living, job creation, and tax base for the county and state. In times like these any positive move forward in community is essential to the economy of Santa Fe, and the state of New Mexico. Having worked with Commonweal Conservancy, there intentions have always been positive and forward thinking not only for the environment but also for the balance of life this project will bring to the county. I can honestly say that "They are not sacrificing long term goals for short term gain". Sustainability and stewardship have always been at the forefront of this organization. If you have any questions or concerns please do not hesitate to contact me.

SEAN WHITE

Area Business Development Manager

(505)884-9715 office (505) 553-3285 cell (505) 717-3075 direct (505) 889-3894 fax

5130 Masthead NE, Albuquerque, NM 87109
kiewit.com

"Our goal is to provide quality work completed right the first time and accident free. We are committed to completing our work on time and under budget, utilizing compliant and ethical business practices. Innovative attitudes and actions will be presented by all of our employees, and all dealings will be handled with mutual respect."

PRIMARY MARKET LINKS



Vicki Lucero

From: Sue Murphy [suemurphy723@earthlink.net]
Sent: Monday, December 12, 2011 8:00 AM
To: Vicki Lucero
Subject: "Trenza Preliminary Plat Extension"

To the County Commissioners:

This visionary project provides open spaces to all area residents and is widely used by equestrians, mountain bikers and especially hikers – some with their dogs.

Please do not lose patience just because the economy is bad for so many of us.

Thank you
Sue Murphy
989-1135

REC CLERK RECORDED 02/02/2012

Vicki Lucero

From: Charles Hertz [charles@claybrook.com]
Sent: Monday, December 12, 2011 6:54 AM
To: Vicki Lucero
Subject: Trenza Preliminary Plat Extension

I am a resident of Lamy, where I own a house. Galisteo Basin Preserve lies a mile or two south, and I have been paying attention to its development over the last two or three years. I have visited the Preserve many times, I have on several occasions had the opportunity to discuss the development with the President of Commonweal Conservancy, Ted O. Harrison, and I have reviewed all their literature.

I am very impressed with Commonweal's dedication to the intelligent development of the property, and what appears to be a very well thought out conservation plan, that I hope will become a model for sustainable development in this part of the country. The plan seems carefully crafted to attend to community concerns, to have low environmental impact, and to protect water and wildlife resources of the Galisteo Basin.

While most of the carefully chosen lots sold to date have been fairly large, up to several hundred acres, I was fascinated by the plans for Trenza, a relatively high density, mixed use, mixed income neighborhood, focused by conservation concerns, which may well be a model for future developments here and elsewhere.

Obviously, the current economic environment has slowed development plans of all sorts, and Trenza cannot really begin within the originally projected timeline. However, nothing has changed with regard to the underlying rationale, and I would strongly urge the County Commission to grant a 36-month extension for Trenza's Phase I Preliminary Plat approval.

Sincerely,

Charles S. Hertz, Jr., M.D.
1 Camino Caballos Spur
Lamy, NM 87540

Vicki Lucero

From: Silvio Eberhardt [seberhardt@ablazesystems.com]
Sent: Sunday, December 11, 2011 7:56 PM
To: Vicki Lucero; Ted Harrison
Subject: Trenza Preliminary Plat Extension

Dear Santa Fe Board of County Commissioners,

We are writing to request that you approve the Commonweal's request for a 36-month Preliminary Plat extension at your meeting on Tuesday, December 13, 2011.

We recently purchased one of the lots in Southern Crescent and are very much in support of the plans that Commonweal has outlined for Trenza. We feel that Commonweal is a unique organization with sensitivity and concern for the environment and people. We trust that its plans for Trenza will produce a valuable asset to the County, and we would very much like to experience the benefits of having Trenza be our neighbor.

Sincerely,

Lynne E. Bernstein, Ph.D.
Silvio P. Eberhardt, Ph.D.

SFC CLERK RECORDED 02/02/2012

Vicki Lucero

From: jenny parks [jennyandgrove@gmail.com]
Sent: Sunday, December 11, 2011 6:18 PM
To: Vicki Lucero; Kathy S. Holian; Liz Stefanics; Daniel Mayfield; Virginia Vigil; Robert A. Anaya
Subject: Galisteo Basin

I have been a careful student of Commonweal Conservancy's work at the Galisteo Basin Preserve and believe that the organization's thoughtfully crafted conservation development plan will be a model for sustainable development in Santa Fe (and the West). As someone who has watched the project for years, I know that Commonweal has been very attentive to community concerns and that their plan properly protects the views, water and wildlife resources of the Galisteo Basin. In fact, I have never seen a development project so supported by the local Galisteo community. Commonweal has been a model in responding to community concerns and needs. The organization's tireless and collaborative work over the past 8 years -- and the Commissioner's support for the project since 2007 -- should be reaffirmed with an extension of the Trenza Preliminary Plat. They did not cause, nor could they have predicted the economic tailspin that this country would have, or the very slow recovery in real estate that we are still recovering from. Affording Commonweal additional time to develop its Final Plat application will ensure that Trenza can be pursued in an economic climate that is more supportive of environmentally responsible community-scale development. Please support this extension of the Trenza Preliminary Plat. I will not be able to be there in person on the 13th due to some family obligations, but I fully support this extension. Best wishes, Jenny Parks (26 Camino Sudeste, 87508)

Vicki Lucero

From: Vera Hilsenrath [vhilsen@peoplepc.com]
Sent: Saturday, December 10, 2011 11:37 PM
To: Vicki Lucero
Cc: gbp@commonwealconservancy.org
Subject: support for Trenza

I support Commonweal in its request for a three year extension for Trenza's Phase 1 Preliminary Plat Approval.

Sincerely,
Vera Hilsenrath
100 Rio Vista Place, 140
Santa Fe, NM

REC CLERK RECORDED 12/12/2012

Vicki Lucero

From: JA [jarratt@jarratt.net]
Sent: Saturday, December 10, 2011 3:21 PM
To: Vicki Lucero
Subject: La Trenza

Dear Ms. Lucero

I am writing to voice my support for extending the Preliminary Plat approval that was originally granted in February '10 for the La Trenza Project .

My wife and I live in another area of the Galisteo Basin Preserve also developed by the Commonweal Conservancy. As the first residents of this neighborhood, we see every day the considerable public benefit that Commonweal has created for County residents. La Trenza, if realized, would provide unique affordable and environmentally appropriate development that would serve as a great model for the future.

Sincerely,

Jarratt
jarratt applewhite
lamy, nm 87502
505.577.5335 (cell)

Vicki Lucero

From: Yuki Murata [yuki@moderngoods.com]
Sent: Saturday, December 10, 2011 2:05 PM
To: Vicki Lucero
Subject: please extend approval

Please encourage the Santa Fe Board of County Commissioners (BCC) to extend a 36-month extension of Trezza's Phase I Preliminary Plat and Development Plan for the Commonweal Conservancy's Galisteo Basin Preserve project.

I believe it is a progressive development economically, environmentally, and culturally.

Thank you,

Yuki Murata

25 Calle San Acacia
Santa Fe, NM 87506

505-955-9020

SFC CLERK RECORDED 02/02/2012

Vicki Lucero

From: James Jenkins [jenk_jd@comcast.net]
Sent: Saturday, December 10, 2011 11:32 AM
To: Vicki Lucero
Cc: Liz Stefanics; Kathy S. Holian
Subject: Trenza Preliminary Plat Extension

Vicki:

I have long supported the concept that Commonweal Conservancy has presented as a workable land use model for the Galisteo Basin. Santa Fe County needs such a model to address the second growth area earmarked in the Growth Management Plan. Given the circumstances surrounding the significant economic downturn, extending the timeframe for the planning approval process for the proposed Trenza Plat will insure that the overall Galisteo Basin Preserve model remains viable and increases the chances for this major land use plan to succeed. I strongly urge the Commission to grant this request for extension.

Sincerely,

Jim Jenkins, President
Eldorado Area Water and Sanitation District

*Tel: 505-466-2531 (office)
505-699-6252 (mobile)
505-466-1519 (home)*

Email: president@eldoradowaterdistrict.com
Website: <http://www.eldoradowaterdistrict.com/>

Confidentiality Notice: This communication, including all attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Except for personal use by the intended recipient or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing, and/or using it unless specifically provided under the New Mexico Inspection of Public Records Act. If you have received this communication in error, please immediately delete it and all copies, and promptly notify the sender. Nothing in this communication is intended to operate as an electronic signature under applicable law.